Prior to the regular meeting a budget workshop was held at 6:00pm.

Regular Meeting

Monday December 6th, 2021

7:00PM, City Hall

The regular meeting of the Donnellson City Council was called to order by Mayor D. Ellingboe, with Council Members Weber, Marshall, Moeller & Schneider present, Estrada was absent.

Motion by Marshall, second by Weber to approve the agenda: all ayes.

Citizen comments - None

Motion by Weber, second by Moeller to approve the minutes of the November ‘21 meetings: all ayes.

Motion by Weber, second by Marshall to approve the November ’21 financial reports: all ayes.

Motion by Schneider, second by Weber to approve the November ‘21 disbursements and December ’21 bills to be allowed: all ayes.

Motion by Weber, second by Marshall to approve sidewalk grant for John & Christina Carroll 702 N Main St: all ayes.

Motion by Moeller, second by Weber to approve the tax abatement application for Dennis Hammer 702 Pershing Ave for new storage garage: all ayes.

Motion by Schneider, second by Moeller to approve building permit for Nadine Allen 814 State St to construct single car garage: all ayes.

Motion by Moeller, second by Marshall to approve building permit for Stephen Hohl 803 Pine St to enclosed porch: all ayes.

Motion by Marshall, second by Weber to approve hosting Tunnel to Towers 5K Run/Walk on July 4th: all ayes.

Public Hearing to Amend FY22 Budget – no written or oral comments.

Motion by Moeller, second by Schneider to approve Resolution No 2021-21 A Resolution approving Budget Amendment #1 for FY22: RCV all ayes.

Public Hearing to Amend the Code of Ordinances with legislative changes – no written or oral comments.

Motion by Moeller, second by Marshall to approve the First Reading of Ordinance No 186, An ordinance amending the Code of Ordinances of the City of Donnellson, Iowa, by amending provisions pertaining to disorderly conduct: RCV all ayes.

**ORDINANCE NO. 186**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DONNELLSON, IOWA, BY AMENDING PROVISIONS PERTAINING TO DISORDERLY CONDUCT**.

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

**SECTION 1. SECTION MODIFIED.** Section 40.03(2) of the Code of Ordinances of the City of Donnellson, Iowa, is repealed and the following adopted in lieu thereof:

40.03 DISORDERLY CONDUCT.  No person shall do any of the following:

**2.** Noise. Make loud and raucous noise in the vicinity of any residence or public building which intentionally or recklessly causes unreasonable distress to the occupants thereof.

(Code of Iowa, Sec. 723.4[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.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Motion by Moeller, second by Weber to waive the second and third readings of Ordinance No 186: RCV all ayes. Passed and approved by the council on the 6th day of December, 2021.

Motion by Marshall, second by Schneider to approve the First Reading of Ordinance No 187, An ordinance amending the Code of Ordinances of the City of Donnellson, Iowa, by amending provisions pertaining to liquor licenses: RCV all ayes.

**ORDINANCE NO. 187**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DONNELLSON, IOWA, BY AMENDING PROVISIONS PERTAINING TO LIQUOR LICENSES**.

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

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

120.05 PROHIBITED SALES AND ACTS. A person holding a liquor license or retail wine or beer permit and the person’s agents or employees shall not do any of the following:

**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] & 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.

Motion by Weber, second by Schneider to waive the second and third readings of Ordinance No 187: RCV all ayes. Passed and approved by the council on the 6th day of December, 2021.

Motion by Moeller, second by Schneider to approve the First Reading of Ordinance No 188, An ordinance amending the Code of Ordinances of the City of Donnellson, Iowa, by amending provisions pertaining to abandoned vehicles: RCV all ayes.

**ORDINANCE NO. 188**

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

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

**SECTION 1. SECTION MODIFIED.** Section 80.03 of the Code of Ordinances of the City of Donnellson, Iowa, is repealed and the following adopted in lieu thereof:

80.03 NOTICE BY MAIL. 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 twenty 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. Notice shall be deemed given when mailed. The notice shall include all of the following:A description of the year, make, model and vehicle identification number of the vehicle. The location of the facility where the vehicle is being held. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within ten 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 notice required pursuant to this subsection.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. 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. 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. 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. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-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. 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 ten-day reclaiming period.

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

**SECTION 2. SECTION MODIFIED.** Section 80.04 of the Code of Ordinances of the City of Donnellson, Iowa, is repealed and the following adopted in lieu thereof:

80.04 NOTIFICATION IN NEWSPAPER. 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 Section 80.03. 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 this subsection.

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

**SECTION 3. SECTION ADDED.** Chapter 80 of the Code of Ordinances of the City of Donnellson, Iowa, is amended by adding a new Section 80.10 which is hereby adopted to read as follows:

**80.10 RECLAMATION OF ABANDONED VEHICLES.** Prior to driving an abandoned vehicle away from the premises, a person who received or is reclaiming the vehicle on behalf of a person who received notice under subsection 3, shall present to the police authority or private entity, as applicable, the persons valid drivers license and proof of financial liability coverage as provided in section 321.20B of Code of Iowa. *(Code of Iowa, Sec. 321.89)*

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Motion by Schneider, second by Moeller to waive the second and third readings of Ordinance No 188: RCV all ayes. Passed and approved by the council on the 6th day of December, 2021.

Motion by Weber, second by Schneider to approve the First Reading of Ordinance No 189, An ordinance amending the Code of Ordinances of the City of Donnellson, Iowa, by amending provisions pertaining to interference with official acts: RCV all ayes.

**ORDINANCE NO. 189**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DONNELLSON, IOWA, BY AMENDING PROVISIONS PERTAINING TO INTERFERENCE WITH OFFICAL ACTS**.

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

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

41.06 INTERFERENCE WITH OFFICIAL ACTS. A person commits interference with official acts when the person knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[3] of the *Code of Iowa*, in the performance of any act which is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, medical examiner, or firefighter, whether paid or volunteer, or a person performing bailiff duties, or who knowingly resist or obstructs 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. SECTION ADDED.** Chapter 41 of the Code of Ordinances of the City of Donnellson, Iowa, is amended by adding a new Section 41.16 which is hereby adopted to read as follows:

**41.16 FAILURE TO ASSIST.** A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or the other person at risk of serious bodily injury or imminent danger of death. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonable believes that the other person is not in need of help or assistance. A person who violates this section without lawful cause commits the following: 1. A simple misdemeanor if the failure to assist results in the other person suffering serious bodily injury 2. An aggravated misdemeanor if the failure to assist results in the death of the other person.

(Code of Iowa, Sec. 727.12)

**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.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Motion by Marshall, second by Moeller to waive the second and third readings of Ordinance No 189: RCV all ayes. Passed and approved by the council on the 6th day of December, 2021.

Election results: David Newton was elected to replace Kevin Schneider on the council, Schneider opted not to seek reelection.

Motion by Moeller, second by Weber to approve the hiring of Amber Roberts to the position of part time clerk at the hourly rate of $15: all ayes.

Motion by Moeller, second by Marshall to approve the increased cost of $400 to complete the frisbee golf course at Westview Park: all ayes.

Several community members have gotten together and will be reinstating the Donnellson Vision Inc to create a community club to plan activities and projects within the town.

Police Report - There were 52 calls for service in November, 2 traffic stops and 22 building checks.

There being no other business to come before the Council, motion by Moeller, second by Marshall, Mayor Ellingboe declared the meeting adjourned: all ayes.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,Dave Ellingboe, Mayor

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,Rebecca Schau, City Clerk

Summary of All Receipts: General $27,751.21 Capital Equipment Reserve $0 Road Use Tax $7,767.78 Employee Benefit $2,756.73 Local Option Sales Tax $20,630.38 Debit Service $15,417.52 Rathbun $0 ARPA $213.19 Water $20,866.15 Water Sinking USDA $1,816.00 Sewer $27,413.08 Sewer Sinking $30,961.00.

 Summary of All Disbursements: General $28,058.41 Capital Equipment Reserve $0 Road Use Tax -$2,603.89 Employee Benefit $1,367.74 Local Option Sales Tax $9,418.58 Debit Service $7,181.94 Capital Project Fund $0 Rathbun $0 ARPA $5,141.25 Water $14,676.78 Water Sinking $1,816.00 Sewer $42,991.42 Sewer Sinking $30,961.00

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| DONNELLSON TIRE & SERVICE | Labor - Backhoe | 95.00 |
| U S CELLULAR | Cellphone | 105.56 |
| AFLAC | Aflac | 121.14 |
| MASTERCARD | Misc Supplies | 1,163.91 |
| WINDSTREAM | Phone/Internet | 433.19 |
| ALLIANT ENERGY | Electric | 5,488.76 |
| GRRWA | Landfill | 378.00 |
| MCFARLAND SUPPLY | Supplies | 137.86 |
| CITY OF FT MADISON | Testing | 280.00 |
| USA BLUE BOOK | Supplies | 881.35 |
| MID AMERICAN ENERGY | Gas | 166.95 |
| KIRCHNER TRUCKING | Hauling | 290.00 |
| EFTPS | FED/FICA TAXES | 3,269.37 |
| IPERS | IPERS-REGULAR | 2,296.55 |
| TODD HERDRICH | Cellphone Reimbursement | 50.00 |
| REBECCA SCHAU | Bulk Candy | 29.64 |
| DONNELLSON LUMBER CO | Door Opener Remote | 117.36 |
| DAILY DEMOCRAT | PROCEEDINGS | 123.27 |
| PILOT GROVE SAVINGS BANK | General Obligation Interest | 7,181.94 |
| J & S ELECTRONIC BUSINESS | IT Service | 617.58 |
| PANTHER UNIFORMS INC | Police Patches | 247.50 |
| MT. HAMILL ELEVATOR | Roundup | 200.00 |
| HUFFMAN'S FARM AND HOME | Supplies/Shipping | 168.09 |
| CESSFORD CONSTRUCTION CO | Rock | 243.60 |
| IOWA FINANCE AUTHORITY | SRF Loan C0434R | 2,010.00 |
| IOWA FINANCE AUTHORITY | C0518R-WRR Interest | 28,951.00 |
| KELTEK INCORPORATED | Getac Cloud Yearly | 556.00 |
| DISPLAY SALES | Christmas Decorations | 2,117.00 |
| CITY OF WEST POINT | Chiefs Fuel/Wages | 3,165.25 |
| KEMPKERS TRUE VALUE | key | 4.98 |
| IDEAL READY MIX CO. | Sand | 116.07 |
| WEX BANK | Fuel | 564.14 |
| VERIZON | Data | 120.03 |
| BARKER COMMUNICATIONS | Vidix Control - Annual Fee | 900.00 |
| JM ELECTRIC, INC | Sewer/Street Light Repairs | 7,167.33 |
| INTERSTATE ALL BATTERY | Batteries | 108.00 |
| USPS | Water Bills | 148.00 |
| RATHBUN REGIONAL WATER | Bulk Water | 5,202.00 |
| IOWA RURAL WATER ASSOC | 2022 Dues | 225.00 |
| USDA RURAL DEVELOPMENT | USDA Loan Payment | 1,816.00 |
| BRIANS TREE SERVICE | Tree Trimming | 4,350.00 |
| KOHLMORGAN HAULING | Trash/Recycling | 4,335.00 |
| LYNCH DALLAS, P.C. | Legal Fees | 323.20 |
| CENTRAL LEE POST PROM | Post Prom Support | 25.00 |
| FEHSEKE & GRAY | Legal Fees | 585.00 |
| INGRAM | Books | 1,016.40 |
| A NEXT DEGREE COMM CO | Phone Service | 66.76 |
| DEMCO | Supplies | 82.72 |
| QUILL | Supplies | 57.60 |
| RSM US LLP | IT Service | 1,423.46 |
| FOLLETT | Labels / Software | 1,120.14 |
| KRAMER ELECTRIC | Labor | 375.00 |
| COUNTRY WOMAN | Magazine Renewal | 14.98 |
| REMINISCE | Renewal | 14.98 |
| PEOPLE | Magazine Renewal | 118.26 |
| 3 ONE 7 DISCS | Disc Golf Course | 5,400.00 |
| PAYROLL CHECKS | TOTAL PAYROLL CHECKS | 11,307.49 |
|   | CLAIMS TOTAL | 107,873.41 |