VILLISCA CITY COUNCIL REGULAR MEETING

TUESDAY August 12, 2014 6PM COMMUNITY BUILDING

Meeting called to order at 6pm August 12, 2014 by Mayor Halda with the following roll call:

PRESENT: Heimbach, Shepherd, Mullen ABSENT: Leonard, Haidsiak

Also present, Meri Kernen, Helen Lowe, Ron Brown, Andrew Focht, Darren Brisco, Sherry Lindberg, Nicole Rengstorf, Gloria Jones, Jeff Larabee, Attorney Carl Sonksen, PWD James and City Clerk Owen.

Motion Mullen second Shepherd and unanimous vote to approve the agenda.

The consent agenda including past minutes, report of receipts and disbursements, Clerk, VMPP and Sheriff’s reports were reviewed by copy. Motion Shepherd second Heimbach and unanimous vote to approve the consent agenda.



Disbursements July 2014

|  |  |  |
| --- | --- | --- |
| CLAIMS REPORT |  |  |
| VENDOR | REFERENCE | AMOUNT |
| ACCO | CHEMICALS | 4,692.30 |
| ADVANTAGE ADMINISTRATORS | PLAN #105-532 | 24.5 |
| ALCO STORES | MISC EXPENSES/LIB | 149.61 |
| Alliant Energy | NATURAL GAS | 178.52 |
| BI-STATE ELECTRONICS | LICENSE KKC732 | 150 |
| BLACKTOP SERVICE COMPANY |  | 53,937.00 |
| BLUE TARP FINANCIAL | LIGHTS | 450.2 |
| RONALD A BROWN | JULY SERVICE | 65 |
| CAPITAL SANITARY SUPPLY | SUPPLIES | 74.26 |
| CARD SERVICES - VISA | BOOKS | 753.92 |
| CARUS CORPORATION | CHEMICALS | 639.72 |
| CASEY'S | FUEL | 490.62 |
| CENTER POINT LARGE PRINT | BOOKS LARGE PRINT | 41.94 |
| CENTRAL STATES LAB | MAINTENANCE | 1,643.99 |
| CHAT MOBILITY | CITY/AMB CELL PHONES | 82.62 |
| CINTAS- 749 | SUPPLIES/CLOTHING | 256.78 |
| CLARINDA REGIONAL | TIER-AMB | 110 |
| CLARK PLUMBING & CONSTRUCTION | REPAIRS/WATER MAIN BREAK | 2,132.00 |
| CRYSTAL EIGHMY | POSTAGE | 44.74 |
| Dickel Duit Outdoor Power | CHAIN SAW REPAIRS | 336.76 |
| FARNER BOCKEN COMPANY | CONCESSION | 541.27 |
| FIRST BOOK NATIONAL OFFIC | BOOKS | 32.5 |
| FARMERS MUTUAL TELEPHONE CO | SERVICE | 487.2 |
| FRY & ASSOCIATES, INC | WOOD FIBER | 2,724.00 |
| GRAINGER | OPERATING SUPPLIES | 1,109.00 |
| DENNIS R HAMMERSTROM | STREET REPLACEMENT | 550 |
| HD Supply Waterworks, LTD | OPERATING SUPPLIES | 1,138.44 |
| IIMC | ANNUAL DUES | 145 |
| INTEGRATED INDUSTRIAL SYS | SUPPLIES | 708.96 |
| IOWA DEPART NATURAL RESOURCES | ANNUAL NPDES FEES | 210 |
| IOWA FREEDOM OF INFO COUC | HANDBOOK | 6 |
| IOWA LIBRARY SERVICES | FY2015 DATABASE SUB FEES | 87.6 |
| Iowa One Call | LOCATES | 66.6 |
| Julie A LAYTHE | JULY CB CLEANING | 320 |
| GAYLE E HEARD | REPAIRS/SUPPLIES | 619.63 |
| CYNTHIA L STURM | OFFICE SUPPLIES | 100.18 |
| MARTHA HERZBERG | READING PROGRAM PIZZA PARTY | 34.23 |
| MATHESON TRI-GAS/LINWELD | RENTAL ON TANK | 110.45 |
| Means Lawnscape | ROCK | 1,268.96 |
| MUNICIPAL EMERGENCY SERVICES | LABOR COMPRESSOR | 578.5 |
| MIDWEST ENVIRONMENTAL | vbainmesi@iowatelecom.net | 1,157.00 |
| MIDWEST RECYCLING | RECYCLING JULY EXPENSES | 620.4 |
| MILLS COUNTY PUBLIC HEALTH | POOL INSPECTION | 445 |
| MONTGOMERY COUNTY MEM HOSPITAL | MEDICAL SUPPLIES | 8.27 |
| MUNICIPAL SUPPLY, INC | SUPPLIES | 979.67 |
| Omaha World Herald | 52 WEEKS OMAHA WORLD HERALD | 122.2 |
| PHYSICIAN'S CLAIMS COMPAN | AMBULANCE BILLING | 6.41 |
| RICOH USA | CONTRACT #3330552 | 34.76 |
| SONKSEN LAW FIRM PC | JULY & AUGUST FEES | 1,000.00 |
| STA-BILT CONSTRUCTION CO | SUPER PATCH | 732.9 |
| SOUTHWEST IOWA RURAL ELE | SE SERVICE | 68.27 |
| SOUTHWEST IA PLANNING COUNCIL | COMM PROPERTY CLEAN-UP | 4,025.00 |
| TARA MCCORMICK | JUNE/JULY CH CLEANING | 75 |
| TJ'S CAFE | CONCESSION/ICE CREAM | 243.75 |
| TREASURER, STATE OF IOWA | SALES TAX | 1,301.00 |
| TRISHA OWEN | REIMBURSE MILEAGE AMES CLERK S | 240.03 |
| UNITED FARMERS COOP | DIESEL/GASOHOL | 1,362.03 |
| UPS | SHIPPING | 179.47 |
| UTILITY SERVICE CO., INC. | QUARTERLY WATER TOWER | 2,025.43 |
| DENNIS V FOSSON | REPAIRS | 1,074.31 |
| Villisca Foods | CONCESSION SUPPLIES | 301.02 |
| VILLISCA POWER PLANT | ELECTRIC | 10,234.05 |
| XPUBLISHING LLC | MINUTES PRINTED | 150.24 |
| WELLMARK |  | 6,617.77 |
| \*\*\*\* PAID TOTAL \*\*\*\*\* |  | 110,096.98 |
| \*\*\*\*\* REPORT TOTAL \*\*\*\*\* |  | 110,096.98 |

Richard Mullen Marilyn Halda Marsha Shepherd Mark Heimbach Trisha Owen

Council Member Mayor Council Member Council Member City Clerk

The above bills were approved for payment by signature August 12, 2014.

Mayor Halda opened the Public Hearing. With no comments from the public, Halda closed the Public Hearing.

Motion Heimbach second Mullen to approve Resolution No. 14-08-01 Resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Villisca Urban Renewal Area

AYES: Heimbach, Mullen, Shepherd NAYS: None

Resolution No 14-08-01

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, it has been recommended to the City Council of the City of Villisca, Iowa that the Villisca Urban Renewal Area (the “Urban Renewal Area”) be established on the real property (the “Property”) described on Exhibit A to this Resolution; and

WHEREAS, a proposal has been made which establishes the need to designate the Property as being appropriate for commercial and industrial development; and

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

WHEREAS, the initial project (the “Project”) proposed for the Urban Renewal Area consists of using tax increment financing to support United Farmers Mercantile Cooperative in connection with the expansion of its facilities situated at 701 South U Avenue; and

WHEREAS, notice of a public hearing by the City Council on the question of establishing the Urban Renewal Area and on a proposed urban renewal plan (the “Plan”) and the Project was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on August 12, 2014; and

WHEREAS, copies of the Plan, notice of public hearing and notice of a consultation meeting with respect to the Plan were mailed to Montgomery County and the Southwest Valley Community School District; the consultation meeting was held on the 24th day of July, 2014; 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 Villisca, Iowa, as follows:

Section 1.An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist 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 Villisca Urban Renewal Area.

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

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

A.The Plan conforms to the general plan of the municipality as a whole;

B.Proposed development in the Urban Renewal Area is necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives; and

C. The City will not displace families in connection with projects to be undertaken in the Urban Renewal Area.

Section 5. The Plan for the Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this City Council, and the proposed project for such area based upon such Plan 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.

Motion Shepherd second Heimbach to approve Resolution No. 14-08-02 Resolution setting a date of meeting at which it is proposed to approve a Development Agreement with United Farmers Mercantile Cooperative, including annual appropriation tax increment payments in an amount not to exceed $150,000

AYES: Mullen, Shepherd, Heimbach, NAYS: None

RESOLUTION NO. 14-08-02

WHEREAS, the City of Villisca, 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 Villisca 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 proposes to enter into a certain development agreement (the “Development Agreement”) with United Farmers Mercantile Cooperative (the “Cooperative”) in connection with the expansion of its agricultural cooperative facilities (the “Project”) including the construction of a new grain bin on certain property situated at 701 South U Avenue in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives to the Cooperative in the form of annual appropriation incremental property tax payments in an amount not to exceed $150,000 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 Villisca, Iowa, as follows:

Section 1. This City Council shall meet on September 9, 2014, at 6 o’clock p.m., at the Villisca Community Building, 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 UNITED FARMERS MERCANTILE COOPERATIVE AND AUTHORIZATION OF ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS

The City Council of the City of Villisca, Iowa, will meet at the Villisca Community Building, on September 9, 2014, at 6 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 United Farmers Mercantile Cooperative (the “Cooperative”), in connection with expansion of its agricultural cooperative facilities (the “Project”) including the construction of a new grain bin on certain property situated at 701 South U Avenue in the Villisca Urban Renewal Area, which Agreement provides for certain financial incentives in the form of incremental property tax payments in a total amount not exceeding $150,000 as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Villisca 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 Villisca, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Trisha Owen  
City Clerk

Motion Shepherd second Heimbach to approve Resolution No. 14-08-03 Accept Annual Examination Proposal

Ayes: Mullen, Shepherd, Heimbach NAYS: None

RESOLUTION NO. 14-08-03

ACCEPT ANNUAL EXAMINATION PROPOSAL

WHEREAS: Pursuant to 2012 legislation, Chapter 11.6 of the Code of Iowa requires cities with population of less than two thousand with $1 million or more in budgeted expenditures in two consecutive years to have an annual examination.

WHEREAS: The City of Villisca is required to have an annual examination starting with the fiscal year ending June 30, 2014.

WHEREAS: Proposals were requested to perform the service and;

WHEREAS: The following proposal was evaluated.

Iowa State Auditor

Des Moines IA Fee: $3,500-$4,000

THEREFORE BE IT RESOLVED by the City Council of the City of Villisca to select State of Iowa Auditors Office to perform an annual examination and authorize the Mayor to sign an agreement on behalf of the Council for such services.

Passed and approved this 12th day of August 2014.

Council Member Shepherd introduced an ordiance entitled “Ordinance NO. 347. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Villisca Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Council Member Shepherd and seconded by Council Member Mullen that the ordinance be adopted and that the statutory rule requiring an ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members Ayes: Muller, Heimbach, Shepherd Nays: None

ORDINANCE NO. 347

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Villisca Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Council of the City of Villisca, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Villisca Urban Renewal Area, 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 Villisca 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 Villisca, Iowa.

“County” shall mean Montgomery County , Iowa.

“Urban Renewal Area” shall mean the Villisca Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on August 12, 2014:

Certain real property situated in the City of Villisca, Montgomery County, Iowa, more particularly described as follows:

701 South U Avenue in the City of Villisca, County of Montgomery, State of Iowa bearing Montgomery County Property Tax Identification Parcel Number 641227151001000.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area 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 Urban Renewal Area 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 Urban Renewal Area, 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 Urban Renewal Area 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 Urban Renewal Area 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 levy program 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 Urban Renewal Area 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 Urban Renewal Area 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 Urban Renewal Area 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 and approved by the Council of the City of Villisca, Iowa, on August 12, 2014.

Mayor Halda read the 1st Reading of Ordinance No 346   
  
**ORDINANCE NO. 346**  
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VILLISCA, IOWA, BY AMENDING CHAPTER 67.02 ONE-WAY TRAFFIC REQUIRED TO ADD AN ADDITIONAL LOCATION WHERE ONE-WAY TRAFFIC SHALL BE REQUIRED.**  
  
**BE IT ENACTED** by the City Council of the City of Villisca, Iowa  
**SECTION 1. SECTIONS MODIFIED.** Chapter 67 of the Code of Ordinances of the City of Villisca, Iowa, Section 67.02 defining locations where one-way traffic is required, is amended by the addition of the following section:  
67.02 (2) Prospect Street, beginning at 124 West Prospect, eastbound ending at North 2nd Avenue and Prospect Street.   
The remainder of Chapter 67 of the Code of Ordinances of the City of Villisca shall remain intact and of full force and effect.   
**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.

Ron Brown, Andrew Focht, Darrin Brisco, and Meri Kernen spoke on their concerns to not make prospect a one way street. No motion was made on ordinance No 346 so therefore it failed due to lack of a motion. 6:28 p.m. Brown, Focht, and Brisco left the meeting.

Nicole Rengstorf spoke to the council on Live Well Montgomery County. She told the health ranking for Montgomery County and what the committee is going to try to do to improve its ranking. They have partnered up with local schools and businesses and strive to promote healthier lifestyles for its citizens of Montgomery Co. 6:40 p.m. Rengstorf and Lindberg left the meeting. Dustin French talked to the council about AFLAC and what it has to offer. 6:50 French left the meeting. PWD James gave his monthly report. There was discussion on disposing 3 city lots. Lot 307 -404 E 6th, Lot 9 – 139 W 4th Street, Lot 325 5th ave & 9th Street. The Council decided to take seal bids on those 3 lots. There will be a resolution wrote up next month to schedule a public hearing. Motion Shepherd second Mullen and unanimous vote to go up to $27,840 for a new city pickup that was in the FY 15 budget. Employee Insurance Renewal is up in September and the council consensus is to continue with the same policy. Motion Shepherd second Heimbach and unanimous vote to approve Marla McAplin to the Library board.

Public Comment Jeff Larabee talked about his concerns with his rental property and the mowing nuisance invoice.

Motion Heimbach second Mullen and unanimous vote to adjourn 7:43 p.m.

Next regular meeting will be Tuesday, September 09, 2014 6pm at the community building.

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Trisha Owen, City Clerk Marilyn Halda, Mayor