

# City of Mt. Vernon, Iowa

<b>Meeting:</b>	<b>Mt. Vernon City Council Meeting</b>
<b>Place:</b>	<b>Mt. Vernon City Hall, 213 First Street NW, Mt. Vernon, Iowa 52314</b>
<b>Date/Time:</b>	<b>October 3, 2016 – 6:30 PM</b>
<b>Web Page:</b>	<b>www.cityofmtvernon-ia.gov</b>
<b>Posted:</b>	<b>September 30, 2016</b>

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

## **A. Call to Order**

## **B. Agenda Additions/Agenda Approval**

## **C. Communications:**

1. Unscheduled
2. Peter Fisher - Iowa Policy Project (minimum wage)

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 – September 19, 2016 Regular Council Meeting
2. Approval of Liquor License – Big Creek Market

## **E. Public Hearing**

1. Public Hearing on an Ordinance to Adopt Chapter 26 CDG Director of the City of Mt. Vernon Municipal Code
  - i. Close Public Hearing – proceed to F-2

## **F. Ordinance Approval/Amendment**

1. An Ordinance to adopt Chapter 48 Social Host of the City of Mt. Vernon Municipal Code
  - i. Motion to approve second reading and proceed with third and final reading/or suspend rules and proceed to final reading (*Tabled September 19, 2016, will need a motion to remove from table before discussion*)
2. An Ordinance to Adopt Chapter 26 CDG Director of the City of Mt. Vernon Municipal Code
  - i. Motion to approve first reading and proceed with second reading/or suspend rules and proceed to third and final reading

## **G. Resolutions for Approval**

1. Resolution #10-3-2016A Approving the Urban Renewal Report for Fiscal Year 2016
2. Resolution #10-3-2016B Approving the Disposal of City Owned Property

**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 Community Center Recommendations – Council Action as Needed
3. Discussion and Consideration of Department Head PTO Adjustments – Council Action as Needed
4. Discussion and Consideration of Water Tower Painting/Maintenance – Council Action as Needed

**K. Reports to be Received/Filed**

1. None

**L. Discussion Items (No Action)**

1. Street Tree Maintenance

**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.**

## **C. Communications**

**AGENDA ITEM # C – 2**

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

**DATE:** October 3, 2016

**AGENDA ITEM:** Iowa Policy Project

**ACTION:** None

**SYNOPSIS:** The Iowa Policy Project was identified at a previous Council meeting as an organization that would be able to answer questions regarding the implementation of the Linn County minimum wage ordinance. Staff has invited Peter Fisher to address the Council on the increase. Staff also continues to take input from Citizens and community members regarding the increase.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** None

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

## **D. Consent Agenda**

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 Nosbisch 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. Nobsch 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. Nobsisch 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. Nobsisch 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. Nobsisch stated that he will be traveling to Kansas City next week for the National Managers Conference. Nobsisch 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

## Marsha Dewell

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**From:** Licensing@IowaABD.com  
**Sent:** Thursday, September 15, 2016 2:34 AM  
**To:** Marsha Dewell  
**Cc:** Licensing@IowaABD.com  
**Subject:** [POSSIBLE SPAM] Liquor License Submitted to Local Authority

The following licenses are completed and awaiting local authority approval:

License #	License Status	Business Name
	Submitted to Local Authority	CDG (108 1st St E Mount Vernon Iowa, 52314)
BC0027555	Submitted to Local Authority	Big Creek Market (100 1st St W Mount Vernon Iowa, 52314)

Please do not respond to this email. Contact the Division's Licensing Section with questions regarding the application process or application status toll-free at 866.IowaABD (866.469.2223) (select option 1), locally at 515.281.7400 (select option 1).  
For assistance by email contact [Licensing@IowaABD.com](mailto:Licensing@IowaABD.com)

## **E. Public Hearing**

**AGENDA ITEM # E – 1**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Public Hearing – Chapter 26
<b>ACTION:</b>	None

**SYNOPSIS:** This is the public hearing for the ordinance adopting Chapter 26 CDG Director. As previously stated, the CDG Director would become a city employee although all operations would be relinquished by the Council to the CDG Board. City Council will need to affirm the Board's selection of CDG Director.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** None – See Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

## **F. Ordinance Approval/Amendment**

**AGENDA ITEM # F – 1**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Social Host Ordinance
<b>ACTION:</b>	None

**SYNOPSIS:** Enclosed you have an amended version of the social host ordinance that has been provided by City Attorney Hatala.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** Police

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/6

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

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

**ORDINANCE #8-1-2016A**

**AN ORDINANCE ADOPTING CHAPTER 48, SOCIAL HOST OF THE CITY OF MT. VERNON MUNICIPAL CODE**

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

**SECTION 1. ADOPTION.** The Mt. Vernon Municipal Code is hereby amended to include the language set forth in Exhibit "A," attached hereto and made a part thereof.

**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

AN ORDINANCE  
RELATING TO THE PROVISION OF ALCOHOLIC BEVERAGES OR CONTROLLED  
SUBSTANCES BY ADULTS TO UNDERAGE PERSONS AT SOCIAL GATHERINGS  
AND PROVIDING PENALTIES.

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

Section 1. Purpose.

Pursuant to the authority granted under Iowa Code section 364, this Ordinance is enacted to protect and preserve the rights, privileges, and property of the residents of Mount Vernon and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of Mount Vernon. The purpose of this ordinance is to prohibit the consumption of controlled substances including any synthetic versions or alcoholic beverages by persons under the age of twenty-one at gatherings where adult persons knowingly tolerate, allow, or permit the illegal possession and consumption of controlled substances or alcoholic beverages by persons under the age of twenty-one (21) on property they own or control.

~~The City Council Council of Mount Vernon finds that the occurrence of social gatherings at premises where alcoholic beverages are being possessed, served to, or consumed by persons under the age of twenty one (21) or where controlled substances including any synthetic versions are being illegally possessed, served, or consumed by any persons is harmful to such persons themselves and a threat to public welfare, health, and safety.~~

~~The City Council Council of Mount Vernon further finds that adult persons who are in control of premises where a gathering is taking place and either knowingly tolerate, allow, or permit the illegal possession and consumption of controlled substances~~

~~by any persons or alcoholic beverages by persons under the age of twenty one (21) are not fulfilling their responsibility to ensure public welfare, health, and safety. This ordinance will establish penalties for adult persons who knowingly tolerate, allow, or permit the illegal possession and consumption of controlled substances by any persons or alcoholic beverages by persons under the age of twenty one (21) to ensure that all hosts of social gatherings confirm that these activities are not occurring on premises under their control.~~ Section 2.

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Definitions.

a. "Adult Person" means any person age eighteen (18) or older.

b. "Juvenile" means any person under the age of eighteen (18).

c. "Parent" means any person having legal custody of a juvenile:

(1) As a natural parent, adoptive parent, or stepparent; or

(2) As a legal guardian; or

(3) As a person to whom legal custody has been given by order of the court.

d. "Underage person" means any individual under the age of twenty-one (21).

e. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.

f. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, hall or meeting, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically, for a party or other social function, and whether owned, leased,

rented, or used with or without permission or compensation.

"Premises" does not include property that is licensed to sell or serve alcoholic beverages.

g. "Social Gathering" means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

## Section 2. Prohibited Acts.

a. An adult person who is the legal or equitable owner in possession of the premises or lessee of, or who otherwise has possession and control over the premises, shall not knowingly tolerate, allow, or permit, during a social gathering:

(1) Any person on such premises to possess or consume controlled substances or synthetic alternatives (As defined by Iowa Code sections 124 and 155A); or

(2) Any person under the age of twenty-one (21) on such premises to possess or consume any alcoholic beverage (As defined by Iowa Code section 123.47(2)).

b. The presence of any adult person who is the owner or lessee of, or who otherwise has control over, a premises during the time that any person possesses or consumes controlled substances or synthetic alternatives or any person under the age of twenty-one (21) possesses or consumes any alcoholic beverages on such property shall be prima facie evidence that such adult had knowledge or should have had the knowledge that such activities were occurring.

c. If a person under the age of eighteen (18) hosts a social gathering and the parent(s) of the person under the age of eighteen (18) knows or reasonably should know of the social gathering and knows or reasonably should know that the consumption or controlled substances or synthetic alternatives by any person or alcoholic beverages by any person under the age

of twenty-one (21) is occurring, the parent(s) shall be liable for violations of this Ordinance.

Section 3. Defenses.

a. It shall be an affirmative defense to this Ordinance if an adult person in control of a premises where a social gathering is taking place takes reasonable steps to prevent the possession and consumption of alcohol by persons under the age of twenty-one (21) and the possession and consumption of controlled substances including any synthetic versions by any persons while on such premises.

b. Reasonable steps include, but are not limited to:

(1) Ensuring that minors do not consume alcoholic beverages by controlling access to alcoholic beverages after verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards; or

(2) Prohibiting the illegal consumption or possession of controlled substances, including the abuse of medications or use of synthetic alternatives at the gathering; or

(3) Supervising the activities of minors at the gathering; or

(4) Notifying law enforcement of any illegal or unsafe activities.

Section 4. Exceptions.

a. This Ordinance does not apply to the following situations:

(1) When an individual's action is permitted under Iowa Code section 123.47(2); or

(2) When alcohol is consumed during a legally protected religious observance; or

(3) When alcohol is consumed solely between an underage person and his or her parents while present in the parents' household; or

(4) When a person who hosts, permits, or allows a social gathering seeks immediate assistance from local law enforcement; or

(5) This ordinance shall not apply to a landlord or manager.

(6) This ordinance does not apply to residence halls located directly on any college or university campus.

~~(5) When landlords have begun and are continuing with the process of evicting tenants who are in violation of this Ordinance.~~

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#### Section 5. Penalties.

a. A violation of the provisions of this ordinance shall be enforced as a municipal infraction in accordance with Iowa Code section 364.22.

Prepared by:	City of Mt. Vernon, City Hall, Chris Nosbisch, City Administrator	213 First St. NW, Mt. Vernon, IA 52314 (319) 895-8742
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**ORDINANCE #10-3-2016A**

**AN ORDINANCE ADOPTING CHAPTER 26, CDG DIRECTOR OF THE CITY OF MT. VERNON MUNICIPAL CODE**

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

**SECTION 1. ADOPTION.** The Mt. Vernon Municipal Code is hereby amended to include the language set forth in Exhibit "A," attached hereto and made a part thereof.

**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 #10-3-2016A on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sue Ripke, City Clerk

Exhibit "A"

CHAPTER 26

CDG DIRECTOR

26.01 Appointment

26.02 Compensation

26.03 Powers and Duties

**26.01 APPOINTMENT.** The CDG (Community Development Group) Board of Directors shall appoint a CDG Director, subject to Council affirmation.

**26.02 COMPENSATION.** The CDG Director is paid such compensation as specified by resolution of the Council upon receiving a recommendation from the CDG Board of Directors.

**6-15-3 POWERS AND DUTIES.** The duties of the CDG Director include the following:

1. Administration of the CDG mission as established by the Board of Directors.
2. Day-to-day coordination of CDG programs and activities as directed by the CDG Board of Directors.
3. Liaison between CDG Board of Directors and other professional, government, and philanthropic groups.
4. Fulfills the duties of the Main Street coordinator for the City of Mt. Vernon under the direction and supervision of the CDG Board of Directors.

## **G. Resolutions for Approval**

**AGENDA ITEM # G – 1**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Resolution – Urban Renewal Report
<b>ACTION:</b>	None

**SYNOPSIS:** This is the annual urban renewal report that has to be submitted to the Iowa Department of Management prior to December 1, 2016.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** Resolution and Attachments

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

RESOLUTION #10-3-2016A

A Resolution approving the Urban Renewal Report for Fiscal Year 2016.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to \_\_\_\_\_  
Resolution #10-3-2016A

Resolution #10-3-2016A \_\_\_\_\_ on October 3, 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

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## Levy Authority Summary

Local Government Name: MOUNT VERNON  
 Local Government Number: 57G548  
 Contact Name: Sue Ripke  
 Contact Phone: 319-895-8742 xxx-xxx-xxxx  
 Contact Email: sripke@cityofmtvernon-ia xxx@xxxxxx.xxx

Active Urban Renewal Areas **U.R. #** **# of Tif Taxing Districts** **Increment Value Used**  
**MT. VERNON URBAN RENEWAL** 57043 4 22,084,089

**TIF Debt & Obligations Outstanding 2,837,096**

**TIF Sp. Rev. Fund Cash Balance as of 07-01-2015 515,970** **Amount of 07-01-2015 Cash Balance Restricted for LMI 10,537**

TIF Revenue: 782,727  
 TIF Sp. Revenue Fund Interest 901  
 Property Tax Replacement Claims 0  
 Asset Sales & Loan Repayments 0  
**Total Revenue 783,628**

Rebate Expenditures 0  
 Non-Rebate Expenditures 793,428  
 Returned to County Treasurer 0  
**Total Expenditures 793,428**

**TIF Sp. Rev. Fund Cash Balance as of 06-30-2016 506,170** **Amount of 06-30-2016 Cash Balance Restricted for LMI 10,537**

**Year-End Outstanding TIF Obligations, Net of TIF Special Revenue Fund Balance 1,637,498**

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## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
 UR Area Number: 57043

Urban Renewal Plan:	<a href="#">Urban_Renewal_Plan.pdf</a>	09/03/2014	<a href="#">[upload]</a>
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Urban Renewal Ordinance:	<a href="#">Ordinances.pdf</a>	11/28/2012	<a href="#">[upload]</a>

Reinvestment District:  yes  no

UR Area Creation Date:  Enter date as: mm/yyyy

To promote economic development and stimulate private investments to create a sound economic base.

158 Characters Left

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Tax Districts within this Urban Renewal Area	Base No.	Increment No.	Increment Value Used
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<a href="#">MT VERNON CITY/MT VERNON SCH/ #2 UR INCR</a>	57618	57619	3,449,411
<a href="#">MT VERNON CITY AG/MT VERNON SCHOOL/AMEND # 2 UR TIF INCREMENT</a>	57620	57621	0

### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	3,035,000	196,876,000	37,191,300	801,200	0	-237,056	237,666,444	0	237,666,444
Taxable	1,356,708	109,725,982	33,472,170	721,080	0	-237,056	145,038,884	0	145,038,884
Homestead Credits									823

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- [Debts/Obligations](#)
- [Non-Rebate Payments](#)
- [Rebate Payments](#)
- [Jobs](#)
- [LMI Housing](#)
- [Public Building Analysis](#)
- [Financial Recap](#)
- [Notes \(Optional\)](#)

## Urban Renewal Area Projects

Project Name	Project Description	Classification	Project Physically Complete?	Project Payments Complete?	
WWTP	Waste water treatment plant	Water treatment plants, waste treatmen	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Street Construction	5th Ave, 4th St, Ink and Scobey Roads, 1	Roads, Bridges & Utilities	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Water Line Project	Installation of larger water line from the w	Roads, Bridges & Utilities	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Fire Station Land	Acquire land for new fire station.	Acquisition of property	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Business Grants	Grants to business owners for building im	Commercial - retail	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Fire Station	Portion of costs to build, equip and furnis	Municipal and other publicly-owned or le	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Swimming pool rehab	Swimming pool rehabilitation	Recreational facilities (lake developmen	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<a href="#">Remove</a>
Traffic lights	1st & 1st traffic lights	Roads, Bridges & Utilities	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<a href="#">Remove</a>
Urban Renewal Plan	Updating urban renewal plan	Administrative expenses	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<a href="#">Remove</a>
					<a href="#">Add</a>

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## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: [MT. VERNON URBAN RENEWAL](#)  
 UR Area Number: [57043](#)

Urban Renewal Plan:	<a href="#">Urban_Renewal_Plan.pdf</a>	Uploaded Date:	09/03/2014	<a href="#">[upload]</a>
Urban Renewal Map:	<a href="#">Maps.pdf</a>	Uploaded Date:	11/28/2012	<a href="#">[upload]</a>
Urban Renewal Ordinance:	<a href="#">Ordinances.pdf</a>	Uploaded Date:	11/28/2012	<a href="#">[upload]</a>

Reinvestment District:  yes  no

UR Area Creation Date:  Enter date as: mm/yyyy

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UR Area Purpose:  Enter: text explaining the purpose for this UR area  
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<a href="#">MT VERNON CITY AG/MT VERNON SCHOOL/AMEND # 2 UR TIF INCREMENT</a>	57620	57621	0

### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	3,035,000	196,876,000	37,191,300	801,200	0	-237,056	237,666,444	0	237,666,444
Taxable	1,356,708	109,725,982	33,472,170	721,080	0	-237,056	145,038,884	0	145,038,884
Homestead Credits									823

[Projects](#) [Debts/Obligations](#) [Non-Rebate Payments](#) [Rebate Payments](#) [Jobs](#) [LMI Housing](#) [Public Building Analysis](#) [Financial Recap](#) [Notes \(Optional\)](#)

## Urban Renewal Area Debt and Obligations

Debt/Obligation Name	Debt/Obligation Type	Principal as of 7/1/2015	Interest as of 7/1/2015	Total	Annual Appropriation?	Date Incurred	FY of Final Payment	
2007 G.O. Bonds	Gen.Obligation B	1,815,000	301,215	2,116,215	<input type="radio"/> Yes <input checked="" type="radio"/> No	05/01/2007	2022	Remove
2010B G.O. Bonds	Gen.Obligation B	55,000	1,481	56,481	<input type="radio"/> Yes <input checked="" type="radio"/> No	12/01/2010	2017	Remove
2010A G.O. Bonds	Gen.Obligation B	235,000	21,668	256,668	<input type="radio"/> Yes <input checked="" type="radio"/> No	10/19/2010	2020	Remove
2012 G.O. Bonds Refunding	Gen.Obligation B	116,000	1,176	117,176	<input type="radio"/> Yes <input checked="" type="radio"/> No	10/10/2012	2016	Remove
2014 G.O. Bonds	Gen.Obligation B	200,000	16,504	216,504	<input type="radio"/> Yes <input checked="" type="radio"/> No	09/22/2014	2021	Remove
Due to Cap. Improvement Fund	Internal Loans	55,186	0	55,186	<input type="radio"/> Yes <input checked="" type="radio"/> No	06/30/2015	2015	Remove
Due to Cap. Improvement Fund	Internal Loans	15,657	0	15,657	<input type="radio"/> Yes <input checked="" type="radio"/> No	06/30/2015	2015	Remove
Due to Cap. Improvement Fund	Internal Loans	1,724	0	1,724	<input type="radio"/> Yes <input checked="" type="radio"/> No	06/30/2015	2015	Remove
Due to General Fund	Internal Loans	1,505	0	1,505	<input type="radio"/> Yes <input checked="" type="radio"/> No	06/30/2015	2015	Remove
<b>U.R. Debt Totals</b>		<b>2,495,072</b>	<b>342,024</b>	<b>2,837,096</b>		mm/dd/yyyy	yyy	Add

**Include:**

- Remaining principal and interest to term, as of July 1, 2015 or as of the date of issuance for the items issued during the reported fiscal year
- All installments of annual appropriation debt, with the assumption that all annual appropriations will be approved.
- The actual, projected or maximum allowed amount of rebate payments remaining, including the current fiscal year's payment.
- FY of Final Payment is the fiscal year in which the debt will be paid in full.

## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
 UR Area Number: 57043

	Uploaded File	Uploaded Date	
Urban Renewal Plan:	<a href="#">Urban_Renewal_Plan.pdf</a>	09/03/2014	<a href="#">[upload]</a>
Urban Renewal Map:	<a href="#">Maps.pdf</a>	11/28/2012	<a href="#">[upload]</a>
Urban Renewal Ordinance:	<a href="#">Ordinances.pdf</a>	11/28/2012	<a href="#">[upload]</a>

Reinvestment District:  yes  no

UR Area Creation Date:  Enter date as: mm/yyyy

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<a href="#">MT VERNON CITY AG/MT VERNON SCHOOL/AMEND # 2 UR TIF INCREMENT</a>	57620	57621	0

### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	3,035,000	196,876,000	37,191,300	801,200	0	-237,056	237,666,444	0	237,666,444
Taxable	1,356,708	109,725,982	33,472,170	721,080	0	-237,056	145,038,884	0	145,038,884
Homestead Credits									823

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[LMI Housing](#)
[Public Building Analysis](#)
[Financial Recap](#)
[Notes \(Optional\)](#)

## Non-Rebate Payments, Fiscal Year 2016

Do not include property tax rebates paid from the TIF Special Revenue Fund.  
 Rebates are entered on the rebate tab.  
 Include only payments from the TIF Special Revenue Fund.

TIF Expenditure Amount	Tied to Debt	Tied to Project	
227,689	2007 G.O. Bonds	WWTP	Remove
262,856	2007 G.O. Bonds	Street Construction	Remove
117,176	2012 G.O. Bonds Refunding	Water Line Project	Remove
18,661	2010B G.O. Bonds	Fire Station Land	Remove
6,107	2010B G.O. Bonds	Business Grants	Remove
51,323	2010A G.O. Bonds	Fire Station	Remove
1,150	2010B G.O. Bonds	Business Grants	Remove
34,394	2014 G.O. Bonds	Swimming pool rehab	Remove
55,186	Due to Cap. Improvement Fund	Traffic lights	Remove
15,657	Due to Cap. Improvement Fund	Swimming pool rehab	Remove
1,724	Due to Cap. Improvement Fund	Urban Renewal Plan	Remove
1,505	Due to General Fund	Urban Renewal Plan	Remove

**Total 793,428**

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## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
 UR Area Number: 57043

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Urban Renewal Plan:	<a href="#">Urban_Renewal_Plan.pdf</a>	09/03/2014	<a href="#">[upload]</a>
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Urban Renewal Ordinance:	<a href="#">Ordinances.pdf</a>	11/28/2012	<a href="#">[upload]</a>

Reinvestment District:  yes  no

UR Area Creation Date:  Enter date as: mm/yyyy

To promote economic development and stimulate private investments to create a sound economic base.

Enter: text explaining the purpose for this UR area

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### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	3,035,000	196,876,000	37,191,300	801,200	0	-237,056	237,666,444	0	237,666,444
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Homestead Credits									823

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- [Rebate Payments](#)
- [Jobs](#)
- [LMI Housing](#)
- [Public Building Analysis](#)
- [Financial Recap](#)
- [Notes \(Optional\)](#)

## Urban Renewal Area Property Tax Rebates, Fiscal Year 2016

Include only rebates paid from the TIF Special Revenue Fund.

Property Address or Designation	TIF Expenditure Amount	Rebate Paid to (person or entity)	Tied to Debt	Tied to Project	Projected Final FY of Rebate	
<b>Total</b>	<b>0</b>					<input type="button" value="Add"/>

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## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
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Reinvestment District:  yes  no

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### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

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[Financial Recap](#)
[Notes \(Optional\)](#)

Do you have any development or redevelopment agreements that are currently being financed through TIF revenue from this UR area where the agreement has job creation requirements?  yes  no

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## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
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Reinvestment District:  yes  no

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## Low and Moderate Income Housing

Urban Renewal Areas established 1) as an economic development area and 2) for the purpose of providing or aiding in the provision of public improvements related to housing and residential development must include assistance for low and moderate income (LMI) housing (see Iowa Code Section 403.22).

Is this Urban Renewal Area subject to Section 403.22 LMI requirements and/or does this Urban Renewal Area have an unexpended LMI balance at the end of FY 2016?

yes  no

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## Urban Renewal Area Data Collection

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 Urban Renewal Area: **MT. VERNON URBAN RENEWAL**  
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<a href="#">Projects</a>	<a href="#">Debts/Obligations</a>	<a href="#">Non-Rebate Payments</a>	<a href="#">Rebate Payments</a>	<a href="#">Jobs</a>	<a href="#">LMI Housing</a>	<a href="#">Public Building Analysis</a>	<a href="#">Financial Recap</a>	<a href="#">Notes (Optional)</a>
--------------------------	-----------------------------------	-------------------------------------	---------------------------------	----------------------	-----------------------------	--	---------------------------------	----------------------------------

Iowa Code Section 403.5(2)(b), as amended in HF 2460 (TIF Reporting Act of 2012) requires that for all proposed Urban Renewal plans and Urban Renewal Projects that utilize tax increment financing for the construction or repair of public facilities, an analysis be made of any alternative development and financing options for those facilities. The Code further requires that the analysis be filed through the TIF reporting process.

This requirement applies to plans and projects proposed on or after July 1, 2012.

**Please save all work before submitting an analysis file.**

File	Project Name	Approval Date	Description	<a href="#">Add</a>

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## Urban Renewal Area Data Collection

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 Urban Renewal Area: **MT. VERNON URBAN RENEWAL**  
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[Projects](#) [Debts/Obligations](#) [Non-Rebate Payments](#) [Rebate Payments](#) [Jobs](#) [LMI Housing](#) [Public Building Analysis](#) [Financial Recap](#) [Notes \(Optional\)](#)

<b>TIF Sp. Rev. Fund Cash Balance as of 07-01-2015</b>	<input type="text" value="616,970"/>	<input type="text" value="10,537"/>	<b>Amount of 07-01-2015 Cash Balance Restricted for LMI</b>
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Asset Sales & Loan Repayments	<input type="text" value="0"/>		
<b>Total Revenue</b>	<b>783,628</b>		
Rebate Expenditures	0		
Non-Rebate Expenditures	793,428		
Returned to County Treasurer	<input type="text" value="0"/>		
<b>Total Expenditures</b>	<b>793,428</b>		
<b>TIF Sp. Rev. Fund Cash Balance as of 06-30-2016</b>	<b>506,170</b>	<input type="text" value="10,537"/>	<b>Amount of 06-30-2016 Cash Balance Restricted for LMI</b>

[Save](#)

[Help](#) [Log out](#)

## Urban Renewal Area Data Collection

Local Government Name: [MOUNT VERNON \(57G548\)](#)  
 Urban Renewal Area: MT. VERNON URBAN RENEWAL  
 UR Area Number: 57043

	Uploaded File	Uploaded Date	
Urban Renewal Plan:	<a href="#">Urban_Renewal_Plan.pdf</a>	09/03/2014	<a href="#">[upload]</a>
Urban Renewal Map:	<a href="#">Maps.pdf</a>	11/28/2012	<a href="#">[upload]</a>
Urban Renewal Ordinance:	<a href="#">Ordinances.pdf</a>	11/28/2012	<a href="#">[upload]</a>

Reinvestment District:  yes  no

UR Area Creation Date:  Enter date as: mm/yyyy

To promote economic development and stimulate private investments to create a sound economic base.

158 Characters Left

UR Area Purpose: Enter: text explaining the purpose for this UR area

Tax Districts within this Urban Renewal Area	Base No.	Increment No.	Increment Value Used
<a href="#">MT VERNON CITY/MT VERNON SCH/ INCR</a>	57245	57246	18,634,678
<a href="#">MT VERNON CITY AG/MT VERNON SCH/ INCR</a>	57247	57321	0
<a href="#">MT VERNON CITY/MT VERNON SCH/ #2 UR INCR</a>	57618	57619	3,449,411
<a href="#">MT VERNON CITY AG/MT VERNON SCHOOL/AMEND # 2 UR TIF INCREMENT</a>	57620	57621	0

### Urban Renewal Area Value by Class - 1/1/2014 for FY 2016

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	3,035,000	196,876,000	37,191,300	801,200	0	-237,056	237,666,444	0	237,666,444
Taxable	1,356,708	109,725,982	33,472,170	721,080	0	-237,056	145,038,884	0	145,038,884
Homestead Credits									823

[Projects](#)
[Debts/Obligations](#)
[Non-Rebate Payments](#)
[Rebate Payments](#)
[Jobs](#)
[LMI Housing](#)
[Public Building Analysis](#)
[Financial Recap](#)
[Notes \(Optional\)](#)

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area during FY 2016

**AGENDA ITEM # G – 2**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Resolution Disposing of Property
<b>ACTION:</b>	None

**SYNOPSIS:** There are two items of significance in this resolution. The first relates to the snow plow. Nick has provided a memo and picture of the unit and I concur with his assessment.

It is not currently listed with Exhibit "A," but staff is trying to inventory office equipment in the old fire station. If we can, we will provide a new exhibit "A" at the meeting. As it relates to the office equipment, staff would recommend a ladder approach to their disposal. Staff has recommended a minimum bid amount for all items sold as a package (we have received interest for all the items). If the City did not receive a local bid in the minimum amount, staff would reach out to other governing bodies in the State. If we did not receive any interest, we would recommend working with Welter's or an auction house.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** Resolution

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

RESOLUTION #10-3-2016B

RESOLUTION APPROVING THE DISPOSAL OF  
MUNICIPAL PROPERTY

WHEREAS; over time the City of Mt. 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 MT. VERNON, IOWA: To grant staff permission to dispose of inventoried property by best methods possible while seeking to collect reasonable value.

PASSED and ADOPTED this 3<sup>rd</sup> day of October, 2016.

\_\_\_\_\_  
Jamie Hampton, Mayor

ATTEST:

\_\_\_\_\_  
Sue Ripke, City Clerk

Exhibit "A"

## **Equipment for Sale**

**October 3, 2016**

1. Boss V- Plow (recommended sale to Mt. Vernon School District for \$500).

## MV School Snow Plow Sale

The city has been approached by the MV Community Schools. The school would like to purchase one of the cities used V-Plows that will be replaced by a new straight blade recently approved by council. The school has purchased a new pickup truck and would like a better plow then what the school currently has. The city will have minimal use for the V-Plows being replaced. The V-Plows will still fit on the F-350 and the F-250. We currently have 3 V-Plows and at no point are we able to operate more than two of the V-Plows. So having an extra V-Plow is of no use to the city. I feel the school would be able to get far better use out of the plow then the city hanging on to it and using it once or twice a year. The School will at some point have to put some money into the blade due to the abuse it has been through. A fair price for the School would be \$500.00 dollars. The city of Walker has recently sold a similar plow for \$600.00 dollars.



## **J. Motions for Approval**

CITY OF MOUNT VERNON  
CLAIMS FOR APPROVAL, OCTOBER 3, 2016

PAYROLL	CLAIMS	54,217.14
GROUP SERVICES INC	INSURANCE-ALL DEPTS	25,481.06
UTILITY SERVICE INC	YR 4 PYMT	12,449.08
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A	6,145.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	4,363.69
VEENSTRA & KIMM INC	DRAINAGE ISSUES-SCOBAY,LISBON RD	2,351.22
VEENSTRA & KIMM INC	WASTEWATER FACILITY PLAN	1,890.72
ROTO-ROOTER	VAC JET/10TH AVE SW & LINCOLN DR	1,690.50
JANDA MOTOR SERVICES	BLOWER REPAIR-SEW	1,673.00
BORST BROS. CONST. INC	GARY'S ENTRANCE-RAB	1,670.09
JANDA MOTOR SERVICES	BLOWER REPAIR-SEW	1,204.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,103.28
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	1,075.00
GALLS INC	UNIFORMS,EQUIP-PD	729.48
JANDA MOTOR SERVICES	BLOWER REPAIR-SEW	700.00
JANDA MOTOR SERVICES	BLOWER REPAIR-SEW	680.00
COMMUNITY DEVELOPMENT GROUP	EDUCATION-ECON DEV	675.00
CENTURY LINK	PHONE CHGS-P&A	497.32
IOWA CODIFICATION INC	CODE UPDATES-P&A	450.00
ARCH CHEMICALS INC	CHEMICALS-POOL	445.24
CUMMINS CENTRAL POWER LLC	OIL-WAT,SEW	423.04
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	412.50
ESCO ELECTRIC COMPANY	O.R.L.S. PHASE MONITOR RELAY	394.30
VEENSTRA & KIMM INC	STONEBROOK DEVELOPMENT PRE APP	368.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	350.00
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS-PW	319.60
VEENSTRA & KIMM INC	HWY 30 BYPASS COORDINATION	309.00
WENDLING QUARRIES	STONE-ST WAT	301.44
PRACTICAL SECURITY SYSTEMS	EQUIPMENT REMOVAL-PD	300.00
ALTORFER INC	EQUIP MAINT-WAT,SEW	290.14
BUSER, ROBERT M	TORCH,BOOTS-EMA	286.03
WENDLING QUARRIES	STONE-ST WAT	281.37
M & K DUST CONTROL	DIRT/STUMP FILL-RUT	250.00
PACE SUPPLY	SEEDING-RUT	239.00
CUSTOM HOSE & SUPPLIES INC	HOSE/FLUSH HYDRANTS-WAT	235.02
TASER TRAINING ACADEMY	TRAINING-PD	225.00
HDC	SUPPLIES-P&A	224.24
OFFICE EXPRESS	CALENDAR BOOKS,HANGING FOLDERS	172.88
SAM KRINGLEN	REFEREE-P&REC	165.00
VEENSTRA & KIMM INC	POOL FILTER EVALUATION	162.00
CUMMINS CENTRAL POWER LLC	GEN MAINT-WAT,SEW	159.48
RIPKE, SUE	MILEAGE-P&A	154.98
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	151.23
JORDAN AXTELL	REFEREE-P&REC	150.00
CENTURY LINK	PHONE CHGS-PD	113.02
ALTORFER INC	GEN MAINT-WAT,SEW	112.50
CENTURY LINK	PHONE CHGS-FD	107.09
JAKE COON	REFEREE-P&REC	105.00
NOLAN HINRICHS	REFEREE-P&REC	105.00
GEHRKE, TODD	MEMBERSHIP-PD	100.00
IA ASSOC OF MUNICIPAL UTIL	TRAINING-PW	99.00
CENTURY LINK	PHONE CHGS-SEW	92.34
KAYDEN PENDERGRASS	REFEREE-P&REC	75.00
TREASURER STATE OF IOWA	IOWA TREASURE HUNT	68.42
MIDWEST BREATHING AIR LLC	QRTLY AIR TEST-FD	60.60
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00

CITY OF MOUNT VERNON  
CLAIMS FOR APPROVAL, OCTOBER 3, 2016

JORDAN AXTELL	REFEREE-P&REC	60.00
SAM KRINGLEN	REFEREE-P&REC	60.00
RACHEL MOSIER	DEPOSIT REFUND-WAT	53.88
CENTURY LINK	PHONE CHGS-WAT	53.24
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	49.61
JAKE COON	REFEREE-P&REC	45.00
KAYDEN PENDERGRASS	REFEREE-P&REC	45.00
NOLAN HINRICHS	REFEREE-P&REC	45.00
CENTURY LINK	PHONE CHGS-POOL	43.95
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	29.61
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	29.02
JACQUELINE ENGELBRECHT	TEACHING/AQUACISE-POOL	25.00
MENARDS	ELLIOTT SHED-P&REC	23.28
CCP INDUSTRIES	VEST-FD	16.01
SHERWIN WILLIAMS CO.	SUPPLIES-P&REC	13.18
MOUNT VERNON POLICE RESERVES	SPECIAL EVENTS-PD	6.34
	TOTAL	127,571.16

**AGENDA ITEM # J – 2**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Community Center Recommendations
<b>ACTION:</b>	None

**SYNOPSIS:** Staff has completed a review of the community center project and provided the enclosed memo. Specific recommendations have been made at the end of the memo.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Supporting Documents

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

# Memorandum

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**To:** Mayor and City Council  
**From:** Chris Nosbisch, City Administrator  
**Date:** 9/29/2016  
**Re:** Community Center

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The City Council has received a recommendation from the Community Center working group. The structure, as it is designed, can add additional features during initial construction or at some point in the future. City staff has reviewed the proposal and conducted tours of other like facilities over the course of the last two months. The following information was used by staff to formulate a recommendation for the Council that can be found at the end of the memo.

The facility that was presented to the City Council on July 5, 2016 included 20,752 SF of total floor area. This includes a gym, elevated walking track, activity center (with a small kitchenette), cardiovascular and multipurpose rooms. The estimated cost of construction and equipping the facility would be approximately \$3.8 million. To add an additional gym, as shown on the concept plan, the costs would increase by approximately \$1.2 million. If all of the items that were identified in the survey were to be included, the total cost of the facility would be in the neighborhood of \$8.6 million.

What facilities did the staff view and what did we learn?

- Staff visited Peosta (1511), Osage (3634), Waukon (3869), Manchester (5113), Oelwein (6261).
- No two facilities were alike. Waukon's facility and population were the closest concept to the proposed structure in Mt. Vernon.
- With the exception of Manchester, each of the facilities was within 500 feet of the school. In one case, Oelwein, it is part of the school. *Staff would highly recommend this as it affords us the ability to offer more programs.*
- The two largest expenses at each of the facilities were utilities and staffing. With that being said, two of the facilities utilized senior volunteers to help man the front desk. In the case of Manchester, the

- entire facility is staffed by volunteers (not recommended but effective for their needs).
- Prices and expectations need to be established when the facility opens. Attempting to adjust prices after the building is opened proved to be a political issue in at least two of the communities.
  - Two of the five facilities are currently operating in the black and one of the facilities did not provide financials (Manchester).
    - o Of the two that do not operate in the black, there are fairly substantial reasons (in staff's opinion). In the case of Peosta, the facility was constructed by a major donor and given to the City. According to the Director, it was donated as a place for the children. Because of this, their prices are extremely low. As I stated above, they are having difficulty raising the fees because of this expectation. In the case of Oelwein, the facility is run by the hospital with the City covering the losses should they incur any. Staff believes there is really no incentive for the hospital staff to recommend controversial increases if the City will cover the loss.
    - o In the case of Peosta, the overages are covered by the convention hall. The City of Peosta maintains the bar within the convention area and offsets losses with gains from the complex. Osage also has a number (six) of entities that share in the expense of the building.
  - Waukon and Peosta are both managed by City staff. Manchester is staffed by volunteers. Oelwein is staffed by the hospital and Osage is governed by the City, County, School, Fair Board and Historical society. The employees work under the direction of the Board.
  - Osage was the only facility to have a pool. I use the term pool loosely because it has a small three lane lap swim pool, a lazy river that doubles as an exercise unit and a small zero entry pool for children. The City of Osage provides \$160,000 a year to the facility for the pool operation. They have closed the old, city owned outdoor facility. In talking with staff at the other facilities, no one indicated a desire to add a pool to their facility.

#### Recommendations:

- Staff has met with representatives of the community center task force and recommended to them that we move the project to the Parks and Recreation Board. They have concurred with that proposal, therefore staff is recommending this course of action to the Council.
- SB2 was only contracted to perform preliminary designs. The next step would be for the Board to recommend a design professional to the Council. They can recommend retaining SB2 or go through the formal RFP process.

- Staff would recommend that the City apply for CAT (community, attraction and tourism) funding for the second gym. The addition of the second gym will expand the programs that can be offered and open up other revenue sources. The expected asking by the City would be \$750,000 for the \$5 million dollar facility. The remaining funds (\$500,000) could be sought by the community center task force.
- The expectation, if Council choose this direction, would be to have the facility under construction in 2018. Applications for CAT funding are due in September of 2017.
- If CAT funding and/or monies from fundraising did not come through, the project could be scaled back to the original design of \$3.8 million (one gym).

**AGENDA ITEM # J – 3**

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

<b>DATE:</b>	October 3, 2016
<b>AGENDA ITEM:</b>	Department Head PTO
<b>ACTION:</b>	None

**SYNOPSIS:** The City Council included a provision in the PTO policy that allows the Council to make adjustments to Department Head PTO allotments by including past experience in the equation. Attached is my recommendation on adjustments.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Supporting Documents

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

# Memorandum

**To:** Mayor and City Council  
**From:** Chris Nosbisch, City Administrator  
**Date:** 9/30/2016  
**Re:** PTO adjustment recommendations

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The PTO policy approved by the City Council contains language that allows the City Council to consider previous employment in the calculation of PTO allotments. The language specifically states: "Upon recommendation from the City Administrator, the City Council may allow an employee's years of service within the field in which they were hired to count towards their monthly accrual rate for PTO." At this time, there are two department heads that I am recommending receive shifts to their monthly allotment. This adjustment is only for the allowable accrued hours and does not change the maximum reimbursement of PTO. The maximum reimbursement of PTO is based on the number of years with the City of Mt. Vernon specifically.

<u>Employee</u>	<u>Years w/ City</u>	<u>Previous years in like position</u>
Matt Siders	4.5 years	18 years
Nick Nissen	2 years	10 years

Matt has served a local government for fourteen (14) of his eighteen (18) year career. Between sick and vacation, he was accruing twenty (20) hours per month. If he were to have worked with the City of Mt. Vernon for the entire time frame, he would be receiving twenty (20) hours per month. In reviewing his resume, Matt served as a Director, Manager, or Supervisor in all fourteen years. **I am recommending that Matt receive the twenty (20) hours per month accrual of PTO.**

Nick had worked with Iowa Bridge and Culvert for ten years prior to coming to the City of Mt. Vernon. Nick was a supervisor for four (4) of the ten (10) years he was with the company. The four years of supervisory experience was in a similar capacity as what has been required of the Mt. Vernon Public Works Director

position. **I am recommending that Nick get credit for the four years of previous experience and receive the sixteen (16) hours per month accrual of PTO.**

If the City Council concurs with these recommendations, I would ask that the accruals be retroactive to the month of August.

**AGENDA ITEM # J – 4**

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

**DATE:** October 3, 2016

**AGENDA ITEM:** Water Tower Maintenance

**ACTION:** None

**SYNOPSIS:** The contractor that is currently working on the water tower has asked the City (while they are here) if we would like the name or logo painted on the tower. It is my understanding that it was left off due to cost originally (among other factors). The estimates for placing the name on the water tower is approximately \$6,000 per side. If we wanted to place the logo on the tower, the estimated price would be an additional \$12,000 (total is \$12,000 to \$24,000). I have attached a picture of the Sac City water tower for comparison.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Supporting Documents

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16



## **L. Discussion Items (No Action)**

**AGENDA ITEM # L – 1**

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

**DATE:** October 3, 2016

**AGENDA ITEM:** Street Trees

**ACTION:** None

**SYNOPSIS:** Please see the attached memo.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 9/30/16

# Memorandum

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**To:** Mayor and City Council  
**From:** Chris Nosbisch, City Administrator  
**Date:** 9/30/2016  
**Re:** Right of Way Tree Trimming

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The maintenance of right of way trees has been a topic of conversation amongst staff since my first week in City Hall. What this memo will attempt to do is shed light on this growing concern for both the City and its citizens.

## History

I was able to reach out to Scott Peterson as he was the Mayor at the time this was last discussed. The original discussion came about after a conflict in the city code provisions was identified. In speaking with Mr. Peterson, he believed the decision to put the responsibility on the property owner was “soft” and fully expected the issue to be reconsidered at some point in the future. The estimate that was being utilized during the discussion was \$100,000 in annual maintenance cost to the City. At the time, it was determined by staff that a levy increase would be necessary in order to account for the additional maintenance cost. Ultimately, it was determined to keep the levy rate stable and to turn the maintenance over to the property owner.

## Comparisons

Wanting to get some idea as to what other communities may be doing, I reached out to my colleagues to see how they currently deal with the same situation. The responses I received are as follows:

City	Current Policy
DeWitt	Maintained by City
Conrad	Ordinance states homeowner, City ends up completing the work
Charles City	Homeowner
Osceola	City
Monticello	Homeowner

Belle Plaine	Transitioning to the City
Belmond	City over the street: homeowner over the sidewalk
Carlisle	Homeowner, unless it is within the power lines (municipal utility)
Independence	City over street: homeowner over sidewalk
Oelwein	Ordinance states homeowner, City ends up completing the work
Oskaloosa	Ordinance states homeowner, City ends up completing the work
Washington	Ordinance states homeowner, City ends up completing the work
Monroe	Homeowner
Sioux Center	City over the streets
Tipton	City
Norwalk	Homeowner

As you can see, the responses vary by City.

**Current Issues (for and against)**

The City has not been pro-active in the enforcement of this code provision. There are numerous streets that currently have tree limbs hanging over the city right of way below the minimum clearance. The minimum clearance required is eighteen (18) feet over streets and nine (9) feet over sidewalks.

The current means of enforcing Chapter 151 is actually quite cumbersome and requires an immense amount of staff time to complete. The current ordinance requires a notice to be given to the property owner giving them thirty (30) days to comply. If the homeowner does not comply with the notice, the City Administrator can cause the trees to be trimmed and have the cost of such removal certified to the County Treasurer to be collected in the same manner as general property taxes.

- Staff now has to create the notice, serve the notice, track the thirty day waiting period for each served resident, and then have the work completed if it remains non-compliant after the waiting period. Once this is complete, there is additional staff time necessary to certify amounts to the County Treasurer.
- The question of who completes the abatement is always raised if it is necessary to have the trees trimmed. Does the public works department complete the abatement, or does the City contract the work with a private firm? If it is a private firm, the city will have to cover the cost of the abatement and wait to receive reimbursement from the homeowner until they pay their taxes (typically a one year lag). If it is public works staff, we would be completing the work as if it were under City jurisdiction.
- Staff is allowed to add an administrative fee (typically \$50) to the costs of the abatement, but it rarely covers the true cost enforcement.

Wind and Ice. These are two very problematic, very real events in Iowa. Although right of way trees can be very beautiful and add to the character of a community, they can also be extremely expensive to maintain and remove. A lack of a maintenance program will only exacerbate the issue when we have an event of this nature.

State law requires that the City deal with any dead or diseased trees within the right of way. Failure to deal with a known dead or diseased tree can place the City's insurance carrier in a very precarious position.

As was the case on Hwy 1, it is easier to plan around partial street closures if all of the work is being completed at one time. As it was in this case, the homeowners (or their contractors) would have been required to work with the IDOT to get Hwy 1 closed to complete the work. It is likely that IDOT would have required some sort of coordination in an effort not to partially close the highway on multiple occasions. Although it is not as big of an issue on other city streets, it will have similar consequences.

Tree trimming is considered one of the more hazardous jobs in public works. Although current staff receives training in proper safety procedures, they may need additional training specifically aimed at tree trimming.

New equipment would be needed for staff to properly complete the work. As the current bucket truck does not have outriggers, a replacement vehicle may be needed (currently in the CIP). There is a possibility of renting such a unit, but the long term cost of renting vs. owning would need to be explored.

City staff would not likely undertake large scale removals so there will always be some contractor cost to the City.

### **Staff Recommendations**

It is my belief that the current ordinance is a "kick the can down the road" scenario. It is infeasible, given the current staffing situation, to believe we can complete a proactive enforcement program. We currently have a majority of the necessary equipment to complete the trimming work (chipper, saws, etc.) in house.

Although there's definitely a potential for additional cost, staff does not believe that completing the work in house would require \$100,000 annually. Bringing the work in house will require the Public Works Director to add another duty to his scheduling. As we have talked, tree trimming could be completed during the fall and winter months.

If implemented, staff would work with the existing city quadrants to begin a four year cycle of compliance. Once the initial four year cycle is complete, the amount of staff time needed to complete the work in subsequent years should diminish significantly.

Staff would work on a block by block basis, thereby minimizing the impact to the residents. Notice (door hangers) would be provided to the homeowners one week in advance of the work. Homeowners would be allowed to complete the work themselves if it is coordinated with staff. This is due to the fact that staff is trimming the trees to comply with the clearance requirements. If homeowners would like to have their trees trimmed in a more manicured way, they could complete the work on their own.

Staff would continue to use a private contractor in difficult removals or removal requiring specialized equipment.

## **M. Reports Mayor/Council/Admin.**

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**CITY OF MT. VERNON  
CITY ADMINISTRATOR  
REPORT TO THE CITY COUNCIL  
October 3, 2016**

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- The Mayor has established trick or treating for Halloween night, Monday, October 31, 2016 from 5 p.m. to 8 p.m.
- The Capital Improvement Plan will begin at the next Council meeting. This will kick off the budget discussions as we head into the holiday season.
- Staff has been working with Wapsie Waste to review the current recycling contract. They will be following up with a couple of alternatives for the City.