

CITY COUNCIL MEETING
RAND CENTER
FEBRUARY 19, 2013
6:00 P.M.

Mayor Sargent opened the Public Hearing on the FY14 budget at 6:00 p.m. There were no written or oral comments. He closed the Public Hearing and called the regular session to order with the following Council members present: Dinsmore, Ratliff, Dillinger & Isom. Council member Struble was absent. Also present were City Clerk/Administrator Miller and visitors: John Riley, Conner Mace, Caleb Wohlers, Jeff Gute, Brent Watkins, Michele Watkins, Judy Holcombe and Nathan Sargent.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the agenda, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Moved by Council member Dillinger to approve the Consent Agenda, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Brent Watkins addressed the Council to request to hold the Mighty-Mo Rodeo at the fairgrounds again on May 31st thru June 1st. They would run the beer garden with assistance from the Chamber. Moved by Council member Dinsmore to approve the request, seconded by Council member Dillinger. He will submit the liquor license for approval closer to the date of the event.

Moved by Council member Dinsmore to table Item #9 pending additional information, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Dinsmore to approve the 2nd reading of Ordinance #493, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Amending Provisions Pertaining To Sanitary Landfill Fees", seconded by Council member Isom. Motion carried on a 4-0 vote.

ORDINANCE #493

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SANITARY LANDFILL FEES

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

SECTION 1. SECTION MODIFIED. Section 106.07 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

106.7 Landfill Fee. In order to collect sufficient revenues to pay the City's

annual assessment for the operation of the Harrison County Sanitary Landfill, the Clerk shall assess and collect a monthly fee of \$4.50 from each customer. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. If the landfill assessment fee is not timely paid by the owner or responsible party, the Clerk shall certify the assessment to the County Treasurer for collection in the same manner as property taxes.

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 ____ day of _____, 2013 and approved this ____ day of _____, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Billing for fire services was discussed. Council reviewed the City Attorney's opinion which stated the City has the authority to bill for these services if they choose to. Following discussion, moved by Council member Dillinger to approve the 1st reading of Ordinance #494, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Adding A New Section Billing For Fire Services To Chapter 35", which was read by title, seconded by Council member Dinsmore.

AYES: Dillinger, Dinsmore, Isom

NAYS: Ratliff. Motion carried.

ORDINANCE #494

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY ADDING A NEW SECTION BILLING FOR FIRE SERVICES TO CHAPTER 35

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

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 35.15, entitled Billing For Fire Services, which is hereby adopted to read as follows:

35.15 Billing For Fire Services. After every service call, the Fire Chief shall prepare and deliver a statement for any fire, hazmat cleanup or similar service rendered by the Missouri Valley Fire Department as provided herein. For the purpose of this section, the person, business or entity responsible for payment is the person, business or entity whose conduct precipitated the service call or the person, business, or entity who owned the property benefited by the service call. Payment of such fee shall be made to the City of Missouri Valley and deposited by the City Clerk in the general fund for the benefit of the Missouri Valley Fire Department.

1. Billed to Whom. The statement for services rendered shall be sent to the person, business, or entity responsible for payment.
2. Charges for Billing Purposes. Charges for services rendered by the Missouri Valley Fire Department shall take into account the following:
 - A. Emergency response apparatus actually used in the response;
 - B. Stand by status of support vehicles;
 - C. Manpower needed, and actually used in the response;
 - D. Specialized equipment or services, not locally available; categories below will be billable only in the event hazardous materials incidents or those involving more than 4 departments, or if the materials and supplies used are in excess of the normal amounts.
 - E. The uninsured portion of equipment damaged, contaminated, or destroyed, at replacement cost;
 - F. The replacement cost of disposable supplies, including but not limited to fuel, water, foam, absorbent materials, or any other cost, incurred by the fire department in the response to the incident;
 - G. Responder sustenance, including food, refreshment, lodging for prolonged incidents, or other human service needs incurred by the responding personnel.

NOTE: Service calls for investigation of smoke, or other calls where no services are actually provided, (unintentional false alarm) shall not be billed.

3. Billing Rates. In passing the ordinance codified in this section, the City acknowledges that the Harrison County Board of Supervisors passed County Ordinance #2005-01 which authorized billing for fire services rendered in

Harrison County. Included in said ordinance are specific billing rates for services rendered in the seven categories listed in subsection 2 above. In preparing his bill for services rendered as provided herein, the Fire Chief shall make his charges consistent with the Harrison County rates established on September 1, 2005, in Harrison County Ordinance #2005-01, whether or not the Harrison County Board of Supervisors repeals said ordinance. Should those rates, as incorporated herein, be amended, the Missouri Valley Fire Chief shall keep his statement for fire services rendered consistent with the amended rates and charge according to the amendments. Further, the City acknowledges that the Harrison County Board of Supervisors does not bill for extrication services in its Ordinance #2005-01. However, the City desires to bill for extrication services at the rate of \$450.00 per vehicle for service calls that require the extrication of any driver or passenger. The Fire Chief may bill accordingly.

4. **Illegal Burning Rates.** During a State Fire Marshal ordered burning ban, all rates and fees established by this section shall be doubled if the Missouri Valley Fire Department provides services to parties responsible for payment of fire services who intentionally set fires or “controlled burn” fires, which are not accidentally ignored or pre-approved by the Fire Chief.
5. **False Alarms.** Any person, business, or entity causing the Missouri Valley Fire Department to respond to a fire alarm which said person, business, or entity knows to be false or upon reasonable inspection, should have known to be false, shall be responsible for payment of a civil penalty to the Missouri Valley Fire Department in an amount to be billed by the Fire Chief according to this section the same as if the false alarm were an actual fire or emergency. This civil penalty shall be due and payable in addition to any other criminal or civil penalties incurred due to the false alarm.

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 Council on the ____ day of _____, 2013 and approved this ____ day of _____, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller, City Clerk/Administrator

Moved by Council member Dillinger to approve Resolution 13-03, "A Resolution Adopting The Annual Budget For The Fiscal Year Ending June 30, 2014", seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

RESOLUTION 13-03

A RESOLUTION ADOPTING THE ANNUAL BUDGET
FOR THE FISCAL YEAR ENDING JUNE 30, 2014

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

The annual budget for the fiscal year ending June 30, 2014, as set forth in the budget summary certificate and in the detailed budget in support thereof showing the revenue estimates and appropriations, expenditures and allocations to programs and activities for said fiscal year is adopted and the Clerk is directed to make the filing required by law and to set up her books in accordance with the summary and details as adopted.

PASSED AND ADOPTED this 19th day of February, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

Council reviewed job descriptions for Park Maintenance Supervisor and Park Maintenance Worker. Council requested "herbicide license be required" be added to the Supervisor position. Moved by Council member Dillinger to accept the Park Maintenance

Supervisor job description as amended and the Park Maintenance Worker as drafted, seconded by Council member Ratliff. Motion carried on a 4-0 vote.

Moved by Council member Dinsmore to set the wage for the new supervisor position at \$17.77/hr, seconded by Council member Isom. Motion carried on a 4-0 vote.

City Clerk/Administrator Miller presented the FY12 audit and reviewed the financial reports. Moved by Council member Dillinger to accept the audit, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Council was informed Transportation Day at the Capitol was rescheduled to February 27th. Council member Isom, Mayor Sargent and City/Clerk Administrator Miller will attend. City Clerk/Administrator Miller will check with Building Inspector Mowery about attending also.

City Clerk/Administrator Miller reported the City had been awarded an AED (automated external defibrillator) in ICAP's raffle.

Moved to adjourn by Council member Dinsmore, seconded by Council member Dillinger. Motion carried on a 4-0 vote. Meeting adjourned at 7:35 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator