

July 22, 2009
Council Chambers
City Hall
Tipton, Iowa

The City Council of the City of Tipton, Cedar County, Iowa met in regular session at 5:30 p.m. Mayor Kepford called the meeting to order. Upon roll being called the following named council members were present: Anderson, McGlaughlin, Johnson, and Fry. Councilperson Klemme was on an ambulance call. Also present: Boldt, Fletcher, Nash, Penrod, Spangler, Packwood, Todd, visitors and the press.

Agenda:

Motion by Fry, second by Anderson to approve the consent agenda. Motion carried by the following roll call vote;

Aye: Anderson, McGlaughlin, Johnson, Fry
Nay: None
Absent: Klemme

Communications & Reports:

Angela Swick spoke to the council on behalf of several health care workers in the community regarding the police carrying AED's in the squad cars and responding to all 911 calls when possible. Swick stated the police are the only 24 hour 911 emergency service in Tipton and stressed the importance of the response time to calls and carrying properly working AED's. Councilperson McGlaughlin asked when the AED were removed from the cars and if they would be replaced. Mayor Kepford said Ambulance Coordinator Witry was trying to find units that would withstand the abuse of riding in the cars and the elements. After discussion it was the consensus of the council that the police implement procedure to respond when called to 911 calls when possible. The council thanked Swick for attending the meeting.

Consent Agenda:

Motion by Anderson, second by Johnson to approve the consent agenda, which includes the minutes from July 6, 2009, clerks and investment reports, and the airport minutes. Motion carried by the following roll call vote;

Aye: McGlaughlin, Johnson, Fry, Anderson
Nay: None
Absent: Klemme

Public Hearing:

Mayor Kepford opened the public hearing at 5:38 p.m. for the Intention of the City of Tipton to enter in a loan agreement and authorize the sale and Issuance of the General Obligation Corporate Purpose Loan Agreement Anticipation Project Note in the Principal Amount not to exceed \$1,500,000. With no written or oral objections the public hearing was closed.

Resolutions for Approval:

Resolution 072209A – Resolution authorizing a loan agreement and authorizing the sale and issuance of General Obligation Corporate Purpose Loan Agreement anticipation project note in a principal amount not to exceed \$1, 500,000.

RESOLUTION NO.072209A

Resolution authorizing a Loan Agreement and authorizing the sale and issuance of a General Obligation Corporate Purpose Loan Agreement Anticipation Project Note in a principal amount not to exceed \$1,500,000

WHEREAS, the City of Tipton (the "City"), in Cedar County, State of Iowa, has heretofore proposed to enter into a General Obligation Loan Agreement (the "Loan Agreement") in a principal

amount not to exceed \$1,500,000 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 street, water, sanitary and storm sewer improvements, and pursuant to law and a notice duly published, the City Council has conducted a public hearing on said proposal on July 22, 2009; and

WHEREAS, it is necessary at this time to authorize the Loan Agreement and to make provision for the issuance of a General Obligation Corporate Purpose Loan Agreement Anticipation Project Note (the "Project Note") in a principal amount not to exceed \$1,500,000 pursuant to the provisions of Section 76.13 of the Code of Iowa in anticipation of the receipt of and payable from the proceeds (the "Loan Proceeds") of the Loan Agreement;

WHEREAS, the City has negotiated the sale of the Project Note with Community State Bank, Tipton, Iowa (the "Lender"); and

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

Section 1. The City Council hereby covenants for the benefit of the Lender, and all who may at any time be an owner of the Project Note, to enter into the Loan Agreement prior to August 1, 2010, 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.

Section 2. The Project Note is hereby authorized to be issued to the Lender, 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 during the construction period thereof. The Project Note shall be signed by the Mayor and attested by the City Clerk with the seal of the City affixed and delivered to the Lender and shall be dated July 30, 2009, shall mature on the Maturity Date, and shall bear interest at the rate of 3.95% 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.

Section 3. Advances on the Project Note may be requested by the Mayor or 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 Lender 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:

UNITED STATES OF AMERICA
STATE OF IOWA
COUNTY OF CEDAR
CITY OF TIPTON

GENERAL OBLIGATION CORPORATE PURPOSE LOAN AGREEMENT ANTICIPATION
PROJECT NOTE

DATED DATE: July 30, 2009

MAXIMUM PRINCIPAL AMOUNT: \$1,500,000

INTEREST RATE: 3.95%

MATURITY DATE: August 1, 2010

The City of Tipton, Iowa (the "City"), for value received, promises to pay on August 1, 2010 (the "Maturity Date") to Community State Bank, Tipton, Iowa (the "Lender"), its successors or assigns, the maximum principal sum of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), or so much as is advanced by the Lender 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, Tipton, 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 3.95% per annum, payable on the Maturity Date, or upon prepayment of this instrument as hereinafter provided.

The Lender has made a commitment to make advances (the "Advances") to the City in an aggregate principal amount not to exceed \$1,500,000 under this Project Note. Each such Advance made by the Lender shall be entered by the Lender 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 costs, to that extent, of constructing street, water, sanitary and storm sewer improvements (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 from the proceeds of an authorized loan agreement (the "Loan Agreement") and a corresponding issuance of General Obligation Corporate Purpose Bonds or Notes (the "Notes") in a principal amount not to exceed \$1,500,000.

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 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 and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Project Note were and have been properly existent, had, done and performed in regular and due form and time; that the faith, credit, revenues and resources and all the real and personal property of the City are irrevocably pledged for the prompt payment hereof, both principal and interest; and that the total indebtedness of the City, including this Project Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the City of Tipton, Iowa, by its City Council, has caused this Project Note to be sealed with its official seal, to be executed by its Mayor and attested by the City Clerk, on July 30, 2009.

CITY OF TIPTON, IOWA

By _____
Mayor

Attest:

City Clerk

Seal:

Motion by McGlaughlin, second by Johnson to approve Resolution 072209A. Motion carried by the following roll call vote:

Aye: Johnson, Fry, Anderson, McGlaughlin
Nay: None
Absent: Klemme

Resolution 072209B – Resolution setting the salaries for the appointed officers and employees of the City of Tipton, for Fiscal Year 2009-2010.

Councilperson McGlaughlin asked if the resolution language included part-time workers. Boldt explained that it did not as there was no change in their wage with the exception of part-time police officer; the resolution only included employees with wage increases. McGlaughlin stated he would like any part-time wage increase approved the council. Boldt explained to McGlaughlin that would require an ordinance change and asked McGlaughlin to share the language he would like included.

RESOLUTION 072209B

RESOLUTION SETTING THE SALARIES FOR THE APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF TIPTON, FOR FISCAL YEAR 2009-2010.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TIPTON, IOWA:

SECTION 1. The following persons and positions shall be paid salaries or wages indicated and the City Clerk is authorized to issue warrants less legally required authorized deductions from the amounts set out below, bi-weekly or monthly; and make such contributions to IPERS and FICA and other purposes as required by law or authorization of the Council, subject to audit and review by the City Council:

<u>Police:</u>	Base	Total Wage
Hakeman, Roger	\$55,666	\$55,666
Dietrich, Scott	\$45,388	\$45,388
Peck, Brad	\$ 19.27/hr	\$40,082
Kime, Paul	\$ 19.27/hr	\$40,082
Kepford, Lisa	\$ 18.24/hr	\$37,939
Hall, Greg	\$ 17.66/hr	\$36,732
Part-Time Officers	\$ 15.51/hr	
 <u>Public Works:</u>		
Nash, Steve	\$50,898	\$50,898
Drager, Don	\$22.45/hr	\$46,696
 <u>Electric Department</u>		
Packwood, John	\$69,389	\$69,389
 <u>Gas Department</u>		
Penrod, Virgil	\$51,757	\$51,757
 <u>Administration:</u>		
Boldt, Doug	\$68,251	\$68,251
Fletcher, Lorna	\$45,000	\$45,000
 <u>Parks, Recreation & Pool:</u>		
Spangler, Adam	\$37,884	\$37,884
Latare, Deb	\$19,300	\$19,300
 <u>Cemetery</u>		
Wood, Keith	\$39,380	\$39,380

This Resolution shall be effective as of the first pay date in July.

PASSED AND APPROVED this 22nd day of July, 2009.

Shirley Kepford, Mayor

ATTEST:

Lorna Fletcher, Interim City Clerk

Motion by Anderson, second by Fry to approve resolution 072209B to approve the proposed salary increases for Fiscal Year 2009-2010. Motion carried by the following roll call vote;

Aye: Fry, Anderson, McGlaughlin, Johnson
 Nay: None
 Absent: Klemme

Motions for Approval:

1. Claims List

ADEL WHOLESALERS INC	EQUIPMT MAINT SUPP FAC	169.87
	PUMP CERTIFICATION	
ALEXIS FIRE EQUIPMENT	FIRE	1914.12
ALL STAR TURF	GRASS SEED STREET	300.00
ALLIANCE WATER	CONTRACT FEES	23941.8
RESOURCES I	FAC/WA/WW	4
AMERICAN SAFETY	SAFETY SUPPLIES	
UTILITY CO	ELECTRIC	106.78
	BLDG MAINT SUPP	
ARAMARK	GENERAL	47.82
	CONSULTING SRVC	
ARROW QUICK	POLICE	73.20
	DOOR HINGE REPAIR	
BOW TIE AUTOMOTIVE	CNTRL GRG	106.94
	SAFETY VESTS & SHIRT-	
BROWN SUPPLY CO	GEN ADMIN	115.11
BUSINESS RADIO SALES		
AND S	PAGERS FIRE	1179.60
	COLLECTION EXPENSE	
CBE GROUP INC, THE	AMBULANCE	5.83
	DISASTER SERVICES	19372.5
CEDAR COUNTY AUDITOR	ASSESSMENT	0
	FUEL DISCOUNT CENTRAL	
CEDAR COUNTY CO-OP	GARAGE	2589.23
CEDAR COUNTY SOLID	TRANSFER FEES	
WASTE	GARBAGE	1215.00
CENTURY		
MANUFACTURING & RE	TIPTON ARCH	1153.76
CITY CARTON CO INC	RECYCLING SORT FEES	440.50
CLARENCE LOWDEN SUN-		
NEWS &	ADS FAC/YOUTH REC	155.78
COMMSPEED	WIRELESS FEE AIRPORT	29.95
DAVE KRUSE	MISC SUPP AIRPORT	106.13
DAVIS FARM EQUIPMENT	OIL FITLER CENTRAL	
CO	GARAGE	15.51
DENDINGER ATTORNEY AT	PERSONNEL ISSUES, BP	
LAW,	GAS AGRMT	1810.00
DR PEPPER SNAPPLE		
GROUP	BEVERAGE ORDER FAC	95.76
EAST END STORAGE	DUMP TRUCK REPAIRS	
SERVICE	CNTRL GRG	2945.18
EASTERN IOWA LIGHT &		
PWR	LAGOON UTILITIES	973.41
	CONCESSIONS, SUPP FOR	
FAMILY FOODS	HWY MTG	132.04
FARNER-BOCKEN		
COMPANY	CONCESSIONS FAC	3644.78
	METERS & SUPPLIES	
FLETCHER-REINHARDT CO.	ELECTRIC	601.33
FRIENDS OF THE ANIMALS	ANIMAL CONTROL	250.00
FULL SOURCE LLC	MARKING FLAGS GAS	172.45
	SUPPLIES & MATS CNTRL	
G&K SERVICES	GRG	193.91
GARDEN & ASSOCIATES	RECONST OF HWY 38 7TH	19297.3
INC	- 11TH	0
GAZETTE	STORM WATER	
COMMUNICATIONS	DISCHARGE AD	13.27
GENERAL PEST CONTROL	PEST CONTROL ELECTRIC	286.03

INC		
GRAINGER	SMALL TOOLS ELECTRIC	53.20
GROEBNER & ASSOCIATES	SUPP FOR GAS MAINS	351.37
HYGIENIC LABORATORY	LAB CHARGES FAC	33.00
IOWA ONE CALL	LOCATES EL/WA/GAS	82.80
	2010 ASSESSMENTS	
IOWA UTILITIES BOARD	ELECTRIC	5038.00
KIEFER & ASSOCIATES	ROPE FAC	23.65
KLUESNER CONSRUCTION	ASPHALT REPAIR	21827.7
INC	EL/WA/ST/SANSW	0
KUNDE OUTDOOR	WEED EATER STRING	
EQUIPMENT	CEMETERY	231.89
	CYLINDER RENT	
LINWELD	ELECTRIC	12.09
	REP SEW & STORM LINE	
LYNCH'S EXCAVATING INC	IN ALLEY	2453.20
	SCOTT AREA	15399.0
MISC. VENDOR	LANDFILL:GARBAGE	0
MONROE SYSTEMS FOR	4 CALCULATORS &	
BUSINES	RIBBON ADMIN	531.90
NEWTON HOME OIL CO		
INC	AVIATION GAS AIRPORT	6388.18
NORTHWEST MECHANICAL	WORK ON COMPRESSOR	
INC	FAC	830.00
	VEHICLE REPAIRS	
O'ROURKE MOTORS	AMBULANCE	1540.31
	AMBULANCE BILLING	
ORTIVUS NORTH AMERICA	SERVICE	1292.50
PRAXAIR DISTRIBUTION		
INC 7	OXYGEN AMBULANCE	96.36
	ALTAIR 4 GAS MONITOR	
SANDRY FIRE SUPPLY LLC	FIRE	935.00
	PVC GASK TEE STORM	
SCHIMBERG CO	SEWER	1540.99
	FEMALE SUITS FOR	
SPORTWIDE	GUARDS FAC	211.96
	RIBBONS FOR SWIM CLUB	
STAATS	REC	310.16
STAPLES BUSINESS	OPER,OFFICE,COMP-	
ADVANTAGE	ADMIN/EL/REC	405.39
	RADIODETECTION KIT	
SUBSURFACE SOLUTIONS	WATER	3535.91
	SHIRTS,CAP, EMB	
T & M CLOTHING CO.	REC/FAC/ELECT	166.68
	UNDERGROUND SUPPLIES	
TERRY DURIN COMPANY	ELECT	2379.25
	DISCOVER AD ECONOMIC	
TIPTON CONSERVATIVE	DEV	1502.66
	MISC SUPPLIES	
TIPTON DAIRY QUEEN	AMBULANCE	79.80
TIPTON TIRE & AUTO	TIRE FOR LAWN MOWER	
SERVICE	CNTRL GRG	91.98
UTILITY EQUIPMENT	FITTINGS FOR WA MAIN	
COMPANY	ON E 7TH	315.83
UTILITY SUPPLY OF	POWER CORD FOR CHEM	
AMERICA	ROOM FAC	72.73
VERMEER SALES &	VEHICLE REPAIRS CNTRL	
SERVICE IN	GARAGE	295.19
	8.64 TN STONE PLUM ST	
WENDLING QUARRIES	REPAIRS	492.93
	COPY CHARGES ADMIN	
XEROX CORPORATION	SERVICES	1634.52
		153,611
** TOTALS **		.06
FUND		TOTALS
001 GENERAL		41,543.
GOVERNMENT		56
002 COMMUNICATIONS -		
LOCAL AC		9.95

160	
ECONOMIC/INDUSTRIAL	
DEVEL	13.27
305 GO ST	19,304.
IMPROVEMENT 08	86
	21,033.
600 WATER OPERATING	27
610 WASTEWATER/AKA	11,994.
SEWER REVE	65
630 ELECTRIC	23,262.
OPERATING	27
	3,146.4
640 GAS OPERATING	2
	6,725.5
660 AIRPORT OPERATING	6
670 GARBAGE	13,866.
COLLECTION	50
750 CEMETERY	
ENTERPRISE	919.63
	6,505.8
810 CENTRAL GARAGE	4
835 ADMINISTRATIVE	5,285.2
SERVICES	8
	153,711
GRAND TOTAL	.06

Motion by Johnson, second by McGlaughlin to approve claims list as presented. Motion carried by the following roll call vote:

Aye: Anderson, McGlaughlin, Johnson, Fry
 Nay: None
 Absent: Klemme

2. Application for payment No.1 - All American Concrete, Hwy 38 & 130 Reconstruction Project.

Motion by Anderson, second by Fry to approve pay application No. 1 to All American Concrete in the amount of \$213,588.88. Motion carried by the following roll call vote:

Aye: McGlaughlin, Johnson, Fry, Anderson,
 Nay: None
 Absent: Klemme

3. Application for payment #2 – All American Concrete, Hwy 38 & 130 Reconstruction Project.

Motion by Fry, second by Anderson to approve pay application No. 2 to All American Concrete in the amount of \$106,416.13. Motion carried by the following roll call vote:

Aye: Johnson, Fry, Anderson, McGlaughlin
 Nay: None
 Absent: Klemme

4. Change Order #1 – All American Concrete, Work to relocate a water and sewer service in line with the construction.

Motion by McGlaughlin, second by Johnson to approve change order No. 1, in the amount of \$1,584.00. Motion carried by the following roll call vote:

Aye: Fry, Anderson, McGlaughlin, Johnson
 Nay: None
 Absent: Klemme

5. Discussion and consideration of request from Mark Oliverius

for street closure of East 4th Street from Plum Street to East Street on July 26, 2009, for block party.

Motion by McGlaughlin, second by Anderson to approve the street closure of East 4th Street from Plum Street to East Street for a block party on July 26, 2009. Motion carried by the following vote:

Aye: Anderson, McGlaughlin, Johnson, Fry
Nay: None
Absent: Klemme

6. Discussion & Consideration of Tipton Senior Dining Center Funding Request.

The council received a request from Linda Boots, representing Tipton Senior Dining, for a donation of \$2000. Boldt explained he had been contacted by the West Branch City Administrator stating they had tabled the discussion pending information from other communities. Boldt said he had no other information if other county municipalities were making donations. Electric Superintendent John Packwood suggested that he and Boldt go through the electric department budget to see if they could find the funds to make the donation. McGlaughlin stated this is a worthy cause and agreed with Packwood's suggestion. Motion by McGlaughlin, second by Fry for Boldt and Packwood to review the electric department's budget for available funds to make the donation. Motion carried by the following roll call vote:

Aye: McGlaughlin, Johnson, Fry, Anderson,
Nay: None
Absent: Klemme

Reports to be received and filed:

1. Annual Fire Department Report of Activities

Fire Chief Woode reviewed the annual report and requested council approve for the annual reimbursement for the fire department calls in the amount of \$5,400.00. Woode also told the council the department had voted to paint the new engine red, rather than the lime green of the current trucks and asked if the council had any objections. After further discussion the council had no objections. Motion to receive and accept the Tipton Fire Department Activity Report for the Fiscal Year 2008-2009 and reimburse the department for calls in the amount of \$5,400 was made by Anderson, second by Johnson. Motion carried by the following roll call vote:

Aye: Johnson, Fry, Anderson, McGlaughlin,
Nay: None
Absent: Klemme

2. Monthly Water Report

Councilperson McGlaughlin questioned the fluxuation in water usage at the Aquatic Center. Boldt said they continue to monitor the usage closely due to a recent lightening strike. Motion by Johnson, second by McGlaughlin to receive and accept the monthly water report.

Aye: Fry, Anderson, McGlaughlin, Johnson
Nay: None
Absent: Klemme

3. Monthly Community Development Report

John Todd highlighted a few items from the report. The Taste of Tipton will be July 25, 2009, from 5 p.m. to 12 a.m. with food and musical entertainment. Ridiculous Days, along with the Hardacre Film Festival will be August 7, and 8, 2009. Todd invited everyone to attend. Motion by Anderson, second by Fry to receive and accept the Monthly Community Development report. Motion carried by the following roll call vote:

Aye: Johnson Fry, Anderson, McGlaughlin
Nay: None
Absent: Klemme

Reports of Mayor/Council/Manager

1. Council reports

McGlaughlin stated he was upset by the article in the Tipton Conservative stating he objected to the appointment of Fletcher as interim city clerk. He explained he had not read the council packet prior to leaving for vacation and did not object to the appointment, just hadn't read the information in the packet. He felt clarification was necessary.

2. Mayors Report

Mayor's next Bike Ride will be Saturday, July 25, 2009, meeting at the Gazebo between 10 and 11:a.m.

Taste of Tipton, Saturday, July 25, 2009.

3. Manager's Report

Airport awarded two vertical infrastructure grants, would like to use the same engineering firm if council has no objections.

Boldt received quotes from LL Pelling for repairs on Inland Road, but hasn't had an opportunity to review them with Director of Public Works Nash. Boldt suggested this be put on an agenda at a future meeting for discussion/approval.

Boldt enjoyed his first RAGBRAI experience. He will share more at a later time.

Adjourn:

With no further business to come before the council a motion to adjourn was made by Fry, second by Johnson. Meeting adjourned at 6:25 p.m.

Mayor

Attest: _____
Interim City Clerk

