

**CITY OF MISSOURI VALLY
CITY COUNCIL MEETING
RAND CENTER
Tuesday, December 18, 2018
6:00 P.M.**

Mayor Kelly presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Gunderson, Pfouts, Struble, and Tiffey. Absent: Stueve. Also present were: Melba Struble, Cindy Unger, Jerry Lehman, Caleb Wohlers, Julie Drake Abel, Tonia Copeland, Brenda Osborn, Kathy Zaiser, Mark Warner, Leonard Ratliff.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-Gunderson requested and will be 18a.

Motion by Tiffey, seconded by Pfouts to approve the agenda for the December 18, 2018 meeting. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Struble to approve the following items on the consent agenda: a) Minutes from City Council Meeting December 4, 2018 b) Claims list c) Water and Park Reports d) Clerks Financial Report e) Approve liquor license for Mos Mini Mart. Motion carried on a 4-0 vote.

Melba Struble thanked Council again for the Christmas decoration for the Caboose. She has had many compliments.

Jim Olmsted and Jeff Frey with Olmsted and Perry gave an update on the current projects. There will be no updates on 5th Street until Spring 2019. Two wells have been resampled to compare the water quality with previous samples. When the two filters are completed and running, they will look at the remaining filters. Olmsted has been in contact with the IDOT. IDOT will be resurfacing the Willow Bridge this year. There will be a sidewalk project scheduled for 2021 and they will be looking at resurfacing Erie in 2022. Olmsted spoke with IDOT about coordinating the projects and the City replacing the curb and gutters on Erie. They will work on scheduling a meeting with IDOT after the new year.

Julie Drake Abel presented the Union proposal. Flaherty will send the proposal to Franck & Sextro.

Mark Warner gave the Watson Steam Train update. They received two different grants. With the funds, they have completed one billboard and working on another. The board would like Council to loan them money to have the Steam Train fixed. The costs would be \$9,000 to \$10,000 and they would repay the City over time.

Motion by Tiffey, seconded by Pfouts to approve the funding for the Steam Train Repairs. Motion carried unanimously.

Jerry Lehman presented history and a proposal to Council. Their board would like to either keep their annual donation at \$2,500.00 and have the City do snow removal, paint parking lines, and fill pot holes or raise the donation to \$3,250.00. The City is worried about liability and the costs of the work. Council also does not want to abandon the Rand Center.

Motion by Pfouts, seconded by Tiffey to pay the annual donation of \$2,500.00, move the Council meetings to Library, and look at raising the Rand Center's annual donation at budget time. Roll call: Ayes: Pfouts, Tiffey, Struble. Nays: Gunderson. Motion carried.

Ordinance #543 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa by amending City Council. Motion by Pfouts, seconded by Tiffey to adopt the 1st reading. Roll call: Ayes: Pfouts, Tiffey, Struble. Nays: Gunderson. Motion carried. Motion by Pfouts, seconded by Tiffey to waive the 2nd and 3rd readings. Roll call: Ayes: Pfouts, Tiffey, Struble. Nays: Gunderson. Motion failed. Motion by Pfouts, seconded by Tiffey to adopt Ordinance #543. Roll call: Ayes: Pfouts, Tiffey, Struble. Nays: Gunderson. Motion failed.

Motion by Pfouts, seconded by Tiffey to approve the Mayor's annual appointment of Sherman Struble to the Harrison County Landfill Commission, term expiring 12/31/2019. Roll Call: Pfouts, Tiffey, Struble. Abstain: Gunderson.

Resolution 18-31 was introduced authorizing and directing the City Clerk to Write-off As Uncollectible Certain Water and Sewer Accounts. Motion by Pfouts, seconded by Struble. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Tiffey to set a Public Hearing for FY 18/19 Budget Amendment on January 8, 2019 at 6 p.m. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Tiffey to table the discussion on Department Head attendance at Council Meetings. Roll call: Ayes: Pfouts, Tiffey, Gunderson. Nays: Struble. Motion carried.

Discussion was held on budget workshop dates. Consensus of the Council was for Thursday, January 10, 2019 and Thursday, January 22, 2019 at 6 p.m. at City Hall.

Motion by Struble, seconded by Tiffey to allow City Clerk to carry over unused vacation time. Roll call: Struble, Tiffey, Gunderson. Abstain: Pfouts.

Gunderson thanked the Struble's for decorating the Caboose, reminded Council about closed session procedures, and stated he believed statements in an article about City Hall were incorrect.

Pfouts thanked Beverly Winans and Brenda Osborn for cleaning sidewalks for Merry Main Street.

Flaherty stated that the roof was leaking at the Fire Station and the repairs will cost \$1,000.00.

Motion by Pfouts, seconded by Struble to enter into closed session at 7:34 p.m. per IA Code 21.5(1)(j) to discuss the purchase of real estate. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Struble to return to open session at 7:38 p.m. with no action taken in closed session. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Struble to adjourn at 7:38 p.m. Motion carried on a 4-0 vote.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

ORDINANCE #543

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING CITY COUNCIL

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

SECTION 1. CHAPTER MODIFIED. Chapter 17 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

CHAPTER 17

CITY COUNCIL

17.01 Number and Term of Council

17.02 Powers and Duties

17.03 Exercise of Power

17.04 Council Meetings

17.05 Appointments

17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five Council members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES. The powers and duties of the Council include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.

(Code of Iowa, Sec. 372.13[7])

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for

the cost of street improvements, sidewalks, sewers and other work, improvement, or repairs which may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])

4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.
(Code of Iowa, Sec. 364.2[1])
5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.
(Code of Iowa, Sec. 26.10)
6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13[4])
7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.
(Code of Iowa, Sec. 372.13[8])

17.03 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3[1])

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon measure which fails to receive sufficient votes for passage shall be considered defeated.
(Code of Iowa, Sec. 380.4)
2. Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.
(Code of Iowa, Sec. 380.6[2])
3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:
 - A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.
(Code of Iowa, Sec. 380.6[1a])
 - B. A resolution signed by the Mayor becomes effective immediately upon signing.
(Code of Iowa, Sec. 380.6[1b])

C. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor vetoes an ordinance, amendment or resolution and the effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

E. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

“All of the members of the Council” refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.4)

17.04 COUNCIL MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The regular meetings of the Council are on the first and third Tuesdays of each month at 6:00 p.m. at the *Missouri Valley Public Library*. If such day falls on a legal holiday, the meeting is held at a time determined by the Council.

(Ord. 491 Oct. 13 Supp.)

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.

(Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.

(Code of Iowa, Sec. 372.13[1])

4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13[5])

5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation, and term of office:

1. City Administrator
2. City Clerk
3. City Attorney
4. Superintendent of Public Utilities
5. Superintendent of Public Works

6. Planning and Zoning Commission
7. Airport Board

17.06 COMPENSATION. The salary of each Council member is \$35.00 for each regular meeting of the Council attended, and \$30.00 for each special meeting attended.

(Ord. 480 Oct. 12 Supp.)

(Code of Iowa, Sec. 372.13[8])

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 the day of December, 2018, and approved this day of December, 2018.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

RESOLUTION 18-31

RESOLUTION AUTHORIZING AND DIRECTING THE CITY CLERK TO

WRITE-OFF AS UNCOLLECTIBLE CERTAIN WATER AND SEWER ACCOUNTS

WHEREAS, the City Clerk has reviewed the list of water and sewer accounts showing balances due, payable and delinquent through December 31, 2016; and

WHEREAS, the City Clerk has informed the Missouri Valley City Council that it is advisable for the City to write-off certain such accounts which are presently due, payable and delinquent as uncollected bad debts, all efforts exhausted, and such bankruptcy accounts, if any, or accounts under \$30.00 as shown; and

WHEREAS, based upon the advice of the City Clerk and a review of said accounts, attached hereto, the Missouri Valley City Council believes that it is in the best interest of the City to write-off said due, payable and delinquent water and sewer accounts as uncollectible bad debts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa:

That City Clerk of the City of Missouri Valley, Iowa, is hereby authorized and directed to write-off the official books and records of the City of Missouri Valley, Iowa, the water and sewer said accounts, attached hereto, and by this reference incorporated herein, as uncollectible bad debts, after applying and setting-off any deposit held by the City therefore.

PASSED AND APPROVED this 18th day of December, 2018.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty
City Clerk

BAD DEBT JANUARY 2016 THROUGH DECEMBER 2016

ACCOUNT NUMBER	AMOUNT
50625000	\$ 208.95
TOTAL	\$ 208.95