

CITY COUNCIL MEETING
RAND CENTER
JULY 17, 2012
7:00 P.M.

Mayor Sargent opened the Public Hearing on the 2012 Street Resurfacing and Reconstruction Improvements at 7:00 p.m. He asked for comments on the project. There being none, he closed the hearing and called the regular session to order at 7:05 p.m. Council members present were: Dillinger, Struble, Ratliff, Dinsmore and Isom. Also present were City Clerk/Administrator Miller, Jim Olmsted and Greg Perry (Olmsted & Perry Consulting Engineers) and visitors: Evelyn Lynch, Max Dungan, John Riley, Bill Wilson, Chris Windschitl and Mark Mahoney.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the agenda for July 17, 2012 as presented, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the consent agenda with the amended claims list, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Bids for the 2012 Street Resurfacing & Reconstruction Improvements were opened and read. The City Engineers were directed to review the results and bring back a recommendation to the Council.

Bill Wilson addressed the Council regarding the proposed Shawmutt Ave assessments for paving improvements. He has a large lot abutting Shawmutt but his driveway is on Huron, therefore his assessment would be high although he didn't feel he would get the benefit from an improved road. The steps for proceeding with special assessments for Shawmutt Ave were outlined, which included additional opportunities for citizen input at public hearings.

Council considered the request from Dave Wilson to base his sewer use fee on a yearly average rather than the 3-month average. Mayor Sargent reviewed Mr. Wilson's consumption averages over the past four years and noted there is less than a \$1 difference/month over the 4 years. He recommended the Council maintain the current policy of averaging January – March water consumption for the annual sewer fee. Moved by Council member Dinsmore to deny the request to change the sewer fee policy, seconded by Council member Struble. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the proposal from Bert Gurney & Associates to replace the Fairbank Morse pump at the lift station for \$8,169, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Moved by Council member Dinsmore to approve Resolution 12-25, "Resolution To Fix A Date For A Public Hearing On A General Obligation Street Improvement Loan Agreement In A Principal Amount Not To Exceed \$1,400,000", seconded by Council member Struble. Motion carried on a 5-0 vote.

RESOLUTION 12-25

Resolution To Fix A Date For A Public Hearing On A General Obligation Street Improvement Loan Agreement In A Principal Amount Not To Exceed \$1,400,000

WHEREAS, the City of Missouri Valley, in the County of Harrison, State of Iowa (the "City"), proposes to enter into a General Obligation Street Improvement Loan Agreement (the "Loan Agreement") in a principal amount not to exceed \$1,400,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of financing the construction of street improvements, and it is necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Missouri Valley, Iowa, as follows:

Section 1. This Council shall meet on the 7th day of August, 2012, at the Rand Center, Missouri Valley, Iowa, at 7:00 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than 4 nor more than 20 days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT AND BORROW MONEY IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000

(GENERAL OBLIGATION)

The City Council of the City of Missouri Valley, Iowa, will meet on the 7th day of August, 2012, at the Rand Center, Missouri Valley, Iowa, at 7:00 o'clock p.m. for the purpose of instituting proceedings and taking action to enter into a General Obligation Street Improvement Loan Agreement (the "Loan Agreement") and borrow money in a principal amount not to exceed \$1,400,000 for the purpose of financing the construction of street improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Missouri Valley, Iowa.

Rita Miller
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved July 17, 2012.

Mayor

Attest:

City Clerk

Moved by Council member Dillinger to approve Resolution 12-26, "Resolution To Certify Certain Costs For Collection With Taxes", seconded by Council member Struble. Motion carried on a 5-0 vote.

RESOLUTION 12-26

RESOLUTION TO CERTIFY CERTAIN COSTS FOR COLLECTION WITH TAXES

BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa:

Section 1. That the costs and expenses incurred by the City of Missouri Valley, Iowa as set forth in the attached Exhibit "A" are hereby approved for certification to the County Treasurer for collection with taxes and the City Clerk is hereby directed to transmit same.

Passed and approved this 17th day of July, 2012.

CITY OF MISSOURI VALLEY

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

EXHIBIT A

<u>Name</u>	<u>Property To Be Assessed</u>	<u>Amount</u>
Tf 24 Ccsb	302 S 10th Nuisance Abatement (2 separate mowings/tree brush)	\$ 387.50
Tf 05 Ccsb	304 S 10th Nuisance Abatement (2 separate mowing/tree brush)	\$ 387.50

Council member Struble requested a red flag be put on the speed limit sign on N 1st coming into the city limits from the North. It was also suggested the speed trailer be put out there. City Clerk/Administrator Miller will follow up on that. He also requested the sidewalk at 1st & Superior be checked.

Following review of the bids on the street project, Jim Olmsted recommended the Council accept the low bid from Western Engineering Co for Project Contract #1 in the amount of \$77,937.25 and the low bid from Bluffs Paving & Utility Inc for Project Contract #2 in the amount of \$714,717.75. Moved by Council member Struble to accept the engineers' recommendation and award Project Contract #1 to Western Engineering Co and Project Contract #2 to Bluffs Paving & Utility Inc, seconded by Council member Dillinger. Motion carried on a 5-0 vote.

Council determined to bond the full cost of the 2012 Street Resurfacing & Reconstruction Improvements and the Shawmutt Ave Paving Improvements as one bond issue rather utilizing short-term construction financing for Shawmutt Ave. If the Shawmutt Ave paving portion of the

project is dropped, or if property assessments are paid up front so the City does not have the initial cost outlay, the extra bond proceeds can be used on another street project.

Moved by Council member Struble to designate Olmsted & Perry Consulting Engineers as the engineers in connection with the 2012 Shawmutt Ave Paving Improvements Project and may be hereafter referred to as the "Project Engineers", seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Jim Olmsted explained the steps the Council will follow in setting up the assessment district, including notices and public hearings on the preliminary plat. An outline will be provided to Council detailing the steps. He informed the Council that the affected property owners will have an opportunity to object to the special assessments for the project by filing a written objection with the City prior to the approval of the Resolution of Necessity for the special assessments. In the event that a remonstrance (objection by the property owners of at least 75% of the area being assessed) is received by the City by the time of the hearing on the Resolution of Necessity, the voting requirement for the approval of the Resolution changes from an affirmative vote of 4 of the 5 Council Members to requiring a unanimous vote of all members of the Council.

Moved to adjourn by Council member Struble, seconded by Council member Dillinger. Motion carried on a 5-0 vote. Meeting adjourned at 7:40 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator