

CITY COUNCIL MEETING  
RAND CENTER  
MAY 5, 2015  
6:00 P.M.

Mayor Pro-Tem Struble opened the Public Hearing on Designation of the Expanded 2014 Missouri Valley Urban Renewal Area and asked for comments. There were none. He then closed the hearing.

Mayor Pro-Tem Struble opened the Public Hearing on Disposing of and Transferring Real Estate to the Missouri Valley Community School District and asked for comments. There were none. He then closed the hearing, and called the regular session to order with the following Council members present: Struble, Isom, Johnson, Ratliff. (Council member Thompson arrived at 6:05 p.m.). Also present were staff Beverly Winans, engineers Jim Olmsted & Greg Perry, and visitors: Mike Kenealy, John Riley, Shawn Kelly, Deidre Drees, Tim Guill, Jan Guill, Hugh Hawkins, Caleb Wohlers.

The Pledge of Allegiance was recited.

Council member Johnson has been asked about painting the crosswalks at Culavin, dust/smell at Buss' elevator. It will be checked into.

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

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

Acting Fire Chief Kelly presented his report to Council. Council discussed candidates for the fire department. Moved to accept fire department candidates by Council member Isom, seconded by Council member Johnson. Motion carried on a 4-0 vote.

(Council member Thompson arrived).

Moved by Council member Isom to approve Resolution 15-12, "Resolution To Declare Necessity And Establish An Urban Renewal Area, Pursuant To Section 403.4 Of The Code Of Iowa And To Approve Urban Renewal Plan Amendment For The 2014 Missouri Valley Urban Renewal Area", seconded by Council member Ratliff. Motion carried on a 5-0 vote.

RESOLUTION 15-12

RESOLUTION TO DECLARE NECESSITY AND ESTABLISH AN URBAN RENEWAL AREA, PURSUANT TO SECTION 403.4 OF THE CODE OF IOWA AND 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 development 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 resolution previously 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, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) lying within the description set out in Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to support the construction of affordable housing for families of low and moderate income, including the corresponding provision of public and private infrastructure improvements; and

WHEREAS, the Planning and Zoning Commission of the City has reviewed and commented on the proposed Amendment; and

WHEREAS, notice of a public hearing by the City Council of the City on the question of amending the plan for the Urban Renewal Area and designating an expanded Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, and the Council has conducted said hearing on May 5, 2015; 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 20th day of April, 2015; 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. An economic development area as defined in Chapter 403 of the Code of Iowa, is found to exist in the City on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the 2015 Addition to the 2014 Missouri Valley Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the City.

Section 4. It is hereby determined by this City Council as follows:

A. The Amendment and the projects and initiatives described therein conform to the general plan of the municipality as a whole;

B. Proposed economic development projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 5. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved May 5, 2015.

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Sherman Struble, Mayor Pro-Tem

Attest:

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Rita M. Miller  
City Clerk/Administrator

EXHIBIT A  
Legal Description  
Expanded 2014 Missouri Valley Urban Renewal Area  
(2015 Addition)

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

Moved by Council member Johnson to approve Resolution 15-13, "Resolution Setting A Date Of Meeting At Which It Is Proposed To Approve A Development Agreement With Tamarack Development, LLC, Including Annual Appropriation Tax Increment Payments In An Amount Not To Exceed \$340,000", seconded by Council member Isom. Motion carried on a 5-0 vote.

RESOLUTION 15-13

RESOLUTION SETTING A DATE OF MEETING AT WHICH IT IS  
PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH  
TAMARACK DEVELOPMENT, LLC, INCLUDING ANNUAL  
APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO  
EXCEED \$340,000

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, 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, the City now proposes to enter into a certain development agreement (the "Development Agreement") with Tamarack Development, LLC (the "Developer") in connection with the development of affordable housing for families of low and moderate income and the corresponding provision of public and private infrastructure in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives to the Developer in the form of annual appropriation incremental property tax payments in an amount not to exceed \$340,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW THEREFORE, IT IS RESOLVED by the City Council of the City of Missouri Valley, Iowa, as follows:

Section 1. This City Council shall meet on May 19, 2015, at 6:00 o'clock p.m., at the Rand Center, in the City, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the annual appropriation incremental property tax payments.

Section 2. The City Clerk is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four days and not more than twenty days before the date of said meeting in a legal newspaper of general circulation in the City. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH  
TAMARACK DEVELOPMENT, LLC AND AUTHORIZATION OF ANNUAL  
APPROPRIATION TAX INCREMENT PAYMENTS

The City Council of the City of Missouri Valley, Iowa, will meet at the Rand Center, on May 19, 2015, at 6:00 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and Tamarack Development, LLC (the "Developer"), in connection with development of affordable housing for families of low and moderate income and the corresponding provision of public and private infrastructure in the 2014 Missouri Valley Urban Renewal Area, which Agreement provides for certain financial incentives in the form of incremental property tax payments to the Developer in a total amount not exceeding \$340,000 as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make incremental property tax payments to the Developer will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the 2014 Missouri Valley Urban Renewal Area. Some or all of the payments under the Development Agreement may be made subject to annual appropriation by the City Council.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Missouri Valley, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Rita Miller  
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved May 5, 2015.

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Sherman Struble, Mayor Pro-Tem

Attest:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Johnson to approve the 1<sup>st</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”, 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 \_\_\_\_\_, 2015.

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Clint Sargent, Mayor

Attest:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Ratliff to approve Resolution 15-14, “Resolution Disposing Of And Transferring Certain Real Estate To The Missouri Valley Community School District And Directing The Execution Of Quit Claim Deed”, seconded by Council member Isom. Motion carried on a 5-0 vote.

### **RESOLUTION 15-14**

#### **RESOLUTION DISPOSING OF AND TRANSFERRING CERTAIN REAL ESTATE TO THE MISSOURI VALLEY COMMUNITY SCHOOL DISTRICT AND DIRECTING THE EXECUTION OF QUIT CLAIM DEED**

**WHEREAS**, the City Council of the City of Missouri Valley, Iowa, has declared the following described real estate to be no longer used, needed or required for municipal purposes, to wit:

Parcel “C”, part of vacated Linn Street, Sunny Side Addition Legal Description:

That part of vacated Linn Street, as dedicated to the City of Missouri Valley, in Sunny Side Addition to the City of Missouri Valley, an addition, as surveyed, platted and recorded in Harrison County, Iowa and vacated in City Ordinance #J-170, described as follows: Beginning at the intersection of the west right of way line of Ninth Street and the north right of way line of vacated Linn Street; Thence south 88°36’56” east (assumed bearings) for 236.93 feet along said north right of way line; Thence south 46°13’54” west for 49.37 feet to the centerline of said vacated Linn Street; Thence north 88°36’56” west for 201.66 feet along said centerline to said west right of way



line of Ninth Street; Thence north 00°38'00" east for 35.00 feet to the point of beginning. Contains 7,675 square feet.

**WHEREAS**, the City Council of Missouri Valley, Iowa, fixed the 5<sup>th</sup> day of May, 2015 at 6:00 p.m. at the Rand Center as the time and place where public hearing and final action will be taken on the proposal to transfer said real estate to the Missouri Valley Community School District, and such Notice was published as required by law; and,

**WHEREAS**, the City Council of Missouri Valley, Iowa, has determined that said real estate should be transferred and conveyed to the Missouri Valley Community School District for the consideration of the costs of transfer, including legal, recording and publication fees.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Missouri Valley, Iowa, as follows:

Section 1. The disposal of said real estate is in the best interest of the public, the same being no longer used, needed or required for any municipal purpose, and that Public Hearing has been held on the disposal of same pursuant to Section 364.7 of the Iowa Code.

Section 2. The City of Missouri Valley shall dispose of and convey the said real estate to the Missouri Valley Community School District by Quit Claim Deed. The Mayor and City Clerk are hereby authorized and directed to execute said Quit Claim Deed, and in consideration of such deed, the Missouri Valley Community School District shall pay the costs of transfer, including legal, recording and publication fees.

Passed this 5th day of May, 2015 and signed this 5th day of May, 2015.

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Sherman Struble, Mayor Pro-Tem

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Jim Olmsted gave an update on the water and sewer line extension east of town. The design work has been completed and the next step would be to bid and construct. Consensus was to hold off to do the entire extension at one time if possible and to move forward with a comprehensive study on the full extension, including costs and how it will be paid for. Moved by Council member Isom to authorize Olmsted & Perry to do a study of the expanded service area and cost estimate for the full extension, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Greg Perry presented the close-out on the Longview/Sunnyside sewer project.

Moved by Council member Isom to approve Change Order #2 from Pierce Pump, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Isom to approve Pay Request #3 from Pierce Pump in the amount of \$14,821.38, seconded by Council member Thompson. Motion carried on a 5-0 vote.

Moved by Council member Johnson to approve Resolution 15-15, "A Resolution Accepting And Closing Out The Longview/Sunnyside Sewer Project And Authorizing The Mayor To Sign The Certificate Of Substantial Completion", seconded by Council member Thompson. Motion carried on a 5-0 vote.

## **RESOLUTION 15-15**

### **A RESOLUTION ACCEPTING AND CLOSING OUT THE LONGVIEW/SUNNYSIDE SEWER PROJECT AND AUTHORIZING THE MAYOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION**

WHEREAS, the City of Missouri Valley, Iowa has previously authorized the Longview/Sunnyside Sewer project; and,

WHEREAS, the City has previously entered into a contract with Pierce Pump for this project; and,

WHEREAS, the above contract has been completed, and the City Engineer has recommended acceptance of the work and close out on the project;

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

The work on the Longview/Sunnyside Sewer Project is hereby accepted, the project closed out, and the Mayor is hereby authorized to sign the Certificate of Substantial Completion.

PASSED AND APPROVED this 5<sup>th</sup> day of May, 2015.

CITY OF MISSOURI VALLEY

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Sherman Struble, Mayor Pro-Tem

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Thompson to approve Pay Request #4 from Pierce Pump in the amount of \$9,906.81, seconded by Council member Johnson. Motion carried on a 5-0 vote.

Moved by Council member Ratliff to approve Resolution 15-16, "Resolution Setting Wage", seconded by Council member Johnson. Motion carried on a 5-0 vote.

RESOLUTION 15-16

RESOLUTION SETTING WAGE

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>
Library, part-time	Kelley Van Dorn	\$ 7.25
Pool, Manager	Lauren Fink	\$12.00
Pool, Assistant Manager	TBD	\$ 9.48
Head Lifeguard	Mickayla Harper	\$ 8.33
Head Lifeguard	Kyrin Davis	\$ 8.33
Lifeguards w/WSI	TBD	\$ 8.08
Lifeguards	TBD	\$ 7.25
Pool Counter/Concession	TBD	\$ 6.41
Groundskeeper	TBD	\$ 8.00

Passed and approved this 5th day of May, 2015.

\_\_\_\_\_  
Sherman Struble, Mayor Pro-Tem

ATTEST:

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Rita M. Miller  
City Clerk/Administrator

Moved by Council member Johnson to approve the request from Longview Home for a fireworks display, seconded by Council member Isom. Motion carried on a 5-0 vote. Chief Kelly

will contact them to get specifics on the size of display and where at. The Missouri Valley Fire Department will provide a truck at the site.

Council set date for public hearing on FY15 budget amendment for May 19, 2015 at 6:00 p.m.

Moved by Council member Thompson to approve the request from United Methodist Church for a handi-cap space on the east side of 3<sup>rd</sup> Street, seconded by Council member Ratliff. Public Works Director Riesland to determine location. Motion carried on a 5-0 vote.

Moved to adjourn by Council member Isom, seconded by Council member Johnson. Motion carried on a 5-0 vote. Meeting adjourned at 6:45 p.m.

Sherman Struble, Mayor Pro-Tem

Attest:  
Rita Miller  
City Clerk/Administrator