

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:	August 20, 2018 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	August 17, 2018

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

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

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 – July 16, 2018 Regular Council Meeting
- 2. Approval of Liquor License – Bon Appetit at Cornell College
- 3. Approval of Liquor License – Glyn Mawr Vineyard and Winery
- 4. Approval of Liquor License – CDG (Chili Cook-Off)
- 5. Approval of Liquor License – Mt. Vernon PNP

E. Public Hearing

- 1. Public Hearing for the Consideration of Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 121.05 Issuance and Expiration
 - i. Close public hearing – Proceed to F-2
- 2. Public Hearing for the Consideration of Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 62.01 Violation of Regulations
 - i. Close public hearing – Proceed to F-3
- 3. Public Hearing for the Consideration of a Preliminary Plat for Stoner Plaza Ninth Addition to the City of Mt. Vernon, Iowa
 - i. Close public hearing – Proceed to G - 2

F. Ordinance Approval/Amendment

- 1. Ordinance #8-6-2018A: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Adding a New Subsection, Chapter 92.11 Reduction in Bills for Water and Sewer Service

- i. Motion to approve second reading and proceed with third and final reading – (Council may suspend rules and proceed with the final reading after a vote of the second reading)
2. Ordinance #8-20-2018A: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 121.05 Issuance and Expiration
 - i. Motion to approve first reading and proceed with the second reading – (Council may suspend rules and proceed with the final reading after a vote of the first reading)
3. Ordinance #8-20-2018B: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 62.01 Violation of Regulations
 - i. Motion to approve first reading and proceed with the second reading – (Council may suspend rules and proceed with the final reading after a vote of the first reading)

G. Resolutions for Approval

1. Resolution #8-20-2018A: Approving the Final Plat of Spring Meadow Heights First Addition Subdivision to the City of Mt. Vernon, Iowa
2. Resolution #8-20-2018B: Approving the Preliminary Plat of Stoner Plaza Ninth Addition Subdivision to the City of Mt. Vernon, Iowa
3. Resolution #8-20-2018C: Approving the Final Plat of Stoner Plaza Ninth Addition Subdivision to the City of Mt. Vernon, Iowa
4. Resolution #8-20-2018D: Approving the Real Estate Purchase Agreement Between the City of Mt. Vernon and William and Marla Wright

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 an Amended 28E Agreement with Linn County Development Services for Building Inspections – Council Action as Needed
3. Discussion and Consideration of an Order Accepting Acknowledgement/Settlement for a Second Violation of Iowa Code 453A.2(1) – Jero Inc (Chameleons Pub & Grill) – Council Action as Needed
4. Discussion and Consideration of Scope of Services and Cost Proposal for the Update of the City of Mt. Vernon Subdivision Ordinance - ECICOG – Council Action as Needed
5. Discussion and Consideration of Filling the City Council Vacancy – Council Action as Needed
6. Discussion and Consideration of Setting a Public Hearing Date for an Amendment to Chapter 165 Zoning Regulations – September 17, 2017 – Council Action as Needed
7. Discussion and Consideration of Alternative City Council Meeting Dates for September 3, 2018 – Council Action as Needed
8. Discussion and Consideration of Change Order #1 for the First Street Culvert Replacement Project – Council Action as Needed
9. Discussion and Consideration of Farm Lease Terms for City Owned Property in the Stonebrook Subdivision – Future Park Space – 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 Recreation Report

L. Discussion Items (No Action)

1. None

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 August 6, 2018 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, West, Wieseler, and Christensen. Absent: Rose.

Call to Order. Mayor Jamie Hampton called the meeting to order at 6:30 p.m.

Agenda Additions/Agenda Approval. Motion made by Wieseler, seconded by West to approve the Agenda. Carried all. Absent: Rose.

Consent Agenda. West motioned to approve the Consent Agenda, seconded by Wieseler. Carried all. Absent: Rose.

Approval of City Council Minutes – July 16, 2018 Regular Council Meeting

Approval of Liquor License – Palisades Café

Appoint Chris Carlson – Housing Commission

Public Hearing

Public Hearing for the Consideration of Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Adding a New Subsection, Chapter 92.11 Reduction in Bills for Water and Sewer Service. Mayor Hampton declared the Public Hearing open. City Administrator Chris Nosbisch stated that Council was given the original ordinance on July 2, 2018 . V&K Engineering is working on the definition of the mechanical failures. Close public hearing – Proceed to F-1. Hearing no comments from the public Mayor Hampton closed the public hearing. City Administrator Chris Nosbisch stated that Council was given the original ordinance on July 2, 2018. V&K Engineering is working on the definition of the mechanical failures. City Attorney Graham Carl recommended against loosening the verbiage of future bills. The stature as written provides that the credit will be on the next monthly statement after the decision to award the credit is made.

Ordinance Approval/Amendment

Ordinance #8-6-2018A: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Adding a New Subsection, Chapter 92.11 Reduction in Bills for Water and Sewer Service. West motioned to approve Ordinance #8-6-2018A, seconded by Wieseler. Roll call vote. Motion carries. Absent: Rose.

Motions for Approval

Consideration of Claims List – Motion to Approve. Motion to approve the Claims List made by Wieseler, seconded by Roudabush. Carried all. Absent: Rose.

AAA PEST CONTROL	PEST CONTROL-P&A	30.00
AIRLOGIC	LS ALARM SERVICE-SEW	1,440.00
ALISON SOJKA	DEPOSIT REFUND-WAT	31.89
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	5,612.39
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,945.11
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	537.82
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	164.01
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	56.82
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	39.70
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	17.66
AMERICAN PLANNING ASSOCIATION	MEMBERSHIP-P&A	579.00

BARB MOZINGO	SIDEWALK PROJECT AGREEMENT	3,264.00
CAMPBELL SUPPLY	GREASE GUN-RUT	125.92
CARQUEST OF LISBON	VEHICLE MAINT-RUT	111.90
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	832.15
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	238.16
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	104.95
CARRICO AQUATIC RESOURCES INC	SUPPLIES-POOL	46.15
CEDAR RAPIDS TIRE	TIRE-RUT	181.22
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	168.60
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	135.40
CLIFTON LARSON ALLEN	AUDITOR FEES	3,300.00
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	128.00
CONNOR SMITH	INTERN-MVHPC	500.00
CUMMINS SALES AND SERVICE	ALLIANT/OVER VOLTAGE-SEW	639.55
CURTIS ENGLISH	PORTABLE RR RENTALS-P&REC	120.00
DEAN SMYTH	CELL PHONE STIPEND-RUT	300.00
DOUG SHANNON	FITNESS MEMBERSHIP-PD	100.00
ELDON DOWNS	UNIFORMS-RUT	101.96
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS	419.40
ELLIS IMPLEMENT INC	SICKLE BAR BRACE-RUT	318.33
FAT GUYS MOTOR SPORTS	MOWER OIL CHANGE-RUT	83.85
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FUTURE LINE TRUCK EQUIPMENT	SHOVEL HOLDER-RUT	84.52
GARY'S FOODS	SUPPLIES-POOL	1,389.90
GARY'S FOODS	SUPPLIES-P&REC	21.74
GORDON LUMBER COMPANY	BLDG SUPPLIES	102.75
GREIF MOBILE HOME PARK	DEPOSIT REFUND-WAT	18.54
HAWKEYE READY MIX	5TH AVE RAMP-RUT	264.38
IOWA DEPT OF NATURAL RESOURCES	NPDES PERMIT FEE #5758001	1,275.00
IOWA INTERACTIVE	SWIPERS (2)-ALL DEPTS	250.00
IOWA LAW ENFORCEMENT INTELLIGENCE	CONFERENCE-PD	200.00
IOWA NARCOTICS OFFICERS ASSOCIATION	MEMBERSHIP-PD	25.00
IOWA SOLUTIONS INC	BUSINESS INTERNET SERVICES	410.00
IOWA SOLUTIONS INC	PATCH MGMT,FIREWALL-PD	65.00
IOWA WORKFORCE DEVELOPEMENT	M.WEHDE CLAIM	4,095.00
JDM CONCRETE LLC	ADA RAMP-RUT	742.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
KERNOUSTIE GOLF CLUB	K-9 GOLF FUND RAISING	1,758.00
KLUESNER CONSTRUCTION INC	CRACK SEALING-RUT	25,402.15
KLUESNER CONSTRUCTION INC	SEAL COAT ALLEY-RUT	926.98
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	410.75
LEDERER WESTON CRAIG	LEGAL FEES-P&A	93.00
LEXIPOL	ONLINE MANUAL-PD	5,451.00
LINN CO-OP OIL CO	FUEL-PW	1,949.92
LINN COUNTY PLANNING & DEV	BLDG PERMIT FEES/INSPECTIONS	5,506.00
L-TRON CORP	MICROPHONE,MOUNT KIT-PD	447.00
LYNCH FORD	VEHICLE REPAIRS-RUT	6.94
MATT SIDERS	MILEAGE-P&REC	85.02
MEDIACOM	PHONE/INTERNET-P&A	256.03
MEDIACOM	PHONE/INTERNET-PD	256.03
MEDIACOM	PHONE/INTERNET-WAT	285.18
MOUNT VERNON BANK	NSF CHECK-WAT	211.28

MOUNT VERNON BANK	NSF CHECK-POOL	125.00
MOUNT VERNON BANK	NSF CHECK-POOL	75.00
MOUNT VERNON BANK	NSF CHECK-PD	25.00
MOUNT VERNON COMMUNITY SCHOOLS	LAND PURCHASE	60,000.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-ALL DEPTS	833.47
MOUNT VERNON, CITY OF	TRANSFER	326,314.00
MOUNT VERNON, CITY OF	TRANSFER	305,639.00
MOUNT VERNON, CITY OF	TRANSFER	177,017.00
MOUNT VERNON, CITY OF	TRANSFER	117,438.00
MOUNT VERNON, CITY OF	TRANSFER	25,500.00
MOUNT VERNON, CITY OF	TRANSFER	25,500.00
MOUNT VERNON, CITY OF	TRANSFER	21,000.00
MOUNT VERNON, CITY OF	TRANSFER	15,000.00
MOUNT VERNON, CITY OF	TRANSFER	15,000.00
MOUNT VERNON, CITY OF	TRANSFER	8,250.00
MOUNT VERNON, CITY OF	TRANSFER	8,250.00
MOUNT VERNON, CITY OF	TRANSFER	8,250.00
NEAL'S WATER CONDITIONING	WATER/SALT-RUT	32.65
NORTH CEDAR RECYCLING LLC	SHREDDING SERVICE-P&A	63.60
P&K MIDWEST INC	MAINT-RUT	9.39
PACE SUPPLY	SEED-RUT	634.43
PAYROLL	CLAIMS	150,344.23
PITNEY BOWES	POSTAGE METER LEASE-ALL DEPTS	146.61
POSTMASTER	UTIL BILL POSTAGE-WAT,SEW,SW	372.40
RAPIDS REPRODUCTIONS INC	WELLNESS CENTER BOARD	99.00
RED LION RENEWABLES	SOLAR ELECTRIC PRODUCTION-P&A	368.64
RICHARD BURROUGHS	CEMETERY MAINT	2,250.00
SAM'S CLUB	SUPPLIES-POOL	240.35
SEILER INSTRUMENT & MFG CO	GPS-PW	6,520.00
SHERWIN WILLIAMS CO.	TRAFFIC PAINT-RUT	624.35
SHERWIN WILLIAMS CO.	FILLER CAP-RUT	68.76
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	630.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	360.00
ST LUKE'S WORK WELL SOLUTIONS	PHYSICAL-PD	275.00
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-RUT	40.00
STAPLES ADVANTAGE	TONER,INK-ALL DEPTS	320.41
STAPLES ADVANTAGE	TABLETS, POUCHES-P&A	63.33
STAPLES ADVANTAGE	SUPPLIES-P&A	257.22
STATE HYGIENIC LAB	TESTING-SEW	2,589.00
TECHNICOM COMMUNICATIONS SYSTEMS	CABLE INSTALL	264.75
TONY MOELLERS	DEPOSIT REFUND-WAT	100.00
TREASURER STATE OF IOWA	WET TAX	2,782.00
TREASURER STATE OF IOWA	SALES TAX	2,267.00
US BANK	CREDIT CARD PURCHASES	4,006.35
US CELLULAR	CELL PHONE-RUT,P&REC	154.77
US CELLULAR	CELL PHOONE-PD	163.48
VEENSTRA & KIMM INC	WWTP IMPROVEMENTS	4,170.00
VEENSTRA & KIMM INC	WEST 1ST ST CULVERT REPLACEMENT	2,510.59
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	1,370.50
VEENSTRA & KIMM INC	WAGON PASS EVALUATION	691.57
VEENSTRA & KIMM INC	5TH AVE/1ST ST W TRAFFIC SIGNAL	479.00
VEENSTRA & KIMM INC	8TH AVE QUIET ZONE CONSULTATION	387.00
VEENSTRA & KIMM INC	SIDEWALK REPAIR PROGRAM	70.40
WAPSI WASTE SERVICE	GB,RECY,LEAF-SW	24,112.46
	TOTAL	1,398,078.76

Discussion and Consideration of Setting a Public Hearing Date for an Ordinance Amending Chapter 121 Cigarette Permits of the Mt. Vernon Municipal Code – Council Action as Needed. Every year the City's consultant for code updates provides a legislative summary outlining State laws. City code Chapter 121 was one of those affected by the newly adopted State Legislation. The changes proposed are small verbiage changes. Wieseler motioned to set the Public Hearing date for August 20, 2018 at 6:30 p.m., seconded by West. Carried all. Absent: Rose

Discussion and Consideration of Setting a Public Hearing for an Ordinance Amending Chapter 62 General Traffic Regulations of the Mt. Vernon Municipal Code – Council Action as Needed. City code Chapter 62 was another affected by newly adopted State Legislation (see above). The changes proposed are small verbiage changes. West motioned to set the Public Hearing date for August 20, 2018 at 6:30 p.m., seconded by Wieseler. Carried all. Absent: Rose.

Discussion and Consideration of Welcome to Mt. Vernon Sign Construction and Location – Council Action as Needed. The CDG is proposing a new sign for the property owned by Jim Engelbrecht. The sign would be affixed to the retaining wall and act as a wayfinding device for visitors. West motioned to approve the CDG presentation of the sign to be used on the Engelbrecht property as presented, seconded by Wieseler. Carried all. Absent: Rose.

Discussion and Consideration of Mural Proposal for Sing Along Bar and Grill – Council Action as Needed. Nosbisch explained that there are no formal requirements for murals but because each mural has been presented to the City Council in the past staff is submitting the latest mural proposal from the Sing Along Bar and Grill. The mural has been in front of MVHPC and received a Certificate of Appropriateness on July 18, 2018. No action needed.

Discussion Items (No Action)

Nature Park Trail. P&Rec Director Matt Siders explained that the Park and Rec Board preferred Trail Option A because it follows the Comprehensive Trails Plan going through Nature Park and does not impact as many residents as the 3rd Street plan. Council encouraged Siders to look into adding lighting and applying for grants.

Zoning Code Update. Council received a copy of the proposed Zoning Code update. Council will have four weeks to review before the public hearing takes place in September.

Reports of Mayor/Council/Administrator

City Administrator's Report. The majority of crack sealing has been completed. Sealcoat projects are just starting. Staff has received training regarding credit card payments. The safety improvements at City Hall are slated to begin in Aug/Sept. During this time City Hall will be open. The community wellness centers second round of cost estimating is complete and prices have increased slightly; 1.9%. The project is scheduled for a September bid letting. The UV disinfection project is also slated for a fall letting but construction most likely will not begin until spring of 2019.

As there was no further to attend to the meeting adjourned the time being 7:28 p.m., August 6, 2018.

Respectfully submitted,
Sue Ripke
City Clerk

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Tuesday, August 14, 2018 2:34 AM
To: Marsha Dewell
Cc: Licensing@IowaABD.com
Subject: Liquor License Pending Dram Shop

The following application(s) is complete and awaiting dramshop insurance endorsement by the appropriate insurance carrier. After the insurance carrier has endorsed coverage, the application(s) will be submitted to the local authority for review.

License #	License Status	Business Name
LC0041205	Pending Dram Shop	Bon Appetit at Cornell College (600 First Street (all buildings) Mount Vern 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

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Wednesday, August 08, 2018 2:34 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
	Submitted to Local Authority	Glyn Mawr Vineyard and Winery-The Local (103 First Street NW Mc 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

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Wednesday, August 15, 2018 2:34 AM
To: Marsha Dewell
Cc: Licensing@IowaABD.com
Subject: Liquor License Pending Dram Shop

The following application(s) is complete and awaiting dramshop insurance endorsement by the appropriate insurance carrier. After the insurance carrier has endorsed coverage, the application(s) will be submitted to the local authority for review.

License #	License Status	Business Name
	Pending Dram Shop	CDG (108 1st St E Mount Vernon Iowa, 52314) <i>Chili Cook-off</i>

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

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Wednesday, August 15, 2018 2:34 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
BC0030439	Submitted to Local Authority	Mt. Vernon PNP (1206 1st St. W 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

E. Public Hearing

AGENDA ITEM # E - 1 & F - 2

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

DATE:	August 20, 2018
AGENDA ITEM:	Public Hearing – Ordinance #8-20-2018A
ACTION:	Motion

SYNOPSIS: The language in this ordinance was necessitated by changes to the Iowa Code. In essence, the new language is stating that, “the City must submit a duplicate of any application for a retail cigarette permit to the Alcohol Beverages Division of the Department of Commerce within 30 days of the issuance of the permit.” To date, staff has received no communication regarding this ordinance change

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close Hearing – Proceed to F - 2

ATTACHMENTS: See Ordinance #8-20-201A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

AGENDA ITEM # E – 2 & F – 3

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

DATE:	August 20, 2018
AGENDA ITEM:	Public Hearing – Ordinance #8-20-2018B
ACTION:	None

SYNOPSIS: This is another ordinance that was necessitated by changes to the Iowa Code. This ordinance adds the prohibition of texting or using a mobile telephone while operating a commercial vehicle.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close Hearing – Proceed to F - 3

ATTACHMENTS: See Ordinance #8-20-201B

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

AGENDA ITEM # E – 3 & G – 2

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

DATE:	August 20, 2018
AGENDA ITEM:	Public Hearing – Stoner Plaza Preliminary Plat
ACTION:	None

SYNOPSIS: This is the time set for the public hearing on Stoner Plaza's 9th Addition. This subdivision is creating one buildable lot, an additional lot for street right of way (Lot A), and an outlot that will be added to an existing lot (204 Glenn St SE) in the subdivision. Staff has recommended against the construction of the small extension of Glenn St SE as the newly created lot will already have street access. The extension would be under 50 feet, would simply weather faster than what is needed and create potential maintenance issues for the City in the future. Given the small size of the plat, staff has recommended that both the preliminary and final plat run concurrently. The planning and zoning commission met on July 11, 2018, and approved both plats on a 6-0 vote.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: P&Z

MAYOR/COUNCIL ACTION: Motion to Close Hearing – Proceed to G-2

ATTACHMENTS: See Resolution #8-20-2018B

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

F. Ordinance Approval/Amendment

AGENDA ITEM # F – 1

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

DATE: August 20, 2018

AGENDA ITEM: Ordinance #8-20-2018A

ACTION: None

SYNOPSIS: Staff has not received any written or verbal communication regarding the first reading of the ordinance. Staff did work with Dave from V&K Engineering on the definition of mechanical failures and included new language in the amended ordinance. There were no public examples of a definition, so the language staff has included is derived from the insurance industry. The additional language can be found in the second paragraph of B (bold lettering).

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Ordinance

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

ORDINANCE NO. #8-6-2018A
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOUNT VERNON,
IOWA, BY ADDING A NEW SUBSECTION “REDUCTION IN BILLS FOR WATER AND SEWER
SERVICE”

WHEREAS, The City of Mount Vernon, Iowa desires to provide a mechanism for customers of its Water Service System a mechanism to have their water service bills reduced where excessive use is the result of a mechanical failure in the customer’s plumbing system.

BE IT ENACTED by the City Council of the City of Mount Vernon, Iowa:

Section. 1 The Code of Ordinances of the City of Mount Vernon, Iowa, is amended by removing subsection 92.04(4) and adding a new subsection in Chapter 92, numbered 92.11, entitled “REDUCTION IN BILLS FOR WATER AND SEWER SERVICE”, which is hereby adopted to read as follows:

1. A reduction in the water and sewer portion of a customer's utility bill shall be granted only on the following terms and conditions:
 - A. Extraordinary water and sewer usage which results in a utility bill for which a reduction is sought must stem from mechanical failure which is not caused by the customer or an occupant of the affected property.
 - B. The mechanical failure must be repaired by the customer within fourteen (14) days of its discovery or receipt of notification by the City of the extraordinary usage, whichever is earlier.

For purposes of this ordinance, mechanical failures occur when a component no longer meets performance specifications. Mechanical failures can include deformation, yielding, crack initiation, excessive spalling, corrosion, extreme environmental conditions, etc. (i.e. water line breaks, internal component failures in toilets, water heater failures) Items that are not considered mechanical failures include leaving the faucet running, irrigating lawns, or any other operational failure caused by the owner and/or tenant.

- C. No adjustment shall be made unless the water consumed in the month of extraordinary use exceeds 150% the customer's average monthly usage. Average monthly usage for the purposes of this section shall be calculated utilizing a one year rolling average of the volume of water used by the customer.
- D. Any reduction shall be limited to the three monthly billing periods preceding the date that the repairs are made to the customer's plumbing system.

E. All requests for an adjustment must be made on a form provided by the City with required attachments and presented to the City Clerk within fourteen. (14) days after the completion of repairs. The City Administrator shall grant or deny the application for reduction and notify the customer by ordinary mail of this decision and the amount owed. The customer may appeal the Administrator's decision to the City Council by written request mailed or delivered to the City Clerk within 10 days of the date of the Administrator's notice to the customer. The appeal will be placed on the City Council's agenda as soon as practical and the City Clerk shall notify the customer by ordinary mail of the date of hearing at least, five (5) days prior to the date of the hearing.

2. In the event that the customer demonstrates qualification for a reduction in the customer's utility charges under the foregoing guidelines, and is granted a reduction by the City Administrator or the City Council on appeal, then water and sewer portion the monthly utility bill for which reduction is sought shall be reduced by 25% with such reduction being provided to the customer as a credit toward the customer's next monthly bill issued after City Administrator or City Council's decision.

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 _____, 2018.

ATTEST:

Jamie Hampton - Mayor

Sue Ripke – City Clerk

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2018.

Sue Ripke, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOUNT VERNON, IOWA, 2000, BY AMENDING PROVISIONS PERTAINING TO CIGARETTE AND TOBACCO PERMITS

Be It Enacted by the City Council of the City of Mount Vernon, Iowa:

SECTION 1. SECTION MODIFIED. Section 121.05 of the Code of Ordinances of the City of Mount Vernon, Iowa, 2000, is repealed and the following adopted in lieu thereof:

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOUNT VERNON, IOWA, 2000, BY AMENDING PROVISIONS PERTAINING TO TRAFFIC REGULATIONS

Be It Enacted by the City Council of the City of Mount Vernon, Iowa:

SECTION 1. NEW SUBSECTION. The Code of Ordinances of the City of Mount Vernon, Iowa, 2000, is amended by adding a new subsection to Section 62.01 which is hereby adopted to read as follows:

144. 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, _____.

City Clerk

G. Resolutions for Approval

AGENDA ITEM # G – 1

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

DATE:	August 20, 2018
AGENDA ITEM:	Resolution #8-20-2018A
ACTION:	None

SYNOPSIS: Skogman has submitted their final plat for Spring Meadow Heights Subdivision. They have submitted the necessary final plat documents and the public improvements are complete. The developers are posting a certified check in the amount of \$46,400, which is 110% of the costs of any remaining infrastructure requirements (punchlist items). I have included the covenants and subdivision agreement with the resolution approving the plat for your review. The planning and zoning commission reviewed the final plat and recommended its approval to the City Council on a 6-0 vote.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution and Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

RESOLUTION NO. 8-20-2018A

**RESOLUTION APPROVING THE FINAL PLAT OF THE SPRING MEADOW HEIGHTS
FIRST ADDITION SUBDIVISION**

WHEREAS, the Mt. Vernon Planning and Zoning Commission voted to 6-0 to approve the final plat of the Spring Meadow Heights Addition to the City of Mt. Vernon, Iowa, and,

WHEREAS, there has not been significant changes to the plat since the preliminary plat approval by the City Council on August 21, 2017; and

WHEREAS, the developers have submitted the necessary accompanying materials as specified in Chapter 166.11 Final Plat Requirements,

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Final Plat of Spring Meadow Heights Subdivision as described and shown in Exhibit "A" attached hereto and made a part thereof by reference.

APPROVED and ADOPTED this 20st day of August, 2018.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

SUBDIVISION AGREEMENT

In this agreement, the City of Mount Vernon, Linn County, Iowa will be known as the "City"; Midwest Development Co. will be known as the "Owner".

WHEREAS, Section 166.11 of the Municipal Code of the City of Mount Vernon, Linn County, Iowa requires the developer of new subdivisions located within the City to construct, or give satisfactory assurance to the City that it will construct certain improvements; and,

WHEREAS, the Owner, above described, is now in the process of subdividing the premises legally described as follows to wit:

See Exhibit "A"

(Also known as Lot 1-Lot 31, Spring Meadow Heights First Addition in the City of Mount Vernon, Linn County, Iowa.)

WHEREAS, a Memorandum of Agreement for Private Development between the City and the Owner was recorded in Book 10043, Pages 3-9 in the Office of the Linn County Recorder and shall govern if there are any conflicts with which are contained hereon

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That the Owner has provided assurance that all improvements will be constructed and will perform to City Standards as required by Chapter 166, Subdivision Ordinance, by a) filing performance and maintenance bonds with the City of Mount Vernon for all applicable public improvements; or B) at the option of the City Engineer, the Owner can make a cash payment to the City's Construction Maintenance Self-Insurance Fund.
2. That the Owner shall complete, and the City shall accept, all the items applicable to said subdivision set forth in the plan of improvements, not later than the earlier of a) one (1) year from the date of passage of the City Council Resolution approving the subdivision agreement unless specifically extended by the Council; or b) occupancy of a newly constructed principal structure built upon a lot in the subdivision, with the following exception:
 - a. Construction of sidewalk shall be as described in paragraph 3 below.
3. That the Owner will either construct, or cause to be constructed, within said subdivision all sidewalk required by Section 166.14.e and Chapter 136 of the Code of Ordinances as follows:

- a. That said sidewalk shall be constructed to meet City Engineer's specifications adjacent to each lot in the subdivision as part of the construction of a principal structure on each lot.
 - b. Sidewalk adjacent to Lot B and Lot C (stormwater management and other public purposes) shall be constructed prior to issuance of a final certificate of occupancy of the first home.
 - c. Notwithstanding the above, the Owner agrees to construct sidewalk adjacent to any lot which has not had sidewalk constructed within five (5) years of the date of approval of the final plat (Ordinance 166.11(c)(7)(a)) or for which the City Council passes a resolution of necessity within a period of time established within said resolution of necessity.
 - d. Snow removal is required to be completed by the City of Mount Vernon for mailbox cluster pads (located adjacent to Lot C) and public sidewalk located along and on Lot B and Lot C.
4. Final stabilization of Lot B and Lot C (stormwater management areas and other public purposes): Stormwater detention basins shall be used as sediment basins during construction. Owner to clean out and final stabilize when upstream areas are final stabilized. Park land to be final stabilized after all adjoining lots have been constructed upon, within 30 days. Final stabilization and seeding can be delayed to coincide with acceptable seeding dates. After final stabilization of Lot B and Lot C, maintenance will be completed by the City.
5. That permanent street signs and such temporary signs or barricades as may be required by the City Engineer shall be installed at the Owner's expense and in accordance with the City Signage Ordinance. It shall be the responsibility of the Owner to coordinate the installation of permanent street signs with the City of Mount Vernon. Upon acceptance of the public improvements by resolution, maintenance of the street signage will become the responsibility of the City
6. That street lighting shall be installed at the Owner's expense in accordance with Section 166.15(h)(3) of the Code of Ordinances. The Owner has provided an acceptable verification of payment to the appropriate utility company for said street lighting installation.
7. That any public streets that provide for street parking of vehicles shall limit the parking of vehicles to only one side of each street. The City Engineer shall review the sides designated for vehicle parking and may direct revision if he determines that the other side of any street is the side that should be designated for parking.
 - a. There shall be no parking on the south side of 6th Street NE.
 - b. There shall be no parking on the south side of 7th Street NE.
 - c. There shall be no parking on the north side of Davis Drive NE.
 - d. There shall be no parking on the easterly and southerly side of Ashton Drive NE.
 - e. There shall be no parking on the easterly and northerly side of Spring Meadow Drive NE.
 - f. There shall be no parking in close proximity to intersections as dictated by the City Engineer or Police Chief.
8. That the Owner agrees to maintain and control the premises so as to prevent erosion. The Owner further

assumes responsibility for any costs associated with erosion and/or siltation as a result of development of this subdivision.

9. That all public improvements shall be constructed to City standards and shall be inspected by the City Engineer. The City of Mount Vernon shall not maintain or provide maintenance services for any improvements that have not been accepted by the City of Mount Vernon.
10. That all improvements and construction on property dedicated to the City shall become property of the City upon acceptance by the City (except private service connections to sewer and water lines). Such acceptance by the City of an improvement shall constitute a release of the obligations hereunder with respect to said improvement, except, as to being a surety under the maintenance bond.
11. That if the Owner fails to perform any requirements of this agreement, the City may at its election take action consistent with security provided by the Owner and/or undertake to perform the requirements. The Owner agrees to pay the City for all the costs associated with the City performing the requirement, including administrative costs equal to 10% of the actual costs of performing the requirement. The three (3) year maintenance bond for public improvements begins at the time the City accepts said public improvements.
12. That all costs, materials, and construction thereof shall be the responsibility of the Owner.
13. That the Owner agrees to assume all expenses for any damage to public utilities, public improvements or other property and assumes all risk of loss to the improvements contemplated by this agreement until final acceptance by the City.
14. That the Owner agrees that occupancy of any structure will not be allowed until the required Certificate of Occupancy is issued.
15. That the Owner agrees to indemnify, defend, and hold the City harmless against all claims, actions, suits, proceedings, costs, expenses (including attorneys' fees and expenses), damages, and liabilities whatsoever arising out of, in any manner connected to, or resulting from personal injury or property damage during construction of any and all improvements arising out of or relating to the development contemplated in this Agreement.
16. That this agreement shall be binding upon the parties hereto and their heirs, successors and assigns, and the sale by the Owner of all or any part of the premises in said subdivision shall transfer obligations of the Owner to the successor in interest.
17. That the Owner agrees to comply with and fulfill all requirements imposed by applicable federal, state, and local law, including without limitation Chapter 166 (Subdivision Ordinance) and Chapter 165 (Zoning Ordinance) of the Code of Ordinances of the City of Mount Vernon.
18. That this memorandum of agreement shall be recorded by the Owner at the same time as recording the plat, and the City agrees that the City Engineer may, by written letter, satisfy any portion of this agreement as having been satisfactorily completed by the Owner other than final acceptance of the

improvements.

19. Should any ambiguities arise in the construction of this agreement, it is agreed that it shall be construed to favor public over private interests.

Signed this ____ day of _____, 2018

CITY OF MOUNT VERNON

Jamie Hampton, Mayor

ATTEST:

Chris Nosbisch, City Administrator

MIDWEST DEVELOPMENT CO.



Kyle Skogman, President

RESOLUTION NO. 8-20-2018B

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF THE STONER PLAZA 9TH
ADDITION SUBDIVISION**

WHEREAS, the Mt. Vernon Planning and Zoning Commission voted 6-0 to approve the preliminary plat of the Stoner Plaza 9th Addition to the City of Mt. Vernon, Iowa, and,

WHEREAS, there has not been significant changes to the preliminary plat since the July 11, 2018 planning commission public hearing; and

WHEREAS, there are no public improvements being planned for this subdivision,

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Preliminary Plat of Stoner Plaza 9th Addition Subdivision as described and shown in Exhibit "A" attached hereto and made a part thereof by reference.

APPROVED and ADOPTED this 20th day of August, 2018.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

PRELIMINARY PLAT STONER PLAZA NINTH ADDITION TO THE CITY OF MOUNT VERNON, LINN COUNTY IOWA

Location: Index Legend
A part of the NW 1/4 NW 1/4 Sec. 15, Township 82 North, Range 5 West

Requestor: Daniel Stoner

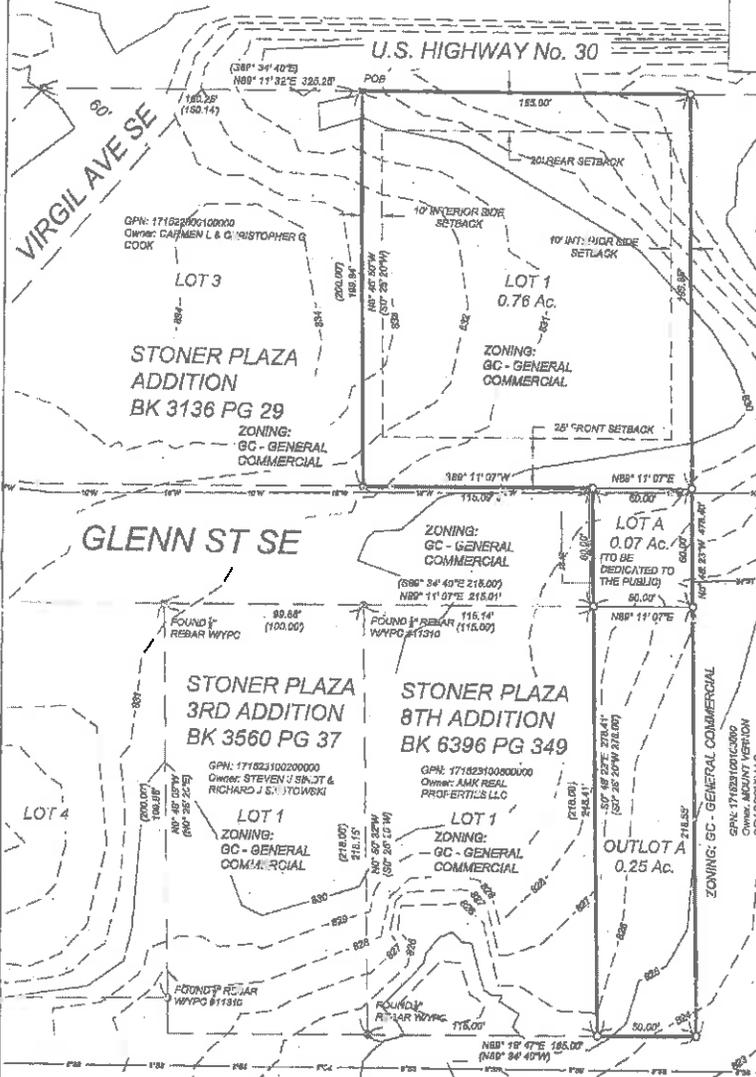
Proprietor: MOUNT VERNON DEVELOPMENT GROUP, LLC

Surveyor: Stephen M. Brain, PE, LS

Surveyor Company: Brain Engineering, Inc.

Return To: S. M. Brain, 1540 Midland Ct NE Cedar Rapids, IA 52402 or mtkob@brain-eng.com | (319) 294-9424

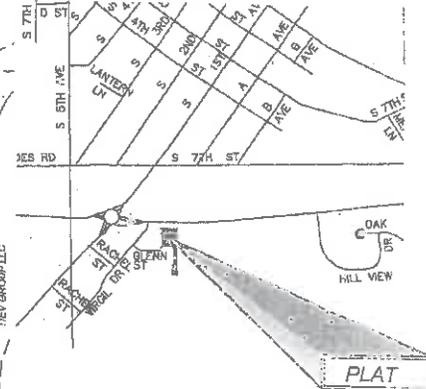
Recorder's Stamp



LEGAL DESCRIPTION

A part of the NW 1/4 NW 1/4 of Sec. 15-Township 82 North, Range 5 West of the 5th Principal Meridian, Linn County, Iowa described as follows:
Beginning at the NE corner of Lot 3 Stoner Plaza Addition to Mount Vernon, Linn County, Iowa recorded in Book 3136 Page 29, Linn County, Iowa, Office of the Recorder;
thence N89°11'32"E along the south right-of-way line of the US Highway No. 30, 185.00 feet;
thence S00°48'23"E, 478.40 feet;
thence S89°18'47"W, 50.00 feet to the SE corner of Lot 1, Stoner Plaza 5th Addition to the City of Mount Vernon, recorded in Book 6369 Pages 349-358, Linn County, Iowa, Office of the Recorder;
thence N00°48'23"W along the east line of said 5th Addition, 278.41 feet to the north right-of-way line of Glenn Street SE;
thence S89°11'07"W along said north right-of-way line, 115.08 feet to the SE corner of said Lot 3;
thence N60°46'50"W along the east line of said Lot 3, 199.84 feet to the Point of Beginning containing 1.08 acres.

LOCATION MAP (NO SCALE):



PROPERTY 204 GLENN ST SE
LOCATION: MOUNT VERNON, IA 52314
SURVEYOR: BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402
319-294-9424

OWNER: MOUNT VERNON DEV GROUP LLC
1050 LINN RIDGE RD
MOUNT VERNON, IA 52314
319-360-1424

- A FOUND SECTION CORNER
 - FOUND 6" REBAR W/ YPC #8166 OR AS LABELED
 - SET 1" REBAR W/ YPC #9547 OR AS LABELED
 - △ SET SECTION CORNER
 - PCB POINT OF BEGINNING
 - PJC POINT OF COMMENCEMENT
 - S RECORDED AS
 - SCM 4" x 4" CONCRETE POST W/ CMK
 - UE UTILITY EASEMENT
 - YPC YELLOW PLASTIC CAP
- BORDER
 - CENTERLINE
 - PROPERTY LINE
 - SECTION LINE
 - ADJACENT PROPERTY/ROW

NOTE:
OUTLOT A SHALL BE DEED RESTRICTED TO ADJACENT PROPERTY AFTER RECORDING OF THE PLAT.



DATE OF SURVEY 8/15/18

Project No: 308018-10	PRELIMINARY PLAT STONER PLAZA NINTH ADDITION	Drawn: OK 9/22/18 Checked: SMD 9/25/18	Book: 367 Scale: 1" = 60'
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RESOLUTION NO. 8-20-2018C

**RESOLUTION APPROVING THE FINAL PLAT OF THE STONER PLAZA 9TH
ADDITION SUBDIVISION**

WHEREAS, the Mt. Vernon Planning and Zoning Commission voted to 6-0 to approve the final plat of the Stoner Plaza 9th Addition to the City of Mt. Vernon, Iowa, and,

WHEREAS, the developers have submitted the necessary accompanying materials as specified in Chapter 166.11 Final Plat Requirements,

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Final Plat of Stoner Plaza 9th Addition Subdivision as described and shown in Exhibit "A" attached hereto and made a part thereof by reference.

APPROVED and ADOPTED this 20st day of August, 2018.

Jamie Hampton, Mayor

ATTEST:

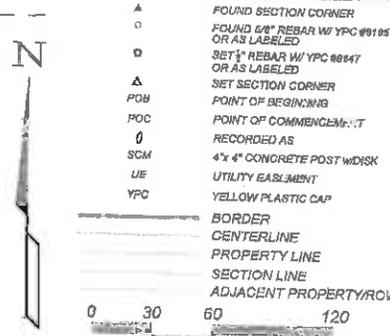
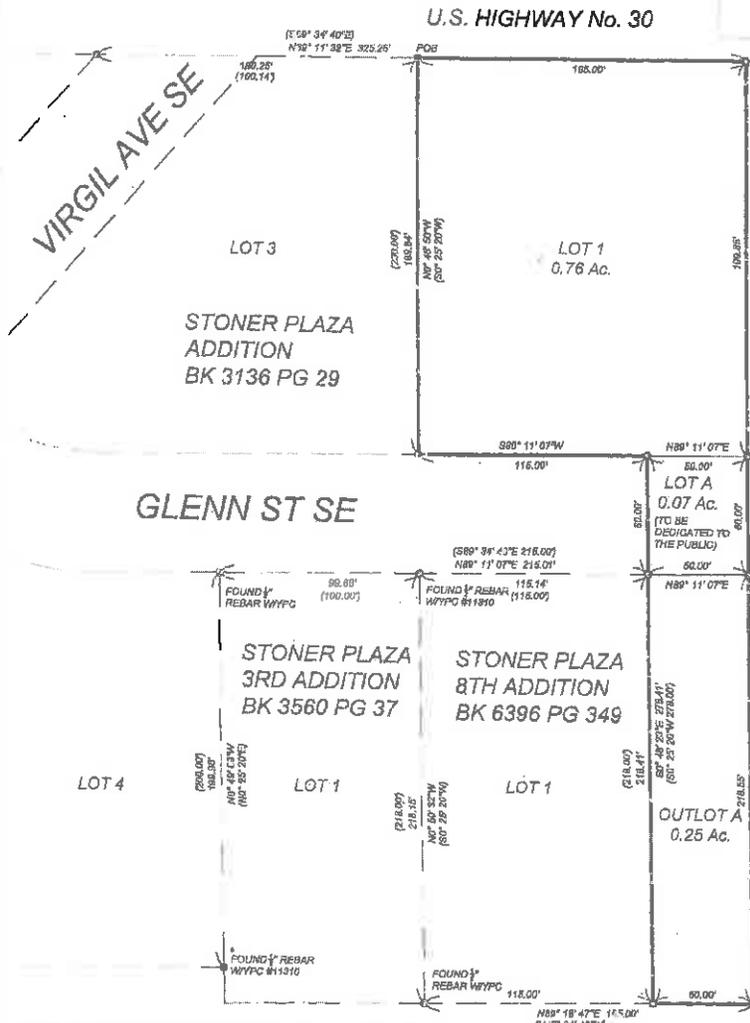
Sue Ripke, City Clerk

FINAL PLAT STONER PLAZA NINTH ADDITION TO THE CITY OF MOUNT VERNON, LINN COUNTY IOWA

Location: A part of the NW 1/4 NW 1/4 Sec. 15, Township 82 North, Range 5 West
Requestor: Daniel Stoner
Proprietor: MOUNT VERNON DEVELOPMENT GROUP, LLC
Surveyor: Stephen M. Brain, PE, LS
Company: Brain Engineering, Inc.
Return To: S. M. Brain, 1540 Midland Ct NE Cedar Rapids, IA 52402 or mikab@brain-eng.com | (319) 294-9424

Index Legend

Recorder's Stamp:

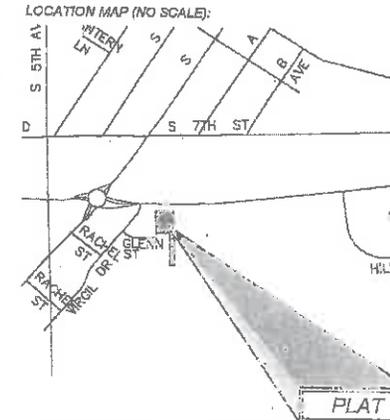


- ▲ FOUND SECTION CORNER
- FOUND 6" REBAR W/ YPC #9195 OR AS LABELED
- SET 1" REBAR W/ YPC #847 OR AS LABELED
- ▲ SET SECTION CORNER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- RECORDED AS
- SCM 4" x 4" CONCRETE POST W/ DISK
- UE UTILITY EASEMENT
- YPC YELLOW PLASTIC CAP
- BORDER
- CENTERLINE
- PROPERTY LINE
- SECTION LINE
- ADJACENT PROPERTY/ROW

LEGAL DESCRIPTION

A part of the NW 1/4 NW 1/4 of Sec. 15-Township 82 North, Range 5 West of the 5th Principal Meridian, Linn County, Iowa described as follows:
 Beginning at the NE corner of Lot 3 Stoner Plaza an Addition to Mount Vernon, Linn County, Iowa recorded in Book 3136 Page 29, Linn County, Iowa, Office of the Recorder;
 thence N89°11'32"E along the south right-of-way line of the US Highway No. 30, 165.00 feet;
 thence S00°48'23"E, 472.40 feet;
 thence S89°18'47"W, 50.00 feet to the SE corner of Lot 1, Stoner Plaza 8th Addition to the City of Mount Vernon, recorded in Book 6396 Pages 349-350, Linn County, Iowa, Office of the Recorder;
 thence N00°48'23"W along the east line of said 8th Addition, 273.41 feet to the north right-of-way line of Glenn Street SE;
 thence S89°11'07"W along said north right-of-way line, 116.09 feet to the SE corner of said Lot 3;
 thence N00°48'50"W along the east line of said Lot 3, 199.84 feet to the Point of Beginning containing 1.08 acres.

PROPERTY: 204 GLENN ST SE
 LOCATION: MOUNT VERNON, IA 52314
 SURVEYOR: BRAIN ENGINEERING, INC.
 1540 MIDLAND COURT NE
 CEDAR RAPIDS, IOWA 52402
 319-294-9424
 OWNER: MOUNT VERNON DEV GROUP LLC
 1650 LINN RIDGE RD
 MOUNT VERNON, IA 52314
 319-360-1424



NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.
 CUTLOT A SHALL BE DEED RESTRICTED TO ADJACENT PROPERTY AFTER RECORDING OF THE PLAT.

I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
 Signed _____ Date _____
 Stephen Michael Brain, L.S.
 My License Renewal Date is December 31, 2018
 License Number 9647
 Pages of sheets covered by this seal: THIS PAGE



Project No: 306018-10	FINAL PLAT STONER PLAZA NINTH ADDITION	Drawn: CK 6/22/18 Checked: <i>[Signature]</i> 6/25/18	Book: 367 Scale: 1" = 60'
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AGENDA ITEM # G – 4

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

DATE:	August 20, 2018
AGENDA ITEM:	Resolution #8-20-2018D
ACTION:	None

SYNOPSIS: Staff has been working with Troy Louwagie of Hertz Real Estate Services to secure property for the future composting and public works facility. Pending due diligence, the City has received an accepted offer from William and Marla Wright on 8.6 acres of property located west on Bryant Rd. The total purchase price is \$189,200 or \$22,000 an acre, with \$10,000 due upon approval of the real estate sales agreement. The City will also be responsible for the hertz commission, surveys, abstracts, platting, etc. The total expense for the property should fall between \$200,000 and \$215,000, and will be paid from the solid waste reserve.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: HPC Application

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

RESOLUTION NO. 8-20-2018D

**RESOLUTION APPROVING THE REAL ESTATE PURCHASE AGREEMENT AND
TRANSFER OF FUNDS FOR REAL ESTATE BETWEEN THE CITY OF MT. VERNON
AND WILLIAM AND MARLA WRIGHT**

WHEREAS, the City of Mt. Vernon has been researching properties to house the next compost site and public works facilities, and,

WHEREAS, the City and William and Marla Wright have agreed to a real estate sales agreement subject to various conditions as shown in Exhibit "A," attached hereto and made a part thereof, and

WHEREAS, the City would like to complete its due diligence and exercise the purchase as set forth in the real estate purchase agreement.

NOW, THEREFORE, BE IT RESOLVED: The City Council does hereby approve the real estate purchase and directs staff to complete the due diligence necessary to complete the real estate transaction as outlined in the real estate agreement, including the release funds used for the purchase.

APPROVED and ADOPTED this 20th day of August, 2018.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

REAL ESTATE SALES AGREEMENT

Wright/City of Mount Vernon – 8.6 Acres m/l – Linn County, Iowa

AGENCY DISCLOSURE

An agency disclosure must be made by the agent prior to any offer being made by the BUYER or accepted by the SELLER. By signing below the BUYER and SELLER confirm that written disclosure of agency representation was provided to them prior to the signing of the REAL ESTATE SALES AGREEMENT.

BUYER further acknowledges having signed and received a copy of the SELLER PROPERTY CONDITION DISCLOSURE FORM, if required. The BROKER, its agents, employees and associates are not required, however, to discover hidden defects in the property or give advice on matters outside the scope of their real estate license.

SELLER and/or BUYER request that Broker select, prepare and complete form documents as authorized by Iowa law or rule, such as purchase agreements, groundwater hazard statements and declaration of value.

HERTZ REAL ESTATE SERVICES, BROKER, and Troy R. Louwagie, licensee employed by or associated with the broker, represents the SELLER BUYER or BOTH SELLER AND BUYER

_____, CO-BROKER, and _____, licensee employed by or associated with the Co-Broker represents the SELLER BUYER.

BUYER(S):
City of Mt. Vernon

SELLER(S):
William F. Wright 8-4-18

BUYER: By: _____ DATE _____

SELLER: William F. Wright _____ DATE _____

BUYER: _____ DATE _____

Marla J. Wright 8-14-18
SELLER: Marla J. Wright _____ DATE _____

1. PARTIES: William F. Wright and Marla J. Wright (Seller) agrees to sell and convey to
City of Mount Vernon (Buyer), and Buyer agrees to buy from
Seller the following property situated in Franklin Township, Linn County, Iowa,
Containing 8.6 Acres more or less (M/L) and legally described as:

That part of the NE ¼ of the NW ¼ of Section 9, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa.
(Property will consist of the cropland as per the attached map)

together with any easements and 100 percent of the mineral rights owned by Seller, but subject to any easements of record, zoning restrictions, FSA/NRCS cost sharing agreements and restrictive covenants. The right is reserved to insert the exact legal description as shown by the Abstract of Title.

2. TOTAL PURCHASE PRICE SHALL BE:..... See 31(A) \$189,200.00

PAYMENT FOR THE PROPERTY AS FOLLOWS:

A. FUNDS TO BE DEPOSITED IN TRUST WITH BROKER ON ACCEPTANCE OF OFFER \$ 10,000.00

B. FUNDS DUE AT SETTLEMENT ON December 14, 2018 \$179,200.00
Funds due at settlement shall be by bank cashier's check or wire transfer

TOTAL PURCHASE PRICE AS NOTED ABOVE \$189,200.00

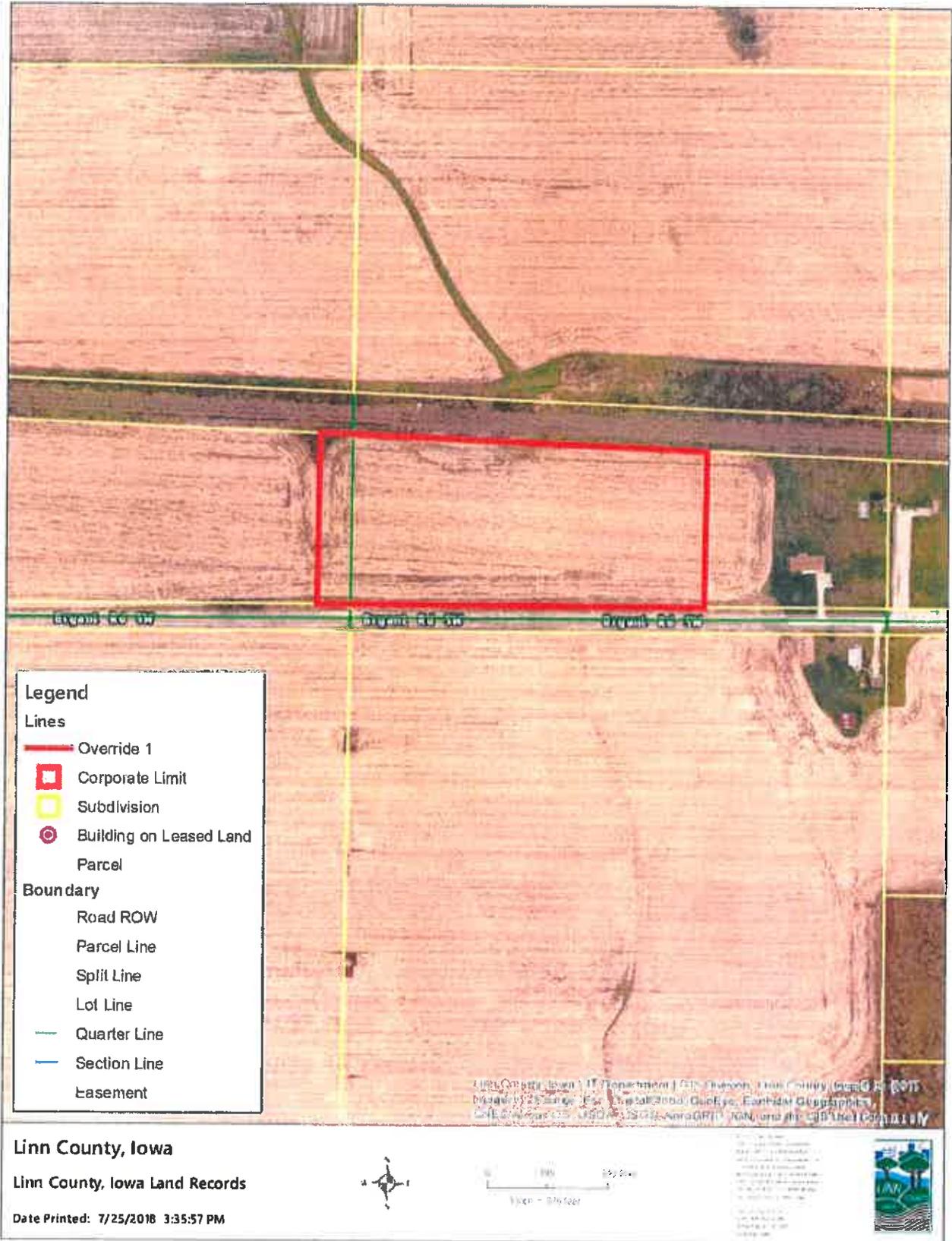
3. THIS OFFER CONTINGENT UPON THE ABILITY OF BUYER TO:

A. This Offer is subject to and contingent upon the Mount Vernon City Council approving this Offer on or before August 24, 2018.

If any contingency cannot be carried out, this Offer shall become null and all money paid or obligations given by Buyer shall be returned.

17. **JOINT TENANCY IN PROCEEDS AND IN SECURITY RIGHTS IN REAL ESTATE:** If, and only if, the Seller(s), immediately preceding this offer, hold the title to the above described property in joint tenancy, and such joint tenancy is not later destroyed by operation of law or by acts of the Seller(s) then (1) the proceeds of this sale, and any continuing and/or recaptured rights of Seller(s) in real estate shall be and continue in Seller(s) as joint tenants with rights of survivorship and not as tenants in common; and (2) Buyer(s), in the event of the death of either Seller, agree to pay any balance of the proceeds of this sale to the surviving Seller and to accept deed from such surviving Seller.
18. **REMEDIES OF THE PARTIES---FORFEITURE---FORECLOSURE---REAL ESTATE COMMISSION:**
- A. If the Seller(s) fails to fulfill this agreement, he/she will pay to the Broker the regular commission in full, and the Buyer shall have the right to have all payments, plus accrued interest, if any, returned or to proceed by any action or actions at law or in equity, and the Seller agrees to pay costs and attorney fees, and a receiver may be appointed.
- B. If the Buyer fails to fulfill this agreement, the Seller may pursue forfeiture proceedings as provided in the Code of Iowa, all payments made herein shall be forfeited and the earnest money deposit shall be divided equally between Seller and Agent. Any payment to Agent under this section shall not exceed commission referred to in Paragraph 6 of this agreement.
- C. If In addition to the foregoing remedies, either party shall be entitled to any and all other remedies, or action at law or in equity, including foreclosure or specific performance, and the party at fault shall pay costs and attorney fees, and a receiver may be appointed. Either party will pay interest at the maximum legal rate on all amounts herein as and after they become delinquent.
19. **APPROVAL OF COURT:** If this property is an asset of any estate, trust or guardianship that requires court approval for sale, this contract shall be subject to Court approval. If necessary, the appropriate fiduciary shall proceed promptly and diligently to bring the matter on for hearing for Court approval. (In that event, the Court Officer's Deed shall be used.)
20. **ALL FUNDS DEPOSITED** hereunder as part payment as herein above set forth shall be held by Broker as Agent in trust pending acceptance of this offer, examination of the abstract and delivery of deed or formal contract. Buyer authorizes the company or persons financing his/her purchase to pay all funds to Broker as Agent for the Seller and Seller authorizes such Agent to accept same. It is agreed that at time of settlement, funds of the purchase price may be used by Broker as Agent to pay taxes, liens, and other sales or purchase expenses of Seller and Buyer to comply with the above requirements; same to be handled under supervision of the Broker as Agent and subject to approval of Buyer's attorney on title questions to produce merchantable title.
21. **CONTRACT BINDING ON SUCCESSORS IN INTEREST:** This contract shall apply to and bind the successors in interest of the respective parties.
22. **TENANT:** If indicated by "yes" in the following space Yes, it shall be the responsibility of Seller at Seller's expense to see to the termination of all rights of existing tenants so Buyer shall have sole possession, subject to the 2018 existing Lease, and at closing Seller shall exhibit evidence satisfactory to Buyer of such termination.
23. **CONSERVATION PROGRAM CONTRACT(S):** Seller assigns all right, title and interest in any Conservation Program contract(s) for said real estate to Buyer. Seller reserves the right to receive from the Farm Service Agency and/or Natural Resource Conservation Service office their prorated share of any Conservation Program payment(s) prorated to N/A. By acceptance hereof, Buyer, their successors and assigns, assume all obligations for compliance with the terms of said Conservation Program Contract(s).
24. **WORDS AND PHRASES** herein, including any acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.
25. **WATER/SANITARY SYSTEMS:** N/A will assume all responsibilities, including costs, for compliance of all county and state regulations covering the sanitary and water systems on the property.
26. **ELECTRONIC SIGNATURES** on this agreement and/or faxed/scanned copies of signed agreement shall be considered valid.
27. **COUNTERPARTS:** If more than one person is named as a Seller and/or Buyer herein, this contract may be executed by each Seller and/or Buyer, separately, and when so executed, such copies taken together with one executed by Broker on behalf of Brokerage Firm shall be deemed to be a full and complete contract between the parties.
28. **SEVERABILITY:** If any provision or provisions of this Agreement shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

MAP



J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, AUGUST 20, 2018

PAYROLL	CLAIMS	76,673.77
L.L. PELLING CO INC	SEALCOAT-RUT	39,099.67
OPN ARCHITECTS	WELLNESS CENTER/STUDY PHASE 1	37,465.52
GROUP SERVICES INC	INSURANCE-ALL DEPTS	17,697.36
L.L. PELLING CO INC	SEALCOAT-RUT	15,654.05
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	6,290.30
MSA PROFESSIONAL SERVICES	HWY 1/30 RAB ASSESSMENT	5,911.74
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	3,887.80
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,733.64
DEPT OF ADMINISTRATIVE SEVICES	CPM PROGRAM-RUT	3,500.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	2,663.72
SCHIMBERG COMPANY	GRATES-ST WAT	1,863.92
WEX BANK	FUEL	1,729.90
MV ACE HARDWARE	SUPPLIES-ALL DEPTS	1,598.72
ADORED HARDWOOD FLOORS	FINISH MAIN FLOOR/VC-P&A	1,400.00
GLEN WOLFE	REFINISH DOORS-P&A	1,370.00
KIM SHERMAN	SUMMER CLASSES-P&REC	1,057.00
LATENT	WI-FI ADAPTOR,LICENSE SUB-PD	560.00
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	502.74
PHOTO PRO	EQUIP-PD	451.97
HEATHER FLYNN	CELL PHONE STIPEND-P&A	440.00
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	429.12
HAWKEYE READY MIX	CURBLINE REPAIR/2ND AVE SW	426.13
CORNELL COLLEGE	SPRING SOCCER OFFICIALS-P&REC	420.00
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC,POOL	391.50
DIVERSIFIED INSPECTONS	BUCKET TRUCK INSPECTION	384.38
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	382.84
STONE CITY QUARRIES	CUTTER ENDS-RUT	347.40
ALLIANT IES UTILITIES	ENERGY USAGE-FD	342.26
LYNCH FORD	WINDOW REGULATOR-RUT	321.76
SHERWIN WILLIAMS CO.	PUMP, TRANSDUCER,MISC-RUT	318.04
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	289.94
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	262.38
IOWA SOLUTIONS INC	COMPUTER MAINT-PW	250.00
VALLEY ATHLETICS	FIELD PAINT-P&REC	249.95
COMFORT SOLUTIONS	A/C MAINT-P&A	193.60
IOWA PRISON INDUSTRIES	HARDWARE-RUT	191.00
NICK NISSEN	MILEAGE-RUT	164.27
LYNCH FORD	BATTERY-PD	161.99
MEDIACOM	PHONE/INTERNET-RUT	161.09
MEDIACOM	PHONE/INTERNET-POOL	161.09
MEDIACOM	PHONE/INTERNET-P&REC	158.91
ALLIANT IES UTILITIES	ENERGY USAGE-PD	156.56
MOUNT VERNON PHARMACY	SUPPLIES-P&A,POOL,P&REC	132.44
IOWA SOLUTIONS INC	OFFICE 365 BUSINESS-PD	120.60
ALL SECURE	SECURITY SYST MONITORING-POOL	120.00
ARAMARK	RUGS-FD	106.34
ARAMARK	RUGS-FD	88.62
AMERICAN PLANNING ASSOCIATION	MEMBERSHIP-P&A	85.00
UNITYPOINT CLINIC-OCCUPATIONAL	DRUG TESTING-RUT	84.00
DIESEL TURBO SERVICES INC	WHEEL BEARING MAINT-RUT	75.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
CEDAR VALLEY OUTFITTERS CORP	EQUIP-PD	59.99
AIRGAS INC	CYLINDER RENTAL FEE-PW	59.80
CEDAR RAPIDS TIRE	TIRES/MOWER (2)-RUT	56.98

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, AUGUST 20, 2018

CENTURY LINK	PHONE CHGS-PD	54.18
STAPLES ADVANTAGE	SUPPLIES-P&A	54.14
WENDLING QUARRIES	OUTLET REPAIR-ST WAT	45.47
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	44.97
SCHIMBERG COMPANY	2" LINE-POOL	43.68
VERMEER SALES & SERVICE INC	KNIFE SHARPENING/CHIPPER-SW	40.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	37.69
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	32.15
GALLS INC	UNIFORMS-PD	30.38
RACHEL FRANCOIS	REFUND-P&REC	25.00
BROWNELLS INC	EQUIP REPAIR-PD	22.59
EQUIPMENT MGMT COMPANY	EQUIP-FD	21.00
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	20.19
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-P&A	20.00
TERESA BOTHELL	REFUND-P&REC	20.00
		154,662.47
001 GENERAL FUND TOTAL		34,833.91
110 - ROAD USE TAX FUND		57,659.71
304 - LOST III COMMUNITY CENTER		37,465.52
307 - HWY 30 CORRIDOR IMPROVEMENTS		5,911.74
600 - WATER FUND		5,917.87
610 - SEWER FUND		9,862.69
620 - STORM WATER FUND		2,351.82
670 - SOLID WASTE		659.41
		154,662.67

AGENDA ITEM # J – 2

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

DATE:	August 20, 2018
AGENDA ITEM:	Revised 28E for Inspection Services
ACTION:	Motion

SYNOPSIS: Linn County Planning and Development has been providing building inspection services for the City of Mt. Vernon for both residential and commercial construction. The Planning and Development office is trying to streamline their process and have proposed a new 28E agreement for your consideration. The most substantial change comes as Linn County will be asking applicants to submit permits directly to their office as opposed to the current method (applicants submit to City Hall). City Hall staff will still be involved in the approval process, it is more of a matter of where the application begins. Representatives from the Linn County Planning and Development office will be present to discuss the changes.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Proposed 28E

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

**LINN COUNTY AND CITY OF MOUNT VERNON
AGREEMENT FOR CONSTRUCTION CODE ADMINISTRATION**

1. TITLE

Pursuant to Iowa Code Chapter 28E, this Agreement by and between Linn County, Iowa and the City of Mount Vernon, Iowa, shall be known as the *Linn County and City of Mount Vernon Agreement for Construction Code Administration*.

2. PURPOSE AND SCOPE

2.1. Purpose of Agreement. The purpose of this Agreement is to provide for the administration and enforcement of the Construction Codes of the City of Mount Vernon by Linn County to protect the public health, safety and welfare. It is the intent that the same level of service shall be provided to the citizens of Mount Vernon as is currently provided to the citizens of the unincorporated areas of Linn County.

2.2. Scope of services. Linn County, through the Building Division of the Planning and Development Department, shall provide services to administer and enforce the Construction Codes of the City of Mount Vernon for all projects requiring inspections, plan review and certificates of occupancy as specified in the City's adopted Construction Codes.

3. DEFINITIONS:

As used in this Agreement, the following terms are defined:

Building Division: The Building Division of the Linn County Planning and Development Department.

Building Official: The Linn County Building Official who is the designated authority charged with the administration and enforcement of the Linn County *Construction Codes*.

City: The City of Mount Vernon, Iowa.

Construction Codes: The current version of Chapter 105, Buildings and Building Regulations: Article I (In General), Article II (Construction Regulations), Article III (Electrical Installations), Article IV (Mechanical Systems), and Article V (Plumbing); and the current version of Chapter 12, Fire Prevention and Protection; of the Linn County Code of Ordinances as adopted by Linn County, Iowa including amendments and recodifications in effect at the time of permit application.

County: The County of Linn, Iowa.

Inspectors: The Combination Building Inspectors employed with the Linn County Building Division under the direction of the Linn County Building Official.

Permit: Permits issued in accordance with the referenced *Construction Codes* for work within the city limits of the City. The provisions of this Agreement are determined to supersede and fulfill the requirements of Chapter 152, Building Permits, for the City.

4. PROCEDURES AND FEES

4.1. Place of application. Permit applications shall be made at Linn County Planning and Development, 935 2nd Street Southwest, Cedar Rapids, IA, in accordance with the County's procedures and requirements. For each permit, the City shall provide the County with a copy of the approved zoning site plan and floodplain permit, as applicable.

4.2. Permit issuance. The County shall issue permits in accordance with its procedures and requirements. Permits will be issued when the construction drawings have been reviewed by the Building Official or designee for compliance with the *Construction Codes*.

4.3. Fees. Permit and inspection fees shall be the same for City Permits as for County Permits and shall be determined in accordance with the Linn County Building Regulations Fee Schedule in effect at the time of this Agreement or as amended by Resolution of the Linn County Board of Supervisors. Fees are due and payable to Linn County Planning and Development at the time of application.

4.4. Fees for Saturday inspections. Saturday inspection fees will be charged to the individual requesting the inspection at one-and-one-half times the hourly rate based upon the current hourly wage rate of the personnel required, plus overhead costs for fringe benefits, office administration and transportation, with a (3) hour minimum charge, subject to change based on current fee & pay grade schedule. The County reserves the right to request an increase in charges if the current rate does not fully cover the County's costs. Saturday inspections must be requested at least 24 hours prior to the close of business on Friday.

4.5 Construction Codes incorporated by reference. The City hereby incorporates by reference into the *Code of Ordinances of the City of Mount Vernon, Iowa* the *Construction Codes* as defined in this Agreement.

5. INSPECTIONS

5.1. Types of inspections. The County shall provide inspections in accordance with the adopted *Construction Codes*. Inspections shall include footings; setbacks; electrical service; gas piping; rough inspections for framing, electrical, mechanical, and plumbing work; final inspections; and all other inspections required by the *Construction Codes*.

5.2. Requests for inspections. Inspection requests shall be made by the permit applicant or an authorized representative. Requests may be made online or by telephone to the Linn County Building Division between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday. Twenty-four hour notice is required prior to an inspection.

5.3. Inspection times. Inspections will be conducted by the County Inspectors approximately between the hours of 9:30 a.m. and 3:30 p.m., Monday through Friday. The County reserves the right to modify this inspection schedule to accommodate the Inspectors' schedules.

6. ENFORCEMENT

6.1. Administration of Construction Codes by County. Administration and enforcement of the *Construction Codes* shall be by the County in accordance with the administrative provisions of the *Construction Codes*.

6.2. Prosecution of violations by City. Prosecution of violations of the *Construction Codes* cited by the County in the enforcement of the *Construction Codes* shall be by the City.

7. ZONING & FLOODPLAIN MANAGEMENT

7.1. Zoning approval by City. Enforcement of the City zoning ordinance shall be by the City. The City shall provide copies of an approved zoning site plan / zoning

permit for each new building or addition that increases the building footprint, or for any change in use or occupancy of any existing building.

7.2. Setback inspection. County Inspectors shall confirm that the location of new buildings or additions meet the minimum setbacks shown on the approved site plan during the footing inspection.

7.3. Information provided by City. The City shall provide to the Building Division copies of City maps or other information showing streets, addresses, zoning districts, property owners, and other pertinent information.

7.4 Enforcement of floodplain regulations by City. Enforcement of floodplain regulations shall be by the City in accordance with its adopted regulations. A copy of approved floodplain development permits, as required by the City's floodplain regulations, shall be provided to the County.

8. RECORDS

8.1. Records maintenance. The County shall maintain records of Permits, beginning with the effective date of this Agreement, for a period of five years from the issuance date, unless this agreement is terminated sooner.

8.2. Permit activity reports. The County shall provide, if requested, quarterly reports to the City of permit activity in the City. The reports shall include the number and type of permits issued, and the valuation of the projects. Other information may be included in the reports as mutually agreed.

9. HOLD HARMLESS

The City of Mount Vernon shall hold harmless, indemnify, and defend all claims and suits for liability against Linn County and any of its employees arising as a result of any services performed by Linn County under this Agreement.

10. APPEALS

10.1. Appeals of determinations. Appeals of decisions or determinations of the Building Official relative to the application and interpretation of the *Construction Codes* shall be heard by the City's Building Board of Appeals

10.2. Written reports and determinations. The Building Official shall provide a written report to the Building Board of Appeals in advance of the hearing; the City shall provide written findings and decisions regarding the disposition of any appeal to the Building Official.

11. AMENDMENTS

Any portion of this Agreement may be amended at any time, as mutually agreed, by Resolution of the County Board of Supervisors and Resolution of the City Council.

12. DURATION OF AGREEMENT; TERMINATION

12.1. Continuation and termination of Agreement. This Agreement shall continue until terminated by either the County or the City. Either the County or the City may terminate this Agreement at any time by providing written notice at least three months prior to the termination date. Written notice shall be a certified copy of a resolution by the County Board of Supervisors or the City Council.

12.2. County not obligated after termination date. The County shall not be obligated to perform inspections after the termination date for permits that are applied for or issued prior to the termination date.

12.3 Partial refund of fees after termination date. Upon termination, fees collected for issued permits will be refunded on a prorated basis, as determined by the County Building Official, for the work completed and inspected.

13. EFFECTIVE DATE

The effective date of this Agreement is TBD.

City of Mount Vernon, Iowa

County of Linn, Iowa

Jamie Hampton, Mayor

John Harris, Chair
Linn County Board of Supervisors

Attest:

Chris Nosbisch, City Administrator

Joel Miller, Auditor

AGENDA ITEM # J – 3

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

DATE: August 20, 2018

AGENDA ITEM: Tobacco Violation

ACTION: Motion

SYNOPSIS: The owners of Chameleon’s Pub and Grill have elected to take the 30-suspension of the tobacco license in lieu of a fine.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: Police

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

**ORDER ACCEPTING
ACKNOWLEDGMENT/SETTLEMENT AGREEMENT
2nd VIOLATION**

Before the Mount Vernon City Council

IN RE:	:	Jero Inc (Chameleons Pub & Grub)
Jero Inc. (Chameleons Pub & Grub)	:	119 1 st St NW
119 1 st St NW	:	Mount Vernon, Iowa 52314
Mount Vernon, Iowa 52314	:	Order Accepting Acknowledgement/Settlement Agreement – Second Violation

On this 20th day of August, 2018 in lieu of a public hearing on the matter, the MOUNT VERNON CITY COUNCIL approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the CITY OF MOUNT VERNON.

Pursuant to the Agreement, IT IS THEREFORE ORDERED that a thirty (30) day cigarette permit suspension be executed against the above-captioned permittee effective August 21, 2018 for a violation that occurred on July 01, 2018. This sanction will count as a second violation of Iowa Code section 453A.2(1), pursuant to Iowa Code section 453A.22(2)(b).

Mayor, City of Mount Vernon

ACKNOWLEDGMENT/SETTLEMENT AGREEMENT
2nd VIOLATION

IN RE:
Jero Inc. (Chameleons Pub & Grub)
119 1st St NW
Mount Vernon, Iowa 52314

Jero Inc (Chameleons Pub & Grub)
1305 Ink Rd
Mount Vernon, Iowa 52314

ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

I (We) hereby knowingly and voluntarily acknowledge that we have received the Notice of Hearing and the Complaint in the above case. I (We) hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I (We) hereby knowingly and voluntarily waive hearing and submit to the statutory penalties prescribed by Iowa law. I (We) understand that the violation that occurred on July 01, 2018 will count as an official "Second Violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22. I (We) understand that the penalty for this second violation is a \$1,500.00 fine or a suspension of my (our) cigarette permit for 30 days, beginning on the date that will be specified in the official CITY order that I will receive. I (We) understand that in order to conclude this matter the MAYOR must approve this settlement agreement.

Paul M Jarabek Jr Paul M Jarabek Jr
Dated this 24 day of July, 20 18.

In accordance with Iowa Code Section 453A.22(2)(b), the above-captioned permittee chooses the following penalty:

\$1,500.00 fine
 30-day cigarette permit suspension

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by individual(s) who have authority to bind the entity.

If you decide to sign this ACKNOWLEDGMENT/SETTLEMENT AGREEMENT and waive your appearance at a hearing, this document, properly signed and dated as well as a check in-the amount of \$1,500.00 (if choice of penalty is fine) should be returned to:

Graham Carl, City Attorney
Simmons Perrine Moyer Bergman PLC
115 Third Street SE Suite 1200
Cedar Rapids, Iowa 52401-1266
(319) 366-7641

AGENDA ITEM # J – 4

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

DATE:	August 20, 2018
AGENDA ITEM:	Subdivision Ordinance Proposal
ACTION:	None

SYNOPSIS: Now that the zoning code is complete and under consideration for approval, staff would like to begin the review of the subdivision ordinance. The cost associated with the subdivision review and revision is \$9,774. Given the overall scope and size of both the zoning and subdivision ordinance, it was determined that running them through the process separately would be in the City's best interest. ECICOG is asking for eight months for project completion.

BUDGET ITEM: Operating Budget

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Proposal

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18



SCOPE OF SERVICES & SERVICE COST PROPOSAL

City of Mount Vernon Subdivision Ordinance Update

DATE: August 8, 2018
TO: City of Mount Vernon
FROM: Chad Sands, AICP 
Community Development Department Director

SECTION 1 Scope of Services

The City of Mount Vernon has requested a scope of service and service cost proposal for updating the city's subdivision ordinance. The following will be a framework for ECICOG to assist the city with the project.

At a minimum, the following elements will be incorporated in the process (specific elements will be formally acted upon during the planning process):

- 1) **Identify appropriate areas of the subdivision ordinance to be updated.** ECICOG will work closely with the city engineer, city staff and the Planning and Zoning Commission to establish appropriate sections of the ordinance to be updated. Proposed updates may include:
 - Ordinance format changes to facilitate ease of use;
 - Work with city engineer to see if required standards need to be changed;
 - Review new comprehensive plan to ensure consistency with ordinance.

- 2) **Identify appropriate additions to the subdivision ordinance.** Furthermore, ECICOG staff will work with the city engineer to establish possible additions to the ordinance. Proposed additions may be based on the city's comprehensive plan.

Mount Vernon Subdivision Ordinance Update	Hours	Hourly Rate	Total
Meetings with city staff throughout planning process (3 meetings at 2 hours each)	6	\$83	\$498
Meetings with city engineer throughout planning process (4 meetings at 2 hours each)	8	\$83	\$664
Meetings with Planning and Zoning Commission to work on the subdivision ordinance (7 meeting at 3 hours each)	21	\$83	\$1,743
Planning Commission public hearing and recommendation to the City Council @ 3 hrs.	3	\$83	\$249
City Council public hearing and adoption @ 3 hrs.	3	\$83	\$249
Subdivision Ordinance writing/preparation	32	\$83	\$2,656
Fee schedule review	6	\$83	\$498
Staff time for copying, binding ordinances for dissemination to City	16	\$83	\$1,328
Planning support services (printing, copying, travel, materials, postage, calls)	-	-	\$1,000
10% contingency	-	-	\$889
TOTAL PROJECT COST	95		\$9,774

* ECICOG reserves the right to move hours among planning elements
Hours for each meeting includes time for travel to and from the meeting

ECICOG will provide staff services to update the city's subdivision ordinance at a fee not to exceed **\$9,774.00**. This fee shall include the costs, as shown above, of traveling to meetings, printing drafts of the study, preparing hearing notices, preparing adoption materials, postage, and printing of the completed study.

Deliverables

- 20 bound copies of the adopted ordinance for the City
- 1 digital copy of each ordinance

Service Agreement

This Scope of Services and the Service Cost Proposal shall be attached and made part of any Service Agreement between the City and ECICOG.

AGENDA ITEM # J – 5

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

DATE:	August 20, 2018
AGENDA ITEM:	Filling the Council Vacancy
ACTION:	None

SYNOPSIS: Staff is asking Council to determine how they would like to proceed in filling the vacated Council seat. The options are to appoint an individual to the seat, or allow the seat to be filled during the next election. Please keep in mind that citizens can still petition for an election if the Council fills the vacancy by appointment. If the Council chooses to appointment, a public notice must be placed in the paper no less than four (4) but no more than twenty (20) days prior to the appointment.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

AGENDA ITEM # J – 6

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

DATE:	August 20, 2018
AGENDA ITEM:	Set Public Hearing Date
ACTION:	None

SYNOPSIS: The zoning ordinance update is complete and the Council can now set a public hearing on its adoption. Given the magnitude of the document, staff would ask that the Council set the public hearing date for September 17, 2018 at 6:30 p.m. Minor modifications have been made to the zoning map, so new copies will be provided at the council meeting.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: P&Z

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

AGENDA ITEM # J – 7

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

DATE:	August 20, 2018
AGENDA ITEM:	Alternative Council Date
ACTION:	None

SYNOPSIS: The first regularly scheduled City Council meeting for September will fall on the Labor Day holiday. Traditionally, the Council has moved the meeting to the Tuesday or Wednesday following the regularly scheduled meeting date.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

AGENDA ITEM # J – 8

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

DATE: August 20, 2018

AGENDA ITEM: Change Order #1

ACTION: None

SYNOPSIS: Upon excavating the 1st Street culvert, an un-anticipated concrete layer was found. The removal of this concrete, along with additional fill materials, will cause a \$3,870.55 increase in the total project cost. Formal change order documentation will be provided at the meeting. A picture showing the additional concrete layer has been provided for your review. I gave permission to the contractor to proceed with the changed scope in an effort to keep the project moving forward.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Change Order and Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18



VEENSTRA & KIMM, INC.

860 22nd Avenue, Suite 4 • Coralville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WATS)

August 17, 2018

CHANGE ORDER NO. 1

1st STREET W CULVERT REPLACEMENT PROJECT
MOUNT VERNON, IOWA

Change Order No. 1 is for the following modifications to the project:

1. Additional labor, materials and equipment to remove additional pavement encountered beneath roadway:			
a. Coring 6"	6 CY @ \$52.50/CY	\$	315.00
b. Concrete removal	612 SF @ \$4/SF	\$	2,448.00
c. Fill replacing concrete	29 Tons @ \$16.95/Ton	\$	491.55
d. Placing fill	29 Tons @ \$4/Ton	\$	116.00
e. Sawing	LS	\$	500.00
Total:			<u>\$ 3,870.55</u>

Change Order No. 1 increases the contract amount by \$ 3,870.55.

AVERY CONSTRUCTION

CITY OF MOUNT VERNON, IOWA

By _____

By _____

Title _____

Title _____

Date _____

Date _____

VEENSTRA & KIMM, INC.

ATTEST:

By  _____

By _____

Title Project Engineer

Title _____

Date 8/17/18

Date _____



VEENSTRA & KIMM, INC.

860 22nd Avenue - Suite 4 • Coralville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WA75)

August 17, 2018

Avery Construction
715 49th Street
Marion, IA 52302

MOUNT VERNON, IOWA
1st STREET W CULVERT REPLACEMENT PROJECT
CHANGE ORDER NO. 1

Enclosed are three copies of Change Order No. 1 that compensate Avery Construction for the additional removal of pavement encountered beneath the roadway.

We are recommending acceptance of Change Order No. 1 to the City of Mount Vernon for an increase in the contract amount of \$3,870.55.

Please sign all copies of the change order in the space provided. Forward all signed copies to the City of Mount Vernon.

If you have any questions or comments regarding the enclosed information, please contact us at 319-466-1000.

VEENSTRA & KIMM, INC.



Dave Schechinger
DRS:mmc
51324
Enclosures



VEENSTRA & KIMM, INC.

860 2nd Avenue - Suite 4 • Coralville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WA.I.S)

August 17, 2018

Chris Nosbisch
City Administrator
City of Mount Vernon
213 First Street West
Mount Vernon, Iowa 52314

MOUNT VERNON, IOWA
1st STREET W CULVERT REPLACEMENT PROJECT
CHANGE ORDER NO. 1

Enclosed is one copy of Change Order No. 1. We recommend acceptance of Change Order No. 1 for an increase in the contract amount of \$3,870.55.

By separate cover we have forwarded three copies of Change Order No. 1 to Avery Construction for signature and return to the City of Mount Vernon.

Please sign all copies of the change orders forwarded to you by Avery Construction in the spaces provided and return one signed copy to our office and one copy to Avery Construction.

Should you have any questions or comments concerning the enclosed information, please contact us at 319-466-1000.

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read 'D. Schechinger', is written over a faint, larger version of the signature.

Dave Schechinger
DRS:mmc
51324
Enclosure





AGENDA ITEM # J-9

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

DATE: August 20, 2018

AGENDA ITEM: Lease

ACTION: None

SYNOPSIS: The four (4) acre city owned property (designated for park space) in the Stonebrook subdivision has been farmed by the Stoner family until this year. Once the Stoners sold the remaining acres to Bryce Rickleff, the property was no longer being maintained. Staff has approached a local resident about maintaining the property for the City until such time as the space is improved by the City. Staff would propose a three year lease that requires the leasee to pay \$1/acre for the first year, and \$75 per acre the second and third year. The leasee would mow the parcel the remainder of this year and seed the property for hay in the spring. There is cost associated with the mowing and seeding is the reason for the first year payment terms. The City does not have the equipment to properly maintain these areas.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Map

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/17/18

K. Reports-Received/File



Council:

**Eric Roudabush
Marty Christensen
Scott Rose
Tom Wieseler
Stephanie West**

**Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police**

Jamie A. Hampton, Mayor

JULY 2018
POLICE REPORT

Vehicle Collisions

There were 5 reported collisions in July. The first occurred in the 300 block of 1st Ave N when a semi travelling north, experienced a malfunction on the swing gate latch, causing the rear gate to swing open and striking a electrical pole, breaking the pole, and suspending the line across traffic. Damage was estimated at \$1,600, and no injuries were reported. The second collision occurred at the intersection of Hwy 30 & Virgil Ave when a vehicle stopped at the stop sign on Virgil Ave failed to yield right of way from the stop sign. This vehicle was attempting to make a left turn onto Hwy 30 and pulled out in front of a vehicle that was eastbound on Hwy 30. Damage was estimated at \$13,000 and no injuries were reported. The third collision occurred in the 100 block of 1st Ave N. This collision occurred when a vehicle was stopped waiting to make a left turn into the North City Parking lot. While stopped waiting for traffic to clear, a vehicle failed to stop in assured clear distance and rear ended the vehicle behind her and pushing that vehicle into the vehicle waiting to turn. Damage was estimated at \$2,500 and no injuries were reported. The fourth collision occurred in the 700 block of 1st avenue N when a vehicle pulling out of Neal’s Water Conditioning parking lot, failed to yield right of way to a vehicle that was northbound on 1st Ave N. Damage was estimated at \$20,000 and no injuries were reported. The fifth collision occurred in the 300 block of 3rd Street SE when a vehicle backing out of a driveway collided with a fire hydrant, causing damage below ground requiring repair. Damage was estimated at \$1,250 and no injuries were reported.

Incidents/Arrest

There were 18 reported incidents in July. Incidents include providing tobacco to a minor (retailer), suicide threat, check fraud, driving under suspension, assault domestic abuse – impeding airway, OWI, driving while barred, counterfeit currency (x2), public intoxication, serving alcohol after hours, found property, and an arrest warrant.

The incidents resulted in 5 arrests for July. Arrest were made for: OWI, Assault Domestic Abuse -Strangulation (x2), driving while barred, public intoxication, open container of alcohol, and arrest warrant for driving while barred was served.

Community Service:

- Officers assisted with Heritage Days events; No arrests or issues related to Heritage Days events were reported.
- Chief Shannon met with Cornell Campus Safety Director regarding upcoming Safety Fair at Cornell the week of September 24-28.

Training: N/A



**Mount
Vernon**
IOWA

Council:

**Eric Roudabush
Marty Christensen
Scott Rose
Tom Wieseler
Stephanie West**

**Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police**

Jamie A. Hampton, Mayor

GTSB:

Officers worked 33.5 hours of STEP in July. This enforcement effort resulted in 1 OWI contact, 14 speed violations, 1 improper passing, 1 stop sign violation, 2 drivers license violations, 1 suspended/revoked driver, 2 registration violations, 6 other violations, 12 equipment violations, 12 insurance violations, 1 motorist assist, 1 canine interdiction search.

Officers conducted a seatbelt survey on 7/28/2018 showing 145 of the 153 occupants were belted, showing that 95% of motorists follow Iowa seatbelt laws.

Additionally, grant funding was submitted for the purchase of a WatchGuard 4RE Patrol video system for the K9 vehicle. GTSB funded \$4,500 of the \$6,441 system.

Chief Shannon met with the GTSB Contract Administrator on July 18th. Our contract efforts are in compliance, and the administrator was pleased with our efforts and management of the contract requirements. Our department was awarded another GTSB contract for next Fiscal Year, which begins October 1st, 2018. The contract amount is \$8,600. (\$8,000 of overtime enforcement hours; \$500 Training related travel; \$100 in overtime for educational programs).

LISBON (28E Contracted Services):

Per the 28E agreement our department provided the following service to Lisbon in July 2018:

- Patrol: 1,957 minutes
- Calls for service: 593 minutes (20 calls for service)
- Administrative time: none

Total time for June: 42.5 hours x \$40/hr. = \$1700.00

Lisbon was invoiced for May-July 2018. Total invoice for the quarter was \$5,224.67.

Respectfully Submitted,

Chief of Police



**Mount
Vernon**
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Marty Christensen
Scott Rose
Tom Wieseier
Stephanie West

Public Works Report
8/20/18

Streets

Crews fixed two problem areas of curb line on 2nd Avenue SW. Both areas had separate work request for similar issues. Crews were able to remove and replace curb at both sites.

Seal Coat

LL Pelling finished the seal coating projects for this season. City crews will sweep the excess chips off of the streets once most of the chips have been completely settled by traffic. Crews have removed the loose chips from the adjacent intersections.

ROW Trees

Crews addressed two smaller Maple Trees in the right of way that had a work request for removal. While Total Tree Care of Iowa City removed roughly 10 right of way trees in various locations. City crews will attempt to replace some of the trees in the right of way where we feel a replacement tree would thrive.

Spring Meadows/Stonebrook Additions

The Stonebrook addition first phase has the sanitary sewer installed, and crews have begun installation of the watermain. The Spring Meadows addition street intersections have been poured the storm inlets are still remaining but are expected to be completed in the coming weeks.

Education

I have begun taking the CPM program at Drake University. The class meets once a month and varies from a 2-day session to a 3-day session. Solon's public works director is also in the program so he and I are able to carpool each month.



Parks and Recreation Department
Directors Report
July 15 2018 -August 15 2018

Parks

- ***Nick Nissen and I will be meeting soon to discuss Park and Rec Fall projects.***
- ***We hope to visit home owners this week in regard to the new trail option we discussed at Council on August 6th.***
- ***I was approached by an individual who wants to host a Disc Golf Tournament for beginners at our Quarry Ridge Disc Golf Course. We are still working out details, but looks like Sept 30th would be the date.***

Sports

- ***Flag Football and Fall Soccer practices will begin week of August 27th and games will begin weekend of September 8th.***
- ***Football Buddies will start September 15th.***

Pool

- ***The pool use has been pretty steady. Some colder temperatures have caused the pool to close a couple of times early due to not meeting our minimum attendance requirements.***
- ***Pool Theme nights and Movie nights are well attended.***
- ***Pool Triathlon took place on July 16th. A total of 17 participants competed and showed some great final times in the events.***

Misc

Events and Classes

- ***Lego Robotics started their team practices the weekend of August 8th. We will have two teams again this year.***

M. Reports Mayor/Council/Admin.

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
August 20, 2018**

- IMWCA (Workers Comp Insurance) recently conducted a safety review of the City facilities. I have included correspondence from Brad Chrisman regarding the City's efforts the past couple of years. I cannot say enough about all members of my staff, and their willingness to go the extra mile for the community.
- Safety upgrades to City Hall will begin over the weekend, and last through the month of September.
- Heather has been reviewing the sidewalk program documents from the NW quadrant. The current plan is to complete inspections of the NE quadrant this fall and begin improvements in the spring. Additionally, with Heather on staff, the City has been able to place a higher emphasis on nuisance enforcement over the last couple of weeks.
- The Auditors were here the week of August 13th to complete additional research and interview staff.

August 16, 2018

Chris Nosbisch
City Administrator
Mount Vernon
213 First Street NW
Mount Vernon, Iowa 52314-9998

Dear Chris Nosbisch:

On August 14, 2018, I conducted a site visit of Mount Vernon. During the course of our site visit I was pleased to see that your facilities were in good order and that no safety issues were found. You and all your staff are to be commended for your efforts in providing a safe and healthy work environment.

We would like to thank you for your membership with IMWCA and look forward to continued service.

Samples of safety programs can be found at www.imwca.org.

Thank you for your efforts in making Mount Vernon a safer place to work.

Sincerely,



Brad Chrisman
Loss Control Representative