

# 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>July 5, 2016 – 6:30 PM</b>
<b>Web Page:</b>	<b>www.cityofmtvernon-ia.gov</b>
<b>Posted:</b>	<b>July 1, 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>Assis. 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		

Prior to the start of the regularly scheduled City Council meeting, the Mayor and City Council will be touring the Mt. Vernon City Pool located in Davis Park (2<sup>nd</sup> Ave. N.), Mt. Vernon, Iowa. The tour will begin at 5:30 p.m., July 5, 2016.

- A. Call to Order**
- B. Agenda Additions/Agenda Approval**
- C. Communications:**
  - 1. Unscheduled
  - 2. Community Center Presentation

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 – June 20, 2016 Regular Council Meeting

**E. Public Hearing**

- 1. Public Hearing on Ordinance to Amend Table 4.2 Permitted Uses by Zoning Districts of the City of Mt. Vernon Municipal Zoning Code
  - i. Close Public Hearing – proceed to F-1

**F. Ordinance Approval/Amendment**

- 1. An Ordinance Amending Table 4.2 Permitted Uses by Zoning Districts 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
- 2. An Ordinance Amending Chapter 5 Operating Procedures of the City of Mt. Vernon Municipal Code
  - i. Motion to suspend rules and proceed to third and final reading
- 3. An Ordinance Amending Chapter 92 Water Rates of the City of Mt. Vernon Municipal Code
  - i. Motion to approve third and final reading

**G. Resolutions for Approval**

1. Resolution Establishing Depositories of Public Funds With Mount Vernon Bank and Trust
2. Resolution Establishing Depositories of Public Funds With Hills Bank and Trust Company
3. Resolution Establishing Depositories of Public Funds With Bridge Community Bank
4. Resolution Making Award of the Construction Contract for Mobilization and Construction of Access Improvements at Hwy 1 and Gary's Foods

**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 Placing Solar Panels on Public Structures – Council Action as Needed
3. Discussion and Consideration of Department Head PTO Policy – Council Action as Needed
4. Discussion and Consideration of Department Head Cell Phones – Council Action as Needed
5. Discussion and Consideration of Quotes for Sidewalk and Driveway Repair Work – Council Action as Needed

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

1. None

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

1. Demolition Ordinance – Guy Booth
2. Social Host Ordinance – Chief Shannon

**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.**

**JUST A  
REMINDER!!**

**WE ARE MEETING  
AT THE SWIMMING  
POOL AT 5:30  
BEFORE THE  
REGULAR COUNCIL  
MEETING.**

## **C. Communications**

**AGENDA ITEM # C – 2**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Community Center Presentation
<b>ACTION:</b>	None

**SYNOPSIS:** The community center working group has reached a point where they can start making recommendations to the City Council. Ed Sauter will be present to review the attached presentation to the Council.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** Community Center Working Group

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Presentation

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

## **MVCWC – SURVEY PRIORITIES**

- 
- 
- 1. Indoor Pool #1 Preference – Provide for Future
- 2. Gymnasium Space (performance size) – Provision to add 2<sup>nd</sup> Gym
- 3. Indoor Walking Track
- 4. Senior/Social Gathering Space
- 5. Cardio-Vascular Equipment Space
- 6. Multipurpose Space (crossfit/aerobics/etc.)
- 7. Seminar/Meeting Space

## OTHER PROJECT CONSIDERATIONS

- 
- 
- Land Donated by MV Community School District
  - Covenant for future use of land and building (2<sup>nd</sup> gym, pool?)
- Sloping Site/Elevated Track Lead to 2 Story Solution
- Mechanical – energy efficiency
- Community Safe Room
- Main Access off Palisades Road
- Sharing of Overflow Parking with School District
- Furniture / Fixtures estimate

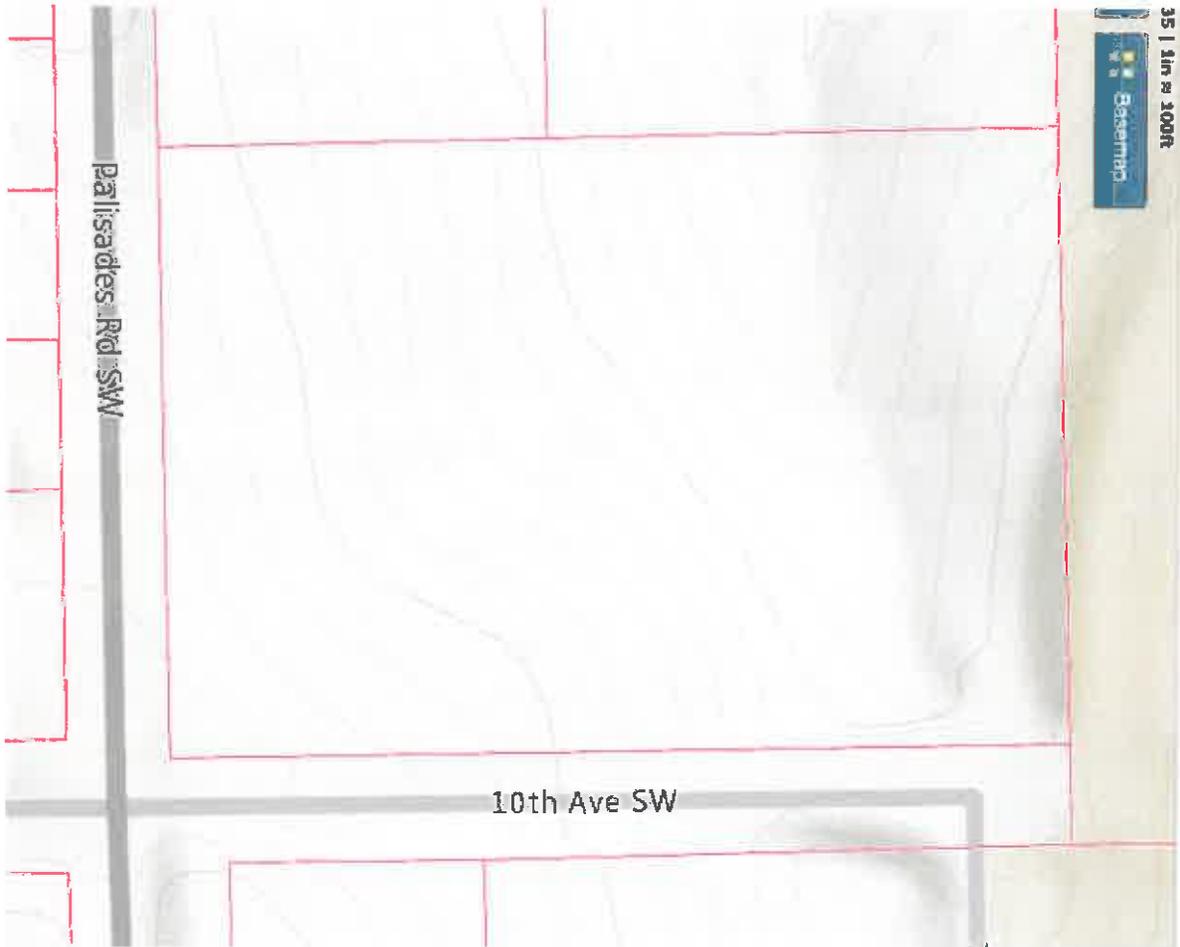
# ONGOING TASKS

- 
- Construction Funding
  - Access to LOST funds
- Additional Funding
  - Professional Fundraiser?
  - Community Fundraising
  - Grants
- Facilities Management
  - Develop operating budget and sources of revenue
  - Staffing
  - Fee for services?
  - Agreements with service providers (concession stand, meal services, etc)

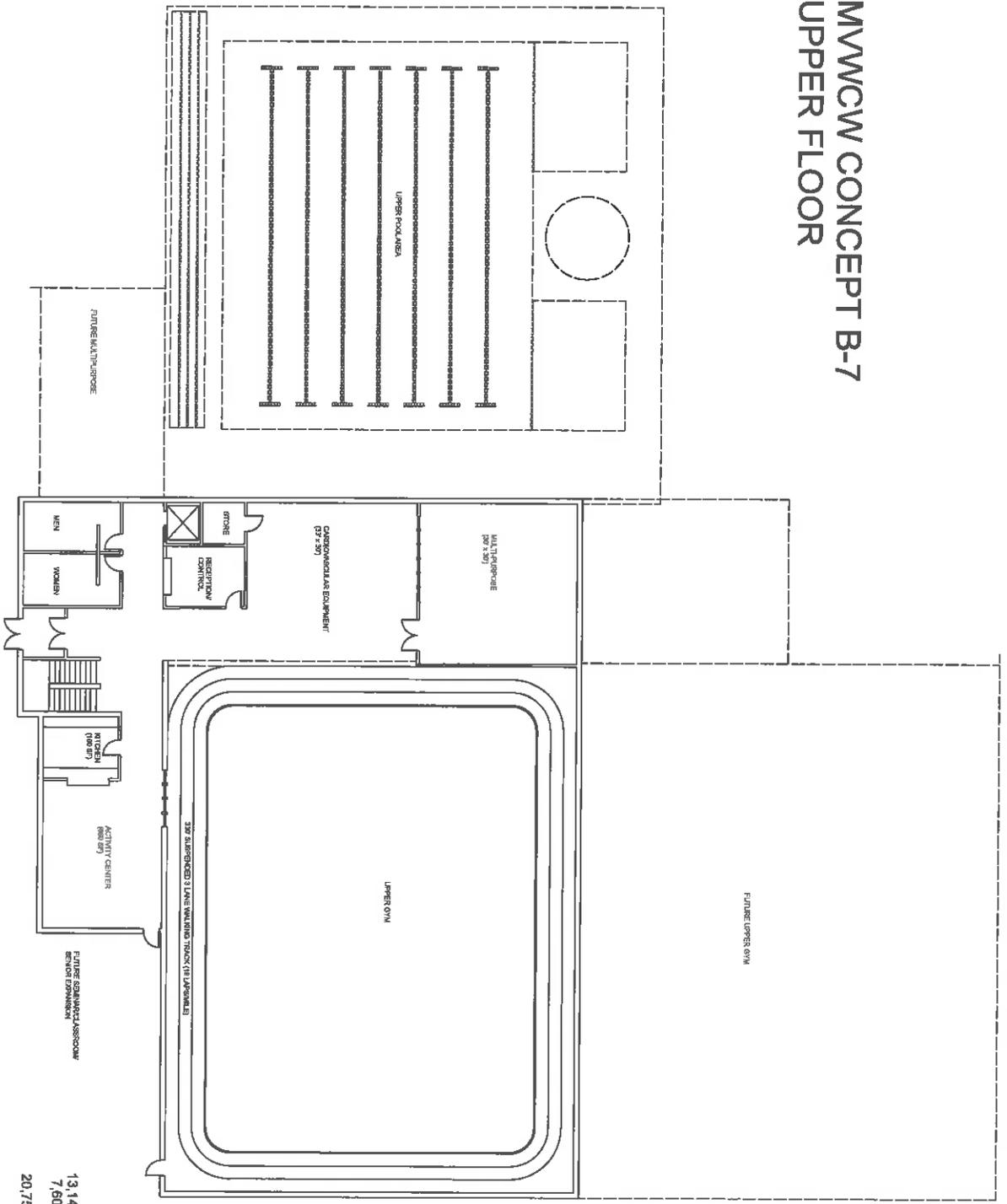


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Linn County, Iowa  
**HIGH SCHOOL SITE A**  
**Sauter Baly Associates**  
3/21/2013

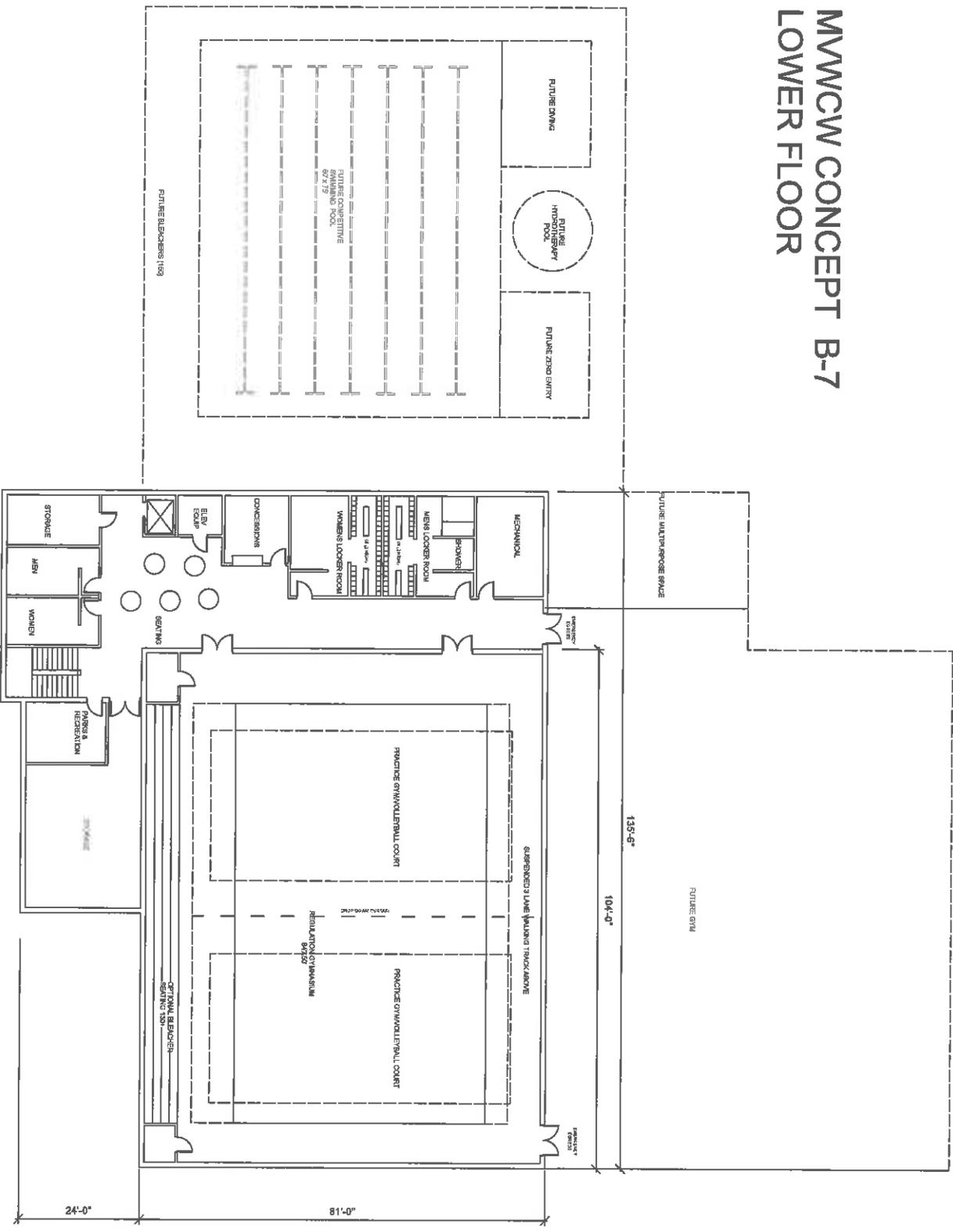


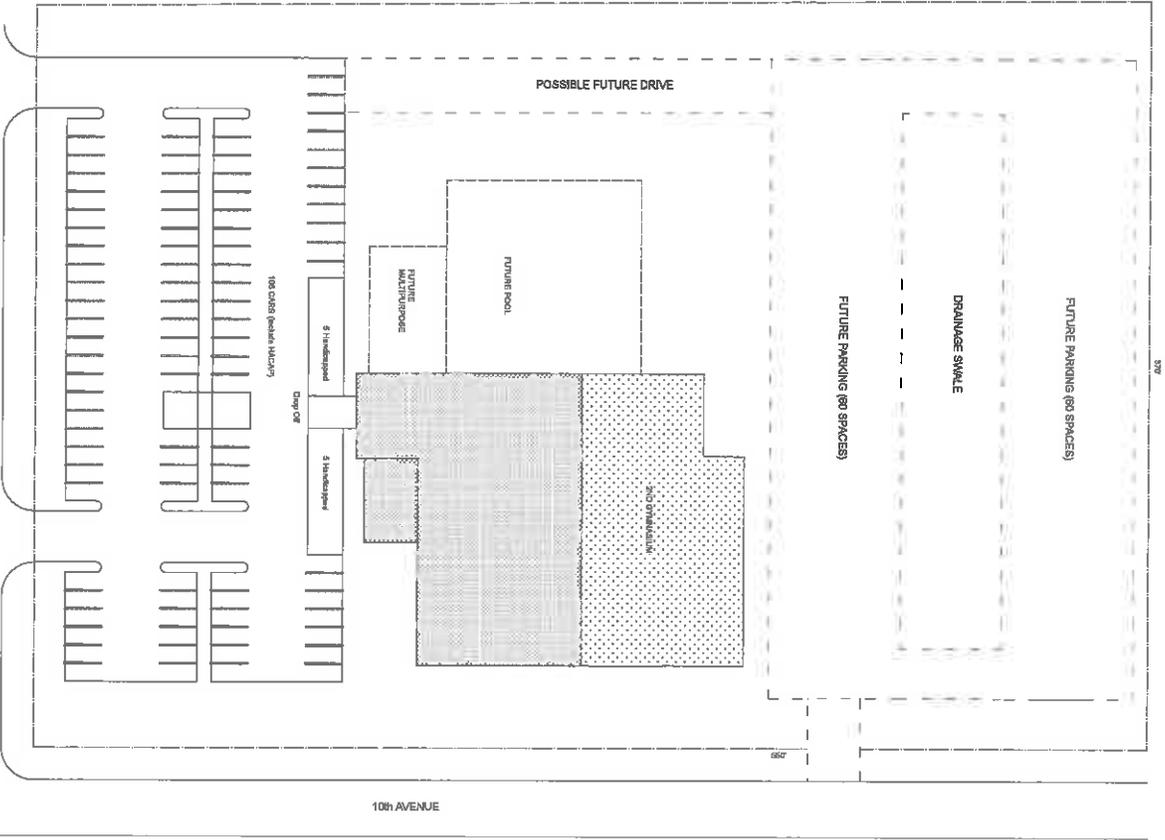
# MWMCW CONCEPT B-7 UPPER FLOOR



13,149 SF Lower Floor  
 7,603 SF Upper Floor (incl track)  
 20,752 SF TOTAL AREA

# MWWCW CONCEPT B-7 LOWER FLOOR





MWMCW CONCEPTUAL DESIGN B-7  
 SITE CONCEPT

# Preliminary Budget - MVCWC

	UPPER	LOWER	TOTAL	BASE COST	POOL	TOTAL	
CONCEPT B-1	15,710	34,592	50,302	150	580,000	\$ 8,125,300	Pool, 2 gyms, multipurpose, cardio-vascular, walking track, classroom, kitchen/concession
CONCEPT B-2	13,350	25,472	38,822	150		\$ 5,823,300	2 gyms, multipurpose, cardio-vascular, walking track, classroom, kitchen/concession
CONCEPT B-3	11,065	14,340	25,405	150		\$ 3,810,750	1 gym, cardio-vascular, walking track, classroom, kitchen/concession
CONCEPT B-4	7,608	12,963	20,571	150		\$ 3,085,650	1 gym, cardio-vascular, walking track, kitchen/concession
CONCEPT B-5	11,857	23,030	34,887	150		\$ 5,233,050	
CONCEPT B-6	3,325	14,920	21,570	150		\$ 3,235,500	1 gym, multipurpose, cardio-vascular, walking track, senior area, kitchen, concession
CONCEPT B-7	7,603	13,174	20,777	150		\$ 3,116,550	1 gym, multipurpose, cardio-vascular, walking track, senior area, kitchen, concession
CONCEPT B-8	7,603	21,620	29,223	150		\$ 4,383,450	2 gyms, multipurpose, cardio-vascular, walking track, senior area, kitchen, concession
MAJOR SPACES	Gymnasium(s) - Competitive or Practice Walking Track						All options include competitive size w/seating for 150+ (Each gym 8400 SF)
PLAN B-7	Cardio-Vascular Area (equipment)						330' track suspended in single gym.
	Multi-purpose - Aerobic classes/training						Second floor above locker rooms/mechanical
	Senior/Social Area/Kitchen						Second floor above locker rooms/mechanical
	Locker Rooms						900 SF Incl Kitchen
	Offices/Support - Manager/Control/Parks & Rec						68 2-high @Men/Women
	Storage						Control/Manager office & Parks/Rec Office
							Added lower level storage below Activity Space
EXTRAS (EQUIPMENT)							
Bleachers	\$150/seat					\$ 18,000	Cost for added gym = 104 x 81 = 8424 SF x \$150/SF = \$1.25 million
Kitchen Equipment	\$15-\$20k					\$ 16,000	Cost for pool (excluding space) = 5800 SF x \$100/SF = \$0.58 million
Elevator	\$70k					\$ 70,000	
Lockers (2 high)	\$120-\$150 each					\$ 14,000	
Bball Backstops	\$3k each					\$ 18,000	
OTHER COSTS							
Land Costs - Property Purchase						\$ -	Assume donated land (school, city or college)
Site Development Costs - Grading/Driveway/Parking/Landscaping						\$ 185,000	
SUBTOTAL						\$ 3,437,550	
Engineer/Architects Fees - 6.5% less Preliminary Design						\$ 190,000	
Contingency - 5%						\$ 171,878	
TOTAL (CONCEPT B-7)						\$ 3,799,428	
Inflation Adjustment (if not built in 2017) - 3%/year							

**MVCWC PROJECT BUDGET**

MAIN FLOOR	7,603	Sq Ft
LOWER FLOOR	13,174	Sq Ft
TOTAL SPACE	20,777	Sq Ft

ESTIMATED COST/SF \$150,000

BUILDING COST 3,116,550

Bleachers	\$18,000	150 seating
Kitchen Equipment	\$16,000	
Elevator	\$70,000	2 floors
Lockers (2 high)	\$14,000	
Bball Backstops	\$18,000	
Exercise Equipment	\$20,000	

FURNISHINGS & EQUIPMENT \$156,000

SITE DEVELOPMENT/PAVING \$180,000 All parking south of building

TOTAL BUILDING \$3,452,550

Architect/Engineering Fees	\$190,000	6.5% less prellim paid
Contingency (5%)	\$172,628	Allowance for inflation/unknowns

TOTAL PROJECT BUDGET \$3,815,178

POSSIBLE ADDITIONS  
Second Gymnasium \$1,250,000 Competition size

POSSIBLE DEDUCTS  
 Gymnasium Size/Seating \$318,000 Reduce size to practice gyms  
 Kitchen--Equipment & Space\* \$102,000 Included in item below  
 Kitchen/Activity Space\* \$318,000 Eliminate entire kitchen/activity area  
 Corridor Width Reduction \$50,000 Wider corridors for future expansion  
 (\* Indicates amounts not additive)

# MVCWC - Tasks/Schedule

July 2016	Finalized Preliminary Plan / Budget to council
July 2016	Council Decision
August 2016	Hire Architect (structural, mechanical, electrical) Negotiate Letter of Intent from School District on Site Begin Design Development
Sept 2016	School Board approval of letter of intent
Sept 2016	Site Survey Complete
December 2016	Conceptual Design complete
April 2017	Construction Drawings/Specifications Complete
May 2017	Bidding & Negotiations Complete
June 2017	Construction Begins
June 2018	MVCWC Building Occupied

## **D. Consent Agenda**

The Mount Vernon City Council met June 20, 2016 at the Mount Vernon City Hall Council Chambers with the following members present. Roudabush, Tuerler, Wieseler, Christensen and Rose.

**Call to Order.** At 6:30 p.m. Mayor Hampton called the meeting to order.

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

### **Consent Agenda**

Approval of City Council Minutes – June 6, 2016 Regular Council Meeting

Approval of Liquor License – Casey's General Store #1599

Appoint Chief Shannon to Ambulance Board

Motion by Wieseler, seconded by Rose to approve the Consent Agenda. Carried all.

### **Public Hearing**

Public Hearing on Ordinance to Amend Chapter 5 Operating Procedures of the City of Mt. Vernon Municipal Code. Close Public Hearing – proceed to F-1. Mayor Hampton declared the Public Hearing open. As there were no comments from the public Mayor Hampton closed the Public Hearing.

### **Ordinance Approval/Amendment**

An Ordinance Amending Chapter 5 Operating Procedures of the City of Mt. Vernon Municipal Code. Motion to approve first reading and proceed with second reading/or suspend rules and proceed to third and final reading City Administrator Nobsch explained that this is the last piece in the process to get rid of the department head contracts. In conversations with City Attorney Robert Hatala, in order to get around the severance package that was in the contracts it should be included in the operating procedures. Continuing, Nobsch said that the severance package is not available if an employee is fired for cause. An employee will only receive this if a council decides to terminate them without "just cause". Tuerler made a motion to approve the first reading of an Ordinance Amending Chapter 5 Operating Procedures of the Mt. Vernon Municipal Code and suspend rules for the second reading and move to the third reading, seconded by Wieseler. Christensen questioned why council would want to waive the third reading. Nobsch said that the contracts are only good to the end of the month; there isn't another council meeting until July. Roll call vote. Motion passes 5-0.

An Ordinance Amending Chapter 15 Mayor of the City of Mt. Vernon Municipal Code. Motion to approve second reading and proceed with third reading/or suspend rules and proceed to third and final reading. Tuerler moved to approve the second reading of an Ordinance Amending Chapter 15 Mayor of the City of Mt. Vernon Municipal Code and suspend rules and proceed to the third reading, seconded by Roudabush. Roll call vote. Motion passes 5-0.

An Ordinance Amending Chapter 17 Council of the City of Mt. Vernon Municipal Code. Motion to approve second reading and proceed with third reading/or suspend rules and proceed to third and final reading. Tuerler moved to approve the second reading of an Ordinance Amending Chapter 17 Mayor of the City of

Mt. Vernon Municipal Code and suspend rules and proceed to the third reading, seconded by Rose. Roll call vote. Motion passes 5-0.

An Ordinance Amending Chapter 21 Administrator of the City of Mt. Vernon Municipal Code. Motion to approve second reading and proceed with third reading/or suspend rules and proceed to third and final reading. Tuerler moved to approve the second reading of an Ordinance Amending Chapter 21 Mayor of the City of Mt. Vernon Municipal Code and suspend rules and proceed to the third reading, seconded by Christensen. Rose pointed out a verbiage error in Section 2, third line; "limited to giving and oral reprimand" should read "limited to giving an oral reprimand". Roll call vote. Motion passes 5-0.

An Ordinance Amending Chapter 92 Water Rates of the City of Mt. Vernon Municipal Code. Motion to approve second reading and proceed with third reading/or suspend rules and proceed to third and final reading. Tuerler motioned to approve the second reading of an Ordinance Amending Chapter 92 Water Rates of the City of Mt. Vernon Municipal Code, seconded by Wieseler. Roll call vote. Motion passes 5-0.

### **Resolutions for Approval**

Resolution Approving the City of Mt. Vernon Comprehensive Parks and Recreation Master Plan Park and Rec Director Matt Siders explained that this document was two years in the making but was completely done by the Parks and Rec Board. Tuerler said he wanted to discuss Bryant Park, section 3 on page 15. On December 30, 1999 three young members of the community were tragically killed in a car accident. At that time action was taken by the council, recommended by the Parks and Rec Board, to name the open space Rittmer Field in honor of Dan, Michael and Ryan Rittmer. Tuerler said he sees no mention of that, believed it was an oversight and would like to see it added. Siders agreed with Tuerler. Tuerler continued saying he didn't see Lincoln Way Park mentioned anywhere; Prairie Park was changed to Lincoln Way Park and asked that it be changed in the Master Plan. Siders said that it is listed on page 34 because it doesn't have any public features such as picnic tables or restrooms. Stoner Park, South Park and Lot 32 were not officially named. These names will be stricken from the document and an address will be listed instead. Roudabush asked if the pedestrian bridge is City owned, if it was part of Lincoln Way Park and if it should be listed as a feature. Wieseler said that he attended one of the Parks and Rec meetings when they were finalizing the document and noticed and appreciated the level of detail and professionalism of the commission. Mayor Hampton and Council congratulated Siders and his Board on a job well done. Wieseler moved to approve the Resolution Approving the City of Mt. Vernon Comprehensive Parks and Recreation Master Plan, seconded by Rose. Roll call vote. Motion passes 5-0.

Resolution Designating the City of Mt. Vernon, Iowa a Bee City USA Nobsch stated that the City has submitted a request to the Bee City organization asking to be recognized as a Bee City USA community. As part of the application process the City must adopt a resolution supporting its position as a Bee City. The Sustainability Committee has been established as the official Bee City organization, Michelle Mouton and Tom Wieseler will be points of contact and Nobsch the ex officio. Tuerler moved the approval of Resolution #6-20-2016B subject to the two additions, seconded by Rose. Roll call vote. Motion passes 5-0.

Resolution Accepting the 2015 Water Treatment Plan Improvements as Substantially Complete and Preparing to Release the Project Retainage The total cost of the project was \$476,700.00 and includes one change order of about \$2,200.00. By accepting the resolution, the City is acknowledging the release of the \$23,835.00 retainage. The project was budgeted for \$600,000.00. Motion to approve Resolution #6-20-2016C made by Christensen, seconded by Tuerler. Roll call vote. Motion passes 5-0.

Resolution Accepting the 2016 Swimming Pool Improvements as Substantially Complete and Preparing to Release the Project Retainage The total cost of the project improvements is \$101,486.96. By accepting the

resolution the City acknowledges the release of the \$5,074.35 retainage. Christensen motioned to approve Resolution #6-20-2016D, seconded by Rose. Roll call vote. Motion passes 5-0.

Resolution Setting the Fiscal 2016-2017 Salaries for the Appointed Officers and Employees of the City of Mt. Vernon Resolution #6-20-2016E sets the salaries for all department heads. The raise increase proposed in the resolution is 2.75% and is the same increase given to the union personnel. Christensen mentioned that discussions in the past tied performance to compensation. Nobsch explained from a performance perspective he has had less than six months to evaluate department heads but everyone has performed exceedingly well during this transitional period. In the future Nobsch said that he will have performance reviews with each of the department heads and bring forth a recommendation to Council. Tuerler agreed with Nobsch and Christensen's recommendation saying it's fair to the City and the employees and is a bridge based on the timing of when things happened. Mayor Hampton stated that employee appraisals are "going away". Continuing, he said that it's ridiculous to have this kind of conversation twice a year; this kind of discussion should be happening on a daily basis. Motion to approve Resolution #6-20-2016E made by Christensen, seconded by Rose. Roll call vote. Motion passes 5-0.

### Mayoral Proclamation

Proclamation Establishing June 23, 2016 as Olympic Day in the City of Mt. Vernon

### Motions for Approval

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

AIRGAS INC	CYLINDER RENTAL FEE-RUT,WAT,SEW	28.76
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,152.76
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,644.89
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	1,287.81
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	659.19
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	387.10
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	309.54
ALLIANT IES UTILITIES	ENERGY USAGE-FD	219.33
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	168.90
ALLIANT IES UTILITIES	ENERGY USAGE-PD	118.86
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	68.43
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	58.66
ALLIANT IES UTILITIES	ENERGY USAGE-KMVL	54.61
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	21.83
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	20.28
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	3,048.06
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,202.46
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	983.36
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	181.75
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	52.78
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	50.84
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	50.05
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	36.84
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	35.03
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	17.56
ARAMARK	RUGS-FD	69.34
AUTO WORX	VEHICLE MAINT-PD	39.75
BALICEK, RITA	CLEANING SERVICE-P&A	52.50
BALICEK, RITA	CLEANING SERVICE-PD,P&A	75.00
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-POOL	540.00
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-PW	140.00

BARNYARD SCREEN PRINTER LLC	T-SHIRTS-PW	12.00
BARNYARD SCREENPRINTING	UNIFORMS-WAT,SEW	230.00
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE-PD,P&A	75.00
BROWNELLS INC	RIFLE OPTIC-PD	432.00
CAMPBELL SUPPLY CEDAR RAPIDS	CONFINED SPACE FAN-RUT	398.41
CAREPRO PHARMACY	SUPPLIES-PD	15.36
CARPENTER UNIFORM CO.	UNIFORMS-PD	2,331.94
CARPENTER UNIFORM CO.	UNIFORMS-PD	125.00
CEDAR RAPIDS TIRE	FRONT TIRES/HUSTLER-RUT	119.72
CENTRAL IOWA DISTRIBUTING	SUPPLIES-PW	176.20
CENTURY LINK	PHONE CHGS-PD	36.21
CENTURY LINK	PHONE CHGS-SEW	549.96
CENTURY LINK	PHONE CHGS-P&A	492.39
CENTURY LINK	PHONE CHGS-FD	209.12
CENTURY LINK	PHONE CHGS-PD	114.86
CENTURY LINK	PHONE CHGS-POOL	77.56
CENTURY LINK	PHONE CHGS-WAT	52.24
CENTURY LINK	PHONE CHGS-RUT	50.24
CHAMPEAU, BRIAN	UNIFORMS-WAT,SEW	231.06
CITY TRACTOR CO	GRAVELY MAINT-RUT	127.09
DIESEL TURBO SERVICES INC	RESURFACE BRAKE ROTORS-RUT	110.00
ELECTRONIC ENGINEERING CORP	PAGER SERVICE-EMA	11.95
ELLIS IMPLEMENT INC	BUSH HOG/BOOM MOWER-RUT	6,900.00
ELLIS IMPLEMENT INC	INSTALL BUSH HOG-RUT	210.00
FOREST, KATEY	SUPPLIES-POOL	42.71
GALLS INC	UNIFORMS-PD	136.51
GALLS INC	UNIFORMS-PD	136.00
GEHRKE, TODD	TRAINING-PD	35.07
GOODLOVE, NATHAN	FIRE CHIEF PAY-FD	416.67
GROUP SERVICES INC	INSURANCE-ALL DEPTS	25,931.47
HOLLAND	LOCKER-PD	92.04
IOWA CODIFICATION INC	CODE UPDATES-P&A	163.00
IOWA LAW ENFORCEMENT ACADEMY	TRAINING-PD	50.00
IOWA LEAGUE OF CITIES	ANNUAL DUES-P&A	2,220.00
IOWA ONE CALL	LOCATES-WAT,SEW	51.30
IOWA SOLUTIONS INC	EMAIL,PRINTER-RUT,POOL	115.00
KIRK, BILL	UNIFORMS-PW	183.05
KONE INC	ELEVATOR MAINT CONTRACT-P&A	160.53
MARLOW WHITE	UNIFORMS-EMA	278.75
MARTIN, KAREN	FLOWERS/5TH AVE PROJECT	87.27
MENARDS	DIAMOND CUP WHEEL-RUT	119.98
MIDWEST BREATHING AIR LLC	QRTLY AIR TEST-FD	60.60
MIDWEST ELECTRONIC RECOVERY	BULKY ITEM DROP OFF-SW	1,298.40
MOORE MEDICAL CORP.	C.A.T. TURNIQUET-EMA	1,250.00
MOORE MEDICAL CORP.	MED BAGS-PD	495.00
MOUNT VERNON BANK & TRUST CO	EMPLOYEEE BENEFIT TRANSFER	298,289.67
MOUNT VERNON BANK & TRUST CO	LAW/EMERG LEVY TRANSFER	35,044.49
MOUNT VERNON BANK & TRUST CO	20% OF CEMETERY SALES	1,440.00
MOUNT VERNON, CITY OF	ZERO OUT CIP FUNDS TRANSFER	221,184.11
P&K MIDWEST INC	SICKLE MOWER MAINT-RUT	1,036.22
PAYROLL	CLAIMS	69,336.44
PAYROLL	CLAIMS	240.30
POOL TECH INC	CONTROLLER VALVE-POOL	193.00
POOL TECH INC	CHEMICALS-POOL	57.00

RACOM CORPORATION	NEW VEHICLE/LIGHT,SIREN PKG-PD	10,013.62
RICKLEFS EXCAVATING	2015 SANI SEWER IMPROVEMENTS	1,357.67
SAM'S CLUB #8162	SUPPLIES-POOL	793.54
SCHIMBERG COMPANY	CONTROLLER VALVES-POOL	60.27
SITE ONE LANDSCAPE SUPPLY	3RD & 5TH AVE NW PROJECT	993.51
SITE ONE LANDSCAPE SUPPLY	HYDRO MIX-RUT	206.84
SITE ONE LANDSCAPE SUPPLY	3RD & 5TH AVE NW PROJECT	83.69
SPRINGER PEST SOLUTIONS CORP	PEST CONTROL-P&A	30.00
STAPLES ADVANTAGE	SUPPLIES-P&A	276.51
STATE HYGIENIC LAB	TESTING-SEW	1,921.00
THOMPSON TRUCK & TRAILER INC	2015 INTN'L 7400 REPAIRS-PW	738.54
THOMPSON TRUCK & TRAILER INC	2000 INTN'L MAINT-FD	714.94
THOMPSON TRUCK & TRAILER INC	2002 INTN'L MAINT-FD	243.95
TREASURER STATE OF IOWA	SALE TAX	3,553.00
TRUENORTH COMPANIES	EMPLOYEE THEFT/FORGERY POLICY	531.00
WAPSI WASTE SERVICE	BULKY ITEM DROP OFF	1,295.00
WENDLING QUARRIES	LISBON RD SHUT OFF-WAT	206.59
WEX BANK	FUEL-PD,PW	960.13
	TOTAL	712,041.46

Discussion and Consideration of Corrective Measures to the Driveway Entrance of Gary's Foods from 1<sup>st</sup> Ave South – Council Action as Needed. Nobsch explained that the entrance to Gary's has changed over the weekend. The driveway entrance actually heaved and increased its height. After discussions with the Mayor and Nick (Nissen) it was decided to take out the heaving concrete, put a layer of rock down and then a layer of cold patch asphalt; a temporary fix. V & K has looked at the entrance and has come up with alternative solutions. One alternative would be to tear out one panel of the approach and leave the rest intact, estimated to cost \$12k. Another alternative removes the entrance section, fixes the grade and removes the sidewalk. Estimated cost is \$52,455.00. Denny Dietrich has offered to cover 10% of the total cost if the City moves forward with this option. There is approximately \$76,000.00 left in the Hwy 30 Corridor Improvement fund that could be used to cover this expense. There has been some conversation on whether the original design was within guidelines. This will be discussed with Bob Hatala, city attorney. Roudabush asked what the cause of the failure was adding it was a poor design from the beginning. Nobsch said that Dave (Schechinger) was investigating that and is requesting some information from the original engineering firm regarding the construction. Rose said that he is concerned with going completely away with a sidewalk. Tuerler made a motion to approve the 2<sup>nd</sup> alternative which would remove the entrance section to Gary's, fixes the grade and removes the sidewalk, seconded by Christensen. Carried all.

Discussion and Consideration of Establishing 2016 City Council Goals and Objectives – Council Action as Needed. Council was asked to review the goals and objectives that were identified per category. Staff was asked for some tangible items per goal that could be accomplished. Christensen made the motion that the document be established as the goals and objectives of 2016, seconded by Rose. Carried all.

Discussion and Consideration of Pay Application # 3 – 2015 Water Treatment Plant Improvements – Council Action as Needed. Nobsch explained that this is the retainage for the 2015 Water Treatment Plant Improvements Project in the amount of \$23,835.00. Motion to approve of Pay Application #3 – 2015 Water Treatment Plant Improvements in the amount of \$23,835.00 made by Tuerler, seconded by Wieseler. Carried all.

Discussion and Consideration of Change Order #1 – 2016 Swimming Pool Improvements – Council Action as Needed. The deduction in the amount of \$3,024.00 is for the paint and the increase in the amount of

\$610.96 is for the purchase and installation of 2 pipe saddles and thermometers for an overall credit of \$2,413.04. Tuerler made a motion to approve Change Order #1, seconded by Rose. Carried all.

Discussion and Consideration of Pay Application #1 – 2016 Swimming Pool Improvements – Pool Filters and Heaters – Council Action as Needed. Pay application request is in the amount of \$96,412.61. This is the amount less the retainage. Rose moved payment of Application #1 for the 2016 Swimming Pool Improvements, pool filters and heaters, seconded by Tuerler. Carried all.

Discussion and Consideration of Quote for Purchase of a Hustler Super 104 Mower – Council Action as Needed. This is not a FY16 budgeted purchase but staff was able to set aside funds for the purchase of a Hustler 104" deck mower at a cost of \$23,535.50. This is double the size of the existing mowers. Motion to approve the purchase of a Hustler Super 104 Mower for \$23,535.50 made by Wieseler, seconded by Christensen. Carried all.

Discussion and Consideration of Purchase and Installation of Security Camera System at the Public Works Facility – Council Action as Needed. Because illegal dumping and gas siphoning from City vehicles has been taking place staff would like to purchase and install four security cameras around the shop. The cameras recommended cost \$3,616.55. This also was not budgeted this fiscal year. Motion to approve the purchase of four security cameras made by Christensen, seconded by Tuerler. Carried all.

Discussion and Consideration of Setting Public Hearing Date for an Ordinance to Adopt Chapter 48 Social Host of the Mt. Vernon Municipal Code. Motion to table made by Tuerler, seconded by Christensen. Carried all.

Discussion and Consideration of Setting Public Hearing Date for an Ordinance to Adopt Chapter 153 Demolition Code of the Mt. Vernon Municipal Code. Motion to table made by Tuerler, seconded by Christensen. Carried all.

Discussion and Consideration of Setting Public Hearing Date for an Ordinance to Adopt Table 4.2 of the Mt. Vernon Municipal Zoning Code. Christensen made a motion to set the Public Hearing date for the next Council meeting, July 5, 2016, seconded by Rose. Carried all.

Discussion and Consideration of Rescheduling the July 4, 2016 Council Date – Council Action as Needed. Wieseler motioned to approve the rescheduling of the 1<sup>st</sup> meeting in July to July 5, 2016, Tuerler. Carried all.

Discussion and Consideration of Police Chief Employment Agreement Renewal – Council Action as Needed. New language under the Section 1: Term is being proposed. This change would match the City Administrators contract and reads as follows: The City hereby employs Mr. Shannon in the capacity of Police Chief for an indefinite period commencing July 1, 2016, or until his employment is terminated according to the provisions of this Agreement. Motion to move approval of the Police Chief Employment Agreement Renewal by Tuerler, seconded by Rose. Carried all.

#### **Reports to be Received/Filed**

Mt. Vernon Police Report .There were two reported collisions in May totaling about \$1,850.00 and 29 reported incidents. Officers assisted with Chalk the Walk and Cornell College Commencement. Chief Shannon held a town hall meeting on May 23, 2016 discussing the proposed Social Host Ordinance with landlords. Officers worked an additional 19.5 hours of traffic enforcement in May.

Mt. Vernon Parks and Recreation Report. Siders thanked Sandra Fleckenstein for helping to maintain some of the smaller flower gardens around town. The old Veterans Memorial stone has been placed on the south side of the park between the sidewalk and the gazebo. The Master Parks and Rec Plan has been completed. A free night swim was offered to celebrate the new pool heater and approximately 150 people attended.

Mt. Vernon Public Works Report. The City of Lisbon let us use their Hydro Excavation trailer to repair a water shut off on Lisbon Road. New roofs are being installed on the dugouts at Davis Park. New grills have been installed at the dog and Bryant Park. The 5<sup>th</sup> Avenue NW ROW has been finished. The drinking fountain on 1<sup>st</sup> and 2<sup>nd</sup> Avenue has been fixed. Crosswalks have been painted.

**Reports of Mayor/Council/Administrator**

City Administrator's Report. Staff has met with V&K Engineering to look at the rough draft of the five year street plan. The plan also looks at sidewalks throughout the community and identifies problems. Main Street Iowa will be in town on Wednesday to complete the annual review.

**Adjournment.** As there was no further business to attend to the meeting adjourned, the time being 8:45 p.m.

Respectfully submitted,  
Sue Ripke  
City Clerk

## **E. Public Hearing**

**AGENDA ITEM # E – 1**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Public Hearing – Table 4.2 Amendment
<b>ACTION:</b>	None

**SYNOPSIS:** This is the time set for the public hearing on the amendment to Table 4.2 Permitted Uses by Zoning Districts. This is the request that was initiated by the Council after a presentation from Jim Moore. The planning commission has supplied a memo in which they are recommending that no changes be made. The amendment that is in front of the City Council is to allow limited, medium, and large retail in the limited industrial district as a permitted use. Currently, there is no retail allowed in the limited industrial district.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None – Proceed to F - 1

**ATTACHMENTS:** See F – 1 and Email

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

**Chris Nosbisch**

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**From:** tjhawkeye@aol.com  
**Sent:** Monday, June 13, 2016 2:04 AM  
**To:** Jamie Hampton  
**Cc:** Chris Nosbisch; Matt Siders; Marsha Dewell  
**Subject:** Request for Zoning Change

MEMORANDUM

June 13, 2016

**To:** Jamie Hampton, Mayor  
**From:** Truman H. Jordan, Chair of Planning & Zoning  
**Re:** Request by Jim Moore to allow Retail in LI District

At their 5/16/16 meeting City Council passed a motion requesting that P&Z send the council a recommendation regarding Jim Moore's request to add Retail as a permitted use in the Limited Industrial district.

At their 6/6/16 meeting the Planning & Zoning Commission unanimously (7-0) passed the following motion:

*Planning & Zoning recommends to City Council that the general retail uses that are in Table 4-2 not be added as permitted uses in the Limited Industrial zone.*

I would be happy to discuss this recommendation in greater detail if you think that would be helpful.

cc  
Chris Nosbisch  
Matt Siders  
Marsha Dewell

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

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

**AN ORDINANCE AMENDING TABLE 4.2 PERMITTED USES OF BY ZONING DISTRICT OF THE CITY OF MT. VERNON MUNICIPAL CODE**

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

**SECTION 1. AMENDMENT.** By allowing Retail (Limited), Retail (Medium), and Retail (Large) as permitted uses in the LI Limited Industrial District.

**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 \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Jamie Hampton - Mayor

\_\_\_\_\_  
Sue Ripke – City Clerk

I certify that the foregoing was published as Ordinance # \_\_\_\_\_ on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

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

**AGENDA ITEM # F – 2**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Ordinance – Chapter 5
<b>ACTION:</b>	None

**SYNOPSIS:** After reviewing the minutes, it was not clear that there were two motions made on this ordinance. In order to suspend the rules and adopt an ordinance in one night, the Council must first approve the first reading and then make a motion to suspend the rules and move to the third and final reading. After listening to the minutes, it was clear that is what the Council had intended, but we felt that one more meeting and set of motions should be held for clarification.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motions

**ATTACHMENTS:** Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

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 NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 5 OPERATING PROCEDURES OF THE CITY OF MT. VERNON MUNICIPAL CODE**

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

**SECTION 1. AMENDMENT.** By adding Chapter 5.14 SEVERENCE. The Assistant City Administrator/City Clerk, Public Works Director, Water/Wastewater Superintendent, and Parks and Recreation Director shall receive continued salary payments and health benefits for a period not to exceed three (3) months when dismissed without “just cause.” No severance benefits shall be provided if the employee is released for “just cause.” Severance pay shall not include any pension contributions, insurance or other compensation.

**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

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 NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 92.02 USAGE RATE OF THE CITY OF MT. VERNON MUNICIPAL CODE**

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

**SECTION 1. AMENDMENT.** By adding the following language, “Beginning August 1, 2016, the water service charge will increase 5%. This increase is in addition to the automatic 3% increase effective July 1, 2016.”

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

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

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Jamie Hampton - Mayor

\_\_\_\_\_  
Sue Ripke – City Clerk

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

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

## **G. Resolutions for Approval**

**AGENDA ITEM # G – 1 thru 3**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Resolution Establishing Depositories
<b>ACTION:</b>	None

**SYNOPSIS:** The following resolutions are adopted to set the depositories and the rules associated with doing so. The names need to be changed to reflect the new Administrator and Mayor. Staff has also established the same terms for all three individuals to coincide with the term of the Mayor. No other changes are being proposed.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Resolutions

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

DEPOSIT OF PUBLIC FUNDS RESOLUTION#7-5-2016A

RESOLVED, that the City of Mount Vernon can utilize the services of Mount Vernon Bank & Trust Company ("Depository") for the deposit of public funds belonging to the City of Mt. Vernon, or coming into its possession, pursuant to a duly executed Agreement to Receive and Repay Deposits of Public Funds. The maximum amount which may be thus deposited without further approval of this Board and the Treasurer of State of \$9,000,000.00.

RESOLVED, that the following officers are hereby authorized and directed to execute said Agreement, to execute and deliver signature authorization cards to Depository concurrently therewith, and to execute all drafts, checks and other documents and correspondence regarding any accounts of the City of Mount Vernon at Depository:

Name	Office	Term Expires
Christopher Nosbisch	City Administrator	12-31-2017
Sue Ripke	Assistant City Administrator/Clerk	12-31-2017
Jamie Hampton	Mayor	12-31-2017

RESOLVED, that the officers described above are hereby authorized and directed to take such action, and execute such documents and agreements as may be necessary to secure the repayment of the deposits of public funds authorized hereunder, including, but not limited to: Security Agreements, Bailment Agreements, Notices, and any documents or instruments supplemental or incidental thereto.

RESOLVED, that the City Administrator/Assistant City Administrator forward a certified copy of this resolution to Depository, and any other parties which may request it for purposes of effectuating the deposit of public funds authorized hereunder or any security therefore, together with a certificate attesting to the names and signatures of the present incumbents of the offices described above; and that the City Administrator/Assistant City Administrator further certify to Depository or other parties from time to time the signatures of any successors in office of any of the present incumbents.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to \_\_\_\_\_  
Resolution #7-5-2016A

Resolution #7-5-2016A \_\_\_\_\_ on July 5, 2016, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL  
MOUNT VERNON, IOWA

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Jamie A. Hampton, Mayor

ATTEST:

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Sue Ripke  
Assistant City Administrator/Clerk

DEPOSIT OF PUBLIC FUNDS RESOLUTION#7-5-2016B

RESOLVED, that the City of Mount Vernon can utilize the services of Hills Bank & Trust Company (“Depository”) for the deposit of public funds belonging to the City of Mt. Vernon, or coming into its possession, pursuant to a duly executed Agreement to Receive and Repay Deposits of Public Funds. The maximum amount which may be thus deposited without further approval of this Board and the Treasurer of State of \$9,000,000.00.

RESOLVED, that the following officers are hereby authorized and directed to execute said Agreement, to execute and deliver signature authorization cards to Depository concurrently therewith, and to execute all drafts, checks and other documents and correspondence regarding any accounts of the City of Mount Vernon at Depository:

Name	Office	Term Expires
Christopher Nosbisch	City Administrator	12-31-2017
Sue Ripke	Assistant City Administrator/Clerk	12-31-2017
Jamie Hampton	Mayor	12-31-2017

RESOLVED, that the officers described above are hereby authorized and directed to take such action, and execute such documents and agreements as may be necessary to secure the repayment of the deposits of public funds authorized hereunder, including, but not limited to: Security Agreements, Bailment Agreements, Notices, and any documents or instruments supplemental or incidental thereto.

RESOLVED, that the City Administrator/Assistant City Administrator forward a certified copy of this resolution to Depository, and any other parties which may request it for purposes of effectuating the deposit of public funds authorized hereunder or any security therefore, together with a certificate attesting to the names and signatures of the present incumbents of the offices described above; and that the City Administrator/Assistant City Administrator further certify to Depository or other parties from time to time the signatures of any successors in office of any of the present incumbents.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to \_\_\_\_\_  
Resolution #7-5-2016B

Resolution #7-5-2016B \_\_\_\_\_ on July 5, 2016, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL  
MOUNT VERNON, IOWA

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Jamie A. Hampton, Mayor

ATTEST:

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Sue Ripke  
Assistant City Administrator/Clerk

DEPOSIT OF PUBLIC FUNDS RESOLUTION#7-5-2016C

RESOLVED, that the City of Mount Vernon can utilize the services of Bridge Community Bank (“Depository”) for the deposit of public funds belonging to the City of Mt. Vernon, or coming into its possession, pursuant to a duly executed Agreement to Receive and Repay Deposits of Public Funds. The maximum amount which may be thus deposited without further approval of this Board and the Treasurer of State of \$9,000,000.00.

RESOLVED, that the following officers are hereby authorized and directed to execute said Agreement, to execute and deliver signature authorization cards to Depository concurrently therewith, and to execute all drafts, checks and other documents and correspondence regarding any accounts of the City of Mount Vernon at Depository:

Name	Office	Term Expires
Christopher Nosbisch	City Administrator	12-31-2017
Sue Ripke	Assistant City Administrator/Clerk	12-31-2017
Jamie Hampton	Mayor	12-31-2017

RESOLVED, that the officers described above are hereby authorized and directed to take such action, and execute such documents and agreements as may be necessary to secure the repayment of the deposits of public funds authorized hereunder, including, but not limited to: Security Agreements, Bailment Agreements, Notices, and any documents or instruments supplemental or incidental thereto.

RESOLVED, that the City Administrator/Assistant City Administrator forward a certified copy of this resolution to Depository, and any other parties which may request it for purposes of effectuating the deposit of public funds authorized hereunder or any security therefore, together with a certificate attesting to the names and signatures of the present incumbents of the offices described above; and that the City Administrator/Assistant City Administrator further certify to Depository or other parties from time to time the signatures of any successors in office of any of the present incumbents.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to \_\_\_\_\_  
Resolution #7-5-2016C

Resolution #7-5-2016C \_\_\_\_\_ on July 5, 2016, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL  
MOUNT VERNON, IOWA

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Jamie A. Hampton, Mayor

ATTEST:

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Sue Ripke  
Assistant City Administrator/Clerk

**AGENDA ITEM # G – 4**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Resolution Public Improvements – Gary’s Entrance
<b>ACTION:</b>	None

**SYNOPSIS:** At your last meeting, the Council decided to move forward with Alternative #2. The Engineer’s estimated construction costs of \$42,455 and a total project cost of \$52,455 (including engineering fees). There were two bids received, with the low bid for construction coming from Borst Bros. Const. Inc. in the amount of \$33,447.50.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Resolution

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION MAKING AWARD OF THE  
CONSTRUCTION CONTRACT FOR  
MOBILIZATION AND CONSTRUCTION  
OF  
ENTRANCE IMPROVEMENTS AT HWY. 1 AND GARY'S FOODS**

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

Section 1. That the following bid for the construction of certain public improvements described in general as the Entrance Improvements at Hwy. 1 and Gary's Foods, described in the plans and specifications presented to this Council on June 20, 2016, be and are hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Mobilization and Construction

Contractor: Borst Bros. Const. Inc..

Amount of Bid: \$33,447.50

Section 2. That the Mayor and Clerk are hereby directed to execute contract with the contractor for the construction of said public improvements known as the ENTRANCE IMPROVEMENTS AT HWY. 1 AND GARY'S FOODS.

Section 3. Bid alternates (if any) identified within this package may be accepted within this award or may be considered at a future date as a change order with prior approval by the Council.

PASSED and ADOPTED this 5<sup>th</sup> day of July, 2016.

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

ATTEST:

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

## **J. Motions for Approval**

CITY OF MOUNT VERNON  
CLAIMS FOR APPROVAL, JULY 5, 2016

PAYROLL	CLAIMS	76,562.91
ICAP	INSURANCE-VEHICLES & BLDGS	68,566.57
LYNCH FORD	2016 INTERCEPTOR-PD	27,583.00
MOUNT VERNON, CITY OF	TRANSFER FROM VEH DEPRECIATION	27,583.00
PORTZEN CONSTRUCTION INC	WTP PROJECT	23,835.00
WALKER AG EQUIPMENT	HUSTLER 104" DECK MOWER	23,535.50
RACOM CORP	TABLETS,MOUNTING,INSTALL-PD	9,943.13
CY'S TREE SERVICE	3 MAPLES/3RD ST SW-RUT	7,000.00
US BANK	CREDIT CARD PURCHASES-ALL DEPTS	4,263.52
SANDRY FIRE SUPPLY LLC	THERMAL IMAGING CAMERA-FD	4,099.50
IOWA SOLUTIONS	SAMSUNG GALAXY TABLETS-ALL DEPTS	3,490.00
A TECH	SECURITY CAMERAS-RUT	3,379.95
CY'S TREE SERVICE	TREE MAINT-RUT	3,150.00
STALKER RADAR	RADAR SYSTEM-PD	2,932.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	2,472.00
BAUMAN AND COMPANY	UNIFORMS-ALL DEPTS	1,334.10
MOORE MEDICAL CORP	MEDICAL SUPPLIES-EMA	1,093.00
LINN CO-OP OIL CO	FUEL-PW	1,039.33
HAWKINS INC	CHLORINE-WAT	1,015.02
ALL SECURE	SECURITY ALARM INSTALLATION	1,010.00
CARQUEST OF LISBON	VEHICLE MAINT-PW	800.06
POOL TECH INC	CHEMICALS-POOL	771.85
BOBCAT OF CEDAR RAPIDS	RADIATOR/SKID LOADER	674.85
SCHIMBERG COMPANY	ROAD MAINT-RUT	587.52
WHOLESALE REPAIR, INC	#214 ENGINE REPAIR-FD	583.66
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC,POOL	510.00
SCHIMBERG COMPANY	SUPPLIES-WAT	485.32
CORNELL COLLEGE MEN'S SOCCER	SPRING SOCCER LEAGUE OFFICIALS	480.00
STEINMETZ, DOUGLAS	COMMENTARY-MVHPC	472.50
MOUNT VERNON ACE HARDWARE	MAKITA TOOL SET-FD	470.80
CARROLL CONSTRUCTION SUPPLY	REBAR SHEAR-RUT	390.00
SHERWIN WILLIAMS CO.	PAINT-RUT	290.30
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A	275.00
M & K DUST CONTROL	BLACK DIRT-RUT	250.00
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	226.00
CAMPBELL SUPPLY CEDAR RAPIDS	NAIL GUN,NAILS-RUT	209.00
HAWKEYE READY MIX	ROAD MAINT-RUT	189.70
HUNTER HORMANN	UMPIRE PAY-P&REC	175.00
SCHIMBERG COMPANY	SUPPLIES-WAT	150.02
RIES, ERIC	REFUND-P&REC	150.00
STETSON BUILDING PRODUCTS INC	FORM OIL,TIES-RUT	137.18
CAREPRO PHARMACY	SUPPLIES-POOL	102.69
IOWA PRISON INDUSTRIES	TEMP SIGNS-RUT	81.60
SCHIMBERG COMPANY	SUPPLIES-WAT	80.72
DAUSENER, TANDI	REFUND-P&REC	75.00
BALICEK, RITA	CLEANING SERVICE-P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE-P&A	52.50
MATERNACH, CHERI	REFUND-P&REC	48.00
DEPT OF TREAS	IRS FORM 720/PCORI	44.49
LYNCH FORD	2014 EXPLORER/OIL CHG-PD	38.31
MOUNT VERNON BANK & TRUST CO	NSF CHECK-PD	35.00
WENDLING QUARRIES	STONE-ST WATER	31.86
LANGE, SARA	REFUND-P&REC	25.00
LARSON, TIM	REFUND-P&REC	25.00
WALKER AG EQUIPMENT	IDLER SPRING-RUT	22.72
ANDREWS, CHRISTIAN	CONCRETE GRINDING WHEEL-RUT	22.64
ALTORFER INC	EQUIP REPAIR-WAT	11.00
	TOTAL	302,915.32

**AGENDA ITEM # J – 2**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Solar Panels on Public Buildings
<b>ACTION:</b>	None

**SYNOPSIS:** Staff has received the RFP that is being used by Lisbon as it relates to placing solar panels on public buildings. Staff is asking the Council for clarification on the following items. The first is whether the City Council wants staff to pursue the RFP process for solar (the last meeting was just a presentation with no action)? The second is what structures you would like staff to include in the RFP process (City Hall, Fire Station, etc.)? Do we want to seek out input from Alliant Energy prior to working through an RFP? Would the Council be interested in trying to fund the improvements through City means, or as Dave suggested, using a company that can take advantage of the tax credits?

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion or Clarification

**ATTACHMENTS:** None

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

**AGENDA ITEM # J – 3**

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

**DATE:** July 5, 2016

**AGENDA ITEM:** PTO Policy

**ACTION:** None

**SYNOPSIS:** With the contracts for both the City Administrator and Police Chief, the City Council has initiated the transition to PTO (paid time off) for department heads and other non-bargaining personnel. This policy is intended to keep the PTO offerings consistent amongst the affected employees. One difference with this policy from my contract is the carry over. The goal for limiting carryover is to limit the exposure should an employee leave. This policy allows employees to earn and carryover up to 400 hours at any one given time. At the same time, it limits, depending on years of service, the amount of PTO hours that can be claimed by the employee upon voluntary or involuntary separation. Thereby accomplishing the same goal without taking hours away on their anniversary.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Policy

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

City of Mt. Vernon

City PTO (Paid Time Off) Policy  
Adopted, \_\_\_\_\_, 2016

Purpose:

The City of Mt. Vernon's is working to transition to PTO (Paid Time Off) in lieu of sick and vacation time for Department Heads (Appointed Positions) and non-union personnel.

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**PTO POLICY**

Department heads and all FTE's not subject to a collective bargaining unit will receive paid time off (PTO) in lieu of sick or vacation time. Employees will accrue PTO at the following rates:

Start to 5 years of service	12 hours per month
Six to ten years of service	16 hours per month
Ten or more years of service	20 hours per month

Employees will be allowed to accrue up to 400 hours of PTO at any one time. Upon termination (voluntary/involuntary) the employee will receive a portion of their accrued PTO at the employee's regular rate of pay. At no time should the employee receive reimbursement for accrued PTO at a rate more than the following:

Start to 5 years of service	120 hours
Six to ten years of service	160 hours
Ten or more years of service	200 hours

Employees transitioning from vacation and sick benefits to PTO will receive an hour for hour match. One hour of sick and/or vacation will equate to one hour of PTO, up to a maximum of 400 hours. 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. New employees may also be granted a bank of 40 hours of PTO upon hire.

**AGENDA ITEM # J – 4**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Department Head Cell Phones
<b>ACTION:</b>	None

**SYNOPSIS:** Currently, the City provides a cell phone to its department heads. This requires some of the department heads to carry two phones and the question has been asked if we can move to a stipend in lieu of the phone. If the Council would allow this option, I would suggest a monthly stipend of \$35, as that is the average monthly cost of the City issued phone.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** None

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

**AGENDA ITEM # J – 5**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Corner of 7 <sup>th</sup> and 5 <sup>th</sup> Ave.
<b>ACTION:</b>	None

**SYNOPSIS:** Nick will be able to talk about this more at the meeting. We have a driveway and sidewalk issue on the NE and SE sides of the intersection. The conflict lies between storm water and the ADA requirements for sidewalks at the intersections. On the NE corner especially, water comes down 5<sup>th</sup> Ave from the north, backs up onto the sidewalk at the corner, and deposits silt and limbs on the truncated domes. The cost estimate to make some corrections to both corners and the driveway is approximately \$6,200. More explanation will be given at the meeting.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** None

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

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

**AGENDA ITEM # L – 1**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Demolition Ordinance
<b>ACTION:</b>	None

**SYNOPSIS:** Guy Booth will be present to discuss this ordinance in more detail.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

**ORDINANCE#**  
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOUNT  
VERNON, IOWA, BY ADDING PROVISIONS PERTAINING TO PROCEDURES FOR  
DEMOLITION REVIEW**

Be it enacted by the City Council of the City of Mount Vernon, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Mount Vernon, Iowa, is amended by adding a new Section in Chapter \_\_\_\_, numbered \_\_\_\_, entitled "Demolition Permits", which is hereby adopted to read as follows:

- (1) **Demolition Permit Required.** No building can be demolished without a permit. No permit for the demolition of a building shall be issued other than in conformity with the provisions of this ordinance, as well as in conformity with the provisions of other laws and ordinances applicable to historic preservation and to the demolition of buildings.
- (2) **Application for Permit.** An application for demolition shall be made only by the person, partnership, corporation or realty trust which is the legal deed holder thereof at the time of such application. The applicant must comply with all federal, state and local regulations pertaining to the disposal of hazardous wastes. The application must be made on a form provided by the City of Mount Vernon and must clearly state the following at a minimum:
  - a. How the anticipated final disposition of material will be accomplished in as sustainable manner as possible;
  - b. How any hazardous materials contained within the structure proposed for demolition will be determined and remediated;
  - c. Identifying all material, such as basements, sidewalks, utilities materials, etc., which will not be removed from the property as part of the proposed demolition; and
  - d. A plan and schedule for accomplishing the future use of the planned use of the property upon which the proposed demolition is to occur.

No permit for demolition of a building shall be granted until plans for use or development of the site after demolition have been filed with the Zoning Administrator and found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

- (3) **Fourteen Day Wait.** The Zoning Administrator shall forward a copy of each application for a demolition permit to the Historic Preservation Commission (Commission) for determination whether the building which is the subject of such application is a historically significant building. A fourteen (14) day wait period shall commence on the date following the date the Commission receives the application for a demolition permit from the Zoning Administrator. Demolition is prohibited during the fourteen day wait period.
- (4) **Initial Review and Determination.** The Historic Preservation Commission shall review the application for demolition at a public meeting of the Commission within the fourteen (14) day wait period. The Commission shall make an initial determination whether the building is a historically significant building using the standards set forth in the then current US Secretary of Interior standards for treatment of historic properties. The website for the standards is: [www.nps.gov/tps/standards.htm](http://www.nps.gov/tps/standards.htm) . The Commission shall make written findings regarding whether the building is historically significant and recommend the grant or denial of the permit.

If during the fourteen (14) day wait period, the Commission makes an initial determination that the building is a historically significant building, the Zoning Administrator shall be so advised, and no demolition permit or building permits for new construction shall be issued unless and until a final determination has been made that the building is not a historically significant building or an exception applies. If the Commission makes the determination that the building is not a historically significant building the Administrator shall be advised and the permit will be issued provided all other applicable building regulations have been met.

- (5) **Final Determination.** After an initial determination by the Commission that any building is a historically significant building, it shall so advise the applicant and the Zoning Administrator, and a sixty (60) day demolition review period will be imposed. A demolition permit will not be granted and demolition is not permitted during the sixty (60) day review period. The sixty (60) day demolition review period starts on the date the Commission mails its decision via ordinary mail to the applicant. The Commission shall hold a public hearing prior to making a final determination that any building is a historically significant building. Notice shall be provided as follows:

Notice by Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1 ½) inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten (10) days before the date of such hearing through the date of the hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

Notice by Publication: At least ten (10) days before the date of hearing, the City Clerk shall have published in a newspaper having a general circulation in the City of Mount Vernon a Notice of the time, place and subject matter of such hearing.

No demolition permit or building permit for new construction or alterations on the premises shall be issued after the date of a determination that a building is a historically significant building unless an exception as provided for in subsection (6) applies.

During the sixty (60) day demolition review period, the Commission shall review all construction, demolition, or alteration that affects the exterior architectural features, including the landscape of the property.

The Commission will work with the applicant to have a historic survey done on the property, if necessary, and to determine if any of the following option or alternatives to demolition are feasible:

- A. The building can be considered for landmark designation.
- B. Rehabilitation of the building with the assistance of State or Federal tax incentives or other private financial assistance.
- C. Adapting the building to a new use.
- D. Finding a new owner who is interested in preserving/rehabilitating the building.
- E. Incorporating the building into the owner/applicant's redevelopment plans.
- F. Assisting in finding a different location for the owner's redevelopment.
- G. Moving the building to an alternative location.
- H. Salvaging building materials if the structure is to be demolished.
- I. Documenting the building prior to the issuance of a demolition permit.

The Commission shall make its findings in writing. Upon completion of the review, the Commission will advise the applicant and Zoning Administrator in writing whether a demolition permit can be issued. The Applicant may file an appeal on the record of the Commission's finding and the acts of the Zoning Administrator to the Board of Appeals of the City of Mount Vernon for final determination due to such findings or acts improperly applied the Ordinances of the City of Mount Vernon, were in excess of jurisdiction, were biased, were an abuse of power, considered facts that should not have been considered or did not consider facts that should have been considered. The Board of Appeals shall not review such appeal as a de novo appeal. An appeal of the decision of the Commission must be taken no later than 14 days after the decision is made and the applicant notified. Notification will be by ordinary mail. Notification is complete upon depositing the decision in the U. S. mail ordinary delivery with the appropriate postage.

- (6) **Exceptions.** Exceptions from the demolition review process will be afforded if an economic hardship can be demonstrated or a structure is considered an imminent threat to the health and/or safety of the public as determined by the Zoning Administrator. The burden of proof that an economic hardship exists is the applicant's responsibility. The Zoning Administrator will forward a copy of the application to the Historic Preservation Commission for a hardship exemption, along with the applicant's request for exemption from the demolition review process. The Historic Preservation Commission shall review the request for exemption, and shall respond to said application at its earliest convenience, but not more than fourteen (14) business days after receipt of the application by the Commission. Criteria for determination of an economic hardship include:
- A. The basis to establish economic hardship for an income producing property, including commercial uses or rental units, shall be that a reasonable rate of return cannot be obtained from a property that retains its historic features or structures in either its present condition or if its features or structures are rehabilitated.
  - B. Economic hardship in regard to a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial use such as property used as a single-family dwelling or for an institutional, religious or governmental not-for-profit use in its present condition or if rehabilitated.
  - C. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
    - 1. Willful or negligent acts by the owner.
    - 2. Purchase of the property for substantially more than market value.
    - 3. Willful failure to perform normal maintenance and repairs.
    - 4. Willful failure to diligently solicit and retain tenants.
    - 5. Willful failure to provide normal tenant improvements.
  - D. If the Zoning Administrator has not received a decision from the Commission on the request for exemption within the fourteen (14) business day wait period, then the Zoning Administrator shall notify the Chairperson and Secretary of the Commission that a demolition permit will be issued seven (7) days after the date that this notice has been provided to the Chairperson and Secretary, unless prior to the expiration of seven (7) days, the Commission issues a written decision on the application for a hardship exemption for the demolition permit.
  - E. If the Commission fails to approve or deny the demolition permit at the end of the sixty (60) day review period, the application will be determined to have been granted and demolition can proceed accordingly.

**VIOLATION AND PENALTIES**

- A. Any person, firm or corporation violating or failing to comply with, or violating any terms or provisions of this chapter shall be subject to the penalty provisions of the ordinances of the City of Mount Vernon, Iowa.
- B. Failure to comply with the application process or failure to have a demolition permit pursuant to this Ordinance constitutes irreparable harm warranting injunctive relief to stop the demolition of any potentially historically significant building.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision 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 section, provision, or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Third and final passage on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
James L. Moore, Mayor

ATTEST:

\_\_\_\_\_  
Sue Ripke  
Assistant City Administrator/Clerk

I certify that the foregoing was published as Ordinance # \_\_\_\_\_ in the Mount Vernon Sun on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sue Ripke  
Assistant City Administrator/Clerk

**AGENDA ITEM # L – 2**

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

<b>DATE:</b>	July 5, 2016
<b>AGENDA ITEM:</b>	Social Host Ordinance
<b>ACTION:</b>	None

**SYNOPSIS:** Chief Shannon will be present to discuss this ordinance and the work that has been put into its creation. He has reached out to the landlords regarding this ordinance and has received positive feedback.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** Chief Shannon

**MAYOR/COUNCIL ACTION:** None

**ATTACHMENTS:** Ordinance

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 7/1/16

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 Counsel 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 Counsel 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 those activities are not occurring on premises under their control.

## Section 2. 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 owner or lessee of, or who otherwise has control over, 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) When landlords have begun and are continuing with the process of evicting tenants who are in violation of this Ordinance.

#### 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.

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

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**CITY OF MT. VERNON  
CITY ADMINISTRATOR  
REPORT TO THE CITY COUNCIL  
July 5, 2016**

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- I will be out of the office starting July 13, 2016. I will be attending the Iowa City Managers Association Summer conference in Storm Lake, Iowa. Agenda items for the July 18 meeting date will need to be submitted by Tuesday, July 12, 2016.
- Staff continues to meet with the four communities being affected by dispatch fees. The most recent meeting occurring Thursday, June 30, 2016.
- Staff met with IDOT staff regarding tree trimming on Hwy 1. We have received a number of complaints from trucks scrapping low hanging limbs.
- I will not be at the August 1, 2016 City Council meeting as I will be on vacation. I will be out of the office with limited email and cell phone use from July 29 through August 6, 2016.