

# City of Monticello, Iowa

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Posted on July 13, 2017 at 5:00 p.m.

Monticello City Council Regular Meeting July 17, 2017 @ 6:00 p.m.

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

<b>Mayor:</b>	Dena Himes	<b>City Administrator:</b>	Doug Herman
<b>City Council:</b>		<b>Staff:</b>	
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.)

<b>Approval</b> of Council Mtg. Minutes	July	03, 2017
<b>Approval</b> of Payroll	July	06, 2017
<b>Approval</b> of Bill List		

**Motions:** None

**Public Hearing:** None

## **Resolutions:**

1. **Resolution** to award contract to replace the E. 1<sup>st</sup> Street Bridge to Taylor Construction, Inc.
2. **Resolution** to approve Pay Request #1 to Utility Service Co., Inc. Re: Water Tower Project in the amount of \$183,559
3. **Resolution** accepting the completion of the East South Street Reconstruction Project and Ordering Preparation of Final Plat and Schedule of Assessments

## **Ordinances:**

4. **Ordinance** Re: Fence Height and Set-Backs on Rear Lot where there is a double street frontage. (3<sup>rd</sup> Reading)

**Reports / Potential Action:**

- 224 N. Chestnut Street House
- Urban Chicken Ordinance Update (Passed at last meeting with amendments.)
- Felton House – Milkweed and Other Growth
- Orbis Mfg. Project

**Closed Session:** Closed Session to discuss the professional competency of an individual whose performance and discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

**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  
July 3, 2017 - 6:00 P.M.  
Community Media Center

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

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

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

Herman reported on the bids received in relation to the demolition of the home at 224 N. Chestnut Street. Herman recommended awarding the bid to B & J Hauling & Excavation, Inc., for \$9,750.00 if the contractor is not required to be a certified asbestos contractor or to Lansing Bros. Construction Co., Inc., for \$12,760.00 if the contractor is required to be a certified asbestos contractor. Goedken moved to approve Resolution #17-77 to acknowledge receipt of bids and award project in relation to the demolition of the home located at 224 N. Chestnut Street, Monticello, Iowa, with the project to be awarded to either B & J or Lansing Bros., based upon resolution of the Asbestos Certification question, Russ seconded, roll call unanimous.

Yeoman moved to approve Resolution #17-78 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, Goedken seconded, roll call unanimous.

Herman reviewed Eastern Iowa Excavating & Concrete pay request #5 in the amount of \$35,745.84 and change order #2, a reduction of \$21,642.82, for the South Street Reconstruction Project. City Engineer recommended approval of both the pay request and the change order. Goedken moved to approve Resolution #17-79 Approving Pay Request #5 in the amount of \$33,325.77 and Change Order #2, a reduction of \$21,642.82, submitted by Eastern Iowa Excavating & Concrete, related to the E. South Street Reconstruction project, Russ seconded, roll call unanimous.

Goedken moved to approve Resolution #17-80 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, Yeoman seconded, Roll call unanimous.

Council was presented with 2<sup>nd</sup> reading of Ordinance related to fence set backs on double frontage lots. Diane Ruchti, 505 S Chestnut, requested that the Council reconsider language in the 1<sup>st</sup> reading of the Ordinance that required a 5' setback from the street right-of-way. She proposes that she be allowed to build a 6' fence at the property right-of-way. Council acknowledged that Ruchti's lot, and adjacent lots, were not located on a heavily traveled street but that there are other double frontage houses in town on much busier streets, naming Gill and Farley Streets, as examples. Yeoman moved Ordinance #705 Amending Chapter 165, Zoning Regulations, and Monticello Code, by Amending Provisions Pertaining to Fences, second reading and in title only, Goedken seconded. Roll call vote, Yeoman, Wolken and Lux voted aye and Goedken and Russ voted nay. Motion failed. After further discussion, Russ moved Ordinance #705 Amending Chapter 165, Zoning Regulations, and Monticello Code, by Amending Provisions Pertaining to Fences, adding verbiage that limits the amendment to the current ordinance to the South Chestnut Street block, allowing a 6' fence to be built 5' off the

right-of-way in this area, leaving current restrictions in place for other double frontage lots that are deemed to be more heavily travelled collector streets, second reading and in title only, Wolken seconded. Roll call vote, Russ, Wolken, Lux and Yeoman voted aye and Goedken voted nay. Motion carried.

Herman reported to the Council on the third reading of the proposed Urban Chicken Ordinance. Herman reported that he had received a request to add provisions to the ordinance that would permit the Monticello Nursing and Rehabilitation Center to be eligible for urban chickens. The Council discussed current zoning restrictions and determined that a clause could be added to the Ordinance to allow those living in areas not automatically eligible under the Ordinance to request permission from the Council on a case by case basis. Gerry Muller, 323 N Sycamore, expressed his concerns on various diseases that chickens can carry. Goedken moved Ordinance #703 amending Monticello Code of Ordinances, by Adding Chapter and section 165.48, related to Urban Chickens, third and final reading and in title only, with language added to allow for an application process for those that do not live in a zoning district permitted by the ordinance, Lux seconded, roll call unanimous.

Herman discussed potential restrictions related to smoking in City Parks. Council to consider and direct further action as appropriate.

Herman indicated that the airport hangar project had been approved by the FAA and that the next step is the formal appropriation that usually comes by way of a congressional announcement.

Herman reported that one of the new side doors was installed at the Berndes Center with one to go, after the footing is replaced.

Herman reported that there is one position open on the Tree Board and two openings on the ECIA Board.

LaGrange stated the interior of the water tower has been blasted and they are now working on the exterior.

Herman stated that sidewalks were re-inspected and letters have been sent out to affected property owners.

Smith advised that he will put together a memorandum for the Council to consider including complaints and any issues associated with the use of fireworks in and around the Independence Day holiday for consideration by the Council at a future meeting. Based upon those considerations, the Council may consider if restrictions to the use of fireworks in the future are appropriate.

Russ moved to adjourn the Council meeting at 7:57 P.M., roll call vote unanimous.

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Brian Wolken, Mayor Pro Tem

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Sally Hinrichsen, City Clerk

