

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:	November 6, 2017 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	November 3, 2017

Mayor:	Jamie Hampton	City Administrator:	Chris Nosbisch
Mayor Pro-Tem:	Marty Christensen	City Attorney:	Robert Hatala
Councilperson:	Paul Tuerler	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
2. Emily Upah – Alliant Energy
3. Matt Siders – Recognition of Evan Tvedt – Eagle Scout

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 – October 16, 2017 Regular Council Meeting
2. Approval of Liquor License – Pizza Palace
3. Accept Letter of Resignation – Kirk Wischmeyer, Library Board
4. Promotion of Donald Fedderson – Operator 3

E. Public Hearing

1. Public Hearing on a Proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan in the City of Mount Vernon, State of Iowa

F. Ordinance Approval/Amendment

1. Ordinance #11-6-2017A: An Ordinance for the Division of Revenues Under Iowa Code Section 403.19 for Amendment No. 5 to the Mount Vernon Urban Renewal Plan

G. Resolutions for Approval

1. Resolution #11-6-2017A: Determining the Area of the City to be a Blighted and Economic Development Area, and that the Rehabilitation, Conservation, Redevelopment, Development or a Combination Thereof, of Such Area is Necessary in the Interest of the Public Health, Safety or Welfare of the Residents of the City: Designating Such Area as Appropriate for Urban Renewal Projects: and Adopting the Amendment No. 5 to the Mount Vernon Urban Renewal Plan

2. Resolution #11-6-2017B: Fixing a Date for a Meeting on the Proposition of the Issuance of not to Exceed \$5,500,000 General Obligation Bonds of the City of Mount Vernon, State of Iowa (for Essential Corporate Purposes), and Providing for Publication of Notice Thereof
3. Resolution #11-6-2017C: Approving the Disposal of Municipal Property

H. Mayoral Proclamation

1. None

I. Old Business

1. None

J. Motions for Approval

1. Consideration of Claims List – Motion to Approve
2. Discussion and Consideration of Engagement Agreement for Bond Counsel on the Issuance of \$5,500,000 in General Obligation Notes – Council Action as Needed
3. Discussion and Consideration of 2017 Sidewalk Improvements Quotation - Council Action as Needed
4. Discussion and Consideration of Cost Estimates for the Installation of Street Lights on 2nd Ave. SE – Council Action as Needed
5. Discussion and Consideration of By-Pass Steering Committee Representation – Council Action as Needed

K. Reports to be Received/Filed

1. None

L. Discussion Items (No Action)

1. Fireworks
2. Budget Parameters

M. Reports of Mayor/Council/Administrator

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

N. Closed Session – Pursuant to Chapter 20, Exempt Session for Employee Relations

O. 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 October 16, 2017 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Wieseler, Tuerler and Rose. Absent: Christensen.

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

Agenda Additions/Agenda Approval. Mayor Hampton noted that everyone received a revised copy of Resolution #10-16-2017A, which had a corrected date from what was in the packet. Motion made by Tuerler, seconded by Wieseler to approve agenda. Carried all. Christensen absent.

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

Approval of City Council Minutes – October 2, 2017 Regular Council Meeting

Approval of Liquor License – Lincoln Winebar

Approval of Liquor License – Mount Vernon Creates

Appoint Jay Willems - Planning and Zoning Commission

Appointment Renewals: Planning and Zoning Commission: Jenna Wischmeyer (2022); Board of Appeals (alternatives): Dean Borg (2018), Nor Meyer (2018); Assistant Building Officials: Loren Conley (2018), Joel Wolfe (2018); Historic Preservation Commission: Mary Evans (2020), Pat Westercamp (2020), Hugh Lifson (2020), Leah Rogers (2020); Board of Adjustment: Roch Player (2020), Lori Boren (2020), Wade Squiers (2020).

Resolutions for Approval

Resolution #10-16-2017A: Approving the Annual Financial Report for FY 2017. Motion made by Tuerler, seconded by Rose to approve Resolution #10-16-2017A. Roll call all yes. Christensen absent.

Resolution #10-16-2017B: Approving the Preliminary Plat of Stonebrook – 6th, 7th, 8th, 9th, and 10th Additions Subdivision. City Administrator Nobsch explained that Planning and Zoning had reviewed this plat two times and had two public hearings. It was approved by Planning and Zoning at their last regular meeting. The developer went back with the engineers and revamped the layout. There are now two cul-de-sacs in the plan and the park space is back in its original space. The plats that were provided to Council tonight showed the two trail extensions that were part of Planning and Zoning's condition of approval. There are almost 17 acres set aside for storm water and green space and the wet pond has been removed. Motion made by Tuerler, seconded by Roudabush to approve Resolution #10-16-2017B. Roll call all yes. Christensen absent.

Resolution #10-16-2017C: Approving the Design Standards for the City of Mt. Vernon as Defined in Chapter 166.05 Definitions of the Mt. Vernon Subdivision Regulations. Nobsch explained the Mount Vernon's subdivision code outlines Public Improvement Design Standards but the City has never adopted any. This resolution would allow the City to follow the Statewide Urban Design and Specifications and would be specific to public infrastructure items such as pavement standards, sizing of sewer and water and location of hydrants. Motion made by Rose, seconded by Tuerler to approve Resolution #10-16-2017C. Roll call all yes. Christensen absent.

Motions for Approval

Consideration of Claims List – Motion to Approve. Motion made by Tuerler, seconded by Wieseler to approve claims list. Carried all. Christensen absent.

AHLERS & COONEY P.C.	UR PLAN AMENDMENT #5-P&A	399.00
AIRGAS INC	CYLINDER RENTAL FEE-PW	55.80
ALLIANT	ENERGY USAGE-FD	220.68
ALLIANT	ENERGY USAGE-ST LIGHTS	80.06
ALLIANT	ENERGY USAGE-P&REC	25.19
ALTORPHER INC	GEN MAINT-SEW	244.72
ARAMARK	RUGS-FD	64.21
ARAMARK	RUGS-FD	64.21
BARNYARD SCREENPRINTING	UNIFORMS-PW	435.00
BAUER BUILT	TIRES (4)-PW	604.60
BAUER BUILT	TIRES (4)-PW	521.56
BAYMONT INN & SUITES	TRAINING-PD	246.40
BRADY LANHAM	CAR CHARGING STATION INSTALL	625.00
BRIAN CHAMPEAU	PRO-RATED CELL PHONE STIPEND-PW	180.00
CADEN ESKELSEN	REFEREE-P&REC	105.00
CAMPBELL SUPPLY	DRILL SET-RUT	299.00
CAREPRO	SUPPLIES-P&A	7.96
CARPET KING INC	CARPET/POOL OFFICE	304.31
CARQUEST OF LISBON	VEHICLE MAINT-PD,PW	280.96
CENTURY LINK	PHONE CHGS-P&A	216.76
CENTURY LINK	PHONE CHGS-SEW	64.63
CENTURY LINK	PHONE CHGS-PD	46.07
CENTURY LINK	PHONE CHGS-WAT	36.55
CENTURY LINK	PHONE CHGS-RUT	35.25
CENTURY LINK	PHONE CHGS-POOL	26.08
CHRISTIAN ANDREWS	PRO-RATED CELL PHONE STIPEND-PW	180.00
CR/LC SOLID WASTE	RR TIE DISPOSAL-SW	105.85
CUMMINS SALES AND SERVICE	GEN MAINT-SEW	802.26
CUMMINS SALES AND SERVICE	GEN MAINT-SEW	158.09
DEAN SMYTH	PRO-RATED CELL PHONE STIPEND-PW	180.00
DONNY FEDDERSON	PRO-RATED CELL PHONE STIPEND-PW	180.00
DUANE'S SERVICE	TIRE REPAIR-PD	20.00
EVER GREEN	MULCH-FD	638.00
FRANCESCA THOMPSON	CLEANING SERVICE-P&A	60.00
GALLS INC	UNIFORMS-PD	142.50
GALLS INC	UNIFORMS-PD	38.70
HAWKEYE READY MIX	ROAD MAINT-ST WAT	225.15
IOWA LEAGUE OF CITIES	BUDGET WORKSHOP-ALL DEPTS	135.00
IOWA SOLUTIONS INC	PATCH MANAGEMENT-PD	27.00
IOWA WTER EMVIRONMENT ASSOC	CONFERENCE-WAT	60.00
JAMIE PARKER	REFEREE-P&REC	120.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOENA'S SPECIAL NEEDS	UNIFORMS-PD	10.00
JORDAN AXTELL	REFEREE-P&REC	240.00
KAYDEN PENDERGRASS	REFEREE-P&REC	120.00
KONICA MINOLTA BUSINESS SOLUTIONS	MAINTENANCE PLAN/COPIES	719.06
KURT PISARIK	PRO-RATED CELL PHONE STIPEND-PW	180.00
LINN COUNTY PLANNING & DEV	BLDG PERMIT FEES/INSPECTIONS	1,270.00
LISBON AUTO BODY	JD TRACTOR ROOF-RUT	700.00
LYNCH FORD	ALIGNMENT,SHOCKS,STRUTS,OIL CHG-SEW	1,415.32
LYNCH FORD	SOCKET ASSY-PD	369.06

MEDIACOM	PHONE/INTERNET CHGS-P&REC	160.90
MIDLAND GIS SYSTEMS INC	UR MAP-P&A	250.00
MIDWEST SAFETY COUNSELOR	INSTRUMENT CALIBRATION-FD	30.00
MOORE MEDICAL CORP.	CPR MASKS-RUT	170.51
MV ACE HARDWARE	SUPPLIES-ALL DEPTS	1,235.34
NATHAN GOODLOVE	FIRE CHIEF PAY-FD	416.67
NEAL'S WATER CONDITIONING SERVICE	WATER/SALT-RUT,P&A	80.55
NOLAN HINRICHS	REFEREE-P&REC	120.00
NORTHWAY CORP	CHLORINATE WELL #5-WAT	2,250.00
P&K MIDWEST INC	GEN MAINT-SEW	77.67
PAYROLL	CLAIMS	57,855.27
REPORTING SYSTEMS INC	SOFTWARE-FD	1,637.50
SAM KRINGLEN	REFEREE-P&REC	240.00
STATE HYGENIC LAB	TESTING-SEW	3,125.00
STORM STEEL	CHIP BOX-S/W	39.77
TECHNICOM COMMUNICATIONS SYSTEMS	DATA CABLE INSTALLATION-P&A	203.75
TREASURER STATE OF IOWA	SALES TAX	4,798.00
UNITED STATES POSTAL SERVICE	METER POSTAGE-ALL DEPTS	2,000.00
WAPSI WASTE SERVICE	RECY-SW	630.04
WENDLING QUARRIES	RAIN GARDEN-FD	437.09
WENDLING QUARRIES	RAIN GARDEN-FD	48.22
	TOTAL	89,151.27

Discussion and Consideration of Pay Estimate #4 (final) for 10th and Palisades Intersection Improvements – Horsfield Construction, Inc. - Council Action as Needed. Nobsisch explained that this is the last pay application in the amount of \$9,796.47. Motion made by Tuerler, seconded by Roudabush to approve Pay Estimate #4. Carried all. Christensen absent.

Reports to be Received/Filed

Mt. Vernon Police Report. There were three reported collisions in September as well as 29 incidents. Chief Shannon and Officer Gehrke partnered with Linn County Attorney's Office and Mount Vernon Community Schools conducting online social media safety. The Mount Vernon Police Department hosted the Linn County Crime Stoppers meeting at Mount Vernon City Hall on September 19, 2017. Mount Vernon officers provided the following services to Lisbon per the 28E agreement: 2010 minutes of patrol, 490 minutes of calls for service and 115 minutes of administrative time.

Mt. Vernon Public Works Report. Crews have started to mitigate issues with drainage on the north side of the fire station. Field E at Elliott Park has had new lime placed. Davis Park received a new batting cage frame. A new dock has been installed at Nature Park. Four staff members attended Snow Plow Operator Training in Cedar Rapids and Nissen attended the fall APWA conference.

Mt. Vernon Parks and Rec Report. Thank you to Evan Tvedt for his work on the new dock at Nature Park as part of his Eagle Scout project. Flag football season has concluded and fall soccer has had one rain out. The 2017 end of season pool report will be shared at the Parks and Recreation board meeting on October 17th. Magical Night is November 30th.

Discussion Items (No Action)

Fireworks. Nobsisch provided Council with demographic information from the University of Iowa showing injury data since the new fireworks legislation. There is a poll on the Sun newspaper website and as of today 47% said they didn't want fireworks at all, 24% said leave the law alone and the rest said they were ok but make some changes. There have been approximately a dozen individuals that have voiced concerns to City Hall about fireworks. Nobsisch is asking for direction on how Council would like to proceed with the

current ordinance. Fireworks is currently listed in the nuisance ordinance and that needs to be rectified at some point. We would either eliminate that section altogether and reference state code or create new ordinances if significant changes are needed. The study provided shows that accidents are up but locally the complaints received had mostly to do with animals, debris and fireworks being done after the allowed hours. Nosbisch said the issue with fireworks in general will be enforcement. Roudabush felt that the accident study could be flawed and previous year's statistics were maybe not logged as actual fireworks accidents. He would like to see more year's data. Rose said that the Sun poll showed the majority of those that voted were against fireworks and felt that just because only a few people had actually voiced concern was not a reason to do nothing. Tuerler said that every night for a month there were fireworks going off near his house and the type of fireworks being used in a traditional residential neighborhood concerns him. He said there are young kids and animals effected and it is unreasonable to him to put people through that. He recommended that no change be made the first year so Council could see what it was like but after seeing what he did, he recommends a complete ban. Nosbisch said he would verify with the City Attorney but if fireworks was removed specifically from the nuisance code and did nothing else it would revert to State code and any infractions would be handled as a police issue and not a nuisance. No action was taken but Mayor Hampton urged Council members to give it some thought and reach out to Chris Nosbisch with any input.

Reports of Mayor/Council/Administrator

Mayor's Report. The Mayor held a question and answer session on Saturday, October 14, 2017 and had a good turnout. This could possibly be done on a regular basis in the future.

Council Reports. Rose and Wieseler noted the number of solar panels going up in the community.

City Administrator's Report. Nosbisch reported that sidewalk bids were in and the City Attorney is working on the final paperwork for residents to sign. He will be out of the office all next week. The City's health insurance renewal increase will be approximately 15.42%.

As there was no further business to attend to the meeting adjourned, the time being 7:17 p.m., October 16, 2017.

Respectfully submitted,
Marsha Dewell
Deputy Clerk

Marsha Dewell

From: Licensing@IowaABD.com
Sent: Friday, August 11, 2017 2:33 AM
To: Marsha Dewell
Cc: Licensing@IowaABD.com
Subject: [POSSIBLE SPAM] Liquor License Renewal Sent

The following licensees will expire in 70 days. Iowa law states that all licensees must receive a 60 day renewal reminder. In order to comply with Iowa law, the local authority must mail the licensees listed below a renewal reminder within the next 10 days.

License #	License Status	Expiration Date	Business Name
BB0029316	Renewal Sent	10/19/2017	Mt Vernon Pizza Palace, LLC (106 1st St. W Mount Vernon

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

For assistance by email contact Licensing@IowaABD.com

Kirk Wischmeyer

1420 – 6th St SW, Mount Vernon, IA 52314
(319) 389-8620
kirkwischmeyer@hotmail.com

September 11, 2017

Cathy Boggs
Cole Public Library Director

Dear Cathy,

It is with regret that I am writing to inform you that I am resigning my position on the public library board of trustees, effective immediately.

I have had a change of schedule and will no longer be able to attend the board meetings, and I feel it is best for me to make room for someone with the time and energy to devote to the job.

It has been a pleasure being a part of the board, and I have no doubt the board will continue to have success in the future.

Warm regards,

Kirk Wischmeyer



**Mount
Vernon**
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

Dear Honorary Mayor and Council,

Donald Fedderson has been on the Public Works Staff now for 2 years working directly under my supervision. Donald is currently an Operator 2 for the city. The leadership and workmanship that Donald has demonstrated is in line with what the city would expect out of an Operator 3.

Donald has the ability to run every piece of equipment the city owns. He is one of two employees with the ability to run an excavator in and around utilities. He also possesses certain mechanical skills that set him apart from his co-workers. This past summer the street department went from 6 full time employees to 4, during that time Donald stepped up and became the leader of the staff. He would help direct the summer employees along with make decisions in the field for the full-time employees.

Donald is a valuable asset to the city, his leadership and mechanical skills, along with exceptional operating skills, make Donald in my opinion a candidate to be an operator 3 before the normal five year waiting period.

I recommend him for a promotion without reservation. I would be happy to discuss any further information with you or answer any questions you may have.

Nick Nissen
Public Works Director
319-480-2663
nnissen@cityofmtvernon-ia.gov

E. Public Hearing

AGENDA ITEM # E – 1 & G – 1

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

DATE:	November 6, 2017
AGENDA ITEM:	Public Hearing – Urban Renewal Amendment No. 5 (#11-6-2017A)
ACTION:	Motion

SYNOPSIS: This is the time set for the public hearing and possible approval of the resolution adopting amendment #5 to the Mt. Vernon urban renewal plan. This amendment incorporates the proposed Community/Recreation Center and removes the proposed subdivisions (Stonebrook and Spring Meadows) from the original adopted area. New plans will be adopted for each of the subdivisions in order to keep their TIF allocations within the boundaries of each location.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None – Proceed to G-1

ATTACHMENTS: None – See G-1 Resolution and Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

F. Ordinance Approval/Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NOS. 9-20-93A, 11-15-93A, 5-23-93A, and 6-5-2006A, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED MOUNT VERNON URBAN RENEWAL AREA, IN THE CITY OF MOUNT VERNON, COUNTY OF LINN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF MOUNT VERNON, COUNTY OF LINN, MOUNT VERNON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE AMENDED MOUNT VERNON URBAN RENEWAL AREA (AMENDMENT NO. 5 TO THE MOUNT VERNON URBAN RENEWAL PLAN)

WHEREAS, the City Council of the City of Mount Vernon, State of Iowa, has heretofore, in Ordinance Nos. 9-20-93A, 11-15-93A, 5-23-93A, and 6-5-2006A, provided for the division of taxes within the Mount Vernon Urban Renewal Area ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, territory now has been removed from the Mount Vernon Urban Renewal Area through the adoption of Amendment No. 5 to the Mount Vernon Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Mount Vernon Urban Renewal Area, and the continuing needs of redevelopment within the amended Mount Vernon Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Mount Vernon Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

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

Ordinance Number(s) 9-20-93A, 11-15-93A, 5-23-93A, and 6-5-2006A are hereby amended to read as follows:

Section 1. For purposes of this Ordinance, the following terms shall have the following meanings:

a) Original Area shall mean that portion of the City of Mount Vernon, State of Iowa, described in the Urban Renewal Plan for the Mount Vernon Urban Renewal Area approved by Resolution No. 9-20-93B on the 30th day of September, 1993, which Original Area includes the lots and parcels located within the area legally described as follows:

The boundaries of the Mount Vernon Urban Renewal District as originally adopted include the entire area within the corporate limits except that area described as follows:

Beginning at the intersection of South 5th Avenue and Palisades Road; then east on Palisades Road and 7th Street vacated to 1st Street; then northwest on 1st Street to A Avenue; then southwest on A Avenue to South 2nd Street; then northwest on South 2nd Street to 3rd Avenue; then northeast on 3rd Avenue to North 2nd Street; then southeast on North 2nd Street to A Avenue; then northeast on A Avenue to North 3rd Street; then southeast on North 3rd Street to the vacated Mount Vernon Short Line Right-of-Way; then northeast on the vacated Mount Vernon Short Line Right-of-Way; to North 7th Street East; then northwest on North 7th Street East to North 1st Avenue; then northeast on North 1st Avenue to the Chicago and Northwestern Railroad Right-of-way; then west on the Chicago Northwestern Railroad Right-of-Way to 1st Street; then southeast on 1st Street to 10th Avenue; then south on 10th Avenue to College Boulevard; then southeast on College Boulevard to South 5th Avenue; then south on South 5th Avenue to the point of beginning.

b) Amendment No. 1 Area shall mean that portion of the City of Mount Vernon, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Mount Vernon Urban Renewal Area approved by Resolution No. 5-23-94B on the 23rd day of May, 1994, which Amendment No. 1 Area adds the lots and parcels located within the area legally described as follows:

Beginning at the intersection of the CNW Railroad right-of-way and 1st Avenue North (Hwy. 1); then southwest along 1st Avenue North (Hwy. 1) to Cass Street; then west on Cass Street to 2nd Avenue North; then southwest on 2nd Avenue North to North 7th Street; then northwest on North 7th Street to Park Avenue; then north on Park Avenue extended to the CNW Railroad right-of-way; then east on the CNW Railroad right-of-way to the point of beginning;

and

Beginning at the intersection of the CNW Railroad right-of-way and 8th Avenue North; then south on 8th Avenue North to 1st Street West; then northwest on 1st Street West to the CNW Railroad right-of-way; then east on the CNW Railroad right-of-way to the point of beginning.

The areas include the full right-of-way of all streets forming their boundaries.

c) Amendment No. 2 Area shall mean that portion of the City of Mount Vernon, State of Iowa, described in Amendment No. 2 to the Urban Renewal Plan for the Mount Vernon Urban Renewal Area approved by Resolution No. 6-5-2006C on the 5th day of June, 2006, which Amendment No. 2 Area adds the lots and parcels located within the area legally described as follows:

That portion of the City, consisting primarily of the older residential areas, that was not included in the original Urban Renewal Area or in the area added as a result of Amendment #1.

With the adoption of this Amendment #2, the entire City will be included in the Mount Vernon Urban Renewal Area.

d) Amendment No. 3 did not add or remove land from the Urban Renewal Area.

e) Amendment No. 4 did not add or remove land from the Urban Renewal Area.

f) Amendment No. 5 Area shall mean that portion of the City of Mount Vernon, State of Iowa, described in Amendment No. 5 to the Urban Renewal Plan for the Mount Vernon Urban Renewal Area approved by Resolution No. _____ on the 6th day of November, 2017, which Amendment No. 5 Area removes the lots and parcels located within the area legally described as follows:

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE MOUNT VERNON URBAN RENEWAL AREA AND PLACED IN THE STONEBROOK URBAN RENEWAL AREA:

Lot 2, Cornell College Second Addition in the City of Mount Vernon, Linn County, Iowa excepting therefrom the following: Stonebrook First Addition to City of Mount Vernon, Linn County, Iowa, Stonebrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook Fourth Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook 5th Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook First Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Parcels A and B, Plat of Survey #1392 as recorded in Book 6557 Page 508 of the records of the Linn County, Iowa Recorder on December 28, 2006, Parcel A, Plat of Survey #1588 as recorded in Book 7532 Page 551 of the records of the Linn County, Iowa Recorder on February 18, 2010. Said tract of land contains 60.86 acres and is subject to easements and restrictions of record.

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE MOUNT VERNON URBAN RENEWAL AREA AND PLACED IN THE SPRING MEADOW URBAN RENEWAL AREA:

NE 1/4 NE 1/4 of Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company except the West 326.4 feet thereof

And

That part of the West 326.4 feet of the NE 1/4 NE 1/4 Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company which lies southerly of the right-of-way of the Mount Vernon Short Line Railway Company

Except a tract described as follows:

Commencing at a point in the South line of the right-of-way of the Chicago & Northwestern Railroad Company, 326.4 feet East of the West line of NE 1/4 NE 1/4 of Section 10-82-5; thence South 65 1/2 feet; thence West 200 feet to a point on the SE-LY line of the right-of-way of the Mount Vernon Short Line Railway Company; thence NE-LY along the SE-LY line of the right-of-way of the Mount Vernon Short Line Railway Company to its intersection of the South line of said right-of-way of the Mount Vernon Short Line Railway Company with the South line of the right-of-way of the Chicago & Northwestern Railroad Company; thence Easterly along the Southerly line of the right-of-way of the Chicago & Northwestern Railroad Company to the point of beginning.

And further excepting a tract described as follows:

Commencing at the Northeasterly corner of the follow described parcel of land, to-wit:

Commencing at a stone 30 feet north of the Southwest corner of the NE 1/4 NE 1/4 of Section 10-82-5; thence East 122 feet; thence North 239 feet and 8 inches to the Mount Vernon Short Line Railway; thence Southwesterly along the Mount Vernon Short Line Railway to the quarter section line; thence South to the point of beginning; thence Southwesterly along the Southeasterly line of the right-of-way line of the Mount Vernon Short Line Railway Company to the point of intersection of said Southeasterly line with the Westerly line of the NE 1/4 NE 1/4 of said Section 10-82-5; thence South along said West line to a point which is 50 feet Southeasterly (when measured at right angles to said right-of-way line) of said Southeasterly right-of-way line; thence Northeasterly along a line parallel to and 50 feet distant from the said Southeasterly right-of-way line (when measured at right angles to said right-of-way line) to an intersection with the Easterly line of the parcel of land as heretofore described in locating the starting point of this tract; thence Northerly to the point of beginning.

And further excepting

The South 30 feet of the West 326.4 feet of said NE 1/4 NE 1/4 Section 10-82-5

And

SE 1/4 NE 1/4 Section 10-82-5

And

The North 9 1/2 acres of the NE 1/4 SE 1/4 of Section 10-82-5
All of the above being in Linn County, Iowa.

g) Amended Area shall mean that portion of the City of Mount Vernon, State of Iowa, included within the Original Area, the Amendment No. 1 Area, and the Amendment No. 2 Area, except the portion removed by Amendment No. 5, which Amended Area includes the lots and parcels located within the area legally described in subparagraphs (a)-(f).

Section 2. The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Linn, Iowa, Mount Vernon Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3. As to the Original Area (less the Amendment No. 5 Area), that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Area (less the Amendment No. 5 Area) upon the total sum of the assessed value of the taxable property in the Original Area (less the Amendment No. 5 Area) as shown on the assessment roll as of January 1, 1992, being the first day of the calendar being January 1 of the calendar year preceding the effective date of Ordinance Nos. 9-20-93A and 11-15-93A, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1993, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 5-23-93A.

As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2005, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 6-5-2006A.

Section 4. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Mount Vernon, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa,

incurred by the City of Mount Vernon, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

Section 5. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Mount Vernon, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Area (less the Amendment No. 5 Area), the Amendment No. 1 Area, and the Amendment No. 2 Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Nos. 9-20-93A, 11-15-93A, 5-23-93A, and 6-5-2006A. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Urban Renewal Area, as amended, shall be construed to continue the division of taxes from property within the Amended Area to the maximum period of time allowed by Section 403.19 of the Code of Iowa. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

Section 8. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

Read First Time: _____, 2017

Read Second Time: _____, 2017

Read Third Time: _____, 2017

PASSED AND APPROVED: _____, 2017.

I, _____, City Clerk of the City of Mount Vernon, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2017, signed by the Mayor on _____, 2017, and published in the Mount Vernon-Lisbon Sun on _____, 2017.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)

01410661-1\13932-029

G. Resolutions for Approval

RESOLUTION NO. _____

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AND ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 5 TO THE MOUNT VERNON URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 9-20-93D, adopted September 20, 1993 this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Mount Vernon Urban Renewal Plan (the "Plan") for the Mount Vernon Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Linn County; and

WHEREAS, by Resolution No. 5-23-94B, adopted May 23, 1994, the Plan was amended by Amendment No. 1; and

WHEREAS, by Resolution No. 6-5-2006C, adopted June 5, 2006, the Plan was amended by Amendment No. 2; and

WHEREAS, by Resolution No. 10-7-2013A, adopted October 7, 2013, the Plan was amended by Amendment No. 3; and

WHEREAS, by Resolution No. 7-7-2014A, adopted July 7, 2014, the Plan was amended by Amendment No. 4; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

The boundaries of the Mount Vernon Urban Renewal District as originally adopted include the entire area within the corporate limits except that area described as follows:

Beginning at the intersection of South 5th Avenue and Palisades Road; then east on Palisades Road and 7th Street vacated to 1st Street; then northwest on 1st Street to A Avenue; then southwest on A Avenue to South 2nd Street; then northwest on South 2nd Street to 3rd Avenue; then northeast on 3rd Avenue to

North 2nd Street; then southeast on North 2nd Street to A Avenue; then northeast on A Avenue to North 3rd Street; then southeast on North 3rd Street to the vacated Mount Vernon Short Line Right-of-Way; then northeast on the vacated Mount Vernon Short Line Right-of-Way; to North 7th Street East; then northwest on North 7th Street East to North 1st Avenue; then northeast on North 1st Avenue to the Chicago and Northwestern Railroad Right-of-way; then west on the Chicago Northwestern Railroad Right-of-Way to 1st Street; then southeast on 1st Street to 10th Avenue; then south on 10th Avenue to College Boulevard; then southeast on College Boulevard to South 5th Avenue; then south on South 5th Avenue to the point of beginning.

AMENDMENT NO. 1 AREA

Beginning at the intersection of the CNW Railroad right-of-way and 1st Avenue North (Hwy. 1); then southwest along 1st Avenue North (Hwy. 1) to Cass Street; then west on Cass Street to 2nd Avenue North; then southwest on 2nd Avenue North to North 7th Street; then northwest on North 7th Street to Park Avenue; then north on Park Avenue extended to the CNW Railroad right-of-way; then east on the CNW Railroad right-of-way to the point of beginning;

and

Beginning at the intersection of the CNW Railroad right-of-way and 8th Avenue North; then south on 8th Avenue North to 1st Street West; then northwest on 1st Street West to the CNW Railroad right-of-way; then east on the CNW Railroad right-of-way to the point of beginning.

The areas include the full right-of-way of all streets forming their boundaries.

AMENDMENT NO. 2 AREA

That portion of the City, consisting primarily of the older residential areas, that was not included in the original Urban Renewal Area or in the area added as a result of Amendment No. 1.

With the adoption of Amendment No. 2, the entire City was included in the Mount Vernon Urban Renewal Area.

AMENDMENT NO. 3 AREA

No land was added or removed by Amendment No. 3.

AMENDMENT NO. 4 AREA

No land was added or removed by Amendment No. 4.

WHEREAS, a proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan ("Amendment No. 5" or "Amendment") for the Mount Vernon Urban Renewal Area described

above has been prepared, which proposed Amendment has been on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to remove land from the Urban Renewal Area, to modify the stated expiration date on the division of revenue in the Area, and to add and/or confirm eligible projects to be undertaken within the Area; and

WHEREAS, this proposed Amendment No. 5 to the Urban Renewal Area removes land, as follows:

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE MOUNT VERNON URBAN RENEWAL AREA AND PLACED IN THE STONEBROOK URBAN RENEWAL AREA:

Lot 2, Cornell College Second Addition in the City of Mount Vernon, Linn County, Iowa excepting therefrom the following: Stonebrook First Addition to City of Mount Vernon, Linn County, Iowa, Stonebrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook Fourth Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook 5th Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook First Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Parcels A and B, Plat of Survey #1392 as recorded in Book 6557 Page 508 of the records of the Linn County, Iowa Recorder on December 28, 2006, Parcel A, Plat of Survey #1588 as recorded in Book 7532 Page 551 of the records of the Linn County, Iowa Recorder on February 18, 2010. Said tract of land contains 60.86 acres and is subject to easements and restrictions of record.

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE MOUNT VERNON URBAN RENEWAL AREA AND PLACED IN THE SPRING MEADOW URBAN RENEWAL AREA:

NE 1/4 NE 1/4 of Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company except the West 326.4 feet thereof

And

That part of the West 326.4 feet of the NE 1/4 NE 1/4 Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company which lies southerly of the right-of-way of the Mount Vernon Short Line Railway Company

Except a tract described as follows:

Commencing at a point in the South line of the right-of-way of the Chicago & Northwestern Railroad Company, 326.4 feet East of the West line of NE 1/4 NE 1/4 of Section 10-82-5; thence South 65 1/2 feet; thence West 200 feet to a point on the SE-LY line of the right-of-way of the Mount Vernon Short Line Railway Company; thence NE-LY along the SE-LY line of the right-of-way of the Mount

Vernon Short Line Railway Company to its intersection of the South line of said right-of-way of the Mount Vernon Short Line Railway Company with the South line of the right-of-way of the Chicago & Northwestern Railroad Company; thence Easterly along the Southerly line of the right-of-way of the Chicago & Northwestern Railroad Company to the point of beginning.

And further excepting a tract described as follows:

Commencing at the Northeasterly corner of the follow described parcel of land, to-wit:

Commencing at a stone 30 feet north of the Southwest corner of the NE 1/4 NE 1/4 of Section 10-82-5; thence East 122 feet; thence North 239 feet and 8 inches to the Mount Vernon Short Line Railway; thence Southwesterly along the Mount Vernon Short Line Railway to the quarter section line; thence South to the point of beginning; thence Southwesterly along the Southeasterly line of the right-of-way line of the Mount Vernon Short Line Railway Company to the point of intersection of said Southeasterly line with the Westerly line of the NE 1/4 NE 1/4 of said Section 10-82-5; thence South along said West line to a point which is 50 feet Southeasterly (when measured at right angles to said right-of-way line) of said Southeasterly right-of-way line; thence Northeasterly along a line parallel to and 50 feet distant from the said Southeasterly right-of-way line (when measured at right angles to said right-of-way line) to an intersection with the Easterly line of the parcel of land as heretofore described in locating the starting point of this tract; thence Northerly to the point of beginning.

And further excepting

The South 30 feet of the West 326.4 feet of said NE 1/4 NE 1/4 Section 10-82-5

And

SE 1/4 NE 1/4 Section 10-82-5

And

The North 9 1/2 acres of the NE 1/4 SE 1/4 of Section 10-82-5
All of the above being in Linn County, Iowa.

WHEREAS, it is desirable that the Area be redeveloped as part of the activities described within the proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan; and

WHEREAS, by resolution adopted on October 2, 2017, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed

Amendment No. 5 to the Mount Vernon Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Administrator, or his delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Mount Vernon-Lisbon Sun, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in Amendment No. 5 concerning the area of the City of Mount Vernon, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

a) Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Mount Vernon Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b) The Plan, as amended, and Amendment No. 5 to the Mount Vernon Urban Renewal Plan conform to the general plan for the development of the City as a whole; and

c) Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Mount Vernon Urban Renewal Area:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with

decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

a. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

b. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

c. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

d. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Mount Vernon Urban Renewal Area, as amended, continues to be a blighted and economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 5 to the Mount Vernon Urban Renewal Plan of the City of Mount Vernon, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 5 to the Mount Vernon Urban Renewal Plan for the City of Mount Vernon, State of Iowa"; Amendment No. 5 to the Mount Vernon Urban Renewal Plan of the City of Mount Vernon, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment No. 5 with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, Amendment No. 5 to the Mount Vernon Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Plan. The proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Linn County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 5, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 6th day of November, 2017.

Mayor

ATTEST:

City Clerk

Label the Amendment as Exhibit 1 (with all exhibits) and attach it to this Resolution.

ATTACH THE AMENDMENT
LABELED AS EXHIBIT 1 HERE

AMENDMENT #5

to the

MOUNT VERNON URBAN RENEWAL PLAN

CITY OF MOUNT VERNON, IOWA

Original Area Adopted - 1993

Amendment #1 – 1994

Amendment #2 – 2006

Amendment #3 – 2013

Amendment # 4 – 2014

Amendment #5 - 2017

AMENDMENT #5
to the
MOUNT VERNON URBAN RENEWAL PLAN
CITY OF MOUNT VERNON, IOWA

The Mount Vernon Urban Renewal Plan (“Plan” or “Urban Renewal Plan”) for the Mount Vernon Urban Renewal Area (“Area” or “Urban Renewal Area”) was originally adopted in 1993 and amended in 1994, 2006, 2013, and 2014, and is being further amended to remove certain undeveloped real estate from the Urban Renewal Area, which in turn will be included in two new residential urban renewal areas. The real estate removed from this Urban Renewal Area has never been residential in nature nor part of a residential housing development. In addition, this Amendment #5 (“Amendment” or “Amendment #5”) adds and/or confirms eligible projects to be undertaken within the Urban Renewal Area by this Amendment.

The material changes by this Amendment include the following:

- Updating the lists of Project Objectives and Renewal Activities (pages 3-5);
- Updating a Previously Approved Project (page 5);
- Adding new Eligible Urban Renewal Projects (pages 5-6);
- Updating the Financial Information (page 6);
- Updating the Effective Period (page 10-11); and
- Removing land for inclusion in two new residential urban renewal areas; such areas are described in Exhibit “A” and illustrated in Exhibit “B”-- a map of the entire Urban Renewal Area, as amended (pages 2, 12-14).

Except as modified by this Amendment, the provisions of the original Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

DESCRIPTION OF URBAN RENEWAL AREA

The legal description of the property being removed from the Urban Renewal Area is attached hereto as Exhibit “A.” A map of the entire Urban Renewal Area, as amended, including a depiction of the subareas being removed by this Amendment, is attached hereto as Exhibit “B.”

AREA DESIGNATION

With the adoption of this Amendment, the City of Mount Vernon is continuing to designate this Urban Renewal Area as a mixed blight and economic development (commercial/industrial/LMI residential) area. This Amendment makes no change in the Area designation.

BASE VALUE

The property included in the original Plan, adopted in 1993, the property added by each amendment, and the property removed by this Amendment No. 5, all depicted in Exhibit B, may be referred to as “Subareas” in this Amendment. The property included in the original Plan, adopted in 1993, is called the “Original Subarea” and the property removed by this Amendment is called the “Amendment No. 5 Subarea.” The Subareas make up the total Urban Renewal Area. The “base valuation” of the Urban Renewal Area will be reduced by this Amendment because a portion of this Area is being removed. Nothing in this Amendment otherwise affects other already established frozen base values for any other portion of the remaining Urban Renewal Area or any Subarea thereof.

PROJECT OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites for community economic development and blight remediation purposes, including new and expanded commercial, industrial and low and moderate-income (“LMI”) development. More specific objectives for development within the Urban Renewal Area, as amended, are as follows:

1. To stimulate, through public action and commitment, private investment in new development, including commercial, industrial, and LMI residential housing projects.
2. To provide for the installation of public works and facilities, which contribute to revitalization and the sound development of the Area.
3. To provide a more marketable and attractive investment climate.
4. To promote affordable housing opportunities for LMI persons.
5. To eliminate blighting influences and to promote revitalization through public action and commitment, or by providing incentives to private persons or businesses, to acquire, rehabilitate, renovate, demolish, and/or redevelop existing structures or property.
6. To encourage commercial, industrial, and residential growth and expansion through governmental policies which make it economically feasible to do business.
7. To help develop a sound economic base that will serve as the foundation for future growth and development.
8. To plan for and provide sufficient land for commercial, industrial, and LMI residential development in a manner that is efficient from the standpoint of providing municipal services.

9. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.
10. To provide and upgrade public facilities, infrastructure, recreational opportunities, and services that help to improve the quality of life and enhance the overall viability of the community.
11. To enhance the Mount Vernon community by fostering an entrepreneurial climate, diversifying the local economy, encouraging opportunities for new businesses, and supporting retention of existing businesses.
12. To promote development utilizing any other objectives allowed by Chapter 403 of the Code of Iowa.

TYPES OF RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage orderly development of the Area, as amended, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, *Code of Iowa*. Activities may include:

1. To undertake and carry out urban renewal projects designed to (a) eliminate, remedy and prevent blighted areas and to conserve and rehabilitate fringe areas; and/or (b) to alleviate and prevent conditions of unemployment and a shortage of LMI housing, through the execution of contracts and other instruments and any of the other activities set forth herein or in Chapter 403.
2. To arrange for or cause to be provided the construction, repair or upgrading of public infrastructure including, but not limited to, streets, water and sewer systems, park and recreation facilities, public utilities or other facilities in connection with urban renewal projects.
3. To provide for the construction of specific site improvements such as grading and site preparation activities, access roads and parking, fencing, utility connections, and related activities.
4. To arrange for or cause to be provided the construction, expansion, or repair of public buildings and facilities in order to enhance services, improve quality of life, comply with current building standards, or preserve historic value.
5. To improve housing opportunities within the Area.
6. To acquire property through a variety of means (e.g., purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.

7. To dispose of property that has been acquired.
8. To make loans, forgivable loans, tax rebate payments or other types of grants or incentives to private persons or businesses for the purposes identified in this Plan.
9. To borrow money and to provide security therefor.
10. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
11. To use tax increment financing for a number of purposes, including, but not limited to, achieving a more marketable and competitive land offering price and providing for necessary physical improvements and infrastructure.
12. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Mount Vernon and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provisions of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan, as amended.

UPDATE TO PREVIOUSLY AUTHORIZED URBAN RENEWAL PROJECT

Numerous urban renewal projects were authorized prior to the date of this Amendment, and are continuing with no change. Such projects are listed in the original Plan and prior amendments.

One of the projects identified in Amendment No. 4 involved the rehabilitation of the Mount Vernon City Pool. By this Amendment, the previously described project is amended to include the re-lining of the pool for an additional investment of not to exceed \$400,000, raising the total estimated cost of the project, as amended, to approximately \$625,000. The rationale and public building analysis set forth in Amendment No. 4 remain applicable to this project as amended.

ELIGIBLE URBAN RENEWAL PROJECTS (Amendment #5)

Although certain project activities may occur over a period of years, in addition to projects previously authorized in the Plan, as previously amended, the eligible urban renewal projects under this Amendment #5 include:

1. Community/Recreation Facility

The City plans to construct a community/recreation facility and parking lot in the Area. The facility will serve the residents of Mount Vernon, along with the over-all region including the cities of Lisbon, Solon, Marion, and residents throughout Linn County. The City will own and operate the facility, which will be located on the Mount Vernon School District Campus. The facility will be used by the school district for various activities. Additionally, the facility will provide a space for

hosting tournaments and other recreational programs, which will bring increased sales, lodging occupancy and development exposure to Mount Vernon. The total investment by the City, excluding grants, donations and similar sources of funds, is anticipated to be, but will not exceed, \$6.5 million. For additional analysis of the funding being pursued for the facility, see the Public Building Analysis set forth below.

2. Planning, Engineering Fees (for Urban Renewal Plans), Attorney Fees, Administrative, and Other Related Costs to Support Urban Renewal Projects and Planning:

Project	Date	Estimated Cost to be Funded by TIF Funds
Fees and costs	Undetermined	Not to exceed \$50,000

FINANCIAL INFORMATION

1.	July 1, 2017 constitutional debt limit:	\$12,659,960.85
2.	Current outstanding general obligation debt:	\$7,305,000
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Updated Project and the Eligible Urban Renewal Projects (Amendment #5) has not yet been determined. This document is for planning purposes only. The estimated project costs in this Amendment are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Updated Project and the Eligible Urban Renewal Projects (Amendment #5) as described above to be funded by TIF Funds will be approximately as stated in the next column:	\$7,175,000 This does not include financing costs related to debt issuance, which may be incurred over the life of the Area.

DEVELOPMENT PLAN

Mount Vernon has a general plan for the physical development of the City, as a whole, outlined in the City of Mount Vernon Iowa 2016 Comprehensive Plan. This Urban Renewal Plan, as amended, and the projects described in the Plan, as amended, are in conformity with the Comprehensive Plan.

This Urban Renewal Plan, as amended, does not in any way replace the City's current land use planning or zoning regulation process.

The need, if any, for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area, is set forth in this Plan, as amended. As the Area continues to develop, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

PUBLIC BUILDING ANALYSIS

The additional project proposed in this Amendment No. 5 involves one or more public buildings; specifically the development of a community/recreation facility as contemplated on page 69 of the City's Comprehensive Plan. If this project is ultimately approved by the City, the City intends to finance a portion of the cost of the project through tax increment financing. For the costs of this project to be paid with tax increment funds, the City proposes to issue general obligation bonds and abate a part of the principal and interest payments utilizing available incremental tax revenues within the Area, if available. Specifically, under these circumstances, Iowa law requires an analysis of alternative development options and funding for the projects and reasons why such options would be less feasible than the use of incremental tax revenues for the projects.

Total project cost for development of the facility, excluding grants, donations and similar sources of funding, is estimated to be approximately \$6,500,000. The City has considered alternative funding sources, including the following:

- The City will use proceeds from the local option sales tax to off-set construction costs. The voters in Mt. Vernon chose to split the sales tax collections into four categories, with 50% going to streets and sidewalks. The next largest share is to go to the community/recreation facility although the annual collection would not cover the cost of the annual bond payments for the City (the City collects approximately \$130,000 annually). The estimated bond payment for the \$6.5 million dollar facility is likely to exceed \$500,000 in some fiscal years.
- The City adopted a franchise fee this year and will not have the revenue necessary to offset additional costs for some time. When fully implemented, the franchise fee is expected to bring in approximately \$150,000 to the community, some or all of this fee may be utilized for this project.
- One alternative funding source for this project is the issuance of general obligation bonds that would be paid by the City's debt service levy (i.e. without using incremental tax revenues). This option would mean that only taxpayers of the City would be responsible for payment of the bonds/notes. However, the project benefits not only City residents, but also County and school district residents. In such case, the use of tax increment

financing to pay a portion of the principal and interest payments from debt associated with the project is the most appropriate funding mechanism.

- Another alternative is grant funding. The City has and anticipates continuing to pursue grants from local agencies, as well as from state and federal sources as they become available. However, funding from most grant programs is extremely competitive and, even if successful, generally only provides a small percentage of the total capital needed for a project like this.
- The use of a capital campaign to finance the proposed project is also a possible alternative funding source. The City will continue to encourage donations but such efforts are not anticipated to raise enough funds to finance the entire project.

Regional Impact of the Recreation/Community Facility:

In addition to the creation of jobs, the proposed facility will provide for new and expanded recreational opportunities. Key economic impacts of improved recreational opportunities include enhancements of property values, attracting and retaining residents, employees and employers, and increased municipal revenue. Workers, retirees, and families attracted to an area are then positioned to put money back into the local economy through jobs, housing, taxes, and patronization of local businesses. In addition, events at this facility are expected to draw people from the rural areas as well as other nearby communities. Such events could attract visitors to the community which may enhance economic development in the community. The City considers this project to be an important asset for improving the quality of life within the community and the surrounding area. Recreational and active living opportunities can be an important factor in where families choose to locate. A modern and expanded recreation/community facility may help to attract new residents and businesses to the community. An attractive, vibrant, and diverse community, in turn, will benefit the School District, as well as Linn County.

Feasibility of Using Tax Increment:

Because the proposed Urban Renewal Project benefits County and school district residents, the use of tax increment to pay for a portion of the project is appropriate. The recreation/community center project demonstrates regional benefit to both the County and the school district. As a result, it is fair for the school district and the County to invest in the cost of the project.

For the aforementioned reasons, the use of tax increment revenue (debt abated by incremental tax revenues) for a portion of this project is the most feasible, fair, and equitable mechanism for helping to fund the proposed project.

URBAN RENEWAL FINANCING

The City intends to utilize various financing tools, such as those described below, to successfully undertake eligible urban renewal actions. The City of Mount Vernon has the statutory authority to use a variety of tools to finance physical improvements within the Area, as amended. These include:

A. Tax Increment Financing.

Under Section 403.19 of the *Code of Iowa*, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements, economic development incentives, or other urban renewal projects. Upon creation of a tax increment district within the Urban Renewal Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from taxes paid on the difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. Certain increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City, and in any event upon the expiration of the tax increment district.

B. General Obligation Bonds.

Under Division III of Chapter 384 and Chapter 403 of the *Code of Iowa*, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements or urban renewal projects within the Urban Renewal Area, as amended, and for other urban renewal projects or incentives for development consistent with this Urban Renewal Plan, as amended. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of Mount Vernon. It may be that the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area, as amended.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates, or other incentives to developers or private entities in connection with the urban renewal projects identified in the Urban Renewal Plan, as amended. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Urban Renewal Area for urban renewal projects. Alternatively, the City may determine to use available funds for making such loans or grants or other incentives related to urban renewal projects. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

PROPERTY ACQUISITION/DISPOSITION

The City will follow any applicable requirements for the acquisition and disposition of property within the Urban Renewal Area.

RELOCATION

The City does not expect there to be any relocation required as part of the eligible urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

URBAN RENEWAL PLAN AMENDMENTS

The Urban Renewal Plan may be amended from time to time for a variety of reasons, including, but not limited to, adding or deleting land, adding or amending urban renewal projects, or modifying goals or types of renewal activities.

The City Council may amend this Plan in accordance with applicable State law.

EFFECTIVE PERIOD

This Amendment #5 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, or any prior amendment, resolution, or document, the Urban Renewal Plan, as amended, shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the “division of revenue,” as those words are used in Chapter 403 of the *Code of Iowa*, will be consistent with Chapter 403 of the Iowa code.

In its resolution adopting the original Plan, Resolution No. 9-20-93D adopted September 20, 1993, the City found the original Area described therein (referred to herein as the Original Subarea) to be both blighted and an economic development area. By Resolution No. 5-23-94B adopted on May 23, 1994, the City added property to the Area (referred to herein as Amendment No. 1 Subarea) and designated that property as appropriate for economic development (commercial/industrial). Additional property was added by Amendment No. 2 (referred to herein as Amendment No. 2 Subarea) adopted by Resolution No. 6-5-2006C on June 5, 2006 and the Council designated that property as appropriate for economic development (commercial and LMI residential). Since the adoption of Amendment No. 3 by Resolution No. 10-7-2013A on October 7, 2013, the City has recognized the Urban Renewal Area, as a whole, to be a mixed blighted and economic development (commercial/industrial/LMI residential) area. Because Iowa Code section 403.17(10) provides that the 20-year limitation on the division of revenue applies only to economic development areas with no part containing slum or blighted conditions, and because the Area contains parts that are blighted, the Area is not subject to the 20-year limitation on the division of revenue set forth in section 403.17(10). In addition, because the original Plan and Amendment No. 1 were adopted before the effective date (January 1, 1995) of the Iowa Code Section 403.17 requirement that the division of revenue be limited to twenty years in areas that are established on the basis of an economic development finding, the division of revenue in the Original Subarea and the Amendment No. 1 Subarea have no expiration date or sunset. Notwithstanding the above, the City had previously placed a voluntary expiration date on the ability to collect increment from the Area of Fiscal Year 26-27. With the adoption this Amendment No. 5, the City is hereby rescinding and removing that voluntary expiration date or sunset from the Original Subarea and Amendment No. 1 Subarea. To the extent any prior amendment, resolution or document purported to establish a voluntary expiration date on the City’s ability to collect and use incremental property taxes from

the Original or Amendment No. 1 Subareas, said document is hereby superseded, said expiration date is hereby rescinded, and the division of revenue in the Original and Amendment No. 1 Subareas shall continue indefinitely or for the maximum period allowed by law. The City has elected to retain the voluntary expiration date on the division of revenue in the Amendment No. 2 Subarea, so that the last fiscal year available for collection of tax increment on the Amendment No. 2 Subarea remains Fiscal Year 26-27.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness, or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the *Code of Iowa*) by the City for activities carried out under the Urban Renewal Plan, shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

REPEALER

Any parts of the Plan, as previously amended, in conflict with this Amendment are hereby repealed.

SEVERABILITY

If any part of the Urban Renewal Plan, as amended, is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Urban Renewal Plan as a whole, or any part of the Urban Renewal Plan or this Amendment not determined to be invalid or unconstitutional.

EXHIBIT A

**LAND TO BE REMOVED BY AMENDMENT #5
MOUNT VERNON URBAN RENEWAL AREA**

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE AREA AND PLACED IN THE STONEBROOK URBAN RENEWAL AREA:

Lot 2, Cornell College Second Addition in the City of Mount Vernon, Linn County, Iowa excepting therefrom the following: Stonebrook First Addition to City of Mount Vernon, Linn County, Iowa, Stonebrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook Fourth Addition to the City of Mount Vernon, Linn County, Iowa, Stonebrook 5th Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook First Addition to the City of Mount Vernon, Linn County, Iowa, Meadowbrook Second Addition to the City of Mount Vernon, Linn County, Iowa, Parcels A and B, Plat of Survey #1392 as recorded in Book 6557 Page 508 of the records of the Linn County, Iowa Recorder on December 28, 2006, Parcel A, Plat of Survey #1588 as recorded in Book 7532 Page 551 of the records of the Linn County, Iowa Recorder on February 18, 2010. Said tract of land contains 60.86 acres and is subject to easements and restrictions of record.

LEGAL DESCRIPTION OF THE LAND TO BE REMOVED FROM THE AREA AND PLACED IN THE SPRING MEADOW URBAN RENEWAL AREA:

NE 1/4 NE 1/4 of Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company except the West 326.4 feet thereof

And

That part of the West 326.4 feet of the NE 1/4 NE 1/4 Section 10-82-5 South of the right-of-way of Chicago & Northwestern Railroad Company which lies southerly of the right-of-way of the Mount Vernon Short Line Railway Company

Except a tract described as follows:

Commencing at a point in the South line of the right-of-way of the Chicago & Northwestern Railroad Company, 326.4 feet East of the West line of NE 1/4 NE 1/4 of Section 10-82-5; thence South 65 1/2 feet; thence West 200 feet to a point on the SE-LY line of the right-of-way of the Mount Vernon Short Line Railway Company; thence NE-LY along the SE-LY line of the right-of-way of the Mount Vernon Short Line Railway Company to its intersection of the South line of said right-of-way of the Mount Vernon Short Line Railway Company with the South line of the right-of-way of the Chicago &

Northwestern Railroad Company; thence Easterly along the Southerly line of the right-of-way of the Chicago & Northwestern Railroad Company to the point of beginning.

And further excepting a tract described as follows:

Commencing at the Northeasterly corner of the follow described parcel of land, to-wit: Commencing at a stone 30 feet north of the Southwest corner of the NE 1/4 NE 1/4 of Section 10-82-5; thence East 122 feet; thence North 239 feet and 8 inches to the Mount Vernon Short Line Railway; thence Southwesterly along the Mount Vernon Short Line Railway to the quarter section line; thence South to the point of beginning; thence Southwesterly along the Southeasterly line of the right-of-way line of the Mount Vernon Short Line Railway Company to the point of intersection of said Southeasterly line with the Westerly line of the NE 1/4 NE 1/4 of said Section 10-82-5; thence South along said West line to a point which is 50 feet Southeasterly (when measured at right angles to said right-of-way line) of said Southeasterly right-of-way line; thence Northeasterly along a line parallel to and 50 feet distant from the said Southeasterly right-of-way line (when measured at right angles to said right-of-way line) to an intersection with the Easterly line of the parcel of land as heretofore described in locating the starting point of this tract; thence Northerly to the point of beginning.

And further excepting

The South 30 feet of the West 326.4 feet of said NE 1/4 NE 1/4 Section 10-82-5

And

SE 1/4 NE 1/4 Section 10-82-5

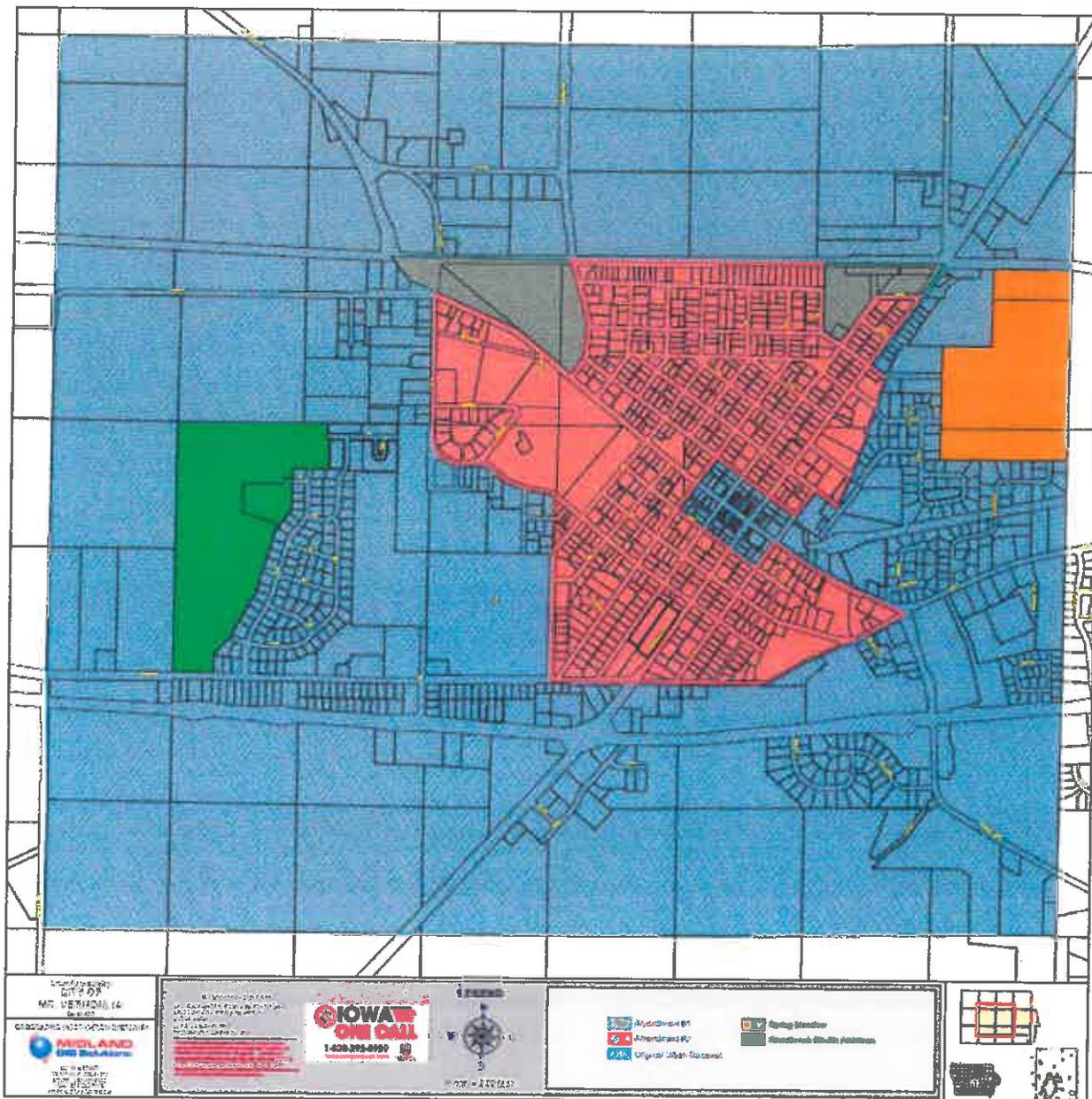
And

The North 9 1/2 acres of the NE 1/4 SE 1/4 of Section 10-82-5
All of the above being in Linn County, Iowa.

EXHIBIT B

MOUNT VERNON URBAN RENEWAL AREA (as amended)

The property removed from the Mount Vernon Urban Renewal Area by Amendment 5 is identified below as Spring Meadows and Stonebrook 6th-9th Additions



CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF LINN

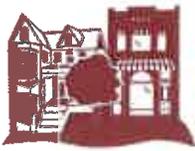
)

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

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2017.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)



**Mount
Vernon**
IOWA

Chris Nosbisch, City Administrator
Douglas Shannon, Chief of Police

Jamie A. Hampton, Mayor

Council:

Eric Roudabush
Paul Tuerler
Marty Christensen
Scott Rose
Tom Wieseler

November 30, 2017

Re: TIF Consultation Meeting

To whom it may concern:

The City of Mt. Vernon held its TIF Consultation meeting at City Hall on Tuesday, October 10, 2017 at 11 a.m. Proper notice was given to all taxing authorities as required by law. City Administrator Nosbisch was present at 11 a.m., however no other entities sent representatives. The City of Mt. Vernon has received no other communication, written or verbal, regarding the urban renewal amendment #5 or other supporting documents.

Sincerely,

Chris Nosbisch, City Administrator

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment No. 5 to the Mount Vernon Urban Renewal Plan, the Mayor first asked for the report of the City Administrator, or his delegate, with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the City Administrator, or his delegate, with respect to the consultation was placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Amendment, and the City Clerk reported that _____ written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the Amendment No. 5 to the Mount Vernon Urban Renewal Plan and _____ were made. The public hearing was then closed.

{Attach summary of objections here}

November 6, 2017

The City Council of the City of Mount Vernon, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 213 First Street NW, Mount Vernon, Iowa, at 6:30 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AND ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 5 TO THE MOUNT VERNON URBAN RENEWAL PLAN" and moved:

- that the Resolution be adopted.
- to defer action on the Resolution and the proposal to the meeting to be held at _____ .M. on the _____ day of _____, 2017, at this place.

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

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

AGENDA ITEM # G – 2

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

DATE:	November 6, 2017
AGENDA ITEM:	Resolution #11-6-2017B
ACTION:	Motion

SYNOPSIS: By adopting this resolution, the City will be establishing a public hearing for Monday, November 20, 2017. The \$5.5 million dollar figure is the ceiling for the potential borrowing. The City does not have to borrow the full amount. At the conclusion of the public hearing, the City Council will be able to proceed with the borrowing at any time.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution and Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$5,500,000 GENERAL OBLIGATION BONDS OF THE CITY OF MOUNT VERNON, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$5,500,000 GENERAL OBLIGATION BONDS OF THE CITY OF MOUNT VERNON, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 9-20-93B, adopted September 30, 1993, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Mount Vernon Urban Renewal Plan (the "Plan") for the Mount Vernon Urban Renewal Plan Area (the "Area" or "Urban Renewal Area"), which Plan is on file in the office of the Recorder of Linn County, Iowa; and

WHEREAS, by Resolution adopted November 6, 2017, this Council approved and adopted an Amendment No. 5 to the Plan; and

WHEREAS, it is deemed necessary and advisable that the City of Mount Vernon, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$5,500,000, as authorized by Sections 384.25 and 403.12, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential corporate purpose projects as hereinafter described; and

WHEREAS, before bonds may be issued, it is necessary to comply with the procedural requirements of Chapters 384 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such bonds and the right to petition for an election.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 213 First Street NW, Mount Vernon, Iowa, at 6:30 P.M., on the 20th day of November, 2017, for the purpose of taking action on the matter of the issuance of not to exceed \$5,500,000 General Obligation Bonds, for essential corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects, including the construction, equipping and furnishing of a community center/recreation facility and associated parking to be located on the Mount Vernon Community School District campus.

Section 2. To the extent any of the projects or activities described in this resolution may be reasonably construed to be included in more than one classification under Division III of Chapter 384 of the Code of Iowa, the Council hereby elects the "essential corporate purpose" classification and procedure with respect to each such project or activity, pursuant to Section 384.28 of the Code of Iowa.

Section 3. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 4. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: November 8, 2017)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF MOUNT VERNON, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$5,500,000 GENERAL OBLIGATION BONDS OF
THE CITY (FOR ESSENTIAL CORPORATE PURPOSES),
AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Mount Vernon, State of Iowa, will hold a public hearing on the 20th day of November, 2017, at 6:30 P.M., in the Council Chambers, City Hall, 213 First Street NW, Mount Vernon, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$5,500,000 General Obligation Bonds, for essential corporate purposes, to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects, including the construction, equipping and furnishing of a community center/recreation facility and associated parking to be located on the Mount Vernon Community School District campus.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the City, may be filed with the Clerk of the City in the manner provided by Section 362.4 of the Code of Iowa, pursuant to the provisions of Sections 384.24(3)(q), 384.25 and 403.12 of the Code of Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the City Council of the City of Mount Vernon, State of Iowa, as provided by Chapters 384 and 403 of the Code of Iowa.

Dated this _____ day of _____, 2017.

City Clerk, City of Mount Vernon, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 6th day of November, 2017.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF LINN)

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

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2017.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)

November 6, 2017

The City Council of the City of Mount Vernon, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 213 First Street NW, Mount Vernon, Iowa, at 6:30 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

ITEMS TO INCLUDE ON AGENDA FOR NOVEMBER 6, 2017

CITY OF MOUNT VERNON, IOWA

Not to Exceed \$5,500,000 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

AGENDA ITEM # G - 3

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

DATE:	November 6, 2017
AGENDA ITEM:	Resolution #11-6-2017C
ACTION:	Motion

SYNOPSIS: Public Works Director Nissen has requested permission to dispose of city owned property. The complete list of items can be found in exhibit "A" of the resolution.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

RESOLUTION #11-6-2017B

RESOLUTION APPROVING THE DISPOSAL OF
MUNICIPAL PROPERTY

WHEREAS; over time the City of Mt. Vernon has accumulated property by various methods and of wide ranging descriptions; and

WHEREAS; the City now has the need to dispose of this property as it is of no use and of no value to maintain; and

WHEREAS; the said property has been inventoried (Exhibit A attached) and is ready for disposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA: To grant staff permission to dispose of inventoried property by best methods possible while seeking to collect reasonable value.

PASSED and ADOPTED this 6th day of November, 2017.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

Exhibit "A"

Equipment for Sale

November 6, 2017

1. 1979 ELGIN Pelican Sweeper hours: 3871 Serial #: S4338S (has been replaced by a 2000 Pelican Street Sweeper)
2. 1980 GMC 1300-gallon stainless steel tanker truck VIN: T17DBAV586417 miles: 87,711
3. 1991 F700 Dump Truck 59,200 miles VIN: 1FDPF70J2MVA17384 (has been replaced by an F-550)
4. 1999 Dodge 2500 Vin: 3B7KC26Z0XM561436
5. Furnace that was removed from the old 2nd Avenue building in 2013

J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, NOVEMBER 6, 2017

PAYROLL	CLAIMS	57,486.06
GROUP SERVICES INC	INSURANCE-ALL DEPTS	28,420.94
HORSFIELD CONSTRUCTION INC	10TH AVE/PALISADES PROJECT	9,796.47
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A,WAT	7,420.00
VEENSTRA & KIMM INC	WWTP IMPROVEMENTS	6,950.00
US BANK	CREDIT CARD PURCHASES-ALL DEPTS	5,182.05
ALLIANT ENERGY	ENERGY USAGE-SEW	4,362.46
VEENSTRA & KIMM INC	5TH AVE/1ST ST W TRAFFIC SIGNAL DESIGN	4,026.00
ALLIANT	ENERGY USAGE-ST LIGHTS	3,827.24
IMWCA	AUDIT PREMIUM ADJUSTMENT-INS LEVY	3,282.00
AHLERS & COONEY	UR PLAN AMENDMENT #5	2,718.52
DIESEL TURBO SERVICES INC	F250/FRONT END,FUEL LEAK-PW	2,670.72
ALLIANT	ENERGY USAGE-WAT	2,662.38
DIESEL TURBO SERVICES INC	2006/BRAKES-PW	2,658.26
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	1,701.50
AFFORDABLE HEATING & COOLING	CONDENSER FAN MOTOR #4-P&A	1,700.00
VEENSTRA & KIMM INC	SIDEWALK REPAIR PROGRAM	1,590.36
IOWA SOLUTIONS INC	INFRASTRUCTURE UPGRADE-PD	1,585.00
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,385.28
WEX BANK	FUEL-PD, WAT, SEW	1,173.23
CARPENTER UNIFORM CO	EQUIP-PD	961.13
ALLIANT	ENERG USAGE-P&A	903.36
LYNCH FORD	TIRES,FRONT END ALIGNMENT	815.95
P&K MIDWEST INC	MOWER MAINT-RUT	800.74
LINN CO-OP OIL CO	FUEL-PW	765.08
INTERNATIONAL CITY COUNTY MGMT	MEMBERSHIP RENEWAL-ALL DEPTS	760.00
BARNYARD SCREENPRINTING	T-SHIRTS-P&REC	677.00
GALLS INC	EQUIPMENT-PD	629.94
FOX APPARATUS REPAIR & MAINT	REPAIR FUEL TANK-FD	612.04
OVERHEAD DOOR CO	SHOP DOOR JAMMED-RUT	605.50
IOWA SOLUTIONS INC	SEPTEMBER SERVICE-P&A	500.00
P&K MIDWEST INC	MOWER MAINT-RUT	494.77
ALLIANT	ENERGY USAGE-P&REC	488.67
DUANE'S SERVICE	FRT ROTORS,PADS-PD	479.00
GALLS INC	EQUIPMENT-PD	476.85
ALLIANT	SOLAR HOOK-UP-P&A	463.73
AUDITOR OF STATE	AUDIT FILING FEE-P&A	425.00
RIVER PRODUCTS CO	UPTOWN ALLEY STONE-RUT	406.68
ALLIANT	ENERGY USAGE-SEW	397.79
ALLIANT	ENERGY USAGE-RUT	391.48
SPEER FINANCIAL INC	TIF PREP/DELIVERY-P&A	350.00
EVER-GREEN LANDSCAPE NURSERY	RAIN GARDEN GRASS-FS	336.00
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS-PW	319.60
APWA	TRAINING-PW	300.00
GORDAN LUMBER CO	TILE-FD	300.00
STAR EQUIPMENT	ROAD GRINDER-RUT	297.94
VESSCO INC	PHOSPHATE PUMPS-WAT	293.64
MEDIACOM	PHONE/INTERNET CHGS-PD	256.23
IOWA SOLUTIONS INC	SEPTEMBER SERVICE-PD	250.00
FRANCESCA THOMPSON	CLEANING SERVICE-P&A	240.00
MEDIACOM	PHONE/INTERNET CHGS-P&A	237.67
MIDWEST WHEEL CO	BACK RACK & HARDWARE-RUT	236.11
WENDLING QUARRIES	CONCRETE DUMP FEE-RUT	210.00
BROWN SUPPLY COMPANY	HYDRANT GATE VALVE-WAT	205.00
HOLIDAY INN	IMFOA CONFERENCE-P&A	190.40
BROWN SUPPLY COMPANY	GAUGE,TUBES-WAT	179.45
CENTRAL IOWA DISTRIBUTING	SUPPLIES-ALL DEPTS	173.70

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, NOVEMBER 6, 2017

OFFICE EXPRESS	SUPPLIES-P&A	169.43
ELECTRIC PUMP	PUMP REPAIRS-SEW	164.42
SUE RIPKE	MILEAGE-P&A	159.43
IOWA SOLUTIONS INC	DOMAIN MGMT-ALL DEPTS	150.00
JOE'S QUALITY WINDOW CLEANING	WINDOW CLEANING-P&A	150.00
CLEMENS CANVAS & MFG	TARP REPAIR-RUT	148.75
MT VERNON ROAD TIRE CO	VEHICLE MAINT-PD	148.55
PITNEY BOWES	POSTAGE METER LEASE-ALL DEPTS	146.61
ALLIANT ENERGY	ENERGY USAGE-PD	141.04
SITE ONE	WEED FABRIC-FD	128.25
DIESEL TURBO SERVICE	FUEL LINE LEAK-RUT	127.30
JOAN BURGE	CLEANING SERVICE-P&A	120.00
HAWKEYE FIRE & SAFETY CORP	EQUIP-FD	119.62
BARNYARD SCREENPRINTING	UNIFORMS-P&REC	118.00
US CELLULAR	CELL PHONE-PD	116.17
CENTRAL IOWA DISTRIBUTING	BLDG MAINT-FD	111.00
US CELLULAR	CELL PHONE-ALL DEPTS	105.24
CUMMINS SALES & SERVICE	GEN MAINT-WAT	104.16
MOUNT VERNON FIRE DEPARTMENT	UNIFORMS-FD	100.00
BAUMAN & COMPANY	UNIFORMS-PW	89.90
LYNCH FORD	FRONT END ALIGNMENT-RUT	88.34
LYNCH FORD	FRONT END ALIGNMENT-RUT	88.34
MIDWEST BREATHING AIR LLC	QRTLY AIR TEST-FD	86.33
OVERHEAD DOOR CO	DOOR CHAIN REPLACED-RUT	85.75
WENDLING QUARRIES	RAIN GARDEN-FS	76.72
ALL SECURE	SECURITY SYSTEM MONITORING-POOL	75.00
MOUNT VERNON ACE HARDWARE	EQUIP REPAIR-FD	70.34
CENTURY LINK	PHONE CHARGES-PD	62.77
ALLIANT	ENERGY USAGE-POOL	62.58
IOWA ONE CALL	LOCATES-WAT,SEW	62.10
STAPLES	5 TAB INDEX,STAPLES-P&A	59.38
CASEY'S GENERAL STORE	FUEL-FD	55.39
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	54.00
ALTORPHER	GEN MAINT-WAT	52.95
DAVID THACKERY	16 X 20 (2)-PD	49.00
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	45.46
IOWA ASSOC OF MUNICIPAL UTILITIES	FIT MEDICAL TESTING-RUT	44.00
ALLIANT ENERGY	ENERGY USAGE-EMA	42.75
MIDWEST WHEEL CO	A-LIGHT HARDWARE-RUT	38.37
SITE ONE LANDSCAPE SUPPLY	SUPPLIES-RUT	35.34
H & S RADIATOR REPAIR CO	6 WHEEL GATOR/RADIATOR TEST-RUT	35.00
ALLIANT ENERGY	ENERGY USAGE-P&REC	31.83
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	30.53
AAA PEST CONTROL	PEST CONTROL-P&A	30.00
IOWA WATER ENVIRONMENT ASSOC	ANNUAL CONFERENCE-WAT	30.00
WENDLING QUARRIES	LIME FILL-P&REC	26.44
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	26.12
ALLIANT ENERGY	ENERGY USAGE-CEM	19.51
PERSONAL TOUCH EMBROIDERY	UNIFORMS-PW	19.50
LYNCH	VALVE STEM-PD	16.58
CHRIS NOSBISCH	TURNPIKE REIMB-P&A	14.75
RELIANT FIRE APPARATUS INC	KNOB ASSY,THROTTLE CABLE-FD	8.97
CENTURY LINK	PHONE CHGS-P&REC	7.17
MOUNT VERNON POLICE RESERVES	SPECIAL EVENTS PAY-PD	6.50
	TOTAL	171,184.60

AGENDA ITEM # J - 2

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

DATE:	November 6, 2017
AGENDA ITEM:	Engagement Letter Bond Counsel
ACTION:	Motion

SYNOPSIS: This is an engagement letter from Ahlers Law Firm for the potential borrowing for the Community/Recreation Center. Ahlers Law Firm is proposing a fee of \$12,700 for a \$5,500,000 borrowing. Staff is still working on potential borrowing strategies, so it is likely that this fee could be decreased in the future (or potentially split in two). It should not, however, be more than the stated amount. I will refer you to page 2 of the agreement as it outlines the services that will be provided. The additional listed items at the bottom of the page (and not included) are usually completed by the financial advisors.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Letter of Engagement

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17



Ahlers & Cooney, P.C.
Attorneys at Law
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231
Phone: 515-243-7611
Fax: 515-243-2149
www.ahlerslaw.com
R. Mark Cory
515.246.0378
rcory@ahlerslaw.com

November 1, 2017

Mr. Chris Nosbisch
City Administrator
213 – 1st Street West
Mount Vernon, Iowa 52314

Re: City of Mount Vernon, State of Iowa
Not to Exceed \$5,500,000 General Obligation Capital Loan Notes

Dear Chris:

Enclosed you will find an Engagement Agreement regarding the above issue. Please present this to the Council for approval and return to our office at the earliest convenient time.

Should you have any questions, please don't hesitate to call me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Mark Cory'.

R. Mark Cory
FOR THE FIRM

RMC:cm
Enclosures

01421610-1\13932-028

ENGAGEMENT AGREEMENT

The purpose of this Engagement Agreement (the "Agreement") is to disclose and memorialize the terms and conditions under which services will be rendered by Ahlers and Cooney, P.C., in its capacity as Bond Counsel, to the City of Mount Vernon, Iowa (the "Issuer") in connection with the issuance of not to exceed \$5,500,000 General Obligation Bonds (the "Bonds").

SCOPE OF ENGAGEMENT

In the role of Bond Counsel, we will provide the following services:

1. Prepare and review documents related to the authorization, issuance and delivery of the Bonds (the "Proceedings").
2. After proper approval and execution of the Proceedings, render our legal opinion (the "Bond Opinion") regarding the validity and enforceability of the Bonds, the source of payment with regard to the legality of the security pledged, and the excludability of interest on the Bonds from gross income for federal tax purposes, as applicable.
3. Review those sections of any offering or disclosure documents (the "Offering Documents") to be disseminated in connection with the sale of the Bonds related solely to the description of the Bonds, the legal basis for the security pledged, the tax-exempt status of the Bonds, and excerpts, summaries or copies of the Bond Opinion; and in the event Issuer retains separate Disclosure Counsel we will coordinate with said Disclosure Counsel in regards to the above-identified information we are reviewing in the Offering Documents.
4. Upon request, assist the Issuer in presenting information to bond rating organizations and providers of credit enhancement relating to the issuance of Bonds.
5. Prepare procedure to advertise and direct the sale of Bonds when we are advised that a particular issue of Bonds will be sold at public sale, and prepare procedure accepting a proposal to purchase the Bonds when we are advised that the sale of a particular issue of Bond will accomplished by negotiated sale.
6. Draft the Continuing Disclosure Certificate of the Issuer, if applicable.
7. Prepare an IRS Form 8038-G or 8038-GC, when applicable.

As Bond Counsel, our examination will extend to the actions and approvals necessary to authorize the issuance and initial delivery of the Bonds to the purchaser thereof. Our Bond Opinion does not extend to any re-offering of the Bonds by the original purchaser thereof or other persons, and will be delivered by us on the date the Bonds are exchanged for their purchase price (the "Closing").

The Bond Opinion will be based on facts and law existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws

relating to the Bonds. During the course of this engagement, we will rely on the Issuer, and authorized officials, to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds and their security.

Our duties in this engagement are limited to those expressly set forth above. This Engagement Agreement does not include the following services, or any other matter not required to render our Bond Opinion:

- a. Except as described in paragraph (3) above, assisting in the preparation or review of the Offering Documents with respect to the Bonds, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the Offering Documents do not contain any untrue statement of material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading. This engagement does not include the services of Disclosure Counsel.
- b. Preparing requests for tax rulings from the Internal Revenue Service, or “no action” letters from the Securities and Exchange Commission.
- c. Drafting state constitutional or legislative amendments.
- d. Pursuing test cases or other litigation, such as contested validation proceedings.
- e. Except as described in paragraph (6) above, assisting in the preparation of, or opinion on, a continuing disclosure undertaking pertaining to the Bonds, or after Closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking, including monitoring Issuer’s continued compliance with the undertaking.
- f. Representing the Issuer in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations.
- g. After Closing a particular issue of Bonds, providing continuing advice to the Issuer or any other party concerning actions necessary to assure that interest paid on that issue of Bonds will continue to be excludable from gross income for federal income tax purposes (e.g. this Bond Counsel engagement for the Bonds does not include rebate calculations, nor continuing post-issuance compliance activities).

We will provide one or more of the services listed in (a)–(g) upon your request, however, a separate, written Engagement Agreement will be required before we assume one or more of the above duties.

Services listed in subparts (h)–(k), below, are not included in this Engagement Agreement, nor will they be provided at any time.

- h. Acting as an underwriter, or otherwise marketing the Bonds.
- i. Acting in a financial advisory role.
- j. Preparing blue sky or investment surveys with respect to the Bonds.
- k. Making an investigation or expressing any view as to the creditworthiness of the Issuer or of the Bonds.

ATTORNEY-CLIENT RELATIONSHIP

Upon our receipt of notification that Bond Counsel services are requested under this Engagement Agreement, the Issuer will be our client and an attorney-client relationship will exist between us as outlined above. We assume that all other parties to each such transaction will retain such counsel as they deem necessary and appropriate to represent their interests. We further assume that all parties understand that in each such transaction we represent only the Issuer, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as Bond Counsel are limited to those contracted for in this letter; the Issuer's execution of this engagement agreement will constitute an acknowledgement of those limitations. Our representation of the Issuer will not affect, however, our responsibility to render an objective Bond Opinion.

Each representation of the Issuer and the attorney-client relationship for the Bonds created by this Engagement Agreement will be concluded upon issuance of that respective issue of Bonds. Nevertheless, subsequent to Closing, we will mail the appropriate Internal Revenue Service Form 8038, and prepare and distribute to the participants in the transaction a transcript of the proceedings pertaining to the Bonds.

FEES

We will charge a flat fee of \$12,700 for services rendered under this Agreement. It is not anticipated that it will be necessary for us to personally attend meetings in order to provide the Bond Counsel services outlined above, but we will do so in the event that circumstances require. If, at any time, we believe that an adjustment of our flat fee is necessary during an engagement as Bond Counsel for a particular issuance of Bonds, we will advise you. Such adjustment might be necessary in the event: (a) the principal amount of Bonds to be issued differs significantly from the amount stated at the time we advise you of our fee; (b) there are material changes in the structure, security or opinion from the description of the Bonds after we advise you of our fee; or (c) unusual or unforeseen circumstances arise which require a significant increase in the services rendered, such as personal attendance at meetings, significant travel, or unexpected revision of the issuance documents at the request of the Issuer, any agent acting on your behalf (such as a financial advisor), the purchaser, a bond insurer, other counsel providing services with respect to issuance of a particular issuance of Bonds.

In addition to the flat fee, we will bill you for all expenses incurred on your behalf, such as travel cost reimbursement, photocopying, deliveries, long distance telephone charges, telecopier charges, filing fees, computer-assisted research, bond printing, and other related expenses. Generally these expenses will not exceed \$600. We will contact you prior to incurring expenses that exceed that amount.

Our statement for services and expenses will be sent after each particular issue of Bonds have been closed and is due and payable within thirty (30) days of receipt.

If, for any reason, you terminate the engagement on a particular issue of Bonds covered by this Agreement before closing a particular issue of Bonds are not issued for any reason, or the

Bonds are issued without the delivery of our Bond Opinion, we will bill you for the services rendered on your behalf up to that point. These services will be billed at the normal hourly rates for those attorneys and legal assistants who have performed such services. We will also then bill you for all expenses we have incurred as outlined above. My current hourly rate is \$315. Work performed by associates will be billed at \$210 per hour. Services performed on your behalf by legal assistants will be billed at \$115 per hour.

RECORDS

At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this engagement.

[THIS SPACE INTENTIONALLY LEFT BLANK]

APPROVAL

Please carefully review the terms and conditions of this Agreement. **If the above correctly reflects the terms of this engagement, please obtain approval by your governing body, and execute, date and return to me the enclosed copy of this Agreement. Please retain the original for your file.**

If you have questions regarding any aspect of the above or our representation as Bond Counsel, please do not hesitate to write or call.

It has been a pleasure to serve you in the past, and we look forward to our continued relationship.

Very truly yours,

R. Mark Cory
FOR THE FIRM

Accepted:

City of Mount Vernon, State of Iowa*

By: _____ Date: _____

* Approved by Motion or Resolution No. _____ of the governing body on _____, 2017.

AGENDA ITEM # J – 3

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

DATE:	November 6, 2017
AGENDA ITEM:	Sidewalk Improvement Quotes
ACTION:	Motion

SYNOPSIS: Two quotes were received by the City for those citizens that requested the improvements be completed by Mt. Vernon and billed to them direct. There was a substantial difference in the two quotes. V&K is recommending the City move forward with the low quote of \$25,819 with JDM Concrete LLC. This contract will be with the City of Mt. Vernon. Citizens will sign individual agreements with the City, which will be collected as outlined in the sidewalk policy.

BUDGET ITEM: Existing Sidewalk Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17



VEENSTRA & KIMM, INC.

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

October 16, 2017

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

MOUNT VERNON, IOWA
2017 SIDEWALK IMPROVEMENTS
RECOMMENDATION TO AWARD CONTRACT
BID TAB

The City of Mount Vernon received quotations until 2:00 p.m., October 12, 2017 for the 2017 Sidewalk Improvements. A total of two quotations were received as follows:

<u>Bidder</u>	<u>Quote</u>
JDM Concrete LLC	\$ 25,819.00
Possibilities Unlimited LLC	\$ 68,106.00

The apparent low quote for the project was submitted by JDM Concrete LLC with its quote in the amount of \$25,819.00. We have enclosed one copy of our certified quotation tabulation for your use. Veenstra & Kimm, Inc. has examined the bidding documents and they appear in order.

The Engineer's estimate of cost for the project was \$29,000.00. The low quotation submitted by JDM Concrete LLC was approximately 11% below the Engineer's estimate of cost for the project.

Veenstra & Kimm, Inc. believes that the low quotation is reflective of the current value of the project. We recommend that the City of Mount Vernon award the construction contract to JDM Concrete LLC in the amount of the bid of \$25,819.00

If you have any questions or comments concerning the project, please contact us at (319) 466-1000.

VEENSTRA & KIMM, INC.

Dave Schechinger
DRS:mmc
5131-020
Enclosures



QUOTATION TABULATION
2017 SIDEWALK IMPROVEMENTS
MOUNT VERNON, IOWA

Bid No. 1

Bid No. 2

Project: Construct 2017 Sidewalk Improvements for the following unit and lump sum prices:

Possibilities Unlimited LLC
2705 30th Street SW
Cedar Rapids, IA 52404

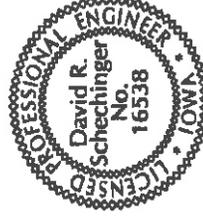
JDM Concrete LLC
1776 480th Street SW
Kalona, IA 52247

<u>Description</u>	<u>Estimated</u>		<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>
	<u>Unit</u>	<u>Quantities</u>				
1.1 Sidewalk, 4" PCC, Removal & Replace	SF	2,342	\$ 7.00	\$ 16,394.00	\$ 18.00	\$ 42,156.00
1.2 Sidewalk, 6" PCC, Removal & Replace	SF	1,110	\$ 7.50	\$ 8,325.00	\$ 21.00	\$ 23,310.00
1.3 Sidewalk Grinding	Ea.	44	\$ 25.00	\$ 1,100.00	\$ 60.00	\$ 2,640.00
Total Quotation				\$ 25,819.00	\$ 68,106.00	
(Items 1.1 - 1.3)						

I hereby certify that this is a true tabulation of quotations received on October 12, 2017 by the City of Mount Vernon, Iowa for the 2017 Sidewalk Improvements.

Dave Schechinger, P.E.
Iowa License No. 16538

My license renewal date is December 31, 2018



SOLICITATION FOR QUOTATION

SOLICITATION FOR QUOTATION FOR THE 2017 SIDEWALK IMPROVEMENTS, MOUNT VERNON, IOWA.

Quotations will be received by the City of Mount Vernon, Iowa, hereinafter referred to as "Owner" or "City", at the Council Chambers in the Mount Vernon City Hall, 213 1st Street NW, Mount Vernon, Iowa 52314, until 2:00 p.m. on the 12th day of October, 2017. Quotations may be mailed or faxed (319-643-2305) to City Hall. It is expected the City will accept a quotation or reject all quotations October 16th at the City Council meeting and issue a Notice to Proceed by October 20th, 2017.

The work to be done at the locations shown on the plans includes construction of approximately 2,342 SF of 4-inch PCC sidewalk, 1,110 SF of 6-inch PCC sidewalk, sidewalk grinding, excavation, grading, seeding, traffic control and miscellaneous associated work including cleanup.

The person, firm or corporation submitting the successful quotation, hereinafter referred to as the "Contractor", will be notified on or before the 17th day of October, 2017 that his quotation has been accepted. The work shall be completed on or before December 15, 2017.

The Contractor submitting the successful quotation will be required to furnish bond in an amount equal to one hundred percent (100%) of the contract price, said bond to be issued by a responsible surety approved by the City Council and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment for all materials and labor and protect and save harmless the City from claims and damages of any kind caused by the operations of the Contractor, and shall guarantee the work against faulty workmanship and materials for a period of two (2) years after its completion and acceptance by the City Council.

The Contractor will be paid ninety-five percent (95%) of the Owner's final estimate of the value of acceptable work completed. Final payment will be made no earlier than thirty-one (31) days after completion of the work and acceptance by the Owner. No such final payment will be due until the Contractor has certified to the Owner that the materials, labor and services involved in the final estimate have been paid for in full.

SQ-1

5131-020

AGENDA ITEM # J – 4

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

DATE:	November 6, 2017
AGENDA ITEM:	Installation of Street Lights
ACTION:	Motion

SYNOPSIS: Staff had indicated in previous correspondence that Alliant Energy erred in their initial estimate of the street light construction on 2nd Street SW. At the time Council took action, it was determined by Alliant that the new installation of lights at this location were part of the franchise agreement. Alliant has since realized their error, and provided both an explanation and cost estimate for this location. Two estimates have been provided, one with overhead (cheapest) wiring and the second with the wire buried.

BUDGET ITEM: RUT Lighting

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

Chris Nosbisch

From: Upah, Emily <EmilyUpah@alliantenergy.com>
Sent: Monday, October 23, 2017 9:48 AM
To: Chris Nosbisch
Cc: Miller, Joshua [Lisbon]
Subject: Mount Vernon Street Lights
Attachments: Overhead Service Estimate .pdf; Underground Service Estimate.pdf

Hi, Chris

I hope this message finds you well. I am reaching out to you today to follow up on Monday's meeting regarding street lights that need to be installed. As Josh mentioned, we can get the three lights on Palisades Road and one on Country Club Road installed right away. Your monthly bill will increase \$6.01 per light – this is the monthly tariff cost without electricity.

As promised, I have attached the estimates for installation of lights on 2nd Ave. The attached documents are two separate estimates: one is for installing these lights with underground cable and one is for installation with overhead cabling. We understand that you prefer to have them installed with underground cabling, but wanted to provide you with both options in the event cost became a deciding factor. In addition to the materials, please do notice on both estimates there is a charge of \$18.03 – again, this is the monthly tariff cost without electricity.

The reason why there is an additional cost for the lights on 2nd Ave is due to the additional cabling that needs run for the installation. You receive so many feet of free cable (depending on if the service is overhead or underground) for street light installation and the project on 2nd Ave. requires cable in addition to what is provided for free.

Please let me know what your thoughts are on the two estimates or if you have any additional questions.

Thanks, Chris. Have a great day!

--Emily

Emily Upah | Key Account Manager

Alliant Energy

200 1st St. SE | Cedar Rapids, IA 52401

Office: (319) 736-7257 | Cell: (319) 350-7722

alliantenergy.com | emilyupah@alliantenergy.com

**Interstate Power & Light Company (Applicable to the Iowa Service Area)
ESTIMATE**

Customer Name:

Date:

Mailing Address:

Phone #

Project Address:

Account ID
SA ID
SP ID
Lighting WR #

The lighting contemplated herein is based upon the Company's Standard Charges for installation of new facilities.

Standard Charge Description	Billing Code	QTY	Installed Cost
1 PHASE SECONDARY POLE (<= 35 FT)	EPG-41	1 each	\$540.00
NEW DEDICATED WOOD LIGHTING POLE	SPG-01	3 each	\$1,404.00
LIGHTING OVERHEAD CONDUCTOR	SPG-31	0 feet	\$0.00

Iowa Total Free Conductor Footage = 700 feet
Iowa Total Free Cable Footage = 0 feet
Iowa Free Trenching Footage = 0 feet

Street Lighting Facilities Installed Standard Charge = \$1,944.00

Iowa Public Good Contribution Tax Adder = 0.00%

Tax Amount = \$0.00

Non-Refundable Public Good Contribution In Aid of Construction Required = \$1,944.00

Reimbursable Charge Description	Billing Code	Amount
---------------------------------	--------------	--------

Non-Refundable Reimbursement Required = \$0.00

Tariff Item Description	Rate Code	QTY	Total Charge
80 WATTS LED or 100 WATTS HPS (DECORATIVE)	640	3 each	\$18.03

monthly Tariff cost without energy charge and taxes = \$18.03

Total Non-Refundable Project Contribution = \$1,944.00

COMMENTS:

**Interstate Power & Light Company (Applicable to the Iowa Service Area)
ESTIMATE**

Customer Name:

Date:

Mailing Address:

Phone #

Project Address:

Account ID

SA ID

SP ID

Lighting WR #

The lighting contemplated herein is based upon the Company's Standard Charges for installation of new facilities.

Standard Charge Description	Billing Code	QTY	Installed Cost
NEW DEDICATED WOOD LIGHTING POLE	SPG-01	3 each	\$1,404.00
U GUARD FOR WOODEN LIGHTING POLE	SPG-33	3 each	\$552.00
LIGHTING UNDERGROUND CABLE	SPG-30	250 feet	\$175.00
TRENCH/PLOW	IPG-19	60 feet	\$240.00
BORE/MISSILE/TUNNEL	IPG-04	160 feet	\$1,360.00

Iowa Total Free Conductor Footage = 0 feet
 Iowa Total Free Cable Footage = 450 feet
 Iowa Free Trenching Footage = 380 feet

Street Lighting Facilities Installed Standard Charge = \$3,731.00

Iowa Public Good Contribution Tax Adder = 0.00%
 Tax Amount = \$0.00

Non-Refundable Public Good Contribution In Aid of Construction Required = \$3,731.00

Reimbursable Charge Description	Billing Code	Amount

Non-Refundable Reimbursement Required = \$0.00

Tariff Item Description	Rate Code	QTY	Total Charge
80 WATTS LED or 100 WATTS HPS (DECORATIVE)	640	3 each	\$18.03

monthly Tariff cost without energy charge and taxes = \$18.03

Total Non-Refundable Project Contribution = \$3,731.00

COMMENTS:

AGENDA ITEM # J – 5

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

DATE:	November 6, 2017
AGENDA ITEM:	By-Pass Steering Committee
ACTION:	Motion

SYNOPSIS: Staff is asking for recommendations for the creation of the By-pass steering committee. The Committee should incorporate 12-15 members of the community. Staff is recommending representatives from the following seated commissions of citizen groups:

- City Council Representative
- CDG Representative
- Linn County P&Z Staff Representative
- MV P&Z Representative
- MV Historic Preservation Representative
- MV School District Representative
- MV Parks & Recreation Representative
- MV Housing Commission Representative
- Two Representatives owning property along the by-pass area
- Two At-large Citizens
- Two Ex-officio City Staff

The first steering committee meeting is tentatively scheduled to take place in November. A date will be identified once the members of the committee are chosen.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

L. Discussion Items (No Action)

AGENDA ITEM # L – 1

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

DATE: November 6, 2017

AGENDA ITEM: Fireworks

ACTION: None

SYNOPSIS: Staff has received fewer than half a dozen calls regarding fireworks, with all of them in favor of an outright ban. The City of Marion is in the process of adopting an ordinance that will only allow fireworks on two days of the year. Staff is hoping to receive some direction at this meeting for crafting new ordinance language.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

AGENDA ITEM # L – 2

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

DATE: November 6, 2017

AGENDA ITEM: Budget Parameters

ACTION: None

SYNOPSIS: Staff would like to talk through the process and offer some new ideas for the budget process this year. We are also seeking clarification on when the Council would like to see the CIP in relation to the goal setting session.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 11/2/17

M. Reports Mayor/Council/Admin.

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
November 6, 2017**

- The City will once again be participating in the Linn County Hazard Mitigation Plan update. An adopted plan for the community is necessary in order to be eligible for some federal disaster funding.
- Staff attended a meeting at the Linn County Solid Waste Agency regarding disaster debris and the proper disposal. A majority of the Linn County communities were present to provide input into the process.
- It is expected that the development agreements for the two new subdivisions will be completed in early December and considered by the Council on December 18, 2017.
- Mediacom has provided its Notice of Intent to extend the Video Service Franchise Agreement for another ten years. The State of Iowa now issues these franchise agreements.



Bruce Gluckman
Deputy General Counsel

October 20, 2017

VIA CERTIFIED MAIL

Mayor Jamie Hampton
City of Mt Vernon
213 First Street NW
Mount Vernon, IA 52314

Re: *Video Service Franchise Agreement: <City of Mt Vernon, IA >*

Dear Mayor Hampton:

On January 30, 2008, MCC Iowa LLC (“Mediacom”) filed an initial application with the Iowa Utilities Board (“IUB”) for a certificate of franchise authority to provide cable service. On February 14, 2008, the IUB issued Mediacom a certificate of franchise authority (C-0002) for an initial period of ten years. On August 30, 2010, Mediacom added City of Mt Vernon to Certificate C-0002.

Pursuant to IAC 199-44.7, “[t]hirty days prior to the tenth anniversary of the *issuance of the original certificate* [emphasis added] and every ten years thereafter, the certificate holder shall file with the board a notice of renewal....” Accordingly, on January 14, 2018, Mediacom will file a notice of renewal with the IUB to continue to serve City of Mt Vernon.

Please do not hesitate to contact Lee Grassley at lgrassley@mediacomcc.com or 319-268-5033 should you have any questions regarding the renewal of our state-issued franchise or any aspect of our service in City of Mt Vernon.

Sincerely,

A handwritten signature in black ink that reads "Bruce Gluckman". The signature is written in a cursive style.

Bruce Gluckman

cc: Lee Grassley