

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
RAND COMMUNITY CENTER
TUESDAY, MAY 17, 2022**

Mayor Kelly presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Ford, Struble, Stueve, Taylor, and Tuttle. Also Present: Minnie Fisher, Jeannie Wortman, Barbara Conka, Nathan Summers, Adam Bellis, Leonard Johnson, Jan Johnson, Mark Stava, Hunter Cox, Robert Fairchild, Daryl Cates, Kerry Stueve, Marilyn Keizer, Lisa Hember, Sally Salter, Rich Gochenour, Dakota Tish, Daniel J. Hoffman, Dylan Waschkowski and Dennis L. Smith.

The Pledge of Allegiance was recited.

Mayor Kelly asked if there were any Council comments or additions. Ford requested and was placed as 24A.

Motion by Stueve, seconded by Tuttle to approve the agenda for May 17, 2022. Motion carried unanimously.

Mayor Kelly swore in the new City Clerk/Administrator, Jeremy Butrick.

6:00 P.M. Public Hearing on the Proposed Plans, Specifications, and Form of Contract and Estimated Costs for the Highway 30 Water Main Replacement Project. There were no written nor oral objections to this item. Motion by Struble, seconded by Stueve to close the public hearing. Motion carried unanimously.

6:05 P.M. Public Hearing on the Proposed Plans, Specifications, and Form of Contract and Estimated Costs for the 2022 Roof Replacements Project. There were no written nor oral objections to this item. Motion by Taylor, seconded by Struble to close the public hearing. Motion carried unanimously.

Bids for the Highway 30 Water Main Replacement Project were open and read by Jeff Frey of Olmstead & Perry. First bid from Bluffs Paving & Utility, Inc. was in the amount of \$640,201.80. Second bid by Midwest Mechanical Industrial Services, LLC was in the amount of \$894,794.00. Each company provided a copy of their bid bond.

Bids for the for the 2022 Roof Replacement Project were open and read by Jeff Frey of Olmstead & Perry. First bid from MMI Roofing was in the amount of \$296,000.00, with an alternate of \$50,000 for all metal roofing. Second bid by McKinnis Roofing was in the amount of \$289,300.00 with an alternate of \$110,600 for all metal roofing. Each company provided a copy of their bid bond.

Jeff and Griffin went to the back of the room to review and discuss the bid.

Consent agenda: a) Minutes from May 3, 2022 City Council Meeting, b) Claims list, c) City Administrators Financial Report, d) Utility Reconciliation Report, e) Park Board Minutes, f) Approve appointment of Dennis Smith to Planning & Zoning term ending in June 2027. Stueve, Struble and Ford inquired about items on the Claims list. Butrick was instructed to research some items and get back to the council. Ford noted a couple of incorrect items on the May 3, 2022 minutes that will be corrected and submitted for approval by Butrick. Motion by Struble, seconded by Tuttle to approve

the consent agenda. Items a), b), c), d) and e) carried 4-1 Ayes: Stueve, Struble, Taylor , Tuttle Nays: Ford. Item f) carried 3-1-1 Ayes: Struble, Taylor, Tuttle Nays: Ford Abstain: Stueve.

Jeannie Wortman, Missouri Valley Chamber, welcomed Jeremy Butrick to the office and thanked Rich Gochenour for assistance with new trash receptacles and planters. She provided updates on the House district 15 candidate forum, Rustic Stitch Boutique, Martinez Bakery and Summit Park time capsule marker.

Robert Fairchild inquired about the Highway 30 bypass project, suggested a light at Highway 30 and Willow Rd. and inquired about something he read about kitty litter in the recycle bins.

Lisa Hember inquired about an adjustment to ordinance 41.12.9, fireworks ordinance. Asked to change legal times fireworks can be shot off. Asked to consider military vets and household pets that are affected by fireworks. After additional discussion, the Mayor and Council asked to place this on the next agenda for more discussion.

Minnie Fisher inquired about parking enforcement and lack of parking. Her concern was with other business employees tying up parking spots in front of her business and others when they should be parking in back saving room for customers to park. Mayor suggested contacting Law Enforcement if friendly discussion with adjacent business owners does not produce results.

Robert Fairchild provided additional comments about the fireworks ordinance.

Daniel J. Hoffman introduced himself to the council and members of the community. He provided some background on his situation as a homeless resident. He asked that the council consider reviewing chapter 122 of the city code which prevents panhandling within city limits. He would like the council to consider making alterations that would make it more fair for people in his situation to be able to pick themselves up and become a tax paying citizen of the community.

Dakoda Tish provided an update from PeopleServices. They hired a third employee to assist with Missouri Valley, started repairs on 3 Mag. meters, two main break repairs, technology updates and wastewater lagoon discharge.

Mary Jo Buckley provided park board updates. Rubber mulch costs have increased and still short of funds. Might need fundraiser to complete. There was a brief discussion about the pet chipping event. After discussion, Butrick was asked to look through the budget and see if he could find money to assist with installation of the new swing. A motion was made by Struble second by Stueve to approve the purchase of the new swing from GameTime for Summit Park and move ahead with the installation. Motions carried unanimously.

Mary Jo continued with discussion about the parking area at the dog park. Not well received by people that have checked out the current layout. After much deliberation and brain storming, the council suggested keeping it simple with just two pull-in parking spots.

Mary Jo inquired about filling the pool. Dakota indicated he asked Parks to wait 24-hour to make sure the system recovered from a main break. Butrick provided an update on the broken filter that needed replaced. Pool passes were discussed as well.

Jeff Frey provided an update from Olmstead & Perry. First was an update on the USDA water system, test well is part of that: \$7006.00 paid for work completed on well, \$774 for water and other testing. A motion to approve Pay Application No. 1 to Layne Christenson Company was made by Tuttle seconded by Struble. Motion carried unanimously.

An update was given on the street projects. Jim Olmstead received a new estimate with Fall design, Winter bid, Spring construction. Ford mentioned Superior St. is horrible and won't wait and suggested possibly milling it. Discussion ensued about options with a general consensus to have Olmstead & Perry get bids for milling.

A motion was made by Ford to continue with the 2022 street replacement projects, seconded by Struble. Motion carried unanimously.

A guest in the crowd inquired about getting an alley milled as well, they suggested waiting to get streets done first.

Jeff Frey continued with discussion the roof replacement bids. Indicated that insurance money will be used for base bids and recommended the best option would be McKinnis for \$289,000. Stueve made a motion to accept the bid, seconded by Struble. Motion carried unanimously.

Jeff jumped to Highway 30 water main replacement item. Bids are over USDA amount. Suggested tabling the bids until Jake could check with USDA will cover additional costs. Motion to approve tabling of item 16 was made by Stueve, seconded by Taylor. Motion carried unanimously.

Jake from Olmstead & Perry joined via phone. He stated that item 18, resolution awarding the contract, needed tabled. Stueve withdrew the previous motion. Motion to reinstate 16, resolution approving and confirming plans carried unanimously.

A motion was then made by Struble to approve the resolution approving and confirming plans for the Highway 30 water main project, seconded by Stueve. Motion carried unanimously.

Discussion continued on consideration of bids for Highway 30 water main replacement. Jake indicated that the bid was about \$175,000 over budget. Need to check with USDA to see what contingency is built into project, do some research and provide a path moving forward in June.

A motion was made to table awarding of a contract for the Highway 30 water main replacement bid until the next meeting by Stueve, seconded by Taylor. Motion carried unanimously.

Nate Summers from D A Davidson provided an update on the Resolution Awarding Water Revenue Loan Agreement Anticipation Project Note, Series 2022. He indicated that Community Bank of Iowa provided the best options for Missouri Valley and this resolution included giving it to them. A motion was made by Stueve, seconded by Struble. Motion carried unanimously.

A motion was made to approve new job descriptions for the Building Official and Police Officer by Struble, seconded by Taylor, Ayes: Ford, Struble, Taylor, Tuttle Abstain: Stueve. Motion carried four to one.

Motion was made to authorize Jeremy Butrick to be a signer on the American National and MidStates bank accounts by Struble, seconded by Stueve, Ayes: Stueve, Struble, Taylor, Tuttle Nays: Ford. Motion carried four to one.

There was discussion about whether or not Red Cross Lifeguard training would accept American Heart CRP certification. Ford suggested proceeding as-is this year and looking into American Heart option for next year to not hold up lifeguard training. A motion to proceed with Red Cross CPR training and have the city pay for it, contingent upon the individual completing the full year at the pool was made by Ford, seconded by Taylor. Motion carried unanimously.

A motion was made by Stueve to adopt the first reading of an ordinance amending the code of ordinances by amending the provisions pertaining to parking regulations, angle parking, addition of Portions of South Fouth St, seconded by Tuttle, Ayes: Ford, Stueve, Taylor, Tuttle Nays: Struble. Motion carried four to one.

Councilperson Ford mentioned he wanted to circle back around the residency requirement. He reviewed old emails and felt that a "fast one" was being pulled to remove it. Feels it should be a requirement and that they need to require it.

City Administrator comments. Butrick indicated that the cemetery sexton would like more help mowing. There was discussion on it. Butrick should touch base and see what he needs for sure. Have Mark bring to the council if he needs more assistance. Butrick then indicated that a local landowner would like to provide the city with an opportunity to acquire more ground. They suggested contacting legal about options and have Rich inspect the property to see if it would be worth it.

Mayor comments: Main street looks beautiful. Businesses are popping up. Go out and enjoy it.

Motion by Struble, seconded by Stueve to enter into closed session at 7:40 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 unanimously.

Motion by Taylor, seconded by Stueve to enter into open session at 7:57 p.m. with no action taken.

7:58 p.m. Stueve made a motion to approve the hiring of Sheila Muell as Deputy Clerk for the City of Missouri Valley, seconded by Taylor. Ayes: Stueve, Struble, Taylor, Tuttle Nays: Ford. Motion carried four to one.

Motion by Struble, seconded by Stueve to adjourn at 7:59 p.m. Motion carried unanimously.

Shawn Kelly, Mayor

Attest: Jeremy Butrick, City Administrator

RESOLUTION 22-27

**RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS,
SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR
THE HIGHWAY 30 WATER MAIN REPLACEMENT PROJECT**

WHEREAS, the City Council of the City of Missouri Valley, Iowa, has heretofore given preliminary approval to the plans, specifications, form of contract and estimate of cost (the "Contract Documents") for the proposed Highway 30 Water Main Replacement Project (the "Project"), as described in the notice of hearing on the Contract Documents for the Project; and

WHEREAS, a hearing has been held on the Contract Documents on May 17, 2022;

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

Section 1. The Contract Documents referred to in the preamble hereof are hereby finally approved, and the prior action of the City Council giving preliminary approval is hereby finally confirmed, and the Project, as provided for in the Contract Documents, is necessary and desirable.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 17, 2022.

Shawn Kelly, Mayor

Attest:

Jeremy Butrick, City Clerk/Administrator

RESOLUTION 22-28

**RESOLUTION AWARDING WATER REVENUE LOAN AGREEMENT
ANTICIPATION PROJECT NOTE, SERIES 2022A**

WHEREAS, the City of Missouri Valley (the "City"), in Harrison County, State of Iowa, did heretofore establish a Municipal Waterworks Utility System (the "Utility") in and for the City which has continuously supplied water service in and to the City and its inhabitants since its establishment; and

WHEREAS, the management and control of the Utility are vested in the City Council (the "Council") and no board of trustees exists for this purpose; and

WHEREAS, pursuant to a prior resolution of the Council (the “Outstanding Bond Resolution”), the City has heretofore issued its \$1,360,000 Water Revenue Refunding Project Note, Series 2012B, dated April 25, 2012 (the “Outstanding Project Note”), a portion of which remain outstanding; and

WHEREAS, pursuant to the Outstanding Bond Resolution, the City reserved the right to call the Outstanding Project Note for optional early redemption subject to the provisions of the Outstanding Bond Resolution; and

WHEREAS, the City heretofore proposed to enter into a loan agreement (the “Loan Agreement”), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$2,000,000 for the purpose of paying the costs, to that extent, of (1) current refunding the Outstanding Project Note; and (2) planning, designing, and constructing improvements and extensions to the Utility; and pursuant to law and duly published noticed of the proposed action has held a hearing thereon on March 15, 2022; and

WHEREAS, pursuant to the provisions of Section 76.13 of the Code of Iowa, the City has authority to issue anticipation project notes in anticipation of the receipt of the proceeds from the Loan Agreement (the “Loan Proceeds”); and

WHEREAS, the City Council has made provision and has authorized a term sheet (the “Term Sheet”) for use by D.A. Davidson & Co. (the “Placement Agent”) in negotiating and providing for the private placement of a Water Revenue Loan Agreement Anticipation Project Note, Series 2022A (the “Project Note”) in anticipation of the receipt of and payable from the Loan Proceeds; and

WHEREAS, upon due consideration and advice from the Placement Agent, the proposal of Community Bank Iowa, Logan, Iowa is considered favorable and its acceptance to be in the best interests of the City;

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

Section 1. The proposal from the Lender is hereby accepted. The City shall issue the Project Note in anticipation of the receipt of and payable from the Loan Proceeds. The Project Note shall be conformed to the terms set forth in Lender’s proposal and that certain Term Sheet which was used by the Placement Agent in the solicitation of private placement proposals.

Section 2. Further action in connection with the issuance of the Project Note is hereby adjourned to the City Council meeting scheduled for June 7, 2022.

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

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 17, 2022.

Shawn Kelly, Mayor

Attest:

Jeremy Butrick, City Clerk/Administrator

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI VALLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO PARKING REGULATIONS, ANGEL PARKING-SOUTH FOURTH STREET

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

SECTION 1. SECTION MODIFIED. Section 69.03 of the Code of Ordinances of the City of Missouri Valley, Iowa, are repealed and the following adopted in lieu thereof:

69.03 ANGLE PARKING.

Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Fifth Street, on the east side, from Erie Street to Huron Street;
2. Huron Street, on the north side, from Seventh Street to the alley between Seventh Street and Sixth Street;
3. Huron Street, on the north side, from Sixth Street to Fifth Street;
4. Huron Street, on the south side, from Fourth Street to the alley between Fourth Street and Fifth Street;
5. Eighth Street, on the east side, from Maple Street to Elm Street;
6. Ninth Street, on the east side, from Maple Street to Elm Street;
7. Huron Street, on the north side, from Fifth Street to the alley between Fifth Street and Sixth Street;
8. Ontario Street, on the north side, from Sixth Street to the alley between Sixth Street and Seventh Street;
9. Longview Road, on the east side, from Grove Street north 108 ft;
10. Fourth Street, on the east side, from Erie Street to the alley between Erie Street and Huron Street;
11. Fourth Street, on the west side, from Erie Street south to the alley;

SECTION 2. SEVERABILITY 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the day of _____, 2022, and approved this day of April, 2022.

Shawn Kelly, Mayor

ATTEST:

Jeremy Butrick, City Administrator

1st reading: May 17, 2022

2nd reading:

3rd reading:

Published: