

CITY COUNCIL MEETING  
RAND CENTER  
NOVEMBER 17, 2015  
6:00 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Thompson, Ratliff, Johnson, Isom, Struble. Also present were City Clerk/Administrator Miller and visitors: Phyllis Brothers, Herb Brothers, Roger Gunderson, Adam Bellis, Jesusa Christians, John Riley, Sally Salter, Kathy Michael, Gary Michael.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the Agenda as presented, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Johnson to approve the Consent Agenda, seconded by Council member Struble. Motion carried on a 5-0 vote.

Kathy Michael addressed the Council to request she be allowed to keep more than three dogs as allowed by City Ordinance. She currently has six dogs. Three are licensed in Missouri Valley and three licensed outside of town, although they are all kept at her house. Following discussion, Mayor Sargent requested it be put on the next agenda to allow time for the Council to review the ordinance and get additional information. Chief Murray will be asked to be present also.

Moved by Council member Struble to approve the 3<sup>rd</sup> reading of Ordinance #515. "An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To Parking Violations", seconded by Council member Johnson. Motion carried on a 5-0 vote. Mayor Sargent declared Ordinance #515 passed and adopted upon publication.

Moved by Council member Struble to accept the FY15 Annual Financial Report, seconded by Council member Isom. Motion carried on a 5-0 vote.

Mayor Sargent opened the sealed bids on the property at 317 N 5<sup>th</sup> Street. Moved by Council member Johnson to accept the high bid from Herb and Phyllis Brothers, seconded by Council member Struble. Motion carried on a 5-0 vote. A quit claim deed and Resolution will be prepared for the next meeting.

Mayor Sargent explained the necessity of using the 2010 preliminary FIRM maps to make smart building decisions because they provide the best available information in the City's flood zone areas. These maps would be for construction purposes only and not insurance purposes. Following discussion, moved by Council member Struble to approve Resolution 15-42, "Resolution Adopting June 25, 2010 NFIP Preliminary FIRM Map, Panels 308, 309, 316 and 317", seconded by Council member Johnson.

AYES: Struble, Johnson, Thompson  
NAYS: Ratliff, Isom. Motion carried.

Moved by Council member Johnson to approve Resolution 15-43, "Resolution Consenting To The Issuance Of Notes By The Board Of The Harrison County Landfill Commission For The Purpose Of Constructing Improvements Under The Terms Of The Intergovernmental Agreement Creating the Harrison County Landfill Commission, And Related Matters", seconded by Council member Isom. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve Resolution 15-44, "A Resolution Approving The Transfer Of Funds From The 2012 Street Improvement Capital Project Fund To The General Fund", seconded by Council member Thompson. Motion carried on a 5-0 vote.

City Clerk/Administrator explained that due to a change in State regulations, cemetery deeds would no longer be issued and would be replaced with a Certificate of Interment Rights. Moved by Council member Struble to approve the Certificate as to form and use, seconded by Council member Isom. Motion carried on a 5-0 vote.

City Clerk/Administrator reported the work comp representative had been in town for his quarterly review. The City is making progress in improving its' rating. She informed Council she has spoken with Tracy Thompson and he is still committed to replacing the seal-coat on S 9<sup>th</sup> Street. Consensus was to allow him time to do so.

She also informed Council she had received the renewal for employee health insurance. Council directed her to get quotes on comparable coverage.

Moved to adjourn by Council member Struble, seconded by Council member Isom. Motion carried on a 5-0 vote. Meeting adjourned at 7:09 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller  
City Clerk/Administrator

## **ORDINANCE #515**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO PARKING VIOLATIONS**

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

**SECTION 1. SECTION MODIFIED.** Section 70.03 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

70.03 Parking Violations: Alternate. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty-five dollars (\$25.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by ten dollars (\$10.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

(Code of Iowa, Sec. 321.236(1a) & 321L.4(2))

**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 by the City Council on the 17th day of November, 2015 and approved this 17th day of November, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller, City Clerk/Administrator

## **RESOLUTION 15-42**

### **RESOLUTION ADOPTING JUNE 25, 2010 NFIP PRELIMINARY FIRM MAP, PANALS 308, 309, 316 AND 317**

WHEREAS, the Federal Emergency Management Agency (FEMA) has created a preliminary Flood Insurance Rate Map (FIRM) of Harrison County, Iowa, including the City of Missouri Valley, designating flood plain areas; and

WHEREAS, the City of Missouri Valley desires to promote economic development outside designated flood plain areas; and

WHEREAS, the City of Missouri Valley finds this map to be the best available information in regard to flood plain areas within the city of Missouri Valley for construction purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, that the NFIP Preliminary FIRM map, Panels 308, 309, 316 and 317, dated June 25, 2010 be adopted and the same used as it pertains to flood plain management and construction within the City of Missouri Valley, Iowa.

Passed and approved this 17<sup>th</sup> day of November, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

**RESOLUTION 15-43**

**RESOLUTION CONSENTING TO THE ISSUANCE OF NOTES BY THE BOARD OF THE HARRISON COUNTY LANDFILL COMMISSION FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS UNDER THE TERMS OF THE INTERGOVERNMENTAL AGREEMENT CREATING THE HARRISON COUNTY LANDFILL COMMISSION, AND RELATED MATTERS**

WHEREAS, the City of Dunlap, Iowa, the City of Little Sioux, Iowa, the City of Logan, Iowa, the City of Magnolia, Iowa, the City of Missouri Valley, Iowa, the City of Modale, Iowa, the City of Mondamin, Iowa, the City of Persia, Iowa, the City of Pisgah, Iowa, the City of Woodbine, Iowa, and the County of Harrison, Iowa (collectively, the “Members”), are parties to an Intergovernmental Agreement Creating the Harrison County Landfill Commission dated on or about November 4, 1992, including any amendments or supplements thereto (together, the “28E Agreement”); and

WHEREAS, the 28E Agreement, among other things, establishes the Harrison County Landfill Commission as a separate legal entity, and authorizes the issuance of revenue notes under Chapter 28F, Code of Iowa for the purpose of funding certain activities by the Commission, and provides a means of allocating the budgeted costs to each of the Members; and

WHEREAS, the Harrison County Landfill Commission has proposed that not to exceed \$1,550,000 of Solid Waste Revenue Notes be issued by the Harrison County Landfill Commission under Chapter 28F of the Code of Iowa for the purpose of providing funds to pay costs associated with improvements and extensions to the Harrison County Landfill Commission; and

WHEREAS, this Council has determined that the Council should evidence its consent to the issuance of not to exceed \$1,550,000 of Solid Waste Revenue Notes as provided in the 28E Agreement and Chapter 28F.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOURI VALLEY, STATE OF IOWA:

Section 1. Consent to Issuance of Notes. The Council hereby consents to and authorizes the Harrison County Landfill Commission Board, pursuant to Section 28F.3 of the Code of Iowa, as amended, (the “Code”), to issue Solid Waste Revenue Notes in the aggregate principal amount of not to exceed \$1,550,000 (the “Notes”) for the purposes contemplated by the 28E Agreement. The City consents to and agrees that such Notes may be issued and sold by the Harrison County Landfill Commission Board in multiple series, at such times and from time to

time over a period of years, in such amounts, to such purchasers and for such purposes, by either public or private sale, at fixed or variable rates of interest as shall be prevailing at the time of issuance of the Notes, but which shall not exceed 9% in any event, with such covenants and terms and in such form and manner as the Harrison County Landfill Commission Board shall determine to be appropriate, in its sole discretion. The Mayor and Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such certificates or documents as may be necessary or desirable in order to further evidence the authorization of the City with respect to the issuance of the Solid Waste Revenue Notes as provided in the 28E Agreement.

Section 2. Not General Obligations. The principal of and interest on all Notes issued under the 28E Agreement shall be payable solely from and secured by the net revenues of the Harrison County Landfill Commission System facilities and from other funds of the Harrison County Landfill Commission lawfully available therefore as provided in Section 28F.5 of the Code, or other applicable provisions of law, and the Solid Waste Revenue Notes shall not in any respect be general obligations of the City.

Section 3. Allocations of Debt Service. Following the issuance of the Notes and for so long as any of the Notes remain outstanding, the debt service thereon shall be allocated to the Members in accordance with the percentages in Article III(a) of the 28E Agreement, and the City agrees to pay its allocated share of such debt service to Harrison County Landfill Commission under the terms and at the times set forth in the 28E Agreement or as determined by the Harrison County Landfill Commission, through the budget process or otherwise.

Section 4. Restriction on Withdrawal. The City further agrees that it may not withdraw or in any way terminate, amend or modify in any way its obligations under the 28E Agreement to the detriment of the holders of the Notes while any of the Notes are outstanding and unpaid, and the provisions of Section 28F.3 of the Code with respect thereto are hereby approved and accepted.

Section 5. Certification. A certified copy of this resolution shall be promptly provided to the Manager of the Harrison County Landfill Commission.

PASSED AND APPROVED this 17<sup>th</sup> day of November, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

#### **RESOLUTION 15-44**

**A RESOLUTION APPROVING THE TRANSFER OF FUNDS FROM THE 2012 STREET IMPROVEMENT CAPITAL PROJECT FUND TO THE GENERAL FUND**

WHEREAS, the City of Missouri Valley has completed and closed out the 2012 Street Resurfacing and Reconstruction Improvements; and,

WHEREAS, all costs have been expended for the project and there remains a balance in the Capital Project Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, to approve the transfer of \$92,007.76 in funds from the Capital Project Fund into the General Fund to close out the remaining balance in the 2012 Street Improvements Capital Project Fund.

Passed and approved this 17th day of November, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator