

City of Mt. Vernon, Iowa

Meeting:	Mt. Vernon City Council Meeting
Place:	Mt. Vernon City Hall, 213 First Street NW, Mt. Vernon, Iowa 52314
Date/Time:	May 20, 2019 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	May 17, 2019

Mayor:	Jamie Hampton	City Administrator:	Chris Nosbisch
Mayor Pro-Tem:	Tom Wieseler	City Attorney:	Robert Hatala
Councilperson:	Stephanie West	Assis. Admin/City Clerk:	Sue Ripke
Councilperson:	Scott Rose	Deputy City Clerk:	Marsha Dewell
Councilperson:	Deb Herrmann	Chief of Police:	Doug Shannon
Councilperson:	Eric Roudabush		

A. Call to Order

B. Agenda Additions/Agenda Approval

C. Communications:

1. Unscheduled
2. Matt Sidors –Recreation Coordinator Announcement

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 – May 6, 2019 Regular Council Meeting
2. Approval of Cigarette Permits – Casey's General Store #1599
3. Approval of Liquor License – Big's
4. Appoint Elise Rodenberg – Mt. Vernon Community Band Director

E. Public Hearing

1. Public Hearing on the Authorization of a Loan and Disbursement Agreement and the Issuance of Notes to Evidence the Obligation of the City Thereunder
 - i. Close public hearing – proceed to G-1

F. Ordinance Approval/Amendment

1. Ordinance #4-15-2019A: Repealing and Replacing Chapter 166 Subdivision Regulations of the Municipal Code of Mt. Vernon, Iowa
 - i. Motion to approve the third and final reading
2. Ordinance #5-6-2019A: Adopting Chapter 153 Demolition Regulations of the Municipal Code of Mt. Vernon, Iowa
 - i. Motion to approve second reading and proceed to the third and final reading (Council may suspend rules and proceed to the final reading after a vote of the second reading)

G. Resolutions for Approval

1. Resolution #5-20-2019A: Instituting Proceedings to take Additional Action for the Authorization of a Loan and Disbursement Agreement and the Issuance of Not to Exceed \$1,800,000 Sewer Revenue Capital Loan Notes
2. Resolution #5-20-2019B: Approving a 28E Agreement with Linn Fire District #1 for Fire and Emergency Services
3. Resolution #5-20-2019C: Approving Budget Amendment #1 for Fiscal Year 2018-2019
4. Resolution #5-20-2019D: Approving Ordering Construction of Certain Public Improvements, Approving Preliminary Plans, and Fixing a Date for Hearing Thereon and Taking Bids Therefor for Improvements Known as the Security Equipment Package for the Lester Buresh Family Community Wellness Center Project

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 Change Order #15 – Lester Buresh Family Community Wellness Center – Council Action as Needed
3. Discussion and Consideration of Change Order #17 – Lester Buresh Family Community Wellness Center – Council Action as Needed
4. Discussion and Consideration of Change Order #18 – Lester Buresh Family Community Wellness Center – Council Action as Needed
5. Discussion and Consideration of Donor Signage Quote - Lester Buresh Family Community Wellness Center – Council Action as Needed
6. Discussion and Consideration of a Generator at the Lester Buresh Family Community Wellness Center – Council Action as Needed

K. Reports to be Received/Filed

1. Mt. Vernon Police Report
2. Mt. Vernon Public Works Report
3. Mt. Vernon Parks and Rec Report

L. Discussion Items (No Action)

1. 5G ROW Regulations

M. Reports of Mayor/Council/Administrator

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

N. Adjournment

Pursuant to §21.4(2) of the Code of Iowa, the City has the right to amend this agenda up until 24 hours before the posted meeting time.

If anyone with a disability would like to attend the meeting, please call City Hall at 895-8742 to arrange for accommodations.

D. Consent Agenda

The Mount Vernon City Council met May 6, 2019 at the Mount Vernon City Council Chambers with the following members present: Roudabush, West, Wieseler, Herrmann and Rose.

Call to Order. At 6:30 p.m. Mayor Jamie Hampton called the meeting to order. City Administrator Chris Nosbisch gave Council a new first page of the Demolition Regulations, a revised copy of Ordinance #5-6-2019A, and a letter from ICAP.

Agenda Additions/Agenda Approval. With the changes/additions Wieseler made a motion to approve the Agenda, seconded by Rose. Motion carries.

Consent Agenda. City Council Minutes of April 15, 2019 correction: Resolution #4-15-2019A contained an incomplete sentence and should read "If not approved and the guidelines are not met the City may lose control of this infrastructure". There was also an error in the City Administrators report; 25 applications were received not 24 as reported. Motion to approve the amended Consent Agenda made by West, seconded by Wieseler. Motion carries.

Approval of City Council Minutes – April 15, 2019 Regular Council Meeting

Approval of Cigarette Permits – Yock's Landing, PNP, Gary's Foods

Approval of Liquor License – Si Senior

Public Hearing

Public Hearing on a Proposed Ordinance Adopting Chapter 153 Demolition Regulations of the Mt. Vernon Municipal Code. Mayor Hampton declared the Public Hearing open. Close public hearing – proceed to F-4. Mayor Hampton declared the Public Hearing closed.

Ordinance Approval/Amendment

Ordinance #4-1-2019A: Amending Chapter 92 Water Rates of the Municipal Code of Mt. Vernon, Iowa. Staff has not received any verbal or written communication since the second reading. Motion to approve the third and final reading. Motion to approve the third and final reading of Ordinance #4-1-2019A made by Wieseler, seconded by West. Roll call vote. Motion carries.

Ordinance #4-1-2019B: Amending Chapter 99 Sewer Service Charges of the Municipal Code of Mt. Vernon, Iowa. Staff has not received any verbal or written communication since the second reading. Motion to approve the third and final reading. Motion to approve the third and final reading of Ordinance #4-1-2019B made by Rose, seconded by Wieseler. Roll call vote. Motion carries.

Ordinance #4-15-2019A: Repealing and Replacing Chapter 166 Subdivision Regulations of the Municipal Code of Mt. Vernon, Iowa. Staff has not received any verbal or written communication since the first reading. Motion to approve second reading and proceed to the third and final reading (Council may suspend rules and proceed to the final reading after a vote of the second reading). Motion to approve the second reading of Ordinance #4-15-2019A made by Wieseler, seconded by Rose. Roll call vote. Motion carries.

Ordinance #5-6-2019A: Adopting Chapter 153 Demolition Regulations of the Municipal Code of Mt. Vernon, Iowa. Motion to approve first reading and proceed to the second reading (Council may suspend rules and proceed to the third and final reading after a vote of the first reading). Nosbisch said that both Guy Booth

and Leah Rogers have reviewed this and asked for a language change on the first page (changed copy given to Council at the beginning of the meeting). Roudabush was concerned with the language on page 2, item D, listed under "Historically significant buildings are:" Roudabush said that the way he reads this is that if the City has a preservation program and it's been approved by the State you can have a database that can be pulled up anytime and see if your residence is on the list. Continuing Roudabush said that if the City has a database how would a resident know if they are on the list? Nosbisch said that not knowing if your home is on the list could delay demolition but may not prevent it because there is an appeal process. Roudabush said that there are historically significant buildings that are not in historic districts; those are the ones he's concerned about. Owners should be notified before the ordinance is passed so, if they want, they can get their names removed from the list. Herrmann asked if the inventory was a publically available published inventory that people can see to which Nosbisch said it is not on the MVHPC website but is available by request. Guy Booth explained that the list of buildings that have historical significance was prepared by an expert who was hired to review the City. This list could be put on the MVHPC and the City's website. Council was interested in having a letter sent to the property owners this ordinance would impact. Motion to approve the first reading of Ordinance #5-6-2019A with the changes discussed made by West, seconded by Herrmann. Roll call vote. Motion carries.

Resolutions for Approval

Resolution #5-6-2019A: Resolution Fixing a Date for a Meeting on the Proposition to Authorize a Loan and Disbursement Agreement and the Issuance of Notes to Evidence the Obligations of the City Thereunder. City Administrator Chris Nosbisch explained that this is the first step in the SRF funding for the WWTP improvements. The resolution indicates that the amount issued will not exceed \$1,800,000.00 but could possibly be less. The City is not obligated to take the entire \$1,800,000.00 if the project comes in under budget. Motion to approve Resolution #5-6-2019A made by Rose, seconded by Roudabush. Motion carries.

Resolution #5-6-2019B: Approving the 28E Agreement for Police Services with the City of Lisbon. Nosbisch said that Lisbon has decided to re-issue the 28E agreement with Mount Vernon for additional police services. Except for a small typo this agreement is exactly like the first 28E agreement. The City of Lisbon has already approved this. Motion to approve Resolution #5-6-2019B made by Wieseler, seconded by West. Motion carries.

Resolution #5-6-2019C: Approving FY 18-19 Transfers. Motion to approve FYE transfers listed in Resolution #5-6-2019C made by Rose, seconded by Herrmann. Motion carries.

Resolution #5-6-2019D: Approving Contract and Bond for Mobilization and Construction of the Wastewater Treatment Plant Improvements 2019. Motion to approve Resolution #5-6-2019D made by West, seconded by Wieseler. Motion carries.

Motions for Approval

Consideration of Claims List – Motion to Approve. Motion to approve the Claims List made by West, seconded by Wieseler. Motion carries.

AAA PEST CONTROL	PEST CONTROL-P&A	30.00
AHLERS & COONEY P.C.	SPRING MEADOW HGHTS	93.00
AIRGAS INC	CYLINDER RENTAL FEE-RUT	63.25
ALL SECURE	SECURITY SYST MONITORING-POOL	75.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,804.85
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	510.71
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	64.28
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	43.81

ALLIANT IES UTILITIES	ENERGY USAGE-SEW	38.28
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	28.72
ALLIANT IES UTILITIES	ENERGY USAGE	47.89
ARAMARK	RUGS-FD	131.98
ARAMARK	RUGS-FD	131.98
BARB MYERS	CTW MUSICIAN-P&REC	50.00
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	388.00
BIJOU MOVIE THEATER	ADDS-P&REC	240.00
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A,WAT,SEW	595.00
BRAUN INTERTEC CORP	CONSTRUCTION & MATERIALS TEST	6,227.50
CAMPBELL SUPPLY CEDAR RAPIDS	SAFETY GLOVES,GLASSES,EAR PLUGS	140.82
CAMPBELL SUPPLY CEDAR RAPIDS	RESPIRATOR FILTERS-RUT	135.47
CANINE TACTICAL LLC	TRAINING-K9	500.00
CARGILL INCORPORATED	SALT-RUT	134.37
CARQUEST OF LISBON	VEHICLE MAINT-PW	337.44
CASEY KLEIN	CTW MUSICIAN-P&REC	50.00
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	183.80
DOUG SHANNON	MILEAGE-PD	95.70
DUANE'S SERVICE	VEHICLE MAINT-PD	149.00
EVIDENT INC	SECURITY BAGS,LABELS-PD	110.99
FOX APPARATUS REPAIR & MAINT	VEHICLE MAINT-FD	105.55
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
GARY'S FOODS	SUPPLIES-RUT,P&REC,VC	300.76
GARY'S FOODS	SUPPLIES-POOL	32.27
HARMONY GERHARDT	CTW MUSICIAN-P&REC	50.00
HAWKEYE READY MIX	PAD/SHOP SHED-RUT	301.25
HILLS BANK & TRUST COMPANY	2015 GO / WTP IMPROVEMENT PROJ	38,786.75
IOWA LAW ENFORCEMENT ACADEMY	TASER INSRUCTION CERT FEE-PD	50.00
IOWA ONE CALL	LOCATES-WAT,SEW	44.10
IOWA SOLUTIONS INC	MONTHLY MAINTENANCE-ALL DEPTS	595.00
IOWA SOLUTIONS INC	COMP MAINT-ALL DEPTS	705.00
IOWA SOLUTIONS INC	PATCH MGMT,FIREWALL-PD	123.10
JAMES KENNEDY	CTW MUSICIAN-P&REC	50.00
JASON DAMS	CTW MUSICIAN-P&REC	50.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
KEVIN BURT	CTW MUSICIAN-P&REC	50.00
KIESLER'S POLICE SUPPLY INC	TRAINING-PD	767.00
KILLEEN GRANATA	CTW MUSICIAN-P&REC	50.00
KIMBERLY SCHWIEBERT	CTW MUSICIAN-P&REC	50.00
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES-PD	343.45
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	206.98
LANE GAFFNEY	CTW MUSICIAN-P&REC	50.00
LAURIE HAAG	CTW MUSICIAN-P&REC	50.00
LEAH WOOSLEY	CTW MUSICIAN-P&REC	50.00
LINN CO-OP OIL CO	FUEL-PW	900.15
LUMPIA SHANGHAI	CTW FOOD VENDOR-P&REC	510.00
LYNCH FORD	5K MI MAINT,ROTATE TIRES-PD	66.32
LYNCH FORD	5K MI MAINT-PD	65.88
MARTIN MARIETTA MATERIALS	ROAD ROCK-RUT	67.66
MEDIACOM	PHONE/INTERNET-PD	268.46
MEDIACOM	PHONE/INTERNET-P&A	268.46
MEDIACOM	PHONE/INTERNET-P&REC	170.26
MEDIACOM	PHONE/INTERNET-WWTP	196.05
MENARDS	SNOW FENCE-P&REC	256.86

MENARDS	FENCE POSTS-P&REC	201.69
MIDLAND GIS SOLUTIONS	HOSTING-PW	3,600.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-ALL DEPTS	1,208.32
MOUNT VERNON, CITY OF	CTW START UP CASH-P&REC	200.00
NANCITA WERNETT	CTW MUSICIAN-P&REC	50.00
NEAL'S WATER CONDITIONING SERVICE	WATER/SALT-P&A,RUT	84.90
NEIRL	MEMBERSHIP-P&A	20.00
P&K MIDWEST INC	BATTERY-RUT	160.47
P&K MIDWEST INC	BATTERY-RUT	147.07
P&K MIDWEST INC	GREASE,FILTERS-RUT	138.83
P&K MIDWEST INC	KEY-RUT	2.30
PAYROLL	CLAIMS	63,378.75
PITNEY BOWES	POSTAGE METER LEASE-ALL DEPTS	146.61
PK CORN	CTW FOOD VENDOR-P&REC	125.00
POSTMASTER	NEWSLETTER-ALL DEPTS	455.23
POSTMASTER	UTIL BILL POSTAGE-WAT,SEW,SW	374.92
RECREATION SUPPLY	FILTER,GASKET,MISC-POOL	794.14
REXCO EQUIPMENT INC	AUGER BIT-RUT	789.00
ROBERT BUSER	WEATHER METER REPAIR-EMA	34.66
ROBERT BUSER	IAFC MEMBERSHIP-EMA	240.00
RON LAFLEUR	CTW MUSICIAN-P&REC	50.00
SCHIMBERG COMPANY	EYE WASH-POOL	23.74
SENSUS USA, INC	SYSTEM SUPPORT-WAT,SEW,SW	1,949.94
SIMMERING CORY IOWA CODIFICATION	CODE UPDATES-P&A	314.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	3,330.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	1,180.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	964.00
TERRY & SONS, INC	PAINT POOL	4,205.00
TREASURER STATE OF IOWA	WET TAX	2,314.00
TREASURER STATE OF IOWA	SALES TAX	1,037.00
TRUENORTH COMPANIES	EMPLOYEE THEFT/FORGERY POLICY	425.00
US BANK	CREDIT CARD	3,480.25
US CELLULAR	CELL PHONE-P&REC,WAT,SEW	169.85
USA BLUE BOOK	EYE WASH STATION,PARTS-POOL	1,114.83
VEENSTRA & KIMM INC	BRYANT ROAD IMPROVEMENTS	4,386.00
VEENSTRA & KIMM INC	WWTP IMPROVEMENTS	2,056.00
VEENSTRA & KIMM INC	8TH AVE QUIET ZONE CONSULTATION	1,138.72
VEENSTRA & KIMM INC	NATURE PARK TRAIL DESIGN	821.06
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	631.00
WAPSI WASTE SERVICE	GB,RECY,LEAF-S/W	24,203.20
WAPSI WASTE SERVICE	RECY-SW	666.52
WATER SOLUTIONS UNLIMITED INC	CHEMICALS-WAT	4,202.81
WENDLING QUARRIES	ROAD ROCK-RUT	96.83
TOTAL		189,014.79
2014 STREET IMPROVEMENTS		1,138.72
DEBT SERVICE FUND		38,786.75
GENERAL FUND		21,876.79
INSURANCE LEVY		425.00
LOST III COMMUNITY CENTER		6,275.39
LOST III TRAILS		821.06
PAYROLL		63,378.75
ROAD USE TAX FUND		9,913.19

SEWER FUND	5,409.86
SOLID WASTE	26,921.77
STORM WATER FUND	70.56
WATER FUND	11,940.95
WWTP UV DISINFECTION	2,056.00
TOTAL	189,014.79

Discussion and Consideration of Engagement Agreement with Ahlers and Cooney, P.C. (Bond Council) - \$1.8 Million Sewer Revenue Capital Note – Council Action as Needed. Council was asked to approve an engagement letter with Ahlers and Cooney, P.C. For a fee of \$6,200.00 Ahlers and Cooney would provide the documents and services in connection with the issuance of the not to exceed \$1,800,000.00 Sewer Revenue Capital Loan Note. Motion to approve the Ahlers and Cooney engagement letter made by Herrmann, seconded by Rose. Motion carries.

Discussion and Consideration of Pay Application #2 – 5th Ave NW and 1st St W Traffic Signal Installation Project – Council Action as Needed. Price Electric submitted Pay Application #2 in the amount of \$25,320.35. They will be purchasing the materials needed for the traffic signal project. Motion to approve Pay Application #2 made by West, seconded by Wieseler. Motion carries.

Discussion and Consideration of Pay Application #5 – Lester Buresh Family Community Wellness Center – Council Action as Needed. Pay Application #5 was originally in the amount of \$1,274,836.32 but paperwork was not turned into the architect in time so OPN sent notice that they would like to reduce #5 to \$1,125,171.32. The difference of \$149,665.00 will be included in a future pay application. Significant progress has been made in the past month. The structural steel has been delivered and CMU walls constructed on the north end of the building. Motion to approve Pay Application #5 in the amount of \$1,125,171.32 made by Rose, seconded by West. Motion carries.

Discussion and Consideration of Change Order #10 – Lester Buresh Family Community Wellness Center – Council Action as Needed. Change Order #10 is in the amount of \$2,120.58 and is for a “toe-kick” which helps stop something from rolling over an edge. Motion to approve Change Order #10 made by Wieseler, seconded by West. Motion carries.

Discussion and Consideration of Change Order #11 – Lester Buresh Family Community Wellness Center – Council Action as Needed. Change Order #11 is in the amount of \$1,167.72 and is for an additional electrical connection to operate a divider curtain in the lounge. Motion to approve Change Order #11 made by West, seconded by Wieseler. Motion carries.

Discussion and Consideration of Change Order #13 – Lester Buresh Family Community Wellness Center – Council Action as Needed. Change order #13 is in the amount of \$4,369.68 and has similar details as Change Order #10. Motion to approve Change Order #13 made by Herrmann, seconded by Rose. Motion carries.

Discussion and Consideration of Change Order #5 - Lester Buresh Family Community Wellness Center – Council Action as Needed. Change Order #5 is in the amount of \$1,128.12 and is for expanding the footings in the stairwell in order to accommodate additional electric conduit in the area. Motion to approve Change Order #5 made by Rose, seconded by Herrmann. Motion carries.

Discussion and Consideration of Possible Change Order – Climbing Wall - Lester Buresh Family Community Wellness Center – Council Action as Needed. The original climbing wall design was 20 feet

high. Without skylights the climbing wall had to stop at 20 feet. Because the bids came in where they did the City was able to include the skylights. If Council approves, this would allow an additional four feet in height to the wall. The cost to add four additional feet would probably be between \$12-16,000.00. Park and Rec Director Matt Siders explained that even with the additional feet the wall climber will not be able to touch the skylights. Siders said there are three types of walls; sports climbing walls which are typically 30-60' high. These walls are more vertical, less bump outs and angles to climb over. The second type of wall is the boulder walls which are 10-15' high and have more angles to arch out. Traverse walls are the third type and are very flat and not very high and are up to ten feet. Siders said what they are trying to do is get all three types designed into our climbing wall. The L Dorado, the company the City is working with, has never done that before because no one has ever requested it, but they are very interested in trying to make it work. Siders said that he would like to get four more feet added to the wall to make it more attractive to adults and teens and, also, the extra feet would hide the CMU at the top. Rose motioned approval of the change order for the climbing wall not to exceed \$18,000.00, seconded by Wieseler. Motion carries.

Discussion and Consideration of Setting a Public Hearing Date for Budget Amendment #1 for Fiscal Year 2018-2019 – Council Action as Needed. Motion to set a Public Hearing date for May 20, 2019 for Budget Amendment #1 made by West, seconded by Wieseler. Motion carries.

Discussion and Consideration of Amendment #3 to the Professional Services Agreement - OPN – Council Action as Needed. The City has received a \$100,000.00 grant from Wellmark to construct a trail network around the Wellness Center. Approval of Amendment #3 allows OPN, the existing design team, to add this project to their current scope of work. The cost of the additional design work is \$9,600.00. Motion to approve Amendment #3 to the Professional Services Agreement-OPN made by Herrmann, seconded by West. Motion carries.

Discussion and Consideration of Loader Lease/Purchase – Council Action as Needed. Public Works Director Nick Nissen would like Council to consider the purchase approval of a John Deere 524LXT Wheel Loader. With a 4 yard bucket Nissen said it could be used to turn leaves when the City takes over leaf collection. In the winter it would be used to haul away snow piles. The City looked at four different brands but John Deere offered the perfect size with the best State pricing. A 3 year lease agreement would cost \$1,715.73 per month and would be added to the CIP and paid from the RUT Fund. Motion to approve the purchase of the JD 524LXT not to exceed \$164,000.00 made by Roudabush, seconded by Wieseler. Motion carries.

Discussion and Consideration of Engagement Agreement with Clifton Larson Allen and Bradley Hauge for Auditing and Accounting Services – Council Action as Needed. Staff is recommending the approval of both engagement letters from CLA in the amount of \$16,400.00 and Brad Hauge in the amount of \$6,885.00. CLA will do the FY19 audit. Hauge helps prepare the State budget forms, TIF documents and other State submittals. Motion to approve both engagement letters for auditing and accounting services made by Wieseler, seconded by Herrmann. Motion carries.

Discussion Items (No Action)

City Council Goal – Old Fire Station. Council had asked staff to find a private entity for re-development of the old fire station. After working with two different developers, both walking away from the project due to cost, staff asked Council if they would consider alternative ideas. There was discussion regarding space issues/challenges in City Hall and how the Police Department should be separated for safety reasons. No decisions were made.

Reports of Mayor/Council/Administrator

Council Reports. Myrt Bowers was named one of the Women of Achievement. May 9th at The Local there will be a Spirit of Main Street celebration.

City Administrator's Report. The City received \$100,000.00 from Wellmark for trail work around the wellness center. Linn County is moving forward with the Mt Vernon Road resurface project.

As there was no further business to attend to the meeting adjourned the time being 8:07 p.m., May 6, 2019.

Respectfully submitted,
Sue Ripke
City Clerk

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Friday, May 10, 2019 2:35 AM
To: Marsha Dewell
Cc: Licensing@IowaABD.com
Subject: Liquor License Submitted to Local Authority

Insurance coverage/bond certification has been completed for the following application(s). The application(s) is awaiting local authority review. After local authority approval, the application will be submitted to the Iowa Alcoholic Beverages Division for review.

License #	License Status	Business Name
BB0037027	Submitted to Local Authority	BIG'S (124 2nd Ave NW Mount Vernon Iowa, 52314)

Please do not respond to this email.

To check the status of your application follow these steps:

1. Click <https://elicensing.iowaabd.com>
2. Log in to your eLicensing account
3. After reading the 'Beginning April 1st' statement, click ok
4. Click the View Completed Applications link to see your status

NOTICE: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

E. Public Hearing

AGENDA ITEM # E - 1 & G - 1

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

DATE:	May 20, 2019
AGENDA ITEM:	Public Hearing – Authorization of Loan
ACTION:	Motion to Close

SYNOPSIS: This is the public hearing that will allow the City to pursue the \$1.8 million in sewer revenue dollars from the state revolving loan fund.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close

ATTACHMENTS: None – See G-1

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

F. Ordinance Approval/Amendment

AGENDA ITEM # F - 1

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

DATE:	May 20, 2019
AGENDA ITEM:	Ordinance Amending Subdivision Regulations
ACTION:	Motion

SYNOPSIS: City staff has not received any new verbal or written communication regarding this ordinance since the 2nd reading was adopted. Staff may ask the Council to table the third reading as we are clarifying language with ECICOG regarding plat of surveys. It will be easier for me to explain the language issues at the meeting.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion (Possibly to Table)

ATTACHMENTS: Ordinance #4-15-2019A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

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

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

ORDINANCE #4-15-2019A

**AN ORDINANCE REPEALING CHAPTER 166 SUBDIVISION REGULATIONS AND
ADOPTING A NEW CHAPTER 166 SUBDIVISION REGULATIONS IN LIEU THEREOF TO
THE CITY OF MT. VERNON MUNICIPAL CODE**

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

SECTION 1. AMENDMENT. Chapter 166 Subdivision Regulations are hereby repealed and replaced with a new Chapter 166 Subdivision Regulations to the Mt. Vernon Municipal Code as 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 15th day of April, 2019.

ATTEST:

Jamie Hampton - Mayor

Sue Ripke – City Clerk

I certify that the foregoing was published as
Ordinance #4-15-2019A on the ___th day of _____, 2019.

Sue Ripke, City Clerk

AGENDA ITEM # F - 2

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

DATE:	May 20, 2019
AGENDA ITEM:	Ordinance Amending Demolition Regulations
ACTION:	Motion

SYNOPSIS: City staff has received the list of historically significant buildings from Guy Booth, and we are working to notify the residents. This will likely not be complete before the next meeting, so staff would ask the Council to consider tabling the second reading until June. There are no pending demolition permit applications that staff is aware of at this time.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion (Possibly to Table)

ATTACHMENTS: Ordinance #5-6-2019A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

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

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

ORDINANCE #5-6-2019A

AN ORDINANCE ADOPTING CHAPTER 153, DEMOLITION REGULATIONS 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 _____, 2019.

ATTEST:

Jamie Hampton - Mayor

Sue Ripke – City Clerk

I certify that the foregoing was published as
Ordinance # on the ___ day of _____, 2019.

Sue Ripke, City Clerk

Exhibit "A"

CHAPTER 153

DEMOLITION REGULATIONS

153.01 Demolition Permit Required

153.03 Demolition of Historic Buildings

153.05 Initial Review and Determination

153.07 Exceptions

153.09 Violations and Penalties

153.02 Application for Permit

153.04 Fourteen Day Wait

153.06 Final Determination

153.08 Appeals

153.01 Demolition Permit Required: No building/structure can be demolished without a permit. Prior to the demolition of any building/structure, the applicant shall be required to submit signed documentation showing all utility connections have been properly disconnected according to the standards set forth by each respective utility representing.

Additionally, no permit for the demolition of a building/structure that is designated as a historic place by the National Register of Historic Places, or lies within a historic preservation district as defined by the City of Mt. Vernon, 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. An application for demolition shall be made only by the person, partnership, corporation or realty trust which is the deed holder thereof at the time of such application.

Except for structures in ~~established historic districts of the City identified herein~~, this ordinance does not apply to the demolition of existing porches.

153.02 Application for Permit: The application must be made on a form provided by the City of Mt. Vernon.

153.03 Demolition of Historic Buildings: No permit for demolition of a building determined to be a historically significant building under this ordinance 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 appeals from the granting of such approvals must be concluded prior to the issuance of a demolition permit under this section.

153.04 Fourteen Day Wait. The Zoning Administrator shall forward a copy of each application for a demolition permit meeting the requirements set forth in Chapter 153.03 to the Historic Preservation Commission for determination as to whether the building, which is the subject of such application, is a historically significant. 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.

Historically significant buildings are:

- A. Listed individually in the National Register of Historic Places, maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register; or
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

The purpose and intent of this ordinance is set forth in Chapter 24.01 of the Mount Vernon, Iowa Code of Ordinances.

153.05 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 current US Secretary of Interior standards for historic preservation, and further, upon criteria which would be unique to the historic nature of the City of Mount Vernon. The Commission shall make written findings supporting the grant or denial of the permit.

If during the fourteen (14) day wait period, the Commission makes an initial determination that the building which is the subject of the application for demolition is, or may be a historically significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a historically significant building. The Zoning Administrator shall be so advised, and no demolition permit or building permit 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.

153.06 Final Determination. After an initial determination by the Commission that any building which is the subject of an application is a historically significant building, it

shall so advise the applicant who submitted the application and the Zoning Administrator, and a sixty (60) day demolition review period will be imposed. The sixty (60) day demolition review period starts on the date the applicant who submitted the application and the Zoning Administrator are notified of the decision of the Commission.

The Commission shall hold a public hearing prior to making the determination that any building is a historically significant building. The Commission shall publish notice in the official city designated newspaper no less than four (4) days and no more than twenty (20) days from the date that an initial determination has been that the building is a historically significant building. A sign shall also be posted on the subject property notifying the general public of the pending application for demolition. 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 except as may be provided for in subsection 153.07 of this section.

During the sixty (60) day demolition review period, 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 options 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 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.

153.07 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. 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 feasibility of alternative uses for the property prevent the applicant from securing a reasonable return on investments. A report from a licensed engineer or architect with expertise in rehabilitation shall be submitted to the Historic Preservation Commission. Said report shall include cost estimates for rehabilitation, estimated market values of the property (in its current condition and after project completion), and/or costs associated with moving the building to an alternative location.
- B. Demonstration of an economic hardship shall not be based on self-inflicted hardships, including but not limited to:
 - 1. Willful or negligent acts by the owner.
 - 2. Failure to perform normal maintenance and repairs.
 - 3. Failure to diligently solicit and retain tenants.
 - 4. Failure to provide normal tenant improvements.

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.

153.08 Appeals. Any party aggrieved by the decision of the Historic Preservation Commission may appeal the action to the City Council. Such an appeal must be in writing and must be filed with the City Administrator no later than ten (10) business days after the filing of the aforementioned decision. The City Council shall, within a reasonable amount of time, give public notice to the applicant and to the appellant, hear the appeal and decide the appeal. In deciding such appeals, the City Council shall consider whether to reverse, affirm or modify the decision. If not satisfied with the decision of the City Council, any aggrieved party may appeal within (60) days of the City Council's decision to the Iowa District Court.

153.09 Violations 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 Chapter 4 of the Mt. Vernon, Iowa municipal code.
- 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.

G. Resolutions for Approval

May 20, 2019

The City Council of the City of Mount Vernon, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 213 First Street NW, Mount Vernon, Iowa, at _____ o'clock _____M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and that notice of the proposed action by the City Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A, 384.82 and 384.83, as amended.

The Mayor then asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the City Council that _____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

The City Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,800,000 SEWER REVENUE CAPITAL LOAN NOTES", and moved:

- that the Resolution be adopted.
- to ADJOURN and defer action on the Resolution and the proposal to institute proceedings to the meeting to be held at _____ o'clock _____ .M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE AUTHORIZATION OF A
LOAN AND DISBURSEMENT AGREEMENT AND THE
ISSUANCE OF NOT TO EXCEED \$1,800,000 SEWER
REVENUE CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, and has considered the extent of objections received from residents or property owners

as to said proposal and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF IOWA:

Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

Section 3. That the Clerk, with the assistance of the City Attorney and bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.

Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 20th day of May, 2019.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF LINN)

I, the undersigned City Clerk of the City of Mount Vernon, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)

AGENDA ITEM # G - 2

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

DATE:	May 20, 2019
AGENDA ITEM:	Resolution #5-20-2019B
ACTION:	Motion

SYNOPSIS: This agreement has been two years in the making and will be a win/win for both entities. The tax growth within the Linn County Fire District #1 has been more constrained than that of the City, requiring Mt. Vernon to make larger purchases on our own these past three years. Under the existing arrangement, Mt. Vernon and Linn County Fire District share in both the purchase of equipment and operational expenses. This 28E would move the relationship to a contract situation, whereas Linn County Fire District would pay 70% of their total tax receipts to the City in return for service. As Linn County Fire District has a substantial investment in the existing equipment, the City has agreed to provide Linn County with their half of the assets should they end the agreement within the next 20 years (\$533,017.50). I will be able to answer additional questions at the meeting as it is somewhat difficult to summarize two years in one paragraph.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #5-20-2019B

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

RESOLUTION #5-20-2019B

RESOLUTION APPROVING A 28E AGREEMENT BETWEEN THE CITY OF MT. VERNON AND THE LINN COUNTY FIRE DISTRICT #1 FOR FIRE AND EMERGENCY SERVICES

WHEREAS, the City of Mt. Vernon has historically operated a volunteer fire department in partnership with Linn County Fire District #1, and

WHEREAS, both entities desire to move to a contractual arrangement for fire and emergency services, and

WHEREAS, the Linn County Fire District #1 would contract with the City of Mt. Vernon for fire and emergency services, and

WHEREAS, the 28E agreement, attached hereto and made a part thereof, outlines the terms and conditions of said arrangement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA, that the City of Mt. Vernon hereby agrees to the 28E agreement for fire and emergency services, and authorizes the Mayor to execute said agreement.

APPROVED this 20th day of May, 2019.

Mayor

ATTEST: _____
City Clerk

LINN COUNTY FIRE DISTRICT NUMBER ONE / CITY OF MOUNT VERNON 28E
AGREEMENT FOR FIRE PROTECTION AND EMERGENCY SERVICES

This Agreement, pursuant to Chapter 28E, Code of Iowa, is made and entered into by and between the Linn County Fire District Number One, hereinafter the "District," and the City of Mount Vernon, Linn County, Iowa, hereinafter the "City."

WHEREAS, the District and the City have given mutual notice of their intent and desire to terminate a previous Chapter 28E agreement and all addenda thereto, hereinafter the "2010 28E Agreement," entered into by the parties in August 2010, and amended by the parties in _____, 2011;

WHEREAS, the tax revenues of the District have been unable to keep up with an equal sharing of the operational expenses under the 2010 28E Agreement;

WHEREAS, each party has generally owned one-half of the personal property (except for the City-owned Truck 215 and specific personal property designated as being solely owned by the District or the City), including fire-fighting equipment and vehicles, which from time to time has been replaced by new personal property;

WHEREAS, representatives of the District and the City did undertake to study the feasibility and economic benefit and efficiency of the District contracting with the City for fire protection and emergency services;

WHEREAS, after study and report by said representatives, the Board of Trustees of Linn County Fire District Number One, hereinafter the "Board of Trustees," and the City Council of Mount Vernon, Iowa, hereinafter the "City Council," expressed their support for entering into an agreement whereby the City will provide fire protection and emergency services to the District;

WHEREAS, it is the desire of both parties to join in this Agreement in order to achieve their mutual goal and fulfill their respective responsibilities to provide the most effective and efficient fire protection and emergency services for the public served by them in accordance with Iowa Code sections 357B.1 (District) and 364.16 (City);

WHEREAS, this Agreement has been negotiated and prepared pursuant to the direction of the said Board of Trustees and the City Council to effectuate an agreement for the provision of fire protection and emergency services to the District and the City and, further, to maintain the Fire Department Advisory Board established under the 2010 28E Agreement in order to provide the District and the City with joint oversight and review of the Mount Vernon Fire Department, hereinafter the "Fire Department;"

WHEREAS, both the District and the City are authorized under Chapter 28E of the Code of Iowa to enter into a joint agreement for this purpose;

WHEREAS, the Board of Trustees has, by Resolution duly passed on _____, 2019, authorized its Chairman and Clerk to enter into a new 28E Agreement with the City of Mount Vernon for the provision of fire protection and emergency services by the City; and

WHEREAS, the City Council has by Resolution duly passed on _____, 2019, authorized its Mayor and City Administrator to enter into a new 28E Agreement with the District for the provision of fire protection and emergency services by the City.

WHEREAS, the District and the City hereby agree as follows:

1. PURPOSE. Pursuant to Chapter 28E, Code of Iowa, the parties do hereby agree that the purpose of this Agreement is to provide fire protection and emergency services to the District and the City under the terms, limitations and conditions set out in this Agreement.

2. FIRE DEPARTMENT ESTABLISHED. The City has established by ordinance the Fire Department, which is responsible for fire protection and emergency services in the City. Except as otherwise specifically provided for by this Agreement, the Mayor and the City Administrator of the City of Mount Vernon, shall be responsible for direct supervision and management of the Fire Department in accordance with the City's Code of Ordinances, policies and practices.

3. MANAGEMENT. The Fire Chief of Mount Vernon and the other Department officers shall have management and control of the daily operations of the Fire Department, subject to the general supervision and management by the Mayor and the City Administrator in accordance with the City's Code of Ordinances.

4. PROVISION FOR SERVICES. By and in accordance with the terms, conditions and limitations of this Agreement, fire protection and emergency services shall be provided by the Fire Department to the District and to the City. Townships surrounding the District shall continue to contract with the District separately.

5. ADVISORY BOARD MAINTAINED. By this Agreement, the Fire Department Advisory Board, hereinafter the "Advisory Board" created under the 2010 28E agreement shall be maintained, and all current members of the Advisory Board shall maintain their seat for the remainder of the term provided for in the 2010 28E Agreement. The Advisory Board shall consist of the City Administrator (Chair), the District Clerk (Vice Chair), three (3) District Trustees (appointed by the District), a City Council member (appointed by the City Council), and a citizen representative (appointed jointly by the District Trustees and the City Council). The terms for the City Administrator and the District Clerk are indefinite; the terms for the District Trustees and the City Council member shall be for one year, beginning January 1 and ending December 31 of each year; and the term for the citizen representative shall be for two years, beginning on July 1 in even numbered years. The Advisory Board is responsible for reviewing all the operations and finances of the Fire Department and making reports and recommendations concerning the same, as set forth in this Agreement and as it deems appropriate, to the District and the City but shall not interfere or supersede the authority of the City Administrator, the Mayor or the City Council with respect to their duties and responsibilities regarding the Fire Department, as established by state law and City ordinance.

- A. The Advisory Board shall meet regularly as necessary for pending business, but no less than twice a year. The Fire Chief of Mount Vernon and other Department officers shall make regular reports and provide records to the Advisory Board as requested by the

Advisory Board and, further, as determined to be appropriate or necessary by the Fire Chief of Mount Vernon.

- B. The Advisory Board shall, from time to time but not less than once a year, report to the District and the City Council its findings and recommendations concerning the organization, personnel, equipment, operations, budget, and finances of the Fire Department. Whenever the Advisory Board provides only one party with any specific report or recommendation, a copy of the report or recommendation shall be provided to the other party.
- C. The Advisory Board shall provide recommendations with respect to long-term planning of the Fire Department to the District and the City, including but not limited to amendments to this Agreement, budgeting for capital expenditures not sufficiently accounted for through the annual budget and appropriations processes of the two parties, and other matters it deems appropriate.
- D. The Advisory Board shall be responsible for reviewing all financial matters related to the Fire Department, including but not limited to appropriations and contributions made for fire protection and emergency services, whether public or private. Further, the Advisory Board shall ensure that funds raised or received by any private organization related to the Fire Department are fully accounted for, subject to auditing, and used for appropriate and legal purposes, and may make recommendations concerning the same to the District and the City.
- E. The Advisory Board may make other reports and recommendations to the District and the City as it deems appropriate in furtherance of the goal to provide effective and efficient fire protection and emergency services to the District and the City.
- F. Generally, the District Trustees are only entitled to one (1) vote for the entire group. In the Event the Advisory Group has an equal number of City Council members and District Trustees, each District Trustee is entitled to one (1) vote, entitling the group to three (3) votes.

6. BUDGET. On or before January 1 of each year, the Fire Chief of Mount Vernon shall cause to be prepared a preliminary fiscal year line item budget for the operation and maintenance of the Fire Department for the succeeding fiscal year. The proposed budget for the Fire Department shall be submitted to the City Administrator and the District Clerk on or before January 15. The City Administrator, the District Clerk, and the Fire Chief of Mount Vernon shall consult regarding any changes between the preliminary and final budget for the Fire Department, as approved separately by the Board of Trustees and the City Council. Said budget shall reflect estimated expenses for the operation and administration of the Fire Department. Operations, inventory and maintenance records shall be maintained by the Fire Department and available to the District, the City, and the Advisory Board for inspection when requested and, further, when determined appropriate or necessary by the Fire Chief of Mount Vernon.

7. PROPERTY BUYBACK. If this Agreement is terminated within twenty (20) years of execution of the Agreement, the City shall buyout the District's share of the shared equipment, vehicles, and other personal property as identified in Exhibit A ("Buyout Equipment"). The City and District agree that Exhibit A sets the valuation of equipment. The equipment, vehicles and other personal property previously owned jointly by the parties or owned solely by the District, pursuant to the 2010 28E agreement, and identified in Exhibit A, comprises a total agreed value of \$1,066,035.00 ("Total Equipment Amount"). Of the Total Equipment Amount, the City's share is \$533,017.50 ("Equipment Buyback Amount"). If this Agreement is terminated within twenty (20) years of execution of the Agreement, the City shall have two (2) years to pay the Equipment Buyback Amount to the District. All property subject to this Paragraph shall be transferred to the City effective upon execution of this Agreement. Furthermore, upon the execution of this Agreement, the City will be solely responsible for buying future equipment, which will then be the sole property of the City.

Notwithstanding any payment by the City to the District, the City shall maintain full ownership of Fire Truck 215 and any other personal property of which the City had sole ownership under the 2010 28E Agreement. The District shall execute and provide to the City all necessary and appropriate documentation to transfer the ownership of all property to the City. Absent said documentation, the parties agree that all personal property is, as of the execution of this Agreement, property of the City. Upon termination of this Agreement, all personal property previously owned by the City, transferred to the City by this Agreement, or acquired during the duration of this Agreement shall remain property of the City.

8. REAL PROPERTY.

- A. The City's fire station and the underlying real estate, located at 606 2nd Ave Southwest, Mount Vernon, Iowa, hereinafter the "Fire Station" is the property of the City, and shall remain property of the City upon termination of this Agreement.
- B. Fire Station expenses (building and real estate) shall be the responsibility of the City and shall include the maintenance of the Fire Station, improvements to the Fire Station and the underlying real estate, and property and liability insurance for the Fire Station building and underlying real estate.

9. REVENUE PROCUREMENT.

- A. For the fire protection and emergency services contemplated under this Agreement, the District and the City agree to expend all efforts to procure the revenues necessary to support the Fire Department and, further, to use these revenues for the operational and capital improvement expenses of the Fire Department, as specified herein.
- B. The Board and the District hereby agree to levy an annual tax in the maximum amount allowable under Iowa Code § 357B.3(1) to pay the District's portion of the operational expenses under this Agreement. The Board and the District further agree seventy percent (70%) of the levy set forth in Iowa Code § 357B.3(1) shall go toward the operational

expenses of the Fire Department. All additional operational expenses shall be paid by the City.

- i. Operational expenses are all expenses necessary for the operations, training, and administration of the Fire Department and its personnel and shall include the following:
 - a. All expenses incurred when providing fire protection and emergency services;
 - b. All personal property acquisitions, repairs, and maintenance;
 - c. Personal property insurance, liability insurance, and workers' compensation insurance;
 - d. All fuel, training and personnel expenses;
 - e. All administrative expenses related directly to the Fire Department;
 - f. All outsourced accounting and auditing expenses related to public monies, specifically for the Fire Department, and incurred by the City; and
 - g. All expenses for the following utilities: electricity, natural gas, water, sewer, refuse collection, telephone, and other communications systems.

10. RENT. The rent payments by the District to the City under the 2010 20E Agreement are hereby discontinued.

11. TERM OF AGREEMENT. This Agreement shall run perpetually with the exception that it may be terminated by majority vote of the Board of Trustees or by majority vote of the City Council after a period of one (1) year by any representative of one party giving to any representative of the other party written notice thereof, and termination of this Agreement shall be completed one (1) year from the date of the notice given. In the event of termination, the City shall have two (2) years from the date of notice to complete the property buyback authorized under Paragraph 7 of this Agreement. Furthermore, in the event of a termination, it shall be the responsibility of the Board and the District to procure firefighting services for their service area.

12. AGREEMENT ADMINISTRATORS. The Clerk of the District and the City Administrator of the City shall serve as joint administrators of this Agreement.

13. MATTERS NOT COVERED. Any details or matters not covered herein requiring classification or determination at any time during the period of time this Agreement is in force are to be mutually discussed and determined by majority vote of the Board and by majority vote of the City Council.

14. DEFAULT. In the event that either party determines that the other has defaulted in the performance of its obligations hereunder, the aggrieved party may declare that default has occurred and give notice thereof to the defaulting party. Notice of default shall be given in writing, shall

specify the nature of the default and the provision of the Agreement involved, and shall specify what action is required of the defaulting party to correct the default. The defaulting party shall have 30 days from the date of its receipt of the notice of default to correct the default. If at the end of said 30 day period the default has not, in the opinion of the aggrieved party, been corrected, that party may, at its option, terminate this Agreement.

15. SEVERABILITY. If any provision of this Agreement or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application and to this end the provisions of this Agreement are declared to be severable.

16. APPROVAL OF AGREEMENT. The District and the City shall each, by appropriate resolution, approve the execution of this joint Agreement before the Agreement shall be in force. Upon approval by both parties, this Agreement supersedes any prior agreements of the parties.

17. PRIOR AGREEMENTS. This Agreement supersedes and makes null and void all previous agreements between the parties, written and verbal, including but not limited to the 2010 28E Agreement and its addenda and amendments,

18. FILING. Before entry into force, this Agreement shall be filed with the Secretary of State.

AGENDA ITEM # G - 3

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

DATE:	May 20, 2019
AGENDA ITEM:	Resolution #5-20-2019C
ACTION:	Motion

SYNOPSIS: As with previous fiscal years, the City will need to amend certain budgets to deal with known and unknown expenses that were not addressed in the original FY 2018-2019 budget. Staff will break down the various transfers at the meeting.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #5-20-2019C

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

57-548

CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION - FY 2019 - AMENDMENT #1

To the Auditor of LINN County, Iowa:

The City Council of Mount Vernon in said County/Counties met on 5/20/2019, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. thereupon, the following resolution was introduced.

RESOLUTION No. 5-20-2019C

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2019
(AS AMENDED LAST ON N/A.)

Be it Resolved by the Council of the City of Mount Vernon

Section 1. Following notice published 5/9/2019

and the public hearing held, 5/20/2019 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	1,766,009	12,500	1,778,509
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	1,766,009	12,500	1,778,509
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	600,000	0	600,000
Other City Taxes	6	803,458	0	803,458
Licenses & Permits	7	55,450	0	55,450
Use of Money and Property	8	89,805	63,000	152,805
Intergovernmental	9	1,148,859	-171,857	977,002
Charges for Services	10	2,090,400	38,500	2,128,900
Special Assessments	11	5,000	0	5,000
Miscellaneous	12	762,600	725,225	1,487,825
Other Financing Sources	13	7,100,000	-1,749,000	5,351,000
Transfers In	14	1,625,025	0	1,625,025
Total Revenues and Other Sources	15	16,046,606	-1,081,632	14,964,974
Expenditures & Other Financing Uses				
Public Safety	16	964,290	597,000	1,561,290
Public Works	17	537,108	33,000	570,108
Health and Social Services	18	0	0	0
Culture and Recreation	19	569,070	122,143	691,213
Community and Economic Development	20	79,820	8,200	88,020
General Government	21	620,895	-30,000	590,895
Debt Service	22	970,766	104,000	1,074,766
Capital Projects	23	8,680,500	-3,850,000	4,830,500
Total Government Activities Expenditures	24	12,422,449	-3,015,657	9,406,792
Business Type / Enterprises	25	1,827,916	50,000	1,877,916
Total Gov Activities & Business Expenditures	26	14,250,365	-2,965,657	11,284,708
Transfers Out	27	1,625,025	0	1,625,025
Total Expenditures/Transfers Out	28	15,875,390	-2,965,657	12,909,733
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	29	171,216	1,884,025	2,055,241
Beginning Fund Balance July 1	30	7,191,324	0	7,191,324
Ending Fund Balance June 30	31	7,362,540	1,884,025	9,246,565

Passed this _____ day of _____
(Day) (Month/Year)

Signature
City Clerk/Finance Officer

Signature
Mayor

AGENDA ITEM # G - 4

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

DATE: May 20, 2019

AGENDA ITEM: Resolution #5-20-2019D

ACTION: Motion

SYNOPSIS: This package includes the door hardware, cameras and necessary technology to operate the systems. I had \$100,000 budgeted for this project and the Engineer's estimate is \$99,000.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #5-20-2019D

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

RESOLUTION #5-20-2019D

RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR FOR IMPROVEMENTS KNOWN AS THE SECURITY EQUIPMENT PACKAGE FOR THE LESTER BURESH FAMILY COMMUNITY WELLNESS CENTER PROJECT

WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as the Security Equipment Package for the Lester Buresh Family Community Wellness Center Project, and has caused to be prepared preliminary plans, specifications and form of contract, together with estimate of cost, on file in the office of the Clerk for public inspection, for the construction of said public improvements, and said preliminary plans, specifications and form of contract are deemed suitable for the making of said public improvements; and

WHEREAS, before said preliminary plans, specifications, form of contract and estimate of cost may be adopted, and contract for the construction of the public improvements entered into, it is necessary, pursuant to Division VI of Chapter 384 of the Code of Iowa, to hold a public hearing and to advertise for bids,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, IOWA:

Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as the SECURITY EQUIPMENT PACKAGE FOR THE LESTER BURESH FAMILY COMMUNITY WELLNESS CENTER, in the manner set forth in the preliminary plans and specifications and form of contract, above referred to, the cost thereof to be paid in accordance with the provisions as set out in the Instructions to Bidders, said public improvements being more generally described as follows:

All labor, materials, and equipment necessary for the site work, building construction, and finishes associated with the construction of said public improvements:

Section 2. That the amount of bid security to accompany each bid shall be in an amount which shall conform to the provisions of the Notice to Bidders approved as a part of said specifications; and,

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to publish notice to bidders once in the Sun Newspaper, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City. Publication shall be not less than four clear days nor more than twenty days prior to the public hearing to be held at 6:30 p.m. on June 3, 2019 meeting at the Mt. Vernon City Hall (213 First Street NW.), The date for receiving bids is hereby fixed as June 20, 2019. Said bids are to be filed prior to 2:00 p.m. on said date; and,

BE IT FURTHER RESOLVED, that bids shall be received and as provided in the public notice and the results of said bids shall be considered at a meeting of this Council on July 1, 2019, at 6:30 p.m., at the Mt. Vernon City Hall (213 First Street NW.); and,

BE IT FURTHER RESOLVED, that the City Administrator is hereby designated as the authority to receive and open said bids on behalf of the City of Mt. Vernon, Iowa.

PASSED and ADOPTED this ____ day of _____, 2019.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, MAY 20, 2019

TRANSFERS	FYE	482,004.36
PAYROLL	CLAIMS	66,994.07
GROUP SERVICES INC	INSURANCE-ALL DEPTS	29,403.27
PIERCE INDUSTRIAL ELECTRIC INC	TRAFFIC SIGNAL INSTALLATION	25,320.35
OPN ARCHITECTS	WELLNESS CENTER	17,131.77
MIDWEST INJECTION INC	SLUDGE REMOVAL, LAND APP-SW	15,000.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	4,578.68
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	4,316.83
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	2,753.76
GORDON LUMBER COMPANY	STORAGE SHED-RUT	2,529.92
DEREK BOREN	ASST FIRE CHIEF-FD	2,500.00
STATE HYGIENIC LAB	TESTING-SEW	2,294.00
EVER-GREEN LANDSCAPE NURSERY	TREES-RUT	2,250.00
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-P&REC	1,965.00
HAWKEYE WELD & REPAIR INC	POOL GRATES-POOL	1,660.00
WEX BANK	FUEL-PD,WAT,SEW	1,626.65
MIDLAND CONCRETE PRODUCTS	BUNKER BLOCKS-RUT	1,568.99
MV ACE HARDWARE	SUPPLIES-ALL DEPTS	1,330.70
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-P&REC	1,189.50
IOWA DEPT OF TRANSPORTATION	WHT PAINT, REFLECTIVE BEADS-RUT	1,027.70
SANDRY FIRE SUPPLY LLC	EQUIP REPAIR-FD	875.30
GRAYBILL COMMUNICATIONS	PORTABLE RADIOS (2)-SEW	800.00
HALL & HALL ENGINEERS INC	SPRING MEADOWS PARK PROP	761.02
HDC	TABLETS,PENS-ECON DEV	711.48
CR LC SOLID WASTE AGENCY	LEAVES-S/W	649.20
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	626.88
MASONIC LODGE #112	CTW FOOD VENDOR-P&REC	625.00
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	616.44
CAMPBELL SUPPLY CEDAR RAPIDS	LEAF BLOWER,HEDGE TRIMMER-RUT	548.00
JACOB BUSTER	SEC/TREAS-FD	500.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC	500.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	483.32
SELECT SERVICE	PORTABLE RR-P&REC	440.00
SPEER FINANCIAL INC	FY18 MSRB FILING FEE-P&A	375.00
BIG COUNTRY SEEDS	CTW LINE CHALK-P&REC	364.00
ALLIANT IES UTILITIES	ENERGY USAGE-FD	340.72
LYNCH FORD	VEHICLE REPAIR-FD	311.91
PLUMB SUPPLY CO	POOL MAINT	302.91
M & K DUST CONTROL	ROW DIRT-RUT	300.00
NATHAN GOODLOVE	PHONE-FD	300.00
MICHELLE GALVAN	CTW FOOD VENDOR-P&REC	300.00
DEREK BOREN	PHONE-FD	300.00
MCKESSON MEDICAL	MEDICAL SUPPLIES-FD	269.85
RED LION RENEWABLES	SOLAR ELECTRIC PRODUCTION-P&A	264.81
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	250.38
JASON BLINKS	SERVICES-FD	250.00
ROBERT STUDT	SERVICES-FD	250.00
MEHRDAD AZRIFKAR	SERVICES-FD	250.00
COGRAN SYSTEMS	ONLINE REGISTRATION-P&REC	246.00
VERIZON CONNECT	INFORMATION SYSTEMS-PW	227.40
MIDWEST ALARM SERVICES	VEHICLE REPAIR-FD	225.75
RAIN DROP PRODUCTS	MUSHROOM COVER-POOL	220.00
CHRIS NOSBISCH	MILEAGE-P&A	218.08
BROWN SUPPLY COMPANY	PVC-P&REC	201.60
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-CTW-P&REC	200.00
EVER-GREEN LANDSCAPE NURSERY	MULCH-RUT	192.00
CAMPBELL SUPPLY CEDAR RAPIDS	SAFETY VESTS,GLOVES-RUT	186.31

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, MAY 20, 2019

ALLIANT IES UTILITIES	ENERGY USAGE-RUT	185.86
STAPLES ADVANTAGE	SUPPLIES-PD,P&A,PW	185.46
MEDIACOM	PHONE/INTERNET-POOL	172.32
MEDIACOM	PHONE/INTERNET-RUT	170.26
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	169.49
FAT GUYS MOTOR SPORTS	60' MOWER BLADES-RUT	168.00
PRESTON TAYLOR	CTW FOOD VENDOR-P&REC	165.00
US CELLULAR	CELL PHONE-PD	163.98
ECICOG	SUB-DIVISION UPDATE-P&A	148.00
MOUNT VERNON FIRE DEPARTMENT	REIMB-FD	144.76
CENTURY LINK	PHONE CHGS-FD	143.37
MIDLAND GIS SOLUTIONS	MAP SETUP-RUT	125.00
REXCO EQUIPMENT INC	DELIVERY CHARGE-RUT	125.00
JEROD LYNCH	SERVICES-FD	125.00
SEAN DIETRICH	SERVICES-FD	125.00
ADAM DAKE	SERVICES-FD	125.00
BARNYARD SCREEN PRINTER LLC	T-SHIRTS-RUT	117.00
MOUNT VERNON, CITY OF	START UP CASH-CONCESSION-P&REC	100.00
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	95.94
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	93.49
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	69.64
MATT SIDERS	MILEAGE-P&REC	65.54
MOUNT VERNON LISBON SUN	2 YR SUBSCRIPTION	65.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	54.60
JED SCHNOOR	GIRLS SOFTBALL REFUND	53.00
ALLIANT IES UTILITIES	ENERGY USAGE-ALL DEPTS	44.64
ALLIANT IES UTILITIES	ENERGY USAGE-ALL DEPTS	43.92
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	39.24
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	36.23
IOWA INSURANCE DIVISION	PERPETUAL CARE FILING FEE-CEM	31.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	30.82
MOUNT VERNON ACE HARDWARE	VEHICLE REPAIRS-FD	30.54
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	28.62
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	27.05
IOWA FIRE CHIEFS ASSOCIATION	MEMBERSHIP-FD	25.00
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	22.79
MT VERNON CAR WASH	VEHICLE MAINT-PD	16.00
MOUNT VERNON PHARMACY	SUPPLIES-POOLMP&A	14.79
HAWKEYE FIRE & SAFETY CORP	EQUIP REPAIR-FD	9.70
TOTAL		685,604.96
GENERAL FUND		37,670.67
POLICE VEHICLE DEPRECIATION		34,417.00
ROAD USE TAX FUND		17,439.11
EMPLOYEE BENEFIT FUND		288,255.41
LAW/EMRG LEVY		33,476.80
TIF		21,855.15
LOST III COMMUNITY CENTER		121,131.77
2014 STREET IMPROVEMENTS		25,320.35
WATER FUND		8,312.72
SEWER FUND		28,245.42
STORM WATER FUND		735.08
SOLID WASTE		1,751.41
PAYROLL		66,994.07
TOTAL		685,604.96

AGENDA ITEM # J - 2

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

DATE:	May 20, 2019
AGENDA ITEM:	Change Order #15 - LBFCWC
ACTION:	Motion

SYNOPSIS: This is the first weather related change order for the facility. The dirt that is currently situated on the north side of the property (closest to the high school drive) came from the building pad area. According to Braun, it was not suitable for back fill material unless we were successfully able to dry the material (this could have taken a number of weeks). Knowing that we would be able to utilize these soils as a base for the new trail system, we asked the contractor to stockpile the soils on site and bring in "clean" fill to keep the project moving. Although the funds to pay this change order will initially come from the community wellness center budget, the City would be able to transfer funds from LOST funding at a future date (if needed). CO #15 is in the amount of \$15,997.51.

BUDGET ITEM: Community Wellness Center Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: CO #15

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19



GARLING
CONSTRUCTION, INC.

General Contractors

1120 11th Street • Belle Plaine, IA 52208 • Phone: (319) 398-3340 319-444-3409 • Fax: (319) 398-3363 319-444-2437

COR #. 0015

Date	Monday, April 22, 2019
Project: Lester Buresh Family Community Wellness Center	
COR for digging out the unsuitable material under the footings as determined by Braun due to excessive moisture. Also Backfill material unsuitable due to excessive moisture. Excess Removed material too wet for compaction stored on north end of site for city to farm out and use for Trail Project.	

#	Description	Type	Qty	Rate	Expense Amount	MarkUp	Cost
00015	Schrader COR 4				6073.950	5.0000	\$6,377.65
00015	Schrader COR 6				3696.760	5.0001	\$3,881.60
00015	Schrader COR 7				1645.000	5.0000	\$1,727.25
00015	Schrader COR 9				1668.340	5.0002	\$1,751.76
00015	Schrader COR 10				1485.000	5.0000	\$1,559.25
00015	Superintendent Time	Labor Expense	10.000	70.000	700.000	0.0000	\$700.00

PROPOSAL SUMMARY

	\$15,297.51
Labor Expense	\$700.00
Net Costs	\$15,997.51

Proposal Total **\$15,997.51**

⚡ PLEASE REVIEW AND SIGN BELOW FOR INCLUSION IN THE NEXT OWNER CHANGE ORDER ⚡

Architect: x _____ Date: _____

Owner: x _____ Date: _____

PM: x _____ Date: _____

AGENDA ITEM # J - 3

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

DATE:	May 20, 2019
AGENDA ITEM:	Change Order #17 - LBFCWC
ACTION:	Motion

SYNOPSIS: This pay application is due to excessive ground water on the SE corner of the building. The facility will have an extensive tile system to handle ground water in the future, unfortunately it will not help until the tile is installed. This footing is for the south retaining wall that will extend east from the SE corner of the building. This section of retaining wall is actually precast panels, so it requires a footing to be constructed prior to installation. To remove the wet soils and place clean rock for the footing is \$1,079.40. This change order has been approved by staff as we were on site during the testing (this is the formal approval).

BUDGET ITEM: Community Wellness Center Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: CO #17

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19



GARLING
CONSTRUCTION, INC.

General Contractors

1120 11th Street • Belle Plaine, IA 52208 • Phone: (319) 398-3340 319-444-3409 • Fax: (319) 398-3363 319-444-2437

COR #. 0017

Date	Tuesday, April 23, 2019
Project:	Lester Buresh Family Community Wellness Center
COR #17 to Core out material and replace with clean rock for Retaining wall in SE building Corner. 30' x 5' x 2.5' deep per Braun recommendation on 5/13/19	

#	Description	Type	Qty	Rate	Expense Amount	MarkUp	Cost
00017	Schrader				888.000	5.0000	\$932.40
00017	Garling	Labor Expense	2.000	70.000	140.000	5.0000	\$147.00

PROPOSAL SUMMARY	
	\$932.40
Labor Expense	\$147.00
Net Costs	\$1,079.40
Proposal Total	
	\$1,079.40

PLEASE REVIEW AND SIGN BELOW FOR INCLUSION IN THE NEXT OWNER CHANGE ORDER

Architect: x _____ Date: _____

Owner: x _____ Date: _____

PM: x _____ Date: _____

Brian L Ridge, Project Manager

AGENDA ITEM # J - 4

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

DATE:	May 20, 2019
AGENDA ITEM:	Change Order #18 - LBFCWC
ACTION:	Motion

SYNOPSIS: Garling plans to begin pouring a section of the north parking lot by the end of the month. Sections of the parking area failed their “proof roll” and will require two feet of soils to be removed and replaced with clean rock. I expect to receive the formal CO #18 request on Monday and will provide it to you at the meeting. This change order has been approved by staff as we were on site during the testing (this is the formal approval).

BUDGET ITEM: Community Wellness Center Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Handed out at Meeting

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

AGENDA ITEM # J - 5

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

DATE:	May 20, 2019
AGENDA ITEM:	Donor Sign Quote
ACTION:	Motion

SYNOPSIS: The signage commemorating the list of donors to the LBFCWC facility is complete. Donor signage was included in the original LBFCWC budget, however there will be more signage expenses than originally budgeted (I have earmarked additional funds for the various signage projects). OPN has received a quote from asi. in the amount of \$19,382.75. I have included the quote from asi and a picture depicting what the signage will look like.

BUDGET ITEM: Community Wellness Center Funds

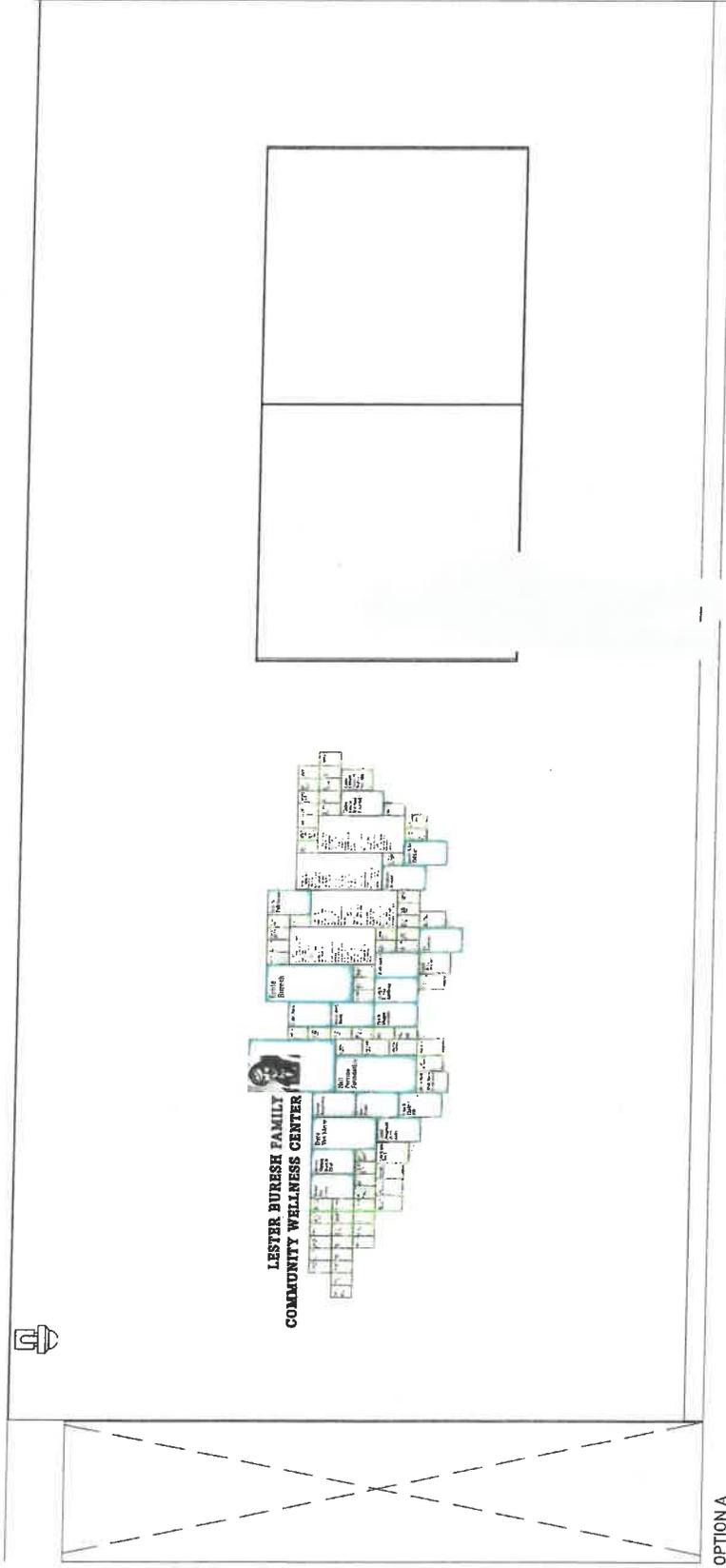
RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

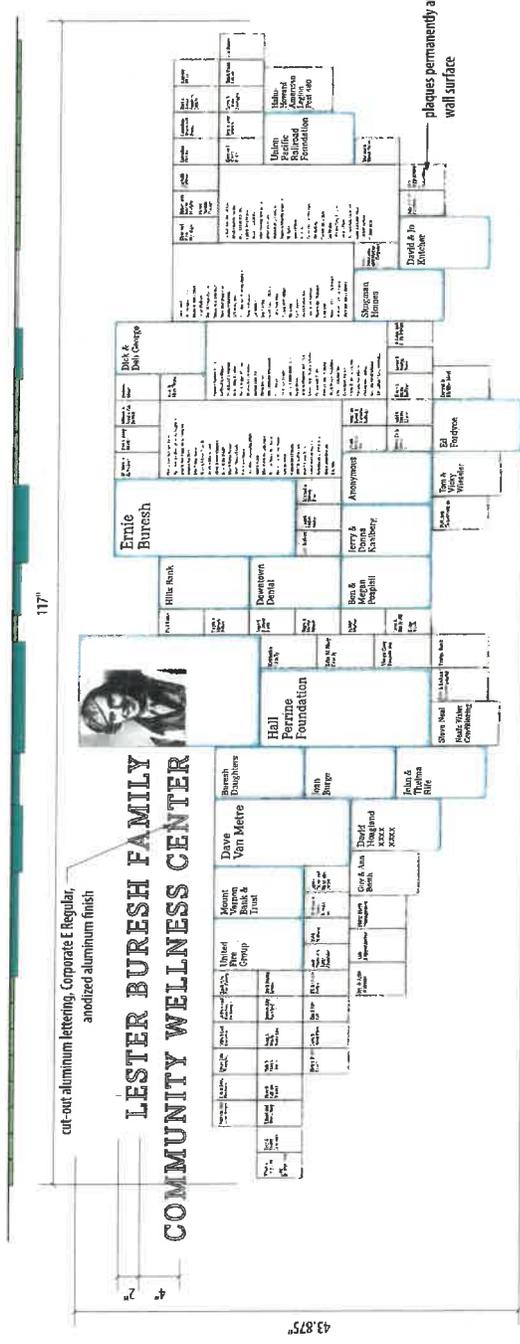
ATTACHMENTS: Quote and Design

PREPARED BY: Chris Nosbisch

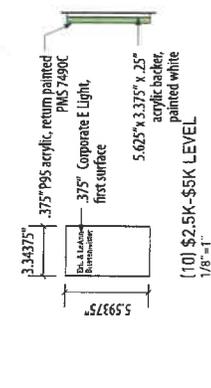
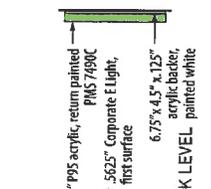
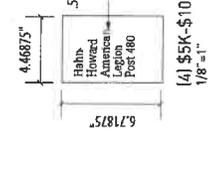
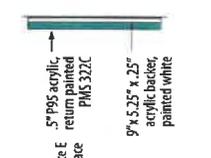
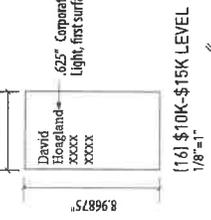
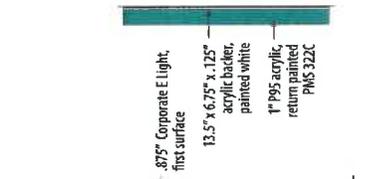
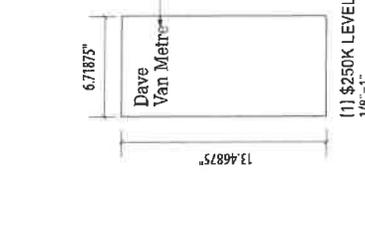
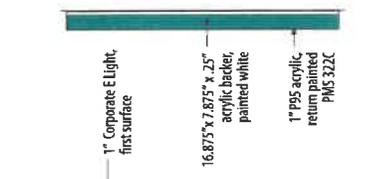
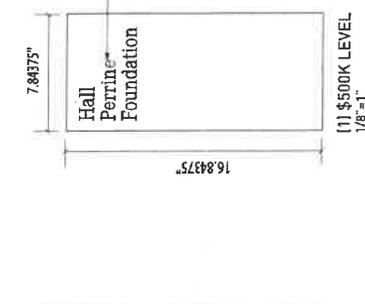
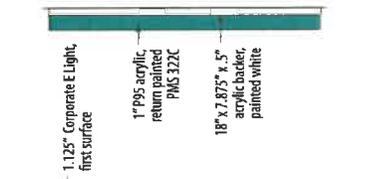
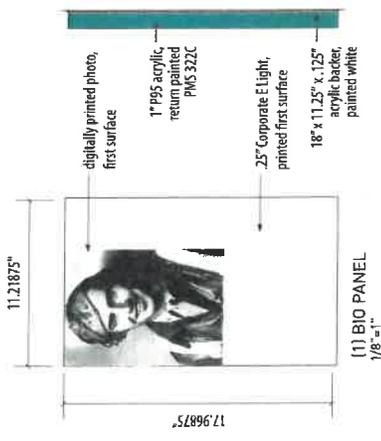
DATE PREPARED: 5/15/19



LESTER BURESH FAMILY COMMUNITY WELLNESS CENTER DONOR SIGNAGE



OPTION A ELEVATION DETAIL
1"=1'-0"



(16) \$10K-\$15K LEVEL
1/8"=1"

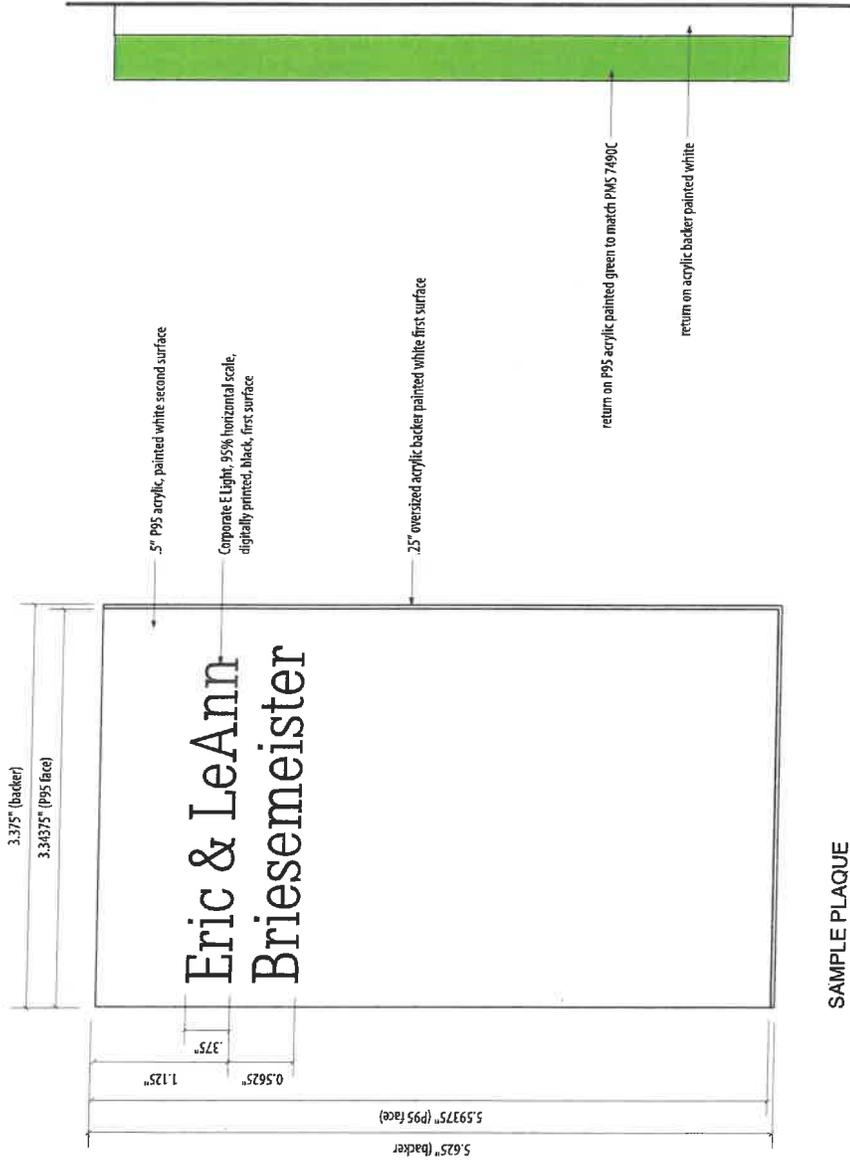
(6) \$5K-\$10K LEVEL
1/8"=1"

(10) \$2.5K-\$5K LEVEL
1/8"=1"

(59) \$1K-\$2.5K LEVEL
1/8"=1"

(14) \$25-\$1K LEVEL
1/8"=1"

LESTER BURESCH FAMILY COMMUNITY WELLNESS CENTER DONOR SIGNAGE



SAMPLE PLAQUE
Full Size

LESTER BURESH FAMILY COMMUNITY WELLNESS CENTER DONOR SIGNAGE

Quote No. IOWA 84164

Friday, May 3, 2019

Page 1 of 3



Customer City of Mount Vernon
Location Lester Buresh Community Wellness Center
Reference Mt Vernon: Lester Buresch Donor Wall

Bill to
 Lester Buresh Community Wellness Center
 Chris Nobisch
 855 Palisades Road SW
 Mount Vernon, IA 52314
 US
 T: 319-895-8742
 Email: cnobisch@cityofmtvernon-ia.gov

Ship to
 Lester Buresh Community Wellness Center
 Chris Nobisch
 855 Palisades Road SW
 Mount Vernon, IA 52314
 US
 T: 319-895-8742
 Email: cnobisch@cityofmtvernon-ia.gov

Valid Until	07/03/2019	Revision Date	05/03/2019	Lead Time	6 - 7 Weeks	SR	Bryce Carlson
F.O.B.	Job Site	Revision No		Ship Method	Installed	PM	Kris Kibbee
Terms	Payment in Advance / Pending Credit Approval						
Estimator	Troy Latcham						

No.	Item	Description	Qty	UOM	Unit Price	Extension
1.	Sign Type X.X	Sign Type 9.4 Donor Wall 40-1/2"(h) x 117"(w) Custom Donor Wall Product Series Background Color: Per Drawings Graphics Color: Per Drawings Mounting: VHB to wall (1) Bio Panel (1) \$1 million dollar level (1) \$500K (1) \$250K (16) \$10-15K (4) \$5-10K (59) \$1K-2.5K (4) \$25-1K 2"(h) x 1/2"(thick) Anodized aluminum letters. See design drawings for details and specs on panel thicknesses, etc.	1	Each	14,679.72	14,679.72
2.	Sample Allowance	Allowance for samples. Any samples done by ASI will be billable to client regardless if ASI is awarded the final wall. Any additional samples that exceed the allowance will be billable.	1	Each	500.00	500.00
3.	Installation	Standard Installation	1	Each	2,935.00	2,935.00

continued on next page

Quote No. IOWA 84164

Friday, May 3, 2019

Page 2 of 3



Customer City of Mount Vernon
Location Lester Buresh Community Wellness Center
Reference Mt Vernon: Lester Buresch Donor Wall

Subtotal	18,114.72
Sales Tax (7 %)	1,268.03
Deposit Required	9,691.00
Total	19,382.75

Quote Valid Until: Wednesday, July 3, 2019

By signing below, I approve and authorize this quote and acknowledge that I have read and agree to the attached terms and conditions.

Greg Satchan

Submitted by

Date

Approved by

Date

Print Name

continued on next page

Quote No. IOWA 84164

Friday, May 3, 2019

Page 3 of 3



Customer City of Mount Vernon
Location Lester Buresh Community Wellness Center
Reference Mt Vernon: Lester Buresch Donor Wall

Conditions

All pricing requires the customer provide final, usable, artwork in electronic form (i.e. Adobe illustrator file in outlines). Additional services for artwork touch-up or altering may incur additional charges.

ASI Signage Innovations (Latimer Associates, Inc.) will add a **_PROJECT CHANGE FEE_** on any order, project, or contract job whereby a material change to the product is requested after receipt of approved submittals & release to production. Overall charges will vary based on a case-by-case basis but it will be determined on materials & labor already consumed along with \$100 per hour for administrative time.

Lead times are defined as the period of time to complete fabrication and delivery of product. This time period follows final approval of all details required to make the product. Lead times do not include time for design services, approvals, price negotiations, message schedule development, location plan development, etc.

Message schedule submission policies and requirements applicable to all customers and projects.

ASI will charge customers \$75 for each paint color (swatch) request and \$100 for digital print Ink color matching requests. This includes all of our standard colors along with any Pantone or CMYK color requests.

Pricing of installation services is an estimate based on numerous assumptions. Final Invoicing amount may differ.

Pricing is based on exact quantities shown. Changes in services, quantities or delivery timeline may alter the per unit price.

This quotation is valid for 60 days from the date of its creation.

Final delivery dates are determined by ASI PROJECT MANAGEMENT. The final date is estimated upon receipt of the order via an electronic order acknowledgment, and finalized after the LAUNCH DATE.

The customer is responsible for providing a knowledgeable contact on the day of installation in order to provide locations / elevations and any other questions that may arise.

1/2 Deposit required for order to proceed, balance net 30 from date of invoice.

PLEASE REMIT TO:
ASI Signage Innovations
PO Box 187
Grinnell, IA 50112

Standard purchaser credit agreement applicable to all customers and projects.

A minimum order charge may apply and will be added to the final invoice.

AGENDA ITEM # J - 6

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

DATE: May 20, 2019

AGENDA ITEM: Generator Discussion -LBFCWC

ACTION: Motion

SYNOPSIS: The current facility does not have a generator as a part of the building footprint. Staff would like to discuss the merits of wiring the facility for a generator, and/or providing for a generator on site. The cost to wiring the facility with a manual transfer switch and utilizing a trailer mounted generator is between \$65,000 and \$75,000. The cost to placing a permanent pad and generator on site will be in the neighborhood of \$150,000. Neither of these costs include a generator that would operate all of the functions at the facility.

BUDGET ITEM: Community Wellness Center Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Possible Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

K. Reports-Received/File



APRIL 2019
POLICE REPORT

Vehicle Collisions

There were 7 reported collisions in April. The first collision occurred at Hwy 1 & 30 when a vehicle travelling west on Hwy 30 failed to maneuver the intersection and drove over the raised median circle striking a sign. Damage was estimated at \$3,300 and minor injuries were reported. The second collision occurred in the alley at 405 3rd St SW. This collision occurred when a vehicle backing out of the driveway collided with a parked vehicle. Damage was estimated at \$1,000 and no injuries were reported. The third collision occurred at Hwy 1 & 30 when a car and a semi were westbound on Hwy 30 at the intersection of Hwy 1. Vehicle 1 yielded at the signs for traffic in the roundabout and was rear-ended by the semi that was behind vehicle 1. Damage was estimated at \$4,200 and no injuries were reported. The fourth collision occurred in the 100 blk of 1st St W when a parked vehicle was struck by a vehicle travelling eastbound on 1st Street. The striking vehicle failed to stop and report the collision. Damage was estimated at \$500 to the parked vehicle. The fifth collision occurred Hwy 1 & 30 when two vehicles were travelling eastbound on Hwy 30 traversing the traffic circle, when the vehicle in the right lane proceeded to turn left and continue North on Hwy 1, while vehicle 1 was in the left lane and attempting to proceed eastbound on Hwy 30. Damage was estimated at \$1,700 and no injuries were reported. The sixth collision occurred at Hwy 1 & 30 when two vehicles were northbound Hwy 1 and stopped at the Yield sign. The first vehicle was a semi-truck/trailer in the left lane, and there were 2 passenger vehicles in the right lane. The semi and the front vehicle continued into the intersection. While the semi was traversing the roundabout, the trailer collided with a vehicle that was still stopped in the right lane. Damage was estimated at \$5,000 and no injuries were reported. The seventh collision occurred on MacGregor Lane when a parked vehicle was sideswiped by another vehicle. Damage was estimated at \$500 and no injuries were reported.

Incidents/Arrest

There were 30 reported incidents in April. Reports included: Violation of protective order (3), OWI (2), sexual abuse (2), found bike, counterfeit currency, public intoxication, burglary, civil issue, criminal mischief (3), voluntary committal, info-damage to property, possess drug paraphernalia (3), info-medical event, theft (2), info-arrest warrant served (2), vehicle collision-hit & run, emergency committal, identity theft, and driving while suspended (2).

During April, Mount Vernon Officers made 8 arrests. Charges included: OWI (2); Driving while suspended/revoked (3), public intoxication, sexual abuse 2nd degree, possession of Fentanyl, PDP (3), and assault causing injury-domestic abuse.

K-9 Report

Officer Moel and K9 Monster attended training on 4/15 & 4/16. During April 2019, Monster was deployed on 4 traffic stops, indicating on 3 vehicles, resulting in drug paraphernalia charges in two of the cases.



**Mount
Vernon**
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

**Eric Roudabush
Scott Rose
Tom Wieseler
Stephanie West
Deb Herrmann**

Community Service/Training/Misc.:

- Officer Mehlert attend the Coalition meeting on Human Trafficking
- Chief Shannon met with Heritage Days committee
- Chief Shannon and Administrator Nosbisch met with Lisbon Chief of Police and City Admin regarding 28E for Police
- Chief Shannon attended the “School Behavior Threat Assessment” Training and Linn County EMA with Supt. Batenhorst and Matt Thede.
- Met with Supt. Batenhorst at Washington Elementary to identify traffic & safety concerns/solutions.

GTSB:

Officers did not work any hours associated with the GTSB Grant however we did participate (36 hrs on 4/11/19 & 4/12/19) in a Federally funded enforcement project with Iowa DOT Motor Vehicle Enforcement and other Linn County Agencies, focusing on traffic safety issues in an attempt to reduce the number of fatal motor vehicle collision in Linn County.

LISBON (28E Contracted Services):

Per the 28E agreement our department provided the following service to Lisbon in March 2019:

- Patrol: 2,163 minutes
- Calls for service: 312 minutes (11 calls for service)

Total time for April 2019: 2,475 minutes = 41.25 hrs.; Total: \$1,650.00

Respectfully Submitted,

Chief of Police



Public Works Report

5/20/19

Street Repairs

Crews used hot mix asphalt to repair two frost boils on Palisades Road. I am looking into the cost of doing these types of repairs in house or farming them out to a company that specializes in asphalt repairs. City crews are capable of doing such repairs with the help of renting some equipment that we don't currently own. A smooth drum roller is mandatory when doing asphalt work. A hot box would also be beneficial but not necessarily required.

Parks

Crews have been prepping fields as needed until seasonal help shows up for the Parks Department.

Crews have spent about a month preparing the pool for the Memorial Day opening. The deep end pool heater is in need of some maintenance and repair due to the location in the mechanical room. By having a new set of eyes on the pool, it has come to our knowledge that storing acid in the location we have for the last 20 plus years needs to change. Crews are working on alternatives to help prevent continued maintenance and deterioration of the deep end pool heater from acid storage and use.

Crews patched some wiring at Davis Park for the batting cage. This is a continued effort each season as Davis Park needs some upgrades crews will continue to patch wiring as needed.

Mowing has begun, the seasonal mowing crew has started. Which also means mower maintenance has started. Thus far we have had about 4-5 days of various repairs and up keep. Which is typical for start up each season. We do maintenance prior to the season and also at seasons end thinking we have found all the issues with each machine. But inevitably until each mower has been out and put to the test, we find small little things that need addressed.

Tree Work

Crews have planted 4 trees in different locations in the Right of Way. We have 8 more trees to plant in other locations that we have removed Right of Way trees.

Memo

To: Mayor and Council

From: Nick Nissen

Date: 5/20/19

Re: Site Development

Staff would like to pursue rental of a dozer along with G.P.S. equipment from Martin Equipment in Cedar Rapids. This rental would allow city crews to develop the land purchased last year as part of the upgrade to the Public Works Department. A preliminary site plan has been drawn up by V and K with the help of city staff. This rental would allow crews to begin upgrading Bryant Road along with grading 8.5 acres of land that will be the future site of Public Works along with the composting facility.

In order for crews to access the site upgrading Bryant Road is needed. V and K has provided a set of plans with the hopes that when crews finish the site will be graded for current and future use. Staff believes this process should take about 1 month to grade. Upgrades include future trail grading on south end of site, compost area grading and access, future building area grading, and grading of detention ditches. I have attached a copy of the plans along with a copy of the rental agreement and pricing.

For comparison sake. Some rough numbers we have received for grading on the Soccer fields near the Elliott Park have been in the \$40,000-dollar range to have a private contractor do the work. The public works site is around 8.5 acres.



Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Scott Rose
Tom Wieseler
Stephanie West
Deb Herrmann

Parks and Recreation Department
Directors Report
April 15 – May 15

Parks

4th Grade Clean up at Nature Park. We celebrated Arbor Day and Earth Day on April 18th with a park clean up. Thank you to all of the 4th Grade teachers and students for their help.

Partnered with Cornell College during their Cornell College Kinesiology Department park clean-up competition. Cornell brought four classes to Elliott Park and helped clean up the entire park area of trash and debris. They made it a competition to challenge the students to take extra effort into the clean up. Thank you to Dr. Colin Pennington, his colleagues, and their students for their help.

Received notification we have been awarded \$100k grant from Wellmark Foundation for trail project at Wellness Center site...very excited for this.

Sports

Spring soccer games are done this week.

Tball will start practice next week. Have 10 teams.

Coach Pitch will start practice next week. Have 4 boys teams and 3 girls teams.

Player Pitch Baseball started practice May 13. Have two 5/6 grade teams and one 3/4 grade team.

Player Pitch Softball started practice May 14. Have one 5/6 grade team and one 3/4 grade team.

Pool

Swim lesson registrations are going on now and providing a steady stream of participants. We still have many openings and plenty of classes. Swim team registration began on May 4th.



**Mount
Vernon**
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Scott Rose
Tom Wieseler
Stephanie West
Deb Herrmann

Misc

Chalk the Walk

Wow....what a great weekend for Chalk the Walk. Thank you City Council for your support for this great event. I would like to thank the countless hours all of the volunteers put towards this outstanding event.

Events and Classes

Easter Egg Dash was awesome...couldn't have had better weather. Approximately 300 people and over 3,500 eggs were scavenged for. Summer Camps/Classes such as (final details still work in progress);

Lego Camp

Cooking Camps

Environmental Camp

Archery Camp

Kitchen Science – Fizz, Food, & Fun

STEAM Lab- Makerspace Mania

STEAM Lab- Master Makers

L. Discussion Items (No Action)

AGENDA ITEM # L - 1

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

DATE: May 20, 2019

AGENDA ITEM: 5G ROW Regulations

ACTION: None

SYNOPSIS: The City Council has adopted guidelines as required to regulate the 5G construction network within the Mt. Vernon ROW. As there was minimal time for review, staff would ask the Council to defer these guidelines to the planning and zoning commission for further review.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: Guidelines

PREPARED BY: Chris Nosbisch

DATE PREPARED: 5/15/19

**SMALL WIRELESS FACILITY DESIGN GUIDELINES
CITY OF MT. VERNON, IOWA**

I. PURPOSE AND COMPLIANCE

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of pole-mounted (or other structure-mounted) utility facilities within the City's right-of-way. The goals of these guidelines are to:

- A. Provide standards, technical criteria and details for utility facilities in the City's right-of-way to be uniformly applied to all applicants and owners of utility facilities or support structures for such facilities.
- B. Enhance the ability of utility providers to deploy services in the City quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust utility service availability.
- C. Preserve the character of the City's neighborhoods and corridors.
- D. Ensure that utility facilities and support structures conform to all applicable health and safety regulations and will blend into their environment to the greatest extent possible.

Comply with, and not conflict with or preempt, all applicable state and federal laws

II. DEFINITIONS

Abandoned means any utility facilities or support structures that are unused for a period of three hundred sixty-five (365) days without the operator otherwise notifying the City and receiving the City's approval.

Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicant means any Person applying for a Permit hereunder.

City means the City of Mt. Vernon, Iowa.

City property means property other than right-of-way owned by the City.

Collocation or Collocate means to install, mount, maintain, modify, operate, or replace utility facilities on a utility support structure.

County means Linn County, Iowa.

Decorative Pole means a pole, arch, or structure other than a street light pole placed in the right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following (a) electric lighting; (b) specially designed informational or directional signage; (c) temporary holiday or special event attachments.

Industrial Area means an industrially-zoned area.

Operator means a utility service provider, cable operator, or a video service provider that operates a utility facility and provides utility service. *Operator* includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

Ornamental Pole means a pole or structure placed in the right-of-way to support traffic signals and/or streetlights which has been specifically designed and placed for aesthetic purposes.

Ornamental Poles may include appurtenances or attachments for banners and/or other aesthetic features.

Permit means the non-exclusive grant of authority issued by the City of Mt. Vernon to install a utility facility and/or a utility support structure in a portion of the right-of-way in accordance with these guidelines. Utility facilities and support structures include small cell facilities and support structures utilized for small cell and wireless uses.

Permittee means the owner and/or operator issued a Permit pursuant to these guidelines.

Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

Retail and Commercial Areas means a commercially-zoned area.

Residential Area means a residentially-zoned area.

Right-of-way means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Mt. Vernon.

Small Cell Facility means a wireless facility that meets both of the following requirements:

- (1) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.

- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

State means the State of Iowa.

Toll means the pause or delay of the running of the required time period.

Utility means a private company providing electric, gas and/or telecommunications service with conduits, cables or other facilities within the public right-of-way. *Utility* includes any company providing fiber optic or small cell communications services.

Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

Utility Support Structure means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15) foot or taller sign pole, or utility pole capable of supporting utility facilities, including small cell facilities. *Utility Support Structure* excludes a utility pole or other facility owned or operated by an electric utility.

III. REQUIREMENT TO COMPLY

Placement, modification, operation, relocation and removal of a utility facility and/or utility support structure shall comply with the Mt. Vernon Municipal Code of Ordinances, design standards and permitting requirements which are current at the time the permit for installation, modification, relocation or removal is approved, and as amended from time to time.

IV. AESTHETIC REQUIREMENTS FOR SMALL WIRELESS FACILITIES

A. ANTENNAS

1. Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
2. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
3. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location

on the wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point.

4. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

B. CABLES AND WIRES

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

C. COLORS

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

D. EQUIPMENT ENCLOSURES/CONCEALMENT

1. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

2. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.

3. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

E. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

1. Signage: The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

2. **Lights:** New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

3. **Logos/Decals:** The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

4. **Cooling Fans:** In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

V. LOCATION OF UTILITY FACILITIES

A. MOST PREFERABLE LOCATIONS

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Limited Industrial (LC)* if not adjacent to a park, residential district or historic district.
2. *Highway Rights of Way* areas if not adjacent to a park, residential district, or in the Town Center (TC), Central Business District (CBD) or Urban Corridor (UC).
3. *General Commercial (GC) and Business Park (BP)* if not adjacent to a park, residential district or in the Town Center (TC), Central Business District (CBD), or Urban Corridor (UC).

B. COLLOCATION PREFERENCE

It is the City's strong preference that whenever an applicant proposes to place a new utility support structure with a utility facility within two hundred fifty (250) feet from an existing utility support structure, the applicant either collocate with the existing facility or demonstrate that a collocation is either not technically feasible or space on the existing facility is not potentially available.

C. LEAST PREFERABLE LOCATIONS

The following are the least preferred areas for new small wireless facilities in the order of preference (3 being least preferable).

1. *Residential Districts: Suburban Residential (SR), Traditional Residential (TR), and High Density Residential (HR).*

2. *Parks*

3. *Town Center (TC), Central Business District (CBD), and the Urban Corridor (UC).*

D. ORDER OF PREFERENCE FOR UTILITY SUPPORT STRUCTURES

The following list indicates the order of preference for utility support structures for utility facilities.

- A. *Existing Utility Poles:* It is the City's preference that utility facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles.
- B. *Non-Ornamental Municipal Service Poles:* If the applicant does not have the right to use existing utility poles or lines under reasonable terms and conditions or the utilization imposes technical limits, the City prefers that the applicant next look to existing non-ornamental municipal street lights or traffic signal structures.
- C. *New Poles:* If Items A-B listed above have proven to be unavailable, the City prefers the installation of a new pole to serve as a utility support structure.
- D. *Ornamental Municipal Service Poles:* The use of ornamental municipal street lights and traffic signals as utility support structures is discouraged. These should only be proposed if Items A-C listed above are unavailable or when requested by the City based on the proposed location. Use of ornamental traffic signal mast arms is preferred over use of ornamental street lights.

E. CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

F. GUIDELINES ON PLACEMENT

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

1. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
2. A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
3. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
4. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
5. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the City Code, applicable law and regulations, or these Guidelines.
6. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
7. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
8. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
9. Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
10. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
11. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
12. Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
13. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.
14. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where

multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

VI. LIMITATIONS

While the City fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In these case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

VII. EFFECTIVE DATE OF POLICY

This Policy will be effective as of the 15th day of April, 2019. Modifications of the Policy will be effective on the date said modifications are approved by the City Council

M. Reports Mayor/Council/Admin.

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
May 20, 2019**

- CDG will be hosting approximately 70 representatives of Main Street Iowa May 20-22. I will be part of a panel discussion explaining the relationship between the City CDG as it relates to economic development.
- We had wonderful weather and great participation in this year's Chalk the Walk celebration. The next event coming up is the Chocolate Stroll.
- The Wellmark grant agreement has been signed and submitted on behalf of the City. The design team has started to create plans and specifications for the project, as we would like to finish construction before winter weather sets in.
- There has been a lot of discussion about keeping bees in the community this year, so the Planning and Zoning Commission has begun reviewing possible regulations.