

City of Monticello, Iowa

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Posted on August 03, 2018 at 5:00 p.m.

Monticello City Council Regular Meeting August 06, 2018 @ 6:00 p.m.

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

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

- Call to Order – 6:00 P.M.

- Pledge of Allegiance
- Roll Call
- Agenda Addition/Agenda Approval

Open Forum: If you wish to address the City Council on subjects pertaining to today's meeting agenda please wait until that item on the agenda is reached. If you wish to address the City Council on an item not on the agenda, please approach the lectern and give your name and address for the public record before discussing your item. Individuals are normally limited to speaking for no more than three (3) minutes on a topic and the Open Forum is by rule limited to a total of fifteen (15) minutes.

- Jo Provencher has indicated an intent to be present at the Open Forum to express her opinion that the breed specific ban related to Pit Bulls and Pit Bull varieties should be lifted. She and others with her may wish to speak on this issue.

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	July	16, 2018
Approval of Payroll	July	19, 2018
Approval of Payroll	August	02, 2018
Approval of Bill List		
Approval of transfer of Chamber of Commerce Liquor License		
• August transfer to 114 E. 1 st Street (Pocket Park)		
• September transfer to 766 N. Maple (Berndes Center)		

Public Hearings: None

Resolutions:

1. **Resolution** to approve Tax Abatement Application Re: Residential Improvements constructed at 120 Shomont Drive, Monticello, Iowa.
2. **Resolution** to approve Pole Sign Request received from Eric Green, new owner of the "Diamond Pi Company". (Formerly Happy Joes)

3. **Resolution** to approve removal of culverts under E. 1st Street and misc. dirt work / grading associated therewith.
4. **Resolution** to approve Pay Request from Eastern Iowa Excavating & Concrete, LLC, in the amount of \$8,430.09 related to the E. 1st Street Water Service Line repairs.
5. **Resolution** to approve pay request from Jones County Secondary Roads Department in the amount of \$12,841.70 related to contract rocking of 190th Street.
6. **Resolution** to approve submission of ballot measure to the County Auditor to increase the Hotel / Motel tax rate from 5% to 7%, same to be placed on the November, 2018 ballot.
7. **Resolution** to approve Amendment #1 to Snyder & Associates Standard Consultant Contract for the East 1st Street Bridge Replacement Project

Ordinances:

8. **Ordinance** to amend fees related to Transient Merchants. 3rd Reading.
9. **Ordinance** to amend Chapter 68, Code of Ordinances, One-Way Traffic, by adding alleyway between S. Walnut Street and S. Gill Street. 2nd Reading.

Reports / Potential Action:

- Sidewalk inspection / repair update
- Schoon Addition (Road Work)
- Bartram Insurance Settlement
- Al Hughes suit
- S. Cedar Street Ditch discussion
- N. Cedar Street Sanitary Sewer discussion
- Police Chief's Report and Training Opportunity Request

Closed Session: Closed Session to discuss the purchase of Real Estate where the premature disclosure could be reasonably expected to increase the price the governmental entity would have to pay for that property.

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.

Dear City Council members,

We are writing on behalf of the Pit Bull ban that is placed here in Monticello. We would like to request it to be removed, so that all members of our community have the same equal rights to adopt whatever type of dog they wish. We have done research and have come to understand that there was never a real problem with this type of dog inside city limits. The owners and dogs were actually pretty good citizens of Monticello. We fully understand that with media creating false information about these kinds of dogs can create a negative judgement. The fact is that this ban that was started few years back, just is not working. There are Pit Bulls within city limits, but they are hidden. Hidden animals can sometimes result in unsocialized animals and like humans an unsocialized animal is more dangerous than socialized. I would like to propose an alternative solution. Something that will be fair across the board to all pet owners.

Every dog is to be registered within the city along with being chipped. This will allow quick returns to any at large animal also if there is any damage done while at large or in care, it will lead back to the owner of the animal. To be fair it would have to be all dogs within city limits.

There are plenty of insurance companies that do cover breeds of dogs that others do not. It could be encouraged that people research their policy and make sure their fully covered in case an event does accrue with their animals.

We would like to speak in person during the next City Council meeting, if you are not interested in lifting the ban with this letter. We do have a few people that are highly educated in the animal field that have facts regarding breeds and the effects bans on breeds have on the community and animals. Those that can attend will speak on behalf of the Bully breed and those who cannot have agreed to send a letter that we will read to you.

We encourage you to please open your heart and mind to these animals that have been taken from families of Monticello and the animals that would be greatly taken care of by our citizens of Monticello, waiting in the shelter for their forever homes. This ban has kept good dogs from good pet owners. The fact that there has never been a real issue inside our city limits shows that our citizens of Monticello are good, respectful and loyal dog owners.

I look forward to hearing back from you. If your willing to lift the ban, that is amazing, and we thank you. If you would like to hear more, please let me know when the next city council meeting is, and we would love to show you more facts.

Thank you,

Jo, Whitney and Sarah

Regular Council Meeting – Official
July 16, 2018 – 6:00 P.M.
Community Media Center

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

Yeoman moved to approve the agenda, as amended by adding Engineer's Report, Pratt seconded, roll call unanimous.

Diana Stadtmueller gave an update from the Fountain Committee.

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

Lux moved to approve Resolution #18-84 Approving Calvin D. & Dena G. Himes Tax Abatement related to Residential Improvements constructed at 510 Locust Court, Monticello, Iowa, seconded by Russ, roll call unanimous.

Russ moved to approve Resolution #18-85 to approve Pay Request #9, related to the Monticello Airport Ten-T Hangar project, to Schaus-Vorhies in the amount of \$14,411.25, Yeoman seconded, roll call unanimous.

Yeoman moved to approve Resolution #18-86 Approving Pay Request #6 in the amount of \$15,681.23 and Change Order #2 in the amount of \$1,344 submitted by Taylor Construction, Inc. Re: 2018 E. 1st Bridge Replacement Project, Russ seconded, roll call unanimous, except for Paulson who voted nay.

Herman reported that Snyder & Associates has requested additional compensation in the amount of \$8,800 related to additional time spent by them on the Ten-T Hangar Project than originally anticipated. Snyder reports that their expenses exceeded the contract amount by \$13,980. Yeoman reports that the Airport Board did not support the additional payment. Pratt moved to approve Resolution #18-87 to approve pay request from Snyder & Associates related to Airport Ten-T Hangar Project in the amount of \$8,800, seconded by Russ, roll call all nays, except for Pratt who voted aye. After further discussion, Yeoman moved to approve Resolution #18-87 to approve pay request from Snyder & Associates related to Airport Ten-T Hangar Project in the amount of \$4,400, seconded by Pratt, roll call unanimous.

Herman reported on the potential E. 1st Street project, near the Disc Golf Course, involving potential repairs or modifications related to two culverts lying under E. 1st Street. The Council originally looked at placing heavily reinforced concrete over the culverts to keep them from heaving every year. Herman reported meeting with Brian Monk to look at another solution, the removal of the culverts and the creation of a swale on the Disc Golf Course side of E. 1st Street to transfer run off to Kitty Creek. Herman requested that this matter be tabled until he received permitting information from City Engineer Schwickerath. Russ moved to table approving E. 1st Street Culvert Removal and Swale Construction Project until further information is received from Schwickerath, Yeoman seconded, roll call unanimous.

Herman reported that Karde's Highway 38 has requested permission to replace their existing pole sign with a new pole sign at approximately the same location. Herman reported that the P & Z recommended that the pole sign request be approved so long as the bottom of the sign was at least 8' above grade so as to not block visibility when turning at 2nd and Cedar, or that the sign be moved to the NW corner of their lot. Dean Cox, owner of Karde's, was present and had no objection to the recommended 8' clearance and also agreed that the sign could be moved 1' to the east and 1' north to ensure that it is totally out of the ROW. Herman informed Cox that a sign permit would be required. Yeoman moved to approve Resolution #18-88 approving Karde's Highway 38 location Pole Sign request, with requirement that they meet the recommended 8' clearance, seconded by Russ, roll call unanimous.

Herman reported that P & Z reviewed and recommended the approval of the Plat of Survey to Parcels 2018-48, 49 and 50. One parcel will be sold, one will become City street right-of-way and one will be retained by the existing owner. Russ moved to approve Resolution #18-89 to approve Plat of Survey to Parcel 2018-48, 2018-49 and 2018-50, Pratt seconded, roll call unanimous except for Yeoman who abstained.

Pratt moved Ordinance #717 amending Chapter 165, "ZONING REGULATIONS", of certain property located within the City Limits of the City of Monticello, same being generally described as 203 E 9th Street, Monticello, IA 52310, and amending the Official Zoning Map, third reading and in title only, Yeoman seconded, roll call unanimous.

Yeoman moved Ordinance #718 amending Chapter 122, "Peddlers, Solicitors and Transient Merchants", second reading and in title only, Russ seconded, roll call unanimous.

Herman reported that he drafted an ordinance to amend Chapter 68, Code of Ordinances, One-Way Traffic by adding the alleyway between S. Walnut Street and S. Gill Street. This would make the traffic eastbound only for through traffic. Ann McClusky, 411 Bradview Court, did not believe the one-way designation would be enforced enough to solve the problem and suggested speed bumps. Mark Cottrell, 431 Bradview Court, stated that a road extension from Grandview to South Walnut would help. Herman stated that it would take three readings for the change to take place and that there can be changes along the way. Yeoman introduced and moved Ordinance #719 amending Chapter 68, "One-Way Traffic", first reading and in title only, Pratt seconded, roll call unanimous.

Herman reported that letters would be sent to property owners that wanted the City to contract their sidewalk repairs. He stated that work continues on the Willow Park Trail and that the sanitation transition didn't go as smoothly as he had hoped, he will also be contacting commercial customers that have not yet switched to Republic.

Smith reported on Police Department activity for May and stated that most residents respected the fireworks timeframe. Herman stated he didn't get any complaints, but did read some online. Smith stated that he is looking for feedback regarding a School Resource Officer. Consensus of the Council was that it is worth continuing consideration.

Zwolinski reported on the East First Street washouts near the new bridge. He stated that it would cost between \$40,000-50,000 to replace the gravel shoulders with concrete shoulders

with curb and gutter on the east side. The DOT would reimburse the City for 80% of the costs. Yeoman moved to direct the City Engineer to proceed with the preparation of a change order, plan sheet and supplemental agreement, Russ seconded, roll call unanimous except for Paulson, who voted nay.

Herman reported that the Erin Devilbiss requested a private hearing on the nuisance abatement notice as opposed to an in chambers hearing. The Mayor, Herman, and up to three council members will arrange a meeting with her. Russ and Pratt agreed to be on the hearing committee and Goedken will be invited to join them.

Yeoman moved to go into closed session to discuss strategy with counsel in matters where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation

Pratt moved to go into open session, Paulson seconded, roll call unanimous. Pratt moved to direct Herman to proceed as discussed in closed session, Russ seconded, roll call unanimous.

Pratt moved to adjourn at 7:52 P.M.

Brian Wolken, Mayor

Cheryl Clark, Deputy City Clerk

PAYROLL - JULY 19, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
AMBULANCE	July 2 - 15, 2018				
Evan Barry	\$ 172.43	\$ -	0.00	0.00	\$ 146.50
Carter Bronemann	1,343.10	-	0.00	0.00	970.10
Dawn Brus	1,320.00	-	0.00	0.00	953.92
Johnathon Geiger	93.12	-	0.00	0.00	79.66
Mary Intlekofer	1,860.60	-	11.00	11.00	1,242.79
Brandon Kent	2,104.25	66.45	0.00	0.00	1,374.74
Matt Kunkle	221.50	-	0.00	0.00	168.48
Jim Luensman	487.30	-	0.00	0.00	375.65
Lori Lynch	2,370.05	863.85	0.00	0.00	1,543.37
Christopher Moore	1,945.80	-	0.00	0.00	1,172.68
Shelly Searles	2,569.40	797.40	0.00	0.00	1,878.53
Brenda Surom	531.60	-	0.00	0.00	399.26
TOTAL AMBULANCE	\$ 15,019.15	\$ 1,727.70	11.00	11.00	\$ 10,305.68
CEMETERY	June 30 - July 13, 2018				
Caleb Herman	\$ 230.00	\$ -	0.00	0.00	\$ 212.38
Max Keleher	212.50	-	0.00	0.00	196.25
Dan McDonald	1,608.00	-	0.00	0.00	1,138.29
TOTAL CEMETERY	\$ 2,050.50	\$ -	0.00	0.00	\$ 1,546.92
CITY HALL	July 1 - 14, 2018				
Cheryl Clark	\$ 1,636.00	\$ -	1.13	0.88	\$ 1,080.38
Doug Herman	3,970.71	-	0.00	0.00	2,849.12
Sally Hinrichsen	2,427.38	-	0.00	0.00	1,611.64
Nanci Tuel	1,396.01	-	0.00	0.00	915.43
TOTAL CITY HALL	\$ 9,430.10	\$ -	1.13	0.88	\$ 6,456.57
COUNCIL / MAYOR					
Dave Goedken	\$ 100.00	\$ -	0.00	0.00	\$ 92.26
Chris Lux	100.00	-	0.00	0.00	92.26
Rob Paulson	100.00	-	0.00	0.00	92.35
Gary Pratt	100.00	-	0.00	0.00	92.35
Johnny Russ	100.00	-	0.00	0.00	92.35
Brian Wolken	300.00	-	0.00	0.00	272.78
Tom Yeoman	100.00	-	0.00	0.00	92.35
TOTAL COUNCIL/MAYOR	\$ 900.00	\$ -	0.00	0.00	\$ 826.70
LIBRARY	July 2 - 15, 2018				
Molli Hunter	\$ 225.68	\$ -	0.00	0.00	\$ 192.22
Penny Schmit	1,000.00	-	0.00	0.00	730.72
Madonna Thoma-Kremer	920.00	-	0.00	0.00	567.61
Michelle Turnis	1,595.37	-	0.00	0.00	1,019.59
TOTAL LIBRARY	\$ 3,741.05	\$ -	0.00	0.00	\$ 2,510.14
MBC	July 2 - 15, 2018				
Jacob Oswald	\$ 1,846.15	\$ -	0.00	0.00	\$ 1,382.31
Shannon Poe	769.23	-	0.00	0.00	609.35
TOTAL MBC	\$ 2,615.38	\$ -	0.00	0.00	\$ 1,991.66

PAYROLL - JULY 19, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
POLICE	July 2 - 15, 2018				
Dawn Graver	\$ 2,273.84	\$ -	10.00	10.00	\$ 1,648.52
Erik Honda	1,914.36	-	0.00	0.00	1,421.58
Jordan Koos	2,209.96	-	10.00	10.00	1,588.03
Britt Smith	2,504.65	-	0.00	0.00	1,822.50
Madonna Staner	1,450.40	-	0.00	0.00	1,091.08
Brian Tate	2,109.24	-	0.00	0.00	1,437.36
Robert Urbain	905.76	-	0.00	0.00	688.06
TOTAL POLICE	\$ 13,368.21	\$ -	20.00	20.00	\$ 9,697.13
ROAD USE	June 30 - July 13, 2018				
Billy Norton	\$ 1,758.00	\$ -	0.00	0.00	\$ 1,132.78
Wayne Yousse	1,848.45	90.45	0.00	0.00	1,298.52
TOTAL ROAD USE	\$ 3,606.45	\$ 90.45	0.00	0.00	\$ 2,431.30
SANITATION	June 30 - July 13, 2018				
Michael Boyson	\$ 1,572.01	\$ -	0.00	0.00	\$ 1,078.71
Caleb Herman	490.00	-	0.00	0.00	452.54
Nick Kahler	1,608.00	-	0.00	0.00	1,075.79
Max Keleher	460.00	-	0.00	0.00	424.80
TOTAL SANITATION	\$ 4,130.01	\$ -	0.00	0.00	\$ 3,031.84
SEWER	June 30 - July 13, 2018				
Tim Schultz	\$ 1,730.55	\$ 62.55	0.00	0.00	\$ 1,347.87
Jim Tjaden	2,008.60	72.60	0.00	0.00	1,433.29
TOTAL SEWER	\$ 3,739.15	\$ 135.15	0.00	0.00	\$ 2,781.16
SWIMMING POOL	June 29 - July 12, 2018				
Sydney Ballou	\$ 160.00	\$ -	0.00	0.00	\$ 147.76
Allyson Bartachek	60.00	-	0.00	0.00	55.41
Rylee Bauer	342.23	-	0.00	0.00	296.06
McKenna Bell	483.76	-	0.00	0.00	446.76
Mya Boffeli	232.38	-	0.00	0.00	203.59
Aubree Fairley	442.00	-	0.00	0.00	408.19
Matthew Fokken	102.30	-	0.00	0.00	94.48
Jaelyn Graver	72.00	-	0.00	0.00	66.50
Leah Holub	466.00	-	0.00	0.00	402.94
Ashley Jenkins	247.16	-	0.00	0.00	228.26
Karle Kramer	49.50	-	0.00	0.00	45.71
Luke Lambert	176.00	-	0.00	0.00	158.17
Madison G. Lambert	437.29	-	0.00	0.00	381.30
Rileigh Lambert	920.00	-	0.00	0.00	763.62
Lilly Lambert-Lanczs	752.28	-	0.00	0.00	694.73
Kain Luensman	68.00	-	0.00	0.00	62.79
Tyler Luensman	132.00	-	0.00	0.00	121.91
Kyan Martensen	106.50	-	0.00	0.00	98.36
Macy McDonough	614.74	-	0.00	0.00	567.72
Tyler Nealson	328.00	-	0.00	0.00	279.33
Elizabeth Petersen	486.00	-	0.00	0.00	448.82
Madeline Stadtmueller	176.00	-	0.00	0.00	162.54

PAYROLL - JULY 19, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
SWIMMING POOL (cont.)					
Brooklyn Stark	153.00	-	0.00	0.00	141.29
Maci Welter	352.00	-	0.00	0.00	298.11
Micah Williams	64.00	-	0.00	0.00	59.10
Andrue Wright	504.00	-	0.00	0.00	445.23
TOTAL SWIMMING POOL	\$ 7,927.14	\$ -	0.00	0.00	\$ 7,078.68
WATER					
	June 30 - July 13, 2018				
Brant LaGrange	\$ 2,070.89	\$ -	0.00	0.00	\$ 1,446.80
Jay Yanda	1,995.20	139.20	0.00	0.00	1,420.29
TOTAL WATER	\$ 4,066.09	\$ 139.20	0.00	0.00	\$ 2,867.09
TOTAL - ALL DEPTS.	\$ 70,593.23	\$ 2,092.50	32.13	31.88	\$ 51,524.87

PAYROLL - AUGUST 2, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
AMBULANCE	July 16 - 29, 2018				
Evan Barry	\$ 208.73	\$ -	0.00	0.00	\$ 177.55
Jeremy Bell	871.20	-	0.00	0.00	644.21
Carter Bronemann	834.90	-	0.00	0.00	619.21
Dawn Brus	3,116.25	596.25	0.00	0.00	2,059.22
Jacob Gravel	145.20	-	0.00	0.00	74.20
Mary Intlekofer	1,860.60	-	24.75	35.75	1,242.54
Brandon Kent	2,010.11	149.51	0.00	0.00	1,310.49
Matt Kunkle	221.50	-	0.00	0.00	168.48
Jim Luensman	664.50	-	0.00	0.00	500.50
Lori Lynch	1,860.60	-	0.00	0.00	1,229.97
Christopher Moore	1,776.60	-	31.50	31.50	1,071.63
Brian Rechkemmer	487.30	-	0.00	0.00	320.10
Shelly Searles	2,691.23	830.63	0.00	0.00	1,961.14
Brenda Surom	498.38	-	0.00	0.00	374.94
TOTAL AMBULANCE	\$ 17,247.10	\$ 1,576.39	56.25	67.25	\$ 11,754.18
CEMETERY	July 14 - 27, 2018				
Caleb Herman	\$ 330.00	\$ -	0.00	0.00	\$ 304.78
Max Keleher	140.00	-	0.00	0.00	129.29
Dan McDonald	1,608.00	-	0.00	0.00	1,138.03
TOTAL CEMETERY	\$ 2,078.00	\$ -	0.00	0.00	\$ 1,572.10
CITY HALL	July 15 - 28, 2018				
Cheryl Clark	\$ 1,866.06	\$ 230.06	0.00	0.88	\$ 1,268.79
Doug Herman	3,720.71	-	0.00	0.00	2,667.24
Sally Hinrichsen	2,427.38	-	0.00	0.00	1,611.64
Nanci Tuel	1,396.00	-	0.00	0.00	915.17
TOTAL CITY HALL	\$ 9,410.15	\$ 230.06	0.00	0.88	\$ 6,462.84
FIRE					
Drew Haag	\$ 100.00	\$ -	0.00	0.00	\$ 85.54
Nick Kahler	60.00	-	0.00	0.00	51.32
Don McCarthy	125.00	-	0.00	0.00	106.93
Billy Norton	100.00	-	0.00	0.00	85.54
TOTAL FIRE	\$ 385.00	\$ -	0.00	0.00	\$ 329.33
LIBRARY	July 16 - 29, 2018				
Molli Hunter	\$ 382.76	\$ -	0.00	0.00	\$ 322.40
Penny Schmit	1,000.00	-	0.00	0.00	730.72
Madonna Thoma-Kremer	920.00	-	0.00	0.00	567.60
Michelle Turnis	1,538.46	-	0.00	0.00	972.03
TOTAL LIBRARY	\$ 3,841.22	\$ -	0.00	0.00	\$ 2,592.75
MBC	July 16 - 29, 2018				
Jacob Oswald	\$ 1,846.15	\$ -	0.00	0.00	\$ 1,382.31
Shannon Poe	1,538.46	-	0.00	0.00	1,151.96
TOTAL MBC	\$ 3,384.61	\$ -	0.00	0.00	\$ 2,534.27

PAYROLL - AUGUST 2, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
POLICE	July 16 - 29, 2018				
Peter Fleming	\$ 1,511.04	\$ -	0.00	0.00	\$ 1,086.98
Dawn Graver	2,220.96	-	0.00	0.00	1,574.10
Erik Honda	2,199.24	234.05	0.00	0.00	1,615.41
Jordan Koos	2,204.34	-	8.25	18.25	1,585.37
Travis McNally	1,100.23	-	0.00	0.00	833.03
Britt Smith	2,504.65	-	0.00	0.00	1,822.50
Madonna Staner	1,450.40	-	0.00	0.00	1,091.08
Brian Tate	2,109.24	-	0.00	0.00	1,437.36
Robert Urbain	1,017.40	-	0.00	0.00	765.07
TOTAL POLICE	\$ 16,317.50	\$ 234.05	8.25	18.25	\$ 11,810.90
ROAD USE	July 14 - 27, 2018				
Billy Norton	\$ 1,608.00	\$ -	0.00	0.00	\$ 1,058.10
Wayne Yousse	1,668.30	60.30	0.00	0.00	1,133.45
TOTAL ROAD USE	\$ 3,276.30	\$ 60.30	0.00	0.00	\$ 2,191.55
SANITATION	July 14 - 27, 2018				
Michael Boyson	\$ 1,572.00	\$ -	0.00	0.00	\$ 1,078.45
Caleb Herman	437.50	-	0.00	0.00	404.00
Nick Kahler	1,608.01	-	0.00	0.00	1,075.55
Max Keleher	480.00	-	0.00	0.00	443.28
TOTAL SANITATION	\$ 4,097.51	\$ -	0.00	0.00	\$ 3,001.28
SEWER	July 14 - 27, 2018				
Tim Schultz	\$ 1,668.00	\$ -	0.00	0.00	\$ 1,144.57
Jim Tjaden	1,936.00	-	0.00	0.00	1,383.73
TOTAL SEWER	\$ 3,604.00	\$ -	0.00	0.00	\$ 2,528.30
SWIMMING POOL	July 13 - 26, 2018				
Sophia Ahlrichs	\$ 339.51	\$ -	0.00	0.00	\$ 313.54
Sydney Ballou	194.00	-	0.00	0.00	179.16
Allyson Bartachek	68.00	-	0.00	0.00	62.79
Rylee Bauer	120.41	-	0.00	0.00	111.19
McKenna Bell	147.88	-	0.00	0.00	136.57
Mya Boffeli	169.00	-	0.00	0.00	152.40
Aubree Fairley	242.00	-	0.00	0.00	223.49
Matthew Fokken	37.20	-	0.00	0.00	34.35
Jaelyn Graver	57.00	-	0.00	0.00	52.64
Leah Holub	244.00	-	0.00	0.00	222.33
Ashley Jenkins	88.73	-	0.00	0.00	81.94
Karle Kramer	82.50	-	0.00	0.00	76.18
Luke Lambert	168.00	-	0.00	0.00	151.57
Madison G. Lambert	270.40	-	0.00	0.00	247.72
Rileigh Lambert	727.50	-	0.00	0.00	608.94
Lilly Lambert-Lanczs	434.24	-	0.00	0.00	401.02
Tyler Luensman	86.00	-	0.00	0.00	79.42
Kyan Martensen	25.50	-	0.00	0.00	23.55
Macy McDonough	310.54	-	0.00	0.00	286.79
Tyler Nealson	188.00	-	0.00	0.00	168.04

PAYROLL - AUGUST 2, 2018

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
SWIMMING POOL (cont.)					
Elizabeth Petersen	90.00	-	0.00	0.00	83.11
Madeline Stadtmueller	106.00	-	0.00	0.00	97.89
Brooklyn Stark	75.00	-	0.00	0.00	69.26
Maci Welter	216.00	-	0.00	0.00	190.11
Micah Williams	178.00	-	0.00	0.00	159.81
Andrue Wright	214.00	-	0.00	0.00	197.63
TOTAL SWIMMING POOL	\$ 4,879.41	\$ -	0.00	0.00	\$ 4,411.44
WATER					
	July 14 - 27, 2018				
Brant LaGrange	\$ 2,070.89	\$ -	0.00	0.00	\$ 1,446.80
Jay Yanda	1,890.80	34.80	0.00	0.00	1,348.93
TOTAL WATER	\$ 3,961.69	\$ 34.80	0.00	0.00	\$ 2,795.73
TOTAL - ALL DEPTS.	\$ 72,482.49	\$ 2,135.60	64.50	86.38	\$ 51,984.67

ACCOUNTS PAYABLE ACTIVITY **CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL
ACCOUNTS PAYABLE CLAIMS		

	GENERAL	
	POLICE DEPARTMENT	
CITY OF ANAMOSA	PD JCERT EXPENSES	2,000.00
INSURANCE ASSOCIATES, INC.	PD INSURANCE	594.00
LASLEY ELECTRIC LLC	PD EQUIP REPAIR/MAINT	131.34
NEXT GENERATION PLBG & HTG LLC	PUBLIC SAFETY BLDG REPAIR	3,593.18
TRACY YOUSSE	PD CAR LETTERING	500.00
		=====
	POLICE DEPARTMENT	6,818.52
	AQUATIC CENTER	
ARCH CHEMICALS, INC.	POOL SUPPLIES	46.05
BOSS OFFICE SUPPLIES & SYS INC	POOL OFFICE SUPPLIES	11.27
FAREWAY STORES #840-1	POOL CONCESSIONS	66.16
HAPPY JOE'S PIZZA & ICE CREAM	POOL CONCESSIONS	178.50
JOHN DEERE FINANCIAL	POOL EQUIP REPAIR/MAINT	12.07
KARDES INC	POOL CONCESSIONS	27.96
RILEIGH LAMBERT	POOL PRIVATE LESSONS	150.00
LILLY LAMBERT-LANCZOS	POOL PRIVATE LESSONS	250.00
MYERS-COX CO.	POOL CONCESSIONS	1,334.44
NEXT GENERATION PLBG & HTG LLC	POOL BLDG REPAIR/MAINT	250.10
SPAHN & ROSE LUMBER CO INC	POOL BUILDING SUPPLIES	.79
		=====
	AQUATIC CENTER	2,327.34
	CEMETERY	
JOHN DEERE FINANCIAL	CEMETERY EQUIP REPAIR/MAINT	24.11
		=====
	CEMETERY	24.11
	SOLDIER'S MEMORIAL BOARD	
MIDWEST ALARM SERVICES	FIRE ALARM MONITORING	118.50
		=====
	SOLDIER'S MEMORIAL BOARD	118.50
	CLERK/CITY ADMIN	
JOHN MONK	JANITORIAL SERVICES	140.00
		=====
	CLERK/CITY ADMIN	140.00
	ENGINEER	
SNYDER & ASSOCIATES, INC	ENGINEERING FEES	877.88

ACCOUNTS PAYABLE ACTIVITY **CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL
	ENGINEER	877.88
	CITY HALL/GENERAL BLDGS	
GATEWAY HOTEL & CONFERENCE	CH TRAVEL - CLARK	259.84
JOSH IBEN	CH GROUNDS MAINTENANCE	50.00
DAVID B MCNEILL	CH BLDG REPAIR/MAINT	30.00
MED PLAST	CH FRANCHISE FEE REFUND	3,079.23
MIDWEST ALARM SERVICES	FIRE ALARM MONITORING	237.00
ORBIS MENASHA CORP	CH FRANCHISE FEE REFUND	7,574.27
SUPERIOR APPLIANCE, INC.	CH DEHUMIDIFIER	219.00
	CITY HALL/GENERAL BLDGS	11,449.34
	GENERAL	21,755.69
	MONTICELLO BERNDEN CENTER	
	PARKS	
BOSS OFFICE SUPPLIES & SYS INC	MBC OFFICE SUPPLIES	357.82
CENTRAL IOWA DISTRIBUTING INC	MBC BUILDING SUPPLIES	146.00
JOHN DEERE FINANCIAL	POCKET PARK FOUNDATION REPAIR	17.27
JOHN MONK	JANITORIAL SERVICES	100.00
	PARKS	621.09
	MONTICELLO BERNDEN CENTER	621.09
	AMBULANCE	
	AMBULANCE	
AIRGAS USA, LLC	AMB MEDICAL SUPPLIES	58.80
BOUND TREE MEDICAL, LLC	AMB MEDICAL SUPPLIES	175.77
DAWN BRUS	AMB EQUIP REPAIR/MAINT	582.52
FREESE MOTORS INC	AMB VEHICLE REPAIR/MAINT	92.94
JOHN DEERE FINANCIAL	AMB OFFICE SUPPLIES	14.99
LASLEY ELECTRIC LLC	AMB EQUIP REPAIR/MAINT	131.33
NEXT GENERATION PLBG & HTG LLC	PUBLIC SAFETY BLDG REPAIR	281.65
PHYSICIAN'S CLAIM COMPANY	AMB BILLING FEES	1,404.84
STERICYCLE, INC.	AMB PHARMACEUTICAL DISPOSAL	79.35
ZOLL MEDICAL CORPORATION	AMB EQUIP REPAIR/MAINT	510.00
	AMBULANCE	3,332.19
	AMBULANCE	3,332.19
	LIBRARY IMPROVEMENT	

ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL
	LIBRARY	
NORTH LIBERTY COMM LIBRARY	LIB FURNITURE	500.00
	LIBRARY	500.00
	LIBRARY IMPROVEMENT	500.00
	LIBRARY	
	LIBRARY	
BAKER & TAYLOR BOOKS	LIB BOOKS	88.02
CENTER POINT PUBLISHING	LIB BOOKS	44.34
FAREWAY STORES #840-1	LIB BUILDING SUPPLIES	20.91
FARM & HOME PUBLISHERS,LTD	LIB BOOKS	53.90
JOSH IBEN	LIB GROUNDS MAINTENANCE	100.00
KRAUS PLUMBING & HEATING INC	LIB BLDG REPAIR/MAINT	72.25
MICRO MARKETING LLC	LIB BOOKS	20.29
MIDWEST ALARM SERVICES	FIRE ALARM MONITORING	118.50
JOHN MONK	JANITORIAL SERVICES	65.00
THE SHOPPER INC.	LIB OFFICE SUPPLIES	581.63
MICHELLE TURNIS	LIB TRAVEL	62.39
	LIBRARY	1,227.23
	LIBRARY	1,227.23
	ROAD USE	
	STREETS	
BEHREND'S CRUSHED STONE	RU STREET MAINTENANCE SUPPLIES	341.74
INNOVATIVE AG SERVICES CO	RU TREE REMOVAL	21.45
IOWA STATE PRISON INDUSTRIES	RU STREET MAINTENANCE SUPPLIES	260.00
J&R SUPPLY INC	RU SUPPLIES	120.00
JOHN DEERE FINANCIAL	RU SUPPLIES	283.38
KIMBALL MIDWEST	RU EQUIP REPAIR/MAINT	57.64
KROMMINGA MOTORS INC	RU EQUIP REPAIR/MAINT	330.00
LAPORTE MOTOR SUPPLY	RU EQUIP REPAIR/MAINT	23.07
MID-IOWA SOLID WASTE EQUIP CO	RU EQUIP REPAIR/MAINT	81.79
MONTICELLO MACHINE SHOP INC	RU SUPPLIES	49.28
L.L. PELLING CO	RU STREET MAINTENANCE SUPPLIES	608.60
DELBERT SHAW	RU EQUIP REPAIR/MAINT	128.84
SNYDER & ASSOCIATES, INC	ENGINEERING FEES	142.50
SPAHN & ROSE LUMBER CO INC	RU SUPPLIES	87.74
THOMPSON TRUCK & TRAILER, INC.	RU EQUIP REPAIR/MAINT	987.57
	STREETS	3,523.60

ACCOUNTS PAYABLE ACTIVITY CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL
	ROAD USE	3,523.60
	TIF PROJECT	
	CAPITAL PROJECTS	
NEXT GENERATION PLBG & HTG LLC	PUBLIC SAFETY BLDG REPAIR	123.69
	CAPITAL PROJECTS	123.69
	TIF PROJECT	123.69
	TRUST/CEMETERY IMPROVEMEN	
	CEMETERY	
ACCENT CONSTRUCTION	CEM IMP PAVING	28,280.00
	CEMETERY	28,280.00
	TRUST/CEMETERY IMPROVEMEN	28,280.00
	BATY DISC GOLF COURSE	
	PARKS	
D&S PORTABLES, INC.	BATY DG PORT-A-POT RENTAL	272.00
JOSH IBEN	WILLOW PARK SIGN PLANTINGS	1,480.00
SPAHN & ROSE LUMBER CO INC	WILLOW SHELTER SIGN BASE	27.93
	PARKS	1,779.93
	BATY DISC GOLF COURSE	1,779.93
	POCKET PARK	
	PARKS	
SPAHN & ROSE LUMBER CO INC	WILLOW PARK SIGN	34.54
	PARKS	34.54
	POCKET PARK	34.54
	WATER	
	WATER	
JAYNE INTLEKOFER	OVERPAYMENT REFUND - HARTWIG	230.65

ACCOUNTS PAYABLE ACTIVITY

CLAIMS REPORT

VENDOR NAME	REFERENCE	VENDOR TOTAL
IOWA ONE CALL	WATER SYSTEM	26.55
J&R SUPPLY INC	WATER METERS	277.72
JOHN DEERE FINANCIAL	WATER SUPPLIES	3.39
SNYDER & ASSOCIATES, INC	ENGINEERING FEES	1,300.00
		<hr/>
	WATER	1,838.31
		<hr/>
	WATER	1,838.31
		<hr/>
	CUSTOMER DEPOSITS	
	WATER	
MARY ANN SIEBELS	WATER DEPOSIT REFUND	22.23
CITY OF MONTICELLO	MAJARUS/BROOKE	637.77
		<hr/>
	WATER	660.00
		<hr/>
	CUSTOMER DEPOSITS	660.00
		<hr/>
	SEWER	
	SEWER	
BAKER PAPER CO INC	SEWER LAB SUPPLIES	59.75
IOWA DEPT OF NATURAL RESOURCES	SEWER NPDES ANNUAL FEE	1,275.00
IOWA ONE CALL	SEWER SYSTEM	26.55
JOHN DEERE FINANCIAL	SEWER EQUIP REPAIR/MAINT	20.07
LASLEY ELECTRIC LLC	SEWER EQUIP REPAIR/MAINT	68.00
MC2, INC.	SEWER EQUIP REPAIR/MAINT	39.07
SNYDER & ASSOCIATES, INC	ENGINEERING FEES	609.33
WATER ENVIRONMENT FEDERATION	SEWER DUES - TJADEN	95.00
		<hr/>
	SEWER	2,192.77
		<hr/>
	SEWER	2,192.77
		<hr/>
	SEWER CAPITAL IMPROVEMENT	
	SEWER	
SNYDER & ASSOCIATES, INC	SEWER FACILITY EVALUATION	4,500.00
		<hr/>
	SEWER	4,500.00
		<hr/>
	SEWER CAPITAL IMPROVEMENT	4,500.00
		<hr/>
	SANITATION	
	SANITATION	

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS REPORT**

VENDOR NAME	REFERENCE	VENDOR TOTAL
REPUBLIC SERVICES	RESIDENTIAL RECYCLING	20,987.85
SPAHN & ROSE LUMBER CO INC	SANITATION SUPPLIES	28.27
		=====
	SANITATION	21,016.12
		=====
	SANITATION	21,016.12
		=====
**** SCHED TOTAL ****		91,385.16
		=====
***** REPORT TOTAL *****		91,385.16
		=====

**ACCOUNTS PAYABLE ACTIVITY
CLAIMS FUND SUMMARY**

FUND FUND NAME		TOTAL
001	GENERAL	21,755.69
005	MONTICELLO BERNDEN CENTER	621.09
016	AMBULANCE	3,332.19
030	LIBRARY IMPROVEMENT	500.00
041	LIBRARY	1,227.23
110	ROAD USE	3,523.60
325	TIF PROJECT	123.69
326	TRUST/CEMETERY IMPROVEMENT	28,280.00
338	BATY DISC GOLF COURSE	1,779.93
375	POCKET PARK	34.54
600	WATER	1,838.31
602	CUSTOMER DEPOSITS	660.00
610	SEWER	2,192.77
613	SEWER CAPITAL IMPROVEMENT	4,500.00
670	SANITATION	21,016.12

City Council Meeting
Prep. Date: 08/01/18
Preparer: Doug Herman



Agenda Item: 1
Agenda Date: 08/06/2018

Communication Page

Agenda Items Description: Resolution to approve Tax Abatement related to property located at 120 Shomont Drive

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

Attachments & Enclosures:

Proposed Resolution

Application

Fiscal Impact:

Budget Line Item:

n/a

Budget Summary:

n/a

Expenditure:

n/a

Revenue:

n/a

Synopsis: Abatement Application filed by Dan and Donna Sauser, owners of home located at 120 Shomont Drive, Monticello.

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

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

The City of Monticello, Iowa

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

RESOLUTION #18-__

**Approving Dan and Donna Sauser Tax
Abatement Application related to Residential Improvements
constructed at 120 Shomont Drive, Monticello, Iowa.**

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

WHEREAS, Dan and Donna Sauser completed and filed an Application for Tax Abatement related to improvements to their home, a Residentially zoned property, located at 120 Shomont Drive, Monticello, Iowa, and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve the Application for Tax Abatement filed by Dan and Donna Sauser as set forth above, consistent with Chapter 10 of the Monticello Code of Ordinances, said Application bearing the date of July 19, 2018 and being signed by Dan Sauser and further directs the Monticello City Clerk to file same with the Jones County Assessor as prescribed by law.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto. Done this 6th day of August, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

APPLICATION FOR TAX ABATEMENT UNDER THE
URBAN REVITALIZATION PLAN FOR

MONTICELLO, IOWA

Date 7-19-18

Prior Approval for
Intended Improvements

☒ Approval of Improvements
Completed

Address of Property: 120 Shomont Drive

Legal Description: _____

Title Holder or Contract Buyer Dan & Donna Sauser

Address of Owner (if different than above): _____

Phone Number (to be reached during the day): (319) 480-4107

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

Proposed Property Use: ☒ Residential ☐ Commercial ☐ Industrial


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

Specify Addition on to the house

Estimated or Actual Date of Completion: July 1, 2015

Estimated or Actual Cost of Improvements: \$400,000

Tax Exemption Schedule is attached.

Signed: 

EXEMPTIONS

Exemption – Commercial and Industrial

All commercial and industrial real estate is eligible to receive a partial exemption from taxation on the assessed value added by the improvements. The exemption is for a period of five (5) years. The amount of the partial exemption is equal to a percent of the assessed value added by the improvements, determined as follows:

- A. For the first year, seventy-five (75) percent.
- B. For the second year, sixty-five (65) percent.
- C. For the third year, fifty-five (55) percent.
- D. For the fourth year, forty-five (45) percent.
- E. For the fifth year, thirty-five (35) percent.

Exemption – Residential

All qualified real estate assessed as residential property is eligible to receive a 100% exemption from taxation on the first seventy-five thousand dollars of assessed value added by the improvements. The exemption is for a period of five years.

City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # 2
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Resolution to approve "Diamond Pi Company" pole sign request.

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

Attachments & Enclosures:

Resolution

Sign design proposal

Aerial of proposed sign location

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Synopsis: The "Diamond Pi Company", formerly "Happy Joe's" has requested permission to re-side the existing Happy Joes pole sign with Diamond Pi Company signage.

Background Information: P & Z will consider "Pole Sign" request prior to the Council meeting and I will share with you their recommendation at the meeting.

- a. According to the City Code all commercial signage is to be designed as a "Monument Sign" (see Section 170.05) *(The sign installed is not a monument sign)*
- b. Sign bases are to be constructed as noted at 170.05 *(The base is not constructed as noted in the Code. Special permission would be required to construct the sign as constructed and that was not requested.)*
- c. Set-back for monument signs is to be 5' unless a lesser setback is approved in advance by the Council. *(This sign, on the fence, is either on the ROW line or across the ROW line and, therefore, in the ROW)*
- d. The signage height and overall sf probably meet Code requirements.
- e. The vertical distance between the sign face and the base shall not be greater than 36" *(I do not know if the sign meets this provision, depends what one calls the base if there is deemed to be one.)*
- f. 170.05 (7) also speaks to the covering of Monument Sign bases. *As the sign we are discussing is not a monument sign it does not meet these provisions.*

If a sign is considered a pole sign it must be separately considered and approved. The consideration of such proposal is supposed to happen in advance of the construction of the sign.

170.06 (1) through (5) sets out pole signage considerations:

1. Requested Signage Height, and appropriateness of necessity of said signage height considering the location and type of business.
2. Other options that would meet the needs of the business.
3. Whether some type of sheathing or covering of the pole can be accomplished to soften or improve the look of what would otherwise be a bare pole(s).
4. Impact proposed signage may have on adjacent or nearby businesses or homes.
5. General appropriateness of signage to area proposed to be erected.

The sign as it currently exists would remain but for the new “faces”. The lights around the sign can be set up to rotate around the sign or be on with no rotation. (One could argue that the “rotating” lights have some historical or retro significance or connection and would, therefore, be a desired element. Eric plans to paint the sign pole and area around the new sign faces as part of the project.

It does appear that the sign lies entirely within the property of the owner, not overhanging or encroaching into the ROW.

Recommendation: I recommend that the Council determine whether or not the pole sign should be allowed and what conditions if any should be imposed.

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution to approve Diamond Pi Company Pole Sign request

WHEREAS, Eric Green, Diamond Pi Company owner, has requested that he be allowed to install replacement faces on existing pole sign at 601 S. Main Street to replace the existing Happy Joe's sign faces at that location, and

WHEREAS, The Planning & Zoning Board has considered the request and has recommended that the pole sign be _____, and

WHEREAS, The City Council finds that the pole sign is located outside of the right-of-way, and is otherwise appropriate / inappropriate

with the further understanding that the owner would be required to obtain a building permit and to construct the sign entirely outside of the ROW.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby _____ of the Pole Sign request with the further understanding that the owner would be required to obtain a building permit and to construct the sign entirely outside of the ROW.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto. Done this 6th day of August, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk

CITY OF MONTICELLO, IOWA
Building Permit Application

Building Permit Property Address: 601 S. Main St, Monticello, IA

Property Owner: Eric Green (51 July 2018)
Mailing Address: 601 S. Main St
City/State/Zip Code: Monticello / IA / 52310
Phone: 319-465-5477

Please identify all known general and sub-contractors that will be working on the project.
(Use separate sheet if more contractors than space allows.)

Contractor:	<u>Dubugre Sign Company</u>	Contractor:	_____
City/State/Zip Code:	<u>Dubugre / IA / 52003</u>	City/State/Zip Code:	_____
Phone:	<u>563-582-1691</u>	Phone:	_____
Contractor:	_____	Contractor:	_____
City/State/Zip Code:	_____	City/State/Zip Code:	_____
Phone:	_____	Phone:	_____
Electrical:	_____	HVAC/Plumbing:	_____
City/State/Zip Code:	_____	City/State/Zip Code:	_____
Phone:	_____	Phone:	_____
License Number	_____	License Number:	_____

Project Description: Changing sign faces

N/A **New Construction Dimensions, if applicable, in square feet:**

Main Level: _____ Basement: _____ Garage: _____ Accessory Building: _____

N/A **If Residential use, is there an In-Home Business planned? Yes / No**

If yes, please provide general description: _____

Will any fencing be erected? Yes / No

If yes, please provide a general description, including desired type of fence, fence height, location on property, etc. _____

Are sump pumps presently installed or intended to be installed in this property? Yes / No

If yes, how many and in what locations? _____

To Whom it May Concern:

I am wanting to change the sign faces of what used to be the Happy Joe's sign. This pole sign is the best route for me to go versus a monument sign or signs on the building. The natural location of a monument sign would be where the current sign is located, but such a sign would then block the sign of MercyCare from most people traveling north on South Main Street as well as having my new sign be blocked from most people traveling south on South Main Street. I do not think that a sign on the front of the building would be a good location because with how close the building is to the street, it may not be noticeable to people driving by. If I were to put a sign on the north side of the building, I would almost have to put one on the south side of the building as well so that people traveling both directions would be able to see a sign.

Because we are open during the evening hours, the sign would be lit during hours of operation for passersby to be able to see it at night. With being surrounded by other commercial establishments, the light should not be a nuisance to those around me either.

When traveling north on South Main Street, the sign is to the right of the sidewalk, so it should be out of the right-of-way.

With both Casey's to the south of me and K food mart to the west having pole signs, mine would not be out of place. There are also numerous other pole signs along South Main Street, along with other pole signs located in town too.

In addition to adding the new faces, we are also painting the sign to give it a fresh look.

I hope this addresses all of your concerns about the new sign faces.

Thank you,
Eric Green

The sign face dimensions would be 10' wide and 5' high



City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # 3
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Resolution to approve E. 1st Street Culvert Removal and Grading project.

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

Attachments & Enclosures:

Resolution

Estimate

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Streets

\$7,500 - \$10,000

Synopsis: Estimate from B & J Hauling & Excavation, Inc. related to swale construction project within disc golf course and removal of culverts under E. 1st Street was provided last meeting. The swale project and rip rap placement near Kitty Creek would require permitting.

Background Information: After giving this problem more consideration it seems that a wise first step would be to remove the problem culverts and grade the area on the south of the E. 1st Street and hold off on the creation of a swale that may not be necessary. In the event there are standing water issues moving forward the Council could re-address the benefit of a swale to drain the area on the south side of E. 1st Street to Kitty Creek. The soils are very sandy in that area and there is some natural drainage and fall towards Kitty Creek.

I have talked to Brian Monk and he agrees that this approach may be a good one to start with and try. If successful we will save a lot of work, effort, dirt moving and placement, etc. We also avoid, by not constructing the swale and placing rip rap in the floodway the need for a permit through the DNR. Total project cost would drop from the originally proposed sum of \$18,000 +/- to somewhere in the \$7,500 to \$10,000 range depending upon the use of City vehicles to haul waste material and the amount of grading involved in the project.

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

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution to Approve E. 1st Street Culvert Removal and Grading Project

WHEREAS, The City of Monticello has received an estimate from B & J Hauling & Excavation, Inc. to remove ineffective culverts under E. 1st Street near the Baty Disc Golf Course and to perform some general grading in the area after the removal of the culverts, and

WHEREAS, The Council originally considered the construction of a swale on the south side of E. 1st Street to drain the area south of the road to Kitty Creek, but finds that the removal of the culverts under E. 1st Street with general grading related thereto may solve the problem and that a swale may be added later should it appear that a need for the swale exists, and

WHEREAS, The Council finds that B & J Excavating should be retained to remove the culverts and to perform associated grading with the City Public Works Dpt. to remove all necessary trees from the project area and to provide employees and trucks as necessary during the project.

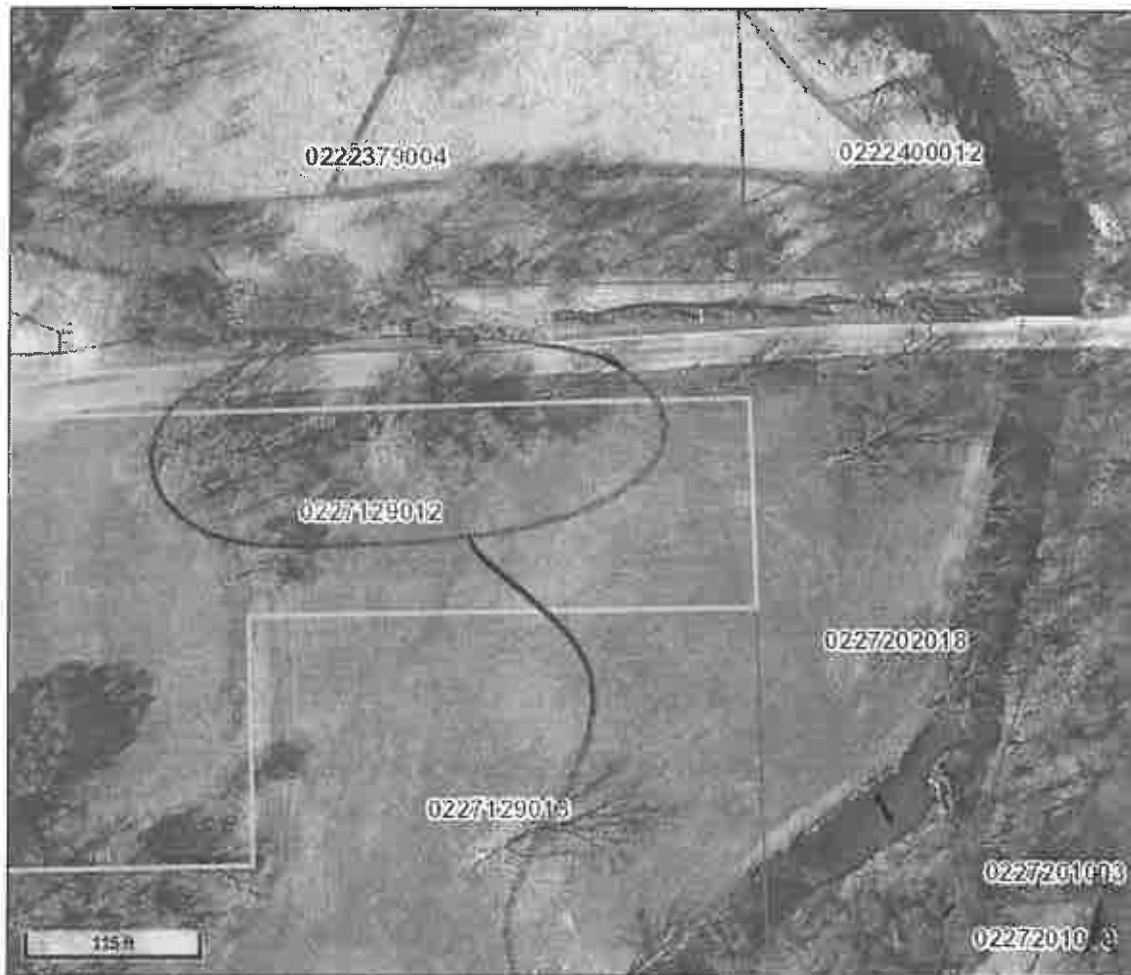
NOW, THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve of the E. 1st Street Culvert Removal and Grading Project

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto.
Done this 6th Day of August, 2018.

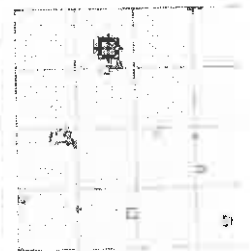
Brian Wolken, Mayor

Attest:

Sally Hinrichsen, Monticello City Clerk



Overview



Legend

- Parcels
- Cartography
- Major Roads

Parcel ID	0227129012	Alternate ID	111200	Owner Address	MONTICELLO, CITY OF
Sec/Twp/Rng	n/a	Class	EX		200 E 1ST ST
Property Address		Acreage	n/a		MONTICELLO IA 52310
District	MONCO				
Brief Tax Description	ENERGY COMPANY PLACE LOT 2				
	(Note: Not to be used on legal documents)				

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

Date created: 8/2/2018
Last Data Uploaded: 8/1/2018 5:31:49 PM

Developed by **Schneider**
GEOSPATIAL

- Many of these trees would come out
- Culverts out + kept by City
- Grading of area S of road.



P. O. Box 226
Monticello, IA 52310

Estimate

Date	Estimate #
7/9/18	1925

Name / Address
City of Monticello. 200 E 1st st. Monticello, Ia 52310

			Project
Description	Qty	Rate	Total
Mobilization	1	1,500.00	1,500.00
Misc dirt work to create a ditch for improved drainage in the area of East 1st Street. (deduct \$4080.00 if City of Monticello Trucks are used)	1	8,540.00	8,540.00
Removal of Twin 36" RCP Pipes. Void to be filled with floodable backfill with earthen plugs. Capped with 3/4 Class A Road stone. Pipe to be removed and remain the property of the City of Monticello.	1	6,520.00	6,520.00
Rip-Rap for a flume at junction of Kitty Creek and new ditch line. Quantity will be billed at placed amount.	96	20.00	1,920.00
		Total	\$18,480.00

City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # 4
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Resolution to approve Pay Request from Eastern Iowa Excavating & Concrete, LLC, in the amount of \$8,430.09 related to the E. 1st Street Water Service Line repairs

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

Attachments & Enclosures:

Resolution and Invoice
PW Director Letter of Explanation
Copy of Monticello Code Sections

Fiscal Impact:

Budget Line Item:
Budget Summary:
Expenditure:
Revenue:

Synopsis: A water leak appeared in front of Cliff Payne's building located at 211 and 213 E. 1st Street. After digging up the leak it was determined to be a leaking service line connection that entered the Payne property

Background Information: At the discovery of the leak Brant spoke with Cliff to let him know that we would bring in a contractor to explore the genesis of the leak and that if it was determined to be tied to his building service lines that he would be invoiced for the costs of repair. (See Brant's letter attached hereto for details.)

Chapter 90.08 of the Code is also attached. This Code section places responsibility for the installation and maintenance of the service line, from the main to the lot, on the property owner.

The purpose of this Resolution is to approve payment of the invoice and to verify that the property owner should be invoiced for the full amount of the invoice consistent with the City Code and prior practices.

Mr. Payne has been provided a copy of this Communication page and attachments.

Recommendation: I recommend that the Council approve payment of the invoice and give direction on the invoicing of costs to the property owner.

The City of Monticello, Iowa

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

RESOLUTION #18-__

Approving Pay Request from Eastern Iowa Excavating & Concrete, LLC, in the amount of \$8,430.09 related to the E. 1st Street Water Service Line repairs.

- 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 repairs to what was determined to be a leaking abandoned service line entering the property located at 211 E. 1st Street, and
- WHEREAS,** Eastern Iowa's pay request associated with the repairs totals \$8,430.09, and
- WHEREAS,** The City Public Works Director has reviewed the invoice and finds it to be consistent with the work performed by the Contractor and recommends that it be paid, and
- WHEREAS,** The PW Director requests verification that, consistent with Iowa Code Section 90.08, the property owner should be invoiced in full for the costs of this repair based upon the repair being solely tied to a service line entering the property of the owner.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve the pay request submitted by Eastern Iowa Excavating & Concrete, Inc. in the amount of \$8,430.09 and directs the Public Works Director to invoice the property owner, Cliff Payne, in the amount of \$_____.

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 6th day of August, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, City Clerk

To: Mayor and Council

From: Brant LaGrange
City of Monticello Public Works Director

Re: Downtown water leak repair 6.4.18

Date: August 2, 2018

I was made aware of what appeared to be a water main / service line leak on Monday June, 4 2018 along the north edge of Hwy 38 in the vicinity of 211/213 E. 1st St. Water was seeping out between cracks in the sidewalk the backside of the curb, where it meets the sidewalk. The greatest flow of water or "leakage" was noted in the basement of Cliffs TV & Repair, where water appeared to be leaking through the wall and potentially through the floor.

All water leaks are unique, sometimes difficult to pinpoint and not always a straight forward repair. This leak was unique in that the water was migrating up through an area where no water main was present no service connection was visible. I discussed what was observed with Cliff Payne and informed him that the City Code provided that service line connections were the responsibility of the private property owner, from the main in to the building.(Monticello Code Section 90.08 that states:

"The customer shall install and maintain at its expense that portion of the service line from the main to the lot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain at the customer's expense that portion of the service from said lot or easement line to the customer's premises, including a stop and waste cock at the end of the house side of the customer's service."

At that point I made the decision to hire a contractor, as opposed to having City staff try to dig and locate the leak, **as** they would have the proper equipment and labor to handle the repair properly and timely due to its' location in and/or adjacent to Hwy 38. The contractor was scheduled to arrive on June 5th, the following morning and locates were called in.

On Tuesday 6.5.18 the street above the city water main was opened up. We immediately determined that the leak was not tied to the water main as water was migrating back to the main from under the sidewalk. Upon further investigation an abandoned water service was located behind a back panel/cubby hole in the Payne building, under the "Penny Pincher", 211

E. 1st St. We were able to trace that service back to a service tap on the side of the main. The service determined to be leaking had been turned off at the curb stop but was never turned off at the main and capped. The box that is required on the curb stop was not present. After turning the service off at the main the water that had been migrating from under the sidewalk stopped. It is clear that the curb stop had failed/developed a leak and once the flow from the main to the curb stop was stopped the leak stopped. Based on that determination we did not tear out the sidewalk to access the old curb stop as it was unnecessary to do so and to do so would only have added to the expense of this project.

While this service line was no longer providing water to the property it clearly entered the property and had at some point been abandoned by the property owner with a new service line having been installed. Under the City Code it appears that the service line, abandoned or not, is the responsibility of the property owner. The purpose of this letter is to verify that the Council is in agreement with that position.

Sincerely,

Brant LaGrange
Director of Public Works

remain in force and must be executed for a minimum period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of surety bond, the deposit of \$150.00 cash with the Clerk for each connection or opening into the waterworks system shall be allowed and held by the Clerk for a reasonable time for any damage the City may suffer arising out of the unskillfulness or negligence in connection with the plumbing or waterworks.

90.06 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.07 TAPPING MAINS. All taps and connections to the mains of the City shall be made by and/or under the direction and supervision of the waterworks personnel and in accordance with the provisions of this chapter.

90.08 RESPONSIBILITY FOR SERVICE LINE. The customer shall install and maintain at its expense that portion of the service line from the main to the lot or easement line, including the necessary tap, fittings and shut-off valve; and the customer shall install and maintain at the customer's expense that portion of the service from said lot or easement line to the customer's premises, including a stop and waste cock at the end of the house side of the customer's service. The minimum earth cover of the customer's service shall be five (5) feet. The City shall determine the size and kind of service to be installed. Any

CHAPTER 90

WATER SERVICE SYSTEM

person or owner of land who shall install any water system fixture described in these water service system chapters shall comply with the requirements of these chapters and with the utilities specifications for water mains adopted by the City and on file at City Hall.

90.09 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the utility is discontinued or interrupted for any reason, with or without notice.

90.10 RIGHT OF ENTRY. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by duly authorized employees of the City.

90.11 SPECIAL TERMS OF USE. Special terms and conditions may be made where water is used by the City or community for public purposes such as fire extinguishment, public parks, etc.

90.12 SERVICE INTERRUPTIONS. The City shall make all reasonable



Eastern Iowa
**EXCAVATING &
CONCRETE, LLC**
CASCADE, IOWA

121 Nixon Street SE
PO Box 189
Cascade, IA 52033-0189

Office 563-852-5120
Fax 563-852-6020

Bill To:

CITY OF MONTICELLO
200 EAST FIRST STREET
MONTICELLO, IA 52310

INVOICE

Invoice Number: 2003

Invoice Date: Jul 20, 2018

Page: 1

Customer ID		Customer PO		Payment Terms	
ci600				Net 20 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
					8/9/18
Quantity	Item	Description	Unit Price	Amount	
1.00		1ST ST. WATER MAIN BREAK 6/5/18			
		LABOR & EQUIPMENT CORE OUT	4,015.50	4,015.50	
		PATCH 14 X 7 MAKE REPAIRS			
1.00		MATERIALS - CLASS A STONE,	4,414.59	4,414.59	
		FLOWABLE MORTAR, HMA PATCH,			
		TRAFFIC CONTROL			
Subtotal				8,430.09	
Sales Tax					
Total Invoice Amount				8,430.09	
Payment/Credit Applied					
TOTAL				8,430.09	

Check/Credit Memo No:

Overdue invoices are subject to 1.5% Late charges.

City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # 5
Agenda Date: 08/06/18

Communication Page

Agenda Item Description: Resolution to approve payment for "contract rock" installation on 190th Street at request of County Engineer's Office.

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

Attachments & Enclosures:

Resolution
Resolution 16-40 and Agreement with County
Aerial showing City and County portion of 190 th

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Road Use

\$12,841.70

Synopsis: County Engineer's Office requests that City pay for "contract rock" application on 190th Street. (Approximate \$9,500)

Background Information: The City and the County entered into an agreement related to road maintenance on or about April 4, 2016, same being approved by City Council Resolution #16-40. The agreement dealt with road maintenance, including snow removal, and outlined which roads the City would be responsible for and which ones the County would be responsible for from a snow removal and maintenance standpoint. The agreement provides that the City will pay to contract rock 190th street biennially. The City paid for the contract rocking of 190th Street in 2016, denied the County request to pay for contract rock again in 2017, and has now been invoiced for contract rock placement in 2018.

The contract rock invoice to the City in 2016 totaled	\$ 6,967.12
The contract rock invoice at this time, for 2018 totals	\$12,841.70

Over the last number of months I have had discussions with the County Engineer, the Board of Supervisors (on one occasion) and the Council on a couple of occasions. I recommended that changes be made to the agreement from a snow removal standpoint, based upon annexations and severances that had occurred since the agreement was approved, and Derek proposed changes to the County obligations under the agreement, eliminating sign replacement on City areas of the road as well as eliminating their obligation to place rock on the road as needed between contract rock cycles. Although Derek and I have talked of changes neither of us can change the agreement without the approval of the Board or the Council which has not occurred. For that reason the agreement as written still stands. I

also learned that the County is receiving “Farm to Market” money related to nearly all of 190th Street, including all those portions of 190th Street where the City and County share jurisdiction.

I have set out a series of e-mails between Derek and I below where I addressed the significant increase in costs from 2016 to 2018. While the agreement stands, I am concerned with Dereks willingness to follow the agreement with regard to rock placement other than contract rock placement. Derek has been very unwilling to assist in the calculation of an estimated or average total of County investment in 190th Street even when it was suggested that he do so by a Board member. Because he suggested in an earlier e-mail that he did not want to agree to the placement of granular materials as needed I asked the following question:

It would be nice to have a feel for the level of rocking between contract rock years and your plans to place rock on the road in the coming year, before the next contract rock season

Derek’s response was as follows:

If you could tell me how much it is going to snow or how wet the spring is going to be then I can give you a better idea on how much rock we will place between contract rock placements.

Clearly I recognize that there can be some fluctuation, however, he has been very recalcitrant in his response or lack thereof to questions intended to gauge the fairness of the current agreement.

Staff Recommendation: I recommend that the Council consider the request and take appropriate action.

From: Doug Herman
Sent: Friday, July 13, 2018 2:34 PM
To: Derek Snead
Subject: 190th Street Invoice

Derek:

I recently received the contract rock invoice. When we last paid to contract rock 190th the total amount paid was \$6,967.12, which was, as I recall for the materials alone (delivered by quarry to site as I recall) with no additional fees. The current invoice from Jones County comes in at \$12,841.70, for “labor, equipment and material costs”. Can you provide me with the “material” invoices showing the total unit quantity of 1284.17 tons and also provide a breakdown of any additional fees you have included in this invoice that were not included in the 2016 invoice?

Lastly, is it your position that the original agreement still stands and the County will over the next year be spot rocking as needed and repairing / replacing any and all signs that need attention, whether in the City limits or not or is your position that we do not currently have an agreement and are in the process of discussing / negotiating a new one? Depending upon the timing of your feedback I will either get this invoice on the agenda for consideration by the Council on Monday the 16th or Monday August 6th.

Thanks

Douglas D. Herman

From: Doug Herman
Sent: Tuesday, July 17, 2018 9:17 AM
To: Derek Snead
Subject: RE: 190th Street Invoice

Derek:

Thanks for the voicemail, sorry I was out of the office when you called. Based upon the contents of your message I will inform the City Council that we are being billed for "identical" items/service as last year, just at a significantly increased quantity of material, increasing the cost from under \$7,000 to almost \$13,000. Is it fair to assume that much of the increase is tied to limited rock placement between the two contract rocking periods and your stated intent to not add rock to the road until the next contract rock period? Thanks again for the clarification and I will present this invoice to the Council for consideration at the next Council meeting.

Douglas D. Herman

From: Doug Herman [<mailto:dherman@ci.monticello.ia.us>]
Sent: Tuesday, July 17, 2018 3:41 PM
To: Derek Snead
Subject: RE: 190th Street Invoice

Derek:

I just received your voicemail. I have been at the Fairgrounds volunteering today. I spoke with Dave Goedken while at the Fair and understand that some of the increased cost was likely tied to increase costs of raw materials. It would be nice to have a feel for the level of rocking between contract rock years and your plans to place rock on the road in the coming year, before the next contract rock season. I will be unavailable the balance of the afternoon, please shoot me an e-mail with any comments or questions.

Douglas D. Herman

From: Derek Snead
Sent: Tuesday, July 17, 2018 4:10 PM
To: Doug Herman <dherman@ci.monticello.ia.us>
Subject: RE: 190th Street Invoice

Doug,

Contract rock two years ago was at \$7.50/ton. This year the bid amount increased to \$10.00/ton. The increase in unit price bid is the sole reason for the increased invoice. In 2016 we contracted for 500 tons per mile just as we had done this year. 500 tons per mile is typical of a roadway with this amount of traffic and top width. If you could tell me how much it is going to snow or how wet the spring is going to be then I can give you a better idea on how much rock we will place between contract rock placements. Are you still planning on revising our current agreement? De-annexing portions of that roadway?

Derek Snead, PE
Jones County Engineer
(319) 462-3785

The City of Monticello, Iowa

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

RESOLUTION #18-__

**Resolution to approve payment for "Contract Rock" installation on
190th Street at the request of County Engineer's Office**

WHEREAS, Jones County Engineer's Office has requested that the City of Monticello reimburse the County for contract rock placement on 190th Street, and

WHEREAS, Pursuant to a previously approved agreement between the City and the County the City agreed to pay for contract rock on an every other year basis, paying \$6,697.12 for contract rock in 2016 and receiving a request for contract rock reimbursement for 2018 in the amount of \$12,841.70, and

WHEREAS, The City has considered the request and finds that same should be approved and directs that payment be made to the County Secondary Roads Department in the amount of \$12,841.70.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve payment to the County Secondary Roads Department in the amount of \$12,841.70 in reimbursement for contract rock on 190th Street pursuant to the past agreement of the parties.

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 6th day of August, 2018.

Brian Wolklen, Mayor

Attest:

Sally Hinrichsen, City Clerk

Invoice sent per the terms of the City of Monticello and Jones County Winter Maintenance Agreement resolved on the 14th day of March, 2016.

City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # 6
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Resolution to approve submission of ballot measure to the County Auditor to increase the Hotel / Motel tax rate from 5% to 7%, same to be placed on the November, 2018

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

Attachments & Enclosures:

Proposed Resolution

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Synopsis: Proposed amendment to Hotel/Motel Tax Rate from 5% to 7%.

Background Information: The City Council previously suggested concurrence with the plan to seek an increase in the Hotel/Motel tax from 5% to 7%. My research, a few months ago, disclosed that of all the hotel / motel tax rates in Iowa 151 were at 7%, 1 was at 6%, 5 were at 5%, and 1 was at 4%.

Current owners of the Boulders Hotel that I have spoken with support the proposed increase.

Revenues at the 5% rate for Calendar Year 2018 are as follows: Total: \$17,467.75

1st Quarter FY 18	2nd Quarter FY18	3rd Quarter FY18	4th Quarter FY18
\$6,437.15	\$4,060.50	\$2,770.10	\$4,200 (Estimate)

If the tax rate had been 7%: Total: \$24,454.85

1st Quarter FY18	2nd Quarter FY18	3rd Quarter FY18	4th Quarter FY18
\$9,012.01	\$5,684.70	\$3,878.14	\$5,880.00

While we anticipate a continued increase in occupancy rates, at current rates, an increase would have generated an additional tax in the amount of \$7,000 +/-

Recommendation: I recommend that the Council approve the proposed resolution and ask the Auditor to place this issue on the November, 2018 ballot, with an effective implementation date of January 1, 2019

The City of Monticello, Iowa

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

RESOLUTION #18-__

Resolution proposing the implementation of an increase in the City of Monticello Hotel/Motel tax from five percent (5%) to seven percent (7%) and authorizing the submission of the proposed increase to a general election of the City of Monticello, Iowa electorate

WHEREAS, Chapter 423A of the Iowa Code authorizes a City to impose by Ordinance a hotel/motel tax at a rate not to exceed seven percent (7%) within its boundaries, and

WHEREAS, The Iowa Code only allows the imposition of a hotel/motel tax, or in this case an increase in the previously approved hotel/motel tax, after an election at which a majority of those voting on the question favor the proposed increase of said tax, and

WHEREAS, The City Council for the City of Monticello, Iowa, after discussion and review, finds it to be in the best interest of the City to increase the current hotel/motel tax rate, previously approved by the electorate, from five percent (5%) to seven percent (7%), said increased rate of seven percent (7%) to be applied and/or to commence on January 1, 2019, and

WHEREAS, The City Council recognizes the obligation of the City, as set out in the Iowa Code, to designate fifty percent (50%) of the taxes generated from said tax for the acquisition of sites for, or construction, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those facilities, or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those purposes and/or facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas, with the remaining fifty percent (50%) to be used for any City operations authorized by law as a proper purpose for the expenditure, within statutory limitations, of City revenues derived from ad valorem taxes.

NOW THEREFORE, BE IT RESOLVED that the City Council of Monticello, Iowa does hereby approve the following and authorize the following:

1. The City of Monticello, Iowa shall hereby submit to the electors of the City, at the next regular general election, the question whether or not the City should increase the hotel/motel tax from five percent (5%) to seven percent (7%), consistent with the following proposed ballot language:

Shall the City of Monticello adopt by Ordinance an increase in the current hotel/motel tax in the City of Monticello from the current rate of five percent (5%) to the increased rate of seven percent (7%), said increase to be implemented and effective as of and including the 1st day of January, 2019, with the revenue derived therefrom to be used for those purposes permitted by Chapter 423A of the Iowa Code.

2. If approved, the City of Monticello shall designate the funds generated from such a hotel/motel tax to be disbursed on the basis of fifty percent (50%) for the acquisition of sites for, or construction, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those facilities, or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those purposes and/or facilities; or for the promotion and encouragement of tourist and convention business in the City and surrounding areas, with the remaining fifty percent (50%) to be used for any City operations authorized by law as a proper purpose for the expenditure, within statutory limitations, of City revenues derived from ad valorem taxes.
3. That the City Clerk-Treasurer and the Mayor are hereby directed to take those steps necessary to place this proposition before the electors of said City during the November 6, 2018 general election.

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 6th day of August, 2018.

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 08/02/18
Preparer: Doug Herman



Agenda Item: # **7**
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Resolution to approve Amendment #1 to Snyder & Associates Standard Consultant Contract for the East 1st Street Bridge Replacement Project

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

Attachments & Enclosures:

Resolution

Amendment #1

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Synopsis: Proposed amendment to agreement between City and Snyder related to additional improvements near the E. 1st Street Bridge.

Background Information: The additional scope includes extending the project time period (from May 15, of 2018 to May 31, 2019), additional SWPPP monitoring for the extended construction period and adding additional concrete construction and observation for the project. The additional time is related to the work that was completed this spring, the additional concrete work that is being added and the time for the final project audit. The construction engineering budget (excluding the contingency which is not authorized for use at this time) would be increased from \$108,207 to \$126,237 with approval of the amendment. This is a net increase of \$18,030. The net increase includes \$8,099 for Terracon testing (some of which was previously completed). Therefore the amendment adds \$9,931 for Snyder & Associates to complete the additional services.

With the Council's approval tonight the agreement would then move on to the DOT for their consideration and approval. The proposed amendment authorizes me to sign the amendment without further action after our receipt of the DOT approval so long as any DOT proposed amendments to the supplemental agreement are minor and non-substantive in nature. The Resolution also authorizes the approval of the change order once completed and approved by Snyder & Associates. The estimated additional project cost, not including engineering as noted above, is estimated to be less than or equal to \$50,000. All additional costs, engineering and construction, will be split 80% Federal Bridge Funding and 20% City of Monticello.

Recommendation: I recommend that the Council approve the proposed resolution based upon past Council directives to move forward with these final improvements.

THE CITY OF MONTICELLO, IOWA

RESOLUTION #18-__

Resolution to approve Amendment #1 to Snyder & Associates Standard Consultant Contract for the East 1st Street Bridge Replacement Project

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

WHEREAS, The City Council previously determined it appropriate to proceed with the reconstruction of the E. 1st Street Bridge, utilizing Federal Bridge funding, with an 80% Federal share and 20% City share, and

WHEREAS, While the bridge project is largely completed, additional improvements or modifications to the project area have been identifies as being both necessary and appropriate and eligible for the aforementioned 80/20 cost share, and

WHEREAS, The City Engineer has proposed an amendment to the current Consultant Contract authorizing Snyder to complete the Construction Services as described within Amendment #1 to the Standard Consultant Contract, and

WHEREAS, The amendment must also be approved by the IDOT, and

WHEREAS, The City Council finds the amendment to be appropriate and in the best interests of the City, and further finds that the City Administrator should be authorized to execute same once approved by the IDOT so long as there are no substantive changes to the agreement by the IDOT after reviewing it and further finds that the City Administrator should be permitted to approve the Change Order related to said additional improvements once same have been approved by Snyder & Associates and the IDOT.

NOW THEREFORE BE IT RESOLVED by the City of Monticello, through its' City Council, in session this 6th day of August, 2018, that the proposed Amendment #1 to the Snyder & Associates Standard Consultant Contract for the East 1st Street Bridge Replacement Project is hereby approved and the City Administrator is authorized to execute said amendment on behalf of the City Council after its' approval by the IDOT so long as the IDOT approved version is substantially similar to the proposed Amendment / Agreement as currently drafted, and the City Administrator is further authorized to approve the Change Order for the work to be performed once prepared and approved Snyder & Associates.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 18th day of April, 2016.

Dena Himes, Mayor

Attest:

Sally Hinrichsen, City Clerk

Amendment No. 1 to Standard Consultant Contract
For Local Public Agency Consultant Contracts with Federal-aid Participation

This **AGREEMENT**, made as of the date of the last party's signature below, is by and

BETWEEN the City of Monticello, the **Owner**, located at:

200 East First Street
Monticello, IA 52310
Phone: (319) 465-3577

and Snyder & Associates, Inc., the **Consultant**, located at:

5005 Bowling Street SW
Suite A
Cedar Rapids, IA 52404
Phone: (319) 362-9394

For the following Project: Monticello, Iowa East 1st Street Bridge Replacement

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Attachment C-1 – Cost Analysis Worksheet

Attachment I – Subconsultant Scope and Budget

ARTICLE 1 INITIAL INFORMATION

This Agreement is based on the following information and assumptions.

1.1 Project Parameters

No changes.

1.2 Financial Parameters

1.2.1 Amount of the **Owner's** budget for the **Consultant's** compensation is:
\$136,836.00 Construction Engineering

1.2.2 Amount of the **Consultant's** budget for the subconsultants' compensation is:
\$8,099.00 for Construction Engineering

1.2.3. No changes.

1.3 Project Team

1.3.1 No changes.

1.3.2 No Changes.

1.3.3 The subconsultants retained at the **Consultant's** expense are identified in the following table:

<u>Subconsultant</u>	<u>Amount Authorized</u>	<u>Maximum Amount Payable</u>	<u>Method of Payment</u>
Terracon Consultants, Inc.	\$8,099.00	\$8,099.00	Unit Price

1.4 Time Parameters – Terracon Consultant, Inc. shall begin work associated with this Amendment on August 1, 2017

Modify 1.4.2.3 – Completion of all work under this agreement shall be on or before May 31, 2019 unless extended by written approval of the **Contract Administrator** or adjusted by supplemental agreement.

1.5 Prequalification - No changes.

ARTICLE 2 ENTIRE AGREEMENT, REQUIRED GUIDANCE AND APPLICABLE LAW

2.1 Entire Agreement of the Parties - No changes.

2.2 Required Guidance - No changes.

2.3 Applicable Law - No changes.

ARTICLE 3 FORM OF COMPENSATION

3.1 Method of Reimbursement for the Consultant – See revised Attachment C & Attachment C-1 herein.

3.2 Subconsultant's Responsibilities for Reimbursement - No changes.

ARTICLE 4 TERMS AND CONDITIONS

- 4.1 Ownership of Engineering Documents - No changes.**
- 4.2 Subconsultant Contract Provisions and Flow Down - No changes.**
- 4.3 Consultant's Endorsement on Plans - No changes.**
- 4.4 Progress Meetings - No changes.**
- 4.5 Additional Documents - No changes.**
- 4.6 Revision of Work Product - No changes.**
- 4.7 Extra Work - No changes.**
- 4.8 Extension of Time - No changes.**
- 4.9 Responsibility for Claims and Liability - No changes.**
- 4.10 Current and Former Agency Employees - No changes.**
- 4.11 Suspension of Work under this Agreement - No changes.**
- 4.12 Termination of Agreement - No changes.**
- 4.13 Right to Set-off - No changes.**
- 4.14 Assignment or Transfer - No changes.**
- 4.15 Access to Records - No changes.**
- 4.16 Iowa DOT and FHWA Participation - No changes.**
- 4.17 Nondiscrimination Requirements - No changes.**
- 4.18 Compliance with Title 49, Code of Federal Regulations, Part 26 - No changes.**
- 4.19 Severability - No changes.**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officials thereunto duly authorized as of the dates below.

SNYDER & ASSOCIATES, INC.

By _____

Date: _____

Lindsay R. Beaman, P.E.
Business Unit Leader

ATTEST:

By _____

Date: _____

CITY OF MONTICELLO

By _____

Date: _____

Brian Wolken
Mayor, City of Monticello

IOWA DEPARTMENT OF TRANSPORTATION

Accepted for FHWA Authorization*

By _____

Date: _____

Name _____

Title _____

* The Iowa DOT is not a party to this agreement. However, by signing this agreement, the Iowa DOT is indicating the work proposed under this Agreement is acceptable for FHWA authorization of Federal funds.

ATTACHMENT A
Scope of Services

MONTICELLO, IOWA EAST 1ST STREET BRIDGE REPLACEMENT

The scope of services to be performed by the CONSULTANT shall be completed in accordance with generally accepted standards of practice and shall include the services and supplies to complete the following tasks.

- I. **Project Administration** - No changes.
- II. **Preliminary Engineering Services** - No changes.
- III. **Bid Period Assistance** – No changes.
- IV. **Construction Engineering Services**
 - ADD 12.** – Expanding the scope of services to include additional paved shoulder and curb & gutter.
 - ADD 13.** – Extending the time to complete the construction into the fall of 2018.
 - ADD 14.** – Extending the SWPPP monitoring into 2018.
 - ADD 15.** – Extending the time period to complete the expanded scope for the construction engineering services.
- V. **Additional Services** – No changes.

ATTACHMENT C (referenced from 3.1)
Fixed Overhead Rate

3.1.1 FEES AND PAYMENTS

- 3.1.1.1 Fees.** For full and complete compensation of all work, materials, and services furnished under the terms of this Agreement, the **Consultant** shall be paid fees in the amounts of the **Consultant's** actual cost plus applicable fixed fee amount. The **Consultant's** actual costs shall include payments to any subconsultants. The estimated actual costs and fixed fee are shown below and are itemized in Attachment H. Subconsultant costs are not available for use by the prime **Consultant** or other subconsultants. A contingency amount has been established to provide for actual costs that exceed those estimated.

Preliminary Engineering

Estimated Actual Costs (Prime only)	\$ 61,798.00
Fixed Fee (Prime only)	\$ 7,326.00
Contingency (Prime only)	\$ 6,180.00
Total Prime Consultant Costs	\$ 75,304.00
Consulting Archaeological Services	\$ 750.00
J+M Civil Design LLC.	\$ 5,616.40
Total Subconsultant Costs	\$ 6,366.40
Maximum Amount Payable, PE Subtotal	\$ 81,670.40

Construction Engineering

Estimated Actual Costs (Prime only)	\$ 105,988.00
Fixed Fee (Prime only)	\$ 12,150.00
Contingency (Prime only)	\$ 10,599.00
Total Prime Consultant Costs	\$ 128,737.00
Terracon Consultants, Inc.	\$ 8,099.00
Maximum Amount Payable, CE Subtotal	\$ 136,836.00
Maximum Amount Payable, Total	\$ 218,506.40

The nature of engineering services is such that actual costs are not completely determinate. Therefore, the **Consultant** shall establish a procedure for comparing the actual costs incurred during the performance of the work to the estimated actual costs listed above. The procedure will itemize prime consultant and subconsultant costs in association with each scoped task. The purpose is to monitor these two elements and thus provide for early identification of any potential for the actual costs exceeding the estimated actual costs. The procedure shall be used in a way that will allow enough lead time to execute the paragraphs below without interrupting the work schedule. Therefore once the accrued labor costs for a scoped task reach 85% of the estimated value for the prime or subconsultant, then the **Consultant** shall notify the **Owner** in writing.

It is possible that the **Consultant's** costs for the scoped tasks may need to exceed those shown in Attachment C-1. The **Consultant's** and subconsultants' costs for scoped tasks shall not be exceeded without prior written authorization from the **Contract Administrator** and concurrence from the Iowa DOT. Costs for scoped tasks that exceed estimated costs, if approved by the **Contract Administrator**, may be compensated via Supplemental Agreement, Work Order, Amendment, or Contingency as detailed in the paragraphs below. If the **Consultant** exceeds the estimated costs for scoped tasks for any reason (other than that covered in Section 3.1.1.2) before the **Contract Administrator** is notified in writing, the **Owner** will have the right, at its discretion, to deny compensation for that amount.

The fixed fee amount will not be changed unless there is a substantial reduction or increase in scope, character, or complexity of the services covered by this Agreement or the time schedule is changed by the **Owner**. The adjustment to fixed fee will consider both cumulative and aggregate changes in scope, character, or complexity of the services. Any change in the fixed fee amount will be made by a Supplemental Agreement, Work Order, or Amendment.

If a contingency has been established and at any time during the work the **Consultant** determines that its actual costs will exceed the estimated actual costs, thus necessitating the use of a contingency amount, it will promptly so notify the **Contract Administrator** in writing and describe what costs are causing the overrun and the reason. The **Consultant** shall not exceed the estimated actual costs without the prior written approval of the **Contract Administrator** and concurrence of the Iowa DOT. The **Owner** or the Iowa DOT may audit the **Consultant's** cost records prior to authorizing the use of a contingency amount.

The maximum amount payable will not be changed except for a change in the scope. If at any time it is determined that a maximum amount payable will be or has been exceeded, the **Consultant** shall immediately so notify the **Contract Administrator** in writing. The maximum amount payable shall be changed by a Supplemental Agreement, Work Order, or Amendment, or this Agreement will be terminated as identified in Article 4.12.3. The **Owner** may audit the **Consultant's** cost records prior to making a decision whether or not to increase the maximum amount payable.

3.1.1.2 Reimbursable Costs. Reimbursable costs are the actual costs incurred by the **Consultant** which are attributable to the specific work covered by this Agreement and allowable under the provisions of the Code of Federal Regulations (CFR), Title 48, Federal Acquisition Regulations System, Subchapter E., Part 30 (when applicable), and Part 31, Section 31.105 and Subpart 31.2. In addition to Title 48 requirements, for meals to be eligible for reimbursement, an overnight stay will be required. The Title 48 requirements include the following:

1. Salaries of the employees for time directly chargeable to work covered by the Agreement, and salaries of principals for time they are productively engaged in work necessary to fulfill the terms of the Agreement.
2. Direct non-salary costs incurred in fulfilling the terms of this Agreement. The **Consultant** will be required to submit a detailed listing of direct non-salary costs incurred and certify that such costs are not included in overhead expense pool. These costs may include travel and subsistence, reproductions, computer charges and materials and supplies.
3. The indirect costs (salary-related expenses and general overhead costs) to the extent that they are properly allowable to the work covered by this Agreement. The **Consultant** has submitted to the **Owner** the following indirect costs as percentages of direct salary costs to be used for the duration of the contract: Salary-related expenses are 79.20% of direct salary costs and general overhead costs are 87.16% of direct salary costs, for a composite rate of 166.36%.

3.1.1.3 Premium Overtime Pay. Premium overtime pay (pay over normal hourly pay) will not be allowed without written authorization from the **Contract Administrator**. If allowed, premium overtime pay shall not exceed 2 percent of the total direct salary cost without written authorization from the **Contract Administrator**.

3.1.1.4 Payments. Monthly payments shall be made based on the work completed and substantiated by monthly progress reports. The report shall indicate the direct and indirect costs associated with the work completed during the month. The **Contract Administrator** will check such progress reports and payment will be made for the direct non-salary costs and salary and indirect costs during said month, plus a portion of the fixed fee. The **Owner** shall retain from each monthly payment for construction inspection or construction administration services 5 % of the amount due. Fixed fee will be calculated and progressively invoiced based on actual costs incurred for the current billing cycle. Each invoice shall be accompanied with a monthly progress report which details the tasks invoiced, estimated tasks to be billed on the next invoice, and any other contract tracking information.

Invoices shall clearly identify the beginning and ending dates of the prime's and subconsultant's billing cycles. All direct and indirect costs incurred during the billing cycle shall be invoiced. Costs incurred from prior billing cycles and previously not billed, will not be allowed for reimbursement unless approved by the **Contract Administrator**.

Upon delivery and acceptance of all work contemplated under this Agreement, the **Consultant** shall submit one complete invoice statement of costs incurred and amounts earned. Payment of 100% of the total cost claimed, inclusive of retainage, if applicable, will be made upon receipt and review of such claim. Final audit will determine correctness of all invoiced costs and final payment will be based upon this audit. The **Consultant** agrees to reimburse the **Owner** for possible overpayment determined by final audit.

ATTACHMENT C-1
PAGE 1 OF 1
COST ANALYSIS
CONSTRUCTION ENGINEERING

East 1st Street Bridge Replacment
SNYDER & ASSOCIATES, INC.

<u>I. Direct Labor Cost</u>				
Senior Engineer	0 hours	@	\$59.13	\$0.00
Engineer V	246 hours	@	\$39.28	\$9,662.88
Principal Engineer II	0 hours	@	\$75.48	\$0.00
Engineer VIII	0 hours	@	\$46.32	\$0.00
Engineer II	0 hours	@	\$27.94	\$0.00
Engineer I	105 hours	@	\$23.79	\$2,497.95
Lead Technician	0 hours	@	\$40.38	\$0.00
Technician VII	860 hours	@	\$29.05	\$24,983.00
Technician IV	32 hours	@	\$21.84	\$698.88
Administrative II	8 hours	@	\$21.29	\$170.32
Total Direct Labor (Rounded)				\$38,013.00
<u>II. Payroll Burden & Overhead Cost</u>				
General & Administrative Overhead (166.36%)				\$63,238.00
<u>III. Direct Project Expenses</u>				
Mileage	8772.0 Miles	@	\$0.540	\$4,737.00
Mailings				\$0.00
Total Direct Expenses				\$4,737.00
<u>IV. Subconsultant Expense</u>				
Total Direct Labor & Overhead				
J+M Civil Design LLC				\$0.00
Consulting Archaeological Services				\$0.00
Terracon Consultants, Inc.				\$8,099.00
Total Subconsultant Expenses				\$8,099.00
<u>V. Estimated Actual Costs</u>				
(I+II+III+IV)				\$114,087.00
<u>VI. Fixed Fee</u>				
12.00% x (I+II)				\$12,150.00
<u>VII. Contingency</u>				
10.00% x (I+II+III)				\$10,599.00
<u>VIII. Fixed Overhead Rate - Total Fee</u>				
(V+VI+VII)				\$136,836.00
(Maximum Amount Payable)				

City Council Meeting
Prep. Date: 08/01/18
Preparer: Doug Herman



Agenda Item: # 8
Agenda Date: 08/06/18

Communication Page

Agenda Items Description: Ordinance to Amend Chapter 122, Peddlers, Solicitors, and Transient Merchants

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: Due to changes in the State Code with regard to fireworks sales we may want to consider amendments to our Transient Merchant Code.

Background Information: The relationship between the State Code and Local Ordinances is not a decided issue. There is pending litigation and Cities have taken many different stances. At this point there are two merchants who fit the definition of "Transient Merchant" under our Code that wish to sell fireworks out of temp. structures (tents) near Fareway and near Karde's 151. They have both agreed to complete our Application and to file the required paperwork, however, both have taken issue with the fees provided within the Code. (They now pay a State of Iowa fee for inspections in the amount of \$500)

One agreed to pay the fee (\$1,000) while reserving legal recourse if you will, to request reimbursement / file suit should the rights of the City become clearer and determined that we cannot charge a fee. The other party would pay as well but thought the \$1,000 fee to be quite steep. (Paid the City of Anamosa a fee of \$100 last year.)

My take is that the City, under home rule, will have the authority to have some amount of oversight and fee requirements. However, I think there are provisions of the Code that may have to be amended and/or should be amended.

FEES: A one week fee is \$300 and jumps to \$1,000 for six months. In most fireworks cases they will look to be set up for 3-4 weeks. What should the fee be? LICENSE ISSUED: With the new State Requirements we really should not have to do the background check when it comes to Fireworks merchants. TIME RESTRICTION: Merchants will want to sell later than 6:00 p.m. (say 9:00 p.m.) and will definitely want to sell on Sundays and Holidays (the 4th

may be their biggest day) (The permit excludes holidays, however, the Ordinance does not. Should clarify that provision)

Unrelated to fireworks, the Ordinance also requires a permit for those selling produce out of the back of a truck/ table in a parking lot/etc. if they live outside of the County. Do you want to do this? What about adjacent counties? What about selling plants/pies/related items? (Delaware County Amish selling stuff near Karde's as a potential example?)

Recommendation: I recommend that the Council consider the approval of the 3rd reading of the proposed ordinance.

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

Amendment to Ordinance recorded as document _____, recorded date _____

ORDINANCE NO. 718

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

BE IT ENACTED by the City Council of the City of Monticello, Iowa, that Chapter
122, Section 122.05 “License Fees” shall be amended as follows:

A. The current language, as follows, shall be deleted and replaced:

122.05 License Fees. The following license fees shall be paid to the Clerk prior to the
issuance of any license

1. Solicitors, Peddlers or Transient Merchants.

- A. For one day\$100.00
- B. For one week\$300.00
- C. For up to six (6) months.....\$1,000.00
- D. For one year or major part thereof.....\$1,500.00

B. The following language shall replace the language of 122.05 deleted above:

122.05 License Fees. The following license fees shall be paid to the Clerk prior to the
issuance of any license

1. Solicitors or Peddlers

- A. For one day \$ 100.00
- B. For more than one day but less than eight days \$ 300.00
- C. For up to six (6) months \$1,000.00
- D. For more than (6) months but less than one year \$1,500.00

2. Transient Merchants

- A. For each period of one to seven days \$ 100.00
- B. For each additional period of one to seven days \$ 100.00
- C. For up to six (6) months \$1,000.00
- D. For more than (6) months but less than one year \$1,500.00

3. Days shall be accrued during the course of the calendar year, commencing
January 1st of each year and fees shall be based upon the sum of accrued days and
desired additional days of permitted sales/solicitation.

B. Repealer:

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

C. Severability:

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

D. Effective Date

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

1st reading passed by the Council on this 2nd day of July, 2018

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

3rd reading passed by the Council on this _____, 2018

Brian Wolken, Mayor

Attest:

Sally Hinrichsen, City Clerk

I, Sally Hinrichsen, Monticello City Clerk, do hereby certify that the above and foregoing Ordinance #718 was published in the Monticello Express on _____.

Sally Hinrichsen, City Clerk

City Council Meeting
Prep. Date: 08/01/18
Preparer: Doug Herman



Agenda Item: # 9
Agenda Date: 08/06/2018

Communication Page

Agenda Items Description: Ordinance to amend Chapter 68, Code of Ordinances, One-Way Traffic, by adding alleyway between S. Walnut Street and S. Gill Street.

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

Attachments & Enclosures:

Ordinance

Fiscal Impact:

Budget Line Item:

Budget Summary:

Expenditure:

Revenue:

Synopsis: Proposed addition of an alleyway, generally running e/w to the one-way code.

Background Information: The alleyway behind or to the south of Bradview Court runs generally west as it leaves Walnut Street and then turns in a northerly direction as it basically exits into S. Gill Street. Due to traffic safety concerns and a complaint by an abutting resident the Police Chief has recommended that the alleyway be made a one-way, from the west to the east. Letters were sent to all neighboring property owners by the Chief. I received feedback from one neighbor who utilizes the alleyway to access her garage and wanted to be sure that they would be able to continue to exit the alleyway "against the grain" if you will, particularly in winter conditions as to go the other way from their driveway could be difficult. The Council received some comments at the last Council meeting.

I do not believe there have been any additional comments received since the last meeting by the Chief of City Hall staff.

Recommendation: I recommend that the Council introduce and approve the 2nd reading of the proposed Ordinance.

ORDINANCE ____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF MONTICELLO, IOWA, BY ESTABLISHING A ONE-WAY SECTION OF ALLEY ON A PORTION OF THE ALLEY THAT EXTENDS, PRIMARILY EAST AND WEST BETWEEN S. Walnut Street and S. Gill Street.

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

SECTION 1. New Paragraph. The Code of Ordinances of the City of Monticello is amended by adding a new paragraph to Chapter 68 "One-Way Traffic", §68.01 "One-Way Traffic Required, by way of adding a new subparagraph "5" which is hereby adopted to read as follows:

68.01(5) That section of the Alley extending from S. Walnut Street to S. Gill Street, behind or south of Bradview Court, shall be east-bound only.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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.

Passed and approved this ____ day of ____, 2018.

Brian Wolken, Mayor

ATTEST:

Sally Hinrichsen, City Clerk

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

Sally Hinrichsen, City Clerk



Overview



Legend

- ☐ Parcels
- Cartography
- Major Roads

Parcel ID	0228226013	Alternate ID	023200	Owner Address	CITY OF MONTICELLO
Sec/Twp/Rng	n/a	Class	EX		
Property Address		Acreage	n/a		
District	MONCO				
Brief Tax Description	BRADVIEW S.D. S 18' W 64' E 144' LOT 5 (Note: Not to be used on legal documents)				

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

Date created: 7/13/2018
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Developed by **Schneider**
GEOSPATIAL

City Council Meeting
Prep. Date: 08/03/18
Preparer: Doug Herman



Agenda Item: Reports
Agenda Date: 08/06/2018

Communication Page

Agenda Items Description: Misc. Reports

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

Attachments & Enclosures:

Sanitary Sewer Sketch (N. Cedar project)
Police Report and Training Request

Fiscal Impact:

Budget Line Item:
Budget Summary:
Expenditure:
Revenue:

Reports / Potential Action:

- Sidewalk inspection / repair update: We are making some progress. One avenue we are taking is to monitor properties that are for sale and contacting owner and realtor, if applicable, informing them if they are not code compliant with sidewalks and permanent dust free pavement driveways/etc.
- Schoon Addition (Road Work): There are concerns with water ponding and run off in the Schoon Addition. We last seal coated about 10 years ago. The complaints are that it used to be an inverted crown which carried water down the center of the street out to the ditch near the Upper P. To keep water from ponding in some yards we need to lower the elevation of the road and to keep water from running off through lots, cutting ruts in some cases, we need to either install curb and gutter or return the road to an inverted crown.
 - Curb and gutter would be most expensive of the options but would be a “sure” solution. Costs could be partially or totally assessed.
 - To return the road to an inverted crown would require the removal / excavation of existing material, lowering the road bed, and then seal coating or applying an asphalt roadway designed with an inverted crown.
- Bartram Insurance Settlement
- Al Hughes suit: Al Hughes still needs to sign Deed to the City. He will not take calls and we cannot ever catch or find him in town. I think suit needs to be filed to order him to sign the paperwork and to pay appropriate costs.
- S. Cedar Street Ditch discussion: Patrick / Casey will present options or answer questions. Staff merely needs some direction and needs to know if Council needs more information. (Ditch south of pool in need of repair.)
- N. Cedar Street Sanitary Sewer discussion: Staff will discuss options for the extension of sanitary sewer to three potential homes in that area that remain on septic systems.
- Police Chief's Report and Training Opportunity Request: See attached.



201 E. South Street
Monticello, IA 52310
(319) 465-3526
Fax (319) 465-4681

From the Office of:

Chief of Police

Britt D. Smith

POLICE DEPARTMENT ACTIVITY

For the month of:

July 2018

Total Calls for Service: 283 (1,555 for 2018)

Traffic Stops: 61

Citations: 19

Parking Citations: 3

Arrests: 8

Accidents Investigated: 8

EMS Assists: 16

Nuisance Warnings: 25

Bob Urbain continues to work as our code enforcement officer while on his light duty assignment. This has resulted in addressing many issues that have been issues for the department.

Use of Force: 0

Public Complaints: 0

Information:

The new Patrol Car has been received and is currently being equipped for patrol use.

9/11 Memorial Flag has been painted and reinstalled on the world trade center beam. We received donations from the Monticello Eagle Riders, Monticello Rotary and several private donations. These donations have covered the expense of the repainting, and will now begin to

201 E. South Street
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fund a lighting project around the memorial. The City also received a \$690 grant from Parks to People. This in combination should cover the lighting expenses.

The Great Jones County Fair was relatively uneventful. We had good weather and respectful crowds.

I applied for another grant through the Theisen's More for Your Community Grant. This grant will be for another AED which will be used in the new patrol vehicle and a replacement pack for the Aquatic Center AED.

As always, if you have any questions feel free to contact me.

Britt



201 E. South Street
Monticello, IA 52310
(319) 465-3526
Fax (319) 465-4681

From the Office of:

Chief of Police

Britt D. Smith

Dear Mayor and City Council;

Expanding a professional's knowledge base is key to the continued development and betterment of leaders. An opportunity has presented itself for me to further my educational background which will improve my overall performance as the Chief of Police. My pursuit to attend an educational institution nationally recognized for their leadership courses designed for police leaders began back in 2010 when I became Chief of Police. Northwestern School of Public Safety offers a "School of Police and Command" which prepares law enforcement leaders by combining academic principles with practical applications to improve their abilities as professionals. The course suggests that attendees are relieved of their command positions to fully commit themselves to the intensive program. This is problematic for smaller agencies that do not have the ability to have reduced staff rates for the considerable time frame for the course of study.

This intensive 10-week program was also only available at their main campus in Evanston Illinois. But in 2014 I was notified that the Northwestern School of Public Safety was offering their "School of Police Command" in Marshalltown through a host agency program. The idea of attending became a little more attainable. Unfortunately, in 2015 our family suffered a devastating blow that changed our priorities and the desire to spend any time on professional development took a backseat.

I have once again been made aware that the "School of Police Command" is returning to Iowa and is being held in Iowa City. This course is again an intensive 10-week program of Monday thru Friday 8am to 5pm attendance. This session's course dates happen to fall during the summer months as well as the Great Jones County Fair, which is an intense week for us making it difficult to have any reduction in staff especially for smaller departments like ours. This issue was recognized by Northwestern School of Police Command, and an online curriculum was created allowing agencies and officers the ability to attend and achieve this higher level of education with minimal impact to daily operations.

This online course option is expanded in duration but allows for participation at any time during the day or evening giving you the benefits of the education with a more manageable impact to daily operations allowing far more involvement and the continued ability to work. The course dates are October 2018 through March 2019.

With the time commitment issues mitigated the issue of tuition still requires significant consideration. Tuition for this course is \$4,000, which includes the cost of all materials. For the past 8 years I have annually budgeted between \$1,000 - \$1,500 for my recertifications and update

201 E. South Street
Monticello, IA 52310
(319) 465-3526
Fax (319) 465-4681

trainings. I have only typically spent \$500 each year of that budgeted amount. Which over the last 8 years this budget amount has gone unspent. For fiscal year 2019 I have a budgeting amount of \$1,000 leaving \$3,000 necessary for full payment of the required tuition. Annually there has been a surplus within the Police Department budget. I would request that the City Council permit me to enroll in this training and provide, if necessary, a budget amendment in the amount of \$3,000 at fiscal year-end if the police department budget surplus is not enough to cover the expenses.

Attached is the course summary for you to review.

School of Police Staff and Command Online

The School of Police Staff and Command Online (SPSCO) is an intensive program that prepares law enforcement managers for senior leadership positions by uniquely combining academic principles with practical applications.

SPSCO utilizes the same curriculum, revised in 2012, as the on-ground program and incorporates adult- and problem-based learning models.

SPSCO challenges students to expand their thinking beyond the supervisor mindset to a more global perspective. Students learn to apply concepts discussed in class to determine the best use of agency resources, to find workable solutions to agency issues and to achieve the overall mission of the agency.

Areas of Focus

- Budgeting
- Contemporary Policing
- Decision Making and Problem Solving
- Employee Relations
- Evaluating Products and Services
- Executive Image
- Grant Writing
- Human Resources
- Leadership and Management
- Media Relations
- Organizational Behavior
- Planning and Policies
- Project Management
- Resource Allocation
- Statistics
- Traffic

Program Outcomes

Students who successfully complete SPSCO are better prepared to:

- Think globally rather than remain task-oriented
- Deliver services effectively and efficiently
- Get things done with people
- Analyze the environment
- Mitigate legal exposure
- Develop systems of accountability

Why Register for SPSCO?

Flexibility

The flexibility of online learning paired with one's ability to participate in the program while still on the job allows individual public safety professionals to better take advantage of NUCPS's world-class law enforcement leadership program while at the same time increasing program availability for agencies around the world.

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Improve Your Agency

Research is a key component of SPSCO, and all students are required to write an objective, well-documented staff study addressing a problem or issue currently affecting the student's organization. Because the student's research project comes directly from a timely and critical issue facing that student's agency, the knowledge gained can be put to use immediately.

Build Relationships

Student interaction is an important part of the SPSC experience regardless of whether the class is offered on-ground or online. Fellow students are knowledgeable and experienced public safety professionals, and course activities are designed to allow for students to learn from one another's experiences and to build relationships and develop resources that will last long after the course has ended.

Earn College Credit

Graduates of SPSC on-ground or online are eligible to receive 6 units of credit under the Northwestern University quarter system.

Who Should Attend?

SPSC is a dynamic police management program designed to prepare today's progressive public safety managers for senior command positions and is intended for mid- and upper-level supervisory personnel.

It is expected that participating students have at least two years of supervisory experience and are prepared to complete upper-division (i.e., junior and senior level) university course work.

Upper division university course work presumes that a student has the ability to:

- Write a research paper
- Perform arithmetic operations and understand elementary algebraic notation
- Read, comprehend and retain assigned materials based on textbooks, professional journals, trade magazines and other sources
- Schedule time to complete out-of-class reading and writing assignments

I appreciate your consideration and look forward to the opportunity to attend this course. If you have any questions please let me know.

Sincerely,

Britt

Doug Herman

From: Patrick Schwickerath <pschwickerath@snyder-associates.com>
Sent: Thursday, July 26, 2018 4:25 PM
To: Doug Herman
Cc: blagrange; Casey R. Zwolinski
Subject: N. Cedar St. Sewer Service

Doug,

Below is a sketch showing possible sewer extension and service options for properties adjacent to North Cedar/Highway 38. The appropriate/exact locations for services and sewer main would need to be examined further. The sketch is meant to help with discussions for the sewer service. Please let us know if there is additional information we can provide. Thank you!



Patrick Schwickerath, P.E.
Civil Engineer

SNYDER & ASSOCIATES, INC.
P: 319.362.9394 x2313 | C: 319.530.8599
5005 BOWLING ST. S.W., SUITE A, CEDAR RAPIDS, IA 52404



July 26, 2018

City of Monticello
200 East First St
Monticello, IA 52310

Dear Friends,

On behalf of the Executive Committee of the Jones County **Safe** and Healthy Youth Coalition, thank you for your support of \$2000.00 to our programming!

Your support helps us in our mission to engage our communities in efforts to reduce substance abuse by creating and maintaining a safe and healthy environment for youth and adults in Jones County.

Thank you so much for all you do!!

Sincerely,

A handwritten signature in black ink that reads "Jennifer Husmann". The script is fluid and cursive.

Jennifer Husmann
Project Coordinator
Jones County **Safe** and Healthy Youth Coalition

A handwritten note in black ink that says "Thank you so very much!". The text is written in a cursive, slightly slanted style.

The Jones County Safe and Healthy Youth Coalition is a 501 (c) (3) nonprofit organization. Your contribution is tax-deductible to the extent allowed by law. No goods or services were provided in exchange for your generous financial donation.

Current into 2015 4/1

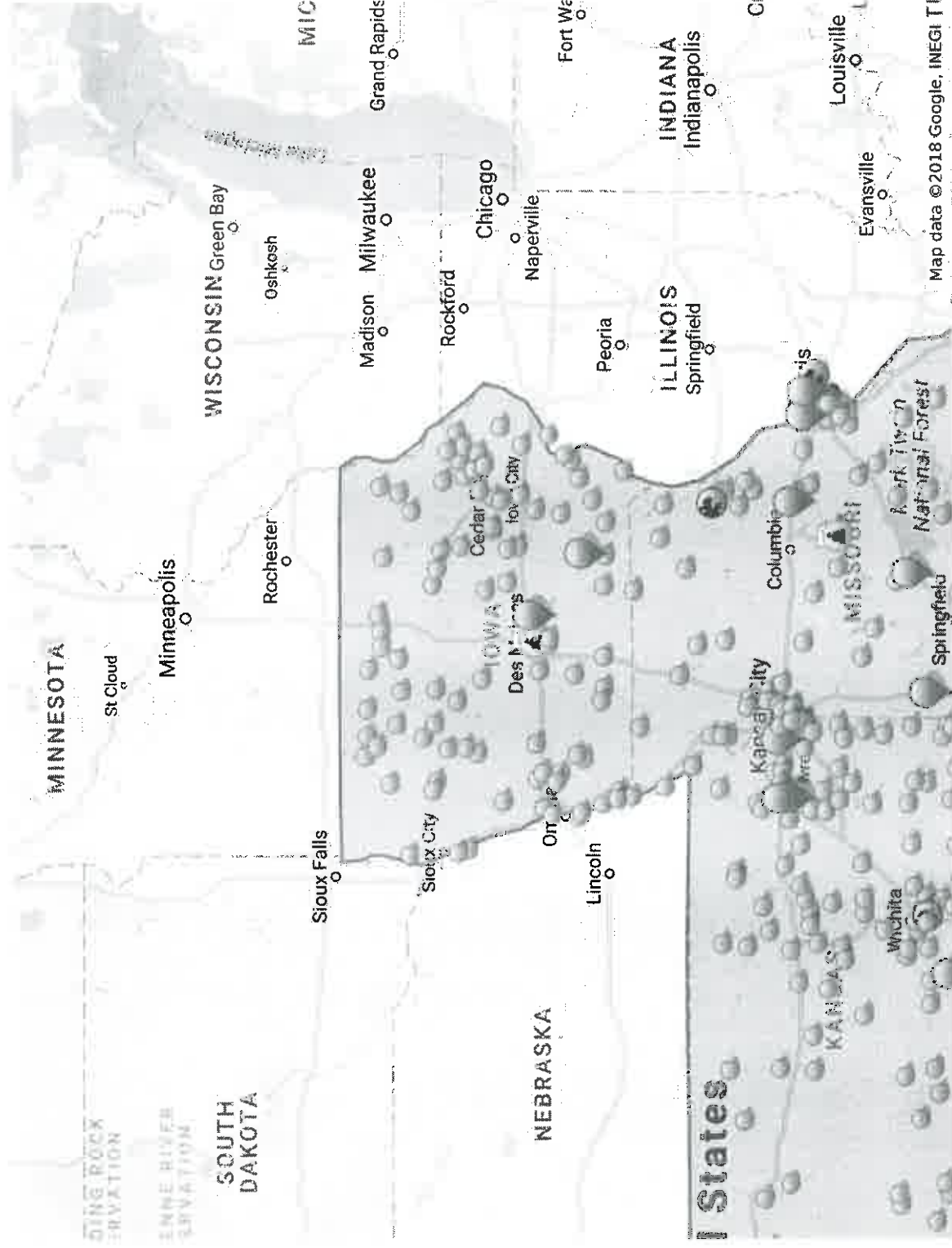
Tri-State Midwestern Map of Breed-Specific Laws

Iowa Breed-Specific Laws

Iowa Breed-Specific Pit Bull Laws



























1991 - Supreme Court of Iowa Upholds BSL.

- Pit Bull Law - Afton, IA
- Pit Bull Law - Albion, IA
- Pit Bull Law - Alburnett, IA
- Pit Bull Law - Algona, IA
- Pit Bull Law - Allison, IA
- Pit Bull Law - Anita, IA
- Pit Bull Law - Armstrong, IA
- Pit Bull Law - Asbury, IA
- Pit Bull Law - Audubon, IA
- Pit Bull Law - Aurelia, IA
- Pit Bull Law - Avoca, IA
- Pit Bull Law - Barnum, IA
- Pit Bull Law - Bedford, IA
- Pit Bull Law - Belle Plaine, IA
- Pit Bull Law - Benton County, IA
- Pit Bull Law - Britt, IA
- Pit Bull Law - Buffalo Center, IA



Tri-state map of breed-specific pit bull laws in Iowa, Kansas and Missouri. Municipalities in all three "common sense" Midwestern states have been enacting pit bull laws since the early 1980s to prevent horrific attacks. The relatively few fatal pit bull maulings in this region over

the past 35-years suggests that the volume of breed-specific laws has greatly reduced pit bull fatalities. This tri-state region contains one-third of all breed-specific pit bull laws in the United States. Learn more by visiting: <http://www.dogsbite.org> (Last updated July 28, 2017)

-  Pit Bull Law - Cascade, IA
-  Pit Bull Law - Carter Lake, IA
-  Pit Bull Law - Centerville, IA
-  Pit Bull Law - Cherokee, IA
-  Pit Bull Law - Coggon, IA
-  Pit Bull Law - Columbus Junction, IA
-  Pit Bull Law - Conrad, IA
-  Pit Bull Law - Council Bluffs, IA
-  Pit Bull Law - Creston, IA
-  Pit Bull Law - Dallas Center, IA
-  Pit Bull Law - Dayton, IA
-  Pit Bull Law - Delhi, IA
-  Pit Bull Law - Denver, IA
-  Pit Bull Law - Des Moines, IA
-  Pit Bull Law - Dyersville, IA
-  Pit Bull Law - Edgewood, IA
-  Pit Bull Law - Elberon, IA
-  Pit Bull Law - Elma, IA
-  Pit Bull Law - Ely, IA
-  Pit Bull Law - Emmetsburg, IA
-  Pit Bull Law - Epworth, IA
-  Pit Bull Law - Estherville, IA
-  Pit Bull Law - Evansdale, IA
-  Pit Bull Law - Fairfield, IA
-  Pit Bull Law - Fertile, IA
-  Pit Bull Law - Forest City, IA

- ☐ Pit Bull Law - Fruitland, IA
- ☐ Pit Bull Law - Glenwood, IA
- ☐ Pit Bull Law - Griswold, IA
- ☐ Pit Bull Law - Harlan, IA
- ☐ Pit Bull Law - Hartley, IA
- ☐ Pit Bull Law - Hawarden, IA
- ☐ Pit Bull Law - Holy Cross, IA
- ☐ Pit Bull Law - Hopkinton, IA
- ☐ Pit Bull Law - Humboldt, IA
- ☐ Pit Bull Law - Lake View, IA
- ☐ Pit Bull Law - Laurens, IA
- ☐ Pit Bull Law - Le Grand, IA
- ☐ Pit Bull Law - Lewis, IA
- ☐ Pit Bull Law - Logan, IA
- ☐ Pit Bull Law - Lowden, IA
- ☐ Pit Bull Law - Manly, IA
- ☐ Pit Bull Law - Maquoketa, IA
- ☐ Pit Bull Law - Middletown, IA
- ☐ Pit Bull Law - Missouri Valley, IA
- ☐ Pit Bull Law - Monticello, IA
- ☐ Pit Bull Law - Muscatine, IA
- ☐ Pit Bull Law - Newell, IA
- ☐ Pit Bull Law - Osceola, IA
- ☐ Pit Bull Law - Ottumwa, IA
- ☐ Pit Bull Law - Oxford, IA

- ☐ Pit Bull Law - Pleasant Hill, IA
- ☐ Pit Bull Law - Pocahontas, IA
- ☐ Pit Bull Law - Postville, IA

- Pit Bull Law - Randolph, IA
- Pit Bull Law - Robins, IA
- Pit Bull Law - Sac City, IA
- Pit Bull Law - Sergeant Bluff, IA
- Pit Bull Law - Shelby, IA
- Pit Bull Law - Shell Rock, IA
- Pit Bull Law - Sidney, IA
- Pit Bull Law - Sioux City, IA
- Pit Bull Law - Spirit Lake, IA
- Pit Bull Law - Tabor, IA
- Pit Bull Law - Terril, IA
- Pit Bull Law - Ute, AI
- Pit Bull Law - Vinton, IA
- Pit Bull Law - Walcott, IA
- Pit Bull Law - Waukon, IA
- Pit Bull Law - Wayland, IA
- Pit Bull Law - Wellman, IA
- Pit Bull Law - West Union, IA
- Pit Bull Law - Winterset, IA

~~Kansas Breed-Specific Laws~~

~~Kansas Breed-Specific Pit Bull Laws~~

~~1989 - Supreme Court of Kansas Upholds BSL~~

- ~~Pit Bull Law - Abilene, KS~~
- ~~Pit Bull Law - Alma, KS~~
- ~~Pit Bull Law - Altamont, KS~~



JAVMAnews

November 15, 2017

The dangerous dog debate

Breed bans are popular, but do they make the public safer?

By R. Scott Nolen

Posted Nov. 1, 2017



Around 7 p.m. on June 17, 2007, Colleen Lynn was making her way through her Beacon Hill neighborhood in Seattle on a final training run for an upcoming half-marathon. Ahead, a woman walking a dog on a leash stepped off the sidewalk and onto the parking strip with the dog so Lynn could pass. But, as Lynn neared, the dog suddenly turned and sprang at her, striking her in the chest and knocking her to the sidewalk. Confused, she instinctively shielded her face with her right arm, which the dog seized, shaking it and dragging Lynn down the sidewalk. The other woman jerked the leash hard, causing the dog to release Lynn, who fled down the street screaming for help.

"I didn't understand what was happening," recalled Lynn, an independent web consultant and designer. "Those moments of being on my back and being dragged ... I really did think I was going to die." The attack was over in

seconds. Lynn had been bitten twice, sustaining several puncture wounds and a fractured ulna that required surgery.

Police and animal control reports identify the dog that attacked Lynn as a sexually intact, adult male pit bull named Bull. Records show that in April 2006, Bull escaped his owner's yard and chased a man walking with his dog. The man and dog fled to a nearby porch, where the resident reportedly informed the man that Bull had recently cornered her in her own backyard. Bull's owner was cited for not having a dog license and received a verbal warning for the leash law violation.

To avoid criminal charges for the attack on Lynn, Bull's owner consented to having the dog euthanized.

Lynn is not the same person she was before the attack. She grew up loving dogs. She still loves dogs, but says the attack felt like a betrayal.

Breed-specific laws strengthen existing dangerous dog laws by targeting some of those prime offenders."

Colleen Lynn, founder, DogsBite.org, a nonprofit that advocates for dog-bite victims

"I had no negative experiences with pit bulls or any dog prior to the attack. That a dog was capable of this just wasn't part of my world," Lynn said. Four months later, she launched DogsBite.org. Originally intended as a website to educate the public about dangerous dog breeds, DogsBite.org has evolved into a national organization that also advocates for dog-bite victims and for preventing serious attacks. The organization's website includes victim testimonies, a tally of U.S. dog-bite fatalities, and an overview of breed-specific legislation throughout the country.

Breed-specific laws ban or restrict ownership of dog breeds believed to be responsible for the most serious attacks on people. Pit bull-type dogs are the poster child of breed laws, but they can also apply to Rottweilers, Doberman Pinschers, and other large breeds. The American Kennel Club explained in a statement to JAVMA News that "pit bull" is a term commonly used to describe a particular type of dog—many being of mixed breeding—that has some ancestry relating to breeds in the United States, such as Staffordshire Bull Terriers and American Staffordshire Terriers. The AKC said "pit bull" is also used sometimes to describe mixes or breeds not registered with the AKC with names such as American Pit Bull Terrier or American Bully. "AKC does not consider Pit Bulls to be purebred dogs, and we register no such dogs," the organization said.

Nearly 90 million dogs are owned as pets in this country, according to the American Pet Products Association. Those relationships are usually peaceful, but not always. More than 4.5 million people are bitten by dogs annually in the United States, according to the Centers for Disease Control and Prevention. The agency attributed over 300 deaths to dog attacks between 1979 and 1996, most of them children's. An analysis by the Agency for Healthcare Research and Quality found roughly 316,000 emergency room visits and 9,500 hospitalizations in 2008 were dog bite-related. DogsBite.org reports 31 dog bite-related human fatalities occurred in 2016 and a total of 392 deaths from 2005 through 2016.

DogsBite.org's claim that pit bull-type dogs were responsible for 65 percent of the deaths during that 12-year period is disputed by some groups as inaccurate and misleading. The American Veterinary Society of Animal Behavior, for example, says identifying a dog's breed accurately is difficult, even for professionals, and visual recognition is known to not always be reliable.

"Pit bull" is a term commonly used to describe a particular type of dog—many being of mixed breeding—that has some ancestry relating to breeds in the United States. ... "Pit bull" is also used

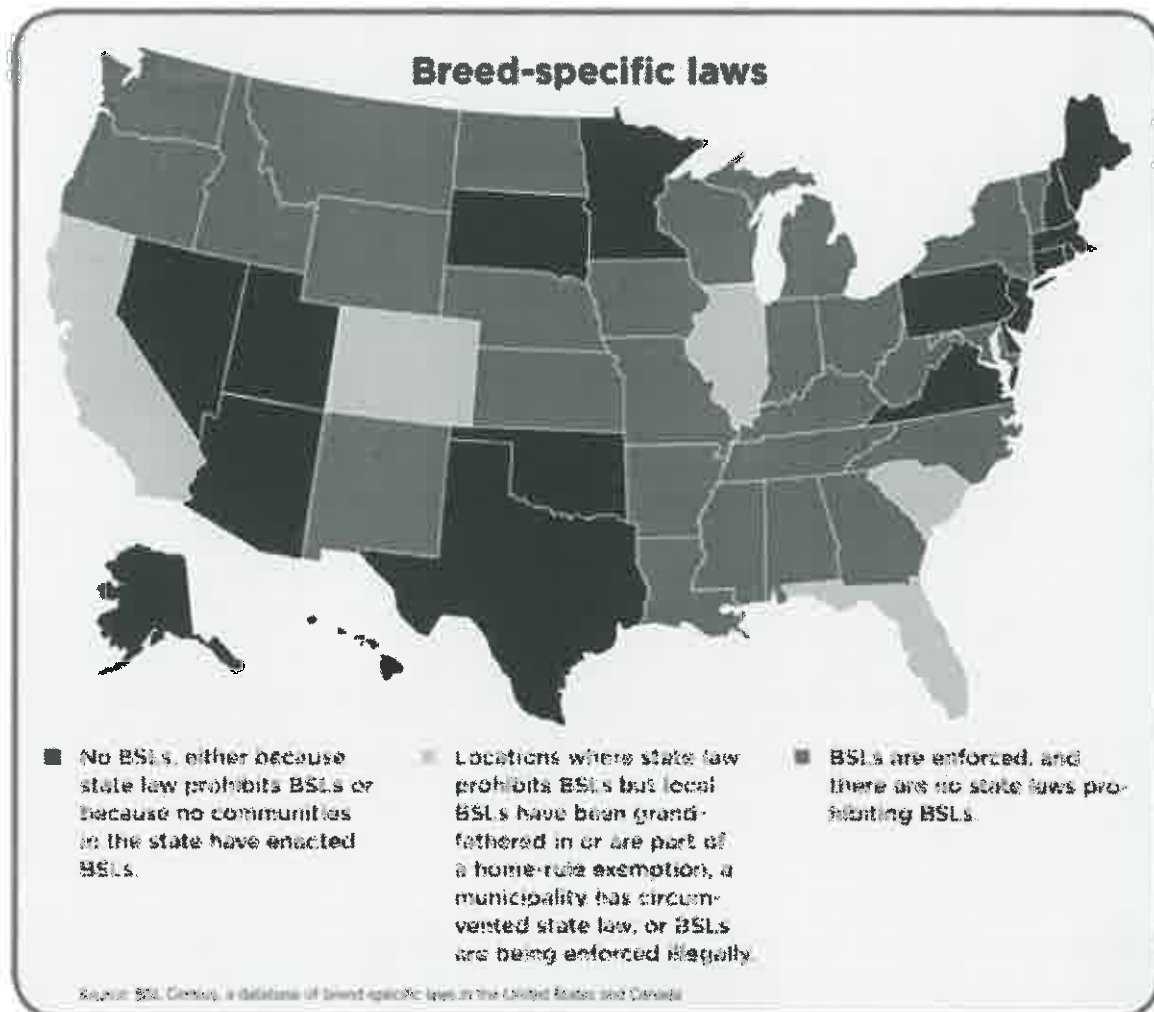
That's partly why the CDC stopped collecting breed data in dog-attack fatalities after 1998. Julie Gilchrist, a pediatrician and epidemiologist with the CDC, explained the challenges of studying dog bites during a presentation at the 2001 AVMA Annual Convention. "There are enormous difficulties in collecting dog bite data," Dr. Gilchrist said. "No centralized reporting system for dog bites exists, and incidents are typically relayed to a number of entities,

sometimes to describe mixes or breeds not registered with the AKC. ...

Statement from the American Kennel Club

such as the police, veterinarians, animal control, and emergency rooms, making meaningful analysis nearly impossible. Moreover, a pet dog that bites an owner or family member might go unreported if the injury isn't serious."

Breed restrictions emerged and proliferated during the 1980s as news reports increasingly portrayed pit bull-type dogs as an apex predator, one on which no other animals prey. Sports Illustrated highlighted a story on dogfighting in its July 27, 1987, issue with a cover featuring a snarling dog under the headline "Beware Of This Dog: The Pit Bull Terrier." Hollywood, Florida, enacted the nation's first breed-specific ordinance in 1980 after a pit bull-type dog scalped a 7-year-old boy and mangled his face. That law, which required owners of such dogs to prove they possessed \$25,000 in personal liability insurance, was overturned two years later; the judge cited a lack of evidence that pit bull-type dogs were more dangerous than other dogs.



[View larger](#)

However, more than 900 cities currently have some form of breed-specific legislation on the books. The U.S. Army, Air Force, and Marines ban pit bull-type dogs and certain breeds from privatized housing domestically and abroad. Breed bans have also been implemented in two Canadian provinces as well as in the United Kingdom, Ireland, Spain, Turkey, and New Zealand.

Communities reeling after a vicious dog attack may respond by prohibiting or strictly regulating what is assumed to be the responsible breed as a quick fix to a legitimate problem, according to Rebecca Wisch, associate editor and clinical staff attorney with the Animal Legal and Historical Center at Michigan State University College of Law. "Breed-specific laws give people a sense of security," she explained, adding that owners of a banned breed sometimes email MSU's

animal law center. "These people face either having to get rid of a dog they consider a family member or move out of the city. That's a pretty tall order for some people," Wisch said.

Over the years, the legality of breed laws has been challenged in numerous jurisdictions, but state and federal courts have repeatedly shown their willingness to let the ordinances stand.

"The usual arguments are breed-specific laws are unconstitutionally vague, or they violate the owner's right to due process or equal protection," Wisch said. "The courts are pretty comfortable shutting down those arguments as long as the legislation is rationally related to the stated goal of protecting the public from dog attacks."

I'm opposed to breed-specific legislation. I want my team and my officers to be as objective as possible."

Robert C. Leinberger Jr., president, National Animal Care and Control Association

While the legal questions are mostly settled, debate over the effectiveness of such laws and regulations is not. Critics—who are many—say breed bans discriminate against responsible dog owners and malign select breeds as inherently vicious, a claim not supported by a 2014 AVMA report ("The Role of Breed in Dog Bite Risk and Prevention") that found pit bull-type dogs not to be excessively aggressive.

Opposition to breed bans has been expressed by the AVMA and CDC, along with the American Bar Association, Humane Society of the United States, and American Society for the Prevention of Cruelty to Animals. The Obama administration even took sides in the debate, describing breed-specific laws as "a bad idea" in August 2013 after an online petition calling for federal breed bans garnered more than 30,000 signatures. A handful of states, including Massachusetts, Nevada, and Connecticut, pre-emptively adopted laws prohibiting their towns and counties from regulating dogs according to breed.



Pit bull-type dogs weren't always so notorious. Stubby was a mascot of the U.S. Army's 102nd Infantry, 26th Yankee Division, during World War I. He deployed with the troops Feb. 5, 1918, to the front lines in France. Stubby was injured during his first battle from gas exposure, sensitizing him to the noxious odor. Stubby later alerted troops to a gas attack while they slept. The dog also had a talent for locating wounded men, barking until paramedics arrived or leading the lost soldiers back to the safety of the trenches. He even caught a German soldier. Stubby was promoted to the rank of sergeant for his heroism, the first dog to be given rank in the U.S.

Robert C. Leinberger Jr. has been dealing with dangerous dogs as an animal control officer for 26 years. In addition to being animal control supervisor for Richmond, Virginia, Leinberger is president of the National Animal Care and Control Association, which opposes breed-specific laws.

"Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed," according to an NACA statement.

Leinberger says breed laws are too narrowly focused and don't account for such important factors as the owner's treatment of the dog and compliance with vaccination and licensing ordinances. Virginia law doesn't recognize breed as a determining criterion for whether a dog is a public threat. That is for a court to decide. A "dangerous" dog in Virginia, Leinberger explained, is one that attacked a companion animal, injuring or killing it, or bit a person without causing serious injury. A local court will mandate a dangerous dog be neutered and microchipped, and possibly wear a muzzle

Armed Forces. By war's end, Sgt. Stubby had served in 17 battles. He visited the White House twice and met presidents Harding and Coolidge. Sgt. Stubby was awarded several medals for his heroism, including a medal from the Humane Society of the United States presented by Gen. John Pershing, commanding general of the United States Armies. Stubby died in 1926. His skin was mounted on a plaster cast and is on display at the Smithsonian's National Museum of American History. (Courtesy of the Smithsonian's National Museum of American History)

officers to be as objective as possible during their investigations and not having to worry 'Is that a Doberman? Is that a Pekingese? Is that a pit bull or a Weimaraner?' I want them to look at the merits of the case: This dog, whatever it is, got loose, attacked a person or another animal, and caused injury. I want them to look at that, rather than having to prejudice the animal and taint the case."

Colleen Lynn says breed-specific ordinances aren't meant to prevent each of the 4.5 million dog bites that occur each year. Rather, they aim to prevent the smaller number of maulings and severe injuries, for which the victim is often a child. A 2016 study she cited of 1,161 pediatric dog-bite victims in Atlanta found pit bull-type dogs were 2.5 times as likely as other dogs to bite in multiple anatomic locations. Additionally, children bitten by pit bull-type dogs were three times as likely to need surgery as were those bitten by other dogs.

"The mission of DogsBite.org is to reduce serious dog attacks," Lynn said. "Breed-specific laws strengthen existing dangerous dog laws by targeting some of those prime offenders."

Both sides of the debate have evidence supporting their positions. After ownership of pit bull-type dogs was banned in Sioux City, Iowa, in 2008, public health records show the number of bites by them dropped from 24 in 2007 to four in 2015. Similarly, in Springfield, Missouri, where owners of pit bull-type dogs have been required since 2006 to license, neuter, and microchip their dogs and post warning signs on their property, the number of bites by such dogs fell from 34 cases in 2005 to 16 in 2016. Prior to the ordinance, the city euthanized "hundreds" of unwanted pit bull-type dogs each year. That number dropped to 26 in 2016.

However, in 2008 the Dutch government revoked a 15-year nationwide ban on ownership of pit bull-type dogs after a study concluded the law was ineffective. Researchers in a Canada-wide study published in 2013 found no difference between the number of dog bites in municipalities with and without breed-specific legislation.

Breed "absolutely" influences a dog's behavior and is one of several factors that shape an animal's temperament, explained Dr. Sagi Denenberg, a diplomate of the American College of Veterinary Behaviorists and the European College of Animal Welfare and Behavioral Medicine.

"No one bred a Golden Retriever to look golden. They bred dogs that can swim and spend a lot of time in the water without getting cold. We essentially bred dogs for thousands of years for their behavior," said Dr. Denenberg, an instructor and researcher at Bristol Veterinary College in the United Kingdom. Environment, the owner, and the quality of maternal care a dog receives as a puppy also greatly impact the dog's personality.

Dr. Denenberg believes people have forgotten that aggression is a normal canine behavior. A dog expresses aggression when it hunts or protects resources, as when a person too near a food bowl receives a warning growl. "These are normal behaviors. The problem is that aggression is unacceptable for us as owners," he said. "Every dog has its limit, and if they're pushed far enough, they bite. Some dogs have to be pushed really, really far before they show aggression, whereas other dogs show it much sooner, but each dog has the potential to be dangerous."

Find AVMA resources on dog bites, including statistics, research, and an alternative to breed-specific legislation at "[A Community Approach to Dog-Bite Prevention](#)". Additional information is available at www.DogsBite.org and www.AVSAAB.org.

in public. The owner must buy personal liability insurance and post warning signs on the property. A dog that kills or seriously injures a person is declared to be "vicious" and ordered to be euthanized.

"Personally and professionally, I'm opposed to breed-specific legislation," Leinberger said. "I want my team and my

57 dog attack deaths & 645 disfigurements in 2017, led by pit bulls

JANUARY 8, 2018 BY MERRITT CLIFTON

Setters, Newfies, Dalmatians & greyhounds continue 35-year record as the safest big dogs

Preliminary “final” 2017 dog attack data from the U.S. and Canada suggests some good news, in that “only” 989 dogs participated in killing or disfiguring humans, down from the 2016 record 1,075.

But the bad news is that those 989 dogs killed 57 people, 11 more than the previous record of 46 who were killed in 2015.

Pit bulls killed 40 people in 2017, 39 in the U.S. and one in Canada, a total of 12 more people than were killed by pit bulls in 2016 and five more than the previous record of 34 killed in 2015.

(See Akita rescuer Carol Harris is record 5th fatality of 2017 by shelter dogs, Virginia pit bull fancier, 22, sets new record for pit bull deaths in one year, Emily Mae Colvin, 24, is record 35th U.S. pit bull fatality of 2017 and Mixed pack including pit bull, Doberman, GSD killed Deborah Onsurez)

Pit bulls accounted for “only” 88% of disfigurements

The 989 dogs who killed or disfigured people in 2017 accounted for 645 total disfigurements, 14 more than the previous record of 631 who were disfigured in 2016.

Of the disfigurements, 570—four fewer than in 2016—were disfigured by pit bulls, meaning that pit bulls accounted for “only” 88% of the dog attack disfigurements reported in 2017, down from 91% in 2016. But the 2017 disfigurement toll may well rise in the coming weeks.

Some attacks may be reported late

That the 2017 dog attack data reported here and now is "final" must be qualified, in quotes, because law enforcement did not identify by breed type 77 dogs who killed or disfigured people in 2017, four more than the then-record 69 who were not identified by breed type in 2016. However, some of these dogs of unknown breed type may be identified by breed type in legal proceedings in 2018.

Dogs of unknown breed type accounted for five fatalities and 50 disfigurements in 2017, injuring 23 children and 39 adults. Twelve victims of dogs of unknown breed type escaped more serious harm in incidents in which someone else was killed or disfigured.

Also to be noted is that dog attacks are occasionally not reported in accessible media until some time after they occur; victims attacked and hospitalized in one year sometimes succumb in the next year, thereby raising the total of fatal attacks for the preceding year; and **ANIMALS 24-7** sometimes reclassifies the breed types of dogs when new or better photos became available, with the net effect that we now list one fewer pit bull disfigurement for 2016 than we did at the end of 2016.

Three late-reported pit bull fatalities in 2016

But we also list three more pit bull fatalities for 2016 than we did at the end of that year because, of the four dog attack fatalities logged in 2016 in which law enforcement agencies did not immediately identify the killer dogs by breed, three were later attributed to pit bulls.

Two of those victims, Valente Lopez Aguirre, 58, and Robert Lee Simonian, 74, both of Fresno, California, were revealed by mid-2017 court proceedings to have been killed by the same pit bulls, who were impounded after killing Aguirre in April 2016, but were released before killing Simonian in July.

(See *Three dead, two critically injured, in hotbeds of pit bull advocacy.*)

More children *and* more adults injured

Even if new records for dog attack mayhem were not established in every category of data tracked by breed type since 1982 by **ANIMALS 24-7** editor Merritt Clifton *[see description of methodology below]*, the most dangerous dogs of 2017 did more total damage, and more damage per capita, than the most dangerous dogs of any previous year.

For example, 385 children were injured in 2017 in attacks in which at least one person was killed or disfigured, 31 more than in any previous year. Of those 385 children, 298 were injured by pit bulls (77%).

Also in 2017, 457 adults were injured in 2017 in attacks in which at least one person was killed or disfigured. While this was 30 fewer adults injured than the record 487 adults who were injured in 2016 in attacks in which at least one person was killed or disfigured, 356 of those adults were injured by pit bulls (78%), two more than the 2015 record.

The safest big dogs

At the opposite end of the safety scale, setters of all types combined, Newfoundlands, Dalmatians, and greyhounds continued their history of having killed no one since 1982, though together their percentage of the total U.S. and Canadian dog population nearly matches that of pit bulls and their identifiable mixes (5% to 5.3%), and all are in the pit bull size range. (See data tables below.)

Like pit bulls, Dalmatians and greyhounds are also known for needing a great deal of exercise. Dalmatians by reputation can be snappish, while greyhounds are induced to race by exploiting their intense "prey drive."

Yet neither Dalmatians nor greyhounds have any demonstrable history of killing anyone, while the sum total of all humans who have been disfigured by setters, Newfoundlands, Dalmatians, and greyhounds since 1982 comes to just seven, four fewer in 35 years than pit bulls disfigured per week in 2016 and 2017.



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Are Pit Bulls Really Dangerous?

By Marc Lallanilla, Life's Little Mysteries Assistant Editor | February 14, 2013 02:12pm ET

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Life's Little Mysteries



What do dog bite statistics reveal about pit bulls and their reputation for being dangerous dogs?

Credit: Sergey Lavrentev | Shutterstock

Tales of pit bulls mauling youngsters seem to abound, with one story hitting the news in 2013 detailing police in Nassau County, New York, who were searching door-to-door for two pit bulls that had attacked a teenage boy and three women during a 30-minute period on Feb. 13 of that year.

"One literally went for my leg and [the] other was trying to jump on top of me, but I was hitting them, and I was punching them," Janeile Manning, 24, told CBS New York at the time. "They both weren't letting go, once they got a hold of my leg." Because of her leg injuries, Manning struggled to walk up and down stairs, CBS reported. "These dogs were, like, trained to kill; trained to hurt and viciously attack people," she said.

But do pit bulls deserve their reputation as vicious "attack" dogs? An overwhelming amount of evidence suggests, in some instances, they do.



A five-year review of dog-bite injuries from the Children's Hospital of Philadelphia, published in 2009 in the journal Plastic and Reconstructive Surgery, found that almost 51 percent of the attacks were from pit bulls, almost 9 percent were from Rottweilers and 6 percent were from mixes of those two breeds.

In other words, a whopping two-thirds of the hospital's dog-attack injuries involved just two breeds, pit bulls and Rottweilers.

Other studies confirm these statistics: A 15-year study published in 2009 in the American Journal of Forensic Medicine and Pathology revealed that pit bulls, Rottweilers and German shepherds were responsible for the majority of fatal dog attacks in the state of Kentucky. [See What Your Dog's Breed Says About You]

And a 2011 study from the Annals of Surgery revealed that "attacks by pit bulls are associated with higher morbidity rates, higher hospital charges and a higher risk of death than are attacks by other breeds of dogs."

The authors of that 2011 study go on to say, "Strict regulation of pit bulls may substantially reduces the U.S. mortality rates related to dog bites."

Pit bulls and the law

Some states and cities have acted on the research: The state of Maryland has determined that pit bulls are "inherently dangerous" and all owners are liable for any injuries they cause, according to the Baltimore Sun.

Even the U.S. Army has acknowledged that pit bulls are high-risk dogs; they are therefore prohibited in some military housing units.

Pit bulls join several other breeds on the list of dogs that are recognized as more likely to attack and cause significant injury: The Centers for Disease Control and Prevention analyzed data and found the following breeds are implicated in a majority of dog-bite fatalities:

- Pit bulls
- Rottweilers
- German shepherds
- Huskies
- Wolf hybrids

- Malinois
- Doberman pinschers
- Chow-chows
- Saint Bernards
- Great Danes

It's worth noting that no matter how these data are arranged — mixed breeds versus pure breeds, injuries versus fatalities — pit bulls consistently rank at the top of the list for attacks, and by a wide margin. (Rottweilers generally rank a distant second.)

Paying the price for pit bulls

As a result of the overwhelming evidence against pit bulls, home owners and landlords often must pay significantly higher insurance premiums if they have a pit bull or other recognized "bad dog" breed on their property. [Infographic: Dog Bite Incidents]

Fans of pit bulls are quick to assert that a dog's propensity for attack depends in large part on its owner and how it is raised, and there's considerable evidence that owners of pit bulls and other high-risk dogs are themselves high-risk people.

A 2006 study from the Journal of Interpersonal Violence revealed that owners of vicious dogs were significantly more likely to have criminal convictions for aggressive crimes, drugs, alcohol, domestic violence, crimes involving children and firearms.

These findings were confirmed in a 2009 report published in the Journal of Forensic Sciences. The authors of that report wrote, "Vicious dog owners reported significantly more criminal behaviors than other dog owners," and they were ranked "higher in sensation seeking and primary psychopathy."

And a 2011 study, also in the Journal of Forensic Sciences, found that "vicious dog owners reported significantly higher criminal thinking, entitlement, sentimentality and super-optimism tendencies. Vicious dog owners were arrested, engaged in physical fights, and used marijuana significantly more than other dog owners."

What exactly is a 'pit bull'?

The term "pit bull" is a general term encompassing three distinct, though related, breeds: the American pit bull terrier, the American Staffordshire terrier, and the Staffordshire bull terrier.

They were originally bred as "catch dogs" for hunting and attacking large animals like wild boar, for herding livestock and for pit fighting.

There's a myth that pit bulls have "locking jaws" that seize up when biting. Though pit bulls have strong jaws and, like most dogs, will hold onto their prey after biting it, there is no evidence that a pit bull's jaws are anatomically different from those of other breeds

evidence that a pit bull's jaws are anatomically different from those of other breeds.

Even fans of pit bulls acknowledge the breed is different from other dogs. "I tell people right off the bat, if you want a dog-park-type dog, a dog you can just run off-leash, please do not get a pit bull," Ami Ciontos, founder and president of the Atlanta Underdog Initiative, a pit bull rescue group, told CNN.com.

"I want to make sure that whomever I adopt to is educated about the breed," Ciontos said. "We want to make sure they understand the stigma about the breed and that they are held to a higher standard."

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Jo Provencher
17868 Rainbow Drive
Monticello, IA 52310

RE: Meeting Request

Dear Jo:

I shared your proposed meeting date with the Mayor and Council to gauge their interest in meeting with you, and others, in relation to your concerns with the pit bull ban. Because the entire Council could not meet with you without having a formally noticed meeting the direction I have been given is to invite you to speak at a regularly scheduled City Council meeting during the open forum. That forum will allow all of the Council members to be present and for the Express and the public to be kept abreast of your stance on this matter. The open forum rules limit comment to three (3) minutes per person to a maximum open forum length of fifteen (15) minutes. The Mayor runs the meeting and has discretion with regard to open forum timeframes.

Please let me know if you are available to speak during the open forum at our August 6th meeting. The meeting commences at 6:00 p.m. and the open forum takes place shortly thereafter.

Sincerely yours,


Douglas D. Herman
Monticello City Administrator