

TEMPLETON CITY COUNCIL
OCTOBER 1, 2012
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this first day of October 2012 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: Jan Wieland, Dave Ramsey, Mark Bauer, & Doyle Engelen
Absent: Rick Hoffman

Others in attendance: Mayor Ken Behrens, City Clerk Rhonda Schwaller, Public Works Director Dale Prebeck, City Attorney Robert Peters, Joe Behrens, Attorney Dave Claypool from Dorsey & Whitney, Abbey Stangl and John O'Brien from Manning Regional Healthcare Center

Approval of Agenda: A motion was made by Ramsey and seconded by Wieland to approve the agenda. All in favor, motion carried.

The Council considered the request to issue revenue bonds or notes, in one or more series, on behalf of Manning Regional Healthcare Center in an aggregate principal amount not to exceed \$10,000,000. Council Member Ramsey introduced the following resolution and moved its adoption, seconded by Council Member Wieland; and after due consideration thereof by the Council, the Mayor put the question on the motion and upon the roll being called, the following named Council Members voted:

Ayes: Engelen, Bauer, Wieland, & Ramsey
Nays: None

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

RESOLUTION #999-12

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF A HOSPITAL REVENUE BOND, (MANNING REGIONAL HEALTHCARE CENTER PROJECT), OF THE CITY OF TEMPLETON, IOWA, FOR THE PURPOSE OF LENDING THE PROCEEDS THEREOF TO THE BORROWER; THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE BORROWER PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BOND AND THE SECURING OF SAID REPAYMENT OBLIGATION; THE SALE OF SAID BOND; THE EXECUTION OF AN ASSIGNMENT AND PLEDGE AGREEMENT; THE EXECUTION OF OTHER DOCUMENTS RELATED THERETO; AND THE APPROVAL OF A COMPLIANCE POLICY

WHEREAS, the City of Templeton, in the County of Carroll, State of Iowa (the "Issuer"), is an incorporated municipality authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, 2011, as amended (the "Act") to issue revenue bonds or notes for a project located within or within eight miles of the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization"), to refund any bonds issued pursuant to the Act, and to retire any existing indebtedness on a facility for a Tax Exempt Organization; and

WHEREAS, the Issuer has been requested by Manning Regional Healthcare Center (the "Borrower"), a Tax Exempt Organization, to issue revenue bonds or notes, in one or more series, in an aggregate principal amount not to exceed \$10,000,000 (the "Bond") pursuant to the Act for the purposes of (a) financing the acquisition, construction, equipping and furnishing of an approximately 67,000 square foot replacement hospital, clinic and recovery center, ancillary parking areas, landscaping, a maintenance building, other land and building improvements, and associated site work and buildings to be located at 1550 6th Street, Manning, Iowa (the "Project"), (b) funding any necessary reserve funds and (c) paying the costs of issuance and other associated costs and expenses relating to the Bond; and

WHEREAS, the Issuer has determined that the amount necessary to defray all or a portion of the cost of the foregoing will require the issuance by the Issuer of the Bond, pursuant to the provisions of the Act, and it is proposed that the Issuer loan the proceeds of the Bond to the Borrower pursuant to a Loan Agreement between the Issuer and the Borrower pursuant to which loan payments will be made by the Borrower in amounts sufficient to pay the principal of and interest and premium, if any, on the Bond, as and when the same shall be due; and

WHEREAS, the Bond, if issued, shall be a limited obligation of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of and interest and premium, if any, on the Bond shall be payable solely out of the revenues derived from the aforementioned Loan Agreement or otherwise as provided therein; and

WHEREAS, pursuant to published notice of intention, this City Council has previously conducted a public hearing, as required by Section 419.9 of the Act and Section 147(f) of the Internal Revenue Code, and this City Council deems it necessary and advisable to proceed with the issuance of the Bond and the loan of the proceeds of the Bond to the Borrower; and

WHEREAS, the Borrower has arranged for the sale of the Bond to Great Western Bank, Clive, Iowa (the "Lender");

NOW, THEREFORE, IT IS RESOLVED by the City Council of the Issuer, as follows:

Section 1. In order to finance the Project and pay costs of issuance associated thereto, the Bond, in an aggregate principal amount not to exceed \$10,000,000, is hereby authorized and ordered to be issued by the Issuer in substantially the form as has been presented to and considered by this Council and containing substantially the terms and provisions set forth therein, the Bond actually issued to be in an aggregate principal amount not to exceed \$10,000,000 and an initial interest rate which will produce an initial net interest cost of not to exceed 3.0% per annum as may be determined by the Borrower and the Lender on or prior to the date of issuance and delivery of the Bond. The execution and delivery of the Bond by the Mayor and City Clerk shall constitute approval thereof by the Issuer and the Mayor and City Clerk are hereby authorized and directed to approve such amount and rates, within the foregoing limits by and on behalf of the Issuer.

Section 2. The Issuer shall loan to the Borrower the proceeds of the Bond pursuant to a Loan Agreement in substantially the form as has been presented to and considered by this Council (the "Loan Agreement") and containing substantially the terms and provisions set forth therein, and the Mayor and the City Clerk are hereby authorized and directed to execute and deliver the Loan Agreement with such changes, modifications, deletions or additions as deemed appropriate by bond counsel.

Section 3. Pursuant to an Assignment and Pledge Agreement (the "Pledge Agreement") to be entered into between the Issuer and the Lender, the Issuer, among other things, will grant to the Lender a security interest in all of the Issuer's rights, title and interest in and to the Loan Agreement, including, but not limited to, the right to receive Loan Repayments (as defined in the Loan Agreement). The Mayor and City Clerk are hereby authorized and directed to execute and deliver the Pledge Agreement with such changes, modifications, deletions or additions as deemed appropriate by bond counsel.

Section 4. The Bond will be a special limited obligation of the Issuer. The Bond shall not be payable from or charged upon any funds other than the revenues pledged to the payment thereof, nor shall the Issuer be subject to any liability thereon. No holder of the Bond shall ever have the right to compel any exercise of the taxing power of the Issuer to pay the Bond or the interest thereon, nor to enforce payment thereof against any property of the Issuer. The Bond shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitation.

Section 5. The Loan Agreement, the Pledge Agreement and the Bond are hereby made a part of this Resolution as though fully set forth herein and are hereby approved in substantially the forms presented to the City Council. The Mayor and City Clerk are authorized and directed to execute, acknowledge, and deliver said documents on behalf of the Issuer with such changes, insertions and omissions therein as the Borrower, the Lender and bond counsel may deem appropriate, such execution to be conclusive evidence of approval of such documents in accordance with the terms hereof.

Section 6. The Mayor and City Clerk are authorized and directed to execute and deliver all other documents which may be required under the terms of the Loan Agreement, Pledge Agreement, or by bond counsel, and to take any other action as may be required or deemed appropriate for the performance of the duties imposed thereby to carry out the purposes thereof.

Section 7. In order to qualify the Bond as a “qualified tax exempt obligation” within the meaning of Section 265(b)(3) of the Code, the Issuer hereby makes the following factual statements and representations:

(A) The Issuer hereby designates the Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;

(B) The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(c) of the Code) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during this calendar year 2012 will not exceed \$10,000,000; and

(C) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 2012 (including the Bond) have been designated for purposes of Section 265(b)(3) of the Code.

Section 8. In response to recommended best practices by the Internal Revenue Service, the City deems it necessary and desirable to adopt certain procedures and practices to be followed by the City and any conduit borrowers in connection with the issuance of the Bond and any future tax-exempt obligations, and hereby approves and adopts the Compliance Policy.

Section 9. That the provisions of this Resolution are hereby declared to be separable and if any action, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 10. All resolutions or parts thereof in conflict herewith are repealed, to the extent of such conflict.

Section 11. That this Resolution shall become effective immediately upon its passage and approval.

Passed and approved October 1, 2012.

CITY OF TEMPLETON, IOWA

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF CARROLL
CITY OF TEMPLETON

SS:

I, the undersigned, being first duly sworn, do hereby depose and certify that I am the duly appointed, qualified and acting designee of the City Clerk of the aforementioned City and that as such I have in my possession, or have access to, the complete corporate records of said City and of this Council and its officers; that I have carefully compared the transcript hereto attached with the aforesaid corporate records; and that said transcript hereto attached is a true, correct and complete copy of the all the corporate records in relation to the adoption of a Resolution authorizing the issuance and sale of a Hospital Revenue Bond, (Manning Regional Healthcare Center Project) in an aggregate principal amount not to exceed \$10,000,000.

WITNESS my hand and the corporate seal of said City hereto affixed this 1st day of October, 2012.

City Clerk

(Seal)

A motion was made by Bauer and seconded by Engelen to charge Manning Regional Healthcare Center a \$2,500 fee plus reimbursement of direct out-of-pocket expenses incurred by the City of Templeton from costs associated with the conduit bond process. All in favor, motion carried.

Council recognized building permit application from Eric & Jeanne Kerkhoff for a 24' x 30' unattached garage and a concrete driveway. A motion was made by Engelen and seconded by Wieland to approve building permit. All in favor, motion carried.

Council recognized building permit application from Lynn Ramsey for a 12' x 36' attached garage, concrete driveway, & flag pole. A motion was made by Ramsey and seconded by Bauer to approve building permit. All in favor, motion carried.

At 7:40 p.m. Mayor Behrens opened the public hearing for fiscal year July 1, 2012 through June 30, 2013 budget amendment. Mayor Behrens asked for comments or discussion on the proposed amendment. City Clerk Schwaller indicated there were no written or oral objections heard from the public on the budget amendment. At 7:45 p.m. Mayor Behrens closed the public hearing. Council Member Ramsey introduced Resolution #998-12 and moved for its adoption, seconded by Council Member Bauer; and after due consideration thereof by the Council, the Mayor put the question on the motion and upon the roll being called, the following named Council Members voted:

Ayes: Wieland, Ramsey, Bauer, & Engelen

Nays: None

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

CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

To the Auditor of CARROLL County, Iowa:

The City Council of Templeton in said County/Countries met on 10/01/2012, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. thereupon, the following resolution was introduced.

RESOLUTION No. 998-12

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNI 2013
(AS AMENDED LAST ON 03/05/2012 .)

Be it Resolved by the Council of the City of Templeton

Section 1. Following notice published 09/18/2012

and the public hearing held, 10/01/2012 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources			
Taxes Levied on Property 1	131,610	0	131,610
Less: Uncollected Property Taxes-Lewy Year 2	0	0	0
Net Current Property Taxes 3	131,610	0	131,610
Delinquent Property Taxes 4	0	0	0
TIF Revenues 5	43,526	0	43,526
Other City Taxes 6	43,009	0	43,009
Licenses & Permits 7	1,063	0	1,063
Use of Money and Property 8	4,250	0	4,250
Intergovernmental 9	35,500	10,000	45,500
Charges for Services 10	115,075	0	115,075
Special Assessments 11	0	0	0
Miscellaneous 12	250	202,000	202,250
Other Financing Sources 13	140,649	35,878	176,527
Total Revenues and Other Sources 14	514,932	247,878	762,810
Expenditures & Other Financing Uses			
Public Safety 15	10,817	0	10,817
Public Works 16	142,737	10,000	152,737
Health and Social Services 17	2,450	0	2,450
Culture and Recreation 18	24,938	10,000	34,938
Community and Economic Development 19	35,235	0	35,235
General Government 20	67,820	0	67,820
Debt Service 21	71,989	0	71,989
Capital Projects 22	0	190,000	190,000
Total Government Activities Expenditures 23	355,986	210,000	565,986
Business Type / Enterprises 24	92,609	0	92,609
Total Gov Activities & Business Expenditures 25	448,595	210,000	658,595
Transfers Out 26	131,749	35,878	167,627
Total Expenditures/Transfers Out 27	580,344	245,878	826,222
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year 28	-65,412	2,000	-63,412
29			
Beginning Fund Balance July 1 30	219,067	0	219,067
Ending Fund Balance June 30 31	153,655	2,000	155,655

Passed this 1st day of October 2012
(Day) (Month/Year)

Signature
City Clerk/Finance Officer

Signature
Mayor

Joe Behrens from Region XII Council of Governments presented information explaining owner-occupied housing rehabilitation program that would provide assistance to low and moderate income homeowners to make necessary improvements to their structures. Joe indicated part of the application process requires Region XII to send out a pre-application survey to residents to assess the need for a housing program in the Templeton community. If a need exists, a program may be developed which residents can apply for assistance. Region XII will take care of mailing out the survey.

A motion was made by Ramsey and seconded by Bauer approving the City of Templeton's Financial Report for fiscal year ending June 30, 2012. All in favor, motion carried.

Templeton Community Center project update:

- Capital campaign approximately \$890,000 pledged and committed to the renovation of the center as of September 27, 2012.
- Council Member Bauer presented quote estimate from Dan Hahn Construction for the removal of trees in the amount of \$6,000.00 on the west side of the Community Center and ball field complex. A motion was made by Engelen and seconded by Bauer to accept quote estimate in the amount of \$6,000.00 and authorize Mr. Hahn to proceed with the removal of designated trees. All in favor, motion carried.
- Public Works Director Dale Prebeck presented quote estimate from Larry Heithoff for the removal of a tree south of the ball field complex's open shelter house in the amount of \$500.00. A motion was made by Bauer and seconded by Wieland to accept quote estimate in the amount of \$500.00 and authorize Mr. Heithoff to proceed with removal of tree. All in favor, motion carried.
- Received estimate from Templeton Hardware in the amount of \$1,250.00 for temporary heating in cafeteria area.
- Council discussed applying for "Trees Please" grant from Mid American Energy for the purchase of trees to be planted on the west side of the Community Center and ball field complex. Council requested Mayor and City Clerk submit application to Mid American Energy.
- Council reviewed & and made no changes to the Community Center's rental fees at this time.
 - \$100.00 – Cafeteria, Kitchen, & Gymnasium (for family reunions, graduations, birthday parties, anniversaries, etc.)
 - \$ 50.00 – Cafeteria & Kitchen
 - \$200.00 – Auctions
 - \$200.00 – Weddings
 - \$100.00 – Funeral Luncheons
 - \$ 1.00 – Per Person for Gymnasium for Youth & Athletic Events (\$5.00 minimum and adult supervision if under age 18)
 - \$ 35.00 – Knights of Columbus
 - \$ 35.00 – Catholic Daughters
 - \$ 5.00 – Table rental each
 - \$.50 – Chair rental each
- Asbestos abatement removal will be completed by Pro Environmental Abatement on Tuesday, October 2, 2012.
- Volunteers will be cleaning Community Center on Saturday, October 6, 2012.
- Joe Behrens presented draft architectural engineer agreement between Simonson & Associates Architects, LLC, 1717 Ingersoll Avenue Suite 117, Des Moines, Iowa and the City of Templeton. A motion was made by Engelen authorizing approval of draft contract subject to final documentation, seconded by Bauer. All in favor, motion carried.

City Attorney Robert Peters updated the council regarding his conversation with Foreclosure Supervisor Carrie Neal from Nationwide Advantage Mortgage Company regarding the removal of a tree on the corner of Railway Street and 5th Avenue. Ms. Neal indicated to Mr. Peters they may have an individual interested in purchasing the property at 133 N. 5th Avenue and would like to incorporate the removal of the tree in the sale. Mr. Peters will keep in touch with Ms. Neal.

Mayor Behrens requested any comments or corrections to be made to the Consent Agenda. A motion was made by Wieland and seconded by Ramsey to approve the Consent Agenda. All in favor, motion carried.

1. Approved Minutes from September 4, 2012
2. Internal Review of city's financial records & assets for the months of August and September 2012.
3. Approved August 2012 Treasurer's Report.
 - \$135,649.50 revenue
 - \$ 21,843.29 expenditures
 - \$453,317.11 total cash & investments

FUND	RECEIPTS	DISBURSEMENTS
General	\$ 2,239.68	\$ 14,274.91
Road Use Tax	\$ 3,043.10	\$ 12.81
Employee Benefits	\$ 0.00	\$ 0.00
Local Option Tax	\$ 7,105.21	\$ 0.00
TIF	\$ 0.00	\$ 65.00
Debt Service	\$ 0.00	\$ 0.00
Capital Proj. – Community Center	\$ 116,429.76	\$ 1,902.67
Water	\$ 4,873.78	\$ 3,750.52
Sewer	\$ 1,957.97	\$ 1,837.38
Certificate of Deposit	\$ 0.00	\$ 0.00
Fire Truck Fund	\$ 0.00	\$ 0.00
Totals	\$ 135,649.50	\$ 21,843.29

- Approval of the Claims for September 2012 as listed:

12679	Aspinwall Cooperative	332.81	gas
12680	Carroll Refuse Service	1,585.65	garbage collection
12681	Manatt Media	2,136.76	Humanities IA grant-Templeton documentary
12682	Dale Prebeck	1,339.29	Payroll
12683	Dale Prebeck	483.00	insurance allowance
12684	Rhonda Schwaller	332.06	insurance allowance
12685	Mid American Energy	710.60	Utilities
12686	Raccoon Valley Electric Coop.	40.00	sewer lagoon
12687	Templeton Telephone Co.	85.55	telephone & internet service
12688	Manning Municipal Gas Dept.	54.03	Utilities
12689	Manning Municipal Gas Dept.	37.46	Community Center utilities
12690	De Lage Landen	122.25	printer/copier lease
12691	Postmaster	52.76	postage-2012 Comm. Ctr project update letter
12692	Postmaster	90.00	postage
12693	Pro Environmental Abatement	31,060.00	asbestos abatement progress billing
12694	West Central Iowa Rural Water	2,151.00	744,000 gallons used
12695	Ken F. Behrens	566.10	3rd qtr. 2012 payroll
12696	Postmaster	53.76	postage
12697	Dale Prebeck	1,339.30	Payroll
12698	Denise Irlbeck	22.14	Payroll
12699	Rhonda Schwaller	1,433.16	Payroll
12700	IPERS	835.85	retirement fund
ACH	Templeton Savings Bank	1,578.32	August 2012 941 tax pymt.
12701	Rhonda Schwaller	42.18	Mileage
12702	U.S. Cellular	54.78	cell phone
12703	Central Iowa Distributing	117.17	garbage bags & paper towels
12704	Iowa Assn of Municipal Utilities	95.00	D. Prebeck water/wastewater workshop
12705	Carroll County Extension	70.00	D. Prebeck mosquito pest mgmt. workshop
12706	Blacktop Service Company	16,642.80	street repairs
12707	Carroll Co. Solid Waste Mgmt	918.00	Oct. thru Dec., 2012 assessment
12708	West Central Iowa Clerks Assn.	10.00	2012 annual dues

12709	City of Templeton on behalf of William Williams	75.00	applied to water/sewer/garbage bill
12710	Sacred Heart Church	159.15	Community Center utilities
12711	Rye Supply, Inc.	10.01	UPS charge
12712	Iowa Assn of Municipal Utilities	256.25	Oct. - Dec. 2012 WCISA dues
12713	Treasurer - State of Iowa	892.00	3rd qtr. 2012 state w/h
12714	Treasurer - State of Iowa	982.12	3rd qtr. 2012 sales tax
12715	Herald Publishing Co.	55.35	2012/2013 budget publication
12716	Hawkeye Diesel Service	77.04	fuel additive
12717	Heithoff Tree Service	900.00	tree removal at Water Tower Park
12718	Carroll County Auditor	1,088.00	contract law, 3rd qtr. 2012
12719	Templeton Hardware	74.69	Comm. Ctr. - electric service panel hook up
12720	Cass Weitz	300.00	burn site clean up

Citizen Forum: None

Maintenance Report:

- Received quarterly surcharge check from Manning Municipal Gas Department.
- Manning Municipal Gas Board will be meeting on October 16, 2012 to consider donation to the Templeton Community Center.
- Broadleaf control applied to city properties.
- Will be attending the following continuing education workshops:
 - Roadside, Forest and Aquatic Pest Management on October 17, 2012.
 - Mosquito/Public Health Pest Management on October 25, 2012.
 - Iowa Association of Municipal Utilities water & wastewater operator's training workshop in Des Moines, Iowa on November 13-15, 2012
- Scheduled routine maintenance on John Deere 7200 tractor with Horizon Equipment.
- Preparing snow plow for winter season.

Mayor's Report:

- Researched the Templeton Community Center's natural gas rates for commercial vs. interruptible service. Will stay with interruptible service – more economical.
- Explained water rate increase spreadsheet to council. No further action taken.

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

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk