

City of New Madrid
AGENDA
PUBLIC HEARING
August 16, 2010
7:15 p.m.

1. Bill No. 10-1176: 2010 City Tax Rate
2. Bill No. 10-1175: Special Obligation Refunding Revenue Bonds Series 2010

AGENDA
CITY COUNCIL MEETING
Monday, August 2, 2010
7:30 P.M.

1. Call to Order
2. Minutes of August 2, 2010 and August 10, 2010 meetings

Old Business

3. Bill No. 10-1175: Special Obligation Refunding Revenue Bonds Series 2010

New Business

4. Visitors (All visitors wishing to address the Council must complete an information card and submit it to the City Clerk before the meeting begins)
5. Six-Month Statement of Revenues and Expenses 1/1-6/30/10-Governmental Funds
6. Award Bid – Sanitary Sewer Improvements – Lift Station Renovations
7. Resolution – Contract with G & C Contracting
8. Bill No. 10-1176: 2010 City Tax Rate
9. Bill No. 10-1177: T-Mobile Settlement
10. Incentive Plan
11. Building Permit: 12 X 20 Storage Building at USDA Service Center, 495 Highway 61, Submitted by Herbert Dirnberger
12. City Administrator's Report

CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
 - B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration there for (RSMo 610.021.2)
 - C. Hiring, firing, disciplining or promoting or particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
 - E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
13. Additional items, if requested.

BILL NO:10-1176

ORDINANCE NO: _____

AN ORDINANCE ESTABLISHING THE TAX RATE FOR THE CITY OF NEW MADRID, MISSOURI FOR THE TAX YEAR 2010 ON ALL TAXABLE PROPERTY BOTH REAL AND PERSONAL LOCATED THEREIN.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI, as follows:

SECTION I: That there shall be levied on all taxable property in the City of New Madrid, Missouri for the year 2010, both real and personal, the sum of sixty point twenty-nine cents (\$.6029) on the One Hundred Dollar Valuation for General Revenue Purposes.

SECTION II: That there shall be levied on all taxable property in the City of New Madrid, Missouri for the year 2010, both real and personal, the sum of Twenty-one point eighty-two cents (\$.2182) on the One Hundred Dollar Valuation for an Additional General Revenue Tax.

SECTION III: That this Ordinance shall be in full force and effect from and after its passage and approval and that all Ordinances in conflict herewith, insofar as they conflict, are hereby repealed.

PASSED AND APPROVED THIS _____ DAY OF AUGUST, 2010.

Donnie Brown, Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

CITY OF NEW MADRID PUBLIC HEARING

A public hearing will be held at 7:15 p.m., August 16, 2010 at New Madrid City Hall at which time citizens may be heard on the property tax rate proposed to be set by the City of New Madrid. The tax rates are set to produce the revenues which the budget for the fiscal year beginning January 1, 2010 shows to be required from the property tax. Each tax rate is determined by dividing amount of revenue needed by the current assessed valuation. The result is multiplied by 100 so the tax rate will be expressed in cents per \$100 valuation.

ASSESSED VALUATION (BY CATEGORIES)	PRIOR TAX YEAR 2009	CURRENT TAX YEAR 2010
Real Estate	17,871,804	18,098,726
Personal Property	<u>7,527,954</u>	<u>7,671,217</u>
TOTAL	25,399,758	25,769,943

The following Tax Rates are Proposed:

FUND	AMOUNT OF PROPERTY TAX	PROPOSED TAX RATE
General Revenue	155,366.98	\$.6029
Additional General Revenue	<u>56,230.01</u>	<u>\$.2182</u>
TOTAL	211,596.99	\$.8211

**CITY OF NEW MADRID
BOARD OF ALDERMEN**

**By: Marian B. Bock
City Clerk**

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE AND THE CITY OF NEW MADRID, MISSOURI.

WHEREAS, the City of New Madrid, Missouri (the “Plaintiff”) is either a named plaintiff or a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *City of University City, Missouri, et al. v. AT&T Wireless, Services, Inc., et al.*, No. 01-CC-004454, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

WHEREAS, the Plaintiff and T-Mobile (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and

WHEREAS, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and T-Mobile, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on June 28, 2010 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and T-Mobile have conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of T-Mobile Class Action Settlement and Approval Hearing, incorporated herein by reference, and a T-Mobile Municipal Tax Settlement Claim Form, incorporated herein by reference, which identify the settlement proceeds that will be paid to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the settlement proceeds as provided therein;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI AS FOLLOWS:

Section One. The City of New Madrid, Missouri hereby approves, accepts, and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of New Madrid, Missouri and T-Mobile, as if the City of New Madrid, Missouri was an original signatory thereto.

Section Two. The City of New Madrid, Missouri further approves the payment(s) totaling \$811.88 as shown on the T-Mobile Municipal Tax Settlement Claim Form, along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of New Madrid, Missouri against T-Mobile as provided for in the Settlement Agreement.

Section Three. The Mayor of the City of New Madrid, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the T-Mobile Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Four. The City of New Madrid, Missouri, reserves the right to conclude settlement agreements with other wireless telecommunications service providers in the Lawsuit depending upon the circumstances of each case.

Section Five. This Ordinance shall be in full force and effect after passage and approval as required by law.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI, THIS _____ DAY OF AUGUST, 2010.

Donnie Brown, Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney