

September 19, 2016  
City Council Minutes  
213 1<sup>st</sup> Street NW  
Mount Vernon, Iowa 52314

The Mount Vernon City Council met September 19, 2016 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Christensen, and Rose. Absent Tuerler and Wieseler.

**Call to Order** Mayor Jamie Hampton called the meeting to order at 6:31 p.m.

**Agenda Additions/Agenda.** Motion to approve Agenda made by Rose seconded by Christensen. Carried all. Tuerler and Wieseler absent.

**Consent Agenda.** Motion to approve Consent agenda made by Rose, seconded by Christensen. Carried all. Tuerler and Wieseler absent.

Approval of City Council Minutes – September 7, 2016 Regular Council Meeting

Approval of Fireworks Permit – MV School District (Homecoming)

### **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 (*Tabled September 7, 2016, will need a motion to remove from table before discussion*).

*Council member Wieseler arrives at 6:33 p.m.*

Mayor Hampton said that this item is currently tabled and it will need a motion to remove from table before any discussion takes place. Roudabush said he would prefer that all Council members were in attendance before any discussion takes place. Hampton said that Tuerler had sent an e-mail requesting that it remain tabled but it is up to the remaining Council members in attendance if they choose to leave it tabled or move forward with discussion and possible action. Christensen asked if it was un-tabled tonight, does it mean that they have to vote on it or could it just be discussed. City Administrator Nobsch stated that it could be discussed and placed back on the table if they choose. Christensen felt that as long as the City Attorney was in attendance, there would be no harm in discussion. Motion to remove from table for discussion purposes only made by Rose, seconded by Wieseler. Roll call all yes. Tuerler absent.

City Attorney Hatala said that the most recent version eliminated the landlord but he goes back to what the goal or purpose is of the Social Host ordinance and approach it that way. The last time he was in attendance, it seemed to him that the discussion was around party houses as opposed to underage drinking and feels that these are two separate items and two separate approaches. He does understand from speaking with the Police Chief that most of the party house problems arise from underage drinking. The various approaches that he looked at seems to be an approach to address party houses through a disorderly house approach as opposed to a social host underage drinking case. That doesn't mean that they are mutually exclusive either. He did talk to the city attorney for the City of Dubuque and also asked for some information from Anamosa about their ordinances. Their enforcement was not against the landlord but against the adult sponsor of the party. He feels it is appropriate to take out "owner" from the social host aspect of the ordinance. If you wanted to address the general party house, that would be better handled through a "disorderly house" approach. If a property receives a certain number of notices, the landlord/owner is notified. Hatala felt it would be worthwhile to have more discussion at an initial level about what the exact problem is that we are trying to address and what the best approach is to do that. If it is a

party house, that might lead in one direction and if it is underage drinking, that may lead to a different direction.

Roudabush felt that a party house and underage drinking were one in the same because two thirds to three quarter of all college students are underage. Hatala agreed and said part of the question becomes how to best address the behavior that you are trying to curtail. This could be done through municipal infractions and penalties. Rose said taking a two prong approach is the best way to go. The social host ordinance will help with the underage drinking aspect but under the disorderly house, other issues could be addressed. Christensen said that if the goal is to create a law or focus on a law to be a deterrent, what types of laws would serve as the strongest deterrent? Would it be the potential of having a misdemeanor on your record or is it a monetary amount, or both? Hampton said it was clear that there is a lot of work that needs to be done on this topic. Christensen said that he would be happy to vote in support of this as long as it excludes landlords because he doesn't find it to be constitutional. He would also be happy to support any type of more appropriate legislation that we might consider in the future that puts a burden on landlords to maintain their property according to health and safety standards the community believes are important. Motion made by Christensen to table this item until the next meeting, seconded by Rose. Roll call all yes. Tuerler absent.

### Resolutions for Approval

Resolution #9-19-2016A Approving the Annual State Financial Report for Fiscal Year 2016. Motion made by Rose, seconded by Wieseler to approve Resolution #9-19-2016A. Roll call all yes. Tuerler absent.

### Motions for Approval

Consideration of Claims List – Motion to Approve. Motion made by Rose, seconded by Christensen to approve claims for approval. Carried all.

AIRGAS INC	CYLINDER RENTAL FEE-PW	28.76
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	3,912.65
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,400.63
ALLIANT IES UTILITIES	ENERG USAGE-POOL	1,617.71
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	1,167.09
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	688.37
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	442.49
ALLIANT IES UTILITIES	ENERGY USAGE-FD	327.91
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	227.20
ALLIANT IES UTILITIES	ENERGY USAGE-KMVL	99.27
ALLIANT IES UTILITIES	ENERGY USAGE-PD	81.01
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	46.09
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	20.48
ARAMARK	RUGS-FD	69.34
BARCO MUNICIPAL PRODUCTS	SWEEPER BROOMS-RUT	502.82
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-P&REC	194.00
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-P&REC	1,773.00
BORST BROS. CONST. INC	GARY'S ENTRANCE	31,731.69
CAREPRO PHARMACY	SUPPLIES-ALL DEPTS	138.43
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	187.00
CENTURY LINK	PHONE CHARGES-PD	36.95
CHRIS NOSBISCH	MILEAGE-P&A	259.20
CR/LC SOLID WASTE AGENCY	OIL BASED PAINT/GLUE-RUT	158.20
DEPOSIT REFUNDS	DEPOSIT REFUND-WAT	54.56
ECICOG	ZONING ORDINANCE UPDATE-P&A	830.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FRANCESCA THOMPSON	CLEANING SERVICE-P&A	60.00
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67

HAWKEYE FIRE & SAFETY	FIRST AID-RUT	205.35
IOWA LAW ENFORCEMENT ACADEMY	TRAINING-PD	375.00
IOWA ONE CALL	LOCATES-WAT,SEW	60.30
IOWA SOLUTIONS	COMPUTER MAINT-PD	342.50
IOWA SOLUTIONS INC	COMP MAINT-ALL DEPTS	1,347.50
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
KONE INC	ELEVATOR MAINT CONTRACT-P&A	160.53
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	379.58
LINN COUNTY PUBLIC HEALTH	AIR PERMITS RENEWAL	160.00
LYNCH FORD	ANTI FREEZE-RUT	30.72
MENARDS	RUBBER ROOFING-RUT	99.00
MIDWEST SAFETY COUNSELOR	INSTRUMENT CALIBRATION-FD	30.00
MOORE MEDICAL CORP.	FINGER OXIMETER-EMA	150.71
MOUNT VERNON ACE HARDWARE	EQUIP REPAIRS-FD	101.43
MOUNT VERNON ACE HARDWARE	SUPPLIES-ALL DEPTS	2,549.46
MOUNT VERNON FIRE DEPARTMENT	ELITE FITNESS MEMBERSHIP-FD	50.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC,POOL	440.00
MOUNT VERNON POLICE RESERVES	SPECIAL EVENTS-PD	5.00
PAYROLL	CLAIMS	56,891.49
QUALITY ENGRAVED SIGNS	PORT/LOCKER TAGS-FD	42.60
SANDRY FIRE SUPPLY LLC	EQUIPMENT-FD	4,099.50
SANDRY FIRE SUPPLY LLC	VALVE HANDWHEEL-FD	56.64
SPRAY-LAND USA	SPRAYER-RUT	510.00
SPRINGER PEST SOLUTIONS CORP	PEST CONTROL-P&A	30.00
STATE HYGIENIC LAB	TESTING-SEW	2,418.50
US CELLULAR	CELL PHONE-PD	116.17
VALLEY ATHLETICS	PARK MAINT-P&REC	159.96
WASHBURN LAUNDRY & DRYCLEANING	WASHER/DRYER REPAIRS-FD	196.49
WASHBURN LAUNDRY & DRYCLEANING	WASHER/DRYER REPAIRS-FD	60.00
WENDLING QUARRIES	OLD CONCRETE DUMP-RUT	302.50
WEX BANK	FUEL-PD,PW	1,134.42
	TOTAL	121,156.87

Discussion and Consideration of Purchasing Snow Plows – Public Works – Council Action as Needed. Nobsisch explained that the plows that we have are not the most conducive apparatuses for cleaning City streets. He also stated that there is money in the budget for the purchase. Rose said his only concern was that they were only given one quote. Public Works Director, Nick Nissen, explained that there was another bid from a different company but there are only about two companies in the area that we can purchase plows from and he felt that the Boss plow was a better option and the other was more expensive. Motion made by Christensen, seconded by Rose to approve the purchase of snow plows. Carried all. Tuerler absent.

Discussion and Consideration of Pay Application #1 – 7<sup>th</sup> Street and 5<sup>th</sup> Avenue Repairs – Council Action as Needed. Motion made by Christensen, seconded by Wieseler to approve. Rose publicly thanked the Public Works Director for his work on this process and keeping residents updated. Carried all. Tuerler absent.

Discussion and Consideration of Setting a Public Hearing Date to Adopt Chapter 25 CDG Director – Council Action as Needed. Motion made by Christensen, seconded by Wieseler to set public hearing date to adopt Chapter 25 CDG Director for October 3, 2016. Carried all. Tuerler absent.

Discussion and Consideration of Pay Application #2 – 2016 Gary's Foods Access Reconstruction – Council Action as Needed. Nosbisch said this was the final pay application for this project. Motion made by Rose, seconded by Christensen to approve. Carried all. Tuerler absent.

**Reports to be Received/Filed**

Linn County Minimum Wage Ordinance. Nosbisch provided Council with the new ordinance passed by Linn County.

Mt. Vernon Police Report. Council was provided a copy of the Police Report. No additional comments by Council.

Mt. Vernon Public Works Report. Council was provided a copy of the Public Works Report. No additional comments by Council.

Mt. Vernon Parks and Recreation Report. Council was provided a copy of the Parks and Recreation Report. Hampton said there were a few complaints about the pool being closed due to low attendance. Siders said that this happens every year but will try to come up with a better way to inform the public of the low attendance closing policy.

**Reports of Mayor/Council/Administrator**

City Administrator's Report. Nosbisch stated that he will be traveling to Kansas City next week for the National Managers Conference. Nosbisch and Siders have looked at community centers in five communities. Discussion items on trees, sidewalks, community center and capital improvements are forthcoming in the next few months.

Adjournment: As there was no further business to attend to the meeting adjourned, the time being 7:06 p.m., September 19, 2016.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk