

CITY COUNCIL MEETING
RAND CENTER
MAY 7, 2013
6:00 P.M.

Mayor Sargent presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Dillinger, Isom, Struble, Ratliff and Dinsmore. Also present were City Clerk/Administrator Miller and visitors: Melba Struble, Warren Wohlers, Jen Jones, Roger Gunderson, Winston Veatch, Monty Veatch, Mark Mahoney, John Riley and Mary Connealy.

The Pledge of Allegiance was recited.

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

Moved by Council member Dinsmore to approve the Consent Agenda, seconded by Council member Struble. Motion carried on a 5-0 vote.

Roger Gunderson addressed the Council with his request to build onto the City right-of-way on the west side of his property adjacent to 5th Street. He explained that the terrain of his property made it difficult to build to the north and the bank on the west made it unlikely that ground would be used for a utility right-of-way or anything else by the City. Council expressed concerns about giving away City right-of-way and also that a structure along 5th Street would jut out of line with the other houses and would be very close to the street causing problems if there was ever any street work needed. Moved by Council member Struble to deny the request to build on City right-of-way, seconded by Council member Ratliff. Motion carried on a 5-0 vote.

Following discussion, moved by Council member Dinsmore to approve Jennifer Jones' request to allow alcohol at her wedding reception in the Commercial Building at the City Park, seconded by Council member Struble. Motion carried on a 5-0 vote. The Fair Board had given approval contingent on Council approval and she will have security present.

Mary Connealy addressed the Council with her request for a handicapped parking space adjacent to her home. She explained her driveway is not long enough to park in without the vehicle being over the sidewalk. There is a storm grate in front of the property with a steep curb line, and a very congested neighborhood with most homes having several vehicles each. Moved by Council member Isom to proceed with drafting an ordinance to include a handicapped parking space on the east side of N 7th Street, seconded by Council member Dillinger.

AYES: Isom, Dillinger, Struble

NAYS: Dinsmore, Ratliff. Motion carried.

Melba Struble gave an update on the Caboose Committee. The paint has been ordered and will be reimbursed through the Paint Iowa grant. It will be painted on-site after moving and bids/specs will be let closer to that time. Mocha Construction will do compaction, grading and

site work; Larry Buss will move the caboose after the site is prepared and Lynn Sass will do the site landscaping if the Committee gets the materials.

Council member Ratliff brought up Mocha would need a grading plan. He also asked about footings and what the caboose would be set on. Melba responded that the UPRR had told them they should set it on rock and ties rather than them use a cement slab as originally planned. Questions were asked about the site preparation and concerns were expressed about the lack of an overall plan. It was pointed out that an engineer could not be expected to sign off on or give formal opinions on a project that he has not been involved with throughout.

City Clerk/Administrator Miller informed Council she had contacted the Caboose Committee outlining steps that needed to be followed and had asked for their input on how they wanted to proceed but had received no response from them. Following discussion, Council consensus was to have the City Engineer take over the site preparation portion of the project using the \$7,500 the City had committing for moving the caboose to put it toward planning/engineering so the project could proceed. Moved by Council member Dillinger to reallocate funds toward research and engineering, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Greg Perry gave a status report on the Ontario Street reconstruction project. Moved by Council member Struble to approve plans and specifications, advertise Notice of Hearing and Letting, and set the Public Hearing and letting for June 4th, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Moved by Council member Dinsmore to approve Resolution 13-08, "Resolution Authorizing Missouri Valley City Clerk To Certify Liens For Unpaid City Utility Bills And Nuisance Abatement Charges", seconded by Council member Dillinger. Motion carried on a 5-0 vote.

RESOLUTION 13-08

RESOLUTION AUTHORIZING MISSOURI VALLEY CITY CLERK TO CERTIFY LIENS FOR UNPAID CITY UTILITY BILLS AND NUISANCE ABATEMENT CHARGES

WHEREAS, the City Council of the City of Missouri Valley desires that the Missouri Valley City Clerk be delegated the authority to certify a lien to the applicable county treasurer for unpaid City utility rates and charges, including delinquent water & sewer service fees, and nuisance abatement charges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Missouri Valley, Iowa, that the City Clerk of the City of Missouri Valley is hereby delegated the authority to certify a lien to the applicable county treasurer for unpaid City utility rates and charges, including delinquent water and sewer service fees, and nuisance abatement charges.

Passed and approved this 7th day of May, 2013.

Clint Sargent, Mayor

ATTEST:

Rita M. Miller
City Clerk/Administrator

Moved by Council member Struble to approve Resolution 13-09, "Resolution Adopting And Approving Tax Compliance Procedures Relating To Tax-Exempt Bonds", seconded by Council member Dinsmore. Motion carried on 5-0 vote.

RESOLUTION 13-09

**RESOLUTION ADOPTING AND APPROVING TAX COMPLIANCE
PROCEDURES RELATING TO TAX-EXEMPT BONDS**

WHEREAS, pursuant to the laws of the State of Iowa and Section 103 of the Internal Revenue Code, the City of Missouri Valley, Iowa (the "City"), acting by and through the authority of its City Council, has issued, and likely will issue in the future, tax exempt municipal bonds, notes or other obligations (the "Tax Exempt Bonds"); and

WHEREAS, the City deems it necessary and desirable to adopt certain procedures and practices to be followed by the City in connection with the issuance of Tax Exempt Bonds; and

WHEREAS, proposed tax compliance procedures are attached hereto as Exhibit A (the "Compliance Procedures");

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

Section 1. The Compliance Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof.

Section 2. The City Clerk is hereby authorized and directed to periodically update the Compliance Procedures in accordance with the Internal Revenue Code and supporting Internal Revenue Service Rulings and Regulations, with advice from bond counsel.

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

Passed and approved May 7, 2013.

Clint Sargent, Mayor

Attest:

Rita M. Miller
City Clerk/Administrator

Moved by Council member Dillinger to set the Public Hearing on the budget amendment for May 21st, seconded by Council member Struble. Motion carried on a 5-0 vote.

City Clerk/Administrator Miller informed Council there will be a St. Jude's Walk-A-Thon in the City Park on June 8th. They have requested the City donate use of the kitchen and allow them to reserve the bingo shelter and gazebo. Moved by Council member Dillinger to approve the request, seconded by Council member Struble. Motion carried on a 5-0 vote.

Rick Emswiler gave an overview of what the Building Committee had done regarding a proposed new fire hall. He informed the Council the Committee had identified several potential building sites and had decided on one site to present to the Council.

Moved by Council member Dinsmore to go into Closed Session pursuant to I.C.21.5(j) to discuss the purchase of real estate, seconded by Council member Struble. Roll call.

AYES: Isom, Dillinger, Struble, Dinsmore, Ratliff

NAYS: None. Motion carried.

Council adjourned to closed session at 6:55 p.m. and returned to open session at 7:35 p.m.

Moved by Council member Struble to reconvene in open session, seconded by Council member Dinsmore. Motion carried on a 5-0 vote.

Moved by Council member Dinsmore to direct Rick Emswiler to proceed with land acquisition inquiries as discussed, seconded by Council member Struble. Motion carried on a 5-0 vote.

City Clerk/Administrator Miller informed Council a letter from the IDOT has been received notifying the City that Transfer of Jurisdiction funds will be allocated to the Secondary Roads fund beginning July 1, 2013 and distributed to among all cities on a per capita basis. This will result in a \$12,059 loss in road use revenue for Missouri Valley.

Moved by Council member Dinsmore to adjourn, seconded by Council member Struble.
Motion carried on a 5-0 vote. Meeting adjourned at 7:40 p.m.

Clint Sargent, Mayor

Attest:
Rita Miller
City Clerk/Administrator