# PAYROLL - JULY 6, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>AMBULANCE</b>	<b>June 19 - July 2, 2017</b>				
Angela Batcheler	\$ 85.08	\$ -	0.00	0.00	\$ 73.00
Brian Bronemann	255.84	-	0.00	0.00	217.49
Carter Bronemann	168.48	-	0.00	0.00	137.64
Dawn Brus	1,822.80	-	0.00	0.00	1,247.98
Ben Hein	72.00	-	0.00	0.00	61.78
David Husmann	601.80	-	0.00	0.00	470.47
Mary Intlekofer	2,018.10	195.30	0.00	0.00	1,102.40
C.J. Johnson	1,923.08	-	0.00	0.00	1,209.23
Brandon Kent	1,822.80	-	0.00	0.00	1,157.38
Matthew Kunkle	496.80	-	0.00	0.00	382.06
Lori Lynch	1,822.80	-	0.00	0.00	977.86
Dave McNeill	268.00	-	0.00	0.00	226.91
Shelly Searles	2,994.61	1,171.80	0.00	0.00	2,164.58
Shawn Snaith	372.60	-	0.00	0.00	314.66
Brenda Surom	781.20	-	0.00	0.00	561.30
<b>TOTAL AMBULANCE</b>	<b>\$ 15,505.99</b>	<b>\$ 1,367.10</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 10,304.74</b>
<b>CEMETERY</b>	<b>June 17 - 30, 2017</b>				
Dan McDonald	\$ 1,616.21	\$ 44.21	0.00	0.00	\$ 1,128.86
<b>TOTAL CEMETERY</b>	<b>\$ 1,616.21</b>	<b>\$ 44.21</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 1,128.86</b>
<b>CITY HALL</b>	<b>June 18 - July 1, 2017</b>				
Cheryl Clark	\$ 1,705.00	\$ 105.00	0.00	0.00	\$ 1,087.10
Doug Herman	3,720.72	-	0.00	0.00	2,620.15
Sally Hinrichsen	2,368.18	-	0.00	0.00	1,618.20
Heather Paddock	588.00	-	0.00	0.00	404.13
Nanci Tuel	1,366.38	6.38	0.00	0.00	887.15
<b>TOTAL CITY HALL</b>	<b>\$ 9,748.28</b>	<b>\$ 111.38</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 6,616.73</b>
<b>FIRE</b>					
Mike Bader	\$ 60.00	\$ -	0.00	0.00	\$ 55.41
Marvin Keichen	100.00	-	0.00	0.00	92.35
Don McCarthy	125.00	-	0.00	0.00	107.24
Mike Wink	100.00	-	0.00	0.00	92.35
<b>TOTAL FIRE</b>	<b>\$ 385.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 347.35</b>
<b>LIBRARY</b>	<b>June 19 - July 2, 2017</b>				
Julie Aldrich	\$ 348.00	\$ -	0.00	0.00	\$ 288.35
Kyle Gassman	249.34	-	0.00	0.00	214.42
Heather Paddock	128.08	-	0.00	0.00	88.02
Penny Schmit	938.01	-	0.00	0.00	679.05
Madonna Thoma-Kremer	566.80	-	0.00	0.00	474.72
Michelle Turnis	1,517.58	-	0.00	0.00	945.11
<b>TOTAL LIBRARY</b>	<b>\$ 3,747.81</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,689.67</b>
<b>MBC</b>	<b>June 19 - July 2, 2017</b>				
Jacob Oswald	\$ 1,851.92	\$ -	0.00	0.00	\$ 1,363.22
Heather Paddock	93.00	-	0.00	0.00	63.89
Casey Reyner	1,538.46	-	0.00	0.00	1,052.39

# PAYROLL - JULY 6, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>TOTAL MBC</b>	\$ 3,483.38	\$ -	0.00	0.00	\$ 2,479.50
<b>POLICE</b>	<b>June 19 - July 2, 2017</b>				
Dawn Graver	\$ 2,207.12	\$ -	0.00	0.00	\$ 1,492.59
Erik Honda	418.80	-	0.00	0.00	352.29
Jordan Koos	2,058.60	-	18.00	18.00	1,455.08
Britt Smith	2,443.56	-	0.00	0.00	1,742.98
Madonna Staner	1,414.40	-	0.00	0.00	1,049.27
Brian Tate	2,063.04	-	0.00	0.00	1,511.93
Robert Urbain	2,085.24	-	0.00	0.00	1,435.77
<b>TOTAL POLICE</b>	<b>\$ 12,690.76</b>	<b>\$ -</b>	<b>18.00</b>	<b>18.00</b>	<b>\$ 9,039.91</b>
<b>ROAD USE</b>	<b>June 17 - 30, 2017</b>				
Billy Norton	\$ 1,722.01	\$ -	0.00	0.00	\$ 1,101.47
Wayne Yousse	1,579.37	7.37	0.00	0.00	1,042.99
<b>TOTAL ROAD USE</b>	<b>\$ 3,301.38</b>	<b>\$ 7.37</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,144.46</b>
<b>SANITATION</b>	<b>June 17 - 30, 2017</b>				
Michael Boyson	\$ 1,552.59	\$ 28.58	0.00	0.00	\$ 1,036.38
Nick Kahler	1,645.69	73.69	0.00	0.00	1,075.84
Chris Taylor	1,572.00	-	0.00	0.00	987.85
<b>TOTAL SANITATION</b>	<b>\$ 4,770.28</b>	<b>\$ 102.27</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 3,100.07</b>
<b>SEWER</b>	<b>June 17 - 30, 2017</b>				
Tim Schultz	\$ 1,695.94	\$ 75.94	0.00	0.00	\$ 1,148.97
Jim Tjaden	1,971.25	71.25	0.00	0.00	1,379.28
<b>TOTAL SEWER</b>	<b>\$ 3,667.19</b>	<b>\$ 147.19</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,528.25</b>
<b>SWIMMING POOL</b>	<b>June 16 - 29, 2017</b>				
Sophia Ahlrichs	\$ 39.11	\$ -	0.00	0.00	\$ 36.12
Sydney Ballou	75.00	-	0.00	0.00	69.26
Rylee Bauer	179.44	-	0.00	0.00	165.71
Allyson Bartachek	51.00	-	0.00	0.00	47.10
McKenna Bell	246.50	-	0.00	0.00	209.85
Tylor Boheman	310.10	-	0.00	0.00	286.37
Mya Boffeli	212.06	-	0.00	0.00	195.84
Shalya Bronemann	130.51	-	0.00	0.00	116.33
Phoebe Caspers	155.88	-	0.00	0.00	143.96
Harrison Eastburn	127.50	-	0.00	0.00	113.84
Aubree Fairley	66.00	-	0.00	0.00	60.95
Matthew Fokken	117.00	-	0.00	0.00	108.05
Corrine Gadiant	234.68	-	0.00	0.00	216.73
Gabriell Gadiant	165.00	-	0.00	0.00	152.38
Rachel Gadiant	391.15	-	0.00	0.00	361.23
Leah Holub	138.00	-	0.00	0.00	122.49
Ashley Jenkins	293.63	-	0.00	0.00	271.16
Devin Kraus	28.50	-	0.00	0.00	26.32
Lilly Lambert-Lanczos	255.28	-	0.00	0.00	235.75
Luke Lambert	135.00	-	0.00	0.00	124.67
Madison G. Lambert	262.81	-	0.00	0.00	239.85

# PAYROLL - JULY 6, 2017

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>SWIMMING POOL (cont.)</b>					
Madison L. Lambert	233.38	-	0.00	0.00	199.04
Raleigh Lambert	583.35	-	0.00	0.00	467.42
Chase Luensman	165.00	-	0.00	0.00	143.73
Riley Manternach	160.50	-	0.00	0.00	148.22
Justin Martin	116.80	-	0.00	0.00	105.04
Macy McDonough	389.69	-	0.00	0.00	329.76
Taylor McDonough	619.88	-	0.00	0.00	510.68
Jacqueline Petersen	240.98	-	0.00	0.00	221.55
Traci Plummer	96.60	-	0.00	0.00	88.40
<b>TOTAL SWIMMING POOL</b>	<b>\$ 6,220.33</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 5,517.80</b>
<b>WATER</b>					
	<b>June 17 - 30, 2017</b>				
Brant LaGrange	\$ 2,020.38	\$ -	0.00	0.00	\$ 1,369.58
Jay Yanda	1,905.31	85.31	0.00	0.00	1,340.38
<b>TOTAL WATER</b>	<b>\$ 3,925.69</b>	<b>\$ 85.31</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,709.96</b>
<b>TOTAL - ALL DEPTS.</b>	<b>\$ 69,062.30</b>	<b>\$ 1,864.83</b>	<b>18.00</b>	<b>18.00</b>	<b>\$ 48,607.30</b>

# ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
ACCOUNTS PAYABLE CLAIMS				
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	GENERAL			
	POLICE DEPARTMENT			
INFRASTRUCTURE TECHNOLOGY	PD COMPUTER SUPPORT FEES	250.00		
KONICA MINOLTA BUSINESS	PD OFFICE SUPPLIES	58.93		
KOOB AUTOMOTIVE & TOWING INC	PD VEHICLE OPERATING	50.78		
MONTICELLO COMM SCHOOL DISTRICT	PD FUEL	357.48		
TRI COUNTY PROPANE LLC	PD FUEL	250.89		
		=====		
	POLICE DEPARTMENT	968.08		
	AQUATIC CENTER			
FAREWAY STORES #840-1	POOL CONCESSIONS	148.19		
RACHEL GADIENT	POOL PRIVATE LESSONS	66.67		
HARTIG DRUG COMPANY CORP	POOL SUPPLIES	8.12		
HYGIENIC LABORATORY	POOL LAB TEST	25.00		
JOHN DEERE FINANCIAL	POOL PRUNERS	25.26		
RILEIGH LAMBERT	POOL PRIVATE LESSONS	200.00		
LILLY LAMBERT-LANCZOS	POOL PRIVATE LESSONS	100.00		
LASLEY ELECTRIC LLC	POOL EQUIP REPAIR/MAINT	130.00		
TAYLOR MCDONOUGH	POOL PRIVATE LESSONS	150.00		
MONTICELLO EXPRESS INC	POOL SUPPLIES	80.99		
MYERS-COX CO.	POOL CONCESSIONS	588.05		
		=====		
	AQUATIC CENTER	1,522.28		
	CEMETERY			
JOHN DEERE FINANCIAL	CEMETERY GROUNDS SUPPLIES	8.98		
MONTICELLO COMM SCHOOL DISTRICT	CEMETERY FUEL	342.37		
MONTICELLO EXPRESS INC	CEMETERY ADVERTISING	78.40		
		=====		
	CEMETERY	429.75		
	SOLDIER'S MEMORIAL BOARD			
MEDIACOM	SLDR MEM TELEPHONE	25.08		
		=====		
	SOLDIER'S MEMORIAL BOARD	25.08		
	MAYOR AND CITY COUNCIL			
CHRISTINA LUX	COUNCIL MILEAGE	12.84		
		=====		
	MAYOR AND CITY COUNCIL	12.84		
	ATTORNEY			



# ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
LEXISNEXIS	ATTORNEY RESEARCH	140.00		
	ATTORNEY	140.00		
	CITY HALL/GENERAL BLDGS			
MARY MOSIMAN AUDITOR OF STATE	CH PRO FEES	14,065.34		
BAKER PAPER CO INC	CH BUILDING SUPPLIES	105.54		
BLADE PEST CONTROL INC	CH PEST CONTROL	68.00		
BOSS OFFICE SUPPLIES & SYS INC	CH OFFICE SUPPLIES	394.54		
ROBERT P CLAUSSEN	CH BLDG REPAIR/MAINT	300.00		
FAREWAY STORES #840-1	CH BUILDING SUPPLIES	33.43		
INFRASTRUCTURE TECHNOLOGY	CH MISC CONTRACT WORK	333.20		
KRAUS KUSTOM BUILDERS	CH BLDG REPAIR/MAINT	674.12		
MEDIACOM	CH TELEPHONE	158.86		
MONTICELLO EXPRESS INC	CH ADVERTISING	435.33		
	CITY HALL/GENERAL BLDGS	16,568.36		
	GENERAL	19,666.39		
	MONTICELLO BERNDES CENTER			
	PARKS			
BAKER PAPER CO INC	MBC BUILDING SUPPLIES	76.94		
BOSS OFFICE SUPPLIES & SYS INC	MBC OFFICE SUPPLIES	20.63		
JOHN DEERE FINANCIAL	MBC GROUNDS SUPPLIES	61.56		
MONTICELLO COMM SCHOOL DISTRICT	MBC FUEL	38.66		
NANCY STUMMA	MBC OVERPAYMENT REFUND	12.00		
	PARKS	209.79		
	MONTICELLO BERNDES CENTER	209.79		
	FIRE			
	FIRE			
MONTICELLO COMM SCHOOL DISTRICT	FIRE FUEL	157.96		
MUNICIPAL EMERGENCY SERVICES	FIRE AKRON NOZZLE	889.00		
RADIOLOGY CONSULTANTS OF IOWA	FIRE PHYSICAL - WOLKEN	34.00		
	FIRE	1,080.96		
	FIRE	1,080.96		
	AMBULANCE			
	AMBULANCE			

# ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	STREETS			
JOHN DEERE FINANCIAL	RU OSHA SUPPLIES	124.37		
JONES CO ENGINEER	RU STREET MAINTENANCE CONTRACT	1,923.86		
LAPORTE MOTOR SUPPLY	RU EQUIP REPAIR/MAINT	154.67		
LASLEY ELECTRIC LLC	RU STOP LIGHT REPAIRS	1,052.50		
DAVID B MCNEILL	RU 1" DRILL BIT	42.69		
MONTICELLO COMM SCHOOL DISTRICT	RU FUEL	792.59		
MONTICELLO MACHINE SHOP INC	RU EQUIP REPAIR/MAINT	25.95		
N & N TRAILER SALES	RU EQUIP REPAIR/MAINT	178.20		
		=====		
	STREETS	4,294.83		
		=====		
	ROAD USE	4,294.83		
		=====		
	CAPITAL IMPROVEMENT			
	AIRPORT			
SNYDER & ASSOCIATES, INC	CAP IMP - AIRPORT HANGAR AIP	10,802.25		
		=====		
	AIRPORT	10,802.25		
		=====		
	CAPITAL IMPROVEMENT	10,802.25		
		=====		
	MYSBA CAPITAL FUND			
	PARKS			
BARD MATERIALS	MYBSA - RIVERSIDE DIAMONDS	2,487.44		
		=====		
	PARKS	2,487.44		
		=====		
	MYSBA CAPITAL FUND	2,487.44		
		=====		
	EATY DISC GOLF COURSE			
	PARKS			
STEVE MONK CONSTRUCTION, LTD.	EATY DG MOWING	700.00		
		=====		
	PARKS	700.00		
		=====		
	EATY DISC GOLF COURSE	700.00		
		=====		
	C.C. BIDWELL LIBRARY BOOK			
	LIBRARY			
BAKER & TAYLOR BOOKS	LIB BIDWELL BOOKS	181.52		

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

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	LIBRARY	181.52		
	C.C. BIDWELL LIBRARY BOOK	181.52		
	TRUST/IOMA MARY BAKER			
	LIBRARY			
INFRASTRUCTURE TECHNOLOGY	LIB BAKER TRUST TECH SUPPORT	300.00		
	LIBRARY	300.00		
	TRUST/IOMA MARY BAKER	300.00		
	WATER			
	WATER			
BOSS OFFICE SUPPLIES & SYS INC	WATER SUPPLIES	13.16		
CLETUS GERARDY	OVERPAYMENT REFUND - EBY	19.54		
HAWKINS WATER TREATMENT	WATER SUPPLIES	15.00		
HYGIENIC LABORATORY	WATER LAB TESTS	69.50		
INFRASTRUCTURE TECHNOLOGY	WATER EQUIP REPAIR/MAINT	27.37		
STEVE INTLEKOFER	OVERPAYMENT REFUND - CAMP	114.26		
IOWA DEPT OF NATURAL RESOURCES	WATER DUES	436.62		
KMF RENTALS	OVERPAYMENT REFUND - HARFORD	33.99		
KROMMINGA MOTORS INC	WATER SYSTEM	125.00		
MOENK REAL ESTATE	OVERPAYMENT REFUND - METTLER	168.88		
MONTICELLO COMM SCHOOL DISTRICT	WATER FUEL	217.56		
MUNICIPAL SUPPLY INC	WATER SYSTEM	1,280.10		
WHITE HAWK PLUMBING & HEATING	WATER SYSTEM	320.00		
	WATER	2,840.98		
	WATER	2,840.98		
	CUSTOMER DEPOSITS			
	WATER			
GAYLE & PAULINE AHRENDSEN	WATER DEPOSIT REFUND	17.31		
BRANDON & MOLLY BURGESSON	WATER DEPOSIT REFUND	7.54		
CITY OF MONTICELLO	water deposit refunds	802.47		
EFREN ESCOBEDO	WATER DEPOSIT REFUND	99.47		
NANCY HEEREN	WATER DEPOSIT REFUND	7.54		
CHAD KRAUS	WATER DEPOSIT REFUND	7.03		
KERRI MEAD	WATER DEPOSIT REFUND	33.64		

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

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
		=====		
	WATER	975.00		
		=====		
	CUSTOMER DEPOSITS	975.00		
	SEWER			
	SEWER			
HAWKEYE STATE SCALE INC.	SEWER EQUIP REPAIR/MAINT	80.00		
HORSFIELD COMPANIES	SEWER SYSTEM	255.45		
HYGIENIC LABORATORY	SEWER LAB TESTS	1,643.50		
INFRASTRUCTURE TECHNOLOGY	SEWER EQUIP REPAIR/MAINT	27.38		
JOHN DEERE FINANCIAL	SEWER EQUIP REPAIR/MAINT	112.98		
LASLEY ELECTRIC LLC	SEWER BLDG REPAIR/MAINT	389.84		
MONTICELLO COMM SCHOOL DISTRICT	SEWER FUEL	217.56		
TRI COUNTY PROPANE LLC	SEWER UTILITIES	882.00		
		=====		
	SEWER	3,608.71		
		=====		
	SEWER	3,608.71		
	SANITATION			
	SANITATION			
JOHN DEERE FINANCIAL	SANITATION SUPPLIES	29.90		
JONES COUNTY SOLID WASTE	SANITATION LOAD TICKETS	8,351.00		
MONTICELLO COMM SCHOOL DISTRICT	SANITATION FUEL	392.04		
REPUBLIC SERVICES	DUMPSTER COLLECTIONS	113.45		
		=====		
	SANITATION	8,886.39		
		=====		
	SANITATION	8,886.39		
	STORM WATER			
	STORM WATER FUND			
BARD MATERIALS	STORMWATER - BEHREND'S PROJECT	204.00		
BEHREND'S CRUSHED STONE	STORMWATER - BEHREND'S PROJECT	750.08		
ENVIRONMENTAL MANAGEMENT	STORMWATER - 6TH ST DITCH	3,360.00		
STEVE MONK CONSTRUCTION, LTD.	STORMWATER MAINTENANCE	280.00		

**ACCOUNTS PAYABLE ACTIVITY  
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL	CHECK#	CHECK DATE
	STORM WATER FUND	4,594.08		
	STORM WATER	4,594.08		
**** SCHED TOTAL ****		67,387.53		
***** REPORT TOTAL *****		67,387.53		

**ACCOUNTS PAYABLE ACTIVITY  
CLAIMS FUND SUMMARY**

FUND	FUND NAME	TOTAL	CHECK#	DATE
001	GENERAL	19,666.39		
005	MONTICELLO BERNDES CENTER	209.79		
015	FIRE	1,080.96		
016	AMBULANCE	2,529.53		
030	LIBRARY IMPROVEMENT	1,306.65		
041	LIBRARY	2,744.74		
046	AIRPORT	178.27		
110	ROAD USE	4,294.83		
332	CAPITAL IMPROVEMENT	10,802.25		
333	MYSBA CAPITAL FUND	2,487.44		
338	BATY DISC GOLF COURSE	700.00		
502	C.C. BIDWELL LIBRARY BOOK	181.52		
503	TRUST/IOMA MARY BAKER	300.00		
600	WATER	2,840.98		
602	CUSTOMER DEPOSITS	975.00		
610	SEWER	3,608.71		
670	SANITATION	8,886.39		
740	STORM WATER	4,594.08		

City Council Meeting  
Prep. Date: 07/13/17  
Preparer: Doug Herman



Agenda Item: # **1**  
Agenda Date: 07/17/17

**Agenda Item Description:** Resolution to award contract to replace the E 1<sup>st</sup> Street Bridge to Taylor Construction, Inc.

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

**Attachments & Enclosures:**

Proposed Resolution
Snyder Recommendation Letter
DOT Letter

**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:

n/a

**Synopsis:** Bridge Project bids were received and reviewed by IDOT. They recommend, as does City Engineer, that project be awarded to the low bidder Taylor Construction, Inc.

**Background Information:**

The low bid from Taylor Construction came in at \$504,845.24. Both the IDOT and Snyder & Associates recommends that the contract be awarded to Taylor. The only other bid was received from Iowa Bridge & Culvert, L.L.C. in the amount of \$627,603.98. The Engineer's Estimate from March, 2017 had construction costs at \$683,466.10. You will note that Snyder's recommendation letter indicates that their cost opinion was based upon "average unit prices for similar quantities on DOT projects. It is my understanding that the project will commence shortly after the completion of the Fair.

**Staff Recommendation:** I recommend that the Council approve the proposed Resolution awarding the E 1<sup>st</sup> Street Bridge Replacement Project to Taylor Construction, Inc.

# THE CITY OF MONTICELLO, IOWA

## RESOLUTION #17-\_\_

**Resolution** to award contract to replace the E 1<sup>st</sup> Street Bridge to Taylor Construction, Inc.

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

**WHEREAS**, the IDOT recently received and reviewed bids related to the E. 1<sup>st</sup> Street Bridge replacement project, and

**WHEREAS**, two contractors submitted bids as follows:

1. Taylor Construction, Inc: \$504,845.24
2. Iowa Bridge & Culvert, L.L.C.: \$627,603.98

and

**WHEREAS**, The IDOT and the City Engineer, Snyder & Associates, have both recommended that the project be awarded to Taylor Construction, Inc., and

**WHEREAS**, The City Council finds it appropriate and in the best interests of the City to move forward with this project and to award the bid to Taylor Construction, Inc. as proposed.

**NOW, THEREFORE**, be it Resolved by the City Council of the City of Monticello, Iowa, that the bids received associated with this project are hereby acknowledged and the project is hereby awarded to the lowest responsive, responsible bidder, Taylor Construction, Inc. in the amount of \$504,845.24. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto this 17<sup>th</sup> day of July, 2017.

---

Dena Himes, Mayor

Attest:

---

Sally Hinrichsen, City Clerk





July 12, 2017

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

RE: EAST 1<sup>ST</sup> STREET BRIDGE REPLACEMENT

Mr. Herman and City Council:

On Tuesday, June 20th, the DOT received two bids for the **East 1<sup>st</sup> Street Bridge Replacement** project. The engineer's opinion of probable cost for the project was \$674,550. There were two bids received ranging from \$504,845.24 to \$627,603.98. The low bidder was Taylor Construction, Inc. of New Vienna, with a total bid of **\$504,845.24**. We reviewed the unit price extensions on all bids and found no issues. The primary reason for the difference between the engineer's estimated construction cost and the bids was due to the lower unit prices for most of the items. The cost opinion was based on average unit prices for similar quantities on DOT projects.

We, hereby, recommend that the City award the **East 1<sup>st</sup> Street Bridge Replacement** project to **Taylor Construction, Inc.** in the amount of:

**Five Hundred and Four Thousand, Eight Hundred and Forty-Five Dollars  
and Twenty-Four Cents ..... (\$504,845.24)**

Casey Zwolinski will be in attendance at the Council meeting on July 17<sup>th</sup> to answer any questions you may have with regard to this project.

Sincerely,  
SNYDER & ASSOCIATES

Lindsay Beaman, P.E.

Cc: Doug Herman, City Administrator  
Sally Hinrichsen, City Clerk/Treasurer

Office of Contracts | Project Delivery Bureau

800 Lincoln Way | Ames, Iowa 50010

Phone: 515-239-1414 | Email: [dot.contracts@iowadot.us](mailto:dot.contracts@iowadot.us)

June 27, 2017

To: Local Agency Contracting Authority

Subject: Contracts for Award Determination (See listing enclosed)

The Iowa DOT has accepted bids on behalf of your agency. We have determined the contractor who provided the lowest responsive bid. It is your responsibility to analyze the bids and make a final determination to award the contract or reject all bids. We have enclosed a copy of the bid tabulations for your review of the bids.

Also enclosed are two (2) original copies of the contract. Please take one of the two following actions:

**REJECT ALL BIDS OPTION**

**Do not have discussions with the contractor prior to rejecting all bids.**

1. Take formal Board/Council action to reject all bids.
2. Send written notification to the contractor of your intent to not award a contract.
3. Send written notification **with justification** to the Office of Contracts, Iowa DOT, of your action to reject all bids within **30 days**.
4. **Destroy bid tabs.** This information is *confidential* for projects that are not awarded.

**AWARD OF CONTRACT OPTION**

**Do not discuss or have discussions with the contractor prior to receiving notice from the DOT that the DOT has concurred in the award of the contract.**

1. Take formal Board/Council action to award the contract.
2. Send 2 originals of the contract to the contractor and ask for two signed originals to be returned to the contracting authority for signature. Do not remove any pages from this contract.
3. Obtain Bond Form **181419 (12-16)** from the contractor. **The Local Agency must sign the bond where indicated.**
4. Obtain a "certificate of insurance" from the contractor listing the contractor as insured and the contracting authority as an additional insured party.
5. Please forward **two** originals of the contract, **one** original performance bond, and **one** certificate of insurance to:

Mary Thompson  
Office of Contracts, Iowa DOT  
800 Lincoln Way, Ames, IA 50010

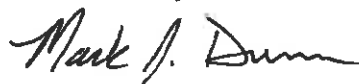
These contract documents should be returned to the Office of Contracts within **30 days**, regardless of when the work is proposed to start.

6. The Office of Contracts will furnish your City Clerk/County Engineer and the contractor a fully executed and signed original of the contract.
7. The Office of Contracts will authorize all subcontracts and send the City Clerk/County Engineer the paper tax exemption certificates for signature.
8. The contracting authorities are reminded that federal regulations may apply to this contract. The contracting authorities shall ensure compliance with all applicable civil rights, and Davis-Bacon requirements. The Office of Contracts, Iowa DOT, will furnish the contractor with applicable posters.

Please contact the Iowa Department of Transportation Administrating Office regarding the pre-construction meeting and construction administration and inspection requirements.

**Note: No preconstruction conferences shall be held and no work shall commence on this project until the contractor has been furnished a fully executed and signed contract.**

Sincerely,



Mark J. Dunn, P.E.  
Contracts Engineer

MJD/met  
Enc.

City Council Meeting  
Prep. Date: 07/13/17  
Preparer: Doug Herman



Agenda Item: # **2**  
Agenda Date: 07/17/17

**Agenda Item Description:** Resolution to approve Pay Request #1 to Utility Service Company, Inc. Re: Water tower Project in the amount of \$183,559.

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

**Attachments & Enclosures:**

Proposed Resolution
Snyder Recommendation Letter
DOT Letter

**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:

Water Tower Cap. Proj.
\$183,559

**Synopsis:** Utility Service Co. has submitted their first pay request and the City Engineer has recommended that it be approved.

**Background Information:** The first pay request from Utility Service Company discloses completed work to date in the amount of \$193,220. After reducing the completed work by a 5% retainage, the current amount due totals \$183,559, leaving an approximate remaining balance of \$211,841

**Staff Recommendation:** I recommend that the Council approve the proposed Resolution approving Pay Request #1 in the amount of \$183,559.

# **The City of Monticello, Iowa**

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

## **RESOLUTION #17-\_\_**

**Approving Pay Request #1 to Utility Service Company, Inc.**

**Re: Water Tower Project in the amount of \$183,559.**

- WHEREAS,** The City of Monticello, Iowa is an incorporated city within Jones County, Iowa; and
- WHEREAS,** Utility Service Company, Inc. contracted with the City to sand blast, prime, and paint the water tower on W. 1<sup>st</sup> Street, and
- WHEREAS,** Utility Service Company, Inc. has submitted their first pay request in the gross amount of \$193,220 which, after reducing same by the contractually agreed upon 5% retainer, reduces the current amount due to \$183,559, and
- WHEREAS,** The Council finds that the pay request is supported by the work completed and that the City Engineer has recommended approval of said pay request.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby approve the first pay request from Utility Service Company, Inc., in the amount of \$183,559, same reflecting the maintenance of a 5% retainer in the current amount of \$9,661.

**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 17<sup>th</sup> day of July 2017.

---

Dena Himes, Mayor

*Attest:*

---

Sally Hinrichsen, City Clerk



July 12, 2017

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

RE: Pay Request #1  
North Water Tower Repainting Maintenance Project  
S & A Project # - 116.0022.08  
Contractor: Utility Service Co., Inc.

Dear Council:

Enclosed for your review and approval is Pay Request #1 from Utility Service Co., Inc. for the project referenced above (signed copies will be delivered at the July 17<sup>th</sup> Council Meeting). We have reviewed the pay estimate and find it in agreement with the work completed to date. We, therefore, recommend approval of Pay Request #1 for this project in the amount of \$183,559.00 to Utility Service Co., Inc.

If you have any questions or comments regarding this project, please feel free to contact me. Casey Zwolinski, E.I. will plan to attend the next Council Meeting on Monday, July 17<sup>th</sup> if you prefer to go over any questions or concerns you may have at that time. Casey will also provide an overall project update during the meeting.

Sincerely,

SNYDER & ASSOCIATES, INC.

A.J. Barry, E.I.  
Project Engineer

Enclosure: Pay Request #1

cc: J. Ross Smith, P.E., Utility Service Co., Inc.

**Application and Certificate for Payment**

AIA Document G702

Page 1 of 2

**Owner:** City of Monticello, IA  
**Engineer:** Snyder & Associates, Inc Att: Patrick Schwickerath  
5005 Bowling Street SW, Suite A,  
Cadara Rapids, IA

**Application No:** 1  
**Period To:** 7/11/2017  
**Proj #:** 136637  
**SR#:** 809299

**Distribution to:**  
**Owner:**  
**Engineer:** X  
**Contractor:**

**Project:** 2017 North Water Tower Repainting and Maintenance Project  
**From Contractor:** SUEZ WATER | ADVANCED SOLUTIONS  
UTILITY SERVICE CO., INC.  
P.O. BOX 1350  
PERRY, GA 31069

**Remit To:** UTILITY SERVICE CO, INC  
PO BOX 674233  
DALLAS, TX 75267-4233

**Contractor Application for Payment**

Application is made for payment as shown in connection with the  
Contract Continuation Sheet, AIA Document G703

1 Original Contract Sum	\$	395,400.00
2 Net Changes by Change Order	\$	-
3 Contract Sum to Date	\$	395,400.00
4 Work Completed to Date	\$	193,220.00
5 Stored Materials	\$	-
6 Total Completed & Stored to Date: (Column G on G703)	\$	193,220.00
7 Retainage:		
a. 5% of Completed Work	\$	9,661.00
b. % of Stored Material (Column F on G703)	\$	-
Total Retainage	\$	9,661.00
8 Total Earned Less Retainage	\$	183,559.00
9 Less Previous Certificates for Payment	\$	-
10 Current Payment Due	\$	183,559.00
11 Balance To Finish, Including Retainage	\$	211,841.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work Covered by the Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

**Contractor:** Suez Water | Advanced Solutions (Utility Service Co. Inc.)

**By:**

**Notary:**

**Date:**

**State of:**

Georgia

**Title:** Project Engineer

**County of:**

Peach

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**Engineer's Certificate for Payment**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

**Amount Certified:**

(Attest explanation is amount certified differs from the amount applied for, INITIAL ALL figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified)

**Engineer:**

**By:**

**Date:**

(This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor Named herein. Issuance payment and acceptance of payment are without prejudice to any right Of the Owner or Contractor under this Contract.)

Change Order Summary	Additions	Deductions
Total changes approved in previous month by Owner	\$0.00	\$0.00
Total approved for this month	\$0.00	\$0.00
Totals	\$0.00	\$0.00
<b>Net Changes by Change Order</b>	<b>\$0.00</b>	

## Page 2 of 2

Application No: 1  
Application Date: 1/0/1900  
Period To: 7/11/2017  
Proj #: 136637  
SR#: 809299

A	B	C	D	E	F	G	H	I	
Work Completed									
Item #	Description of Work	Scheduled Value	From Previous Application (D + E)	This Period	Materials Presently Stored (Not in D or E)	Total Completed and Stored to Date (D+E+F)	% (G/C)	Balance to Finish	Retainage (If Variable Rate)
1.A	Interior surface preparation & prime coat	\$ 45,300.00	\$ -	\$ 40,770.00	\$ -	\$ 40,770.00	90%	\$ 4,530.00	\$ 2,038.50
1.B	Interior final coat	\$ 30,200.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 30,200.00	\$ -
1.C	Exterior surface preparation and prime coat	\$ 93,500.00	\$ -	\$ 70,125.00	\$ -	\$ 70,125.00	75%	\$ 23,375.00	\$ 3,506.25
1.D	Exterior intermediate coat	\$ 31,200.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 31,200.00	\$ -
1.E	Exterior finish coat	\$ 62,100.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 62,100.00	\$ -
1.F	Containment	\$ 103,100.00	\$ -	\$ 77,325.00	\$ -	\$ 77,325.00	75%	\$ 25,775.00	\$ 3,866.25
2	Tank repairs (80 hr @ \$250/hr)	\$ 20,000.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 20,000.00	\$ -
3	North water tower tenant coordination	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	100%	\$ -	\$ 250.00
4	Painting - 1 "Monticello" logo	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 5,000.00	\$ -
		</							

City Council Meeting  
Prep. Date: 07/13/17  
Preparer: Doug Herman



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

**Agenda Item Description:** Resolution accepting the completion of the East South Street Reconstruction Project and Ordering Preparation of Final Plat and Schedule of Assessments.

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

**Attachments & Enclosures:**

Proposed Resolution
Snyder Recommendation Letter

**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:

South Street Project

**Synopsis:** City Engineer has recommended that the City accept the S. Street project as complete and move forward with next steps of the assessment project.

**Background Information:** The approximate total project costs came in at \$863,213.88, made up of \$714,916.88 in construction costs and \$148,296.98 in design and construction services costs. The City also incurred costs related to the undergrounding of wiring and touch up to homes related thereto, and seeding, some of which fell outside of the above costs. The Engineer recommends that the council proceed to the next step which is to order the final plat and schedule of assessments.

It is my understanding, based upon their analysis of project quantities, that the final assessment should be equal to the preliminary assessment, not less than the preliminary assessment. The Council has previously indicated that the interest rate to apply to the assessment should be 2%, based upon the fact that the City borrowed money for this project right at 2%. The total amount to be assessed is \$38,537.70

**Notes:**

1. Total assessments noted above includes full preliminary assessment to Dr. James who has asked to have it waived or reduced.
2. Grass/Seeding done by Josh Iben, 151 Landscape, has not taken great in all spots. City will work with him on re-seeding and spraying weeds in early August.

**Staff Recommendation:** I recommend that the Council accept the completion of the East South Street Reconstruction Project and Order the Preparation of Final Plat and Schedule of Assessments



# **The City of Monticello, Iowa**

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

RESOLUTION # 17-\_\_\_\_

## **Resolution accepting the completion of the East South Street Reconstruction Project and Ordering Preparation of Final Plat and Schedule of Assessments**

**WHEREAS**, the Project Engineers have filed a Certificate of Completion in accordance with § 384.58 of the Code of Iowa, indicating that they have inspected the project and found that is has been substantially completed by the Contractor in accordance with the project plans and specifications and the contract between owner and contractor.

**NOW, THEREFORE**, The Monticello City Council does hereby resolve as follows:

That the Contractor has met their obligations under the contract and that the project is hereby found and determined to be fully completed by the contractor in accordance with the plans and specifications and the contract terms, and the completed project is hereby accepted and approved, and

The Council finds that the approximate total cost of said Project is \$863,213.86, including \$714,916.88 in Construction Costs and \$148,296.98 in Design and Construction Services Costs, not including all costs related to the undergrounding of utilities, modifications to structures related to the undergrounding of utilities, seeding, and other miscellaneous costs, of which the sum of \$38,537.70 shall be assessed against private property within the assessable district as previously determined by the Council, with the assessment rates to be based upon \$4.25 per SF of driveway approaches, \$18.00 per frontage foot associated with curb and gutter installation, and \$4.00 per SF of sidewalk, and

Sums remaining due the contractor, but for the retainage held pursuant to Chapter 573 of the Code of Iowa which shall be paid to the contractor not less than 30 days after the acceptance of the work, is hereby directed to be paid from available project funds, and

The Project Engineers are hereby instructed to prepare the final schedule of assessments, as provided in § 384.59 of the Code of Iowa, and

All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto this 17<sup>th</sup> day of July, 2017.

---

Dena Himes, Mayor

---

Sally Hinrichsen, City Clerk

### **CERTIFICATE OF COMPLETION**

<b>TO:</b>	<b>Doug Herman, Mayor &amp; City Council</b>	<b>Date: 07/12/2017</b>
<b>PROJECT:</b>	<b>2016 East South Street Reconstruction</b>	
<b>PROJECT NO:</b>	<b>115.0703.08</b>	
<b>OWNER:</b>	<b>City of Monticello, Iowa</b>	
<b>CONTRACTOR:</b>	<b>Eastern Iowa Excavating &amp; Concrete, LLC</b>	
<b>ENGINEER:</b>	<b>Snyder &amp; Associates, Inc.</b>	

We hereby certify that the work as described by the plans and specifications for the "Project" referenced above, and in accordance with a contract by and between the "Owner" and "Contractor" for this project has been substantially completed. The "Engineer" has inspected the completed work. The work has been performed in compliance with the terms of the contract. The total cost of the completed work is as follows:

Original Contract Amount:	\$ 723,558.70
Change Order No. 1:	\$ 4,001.00
Change Order No. 2:	\$ -21,642.82
<b>Total Cost:</b>	<b>\$ 714,916.88</b>

Snyder & Associates, Inc.

By: Lindsay Beaman  
Lindsay R. Beaman  
License Number: 19971

City Council Meeting  
Prep. Date: 07/13/17  
Preparer: Doug Herman



Agenda Item: **4**  
Agenda Date: 07/17/2017

### *Communication Page*

**Agenda Items Description:** Ordinance Re: Fence Height and Set-Backs on Rear Lot where there is a double street frontage. (3<sup>rd</sup> 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. The second reading modified the first reading, limiting the option of a 6' fence 5' off the ROW to only those three properties whose rear yard street frontage is located on Linden Street due to the fact that Linden, unlike Gill and Farley Streets, is not a heavily travelled street.

**Staff Recommendation:** I recommend that the Council consider approval of the 3<sup>rd</sup> reading of the proposed ordinance as amended.

---

Preparer: Doug Herman, Monticello City Admin. 200 E. 1<sup>st</sup> St., Monticello, IA 52310; 319.465.6435  
Return to: Sally Hinrichsen, City Clerk, 200 E. 1<sup>st</sup> 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, subject to the following exception.*
  - a. *The following properties, 503, 505 and 507 S. Chestnut St., all being homes with double street frontage, the rear yards of said homes abutting Linden Street, a street that is not heavily travelled, may elect to erect a fence of 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.

1<sup>st</sup> reading passed by the Council on this

2<sup>nd</sup> reading passed by the Council on this

3<sup>rd</sup> reading passed by the Council on this

---

Dena Himes, Mayor

Attest:

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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 \_\_\_\_\_.

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1<sup>st</sup> reading passed by the Council on this  
2<sup>nd</sup> reading passed by the Council on this  
3<sup>rd</sup> 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: 06/09/17  
Preparer: Doug Herman



Agenda Item: Reports  
Agenda Date: 06/19/2017

### *Communication Page*

#### **Agenda Items Description:** Misc. Reports

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

#### **Attachments & Enclosures:**

Urban Chicken Ordinance  
Milkweed Related Materials / Mnpls. Ordinance

#### **Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:

- 224 N. Chestnut Street House: An asbestos inspection has been performed and a small amount of asbestos will be removed prior to the demolition, allowing us to keep the demolition costs down. Iowa Environmental will perform the abatement and B & J will perform the demolition. (\$1,760 is the total cost of the inspection and removal of asbestos)
- Urban Chicken Ordinance Update (Passed at last meeting with amendments.) I have included a copy of the final ordinance with bold print to reflect updates consistent with the 3<sup>rd</sup> reading that was passed. Questions?
- Felton House – Milkweed and Other Growth: I have received a number of comments/complaints, etc. related to the current growth and management of the Felton yard. Most complaints have dealt with what is perceived to be the overgrown and unmanaged yard and visibility concerns, while one dealt with that issue and other “nuisance” issues related to the feeding of feral cats and even a family of possum, reportedly seeing an entire possum family living on the property. Mr. Felton has mentioned in the past that his yard was a “registered” Monarch Waystation. His registration information is below:

ID: 3295  
Certified: 8/3/09  
RegistrantName: Michael J. Felton  
HabitatName: Mike's Monarchs  
HabitatCity: Monticello  
HabitatState: IA  
HabitatZip: 52310  
HabitatCountry: US  
Type: Urban  
Location: Home  
Size: Medium (200-499 sq ft)  
Shelter: 11-20

**Milkweeds:** Common Milkweed (Asclepias syriaca)

**Annuals-Biennials:** Cosmos (Cosmos spp.)

**Perennials:** Butterfly Bush (Buddleia spp.), Purple Coneflower (Echinacea purpurea), Violet (Viola spp.)

**Management:** Add other features; Amend the soil; Eliminate the use of insecticides; Manage the density of the plot by thinning; Mulch around the base of plants to reduce the growth of weeds and retain water; Remove dead stalks, etc. before the next growing season by mowing, burning, or by hand; Remove invasive species from the site; Use natural compost for fertilization; Water the plot as needed to maintain growth

**Comments:**

I am definitely not a milkweed or monarch expert but it does seem clear that Mr. Felton is not following the portion of the plan related to “thinning” and “mulching”

There is significant growth between the back of curb and sidewalk that is made up of other varieties of plants as well, not just milkweed.

I have not had any complaint centered on “milkweed” just on the overall condition and appearance of the yard.

Finally, I have been told that it is prudent and desirable to regularly trim back milkweed. I do not know if this is true, and if true if it is true for all varieties.

I have attached a memo of thoughts and an ordinance from Minneapolis hereto for review. Maybe the answer would be to limit the plantings to a controlled / managed area within a flower bed and/or within so many feet of the house. (The Minneapolis Ordinance would define this as a “managed natural landscape” which is a “planned, intentional and maintained planting...”, not the allowance of re-seeding and growth in random spots throughout the yard.) Maybe Mr. Felton could be given direction to present to the City Council for review a proposed “Managed Natural Landscape”?

**Mike Felton was made aware of this topic being placed on the Agenda.**

- Orbis Mfg. Project: Orbis project is on track to break ground in August. We are working with Orbis to solve a water volume problem related to their fire suppression system. This may involve the installation of a main extension that may be in their interest, their interest and the City’s interest, and potentially in the interests of others as well. Brant and I will be visiting with the City Engineer and others to come up with a plan for future discussion.

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**Closed Session:** Closed Session to discuss the professional competency of an individual whose performance and discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.

**Information on this topic will be sent to the Mayor and City Council by e-mail, separate from the Council packet.**



## **Growth / Weed Considerations / Options** 10/1/2016

**Current Code:** Our current code speaks to weeds/growth, and limits weeds/growth to 8". It does not differentiate between "turf" "grass" "weeds" "flowers".

**Issue:** What is a weed/growth? Is a "flower" weed/growth, is something called a "weed" a "weed" or is it only a "weed" if seen as a "weed" in the eye of the beholder?

**Issue:** Does the City have greater concern if the growth is occurring in the right-of-way and if yes, is the concern the same, greater, or less if it is growing in the ROW on a corner lot?

I will not, at this time, draft proposed amendments to our code, but will instead set forth a variety of potential definition updates and proposed regulation updates that could be used in an ordinance re-draft.

### **Definitions:**

1. **Landowner.** One who owns or controls land within the city, including the city itself.
2. **Turf Grass.** Grass commonly used in regularly-cut lawns or play areas, such as, but not limited to bluegrass, fescue, and ryegrass blends. "
3. **Preservation, or Restoration Area.** Any lands managed to preserve or restore native grasses and forbs, native trees, shrubs, wildflowers, and aquatic plants; an old field *succession* of native and non-native plants; or, a combination of these.

### **Regulations:**

#### **Landowners' Rights and Responsibilities:**

- (a) This ordinance shall apply to all landowners.
- (b) Turf grass shall not to exceed 8 inches.
- (c) Noxious weeds shall be destroyed by the Landowners on whose land they grow.
- (d) The City may control turf grass in excess of \_\_\_\_ inches and noxious weeds as set forth in Section 4 below.

Noxious Weeds shall mean the weeds defined in \_\_\_\_\_, which is hereby adopted and made a part of this article, and shall also include common ragweed (*Ambrosia artemisiifolia*), giant ragweed (*Ambrosia trifida*) and burdock (*Actrium* spp.)

Every person shall **destroy** all noxious weeds on every parcel of land which he owns, occupies or controls.

Weed Commissioner: destruction of weeds by City.

- (a) The Weed Commissioner, who shall be the Inspections Supervisor, shall have the powers and duties enumerated in this article and in \_\_\_\_\_, except that he shall receive no compensation for his **services** other than his regular salary.

(b) An administrative fee shall be charged for the inspection of non-compliant properties. All fees shall be on file with the Department of Public Works.

(c) The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands and to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than the following heights:

- (1) On developed lots, regardless of location in the city, eight (8) inches;
- (2) On undeveloped lots, regardless of location in the city, twelve (12) inches.
- (3) Developed lot shall be defined as one with a finished building or building under construction.
- (4) The administrative fee for multiple adjacent properties or a new subdivision by phase per event shall be no more than five (5) times the fee for a single lot.
- (5) Property in the city, but not yet served by City sewer and water or permitted utilities, shall be exempt from the provisions of this section, except for noxious weeds.
- (6) Noxious weeds shall be eliminated under this notice and charge provisions of \_\_\_\_\_. All other weed elimination or vegetation control shall be charged as a **special charge** for current services rendered under \_\_\_\_\_, with or without notice to the property owner

**Landscape maintenance:**

a). Purpose. The use of wildflowers and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown. Areas that present either a direct health hazard or provide a demonstrated breeding ground for fauna known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The City recognizes the desirability of permitting natural vegetation within the city limits while maintaining public health and safety at the same time.

(b) Managed natural landscaping.

- (1) Native and naturalized plants including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.

(2) Nuisance weeds and noxious weeds are defined by \_\_\_\_\_, respectively, as amended, and also include those weeds set forth in § \_\_\_\_\_. Such weeds are prohibited in all cases and shall be subject to destruction under § \_\_\_\_\_.

(3) Natural landscape areas shall be set back a minimum of seven (7) feet from all property lines and driveways unless the property is abutted by a roadway, fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk). (4) Natural landscape areas shall be subject to §6-6 governing fire hazards. Those areas located within residential districts and containing dense plantings of tall grasses (in excess of 8") or similar light weight fuels (as determined by the Fire Department) shall be limited in area to two hundred (200) square feet, separated from other like areas according to the setback requirements in sec. (3) and set back a minimum of seven (7) feet from all structures. (5) This section shall not apply to properties owned by governmental entities or where federal, state or local regulations provide otherwise.

(c) Yard neglect.

(1) Any front, side or rear yard area of a residence, business, institutional or industrial use, including any area between an installed sidewalk and the street, shall be maintained with a lawn, shrubbery, plantings or other surface treatment consistent with this section.

(2) Rank or unmanaged growth of vegetation identified in state or local codes is not permitted and is declared to be a public nuisance.

(3) Yards, including any area between the installed sidewalk and the curb, with a common stand of turf grass is higher than eight (8) inches is declared to be in a state of neglect and a public nuisance.

(d) Enforcement. Failure to correct a violation of this section may result in weed elimination as defined in § \_\_\_\_\_ of this ordinance and penalties as provided in § \_\_\_\_\_.

**Old Field Succession**

The form of ecological succession which occurs on abandoned farmland is referred to as **old field succession**. When a plowed field is abandoned, it represents a new habitat for plant and animal species to colonize, but because it is basically bare soil, it is a stressful habitat for many plants. There are no trees to provide shade or to serve as windbreaks. Continuous exposure to sun and wind may cause high rates of evaporation and water stress for plant species. On the other hand, there are plenty of light and mineral nutrients available in these sites. This environment is first colonized by a group of species called **pioneer species**. Pioneer species are usually characterized by having long-lived seeds capable of remaining dormant in the soil for many years, long-range dispersal ability, and the ability to utilize resources rapidly, allowing them to grow and reproduce quickly. Many of them are included in that group of species commonly called weeds. Among the earliest species to arrive are ragweed, crabgrass and foxtail. After a year or two, these are joined by various species of asters. These pioneer species change the environment; as they die, dead plant material (plant litter) accumulates on the soil, and this helps to hold water in the soil.

2011-Or-\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Gordon**

**Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 227.90 of the above-entitled ordinance be amended to read as follows:

**227.90. Offensive conditions and vegetation declared.** *(a) In general.* No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, inoperable vehicle as defined in the Zoning Code, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Except as part of a managed natural landscape as defined in this section. Any weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city. ~~Exception:~~ Ground cover planted and maintained above earth-sheltered buildings need not comply with the height limitation of this section; however, such ground cover shall not contain noxious weeds. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which in the opinion of the director of inspections constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when in the opinion of the director of inspections, trees, brush and plant growth, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280 shall also constitute a nuisance condition.

(b) Right to install and maintain a managed natural landscape. An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape.

(1) Definitions.

Managed natural landscape means a planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants means grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than (8) inches.

(2) Findings. The city council finds that the installation and maintenance of managed natural landscapes is beneficial to the city's environment and its residents and serves to further adopted city goals in that managed natural landscapes require fewer potentially harmful and costly inputs, improve stormwater retention, increase water quality and biodiversity, reduce greenhouse gas emissions, and provide habitat for wildlife such as birds, butterflies and other beneficial insects and species.

(3) Requirements.

a. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.

- b. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280.
- c. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

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Preparer: Doug Herman, Monticello City Admin. 200 E. 1<sup>st</sup> St., Monticello, IA 52310; 319.465.6435  
Return to: Doug Herman, Monticello City Admin. 200 E. 1<sup>st</sup> 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.
  - a. **Property owners of properties that are not zoned or utilized as single-family residences or zero-lot line duplexes may be permitted to keep domestic chickens as outlined within the body of this Ordinance upon application to and approval of the City Council. The City Council reserves the right, in their sole discretion, to deny**

**any such application or to impose such additional restrictions and guidelines deemed appropriate.**

2. No person shall keep chickens inside a single family dwelling unit, multi-family dwelling units, rental units, **or other approved structure(s)**.
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, **absent special approval of the City Council.**
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 during the permitting process.** 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