

# City of Mt. Vernon, Iowa

<b>Meeting:</b>	<b>Mt. Vernon City Council Meeting</b>
<b>Place:</b>	<b>Mt. Vernon City Hall, 213 First Street NW, Mt. Vernon, Iowa 52314</b>
<b>Date/Time:</b>	<b>September 5, 2017 – 6:30 PM (Tuesday)</b>
<b>Web Page:</b>	<b>www.cityofmtvernon-ia.gov</b>
<b>Posted:</b>	<b>September 1, 2017</b>

<b>Mayor:</b>	Jamie Hampton	<b>City Administrator:</b>	Chris Nosbisch
<b>Mayor Pro-Tem:</b>	Marty Christensen	<b>City Attorney:</b>	Robert Hatala
<b>Councilperson:</b>	Paul Tuerler	<b>Assis. Admin/City Clerk:</b>	Sue Ripke
<b>Councilperson:</b>	Scott Rose	<b>Deputy City Clerk:</b>	Marsha Dewell
<b>Councilperson:</b>	Tom Wieseler	<b>Chief of Police:</b>	Doug Shannon
<b>Councilperson:</b>	Eric Roudabush		

- 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 21, 2017 Regular Council Meeting
- 2. Approval of Jason Blinks - Police Officer

**E. Public Hearing**

- 1. Public Hearing for an Ordinance to Vacate and Sell a Portion of a Sixteen Foot Alley ROW Located Adjacent to 517 and 519 2<sup>nd</sup> Street NW and 514 and 518 3<sup>rd</sup> Street NW, Within the City Limits of Mt. Vernon, Linn County, Iowa (**tabled July 3, 2017**)

**F. Ordinance Approval/Amendment**

- 1. Ordinance #7-3-2017A: An Ordinance Vacating and Selling a Portion of a Sixteen Foot Alley ROW Located Adjacent to 517 and 519 2<sup>nd</sup> Street NW and 514 and 518 3<sup>rd</sup> Street NW, Within the City Limits of Mt. Vernon, Linn County, Iowa (**tabled July 3, 2017**)
  - i. Motion to approve first reading and proceed with second reading (Council may suspend rules and proceed to third and final reading after vote of first reading)

**G. Resolutions for Approval**

- 1. Resolution #9-5-2017A – Accepting Work for the Project Known as the 10<sup>th</sup> Ave. SW and Palisades Road Intersection Improvements with Horsfield Construction, Inc.
- 2. Resolution #9-5-2017B – Approving the Department of Transportation Street Finance Report for FY 2017

**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 Letter of Engagement with Ahlers Cooney Attorneys – Urban Renewal - Council Action as Needed
3. Discussion and Consideration of Amendments to the LMVAS By-Laws – Council Action as Needed
4. Discussion and Consideration of Mural Request – 104 2<sup>nd</sup> Ave. NW (Zoe's Pet Deli) – Council Action as Needed

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

1. None

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

1. None

**M. Reports of Mayor/Council/Administrator**

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

**N. Closed Session – Pursuant to Chapter 21.5 (1) J, the City Council may enter into closed session, "to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for the property."**

1. Exit Closed Session – Council Action as Needed

**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 August 21, 2017 at the Mount Vernon City Hall Council Chambers with the following members present: Roudabush, Wieseler, Christensen, Tuerler and Rose.

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

**Agenda Additions/Agenda Approval.** Mayor Hampton said that item #5 on the Consent Agenda will be removed. Motion made by Wieseler, seconded by Tuerler to approve agenda as amended. Carried all.

**Consent Agenda.** Motion made by Rose, seconded by Wieseler to approve Consent Agenda. Carried all.  
Approval of City Council Minutes – August 7, 2017 Regular Council Meeting  
Approval of Liquor License – Mt. Vernon PNP  
Approval of Liquor License – Bon Appetit at Cornell College  
Approval of Eldon Downs – Lead Operator

#### **Public Hearing**

Public Hearing for an Ordinance to Vacate and Sell a Portion of a Sixteen Foot Alley ROW Located Adjacent to 517 and 519 2<sup>nd</sup> Street NW and 514 and 518 3<sup>rd</sup> Street NW, Within the City Limits of Mt. Vernon, Linn County, Iowa (tabled July 3, 2017). This item remains tabled.

#### **Ordinance Approval/Amendment**

Ordinance #7-3-2017A: An Ordinance Vacating and Selling a Portion of a Sixteen Foot Alley ROW Located Adjacent to 517 and 519 2<sup>nd</sup> Street NW and 514 and 518 3<sup>rd</sup> Street NW, Within the City Limits of Mt. Vernon, Linn County, Iowa (tabled July 3, 2017). Motion to approve first reading and proceed with second reading (Council may suspend rules and proceed to third and final reading after vote of first reading). This item remains tabled.

Ordinance #7-17-2017A: An Ordinance Amending Chapter 166, Subdivision Regulations of the City of Mt. Vernon, Iowa. Motion to approve the third and final reading. Motion made by Tuerler, seconded by Christensen to approve the third and final reading of Ordinance #7-17-2017A. Roll call all yes. Motion carries and ordinance passes on its third and final reading.

Ordinance #7-17-2017B: An Ordinance Amending Chapter 136 Sidewalk Regulations of the City of Mt. Vernon, Iowa. Motion to approve the third and final reading. Rose said under Section 1 of the ordinance amendment, all of the items were numbered "2". Nobsch said these were subsections A, C, D, E, & H under number 2. Rose also noted that in Section 2 of the ordinance amendment, under subsection 6a, the percentage wording spelled out needed to be changed to seventy five. Motion made by Rose, seconded by Christensen to approve the third and final reading of Ordinance #7-17-2017B with the above mentioned changes. Roll call all yes. Motion carries and ordinance passes on its third and final reading.

#### **Resolutions for Approval**

Resolution Approving the Installation of Street Lights at Palisades Rd and 10<sup>th</sup> Ave According to the Terms Set Forth in the Existing Street Light Contract. Nobsch explained that there was a street light located on the NW side of Palisades Road and 10<sup>th</sup> Avenue but it is being moved to the SW side to cover the intersection better. Because it's a new pole at a different location it needs to go through the resolution

process. Tuerler made a motion to approve Resolution #8-21-2017A, seconded by Christensen. Roll call all yes. Resolution passes.

Resolution Approving the Preliminary Plat of Spring Meadow Heights Subdivision. In the packets, Council received the Administrator's report explaining that three of the dead end streets that are intended to be connected to Lisbon are indeed connected on the Lisbon side. There was a question at the Planning and Zoning meeting as to whether or not those three streets should be stubbed in. Nosbisch did reach out to Lisbon and they concur that they would want them to continue past the city limit. Two and a half acres of park space are being dedicated. There is additional park ground that is slated to be sold to the City if they choose to move forward with that purchase. The City is also working on a developer's agreement that will be approved by Council as well. Storm water detention is an issue and was discussed during the pre-planning meeting with Skogman and their engineer. They designed the storm water requirements above and beyond what is required. Lot sizes meet the minimum standards for the City. The TIF arrangement is still being negotiated with the developer. The Planning and Zoning Commission voted 4-1 in favor of moving the subdivision to City Council for consideration. Nosbisch did talk with the school district and there is an unofficial area where these kids would be picked up. At this point the superintendent has not pointed out any issues with the subdivision. Tuerler asked Police Chief Doug Shannon if he was comfortable with the safety aspect of the subdivision. Shannon did not see any issues. Christensen asked how the parks would be used and access issues. Parks and Recreation Director Matt Siders explained that if the City purchased additional land it would be used for additional ball field space. The park space included in the preliminary plat would be used as a neighborhood park, not a destination park and would possibly include a few parking spaces. There is also a trail that goes through the park and connects through the center of the development.

Roudabush asked Nosbisch to elaborate on how the TIF will work. Nosbisch explained that the way the agreement would work is based upon a rebate per unit. The developer would put the required infrastructure in and as the houses are built, a portion of those taxes would be rebated to them. There would be 33% to 35% set aside for low to moderate income housing and would go into a fund that is already established. The Housing Commission will likely look at methods to utilize those funds. This would not borrow from one TIF district to the next, it would be specifically for this development and would not tie up TIF money from other projects.

Rose noticed that the resolution says that the Planning and Zoning Commission unanimously voted to approve the plat but it should actually say that it was approved with a 4 to 1 vote. This will be changed on the resolution.

Resident Chelsea Nelson addressed Council with a concern that the proposed homes being built in this Traditional Residential zone are "cookie cutter" homes and do not carry on the traditional aspects of the homes in Mount Vernon. Tuerler said when you look at the concept of zoning it is more of an aspect of space and not the styles. He also said that there are many people in the marketplace right now that want new building styles and materials. Mount Vernon does not have strict design standards that would dictate the type of home being built. Nelson said it does concern her as a traditional homeowner that there is a big market for people that don't want to live in a house that looks like every other house. She hopes Mount Vernon would look into this. Tuerler said Nelson brings up a good point but the property owner essentially has the freedom to decide the type of home being built and if they choose to have that traditional style of home they can do that. Christensen said that the covenants of the subdivision would also be a small way that the City would be able to affect the styles of homes being built.

Resident Deb Herrmann said that a market study was done a few years ago and there was a significant desire to allow people to age in place and to encourage people to buy a home, live there with their families

and also retire there. As she looked at the examples of homes for this subdivision, she did not feel that this need was being approached. She would like Council to give thought to this in the planning process.

Kyle Skogman addressed some of the concerns that were voiced. The examples of homes being proposed provide a wide range of choices and if someone wants a traditional home they are happy to build it. They will also be selling some of the lots so that other needs can be met as well. He also addressed the storm water issue and said careful consideration has been put into this issue.

Motion made by Tuerler, seconded by Roudabush to approve Resolution #8-21-2017B. Roll call all yes. Resolution passes.

Resolution Approving the Location and Names of Specified Parks in the City of Mt. Vernon, Iowa. Parks and Recreation Director, Matt Siders, provided Council with a map for clarification of the existing parks having names formally adopted. For clarification purposes, the map shows the dog park name as "Dog Park" but that is incorrect. It is the "Nancy Doreen Huffman Dog Park". Motion made by Rose, seconded by Wieseler to approve Resolution #8-21-2017C. Roll call all yes. Resolution passes.

### **Mayoral Proclamation**

Proclamation Establishing September 8, 2017 as the 12<sup>th</sup> Annual Five Seasons Stand Down Day in Mt. Vernon, Iowa

### **Old Business**

Discussion and Consideration of Engagement Letter for Municipal Advisory Services – Speer Financial - Council Action as Needed (tabled August 7, 2017). Motion made by Tuerler, seconded by Rose to remove item from table. Carried all. Nobsch explained that at the last Council meeting there was a question about the escalator in the fee structure. Larry Burger, Speer Financial, was in attendance to try and answer any questions. He explained that Speer Financial has been under contract with Mount Vernon for years and their fees have stayed the same. The fee is \$5,200 for the first million dollars of bonds issued and \$3,000 for each million after that. That fee is all inclusive and would include the planning process, public hearings, closings and whatever council meetings are needed. In 2014 Speer Financial signed a Financial Services Agreement which requires them to identify a fee and the structure. Speer is also required to have an engagement letter on file with the City for every bond issue and they must quote a fee when they do this. The escalator in the fee stops at a certain point and fees would be discounted, depending on the bond amount. For a separate fee, Speer Financial would take care the City's Continuing Disclosure, which is required by the federal government to be filed every year. Motion made by Tuerler, seconded by Wieseler to approve letter of Engagement with Speer Financial. Carried all.

### **Motions for Approval**

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

AAA PEST CONTROL	PEST CONTROL-P&A	30.00
AIRGAS INC	CYLINDER RENTAL FEE-PW	57.32
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	5,516.96
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	3,653.02
ALLIANT IES UTILITIES	ENERGY USAGE-POOL	2,770.72
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	2,340.44
ALLIANT IES UTILITIES	ENERGY USAGE-P&A	1,093.69
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	451.39
ALLIANT IES UTILITIES	ENERGY USAGE-FD	319.27
ALLIANT IES UTILITIES	ENERGY USAGE-RUT	285.62
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	224.05

ALLIANT IES UTILITIES	ENERGY USAGE-WAT	198.06
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	179.51
ALLIANT IES UTILITIES	ENERGY USAGE-PD	128.31
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	81.10
ALLIANT IES UTILITIES	ENERGY USAGE-EMA	44.69
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	32.25
ALLIANT IES UTILITIES	ENERGY USAGE-CEM	19.32
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	11.39
ALLIANT IES UTILITIES	ENERGY USAGE-WAT	1,256.41
ALLIANT IES UTILITIES	ENERGY USAGE-ST LIGHTS	54.41
ALLIANT IES UTILITIES	ENERGY USAGE-SEW	32.09
ALLIANT IES UTILITIES	ENERGY USAGE-P&REC	27.71
AMERICAN PLANNING ASSOC	MEMBERSHIP-P&A	579.00
BARNYARD SCREEN PRINTER LLC	UNIFORMS-PW	1,345.00
BARNYARD SCREEN PRINTER LLC	UNIFORMS-RUT	24.00
BOBCAT OF CEDAR RAPIDS	OIL SENSOR UNIT-RUT	82.51
BROWN SUPPLY COMPANY	SWIVEL HOOK,CABLES-RUT	507.05
CAIDEN HAUSER	UMPIRE-P&REC	75.00
CAMPBELL SUPPLY CEDAR RAPIDS	CONCRETE SAW BLADE,FILTERS-RUT	488.02
CAMPBELL SUPPLY CEDAR RAPIDS	SUPPLIES-RUT	24.75
CENTURY LINK	PHONE CHGS-WAT	53.47
CENTURY LINK	PHONE CHGS-RUT	51.47
CENTURY LINK	PHONE CHGS-FD	51.10
CENTURY LINK	PHONE CHGS-POOL	44.20
CENTURY LINK	PHONE CHGS-PD	37.60
CENTURY LINK	PHONE CHGS-P&A	517.83
CENTURY LINK	PHONE CHGS-PD	113.63
CENTURY LINK	PHONE CHGS-SEW	95.20
CENTURY LINK	PHONE CHGS-P&REC	53.44
CONSTRUCTION MATERIALS INC	SANITARY INLET REPAIR-SEW	25.90
DOORS INC	LOCKSETS,RE-KEY-P&REC	414.00
ECICOG	ZONING ORDINANCE UPDATE-P&A	154.00
ERIC NELSON	REFUND-P&REC	38.00
FORTERRA PIPE & PRECAST	12" CONCRETE PIPE X 6'-ST WAT	118.12
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
FRANCESCA LEE THOMPSON	CLEANING SERVICE-P&A	60.00
GALLS INC	UNIFORMS-PD	487.90
GROUP SERVICES INC	INSURANCE-ALL DEPTS	25,438.79
HAWKEYE READY MIX	STREET PATCH-RUT	462.65
HAWKEYE READY MIX	STORM INLETS-ST WAT	281.44
HAWKEYE READY MIX	FLOW LINE-RUT	194.51
HBK ENGINEERING LLC	TOPO,UTILITY,SURVEY-COMM CTR	1,168.00
HDC	2,750 LASER CHECKS-ALL DEPTS	300.52
HORSFIELD CONSTRUCTION INC	10TH AVE/PALISADES PROJECT	126,507.18
IOWA DEPT OF NATURAL RESOURCES	NPDES PERMIT FEE-SEW	1,275.00
IOWA DEPT OF TRANSPORTATION	50# ICE MELT-RUT	435.50
IOWA PARK & REC ASSOCIATION	AQUATIC WORKSHOP-POOL	135.00
IOWA SOLUTIONS INC	VIRUS,DISK SPACE-P&REC,P&A	312.50
JAY A ARNOLD	UMPIRE-P&REC	75.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
JOAN BURGE	CLEANING SERVICE-P&A	60.00
KATEY FOREST	REFUND-POOL	89.45
KELLY DEMOLITION & EXCAVATING	EXCAVATE ST SEWER-ST WAT	175.00
KURT PISARIK	UNIFORMS-PW	265.48
LINN COUNTY TREASURER'S OFFICE	PROPERTY TAXES/STONER FARMING	174.00

LYNCH FORD	ALTERNATOR/2005 EXCURSION-FD	217.19
LYNCH FORD	3K MI MAINT,OIL/FILTER CHG-RUT	41.56
MARION, CITY OF	STREET PAINT,LABOR-RUT	1,060.96
MARION, CITY OF	COMPOST-RUT	552.00
MARTIN MARIETTA MATERIALS	ROAD ROCK-RUT	268.22
MOUNT VERNON BANK & TRUST CO	NSF CHECKS-WAT	164.45
MOUNT VERNON LISBON SUN	ADS/PUBLICATIONS-P&REC	67.50
NATHAN GOODLOVE	FIRE CHIEF PAY-FD	416.67
P&K MIDWEST INC	SOLENOID-RUT	81.11
PAYROLL	CLAIMS	69,324.15
PAYROLL	CLAIMS	584.39
PERSONAL TOUCH EMBROIDERY	UNIFORMS-PW	285.00
QUALIFICATION TARGETS	SUPPLIES-PD	267.88
RACOM CORPORATION	VEHCILE REPAIRS-PD	47.50
ROTO-ROOTER	WEBSTER/CLEAN,TELEVISE-SEW	2,625.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	375.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES-P&A	240.00
STANARD & ASSOCIATES	CONTRACT SERVICE-PD	105.00
STAPLES ADVANTAGE	SUPPLIES-P&A	76.20
STATE HYGIENIC LAB	TESTING-SEW	2,146.00
US CELLULAR	CELL PHONE-PD	116.17
VEENSTRA & KIMM INC	SIDEWALK REPAIR PROGRAM	680.75
WENDLING QUARRIES	ROAD ROCK-RUT	87.95
WEX BANK	FUEL-PD,WAT,SEW	1,045.02
	TOTAL	262,594.61

Discussion and Consideration of Change Order #3, 10<sup>th</sup> and Palisades Intersection - Council Action as Needed. This change order is in the amount of \$600 which brings the total contract amount to \$195,929.41, which is still under the engineer's original estimate. Motion made by Tuerler, seconded by Rose to approve Change Order #3. Carried all.

Discussion and Consideration of Pay Application #3, 10<sup>th</sup> and Palisades Intersection – Council Action as Needed. This pay application is in the amount of \$2,203.48 and will likely be the second to last pay application. Motion made by Wieseler, seconded by Roudabush to approve Pay Application #3. Carried all.

Discussion and Consideration of Citizen Request – Don Hormann – Council Action as Needed. Don Hormann, 620 6<sup>th</sup> Avenue NW, addressed Council with a request to vacate the street right-of-way of his property on the 7<sup>th</sup> Street NW side. His house was built in 1900 and the attached garage was built in 1920. The garage currently sits in the City right-of-way by approximately 8 feet. He currently has his home for sale but has lost several sale opportunities due to the garage being in the right-of-way. The garage is currently not being used as a garage because there is no access because the City put in a handicap approach off of 6<sup>th</sup> Avenue and the stop sign was moved. He feels that he or someone that purchases the property has a right to re-model the garage to make it into additional living space because it can't be used as a garage. Nobsich said there is a non-conforming clause in the code but that would not apply in this case because the structure is not on his property. Because the garage is in the right-of-way, if there was ever a need for the City to do work in that area, there would be a possibility of the structure needing to be removed. Nobsich is asking Council to decide if there is interest in beginning the vacation process. He was asked by Mayor Hampton what his professional opinion was. Nobsich said he would never recommend vacating a street right-of-way as it would limit the possibility of future construction. Christensen said the Council needs to think about things 100 years in the future and future generations. That right-of-way is designed for the City's potential current and future use for the benefit of all citizens for utility type

activities. The City has chosen to give up alley ways where there is no use but he doesn't feel that the City can look at street right-of-ways the same way. Christensen also said that it is very difficult for Council to make an exception like this and do something so unusual for one individual. He said Council would generally need to come up with a policy that would apply to any similar circumstance in the future, and he cannot see that happening. Roudabush said there should be a little bit of compassion in certain cases and would recommend allowing the vacation of the right-of-way. Rose said he would like to come up with an alternative option so that Hormann can sell his house but agrees with Christensen that Council needs to look into the future.

Christensen went on to say that no City can rule everything that it does on a case by case basis. The role of the City Council is to make laws and establish policy and budget. Hormann has come to Council to ask that they make an exception and Christensen said Council does not have an obligation to make an exception for every property owner that has an issue with their property where they are not going to make as much money as they would like to. He does not see the logic in this. Christensen also said that the role of government is to make uniform policies that serve the greater good of all citizens, not on an individual basis. Wieseler said the civic obligation of City Council was to make decisions that are in the best interest of the Mount Vernon community, not individual citizens.

Roudabush made a motion to proceed with the vacation process. Motion seconded by Wieseler. Voting yes: Roudabush. Voting no: Wieseler, Tuerler, Christensen, Rose. Motion fails.

Discussion and Consideration of Consultant Services – Sub Area Plan - Council Action as Needed. The committee interviewed three different firms and after going through that process Confluence of Fehr Graham was chosen. The contract will be negotiated and brought back to Council. Motion made by Wieseler, seconded by Christensen to approve Confluence for consultant services for the Sub Area Plan. Carried all.

Discussion and Consideration of Consultant Services for Soil Borings - Community/Recreation Facility – Council Action as Needed. OPN Architects solicited bids for soil borings on the school property. Braun and Team Services were fairly close to one another in price (if Team Services completes a majority of the borings at 25") but given the importance of this phase of the process, staff is recommending the City hire Braun Intertect for \$5,435. The contract will be paid with existing LOST 1 funds. Motion made by Tuerler, seconded by Christensen to approve Braun Intertect for soil boring consulting services. Carried all.

Discussion and Consideration of Rescheduling the September 4, 2017 Council Meeting – Council Action as Needed. Motion made by Christensen, seconded by Roudabush to schedule the next regular Council meeting for Tuesday, September 5, 2017.

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

Mt. Vernon Police Report. There were 8 collisions reported in July and 31 reported incidents. Officers assisted with Heritage Days as needed and Chief Shannon assisted the Marching Mustangs during Heritage Days by volunteering to sit in the dunk tank. Chief Shannon also met with Mount Vernon Superintendent Greg Batenhorst regarding police and school programs and attended the 911 Service Board meeting. Officer Daubs attended Field Training Officers class and officers worked 30 hours of STEP on July. Mount Vernon provided 1805 minutes of patrol and 300 minutes of calls for service to Lisbon per the 28E agreement. The department received 14 applications for employment.

Mt. Vernon Public Works Report. City crews have removed the babbling brook in the Stonebrook area and have finished grading and seeding the 10<sup>th</sup> Avenue and Palisades Road project. Kluesner Construction recently completed crack sealing in town. City crews have completed two new storm water inlets.

Mt. Vernon Parks and Rec Report. Evan Tvedt will be completing his Eagle Scout dock project for the quarry the weekend of September 2<sup>nd</sup>. A formal trail proposal will be given to Council at a September meeting. The NFL will no longer be funding or supporting the NFL Punt Pass and Kick program. Flag football and soccer practices will begin the week of August 21<sup>st</sup> and games will begin the week of September 4<sup>th</sup>. Pool use has been steady with a few early closures due to colder temperatures. Art camp hosted 8 participants and Lego Robotics team registration has started.

**Discussion Items (No Action)**

Well and Septic (possible further discussion). Nosbisch said the moratorium that was discussed at the last meeting was a six month moratorium to give the engineer time to come up with a sewer plan to service the north side of the railroad tracks. He will be sitting down with Dave Schechinger with V&K and looking at more septic than well but looking at those systems and coming up with a standard for those wanting to do septic moving forward.

Amending the Ambulance 28E. Members of the Mt. Vernon/Lisbon Ambulance Service have requested a volunteer representation to the Board of Directors.

**Reports of Mayor/Council/Administrator**

City Administrator's Report. The crack sealing project is complete. Staff held a conference call with the Weidt Group to discuss the efficiency strategies for the proposed community/recreation center. Staff is working to compile a list of sidewalk contractors as we prepare to send notices of correction. Nosbisch will be meeting with the NE City Managers group on August 25, 2017 and the auditors have spent five days at City Hall the week of August 21<sup>st</sup>.

Adjournment. As there was no further business to attend to the meeting adjourned, the time being 8:39, p.m., August 21, 2017.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk

## **E. Public Hearing**

**AGENDA ITEM # E – 1 & F – 1**

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

<b>DATE:</b>	September 5, 2017
<b>AGENDA ITEM:</b>	Public Hearing – Vacate and Sell
<b>ACTION:</b>	Motion

**SYNOPSIS:** At this point, I believe staff is prepared to have Council move forward with this application. Staff has verified that no sewer line exists and that at least two property owners would be willing to purchase the property.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Possible Motion

**ATTACHMENTS:** None – See F-1

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING AND SELLING A PORTION OF A SIXTEEN FOOT ALLEY LOCATED ADJACENT TO 517 AND 519 2<sup>ND</sup> STREET NW AND 514 AND 518 3<sup>RD</sup> STREET NW, WITHIN THE CITY LIMITS OF MT. VERNON, LINN COUNTY, IOWA.

SECTION 1: That portion of public property illustrated in Exhibit "A", and legally described in Exhibit "B" attached hereto and made a part thereof, be hereby vacated.

SECTION 2: The City of Mt. Vernon hereby approves the sale of the property listed in Section 1 and described in Exhibit "B", to the neighboring property owners for \$.50 a square foot plus \$350 in administrative fees per deed, subject to conditions listed in Exhibit "C", attached hereto and made a part thereof.

SECTION 3: The City Attorney shall prepare deeds based on the legal descriptions in Exhibit "B" and the Mayor is hereby authorized to execute such deeds transferring the ownership of the property contingent upon the conditions listed in Exhibit "C".

SECTION 4: 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 thereof not adjudged invalid or unconstitutional.

SECTION 5: 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jamie Hampton – Mayor

ATTEST:

\_\_\_\_\_  
Sue Ripke – City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2017.



"Exhibit B, Property Description"

Beginning at the Northwest corner of Lot 1, Block 8 of Bowmans Second Addition to the Town of Mt. Vernon, thence easterly 132 feet to the northeast corner of Lot 2, Block 8 of Bowmans Second Addition to the Town of Mt. Vernon, thence northeasterly 16 feet to the southeast corner of Lot 8, Block 8 of Bowmans Second Addition to the Town of Mt. Vernon, thence northwesterly 66 feet along the lot line of Lot 8, Block 8 of Bowmans Addition to the Town of Mt. Vernon to a point, thence southwesterly 8 to a point in the center of the alley right of way, thence northwesterly 66 to a point, thence southwesterly 8 feet to the point of beginning.

"Exhibit C, Conditions"

1. Each property owner adjacent to the said alley described within this ordinance shall have the right of first refusal to purchase their portion. Those wishing not to purchase may sign a waiver indicating their desire to not purchase the property.
2. (Possible addition of easement for gas and/or electric)

## **G. Resolutions for Approval**

**AGENDA ITEM # G – 1**

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

<b>DATE:</b>	September 5, 2017
<b>AGENDA ITEM:</b>	Resolution #9-5-2017A
<b>ACTION:</b>	Motion

**SYNOPSIS:** Attached is the certificate of completion from V&K Engineering for the 10<sup>th</sup> and Palisades intersection improvements. The final contract cost for the project is \$195,929.41. The final grading and seeding work was completed by the City and will be monitored through next spring for possible re-seeding. If approved, the retainage can be released after thirty one days have elapsed.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Resolution and Certificate

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17

**RESOLUTION #9-5-2017A**

**RESOLUTION ACCEPTING WORK FOR THE PROJECT KNOWN AS THE  
10<sup>th</sup> AVE. SW AND PALISADES ROAD INTERSECTION IMPROVEMENTS  
WITH  
HORSFIELD CONSTRUCTION, INC.**

WHEREAS, on May 15, 2017 the City of Mt. Vernon entered into a contract with Horsfield Construction, Inc. for construction of Intersection Improvements, and

WHEREAS, said contractor has fully completed the construction of said improvements, known as the 10<sup>th</sup> Ave. SW and Palisades Rd Intersection Improvements, in accordance with the terms and conditions of the said contract and plans and specifications, as shown by the Engineer's report, and

WHEREAS, the contractor has completed all delivery and payment has been received.

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

Section 1. That letter recommending approval of said improvements from the V&K Engineering firm is hereby accepted as having been fully completed in accordance with said plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$195,929.41.

NOW, THEREFORE BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA: That said retainage be released in thirty one (31) days from the approval of this resolution.

PASSED and ADOPTED this 5<sup>th</sup> day of September, 2017.

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

ATTEST:

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

**CERTIFICATE OF COMPLETION**

**2017 INTERSECTION IMPROVEMENTS  
TENTH AVENUE SW AND PALISADES ROAD SW  
MOUNT VERNON, IOWA**

August 23, 2017

We hereby certify that we have made an on-site review of the completed construction of the **2017 INTERSECTION IMPROVEMENTS** under the Contract as performed by Horsfield Construction, Inc. of Epworth, Iowa.

As Engineers for the project it is our opinion that the work performed is in substantial accordance with the plans and specifications, and that the final amount of the contract is One Hundred Ninety-Five Thousand Nine Hundred Twenty-Nine and 41/100 Dollars (\$195,929.41).

**VEENSTRA & KIMM, INC.**

Accepted: **CITY OF MOUNT VERNON, IOWA**

By  \_\_\_\_\_  
Title Project Engineer  
Date August 23, 2017

By \_\_\_\_\_  
Title Mayor  
Date \_\_\_\_\_

**AGENDA ITEM # G - 2**

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

<b>DATE:</b>	September 5, 2017
<b>AGENDA ITEM:</b>	Resolution #9-5-2017B
<b>ACTION:</b>	Motion

**SYNOPSIS:** Attached is the resolution and the annual street finance report. The City received \$559,391 in road use tax funds for FY 17. There was a larger balance remaining from the 2014 bond issuance in June (approx. \$630,000). Although a majority, if not all, of those funds will be utilized in FY 18. There are still three remaining bonds for street projects, and the earliest the City will retire a bond is 2022.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Resolution and Report

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17

RESOLUTION #9-5-2017B

A Resolution approving the Department of Transportation Street Finance Report for FY2017.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to \_\_\_\_\_  
Resolution #9-5-2017B.

Resolution #9-5-2017B \_\_\_\_\_ on September 5, 2017B, 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

<b>City Name</b>
MOUNT VERNON

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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, 2016 to June 30, 2017  
 (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

<b>City Name</b>
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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				
	Column 1	Column 2	Column 3	Column 4
	Road use	Other Street	Street Debt	Totals
	Tax Fund	Monies		
1. July 1 Balance	\$95,590	\$855,297	\$0	\$950,887
2. Adjustments (Note on Explanation Sheet)	\$0	\$0	\$0	\$0
3. Adjusted Balance	\$95,590	\$855,297	\$0	\$950,887
B. REVENUES				
	Column 1	Column 2	Column 3	Column 4
	Road use	Other Street	Street Debt	Totals
	Tax Fund	Monies		
1. Road Use Tax	\$559,391			\$559,391
2. Property Taxes		\$0	\$0	\$0
3. Special Assessments		\$0	\$0	\$0
4. Miscellaneous		\$25,069	\$805,591	\$630,660
5. Proceeds from Bonds, Notes, and Loans		\$0	\$0	\$0
6. Interest Earned		\$0	\$0	\$0
<b>7. Total Revenues (Lines B1 thru B6)</b>	<b>\$559,391</b>	<b>\$25,069</b>	<b>\$605,591</b>	<b>\$1,190,051</b>
<b>C. Total Funds Available (Line A3 + Line B7)</b>	<b>\$654,981</b>	<b>\$880,366</b>	<b>\$605,591</b>	<b>\$2,140,938</b>

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

Round Figures to Nearest Dollars

EXPENSES				
	Column 1	Column 2	Column 3	Column 4
	Road use	Other Street	Street Debt	Totals
	Tax Fund	Monies		
D. Maintenance				
1. RoadWay Maintenance	\$303,484	\$52,310	\$0	\$355,794
2. Snow and Ice Removal	\$17,581	\$0	\$0	\$17,581
E. Construction, Reconstruction and Improvements				
1. Engineering	\$22,445	\$22,949	\$0	\$45,394
2. Right of Way Purchased	\$0	\$0	\$0	\$0
3. Street/Bridge Construction	\$0	\$103,899	\$0	\$103,899
4. Traffic Services	\$0	\$0	\$0	\$0
F. Administration	\$9,424	\$0	\$0	\$9,424
G. Equipment	\$13,754	\$0	\$0	\$13,754
H. Miscellaneous		\$0	\$0	\$0
J. street Debt				
1. Bonds, Notes and Loans - Principal Paid	\$0	\$26,407	\$479,987	\$506,394
2. Bonds, Notes and Loans - Interest Paid	\$0	\$0	\$125,604	\$125,604
TOTALS				
K. Total Expenses (Lines D thru J)	\$366,688	\$205,565	\$605,591	\$1,177,844
L. Ending Balance (Line C-K)	\$288,293	\$674,801	\$0	\$963,094
M. Total Funds Accounted For (K + L = C)	\$654,981	\$880,366	\$605,591	\$2,140,938

## City Street Financial Report

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### 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	\$25,069.00	\$302,818.00
195---Tax Increment Financing (TIF)	\$0.00	\$302,773.00
<b>Line B4 Totals</b>	<b>\$25,069.00</b>	<b>\$605,591.00</b>

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
<b>Line H Totals</b>		

## City Street Financial Report

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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	\$960,388	\$264,357	\$38,416	\$264,357	\$38,416	\$696,031
<input type="checkbox"/>	General Obligation	Street Improvements	102	07/01/2013	\$1,200,000	100	2028	\$1,050,000	\$80,000	\$24,318	\$80,000	\$24,318	\$970,000
<input type="checkbox"/>	General Obligation	Street Improvements	103	09/22/2014	\$2,500,000	100	2029	\$2,337,963	\$162,037	\$62,870	\$162,037	\$62,870	\$2,175,926
<b>New Bond Totals</b>					<b>\$0</b>	<b>\$0</b>	<b>Totals</b>	<b>\$4,348,351</b>	<b>\$506,394</b>	<b>\$125,604</b>	<b>\$506,394</b>	<b>\$125,604</b>	<b>\$3,841,957</b>

## City Street Financial Report

<b>City Name</b>
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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 entities 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)
15/02	\$405,606	RDWY	Yes	Hwy. 1 and 1st Street
15/04	\$1,106,000	RDWY	Yes	Reconstruct portion of 3rd Ave. NW and 5th Ave

### 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
15/02	Ricklefs Excavating	\$405,606	\$22,252	\$0	\$0	\$0	\$0	\$427,858
15/04	Ricklefs Excavating	\$902,281	\$92,496	\$0	\$0	\$0	\$0	\$994,777

## City Street Financial Report

<b>City Name</b>
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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	NOCH
	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	NOCH
	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	NOCH
	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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<b>MOUNT VERNON</b>

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### Explanation Sheet

Comments:

## City Street Financial Report

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### Monthly Payment Sheet

Month	Road Use tax Payments
July	\$41,935.50
August	\$61,622.67
September	\$58,111.52
October	\$44,795.62
November	\$50,268.08
December	\$41,665.55
January	\$50,283.18
February	\$52,604.83
March	\$44,410.26
April	\$31,561.15
May	\$35,431.69
June	\$46,701.36
<b>Totals</b>	<b>\$559,381.41</b>

## **J. Motions for Approval**

CITY OF MOUNT VERNON  
CLAIMS FOR APPROVAL, SEPTEMBER 5, 2017

WATER SOLUTIONS UNLIMITED INC	CHEMICALS-WAT	3,930.00
TREASURER, STATE OF IOWA	AUGUST SALES TAX	3,728.00
US BANK	CREDIT CARD PURCHASES-ALL DEPTS	2,271.47
LINN CO-OP OIL CO	FUEL-PW	2,232.96
HORSFIELD CONSTRUCTION INC	10TH AVE/PALISADES PROJECT	2,203.48
MEMORIALS BY MICHEL	STONE,FOUNDATION/MOVE-CEM	1,092.00
WAPSI WASTE SERVICE	RECY-SW	817.00
RACOM CORPORATION	BODY CAMERA INSTALLATION-PD	760.00
HAWKEYE READY MIX	STREET PATCH-RUT	693.97
ROTO-ROOTER	JET/CLEAN STORM INLETS-ST WAT	600.00
KIESLER'S POLICE SUPPLY INC	GLOCK-PD	429.00
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-P&A,WAT	420.00
STAR EQUIPMENT LTD	BLADE SHAFT ASSY-RUT	413.51
CEDAR VALLEY HUMANE SOCIETY	ANIMAL CONTROL	395.00
GORDON LUMBER COMPANY	BLDG SUPPLIES-RUT	350.98
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS	319.60
CENTRAL IOWA DISTRIBUTING	SUPPLIES-PD,P&REC,P&A	272.20
BOBCAT OF CEDAR RAPIDS	HYDRAULIC FAN REPAIRS-RUT	266.89
KROUL FARM GARDENS	BEAUTIFICATION	178.00
BOBCAT OF CEDAR RAPIDS	SERVICE MANUAL-RUT	160.70
VALLEY ATHLETICS	FIELD MARKING PAINT-P&REC	134.97
LYNCH FORD	5K MI MAINT,OIL/FILTER CHG-RUT	113.27
LYNCH FORD	5K MI MAINT,OIL/FILTER CHG-RUT	113.27
CENTRAL IOWA DISTRIBUTING	SUPPLIES-P&A	108.80
CHRIS NOSBISCH	MILEAGE-P&A	108.07
BOBCAT OF CEDAR RAPIDS	FILTER/HYDRAULIC FAN-RUT	94.22
TASC	ADMIN FEE-ALL DEPTS	92.49
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	80.56
VERMEER SALES & SERVICE INC	SHARPEN BLADES-SW	80.00
DOUGLAS STEINMETZ ARCHITECT	TAN AGREEMENT EXP-MVHPC	75.00
BAUMAN AND COMPANY	UNIFORMS-P&A	68.25
COGRAN SYSTEMS	ONLINE REGISTRATION FEES-P&REC	48.00
LYNCH FORD	5K MI MAINT,OIL/FILTER-RUT	38.31
ST LUKE'S WORK WELL SOLUTIONS	DRUG TEST-PD	20.00
JASON BLINKS	MEALS-PD	9.73
QUALIFICATION TARGETS	SUPPLIES-PD	9.00
MOUNT VERNON POLICE RESERVES	SPECIAL EVENTS-PD	6.00
	TOTAL	22,734.70

**AGENDA ITEM # J - 2**

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

**DATE:** September 5, 2017

**AGENDA ITEM:** Letter of Engagement

**ACTION:** Motion

**SYNOPSIS:** Unlike the letter of engagement for the financial advisor, the Bond Attorney does not include an all-inclusive amount. The costs associated with the urban renewal amendments for two development agreements will be recuperated by the City through TIF rebates (I will touch on this more at the meeting).

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Letter of Engagement

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17



**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](http://www.ahlerslaw.com)  
Nathan J. Overberg  
515.246.0329  
[noverberg@ahlerslaw.com](mailto:noverberg@ahlerslaw.com)

August 28, 2017

VIA E-MAIL at [cnosbisch@cityofmtvernon-ia.gov](mailto:cnosbisch@cityofmtvernon-ia.gov)

Mr. Chris Nosbisch  
City Administrator  
City of Mt. Vernon  
213 First Street NW  
Mount Vernon, Iowa 52314

RE: Engagement Agreement – Urban Renewal/Economic Development

Dear Mount Vernon City Council:

The purpose of this Engagement Agreement ("Agreement") is to disclose and memorialize the terms and conditions under which Ahlers & Cooney, P.C. will represent the City of Mount Vernon, Iowa (the "City") in connection with its Urban Renewal/Economic Development matters.

### SCOPE OF ENGAGEMENT

We agree to perform the following services for the fees we charge under this Agreement:

1. Prepare an Amendment No. 5 to the Mount Vernon Urban Renewal Plan ("Amendment").
2. Prepare two new non-LMI residential Urban Renewal Plans ("New Plans") and related Development Agreements;
3. Prepare letters of instructions for Council proceedings;
4. Prepare Notices of Meetings and partial agendas;
5. Prepare Resolutions setting dates of consultation and public hearings for the Amendment and the New Plans;
6. Prepare proceedings to be used on the date fixed for public hearings and adoption of the Amendment and New Plans;
7. Prepare necessary ordinances for the division of revenues under Iowa Code Section 403.19, and prepare proceedings for adoption (if necessary);

8. Answer questions and advise City staff and Council throughout the adoption process;
9. Draft two Development Agreements for the non-LMI residential projects, based upon terms negotiated by the City – in this regard we act as scrivener memorializing the terms the parties have separately negotiated;
10. Prepare proceedings for the adoption of two Development Agreements, and answer questions and advise City staff and Council throughout the adoption process; and
11. Any other work directly related to the adoption of the Amendment, the New Plans, the Development Agreements, or documenting development activities thereunder.

Our duties under this Agreement are limited to those expressly set forth above. Absent a separate engagement agreement regarding one or more of the following services, the fees we charge hereunder do not include:

1. Negotiating the terms of the Development Agreements;
2. Defending any legal challenges to or arising out of the urban renewal plan, ordinance, or development agreement;
3. Confirming or calculating any potential tax increment anticipated within any Urban Renewal Area, or pursuant to a given project, or otherwise acting in a financial advisory role; or
4. Any bond (finance) related services.

It is not anticipated that it will be necessary for us to personally attend City meetings in order to accomplish our work. We will be coordinating our services with the City Administrator and City Clerk. In the event that public hearings or litigation should occur in the course of this matter, we would expect the same to be handled by the City Attorney, unless special arrangements are made for our participation.

#### **ATTORNEY-CLIENT RELATIONSHIP**

As confirmed by the execution of this Agreement, the City will be our client and an attorney-client relationship will exist between us for preparation and adoption of the Amendment, New Plans, Ordinances (as necessary), and Development Agreements for which the City staff requests our assistance. Our services are limited to those contracted for in this Agreement and the City's execution of this Agreement will constitute an acknowledgement of those limitations. The Firm's engagement under this Agreement will end when the Amendment, New Plans, Ordinances (as necessary) and Development Agreements are adopted/approved by the Council and our final invoice has been paid.

### FEES

I will be the attorney chiefly responsible for providing you with these legal services. However, if efficient and appropriate, I may call on other attorneys and legal assistants from time to time. The fees will be based on the hours worked by firm personnel at their hourly rates in effect at the time the work is performed. Our rates are generally adjusted on an annual basis, beginning January 1 of each year. My current hourly rate is \$285, my associate's rate will be \$190, and my legal assistant's rate is \$120. It is difficult to estimate the total cost for the work, because we charge by the hour and there are many variables that impact the number of hours spent on the work. Expenses will be billed at the amount incurred. Our statement for services and expenses will be due and payable upon receipt of the invoice, which in most instances, is monthly. Should you have any questions about a statement or a fee, please do not hesitate to call. We do reserve the right to withdraw from representation for any reason, including failure to pay the monthly statement in accordance with this policy. If, for any reason, the City terminates the engagement governed by this Agreement before the Amendment, New Plans, Ordinances and/or Development Agreements are adopted, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services.

### RECORDS

At the City's request, any documents furnished by the City will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the above-referenced project 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 Agreement.

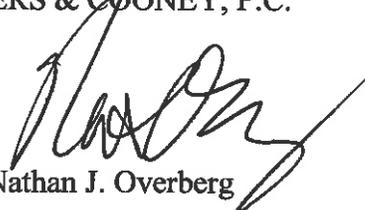
### APPROVAL

Please carefully review the terms and conditions of this Agreement. **If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by the City Council, and execute, date and return to me the enclosed copy of this Agreement. Please retain an original for your file.**

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact me. As always, we appreciate the opportunity to represent the City and we look forward to working with you on this project.

AHLERS & COONEY, P.C.

By:

  
Nathan J. Overberg

cc: Sue Ripke, City Clerk

August 28, 2017

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Accepted and approved on behalf of the City Council\*

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Title: \_\_\_\_\_

\*Authorized by action of the governing body, approved on \_\_\_\_\_, 2017.

01383956-1\13932-000

**AGENDA ITEM # J – 3**

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

**DATE:** September 5, 2017

**AGENDA ITEM:** LMVAS By-Laws

**ACTION:** Motion

**SYNOPSIS:** This is the formal request by the Board of Directors to allow the creation of the 9<sup>th</sup> Board member. Connie (Lisbon) and I both feel that the Councils should formally acknowledge the changes, although I find no requirements in the by-laws to do so.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** By-Laws

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17

**BY-LAWS  
OF THE  
LISBON-MOUNT VERNON AMBULANCE SERVICE**

**ARTICLE I  
OFFICES**

The principal office of the Corporation shall be located at 730 1<sup>st</sup> St. SE, Mount Vernon, Iowa. The Corporation shall have such other offices within Linn County, Iowa, as the Board of Directors may determine from time to time.

**ARTICLE II  
MEMBERS**

SECTION 1. CLASSES OF MEMBERS: There shall be one class of members. The members shall be the incorporated Town of Lisbon, Iowa, and the incorporated Town of Mount Vernon, Iowa.

SECTION 2. VOTING RIGHTS: Each member shall have the full and sole and unrestricted authority to appoint an equal number of directors to the Board of Directors of the Corporation. **In addition, there will one director appointed to the Board of Directors by the LMVAS Volunteer Association. Upon the resignation or expiration of the term of a director, the member who appointed said director shall have the sole, exclusive, and unrestricted authority to appoint a replacement director and fill the vacancy on the Board of Directors of the Corporation. The action of the members in appointing directors shall be accomplished by and through the appropriate action of their respective Town Councils.**

**ARTICLE III  
MEETINGS OF MEMBERS**

SECTION 1. ANNUAL MEETING: An annual meeting of the members shall be held at the principal office of the Corporation, or at any other appropriate place designated by the Board of Directors and located within the boundaries of either of the two members, at a date and time to be established by the President of the Board of Directors, for the purpose of appointing directors, and for the transaction of any other business as may come before the meeting. If the appointment of directors is not accomplished at the annual meeting, or at any adjournment thereof, the President of the Board of Directors shall convene a special meeting of the members to accomplish said appointments.

SECTION 2. SPECIAL MEETING: Special meetings of the members may be called by the President, the Board of Directors, or either of the members at a place designated by the Board of Directors. If no designation is made, the place of the meeting shall be the principal office of the Corporation, but if all of the members shall meet at any time and place, either within or without Linn County, and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at such meeting any corporate action may be taken.

SECTION 3. NOTICE OF MEETING: Written or printed notice stating the place, day and hour of any meeting of members shall be delivered to the city administrator or the mayor of each member, not less than two days before the date of such meeting. In the case of a special meeting or when required by statute or by these By-Laws, the purpose or purposes for which the meeting is called shall be stated in the notice. If mailed, the notice of meeting shall be deemed to be delivered when deposited in the United States mail addressed to the particular city administrator or mayor, with postage thereon prepaid.

**ARTICLE IV  
BOARD OF DIRECTORS**

SECTION 1. GENERAL POWERS: The affairs of the Corporation shall be managed by its Board of Directors. Directors need not be residents of the incorporated towns of Lisbon or Mount Vernon, Iowa.

SECTION 2. NUMBER, TENURE, AND QUALIFICATIONS: The number of directors shall be eight. Directors shall be appointed at the annual meeting of members, and the term of office of each director shall be until the next annual meeting of members and the appointment and qualification of his/her successor.

SECTION 3. REGULAR MEETINGS: A regular meeting of the Board of Directors shall be held without any other notice than this By-Law, immediately after, and at the same place as the annual meeting of members. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution. Additional regular meetings shall be held at the principal office of the Corporation, or at any other appropriate place designated by the Board of Directors and located within the boundaries of either of the two members.

SECTION 4. SPECIAL MEETINGS: Special meetings of the Board of Directors may be called by or at the request of the President or any two directors, and shall be held at the principal office of the Corporation, or at such other place as the directors may determine.

SECTION 5. NOTICE: Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice delivered personally, by e-mail or by postal mail addressed to each director at his address as shown by the records of the Corporation. If delivered by postal mail, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a waiver of notice at such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting.

SECTION 6. QUORUM: A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than a majority of the directors are present at any meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

SECTION 7. BOARD DECISIONS: The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these By-Laws. Decisions meant to establish permanent policies may be incorporated into subsequent revisions of these By-Laws or appended thereto.

SECTION 8. VACANCIES: Any vacancy occurring in the Board of Directors shall be filled as provided heretofore in these By-Laws. The member which appointed the director wherein the vacancy exists, shall have the sole, exclusive, and unrestricted authority to appoint a successor director and fill the vacancy.

SECTION 9. COMPENSATION: Directors shall not receive any compensation or salary for their services. Nothing herein contained shall be construed to preclude any director from serving the Corporation in any other capacity and receiving compensation therefor.

## **ARTICLE V OFFICERS**

SECTION 1. OFFICERS: The officers of the Corporation shall be the President, Vice-President, Secretary, Treasurer, and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time to time by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary.

SECTION 2. ELECTION AND TERM OF OFFICE: The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of its officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be

created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor has been duly elected and qualified.

SECTION 3. REMOVAL: Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby.

SECTION 4. VACANCIES: A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

SECTION 5. POWERS AND DUTIES: The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board of Directors. In the absence of such specifications, each officer shall have the power and authority, and shall perform and discharge the duties of officers of the same title serving in nonprofit corporations having the same or similar general purposes and objectives as this Corporation.

SECTION 6. COMMITTEES OF DIRECTORS: The Board of Directors, by resolution adopted by a majority of the directors in office, may designate one or more committees, each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the Corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it or him by law.

## **ARTICLE VI MEDICAL DIRECTOR**

SECTION 1. APPOINTMENT AND TERM OF OFFICE: The Medical Director shall be appointed by the Board of Directors and shall serve at the pleasure of the Board.

SECTION 2. QUALIFICATIONS: The Medical Director shall have those qualifications required by applicable laws and regulations.

SECTION 3. POWERS AND DUTIES: The Medical Director shall supervise the medical operations of the Lisbon-Mount Vernon Ambulance Service consistent with all applicable laws and regulations.

## **ARTICLE VII EMS DIRECTOR**

SECTION 1. APPOINTMENT AND TERM OF OFFICE: The EMS director shall be appointed by the Board of Directors and shall serve at the pleasure of the Board.

SECTION 2. QUALIFICATIONS: The EMS Director shall have those qualifications deemed necessary by the Board of Directors including those qualifications required by law for the performance of her/his duties.

SECTION 3. POWERS AND DUTIES: The EMS Director shall have chief executive authority over and responsibility for day-to-day management of the Lisbon-Mount Vernon Ambulance Service. The Director shall recruit, train, supervise, nurture, and evaluate ambulance volunteers and other employees; assure compliance with governmental requirements, quality assurance protocols, policies adopted by the Board of Directors, and decisions of the Medical Director; oversee the financial affairs of the service, including financial accounting, grant applications, budgeting, and long-term planning; respond to emergency calls as needed; prepare the annual report to shareholders; and represent the Ambulance Service to the shareholder communities, to other governmental agencies, to EMS associations, to EMS partners (including law enforcement, fire services, and education providers), and to the media.

## **ARTICLE VIII VOLUNTEERS**

SECTION 1. APPOINTMENT: Individuals shall be appointed or removed by the EMS Director in consultation with the elected leadership of the volunteers.

SECTION 2. OFFICERS: The volunteers are authorized to elect such officers as they shall see fit to efficiently execute their responsibilities and represent their interests.

SECTION 3. RESPONSIBILITIES: The Lisbon-Mount Vernon Ambulance volunteers shall execute their individual and collective responsibilities under the general direction of the EMS Director and consistent with all applicable laws and regulations, the decisions of the Medical Director, and the policies of the Board.

## ARTICLE IX [reserved]

## ARTICLE X BUDGET

SECTION 1. RULES OF PROCEDURE: The Executive Budget shall be privileged. Its receipt, and subsequent discussion and action germane thereto, shall be scheduled for the last regular Board meeting of the fiscal year and placed on the Agenda immediately after consideration of the minutes and any other business that is prerequisite to acting on the budget. The Executive Budget is advisory only, and the Board of Directors retains the authority to adopt any budget by majority vote.

SECTION 2. BUDGET AUTHORITY: Once adopted by the Board of Directors, the budget creates the authority for the EMS Director, or the Director's delegate, to expend funds consistent with the budget during the fiscal year.

SECTION 3. CONTINGENCY FUNDS: The Board may budget one or more contingency funds. Unless specified otherwise, contingency funds shall be reprogrammed to regular budget categories as necessary by the EMS Director, who shall in a timely fashion notify the President of the Board.

SECTION 4. AMENDMENTS: At any time, by majority vote, the Board of Directors may amend the budget or authorize expenditures outside the budget.

## ARTICLE XI CONTRACTS, CHECKS, DEPOSITS AND FUNDS

### SECTION 1. CONTRACTS:

A. *Procurement Contracts*. Contracts shall be executed for the procurement of goods and/or services, other than routine supplies. Said contracts shall include descriptions in appropriate detail of the goods and/or services to be procured and a firm, fixed price for those goods and/or services. Catalog descriptions, catalog prices, and orders made pursuant thereto shall be deemed to satisfy this requirement.

B. *Multiple Proposals*. When the dollar value of a procurement contract is expected to exceed five hundred dollars and there are multiple suppliers for the goods and/or services to be procured, multiple contract proposals shall be solicited consistent with the provisions of paragraph A. Nothing in this section shall be construed to require that contracts be awarded to the lowest bidder.

C. *General Authority*. Nothing in this section shall be construed to limit the authority of the Board of Directors to authorize any person or persons, in addition to the officers authorized by these By-Laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or it may be confined to specific instances.

SECTION 2. CERTIFICATION OF EXPENDITURES: Prior to payment, the EMS Director shall examine every bill and, by his/her signature, approve payment of those found to be appropriate and consistent with the budgetary decisions of the Board of Directors.

SECTION 3. CHECKS, DRAFTS OR ORDERS: All checks, drafts or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Corporation, shall be signed or otherwise approved by such officer or officers, and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer, and countersigned by the President of the Corporation. If either the Treasurer or President be unavailable, such instruments may be signed or otherwise approved by any other Board Officer. In the case of electronic fund transfers (EFTs), each of the designated Board Officers shall approve and sign a written record of the transfers to be made. The second of the two will verify in writing that the payments entered into the EFT system are identical to those on the written record and that he or she has observed the initiation of the EFTs.

SECTION 4. DEPOSITS: All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select. Officers of the Board of Directors are authorized to enter into agreements on behalf of the Corporation with banks, trust companies, and other depository institutions, and those agreements currently in force shall be appended to these By-Laws.

SECTION 5. GIFTS: The Board of Directors may accept on behalf of the Corporation, any contribution, gift, bequest or devise for any purpose of the Corporation.

#### **ARTICLE XII BOOKS AND RECORDS**

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, committees having and exercising any of the authority of the Board of Directors, and all such books and records shall be kept at the principal office of the Corporation. All books and records of the Corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

#### **ARTICLE XIII FISCAL YEAR**

The 2014 fiscal year of the Corporation shall run from January 1, 2014 through June 30, 2015. Thereafter the fiscal year of the Corporation shall run from July 1 through June 30.

#### **ARTICLE XIV SEAL**

The Corporation shall have no seal.

#### **ARTICLE XV WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of Chapter 504A of the Code of Iowa, or under the provisions of the Articles of Incorporation or the By-Laws of the Corporation, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

#### **ARTICLE XVI AMENDMENT OF BY-LAWS**

These By-Laws may be altered, amended, or repealed, and new By-Laws may be adopted by a majority of the directors present at any regular meeting or at any special meeting.

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**CERTIFICATE OF ADOPTION OF BY-LAWS**

We, the undersigned, constituting a quorum of the Board of Directors of Lisbon-Mount Vernon Ambulance Service, do hereby certify that the foregoing By-Laws were adopted at a meeting of the Board of Directors of the Corporation on the **11<sup>th</sup> day of October, 2017.**

\_\_\_\_\_  
Ricky Scott

\_\_\_\_\_  
Charles Halsey

\_\_\_\_\_  
John Schultz

\_\_\_\_\_  
Derek Boren

\_\_\_\_\_  
Julie Light

\_\_\_\_\_  
Lori Lynch

\_\_\_\_\_  
Jeff Silver

\_\_\_\_\_  
Doug Shannon

**APPENDIX A**  
**DEPOSITORY AGREEMENTS**

Contents:

- I. Bridge Community Bank
- II. Hills Bank & Trust Company
- III. Mount Vernon Bank & Trust Company

**APPENDIX B PERMANENT**  
**BOARD POLICIES**

Contents:

- I. Policy to Repay Persons on the Lisbon- Mount  
Vernon Ambulance Service Who Obtain an  
Iowa Paramedic Certification
- II. Policy to Reimburse Volunteers for Expenses  
Related to Ambulance Runs and On-Call Status

**AGENDA ITEM # J – 4**

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

**DATE:** September 5, 2017

**AGENDA ITEM:** Mural Request

**ACTION:** Motion

**SYNOPSIS:** At the August 7, 2017 Council meeting, Diane Crowley requested approval to complete a mural on her building located at 104 2<sup>nd</sup> Ave NW. I have only received one email regarding the mural (in favor). This is the formal approval of the request.

**BUDGET ITEM:** N/A

**RESPONSIBLE DEPARTMENT:** City Administrator

**MAYOR/COUNCIL ACTION:** Motion

**ATTACHMENTS:** Picture and Explanation

**PREPARED BY:** Chris Nosbisch

**DATE PREPARED:** 8/31/17



# Zoe's Pet Deli Mural

By  
Strider Patton

## "Hands that Build"

This mural is an honoring of the built environment of the Mount Vernon downtown area. *Hands that Build* represents the physical structures that have been built over the town's history to provide places of commerce, social gathering locations, and homes. The image of hands is not positioned in a strong manner, but instead a fairly delicate one, representing a balance of what large tasks can be accomplished with these uniquely human features. We humans are builders and the historic Mount Vernon downtown is a beautiful historic example of this skill.

The mural bridges figurative imagery with abstract design, showcasing world class contemporary muralism that has local story and meaning embedded with vibrant colors that are made to catch the eye of observers and make an impact. Large-scale murals of this size and nature activate public spaces and bring observers from near and far, stimulating local economies while providing interactive photographic opportunities. This place-making art is what artist Strider Patton specializes in. By weaving together meaning and beauty with his murals, Strider's work has proven to be a public space activating force that reminds observers of the unique qualities of humanity.

**M. Reports Mayor/Council/Admin.**

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**CITY OF MT. VERNON  
CITY ADMINISTRATOR  
REPORT TO THE CITY COUNCIL  
September 5, 2017**

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- Tree trimming work will continue this fall. Staff will again be trimming right of way trees to a height of nine feet over sidewalks and 18 feet over the street.
- Staff held a conference call with the Weidt Group the findings of the energy efficiency modeling program. At this time, geo-thermal HVAC systems are showing promise and will need to be considered as a part of the construction review.
- The Housing Commission will be meeting in a couple of weeks to finalize their priority list for the coming months.
- Staff is looking to have an IT audit completed for the City. The overall cost of the study will be \$350-500, and will help City staff determine if changes need to be made to our security system.