

The City Council met in Special Session at the City Hall at 4:30 p.m. with Mayor Betty V. Burcham presiding. Council members present were: Art Baudler, Deane Darrow, and Ralph Means. Absent: Randall Bond, and Keith Westphal.

Deane Darrow and Ralph Means along with Delmer Miller reported they had gone to Des Moines to look at the used tractor. The quoted price of \$8950 includes free delivery. Fluid was to be put in the tires, and they will repair one door on the cab. The guarantee is 50-50 for 90 days. The seller agrees to pay half the cost of anything that would go wrong.

Motion by Ralph Means that the City purchase the used John Deere 301A Wheel Loader Tractor for the quoted price of \$8950. Seconded Darrow. Carried.

Motion by Art Baudler to authorize the Clerk to issue a check upon delivery of the Tractor. Seconded by Ralph Means. Carried.

Motion by Deane Darrow to adjourn. Seconded by Art Baudler. Carried.

*Evelyn M. Rohner*

Betty V. Burcham, Mayor

Attest: Evelyn M. Rohner, Clerk

+++++  
Fontanelle, Iowa  
September 6, 1977

The City Council met in regular session at the City Hall at 7:30 p.m. with Mayor Betty V. Burcham, presiding. Council members present were Art Baudler, Deane Darrow, Ralph Means and Keith Westphal. Absent: Randall Bond.

Motion by Deane Darrow to accept the minutes of the last meetings as presented. Seconded by Baudler. Carried.

Motion by Art Baudler to accept the Clerk & Treasurer's reports. Seconded by Keith Westphal. Carried.

Motion by Deane Darrow to allow all bills to be paid with the exception of the Adair County Veterinary Clinic. Seconded by Ralph Means. Carried.

GENERAL FUND

First National Bank	172.00
Treasurer, State of Iowa	33.00
IPERS-FOAB	233.24
I.P.E.R.S.	120.29
Charles Huntington	202.96
Evelyn Rohner	223.93
Michael Sickles	89.15
E.M. Feld Equip. Co. Inc	967.00
First National Bank	1.00
Midcon Equipment Co.	1500.00
Butler-Martin	11.00
Don Carlos Law Firm	205.00
Ehrsam Implement	25.46
Farmer's Co-op	4.82
Farmer's Lumber Co.	33.49
Fontanelle Drug	3.35
First National Bank	2590.99
Fontanelle Observer	152.65
Hawkeye Safety Equip.	16.15
J&M Supply Ltd	15.00
The Levine Co.	258.58
Metzger Sanitation	35.00
Miller 66 Oil Co.	267.03
Reed's Standard Service	9.70
S&S Ford Mercury	70.81
United Telephone Co.	24.04
Weber Garage	27.92
Ralph Means	19.50
Judith Sickles	94.15
Fontanelle Postmaster	13.00
Ia. Elec. Light & Power	3.75
First National Bank	3.15
Charles Huntington	202.96
Evelyn Rohner	223.93
Michael Sickles	94.15
Judith Sickles	94.15
First National Bank	1.05
Van Vleet Hardware	29.68
Wallace Auto Supply	56.04
Merrill Jones	68.10
Charles Huntington	113.98
Michael Sickles	94.68
Judith Sickles	88.30
First National Bank	91.00
Michael Sickles	91.15
Judith Sickles (8681.43)	94.15

ELECTRIC FUND

Transfer to Elec. Sinking and Reserve accounts	2998.00
First National Bank	148.00
Treasurer, State of Iowa	38.00
IPERS-FOAB	177.98
I.P.E.R.S.	108.60
Treasurer, State of Iowa	339.60
Delmer Miller	353.16
First National Bank	18.40
Barco Municipal Products Co.	27.93
Delmer Miller	71.78
Electrical Materials Co.	293.59
Farmer's Co-op	4.81
First National Bank	2320.80
Hamby Associates	61.62
Hawkeye Electric Inc.	114.00
Hawkeye Safety Equip.	16.12
Iowa Electric Supply Co.	424.30
J&M Supply	23.37
Kriz-Davis	29.90
Miller's 66 Oil Co.	168.52
Southern States Inc.	138.06
United Telephone Co.	11.15
Van Vleet Hardware	29.68
WESCO	604.28
Art Baudler	16.50
Keith Westphal	27.00
Michael Sickles	92.68
Fontanelle Postmaster	20.00
Ia. Elec. Light & Power Co.	1.73
First National Bank	45.03
Bureau of Reclamation	2920.98
Delmer Miller	115.00
First National Bank	24.85
Farmers Electric Co-op	3.09
First National Bank	6.30
Delmer Miller	353.16
Kerry Miller	210.54
Evelyn Rohner	223.93
	<hr/>
	9589.78
	2998.00
	<hr/>
	12587.78

ROAD USE TAX

Midcon Equipment Co.	7450.00
Barco Municipal Products	27.93
Iowa State Industries	163.40
Schildberg Construction	297.67
Delmer Miller	353.16
Kerry Miller	210.54
	<u>8502.70</u>

LIBRARY SALARY

Treasurer, State of Iowa	13.84
Mrs. Frost P. Patterson	47.07
Genevive A. Dodds	8.47
Mrs. Frost P. Patterson	47.07
Genevive A. Dodds	8.47
Mrs. Frost P. Patterson	47.07
Genevive A. Dodds	8.47
	<u>180.46</u>

SEWER UTILITY

First National Bank	36.00
Treasurer, State of Iowa	7.00
IPERS-FOAB	32.76
I.P.E.R.S.	24.78
First National Bank	1.00
Barco Municipal Products Co.	27.92
Farmer's Cop-op	4.80
Farmer's Lumber Co.	2.50
First National Bank	567.95
Hawkeye Safety Equipment	16.12
J&M Supply Co.	23.36
Kerry Miller	73.82
Miller's 66 Oil Co.	16.38
United Telephone Co.	17.82
Water, Sewage Works Magazine	12.00
Fontanelle Postmaster	2.00
First National Bank	2.10
First National Bank	1.05
First National Bank	1.00
	<u>870.36</u>

WATER UTILITY

First National Bank	86.00
Treasurer, State of Iowa	21.00
IPERS-FOAB	85.46
I.P.E.R.S.	64.64
Treasurer, State of Iowa	143.53
Kerry Miller	210.54
First National Bank	12.87
Barco Municipal Products	27.92
Ehrsam Implement	25.46
Farmer's Co-op	4.80
First National Bank	1226.26
Fontanelle Observer	10.25
General Filter Co.	145.20
Hawkeye Safety Equip.	16.12
Jacobsen Inc. of Adair	235.62
J&M Supply	23.36
Miller's 66 Oil Co.	65.04
Municipal Supply Co.	73.38
T.S. McShane Co.	253.53
United Telephone Co.	6.87
Utility Equipment Co.	490.43
Water Products Co.	546.46
Water, Sewage Works Magazine	12.00
Fontanelle Postmaster	11.24
Ia. Elec. Light & Power Co.	1.04
First National Bank	24.95
First National Bank	70.72
Van Vleet Hardware	20.21
First National Bank	7.39
Transfer to Sinking & Reserve	1059.00
	<u>3940.29</u>
	<u>1059.00</u>
	<u>4999.29</u>

TRUST & AGENCY

Fontanelle City Utilities	25.33
	<u>25.33</u>

(08) OTHER FEDERAL FUNDS

Judith Sickles	5.85
	<u>5.85</u>

Committee Reports were heard. Charles Huntington reported that he had the police car aligned, and had taken two bids for 4 new radial tires. Bid from the Co-op was 70.77 each and from Miller's 66 the bid was 67.90 each. The Council related that a check should be made to see if the tires were of the same quality, and if so, to get the 4 tires on the lower bid.

Charles Cummins is to fix the broken tile in Richard Edsall's field. Correspondence was read.

Mrs. Dorothy Edwards was present to ask if the City objected to her building a garage on her recently purchased property.

David L. Johnson of Kirkham, Michael and Associates was present to meet with the Council regarding the water project. He recommends holding all money back at the present time from Hawkeye Engineering until the project meets specifications.

Motion by Keith Westphal to authorize the Mayor to sign the Change Order #2 for different light fixtures at the Water Treatment Plant. Seconded by Deane Darrow. Carried.

Council Member Keith Westphal introduced and caused to be read Resolution No. 77.19 entitled, "Resolution approving statement in connection with the Construction of improvements to the municipal waterworks plant and system." Council Member Keith Westphal moved that said resolution be adopted, seconded by Council Member Art Baudler, and after due consideration thereof by the Council, the Mayor put the question and, the roll being called, the following voted: AYES: Art Baudler, Deane Darrow, Ralph Means, and Keith Westphal. NAYS: None.

Whereupon the Mayor declared the resolution duly adopted, as follows:

## RESOLUTION NO. 77.19

RESOLUTION APPROVING STATEMENT IN CONNECTION  
WITH THE CONSTRUCTION OF IMPROVEMENTS TO THE  
MUNICIPAL WATERWORKS PLANT AND SYSTEM.

WHEREAS, a statement has been filed with this Council for materials furnished and work performed under a contract for constructing improvements to the municipal waterworks plant and system, which statement has been approved by the Engineer for the Utility, and which has not been included in prior statements, as follows:

<u>Contract Date</u>	<u>Date of Statement</u>	<u>Contractor</u>	<u>Amount of Statement</u>
3/20/77	7/28/77	C. L. CARROLL CO. INC.	\$18,720.00

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Council of Fontanelle, Iowa, as follows:

Section 1. That t e statement referred to in the preamble thereof be and the same is hereby approved as follows:

<u>Contractor</u>	<u>Amount</u>
C. L. CARROLL CO. INC.	\$18,720.00

Section 2. That all resolutions or orders or parts thereof in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED THIS.6th day of September, 1977.

Attest: *Evelyn M. Rohner* Betty V. Burcham, Mayor  
 Evelyn M. Rohner, Clerk

Council Member Deane Darrow introduced and caused to be read Resolution No. 77.19A entitled, "Resolution providing for the issuance of Water Revenue Pledge Orders." Council Member Deane Darrow moved that said resolution be adopted, seconded by Council Member Ralph Means, and after due consideration thereof by the Council, the Mayor put the question and, the roll being called, the following voted: AYES: Art Baudler, Deane Darrow, Ralph Means andKeith Westphal. NAYS: None

Whereupon, the Mayor declared the resolution duly adopted, as follows:

RESOLUTION NO. 77.19A  
 RESOLUTION PROVIDING FOR THE ISSUANCE  
 OF WATER REVENUE PLEDGE ORDERS

WHEREAS, a statement for materials furnished and work performed under a contract for the construction of improvements to the municipal waterworks plant and system has been approved by this Council as follows:

<u>Contractor</u>	<u>Amount</u>
C. L. CARROLL CO., INC.	\$18,720.00; and

WHEREAS, said contract provides that payments under said contract may be made by delivery to said contractor of temporary revenue obligations in the form of Pledge Orders payable solely and only out of the future net earnings of such municipal utility, and it is necessary and advisable that a Pledge Order be issued to said contractor in the approved amount;

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Council of Fontanelle, Iowa, as follows:

Section 1. That for the purpose of evidencing an amount payable the contractor for materials furnished and work performed under the contract referred to in the preamble hereof there be and there is hereby authorized to be issued Water Revenue Pledge Orders of the municipality in the form now on file with the Clerk, as follows:

Pledge Order

<u>No.</u>	<u>Contractor</u>	<u>Amount of Pledge Order</u>
13	C. L. Carroll Co.,Inc.	\$10,000
14	C. L. Carroll Co.,Inc.	8,720.

Section 2. That said Pledge Orders shall be signed by the Mayor and attested by the Clerk, with the seal of the municipality affixed, and be issued and delivered to said contractor as aforesaid in payment of that part of the aforesaid improvements referred to in the aforesaid statement.

Section 3. That all resolutions or orders or parts thereof in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED this 6th day of September, 1977.

Attest: *Evelyn M. Rohner* Betty V. Burcham, Mayor  
 Evelyn M. Rohner, Clerk

Council Member Art Baudler introduced and caused to be read Resolution No. 77.20 entitled, "Resolution approving statement in connection with the construction of improvements to the municipal waterworks plant and system." Council Member Art Baudler moved that said resolution be adopted, seconded by Council Member Ralph Means and after due consideration thereof by the Council, the Mayor put the question and, the roll being called, the following voted: AYES: Art Baudler, Deane Darrow, Ralph Means and Keith Westphal. NAYS: None Whereupon, the Mayor declared the resolution duly adopted, as follows:

## RESOLUTION NO. 77.20

RESOLUTION APPROVING STATEMENT IN CONNECTION  
WITH THE CONSTRUCTION OF IMPROVEMENTS TO THE  
MUNICIPAL WATERWORKS PLANT AND SYSTEM.

WHEREAS, a statement has been filed with this Council for materials furnished and work performed under a contract for constructing improvements to the municipal waterworks plant and system, which statement has been approved by the Engineer for the Utility, and which has not been included in prior statements, as follows:

<u>Contract Date</u>	<u>Date of Statement</u>	<u>Contractor</u>	<u>Amount of Statement</u>
3/20/77	8/22/77	C. L. Carroll Co., Inc.	22,536.00

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Council of Fontanelle, Iowa, as follows:

Section 1. That the statement referred to in the preamble herof be and the same is hereby approved as follows:

<u>Contractor</u>	<u>Amount</u>
C. L. Carroll Co. Inc.	\$22,536.00

Section 2. That all resolutions or orders or part thereof in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED this 6th day of September, 1977.

Betty V. Burcham, Mayor

Attest: Evelyn M. Rohner, Clerk

Council Member Deane Darrow introduced and caused to be read Resolution No. 77.20A entitled, "Resolution providing for the issuance of Water Revenue Pledge Orders." Council Member Darrow moved that said resolution be adopted, seconded by Council Member Keith Westphal, and after due consideration thereof by the Council, the Mayor put the question and, the roll being called, the following voted: AYES: Art Baudler, Deane Darrow, Ralph Means and Keith Westphal. Whereupon, the Mayor declared the resolution duly adopted as follows:

## RESOLUTION NO. 77.20A

RESOLUTION PROVIDING FOR THE ISSUANCE  
OF WATER REVENUE PLEDGE ORDERS

WHEREAS, a statement for materials furnished and work performed under a contract for the construction of improvements to the municipal waterworks plant and system has been approved by this Council as follows:

<u>Contractor</u>	<u>Amount</u>
C. L. Carroll Co., Inc.	\$22,536.00; and

WHEREAS, said contract provides that payments under said contract may be made by delivery to said contractor of temporary revenue obligations in the form of Pledge orders payable solely and only out of the future net earnings of such municipal utility, and it is necessary and advisable that a Pledge Order be issued to said contractor in the approved amount;

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Council of Fontanelle, Iowa, as follows:

Section 1. That for the purpose of evidencing an amount payable the contractor for materials furnished and work performed under the contract referred to in the preamble hereof there be and there is hereby authorized to be issued Water Revenue Pledge Orders of the municipality in the form now on file with the Clerk, as follows:

Pledge  
Order

<u>No.</u>	<u>Contractor</u>	<u>Amount of Pledge Order</u>
15	C. L. CARROLL CO., INC.	\$10,000.00
16	C. L. CARROLL CO., INC.	10,000.00
17	C. L. CARROLL CO., INC.	2,536.00

Section 2. That said Pledge Orders shall be signed by the Mayor and attested by the Clerk, with the seal of the municipality affixed, and be issued and delivered to said contractor as aforesaid in payment of that part of the aforesaid improvements referred to in the aforesaid statement.

Section 3. That all resolutions or orders or parts thereof in conflict herewith be and the same are hereby repealed.  
PASSED AND APPROVED THIS 6th day of September, 1977.

Attest: *Evelyn M. Rohner*  
Evelyn M. Rohner Clerk

Betty V. Burcham, Mayor

After due consideration and discussion, Council Member Art Baudler introduced and moved the adoption of the resolution next herein set out, the same being a resolution approving executed contract and bond covering the construction of the 1976 Storm Sewer Improvement Project. The motion was seconded by Council Member Keith Westphal, and passed with record vote as follows: AYES: Art Baudler, Deane Darrow, Ralph Means, and Keith Westphal. NAYS: None.  
Thereupon, the resolution was declared adopted.

RESOLUTION 77.21

APPROVING CONTRACT AND BOND FOR THE CONSTRUCTION OF THE 1976 STORM SEWER IMPROVEMENT PROJECT

WHEREAS, the Council of Fontanelle, Iowa, did on the 21st day of July, 1977, award a contract as follows:

<u>Name of Contractor</u>	<u>Amount of Contract</u>
Varks Construction Co.	\$72,716.60

for constructing the 1976 Storm Sewer Improvement Project and fixed the amount of the contractor's surety bond to be furnished by the said contractor, and instructed and authorized the Mayor and Clerk to execute the said contract on behalf of the municipality, subject to the approval of the Council; and

WHEREAS, the said contract has been duly signed by the contractor and by the Mayor and Clerk, and upon examination by this Council the same appears to be in proper form; and

WHEREAS, the contractor's surety bond in the required amount has been executed by the contractor as principal and by a surety as follows:

<u>Name of Surety</u>	<u>Amount of Bond</u>
United States Fidelity & Guaranty Co. Baltimore, Maryland	\$72,716.60

and the said bond appears to meet the requirements of the statutes of the State of Iowa and the orders of this Council;

NOW, THEREFORE, IT IS RESOLVED BY the Council of Fontanelle, Iowa, that the aforementioned contract and bond be and the same are hereby each approved and declared to be binding upon the parties thereto.  
PASSED AND APPROVED this 6th day of September, 1977.

Attest: *Evelyn M. Rohner*  
Evelyn M. Rohner, Clerk

Betty V. Burcham, Mayor

Ordinance 41.27 was discussed. The Public Opinion Poll conducted through the Observer revealed that 68 people wanted it enforced to keep minors out of taverns, and 12 wanted it taken off the books. It was stated that the City should go along with what the people want.

David Schmidt was present at the meeting to inform the Council that the parking lot at the Good Samaritan Home had been paved, bumpered, and striped for parking. The project cost approximately \$20,000.

Motion by Art Baudler and seconded by Deane Darrow to approve the Beer License renewal of W. Harold Detty and Ruby E. Detty dba as Detty Grocery. Carried.

Motion by Art Baudler to set September 19th as a hearing date for the first reading of Ordinance No. 106 entitled "Sub Division Ordinance"

Ordinance 106  
SUB DIVISION ORDINANCE

ARTICLE I - PURPOSE

1.1 The provisions of this Ordinance are designed and intended to be the minimum requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of Fontanelle and its environs, for the co-ordination of streets within subdivisions with other existing or planned streets or with other features for adequate open spaces for traffic, schools, recreation, and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development of public ground

## ARTICLE II - DEFINITIONS

2.1 For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "BLOCK" is the distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the street or property lines enclosing it.
- b. "CITY" means the City of Fontanelle
- c. "CITY COUNCIL" means the City Council of the City of Fontanelle.
- d. "CITY CLERK" means the City Clerk of the City of Fontanelle
- e. "CITY ENGINEER" means the City Consulting Engineer of the City of Fontanelle.
- f. "CONSTRUCTION AREA" means that area on which curb, gutter streets, and sidewalks are to be constructed.
- g. "CONSTRUCTION AGREEMENT" is a written contract between the developer and the City outlining, in detail, the improvements which must be completed in accordance with the approved plans and specifications before the Final plat is approved by the City. The responsibility for bearing the various costs of the improvements and the time schedule for orderly construction shall also be part of this agreement.
- h. "DRAINAGE COURSE" is a water course or indenture for the drainage of surface waters.
- i. "EASEMENT" means a right or privilege held by the public a corporation or person for the use of land for specified purposes.
- j. "FINAL PLAT" means the final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Commission and City Council for approval, and which, if approved, will be submitted to the County Recorder for recording.
- k. "LOT" means the tract within a subdivision marked by the subdivider as a numbered, lettered, or other identified tract to be offered as a unit of land for sale.
- l. "OWNER" is any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- m. "PLAN COMMISSION" of "COMMISSION" means the City of Fontanelle Planning Commission.
- n. "PRELIMINARY PLAT" is the preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the planning Commission and City Council for their consideration.
- o. "STREETS AND ALLEYS"- "street" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or however designated.
  1. "Alley"- a public way used primarily as a service access to the rear or side of a property which abuts on a street.
  2. Cul-de-sac is a permanent street terminating at one end without connecting with another street and designated so that it cannot be further extended without condemnation or taking property not dedicated as a street.
  3. Local Street - a local street provided access to abutting property. They collect individual trips for delivery to a higher-type facility such as collectors or major streets. Through traffic is discouraged and provision is generally made for occasional parking.
  4. Width, Street - is the shortest distance between the lines delineating the right-of-way of a street.
- p. "SANITARY SEWER" is a constructed conduit connected with the Municipal Sewer system or with a treatment plant for the carrying of liquids and solids other than storm or ground waters to a drainage course.
- q. "STORM SEWER" is a constructed conduit for carrying storm waters to a drainage course.

- r. "SUBDIVIDER" is any individual, firm, association, syndicate, copartnership, corporation, trust, or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or another.
- s. "SUBDIVISION" means the division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land.

#### ARTICLE III- ADMINISTRATION

- 3.1 Recording of Plat - No plat of any subdivision required by this Ordinance shall be recorded in the County Recorder's office, or have any validity until it shall have been approved in the manner prescribed herein.
- 3.2 Jurisdiction - In accordance with the provisions of Chapters 373 and 409 of the Code of Iowa, this Ordinance is adopted by the City of Fontanelle, Iowa, governing the subdivision of all lands within the corporate limits of the City and within one (1) mile adjacent to said Corporate Limits.
- 3.3 Sale of Land in a Subdivision - No owner or agent of the owner of any land shall transfer or sell any land by reference to, exhibition of, or by the use of the plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this Ordinance is voidable within ninety (90) days at the option of the buyer. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Ordinance.
- 3.4 Sale or Title Transfer Requirements - No final plat of any subdivision shall be accepted by the City of Fontanelle without the following covenant: No deed will be delivered or title transferred or sale completed on any lot in this subdivision, except to another developer who accepts first developer obligations, until such a time as the sanitary sewer, storm sewer, if any, street surfacing and other improvements be installed, in accordance with construction plans and construction agreements submitted for this subdivision and approved by the City of Fontanelle."
- 3.5 Permits - The authorized agent of the City of Fontanelle shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.
- 3.6 Public Improvements - The City hereby defines it's policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have been accepted by the Council in the manner prescribed herein.
- 3.7 Revision of Plat After Approval - No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and City Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Commission.

#### ARTICLE IV - PROCEDURE

- 4.1 Whenever the owner of any tract or parcel of land within the jurisdiction of this Ordinance wishes to subdivide or plat the same, he shall cause to be prepared a Preliminary Plat of said subdivision, and shall submit six (6) copies of said Preliminary Plat to the City Clerk. The Preliminary Plat shall contain such information and data as is outlined in Article VII hereof.
- 4.2 Prior to the filing of the Preliminary Plat, the subdivider may confer with and submit in sketch form his proposed plat in order to avail himself of the advice and assistance of the Planning Commission.
- 4.3 Upon the filing of a Preliminary Plat, the City Clerk shall immediately refer copies of the plat as follows:
- Two copies to the City Consulting Engineer for review.
  - Three copies to the Planning Commission
  - One copy to the City Files
- 4.4 The City Consulting Engineer will review the Preliminary Plat and report to the Planning Commission as soon as possible his findings concerning the plat's compliance with this ordinance, the existing street and utility system and with standard engineering practices.
- 4.5 After receiving the City Consulting Engineer's report, the Planning Commission shall study the Preliminary Plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of

such improvements to be made by him. The Commission shall approve or reject such plan within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty five (45) days, the Preliminary Plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the Preliminary Plat by the Commission shall be null and void unless a Final Plat is presented to the Commission within one year after date of approval for part or all of the parcel shown on the Preliminary Plat

4.6 Before approving a Preliminary Plat, the Commission may, at its discretion, hold a Public Hearing on the proposed Plat, notice of which shall be given by publication in a local newspaper of general distribution or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the Public Hearing.

4.7 After approving the Preliminary Plat, the Planning Commission shall transmit two copies of the Plat with Commission recommendations to the City Council for action.

4.8 The Council, upon receipt of the recommendations from the Planning Commission will approve, approve with modifications, or disapprove the Preliminary Plat within thirty days of receipt of the Plat. If the Preliminary Plat is disapproved by the Council, the subdivider shall be furnished with a letter and copy of the plat stating the reason for disapproval. Such notification shall take place within the thirty day period. Upon approval of the Preliminary Plat, one copy of the approved or conditionally approved plat shall be returned to the subdivider within ten (10) days following Council action and one copy shall be retained by the City.

4.9 The sub-divider, after approval of the Preliminary Plat, (1) may proceed with the completion of improvements as outlined in the construction agreement in those areas intended for inclusion in a Final Plat, or (2) may post a surety bond in form acceptable to the Council sufficient to cover 125% of the estimated full cost of all improvements not completed in those areas intended for inclusion in a Final Plat.

4.10 The subdivider, upon completion of all improvements required by the Construction Agreement, or upon posting of a surety bond, shall file six (6) copies of the Final Plat including all supporting documents with the City Clerk for final approval. The plat must conform in every respect with the requirements specified in Article VIII of this Ordinance.

4.11 Upon the filing of a Final Plat, the City Clerk shall immediately refer copies of the plat as follows:

- a. Two copies to the City Consulting Engineer for review.
- b. Four copies to the Planning Commission.

4.12 The City Consulting Engineer will review the Final Plat and the improvements constructed therewith and report to the Planning Commission as soon as possible his findings concerning the plat's compliance with this ordinance and his comments concerning the substantial completion of the improvements in accordance with City specifications and the Construction Agreement.

4.13 After receiving notification from the City Consulting Engineer that improvements are in order and after being satisfied that the Final Plat is in conformity with the approved Preliminary Plat and the regulations, the Commission shall approve and certify the Final Plat and forward three copies to the Council for appropriate action. The Commission and Council shall have sixty (60) days from the date of submission in which to take action on the Final Plat.

4.14 After approval of the plat by the Council, two approved copies of the Final Plat shall be returned to the Sub-divider. One copy of the Final Plat shall be used by the Sub-divider for recording purposes.

4.15 The sub-divider shall post a maintenance bond covering any improvement to be accepted for maintenance by the Council. Such bond shall be held by the Clerk and shall become effective upon acceptance of the Final Plat by the Council, unless otherwise stipulated. Maintenance bonds shall run for four years on street paving and two years on sewer and water improvements.

#### ARTICLE V - DESIGN STANDARDS

5.1 Scope- All subdivision of land subject to these regulations shall conform to the design standards set forth in Article V. of this Ordinance.

5.2 Conformity with Master Plan - The proposed subdivision shall conform to the Master Plan of the City of Fontanelle. The classification and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets,



to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Master Plan, the arrangement and other design standards of streets shall conform to the provisions herein.

a. Relation to Adjoining Street System - The arrangement of streets in new subdivisions shall make provisions for the continuance of the existing streets in adjoining areas.

b. Projection of Streets - Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for proper projection of streets to the boundaries of the tract proposed to be subdivided.

5.3 Access - Every subdivision lot shall have frontage on a publicly dedicated street.

5.4 Streets - All streets within a subdivision must meet the following minimum standards;

a. Street Right-of-Way The minimum width of a street right-of-way shall not be less than sixty (60) feet.

b. Street Width - The minimum width of a paved street shall be 27' as measured back to back of curb lines.

c. Street Design - The following minimum standards shall apply:

- |                           |  |
|---------------------------|--|
| 1. Minimum Return Radius  | 16½ Feet   |
| 2. Minimum Curve Radius   | 100 Feet   |
| 3. Maximum Grade:         | 9%   |
| 4. Minimum Grade:         | 0.4 %  |
| 5. Cul-de-sac:            | Minimum R.O.W. diameter 100 feet<br>Minimum paved diameter, 80 feet<br>Maximum length 500 feet   |
| 6. Reserve Strips"        | There shall be no reserve strips controlling access to streets within any subdivision.   |
| 7. Street Jogs:           | Street jogs with centerline offsets of less than 150 feet shall not be allowed.  |
| 8. Intersections:         | Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than eighty (80) degrees.  |
| 9. Restriction of Access: | When a subdivision or portion thereof adjoins a limited access highway, no lot shall have direct access thereto. said lots shall be provided with frontage on a local street or street other than the limited access highway.  |
| 10. Street Names :        | A proposed street which is in alignment with or joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicated the name of an existing street. The use of the suffix "street" "avenue", "boulevard", "driveway", "place", or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection. The proper name or names of a street shall not be more than ten (10) letter characters and/or letter spaces combined in length. |

5.5 Blocks - Sizes of blocks shall be not less than 250 feet nor more than 1000 feet in length measured along the greatest dimension of the enclosed block area. Any block over 700 feet must provide for an improved pedestrian through-walkway (5" sidewalk as close to the center of the block as possible. This walkway must be dedicated to the public use.

5.6 Arrangement of Lots - Side lot lines shall be as near as possible at right angles to straight street lines or radial to curved street lines. Double frontage or through lots shall not be permitted, except in case of limited access highways.

5.7 Easements for Utilities - Except where alleys are provided for this purpose, utility easements shall be provided for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, electrical lines, and other public utilities. No building shall be erected on said easements.

5.8 Half Streets - Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

5.9 Alleys - Alleys may be required in business areas and industrial districts for adequate access to block interiors and for offstreet loading and parking purposes. Except where justified by unusual conditions

alleys will not be approved in residential districts. Dead-end alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

5.10 Land not Platted - Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

5.11 Dedication - An approved dedication or a deed to the City shall be given for all streets before the same will be accepted for City maintenance.

5.12 Lots - All lots shall conform to the following requirements:

a. Corner lots shall have a minimum width of seventy-five (75) feet in order to permit adequate building setbacks on both front and side streets

b. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

1. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

2. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of twelve thousand (12,000) square feet.

3. All other lots shall have a minimum width of sixty five (65) feet as measured at the building set-back line and shall have a minimum area of seven thousand seven hundred (7,700) square feet.

#### ARTICLE VI - REQUIRED IMPROVEMENTS

6.1 The subdivider shall install and/or construct all improvements required by the City based on this Ordinance. All such improvements shall be in accordance with plans and specifications approved by the City and in compliance with the terms of the Construction Agreement.

6.2 Improvements may include any or all of the following items:

- a. Grading and drainage
- b. Paved streets
- c. Water mains and appurtenances
- d. Sanitary Sewer lines and appurtenances
- e. Storm sewer lines and appurtenances
- f. Sidewalks
- g. Street lights.

#### ARTICLE VII - PRELIMINARY PLAT REQUIREMENTS

7.1 The Preliminary Plat of a subdivision is not intended to serve as a record plat. It's purpose is to show graphically all facts needed by the regulatory bodies to determine whether the proposed layout is satisfactory and consistent with this Ordinance. The Preliminary Plat shall contain the following information:

a. Description

1. Name of proposed subdivision
2. Name and address of subdivider and owner
3. Name of engineer and registered land surveyor
4. Scale north point and date of preparation
5. Locational sketch map showing relationship of the subdivision site to the surrounding area
6. Legal description of property being subdivided.

b. Existing Conditions:

1. Topography by contours at vertical intervals of two feet or less except when a greater interval is required because of terrain.
2. Acreage to be subdivided
3. The location of all present property lines, section lines, streets, buildings, water courses, and other existing features within the area being subdivided.
4. Existing outlets, drainage courses, and culverts within the tract or on streets immediately abutting.
5. Existing Utilities

c. Proposed Conditions:

1. Location, width and names of all proposed streets and walkways.
2. Layout and scale dimensions of all lots, including minimum front setback lines (legal minimum setback lines are established in the Zoning Ordinance), and lot numbering.

3. Draft of proposed protective covenants (if any) to be imposed.
  4. Areas proposed to be conveyed, dedicated, reserved or used for parks, walkways, playgrounds, schools, public buildings and similar semi-public uses, and whether such areas are to be public or private.
  5. Existing and proposed zoning classification of the area.
  6. Proposed utility service:
    - (a) Source of water supply
    - (b) Provision for sewage disposal and drainage
- d. Accompanying Material:
1. Plans, profiles, and proposed grades of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles to show location, size, and grade of all conduits, sewers, pipelines, etc., to be constructed. Profiles shall be drawn so that the West end or the South end of the profile shall be at the left side of the drawing.
  2. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat
  3. The Construction Agreement.
- 7.2 The Preliminary Plat may be disapproved by the Planning Commission because the plan-
- a. Fosters excessive population density; or
  - b. Fosters inefficient use of land area; or
  - c. The character of design is not compatible with adjacent development; or
  - d. The design is a substantial departure from the aesthetic standards of the community.

#### ARTICLE VIII - FINAL PLAT REQUIREMENTS

- 8.1 The Final Plat is intended to be the record plat for the subdivision and shall contain the following information.
- a. Description
    1. Name of subdivision
    2. Scale, north point and date of preparation
    3. Boundary legal description of property involved.
    4. Certificate of a registered land surveyor.
    5. Name, width, and location of all streets.
    6. Easements for public utilities showing width and intended use.
    7. Building setback lines
    8. Lot and block designations
  - b. Plat standards and survey accuracy shall comply with Chapter 409 of the Code of Iowa, as amended.
  - c. Monumentation shall show and shall comply with Chapter 409 of the Code of Iowa as amended.
  - d. Accompanying Materials:
    1. An attorney's opinion, in duplicate, showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.
    2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
    3. A Deed or dedication to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
    4. The following certificates:
      - (a) By the owner and his spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements.
      - (b) From the County Treasurer that the Subdivision land is free from taxes.
      - (c) From the Clerk of the District Court that the subdivision land is free from all judgements, attachments, mechanics or other liens of record in his office.
      - (d) Maintenance and Performance bond, if any.

## ARTICLE IX - FEES

- 9.1 Filing Fees - The subdivider shall pay a filing fee of \$30.00 plus \$1.00 for each lot in the proposed subdivision for every Preliminary Plat submitted to the Commission for approval, which shall be credited to the General Fund. No fee shall be refunded in the event any Preliminary or Final Plat is disapproved.
- 9.2 Recording Fees  
Cost of recording final plats, documents, or covenants payable in addition to filing fees. This will be billed to the subdivider before the plat is recorded.
- 9.3 Recreational Fee  
Every subdivider who subdivides land shall provide the City with a fund or land dedication for the purpose of providing park and recreational facilities to serve future residents of such subdivision as set out in the Construction Agreement.
- 9.4 Inspection Fee  
An Inspection Fee will be charged for basic engineering observation of improvements as set out in the Construction agreement. Such fee shall be payable, through the City Clerk, upon submission of the Final Plat.

## ARTICLE X - VARIATIONS AND EXCEPTIONS

- 10.1 Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

## ARTICLE XI - CHANGES AND AMENDMENTS

- 11.1 Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

## ARTICLE XII - EFFECTIVE DATE

- 12.1 This Ordinance shall be in effect after it's final passage, approval, and publication as provided by law.

Passed by the Council the 19th day of September, 1977  
and approved this 19th day of September, 1977.  
Published in the Fontanelle Observer September 15, 1977

*Evelyn M. Rohner*  
Attest: Evelyn M. Rohner, Clerk

Betty V. Burcham, Mayor

Motion by Keith Westphal seconded by Ralph Means authorizing Delmer Miller to attend the Iowa Association of Municipal Utilities meeting in Des Moines, and pay his expenses. Carried.

Motion by Deane Darrow to adjourn. Seconded by Art Baudler. Carried.

*Evelyn M. Rohner*  
Attest: Evelyn M. Rohner, Clerk

Betty V. Burcham, Mayor