

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

Mayor Sargent opened the Public Hearing on the General Obligation Street Improvement loan agreement at 7:00 p.m. This being the time and place specified for taking action on the proposal to enter into a Loan Agreement in a principal amount not to exceed \$1,400,000, the City Clerk/Administrator announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor closed the Public Hearing.

Mayor Sargent opened the regular session and called it to order at 7:00 p.m. with the following Council members present: Dillinger, Ratliff, Dinsmore and Isom. Council member Struble was absent. Also present were City Clerk/Administrator Miller, City Engineer Olmsted, Chief Murray and visitors: Evelyn Lynch, Chip Schultz, Michele Stirtz, Robert Lance, Craig Guttau, John Riley and Max Dungan.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the amended agenda for August 7, 2012, seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

Moved by Council member Dillinger to approve the consent agenda, seconded by Council member Ratliff. Motion carried on a 4-0 vote.

Chief Murray informed Council of his recommendation to hire Robert Millin as an officer. Mr. Millin is certified in Iowa and Wisconsin, and has worked in Lansing for three years. Moved by Council member Dinsmore to hire Robert Millin as police officer, contingent upon his satisfactorily passing testing requirements, seconded by Council member Dillinger. Motion carried on a 4-0 vote. Start date will be approximately September 10, 2012. Council was in agreement to pay off up to \$2,000 training reimbursement debt on his behalf upon his signing a reimbursement agreement with the City.

Michele Stirtz gave the Council an update on the Caboose. They are getting bids for the painting and plan to have it painted at its current location and then moved to the new area. Larry Buss has agreed to move the caboose and a waiver of liability/agreement and permits are being obtained. Council members expressed concerns about how the caboose will be moved. Michele will get specifics and bring back a recommendation to Council. Craig Guttau presented a scale model of the proposed layout. They plan to put the caboose on the northeast corner of Windom and Erie Street (Hwy 30), with the caboose situated near the Erie Street side where it would be the most visible from both east and west traffic. Woodmen of the World has offered to donate the flag pole and Paul Oldberg's class will put in the sidewalks. They would like to have the old concrete removed. Harrison County would remove it if they could have the cement chunks for fill. Council was in agreement. The project will be done in 2 phases - Phase I: paint caboose, site preparation, move caboose; Phase II: site amenities. Michele asked what the Council was considering as contribution toward the project. She reported the Committee has \$8,500 toward

the project, which includes grants & donations, but does not include the paint grant. Council's response was that it depended upon the needs of the final project. They agreed the area would become part of the park system and therefore maintenance and upkeep would be an on-going function of the park department. Discussion was held on surfacing material – hard surface (concrete or asphalt), grass or a combination. Council requested the Committee put together specific cost estimates; and revenue sources including fund raising projections for Council's review at the September 4, 2012 meeting, along with specifics on Buss's plan for moving the caboose and the cost of a crane.

Chip Schultz presented information on the 2012 General Obligation Street Improvement bonds and discussed 10 yr bonds vs. 12 yr bonds. Following discussion, Council consensus was to go with the 10 year loan to get it paid off quicker and to save interest expense.

Moved by Council member Dinsmore to approve Resolution 12-27, "Resolution Taking Additional Action To Enter Into A Loan Agreement And Authorizing The Use Of A Preliminary Official Statement In Connection Therewith", seconded by Council member Dillinger. Motion carried on a 4-0 vote.

### **RESOLUTION 12-27**

#### **Resolution Taking Additional Action To Enter Into A Loan Agreement And Authorizing The Use Of A Preliminary Official Statement In Connection Therewith**

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; and

WHEREAS, a Preliminary Official Statement (the "P.O.S.") has been prepared to facilitate the sale of General Obligation Street Improvement Bonds, Series 2012 (the "Bonds") in evidence of the obligation of the City under the Loan Agreement, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by Ruan Securities, a Division of D.A. Davidson & Co. (the "Underwriter");

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

Section 1. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds be issued at such time, in evidence thereof. The City Council further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. The City Administrator is hereby authorized to take such action as shall be deemed necessary and appropriate with the assistance of the Underwriter to complete preparation

of the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

Section 3. The use by the Underwriter of the P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the City is hereby approved, and the Underwriter is hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the City Administrator is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. The P.O.S. as of its date is deemed final by the City within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 4. Further action with respect to the approval of the Loan Agreement and the issuance of the Bonds is hereby adjourned to the City Council meeting scheduled for August 21, 2012.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved August 7, 2012.

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Mayor

Attest:

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City Clerk

Moved by Council member Dinsmore to approve Preliminary Resolution Pursuant To Section 384.42 Of The Iowa Code Covering The 2012 Shawmutt Avenue Paving Improvements Project. Council member Dillinger stated his concerns about proceeding with the project: higher cost than he expected so there would be a significant use of tax money in an area that is still in the floodway; per the new comprehensive plan, future land use depends on flood mitigation of which none has been done in this area yet; according to information received from the County Assessor, the property valuations in the area which were lowered at the time of the 2007, will not be increasing anytime soon. Therefore he does not believe this project would be good use of city or taxpayer money at this time. Council member's Isom and Ratliff agreed. Council member

Dinsmore stated he was still in favor of the paving because of the amount of traffic on the street and it is an opportunity to make improvements to the whole town. Following discussion, motion died for lack of a second and consensus was to not proceed with the Shawmutt Ave paving.

Moved by Council member Dillinger to request the PWD provide alternate options for maintenance of Shawmutt Ave and recommendation on any other paving project, seconded by Council member Isom. Motion carried on a 4-0 vote.

Items #13, 14, & 15 were deleted due to the Council decision to not pursue Shawmutt paving.

Jim Olmsted reported the 2012 Street Improvement preconstruction meeting had been held. The contractor will have equipment on site August 15, 2012 to start milling and once that is done, work on the water line will follow. The project will start on the south end (Erie Street) and proceed north in 3 phases: the first block, up to St. Clair; St. Clair intersection. Grove Street will be done either between phases or at the end of project – whichever fits into the contractor's schedule. The schedule for the asphalt overlay on Huron has not been determined yet.

Moved by Council member Dillinger to approve Resolution 12-28, "Resolution To Certify Certain Costs For Collection With Taxes", seconded by Council member Dinsmore. Motion carried on a 4-0 vote.

## **RESOLUTION 12-28**

### **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 7th day of August, 2012.

CITY OF MISSOURI VALLEY

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

EXHIBIT A

<u>Name</u>	<u>Property To Be Assessed</u>	<u>Amount</u>
EMC Mortgage Corporation	815 N 6 <sup>th</sup> Street Nuisance Abatement	\$ 170.00
April M. Berry	118 N 6 <sup>th</sup> Street Nuisance Abatement	\$ 170.00
Duane Carlson	105 W Superior Street Nuisance Abatement	\$ 170.00
Clarence & Melissa Scott	526 N 3 <sup>rd</sup> Street Nuisance Abatement	\$ 170.00
Hsbc Bank USA Nat'l Ass'n	557 N 1 <sup>st</sup> & Lot Nuisance Abatement	\$ 340.00
TF20 Ccsb	583 N 1 <sup>st</sup> Street Nuisance Abatement	\$ 170.00
Jesus & Bertha Colunga	119 N 2 <sup>nd</sup> Street Nuisance Abatement	\$ 170.00
Troy & Deanna Dawdy	223 N Harrison Street Nuisance Abatement (2 separate mowings)	\$ 340.00
Justin W. Ames	723 E Huron Street Nuisance Abatement (clean up/haul away)	\$ 320.00

Moved by Council member Dinsmore to approve the 28E Agreement with Harrison County Communications, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Dillinger to accept the bid of \$800.00 from ABC Painting for the traffic light poles at 4<sup>th</sup>/Erie, seconded by Council member Ratliff. Motion carried on a 4-0 vote.

Council member Isom presented a list of properties he felt needed to be looked at for nuisance violations.

City Clerk/Administrator Miller asked Council's direction regarding a property that had been given an extension to get rid of a large build up of trash, junk & tree debris but no improvements has been made. Council agreed enough time had been allowed and an abatement should be issued.

Council member Dillinger asked that the cemetery gates be looked at. Council instructed the gates be repaired and repainted by the city employees.

Discussion was held on clean-up around the Veterans Memorial and other flower/shrub areas because the Garden Club doesn't want to do it being it is ultimately under the Park Director. The suggestion was made that the Park Board look into getting volunteers for it.

Moved by Council member Dillinger to adjourn, seconded by Council member Dinsmore. Motion carried on a 4-0 vote. Meeting adjourned at 8:20 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller  
City Clerk/Administrator