

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
MISSOURI VALLEY PUBLIC LIBRARY
TUESDAY, DECEMBER 17, 2019
6:00 P.M.**

Mayor Kelly presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Pfouts, Struble, Stueve, and Tiffey. Absent: Gunderson. Also present: Jim Olmsted, John McCurdy, Linda Dooley, Ken Dooley, Sr., Jeannie Wortman, Connie McLaughlin, Milinda Coddington, Linda Coddington, Bonnie Davis, Vonda Ford, Amy Ford, Ray Winans, Bev Winans, Kevin Taylor, Seth Jimmerson, Justin Miller, Eric Ford, Caleb Wohlers, Sally Salter, Melba Struble, Bruce Kocher.

The Pledge of Allegiance was recited.

There were no Council comments or additions. Kelly stated that the Park Board Update needed to be removed from the agenda.

City Clerk Flaherty administered the Oath of Office to Mayor Shawn Kelly. Mayor Kelly administered the Oath of Office to Councilmembers Eric Ford and Ken Dooley, Sr.

Motion by Tiffey, seconded by Struble to approve the agenda for the December 17, 2019 meeting. Motion carried on a 4-0 vote.

Motion by Struble, seconded by Tiffey to approve the following items on the consent agenda: a) Minutes from 12/03/2019 City Council Meeting b) Claims list c) Clerk's Financial Report August and September 2019 d) Approve Mayor's annual appointment of Sherman Struble to the Harrison County Landfill Commission, term expiring 12/31/2019 e) Approve Mayor's appointment of Rich McHugh to the Low Rent Housing Board, term expiring 03/31/2020. Motion carried on a 4-0 vote.

Jeannie Wortman with the Chamber thanked the Mayor for participating in the Tree Lighting ceremony. She thanked outgoing Councilmembers for their service and congratulated incoming Council members. She would like Council to form a committee to enhance Main Street when the sidewalk project is being completed.

John McCurdy with SWIPCO gave an update on the Rental Property Maintenance Program. He stated that there were two public meetings held and a meeting to discuss the process to adopt. Council need to adopt an ordinance and that will establish the program, adopt a resolution setting fees, and approve a contract with SWIPCO. After the program is adopted, property owners will have 90 days to register. McCurdy will update the ordinance, resolution, and contract.

Jim Olmsted gave an update on projects. Signed contracts are being returned to the engineers. Willow Park is the last flood related project. This is a \$2 million dollar project and it includes the street and drainage. The drainage has been submitted to FEMA's mitigation and they are looking at the funding sources. Flaherty stated that she and Kocher have been looking at funding

sources for the Library settlement issues. They believe they have found adequate funding and will confirm with Olmsted. Olmsted would like to look at the street priority list in January.

Christine Leusink with the Siouxland Coalition against Human Trafficking asked Council to approve the Mayor issuing a proclamation at the next Council meeting. Flaherty will put it on the next agenda. She also stated that their group wants to provide the local hotels with training. Council gave their verbal approval for their support.

Motion by Pfouts, seconded by Struble to table the Park Board Update. Motion carried on a 4-0 vote.

Discussion was held on installing a street light at 909 North 1st Street. Kelly has driven by the property multiple times and agrees that the area needs a street light. Motion by Stueve, seconded by Tiffey to install a street light at 909 North 1st Street. Motion carried on a 4-0 vote.

Ordinance #550 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Conflict of Interest. Motion by Tiffey, seconded by Stueve to waive the 2nd and 3rd reading. Motion carried a 4-0 vote. Motion by Struble, seconded by Tiffey to adopt Ordinance #550. Motion carried on a 4-0 vote.

Ordinance #551 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Operating Budget Preparation. Motion by Pfouts, seconded by Stueve to waive the 2nd and 3rd reading. Motion carried a 4-0 vote. Motion by Pfouts, seconded by Tiffey to adopt Ordinance #551. Motion carried on a 4-0 vote.

Ordinance #552 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa, by Amending Provisions Pertaining to Solid Waste Control. Motion by Stueve, seconded by Pfouts to waive the 2nd and 3rd reading. Motion carried a 4-0 vote. Motion by Pfouts, seconded by Stueve to adopt Ordinance #552. Motion carried on a 4-0 vote.

Discussion was held on the purchase of computers. The computers at City Hall, Police Department, and the Water Treatment Plant are outdated. Flaherty received 3 quotes for new computers, a server at City Hall, and emails. Motion by Stueve, seconded by Struble to purchase computers, a server, and emails from Computer Service Innovations. Motion carried on a 4-0 vote.

Discussion was held on the Water Billing Clerk position. Flaherty and Kelly met with People Service about outsourcing the billing and making the position part-time. Staff believes it would be beneficial to keep the full time position. Council would like to keep the position as is and add additional duties.

Discussion was held on online billing and accepting credit cards. Flaherty stated that there would be additional costs to the City, set up fees and annual fees. She also stated that the City would be required to purchase a credit card reader and there would be charges to the customers to use credit cards. Motion by Stueve, seconded by Pfouts to accept credit card payments. Roll call: Ayes: Stueve, Pfouts Nays: Struble, Tiffey. Motion failed on a 2-2 vote.

Flaherty thanked the outgoing Councilmembers for their service.

Kelly wished everyone a Merry Christmas and encouraged everyone to go on the Holiday Lights Tour.

Motion by Struble, seconded by Tiffey to enter into closed session at 7:03 p.m. per IA Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation. Roll call: Ayes: Struble, Tiffey, Stueve Nays: Pfouts Motion carried on a 3-1 vote.

Motion by Pfouts, seconded by Stueve to return to open session at 7:10 p.m. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Stueve to allow Chief Murray to carry over 101 hours of vacation. Motion carried on a 4-0 vote.

Motion by Pfouts, seconded by Struble to adjourn at 7:12 p.m. Motion carried on a 4-0 vote.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

ORDINANCE #550

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO CONFLICT OF INTEREST

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SUBSECTIONS MODIFIED. Subsections 10, 11 and 12 of Section 5.07 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.

(Code of Iowa, Sec. 362.5[3j])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[3k])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

(Code of Iowa, Sec. 362.5[31])

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 17th day of December, 2019, and approved this 17th day of December, 2019.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

ORDINANCE #551

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO OPERATING BUDGET PREPARATION

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SECTION MODIFIED. Section 7.05 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

A. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

B. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

(1) The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(2) The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(4) If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase.

Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection.

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

D. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16[3])

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

(Code of Iowa, Sec. 384.16[5])

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 17th day of December, 2019, and approved this 17th day of December, 2019.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

ORDINANCE #552

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE CONTROL

Be It Enacted by the City Council of the City of Missouri Valley, Iowa:

SECTION 1. SUBSECTIONS MODIFIED. Subsections 13 and 14 of Section 105.02 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department

of Natural Resources. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.
- F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.
- G. Post-use polymers or recoverable feedstocks that are any of the following:
 - (1) Processed at a pyrolysis or gasification facility.
 - (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

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 17th day of December, 2019, and approved this 17th day of December, 2019.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk