

REGULAR SESSION June 6, 2022

The City Council of Gilbertville, Iowa met in Regular Session Monday, June 6, 2022. Mayor Pro Tem Becker called the meeting to order at 6:00 p.m. Council members present: Even, Perry, Frost, and Becker. Brustkern was absent. Quorum present. Mayor Thome arrived at 7:04 p.m.

Sharon Mayer gave the invocation and Mayor Pro Tem Becker led the Pledge of Allegiance.

Motion by Frost, seconded by Even to approve the following items listed on the consent agenda: a) June 6, 2022 Agenda, b) May 16, 2022 regular session minutes; c) Payment of bills, transfers and receipts; d) Utility Billing Reconciliation for May 2022; e) Clerk/Treasurer Report for June 2022 and f) 10th Inning temporary outdoor license for August 20th. Ayes – Four. Motion carried.

Consent Agenda

No water/sewer disconnections.

WT/SW disconnection

Michelle Weber is requesting to purchase 15 feet of land adjacent to her property to build a garage. Becker explained the area is a proposed development with a drawing of the proposed lots. He questioned if getting a special permit to build closer to the lot lines would be a better option. Discussion was held on selling land or a special permit. Mrs. Weber believes a special permit would give her enough room to add a garage and she will get an application from city hall.

Request to purchase land

Motion by Becker seconded by Perry to approve Resolution 2022-09 amending employee handbook section 6.2 Workers Compensation. Roll call vote. Ayes - Four. Motion carried.

By Laws

Motion by Even, seconded by Frost to approve Fire Department Physicals and Fit Testing quote from Med Compass. Ayes – Five. Motion carried. Member of the Fire Department are required by IMWCA (workers compensation insurance) to have a physical yearly and to be fit tested yearly to meet OSHA requirements.

Fire Physicals/Fit Test

Ordinance 354 preparing for the Division of Taxes levied on Taxable Property in the Gilbertville Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.

Council Member Even introduced an ordinance entitled “Ordinance No. 354. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Gilbertville Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Council Member Even and seconded by Council Member Becker that the ordinance be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ord. 354 Proceedings

Ayes: Even, Perry, Frost and Becker.

Nays: None.

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance had been given its initial consideration.

It was moved by Council Member Frost and seconded by Council Member Becker 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 voted:

Ayes: Even, Perry, Frost and Becker.

Nays: None.

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Becker and seconded by Council Member Frost that the ordinance entitled “Ordinance No. 354. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Gilbertville Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa,” now be put upon its final consideration and adoption. The Mayor put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Council Members voted:

Ayes: Even, Perry, Frost and Becker.

Nays: None.

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

ORDINANCE NO. 354

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

BE IT ENACTED by the members of the City Council of the City of Gilbertville, Iowa:

Section 1.Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Gilbertville 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 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 Gilbertville, Iowa.

“County” shall mean Black Hawk County, Iowa.

“Tax Increment Financing District” shall mean certain real property situated in the Gilbertville Urban Renewal Area and more particularly described as follows:

Certain real property situated in the City of Gilbertville, Black Hawk County, State of Iowa, more particularly described as follows:

The part of the Northwest Quarter (NW 1/4) of Section No. Twenty-three (23), Township No. Eighty-eight North (88N), Range No. Twelve West (12W) of the Fifth Principal Meridian (5th P.M.), in the County of Black Hawk, State Of Iowa, described as Parcel “F” shown on a Plat of Survey recorded on February 21, 2018, in the office of the Recorder of Black Hawk County, State of Iowa, as instrument file 2018-00013673; subject, however, to a permanent storm-sewer easement legally described as Exhibit “A-2” of instrument #2003-15430 in the records of the Recorder of Black Hawk County, State of Iowa.

“Urban Renewal Area” shall mean the entirety of the Gilbertville Urban Renewal Area as amended from time to time.

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Section 3.Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment Financing District. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment Financing District 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 Tax Increment Financing District 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 Tax Increment Financing District, 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 Tax Increment Financing District 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 Tax Increment Financing District 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 program levy 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 Tax Increment Financing District 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 Tax Increment Financing District 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 Tax Increment Financing District 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, including Ordinance No. 333, 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 by the Council of the City of Gilbertville, Iowa, the 6th day of June, 2022.

Motion by Even, seconded by Perry to table Resolution 2022-10 setting pay until the next regular meeting. Ayes – Four. Motion carried.

Discussion was held on a request for a salary increase and on the yearly salary increases. 2022-10 setting pay

Mayor Thome reported he was contacted by a member of Veteran’s Park with concerns and pictures of children playing on the statues at Veterans Park and the climbing on Splash Pad equipment. She has concerns about liability damages. Signs will be made informing people to not climb on statues or equipment. Splash Pad

PWD Werner stated he requested quotes for concrete from a couple contractors and still has not received them. If he gets one returned Mayor Thome will contact the council.

Sharon Mayer explained that due to the cold weather this spring the students got a late start to the mural at the splash pad. The student that completed the winning mural will be drawing it on and the Art teacher will be helping paint it.

Reports:

PWD Werner reported ASPRO has completed the street repairs.

Motion by Even, seconded by Becker to adjourn at 8:06 p.m. Ayes – Four. Motion carried. Adjourn

Mark Thome, Mayor

Attest: _____
Teresa Adamson, MMC