

The Mount Vernon City Council met August 15th, 2016 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Wieseler, Christensen, and Rose. Absent Tuerler.

Call to Order Mayor Jamie Hampton called the meeting to order at 6:32 p.m.

Agenda Additions/Agenda Motion to approve Agenda made by Wieseler seconded by Rose. Carried all. Absent: Tuerler

Communications

Recognition of Eagle Scout Projects: Matt Siders wanted to thank the Eagle Scouts and special mention to Justin Clark a Lisbon resident who put a hand rail at the Nancy Doreen Huffman Dog Park. The dog park has an incline and the rail will help in the winter time when entering and exiting. Second recognition is to Chris Banwart who completed 5 picnic tables for the parks. Matt is working with the Eagle Scouts on future projects.

Consent Agenda

Approval of City Council Minutes – August 1, 2016 Regular Council Meeting. Motion to approve Council Meeting Minutes by Rose, seconded by Christensen. Carried all. Absent: Tuerler.

Ordinance Approval/Amendment

An Ordinance to adopt Chapter 48 Social Host of the City of Mt. Vernon Municipal Code. Motion to approve second reading and proceed with third and final reading/or suspend rules and proceed to final reading. City Administrator Chris Nosbisch stated they had several emails from some residents who feel like this ordinance is moving too fast. Nosbisch stated that if Council feel like this is moving too fast, he would suggest tabling until more information can be exchanged. Nosbisch stated there have been a lot of concerns from landlords who feel this would make them liable or responsible and they would like more discussion/information. Mayor Hampton stated that there was no reason to hurry this through even though he knows there is support. He invited Bob Hatala to attend the meeting in order to address any questions on the legal aspect of it, as well as Chief Doug Shannon. Mayor Hampton asked Council if they need more time with more information or are they wanting to move forward. Roudabush stated that with Cornell starting soon there is an urgency to get this passed. Roudabush stated that when you are a landlord you do have to take on the responsibility for your property. Roudabush stated the landlords concerns of getting into trouble would not happen if they make the effort to address the concerns. You will avoid the fines if you work to solve the problem and work with Police to resolve the issues and then there would be no penalties. Roudabush said the landlords that are not here do not have a property manager are responsible to get one or manage their properties. He does not see the need to delay moving forward. Wieseler asked Chief Shannon if he felt like he made all efforts to contact the landlords. Chief Shannon stated that he has sent certified letters, emailed, held meetings, and made every effort to contact the landlords with only a few responses from over 80 landlords. Christensen asked the City attorney if the landlords would be fined as the law is currently written. Hatala stated that there is, knowing the requirement. Hatala stated he has checked around with other Cities if they use a social host ordinance, in which they stated they have no similar ordinance that holds the landlords responsible, but the renter. Hatala said he has not found any solid evidence that this language has been used. Christensen asked if the way it is written would the landlords then be responsible and could the law be used against the landlord. Hatala said if they have knowledge, yes. If you could prove they had actual knowledge then you have a good chance this law could

be enforced. Christensen asked if notified is the landlord then knowing it is occurring do they have enough to have the tenant evicted. Hatala stated the Mount Vernon has a disruptive house ordinance that in that case the landlord can be charged for having a disorderly house. Christensen asked if the disorderly house ordinance could be used against the landlord. Hatala stated it's a simple misdemeanor but he could change it to a municipal infraction as well. Christensen asked if this was used in Mount Vernon. Chief Shannon stated they have never used it against a landlord, but have used it in the manor against the people present if it's a meeting ground and anyone who is there, would be charged with a simple misdemeanor and a charge of \$65 plus costs from there. He stated that he would need to see if there is availability to apply to someone who is not there or a landlord. Hatala stated that according to the code that the house that is considered a wrongful drinking establishment is charged to the keepers and inmates, he is not sure who keepers refer to; owner or renter. Hatala said that anyone who is guilty of keeping or connected with or knowingly owns will be charged with a simple misdemeanor. Hatala stated again he could change that wording to a municipal infraction. Mayor Hampton stated that everyone understands this is an emotional subject, but there is a process that needs to be followed. Christensen requested to have the item tabled. Hatala stated that a "party house" with adults over 21 then the current ordinance does not apply. A roll call was taken to table the item. Roll call vote: Ayes: Christensen, Rose. Nays: Roudabush, Wieseler. Roll call vote tied. Roudabush stated that they are not going after the landlords but instead informing them of the issue so they can act on the issue. He stated that the landlords that do not take action should get fined. A resident asked to speak and stated that this is a safety concern and he did not feel safe living across from a party home with a lot of traffic and parties going on and a break in from a neighboring home. It's a safety issue for him and his family. Another resident asked the City Attorney what is the expectation of the landlord and is the fine minimal? Hatala said there are a list of steps that were to be taken, but the question of putting in the lease is not known. Tenants' rights do exist and a lease is a transfer of the residents and landlords must give a 24 hour notice but if the landlord follows the steps to clear up the issue then a fine would not apply. The resident asked if this would affect if landlords would invest in the City and so clarification would be good so that would not happen. City Administrator Nosbisch stated one of the nicest parts of the municipal infraction not having a dollar amount it gives the judge the decision on the amount to apply depending on the infraction. Nosbisch stated that if the landlord is willing to cooperate with the Police then you will not be fined. If you are not willing to work with the Police then you will be fined. Nosbisch stated that the City would have to define an absent landlord, but if you can prove to a judge that you are attempting to rectify the situation then the penalty would probably not be enforced. He stated that there is an opportunity for both sides to be heard in a nonpartisan manner. Rose stated that Council wants to be able to serve the community and make sure everyone has the nicest, safest, and respectful community we can all live in, but if this code is the best way in going about doing it. Criminalizing behavior for those who do not live there and wonders if a rental code or taking advantage of the disorderly house code is the better option. Rose stated that reasonable questions have been raised and that is why he feels it should be tabled after more discussion and information is taken. Rose asked Chief Shannon if our code aside from adding illegal substances is fundamentally different than the Linn County Social Host Code. Shannon stated- not significantly from the County Ordinance and we go back to what is knowledge and proving specific knowledge and what point can we say a landlord has knowledge this is happening on their property. That is where the County Code has failed. They would have to have specific knowledge. Mayor Hampton stated that he does not feel that there is enough information at this time to move forward and gave Council the choice to not pass, pass or tabling the issue and Council should reconsider tabling the issue when more information is obtained. Nosbisch stated that if they decide to go to vote and it does fail then there is a time frame before this ordinance could be brought back forward. A motion was made again to table the vote until the next Council meeting on September 7th, 2016 made by Wieseler who voted against in the last roll call, seconded by Rose. Roll call vote. Motion carries. Absent: Tuerler.

Resolutions for Approval

Resolution Accepting the 2015 Street Improvements as Substantially Complete and Preparing to Release the Project Retainage. Motion to approve resolution was made by Wieseler, seconded by Rose. Roll call vote. Motion carries. Absent: Tuerler.

Motions for Approval

Consideration of Claims List – Motion to Approve. Motion to approve made by Rose, seconded by Christensen. Motion carries. Absent: Tuerler.

AERO RENTAL, INC	64' BOOM LIFT RENTAL-RUT	1,056.00
AIRGAS INC	CYLINDER RENTAL FEE-PW	28.76
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,224.64
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	3,171.05
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	3,065.51
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	952.44
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	417.00
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	408.00
ALLIANT IES UTILITIES	ENERGY USAGE-FD	275.39
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	257.67
ALLIANT IES UTILITIES	ENERGY USAGE-KMVL	77.52
ALLIANT IES UTILITIES	ENERGY USAGE-PD	74.15
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	72.30
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	72.20
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	39.70
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	21.19
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	16.97
AMERICAN PLANNING ASSOC	MEMBERSHIP-P&A	519.00
ARCH CHEMICALS INC	CHLORINE-POOL	1,853.00
BELOU QUIMBY	INTERN-MVHPC	360.00
BROWN PLUMBING COMPANY	WATER HEATER-P&REC	288.90
CAREPRO PHARMACY	SUPPLIES-POOL	128.36
CARPET ONE	FLOOR TILE-P&A	597.79
CARQUEST OF LISBON	VEHICLE MAINT- PW	65.27
CARQUEST OF LISBON	VEHICLE MAINT-FD	56.63
CENTURY LINK	PHONE CHGS-PD	36.95
CLIFTON LARSON ALLEN	FY16 AUDITOR FEES-P&A	2,200.00
CORNELL COLLEGE	SELF DEFENSE MANUALS-PD	37.10
CR/LC SOLID WASTE AGENCY	DELIVERED TRASH-RUT	218.00
DAN'S TIRES & MORE	TIRES-PD	278.18
ECICOG	ZONING ORDINANCE UPDATE-P&A	332.00
ELECTRIC PUMP	SLUDGE WASTE PUMP-SEW	9,224.30
FOX APPARATUS REPAIR & MAINT	#214 MAINT-FD	238.21
GARY'S FOODS	CONC STAND-POOL	1,143.97
GARY'S FOODS	CONC STAND-POOL	81.09
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67
HAWKEYE READY MIX	ALLEY ENTRANCE-RUT	147.25
HAWKEYE READY MIX	SIDEWALK REPAIR-RUT	157.11
IACMA	MEMBERSHIP-P&A	150.00
INTOXIMETERS	EQUIP MAINT-PD	510.00
IOWA ONE CALL	LOCATES-WAT,SEW	52.20
IOWA POLICE CHIEFS ASSOCIATION	TRAINING-PD	125.00
IOWA PRISON INDUSTRIES	POST BASES-RUT	430.10
IOWA SOLUTIONS INC	DBR BACKUP-ALL DEPTS	350.00
IOWA SOLUTIONS INC	TABLETS/COMPUTER MAINT-PD,PW	1,228.50
KATEY FOREST	AUGUST THEME NIGHT-POOL	30.97

KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	390.46
MARIN DETTWEILER	INTERN-MVHPC	360.00
MORGAN MEHLERT	MILEAGE-PD	488.16
MOUNT VERNON ACE HARDWARE	SUPPLIES-FD	24.66
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC,POOL	105.00
OFFICE EXPRESS	SUPPLIES-P&REC,P&A	526.96
PACE SUPPLY	SUPPLIES-P&REC	1.25
PAYROLL	CLAIMS	76,333.60
PITNEY BOWES	POSTAGE METER RENTAL-ALL DEPTS	141.00
POOL TECH INC	CHEMICALS-POOL	24.00
RICKARD SIGN AND DESIGN CORP	REFLECTIVE MATERIAL-PD	630.00
ROTO-ROOTER	CLEAN LIFT STATION-SEW	375.00
SAM'S CLUB #8162	SUPPLIES-POOL	446.08
SHERWIN WILLIAMS CO.	HOSE-RUT	31.10
STAR EQUIPMENT LTD	EQUIP REPAIR-RUT	29.50
STAR EQUIPMENT LTD	CONCRETE GRINDER RENTAL-RUT	100.00
STATE HYGIENIC LAB	TESTING-SEW	1,897.50
SUSAN SEE	TEACHING/AQUACISE-OPOOL	125.00
TEMP VENDOR	BOOM TRUCK INSPECTION-RUT	370.48
TEMP VENDOR	EDUCATION-MVHPC	50.00
US CELLULAR	CELL PHONE-PD	116.17
USA BLUE BOOK	TESTING-SEW	499.19
WENDLING QUARRIES	BALLFIELD LIME-P&REC	573.96
WEX BANK	FUEL-PD,WAT,SEW	1,031.63
	TOTAL	119,157.74

Discussion and Consideration of Rescheduling the September 5, 2016 Council Date – Council Action as Needed. Motion to move meeting to September 7, 2016 at 6:30 p.m. made by Wieseler, seconded by Christensen. Motion carries. Absent: Tuerler.

Discussion and Consideration of Change Order #6 – 2015 Street Improvements – Council Action as Needed. Motion to Approve made by Christensen, seconded by Rose. Motion carries. Absent: Tuerler.

Discussion and Consideration of Pay Application #7 – 2015 Street Improvements – Council Action as Needed. Motion to Approve made by Christensen, seconded by Wieseler. Motion carries. Absent: Tuerler

Discussion and Consideration of the City of Mt. Vernon's Application for Traffic Safety Funds – Intersection of 5th Ave. SW and 1st Street W – Council Action as Needed. Motion to approve made by Christensen, seconded by Rose. Motion carries. Absent: Tuerler.

Discussion and Consideration of City Hall Cleaning Services Contract – Council Action as Needed. Motion to approve Diligent Clean Bid for Cleaning Services Contract made by Rose, seconded by Wieseler. Carried all. Motion carries. Absent: Tuerler.

Reports to be Received/Filed

Mt. Vernon Police Report. Chief Shannon stated that he sent out an email that the lifesaving awards for Craig Smith and Steve Neal will be made at the Iowa State Fair. Chief Shannon wants to remind everyone that school is starting soon so watch driving through town and be aware that there will be a lot of kids walking to school soon.

Mt. Vernon Parks and Recreation Report. Matt Siders stated that the State provided signs that will go in the parks that prohibit smoking in the parks. Gas bill for heating the pool was received and will run around \$475 a month to keep the pool heated.

Mt. Vernon Public Works Report. Nick Nissen wanted to thank his public works crew for working in the very hot weather and getting the tree trimming done along Highway 1 in three days.

Reports of Mayor/Council/Administrator

Mayor's Report. Mayor Hampton wanted to remind everyone that political signs are not to be placed in the ROW and to place in your yard.

City Administrator's Report. City Administrator Chris Nosbisch stated that he and Matt Siders will be touring some community centers. Linn County Board of Supervisors will be meeting on the 18th to discuss dispatch fees and minimum wage. Nosbisch stated he put two documents in the Council Meeting Packets for discussion at the next meeting. V & K will discuss the storm water issues around town and also discuss the street evaluation plan according to the CIP. There will also be opportunity to discuss the sidewalk plan. Nosbisch stated that the Mayor received an award from Drexel University for the City of Mount Vernon making gender balance on our boards a priority. Mention was made of a position open on the Library Board and Board of Adjustment. Roudabush wanted to add that a storm water/water shed plan needs to be made and calculations done of the area around the school if the bond passes. The water shed will increase dramatically in the school and lower part of the Stonebrook area. Nosbisch stated that is part of what they will be looking at as part of the process. Christensen asked if more progress was made on finding a map of the City alleys. Nosbisch said the City Engineers did provide a map but more review of the map needs to be done before he can present anything on it and bring it to discussion along with the City sidewalks.

Adjournment: As there was no further business to attend to the meeting adjourned, the time being 7:52 p.m., August 15, 2016.

Respectfully submitted,
Meridith Hoffman
Administrative Assistant