

**CITY OF MISSOURI VALLY  
CITY COUNCIL MEETING  
TEMPORARY CITY  
FRIDAY, December 21, 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, Stueve, Struble, and Tiffey.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-Gunderson requested and will be 6a.

Motion by Struble, seconded by Tiffey to approve the agenda for the December 21, 2018 meeting. Motion carried on a 5-0 vote.

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 Stueve to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Roll call: Ayes: Pfouts, Stueve, Struble, Tiffey. Nays: Gunderson. Motion carried. Motion by Pfouts, seconded by Struble to adopt Ordinance #543. Roll call: Ayes: Pfouts, Struble, Stueve, Tiffey. Nays: Gunderson. Motion carried.

Gunderson inquired if the City was going to take the new sound system and if the elevator would be adequate for handicapped citizens. He was also worried that the Rand family would think the City was abandoning the property. He recanted his Nay vote and wanted to change his vote to Aye.

Gunderson complimented Riesland on the work the Street Department did at the recycle bins.

Flaherty stated that People Service received an award for Water Fluoridation Quality Award from the U.S. Department of Health & Human Services. Flaherty inquired if Council would like the Auditors to present the audit and Council would like the auditors to. She spoke with Bruce at the Library about the access point. An access point allows patrons to access the internet with laptops and cellphones. Flaherty also stated that because of the publication deadlines for the paper, setting the time and date for the budget amendment public hearing will be on the next agenda.

Motion by Struble, seconded by Stueve to adjourn at 5:18 p.m. Motion carried on a 5-0 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 CHAPTER MODIFIED.** Chapter 17 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof: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**

**17.04 Council Meetings**

**17.02 Powers and Duties**

**17.05 Appointments**

**17.03 Exercise of Power**

**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 21st day of December, 2018, and approved this 21st day of December, 2018.

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk