

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:	April 4, 2016 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	April 1, 2016

Mayor:	Jamie Hampton	City Administrator:	Chris Nosbisch
Mayor Pro-Tem:	Marty Christensen	City Attorney:	Robert Hatala
Councilperson:	Paul Tuerler	Assis. Admin/City Clerk:	Sue Ripke
Councilperson:	Scott Rose	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. 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.

- D. 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 – March 21, 2016 Regular Council Meeting
- E. Public Hearing**
 - 1. Public Hearing for the Adoption of an Ordinance Prohibiting the Use of Tobacco, Nicotine Products, and Vaporizers
 - i. Close Public Hearing – Proceed to F-1
- F. Ordinance Approval/Amendment**
 - 1. An Ordinance Adopting Chapter 47.09, Smoking and the Use of Tobacco, Nicotine Products, and Vaporizers Prohibited of the City of Mt. Vernon, Iowa
 - i. Approve first reading or waive readings and proceed to final approval
- G. Resolutions for Approval**
 - 1. Resolution Approving Membership to the Eastern Iowa Area Safety & Support Organization (E.I.A.S.S.O.)
- H. Mayoral Proclamation**
 - 1. None
- I. Old Business**
 - 1. None
- J. Motions for Approval**

1. Consideration of Claims List – Motion to Approve
2. Discussion and Consideration of Pay Application #1 – Portzen Construction, Inc. – Council Action as Needed
3. Discussion and Consideration of Seeding Material Purchase – 5th Avenue Project – Council Action as Needed
4. Discussion and Consideration of Reaffirmation of Professional Services Agreement – Sauter Baty Associates, Inc. – Council Action as Needed

K. Reports to be Received/Filed

1. None

L. Discussion Items (No Action)

1. None

M. Reports of Mayor/Council/Administrator

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

N. 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.

D. Consent Agenda

The Mount Vernon City Council met March 21, 2016 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Tuerler, Wieseler, Christensen and Rose.

Call to Order At 6:32 p.m. Mayor Jamie A. Hampton called the meeting to order and invited the public to stay after the meeting is adjourned for the goal setting work session.

Agenda Additions/Agenda Approval Motion by Wieseler, seconded by Rose to approve the agenda. Carried all.

Consent Agenda. Approval of City Council Minutes – March 7, 2016 Regular Council Meeting. Motion to approve the Consent Agenda made by Christensen, seconded by Rose. Carried all.

Motions for Approval

Consideration of Claims List – Motion to Approve the Claims List made by Wieseler, seconded by Christensen. Carried all.

AIRGAS INC	CYLINDER RENTAL FEE-PW	25.01
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,171.85
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	2,826.62
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	1,414.35
ALLIANT IES UTILITIES	ENERGY USAGE-P&A CITY HALL	690.77
ALLIANT IES UTILITIES	ENERGY USAGE-FD	560.47
ALLIANT IES UTILITIES	ENERGY USAGE-PD OLD FIRE STATION	425.27
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	251.72
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	158.42
ALLIANT IES UTILITIES	ENERGY USAGE-KMVL	94.53
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	84.88
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	79.69
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	64.49
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	24.79
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	2,948.09
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	920.63
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	738.96
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	42.99
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	40.49
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	31.17
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	26.21
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	21.08
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	18.14
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	16.97
AUTO WORX	2011 IMP MAINT-PD	595.09
AUTO WORX	FRONT SWAY BAR LINKS-PD	89.87
BALICEK, RITA	CLEANING SERVICE-PD,P&A	75.00
BALICEK, RITA	CLEANING SERVICE-P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE-PD,P&A	75.00
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
BROTHER MOBILE SOLUTIONS	THERMAL PAPER-PD	94.25

