

Breda City Council Minutes
April 10, 2023 City Hall

Mayor Dan Snyder called the meeting of the Breda City council to order with Samantha Pietig, Kayla Tiefenthaler, Jeff Riesberg and Chris Uhlenkamp present at City Hall. Absent was Bob Boeckman. Motion by Uhlenkamp, seconded by Pietig to approve the agenda. Motion carried. Motion by Uhlenkamp, seconded by Tiefenthaler to approve the consent agenda which included the minutes of the March 13 and March 30, 2023 meetings, claims, and payroll Motion Carried.

Fire Department report was given by Fire Chief Dan Wiskus.

Public works report was heard. Update was given on the Phase IV electric project. Council considered pay application #2 for the 2022 Electrical System Improvements – Phase IV. Motion to approve by Pietig, seconded by Riesberg. Motion carried.

Council reviewed permits for 203 S 3rd. St, 406 Timberland, 401 Ash and 307 N. 4th St. Motion to approved by Tiefenthaler, seconded by Uhlenkamp. Motion Carried.

Council considered approval to move forward with the design and construction fees from ISG for well #6. Motion to approve by Riesberg, seconded by Pietig. Motion carried. Council considered P&D Laon through SRF for well #6. Motion to approve by Pietig, seconded by Tiefenthaler. Motion carried. Council discussed the upcoming pool season and hiring lifeguards. Council reviewed and updated the pool rules. Motion to approve changes by Riesberg, seconded by Tiefenthaler. Motion carried. Opening day will be May 27, 2023 with a somewhat modified schedule until after the completion of the school year.

Council discussed RAGBRAI coming through Breda and after meeting with the Directors of RAGBRAI decided that the official route through the city would be straight down Main Street. Council considered Ordinance 2023-04-01 Amending Title III Chapter 7 in the code of ordinances of the City of Breda 2015. This will update the ordinance to include RAGBRAI-Miscellaneous Permits. Motion to approve by Pietig, seconded by Uhlenkamp. Voting aye for the ordinance were Pietig, Tiefenthaler, Riesberg, and Uhlenkamp. Absent was Boeckman. The council waived the 2nd and 3rd readings.

Ordinance Number: 2023-04-01

AN ORDINANCE AMENDING TITLE III CHAPTER 7 IN THE CODE OF ORDINANCES OF THE CITY OF BREDA 2015 ENTITLED "RAGBRAI-MISCELLANEOUS PERMITS Be it enacted by the City Council of Breda, Iowa

3-7-12 RAGBRAI Miscellaneous Permits

SECTION 1: This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Breda when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Breda on July 24, 2023.

SECTION 2: That Section 3-7-12 RAGBRAI - Miscellaneous Permits of the Code of Ordinances of the City of Breda, Iowa, be and the same is hereby amended to read as follows:

TITLE III Chapter 7

RAGBRAI Ordinance 3-7-12

Sections:

- 3-7-12.1 Commercial Booth- Permit Required
- 3-7-12.2 Commercial Booth Fees
- 3-7-12.3 Commercial Booth Location
- 3-7-12.4 Health Regulations
- 3-7-12.5 Commercial Booth Non-Food Permit Required
- 3-7-12.6 Commercial Booth Non-Food Fees
- 3-7-12.7 Commercial Booth Non-Food Location
- 3-7-12.8 Local or Non-Profit Vendor Booth
- 3-7-12.9 Local or Non-Profit Vendor Booth Fees.
- 3-7-12.10 Local or Non-Profit Vendor Booth Location
- 3-7-12.11 Application Deadline
- 3-7-12.12 Electrical Service
- 3-7-12.13 Motorized Vehicles
- 3-7-12.14 Glass Containers
- 3-7-12.15 Nuisance
- 3-7-12.16 Violations – Penalties
- 3-7-12.17 Effective Dates
- 3-7-12.18 Street Closings

3-7-12.1 No person, club, group, organization, corporation or entity of any kind shall provide or sell food to the public in Breda, IA on July 24, 2023, unless said person or entity shall first obtain a Commercial Booth Permit from the City of Breda through the City Clerk located at 108 N. 2nd St, Breda, IA. However, any person or entity which is a resident of Breda, IA may obtain a vendor permit at a lower cost.

3-7-12.2 Commercial Booth Fees. The fee for an Any Town Commercial Booth Permit shall be \$350.00 with an additional \$100 cleaning deposit. Booth space is 20' x 10'.

3-7-12.3 Commercial Booth Location. A vendor who has been granted a City of Breda Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official City of Breda RAGBRAI Committee.

3-7-12.4 Health Regulations. A person or entity issued a commercial or non-profit food booth permit pursuant to this Ordinance shall comply with the Iowa Department of Health, including obtaining appropriate permits, pertaining to the sale and dispensing of food for consumption on its premises.

3-7-12.5 Commercial Booth Non-food – Permit Required No for-profit person shall provide or sell food or goods to the public in Breda, Iowa, on July 30, 2022, at a location other than their regularly established place of business unless said person shall first obtain a Commercial Vendor Booth Permit from the Breda RAGBRAI Committee through the City Of Breda office located at 108 N. 2nd St. Breda, IA.

3-7-12.6 Commercial Booth Non-Feed Fees The fee for a Non-Local Commercial Booth Permit shall be \$350.00 with an additional \$100 cleaning deposit

3-7-12.7 A vendor who has been granted a Breda Commercial Vendor Booth Permit shall locate its temporary sale facility at a location, and only at that location, to be determined by the Breda RAGBRAI Committee.

3-7-12.8 Local or Non-Profit Vendor Booth - Permit Required. No local or non-profit person of any kind shall provide or sell food or goods to the public in Breda on July 24, 2023, at a location other than their regularly established place of business unless said person or entity shall first obtain a Local or Non-Profit Vendor Booth permit from the Breda RAGBRAI Committee through the Breda City Hall located at 108 N. 2nd St, Breda, IA.

3-7-12.9 Local or Non-Profit Vendor Booth Fees. The fee for a local & non-profit Vendor Booth Permit shall be \$100.00. deposit

3-7-12.10 Local or Non-Profit Vendor Booth Location. A vendor who has been granted a Breda Local or non-profit Vendor Booth Permit shall locate its temporary facility at a location, and only at that location, to be determined by the Breda RAGBRAI Committee.

3-7-12.11 Application Deadline. All applications for permits must be received by May 30, 2023. Applications received after this date are not ensured of approval and are subject to a \$100 late fee.

3-7-12.12 Electrical Service. The fee for providing electrical service to each booth shall be \$100 for commercial vendor booths and \$25 for non-profit vendor booths. Additional charges may apply if more than basic electrical needs are requested.

3-7-12.13 Motorized Vehicles. The use of motorized vehicles such as scooters, golf carts, ATV's, UTV's, tractors, etc. are prohibited in blocked off areas, as designated by the Breda RAGBRAI Committee, unless specifically authorized by the Committee or Breda City Officials or Employees.

3-7-12.14 Glass Containers Prohibited. To promote public safety, the use and possession of beverages in glass containers is prohibited from 8:00 a.m. until 4:30 p.m. on July 24, 2023 as follows:

- A. All commercial and non-profit vendors are hereby prohibited from selling beverages in glass containers.
- B. It shall be unlawful for any person to possess a beverage in a glass container on any public street or in any other public area.
- C. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

3-7-12.15 Nuisance. The sale of food or goods or the erection of a temporary facility for the sale of food or other merchandise without a commercial or non-profit vendor permit on July 24, 2023, in violation of this ordinance shall be considered a nuisance as defined by Title III Chapter 2 of the Breda Municipal Code. If this type of nuisance is determined to exist by the Mayor or an officer of the law, an emergency abatement procedure pursuant to Title III Chapter 2 of the Municipal Code is hereby authorized and may be executed by any peace officer or those acting at the direction of a peace officer by demanding and removing the nuisance without notice.

3-7-12.16 Violations - Penalties. Selling or supplying food or goods to the public without a Breda Commercial or Non-Profit Vendor Booth Permit on July 24, 2022, when such a permit is required, is in violation of this ordinance. The Breda RAGBRAI Committee, at its sole discretion, may issue a Commercial or Non-Profit Vendor Booth Permit on July 24, 2023, subject to receipt of the booth fee, regular late fee of \$100 and an additional late fee of \$100.

3-7-12.17 Effective Dates. The provisions of this ordinance shall be in effect upon passage by the Breda City Council and remain in effect until 4:30 p.m. on July 24, 2023.

3-7-12.18 Street Closings. During the effective dates of this ordinance and without prior City Council approval, Breda City Employees, or those acting at their direction, may place barricades or roadblocks in any City street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the City limits of the City of Breda.

SECTION 3: REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

SECTION 5: WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by this Council on the 10th day of April, 2023.

Dan Snyder, Mayor

ATTEST:

Rhonda Martin, City Clerk

First Reading: April 10, 2023

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 2023-04-01 on the 13th day of April, 2023.

Rhonda Martin, City Clerk

City wide clean up is scheduled for May 10th and 11th. Council discussed current interest rates with Breda Savings bank. Mayor Snyder signed the DNR Part F Certification to renew our lagoon permit with the DNR.

Motion to adjourn at 7:15pm by Uhlenkamp.

Dan J Snyder, Mayor

ATTEST:

Rhonda Martin, City Clerk