

City of Hills

Council Members

Bruce Endris
Steve Harris
Merle Hill
Thom Kirkpatrick
Cathy Knebel

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Mayor

Tim Kemp
Clerk
Bonnie Hansen
Deputy Clerk
Leanne Sommers

Regular Meeting

Hills Fire Department Meeting Room @ 7:00 PM
June 23, 2014

- **Consent Agenda:**
 - Minutes from meeting June 9 and June 16
 - Bills from June 7- June 20
- **Public Discussion**
- **New Business**
 - Public Hearing on Water Protection Ordinance
 - First Reading of Water Protection Ordinance
 - Discussion and possible action on easements for water utilities
 - Resolution 2014-13 setting wages for FY 14-15
- **Previous Business**
 - Discussion and possible action on Water utility
- **Council Action List, Comments, Concerns, Reports**
 - Mayor
 - Attorney
 - Maintenance
 - Fire Department
 - Sewer
 - Clerk
- **Closed session pursuant to Iowa Code Section 21.5(1)(j)**
 - Resolution 2014-14 Resolution to approve purchase agreement for certain real estate
- **Adjournment**

Hills City Council
Meeting
June 9, 2014
7:00 PM
Hills Fire Station Meeting Room

The regular Hills City Council meeting was called to order at 7:00 PM on Monday, June 9, 2014 at the Hills Fire Station Meeting Room.

Mayor Tim Kemp called the meeting to order at 7:00 PM. Council members present were: Bruce Endris, Steve Harris, Merle Hill, Thom Kirkpatrick and Cathy Knebel.

A motion was made by Knebel and seconded by Endris to approve the consent agenda of the minutes and bills. Ayes: 4. Motion passed.

Public Discussion: None

Council Meeting

New Business:

The second reading of the sewer ordinance regarding rate increase was held. This would change the rate for residential to \$25.00 a month and commercial to \$40.00 a month. A motion was made to accept this ordinance by Kirkpatrick and seconded by Knebel. Roll Call was held. Ayes: 5 Ordinance passed.

A motion was made by Kirkpatrick and seconded by Hill to waive the third reading of this ordinance. Roll call was held. Ayes: 5 Ordinance passed.

A motion was made by Kirkpatrick and seconded by Harris to set a public hearing for the Water Protection Ordinance for June 23. Roll call was held. Ayes: 5 Public Hearing set.

Discussion of water utility easements was held. An update on the Streb, Stevens, Stoner, and Stutsman easement negotiations was discussed. The council agreed to counter offer the Stoner and Stutsman request.

A motion was made by Harris and seconded by Endris to accept the voluntary annexation request by Luers and Prybil. Roll call was held Ayes: 5 Annexation was passed.

Old Business:

The third reading of the ordinance regarding the City of Hills Water Utility was read. A motion was made by Kirkpatrick and seconded by Knebel to pass this ordinance. Ayes: 5 Ordinance passed

The bid from Electric Pump was discussed. This will be forwarded to the City Engineer.

Council Concern List:

Reports:

Attorney:

Fire Chief: There were 28 calls in May. The pancake breakfast will be held June 15. The dance went well. Future plans include replacing trucks 82 and 87. Some bunker gear needs to be replaced also. The joint meeting of the Trustees and Hills City council will be held on June 23. The notices have been sent to the trustees.

Maintenance: no report

Sewer: no report. .

Mayor: The Mayor updated the Council on the job description for the administrator/city clerk position. A job description was passed to the council for review. Bonnie will place the ad in the Gazette and Press for the weekend of June 15. It will be placed on the website for the League of Cities. Deadline will be June 25.

Clerk: - No report.

A motion was made by Knebel and seconded by Kirkpatrick to adjourn the meeting at 8:20 PM. Ayes: 5 Motion passed.

Tim Kemp, Mayor

Bonnie Hansen, Clerk

Hills City Council
Work Session
June 16, 2014
6:30 PM
Hills City Hall Meeting Room

A work session of the Hills City Council was called to order at 6:30 PM on Monday, June 16, 2014 at the Hills City Hall Meeting Room.

Mayor Tim Kemp called the meeting to order at 6:30 PM. Council members present were: Merle Hill, Thom Kirkpatrick, and Cathy Knebel. Absent: Bruce Endris and Steve Harris

This work session was held to the water utility. Financial scenarios were discussed with Speer Financial. Discussion was also held regarding easements on William Circle, possible alternatives and costs.

Community Meeting with Council and Contractor will be held on Wednesday, June 25, 2014 at 7:00 PM at the Hills Community Center.

The work session ended at 7:35 PM.

Tim Kemp, Mayor

Bonnie Hansen, Clerk

RESOLUTION # 2014-13

A RESOLUTION SETTING EMPLOYEE WAGES FOR FISCAL YEAR 2010-2011 BEGINNING JULY 1, 2014 THROUGH JUNE 30, 2015.

WHEREAS, Bonnie Hansen, City Clerk, shall be paid \$17.91 per hour for part time employment

WHEREAS, Ronald Wolfe, Maintenance Person, shall be paid \$858.05 per week for full-time employment

WHEREAS, Jason Van Nevel, Hills Fire Chief, shall be paid \$191.23 per a month

WHEREAS, Leanne Sommers, Deputy Clerk, shall be paid \$12.36

PASSED AND APPROVED by roll call vote on June 23, 2014.

Ayes:

Nays:

ATTEST:

Tim Kemp, Mayor

Bonnie Hansen, City Clerk

INVOICE#/LN	TY	DUE DATE	INV DATE	REFERENCE	GROSS	DISCOUNT	NET	DISCOUNT TAKEN	PAYMENT AMOUNT	DIST	MAN	CHCK	SQ	CK
HILLS BANK & TRUST GENERAL														
1139 ALLIANT UTILITIES														
JUNE14	1 I	6/23/2014	6/23/2014	4916015906002 1/2 FIRE	78.86		78.86		78.86	001				1
	2 I			4916014001001 STREET KI	840.06		840.06		840.06	001				1
	3 I			4916015906002 1/2 FIRE	78.86		78.86		78.86	001				1
	5 I			4916015865001 MAINT BUI	177.97		177.97		177.97	001				1
	6 I			4916015907001 SIREN	29.51		29.51		29.51	001				1
	9 I			4916014882201 BALL PARK	279.10		279.10		279.10	001				1
	10 I			4916015091501 SIGN LIGH	20.79		20.79		20.79	001				1
				* INVOICE TOTALS	1505.15		1505.15		1505.15					
				** VENDOR TOTALS *	1505.15		1505.15		1505.15					
1010 CASEY'S GENERAL STORE CORPORAT														
JUNE14	1 I	6/23/2014	6/23/2014	NON GAS SUPPLIES	100.21		100.21		100.21	001				1
				** VENDOR TOTALS *	100.21		100.21		100.21					
1269 NEUZIL, SANDERSON & SIGAFOOSE, P														
14494	1 I	6/23/2014	6/23/2014	CITY FEES	736.00		736.00		736.00	001				1
	3 I			RECORDING FEES	28.00		28.00		28.00	001				1
				* INVOICE TOTALS	764.00		764.00		764.00					
				** VENDOR TOTALS *	764.00		764.00		764.00					
1353 FLASHING THUNDER FIREWORK														
JUNE2014	1 I	6/23/2014	6/23/2014	FIREWORKS FOR 2014	4074.50		4074.50		4074.50	001				1
				** VENDOR TOTALS *	4074.50		4074.50		4074.50					
1046 GAZETTE COMMUNICATIONS														
2521773	1 I	6/23/2014	6/23/2014	PUBLICATIONS	111.73		111.73		111.73	001				1
				** VENDOR TOTALS *	111.73		111.73		111.73					
1068 I WIRELESS														
JUNE14B	1 I	6/23/2014	6/23/2014	CELL PHONE	60.99		60.99		60.99	001				1
				** VENDOR TOTALS *	60.99		60.99		60.99					
1088 IOWA ONE CALL														
161412	1 I	6/23/2014	6/23/2014	FAXES	19.80		19.80		19.80	001				1
				** VENDOR TOTALS *	19.80		19.80		19.80					
1097 JOHNSON COUNTY EMERGENCY MANG														
2014	1 I	6/23/2014	6/23/2014	FY 14-15 FEES	351.50		351.50		351.50	001				1
				** VENDOR TOTALS *	351.50		351.50		351.50					
1099 JOHNSON COUNTY RECORDER														
JUNE2014	1 I	6/23/2014	6/23/2014	RECORDING FEE FOR ANNEX	89.00		89.00		89.00	001				1
				** VENDOR TOTALS *	89.00		89.00		89.00					
1130 MID AMERICAN ENERGY														
JUNE14	1 I	6/23/2014	6/23/2014	77990-78018 FIRE STATIO	9.57		9.57		9.57	001				1
	2 I			77990-78018 FIRE STATIO	9.57		9.57		9.57	001				1
	3 I			77150-78014 MAINT BUILD	15.08		15.08		15.08	001				1

INVOICE#/LN	TY	DUE DATE	INV DATE	REFERENCE	GROSS	DISCOUNT	NET	DISCOUNT TAKEN	PAYMENT AMOUNT	DIST	MAN	CHCK	SQ	CK
				* INVOICE TOTALS	34.22		34.22		34.22					
				** VENDOR TOTALS *	34.22		34.22		34.22					
				1349 IOWA OFFICE SUPPLY INC										
290934	1 I	6/23/2014	6/23/2014	COPIER	84.00		84.00		84.00	001				1
				** VENDOR TOTALS *	84.00		84.00		84.00					
				1198 STAPLES										
JUNE14	1 I	6/23/2014	6/23/2014	SUPPLIES	132.88		132.88		132.88	001				1
				** VENDOR TOTALS *	132.88		132.88		132.88					
				1203 STUTSMAN INC										
163140	1 I	6/23/2014	6/23/2014	MAY FIRE DEPT DIESEL	66.43		66.43		66.43	001				1
				** VENDOR TOTALS *	66.43		66.43		66.43					
				GENERAL	7394.41		7394.41		7394.41					
				ROAD USE TAX										
				1010 CASEY'S GENERAL STORE CORPORAT										
JUNE14	2 I	6/23/2014	6/23/2014	CITY GAS	357.67		357.67		357.67	110				1
				** VENDOR TOTALS *	357.67		357.67		357.67					
				1105 L L PELLING										
13151	1 I	6/23/2014	6/23/2014	STREET SWEEP/VAC	700.00		700.00		700.00	110				1
13254	1 I	6/23/2014	6/23/2014	SPRING STREET WORK	13972.10		13972.10		13972.10	110				1
				** VENDOR TOTALS *	14672.10		14672.10		14672.10					
				1203 STUTSMAN INC										
163141	1 I	6/23/2014	6/23/2014	MAY DIESEL	206.06		206.06		206.06	110				1
				** VENDOR TOTALS *	206.06		206.06		206.06					
				ROAD USE TAX	15235.83		15235.83		15235.83					
				WATER										
				1269 NEUZIL, SANDERSON & SIGAFOOSE, P										
14494	2 I	6/23/2014	6/23/2014	WATER FEES	1104.00		1104.00		1104.00	600				1
				** VENDOR TOTALS *	1104.00		1104.00		1104.00					
				1261 FOX ENGINEERING										
36654	1 I	6/23/2014	6/23/2014	OUTSIDE SERVICES	610.00		610.00		610.00	600				1
	2 I			PROFESSIONAL FEES	2529.50		2529.50		2529.50	600				1
				* INVOICE TOTALS	3139.50		3139.50		3139.50					
				** VENDOR TOTALS *	3139.50		3139.50		3139.50					
				WATER	4243.50		4243.50		4243.50					
				SEWER										
				1139 ALLIANT UTILITIES										
JUNE14	4 I	6/23/2014	6/23/2014	4916015217001 THIRD ST	194.63		194.63		194.63	610				1

INVOICE#/LN	TY	DUE DATE	INV DATE	REFERENCE	GROSS	DISCOUNT	NET	DISCOUNT TAKEN	PAYMENT AMOUNT	DIST	MAN	CHCK	SQ	CK
7	I			4916016300702 OK LIFT S	50.01		50.01		50.01	610				1
8	I			4916014431501 LAGOON	846.16		846.16		846.16	610				1
* INVOICE TOTALS					1090.80		1090.80		1090.80					
** VENDOR TOTALS *					1090.80		1090.80		1090.80					
1261 FOX ENGINEERING														
36635	1	I	6/23/2014	6/23/2014 WASTEWATER FACILITY PLA	2940.00		2940.00		2940.00	610				1
** VENDOR TOTALS *					2940.00		2940.00		2940.00					
1287 KEYSTONE LABORATORIES														
4626	1	I	6/23/2014	6/23/2014 TESTS	78.38		78.38		78.38	610				1
4806	1	I	6/23/2014	6/23/2014 TESTS	66.88		66.88		66.88	610				1
** VENDOR TOTALS *					145.26		145.26		145.26					
SEWER					4176.06		4176.06		4176.06					
BANK TOTALS					31049.80		31049.80		31049.80					
TOTAL MANUAL CHECKS									.00					
TOTAL E-PAYMENTS									.00					
TOTAL PURCH CARDS									.00					
TOTAL OPEN PAYMENTS									31049.80					
GRAND TOTALS					31049.80		31049.80		31049.80					

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF HILLS, IOWA, BY REPLACING PORTIONS OF CHAPTER 18
RELATED TO SEWER RATES AND BILLING

Be it enacted by the City Council of the City of Hills, Iowa:

SECTION 1. Section 18.06 of the Hills Code of Ordinances is hereby deleted and replaced with the following:

“18.06 RATE AND BILLING.

1. Each Customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system as follows:
 - a. Residential Rate - \$25.00 per month.
 - b. Commercial Rate - \$40.00 per month.
2. Sewer service shall be billed as part of a combined service account, payable in accordance with the following:
 - a. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts no later than the fifth (5th) day of every month.
 - b. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the twentieth (20th) day of the month in which it was issued.
 - c. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five dollars (\$40.00) shall be added to each delinquent bill. If a late-payment penalty applies pursuant to Chapter 90 of this Code, the late-payment penalty provided for in this section shall be waived.
 - d. Service Discontinued. Following written notice and an opportunity for a hearing, water, sewer, and/or solid waste collection service may be discontinued in accordance with Section 384.84 of the Code of Iowa if the combined service account becomes delinquent.
3. Special Agreements Permitted. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the City Council.

SECTION 2. SAVINGS CLAUSE. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect beginning July 1, 2014.

First reading on the ____ day of _____, 2014.

Second reading on the ____ day of _____, 2014.

Third and final passage on the ____ day of _____, 2014.

TIM KEMP, MAYOR

ATTEST:

BONNIE HANSEN, CITY CLERK

I certify that the forgoing was published in accordance with the laws and ordinances of the State of Iowa and the City of Hills the ____ day of _____, 2014.

BONNIE HANSEN, CITY CLERK

Drafted and approved as to form by City Attorney

EREK P. SITTIG, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF HILLS, IOWA, BY ADDING AND AMENDING PROVISIONS
RELATED TO THE CITY'S PUBLIC WATER SYSTEM

Be it enacted by the City Council of the City of Hills, Iowa:

SECTION 1. There is hereby adopted the following Chapter 90 entitled "Water Service System":

"90.01 WATER SYSTEM ESTABLISHED. By virtue of the power vested in the City Council by the voters at a special election held on November 6, 2012, pursuant to Iowa Code Section 388.2, there is hereby established in the City of Hills a public water system. Said public water system shall be known as the "Hills Water System." Future projects that include water main construction will require connection by adjacent properties within one year of final acceptance of the project unless otherwise provided in a development agreement, annexation request, annexation agreement, or resolution approved by the City Council.

90.02 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "State Plumbing Code" means the most recent version of the Iowa State Plumbing Code adopted by the Iowa Department of Health at the time a connection is made.
4. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent, or representative.
5. "Water main" means a water supply pipe provided for public or community use.
6. "Water service pipe" means the pipe from the water main to the building served.
7. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.03 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the

Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa Sec. 372.13[4])

90.04 MANDATORY CONNECTIONS. The owners of any houses, buildings or structures used for human occupancy, employment, or use, situated within the City and abutting on any street, alley, or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.

90.05 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.06 PERMIT REQUIRED. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.07 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay three hundred fifty dollars (\$350.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.
(Code of Iowa, Sec. 384.84)

90.08 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code.

90.09 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.10 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the State Plumbing Code and the provisions of Chapter 135 of this Code of Ordinances.

90.11 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:
(Code of Iowa, Sec. 372.13[4])

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains shall receive no smaller than a one-inch tap. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of any joint in the main.
3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.
5. Costs. All costs and expenses incident to the tapping into a water main and installation of the corporation stop, service pipe and curb shutoff valve shall be borne by the property owner.

90.12 INSTALLATION OF WATER SERVICE PIPE. Water service pipes and construction thereof shall comply with all applicable provisions of the State Plumbing Code. The surface of any area excavated must be returned to its condition prior to excavation and to the satisfaction of the City.

90.13 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.14 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.
(Code of Iowa, Sec. 364.12[3a & h])

90.15 CURB VALVE. There shall be installed within the public right-of-way, or within a perpetual easement granted to the City, a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.16 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.17 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.18 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12 [3a & h])

90.19 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever. The City shall maintain all fire hydrants. Maintenance performed on private fire hydrants shall be paid for by the property owner. The City does not guarantee a constant supply of water and shall not be liable for failure to supply the same. The City may limit the use of water in the event of an emergency wherein the supply of water is limited or needed to meet the emergency.

90.20 PROHIBITED ACTS. It is unlawful for any person to injure, destroy, deface, or disturb any portion of the Hills Water System, to interfere with or obstruct the water supply, or to tamper with or turn a water valve for the purpose of turning on water service which has been previously been disconnected, without permission of

the City. Further, it is unlawful to make use of water which is provided through a shut-off valve which has been turned on without permission of the City. It is unlawful to interfere with normal distribution system pressures and to impede, obstruct, or otherwise cause any potential hazards to the water system.

90.21 REFUSAL OR DISCONTINUANCE OF WATER SERVICE. Water service may be refused or discontinued by the City upon reasonable notice to the customer for any violation of any rule, regulation, or condition of service including, but not limited to:

1. Misrepresentation in any application regarding the intended use of water or the property or fixtures to be served;
2. Failure to report to the City change in or additional use of water or additions made to the property or fixture to be served;
3. Resale or giving away water;
4. Waste or misuse of water due to failure to maintain service pipes or fixtures;
5. Tampering or permitting tampering with the meter, meter seal, service or valves;
6. Connection or cross-connection of any separate water supply to premises that is connected to the Hills Public Water System;
7. Nonpayment of bills for combined service account;
8. Refusal to allow City access to service or install meters;
9. Any unlawful act or violation of the regulations contained in these Water Service chapters.

90.22 WAIVER OF FEES. The fees provided for in Chapter 90 shall not be collected for properties connected to the City's water system under the City's initial contract to construct the water system, executed in April 2014. The owner of any property included in the bids and specifications for connection under such contract that is not so connected due to the owner's refusal shall be required to pay all fees provided for in Chapter 90; and the owner of such property shall be responsible for the costs of installing a water service connection to the property. Any other building constructed prior to the completion of the initial construction and full activation of the City's water system shall not be charged the fees provided for in Chapter 90, but the owner or developer of such building shall be responsible for the costs of installing a water service connection to the building."

SECTION 2. There is hereby adopted the following Chapter 91 entitled "Water Meters":

"91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 METER INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule of such fees approved by resolution of the Council. Such meter shall remain the property of the City.

91.10 ACCURACY TEST. The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in six months. Such request shall be accompanied by a refundable deposit of five dollars (\$5.00) guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent (2%) or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than three months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than 2% fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over 2% up to three months.

91.11 METER READING UNAVAILABLE. Where a meter has ceased to register, or meter reading could not be obtained for any reason, the quantity of water consumed for billing purposes shall be based upon an average of the prior six (6) months consumption, unless such calculation can be shown by the customer to be inaccurate.”

SECTION 3. There is hereby adopted the following Chapter 92 entitled “Water Rates”:

“92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises, or connection shall be considered a separate and distinct customer whether or not owned or controlled by the same person.
(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service within the City shall be furnished at the monthly rate of \$35.00.
(Code of Iowa, Sec. 384.84)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates five percent (5%) above the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.
(Code of Iowa, Sec. 364.4 & 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:
(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the 5th day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 20th day of the same month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of twenty dollars (\$20.00) shall be added to each delinquent bill.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:
(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such

notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and shall inform the customer of the opportunity for a hearing prior to the discontinuance, and the procedure for requesting a hearing.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

3. Hearing. The customer may request a hearing regarding a notice of delinquency by requesting such a hearing in writing not later than three (3) days prior to the date of discontinuance, contained in the notice of delinquency. If a hearing is requested in accordance with this provision, the Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Mayor finds that the disconnection is justified, the customer may appeal the Mayor's decision to the Council by requesting such an appeal in writing within three (3) days of the Mayor's decision. The Council shall hear the appeal at its next regular meeting. If the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of forty dollars (\$40.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. In addition, a lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the

notice and deposit. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
(Code of Iowa, Sec. 384.84)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.
(Code Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer not the owner of the premises served a seventy five dollars (\$75.00) deposit intended to guarantee the payment of bills for service.
(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. Should the owner request shut off or turn on after normal business hours, a fee of forty dollars (\$40.00) for each after-hours trip shall apply. During a period when service is temporarily discontinued as provided herein the account-holder shall be liable for the minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 USE BY CUSTOMER. Water furnished by the City may only be used for domestic consumption and production by the customer, members of the customer's household, or the customer's employees. The customer shall not sell or offer to sell to any other person or entity water provided by the City without the prior written approval of the City.

