

**CITY OF MISSOURI VALLY
CITY COUNCIL MEETING
RAND CENTER
Tuesday, November 20, 2018
6:00 P.M.**

Mayor Kelly presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Gunderson, Pfouts, Struble, Stueve, and Tiffey. Also present were: Melba Struble, Leonard Ratliff, Jerry Lehman, Bruce Kocher, and Donald Rodasky.

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-None.

Motion by Struble, seconded by Tiffey to approve the agenda for the November 20, 2018 meeting. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Tiffey to approve the following items on the consent agenda: a) Minutes from City Council Meeting November 6, 2018: a) Claims list b) Water, Park Board reports c) Clerks Financial Report. Motion carried on a 5-0 vote.

Bruce Kocher gave the Library Report. He reported on the programs and attendance for October. He also reported that since 2016 the Library has received \$24,230.00 in grant money.

Jim Olmsted and Jeff Frey with Olmsted and Perry gave an update on the current projects. There will be no updates on 5th Street until Spring 2019. Westech has treated the media at the Water Treatment Plant. They have taken samples from one of the remaining cells for testing. Frey stated there are some issues with the cell they tested and will come to Council with recommendations. VESCO is going to look at dates to do start up procedures. There are issues with the samples that were taken from Well #1 and they are going to resample.

Motion by Gunderson, seconded by Stueve to approve the Dirt Sales and Removal Agreement. Motion carried on a 5-0 vote.

Consensus was to table the approval of sale of dirt at 2213 Highway 30 to Jerry Meade since the agreement was passed.

Discussion was held on the January 1, 2019 Council Meeting. There are five Tuesdays in January. Council would like to move the January 1, 2019 meeting to January 8, 2019 and move the January 15, 2019 to January 22, 2019. Flaherty will put this on the next agenda for approval.

Jerry Lehman with the Rand Center spoke to Council about increasing rent. They would like to increase rent or would like to trade services and have the rent stay the same. They would like the City to scoop the concrete area of the parking lot, paint parking lines and curbs, and continue to fill pot holes. Council would like the board to notify them the amount of the increase and Council will get comparables for the price of the services.

Melba Struble would like to get new decorations for the Caboose. She would like to get a wish list and see if citizens would be willing to donate. Flaherty has balanced the Hotel/Motel account and stated there is money available if Council would amend the budget. Consensus of Council was to have Struble contact the Parks Department and see if they have extra decorations before purchasing new decorations.

Motion by Stueve, seconded by Tiffey to approve the Mayor's appointment of Sherman Struble to the Airport Commission, term expiring December 2024. Motion carried on a 5-0 vote.

Ordinance #542 was introduced Amending the Code of Ordinances of the City of Missouri Valley, Iowa Amending the Library Board of Trustees. Motion by Struble, seconded by Pfouts to waive the 2nd and 3rd readings. Motion carried on a 5-0 vote. Motion by Stueve, seconded by Pfouts to adopt Ordinance #542. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to approve County TIF Indebtedness Certification. Motion carried on a 5-0 vote.

Resolution 18-30 was introduced approving the Obligating Funds from the Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Financed Obligations Which Shall Come Due in the Next Succeeding Fiscal Year. Motion by Gunderson, seconded by Stueve. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to enter into closed session at 6:40 p.m. per IA Code 21.5(1)(j) to discuss the purchase of real estate. Council invited Jim Olmsted and Jeff Fry with Olmsted and Perry closed session. Motion carried on a 5-0 vote.

Motion by Pfouts, seconded by Stueve to return to open session at 6:50 p.m. with no action taken in closed session. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to adjourn at 6:52 p.m. Roll call: Ayes: Gunderson, Struble, Stueve, and Tiffey. Nays: Pfouts. Motion carried on a 4-1 vote.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

ORDINANCE #542

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING LIBRARY BOARD OF TRUSTEES

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

SECTION 1. CHAPTER MODIFIED. Chapter 22 of the Code of Ordinances of the City of Missouri Valley, Iowa is repealed and the following adopted in lieu thereof:

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

22.01 PUBLIC LIBRARY. The public library for the City is known as the Missouri Valley Public Library. It is referred to in this chapter as the Library.

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, shall consist of five trustees. At all times, at least three trustees shall be residents of the City; and likewise, no more than two trustees shall be nonresidents. The resident Trustees are to be appointed by the Mayor with the approval of the Council, and the nonresident Trustee(s) is/are to be appointed by the Mayor with the approval of the Harrison County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident trustees of the Board shall be bona fide citizens and residents of the corporate limits of the City. Any nonresident trustee of the Board shall be a bona fide citizen and resident of the unincorporated areas within the boundaries of the Missouri Valley Community School District. Trustees shall be over the age of eighteen (18) years.

22.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. **Term of Office.** All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years to stagger the terms.
2. **Vacancies.** The position of any resident Trustee shall be vacated if such Trustee moves permanently from the City and, as a result of the Trustee's change in residence, the Board would exceed the number of nonresident Trustees allowable. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. **Compensation.** Trustees shall receive no compensation for their services.

22.05 POWERS AND DUTIES. The Board shall have and exercise the following powers

and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Librarian, and authorize the Librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the Librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Librarian, by a three-fifths vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.
(*Code of Iowa, Ch. 661*)
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

22.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

(*Code of Iowa, Sec. 392.5 & Ch. 28E*)

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

22.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

22.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary. The warrant-writing officer is the City Clerk.

(Code of Iowa, Sec. 384.20 & 392.5)

22.09 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

22.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

22.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of

intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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 Council the 20th day of November, 2018, and approved this 20th day of November, 2018.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk

RESOLUTION 18-30

OBLIGATING FUNDS FROM THE URBAN RENEWAL TAX REVENUE FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATIONS WHICH SHALL COME DUE IN THE NEXT SUCCEEDING FISCAL YEAR

WHEREAS, the City of Missouri Valley, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the 2014 Missouri Valley Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City has scheduled payments in the amount of \$35,650.00 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2019 with respect to the

City's Development Agreement with Longview Townhomes, LLC approved by resolution of the City Council on January 21, 2014; and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Annual Payment, funds anticipated to be received in Urban Renewal Tax Revenue Fund in the fiscal year beginning July 1, 2019;

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

Section 1. The City Council hereby obligates \$35,650.00 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2018.

Section 2. The City Clerk is hereby directed to certify the respective amounts obligated for appropriation in Section 1 above, with the City's December 1, 2018 certification of debt payable from the Urban Renewal Tax Revenue Fund and to reflect such amount in the City's budget for the next succeeding fiscal year.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 20, 2018.

Shawn Kelly, Mayor

ATTEST:

Jodie Flaherty, City Clerk