

The regular meeting of the Lamont City Council was held Wednesday September 9, 2015 at 7:00 pm. The meeting was called to order by Mayor McGraw-Riley and the roll being called, the following named Council Members were present and absent.: Present: Wulfekuhle, Klingner, Haynes, Rawson, Dozark. Absent: none

Motion by Rawson, second by Dozark to approve the consent agenda: a) September agenda, August minutes, Bills, August receipts, (no Treasurer's report submitted). All ayes; motion carried.

Angie Happel	wages 08-15-15	319.43
Rebecca Berger	wages 08-15-15	121.18
Diane Anderson	wages 08-15-15	1288.66
Joe Opperman	wages 08-15-15	1254.90
JD Financial	blocks,tank,concrete,hard hat,tools	182.97
Alliant Energy	electric service	1826.79
Black Hills Energy	natural gas service	129.53
Windstream	phone service	259.83
US Cellular	shop phone	55.31
AMAZON	books	286.62
Center Point Lg Print	book	41.94
Men of Integrity	magazine subscription	29.95
Mary Hoefler	supplies - Lamont Day float	36.77
Harvey Adams	deposit refund	75.00
VISA	fuel,power washer,postage,stamped envelopes,	2590.93
Angie Happel	wages 08-29-15	328.73
Rebecca Berger	wages 08-29-15	78.40
Diane Anderson	wages 08-29-15	1288.67
Joe Opperman	wages 08-29-15	1254.75
Fusin Forward	1/2 design fees	1312.50
Ralph Goedken	labor-gazebo roof	1350.00
Schroeder's	roofing materials, 2X4s,sealer	1342.15
Eleanor McGraw-Riley	mileage-BCEDC, REAP	44.63
Rite Price	paper,toner,inkjets,tape,calendars	285.79
RSPG, PLC	legal fees	175.00
McDermott Oil	fuel	169.25
Teresa Haas	meter deposit refund	75.00
John Lindsay Estate	meter deposit refund	75.00
Aaron Young	meter deposit refund	75.00
Keystone	testing	11.00
MSA-PS	leak study-lnv 1	400.00
Waste Management	August hauling	3277.07
IPERS	August contributions	1680.38
US Treasury	August 941 tax	2986.97

Expenditures by fund: General 8151.78, Trust & Agency 264.76, LOST 981.45, Water 3758.98, Sewer 1418.62, Landfill 10134.51 **TOTAL 24710.10**

August receipts: City Services 15055.42, Rent/camping 1125.00, Property tax 199.62, Interest 186.63, Fire Dept. donation 50.00, LOST 3074.04, Road Use Tax 5957.58, Franchise fees 190.01, Library misc. 60.00 **TOTAL 25898.30**

Deputy Dallenbach reviewed the August deputy's report. 52.37 hours of service were logged.

George Lake, BCEDC, discussed the organization's Operational Review: Building for the Future. He requested that the city join the Home Base Iowa Communities.

Luke Guthrie, RSPG, PLC, discussed action under Iowa Code 657A that allows the city to get title to a property free and clear of any liens including tax sale liens. Process takes typically 6 months and cost no more than \$1000.00. Motion by Klingner, second by Wulfekuhle to proceed with the required acquisition action on property located at 655 Warner and to do title search only on property at 640 Pine. All ayes; motion carried.

Motion by Klingner, second by Haynes to approve bill (MSA-PS Design Invoice #1 \$4300.00) for CDBG Storm Water Projects. Motion carried; all ayes. Joe Elsinger, MSA-PS, reviewed project maps for Storm Water Projects which showed how much work needs to be done in each area. Preliminary contact by letter with property owners to attend a group meeting at city hall will be arranged to discuss scope of work on each property.

Summers Construction has peeled back rock on cell 3 wall and relined berm. No work was done on bottom. Will do leak study for 30 days. If the leak study reveals that the cell is still leaking, Summers will come back to do repairs on the bottom of the cell.

Terry Crow had attended EMA & 911 meetings. Mutual Aid Survey being done. County looking into tall structure ordinance since windmills, towers, etc interfere with radio communications.

Oasis (Ogden) had not submitted any estimates for sewer main point repairs or water main valve replacements. No information from J&J Lane Solutions either. Motion by Haynes, second by Klingner to purchase a Thern Crane w/Spur Hand Winch, pedestal base, and cable for \$1983.85. Motion carried; all ayes.

Dean Hendricks introduced himself to council. Dean had been selected to serve as water/wastewater affidavit operator for the city. Motion by Haynes, second by Klingner to approve agreement with Dean Hendricks for his services as the Water/Waste Water Affidavit Operator. Aye: Wulfekuhle, Rawson, Dozark, Klingner, Haynes. Resolution 15-38 was approved.

Lengthy discussion on policy for use of city fire equipment. Fire Dept will submit a written policy.

Council Member Wulfekuhle introduced and moved the adoption of the resolution hereinafter set out; seconded by Council Member Klingner. After due consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted: Ayes: Haynes, Dozark, Rawson, Klingner, Wulfekuhle. Nays: (None). Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

RESOLUTION NO. 15-39

Resolution providing for the issuance of a Storm Water System Revenue Loan Agreement Anticipation Project Note

WHEREAS, the City of Lamont (the "City"), in the County of Buchanan, Iowa, did heretofore establish a Municipal Storm Water Drainage System (the "Utility") in and for the City; 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, the City heretofore proposed to enter into a Storm Water System Revenue Loan Agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$500,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the cost, to that extent, of constructing improvements and extensions to the Utility (the "Project"), and has published notice of the proposed action and has held a hearing thereon on August 12, 2015; and

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

WHEREAS, it is necessary at this time to make provision for the issuance of a Storm Water System Revenue Loan Agreement Anticipation Project Note (the "Project Note") in a principal amount not to exceed \$500,000 pursuant to the provisions of Section 76.13 of the Code of Iowa in anticipation of the receipt of and payable from the Loan Proceeds; and

WHEREAS, the City has negotiated the sale of the Project Note to Banklowa, Independence, Iowa (the "Purchaser");

NOW, THEREFORE, Be It Resolved by the City Council of the City of Lamont, 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 and to issue Storm Water System Revenue bonds or notes (the "Bonds") in evidence thereof, prior to April 1, 2017, the maturity date of the Project Note (the "Maturity Date") and declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa. The Bonds are hereby ordered to be issued at such time as the City enters into the Loan Agreement.

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 and from other sources to be received and expended in connection with the Project during the period thereof. The Project Note shall be signed by the Mayor and attested by the City Clerk and delivered to the Purchaser and shall be dated the date of delivery to the Purchaser (anticipated to be September 22, 2015), shall mature on the Maturity Date, and shall bear interest at the rate of 2.85% per annum payable on the Maturity Date, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on the Project Note will be calculated on the basis of a 360-day year comprised of twelve thirty-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, and the date and amount of each advance shall be entered by the Purchaser on the Schedule of Advances of 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
THE COUNTY OF BUCHANAN
CITY OF LAMONT

STORM WATER SYSTEM REVENUE LOAN AGREEMENT ANTICIPATION PROJECT NOTE

DATED DATE: September 22, 2015
MAXIMUM PRINCIPAL AMOUNT: \$500,000

MATURITY DATE: April 1, 2017
INTEREST RATE: 2.85%

The City of Lamont, Iowa (the "City"), for value received, promises to pay on April 1, 2017 (the "Maturity Date") to Banklowa, Independence, Iowa (the "Purchaser"), its successors or assigns, the principal sum of Five Hundred Thousand Dollars (\$500,000), or so much thereof as is 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, Lamont, 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 2.85% per annum, payable on 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 \$500,000 under this Project Note. Each such Advance made by the Purchaser shall be entered by the Purchaser on the Schedule of Advances hereon 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 constructing improvements and extensions to the Municipal Storm Water Drainage System (the "Project") 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 Storm Water System Revenue bonds or notes in a principal amount not to exceed \$500,000.

A sufficient portion of the Loan Proceeds has been appropriated to the payment of this Project Note and may also be appropriated to the payment of other obligations issued to pay costs of the acquisition and/or construction of the Project.

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 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.

And It Is Hereby Certified, Recited and Declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Project Note have existed, have happened and have been performed in due time, form and manner, as required by law, and that the issuance of this Project Note does not exceed or violate any constitutional or statutory limitation or provision.

IN TESTIMONY WHEREOF, the City of Lamont, Iowa, by its City Council, has caused this Project Note to be executed by its Mayor and attested by the City Clerk on the Dated Date.

CITY OF LAMONT, IOWA

By [DO NOT SIGN]
Mayor

Attest:

[DO NOT SIGN]
City Clerk

SCHEDULE OF ADVANCES

Date of Advance	Amount Advanced	Balance	Signature of Authorized Officer of Purchaser
_____	_____	_____	_____

9/22/2015	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

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. 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 September 9, 2015.

Attest:

City Clerk

Mayor

STATE OF IOWA
CITY OF LAMONT
THE COUNTY OF BUCHANAN

SS:

I, the undersigned, City Clerk of the City of Lamont, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to a certain Loan Agreement and the issuance of a Storm Water System Revenue Loan Agreement Anticipation Project Note.

WITNESS MY HAND this ____ day of _____, 2015.

City Clerk

Motion by Klingner, second by Haynes to approve the FY15 Street Finance Report. Aye: Wulfekuhle, Dozark, Haynes, Rawson, Klingner. Motion carried as Resolution 15-40.

Motion by Klingner, second by Rawson to approve Resolution 15-41 - certifying delinquent city service bills to the property taxes for collection. Aye: Wulfekuhle, Dozark, Haynes, Rawson, Klingner. Motion was approved.

Council members Klingner, Haynes, and Rawson would like email addresses set up for city website.

DNR stated the city needed to submit a plan for utilizing the old burn site again. May need to be fenced off separately. Residents within ¼ mile radius would be required to sign waiver to allow burning.

Motion by Dozark, second by Rawson to implement a system for complaints requiring a written form or attendance at council meeting for action. All ayes; motion carried.

Connie Gaffney questioned vacant property fees for water and sewer and an explanation was given.

Motion by Wulfekuhle, second by Haynes to adjourn. All ayes; motion carried. Meeting adjourned at 9:30 pm.

Diane S. Anderson
City Clerk

Eleanor McGraw-Riley
Mayor