

**Hartley City Council Meeting
Regular Session
November 14, 2016**

The regular meeting of the Hartley City Council was held Monday November 14, 2016 at 5:15 p.m. in the Hartley City Hall. Mayor John Lyman presided and called the meeting to order at 5:16 p.m. City Council Members present were: Jerry Olson, Ron Hengeveld, Roxann Swanson, Mary Westphalen and Val Moermond. Others present: Patty Anderson, Terry Hilbert, Jordan Kerr, Nick Pedley, Liz Norgaard, Marilyn Tesch, Barb LaCoure, Cloy Alberts, Dale Barnes, Mary Barnes and Rita Lyman.

Hengeveld moved to approve the agenda. Seconded by Swanson. Roll Call: Ayes. Hengeveld, Swanson, Westphalen, Moermond and Olson. Nays. None. Motion carried 5-0.

Olson moved to approve the consent agenda. Seconded by Westphalen. Roll Call: Ayes. Swanson, Westphalen, Moermond, Olson and Hengeveld. Nays. None. Motion carried 5-0.

Les Zearing asked the Council to consider allowing ATV's on city roads. It was a consensus of the Council to review ATV ordinances.

Bids for lease of the City Farm Land (old airport land) were opened. Four bids were received with a per acre price, they are: Joshua Rieck \$301.13, Kelley Peters \$301.00, Michael Scharenberg \$272.00 and Wyatt Albert \$251.00.

Moermond moved to approve Joshua Rieck's bid of \$301.13 per acre to lease the City farm land (old airport land). Seconded by Swanson. Roll Call: Ayes. Westphalen, Moermond, Olson, Hengeveld and Swanson. Nays. None. Motion Carried 5-0.

Westphalen moved to approve Grundman Hicks, LLC Pay Request No. 1 \$6,650.00 for Waste Water Mixer Replacement Project. Seconded by Olson. Roll Call: Ayes. Moermond, Olson, Hengeveld, Swanson and Westphalen. Nays. None. Motion Carried 5-0.

Swanson moved to approve Hulstein Excavating Pay Request No. 1 \$165,920.87 for South Central Water Main Replacement Project. Seconded by Hengeveld. Roll Call: Ayes. Olson, Hengeveld, Swanson, Westphalen and Moermond. Nays. None. Motion Carried 5-0.

Patty Anderson informed employee Wellmark Blue Cross Blue Shield health insurance rates are increasing 8.66% and life insurance rates with Dearborn National are not increasing. The City Insurance Committee met and reviewed the rates.

Westphalen moved to approve Resolution No. 2016-47, "A RESOLUTION APPROVING EMPLOYEE HEALTH AND LIFE INSURANCE RATES". Seconded by Moermond. Roll Call: Ayes. Olson, Hengeveld, Swanson, Westphalen and Moermond. Nays. None. Motion Carried 5-0.

Patty Anderson informed each year the City files an Annual Financial Report of the City's financial activities. This report is due December 1, 2016 for fiscal year ending June 30, 2016.

Hengeveld moved to approve Resolution No. 2016-48, "A RESOLUTION APPROVING ANNUAL FINANCIAL REPORT FOR FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016". Seconded by Westphalen. Roll Call: Ayes. Hengeveld, Swanson, Westphalen, Moermond and Olson. Nays. None. Motion Carried 5-0.

Moermond moved to approve Resolution No. 2016-49, "A RESOLUTION TO APPROVE CORRECTION TO RESOLUTION 2016-34". Seconded by Hengeveld. Roll Call: Ayes. Swanson, Westphalen, Moermond, Olson and Hengeveld. Nays. None. Motion Carried. 5-0.

Mayor Lyman informed Jordan Kerr would like to be paid for his 2016 vacation time since he hasn't been able to use it from being the only officer for most of the year.

Olson moved to approve Resolution No. 2016-50, "A RESOLUTION APPROVING PAYING EMPLOYEE FOR VACATION TIME". Seconded by Swanson. Roll Call: Ayes. Westphalen, Moermond, Olson, Hengeveld and Swanson. Nays. None. Motion Carried 5-0.

Mayor Lyman informed Jordan Kerr, Interim Police Chief, reviewed the Police Department Rules and Regulations and recommended some changes and added Section 9 Wellness Program.

Swanson moved to approve Resolution No. 2016-51, "A RESOLUTION APPROVING POLICE DEPARTMENT RULES AND REGULATIONS". Seconded by Hengeveld. Roll Call: Ayes. Moermond, Olson, Hengeveld, Swanson and Westphalen. Nays. None. Motion Carried 5-0.

Swanson moved to approve Resolution No. 2016-52, "A RESOLUTION APPROVING URBAN RENEWAL REPORT FOR FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016". Seconded by Olson. Roll Call: Ayes. Olson, Hengeveld, Swanson, Westphalen and Moermond. Nays. None. Motion Carried 5-0.

Westphalen moved to approve O'Brien County Tax Increment Finance Indebtedness Certification. Seconded by Moermond. Roll Call: Ayes. Hengeveld, Swanson, Westphalen, Moermond and Olson. Nays. None. Motion Carried 5-0.

Moermond moved to approve First Reading of Ordinance No. 342, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO LITTER". Seconded by Hengeveld. Roll Call: Ayes. Swanson, Westphalen, Moermond, Olson and Hengeveld. Nays. None. Motion Carried 5-0.

