

# City of Monticello, Iowa

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Posted on October November 02, 2018 at 11:30 a.m.

Monticello City Council Regular Meeting November 05, 2018 @ 6:00 p.m.

Monticello Renaissance Center, 220 E. 1<sup>st</sup> Street, Monticello, Iowa

<b>Mayor:</b>	Brian Wolken	<b>City Administrator:</b>	Doug Herman
<b>City Council:</b>		<b>Staff:</b>	
<b>At Large:</b>	Dave Goedken	<b>City Clerk/Treas.:</b>	Sally Hinrichsen
<b>At Large:</b>	Gary "Butch" Pratt	<b>Public Works Dir.:</b>	Brant LaGrange
<b>Ward #1:</b>	Rob Paulson	<b>City Engineer:</b>	Patrick Schwickerath
<b>Ward #2:</b>	Johnny Russ, Mayor Pro Tem	<b>Police Chief:</b>	Britt Smith
<b>Ward #3:</b>	Chris Lux	<b>Ambulance Dir.:</b>	Dawn Brus
<b>Ward #4:</b>	Tom Yeoman		

- Call to Order – 6:00 P.M.
- Pledge of Allegiance
- Roll Call
- Agenda Addition/Agenda Approval

**Open Forum:** 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 lectern and give your name and address for the public record before discussing your item. Individuals are normally limited to speaking for no more than three (3) minutes on a topic and the Open Forum is by rule limited to a total of twenty (20) minutes.

**Consent Agenda** (These are routine items and will be enacted by one motion without separate discussion unless someone requests an item removed to be considered separately.)

Approval of Council Mtg. Minutes	October	15, 2018
Approval of Payroll	October	25, 2018
Approval of Bill List		

**Public Hearings:** None

**Motion:** None

## **Resolutions:**

1. **Resolution** to approve Pay Request #7 in the amount of \$ 48,889.94 and Change Order #3 in the amount of \$49,995 submitted by Taylor Construction, Inc. Re: 2017 E. 1<sup>st</sup> Street Bridge Replacement Project
2. **Resolution** to approve improvements to City Fountain.
3. **Resolution** approving Tax Abatement application related to residential improvements constructed at 802 Northridge Drive.
4. **Resolution** to approve partial payment to Anderson Ladd, Inc. related to Berndes Center floor project.

5. **Resolution** to accept dedication of John Drive Extension and public improvements located within the right-of-way thereof.
6. **Resolution** to accept the dedication of the extension of Grandview Avenue as set forth in the Final Plat of Willow Ridge 4<sup>th</sup> Addition and all infrastructure related thereto.
7. **Resolution** to waive fees to collect, copy as necessary, and distribute information responsive to Open Records Request received from Whitney Boysen related to “pit bull” ban.

**Ordinances:**

8. **Ordinance** to amend Chapter 50.10 Animal Protection and Control. (2<sup>nd</sup> Reading)
9. **Ordinance** Amending Chapter 122 “Peddlers, Solicitors and Transient Merchants” to add provisions related to “Mobile Food Vending”.

**Reports / Potential Action:**

- City Tree Dump Discussion
- Orbis Water Main Cost Share request
- Ditch Culvert project north of 11<sup>th</sup> Street
- E. 1<sup>st</sup> Street / Baty Disc Golf Course drainage project update / plans
- Trail Progress and Grant Update
- Hughes Garage Compliance Update
- Brick Paver Policy Discussion
- Sycamore Street Project “Driveway” discussion
- Chestnut Street project design/timing
- Dave Lumpa law suit

**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.

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Community Media Center

Mayor Brian Wolken called the meeting to order. Council present: Dave Goedken, Gary "Butch" Pratt, Rob Paulson, Johnny Russ and Chris Lux. Also present were City Administrator Doug Herman, City Clerk Sally Hinrichsen, Police Chief Britt Smith, Public Works Director Brant Lagrange, and City Engineer Casey Zwolinski. Council Member Tom Yeoman was absent.

Pratt moved to approve the agenda, adding Resolution requesting Alliant to remove two street lights at City Park, Goedken seconded, roll call unanimous.

Lux moved to approve the consent agenda, Russ seconded, roll call unanimous.

Bob Furino with Starlighters requested the use of the Community Building at no charge for Director Classes. Goedken moved to approve free use of the Community Building Auditorium for the Starlighters' Director classes for 5 sessions between January thru March, 2019, Russ seconded, roll call unanimous.

Pratt moved to approve Resolution #18-118 Approving FY 2017-2018 Annual Urban Renewal Report, Goedken seconded, roll call unanimous.

Herman reviewed the proposed repairs to the West Well as was discussed with Cahoy President Mike Whittenbaugh. Herman expressed his opinion that the proposed maintenance and repairs were appropriate and would lengthen the life of the west well. Herman stated the cost of the repairs to the west well could be added to the bond issue for North Sycamore Street Project. Herman stated the Council could decide to cover a portion of these repairs from the General Fund and not with bond proceeds. Goedken moved to approve Resolution #18-119 To Approve Maintenance & Repairs to West Well as proposed by Cahoy Group, seconded by Pratt, roll call unanimous.

Goedken moved to approve Resolution #18-120 Approving internal loan from the General Fund to the Water Operating Fund in an amount not to exceed \$106,000.00, seconded by Russ, roll call unanimous.

Goedken moved to approve Resolution #18-121 Related to the financing of a project to be undertaken by the City of Monticello, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code, Russ seconded, roll call unanimous.

Herman reviewed Anderson Ladd proposal related to Berndes Center Floor installation differences between bid and actual floor installed. Herman recommended that City use the floor for a period of time before locking into the proposed solution, and depending upon wear between now and February, Council can consider other options. Goedken moved to table action to approve Anderson Ladd, Inc proposal for the Berndes Center and allow Herman to get move information regarding the flooring, Pratt seconded, roll call unanimous. Herman will put this issue on next agenda for review.

Herman reviewed the two lights he was looking to have removed from the City Park, one located near the dumpster by the side door of the Berndes Center and the other located near the Goettsch Shelter. Goedken moved to approve Resolution #18-122 entitled Street Lighting Resolution, Russ seconded, roll call unanimous. Herman will inform Alliant that the lights can be removed.

Herman reviewed proposed changes to the Ordinance related to Animal Protection and Control. Josephine Bunn, 702 S Sycamore requested the City do the "right" thing and lift the pit bull ban. Amy Bunn, 702 S Sycamore felt the City was opening the door to a law suit by banning pit bulls and felt the City should make the owner responsible and lift the pit bull ban. Preston Moore, Iowa State Director, The Humane Society of the United States read a letter to the Council. Wolken questioned how some insurance companies can ban coverage for Pit Bulls and Moore stated that private businesses can decide what they want to provide coverage for. Russ and Lux both stated that they personally would consider lifting the ban but that the Community members that have elected them want the ban to stay in place, so they have to put their personal feelings aside and do what the electors want.

Herman reported that he is looking at a few sites for a tree dump and yard waste facility after the City received a letter related to the City tree dump from the DNR. Herman located two possible sites and will reach out to the DNR for their input.

Zwolinski reported that the Taylor Construction has begun the shoulder work on the East 1<sup>st</sup> Street Bridge Project and that Eastern Iowa Concrete will doing the paving.

LaGrange reported that the Baty Disc Golf Course drainage project is nearly complete.

Herman and LaGrange reported on the trail project. Eastern Iowa Concrete will be pouring the concrete upon completion of the E. 1<sup>st</sup> Street Bridge approaches. The Library Board attended a Park Board meeting to discuss applying for a REAP grant through the Iowa DNR to purchase Story Walk Boards to place along the Willow Park Trail, where they would put short storybook pages in for the kids to read along the trail. Council did not voice objections.

Herman reported that he has received one grant related to the Fountain Park project, that he had applied for another, and would be applying for more. City staff will be removing the pit where the pump was located and replacing it with a manhole.

Goedken inquired if repairs were going to be made to the water fountain at the City Park on Maple Street and if it is used. Wolken reported it is used by the concessions during the fair. Herman will contact Fair Manager John Harms for input.

Herman handed out information regarding food trucks regulations from Cedar Rapids. Holly Trevino, 17289 Co. Rd., questioned if others like Schwans and Mac Tools required a transient merchants permit. Smith stated that they were exempt as they are customer based and do not solicit business from others or set up for retail type business. Trevino asked if vendors that fill the factories vending machines were required to have a permit and Smith stated they are requested by the factory to fill the vending machines, so they would not. Trevino stated that they setup their trailer at VJ's Great Pastimes last weekend and Smith stated that she would

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need a transient permit as they are soliciting business from customers and not just VJ's employees. Herman will draft an ordinance for consideration at the next Council meeting.

Pratt moved to adjourn at 7:26 P.M.

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Brian Wolken, Mayor

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Sally Hinrichsen, City Clerk

# PAYROLL - OCTOBER 25, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>AMBULANCE</b>	<b>Oct. 8 - 21, 2018</b>				
Evan Barry	\$ 390.23	\$ -	0.00	0.00	\$ 326.81
Jeremy Bell	163.35	-	0.00	0.00	138.74
Carter Bronemann	1,847.98	71.38	0.00	0.00	1,308.37
Dawn Brus	2,085.00	-	0.00	0.00	1,449.53
Mary Intlekofer	1,860.60	-	14.63	107.13	1,242.79
Brandon Kent	1,860.60	-	0.00	0.00	1,207.57
Matt Kunkle	221.50	-	0.00	0.00	168.48
Jim Luensman	664.50	-	0.00	0.00	500.50
Lori Lynch	1,860.60	-	0.00	0.00	1,230.22
Shelly Searles	1,927.05	66.45	0.00	0.00	1,441.47
Brenda Surom	664.50	-	0.00	0.00	492.58
Chad Tatar	528.75	-	0.00	0.00	405.25
<b>TOTAL AMBULANCE</b>	<b>\$ 14,074.66</b>	<b>\$ 137.83</b>	<b>14.63</b>	<b>107.13</b>	<b>\$ 9,912.31</b>
<b>CEMETERY</b>	<b>Oct. 6 - 19, 2018</b>				
Dan McDonald	\$ 1,608.00	\$ -	0.00	0.00	\$ 1,138.29
<b>TOTAL CEMETERY</b>	<b>\$ 1,608.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 1,138.29</b>
<b>CITY HALL</b>	<b>Oct. 7 - 20, 2018</b>				
Cheryl Clark	\$ 1,636.00	\$ -	0.00	5.00	\$ 1,080.38
Doug Herman	3,970.71	-	0.00	0.00	2,849.12
Sally Hinrichsen	2,427.38	-	0.00	0.00	1,611.64
Nanci Tuel	1,396.00	-	0.00	0.00	915.42
<b>TOTAL CITY HALL</b>	<b>\$ 9,430.09</b>	<b>\$ -</b>	<b>0.00</b>	<b>5.00</b>	<b>\$ 6,456.56</b>
<b>COUNCIL / MAYOR</b>					
Dave Goedken	\$ 100.00	\$ -	0.00	0.00	\$ 92.26
Chris Lux	100.00	-	0.00	0.00	92.26
Rob Paulson	100.00	-	0.00	0.00	92.35
Gary Pratt	100.00	-	0.00	0.00	92.35
Johnny Russ	100.00	-	0.00	0.00	92.35
Brian Wolken	300.00	-	0.00	0.00	272.78
Tom Yeoman	100.00	-	0.00	0.00	92.35
<b>TOTAL COUNCIL / MAYOR</b>	<b>\$ 900.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 826.70</b>
<b>LIBRARY</b>	<b>Oct. 8 - 21, 2018</b>				
Molli Hunter	\$ 269.93	\$ -	0.00	0.00	\$ 229.30
Penny Schmit	1,009.38	9.38	0.00	0.00	736.91
Madonna Thoma-Kremer	928.64	8.63	0.00	0.00	574.05
Michelle Turnis	1,538.46	-	0.00	0.00	972.04
<b>TOTAL LIBRARY</b>	<b>\$ 3,746.41</b>	<b>\$ 18.01</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,512.30</b>
<b>MBC</b>	<b>Oct. 8 - 21, 2018</b>				
Jacob Oswald	\$ 1,846.15	\$ -	0.00	0.00	\$ 1,382.31
Shannon Poe	1,533.46	-	0.00	0.00	1,093.48
<b>TOTAL MBC</b>	<b>\$ 3,384.61</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,475.79</b>
<b>POLICE</b>	<b>Oct. 8 - 21, 2018</b>				
Peter Fleming	\$ 1,629.74	\$ -	0.00	0.00	\$ 1,169.23

# PAYROLL - OCTOBER 25, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>POLICE (cont.)</b>					
Dawn Graver	2,012.80	-	0.00	0.00	1,432.33
Erik Honda	2,025.81	66.87	0.00	0.00	1,497.45
Jordan Koos	2,127.24	-	0.00	5.00	1,539.23
Britt Smith	2,504.65	-	0.00	0.00	1,822.50
Madonna Staner	1,450.40	-	0.00	0.00	1,091.08
Brian Tate	2,178.29	18.83	0.00	0.00	1,483.70
Robert Urbain	1,518.60	-	0.00	0.00	1,109.75
<b>TOTAL POLICE</b>	<b>\$ 15,447.53</b>	<b>\$ 85.70</b>	<b>0.00</b>	<b>5.00</b>	<b>\$ 11,145.27</b>
<b>ROAD USE</b>	<b>Oct. 6 - 19, 2018</b>				
Billy Norton	\$ 1,615.54	\$ 7.54	0.00	0.00	\$ 1,045.31
Wayne Yousse	2,251.20	-	0.00	7.88	1,639.74
<b>TOTAL ROAD USE</b>	<b>\$ 3,866.74</b>	<b>\$ 7.54</b>	<b>0.00</b>	<b>7.88</b>	<b>\$ 2,685.05</b>
<b>SANITATION</b>	<b>Oct. 6 - 19, 2018</b>				
Michael Boyson	\$ 1,572.00	\$ -	0.00	0.00	\$ 1,078.70
Nick Kahler	1,608.00	-	0.00	0.00	1,075.79
<b>TOTAL SANITATION</b>	<b>\$ 3,180.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,154.49</b>
<b>SEWER</b>	<b>Oct. 6 - 19, 2018</b>				
Tim Schultz	\$ 1,668.00	\$ -	0.00	19.50	\$ 1,144.82
Jim Tjaden	1,936.00	-	0.00	0.00	1,383.98
<b>TOTAL SEWER</b>	<b>\$ 3,604.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>19.50</b>	<b>\$ 2,528.80</b>
<b>WATER</b>	<b>Oct. 6 - 19, 2018</b>				
Brant LaGrange	\$ 2,070.89	\$ -	0.00	0.00	\$ 1,446.80
Jay Yanda	2,006.00	-	0.00	0.00	1,434.23
<b>TOTAL WATER</b>	<b>\$ 4,076.89</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,881.03</b>
<b>TOTAL - ALL DEPTS.</b>	<b>\$ 63,318.93</b>	<b>\$ 249.08</b>	<b>14.63</b>	<b>144.51</b>	<b>\$ 44,716.59</b>

# ACCOUNTS PAYABLE ACTIVITY

## CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
ACCOUNTS PAYABLE CLAIMS				
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	GENERAL			
	POLICE DEPARTMENT			
BOSS OFFICE SUPPLIES & SYS INC	PD OPERATING	18.53		
ELECTRONIC ENGINEERING CO	PD VEHICLE OPERATING	85.00		
IOWA DEPT OF PUBLIC SAFETY	PD IOWA SYSTEM	300.00		
GAGE JACOBS	PD OPERATING	100.00		
JOHN DEERE FINANCIAL	PD OPERATING	23.97		
DAVID B MCNEILL	PD OPERATING	1.00		
MPH INDUSTRIES, INC	PD EQUIP REPAIR/MAINT	357.74		
MIKE ROBERTSON	PD OPERATING	100.00		
SPAHN & ROSE LUMBER CO INC	PD SUPPLIES	4.98		
	POLICE DEPARTMENT	991.22		
	STREET LIGHTS			
ALLIANT ENERGY-IES	E FIRST STREETLIGHTS	4,475.59		
	STREET LIGHTS	4,475.59		
	AQUATIC CENTER			
JOHN DEERE FINANCIAL	POOL GROUNDS SUPPLIES	5.99		
	AQUATIC CENTER	5.99		
	CEMETERY			
IBEN CONSTRUCTION CO INC	CEM GRAVE OPENINGS - JUL-SEPT	225.00		
	CEMETERY	225.00		
	ENGINEER			
SNYDER & ASSOCIATES, INC	ENGINEERING FEES	310.00		
	ENGINEER	310.00		
	CITY HALL/GENERAL BLDGS			
ANDY'S ELECTRIC INC	CH BLDG REPAIR/MAINT	75.00		
SALLY HINRICHSN	CH TRAVEL	239.14		
HOLIDAY INN AIRPORT	CH TRAVEL - HINRICHSN	302.40		
JOSH IBEN	CH MISC CONTRACT WORK	2,774.50		
INFRASTRUCTURE TECHNOLOGY	CH MISC CONTRACT WORK	50.00		
JOHN DEERE FINANCIAL	CH BUILDING SUPPLIES	9.62		
MED PLAST	CH FRANCHISE FEE REFUND	4,493.02		
MONTICELLO EXPRESS INC	CH ADVERTISING	624.02		



# **ACCOUNTS PAYABLE ACTIVITY** **CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
ORBIS MENASHA CORP	CH FRANCHISE FEE REFUND	8,495.19		
VFW FLAG STORE	CH GROUNDS SUPPLIES	80.00		
ZEPHYR ALUMINUM PRODUCTS, INC.	CH BLDG REPAIR/MAINT	536.00		
		=====		
	CITY HALL/GENERAL BLDGS	17,678.89		
		=====		
	GENERAL	23,686.69		
	MONTICELLO BERNDES CENTER			
	PARKS			
BAKER PAPER CO INC	MBC BUILDING SUPPLIES	142.48		
CENTRAL IOWA DISTRIBUTING INC	MBC EQUIP REPAIR/MAINT	215.12		
FAREWAY STORES #840-1	MBC CONCESSIONS	11.48		
INFRASTRUCTURE TECHNOLOGY	MBC EQUIP REPAIR/MAINT	50.00		
DAVID B MCNEILL	MBC BUILDING SUPPLIES	5.09		
MONTICELLO SPORTS	MBC LEAGUE SUPPLIES	4,032.00		
PEPSI COLA BOTTLING CO	MBC CONCESSIONS	348.81		
SPAHN & ROSE LUMBER CO INC	MBC BLDG REPAIR/MAINT	1,172.28		
		=====		
	PARKS	5,977.26		
		=====		
	MONTICELLO BERNDES CENTER	5,977.26		
	FIRE			
	FIRE			
KIRKWOOD COMMUNITY COLLEGE	FIRE TRAINING - HAAG	50.00		
MIDWEST WHEEL COMPANIES	FIRE EQUIP REPAIR/MAINT	378.21		
		=====		
	FIRE	428.21		
		=====		
	FIRE	428.21		
	AMBULANCE			
	AMBULANCE			
AIRGAS USA, LLC	AMB MEDICAL SUPPLIES	195.89		
BOSS OFFICE SUPPLIES & SYS INC	AMB OFFICE SUPPLIES	21.99		
BOUND TREE MEDICAL, LLC	AMB MEDICAL SUPPLIES	83.70		
DAVID B MCNEILL	AMB OFFICE SUPPLIES	16.09		
PHYSICIAN'S CLAIM COMPANY	AMB BILLING FEES	1,056.80		
STERICYCLE, INC.	AMB PHARMACEUTICAL DISPOSAL	79.35		
		=====		
	AMBULANCE	1,453.82		

# ACCOUNTS PAYABLE ACTIVITY

## CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	AMBULANCE	1,453.82		
	POLICE IMPROVEMENT			
	POLICE DEPARTMENT			
LASLEY ELECTRIC LLC	POLICE IMP - 9/11 MEMORIAL	25.31		
DAVID B MCNEILL	POLICE IMP - 9/11 MEMORIAL	8.15		
	POLICE DEPARTMENT	33.46		
	POLICE IMPROVEMENT	33.46		
	LIBRARY IMPROVEMENT			
	LIBRARY			
FAREWAY STORES #840-1	LIB IMP PROGRAMS/PROMOTIONS	39.69		
	LIBRARY	39.69		
	LIBRARY IMPROVEMENT	39.69		
	LIBRARY			
	LIBRARY			
ANDY'S ELECTRIC INC	LIB BLDG REPAIR/MAINT	75.00		
FAREWAY STORES #840-1	LIB BUILDING SUPPLIES	9.98		
LASLEY ELECTRIC LLC	LIB BLDG REPAIR/MAINT	156.06		
MICRO MARKETING LLC	LIB AUDIO RECORDINGS	254.94		
OHNWARD BANK & TRUST	LIB POSTAGE	386.34		
MICHELLE TURNIS	LIB TRAVEL	79.24		
	LIBRARY	961.56		
	LIBRARY	961.56		
	ROAD USE			
	STREETS			
ALLIANT ENERGY-IES	22059 HWY 38 NEW METER	229.47		
BROWN SUPPLY CO INC	RU EQUIP REPAIR/MAINT	828.99		
CINTAS CORPORATION	RU OSHA SUPPLIES	18.25		
JOHN DEERE FINANCIAL	RU OSHA SUPPLIES	26.98		
KROMMINGA MOTORS INC	RU EQUIP REPAIR/MAINT	41.80		
MARTIN EQUIPMENT OF IA-IL, INC	RU EQUIP REPAIR/MAINT	118.66		
DAVID B MCNEILL	RU EQUIP REPAIR/MAINT	2.49		
MONTICELLO EXPRESS INC	RU ADVERTISING	499.20		

# **ACCOUNTS PAYABLE ACTIVITY** **CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
MONTICELLO MACHINE SHOP INC	RU SUPPLIES	58.80		
L.L. PELLING CO	RU STREET MAINTENANCE SUPPLIES	16,229.17		
SNYDER & ASSOCIATES, INC	RU ENGINEERING FEES	19,064.38		
		=====		
	STREETS	37,118.19		
		=====		
	ROAD USE	37,118.19		
		=====		
	TRUST/SLAVKA GEHRET FUND			
	LIBRARY			
BAKER & TAYLOR BOOKS	LIB GEHRET BOOKS	38.07		
CENTER POINT PUBLISHING	LIB GEHRET BOOKS	46.74		
EMERY-PRATT	LIB GEHRET BOOKS	11.60		
MICRO MARKETING LLC	LIB GEHRET BOOKS	78.23		
		=====		
	LIBRARY	174.64		
		=====		
	TRUST/SLAVKA GEHRET FUND	174.64		
		=====		
	PARK IMPROVEMENT			
	CAPITAL PROJECTS			
ALTORFER INC.	WILLOW PARK TRAIL	2,132.00		
BEHREND'S CRUSHED STONE	WILLOW PARK TRAIL	10,469.77		
LASLEY ELECTRIC LLC	FOUNTAIN PARK PROJECT	35.96		
WEBER STONE CO INC	FOUNTAIN PARK PROJECT	678.60		
		=====		
	CAPITAL PROJECTS	13,316.33		
		=====		
	PARK IMPROVEMENT	13,316.33		
		=====		
	TRUST/CEMETERY IMPROVEMEN			
	CEMETERY			
JOSH IBEN	CEMETERY CREMATION WALL AREA	339.00		
		=====		
	CEMETERY	339.00		
		=====		
	TRUST/CEMETERY IMPROVEMEN	339.00		
		=====		
	CAPITAL IMPROVEMENT			
	AIRPORT			
HDR ENGINEERING INC	CAP IMP - AIRPORT MASTER PLAN	4,970.00		

# ACCOUNTS PAYABLE ACTIVITY

## CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	AIRPORT	4,970.00		
	CAPITAL IMPROVEMENT	4,970.00		
	BATY DISC GOLF COURSE			
	PARKS			
JOHN DEERE FINANCIAL	BATY DG GROUNDS SUPPLIES	2.99		
	PARKS	2.99		
	BATY DISC GOLF COURSE	2.99		
	MARY MAXINE REDMOND TRUST			
	LIBRARY			
BOSS OFFICE SUPPLIES & SYS INC	LIB REDMOND PROGRAMMING	18.85		
	LIBRARY	18.85		
	MARY MAXINE REDMOND TRUST	18.85		
	POCKET PARK			
	PARKS			
JOSH IBEN	POCKET PARK GROUNDS MAINT	265.00		
	PARKS	265.00		
	POCKET PARK	265.00		
	C.C. BIDWELL LIBRARY BOOK			
	LIBRARY			
CENGAGE LEARNING GALE	LIB BIDWELL BOOKS	104.00		
MICRO MARKETING LLC	LIB BIDWELL BOOKS	69.20		
	LIBRARY	173.20		
	C.C. BIDWELL LIBRARY BOOK	173.20		
	TRUST/IOMA MARY BAKER			
	LIBRARY			

# ACCOUNTS PAYABLE ACTIVITY

## CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
INFRASTRUCTURE TECHNOLOGY	LIB BAKER TECH SUPPORT	50.00		
	LIBRARY	50.00		
	TRUST/IOMA MARY BAKER	50.00		
	WATER			
	WATER			
ALLIANT ENERGY-IES	22059 HWY 38 NEW METER	159.78		
CAMPBELL SUPPLY	DEEP CUT BAND SAW	93.87		
CINTAS CORPORATION	WATER OSHA SUPPLIES	18.25		
STEVE & BRIAN FEDERSPIEL	OVERPAYMENT REFUND - JACKSON	1.74		
HAWKINS WATER TREATMENT	WATER SUPPLIES	5.00		
HYGIENIC LABORATORY	WATER LAB TESTS	110.50		
IOWA ONE CALL	WATER SYSTEM	26.10		
J&R SUPPLY INC	WATER SYSTEM	450.00		
JOHN DEERE FINANCIAL	WATER SUPPLIES	26.98		
LASLEY ELECTRIC LLC	WATER SYSTEM	160.00		
MUNICIPAL SUPPLY INC	WATER METERS	1,243.20		
	WATER	2,295.42		
	WATER	2,295.42		
	CUSTOMER DEPOSITS			
	WATER			
JEREMY BELL	WATER DEPOSIT REFUND	13.97		
CITY OF MONTICELLO	Water Deposit Refunds	520.00		
JOSEPH DUMOND	WATER DEPOSIT REFUND	1.96		
BEAU EHRISMAN	WATER DEPOSIT REFUND	5.82		
SAVANNAH HILEMAN-SHEPHERD	WATER DEPOSIT REFUND	88.99		
KELLIE MCDERMOTT	WATER DEPOSIT REFUND	4.26		
OAK STREET PROPERTIES LLC	WATER DEPOSIT REFUND	50.00		
WALNUT ACRES ESTATES	WATER DEPOSIT REFUND	50.00		
ALAN & AMY WICKMAN	WATER DEPOSIT REFUND	50.00		
MARILYN WINCH	WATER DEPOSIT REFUND	50.00		
RAY ZIRKELBACH	WATER DEPOSIT REFUND	50.00		
	WATER	885.00		
	CUSTOMER DEPOSITS	885.00		
	SEWER			
	SEWER			

# ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
CAMPBELL SUPPLY	DEEP CUT BAND SAW	93.87		
CINTAS CORPORATION	SEWER OSHA SUPPLIES	18.24		
ELECTRIC PUMP INC	SEWER EQUIP REPAIR/MAINT	13,138.59		
HACH COMPANY	SEWER LAB SUPPLIES	228.95		
HYGIENIC LABORATORY	SEWER LAB TESTS	1,488.50		
IOWA ONE CALL	SEWER SYSTEM	26.10		
JOHN DEERE FINANCIAL	SEWER SUPPLIES	126.67		
MONTICELLO EXPRESS INC	SEWER SUPPLIES	130.00		
ROTO-ROOTER	SEWER SYSTEM	1,210.00		
SNYDER & ASSOCIATES, INC	SEWER ENGINEERING FEES	108.00		
SPAHN & ROSE LUMBER CO INC	SEWER BLDG REPAIR/MAINT	36.99		
		=====		
	SEWER	16,613.08		
		=====		
	SEWER	16,613.08		
	SANITATION			
	SANITATION			
ALLIANT ENERGY-IES	22059 HWY 38 NEW METER	7.18		
CAMPBELL SUPPLY	DEEP CUT BAND SAW	93.86		
CINTAS CORPORATION	SANITATION OSHA SUPPLIES	18.24		
MERCY MEDICAL CENTER	SANITATION OSHA - KAHLER	20.00		
REPUBLIC SERVICES	RESIDENTIAL RECYCLING	21,045.00		
UNITY POINT CLINIC	SANITATION OSHA - KAHLER	42.00		
		=====		
	SANITATION	21,226.28		
		=====		
	SANITATION	21,226.28		
	STORM WATER			
	STORM WATER FUND			
SNYDER & ASSOCIATES, INC	STORM SEWER ENGINEERING FEES	715.00		
		=====		
	STORM WATER FUND	715.00		
		=====		
	STORM WATER	715.00		
		=====		
**** SCHED TOTAL ****		130,743.67		
		=====		
***** REPORT TOTAL *****		130,743.67		
		=====		

# **ACCOUNTS PAYABLE ACTIVITY** **CLAIMS FUND SUMMARY**

FUND	FUND NAME	TOTAL	CHECK#	DATE
001	GENERAL	23,686.69		
005	MONTICELLO BERND'S CENTER	5,977.26		
015	FIRE	428.21		
016	AMBULANCE	1,453.82		
026	POLICE IMPROVEMENT	33.46		
030	LIBRARY IMPROVEMENT	39.69		
041	LIBRARY	961.56		
110	ROAD USE	37,118.19		
178	TRUST/SLAVKA GEHRET FUND	174.64		
313	PARK IMPROVEMENT	13,316.33		
326	TRUST/CEMETERY IMPROVEMENT	339.00		
332	CAPITAL IMPROVEMENT	4,970.00		
338	BATY DISC GOLF COURSE	2.99		
339	MARY MAXINE REDMOND TRUST	18.85		
375	POCKET PARK	265.00		
502	C.C. BIDWELL LIBRARY BOOK	173.20		
503	TRUST/IOMA MARY BAKER	50.00		
600	WATER	2,295.42		
602	CUSTOMER DEPOSITS	885.00		
610	SEWER	16,613.08		
670	SANITATION	21,226.28		
740	STORM WATER	715.00		

City Council Meeting  
Prep. Date: 10/31/18  
Preparer: Doug Herman



Agenda Item: # 1  
Agenda Date: 11/05/18

### *Communication Page*

**Agenda Items Description:** Resolution to approve Pay Request #7 in the amount of \$ 48,889.94 and Change Order #3 in the amount of \$49,995 submitted by Taylor Construction, Inc. Re: 2017 E. 1<sup>st</sup> Street Bridge Replacement Project

**Type of Action Requested:** Motion; Resolution; Ordinance; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Resolution
Engineer Recommendation with Pay Request

**Fiscal Impact:**

Budget Line Item:	
Budget Summary:	E. 1 <sup>st</sup> St. Bridge Cap. Project
Expenditure:	\$48,889.94
Revenue:	

**Synopsis:** Approval of Taylor Construction, Inc. Pay Request #7 and C.O. #3(Related to shoulder improvements)

**Background Information:** Taylor Construction submits its' 7<sup>th</sup> pay request associated with the E. 1<sup>st</sup> Street Bridge project and Change Order #3 tied to shoulder improvements. The City Engineer has reviewed the pay request and change order and recommends their approval.

The total value of completed work comes in at \$544,603.40. This project has a 3% retainer and after this payment the retainer will be \$16,338.10

The amount recommended for payment totals \$48,889.94 (The City will file for reimbursement through the State IDOT for the share of this project to be covered by Federal Bridge funding.)

**Recommendation:** I recommend that the Council approve the proposed Resolution approving payment of the 7<sup>th</sup> pay request in the amount of \$48,889.94 and 3<sup>rd</sup> Change Order in the amount of \$49,995.



# **The City of Monticello, Iowa**

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF MONTICELLO, IOWA

## **RESOLUTION #18-\_\_**

**Approving Pay Request #7 in the amount of \$48,889.94 and Change Order #3 in the amount of \$49,995 submitted by Taylor Construction, Inc. Re: 2018 E. 1<sup>st</sup> Street Bridge Replacement Project.**

- WHEREAS,** Taylor Construction, Inc. contracted with the City to replace the E. 1<sup>st</sup> Street Bridge lying over Kitty Creek, and
- WHEREAS,** Taylor Construction, Inc. has submitted their 7<sup>th</sup> pay request in the amount of \$48,889.94 which includes expenses associated with Change Order #3 and reflects a 3% retainage, with total retainage held to date after this payment in the amount of \$16,338.10, and
- WHEREAS,** The City will be reimbursed a large portion of this expense after the submission of a request for reimbursement through the IDOT, with the funding coming from Federal Bridge Funds, and
- WHEREAS,** The City Engineer has reviewed pay request #7 and Change Order #3, and the work completed as part of Change Order #3 was previously approved by the City Council, and recommends their approval.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby approve Pay Request #7 submitted by Taylor Construction, Inc. Re: 2017 E. 1<sup>st</sup> Street Bridge Replacement Project, in the amount of \$48,889.94 and Change Order #3 in the amount of \$49,995 and hereby authorizes payment to Taylor Construction in the amount of \$48,889.94 with 3% retainage in the amount of \$16,338.10.

**IN THE TESTIMONY WHEREOF,** I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 5<sup>th</sup> day of November, 2018.

---

Brian Wolken, Mayor

*Attest:*

---

Sally Hinrichsen, City Clerk



October 31, 2018

Mr. Doug Herman, City Administrator  
City of Monticello, Iowa  
200 East 1<sup>st</sup> Street  
Monticello, IA 52310

Subject: Application for Partial Payment No. 7 and Change Order No. 3  
**Bridge Replacement – East First Street Over Kitty Creek**  
Snyder & Associates Project # - 116.0093.08A  
Contractor: Taylor Construction, Inc.

Dear Council:

Enclosed for your review and approval is the Application for Partial Payment No. 7 and Change Order No. 3 from Taylor Construction, Inc. for the project referenced above (paper copies will be delivered at the November 5<sup>th</sup> Council Meeting). We have reviewed the pay application and find it to be in agreement with the work completed to date. We, therefore, recommend approval of Application for Partial Payment No. 7 and Change Order No. 3 for this project in the amount of **\$48,889.94** to Taylor Construction, Inc.

If you have any questions or comments regarding this project, please feel free to contact me. Patrick Schwickerath plans to attend the next Council Meeting on Monday, November 5<sup>th</sup> if you prefer to go over any questions or concerns you may have at that time.

Sincerely,

SNYDER & ASSOCIATES, INC.

A handwritten signature in cursive script that reads 'Casey Zwolinski'.

Casey Zwolinski  
Project Engineer

Encl. Application for Partial Payment No. 7 and Change Order No. 3 (Five copies)

Cc: Krista Taylor, Taylor Construction, Inc.

## APPLICATION FOR PARTIAL PAYMENT NO. 7

PROJECT: Bridge Replacement - East First Over Kitty Creek  
OWNER: City of Monticello  
CONTRACTOR: Taylor Construction, Inc.  
ADDRESS: 7314 Columbus  
New Vienna, IA 52065  
DATE: November 5, 2018

SB/S&A PROJECT NO.: 116.0093.08A  
IOWA DOT PROJECT NO.: BROS-5182(604)-BJ-53

PAYMENT PERIOD: 07/12/2018 to 10/30/2018

### 1. CONTRACT SUMMARY:

Original Contract Amount: \$ 504,845.24  
Net Change by Change Order to Date: \$ 54,839.00  
Contract Amount to Date: \$ 559,484.24

CONTRACT PERIOD:  
Letting Date: June 20, 2017  
Late Start Date: 7/24/2017  
New Working Days: 85 Days  
Current Working Days: 82 Days  
as of 10/30/2018

### 2. WORK SUMMARY:

Total Work Performed to Date: \$ 544,603.40  
Retainage: 3% \$ 16,338.10  
Liquidated Damages: \$  
\$1,000/day for 0 days  
Total Earned Less Retainage: \$ 528,265.30  
Less Previous Applications for Payment: \$ 479,375.38  
AMOUNT DUE THIS APPLICATION: \$ 48,889.94

### 3. CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that:

- (1) all previous progress payments received from OWNER on account of Work done under the contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with the Work covered by prior Applications for Payment; and  
(2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by the application for Payment are free and clear of all liens, claims, security interests, and encumbrances

Taylor Construction Inc.  
CONTRACTOR

By *Kevin L. Taylor* DATE: 10-31-18

### 4. ENGINEER'S APPROVAL:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended:

Snyder & Associates, Inc.  
ENGINEER

By *Carney Zucchin* DATE: 10-31-18

### 5. OWNER'S APPROVAL

City of Monticello  
OWNER

By \_\_\_\_\_ DATE: \_\_\_\_\_

## APPLICATION FOR PARTIAL PAYMENT NO. 7

PROJECT: Bridge Replacement - East First Over Kitty Creek  
OWNER: City of Monticello  
CONTRACTOR: Taylor Construction, Inc.  
ADDRESS: 7314 Columbus  
New Vienna, IA 52065  
DATE: November 5, 2018

SB/S&A PROJECT NO.: 116.0093.08A  
IOWA DOT PROJECT NO.: BROS-5182(604)--8J-53

PAYMENT PERIOD: 07/12/2018 to 10/30/2018

### 1. CONTRACT SUMMARY:

Original Contract Amount: \$ 504,845.24  
Net Change by Change Order to Date: \$ 54,639.00  
Contract Amount to Date: \$ 559,484.24

#### CONTRACT PERIOD:

Letting Date: June 20, 2017  
Late Start Date: 7/24/2017  
New Working Days: 85 Days  
Current Working Days: 82 Days  
as of 10/30/2018

### 2. WORK SUMMARY:

Total Work Performed to Date: \$ 544,603.40  
Retainage: 3% \$ 16,338.10  
Liquidated Damages: \$  
\$1,000/day for 0 days  
Total Earned Less Retainage: \$ 528,265.30  
Less Previous Applications for Payment: \$ 479,375.36  
AMOUNT DUE THIS APPLICATION: \$ 48,889.94

### 3. CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that:

- (1) all previous progress payments received from OWNER on account of Work done under the contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with the Work covered by prior Applications for Payment; and  
(2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by the application for Payment are free and clear of all liens, claims, security interests, and encumbrances

Taylor Construction Inc.

CONTRACTOR

By \_\_\_\_\_ DATE: \_\_\_\_\_

### 4. ENGINEER'S APPROVAL:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended:

Snyder & Associates, Inc.

ENGINEER

By \_\_\_\_\_ DATE: \_\_\_\_\_

### 5. OWNER'S APPROVAL

City of Monticello

OWNER

By \_\_\_\_\_ DATE: \_\_\_\_\_

1. DETAILED ESTIMATE OF WORK COMPLETED:

ITEM NO.	DESCRIPTION OF WORK	QUANTITY			UNIT	UNIT PRICE	TOTAL COST	WORK COMPLETED		TOTAL COMPLETED	%	COM
		EST	ACTUAL	THIS PERIOD				PREVIOUS	THIS PERIOD			
1	EXCAVATION, CL 10, CHANNEL	1,821.00	1,501.00		CY	\$8.75	\$ 4,958.75	\$ 5,628.75	\$ -	\$ 5,628.75	114%	
2	REMOVAL OF EXISTING BRIDGE	1.00	1.00		LUMP	\$3,000.00	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	100%	
3	EXCAVATION, CL 20	118.00	118.00		CY	\$90.00	\$ 10,620.00	\$ 10,620.00	\$ -	\$ 10,620.00	100%	
4	STRUCTURAL CONCRETE (BRIDGE)	229.50	229.50		CY	\$545.00	\$ 125,077.50	\$ 125,077.50	\$ -	\$ 125,077.50	100%	
5	REINFORCING STEEL, EPOXY COATED	57,361.00	57,361.00		LB	\$0.80	\$ 45,888.80	\$ 45,888.80	\$ -	\$ 45,888.80	100%	
6	CONCRETE BARRIER RAILING	222.00	222.00		LF	\$86.00	\$ 19,092.00	\$ 19,092.00	\$ -	\$ 19,092.00	100%	
7	PILES, STEEL, HP 10X42	1,390.00	1,340.00		LF	\$30.00	\$ 39,900.00	\$ 40,200.00	\$ -	\$ 40,200.00	101%	
8	CONCRETE ENCASEMENT OF H-PILES, HP 10X42 (P101 TYPE 3)	278.10	258.90		LF	\$60.00	\$ 16,686.00	\$ 15,498.00	\$ -	\$ 15,498.00	93%	
9	ENGINEERING FABRIC	1,577.00	1,938.00		SY	\$3.75	\$ 5,913.75	\$ 7,267.50	\$ -	\$ 7,267.50	123%	
10	RELETMENT, CLASS C	2,114.00	2,068.00	22.40	TON	\$21.25	\$ 44,922.50	\$ 43,681.50	\$ 263.50	\$ 43,945.00	98%	
11	CONSTRUCTION SURVEY	1.00	1.00		LUMP	\$8,000.00	\$ 8,000.00	\$ 8,000.00	\$ -	\$ 8,000.00	100%	
12	MOBILIZATION	1.00	1.00		LUMP	\$21,000.00	\$ 21,000.00	\$ 21,000.00	\$ -	\$ 21,000.00	100%	
13	CLEARING AND GRUBBING	0.70	0.70		ACRE	\$2,000.00	\$ 1,400.00	\$ 1,400.00	\$ -	\$ 1,400.00	100%	
14	SPECIAL BACKFILL	57.10	15.06		TON	\$17.50	\$ 999.25	\$ 263.55	\$ -	\$ 263.55	26%	
15	EXCAVATION, CL 13, WASTE	1,996.00	1,996.00		CY	\$4.50	\$ 8,982.00	\$ 8,982.00	\$ -	\$ 8,982.00	100%	
16	TOPSOIL, FURNISH AND SPREAD	484.30	484.30		CY	\$18.00	\$ 8,717.40	\$ 8,717.40	\$ -	\$ 8,717.40	100%	
17	SUBGRADE STABILIZATION MATERIAL, POLYMER GRID	369.80	369.80		SY	\$2.00	\$ 739.60	\$ 739.60	\$ -	\$ 739.60	100%	
18	MODIFIED SUBBASE	168.10	168.10		CY	\$26.00	\$ 4,370.60	\$ 4,370.60	\$ -	\$ 4,370.60	100%	
19	GRANULAR SHOULDERS, TYPE A	121.00	102.60		TON	\$18.00	\$ 2,178.00	\$ 1,846.80	\$ -	\$ 1,846.80	85%	
20	PAVED SHOULDER, PCC, 7 IN	26.70	26.70	-2.30	SY	\$125.00	\$ 3,337.50	\$ 3,625.00	\$ (287.50)	\$ 3,337.50	100%	
21	SHOULDER FINISHING, EARTH	3.80	3.80		STA	\$400.00	\$ 1,520.00	\$ 1,520.00	\$ -	\$ 1,520.00	100%	
22	BRIDGE APPROACH, BR-201	344.00	344.00		SY	\$135.00	\$ 46,440.00	\$ 46,440.00	\$ -	\$ 46,440.00	100%	
23	HMA STD TRAFFIC, BASE COURSE, 1/2 IN MIX	98.54	95.38		TON	\$79.43	\$ 7,627.03	\$ 7,576.03	\$ -	\$ 7,576.03	97%	
24	HMA STD TRAFFIC, INTERMEDIATE COURSE, 1/2 IN MIX	49.27	28.50		TON	\$79.43	\$ 3,913.52	\$ 2,263.76	\$ -	\$ 2,263.76	58%	
25	HMA STD TRAFFIC, SURFACE COURSE, 1/2 IN MIX, NO FRICTION	33.94	46.72		TON	\$90.68	\$ 3,077.68	\$ 4,236.57	\$ -	\$ 4,236.57	138%	
26	ASPHALT BINDER, PG 58-28S, STD TRAFFIC	11.88	10.37		TON	\$357.00	\$ 4,241.16	\$ 3,702.09	\$ -	\$ 3,702.09	87%	
27	LONGITUDINAL GROOVING IN CONCRETE	588.50	588.50		SY	\$10.00	\$ 5,885.00	\$ 5,885.00	\$ -	\$ 5,885.00	100%	
28	APRONS, METAL, 24 IN DIA	2.00	2.00		EACH	\$950.00	\$ 1,900.00	\$ 1,900.00	\$ -	\$ 1,900.00	100%	
29	SUBDRAIN, LONGITUDINAL (SHOULDER) 6 IN DIA	477.00	378.00		LF	\$17.00	\$ 8,109.00	\$ 6,426.00	\$ -	\$ 6,426.00	79%	
30	SUBDRAIN OUTLET, DR-304	1.00	1.00		EACH	\$300.00	\$ 300.00	\$ 300.00	\$ -	\$ 300.00	100%	
31	STORM SEWER GRAVITY MAIN, TRENCHED, HDPE, 24 IN	40.00	21.00		LF	\$42.00	\$ 1,680.00	\$ 882.00	\$ -	\$ 882.00	53%	
32	REMOVE SEWER PIPE LESS THAN OR EQUAL TO 36 IN	59.00	50.00		LF	\$80.00	\$ 4,720.00	\$ 4,000.00	\$ -	\$ 4,000.00	85%	
33	BRIDGE END DRAIN, DR-402	2.00	2.00		EACH	\$2,000.00	\$ 4,000.00	\$ 4,000.00	\$ -	\$ 4,000.00	100%	
34	REMOVAL OF PAVEMENT	656.80	656.80		SY	\$6.50	\$ 4,269.20	\$ 4,269.20	\$ -	\$ 4,269.20	100%	
35	SAFETY CLOSURE	2.00	2.00		EACH	\$140.00	\$ 280.00	\$ 280.00	\$ -	\$ 280.00	100%	
36	REMOVAL OF TYPE A SIGN	5.00	5.00		EACH	\$60.00	\$ 300.00	\$ 300.00	\$ -	\$ 300.00	100%	
37	WOOD POSTS FOR TYPE A OR B SIGNS, 4 IN X 6 IN	36.00	15.00		LF	\$14.00	\$ 504.00	\$ 210.00	\$ -	\$ 210.00	42%	
38	TYPE A SIGNS, SHEET ALUMINUM	17.00	5.00		SP	\$20.00	\$ 340.00	\$ 100.00	\$ -	\$ 100.00	29%	
39	INSTALL TYPE A SIGN	5.00			EACH	\$50.00	\$ 250.00	\$ -	\$ -	\$ -	0%	
40	TRAFFIC CONTROL	1.00	1.00		LUMP	\$3,500.00	\$ 3,500.00	\$ 3,500.00	\$ -	\$ 3,500.00	100%	
41	MANHOLE ADJUSTMENT, MAJOR	1.00	1.00		EACH	\$1,000.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	100%	
42	MULCHING, BFM	1.20	0.90	-0.20	ACRE	\$4,500.00	\$ 5,400.00	\$ 4,950.00	\$ (900.00)	\$ 4,050.00	75%	
43	SEEDING AND FERTILIZATION (RURAL)	0.20	0.00	-0.20	ACRE	\$1,600.00	\$ 320.00	\$ 320.00	\$ (920.00)	\$ -	0%	
44	SEEDING AND FERTILIZATION (URBAN)	0.20	0.20		ACRE	\$1,800.00	\$ 360.00	\$ 360.00	\$ -	\$ 360.00	100%	
45	NATIVE GRASS SEEDING	0.20	0.00		ACRE	\$2,400.00	\$ 480.00	\$ -	\$ -	\$ -	0%	
46	SPECIAL DITCH CONTROL, WOOD EXCELISIOR MAT	92.00	92.00		SQ	\$4.50	\$ 414.00	\$ 414.00	\$ -	\$ 414.00	100%	
47	STABILIZING CROP - SEEDING AND FERTILIZING	0.60	0.60		ACRE	\$1,400.00	\$ 840.00	\$ 840.00	\$ -	\$ 840.00	100%	
48	SILT FENCE	1,260.00	735.00		LF	\$3.25	\$ 4,095.00	\$ 2,388.75	\$ -	\$ 2,388.75	58%	
49	REMOVAL OF SILT FENCE	1,260.00	575.00		LF	\$1.00	\$ 1,260.00	\$ 575.00	\$ -	\$ 575.00	46%	
50	MAINTENANCE OF SILT FENCE	128.00	284.00		LF	\$3.50	\$ 441.00	\$ 994.00	\$ -	\$ 994.00	225%	
51	FLOATING SILT CURTAIN (HANGING)	400.00	150.00		LF	\$20.00	\$ 8,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	38%	
52	MAINTENANCE OF FLOATING SILT CURTAIN	200.00	150.00		LF	\$7.00	\$ 1,400.00	\$ 1,050.00	\$ -	\$ 1,050.00	75%	
53	MOBILIZATIONS, EROSION CONTROL	2.00	2.00		EACH	\$500.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	100%	
54	MOBILIZATIONS, EMERGENCY EROSION CONTROL	1.00	0.00		EACH	\$1,000.00	\$ 1,000.00	\$ -	\$ -	\$ -	0%	
TOTAL ORIGINAL CONTRACT = \$ 504,845.24								THIS PERIOD TOTAL TO DATE				
								\$ (1,244.00)	\$ 488,337.40	97%		

CHANGE ORDER SUMMARY:			QUANTITY			UNIT	UNIT PRICE	TOTAL COST	WORK COMPLETED		TOTAL COMPLETED	%	CO#
Change Order No. 1			EST	ACTUAL	THIS PERIOD				PREVIOUS	THIS PERIOD			
8001	P.C. CONCRETE MATURITY TESTING		3,300.00	3,300.00	-	LS	\$1.00	\$ 3,300.00	\$ 3,300.00	\$ -	\$ 3,300.00	100%	C1-1

TOTAL CHANGE ORDER NO. 1 = \$ 3,300.00 \$ - \$ 3,300.00

CHANGE ORDER SUMMARY:			QUANTITY			UNIT	UNIT PRICE	TOTAL COST	WORK COMPLETED		TOTAL COMPLETED	%	CO#
Change Order No. 2			EST	ACTUAL	THIS PERIOD				PREVIOUS	THIS PERIOD			
8002	(EXTRA WORK) MOBILIZATION, ADDITIONAL		1,000.00	1,000.00	-	LS	\$1.00	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	100%	C2-1
8003	(EXTRA WORK) PORTLAND CEMENT CONCRETE PAVEMENT COLD WEATHER PROTECTION (PRE-ESTABLISHED PRICE)		344.00	344.00	-	SY	\$1.00	\$ 344.00	\$ 344.00	\$ -	\$ 344.00	100%	C2-2

TOTAL CHANGE ORDER NO. 2 = \$ 1,344.00 \$ - \$ 1,344.00

CHANGE ORDER SUMMARY:			QUANTITY			UNIT	UNIT PRICE	TOTAL COST	WORK COMPLETED		TOTAL COMPLETED	%	CO#
Change Order No. 3			EST	ACTUAL	THIS PERIOD				PREVIOUS	THIS PERIOD			
20	PAVED SHOULDER, PCC, 7 IN		192.00	192	192	SY	\$125.00	\$24,000.00	\$ -	\$ 24,000.00	\$ 24,000.00	100%	C3-1
35	SAFETY CLOSURE		2.00	2	2	EACH	\$140.00	\$280.00	\$ -	\$ 280.00	\$ 280.00	100%	C3-2
8004	EXCAVATION, CLASS 1B WASTE		42.00	51.3	51.3	CY	\$30.00	\$1,260.00	\$ -	\$ 1,539.00	\$ 1,539.00	122%	C3-3
8005	TOPSOIL, FURNISH AND SPREAD		13.00	14.7	14.7	CY	\$40.00	\$520.00	\$ -	\$ 588.00	\$ 588.00	113%	C3-4
8006	MODIFIED SUBBASE		6.00	12.8	12.8	CY	\$175.00	\$1,050.00	\$ -	\$ 2,240.00	\$ 2,240.00	213%	C3-5
8007	SHOULDER FINISHING, EARTH		3.50	3.5	3.5	STA	\$500.00	\$1,750.00	\$ -	\$ 1,750.00	\$ 1,750.00	100%	C3-6
8008	BRIDGE END DRAIN, DR-402		1.00	1.0	1.0	EACH	\$1,850.00	\$1,850.00	\$ -	\$ 1,850.00	\$ 1,850.00	100%	C3-7
8009	REMOVAL OF PAVEMENT		33.00	33.0	33.0	SY	\$25.00	\$825.00	\$ -	\$ 825.00	\$ 825.00	100%	C3-8
8010	MOBILIZATION		5,000.00	5,000.0	5,000.0	LS	\$1.00	\$5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	100%	C3-9
8011	DRIVEWAY, P.C. CONCRETE, 7 IN.		28.00	28.0	28.0	SY	\$125.00	\$3,500.00	\$ -	\$ 3,500.00	\$ 3,500.00	100%	C3-10
8012	FULL-DEPTH SAW CUT		224.00	233.0	233.0	LF	\$10.00	\$2,240.00	\$ -	\$ 2,330.00	\$ 2,330.00	104%	C3-11
8013	REMOVE, SALVAGE & PLACE EXISTING GRANULAR MATERIAL		4,000.00	4,000.0	4,000.0	LS	\$1.00	\$4,000.00	\$ -	\$ 4,000.00	\$ 4,000.00	100%	C3-12
8014	TRAFFIC CONTROL		3,720.00	3,720.0	3,720.0	LS	\$1.00	\$3,720.00	\$ -	\$ 3,720.00	\$ 3,720.00	100%	C3-13

TOTAL CHANGE ORDER NO. 3 = \$ 49,995.00 \$ 51,622.00 \$ 51,622.00

TOTAL CHANGE ORDERS = \$ 54,639.00 \$ 51,622.00 \$ 56,266.00

TOTAL CONTRACT \$ 559,484.24 THIS PERIOD TOTAL TO DATE  
& CHANGE ORDERS \$ 50,378.00 \$ 544,603.40

**CHANGE ORDER**  
For Local Public Agency Projects

No.: 3

Non-Substantial: ☒

Sep 20, 2018

Substantial: ☐

Administering Office  
Concurrence Date

Accounting ID No. (5-digit number): 34446

Project Number: BROS-5182(604)--8J-53

Kind of Work: Bridge Replacement- CCS

Local Public Agency: City of Monticello

Contractor: Taylor Construction, Inc.

Date Prepared: September 19, 2018

You are hereby authorized to make the following changes to the contract documents.

**A - Description of change to be made:**

Refer to the attached Plan Sheet D.1(R) for plan view information about the items for this change order.

7001 - Increase item for "2122-5190007 - Paved Shoulder, P.C. Concrete, 7 In.".

7002 - Increase item for "2518-6910000 - Safety Closure".

8004 - Add item for "2102-2713090 - Excavation, Class 13 Waste".

8005 - Add item for "2105-8425005 - Topsoil, Furnish and Spread".

8006 - Add item for "2115-0100000 - Modified Subbase". If the existing granular shoulder material (Item 8014) is not enough material to provide 11" of granular material under the paved shoulders and paved driveway, modified subbase material is to be placed to achieve the minimum depth of subbase specified. The cubic yard quantity of modified subbase used will be determined by converting the total tonnage of material placed, as noted on certified scale delivery tickets, to cubic yards using Iowa DOT standard estimating weight of 140 pcf.

8007 - Add item for "2123-7450020 - Shoulder Finishing, Earth".

8008 - Add item for "2503-0500402 - Bridge End Drain, DR-402".

8009 - Add item for "2510-6745850 - Removal of Pavement". Item includes removal of the HMA material placed in the granular shoulder and granular driveway areas.

8010 - Add item for "2533-4980005 - Mobilization". Item includes movement of personnel, equipment, supplies, and incidentals to the project site for the items listed in this change order.

8011 - Add an item for "2515-2475007 - Driveway, P.C. Concrete, 7 In." Certified Plant Inspection is required and incidental to this item.

8012 - Add an item for "2599-9999009 - Full-Depth Saw Cut". Item involves a full depth-saw cut along the edge of the HMA pavement to remove the safety edge and provide a square surface to pave against. Method of Measurement: By Length (Lineal Foot). Basis of Pavement: Contract unit price per Linear Foot. This payment is full compensation for furnishing all tools, equipment, labor, and materials necessary for performing the full-depth sawcut and disposal of the resulting waste material.

8013 - Add an item for "2599-9999010 - Remove, Salvage and Place Existing Granular Material". The Contractor is to remove and salvage all of the existing granular shoulder and driveway material and place and compact at a depth of 11" under the proposed 7" PCC Paved Shoulders and 7" PCC Driveway. Place and compact material per Standard Specification 2115.03,B.,4. Method of Measurement: Item will not be measured separately for payment. Basis of Payment: Lump Sum. This payment is full compensation for furnishing all tools, equipment and labor necessary to perform the work as specified.

8014 - Add an item for "2528-8445110 - Traffic Control". Setup traffic control per the detour as shown on Sheet J.1 and Standard Road Plan TC-252.

**B - Reason for change:**

7001, 7002, 8004 through 8014 - Upon review of the constructed project, it became apparent that the water shed from the roadway had too much velocity and continually caused wash-outs of the granular shoulders and granular driveway adjacent to the bridge. The city attempted to place some HMA material in the worst wash-out areas but it was not effective. As a long-term solution, the granular shoulders and granular driveway will be replaced with 7" PCC pavement. This will require full depth saw cutting of the HMA safety edge that was placed in conjunction with the roadway pavement to provide a square surface to pave against, placement of an additional bridge end drain for drainage of the new paved taper on the SE corner of the bridge, and removal and disposal of the HMA that was placed as a temporary correction in the washout areas. The contractor had already left the project site before the washout concerns became apparent. Thus, the contractor will need to mobilize back to the project. All of the work involved is small quantity from what was initially bid, so new unit prices needed to be negotiated to cover the contractor's overhead expenses.

8013 - In an effort to prevent waste of the initially placed granular shoulders and driveway, the shoulder and driveway material will be salvaged and re-used as a portion of the subbase material under the new PCC paved shoulders and driveway.

**C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:**

7001, 7002 - Contract Unit Price

8004, 8005, 8006, 8007, 8008, 8009, 8011, 8012 - Agreed unit price.

8010, 8013, 8014 - Agreed lump sum.

D - Justification for cost(s) (See I.M. 3.805, Attachment D, Chapter 2.36, for acceptable justification):

8004 - The unit price is between the average (\$7.95/CY) and high (\$100.50/CY) prices shown in the September 2017 through August 2018 IDOT Summary of Awarded Contract Prices. Based upon the small quantity of work to be performed, the unit price is considered reasonable.

8005 - The unit price is between the average (\$18.89/CY) and high (\$500.00/CY) prices shown in the September 2017 through August 2018 IDOT Summary of Awarded Contract Prices. Based upon the small quantity of work to be performed, the unit price is considered reasonable.

8006 - The estimated quantity of this item is so small, that the unit price was compared to all bid prices for modified subbase with 20 or less CY since 8/1/2016. The bid price analysis on bidx.com revealed an average bid price of \$76.29/CY and a high bid price of \$200.00/CY. The proposed bid price is within this range and is considered reasonable for the small quantity of work to be performed and considering that the item's placement will be variable due to the unknown volume of usable material available from the granular material salvaging and placement operation (Item 8013).

8007 - The unit price is between the average (\$179.80/STA) and high (\$700.00/STA) prices shown in the September 2017 through August 2018 IDOT Summary of Awarded Contract Prices. Based upon the small quantity of work to be performed, the unit price is considered reasonable.

8008 - The unit price is less than the unit price bid on this contract (\$2000.00/EACH) for the same item of work.

8009 - The unit price is between the average (\$7.14/SY) and high (\$300.00/SY) prices shown in the September 2017 through August 2018 IDOT Summary of Awarded Contract Prices. Based upon the small quantity of work to be performed, the unit price is considered reasonable.

8010 - The mobilization lump sum price of \$5,000 is reasonable to do \$49,995.00 worth of extra work listed in this change order. The Contractor will need to mobilize a larger backhoe, small excavator, tandem truck, end loader, skid loader, compactor, large saw, paving supplies, and personnel in order to perform the work.

8011 - Performing a bid tab analysis on all bid prices for Driveway, P.C. Concrete, 7 In. since August 2016 with a bid quantity of 30 SY or less, the average bid price is \$145.00/SY. The proposed unit price is less than the average bid price for similar quantities of work.

8012 - The only price bid since August 2018 for saw cutting is Contract ID 22-3167-604 in the November 2017 letting. The average bid price for this project was \$5.88/LF and the high bid price was \$7.50/LF. In review of the plans, the saw cut was for a 6" pavement depth. This item will require saw cutting an 11" pavement depth, which will require a larger saw and blades and thus the higher unit price is considered reasonable.

8013 - The contractor provided a detailed breakdown of labor and equipment hours estimated to perform the work. The rates for the labor and equipment are comparable to other contractors' rates and the hours estimated appear reasonable.

8014 - The traffic control lump sum price of \$3,720.00 is considered reasonable. The lump sum is equal to the lump sum value for traffic control (Item 0290) bid for this project. Being this is a stationary traffic control setup, it is reasonable that the lump sum price be equal to the bid price. The lump sum includes an approximate 6% prime contractor markup, which could be up to 10%, per Standard Specification 1109.03,B.,3.

E - Contract time adjustment: ☐ No Working Days added ☒ Working Days added: 15.0 ☐ Unknown at this time

Justification for selection:

This change order does warrant an additional 15 working days to the original contract time of 70 working days. The added time is based upon the Engineer's estimate of time needed to complete the extra work.



## F - Items included in contract:

Participating				For deductions enter as "-x.xx"		
Federal- aid	State- aid	Line Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
X		0080	PAVED SHOULDER, P.C. CONCRETE, 7 IN.	\$125.00	192.000	\$24,000.00
X		0240	SAFETY CLOSURE	\$140.00	2.000	\$280.00
				TOTAL		\$24,280.00

Add Row

Delete Row

## G - Items not included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Change Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
X		8004	2102-2713090 EXCAVATION, CLASS 13 WASTE	\$30.00	42.000	\$1,260.00
X		8005	2105-8425005 TOPSOIL, FURNISH AND SPREAD	\$40.00	13.000	\$520.00
X		8006	2115-0100000 MODIFIED SUBBASE	\$175.00	6.000	\$1,050.00
X		8007	2123-7450020 SHOULDER FINISHING, EARTH	\$500.00	3.500	\$1,750.00
X		8008	2503-0500402 BRIDGE END DRAIN, DR-402	\$1,850.00	1.000	\$1,850.00
X		8009	2510-6745850 REMOVAL OF PAVEMENT	\$25.00	33.000	\$825.00
X		8010	2533-4980005 MOBILIZATION	\$1.00	5,000.000	\$5,000.00
X		8011	2515-2475007 DRIVEWAY, P.C. CONCRETE, 7 IN.	\$125.00	28.000	\$3,500.00
X		8012	2599-9999009 FULL-DEPTH SAW CUT	\$10.00	224.000	\$2,240.00
X		8013	2599-9999010 REMOVE, SALVAGE & PLACE EXIST.	\$1.00	4,000.000	\$4,000.00
X		8014	2528-8445110 TRAFFIC CONTROL	\$1.00	3,720.000	\$3,720.00
				<b>Add Row</b>	<b>Delete Row</b>	<b>TOTAL</b>
						<b>\$25,715.00</b>

#### H. Signatures

Agreed:

Contractor \_\_\_\_\_ Date \_\_\_\_\_

Recommended:

Project Engineer \_\_\_\_\_ Date \_\_\_\_\_

Approved:

Person in Responsible Charge \_\_\_\_\_ Date \_\_\_\_\_ Other (optional) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Contracting Authority (optional) \_\_\_\_\_ Date \_\_\_\_\_ Other (optional) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Iowa DOT Administering Office \_\_\_\_\_ Date \_\_\_\_\_

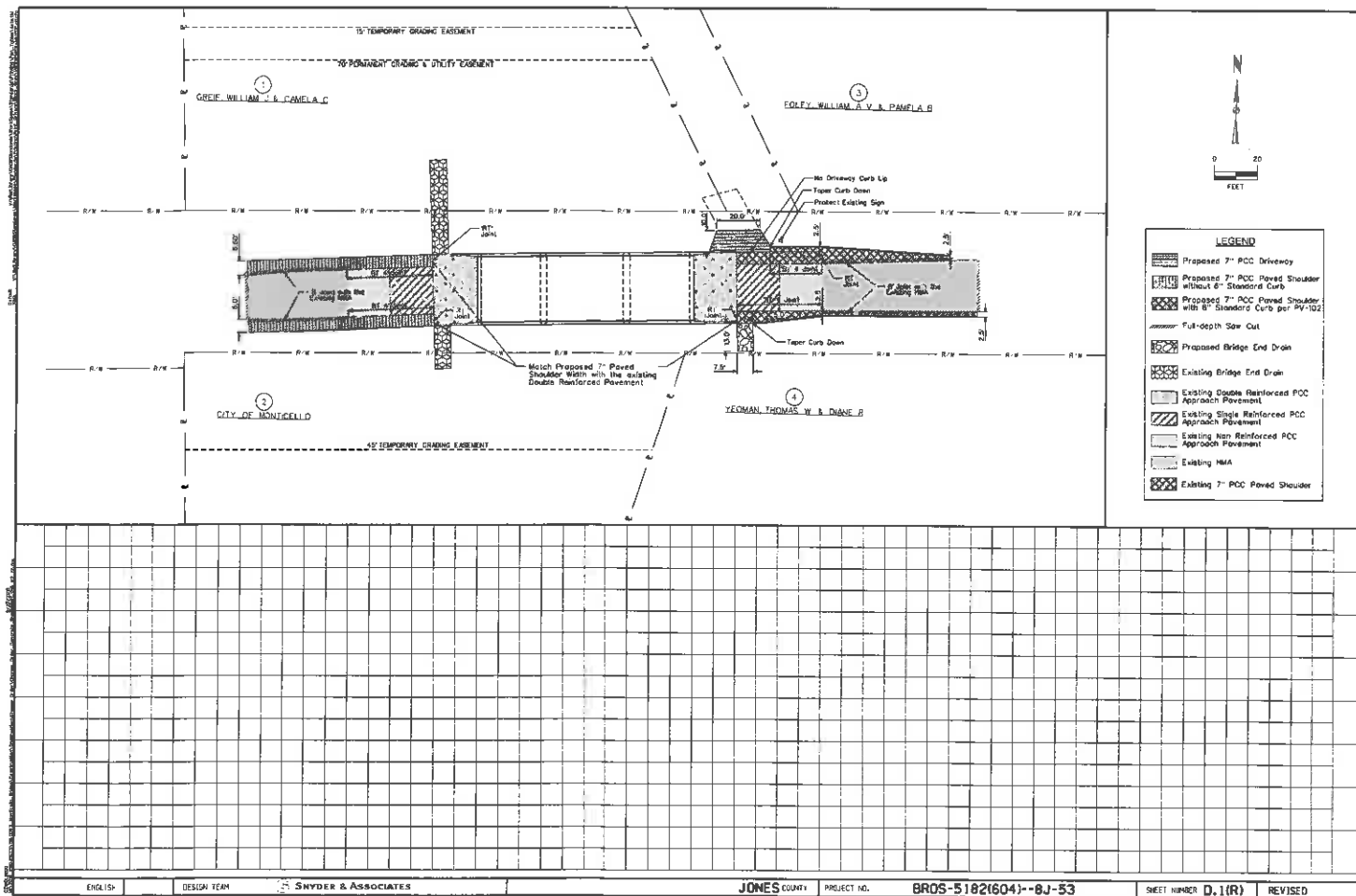
Approval is contingent upon funds being available under the existing project agreement or upon additional Federal-aid funds being made available by a modified project agreement.

FHWA Concurrence:

Federal Highway Division Administration \_\_\_\_\_ Date \_\_\_\_\_  
(if required)

DISTRIBUTION (after fully executed on LPA projects): Original - Finance; Copies - Contractor, Project Engineer, Contracting Authority, Administering Office.

Date distributed: \_\_\_\_\_ Initials: \_\_\_\_\_



ENGLISH

DESIGN TEAM

SHYDER & ASSOCIATES

JONES COUNTY

PROJECT NO.

8ROS-5182(604)-8J-53

SHEET NUMBER D.1(R)

REVISED

# Doc Express Document Signing History

Contract: 53-5182-604 Document: CO 03

This document is in the process of being signed by all required signatories using the Doc Express service. Following are the signatures that have occurred so far.

Date	Signed By
09/28/2018	Krista Taylor Taylor Construction Inc Electronic Signature (Approved by Contractor)
09/28/2018	Patrick Schwickerath Snyder & Associates, Inc Electronic Signature (Recommended by Engineer)
09/28/2018	Doug Herman Iowa Local Systems Electronic Signature (Approved by PIRC (when applicable))
09/28/2018	Kent Ellis Iowa Local Systems Electronic Signature (Approved by Administering Office or designee)
	(Approved by FHWA (when applicable))

City Council Meeting  
Prep. Date: 11/02/18  
Preparer: Doug Herman



Agenda Item: 2  
Agenda Date: 11/05/2018

### *Communication Page*

**Agenda Items Description:** Resolution to authorize City Administrator to move forward with Phase 1 of the Fountain Renovation and Repair project.

**Type of Action Requested:** Motion; **Resolution;** Ordinance; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Proposed Resolution
Pictorial Representations (Phase 1 and Phase 2)

**Fiscal Impact:**

Budget Line Item:

Park Improvement Budget

Budget Summary:

Expenditure:

\$58,000 +/-

Revenue:

**Synopsis:** The City Council has discussed the desire to “repair” the fountain and has looked at many options. Fountain Committee has chosen a path and presented that to Council.

**Background Information:** Based upon work of the Fountain Committee a fountain repair/renovation approach has been agreed upon and presented to the City Council. The project would have two phases, with phase one being the renovation and repair of the fountain and phase two being improvements to the landscape and hardscape around the fountain. With the Council’s approval Phase 1 ordering and work could potentially commence this fall/early winter with fundraising to continue through the winter months so that Phase 2 could be completed in the spring.

Current Cost Estimates for Phase 1 come in at approximately \$58,000 with Phase 2 coming in at an estimated sum of \$43,000. The City has already taken some steps in preparation for the project including power washing of the fountain and other stone structures in the Park, some tuck-pointing of the fountain exterior and removal and reinstallation of fountain wall caps that had come loose over the years and replacement of a few wall caps that had broken over the years with new stone, and the ordering of a manhole that will be installed to replace the current pit near the fountain to house valves associated with the water line to the fountain and drainage pipe to drain the fountain (and portions of the aquatic center)

We have a Parks to People grant in the amount of \$5,400 that must be spent this year and have applied for a Community Foundation Grant in the amount of \$25,000. The Comm. Found. Grant will be awarded in December. Additional grants will be written between now and spring and fundraising for Phase 2 will commence immediately as well. The extent of Phase 2 improvements will be tied to fundraising success and City investment in the project.

**Staff Recommendation:** I recommend that the Council authorize City Administrator to move forward with Phase 1 of the Fountain Renovation and Repair project.

# The City of Monticello, Iowa

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF MONTICELLO, IOWA

RESOLUTION #18-\_\_

**Resolution** to authorize City Administrator to move forward with Phase 1 of the Fountain Renovation and Repair project

**WHEREAS,** The City of Monticello and a committee of staff and residents has reviewed various options associated with needed repairs and modifications to the City Fountain located at the "Y" or City Fountain Park south of the Aquatic Center, and

**WHEREAS,** The recommendation of the Committee is to proceed with a project that will leave the fountain looking largely as it does now with improvements to the fountain structure and updates to the electrical, lighting, and plumbing components of the fountain with a second phase to address hardscape and landscape improvements around and throughout the Fountain Park to make the fountain more accessible and usable by the public, and

**WHEREAS,** The Council is aware of the receipt of a Parks to People Grant received by the City that must be utilized this year and finds it appropriate to authorize the City Administrator to take steps to move forward with Phase 1 at this time with continued grant writing and fundraising to cover project costs associated therewith and with Phase 2 of the Fountain Park renovation project.

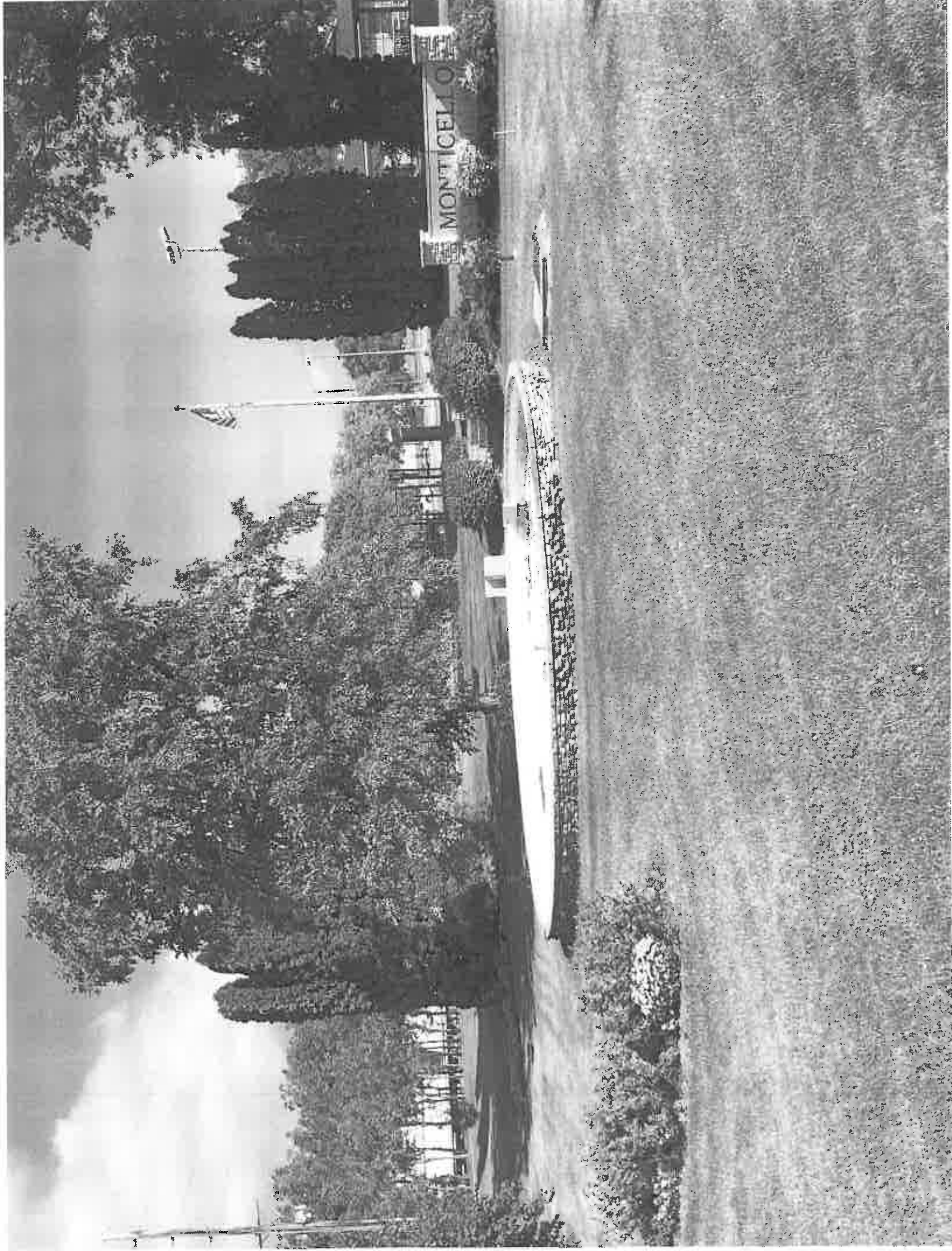
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby authorize the City Administrator to move forward with Phase 1 of the Fountain Renovation and Repair project.

**IN TESTIMONY WHEREOF,** I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto.  
Done this 5<sup>th</sup> Day of November, 2018.

\_\_\_\_\_  
Brian Wolken, Mayor

Attest:

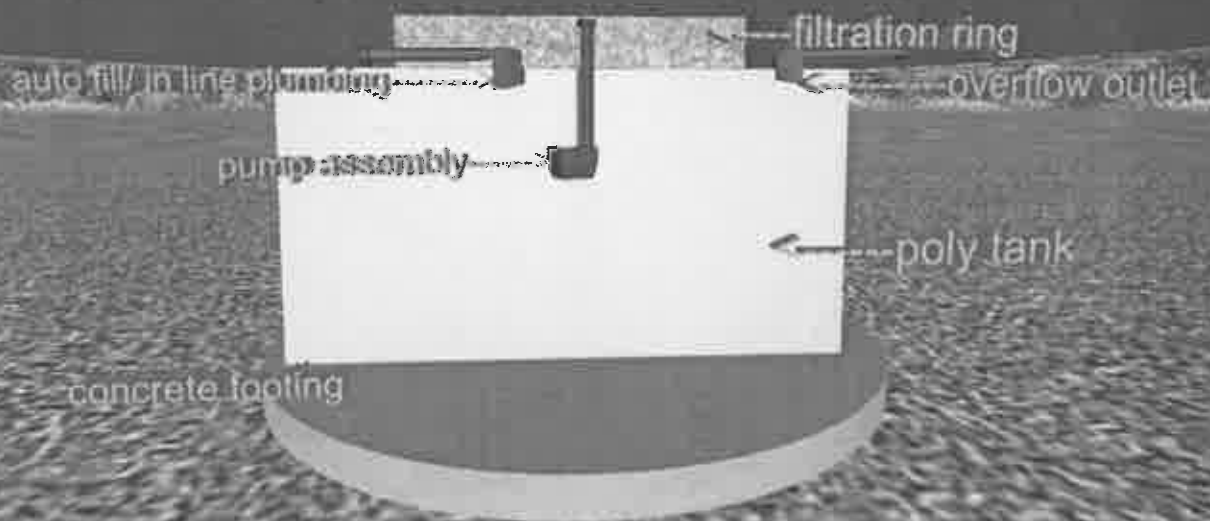
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Sally Hinrichsen, Monticello City Clerk

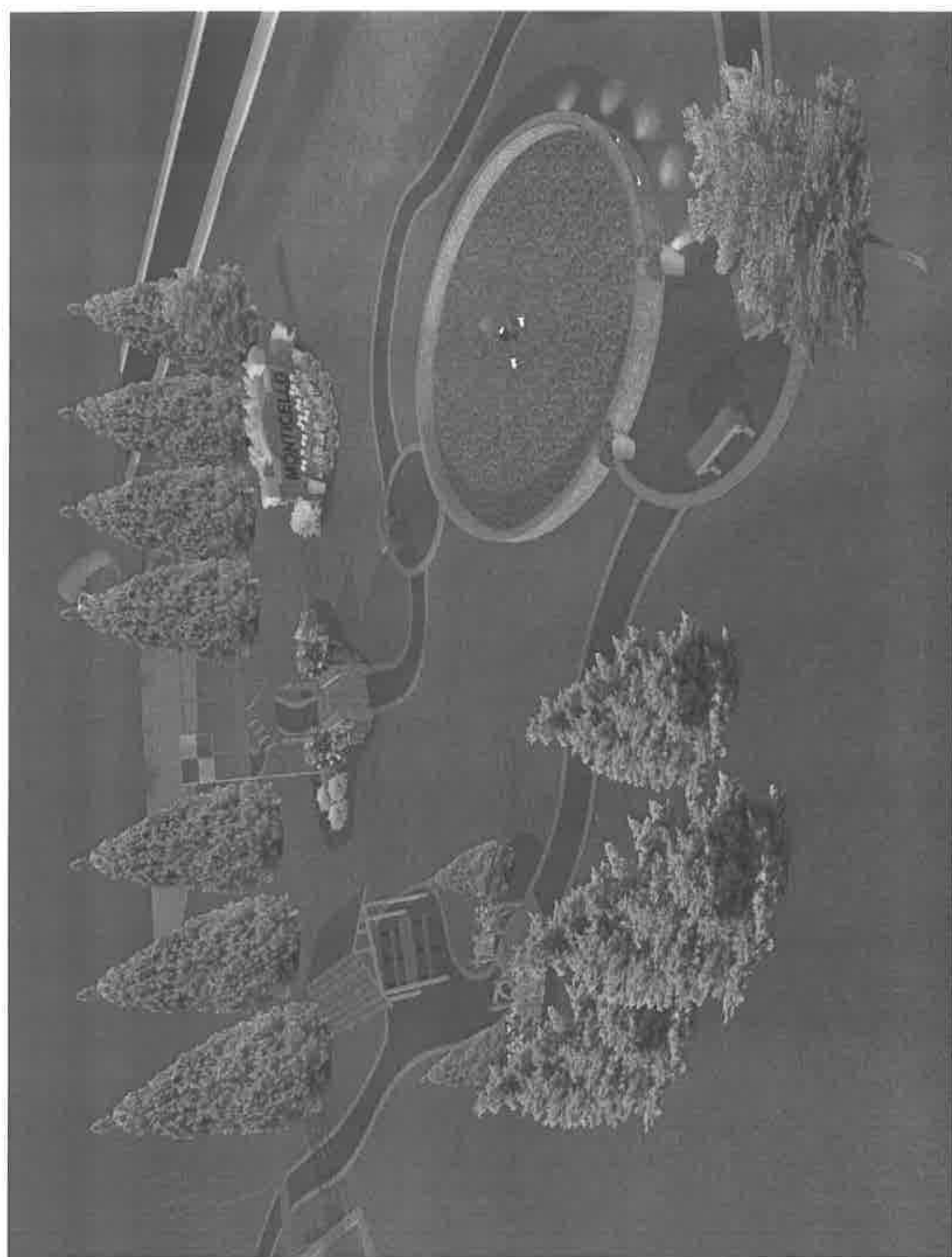


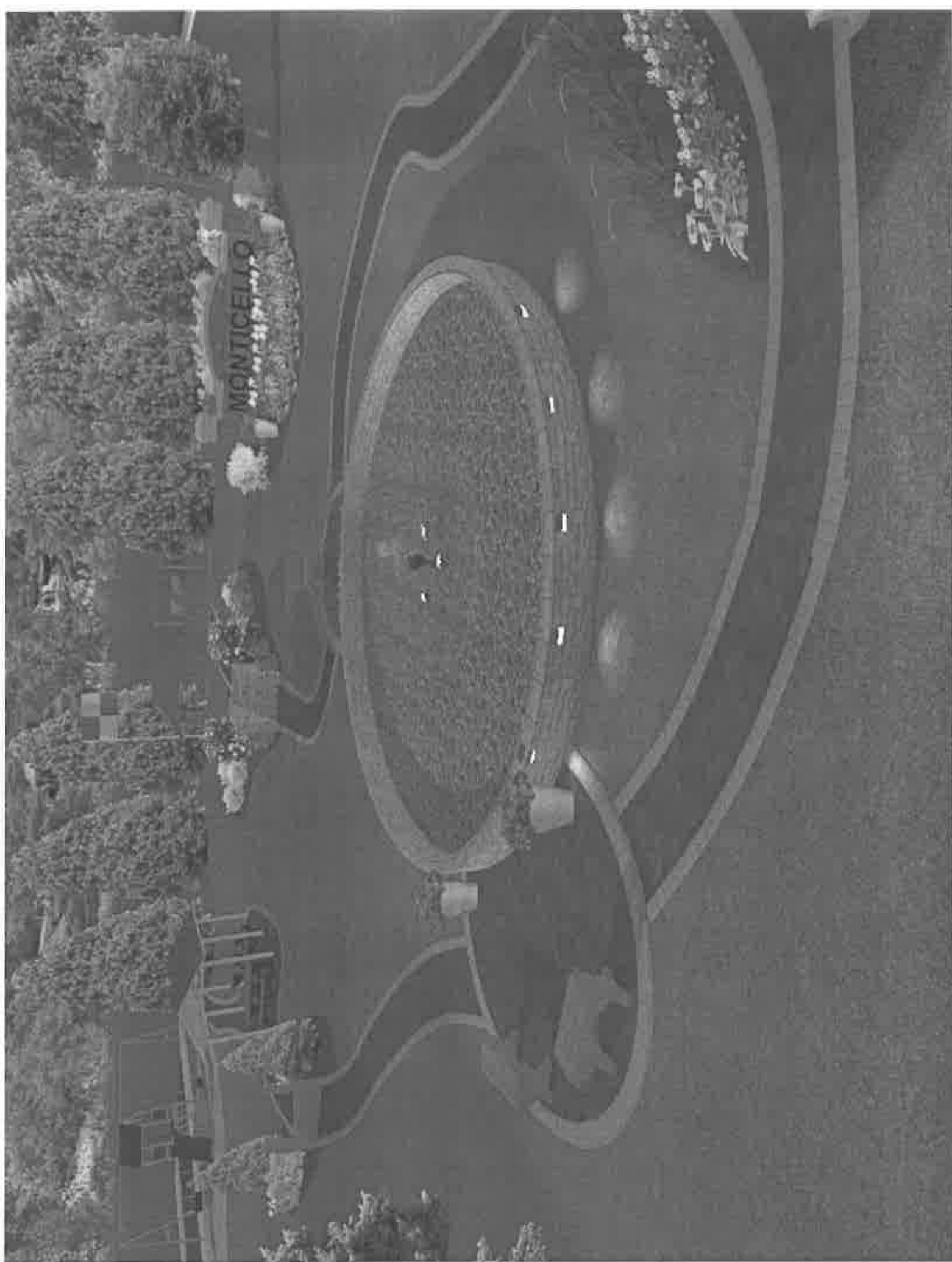




# under grade rendering







City Council Meeting  
Prep. Date: 10/31/18  
Preparer: Doug Herman



Agenda Item: 3  
Agenda Date: 11/05/2018

***Communication Page***

**Agenda Items Description:** Resolution to approve Tax Abatement related to property located at 802 Northridge Drive

**Type of Action Requested:** Motion; **Resolution;** Ordinance; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Proposed Resolution
Application

**Fiscal Impact:**

Budget Line Item:	n/a
Budget Summary:	n/a
Expenditure:	n/a
Revenue:	n/a

**Synopsis:** Abatement Application filed by Russell Stoneking and Nicole Monk-Stoneking, owners of home located at 802 Northridge Drive.

**Background Information:** This Resolution provides the tax abatement as set out in the Code for Residential properties. The new value added by the improvement, up to \$75,000, is exempt from taxation for five years.

**Staff Recommendation:** I recommend that the Council approve the proposed Resolution providing for the Standard Tax Abatement as set out above.

# The City of Monticello, Iowa

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF MONTICELLO,  
IOWA

RESOLUTION #

**Approving Russell Stoneking and Nicole Monk-Stoneking Tax  
Abatement Application related to Residential Improvements constructed  
at 802 Northridge Drive, Monticello, Iowa.**

**WHEREAS,** Monticello has enacted an Urban Revitalization Tax Abatement program and codified same at Chapter 10 of the Monticello Code of Ordinances, and

**WHEREAS,** Russell Stoneking has completed and filed an Application for Tax Abatement related to their home, a Residentially zoned property, located at 802 Northridge Drive, Monticello, Iowa, and

**WHEREAS,** The City Council has reviewed said Application, and finds that the information submitted therein is consistent with that required by the Monticello Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby approve the Application for Tax Abatement filed by Russell Stoneking as set forth above, consistent with Chapter 10 of the Monticello Code of Ordinances, said Application bearing the date of October 18, 2018 and being signed by Russell Stoneking and further directs the Monticello City Clerk to file same with the Jones County Assessor as prescribed by law.

**IN TESTIMONY WHEREOF,** I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto. Done this 5<sup>th</sup> day of November, 2018.

---

Brian Wolken, Mayor

Attest:

---

Sally Hinrichsen, Monticello City Clerk

(319) 481 7484

APPLICATION FOR TAX ABATEMENT UNDER THE  
URBAN REVITALIZATION PLAN FOR

MONTICELLO, IOWA

Is it too  
late to turn  
in?

Prior Approval for  
Intended Improvements

Improvements

Address of Property: 802 Northridge Dr. Monticello, IA 52310

Legal Description: Single Family Residence

Title Holder or Contract Buyer Russell Stoneking, Nicole Monk-Stoneking

Address of Owner (if different than above):

Phone Number (to be reached during the day): 319-481-7484

Existing Property Use: ☒ Residential ☐ Commercial ☐ Industrial ☐ Vacant

Proposed Property Use: ☒ Residential ☐ Commercial ☐ Industrial

Nature of Improvements: ☒ New Construction ☐ Addition ☐ General Improvements

Specify New home construction

Estimated or Actual Date of Completion: 08/25/2015

Estimated or Actual Cost of Improvements: \$225,000

Tax Exemption Schedule is attached.

Signed: [Signature]

City Council Meeting  
Prep. Date: 10/31/18  
Preparer: Doug Herman



Agenda Item: # 4  
Agenda Date: 11/05/18

### *Communication Page*

**Agenda Items Description:** Resolution to approve partial payment to Anderson Ladd, Inc. related to Berndes Center floor project.

**Type of Action Requested:** Motion; **Resolution;** Ordinance; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Resolution
Proposed Agrmt. (E-Mail from Noah Johnson)
Invoice

**Fiscal Impact:**

Budget Line Item:	n/a
Budget Summary:	n/a
Expenditure:	n/a
Revenue:	n/a

**Synopsis:** Anderson Ladd installed floor in Berndes Center and due to concerns with installation nothing has been paid to date.

**Background Information:** As we previously discussed the flooring system installed at the Berndes Center was not consistent with the flooring system bid by Anderson Ladd. We ordered a 7mm pad with 2 mm urethane GM2500 and paint covering. We got a 9mm pad with 1-2 mm urethane GM2000 and paint covering. I have attached a review of the flooring performance since installation for your review.

Anderson Ladd proposes the following to rectify the mis-installation:

1. Abrade entire surface
2. Apply an additional urethane lift of GM 2500. (I am awaiting verification of the thickness of the proposed "lift", whether 1mm or 2mm as originally proposed.)
3. Apply new top coating and game lines.
4. Pay Anderson Ladd all invoiced sums retaining 5%
5. Warranty to be issued upon payment of said 95% amount.
6. Work to be completed based upon our schedule.

I would propose that we use the floor for a period of time before locking ourselves into this proposed solution. I also need to verify the GM 2500 thickness/coats. I am not comfortable paying down to 5% at this time but believe we should pay something significant. The balance due is \$127,694. I would propose that we pay the sum of \$95,770.50 at this time, retaining 25% or \$31,923.50. Depending upon wear between now and February we can consider whether or not we are willing to live with the 9mm pad with the proposed additional urethane, if we

want it removed with the 7mm pad installed as originally ordered, or want to leave the 9 mm pad with a “spike proof” urethane coating applied.

**Recommendation:** I recommend that the Council approve the proposed payment to Anderson Ladd as partial payment for work performed to date.





# ANDERSON LADD, INC.

27740 Prospect Ave., Adel, IA 50003

Office: 515-608-5387 Mobile: 515-986-9326 [njohnson@andersonladd.com](mailto:njohnson@andersonladd.com)

SERVING EDUCATION, HEALTH CARE, AND INDUSTRY SINCE 1924

"Exceeding Customer  
Expectations Since  
1924"

**TO: City of Monticello c/o Doug Herman and Jacob Oswald**

**RE: Berndes Center Gym Floor Corrections**

**Date: 10/5/18**

## SERVICES

- \*Construction
- \*Consulting / Training
- \*Service & Maintenance
- \*Layout & Design
- \*Project Management

## PRODUCTS

- \*Athletic & Wood Flooring
- \*Athletic Equipment
- \*Auditorium Seating
- \*Benchers
- \*Casework
- \*Clean Rooms
- \*Divider Walls
- \*Laboratory Equipment
- \*Laboratory Furniture
- \*Library & File Systems
- \*Lockers
- \*School Equipment
- \*Storage Systems
- \*Tracks
- \*Turf Fields

## The Haldeman Homme Family of Companies:

- \*Academic Specialties
- \*Academic Specialties TX
- \*Anderson Ladd
- \*IDEA



Employee Owned

Anderson Ladd is committed to providing the City of Monticello with a product that will perform as promised. After review of the floor, discussions about the product, installation, and process we are prepared to present the following corrections at no additional cost:

- Abrade the entire surface
- Apply an additional lift of GM2500 urethane over the existing surface
- Apply new top coating and game lines. This would be the same as what currently exists with the option for minor changes.

This correction will provide a stronger urethane, as ordered, but will still be subject to damage if not properly cared for. Any and all flooring surfaces have the potential for damage. In order to minimize damage, it is important to be sure each piece of equipment is properly protected. Once Anderson Ladd has been paid down to a reasonable retainage of 5% of the amount owed, we will issue the 25 year warranty. At that time, we will work with you within your schedule to get the work done. As of now, it sounds like this will be in the spring of 2019 but please let us know if you could move to an earlier date.

Please sign and return this document as confirmation of our agreement to solve this issue. Thank you for your cooperation and we look forward to rectifying this situation.

Regards,

Noah Johnson  
Anderson Ladd  
515-986-9326

ACCEPTED: Company \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

RESPECTFULLY,

**ANDERSON LADD, INC.**

By Noah Johnson

Noah Johnson  
Athletic Facility Specialist  
515-986-9326

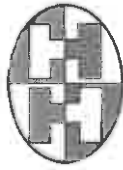


A Haldeman Homme Company

[www.haldemanhomme.com](http://www.haldemanhomme.com)

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HICKS-ASHBY COMPANY

430 Industrial Blvd. Minneapolis, MN 55413  
Phone (612) 331-4880 Fax 378-2236

To: CITY OF MONTICELLO - IOWA  
200 EAST 1ST STREET  
MONTICELLO, IA 52310

Invoice #: 172601

Date: 08/28/18

Application #: 1

Customer Reference: Signed Proposal

Invoice Due Date: 08/28/18

Payment Terms: Net 30 Days

112047

Contract : 57452- Monticello Berndes Center

Contract Item	Quantity JTD	Unit Price	U/M	Total To Date
Item 10 - New Gym Floor - Pulastic ECO 90	0.000	0.00000	LS	105,694.00
Item 40 - CO #1 Add \$22,000. Bone Dry	0.000	0.00000	LS	22,000.00
REMIT TO: Haldeman-Homme, Inc. 430 Industrial Blvd Minneapolis, MN 55413				Total To Date : 127,694.00 Plus Sales Tax : 0.00 Less Retainage : 0.00 Less Previous Applications : 0.00 Total Due This Invoice : 127,694.00

Our terms are Net 30 days. Past due invoices are subject to 1.5% per month service charge on the unpaid balance.  
Customer is responsible for all Collection and reasonable attorney fees.  
We accept credit cards. 3% fee applies to orders over \$25,000. Call AR at 612-362-2158 to pay by Credit Card.

City Council Meeting  
Prep. Date: 11/01/18  
Preparer: Doug Herman



Agenda Item: # 5  
Agenda Date: 11/05/18

**Agenda Item Description:** Resolution to accept dedication of extension of John Drive Extension and public improvements located within the right-of-way thereof.

**Type of Action Requested:** Motion; Resolution; Ordinance; Report; Public Hearing

**Attachments & Enclosures:**

Resolution

**Fiscal Impact:**

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

**Synopsis:** Council has not formally accepted dedication of the extension of John Drive as shown by previously approved Plat of Survey 2018-48.

**Background Information:** Council previously approved the Plat of Survey to Parcel 2018-48 , same to be utilized for purposes of a street and public infrastructure extension to serve the new JETS facility. The improvements are not completed to the satisfaction of the City and the road extension and related public improvements dedication should now be accepted.

**Staff Recommendation:** I recommend that the City Council accept the dedication of the extension of John Drive and related public improvements.

---

Prepared By: Doug Herman, 200 East First Street, Monticello, Iowa 52310 (319) 465-3577

**The City of Monticello, Iowa**

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF MONTICELLO, IOWA

***RESOLUTION # 18-\_\_***

**Accepting Dedication of the extension of John Drive and public improvements  
located within the right-of-way thereof.**

- WHEREAS,*** The City of Monticello, Iowa is an incorporated City within Jones County, Iowa; and
- WHEREAS,*** The City of Monticello previously approved the Plat of Survey to Parcel 2018-48, same intended to be utilized for purposes of a City street extension to serve the new “JETS” building to be located on Parcel 2018-50, and
- WHEREAS,*** The extension of John Drive on, over, and across Parcel 2018-48 has been completed to the satisfaction of the City after inspections by the City Engineer and City staff and corrective measures by the contractor and the developer has dedicated the street and all related public improvements, located within said right-of-way, to the City of Monticello for public use and enjoyment, and
- WHEREAS,*** The City of Monticello finds, based upon the above and foregoing, that the public improvements should be accepted as public improvements, to be maintained and preserved by the City of Monticello for the use, enjoyment, and benefit of the citizens of Monticello.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby accept the dedication of the extension of John Drive, identified as Parcel 2018-48 by a previously approved Plat of Survey, as well as all other city infrastructure, including water and sewer mains, valves, hydrants, and other City infrastructure improvements located within the City Street right-of-way.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 5<sup>th</sup> day of November, 2018.

---

Brian Wolken, Mayor

*Attest:*

---

Sally Hinrichsen, City Clerk

City Council Meeting  
Prep. Date: 11/01/18  
Preparer: Doug Herman



Agenda Item: # 6  
Agenda Date: 11/05/18

**Agenda Item Description:** Resolution to accept the dedication of the extension of Grandview Avenue as set forth in the Final Plat of Willow Ridge 4<sup>th</sup> Addition and all infrastructure related thereto.

**Type of Action Requested:** Motion; Resolution; Ordinance; Report; Public Hearing

**Attachments & Enclosures:**

Resolution

**Fiscal Impact:**

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

**Synopsis:** This resolution will accept the dedication of the extension of Grandview Avenue and related public improvements.

**Background:** This Resolution will accept the dedication of the public improvements installed as part of the last extension of Grandview Street in Willow Ridge 4<sup>th</sup> Addition. Final steps have been taken to bring the improvements "up to code" to the satisfaction of City staff in consultation with the City Engineer. This Resolution results in the acceptance of those improvements by the City, just like the City does in all other developments where a City street and related infrastructure is installed. As you may recall the City oversaw the final improvements to the street extension and expended approximately \$22,000 that is owed the City by the developer. I understand that they are considering the sale of a lot or lots that will generate funds in an amount that the City will be reimbursed within the next thirty (30) days plus or minus.

**Recommendation:** I recommend that the Council approve the proposed Resolution Accepting the dedication of the Grandview Drive Extension and related infrastructure.

---

Prepared By: Doug Herman, 200 East First Street, Monticello, Iowa 52310 (319) 465-3577

**The City of Monticello, Iowa**

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF MONTICELLO, IOWA

***RESOLUTION # 18-\_\_***

**Resolution** to accept the dedication of the extension of Grandview Avenue as set forth in the Final Plat of Willow Ridge 4<sup>th</sup> Addition and all infrastructure related thereto.

***WHEREAS,*** The City of Monticello, Iowa is an incorporated City within Jones County, Iowa; and

***WHEREAS,*** The City of Monticello previously approved the final plat of Willow Ridge 4<sup>th</sup> Addition by Resolution #14-95 dated 9/2/2014, and

***WHEREAS,*** The approval of the Final Plat noted that the City would not accept the dedication of the public improvements until such time that they were installed to the satisfaction of the City and until such time that the developer, Faust, has produced an acceptable set of Restrictive Covenants or other documents evidencing ownership of the existing retention structure by owners of properties located within some or all of the Willow Ridge Additions, said requirement noted within the Councils approval of Willow Ridge 3<sup>rd</sup> Addition, and

***WHEREAS,*** The City of Monticello finds that the public improvements have been installed to the satisfaction and specification of the City of Monticello, as determined by the City Engineer, and that same should therefore be accepted as public improvements, to be

maintained and preserved by the City of Monticello for the use, enjoyment, and benefit of the citizens of Monticello, and

***WHEREAS,***

The Council further finds that the required restrictive covenants associated with the retention structure has been completed and recorded with the Jones County Recorder as Document number

\_\_\_\_\_

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby accept the dedication of the extension of Grandview Avenue as set forth within the Final Plat of Willow Ridge 4<sup>th</sup> Addition, as well as all other city infrastructure, including water and sewer mains, storm sewers, hydrants, and other City infrastructure improvements located within the City Street right-of-way.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 5<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Brian Wolken, Mayor

*Attest:*

\_\_\_\_\_  
Sally Hinrichsen, City Clerk



City Council Meeting  
Prep. Date: 11/01/18  
Preparer: Doug Herman



Agenda Item: # 7  
Agenda Date: 11/05/2018

### *Communication Page*

**Agenda Items Description:** Resolution to waive fees to collect, copy as necessary, and distribute information responsive to Open Records Request received from Whitney Boysen related to "pit bull" ban.

**Type of Action Requested:** Motion; Resolution; Ordinance; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Draft Resolution

Boysen E-mails and Herman responses

**Fiscal Impact:**

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

**Synopsis:** Whitney Boysen has submitted two open records requests by e-mail to City Administrator and has requested waiver of fees related to any response.

**Background Information:** The Boysen requests are attached. I have sent Whitney three e-mails with copies of two e-mails that were received by me asking that the Council not lift the pit bull ban and one e-mail with pictures of two text messages I had received also requesting that the ban not be lifted. As there was no copying and not much time as I had specific recollection of receiving these items they were merely forwarded and no fees charged. I also sent Whitney an e-mail seeking to clarify her requests and informing her of options we had in searching records. That e-mail has been attached as well. (Please read e-mail attachments at this point.)

As you can see, on one front there is really nothing to provide and on the other front it may take ITS or City Staff many hours of searching e-mail histories to fully and accurately respond. My recommendation would be to have ITS perform the search as we will be protected from claims that we have not turned everything over and it would likely be the cheapest approach in the end. They estimate that each e-mail that would be searched could take up to an hour. If eight e-mails were searched the total cost would be approximately \$800.00 If ITS was not utilize and City Staff performed their own searches, all the potentially responsive document would be printed off and made available. The amount of staff time is hard to calculate but it is clear that ITS would have better search skills that most if not all City staff. The "searching time" would also take all of us away from other tasks.

We have not had to deal with too many open records requests in the past and have not used ITS in this fashion, however, this is a somewhat general request over a number of staff on a

somewhat controversial issue and I want to be sure we are as complete and accurate in our response as follows.

I did reach out to the Iowa Public Information Board (I would describe them as an advisory board when it comes to public records/open meetings questions/complaints) and they agreed with this approach. The City Council has a right to hire ITS and waive fees or to direct staff to perform the searches and to waive fees or to charge fees whichever approach is taken. I am not aware of a circumstance where fees have been waived in a similar open records request scenario, however, as stated, we don't receive such requests often.

I am hopeful that Wendy will be present as that may allow us to narrow her request to a point that will be easier to weigh the potential costs of responding.

**Recommendation:** I recommend that the Council consider the waiver proposal and take appropriate action.

## Doug Herman

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**From:** Whitney Boysen <whitneyboysen2011@gmail.com>  
**Sent:** Tuesday, October 16, 2018 9:00 AM  
**To:** bwolken; Doug Herman  
**Subject:** Freedom of information request 10/16/18

Dear City of Monticello:

Under the Iowa Open Records Law § 22.1 et seq., I am requesting an opportunity to inspect or obtain copies of public records that pertain to all public comments received during the timeframe of January 01, 2017 through October 15, 2018 by the city of Monticello, the city clerk, the city administrator, the mayor, and all city council members, including emails, phone calls messages, and written letters, either in support of or in dissent of the City of Monticello's current animal ordinance provision banning pit bulls.

If there are any fees for searching or copying these records, please inform me if the cost prior to beginning this work. However, if the city chooses to assess a fee, I would like to formally request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the city council's continued insistence of a well-documented and overwhelming majority of public comments in favor of the current ban. This information is not being sought for commercial purposes.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records I am requesting will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Whitney Boysen  
307 S Locust St  
Monticello, IA 52310

## Doug Herman

---

**From:** Whitney Boysen <whitneyboysen2011@gmail.com>  
**Sent:** Tuesday, October 16, 2018 10:19 AM  
**To:** bwolken; Doug Herman  
**Subject:** Good morning!

Whitney Boysen  
307 S Locust St  
Monticello, IA 52310

10/16/2018

City of Monticello  
200 E 1st St  
Monticello, IA 52310

Dear City of Monticello:

Under the Iowa Open Records Law § 22.1 et seq., I am requesting an opportunity to inspect or obtain copies of public records that pertain to all city expenditures related to enforcing the city's pit bull ban, including salaries paid to police officers investigating reports of pit bulls and removing pit bulls from the city, city officials' time spent on administrative duties related to said investigations and removals, and any related attorney fees paid by the city of Monticello since the ban's inception.

If there are any fees for searching or copying these records, please inform me if the cost prior to beginning this work. However, if the city chooses to assess a fee, I would like to formally request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the city of Monticello's expenses related to the current ban. This information is not being sought for commercial purposes.

The Iowa Open Records Law requires a response time within ten to twenty business days. If access to the records I am requesting will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

## Doug Herman

---

**From:** Doug Herman  
**Sent:** Tuesday, October 23, 2018 4:59 PM  
**To:** 'Whitney Boysen'  
**Cc:** bwolken; dgoedken; 'tyeoman@yo-ho.com' (tyeoman@yo-ho.com); Butch Pratt; jruss; rpaulsen; clux; Britt Smith  
**Subject:** RE: Good morning!

Whitney:

I wanted to share some information with you and seek to clarify or narrow down what you are looking for based upon your feedback.

1. The City does not keep any records of time spent specifically on enforcement of the "pit bull ban" ordinance, nor any other specific matter. Any police officer may from time to time be involved in the receipt of a complaint, spend time following up, answering a call, etc. Similarly, the Clerk's Office may take a call or I may take a call. With that said, there are no records of the time spent on those tasks or events.
  - a. I can share with you salary information for all police officers, myself, the City Clerk and City Hall staff if you desire, however, there is no break down tied to pit bull ban enforcement.
  - b. To my knowledge there are no specific "expenditures" related to the ban but for potential vet expenses and I will ask Chief Smith for input on that front. We are only required to keep invoices/cancelled checks for five years to that will be the maximum time frame that I will be able to search. (With regard to vet expenses, we are oftentimes reimbursed if an owner collects their animal.)
  - c. There were likely attorney's fees incurred during the initial drafting and implementation of the original Pit Bull Ban Ordinance however the City would no longer have those records as that occurred close to year 2000.
  - d. There have been no attorney's fees spent in relation to the Pit Bull Ban in the last five years, the period for which we would have records.
2. Your other request, specifically requests, "copies of public records that pertain to all public comments received during the timeframe of January 01, 2017 through October 15, 2018 by the city of Monticello, the city clerk, the city administrator, the mayor, and all city council members, including emails, phone calls messages, and written letters, either in support of or in dissent of the City of Monticello's current animal ordinance provision banning pit bulls"
  - a. I think the only responsive public record we may have would be e-mails and written letters or notes delivered to those persons you have identified, if any. In my experience the great majority of comments I have received have been in support of maintaining the ban and have been oral in nature, where people grab you while out in the community to give you their opinion.
  - b. An e-mail search can be performed by ITS, the City's Tech Support company, of the City E-Mails of those employees/elected officials you have identified at the rate of \$100 per hour with an estimated 6-8 hours of work. Having them perform the search would avoid a claim that City staff is trying to hide e-mails or not competent in their search abilities. We could agree to certain search criteria / terms like "pitbull, pit bull, Staffordshire, terrier" etc. This would generate all pit bull related e-mails I suspect, and you are at this point only asking for "public comment" type records.
  - c. I doubt that there are "phone call messages", however, I can request that information from all those you have identified. Most phone call messages at City Hall go to voicemail where they are stored until the person is called back and they are then deleted, never being reduced to writing. In those cases the message would normally provide their name, number, and topic. It is not customary to get a lengthy voicemail with detail.

3. Your request to waive fees would have to be run by the City Council which does not meet until November 5<sup>th</sup>. We normally charge fees as allowed by the State Code. The e-mail search is the most time consuming and potentially problematic as not all staff have the same level of competency performing searches. We would need to track everyone's time and do our best to find "pit bull" related comment e-mails which would require the use of search criteria noted above and then a review of all of those e-mails to see if they are responsive to your request or are otherwise associated with pit bulls. The better approach in my opinion is to hire ITS for this purpose.

Would you like us to proceed with fees being assessed or would you like to wait until November 5<sup>th</sup> to get a determination on that issue before we spend time looking through records or hiring ITS to perform a search of the e-mails. Also, with regard to wages, would you like us to produce a wage report. Copies are produced at .25/page and time is by the hour and will vary depending upon which staff is performing the work. (Keep in mind that the City is not required by law to create documents that do not exist.)

I will look forward to your feedback.

Thanks

***Douglas D. Herman***

City Administrator  
City of Monticello  
200 E. 1<sup>st</sup> Street  
Monticello, IA 52310  
Phone: 319.465.3577  
dherman@ci.monticello.ia.us

10/16/2018

City of Monticello  
200 E 1st St  
Monticello, IA 52310

Dear City of Monticello:

Under the Iowa Open Records Law § 22.1 et seq., I am requesting an opportunity to inspect or obtain copies of public records that pertain to all city expenditures related to enforcing the city's pit bull ban, including salaries paid to police officers investigating reports of pit bulls and removing pit bulls from the city, city officials' time spent on administrative duties related to said investigations and removals, and any related attorney fees paid by the city of Monticello since the ban's inception.

If there are any fees for searching or copying these records, please inform me if the cost prior to beginning this work. However, if the city chooses to assess a fee, I would like to formally request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the city of Monticello's expenses related to the current ban. This information is not being sought for commercial purposes.

## Doug Herman

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**From:** Whitney Boysen <whitneyboysen2011@gmail.com>  
**Sent:** Tuesday, October 30, 2018 9:57 AM  
**To:** Doug Herman

Hello

Based on your responses, I am researching how to best move forward. For now, could this please be placed on the agenda for the upcoming city council meeting so I can submit a formal request for a waiver of fees, as well as discuss the request for information with the council during the meeting?

Whitney Boysen

## Doug Herman

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**From:** Doug Herman  
**Sent:** Tuesday, October 30, 2018 4:06 PM  
**To:** 'Whitney Boysen'  
**Cc:** bwolken  
**Subject:** FW: Pit Bull Ban  
**Attachments:** Pit Bull Ban.docx

Whitney:

As we await a decision on how to proceed with the balance of your open records requests I thought I would at least get you two recent e-mails that were received by myself and the Council, both being responsive to your request. The e-mail set out below was received on 10/21/2018. I will send the other one in a moment.

### *Douglas D. Herman*

City Administrator  
City of Monticello  
200 E. 1<sup>st</sup> Street  
Monticello, IA 52310  
Phone: 319.465.3577  
dherman@ci.monticello.ia.us

**From:** Nick Miller [mailto:n\_miller11@hotmail.com]  
**Sent:** Sunday, October 21, 2018 11:22 AM  
**To:** bwolken <bwolken@ci.monticello.ia.us>; rpaulson@ci.monticello.ia.us; jruss <jruss@ci.monticello.ia.us>; clux <clux@ci.monticello.ia.us>; tyeman <tyeman@ci.monticello.ia.us>; dgoedken <dgoedken@ci.monticello.ia.us>; Butch Pratt <BPratt@ci.monticello.ia.us>; Doug Herman <dherman@ci.monticello.ia.us>  
**Subject:** Pit Bull Ban

I would like to start off by thanking all of you for your service, time, and dedication you give to our great city. You have a thankless job of keeping our city in good financial standing, upholding our policies, and maintaining a SAFE community.

The last few months I have been following the City Council meetings, especially the topic involving the pit bull ban. Thank you for not ignoring the safety of our community to please the vocal minority (some of which are not even residence of Monticello). Personally, I'm a dog lover but I am also a strong supporter of the breed ban. I'm far from a pit bull expert but my limited personal experiences with the breed have not been positive. It also takes minimal research to understand pit bulls are much more dangerous than any other breed of dog. I'm sure you have all done plenty of research on this topic already but here are a few facts from [www.banpitbulls.org](http://www.banpitbulls.org) and [www.dogsbite.org](http://www.dogsbite.org)

- In 30 years in the US and Canada, 60% of dog attacks were by pit bulls



- Pit bulls represent only 4.5% of dogs in America, but killed 64.4% of the 360 Americans who died as a result of a dog bite injury between 2005-2015
  - Rottweilers accounted for 11.4%
  - German Shepherds accounted for 3.6%
- Pit bulls are 5 to 8 times more likely to attack than other dogs
- 83% of dog bite victims are under 13 years old and most are under 3 years old
- 48% of people killed by pits bull in 2014 were family members
- The majority of pit bull attacks are unprovoked

Pit bulls are not only aggressive and deadly towards humans; they are potentially more dangerous to our other pets.

- Almost 100,000 pit bulls attacked other animals in the U.S. in 2013-2014
- Pit bulls killed 95% of the 15,500 dogs that were fatally attacked by other dogs and 61% of cats in 2013-2014

One frequent comment that is often heard from pit bull supporters is that it's wrong to blame dog attacks on pit bulls, because the owners are the ones to blame. Colleen Lynn, president and founder of Dogbites.org says "pit bulls are inherently dangerous no matter how they're treated, because violence is in their DNA. Why do herding dogs herd? Why do pointing dogs point? They don't learn that behavior, that's selective behavior." Every kind of dog is unfortunately neglected and abused but not every kind of dog responds to neglect and abuse by injuring or killing people and pets.

PETA and I agree on very few issues but they say pit bulls are a breed specific problem. PETA says the public is misled to believe that pit bulls are like any other dog and they just aren't. Even the ASPCA (American Society for the Prevention of Cruelty to Animals) acknowledges that pit bulls are genetically different than other dogs. The ASPCA say, "Pit bulls have been bred to behave differently during a fight. They may not give warning before becoming aggressive, and they're less likely to back down when clashing with an opponent."

As a resident of Monticello and the owner of a couple apartment buildings in town, I appreciate the council's stance on maintaining the pit bull ban and not changing the ordinance to allow pit bulls as "Emotional Support Animals." I'm a huge advocate of ESAs for people that genuinely need the additional support. My experience with ESAs in the rental business is they are a reason to legally have a pet in an apartment that doesn't allow animals. New tenants do not mention their ESA until after they move in (legally not required to) or they go to their doctor to obtain a letter after they find out I don't allow animals. It is my opinion that doctors are freely handing out letters to their patients for only the sake of allowing their patient to have a pet in their apartment at no extra cost to the tenant.

Though I think the previously stated facts speak for themselves, our family unfortunately has been faced with a scary situation involving a pit bull within Monticello. As an owner of a trained and registered therapy dog, our family takes frequent walks around the community. One evening, as we were walking home from a walk, our dog, my wife, and myself were approached with a pit bull who had gotten loose from their owner. Unsure of our actions, we stayed still (hoping not to provoke the dog) but unfortunately, the dog began lunging and snarling at our dog. Before the situation escalated, the owner grabbed the dog as if it were no big deal and

walked into their residence. Situations like these are what scare me the most because it not only put my pet at risk, but also my wife and myself.

I sincerely appreciate you taking the time to read this letter and for all you do for the city of Monticello and making it a great safe place to live!

Sincerely,

Nick Miller

726 Southhaven Dr

Monticello, Iowa 52310

## Doug Herman

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**From:** Doug Herman  
**Sent:** Tuesday, October 30, 2018 4:08 PM  
**To:** 'Whitney Boysen'  
**Cc:** bwolken  
**Subject:** FW: Dog Ordinance

Whitney:

The following e-mail was received on October 24, 2018 and is responsive to your recent open records request.

### ***Douglas D. Herman***

City Administrator  
City of Monticello  
200 E. 1<sup>st</sup> Street  
Monticello, IA 52310  
Phone: 319.465.3577  
dherman@ci.monticello.ia.us

**From:** Brian McDonald [<mailto:BMcDonald@constructionmaterialsinc.com>]  
**Sent:** Wednesday, October 24, 2018 3:02 PM  
**To:** Doug Herman <[dherman@ci.monticello.ia.us](mailto:dherman@ci.monticello.ia.us)>  
**Subject:** Dog Ordinance

Doug,

I have watched the 'debate' from a distance, whether it be during the meetings that are aired on the local access or via Facebook.

I'm not really sure what to make of the legal ramifications of the ban currently. The research that I turned up shows that the ADA DOES NOT cover 'Emotional' support animals, comfort animals and therapy dogs. With that being said, I think the current group that is spearheading this issue is using the 'we're going to file a lawsuit' based on wanting to call all of their dogs 'Emotional Support' Service dogs.

I don't think it would hurt for an article be written in 'editorial' explaining the Council (City of Monticello) stance on this, showing the facts of the law according to The Americans with Disabilities Act.

I'm not sure if such ordinances can be put on a ballot, but this would have been a good one for a ballot. I don't think you will get many people to verbally come forward on this because of the general anger that is shown from this group of people. You are clearly dealing with people who have always had a problem following the rules that are set in place.

I am mostly in support of such a ban. The only change that may work is a straight vicious dog ordinance (All Breeds) with a 'ONE STRIKE' incident threshold. If it gets deemed aggressive one time, it should leave the city limits.

I do know that current member(s) of that committee still house Pit Bulls. It would be wonderful if it was followed up on. Holing these dogs up in a house because it is against the law to have them in Monticello is exactly why these dogs turn into what they do. Their temperament cannot handle the neglect (abuse).

Thanks!

A handwritten signature in black ink, appearing to read "Brian", with a small circular mark above the "i".

Brian McDonald  
714 Bruce Allen Dr.  
(319) 743.5211

## **Doug Herman**

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**From:** Doug Herman  
**Sent:** Wednesday, October 31, 2018 2:35 PM  
**To:** 'Whitney Boysen'  
**Cc:** bwolken  
**Subject:** Pit Bull related Text Messages  
**Attachments:** Image-1.jpg; Image-1.png

Whitney:

Going from memory I pulled up two text messages on my phone related to the pit bull ban. Screenshots of those text messages are attached. Again, it is much more common for me to get stopped in public and told by residents to tell the Council to not lift the ban than it is to get e-mails, letters, or text messages. I hope everyone remains respectful of those with differences of opinion on this issue.

### ***Douglas D. Herman***

City Administrator  
City of Monticello  
200 E. 1<sup>st</sup> Street  
Monticello, IA 52310  
Phone: 319.465.3577  
dherman@ci.monticello.ia.us



**Texas man reportedly attacked by two  
pit bulls loses both ears, graphic  
photos show**

[foxnews.com](http://foxnews.com)

Just out for a walk and....

Forward this to any council  
members still thinking pit bulls  
in Monticello is a good idea.

I just think of the day I had to  
call Britt when a pit bull tried to  
get Ben and I on our bikes. I've  
seen one charge and thankfully  
we weren't running or walking



Chris

---

iMessage

Thu, Oct 18, 10:29 AM

**pit bull ban!!!!**

## Doug Herman

---

**From:** Doug Herman  
**Sent:** Tuesday, October 30, 2018 11:31 AM  
**To:** Whitney Boysen  
**Subject:** Re:

Sure.

Sent from my iPhone

On Oct 30, 2018, at 9:57 AM, Whitney Boysen <[whitneyboysen2011@gmail.com](mailto:whitneyboysen2011@gmail.com)> wrote:

Hello

Based on your responses, I am researching how to best move forward. For now, could this please be placed on the agenda for the upcoming city council meeting so I can submit a formal request for a waiver of fees, as well as discuss the request for information with the council during the meeting?

Whitney Boysen



City Council Meeting  
Prep. Date: 11/01/18  
Preparer: Doug Herman



Agenda Item: 8  
Agenda Date: 11/05/2018

### Communication Page

**Agenda Items Description:** Ordinance to amend Chapter 50.10 Animal Protection and Control. (2<sup>nd</sup> Reading)

**Type of Action Requested:** Motion; Resolution; **Ordinance**; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Proposed Ordinance

**Fiscal Impact:**

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

**Synopsis:** Potential amendments to Ordinance associated with Animal Protection and Control.

**Background Information:** A committee of Chief Smith, myself, as well as Councilpersons Lux, Goedken, and Pratt met to discuss and make recommendations related to potential changes or amendments to Chapter 50 provisions associated with Animal Protection and Control, specifically related to the “Pitbull” ban, to provisions associated with “vicious dog” and “aggressive dog”, and considerations associated with whether or not a “Pitbull” may be maintained within the City limits if said animal is an emotional support animal.

The attached Ordinance sets forth certain amendments that I will summarize below:

1. 50.10(2)(c)(3)(q) has been determined to include more language than necessary and may create confusion and will, therefore, be proposed to be amended to delete the unnecessary language.
  - a. This same section has been proposed to be amended to add language to clarify the Council position on Emotional Support Animal “Pitbull” varieties, making it clear that Pitbulls will not be allowed to remain in the City Limits even if the owner presents evidence or argument that their Pitbull is an Emotional Support Animal if that evidence has not been received by the City Council by October 1, 2018.
2. 50.10(16)(H) has been recommended for addition, making it possible for the Police Chief to direct that an animal be removed from the City limits if it has caused/created a serious injury. As the Ordinance is presently written a dog will be deemed a vicious dog if it is found to have bitten once in an unprovoked manner. Once designated a “vicious dog” the animal is subject to “confinement” as set out within 50.10(16)(D) but not removal. 50.10(16)(H) permits removal and provides an opportunity to request a hearing with the City Council.

I have spent additional time investigating model Pit bull ban Ordinances and have proposed significant additional language to the draft ordinance, not only setting out what I would refer to as the general reasoning behind pit bull ban ordinances as well as Ordinance language.

**Staff Recommendation:** The result doesn't change the current Code it just provides background and support and clarifies what is banned and the hearing process related thereto. It also provides a basis for the Devilbiss family to keep their pit bull but to foreclose future Emotional Support Animal pit bulls. The second portion of the draft ordinance deals with "serious injury" and the Chief's ability to remove an animal guilty of a serious injury.

I recommend that the Council consider the proposed Ordinance and approve the second reading. ***I would also ask that the committee be reconvened to discuss the ordinance one more time between the 2<sup>nd</sup> and 3<sup>rd</sup> readings.***

## **ORDINANCE NO. 683**

### **An Ordinance Amending the Monticello Code of Ordinances, by amending Provisions Pertaining to Animal Protection and Control**

**BE IT ENACTED** by the City Council of the City of Monticello, Iowa:

**SECTION 1.** Amendments to Chapter 50, Section 10:

Chapter 50.10(2)(E) "Owner" shall be renumbered 50.10(2)(F) but otherwise unchanged

Chapter 50.10(2)(C)(3)(q) currently read as follows:

Staffordshire terrier breed of dog; the American pit bull terrier breed of dog; the American Staffordshire terrier breed of dog; dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known a pit bulls, pit bull dogs or pit bull terriers; or any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or combination of any of these breeds.

Chapter 50.10(2)(C)(3)(q), which is commonly known as the Pit Bull ban, shall be deleted from the Code of Ordinances and replaced with new, albeit similar but more detailed language at 50.10(E) based upon the following rationale:

### **FINDINGS BY THE CITY COUNCIL**

**WHEREAS**, the breeds of dogs known as "pit bulls" include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds; and

**WHEREAS**, the breeds of dogs known as "pit bulls" have been selectively bred for the purpose of bull baiting, bear baiting, and dog fighting for hundreds of years; and

**WHEREAS**, over the course of the history of "pit bulls", owners and breeders have selectively bred these dogs in order to increase their tendencies to engage in behaviors that are greatly valued in the fighting ring, such as, but not limited to, their ability to initiate in surprise attacks, cause massive damage to their opponent, withstand the infliction of great amounts of pain and force to maintain a tenacious attack for a long period of time, and be willing to fight to the death; and

**WHEREAS**, owners and breeders have no reasonable and ethical manner to selectively breed "pit bulls" so as to reduce these dangerous behavioral tendencies, and

**WHEREAS**, animal behavioral experts have verified that “pit bulls” engaged in dog fighting which display aggressive behaviors towards humans are no longer killed, but such behaviors are now continued in breeding lines as the owners have an economic incentive to sell such dogs to irresponsible or unsuspecting individuals, therefore resulting in the leaking of human aggressive “pit bulls” into the general dog population; and

**WHEREAS**, the characteristics selectively bred into or otherwise commonly found in those dogs include: 1) A diminished tendency to bark, growl, or otherwise display behavioral or body language signals that would warn their prey of an intent to immediately attack, resulting in victims being caught by surprise and being placed in a reduced capacity to defend themselves against attack, exposing the victim to an increased risk of having more severe injuries inflicted upon them than those inflicted by other breeds; and 2) Once engaged in an attack, a higher tendency to be tenacious and never quitting the attack, with a willingness to fight to the death, which results in more severe injuries than those inflicted by other breeds; and 3) The increased tendency to be able to continue with an attack notwithstanding the infliction of great pain, including, but not limited to, being shot or hit with great force, which makes it difficult for a person or animal to fight off a pit bull attack, or for a third party to come to the rescue of the pit bull’s victim; and 4) An increased tendency to engage in bite, hold, and tear attack methods, where the pit bull will jump up and bite deeply into its victim’s body, holding its bite, and shaking its head back and forth, tearing the flesh, muscle, and blood vessels of the victim, which has resulted in extremely painful, horrific, and grotesque injuries to human victims, described by medical experts as more similar to injuries suffered as a result of shark attacks; and

**WHEREAS**, a combination of these characteristics listed above have been determined to result in the increased likelihood that should a pit bull attack, there is a higher likelihood of serious bodily injuries or death being inflicted upon its victim, which makes pit bulls uniquely more dangerous, even to their owners, as compared to other breeds of dogs; and

**WHEREAS**, increasing the exposure of pit bull owners to civil and/or criminal liability, after an attack has occurred, would have little deterrent effect upon those owners who are “irresponsible”, as they, by definition, lack of care for consequences and therefore present the greatest risk of engaging in dangerous negligent or reckless management techniques with their pit bulls; and

**WHEREAS**, this Council determines that a governmental policy designed to accept the occurrence of serious pit bull maulings and to only provide for governmental response after a mauling is not as preferable as a policy that also provides an objectively reliable method to prevent such pit bull attacks and maulings in the first place; and

**WHEREAS**, other cities across America have found that pit bulls are so dangerous to humans and other animals that special legislation restricting or prohibiting their ownership has been enacted; and

**WHEREAS**, in 1897 the United States Supreme Court ruled that domesticated pets are considered as qualified legal property, and “might be destroyed or otherwise dealt with, as in the judgment of the legislature is necessary for the protection of its citizens”; and

**WHEREAS**, the State Supreme Courts of New Mexico, Kansas, and Colorado have upheld pit bull restrictions as being constitutional as rationally related to legitimate government interests, and

**WHEREAS**, many Insurance Providers do not provide liability coverage for the breeds identified herein (Pit Bulls generally) under standard homeowner and/or renters policies, and

**WHEREAS**, the mere possession of pit bulls poses a significant threat to the health, welfare and safety of our citizens; and

**WHEREAS**, the Council believes, after balancing the interests involved, it is necessary to prohibit, subject to certain exceptions with certain restrictions, pit bulls in order to protect human health, welfare and safety within the City of Monticello

Chapter 50.10(E) shall, based upon the above rationale, read as follows:

**50.10(E) Pit bulls prohibited**

1. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any pit bull.
2. Definitions.
  - a. Administrative Official: The City Administrator or the Police Chief, or their designee, shall be the administrative official with the legal managerial authority over the policies and procedures and day to day operation of the municipal animal care and control agency.
  - b. An "owner," for purposes of this chapter, is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
  - c. A "pit bull," for purposes of this chapter, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dogs of mixed or other breeds whose lineage includes those breeds of dog regardless of the percentage of lineage.
  - d. A "secure temporary enclosure," for purposes of this chapter, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner that the pit bull cannot exit the enclosure on its own or have the capacity to bite any person either handling or in close proximity to the enclosure.
3. Exceptions. The prohibition in subsection (1) of this section shall not apply in the following enumerated circumstances.

- a. The City's municipal animal control agency, or their properly authorized agent, may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.
- b. Any non-profit animal welfare organization lawfully operating an animal shelter in the city may temporarily hold any pit bull that it has received or otherwise recovered.
- c. A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a bona fide dog club association or similar organization, where sponsor provide sufficient evidence of a valid liability insurance policy for the event, providing \$1,000,000.00 in liability coverage to the members of the attending public and the City. However, the sponsor of the exhibition, contest, or show must receive written permission from the Administrative Official, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, shall keep the pit bull confined in a "secure temporary enclosure" as defined in subdivision (2)(d).
- d. Except as provided in subdivision (c), above, the owner of a pit bull may temporarily transport a pit bull continuously through the city, only if such pit bull is being transported either from a point outside the city directly to a destination outside the city, or between a point outside the city to an airport, train station or bus station within the city. During such Interjurisdictional transportation, the owner may only stop in the city where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to the refueling or repair of a motor vehicle. The pit bull must be maintained at all times inside a secure temporary enclosure, as defined in subdivision (2)(d), which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed.
- e. The owner of any pit bull which received certification or other formal recognition as an Emotional Support Animal, with evidence of said certification or recognition having been provided to the City on or before October 1, 2018 shall be allowed to keep such pit bull within the city consistent with the terms of an agreement between said owner and the City, same to be approved by Resolution of the City Council
- f. The Police Chief is authorized to immediately impound any pit bull found in the city which does not fall within the exceptions listed in subsection (3), above. The owner shall be assessed all fees associated with the impoundment.
- g. When the Police Chief has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner may request that the City collect a DNA sample to be used for genetic testing purposes.

While waiting for genetic testing results the owner shall maintain the animal in their home or out of the home on a leash of no longer than 6' and under the physical control of an adult at all times. If the genetic/DNA results indicate any percentage of pit bull the owner will be directed to remove the animal from the City limits within seven (7) days. The owner may request a hearing by the filing of a petition, same to be filed no later than seven (7) days after their receipt of genetic testing results from the Administrative Official. The Petition shall be filed with the Police Chief. Such petition shall include the name and address, including mailing address, of the petitioner. The Police Chief will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than seven (7) days prior to the scheduled hearing date. The hearing will be held before a panel of at least three City Councilpersons and the Police Chief. Any evidence the petitioner wishes to be considered shall be submitted under oath or on affirmation either in writing or orally at the hearing. The panel shall make a final determination whether the dog is a pit bull as defined in subsection (2)(c) of this section. Such final determination shall be considered a final order of the City subject to judicial review pursuant to the applicable rules of legal procedure. The procedures in this subsection (g) shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite as defined in this code. In those instances, the dog shall be handled and the procedures governed by the provisions for dogs involved in a bite or attack. If a hearing is not requested and the animal is not removed from the City, the Police Chief, or designee, may see to the removal of the animal by impoundment and shall assess all fees related thereto to the owner.

(h) If the dog is found not to be a pit bull, the dog shall be released to the owner, if not having been allowed to remain in the owner's possession during DNA testing. If the dog is found to be a pit bull, it shall be immediately removed from the City limits, and in no case later than seven (7) days and the owner shall reimburse the City for all costs associated with DNA testing.

(i) A DNA test will not be required and impoundment not made under the following circumstances:

1. The owner voluntarily executes a waiver to an administrative hearing on the classification of the dog as a pit bull, pursuant to subsection (f) above.
2. The owner produces credible evidence that the pit bull is to be permanently taken out of the city, maintained at a specified lawful location, and the pit bull will not return to the city illegally.
3. Where the owner or their immediate family has committed a prior violation of this section, or the pit bull had been previously identified as a pit bull and/or impounded and released pursuant to this subsection, the following provisions shall apply:

- (i) The owner shall pay a non-refundable payment of \$250.00 for the costs of the administrative review of this matter; and
  - (ii) The owner shall submit their petition in writing only, and any factual claims shall be supported by sworn affidavits of witnesses.
  - (iii) The pit bull may be released only where the owner is able to prove by clear and convincing evidence that the presence of the pit bull was either legal, due to circumstances that amount to a lawful exemption as listed in subsection (3) above, or the pit bull's presence in the city was not due to a voluntary act or the failure of the owner to take reasonable efforts to prevent the violation, such as the fact the pit bull was stolen or taken without legal authority by a known party.
  - (iv) The negligence or recklessness of the owner or the owner's agent, in causing or allowing the violation of this section, will not amount to sufficient cause for the pit bull's release.
4. A micro-chip emitting an electronic signal carrying a unique identifying code shall also be subcutaneously implanted in the pit bull.
5. The owner and any proposed transferee of ownership and possession acknowledge that should the pit bull be found within the city in the future, in violation of this section, the pit bull will be destroyed; and
6. The pit bull is spayed or neutered before its release, unless a licensed veterinarian states in writing that a pit bull is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health condition shall include, but not be limited to: severe cardiovascular compromise, bleeding disorder, respiratory disease and hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section. The Police Chief may authorize the secured transportation of the pit bull to a licensed veterinarian to perform this procedure, if necessary; and
7. The pit bull has no known history of behavioral problems and does not display any problematic behavioral traits so as to warrant the Director's confidence that the pit bull will not pose a danger or nuisance to the public's health, safety, or welfare; and
8. The owner pays all the costs of impoundment, tattooing, microchipping, transportation, and all associated veterinarian costs, including sterilization



**SECTION 2.** Amendments to Chapter 50, Section 10:

Chapter 50.10(16)(H) "Removal" shall be added and shall read as follows:

If the Police Chief determines that an animal has bitten in such a manner as to cause a serious injury, defined as meaning either the breaking of the skin above the shoulders, or any injury at or below the shoulders causing heavy bleeding, damage beneath the skin, or stitches, the Police Chief shall be authorized to impound the animal immediately and if refused access by the owner to impound the animal shall then be subject to impoundment after the receipt of a Court Order by the Police Chief and will also be subject to Civil Penalties under the City Municipal Infraction Code in the amount of \$100 per day that the animal is not allowed to be impounded by the Police Chief. The owner of the animal may file a written petition with the Police Chief for a hearing concerning the "serious injury" determination no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Police Chief will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the Police Chief within seven (7) days of impoundment, the animal shall be destroyed. The hearing, if any, will be held before a panel of at least three City Councilpersons and the Police Chief. Any facts which the petitioners wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The panel shall make a final determination whether the injury fits the definition of "serious injury" as defined herein. Such final determination shall be considered a final order of the City subject to judicial review pursuant to the applicable rules of legal procedure.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 5<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Mayor Dena Himes

ATTEST:

\_\_\_\_\_  
Sally Hinrichsen, City Clerk

I, Sally Hinrichsen, Monticello City Clerk, do hereby certify that the above and foregoing Ordinance # \_\_\_\_ was published in the Monticello Express on the \_\_\_\_ day of \_\_\_\_\_, 2018.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Sally Hinrichsen, City Clerk

City Council Meeting  
Prep. Date: 11/01/18  
Preparer: Doug Herman



Agenda Item: # 9  
Agenda Date: 11/05/2018

### *Communication Page*

**Agenda Items Description:** Ordinance Amending Chapter 122 "Peddlers, Solicitors and Transient Merchants" to add provisions related to "Mobile Food Vending".

**Type of Action Requested:** Motion; Resolution; **Ordinance**; Report; Public Hearing; Closed Session

**Attachments & Enclosures:**

Draft Ordinance

**Fiscal Impact:**

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

**Synopsis:** Proposed amendments to Chapter 122 to add significant conditions and provisions associated with mobile food vending.

**Background Information:** The draft ordinance is very long, unfortunately, but there is a lot to consider when thinking about all that could come up with food carts being legalized, if you will, in Monticello. From parking to safety, to competition with brick and mortar businesses or special chamber / City events, there is a lot to consider and cover. The proposed provisions have been built into Chapter 122, the Chapter dealing with Peddlers, Solicitors, and Transient Merchants. One issue has been related to the appropriate license fee. The Ordinance includes a provision which provides that the Council will set the licensure fees by Resolution. You may do it that way or you may choose license fees to add to the Ordinance. If you like the ability to set fees by Resolution I would propose that we modify the draft ordinance between this reading and the next to remove the fee structure for peddlers, solicitors, and transient merchants as well and approve those fees by Resolution as well. The benefit of setting fees by Resolution is that it is easier for those fees to be changed in the future.

**Recommendation:** I recommend that the Council introduce and approve the 1<sup>st</sup> reading of the proposed Ordinance. (I recognize that there is a lot to review and would suggest that you spend more time on it between now and the next meeting and reach out to me with questions or changes in the meantime. This is a work in progress and until the 3<sup>rd</sup> reading has no effect but to put the public on notice that the Council is moving forward with a draft Ordinance.)

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

An Ordinance amending the Monticello Code of Ordinances, by amending Chapter 122 “Peddlers, Solicitors and Transient Merchants”

**BE IT ENACTED** by the City Council of the City of Monticello, Iowa, that the following provisions are Chapter 122 are hereby amended to set out provisions and regulations associated with the operation of a Mobile Food Unit by a Mobile Food Vendor.

- A. Chapter 122 shall, with the passage of this Ordinance be retitled “Peddlers, Solicitors, Transient Merchants, and Mobile Food Vendors”
- B. Current section 122.02 “Definitions” shall be amended by adding section 4, “Mobile Food Vendors”, and subsections (a)(1) to (37) which shall read as follows:

122.02(4) “Mobile Food Vendor” means the person, corporation, entity, or group obtaining the license to prepare, market or sell food from a mobile vending unit or food stand.

(a) Definitions associated with “Mobile Food Vendors”

- 1. Angled parking space — means a parking space which is oriented at an acute angle with the curb and direction of approach.
- 2. Bustaurant — means a mobile food vending unit in a converted bus or similar vehicle which includes an eat-in restaurant. This type of mobile food vending unit contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared and/or not potentially hazardous.
- 3. City Block — means the entire right-of-way of a public street extending from the centerline of an intersecting street or the lateral centerline of any river bridge, to the centerline of the next intersecting street or the lateral centerline of any river bridge, whichever is closer.
- 4. City Park — means a parcel of land, owned, operated as, and designated as a park by the City of Monticello.
- 5. Event Venue — means an establishment on a parcel of land which is operated solely or primarily to host specialized events, generally occurring weekly, or throughout a month, but not occurring daily. These specialized events may be exclusive to said establishment and are not prevalent throughout the City. The City of Monticello Zoning Administrator shall make the determination if a venue is an Event Venue.

6. Food — means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
7. Food Cart — means a non-self-propelled vehicle food establishment which facilitates the preparation, marketing, and sale of food that is whole and unprocessed, prepared, packaged, and/or non-potentially hazardous or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.
8. Food and Drug Administration (FDA) — means the Department of the United States government responsible for monitoring trading and safety standards in the food and drug industries.
9. Food, Packaged — means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
10. Food, Prepared — means food that is packaged and also includes food which is cooked or handled in some way, altering an unprocessed wholefood by mechanical or human processing which would occur in accordance with USDA or FDA regulations and is then consumed at a later time.
11. Food, Potentially Hazardous — means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.
12. Food Stand — means any article, device, fixture or equipment that is used as a place to provide food and includes, but is not limited to, food tents, food shacks, food pods or food booths that are non-motorized, with or without a mobile kitchen, and facilitates the preparation, marketing, and sale of food that is whole unprocessed, prepared and/or not potentially hazardous. Food stands are not lawfully permitted as a permanent structure.
13. Food trailer. See food truck.
14. Food truck — means a self-propelled, or non-self-propelled vehicle or trailer, which is operable and is currently licensed through a North American Department of Motor Vehicles. A food truck contains a

mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared and/or not potentially hazardous.

15. Food, Unprocessed Whole — means products which are not potentially hazardous raw food and do not have a post-harvest human or mechanical required element of preparation prior to safe human consumption. Generally these items are whole fruits or vegetables.
16. Food wagon. See food truck.
17. Hard-Surfaced — means a surface that is comprised of Portland Cement Concrete (PCC), Asphalt Cement Concrete (ACC), or other paved, or seal coated surface.
18. Intermittent Sales — means food sales which occur from a mobile vending unit which is only stopped when making a sale. Stops for sales are generally less than five (5) minutes in total duration.
19. Market — means an establishment consisting of at least five (5) vendors where people may gather, indoors or outside, a permanent structure is on site, offering food that is prepared on site, for consumption on site. Non-food goods and other prepared and packaged food, prepared on site is offered for sale as a function of the establishment.
20. Mobile Food Vendor — means the person, corporation, entity, or group obtaining the license to prepare, market or sell food from a mobile vending unit or food stand.
21. Mobile Food Vendor Sales — means an exchange of prepared, packaged, or prepared food for American currency at a set price, not for goodwill donation or for free.
22. Mobile Food Vendor license — means the document issued by the Office of the City Clerk granting permission for a person, corporation, entity, or group to sell unprocessed whole food, prepared food or prepackaged food from a mobile vending unit or food stand.
23. Mobile Food Vending Unit — means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, such as a food cart, bustaurant, or food truck.
24. Parking Manager — means the City of Monticello Police Department or designated agent thereof who manages parking spaces within the corporate limits.
25. Private Property — means a lot or defined area of land which is not in the ownership of a local, state, or federal government entity.

- 26. Public Alley — means the public right-of-way and service area at the rear or sometimes side of buildings, generally more narrow than the street.
- 27. Public Right-of-Way — means an easement over land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.
- 28. Restaurant — means a retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These establishments may include entertainment, dancing, and the serving of alcoholic beverages if permitted by applicable state or local law and any required licenses or permits have been acquired. For the purposes of this Chapter, a restaurant must also derive at least 25% of their revenue from the sale of food, not alcohol, for immediate consumption on the premises and be located on the street level.
- 29. Seasonal Sales — See Temporary Sales.
- 30. Servicing Area — means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
- 31. Sight Triangle — means an area on a corner lot, measured from the point of the lot where two property lines meet street right-of-way. From this point of intersection, 30 feet in each direction along two property lines, then the two lines are connected by a straight line, forming a triangle.
- 32. Special Event — means an event or celebration for which a permit is granted by the City Council or Office of the City of Monticello City Administrator. An "event or celebration" is a significant occurrence or happening sponsored by a civic, business, educational, government, community, or veterans' organization and may include athletic contests.
- 33. Temporary Sales — means sales occurring from a mobile food vending unit or food stand of unprocessed whole food relating to, occurring in, or varying with a particular season or defined period of time no greater than four (4) consecutive months in duration.
- 34. United States Department of Agriculture (USDA) — mean a department of the United States government that manages various programs related to food, agriculture, natural resources, rural development and nutrition.

C. Current section 122.03 License Required shall be amended to read as follows:

122.03 “License Required” Any person engaging in actions that meet the definition of “Peddler”, “Solicitor”, “Transient Merchant” or “Mobile Food Vendor” in the City of Monticello without first obtaining a license as herein provided are doing so in violation of this chapter.

D. Current section 122.04 “Application for License” shall be amended to read as follows:

**122.04 “Application for License”** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s business name, the last three places of such business if applicable, and the length of time sought to be covered by the license. **An application fee of twenty-five dollars (\$25.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.**

(1) Each mobile food vendor shall provide proof of general liability insurance, including products liability coverage, **in the amount of \$1,000,000 or more per occurrence and \$1,000,000 for property damage.** A certificate of insurance shall be delivered to the City Clerk prior to the issuance of a mobile food vendor license.

E. Current Section 122.05 “License Fees shall be amended by adding Subsection 3 and re-numbering existing section 122.05(3) to 122.05(4). The new subsection 3 shall read as follows:

**3. Mobile Food Vendors: Mobile Food Vendors shall pay licensing fees according to a fee schedule adopted from time to time by City Council resolution.**

F. Current Section 122.07 shall be amended to read as follows:

122.07 “License Issued”

1. Solicitor, Peddler, or Transient Merchant: If the Clerk (with a background check performed by the Police Department) finds the application for a Solicitor, Peddler, or Transient Merchant license is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

2. Mobile Food Vendor

a. Each mobile food vending unit or food stand shall obtain the necessary licenses and/or permits as may be required by the county, state, or



federal governing bodies. All applicants shall comply with all applicable county, state or federal laws, rules and regulations.

- b. The Office of the City Clerk shall issue to each licensee a license for each mobile food vending unit or food stand. Said license shall be carried at all times by licensee and exhibit the license as evidence of compliance with all requirements of this Chapter upon request.
- c. The Office of the City Clerk or authorized representative is authorized to establish administrative rules not inconsistent with any ordinance to carry out the provisions of this Chapter. A copy of said rules shall be on file at the Office of the City Clerk.
- d. A mobile food vendor license shall be denied to any applicant who has been found to have operated a mobile food vending unit or food stand in material violation of any of the requirements of this Chapter of the code within the prior 180 days.
- e. The Office of the City Clerk shall deny any application for the operation of a mobile food vending unit or food stand that does not conform with all applicable requirements of this Chapter, the City Code, the Iowa Code, and the Iowa Administrative Code.
- f. In the event an application for a mobile vendor license is denied, the Office of the City Clerk or authorized designee shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application. Written notice shall also be sent to the applicant at the business address identified in the application informing the applicant of the denial, the reasons therefore, and the applicant's right to appeal the denial to a hearing officer by filing a written notice of appeal with the Office of the City Clerk within ten (10) business of receiving written notice.
- g. Appeals will be heard by a hearing officer. Notice of the hearing shall be mailed to the licensee at the last known address at least 5 days prior to the date set for the hearing. At the hearing the applicant shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Legal counsel shall not be required but shall be permitted. Within thirty (30) days after the conclusion of a hearing held pursuant to this section, the hearing officer shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the hearing officer, the mobile food vendor shall not engage in any mobile food vending operations for which the license would be required.

- h. If no appeal from the denial of a license is timely filed, or if the denial is not reversed upon final disposition of any appeal, the Office of the City Clerk shall promptly refund the refundable portion of the application fee, as set in the schedule of fees adopted by the City council by resolution.

G. Current Section 122.08 shall be amended to read as follows:

122.08 "Display of License" Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each Transient Merchant and Mobile Food Vendor shall display publicly such merchant's license in the merchant's place of business at all times.

H. Sections 122.12 shall be added to Chapter 122 and shall read as follows:

122.12 Mobile Food Vendor Additional Restrictions and Regulations

1. Transferability of License: A mobile food vendor license shall not be transferable from person to person or from mobile food vending unit to mobile food vending unit or from food stand to food stand.
2. Revocation of License:
  - a. Any mobile food vendor license may, after notice in writing to the licensee and reasonable opportunity for hearing be suspended or revoked for misrepresentation of any material fact in the application for the license or in the course of conducting business has made fraudulent, false or incorrect statements, has violated this Chapter or any other ordinance or regulation adopted by the City of Monticello governing any activities or matters which may affect the sale of food and the health, safety and welfare, or, has otherwise conducted business in an unlawful manner or the mobile food vending operation has become a public nuisance.
  - b. In the event an application for a mobile vendor license is suspended or revoked, the Office of the City Clerk or authorized designee shall cause notice of such revocation to be promptly communicated to the licensee or the licensee's representative by phone at the phone number provided in the application. Written notice shall also be sent to the licensee at the business address identified in the permit informing the licensee of the suspension or revocation, the reasons therefore, and the licensee's right to appeal the suspension or revocation to an administrative hearing officer.
  - c. Licensee may appeal the suspension or revocation of the mobile food vendor license in writing to the Office of the City Clerk within fifteen (15) days of receiving written notice. Appeals will be heard by a hearing

officer. Notice of the hearing shall be mailed to the licensee at the last known address at least five (5) days prior to the date set for the hearing. At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Legal counsel shall not be required but shall be permitted. Within thirty (30) days after the conclusion of a hearing held pursuant to this section, the hearing officer shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the hearing officer, the mobile food vendor shall cease all mobile food vending operations.

- d. A licensee whose license has been revoked or denied for renewal shall not be eligible for another such license for a period of 180 days after such revocation or denial of renewal.

3. **Public Safety and Congestion:** The City reserves the right, in the event public safety or congestion so requires, to limit the number of food trucks and/or food carts to a maximum number. Licenses will be issued in the order of priority based on the first date and time the application is stamped received by the Office of the City Clerk.

4. **Duty of Police Dpt. to Enforce:** It shall be the duty of the Police Officers of the City of Monticello to examine all places of business or persons subject to the provisions of this Chapter, to determine if this Chapter has been complied with and to enforce the provisions of this Chapter against any person found to be violating the same.

5. **Mobile Food Vending in Association with Special Events and Carnivals:**

- a. Mobile food vending units or food stands approved by a Special Event Permit holder(s) operating in conjunction with said approved Special Event Permit or a Carnival and Fair Operational Permit holder(s) or similar permit, shall not be required to obtain a mobile food vendor license from the Office of the City Clerk.

- b. A mobile food vending unit or food stand shall not be located in a public right-of-way within two (2) City blocks of the affected blocks of a special event, which has been approved by the City of Monticello, during the scheduled special event hours of operation, unless specifically licensed as part of said special event by the permit holder of said special event. For the purposes of this section:

- 1. The "affected blocks" are any blocks containing any portion of a block for which the special event permit has been issued.
- 2. Any entity, organization, or person with an approved special event permit, may provide in writing, to the Office of the City Clerk, a written statement indicating that they waive the requirement of the

two (2) block affected area during their special event hours of operation.

6. General Provisions: Regulations Applicable to All Mobile Food Vending Units or Food Stands.

a. No Mobile Food Vendor Shall:

1. Leave a food cart unattended in the public right-of-way.
2. Operate, store, leave unattended, or park any mobile vending unit in the public right-of-way between the hours of 2:00 AM- 6:30 AM.
3. Leave any location without first picking up and removing all trash and refuse including all products spilled on the sidewalk as a direct result of the mobile food vending operation.
4. Dispose of trash and refuse in a dumpster or trash receptacle which is not owned or permissible for use by the mobile food vendor.
5. Sell to any person situated in a motor vehicle.
6. Conduct any sale from a mobile food vending unit from a parking space which is designated as a handicap parking space.
7. Conduct any sales from outside the mobile vending unit, unless a reasonable accommodation is necessary to serve a customer with a disability.
8. Sell or attempt to sell alcoholic beverages and anything other than prepared, packaged, and/or whole unprocessed foods that are not potentially hazardous.
9. Locate within three (3) feet of a fire hydrant or ten (10) feet of a building ingress/egress door.
10. Operate a generator and/or vehicle motor which generates visible smoke, excessive noise, or excessive gasoline/diesel fumes.
11. Use Liquefied Petroleum (LP) gas without first obtaining a permit from the **City of Monticello Fire Department**.
12. Leave less than six (6) feet of unobstructed passage on a public or private sidewalk.
13. Operate a mobile food vending unit or food stand within a public alley.
14. Stop, idle, or park in a location in which patrons or the mobile food vending unit, food stand or patrons thereof would be within a bike lane, fire lane, parking space not permitted for use by a mobile food vendor, sight-triangle or loading zone.
15. Operate a mobile food vending unit or food stand within state or federal right-of-way.

b. Mobile Food Vendors shall comply with Federal, State and County Laws in relation to Mobile Food Vending Units or food stands.

## 7. Mobile Food Vending in the Public Right-of-Way

- a. No mobile food vendor shall operate a mobile food vending unit or food stand within or upon the public right-of-way without a mobile food vendor license pursuant to this Chapter.
- b. **No mobile food vending unit or food stand shall operate in public right-of-way within 100 feet from the entrance of a restaurant measured as a 100 foot buffer of a point, located at the center of the primary entrance of a restaurant between 6:30 AM and 10:00 PM.**
- c. Parking space or spaces shall be considered in conformance with this Chapter for the full license term based on the existing restaurant locations at the time of application.
- d. Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.
- e. Neither food stands nor food carts shall locate within 5 feet of sidewalk ramps.
- f. No food truck shall locate upon a sidewalk.
- g. No food truck shall park within 35 feet of a stop sign in the direction of approach.
- h. All sales activities and the transfer of food and beverages to the customer shall occur only on the sidewalk side of the mobile vending unit.
- i. No food truck shall operate in angled parking spaces unless approved by the City of Monticello.
- j. Neither the mobile food vendor, nor any employees or agents thereof shall shout, make any outcry, blow a horn, or use any other sound device including any loud speaking radio or amplifying system for the purpose of attracting attention to the operation.
- k. No mobile food vendor shall set up or maintain the use of any table, chair, crate, carton, rack or any other device placed within the public right-of-way, to market or provide a seating and/or eating area for the mobile food vending operation. This shall include providing tables, chairs or other furniture within the public right-of-way.
- l. Not more than one (1) sandwich board type sign (also known as A frame sign), no larger than six (6) square feet is permitted and shall be placed only on the sidewalk within five (5) feet of where the mobile food vending unit or food stand is located.
- m. Food trucks operating in non-numbered and non-metered parking spaces shall be subject to the following:

1. A mobile food vendor license shall be required.
  2. Mobile food vendors shall be legally parked.
- n. Food Trucks engaging in intermittent sales in the public right-of-way shall also be subject to the following:
1. The mobile food vending unit shall not exceed five (5) miles per hour while playing music.
  2. Sales are restricted to pedestrians and only at such a time when the food truck has come to a complete stop and is legally parked.
  3. Hours of operation shall be no earlier than 10:00 AM and no later than 8:00 PM or sunset, whichever occurs first.
  4. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food truck is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.
  5. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one (1) square foot.
8. **Mobile Food Vendors in City Parks** Mobile food vendors within City Parks shall also be subject to the following:
- a. No mobile food vendor shall operate within a parking lot directly adjacent to, or with direct access to, a concession stand while said concession stand is in operation.
  - b. Mobile food vendors shall be limited to hard-surfaced areas of the park, but this shall not mean within any roadway or parking lot drive aisle.
  - c. Mobile food vending shall be limited to the park hours of operation set by the City of Monticello.
  - d. A mobile food vending unit or food stand shall not be located in public right-of-way within two (2) City blocks of the affected area within a City Park holding a special event or other operation as deemed necessary by the City Parks and Recreation Department unless specifically licensed as part of said special event by the permit holder of said special event.
1. The City of Monticello Director of Parks and Recreation or designee thereof, or special event permit holder, may provide in

writing, to the Office of the City Clerk, a written statement indicating that they waive the requirement of the two (2) block affected area during the event hours of operation.

**2. Mobile Food Vendors on Private Property.**

**a. No mobile food vendor shall operate a mobile food vending unit or food stand within or upon private property without a mobile food vendor license pursuant to this Chapter.**

b. Any signage associated with the mobile food vendor shall comply with all applicable statutes, ordinances, and regulations. Signage placed on a food cart or on a food truck shall be exempt from total signage area allocated to the parcel so long as the food truck or food cart is operational. Any freestanding signage associated with the mobile food vending operation shall count against the signage area allotted to the parcel.

1. Signage types which are prohibited by Chapter 170 of the Municipal Code shall be prohibited from placement by any mobile food vendor licensee.

3. Exemptions to License Requirements: When a mobile food vendor is operating on private property a license is not required to be obtained from the Office of the City Clerk if one or more of the following conditions is met:

a. When a mobile food vendor license is not required from the Office of the City Clerk, permits may still be required from other Federal, State, or local government agencies and shall be obtained by the mobile food vendor.

b. Non-Profit Organizations

1. Sales activities by a charitable, educational, or religious organization which is exempt from taxation under section 501(c) (3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

c. Farm Stands

1. In the event unprocessed whole food is being sold or attempted to be sold on the same parcel or group of parcels under common ownership on which said food is grown, and

**the parcel(s) is assessed as Agricultural Land by the Jones County Assessor, a mobile food vendor license is not required.**

d. Markets

1. Any property with a market, as defined by this chapter, as a primary use, on the parcel, but only while the market is in operation.

e. Event Venues

1. Any event venue as defined by this chapter, but only during the time period of the event and two (2) hours before and after an event.

f. Mobile Food Vending Ancillary to an Existing Primary Use — A mobile food vendor license shall not be required if the mobile food vending is ancillary to an existing primary use on the same parcel if all of the following conditions are met:

1. There is a primary land use in a building, which is constructed or which is being constructed, on the parcel in which the mobile food vending unit would be located; and
2. Sales of food, associated with the primary structure on the parcel would be allowed, or is lawfully occurring on said parcel; and
3. The parcel has been classified by the Jones County Assessor to be exempt, industrial, or commercial; and
4. The mobile food vendor is the owner of the parcel or owns a business in a permanent structure on the parcel where the mobile food vending unit or food stand would be located.

g. Temporary/Seasonal Sales of Unprocessed Whole Food — A mobile food vendor license shall not be required for temporary/seasonal sales of unprocessed whole food if the parcel upon which the mobile food vending unit or food stand is located has been classified by the Jones County Assessor to be exempt, industrial, or commercial.

B. Repealer:

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.



C. Severability:

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

D. Effective Date

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

1<sup>st</sup> reading passed by the Council on this \_\_\_\_ day of \_\_\_\_\_, 2018

2<sup>nd</sup> reading passed by the Council on this \_\_\_\_ day of \_\_\_\_\_, 2018

3<sup>rd</sup> reading passed by the Council on this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Brian Wolken, Mayor

Attest:

\_\_\_\_\_  
Sally Hinrichsen, City Clerk

I, Sally Hinrichsen, Monticello City Clerk, do hereby certify that the above and foregoing Ordinance # \_\_\_\_ was published in the Monticello Express on \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Sally Hinrichsen, City Clerk

City Council Meeting  
Prep. Date: 11/02/18  
Preparer: Doug Herman



Agenda Item: Reports  
Agenda Date: 11/05/2018

## Communication Page

### Agenda Items Description: Misc. Reports

**Type of Action Requested:** Motion; Resolution; Ordinance; **Reports**; Public Hearing; Closed Session

#### Attachments & Enclosures:

City Tree Dump Potential Sites (Aerials)
boomerang invoice to Orbis Re:water main
Aerial of ditch culvert project
Theisens Grant Letter
Brick Paver draft policy

#### Fiscal Impact:

Budget Line Item:
Budget Summary:
Expenditure:
Revenue:

### Reports / Potential Action:

- **City Tree Dump Discussion:** Awaiting visit from DNR. I received one e-mail pledging to fight against the potential John Drive location (Behind Oswald/Next Generation). Also looking at site off Sewer Plant road and site off of Hardscrabble Road.
- **Orbis Water Main Cost Share request.** Due to water demands associated with the Orbis project a new water main was installed through property purchased by Orbis off of 11<sup>th</sup> Street. That same property includes sewer main owned by the City, both of which are generally located within old RR ROW. Orbis has requested that the City cover the costs of the City water main extension which they have covered to date. The total cost of the extension is \$79,342.
  - The need for the additional water service was discovered during the course of the project when studies related to water pressure and volume were completed to determine if the demands of the sprinkler system would be met.
  - The water main extension will be beneficial, in the long run, to other properties in that part of town, however, was at this point installed to meet Orbis' needs.
  - If we had a new manufacturer interested in the MedPlast facility that needed additional water volume the City would likely try to meet those demands.
  - Orbis is agreeable to the City reimbursing them over time.
  - I would recommend that we amend the urban renewal plan to amend the development agreement with Orbis to provide a repayment schedule of most/all of the requested expenses.
- **Ditch Culvert project north of 11<sup>th</sup> Street.** I arranged for B & J Excavating to install a culvert through a blockage along the old RR bed north of the Horsfield Concrete facility site and behind the Accent Construction Hwy. 38 site. This blockage was put in place as I understand it during Larry Behrends ownership. At some point thereafter the City approached Larry and asked permission to install a culvert through the driveway that had been installed across the ditch. Larry told me that he agreed to the culvert but that the City never came back to install it. The current owner, Carl Vasey, agreed to the installation of a culvert and agreed to perform final grading, seeding, and to perform some additional ditch cleaning/clearing to the north of the culverts to promote better flow to the river. Brian Monk had used 24" culvert on hand that he

donated to the City for this project, only needing to buy a few additional pieces and ties. Brian was available and willing to donate most of the necessary materials and it made sense to me to get the job done as opposed to contacting the IDNR to see if Mr. Vasey could be forced to open the ditch if for no other reason the amount of time it would take to get that done.

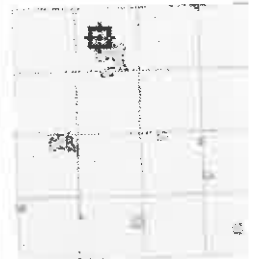
- **Trail Progress and Grant Update:** We expect significant concrete to be poured this week. I received notice that the City was the recipient of a Theisens Grant towards the trail in the amount of \$1,680. A grant ceremony will occur at Theisens in Monticello on Monday November 12 at 11:30 a.m. If any of you plan to attend please let me know.
- **Hughes Garage Compliance Update:** Red was finally able to find a source for all the tires removed from the vehicles that were junked. I haven't seen any additional cars/junk removed from the property since the last load left.
- **Brick Paver Policy Discussion:** I have attached the previously proposed draft brick paver policy. The direction given by the Council when this was last discussed was to hold off on formal approval of a policy until after the City had taken steps to install bricks in front of City Hall.
- **Sycamore Street Driveway discussion:** City Code requires that driveway approaches and driveways in town be constructed of a permanent dust free pavement. Many driveways on N. Sycamore Street are gravel or otherwise unfinished. I would propose that the Council give property owners two options at this time:
  - Inform that that the driveways must be permanent dust free pavement within one year of project completion and they can hire who they wish to hire to do the work, or
  - Offer to have City hired project contractor perform the driveway improvements during the course of the Sycamore Street project and include the driveway improvements as part of the assessment to be paid by the property owner over a period of up to ten years.
  - Third option would be to allow driveways to remain gravel/other in violation of code moving forward. The project will include the paving of the approach/apron but the balance of the driveway, past the sidewalk, would remain as is.
- **Chestnut Street project design/timing:** Council had general discussions related to the repair and replacement of bricks on one or two blocks of N. Chestnut between 1<sup>st</sup> and 3<sup>rd</sup> or 2<sup>nd</sup> and 3<sup>rd</sup>. I am looking for more discussion and direction on this project, timing, design, etc.
- **Dave Lumpa has filed suit against the City of Monticello** (and potentially me, it is unclear from the filings) requesting damages of \$6,500.00 in small claims court where the maximum award is \$5,000. According to the Petition his claim is based upon the following:
  - **State briefly the basis for the demand, not to exceed \$5,000:** My Privacy Fence, Built in 2011. Permit for Fence & Front Deck. Back Deck was not Built till 2010. [looks like 2019 but I suspect it is 2010] SLiDing Door was manufactured 10-30-2013 Sliding Door Needed to Be in stalled to House well, Before Deck Floor could Be in stalled. Or you couldn't in stall Door – as Far as the highth of Floor in Home.”
  - After reading that if you understand the basis of his suit please explain it to me. We will need to file an Answer and potentially a Motion to Dismiss based upon his failure to state a claim.



Yardwaste



Overview



Legend

- Corporate Limits
- Political Township
- Parcels
- Cartography
- Major Roads

Parcel ID	0216351013	Alternate ID	n/a	Owner Address	YEOMAN, THOMAS W & SCHAFER YEOMAN, DIANE R
Sec/Twp/Rng	16-86-03	Class	A		PO BOX 30
Property Address		Acreage	10.87		MONTICELLO IA 52310-0030
District	MONAG				
Brief Tax Description	16 86 03 PARCEL 95-49 IN W 1/2 SW EXC LOT B, YEOMAN'S 3RD ADD & PARCELS 2017-91, 2017-92, 2017-93 (Note: Not to be used on legal documents)				

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN, EITHER EXPRESSED OR IMPLIED BY JONES COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDED DEEDS, AND CONTRACTS, AND ONLY CONTAINS INFORMATION REQUIRED FOR LOCAL GOVERNMENT PURPOSES. SEE THE RECORDED DOCUMENTS FOR MORE DETAILED LEGAL INFORMATION.

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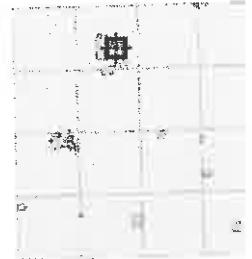
Developed by Schneider  
GEOSPATIAL



Yard waste



Overview



Legend

- Corporate Limits
- Political Township
- Parcels
- Cartography
- Major Roads

Parcel ID	0222400015	Alternate ID	027800	Owner Address	KRAUS, MICHAEL W & EMILY M
Sec/Twp/Rng	22-86-03	Class	A		14432 190TH ST
Property Address		Acreage	24.98		MONTICELLO IA 52310
District	LOVMO				
Brief Tax Description	22 86 03 SE SE EXC 6.16A TO CITY OF MONTICELLO & EXC PARCEL 99-19 (Note: Not to be used on legal documents)				

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**Project:** Orbis – New Warehouse

**Purchase Order:** #4500905246

**Description:** 12" watermain from tie in on Plastic Lane to tie in on 11<sup>th</sup> Street

Item:	org qty:	unit price:	total:	new qty:	new total:
12" watermain	1019 LF	\$42.00	\$42,798.00	1326	\$55,692.00
12" fire hydrant assembly	0	\$4,550.00	\$0.00	3	\$13,650.00
12" tapping valve, tee, and tap	0	\$6,800.00	\$0.00	1	\$6,800.00
8" valves on upper tie in	0	\$1,600.00	\$0.00	2	\$3,200.00
			Total: \$42,798.00	Total: \$79,342.00	

→ 11<sup>th</sup> St / Orbis  
Water Main Extension



# Culvert Project



## Overview



## Legend

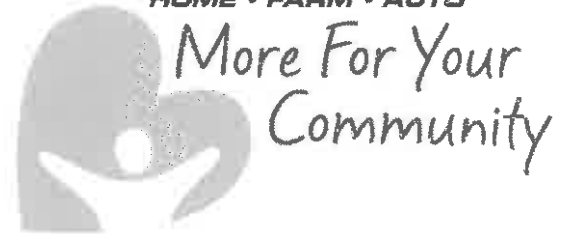
- Parcels
- Cartography
- Major Roads

Parcel ID	0216401003	Alternate ID	030200	Owner Address	VASEY, CARL & ARDITH TRUSTEES VASEY, CARL F & ARDITH Y TR
Sec/Twp/Rng	16-86-03	Class	R		PO BOX 453
Property Address		Acreage	n/a		MONTICELLO IA 52310
District	LOVMO				
Brief Tax Description	16-86-03 ABAN R.R. R.O.W COMNW COR LOT4 SAUSER HEARN 1ST ADD TH NWLY TO SW COR LOT 8 BURR OAK (Note: Not to be used on legal documents)				

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Date created: 11/2/2018  
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GEOSPATIAL



November 1, 2018

Dear Douglas Herman,

We are writing to share some wonderful news! After an independent review of more than 462 worthy applications, we are honored to fund your request to support Monticello Willow Park Trail. City of Monticello is a recipient of a Theisen's More for Your Community Grant. This grant will be a cash award of \$1,680.00.

*In order to accept your grant award please attend our  
Theisen's More for Your Community Grant Celebration  
on Monday, Nov. 12 at 11:30 am at the Monticello store.*

- You will be receiving your grant check at the award ceremony. A grant agreement is available in our online Grants Management System. Please have the grant agreement completed before **November 9, 2018** in order to accept the award.
- You will be required to complete your project report online by **December 31, 2019** so that we can learn about and celebrate your success.
- All of your follow up requirements will be submitted online at [www.dbqfoundation.org/grantinterface](http://www.dbqfoundation.org/grantinterface)
- If you have any questions or concerns, please do not hesitate to contact Katie Decker at [Katie@dbqfoundation.org](mailto:Katie@dbqfoundation.org).

*Congratulations! My family takes an active role in evaluating the many applications annually and also makes site visits every year to learn about community needs and also meet nonprofit leaders like you who are on the front line of serving our children and families. Thanks for all that you are doing for our community!*

Sincerely,

Jim Theisen  
Chairman Emeritus, Board of Directors, Owner

Theisen's More for Your Community Grant Program is made possible through a partnership with the Community Foundation of Greater Dubuque.



## **CITY OF MONTICELLO**

### **POLICY Re: Downtown Brick Pavers**

**Subject:** Required use of Brick Pavers in lieu of colored concrete strip in area immediately behind the curb in designated areas.

**Effective Date:** \_\_\_\_\_

#### **PURPOSE:**

The purpose of this Policy is to provide direction and to put on notice all owners of property potentially impacted or subject to this policy as a result of their ownership of property potentially impacted by this policy.

#### **SCOPE:**

This policy applies to all owners of property located on E. 1<sup>st</sup> Street between \_\_\_\_\_ and \_\_\_\_\_ streets and to all owners of property located on Cedar Street located between \_\_\_\_\_ and \_\_\_\_\_ streets.

#### **PROCEDURE:**

**Partial or Total Sidewalk Removal:** In the event any property subject to this policy chooses to or is otherwise required to remove any portion of the sidewalk abutting their property, for any reason, the property owner shall be required to remove and replace the entirety of the existing colored strip of concrete located between the back of curb and the non-colored sidewalk panels with brick pavers. This requirement shall apply whether any portion of the colored strip is removed by the owner.

- 1. Brick Pavers:** The City of Monticello will provide necessary brick pavers at no cost to the contractor of owner's choice for installation. The installation shall follow the specification provided by the City. The owner shall obtain a permit from the City prior to the installation and the preparation work and final installation shall be subject to inspection and approval by the City of Monticello. In the event the City runs out of historic City of Monticello brick pavers the City will purchase and provide a substitute paver deemed by the City to be the closest possible match to the historic City of Monticello pavers.
- 2. Additional Cost:** Due to the fact that the City is requiring the installation of pavers as noted above and the owner will incur expense associated therewith, the City will pay the owner the sum of \$\_\_\_\_\_ per lineal foot of sidewalk frontage in which the pavers have been installed upon their installation in a manner found to be consistent with the City specification.

3. **Downtown Loan:** The downtown loan fund will be made available to all property owners subject to this policy and sums may be borrowed from the City to cover the property owner's share of project costs at 0% for five (5) years after the completion of a promissory note and mortgage, with the mortgage to be recorded at the expense of the property owner. (Project Costs shall include removal costs, subgrade and other concrete preparation work, and costs associated with installation of both sidewalk repair and paver installation.)
4. **Adjacent Property Owner Paver Installation:** If and when a property owner's property is bounded on each side by a property that has installed brick pavers as contemplated herein said property owner, so bounded, shall have one year from the completion of the most recent neighboring property paver installation to see to the installation of pavers on their property frontage, regardless of a need on their part to otherwise repair or replace any portion of their sidewalk or colored sidewalk border.
5. **Replacement Sunset:** Upon the passage of five (5) years from the Council approval of this Policy the Council will inspect those areas covered by the requirements of this policy and determine how many of the covered sidewalks have not replaced the colored concrete strip with pavers as contemplated herein. It is anticipated that the property owners who have not yet converted their colored concrete strip frontage to pavers will be given a timeline within which to complete said work. It is also contemplated, but not mandated by this policy, that the Council may work with willing property owners on a bid package so that one contractor may bid on more than one frontage, potentially bringing down the overall project cost due to the additional quantities involved.
6. **Maintenance:** After installation the property owner shall be obligated to maintain the frontage with the historic brick pavers, or other brick pavers approved by the City. The City may choose to make available a "required" replacement paver to ensure a consistent look moving forward with the costs of said replacement pavers being the responsibility of the owner.

*(Other: Should the City agree to collect and dispose of removed concrete? Only if the colored strip is removed or if all concrete is removed?)*

This Policy was reviewed and approved by the City Council in session on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ as Resolution # \_\_\_\_\_, same to take effect immediately.

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Brian Wolken, Mayor