

TEMPLETON CITY COUNCIL
AUGUST 6, 2018
7:00 P.M. – CITY HALL

The Templeton City Council met on this sixth day of August 2018 at 7:00 o'clock p.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Dave Ramsey, Joe Irlbeck, Mark Bauer, & Kelli Morrow

Absent: Doyle Engelen

Others in attendance: Mayor Ken Behrens, City Clerk Rhonda Schwaller, Public Works Dale Prebeck, Joe Behrens, Lynn Ramsey, Carroll County Sheriff Ken Pingrey, Carroll County Board of Supervisors Eugene Meiners, Marty Danzer, Neil Bock, & Rich Ruggles

Approval of Agenda: A motion was made by Irlbeck and second by Bauer to approve the agenda. All present voted in favor of the motion and the motion was carried.

Carroll County Sheriff Ken Pingrey and Board of Supervisors Eugene Meiners, Neil Bock, Marty Danzer, & Rich Ruggles addressed the council about the proposed new law enforcement center to replace the county's current jail facility. A bond referendum asking voters for passage to spend \$8.95 million for the construction of the law enforcement center will be on the November 6th general election ballot. Sixty-percent plus 1 vote is necessary for passage.

Lynn Ramsey addressed the council regarding his concerns about individuals driving golf carts without a valid driver's license. Council recommended anyone seeing an individual without a valid driver's license approach the individual or contact Carroll County law enforcement.

Joe Behrens updated the council regarding his conversation with Templeton Rye Spirits legal counsel Brad Hershberger from RSM. Templeton Rye requested several modifications to the development agreement. Mr. Hershberger also discussed the requested modifications with Amy Bjork with Dorsey, the City's attorney for the urban renewal/development agreement process. Ms. Bjork made several minor modifications to the development agreement. The Council agreed with these changes but declined to make any other changes to the proposed agreement.

Mayor Behrens opened public hearing at 7:51 p.m. The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on a Development Agreement between the City and Templeton Rye Spirits, LLC had been published according to law and as directed by the City Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto: None

There being no further objections or comments, the Mayor announced that the hearing was closed at 7:52 p.m.

Council Member Ramsey introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Irlbeck; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted.

Ayes: Irlbeck, Morrow, Bauer, & Ramsey

Nays: None

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION #1204-18

Resolution Approving Development Agreement with Templeton Rye Spirits, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the City of Templeton, 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 Templeton 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 (the "Urban Renewal Tax Revenue Fund"), 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, a certain development agreement (the "Agreement") between the City and Templeton Rye Spirits, LLC (the "Company") has been prepared in connection with the expansion by the Company of its existing facilities and the construction of two new buildings on certain real property in the Urban Renewal Area (the "Project"); and

WHEREAS, under the Agreement, the City would provide an annual appropriation tax increment payment to the Company in a total amount not exceeding \$630,000; and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on August 6, 2018, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

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

Section 1. Pursuant to the factors listed in Chapter 15A, the City Council hereby finds that:

- (a) The Project will add diversity and generate new opportunities for the Templeton and Iowa economies;
- (b) The Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The City Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments to the Company.

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All payments by the City under the Agreement shall be subject to annual appropriation by the City Council, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from a subfund (the "Templeton Rye Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property as described as follows:

Certain real property situated in the City of Templeton, Carroll County, State of Iowa, more particularly described as follows:

Legal Description of Parcel 1416101008:

Lots 1, 2, 3, 11, & 12, T.A.D.C. 2nd Addition to the City of Templeton, Carroll County, Iowa;
AND

Lot 1, NW ¼ NW ¼, including Lot A thereof; and Lot 2, SW ¼ NW ¼, except the S. 46.69' thereof, all in Section 16, Township 82 North, Range 35 West, 5th P.M., Carroll County Iowa;
AND

The northerly 66' road and/or right-of-way, locally known as the northern unpaved portion of Industrial Road, beginning at the extended north right-of-way line of 3rd Street to the North boundary line of the T.A.D.C.2nd Addition between Lots 2 & 3 to the West and Lots 11 & 12 to the East, City of Templeton, Carroll County, Iowa, as platted.