BROWNELLS INC	UNIFORMS-PD	1,275.04
BROWNELLS INC	UNIFORMS-PD	914.06
BROWNELLS INC	UNIFORMS-PD	86.97
BROWNELLS INC	UNIFORMS-PD	34.41
BSN SPORTS COLLEGIATE PACIFIC	BATTING TEE/BALLS-P&REC	103.80
CAMPBELL SUPPLY CEDAR RAPIDS	AIR HOSE REEL-RUT	199.98
CEDAR VALLEY HUMANE SOCIETY	ANIMAL CONTROL	335.00
CEDAR VALLEY OUTFITTERS CORP	BATTERIES-PD	40.00
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	113.80
CENTURY LINK	PHONE CHGS-PD	35.82
CENTURY LINK	PHONE CHGS-P&A	477.10
CENTURY LINK	PHONE CHGS-SEW	255.50
CENTURY LINK	PHONE CHGS-PD	105.14
CENTURY LINK	PHONE CHGS-FD	102.57
CENTURY LINK	PHONE CHGS-WAT	50.07
CENTURY LINK	PHONE CHGS-RUT	48.07
CENTURY LINK	PHONE CHGS-POOL	29.06
COACHDECK LLC	SETTLEMENT	4,500.00
CTK GROUP	TRAINING-FD	325.00
CUSTOM HOSE & SUPPLIES INC	SUPPLIES-PW	342.86
DIESEL TURBO SERVICES INC	BATTERY-PW	117.95
DIESEL TURBO SERVICES INC	OIL FILTER/'06 DUMP TRUCK-RUT	45.40
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67
GROUP SERVICES INC	INSURANCE-ALL DEPTS	25,595.52
HAWKINS INC	CHEMICALS-WAT	765.02
HDC	4,000 ENVELOPES-ALL DEPTS	194.77
IOWA SOLUTIONS INC	NEW USER,CLEAN-UP,COPIER SETUP	375.00
JANDA MOTOR SERVICES	BLOWER MOTOR REPAIR-SEW	700.00
JOENA'S SPECIAL NEEDS	UNIFORMS-PD/M.MEHLERT	132.00
KURT PISARIK	UNIFORMS-PW	207.98
LYNCH FORD	FUEL COOLING PUMP-PW	198.99
MENARDS	AIR LINE-RUT	175.90
MENARDS	BATTERY PACK-RUT	33.19
MENARDS	LAMINATE-RUT	16.99
MIDWEST BREATHING AIR LLC	QRTLY AIR TEST-FD	281.67
MOORE MEDICAL CORP.	MEDICAL SUPPLIES-FD	135.15
MOUNT VERNON BANK & TRUST CO	RETURNED CHECK-WAT	75.59
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	39.57
MOUNT VERNON, CITY OF	POSTAGE/CTW-P&REC	50.92
MUNICIPAL SUPPLY INC	METER-WAT 1ST ST COMM BLDG/ELLIOTT	810.00
P&K MIDWEST INC	FENDER/GATOR-RUT,P&REC	104.78
P&K MIDWEST INC	EQUIP REPAIR-RUT	4.49
PACE SUPPLY	ROUND UP,FERT-RUT	666.60
PACE SUPPLY	PRE-EMERGENCE,ROUNDUP-P&REC	408.00
PAYROLL	CLAIMS	50,600.94
SPRINGER PEST SOLUTIONS CORP	PEST CONTROL-P&A	30.00
STAPLES ADVANTAGE	SUPPLIES-RUT	81.99
STATE HYGIENIC LAB	TESTING-SEW	2,250.50
TIPTON ELECTRIC MOTORS	EQUIPMENT-FD	118.05
TRAVER, DEAN	KMVL RENT	750.00
UNITY POINT CLINIC	NEW EMP EXAM-PD/M.MEHLERT	138.00
US BANK	SUPPLIES,EQUIP,TRAINING	2,342.47
USA BLUE BOOK	TESTING-WAT	320.05
USA BLUE BOOK	TESTING-WAT	81.06

WENDLING QUARRIES	STONE/MAIN REPAIR-WAT	398.52
WENDLING QUARRIES	CONCRETE SAND-RUT	258.13
WEX BANK	FUEL-PD,PW	806.88
WEX BANK	FUEL-PW	451.28
	TOTAL	115,266.07

Discussion and Consideration of Motion to Set Public Hearing Date to Approve City of Mt. Vernon Comprehensive Plan Update for April 18, 2016 – Council Action as Needed Motion. Motion to approve April 18, 2016 as the Public Hearing date to approve the Comprehensive Plan Update made by Rose, seconded by Christensen. Carried all.

Discussion and Consideration of the Purchase of chalk for the Chalk the Walk Event – Council Action as Needed. City Administrator Nosbisch said that the chalk itself is under \$3K (purchases of \$3K or less can be made without Council approval) but will exceed that amount when freight is added. Motion to approve the chalk purchase made by Rose, seconded by Christensen. Carried all.

Discussion and Consideration of Motion to Set Public Hearing Date to Adopt a Nicotine Free Park Ordinance – Council Action as Needed. Nosbisch explained that Council had previously asked that the Park and Rec Commission reaffirm their position which they have done via email. Nosbisch asked that Council set the public hearing date for the first reading of an ordinance that takes the City parks from smoke free to smoke and nicotine free. The ordinance would be written in such a way that FDA approved products such as nicotine gum and patches would be exempt. Nosbisch added at that time if Council is comfortable with the way the ordinance is written they can move forward to the second reading but if not the language can be amended. If passed the police department will enforce the new ordinance. Wieseler said that he will be mentioning this at the Sustainability Committee meeting. Rose motioned approval of the first reading at the next council meeting, seconded by Christensen. Carried all.

Discussion and Consideration of Purchasing Bush Hog – Council Action as Needed. Nick Nissen, Public Works Director, explained that for many years they have been using an Allis tractor with a sickle mower to mow the ROW. Last year this broke and they are no longer able to repair. The bush hog mower will fit the utility tractor that was purchased last year and will have a further reach because of the articulating arm. Nosbisch added that this is a FY17 budgeted item. Staff has been working with the vendor to take ownership prior to July 1st but not make payment until after July 1st. Roudabush motioned to accept the bid from Ellis Implement for \$6,900.00, seconded by Wieseler. Carried all.

Reports to be Received/Filed. Reports can be viewed at City Hall or the City’s website:
www.cityofmtvernon-ia.gov

Mt. Vernon Police Department Annual Report

Mt. Vernon Police Report

Mt. Vernon Parks and Recreation Report

Mt. Vernon Public Works Report

Discussion Items (No Action). Tablet Purchase. Nosbisch said that also included in next year’s budget (FY17) is \$5K for the purchase of 8 tablets, 6 for council and 2 for staff. This is an effort to reduce staff time and paper costs. The City would purchase the tablets and check them out to council and mayor and returned when their term is up. Wieseler suggested leasing as an option.

Reports of Mayor/Council/Administrator

Council Reports. Rose said that he attended his first board meeting with the CDG. They have been working towards and have achieved a 501c3 status. What this means is that donations to the CDG are now tax deductible.

City Administrator's Report. Staff has been working with the Ambulance Dept. to secure discounted AED's for the City. Items from the old engineer's office have been moved and the P&Rec director is now using that space. The mapping software and printer is being setup in the city admin office. Linn County dispatch fee meetings continue. Nosbisch attended the Iowa Municipal Manager's Association training in Iowa City.

As there was no further business to attend to the meeting adjourned the time being 7:11 p.m., March 21, 2016.

Immediately following the conclusion of the regularly scheduled meeting, the Mt. Vernon City Council will begin a goal setting work session. Members of the public are welcome to attend and listen to the discussion; however, the City Council will determine the amount of public information allowed in the work session.

Respectfully submitted,
Sue Ripke
City Clerk

E. Public Hearing

AGENDA ITEM # E-1 & F-1

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

DATE:	April 4, 2016
AGENDA ITEM:	Public Hearing & Ordinance
ACTION:	None

SYNOPSIS: This is the time that has been set for the public hearing and ordinance consideration for nicotine free parks. Before you consider the ordinance, I believe it is important to note that both the staff and Council were under the impression that our current parks were smoke free zones. After researching this item, it was discovered that the resolution adopting smoke free parks was never approved by the City Council.

With that being said, the recommendation from the Parks and Recreation Commission of adopting this ordinance still stands today. The ordinance allows Police personnel to issue \$50 Civil Citations allowed by code and exempts ADA compliant smoking cessation products. It is my understanding that members of RC Rail will again be present at the City Council meeting.

BUDGET ITEM: None

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Close Public Hearing, Consider 1st Reading

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 4/1/16

Chris Nosbisch

From: Matt Siders
Sent: Wednesday, March 16, 2016 3:38 PM
To: Chris Nosbisch
Subject: Fw: nicotine-free parks

FYI....

*Matt Siders
Director of Parks and Recreation / Zoning Administrator
City of Mount Vernon IA
319-551-9513
msiders@cityofmtvernon-ia.gov*

From: thecranstonfamily@mchsi.com <thecranstonfamily@mchsi.com>
Sent: Tuesday, March 15, 2016 9:12 PM
To: Matt Siders
Subject: nicotine-free parks

Matt-

At our meeting this evening (Tuesday, 3/15/16), the Mount Vernon Parks & Recreation Board once again discussed the topic of nicotine-free parks. Please pass along to the City Council that it is still the recommendation of the 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.

Thank you.

Mike Cranston
Chair
Mount Vernon Parks & Recreation Board

F. Ordinance Approval/Amendment

Prepared by: City of Mt. Vernon, City Hall,
Chris Nosbisch, City Administrator

213 First St. NW, Mt. Vernon, IA 52314
(319) 895-8742

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHAPTER 47.09, SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS, AND VAPORIZERS PROHIBITED OF THE CITY OF MT. VERNON MUNICIPAL CODE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

SECTION 1. AMENDMENT. By adding Chapter 47.09 SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS, AND VAPORIZERS PROHIBITED. Smoking and the use of any tobacco product, or electronic smoking device, by any person, in any publicly owned outdoor park or outdoor recreational facility is prohibited at all times. For use in this Section, the following terms are defined:

1. Publicly owned outdoor park or outdoor recreation facility – means any publicly owned outdoor park or facility including any park, playground, athletic field or complex, skate park, aquatic area, shelter and any restroom or parking areas associated with these items.
2. Tobacco product – means any cigarette or tobacco product as defined in Chapter 453 of the Iowa Code.
3. Nicotine product – 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.
4. Smoking – 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.
5. Electronic smoking device – 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. Any violation of this provision, section or paragraph of this ordinance shall be subject to a civil citation as defined in Chapter 4.04 of this Code of Ordinances, and be scheduled a \$50 fine. Each occurrence shall constitute a separate offense.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this ____ day of _____, 2016.

ATTEST:

Jamie Hampton - Mayor

Sue Ripke – City Clerk

I certify that the foregoing was published as
Ordinance No. ____ on the ____ day of _____, 2016.

Sue Ripke, City Clerk

G. Resolutions for Approval

AGENDA ITEM # G – 1

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

DATE:	April 4, 2016
AGENDA ITEM:	Resolution of Membership
ACTION:	None

SYNOPSIS: I would like to apologize for having the Council reaffirm this item. The Council approved this contract at their Council meeting on February 17, 2016. The Iowa Association of Municipal Utilities is asking that we provide them with a resolution of approval. The numbers have not changed, nor has the contract itself.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution

PREPARED BY: Chris Nosbisch

DATE PREPARED: 4/1/16

RESOLUTION NO. _____

**RESOLUTION APPROVING MEMBERSHIP TO THE EASTERN IOWA AREA
SAFETY AND SUPPORT ORGANIZATION**

WHEREAS, the Mt. Vernon City Council recognizes the importance of workplace safety within the organization, and

WHEREAS, the National Institute of Occupational Safety and Health (NIOSH) reports that \$4 is returned for every \$1 spent in safety training, and

WHEREAS, the Eastern Iowa Area Safety and Support Organization utilizes the Iowa Association of Municipal Utilizes to conduct multiple safety training sessions in eastern Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA, that the City of Mt. Vernon join the Eastern Iowa Area Safety and Support Organization at a cost of \$3,427.94.

APPROVED this 4th day of April, 2016.

Mayor

ATTEST: _____
City Clerk

J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, APRIL 4, 2016

PAYROLL	CLAIMS	50,870.76
UTILITY SERVICE INC	WATERTOWER MAINT-WAT	12,449.08
HAUGE CPA, BRADLEY	PROFESSIONAL SERVICES-P&A	2,240.00
VEENSTRA & KIMM INC	WASTEWATER FACILITY PLAN	2,236.45
VEENSTRA & KIMM INC	2015 STR IMPROVEMENTS GENERAL	1,868.68
VEENSTRA & KIMM INC	MUNICIPAL POOL IMPROVEMENTS	1,827.60
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	1,530.00
VEENSTRA & KIMM INC	PRAIRIE PARK WTP FILTER REPLACEMENT	1,462.20
BAUER BUILT TIRE	TIRES-PW	1,245.46
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	784.00
LINN CO-OP OIL CO	FUEL-PW	751.95
VEENSTRA & KIMM INC	SIDEWALK REPAIR PROGRAM	700.00
ELLIOTT'S UPTOWN FITNESS CENTER	RENT-P&REC	560.00
US CELLULAR	CELL PHONE-ALL DEPTS	500.54
BROWNELLS INC	RIFLE OPTIC-PD	432.00
USA BLUE BOOK	EYEWASH SINK ATTACHMENT-PW	330.32
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS-PW	319.60
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	270.00
VEENSTRA & KIMM INC	SANITARY SEWER SYSTEM EVAL/PRELIM	200.00
ENVIRONMENTAL RESOURCE ASSOC	LABS-WAT	198.52
BSN SPORTS COLLEGIATE PACIFIC	STRIPING PAINT-P&REC	149.75
ANDREWS, CHRISTIAN	UNIFORMS-PW	144.50
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	140.00
NEAL'S WATER CONDITIONING	WATER/SALT-RUT,P&A	139.76
TEX SHOEMAKER & SONS	UNIFORMS-PD	129.26
HARBOR FREIGHT TOOLS	TOOLS-WAT	118.71
GORDON LUMBER COMPANY	BLDG SUPPLIES-P&REC,RUT	118.20
NOSBISCH, CHRIS	MILEAGE-P&A	112.93
WALKER AG EQUIPMENT	REAR RIM-PW	104.46
CUSTOM HOSE & SUPPLIES INC	SUPPLIES-RUT	104.42
MOUNT VERNON, CITY OF	START UP CASH-POOL	100.00
BALICEK, RITA	CLEANING SERVICE-P&A,PD	85.00
BENHART, SHERRIE	CLEANING SERVICE-PD,P&A	85.00
CARTRIDGES & MORE	INK-P&REC	84.50
DIESEL TURBO SERVICES INC	FILTER-RUT	73.68
D & D BODY SHOP	VEHICLE MAINT-PD	65.00
DIESEL TURBO SERVICES INC	AIR HOSE REELS-RUT	47.32
MIDWEST DUCK BLINDS LLC	WALL HANGERS-FD	39.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	31.31
KIECKS	UNIFORMS-FD	29.95
JOENA'S SPECIAL NEEDS	UNIFORMS-PD	25.00
MENARDS	SUPPLIES-P&REC	23.28
JOENA'S SPECIAL NEEDS	UNIFORMS-PD	17.50
THURN, CHAD	SOCCER REFUND-P&REC	15.00
ELECTRONIC ENGINEERING CORP	PAGER SERVICE-EMA	11.95
	TOTAL	82,772.64

AGENDA ITEM # J – 2

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

DATE: April 4, 2016

AGENDA ITEM: Pay Application #1

ACTION: None

SYNOPSIS: This is the 1st payment application for the 2015 Water Treatment Plant improvements project. The pay application is \$353,669.67, leaving \$120,830.33 left on the contract (this includes a 5% retainage of \$17,986.19). V&K Engineering has submitted a letter recommending approval of the pay application.

BUDGET ITEM: Budgeted Item

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 4/1/16



VEENSTRA & KIMM, INC.

860 22nd Avenue - Suite 4 • Coralville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WATS)

March 29, 2016

Chris Nosbisch
City Administrator
City of Mount Vernon
213 1st Street NW
Mount Vernon, IA 52314

MOUNT VERNON, IOWA
2015 WATER TREATMENT PLANT IMPROVEMENTS
PARTIAL PAY ESTIMATE NO. 1

Enclosed is one copy of Partial Payment Estimate No. 1 for work completed from August 14, 2015 to March 22, 2016 under the contract between the City of Mount Vernon and Portzen Construction, Inc.

We have reviewed the estimate and recommend payment to Portzen Construction, Inc. in the amount of \$335,986.19.

By separate cover we have forwarded three copies of Partial Payment Estimate No. 1 to Portzen Construction, Inc. for signature and return to the City of Mount Vernon.

Please sign all copies of the partial payment estimates forwarded to you by Portzen Construction, Inc. in the spaces provided and return one signed copy to our office and one copy Portzen Construction, Inc. with payment.

Should you have any questions or comments concerning the enclosed information, please contact us at 319-466-1000.

VEENSTRA & KIMM, INC.

Dave Schechinger
DRS:mmc
51310
Enclosure



March 29, 2016

PAY ESTIMATE NO. 1
2015 WATER TREATMENT PLANT IMPROVEMENTS
MOUNT VERNON, IOWA

Portzen Construction, Inc.
205 Stone Valley Drive
Dubuque, IA 52003

Contract Amount \$474,500.00
Contract Date July 20, 2015
Pay Period Aug. 14, 2015 - Mar. 22, 2016

BID ITEMS							
	Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Completed	Value Completed
1	Bonds	LS	XXXXX	XXXXX	\$ 5,184.00	100%	\$ 5,184.00
2	Mobilization	LS	XXXXX	XXXXX	\$ 30,566.00	75%	\$ 22,771.67
3	Project Superintendent	LS	XXXXX	XXXXX	\$ 3,200.00	50%	\$ 1,600.00
4	Project Manager	LS	XXXXX	XXXXX	\$ 3,600.00	56%	\$ 2,000.00
5	Port-a-potty rental	LS	XXXXX	XXXXX	\$ 300.00	33%	\$ 100.00
6	Trash Disposal	LS	XXXXX	XXXXX	\$ 1,600.00	50%	\$ 800.00
7	Temporary Roof	LS	XXXXX	XXXXX	\$ 3,500.00	86%	\$ 3,000.00
8	Temporary Dust Walls	LS	XXXXX	XXXXX	\$ 500.00	100%	\$ 500.00
9	Safety	LS	XXXXX	XXXXX	\$ 250.00	40%	\$ 100.00
10	Daily Cleaning	LS	XXXXX	XXXXX	\$ 1,100.00	55%	\$ 600.00
11	Final Cleaning	LS	XXXXX	XXXXX	\$ 600.00	0%	
12	Construction Road	LS	XXXXX	XXXXX	\$ 500.00	100%	\$ 500.00
13	Tree Removal	LS	XXXXX	XXXXX	\$ 1,700.00	100%	\$ 1,700.00
14	Demo - Old Tank	LS	XXXXX	XXXXX	\$ 15,000.00	100%	\$ 15,000.00
15	Demo - Roof Shingles	LS	XXXXX	XXXXX	\$ 3,000.00	0%	
16	Re-grading lawn areas	LS	XXXXX	XXXXX	\$ 1,000.00	0%	
17	Re-seeding	LS	XXXXX	XXXXX	\$ 500.00	0%	
18	Capentry Materials	LS	XXXXX	XXXXX	\$ 1,500.00	0%	
19	Capentry Install	LS	XXXXX	XXXXX	\$ 4,000.00	0%	
20	Batt Insulation - Material	LS	XXXXX	XXXXX	\$ 220.00	0%	
21	Batt Insulation - Install	LS	XXXXX	XXXXX	\$ 400.00	0%	
22	Roof Felt - Material	LS	XXXXX	XXXXX	\$ 200.00	0%	
23	Roof Felt - Install	LS	XXXXX	XXXXX	\$ 190.00	0%	
24	Ice and Water - Material	LS	XXXXX	XXXXX	\$ 200.00	0%	
25	Ice and Water - Install	LS	XXXXX	XXXXX	\$ 190.00	0%	
26	Roofing - General Conditions	LS	XXXXX	XXXXX	\$ 5,350.00	0%	
27	Roofing - Materials	LS	XXXXX	XXXXX	\$ 11,770.00	100%	\$ 11,770.00
28	Roofing - Install	LS	XXXXX	XXXXX	\$ 9,630.00	0%	
29	Joint Sealants	LS	XXXXX	XXXXX	\$ 500.00	0%	

	Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Completed	Value Completed
30	Drywall - Materials	LS	xxxxx	xxxxx	\$ 400.00	0%	
31	Drywall - Labor	LS	xxxxx	xxxxx	\$ 1,800.00	0%	
32	Drywall - Mud & Taping	LS	xxxxx	xxxxx	\$ 1,000.00	0%	
33	Painting	LS	xxxxx	xxxxx	\$ 1,000.00	0%	
34	Aerator Tank - Material	LS	xxxxx	xxxxx	\$ 296,750.00	80%	\$ 236,544.00
35	Aerator Tank - Installation	LS	xxxxx	xxxxx	\$ 35,000.00	100%	\$ 35,000.00
36	Aerator Tank - Crane	LS	xxxxx	xxxxx	\$ 6,000.00	100%	\$ 6,000.00
37	Membrane Layer Below Tank	LS	xxxxx	xxxxx	\$ 500.00	100%	\$ 500.00
38	Filter Media - Install	LS	xxxxx	xxxxx	\$ 2,000.00	100%	\$ 2,000.00
39	Start-up	LS	xxxxx	xxxxx	\$ 2,000.00	0%	
40	Process Piping	LS	xxxxx	xxxxx	\$ 17,000.00	47%	\$ 8,000.00
41	Electrical	LS	xxxxx	xxxxx	\$ 4,800.00	0%	
Contract Price:					\$ 474,500.00		\$ 353,669.67

MATERIALS STORED SUMMARY			
Description	# of Units	Unit Price	Extended Cost
Total:			\$ -

AGENDA ITEM # J – 3

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

DATE: April 4, 2016

AGENDA ITEM: 5th Seeding

ACTION: None

SYNOPSIS: As part of the 5th Avenue project, City staff was identified to complete the seeding of the disturbed areas. Nick has submitted an itemized estimate in the amount of \$5,792.20.

BUDGET ITEM: Budgeted Project

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Quote

PREPARED BY: Chris Nosbisch

DATE PREPARED: 4/1/16

Materials for 5th Avenue Seeding

<i>Material</i>	<i>Units</i>	<i>Cost</i>
<i>Hydro-Mulch</i>	2,040lbs	\$940.95
<i>Deluxe sun and shade mix</i>	400lbs	\$848.00
<i>Endo-fighter rye</i>	200lbs	\$172.00
<i>Sunny Mix</i>	300lbs	\$612.00
<i>Water Soluble Fertilizer</i>	375lbs	\$440.25
<i>Jump start additive</i>	35 gallons	\$2,779.00
<i>Total</i>		\$5,792.20

AGENDA ITEM # J – 4

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

DATE:	April 4, 2016
AGENDA ITEM:	Professional Services
ACTION:	None

SYNOPSIS: On March, 4, 2013, the Mt. Vernon City Council approved a contract with Sauter Batty Associates for conceptual and preliminary design of a proposed Community/Wellness Center. The contract was not to exceed \$58,500, of which, \$21,300.68 has been expended to date. Staff, along with the Mayor, has met with representatives of the community center work group following their City Council presentation. At the meeting, it was determined that additional work needs to be completed. Before expending additional funds, given the time lapse in the contract, I wanted to re-affirm the Council's approval of contracted amounts. There are plenty of funds available in LOST I to cover the remaining cost of the concept plan.

BUDGET ITEM: Budgeted Project

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Original Contract

PREPARED BY: Chris Nosbisch

DATE PREPARED: 4/1/16

RESOLUTION #3-4-2013B

A Resolution approving Professional Services Agreement with Sauter Bay Associates Inc. for the conceptual and preliminary design phase of the proposed Community/Wellness Center project.

Motion made by Anthony, seconded by Christensen to approve
Resolution #3-4-2013B.

Resolution #3-4-2013B passed on March 4, 2013, by the following roll call vote:

YES: Taylor, Anthony, Christensen, Hampton

NO: None

ABSTAIN: None

ABSENT: Maurice

MOUNT VERNON CITY COUNCIL
MOUNT VERNON, IOWA



Scott C. Peterson, Mayor

ATTEST:



Michael R. Beimer
City Administrator/Clerk

This resolution reviewed by City Attorney.



City Attorney

Sauter Baty Associates, Inc. Professional Services Agreement

CLIENT: City of Mount Vernon, Iowa
CONTACT: Michael R. Belmer, City Administrator
ADDRESS: 213 First Street West
Mount Vernon, Iowa 52314
AGREEMENT DATE: 3-4, 2013
PROJECT LOCATION: Mount Vernon, Iowa (site to be determined)

A.1 PROJECT - SCOPE

Sauter Baty Associates, Inc. will provide basic architectural services for the conceptual and preliminary design phase of the proposed Community/Wellness Center ("Project") as follows:

1. The Scope of the Project will be developed from input from community surveys conducted by the Community Center Task Group, community forums, input from Cornell College, Mount Vernon Community Schools, The City of Mount Vernon (Owner), function and space focus groups, and research conducted by Sauter Baty Associates, Inc. regarding similar facilities.
2. Based on preliminary input from the Community Center Task Group, it is anticipated that the size of the structure will be between 35,000 and 45,000 square feet constructed on land provided by Cornell College and/or Mount Vernon Community Schools or other sites as identified by the City of Mount Vernon. The size of the project may vary depending upon available funds and the requests of Cornell College and Mount Vernon Community Schools and the Owner. The final site and project size will be determined by the City of Mount Vernon, Iowa.
3. The preliminary budget for the project is 6.3 million dollar based on the structure of 36,000 square feet. The final budget and fees for subsequent phases of the project will be contingent upon the site, building design and budget, and available funding.

ARCHITECT - SCOPE OF SERVICES

1. The Architect shall manage the Architect's services, consult with the Owner, research applicable design criteria, attend project meetings, communicate with members of the project team, and report progress to the Owner.
2. The Architect will develop the space needs analysis based on input from the City, community forums and recommendations from the Community Center Task Force.

3. The Architect shall notify the Owner of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed for the project. The Architect shall reach an understanding with the Owner regarding the requirements of the project.
4. The Architect will assist in evaluation and selection of project sites and will develop conceptual site plans for sites identified for the Project. The Owner will determine the site for the facility and provide the Architect a boundary and topographic survey, and information for the chosen site, if required. Environmental impact and other federal or state studies or requirements will be noted as an added cost item as required.
5. The Architect shall discuss with the Owner alternative approaches to design and construction of the project including the feasibility of incorporating environmental responsible design approaches.
6. Based on the project's requirements agreed upon with the Owner, the Architect shall prepare and present for the Owner's approval, multiple conceptual designs (floor plans) illustrating the scale and relationship of the project components.
7. Based on the Owner's approval of the conceptual design, the Architect shall prepare preliminary design documents for the Owner's approval. The preliminary design documents shall consist of the following:
 - Site plan, showing building location and vehicular circulation;
 - Preliminary building plans showing arrangement and size of spaces;
 - Building elevations indicating materials, fenestration and other key design elements;
 - Perspective sketches or digital modeling for visualization.Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing.
8. The Architect will develop preliminary estimates of costs of construction.
9. The Architect will prepare and deliver presentations as required to the Planning Committee, City officials and at public meetings.
10. The Architect will prepare drawings and documents, identified in Item 7, in a format for use in print and web-based promotion and fundraising efforts. This will include large format prints for display.

A.2 PRELIMINARY DESIGN

The preliminary design will be completed according to the time schedule prepared by the Architect and approved by the Owner for the project.

PART B -- TERMS OF PAYMENT:

- B.1** Basic Service Fees. Professional Fees for Basic services for the Conceptual and Preliminary design phase will be billed on an hourly basis to a maximum of amount of \$58,500. Hourly rates are as follows:

Principal & Architect - \$165.00/hr (Sauter)
Project Manager - \$140.00/hr (Baty)
Project Manager - \$115.00/hr (Bloomquist)
Technical Staff - \$85.00/hr

Consultants used during the conceptual and preliminary phase will be passed through to the Owner at their stated hourly rates. Consultant services will be included in the maximum amount stated above.

- B.2** Direct and Reimbursable Expenses. In addition to the hourly rate for basic services identified under B.1, the Client will be billed for the direct cost of reimbursable expenses. The reimbursable expenses for this project are to printing multiple copies of the drawings and report, large format drawings, color presentation drawings and mileage outside of Johnson and Linn Counties.

- B.3** Additional Services. Services in addition to those identified under Part A, must be approved by the Owner. An additional service agreement will be negotiated and billed monthly or at completion of documents.

- B.4** Payment Schedule. Project will be invoiced monthly based on hours worked. Payment is to be made within 30 days of receipt.

- B.5** Invoice Dispute. If the Client objects to any portion of an invoice, the client shall so notify the design professional in writing within 10 calendar days of the receipt of the invoice. The client shall identify the specific cause of the disagreement and shall pay, when due, that portion of the invoice not in dispute.

PART C -- OTHER PROVISIONS:

- C.1** Alternate. The Architect grants to the City of Mount Vernon, Iowa, a nonexclusive license to use the Architect's Instruments of service solely and exclusively for purposes of constructing, using, maintaining, altering, and adding to the project, provided that the Owner substantially performs its obligations, including prompt payment of all sums when due under this Agreement. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the contractor, subcontractors, sub-subcontractors, material or equipment suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the instruments of service solely and exclusively for use in performing services or construction for the project. If the Architect rightfully terminates this Agreement for cause, the license granted in this section shall terminate. The license also grants to the City of Mount Vernon, Iowa, the use of the Architect's Instruments and service for the use in the management, promotion, operation, and use of the project.

C.2 Mediation. In an effort to resolve any conflicts that arise during the design or construction of a project or following the completion of the project, the Client and Design Professional agree that all disputes arising out of or relating to this Agreement shall be submitted to nonbonding mediation unless the parties mutually agree otherwise.

The Client and Design Professional further agree to include a similar mediation provision in all agreements with independent contractors and consultants retained for the project and to require all independent contractors also to include a similar mediation provision in all agreements with subcontractors, sub consultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.

C.3 Termination of Services. The Client may suspend or terminate any or all services covered in this agreement at any time, subject to the Client giving a minimum of seven days written notice of suspension or termination. The Client shall thereupon make payment of all unpaid services rendered and expense incurred; to the date notice is received by Sauter Baty & Associates.

C.4 Warranty. Sauter Baty Associates represents that the services furnished under this agreement will be in accordance with generally accepted professional practices. Sauter Baty & Associates makes no other warranty or representation, expressed or implied.

C.5 Acceptance of Agreement. Two or more copies of this agreement are to be signed by both the Client and Design Professional. One signed agreement is to be retained by the Client for file and the second signed agreement returned to Sauter Baty Associates for file. Authorization to proceed with services, either written or verbal, shall be considered acceptance of the above proposal.

This is an Agreement made as of March 4th, 2013, between Sauter Baty & Associates (Sauter Baty) and City of Mt. Vernon, Iowa (CLIENT - legally responsible party). CLIENT hereby engages Sauter Baty & Associates to perform services as outlined and according to the terms and conditions expressed herein.

IN WITNESS WHEREOF, the parties below have executed this Agreement as of the day and year first above written. .

Sauter Baty Associates (Sauter Baty)

City of Mt. Vernon, Iowa

By J. Edward Suter

By M. [Signature]

If CLIENT is a public body, attach evidence of authority to sign and resolution or other document authorizing execution of AGREEMENT.

M. Reports Mayor/Council/Manager

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
April 4, 2016**

- Staff has begun working on “tangibles” for the identified goals for the City Council. These tangibles will be presented to the City Council in May for adoption.
- As soon as the five year street plan is complete, staff will begin working on the CIP for next fiscal year. As we work on the CIP, we will identify potential projects that can be undertaken in FY 2016-2017.
- There has been a revised payment schedule introduced to the Linn County Board of Supervisors for dispatch services. Supervisor Harris is working to get this information to the Cities this month so that we can analyze the net effect to the City.