

**CITY OF MISSOURI VALLEY
CITY COUNCIL MEETING
RAND COMMUNITY CENTER
TUESDAY, JUNE 7, 2022**

Mayor Pro Tem Struble presided over the meeting and called it to order at 6:00 p.m. with the following Council members present: Stueve, Taylor. Also Present: Robert Fairchild, Richard Gochenour, John Harrison, Lisa Hember, Vern & Phillis Henrich, Betty Hultman, Kenny Randeris, Melba Struble, Caleb Wohlers, and Jeannie Wortman.

The Pledge of Allegiance was recited.

Tuttle arrived after the pledge at 6:00

Mayor Pro Tem Struble asked if there were any Council comments or additions. Taylor requested and was placed on the agenda as 25A.

Ford arrived at 6:01

A motion for approval of the June 7, 2022 agenda was made by Tuttle, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Mayor Pro Tem Struble started to read the next item. He was paused and given a copy of the Amended Agenda that had been sent.

Mayor Pro Tem Struble moved on to the Consent Agenda. Struble asked about the soda blasting. He was informed that was for cleaning the fountains at the park. He followed up with nameplace, towels, disinfectant wipes and bleach. He was informed those were materials for the pool. There were no other inquiries on the consent agenda. A motion for approval of the Consent Agenda was made by Stueve, second by Tuttle. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Citizen inquiries:

Patty Long spoke in support of reducing the duration of time fireworks are allowed to be shot off around the 4th of July.

Phyllis Henrich discussed events that are happening at the public library. She stated that they closed the library due to staff COVID issues. She continued by stating that the staff at the library treat everyone with unconditional warmth and respect. She also stated that the coffee has always been \$1 a cup and never a free-will donation as has been erroneously reported, but now nobody gets coffee because it has been removed.

Robert Fairchild inquired about Eric Ford's trip to Florida.

There was no Park Board Update this evening.

Jeannie Wortman provided event updates in Missouri Valley including a candidate forum with Rebecca Wilkerson and Matt Windschitl, time capsule marker placement, Rustic Stitch Boutique opening, ribbon cutting ceremony for the new CHI transport vehicle, first night of music in the park with Texas Moon, next night of music in the park with Rat Pack Jazz and the Mo. Valley Rally celebration. Mo. Valley Rally meetings will be held Wednesdays at 6:00 p.m. She stated that more volunteers are needed for this event.

Jack Zimmerer of Olmstead & Perry provided project updates. He began with the Harrison St. test well. This included an application for final payment to Layne Christensen Company for the test well. A motion for approval to pay Layne Christensen Company was made by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Jack continued providing a few more updates about the new water well and treatment plant improvements.

Jack provided a brief summary of the 2020 Street projects and possible milling of Superior St. between 6th St. and 7th St. There was discussion on having Midwest Coatings mill that section of street for \$7500 to be done in late Summer. Taylor inquired about the S-curve on 1st street. Mr. Zimmerer stated that it wasn't in the original project for replacement. He mentioned that it could be added for the next project cycle. A motion to approve Midwest Coatings bid of \$7500 was made by Stueve, seconded by Tuttle. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

The roof replacement project was briefly discussed. Contracts are out, but have yet to return. There are supply issues so looking at an end of Summer timeframe on this project as well.

Jim Olmstead wrapped up the discussion by talking about his upcoming retirement and his plan to phase out over the next 6 to 12 months.

A motion to approve the USDA Loan Resolution, RUS Bulletin 1780-27, \$2,000,000 was made by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion to approve the Resolution authorizing a Loan Agreement and providing for the issuance of a Water Revenue Loan Agreement Anticipation Project Note, Series 2022A was made by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion to approve the Resolution awarding a contract for the Highway 30 Water Main Replacement Project to Bluffs Paving & Utility, Inc. for \$640,201.80 was made by Tuttle, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Lisa Hember presented the council with an alternative for the fireworks ordinance 41.12.9. She asked to reduce the allowable timeframe for shooting fireworks from 8 days to 2 days in consideration of pets, vets and autistic children. After some discussion, a motion to leave the ordinance the same was made by Ford, seconded by Stueve. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

John Harrison presented to the council an alternative to the code cycle updates. Instead of having to address the council periodically to update to the newest code, he would like to automatically be able to update to match the current state code or be within 2 code cycles of the state. He presented several examples as to why this is beneficial and there was some discussion. A motion to change the building code as presented was made by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Sewer re-averaging for 212 N 2nd St. and 716 E Erie St. was discussed. A motion was made to reaverage the sewer rates because of past leak issues by Stueve, seconded by Tuttle. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

There was discussion about an excessive usage issue at 537 N 1st St. due to a leaking water meter that caused excessive water usage over a several month period. After some discussion, a motion was made by Stueve to have her pay the full amount, seconded by Ford. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

There was some discussion about the acquisition of 312 S 11th St. It was pointed out that the ground might be a good location to have for the future bypass. There was no interest by the council in acquiring the ground. No motion was made.

A motion was made to approve the purchase and installation of a backflow valve from Electric Pump for \$4351.01 by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion was made by Ford to approve the purchase and installation of a gas regulator for the pool in the amount of \$1990.00, seconded by Stueve. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion was made by Ford to approve the Missouri Valley Community School District to purchase a family pass for their Wrap Around program staff, seconded by Tuttle. Ford, Stueve, and Tuttle voted aye, Taylor voted nay. Mayor Pro Tem Struble did not vote. Motion passed 3 to 1.

A motion was made by Tuttle to approve the Trivium Health Services to purchase a family pass for their staff, seconded by Ford. Ford, Tuttle voted aye, Stueve and Taylor voted nay. Mayor Pro Tem Struble did not vote. Motion passed. Motion failed 2 to 2.

A motion to approve the Woodbine Saddle Club to hang a sign on the aquatic center fence was made by Stueve, seconded by Taylor. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

The second reading of the Ordinance Amending the Code of Ordinance 69.03 Angled Parking to include a portion of South 4th St. on the west side, from Erie Street south to the alley. Struble asked about an item (6) in the existing ordinance being incorrect. It will be looked into. A motion was made by Stueve to adopt the second reading of an ordinance amending the code of ordinances by amending the provisions pertaining to parking regulations, angle parking, addition of Portions of South Fourth St, seconded by Tuttle. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion was made by Stueve to Sheila Muell \$21.63 per hour as the new Deputy Clerk was made by Stueve, seconded by Taylor. Stueve, Taylor and Tuttle voted aye, Ford voted nay. Mayor Pro Tem Struble did not vote. Motion passed 3 to 1.

A motion to approve the new EMT job description was made by Taylor, seconded by Stueve. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

A motion to approve advertising for the new EMT position was made by Taylor, seconded by Tuttle. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

As Mayor Pro Tem Struble was about to adjourn, he was reminded that Taylor got added as 25A for council comments. Taylor indicated that he would like to see some form of device for slowing incoming traffic off Loess Hills Trail onto N 1st St. There was discussion about the usage of a stop sign or a flashing speed indicator sign. The City Clerk/Administrator was tasked with looking into a permanent speed indicator light.

Taylor then indicated that the flag holders on main street are destroying the flags. The brackets are at too steep of an angle and the flags wrap and get caught up. There was discussion about options to remedy this situation and improve the longevity of the flags. The Street Superintendent will look into this.

Motion by Stueve, seconded by Taylor to adjourn at 7:01 p.m. Ford, Stueve, Taylor and Tuttle voted aye. Mayor Pro Tem Struble did not vote. Motion passed.

Sherman Struble, Mayor Pro Tem

Attest: Jeremy Butrick, City Administrator

RESOLUTION 22-29

RESOLUTION AUTHORIZING A LOAN AGREEMENT AND PROVIDING FOR THE ISSUANCE OF A 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 Bonds, Series 2012B, dated April 25, 2012 (the "Outstanding Bonds"), a portion of which remain outstanding; and

WHEREAS, pursuant to the Outstanding Bond Resolution, the City reserved the right to call the Outstanding Bonds 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 Bonds; and (2) planning, designing, and constructing improvements and extensions to the Utility (the "Project"); 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, Dunlap, Iowa (the "Purchaser") was considered favorable and its acceptance was considered to be in the best interests of the City; and

WHEREAS, it is necessary at this time to authorize the issuance of the Project Note to the Purchaser;

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

Section 1. The City Council hereby covenants for the benefit of the Purchaser, and all who may at any time be the holder of the Project Note to enter into the Loan Agreement in the future and to issue Water Revenue bonds or notes (the "Bonds") in evidence thereof, prior to December 1, 2023, the maturity date (the "Maturity Date") of the Project Note.

Section 2. The Project Note is hereby authorized to be issued to the Purchaser, in anticipation of the receipt of and being payable from the Loan Proceeds or from other sources to be received and expended in connection with the Project. The Project Note shall be signed by the Mayor, attested by the City Clerk and delivered to the Purchaser. The Project Note shall be dated the date of delivery to the Purchaser (anticipated to be June 21, 2022), shall mature on the Maturity Date, and shall bear interest at the rate of 2.585% per annum. Interest on the Project Note shall be payable semiannually on June 1 and December 1 of each year, commencing December 1, 2022 and continuing to and including the Maturity Date, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Section 3. Advances on the Project Note may be requested by the Mayor or the City Clerk in such amounts and at such times as are needed to pay costs of the Project. The date and amount of each advance shall be entered by the Purchaser on the Schedule of Advances on the Project Note, and each advance shall bear interest from the date of such entry.

The City Clerk is hereby designated as the Registrar and Paying Agent for the Project Note and may be hereinafter referred to as the "Registrar" or the "Paying Agent."

The City reserves the right to prepay principal of the Project Note in whole or in part on any date prior to maturity upon terms of par and accrued interest. All principal so prepaid shall cease to bear interest on the redemption date.

The Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the City kept for such purpose, after which no transfer shall be valid unless made on said records by the City Clerk, and then only upon a written instrument of transfer satisfactory to the City, duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City shall maintain as confidential the record of identity of owners of the Project Note, as provided by Section 22.7 of the Code of Iowa.

Section 4. The Project Note shall be in substantially the following form:

(FORM OF PROJECT NOTE)

UNITED STATES OF AMERICA
STATE OF IOWA
HARRISON COUNTY
CITY OF MISSOURI VALLEY

WATER REVENUE LOAN AGREEMENT ANTICIPATION PROJECT NOTE,
SERIES 2022A

DATED DATE: June 21, 2022

MAXIMUM PRINCIPAL AMOUNT: \$2,000,000

MATURITY DATE: December 1, 2023

INTEREST RATE: 2.585%

The City of Missouri Valley, Iowa (the "City"), for value received, promises to pay on the Maturity Date to Community Bank, Dunlap, Iowa (the "Purchaser"), its successors or assigns, the principal sum of TWO MILLION DOLLARS (\$2,000,000), or so much thereof as has been advanced by the Purchaser hereunder and noted on the Schedule of Advances hereon, in lawful money of the United States of America upon presentation and surrender of this Project Note to the City Clerk, Missouri Valley, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest thereon from the date of each advance until paid at the rate of 2.585% per annum. Interest on this Project Note shall be payable semiannually on June 1 and December 1 of each year, commencing December 1, 2022 and continuing to and including the Maturity Date, or upon prepayment of this instrument as hereinafter provided. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The Purchaser has made a commitment to make advances (the "Advances") to the City in an aggregate principal amount not to exceed \$2,000,000 under this Project Note. Each such Advance made by the Purchaser shall be entered by the Purchaser on the Schedule of Advances and shall bear interest from the date of such entry.

This Project Note is issued by the City for the purpose of paying the cost, to that extent, of planning, designing, and constructing improvements and extensions to the Municipal Waterworks Utility System (the "Project") of the City, and is issued under authority of Section 76.13 of the Code of Iowa in anticipation of the receipt of and is payable solely and only from the future proceeds (the "Loan Proceeds") of an authorized loan agreement (the "Loan Agreement") and the corresponding issuance of Water Revenue bonds or notes in a principal amount not to exceed \$2,000,000.

A sufficient portion of the Loan Proceeds has been appropriated to the payment of this Project Note. At its sole discretion the City Council may appropriate to the payment of this Project Note other proceeds to be received from state or federal grants and/or income or revenues from sources to be received and expended for the Project during the period of Project construction.

The City reserves the right to prepay principal of this Project Note, in whole or in part, at any time prior to the Maturity Date upon terms of par and accrued interest to the date of such prepayment. All principal of this Project Note so prepaid shall cease to bear interest on the prepayment date.

This Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the City kept for such purpose, after which no transfer shall be valid unless made

Section 5. The Loan Proceeds anticipated to be received under the Loan Agreement are hereby appropriated to the payment of the Project Note and may also be appropriated to the payment of other obligations issued to pay costs of the Project, but only to the extent that full provision has been made for the payment of principal of and interest on the Project Note. At its sole discretion, the City Council may appropriate to the payment of the Project Note proceeds to be received from State or federal grants and/or income or revenues from sources to be received and expended for the Project during the period of project construction.

The Project Note is a limited obligation of the City payable solely and only from the Loan Proceeds and shall not constitute a general obligation of the City, nor shall it be payable in any manner by taxation, and under no circumstances shall the City be in any manner liable by reason of the failure of the Loan Proceeds to be sufficient for the payment in whole or in part of the Project Note.

Section 6. It is the intention of the City that interest on the Project Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Project Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Project Note as a "Qualified Tax Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 7. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Passed and approved June 7, 2022.

Sherman Struble, Mayor Pro Tem

Attest:

Jeremy Butrick, City Clerk/Administrator

RESOLUTION 22-30

RESOLUTION AWARDING CONTRACT FOR THE HIGHWAY 30 WATER REPLACEMENT PROJECT

WHEREAS, pursuant to notice duly posted in the manner and form prescribed by resolution of the City Council of the City of Missouri Valley, Iowa, and as required by law, bids and proposals were received by this Council for the Highway 30 Water Main Replacement Project (the "Project"); and

WHEREAS, all of the said bids and proposals have been carefully considered, and it is necessary and advisable that provision be made for the award of the contract for the Project;

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

Section 1. The bid for the Project submitted by the following contractor is fully responsive to the plans and specifications for the Project, is heretofore approved by the City Council, and is the lowest responsible bid received, such bid being as follows:

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Bluffs Paving & Utility, Inc.	\$ 640,201.80

Section 2. The contract for the Project is hereby awarded to such contractor at the total estimated cost set out above, the final settlement to be made on the basis of the unit prices therein set out and the actual final quantities of each class of materials furnished, the said contract to be subject to the terms of the aforementioned resolution, the notice of hearing and letting, the plans and specifications and the terms of the bidder's written proposal.

Section 3. The Mayor and City Clerk are hereby authorized and ordered to enter into a written contract with said contractor for the Project, said contract not to be binding until approved by resolution of this City Council.

Section 4. The amount of the contractor's performance and/or payment bonds is hereby fixed and determined to be 100% of the amount of the contract.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved June 7, 2022.

Sherman Struble, Mayor Pro Tem

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 _____, 2022.

Shawn Kelly, Mayor

ATTEST:

Jeremy Butrick, City Administrator

1st reading: May 17, 2022

2nd reading: June 7, 2022

3rd reading:

Published: