

City of Monticello, Iowa

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Posted on June 30, 2017 at 5:00 p.m.

Monticello City Council Regular Meeting July 03, 2017 @ 6:00 p.m.
Monticello Renaissance Center, 220 E. 1st Street, Monticello, Iowa

Mayor:	Dena Himes	City Administrator:	Doug Herman
City Council:		Staff:	
At Large:	Dave Goedken	City Clerk/Treas.:	Sally Hinrichsen
At Large:	Brian Wolken, Mayor Pro Tem	Public Works Dir.:	Brant LaGrange
Ward #1:	Rob Paulson	City Engineer:	Casey Zwolinski Lindsay Beaman
Ward #2:	Johnny Russ	Police Chief:	Britt Smith
Ward #3:	Chris Lux	Ambulance Dir.:	C.J. Johnson
Ward #4:	Tom Yeoman		

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

Open Forum: If you wish to address the City Council on subjects pertaining to today's meeting agenda please wait until that item on the agenda is reached. If you wish to address the City Council on an item not on the agenda, please approach the lectern and give your name and address for the public record before discussing your item.

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	June	19, 2017
Approval of Payroll	June	22, 2017
Approval of Bill List		
Approval of Fireworks Permit (Firemen, 4 th of July event)		
Approval of Jones County Fair Beer License/Permit		

Motions: None

Public Hearing: None

Resolutions:

1. **Resolution** to acknowledge receipt of Bids and award project, in relation to Demolition of home located at 224 N. Chestnut Street.
2. **Resolution** to approve request for 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. (224 N. Chestnut Street)
3. **Resolution** to approve Eastern Iowa Excavating & Concrete, LLC Pay Request #5 and Change Order #2 related to E. South Street project.
4. **Resolution** finding the property at 224 N. Chestnut Street, Monticello, Iowa to have been in violation of the City Nuisance Code, Property Maintenance Code, and Dangerous Building Code prior to the City purchase of same.

Ordinances:

5. **Ordinance** Re: Fence Height and Set-Backs on Rear Lot where there is a double street frontage. (2nd Reading)
6. **Ordinance** providing for the maintenance of Urban Chickens (3rd Reading)

Reports / Potential Action:

- Public Parks – Smoking Ordinance
- Board Openings: Tree Board
- ECIA Board openings

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

Regular Council Meeting – Official
June 19, 2017 - 6:00 P.M.
Community Media Center

Mayor Dena Himes called the meeting to order. Council present: Dave Goedken, Brian Wolken, Rob Paulson, Johnny Russ, Chris Lux and Tom Yeoman. Also present were City Administrator Doug Herman, City Clerk Sally Hinrichsen, Public Works Director Brant LaGrange, City Engineers Casey Zwolinski and Lindsay Beaman and Police Chief Britt Smith.

Yeoman moved to approve the agenda, adding fireworks donation resolution, Russ seconded, roll call unanimous.

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

Mayor Himes opened the public hearing on the Corrective Easement between City of Monticello and ITC Midwest, LLC. Herman reported while reviewing the abstract of title for 224 N Chestnut Street, he discovered an error in the legal description of the easement with ITC. The easement should have read the "easterly" 25' as opposed to the "westerly" 25' of the property. No public comments were received and City Staff reported that they had not received any oral or written comments. Mayor Himes closed the public hearing. Goedken moved to approve Resolution #17-72 Resolution to approve execution of Corrective Electric Line Easement adjacent to 224 N. Chestnut Street, Monticello, Iowa, Russ seconded, roll call unanimous.

Herman reviewed proposed changes to the 28E agreement between the City and Fair approved in 2011 in relation to the Citizens State Bank Youth Development Center. Herman reviewed a number of paragraphs of the agreement that were no longer applicable due to the fact that they pertained to the development and construction of the building and other paragraphs that could be considered for omission or amendment. Council was comfortable with all proposed amendments but for the removal of Paragraph #6 which required the Fair and the Extension Office to pay market value rent to a building fund, same to ensure the long term maintenance of the building. Goedken moved to approve Resolution #17-73 Resolution to approve Amended Agreement between the City of Monticello and the Fair and Exposition Society of Jones County, Iowa with regard to the Jones County Youth Development Center, with paragraph #6 provisions to remain, Russ seconded, roll call unanimous.

Herman reviewed proposed wages for non-bargaining staff, which was determined on cost of living, per contract, years of service and job performance. Yeoman moved to approve Resolution #17-74 Approving wages for non-bargaining staff for FY '18, Goedken seconded, and roll call unanimous.

Herman reported that the Library Board sets wages for the library. Goedken moved to approve Resolution #17-75 To Acknowledge Monticello Library Director and Staff wages for FY '18, Lux seconded, roll call unanimous.

Yeoman moved to approve Resolution #17-76 Approving investment in the Independence Day Fireworks and related festivities to be held on July 4, 2017, in the amount of \$2,600.00, Goedken seconded, roll call unanimous.

Herman reviewed proposed ordinances pertaining to fences on double frontage lots and the height of the fence. Wolken introduced and moved Ordinance #705 Amending Chapter 165, Zoning Regulations, and Monticello Code, by Amending Provisions Pertaining to Fences, first reading and in title only, consistent with the draft ordinance provided the Council identified as Option #2 with the exception of the allowable fence height, modifying the proposed allowable maximum height from 8' to 6', Yeoman seconded, roll call vote, Wolken, Yeoman, Paulson and Lux voted aye and Goedken and Russ voted nay. Motion carried.

Goedken moved Ordinance #702 amending Chapter 165 Zoning Regulations, Monticello Code, by Amending Provisions Pertaining to Accessory Building, Structures, and Uses, third and final reading and in title only, Wolken seconded, roll call unanimous.

Goedken moved Ordinance #703 amending Monticello Code of Ordinances, by Adding Chapter and section 165.48, related to Urban Chickens, second reading and in title only, Wolken seconded, Roll call unanimous.

Herman reported that the State Code was amended with regard to the use and sale of fireworks in Iowa. The City may restrict the use and sale of fireworks beyond those set forth in the State Code. Hinrichsen stated that she had received one public comment from a resident on 7th Street who was concerned with potential property damage related to the use of fireworks within the City limits. The Council had previously approved the first reading of the Ordinance, and Goedken moved to suspend the rule requiring three separate readings of an ordinance and that Ordinance #704 amending City Code of Monticello, Iowa by amending Chapter 41.11 (Fireworks), be considered placed upon its final passage and adopted, Russ seconded, Roll call vote unanimous.

Herman reported that although the Council had previously approved a sewer bill credit request for Ron Buscher, 925 Southaven Drive, it was conditioned on the credit meeting the policy mandated minimum threshold of \$100. Herman reported that the City Clerk's office calculated the credit to come in less than \$100 and, therefore the credit cannot be allowed under the policy.

Herman reported that there is one position open on the Tree Board and two openings on the ECIA Board that meets in Dubuque on a quarterly basis, with a focus on low-income housing needs and rental assistance.

Herman reported that the East South Street Reconstruction project is substantially complete and a final pay request should be ready at the next meeting. Snyder & Associates will prepare a final assessment schedule after the receipt and approval of the final pay request. Consensus of the council was to apply a 2% interest rate to the Special Assessments.

Beaman and Zwolinski reviewed the proposed 6th Street Ditch plans and requested direction from the Council on how they should proceed at this point. The plans are subject to review and approval by the Corps of Engineers. The engineers broke the project into three areas for

discussion purposes; that portion east of Hwy 38; a lengthy portion west of Hwy 38 but not all the way to Chestnut Street, and the area immediately adjacent to Chestnut Street which largely involves concrete wall and footing construction. Keith and Jan Tackett were present and were in favor of the project proceeding. Upon review and discussion of the options, the Council directed the engineers to proceed with final plan submission to the Corps of Engineers with regard to that portion of the ditch east of Hwy. 38 and the area near N. Chestnut Street where concrete work, retaining walls, etc., were to be performed. Council further directed the engineer and/or staff to seek necessary easements over those areas where work would be performed and to investigate whether or not it made sense to seek easements over that portion of the ditch, between the area near Chestnut Street to the west and Hwy. 38 to the east, where work was not presently planned. Herman will work with outside legal counsel in regard to the acquisition of necessary easements. Yeoman moved to proceed with the concrete work, and earth work related thereto on the west end of the project scope near N. Chestnut Street and the entire portion of the ditch lying between Hwy 38 and 6th Street and directed Herman to proceed with outside counsel on easement acquisition, Goedken seconded, roll call vote unanimous.

Wolken moved to adjourn the Council meeting at 7:50 P.M., roll call vote unanimous.

Dena Himes, Mayor

Sally Hinrichsen, City Clerk

PAYROLL - JUNE 22, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
AMBULANCE	June 5 - 18, 2017				
Dawn Brus	\$ 2,964.27	\$ 151.41	0.00	24.00	\$ 1,898.61
David Husmann	306.19	-	0.00	0.00	256.49
Mary Intlekofer	2,167.50	382.50	0.00	0.00	1,189.17
C.J. Johnson	4,797.14	-	0.00	0.00	2,880.76
Brandon Kent	1,785.00	-	0.00	0.00	1,132.75
Matthew Kunkle	202.50	-	0.00	0.00	152.72
Lori Lynch	1,928.44	142.44	0.00	0.00	1,034.61
Shelly Searles	2,172.81	382.50	0.00	0.00	1,629.04
Shawn Snaith	243.00	-	0.00	0.00	207.47
Brenda Surom	520.63	-	0.00	0.00	385.28
TOTAL AMBULANCE	\$ 17,087.48	\$ 1,058.85	0.00	24.00	\$ 10,766.90
CEMETERY	June 3 - 16, 2017				
Dan McDonald	\$ 1,536.00	\$ -	0.00	0.00	\$ 1,075.12
TOTAL CEMETERY	\$ 1,536.00	\$ -	0.00	0.00	\$ 1,075.12
CITY HALL	June 4 - 17, 2017				
Cheryl Clark	\$ 1,950.11	\$ 75.31	0.00	0.00	\$ 1,276.30
Doug Herman	3,879.96	-	0.00	0.00	2,735.90
Sally Hinrichsen	2,786.09	-	0.00	0.00	1,963.30
Heather Paddock	489.00	-	0.00	0.00	337.75
Nanci Tuel	1,580.61	6.21	0.00	0.00	1,093.24
TOTAL CITY HALL	\$ 10,685.77	\$ 81.52	0.00	0.00	\$ 7,406.49
COUNCIL / MAYOR					
Dave Goedken	\$ 100.00	\$ -	0.00	0.00	\$ 92.60
Dena Himes	300.00	-	0.00	0.00	233.95
Chris Lux	100.00	-	0.00	0.00	92.60
Rob Paulson	100.00	-	0.00	0.00	92.35
Johnny Russ	100.00	-	0.00	0.00	92.35
Brian Wolken	100.00	-	0.00	0.00	92.60
Tom Yeoman	100.00	-	0.00	0.00	92.35
TOTAL COUNCIL / MAYOR	\$ 900.00	\$ -	0.00	0.00	\$ 788.80
LIBRARY	June 5 - 18, 2017				
Julie Aldrich	\$ 391.16	\$ -	0.00	0.00	\$ 319.60
Kyle Gassman	292.48	-	0.00	0.00	250.71
Heather Paddock	99.28	-	0.00	0.00	68.59
Penny Schmit	899.20	-	0.00	0.00	651.02
Madonna Thoma-Kremer	261.25	-	0.00	0.00	222.72
Michelle Turnis	1,487.83	-	0.00	0.00	924.61
TOTAL LIBRARY	\$ 3,431.20	\$ -	0.00	0.00	\$ 2,437.25
MBC	June 5 - 18, 2017				
Jacob Oswald	\$ 1,846.15	\$ -	0.00	0.00	\$ 1,359.76
Heather Paddock	345.00	-	0.00	0.00	238.33
Casey Reyner	1,538.46	-	0.00	0.00	1,052.39
TOTAL MBC	\$ 3,729.61	\$ -	0.00	0.00	\$ 2,650.48

PAYROLL - JUNE 22, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
POLICE	June 5 - 18, 2017				
Michelle Gehl	\$ 200.00	\$ -	0.00	0.00	\$ 171.58
Dawn Graver	2,128.56	-	0.00	0.00	1,441.22
Erik Honda	1,799.42	-	0.00	0.00	1,320.66
John Klein	100.00	-	0.00	0.00	85.79
Jordan Koos	1,916.15	-	0.00	0.00	1,367.24
Travis McNally	246.00	-	0.00	0.00	210.04
Britt Smith	2,846.87	-	0.00	0.00	2,030.90
Madonna Staner	1,378.40	-	0.00	0.00	1,025.25
Brian Tate	3,037.27	396.17	0.00	0.00	2,327.29
Robert Urbain	2,604.39	-	0.00	0.00	1,730.88
TOTAL POLICE	\$ 16,257.06	\$ 396.17	0.00	0.00	\$ 11,710.85
ROAD USE	June 3 - 16, 2017				
Billy Norton	\$ 1,536.00	\$ -	0.00	0.00	\$ 946.70
Wayne Yousse	1,536.00	-	0.00	0.00	1,013.90
TOTAL ROAD USE	\$ 3,072.00	\$ -	0.00	0.00	\$ 1,960.60
SANITATION	June 3 - 16, 2017				
Michael Boyson	\$ 1,785.60	\$ -	0.00	0.00	\$ 1,194.93
Nick Kahler	1,536.00	-	0.00	0.00	1,002.80
Chris Taylor	1,536.00	-	0.00	0.00	963.08
TOTAL SANITATION	\$ 4,857.60	\$ -	0.00	0.00	\$ 3,160.81
SEWER	June 3 - 16, 2017				
Tim Schultz	\$ 1,690.52	\$ 59.40	0.00	0.00	\$ 1,147.56
Jim Tjaden	2,014.00	-	0.00	0.00	1,437.58
TOTAL SEWER	\$ 3,704.52	\$ 59.40	0.00	0.00	\$ 2,585.14
SWIMMING POOL	June 2 - 15, 2017				
Sophia Ahirichs	\$ 350.16	\$ -	0.00	0.00	\$ 307.78
Sydney Ballou	184.50	-	0.00	0.00	170.38
Rylee Bauer	369.76	-	0.00	0.00	341.47
Allyson Bartachek	142.50	-	0.00	0.00	126.19
McKenna Bell	270.06	-	0.00	0.00	228.24
Tylor Boheman	333.55	-	0.00	0.00	308.03
Mya Boffeli	255.56	-	0.00	0.00	233.88
Shalya Bronemann	237.69	-	0.00	0.00	202.58
Phoebe Caspers	230.19	-	0.00	0.00	210.58
Harrison Eastburn	241.50	-	0.00	0.00	205.73
Aubree Fairley	159.00	-	0.00	0.00	146.83
Matthew Fokken	121.50	-	0.00	0.00	112.21
Gabriell Gadiant	198.00	-	0.00	0.00	182.85
Rachel Gadiant	501.40	-	0.00	0.00	463.04
Leah Holub	97.50	-	0.00	0.00	89.14
Ashley Jenkins	409.63	-	0.00	0.00	378.29
Devin Kraus	199.50	-	0.00	0.00	172.14
Lilly Lambert-Lanczos	694.84	-	0.00	0.00	641.68
Madison G. Lambert	358.88	-	0.00	0.00	314.97
Madison L. Lambert	56.00	-	0.00	0.00	51.72

PAYROLL - JUNE 22, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
SWIMMING POOL (cont.)					
Rileigh Lambert	697.74	-	0.00	0.00	549.90
Chase Luensman	204.00	-	0.00	0.00	175.84
Justin Martin	177.60	-	0.00	0.00	154.10
Macy McDonough	404.19	-	0.00	0.00	341.70
Taylor McDonough	833.63	-	0.00	0.00	676.01
Jacqueline Petersen	386.32	-	0.00	0.00	336.56
Traci Plummer	442.76	-	0.00	0.00	364.46
TOTAL SWIMMING POOL	\$ 8,557.96	\$ -	0.00	0.00	\$ 7,486.30
WATER					
	June 3 - 16, 2017				
Brant LaGrange	\$ 2,353.85	\$ -	0.00	0.00	\$ 1,576.79
Jay Yanda	1,784.00	-	0.00	0.00	1,259.93
TOTAL WATER	\$ 4,137.85	\$ -	0.00	0.00	\$ 2,836.72
TOTAL - ALL DEPTS.	\$ 77,957.05	\$ 1,595.94	0.00	24.00	\$ 54,865.46

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
ACCOUNTS PAYABLE CLAIMS				

	GENERAL			
	POLICE DEPARTMENT			
BLADE PEST CONTROL INC	PD/AMB PEST CONTROL	41.00		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	235.59		
JOHN DEERE FINANCIAL	PD SUPPLIES	86.30		
LASLEY ELECTRIC LLC	PD/AMB REFRIGERATOR REPAIR	45.47		
MONTICELLO COMM SCHOOL DISTRCT	PD FUEL	721.60		
		=====		
	POLICE DEPARTMENT	1,129.96		
	AQUATIC CENTER			
ADVANTAGE HOME MEDICAL	POOL SUPPLIES	21.36		
ARCH CHEMICALS, INC.	POOL CHEMICALS	855.09		
BAKER PAPER CO INC	POOL BUILDING SUPPLIES	64.13		
JEREMY ALLAN CAPRON	POOL SWIM TEAM SUPPLIES	512.00		
FAREWAY STORES #840-1	POOL OFFICE SUPPLIES	416.08		
HARTIG DRUG COMPANY CORP	POOL BUILDING SUPPLIES	11.78		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	32.40		
JOHN DEERE FINANCIAL	POOL GROUNDS SUPPLIES	73.31		
RILEIGH LAMBERT	POOL PRIVATE LESSONS	100.00		
LILLY LAMBERT-LANCZOS	POOL PRIVATE LESSONS	50.00		
MYERS-COX CO.	POOL CONCESSIONS	6,231.53		
ROTO-ROOTER	POOL EQUIP REPAIR/MAINT	330.00		
SPAHN & ROSE LUMBER CO INC	POOL BLDG REPAIR/MAINT	20.65		
WHITE HAWK PLUMBING & HEATING	POOL EQUIP REPAIR/MAINT	150.00		
		=====		
	AQUATIC CENTER	8,868.33		
	CEMETERY			
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	16.79		
JOHN DEERE FINANCIAL	CEMETERY GROUNDS SUPPLIES	27.48		
MONTICELLO COMM SCHOOL DISTRCT	CEMETERY FUEL	284.48		
		=====		
	CEMETERY	328.75		
	MAYOR AND CITY COUNCIL			
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	8.10		
		=====		
	MAYOR AND CITY COUNCIL	8.10		
	CLERK/CITY ADMIN			
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	94.91		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	CLERK/CITY ADMIN	94.91		
	ENGINEER			
SNYDER & ASSOCIATES, INC	ENGINEER FEES	435.75		
	ENGINEER	435.75		
	CITY HALL/GENERAL BLDGS			
BAKER PAPER CO INC	CH BUILDING SUPPLIES	85.93		
CENTRAL IOWA DISTRIBUTING INC	CH BUILDING SUPPLIES	123.00		
JOSH IBEN	CH GROUNDS SUPPLIES	87.50		
IOWA CITY / COUNTY MANAGEMENT	CH DUES - HERMAN	150.00		
IOWA LEAGUE OF CITIES	CH DUES	2,020.00		
JOHN DEERE FINANCIAL	CH BUILDING SUPPLIES	33.13		
JONES CO ECONOMIC DEVELOPMENT	CH ECONOMIC DEV FEE	7,592.00		
JONES COUNTY EXTENSION	DISCOVERY CAMP DONATION	500.00		
JONES COUNTY JETS	CH CONTRIBUTION	1,500.00		
JONES COUNTY SENIOR DINING	CH CONTRIBUTION	3,900.00		
JONES COUNTY TOURISM ASSOC	CH CONTRIBUTION	1,139.00		
	CITY HALL/GENERAL BLDGS	17,130.56		
	GENERAL	27,996.36		
	MONTICELLO BERNDES CENTER			
	PARKS			
BLADE PEST CONTROL INC	MBC PEST CONTROL	66.00		
D&S PORTABLES, INC.	MBC PORT-A-POT RENTAL	322.00		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	67.11		
JOHN DEERE FINANCIAL	MBC BUILDING SUPPLIES	1.99		
MONTICELLO COMM SCHOOL DISTRICT	MBC FUEL	87.38		
SPAHN & ROSE LUMBER CO INC	MBC EQUIP REPAIR/MAINT	128.97		
	PARKS	673.45		
	MONTICELLO BERNDES CENTER	673.45		
	MONTICELLO TREES FOREVER			
	PUBLIC WORKS			
PECK'S GREEN THUMB YARD &	TREES	3,795.00		
	PUBLIC WORKS	3,795.00		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	MONTICELLO TREES FOREVER	3,795.00		
	FIRE			
	FIRE			
ELECTRONIC ENGINEERING CO	FIRE EQUIP REPAIR/MAINT	36.50		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	3.47		
JOHN DEERE FINANCIAL	FIRE EQUIP REPAIR/MAINT	66.40		
MONTICELLO COMM SCHOOL DISTRICT	FIRE FUEL	200.98		
RADIO COMMUNICATIONS CO INC	FIRE RADIOS (6)	1,893.02		
TOYNE, INC.	FIRE EQUIP REPAIR/MAINT	339.56		
	FIRE	2,539.93		
	FIRE	2,539.93		
	AMBULANCE			
	AMBULANCE			
AIRGAS USA, LLC	AMB MEDICAL SUPPLIES	118.38		
BLADE PEST CONTROL INC	PD/AMB PEST CONTROL	41.00		
BOUND TREE MEDICAL, LLC	AMB MEDICAL SUPPLIES	379.37		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	278.24		
JOHN DEERE FINANCIAL	AMB MEDICAL SUPPLIES	27.76		
LASLEY ELECTRIC LLC	PD/AMB REFRIGERATOR REPAIR	45.48		
MONTICELLO COMM SCHOOL DISTRICT	AMB FUEL	511.55		
SPAHN & ROSE LUMBER CO INC	AMB BUILDING SUPPLIES	2.00		
STERICYCLE, INC.	AMB PHARMACEUTICAL DISPOSAL	79.35		
	AMBULANCE	1,483.13		
	AMBULANCE	1,483.13		
	HOTEL/MOTEL TAX			
	HOTEL/MOTEL			
E CENTRAL INTERGOVERNMENTAL	KEEP IOWA BEAUTIFUL MATCH	1,500.00		
	HOTEL/MOTEL	1,500.00		
	HOTEL/MOTEL TAX	1,500.00		
	LIBRARY IMPROVEMENT			
	LIBRARY			
FAREWAY STORES #840-1	LIB IMP SUMMER READING	57.63		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
JOHN DEERE FINANCIAL OVERDRIVE	LIB IMP SUMMER READING	1.10		
	LIB IMP BOOKS	465.88		
		=====		
	LIBRARY	524.61		
		=====		
	LIBRARY IMPROVEMENT	524.61		
	LIBRARY			
	LIBRARY			
BAKER & TAYLOR BOOKS	LIB BOOKS	59.34		
BAKER PAPER CO INC	LIB BUILDING SUPPLIES	141.83		
CENTER POINT PUBLISHING	LIB BOOKS	41.34		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	61.89		
MICRO MARKETING LLC	LIB BOOKS	39.19		
SCHOOL SPECIALITY	LIB OFFICE SUPPLIES	128.75		
		=====		
	LIBRARY	472.34		
		=====		
	LIBRARY	472.34		
	SUPER MAC FUND			
	SUPER MAC FUND			
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	12.36		
		=====		
	SUPER MAC FUND	12.36		
		=====		
	SUPER MAC FUND	12.36		
	AIRPORT			
	AIRPORT			
GENESIS LAMP CORPORATION	AIRPORT GROUNDS SUPPLIES	306.61		
KERP'S SERVICE CENTER, INC.	AIRPORT EQUIP REPAIR/MAINT	76.80		
MONTICELLO AVIATION INC	AIRPORT FBO BUILDING PRINCIPAL	12,000.00		
		=====		
	AIRPORT	12,383.41		
		=====		
	AIRPORT	12,383.41		
	ROAD USE			
	STREETS			
CINTAS CORPORATION	CSHA SUPPLIES	13.28		
DEMMEER OIL COMPANY	RU VEHICLE REPAIR/MAINT	93.15		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
EHRISMAN TREE SERVICE	RU TREE REMOVAL	4,470.00		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	66.32		
JOHN DEERE FINANCIAL	RU OSHA SUPPLIES	22.34		
DBA KRAY'S STUMP GRINDING	RU STUMP REMOVAL	156.00		
KROMMINGA MOTORS INC	RU EQUIP REPAIR/MAINT	87.45		
DAVID B MCNEILL	RU SUPPLIES	34.18		
MONTICELLO COMM SCHOOL DISTRCT	RU FUEL	362.95		
NAYLOR SEED COMPANY	RU TREE REMOVAL	380.00		
SPAHN & ROSE LUMBER CO INC	RU SUPPLIES	650.32		
WELTER STORAGE EQUIP CO., INC.	PW DIRECTOR DESK, CHAIRS	136.75		
		<u>6,472.74</u>		
	STREETS	6,472.74		
		<u>6,472.74</u>		
	ROAD USE	6,472.74		
	EMPLOYEE BENEFITS			
	POLICE DEPARTMENT			
WELLMARK BLUE CROSS BLUE SHIEL	PD THIRD PARTY EOB CHARGE	65.00		
		<u>65.00</u>		
	POLICE DEPARTMENT	65.00		
	AMBULANCE			
WELLMARK BLUE CROSS BLUE SHIEL	AMB THIRD PARTY EOB CHARGE	60.00		
		<u>60.00</u>		
	AMBULANCE	60.00		
	STREETS			
WELLMARK BLUE CROSS BLUE SHIEL	RU THIRD PARTY EOB CHARGE	23.50		
		<u>23.50</u>		
	STREETS	23.50		
	LIBRARY			
WELLMARK BLUE CROSS BLUE SHIEL	LIB THIRD PARTY EOB CHARGE	20.00		
		<u>20.00</u>		
	LIBRARY	20.00		
	PARKS			
WELLMARK BLUE CROSS BLUE SHIEL	MBC THIRD PARTY EOB CHARGE	20.00		
		<u>20.00</u>		
	PARKS	20.00		
	CEMETERY			
WELLMARK BLUE CROSS BLUE SHIEL	CEM THIRD PARTY EOB CHARGE	6.50		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	CEMETERY	6.50		
	SUPER MAC FUND			
WELLMARK BLUE CROSS BLUE SHIEL	SPR MAC THIRD PARTY EOB CHARGE	5.00		
	SUPER MAC FUND	5.00		
	CLERK/CITY ADMIN			
WELLMARK BLUE CROSS BLUE SHIEL	CH THIRD PARTY EOB CHARGE	27.50		
	CLERK/CITY ADMIN	27.50		
	EMPLOYEE BENEFITS	227.50		
	CAPITAL IMPROVEMENT			
	STREETS			
JOSH IBEN	CAP IMP - SOUTH ST RECONSTRUCT	2,340.00		
SNYDER & ASSOCIATES, INC	CAP IMP - SOUTH ST RECONSTRUCT	9,116.51		
	STREETS	11,456.51		
	CAPITAL IMPROVEMENT	11,456.51		
	MYSBA CAPITAL FUND			
	PARKS			
SPAHN & ROSE LUMBER CO INC	MYBSA PICNIC TABLES	450.00		
	PARKS	450.00		
	MYSBA CAPITAL FUND	450.00		
	BATY DISC GOLF COURSE			
	PARKS			
JOSH IBEN	WILLOW PARK GRASS, PLANTS	1,137.50		
	PARKS	1,137.50		
	BATY DISC GOLF COURSE	1,137.50		
	WATER			

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	WATER			
BOSS OFFICE SUPPLIES & SYS INC	WATER SUPPLIES	13.50		
CINTAS CORPORATION	OSHA SUPPLIES	13.28		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	50.19		
JOHN DEERE FINANCIAL	WATER SOCKETS	7.98		
MONTICELLO COMM SCHOOL DISTRICT	WATER FUEL	198.53		
MONTICELLO MACHINE SHOP INC	WATER SYSTEM	10.35		
WELLMARK BLUE CROSS BLUE SHIEL	WATER THIRD PARTY EOB CHARGE	17.50		
WELTER STORAGE EQUIP CO., INC.	PW DIRECTOR DESK, CHAIRS	136.75		
		<u>448.08</u>		
	WATER			
		<u>448.08</u>		
	CUSTOMER DEPOSITS			
	WATER			
SYSTEMS UNLIMITED	WATER DEPOSIT REFUND	50.00		
PATRICIA WROBLEWSKI	WATER DEPOSIT REFUND	50.00		
		<u>100.00</u>		
	WATER			
		<u>100.00</u>		
	CUSTOMER DEPOSITS			
		100.00		
	WATER CAPITAL IMPROVEMENT			
	WATER			
SNYDER & ASSOCIATES, INC	WATER TOWER PAINTING	3,056.76		
		<u>3,056.76</u>		
	WATER			
		<u>3,056.76</u>		
	WATER CAPITAL IMPROVEMENT			
		3,056.76		
	SEWER			
	SEWER			
BAKER PAPER CO INC	SEWER LAB SUPPLIES	59.66		
BOSS OFFICE SUPPLIES & SYS INC	SEWER SUPPLIES	13.49		
B.G. BRECKE INC	SEWER BLDG REPAIR/MAINT	936.23		
CINTAS CORPORATION	OSHA SUPPLIES	13.27		
FAREWAY STORES #840-1	SEWER LAB SUPPLIES	12.45		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	83.98		
LAPORTE MOTOR SUPPLY	SEWER EQUIP REPAIR/MAINT	14.00		
LASLEY ELECTRIC LLC	SEWER BLDG REPAIR/MAINT	684.93		
MONTICELLO COMM SCHOOL DISTRICT	SEWER FUEL	198.55		
TRANS-IOWA EQUIPMENT, INC.	SEWER EQUIP REPAIR/MAINT	175.90		
WELLMARK BLUE CROSS BLUE SHIEL	SEWER THIRD PARTY EOB CHARGE	27.50		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
WELTER STORAGE EQUIP CO., INC.	PW DIRECTOR DESK, CHAIRS	136.75		
	SEWER	2,356.71		
	SEWER	2,356.71		
	SANITATION			
	SANITATION			
CINTAS CORPORATION	OSHA SUPPLIES	13.27		
IOWA WORKFORCE DEVELOPMENT	STATE UNEMPLOYMENT INSURANCE	98.59		
LAPORTE MOTOR SUPPLY	SANITATION EQUIP REPAIR/MAINT	1.85		
MONTICELLO COMM SCHOOL DISTRICT	SANITATION FUEL	407.78		
WELLMARK BLUE CROSS BLUE SHIELD	SAN THIRD PARTY EOB CHARGE	37.50		
WELTER STORAGE EQUIP CO., INC.	PW DIRECTOR DESK, CHAIRS	136.75		
	SANITATION	695.74		
	SANITATION	695.74		
	STORM WATER			
	STORM WATER FUND			
B & J HAULING & EXCAVATION INC	STORMWATER PRO FEES-6TH ST	11,170.00		
SNYDER & ASSOCIATES, INC	STORMWATER PRO FEES-6TH ST	17,917.00		
	STORM WATER FUND	29,087.00		
	STORM WATER	29,087.00		
**** SCHED TOTAL ****		106,869.13		
***** REPORT TOTAL *****		106,869.13		

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS FUND SUMMARY**

FUND	FUND NAME	TOTAL	CHECK#	DATE
001	GENERAL	27,996.36		
005	MONTICELLO BERNDES CENTER	673.45		
014	MONTICELLO TREES FOREVER	3,795.00		
015	FIRE	2,539.93		
016	AMBULANCE	1,483.13		
018	HOTEL/MOTEL TAX	1,500.00		
030	LIBRARY IMPROVEMENT	524.61		
041	LIBRARY	472.34		
045	SUPER MAC FUND	12.36		
046	AIRPORT	12,383.41		
110	ROAD USE	6,472.74		
112	EMPLOYEE BENEFITS	227.50		
332	CAPITAL IMPROVEMENT	11,456.51		
333	MYSBA CAPITAL FUND	450.00		
338	BATY DISC GOLF COURSE	1,137.50		
600	WATER	448.08		
602	CUSTOMER DEPOSITS	100.00		
604	WATER CAPITAL IMPROVEMENT	3,056.76		
610	SEWER	2,356.71		
670	SANITATION	695.74		
740	STORM WATER	29,087.00		

City Council Meeting
Prep. Date: 06/23/17
Preparer: Doug Herman



Agenda Item: 1
Agenda Date: 07/03/2017

Communication Page

Agenda Items Description: Resolution to acknowledge receipt of bids and award project in relation to the demolition of the home located at 224 N. Chestnut Street, Monticello, Iowa.

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

Attachments & Enclosures:

Resolution
Bids

Fiscal Impact:

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

Synopsis: Notice to Bidders was published in the Monticello Express on June 14th seeking bids related to the demolition of the Al Hughes home located at 224 N. Chestnut Street.

Background Information: Bids are due on June 30th. Do to my absence from the office next week I wanted to get this Communication Page done in advance and do not, therefore, have the bid information to attach. Bids will be received and information related to the bids will be included within the packet however.

I expect one to three local bids and expect to recommend that the Council award the project to the low bidder.

Staff Recommendation: I recommend that the Council acknowledge the receipt of bids and award project in relation to the demolition of the home located at 224 N. Chestnut Street, Monticello, Iowa to

The City of Monticello, Iowa

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

RESOLUTION #17-__

Resolution to acknowledge receipt of bids and award project in relation to the demolition of the home located at 224 N. Chestnut Street, Monticello, Iowa

WHEREAS, The City of Monticello acquired the home located at 224 N. Chestnut Street, with the intent to demolish the home to prepare the lot for sale and / or development, and

WHEREAS, The City advertised for demolition bids and received _____ bid(s), as follows:

1. _____
2. _____
3. _____

WHEREAS, The Council finds that demolition should proceed with a completion date of on or before July 14, 2017, that the bid(s) are reasonable and appropriate, and that the City should award the demolition project to _____, the low bidder.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby accept the bids and does hereby award 224 N. Chestnut Street demolition project to _____ in the amount of \$_____ and authorizes the City Administrator to execute all documents necessary to proceed with this project.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 3rd day of July, 2017.

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk

Notice to Bidders (Demolition)

The City of Monticello will be accepting bids related to the Demolition of the home located at 224 North Chestnut Street, Monticello, IA. The demolition shall include the removal of all footings, walls and basement floors, driveway and driveway approach, any and all remaining personal items/property in the home or on the property, and any damaged sidewalk or other sidewalk on said lot as directed by the City. The garage located east of the alley will not be removed at this time. The excavated void remaining after demolition and removal of the structures is to be filled and compacted with onsite material (excluding topsoil) or imported lime.

An asbestos inspection and removal, if any, will be complete prior to the Demolition and is not part of this bid. The successful bidder must be bonded in an amount equal to or greater than their bid and insured to levels found satisfactory to the City. The successful bidder shall submit all necessary and appropriate notifications to any and all agencies to which a notice must be sent including the IDNR and IOSHA, as is appropriate, with copies provided to the City. Bids are due on or before June 30, 2017 at 2:00 p.m. Bids will be considered by the City Council and awarded at the July 3, 2017 Council Meeting. Demolition must be complete by no later than July 14, 2017. Please contact City Administrator Doug Herman at 319.465.6435 with questions.

224 North Chestnut Street – House Demolition Bids

B & J Hauling & Excavation, Inc.:	\$9,750.00
Jerry McElmeel Excavating & Grading:	\$12,300.00
Lansing Bros. Construction Co., Inc.:	\$12,760.00
Additional cost for Performance and Payment Bond:	382.80
Additional cost to cap the water service at the main service line and patching of the street	850.00

City Council Meeting
Prep. Date: 06/26/17
Preparer: Doug Herman



Agenda Item: 2
Agenda Date: 07/03/2017

Communication Page

Agenda Items Description: Resolution to request abatement of accrued and future taxes on City owned Property at 224 N. Chestnut Street, Monticello, Iowa.

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

Attachments & Enclosures:

Proposed Resolution
Iowa Code Section (below)

Fiscal Impact:

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

Synopsis: City purchased fire damaged property at 224 N. Chestnut Street from Al Hughes.

Background Information: Pursuant to Iowa Code the City does not pay property taxes. However, a Resolution must, in some cases, be approved to ask the County to abate existing and accruing taxes on newly acquired parcels. The purchase agreement between the City and Al Hughes provided that he would not be responsible for any accrued taxes, whether due or not, only being held responsible for the costs associated with the redemption of outstanding tax sale certificates.

The attached Resolution will request the abatement of accrued and accruing taxes on the Hughes property. The Hughes tax parcel number is as follows: Parcel No. 0221481002

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

Staff Recommendation: I recommend that the City request that the County officially abate any and all taxed past due and/or accrued on the above-referenced property as provided by the 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 #17-___

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 recently purchased the fire damaged property located at 224 N. Chestnut Street, same being described by the following Tax Parcel ID: 0221481002, and

WHEREAS, The Purchase Agreement with the property owner relieved him of responsibility for all accrued taxes but for those previously sold at tax sale 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 3rd day of July, 2017.

Dena Himes, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

City Council Meeting
Prep. Date: 06/26/17
Preparer: Doug Herman



Agenda Item: # 3
Agenda Date: 07/03/17

Communication Page

Agenda Items Description: Resolution to approve Eastern Iowa Excavating and Concrete Pay Request #5 and Change Order #2 Re: South Street Reconstruction Project.

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

Attachments & Enclosures:

Resolution
Pay Estimate/Request #5 and Change Order #2
Snyder & Associates Recommendation

Fiscal Impact:

Budget Line Item:	
Budget Summary:	E. South Street
Expenditure:	\$33,325.77
Revenue:	

Synopsis: Approval of Eastern Iowa Pay Request #5 and Change Order #2 related to South Street Reconstruction project.

Background Information: Eastern Iowa submits its' fifth and final pay request and Change Order #2, related to the E. South Street project and the City Engineer recommends that both be approved.

The final pay request after a review of quantities by the engineer, comes in at \$33,325.77. The pay request takes into account quantity adjustments made by the Engineer which reduced the base bid by \$21,642.82. Change Order #1 increased the project cost by \$4,001.00.

The total of work completed to date is \$710,915.88 (which includes the quantity/ price adjustments included in Change Order #2), adding Change Order number one in the amount of \$4,001 brings the total to \$714,916.88. After reducing the above total by 5% retainage in the amount of \$35,745.84 and previous payments in the amount of \$645,845.27, the current balance owing comes in at \$33,325.77.

The engineer will work to wrap up their review of the project before concluding that it is complete. The Council will take the next steps with regard to final assessments, etc., at the next City Council meeting on July 17th.

Recommendation: I recommend that the Council approve the proposed Resolution authorizing payment to Eastern Iowa Excavating & Concrete in the amount of \$33,325.77 and as part thereof, approving Change Order #2.

The City of Monticello, Iowa

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

RESOLUTION #17-__

Approving Pay Request #5 in the amount of \$33,325.77 submitted by Eastern Iowa Excavating & Concrete, and Change Order #2, related to the E. South Street Reconstruction project.

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

WHEREAS, Eastern Iowa Excavating & Concrete, Inc. contracted with the City to perform specified improvements associated with the reconstruction of E. South Street, and

WHEREAS, Eastern Iowa has submitted their 5th pay request in the amount of \$33,325.77 which reflects 5% retainage, with total retainage held to date after this payment in the amount of \$35,745.84 and total payments after this payment in the amount of \$679,171.04, and

WHEREAS, The pay request also takes into account final quantity review and adjustment by the City Engineer, resulting in a base bid deduct in the amount of \$21,642.82, and

WHEREAS, The City Engineer has reviewed pay request #5 and Change Order #2 and recommends their approval.

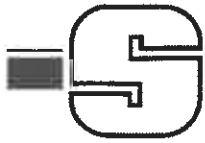
NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve Pay Request #5 submitted by Eastern Iowa Excavating & Concrete, Inc. and authorizes payment in the amount of \$33,325.77, maintaining retainage of \$35,745.84.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 3rd day of July, 2016.

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk



June 26, 2017

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

Subject: Pay Estimate #5 & Change Order #2
2016 East South St. Reconstruction
Snyder & Associates Project # - 115.0703.08
Contractor: Eastern Iowa Excavating & Concrete, LLC

Dear Council:

Enclosed for your review and approval is Pay Estimate #5 and Change Order #2 from Eastern Iowa Excavating & Concrete, LLC for the project referenced above. We have reviewed the pay estimate and change order and find them to be in agreement with the work completed to date. The change order is the reconciliation of final quantities. We, therefore, recommend approval of Pay Estimate #5 in the amount of \$33,325.77 and the final Change Order #2 to Eastern Iowa Excavating & Concrete, LLC.

If you have any questions or comments regarding this project, please feel free to contact me. I plan to attend the next Council Meeting on Monday, July 3rd if you prefer to go over any questions or concerns you may have at that time.

Sincerely,

SNYDER & ASSOCIATES, INC.

Lindsay Beaman, P.E.
Project Manager

Encl. Pay Estimate #5 & Change Order #2

Cc: Lynne White, Eastern Iowa Excavating & Concrete, LLC

PAY ESTIMATE #5
 2016 East South St. Reconstruction
 115.0703.08
 City of Monticello
 6/26/2017

Item No.	Item Code	Description	Est. Qty.	Unit	Contract Amount		Completed to Date		Completed This Period	
					Unit Price	Extended Amount	Qty	\$ Amount	Qty	\$ Amount
1	2010-108-C-0	Clearing and Grubbing	1	LS	\$ 885.00	\$ 885.00	1.00	\$ 885.00	-	
2	2010-108-D-3	Topsoil, Off-Site, 6"	222	CY	\$ 30.65	\$ 6,804.30	90.00	\$ 2,758.50	10.00	\$ 306.50
3	2010-108-E-0	Excavation Class 10	1,385	CY	\$ 15.30	\$ 21,397.50	1,363.00	\$ 20,859.50	-	
4	2010-108-G-0	Subgrade Preparation	4,036	SY	\$ 1.00	\$ 4,036.00	-	\$ -	-	
5	2010-108-H-0	Subgrade Treatment, Geogrid Type 4	4,133	SY	\$ 5.30	\$ 21,904.90	4,133.00	\$ 21,904.90	-	
6	2010-108-H-0	Subgrade Treatment, Geotextile	4,133	SY	\$ 0.83	\$ 3,513.05	4,133.00	\$ 3,513.05	-	
7	2010-108-I-0	Subbase, 4" (Modified)	492	SY	\$ 6.00	\$ 2,952.00	492.00	\$ 2,952.00	36.00	\$ 216.00
8	2010-108-I-0	Subbase, 12" (Modified)	4,133	SY	\$ 10.50	\$ 43,396.50	4,133.00	\$ 43,396.50	-	
9	2010-108-L-0	Compaction Testing	1	LS	\$ 1,050.00	\$ 1,050.00	1.00	\$ 1,050.00	-	
10	2010-108-M-0	Sampling and Testing for Petroleum Contamination (Remediation)	4	EA	\$ 750.00	\$ 3,000.00	1.00	\$ 750.00	-	
11	2010-108-N-0	Excavation and Disposal of Contaminated Soil	126	CY	\$ 24.75	\$ 3,118.50	-	\$ -	-	
12	3010-106-C-0	Trench Foundation	116	TON	\$ 22.00	\$ 2,572.00	116.21	\$ 2,572.00	-	
13	3010-108-D-0	Replacement of Unsuitable Backfill Material	1	LS	\$ 75,000.00	\$ 75,000.00	1.00	\$ 75,000.00	-	
14	3010-108-F-0	Trench Compaction Testing	1	LS	\$ 1,550.00	\$ 1,550.00	1.00	\$ 1,550.00	-	
15	4010-108-A-1	Sanitary Sewer Gravity Main, Trenched, PVC SDR 26, 8"	842	LF	\$ 27.50	\$ 23,145.00	638.00	\$ 17,625.00	-	
16	4010-108-A-1	Sanitary Sewer Gravity Main, Trenched, AWWA C900, 8"	20	LF	\$ 57.50	\$ 1,150.00	20.00	\$ 1,150.00	-	
17	4010-108-E-0	Sanitary Sewer Service Reconnection	12	EA	\$ 1,350.00	\$ 16,200.00	9.00	\$ 12,150.00	-	
18	4010-108-F-0	Removal of Sanitary Sewer	816	LF	\$ 2.75	\$ 2,264.00	668.00	\$ 1,846.00	-	
19	4020-108-A-1	Storm Sewer, Trenched, RCP, 15"	441	LF	\$ 58.85	\$ 25,970.85	450.00	\$ 26,582.50	-	
20	4020-108-A-1	Storm Sewer, Trenched, RCP, 18"	228	LF	\$ 63.00	\$ 14,364.00	228.00	\$ 14,364.00	-	
21	4020-108-C-0	Removal of Storm Sewer, All Types and Sizes	651	LF	\$ 3.50	\$ 2,278.50	631.00	\$ 2,208.50	-	
22	4040-108-A-0	Subdrain, Type 1 Corrugated PVC or PE, 6"	1,256	LF	\$ 12.50	\$ 15,700.00	1,256.00	\$ 15,700.00	-	
23	4040-108-C-0	Subdrain Cleanout, Type A-1, 6"	8	EA	\$ 450.00	\$ 3,600.00	8.00	\$ 3,600.00	-	
24	4040-108-C-0	Subdrain Cleanout, Type 3, 24"	1	EA	\$ 1,150.00	\$ 1,150.00	1.00	\$ 1,150.00	-	
25	4040-108-E-0	Subdrain Sewer Service Stub, Corrugated PVC or PE, 2"	7	EA	\$ 365.00	\$ 2,555.00	7.00	\$ 2,555.00	-	
26	5010-108-A-1	Water Main, Trenched, DIP, 4"	20	LF	\$ 70.50	\$ 1,410.00	20.00	\$ 1,410.00	-	
27	5010-108-A-1	Water Main, Trenched, DIP, 8"	100	LF	\$ 7.00	\$ 700.00	142.00	\$ 994.00	-	
28	5010-108-A-1	Water Main, Trenched, AWWA C900, 8"	762	LF	\$ 33.75	\$ 25,717.50	780.00	\$ 26,325.00	-	
29	5010-108-C-2	Fittings, Restrained Joint, All Sizes	844	LB	\$ 8.25	\$ 6,963.00	844.00	\$ 6,963.00	-	
30	5010-108-D-0	Water Service Stub, Copper, 1 1/2", North Side	1	EA	\$ 1,360.00	\$ 1,360.00	2.00	\$ 2,720.00	-	
31	5010-108-D-0	Water Service Stub, Copper, 3/4", North Side	5	EA	\$ 885.00	\$ 4,425.00	5.00	\$ 4,425.00	-	
32	5010-108-D-0	Water Service Stub, Copper, 3/4", South Side	5	EA	\$ 1,475.00	\$ 7,375.00	5.00	\$ 7,375.00	-	
33	5010-108-E-0	Abandonment of Existing Water Main	1	LS	\$ 3,400.00	\$ 3,400.00	1.00	\$ 3,400.00	-	
34	5020-108-A-0	Valve, 8"	8	EA	\$ 1,350.00	\$ 10,800.00	8.00	\$ 10,800.00	-	
35	5020-108-C-0	Fire Hydrant Assembly	1	EA	\$ 4,215.00	\$ 4,215.00	1.00	\$ 4,215.00	-	
36	6010-108-A-0	Manhole, Storm, 48"	4	EA	\$ 3,200.00	\$ 12,800.00	4.00	\$ 12,800.00	-	
37	6010-108-A-0	Manhole, Storm, 48"	2	EA	\$ 3,250.00	\$ 6,500.00	2.00	\$ 6,500.00	-	
38	6010-108-B-0	Intake SW-501	9	EA	\$ 1,750.00	\$ 15,750.00	9.00	\$ 15,750.00	-	
39	6010-108-E-0	Manhole Adjustment, Minor	1	EA	\$ 945.00	\$ 945.00	1.00	\$ 945.00	-	
40	6010-108-F-0	Manhole Adjustment, Major	2	EA	\$ 1,275.00	\$ 2,550.00	-	\$ -	-	
41	6010-108-G-0	Connection to Existing Manhole	1	EA	\$ 725.00	\$ 725.00	1.00	\$ 725.00	-	
42	6010-108-H-0	Remove Manhole	4	EA	\$ 750.00	\$ 3,000.00	4.00	\$ 3,000.00	-	
43	6010-108-I-0	Remove Intake	5	EA	\$ 625.00	\$ 3,125.00	5.00	\$ 3,125.00	-	
44	7010-108-A-0	Pavement, PCC, 8"	3,586	SY	\$ 41.25	\$ 147,922.50	3,864.30	\$ 151,152.38	78.30	\$ 3,229.88
45	7010-108-A-0	Pavement, PCC, 10"	413	SY	\$ 103.73	\$ 42,850.43	433.00	\$ 44,946.23	-	
46	7030-108-A-0	Removal of Sidewalk	312	SY	\$ 7.75	\$ 2,418.00	312.00	\$ 2,418.00	-	
47	7030-108-A-0	Removal of Driveway	594	SY	\$ 4.50	\$ 2,673.00	594.00	\$ 2,673.00	-	
48	7030-108-E-0	Sidewalk PCC, 4"	454	SY	\$ 29.50	\$ 13,393.00	157.00	\$ 4,611.50	312.00	\$ 9,189.50
49	7030-108-E-0	Sidewalk Curb Ramp, PCC	100	SY	\$ 76.50	\$ 7,650.00	90.70	\$ 6,938.55	62.70	\$ 4,796.55
50	7030-108-G-0	Detectable Warning Plates, Cast Iron	169	SF	\$ 39.15	\$ 6,616.35	169.00	\$ 6,616.35	125.00	\$ 4,893.75
51	7030-108-H-1	Driveway Paved, PCC, 6"	273	SY	\$ 32.25	\$ 8,804.25	257.50	\$ 8,304.38	44.50	\$ 1,455.13
52	7030-108-H-1	Driveway, Paved, PCC, 7"	224	SY	\$ 35.65	\$ 7,985.60	277.00	\$ 9,875.05	53.00	\$ 1,889.45
53	7030-108-H-1	Driveway, Paved, PCC, 8"	134	SY	\$ 40.50	\$ 5,427.00	134.00	\$ 5,427.00	-	
54	7030-108-H-2	Temporary Gravel	352	TON	\$ 10.25	\$ 3,608.00	176.00	\$ 1,808.00	176.00	\$ 1,808.00
55	7040-108-E-0	Curb and Gutter, 2.5' wide, 7" thick	67	LF	\$ 30.25	\$ 2,026.75	46.00	\$ 1,391.50	-	

56	7040-108-E-0	Curb and Gutter, 2.5' wide, 10" thick	81	LF	\$ 32.00	\$ 2,592.00	81.00	\$ 2,592.00	81.00	\$ 2,592.00
57	7040-108-H-1	Pavement Removal	3,676	SY	\$ 3.70	\$ 13,593.20	3,676.00	\$ 13,593.20	-	
58	3010-108-C-0	Traffic Control	1	LS	\$ 6,000.00	\$ 6,000.00	1.00	\$ 6,000.00	0.25	\$ 1,500.00
59	9040-108-A-2	Stormwater Pollution Prevention Plan (SWPPP)	1	LS	\$ 1,750.00	\$ 1,750.00	1.00	\$ 1,750.00	0.25	\$ 437.50
60	9040-108-D-1	Filter Socks 6"	96	LF	\$ 3.25	\$ 312.00	96.00	\$ 312.00	16.00	\$ 400.00
61	9040-108-O-1	Stabilized Construction Entrance	488	SY	\$ 5.15	\$ 2,513.20	-	\$ -	-	
62	9040-108-D-2	Filter Socks, Removal	96	LF	\$ 3.25	\$ 312.00	96.00	\$ 312.00	96.00	\$ 312.00
63	9040-108-V-0	Temporary Sediment and Erosion Controls	1	LS	\$ 950.00	\$ 950.00	1.00	\$ 950.00	1.00	\$ 950.00
64	11,020-108-A	Mobilization	1	LS	\$ 33,000.00	\$ 33,000.00	1.00	\$ 33,000.00	-	
65	11,030-108-B	Painted Pavement Markings, Solvent/Waterborne	10	LF	\$ 65.00	\$ 650.00	-	\$ -	-	
66	11,070-108-A	Directional Light Pole, Single and/or Twin Fixture Installation Only	4	EA	\$ 1,250.00	\$ 5,000.00	4.00	\$ 5,000.00	-	
67	11,070-108-C	Lighting, Wiring and Miscellaneous	1	LS	\$ 18,500.00	\$ 18,500.00	1.00	\$ 18,500.00	-	
						\$732,558.70		\$ 710,915.88		\$ 35,079.76

Stored Materials										
NONE										

Change Orders										
C1-1		Connection of drain pipe, 10" RCP	1	EA	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ -	\$ -
C1-2		Pavement Removal, 18"	62	LF	\$ 10.50	\$ 651.00	\$ 10.50	\$ 651.00	\$ -	\$ -
C1-3		Sanitary Sewer Service E	2	EA	\$ 1,500.00	\$ 3,000.00	\$ 1,500.00	\$ 3,000.00	\$ -	\$ -
						\$4,001.00		\$4,001.00		\$0.00

Totals												
		Total Value of Completed Work								\$	710,915.88	
		Stored Materials								\$	-	
		Change Orders									\$4,001.00	
		Retainage	5%								\$	35,745.84
		Amount Due to Contractor								\$	679,171.04	
		Less Previous Payments								\$	643,841.27	
		Amount Due This Invoice								\$	33,325.77	

Approvals Required:

Contractor Approval: Eastern Iowa Excavating & Concrete LLC

Date

Engineer Approval: Snyder & Associates, Inc.

Date

Owner Approval: City of Monticello

Date

**Change Order No. Two (2) - Final
Item C2-1 - Reconciliation of Final Quantities
City of Monticello, IA
2016 East South Street Reconstruction
06/26/2017**

Item No.	Description	Estimated & Bid Quantities	Unit	Unit Price	Final Quantity	Final Cost	Quantity Change	Cost Change
BASE BID								
1.	Clearing and Grubbing	1	LS	\$ 885.00	1.00	\$ 885.00	0.00	\$ 0.00
2.	Topsoil, Off-Site, 6"	222	CY	\$ 30.65	90.00	\$ 2,758.50	-132.00	\$ -4,045.80
3.	Excavation, Class 10	1,585	CY	\$ 13.50	1,585.00	\$ 21,397.50	0.00	\$ 0.00
4.	Subgrade Preparation	4,036	SY	\$ 1.00	-	\$ -	-4,036.00	\$ -4,036.00
5.	Subgrade Treatment, Geogrid Type 4	4,133	SY	\$ 5.30	4,133.00	\$ 21,904.90	0.00	\$ 0.00
6.	Subgrade Treatment, Geotextile	4,133	SY	\$ 0.85	4,133.00	\$ 3,513.05	0.00	\$ 0.00
7.	Subbase, 4" (Modified)	492	SY	\$ 6.00	492.00	\$ 2,952.00	0.00	\$ 0.00
8.	Subbase, 12" (Modified)	4,133	SY	\$ 10.50	4,133.00	\$ 43,396.50	0.00	\$ 0.00
9.	Compaction Testing	1	LS	\$ 1,050.00	1.00	\$ 1,050.00	0.00	\$ 0.00
10.	Sampling and Testing for Petroleum Contamination (Remediation)	4	EA	\$ 750.00	1.00	\$ 750.00	-3.00	\$ -2,250.00
11.	Excavation and Disposal of Contaminated Soil	126	CY	\$ 24.75	-	\$ -	-126.00	\$ -3,118.50
12.	Trench Foundation	116	TON	\$ 22.00	46.24	\$ 1,017.28	-69.76	\$ -1,534.72
13.	Replacement of Unsuitable Backfill Material	1	LS	\$ 75,000.00	1.00	\$ 75,000.00	0.00	\$ 0.00
14.	Trench Compaction Testing	1	LS	\$ 1,550.00	1.00	\$ 1,550.00	0.00	\$ 0.00
15.	Sanitary Sewer Gravity Main, Trenched, PVC, SDR 26, 8"	842	LF	\$ 32.50	836.00	\$ 27,170.00	-6.00	\$ -195.00
16.	Sanitary Sewer Gravity Main, Trenched, AWWA C900, 8"	20	LF	\$ 57.50	20.00	\$ 1,150.00	0.00	\$ 0.00
17.	Sanitary Sewer Service Reconnection	12	EA	\$ 1,350.00	9.00	\$ 12,150.00	-3.00	\$ -4,050.00
18.	Removal of Sanitary Sewer	868	LF	\$ 2.75	868.00	\$ 2,387.00	0.00	\$ 0.00
19.	Storm Sewer, Trenched, RCP, 15"	441	LF	\$ 56.85	450.00	\$ 25,582.50	9.00	\$ 511.65
20.	Storm Sewer, Trenched, RCP, 18"	228.0	LF	\$ 63.00	228.00	\$ 14,364.00	0.00	\$ 0.00
21.	Removal of Storm Sewer, All Types and Sizes	651.0	LF	\$ 3.50	651.00	\$ 2,278.50	0.00	\$ 0.00
22.	Subdrain, Type 1 Corrugated PVC or PE, 6"	1,256	LF	\$ 12.50	1,256.00	\$ 15,700.00	0.00	\$ 0.00
23.	Subdrain Cleanout, Type A-1, 6"	8	EA	\$ 450.00	8.00	\$ 3,600.00	0.00	\$ 0.00
24.	Subdrain Cleanout, Type B, 24"	1	EA	\$ 1,150.00	1.00	\$ 1,150.00	0.00	\$ 0.00
25.	Subdrain Sewer Service Stub, Corrugated PVC or PE, 2"	7	EA	\$ 365.00	7.00	\$ 2,555.00	0.00	\$ 0.00
26.	Water Main, Trenched, DIP, 4"	20	LF	\$ 70.50	20.00	\$ 1,410.00	0.00	\$ 0.00
27.	Water Main, Trenched, DIP, 6"	160	LF	\$ 46.00	142.00	\$ 6,532.00	-18.00	\$ -828.00
28.	Water Main, Trenched, AWWA C900, 6"	762	LF	\$ 33.75	780.00	\$ 26,325.00	18.00	\$ 607.50
29.	Fittings, Restrained Joint, All Sizes	844	LB	\$ 8.25	844.00	\$ 6,963.00	0.00	\$ 0.00
30.	Water Service Stub, Copper, 1.5", North Side	1	EA	\$ 1,980.00	2.00	\$ 3,960.00	1.00	\$ 1,980.00
31.	Water Service Stub, Copper, 3/4", North Side	5	EA	\$ 885.00	5.00	\$ 4,425.00	0.00	\$ 0.00
32.	Water Service Stub, Copper, 3/4", South Side	5	EA	\$ 1,475.00	5.00	\$ 7,375.00	0.00	\$ 0.00

**Change Order No. Two (2) - Final
Item C2-1 - Reconciliation of Final Quantities
City of Monticello, IA
2016 East South Street Reconstruction
06/26/2017**

Item No.	Description	Estimated & Bid Quantities	Unit	Unit Price	Final Quantity	Final Cost	Quantity Change	Cost Change
BASE BID (CONTD.)								
33	Abandonment of Existing Water Main	1	LS	\$ 3,400.00	1.00	\$ 3,400.00	0.00	\$ 0.00
34	Valve, 8"	8	EA	\$ 1,350.00	8.00	\$ 10,800.00	0.00	\$ 0.00
35	Fire Hydrant Assembly	1	EA	\$ 4,215.00	1.00	\$ 4,215.00	0.00	\$ 0.00
36	Sanitary Manhole, 48"	4	EA	\$ 3,200.00	4.00	\$ 12,800.00	0.00	\$ 0.00
37	Manhole, Storm, 48"	2	EA	\$ 3,250.00	2.00	\$ 6,500.00	0.00	\$ 0.00
38	Intake SW-501	9	EA	\$ 1,750.00	9.00	\$ 15,750.00	0.00	\$ 0.00
39	Manhole Adjustment, Minor	1	EA	\$ 945.00	1.00	\$ 945.00	0.00	\$ 0.00
40	Manhole Adjustment, Major	2	EA	\$ 1,275.00	-	-	-2.00	\$ -2,550.00
41	Connection to Existing Manhole	1	EA	\$ 725.00	1.00	\$ 725.00	0.00	\$ 0.00
42	Remove Manhole	4	EA	\$ 750.00	4.00	\$ 3,000.00	0.00	\$ 0.00
43	Remove Intake	5	EA	\$ 625.00	5.00	\$ 3,125.00	0.00	\$ 0.00
44	Pavement, PCC, 8"	3,586	SY	\$ 41.25	3,664.30	\$ 151,152.38	78.30	\$ 3,229.88
45	Pavement, PCC, 10"	43	SY	\$ 103.75	43.00	\$ 4,461.25	0.00	\$ 0.00
46	Removal of Sidewalk	312	SY	\$ 7.75	312.00	\$ 2,418.00	0.00	\$ 0.00
47	Removal of Driveway	591	SY	\$ 4.50	594.00	\$ 2,673.00	0.00	\$ 0.00
48	Sidewalk, PCC, 4"	454	SY	\$ 29.50	457.00	\$ 13,481.50	3.00	\$ 88.50
49	Sidewalk Curb Ramp, PCC	100	SY	\$ 76.50	90.70	\$ 6,938.55	-9.30	\$ -711.45
50	Detectable Warning Plates, Cast Iron	169	SF	\$ 39.15	169.00	\$ 6,616.35	0.00	\$ 0.00
51	Driveway, Paved, PCC, 6"	273	SY	\$ 32.25	257.50	\$ 8,304.38	-15.50	\$ -499.88
52	Driveway, Paved, PCC, 7"	224	SY	\$ 35.65	277.00	\$ 9,875.05	53.00	\$ 1,889.45
53	Driveway, Paved, PCC, 8"	134	SY	\$ 40.50	134.00	\$ 5,427.00	0.00	\$ 0.00
54	Temporary, Granular	352	TON	\$ 13.25	176.00	\$ 2,332.00	-176.00	\$ -2,332.00
55	Curb and Gutter, 2.5' wide, 7" thick	67	LF	\$ 30.25	46.00	\$ 1,391.50	-21.00	\$ -635.25
56	Curb and Gutter, 2.5' wide, 10" thick	81	LF	\$ 32.00	81.00	\$ 2,592.00	0.00	\$ 0.00
57	Pavement Removal	3,676	SY	\$ 6.70	3,676.00	\$ 24,629.20	0.00	\$ 0.00
58	Traffic Control	1	LS	\$ 6,000.00	1.00	\$ 6,000.00	0.00	\$ 0.00
59	Stormwater Pollution Prevention Plan (SWPPP)	1	LS	\$ 1,750.00	1.00	\$ 1,750.00	0.00	\$ 0.00
60	Filter Socks, 6"	96	LF	\$ 6.25	96.00	\$ 600.00	0.00	\$ 0.00
61	Stabilized Construction Entrance	488	SY	\$ 5.15	-	\$ -	-488.00	\$ -2,513.20
62	Filter Socks, Removal	96	LF	\$ 3.25	96.00	\$ 312.00	0.00	\$ 0.00
63	Temporary Sediment and Erosion Controls	1	LS	\$ 950.00	1.00	\$ 950.00	0.00	\$ 0.00
64	Mobilization	1	LS	\$ 33,000.00	1.00	\$ 33,000.00	0.00	\$ 0.00
65	Painted Pavement Markings, Solvent/Waterborne	10	LF	\$ 65.00	-	\$ -	-10.00	\$ -650.00
66	Decorative Light Pole, Single and/or Twin Fixture, Installation Only	4	EA	\$ 1,250.00	4.00	\$ 5,000.00	0.00	\$ 0.00
67	Lighting, Wiring and Miscellaneous	1	LS	\$ 18,500.00	1.00	\$ 18,500.00	0.00	\$ 0.00
TOTAL - BASE BID						\$ 710,915.88		\$ -21,642.82

Change Order No. Two (2) - Final
Item C2-1 - Reconciliation of Final Quantities
City of Monticello, IA
2016 East South Street Reconstruction
06/26/2017

Item No.	Description	Estimated & Bid Quantities	Unit	Unit Price	Final Quantity	Final Cost	Quantity Change	Cost Change
CHANGE ORDER NO. 1								
C-1-1	Connection of drain pipe, 10" RCP	1	LS	\$ 250.00	1.00	250.00	0.00	-
C-1-2	Pavement Removal, 18"	62		\$10.50	62.00	651.00	0.00	-
C-1-3	Sanitary Sewer Service, 6"	2	LS	\$ 1,550.00	2.00	\$ 3,100.00	0.00	-
TOTAL - CHANGE ORDER NO. 1						4,001.00		-
Reconciled Cost Total for Base Bid and Change Orders No. 1 through 2						\$ 714,916.88		\$ -21,642.82

The change described herein is understood, and the terms of settlement are hereby agreed to:

By: _____ Date: _____
 Engineer - Snyder & Associates, Inc. (approval recommended)

By: _____ Date: _____
 Contractor - Eastern Iowa Excavating & Concrete, LLC

By: _____ Date: _____
 Owner - City of Monticello

City Council Meeting
Prep. Date: 06/23/17
Preparer: Doug Herman



Agenda Item: 4
Agenda Date: 07/03/2017

Communication Page

Agenda Items Description: Resolution finding the property at 224 N. Chestnut Street, Monticello, Iowa to have been in violation of the City Nuisance Code, Property Maintenance Code, and Dangerous Building Code prior to the City purchase of same.

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

Attachments & Enclosures:

Resolution (To be prepared prior to meeting)
DNR Materials

Fiscal Impact:

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

Synopsis: In preparation for the demolition of the home at 224 N. Chestnut Street, I recommend that the Council declare the structure to be in violation of our Code to explain the basis for the City purchase and also for asbestos related demolition purposes.

Background Information: The DNR literature I have reviewed, and e-mails I have had with a DNR representative, all indicate that the demolition is not subject to the Asbestos NESHAP regulation. With that said, it was recommended that the City find the building to be a nuisance, etc., as same would further support the exemption from the NESHAP regulation.

It will be up to a successful bidder to take care of any and all notices and to follow any and all applicable regulations, but with that said, I do not want to knowingly allow any contractor to miss a rule or regulation or to find themselves in trouble.

I will draft a Resolution on Monday setting out the facts/issues associated with this chapter that violated our Code leading to the City purchase as a means of abating those violations.

Staff Recommendation: I recommend that the Council approve a Resolution finding the condition of the property at 224 N. Chestnut Street, Monticello, Iowa to have been in violation of the City Nuisance Code, Property Maintenance Code, and Dangerous Building Code prior to the City purchase of same.

DNR WHO IS SUBJECT TO ASBESTOS REGULATIONS?

The Iowa Department of Natural Resources protects the outside air from asbestos contamination under the Clean Air Act. The Act specifies National Emission Standards for Hazardous Air Pollutants (NESHAPs) that includes asbestos. Indoor air and worker protection is regulated by OSHA, not DNR.

1. WHO IS SUBJECT?

Facilities are subject. Facilities are any institutional, commercial, public or industrial installations or buildings, including ships and active or inactive waste disposal sites. Also subject are residential buildings demolished or renovated as part of a commercial, public, industrial or institutional project.

A few examples include demolishing residential houses for construction of roads, parking lots, apartments, commercial buildings or the demolishing of flood damaged homes as a FEMA project.

However, residential buildings with four or fewer dwelling units demolished for purposes other than commercial, public, industrial or institutional are exempt. For example, a family demolishing their own house to rebuild or remodel is exempt.

In addition, facilities previously subject to the asbestos NESHAP are not excluded, regardless of current use, ownership, or function.

2. WHEN DO THE REGULATIONS APPLY?

Asbestos containing materials are dangerous only if damaged or disturbed. To protect human health,

regulations often apply before renovation and demolition projects begin. Asbestos regulations are designed to prevent significant public exposure to airborne asbestos during renovation or demolition work. Because asbestos fibers can be microscopic, stay aloft almost indefinitely and travel great distances, asbestos regulations must be closely followed and enforced to protect the health of Iowans.

3. INSPECT TO SEE WHAT CONTAINS ASBESTOS

Before renovation or demolition, a thorough asbestos inspection is required. Small renovation projects well below the thresholds do not require inspection. (see item 4.) Inspections may be facility-wide or only for areas where renovation or demolition work occurs. All renovations and demolitions are subject to the regulation insofar as the owners and operators must determine if and how much asbestos is present at the site.

"Thorough inspection" means all suspect asbestos-containing materials require sampling and laboratory analysis or are assumed to contain

asbestos and handled in accordance with the regulation. Suspect asbestos-containing materials include floor tile, linoleum, pipe and boiler insulation, heat duct wrap and joint tape, cementitious, transite or slate siding and roofing, asphalt-based roofing and asphalt shingles, ceiling tiles, joint compound, sprayed-on acoustical, decorative texturing and other materials.

The inspector must have a thorough knowledge of asbestos, know sampling techniques and be familiar with all asbestos regulations.

4. POST INSPECTION

After thorough inspection, observe the following:

Demolitions: All facility demolitions require submission of a complete, timely and accurate two-page demolition notification form to DNR — even if no asbestos is found.

Only certain notification procedures apply for combined regulated asbestos containing material (RACM) below 160 square feet of surfacing, 260 linear feet of pipes, or 35 cubic feet of debris. As always, consult the actual regulation.

For demolitions ordered by state or local governments to prevent in-

minent collapse of unsound facilities, only certain notification, emission control, and waste disposal procedures apply if the combined amount of RACM is at least 160 square feet, 260 linear feet, or 35 cubic feet.

Renovations: All notification, emission control, and waste disposal procedures apply if the combined amount of regulated asbestos-containing material (RACM) meets or exceeds any of the following thresholds: 160 square feet of surfacing, 260 linear feet of pipes, or 35 cubic feet of debris. A renovation notification form must be submitted to DNR if RACM amounts meet or exceed these thresholds. No renovation procedures apply if the combined amount of RACM is below these amounts, or if tested material contains less than one percent asbestos.

Depending upon the category and condition of the material, renovation procedures may not apply. As always, consult the actual regulation.

5. RACM ADDS UP!!

Combined amounts of Regulated Asbestos Containing Material (RACM) are cumulative for a calendar year. If several projects are conducted at the same facility during a year, once the minimum RACM quantities are met, all notification, emission control, and waste disposal procedures apply. Reducing large asbestos removal projects into smaller segments to circumvent regulations is prohibited.

6. TAKE TEN!!

Upon postdate of submitted renovation or demolition notification forms, ten working days must pass before any disturbance of asbestos

containing material takes place. This allows DNR inspectors time to ensure initial asbestos testing by contractors was thorough.

7. HOW IS ASBESTOS REMOVED?

Before demolition or renovation occurs, asbestos containing materials must be removed. By regulation, an on site supervisor or foreman trained in NESHAP regulations and capable with the means to comply with them must be present.

Strict regulations are designed to prevent and contain microscopic asbestos fiber release during removal. The material must be adequately wet to prevent dust, contained in an airtight, sealed area and disposed of following strict guidelines. Upon completion, the contractor must take air samples to determine if the inside air is clean before opening the contained area. Once open, building owners can check the area with a flashlight. If any dust or debris is present — even asbestos matter the size of sand grains or visible dust — a work practice violation can occur.

8. SAFETY THROUGH COMPLIANCE — WHAT ABOUT FINES?

If a DNR inspector finds workplace violations, penalties can follow. Regulations view both the facility owner and contractor

accountable. Work practice violations are generally most serious as asbestos emissions can occur. Remember asbestos can kill and regulations are designed to protect all Iowans from exposure. Failure to notify DNR of renovation and demolition projects is also a violation. The form must be filled out completely and accurately. Even failing to put the correct facility address can result in a violation. Correct information is used to ensure regulations are followed via on-site inspection. Violations can result in written notices, fines or other action including civil penalties.

Since 1992, DNR has conducted over 500 inspections. One third of these were follow-ups to public complaint, the rest were routine inspections.



For More Information

About the NESHAP regulations?
 Call the DNR Air Quality Division at 515-281-5724. FAX at 515-281-5725.

For notification forms or regulations?
 Call the DNR Air Quality Division at 515-281-5724. FAX at 515-281-5725.

For asbestos contractor certification permit?
 Call the Iowa Division of Labor at 515-281-5725.

For asbestos OSHA questions?
 Call the U.S. Dept. of Health, Education and Welfare at 515-281-5725.

For AHERA In-Place or Removal Engineering Equipment Accreditation?
 Call the EPA at 1-800-551-7528 or visit our website at www.epa.gov.

September 1997, Rev. 2016

Asbestos NESHAP Clarification of Intent

[Federal Register: July 28, 1995 (Volume 60, Number 145)]

[Rules and Regulations]

[Page 38725-38726]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-5266-2]

Asbestos NESHAP Clarification of Intent

AGENCY: Environmental Protection Agency.

ACTION: Notice of clarification.

SUMMARY: On November 20, 1990, the Federal Register published the Environmental Protection Agency's (the Agency's) revision of the National Emission Standard for Hazardous Air Pollutants for Asbestos (asbestos NESHAP), 40 CFR part 61, subpart M. 55 FR 48406. Since the publication of this revision, EPA has received several inquiries from municipalities regarding whether the "residential building exemption" from the asbestos NESHAP applies to the demolition or renovation of isolated residential buildings with four or fewer dwelling units ("small residential buildings") that have been declared safety hazards or public nuisances by local governments. EPA is publishing this notice to clarify that, in EPA's opinion, the demolition or renovation of an isolated small residential building by any entity is not covered by the asbestos NESHAP. This notice does not affect EPA's policy regarding demolition by fire. However, EPA also believes that the demolition or renovation of multiple (more than one) small residential buildings on the same site by the same owner or operator (or owner or operator under common control) is covered by the asbestos NESHAP.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Ripp, United States Environmental Protection Agency (2223A),
401 M Street, SW., Washington, DC 20460, telephone (202) 564-7003.

SUPPLEMENTARY INFORMATION: This clarification does not supersede, alter, or in any way replace the existing Asbestos NESHAP. This notice is intended solely as guidance and does not represent an action subject to judicial review under section 307(b) of the Clean Air Act or section 704 of the Administrative Procedure Act.

I. The Asbestos NESHAP and the "Residential Building Exemption"

On April 6, 1973, the Agency published its initial NESHAP for asbestos (38 FR 8820) after determining that asbestos was associated with asbestosis and certain cancers. The initial asbestos NESHAP covered "any institutional, commercial and industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation or portion thereof * * *" 38 FR 8829 (codified at 40 CFR 61.22(d) (1973)). The NESHAP did not cover individual residential buildings containing four or fewer dwelling units. EPA based this "residential building exemption" on a National Academy of Sciences' Report which stated "[i]n general, single-family residential structures contain

only small amounts of asbestos insulation." EPA stated that apartment houses with four or fewer dwelling units were considered to be equivalent to single-family residential structures. 38 FR 8821.

Since that time, EPA has revised the asbestos NESHAP on several occasions. EPA has not substantially revised the exemption for small residential buildings. However, EPA has stated that residential buildings demolished or renovated as part of larger projects, for instance, highway construction projects, were not exempt from the NESHAP. See Letter from John S. Seitz, Director, Stationary Source Compliance Division, U.S. EPA to Thomas S. Hadden, Supervisor, Division of Air Pollution Control, Ohio EPA, dated March 15, 1989; letter from Ann Pontius, U.S. EPA Region 5 to Thomas Hadden, dated September 28, 1988; letter from David Kee, Air Section, U.S. EPA to Richard Larson, Minneapolis Housing and Redevelopment Authority, dated May 16, 1973.

II. The 1990 Revisions to the Asbestos NESHAP

On November 20, 1990, EPA published a revision to the asbestos NESHAP. 55 FR 48406. The purpose of the revision was "to enhance enforcement and promote compliance with the current standard without altering the stringency of existing controls." *Id.* The revisions revised and added several definitions in order to clarify the requirements of the NESHAP. The preamble accompanying the revisions also contained clarifying information.

In particular, the 1990 revisions clarified the definition of "facility" to include:

*Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units) * * **

The 1990 amendments also added a definition of "installation" that stated:

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

Id. (codified at 40 CFR 61.141). In responding to comments regarding the "residential building exemption," the preamble noted that:

*EPA does not consider residential structures that are demolished as part of a commercial or public project to be exempt from this rule. For example, the demolition of one or more houses as part of an urban renewal project, a highway construction project, or a project to develop a shopping mall, industrial facility, or other private development would be subject to the NESHAP. * * * The owner of a home that renovates his house or demolishes it to construct another house is not to be subject to the NESHAP.*

Id. at 48412.¹ Further, in response to a comment asking whether a group of residential buildings at one location would be covered by the rule, the preamble stated:

A group of residential buildings under the control of the same owner or operator is considered an installation according to the definition of "installation" and is therefore covered by the rule.

III. Programs to Demolish or Renovate Residential Buildings

Since the publication of the 1990 revisions to the asbestos NESHAP, certain questions have arisen regarding whether demolitions or renovations of residential homes that are demolished or renovated by municipalities for reasons of public health, welfare or safety ("nuisance abatement demolitions") are covered by the asbestos NESHAP.² Several municipalities have stated that they believe such demolitions or renovations to be excluded from the NESHAP under the residential building exemption. Municipalities have also stated that EPA officials have been inconsistent in their determinations of this issue. In particular, officials from several municipalities in Florida have asked EPA to issue a notice clarifying EPA's interpretation of the asbestos NESHAP with regard to this issue. In addition, the House of Representatives Report accompanying H.R. 4624 (House Report 103-555, reported by the House Appropriations Committee), also noted these allegedly inconsistent interpretations and directed EPA to issue a notice of clarification that a nuisance abatement demolition or renovation does not subject an otherwise exempt structure to the asbestos NESHAP regulations. In an effort to clarify this issue for the regulated community, EPA is presenting this notice giving its interpretation of the NESHAP with regard to this issue.

IV. EPA Interpretation

EPA believes that individual small residential buildings that are demolished or renovated are not covered by the asbestos NESHAP. This is true whether the demolition or renovation is performed by agents of the owner of the property or whether the demolition or renovation is performed by agents of the municipality. EPA believes that the residential building exemption applies equally to an individual small residential building regardless of whether a municipality is an "owner or operator" for the purposes of the demolition or renovation. EPA believes that the exemption is based on the type of building being demolished or renovated and the type of demolition or renovation project that is being undertaken, not the entity performing or controlling the demolition or renovation. However, EPA believes that the residential building exemption does not apply where multiple (more than one) small residential buildings on the same site³ are demolished or renovated by the same owner or operator as part of the same project or where a single residential building is demolished or renovated as part of a larger project that includes demolition or renovation of non-residential buildings. The definition of facility specifically includes "any residential structure, installation or building" but excludes only "residential buildings having four or fewer dwelling units" [emphasis added]. *Id.* at 48415. Specifically not excluded from the definition of facility were residential installations. EPA believes that the fact that the residential building exemption is limited to residential buildings, and does not include residential installations, shows that the residential building exemption was not designed to exempt from the NESHAP demolitions or renovations of multiple buildings at a single site by the same owner or operator. Moreover, to the extent the regulations are ambiguous, EPA believes the language of the preamble to the 1990 regulations quoted above makes clear that the Agency interpreted the residential building exemption not to include the demolition of a group of residential buildings on the same site under the control of the same owner or operator. The preamble also notes that demolitions of residential buildings as a part of larger demolition projects (e.g. construction of a shopping mall) are not excluded from the NESHAP. EPA believes that this interpretation is consistent with the original purpose of the residential building exemption, which was to exempt demolitions or renovations involving small amounts of asbestos. EPA does not believe the residential building exemption was designed to exempt larger demolitions or renovations on a particular site, even where small residential buildings are involved.⁴

While this notice clarifies EPA's belief that certain demolitions or renovations performed by municipalities are not subject to the asbestos NESHAP, EPA encourages municipalities (and other owners and operators) to perform such demolitions or renovations in a manner that provides appropriate consideration for any potential adverse health impacts to the public. This notice applies only to the Federal asbestos NESHAP. Other Federal, State or local agency regulations may apply.

Dated: July 17, 1995.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 95-18620 Filed 7-27-95; 8:45 am]

Footnotes

¹ EPA considers demolitions planned at the same time or as part of the same planning or scheduling period to be part of the same project. In the case of municipalities, a scheduling period is often a calendar year or fiscal year or the term of a contract.

² Demolition of such homes typically occur after a municipality orders a building condemned for public health or safety reasons (e.g. condemnation of a building that is abandoned and/or in danger of collapse). This type of demolition does not include demolitions of buildings for the purpose of building public facilities like highways or sports arenas.

³ The term "site" is not defined in the regulations and EPA does not intend to provide any determination of the boundaries of a "site" in today's clarification. However, to provide guidance, EPA notes that a "site" should be a relatively compact area. In EPA's view, an entire municipality, or even a neighborhood in a municipality, should not be considered a single site. Where an area is made up of multiple parcels of land owned and operated by various parties, EPA believes that parcels on the same city block may be considered as a single site. (Where a site can not be easily defined as a city block, the site should be a comparably compact site. In any event, the local government should use common sense when applying this guide.) Obviously, EPA believes that if a demolition project involves the demolition of several contiguous city blocks, the entire area could be considered a site. However, EPA believes that demolition of two individual residences separated by several city blocks should not be considered a demolition on a single site. In EPA's view, the area of a site may be larger where the area is owned and operated as a unitary area by a single owner/operator (e.g. a shopping mall or amusement park).

⁴ EPA notes that 40 CFR 61.19 forbids owners and operators from attempting to circumvent any NESHAPs by carrying out an operation in a piecemeal fashion to avoid coverage by a standard that applies only to operations larger than a specified size.

City Council Meeting
Prep. Date: 06/23/17
Preparer: Doug Herman



Agenda Item: 5
Agenda Date: 07/03/2017

Communication Page

Agenda Items Description: Ordinance Re: Fence Height and Set-Backs on Rear Lot where there is a double street frontage. (2nd Reading)

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

Attachments & Enclosures:

Proposed Ordinance

Fiscal Impact:

Budget Line Item:

n/a

Budget Summary:

n/a

Expenditure:

n/a

Revenue:

n/a

Synopsis: Ordinance related to location and height of fencing on rear yard where lot has double street frontage.

Background Information: A request was received from a citizen to consider a change in rules with regard to fencing on double street frontages.

The current Ordinance, §165.23 Fences, currently treat a rear yard on a street the same as a front yard on a street, allowing the fence to be built to the ROW line but limiting its' height to 4'. (Residential Lots) The current ordinance, technically, limits the height of the entire "rear yard" fence to 4', so even on the side yard lot lines from the rear foundation of the house all the way back to the rear yard street frontage ROW line the fence could only be 4' tall.

Diane Ruchti requests that she be allowed to construct a 6' tall fence on the ROW line.

The Council passed the first reading of an ordinance at the last Council Meeting that would allow a 4' fence on the right-of-way line and a fence of up to 6' tall if placed 5' or more off of the right-of-way.

Staff Recommendation: I recommend that the Council consider approval of the 2nd reading of this Ordinance.

Preparer: Doug Herman, Monticello City Admin. 200 E. 1st St., Monticello, IA 52310; 319.465.6435
Return to: Sally Hinrichsen, City Clerk, 200 E. 1st Street, Monticello, IA 52310 319.465.3577

Amendment to Ordinance recorded as document _____, recorded date _____

ORDINANCE NO. _____

An Ordinance Amending Chapter 165, Zoning Regulations, Monticello Code, by Amending Provisions Pertaining to Fences

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

Section 1: Chapter 165, Subsection 23 (165.23) currently reads as follows:

165.23 FENCES.

1. Fences in an “R” District: Residential fences or landscape features such as sculpture or walls may be erected or constructed with the centerline of said barrier to be located within the property with no portion of fence extending onto adjacent property or right-of-way; provided no such fence in any front, side, or rear yard having street frontage exceeds four (4) feet in height and eight (8) feet in height in the case of side and rear yards not having street frontage.
2. Fences or landscape features such as sculpture or walls that abut or have alley right-of-way frontage must be set back 5’ from the adjacent right-of-way and cannot exceed 8’ in height.
3. Fences must be installed with the posts and “rough side” of the fence facing the interior of the installers’ yard.

Section 2: Chapter 165, Subsection 23 (165.23) as set forth above shall be deleted and replaced with the following:

165.23 FENCES.

1. *Fences in an "R" District: Residential fences or landscape features such as sculpture or walls may be erected or constructed with the centerline of said barrier to be located within the property with no portion of fence extending onto adjacent property or right-of-way; provided no such fence in any front or side yard having street frontage exceeds four (4) feet in height and eight (8) feet in height in the case of side and rear yards not having street frontage.*
2. *If a lot has rear yard street frontage a fence may be erected or constructed with the centerline of said barrier to be located within the property with no portion of fence extending onto adjacent property or right-of-way, provided no such fence exceeds four (4) feet in height. However, a fence on a lot with rear yard street frontage may be up to six (6) feet in height if the fence is set back off the right-of-way by at least 5'.*
3. Fences or landscape features such as sculpture or walls that abut or have alley right-of-way frontage must be set back 5' from the adjacent right-of-way and cannot exceed 8' in height.
4. Fences must be installed with the posts and "rough side" of the fence facing the interior of the installers' yard.

Section 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

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

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk

I, Sally Hinrichsen, Monticello City Clerk, do hereby certify that the above and foregoing Ordinance # _____ was published in the Monticello Express on the _____.

Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 06/23/17
Preparer: Doug Herman



Agenda Item: 6
Agenda Date: 07/03/2017

Communication Page

Agenda Items Description: Ordinance providing for the maintenance of Urban Chickens.

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

Attachments & Enclosures:

Proposed Ordinance

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Synopsis: The proposed Ordinance has largely been copied from the City of North Liberty. The second reading reflected updates from the first reading, however, the draft attached hereto is unchanged from the second reading.

Background Information: Here are what I would call the highpoints of the Ordinance as proposed:

1. No more than 6 hens permitted with minimum and maximum area per chicken allowed.
2. Permitted on R-1 lots and zero lot line duplexes where each owner owns a separate and distinct portion of the lot.
3. A tenant must obtain landlord's permission.
4. Chickens must be maintained in a coop or fowl house not less than 18" in height or in a fenced pen area. (Only outside of this area when cleaning the coop, fowl house, or pen.) **MUST be in the coop from dusk 'til dawn. (Maintaining in an accessory building or garage is not listed as a permitted location.)**
5. Chickens must be maintained in rear yard. (What about rear yard with street frontage?)
6. Coop must be 15' from any property line and shall not exceed 8' in height. (Therefore, the yard cannot be very small, particularly if one is planning to have a number of chickens.)
7. Chicken wings must be clipped.
8. Chickens to be banded with bands handed out by City Clerk.
9. Must have a City of Monticello permit (Jan. 1 to Dec. 31) (Fees to be set by Resolution)
10. Adjacent Property owners must sign a consent form.
11. Applicant must have successfully completed an approved class in raising chickens in an urban setting prior to being issued a permit.
12. City, by granting permit, has right to enter property at any time to inspect coop/etc. ensure conditions of permit are being met.
13. Permit is given to applicant, not to property, does not run with the land.

14. Private restrictions trump the code. Deed restrictions, restrictive covenants, condo. Restrictions, neighborhood assoc. bylaws, etc.)

Jones County Extension indicates that there is a short on-line class that the City could utilize as the “certification” process or that they could put on a course for a minimal fee at the Extension Building a couple times a year depending upon interest.

Staff Recommendation: I recommend that the proposed Ordinance be introduced in title only and considered for its third and final passage.

Preparer: Doug Herman, Monticello City Admin. 200 E. 1st St., Monticello, IA 52310; 319.465.6435
Return to: Doug Herman, Monticello City Admin. 200 E. 1st St., Monticello, IA 52310

ORDINANCE NO. ____

An Ordinance amending the Monticello Code of Ordinances, by adding Chapter and section 165.48

WHEREAS, The City of Monticello finds as follows:

Chapter 165.48 Urban Chickens

It is unlawful for a person to keep livestock within the City, except in compliance with the City's zoning regulations.

1. Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of *Gallus gallus domesticus*) shall be permitted on single-family residences and zero-lot line duplexes (where each unit owner owns a separate and distinct portion of the lot), so long as such keeping is in strict compliance with this subsection and all other applicable City ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business.
2. No person shall keep chickens inside a single family dwelling unit, multi-family dwelling units or rental units.
3. A tenant must obtain the landlord's written permission to keep chickens, which shall be submitted as part of the application for a permit.

4. Chickens must be confined in a coop or fowl house not less than 18 inches in height or, in the alternative, within a fenced pen area. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for cleaning or for the safety of the chicken. Chickens must be housed in the coop from dusk until dawn.
5. The coop, the fowl house, or the fenced pen area shall be located in the rear yard (as defined in Section 165.06(105) only, must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals, shall be completely enclosed (except fenced pen area), shall be well maintained, and shall be well drained so there is no accumulation of moisture.
6. The materials used in making a coop or fowl house (stationary or mobile) shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Fencing materials must meet all requirements set forth in the zoning regulations.
7. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken. The coop, fowl house, or fenced pen area shall be a minimum of fifteen (15) feet from any property line, shall not exceed eight (8) feet in height, and shall fully comply with all applicable zoning regulations.
8. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
9. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land. Noise from chickens shall not to disturb persons on adjoining properties or beyond based on an objective or reasonable person standard.

10. All chicken feed shall be stored in rodent-proof containers.
11. No more than six (6) chickens shall be kept or maintained per property.
12. All chickens shall have wings clipped so as to eliminate the possibility of flight from the permittee's property.
13. All such chickens must be hens; no roosters are permitted.
14. All chickens covered by a permit shall be banded in accordance with procedures and requirements established by the City.
15. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to Chapter 50 of this Code of Ordinances. Any dead chicken, not caused by slaughtering, shall be disposed of immediately upon discovering in a manner so as not to cause a nuisance pursuant to Chapter 50 of this Code of Ordinances.
16. Any slaughter of chickens not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.
17. No person shall keep any chickens unless they possess a City of Monticello permit issued by the City Clerk.
18. The City Clerk shall provide an application form upon request, which shall include consent forms for landlords and owners of adjacent properties.
19. The fees and associated costs shall be set by resolution.
20. Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31. Bands will be issued with the permit. The permittee shall place and keep leg bands on all of his chickens showing the permit number.

21. The applicant shall successfully complete an approved class in raising chickens in an urban setting prior to being issued a permit. The Permitting Officer shall maintain a current list of such approved classes.
22. Each chicken shall be banded at all times.
23. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time and without prior notice for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.
24. Within thirty (30) days after the expiration of any permit, the permittee shall apply for and secure a renewal of the permit in the manner provided for in this chapter. Failure to renew a permit within the time herein provided shall result in a delinquent fee, in addition to the regular permit fee, as set by the city council. All applicants shall be furnished with permit rules and regulations at the time the application is made. Permit rules and regulations shall be approved by resolution of the city council.
25. The permit is a limited license for the activity, and no vested zoning rights arise from the permit being issued.
26. The permit does not run with the land. Private restrictions on the use of the property shall remain enforceable and shall supersede the permit. The private restrictions include, but are not limited to, deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens is void.
27. In the event that an applicant or permittee does not fully and strictly comply with the requirements of this section, the application may be denied or the permit may be revoked. If an application is denied or a permit is revoked, the applicant or permittee shall be so informed in writing and also informed of the right to appeal said decision.
28. In any instance where the City Clerk has denied, revoked, suspended, or not renewed a permit, the applicant or permit holder may appeal the Clerk's decision to the City Administrator within ten (10) business days of receipt by the applicant or holder of the permit

of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the City Administrator or any decision by the Clerk that is not appealed in accordance to this chapter shall be deemed final action.

29. When an application for a permit is denied or when a permit is revoked:

- a. The applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation unless the denial or revocation is due to administrative reasons only, as determined by the City Clerk.
- b. Any chickens shall be removed immediately.
- c. Any coop, fowl house, fencing or other structures shall be removed within ten (10) days of the date of the permit being denied or revoked.

30. An owner or possessor of animals on property that is newly annexed has ninety (90) days from the date of annexation to bring the property into compliance required by this section.

31. Any property owner possessing chickens in violation of the City's Animal Code prior to the date this ordinance becomes effective, which is an illegal nonconforming use, shall have thirty (30) days to meet all requirements of this section and all other applicable provisions of the City's code of Ordinances.

32. A violation of this subsection is a simple misdemeanor or a municipal infraction, as provided in Chapter 3 of this Code of Ordinances.

B. Repealer:

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

C. Severability:

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

D. Effective Date

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

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk

I, Sally Hinrichsen, Monticello City Clerk, do hereby certify that the above and foregoing Ordinance # ____ was published in the Monticello Express on the ____ day of _____, 2017.

Sally Hinrichsen, City Clerk

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More Iowa cities ban smoking, vaping in parks

Link: [Linh Ta, lta@dmreg.com](mailto:lta@dmreg.com) Published 7:16 p.m. CT March 17, 2016 | Updated 10:17 a.m. CT March 18, 2016



(Photo: AP file photo)

More central Iowa cities are banning tobacco products in a place once considered a safe haven by smokers — parks.

The American Lung Association in Iowa is lobbying city leaders to pass comprehensive bans on nicotine products in public parks.

The effort takes aim at cigarette smokers as well as those who use smokeless tobacco and the increasingly popular vaporizers.

Pleasant Hill became the latest city to approve an across-the-board ban last month.

The goal is to create smoke- and nicotine-free parks that give families a clean and safe experience, Lung Association spokeswoman Beth Turner said.

"The most important thing is the second-hand smoke. There's no safe level of second-hand smoke exposure," Turner said. "If someone is using it by a slide and a little child is playing a distance away, that cloud still travels and there's no safe levels for individuals."

Iowa's Smokefree Air Act, passed in 2008, restricts smoking in buildings or shelters on park property. However, smoking is allowed in outdoor areas, including parking lots, golf courses, trails, campsites and bodies of water.

In central Iowa, the American Lung Association has worked since 2007 to enact smoke-free park policies.

In 2013, Windsor Heights became the first local city to implement a ban. Mitchellville, Grimes and Pleasant Hill all followed suit.

[West Des Moines is expected to vote \(/story/news/local/west-des-moines/2016/03/07/west-des-moines-smoking-ban-in-parks/81445066/\)](http://story/news/local/west-des-moines/2016/03/07/west-des-moines-smoking-ban-in-parks/81445066/) Monday night on new rules that would ban all tobacco and nicotine vapor products in city parks.

Ankeny is considering a smoking ban at one park specifically designed for children with limited mobility.

Turner said the American Lung Association has approached nearly every city in central Iowa to push for the change. It has concentrated on Dallas, Jasper, Madison, Marshall, Polk and Warren counties. Adair and Union counties are next, Turner said.

"You don't have to be a large city to implement a policy," she said.

The effort is backed by the Iowa Department of Public Health, which is funding the Lung Association's lobbying push through a community partnership grant.

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Pleasant Hill implemented its nicotine ban after meeting with Lung Association representatives. The group provided language for the ordinance and it will donate "no smoking" signs to the city.

"Children can't always control their surroundings," Pleasant Hill Mayor Sara Kurovski said. "Not only will this help reduce second-hand smoke around them, but also litter."

With warmer weather now rolling into Iowa, city officials will see how residents respond to the change.

Police won't patrol local parks looking for smokers, Kurovski said. In fact the city hasn't even set a fine for violations, although it will consider one in the future. The mayor said she's hopeful the presence of "no smoking" signs will be enough to deter people from lighting up.



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Corey Halfhill, president and CEO of Central Iowa Vapors, said any ban that includes e-cigarettes and other vaping products is misguided.

He opened his first vapor store three years ago and has since expanded to eight metro locations. Halfhill said he sees 10 to 15 new customers a day, and many of them are trying to quit smoking cigarettes.

"It shouldn't be up to the city, just because someone doesn't like the appearance of what they're seeing," he said. "They need to use factual information."

Halfhill touts the safety of the smokeless products he sells. Vaporizers use battery-operated heaters to form a vapor containing nicotine that is inhaled.

In December 2015, Iowa Attorney General Tom Miller [released a statement](http://story/news/health/2015/12/29/e-cigarettes-gain-iowa-attorney-generals-support/78029308/) saying combustible tobacco products, like cigarettes, cause greater harm than vapor products.

But the overall safety of vapor products is still up for debate. A recent study found [nicotine vapor produced toxic chemicals](http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0116861) in mice that might harm the lungs and immune system of users.

Turner said the Lung Association recommends prohibiting all nicotine products to avoid confusion and make enforcement easier.

"It's a more proactive thing to have (vapor products) included, so it doesn't cause a problem," Turner said.

According to the American Lung Association, Iowa has 204 tobacco-free parks in 41 cities.

"It's a great way to promote health and wellness for a community," Turner said. "People are there to play outside and be involved, and it can disrupt that experience for someone."