

Regular meeting of the City Council was held Tuesday, August 10, 2021, at 7:00 p.m., at City Hall with Mayor Campbell presiding. Mayor Campbell called the meeting to order with the following Councilmembers present: Warner, Blatchford, Weber, Christensen, Skarin, Collison. Absent: None.

Move by Skarin second by Christensen to approve consent agenda: (a) approve minutes of the last regular meeting as sent to the council; (b) pay bills as approved by the finance committee. Ayes: Unanimous. Nays: None. Motion carried.

<b>Paid Bills</b>		
Payroll	7/15/21	76,661.54
Adergy, Inc.	music service	32.95
Am. Septic	septic tank-lec	175.00
Bomgaars	supplies-lib	604.40
Canon	copier contract-ch/pd	231.84
City of Onawa	petty cash	46.18
Onawa Emp Flex Acct	MERP	295.98
Electric Pump	check valve replacement	3,697.78
G and GR	property cleanup	475.00
Hydro Optimization	HOA solutions	2,719.68
Iowa One Call	locates	72.00
Lawson Products	blade set	179.20
Loffler	copier contract-ch/shop	199.08
Orkin	spraying	305.00
Overhead Door	photocell	661.00
PeopleService	monthly service	49,322.00
Resco	supplies	5,785.56
Siouxland District Health	bacteriological	42.00
Sooland Bobcat	supplies	2,063.18
Steve's Window	window cleaning-cc	15.00
Sundquist	professional services	950.00
Glen Coble	nipco rebate	300.00
US Bank	analysis fees	655.95
Black Hills Energy	gas	256.29
Brown Supply Co.	parts	3,600.00
John Deere Financial	tires	956.80
Max I. Walker	uniforms	911.48
Northside Shop	professional services	180.00
Pitt Tree Service	tree removal	4,500.00
United Rentals	deductible	500.00
Zimco Supply	mojave	610.00
Payroll	7/30/21	78,032.92
Productivity Plus	parts	101.02
Bill's Water Conditioning	water	20.60
Onawa Emp Flex Acct	MERP	576.10

Kyle Cuka	reimb.-coffee	17.00
Display Sales	flags	131.00
Electric Pump	lift stations repairs	91,200.00
Mindy Holverson	reimb.-mileage/hotel/food	469.70
Jake Huff	reimb.-food IAMU workshop	74.72
IA Dept. of Revenue	sales tax	2,924.00
IA State University	workshop	175.00
JEO Consulting	professional services	4,947.50
Sara Keenan	reimb.-lessons	45.00
Lee Kirkpatrick Jr.	reimb.-clothing allowance	361.31
Med Compass	physicals-fd	3,550.00
Menards	supplies	403.80
Northern Lights	pool-concessions	788.43
Orkin	spraying	370.00
Veenstra & Kimm	professional services	2,107.64
Dwight Miller	nipco rebate	25.00
Sioux City Yamaha	UTV-fd	17,100.00

#### **Bills**

Albers Excavating	trucking	1,442.63
Am. Septic	water/sewer repairs	1,530.00
Al's Corner Oil	fuel	676.48
Analytical & Consulting	cBOD5	862.86
Aqua-Chem	supplies-pool	879.00
Base	hra monthly	108.00
John Casady	vehicle allowance	500.00
Carrier Container	garbage fees	17,898.10
Casey's General Store	fuel	1,889.39
Century Link	auto dialer	52.27
Allen Christensen	cleaning contract	250.00
City of Onawa	utilities/utility deposits	8,932.95
Crary Huff Law	professional services	6,103.50
Cubby's II	fuel	225.49
Delta Dental	retiree insurance	77.72
Electrical, Eng., Equip.	supplies	640.96
Fiesta Foods	supplies	8.49
WIMECA	power bill	210,943.12
Hydraulic Sales	repairs	111.92
Int'l Inst. Muni. Clerks	annual membership	290.00
Interstate Battery	supplies	93.95
IAMU	SGWC July-Sept. 2021	2,449.40
IA Dept of Rev.	sales tax	4,000.00
IA DNR	NPDES permit	210.00
IMWCA	work comp. premium	2,316.00
Jack's Uniforms	uniforms-pd	299.90
Eakes	supplies-cc	210.80

Jerry Johnson	kennel attendance	225.00
Long Lines	phone/internet/cable	1,715.89
Mo. Co. Sheriff	coverage cost	7,800.00
Onawa Democrat	notices/ads	1,338.91
Onawa Sentinel	ads/supplies	120.00
O'Reilly's	parts	100.05
Pickell Handyman	repairs-el office	577.63
Postmaster	postage	1,000.00
Rasmussen Lumber	supplies	81.00
Ryan Publishing	ad-ceme	57.23
Simmering-Cory	codifications	561.00
Siouxland District Health	bacteriological	42.00
Stuart C. Irby	supplies	1,964.00
State Hygienic Lab	testing	130.00
US Bank	safe deposit box	101.70
Visa	supplies, meals	1,023.30
Wellmark	retiree insurance	1,622.98
Wesco	electric material/supplies	624.00
Lisa Crawford	cleaning contract-cc	400.00
Rachel Newton	utility dep. refund	122.56
Total Expenses:		643,035.81
Total Revenues:		625,750.19

Move by Weber second by Christensen to approve Mayor's signature on agreement with Veenstra & Kimm, Inc. for professional engineering services – 4 to 3 lane conversion on Iowa Avenue. Ayes: Unanimous. Nays: None. Motion carried.

## **ORDINANCE NO. 508**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ONAWA, IOWA, BY AMENDING PROVISIONS PERTAINING TO ELECTIONS**

Be It Enacted by the City Council of the City of Onawa, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 6.02 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

**6.02 NOMINATIONS BY PETITION.** Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than 25 eligible electors, residents of the City.

*(Code of Iowa, Sec. 45.1)*

**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.

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Councilperson Skarin introduced, caused to be read and moved the adoption of the foregoing ordinance.

Councilperson Collison seconded the motion to adopt the ordinance and moved that the Council dispense with the requirement that the ordinance be fully read on three different days.

The Mayor then put the question on the motion to dispense with the three readings and, upon the roll being called, the vote was:

Ayes: Weber, Christensen, Skarin, Collison, Warner, Blatchford.

Nays: None

The foregoing motion having passed by three-fourths votes on the Council, the Mayor then put the question on the adoption and enactment of the foregoing ordinance and upon the roll being called, the vote was:

Ayes: Christensen, Skarin, Collison, Warner, Blatchford, Weber.

Nays: None

**WHEREUPON**, the Mayor declared the foregoing ordinance duly enacted on August 10, 2021.

/s/Lonnie L. Campbell, Mayor

ATTEST:/s/ Elaine D. Miller, City Clerk

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I certify that the foregoing was published as Ordinance No. 508 on the 18<sup>th</sup> day of August, 2021.

/s/Elaine D. Miller, City Clerk

**ORDINANCE NO. 509**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ONAWA, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**

Be It Enacted by the City Council of the City of Onawa, Iowa:

**SECTION 1. SUBSECTION ADDED.** Section 122.17 of the Code of Ordinances of the City of Onawa, Iowa, is amended by adding a new subsection which is hereby adopted to read as follows:

7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

*(Code of Iowa, Sec. 364.3[13])*

**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.

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Councilperson Weber introduced, caused to be read and moved the adoption of the foregoing ordinance.

Councilperson Warner seconded the motion to adopt the ordinance and moved that the Council dispense with the requirement that the ordinance be fully read on three different days.

The Mayor then put the question on the motion to dispense with the three readings and, upon the roll being called, the vote was:

Ayes: Skarin, Collison, Warner, Blatchford, Weber, Christensen

Nays: None

The foregoing motion having passed by three-fourths votes on the Council, the Mayor then put the question on the adoption and enactment of the foregoing ordinance and upon the roll being called, the vote was:

Ayes: Collison, Warner, Blatchford, Weber, Christensen, Skarin

Nays: None

**WHEREUPON**, the Mayor declared the foregoing ordinance duly enacted on August 10, 2021.

/s/Lonnie L. Campbell, Mayor

ATTEST:/s/Elaine D. Miller, City Clerk

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I certify that the foregoing was published as Ordinance No. 509 on the 18<sup>th</sup> day of August, 2021.

/s/Elaine D. Miller, City Clerk

### **ORDINANCE NO. 510**

#### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ONAWA, IOWA, BY AMENDING PROVISIONS PERTAINING TO ABANDONED VEHICLES**

Be It Enacted by the City Council of the City of Onawa, Iowa:

**SECTION 1. SECTIONS MODIFIED.** Sections 80.03 and 80.04 of the Code of Ordinances of the City of Onawa, Iowa, are repealed and the following adopted in lieu thereof:

#### **80.03 NOTICE BY MAIL.**

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
  - A. A description of the year, make, model, and vehicle identification number of the vehicle.
  - B. The location of the facility where the vehicle is being held.
  - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.

D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.

E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.

4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

*(Code of Iowa, Sec. 321.89[3])*

**80.04 RECLAMATION OF ABANDONED VEHICLES.** Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle on behalf of a person who received notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.89[3a])*

**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.

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Councilperson Skarin introduced, caused to be read and moved the adoption of the foregoing ordinance.

Councilperson Christensen seconded the motion to adopt the ordinance and moved that the Council dispense with the requirement that the ordinance be fully read on three different days.

The Mayor then put the question on the motion to dispense with the three readings and, upon the roll being called, the vote was:

Ayes: Warner, Blatchford, Weber, Christensen, Skarin.

Nays: Collison

The foregoing motion having passed by three-fourths votes on the Council, the Mayor then put the question on the adoption and enactment of the foregoing ordinance and upon the roll being called, the vote was:

Ayes: Blatchford, Weber, Christensen, Skarin, Warner.

Nays: Collison

**WHEREUPON**, the Mayor declared the foregoing ordinance duly enacted on August 10, 2021.

/s/Lonnie L. Campbell, Mayor

ATTEST:/s/Elaine D. Miller, City Clerk

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I certify that the foregoing was published as Ordinance No. 510 on the 18<sup>th</sup> day of August, 2021.

/s/Elaine D. Miller, City Clerk

**ORDINANCE NO. 511**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ONAWA, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALCOHOLIC BEVERAGE CONTROL**

Be It Enacted by the City Council of the City of Onawa, Iowa:

**SECTION 1. SUBSECTION MODIFIED.** Subsection 2 of Section 120.05 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 6:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a Class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 6:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

*(Code of Iowa, Sec. 123.49[2b] and 123.150)*

**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.

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Councilperson Collison introduced, caused to be read and moved the adoption of the foregoing ordinance.

Councilperson Warner seconded the motion to adopt the ordinance and moved that the Council dispense with the requirement that the ordinance be fully read on three different days.

The Mayor then put the question on the motion to dispense with the three readings and, upon the roll being called, the vote was:

Ayes: Weber, Christensen, Skarin, Collison, Warner, Blatchford.

Nays: None.

The foregoing motion having passed by three-fourths votes on the Council, the Mayor then put the question on the adoption and enactment of the foregoing ordinance and upon the roll being called, the vote was:

Ayes: Christensen, Skarin, Collison, Warner, Blatchford, Weber

Nays: None

**WHEREUPON**, the Mayor declared the foregoing ordinance duly enacted on August 10, 2021.

/s/Lonnie L. Campbell, Mayor

ATTEST:/s/Elaine D. Miller, City Clerk

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I certify that the foregoing was published as Ordinance No. 511 on the 18<sup>th</sup> day of August, 2021.

/s/Elaine D. Miller, City Clerk

Move by Blatchford second by Warner to adjourn at 7:10 p.m. Ayes: Unanimous. Nays: None. Motion carried.

/s/Lonnie L. Campbell, Mayor

ATTEST:/s/Elaine D. Miller, City Clerk