Hengeveld moved to approve to Waive Second and Third Readings of Ordinance No. 342, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO LITTER". Seconded by Olson. Roll Call: Ayes. Westphalen, Moermond, Olson, Hengeveld and Swanson. Nays. None. Motion Carried 5-0.

Moermond moved for Final Approval of Ordinance No. 342, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO LITTER". Seconded by Swanson. Roll Call: Ayes. Moermond, Olson, Hengeveld, Swanson and Westphalen. Nays. None. Motion Carried 5-0.

ORDINANCE NO. 342

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO LITTER

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

SECTION 1. SUBSECTION MODIFIED. Subsection 6 of Section 105.02 of the Code of Ordinances of the City of Hartley, Iowa, is repealed and the following adopted in lieu thereof:

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes. (*Code of Iowa, Sec. 455B.361[2]*)

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.

Hengeveld moved to approve First Reading of Ordinance No. 343, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS". Seconded by Westphalen. Roll Call: Ayes. Olson, Hengeveld, Swanson, Westphalen and Moermond. Nays. None. Motion Carried 5-0.

Moermond moved to approve to waive Second and Third Readings of Ordinance No. 343, “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS”. Seconded by Olson. Roll Call: Ayes. Hengeveld, Swanson, Westphalen, Moermond and Olson. Nays. None. Motion Carried 5-0.

Swanson moved for Final Approval of Ordinance No. 343, “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS”. Seconded by Westphalen. Roll Call: Ayes. Swanson, Westphalen, Moermond, Olson and Hengeveld. Nays. None. Motion Carried 5-0.

ORDINANCE NO. 343

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICIAL ACTS

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

SECTION 1. SECTION MODIFIED. Section 41.06 of the Code of Ordinances of the City of Hartley, Iowa, is repealed and the following adopted in lieu thereof:

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms “resist” and “obstruct” as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

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.

Westphalen moved to approve First Reading of Ordinance No. 344, “AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY ADDING A NEW SUBSECTION PERTAINING TO LIEN EXEMPTION”. Seconded by Hengeveld. Roll Call: Ayes. Westphalen, Moermond, Olson, Hengeveld and Swanson. None. Motion Carried 5-0.

Moermond moved to approve to waive Second and Third Readings of Ordinance No. 344, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY ADDING A NEW SUBSECTION PERTAINING TO LIEN EXEMPTION”. Seconded by Swanson. Roll Call: Ayes. Moermond, Olson, Hengeveld, Swanson and Westphalen. None. Motion Carried 5-0.

Swanson moved for Final Approval of Ordinance No. 344, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY ADDING A NEW SUBSECTION PERTAINING TO LIEN EXEMPTION”. Seconded by Olson. Roll Call: Ayes. Olson, Hengeveld, Swanson, Westphalen and Moermond. None. Motion Carried 5-0.

ORDINANCE NO. 344

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTLEY, IOWA, BY ADDING A NEW SUBSECTION PERTAINING TO LIEN EXEMPTION

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

SECTION 1. NEW SUBSECTION. The Code of Ordinances of the City of Hartley, Iowa, is amended by adding a new Subsection 4 to Section 92.07, LIEN EXEMPTION, which is hereby adopted to read as follows:

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

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.

Terry Hilbert informed two bids were received to replace the two City Hall front doors and make them ADA accessible, one from Valley Glass \$7,725 and from Northwest Glass Company \$8,649.

Moermond moved to approve Valley Glass Bid Proposal of \$7,725 for Replacement of City Hall Doors. Seconded by Westphalen. Roll Call: Ayes. Hengeveld, Swanson, Westphalen, Moermond and Olson. Nays. None. Motion Carried 5-0.

Mayor Lyman informed he sent a letter to a property in the north east section of the City. They made improvements in cleaning up their property and it was a consensus of the Council not to pursue it anymore. He informed that property on Maple Drive was no longer occupied and he wants to consult with the City Attorney on this property. He also has another property he's working on and asked the property owner to clean-up before tonight. They haven't cleaned up therefore he would like to send a letter giving fifteen days to clean-up the property and five days to request a hearing before the Council. It was a consensus of the Council to proceed with both.

Val Moermond informed she acquired cost estimates of \$1,550 to \$2,000 for Automated External Defibrillators. They are user friendly and could be installed in different locations including City Hall.

Mary Westphalen informed the Swimming Pool Task Force Committee will hold their first meeting Monday, November 28th at City Hall.

Terry Hilbert thanked CFE, residents and businesses for their patience while the South Central Water Main Project was being implemented.

Patty Anderson informed that the owner of a lot at 210 N. 7th Avenue asked to give it to the City. It was a consensus of the Council to contact the City Attorney regarding acquiring the lot after researching if there are any liens against the property. Patty informed that the City's Holiday Open House will be December 8th from 2:00 to 6:00 p.m.

Westphalen moved to adjourn the meeting at 6:27 p.m. Seconded by Moermond. Roll Call: Ayes. Westphalen, Moermond, Olson, Hengeveld and Swanson. Nays. None. Motion Carried 5-0.

John Lyman, Mayor

ATTEST:

Patty Anderson, City Clerk/Administrator