

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:	September 4, 2018 – 6:30 PM (Tuesday)
Web Page:	www.cityofmtvernon-ia.gov
Posted:	August 31, 2018

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

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

If you wish to address the City Council on subjects pertaining to today's meeting agenda, please wait until that item on the agenda is reached. If you wish to address the City Council on an item **not** on the agenda, please approach the microphone and give your name and address for the public record before discussing your item. Each individual will be granted no more than five (5) minutes.

- D. **Consent Agenda**

Note: These are routine items and will be enacted by one motion without separate discussion unless a Council Member requests separate consideration.

- 1. **Approval of City Council Minutes – August 20, 2018 Regular Council Meeting**
- 2. **Appoint Tom Wieseler – Mayor Pro-Tem**
- 3. **Appoint Sandra Fleckenstein – Parks and Rec Board**

- E. **Public Hearing**

- 1. **None**

- F. **Ordinance Approval/Amendment**

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

- G. **Resolutions for Approval**

- 1. **Resolution #9-4-2018A: Setting Public Hearing and Bid Date for the 5th Ave and 1st Street W Traffic Signal Installation Project**
- 2. **Resolution #9-4-2018B: Approving the Department of Transportation Street Finance Report for FY 2018**

- 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 Pay Application #1 – Avery Construction – Mt. Vernon Rd Culvert – Council Action as Needed
3. Discussion and Consideration of an Indemnity Agreement Between the City of Mt. Vernon and Mt. Vernon Community School District – Council Action as Needed

K. Reports to be Received/Filed

1. None

L. Discussion Items (No Action)

1. Chicken Ordinance

M. Reports of Mayor/Council/Administrator

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

N. Adjournment

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

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

D. Consent Agenda

The Mount Vernon City Council met August 20, 2018 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, West, Wieseler and Rose. Council has one vacancy.

Call to Order. Mayor Jamie Hampton called the meeting to order at 6:30 p.m. Agenda change/corrections: Mayor Hampton stated that the date under Motions for Approval – Setting a Public Hearing date for an Amendment Chapter 165 Zoning Regulations should read September 17, 2018 not September 17, 2017.

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

Consent Agenda. Nosbisch said that not all of the improvements are done at Glyn Mawr. In order not to hold the permit up Council is being asked to approve their liquor license with the condition that all provisions are met. Wieseler motioned to approve the Consent Agenda with the condition as presented, seconded by West. Carried all.

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

Approval of Liquor License – Bon Appetit at Cornell College

Approval of Liquor License – Glyn Mawr Vineyard and Winery

Approval of Liquor License – CDG (Chili Cook-Off)

Approval of Liquor License – Mt. Vernon PNP

Public Hearing

Public Hearing for the Consideration of Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 121.05 Issuance and Expiration. Mayor Hampton declared the Public Hearing open. Close public hearing – Proceed to F-2. Hearing no comments from the public Mayor Hampton closed the Public Hearing.

Public Hearing for the Consideration of Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 62.01 Violation of Regulations. Mayor Hampton declared the Public Hearing open. Close public hearing – Proceed to F-3. Hearing no comments from the public Mayor Hampton closed the Public Hearing.

Public Hearing for the Consideration of a Preliminary Plat for Stoner Plaza Ninth Addition to the City of Mt. Vernon, Iowa. Mayor Hampton declared the Public Hearing open. Close public hearing – Proceed to G – 2. Hearing no comments from the public Mayor Hampton closed the Public Hearing.

Ordinance Approval/Amendment

Ordinance #8-6-2018A: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Adding a New Subsection, Chapter 92.11 Reduction in Bills for Water and Sewer Service. Motion to approve second reading and proceed with third and final reading – (Council may suspend rules and proceed with the final reading after a vote of the second reading). Wieseler motioned to approve the second reading of Ordinance #8-6-2018A, seconded by Rose. Roll call vote. Motion carries.

Ordinance #8-20-2018A: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 121.05 Issuance and Expiration. Motion to approve first reading and proceed with the second reading – (Council may suspend rules and proceed with the final reading after a vote of the first reading). City Administrator Nosbisch explained that the language in this ordinance was necessitated by

changes to the Iowa Code. The new language says that “the City must submit a duplicate of any application for a retail cigarette permit to the Alcohol Beverages Division of the Department of Commerce within 30 days of the issuance of the permit”. West motioned to approve the first reading of Ordinance #8-6-2018A, seconded by Rose. Roll call vote. Motion carries. Rose motioned to suspend rules and approve the third and final reading of Ordinance 8-20-2018A, seconded by Roudabush. Roll call vote. Motion carries.

Ordinance #8-20-2018B: An Ordinance Amending the Code of Ordinances of the City of Mt. Vernon, Iowa, by Amending Chapter 62.01 Violation of Regulations. Motion to approve first reading and proceed with the second reading – (Council may suspend rules and proceed with the final reading after a vote of the first reading). Nobsch stated that this ordinance is necessitated by changes to the Iowa Code. It adds the prohibition of texting or using a mobile telephone while operating a commercial vehicle. West motioned to approve the first reading of Ordinance #8-20-2018B, seconded by Wieseler. Roll call vote. Motion carries. Rose motioned to suspend rules and approve the third and final reading of Ordinance #8-20-2018B, seconded by West. Roll call vote. Motion carries.

Resolutions for Approval

Resolution #8-20-2018A: Approving the Final Plat of Spring Meadow Heights First Addition Subdivision to the City of Mt. Vernon, Iowa. Skogman submitted their final plat for Spring Meadow Heights Subdivision. The developers posted a certified check in the amount of \$46,400.00 which is 110% of the costs of any remaining infrastructure requirements. Council was given a copy of the covenants and subdivision agreement for review. Wieseler motioned to approve Resolution #8-20-2018A, seconded by West. Roll call vote. Motion carries.

Resolution #8-20-2018B: Approving the Preliminary Plat of Stoner Plaza Ninth Addition Subdivision to the City of Mt. Vernon, Iowa. Nobsch explained that this subdivision is creating one buildable lot, an additional lot for street ROW (Lot A) and an out lot that will be added to an existing lot (204 Glenn St SE) in the subdivision. Staff recommends against the small extension of Glenn St SE as the newly created lot will already have access to the street. Because of the small size staff is also recommending that both the preliminary and the final plat run concurrently. The P&Z commission met on July 11, 2018 and approved both plats. Roudabush motioned to approve Resolution #8-20-2018B, a resolution approving the preliminary plat of the Stoner Plaza Ninth Addition Subdivision seconded by Wieseler. Roll call vote. Motion carries.

Resolution #8-20-2018C: Approving the Final Plat of Stoner Plaza Ninth Addition Subdivision to the City of Mt. Vernon, Iowa. Roudabush motioned to approve Resolution #8-20-2018C, a resolution approving the final plat of Stoner Plaza Ninth Addition Subdivision, seconded by Wieseler. Roll call vote. Motion carries.

Resolution #8-20-2018D: Approving the Real Estate Purchase Agreement between the City of Mt. Vernon and William and Marla Wright. Staff has been working with Troy Louwagie of Hertz Real Estate Services to secure property for the future composting and public works facility. The purchase is for 8.6 acres of property located west on Bryant Road. The purchase price is \$189,200, \$22,000 per acre, with \$10,000 due upon approval of the real estate sales agreement. The City will be responsible for the Hertz commission, surveys, abstracts, platting, etc. Staff estimates the property and all costs associated to be between \$200,000 and \$215,000.00 and will be paid from the Solid Waste Fund. Nobsch said the plan is to have the property purchase finalized by December so that next year City crews can start a new leaf/compost program. The current public works department is located on 1.5 acres of land. West said she is in favor of the land purchase but would abstain from the vote due to fact that Hertz is her employer. Rose motioned to approve Resolution #8-20-2018D approving the real estate purchase agreement between the City of Mt Vernon and William and Marla Wright, seconded by Wieseler. Roll call vote. Ayes: Rose, Wieseler, Roudabush. Abstain: West. Motion carries.

Motions for Approval

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

AAA PEST CONTROL	PEST CONTROL-P&A	30.00
ADORED HARDWOOD FLOORS	FINISH MAIN FLOOR/VC-P&A	1,400.00
AIRGAS INC	CYLINDER RENTAL FEE-PW	59.80
ALL SECURE	SECURITY SYST MONITORING-POOL	120.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	6,290.30
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,733.64
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	2,663.72
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	502.74
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	429.12
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	382.84
ALLIANT IES UTILITIES	ENERGY USAGE-FD	342.26
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	289.94
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	262.38
ALLIANT IES UTILITIES	ENERGY USAGE-PD	156.56
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	44.97
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	37.69
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	32.15
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	20.19
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	2,934.15
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,816.26
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	60.00
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	33.42
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	26.23
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	12.22
AMERICAN PLANNING ASSOCIATION	MEMBERSHIP-P&A	85.00
ARAMARK	RUGS-FD	106.34
ARAMARK	RUGS-FD	88.62
BROWNELLS INC	EQUIP REPAIR-PD	22.59
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	3,887.80
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	832.15
CEDAR RAPIDS TIRE	TIRES/MOWER (2)-RUT	56.98
CEDAR VALLEY OUTFITTERS CORP	EQUIP-PD	59.99
CENTURY LINK	PHONE CHGS-PD	54.18
CENTURY LINK	PHONE CHGS-FD	71.36
CHRIS NOSBISCH	MILEAGE-P&A	67.04
COMFORT SOLUTIONS	A/C MAINT-P&A	193.60
CONSTRUCTION MATERIALS INC	EQUIP-RUT	28.76
CORNELL COLLEGE	SPRING SOCCER OFFICIALS-P&REC	420.00
DEPT OF ADMINISTRATIVE SEVICES	CPM PROGRAM-RUT	3,500.00
DIESEL TURBO SERVICES INC	WHEEL BEARING MAINT-RUT	75.00
DIVERSIFIED INSPECTONS	BUCKET TRUCK INSPECTION	384.38
EMERALD GREEN LAWN CARE	PRE-EMERGENT/BALL FIELDS-P&REC	1,500.00
EMERALD GREEN LAWN CARE	TRIM/WEED BEDS/STERILANT-RUT	1,100.00
EQUIPMENT MGMT COMPANY	EQUIP-FD	21.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
GALLS INC	UNIFORMS-PD	30.38
GALLS INC	METRO SPIKE SYSTEM-PD	399.00
GLEN WOLFE	REFINISH DOORS/VC-P&A	1,370.00
GROUP SERVICES INC	INSURANCE-ALL DEPTS	17,697.36
HAWKEYE READY MIX	CURBLINE REPAIR/2ND AVE SW	426.13
HAWKEYE READY MIX	STORM INLETS-ST WAT	226.50
HEATHER FLYNN	CELL PHONE STIPEND-P&A	440.00

IOWA ONE CALL	LOCATES-WAT,SEW	80.10
IOWA PRISON INDUSTRIES	HARDWARE-RUT	191.00
IOWA SOLUTIONS INC	COMPUTER MAINT-PW	250.00
IOWA SOLUTIONS INC	OFFICE 365 BUSINESS-PD	120.60
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
KIM SHERMAN	SUMMER CLASSES-P&REC	1,057.00
L.L. PELLING CO INC	SEALCOAT-RUT	39,099.67
L.L. PELLING CO INC	SEALCOAT-RUT	15,654.05
LATENT	WI-FI ADAPTOR,LICENSE SUB-PD	560.00
LYNCH FORD	WINDOW REGULATOR-RUT	321.76
LYNCH FORD	BATTERY-PD	161.99
MEDIACOM	PHONE/INTERNET-RUT	161.09
MEDIACOM	PHONE/INTERNET-POOL	161.09
MEDIACOM	PHONE/INTERNET-P&REC	158.91
MEDIACOM	PHONE/INTERNET-P&A	266.41
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC,POOL	391.50
MOUNT VERNON PHARMACY	SUPPLIES-P&A,POOL,P&REC	132.44
MSA PROFESSIONAL SERVICES	HWY 1/30 RAB ASSESSMENT	5,911.74
MV ACE HARDWARE	SUPPLIES-ALL DEPTS	1,598.72
NICK NISSEN	MILEAGE-RUT	164.27
OPN ARCHITECTS	WELLNESS CENTER/STUDY PHASE 1	37,465.52
PAYROLL	CLAIMS	76,673.77
PHOTO PRO	EQUIP-PD	451.97
RACHEL FRANCOIS	REFUND-P&REC	25.00
SCHIMBERG COMPANY	GRATES-ST WAT	1,863.92
SCHIMBERG COMPANY	2" LINE-POOL	43.68
SHERWIN WILLIAMS CO.	PUMP,TRANSDUCER,MISC-RUT	318.04
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-P&A	20.00
STAPLES ADVANTAGE	SUPPLIES-P&A	54.14
STONE CITY QUARRIES	CUTTER ENDS-RUT	347.40
TERESA BOTHELL	REFUND-P&REC	20.00
TESSA MCEARCHERN	INTERN-MVHPC	810.00
UNITYPOINT CLINIC-OCCUPATIONAL	DRUG TESTING-RUT	84.00
VALLEY ATHLETICS	FIELD PAINT-P&REC	249.95
VERMEER SALES & SERVICE INC	KNIFE SHARPENING/CHIPPER-SW	40.00
WENDLING QUARRIES	OUTLET REPAIR-ST WAT	45.47
WEX BANK	FUEL	1,729.90
TOTAL		241,749.84
001 - GENERAL FUND		41,950.25
110 - ROAD USE TAX FUND		58,788.47
600 - WATER FUND		7,786.40
610 - SEWER FUND		9,936.16
620 - STORM WATER FUND		2,578.32
304 - LOST III COMMUNITY CENTER		37,465.52
307 - HWY 30 CORRIDOR IMPROVEMENTS		5,911.74
670 - SOLID WASTE		659.21
PAYROLL FUND		76,673.77
		241,749.84

