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DENISE D. BAKER, RECORDER  
WRIGHT COUNTY IOWA

**RESOLUTION**  
**Recorder's Cover Sheet**

**Preparer Information:** Brett D. Legvold (cjm), 520 Sumner Avenue, P.O. Box 644, Humboldt, IA 50548, Phone: (515) 332-4093

**Taxpayer Information:** n/a

**Return Address:** Brett D. Legvold (cjm), 520 Sumner Avenue, P.O. Box 644, Humboldt, IA 50548

**Grantors:** N/A

**Grantees:** N/A

**Legal Description:** See Page 2

**Document or instrument number if applicable:**

**RESOLUTION UB2018-07**  
**A RESOLUTION AMENDING SECTION 3.02 OF THE SANITARY SEWER SYSTEM**  
**POLICIES AND PROCEDURES TO COMPLY WITH IOWA HOUSE FILE 2286**

WHEREAS, until June 10, 2017, the City Council of the City of Eagle Grove possessed the authority to operate and manage the municipally-owned sewer utility, which was codified in Chapters 24 and 95 of the City of Eagle Grove's Code of Ordinances;

WHEREAS, under that authority, the City Council adopted time-of-transfer restrictions contained in the Code of Ordinances;

WHEREAS, on July 10, 2017, the City Council adopted Ordinance Number 2017-04 transferring the authority to operate and manage the municipally-owned sewer utility to the Utility Board of Trustees of the City of Eagle Grove;

WHEREAS, on July 12, 2017, the Utility Board of Trustees adopted Resolution UB2017-03 establishing sanitary sewer policies and procedures for the municipally-owned sanitary sewer utility, including time-of-transfer restrictions;

WHEREAS, on March 15, 2018, Governor Kim Reynolds signed House File 2286 into law, effective July 1, 2018 and codified at Iowa Code 364.3(d), which prohibits cities from imposing "time-of-transfer" restrictions on real property owners transferring real property; and

WHEREAS, to bring the sanitary sewer policies and procedures into compliance, Section 3.02 should be amended and notice should be provided that the sanitary sewer time-of-transfer restrictions are repealed and of no further legal effect.

NOW, THEREFORE, BE IT RESOLVED that the Utility Board of Trustees of the City of Eagle Grove approves and adopts amended Sanitary Sewer Policy Section 3.02, as set forth in attached Exhibit A, to comply with House File 2286, codified at Iowa Code 364.3(d), and directs the City Clerk to record this Resolution with the Wright County Recorder to provide notice that the time-of-transfer restrictions contained in the Notice of Real Property Inspection Requirement recorded on October 24, 2008 at Document 08-2210, Amended Notice of Real Property Inspection Requirement recorded on August 8, 2016 at Document 16-1688, and Ordinance Number 2011-01 recorded on April 26, 2012 at Document 12-785 are repealed and of no further legal effect.

Passed this 11th day of July, 2018.

By:   
Thomas Peterson, Chairperson

ATTEST:

I, Bryce Davis, City Clerk of the City of Eagle Grove, Iowa, hereby certify that at a meeting of the Utility Board of Trustees of the City of Eagle Grove, Iowa, held on the above date, among other proceedings, the above was adopted.

  
Bryce Davis, City Clerk

## EXHIBIT A

**3.02 COMPLIANCE REGARDING WATER DISCHARGE.** For several years the drainage systems of many tracts of real property within the City have caused storm water and other water to be discharged into the public sanitary sewers. That often causes the sanitary sewer disposal system to become overloaded. The resulting problems include the flooding of residential basements during heavy rainfall, the occasional necessity of permitting sanitary sewage to be discharged into local streams, and the additional wear and tear that are placed on the City wastewater treatment plant.

1. **Mandatory Compliance – “Sump Pump” Inspections.** The City or its designated contractor will inspect and test each tract of real property in the City and determine whether it complies with the sump pump, downspout, and surface drainage provisions in this chapter. Mobile homes are exempt from this requirement. An initial inspection will be performed to determine compliance. If a tract of real property complies, the owner will be provided with a verified permit that shows compliance. If the real property fails to comply, the owner shall place the real property into compliance. The City shall re-inspect or retest the discharge of water after the City is notified that compliance has been achieved. All properties must become compliant within 120 days after the date of the initial inspection. Note: The “sump pump” inspections noted above are required of every property.
  - A. The cost and procedures of inspecting and testing shall be established by a resolution of the Utility Board from time to time. Payment shall be made to the City or its designated contractor after the inspection and test.
  - B. Failure on the part of an owner, tenant, or other person in possession of a tract of real property to allow the City or its designated contractor to inspect and test for compliance will be considered noncompliance.
  - C. Failure to comply with Sections 3.01 and 3.02 of this chapter by the deadlines specified for each category shall result in an increase in the monthly utility bill for that real property. Such increase shall continue until compliance is achieved. The amount of the increase shall be established by a resolution of the Utility Board from time to time.
  - D. Failure to comply with Sections 3.01 and 3.02 may also be considered a municipal infraction on the part of the owner of the real property.
  - E. The City may also consider taking legal action against a property owner who has failed to comply with Sections 3.01 and 3.02, when such failure causes the City to incur expenses or damages resulting from water that is discharged into the sanitary sewer.
  - F. If, at any time, the City has reason to believe that a property is not in compliance with Sections 3.01 and 3.02, the owner shall allow a City employee or designated contractor to inspect the real property, after providing the owner with reasonable notice.
2. **Notices.** Any notices given to owners of real property in regard to Sections 3.01 and 3.02 shall be made in writing and may be delivered in person, posted on the front door, or by ordinary mail to the owner’s last known address.

STATE OF IOWA, WRIGHT COUNTY, SS:

On this 11<sup>th</sup> day of July, 2018, before me, a Notary Public in and for the State of Iowa, personally appeared Thomas Peterson and Bryce Davis, to me personally known, who, being by me duly sworn, did say that they are the Chairperson and City Clerk of the Utility Board of Trustees of the City of Eagle Grove, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in a motion passed by the Utility Board of Trustees on the 11th day of July, 2018, and that the Chairperson and City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Susan J. Maier  
NOTARY PUBLIC