92.12 REFUSAL OF SERVICE. The City may refuse service to new customers when, in the opinion of the City, the capacity of the City's water facilities will not permit such additional service."

SECTION 4. SAVINGS CLAUSE. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

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

First reading on the ____ day of _____, 2014.

Second reading on the ____ day of _____, 2014.

Third and final passage on the ____ day of _____, 2014.

TIM KEMP, MAYOR

ATTEST:

BONNIE HANSEN, CITY CLERK

I certify that the forgoing was published in accordance with the laws and ordinances of the State of Iowa and the City of Hills the ____ day of _____, 2014.

BONNIE HANSEN, CITY CLERK

Drafted and approved as to form by City Attorney

EREK P. SITTIG, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF HILLS, IOWA, BY ADDING AND AMENDING PROVISIONS
RELATED TO PROTECTION OF THE CITY'S PUBLIC WATER SUPPLY AND
REGULATING THE USE OF WATER WELLS WITHIN CITY LIMITS

Be it enacted by the City Council of the City of Hills, Iowa:

SECTION 1. There is hereby adopted the following Chapter 93 entitled "Private Wells and Public Water Supply Protection":

93.01 PRIVATE WELLS.

1. No person shall construct or reconstruct a well within the city limits of the City of Hills for the production of water when the property to be served is within 100 feet of a municipal water main, unless such construction or reconstruction is approved by the City Council. The City Council may approve a request to construct or re-construct a well for non-potable water use upon the terms and conditions the City Council deems appropriate.

2. Any private well in existence upon a property at the time a municipal water main is placed within 100 feet of the property may be maintained until such time as the pump for such well must be replaced or the well must be re-drilled or otherwise reconstructed, at which time the well must be abandoned and appropriately capped. Any such active well may not be connected to the potable water supply plumbing of any building located on the property.

93.02 CONTAMINATION PREVENTION.

1. In order to prevent contamination of the City's potable water supply, the Superintendent may require any user of the City's public water system to install a backflow prevention device on the building service line where such line enters the building, or at another point designated by the Superintendent.

2. At no time may any private well or other non-City water source or any other possible source of contamination be connected directly to the City's public water system or to the potable water plumbing system of a building served by the City's public water system. The Superintendent or his designee shall have the authority to enter any property to ensure such cross-connections do not exist.

93.03 SEPARATION DISTANCES FROM WELLS. The separation distances contained in Iowa Administrative Code Section 567, Chapter 43, TABLE A, are hereby adopted and incorporated herein. These separation distances shall apply to any existing City water supply wells and any new water supply wells as may be constructed or otherwise connected to the system.

93.04 ENFORCEMENT.

1. Any violation of the provisions of this ordinance shall be a municipal infraction and may be prosecuted as such pursuant to Chapter 5 of the Hills Municipal Code of Ordinances.

2. Should the City determine that a violation of this ordinance has resulted in any contamination of the City's water system, the person or entity responsible for the violation shall be required to pay damages in an amount sufficient to decontaminate the water system and return it to acceptable operating status, as required by the Iowa Department of Natural Resources or the Environmental Protection Agency, including all City staff time attending to the contamination.

3. The enforcement provisions of this ordinance are not mutually exclusive.

SECTION 2. SEVERABILITY CLAUSE. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

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

First reading on the ____ day of _____, 2014.

Second reading on the ____ day of _____, 2014.

Third and final passage on the ____ day of _____, 2014.

TIM KEMP, MAYOR

ATTEST:

BONNIE HANSEN, CITY CLERK

I certify that the forgoing was published in accordance with the laws and ordinances of the State of Iowa and the City of Hills the ____ day of _____, 2014.

BONNIE HANSEN, CITY CLERK

Drafted and approved as to form by City Attorney

EREK P. SITTIG, CITY ATTORNEY