

Regular meeting of the City Council was held Tuesday, August 9, 2022, at 7:00 p.m., at City Hall with Mayor Holland presiding. Mayor Holland called the meeting to order with the following Council-members present: Warner, Blatchford, Kreger, Skarin, Collison. Absent: Christensen.

Move by Skarin second by Kreger 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.

Paid Bills		
Bomgaars	supplies-lib	78.72
Quill	supplies-lib	145.98
Simpco	membership dues	3,060.70
Access Systems	copier-lib	382.60
Amazon	books/supplies	754.92
Awe Acquisition	computers-lib	3,525.50
Baker & Taylor	books	354.96
Black Stone	memorials	237.64
Center Point	books	185.16
DATA443	smart shield-lib	64.00
Jacob Z's Fish Aquariums	tank cleaning	129.38
LeMars Public Library	memorials	47.00
James McDermott	lawn maintenance-lib	1,200.00
Onawa Public Library	petty cash	52.33
Katina Conley	cleaning contract-lib	480.00
Northland Securities	loan payment	59,544.44
Payroll	7/15/22	65,376.40
Adergy, Inc.	music service	32.95
Am. Septic	professional services	970.00
Aqua-Chem	supplies-pool	1,704.15
HES	hydraulic work-bucket truck	4,835.00
Eakes	supplies	487.55
Larry's Propane	fuel	1,281.12
Lifeguard, MD	pads	374.00
Long Lines	phone/internet-pool	101.68
PeopleService	monthly service	39,584.00
Ryan Publishing	ads/notices	89.93
Siouxland District Health	bacteriological	28.00
Verizon	cell phones/tablets	799.53
Wolf Tree Service	tree trimming	2,600.00
Allyson Miller	reissue check	118.44
IA Workforce	unemployment insurance	1,593.00
Al's Corner Oil	fuel	780.84
Black Hills Energy	gas	254.32
Bomgaars	supplies	631.34
Iowa One Call	locates	82.80
Eakes	supplies	274.83

John Deere Financial	parts	449.53
Max I. Walker	uniforms	898.28
Municipal Supply	supplies-water/sewer	291.47
Bonine Garage Doors	repairs	2,050.00
Steve's Window	window cleaning	17.00
NEW Coop	supplies	185.19
US Bank	analysis fee	755.07
IA Dept of Rev	sales tax	54.24
Payroll	7/31/22	68,277.20
Canon	copier contracts	231.84
Productivity Plus	parts	169.69
Bill's Water Conditioning	water	12.00
City of Onawa	petty cash	52.25
Diamond Management	property clean up	825.00
Office Elements	supplies-ch	40.96
Knight Concrete	professional services	6,617.00
Menards	supplies-1017 8 th remodel	488.98
Ryan Publishing	ad	32.70
Thelander Heating	repairs-fd	360.29
Diamond Collison	repairs-ded truck	1,203.50
Jackson Lawncare	weed mowing	1,000.00

Bills

Ahlers Cooney	professional services	2,232.50
Al's Corner Oil	fuel	504.00
Analytical & Consulting	cBOD5	942.48
Aqua-Chem, Inc.	supplies-pool	3,423.10
Base	hra monthly/renewal	82.00
Beckstrom Const.	pay estimate #10	15,300.00
Briggs, Inc.	urinal	37.02
Carrier Container	garbage fees	17,560.40
Casey's General Store	fuel	2,114.57
Century Link	auto dialer	54.19
Allen Christensen	cleaning contract	250.00
Onawa Emp Flex Acct	MERP	1,924.08
City of Onawa	utilities/utility deposits	6,774.05
Crary Huff	professional services	5,734.62
Cubby's II	fuel	354.45
Delta Dental	retiree insurance	79.28
Echo	supplies	190.12
Fiesta Foods	supplies	12.37
Harland Technologies	email-lamb	27.16
WIMECA	power bill	198,511.30
Griffith Plumbing	repairs-pool	140.00
Inter. Inst. of Muni. Clerks	membership fee	175.00
Interstate Battery	supplies	66.95
IAMU	training-huff	1,200.00

IA DNR	annual NPDES fee	210.00
IMWCA	work comp deposit	2,250.00
JEO Consulting	professional services	31,064.00
Jerry Johnson	kennel attendance	225.00
Long Lines	phone/internet	1,554.09
Midwest Honda	parts	391.80
Municipal Supply	parts-water/sewer	2,206.49
Power Plan	parts	104.34
Northern Lights	supplies-pool	4,533.52
Loffler	copier contracts	220.66
Onawa Sentinel	ads/notices	265.00
Orkin	professional services	95.00
Power Tech	generator- red building	16,534.00
Postmaster	postage	900.00
Rasmussen Lumber	supplies	517.88
Siouxland District Health	bacteriological	70.00
Simmering-Cory	codifications	313.00
Stuart Irby	bucket truck harness	1,190.00
State Hygienic Lab	analysis	130.00
Veenstra & Kimm	professional services	5,931.88
Viking Painting	water tower maintenance	81,574.00
Visa	supplies, meals	553.93
Wellmark	retiree insurance	931.70
Wesco	supplies-el	19,900.00
WIPCO	power	252.95
Zimco Supply	supplies	120.55
McLaughlin's Septic	professional services	2,889.00
Lisa Crawford	cleaning contract	400.00
Dick Hallowell	utility dep. refund	11.86
Brandon Kropf	utility dep. refund	576.00
Haylie Winey	utility dep. refund	13.79
Jean Zaiser	comm. center dep. refund	100.00
David Brink	comm. center dep. refund	100.00
Rebecca Young	comm. center dep refund	200.00
Megan LaBrune	comm. center dep refund	90.00
Amanda Yanak	comm. center dep refund	20.00
Total Expenses:		710,385.48
Total Revenues:		581,898.92

David Peterson, JEO Consulting, 2021 Electrical Distribution System Improvements – Phase II. Move by Blatchford second by Skarin to approve pay estimate #10 to Beckstrom Construction in the sum of \$15,300.00. Ayes: Unanimous. Nays: None. Motion carried.

Council reviewed an updated Personnel Policy prepared by Jack Reed, Iowa Negotiation & Consulting Services. City Attorney will look into some suggested changes to the personnel policy and bring back to council for consideration. Move by Kreger second by Collison to postpone to next meeting any action on

Resolution No. 2022.36 - Resolution Adopting the City of Onawa, Iowa, Personnel Policies. Ayes: Unanimous. Nays: None. Motion carried.

Patrick Mouw, Veenstra & Kimm, discussed the current flood plain map. He advised that the only way to disprove a flood plain is to put a flood gauge station on the McCandless DD and monitor it for 10 years. The raw data would then be used to see what changes, if any, could be made to the flood plain map. If a business/resident wanted to build in a flood plain, they can build up the area to get above the flood plain. Approximate cost to install the gauging station is \$25,000.00 plus \$14,800.00 every year for 10 years for maintenance. No action taken.

Move by Skarin second by Collison to affirm Board of Adjustments recommendation of granting a variance at 1735 10th Street (Country Villa). Ayes: Unanimous. Nays: None. This will allow the owners to build a duplex in an area zoned as a mobile home district.

ORDINANCE NO. 520

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. SECTION MODIFIED. Section 45.01 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[3])

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee.

(Code of Iowa, Sec. 123.49[3])

3. **Misrepresentation of Age.** A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any liquor control licensee or wine or beer permittee.

(Code of Iowa, Sec. 123.49[3])

SECTION 2. SUBSECTION MODIFIED. Subsection 2 of Section 45.02 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except

premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated in a public place.

SECTION 3. SECTION MODIFIED. Section 120.03 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

SECTION 4. SECTION MODIFIED. Section 120.04 of the Code of Ordinances of the City of Onawa, Iowa, is repealed and the following adopted in lieu thereof:

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.32[2])

SECTION 5. SECTION MODIFIED. Section 120.05 of the Code of Ordinances of the City of Onawa, is repealed and the following adopted in lieu thereof:

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

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

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2i])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class "C" beer permit only.

SECTION 6. SECTION MODIFIED. Section 120.06 of the Code of Ordinances of the City of Onawa, is repealed and the following adopted in lieu thereof:

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

SECTION 7. 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 8. 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 9th day of August, 2022, and approved this 9th day of August, 2022.

/s/Tracy L. Holland, Mayor

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

First Reading: 08-09-2022

Second Reading: waived

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 520 on the 17th day of August, 2022.

/s/Elaine D. Miller, City Clerk

Move by Blatchford second by Kreger to adjourn at 7:55 p.m. Ayes: Unanimous. Nays: None. Motion carried.

/s/Tracy L. Holland, Mayor

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