

CITY COUNCIL MEETING
RAND CENTER
OCTOBER 6, 2015
6:00 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Ratliff, Johnson, Isom, Struble, Thompson. Also present were City Clerk/Administrator Miller and visitors: John Riley, Robert Wagner, Adam Bellis, Roger Gunderson, Jesusa Christians, Zach Olinger.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the Agenda as amended, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the Consent Agenda, with the amended claims sheet, seconded by Council member Johnson. Motion carried on a 5-0 vote.

City Clerk/Administrator presented an overview of the IDOT proposal for signage with warning beacons on Hwy 30 for the Willow Road intersection. Moved by Council member Thompson to participate and authorize the mayor to sign the 'Agreement for Approval of a Traffic Control Service', seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the 1st reading of Ordinance #507, "An Ordinance Amending The Code Of Ordinances By Adding Provisions Pertaining To Vapor Products And Alternative Nicotine Products", seconded by Council member Isom. Motion carried on a 5-0 vote. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #507 on its' final reading, seconded by Council member Isom. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #507 duly passed and approved, and adopted upon publication as required by law.

Moved by Council member Struble to approve the 1st reading of Ordinance #508, "An Ordinance Amending The Code Of Ordinances By Amending Provisions Pertaining To Vacancies In An Elected Office And City Elections", seconded by Council member Johnson. Motion carried on a 5-0 vote. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #508 on its' final reading, seconded by Council member Isom. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #508 duly passed and approved, and adopted upon publication as required by law.

Moved by Council member Johnson to approve the 1st reading of Ordinance #509, "An Ordinance Amending The Code Of Ordinances By Amending Provisions Pertaining To Persons Under Legal Age/Social Hosts", seconded by Council member Thompson. Motion carried on a 5-0 vote. Moved by Council member Johnson to waive the 2nd and 3rd readings and pass Ordinance #509 on its' final reading, seconded by Council member Struble. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #509 duly passed and approved, and adopted upon publication as required by law.

Moved by Council member Struble to approve the 1st reading of Ordinance #510, “An Ordinance Amending The Code Of Ordinances By Repealing Provisions Pertaining To Railroad Warning Signals”, seconded by Council member Thompson. Motion carried on a 5-0 vote. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #510 on its' final reading, seconded by Council member Johnson. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #510 duly passed and approved, and adopted upon publication as required by law.

Moved by Council member Johnson to approve Ordinance #511 “An Ordinance Amending The Code Of Ordinances By Adding A New Section Under Solid Waste To Include An Exemption For Steel Slag”, on its' 1st reading, seconded by Council member Struble. Motion carried on a 5-0 vote. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #511 on its' final reading, seconded by Council member Johnson. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #511 duly passed and approved, and adopted upon publication as required by law.

Moved by Council member Struble to approve the 1st reading of Ordinance #512, “An Ordinance Amending The Code Of Ordinances By Amending Provisions Pertaining To Disorderly Conduct At A Funeral Or Memorial Service”, seconded by Council member Thompson. Motion carried on a 5-0 vote. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #512 on its' final reading, seconded by Council member Thompson. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #512 passed and approved, and adopted upon publication as required by law.

Moved by Council member Johnson to approve the 1st reading of Ordinance #513, “An Ordinance Amending The Code Of Ordinances By Amending Provisions Pertaining To Amusement Devices”, seconded by Council member Struble. Motion carried on a 5-0 vote. Moved by Council member Johnson to waive the 2nd and 3rd readings and pass Ordinance #513 on its' final reading, seconded by Council member Isom. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #513 passed and approved, and adopted upon publication as required by law.

Moved by Council member Struble to approve the 1st reading of Ordinance #514, “An Ordinance Amending The Code Of Ordinances By Amending Provisions Pertaining To Off-Road Utility Vehicles”, seconded by Council member Isom. Motion carried on a 4-1 vote with Council member Ratliff voting nay. Moved by Council member Struble to waive the 2nd and 3rd readings and pass Ordinance #514 on its' final reading, seconded by Council member Isom. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #514 passed and approved, and adopted upon publication as required by law.

Moved by Council member Johnson to approve Resolution 15-33, “Resolution Adopting The Harrison County Multi-Jurisdictional Hazard Mitigation Plan For The City Of Missouri Valley, Iowa”, seconded by Council member Struble. Motion carried on a 5-0 vote.

City Clerk/Administrator explained that due to some changes made by the State, a new Memorandum of Understanding needed to be adopted if the City wished to continue in the Income Offset Program. Moved by Council member Isom to approve Resolution 15-34, “Approving A Memorandum Of Understanding Between The Iowa Department Of Administrative Services, State

Accounting Enterprise, And The City Of Missouri Valley, Iowa, For Participation In The Income Offset Program”, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve Resolution 15-35, “Approving Iowa Offset Program Appeal Process”, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Thompson to approve the request to close the alley between City Hall and Loess Moose for the firemen’s pancake feed on October 10th, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Thompson to allow the fire department to move picnic tables from the City Park for the pancake feed, seconded by Council member Ratliff. Motion carried on a 5-0 vote.

City Clerk/Administrator informed Council that the resignation in the Park Department left them down a person, but with the park closing in a couple weeks, it was her recommendation to postpone hiring a person until Spring. The Street Department would assist with the remaining mowing. Moved by Council member Johnson to hire a parks department employee next Spring, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Council discussed holding a flu shot clinic. It was pointed out that there is already one at the Rand Center and the pharmacies, as well as the Firemen’s Open House next weekend. Council consensus was not to hold a clinic.

The bids were opened for leasing the farm ground by the water plant. Moved by Council member Johnson to accept the high bid of \$1,650 from Kenkel Brothers, seconded by Council member Struble. Motion carried on a 5-0 vote. A lease will be drawn up.

City Clerk/Administrator Miller reported she had completed the water revenue bond rating review with Standard & Poor’s. This comprehensive report is done every couple years to determine whether to change a bond rating. The City’s rating was affirmed at A with a Stable outlook and she had received comments from Standard & Poor’s that the City is doing a good job financially. The complete report is available in the Clerk’s Office at City Hall.

She asked Council’s direction regarding the lot at 317 N 5th. Council consensus was to get the property back on tax roll by whatever means possible. City Clerk/Administrator will get additional information for the next meeting.

Mayor Sargent requested Council consider an increase in parking violation fines. Council directed City Clerk/Administrator to prepare a draft Ordinance for the next meeting.

Moved to adjourn by Council member Struble, seconded by Council member Isom. Motion carried on a 5-0 vote. Meeting adjourned at 6:50 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator

ORDINANCE #507

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY ADDING PROVISIONS PERTAINING TO VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 46.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.
(*Code of Iowa, Sec. 453A.2*)

SECTION 2. SECTIONS MODIFIED. Sections 121.01, 121.02, 121.07 and 121.08 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. "Place of business" means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.

5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products,

and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period a three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36(6))

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

SECTION 3. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #508

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO VACANCIES IN AN ELECTED OFFICE AND CITY ELECTIONS

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 5.10 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13(2))

1. Appointment. By appointment, following public notice, by the remaining members of the Council. The appointment shall be made within sixty (60) days after the vacancy occurs and shall be for the period until the next regular City election unless there is an intervening special election for the City, in which event the election for the office shall be placed on the ballot at such special election. If the Council chooses to proceed under this subsection, the Council shall publish notice of the appointment in accordance with Section 372.13 of the *Code of Iowa*. If the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13(2a))

2. Special Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13(2b))

SECTION 2. SECTIONS MODIFIED. Sections 18.12 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

18.12 ELECTIONS. The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

SECTION 3. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #509

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO PERSONS UNDER LEGAL AGE/SOCIAL HOSTS

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 45.01 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means twenty-one (21) years of age or more.

1. **Social Host.** A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic liquor, wine, or beer. The provisions of this subsection do not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic liquor, wine, or beer in connection with a religious observance, ceremony, or rite.
(Code of Iowa, Sec. 123.47(1A))
2. **Purchase, Consume, Or Possess.** A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.
(Code of Iowa, Sec. 123.47(2))
3. **Misrepresentation of Age.** A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee.
(Code of Iowa, Sec. 123.49(3))

SECTION 2. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #510

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY REPEALING PROVISIONS PERTAINING TO RAILROAD WARNING SIGNALS

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION REPEALED. The Code of Ordinances of the City of Missouri Valley, Iowa is hereby amended by repealing Section 81.02, entitled WARNING SIGNALS, in its entirety.

SECTION 2. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Missouri Valley, Iowa, this 6th day of October, 2015, and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #511

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY ADDING A NEW SECTION UNDER SOLID WASTE TO INCLUDE AN EXEMPTION FOR STEEL SLAG

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa is amended by adding a new Subsection E under Section 105.14, which is hereby adopted to read as follows:

- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #512

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO DISORDERLY CONDUCT AT A FUNERAL OR MEMORIAL SERVICE

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 40.03 Subsection 8 of the Code of Ordinances of the City of Missouri Valley, Iowa, is amended as follows:

8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #513

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO AMUSEMENT DEVICES

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 120.06 Amusement Devices, of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

120.06 Amusement Devices. The following provisions pertain to registered electrical or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.53 of the Code of Iowa.

1. As used in this section, registered electrical or mechanical amusement device means an electrical or mechanical amusement device required to be registered as provided in Section 99B.53 of the Code of Iowa.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of a registered electrical or mechanical amusement device. A person who violates this section commits a scheduled violation under Section 805.8C, Subsection 4.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device or an employee of a person owning or leasing a registered electrical or mechanical amusement device, who knowingly allows a person under the age of twenty-one (21) years to participate in the operation of a registered electrical or mechanical amusement device, or a person who knowingly participates in the operation of a registered electrical or mechanical amusement device with a person under the age of twenty-one (21) years, is guilty of a simple misdemeanor.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

ORDINANCE #514

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO OFF-ROAD UTILITY VEHICLES

BE IT ENACTED by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 75.02(3) of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

3. "Off-road utility vehicle" means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control lever for control. "Off-road utility vehicle" includes the following vehicles:
 - a. Type 1 means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less;

- b. Type 2 means an off-road utility vehicle, other than a Type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less;
- c. Type 3 means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council on the 6th day of October, 2015 and approved this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

RESOLUTION 15-33

RESOLUTION ADOPTING THE HARRISON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR THE CITY OF MISSOURI VALLEY, IOWA

WHEREAS, the City of Missouri Valley has completed its portion of the Multi-Jurisdictional Hazard Mitigation Plan; and,

WHEREAS, review of the Hazard Mitigation Plan was open to the public; and,

WHEREAS, the City of Missouri Valley has reviewed the recommendations of the Hazard Mitigation Plan and is in agreement with the priorities contained herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Missouri Valley, Iowa, hereby adopts the Harrison County Multi-Jurisdictional Hazard Mitigation Plan, as amended by Federal Emergency Management Agency for approval, as the guiding document for hazard mitigation in the county.

PASSED AND APPROVED this 6th day of October , 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

RESOLUTION 15-34

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE IOWA DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE ACCOUNTING ENTERPRISE, AND THE CITY OF MISSOURI VALLEY, IOWA, FOR PARTICIPATION IN THE INCOME OFFSET PROGRAM

WHEREAS, the City of Missouri Valley, Harrison County, State of Iowa, is a duly organized Municipal Organization; and,

WHEREAS, Section 8A.504 of the Code of Iowa provides for the offsetting of payments made by the State to satisfy liabilities to the State (the Program), with the Department of Administrative Services, State Accounting Enterprise (DAS/SAE) directed to establish and maintain a procedure to collect any claim owed to a person by a state agency and apply money owed to the person against the debt owed by the person to the State of Iowa; and,

WHEREAS, the Program has been expanded to allow DAS/SAE to enter into agreements with political subdivisions of the state for the collection of monies owed to those subdivisions; and,

WHEREAS, the City of Missouri Valley previously approved participation in this program with Resolution 10-16 on April 6, 2010; and,

WHEREAS, Iowa Department of Administrative Services (DAS) is requiring a new Memorandum of Understanding (MOU) as a result of changes in the Iowa Administrative Rules governing the Offset Program;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Missouri Valley, Iowa, hereby approves the attached Memorandum of Understanding between the Iowa Department of Administrative Services, State Accounting Enterprise, and the City of Missouri Valley, Iowa, for participation in the Income Offset Program and authorizes the City Clerk/Administrator to execute said agreement.

PASSED, APPROVED AND ADOPTED this 6th day of October, 2015, by the Missouri Valley City Council.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

RESOLUTION 15-35

APPROVING IOWA OFFSET PROGRAM APPEAL PROCESS

WHEREAS, the City of Missouri Valley participates in the Iowa Offset Program as provided for within Chapter 8A of the Iowa Code, and,

WHEREAS, the Iowa Offset Program provides a means for the City to collect debts due the City by way of capturing moneys due a debtor from the State of Iowa, and,

WHEREAS, debtors are provided an opportunity to appeal the offset of their funds to the City, and while the City has an unwritten appeal process in place it would be beneficial and appropriate for the City Council to approve a written policy in that regard, and,

WHEREAS, a written policy has been prepared and is attached hereto and incorporated within this Resolution by this reference as if same had been set forth fully verbatim herein, and,

WHEREAS, the City Council of the City of Missouri Valley, Iowa, finds that the Iowa Offset Appeals Process policy sets forth a fair policy in accordance with Iowa Code 8A.504 and 11 Iowa Administrative Code (IAC) 40.4 and should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, that the attached Iowa Offset Appeal Process policy is approved.

PASSED AND APPROVED this 6th day of October, 2015.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

**CITY OF MISSOURI VALLEY
IOWA OFFSET PROGRAM APPEAL PROCESS**

PURPOSE:

The purpose of this Policy is to establish procedures to be employed during the appeal of a proposed offset of an individual or entity indebted to the City under the Iowa Offset Program.

SCOPE:

This Policy shall apply in all situations where an individual or entity wishes to appeal the offset, by the City, of moneys owed the individual by the State of Iowa that have been held up for payment by the State of Iowa Offset Program pursuant to Chapter 8A of the Iowa Code.

PROCEDURE:

Upon the receipt of Notice by the City, from the State Offset Program, of a “hit”, meaning that funds are owed by the State of Iowa to a person or entity whose name was submitted to the State by the City of Missouri Valley as owing money to the City, the City shall:

1. Notify the person/entity in writing at their last known address of the “hit” and of their right to request an appeal with the City of Missouri Valley.
2. In the event written notice of appeal is received, the following appeal/hearing process will be followed:
 - a. The Appeal shall be heard by the City within fourteen (14) days of receipt of the written appeal.
 - b. An attempt will be made to work with the appellant to schedule the appeal hearing on a date and time that will work for them, however, all hearings will be held between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
 - c. In the event that the appeal involves a City utility related billing, the appeal shall be heard by the City Administrator, the Utility Billing Clerk, and one other City employee or official to be chosen by the City Administrator. After their consideration of the testimony and/or evidence presented by the appellant, a decision shall be made within three (3) days with written notice of the decision being sent to the appellant by regular mail.
 - d. In the event that the appeal involves any other City related billing or debt, the appeal shall be heard by the City Administrator, a City employee from the department from which the debt or debts originated from, and one other City employee or official to be chosen by the City Administrator. After their consideration of the testimony and/or evidence presented by the appellant a decision shall be made within three (3) days with written notice of the decision being sent to the appellant by regular mail.

This Policy was reviewed and approved by the City Council on the 6th day of October, 2015 by Resolution 15-35 to take effect immediately.