

CITY COUNCIL MEETING
RAND CENTER
AUGUST 20, 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: Ratliff, Wentworth, Isom, Dillinger. Council member Struble was absent. Also present were City Clerk/Administrator Miller and visitors: Ada Isom, Dolores Ring, Judy Holcombe, Debbie Straight, John Straight, Dave Scott, Brent Saron, Roger Gunderson, Mark Mahoney and John Riley.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the agenda for August 20th as presented, seconded by Council member Isom. Motion carried on a 4-0 vote.

Moved by Council member Wentworth to approve the consent agenda with the amended Claims List, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

During citizens' inquires, questions were asked regarding use of hotel/motel tax revenue and patrolling illegal use of handicapped parking. Members of the Fair Board expressed concerns about restricting parking on streets in Willow Park and asked Council to consider making an exception during Fair Week.

Following discussion, moved by Council member Isom to approve the 2nd reading of Ordinance #496, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, Chapter 69, Section 8, "No Parking Zones", By Adding Additional No Parking Zones". Motion died for lack of a second.

City Clerk/Administrator Miller reported the storm sewer work has begun on the Ontario Street project. There will be a change order increasing the tube size to 30".

Moved by Council member Dillinger to approve the proposal from GPM for the solar flow meter at the lagoon, seconded by Council member Wentworth. Motion carried on a 4-0 vote. The PeopleService equipment maintenance refund will be applied to this purchase.

Moved by Council member Wentworth to approve the proposal from Bert Gurney & Associates to rebuild the backwash pump, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Wentworth to proceed with condemnation proceedings of the house at 587 N 1st Street, seconded by Council member Isom. Motion carried on a 4-0 vote.

Roger Gunderson addressed the Council requesting they consider the election of council members by ward rather than all 'at large' positions. It was explained the primary reason for switching to 'at large' was due to the difficulty in getting citizens to run for office. If candidates

were limited by where they live, it would become even more difficult. Council took no action to initiate a change in the method of election.

Moved by Council member Ratliff to approve the Missouri Valley Fire Association's car show in the park on October 6th, seconded by Council member Isom. Motion carried on a 4-0 vote.

Moved by Council member Wentworth to approve the 1st reading of Ordinance #497, "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To Water Service Charges", seconded by Council member Isom. Motion carried on a 4-0 vote.

ORDINANCE #497

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO WATER SERVICE CHARGES

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

SECTION 1. SECTION MODIFIED. Section 92.07 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

92.07 Lien Exemption. The lien for nonpayment shall not apply to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

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 City 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 the 1st reading of Ordinance #498, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa, By Adding Provisions Pertaining To Removal Of An Officer’s Communication Or Control Device”, seconded by Council member Wentworth. Motion carried on a 4-0 vote.

ORDINANCE #498

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY ADDING PROVISIONS PERTAINING TO REMOVAL OF AN OFFICER’S COMMUNICATION OR CONTROL DEVICE

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

SECTION 1. SECTION ADDED. The Code of Ordinances of the City of Missouri Valley, Iowa, is amended by adding a new Section 41.13, entitled REMOVAL OF AN OFFICER’S COMMUNICATION OR CONTROL DEVICE, which is hereby adopted to read as follows:

41.13 Removal Of An Officer’s Communication Or Control Device. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

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.