Discussion and Consideration of an Amended 28E Agreement with Linn County Development Services for Building Inspections – Council Action as Needed. Currently Linn County Planning and Development provides the City's building inspection services. They are proposing a new 28E agreement for Council's consideration. The most substantial change is that they are asking applicants to submit permits directly to

their Cedar Rapids office as opposed to dropping off them off at City Hall. Nobsch said that the City of Ely decided not to go with Linn County and hired their own building inspector. She doesn't have all of the certifications yet so if Mount Vernon decided to use her services we would still have to contract the inspections out for the Wellness Center, Cornell College and the schools because they are considered commercial buildings. The City doesn't count on any revenue from building permits as part of the budget. Representing Linn County was Les Beck, Luke Maloney and Ande Hendricks. When asked how residents would submit their building plans Beck explained that they have provisions that are sub-permits so anything (mechanical, electrical, plumbing) except new a home or new construction can be submitted online. They are moving towards electronic plans submittal. Once that is in place all permits can be submitted online. A transition date of November 1st was suggested to which staff and Council agreed. Linn County updates their codes every 3 years and it is written in the 28E agreement that the City would adopt the same codes. Wieseler motioned to accept an amended 28E Agreement with Linn County Development Services for building inspections, seconded by West. Carried all.

Discussion and Consideration of an Order Accepting Acknowledgement/Settlement for a Second Violation of Iowa Code 453A.2(1) – Jero Inc (Chameleons Pub & Grill) – Council Action as Needed. Rose moved acceptance of the acknowledgement that the owners of Chameleon's Pub and Grill have elected to take the 30 day suspension of their tobacco license in lieu of a fine, seconded by Wieseler. Carried all.

Discussion and Consideration of Scope of Services and Cost Proposal for the Update of the City of Mt. Vernon Subdivision Ordinance - ECICOG – Council Action as Needed. Staff is asking for Council approval to begin the review of the subdivision ordinance. The cost of the review and revision is \$9,774.00. ECICOG would like 8 months to complete this project. Rose moved approval of the Subdivision Ordinance as presented from ECICOG, seconded by West. Carried all.

Discussion and Consideration of Filling the City Council Vacancy – Council Action as Needed. Staff is asking Council how they would like to proceed in filling the vacated Council seat. If Council decides to appoint a public hearing notice has to be published in the paper no less than four, no more than twenty days prior to the decision. The first chance of having that discussion would be the first meeting in September. The second option is to wait and allow the seat to be filled at the election coming up in November. This would give someone 2-3 weeks to collect the signatures necessary to be on the ballot. If Council appoints, citizens can still petition for an election. Council agreed to wait and let those interested in serving go through the election process.

Discussion and Consideration of Setting a Public Hearing Date for an Amendment to Chapter 165 Zoning Regulations – September 17, 2017 – Council Action as Needed. Motion. Rose motioned to set the Public Hearing date for an Amendment to Chapter 165 Zoning Regulations on September 17, 2018, seconded by Wieseler. Motion carries.

Discussion and Consideration of Alternative City Council Meeting Dates for September 3, 2018 – Council Action as Needed. Because September 3, 2018 is Labor Day and City Hall is closed staff asked Council to consider changing the meeting date. Motion to change the meeting date to September 4, 2018 made by Wieseler, seconded by Rose. Motion carries.

Discussion and Consideration of Change Order #1 for the First Street Culvert Replacement Project – Council Action as Needed. When excavating the 1st Street culvert an un-anticipated concrete layer was found. The removal of this concrete, along with additional fill materials will increase the cost of the project an additional \$3,870.55. Motion to pay Change Order #1 in the amount of \$3,870.55 made by Wieseler, seconded by West. Motion carries.

Discussion and Consideration of Farm Lease Terms for City Owned Property in the Stonebrook Subdivision – Future Park Space – Council Action as Needed. The 4 acre City owned property in the Stonebrook subdivision has been farmed by the Stoner family up until this year. Once the Stoners sold the acres to Bryce Ricklefs the property was no longer being maintained. Staff has approached a local resident about taking care of the property until the space is improved by the City. Staff would propose a three year lease that requires the leasee to pay \$1/acre for the first year and \$75 per acre the second and third year. The leasee would mow and seed the property for hay.

Reports to be Received/Filed

Mt. Vernon Police Report. Chief Doug Shannon stated there were 5 reported collisions and 18 incidents in July. The incidents include suicide threat, check fraud assault domestic abuse and more. Officers assisted with Heritage Days events; no arrests were reported. Chief Shannon met with Cornell Campus Safety director regarding the upcoming Safety Fair at Cornell. Officers worked 33.5 hours of STEP. Officers conducted a seatbelt survey on 7-28-18; of 153 occupants 145 were belted. Grant funding was submitted for the purchase of a Watch Guard 4RE Patrol video system for the K9 vehicle. GTSB funded \$4,500 of the \$6,441 system. The MVPD was awarded another GTSB contract for the next fiscal year which begins October 1, 2018. The contract amount is for \$8,600.00. Supplementing police coverage for the City of Lisbon has resulted in 1,957 minutes of patrol and 20 calls for service (593 minutes). Total invoice for July is \$1,700.00. Chief Shannon said that he will be addressing the complaints regarding employees parking on Main Street.

Mt. Vernon Public Works Report. City crews fixed two problem curb line areas on 2nd Avenue SW. LL Pelling finished the seal coating projects. City will sweep the excess chips off of the streets once most of them have been settled by traffic. City crews took care of two Maple trees in the ROW while Total Tree Care of Iowa City removed about 10 trees. The Stonebrook Addition 1st phase has the sanitary sewer installed and crews have begun installation of the water main. The Spring Meadows Addition street intersections have been poured. PW Director Nissen has begun the CPM program at Drake University.

Mt. Vernon Parks and Recreation Report. Discussions regarding Park projects will begin soon. An individual wants to host a disc golf tournament for beginners. The pool use has been steady. Theme nights and Movie nights are well attended. There were 17 participants in the Pool Triathlon. The P&Rec Board will be discussing a 5 year celebration of the dog park.

Reports of Mayor/Council/Administrator

Mayor's Report. With the resignation of Council person and Mayor Pro tem Marty Christensen Mayor Hampton announced Tom Wieseler as the new Mayor Pro tem.

City Administrator's Report. IMWCA conducted their yearly safety review of the City facilities. Safety upgrades to City Hall will begin and last through September. Heather Flynn has been reviewing the sidewalk program documents. The current plan is to complete inspections of the NE quadrant this fall and begin improvements in the spring. With Heather, the City is able to place a higher emphasis on nuisance enforcement. Auditors were here the week of August 13.

As there was no further business to attend to the meeting adjourned the time being 7:54 p.m., August 20, 2018.

Respectfully submitted,
Sue Ripke
City Clerk

Rec'd 8-16-18

CITY OF MOUNT VERNON
INTEREST FORM

I would like to express my interest to serve on the Parks & Rec Board
board/commission/committee.

NAME Sandra Fleckenstein

ADDRESS 507 Washington Ct SW, Unit B MV

PHONE 319-721-4809

EMAIL FLECKENSTEINSL@AOL.COM

What experiences or abilities do you feel qualify you for this appointment?

I worked for a couple of years on the flower
beds around MV. I have a true interest in
being a part of where MV is going regarding
parks, wellness center, & trail system. I feel that
since I would love to see these things move
forward that it need to ^{do} my part & be a contributing
factor to help make it happen.

Thank you-

Please return the completed form to Mount Vernon City Hall.

F. Ordinance Approval/Amendment

AGENDA ITEM # F – 1

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

DATE:	September 4, 2018
AGENDA ITEM:	Ordinance #8-6-2018A
ACTION:	Motion

SYNOPSIS: Staff has not received any written or verbal communication regarding the first or second reading of the ordinance.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Ordinance

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18

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

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

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

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

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

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

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

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

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

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

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

Approved and adopted this ____ day of _____, 2018.

ATTEST:

Jamie Hampton - Mayor

Sue Ripke – City Clerk

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

Sue Ripke, City Clerk

G. Resolutions for Approval

AGENDA ITEM # G – 1

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

DATE:	September 4, 2018
AGENDA ITEM:	Resolution #9-4-2018A
ACTION:	Motion

SYNOPSIS: Attached with the resolution is a schedule of construction for the 5th Ave and 1st St traffic signal project. I am told by the engineers that significant lead time (3 to 4 months) is needed for the ordering of the traffic signal hardware. The initial recommendation was to bid the project in the fall, and construct in the spring. The project will be delayed by the City until June 3, 2019 to coincide with the last day of school. This project will cause a disruption at the intersection and would be best completed after the need for a school crossing has diminished for the summer. The City is receiving grant funding from the IaDOT for this project. The attached resolution will set the public hearing, establish the bid date, and make the plans and specifications available to the public.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution and Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18

RESOLUTION #9-4-2018A

RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR FOR IMPROVEMENTS KNOWN AS THE 5TH AVE NW AND 1ST STREET W TRAFFIC SIGNAL INSTALLATION PROJECT

WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as the 5th Ave NW and 1st Street West Traffic Signal Installation Project, and has caused to be prepared preliminary plans, specifications and form of contract, together with estimate of cost, on file in the office of the Clerk for public inspection, for the construction of said public improvements, and said preliminary plans, specifications and form of contract are deemed suitable for the making of said public improvements; and

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

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

Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as the 5TH AVE NW AND 1ST STREET W TRAFFIC SIGNAL INSTALLATION PROJECT, in the manner set forth in the preliminary plans and specifications and form of contract, above referred to, the cost thereof to be paid in accordance with the provisions as set out in the Instructions to Bidders, said public improvements being more generally described as follows:

All labor, materials, and equipment necessary for the removal and replacement of the traffic safety lights and other intersection improvements:

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

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to publish notice to bidders once in the Sun Newspaper, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City.

Publication shall be not less than four clear days nor more than twenty days prior to the public hearing to be held at 6:30 p.m. on September 17, 2018 at the Mt. Vernon City Hall (213 First Street NW.), The date for receiving bids is hereby fixed as September 27, 2018. Said bids are to be filed prior to 2:00 p.m. on said date; and,

BE IT FURTHER RESOLVED, that bids shall be received and as provided in the public notice and the results of said bids shall be considered at a meeting of this Council on October 1, 2018, at 6:30 p.m., at the Mt. Vernon City Hall (213 First Street NW.); and,

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

PASSED and ADOPTED this ___ day of September, 2018.

Jamie Hampton, Mayor

ATTEST:

Sue Ripke, City Clerk

SCHEDULE

FOR

***FIFTH AVE NW & FIRST STREET WEST
TRAFFIC SIGNAL INSTALLATION***

MOUNT VERNON, IOWA

September 4, 2018:	Council sets Public Hearing and Bid Date
September 6, 2018:	Publish Notice of Hearing and Letting
September 6, 2018:	Plans and Specifications Available
September 17, 2018:	Public Hearing
September 27, 2018:	Receive Bids for Project
October 1, 2018:	Award Contract
October 15, 2018:	Notice to Proceed
June 3, 2019	Construction Start Date
August 9, 2019:	Completion Date



AGENDA ITEM # G – 2

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

DATE:	September 4, 2018
AGENDA ITEM:	Resolution #9-4-2018B
ACTION:	Motion

SYNOPSIS: Attached is the resolution and the annual street finance report. The City received \$574,921 in road use tax funds for FY 18, about a \$14,000 increase from last fiscal year. There is still a balance remaining from the 2014 bond issuance in June (approx. \$586,512). Staff had planned to utilize all of the funds in FY 18, but project timing will move some of the funds into FY 19 and 20.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution and Report

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18

RESOLUTION #9-4-2018B

A Resolution approving the Department of Transportation Street Finance Report for FY2018.

Motion made by _____, seconded by _____ to _____
Resolution #9-4-2018B.

Resolution #9-4-2018B _____ on September 4, 2018, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL
MOUNT VERNON, IOWA

Jamie Hampton, Mayor

ATTEST:

Sue Ripke
Assistant City Administrator/Clerk

City Street Financial Report

City Name
MOUNT VERNON

8/16/2018 10:54 AM
Fiscal Year
2018
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Cover Sheet

Now therefore let it be resolved that the city council Mount Vernon, Iowa
(City Name)

On _____ did hereby approve and adopt the annual
(month/day/year)

City Street Financial Report from July 1, 2017 to June 30, 2018
(Year) (Year)

Contact Information

Name	E-mail Address	Street Address	city	ZIP Code
Sue Ripke	sripke@cityofmtvernon-ia.gov	213 1st St. NW	Mount Vernon	52314-0000
Hours	Phone	Extension	Phone(Alternative)	
8am to 5pm	319-895-8742		319-721-7245	

Preparer Information

Name	E-mail Address	Phone	Extension
Brad Hauge	brad.hauge@yahoo.com	319-560-5237	

Mayor Information

Name	E-mail Address	Street Address	city	ZIP Code
Jamie Hampton	jhampton@cityofmtvernon-ia.gov	213 1st St. NW	Mount Vernon	52314-0000
Phone	Extension			
319-895-8742				

Resolution Number _____

Jamie Hampton
Signature Mayor

Sue Ripke
Signature City Clerk

City Street Financial Report

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Summary Statement Sheet

Column 1 **Column 2** **Column 3** **Column 4**
Road use **Other Street** **Street Debt** **Totals**
Tax Fund **Monies**

Round Figures to Nearest Dollars

A. BEGINNING BALANCE				
1 July 1 Balance	\$288,293	\$674,801	\$0	\$963,094
2 Adjustments (Note on Explanation Sheet)	\$0	\$0	\$0	\$0
3 Adjusted Balance	\$288,293	\$674,801	\$0	\$963,094
B. REVENUES				
1 Road Use Tax	\$574,921			\$574,921
2 Property Taxes		\$0	\$0	\$0
3 Special Assessments		\$18,200	\$0	\$18,200
4 Miscellaneous		\$127,238	\$459,274	\$586,512
5 Proceeds from Bonds, Notes, and Loans		\$21,030	\$0	\$21,030
6 Interest Earned		\$0	\$0	\$0
7. Total Revenues (Lines B1 thru B6)	\$574,921	\$166,468	\$459,274	\$1,200,663
C. Total Funds Available (Line A3 + Line B7)	\$863,214	\$841,269	\$459,274	\$2,163,757

Column 1 **Column 2** **Column 3** **Column 4**
Road use **Other Street** **Street Debt** **Totals**
Tax Fund **Monies**

Round Figures to Nearest Dollars

EXPENSES				
D. Maintenance				
1 RoadWay Maintenance	\$366,339	\$56,063	\$0	\$422,402
2 Snow and Ice Removal	\$19,630	\$0	\$0	\$19,630
E. Construction, Reconstruction and Improvements				
1 Engineering	\$11,562	\$39,398	\$0	\$50,960
2 Right of Way Purchased	\$0	\$0	\$0	\$0
3 Street/Bridge Construction	\$0	\$195,929	\$0	\$195,929
4 Traffic Services	\$0	\$0	\$0	\$0
F. Administration	\$28,786	\$0	\$0	\$28,786
G. Equipment	\$66,991	\$0	\$0	\$66,991
H. Miscellaneous		\$0	\$0	\$0
J. street Debt				
1 Bonds, Notes and Loans -Principal Paid	\$0	\$21,030	\$348,166	\$369,196
2 Bonds, Notes and Loans - Interest Paid	\$0	\$0	\$111,108	\$111,108
TOTALS				
K. Total Expenses (Lines D thru J)	\$493,308	\$312,420	\$459,274	\$1,265,002
L. Ending Balance (Line C-K)	\$369,906	\$528,849	\$0	\$898,755
M. Total Funds Accounted For (K + L = C)	\$863,214	\$841,269	\$459,274	\$2,163,757

City Street Financial Report

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City Name
MOUNT VERNON

Miscellaneous Revenues and Expenses Sheet

Code Number and Itemization of Miscellaneous Revenues (Line B4 on the Summary Statement Sheet)(See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
174---Sales Tax / Local Option	\$27,238.00	\$304,274.00
195---Tax Increment Financing (TIF)	\$100,000.00	\$155,000.00
Line B4 Totals	\$127,238.00	\$459,274.00

Code Number and Itemization of Miscellaneous Expenses (Line H on the Summary Statement Sheet) "On street" parking expenses, street maintenance, buildings, insurance, administrative costs for printing, legal fees, bond fees etc. (See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
Line H Totals		

City Street Financial Report

City Name
MOUNT VERNON

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Bonds, Notes and Loans Sheet

New Bond ?	Debt Type	Debt Purpose	DOT Use Only	Issue Date	Issue Amount	% Related to Street	Year Due	Principal Balance as of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance as of 6/30
<input type="checkbox"/>	General Obligation	Street Improvements	101	05/17/2007	\$2,951,432	100	2022	\$696,031	\$127,159	\$27,841	\$127,159	\$27,841	\$568,872
<input type="checkbox"/>	General Obligation	Street Improvements	102	07/01/2013	\$1,200,000	100	2028	\$970,000	\$80,000	\$23,637	\$80,000	\$23,637	\$890,000
<input type="checkbox"/>	General Obligation	Street Improvements	103	09/22/2014	\$2,500,000	100	2029	\$2,175,926	\$162,037	\$59,630	\$162,037	\$59,630	\$2,013,889
New Bond Totals					\$0	\$0	Totals	\$3,841,957	\$369,196	\$111,108	\$369,196	\$111,108	\$3,472,761

City Street Financial Report

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Project Final Costs Sheet

For construction, reconstruction, and improvement projects with costs equal to or greater than 90% of the bid threshold in effect as the beginning of the fiscal year.

Check here if there are no entitlements for this year

Project Final Costs Sheet (Section A)

1. Project Number	2. Estimated Cost	3. Project Type	4. Public Letting?	5. Location/Project Description (limits, length, size of structure)
18/01	\$220,000	RDWY	Yes	Reconstruction of 10th Ave. & Palisades Rd. intersection.

Project Final Costs Sheet (Section B)

1. Project Number	6. Contractor Name	7. Contract Price	8. Additions/Deductions	9. Labor	10. Equipment	11. Materials	12. Overhead	13. Total
18/01	Horsfield Construction, Inc.	\$189,044	\$6,886	\$0	\$0	\$0	\$0	\$195,930



Form 517007 {5-2018}
Office of Local Systems
Ames, IA 50010

City Name
MOUNT VERNON

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Road/Street Equipment Inventory Sheet

1. Local Class I D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost /Unit	6. Rental Cost /Unit	7. Used On Project this FY?	8. Status
	2009	Skidloader	\$31,073	\$0	\$0	Yes	NOCH
	2008	Skidloader	\$15,981	\$0	\$0	Yes	SOLD
	2007	Model 310 Deere Backhoe	\$39,400	\$0	\$0	Yes	NOCH
	2008	Deere Excavator Model 27D	\$29,630	\$0	\$0	Yes	NOCH
	2007	4300 4 X 2 Dump Truck	\$53,484	\$0	\$0	Yes	NOCH
	2001	Ford Bucket Truck	\$21,995	\$0	\$0	Yes	NOCH
	1998	Ford Dump Truck	\$48,000	\$0	\$0	Yes	NOCH
	2005	Dump Truck Body	\$7,599	\$0	\$0	Yes	NOCH
	1991	Ford Dump Truck	\$40,000	\$0	\$0	Yes	NOCH
	1979	Pelican III Sweeper	\$15,000	\$0	\$0	No	SOLD
	2008	F-450 Super Duty Dump Truck	\$32,266	\$0	\$0	Yes	NOCH
	2008	Ford F-350	\$26,288	\$0	\$0	Yes	NOCH
	2009	Ford F-250	\$33,075	\$0	\$0	Yes	NOCH
	2007	Ford F-128	\$16,310	\$0	\$0	Yes	NOCH
	2008	Ford F-150	\$15,441	\$0	\$0	Yes	NOCH
	2009	Ford F-150	\$17,632	\$0	\$0	Yes	NOCH
	1999	Dodge RAM BR1L62	\$4,250	\$0	\$0	Yes	SOLD
	2014	International 7400 4x2 dump truck	\$130,399	\$0	\$0	Yes	NOCH
	2000	Pelican street sweeper	\$45,000	\$0	\$0	Yes	NOCH

City Street Financial Report

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MOUNT VERNON

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Road/Street Equipment Inventory Sheet

1. Local Class I.D #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
	2017	Ford F-550	\$76,247	\$0		\$0		Yes	NEW

IOWADOT
Form 517007 {5-2018}
Office of Local Systems
Ames, IA 50010

City Street Financial Report

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Explanation Sheet

Comments



Form 517007 {5-2018}
Office of Local Systems
Ames, IA 50010

City Name
MOUNT VERNON

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Monthly Payment Sheet

Month	Road Use tax Payments
July	\$58,378.73
August	\$60,334.45
September	\$58,912.31
October	\$38,732.03
November	\$52,046.32
December	\$45,131.08
January	\$37,590.51
February	\$63,347.55
March	\$40,129.36
April	\$21,914.21
May	\$54,123.75
June	\$44,280.87
Totals	\$574,921.17

J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, SEPTEMBER 4, 2018

PAYROLL	CLAIMS	75,810.54
HERTZ TRUST ACCT	EARNEST MONEY	10,000.00
TOTAL TREE CARE OF IOWA CITY	TREE MAINT-RUT	8,525.00
US BANK	CREDIT CARD PURCHASES-ALL DEPTS	4,389.60
VEENSTRA & KIMM INC	WWTP IMPROVEMENTS	4,170.00
CONFLUENCE INC	CORRIDOR STUDY	4,108.95
AVERY CONSTRUCTION	REMOVE ADDITIONAL PAVMENT	3,870.55
SLEUTH SYSTEMS	SOFTWARE SUPPORT-PD	3,170.00
VEENSTRA & KIMM INC	W 1ST ST CULVERT REPLACEMENT	2,069.18
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	1,960.23
LINN CO-OP OIL CO	FUEL-RUT,S/W	1,866.51
HAWKINS INC	CHEMICALS-SEW	1,458.93
SPRINGVILLE READY MIX	STREET PATCH-RUT	1,289.39
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	1,125.00
SHERWIN WILLIAMS CO.	STREET PAINT-RUT	583.50
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	540.00
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES	445.00
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS-PW	419.40
CAMPBELL SUPPLY CEDAR RAPIDS	DRILL,DRIVER SET-SEW	279.00
MIDWEST WHEEL CO	F350 BOX STEP-RUT	267.98
MEDIACOM	PHONE/INTERNET-PD	266.41
HAWKEYE READY MIX	CONCRETE-RUT	241.50
KIECKS	UNIFORMS-PD	190.94
CUSTOM HOSE & SUPPLIES INC	EQUIP-RUT	179.95
WENDLING QUARRIES	ROCK-RUT	175.93
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	168.00
VEENSTRA & KIMM INC	8TH AVE QUIET ZONE CONSULTATION	159.63
TASC	ADMIN FEE-ALL DEPTS	150.00
KIEFER & ASSOCIATES	WHISTLES-POOL	146.72
CEDAR VALLEY HUMANE SOCIETY	STRAY ANIMAL CONTROL	130.00
FAT GUYS MOTOR SPORTS	DRIVE BELT-RUT	101.90
TASC	COBRA ADMIN FEE-ALL DEPTS	94.83
CUSTOM HOSE & SUPPLIES INC	2" HOSE-RUT	80.96
GLENN WOLFE	DOOR MAINT/VC-P&A	80.00
ANCHOR FRAME & AXEL, INC	FRONT END ALIGNMENT-RUT	78.75
VEENSTRA & KIMM INC	5TH AVE/1ST ST W TRAFFIC SIGNAL	69.70
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
IOWA WATER ENVIRONMENT ASSOC	ANNUAL CONFERENCE-PW	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	42.72
HAWKEYE FIRE & SAFETY CORP	EQUIP REPAIR-PD	26.00
TOTAL		128,912.70
GENERAL FUND		10,092.17
ROAD USE TAX FUND		13,554.12
CAPITOL PROJECTS		10,339.06
WATER		2,521.33
SEWER		5,450.33
SOLID WASTE		11,145.15
PAYROLL		75,810.54
TOTAL		128,912.70

AGENDA ITEM # J – 2

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

DATE:	September 4, 2018
AGENDA ITEM:	Pay Application #1 – Culvert Project
ACTION:	Motion

SYNOPSIS: The project is complete and Mt. Vernon Rd has been opened to the public. This pay application is in the amount of \$46,083.45 and includes a majority of the change order approved by the Council at the August 20, 2017 meeting. The next pay application will be for the retainage and will close the project out for the City.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Pay Application

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18



VEENSTRA & KIMM, INC.

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

August 31, 2018

PAY ESTIMATE NO. 1
1st STREET W CULVERT REPLACEMENT
MOUNT VERNON, IOWA

Avery Construction
715 49th Street
Marion, Iowa 52302

Contract Amount \$41,880.68
Contract Date July 16, 2018
Pay Period Aug. 1, 2018 - Aug. 28, 2018

BID ITEMS								
	Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Completed	Value Completed	
1	Topsoil, Strip, Salvage + Spread	CY	35	\$ 6.00	\$ 210.00	35	\$ 210.00	
2	Subgrade Stab Mat'l, Polymer Grid	SY	100	\$ 5.85	\$ 585.00	100	\$ 585.00	
3	Modified Subbase	CY	12	\$ 35.00	\$ 420.00	12	\$ 420.00	
4	Granular Shld, Type A	Ton	6	\$ 15.75	\$ 94.50	6	\$ 94.50	
5	Std/S-F PCC Pav't, CL M CL 3, 8"	SY	70	\$ 110.62	\$ 7,743.40	95.27	\$ 10,538.77	
6	Granular Backfill	Ton	40	\$ 16.95	\$ 678.00	40	\$ 678.00	
7	Excavation, CL20, Rdwy Pipe Culv	CY	50	\$ 52.50	\$ 2,625.00	50	\$ 2,625.00	
8	Apron, Conc Arch, 44"X27"	Ea.	2	\$ 2,531.60	\$ 5,063.20	2	\$ 5,063.20	
9	Culv, Conc Arch Ent Pipe, 44"X27"	LF	48	\$ 179.36	\$ 8,609.28	48	\$ 8,609.28	
10	Rmv Storm SWR Pipe GT 36"	LF	30	\$ 20.25	\$ 607.50	30	\$ 607.50	
11	Erosion Stone	Ton	20	\$ 29.26	\$ 585.20	18.71	\$ 547.50	
12	Rmvl of Pav't	SY	70	\$ 15.28	\$ 1,069.60	70	\$ 1,069.60	
13	Rmv + Reinstall Sign	Ea.	2	\$ 25.00	\$ 50.00	2	\$ 50.00	
14	Construction Survey	LS	1	\$ 1,300.00	\$ 1,300.00	1	\$ 1,300.00	
15	Painted Pav't Mark, Durable	STA	1	\$ 4,000.00	\$ 4,000.00	1	\$ 4,000.00	
16	Traffic Control	LS	1	\$ 2,900.00	\$ 2,900.00	1	\$ 2,900.00	
17	Mobilization	LS	1	\$ 950.00	\$ 950.00	1	\$ 950.00	
18	Seed + Fertilize (Rural)	Acre	0.5	\$ 2,420.00	\$ 1,210.00	0.5	\$ 1,210.00	
19	Mulch	Acre	0.5	\$ 2,420.00	\$ 1,210.00	0.5	\$ 1,210.00	
20	Slope Protect, Bond'd Fib'r Matrix	SQ	10	\$ 22.00	\$ 220.00	10	\$ 220.00	
21	Silt Fence-Ditch Checks	LF	500	\$ 2.50	\$ 1,250.00	500	\$ 1,250.00	
22	Rmvl of Silt Fence-Ditch Check	LF	500	\$ 1.00	\$ 500.00	500	\$ 500.00	
					Contract Price:	\$ 41,880.68		\$ 44,638.35

MATERIALS STORED SUMMARY			
Description	# of Units	Unit Price	Extended Cost
Total			\$ -

SUMMARY			
		Total Approved	Total Completed
Contract Price		\$ 41,880.68	\$ 44,638.35
Approved Change Order (list each)	Change Order No. 1	\$ 3,870.55	\$ 3,870.55
	Revised Contract Price	\$ 45,751.23	\$ 48,508.90

Stored
 Total Earned \$ 48,508.90
 Retainage (5%) \$ 2,425.45
 Total Earned Less Retainage \$ 46,083.45

Total Previously Approved (list each)			

Total Previously Approved \$ _____
 Amount Due This Request \$ 46,083.45

Percent Complete 106%

The amount \$46,083.45 is recommended for approval for payment in accordance with the terms of the contract.

Prepared By:
Avery Construction

Recommended By:
Veenstra & Kimm, Inc.

Approved By:
Mount Vernon, Iowa

Signature: _____

Signature: _____

Signature: _____

Name: _____

Name: Dave Schechinger

Name: _____

Title: _____

Title: Engineer

Title: _____

Date: _____

Date: August 31, 2018

Date: _____

AGENDA ITEM # J – 3

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

DATE:	September 4, 2018
AGENDA ITEM:	Indemnity Agreement – Joint City/School Property
ACTION:	Motion

SYNOPSIS: This agreement was discussed at the time the City purchased the property at 10th and Palisades from the MVCSD. The school inadvertently constructed their tennis courts on property that was jointly owned by both the City and the MVCSD. As the design of the community center has evolved, it was determined the City would also need to utilize the ground jointly owned by both entities. As detailed in the attached site plan, a portion of the detention basin and geothermal well field will be located on the property. The attached agreement essentially indemnifies each party from damage or claims that are associated with their improvements. Please understand that both groups would likely be named in any future lawsuit, but this does provide each entity some assurance against lawsuits aimed at specific improvements. The agreement was drafted by the City Attorney and has received verbal approval from the MVCSD Superintendent.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18

INDEMNITY AGREEMENT

I. Parties and Background Information

1. The parties to this Indemnity Agreement (the "Agreement") are the City of Mount Vernon, Iowa (the "City") and the Mount Vernon Community School District (the "District").

2. The City and the District jointly own a piece of real property (the "Property") described as follows:

Parcel A, Plat of Survey #1392, Linn County, Iowa otherwise known as and being one and the same as:

A part of Lot 2 of Cornell College Second Addition in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 82 North, Range 5 West of the 5th Principal Meridian, City of Mount Vernon, Linn County, Iowa described as follows:

Beginning at the NE corner of Bremner First Addition in said City;

thence S89°56'44"W along the north line of said Addition, 342.45 feet to the west line of said Addition;

thence S00°01'09"E along said west line, 64.88 feet to a north line of said Addition;

thence S89°33'42"W along said north line, 40.21 feet to a west line of said Addition;

thence S00°05'10"E along said west line, 38.05 feet to a north line of said Addition;

thence N89°51'32"W along said north line, 111.17 feet to a west line of said Addition;

thence S00°02'34"W along said west line, 140.37 feet to the south line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 9;

thence N89°59'04"W along said south line, 199.76 feet to east line of Stonebrook First Addition to said City;

thence N00°00'00"W along said east line, 250.94 feet;

thence N43°04'15"W along said east line, 18.22 feet;

thence N45°48'47"E along said east line, 473.06 feet;

thence S89°40'36"E along the south line of said Stonebrook First Addition, 26.86 feet to the west line of Lot 3, Cornell College Second Addition in said City;

thence S00°47'40"W along west line of said Lot 3, 43.72 feet to the SW corner of said Lot 3;

thence N89°59'19"E along the south line of said Lot 3, 340.41 feet;

thence S00°03'29"F, 306.49 feet to the point of beginning, containing 5.49 acres which includes 0.14 acres of road right of way.

3. The District has, or will, build tennis courts on the Property.
4. The City has, or will, build a geothermal field on the Property.

II. Indemnity Terms

1. District shall indemnify, defend, and hold harmless the City from any and all liability, claims, demands, and causes of action, including attorney's fees, which arise from or are related in any way to the Districts' maintenance or use of the Property. The District shall not indemnify, defend, and hold harmless the City from any claim to the extent it arises from the City's own negligence.

2. The City shall indemnify, defend, and hold harmless the District from any and all liability, claims, demands, and causes of action, including attorney's fees, which arise from or are related in any way to the City's maintenance or use of the Property. The City shall not indemnify, defend, and hold harmless the District from any claim to the extent it arises from the District's own negligence.

3. In the event the geothermal field owned by the City on the Property is damaged as a result of the District's maintenance or use of the Property, the District shall, at the City's election, repair the City's geothermal field or reimburse the City for the cost of repair for the City's geothermal field.

4. In the event the tennis courts owned by the District on the Property are damaged as a result of the City's maintenance or use of the Property, the City shall, at the District's election, repair the District's tennis courts or reimburse the District for the cost of repair for the District's Tennis Courts.

III. General Provisions

1. Applicability on Parties. This Agreement applies to, and shall be binding upon, the parties hereto and all their predecessors and successors in interest regardless of whether such interest is acquired through assignment, sale, subrogation, equity, levy or through any other manner.

2. Severability. If any term of this Agreement is deemed unenforceable or invalid for any reason, that term shall be severed from this Agreement and the remaining terms of this Agreement shall be given effect to the greatest extent possible without the unenforceable or invalid provision.

3. Integration. This Agreement constitutes the entire understanding and intent of the parties hereto. This Agreement supersedes all prior negotiations, discussions, and representations by the parties hereto. This Agreement may not be modified unless the modification is accomplished through a written document signed by all parties hereto. This Agreement is made solely in reliance upon each of the parties' own knowledge, belief and judgment. No representations have been on matters that include, without limitation, issues relating to the tax consequences of this Agreement.

4. Counsel. All parties to this Agreement are represented by attorneys.

5. Counterparts and Facsimile/Scanned Signatures. This Agreement may be executed in multiple counterparts, and when each party hereto has signed and delivered at least one such counterpart to the other party hereto, each counterpart shall be deemed an original and, when taken together with other signed counterparts, shall constitute one agreement which shall be binding upon and effective in accordance with this Agreement's terms as to all parties hereto. Facsimile or scanned signatures shall be as valid as original signatures.

6. Authority. The individuals whose signatures are affixed to this Agreement in a representative capacity represent and warrant that they are authorized to execute the Agreement on behalf of and to bind the entity on whose behalf the signature is affixed.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXECUTED AND EFFECTIVE on the last date set forth below.

City of Mount Vernon, Iowa

Signature

Date

By: _____
Name (Printed)

Its: _____
Position

Mount Vernon Community School District

Signature

Date

By: _____
Name (Printed)

Its: _____
Position

L. Discussion Items (No Action)

AGENDA ITEM # N – 1

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

DATE:	September 4, 2018
AGENDA ITEM:	Chicken Ordinance
ACTION:	None

SYNOPSIS: Staff has submitted the proposed changes from Mrs. Meyer to the City Attorney for review. After review, the City Attorney and staff would support some changes to the ordinance. Other proposed changes we would recommend against at this time.

Changes that we recommend against:

1. Changing “chicken” to “poultry” as it expands the definition of animals allowed.
2. Changing “premises” to “chicken coop or pen” although we could support some language change that speaks directly to the exterior of the home or better defines the inspection areas.

Changes that we could support:

1. Changing the “city or its agents” to the “City Administrator or his/her designee.” The “or designee” is not part of the language provided by Mrs. Meyer, but is standard throughout the code.
2. Some language in reference to notice. Staff is not in favor of adding language that requires us to provide notice prior to the investigation or inspection, but we would support language that states city staff are required to show city issued identification to the homeowner prior to beginning the inspection. This would require us to make contact with the owner prior to walking around the yard.

Staff is now seeking Council direction as it relates to the chicken ordinance. Would you like staff to prepare changes to the ordinance or continue enforcement as it is currently written?

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: None

ATTACHMENTS: Proposed Changes Previously Submitted

PREPARED BY: Chris Nosbisch

DATE PREPARED: 8/31/18

Ordinance #8-20-2012A Section 55.21 Livestock, #4:

Current section 4 and the application both state:

“By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee’s property anytime for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.”

Proposed new language:

“I authorize, by the granting of this permit to raise poultry and the application thereof, that the City Administrator has the right to go onto permittee’s property with notice and proper identification for the limited purpose of inspection of the above described chicken coop or pen to ensure all conditions as set forth in Section 55.21:1 letters a through n have been met.”

M. Reports Mayor/Council/Admin.

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
September 4, 2018**

- The MVLAS is pleased to announce they have hired Jacob Lindauer for the next Ambulance Director.
- Staff has been able to meet with Wapsi Waste Services and will be bringing a proposed three year contract to the Council for review at the next meeting.
- As a quick reminder, I will be out the office from September 20, 2018 to September 27, 2018. Sue will be in charge while I am out of the office as I will have sporadic service during that time.