

CITY COUNCIL MEETING
RAND CENTER
JANUARY 21, 2014
6:00 P.M.

Mayor Sargent opened the Public Hearing on the Development Agreement with Longview Townhomes LLC at 6:00 p.m. and asked for comments. There were none and he closed the hearing.

Mayor Sargent presided over the regular session and called it to order at 6:00 p.m. with the following Council members present: Isom, Dillinger, Ratliff & Struble. Council member Johnson was absent. Also present were: City Clerk/Administrator Miller and visitors: Roger Gunderson, Judy Holcombe, Trista Winchester, Johnnie Walker, John Riley, Mary Jo Buckley, LeAndrea Bowman, Brent Saron, Georgia Johnson and Michele Stirtz.

The Pledge of Allegiance was recited.

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

Moved by Council member Isom to approve the consent agenda with the correction that the liquor license for the Missouri Valley Fire Association is a Class C license and pending dram shop approval, seconded by Council member Struble. Motion carried on a 4-0 vote.

A citizen addressed the Council with comments regarding turn arrows on the signal lights and housing concerns.

Council reviewed the Development Agreement between the City and Longview Townhomes LLC. Following discussion, the Council approved the wording of the Agreement. Moved by Council member Struble to approve Resolution 14-05, "Approving Development Agreement With Longview Home, Inc., Authorizing Annual Appropriation Tax Increment Payments And Pledging Certain Tax Increment Revenues To The Payment Of The Agreement", seconded by Council member Isom. Motion carried on a 4-0 vote.

RESOLUTION 14-05

APPROVING DEVELOPMENT AGREEMENT WITH LONGVIEW HOME, INC., AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

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 City 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, a certain development agreement (the “Agreement”) between the City and Longview Home, Inc. (the “Developer”) has been prepared in connection with the development of low and moderate income family housing and the corresponding construction of public infrastructure in the Urban Renewal Area (the “Longview Project”); and

WHEREAS, under the Agreement, the City would provide annual appropriation tax increment payments to the Developer in a total amount not exceeding \$250,000; and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on January 21, 2014, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

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

Section 1. Pursuant to the factors listed in Chapter 15A, the City Council hereby finds that:

(a) The Longview Project will add diversity and generate new opportunities for the Missouri Valley and Iowa economies;

(b) The Longview Project will generate public gains and benefits, particularly in the provision of affordable housing for families of low and moderate income and the creation of new jobs, which are warranted in comparison to the amount of the proposed financial incentives.

Section 2. The City Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Developer.

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All payments by the City under the Agreement shall be subject to annual appropriation by the City Council, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from a subfund (the "Longview Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

Certain real property situated in the City of Missouri Valley, County of Harrison, State of Iowa legally described as follows:

Parcel B in the Southeast Quarter of the Southeast Quarter of Section 10, Township 78 North, Range 44 West of the 5th P.M., all in the City of Missouri Valley, Harrison County, Iowa, as shown on the Plat of Survey filed September 19, 2013 in Book 2013, Page 2435 of the Harrison County Recorder's Office, being more particularly described as follows:

Commencing at the Southeast corner of Lot 10, Block 5, Longview Addition, a Subdivision in said Harrison County; thence N00°47'41"E (assumed bearing) 33.00 feet on the East line of said Lot 10 to the Northwest corner of the S½ of the SE¼ of the SE¼ of said Section 10 and the point of beginning; thence continuing N00°47'41"E 15.00 feet; thence S89°23'49"E 377.14 feet; thence S00°47'41"W 15.00 feet; thence N89°23'49"W 147.14 feet; thence S25°38'59"E 107.70 feet; thence S41°48'59"E 167.40 feet; thence S87°40'47"W 391.88 feet to the East line of said Block 5; thence N00°47'41"E 240.16 feet on the East line of said Block 5 to the point of beginning.

Section 5. The City hereby pledges to the payment of the Agreement the Longview Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund, provided, however, that no payment will be made under the Agreement unless and until monies from the Longview Subfund are appropriated for such purpose by the City Council.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Harrison County to evidence the continuing pledging of Longview Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 21st day of January, 2014.

Clint Sargent, Mayor

Attest:

Rita M. Miller
City Clerk/Administrator

Council discussed disposition of the Hwy 30 property. Moved by Council member Dillinger to seek bids to demolish the house, seconded by Council member Isom.

AYES: Dillinger, Isom

NAYS: Struble, Ratliff. Motion failed for lack of majority.

Moved by Council member Struble to seek bids for demolishing/removing the house at 2213 Hwy 30, seconded by Council member Dillinger. Motion carried on a 4-0 vote. The property must be brought back to site ready. Anything within the house that is worth salvaging will be put out for bid.

Leandrea Bowman, Park Board, addressed the Council with alternatives for the Willow Park such as an outdoor fitness area as part of a trail system if Council did not want playground equipment for that park. It was explained the grant being applied for would be used in the current fiscal year and is not a matching grant. Discussion was held about the proposed splash pad. Moved by Council member Struble to approve the City applying for the Community Foundation grant for playground equipment, seconded by Council member Dillinger. Motion carried on a 4-0 vote.

Moved by Council member Struble to approve the 2nd reading of Ordinance #501, “An Ordinance Amending The Official Zoning Map For The City Of Missouri Valley, Harrison County, Iowa: To Change Zoning Classification”, seconded by Council member Dillinger. Motion carried on a 4-0 vote. Moved by Council member Isom to waive the 3rd reading and approve Ordinance #501, seconded by Council member Struble. Motion carried on a 4-0 vote.

ORDINANCE #501

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF MISSOURI VALLEY, HARRISON COUNTY, IOWA: TO CHANGE ZONING CLASSIFICATION

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

SECTION 1. ZONING CLASSIFICATION OF:

All that part of the SE ¼ NE ¼, Section 20, Township 78N, Range 44 W of 5th PM, lying west of I-29 in Harrison County, Iowa is hereby changed from RS100 (Single Family Residential) to ML (Light Manufacturing Zone).

SECTION 2. PURPOSE: Pursuant to the Planning and Zoning Commission’s recommendation, and following a public hearing on the matter, this zoning change is made to allow for the orderly growth of the City of Missouri Valley and to allow the proper use of land within the corporate boundaries.

The Clerk of the City of Missouri Valley, Iowa is hereby authorized to note said changes by the amendment on the zoning regulations map.

SECTION 3. REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the minimum extent necessary to comply with this ordinance.

SECTION 4. SEVERABILITY CLAUSE: If any section, provision or part of this ordinance is adjudicated to be 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 5. EFFECTIVE DATE: 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 ____ day of _____, 2014 and approved this ____ day of _____, 2014.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

Mayor Sargent declared Ordinance #501, "An Ordinance Amending The Official Zoning Map For The City Of Missouri Valley, Harrison County, Iowa: To Change Zoning Classification" passed and adopted upon publication.

Moved by Council member Dillinger to allow the request to attach the AYSO banner on the pool fence, seconded by Council member Struble. Motion carried on a 4-0 vote.

Council directed the lease of farm ground south of the water plant be put out for bid. The cemetery mowing contract and trash pickup will also be put out for bid.

Council directed City Clerk/Administrator Miller to request reimbursement on insurance premiums paid for an ineligible person. Moved to adjourn by Council member Struble, seconded by Council member Dillinger. Motion carried on a 4-0 vote. Meeting adjourned at 6:53 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator