

MINUTES OF MEETING FOR HEARING
ON RESOLUTION OF NECESSITY

Monticello, Iowa

February 5, 2024

A meeting of the City Council of the City of Monticello, Iowa, was held at 6:00 o'clock p.m. on February 5, 2024, at the Monticello Renaissance Center, Community Media Room, 220 East First Street, in the City. The Mayor presided and the roll was called, showing members present and absent, as follows:

Present: Josh Brenneman, Scott Brighton, Jake Ellwood, Dave Goedken, Candy Langerman and Mary Phelan

Absent: None.

The Mayor announced that this was the time and place set for hearing upon the proposed Resolution of Necessity covering the 2024 N. Chestnut Street Reconstruction Project. All written objections heretofore filed and all written or oral objections filed or made during the hearing were considered by the Council.

Written objections were filed by the following: None.

Oral objections were made by the following:

Jackie Jacobs, 205 N Chestnut, asked if they could bore underground to place lines in an attempt to save her trees. She would prefer no sidewalks along her property, but she knows it is City policy. She stated that she wanted to keep the pavers, as it adds charm to the street and not putting pavers back in would devalue her property.

Erich Eggers, 215 N Chestnut, Inquired how wide the sidewalk would be and engineer stated 5 foot. He inquired what Tuetken and he were to do, as they don't have an alley to access their property during construction. They were advised the contractor has provisions to put in gravel by driveways. The only time they would not be allowed to drive on the property is when surface is curing for about a week.

Joe Tuetken, 221 N Chestnut, didn't see the need to have streetlights in the middle of the street.

The Mayor then declared that a motion would be in order for adoption of the Resolution of Necessity.

It was moved by Council Member Langerman and seconded by Council Member Brenneman that the Resolution of Necessity for the 2024 N. Chestnut Street Reconstruction Project be adopted in the form hereinafter set out.

After due consideration thereof by the Council, the Mayor put the question to a vote, and upon a roll call vote the following named Council Members voted:

Ayes: Langerman, Brenneman, Goedken, Phelan, Brighton and Ellwood.

Nays: None.

Whereupon, the Mayor declared the said motion duly carried and the Resolution of Necessity was finally adopted.

RESOLUTION NO. 2024-21

Resolution of Necessity
2024 N. Chestnut Street Reconstruction Project

WHEREAS, the City Council of the City of Monticello, Iowa, has adopted a preliminary resolution in accordance with Section 384.42 of the Code of Iowa, covering the 2024 N. Chestnut Street Reconstruction Project (the “Project”); and

WHEREAS, pursuant thereto, the Project Engineers have prepared preliminary plans and specifications, an estimated total cost of the work and a plat and schedule, including the valuation of each lot as determined by this Council, and the same have been duly adopted and are now on file with the City Clerk;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Monticello, Iowa:

Section 1. It is hereby found and determined to be necessary and in the best interest of the City and its inhabitants to proceed with the Project, and to assess a portion of the cost to the property benefitted thereby.

Section 2. The Project shall consist of the reconstruction and surfacing of streets, including the construction of curb and gutter improvements, storm sewer and drainage improvements, water system extensions, improvements and connections, sanitary sewer system extensions, improvements and connections, sidewalk and driveway approach reconstructions, pedestrian ramps, lighting, and other work incidental thereto on and along certain streets in the City of Monticello, Iowa, as follows:

2024 N. Chestnut Street, said additional work to potentially include all the improvements noted in Section 1 of this Resolution.

Section 3. The assessable portion of the 2024 N. Chestnut Street Reconstruction Project shall consist of 100% of the curb and gutter improvements, 100% of the cost of reconstruction driveway approaches and driveways where applicable, and 100% of the cost of 4 foot wide sidewalk replacement (although 5’ wide sidewalk will be constructed), and 100% of the cost of replacement courtesy walks between the sidewalk and curb. It is considered that all properties abutting the above described segments of streets to be improved will be specially benefited from this improvement and should be specially assessed.

The City Council will consider the granting of a credit against proposed assessments if the property owner to be assessed provides evidence found sufficient by the Council that sidewalks or driveway approaches have been replaced within the past ten (10) years and remain in good condition.

Section 4. Unless a property owner filed objections with the City Clerk at the time of the hearing on this resolution of necessity, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using the special assessment procedure.

Section 5. All resolutions, parts of resolutions, or actions of the Council in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved the 5th day of February, 2024.

Wayne Peach, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

It was moved by Council Member Brighton and seconded by Council Member Langerman that the City Clerk be directed to file certified copies of the Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the County Treasurer of Jones County, and that the resolution hereinafter set out ordering the preparation of the detailed plans and specifications and the preparation of the notice of hearing and notice to bidders and form of contract covering the 2024 N Chestnut Street Reconstruction Project be adopted.

Whereupon, the Mayor put the question upon the motion, and the roll being called, the following named Council Members voted:

Ayes: Brighton, Langerman, Phelan, Ellwood, Brenneman and Goedken.

Nays: None.

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

RESOLUTION NO. 2024-22

Ordering Preparation of Detailed Plans, Specifications, Notice of Hearing,
Notice to Bidders and Form of Contract

WHEREAS, this Council has adopted a final Resolution of Necessity in connection with the 2024 N. Chestnut Street Reconstruction Project (the “Project”); and

WHEREAS, detailed plans and specifications, notice of hearing and notice to bidders and form of contract should now be prepared and filed with the City Clerk;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Monticello, Iowa, as follows:

Section 1. The Project Engineers are hereby instructed to prepare and file with the City Clerk detailed plans and specifications covering the Project, including a notice of hearing and notice to bidders and form of contract.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved on this 5th day of February, 2024.

Wayne Peach, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

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There being no further business to come before the meeting, it was upon motion adjourned.

Wayne Peach, Mayor

Attest:

Sally Hinrichsen, City Clerk/Treasurer

STATE OF IOWA)
COUNTY OF JONES)§
CITY OF MONTICELLO)

I, the undersigned City Clerk of the aforementioned City, do hereby certify that the above and foregoing is a true and correct copy of the minutes of a meeting of the Council of said City, held as therein shown, insofar as such minutes pertain to the 2024 N. Chestnut Street Reconstruction Project, including a true and correct copy of each of the resolutions referred to in such minutes.

WITNESS MY HAND and the seal of the City hereto affixed this 5th day of February, 2024.

Sally Hinrichsen, City Clerk

(Seal)

STATE OF IOWA)
)§
COUNTY OF JONES)

I, the undersigned, County Treasurer of Jones County, Iowa, do hereby certify that the City Clerk of Monticello, Iowa, did file on the _____ day of _____, 2024, in my office, copies of the final Resolution of Necessity, Preliminary Plat and Schedule of Assessments in connection with the 2024 N. Chestnut Street Reconstruction Project.

WITNESS MY HAND and the seal of said County hereto affixed this _____ day of _____, 2024.

County Treasurer

(Seal)

STATE OF IOWA)
COUNTY OF JONES)§
CITY OF MONTICELLO)

I, the undersigned City Clerk of the aforementioned City, do hereby certify that, pursuant to Section 384.62 of the Code of Iowa, no requests for deferment of special assessment payments with respect to the 2024 N. Chestnut Street Reconstruction Project were filed at the hearing on the Resolution of Necessity or within 10 days thereafter, except as follows:

Name	Assessment Number	Amount of Assessment
None		

WITNESS MY HAND and the seal of said City hereto affixed this 16th day of February, 2024.

Sally Hinrichsen, City Clerk/Treasurer

(Seal)

(Please attach hereto copies of written requests for deferment.)

(NOT TO BE EXECUTED UNTIL 10 DAYS AFTER THE DATE OF HEARING ON RESOLUTION OF NECESSITY.)