

CITY OF DESOTO – SPECIAL COUNCIL MEETING MINUTES

October 9, 2018 – Mayor Butch Ostrander called the meeting to order at 7:00pm.

Answering roll call was: Pam Bach, Terri Golightly, Ted Hansen, Karen Wilson and Kelly Summy.

Staff present included City Clerk Marcia Thomas, Public Works Director Dan Van Langen, Police Chief John Sparling and Fire Chief Tim Murray.

Motion by Summy/Wilson to approve the agenda; Bach, Golightly, Hansen, Summy, Wilson all in favor; Motion carried 5-0.

David Kersey discussed with the council his concerns with moving the Water Treatment Plant Project forward until the landowners and the city have come to agreeable terms of compensation for the necessary easements.

Mayor Ostrander opened the Public Hearing prior to final action on project approval to consider a public improvement project which may require acquisition of agricultural land @ 7:07p.m. Clerk Thomas said she did not receive any phone calls or written correspondence regarding the public hearing. Maria Brownell, with Ahlers & Cooney Law Firm, said Iowa Code Chapter 6B requires a governmental body which proposes to acquire agricultural land for a public improvement project to hold a public hearing at which interested parties may express their views regarding the project and regarding the proposed acquisition of property. Ms. Brownell said the public hearing and resolution authorizes the water treatment plant project to be in the public interest and that there is a reasonable expectation that the project will achieve its public purpose. Councilwoman Golightly asked City Engineer Brown the total cost of the new water treatment plant project and questioned the decision made by the city council to construct their own water treatment plant instead of connecting to Xenia Rural Water. City Engineer, Mikael Brown did not have the total cost figures on hand but said an analysis was performed by PiperJaffray, the City's financial consultants, on whether it was in the best interest of the city to build their own water treatment plant or to connect to Xenia Rural Water. The analysis was done for a 40 year time period, the life expediency of the water treatment plant. PiperJaffray concluded the first several years of the cost analysis favored connecting to Xenia Rural Water but the majority of the 40 year time period favored the City build its own water treatment plant and be in control of its own water rates. With no further questions from the audience Mayor Ostrander closed the public hearing @ 7:22p.m.

Mayor Ostrander opened the Public Hearing to review the application for a state revolving fund (SRF) loan from the Iowa Department of Natural Resources and to discuss the environmental information document and the City's water treatment plant project plan @ 7:23p.m. Clerk Thomas said she did not receive any phone calls or written correspondence regarding the public hearing. David Kersey questioned three reasons in the environmental information document as being factual; the project will not significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population; the project will not conflict with local, regional or State land use plans or policies; the project will not displace population, alter the character of existing residential areas, or convert significant farmlands to non-agricultural purposes. City Engineer Brown said the Iowa State Revolving Fund Environmental Information Document was produced by an Environmental Review specialist that works for the Iowa State Revolving Fund (SRF) which is administered jointly by the Iowa Department of Natural Resources (NDR) and the Iowa Finance Authority. City Engineer Brown encouraged David Kersey to provide the city with written correspondence to

pass his concerns on to the State Revolving Fund. Maria with Ahlers & Cooney, had comments regarding just compensation for the land owners regarding easements the city will need to proceed with the water treatment plant project; "Just compensation" is required to be paid by an acquiring agency under Iowa law. The amount is determined by Council after consulting with a professional appraiser. The appraiser will value the damages to the property owner from the acquisition the City is seeking by comparing other similar property sales in the area to the property affected by the acquisition. The amount in the appraisal represents a floor on the amount the City can offer to a property owner for the particular property interest. After these proceedings tonight, the Council will review appraisals for all necessary property interests for the project. The property owner will receive copies of the appraisals. The Council will then need to pass resolutions establishing just compensation for each property interest based on the appraisals. The "Just Compensation" in the resolution forms the starting point for the formal negotiations with the property owners. It is recommended that the City refrain from any property negotiation until the "Just Compensation" resolution is passed following receipt of all appraisals and review appraisals. De Soto resident Carol Lee asked City Engineer Brown, why the environmental document only referred the project is not anticipated to impact the 100-year floodplain and not a 500-year floodplain. Brown stated the 100-year floodplain is standard with the state. With no further questions from the audience Mayor Ostrander closed the public hearing @ 8:08p.m.

Motion by Summy/Wilson to approve Resolution 2019-08; A Resolution Authorizing Public Improvement Which May Require Acquisition of Agricultural Land; Bach, Golightly, Hansen, Summy, Wilson all in favor; Motion carried 5-0.

Motion by Hansen/Wilson to approve J & D Computer and GoDaddy adjust the hosting issue for the city website; Bach, Golightly, Hansen, Summy, Wilson all in favor; Motion carried 5-0.

Motion by Summy/Golightly to approve the fire department purchase of a 2004 International tanker; subject to inspection by fire department personnel for \$83,500; Bach, Golightly, Hansen, Summy, Wilson all in favor; Motion carried 5-0.

Having no other business Mayor Ostrander asked for a motion to adjourn. Motion by Bach/Wilson to adjourn @8:30pm; Bach, Golightly, Hansen, Summy, Wilson all in favor; Motion carried 5-0.

Mayor: Butch Ostrander

Attest: City Clerk, Marcia Thomas

These minutes are subject to approval by the City Council at its next regular meeting.