

CITY COUNCIL MEETING  
RAND CENTER  
NOVEMBER 18, 2014  
6:00 P.M.

Mayor Pro-Tem Struble presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Dillinger, Isom, Johnson, Ratliff. Also present were City Clerk/Administrator Miller and visitors: Roger Gunderson, Tim Guill, Jan Guill, Dean Jaeger, John Riley, Annette Deakins, Bob Valentine, Jesusa Christians, Barbara Guinan.

The Pledge of Allegiance was recited.

Moved by Council member Dillinger to approve the agenda with the deletion of Item #11, seconded by Council member Johnson. Motion carried on a 5-0 vote.

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

During citizen inquiries, a citizen asked that his water bill be adjusted. His meter showed a high usage but he had checked for leaks and found nothing. City Clerk/Administrator reported they had re-read the meter and had offered to pull and test the meter, per city policy, but the homeowner had not responded to the request to set up an appointment. Following discussion, Council requested the meter be replaced and tested and then they would consider any action on adjusting the bill.

Mayor Pro-Tem Struble opened the public hearing at 6:16 p.m. on the Preliminary Plat of a new subdivision in Tracts A & B in Blk 38 and a part of Lot 1, Auditor's Subdivision and owned by Tamarack Development LLC. Dean Jaeger, Project Engineer, explained the development project and answered questions. Mayor Pro-Tem Struble closed the hearing at 6:20 p.m.

Moved by Council member Dillinger to approve Resolution 14-30, "Resolution Accepting And Approving The Preliminary Plat, Subdivision Agreement And Name Of Tamarack Estates Subdivision, A Subdivision Within The City Of Missouri Valley, Harrison County, Iowa", seconded by Council member Isom. Motion carried on a 5-0 vote.

**RESOLUTION 14-30**

**RESOLUTION ACCEPTING AND APPROVING THE PRELIMINARY PLAT,  
SUBDIVISION AGREEMENT AND NAME OF TAMARACK ESTATES SUBDIVISION,  
A SUBDIVISION WITHIN THE CITY OF MISSOURI VALLEY, HARRISON COUNTY,  
IOWA**

WHEREAS, Tamarack Development LLC did prepare and submit a preliminary plat designated as Tamarack Estates, a subdivision in Tracts A and B, Blk 38 together with part of

Lot 1, in Auditor's Subdivision of Sec 15-78-44, Missouri Valley, Harrison County, Iowa to the Missouri Valley Planning and Zoning Board; and

WHEREAS, the Missouri Valley Planning and Zoning Board did conditionally approve said preliminary plat; and

WHEREAS, Tamarack Development LLC did file with the City Clerk of the City of Missouri Valley, Harrison County, Iowa the preliminary plat designated as Tamarack Estates and Subdivision Agreement; and

WHEREAS, the City Council of Missouri Valley, Iowa finds that the conditions as set out by the Planning and Zoning Board have now been met; and

WHEREAS, the City Council of Missouri Valley, Iowa further finds that the approval of said plat of subdivision and Subdivision Agreement is in the best interest of the City of Missouri Valley;

BE IT RESOLVED that the City Council of the City of Missouri Valley, Iowa does hereby accept and approve the Preliminary Plat and name of Tamarack Estates Subdivision, a subdivision in Tracts A and B, Blk 38 together with Part of Lot 1, in Auditor's Subdivision of Sec 15-78-44, Missouri Valley, Harrison County, Iowa; and ratifies the execution of said plat and Subdivision Agreement by the Mayor and City Administrator of Missouri Valley, Iowa.

Passed and approved by the City Council of the City of Missouri Valley, Iowa on the 18th day of November, 2014.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Bob Valentine addressed the Council with the Chamber of Commerce's inquiry about moving a windmill to the City property along the west side of Dean Dewaele Way. This could be decorated for the seasons, particularly Christmas. Council requested the Chamber present a proposal for Council's review.

Moved by Council member Dillinger to approve the 2<sup>nd</sup> reading of Ordinance #504, " An Ordinance To Amend Portions Of Section 90.06 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Water Treatment Capital Facilities Charges Due For All New Development Residential, Commercial, And Industrial Property Who Connect

To The City’s Public Water System”, as amended to include ‘new development’; and to waive the 3<sup>rd</sup> reading, seconded by Council member Johnson. Motion carried on a 5-0 vote.

**ORDINANCE #504**

**AN ORDINANCE TO AMEND PORTIONS OF SECTION 90.06 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA TO INCLUDE PROVISIONS FOR WATER TREATMENT CAPITAL FACILITIES CHARGES DUE FOR ALL NEW DEVELOPMENT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTY WHO CONNECT TO THE CITY’S PUBLIC WATER SYSTEM**

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

**SECTION 1. SECTION MODIFIED.** Section 90.06 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

**90.06 CHARGES AND FEES FOR PERMIT.** All new development residential, commercial, and industrial customers shall pay a Capital Facility Charge and a Hookup (Tap) Fee for water service at the time they file for a permit to connect to the City’s public water system. The Capital Facility Charge shall compensate the City for the expense of providing the capital facilities needed to process treated water and provide pressure and storage of the treated water to be used by the customer. The hookup (tap) fee shall compensate the City for the expense of processing a permit for connection and the inspection of the connection of the customer’s water service to the City’s water system.

1. **CAPITAL FACILITY CHARGES** shall be in accordance with the following schedule:

Residential Lot	\$1,300.00 per lot
Multi-Family Complex	\$1,000.00 per each unit
Commercial Parcel	\$3,900.00 per acre
Industrial Parcel	\$3,900.00 per acre

2. **HOOKUP (TAP) FEES** shall be in accordance with the following schedule:

Meter Size	Flow Rate	Ratio	Hookup Charge
5/8 inch	10 gpm	1.0	\$ 250.00
¾ inch	15 gpm	1.5	\$ 375.00
1 inch	25 gpm	2.5	\$ 625.00
1 ½ inch	50 gpm	5.0	\$ 1,250.00
2 inch	80 gpm	8.0	\$ 2,000.00

For meter sizes larger than 2 inch, the fee shall be \$25.00 per each gallon-per-minute of flow rate capacity of the meter.

3. ALL CHARGES AND FEES shall be paid prior to the issuance of the permit to connect, except for new subdivisions, which shall be as follows:
  - a. For new subdivisions, the first one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the developer of the new subdivision prior to the City's approval and signing of the subdivision's preliminary plat.
  - b. For new subdivisions, the second one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the water system.
  - c. For new subdivisions, the hookup (tap) fee for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the water system.

**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 BY THE COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

CITY OF MISSOURI VALLEY, IOWA

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Clint Sargent, Mayor

ATTEST:

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Rita Miller, City Clerk/Administrator

Mayor Pro-Tem Struble declared Ordinance #504 passed and adopted pending publication.

Moved by Council member Dillinger to approve the 2<sup>nd</sup> reading of Ordinance #505, “An Ordinance To Amend Portions Of Section 96.02 Of The Code Of Ordinances Of The City Of Missouri Valley, Iowa To Include Provisions For Sanitary Sewer Capital Facilities Charges Due For All New Development Residential, Commercial, And Industrial Property Who Connect To The City’s Public Sewer System” as amended to include ‘new development’ and to waive the 3<sup>rd</sup> reading, seconded by Council member Johnson. Motion carried on a 5-0 vote.

**ORDINANCE #505**

**AN ORDINANCE TO AMEND PORTIONS OF SECTION 96.02 OF THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA TO INCLUDE PROVISIONS FOR SANITARY SEWER CAPITAL FACILITIES CHARGES DUE FOR ALL NEW DEVELOPMENT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTY WHO CONNECT TO THE CITY’S PUBLIC SEWER SYSTEM**

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

**SECTION 1. SECTION MODIFIED.** Section 96.02 of the Code of Ordinances of the City of Missouri Valley is hereby repealed and the following adopted in lieu thereof:

**96.02 CHARGES AND FEES FOR PERMIT.** All new development residential, commercial, and industrial customers shall pay a Capital Facility Charge and a Hookup (Tap) Fee for sanitary sewer service at the time they file for a permit to connect to the City’s public sanitary sewer system. The Capital Facility Charge shall compensate the City for the expense of providing the capital facilities needed to process treated sewage and provide interceptor sewers to convey raw sewage from collection mains to the sewage treatment plant. The hookup (tap) fee shall compensate the City for the expense of processing a permit for connection and the inspection of the connection of the customer’s building sewer to the City’s collection mains.

1. CAPITAL FACILITY CHARGES shall be in accordance with the following schedule:

Residential Lot	\$1,000.00 per lot
Multi-Family Complex	\$8000.00 per each unit
Commercial Parcel	\$3,000.00 per acre
Industrial Parcel	\$3,000.00 per acre

2. HOOKUP (TAP) FEES shall be in accordance with the following schedule:

Building Sewer Line Size	Ratio	Hookup Charge
4 inch	1.0	\$ 250.00

6 inch	2.0	\$ 500.00
8 inch	4.0	\$ 1,000.00

For line sizes larger than 8 inch, the fee shall be determined by the City.

3. ALL CHARGES AND FEES shall be paid prior to the issuance of the permit to connect, except for new subdivisions, which shall be as follows:
  - a. For new subdivisions, the first one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the developer of the new subdivision prior to the City's approval and signing of the subdivision's preliminary plat.
  - b. For new subdivisions, the second one-half of the Capital Facility Charge for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the sanitary sewer system.
  - c. For new subdivisions, the hookup (tap) fee for all residential, commercial, and industrial lots shall be paid by the owner of the lots within the new subdivision, at the time each owner requests a permit to connect to the sanitary sewer system.

**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 18th DAY OF NOVEMBER, 2014.

CITY OF MISSOURI VALLEY, IOWA

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Clint Sargent, Mayor

ATTEST:

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Rita Miller, City Clerk/Administrator

Mayor Pro-Tem Struble declared Ordinance #505 passed and adopted pending publication.

Moved by Council member Dillinger to approve Resolution 14-31, "Fiscal Year 2013-2014 Annual Urban Renewal Report", seconded by Council member Isom. Motion carried on a 5-0 vote.

**RESOLUTION 14-31**

**FISCAL YEAR 2013 – 2014 ANNUAL URBAN RENEWAL REPORT**

BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa that the Council has approved the Annual Urban Renewal Report for FY 13-14 this 18<sup>th</sup> day of November, 2014.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Johnson to approve Resolution 14-32, "Resolution Authorizing Adoption Of Policies And Procedures Re: Municipal Securities Disclosure", seconded by Council member Dillinger. Motion carried on a 5-0 vote.

**RESOLUTION 14-32**

**RESOLUTION AUTHORIZING ADOPTION OF POLICIES AND PROCEDURES RE: MUNICIPAL SECURITIES DISCLOSURE**

WHEREAS, pursuant to the laws of the State of Iowa, the City of Missouri Valley, Iowa (the "City") has publicly offered, and likely will issue and publicly offer in the future, its bonds (the "Bonds"); and

WHEREAS, the City deems it necessary and desirable to adopt certain Policies and Procedures Re: Municipal Securities Disclosure to be followed in connection with the issuance and on-going administration of publicly offered Bonds; and

WHEREAS, the proposed Policies and Procedures Re: Municipal Securities Disclosure are attached hereto as Exhibit A (the "Disclosure Policies and Procedures");

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

Section 1. The Disclosure Policies and Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved November 18, 2014.

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Clint Sargent, Mayor

Attest:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Johnson to approve Resolution 14-33, "Resolution Authorizing Participation In The Municipalities Continuing Disclosure Cooperation Initiative", seconded by Council member Dillinger. Motion carried on a 5-0 vote.

### **RESOLUTION 14-33**

#### **RESOLUTION AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE**

WHEREAS, pursuant to the laws of the State of Iowa, the City of Missouri Valley, Iowa (the "City") has publicly offered certain of its municipal securities (the "Bonds"), and in connection therewith has undertaken to comply with the continuing disclosure obligations specified in Rule 15c2-12 (the "Rule") under the Securities Exchange Act of 1934 (the "Exchange Act"); and

WHEREAS, the U.S. Securities and Exchange Commission (the "Commission") has announced the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative"), a program intended to address potentially widespread violations of the federal securities laws by municipal issuers and underwriters of municipal securities in connection with certain representations about continuing disclosures in bond offering documents; and

WHEREAS, under the MCDC Initiative, in the event the Commission proceeds with an enforcement action, the Commission will recommend favorable settlement terms (such settlement terms are attached hereto as Exhibit A) to issuers who self-report to the Commission possible violations involving materially inaccurate statements in bond offering documents relating to prior compliance with the Rule; and

WHEREAS, upon review of the City's bond offering documents and past continuing disclosure filings during the MCDC Initiative review period, the City has discovered potentially



inaccurate statements in its bond offering documents regarding its continuing disclosure compliance; and

WHEREAS, in response to the City's review, the City now deems it necessary and desirable to participate in the MCDC Initiative;

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

Section 1. The City shall participate in the MCDC Initiative and shall submit the MCDC Initiative Questionnaire for Self-Reporting Entities (the "Questionnaire"), in substantially the form as attached hereto as Exhibit B, with such final changes as are approved by the City Administrator, reflecting the City's intent to consent to the applicable settlement terms under the MCDC Initiative, if the Commission determines to proceed with an enforcement action against the City.

Section 2. The City Clerk is hereby authorized and directed to complete and submit the Questionnaire to the Commission.

Passed and approved November 18, 2014.

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Clint Sargent, Mayor

Attest:

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Rita M. Miller  
City Clerk/Administrator

Council discussed the Building Inspector position. Consensus was to keep the position in-house rather than contract it out, and to put the electrical inspection back to the state due to certification requirements. City Clerk/Administrator will bring recommendation and additional info for the next meeting.

City Clerk/Administrator asked for Council's direction in pursuing a land use plan. Council requested the proposal be on the next agenda for consideration.

Moved by Council member Isom to adjourn, seconded by Council member Ratliff. Motion carried on a 5-0 vote. Meeting adjourned at 7:05 p.m.

Sherman Struble, Mayor Pro-Tem

Attest:  
Rita Miller  
City Clerk/Administrator