

City of Monticello, Iowa

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Posted on November 30, 2018 at 3:00 p.m.

Monticello City Council Regular Meeting December 03, 2018 @ 6:00 p.m.

Monticello Renaissance Center, 220 E. 1st Street, Monticello, Iowa

| | | | |
|----------------------|----------------------------|----------------------------|----------------------|
| Mayor: | Brian Wolken | City Administrator: | Doug Herman |
| City Council: | | Staff: | |
| At Large: | Dave Goedken | City Clerk/Treas.: | Sally Hinrichsen |
| At Large: | Brenda Hanken | Public Works Dir.: | Brant LaGrange |
| Ward #1: | Rob Paulson | City Engineer: | Patrick Schwickerath |
| Ward #2: | Johnny Russ, Mayor Pro Tem | Police Chief: | Britt Smith |
| Ward #3: | Chris Lux | Ambulance Dir.: | Dawn Brus |
| Ward #4: | 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 November 19, 2018

Approval of Payroll November 22, 2018

Approval of Bill List

Approval of Appointments to City Boards

Nick Miller and Sophie Schemmel to the Park & Recreation Board

Ron Ackerman and Charles Becker to the Airport Board

Nick Sauser to the Board of Adjustment & Planning & Zoning Board

Craig Thompson to the Cemetery Board

Ed Moreano and Kim Brooks to the Library Board

Public Hearings: None

Motion: None

Resolutions:

1. **Resolution** to approve ordering of components necessary for Phase 1 of Fountain Park Project.
2. **Resolution** to approve payment to Cahoy Pump Service related to west well maintenance and repairs.

3. **Resolution** to approve Special Assessment Credit Policy, credit schedule and Request Form.
4. **Resolution** to approve payment to Eastern Iowa Excavating & Concrete related to the Willow Park Trail project.
5. **Resolution** to approve payment related to Locust Court Development as previously approved by Resolution No. 17-154.
6. **Resolution** to approve Mobile Food Vendor licensing fee schedule.

Ordinances:

7. **Ordinance** to Amend Chapter 11 Hotel / Motel Tax. (1st Reading, or All Readings)
8. **Ordinance** to Amend Chapter 122 “Peddlers, Solicitors and Transient Merchants” to add provisions related to “Mobile Food Vending”. (3rd Reading)
9. **Ordinance** to Amend Chapter 10, Urban Revitalization, adding section 10.10(3) (2nd Reading)

Reports / Potential Action:

- Steve Intlekofer House Moving Project delays; Council guidance on penalty/enforcement (Nov. 22 is enforcement day)
- Dr. Balster Building Frontage improvements.
- Welter Drive Light Replacement Plan
- Downtown Brick Paver Policy
- Community Building (Upper Level) Committee Update
- Jones County UTV Ordinance
- City Tree Dump Discussion
- Hughes Garage Compliance Update
- Jones Co. Tourism Investment History
- Engineer Report / Update
- Budget Review Schedule
- Goal Setting Date Options

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.

Regular Council Meeting – Official
November 19, 2018 – 6:00 P.M.
Community Media Center

Mayor Brian Wolken called the meeting to order. Council present: Dave Goedken, Brenda Hanken, Rob Paulson, Johnny Russ, Chris Lux and Tom Yeoman. 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.

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

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

Herman reviewed annual TIF appropriations as set out in previously approved development agreements.

Goedken moved to approve Resolution #18-129 Appropriating funds necessary to meet the City's Obligation to Robert "Bud" Johnson under the Development Agreement dated February 15, 2010, Russ seconded; roll call unanimous.

Yeoman moved to approve Resolution #18-130 Appropriating funds necessary to meet the City's Obligation to MC Industries under Development Agreement dated August 2, 2010, Goedken seconded; roll call unanimous.

Lux moved to approve Resolution #18-131 Appropriating funds necessary to meet the City's Obligation to Innovative Ag. Services under Development Agreement dated February 15, 2010, Russ seconded; roll call unanimous.

Goedken moved to approve Resolution #18-132 Appropriating funds necessary to meet the City's Obligation to Althoff Properties, LLC per Development Agreement dated April 18, 2011, Yeoman seconded; roll call unanimous.

Lux moved to approve Resolution #18-133 Appropriating funds necessary to meet the City's Obligation to Kardes Inc. per Development Agreement dated March 17, 2014, Goedken seconded; roll call unanimous.

Goedken moved to approve Resolution #18-134 Appropriating funds necessary to meet the City's Obligation to Boulders Inn Monticello per Development Agreement dated October 5, 2015; as amended November 20 2017, Russ seconded; roll call unanimous.

No action was taken on resolution to appropriate funds necessary to meet the City's Obligation to Menasha Corp. under the Development Agreement dated April 3, 2017. Action will not be required until next year.

Herman reviewed the proposed TIF certification for FY 2020 and staff recommended the certification of \$210,385. Yeoman moved to approve Resolution #18-135 Approving FY 2020 TIF Certification, Goedken seconded; roll call unanimous.

Herman reviewed the proposed Downtown Brick Paver Policy with Council. Wolken suggested Herman make revisions as discussed and mail proposed policy to all property owners that would be affected. Goedken moved to table resolution to approve Downtown Brick Paver Policy and to place it on a January meeting for possible action, Russ seconded, roll call unanimous.

Herman explained that the Resolution related to amendments to the Orbis Development Agreement, adding additional incentives associated with their installation of a City water main extension, authorizes the City Administrator to begin the process of amending said agreement. City Staff and City Engineer believe the water main is a beneficial improvement to the City Water System and City will be given easement rights necessary to repair and maintain the water main and nearby sewer main. Yeoman moved to approve Resolution #18-136 Authorizing City Administrator to proceed with process to amend Development Agreement between Orbis Mfg., a subsidiary of Menasha Corporation, to reflect terms and provisions related to expenses incurred by Orbis related to the installation of a new section of City water main, Russ seconded, roll call unanimous.

Herman reported that the resolution to accept the dedication of an extension of John Drive approved at the last Council meeting had incorrectly identified the parcel being dedicated and that the proposed Resolution corrected that error. Goedken moved to approve Resolution #18-137 Accepting Dedication of the extension of John Drive and public improvements located within the right-of-way thereof, correcting incorrect Parcel references in previous Resolution, Russ seconded, roll call unanimous.

Herman reviewed proposed final amendments to Ordinance #720 amending Chapter 50 related to Animal Protection and Control. The changes are primarily related to rules and prohibitions associated with emotional support animal pit bulls. Herman went through the Ordinance identifying and explaining all proposed final amendments. Yeoman moved Ordinance #720 amending Chapter 50, by amending provisions pertaining to Animal Protection and Control, third and final reading, as amended and in title only, Russ seconded. Preston Moore, Iowa State Director of the Humane Society of the United States addressed the Council. Moore asked a series of questions related to the ordinance. Yeoman moved to amend his motion to approve Ordinance #720 by adding language that would require certification of the need for an emotional support animal to be given by a licensed Medical (M.D. or D.O.) or Mental Health professional to page 4, paragraph "e" of the Ordinance, Russ seconded, roll call unanimous. Brandon Hunter, 614 W 1st Street, objected to the proposal that if an emotional support pit bull was at large only once that it would have to be removed from the community. Russ moved to amend the motion to approve Ordinance #720 by changing the wording of Page 5, paragraph 5 to read as follows: "If at any time the pit bull for which this exception is granted is found or allowed to be at large in the community the owner shall be cited and subject to fines and/or other monetary penalties. If the pit bull is found to be at large a second time the exception granted herein shall end and the pit bull shall be removed from the City limits permanently within seven (7) days of the second occurrence of the animal being at large.", Goedken seconded, roll call unanimous. A roll call vote was then held on the motion to approve Ordinance #720 amending Chapter 50, by amending provisions pertaining to Animal Protection and Control, third and final reading, in title only, as amended with all Council members voting in favor.

Council Member Hanken left the meeting at 7:36.

Herman reviewed the Ordinance related to Mobile Food Vending with the Council. Herman stated that he received one email expressing support for some allowance for mobile food vending. Yeoman stated that he supports the concept. Goedken expressed his belief that a 100 foot buffer between a food truck and a restaurant was not adequate. Council discussed whether on street parking should be allowed particularly in the downtown when businesses are open, taking up parking for other businesses. Holly Trevino, 17289 Co. Rd., suggested that the City look into rates from Delaware County or Manchester. Yeoman moved Ordinance #721 by amending Chapter 122, "Peddlers, Solicitors and Transient Merchants", second reading and in title only, Lux seconded, roll call unanimous. A committee will review the Ordinance prior to the third reading.

Herman explained that the code does not specify a time frame within which an application for exemption from taxation for new constructions or improvements must be received under Chapter 10 for an applicant to be eligible. He proposed that the Code be amended to require the application for exemption to be filed within one year of the 100% of the improvement to be eligible for the full five year exemption period. The applicant would lose one year of eligibility for each year that the application was filed thereafter. Russ introduced and moved Ordinance #722 amending Chapter 10, Urban Revitalization by amending Section 10.10 Exemptions, Yeoman seconded, roll call unanimous.

Herman stated City Staff has been working on budget and will bring budget information to next meeting.

Herman reported that he is looking at a few sites for a tree and yard waste facility and is awaiting input from the DNR. Yeoman's site is no longer under consideration due to neighborhood complaints.

LaGrange reported that concrete will be poured this week to finish the trail and inquired if Council want to add bollards at the trail entrances. Wolken suggested the placement of large limestone rocks as they were already in use at the park. Herman stated he has received inquiries about lighting.

Herman indicated that the Fountain Park fundraising insert was in the Shopper's Guide and that he continues to apply for grants.

Herman will send letters to N. Sycamore Street property owners providing project information and inviting them to an informational open house on Tuesday November 27th from 5 to 7 pm.

Herman reported that the lawsuit filed by Dave Lumpa has been set for trial set for December 5th. Herman reported the City was dismissed from the Petersen lawsuit, which was a slip and fall incident and that the City was also dismissed from most of the Intlekofer lawsuit by way of a Summary Judgement Ruling issued by the Court with the balance of the lawsuit having been dismissed by Intlekofer.

Herman suggested holding a goal setting session in January with the Council.

Regular Council Meeting – Official
November 19, 2018

Zwolinski reviewed the overhead electrical lines that cross North Sycamore Street within the project scope. Consensus of Council was to leave overhead lines that ran East and West over N. Sycamore Street as the cost to underground them was not deemed worthy of the improvement. Herman asked the Council if they intended to assess property owners in a similar fashion to other street projects where commercial property owners were assessed for the full sidewalk width and residential property owners for a 4 foot sidewalk even if a 5 foot sidewalk was installed, plus driveway approaches and curb and adjacent curb and gutter and the consensus of Council was that assessments would be made in a similar fashion for this project.

Russ moved to adjourn at 8:11 P.M.

Brian Wolken, Mayor

Sally Hinrichsen, City Clerk

PAYROLL - NOVEMBER 22, 2018

| DEPARTMENT | GROSS PAY | OT PAY | COMP HRS. ACCRUED | COMP TOTAL | NET PAY |
|------------------------------|--------------------------|------------------|----------------------|---------------|---------------------|
| AMBULANCE | Nov. 5 - 18, 2018 | | | | |
| Evan Barry | \$ 381.15 | \$ - | 0.00 | 0.00 | \$ 319.03 |
| Carter Bronemann | 1,311.30 | - | 0.00 | 0.00 | 948.45 |
| Dawn Brus | 1,035.00 | - | 0.00 | 0.00 | 758.00 |
| Mary Intlekofer | 4,075.60 | - | 0.00 | 7.13 | 2,726.87 |
| Brandon Kent | 1,860.60 | - | 0.00 | 0.00 | 1,207.57 |
| Matt Kunkle | 221.50 | - | 0.00 | 0.00 | 168.48 |
| Jim Luensman | 653.43 | - | 0.00 | 0.00 | 493.28 |
| Lori Lynch | 1,993.50 | 132.90 | 0.00 | 0.00 | 1,319.47 |
| Shelly Searles | 2,259.30 | 398.70 | 0.00 | 0.00 | 1,668.96 |
| Brenda Surom | 531.60 | - | 0.00 | 0.00 | 399.26 |
| Chris Szymanowski | 549.90 | - | 0.00 | 0.00 | 456.39 |
| Chad Tatar | 999.34 | - | 0.00 | 0.00 | 732.48 |
| TOTAL AMBULANCE | \$ 15,872.22 | \$ 531.60 | 0.00 | 7.13 | \$ 11,198.24 |
| CEMETERY | Nov. 3 - 16, 2018 | | | | |
| Dan McDonald | \$ 1,758.00 | \$ - | 0.00 | 0.00 | \$ 1,267.37 |
| TOTAL CEMETERY | \$ 1,758.00 | \$ - | 0.00 | 0.00 | \$ 1,267.37 |
| CITY HALL | Nov. 4 - 17, 2018 | | | | |
| Cheryl Clark | \$ 2,290.40 | \$ - | 0.00 | 5.00 | \$ 1,573.74 |
| 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 | 2,104.40 | - | 0.00 | 0.00 | 1,545.18 |
| TOTAL CITY HALL | \$ 10,792.89 | \$ - | 0.00 | 5.00 | \$ 7,579.68 |
| COUNCIL / MAYOR | | | | | |
| 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 | 60.00 | - | 0.00 | 0.00 | 55.41 |
| 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 |
| TOTAL COUNCIL / MAYOR | \$ 860.00 | \$ - | 0.00 | 0.00 | \$ 789.76 |
| LIBRARY | Nov. 5 - 18, 2018 | | | | |
| Molli Hunter | \$ 269.93 | \$ - | 0.00 | 0.00 | \$ 229.30 |
| Penny Schmit | 1,000.01 | - | 0.00 | 0.00 | 730.73 |
| Madonna Thoma-Kremer | 920.01 | - | 0.00 | 0.00 | 567.62 |
| Michelle Turnis | 1,538.46 | - | 0.00 | 0.00 | 972.04 |
| TOTAL LIBRARY | \$ 3,728.41 | \$ - | 0.00 | 0.00 | \$ 2,499.69 |
| MBC | Nov. 5 - 18, 2018 | | | | |
| Jacob Oswald | \$ 1,846.15 | \$ - | 0.00 | 0.00 | \$ 1,382.31 |
| Shannon Poe | 1,538.46 | - | 0.00 | 0.00 | 1,093.48 |
| TOTAL MBC | \$ 3,384.61 | \$ - | 0.00 | 0.00 | \$ 2,475.79 |
| POLICE | Nov. 5 - 18, 2018 | | | | |
| Peter Fleming | \$ 503.76 | \$ - | 0.00 | 0.00 | \$ 389.21 |

PAYROLL - NOVEMBER 22, 2018

| DEPARTMENT | GROSS PAY | OT PAY | COMP HRS. ACCRUED | COMP TOTAL | NET PAY |
|---------------------------|--------------------------|------------------|----------------------|---------------|---------------------|
| POLICE (cont.) | | | | | |
| Dawn Graver | 2,012.80 | - | 0.00 | 0.00 | 1,432.33 |
| Erik Honda | 1,914.36 | - | 0.00 | 0.00 | 1,421.58 |
| Jordan Koos | 2,151.24 | - | 0.00 | 4.00 | 1,553.84 |
| Travis McNally | 251.88 | - | 0.00 | 0.00 | 205.46 |
| Britt Smith | 2,504.65 | - | 0.00 | 0.00 | 1,822.50 |
| Madonna Staner | 1,450.41 | - | 0.00 | 0.00 | 1,091.08 |
| Brian Tate | 2,109.24 | - | 0.00 | 0.00 | 1,437.36 |
| Robert Urbain | 1,509.60 | - | 0.00 | 0.00 | 1,104.05 |
| TOTAL POLICE | \$ 14,407.94 | \$ - | 0.00 | 4.00 | \$ 10,457.41 |
| ROAD USE | | | | | |
| | Nov. 3 - 16, 2018 | | | | |
| Billy Norton | \$ 1,856.74 | \$ 248.74 | 0.00 | 0.00 | \$ 1,252.60 |
| Wayne Yousse | 1,944.68 | 15.08 | 0.00 | 0.00 | 1,377.24 |
| TOTAL ROAD USE | \$ 3,801.42 | \$ 263.82 | 0.00 | 0.00 | \$ 2,629.84 |
| SANITATION | | | | | |
| | Nov. 3 - 16, 2018 | | | | |
| Michael Boyson | \$ 1,572.00 | \$ - | 0.00 | 0.00 | \$ 1,078.70 |
| Nick Kahler | 1,668.30 | 60.30 | 0.00 | 0.00 | 1,117.90 |
| TOTAL SANITATION | \$ 3,240.30 | \$ 60.30 | 0.00 | 0.00 | \$ 2,196.60 |
| SEWER | | | | | |
| | Nov. 3 - 16, 2018 | | | | |
| Tim Schultz | \$ 1,668.00 | \$ - | 0.00 | 19.50 | \$ 823.34 |
| Jim Tjaden | 1,936.00 | - | 0.00 | 0.00 | 1,383.98 |
| TOTAL SEWER | \$ 3,604.00 | \$ - | 0.00 | 19.50 | \$ 2,207.32 |
| WATER | | | | | |
| | Nov. 3 - 16, 2018 | | | | |
| Brant LaGrange | \$ 2,070.89 | \$ - | 0.00 | 0.00 | \$ 1,039.55 |
| Jay Yanda | 1,856.00 | - | 0.00 | 0.00 | 1,325.15 |
| TOTAL WATER | \$ 3,926.89 | \$ - | 0.00 | 0.00 | \$ 2,364.70 |
| TOTAL - ALL DEPTS. | \$ 65,376.68 | \$ 855.72 | 0.00 | 35.63 | \$ 45,666.40 |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|--------------------------------|---------------------------|--------------|--------|------------|
| ACCOUNTS PAYABLE CLAIMS | | | | |
| | GENERAL | | | |
| | POLICE DEPARTMENT | | | |
| MICROSOFT CORPORATION | PD COMPUTER REPAIR/MAINT | 450.00 | | |
| | POLICE DEPARTMENT | 450.00 | | |
| | AQUATIC CENTER | | | |
| NEXT GENERATION PLBG & HTG LLC | POOL EQUIP REPAIR/MAINT | 935.00 | | |
| | AQUATIC CENTER | 935.00 | | |
| | CEMETERY | | | |
| JOHN DEERE FINANCIAL | CEMETERY GROUNDS SUPPLIES | 1.99 | | |
| LINDA KAHLER | PUBLIC WORKS CLOTHING | 107.90 | | |
| | CEMETERY | 109.89 | | |
| | CLERK/CITY ADMIN | | | |
| JOHN MONK | JANITORIAL SERVICES | 525.00 | | |
| | CLERK/CITY ADMIN | 525.00 | | |
| | ATTORNEY | | | |
| DOUG HERMAN | IMAA CONFERENCE | 194.11 | | |
| | ATTORNEY | 194.11 | | |
| | CITY HALL/GENERAL BLDGS | | | |
| BOSS OFFICE SUPPLIES & SYS INC | CH OFFICE SUPPLIES | 212.84 | | |
| FP MAILING SOLUTIONS | CH CONTRACTS | 81.00 | | |
| DOUG HERMAN | CH CELL PHONE STIPEND | 250.00 | | |
| JOHN DEERE FINANCIAL | CH BUILDING SUPPLIES | 14.99 | | |
| JONES COUNTY RECORDER | CH RECORDING FEES | 12.00 | | |
| MONTICELLO ROTARY CLUB | CH DUES - HERMAN | 100.00 | | |
| SHRED-MASTER | CH MISC CONTRACT WORK | 73.80 | | |
| U.S. POSTAL SERVICE(CMRS-FP) | CH POSTAGE | 1,500.00 | | |
| | CITY HALL/GENERAL BLDGS | 2,244.63 | | |
| | GENERAL | 4,458.63 | | |

MONTICELLO BERNDES CENTER

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|----------------------------|-----------------------------|-----------------|--------|------------|
| | PARKS | | | |
| MELISSA HUFF | MBC DAMAGE DEPOSIT REFUND | 200.00 | | |
| JOHN DEERE FINANCIAL | MBC BUILDING SUPPLIES | 244.93 | | |
| JOHN MONK | JANITORIAL SERVICES | 270.00 | | |
| | | <u>714.93</u> | | |
| | PARKS | 714.93 | | |
| | | <u>714.93</u> | | |
| | MONTICELLO BERNDES CENTER | 714.93 | | |
| | FIRE | | | |
| | FIRE | | | |
| INTERSTATE POWER SYSTEMS | FIRE EQUIP REPAIR/MAINT | 209.98 | | |
| | | <u>209.98</u> | | |
| | FIRE | 209.98 | | |
| | | <u>209.98</u> | | |
| | FIRE | 209.98 | | |
| | AMBULANCE | | | |
| | AMBULANCE | | | |
| PHYSICIAN'S CLAIM COMPANY | AMB BILLING FEES | 1,607.83 | | |
| STERICYCLE, INC. | AMB PHARMACEUTICAL DISPOSAL | 79.35 | | |
| | | <u>1,687.18</u> | | |
| | AMBULANCE | 1,687.18 | | |
| | | <u>1,687.18</u> | | |
| | HOTEL/MOTEL TAX | | | |
| | HOTEL/MOTEL | | | |
| WINDSTREAM IOWA-COMM. INC. | HOTEL/MOTEL PHONE | 49.90 | | |
| | | <u>49.90</u> | | |
| | HOTEL/MOTEL | 49.90 | | |
| | | <u>49.90</u> | | |
| | HOTEL/MOTEL TAX | 49.90 | | |
| | LIBRARY IMPROVEMENT | | | |
| | LIBRARY | | | |
| BAKER & TAYLOR BOOKS | LIB IMP BOOKS | 40.27 | | |
| MICRO MARKETING LLC | LIB IMP BOOKS | 114.93 | | |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|--------------------------------|-------------------------|--------------|--------|------------|
| | LIBRARY | 155.20 | | |
| | LIBRARY IMPROVEMENT | 155.20 | | |
| | LIBRARY | | | |
| | LIBRARY | | | |
| BOSS OFFICE SUPPLIES & SYS INC | LIB OFFICE SUPPLIES | 22.65 | | |
| JOSH IBEN | LIB GROUNDS MAINTENANCE | 75.00 | | |
| LASLEY ELECTRIC LLC | LIB BLDG REPAIR/MAINT | 26.99 | | |
| JOHN MONK | JANITORIAL SERVICES | 265.00 | | |
| | LIBRARY | 389.64 | | |
| | LIBRARY | 389.64 | | |
| | ROAD USE | | | |
| | STREETS | | | |
| DEMNER OIL COMPANY | RU EQUIP REPAIR/MAINT | 1,103.34 | | |
| HENDERSON PRODUCTS INC. | RU EQUIP REPAIR/MAINT | 327.39 | | |
| JOHN DEERE FINANCIAL | RU SUPPLIES | 316.36 | | |
| LINDA KAHLER | PUBLIC WORKS CLOTHING | 398.10 | | |
| KIMBALL MIDWEST | RU SUPPLIES | 148.07 | | |
| MIKE KRAUS | RU TRACTOR RENT | 600.00 | | |
| KROMMINGA MOTORS INC | RU EQUIP REPAIR/MAINT | 87.62 | | |
| MONTICELLO MACHINE SHOP INC | RU EQUIP REPAIR/MAINT | 707.30 | | |
| NEXT GENERATION PLBG & HTG LLC | RU BLDG REPAIR/MAINT | 569.30 | | |
| SNYDER & ASSOCIATES, INC | RU ENGINEERING FEES | 27,694.00 | | |
| SPAHN & ROSE LUMBER CO INC | RU SUPPLIES | 10.99 | | |
| THOMPSON TRUCK & TRAILER, INC. | RU EQUIP REPAIR/MAINT | 49.01 | | |
| | STREETS | 32,011.48 | | |
| | SNOW REMOVAL | | | |
| ALL SEASON'S TRUCKING INC | RU SNOW REMOVAL | 2,641.06 | | |
| B & J HAULING & EXCAVATION INC | RU SNOW REMOVAL | 4,500.00 | | |
| | SNOW REMOVAL | 7,141.06 | | |
| | ROAD USE | 39,152.54 | | |
| | PARK IMPROVEMENT | | | |
| | CAPITAL PROJECTS | | | |
| BEHREND'S CRUSHED STONE | WILLOW PARK TRAIL | 123.80 | | |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|----------------------------|---------------------------|--------------|--------|------------|
| HORSFIELD COMPANIES | WILLOW PARK TRAIL | 24,969.75 | | |
| J&R SUPPLY INC | WILLOW PARK TRAIL | 336.00 | | |
| SNYDER & ASSOCIATES, INC | WILLOW PARK TRAIL | 575.00 | | |
| SPAHN & ROSE LUMBER CO INC | FOUNTAIN PARK PROJECT | 57.90 | | |
| | | ===== | | |
| | CAPITAL PROJECTS | 26,062.45 | | |
| | | ===== | | |
| | PARK IMPROVEMENT | 26,062.45 | | |
| | BATY DISC GOLF COURSE | | | |
| | PARKS | | | |
| JOHN DEERE FINANCIAL | BATY DG BLDG REPAIR/MAINT | 13.98 | | |
| | | ===== | | |
| | PARKS | 13.98 | | |
| | | ===== | | |
| | BATY DISC GOLF COURSE | 13.98 | | |
| | MARY MAXINE REDMOND TRUST | | | |
| | LIBRARY | | | |
| FAREWAY STORES #840-1 | LIB REDMOND PROGRAMMING | 34.16 | | |
| | | ===== | | |
| | LIBRARY | 34.16 | | |
| | | ===== | | |
| | MARY MAXINE REDMOND TRUST | 34.16 | | |
| | POCKET PARK | | | |
| | PARKS | | | |
| JOSH IBEN | POCKET PARK MAINTENANCE | 150.00 | | |
| | | ===== | | |
| | PARKS | 150.00 | | |
| | | ===== | | |
| | POCKET PARK | 150.00 | | |
| | C.C. BIDWELL LIBRARY BOOK | | | |
| | LIBRARY | | | |
| CENTER POINT PUBLISHING | LIB BIDWELL BOOKS | 46.74 | | |
| EMERY-PRATT | LIB BIDWELL BOOKS | 100.87 | | |
| | | ===== | | |
| | LIBRARY | 147.61 | | |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|--------------------------------|------------------------------|--------------|--------|------------|
| | | ===== | | |
| | C.C. BIDWELL LIBRARY BOOK | 147.61 | | |
| | WATER | | | |
| | WATER | | | |
| BEHREND'S CRUSHED STONE | WATER SYSTEM | 187.17 | | |
| CAHOY PUMP SERVICE, INC. | WATER SYSTEM | 3,180.00 | | |
| IOWA ONE CALL | WATER SYSTEM | 30.15 | | |
| IOWA RURAL WATER ASSOCIATION | WATER DUES | 325.00 | | |
| J&R SUPPLY INC | WATER SYSTEM | 1,532.00 | | |
| LINDA KAHLER | PUBLIC WORKS CLOTHING | 176.00 | | |
| SCOT MCELMEEL | WATER SYSTEM | 334.75 | | |
| MUNICIPAL SUPPLY INC | WATER SYSTEM | 567.35 | | |
| NEXT GENERATION PLBG & HTG LLC | WATER BLDG REPAIR/MAINT | 569.30 | | |
| SPAHN & ROSE LUMBER CO INC | WATER SYSTEM | 16.00 | | |
| U.S. POSTAL SERVICE(CMRS-FP) | WATER POSTAGE | 500.00 | | |
| WHITE HAWK PLUMBING & HEATING | WATER SYSTEM | 476.00 | | |
| | | ===== | | |
| | WATER | 7,893.72 | | |
| | | ===== | | |
| | WATER | 7,893.72 | | |
| | CUSTOMER DEPOSITS | | | |
| | WATER | | | |
| CITY OF MONTICELLO | <i>Water Deposit Refunds</i> | 663.79 | | |
| BARBARA GOBLE | WATER DEPOSIT REFUND | 9.51 | | |
| BRET HARDERSEN | WATER DEPOSIT REFUND | 7.27 | | |
| ELIZABETH KINLEY | WATER DEPOSIT REFUND | 18.82 | | |
| RAELINN RITZE | WATER DEPOSIT REFUND | 10.61 | | |
| | | ===== | | |
| | WATER | 710.00 | | |
| | | ===== | | |
| | CUSTOMER DEPOSITS | 710.00 | | |
| | SEWER | | | |
| | SEWER | | | |
| FAREWAY STORES #840-1 | SEWER LAB SUPPLIES | 12.79 | | |
| GIESE SHEET METAL CO. INC. | SEWER EQUIP REPAIR/MAINT | 394.00 | | |
| IOWA ONE CALL | SEWER SYSTEM | 30.15 | | |
| LINDA KAHLER | PUBLIC WORKS CLOTHING | 322.00 | | |
| NEXT GENERATION PLBG & HTG LLC | SEWER BLDG REPAIR/MAINT | 569.30 | | |
| SPAHN & ROSE LUMBER CO INC | SEWER SUPPLIES | 28.16 | | |
| U.S. POSTAL SERVICE(CMRS-FP) | SEWER POSTAGE | 500.00 | | |
| WINDSTREAM IOWA-COMM. INC. | SEWER PHONE | 49.91 | | |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

| VENDOR NAME | REFERENCE | VENDOR TOTAL | CHECK# | CHECK DATE |
|--------------------------------|--------------------------------|--------------|--------|------------|
| | SEWER | 1,906.31 | | |
| | SEWER | 1,906.31 | | |
| | SANITATION | | | |
| | SANITATION | | | |
| DEMMEER OIL COMPANY | SANITATION EQUIP REPAIR/MAINT | 367.78 | | |
| JOHN DEERE FINANCIAL | SANITATION SUPPLIES | 12.99 | | |
| LINDA KAHLER | PUBLIC WORKS CLOTHING | 352.00 | | |
| NEXT GENERATION PLBG & HTG LLC | SANITATION BLDG REPAIR/MAINT | 569.29 | | |
| REPUBLIC SERVICES | RESIDENTIAL RECYCLING /GARBAGE | 21,045.00 | | |
| U.S. POSTAL SERVICE(CMRS-FP) | SANITATION POSTAGE | 500.00 | | |
| | SANITATION | 22,847.06 | | |
| | SANITATION | 22,847.06 | | |
| | STORM WATER | | | |
| | STORM WATER FUND | | | |
| B & J HAULING & EXCAVATION INC | STORMWATER IMPROVEMENTS | 3,880.00 | | |
| | STORM WATER FUND | 3,880.00 | | |
| | STORM WATER | 3,880.00 | | |
| **** SCHED TOTAL **** | | 110,463.29 | | |
| ***** REPORT TOTAL ***** | | 110,463.29 | | |

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS FUND SUMMARY**

| FUND | FUND NAME | TOTAL | CHECK# | DATE |
|------|---------------------------|-----------|--------|------|
| 001 | GENERAL | 4,458.63 | | |
| 005 | MONTICELLO BERNDES CENTER | 714.93 | | |
| 015 | FIRE | 209.98 | | |
| 016 | AMBULANCE | 1,687.18 | | |
| 018 | HOTEL/MOTEL TAX | 49.90 | | |
| 030 | LIBRARY IMPROVEMENT | 155.20 | | |
| 041 | LIBRARY | 389.64 | | |
| 110 | ROAD USE | 39,152.54 | | |
| 313 | PARK IMPROVEMENT | 26,062.45 | | |
| 338 | BATY DISC GOLF COURSE | 13.98 | | |
| 339 | MARY MAXINE REDMOND TRUST | 34.16 | | |
| 375 | POCKET PARK | 150.00 | | |
| 502 | C.C. BIDWELL LIBRARY BOOK | 147.61 | | |
| 600 | WATER | 7,893.72 | | |
| 602 | CUSTOMER DEPOSITS | 710.00 | | |
| 610 | SEWER | 1,906.31 | | |
| 670 | SANITATION | 22,847.06 | | |
| 740 | STORM WATER | 3,880.00 | | |

City Council Meeting
Prep. Date: 11/27/18
Preparer: Doug Herman



Agenda Item: 1
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Resolution to approve ordering of components necessary for Phase 1 of the Fountain Park Project.

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

Attachments & Enclosures:

- Proposed Resolution
- Pictorial Representations (Phase 1 and Phase 2)
- Grant Table and Donation Spreadsheet
- Updated Cost Estimates (Pending)

Fiscal Impact:

| | |
|-------------------|-------------------------|
| Budget Line Item: | Park Improvement Budget |
| Budget Summary: | |
| Expenditure: | \$52,000 +/- |
| 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 if later approved by the Council. With the Council’s approval Phase 1 ordering would occur so that 2018 pricing would apply as opposed to increases that will likely occur in 2019. In addition, having expenditures that can be reported in 2018 to Parks to People will allow us to ensure the receipt of those grant funds. Fundraising would continue through the winter months so that Phase 2 could be completed immediately following Phase 1 in the spring.

Current Cost Estimates for Phase 1 come in at approximately \$52,000 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, reinstallation, and replacement of some fountain wall caps that had come loose over the years.

You can see from the attached table which grants have been applied for, which ones will be applied for, and which ones have already been awarded. In addition to grants, the attached spreadsheet will show private fundraising to date. (Total received/dedicated in grants at preparation of this communication page = \$32,341.) The City has remaining fundraising from the Aquatic Center campaign. As this area is a related area and the improvements would go hand in hand with the aquatic center I don’t think it would be inappropriate for the Council to dedicate those funds to this project. They currently total approximately \$12,300. I feel confident additional grants will be awarded and additional donations will come in to make this project a reality.

If the Council waits to move forward we will risk higher prices and the potential loss of Parks to People grant funding that was to be spent this year. (I am told to expect cost increases if purchases are not made prior to the 1st of the year.)

Under the Iowa Code, based upon the projected costs of the Fountain Reconstruction (Less than \$55,000) we do not need to Competitively Quote or Bid this project. That doesn't mean that we cannot do so, but if we are to do so we will be required, under the Code, to have an engineered set of plans to provide to prospective contractors. By working with local contractors and committee members we have been able to come up with a solution that seems to satisfy most and have avoided the costs of creating a formal plan set. (Probably \$5,000 to \$10,000)

Whether or not the project immediately progresses to a Phase 2 will be dependent on fundraising and Council direction. Phase 1 and Phase 2 are clearly separate projects, with Phase 1 being tied solely to the operation and function of the Fountain with Phase 2 being improved landscaping and hardscaping in and around the fountain area, i.e. the "Fountain Park".

Staff Recommendation: I recommend that the Council authorize the City Administrator to move forward with the ordering of any and all supplies known to be required for purposes of Phase 1 of the Fountain 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, and

WHEREAS, The concept also includes what has been referred to as Phase 2 of the project and includes 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 has been made aware of fundraising efforts to date and planned continuing fundraising efforts, and understands that over \$32,000 in grants and donations have been awarded to date, and

WHEREAS, The Council finds that Phase 2 of the project is a separate project and contingent upon additional fundraising and community interest, and

WHEREAS, The Council further finds that the City maintains a Family Aquatic Center Campaign (FACC) fund that was generated by community donations made at or about the time of the Aquatic Center Campaign and that it would not be inappropriate to utilize these funds for purposes of the Fountain Park Project due to its close proximity to the pool and the fact that the Fountain Park area is to some extent part of the same grounds as the pool, and as the money was fundraised for a capital campaign and not for annual operating purposes the funds would be most appropriately spent on this adjacent and related 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, to hire contractors based upon the cost of the project being less than the sum required to seek competitive quotations and/or competitive bids, and to see to the ordering of materials necessary to proceed with the planned Phase 1 repairs, to transfer the FACC funds to the Fountain Park Project fund to be used towards Phase 1 of the project as necessary, and to proceed with the committee to fundraise for the balance of Phase 1 costs as well as costs associated with potential Phase 2 improvements, those improvements being tied to additional community support and fundraising success.

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 3rd Day of December, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

FOUNTAIN PARK GRANT & DONATION RECORD

| | Date of Submission, Request | Amount of Request | Amount of Award | Date of Award | Fund Availability |
|------------------------------|-----------------------------|-----------------------|----------------------|---------------|-------------------|
| Parks to People | August, 2018 +/- | \$ 5,400 | \$ 5,400 | Sep., 2018 | By 12/31/2018 |
| Jones Co. Found. | 10/15/2018 | \$25,000 | \$10,000 | Dec. 03, 2018 | By 12/31/2019 |
| Rotary | 11/08/2018 | \$10,000 ¹ | \$ | | |
| Lions ² | 11/08/2018 | \$ 5,000 | \$ | | |
| Eagles Club | | | | | |
| State Farm | 11/12/2018 | \$ 1,000 | \$1,000 ³ | | May, 2019 |
| Black Hills | 11/12/2018 | \$ 4,999 | \$2,000 | Nov. 28, 2018 | Immediately |
| Alliant ⁴ | | | | | |
| Alliance ⁵ | | | | | |
| Wal Mart ⁶ | 11/13/2018 | | | | |
| Stege Trust | 11/14/2018 | \$ 3,000 ⁷ | \$ 1,201 | Jan., 2018 | Immediately |
| ITC ⁸ | | | | | |
| Federated Garden Club | | | \$ 500 | Nov. 16, 2018 | Immediately |
| Monti. Dev. Corp. | 11/06/2018 | \$ 2,600 | \$ 2,600 | Nov. 13, 2018 | Immediately |
| Individ. Gifts ⁹ | 11/14/2018 | | \$ 9,640 | Various | Immediately |
| Dubuque Racing ¹⁰ | | | | | |
| Tree's Forever | | | | | |
| R.E.A.P. | | | | | |
| Total: | | | \$ 32,341 | | |

$\$32,391 + \$50 = \$9,690$

¹ Monticello Rotary is eligible for a grant of \$5,000 but must have a match of \$5,000. I have requested that the club apply for a \$5,000 grant and provide a \$5,000 match. If the grant is less the match will be less.

² Via e-mail to Lions Representative Craig Thompson. Will present a request for \$5,000

³ State Farm Owner Rick Meyer "controls" a \$1,000 donation per year. The same amount was donated, through Rick, for the Pocket Park project. The grant cannot be officially awarded until the Spring of 2019.

⁴ Sent e-mail to Alliant Foundation requesting guidance on 11/12/2018 at 11:17 a.m.

⁵ Must be submitted by a 501(C)(3). Reaching out to a couple 501(C)(3) organizations to use them as a conduit.

⁶ Initial application submitted. Verifying where to apply. Anamosa store does not appear to have any money to grant so I am looking at Marion or Manchester store. Advice so far is to apply through the Marion store.

⁷ When I investigated these funds was told that if we were found eligible that we would likely receive \$3,000 to \$4,000. I believe this fund is relatively equally distributed among applicants and the reduced and odd number amount probably reflects an equal division of the available funds among the applicants.

⁸ Must be submitted by a 501(C)(3). Reaching out to a couple 501(C)(3) organizations to use them as a conduit.

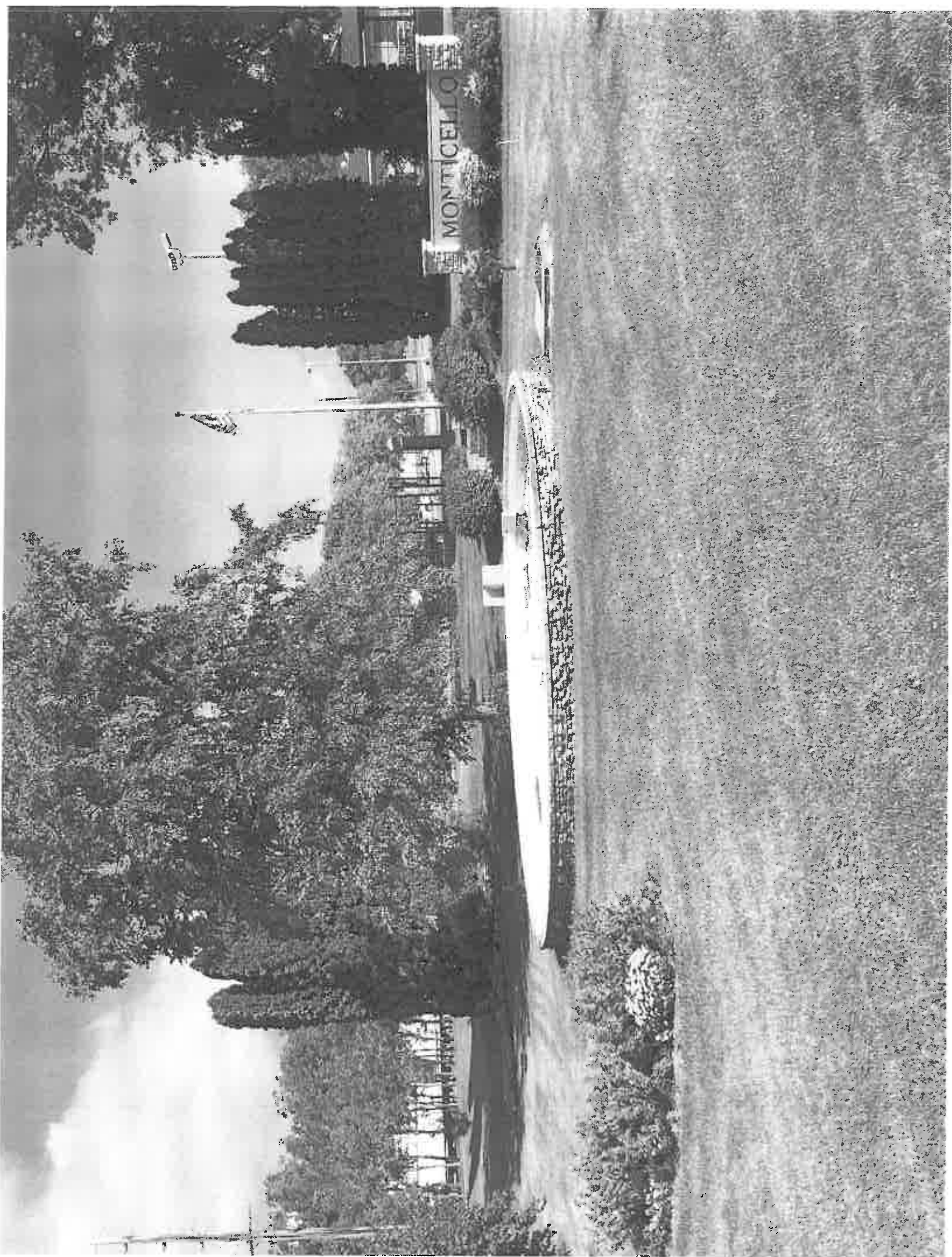
⁹ Individual Gifts / Donations will be maintained on separate spreadsheet.

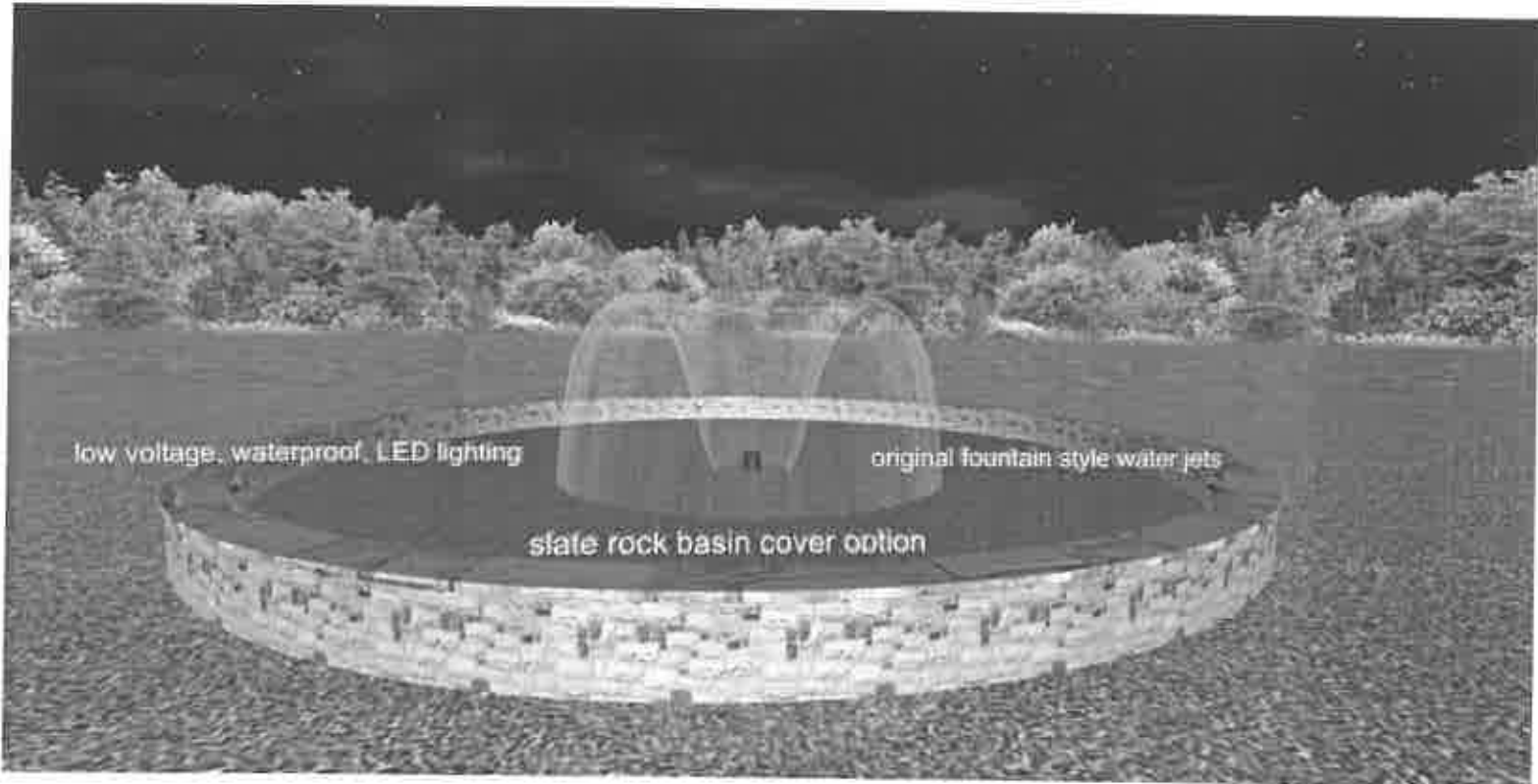
¹⁰ Cannot apply until early next year. I have application date marked on my calendar. They will not merely pay "cash" to a capital campaign but regularly pay for things. I would consider applying for period lighting or similar improvement for Phase 2 of the project through Dubuque Racing.

| Individual Donor | Address | Date of Receipt | Amount | Cumulative |
|------------------------------------|------------------------------------|-----------------|-------------|------------|
| Chapman, Judy | 926 W. 1st St., Monticello | 11/19/2018 | \$ 20.00 | 20.00 |
| Cook, Leo or Janet | 21435 175th Ave., Monticello | 11/19/2018 | \$ 250.00 | 270.00 |
| Freese, Gary and Janet | 19671 Military Rd., Monticello | 11/19/2018 | \$ 20.00 | 290.00 |
| Heeren, Dale and Jeanne | 308 W. South St., Monticello | 11/19/2018 | \$ 25.00 | 315.00 |
| Hosch, E.A. | 101 Riverview Ct., Monticello | 11/19/2018 | \$ 35.00 | 350.00 |
| Marsh, Tim or Heather | 229 N. Gill Street, Monticello | 11/19/2018 | \$ 15.00 | 365.00 |
| McCaustland, Earl & Norene | 610 W. Park Dr., Monticello | 11/19/2018 | \$ 20.00 | 385.00 |
| Owen, Phil | 409 S. Walnut St., Monticello | 11/19/2018 | \$ 250.00 | 635.00 |
| Schatz, Bernie | 515 Brook St., Monticello | 11/19/2018 | \$ 100.00 | 735.00 |
| Schrader, Mr. & Mrs. Jon | 12345 Richland Rd., Monticello | 11/19/2018 | \$ 15.00 | 750.00 |
| Schwager, Cynthia | 11242 Richland Rd., Monticello | 11/19/2018 | \$ 50.00 | 800.00 |
| Spahr, Mr. or Mrs. Joe | 301 Grandview Ave, Monticello | 11/19/2018 | \$ 200.00 | 1,000.00 |
| Williams, Kaye & Kevin | 21642 Stone Bridge Rd., Monti. | 11/19/2018 | \$ 200.00 | 1,200.00 |
| Wolken, Carl & Betty | 15775 Amber Rd. X-44 Monti. | 11/19/2018 | \$ 220.00 | 1,420.00 |
| Foley, William Jr & Susan O'Rourke | 21612 Stone Bridge Rd., Monticello | 11/21/2018 | \$ 20.00 | 1,440.00 |
| Herman, Doug & Leann | 709 John Drive, Monticello | 11/21/2018 | \$ 200.00 | 1,640.00 |
| Mere, Duayne and Peggy | 17616 Langworthy Road, Monti. | 11/21/2018 | \$ 25.00 | 1,665.00 |
| Paulsen, Evelyn | 848 Ridgeview Rd., Monticello | 11/21/2018 | \$ 10.00 | 1,675.00 |
| Rickels, Janice | 16012 140th Ave., Monticello | 11/21/2018 | \$ 20.00 | 1,695.00 |
| Smith, Rex Jr. | 16824 Indigo Rd., Monticello | 11/21/2018 | \$ 200.00 | 1,895.00 |
| Turnis, Jann | 1013 N. Maple St., Monticello | 11/21/2018 | \$ 20.00 | 1,915.00 |
| Above & Beyond HHC / Hospice | 417 E. 1st St., Monticello | 11/23/2018 | \$ 200.00 | 2,115.00 |
| Greif, Bill & Cammie | 12996 195th St., Monticello | 11/23/2018 | \$ 5,000.00 | 7,115.00 |
| Lubben, Dave & Lisa | 24539 Hwy. 38, Monticello | 11/23/2018 | \$ 200.00 | 7,315.00 |
| Pruill, Jean | 305 S. Walnut St., Monticello | 11/23/2018 | \$ 10.00 | 7,325.00 |
| Rose Marie Ferguson | 131 E. 11th St., Monticello | 11/23/2018 | \$ 15.00 | 7,340.00 |
| Simon, LaFonda | 17825 180th St., Monticello | 11/23/2018 | \$ 25.00 | 7,365.00 |
| White, Harold | 834 N. Sycamore St., Monticello | 11/23/2018 | \$ 5.00 | 7,370.00 |
| Besler, Kati | 306 Southhaven Drive, Monticello | 11/26/2018 | \$ 20.00 | 7,390.00 |
| Lubben, Bof & Marjorie | 18774 Stonebridge Rd., Monticello | 11/26/2018 | \$ 100.00 | 7,490.00 |
| Onken, Roger & Diane | 16737 170th St., Monticello | 11/26/2018 | \$ 50.00 | 7,540.00 |
| Haag, Jerry and Diane | 18658 Co. Rd. D-62, Monticello | 11/28/2018 | \$ 25.00 | 7,565.00 |

| Individual Donor | Address | Date of Receipt | Amount | Cumulative |
|---------------------------|-----------------------------------|-----------------|-------------|------------|
| McDonald, Luke & Heather | 21675 175th Ave., Monticello | 11/28/2018 | \$ 25.00 | 7,590.00 |
| McDonough Real Estate | 501 Park Dr., Monticello | 11/28/2018 | \$ 500.00 | 8,090.00 |
| Kleinow, Ray and Ruth | 352 N. Pine St., Monticello | 11/21/2108 | \$ 25.00 | 8,115.00 |
| Stadtmueller, Dan & Diana | 23913 Co. Home Rd., Monticello | 11/28/2018 | \$ 1,500.00 | 9,615.00 |
| Davis, Quentin & Janet | 18597 Dales Ford Road, Monticello | 11/29/2018 | \$ 25.00 | 9,640.00 |

Lambert, Mike Sr. 11/30/2018 \$0.00 9,640.00



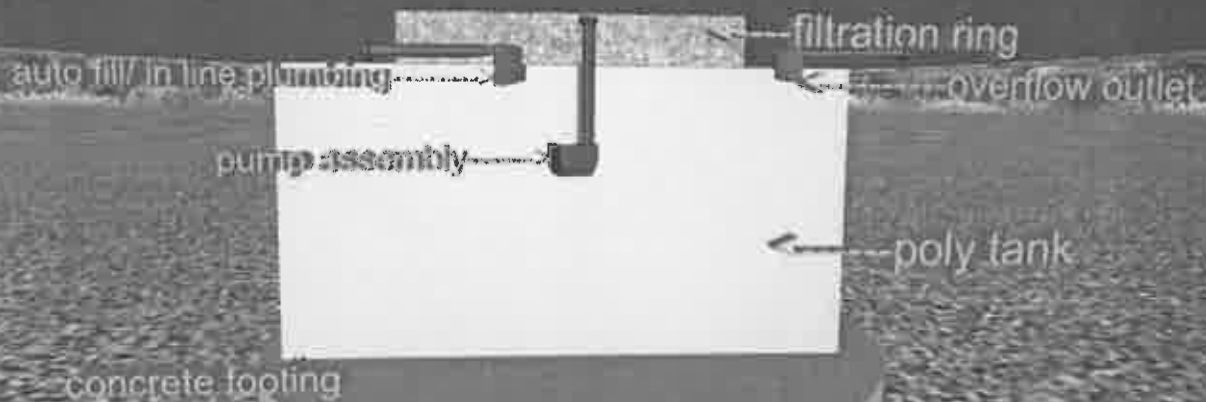


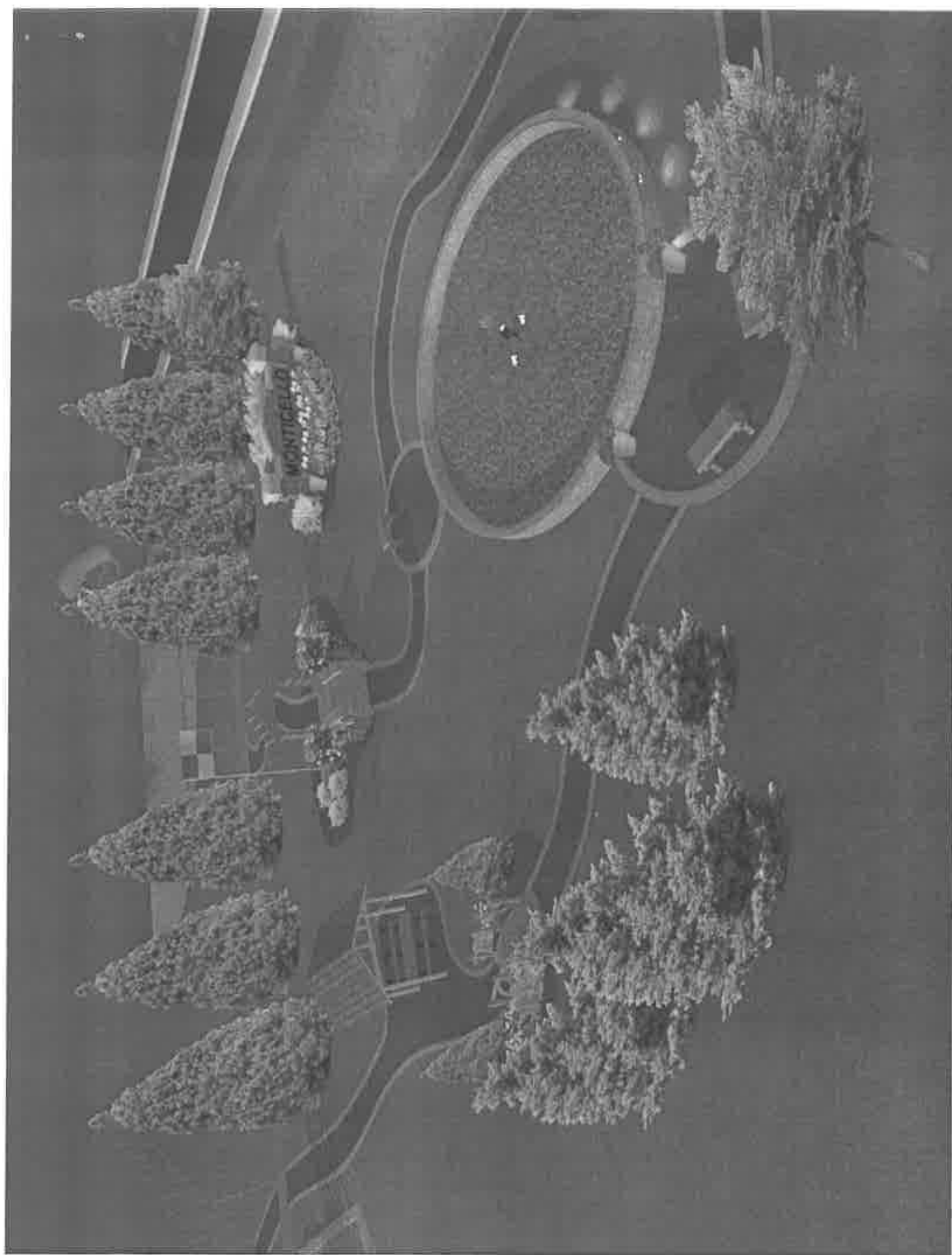
low voltage, waterproof, LED lighting

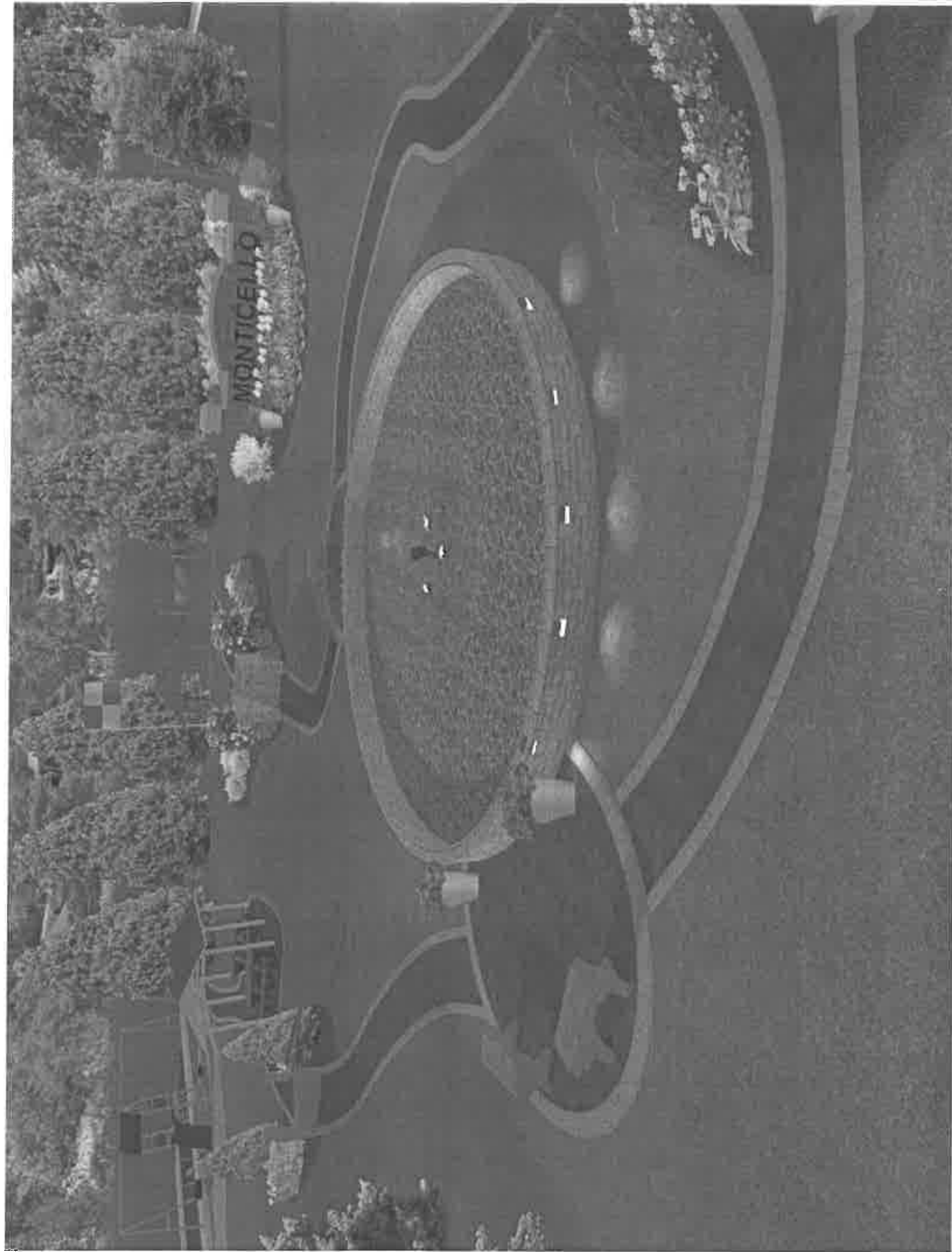
original fountain style water jets

slate rock basin cover option

under grade rendering







City Council Meeting
Prep. Date: 11/27/18
Preparer: Doug Herman



Agenda Item: 2
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Resolution to approve payment to Cahoy Pump Service related to west well maintenance and repairs.

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

Attachments & Enclosures:

| |
|---------------------|
| Proposed Resolution |
| Cahoy Invoice |
| |
| |

Fiscal Impact:

| | |
|-------------------|---------------------------|
| Budget Line Item: | |
| Budget Summary: | Water Operating/Cap. Imp. |
| Expenditure: | \$104,250 |
| Revenue: | |

Synopsis: Cahoy proposes significant maintenance to West Well after a complete inspection of well during regularly scheduled maintenance.

Background Information: Cahoy has completed the work contemplated by the Council Resolution #18-119. With that said the dropped/dislodged tail pipe that was sought to be removed was not successfully removed. Pursuant to the invoice they attempted to remove the “tail pipe” for 28 man hours at a rate of \$205.00 per hour (\$5,740) and charged the sum of \$2,380 for a “custom tool” used in the fishing out effort. Brant reports that the will is, even with the tail in place, performing better than ever. At this point the invoice will be paid out of water operating / capital improvement with the understanding that a loan will need to be made from the General Fund to cover a portion of the costs, said loan to be repaid by the Water Dpt. in the coming year, whether through revenues or bond proceeds. (Bond proceeds could be borrowed as part of the N. Sycamore St. project bonding.)

Covering the expense:

1. We have limited money in the Water Capital Improvement Fund, around \$9,000.
2. The Water Operating Budget has \$45,000 remaining this FY in the Utility Systems and Structures line
3. If everything is spent in the Water Operating Budget this year the end of year balance will be approximately \$23,347.50

Those three sums together total \$77,347.50, leaving us short approx. \$30,000.

Staff Recommendation: I recommend that the Council approve payment of the invoice as presented.

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution to Approve payment to Cahoy Pump Service related to West Well
Maintenance & Repairs

WHEREAS, The City of Monticello hired Cahoy Pump Service, Inc. to perform routine maintenance, updating and repair to the west well based upon total estimated costs of \$105,645, and

WHEREAS, Cahoy has now completed their work to the extent possible, and has submitted an invoice in the amount of \$104,250, and

WHEREAS, The Public Works Director reports that he is generally satisfied with the work as performed and recommends that the Council approve payment of the invoice as presented in the amount of \$104,250.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve payment of the Cahoy Pump Service, Inc. invoice in the amount of \$104,250.

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 3rd Day of December, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

Cahoy Pump Service, Inc.

Fax: 563-578-1135
 24568 150th Street
 Sumner, IA 50674

Invoice

| Date | Invoice # |
|------------|-----------|
| 11/16/2018 | 25005 |

| |
|---|
| Bill To |
| City of Monticello Attn: Brant LaGrange 200 East First Street Monticello, IA 52310 |

| P.O. No. | Terms |
|----------|-------|
| Proposal | |

| Quantity | Description | Rate | Amount |
|----------|---|--------------|---------------------|
| | Well NO.: West Well | | |
| | 1. Job Prep & Mobilization | 5,160.00 | 5,160.00 |
| | 2. Custom tool charge for fishing | 2,380.00 | 2,380.00 |
| | 3. Fish material from well (attempt) - 28 hrs @ \$205.00 / hr | 5,740.00 | 5,740.00 |
| | 4. Brush casing & liner - 4 hrs @ \$165.00 / hr | 660.00 | 660.00 |
| | 5. Bail (Pre Airburst) - 1 hr @ \$220.00 / hr | 220.00 | 220.00 |
| | 6. Airburst well | 21,675.00 | 21,675.00 |
| | 7. Bail well (Post Airburst) - 2 hrs @ \$220.00 / hr | 440.00 | 440.00 |
| | 8. Motor repair | 1,665.00 | 1,665.00 |
| | 9. Replacement bowl assembly | 9,065.00 | 9,065.00 |
| | 10. Column & component replacement | 48,964.00 | 48,964.00 |
| | 11. Labor to re-install equipment - 17 hrs @ \$165.00 / hr | 2,805.00 | 2,805.00 |
| | 12. Test pump well to waste - 2 hrs @ \$165.00 / hr | 330.00 | 330.00 |
| | 13. Disinfection solution via tremie pipe | 2,698.00 | 2,698.00 |
| | 14. New miscellaneous components for installation | 968.00 | 968.00 |
| | 15. Shipping / freight charges | 0.00 | 0.00 |
| | 16. Per Diems - 12 @ \$165.00 each | 1,980.00 | 1,980.00 |
| | LESS: Deduct for damaged soffit | -500.00 | -500.00 |
| | | Total | \$104,250.00 |

*Water-Well
 Maintenance
 Bill*

City Council Meeting
Prep. Date: 11/28/18
Preparer: Doug Herman



Agenda Item: 3
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Resolution to approve Special Assessment Credit Policy, Credit Schedule and Request Form.

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

Attachments & Enclosures:

| |
|--|
| Proposed Resolution |
| Special Assessment Credit Request Form |
| |
| |

Fiscal Impact:

| | |
|-------------------|--|
| Budget Line Item: | |
| Budget Summary: | |
| Expenditure: | |
| Revenue: | |

Synopsis: The City Council has in the past granted partial credits against special assessments where the owner had made improvements to their sidewalks or driveway approaches within the last ten (10) years. This Resolution formally approves that Policy and the request form setting out the allowable credit percentages.

Background Information: The proposed credit schedule anticipates a 10 year life for sidewalk and driveway approaches reducing the assessment by 10% for each year of assumed remaining life. Because the proposed project is set to begin in 2019 the schedule I have proposed would provide a 100% assessment for improvements made in 2018 as they would not yet be one year old. Improvements completed in 2017 would be assessed 10% of the proposed assessment for that improvement, etc. *You will be asked to consider the waiver of the assessment in full by property owners that put in new sidewalk after receiving a letter from the City requesting that they repair areas of their sidewalk. To the best of my understanding those replacements occurred in 2017, so under the past policy and the policy as proposed they would only be subject to a 10% assessment for the sidewalk replacement. Their objections are tied to the fact that others were told to repair their sidewalk and didn't do so resulting in these parties being penalized for following through. Their argument is not without merit. With that said, some facts I haven't researched: Were they told to replace entire sidewalk or a few bad panels? (In many cases full replacement makes the most sense even if not all panels are marked.) Were they told that Sycamore St. project may occur in the near future and chose to proceed nonetheless? (When I was asked by any Sycamore Street resident over the last couple years I informed them that the street was being discussed for replacement and that if they waited on repairs, knowing their sidewalk to be out of compliance that they risked liability, but if they could patch/repair in somewhat of a temporary nature that it may be a good decision.) I really pressed Brant to get all required repairs done this year but it didn't work out. A combination of a late start to the construction season and a relatively quick end to it coupled with a shortage of contractors interested in sidewalk work made it difficult. I have asked Brant to set up a meeting in early January with the contractor that agreed to perform sidewalk work this fall (2018) to confirm his availability*

first thing in the spring of 2019. With his assurances we will again reach out to all those that have noncompliant sidewalks and let them know that they will be repaired in the spring with costs assessed/invoiced to the property owner.

To be eligible for the credit the property owner would need to provide a completed “Special Assessment Credit Request Form” with evidence of the improvement, and timeframe of the improvement, to the satisfaction of the City Council. The Council will be asked to approve every special assessment credit request submitted.

Staff Recommendation: I recommend that the Council approve the proposed Resolution that approves the credit policy and the proposed credit schedule and request form. (Or, as modified at the Council’s discretion.)

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution to approve Special Assessment Credit Policy, Credit Schedule, and Request Form

WHEREAS, The City Council has granted reduced special assessments on street reconstruction projects in the past to property owners that had, in the ten years prior to the project, replaced their sidewalk or driveway approach, and

WHEREAS, The past practice assumed that sidewalk and driveway approaches had a ten year life and provided a 10% reduction in the proposed special assessment for each remaining year of the assumed lifespan assuming evidence deemed adequate to the Council had been provided, and

WHEREAS, It is found that a 100% reduction in the special assessment shall be granted for improvements made in the year immediately preceding the reconstruction project, with a 90% reduction being granted if the improvement preceded the project by two construction seasons, with a 10% reduction for each successive year until the percentage reduction reaches 0%, and

WHEREAS, The Council finds the proposed policy, as well as the Special Assessment Credit Request Form, to be reasonable, appropriate, consistent with past practices, and in the best interests of the City and that same should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve of the proposed Special Assessment Credit Policy set forth herein as well as the Special Assessment Credit Request Form attached hereto, and in so approving declares this to be the Policy of the City moving forward for any future "Total Reconstruction Street Project" unless modified, amended, or repealed by a future City Council.

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 3rd Day of December, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

Special Assessment Credit Request Form

N. Sycamore Street

Name: _____

Address: _____

Date: _____

It is anticipated that all owners of property within the N. Sycamore Street reconstruction project "project scope" will be specially assessed for costs related to the installation of new sidewalk, driveway approach(es) and curb and gutter. Any property owner subject to assessment who has replaced their sidewalk or driveway approach in the last ten (10) years may apply for a credit against the proposed assessment. Such property owners will be eligible to apply for a credit against the assessment at the following percentages if the improvement was completed in the calendar year noted¹: 2009 = 10%; 2010 = 20%; 2011 = 30%; 2012 = 40%; 2013 = 50%; 2014 = 60%; 2015 = 70%; 2016 = 80%; 2017 = 90%; 2018 = 100%

Summary of Request: (Please summarize the improvements for which you seek a credit, including the date(s) of the improvement(s), the dimensions/scale of the improvement(s), who performed the work, and the cost of the work. Invoices/Receipts and proof of payment should be attached. *Document copies can be made at City Hall.*)

Signed and dated this _____ day of _____, 201__.

Request Received by: _____ **Date:** _____

Summary Description of any attachments provided:

¹ Final Credit determinations are made at the sole discretion of the City Council.

City Council Meeting
Prep. Date: 11/27/18
Preparer: Doug Herman



Agenda Item: 4
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Resolution to approve payment to Eastern Iowa Excavating & Concrete related to Willow Park Trail Project.

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

Attachments & Enclosures:

| |
|----------------------|
| Proposed Resolution |
| Eastern Iowa Invoice |
| |
| |

Fiscal Impact:

| | |
|-------------------|------------------|
| Budget Line Item: | |
| Budget Summary: | Park Improvement |
| Expenditure: | \$28,618 |
| Revenue: | |

Synopsis: Eastern Iowa invoice related to trail installation per bid process.

Background Information: Eastern Iowa has completed approximately 74% of the Willow Trail installation. We gave serious consideration to pouring the balance on the Wed. prior to Thanksgiving however determined that the risks were not worth the rewards. Eastern Iowa will be here first thing in the spring to finish.

The balance due for this 1st pay request is \$28,618. The balance due upon completion will total approximately \$10,000.

Staff Recommendation: I recommend that the Council approve payment of the invoice as presented.

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution to Approve payment to Eastern Iowa Excavating & Concrete related to Willow Park Trail Project

WHEREAS, The City of Monticello hired Eastern Iowa Excavating & Concrete to final grade, form, and pave the Willow Park trail, and

WHEREAS, Eastern Iowa has completed approximately 75% of the project with weather delaying the final 25% until spring, 2019, and

WHEREAS, Eastern Iowa has submitted an invoice in the amount of \$28,618 for the work completed to date, and

WHEREAS, The Public Works Director reports that he is satisfied with the work as performed and recommends that the Council approve payment of the invoice as presented in the amount of \$28,618.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve payment of the Eastern Iowa Excavating & Concrete LLC invoice in the amount of \$28,618.

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 3rd Day of December, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

CONTRACTOR
OWNER: City of Monticello
PROJECT: Willow Park Trail
JOB # 18-707

EASTERN IOWA EXCAVATING AND CONCRETE, LLC
 City of Monticello
 Willow Park Trail
 18-707

CONTRACT PAYMENT NO.

PAYMENT #1
 11/21/2018

| ITEM NO. | CONTRACT ITEM DESCRIPTION | CONTRACT ITEM | | | PREVIOUS TOTAL | | | THIS PERIOD | | | TOTAL TO DATE | | |
|-----------------------------|---|---------------|------|------------|----------------|--------|----------|-------------|----------|--------|---------------|-------------|------|
| | | QUANTITY | UNIT | TOTAL COST | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | PERCENT | | |
| 1 | Mobilization / Concrete Pump | 1 | LS | \$5,000.00 | | \$0.00 | 0.75 | \$3,750.00 | | | 0.75 | \$3,750.00 | 75% |
| 2 | Compaction Testing | 1 | LS | \$1,450.00 | | \$0.00 | | \$0.00 | | | 0.00 | \$0.00 | 0% |
| 3 | Final Grading | 1 | LS | \$3,350.00 | | \$0.00 | 1.00 | \$3,350.00 | | | 1.00 | \$3,350.00 | 100% |
| 5 | 6" PCC Trail Alternate for 10' Wide (Pour Only) | 20250 | SF | \$1.45 | | \$0.00 | 14840.00 | \$21,518.00 | | | 14840.00 | \$21,518.00 | 73% |
| TOTAL WORK COMPLETED | | | | | \$39,162.50 | | | \$28,618.00 | | | | \$28,618.00 | |

| CH. ORD. NO. | CHANGE ORDER ITEM DESCRIPTION | CHANGE ORDER ITEM | | | PREVIOUS TOTAL | | | THIS PERIOD | | | TOTAL TO DATE | | |
|--------------------------------|-------------------------------|-------------------|------|------------|----------------|--------|----------|-------------|----------|--------|---------------|--------|---------|
| | | QUANTITY | UNIT | TOTAL COST | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | PERCENT | | |
| | | | | \$0.00 | | \$0.00 | | \$0.00 | | | 0 | \$0.00 | #DIV/0! |
| TOTAL CHANGE ORDER WORK | | | | | \$0.00 | | | \$0.00 | | | | \$0.00 | |

TOTAL CONTRACT AND CHANGE ORDER WORK PERFORMED TO DATE

\$28,618.00
 \$0.00
 \$0.00
 \$0.00
 \$28,618.00

BALANCE DUE THIS PAYMENT

\$28,618.00

Willow Trail
BML

City Council Meeting
Prep. Date: 11/28/18
Preparer: Doug Herman



Agenda Item: # 5
Agenda Date: 12/03/18

Communication Page

Agenda Items Description: Resolution to approve payment related to Locust Court Development as previously approved by Resolution No. 17-154.

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

Attachments & Enclosures:

| |
|--------------------|
| Resolution |
| Resolution #17-154 |
| |

Fiscal Impact:

| | |
|-------------------|-------------------------|
| Budget Line Item: | |
| Budget Summary: | Commercial. Rehab. Fund |
| Expenditure: | \$10,000 |
| Revenue: | |

Synopsis: Council approved \$10,000 cost share related to removal of Debbie Wells home for the Locust Court area as part of the condominium development in that area.

Background Information: The \$10,000 payment previously approved was to be paid from the City Economic Development Fund after the receipt of final payment on the N. Chestnut Street house from Norm Zimmerman which has now been delayed to spring. Bill Tinley, partner with Kraus on the development, has requested that the payment be made as originally agreed, regardless of which City fund the sums come out of prior to the end of the year. His request is not unreasonable as he has no connection to the Zimmerman deal.

At this point I would recommend that the sums be paid from the Commercial Rehabilitation Loan Fund with that fund to be reimbursed upon closing with Norm Zimmerman on the Chestnut Street lot.

Recommendation: I recommend that the Council approve the proposed resolution.

The City of Monticello, Iowa

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

RESOLUTION #18-___

To approve payment related to Locust Court Development as previously approved by Resolution No. 17-154.

- WHEREAS,** The City Council previously approved the payment of a \$10,000 grant related to the Mike Kraus and Bill Tinley Condominium Development project constructed along Oak Street, and
- WHEREAS,** The developer was awarded a \$10,000 grant from the City to acquire and demolish the home located at 418 E. Oak Street, same being approved by Resolution #17-154, and
- WHEREAS,** The Council approved payment from the City MCD Fund after the receipt of funds from Norm Zimmerman following the closing with Mr. Zimmerman planned for the fall of 2018, and
- WHEREAS,** The Zimmerman closing was delayed and based thereon the MCD funds are not currently adequate to pay the agreed upon sum and for that reason the Council finds that the sums due as approved by Resolution #17-154 should be paid from the Commercial Rehabilitation Loan Fund (a/k/a Downtown Loan fund), said sum to be repaid to said fund upon closing with Mr. Zimmerman on the property at 224 N. Chestnut Street.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve payment of the sum of \$10,000, consistent with Resolution #17-154, with the exception that the sums shall come from the Commercial Rehabilitation Loan Fund, as a loan to the MCD Fund, with the Commercial Rehabilitation Loan Fund being reimbursed by the MCD fund upon the City receipt of funds after the real estate closing between the City and Norm Zimmerman associated with the property at 224 N. Chestnut Street, the check made payable to Bill Tinley as directed by the developers Mike Kraus and Bill Tinley.

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 3rd day of December, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, City Clerk

The City of Monticello, Iowa

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

RESOLUTION #17-154

To approve City Cost share with regard to purchase and removal of property located at 418 E. Oak Street, Monticello, Iowa

WHEREAS, The City Council has not previously approved financial incentives related to the Condominium Development project underway along Oak Street, and

WHEREAS, The developer has now requested assistance with regard to the purchase of the property located at 418 E. Oak Street from the City in the amount of \$10,000, and

WHEREAS, The Council understands that if the transaction related to the purchase of 418 E. Oak Street goes through that the lot will be cleared of the home by no later than December 31, 2017 and that Fidelity Bank will own the property thereafter, and

WHEREAS, The Council finds that the removal of this home from its location on Oak Street is in the best interests of the Developer, the City, and Fidelity Bank, and is consistent with the City of Monticello Comprehensive Plan, and

WHEREAS, The finds that investment in this project in the amount of \$10,000 is appropriate and that same should be paid from MCD Fund as the removal of this home is for economic development purposes, and

WHEREAS, The City investment in this project shall not be paid to the Developer until all structures have been removed from the lot.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve a City Cost Share / Investment in the purchase and removal of the property located at 418 E. Oak Street in the amount of \$10,000 with the understanding that all structures will be removed from the property by no later than December 31, 2017, with the payment to Developer to be held until such removal has been accomplished.

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 20th day of November, 2017.

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 11/27/18
Preparer: Doug Herman



Agenda Item: 6
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Resolution to approve Mobile Food Vendor licensing fee schedule.

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

Attachments & Enclosures:

| |
|---------------------|
| Proposed Resolution |
| |
| |
| |

Fiscal Impact:

| | |
|-------------------|--|
| Budget Line Item: | |
| Budget Summary: | |
| Expenditure: | |
| Revenue: | |

Synopsis: Resolution sets licensing fee schedule for Mobile Food Vendors.

Background Information: If the Council approves the Mobile Food Vendor modifications to the City Code the Council may then consider this Resolution setting fees related to the permitting/licensing with the City as a Mobile Food Vendor. (The fees are not applicable if the Ordinance does not pass.) The group/committee that met with Holly recommended an annual fee of \$250. I have included suggested fees in the resolution for periods of less than a full year, however, those were not discussed by the committee and are, therefore, nothing more than options for you to consider.

The fees included in the Resolution are as follows:

- i. For a period of two days or less: \$100
- ii. For a period of greater than two days but less than one year: \$175
- iii. For a period of one year, calculated from the issuance of the permit: \$250

Staff Recommendation: I recommend that the Council consider the approval of a resolution setting fees at the amount deemed appropriate by the Council if the Council approves the 3rd reading of an Ordinance amending Chapter 122 adding provisions related to Mobile Food Vending.

The City of Monticello, Iowa

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

RESOLUTION #18-___

Resolution to approve Mobile Food Vendor licensing fee schedule

WHEREAS, The City Council previously approved an Ordinance Amending Chapter 122 of the City Code, adding provisions related to "Mobile Food Vending", and

WHEREAS, The Ordinance as approved provides that the City Council will set fees related to the operation as a Mobile Food Vendor within the Monticello City limits by Resolution of the City Council, allowing those fees to be adjusted from time to time as deemed appropriate by the City Council, and

WHEREAS, The Council has considered the appropriateness of various fees, from licensing fees to operate as a food vendor within the City limits for a period of days to operation as a food vendor for up to one year and based thereon finds the following fees to be appropriate:

Rates / License Fees:

1. For a period of two days or less: \$100
2. For a period of greater than two days but less than one year: \$175
3. For a period of one year, calculated from the issuance of the permit: \$250

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Monticello does hereby approve the Mobile Food Vendor Licensing Fee Schedule as set forth above, said fee schedule to take effect immediately upon the approval of this Resolution.

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 18th day of September, 2017.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

City Council Meeting
Prep. Date: 11/27/18
Preparer: Doug Herman



Agenda Item: 7
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Ordinance to amend Chapter 11 of the Monticello Code of Ordinances pertaining to Hotel / Motel tax rate.

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: Public voted to increase the 5% hotel/motel tax to 7%. To effect that result the Council needs to amend the City Ordinance to reflect that rate. As the rate is slated to go into effect on January 1, 2019 the Council will need to waive the 3rd reading and pass the 2nd and 3rd at our next meeting. (Another option would be to waive the requirement tonight and pass all three readings tonight. In light of the vote of the community to increase the rate it wouldn't seem inappropriate.)

Background Information: At the November 6th election there were 831 votes cast in favor of the increase and 666 votes cast against. With a > 50% supportive vote required the measure passed with right at 56% approval. Based upon the passage we now need to amend the language of the Code of Ordinances to reflect the new increase to take effect on January 1st.

Staff Recommendation: I recommend that the Council introduce and approve the 1st reading or in the alternative introduce, waive the requirement for three separate readings, and approve all three readings of the Ordinance as presented.

ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF MONTICELLO,
IOWA, BY AMENDING CHAPTER 11 “HOTEL AND MOTEL TAX”

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

SECTION 1. Chapter 11 “Hotel and Motel Tax”, section 11.01 “Purpose” will be amended to read as follows:

11.01 PURPOSE. The purpose of this chapter is to provide for the imposition of a seven percent (7%) hotel and motel tax pursuant to the authority granted cities by the provisions of Chapter 422A of the Code of Iowa.

SECTION 2. Chapter 11 “Hotel and Motel Tax”, section 11.03 “Tax Imposed” will be amended to read as follows:

11.03 TAX IMPOSED. A hotel and motel tax of seven percent (7%) upon the gross receipts for the renting of any and all sleeping rooms, apartments, or sleeping quarters in any motel is hereby imposed, except such tax shall not apply to the gross receipts from the renting of a sleeping room, apartment or sleeping quarters while rented by the same person for a period of more than thirty-one (31) consecutive days.

SECTION 3. Chapter 11 “Hotel and Motel Tax”, section 11.06 “Effective Date and Repeal of Tax” will be amended to read as follows:

11.06 EFFECTIVE DATE AND REPEAL OF TAX. This chapter shall become effective on January 1, 2019, as approved by a majority of those voting on the questions at the time of the general election held on November 6, 2018, in the City. The provisions of this chapter may be repealed or the tax herein levied may be decreased by ordinance of the Council effective on a date in the manner provided by State law.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication, as provided by law.

1st reading passed by the Council on this _____, 2018
2nd reading passed by the Council on this _____, 2018
3rd reading passed by the Council on this _____, 2018

Brian Wolken, Mayor

ATTEST:

Sally Hinrichsen, City Clerk

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

Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 11/30/18
Preparer: Doug Herman



Agenda Item: # 8
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Ordinance Amending Chapter 122 “Peddlers, Solicitors and Transient Merchants” to add provisions related to “Mobile Food Vending”. (3rd Reading)

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 2nd reading of the draft ordinance has been amended in a few respects to address concerns/questions brought up at prior meetings. A group recently met with Holly Travino (Food Truck Operator) including Councilpersons Yeoman and Goedken, City Administrator Herman, Chamber Executive Director Hoag, and JCED Exec. Director Lumsden. That discussion led to a few modifications that I will summarize herein:

1. Prohibition to set up on 1st Street and Cedar Street unless prior approval is received. (Group thought process was that a business may have an event at which they desire Holly or another vendor to locate in front of their business and group thought that would not necessarily be inappropriate.) Draft Ordinance allows for use of 1st Street and Cedar Street in those pre-approved circumstances.
2. No license required for special event so long as meet any and all other State requirements and are approved by the Special Event permit holder.
3. May locate on most private properties so long as permitted by private property owner.
4. Group was willing to work with Holly on her initial primary goal of locating near the industrial park, potentially on Plastic Lane. Plastic Lane is currently designated as a “No Parking” area, however, the Police Chief is looking at Plastic Lane more closely to see if there would be a problem with allowing a Food Truck to locate on / within the Street ROW to serve the nearby industries. Another option would be for Holly to seek a deal with one or more of the property owners to locate on their private property.
5. Fees will be set by Resolution (Same set forth separately within the Council Packet
 - a. Group agreed to move forward with a proposed Annual Fee of \$250.00. Annual period would run from the granting of the permit forward 12 months.

- b. We did not specifically discuss fees other than annual fees, so I have proposed the following fee schedule, same being open for discussion and consideration of the City Council.
- i. For a period of two days or less: \$100
 - ii. For a period of greater than two days but less than one year: \$175
 - iii. For a period of one year, calculated from the issuance of the permit: \$250

Whether Holly remains the only operator of a food truck or food stand we do not know and regardless of that fact, this Ordinance and rules and regulations related hereto will likely need modifications and caressing as we move forward. The approval of the proposed Ordinance and Resolution setting the fee schedule will allow us and Holly to move forward, seeing how the process works, how it may not work, and what modifications, if any, may be appropriate.

Recommendation: I recommend that the Council consider the approval of the 3rd reading of the proposed Ordinance. (And the Proposed Resolution setting fees.)

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);** means 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 (with a background check performed by the Police Department) 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 similar permit, shall not be required to obtain a mobile food vendor license from the Office of the City Clerk to serve and/or operate at said Special Event.**
- 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 operating in conjunction with said special event and with the license and/or other approval of the entity that has received permission for 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 meeting all requirements associated with the use of "LP" imposed or recommended by the State of Iowa, whether by way of the Iowa Code, the Iowa Administrative Code or by the directive and/or advice of the State Fire Marshall. The City permitting process does not include the inspection or permitting of the use of Liquefied Petroleum.**
 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. **No mobile food vending unit or food stand shall operate in public right-of-way on E. or W. First Street or N. or S. Cedar Street unless prior approval has been granted by the City Council by way of a Special Event Permit or as otherwise deemed appropriate by the City Council.**
 - a. **Permission shall not be granted by the City Council prior to giving notice to all businesses and/or property owners located within _____' of the proposed location of the mobile food vending unit or food stand.**
- d. 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.
- e. Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.
- f. Neither food stands nor food carts shall locate within 5 feet of sidewalk ramps.
- g. No food truck shall locate upon a sidewalk.
- h. No food truck shall park within 35 feet of a stop sign in the direction of approach.

- i. 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.
- j. No food truck shall operate in angled parking spaces unless previously authorized to do so by the City of Monticello.**
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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 receive prior City Council permission to locate within a City Park, said permission to include the area, days/dates of operation and proposed timeframes.**
- c. 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 a 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), under 501(c)(6) (Like the Chamber of Commerce) or under 502(c)(4) (Like the Rotary, Lions, or Eagles Club) 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.

1st reading passed by the Council on this ___ day of _____, 2018

2nd reading passed by the Council on this ___ day of _____, 2018

3rd 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: 11/29/2018
Preparer: Doug Herman



Agenda Item: # 9
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Ordinance amending Chapter 10, Urban Revitalization, adding section 10.10(3) a provision clarifying the time frame within an eligible property owner must apply for exemption.

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: City Code provides for Tax Abatements under Chapter 10 on eligible residential and commercial improvements. The Code does not specify a time frame within which the application for exemption must be received.

Background Information: According to past practice, the Assessor has told me that an applicant may only receive the full five years of exemption under the Code if they have requested the exemption within one year of the completion of the improvement, basically a one year grace period. Thereafter, the exemption may be applied for but the applicant begins to lose years of eligibility.

The proposed Ordinance codifies the past practice. I have sent the draft Ordinance to the Jones County Assessor to give her an opportunity to offer input. I will let you know if I receive any input between now and the City Council meeting.

There have been no written or oral comments received at City Hall in relation to this Ordinance Amendment.

Recommendation: I recommend that the Council approve the second reading of proposed Ordinance.

Preparer: Doug Herman, Monticello City Admin. 200 E. 1st St., Monticello, IA 52310; 319.465.3577
Return to: Sally Hinrichsen, City Clerk, 200 E. 1st Street, Monticello, IA 52310 319.465.3577

ORDINANCE NO. _____

An Ordinance Amending Chapter 10, Urban Revitalization, Monticello Code, by Amending
Section 10.10 Exemptions

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

Section 1: Chapter 10, Subsection 10.10 shall be amended by adding subsection 10.10(3):

10.10 Exemptions

3. To be considered eligible for the full period of exemption from taxation set forth within subsections 1 and 2 above an Application for Exemption from taxation must be received by the City within one year following the date on which the property is considered 100% complete and taxed as being 100% complete by the Jones County Assessor. Applications filed more than one year after said determination and taxation remain eligible for the remaining exemption period. (For example, an Application for Exemption filed 18 months after the Assessor's determination would be eligible for four years of abatement. In the case of commercial or industrial property the exemption would be for years two through five, the first year of eligible abatement dropping off.)

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

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

City Council Meeting
Prep. Date: 11/29/18
Preparer: Doug Herman



Agenda Item: Reports
Agenda Date: 12/03/2018

Communication Page

Agenda Items Description: Misc. Reports

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

Attachments & Enclosures:

| |
|--|
| Brick Paver Policy and Draft Letter to Prop. Owner |
| Comm. Bldg. Committee Minutes |
| UTV County Ord. and Chief Smith Comments |
| Jo. Co. Tourism Comm. Page 1/15/2018 |

Fiscal Impact:

| | |
|-------------------|--|
| Budget Line Item: | |
| Budget Summary: | |
| Expenditure: | |
| Revenue: | |

Reports / Potential Action:

- Steve Intlekofer House Moving Project delays; Council guidance on penalty/enforcement (Nov. 22 is enforcement day) Pursuant to the Monticello Code of Ordinances Chapter 123 a house being moved into Monticello may not be maintained within the City limits on a trailer, blocks, jacks or similar moving equipment or temporary base for a period of time in excess of thirty (30) days if said structure is to be placed on a permanent foundation within the City limits. Steve either moved or had moved a structure from Dyersville to Monticello on October 22nd and has been storing it at the Nayber Bag property. The moving equipment suffered a breakdown on the way to Monticello from Dyersville and when attempts were made to move the structure from its temporary location (Nayber Bag) on November 16th it suffered two separate breakdowns and the project was never completed. Steve had obtained the necessary permit to move the structure on November 16th and street parking was blocked off on a number of blocks of S. Cedar Street all day to facilitate the move, impacting local business, and then, due to the breakdowns, the move never happened. Now, if and when the equipment issues are resolved the businesses that had their parking impacted will likely face another day of similar impacts. The purpose of this information is to seek guidance from the Council as to any action you would like staff to take from an enforcement standpoint. While the Code permits the City to "remove" such building or structure and assess the costs to the owner I don't see that as a desirable or feasible option at this point. If the Council wants action taken I think it would be to proceed with a municipal infraction citation and the question would then come to the desired penalty or penalties? (so much per day?)
- Dr. Balster Building Frontage improvements: Dr. Balster building store front improvements (across from Theisens) are underway and will likely continue, in the plasticized enclosure though at least December 7th. The City, P.D., and School have been in communication with regard to the crosswalk and student safety due to the Balster building work interfering with the commonly used crosswalk.

- Welter Drive Light Replacement Plan: Of the 16 street lights on Welter Drive that are City owned and metered only 3 of them currently work. We have the option of seeking repairs, which in some cases may be a new lightbulb (High Pressure Sodium) and in others a new seal if available and/or a ballast. Repairs could run \$400 per pole assuming they are repairable which it would seem would be if parts were available. We may be better served to get quotes on LED replacement heads which we know to be available. While the up front cost might be more we would immediately begin to save electric costs, would increase the lifespan of the fixture, and would not go into a repair project not knowing what each fixture needed. The LED replacement heads are available and would be easily, in my opinion, quoted as the fixture cost would be known and the time it would take per pole would be fairly easy to determine.
- Downtown Brick Paver Policy: I have attached an updated Policy and Draft Letter to property owners. Due to the winter season we are under no time constraints and I want to ensure that the policy and letter are consistent with the Council's intent. The Mayor has indicated a plan to follow up personally with the property owners after the letter has gone out.
- Community Building (Upper Level) Committee Update: Nov. 20, 2018 Minutes are attached and City Clerk Sally Hinrichsen will review and update the City Council.
- Jones County UTV Ordinance: With the passage of the County UTV Ordinance we need to look at our Code and see how they mesh, or don't mesh, so that County permitted users know what they need to do if they are coming into Monticello from the County with their UTV. Chief Smith has provided an attachment setting forth areas he thinks deserve consideration.
- City Tree Dump Discussion: Nothing new to report here, will continue to explore potential sites.
- Hughes Garage Compliance Update: Nothing new to report here. As the leaves are now off the trees you can get a better look as to what remains on the Hughes Garage property. The last conversation I had with Red we discussed tire removal and difficulty getting the Jones County Transfer Station to take his tires and his belief that he only had one more load of cars to remove. He arranged for a company to come to his property to collect the tires and to my knowledge has taken no additional steps to remove remaining junk/junk vehicles from the property.
- Jones Co. Tourism Investment History: I have attached a communication page from last year's Council Packet showing the annual investment request in the amount of \$1,139 from Jones County Tourism. As noted in that Comm. Page the City has been paying the sum of \$1,139, based upon a .30 per capita assessment since FY '13. Prior to that date the City also invested, however, the request per capita was less as I recall. I point this out as an editorial in last week's Express suggested that the City did not donate to Jones County Tourism. I understand that a letter will be in next week's Express clarifying the inaccuracy in last week's editorial. I have also been told that Jones County Tourism will likely ask for more money from the City based upon the increased Hotel/Motel Tax receipts.
- Engineer Report / Update: Engineer will update Council on N. Sycamore Street planning progress and schedule as well as answer other questions the Council may have.
- Budget Review Schedule: I would like to schedule our first Budget Review for an hour following the December 17th meeting. I will work to keep the meeting agenda as short as possible with a goal of wrapping up the meeting and budget review by 8:00 to 8:30.
- Goal Setting Date Options: I would suggest that we combine our second meeting in January, the 21st, with a Goal Setting Meeting. Like the budget meeting, I would try to keep the meeting agenda short and wrap up the Meeting and Goal Setting by 8:30

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 subject to this policy as a result of their ownership of property falling within the “Policy Scope” of this policy.

POLICY SCOPE:

This policy applies to all owners of property located on 1st Street between Main Street and Chestnut Street and on Cedar Street between Washington and 2nd Street where said property currently has a colored accent strip of concrete installed as part of prior City streetscape projects between the back of the curb and the sidewalk.

PROCEDURE:

Partial or Total Sidewalk Removal: Any owner of property falling within the Policy Scope that removes any portion of the sidewalk located adjacent to or within the bounds of their property, whether the colored strip or non-colored portion, for any reason, 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.

- 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 process shall follow a specification provided by the City. The owner shall obtain a permit from the City prior to paver installation. After removal of the colored strip, and prior to the installation of the brick pavers, the City shall be given notice so that an inspection may take place to insure that the substrate requirements and related prep work meet the specification. The final installation will also be subject to inspection and approval by the City or its’ designee. 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 share in the project costs at the rate of \$3.50 per square foot of brick paver installation.
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. **Replacement Sunset:** All properties subject to this policy shall see to the removal and replacement of the colored concrete strip along their sidewalk frontage with Brick Pavers by no later than July 1, 2024, the "Sunset Date". It is 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. In the event that a property owner within the Project Scope does not complete the installation of pavers as required herein the City, after notice and an opportunity for hearing, shall see to the completion of the paver project with the total cost associated therewith being assessed against the property. (Total Cost includes the cost of Brick Pavers and 100% of the cost of removal and installation with no City cost share.)
5. **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, at owner's expense.
6. **Permit / Permit Fees:** Property owners shall be required to obtain a sidewalk permit from the City of Monticello before proceeding with the sidewalk project. There is no fee for the sidewalk permit.

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

Brian Wolken, Mayor

To: "Downtown" Property Owner

From: City of Monticello

Re: Brick Paver Policy

Date: _____

Dear Downtown Monticello Property Owner:

The Monticello City Council has approved a draft policy related to the replacement of the colored strip of sidewalk concrete located just back of the curb and gutter with brick pavers. The goal of the policy is to see to the replacement of the colored strip of concrete with brick pavers over the next __ years.

The Council has discussed the general dissatisfaction with the existing colored strip including fading, and replacement with non-matching colored concrete or concrete that is not colored at all when it has to be removed for one reason or another.

As you review the draft policy you will have a better understanding of how the City sees this process moving forward. The goal of the Mayor and Council is to receive your input prior to giving the policy formal consideration. You may reach out to City Hall with your questions or comments or to the Mayor or Council via e-mail. (There e-mails are set out below.)

The Mayor plans to make contact with as many of you as possible prior to the Council consideration of the policy as well so that you will have a face to face opportunity to discuss the proposed policy.

Sincerely yours,

**Doug Herman
Director of Public Works**

Mayor and Council e-mails:

Mayor Brian Wolken: bwolken@ci.monticello.ia.us
John Russ: jruss@ci.monticello.ia.us
Dave Goedken: dgoedken@ci.monticello.ia.us
Tom Yeoman: tyeoman@ci.monticello.ia.us
Rob Paulsen: rpaulsen@ci.monticello.ia.us
Chris Lux: clux@ci.monticello.ia.us
Brenda Hanken: bhanken@ci.monticello.ia.us

Community Building Auditorium Meeting

Nov. 20, 2018 – 5:30 p.m.

Community Building Auditorium

Present: Sally Hinrichsen, City of Monticello, Chair of Committee
Dave Goedken, Monticello City Council
Jan Cratsenberg, Starlighters II
Bob Furino, Starlighters II
Jan Hoag, MACC and Starlighters II Board
Advisors: Jared Lasley, REM Electric
Trint Adams, Next Generation Plumbing & Heating
Dean Oswald, D & L Services

Agenda

- Review proposed improvements with contractors, plumbers, and electricians in attendance
- Auditorium improvements/updates possibly do in phases
- Work on proposed timeline, ownership of actions and budget
- Set next meeting date and time

Minutes

The meeting was called to order at 5:40 p.m.

Discussion highlights:

- Review proposed improvements with contractors, plumbers, and electricians in attendance:
 - A short discussion on the under stage drawers and a portable stage stair system was held on the use and viability for Moser Dance and Starlighters II.
 - Hinrichsen shared that recommendations for the blinds from Monticello Carpets & Interiors include:
 - Solid panels for outside light control.
 - Top ½ of window have a battery operated control for ease of use.
 - Bottom ½ of window would NOT need a battery operated control.Discussion occurred on a battery operated vs. hard-wired system for operation.
 - Suggestions by several to add IP cameras for recording events/activities.
 - Moving into the kitchen, Hinrichsen reviewed lists of suggested improvements from other groups and provided handouts. They include but are not limited to: 3 compartment sink, more counter space, 1 stove, closet for cleaning supplies, etc
 - Discussion centered on the purpose and use of the space. Should it be a serving or commercial kitchen?
 - A possible solution for the clean supply closet would be to build out a space immediately to the left of the auditorium as you exit and before the women's bathroom.
 - A question was raised about the cost of insurance being increased/lowered based on the type of kitchen.
 - Report from Starlighters II Committee Members:
Cratsenberg and Furino reported:
 - Grand Stage has provided recommendations with regards to lighting up front and above the stage and draperies. Discussion from group members revolved around wattages and options for controlling stage and/or house lights. Starlighters II would like the

- house lights to be dimmable and controlled/bypassed from a controller port and/or other locations in the auditorium.
- Furino shared that Grand Stage would most likely NOT be doing the work; only providing suggested solutions as Starlighters II would like to see the work done by local contractors.
- Lasley shared that the MHS Auditorium lights all operate off one device and that it has an override.
- A question concerning ease of use by those using the auditorium was answered with a wall switch solution.
- Questions about house light settings were answered with the suggestions of programming a switch panel and possibly having 3 different wall buttons for each row of lights.
- Goedken suggested that the auditorium house lighting be taken from the city's budget not paid for by Starlighters II.
- Auditorium improvements/updates possibly do in phases:
 - The following project overview was proposed:
 - Phase I: Electrical overhaul, stage lighting and window coverings, back and side stage curtains (*could Grand Stage quote these as well?*)
 - Phase II: Kitchen updates, under stage storage solution, woodwork refinish, floor and baseboard repair
 - Phase III: Stage curtains (front)
 - After discussion, the group consensus was to try for all work to be done at once vs. phases.

Action Steps:

- Hinrichsen will work to find the original plan for the 2nd floor from when the lower level was designed by OPN Architects and get it to the advisors.
- Hinrichsen will check to see what the state guidelines are with regards to the need for an architect/engineering firm.
- The committee and interested parties need to determine a project scope and get to advisors for estimates.
- Get email addresses to Hinrichsen so she can email you the Grand stage .pdfs and recommendations.
- Ask to be put on City Council Agenda to provide updates, determine levels of interest and next steps.
- Set next meeting. Hinrichsen will email all as to availability of dates for next meeting.

Meeting adjourned at 7:15 p.m.

Respectively Submitted,
Jan Hoag
Recorder

Jones County ATV/UTV ordinance

County Ordinance does not supersede City Ordinance, written in their Code

Key Differences:

ATV's Permitted/Golf Carts Not permitted (Golf Carts Not permitted to be registered through DNR)

Operation age of 16 Years Old, 16-18 must possess a valid ATV Operation Completion with DNR. (Must Have Valid Driver's License)

Only Require Iowa DNR Registration through the County Recorder/No registration through the Sheriff's Office (City Ordinance does not require DNR registration)

24 hour Use/Head Light Tail Light Required (No Stop, Turn signals Required)

No SMV or Flag Requirement (State Code only requires for Golf Cart)

No Horn Requirement

Key Similarities:

35MPH maximum speed

No State Roads

Same Insurance requirements

Options:

#1 Make No Changes to Current City Ordinance

Makes Enforcement Easiest Officers Continue to monitor existing registration and equipment requirements)

#2 Designate an Authorized Route for riders in compliance with County Ordinance to access amenities.

Allows for non-residents to access amenities but limits citywide operation

#3 Recind UTV section of Current City Ordinance, adopt County Ordinance for operation for UTV Use. Rules only would apply to Golf Cart's since they are unable to be registered and Code permits city to authorize their use.

Total Revenue Stream \$3,200 avg. annually

160 Total Registrations 60% are Golf Carts

JONES COUNTY IOWA ORDINANCE 2018-08

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

Be it enacted by the Board of Supervisors of Jones County, Iowa as follows:

Section 1: The purpose of this ordinance is to add CHAPTER 16, JONES COUNTY OFF-HIGHWAY VEHICLE ORDINANCE OF TITLE V - PUBLIC ORDER, SAFETY & HEALTH.

Section 2: The Chapter will read as follows:

CHAPTER 16
OFF-HIGHWAY VEHICLE ORDINANCE
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. TITLE

This ordinance shall be known and may be cited and referred to as the Jones County Off-Highway Vehicle (O.H.V.) Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the interest, welfare, health, and safety of citizens in Jones County by regulating the operation of Off-Highway Vehicles in Jones County Iowa. This ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the county's roadways.

SECTION 3. DEFINITIONS

For purposes of this ordinance, the following terms have the following meanings:

- A. Alcoholic Beverage means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
- B. All-Terrain Vehicle as defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand two hundred cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
- C. Designated Riding Area as defined by Iowa Code Section 321I.1 means an All-Terrain vehicle riding area on any public land or public ice under the jurisdiction of the Iowa Department of Natural Resources that has been designated by the department for All-terrain Vehicle use.
- D. Designated Riding Trail as defined by Iowa Code Section 321I.1 means an All-Terrain Vehicle riding trail on any public land, private land or public ice that has been designated by the state or the county for All-terrain Vehicle use.
- E. Off-Highway Vehicles (O.H.V.s) means All-Terrain Vehicles and Off-Road Utility Vehicles, either collectively or individually.
- F. Off-Road Utility Vehicle as defined by Iowa Code Section 321I.1 means a motorized vehicle with not less than four and not more than

eight non-highway tires or rubberized tracks that have a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

"Off-Road Utility Vehicle" includes the following vehicles:

1. "Off-Road Utility Vehicle - type 1" means an Off-Road Utility Vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
2. "Off-Road Utility Vehicle - type 2" means an Off-Road Utility Vehicle, other than a type 1 Off-Road Utility Vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
3. "Off-Road Utility Vehicle - type 3" means an Off-Road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

- G. Public Ice as defined by Iowa Code Section 321I.1 means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the Natural Resource Commission of the Iowa Department of Natural Resources.
- H. Public Land as defined by Iowa Code Section 321I.1 means land owned by the federal government, the state or political subdivisions of the state and land acquired or developed for public recreation pursuant to Iowa Code Section 321I.8.
- I. Roadway as defined by Iowa Code Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 4. OPERATION ON ROADWAYS

A registered Off-Highway Vehicle may be operated on county roadways in Jones County, excluding state highways, pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an Off-Highway Vehicle on roads in Jones County unless the operator has a valid driver's license and is at least 16 years of age. A person under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved A.T.V. Education Course and must carry a valid safety certificate on board as proof that the Iowa Department of Natural Resources approved A.T.V. Education Course was successfully completed. Operation of an Off-Highway Vehicle is only permitted on the roadway or shoulder, not in the ditch or on the road foreslope. Operation is limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. Operators are required to follow all local regulations or ordinances when operating in any incorporated city allowing such operation.

SECTION 5. UNLAWFUL OPERATION

A person shall not operate an Off-Highway Vehicle under any of the following conditions:

- A. At a rate of speed not to exceed thirty-five (35) miles per hour.
- B. In a careless, reckless, or negligent manner so as to:
 1. Endanger any person;
 2. Cause injury or damage to person or property; or,

- 3. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
- C. Without a lighted headlight and taillight from sunset to sunrise and operational brakes and a properly functioning unaltered factory exhaust muffler as defined in Iowa Code Section 321I.12.
- D. Without wearing a properly adjusted and fastened seatbelt if the All-terrain or Off-Road Utility Vehicle is so equipped from the manufacturer.
- E. Possess in the passenger area of the Off-Highway Vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
- F. While driving impaired from an intoxicating beverage and/or narcotic and/or habit-forming drug.
- G. In any tree nursery or planting in a manner which damages or destroys growing stock.
- H. On public land, public ice, snow, or Designated Riding Trail in violation of official signs prohibiting such operation.
- I. In any park, wildlife area, preserve, refuge or game management area except on a Designated Riding Area or Designated Riding Trail identified by the Iowa Department of Natural Resources or the Jones County Conservation Board.
- J. Any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water. This provision does not apply to Designated Riding Areas, Designated Riding Trails, construction vehicles engaged in lawful activity and/or the operation of All-Terrain Vehicles on ice.
- K. With more persons on the vehicle than it was designed to carry.
- L. On any riding area or trail unless the trail is designated by signs as open to Off-Highway Vehicle operation.
- M. Under the age of 16.
- N. Without a valid driver's license.
- O. Being less than 18 years of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved A.T.V. Education Course.

SECTION 6. REGISTRATION REQUIREMENT AND OTHER CONDITIONS

Individuals who operate Off-Highway Vehicles on roadways in Jones County must register the Off-Highway Vehicle with the Iowa Department of Natural Resources through a county recorder's office. The following conditions apply:

- A. The owner of each Off-Highway Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from

the appropriate out-of-state authority, and Proof of Liability Insurance.

- B. Off-Highway Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
- C. Off-Highway Vehicles registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.

SECTION 7. LIABILITY INSURANCE REQUIREMENTS

At minimum a policy with bodily injury at \$500,000 per person, \$500,000 per incident and property damage of \$100,000 or combined single limits (bodily injury and property damage) of \$500,000 or equivalent. Upon request the operator is required to show proof of financial liability meeting the minimum requirements listed above. A proof of financial liability coverage card may be produced in paper or electronic format.

SECTION 8. EXEMPT VEHICLES

Registration shall not be required for:

- A. All-Terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements in a farming operation as defined by the Iowa Code Section 352.2. Additionally, farm exempt vehicles that are used in a manner not consistent with the farm exemption, Iowa Code Sections 352.2 and 321.234A, are subject to the requirements of this ordinance including registration requirements and proof of including proof of liability insurance.
- B. All-Terrain Vehicles and/or Off-Road Utility Vehicles owned by the United States, this State or another State or by a governmental subdivision thereof and used for enforcement, search and rescue or official purposes but not for recreational or commercial purposes.
- C. All-Terrain Vehicles used in accordance with Iowa Code Section 321.234A(1)(a).

SECTION 9. PENALTIES

Violation of the ordinance shall constitute a simple misdemeanor punishable by a fine of \$65.00 to \$625.00 plus the applicable court surcharge and costs and/or up to 30 days in jail as set forth in Iowa Code Section 903.1(1)(a). Any amendments to the Simple Misdemeanor penalties of Iowa Code Section 903.1(1)(a) shall be automatically incorporated into this section without the need of amending this ordinance.

SECTION 10. EFFECTIVE DATE

The ordinance shall become effective upon its passage and publication pursuant to Iowa Code Section 331.302(8).

SECTION 11. VALIDITY

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

Section 3. When Effective

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

APPROVAL:

First Consideration: _____ November 14, 2018 Book "T".

Second Consideration: The provisions of Iowa Code section 331.302(6) regarding the number of considerations prior to final approval, were suspended by majority vote of the Board of Supervisors on November 20, 2018 Book "T".

Final Consideration & Adoption: _____ November 20, 2018 Book "T".

Published: xxxxxxxx xx, 2018 in the Monticello Express, and xxxxxxxx xx, 2018 in the Anamosa Journal-Eureka.

I, Janine Sulzner, Jones County Auditor, hereby certify that the foregoing Jones County, Iowa, Ordinance 2018-08, to amend the Jones County Code of Ordinances, was considered, approved, and published as stated.

Janine Sulzner, Auditor

Date

City Council Meeting
Prep. Date: 1/11/18
Preparer: Doug Herman



Agenda Item:
Agenda Date: 1/15/18

"The City of Flags and Flowers"
Communication Page

Agenda Items Description: Resolution to approve FY '19 investment in Jones County Tourism.

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

Attachments & Enclosures:

| |
|--------------------------------|
| Proposed Resolution |
| Letter Requesting Contribution |
| |
| |

Fiscal Impact:

| | |
|-------------------|-----------------|
| Budget Line Item: | |
| Budget Summary: | Hotel/Motel Tax |
| Expenditure: | \$1,139.00 |
| Revenue: | n/a |

Approved Last year

Synopsis: Tourism requests continued investment from the City.

Background Information: The City of Monticello has been a fairly consistent member of Jones County Tourism. They have again requested a .30 per capita investment from the City of Monticello in the amount of \$1,139. This has been the rate since FY '13.

This investment would be paid from the Hotel/Motel Tax fund this year and moving forward, having been paid from the General Fund in the past.

Staff Recommendation: I recommend that the Council approve the Jones County Tourism request for funding.