

CITY COUNCIL MEETING
RAND CENTER
JANUARY 3, 2017
6:00 P.M.

Mayor Sargent opened the Public Hearing called for the Urban Renewal Plan Amendment at 6:00 p.m. There were no written or oral comments and he closed the hearing. He then opened the Public Hearing on the Development Agreement with Tamarack Development, LLC. No written or oral comments had been received. Council member Gunderson asked some questions on how TIF worked and what would happen if the project was not completed. Following response to the questions, Mayor Sargent closed the hearing at 6:02 p.m.

Mayor Sargent presided over the session and called the meeting to order at 6:02 p.m. with the following Council members present: Gunderson and Thompson. Council member Johnson was present via telephone conference call. Council members Struble and Tiffey were absent. Also present were City Clerk/Administrator Miller and visitors: Anita Salter, Charlie Wisecup, Leonard Ratliff, Jesusa Christians, Bruce Kocher, Lee Wisecup.

The Pledge of Allegiance was recited.

Moved by Council member Johnson to approve the Agenda for January 3, 2017 as presented, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved by Council member Thompson to approve the Claims List with 3 additional claims, seconded by Council member Gunderson. Motion carried on a 3-0 vote.

Anita Salter and Lee Wisecup expressed concerns about the drainage tube north of Hwy 30 and asked what the City was doing about it. City Clerk/Administrator responded the City Engineer had been directed to survey the area and evaluate the situation, which they were in the process of doing.

Bruce Kocher gave a presentation on the Library's website.

Moved by Council member Gunderson to approve Resolution 17-01, "Resolution To Approve Urban Renewal Plan Amendment For The 2014 Missouri Valley Urban Renewal Area", seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved by Council member Gunderson to approve Resolution 17-02, "Resolution Approving Development Agreement With Tamarack Development, LLC, Authorizing Annual Appropriation Tax Increment Payments And Pledging Certain Tax Increment Revenues To The Payment Of The Agreement", subject to satisfactory completion of Exhibit C, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved to approve Resolution 17-03, "Resolution Naming An Official Newspaper", by Council member Thompson, seconded by Council member Johnson. Motion carried on a 3-0 vote.

Moved to approve Resolution 17-04, “Resolution Naming Depositories”, by Council member Thompson, seconded by Council member Gunderson. Motion carried on a 3-0 vote.

Moved by Council member Thompson to approve Resolution 17-05, “Resolution To Adopt The Record Retention Manual For Iowa Cities”, seconded by Council member Johnson. Motion carried on a 3-0 vote.

Mayor Sargent set budget workshop for January 10th at 5:00 p.m. at City Hall.

City Clerk/Administrator informed Council she had a request from the United Methodist Church for a street light at the intersection of 3rd and Superior Street. Council will review for the next meeting. She also asked if Council was willing to compromise on liens on property sold at tax sales to get them back on tax rolls. Council was interested in looking at each situation on an individual basis.

Council held discussion on speed reduction through town.

Moved to adjourn by Council member Thompson, seconded by Council member Johnson. Motion carried on a 3-0 vote. Meeting adjourned at 7:04 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator

RESOLUTION 17-01

RESOLUTION TO APPROVE URBAN RENEWAL PLAN AMENDMENT FOR THE 2014 MISSOURI VALLEY URBAN RENEWAL AREA

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, this City Council of the City of Missouri Valley, Iowa (the “City”), by prior resolution established the 2014 Missouri Valley Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which would facilitate the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing water system, storm water drainage, and sanitary sewer system extensions and improvements in connection with the development of a residential housing subdivision; and

WHEREAS, notice of a public hearing by the City Council on the proposed Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on January 3, 2017; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to Harrison County and the Missouri Valley Community School District; the consultation meeting was held on the 19th day of December, 2016; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

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

Section 1. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved.

Section 2. It is hereby determined by this City Council as follows:

A. The activities proposed under the Amendment conform to the general plan for the development of the City;

B. The proposed economic development under the Amendment is necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved January 3, 2017.

Clint Sargent, Mayor

Attest:

Rita M. Miller
City Clerk/Administrator

RESOLUTION 17-02

RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH TAMARACK DEVELOPMENT, LLC, 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 Tamarack Development, LLC (the “Developer”) has been prepared in connection with the development of a market-rate residential housing subdivision and the corresponding provision of public infrastructure; and

WHEREAS, under the Agreement, the City would provide annual appropriation tax increment payments to the Developer in a total amount not exceeding \$125,000; 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 3, 2017, 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 Project will add diversity and generate new opportunities for the Missouri Valley and Iowa economies;

(b) The Project will generate public gains and benefits, particularly in the creation of new jobs and the creation of needed housing opportunities, which are warranted in comparison to the amount of the proposed property tax 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 "Tamarack 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 as described as follows:

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

Tamarack subdivision of the City of Missouri Valley, Iowa, including, Tracts A and B, Block 38 together with Part of Lot 1, in Auditors Subdivision of Section 15-78-55, Harrison County, Iowa

Section 5. The City hereby pledges to the payment of the Agreement the Tamarack 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 Tamarack 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 the Tamarack 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 January 3, 2017.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

RESOLUTION 17-03

“RESOLUTION NAMING AN OFFICIAL NEWSPAPER”

WHEREAS, there is one newspaper published in the City of Missouri Valley, of which meets the legal requirements for publication of Public Notices as required by the Code of Iowa, that being the Missouri Valley Times-News; and

WHEREAS, it is necessary and desirable to designate the above newspaper as Official Newspaper for publication of all City of Missouri Valley Official Notices, Minutes, and other publications as required by State Law, for a specific period of time; and

WHEREAS, the term of contract shall be one year beginning January 1, 2017 for publishing all legal proceedings of the City of Missouri Valley, as required by law at the rate set out by the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City of Missouri Valley, Iowa, that the Missouri Valley Times-News be and the same is hereby designated the Official Newspaper from January 1, 2017 to December 31, 2017 for publishing all City of Missouri Valley legal notices and publications required by law.

Dated this 3rd day of January, 2017.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

RESOLUTION 17-04

“RESOLUTION NAMING DEPOSITORIES”

BE IT RESOLVED by the City Council of Missouri Valley, in Harrison County, Iowa:

That the City does hereby designate the following named depositories for the City of Missouri Valley for funds in amounts not to exceed the amounts named opposite each of said designated depositories and the City Treasurer is hereby authorized to deposit the City funds in amounts not to exceed in the aggregate the amounts named for said depositories as follows, to-wit:

MidStates Bank	321 E. Erie	\$7,000,000.00
American National Bank	306 W. Erie	\$5,000,000.00
IPAIT	Des Moines, IA	\$1,000,000.00

Dated this 3rd day of January, 2017.

CITY OF MISSOURI VALLEY

Clint Sargent, Mayor

ATTEST:

Rita M Miller
City Clerk/Administrator

RESOLUTION 17-05

“RESOLUTION TO ADOPT THE RECORD RETENTION MANUAL FOR IOWA CITIES”

WHEREAS, the Iowa League of Cities, the Iowa Municipal Finance Officers Association and the State Historical Society of Iowa’s State Archives and Records Bureau have combined to developed a Record Retention Manual for Iowa Cities, and;

WHEREAS, this manual was developed as a record retention and record disposal schedule as a statement of the period of time records must be retained in order to fulfill routine fiscal, legal, administrative and historical needs for the said records, and;

WHEREAS, the recommended retention periods take into account requirements of the *Code of Iowa*, the *Iowa Administrative Code*, and federal law, and;

WHEREAS, the City of Missouri Valley accumulates records of official business as it is transacted, and the accumulation of records of transacted business can overwhelm available storage space and hamper retrieval of both active and inactive business records, and;

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

That the Record Retention Manual for Iowa Cities be adopted as a guide to determine the length of time records need to be retained for audit, legal, administrative and historical use; and it shall be the responsibility of the head of each department to order the disposition of said records as the schedule states, shall be and is hereby approved; and;

IT IS FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the proper documentation necessary; and;

IT IS FURTHER RESOLVED that any Resolution in conflict herewith is hereby repealed; and;

IT IS FURTHER RESOLVED that this Resolution be effective immediately upon its passage and approval by the Missouri Valley City Council.

PASSED AND APPROVED this 3rd day of January, 2017.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator