

City of Monticello, Iowa

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Posted on August 31, 2022 at 4:00 p.m.

Monticello City Council Meeting September 6, 2022 @ 6:00 p.m.
Monticello Renaissance Center, 220 E. 1st Street, Monticello, Iowa

Mayor:	Dave Goedken	Staff:	
City Council:		City Administrator:	Russell Farnum
At Large:	Wayne Peach	City Clerk/Treas.:	Sally Hinrichsen
At Large:	Brenda Hanken	Police Chief:	Britt Smith
Ward #1:	Scott Brighton	City Engineer:	Patrick Schwickerath
Ward #2:	Candy Langerman	Public Works Dir.:	Nick Kahler
Ward #3:	Chris Lux	Water/Wastewater Sup.:	Jim Tjaden
Ward #4:	Tom Yeoman	Park & Rec Director:	Jacob Oswald
		Library Director:	Michelle Turnis

- **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	August	15, 2022
Approval of Council Special Mtg Minutes	August	29, 2022
Approval of Payroll	August	25, 2022
Approval of Bill List		
Approval of Northside liquor license		
Approval of Pheasants Forever liquor license		

Public Hearings:

1. **Public Hearing** on Proposed Derek Manternach dba Manternach Custom Creations Development Agreement
2. **Resolution** approving Development Agreement between City of Monticello and Derek Manternach dba Manternach Custom Creations

3. **Public Hearing** on designation of Amended Monticello Urban Renewal Plan, to include Development Agreement and Economic Incentives to Derek Manternach dba Manternach Custom Creations
4. **Resolution** approving Amendments to Monticello Urban Renewal Plan to include Development Agreement and Economic Incentives to Derek Manternach dba Manternach Custom Creations

Resolutions:

5. **Resolution** approving the FY 2021-2022 Street Finance Report
6. **Resolution** to request Abatement of accrued Property Taxes on property owned by the City of Monticello for public purposes within the city limits of the City of Monticello
7. **Resolution** to approve standard Residential Tax Abatement related to property located at 755 North Maple, Monticello
8. **Resolution** Approving engagement letter with Lynch Dallas, P.C./Douglas Herman related to role as legal services attorney for the USDA financing for the Wastewater Treatment Plant Improvement Project

Motions:

9. **Motion** to schedule Trick or Treat Night and hours for Monday October 31, 2022 from 6:00 to 8:00 P.M.
10. **Motion** to accept bid on the GMC Canyon pickup

Reports / Potential Actions:

11. City Engineer
12. Mayor
13. City Administrator
14. City Clerk
15. Public Works Director
16. Police Chief
 - a. South Linden Street parking and possibly adding a “No Parking Zone” on one side of the street.
17. Water/Wastewater Superintendent
18. Park and Recreation Director
19. Library Director

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.

Monticello City Council meetings are recorded, by attending and choosing to participate you give your consent to be recorded. If you prefer not to be recorded, you may submit comments in writing.

Meeting Instructions for the Public

Due to the Covid-19 Virus the public will be admitted into this meeting with limited seating.

The meeting will continue to be broadcast on Mediacom (Local Access Channel) and will be accessible via Zoom via the following link.

City of Monticello is inviting you to a scheduled Zoom meeting.

Topic: September 6, 2022 Council Meeting
Time: Sep 6, 2022 06:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/86138377943>

Meeting ID: 861 3837 7943
One tap mobile
+13126266799,,86138377943# US (Chicago)
+16465588656,,86138377943# US (New York)

Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 309 205 3325 US
+1 669 900 9128 US (San Jose)
+1 719 359 4580 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 386 347 5053 US
+1 564 217 2000 US
+1 669 444 9171 US

Meeting ID: 861 3837 7943
Find your local number: <https://us02web.zoom.us/j/86138377943>

Regular Council Meeting
August 15, 2022 – 6:00 P.M.
Community Media Center

Mayor Dave Goedken called the meeting to order. Council present were: Wayne Peach, Brenda Hanken, Scott Brighton, Candy Langerman and Chris Lux. Also present were City Administrator Russell Farnum, City Clerk Sally Hinrichsen, Library Director Michelle Turnis, Water/Wastewater Superintendent Jim Tjaden, Park & Rec Director Jacob Oswald, Public Works Director Nick Kahler and Police Chief Britt Smith. The public was invited to attend the meeting in person, with limited seating or to participate in the meeting electronically via “Zoom Meetings” and were encouraged to communicate from Zoom Meeting via chat, due to the heightened public health risks of the Coronavirus Pandemic (COVID-19). The meeting did have public attendance, both in-person and via Zoom.

Lux moved to approve agenda, Peach seconded, roll call unanimous.

Lisa Folken, 202 South Cedar St, Staci Fritz, 22573 Campfire Rd, and Quinn Behrends, 203 West First Street, representing the Monticello Main Street Committee announced that Monticello was designated a Main Street Community. They were proud of the designation and thanked Council for their support.

Bob Gertsen, 4237 10th Avenue, Oxford Junction introduced himself to the Council and advised he was running for County Supervisor.

Dave Lumpa, 410 South Linden, voiced his concerns regarding his neighbors’ properties; including the sidewalk, weeds and lot not being mowed at 402 South Linden and sidewalk and drainage issues at 416 South Linden. Smith advised notices were sent to the property owner of 402 South Linden regarding the sidewalk and mowing. Smith also advised 416 South Linden sidewalk will be addressed next year, and the drainage issue is a dispute between neighbors. He suggested Lumpa contact an attorney for advice.

Bud Coyle, 515 North Sycamore, reported contacting Jay Iben to get an estimate to place the rock in the middle of the Sixth Street ditch near his barn, to prevent the erosion of the wall and Jay Iben’s quote was \$545.00. Coyle also mentioned the ruts on 7th Street where the recent construction was done. Kahler stated he would look at fill in the ruts.

Brighton moved to approve the consent agenda, Hanken seconded, roll call unanimous.

Oswald stated the Park Board felt it was appropriate to name the park area after Bud and Georgia Johnson, as they were instrumental in the redevelopment of the area both financially and their time. Langerman moved to approve Resolution #2022-99 Approving naming Park area including Kleinow Field, Jaycee Field and the Pickle Ball Court near Riverside Gardens, “Bud and Georgia Johnson Park”, Peach seconded, roll call unanimous.

Kahler stated Council approved the chassis purchase at the last meeting; however, the amount was incorrect and this resolution includes the correct amount. He talked with Henderson's sales representative who suggested placing the order now so they can get the parts needed and be added to the list, so when the chassis is ready, they will have the parts on hand to build the snow equipment. Langerman moved to approve Resolution #2022-100 To approve purchase of Combination Dump/Spreader Body for City Plow Truck from Henderson Truck Equipment and Freightliner Chassis from Truck Country, Brighton seconded, roll call unanimous.

Farnum reported the stop light control box at First and Main streets was struck by lightning. General Traffic Controls loaned the City a controller for the Great Jones County Fair, which needs to be returned to them. The VideoTrak card would cost approximately \$4,000 to repair or \$8,500 to replace. The options to completely upgrade the controller to a video unit would range between \$23,247 to \$27,647. Farnum stated the traffic controllers at First and Cedar streets and Main and Oak streets could be upgraded but not required. Jared Lasley, with REM Electric, the city electrician for the stop lights,. He reviewed the controller equipment and issues with the equipment for all three controllers. Smith stated there is a traffic concern with the programing of the Oak and Main streets stop light. It is programmed to flash yellow on Oak Street and red on Main Street, instead of red all directions. Lasley stated the price from General Traffic Controls does not include his time, if needed. Peach moved to approve Resolution #2022-101 to approve the purchase of Traffic Control devices and equipment from General Traffic Controls, Inc for the First Street and Main Street intersection with a not to exceed amount of \$27,647, Langerman seconded, roll call unanimous. Langerman moved to to approve the purchase of Traffic Control devices and equipment from General Traffic Controls, Inc for the First Street and Cedar Street intersection, which died due to a lack of a second. Council members wanted to look at the First and Cedar intersection and Main and Oak intersection at budget time.

Farnum stated the IDOT owns the Park and Ride area, but gave the City the requirement of maintenance and to regulate the area. City is not looking to rename the Park and Ride area, but to designate the area as a city park to allow the enforcement of the City Code regulations. The Rotary built a pavilion on this lot and there are picnic tables and a wetland. Smith stated lighting is an issue. Kahler stated a light was placed near the bridge but would be nice to have more light by the pavilion. Council directed Kahler to look into lighting options and bring back to Council. Lux moved to approve Resolution #2022-102 Designating the "Park and Ride" area along County Road X44, also known as Amber Road, a City park, Peach seconded, roll call unanimous.

Goedken stated he had inquiries about what the City was doing with the Canyon pickup, as they were interested and wanted to bid on it. Brighton motioned to direct staff place an ad to take bids on the pickup, as is, Hanken seconded, roll call unanimous.

Goedken stated he took the Sixth Street ditch plans to Scott Chally to discuss the City's proposed plans. Goedken stated there are immense issues with the ditch not being maintained and recommended having a work session regarding the ditch. He stated Bill

Regular Council Meeting
August 15, 2022

Meyer paid around \$5,000 to fix his section of the ditch and now it is filling in with dirt deposits. Goedken wondered if the City could serve nuisance notices if there are trees growing in the ditch. Lux stated the City has spent a lot of money over the years for the engineer to draw up the plans for the ditch. Council recommended setting up a work session and inviting the public to attend.

Farnum congratulated the Main Street Committee on the designation as a Main Street Community and thanked them for all their work.

Farnum reported the Airport taxiway extension project contract is about ready to sign as he has received the paperwork he was waiting for.

Farnum has the airport AWOS repairs lined up and is working with the farmer to do the work once the crop is harvested.

Farnum is waiting for a response from Rod Horsfield regarding Sycamore Street and continues to reach out to him.

Farnum is working with Kim Johnson on contract to purchase the City lot on North Sycamore Street and abstracts are being updated.

Farnum stated the Jones County Economic Development Fall Gala is on October 17, 2022 and asked Council if they wanted to move October second regular meeting to the 24th instead of the 17th. Consensus of Council was to move the meeting to the 24th.

Farnum advised for Monti Days, Creative Adventure Lab will open this Saturday, Airport is having a Fly-In Breakfast and Flea Market is at the Berndes Center.

Kahler is picking up yard waste and will take down trees as time allows. He worked with Brian at airport to remove trees in grass runway.

Smith was invited to a round table with the USDA director to discuss EMS funding issues. He is accepting Officer applications until August 19th and currently has seven applicants, with one being certified for sure. He asked Council how they wanted to be recognized for the playground equipment at the pool, with a logo or text? Consensus of Council was to use the logo.

Tjaden reported they are getting ready to do the copper and lead test required by their permit and are contacting residents on list to see if they are willing to do it again.

Oswald reported intern Deering is done for season. He reviewed upcoming fall activities. The Holiday on First is set for December 10, 2022 from 4 to 7 PM.

Turnis stated they will have the bubble guy at the Disc Golf for Monti Days. The school will have an early out every Wednesday this year and they are working on activities for the kids. They are also making plans for Holiday on First event.

Regular Council Meeting
August 15, 2022

Peach moved to adjourn the meeting at 7:29 p.m.

David Goedken, Mayor

Sally Hinrichsen, City Clerk/Treasurer

Special Council Meeting
August 29, 2022 – 5:00 P.M.
Community Media Center

Mayor Dave Goedken called the meeting to order. Council present were: Wayne Peach, Scott Brighton, and Chris Lux; and Tom Yeoman joined electronically. Also present was City Clerk Sally Hinrichsen. Brenda Hanken and Candy Langerman were absent. The public was invited to attend the meeting in person, with limited seating or to participate in the meeting electronically via “Zoom Meetings” and were encouraged to communicate from Zoom Meeting via chat, due to the heightened public health risks of the Coronavirus Pandemic (COVID-19). The meeting did have public attendance, in-person only.

Brighton moved to approve agenda, Lux seconded, roll call unanimous.

Jellystone Campground submitted a permit request to add September 4, in addition to the dates previously approved by the Council on July 5, 2022. Brighton moved to approve Four Points RV Resorts of IA, LLC (Jellystone Park Monticello) Fireworks Permit for September 4 in addition to previously approved dates of September 24 and October 1 & 8, Lux seconded, roll call unanimous.

Peach moved to adjourn the meeting at 7:12 p.m.

David Goedken, Mayor

Sally Hinrichsen, City Clerk/Treasurer

PAYROLL - AUGUST 25, 2022

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
AMBULANCE	August 8 - 21, 2022				
Brian Bronemann	\$ 1,021.25	\$ -	0.00	0.00	\$ 803.92
Jacob Gravel	1,776.20	64.20	0.00	24.75	1,289.93
Ron Herman, Jr.	532.00	-	0.00	0.00	447.80
David Husmann	2,006.90	54.90	0.00	3.75	1,112.07
Mary Intlekofer	1,952.00	-	0.00	0.00	1,351.54
Nick Kahler	412.00	-	0.00	0.00	346.24
Trevor King	584.00	-	0.00	0.00	460.78
Lori Lynch	2,709.39	530.99	0.00	0.00	1,811.93
Coletta Matson	280.80	-	0.00	0.00	239.88
Chloe Mogensen	153.42	-	0.00	0.00	132.16
Amanda Norton	510.53	-	0.00	0.00	400.63
Kaleb Payne	1,684.80	-	0.00	0.00	1,326.88
Ryan Sutcliffe	2,152.80	280.80	0.00	0.00	1,666.71
Curtis Wyman	1,712.00	-	3.00	3.25	1,166.95
TOTAL AMBULANCE	\$ 17,488.09	\$ 930.89	3.00	31.75	\$ 12,557.42
CEMETERY	August 6 - 19, 2022				
Dan McDonald	\$ 1,930.48	\$ 142.48	0.00	3.38	\$ 1,396.95
TOTAL CEMETERY	\$ 1,930.48	\$ 142.48	0.00	3.38	\$ 1,396.95
CITY HALL	August 7 - 20, 2022				
Cheryl Clark	\$ 1,816.00	\$ -	2.25	12.00	\$ 1,236.61
Russ Farnum	3,961.54	-	0.00	0.00	2,625.35
Sally Hinrichsen	2,744.73	-	0.00	0.00	1,662.19
Nanci Tuel	1,618.40	-	0.00	0.00	1,052.45
TOTAL CITY HALL	\$ 10,140.67	\$ -	2.25	12.00	\$ 6,576.60
COUNCIL / MAYOR					
Scott Brighton	\$ 300.00	\$ -	0.00	0.00	\$ 276.78
Dave Goedken	500.00	-	0.00	0.00	453.30
Brenda Hanken	300.00	-	0.00	0.00	276.05
Candy Langerman	300.00	-	0.00	0.00	276.05
Chris Lux	300.00	-	0.00	0.00	275.78
Wayne Peach	300.00	-	0.00	0.00	235.05
Tom Yeoman	300.00	-	0.00	0.00	275.05
TOTAL COUNCIL / MAYOR	\$ 2,300.00	\$ -	0.00	0.00	\$ 2,068.06
LIBRARY	August 8 - 21, 2022				
Jacquelyn Egemo	\$ 1,049.75	\$ 9.75	0.00	0.00	\$ 853.05
Caroline Olson	132.50	-	0.00	0.00	122.36
Penny Schmit	1,277.60	-	0.00	0.00	666.46
Michelle Turnis	1,773.69	-	0.00	0.00	1,040.47
TOTAL LIBRARY	\$ 4,233.54	\$ 9.75	0.00	0.00	\$ 2,682.34
MBC	August 8 - 21, 2022				
Keegan Arduser	\$ 1,384.62	\$ -	0.00	0.00	\$ 1,056.57
Zach Deering	385.00	-	0.00	0.00	350.55
Jacob Oswald	2,193.88	-	0.00	0.00	1,647.00
TOTAL MBC	\$ 3,963.50	\$ -	0.00	0.00	\$ 3,054.12

PAYROLL - AUGUST 25, 2022

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
POLICE	August 8 - 21, 2022				
Peter Fleming	\$ 2,449.44	\$ -	0.00	0.00	\$ 1,700.19
Dawn Graver	2,840.80	-	0.00	0.00	2,088.48
Erik Honda	2,583.84	-	0.00	48.75	1,920.56
Jordan Koos	2,583.84	-	0.00	27.00	1,766.20
Nicole Minnihan	250.00	-	0.00	0.00	174.14
Britt Smith	3,461.54	-	0.00	0.00	2,523.83
Madonna Staner	1,623.20	-	0.00	0.00	1,230.20
Brian Tate	2,625.84	-	0.00	0.00	1,859.37
TOTAL POLICE	\$ 18,418.50	\$ -	0.00	75.75	\$ 13,262.97
ROAD USE	August 6 - 19, 2022				
Zeb Bowser	\$ 1,821.53	\$ 33.53	0.00	9.75	\$ 1,278.43
Nick Kahler	2,238.39	-	0.00	0.00	1,527.72
TJ Nealson	1,740.40	32.40	0.00	0.00	1,318.31
Jasper Scott	1,788.00	-	0.00	2.75	1,231.46
TOTAL ROAD USE	\$ 7,588.32	\$ 65.93	0.00	12.50	\$ 5,355.92
SEWER	August 6 - 19, 2022				
Tim Schultz	\$ 2,112.35	\$ 76.35	0.00	7.13	\$ 1,471.57
Jim Tjaden	2,576.92	-	0.00	0.00	1,867.32
TOTAL SEWER	\$ 4,689.27	\$ 76.35	0.00	7.13	\$ 3,338.89
SWIMMING POOL	August 5 - 18, 2022				
Lydia Ahlrichs	\$ 76.50	\$ -	0.00	0.00	\$ 50.65
Gabriella Barnhart	90.00	-	0.00	0.00	83.11
Rylan Bertling	199.38	-	0.00	0.00	183.13
Gabriella Donovan	68.88	-	0.00	0.00	63.61
Jill Flynn	249.13	-	0.00	0.00	230.07
Stella Flynn	94.25	-	0.00	0.00	87.04
Sullivan Flynn	483.00	-	0.00	0.00	446.05
Taylor Gassman	300.63	-	0.00	0.00	277.63
Ella Glawatz	239.88	-	0.00	0.00	221.53
Reeve Graver	290.25	-	0.00	0.00	268.04
Keaton Hermsen	309.88	-	0.00	0.00	285.18
Macaya Hollingshead	88.81	-	0.00	0.00	82.01
Karle Kramer	338.50	-	0.00	0.00	312.60
Jess Luetkemeier	470.26	-	0.00	0.00	434.28
Jacob Miller	311.13	-	0.00	0.00	287.33
Cole Nietert	407.25	-	0.00	0.00	376.09
Cord Nietert	400.50	-	0.00	0.00	369.86
Dylan Ponder	383.64	-	0.00	0.00	349.29
Ethan Ponder	38.25	-	0.00	0.00	35.33
Lake Schnoor	173.44	-	0.00	0.00	160.18
Mace Schnoor	45.31	-	0.00	0.00	41.84
Emma Schwendinger	674.32	-	0.00	0.00	605.11
Kendall Siebels	369.00	-	0.00	0.00	340.77
River Smith	134.13	-	0.00	0.00	123.87
Jessica Stadtmueller	101.25	-	0.00	0.00	93.50

PAYROLL - AUGUST 25, 2022

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
Madeline Stadtmueller	164.00	-	0.00	0.00	151.45
Hayden Tomkins	372.31	-	0.00	0.00	339.83
Brock Westphal	307.56	-	0.00	0.00	281.03
TOTAL SWIMMING POOL	\$ 7,181.44	\$ -	0.00	0.00	\$ 6,580.41
WATER	August 6 - 19, 2022				
Daniel Pike	\$ 2,012.00	\$ -	0.00	0.00	\$ 1,446.13
TOTAL WATER	\$ 2,012.00	\$ -	0.00	0.00	\$ 1,446.13
TOTAL - ALL DEPTS.	\$ 79,945.81	\$ 1,225.40	5.25	142.51	\$ 58,319.81

CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
POLICE DEPARTMENT					
AARON'S AUTOMOTIVE LLC	PD VEHICLE OPERATING		23.40		
AT&T MOBILITY	PD CELL PHONES		173.75		
BAKER PAPER CO INC	PD BUILDING SUPPLIES		40.47		
INFRASTRUCTURE TECHNOLOGY	PD 3CX PHONE SYSTEM		1,355.50		
JOHN DEERE FINANCIAL	PD SUPPLIES		17.96		
LAPORTE MOTOR SUPPLY	PD VEHICLE OPERATING		2.92		
MICHAEL'S CLOTHING	PD SUPPLIES		5.00		
UNITED RENTALS (NORTH AMERICA)	PD SUPPLIES		1,042.58		

	110 POLICE DEPARTMENT TOTAL		2,661.58		
AQUATIC CENTER					
ELSMORE SPORTS INC	POOL SWIM TEAM		1,147.50		
FAREWAY STORES #840-1	POOL CONCESSIONS		8.96		
INFRASTRUCTURE TECHNOLOGY	POOL 3CX PHONE SYSTEM		418.00		

	440 AQUATIC CENTER TOTAL		1,574.46		
CEMETERY					
IBEN CONSTRUCTION CO INC	CEM GRAVE OPENINGS - APR-JULY		750.00		

	450 CEMETERY TOTAL		750.00		
MAYOR AND CITY COUNCIL					
CHRISTINA LUX	COUNCIL TRAVEL		45.00		

	610 MAYOR AND CITY COUNCIL TOTAL		45.00		
CITY HALL/GENERAL BLDGS					
RUSSELL W FARNUM	IACMA DUES 7/1/2022-6/30/2023		150.00		
FP MAILING SOLUTIONS	CH CONTRACTS		98.85		
INFRASTRUCTURE TECHNOLOGY	CH 3CX PHONE SYSTEM		7,460.00		
IOWA ECONOMIC DEVELOPMENT AUTH	IA DOWNTOWN CONFERENCE- FARNUM		250.00		
JONES COUNTY SOLID WASTE	CH NUISANCES		172.15		
WYATT KEEHNER	CH WINDOW CLEANING		652.00		
LADCO	CH BLDG REPAIR/MAINT		7,948.61		

	650 CITY HALL/GENERAL BLDGS TOTAL		16,731.61		

	001 GENERAL TOTAL		21,762.65		
SOLDIER MEMORIAL FUND					
SOLDIER'S MEMORIAL BOARD					
KRAUS PLUMBING & HEATING LLC	SLDR MEM BLDG REPAIRS				

	498 SOLDIER'S MEMORIAL BOARD TOTAL				

	003 SOLDIER MEMORIAL FUND TOTAL				

CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
MONTICELLO BERNDES CENTER					
PARKS					
BAKER PAPER CO INC	MBC BUILDING SUPPLIES		370.50		
CENTRAL IOWA DISTRIBUTING INC	MBC EQUIP REPAIR/MAINT		782.00		
INFRASTRUCTURE TECHNOLOGY	MBC 3CX PHONE SYSTEM		552.00		
JOHN DEERE FINANCIAL	MBC EQUIP REPAIR/MAINT		1.79		
LINDA MARDORF	GROWING UP WILD SUPPLIES		72.90		
MONTICELLO SPORTS	MBC FLAG FOOTBALL SHIRTS		707.00		
RILEIGH NEWHARD	MBC DAMAGE DEPOSIT REFUND		200.00		
SPAHN & ROSE LUMBER CO INC	MBC GROUNDS SUPPLIES		282.73		
ANGELA VARGUS	MBC DAMAGE DEPOSIT REFUND		200.00		
WELLS FARGO VENDOR FINANCIAL	2020 TOOLCAT PAYMENT		1,048.95		

	430 PARKS TOTAL		4,217.87		

	005 MONTICELLO BERNDES CENTER TOTAL		4,217.87		
MONTICELLO TREES FOREVER					
PUBLIC WORKS					
ALL AMERICAN LAWN & LANDSCAPE	TREES		1,040.00		

	299 PUBLIC WORKS TOTAL		1,040.00		

	014 MONTICELLO TREES FOREVER TOTAL		1,040.00		
FIRE					
FIRE					
AT&T MOBILITY	FIRE TABLET		41.27		
JOE BAYNE	FIRE VEHICLE OPERATING		18.18		
RADIO COMMUNICATIONS CO INC	FIRE SUPPLIES		127.34		

	150 FIRE TOTAL		186.79		

	015 FIRE TOTAL		186.79		
AMBULANCE					
AMBULANCE					
AT&T MOBILITY	AMB CELL PHONES		66.81		
BAKER PAPER CO INC	AMB BUILDING SUPPLIES		40.47		
BOUND TREE MEDICAL, LLC	AMB MEDICAL SUPPLIES		302.63		
DAN'S OVERHEAD DOORS & MORE	AMB BLDG REPAIR/MAINT		1,429.00		
DUBUQUE FIRE EQUIPMENT, INC.	AMB VEHICLE EXTINGUISHERS		150.45		
INFRASTRUCTURE TECHNOLOGY	AMB 3CX PHONE SYSTEM		1,355.50		
IOWA DEPT OF HUMAN SERVICES	AMB REFUND		2,785.15		
KARDES INC	AMB FUEL		73.01		
PHYSICIAN'S CLAIM COMPANY	AMB BILLING FEES		1,864.29		
STERICYCLE, INC.	AMB PHARMACEUTICAL DISPOSAL		79.35		

	160 AMBULANCE TOTAL		8,146.66		

CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
	016 AMBULANCE TOTAL		8,146.66		
LIBRARY IMPROVEMENT LIBRARY FAREWAY STORES #840-1	LIB IMP PROGRAMS/PROMOTIONS		32.05		
	410 LIBRARY TOTAL		32.05		
	030 LIBRARY IMPROVEMENT TOTAL		32.05		
LIBRARY LIBRARY BAKER & TAYLOR BOOKS INFRASTRUCTURE TECHNOLOGY MICRO MARKETING LLC WYATT KEEHNER MICHELLE TURNIS	LIB BOOKS LIB 3CX PHONE SYSTEM LIB BOOKS LIB WINDOW CLEANING LIB ADVERTISING		94.22 40.00 14.39 250.00 12.00		
	410 LIBRARY TOTAL		410.61		
	041 LIBRARY TOTAL		410.61		
AIRPORT AIRPORT MONTICELLO AVIATION INC	AIRPORT MANAGER		2,166.66		
	280 AIRPORT TOTAL		2,166.66		
	046 AIRPORT TOTAL		2,166.66		
ROAD USE STREETS AT&T MOBILITY BROWN SUPPLY CO INC GENERAL TRAFFIC CONTROLS, INC. W.W. GRAINGER, INC HENDERSON PRODUCTS INC. INFRASTRUCTURE TECHNOLOGY JOHN DEERE FINANCIAL KROMMINGA MOTORS INC LAPORTE MOTOR SUPPLY DAVID B MCNEILL MID-IOWA SOLID WASTE EQUIP CO STEVE MONK CONSTRUCTION L.L. PELLING CO SPAHN & ROSE LUMBER CO INC	RU TABLET RU STREET MAINTENANCE SUPPLIES RU LIGHT SYSTEMS & STRUCTURES RU EQUIP REPAIR/MAINT RU EQUIP REPAIR/MAINT RU 3CX PHONE SYSTEM RU SUPPLIES RU EQUIP REPAIR/MAINT RU EQUIP REPAIR/MAINT RU SUPPLIES RU EQUIP REPAIR/MAINT RU STREET MAINTENANCE CONTRACT RU STREET MAINTENANCE SUPPLIES RU SUPPLIES		41.27 140.00 400.00 82.74 757.78 134.00 295.82 125.78 47.36 20.00 252.89 3,775.81 797.34 79.22		
	210 STREETS TOTAL		6,950.01		

CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
	110 ROAD USE TOTAL		6,950.01		
PARK IMPROVEMENT CAPITAL PROJECTS					
BARD MATERIALS	PARK IMPROVEMENTS		2,190.01		
STEVE MONK CONSTRUCTION	PARK IMPROVEMENTS		5,504.65		
	750 CAPITAL PROJECTS TOTAL		7,694.66		
	313 PARK IMPROVEMENT TOTAL		7,694.66		
POCKET PARK PARKS					
SPAHN & ROSE LUMBER CO INC	POCKET PARK IMPROVEMENTS		24.43		
	430 PARKS TOTAL		24.43		
	375 POCKET PARK TOTAL		24.43		
TRUST/IOMA MARY BAKER LIBRARY					
CENTER POINT PUBLISHING	LIB BAKER BOOKS		45.54		
	410 LIBRARY TOTAL		45.54		
	503 TRUST/IOMA MARY BAKER TOTAL		45.54		
WATER					
AT&T MOBILITY	WATER CELL PHONE & TABLET		58.13		
AUTOMATIC SYSTEMS CO	WATER SYSTEM		4,857.50		
EASTERN IA EXCAVATING&CONCRETE	WATER SYSTEM		1,027.00		
FAREWAY STORES #840-1	WATER LAB SUPPLIES		9.98		
FREESSE MOTORS INC	WATER VEHICLE OPERATING		162.95		
HAWKINS WATER TREATMENT	WATER SYSTEM		20.00		
STATE HYGIENIC LABORATORY	WATER LAB TESTS		229.50		
INFRASTRUCTURE TECHNOLOGY	WATER 3CX PHONE SYSTEM		134.00		
IOWA ONE CALL	WATER SYSTEM		16.65		
JOHN DEERE FINANCIAL	WATER SUPPLIES				
KARDES INC	WATER FUEL		44.26		
KARDES INC	WATER FUEL		71.07		
MUNICIPAL SUPPLY INC	WATER SYSTEM		1,101.00		
USA BLUE BOOK	WATER SUPPLIES		19.83		
WHITE HAWK PLUMBING & HEATING	WATER SYSTEM		95.27		
	810 WATER TOTAL		7,847.14		
	600 WATER TOTAL		7,847.14		

CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
CUSTOMER DEPOSITS					
WATER					
JULIE BENSON	WATER DEPOSIT REFUND		89.61		
CITY OF MONTICELLO	ESPINOZA/SERGIO		689.50		
SUSAN STEUHM	WATER DEPOSIT REFUND		135.89		

	810 WATER TOTAL		915.00		

	602 CUSTOMER DEPOSITS TOTAL		915.00		
SEWER					
SEWER					
BAKER PAPER CO INC	SEWER LAB SUPPLIES		88.13		
ELECTRIC PUMP INC	SEWER EQUIP REPAIR/MAINT		1,542.00		
FAREWAY STORES #840-1	SEWER LAB SUPPLIES		26.53		
STATE HYGIENIC LABORATORY	SEWER LAB TESTS		771.00		
IOWA ONE CALL	SEWER SYSTEM		16.65		
JOHN DEERE FINANCIAL	SEWER EQUIP REPAIR/MAINT		71.43		
KARDES INC	SEWER FUEL		44.27		
KARDES INC	SEWER FUEL		71.07		
LAPORTE MOTOR SUPPLY	SEWER EQUIP REPAIR/MAINT		7.91		
MSA SAFETY SALES LLC	SEWER SYSTEM		390.00		
ROTO-ROOTER	SEWER SYSTEM		480.00		
USA BLUE BOOK	SEWER LAB SUPPLIES		138.09		

	815 SEWER TOTAL		3,647.08		

	610 SEWER TOTAL		3,647.08		
SANITATION					
SANITATION					
REPUBLIC SERVICES	RESIDENTIAL GARBAGE		23,335.14		

	840 SANITATION TOTAL		23,335.14		

	670 SANITATION TOTAL		23,335.14		
			=====		
	Accounts Payable Total		88,422.29		

**CLAIMS REPORT
CLAIMS FUND SUMMARY**

FUND NAME	AMOUNT
001 GENERAL	21,762.65
003 SOLDIER MEMORIAL FUND	
005 MONTICELLO BERNDES CENTER	4,217.87
014 MONTICELLO TREES FOREVER	1,040.00
015 FIRE	186.79
016 AMBULANCE	8,146.66
030 LIBRARY IMPROVEMENT	32.05
041 LIBRARY	410.61
046 AIRPORT	2,166.66
110 ROAD USE	6,950.01
313 PARK IMPROVEMENT	7,694.66
375 POCKET PARK	24.43
503 TRUST/IOMA MARY BAKER	45.54
600 WATER	7,847.14
602 CUSTOMER DEPOSITS	915.00
610 SEWER	3,647.08
670 SANITATION	23,335.14

TOTAL FUNDS	88,422.29

City Council Meeting
Prep. Date: 08/31/2022
Preparer: Russell Farnum



Agenda Item: # 1-4
Agenda Date: 9/06/2022

Communication Page

Agenda Items Description: Approving Development Agreement with Derek Manternach dba Manternach Custom Creations and Amending Monticello Urban Renewal Plan to include Manternach Custom Creations Project

Type of Action Requested: Resolutions (2)

Attachments & Enclosures:
Resolutions (2)

<u>Fiscal Impact:</u>	
Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

Synopsis: This request by Derek Manternach to provide a tax rebate for his new custom cabinet shop on John Drive requires multiple action(s) on the part of the City Council:

1. Hold a public hearing on the proposed Development Agreement;
2. Pass a resolution approving the Development Agreement;
3. Hold a public hearing on amending the Urban Renewal Plan to include the project, and
4. Pass a resolution amending the Urban Renewal Plan to include the project.

The Council discussed Manternach’s proposal at the August 2 Council meeting. At that meeting, the Council scheduled a Public Hearing for September 6, and directed Staff to proceed with the process.

Analysis:

Derek Manternach is purchasing the lot west of 709 John Drive for construction of a 4,000 square foot (50 by 80) custom cabinetry and furniture making shop, which will house his business Manternach Custom Creations. The proposed building reflects a new investment of nearly \$350,000 in the building alone, not including the existing \$25,000 value of the lot or the related development improvements to the site.

Manternach has requested a property tax rebate for a period of 10 years, similar to others proposed and approved by the City for new developments in the TIF district. Following terms and percentages similar to that approved for the McMatt storage project, the overall rebate over 10 years would be about \$55,000.

The Planning and Zoning Commission reviewed the addition of the project to the Urban Renewal Plan on August 4, and recommended approval by a vote of 3-0 (Adams and Tuetken absent).

Recommendation: Manternach currently runs his operation on a farm outside of the City. This is a great opportunity to see a local business grow, and sets the stage for further growth in the future.

Approval of the two resolutions, after the respective public hearings, is recommended.

DATE FOR HEARING ON
DEVELOPMENT AGREEMENT AND
TAX INCREMENT PAYMENTS

(Derek Manternach)

Monticello, Iowa

September 6, 2022

A meeting of the City Council of the City of Monticello, Iowa, was held at the Monticello Renaissance Center, Community Media Room, Monticello, Iowa, 6:00 o'clock p.m., on September 6, 2022 pursuant to the rules of the Council.

The Mayor David Goedken presided and the roll was called, showing members present and absent as follows:

Present: _____

Absent: _____

Council Member _____ introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member _____; and after due consideration thereof by the Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____

Abstained: _____

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

RESOLUTION NO.
Approving Development Agreement between City of Monticello
and Derek Manternach dba Manternach Custom Creations

WHEREAS, the City of Monticello, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Monticello Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in various Urban Renewal Areas pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City proposes to enter into an agreement (the “Development Agreement”) with Derek Manternach dba Manternach Custom Creations (the “Developer”) with respect to the construction of a 4,000 square foot custom cabinetry and furniture manufacturing facility on Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040 to the City of Monticello, County of Jones, State of Iowa, and

WHEREAS, the Development Agreement would provide financial incentives to the Developer in the form of incremental property tax payments rebates to the Developer under the authority of Section 403.9(1) of the Code of Iowa, rebating a portion of real estate taxes paid for a number of years, and

WHEREAS, the City Council scheduled a public hearing on the proposed Development Agreement for tonight’s meeting, September 6, 2022 at 6:00 p.m., and

WHEREAS, The City Council has held the public hearing as scheduled.

NOW THEREFORE, IT IS RESOLVED by the City Council of the City of Monticello, Iowa, on this 6th day of September, 2022, by the approval of this Resolution, does hereby approve the proposed Development Agreement and incentives offered therein.

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 6th day of September, 2022.

David Goedken, Mayor

Attest: _____
Sally Hinrichsen, City Clerk/Treasurer

DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Monticello, Iowa (the “City”), and Derek Manternach dba Manternach Custom Creations (the “Owner”) as of the _____ day of September, 2022.

WHEREAS, the City has previously established the Monticello Urban Renewal Area (the “Urban Renewal Area”), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Owner intends to acquire certain real property which is situated within the Urban Renewal Area and more specifically described on Exhibit A hereto (the “Property”), and the Owner will undertake the construction of a 4,000 square foot custom cabinetry and furniture manufacturing facility (the “Project”) on the Property; and

WHEREAS, the Owner is responsible for the payment of the property taxes and has requested tax increment financing assistance with respect to the Project for Economic Development in a Commercial or Industrial Area; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons, and the City Council specifically finds as follows:

1. That a public purpose will reasonably be accomplished by the provision of tax incentives, grants, and other financial assistance to the Owner, including the expansion of the tax base of the community.
2. That the construction of a new 4,000 square foot manufacturing facility will provide new tax base to the community, even if a portion of those taxes are rebated for a period of time.
3. That the proposed manufacturing use will create jobs, provide local option sales tax proceeds, where customers and employees stop to make purchases before and after their work shifts.
4. The Council has considered the overall impact the proposed development will have on the community, weighing the overall benefits of the business, and finds that the benefits to the Citizens, Local Businesses, and tax base of the City warrants and justifies the incentives and easily outweighs the amount of funds dispensed by way of and consistent with the terms of this Development Agreement.

NOW THEREFORE, the parties hereto agree as follows:

A. Owner Covenants

1. The Owner agrees to acquire the Property and agrees to construct (or cause to be constructed) and maintain the Project on the Property, and to use the completed facilities as part of its business operations throughout the term of this Agreement.

2. The Owner agrees to make timely payment of all property taxes as they come due throughout the term of this Agreement with respect to the Property and to submit a receipt or cancelled check in evidence of each such payment.

3. The Owner agrees to the following: (a) Begin construction said facility within one (1) year of this Agreement and diligently prosecute the same to completion; (b) Provide on-site storm water control as required by City Ordinances.

4. The Owner agrees to certify to the City by no later than October 15th of each year during the Term, as hereinafter defined, commencing October 15, 2024¹, an amount (The “Owner’s Estimate”) equal to the estimated Incremental Property Tax Revenues anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of the Property. For purposes of this Agreement, Incremental Property Tax Revenues are calculated by:

- (1) Determining the consolidated property tax levy (City, County, School, Etc.) then in effect with respect to taxation of the Property;
- (2) Reducing the Consolidated Tax Rate by the following to create an “Adjusted Levy Rate”:
 - (a) the debt service levies of all taxing jurisdictions, and
 - (b) the school district instructional support and physical equipment plant levies, and
 - (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly.
- (3) Multiplying the resulting Adjusted Levy Rate by any incremental growth in the taxable valuation of the Property, as shown on the property tax rolls of Jones County, above and beyond the “Base Valuation” which is agreed to total \$25,000, resulting in the “Estimated Incremental Property Tax Revenues”, and then
- (4) Deducting property tax credits, if any, applicable to the Property from the “Estimated Incremental Property Tax Revenues”, to create the “Actual Incremental Property Tax Revenues”.

¹ The Owner’s Certification by October 15, 2024 will allow the City Clerk to include the amount estimated to be due for FY ‘25 in the TIF Certification due by 12/1/2024. The Certification will allow the City to receive necessary increment for payments to the Owner in FY ‘25.

The calculations resulting in the Owner's Estimate will be set forth on the worksheet attached hereto, marked **Exhibit B**, and submitted to the City for review. The City reserves the right to review and request revisions to the Owner's Estimate to ensure the accuracy of the figures submitted. Any disagreement with regard to the calculations used to arrive at the Owner's Estimate, and/or the final estimate itself, that cannot be resolved by the Parties, shall be decided by and in the sole discretion of the City. The City will provide reasonable assistance to the Owner in the completion of this worksheet upon request.

5. **Default Provisions.** The following shall be "Events of Default" under this Agreement, and the term "Event of Default" shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

(1) Failure by the Owner to own and maintain the Project pursuant to the terms and conditions of this Agreement.

(2) Failure by the Owner to fully and timely remit payment of property taxes when due and owing.

(3) Failure by the Owner to maintain a use of the property for "manufacturing" or similar purpose.

(4) Failure of the Owner to comply with Sections A(1) through A(6) of this Agreement.

In the event of a default the City shall provide written notice to the Owner, describing the default and the steps necessary to remedy or cure the Default. The Owner shall be given thirty (30) days from the date of mailing or personal service, including the date of mailing or personal service as the case may be, to remedy or cure the default or to provide adequate assurances to the City that the Default will be cured on a schedule that is agreeable to the City. If the Owner fails to cure the default or provide assurances, the City shall then be authorized to:

(1) Pursue any action available to it, at law or in equity, in order to enforce the terms of this agreement.

(2) Withhold the Payments provided for under Section B, below.

B. City's Covenants

1. Property Tax Rebate Payments. In recognition of the obligations set out above, the City agrees to make 20 semi-annual economic development tax increment payments (the "Rebate Payments") to the Owner, pursuant to Chapters 15A and 403 of the Code of Iowa and as described below, provided, however, that the aggregate total amount of the Payments shall not exceed \$55,000 (The "Maximum Payment Total"), and all payments under this Agreement shall be subject to annual appropriation by the City Council, as further described herein.

This Agreement is based upon the Project going on the tax rolls as of January 1, 2024. Based thereon, the first tax payment for the fully-assessed Project would be made in September, 2025. Accordingly, the Rebate Payments will be made on or about the 1st of December and the 1st of June each fiscal year, beginning on December 1, 2025 and continuing thereafter until all 20

semi-annual payments have been made or until such earlier time as the aggregate amount of Total Payments (as hereinafter defined) made under this Agreement equals \$55,000. All payments made under this Agreement shall be subject to annual appropriation by the City Council as provided hereunder.

No payment shall exceed an amount which represents the Incremental Property Tax Revenues available to the City with respect to the Property during the six (6) months immediately preceding each Payment date.

Each Rebate Payment shall be in an amount which represents a percentage (the “Annual Percentage”) of the Incremental Property Tax Revenues available to the City with respect to the Property during the 6 months immediately preceding each Payment date reduced by the Repayment Deduction (as hereinafter set forth). Incremental Property Tax Revenues are produced by multiplying the consolidated property tax levy (city, county, school, etc.) times the incremental valuation of the Property, then subtracting debt service levies of all taxing jurisdictions, subtracting the school district physical plant and equipment levy and subtracting any other levies which may be exempted from such calculation by action of the Iowa General Assembly. The Annual Percentages shall be as follows:

- FY 2025-2026: 100%
- FY 2026-2027: 95%
- FY 2027-2028: 90%
- FY 2028-2029: 85%
- FY 2029-2030: 80%
- FY 2030-2031: 75%
- FY 2031-2032: 70%
- FY 2032-2033: 65%
- FY 2033-2034: 60%
- FY 2034-2035: 55%

2. Security and Debt Certification. The Total Payments shall not constitute general obligations of the City, but shall be made solely and only from incremental property taxes received by the City from the Jones County Treasurer which are attributable to the Property, in the case of the Rebate Payments.

Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the term of this Agreement, the City Council shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year, an amount of tax increment revenues to be collected in the following fiscal year equal to or less than the most recent Owner’s Estimate factored by the Annual Percentage to be in effect in the next succeeding fiscal year (the “Appropriated Amount”).

If, in any given fiscal year, the City Council determines to not obligate the then-considered Appropriated Amount, the City will be under no obligation to fund the Payments scheduled to become due in the following fiscal year, and the Owner will have no rights whatsoever to compel the City to make such Payments or to seek damages relative thereto. A determination by

the City Council to not obligate funds for any particular fiscal year's Payments shall not render this Agreement null and void and the Owner may make future requests for appropriation.

In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, then the City Clerk will certify by December 1 of each such year to the Jones County Auditor an amount equal to the most recently obligated Appropriated Amount.

It is the intention and desire of the City Council, at the passage of this Development Agreement, that funds will be annually appropriated as contemplated herein absent a finding by the City Council of severe hardship to the City.

C. Administrative Provisions

1. Amendment and Assignment: This Agreement may not be amended, assigned, assumed, sold or otherwise transferred without the prior written consent of the other party. However, the City hereby gives its permission that the Owner's rights to receive the Payments hereunder may be assigned by the Owner to a private lender, as security on a credit facility taken with respect to the Project, without further action on the part of the City.

2. Successors: This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. Term: The term of this agreement shall commence on the Commencement Date and end after payment of the anticipated 20 semi-annual payments or on such earlier date upon which the aggregate sum of Payments made to the Company equals the Maximum Payment Total.

4. Choice of Law: This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

5. Force Majeure: Neither Party is responsible for any failure to perform its obligations of satisfy a condition under this agreement upon the occurrence of a Force Majeure Event. When the nonperforming party is able to resume performance or satisfy the conditions, it will promptly give the other party written notice to that effect and shall resume performance under this agreement. For the purposes of this agreement, a "Force Majeure Event" is an act or event that (i) prevents the nonperforming party from performing its obligations under this agreement or satisfying any conditions to the performing party under this agreement; (ii) is beyond the reasonable control of and not the fault of the nonperforming party; and (iii) is beyond the nonperforming party's ability to avoid or overcome by the exercise of commercially reasonable due diligence. A Force Majeure Event includes the following, without limitation: an act of war (whether declared or not), hostilities, invasion, act of foreign enemies, terrorism, or civil disorder; extraordinary shortages in labor or materials; a strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not); exceptional weather conditions; and discontinuation of electricity supply or other necessary utilities to the Property.

The City and the Owner have caused this Agreement to be signed, and the City's seal to be affixed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF MONTICELLO, IOWA

By _____
Dave Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk

Derek Manternach, Owner
dba Manternach Custom Creations

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Certain real property in the City of Monticello, County of Jones, State of Iowa more particularly described as follows:

(TBD) Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040, in the City of Monticello, County of Jones, State of Iowa.

EXHIBIT B

OWNER'S ESTIMATE WORKSHEET

- 1) Date of Preparation: _____
- 2) Taxable Valuation of the Property as of _____, 202__;
\$ _____
- 3) Base Taxable Valuation of the Property for purposes of the Agreement (September __, 2022) \$ 25,000
- 4) Incremental Taxable Valuation of the Property (2 minus 3) \$ _____
- 5) Current City Fiscal Year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the Adjusted Levy Rate) \$ _____ per \$1000
- 6) The TIF Value (4) factored by the Adjusted Levy Rate (5);
\$ _____ x \$ _____ / 1000 = \$ _____ (TIF Estimate)
- 7) Property Tax Credits \$ _____
- 8) TIF Estimate (6) less Property Tax Credits (7) \$ _____ (Owner's Estimate)

**NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT
AGREEMENT WITH DEREK MANTERNACH**

The City Council of the City of Monticello, Iowa, will meet at the Monticello Renaissance Center, Community Media Room, Monticello, Iowa, on the 6th day of September, 2022 at 6:00 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City of Monticello and Derek Manternach with respect to the construction of a 4,000 square foot custom cabinetry and furniture manufacturing facility on Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040 to the City of Monticello, County of Jones, State of Iowa, generally, at the estimated cost of \$350,000.00. The agreement provides for tax rebates over a period of up to 10 years in a total amount not to exceed \$55,000.00 as authorized by Chapter 403 of the Code of Iowa.

The Agreement to make said rebate payments from incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Monticello Urban Renewal Area.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the Council may, at said meeting or at an adjournment thereof, take additional action to approve the Development Agreement as written, approve the agreement as amended, or may abandon the proposal.

This notice is given by order of the City Council of Monticello, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Sally Hinrichsen
City Clerk

The City of Monticello, Iowa

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

RESOLUTION #

**Approving Amendment to Monticello Urban Renewal Plan to
include Development Agreement and Economic Incentives to
Derek Manternach dba Manternach Custom Creations**

WHEREAS, The City of Monticello has previously created the Monticello Urban Renewal Area, as subsequently amended, hereinafter referenced as the “Urban Renewal Area”, and

WHEREAS, The Council, being duly advised, has determined it appropriate and desirable to amend the Urban Renewal Plan to include the provision of incentives to be paid to Derek Manternach dba Manternach Custom Creations consistent with a previously approved Development Agreement in return for the construction of a new 4,000 square foot custom cabinetry and furniture manufacturing facility on Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040 to the City of Monticello, County of Jones, State of Iowa, and

WHEREAS, The Council desires to consider all input before making a final decision on the proposed amendment to the Urban Renewal Plan, and

WHEREAS, A Public Hearing must be scheduled to allow for public input on the proposed amendments, and the public hearing was previously scheduled with appropriate notice published in the Monticello Express for tonight, and

WHEREAS, The City of Monticello Planning & Zoning Board previously reviewed the proposed amendment and voiced no objections, and

WHEREAS, The City Administrator invited the School Superintendent and the County Auditor to a meeting to discuss the proposed amendment as required by the Code, and

WHEREAS, No objections have been received from the County, the School, or anyone else to the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council in session this 6th day of September, 2022, that the proposed amendment to the Monticello Urban Renewal Plan, 2022 Plan Amendment #2, the same being in the form attached to this

resolution, approving an amendment to the plan to provide incentives to the Developer in return for the construction of the proposed 4,000 square foot custom cabinetry and furniture manufacturing facility as set out fully in a Development Agreement between the Developer and the City approved by Resolution No.2022-____ on September 6, 2022.

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 6th day of September, 2022.

David Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

CITY OF MONTICELLO, IOWA
MONTICELLO URBAN RENEWAL PLAN
2022 PLAN AMENDMENT #2

September, 2022

I. INTRODUCTION

Chapter 403 of the Code of Iowa authorizes cities to establish areas within their boundaries known as “urban renewal areas,” and to exercise special powers within these areas. Urban renewal powers were initially provided to cities in order that conditions of blight and deterioration within cities might be brought under control. Gradually, urban renewal has been found to be a useful tool, as well, for economic development in previously undeveloped areas and for retention of enterprises and jobs in other areas.

In order to facilitate the use of urban renewal for economic development, in 1985, the Iowa General Assembly amended Chapter 403 to authorize City Councils to create “economic development” areas. An economic development urban renewal area may be any area of a city which has been designated by the City Council as an area which is appropriate for industrial, commercial and/or residential enterprises and in which the city seeks to encourage further development.

As an additional expression of the role for local governments in private economic development, the General Assembly also enacted Chapter 15A of the Code of Iowa, which declares that economic development is a “public purpose” and authorizes local governments to make grants, loans, guarantees, tax incentives and other financial assistance to private enterprise. The statute defines “economic development” as including public investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.

The process by which an economic development urban renewal area may be created begins with a finding by the City Council that such an area needs to be established within the City. An urban renewal plan is then prepared for the area, which must be consistent with the City’s existing comprehensive or general plan. All other affected taxing entities must be notified and given an opportunity to comment on the plan. The City Council must hold a public hearing on the urban renewal plan, following which, the Council may approve the plan.

This document is intended to serve as the Urban Renewal Plan Amendment #2 for the Monticello Urban Renewal Area (the “Urban Renewal Area”) of the City of Monticello, Iowa (the “City”) and will guide the City in promoting economic growth through the encouragement of commercial and industrial development in such area as detailed herein. This document is an Urban Renewal Plan within the meaning of Chapter 403 of the Code of Iowa and sets out proposed projects and activities within the Urban Renewal Area.

II. DESCRIPTION OF URBAN RENEWAL AREA

The real property included in the Urban Renewal Area includes all of the real property described on Exhibit A hereto.

III. URBAN RENEWAL OBJECTIVES

The primary objectives for the development of the Urban Renewal Area are:

1. To contribute to a diversified, well-balanced local economy by creating job opportunities and strengthening the property tax base.
2. To assist in providing land and resources for new and expanded commercial and industrial development in a manner that is efficient from the standpoint of providing municipal services.
3. To stimulate through public action and commitment, private investment in commercial and industrial development, and to encourage commercial and industrial job retention, growth and expansion through the use of various federal, state and local incentives, including tax increment financing.
4. To provide municipal infrastructure, services and facilities that enhance possibilities for economic development and community attractiveness to private enterprise.
5. To help finance the costs of street, water, sanitary sewer, storm sewer, or other public improvements in support of new commercial and industrial development.
6. To provide a more marketable and attractive investment climate.

IV. URBAN RENEWAL PROJECTS AND ACTIVITIES

The following types of activities are examples of the specific actions which may be undertaken by the City within the Urban Renewal Area:

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.
2. Construction of public improvements and facilities, including streets, public utilities or other facilities in connection with an urban renewal project.
3. Construction of buildings or specific site improvements such as grading and site preparation activities, access roads and parking, railroad spurs, fencing, utility connections, and related activities.
4. Acquisition, preparation and disposition of property for development and/or redevelopment.

5. Making available, as appropriate, financing for development projects, including conventional municipal borrowing and tax increment financing resulting from increased property values in the Urban Renewal Area.

6. Pursuant to state law, provision of direct financial assistance, including grants, loans and tax increment rebate agreements, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the City Council.

V. SPECIFIC URBAN RENEWAL PROJECTS

The City has determined to undertake the following initiative in the Urban Renewal Area as an economic development urban renewal project:

Name of Project: Derek Manternach dba Manternach Custom Creations

Date of Council Approval of Project: September 6, 2022

Description of the Project and Project Site: Derek Manternach dba Manternach Custom Creations (the “Company”) has proposed to undertake the construction a new 4,000 square foot custom cabinetry and furniture manufacturing facility (the “Project”) on the Property, described in Section II hereof, for use in the Company’s business operations.

It has been requested that the City provide tax increment financing assistance to the Company in support of the efforts to complete, operate and maintain the Project.

Description of Use of TIF for the Project: The City intends to enter into a Development Agreement with the Company with respect to the construction of the Project and to provide annual appropriation economic development payments (the “Payments”) to the Company thereunder. The Payments will be funded with incremental property tax revenues to be derived from the Property with the completed Project thereon. It is anticipated that the City’s total commitment of incremental property tax revenues with respect to the Project will not exceed \$55,000 plus the Admin Fees.

VI. LAND USE PLAN AND PROPOSED DEVELOPMENT

The City has adopted a Comprehensive Land Use Plan which guides the establishment of commercial, residential and industrial land uses throughout the incorporated area. Land use in the Urban Renewal Area will be carried out in a manner that will maintain consistency with the Comprehensive Land Use Plan and the City’s zoning regulations.

VII. TAX INCREMENT FINANCING

In order to assist in the development or retention of private enterprises, the City may be requested to acquire land, construct public improvements or provide economic development loans, grants or other tax incentives for the benefit of private enterprises in order to enhance the value of property in the Urban Renewal Area. As part of the Urban Renewal Area, the City has adopted an ordinance to create a tax increment district (the “TIF District”), within which the property taxes eventually paid by new private development may be used to pay costs of urban renewal projects

for these types of activities, including reimbursing the City or paying debt service on obligations issued by the City. The use of these tax revenues is known as tax increment financing (“TIF”).

Depending upon the date upon which the TIF District is legally established and the date on which debt is initially certified within the TIF District, an original taxable valuation is established for the property within the TIF District, which is known as the “base valuation.” The “base valuation” is the assessed value of the taxable property in the TIF District as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt payable from TIF revenues to be generated within that TIF District. When the value of the property inside the TIF District increases by virtue of new construction or any other reason, the difference between the base valuation and the new property value is the “tax increment” or “incremental value.”

Procedurally, after tax increment debt has been incurred for the financing of improvements within the TIF District or for the payment of economic development incentives to private entities, property taxes levied by all local jurisdictions (city, county, school, area college) against the incremental value, with the exception of taxes levied to repay current or future debt incurred by local jurisdictions and the school district instructional support and physical plant and equipment levies, are allocated by state law to the City’s tax increment fund rather than to each local jurisdiction. These new tax dollars are then used to pay principal and interest on any tax increment debt incurred or to pay the costs of projects in the Urban Renewal Area.

VIII. EFFECTIVE PERIOD

This Urban Renewal Plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council. The collection of incremental property taxes in the Urban Renewal Area will continue for the maximum number of years authorized by Chapter 403 of the Code of Iowa unless otherwise determined by action of the City Council.

IX. PLAN AMENDMENTS

This Urban Renewal Plan may be amended in accordance with the procedures set forth in Chapter 403 of the Code of Iowa to, for example, change the project boundaries, modify urban renewal objectives or activities, or to carry out any other purposes consistent with Chapter 403 of the Code of Iowa.

X. FINANCIAL INFORMATION

1.	Current constitutional debt limit:	\$12,991,817 ¹
2.	Outstanding general obligation debt:	\$ 2,800,000 ²
3.	Proposed amount of debt to be incurred*:	\$ 55,000 ³

*It is anticipated that the some or all of the debt incurred hereunder will be subject to annual appropriation by the City Council.

¹ This number represents the Constitutional Debt limit entering FY '23

² This number represents the Total G.O. Debt entering FY '23 which does not include development agreements providing for the payment of TIF incentives that are subject to Annual Appropriation. The total remaining due over the life of said agreements is approximately \$2,964,000. Also excluded from this number is "Non-GO" debt in the total amount of \$649,892.

³ Proposed Debt to be incurred in connection with this amendment is based upon an estimated Incremental Tax Valuation of \$350,000 at the current millage rate of \$35.65 per thousand over ten (10) years without considering Business Property Credit which would not be a significant factor equals \$55,000.

EXHIBIT A
Legal Description

Certain real property situated in the City of Monticello, Jones County, State of Iowa, bearing Jones County Property Tax Parcel Identification Number 0216300040 and more particularly described as follows:

Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040 to the City of Monticello, County of Jones, State of Iowa



**NOTICE OF PUBLIC HEARING ON DESIGNATION OF AMENDED MONTICELLO
URBAN RENEWAL PLAN**

Notice Is Hereby Given that a Public Hearing will be held on the 6th day of September, 2022 at 6:00 o'clock p.m., at the Mary Lovell LeVan Monticello Renaissance Center, Community Media Center, 220 East First Street, on the Proposed Amendment to the Monticello Urban Renewal Plan pursuant to and consistent with Chapter 403 of the Iowa Code.

The following property is proposed to be added, the general description being set forth herein as allowed by Iowa Code Section 403.403.5(3):

Parcel 2019-74 in Lot 10 of the Monticello Industrial Park 3rd Addition, a portion of the tract of land having PIN 0216300040 to the City of Monticello, County of Jones, State of Iowa

The proposed amendment to the Urban Renewal Plan, allow the property, and development thereon, to be subject to the provisions of the plan.

At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Sally Hinrichsen
City Clerk

City Council Meeting
Prep. Date: 8/17/2022
Preparer: Sally Hinrichsen



Agenda Item: # 5
Agenda Date: 09/06/2022

Communication Page

Agenda Items Description: Resolution approving the FY 2021-2022 Street Finance Report

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

Attachments & Enclosures:

Resolution
Street Financial Report

Fiscal Impact:

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

Synopsis: Annual Street Finance Report is required to be filed to the Iowa Department of Transportation by December 1 of each year, per Iowa Code section 312.14.

Background Information: City Annual Street Finance Report summarizes the revenues, expenses, debt payments, major equipment/ assets owned, rented and/or purchased, major street project, and finally, ending cash balances in applicable funds tied to “streets” in the community. I prepared the report and upon review and approval by the Council will see to its’ submission in accordance with State Law.

Staff Recommendation:

Staff recommends approval of the FY 2021-2022 Street Finance Report

THE CITY OF MONTICELLO, IOWA

RESOLUTION

Approving FY 2021-2022 Street Finance Report

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

WHEREAS, The City of Monticello is obligated to prepare and submit a report, annually, setting out the balances, revenues, expenses associated with our receipts and expenses and debt indebtedness and to further provide some detail in regard thereto, and

WHEREAS, The City Clerk has prepared the report for FY 2021-2022 Street Finance Report, as required by Code of Iowa section 312.14. Same having been reviewed by the City Administrator and presented to the City Council for review and approval, and

WHEREAS, The Council finds, based upon the information provided by the City Clerk, that the report should be approved for submission to the Iowa Department of Transportation.

NOW THEREFORE BE IT RESOLVED by the City of Monticello, through its' City Council, in session this 6th day of September 2022, does hereby approve the FY 2021-2022 Street Finance Report and directs the City Clerk to submit same to the Iowa Department of Transportation as required by Iowa Code section 312.14.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 6th day of September 2022.

David Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2022

Monticello

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Expenses

	General Fund Streets (007)	Road Use (110)	Other Special Revenues	Debt Services (200)	Capital Projects (300)	Utilities (500 & 600)	Grand Total
Salaries - Roads/Streets		\$160,625					\$160,625
Benefits - Roads/Streets		\$577					\$577
Training & Dues		\$1,268					\$1,268
Building & Grounds Maint. & Repair	\$2,088	\$3,547					\$5,635
Vehicle & Office Equip Operation and Repair		\$24,384					\$24,384
Operational Equipment Repair		\$48,641					\$48,641
Street Lights	\$74,184						\$74,184
Other Utilities		\$8,663					\$8,663
Engineering		\$12,955					\$12,955
Insurance		\$11,144					\$11,144
Rents & Leases		\$1,370					\$1,370
Street Maintenance Expense		\$28,787					\$28,787
Tax Expense						\$3,862	\$3,862
Other Professional Services		\$3,872					\$3,872
Other Contract Services	\$21,879	\$198,798				\$28,952	\$249,629
Minor Equipment Purchases		\$3,537					\$3,537



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2022

Monticello

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	General Fund/ Streets (600)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
Operating Supplies		\$7,591					\$7,591
Replacement Posts & Signs		\$951					\$951
Vehicles		\$111,992					\$111,992
Street - New Roadway					\$489,402		\$489,402
Principal Payment				\$315,882			\$315,882
Interest Payment				\$68,772			\$68,772
Bond Registration Fees				\$922			\$922
Transfer Out		\$80,000				\$21,213	\$101,213
Street Lighting		\$12,535					\$12,535
Snow Removal		\$19,291					\$19,291
Snow Removal Salaries		\$21,181					\$21,181
Snow Removal Benefits		\$120					\$120
Total	\$98,151	\$761,829		\$385,576	\$489,402	\$54,027	\$1,788,985



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City Street Finance Report

Fiscal Year 2022

Monticello

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Revenue

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (500 & 00)	Grand Total
Levied on Property	\$64,954		\$0	\$374,363			\$439,317
Interest	\$4,445		\$1,159		\$3,261	\$92	\$8,957
State Revenues - Road Use Taxes		\$552,380					\$552,380
Other State Grants - IDOT	\$18,589						\$18,589
Charges/fees						\$63,622	\$63,622
Assessments					\$35,306		\$35,306
Sale of Property & Merchandise	\$163	\$1,552					\$1,715
Sale of Assets		\$500					\$500
Transfer In	\$10,000		\$80,000	\$11,213			\$101,213
Total	\$98,151	\$554,432	\$81,159	\$385,576	\$38,567	\$63,714	\$1,221,599



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City Street Finance Report

Fiscal Year 2022
Monticello
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Bonds/Loans

Bond/Loan Description	Principal Balance As of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance As of 6/30
2014 GO Corporate Purpose	\$510,000	\$170,000	\$12,750	\$33,041	\$2,478	\$340,000
2016 GO Bond & Refunding	\$780,000	\$150,000	\$12,758	\$52,841	\$4,494	\$630,000
2019 GO Bond - North Sycamore Street	\$2,060,000	\$230,000	\$61,800	\$230,000	\$61,800	\$1,830,000



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2022

Monticello

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Equipment

Description	Model Year	Usage Type	Cost	Purchased Status
International 7300 SFA Dump Truck	2003	Purchased	\$62,870	No Change
GMC Dump Truck	2001	Purchased	\$60,799	No Change
International Dump Truck	2013	Purchased	\$122,495	No Change
New Holland L220 Skid Loader	2013	Purchased	\$30,300	No Change
New Holland Backhoe B95C	2015	Purchased	\$85,000	No Change
Ford F550 Lift Truck	2002	Purchased	\$40,000	No Change
Tymco Street Sweeper	2006	Purchased	\$123,392	No Change
2011 International Dump Truck	2011	Purchased	\$71,000	No Change
Ford F-350 pickup	2019	Purchased	\$46,992	No Change
F-350 Crew Cab	2021	Purchased	\$46,992	New
4 ton smooth roller	2020	Rental	\$1,370	Renting
Case IH 180	2015	Purchased	\$94,000	New



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2022
Monticello
8/17/2022 4:58:41 PM

Street Projects

Project Description	Contract Price	Final Price	Contract Name
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Ames, IA 50010

City Street Finance Report

Fiscal Year 2022

Monticello

8/17/2022 4:58:41 PM

Summary

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & UO)	Grand Total
Beginning Balance	\$0	\$563,025	\$65	\$0	\$375,106	\$4,712	\$942,908
SubTotal Expenses (-)	\$98,151	\$681,829		\$385,576	\$489,402	\$32,814	\$1,687,772
Transfers Out (-)		\$80,000				\$21,213	\$101,213
Subtotal Revenues (+)	\$88,151	\$554,432	\$1,159	\$374,363	\$38,567	\$63,714	\$1,120,386
Transfers In (+)	\$10,000		\$80,000	\$11,213			\$101,213
Ending Balance	\$0	\$355,628	\$81,224	\$0	(\$75,729)	\$14,399	\$375,522

Resolution Number:

Execution Date:

Signature:

City Council Meeting
 Prep. Date: 08/19/2022
 Preparer: Sally Hinrichsen



Agenda Item: # 6
 Agenda Date: 9/06/2022

Communication Page

Agenda Items Description: **Resolution** To request Abatement of accrued Property Taxes on property owned by the City of Monticello for public purposes within the city limits of the City of Monticello

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

Attachments & Enclosures:

proposed Resolution
Resolution 2021-102

Fiscal Impact:

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

Synopsis: Taxes accrued on Parcel 0221436018

Background Information: Council accepted ownership of Parcel 221436018 by acceptance of a Warranty Deed on August 17, 2021 from Marc T. Bradley. By State Code the City can request that the County abate the taxes and the County really has no choice but to do so.

Parcel 221436018 (449 North Sycamore Street)

The proposed resolution will result in the abatement of any and all accrued and accruing taxes.

Staff Recommendation: Staff recommends that the City request that the County officially abate any and all taxes past due and/or accrued on the above referenced property as provided by the Iowa Code.

Iowa Code 445.63 Abatement of taxes.

When taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes were owing before the parcel was acquired by the state or a political subdivision of this state, the county treasurer shall give notice to the appropriate governing body which shall pay the amount of the taxes due. **If the governing body fails to immediately pay the taxes due, the board of supervisors shall abate all of the taxes.**

The City of Monticello, Iowa

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

RESOLUTION

Resolution to request Abatement of accrued Property Taxes on property owned by the City of Monticello for public purposes within the city limits of the City of Monticello

WHEREAS, The City of Monticello acquired the parcel of property located at 449 North Sycamore Street, same being described by the following Tax Parcel ID: 0221436018, and

WHEREAS, The City accepted ownership of Parcel ID 0221436018, by the acceptance of a Warranty Deed from Marc T. Bradley on October 7, 2021 and approved with Resolution #2021-102. The property owner was relieved of responsibility for all accrued taxes and the City did not, therefore, collect sums from the property owner to pay previously accrued property taxes, and

WHEREAS, The Council finds it appropriate, under the circumstances, to request the abatement of all accrued and accruing taxes related to said parcel, whether past due or accrued and not yet due, and to so inform the County Treasurer so that the County Board of Supervisors can take action to formally abate said taxes as required by §445.63 of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby direct the City Clerk to inform the County Treasurer of the decision of the City Council to request the abatement of the taxes accrued and accruing on the above-described tax parcel consistent with §445.63 of the Iowa Code.

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 6th day of September 2022.

David Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

The City of Monticello, Iowa

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

RESOLUTION #2021-102

Resolution approving purchase of home at 449 North Sycamore Street and authorizing City Administrator to Close Real Estate Transaction

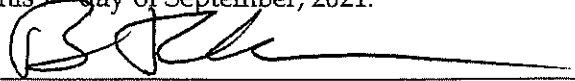
WHEREAS, The City Council previously authorized the City Administrator to pursue the purchase of the property located at 449 North Sycamore Street in Monticello after discussing the purchase during closed session on 7/19/2021, and

WHEREAS, The City Administrator has negotiated the purchase of said property with the property owner and presents the final purchase agreement and closing statement to the Council for final approval, and

WHEREAS, The City Council finds that the terms of the purchase agreement are substantially consistent with the terms agreed to by the City Council during the closed session of 7/19/2021 and finds all other provisions including those related to the abatement of taxes and continued possessory rights past the closing date to be agreeable.

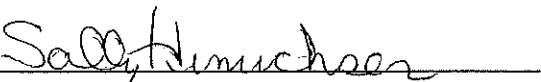
NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby authorize the City Administrator to accept a deed and to close on the property located at 449 North Sycamore Street and to expend those sums set forth within the Closing Statement attached hereto.

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 7th day of September, 2021.



Brian Wolken, Mayor

Attest:



Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 08/19/2022
Preparer: Sally Hinrichsen



Agenda Item: # 7
Agenda Date: 9/06/2022

Communication Page

Agenda Items Description: Resolution to approve standard Residential Tax Abatement related to property located at 755 North Maple, Monticello

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: Abatement Application filed by Madonna Hugh related to residential improvements constructed at 755 North Maple Street, Monticello, Iowa

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

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

The City of Monticello, Iowa

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

RESOLUTION

Approving Madonna Hough Tax Abatement Application related to Residential
Improvements constructed at 755 North Maple Street, Monticello, Iowa

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

WHEREAS, Madonna Hough has completed and filed an Application for Tax
Abatement related to residential property located at 755 North Maple Street, and

WHEREAS, The City Council finds that the information submitted therein is consistent
with that required by the Monticello Code of Ordinances, and

WHEREAS, The Council further finds that the estimated completion date of the
improvements is March, 2022, and finds, based thereon, that the Jones County Assessor
will need to determine how many years of tax abatement remain on this property, being
tied to the date on which the property was deemed to be 100% complete for taxation
purposes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa
does hereby approve the Application for Tax Abatement filed by Madonna Hough as set
forth above, consistent with Chapter 10 of the Monticello Code of Ordinances, said
Application bearing the date of December 14, 2021 and being signed by Madonna
Hough and further directs the Monticello City Clerk to file same with the Jones County
Assessor as prescribed by law.

IN TESTIMONY WHEREOF, I have hereunto
subscribed my name and caused the Great Seal of the City
of Monticello, Iowa to be affixed hereto. Done this 6th day
of September, 2022.

David Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

City Council Meeting
Prep. Date: 08/31/2022
Preparer: Russell Farnum



Agenda Item: # 8
Agenda Date: 9/06/2022

Communication Page

Agenda Items Description: Approval of Letter of Engagement with Lynch/Dallas for legal services related to Financing the Waste Water Treatment Facility

<u>Type of Action Requested:</u> Resolution					
<u>Attachments & Enclosures:</u> Letter of Engagement	<u>Fiscal Impact:</u> Budget Line Item: <table border="1"><tr><td> </td></tr></table> Budget Summary: <table border="1"><tr><td> </td></tr></table> Expenditure: <table border="1"><tr><td> </td></tr></table> Revenue: <table border="1"><tr><td> </td></tr></table>				

Synopsis: The USDA Financing requires Council approval of the specific terms of the letter of engagement for the City Attorney services related to the WWTF.

These services will include examining title to the property, assuring property easements and rights-of-way, bid and contract reviews, and similar services.

Lynch/Dallas will charge their normal fees for these services that are already provided to the City through our City Attorney arrangement. The standard fee is \$165 per hour, with a not-to-exceed price of \$3,000, plus out of pocket expenses not to exceed \$500.

Doug Herman will remain the primary attorney representing the City. However, USDA requires the services to be outlined specifically on their standard form, and approved by the City Council.

Recommendation: Approval is recommended.

The City of Monticello, Iowa

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

RESOLUTION

Approving engagement letter with Lynch Dallas, PC/Douglas Herman related to role as legal services attorney for the USDA financing for the Wastewater Treatment Plant Improvement Project

WHEREAS, The City of Monticello is desirous of contracting with Lynch Dallas, PC/Douglas Herman to assist the City as attorney related to the basic legal for the Wastewater Treatment Plant Improvement Project, and

WHEREAS, Lynch Dallas, PC/Douglas Herman has proposed an Engagement Letter that sets out various terms and provisions related to the services they will provide and proposed fees to assist the City with regard to the legal service counsel related to the USDA Wastewater Treatment Plant Improvement Project, and

WHEREAS, The City Council finds that engaging with Lynch Dallas, PC/Douglas Herman consistent with the terms of the engagement letter is in the best interests of the City, that the USDA Wastewater Treatment Plant Improvement Project for the planned new Sewer Plant project, which is not only a large, but very important undertaking, and, therefore, execution of the proposed Engagement Letter should be approved.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Monticello, Iowa does hereby approve of the proposed Engagement Letter and authorizes City Staff to work with Lynch Dallas, PC/Douglas Herman moving forward, consistent with the terms of the engagement letter and 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 6th day of September, 2022.

David Goedken, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer



This Agreement, made this _____ day of _____, _____,
between City of Monticello, Iowa, hereinafter referred to as
Owner, and Douglas D. Herman, Attorney at Law, of
Lynch Dolas, P.C., hereinafter referred to as Attorney.

WHEREAS, the Owner intends to acquire, construct or improve a Sanitary
Sewage Treatment Facility
hereinafter called Facility, in Monticello, Jones County, Iowa, under the
provisions of Chapter _____ of the Code of Iowa.

SECTION A - LEGAL SERVICES

Attorney agrees to perform, in cooperation with Bond Counsel, all legal services necessary to the organization, financing, construction and initial operation of the Facility, such services to include, but not limited to, the following:

1. Preparation for and furnishing advice and assistance to the governing body of the owner in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of these meetings; (c) review of architectural/engineering agreement and issuance of opinion regarding legal sufficiency; (d) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, financing, construction and initial operation of the Facility; (e) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed; (f) assisting a recognized bond counsel firm with experience with public body financing in preparation and completion of such bonds or other obligations as may be necessary to finance the Facility; (g) the completion and execution of documents for obtaining a loan and/or grant made by the United States of America, acting through Rural Development, United States Department of Agriculture, hereinafter referred to as Rural Development; (h) entering into construction contracts; (i) preparation and adoption of rules and regulations ordinances and rate schedules; (j) such other action as may be necessary in connection with the financing, construction, and initial operation of the Facility.
2. Review of construction contracts, bid-letting procedure, and surety and contractual bonds in connection therewith and issuance of opinion regarding legal sufficiency.
3. Preparation, negotiation, or review of contracts with other public bodies, or entities necessary to provide such services to allow the Facility to operate.

4. Preparation where necessary, and examination of deeds, easements and other rights-of-way documents and other easement instruments; render title opinions and record instruments as necessary to provide continuous rights-of-way for the Facility.

The title examination will include searches of all relevant land title and other records, so as to express an opinion as to the title of the property and steps necessary to obtain the appropriate title and security position. The title examination will be on Form RD 1927-9, "Preliminary Title Opinion."

The attorney will determine:

- a) The legal description and all owners of the real property.
 - b) Any exceptions affecting the property and the nature and effect of outstanding interests and exceptions, prior sales of part of the property, judgments or interests to assist in determining which exceptions must be corrected in order for borrowers to obtain good and marketable title of record and for the Agency to obtain a valid lien on the property.
 - c) Whether there are outstanding Federal, State, or local tax claims (including taxes which may become a lien superior to the previously attaching mortgage lien) or homeowner's association assessment liens.
 - d) Whether outstanding judgments of record, bankruptcy, insolvency, divorce, or probate proceedings involving any part of the property, whether already owned by the borrower, or to be acquired by assumption or with loan funds, or involving the borrower or the seller exist.
 - e) If wetlands easements or other conservation easements have been placed on the property.
 - f) What measures are required for preparing, obtaining, or approving curative material, conveyances, and security instruments.
5. Obtain necessary permits from the city, county, townships, utility companies, State regulatory agencies, individuals and others with respect to approval of construction and operation of the Facility.
 6. Cooperate with the Architect/Engineer employed by the Owner in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, Department of Environmental Quality permits, health permits, crossing permits and other instruments.
 7. Assist the Owner in obtaining a recognized Bond Counsel experienced with public body financing for preparation and completion of proceedings and bond transcript documents as may be necessary to finance the facility.
 8. Assist the Owner and Bond Counsel in negotiating, placement, and processing interim financing as needed during the project.
 9. Assist Bond Counsel in preparation and completion of proceedings and bond transcript documents including opinions of counsel as required by the OWNER and Rural Development.

10. Maintain, at the Attorney's expense, such ordinary and customary insurance as will protect the Attorney and the Owner from claims which may arise from the negligent performance of the Attorney.

SECTION B - COMPENSATION

The Attorney should review the scope of the planned Facility and extent of Section A - Legal Services with the Owner, Architect/Engineer and Rural Development prior to negotiating the compensation for basic services.

The Owner agrees to compensate the Attorney for professional services including normal bond counsel services in accordance with one of the following methods:

For basic services an hourly rate of \$ 165⁰⁰ with a maximum not to exceed amount of \$ 3,000.00

Bond Counsel fees \$ _____ for _____
\$ _____ for _____
\$ _____ for _____

Total Legal Fees \$ _____

Basic fees will be payable in the following manner and at the following times:

- Completion or Rights-of-Way file----- 30%
- Award of Construction Contracts----- 10%
- Contractor Notice to Proceed ----- 10%
- Closing of Rural Development loan----- 40%
- Acceptance of Facility by Owner----- 10%

For rural water projects, arrangements can be made monthly not to exceed the above percentages.

Additional bond counsel fees and expenses for sale of anticipatory warrants or for issuance of other conventional revenue, general obligation, or special assessment bonds in conjunction with the Rural Development financing, may be negotiated between the Owner and Bond Counsel.


If condemnation proceedings are necessary, the Attorney will be entitled to additional compensation not to exceed the hourly rate for the area. Other extraordinary services to be rendered not described in this Agreement, as it relates to the completion of this Facility, will be arranged for separately between the Owner and the Attorney, with the approval of Rural Development, prior to services being accomplished.

The Attorney is entitled to out-of-pocket expenses for filing of easements, deeds, or other necessary documents and for mileage, meals, room accommodations, if necessary, and normal long distance calls when itemized and submitted to the governing body. Estimated not to exceed \$ 500⁰⁰.

SECTION C - OTHER PROVISIONS

This Agreement shall not become effective until approved by Rural Development. Such approval shall be evidenced by the signature of a duly authorized representative of Rural Development in the space provided at the end of this Agreement. The approval so evidenced by Rural Development shall in no way commit Rural Development to render financial assistance to the Municipality, but in the event assistance is provided, the approval shall signify that the provisions of this Agreement are consistent with the requirements of Rural Development.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates indicated below.

Attorney Douglas D. Herman
Signature 
Date August 16, 2022

Owner _____
Signature _____
Title _____
Date _____

CONCURRENCE:
RURAL DEVELOPMENT
By _____
Title _____
Date _____

City Council Meeting
Prep. Date: 08/29/2022
Preparer: Sally Hinrichsen



Agenda Item: #9
Agenda Date: 09/06/2022

Communication Page

Agenda Items Description: To schedule Trick or Treat Night and hours for Monday October 31, 2022 from 6:00 to 8:00 PM

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

Attachments & Enclosures:

Fiscal Impact:

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

Synopsis: Council sets the night and hours for Trick or Treating yearly.

Background Information:

Downtown businesses “Treats On The Streets” will be on October 20th from 5 – 7.

In 2020 & 2021, Council set the Trick or Treat night and hours with the following disclosure:

“with a disclosure that due to the ongoing COVID pandemic the City of Monticello is not promoting the event and recommends residents follow CDC and Jones County Public Health information and guidelines related to COVID-19. Residents are asked to turn on their outside light if they wish to participate in the Trick or Treat night and Trick or Treaters are asked to only visit homes with their outside lights”

Staff Recommendation: Schedule Trick or Treat Night and hours for Monday October 31, 2022 from 6:00 to 8:00 PM is recommended, with or without a disclosure

City Council Meeting
Prep. Date: 08/31/2022
Preparer: Sally Hinrichsen



Agenda Item: #10
Agenda Date: 09/06/2022

Communication Page

Agenda Items Description: Accept bid on GMC Canyon Pickup

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

Attachments & Enclosures:

Fiscal Impact:

Budget Line Item:
Budget Summary:
Expenditure:
Revenue:

Synopsis: Ad was published requesting sealed bids on the GMC Canyon pickup. The truck needs major repairs, including replacing brackets to hold up the fuel tank.

Background Information: Two bids were received. One from Jim Eby for \$555.00 and Hughes Garage for \$375.00.

Staff Recommendation: It is recommended to consider the bids and approve to accept one of the bids

Dear Mayor and Council;

Recently, Dave Lumpa has made some informal complaints about the parking situation on South Linden Street and requesting that the section of South Linden be limited to one side of the street parking. Dave states that it is difficult for cars to pass when there are cars parked on both sides of the street. Dave also believed that at one point there were no parking signs along the East side of the street, but that they were removed. There is nothing in the code presently, nor do I have any knowledge of signs being present, or giving an order to remove signs. In addition to Dave's complaint, Linda Parker, who resides at 405 South Linden, has also complained to Nick Kahler that the parking is an issue. I went and took some measurements of the roadways and existing No Parking zones in that area to make some comparisons which could allow the Council to make a determination if a No Parking Zone is necessary.

NORTH/SOUTH STREETS

South Walnut St.	36.5'
No Parking Both Sides First St. to Grand St. (BUSES)	
No Parking on East Side from Grand St. to South St. (BUSES)	
South Chestnut St. (First St. to Buckeye St.)	29.4'
No Restrictions	
South Chestnut St. (Buckeye St. to South St)	32.3
No Restrictions	
South Chestnut St. (South St. to Dead End)	31'
No Restrictions	
Linden St. (Washington St. to Burroughs St.)	24'
No Restrictions	

EAST/WEST STREETS

West Grand St. (Cedar St. to Walnut St.)	23.8'
No Parking on South Side from Bank Parking to Walnut St.	
West Washington St. (Cedar St. to Chestnut St.)	29.9'
No Restrictions	
West Washington St. (Chestnut St. to Walnut St.)	23'
No Parking on South Side	
West Varvel St. (Cedar St. to Walnut St.)	25.6'
No Restrictions	
Buckeye St. (Cedar St. to Walnut St.)	23.5'
No Restrictions	
Jackson St. (Chestnut St. to Walnut St.)	34.5'
No Restrictions	

South St. (Cedar St. to Walnut St.)

38'

No Restrictions except for School Zone

In reviewing the widths, Linden St. is the narrowest street to not have any parking restrictions. It shouldn't have a significant amount of North/South traffic being that it has a cross street intersection at every block and it has no destination on either end that is not accessible from utilizing another more commonly used street. We have implemented No Parking Zones in situations with wider streets for emergency vehicle access.

I am supportive of adding the 3 blocks of South Linden as a No Parking Zone along the East Side of the street.

Sincerely,
Britt