

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

Mayor Sargent presided over the Council Meeting and called it to order at 6:00 p.m. with the following Council members present: Struble, Ratliff, Isom, Dillinger and Dinsmore. Also present were City Clerk/Administrator Miller and visitors: Jodi Schwake, Tim Snyder, Mark Mahoney, John Ratliff, Mary Jo Buckley, Zach Olinger, Jeff Gute, John Riley, Scott Hochstein and Dennis Collier.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the agenda for March 19, 2013, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

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

Tim Snyder introduced Jodi Schwake, who is the new PeopleService water operator for Missouri Valley.

Scott Hochstein gave a status report on the splash pad and estimated costs. They propose to do the project in two phases and will begin fundraising efforts soon.

Dennis Collier addressed the Council with the Rialto Theatre Association's need to purchase digital projection equipment because film reels are being done away with in the industry. He stated the Association has the funds for the initial payment, have a grant pending and also an interest-free loan available to cover until grants are received. Because the City owns the building and has a vested interest in the theatre, Mr. Collier requested to use the tax exempt status of the City to save costs in purchasing the equipment.

Moved by Council member Struble to approve the request to use the City's tax exemption for purchase of the digital projection equipment, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

Moved by Council member Dillinger to approve the 3rd 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", seconded by Council member Dinsmore. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #494 passed and adopted upon publication.

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

City Clerk/Administrator Miller informed Council she and the Public Works Director recommended promoting Zach Olinger to the Park Supervisor position and to advertise for someone to replace him in the Street Department. Moved by Council member Dinsmore to hire Zachary Olinger as Park Maintenance Supervisor effective April 8, 2013, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve Resolution 13-05, "Resolution Setting Wage", seconded by Council member Dillinger. Motion carried on a 5-0 vote.

RESOLUTION 13-05

RESOLUTION SETTING WAGE

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

The following employee shall be paid the wage and salary indicated and the City Clerk is authorized to issue checks, less legally required or authorized deductions from the amount set out below, bi-weekly, and to make such contributions to IPERS and social security or other purposes as required by law or authorization of the Council, all subject to audit and review by the Council:

<u>Position</u>	<u>Name</u>	<u>Rate</u>
Park Supervisor	Zachary Olinger	\$17.77

Passed and approved this 19th day of March, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

Moved by Council member Struble to approve the Mayor's appointment of Kim Crummer and Jim Hoyt to the Low Rent Housing Board, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Council member Dinsmore informed Council he had received a complaint about pallets being stacked in the alley behind a business at 5th & Erie. City Clerk/Administrator Miller will contact the business owner.

City Clerk/Administrator Miller informed Council that the new Park Supervisor felt the mowing abatements could be handled in-house rather than contracted out. Council consensus was to try it and if it didn't work out, then advertise.

City Clerk/Administrator Miller stated she had received an inquiry from the City Attorney that he has had several requests from speeders to be allowed to take a STOP class. He is inquiring whether the Council wants to allow it. Following discussion, Council consensus was to allow the City Attorney to give that option to speeders.

City Clerk/Administrator Miller informed Council the Building Committee wants to put out a survey to the citizens. They would put out paper surveys and also on-line through Survey Monkey.com. Following discussion, Council requested she put a news release in the newspaper rather than publishing the form and use the 'basic' plan for the on-line survey, which is free. Paper copies will be available at City Hall, the Library and the Rand Center.

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

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator