

CITY COUNCIL MEETING
RAND CENTER
SEPTEMBER 3, 2013
6:00 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Dillinger, Ratliff, Wentworth, Isom, Struble. Also present were City Clerk/Administrator Miller, Chief Murray and visitors: John Riley and Mark Mahoney.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the agenda for September 3, 2013, seconded by Council member Wentworth. Motion carried on a 5-0 vote.

Moved by Council member Wentworth to approve the consent agenda, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Wentworth to approve the 2nd 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 Struble. Motion carried on a 5-0 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 Section 92.07 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof: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 Struble to approve the 2nd 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 Dillinger. Motion carried on a 5-0 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.

Council member Struble asked about vehicles parking on city right-of-way on 1st Street. Mayor reported he and Chief Murray had looked at the situation and found quite a few areas have been rocked or concreted for parking. He suggested Council consider how they want to proceed. Council member Struble also brought to Council's attention the siren on City Hall cannot be heard all over town in an emergency and he felt additional sirens should be located around town. Council member Wentworth suggested that be coordinated with the County because they are close to instituting a 911 call back system. City Clerk/Administrator Miller will check with Emergency Manager Larry Oliver to see where they are at in the process and sirens will be considered during budget planning.

City Clerk/Administrator Miller gave a status report on the Ontario Street project.

Moved to adjourn by Council member Struble, seconded by Council member Dillinger. Motion carried on a 5-0 vote. Meeting adjourned at 6:40 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator