

CITY COUNCIL MEETING  
RAND CENTER  
MAY 18, 2017  
6:00 P.M.

Mayor Sargent presided over the meeting, which was rescheduled from May 16<sup>th</sup>, and called it to order at 6:00 p.m. with the following council members present: Struble, Tiffey, Gunderson and Johnson. Also present were CC/A Miller, City Engineer Olmsted and visitors: Tom Jarosz, Christina Dickinson, Terri and Richard Kube, Daryl Cates, Kay Hinkel, Margaret White, Marilyn Keizer, Jerry Keizer, Brittany McDunn, Jessica Dickinson, Amanda Cleaver, Leonard Ratliff, Erika Auch, Stacie Gatrost, Sally Salter, Jesusa Christians, Stephanie Ragan, Keith Ragan, Georgia Johnson, Jessica Pickering, Anthony Jager, Jenny Jager, James and Joanne Watkins, Jesse Render, Dana Ulrich.

The Pledge of Allegiance was recited.

Moved by Council member Tiffey to approve the agenda for May 18, 2017, seconded by Council member Struble. Motion carried on a 4-0 vote.

Several people spoke in support of the City entering into a 28E Agreement with the Harrison County Humane Society. Discussion was held on how feral cats are handled – TNR program.

City Clerk/Administrator Miller explained the amendments to the FT17 budget. Moved by Council member Struble, seconded by Council member Johnson, to approve Resolution 17-11 “CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION – FY17”. Motion carried on a 4-0 vote.

Council considered the Lease Agreement with Verizon Wireless for a small site cell tower. The public hearing had been held on Tuesday, May 16<sup>th</sup>. Moved by Council member Johnson, seconded by Council member Gunderson, to approve Resolution 17-12 “A RESOLUTION TO APPROVE MASTER LEASE AGREEMENT AND LEASE SUPPLEMENTS FOR VERIZON WIRELESS”. Motion carried on a 4-0 vote.

Steve Robinette, PeopleService representative, joined the council meeting by phone and explained the contract renewal. Following discussion, moved by Council member Gunderson to approve the contract renewal with PeopleService, Inc. Council member Struble seconded the motion. Motion carried on a 4-0 vote.

The bids were opened for Emerald Ash Borer treatment. Two bids were received – one from CJ Futures and one from Holland and Mckee who was bidding on an alternate system than had been specified in the bid request. Council considered both bids and compared treatment processes. Noting that CJs is local and had bid on the wedgel system specified, Council member Johnson moved to accept the bid of \$2145 from CJ Futures, seconded by Council member Tiffey. Motion carried on a 4-1 vote.

City engineer Jim Olmsted explained that sewer sub-basin pioneering is a tool the City could use to allow a developer/landowner to open an area to development sooner than might otherwise be possible. He explained the process and steps the City would go through. Moved by Council member Johnson to approve Resolution 17-13 “RESOLUTION ADOPTING SANITARY SEWER SUB-BASIN PIONEERING POLICY”, seconded by Council member Tiffey. Motion carried on a 4-0 vote.

The flags on Erie Street were discussed. Consensus was to work with the Lions Club on this if possible. Council member Struble will meet with the Lions and report back to the Council.

Moved by Council member Struble to approve Resolution 17-14 “RESOLUTION SETTING WAGES (SEASONAL)”, seconded by Council member Tiffey. Motion carried on a 4-0 vote.

The 28E Agreement with Harrison County Humane Society was discussed. Miller was asked if the City’s attorney had reviewed the Agreement. She responded he had and had recommended that a date be entered under #2 **Duration of Agreement** rather than “perpetual duration”. He had also noted that Council needed to be aware that any notice to terminate the agreement had to be made prior to January 1<sup>st</sup> of any year with termination being at the end of the fiscal year (June 30<sup>th</sup>) or they were locked in for another fiscal year. He suggested the City clarify exactly what services are being provided as they are not set out in the Agreement. Questions were asked about the TNR program – was there a limit to how many HCHS would do? Ms. Dickinson responded they do one or two programs a year and could do around 50 cats. They expected the first year would involve a lot more cats than subsequent years after the program has been in place. They would also like to do pet owner education. She informed Council that by signing with the HCHS, MV officers would have 24-7 access to the shelter to drop off any dogs that were picked up, therefore possibly eliminating the need for the existing dog pound. Mayor Sargent suggested Council ask for a contract amendment for a six month trial and review what has been accomplished at that time, and then make a determination whether to continue. Council had consensus but HCHS members objected. Mayor asked Council if they would approve a one year contract starting July 1 and give notice to terminate on December 31<sup>st</sup> if they did not feel there were positive outcomes. Council consensus split 2 – 2.

Following discussion. Council member Gunderson, seconded by Council member Tiffey, moved the City approve the 28E Agreement with HCHS for one year. Roll call.

AYES: Tiffey, Gunderson.

NAYS: Struble, Johnson. Motion did not carry.

Discussion was held on the operation of the pound, creating a transfer fee, what other fees would be applicable and what changes would need to be made to the City Code. Moved by Council member Struble, seconded by Council member Johnson to enter into a 28E Agreement with Harrison County Human Society contingent upon changing applicable city codes to allow for closing the pound and transfer fees. Roll call.

AYES: Tiffey, Struble, Gunderson, Johnson.

NAYS: None. Motion carried.

Ordinances changes will be drafted as soon as possible.

Moved by Council member Johnson, seconded by Council member Struble, to approve the Chamber's request to put a banner on the pool fence for Music in the Park. Motion carried on a 4-0 vote.

Council requested the Park Board consider whether the City's lot at Huron and Northwest Street become a park with benches.

Council member Struble reported the HC Landfill has stated that Missouri Valley has a lot of garbage in the recycle bins. Mayor suggested the Landfill might try press releases or education to try to cut down on it. City does not have the manpower to go through the bins each morning to pull out garbage.

Council member Gunderson reported a property owner has been cleaning up his property on Erie Street.

CC/A Miller informed Council of the passage of the law allowing fireworks to be sold in Iowa and asked if the Council wished to make changes in the City Code to restrict where they could be sold and set off. Council was in agreement to review and she will bring more information to the next meeting.

Moved by Council member Johnson to adjourn, seconded by Council member Struble. Motion carried on a 4-0 vote. Meeting adjourned at 8:23 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller, City Clerk/Administrator

# 43-404

**CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION - FY 2017 - AMENDMENT #1**

To the Auditor of HARRISON County, Iowa:

The City Council of Missouri Valley in said County/COUNTIES met on 5/16/2017, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. Thereupon, the following resolution was introduced.

RESOLUTION No. 17-11

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 2017  
(AS AMENDED LAST ON N/A.)

Be it Resolved by the Council of the City of Missouri Valley

Section 1. Following notice published 5/5/2017

and the public hearing held, 5/16/2017 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
<b>Revenues &amp; Other Financing Sources</b>			
Taxes Levied on Property	1 1,569,978	0	1,569,978
Less: Uncollected Property Taxes-Levy Year	2 0	0	0
Net Current Property Taxes	3 1,569,978	0	1,569,978
Delinquent Property Taxes	4 0	0	0
TIF Revenues	5 38,876	0	38,876
Other City Taxes	6 313,228	0	313,228
Licenses & Permits	7 36,700	0	36,700
Use of Money and Property	8 39,690	0	39,690
Intergovernmental	9 512,999	15,983	528,982
Charges for Services	10 1,136,200	18,000	1,154,200
Special Assessments	11 70,964	2,500	73,464
Miscellaneous	12 221,920	0	221,920
Other Financing Sources	13 260,000	236,377	496,377
Transfers In	14 357,394	-135,000	222,394
<b>Total Revenues and Other Sources</b>	<b>15 4,557,949</b>	<b>137,860</b>	<b>4,695,809</b>
<b>Expenditures &amp; Other Financing Uses</b>			
Public Safety	16 1,169,902	-27,426	1,142,476
Public Works	17 612,255	136,495	748,750
Health and Social Services	18 0	0	0
Culture and Recreation	19 466,450	132,041	598,491
Community and Economic Development	20 38,876	123,118	161,994
General Government	21 334,307	2,928	337,235
Debt Service	22 503,723	0	503,723
Capital Projects	23 235,000	-228,446	6,554
Total Government Activities Expenditures	24 3,360,513	138,710	3,499,223
Business Type / Enterprises	25 828,413	36,500	864,913
Total Gov Activities & Business Expenditures	26 4,188,926	175,210	4,364,136
Transfers Out	27 357,394	-135,000	222,394
Total Expenditures/Transfers Out	28 4,546,320	40,210	4,586,530
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	29 11,629	97,650	109,279
Beginning Fund Balance July 1	30 3,382,067	0	3,382,067
Ending Fund Balance June 30	31 3,393,696	97,650	3,491,346

Passed this 19 day of May 2017  
(Day) (Month/Year)

\_\_\_\_\_  
Signature  
City Clerk/Finance Officer

\_\_\_\_\_  
Signature  
Mayor

**RESOLUTION 17-12**

**A RESOLUTION TO APPROVE MASTER LEASE AGREEMENT AND  
LEASE SUPPLEMENTS FOR VERIZON WIRELESS**

WHEREAS, pursuant to notice duly published and as required by law, Public Hearing on the above entitled Lease Agreement was held on the 18<sup>th</sup> day of May, 2017; and

Whereas, following said Public Hearing, the City Council of the City of Missouri Valley, Iowa, has considered the attached Master Lease Agreement and Lease Supplement relating to Iowa 8 – Monona Limited Partnership d/b/a Verizon Wireless to install small cell equipment on existing and new poles located in and owned by the City of Missouri Valley;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa that the attached Master Lease Agreement and Lease Supplement are hereby approved, and the Mayor and City Clerk of Missouri Valley, Iowa, are hereby authorized to execute the attached Master Lease Agreement and Lease Supplements, for Verizon Wireless small cell equipment on existing and new poles located in and owned by the City of Missouri Valley.

On the 18th day of May, 2017, at a regular meeting of the Missouri Valley City Council, Missouri Valley, Iowa, Council person Johnson introduced Resolution 17-12, A RESOLUTION TO APPROVE MASTER LEASE AGREEMENT AND LEASE SUPPLEMENTS FOR VERIZON WIRELESS and made a motion for approval. Motion seconded by Council person Gunderson.

Ayes: Gunderson, Johnson, Struble, Tiffey

Nays: None.

Absent: Thompson

Whereupon four Council members were present and voted approval and Mayor Sargent declared that the Resolution 17-12, A RESOLUTION TO APPROVE MASTER LEASE AGREEMENT AND LEASE SUPPLEMENTS FOR VERIZON WIRELESS to be adopted and signified his approval of the same by affixing his signature thereto.

Passed by the City Council on the 18th day of May, 2017.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller, City Clerk / Administrator

**RESOLUTION 17-13**

**RESOLUTION ADOPTING SANITARY SEWER SUB-BASIN  
PIONEERING POLICY**

WHEREAS, the City of Missouri Valley, Iowa has established policy for extending the existing municipal sanitary sewer to serve new areas of development both inside and outside the corporate limits of the City and within its' sanitary sewer service area; and

WHEREAS, it is deemed advisable by the City Council of the City of Missouri Valley to establish policy for sanitary sewer sub-basin pioneering to assist with economic development in new areas.

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

That the attached "SANITARY SEWER SUB-BASIN PIONEERING POLICY" is hereby adopted and will be implemented from this day forward.

Passed and Approved this 18<sup>th</sup> day of May, 2017.

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Clint Sargent, Mayor

ATTEST:

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Rita Miller  
City Clerk/Administrator

# **SANITARY SEWER SUB-BASIN PIONEERING POLICY-DRAFT**

## **CITY OF MISSOURI VALLEY, IOWA**

May 4, 2017

### **INTRODUCTION**

The City of Missouri Valley has established policies and procedures for extending the existing municipal sanitary sewer system to serve new areas of development both inside and outside the corporate limits of the City and within its sanitary sewer service area. One of the procedures available for use is the Sanitary Sewer Sub-Basin Pioneering Policy, which is described herein. This Policy allows for the initial developer within a defined and designated sub-basin to construct Initial Sub-Basin Infrastructure necessary to serve the whole sub-basin, and to be reimbursed for future use of that Initial Sub-Basin Infrastructure by others within the sub-basin. Initial Sub-Basin Infrastructure is defined as basin pumping stations, conveyance force mains, and sub-basin interceptor sewers, all of which are sized to meet the sanitary sewer needs of all land parcels within a sub-basin.

This Policy is not applicable to the financing or construction of individual land parcel infrastructure required to connect the parcel to the pioneered Initial Sub-Basin Infrastructure. This Policy cannot be used in conjunction with Tax Increment Financing (TIF) projects, or with City financed sanitary sewer assessment districts.

### **BACKGROUND**

The majority of the City's existing sanitary sewer infrastructure follows the natural terrain and topography of the Boyer River and Missouri River valleys. Because the topography in each valley is relatively flat, numerous natural drainage sub-basins exist, which define the placement of the sanitary sewers, sewage pumping stations, and force mains. In most cases, the infrastructure required to provide sanitary sewer service within each sub-basin involves gravity sewer mains, sewage pumping stations, and force mains to convey the collected sewage from each sub-basin to other parts of the City's municipal sewer system.

Because the extension and development of sanitary sewer infrastructure in a drainage sub-basin requires considerable investment, the City has established the Sanitary Sewer Sub-Basin Pioneering Policy which allows the initial owner and developer of land within a sub-basin (herein, "Pioneer"), who desires sanitary sewer service, to pioneer the necessary Initial Sub-Basin Infrastructure required to serve all development (both initial and future) within the entire sub-basin. This policy also allows the Pioneer of the Initial Sub-Basin Infrastructure to have a 20 year recovery period to collect an appropriate share of the initial costs from other future owners and developers as they connect to the pioneered infrastructure. As stated above, this Policy does not apply to the financing and construction of additional sewer infrastructure specific to meeting the sewer connection needs of each individual parcel in the sub-basin.

### **PIONEERING POLICY**

The City of Missouri Valley shall allow a land owner/developer (Pioneer) to construct Initial Sub-Basin Infrastructure within an unsewered sub-basin within the City's sanitary sewer service area. The City shall

define and approve all sub-basins which the pioneered infrastructure shall serve and shall perform all engineering and construction for each pioneered system. The City Engineer shall perform all planning, surveying, design, and observation of construction work related to the pioneered Initial Sub-Basin Infrastructure. The City shall advertise, bid and administer all construction work required of the pioneered Initial Sub-Basin Infrastructure, and shall operate the Initial Sub-Basin Infrastructure upon completion. Each user of the Initial Sub-Basin Infrastructure shall become a customer of the City and shall receive monthly billings for use of the sewer system. Each individual sanitary sewer customer, including the Pioneer, shall also be responsible for all sewer capital facilities charges due to the City for the City's capital infrastructure. Such capital facilities charges shall be in addition to the costs of development and/or use of the Initial Sub-Basin Infrastructure. Upon completion of the pioneered Initial Sub-Basin Infrastructure, the City shall apportion all Initial Sub-Basin Infrastructure costs to each parcel of property within the sub-basin and shall administer the collection of fees and disbursement of collected fees to the Pioneer.

The Pioneer shall be responsible for all costs of pioneering the infrastructure, including surveying, soils investigation, engineering, design, legal, administrative, construction, easement acquisition, and miscellaneous costs. The City and the Pioneer shall enter into a Sub-Basin Development Agreement outlining the terms, conditions, and payment provisions of the pioneered Initial Sub-Basin Infrastructure. The Pioneer shall make application for the Initial Sub-Basin Infrastructure within the sub-basin well in advance of the desired service date. Once the application is approved and the agreement is executed, the City shall proceed with the planning, surveying, engineering design, bidding, and construction of the Initial Sub-Basin Infrastructure. The City shall secure all construction permits and easements required for the improvements. All land subdivision and platting work by the Pioneer shall be completed prior to initiating the improvements, or shall proceed concurrently with the planning and design work. No construction work shall commence until all final platting and subdividing of the land by the Pioneer is complete, unless otherwise approved by the City Engineer.

The City shall provide the Pioneer with an estimate of all probable costs of the Initial Sub-Basin Infrastructure at the time of the agreement. The estimate shall include surveying, soils investigation, engineering, design, legal, administrative, construction, easement acquisition, and miscellaneous costs.

#### PAYMENT SCHEDULE OF PIONEERING COSTS

The Pioneer shall pay for all costs associated with the Initial Sub-Basin Infrastructure improvements according to the following schedule:

- a. At Execution of the Sub-Basin Agreement: An amount equal to the estimated costs of surveying, soils investigations, legal, and engineering design. Payment of the estimated total may be made in monthly installments in accordance with monthly invoiced amounts submitted to the Pioneer for payment.

Pioneer shall also furnish to the City as security for the faithful performance of the Sub-Basin Development Agreement an irrevocable letter of credit, surety bond, cash deposit, or other security acceptable to the City, in the City's sole discretion, in an amount equal to at least one hundred percent (100%) of the estimated probable Initial Sub-Basin Infrastructure costs at the time of the agreement, including surveying, soils investigation, engineering design, legal, administrative, construction, easement acquisition, and miscellaneous costs. The security, and the

form thereof, shall be satisfactory to the City Attorney. All security furnished pursuant to this provision shall be held by the City and not released until sufficient time has elapsed after completion of the construction of the Initial Sub-Basin Infrastructure so the City is assured no claim against the City in connection therewith can be successfully asserted.

- b. At Completion of the Bidding Phase: An additional amount equal to the sum of 1) the cost of bidding, 2) the actual construction bid amount, 3) the estimated cost of contract administration and construction observation, 4) the costs of the acquisition of easements, 5) legal services, and 6) any cost adjustment to reflect the actual costs of those services outlined in a. above. Payment of the additional amount may be made in monthly installments in accordance with monthly invoiced amounts submitted to the Pioneer for payment.
- c. At Completion of the Project: Final cost adjustment based on the actual costs of the project, including all construction change orders and any adjustment to reflect the actual costs of those services outlined in b. above. Payment of any adjustment amount shall be made in accordance with the final invoiced amount to the Pioneer.
- d. All payments shall be made within 30 days of the date of the invoice.
- e. The sanitary sewer infrastructure shall not be physically connected to the City's existing municipal sanitary sewer system nor placed into operation until payment of all final cost adjustments have been received.

#### RECOVERY OF PIONEERING COSTS

The City of Missouri Valley shall calculate and determine the potential amount of the Initial Sub-Basin Infrastructure that may be recovered in the future by the Pioneer from future land owners/developers within the sub-basin served. Costs for the Initial Sub-Basin Infrastructure improvements shall be divided by the total acres within the sub-basin to generate a per acre cost for all land area within the sub-basin.

The recovery period for collection of pioneered Initial Sub-Basin Infrastructure improvements shall be limited to no more than 20 years from the completion of the project.

The City shall determine the amount to be recovered from a new owner/developer of land within the sub-basin. Interest shall apply to the recovered amount, which shall not exceed the prevailing municipal bond interest rate at the time of construction of the Initial Sub-Basin Infrastructure improvements by the Pioneer.

The City shall collect the recovered amount from the new owner/developer and shall reimburse the Pioneer within 30 days of collection. The City may charge the new owner/developer for its reasonable costs of administration required to process the recovery payments.

#### FUTURE CONNECTIONS BY OWNERS/DEVELOPERS

All future owners/developers of land within a defined and developed Pioneered Sanitary Sewer System must connect to the established infrastructure and must pay their share of the pioneered Initial Sub-Basin Infrastructure, plus interest, when such land is developed. The City shall determine the connection costs and shall require full payment prior to connection. Should the expected sewage flows from a future land parcel result in service costs exceeding the per acre costs generated from the Initial Sub-Basin Infrastructure, the City may increase the connection cost to that land parcel.

The Initial Sub-Basin Infrastructure improvements shall be designed to provide sewer service to all land parcels in the sub-basin. Each land parcel within the sub-basin shall be responsible for additional sewer infrastructure which is unique to the parcel, and which is required to connect the parcel to the pioneered infrastructure. This may include gravity collection sewers, service lines, and local parcel lift stations and force mains.

**RESOLUTION 17-14  
RESOLUTION SETTING WAGES (SEASONAL)**

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

The following employee shall be paid the wage and salary indicated and the City Clerk is authorized to issue checks, less legally required or authorized deductions from the amount set out below, bi-weekly, and to make such contributions to IPERS and social security or other purposes as required by law or authorization of the Council, all subject to audit and review by the Council:

<u>Position</u>	<u>Name</u>	<u>Hourly Rate</u>
Pool, Co-Manager	Kyrin Davis	\$12.25
Pool, Co-Manager	Mickayla Harper	\$12.25
Lifeguards w/WSI	TBD	\$ 8.08 <b>(+.25 if returning from prev yr)</b>
Lifeguards	TBD	\$ 7.25 <b>(+.25 if returning from prev yr)</b>
Pool Counter/Concession	TBD	\$ 6.41 <b>(+.25 if returning from prev yr)</b>
Park Groundskeeper Part-Time	Taylor Clark	\$ 8.50

Passed and approved this 18th day of May, 2017.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator