

CITY COUNCIL MEETING  
RAND CENTER  
MAY 19, 2015  
6:00 P.M.

Mayor Sargent opened the Public Hearing on the Fiscal Year 15 Budget Amendment and asked for comments. There were none and he closed the hearing.

Mayor Sargent opened the Public Hearing on the Development Agreement with Tamarack Estates, LLC and asked for comments. There were none and he closed the hearing.

Mayor Sargent opened the Public Hearing on the Tamarack Estates Final Plat and asked for comments. The question was asked whether the drainage issue previously brought up had been taken care of, with the response that it had been. There being no more comments, Mayor Sargent closed the hearing.

Mayor Sargent called the council meeting to order at 6:05 p.m. with the following Council members present: Isom, Struble, Thompson, Ratliff, Johnson. Also present were City Clerk/Administrator Miller and visitors: John Riley, Roger Gunderson, Barbara Guinan, Frank Guinan, Jesusa Christians, Kristine Nelson, Chris Nelson, Annette Deakins, Bob Valentine, Gary Thune, Tim Guinan, Hugh Hawkins, Andrea Flowers-Kyle, Mike Kenealy, Dean Jaeger, Tim Guill, Jan Guill.

The Pledge of Allegiance was recited.

Moved by Council member Struble to approve the agenda, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the consent agenda, seconded by Council member Isom. Motion carried on a 5-0 vote.

During citizen inquiries, questions and concerns were expressed about potholes in the city parking lot, nuisance abatements, and dead animal removal. These will be checked into.

Moved by Council member Struble to approve Resolution 15-17, "A Resolution Amending The Current Budget For The Fiscal Year Ending June, 2015", seconded by Council member Johnson. Motion carried on a 5-0 vote.

# 43-404

## CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

To the Auditor of HARRISON County, Iowa:

The City Council of Missouri Valley in said County/Counties met on May 19, 2015 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. 15-17

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE : 2015  
(AS AMENDED LAST ON \_\_\_\_\_.)

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

Section 1. Following notice published May 8, 2015

and the public hearing held, May 19, 2015 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 1,235,974	0	1,235,974
Less: Uncollected Property Taxes-Levy Year	2 0	0	0
<b>Net Current Property Taxes</b>	<b>3 1,235,974</b>	<b>0</b>	<b>1,235,974</b>
Delinquent Property Taxes	4 0	0	0
TIF Revenues	5 100,656	0	100,656
Other City Taxes	6 320,387	0	320,387
Licenses & Permits	7 37,950	0	37,950
Use of Money and Property	8 127,895	6,462	134,357
Intergovernmental	9 456,733	312,709	769,442
Charges for Services	10 1,153,112	0	1,153,112
Special Assessments	11 62,950	0	62,950
Miscellaneous	12 90,875	24,661	115,536
Other Financing Sources	13 197,463	70,464	267,927
<b>Total Revenues and Other Sources</b>	<b>14 3,783,995</b>	<b>414,296</b>	<b>4,198,291</b>
<b>Expenditures &amp; Other Financing Uses</b>			
Public Safety	15 731,705	103,600	835,305
Public Works	16 476,399	57,587	533,986
Health and Social Services	17 0	0	0
Culture and Recreation	18 530,617	83,194	613,811
Community and Economic Development	19 20,000	211,000	231,000
General Government	20 257,386	34,601	291,987
Debt Service	21 549,293	0	549,293
Capital Projects	22 0	39,331	39,331
Total Government Activities Expenditures	23 2,565,400	529,313	3,094,713
Business Type / Enterprises	24 1,009,510	183,750	1,193,260
<b>Total Gov Activities &amp; Business Expenditures</b>	<b>25 3,574,910</b>	<b>713,063</b>	<b>4,287,973</b>
Transfers Out	26 197,463	70,464	267,927
<b>Total Expenditures/Transfers Out</b>	<b>27 3,772,373</b>	<b>783,527</b>	<b>4,555,900</b>
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year</b>	<b>28 11,622</b>	<b>-369,231</b>	<b>-357,609</b>
Beginning Fund Balance July 1	29 4,522,665	0	4,522,665
<b>Ending Fund Balance June 30</b>	<b>30 4,534,287</b>	<b>-369,231</b>	<b>4,165,056</b>

Passed this 19 day of May, 2015  
(Day) (Month/Year)

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

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

Moved by Council member Struble to approve the 2<sup>nd</sup> reading of Ordinance #506, "An Ordinance Providing For The Division Of Taxes Levied On Taxable Property In The 2015 Addition To The 2014 Missouri Valley Urban Renewal Area, Pursuant To Section 403.19 Of The

Code of Iowa”, and to waive the 3<sup>rd</sup> reading, seconded by Council member Isom. Motion carried on a 5-0 vote.

## **ORDINANCE #506**

### **AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2015 ADDITION TO THE 2014 MISSOURI VALLEY URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA**

WHEREAS, the City Council of the City of Missouri Valley, Iowa (the “City”) previously enacted an ordinance entitled “An Ordinance Providing For The Division Of Taxes Levied On Taxable Property In The 2014 Missouri Valley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”; and

WHEREAS, pursuant to that ordinance, certain taxable property within the 2014 Missouri Valley Urban Renewal Area in the City was designated a “tax increment district”; and

WHEREAS, the City Council now desires to increase the size of the “tax increment district” by adding additional property;

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2015 Addition to the 2014 Missouri Valley Urban Renewal Area of the City of Missouri Valley, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Missouri Valley to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Missouri Valley, Iowa.

“County” shall mean Harrison County, Iowa.

“2015 Urban Renewal Area Addition” shall mean the 2015 Addition to the 2014 Missouri Valley Urban Renewal Area of the City of Missouri Valley, Iowa, the legal description of which is set out below, approved by the City Council by resolution adopted on May 5, 2015:

Certain real property situated in the City of Missouri Valley, County of Harrison, State of Iowa, more particularly 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

“Urban Renewal Area” shall mean the entirety of the 2014 Missouri Valley Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2015 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2015 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the 2015 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2015 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2015 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2015 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area , and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2015 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2015 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 2015 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving 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 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Missouri Valley, Iowa, this 19<sup>th</sup> day of May, 2015.

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Clint Sargent, Mayor

Attest:

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Rita M. Miller  
City Clerk/Administrator

Mayor Sargent declared Ordinance #506 passed and adopted upon publication as required by law.

Council reviewed the Development Agreement. The developer requested changes be made to remove the ‘annual appropriation’ language and to adjust the requirement that all units be LMI eligible to a 60% requirement. Following discussion, it was moved by Council member Struble to approve the Development Agreement as amended, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve Resolution 15-19, “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”, as amended to reflect the changes in the Development Agreement, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Struble to approve the Subdivision Agreement and authorize the Mayor to sign, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Johnson to approve Resolution 15-18, “A Resolution Accepting And Approving The Plat Of Tamarack Estates, A Subdivision Within The City Of Missouri Valley, Harrison County, Iowa”, contingent upon the City Clerk receiving all attachments for the final plat as provided for in the City Code, prior to the Mayor signing off on the plat, seconded by Council member Struble. Motion carried on a 5-0 vote.

**RESOLUTION 15-18**

**A RESOLUTION ACCEPTING AND APPROVING THE PLAT OF TAMARACK ESTATES, A SUBDIVISION WITHIN THE CITY OF MISSOURI VALLEY, HARRISON COUNTY, IOWA**

**WHEREAS**, a Final Plat of Tamarack Estates, a subdivision within the City of Missouri Valley, Harrison County, Iowa, described as Part of Lot 1 and a strip of land lying west of Lot 1 of the Auditor's Plat of the SE ¼ of the NE ¼, of Section 15, Twp 78N, R44 W of the 5<sup>th</sup> P.M. has been submitted to the Missouri Valley Planning and Zoning Commission; and said Planning and Zoning Commission did approve said final plat on May 11, 2015; and

**WHEREAS**, Tamarack Development, LLC did file with the City Clerk of the City of Missouri Valley, Iowa, a duly executed plat of Tamarack Estates Subdivision, as hereto attached; and

**WHEREAS**, The City Council of the City of Missouri Valley has considered the same, and after such consideration find said plat should be accepted and approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Missouri Valley, Iowa, that said plat be and the same is hereby accepted and approved; and the Mayor and the City Clerk are hereby directed to furnish to Tamarack Development, LLC, a certified copy of this Resolution, and attach the same to said plat, as required by law and in conformity with the Code of Iowa, Section 354.8.

Passed and approved this 19<sup>th</sup> day of May, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

The Chamber of Commerce gave a presentation on the electronic sign to be installed west of town. It would highlight community events in the center of the board and the wording would be stationery rather than scrolling. Entry of information would be by remote access by computer. The Chamber outlined fundraising ideas and requested the City contribute \$25,000. Council requested the Chamber get additional information on the monthly cost of electricity, whether the sign would be covered under Chamber's insurance policy, whether grants or other funding would be available and then update the Council later this summer. The Chamber's goal is to install the sign in late fall of 2016.

Moved by Council member Struble to approve the Mayor's re-appointment of Kathy Thomas to the Board of Adjustment, seconded by Council member Ratliff. Motion carried on a 5-0 vote.

City Clerk/Administrator Miller informed Council the City Attorney had completed his review of the Tamisiea Trust and provided his opinion. Moved by Council member Johnson to approve Resolution 15-20, "Resolution Removing Tamisiea Trust Funds From The City Of Missouri Valley Accounting And Adjusting Fund Balances", seconded by Council member Struble. Motion carried on a 5-0 vote.

**RESOLUTION 15-20**

**RESOLUTION REMOVING TAMISIEA TRUST FUNDS FROM THE CITY OF MISSOURI VALLEY ACCOUNTING AND ADJUSTING FUND BALANCES**

**WHEREAS**, a Trust was set up by the Estate of Ruth Tamisiea ('the Tamisiea Trust') for the benefit of the Missouri Valley Public Library; and

**WHEREAS**, the funds from the Tamisiea Trust were included in the financial accounting of the City of Missouri Valley, as a restricted account; and

**WHEREAS**, it has been determined the Tamisiea Trust is not the property of the City of Missouri Valley or the Missouri Valley Public Library, but rather a separate entity.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Missouri Valley that the funds comprising the Tamisiea Trust be removed from the City of Missouri Valley financial accounting and the fund balances be adjusted accordingly.

Passed and Approved this 19<sup>th</sup> day of May, 2015.

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Clint Sargent, Mayor

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

City Clerk/Administrator informed Council that Officer Maule had submitted his two-week notice. A Park Board member had indicated she was resigning from the Board but no written notice had been received. Council will request letters of interest once it has been determined she has actually resigned. She informed Council the abandoned house proceeding will go to court on June 1, 2015 and then the City will get title to the property; the stop light on 6<sup>th</sup> Street has a bad loop on the south side which is causing the sensor to trip too frequently. It will be repaired this week. The Fire Association is planning a 'fill the helmet' fundraiser over Memorial weekend. Council had no objections.

Moved by Council member Struble to adjourn, seconded by Council member Thompson. Motion carried on a 5-0 vote. Meeting adjourned at 7:18 p.m.

Clint Sargent, Mayor

Attest:  
Rita Miller  
City Clerk/Administrator