

City of Mt. Vernon, Iowa

Meeting:	Mt. Vernon City Council Meeting
Place:	Mt. Vernon City Hall, 213 First Street NW, Mt. Vernon, Iowa 52314
Date/Time:	February 17, 2016 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	February 12, 2016

Mayor:	Jamie Hampton	City Administrator:	Chris Nosbisch
Councilperson:	Scott Rose	City Attorney:	Robert Hatala
Councilperson:	Paul Tuerler	Assis. Admin/City Clerk:	Sue Ripke
Councilperson:	Marty Christensen	Deputy City Clerk:	Marsha Dewell
Councilperson:	Tom Wieseler	Chief of Police:	Doug Shannon
Councilperson:	Eric Roudabush		

A. Call to Order

B. Agenda Additions/Agenda Approval

C. Oath of Office

1. Police Officer – Morgan John Mehlert

D. Communications:

1. Unscheduled

If you wish to address the City Council on subjects pertaining to today's meeting agenda, please wait until that item on the agenda is reached. If you wish to address the City Council on an item **not** on the agenda, please approach the microphone and give your name and address for the public record before discussing your item. Each individual will be granted no more than five (5) minutes.

E. Consent Agenda

Note: These are routine items and will be enacted by one motion without separate discussion unless a Council Member requests separate consideration.

1. Approval of City Council Minutes – February 3, 2016 Regular Council Meeting

F. Public Hearing

1. None

G. Ordinance Approval/Amendment

1. None

H. Resolutions for Approval

1. Resolution #2-17-2016A : Notice of Proxy Representation at the 2016 Annual Meeting of the Members of the Lisbon – Mt. Vernon Ambulance Service
2. Resolution #2-17-2016B : Approving the Disposal of Municipal Property

I. Mayoral Proclamation

1. None

J. Old Business

1. None

K. Motions for Approval

1. Consideration of Claims List – Motion to Approve
2. Discussion and Consideration of Request from Historic Preservation Commission to Outline with Council Their Tasks, Resources, Achievements and Future Goals – Council Action as Needed
3. Discussion and Consideration of Motion to Set Public Hearing Date to Approve City of Mt. Vernon Fiscal Year 2016-2017 Proposed Budget for March 7, 2016 – Council Action as Needed
4. Discussion and Consideration of Joining the Eastern Iowa Area Safety & Support Organization (E.I.A.S.S.O.) – Council Action as Needed
5. Discussion and Consideration of Purchasing Policies and Procedures – Council Action as Needed
6. Discussion and Consideration of New Squad Vehicle Purchase – Police Department – Council Action as Needed
7. Discussion and Consideration of Injury Waiver and Release Between the City of Mt. Vernon and William and Myrt Bowers – Council Action as Needed

L. Reports to be Received/Filed

1. Mt. Vernon Police Report
2. Mt. Vernon Parks and Recreation Report
3. Mt. Vernon Public Works Report

M. Discussion Items (No Action)

1. Nicotine Free Parks
2. Engineering Services Contract – Street Evaluation

N. Reports of Mayor/Council/Administrator

1. Mayor's Report
2. Council Reports
3. Committee Reports
4. City Administrator's Report

O. Adjournment

Pursuant to §21.4(2) of the Code of Iowa, the City has the right to amend this agenda up until 24 hours before the posted meeting time.

If anyone with a disability would like to attend the meeting, please call City Hall at 895-8742 to arrange for accommodations.

MOUNT VERNON POLICE DEPARTMENT
MOUNT VERNON, IOWA

OATH OF OFFICE

I, Morgan John Mehlert, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of Police Officer in the City of Mount Vernon, as now and hereafter, required by law.

Signature of Officer

Witnessed this 17th day of February, 2016, in the City of Mount Vernon, Iowa, by:

Signature-Mayor of Mount Vernon
Jamie Hampton

Attest:

Chris Nosbisch
City Administrator
City of Mount Vernon, Iowa

E. Consent Agenda

February 3, 2016
 City Council Minutes
 Mount Vernon City Hall
 213 1st Street NW
 Mount Vernon, Iowa

The Mount Vernon City Council met February 3, 2016 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Tuerler, Wieseler, Christensen and Rose.

At 6:30 p.m. Mayor Jamie A. Hampton called the meeting to order and stated that J-2 will not be discussed as Mr. Halsey has decided not to resign from the Ambulance Board.

Agenda:

Motion by Wieseler, seconded by Tuerler to approve the agenda. Carried all.

Consent Agenda:

Rose said that he would like a clarification to agenda item #7 from the 1-18-2016 council meeting and the minutes to reflect that the gym was open three separate days, three hours each day. Rose motioned to approve the Consent Agenda which includes the 1-18-2016 meeting minutes clarification, the minutes for the 1-25-2016 meeting, C&D Lounge liquor license, and the Fire Dept. Advisory Board liaison appointment. Seconded by Tuerler. Carried all.

CLAIMS FOR APPROVAL

ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,102.81
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	3,010.74
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,397.47
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	831.23
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	176.96
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	65.75
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	24.01
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	19.90
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	19.31
AM WELDING & FABRICATION	SNOW PLOW/BLADE REPAIR-RUT	650.00
AM WELDING & FABRICATION	REPLACE STEEL/SWEEPER BOTTOM	700.00
ARAMARK	RUGS-FD	57.79
AUTO WORX	IGNITION COIL, SPARK PLUG, LABOR	548.10
B4 BRANDS	HANDSOAP-P&A	46.77
BALICEK, RITA	CLEANING SERVICE-P&A, PD	75.00
BALICEK, RITA	CLEANING SERVICE-P&A	52.50
BALICEK, RITA	CLEANING SERVICE-P&A, PD	75.00
BENHART, SHERRIE	CLEANING SERVICE-P&A, PD	75.00
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE-P&A	75.00
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A	1,620.00
BUSER, ROBERT M	NORARY RENEWAL REIMB-EMA	30.00
CAMPBELL SUPPLY CEDAR RAPIDS	GLOVES-PW	214.00
CAMPBELL SUPPLY CEDAR RAPIDS	GLOVES, HARNESS, LANYARD-PW	173.60
CAMPBELL SUPPLY CEDAR RAPIDS	GLOVES-PW	54.88

CARQUEST OF LISBON	VEHICLE MAINT-PW	703.91
CEDAR RAPIDS TIRE	TIRES,MOWER/GATOR-PW	394.36
CENTURY LINK	PHONE CHGS-P&A	474.01
CENTURY LINK	PHONE CHGS-SEW	168.19
CENTURY LINK	PHONE CHGS-PD	103.71
CENTURY LINK	PHONE CHGS-FD	101.86
CENTURY LINK	PHONE CHGS-SEW	87.31
CENTURY LINK	PHONE CHGS-WAT	50.07
CENTURY LINK	PHONE CHGS-RUT	48.07
CITY WIDE CONSTRUCTION CORP	STEPS/SIDEWALK	657.00
COMFORT SOLUTIONS	HEATER/SHOP-RUT	1,370.00
COMMUNITY DEVELOPMENT GROUP	HOTEL/MOTEL TAX PYMT-ECON DEV	18,438.28
CORNELL COLLEGE	SELF DEFENSE MANUALS-PD	37.10
CUSTOM HOSE & SUPPLIES INC	HOSE/SANDBLASTER-PW	30.44
DEPOSIT REFUNDS	DEPOSIT REFUND-WAT	66.27
DIESEL TURBO SERVICES INC	BATTERIES/EMERGENCY LIGHTS	161.00
DIESEL TURBO SERVICES INC	SKID LOADER REPAIR-RUT	43.80
ELECTRONIC ENGINEERING CORP	PAGER SERVICE-EMA	331.55
ELLIOTT'S UPTOWN FITNESS CENTER	RENT-P&REC	660.00
FIREHOUSE	RENEW SUBSCRIPTION-EMA	79.95
GALLS INC	UNIFORMS-PD	29.52
GORDON LUMBER COMPANY	BLDG SUPPLIES-PW	407.78
GROUP SERVICES	INSURANCE-ALL DEPTS	24.15
GROUP SERVICES INC	INSURANCE-ALL DEPTS	24,127.98
HAWKEYE ELECTRICAL CONT	SAUTER PARK TRAIL LIGHTING-LOST III	52,710.00
INTERNATIONAL ASSOC OF EMERGENCY	MEMBERSHIP-EMA	185.00
IOWA D.A.R.E. ASSOCIATION	MEMBERSHIP-PD	50.00
IOWA DEPARTMENT OF TRANSPORTATION	2.0 TESTER SALIMETER HYDROMETER-RUT	30.00
IOWA ONE CALL	LOCATES-WAT,SEW	21.70
IOWA PRISON INDUSTRIES	PLASTIC BAGS-PW	378.64
IOWA SOLUTIONS INC	COUNTY ATTORNEY SETUP-PD	115.00
IOWA SOLUTIONS INC	DBR BACKUP-ALL DEPTS	330.00
KONE INC	DETECTOR EDGE CONTROL BOX-P&A	963.00
LINN CO-OP OIL CO	FUEL-SHOP,GENERATORS	897.93
LINN COUNTY TREASURER'S OFFICE	CITY ELECTION NOVEMBER 3, 2015	3,240.96
LYNCH FORD	LOCK LEVER/EXPLORER-RUT	15.99
LYNCH FORD	LOCK/EXPLORER-WAT	7.42
MENARDS	100' WIRE,BREAKER,SWITCH,LED	105.40
MOEL, STEVE	FITNESS MEMBERSHIP-PD	100.00
MOORE MEDICAL CORP.	MEDICAL SUPPLIES-FD	684.65
MOUNT VERNON ACE HARDWARE	SUPPLIES,TREE MAINT,EQUIP-ALL DEPTS	881.75
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	230.00
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	195.00
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	5.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC	1,030.33
MOUNT VERNON POLICE RESERVES	SPECIAL EVENTS-PD	12.00
MUNICIPAL MGMT CORP.	LOCATE LEAK-WAT	400.00
NEAL'S WATER CONDITIONING SERVICE	WATER/SALT-P&REC,P&A	21.75
OVERHEAD DOOR CO	BLDG MAINT-FD	124.12
PAYROLL	CLAIMS	45,939.27
PAYROLL	CLAIMS	52,368.50
POSTMASTER	STANDARD MAIL FEE	225.00

POSTMASTER	UTIL BILL POSTAGE-WAT,SEW,SW	396.22
RADIO COMMUNICATIONS CORP	SIREN BUTTON-PD	35.00
ROTO-ROOTER	SEWER BACKUP COMPLAINTS/5TH,6TH ST	1,050.00
SIDERS, MATT	MILEAGE-P&REC	109.08
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	3,319.75
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-WAT,SEW	20.00
STAPLES ADVANTAGE	SUPPLIES-P&A	459.71
STAPLES ADVANTAGE	SUPPLIES-P&A	72.19
TEMP VENDOR	TOBACCO COMPLIANCE CHECK-PD	50.00
THOMAS, RICHARD	WEB HOSTING-MVHPC	395.64
THOMPSON TRUCK & TRAILER INC	VEHICLE MAINT-PW	473.19
TREASURER STATE OF IOWA	SALES TAX	3,788.00
UNITYPOINT CLINIC-OCCUPATIONAL	MEMBERSHIP DUES-PW	50.00
US BANK	SUPPLIES, MEMBERSHIP, MAINT	896.79
US CELLULAR	CELL PHONE-ALL DEPTS	498.97
VEENSTRA & KIMM INC	2015 STR IMPROVEMENTS GENERAL	3,283.70
VEENSTRA & KIMM INC	MUNICIPAL POOL IMPROVEMENTS	2,570.56
VEENSTRA & KIMM INC	HWY 30 BYPASS COORDINATION	553.75
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	142.00
WAPSI WASTE SERVICE	GB, RECY, LEAF-SW	22,402.05
WENDLING QUARRIES	SAND-RUT	431.01
WENDLING QUARRIES	ROCK-WAT	128.38
	TOTAL	264,139.03

Motions for Approval:

Consideration of Claims List: Tuerler motioned to approve the Claims and Additional Claims list, seconded by Wieseler. Carried all.

Discussion/consideration of moving February 15th Council Meeting: As February 15, 2016 is President's Day and a holiday staff City Administrator Chris Nosbisch suggested that Council consider changing the meeting date to February 18, 2016. Tuerler motioned to change the date of the 2nd meeting in February to February 18, 2016, seconded by Wieseler. Carried all.

Discussion/consideration of Pay Estimate #5 – 2015 Street Improvement Project: Nosbisch said the pay estimate amount is for \$108,619.20 payable to Ricklefs Excavating and although there are some open insurance claims it doesn't allow the City to withhold payment when due. There is retainage money. Nosbisch said that V&K Engineering representative Dave Schechinger was present to answer any questions Council may have had. Nosbisch recommended payment be made. Tuerler motioned to approve payment of Pay Estimate #5 for the 2015 Street Improvement project to Ricklefs Excavating, seconded by Rose. Carried all.

Discussion/consideration of Police Department employment offer: Chief Doug Shannon extended an offer of employment to Morgan Mehlert subject to completion of a physical. Chief Shannon said that Mehlert is already certified and is a full time officer in the City of Urbana. Shannon said that he will talk with Nosbisch about a pay rate; an officer usually starts at the probationary level but because of his (Mehlert) experience he wants to make sure the City offers a competitive wage. As part of the Personnel Committee and one who helped review resumes Tuerler agreed with Chief

Shannon. Rose motioned approval of an employment offer to Morgan Mehlert, seconded by Tuerler. Carried all.

Discussion Items (No Action):

Employee Safety Training: Nosbisch explained that public works will be starting a new safety training program and has contacted the Iowa Association of Municipal Utilities and the Eastern Iowa Area Safety and Support Organization. An annual membership to IAMU would cost \$715.80 per year and \$3,427.94 to join EIASSO. Several classes are offered every year in different towns and can provide the OSHA, DNR, and DOT training set forth in state and federal code. Nosbisch said that no action was required now but would ask for Council's approval at a future meeting after they have had time to review the information.

FY2016-2017 Budget: Nosbisch stated that staff has not changed anything on the budget but wanted to give Council one more opportunity to ask questions.

Reports of Mayor/Council/Administrator:

City Administrator Nosbisch reported to Council: at the next meeting he will be bringing a purchasing policy for council to review. He has asked all Department Heads to start using purchase orders which will help to better track purchases. A meeting was held this past week with Jake Krob and Scott Rose to discuss KMVL and going a direction that may be more cost effective for the City. He has asked Dave Schechinger (V&K Engineering) to update and further the five year plan (for water, sewer, streets). A report put together by the Iowa League of Cities regarding revenues and expenditures was given to Council. Rose asked if Mount Vernon's expenditures mirrored those in the 3k to 9,999 population graph. Nosbisch replied that he hasn't done that yet but could for the next council meeting. A copy of The Comprehensive Plan was given to Council. Nosbisch said that he will be contacting some of the individuals that were at P&Z to discuss with them some of their concerns they brought up at the meeting. He hopes to bring before Council for final adoption sometime in April-May. In his conversations it has been determined that the Comp Plan is a necessary item for Linn County to formalize the fringe area agreement. Tuerler asked if there have been updates from the State in terms on when they anticipate starting on the bypass. Nosbisch said he has not received anything but plans on reaching out to Linn County and the States' system planning office. Rose asked what the process will be for Comp Plan Adoption to which Nosbisch suggested that it be on an agenda as a discussion item advertised as a public forum and then when it is adopted have a public hearing.

Adjournment:

As there was no further business to attend to the meeting adjourned the time being 7:12 p.m., February 3, 2016.

Respectively submitted,
Sue Ripke
City Clerk

H. Resolutions for Approval

AGENDA ITEM # H – 1

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Resolution #2-17-2016A
ACTION:	None

SYNOPSIS: This resolution will waive the required annual meeting between the Cities of Lisbon and Mt. Vernon and appoint the Mt. Vernon representatives to the ambulance board.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: Mayor

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

RESOLUTION #2-17-2016A
NOTICE OF PROXY REPRESENTATION
AT THE 2016 ANNUAL MEETING OF THE MEMBERS
OF THE LISBON – MT VERNON AMBULANCE SERVICE

The incorporated City of Mt Vernon, Iowa, member of the Lisbon – Mt Vernon Ambulance Service, by action of its Town Council,

- a) has waived notice of the 2016 Annual Meeting of the members of the Lisbon – Mt Vernon Ambulance Service, and*

- b) has given Proxy to Jules Scadden-Executive Director present at the annual meeting of the Lisbon-Mt Vernon Stakeholders with full power and authority to act at this meeting in the place of the Town Council for the sole purpose of appointing the individuals as Directors of the Lisbon – Mt Vernon Ambulance Service. The following individuals request to be appointed as representatives to the Board of Directors of Lisbon-Mount Vernon Ambulance Service on behalf of the City of Mount Vernon and may be appointed unless otherwise stated by the Town Council:*

- 1. Craig Allin*
- 2. Charles Halsey*
- 3. Richard Hileman*
- 4. Mette Kelley*

The above waiver of notice and appointment of Directors has been approved by Resolution #2-17-2016A of the City Council, duly adopted and recorded in the minutes of February 17, 2016.

This proxy is valid only for the 2016 annual meeting and may be cast only for the appointment of the Directors named above.

(X) _____

Name _____

Position _____

Date _____

AGENDA ITEM # H – 2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Resolution #2-17-2016B
ACTION:	None

SYNOPSIS: Staff is requesting that the City get rid of the items listed within Exhibit "A." These items have either served their useful life or the City no longer has need of them. Sealed bids will be taken for the vehicles, while the chairs will be free to the public on a first come first serve basis.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution

PREPARED BY: Chris Nusbisch

DATE PREPARED: 2/11/16

RESOLUTION #2-17-2016B

RESOLUTION APPROVING THE DISPOSAL OF
MUNICIPAL PROPERTY

WHEREAS; over time the City of Mount Vernon has accumulated property by various methods and of wide ranging descriptions; and

WHEREAS; the City now has the need to dispose of this property as it is of no use and of no value to maintain; and

WHEREAS; the said property has been inventoried (Exhibit A attached) and is ready for disposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, IOWA: To grant staff permission to dispose of inventoried property by best methods possible while seeking to collect reasonable value.

Motion made by _____, seconded by _____ to _____
Resolution #2-17-2016B

Resolution #2-17-2016B _____ on February 17, 2016, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL
MOUNT VERNON, IOWA

Jamie A. Hampton, Mayor

ATTEST:

Sue Ripke
Assistant City Administrator/Clerk

Exhibit "A"

Vehicles

February 12, 2016

1. City Hall Chairs (approximately 5-6)
2. 1995 F-150 with 149,713 (straight line 6)
3. 1999 Dodge 1500 with 161,400 (V6)

All vehicles have with a minimum bid of \$300.

K. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, FEBRUARY 17, 2016

RICKLEFS EXCAVATING	3RD/5TH AVE NW	108,619.20
STATE HYGIENIC LAB	TESTING-SEW	1,752.50
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,614.93
VEENSTRA & KIMM INC	ST WAT SUSTAINABLE FEATURES	1,610.16
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	1,398.43
WEX BANK	FUEL-PD,PW	870.19
WENDLING QUARRIES	SAND-RUT SNOW REMOVAL	741.89
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	699.56
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	687.98
CLIFTON LARSON ALLEN	AUDITOR FEES-P&A FY15	650.00
ALLIANT IES UTILITIES	ENERGY USAGE-FD	527.56
WEX BANK	FUEL-PW	517.82
ALLIANT IES UTILITIES	ENERGY USAGE-PD	473.62
VEENSTRA & KIMM INC	1ST & 8TH DRAINAGE EVAL PRELIMINARY	452.85
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-P&REC	406.00
IOWA DEPT OF PUBLIC SAFETY	ON LINE WARRANTS-PD	300.00
LINN COUNTY PLANNING & DEVELOPMENT	BLDG PERMIT FEES/INSPECTIONS	151.00
STAPLES ADVANTAGE	SUPPLIES-P&A	119.15
US CELLULAR	CELL PHONE-PD	116.17
STAPLES ADVANTAGE	SUPPLIES-P&A	106.44
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	105.75
ALLIANT IES UTILITIES	ENERGY USAGE-KMVL	83.50
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	82.50
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	59.94
BALICEK, RITA	CLEANING SERVICE-P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
TRUENORTH COMPANIES	OSHA TRAINING-RUT	50.00
UNITYPOINT CLINIC-OCCUPATIONAL	DRUG TESTING-WAT,SEW	37.00
CENTURY LINK	PHONE CHGS-PD	35.82
IOWA ONE CALL	LOCATES-WAT,SEW	32.50
CAREPRO PHARMACY	SUPPLIES-P&A	28.98
CR/LC SOLID WASTE AGENCY	DISPOSAL SERVICE-P&REC,P&A	28.00
CAMPBELL SUPPLY CEDAR RAPIDS	GLOVES-RUT	27.44
AIRGAS INC	CYLINDER RENTAL FEE-PW	26.40
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	23.68
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	21.97
OFFICE OF VEHICLE SERVICES	VEHICLE INSPECTIONS-PD	10.00
KASER, GARY	TICKET #22090 OVERPYMT-PD	5.00
	TOTAL	122,995.60

AGENDA ITEM # K-2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Historic Preservation
ACTION:	None

SYNOPSIS: Please see the supporting documentation.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

Mt. Vernon Historic Preservation Commission

List of Projects and Activities Conducted by the Commission:

- Surveying and evaluating the buildings in the entire community in the 1980s and then listing the three recommended historic districts (Cornell College, Commercial, and Ash Park) in the National Register of Historic Places. These projects were conducted with the assistance of matching grants through the State Historical Society of Iowa.
- Providing technical assistance and expertise from professionals on the Commission to the City, private property owners, and Cornell College on historic preservation projects for which someone would otherwise have to hire such assistance/consultation through Design Review and pre-reviews. The Commission compiled a design guidelines booklet to assist in this process.
- Assisting property owners in emergency situations, such as the fires at the Pizza Palace and Scorz, to find and obtain emergency grants from the State Historical Society of Iowa and the experts needed to recover from these catastrophic events.
- Assisting property owners with information and contacts for state and federal historic preservation tax credits and available grant funding.
- Spearheading a historic masonry evaluation of all the brick buildings in the Commercial District and assisting with brick restoration projects on several buildings including Bauman's, Big Creek Market, and Chameleon's, and the removal of the slip covers formerly on Lee's Town & Country building and the current Right Frame of Mind.
- Working with Cornell College in the development of the Commission's website, which now contains an extensive collection of historic photographs that are searchable for research purposes.
- Assisting with the Mount Vernon High School history classes' annual local history projects. A number of the history papers, oral histories, and photographs have been added to the Commission's archives.
- Working with the City and other groups in getting the City's cemetery records digitization project completed and supporting the digitization project of the Mt. Vernon/Lisbon Sun newspaper collection, both resulting in searchable databases accessible to the public.
- Developing a good working relationship with Cornell College resulting in early pre-review consultations of all building restoration, landscape, and sign projects proposed within the Cornell College Historic District.
- Conducting seminars in Mt. Vernon to assist property owners in proper preservation techniques including seminars on porch restoration, historical paint colors, window restoration, masonry repairs, design review, and historic preservation funding and tax credits. These seminar/workshops were all videotaped and are being transferred to a digital format along with the rest of the Traver videotapes of local activities and programs, another project that the Commission has been supporting.
- Conducting historical tours during community events and scheduled bus tours and supporting local artists in community events such as the Lincoln Highway Arts Festival, Chalk the Walk, and Heritage Days.
- Supporting and assisting with the audio tour of historic sites in Mount Vernon.
- Conserving the Mickey Woods mural of Historic Mount Vernon. The conservation was completed with the assistance of a grant obtained by the Commission from the Greater Cedar Rapids Community Foundation.
- Working with Cole Library to have a section of historic preservation books and guides available to the public.
- Working with other Historic Preservation Commissions in the area including Lisbon and Linn County in conducting survey and evaluation projects and preservation seminars. Placing articles in the local newspaper concerning topics of historic preservation and local history.
- Raising donations from the sale of posters, postcards, and Christmas cards to assist with matching funds for various projects.

Certified Local Government Program

The National Historic Preservation Act established a nationwide program to encourage preservation and wise use of our historic resources. Among other things the Act established the National Register of Historic Places, created State Historic Preservation Officers, and created the Certified Local Government (CLG) program to support local governments' historic preservation programs.

The CLG Program's Purpose and Objectives:

- Encourage historic preservation at the local level through local governmental sponsorship;
- Encourage local governments to follow the *Secretary of the Interior's Standards & Guidelines for Archaeology and Historic Preservation* in their historic preservation programs;
- Provide training and technical assistance through the State's historic preservation office;
- Provide funding to underwrite various historic preservation activities.
- Create a federal, state, and local governmental partnership in historic preservation
- Each state's historic preservation office administers a Certified Local Government Program on behalf of the National Park Service.

In Iowa, the Certified Local Government program is one of the historic preservation offerings of the State Historic Preservation Office, State Historical Society of Iowa.

Meeting Certified Local Government Requirements

To participate in the CLG program, a local government must have a local historic preservation program that complies with CLG program requirements. To qualify or obtain "certified status", the local government must demonstrate that its local historic preservation program meets certain standards. Briefly, these are as follows:

1. Operates under a historic preservation ordinance (city) or resolution (county).
2. There is a historic preservation commission to oversee the program.
3. Preservation commissioners must meet certain criteria to be appointed to commission.
4. There is a commitment to preserve the full range of properties from archaeological sites to districts.
5. Preservation activities include identifying, evaluating and registering historic properties.
6. Local government will maintain a file/inventory of properties.
7. Preservation program encourages nominations to the National Register of Historic Places.
8. Will conduct public review and comment on National Register of Historic places nominations of properties within jurisdiction.
9. Public is encouraged to participate in all aspects of the preservation program.
10. Local government will enforce all appropriate state and local ordinances for designating and protecting historic properties.
11. There is no discrimination on the basis of sex, race, color, and/or national origin in any of the local government's activities in implementing its preservation program.

Why Participate in the CLG Program? Some Benefits

For the local government, its staff and Historic Preservation Commission, there are some direct benefits. There is free historic preservation training and technical assistance from the State's historic preservation staff. Participating cities and counties receive a start-up preservation reference library for use in developing and administering the program. Cities and Counties in the CLG program will qualify for REAP [Historic Resource Development Program](#) (HRDP) grants for rehabilitating city or county-owned properties that are listed on the National Register of Historic Places. Finally, cities and counties qualify for a small, competitive, matching [CLG grant program](#) that is open only CLG program participants. These grants can be used to underwrite all historic preservation activities except rehabilitation.



Mount Vernon, Iowa Historic Preservation Commission

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Welcome

Welcome to the exciting past and present of an unusual small community in the heart of the Heartland!

This site opens our historical resources to the Internet and invites you to share in adding information, correcting our sources, and asking us for specific information you cannot find here. This site is an organic history book — it continues to grow from the input and knowledge of anyone in the world. Almost all of our known historical resources will eventually be available on this website.

Mount Vernon Historic Preservation Commission :: Mount Vernon, Iowa

Mount Vernon/Lisbon Historic

Newspapers

The historic newspapers from Mount Vernon and Lisbon preserve the history of our area. Thanks to many generous donations, anyone can search papers 1860 to 2012 online for free. Helpful search tips specific to this newspaper site are available at the [Mount Vernon Public Library site](#)

Featured Collection

Mount Vernon Historic Images



Take a walk through Mount Vernon, Iowa, and you will see why it is a unique midwestern town. Built on and around a long, rolling hill, it is home to...

Recently Added Items

The Verba Quarry by Nate Newmeister

[Verba Quarry](#)

Cedar Springs Hotel by Heather Heaton & Allison Pospisil



Life in Mount Vernon...Back in Time by Cornelia Vinzens



Interviews with Alan Duval, Charles Millhouse, Jean M. Stoner

[View All Items](#)

AGENDA ITEM # K – 3

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Set Public Hearing Date
ACTION:	None

SYNOPSIS: This is the time to set the public hearing for the approval of the City of Mt. Vernon fiscal year 2016-2017 budget. The public notice can be no less than ten days nor more than 20 days from the time of the hearing. The public hearing is scheduled for the Monday, March 7, 2016 meeting date.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

AGENDA ITEM # K – 4

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: February 17, 2016

AGENDA ITEM: EIASO

ACTION: None

SYNOPSIS: As stated at the previous meeting, staff is requesting that the City of Mt. Vernon become a member of the Eastern Iowa Area Safety and Support Organization in the amount of \$3,427.94.

BUDGET ITEM: N/A

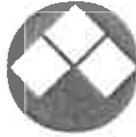
RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Agreement

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16



IOWA
ASSOCIATION OF MUNICIPAL
UTILITIES

January 26, 2016

Chris Nosbisch
Mt. Vernon, City of
213 First Street NW
Mount Vernon, IA 52314

Dear Chris:

If you were to become a member of IAMU the City of Mt. Vernon may contract with the association to receive and fulfill some if not most OSHA, DNR and DOT safety training requirements as set forth in state and federal code. To make monthly training classes affordable there is a safety cluster called the Eastern Iowa Area Safety & Support Organization (EIASSO), established in 1997 the current 21 city/utilities share the costs based on a population calculation that spreads the costs so that each member may attend safety classes at a charge that is reasonable. Based on the 2015-16 contract that started last September 2015, EIASSO members will be receiving 25 different topics in a twelve month period. The total contract cost is \$47,337, but Mt. Vernon's annual share of the contract would be \$3,427.94 billed quarterly at \$856.99. We would prorate costs as to when you join. Plus the cost of the water utility joining IAMU to access the safety training services in EIASSO would be \$715.80 a year.

With IAMU's past experience and our knowledgeable team of safety educators, we are convinced that the Iowa Association of Municipal Utilities is uniquely qualified and capable of delivering quality training classes, services and products to the City of Mount Vernon. If you have any questions or if you need further information, feel free to contact me at 800.810.4268.

Sincerely,

David Hraha
Director of Member Services
Iowa Association of Municipal Utilities
1735 NE 70th Avenue
Ankeny, IA 50021-9353

Phone number: 800.810.4268
Cell number: 515.210.8567
Fax number: 515.289.2499

AGENDA ITEM # K – 5

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Purchasing Policy & Procedures
ACTION:	None

SYNOPSIS: Staff has been reviewing a proposed purchasing policy for the City of Mt. Vernon. This policy dictates the amounts in which individuals with the City can spend, when quotes and/or bids are necessary and emergency spending procedures. This process also requires the use of purchase orders for all items over \$50 so that staff can further track expenditures.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Proposed Policy

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

City of Mt. Vernon

Purchasing Policies and Procedures

Adopted, _____

I. Policies

- A. It should be the responsibility of each department head to ensure that purchasing policies and procedures are followed in his/her department.
- B. The Department Head shall be responsible for authorizing all purchases for his/her department and approving all invoices for payment.
- C. All purchase order copies and invoices shall be forwarded to the City Clerk's Office in a timely manner to expedite processing.
- D. Where possible, Department Heads are encouraged to coordinate their purchasing activities with other departments to obtain best possible purchasing prices and benefits.
- E. In an effort to support local business in the community, staff shall make every effort to utilize local vendors if the prices are within 5% of the lowest proposed amount.

II. Procedures

- A. The purchase of any products or material with a cumulative value in excess of \$500 but less than \$2,500 shall require at least three quotations. When a single quote is used, the purchase order shall include a written explanation for the variance. Quotations can include documented catalog prices or telephone quotes from vendors. Price, while an important factor, is not necessarily the primary factor in selection of products and services.
- B. The purchase of any products or materials with a cumulative value in excess of \$2,500 shall require three written quotations from three separate suppliers unless there are specific, and documented, reasons to select a particular vendor, and prior approval of the City Administrator.
- C. Purchases of products and materials in excess of \$3,000, except those purchase items listed in Section III, Part F below, shall require prior City Council approval. An emergency purchase situation shall be exempt from this requirement and the Council shall be notified as soon as practical with the explanation of the need for the emergency purchase.

III. Purchase Orders

- A. Purchase orders are required for all purchases exceeding \$50 for products and materials and shall include the budget account number for assignment, whether budgeted or unbudgeted.
- B. Purchase orders should be completed at the time the order is placed unless prior approval is required above.
- C. Purchase orders are not authorized unless executed by the appropriate Department Head.
- D. All purchase orders in excess of \$500 must be approved by the City Administrator. In the absence of the City Administrator, the Assistant City Administrator/City Clerk is authorized to approve purchase orders.

- E. In emergency situations, the Department Head may authorize purchase orders without the approvals required above, but in such cases, the purchase order must be submitted as soon as practical to City Administrator with an explanation of the need for emergency action.
- F. The following purchase items are exempt from the purchase order requirements:
 - i. Utility bills, postage meter expense, and similar recurring budgeted operating expenses.
 - ii. Expenses based upon previously approved contracts or leases.
 - iii. Products or services for resale.
 - iv. Expenditures approved by the City Council.

AGENDA ITEM # K – 6

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Squad Car Replacement
ACTION:	None

SYNOPSIS: Chief Shannon has been working with Lynch Ford on securing a replacement squad vehicle. This item has been budgeted and needs to be ordered before March to avoid additional costs to the City. As this vehicle is on the State bid (establishes the lowest bid amount), staff is recommending that we approve the Lynch bid for \$28,850.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: Chief of Police

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Specification Sheet

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

Keith Colton

Commercial Account Manager

(319) 491-2900 Mobile

E-mail: keith.colton@lynchfordchevy.com



Phone (319) 895-8500

Fax (319) 895-8100

Toll Free (800) 421-8502

www.lynchfordchevy.com

CNGP530

VEHICLE ORDER CONFIRMATION

02/09/16 11:12:26

==>

Dealer: F41782

2016 EXPLORER 4-DOOR

Page: 1 of 2

Order No: 0001 Priority: E4 Ord FIN: QI570 Order Type: 5B Price Level: 645

Ord Code: 500A Cust/Flt Name: M.V.POLICE PO Number:

	RETAIL		RETAIL
K8A 4DR AWD POLICE	\$31175	47C WIRING KIT-FRT	\$105
.112.6" WB		51T SPT LAMP DR LED	420
G1 SHADOW BLACK		549 PWR MIRR HTD	60
9 CLTH BKTS/VNL R		55D SCUFF GUARDS	90
W EBONY INTERIOR		595 KEYLESS W/O PAD	260
500A EQUIP GRP		60R NOISE SUPPRESS	100
.PREM SINGLE CD		66A FRONT HDLMP PKG	850
99R .3.7L V6 TIVCT	NC	.GRILL WIRING	
44C .6-SPD AUTO TRAN	NC	66C REAR LIGHT PKG	\$455
52P DR LOCK PLUNGER	160	76R REVERSE SENSING	275
53M SYNC SYSTEM	295	85R RR MOUNT PLATE	35
FRT LICENSE BKT	NC	FLEX FUEL	
17T CARGO DOME LAMP	50	SP FLT ACCT CR	
18W RR WINDOW DEL	25	FUEL CHARGE	
43D COURTESY DISABL	20	PRICED DORA	NC
		DEST AND DELIV	945

\$28,850⁰⁰

2/10/16

TOTAL BASE AND OPTIONS 35320

TOTAL 35320

(Must order by 3/11/16)

AGENDA ITEM # K – 7

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: February 17, 2016

AGENDA ITEM: Tower Lease

ACTION: None

SYNOPSIS: City Attorney Hataia has been working with Verizon Wireless on a water tower lease. As there is no more space, this will be the last agreement the City will be able to enter into for this sight. The agreement will be handed out at the meeting or sent via email, on Tuesday.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Attorney

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Proposed Lease

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

AGENDA ITEM # K – 8

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: February 17, 2016

AGENDA ITEM: Injury Waiver

ACTION: None

SYNOPSIS: City Attorney Hatala has been working with the Bowers attorney on the attached mutual injury waivers and release.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Attorney

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

INJURY WAIVER AND RELEASE OF LIABILITY

The City of Mount Vernon ("City") has a roadway easement, over real property owned by William and Myrt Bowers ("Owners"), and CITY HEREBY AGREES TO ASSUME THE RISK, WAIVE ALL CLAIMS, AND RELEASE THE OWNERS OF LIABILITY as follows:

1. Owners have used a passage underneath West Mount Vernon Road ("the underpass") for ingress and egress from the portion of their property north of Mount Vernon Road ("the road") to the portion south of the road. The underpass consists of a steel-reinforced concrete box culvert. In recent years, the underpass has deteriorated and pieces of concrete have crumbled and/or fallen in several parts of the underpass structure. The City Engineer believes the steel reinforcement is corroding, cement pieces may fall unpredictably, and the structure is nearing the end of its useful life. As a result, the City Engineer recommends against traversing the underpass to avoid injury. However, the City believes it has no authority to close the underpass, that it is not responsible for the underpass' repair, maintenance, and upkeep and, in any event, the City cannot access the underpass without trespassing on the Owners' property.
2. City, its officers, employees and licensees occasionally find the underpass convenient and useful and may desire to continue using the underpass. City has been advised of the risks associated with the underpass, which include serious injury and death due to falling concrete or collapse of the structure.
3. **Assumption of Risk.** THE CITY HEREBY ASSUMES ANY AND ALL RISK OF ITS USING THE UNDERPASS. City acknowledges that it has been advised and informed of all risks associated with using the underpass, including property damage, serious injury, or death, and expressly assumes that risk.
4. **Waiver of Liability and Release of Claims.** THE CITY AGREES TO WAIVE ALL CLAIMS AND RELEASE THE OWNERS OF ALL LIABILITY ARISING OUT OF THE CITY'S USE OF THE UNDERPASS. The City shall not bring any claim against the Owners for damages and/or injuries caused by the underpass.
5. **Indemnity.** CITY EXPRESSLY AGREES TO INDEMNIFY AND HOLD THE OWNERS HARMLESS AGAINST ANY AND ALL CLAIMS ARISING OUT OF THE USE OF THE UNDERPASS BY THE CITY ITS OFFICERS, EMPLOYEES AND LICENSEES. Should any claim be filed against the Owners by the City or its officers,

employees or licensees, the City shall indemnify and hold the Owners harmless for any damages awarded and for reasonable attorney's fees and court costs.

6. **Parties Affected.** Subject to the limitations in section 5, this Agreement shall apply to the City its officers, employees and licensees. A licensee is any person regularly using the underpass with the City's authority and/or permission.
7. **Complete Agreement.** This Agreement constitutes the complete agreement between the parties and shall supersede all prior oral and written agreements. This Agreement may not be amended except in writing signed by both parties.
8. **Construction.** NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO ADMIT EITHER PARTY'S LIABILITY, RESPONSIBILITY, OR OWNERSHIP REGARDING THE UNDERPASS. Further, the parties agree that this Agreement shall not be construed to limit, waive, estop, or otherwise prejudice either party's positions in any future discussions, negotiations, agreements, or litigation relating to the underpass, the road, or any other matters related to this Agreement. This Agreement shall only be construed to release the Owners of liability, waive all claims, and hold the Owners harmless should the City, its officers, employees or licensees incur injury caused by the underpass' deteriorating structure. THE PARTIES RESERVE ALL RIGHTS NOT EXPRESSLY WAIVED IN THIS AGREEMENT.
9. Upon execution, this Agreement is effective upon the City's execution of an Injury Waiver and Release of Liability. In the event that either Injury Waiver and Release of Liability is terminated, the Injury Waiver and Release of Liability executed by the other party is likewise terminated.
10. **Either party may terminate this Agreement by giving thirty (30) days' written notice to the other party. Notice shall be by Certified Mail Return Receipt. The 30-day notice period begins to run on the date the notice is received by the non-terminating party.**

Agreed this ____th day of _____, 2016.

Jaimie Hampton, Mayor

Myrt Bowers, Owner

Christopher Nosbisch, City Administrator
213 First Street W
Mount Vernon, IA 52314

William Bowers, Owner
203 Old Lincoln Highway
Mount Vernon, IA 52314

INJURY WAIVER AND RELEASE OF LIABILITY

We, William and Myrt Bowers (“Owners”), owning real property over which the City of Mount Vernon (“City”) has a roadway easement, HEREBY AGREE TO ASSUME THE RISK, WAIVE ALL CLAIMS, AND RELEASE THE CITY OF LIABILITY as follows:

1. Owners have used a passage underneath West Mount Vernon Road (“the underpass”) for ingress and egress from the portion of their property north of Mount Vernon Road (“the road”) to the portion south of the road. The underpass consists of a steel-reinforced concrete box culvert. In recent years, the underpass has deteriorated and pieces of concrete have crumbled and/or fallen in several parts of the underpass structure. The City Engineer believes the steel reinforcement is corroding, cement pieces may fall unpredictably, and the structure is nearing the end of its useful life. As a result, the City Engineer recommends against traversing the underpass to avoid injury. However, the City believes it has no authority to close the underpass, that it is not responsible for the underpass’ repair, maintenance, and upkeep and, in any event, the City cannot access the underpass without trespassing on the Owners’ property.
2. Owners and their licensees find the underpass convenient and useful and may desire to continue using the underpass. Owners have been advised of the risks associated with the underpass, which include serious injury and death due to falling concrete or collapse of the structure.
3. **Assumption of Risk.** THE OWNERS HEREBY ASSUME ANY AND ALL RISK OF THEIR USING THE UNDERPASS. The Owners agree they have been advised and informed of all risks associated with using the underpass, including property damage, serious injury, or death, and expressly assume that risk.
4. **Waiver of Liability and Release of Claims.** THE OWNERS AGREE TO WAIVE ALL CLAIMS AND RELEASE THE CITY OF ALL LIABILITY ARISING OUT OF THEIR USE OF THE UNDERPASS. The Owners shall not bring any claim against the City for damages and/or injuries caused by the underpass.
5. **Indemnity.** OWNERS EXPRESSLY AGREE TO INDEMNIFY AND HOLD THE CITY HARMLESS AGAINST ANY AND ALL CLAIMS ARISING OUT OF THE USE OF THE UNDERPASS OTHER THAN FOR USE BY THE CITY. Should any claim be filed against the City by the Owners or their licensees, the Owners shall indemnify and hold the City harmless for any damages awarded and for reasonable attorney’s fees and court costs.

This section shall not apply to any person using the underpass without the Owners' knowledge or consent. Moreover, this section shall not apply to claims made by the Union Pacific Railroad or Buckeye Pipeline Transportation LLC if the Owners send, by certified mail and to an appropriate person or office, notice of the underpass's condition and of the risk associated with Union Pacific employees and Buckeye Pipeline Transportation LLC _ employees using the underpass. The City agrees any such letter shall not constitute an admission of liability or responsibility by the Owners.

6. **Parties Affected.** Subject to the limitations in section 5, this Agreement shall apply to the Owners and their licensees. A licensee is any person regularly using the underpass with the Owners' authority and/or permission.
7. **Complete Agreement.** This Agreement constitutes the complete agreement between the parties and shall supersede all prior oral and written agreements. This Agreement may not be amended except in writing signed by both parties.
8. **Construction.** NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO ADMIT EITHER PARTY'S LIABILITY, RESPONSIBILITY, OR OWNERSHIP REGARDING THE UNDERPASS. Further, the parties agree that this Agreement shall not be construed to limit, waive, estop, or otherwise prejudice either party's positions in any future discussions, negotiations, agreements, or litigation relating to the underpass, the road, or any other matters related to this Agreement. This Agreement shall only be construed to release the City of liability, waive all claims, and hold the City harmless should the Owners or their licensees incur injury caused by the underpass's deteriorating structure. THE PARTIES RESERVE ALL RIGHTS NOT EXPRESSLY WAIVED IN THIS AGREEMENT.
9. Upon execution, this Agreement is effective upon the City's execution of an Injury Waiver and Release of Liability. In the event that either Injury Waiver and Release of Liability is terminated, the Injury Waiver and Release of Liability executed by the other party is likewise terminated.
10. **Either party may terminate this Agreement by giving thirty (30) days' written notice to the other party. Notice shall be by Certified Mail Return Receipt. The 30-day notice period begins to run on the date the notice is received by the non-terminating party.**

Agreed this ____th day of _____, 2016.

Jaimie Hampton, Mayor

Myrt Bowers, Owner

Christopher Nosbisch, City Administrator
213 First Street W
Mount Vernon, IA 52314

William Bowers, Owner
203 Old Lincoln Highway
Mount Vernon, IA 52314

L. Reports-Received/File



Mount
Vernon
IOWA

Chris Nosbisch, City Administrator
Doug Shannon, Chief of Police

Jamie Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

January 2016

Vehicle Collisions

There are 4 crash reports for the month of January. One collision occurred at the Hwy 1 & 30 roundabout, when a vehicle travelling eastbound on Hwy 30 failed to yield to a vehicle in the traffic circle. Damage was estimated at \$5,500 and minor injuries were reported in the collision. There was a collision at Hwy 30 & 10th Ave South roundabout. The accident was caused when a vehicle travelling south on 10th Ave SW failed to yield to a vehicle in the traffic circle that was proceeding west on Hwy 30. Damage was estimated at \$6,500, no injuries reported in this collision. There was a collision at Hwy 30 & Virgil Drive, after a vehicle travelling westbound on Hwy 30 failed to yield upon making a left hand turn onto Virgil Drive, entering the path of a vehicle travelling east on Hwy 30. Damage was estimated at \$10,000, no injuries were reported. Officers received a report of a hit & run accident on 1st St W near the Cornell Sports Center, when an unknown vehicle struck a parked vehicle, causing approximately \$1,000 damage, then left without reporting the collision.

Incidents/Arrest

There were 20 reported incidents in November, resulting in 13 arrests for various charges including: child endangerment, Assault with a dangerous weapon, possession of controlled substances, drug paraphernalia, & OWI. Reported Incidents included: Operation without owners consent, Forgery, Harassment, Child Abuse, mental health committals, Possession of Controlled Substances, Possession of Drug Paraphernalia, Driving while suspended, Dog at large, and OWI.

Community Service

USSS requested our assistance in providing security for former President Bill Clinton, during a campaign visit to Cornell College on 1/28/2016. Our department provided 9 Officers, and were assisted by Marion & Cedar Rapids Police Departments K9/EOD teams.

Officer Gehrke is teaching the DARE program at the Mount Vernon Middle School to 5th & 7th grades.

Officer Gehrke is also teaching the RAD (Rape Aggression Defense) program and plans to complete the training session February 14th, 2016.

Michael Owen has been serving Mount Vernon as the representative on the Linn County Crime Stoppers program for the past 3 years. Michael has resigned his position on the board of directors. Meetings are held on the 3rd Tuesday of every month. If a citizen is interested in volunteering to fill this vacancy, please contact Chief Shannon.



Mount
Vernon
IOWA

Chris Nosbisch, City Administrator
Doug Shannon, Chief of Police

Jamie Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

Police Officer Hiring

Morgan Mehlert was given a conditional offer of employment, and accepted the position pending final testing protocol. Officer Mehlert is ILEA certified and currently working for Urbana PD. Morgan will begin working for our department on 3/14/2016, after returning from his Honeymoon.

GTSB

Officers worked an additional 20 hours of traffic enforcement for January, resulting in 7 Speed citations, 1 registration citation, 1 no insurance citation, and 3 equipment violation warnings and 1 OWI contact.

Respectfully Submitted,

Doug Shannon
Chief of Police



Mount
Vernon
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

Parks and Recreation Department
Directors Report
January 15 – February 15

Parks

- **Created and distributed Master Schedule for summer ball fields for Competitive Baseball / Softball coaches/teams.**
- **Scheduled baseball/softball tournaments on April 23-24, May 21-22, June 4, June 11-12, and June 25-26 with various organizations at Davis and Elliott Parks.**

Sports

- **Boys Basketball will complete their season February 20....many thanks to all coaches, parents, players, and referees for a great season. We utilized Washington Elementary and First Street CC for the practices and MV Middle School for games. Although we were not able to acquire all of our scheduling needs with MVCSD we were able to accommodate the season.**
- **Youth Wrestling for ages 4-6 is going strong with 17 kids involved and will finish up March 1st. We are down 5 kids from last year.**
- **Spring soccer registration will start Feb 16th. Practices will start week of March 21st (weather pending) and first game will be week of April 4th. Hard to believe we are talking soccer right now.**
- **Baseball / Softball...We are preparing for our fourth season playing against teams from Anamosa, Central City, Springville, Center Point, Vinton, Monticello, Olin, and Alburnett. The league meeting will be held in early March.**

Pool

- **Swim lesson dates are being finalized and will be published in March**
- **Katey Forrest (Sanders) will again manage the pool for the Summer 2016 season**
- **Employment ad to hire Assistant Pool Managers will come out soon**
- **V&K are working on getting bids on pool renovation items such as filters, deep end pump, and the heater.**
- **City Staff are working getting quotes for other pool renovation items such as security, plumbing, electrical, and flooring.**



Mount
Vernon
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

Misc

School of Recreation Programs for Spring 2016

- ***Princess Tea Time***
- ***Spring Break Sports and Activity Camps***

Chalk the Walk

- ***Ongoing meetings every two weeks until April then weekly meetings will begin.***
- ***No major changes.....we hope to finalize the Community Piece idea at our February 25th meeting.***

Online Registration

- ***Online program registration going well with over 85% registrations coming from this method. That is an increase of 10% over last year.***



Mount
Vernon
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

***Public Works Report
February 17, 2016***

Snow removal

In the past 2 months city crews have dealt with 5 small snow storms. Most of the storms have been cleaned up within an 8 hour work shift. Because Mt. Vernon has a number of hills, small storms create hazards on the hills and intersections. Most of the time crews can minimize the hazard by applying salt sand only. If this can be done it helps minimize the wear and tear on equipment created by plowing only 1 to 2 inches of snow.

Equipment Maintenance

The John Deere Backhoe had three grease zerks that would not take grease. So staff had to remove pins and cylinders in order to press bushings out and reinstall them so the grease zerks would be in line with the designated spot on the bushing. This enables the cylinder to take grease and minimize wear.

In the first big snow storm we had 2 small V-Plows break. This is due to the plows not being the right plow for the job. The V-Plows are designed more for parking lots and driveways not city streets that have uneven cracks and storm inlets that are easily caught. Each time a wing on the V-Plow is broke it cost \$1100.00 to repair. The last time it happened we took the V-Plow to a welder and had it repaired for half the cost of buying new. It ended up breaking again, next to the weld. I am looking into the cost of replacing all the V-Plows with a more durable strait blade plow.

Staff was also able to repair the 10 year old hydro seeder. It was in need of a new impeller and some other internal parts. This is the second time that an impeller has been replaced.

Building Maintenance

Staff has built new shelving units in the new bay for the storage of filters, parts, and oils. This will allow the servicing of the equipment to be more efficient. During these efforts staff found countless old chemicals and paint that have reached their expiration. Staff will catalogue the chemicals and paint and properly dispose of it.

M. Discussion Items (No Action)

AGENDA ITEM # M – 1

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: February 17, 2016

AGENDA ITEM: Nicotine Free Parks

ACTION: None

SYNOPSIS: The Mt. Vernon Parks and Recreation Board have asked the City Council to consider an ordinance that would prohibit the use of all nicotine and tobacco products from the City parks. This ordinance would include the use of electronic smoking devices. Members of the Area Substance Abuse Council are tentatively scheduled to be at the meeting to answer questions you may have.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: Parks and Recreation

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

2/9/16

Mount Vernon City Council -

I am writing on behalf of the Mount Vernon Parks and Recreation Board to express our support for tobacco/nicotine-free parks in Mount Vernon.

After reviewing information provided by the Area Substance Abuse Council (ASAC), the Board feels the benefits of having tobacco/nicotine-free parks are greater than any potential negatives. Other communities in Linn County have already approved nicotine-free parks, and results from an ASAC survey done within the last year showed Mount Vernon residents support tobacco/nicotine-free parks. A tobacco/nicotine-free environment would also compliment a policy adopted by the Mount Vernon Community School District.

It is the recommendation of the Mount Vernon Parks and Recreation Board that the City of Mount Vernon adopt an ordinance prohibiting the use of tobacco, nicotine products and electronic smoking devices in any city-owned park or outdoor recreational facility.

Talking points concerning this topic, survey results and sample ordinance drafts are included in your council meeting packets for you to review.

Respectfully,



Mike Cranston
Chair
Mount Vernon Parks & Recreation Board

Mount Vernon Parks & Recreation Board
Mike Cranston, Chair
Lori Boren
Loren Hoffman
Catherine Poduska
Rory Wiebel

Though change can be difficult, there are times when it makes sense. For decades, tobacco use was culturally accepted, leading to an assortment of issues. Some of these issues include health risks to bystanders, negative influence of youth, increased cleanup costs and more pollution. Tobacco Free Parks and Playgrounds (TFP) can help to address all of these issues and assist a community in promoting a healthier set of values to its youth. Given the fact that other drugs are being used in Electronic Smoking Devices (ESD) and the negative impact use around kids can have, some cities have elected to go Nicotine Free, prohibiting the use of any tobacco or ESD's.

Over 60 other Iowa communities and over 1000 nationwide have already begun to see the benefits of TFP:

- Healthier and safer park experience
- Positive influence for kids
- Cleaner parks
- Decreased maintenance costs
- Decreased fire risk
- Less pollution
- Supports family values
- Supports a healthier community
- Improved park/community appearance

So far, surveys are showing that Linn County is:

- about 88% in support of Tobacco Free Parks
- about 97% feel that parks are mostly youth and family oriented
- about 92% feel tobacco use around youth can have a negative impact on them

Many want clean parks, but don't feel that city resources should need to be used to clean up others' tobacco waste.

Marion, Center Point and Ely have all passed Nicotine Free Parks, with support between 92-98%. Four other Linn County communities are in the process of deciding what fits their values.

Communities have the authority to protect the health, safety, welfare and life of its citizens.

The most common argument against this effort is "violation of rights." According to Public Health Law and legal challenges, use of tobacco is not a protected right. Even if it were, it would be considered a liberty and by law any rights to health, safety and life trump any liberties. Reasonable law ensures that the choices of some do not put the rights of others at risk.

An extension of this argument is that since people pay taxes, it is their "right" to use the parks in the manner they choose. The simple truth is that paying taxes does not guarantee limitless choices that will likely impact others' rights and lead to increased community costs.

All Linn County School Districts and several other districts in surrounding counties have already adopted similar policies.

Mount Vernon Results

(153 MV responses)

1. Do you believe your local Parks/Playgrounds promote health and are primarily youth oriented?
 - 99% say yes
(Linn County as a whole is 96%)

2. Do you feel tobacco use in Parks/Playgrounds can have a negative impact on kids and the environment?
 - 93% say yes
(Linn County as a whole is 94%)

3. Though everyone wants clean parks, a majority feel that city resources should not have to be used to clean up tobacco waste. I have not included percentages for this question as many were confused by the wording.

4. Should Parks/Playgrounds be tobacco free?
 - 93% say yes
(Linn County as a whole is 92% supportive)

Fast Facts and Talking Points

According to the Center for Disease Control, the Surgeon General, Iowa Department of Public Health, and American Lung Association, youth tobacco use prevention objectives are:

- **Change the general social attitude towards tobacco use**
- **Decrease tobacco use around kids**
- Raise awareness through education
- Counter-market the tobacco industry's efforts
- Limit marketing impact upon youth
- **Protect the rights of all from secondhand smoke**
- Inspire & support cessation among young tobacco users

Electronic Smoking Devices (ESD) are commonly known as e-cigarettes, but may also go under a variety of other names or may look different.

Fast Facts and Talking Points:

1. Being part of a community means considering how our choices impact others, especially in public places. That means that some choices may be restricted.

For example:

- Laws restrict how fast we drive through a neighborhood.
- Laws restrict drinking and driving or driving under the influence of illegal drugs.

2. Parks, playgrounds, and schools are youth/family oriented locations. As a result, there may be greater restrictions, given the presence of kids. Most understand the impact this can have on kids.

For example:

- Drinking alcohol at public schools is restricted to prevent negative role modeling to youth and easier access to alcohol by youth.
- In many communities, people are not permitted to use alcohol, tobacco or other drugs in the middle of a playground due to negative role modeling to youth, easier access to these substances by youth, and the health risks associated with kids being exposed to secondhand smoke or other dangerous materials.

3. Children model adult behaviors

- Children who see adults using tobacco in a family-friendly place like a park or recreation area may think tobacco use is acceptable and are more likely to mimic the behavior.
- Tobacco-Free policies encourage young people to make healthy choices. The more Tobacco-Free environments a community provides, the fewer influences on youth to start using tobacco.
- TFP promotes healthier lifestyles and supports family values.

4. Using tobacco and vaporizers is a CHOICE, not a RIGHT. Rights to live, be healthy, and be safe may need to be protected from the choices of some.
5. Reasonable laws are those that protect the health and safety of others, especially kids.
6. Parks promote healthy activities
 - Community parks provide a variety of healthy, active and positive recreation opportunities to the community. Tobacco-Free policies in public areas provide another opportunity to promote wellness.
 - Tobacco use and waste decreases a parks appearance.
7. Secondhand smoke is dangerous
 - There is no safe level of secondhand smoke.
 - Secondhand smoke is unhealthy and harmful to the well-being of others. Secondhand smoke levels in outdoor public places can be as dangerous as those found in indoor facilities where smoking is permitted.
 - This has been debated and proven prior to adopting the Iowa Smokefree Air Act (ISAA).
8. Tobacco litter is harmful
 - Cigarette butts are one of the most common forms of litter found in outdoor areas, not to mention the packaging and other waste associated with tobacco.
 - Discarded cigarettes pollute the land and water; cigarette butts can take up to 25 years to decompose.
 - Cigarette butts may be ingested by children or animals and are also a major cause of fire.
 - Tobacco waste is considered to be toxic and can have harmful effects on the environment.
9. We are still learning a lot about Electronic Smoking Devices (ESD), but we don't need to repeat the mistakes that were made with cigarettes. We can choose a safer path this time.
 - With the increase in ESD use, nicotine poisonings have also increase, with the majority causing harm to kids.
 - Beyond nicotine, other drugs (ie: THC and synthetic drugs) are being used in ESD's and some have led to violent behavior.
 - There have been some scattered instances of ESD's exploding, leading to injuries.
10. Communities that go forward understand that the benefits far outweigh the potential negatives identified by some.
 - Communities that go forward want to support family values.
 - Over 1000 communities nationwide and over 60 communities in Iowa have some sort of restrictions on tobacco use in parks.
 - Many more across the nation, especially in Minnesota, have adopted similar restrictions.
 - The vast majority of communities that have adopted Tobacco Free parks wrestled with the same concerns, but are happy with the results from going forward.
 - Many of the same concerns were debated with the Smokefree Air Act, but we are better off as a state because Iowa went forward.

- Communities have seen decreased tobacco use and litter; decreased time spent picking up waste, and increased park appearance.
- Almost 90% of communities with these kinds of policies would recommend that other communities adopt their own version.

11. TFP decreases time/costs associated with keeping parks clean and enjoyable.

12. This is enforceable!

- Most communities see success and reduction in use and litter by simply placing signs in strategic locations. This also empowers others to say something to those that ignore the signs.
- The large majority of the public tend to follow the RULES, while some would not follow the RULES no matter what they were.
- Providing exceptions increases confusion leading to more problems.
- Enforceable does not mean that we catch everyone.

13. Paying taxes does not mean tax payers can do whatever they want.

- We all pay taxes, but this does not entitle us to do whatever we want, whenever and wherever we want. The impact on others must still be considered.

Resolution:

WHEREAS, the City of Mount Vernon, Iowa, maintains public parks and facilities for the use and enjoyment of its citizens, their families and people who visit our community, and wants those who use our parks to get the maximum enjoyment and benefit from its use; and

WHEREAS, parks, trails and other outdoor recreational venues are designed to promote natural movement and activities that support a healthy lifestyle; and

WHEREAS, the use of products containing tobacco/nicotine in the presence of and in proximity to those utilizing the parks and trails, particularly the children, serves to diminish the enjoyment derived from the use of our public parks and trails, and the discarded products pollute land, lakes and waterways and can be handled and ingested by children, animals, fish and birds; and

WHEREAS, the use of tobacco products in public parks and trails presents various health risks to persons using the parks and trails, including the dangers of secondary smoke; and

WHEREAS, an average of 2,500 Linn County residents are seen in emergency departments and urgent care clinics each year for wheezing/asthma symptoms caused by triggers such as tobacco smoke; and

WHEREAS, calls to the Iowa Poison Control Center involving children under the age of five and exposure to tobacco/nicotine products has increased significantly; and

WHEREAS, the health effects of the consumption of nicotine products among children are not yet fully understood; and

WHEREAS, cigarettes and secondhand smoke contains more than 7,000 chemicals, including 69 known or suspected carcinogens; and

WHEREAS, a tobacco/nicotine-free parks and trails policy will eliminate any confusion with the Mount Vernon Community School District's tobacco/nicotine free school policy, and

WHEREAS, tobacco/nicotine-free environments promote positive community role modeling and protect the health, safety, and welfare of community members; and

WHEREAS, a survey of Mount Vernon residents by the Area Substance Abuse Council in 2015 showed that 9 out of 10 are in support of tobacco/nicotine free parks and most feel that taxpayer dollars should not be spent on tobacco clean-up in parks; and

WHEREAS, the City Council continues to recognize that environmental tobacco smoke poses a serious public health hazard, that nonsmokers need protection from environmental tobacco smoke, and that municipal regulation of the inhaling, exhaling, vaping and burning of tobacco in indoor and certain outdoor public places of employment is imperative in order to protect the public health and welfare of the citizens of the city; and

WHEREAS, the City wishes to clarify its smoking ordinance in order to protect the public health and welfare of its citizens;

Ordinance:

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MOUNT VERNON, IOWA, as follows:

SECTION 1. SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS, INCLUDING THE USE OF ELECTRONIC SMOKING DEVICES (ESD) IS PROHIBITED. Smoking and the use of any tobacco product, nicotine product, or electronic smoking device (ESD), by any person, in any publicly owned outdoor park or outdoor recreational facility is prohibited at all times.

The term "smoking" as used in this section means inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, or any other lighted or heated tobacco, plant material, liquid, oils, nicotine or other chemicals that may be inhaled by the user.

The term "tobacco product" as used in this section means any cigarette or tobacco product as defined in Chapter 453 of the Iowa Code.

The term "nicotine product" as used in this section means any product containing nicotine including look-alike products where the original would include tobacco or nicotine including products that are dissolvable, spit less, snus, or for chewing.

The term "electronic smoking device" as used in this section means any device, including but not limited to e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled by users.

The term, "publicly owned outdoor park or outdoor recreational facility" means any publicly owned outdoor park or facility including any park, playground, athletic field or complex, skate park, golf course, aquatic area, shelter, trail and includes any associated restroom or parking lot.

This section does not apply to the use of FDA approved products for the purpose of tobacco cessation.

Nicotine-Free signs shall be posted in all parks, trails, and facilities consistent with the notice requirements of Chapter 142D, Section 6 of the Code of Iowa.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and publication as required by the statutes of the State of Iowa.

SEPARABILITY OF PROVISIONS

It is the intention of the council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

PENALTY

That any person, firm or corporation violating any provision, section or paragraph of this Ordinance shall be guilty of a scheduled \$50 fine. That each day a violation occurs shall constitute a separate offense.

Another ordinance option:

SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS, AND VAPORIZERS PROHIBITED. Smoking and the use of any tobacco product, nicotine product, or electronic smoking device, by any person, in any publicly owned outdoor park or outdoor recreational facility is prohibited at all times. The term “publicly owned outdoor park or outdoor recreational facility” means any publicly owned outdoor park or facility including any park, playground, athletic field or complex, skate park, aquatic area, shelter, trail and includes any associated restroom or parking lot. The term “tobacco product” as used in this section means any cigarette or tobacco product as defined in Chapter 453 of the Iowa Code. The term “nicotine product” as used in this section means any product containing nicotine including look-a-like products where the original would include tobacco or nicotine including products that are dissolvable, spit less, snus, or for chewing. The term “smoking” as used in this section means inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, or any other lighted or heated tobacco, plant material, liquid, oils, nicotine or other chemicals that may be inhaled or exhaled by the user. The term “electronic smoking device” as used in this section means any device, including, but not limited to e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled by users. This section does not apply to the use of FDA approved products for the purpose of tobacco cessation.

PENALTY

That any person, firm or corporation violating any provision, section or paragraph of this Ordinance shall be guilty of a scheduled \$50 fine. That each day a violation occurs shall constitute a separate offense.

AGENDA ITEM # M – 2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	February 17, 2016
AGENDA ITEM:	Engineering Services
ACTION:	None

SYNOPSIS: In our budget meetings, we have been discussing the process for evaluating public improvements, specifically streets. I have met with Dave from V&K and asked him to provide me with a proposal to create a five year street plan. Dave has supplied an estimate of \$19,500 to assess the streets, create a GIS map and provide cost opinions that the City will be able to use when formulating the Capital Improvements Plan.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 2/11/16

ENGINEERING SERVICES AGREEMENT

MOUNT VERNON, IOWA STREET REPLACEMENT PROGRAM

THIS AGREEMENT, made and entered into this ____ day of _____, 2016, by and between the **CITY OF MOUNT VERNON, IOWA**, hereinafter referred to as the "Owner" or "City," party of the first part, and **VEENSTRA & KIMM, INC.**, a corporation organized and existing under the laws of the State of Iowa, party of the second part, hereinafter referred to as the "Engineers,"

WITNESSETH: THAT WHEREAS, the City is now contemplating the Street Condition Evaluation of the City's street network, development of project concepts, and prioritizing projects with said work hereinafter referred to as the "Project," and

WHEREAS, the City desires to retain the Engineers to provide planning and engineering services on the Project.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that the City does hereby retain and employ the Engineers to act for and represent it in engineering and planning matters involved in the Project. Such contract of employment shall be subject to the following terms, conditions and stipulations, to wit:

1. **SCOPE OF PROJECT.** It is understood and agreed that the Project shall include the following elements:
 - a. Prepare street base maps using Iowa DOT GIS files, county aerials, and City utility maps.
 - b. Assessment of the street conditions, possible causes of the pavement failures and development of proposed rehabilitation techniques.
 - c. Coordination with other underground utility evaluations from the City.
 - d. Development of cost opinions, concept drawings, and prioritized list for the areas in the TIF District and outside the TIF District.
2. **STUDY SURVEYS.** The Engineers shall use available aerial images and existing GIS mapping as the base map for the study.

3. **REPORTS.** The Engineers shall provide a letter with a prioritized project list and concept drawings that includes recommendations and estimated cost for improvements required to address deficiencies identified during the study. Separate lists will be developed for areas in the TIF District and areas outside the TIF District.
4. **COMPENSATION.** The Owner shall compensate the Engineers for their services by payment of the following fees:
 - a. Work shall consist of the following:
 1. Street condition verification, failure assessment, recommendations for repairs, and prioritization – approximately 5 weeks.
 2. Development of concepts, cost opinions, and prioritization – approximately 3 weeks.
 - b. The fee for the Project shall be based on the standard hourly fees for the time the Engineers' personnel are actually engaged in the performance of the work, plus direct out-of-pocket costs incurred by personnel who are actually engaged in the work. The total fee for services shall not exceed the sum of Nineteen Thousand Five Hundred Dollars (\$19,500).
5. **PAYMENT.** The fees shall be due and payable as follows:
 - a. For planning services, the fee shall be due and payable monthly based on that proportion of the fee which the Engineers have completed as of the time of the applicable billing.
6. **SERVICES NOT INCLUDED.** The above-stated fees do not include compensation for the following items:
 - a. If, after the concepts are completed and approved by the City, the Engineers are requested to evaluate additional items or areas, the Engineers shall receive additional compensation for such changes which shall be based upon standard hourly fees plus expenses for personnel engaged in performance of the work associated with making the required changes.
 - b. Soil borings, soil testing and contaminated soil investigations are not included in this Agreement.

- c. Environmental studies and wetland determinations are not included in this Agreement.
- d. Preparation of construction plans and specifications are not included in this agreement.
- e. Topographic survey and legal property survey is not included in this agreement.

- 7. CHANGES AND EXTRA WORK.** The above-stated fees cover the specific services as outlined in this Agreement. If the City requires additional services of the Engineers in connection with the Project, the Engineers shall receive additional compensation for changes which shall be based upon the standard hourly fees plus expenses of the personnel engaged in the performance of the work. The method of compensation for authorized Extra Work shall be mutually agreed upon between the City and Engineers at the time the work shall be authorized by the City.
- 8. TIME OF COMPLETION.** The City desires to initiate the study beginning in the spring of 2013. Engineers shall proceed with their work according to this schedule. The Engineers shall not be responsible for delays in approval or other actions by governmental agencies which may delay the completion date.
- 9. INDEMNIFICATION.** The Engineers shall and hereby agree to hold and save the Owner harmless from any and all claims, settlements, and judgments, to include all reasonable investigative fees, attorneys' fees, suit and court costs for personal injury, property damage, and/or death arising out of the Engineers' or any of its agents', servants', and employees' errors, omissions or negligent acts for services under this Agreement, and for all injury and/or death to any and all of the Engineers' personnel, agents, servants, and employees occurring under the Workers' Compensation Act of the State of Iowa.
- 10. INSURANCE.** The Engineers shall furnish the Owner with certificates of insurance by insurance companies licensed to do business in the State of Iowa, upon which the Owner is endorsed as an additional named insured, in the following limits. It must be clearly disclosed on the face of the certificates that the coverage is on an occurrence basis.

General Liability

\$ 500,000

Automobile Liability	500,000
Excess Liability (Umbrella)*	1,000,000
Workers' Compensation, Statutory Benefits Coverage B*	100,000
Professional Liability	1,000,000

*The Owner is not to be named as an additional insured.

11. **TERMINATION.** Should the City abandon the Project before the Engineers have completed their work, the Engineers shall be paid proportionately for the work and services performed until the date of termination.
12. **ASSISTANTS AND CONSULTANTS.** It is understood and agreed that the employment of the Engineers by the Owner for the purposes aforesaid shall be exclusive, but the Engineers shall have the right to employ such assistants and consultants as they deem proper in the performance of the work.
13. **ASSIGNMENT.** This Agreement and each and every portion thereof shall be binding upon the successors and the assigns of the parties hereto.

The undersigned do hereby covenant and state that this Agreement is executed in duplicate as though each were an original and that there are no oral agreements that have not been reduced to writing in this instrument.

It is further covenanted and stated that there are no other considerations or monies contingent upon or resulting from the execution of this Agreement, nor have any of the above been implied by or for any party to this Agreement.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names on the date first written above.

MOUNT VERNON, IOWA

ATTEST:

By _____
Mayor

By _____

VEENSTRA & KIMM, INC.

ATTEST:

By _____ By _____
Project Manager

N. Reports Mayor/Council/Manager

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
February 17, 2016**

- Staff has met with a representative of WoodRiver Energy regarding possible cost savings on the City's natural gas purchases. They have additional research to conduct, but I hope to be bringing a recommendation to the full Council in the near future.
- I had the privilege to speak at the Mt. Vernon/Lisbon Lion's Club on February 8, 2016.
- Staff will be meeting with Maggie Burger from Speer Financial next week. Staff will be planning a meeting with the finance committee in early March.
- The Mayor and I are scheduled to meet with ITC on the 17th to discuss possible projects affecting the City.
- I will be meeting with the Cornell President on February 23, 2016.
- The Planning and Zoning Commission is working with Chad from East Central Council of Governments on a proposal to review the Mt. Vernon Zoning Code.
- Staff has received our notice from CliftonLarsonAllen that the audit is complete and the news releases have been sent to the appropriate parties.