Legal Description of Parcel 1416153001:

Lot 1, T.A.D.C. 3rd Addition to the City of Templeton, Carroll County, Iowa

Legal Description of Parcel 1416101013:

Lot 3 of the NW ¼ NW ¼ of Section 16, Township 82 North, Range 35 West, 5th P.M., Carroll County, Iowa.

Legal Description of Parcel 1416101010:

Lot 2 of the NW ¼ NW ¼ of Section 16, Township 82 North, Range 35 West, 5th P.M., Carroll County, Iowa.

Section 5. The City hereby pledges to the payment of the Agreement the Templeton Rye Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund, provided, however, that no payment will be made under the Agreement unless and until monies from the Templeton Rye Subfund are appropriated for such purpose by the City Council.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Carroll County to evidence the continuing pledging of the Templeton Rye Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the County Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved August 6, 2018.

Ken F. Behrens, Mayor

Attest:

Rhonda Schwaller, City Clerk

STATE OF IOWA
COUNTY OF CARROLL
CITY OF TEMPLETON

SS:

I, the undersigned, Clerk of the City of Templeton, hereby certify that the foregoing is a true and correct copy of the minutes of the Council of the City relating to holding a public hearing and adopting a resolution to approve a Development Agreement.

WITNESS MY HAND this ____ day of _____, 2018.

Rhonda Schwaller, City Clerk

Council Member Morrow introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Ramsey; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted.

Ayes: Bauer, Ramsey, Morrow, & Irlbeck
Nays: None

Whereupon, the Mayor declared said resolution duly adopted, as follows:

Resolution of Clarification
Resolution #1205-18

WHEREAS, West Central Rural Water Association (WCRWA), an Iowa corporation, with its principal place of business in the City of Manning, Iowa as “Seller” has negotiated a Water Purchase Contract (Contract) with the “Purchaser” being the City of Templeton, Iowa with its principal place of business office at City Hall, City of Templeton, Iowa (Templeton), a copy of which is appended hereto and by this reference incorporated herein, and

WHEREAS, Templeton is duly organized and established as an Iowa municipal corporation that has constructed and now operates a water supply system serving water users within its jurisdiction requiring a source of supply of treated water from WCRWA, and

WHEREAS, WCRWA has now presented a firm contract offer to supply this necessary water.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Templeton, Iowa hereby approves the substance and form of the Contract with WCRWA, a copy of which is appended hereto, and hereby duly authorizes and directs the execution thereof by the City, by and through its Mayor and City Clerk, who are hereby now authorized to do all things necessary to effectuate this Contract, including, but not limited to, signing the Contract on behalf of the City.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Templeton, Iowa that this resolution be passed by this body.

Council Member Morrow introduced the foregoing Resolution and moved the same is adopted.
Council Member Ramsey seconded the motion to adopt.

Members of the City Council of Templeton, Iowa voted as follows to adopt the Resolution:

Ayes: Bauer, Ramsey, Morrow, & Irlbeck
Nays: None
Absent: Engelen

Whereupon the Mayor declared the Resolution adopted.

APPROVED AND ADOPTED this 6th day of August, 2018.

Ken F. Behrens, Mayor

Attest:

Rhonda Schwaller, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of a resolution of the City of Templeton City Council adopted at a meeting of said public body, duly called and held on the 6th day of August 2018, a quorum being present, as said resolution remains of record in the minutes of said meeting, and it is now in full force and effect.

Dated this 6th day of August, 2018.

Rhonda Schwaller, City Clerk

The city of Templeton was awarded a Community Development Block Grant (CDBG) in the amount not to exceed \$251,000 from the Iowa Economic Development Authority (IEDA). A motion was made by Ramsey, second by Bauer authorizing Mayor Behrens to sign Local Planning and Administrative Assistance Services for IEDA Contract #18-HSG-024 between the city of Templeton and Region XII Council of Governments for housing set-aside grant program. All present voted in favor of the motion and the motion was carried.

Council discussed Park Board's recommendations for future improvements to the Park:

- Remove tennis court
- Remove & replace concrete under shelter house canopy.
- Remove, replace, & enlarge size of basketball court.
- Remove sand volleyball court.
- Install drainage tile & gutters on shelter house.
- Purchase additional playground equipment.

Park Board also made recommendations for current and future fundraising plans. The Park Board will be approaching the Templeton Community Betterment Association for a donation for park improvements.

Council discussed building a new maintenance shop. Public Works Dale Prebeck will work on drawings and report back to council.

After due consideration and discussion, Council Member Bauer introduced the following resolution and moved for its adoption, second by Council Member Ramsey. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Bauer, Irlbeck, Morrow, & Ramsey

Nays: None

Whereupon, Mayor Behrens declared motion carried and resolution passed.

RESOLUTION NO. 1206-18

A RESOLUTION MODIFYING THE GOVERNING BODY'S MEETING SCHEDULE FOR THE CITY OF TEMPLETON, IOWA.

WHEREAS, pursuant to the city of Templeton's Code of Ordinances #17.04 the Governing Body has the authority and obligation to set the time and place of its regular council meetings; and

WHEREAS, the Templeton City Council desires to amend its meeting schedule due to Labor Day holiday on Monday, September 3, 2018.

NOW THEREFORE, BE IT RESOLVED by the City Council of Templeton, Iowa does hereby amend its regularly scheduled monthly council meeting on Monday, September 3, 2018 to Tuesday, September 4, 2018 at 7:00 p.m.

PASSED AND APPROVED, this 6th day of August, 2018.

Ken F. Behrens, Mayor

ATTEST:

Rhonda Schwaller, City Clerk

A motion was made by Bauer authorizing Mayor Behrens to sign letter of agreement between the city of Templeton and Templeton Savings Bank concerning using the Templeton Center as an alternative site to conduct bank business in the event of a disaster, second by Irlbeck. All present voted in favor of the motion and the motion was carried.

A motion was made by Irlbeck approving the city of Templeton's building permit for a 25' x 40' concrete pad for compost and rock at the burn site, second by Bauer. All present voted in favor of the motion and the motion was carried.

The city of Templeton was awarded a \$5,000 grant from the Warren H. Timmerman Charitable Trust for new bleachers at the ballpark. Council recommended approaching the Templeton Community Betterment Association for a financial contribution to assist with paying for the improvements. Council Member Irlbeck will spearhead the project.

Mayor Behrens requested any comments or corrections to be made to the Consent Agenda. A motion was made by Ramsey and second by Morrow to approve the Consent Agenda. All present voted in favor of the motion and the motion was carried.

1. July 2, 2018 and July 26, 2018 Council Minutes.
2. May 29, 2018 Templeton Center Minutes.
3. Internal review for the months of June and July 2018.
4. Budget vs Actual FY2018.
5. Balance Sheet
6. July 2018 Claims.
7. June 2018 Treasurer's Report
 - \$147,965.98 revenue
 - \$222,996.91 expenditures
 - \$647,096.13 total cash & investments

FUND	RECEIPTS	DISBURSEMENTS
General	\$ 78,955.43	\$ 19,293.17
Templeton Center	\$ 21,801.53	\$ 16,373.48
City Park – Checking	\$ 500.00	\$ 480.60
City Park – Savings	\$ 50.48	\$ 500.00
Historical Society	\$ 0.40	\$ 0.00
Fire Dept. – Checking	\$ 72.79	\$ 1,763.38
Road Use Tax	\$ 2,845.93	\$ 2,297.20
Employee Benefits	\$ 134.35	\$ 23,267.10
Local Option Tax	\$ 4,067.23	\$ 48,756.06
TIF	\$ 0.00	\$ 31,504.77
Debt Service	\$ 31,562.02	\$ 42,254.28
Debt Service – Comm. Ctr. Pledge	\$ 100.00	\$ 28,460.00
Capital Proj. – Community Center	\$ 0.00	\$ 0.00
Water	\$ 5,995.76	\$ 7,379.99
Sewer	\$ 1,855.37	\$ 666.88
Fire Truck Fund	\$ 24.69	\$ 0.00
Totals	\$ 147,965.98	\$ 222,996.91

- July 2018 Claims as listed:

EFT	Wellmark	health insurance premium	934.82
16950	Mid American Energy	utilities	896.65
16951	SGS, LLC DBA Carroll Refuse	garbage collection	1,586.61
16952	Raccoon Valley Electric Coop.	sewer lagoon	46.50
16953	Templeton Telephone Company	TC - telephone	28.00
16954	Templeton Telephone Company	telephone & internet service	94.39
16955	Access Systems	copier/printer	182.86
16956	Mangold Environmental Testing	water samples	39.00
16957	Irlbeck Welding	street sweeper repairs	44.00
16958	Templeton Hardware	TC - electrical, repairs, & misc supplies	4,307.40
16959	Templeton Hardware	electrical wiring, storm sewers, & curb	25,894.84
16960	Dale Prebeck	payroll	1,527.83
16961	HyVee	TC - concessions for resale	873.74
16962	Manning Municipal Gas	TC - utilities	53.15
16963	Manning Municipal Gas	utilities	80.39
16964	Van Wall Equipment	lawn mower repairs	6.44
EFT	Fort Dodge Distributing	TC - concessions for resale	226.30
EFT	Ike Auen Distributing Co.	TC - concessions for resale	439.30
EFT	Ike Auen Distributing Co.	TC - concessions for resale	445.75
EFT	Ike Auen Distributing Co.	TC - concessions for resale	665.20
16965	West Central Iowa Rural Water	1,278,000 gallons used	4,153.50
16966	Treasurer - State of Iowa	2nd qtr. 2018 sales tax	1,289.61
16967	Dale Prebeck	payroll	1,527.84

16968	RSVP	advertising	100.00
16969	Farner Bocken	TC - supplies	550.85
16970	Pepsi Beverages	TC - concessions for resale	448.10
16971	Rhonda Schwaller	payroll	2,745.81
16972	Void		
16973	Void		
16974	Void		
16975	William Prebeck	TC - payroll	80.81
16976	Mark Skillen	TC - payroll	254.49
16977	Mindy Skillen	TC - payroll	55.41
16978	Peggy Weitzl	TC - payroll	798.73
16979	Karen Prebeck	TC - payroll	257.18
16980	Alex Fletcher	TC - payroll	155.70
16981	Debra Gute	TC - payroll	354.86
16982	Lindsey Irlbeck	TC - payroll	3.69
16983	Brooke Kerkhoff	TC - payroll	406.86
16984	Lisa Kerkhoff	TC - payroll	294.42
16985	Maria Muhlbauer	TC - payroll	200.51
16986	McKenzie Poday	TC - payroll	141.30
16987	David Ramsey	TC - payroll	75.73
16988	Emily Schroer	TC - payroll	165.41
16989	Hannah Warner	TC - payroll	639.60
16990	Holly Warner	TC - payroll	134.59
16991	Brandi Bueltel	TC - payroll & summer rec.	574.08
16992	Eugene Prebeck	payroll	66.95
16993	IA Public Employees Retirement	retirement	1,533.90
EFT	Templeton Savings Bank	July 2018 941 pymt.	3,000.00
EFT	Elavon	P.O.S. charges	210.37
16994	HyVee	TC - concessions for resale	530.85
16995	U.S. Cellular	cell phone	57.56
16996	Iowa Dept. of Natl Resources	NPDES permit fee	210.00
16997	Northwest Iowa League of Cities	dues	25.00
16998	The Office Stop	supplies	20.28
16999	R.W. Concrete	curb & gutter project	19,531.99
17000	Echo Electric	lift station service	300.00
17001	Iowa One Call	one calls	10.80
17002	Audubon-Exira Ready Mix	concrete	739.50
17003	IKM-Manning Community School	transportation	450.00
17004	Blue Space Creative	envelopes	338.36
17005	Central Iowa Distributing	misc. supplies	232.20
17006	Landus Cooperative	weed spray	54.33
17007	Nilles Associates	streetscape project	7,450.00
17008	Daily Times Herald	publications	122.38
17009	Daily Times Herald	TC - advertising	34.00
17010	Access Systems	copier overage	209.34
17011	Kasperbauer Cleaners	TC - linens	225.75
17012	Denison Bulletin Review	TC - advertising	149.00
17013	Mid American Energy	TC - utilities	1,218.88
17014	Karen Prebeck	TC - misc. supplies	96.77
17015	Crawford Ice Company	TC - ice	210.00
17016	Capital Sanitary Supply	TC - misc. supplies	283.35
17017	Van Meter, Inc.	TC - batteries	35.09
17018	Peggy Weitzl	TC - form boards	12.71
17019	New Hope Village	TC - cleaning	300.00
17020	Templeton Hardware	TC - a/c repairs & misc. supplies	100.49
17021	Templeton Hardware	install valves, water leak, & supplies	8,393.84
17022	Waspy's - Templeton	fuel	268.11
17023	Robert Peters	legal fees	2,163.43
17024	RW Concrete	concrete work	255.00
17025	Manning Insurance Agency	TC - dram shop insurance	3,201.00
17026	Cardmember Services	misc. supplies	18.24
17027	Cardmember Services	summer rec supplies & grasshopper	353.55
2918	The Still	Fire Dept. - meeting expense	60.00
2919	Jorgensen Truck & Equipment	Fire Dept. - repairs	100.00
2920	Ed M. Feld Equipment Co.	Fire Dept. - extinguisher inspection	90.00

2921	Ed M. Feld Equipment Co.	Fire Dept. - methane/O2/CO/H2S	250.00
EFT	Manning Municipal Gas	Fire Dept. - utilities	15.64
EFT	Templeton Telephone Company	Fire Dept. - telephone	31.34
EFT	Mid American Energy	Fire Dept. - utilities	91.00
2922	HyVee	Fire Dept.- meeting expense	98.42
2923	Ed M. Feld Equipment Co.	Fire Dept. - SCBA function testing	350.00
2924	Duane's Repair, Inc.	Fire Dept. - 1994 Intl truck repairs	336.00
2925	Waspy's - Templeton	Fire Dept. - fuel	311.87
			107,929.54

Citizen Forum: None

Council discussed Main Street's streetscape concept plan from Nilles Associates. No further action taken at this time.

Council discussed installation of sidewalks at 632 W. 2nd Street. Mayor Behrens will follow up with previous owner.

Maintenance Report:

- Hoop barn cleaned out. Overhead door was salvaged for future use or sale.
- RW Concrete will be pouring 25' x 40' concrete pad for compost and rock at the burn site.
- Will be disposing of broken fiberglass picnic tables.

Mayor's Report:

- Update on property owner's new garage at 315 S. 3rd Avenue. Garage is not in compliance with building permit's 6' side yard setback regulation for 7-RS-Residential Zoning District. Property owner measured from side wall of garage. Property owner should have measured from eave overhang or farthest protruding continuous point on the building to property line. City Attorney Robert Peters recommended property owner at 315 S. 3rd Avenue and property owner at 301 S. 3rd Avenue sign a document that they mutually agree the side yard setback measurement is acceptable as built, have signatures notarized, and record document at Carroll County Recorder's office. Public Works Prebeck will follow up with property owners.
- Carroll County Roundtable meeting scheduled for Wednesday, August 29, 2018.

At 9:00 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Irlbeck moved to adjourn and Ramsey seconded the motion. All voted aye, motion carried.

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk