

CITY COUNCIL MEETING
RAND CENTER
APRIL 19, 2016
6:00 P.M.

Mayor Sargent presided over the session and called it to order at 6:00 p.m. with the following Council members present: Gunderson, Struble, Thompson. Council members Tiffey and Johnson were absent. Also present were City Clerk/Administrator Miller and visitors: Dave Scott, Shawn Kelly, Kay Hinkel, Emil Gearhart, John Riley, Nathan Summers, Leonard Ratliff, Annette Deakins, Dennis Mowery, Jesusa Christians.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the Agenda for April 19, 2016 as presented, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved by Council member Struble to approve the Consent Agenda, seconded by Council member Gunderson. Motion carried on a 3-0 vote.

Dave Scott spoke in regard to purchase of a metal building to serve as a fire station.

Nathan Summers, with D.A. Davidson Co, addressed the Council in regard to borrowing money and their role as an underwriter for bonds. He presented an overview of the City's current bonding capacity and ways they would assist the City with the fire station/city hall project. Moved by Council member Struble to authorize the Mayor to sign an underwriting engagement letter with D.A. Davidson Co for the fire station/city hall project, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Emil Gearhart addressed the Council and gave a status report from the Park Board. They had removed Scott Hochstein as a member and he had been appointed President. He stated the Splash Pad was a priority for the Board. They were in the process of getting plans/cost estimates and once they had those they plan to apply for grants. Other projects include a shelter at Willow Park with cement pad and starting a 'wish list' for next fiscal year's budget. Moved by Council member Gunderson to direct the Mayor to file an Order of Removal on Scott Hochstein to remove him from the Park Board for lack of attendance of meetings, seconded by Council member Struble. Motion carried on a 3-0 vote.

Moved by Council member Struble to approve Mayor's recommendation to appoint Jenna King to fill the unexpired term of Scott Hochstein on the Park Board, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Fire Chief Kelly addressed Council about the need for an access point on Primary Hill and possibly annual controlled burns on the hill. Council requested he research options and bring it back at a later meeting.

Annette Deakins explained the Chamber wants to do a ball drop on 2nd Street between Michigan and Huron following the Fair Parade as a fundraiser for the electronic sign. She requested to block the street, put up temporary "no parking" signs and to use the city loader for the

event. Moved by Council member Thompson to approve the request, seconded by Council member Struble. Motion carried on a 3-0 vote.

Chief Kelly invited the Council members, Mayor, City Clerk/Administrator and reporter Jesusa Christians to participate in the live burn trailer on May 18th.

Council discussed traffic speeding in the alley north of the Rand Center with options of speed bumps or stop signs considered. Moved by Council member Struble to table the item to obtain data on how many tickets are written in that area and to consider options, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved by Council member Struble to approve the 1st reading of Ordinance #517, “An Ordinance Amending The Code Of Ordinances Of The City Of Missouri Valley, Iowa By Amending Provisions Pertaining To Discharging Weapons In City Limits”, seconded by Council member Thompson. Motion carried on a 3-0 vote. Moved by Council member Thompson to waive the 2nd and 3rd readings and adopt the Ordinance, seconded by Council member Struble. Motion carried on a 3-0 vote. Mayor Sargent declared Ordinance #517 passed and adopted upon publication.

Moved by Council member Struble to approve Resolution 16-10, “Resolution Authorizing And Approving A Loan Agreement And Providing For The Issuance Of A \$243,000 General Obligation Fire Truck Acquisition Note”, seconded by Council member Gunderson. Motion carried on a 3-0 vote.

Moved by Council member Thompson to approve Resolution 16-11, “Moratorium On Burn Ban – Spring 2016”, seconded by Council member Struble. Motion carried on a 3-0 vote.

Moved by Council member Struble to hire Taylor Clark for the seasonal park position at \$8.50/hr, seconded by Council member Thompson. Motion carried on a 3-0 vote.

Moved by Council member Thompson to hire Mickayla Harper and Kyrin Davis as co-pool managers for the 2016 season at \$12.00/hr, seconded by Council member Struble. Motion carried on a 3-0 vote.

City Clerk/Administrator Miller reported the County is planning to make road improvements on Liberty Avenue either this year or next and the City will be asked to participate on the portion that is in city limits.

Moved by Council member Thompson to adjourn, seconded by Council member Struble. Motion on a 3-0 vote. Meeting adjourned at 7:26 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator

ORDINANCE #517

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA BY AMENDING PROVISIONS PERTAINING TO DISCHARGING WEAPONS IN CITY LIMITS

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

SECTION 1. SECTION MODIFIED. Section 41.09 of the Code of Ordinances of the City of Missouri Valley, Iowa, is repealed and the following adopted in lieu thereof:

41.09 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits without the written consent of the Council, except this section does not apply to the following:

a. Hunting and hunting related activities conducted in an area of the City described as follows:

The North Three Quarters of the West Half (N $\frac{3}{4}$ W $\frac{1}{2}$); and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$); all in Section Nine (9), Township Seventy-eight (78) North, Range Forty-four (44), West of the 5th P.M., Harrison County, Iowa; EXCEPT for land sold to the State of Iowa by Warranty Deed filed for record February 24, 1966 in Book 500 at Page 89, Harrison County Recorder's Office.

b. Any officer of the law in the discharge of duties or in an established police firing range.

2. No person shall intentionally discharge a firearm in a reckless manner.

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 19th day of April, 2016, and approved this 19th day of April, 2016.

Clint Sargent, Mayor

Attest:

Rita Miller, City Clerk/Administrator

I certify that the foregoing was published as Ordinance #517 on the 27th day of April, 2016.

Rita Miller, City Clerk/Administrator

1st reading: 4-19-16
2nd reading: Waived
3rd reading: Waived
Published: 4-27-16

RESOLUTION 16-10

RESOLUTION AUTHORIZING AND APPROVING A LOAN AGREEMENT AND PROVIDING FOR THE ISSUANCE OF A \$243,000 GENERAL OBLIGATION FIRE TRUCK ACQUISITION NOTE

WHEREAS, the City of Missouri Valley (the "City"), in Harrison County, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$260,000 for the purpose of paying the cost, to that extent, of acquiring a fire truck for use by the municipal fire department, and has published notice of the proposed action and has held a hearing thereon on March 1, 2016; and

WHEREAS, it is necessary at this time to authorize and approve the Loan Agreement and to make provision for the issuance of a \$243,000 General Obligation Fire Truck Acquisition Note (the "Note") in evidence of the obligation of the City under the Loan Agreement;

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

Section 1. The City hereby determines to enter into the Loan Agreement with American National Bank, Missouri Valley, Iowa, as lender (the "Lender"), providing for a loan to the City in the principal amount of \$243,000 for the purpose set forth in the preamble hereof.

The Mayor and City Clerk are hereby authorized and directed to sign the Loan Agreement on behalf of the City, and the Loan Agreement is hereby approved.

Section 2. The Note is hereby authorized to be issued in evidence of the obligation of the City under the Loan Agreement in the principal amount of \$243,000, and shall be dated as of the date of its delivery to the Lender (anticipated to be May 3, 2016). Principal of the Note shall be payable in five annual installments due on June 1 in each of the years, and in the respective amounts as follows:

<u>Year</u>	<u>Principal Installment</u>
2017	\$46,000
2018	\$47,000

2019	\$49,000
2020	\$50,000
2021	\$51,000

The Note bears interest at the rate of 2.16% per annum. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Accrued interest on the Note shall be payable semiannually on each June 1 and December 1, commencing December 1, 2016 and continuing to and including final maturity on June 1, 2021.

The City Clerk is hereby designated as the registrar and paying agent for the Note and may be hereinafter referred to as the “Registrar” or the “Paying Agent.”

Payment of both principal of and interest on the Note shall be made to the registered owners appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Note shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Note at the office of the Paying Agent.

The City reserves the right to prepay principal of the Note, in whole or in part, at any time prior to and in inverse order of maturity on terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the date of prepayment.

The Note shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk and shall be a fully registered Note without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Note shall cease to be such officer before the delivery of the Note, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Note shall be fully registered as to principal and interest in the name of the owner on the registration books of the City kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owner or its legal representatives or assigns. The Note shall be transferable only upon the registration books of the City upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of any owners of the Note shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 3. The Note shall be in substantially the following form:

(Form of Note)

UNITED STATES OF AMERICA
STATE OF IOWA COUNTY OF HARRISON
CITY OF MISSOURI VALLEY

GENERAL OBLIGATION FIRE TRUCK ACQUISITION NOTE

\$243,000

RATE	MATURITY DATE	NOTE DATE
2.16%	June 1, 2021	May 3, 2016

The City of Missouri Valley (the "City"), in the County of Harrison, State of Iowa, for value received, promises to pay in the manner hereinafter provided to

American National Bank,
Missouri Valley, Iowa (the "Lender")

or registered assigns, the principal sum of TWO HUNDRED FORTY-THREE THOUSAND DOLLARS, together with interest on the outstanding principal hereof from the Note Date, or from the most recent payment date on which interest has been paid, except as the provisions hereinafter set forth with respect to prepayment prior to maturity may be or become applicable hereto.

Principal of this Note shall be payable in five annual installments due on June 1 in each of the years, and in the respective amounts as follows:

<u>Year</u>	<u>Principal Installment</u>
2017	\$46,000
2018	\$47,000
2019	\$49,000
2020	\$50,000
2021	\$51,000

This Note bears interest at the rate of 2.16% per annum. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Accrued interest on this Note shall be payable semiannually on each June 1 and December 1, commencing December 1, 2016 and continuing to and including final maturity on June 1, 2021.

Both principal of and interest on this Note are payable to the registered owner appearing on the registration books of the City maintained by the City Clerk (hereinafter referred to as the "Registrar" or the "Paying Agent") at the close of business on the fifteenth day of the month next preceding the payment date in lawful money of the United States of America to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest will be payable only upon presentation and surrender of this Note to the Paying Agent.

This Note is issued by the City to evidence its obligation under a certain Loan Agreement, dated as of the date hereof (the "Loan Agreement") entered into by the City for the purpose of paying the cost, to that extent, of acquiring a fire truck for use by the municipal fire department.

This Note is issued pursuant to and in strict compliance with the provisions of Chapter 76 and Chapter 384 of the Code of Iowa, 2015, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the City Council, adopted on April 19, 2016, authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Note and the rights of the owner of this Note.

The City reserves the right to prepay principal of this Note, in whole or in part, at any time prior to and in inverse order of maturity on terms of par and accrued interest. All principal so prepaid will cease to bear interest on the prepayment date.

This Note is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Note to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Note as the same will respectively become due; and that the total indebtedness of the City, including this Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the City of Missouri Valley, Iowa, by its City Council, has caused this Note to be executed by its Mayor and attested by its City Clerk, on the Note Date.

CITY OF MISSOURI VALLEY, IOWA

By (DO NOT SIGN)
Mayor

Attest:

(DO NOT SIGN)
City Clerk

ABBREVIATIONS

The following abbreviations, when used in this Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM	- as tenants in common	UTMA	_____
			(Custodian)
TEN ENT	- as tenants by the entireties	As Custodian for	_____
JT TEN	- as joint tenants with right of survivorship and not as tenants in common		(Minor)
		under Uniform Transfers to Minors Act	_____
			(State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Note to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Note on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Note in every particular, without alteration or enlargement or any change whatever.

Section 4. The Note shall be executed as herein provided as soon after the adoption of this resolution as may be possible, and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or on behalf of the Lender, upon receipt of the loan proceeds (the "Loan Proceeds"), and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects. It is anticipated that the closing of the credit transaction contemplated herein will occur on May 3, 2016. To the extent that the date of closing needs to be adjusted, the City staff, with advice from the Lender and Bond Counsel to the City, is hereby authorized to make such adjustment and to modify the transaction documents accordingly.

The Loan Proceeds shall be used to pay the costs of the Acquisition and costs of issuance of the Note. Any Loan Proceeds remaining after the full payment of such costs shall be deposited in the Debt Service Fund and used to pay principal of and interest on the Note as the same become due. The City shall keep a detailed and segregated accounting of the expenditure of, and investment earnings on, the Loan Proceeds to ensure compliance with the requirements of the Internal Revenue Code, as hereinafter defined.

Section 5. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Note as the same fall due, there is hereby ordered levied on all the taxable property in the City in each of the years while the Note is outstanding, the following direct annual tax:

For collection in the fiscal year beginning July 1, 2017,
sufficient to produce the net annual sum of \$51,256;

For collection in the fiscal year beginning July 1, 2018,
sufficient to produce the net annual sum of \$52,240;

For collection in the fiscal year beginning July 1, 2019,
sufficient to produce the net annual sum of \$52,182; and

For collection in the fiscal year beginning July 1, 2020,
sufficient to produce the net annual sum of \$52,102.

(Such taxes being supplemental and additional to taxes previously authorized by the City for this purpose for collection in the fiscal year beginning July 1, 2016).

Section 6. A certified copy of this resolution shall be filed with the Harrison County Auditor, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Note remains outstanding and unpaid, any funds of the City which may lawfully be applied for such purpose may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Note as the same become due, and if so appropriated, the taxes for any given

fiscal year as provided for in Section 5 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for such purpose, and evidenced in the City's budget.

Section 7. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds to the sum thus advanced.

Section 8. It is the intention of the City that interest on the Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Note as a "Qualified Tax Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 9. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved on April 19, 2016.

Clint Sargent, Mayor

Attest:

Rita M. Miller
City Clerk/Administrator

RESOLUTION 16-11

MORATORIUM ON BURN BAN – SPRING 2016

Be It Resolved by the City Council of the City of Missouri Valley:

The City has issued a moratorium on the open burning ban (Section 105.05 of Missouri Valley City Code) to allow for the burning of landscape waste during designated times. These dates and times are:

April 29, 30, May 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29

Between the hours of 10:00 a.m. and 5:00 p.m. on Friday, Saturday, Sunday

“Landscape Waste”, per Section 105.02(5) of the Missouri Valley City Code, is defined as any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

Anyone violating the provisions of this Section shall be subject to penalties as outlined in Resolution 11-08.

Passed and Approved this day of , 2016.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator