

CITY COUNCIL MEETING
RAND CENTER
MARCH 5, 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: Isom, Dillinger, Dinsmore & Ratliff. Council member Struble was absent. Also present were City Clerk/Administrator Miller and visitors: John Riley and Mark Mahoney.

The Pledge of Allegiance was recited.

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

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

Moved by Council member Ratliff to approve the 3rd 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 Dinsmore. Motion carried on a 4-0 vote. Mayor Sargent declared Ordinance #493 passed and adopted upon publication.

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 Section 106.07 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof: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

Moved by Council member Dinsmore to approve the 2nd 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 Dillinger. Motion carried on a 4-0 vote.

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

John Danos, Attorney with the Dorsey Whitney Law Firm, addressed the Council regarding financing of city facilities. If Council wants to use G.O. debt, they could do a reverse referendum if the amount borrowed is less than \$400,000. If the amount is over the \$400,000, the City would need to do a full referendum. The exception would be if the facility was designated an urban renewal project (either economic development or slum/blighted) then the reverse referendum process could be used regardless of the cost of the project. Other financing options would be to use local option sales tax if fire protection or city facilities had been listed as

uses on the ballot. The City's did not. It could also be bonded through TIF if the facility was located in a TIF district that had sufficient tax flow. In his opinion, the City's current TIF districts do not generate enough revenue to support a TIF bond. Council felt the City Hall project financing would come from debt service levy and the Fire Station a combination of grants, donation and debt service. Mr. Danos explained the findings necessary to declare an urban renewal area.

City Clerk/Administrator Miller presented proposals for televising the Sunnyside Village sewer mains as follows: Utilities Service Group \$7,350.25 plus \$225/hr for any special cleaning; EYETECH Sewer & Storm Drain Inspections \$5,526.50 plus \$225/hr for any special cleaning. OPCE had recommended Council accept the low bid from EYETECH. Moved by Council member Dillinger to approve the bid from EYETECH Sewer & Storm Drain Inspections to televise the sewer lines, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Council reviewed the Investment Policy as presented. Moved by Council member Dillinger to approve Resolution 13-04, "Resolution Approving Investment Policy", seconded by Council member Isom. Motion carried on a 4-0 vote.

RESOLUTION 13-04

"RESOLUTION APPROVING INVESTMENT POLICY"

WHEREAS, the City of Missouri Valley wishes to set out its' guidelines for investment of public funds, pursuant to Iowa Code Chapter 12; and

WHEREAS, the City Clerk has been designated as City Treasurer pursuant to Missouri Valley Code of Ordinances Chapter 19.01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, that the attached '**City of Missouri Valley Investment Policy**' is approved and the investment procedures set forth in the policy be implemented by the City Clerk.

Passed and adopted this ____ day of _____, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

Moved by Council member Dinsmore to hire Lyndsey Greuniesen as Pool Manager at \$11.00/hr, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Dinsmore to authorize the mayor to sign a 3-year contract with Ms. Greuniesen as Pool Manager, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Council discussed the pool season and staff wages. Following discussion, moved by Council member Dillinger to open the pool Memorial weekend and close August 18th; wages approved as proposed, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Mayor Sargent informed Council of the response received by Congressman King from the Army Corps of Engineers pushing forward the study requested by the Tri-County Willow Creek Watershed Committee.

Moved by Council member Dinsmore to adjourn, seconded by Council member Dillinger. Motion carried on a 4-0 vote. Meeting adjourned at 6:55 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator