

**CITY OF MISSOURI VALLEY  
CITY COUNCIL MEETING  
MISSOURI VALLEY PUBLIC LIBRARY  
Tuesday, July 2, 2019  
6:00 P.M.**

Mayor Kelly presided over the meeting and called it to order at 6:00 P.M. with the following Council members present: Gunderson, Pfouts, Struble, Stueve, and Tiffey. Also present: Connie McLaughlin, Linda Coddington, Chris Myer, Cindy Unger, Brian Jeremiah, Mary Jo Buckley, Bruce Kocher, Leonard Johnson, Jan Johnson, Leonard Ratliff, Tracy Stueve, Katie Preston, Jay Smith, Sally Salter, Dave Scott, Vonda Ford, Bob Thompson, Brent Hanson, Patty Long, Jerry Webber

The Pledge of Allegiance was recited.

Kelly asked Council for any comments or additions-Gunderson, Stueve, and Pfouts requested. They will be 20a, 20b, and 20c.

Motion by Pfouts, seconded by Struble to approve the agenda for the July 2, 2019 meeting. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to approve the following items on the consent agenda: a) June 18, 2019 Council Minutes b) Claims list c) Street, Park, Park Board, and Safety Committee Reports. Motion carried on a 5-0 vote.

Bruce Kocher gave the Library Report. He reported on the programs and activities for June and upcoming activities for July. Bruce stated that the PS4 and GEARS were purchased from grant monies.

Dave Scott turned in a claim for water damages and the insurance company denied the claim. He would like to know what the City is doing to correct the drainage and needs to know the flood elevations. Jim Olmsted will get the benchmarks for the elevations.

Tracy Stueve wanted to know the status of her complaints. Flaherty stated that a letter was sent to the property owner and going to schedule a meeting. Stueve also inquired about the issues with the Building Inspector. Flaherty stated it was a personnel matter and could not be discussed.

The Rand Center Board thanked the City for the use of the Park facilities for RandFest and hopes the City will sponsor the event in the future.

Jim Olmsted with Olmsted & Perry gave several updates. The contractor has promised to have 5<sup>th</sup> Street finished by Monday. The bond company for the Tamarack Development contacted the City and cannot transfer the bond to Midstates Bank. The bond company will only pay if the City does the work. Olmsted will contact Midstates Bank and their engineer. He recommends discussing this issue at the next Council meeting. Olmsted is waiting to speak with the claims

department from Union Pacific. The representative is on vacation and will return after July 4<sup>th</sup>. If Union Pacific issues payment for damages, this will affect what the City receives from FEMA. The next FEMA scoping meeting will be July 12<sup>th</sup>. Olmsted is working on numbers. He has added Willow Park addition and it will include drainage systems. The current ditches are dug to the flow line and some culverts may need to be adjusted.

Motion Pfouts, seconded by Stueve to allow Woodbine Saddle Club to hang a banner on the Pool Fence. Motion carried on a 5-0 vote.

Misty Graeve spoke to Council about the Swim Team Car Wash. This is their annual fundraiser for scholarships. It will be held on July 10<sup>th</sup> from 5 p.m. to 7 p.m. Motion by Pfouts, seconded by Stueve to approve Swim Team Car Wash at the Aquatic Center. Motion carried on a 5-0 vote.

Discussion was held on the street repairs by PetroMart. Flaherty stated the Street Department will be making the repairs next week and the repairs will not close the drive or effect PetroMart's operations.

Resolution #19-21 was introduced Approving the Transfer of Funds from Emergency Fund to General Fund. Motion by Stueve, seconded by Struble. Motion carried on a 5-0 vote.

Resolution #19-22 was introduced Setting Wage-Garrett Klutts for Fiscal Year 2020. Motion by Pfouts, seconded by Stueve. Motion carried on a 5-0 vote.

Resolution #19-23 was introduced Terminating Paying Agent and Registrar and Transfer Agent Agreements with Bankers Trust Company and Approving new Paying Agent and Registrar Agreement with BOKF, National Association. Motion by Struble, seconded by Pfouts. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Pfouts for Mayor to sign Paying Agent & Registrar Agreement with BOKF, National Association. Motion carried on a 5-0 vote.

Discussion was held on the spraying of City facilities and properties. Flaherty received two bids and recommends approving the low bid from Hornbeck Turf & Tree Services in the amount of \$4,646.00. Motion by Struble, seconded by Pfouts to approve the estimate. Roll call: Ayes: Struble, Pfouts, Gunderson, Tiffey. Nays: Stueve. Motion carried on a 4-1 vote.

Katie Preston gave an update from the Aquatic Center. Preston would like to be reimbursed for her Water Safety Instructor. Council would allow reimbursement when she passes the course. Flaherty will put it on the next agenda. Preston would like to hire an on-call part time counter help position. Flaherty stated that we did not advertise for the position and will look at the posting requirements. Preston would need someone on Thursday and would like to hire her son. Due to the emergency need, Council agreed to hire Preston's recommendation and Flaherty will prepare a hiring resolution for the next agenda. Preston would like Council to consider contracts for her and the assistant manager. Council would like to go into closed session for discussion. Preston suggested August 18<sup>th</sup> for the last day of the pool and to have a Dog Day. Council

would like her to look at keeping the pool open on weekends until Labor Day. Preston would like the Council to build a snack shack on the pea gravel area. Council would like Preston to get estimates. Preston would like to add an additional time for pool parties. The times would be Saturday and Sunday from 11 a.m. to 1 p.m. She would like to see a Grandparent Pass. Flaherty will see if the fee schedule needs to be changed. Preston would like to ask local businesses to donate towards the diving board. If they donate she would like to hang a donor plaque on the wall. Preston received a bid for the sound system. She is looking for grant money to help pay for it. Flaherty will put the sound system on the next agenda for approval. Preston would like to have picnic tables brought in for additional seating at the conference meet. She would like to see if the little slide by the diving board can be put back. Flaherty will speak with Burbach Aquatics. Preston would like the parking lot painted before the conference meet.

Motion by Struble, seconded by Stueve to approve Missouri Valley Aquatic Center Manual. Motion carried on a 5-0 vote.

Discussion was held on Aquatic Center Diving Board. Flaherty contacted the State and laws have changed. An engineer must be hired to design and certify the board. Flaherty has contacted Burbach and will notify Council when she receives a cost estimate.

Motion by Stueve, seconded by Struble to table the discussion on Hiring Process Policy until the next Council meeting. Motion carried on a 5-0 vote.

Gunderson would like a pedestrian crossing sign by the east and west intersections by Culavin Heights.

Stueve stated that a citizen thanked the City for the rock on their road.

Pfouts had no comments.

Flaherty asked Council if they would like to proceed with the website upgrade. They agreed and it will be on the next Council agenda for formal approval. Flaherty stated the basement windows have been installed and look great.

Kelly thanks the individuals that put up the flags and stated they looked great. He also stated the Rand Center event was great.

Motion by Pfouts, seconded by Stueve to enter into closed session at 7:04 p.m. per IA Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation. Motion carried on a 5-0 vote.

Motion by Stueve, seconded by Struble to return to open session at 7:20 p.m. Motion by Stueve, seconded by Tiffey to hire Chris Myer as the Park's Supervisor at an additional \$2.00 per hour. Motion carried on a 5-0 vote.

Motion by Pfouts, seconded by Struble to enter into closed session at 7:24 p.m. per IA Code 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Stueve to return to open session at 8:00 p.m. with no action taken. Motion carried on a 5-0 vote.

Motion by Struble, seconded by Pfouts adjourn at 8:02 p.m. Motion carried on a 5-0 vote.

Shawn Kelly, Mayor

Attest: Jodie Flaherty, City Clerk

### **RESOLUTION 19-21**

#### **RESOLUTION APPROVING THE TRANSFER OF FUNDS FROM EMERGENCY FUND TO GENERAL FUND**

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

That the City Clerk is hereby authorized to transfer the remaining funds from FY 18/19 in the amount of \$958.79 from the Emergency Fund to the General Fund.

Emergency to General \$ 958.79 (Emergency Funds to offset General Fund)

Total \$958.79

Passed and approved this 2nd day of July, 2019.

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk

**RESOLUTION 19-22**  
**RESOLUTION SETTING WAGES OF CITY EMPLOYEES**  
**FOR FISCAL YEAR 2020**

WHEREAS, the City Council has approved the following pay schedule for employees for Fiscal Year 2019/2020 as follows:

Garrett Klutts	\$21.81
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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF MISSOURI VALLEY, IOWA:

That the employees shall be paid the wage as indicated above effective July 1, 2019.

Passed and approve this 2<sup>nd</sup> of July, 2019.

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Shawn Kelly, Mayor

ATTEST:

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Jodie Flaherty, City Clerk

**RESOLUTION 19-23**  
**RESOLUTION TERMINATING PAYING AGENT AND REGISTRAR**  
**AND TRANSFER AGENT AGREEMENTS WITH BANKERS TRUST**  
**COMPANY AND APPROVING NEW PAYING AGENT AND**  
**REGISTRAR AGREEMENT WITH BOKF**

WHEREAS, the City Council of the City of Missouri Valley, Iowa (the "City"), has adopted certain resolutions (the "Resolutions") duly authorizing and providing for the issuance of certain bonds, notes or other obligations (collectively, the "Outstanding Obligations"); and

WHEREAS, pursuant to the Resolutions, the City appointed Bankers Trust Company, Des Moines, Iowa ("Bankers Trust"), as the registrar and paying agent for the Outstanding Obligations and approved the execution of Paying Agent and Registrar and Transfer Agent Agreements (the "BT Agreements") with Bankers Trust with respect to the Outstanding Obligations; and

WHEREAS, it has been proposed that the City take action to terminate the BT Agreements in order to transfer its registrar and paying agent services to BOKF, National Association, Lincoln, Nebraska ("BOKF"); and

WHEREAS, a new Paying Agent and Registrar Agreement (the “BOKF Agreement”) has been prepared for approval and execution by the City and delivery to BOKF;

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

Section 1. The City hereby terminates the BT Agreements. The City Clerk is hereby authorized to send an executed copy of this Resolution to Bankers Trust by regular mail or by email as soon as practical. Furthermore, the Mayor and the City Clerk are hereby authorized to execute such documents as may be necessary to carry out the termination of the BT Agreements. All action heretofore taken by the Mayor and the City Clerk in this regard is hereby ratified and affirmed.

Section 2. BOKF is hereby designated as the Registrar and Paying Agent for the Outstanding Obligations. The City shall enter into the BOKF Agreement with BOKF covering services for the Outstanding Obligations, in substantially the form as has been placed on file with the City Council; the Mayor and City Clerk are hereby authorized and directed to sign the BOKF Agreement on behalf of the City; and the BOKF Agreement is hereby approved.

Section 3. To the extent that the City has continuing disclosure requirements pursuant to Rule 15c2-12 of the Securities Exchange Act relative to the Outstanding Obligations, the City will cause a notice of the assignment of the Agreements to be posted on the MSRB Electronic Municipal Market Access (EMMA).

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved July 2, 2019.

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Shawn Kelly, Mayor

Attest:

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Jodie Flaherty, City Clerk