

The Mount Vernon City Council met August 7, 2023, at City Hall, 213 1st Street NW, Mount Vernon, IA. A Zoom option was available. The following Council members were present: Engel, West, and Tuerler. Rose and Herrmann present via Zoom.

Call to Order. At 6:30 p.m. Mayor Thomas M. Wieseler called the meeting to order.

Agenda Additions/Agenda Approval. Motion made by West, seconded by Engel to approve the Agenda. Motion carries.

Consent Agenda. Motion made by Tuerler, seconded by West to approve the Consent Agenda. Motion carries.

Approval of City Council Minutes – July 17, 2023, Regular Council Meeting
Appoint Julia Andrews – Cole Library Board of Trustees

Resolutions for Approval

Resolution #8-7-2023A: Adopting the City of Mount Vernon Display of Flags Policy. Per Council's request, the City Attorney has prepared a policy fashioned after the City of Cedar Rapids. Nobsisch explained that staff has recommended against this policy for logistical and legal concerns. All but one of the city owned buildings have one flagpole. Additional flags, when observing half-mast requests, will be located close to the ground and subject to vandalism. While the policy recognizes eleven special occasions, commemorations, or ceremonial flags, it does not address preference when two or more of these occasions fall within the same month. Finally, staff remains concerned about possible legal challenges to the policy. With that being said, staff believes the proposed policy does contain language that would qualify the raising of flags as "government speech" under the Supreme Court ruling of *Shurtleff v. City of Boston* (while Boston lost the case, the Court deemed the policy approved by San Jose, California would qualify as government free speech, creating a quasi-endorsement of the San Jose policy). This should not be construed as a legal opinion, merely the interpretation by the City Administrator. Regardless of staff's recommendation, this is a policy decision. The consideration and adoption of said policy rests solely with the City Council. Future City Council's will have the ability to amend or repeal said policy if they so choose.

Councilperson Tuerler asked to make a comment before public comments were opened. He stated that he is in favor of the City of Mount Vernon adopting a policy such as this but is also sensitive to the logistical aspects of what this type of policy would have on our City staff. The reasons he is in favor of this policy is because he believes Mount Vernon is an inclusive community; he believes that Americans welcome people who have different beliefs; he also believes that we can respectfully, as a community, present that through this type of policy. He went on to say that we are all human beings who deserve respect and understanding and believes that is what Mount Vernon stands for. A policy like this allows us to show we have open arms and open minds and is honoring our humanity as a community. Tuerler would like to recommend that the area just to the west of City Hall could be a welcome square with a flagpole for the commemorative flags to fly in the appropriate months and wouldn't be attached to the flagpole that has the American flag. He doesn't believe that it should be on every City building.

Mayor Wieseler then opened up the meeting for public comments.

The following community members spoke in favor of the proposed flag policy: Cindy Roberts, Tonya Tenley, Karla Steffens, August Taylor, Katrina Anderson, Jeff Schwiebert, Aida Jones, Linda Kemp, Quinn Alice, Christian Andrews, Simon Crocker, Julia Andrews, Jen Stanerson,

The following community members were not in favor of the proposed flag policy: Ron Telecky, Greg Papin, Jerry Niederhauser, Dr. Daniel Riley.

Herrmann then made a motion to approve Resolution #8-7-2023A, adopting the City of Mount Vernon Display of Flags Policy. Seconded by Tuerler. Engel voiced appreciation to everyone in attendance at tonight's meeting and those who chose to speak. He stated that he will be voting yes on the proposed commemorative flag policy because he believes as it is written, it is flexible enough to overcome the logistical issues that the City Administrator has identified. He also believes that it represents the middle way to the original request that was received to fly a pride flag in June and many of the objections to flying the pride flag that we have received since that time. Moving towards a middle way does not mean that an argument has been lost. In his opinion it means the argument was heard and an effort has been made to compromise. Engel said he believes that symbols are important and by having a formal policy and ultimately displaying commemorative flags, the City of Mount Vernon recognizes that people that live here and visit here have and are overcoming adversity and they are supported here.

Herrmann said she intends to vote yes on the proposed policy because she firmly believes that each of the flags represents a part of our history as not only a community but as a country, in coming to a healthy resolution to try to move forward for each of those marginalized groups. She herself has been marginalized and she does not want people to feel that way. She feels that the symbols give a context to remember where we have been and challenge ourselves to talk about why the symbols are important and how we want to continue our journey.

West stated that she did not have a lot more to add other than, "The majority must speak for those whose voice is weaker", and she believes this is her job on City Council, as a human being and as a Christian. She encouraged everyone to look at every flag on the list and said she or her family was personally represented by five of those flags and said that might be the case with a lot of people. She encouraged people to think of this policy overall and what it means to all of us as individuals and as a community.

Rose addressed a few comments made by community members. One person spoke of bullying done to his adopted children of different ethnicities and Rose questioned how better prepared the kids would have been to deal with it if there had been outward showings from the City or school explicitly supporting the fact that they were of those ethnicities. He also addressed a comment that the City should make decisions based on fiduciary responsibility. He said this is a big deciding factor in the vast majority of the decisions that the Council makes and not everything can be done because there are only so many dollars available. There are certain points where the issue being discussed is bigger than fiduciary responsibility and to be able to show support for a series of marginalized populations in the community takes precedence. Finally, a comment was made that flying the LGBTQ+ flag would promote a sinful or ungodly lifestyle. He feels this would fall under the separation of church and state and does not have any bearing. What he feels is sinful might not have any bearing on what someone else feels is sinful. He also stated that he does not make Council decisions based on what may or may not be considered by some to be sinful, he makes them based on what he thinks is best for the community and what is best for those that don't have the voice in the community that he does. Rose also stated that he is not immune to staff's fiduciary concerns but believes we can work past them. Tuerler echoed Rose's comment about the separation of church and state and believes this policy drives the community towards understanding each other.

Mayor Wieseler said he would not be giving his opinion on this subject because he gave up that right when he moved into the Mayor's chair. This was a tough decision for him to go from a voting position to the Mayor position. The other reason he would not be giving his opinion was because he did not want his opinion to "poison the well" and feels that the City has strong Council members that have formulated their own opinions. With the current motion on the table made by Herrmann and seconded by Tuerler, Council then did a roll call vote. Roll call all yes. Resolution passes.

Resolution #8-7-2023B: Accepting Work for the Project Known as the Public Works Cold Storage Buildings Project with Peak Construction Group, Inc. The Public Works Cold Storage Buildings Project is complete. V&K Engineering has reviewed the construction of the two buildings and is recommending closeout of the project. Following a 30-day mandatory waiting period, staff will release the project retainage. Motion made by Engel, seconded by Herrmann to approve Resolution #8-7-2023B accepting work for the project known as Public Works Cold Storage Buildings. Roll call all yes. Resolution passes.

Resolution #8-7-2023C: Accepting Work for the Project Known as the Palisades Rd Overlay Project with L.L. Pelling Company, Inc. The Palisades Road Overlay Project is now complete. V&K Engineering has reviewed the construction of the overlay and is recommending closeout of the project. Following a 30-day mandatory waiting period, staff will release the project retainage. Motion made by Tuerler, seconded by West to approve Resolution #8-7-2023C accepting work for the project known as Palisades Road Overlay. Roll call all yes. Resolution passes.

Motions for Approval

Consideration of Claims List – Motion to Approve. Motion made by West, seconded by Tuerler to approve the claims list. Motion carries.

PAYROLL	CLAIMS	154,665.53
SEPTAGON CONSTRUCTION	PAY APP #7-PD CONSTRUCTION	99,065.39
REPUBLIC SERVICES #897	RESIDENTIAL GB,RECYL-SW	23,507.93
REPUBLIC SERVICES #897	COMMERCIAL GB,RECYL-SW	15,213.13
MIDWEST STORAGE SOLUTIONS	LOCKERS-PD CONSTRUCTION	15,074.05
UNION PACIFIC RAILROAD CO	ENGINEERING-1ST ST RR BRIDGE	10,972.56
MOUNT VERNON AREA ARTS COUNCIL	TRAIL SCULPTURE-LOST III TRAIL	10,000.00
BAKER GROUP	HVAC MAINT CONTRACT-LBC	8,940.00
SPRINGVILLE READY MIX	PARKING LOT IMPROVEMENTS-FD	8,525.50
VEENSTRA & KIMM INC	DAVIS PARK IMPROVEMENTS	7,732.00
ALLIANT ENERGY	ENERGY USAGE-SEW	6,673.03
ALLIED GLASS PRODUCTS INC	DOOR SECURITY-FD	6,235.00
GRONEWOLD, BELL, KYHNN & CO PC	AUDIT SERVICES-ALL DEPTS	5,750.00
CHRISTINE REBHUHN	WHALE ART-LOST III COMM CENTER	4,392.20
VEENSTRA & KIMM INC	PALISADES ROAD OVERLAY	4,302.00
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	4,178.53
VEENSTRA & KIMM INC	2022 SANI SEWER INVESTIGATION	3,814.82
SCHIMBERG COMPANY	ADVANCED DRAIN SYST-PW STORAGE	3,731.53
LINN CO-OP OIL CO	FUEL-PW	3,648.84
SUNSET LAW ENFORCEMENT	TRAINING-PD	3,475.00
TREASURER STATE OF IOWA	WET TAX	3,390.58
AFFORDABLE HEATING & COOLING	HVAC MAINT-PW	3,389.31
TREASURER STATE OF IOWA	SALES TAX	3,388.91
ARTOGRAPHY LLC	WHALE ART-LOST III COMM CENTER	3,340.00
TOTAL TREE CARE OF IOWA CITY	TREE MAINT-RUT	2,750.00
CITY OF ELY	NIXLE NOTIFICATION-ALL DEPTS	2,498.75

ALLIANT ENERGY	ENERGY USAGE-WAT	2,473.94
GARY'S FOODS	CONCESSION SUPPLIES-POOL	2,360.09
DIESEL TURBO SERVICES INC	VEHICLE MAINT-RUT	2,104.22
POWER DMS INC	SOFTWARE-PD	2,000.00
TEAM SERVICES INC	CONST TESTING SERVICES-PD CONST	1,990.61
MUNICIPAL SUPPLY INC	SUPPLIES-WAT	1,601.20
IOWA DEPT OF TRANSPORTATION	PAINT-RUT	1,362.28
STAR EQUIPMENT LTD	SCREED RENTAL-FD PARKING LOT	1,340.00
MENARDS	STRAPS-RUT	1,296.31
IOWA DEPT OF NATURAL RESOURCES	NPDES PERMIT FEE-SEW	1,275.00
MONTICELLO EXPRESS	SWIM CARDS/RIBBONS-POOL	1,151.21
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	1,114.07
IOWA SOLUTIONS INC	MONTHLY MAINT-PD	1,088.50
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	1,041.26
RED LION RENEWABLES	SOLAR PRODUCTION-P&A,PD	1,035.00
CATERPILLAR FINANCIAL SERVICES	GENERATOR-PD	949.39
RICHARD BURROUGHS	CEMETERY MAINT	890.00
NIGHT SHIFT LLC	CLEANING SERVICE-P&A	877.82
NIGHT SHIFT LLC	CLEANING SERVICE-PD	842.57
VEENSTRA & KIMM INC	PW STORAGE BLDGS	834.32
NIGHT SHIFT LLC	CLEANING SERVICES-P&A	811.67
NIGHT SHIFT LLC	CLEANING SERVICE-PD	779.08
WOODWARD COMMUNITY MEDIA	ADS/PUBLICATIONS-ALL DEPTS	776.72
AFFORDABLE HEATING & COOLING	HVAC MAINT-PW	703.11
DOORS INC	KEYPAD/LOCKSET-CITY HALL	695.00
VEENSTRA & KIMM INC	WASTEWATER MISC ENGINEERING	675.37
VEENSTRA & KIMM INC	STREET MISC ENGINEERING	660.00
STAPLES INC	SUPPLIES-RUT	659.90
AMAZON CAPITAL SERVICES	SUPPLIES-P&REC	611.12
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	567.00
POSTMASTER	UTIL BILL POSTAGE-WAT,SEW,SW	566.55
TRUCK COUNTRY	VEHICLE MAINT-RUT	491.59
KENDRIA SCRIVER	INSTRUCTOR-LBC	455.00
MECHANICSVILLE TELEPHONE COMP	PHONE/INTERNET-LBC	426.22
P&K MIDWEST INC	OIL/AIR FILTERS-RUT	414.39
MEDIACOM	PHONE/INTERNET-P&A	384.85
CITY LAUNDERING CO	SERVICES-P&A	373.21
CENTRAL IOWA DISTRIBUTING	SUPPLIES-PW	315.00
IOWA DIVISION OF LABOR	ELEVATOR INSPECTION-LBC	300.00
DE NOVO MARKETING	MONTHLY MAINT-LBC	300.00
MEDIACOM	PHONE/INTERNET-RUT	298.08
TYLER TECHNOLOGIES	RECEIPT PRINTER MAINT-WAT,SEW	297.21
MEDIACOM	PHONE/INTERNET-SEW	288.19
KONICA MINOLTA BUSINESS SOLUTIONS	MAINT PLAN/COPIES-P&A	282.87
LORI BOREN	MILEAGE-ALL DEPTS	281.65
MEDIACOM	PHONE/INTERNET-FD	271.83
MECHANICSVILLE TELEPHONE COMP	PHONE/INTERNET-PD	260.97
US CELLULAR	CELL PHONE-PD	260.83
AMAZON CAPITAL SERVICES	SUPPLIES-POOL	252.03
IOWA SOLUTIONS INC	COMPUTER MAINT-PD	247.50
BRADY LANHAM	SERVICES-POOL	240.00
THOMAS M WIESELER	LEAGUE CONFERENCE-ALL DEPTS	230.00
CENTRAL IOWA DISTRIBUTING	SUPPLIES-P&A	230.00
TECHNICOM COMMUNICATIONS	PHONE MAINT-PD	222.00

STAPLES INC	SUPPLIES-P&A	214.58
STAPLES INC	SUPPLIES-ALL DEPTS	194.82
VEENSTRA & KIMM INC	HWY 1 RAB IMPROVEMENTS	194.00
CARQUEST OF LISBON	VEHICLE MAINT-PW	187.01
LINN COUNTY PUBLIC HEALTH	AIR PERMIT RENEWAL-PD,P&A,WAT	180.00
CENTRAL IOWA DISTRIBUTING	SUPPLIES-LBC	179.00
MECHANICSVILLE TELEPHONE COMP	PHONE/INTERNET-POOL	177.65
US CELLULAR	CELL PHONE-P&REC,WAT,SEW	171.23
PITNEY BOWES	POSTAGE METER LEASE-ALL DEPTS	165.33
IOWA SOLUTIONS INC	COMPUTER MAINT-LBC	165.00
IOWA SOLUTIONS INC	COMPUTER MAINT-P&A	165.00
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT	162.31
VEENSTRA & KIMM INC	CANDLESTICK STREET IMPROVEMENT	160.00
CENTRAL IOWA DISTRIBUTING	SUPPLIES-LBC	157.60
WITMER PUBLIC SAFETY GROUP INC	EQUIPMENT-FD	155.87
GARY'S FOODS	SUPPLIES-LBC	144.31
CHRIS NOSBISCH	MILEAGE-P&A	134.28
KONICA MINOLTA BUSINESS SOLUTIONS	MAINT PLAN/COPIES-LBC	130.38
STAPLES INC	SUPPLIES-P&A	118.58
IOWA ONE CALL	LOCATES-WAT,SEW	109.80
ALLIANT ENERGY	ENERGY USAGE-PD	108.69
WENDLING QUARRIES	ROADSTONE-SW	103.55
CENTRAL IOWA DISTRIBUTING	SUPPLIES-LBC	100.00
MATT SIDERS	FITNESS MEMBERSHIP-P&REC,LBC	100.00
AMAZON CAPITAL SERVICES	SUPPLIES-PD	99.98
AIRGAS INC	CYLINDER RENTAL FEE-PW	98.68
SHERWIN WILLIAMS	EQUIP MAINT-RUT	85.91
AMERICAN RED CROSS	TRAINING-POOL	82.00
ORKIN	PEST CONTROL-PD	80.00
MOUNT VERNON CAR WASH	CAR WASH-PD	80.00
KONICA MINOLTA BUSINESS SOLUTIONS	MAINT PLAN/COPIES-LBC	75.75
MARKET STREET	SERVICES-MVHPC	75.00
ALLIANT ENERGY	ENERGY USAGE-P&REC	72.20
NEAL'S WATER CONDITIONING	WATER/SALT-RUT	72.00
CITY LAUNDERING CO	SERVICES-P&A	69.33
CAUSE TEAM	UNIFORMS-PD	65.00
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	64.00
CARRICO AQUATIC RESOURCES INC	CHEMICALS-POOL	60.59
NEAL'S WATER CONDITIONING	WATER/SALT-LBC	60.00
NICOLE ALEXANDER	REFUND-LBC	60.00
EVIDENT INC	SUPPLIES-PD	58.42
PRESTO-X	PEST CONTROL-P&A	58.00
BRADLEY DOERRING	INSTRUCTOR-LBC	50.00
KEITH LEHRMAN	INSTRUCTOR-LBC	50.00
KIMBERLY SCHROCK	INSTRUCTOR-LBC	50.00
ALLIANT ENERGY	ENERGY USAGE-FD/SIRENS	48.37
LYNCH FORD	F350 REPAIRS-WAT,SEW	47.60
GARY'S FOODS	SUPPLIES-PD	45.10
JOE'S QUALITY WINDOW CLEANING	WINDOW CLEANING-PD	40.00
BANKCARD 8076	REFUND-P&REC	37.00
NEAL'S WATER CONDITIONING	WATER/SALT-P&A	30.50
BANKCARD 8076	REFUND-P&REC	30.00
BANKCARD 8076	REFUND-P&REC	30.00
ALLIANT ENERGY	ENERGY USAGE-SW	29.25

ALLIANT ENERGY	ENERGY USAGE-CEM	20.38
HAWKINS INC	CHEMICALS-WAT	20.00
P&K MIDWEST INC	EQUIP REPAIR-RUT	13.97
BANKCARD 8076	REFUND-P&REC	5.00
AUTHNET GATEWAY BILLING	CREDIT CARD SERVICES-LBC	5.00
TOTAL		466,459.34

PAYROLL		154,665.53
ARP POLICE STATION CONST		117,079.44
GENERAL FUND		46,710.72
SOLID WASTE		41,455.59
ROAD USE TAX FUND		18,682.90
SEWER FUND		14,618.44
LBC		14,507.10
WATER FUND		12,926.44
CAPITAL IMPROVEMENT PROJECTS		11,792.56
LOST III TRAILS		10,000.00
LOST III COMM CENTER		7,732.20
DAVIS PARK IMPROVEMENTS		7,732.00
PALISADES ROAD OVERLAY		4,302.00
ARP LINN COUNTY GRANT		3,814.82
STORM WATER FUND		245.60
LOST III STREETS & SIDEWALKS		194.00
TOTAL		466,459.34

FY24 JULY REVENUE

GENERAL GOVERNMENT		1,989,137.79
PUBLIC WORKS		266,312.70
CULTURE-RECREATION		59,978.28
PUBLIC SAFETY		3,462.17
DEBT SERVICE		365.36
COMMUNITY & ECON DEV		0.00
TOTAL		2,319,256.30

Discussion and Consideration of the Rescheduling the September 4, 2023 City Council Meeting due to the Labor Day Holiday – Council Action as Needed. The first Council meeting in September will fall on Labor Day, which is a recognized City holiday. Motion made by Tuerler, seconded by Rose to move the first Council meeting in September to September 5, 2023, at 6:30 p.m. Motion carries.

Discussion and Consideration of Furnishing Bids for the Police Station – Council Action as Needed. Chief Shannon received two bids for furnishing the police station renovation project. Staff is recommending the approval of the low bid from Welter’s Storage. Motion made by West, seconded by Engel to approve the bid from Welter’s Storage in the amount \$25,379.00 for the police station renovation furnishings. Motion carries.

Discussion and Consideration of Pay Application #6 from Peak Construction Group, Inc – PW Cold Storage Buildings Project – Council Action as Needed. This is the final pay application for the Public Works Cold Storage Project. Once the 30-day mandatory waiting period has lapsed, staff will release this retainage payment. Motion made by Tuerler, seconded by Herrmann to approve Pay Application #6 (Final) from Peak Construction in the amount of \$25,230.00. Motion carries.

Discussion and Consideration of Pay Application #2 from L.L. Pelling Company Construction, Inc – Palisades Road Overlay Project – Council Action as Needed. This is the final pay application for the Palisades Road Overlay Project. Once the 30-day mandatory waiting period has lapsed, staff will release this retainage payment. Motion made by Engel, seconded by Rose to approve Pay Application #2 (Final) from L.L. Pelling Company, Inc in the amount of \$18,415.27.00. Motion carries.

Discussion and Consideration of Pay Application #8 from Septagon Construction – PD Renovation Project – Council Action as Needed. Motion made by Tuerler, seconded by West to approve Pay Application #8 from Septagon Construction in the amount of \$67,837.12. Motion carries.

Reports of Mayor/Council/Administrator

City Administrator's Report. Full report available on the City website under the August 7, 2023 Council packet.

As there was no further business to attend to, the meeting adjourned, the time being 8:12 p.m., August 7, 2023.

Respectfully submitted,
Marsha Dewell
City Clerk