

November 10, 2014

The regular meeting of the Monroe City Council was called to order by Mayor Briles at 7:00 P.M. at the Monroe City Hall on November 10, 2014. Roll Call was taken, present – Hansen, Nichelson, Shannon, Wilson, Vriezelaar. Matt Mardesen, City Administrator; Kim Thomas, City Clerk; Terry Buckingham, Public Works Director; Nicholas Chambers, Police Chief; and Ben Skelley, Police Officer; were in attendance. The Mayor announced the meeting was being recorded.

Visitors at the meeting were: Delmar Johnson, Twila Vriezelaar, Triston Clark, and Forrest Aldrich.

Council Member Vriezelaar moved and was seconded by Council Member Wilson to approve the consent agenda. Items on the agenda included the bills and minutes from the October meeting and the clerk and treasurers report. Motion carried 5-0.

October 2014 Bills		
Salaries	Net:	20651.95
EFTPS	Federal Tax Payment	6981.02
Iowa Department of Revenue	Withholding/Sales Tax	1262.00
IPERS	Police/Regular	4439.57
City of Monroe	Reimbursement	1038.58
Mid American Energy	Utilities	4383.91
United Healthcare	Health Insurance	4342.47
Altoona Fire Department	Tier Reimbursements	900.00
KAL Services	Sanitation Contract	10036.25
Mediacom	Internet Service	118.40
US Cellular	Phone Service	278.81
Cardmember Services	Books/Sprayer/Registration/Training	702.48
A-1 Lock	Library Locks	100.00
Airgas	Oxygen	124.26
Baker & Taylor	Books	1170.45
Breckenridge Graphics	Decals	128.00
Caldwell, Brierly, Chapula, Nuzum	Legal Services	1238.25
Carpenter Uniform	Uniform Expense	507.82
Casey's General Store	Gas	1162.88
Central Iowa Water	Payment/Principal/Interest	11835.41
Centurion Technologies	Library Computer Protection	240.00
DEMCO	Book Pockets	40.79
Dennison Racing Tee's	Police Uniforms	209.74
EMP Emergency Medical Products	Ambulance Supplies	648.50
Forbes Office Equipment	Ink Cartridges	57.18
Four Seasons Yard Care	Mowing Contract	810.00
Fran Way Tree Moving Inc	Rental/Tree Transplant	800.00
Gabriel Wilson	Meals/Mileage	58.99
Guideposts	Book	17.74
Hewitt's Service Center	Tires/Tractor Fluid/Armor	635.46
Iowa Law Enforcement Academy	Training	650.00
Iowa One Call	Locates	29.70
Iowa Prison Industries	Posts/Freight	116.16
Iowa Pump Works	Service Agreement	630.00
Windstream	Phone Service	592.92
Jasper County Animal Rescue League	Participation Fee/Service	182.87
Jeff Timmins	Curb Repairs	2412.00
Jims Johns	Portable Units	165.00
Kane Welding & Supply	Bolts/Nuts	7.11
Kathy Van Veen	Tree Guard Reimbursement	48.15
Keltek Incorporated	Antenna/Shipping and Handling	31.16
Keystone Laboratories	Testing	429.00
Kim Thomas	Mileage	208.88
Marco Inc.	Copier Usage	98.36
Matthew Mardesen	Mileage	238.56
Menninga Pest Control	Pest Control/Air Care	122.00
Mid American Energy	Industrial Solution	60.53
Monroe Mirror Inc.	Paper/Publications	468.19
Monroe Postmaster	Stamps	98.00
Monroe Public Library	Petty Cash Expense	102.39
Mowboys Lawn Care	Mowing Contract	2591.20
Municipal Supply Inc.	Deeter Frame/Cover/Clamp	710.00
Mustang Car Wash	Car Washes	70.00
Newton Clinic	Medical Testing	235.95
Nicholas Chambers	Meals/Mileage Expense	293.80

Quill Corporation	Desk Pad/Printer Cartridges	726.16
Racom	Noise Filter/Labor	89.50
Radar Road Tec	Radar Certification	70.00
Readers Digest	Subscription	21.95
Safety Coalition of Central Iowa	SCCIC Dues	2000.00
Shawn Buckingham	Meal Reimbursements	27.39
Sign Pro	MRP Sign	71.38
Smith & Loveless Inc	Pump Vac/Freight	419.37
Storey Kenworthy	Receipts	280.00
Safe Building and Compliance	Inspections	5063.55
The Family Handyman	Subscription	22.98
Tim Forst Repair	Lawn Mower Repair	463.95
Titan Machinery	Blade/Shaft/Spacer	386.90
Two Rivers Coop	Roundup	71.25
Van Gorp Insurance	Insurance	47.00
Van Ryswyk Plumbing and Heating	Fabric Waterway/Roadstone/Labor	807.75
Veenstra & Kimm, Inc.	Engineering Services	965.29
Wal-Mart	Supplies/Tissue/Paper	112.42
Wal-Mart	Cleaning Supplies	23.76
WP Barber Lumber	Door Handle/Bulbs/Bolts/Scoop/Misc.	214.88
JB Anderson	Registration	90.00
Jasper County Recorder	Filing Fee	7.00
Monroe Postmaster	Utility Mailing	238.51
Voided Checks		-1.31
True North	Employee Prepaid Life Insurance	27.18
Total October Expense:		\$ 97,759.70
Total October Revenue:		\$ 404,529.32

Total Revenue

General Fund	195567.00
Road Use Fund	20267.52
Special Revenue Fund	164436.41
Capital Project Fund	11404.32
Enterprise Fund	4222.01
Fiduciary Fund	500.00
Debt Service Fund	8132.06
Revenue Total:	\$ 404,529.32

Total Expense

General Fund	49793.23
Road Use Fund	10014.17
Special Revenue Fund	7307.88
Capital Project Fund	0.00
Enterprise Fund	30644.42
Fiduciary Fund	0.00
Debt Service Fund	0.00
Total Expense:	\$ 97,759.70

Committee & Board Reports – Public Works Director Buckingham mentioned DNR testing was complete. Police Chief Chambers mentioned Ben Skelley had completed his 2nd week of FTO training and is doing well. Ben Skelley will attend the ILEA Academy on January 12, 2015.

Monroe Recreation Park – Mardesen reported the seeding was completed and that 30 trees had been transplanted into the common areas of the MRP. The cost for felt lining under the gravel for parking will cost around \$3,000 for the new parking area. Mardesen also stated the MRP board did approve purchasing limestone for the infields to eliminate water pooling and would like to see spraying of the fence area for weeds on the next mowing contract. The board also approved Deep tine and fertilization by Four Seasons Lawn Care for all fields and the soccer fields at approximately \$2,400.

Set Public Hearing and Bid Letting for Washington Street Project – Forrest Aldrich was in attendance from Veenstra and Kimm, Inc. and presented the council with an aerial map showing the areas where new mains will be replaced. Forrest also was aware of having the work completed on the town square before Old Settlers. Vriezelaar moved and was seconded by Wilson to set the bid letting date for the Washington Street Water Main Project for December 3, 2014 at 2:00 p.m. at City Hall. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to set the public hearing for the Washington Street Water Main Project for December 8, 2014, at 7:15 p.m. at City Hall. Motion carried 5-0.

Set Public Hearing for Loan Agreement of Washington Street Project – Vriezelaar moved and was seconded by Council Member Hanson to approve RESOLUTION NO. 27-2014. A resolution to fix a date for a public hearing on a proposal to enter into a loan agreement and to borrow money there under in a principal amount not to exceed

\$750,000.00 and authorizing the use of term sheet in connection therewith. The date for the public hearing for the loan agreement as stated in the resolution shall be December 8, 2014 at 7:20 p.m. Motion carried 5-0

Approval of Distribution of Form of Term Sheet by Piper Jaffray – Vriezelaar moved and was seconded by Wilson to approve the Distribution of Form Term Sheet for General Obligation Water Improvement Loan Agreement presented by Piper Jaffray. Motion carried 5-0.

402 E Washington Street Property – The council received correspondence from Sara Goodman with Wells Fargo Mortgage concerning the property located at 402 E Washington Street. Wells Fargo is willing to donate the property to the City, pay outstanding taxes, utility bills, and provide the title to the property along with \$25,000 in a cash contribution. Matt Mardesen, Terry Buckingham and Amber Nicholson have visited the property and their opinion was that it would need to be torn down due to structure issues. Mardesen received a verbal estimate from Dean Van Ryswyk of \$10,000 to \$12,000 to remove the house and level the lot. Vriezelaar moved and was seconded by Hanson to accept the donation of property located at 402 E Washington from Wells Fargo Mortgage. Motion carried 5-0. The council has requested that Mardesen get a written quote from Dean Van Ryswyk by the December meeting.

Approval of Purchase Agreement for Original Plat Lots 1 thru 8 in Block 24 and Alleys Between for Area Located at 108 E American Known as Madsen Field - Council Member Shannon moved and was seconded by Vriezelaar to sign purchase agreement regarding the purchase of easements from Hawkeye Land Company for \$17,500.00 for 108 E American Street also known as Madsen Field. Motion carried 5-0.

Urban Renewal Report – Vriezelaar moved and was seconded by Council Member Nicholson to approve RESOLUTION NO. 28-2014. A resolution approving the FY2014 Annual Urban Renewal Tax Increment Financing Reported as presented. Motion carried 5-0.

Resolution of Hire – Vriezelaar moved and was seconded by Wilson to approve RESOLUTION NO. 29-2014. A resolution approving the hire of Benjamin Skelley as a full time Police Officer for the City of Monroe. Motion carried 5-0.

Ordinance Pertaining to Vapor Products and Alternative Nicotine Products – Vriezelaar moved and was seconded by Hansen to waive the 2nd reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MONROE, IOWA, BY ADDING PROVISIONS PERTAINING TO VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to approve the 3rd and final reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MONROE, IOWA, BY ADDING PROVISIONS PERTAINING TO VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS. Motion carried 5-0.

ORDINANCE NO. 264

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

SECTION 1. SECTION MODIFIED. Section 46.02 of the Code of Ordinances of the City of Monroe, Iowa, is repealed and the following adopted in lieu thereof:

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

SECTION 2. SECTIONS MODIFIED. Sections 121.01, 121.02, 121.07 and 121.08 of the Code of Ordinances of the City of Monroe, Iowa, are repealed and the following adopted in lieu thereof:

121.01 DEFINITIONS. For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 453A.1)

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. "Place of business" means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

6. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

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. Passed and approved this 10th day of November 2014. Signed: Brian D. Briles, Mayor and attested by: Kim K. Thomas, City Clerk

Ordinance Amending Provisions Pertaining to Off-Road Utility Vehicles – Vriezelaar moved and was seconded by Hansen to waive the 2nd reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO OFF-ROAD UTILITY VEHICLES. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to approve the 3rd and final reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO OFF-ROAD UTILITY VEHICLES. Motion carried 5-0.

ORDINANCE NO. 265

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

SECTION 1. SUBSECTION MODIFIED. Subsection 3 of Section 75.02 of the Code of Ordinances of the City of Monroe, Iowa, is repealed and the following adopted in lieu thereof:

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

(Code of Iowa, Sec. 3211.1)

A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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 and approved this 10th day of November, 2014. Signed: Brian D. Briles, Mayor and attested by: Kim K. Thomas, City Clerk

Ordinance Amending Provisions Pertaining to Solid Waste – Vriezelaar moved and was seconded by Hansen to waive the 2nd reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to approve the 3rd and final reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE. Motion carried 5-0.

ORDINANCE NO. 266

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

SECTION 1. SUBSECTION MODIFIED. Subsection 14 of Section 105.02 of the Code of Ordinances of the City of Monroe, Iowa, is amended by adding the following new paragraph E thereto: 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.

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 and approved this 10th day of November 2014. Signed: Brian D. Briles, Mayor and attested by: Kim K. Thomas, City Clerk

Ordinance Amending Provisions Pertaining to Vacancies in an Elected Office and City Elections – Vriezelaar moved and was seconded by Hansen to waive the 2nd reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO VACANCIES IN AN ELECTED OFFICE AND CITY ELECTIONS. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to approve the 3rd and final reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO VACANCIES IN AN ELECTED OFFICE AND CITY ELECTIONS. Motion carried 5-0.

ORDINANCE NO. 267

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

SECTION 1. SECTION MODIFIED. Section 5.10 of the Code of Ordinances of the City of Monroe, Iowa, is repealed and the following adopted in lieu thereof:

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13[2])

1. Appointment. By appointment, following public notice, by the remaining members of the Council. The appointment shall be made within sixty (60) days after the vacancy occurs and shall be for the period until the next regular City election unless there is an intervening special election for the City, in which event the election for the office shall be placed on the ballot at such special election. If the Council chooses to proceed under this subsection, the Council shall publish notice of the appointment in accordance with Section 372.13 of the *Code of Iowa*. If the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13[2a])

2. Special Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13[2b])

SECTION 2. SECTION MODIFIED. Section 18.12 of the Code of Ordinances of the City of Monroe, Iowa, is repealed and the following adopted in lieu thereof:

18.12 ELECTIONS. The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

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. Passed and approved this 10th day of November 2014. Signed: Brian D. Briles, Mayor and attested by: Kim K. Thomas, City Clerk

Ordinance Amending Provisions Pertaining to Persons Under Legal Age/Social Hosts – Vriezelaar moved and was seconded by Hansen to waive the 2nd reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PERSONS UNDER LEGAL AGE/SOCIAL HOSTS. Motion carried 5-0. Vriezelaar moved and was seconded by Wilson to approve the 3rd and final reading of AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONROE, IOWA, BY AMENDING PROVISIONS PERTAINING TO PERSONS UNDER LEGAL AGE/SOCIAL HOSTS. Motion carried 5-0.

ORDINANCE NO. 268

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

SECTION 1. SECTION MODIFIED. Section 45.01 of the Code of Ordinances of the City of Monroe, Iowa, is repealed and the following adopted in lieu thereof:

45.01 PERSONS UNDER LEGAL AGE. As used in this section, "legal age" means twenty-one (21) years of age or more.

1. Social Host. A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic liquor, wine, or beer. The provisions of this subsection do not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic liquor, wine, or beer in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47[1A])

2. Purchase, Consume, or Possess. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer 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, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[2])

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, wine, or beer from any licensee or permittee.

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

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 and approved this 10th day of November, 2014. Signed: Brian D. Briles, Mayor and attested by: Kim K. Thomas, City Clerk

Open Forum – Chief Chambers mentioned the snow ordinance now in effect and cautioned the council and audience to lock their vehicles due to numerous vehicles being broken into in the Prairie City and Newton areas. Chambers has had numerous complaints about cars/semi's running through the 4 way stop by Casey's and the Feed Center. A suggestion was made to contact the DOT and see about getting a stop light put back there. Work continues on updating the equipment for the Police Department. Recently the DCI donated a camera to the department. Chambers has purchased a TV for recording purposes and a PDT tester for monthly reporting. Mid American Energy will be donating \$500.00 for goggles for the alcohol awareness program. Other items mentioned were the condition of the buildings uptown along the square and vehicles parked along city streets for an extended period of time. Mardesen mentioned the City of Grinnell's sump pump ordinance and will continue to research on how other cities check for sump pump violators.

Vriezelaar moved and was seconded by Shannon to adjourn at 7:55 p.m. Motion carried 5-0. A full copy of minutes may be seen at the Monroe City Hall or www.MONROEIA.com.

Brian D. Briles, Mayor

Kim K. Thomas, City Clerk