

City of Mt. Vernon, Iowa

Meeting:	Mt. Vernon City Council Meeting
Place:	Mt. Vernon City Hall, 213 1st Street NW, Mt. Vernon, Iowa 52314
Date/Time:	October 7, 2024 – 6:30 PM
Web Page:	www.cityofmtvernon-ia.gov
Posted:	October 3, 2024

Mayor:	Tom Wieseler	City Administrator:	Chris Nosbisch
Mayor Pro-Tem:	Scott Rose	City Attorney:	Holly Corkery
Councilperson:	Stephanie West	Asst. City Administrator:	Lori Boren
Councilperson:	Craig Engel	Finance Dir/City Clerk:	Marsha Dewell
Councilperson:	Mark Andresen	Chief of Police:	Doug Shannon
Councilperson:	Paul Tuerler		

For those individuals that are unable to attend or still do not feel comfortable with in-person meetings, the City is providing a Zoom option. For those planning to attend via Zoom, please use the following information:

You will be prompted for the following information:

1. Telephone #: 1-312-626-6799
2. Meeting ID: 892 7082 0095
3. Password: 406277

Should you need assistance to access the meeting, please contact Chris at 319-359-8613.

- A. Call to Order**
- B. Agenda Additions/Agenda Approval**
- C. Communications:**
 1. Unscheduled

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 microphone and give your name and address for the public record before discussing your item. Each individual will be granted no more than five (5) minutes.

- D. Consent Agenda**

Note: These are routine items and will be enacted by one motion without separate discussion unless a Council Member requests separate consideration.

1. Approval of City Council Minutes – September 16, 2024 Regular Council Meeting

- E. Public Hearing**

1. Public Hearing on the Plans, Specifications, Form of Contract, and Estimate of Costs for the Lester Buresh Center Generator Project
 - i. Close public hearing – Proceed to G -1
2. Public Hearing on an Ordinance Amending Chapter 165 Zoning Regulations, Article 302 Definitions and Article 413 LI – Limited Industrial District of the Mount Vernon Code of Ordinances
 - i. Close public hearing – Proceed to F - 3

3. Public Hearing on an Ordinance Amending Chapter 46 Minors of the Mount Vernon Code of Ordinances
 - i. Close public hearing – Proceed to F – 4
4. Public Hearing on an Ordinance Amending the Code of Ordinances of the City of Mount Vernon, Iowa, 2000, By Amending Provisions Pertaining to Chapter 165, Zoning Regulations
 - i. Close public hearing – Proceed to F - 5

F. Ordinance Approval/Amendment

1. Ordinance #9-3-2024A: Providing that General Property Taxes Levied and Collected Each Year on Certain Property Located within the Stonebrook Urban Renewal Area, in the City of Mount Vernon, County of Linn, State of Iowa, by and for the Benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and Other Taxing Districts, to be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by the City in Connection with the Stonebrook Urban Renewal Area (Phase 2B Parcels and Phase 4 Parcels)
 - i. Motion to approve the third and final reading
2. Ordinance #9-3-2024B: Providing that General Property Taxes Levied and Collected Each Year on Certain Property Located within the Spring Meadow Heights Urban Renewal Area, in the City of Mount Vernon, County of Linn, State of Iowa, by and for the Benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and Other Taxing Districts, to be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by the City in Connection with the Spring Meadow Heights Urban Renewal Area (Phase 3 Parcels)
 - i. Motion to approve the third and final reading
3. Ordinance #10-7-2024A: Amending Chapter 165 Zoning Regulations, Article 302 Definitions and Article 413 LI – Limited Industrial District of the Mount Vernon Code of Ordinances
 - i. Motion to approve first reading and proceed to the second reading (Council may suspend rules and proceed to the final reading after a vote of the first reading)
4. Ordinance #10-7-2024B: Amending Chapter 46 Minors of the Mount Vernon Code of Ordinances
 - i. Motion to approve first reading and proceed to the second reading (Council may suspend rules and proceed to the final reading after a vote of the first reading)
5. Ordinance #10-7-2024C: Amending the Code of Ordinances of the City of Mount Vernon, Iowa, 2000, By Amending Provisions Pertaining to Chapter 165, Zoning Regulations
 - i. Motion to approve first reading and proceed to the second reading (Council may suspend rules and proceed to the final reading after a vote of the first reading)

G. Resolutions for Approval

1. Resolution #10-7-2024A: Adopting Plans, Specifications, Form of Contract, and Estimate of Costs for the Lester Buresh Center Generator Project
2. Resolution #10-7-2024B: Adopting the 457 (b) Deferred Compensation Plan for the City of Mt. Vernon
3. Resolution #10-7-2024C: Approving the Plat of Survey #2888, Parcel A, Minor Boundary Change to the City of Mt. Vernon, Iowa
4. Resolution #10-7-2024D: Preliminarily Approving Application for Voluntary Annexation into the City of Mount Vernon, Iowa

5. Resolution #10-7-2024E: Providing for New “No-Parking Zone” Designations within the City of Mt. Vernon, Iowa

H. Mayoral Proclamation

1. None

I. Old Business

1. None

J. Motions for Approval

1. Consideration of Claims List – Motion to Approve
2. Discussion and Consideration of Appointing Nick Eicher to the Mt. Vernon/Lisbon Police Department - Council Action as Needed
3. Discussion and Consideration of Change Order #1 – Bryant Rd Watermain Extension – Council Action as Needed
4. Discussion and Consideration of Pay Application #1 – Sanitary Sewer Rehabilitation Project – Council Action as Needed
5. Discussion and Consideration of 2024 Police Vehicle Equipment Installation with RACOM – Council Action as Needed
6. Discussion and Consideration of Springville Ready Mix Invoice #79154 – PW Site Construction – Council Action as Needed
7. Discussion and Consideration of Water’s Edge Invoice #11007 – 2024 Pool Renovation Project – Council Action as Needed
8. Discussion and Consideration of Pay Application #1 – 2024 Pool Renovation Project – Council Action as Needed

K. Reports to be Received/Filed

1. None

L. Discussion Items (No Action)

1. Linn County Planning & Zoning Update on King Chapel

M. Reports of Mayor/Council/Administrator

1. Mayor’s Report
2. Council Reports
3. Committee Reports
4. City Administrator’s Report

N. 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.

If anyone with a disability would like to attend the meeting, please call City Hall at 895-8742 to arrange for accommodations.

D. Consent Agenda

September 16, 2024
City Council Minutes
213 1st Street NW
Mount Vernon, Iowa 52314

The Mount Vernon City Council met September 16, 2024, at City Hall, 213 1st Street NW, Mount Vernon, IA. A Zoom option was available. The following Council members were present: West, Andresen, Rose, Engel and Tuerler.

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

Agenda Additions/Agenda Approval. Motion made by Rose, seconded by Tuerler to approve the Agenda. Motion carries.

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

Approval of City Council Minutes – September 3, 2024 Regular Council Meeting

Approval of Liquor License – Bon Appetit Management Co.

Approval of Liquor License – Gary's Foods

Ordinance Approval/Amendment

Ordinance #9-3-2024A: Providing that General Property Taxes Levied and Collected Each Year on Certain Property Located within the Stonebrook Urban Renewal Area, in the City of Mount Vernon, County of Linn, State of Iowa, by and for the Benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and Other Taxing Districts, to be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by the City in Connection with the Stonebrook Urban Renewal Area (Phase 2B Parcels and Phase 4 Parcels). Staff has not received any verbal or written communication regarding this ordinance since the first reading. Motion made by West, seconded by Rose to approve Ordinance #9-3-2024A. Roll call all yes. Ordinance passes its second reading.

Ordinance #9-3-2024B: Providing that General Property Taxes Levied and Collected Each Year on Certain Property Located within the Spring Meadow Heights Urban Renewal Area, in the City of Mount Vernon, County of Linn, State of Iowa, by and for the Benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and Other Taxing Districts, to be Paid to a Special Fund for Payment of Principal and Interest on Loans, Monies Advanced to and Indebtedness, Including Bonds Issued or to be Issued, Incurred by the City in Connection with the Spring Meadow Heights Urban Renewal Area (Phase 3 Parcels). Staff has not received any verbal or written communication regarding this ordinance since the first reading. Motion made by Andresen, seconded by Engel to approve Ordinance #9-3-2024B. Roll call all yes. Ordinance passes its second reading.

Resolutions for Approval

Resolution #9-16-2024A: Ordering Construction of Certain Public Improvements, Approving Preliminary Plans and Fixing a Date for Hearing Thereon and Taking Bids Therefore for Improvements Known as the Lester Buresh Center Generator Project. Veenstra and Kimm has indicated that the City can restart the LBC generator bidding process. Minor modifications to the plans and specifications have been made after consultation with Alliant Energy. \$100,000 of this cost would come from a grant and the remaining from LOST III. There will be a public hearing on October 7, 2024 and bids will be opened on October 24, 2024. Motion made by Tuerler, seconded by West to approve Resolution 9-16-2024A. Roll call all yes. Resolution passes.

Resolution #9-16-2024B: Making Award of the Construction Bid for the Bryant Road Watermain Extension. Staff is studying the best way to serve the new Public Works site with water while also planning for future development. An extension and upgrade of the water service on Bryant Court west along Bryant Rd will allow future development to loop existing systems and maintain better water pressure. The engineer's estimate was well over \$135,000.00 so the bid from Dave Schmitt Construction in the amount of \$80,413.25 is the best possible outcome for the City. Monies from the sale of the old public works facility will cover the costs of the extension. Motion made by Rose, seconded by Andresen to approve Resolution #9-16-2024B. 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	129,894.73
WATERS EDGE AQUATIC DESIGN LLC	PLANNING/DESIGN-POOL RENOVATIONS	107,520.00
EMPLOYEE BENEFIT SYSTEMS	GROUP INSURANCE-ALL DEPTS	39,057.05
FERGUSON WATERWORKS	REMOTE READ METER PROJECT	29,590.85
REPUBLIC SERVICES #897	GB,RECYL-SW RESIDENTIAL	24,649.51
REPUBLIC SERVICES #897	GB,RECYL-SW COMMERCIAL	15,156.64
VEENSTRA & KIMM INC	HWY 1 RECONSTRUCTION	9,685.67
CAPITAL SANITARY SUPPLY	GYM FLOOR CARE-LBC	6,450.00
SPRINGVILLE READY MIX	CONCRETE-PW FACILITIES	5,833.00
RED LION RENEWABLES	SOLAR ELECTRIC-P&A,PD,LBC	4,710.83
TREASURER STATE OF IOWA	SALES TAX	4,406.13
TREASURER STATE OF IOWA	WET TAX	3,646.06
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	3,517.86
FIRE CATT LLC	HOSE TESTING-FD	3,160.20
TRI-CITY ELECTRIC CO OF IOWA	SUPPLIES-LBC	2,695.00
IOWA SOLUTIONS INC	MONTHLY MAINT-ALL DEPTS	2,476.49
PNP	FUEL-PD	2,081.66
P&K MIDWEST INC	MOWER BLADES-P&REC	1,555.50
MOUNT VERNON ACE HARDWARE	SUPPLIES-ALL DEPTS	1,386.67
IOWA SOLUTIONS INC	MONTHLY MAINT-ALL DEPTS	1,025.00
RICHARD BURROUGHS	CEMETERY MAINT	1,010.00
US CELLULAR	CELL PHONE-PD	986.45
CATERPILLAR FINANCIAL SERVICES	GENERATOR-PD	949.39
BANKCARD 8076	CREDIT CARD FEES-LBC,POOL,P&REC	856.18
IOWA SOLUTIONS INC	COMPUTER MAINT-LBC	750.00
KROUL FARMS	BEAUTIFICATION	648.95
LYNCH DALLAS PC	LEGAL FEES-P&A	587.55
GARY'S FOODS	SUPPLIES-ALL DEPTS	515.12
GARY'S FOODS	SUPPLIES-POOL	458.89
MECHANICSVILLE TELEPHONE	PHONE/INTERNET-LBC	447.07
BRADLEY HAUGE CPA	PROFESSIONAL SERVICES-ALL DEPTS	420.00
STAR EQUIPMENT LTD	TROWELS-PW FACILITIES	418.41
BAUER BUILT TIRE	LOADER REPAIRS-PW	406.62
IOWA SOLUTIONS INC	COMPUTER MAINT-PD	398.00
MECHANICSVILLE TELEPHONE	PHONE/INTERNET-PD	378.62
MEDIACOM	PHONE/INTERNET-SEW	352.25
NEAL'S WATER CONDITIONING	WATER/SALT-RUT	309.00
IOWA DEPT OF PUBLIC SAFETY	ONLINE WARRANTS-PD	300.00
CITY LAUNDERING CO	SERVICES-LBC	253.92

MOTOROLA SOLUTIONS INC	VIDEO CLOUD STORAGE-PD	236.09
KONE INC	ELEVATOR MAINT CONTRACT-P&A	212.67
CARQUEST OF LISBON	VEHICLE/EQUIP MAINT-PD,WAT	188.67
RC TECH	CAMERA SERVICE-SW	186.50
CENTRAL IOWA DISTRIBUTING	SUPPLIES-LBC	184.00
GRANT PROFESSIONALS ASSOC	MEMBERSHIP-P&A	169.00
CONSTRUCTION MATERIALS INC	CONCRETE TOOL-RUT	160.00
CITY LAUNDERING CO	SERVICES-CITY HALL	159.38
KONICA MINOLTA BUSINESS SOLUTIONS	MAINT PLAN/COPIES-LBC	131.45
MATT SIDERS	MILEAGE-P&REC,LBC	113.90
MECHANICSVILLE TELEPHONE	PHONE/INTERNET-POOL	108.77
AMERICAN RED CROSS	TRAINING-POOL	100.00
PROFESSIONAL WINDOW CLEANING	WINDOW CLEANING-CITY HALL	80.00
PRESTO-X	PEST CONTROL-FD	73.81
LYNCH FORD-LYNCH CHEVROLET	VEHICLE MAINT-PW	68.43
NEAL'S WATER CONDITIONING	WATER/SALT-CITY HALL	57.75
AMAZON CAPITAL SERVICES	SUPPLIES-P&REC	57.36
NEAL'S WATER CONDITIONING	WATER/SALT-PW	48.00
RICKARD SIGN AND DESIGN CORP	GOLF CART PERMITS-PD	45.00
DES MOINES STAMP	SUPPLIES-PD	44.00
NEAL'S WATER CONDITIONING	WATER/SALT-LBC	38.25
SUNG MO KANG	DEPOSIT REFUND-WAT	31.07
MIDWEST WHEEL CO	VEHICLE MAINT-FD	24.72
CUSTOM HOSE & SUPPLIES INC	HOSES-FD	22.06
RICKARD SIGN AND DESIGN CORP	CITY HALL SIGN CHANGES	20.00
AMAZON CAPITAL SERVICES	SUPPLIES-PD	11.97
BANKCARD 8076	REFUND-P&REC	8.00
TOTAL		411,526.12

FUND EXPENSE TOTALS

PAYROLL	129,894.73
POOL RENOVATIONS	107,520.00
SOLID WASTE	42,482.40
GENERAL FUND	39,105.78
REMOTE READ METER PROJECT	29,590.85
LBC	21,204.94
WATER FUND	11,216.50
2024 INFRASTRUCTURE	9,685.67
SEWER FUND	8,066.22
PW FACILITIES	6,251.41
ROAD USE TAX FUND	5,005.70
STORM WATER FUND	1,501.92
TOTAL	411,526.12

FY25 AUGUST REVENUE

PUBLIC WORKS	237,101.43
GENERAL GOVERNMENT	175,035.00
CULTURE-RECREATION	68,606.12
COMMUNITY & ECONOMIC DEV	14,444.99
PUBLIC SAFETY	2,923.09
TOTAL	498,110.63

Discussion and Consideration of Brine Storage Structural Materials Quote – Public Works Site - Council Action as Needed. Staff continues their review of essential buildings/equipment that are necessary to facilitate our move to the new public works site. The hoop structure for the storage of sand and salt had been approved previously by the Council and is currently under construction. The material package for the brine building will not exceed \$28,000, however, the total project costs needed to finish construction will be between \$35,000 and \$45,000. Monies from the sale of the old public works facility will cover the costs of the extension. Motion made by Engel, seconded by West to approve the purchase of materials for the brine building at the new Public Works site, not to exceed \$45,000.00. Motion carries.

Discussion and Consideration of Ferguson Waterworks Invoice #0491617-3 – Council Action as Needed. The attached invoice from Ferguson Waterworks is in the amount of \$13,647.85. The invoices represent equipment purchases for the 2024 water main replacement project. Motion made by Rose, seconded by Andresen to approve invoice #0491617-3 for \$13,647.85. Motion carries.

Discussion and Consideration of MVCSD Homecoming Fireworks Display – Council Action as Needed. Staff does not know at this point if there will be a fireworks display for homecoming but this is the last Council meeting before that date that Council would be able to approve. Nosbisch is recommending that Council approve the fireworks display pending approval from Public Safety. Motion made by Engel, seconded by West to approve the fireworks display for MVCSD homecoming pending Public Safety approval including signed documents and appropriate insurance. Motion carries.

Reports to be Received/Filed. Full reports can be found on the City website under the September 16, 2024 Council packet.

Mt. Vernon/Lisbon Police Report
Mt. Vernon Public Works Report
Mt. Vernon Parks and Rec Report
Cole Library Report

Reports of Mayor/Council/Administrator

Mayor's Report. The Mayor has attended three ribbon cuttings in the last few days (Abbe Creek Arts Center, new massage therapy location and a vinyl and plants store). Wieseler was invited to speak at the Asian Festival this Saturday as well as the Latin Fusion Festival last weekend, but was not able to attend the second. Wieseler will travel to Oskaloosa to look at an agreement between the City, County and school district for daycare options.

City Administrator's Report. Full report can be found on the City website under the September 16, 2024 Council packet.

As there was no further business to attend to, the meeting adjourned, the time being 7:14 p.m., September 16, 2024.

Respectfully submitted,
Marsha Dewell
City Clerk

E. Public Hearing

AGENDA ITEM # E – 1 & G – 1

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Public Hearing - Resolution #10-7-2024A
ACTION:	Motion to Close

SYNOPSIS: This is the start of the re-bid process for the Lester Buresh Center generator project. The city has received a \$100,000 grant to install a new generator at the Lester Buresh Center. This would expand the capabilities of the LBC during a disaster scenario. Any remaining matching funds required for the installation of the generator would come from LOST.

BUDGET ITEM: Grant & LOST

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close

ATTACHMENTS: Proceed to Resolution #10-7-2024A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

AGENDA ITEM # E – 2 & F - 3

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Public Hearing - Ordinance #10-7-2024A

ACTION: Motion to Close

SYNOPSIS: This ordinance will amend the zoning regulations to include additional requirements for smoke shop, tobacco, CBD, cannabis, etc. Should the Council approve of this ordinance, these uses would be restricted to Limited Industrial districts and maintain a 1000-foot separation from youth facilities.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close

ATTACHMENTS: Proceed to Ordinance #10-7-2024A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

Date: September 18, 2024

Agenda Items #6: Ordinance Amendments – Smoke Shops

Prepared by: Leigh Bradbury, City Planner
Staff recommendation: Approval
Attachment: Ordinance Amendments (2)

Summary

Two amendments are presented for consideration at this time. The first is to CH165 Zoning Regulations, defining Smoke Shops and establishing them as a Permitted Use within Limited Industrial districts. The second amendment, to CH46 Minors, would place responsibility on Smoke Shop proprietors to prohibit persons under the age of twenty-one (21) from entering such establishments.

Background

Iowa State Code 453A.2 states that it is illegal for persons under twenty-one (21) years of age to sell, give, purchase or otherwise attempt to purchase or supply, smoke, use, or possess any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

During March of 2024, local representatives from the Wellness Coalition of Rural Linn County, who work in the Mount Vernon and Lisbon Community School Districts, expressed concern regarding the sharp increase in the availability of these products and presence of new smoke and consumption use businesses in uptown Mount Vernon, noting the close proximity to youth-frequented facilities including parks, schools, churches and the large population of young adults under the age of twenty-one (21) on Cornell College Campus.

On April 1, 2024, Mount Vernon's City Council passed a resolution placing a moratorium on smoke, tobacco, nicotine and vape shops including consumption use businesses with ten percent (10%) or more of business square footage dedicated to the consumption or retail sales of CBC, hemp, THC/cannabis products, psychoactive products, synthetic marijuana, smoke, tobacco & vapor products for six (6) months to protect the health and welfare of its citizens while allowing time to examine the zoning ordinance and how best to address this concern.

The USDA published results from the Annual National Youth Tobacco Survey on September 5, 2024, in which 1.63 million middle or high school students reported current use of e-cigarettes, with 1 in 4 doing so daily. An additional 480,000 youth reported using nicotine pouches. As a highly-addictive substance, nicotine use in youth has been found to lead to continued adult consumption.

The potential negative health effects of vaping, nicotine and e-cigarettes are a concern at the national level. Research by the US Surgeon General, US Department of Health and Human Services, US Food and Drug Administration, the National Academies of Sciences, Engineering

and Medicine; and professional journals on neurobiology, psychology, pediatrics, adolescent health and preventative medicine reflect these concerns, as cited under *Health Effects of Vaping*, on the U.S. Centers for Disease Control and Prevention website. Here it states that “tobacco products, including e-cigarettes, should not be used by youth or young adults.” (*Health Effects of Vaping*. www.cdc.gov/tobacco/e-cigarettes/health-effectc.html. May 15, 2024.)

Staff Recommendation

Mount Vernon’s City Administrator, Chief of Police and City Planner, along with representatives of the Wellness Coalition of Linn County and Linn County Public Health Department have discussed potential zoning regulations with consideration to their potential impact on new business and the community, with the locality of youth-frequented areas in mind. It is their joint recommendation that:

- 1) ‘Smoke Shop’ be defined as a specific use within the zoning ordinance, that
- 2) Smoke Shop be designated as a Conditional Use in Light Industrial districts, and that
- 3) Smoke Shops be located with a minimum proximity of one thousand feet (1000’) from youth-frequented locations, to include parks and recreational facilities, libraries, schools and colleges.
- 4) Proprietors be required to prohibit persons under age twenty-one (21) from entering businesses established as a Smoke Shop.

The Conditional Use procedure requires Board of Adjustment approval for uses with operating characteristics that could adversely affect surrounding properties. The Board may establish site development or operational regulations on a case-by-case basis, as a condition for approval. Failure to comply with these conditions may result in revocation of the permit.

Required Action

The commission votes to make recommendation to City Council on the proposed CH165 Zoning Regulations amendment. That recommendation may be: approval, approval with modifications, or disapproval.

The commission may also choose to vote and show support to City Council for the amendment to Chapter 46 Minors, due to its relative nature. This is not, however, required of the commission as it lies outside of their prescribed duties.

Next Step: City Council may 1) approve, 2) approve with modifications / conditions, or 3) disapprove the site plan.



Wellness Coalition of Rural Linn County
380 Old Lincoln Highway
Mount Vernon, Iowa 52314
319-895-8845

September 30, 2024

To: Mount Vernon City Council
From: Kassy Rice, Certified Prevention Specialist and
Executive Director of the Wellness Coalition Of Rural Linn County
Re: Ordinance Amendments for Smoke Shops
Mount Vernon, Iowa 52314

Dear Mount Vernon City Council,

On behalf of the Wellness Coalition of Rural Linn County, we express concern for the sharp increase and concentration of Smoke Shops in the City of Mount Vernon. We support limits on the “location” of Smoke Shops and “age restrictions” prohibiting persons under the age of 21 from entering such establishments, which leads to reducing youth access and availability resulting in an increase of community protective factors.

The American Lung Association’s State of Tobacco Control Report for 2024 and the Center for Disease Control and Prevention (CDC), note that Tobacco remains the leading cause of preventable death and disease in America, killing over 480,000 people each year. In addition, 16 million Americans live with a tobacco-related disease.

As a Certified Prevention Specialist for the past 13 years, I have studied and collaborated with numerous partners in health and human services to increase protective factors, and reduce access and availability through the implementation of evidence-based and environmental strategies. Those strategies include developing policies and ordinances that work to reduce or prevent tobacco and nicotine use among youth and adults. State policies and restrictions are known to increase protective factors and reduce access among youth. However, the American Lung Association’s 2024 State of Tobacco Control Report gives Iowa an “F” (failing grade) in the categories of Tobacco Prevention and Cessation Funding, Tobacco Taxes, and Restrictions on Flavored Tobacco Products; Iowa also received a “D” grade for Access to Cessation Services. This gap shows the need for local governments to be instrumental in the protection of youth and families through their own community policies and ordinances.

The location of Smoke Shops and how concentrated they are in a given area impacts tobacco use rates, increasing public harm. Studies have consistently shown that children are more likely to use tobacco or nicotine products if they live or go to school in neighborhoods with a high density of tobacco retailers. Additionally, density and walking distance impact the success of sustainable

cessation for those striving to quit. Limitations through zoning and licensing directly impact reducing youth access and availability, and increasing protective factors.

Smoke shop retailers allow numerous substances to be sold that can impact the health and welfare of neighboring citizens causing concern among individual communities. Those substances include, but are not limited to, e-cigarettes, smoke, tobacco, and vape products, CBD, hemp, THC/Cannabis products, psychoactive products, synthetic marijuana, Kratom, and more.

When looking at our college-aged population, the Tobacco Control Report also notes nationally, the increase over the past two years has been driven by the 18-to-24-year-old age group. Of those surveyed, 65.5% of e-cigarette users in this age group did not previously smoke in 2022.

According to the CDC and USDA's 2023 National Youth Tobacco Survey, e-cigarettes have been the most commonly used tobacco products among U.S. youth since 2014. Youth e-cigarette use is a critical public health concern because approximately half of the students ever using e-cigarettes reported using them currently, indicating that many young persons who try e-cigarettes remain e-cigarette users due to nicotine dependence. Efforts aimed at preventing the initiation of use among youth are extremely important.

According to the FDA, in December of 2019, the Legislation Tobacco 21, or T21, became effective immediately, making it illegal for a retailer to sell any tobacco product, including e-cigarettes, to anyone under the age of 21. In August of 2024, the FDA issued a final ruling "Prohibition of sale of Tobacco Products to Persons Younger than 21 Years of Age" mandating that retailers must use a photo ID to verify the age of anyone under the age of 30 trying to purchase tobacco products, also retailers may not sell tobacco products with the assistance of vending machines where individuals are present or permitted to enter at any time. Local policies regarding age limitations directed toward those permitted on premises at Smoke Shops increase community protective factors and reduce access and sales to youth.

The Wellness Coalition of Rural Linn County commends the efforts of the Mount Vernon City Council for taking steps to increase community protective factors and reduce youth access and availability to tobacco and nicotine products by limiting and placing restrictions on Smoke Shops in the community. These actions fill the gaps that we currently have as a state, are evidence-based, and impact a reduction of substance use among youth by limiting access and exposure; creating safer and healthier communities.



**Wellness Coalition
of Rural Linn County**
Healthy Communities. Healthy Futures.

Wellness Coalition of Rural Linn County
380 Old Lincoln Highway
Mount Vernon, Iowa 52314
319-895-8845

Sincerely,

Kassandra Rice, Certified Prevention Specialist
Executive Director of the Wellness Coalition of Rural Linn County



Wellness Coalition
of Rural Linn County

Healthy Communities. Healthy Futures.

Wellness Coalition of Rural Linn County
380 Old Lincoln Highway
Mount Vernon, Iowa 52314
319-895-8845

Additional supporting information and articles:

<https://www.lung.org/research/sotc/state-grades/iowa>

<https://www.cdc.gov/mmwr/volumes/72/wr/mm7244a1.htm>

<https://www.changeabsolutions.org/product/tobacco-retailer-density>

Tobacco Retailer Licensing Playbook. www.changeabsolutions.org/publications/tobacco-retailer-licensing-playbook

-Chuang YC, Cubbin C, Ahn D, Winkleby MA. Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking. *J Epidemiol Community Health*. 2005; 59(7): 568-73.

-Novak SP, Reardon SF, Raudenbush SW, Buka SL. Retail tobacco outlet density and youth cigarette smoking: A propensity-modeling approach. *Am J Public Health*. 2006; 96(4): 670-76. doi: 10.2105/AJPH.2004.061622.

-Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools? *Prev Med*. 2008; 47(2): 210-4. doi: 10.1016/j.ypmed.2008.04.008.

-Leatherdale ST, Strath JM. Tobacco retailer density surrounding schools and cigarette access behaviors among underage smoking students. *Ann Behav Med*. 2007; 33(1): 105-11. doi: 10.1207/s15324796abm3301_12. 10 West JH, Blumberg EJ, Kelley NJ, et al. Does proximity to retail

AGENDA ITEM # E – 3 & F - 4

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Public Hearing - Ordinance #10-7-2024B
ACTION:	Motion to Close

SYNOPSIS: This ordinance amends Chapter 46 Minors, making it unlawful to be in smoke shop establishment under twenty-one (21) years of age.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close

ATTACHMENTS: Proceed to Ordinance #10-7-2024B

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

AGENDA ITEM # E - 4 & F - 5

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Public Hearing - Ordinance #10-7-2024C
ACTION:	Motion to Close

SYNOPSIS: ECICOG has been assisting the Planning and Zoning Commission on their review of a proposed ADU (Accessory Dwelling Unit) amendment to the zoning code. I have included a copy of the presentation ECICOG made to the Planning and Zoning Commission at their last meeting in a separate email.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion to Close

ATTACHMENTS: Proceed to Ordinance #10-7-2024C

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

F. Ordinance Approval/Amendment

AGENDA ITEM # F - 1

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Ordinance #9-3-2024A

ACTION: Motion

SYNOPSIS: Phase 2B and Phase 4 of the Stonebrook subdivision are now complete and the public improvements accepted by the city. According to the development agreement, this phase is now eligible to receive tax increment financing (TIF) payments. Staff has not received any verbal or written communication regarding this ordinance since the second reading.

BUDGET ITEM: TIF

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Ordinance #9-3-2024A

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

ORDINANCE NO. _____

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE STONEBROOK URBAN RENEWAL AREA, IN THE CITY OF MOUNT VERNON, COUNTY OF LINN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF MOUNT VERNON, COUNTY OF LINN, MOUNT VERNON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE STONEBROOK URBAN RENEWAL AREA (**PHASE 2B PARCELS AND PHASE 4 PARCELS**)

WHEREAS, the City Council of the City of Mount Vernon, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 1-2-2018A passed and approved on the 2nd day of January, 2018, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Stonebrook Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

Phase 2B Parcels:

COMMENCING at the Center of Section 9, Township 82 North, Range 5 West of the 5th Principal Meridian; Thence S88°37'42"W, along the North Line of the Northeast 1/4 of the Southwest 1/4 of Said Section 9, a distance of 70.09 feet to the POINT OF BEGINNING; Thence S01°23'57"E, 180.00 feet; Thence N88°37'42"E, 22.41 feet; Thence Northeasterly 7.35 feet on a 2212.48 foot radius curve, concave Southeasterly, whose 7.35 foot chord bears N88°31'59"E; Thence S01°22'20"E, 295.27 feet to a point on the North line of Stonebrook 5th Addition to the City of Mount Vernon, Linn County, Iowa, as recorded in Book 7492, Page 561 of the Records of the Linn County, Iowa Recorder; Thence S88°29'42"W, along said North Line, a distance of 63.92 feet; Thence S01°08'46"E, continuing along said North Line, a distance of 97.03 feet to the Northeast Corner of Parcel A, Plat of Survey #1743 as recorded in Book 8149 Page 588 of the Records of the Linn County, Iowa Recorder; Thence S88°43'10"W, a distance of 90.00 feet along the North Line of said Parcel A; Thence S01°03'38"E, continuing along the said North Line, a distance of 60.00 feet; Thence S88°43'10"W, continuing along the said North Line, a distance of 272.95 feet; Thence N11°14'29"E, 141.31 feet; Thence N21°15'09"E, 97.66 feet; Thence N21°18'54"E, 90.84 feet; Thence S88°37'42"W, 145.89 feet; Thence N01°22'20"W, 140.00 feet; Thence S88°37'42"W, 127.43 feet; Thence N01°03'33"W, 60.00 feet; Thence

N88°37'42"E, 9.67 feet; Thence N01°22'18"W, 120.00 feet to a point on North Line of the Northeast 1/4 of the Southwest 1/4 of Said Section 9; Thence N88°37'42"E, a distance of 557.59 along the North Line of Said Section to the POINT OF BEGINNING. Said tract of land contains 6.22 Acres, and is subject to easements and restrictions of record.

Phase 4 Parcels:

BEGINNING at the SW Corner of the Southeast 1/4 of the Southwest 1/4 of Section 9, Township 82 North, Range 5 West of the 5th Principal Meridian; Thence N01°03'33"W, along the West Line of the Southeast 1/4 of the Southwest 1/4 of Said Section 9, a distance of 1332.53 feet; Thence N88°56'27"E, 180.00 feet; Thence Southeasterly, 180.53 feet along a 1362.47 foot radius curve, concave Southwesterly, whose 180.40 foot chord bears S87°15'48"E; Thence S06°31'57"W, 60.00 feet; Thence Southeasterly, 5.86 feet along a 1302.47 foot radius curve, concave Southwesterly, whose 5.86 foot chord bears S83°20'19"E; Thence S06°47'24"W, 129.59 feet; Thence S19°38'20"W, 114.73 feet; Thence S29°38'51"W, 98.02 feet; Thence S18°37'34"W, 79.19 feet; Thence N81°45'54"W, 140.00 feet; Thence Southwesterly, 32.68 feet along a 360.00 foot radius curve, concave Southeasterly, whose 32.67 foot chord bears S05°38'53"W; Thence S86°57'10"E, 140.00 feet; Thence S00°58'21"E, 372.81 feet; Thence S88°56'27"W, 140.00 feet; Thence S01°03'33"E, 30.00 feet; Thence N88°56'27"E, 140.00 feet; Thence S01°03'33"E, 441.65 feet to a point on the South Line of Section 9, Township 82 North, Range 5 West of the 5th Principal Meridian; Thence S88°33'27"W, along said South Line, 220.00 feet, to the POINT OF BEGINNING. Said tract of land contains 7.52 Acres, and is subject to easements and restrictions of record.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Mount Vernon, State of Iowa, to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Mount Vernon, State of Iowa, desires to provide for the division of revenue from taxation on the **Phase 2B Parcels** and the **Phase 4 Parcels** in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended. [Note: The **Phase 2B Parcels** and the **Phase 4 Parcels** are the only portion of the Urban Renewal Area that will be included in this TIF Ordinance. The City has previously adopted separate ordinances which provide for the division of revenue with respect to other portions of the Urban Renewal Area. Nothing in this Ordinance shall amend the prior ordinances nor shall this Ordinance impact the base value or division of revenue already established in the previously approved ordinances. The City anticipates that as other parcels develop (increase in value) in the future, the City will adopt separate TIF ordinance(s) on other parcels/areas within the Urban Renewal Area. Therefore, the various TIF ordinances in this Urban Renewal Area will have different frozen bases and different expiration dates.]

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Mount Vernon, State of Iowa, certifies to the Auditor of Linn County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Mount Vernon, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Mount Vernon, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken anywhere within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 in existence at the time this Ordinance becomes effective shall be collected against all taxable property within the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area exceeds the total assessed value of the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds, and interest thereon of the City of Mount Vernon, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the **Phase 2B Parcels** and the **Phase 4 Parcels** of the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

Read First Time: _____, 2024

Read Second Time: _____, 2024

Read Third Time: _____, 2024

PASSED AND APPROVED: _____, 2024.

I, _____, City Clerk of the City of Mount Vernon, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2024, signed by the Mayor on _____, 2024, and published in the Mount Vernon-Lisbon Sun on _____, 2024.

City Clerk, City of Mount Vernon, State of
Iowa

(SEAL)

02395624\13932-032

ORDINANCE CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF LINN)

- 1. I certify that Ordinance Number _____, of which a true copy is attached, was duly adopted by the City Council of the City of Mount Vernon, State of Iowa, signed by the Mayor and published as required by law and is now in effect. I further certify that the consideration(s) and votes taken for the enactment of the Ordinance occurred as follows:

(For any consideration that was waived, insert N/A in the blanks for that consideration and complete paragraph regarding waiver below.)

First consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Second consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

Third Consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____.

On the date of _____, 2024, the City Council adopted a motion for the suspension of the rule requiring separate consideration at three meetings and voted the final adoption of the Ordinance. The vote for suspension of the rules was by three-fourths of the full City Council, voting _____ in favor, _____ opposed, and _____ absent, vacant or abstaining and was duly recorded as noted above.

- 2. I further certify that if any consideration of the Ordinance did not receive an affirmative vote for passage, there was no further consideration of the Ordinance on any date thereafter.
- 3. Following final approval of the Ordinance by the City Council, the full text of Ordinance (or a summary of the Ordinance complying with Iowa Code Section 380.7(3)) was published in the following newspaper(s) on the following date(s):

Mount Vernon-Lisbon Sun
_____, 2024

- 4. I further certify that each meeting for the consideration of the Ordinance was duly and publicly held, with a notice of the meeting and tentative agenda naming the consideration of the Ordinance timely posted and upon reasonable advance notice to the media as required by the Chapter 21, Code of Iowa, and rules of the Council then governing.

5. I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2024.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)

**(Attach Affidavit of Publication to this Certificate
and send Certificate and Affidavit to Ahlers & Cooney, P.C.)**

02408571\13932-032

CITY CLERK'S CERTIFICATION TO COUNTY AUDITOR

I hereby certify that attached hereto is a true and correct copy of the Tax Increment Ordinance approved by the City Council of the City of Mount Vernon, State of Iowa, designated as Ordinance Number _____, entitled:

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE STONEBROOK URBAN RENEWAL AREA, IN THE CITY OF MOUNT VERNON, COUNTY OF LINN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF MOUNT VERNON, COUNTY OF LINN, MOUNT VERNON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE STONEBROOK URBAN RENEWAL AREA (**PHASE 2B PARCELS AND PHASE 4 PARCELS**)

approved by the City Council on the _____ day of _____, 2024, and duly published on the _____ day of _____, 2024, the original of which is on file in the records of the undersigned.

Dated this _____ day of _____, 2024.

Clerk of the City of Mount Vernon

(CITY SEAL)

COUNTY AUDITOR'S CERTIFICATE

I, _____, County Auditor of Linn County, Iowa, hereby certify that on the _____ day of _____, 2024, there was filed in my office a true and correct copy of the Tax Increment Ordinance of the City of Mount Vernon, State of Iowa, Ordinance Number _____, approved by the City Council on the _____ day of _____, 2024, all duly certified upon the form attached above.

County Auditor of Linn County, Iowa

(COUNTY SEAL)

02408573\13932-032

Lori Boren

From: Melissa Pearson <mpearson@ahlerslaw.com>
Sent: Tuesday, September 24, 2024 8:54 AM
To: Chris Nosbisch; Lori Boren
Cc: Nathan Overberg
Subject: Stonebrook URP - Phase 2B & Phase 4 Parcels Ordinance
Attachments: Stonebrook Phase 2B and 4 Ordinance - Letter (02409235x7F7E1).PDF; Phases 2B and 4 Parcel Ordinance - Ordinance (02395624x7F7E1).DOCX; Stonebrook Phase 2B and 4 Ordinance - Ordinance Certificate (02408571x7F7E1).DOCX; Stonebrook Phase 2B and 4 Ordinance - Auditors Certificate (02408573x7F7E1).DOCX

Follow Up Flag: Flag for follow up
Flag Status: Flagged

External Sender - From: (Melissa Pearson
<mpearson@ahlerslaw.com>
This message came from outside your organization.

[Learn More](#)

Chris & Lori,

Attached is the Ordinance for the Phase 2B & Phase 4 Parcels and documents to be used in connection with the follow-up steps after the Ordinance has been adopted.

Also attached is an instruction letter regarding these documents, which has been prepared by the attorney(s) handling this matter, in order to provide important reminders about the proceedings documents and follow-up steps. Please carefully read this letter, as it answers many frequently asked questions.

We will be following up after the Ordinance has been adopted to collect documents for our transcript file on this matter.

If you have any questions, please let us know.

Melissa Pearson
PARALEGAL



Ahlers & Cooney, P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231
Phone: (515) 246-4402 | Fax: (515) 243-2149
Mpearson@ahlerslaw.com

AGENDA ITEM # F - 2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Ordinance #9-3-2024B

ACTION: Motion

SYNOPSIS: Phase 3 of the Spring Meadow Heights subdivision is now complete, and the public improvements accepted by the city. According to the development agreement, this phase is now eligible to receive tax increment financing (TIF) payments. Staff has not received any verbal or written communication regarding this ordinance since the second reading.

BUDGET ITEM: TIF

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Ordinance #9-3-2024B

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

ORDINANCE NO. _____

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE SPRING MEADOW HEIGHTS URBAN RENEWAL AREA, IN THE CITY OF MOUNT VERNON, COUNTY OF LINN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF MOUNT VERNON, COUNTY OF LINN, MOUNT VERNON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE SPRING MEADOW HEIGHTS URBAN RENEWAL AREA (**PHASE 3 PARCELS**)

WHEREAS, the City Council of the City of Mount Vernon, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 12-18-2017A passed and approved on the 18th day of November, 2017, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Spring Meadow Heights Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows ("**Phase 3 Parcels**"):

COMMENCING AT THE NORTHEAST CORNER OF CANDLESTICK, PART FIVE TO MOUNT VERNON, IOWA AS RECORDED IN BOOK 4483, PAGES 507-514 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER; THENCE N1°02'03"W 348.45 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE N0°59'08"W 131.81 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE S88°01'17"W 139.97 FEET; THENCE N1°58'43"W 20.00 FEET; THENCE S88°01'17"W 669.00 FEET; THENCE N1°58'43"W 200.00 FEET; THENCE S88°01'17"W 14.81 FEET; THENCE N1°58'43"W 140.00 FEET; THENCE N88°01'17"E 489.76 FEET; THENCE N15°12'10"E 124.24 FEET; THENCE N23°19'12"E 60.00 FEET; THENCE NORTHWESTERLY 35.72 FEET ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY (CHORD BEARS N71°07'44"W 35.68 FEET); THENCE N14°25'20"E 150.98 FEET; THENCE S71°24'29"E 291.16 FEET TO THE EAST LINE OF SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE S0°59'08"E 588.27 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Mount Vernon, State of Iowa, to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Mount Vernon, State of Iowa, desires to provide for the division of revenue from taxation on the **Phase 3 Parcels** in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended. [Note: The **Phase 3 Parcels** is the only portion of the Urban Renewal Area that will be included in this TIF Ordinance. The City has previously adopted separate ordinances which provide for the division of revenue with respect to other portions of the Urban Renewal Area. Nothing in this Ordinance shall amend the prior ordinances nor shall this Ordinance impact the base value or division of revenue already established in the previously approved ordinances. The City anticipates that as other parcels develop (increase in value) in the future, the City will adopt separate TIF ordinance(s) on other parcels/areas within the Urban Renewal Area. Therefore, the various TIF ordinances in this Urban Renewal Area will have different frozen bases and different expiration dates.]

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the **Phase 3 Parcels** of the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Mount Vernon, County of Linn, Mount Vernon Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the **Phase 3 Parcels** of the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Mount Vernon, State of Iowa, certifies to the Auditor of Linn County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Mount Vernon, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Mount Vernon, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken anywhere within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment

of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 in existence at the time this Ordinance becomes effective shall be collected against all taxable property within the **Phase 3 Parcels** of the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in **Phase 3 Parcels** of the Urban Renewal Area exceeds the total assessed value of the taxable property in the **Phase 3 Parcels** of the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the **Phase 3 Parcels** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds, and interest thereon of the City of Mount Vernon, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the **Phase 3 Parcels** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the **Phase 3 Parcels** of the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the **Phase 3 Parcels** of the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

Read First Time: _____, 2024

Read Second Time: _____, 2024

Read Third Time: _____, 2024

PASSED AND APPROVED: _____, 2024.

I, _____, City Clerk of the City of Mount Vernon, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2024, signed by the Mayor on _____, 2024, and published in the Mount Vernon-Lisbon Sun on _____, 2024.

City Clerk, City of Mount Vernon, State of
Iowa

(SEAL)

02395678\13932-033

ORDINANCE CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF LINN)

1. I certify that Ordinance Number _____, of which a true copy is attached, was duly adopted by the City Council of the City of Mount Vernon, State of Iowa, signed by the Mayor and published as required by law and is now in effect. I further certify that the consideration(s) and votes taken for the enactment of the Ordinance occurred as follows:

(For any consideration that was waived, insert N/A in the blanks for that consideration and complete paragraph regarding waiver below.)

First consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____

Second consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____

Third Consideration - Date: _____
Vote: In favor _____, Opposed _____,
Absent or Abstain _____

On the date of _____, 2024, the City Council adopted a motion for the suspension of the rule requiring separate consideration at three meetings and voted the final adoption of the Ordinance. The vote for suspension of the rules was by three-fourths of the full City Council, voting _____ in favor, _____ opposed, and _____ absent, vacant or abstaining and was duly recorded as noted above.

- 2. I further certify that if any consideration of the Ordinance did not receive an affirmative vote for passage, there was no further consideration of the Ordinance on any date thereafter.
3. Following final approval of the Ordinance by the City Council, the full text of Ordinance (or a summary of the Ordinance complying with Iowa Code Section 380.7(3)) was published in the following newspaper(s) on the following date(s):

Mount Vernon-Lisbon Sun
_____, 2024

4. I further certify that each meeting for the consideration of the Ordinance was duly and publicly held, with a notice of the meeting and tentative agenda naming the consideration of the Ordinance timely posted and upon reasonable advance notice to the media as required by the Chapter 21, Code of Iowa, and rules of the Council then governing.

5. I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2024.

City Clerk, City of Mount Vernon, State of Iowa

(SEAL)

**(Attach Affidavit of Publication to this Certificate
and send Certificate and Affidavit to Ahlers & Cooney, P.C.)**

02408587\13932-033

CITY CLERK'S CERTIFICATION TO COUNTY AUDITOR

I hereby certify that attached hereto is a true and correct copy of the Tax Increment Ordinance approved by the City Council of the City of Mount Vernon, State of Iowa, designated as Ordinance Number _____, entitled:

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE SPRING MEADOW HEIGHTS URBAN RENEWAL AREA, IN THE CITY OF MOUNT VERNON, COUNTY OF LINN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF MOUNT VERNON, COUNTY OF LINN, MOUNT VERNON COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE SPRING MEADOW HEIGHTS URBAN RENEWAL AREA **(PHASE 3 PARCELS)**

approved by the City Council on the _____ day of _____, 2024, and duly published on the _____ day of _____, 2024, the original of which is on file in the records of the undersigned.

Dated this _____ day of _____, 2024.

Clerk of the City of Mount Vernon

(CITY SEAL)

COUNTY AUDITOR'S CERTIFICATE

I, _____, County Auditor of Linn County, Iowa, hereby certify that on the _____ day of _____, 2024, there was filed in my office a true and correct copy of the Tax Increment Ordinance of the City of Mount Vernon, State of Iowa, Ordinance Number _____, approved by the City Council on the _____ day of _____, 2024, all duly certified upon the form attached above.

County Auditor of Linn County, Iowa

(COUNTY SEAL)

02408590\13932-033

Lori Boren

From: Melissa Pearson <mpearson@ahlerslaw.com>
Sent: Tuesday, September 24, 2024 8:59 AM
To: Chris Nosbisch; Lori Boren
Cc: Nathan Overberg
Subject: Spring Meadow Heights URP - Phase 3 Parcels Ordinance
Attachments: Spring Meadow Heights Phase 3 Ordinance - Letter (02409243x7F7E1).PDF; Phase 3 Parcels Ordinance - Ordinance (02395678x7F7E1).DOCX; Spring Meadow Heights Phase 3 Ordinance - Ordinance Certificate (02408587x7F7E1).DOCX; Spring Meadow Heights Phase 3 Ordinance - Auditors Certificate (02408590x7F7E1).DOCX

Follow Up Flag: Flag for follow up
Flag Status: Flagged

External Sender - From: (Melissa Pearson
<mpearson@ahlerslaw.com>)

[Learn More](#)

This message came from outside your organization.

Chris & Lori,

Attached is the Ordinance for the Phase 3 Parcels and documents to be used in connection with the follow-up steps after the Ordinance has been adopted.

Also attached is an instruction letter regarding these documents, which has been prepared by the attorney(s) handling this matter, in order to provide important reminders about the proceedings documents and follow-up steps. **Please carefully read this letter, as it answers many frequently asked questions.**

We will be following up after the Ordinance has been adopted to collect documents for our transcript file on this matter.

If you have any questions, please let us know.

Melissa Pearson
PARALEGAL



Ahlers & Cooney, P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231
Phone: (515) 246-4402 | Fax: (515) 243-2149
Mpearson@ahlerslaw.com

ORDINANCE NO. 1E-7-2024A

**AN ORDINANCE AMENDING CHAPTER 165 ZONING REGULATIONS,
ARTICLE 302 DEFINITIONS AND ARTICLE 413 LI – LIMITED INDUSTRIAL
DISTRICT OF THE MOUNT VERNON CODE OF ORDINANCES**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

SECTION 1. GENERAL STATEMENT OF INTENT:

It is in the public interest to establish protective measures that ensure the youth of a community are not unnecessarily exposed to forms of entertainment and recreation which may have deleterious impacts on their development. This may be accomplished in part by limiting the location of Smoke Shops, which by the definition provided herein makes available for purchase merchandise that is recognized as having damaging impacts on youth. It is, therefore, the intent of these regulations to designate zoning that prevents the location of Smoke Shops in areas where minors might reasonably be expected to congregate and to prohibit minors from entering such establishments in districts where they are permitted. These regulations have been enacted with full consideration of the legal and constitutional issues heretofore adjudicated.

SECTION 2. AMENDMENT. Chapter 165, Article 302 Definitions is hereby amended by adding the following language:

Smoke Shop: Any premises where sales of tobacco, cigarettes or alternative nicotine products, as defined by Iowa Code chapter 453A; CBD, marijuana, synthetic cannabinoid, Kratom or other psychoactive products; vapor products; and/or related paraphernalia, accessories, or delivery systems account for more than ten percent (10%) of gross sales or ten percent (10%) of the dedicated product display area.

SECTION 3. AMENDMENT. Chapter 165, Article 413 LI – Limited Industrial District is hereby amended by adding the following language to Subsection 413.3 Conditional Uses:

Smoke Shop

SECTION 4. AMENDMENT. Chapter 165, Article 413 LI – Limited Industrial District is hereby amended by adding the following language:

Subsection 8. Smoke Shops.

1. Proximity to Youth Centers.

No Smoke Shop shall be established, operated, or maintained within one thousand (1,000) feet of any public or private school, college, daycare; church, synagogue, mosque, temple, or any other place of religious worship; public parks, recreational facility, trails, museums or libraries.

2. See Chapter 46.03.

SECTION 5. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this ___ day of _____, 2024.

ATTEST:

Thomas M. Wieseler - Mayor

Marsha Dewell – City Clerk

I certify that the foregoing was published as Ordinance # _____ on the _____ day of _____, 2024.

Marsha Dewell, City Clerk

ORDINANCE NO. 10-7-2024 B

**AN ORDINANCE AMENDING CHAPTER 46 MINORS
OF THE MOUNT VERNON CODE OF ORDINANCES**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

SECTION 1. AMENDMENT. Chapter 46 Minors is hereby amended by adding the following language:

46.03 Smoke Shops.

1. Persons Under Age 21.

It is unlawful for any person under twenty-one (21) years of age to enter or be on the premises of a Smoke Shop, as defined in Mount Vernon Code of Ordinances Chapter 165.302, at any time.

2. Business Owner & Attendant Responsibilities.

An employee, manager, or owner shall be stationed at each public entrance at all times during regular business hours, and shall prohibit any person under the age of twenty-one (21) from entering the establishment.

3. Valid ID Required.

It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless the attendant asked for and was presented with a valid drivers' license, issued by a state authority, presenting reasonable likeness to the presenter, and a birthdate indicating a current age of twenty-one (21) years or older.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this ___ day of _____, 2024.

ATTEST:

Thomas M. Wieseler - Mayor

Marsha Dewell – City Clerk

I certify that the foregoing was published as
Ordinance # _____ on the _____ day of _____, 2024.

Marsha Dewell, City Clerk

ORDINANCE NUMBER 10-7-2024 C

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MOUNT VERNON, IOWA, 2000, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 165, ZONING REGULATIONS.

WHEREAS, the addition of accessory dwelling units as a permitted housing type meets the comprehensive plan goals of “integrating a variety of housing types into the community for all income and age levels,” and “...supporting the Housing Commission,” which identified a need for more lower-cost housing options; and

WHEREAS, the Planning and Zoning Commission has studied the issue of accessory dwelling units, including holding a public input process, and has held a public hearing and recommended approval of this ordinance; and

WHEREAS, the City Council has held a required public hearing for this zoning amendment ordinance.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Mount Vernon, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 165, section 302 of the Code of Ordinances of the City of Mount Vernon, Iowa, the following definitions are hereby amended as follows {underline indicates insertion; ~~striketrough~~ indicates deletion} and the definitions are renumbered for new and deleted definitions:

Accessory Dwelling Unit (ADU): A dwelling unit located within an owner occupied, single-family home or in an accessory structure subject to the regulations set forth in Section 610.

Apartment. A housing unit within a building designed for and suitable for occupancy by only one ~~family~~household. Apartments are generally located within multi-family residential buildings.

~~Family. One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this ordinance:~~

- ~~—A. Persons related by blood, marriage, or adoption;~~
- ~~—B. Persons residing with a family for the purpose of adoption;~~
- ~~—C. Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Iowa.~~
- ~~—D. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.~~
- ~~—E. Person(s) living with a family at the direction of a court.~~

Lot. A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Linn County Recorder and may consist of: (a) a single lot of record or (b) a combination of complete lots of record. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision (see illustrations below).

SECTION 2. SECTION MODIFIED. Chapter 165, section 402, subsection 2, is hereby amended as follows {underline indicates insertion; ~~strikethrough~~ indicates deletion}:

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.

A. Accessory dwelling unit~~Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.~~

SECTION 3. SECTION MODIFIED. Chapter 165, section 402, subsection 4, is hereby amended as follows {underline indicates insertion; ~~strikethrough~~ indicates deletion}:

Regulations	<u>AG</u> <u>Agricultural uses</u>	Single-family dwellings	Other uses
Minimum lot area (acres)	5 acres	1 acre	5 acres
Minimum lot width and depth (feet)	150 (width) 150 (depth)	150 (width) 150 (depth)	200 (width) 200 (depth)
Site area per housing unit (acres)	5 acres	1/2 acre (min.) 1 acre (max.)	NA
Minimum front yard setback (feet) *	50	50	50
Minimum street side yard setback (feet) *	50	50	50
Minimum interior side yard setback (feet) *	25	25	25
Minimum rear yard setback (feet) *	50	50	50
Maximum height main building (feet)	NA	35	50
Maximum height accessory building (feet)	NA	12	20
Maximum Building Coverage	15%	25%	15%
Maximum Impervious Coverage	25%	35%	25%
Floor Area Ratio	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA

SECTION 4. SECTION MODIFIED. Chapter 165, section 403, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 5. SECTION MODIFIED. Chapter 165, section 404, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 6. SECTION MODIFIED. Chapter 165, section 404, subsection 4, is hereby amended as follows {underline indicates insertion; ~~strickethrough~~ indicates deletion}:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	8,500 8,000	10,200 8,000	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	4,250	3,400 *	NA
Minimum front yard setback (feet) **	20	20	20	25
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	7	7	7	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	40%	40%	40%	40%
Maximum Impervious Coverage	50%	50%	50%	50%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

SECTION 7. SECTION MODIFIED. Chapter 165, section 405, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 8. SECTION MODIFIED. Chapter 165, section 405, subsection 4, is hereby amended as follows {underline indicates insertion; ~~strikethrough~~ indicates deletion}:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	7,500 8,500	7,500 10,200	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	4,250	3,400 *	NA
Minimum / maximum front yard setback (feet) **	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	5	5	5	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	40%	40%	40%	40%
Maximum Impervious Coverage	50%	50%	50%	50%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

SECTION 9. SECTION MODIFIED. Chapter 165, section 406, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 10. SECTION MODIFIED. Chapter 165, section 406, subsection 4, is hereby amended as follows {underline indicates insertion; ~~strikethrough~~ indicates deletion}:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	7,500	<u>9,000</u> 7,500	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	3,750	*	NA
Minimum / maximum front yard setback (feet) **	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	5	5	5	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	50%	50%	50%	50%
Maximum Impervious Coverage	60%	60%	60%	60%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	100	100	100	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

SECTION 11. SECTION MODIFIED. Chapter 165, section 408, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 12. SECTION MODIFIED. Chapter 165, section 409, subsection 2, the following accessory use is added and the other uses are re-lettered:

Accessory dwelling unit.

SECTION 13. NEW SUBSECTION. Chapter 165, section 610, is amended by adding a new subsection, "1.", which hereby reads as follows, and renumbering the subsequent subsections:

1. Accessory Dwelling Units (ADU). ADUs that are allowed as a permitted or conditional use are subject to the following conditions:

A. Type. ADUs may be classified as one of the following:

(a) Internal. A dwelling unit that is located wholly within the primary structure without expansion of the footprint (e.g. basement or attic units).

(b) Attached. A dwelling unit that is considered part of the primary structure but results in an expansion of the primary structure's footprint.

(c) Detached. A dwelling unit that is separate from the primary structure (e.g. garage apartment or standalone structure)

B. Standards. ADUs shall comply with the following use-specific standards:

(a) One detached or one attached or internal ADU is permitted per lot.

(b) The ADU must be a complete, separate dwelling unit that functions independently from the principal use. It must contain its own kitchen and bathroom facilities and a separate exterior entrance, which, for an internal or attached ADU, may not be on the primary facade.

(c) Unless specifically addressed in this section, ADUs shall be subject to the regulations for a structure on the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).

(d) The maximum size of an ADU may be no more than the footprint of the primary structure or 800 square feet, whichever is less.

(e) One off-street parking space is required for each ADU.

(f) ADUs may only be built on the same lot as the primary structure and shall be placed on and secured to a permanent frost-free perimeter foundation.

(g) The owner of the property on which an ADU is located must occupy at least one of the dwelling units on the premises as the permanent legal resident. The ADU and the principal use must be under the same ownership.

(h) Mobile homes, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as ADUs.

(i) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an ADU, but the structure may not be altered in any manner that would increase the degree of non-compliance.

(j) Home occupations may be permitted in an ADU as required in this section. Allowable conditions will be calculated for one dwelling unit except for floor area, which may be based on allowable floor area for all permitted dwellings.

(k) ADUs shall not be considered for the site area per housing unit calculations.

(l) The ADU must be designed so that the appearance of the building remains that of an allowed use within that zone, and any new entrances, exterior finish materials, trim, windows, and eaves must visually match the principal use.

SECTION 14. SECTION MODIFIED. Chapter 165, section 702, is repealed and the following is adopted in lieu thereof:

1. **Encroachments on Required Yards.** Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
 - A. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet (3') into a required yard.
 - B. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet (2') above or below the adjacent ground level may project ten feet (10') into a required yard. However, all such projections must be set back at least three feet (3') from an adjacent side lot line; or and twenty feet (20') from any street property line.
 - C. ADA ramps servicing a dwelling unit may be projected 11 feet (11') into a required yard.
 - D. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet (3') into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
 - E. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet (4') or five percent (5%) of the right-of-way width.
 - F. Canopies. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet (5') from the front property line, covers less than fifteen percent (15%) of the area of the required front yard, and has a vertical clearance of at least eight feet six inches (8'6").
2. **Garage Setbacks:** Any garage, detached or attached, that fronts on a public street must be set back at least 20 feet (20') from such street or as is required by the minimum setback requirements of the zoning district, whichever is greater.
3. **Built-Up Blockfaces.** These provisions apply if forty percent (40%) or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.
 - A. If a building is to be built on a parcel of land within 100 feet (100') of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
 - B. If a building is to be built on a parcel of land within 100 feet (100') of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
 - C. If a building is to be built on a parcel of land not within 100 feet (100') of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.
 - D. No setback adjustment pursuant to this section shall create a required front yard setback more than five feet (5') greater than that otherwise required by the applicable zoning district.
4. **Lots Adjoining Alleys.** In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no structure may be nearer than three feet (3') to the near side of the alley.
5. **Corner Lots.** Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet (24'). Appropriate setback adjustments shall be allowed to maintain this minimum width.

6. **Rear Yard Exceptions - Residential Uses.** When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.
7. **Double Frontage Lots.** Double-frontage lots shall require full front-yard setbacks along both street frontages, as set forth in the bulk regulations table of each zoning district. Residentially zoned double-frontage lots on a major street, and with no access to that street may have a 25-foot (25') minimum front yard setback along said street.
8. **Satellite Antennas.** Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use. Such antennas shall be located no less than fifteen feet (15') from the property line of an adjacent property within a residential zoning district.
9. **Lamp Posts:** Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet (5') from property lines.
10. **Vision Clearance Zones.** No structure, including a fence, shall be built to a height of more than three feet (3') above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines thirty feet (30') from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

SECTION 15. NEW SECTION. Chapter 165, title 7, is amended by adding a new section, 710, which is hereby adopted to read as follows:

710 ACCESSORY BUILDINGS.

Accessory uses and buildings are subject to all site development regulations of its zoning district, except as provided below:

A. Setbacks:

- (a) Side Yards: An accessory building may be located a minimum of five feet (5') from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
- (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
- (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 8 feet (8'). This minimum rear yard setback shall be increased to 15 feet (15') if the accessory building requires vehicular access from an alley.
- (d) Street Yards: No accessory building shall be located within 20 feet from any street side yard property line.
- (e) Easements: Easements may be incorporated into these required setbacks. however, no accessory building shall be located within any easement or right-of-way along the property line.

B. Maximum Size:

- (a) No accessory building shall exceed 144 square feet, or 1.5% of total lot area, whichever is larger, within an SR, TR, or HR residential district.
- (b) All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.
- (c) The maximum square feet of any detached garage or accessory dwelling unit shall not exceed 100% of the primary dwelling unit's ground floor square feet, alone or in combination, excluding any attached garage square feet. Dwelling space which may occupy a half story is not subject to this limit, however, the area limit applied for an accessory dwelling unit between this section and section 610 shall be the most restrictive limit.

C. Height:

- (d) In residential districts, the maximum height shall be 12 feet (12') for a detached garage and 10 feet (10') for any other accessory building.
- (e) Additionally and without any increase to the height of the sidewalls of a detached garage or accessory building based on the aforementioned maximum height limitations, the height and pitch of the roof may be increased if, in the discretion of the Zoning Administrator, that increase is necessary to complement the pitch and style of the primary residential structure.
- (f) In no event shall a detached garage or accessory building exceed the height of 20 feet (20'), as measured from the established grade to the highest point of the structure.

D. Separation from Other Buildings: No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.

E. Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

F. Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

G. Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

H. No accessory building shall be built upon any lot until construction of the principal building has begun.

SECTION 16. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 17. 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 18. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

Passed and approved by the City Council this ___ day of _____, 2024.

Mayor

Attest:

City Clerk

I certify that the foregoing was published as Ordinance Number ___ on the __ day of _____, 2024.

City Clerk

G. Resolutions for Approval

RESOLUTION #10-7-2024A

RESOLUTION ADOPTING PLANS,
SPECIFICATIONS, FORM OF CONTRACT,
AND ESTIMATE OF COSTS
FOR
THE LESTER BURESH CENTER GENERATOR PROJECT

WHEREAS, on the 16th day of August, 2024, the Mt. Vernon City Council adopted resolution #9-16-2024A establishing a public hearing date and approving the advertisement for bids for the Lester Buresh Center Generator Project, and

WHEREAS, a public hearing on said project was held by the Mt. Vernon City Council on the 7th day of October, 2024, and

WHEREAS, the plans, specifications, form of contract, and estimate of costs were filed with the City Clerk for the construction of certain public improvements described in general as the Lester Buresh Center Generator Project; more specifically described as:

The Lester Buresh Center Generator Project includes all labor, materials, and equipment necessary for excavation, backfill, PCC concrete equipment pads, furnishing and installing 150kW generator and automatic transfer switch, electrical work including conduit, cables, power wiring, and miscellaneous associated work including cleanup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

Section 1. That the said plans, specifications, form of contract and estimate of costs are hereby adopted as the plans, specifications, form of contract and estimate of costs for said public improvements, as described in general as the Lester Buresh Center Generator Project and more specifically described above.

PASSED and ADOPTED this 7th day of October, 2024

Thomas M. Wieseler, Mayor

ATTEST:

Marsha Dewell, City Clerk

AGENDA ITEM # G – 2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Resolution #10-7-2024B

ACTION: Motion

SYNOPSIS: The City Attorney has reviewed the administrative service agreement with MissionSquare for the proposed 457 (b) retirement plan. Any necessary changes have been made, and we are prepared to move forward with the adoption of the deferred comp resolution. As a reminder, participation in this program will be voluntary and without an employer contribution. The city will participate in the administrative costs of the program.

BUDGET ITEM: Operating Budget (Admin Fees)

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #10-7-2024B & Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

RESOLUTION NO. 10-7-2024B

**RESOLUTION ADOPTING THE 457(b) DEFERRED COMPENSATION PLAN FOR
THE CITY OF MOUNT VERNON**

Resolution of the above named Employer ("Employer")

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan to be administered by MissionSquare Retirement serves the above objectives; and

WHEREAS, the Employer desires that its deferred compensation plan be administered by MissionSquare Retirement, and that some or all of the funds held under such plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

NOW THEREFORE BE IT RESOLVED that the Employer hereby adopts the deferred compensation plan (the "Plan") in the form of: (Select one)

- The MissionSquare Retirement Deferred Compensation Plan and Trust
- The plan provided by the Employer (executed copy attached hereto).

BE IT FURTHER RESOLVED that the Employer hereby adopts the Declaration of Trust of VantageTrust Company dated May 2001, intending this adoption to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the trust created by such Declaration of Trust (the "VantageTrust") that provides for the commingled investment of retirement funds.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan.

BE IT FURTHER RESOLVED that the City Administrator shall be the coordinator for this program; shall receive necessary reports, notices, etc. from MissionSquare Retirement or VantageTrust; shall cast, on behalf of the Employer, any required votes under VantageTrust; Administrative duties to carry out the plan may be assigned to the

appropriate departments, and is authorized to execute all necessary agreements with MissionSquare Retirement incidental to the administration of the Plan.

APPROVED and ADOPTED this 7TH day of October, 2024.

Thomas M. Wieseler, Mayor

ATTEST:

Marsha Dewell, City Clerk

ADMINISTRATIVE SERVICES AGREEMENT

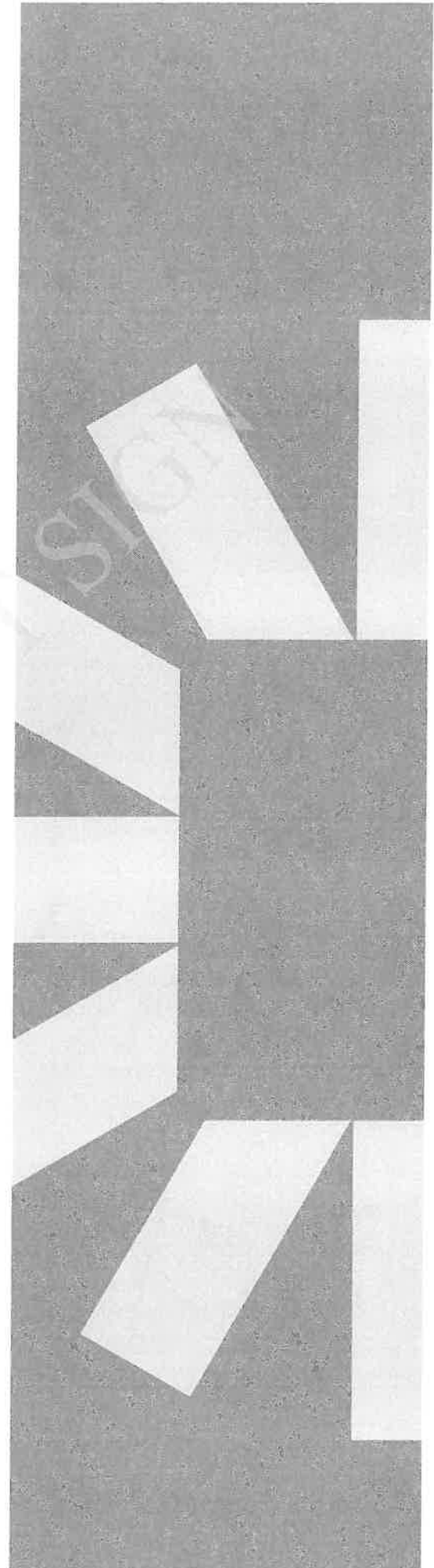
for

City of Mount Vernon

Type: **457**

Account #: **305486**

DRAFT - DO NOT SIGN



ADMINISTRATIVE SERVICES AGREEMENT

This Administrative Services Agreement ("Agreement"), made as of this day, (please enter date) _____, (herein referred to as the "Inception Date"), between the International City Management Association Retirement Corporation doing business as MissionSquare Retirement ("MissionSquare"), a nonprofit corporation organized and existing under the laws of the State of Delaware, and the **City of Mount Vernon** ("Employer"), an **Entity** organized and existing under the laws of the State of **Iowa** with an office at **213 1st Street NW, Mount Vernon, Iowa 52314**.

RECITALS

Employer acts as public plan sponsor of a retirement plan ("Plan"), and in that capacity, has responsibility to obtain administrative services and investment alternatives for the Plan;

VantageTrust is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Ruling 81-100, 1981-1 C.B. 326, which provides for the commingled investment of retirement funds;

MissionSquare, or its wholly owned subsidiary, acts as investment adviser to VantageTrust Company, LLC, the Trustee of VantageTrust;

MissionSquare has designed, and VantageTrust Company offers, a series of separate funds (the "Funds") for the investment of plan assets as referenced in the Funds' principal disclosure documents, the Disclosure Memorandum and the Fact Sheets (together, "MissionSquare Disclosures"); and

MissionSquare provides a range of services to public employers for the operation of employee retirement plans including, but not limited to, communications concerning investment alternatives, account maintenance, account recordkeeping, investment and tax reporting, transaction processing, and benefit disbursement.

AGREEMENTS

1. Appointment of MissionSquare

Employer hereby appoints MissionSquare as administrator of the Plan to perform all nondiscretionary functions necessary for the administration of the Plan. The functions to be performed by MissionSquare shall be those set forth in Exhibit A to this Agreement.

2. Adoption of VantageTrust

Employer has adopted the Declaration of Trust of VantageTrust Company and agrees to the commingled investment of assets of the Plan within VantageTrust. Employer agrees that the investment, management, and distribution of amounts deposited in VantageTrust shall be subject to the Declaration of Trust, as it may be amended from time to time and shall also be subject to terms and conditions set forth in disclosure documents (such as the MissionSquare Disclosures or Employer Bulletins) as those terms and conditions may be adjusted from time to time.

3. Employer Duty to Furnish Information

Employer agrees to furnish to MissionSquare on a timely basis such information as is necessary for MissionSquare to carry out its responsibilities as Administrator of the Plan, including information needed to allocate individual participant accounts to Funds in the Plan, and information as to the employment status of participants, and participant ages, addresses, and other identifying information (including tax identification numbers). Employer also agrees that it will notify MissionSquare in a timely manner regarding changes in staff as it relates to various roles. Such notification is to be completed through the plan sponsor website. MissionSquare shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant or beneficiary that is furnished by such participant or beneficiary, and MissionSquare shall not be responsible for any error arising from its reliance on such information. MissionSquare will provide reports and account information to the Employer through the plan sponsor website.

Employer is required to send in contributions through the plan sponsor website. Alternative electronic methods may be allowed but must be approved by MissionSquare for use. Contributions may not be sent through paper submittal documents.

To the extent Employer selects third-party investment options that do not have profile information provided to MissionSquare through MissionSquare's

electronic data feeds from external sources (such as Morningstar) or the third-party investment option providers, the Employer is responsible for providing to MissionSquare timely investment option updates for disclosure to Plan participants. Such updates may be provided to MissionSquare through the Employer's investment consultant or other designated representative.

4. MissionSquare Representations and Warranties

MissionSquare represents and warrants to Employer that:

- (a) MissionSquare is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement. The ability of MissionSquare, or its wholly owned subsidiary, to serve as investment adviser to VantageTrust Company is dependent upon the continued willingness of VantageTrust Company for MissionSquare, or its wholly owned subsidiary, to serve in that capacity.
- (b) MissionSquare is an investment adviser registered as such with the U.S. Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended.
- (c) MissionSquare shall maintain and administer the Plan in accordance with the requirements for eligible deferred compensation plans under Section 457 of the Internal Revenue Code and other applicable federal law; provided, however, that MissionSquare shall not be responsible for the eligible status of the Plan in the event that the Employer directs MissionSquare to administer the Plan or disburse assets in a manner inconsistent with the requirements of Section 457 or otherwise causes the Plan not to be carried out in accordance with its terms. Further, in the event that the Employer uses its own customized plan document, MissionSquare shall not be responsible for the eligible status of the Plan to the extent affected by terms in the Employer's plan document that differ from those in MissionSquare's model plan document. MissionSquare shall not be responsible for monitoring state or local law applicable to retirement plans or for administering the Plan in compliance with local or state requirements regarding plan administration unless Employer notifies MissionSquare of any such local or state requirements.

5. Employer Representations and Warranties

Employer represents and warrants to MissionSquare that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Employer understands and agrees that MissionSquare's sole function under this Agreement is to act as recordkeeper and to provide administrative, investment or other services at the direction of Plan participants, the Employer, its agents or designees in accordance with the terms of this Agreement. Under the terms of this Agreement, MissionSquare does not render investment advice, is neither the "Plan Administrator" nor "Plan Sponsor" as those terms are defined under applicable federal, state, or local law, and does not provide legal, tax or accounting advice with respect to the creation, adoption or operation of the Plan and its related trust. MissionSquare does not perform any service under this Agreement that might cause MissionSquare to be treated as a "fiduciary" of the Plan under applicable law, except, and only, to the extent that MissionSquare provides investment advisory services to individual participants enrolled in Guided Pathways Advisory Services.
- (c) Employer acknowledges and agrees that MissionSquare does not assume any responsibility with respect to the selection or retention of the Plan's investment options. Employer shall have exclusive responsibility for the Plan's investment options, including the selection of the applicable share class.
- (d) Employer acknowledges that certain such services to be performed by MissionSquare under this Agreement may be performed by an affiliate or agent of MissionSquare pursuant to one or more other contractual arrangements or relationships, and that MissionSquare reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.
- (e) Employer approves the use of its Plan in MissionSquare external media, publications and materials. Examples include press releases announcements and inclusion of the general plan information in request for proposal responses.

6. Participation in Certain Proceedings

The Employer hereby authorizes MissionSquare to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings involving the garnishment of benefits or the transfer of benefits pursuant to the divorce or separation of participants in the Plan. Unless Employer notifies MissionSquare otherwise, Employer consents to the disbursement by MissionSquare of benefits that have been garnished or transferred to a former spouse, current spouse, or child pursuant to a domestic relations order or child support order.

7. Compensation and Payment

- (a) **Plan Administration Fee.** The amount to be paid for plan administration services under this Agreement shall be **0.55%** per annum of the amount of Plan assets invested in VantageTrust. Such fee shall be computed based on average daily net Plan assets in VantageTrust.
- (b) **Compensation for Management Services to VantageTrust Company, Compensation for Advisory and other Services to the MissionSquare Funds Class M and Payments from Third-Party Investment Options.** Employer acknowledges that, in addition to amounts payable under this Agreement, MissionSquare, or its wholly owned subsidiary, receives fees from VantageTrust Company for investment advisory services and plan and participant services furnished to VantageTrust Company. Employer further acknowledges that MissionSquare, including certain of its wholly owned subsidiaries, receives compensation for advisory and other services furnished to the MissionSquare Funds Class M, which serve as the underlying portfolios of a number of Funds offered through VantageTrust. For a MissionSquare Fund Class R that invests substantially all of its assets in a third-party mutual fund not affiliated with MissionSquare, MissionSquare or its wholly owned subsidiary receives payments from the third-party mutual fund families or their service providers in the form of 12b-1 fees, service fees, compensation for sub-accounting and other services provided based on assets in the underlying third-party mutual fund. These fees are described in the MissionSquare Disclosures and MissionSquare's fee disclosure statement. In addition, to the extent that third-party options are included in the investment line-up for the Plan, MissionSquare receives administrative fees from its third-party settlement and clearing agent for providing administrative and other services based on assets invested in third-party investment options; such

administrative fees come from payments made by third-party investment options to the settlement and clearing agent.

- (c) **Redemption Fees.** Redemption fees imposed by outside investment options in which Plan assets are invested are collected and paid to the investment option by MissionSquare. MissionSquare remits 100% of redemption fees back to the specific investment option to which redemption fees apply. These redemption fees and the individual investment option's policy with respect to redemption fees are specified in the prospectus for the individual mutual fund and referenced in the MissionSquare Disclosures.
- (d) **Payment Procedures.** All payments to MissionSquare pursuant to this Section 7 shall be made from Plan assets held by VantageTrust or received from third-party investment options or their service providers in connection with Plan assets invested in such third-party investment options, to the extent not paid by the Employer. The amount of Plan assets administered by MissionSquare shall be adjusted as required to reflect any such payments as are made from the Plan. In the event that the Employer agrees to pay amounts owed pursuant to this Section 7 directly, any amounts unpaid and outstanding after 30 days of invoice to the Employer shall be withdrawn from Plan assets.

The compensation and payment set forth in this Section 7 are contingent upon the Employer's using MissionSquare's plan sponsor website for contribution processing and submitting contribution funds by ACH or wire transfer on a consistent basis over the term of this Agreement.

8. Indemnification

MissionSquare shall not be responsible for any acts or omissions of any person with respect to the Plan or its related trust, other than MissionSquare in connection with the administration or operation of the Plan. Employer shall indemnify MissionSquare against, and hold MissionSquare harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney's fees, that may be incurred by, imposed upon, or asserted against MissionSquare by reason of any claim, regulatory proceeding, or litigation arising from any act done or omitted to be done by ~~any Employer individual or person~~ with respect to the Plan or its related trust, excepting only any and all loss, damage, penalty, liability, cost or expense resulting from MissionSquare's negligence, bad faith, or willful misconduct.

9. Term

This Agreement shall be in effect and commence on the date all parties have signed and executed this Agreement, with the Employer signing through DocuSign ("Inception Date"). This Agreement may be terminated without penalty by either party on sixty days advance notice in writing to the other; provided however, that the Employer understands and acknowledges that, in the event the Employer terminates this Agreement (or replaces the MissionSquare PLUS Fund of VantageTrust as an investment option in its investment line-up), MissionSquare retains full discretion to release Plan assets invested in the MissionSquare PLUS Fund in an orderly manner over a period of up to 12 months from the date MissionSquare receives written notification from the Employer that it has made a final and binding selection of a replacement for MissionSquare as administrator of the Plan (or a replacement investment option for the MissionSquare PLUS Fund).

10. Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) MissionSquare may modify this Agreement by providing 60 days' advance written notice to the Employer prior to the effective date of such proposed modification. Such modification shall become effective unless, within the 60-day notice period, the Employer notifies MissionSquare in writing that it objects to such modification. The foregoing permission shall not apply to material terms specific to Employer, such as Compensation & Payment Terms and the general scope of services.
- (c) The parties agree that enhancements may be made to administrative services under this Agreement. The Employer will be notified of enhancements or reduction in fees through electronic messages or special mailings.

11. Notices

Unless otherwise provided in this Agreement, all notices required to be delivered under this Agreement shall be in writing and shall be delivered, mailed, e-mailed or faxed to the location of the relevant party set forth below or to such other address or to the attention of such other persons as such party may hereafter specify by notice to the other party.

MissionSquare: Legal Department, MissionSquare, 777 North Capitol Street, N.E., Suite 600, Washington, D.C., 20002-4240
Facsimile; (202) 962-4601

Employer: at the office set forth in the first paragraph hereof, or to any other address, facsimile number or e-mail address designated by the Employer to receive the same by written notice similarly given.

Each such notice, request or other communication shall be effective: (i) if given by facsimile, when transmitted to the applicable facsimile number and there is appropriate confirmation of receipt; (ii) if given by mail or e-mail, upon transmission to the designated address with no indication that such address is invalid or incorrect; or (iii) if given by any other means, when actually delivered at the aforesaid address.

12. Complete Agreement

This Agreement shall constitute the complete and full understanding and sole agreement between MissionSquare and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. This Agreement supersedes all written and oral agreements, communications or negotiations among the parties. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

13. Titles

The headings of Sections of this Agreement and the headings for each of the attached Exhibits are for convenience only and do not define or limit the contents thereof.

14. Incorporation of Exhibits

All Exhibits (and any subsequent amendments thereto), attached hereto, and referenced herein, are hereby incorporated within this Agreement as if set forth fully herein.

15. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of **Iowa**, applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.

In Witness Whereof, the parties hereto certify that they have read and understand this Agreement and all Exhibits attached hereto and have caused this Agreement to be executed by their duly authorized officers as of the Inception Date first above written.

CITY OF MOUNT VERNON

By _____
Signature/Date

By _____
Name and Title (Please Print)

**THE INTERNATIONAL CITY MANAGEMENT
ASSOCIATION RETIREMENT CORPORATION
doing business as MISSIONSQUARE
RETIREMENT**

By _____
Erica McFarquhar
Assistant Secretary

[An execution copy will be provided via DocuSign]

Exhibit A

Administrative Services

The administrative services to be performed by MissionSquare under this Agreement shall be as follows:

- (a) Participant enrollment services are provided online. Employees will enroll online through a secure site or the Employer will enroll employees through the plan sponsor website.
- (b) Establishment of participant accounts for each employee participating in the Plan for whom MissionSquare receives appropriate enrollment instructions. MissionSquare is not responsible for determining if such Plan participants are eligible under the terms of the Plan.
- (c) Allocation in accordance with participant directions received in good order of individual participant accounts to investment options offered under the Plan.
- (d) Maintenance of individual accounts for participants reflecting amounts deferred, income, gain or loss credited, and amounts distributed as benefits.
- (e) Maintenance of records for all participants for whom participant accounts have been established. These files shall include enrollment instructions (provided to MissionSquare through the participant website or the plan sponsor website), beneficiary designation instructions and all other documents concerning each participant's account.
- (f) Provision of periodic reports to the Employer through the plan sponsor website. Participants will have access to account information through Participant Services, Voice Response System, the participant website, and text access, and through quarterly statements that can be delivered electronically through the participant website or by postal service.
- (g) Communication to participants of information regarding their rights and elections under the Plan.
- (h) Making available Participant Services Representatives through a toll-free telephone number from 8:30 a.m. to 9:00 p.m. Eastern Time, Monday through Friday (excluding holidays and days on which the securities markets or MissionSquare are closed for business (including emergency closings)), to assist participants.
- (i) Making available access to MissionSquare's website, to allow participants to access certain account information and initiate certain plan transactions at any time. The participant website is normally

- available 24 hours a day, seven days a week except during scheduled maintenance periods designed to ensure high-quality performance.
- (j) Maintaining the security and confidentiality of client information through a system of controls including but not limited to, as appropriate: restricting plan and participant information only to those who need it to provide services, software and hardware security, access controls, data back-up and storage procedures, non-disclosure agreements, security incident response procedures, and audit reviews.
 - (k) Making available access to MissionSquare's plan sponsor web site to allow plan sponsors to access certain plan information and initiate plan transactions such as enrolling participants and managing contributions at any time. The plan sponsor web site is normally available 24 hours a day, seven days a week except during scheduled maintenance periods designed to ensure high-quality performance.
 - (l) Distribution of benefits as agent for the Employer in accordance with terms of the Plan. Participants who have separated from service can request distributions through the participant website or via form.
 - (m) MissionSquare is authorized by the Employer to (a) determine whether a domestic relations order is an acceptable qualified domestic relations order under the terms of the Plan and (b) establish a separate account record for the alternate payee and provide for the investment and distribution of assets held thereunder.
 - (n) Loans may be made available on the terms specified in the Loan Guidelines, if loans are adopted by the Employer. Participants can request loans through the participant website.
 - (o) MissionSquare is authorized by the Employer to establish an unallocated plan level expense account to function as the Administrative Allowance account, to be invested as Employer directs.
 - (p) MissionSquare will determine appropriate delivery method (electronic and/or print) for plan sponsor/participant communications and education based on a number of factors (audience, effectiveness, etc.)

AGENDA ITEM # G – 3

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Resolution #10-7-2024C

ACTION: Motion

SYNOPSIS: This is a minor boundary change between two adjacent property owners (approximately three feet). Boundary changes are allowed to come to City Council direct, without a recommendation from the Planning and Zoning Commission.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #10-7-2024C & Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

RESOLUTION NO. _____

**RESOLUTION APPROVING THE PLAT OF SURVEY #2888, PARCEL A MINOR
BOUNDARY CHANGE TO THE CITY OF MT. VERNON, IOWA**

WHEREAS, Katie Compton, owner of 740 16th Court SW in Mount Vernon, Iowa, has made application to transfer 465 square feet of property from Carrie and Brett Karkosh, owners of 730 16th Court SW in Mount Vernon, Iowa, and

WHEREAS, the minor boundary change will not create additional lots as defined in Chapter 166.07 (B),

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Plat of Survey #2888, Parcel A as described and shown in Exhibit "A" attached hereto and made a part thereof by reference.

APPROVED and ADOPTED this 7th day of October, 2024.

Thomas M. Wieseler, Mayor

ATTEST:

Marsha Dewell, City Clerk



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS
1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282
www.mmsconsultants.net

PLAT OF SURVEY #2888 PARCEL "A"

A PORTION OF LOT 2 OF STONEBROOK 8TH ADDITION
MOUNT VERNON, LINN COUNTY, IOWA

SURVEY REQUESTED BY:

JOE COMPTON
740 16TH STREET COURT SW
MOUNT VERNON, IOWA 52314-5400
PROPRIETOR OR OWNER:
BRETT M. AND CARRIE KARKOSH
790 16TH COURT SW
MOUNT VERNON, IOWA 52314-5400

DOCUMENT RETURN INFORMATION:

LAND SURVEYOR
DATE OF SURVEY:
06-11-2024

LOCATION:

A PORTION OF LOT 2 OF STONEBROOK 8TH ADDITION,
LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST
QUARTER AND THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER ALL OF SECTION 9, TOWNSHIP 82
NORTH, RANGE 5 WEST, OF THE FIFTH PRINCIPAL MERIDIAN,
MOUNT VERNON, LINN COUNTY, IOWA.

LAND SURVEYOR:

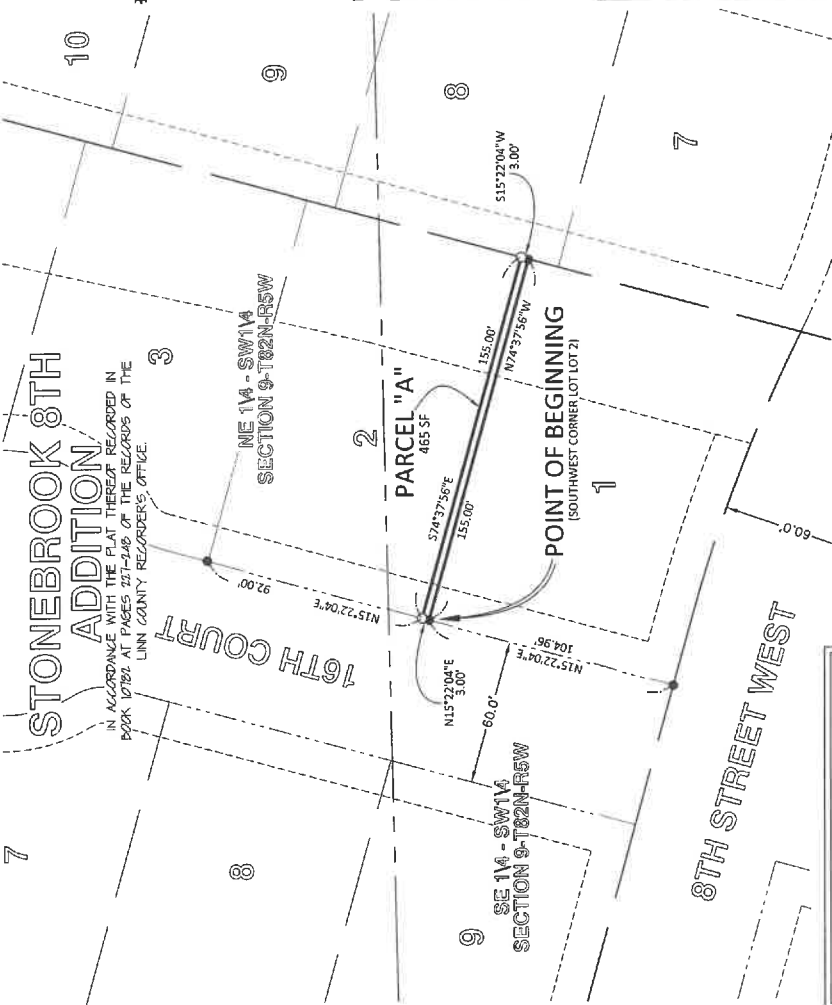
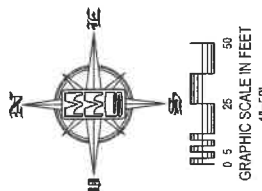
RICHARD R. NOWOTNY P.L.S.
MMS CONSULTANTS INC.
1917 SOUTH GILBERT STREET
IOWA CITY, IOWA, 52240
PHONE: 319-351-8282

FOR COUNTY RECORDER'S USE

LEGEND AND NOTES

- △ CONGRESSIONAL CORNER, FOUND
- PROPERTY CORNER(S), FOUND (as noted)
- PROPERTY CORNER(S), SET
- 5/8" Iron Pipe with yellow plastic LS Cap embossed with "MMS"
- ⊗ CUT "x"
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- RIGHT-OF-WAY LINES
- CENTER LINES
- LOT LINES, INTERNAL
- LOT LINES, INTERNAL OR BY DEED
- LOT LINES, INTERNAL, PURPOSE NOTED
- EXISTING EASEMENT LINES, PURPOSE NOTED
- (R) RECORDED DIMENSIONS
- (M) MEASURED DIMENSIONS
- C22-1 CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDRETHS



DESCRIPTION

Beginning at the Southwest Corner of Lot 2 of Stonebrook 8th Addition to Mount Vernon, Iowa, in accordance with the Plat thereof Recorded in Book 10782 at Pages 227-248 of the Records of the Linn County Recorder's Office; Thence N15°22'04"E, along the Westerly Line of said Lot 2, a distance of 3.00 feet; Thence S74°37'56"E, along a line parallel with and 3.00 feet normally distant Northwesterly from the Southerly Line of said Lot 2, a distance of 155.00 feet, to a Point on the Easterly Line of said Lot 2; Thence S15°22'04"W, along said Easterly Line, 3.00 feet, to the Southeast Corner of said Lot 2; Thence N74°37'56"W, along the Southerly Line of said Lot 2, a distance of 155.00 feet, to the Point of Beginning. Said Parcel "A" of Plat of Survey #2888 contains 465 square feet, and is subject to easements and restrictions of record.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

RICHARD R. NOWOTNY
P.L.S. Iowa Lic. No. 17916
My license renewal date is December 31, 20 ____.

20 ____

Pages or sheets covered by this seal: _____

SEAL

AREA SUMMARY TABLE

TRACT	RESULTANT AREA
LOT 1 PLUS PARCEL "A"	14,260 SQUARE FEET
LOT 2 MINUS PARCEL "A"	17,241 SQUARE FEET

NOTE:
ALL BEARINGS ARE BASED ON IOWA STATE PLANE COORDINATES (SOUTH ZONE), LIBRARY CALIBRATION USING THE IOWA REAL TIME NETWORK (RTN). THE DISTANCES SHOWN ON THE PLAT ARE GROUND DISTANCES AND NOT GRID DISTANCES.

Date	Revision
09-24-2024	PER RRR REVIEW - RLW

PLAT OF SURVEY #2888
PARCEL "A"

MOUNT VERNON
LINN COUNTY
IOWA

MMS CONSULTANTS, INC.
Date: 09-18-2024
Designed by: SBP Field Book No: 1388
Drawn by: RLW Scale: 1"=50'
Checked by: RRN Sheet No: 1
Project No: IC 12009-002 of: 1

AGENDA ITEM # G – 4

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Resolution #10-7-2024D

ACTION: Motion

SYNOPSIS: The State of Iowa has determined that our annexation application falls within the urbanized area of Lisbon and therefore needs to be approved by the City Development Board. The steps completed during the original annexation application process must now be repeated.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #10-7-2024D & Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

RESOLUTION # ___ - ___ -2024

**RESOLUTION PRELIMINARILY APPROVING
APPLICATION FOR VOLUNTARY ANNEXATION
(Property located within Urbanized Area of another Municipality)**

WHEREAS, the City of Mount Vernon (the “City”), in Linn County, State of Iowa, has received a signed Application for Voluntary Annexation from CTM Holdings, LLC and Troy R. and Tracey A. Louwagie, the owners of property proposed to be annexed as described within the Application attached hereto as “Exhibit A”, and finds that same should be given preliminary approval by the Council, final approval being withheld until all notices required to be delivered and/or published in accordance with Chapter 368 of the Iowa Code have been made, and appropriate deadlines have passed for comment or input.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Vernon, Iowa that the Application for Annexation submitted for consideration by Troy R. and Tracey A. Louwagie and CTM Holdings, LLC, is hereby given preliminary approval, the Council to give final consideration of the Application for Annexation after necessary mailing and publication of notice, the passage of applicable timelines as provided within Chapter 368 of the Iowa Code, and City staff is directed to work with CTM Holdings, LLC attorney to ensure that all necessary notices are mailed and/or published as required and to take all other steps necessary and prudent in the consideration of this Voluntary Annexation Application.

PASSED and APPROVED this ___ day of _____, 2024.

Thomas M. Wieseler, Mayor

Attest:

Marsha Dewell, City Clerk

Exhibit A

CTM Holdings, LLC parcel:

NE Frl. ¼ of Section 4-82-5, Linn County, Iowa, except therefrom that part described as follows: Beginning at the East ¼ corner of said Section 4; thence due North along the East line of said NE Frl. ¼, 1060 feet to the point of beginning; thence due North 390 feet; thence due West 446.77 feet; thence due South 390 feet; thence due East 446.77 feet to the point of beginning. And also excepting the following described tract: Commencing at the NW corner of the NE ¼ said Section 4; thence due East 467.45 feet along the North line of the NE¼ to the point of beginning; thence due East 1212.68 feet along the North line of the NE¼; thence South 35°10'00" West 590.20 feet; thence South 54°55'40" West 518.85 feet; thence South 86°25'10" West 360.32 feet; thence North 6°17'16" West 807.98 feet to the point of beginning. Subject to public highway.

Louwagie parcel:

The west fifty feet (50') of the following described real estate:

NE¼ SE¼ Section 4-82-5, Linn County, Iowa, excepting therefrom the South 250 feet North 754 feet East 565 feet SE¼ said Section 4 and further except all Public Highways, with reservation in favor of Granters, their heirs, successors and assigns a perpetual unimproved agricultural easement twenty-five (25) feet in width abutting the south boundary of the property conveyed allowing ingress and egress to the Granters' abutting agricultural parcel on the west.

The proposed Annexation would include one-half (1/2) of the right of way (ROW) of Springville Road (A/K/A County Road X20), and one-half (1/2) of the right of way (ROW) of Abbe Hills Road, adjacent to the CTM Holding, LLC parcel.

AGENDA ITEM # G – 5

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Resolution #10-7-2024E
ACTION:	Motion

SYNOPSIS: Chief Shannon received a request to review the “no parking” designations on the east side of 7th Ave NW. The current “no parking” designation ends approximately 40-45 feet from the intersection with 1st St. NW. The new resolution will extend the designations another 50-55 feet south.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Resolution #10-7-2024E & Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

RESOLUTION #10-7-2024E

A Resolution providing for new "No-Parking Zone" designations within the City of Mt. Vernon, Iowa.

WHEREAS, Section 61.01 of the Code of Ordinances of the City of Mount Vernon, Iowa, directs the Council to designate and establish, by resolution, appropriate traffic control devices; and,

WHEREAS, staff has reviewed the need for additional traffic control measures and is now recommending that No-Parking designations be created on a certain section of a certain street;

NOW, THEREFORE, BE IT RESOLVED there be a No-Parking sign placed as follows:

- 1) On the East side of 7th Avenue NW from the intersection of 1st Street NW to 95 feet north, as shown in Exhibit "A," attached hereto and made a part thereof.

Motion made by _____, seconded by _____ to _____

Resolution #10-7-2024E.

Resolution #10-7-2024E _____ on October 7, 2024, by the following roll call vote:

YES:

NO:

ABSTAIN:

ABSENT:

MOUNT VERNON CITY COUNCIL
MOUNT VERNON, IOWA

Thomas M. Wieseler, Mayor

ATTEST:

Marsha Dewell, City Clerk

Linn County, Iowa Land Records



October 3, 2024



Mt. Vernon-Lisbon Police Department

Douglas J. Shannon
Chief of Police

October 2, 2024

To: Chris Nosbisch, City Administrator

Re: Parking change – 100 block 7th Ave NW – Council resolution

Dear Chris,

I have received complaints over the past couple years regarding parking along the east side of 7th Ave NW between 1st & 2nd Street. This is a permit parking area. The requests have been to move the parking area further south from 1st Street. Vehicles turning onto 7th Avenue NW from 1st Street have little area, to stage when vehicles are parked and there are vehicles on 7th Ave NW at the stop sign of 1st Street.

I have visited this area and would recommend prohibiting parking between 1st Street and the 1st Utility pole on 7th Avenue, as indicated below in the photo. This would be approximate 90 feet from the intersection of 1st Street.



Sincerely,

A handwritten signature in black ink that reads "Doug Shannon".

Doug Shannon
Chief of Police

380 Old Lincoln Highway
Mount Vernon, Iowa 52314

319-895-6141 (office)
319-895-6617 (fax)

J. Motions for Approval

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, OCTOBER 7, 2024

PAYROLL	CLAIMS	233,635.45
MENARDS	BRINE SHED MATERIALS-PW SITE	26,840.43
ALLIANT ENERGY	ENERGY USAGE-SEW	7,372.49
VEENSTRA & KIMM INC	2024 SANITARY SEWER REHAB	5,783.00
GRONEWOLD, BELL, KYHNN & CO PC	FY24 AUDIT FEES-ALL DEPTS	5,500.00
ALLIANT ENERGY	ENERGY USAGE-WAT	5,458.21
ALLIANT ENERGY	ENERGY USAGE-ST LIGHTS	5,260.99
SE LINN COMMUNITY CENTER	SCHOLARSHIPS-LBC	5,000.00
VEENSTRA & KIMM INC	2024 BUSINESS 30 IMPROVEMENTS	4,584.82
LINN CO-OP OIL CO	FUEL-PW	4,521.31
MIDWEST WHEEL CO	SILVERADO OUTFITTING-FD LEVY	3,125.83
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	3,068.67
TREASURER STATE OF IOWA	SALES TAX	3,001.31
VEENSTRA & KIMM INC	GLENN ST/COTTONWOOD	2,845.00
VEENSTRA & KIMM INC	HWY 1 RECONSTRUCTION	2,770.34
BOWKER PINNACLE MECHANICAL	SEWER EXCAVATION-SEW	2,632.96
CARROLL CONSTRUCTION SUPPLY	SCREED SECTIONS-PW	2,486.00
ROTO-ROOTER	HYDRO VAC-SEW	2,471.50
TREASURER STATE OF IOWA	WET TAX	2,391.10
CONSTRUCTION MATERIALS INC	REBAR-PW SITE	2,194.38
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	2,152.99
ALLIANT ENERGY	ENERGY USAGE-POOL	2,006.29
VEENSTRA & KIMM INC	STREET MISC ENGINEERING	1,912.82
VEENSTRA & KIMM INC	INTELISTREETS LIGHTING IMPROV	1,788.94
VEENSTRA & KIMM INC	BRYANT ROAD WATER MAIN IMPROV	1,743.00
LISBON, CITY OF	AMB DIRECTOR CONTRACTED SALARY	1,630.92
MUNICIPAL MGMT CORP.	LEAK DETECTION-WAT	1,500.00
IOWA SOLUTIONS INC	COMPUTER EQUIP-WAT,SEW	1,486.00
VEENSTRA & KIMM INC	4TH ST RECONSTRUCTION	1,438.50
VEENSTRA & KIMM INC	OLD PW BLDG LOT PLATTING	1,411.00
COMPASS BUSINESS SOLUTIONS	REMINDER NOTICES-WAT,SEW,SW	1,344.45
STATE HYGIENIC LAB	TESTING-SEW	1,329.00
VEENSTRA & KIMM INC	BUSINESS 30 RESURFACING	1,248.17
IOWA SOLUTIONS INC	MONTHLY MAINT-ALL DEPTS	1,245.00
COMMUNITY DEVELOPMENT GROUP	HOTEL/MOTEL TAX-ECON DEV	1,146.00
VEENSTRA & KIMM INC	2024 SANITARY SEWER REHAB	1,127.00
RICHARD BURROUGHS	CEMETERY MAINT	1,060.00
IOWA SOLUTIONS INC	MONTHLY MAINT-ALL DEPTS	1,020.00
LINDER TIRE SERVICE	TIRES-WAT,SEW	1,010.28
MOUNT VERNON ACE HARDWARE	SUPPLIES-ALL DEPTS	985.37
ALLIANT ENERGY	ENERGY USAGE-FD	959.33
NIGHT SHIFT LLC	CLEANING SERVICE-CITY HALL	904.15
NIGHT SHIFT LLC	CLEANING SERVICE-PD	867.84
INTOXIMETERS	EQUIP REPAIR-PD	830.00
DE NOVO MARKETING	WEBSITE/HUBSPOT SUPPORT-ALL DEPTS	825.00
WENDLING QUARRIES	ROADSTONE-RUT	781.05
VEENSTRA & KIMM INC	GLENN ST/COTTONWOOD	761.00
TRI-CITY ELECTRIC CO OF IOWA	CAMERA MAINT-PD	744.00
STUDENT PUBLICATIONS INC	ADS/PUBLICATIONS-ALL DEPTS	707.30
VEENSTRA & KIMM INC	2024 BUSINESS 30 IMPROVEMENTS	643.43
POSTMASTER	UTIL BILL POSTAGE-WAT,SEW,SW	628.97
ALLIANT ENERGY	ENERGY USAGE-CITY HALL	513.93
WORLD INSURANCE ASSOC	509A FILING-ALL DEPTS	504.13
AMERICAN PUBLIC WORKS ASSOC	PLOW OPERATOR TRAINING-RUT	500.00
ALLIANT ENERGY	ENERGY USAGE-P&REC	485.00
VEENSTRA & KIMM INC	KWIK STAR SITE PLAN	474.00
SIMMERING CORY IOWA CODIFICATION	WEB HOSTING-P&A	450.00

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, OCTOBER 7, 2024

ALLIANT ENERGY	ENERGY USAGE-RUT	448.94
MECHANICSVILLE TELEPHONE COMPANY	PHONE/INTERNET-LBC	447.07
PALISADES CAFÉ	LIQUOR LICENSE REFUND-P&A	438.75
MEDIACOM	PHONE/INTERNET-CITY HALL	425.20
VEENSTRA & KIMM INC	REMOTE READ METER PROJECT	405.00
KONICA MINOLTA	MAINT PLAN/COPIES-P&A	402.55
RC TECH	TV/AUDIO REPAIRS-CITY HALL	402.50
OVERHEAD DOOR CO	BLDG MAINT-FD	384.50
MECHANICSVILLE TELEPHONE COMPANY	PHONE/INTERNET-PD	378.62
AHLERS & COONEY P.C.	LEGAL FEES-P&A STONEBROOK URP	340.00
DE NOVO MARKETING	WEBSITE SUPPORT-LBC	325.00
JACQUELINE ENGELBRECHT	WATER AEROBICS-POOL	325.00
MEDIACOM	PHONE/INTERNET-PW	323.65
BRADY LANHAM	ARTS FESTIVAL POWER-CDG	320.00
SIRCHIE ACQUISITION COMPANY	SUPPLIES-PD	312.73
SHANE AMUNDSON	REIMBURSE SEWER JET-SEW	306.80
MEDIACOM	PHONE/INTERNET-FD	293.92
LYNCH FORD-LYNCH CHEVROLET	VEHICLE MAINT-PW	292.69
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT,SEW,GB	287.47
EMPLOYEE BENEFIT SYSTEMS	INSURANCE CLAIMS-ALL DEPTS	280.63
KONICA MINOLTA	MAINT PLAN/COPIES-PD	273.09
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	260.53
CITY LAUNDERING CO	SERVICES-LBC	253.92
CEDAR VALLEY HUMANE SOCIETY	ANIMAL CONTROL	250.00
CHRIS NOSBISCH	MILEAGE-ALL DEPTS	247.90
ROTO-ROOTER	SEWER TELEVISIONING-SEW	245.54
VEENSTRA & KIMM INC	CITY ENGINEERING GENERAL	237.00
LUKE RUSHFORD	REFEREE-P&REC	235.00
VEENSTRA & KIMM INC	4TH ST RECONSTRUCTION	216.18
KONICA MINOLTA	MAINT PLAN/COPIES-PD	207.31
MOTOROLA SOLUTIONS INC	SHIRT CLIP MOUNT-PD	207.00
AHLERS & COONEY P.C.	LEGAL FEES-P&A MIDWEST DEVELOPMENT	204.00
MENARDS	SUPPLIES-PW SITE	202.74
SUSAN SEE	WATER AEROBICS-POOL	200.00
STATE CHEMICAL SOLUTIONS	SUPPLIES-RUT	179.35
US CELLULAR	CELL PHONE-P&REC,WAT,SEW	166.90
PITNEY BOWES	POSTAGE METER LEASE-ALL DEPTS	165.33
ANTHONY TATMAN	MMPI EVAL-PD	150.00
IOWA LAW ENFORCEMENT ACADEMY	MMPI EVAL-PD	150.00
HAWKEYE COMMUNICATIONS INC	FIRE SYSTEM MONITORING-PD	147.00
BAUMAN AND COMPANY	UNIFORMS-ALL DEPTS	139.90
KONICA MINOLTA	MAINT PLAN/COPIES-LBC	130.38
STAR EQUIPMENT LTD	TROWEL RENTAL-PW SITE	130.00
STAPLES INC	SUPPLIES-P&A	127.12
AHLERS & COONEY P.C.	LEGAL FEES-LMI CHI	124.00
BRADY WEAVER	REFEREE-P&REC	120.00
GABRIEL GRAFFT	REFEREE-P&REC	120.00
GAGE HOLUB	REFEREE-P&REC	120.00
JAKOB A YOCK	REFEREE-P&REC	120.00
JAKOB HAUGSE	REFEREE-P&REC	120.00
JAMISON W BILLINGSLEY	REFEREE-P&REC	120.00
TIERNAN BOOTS	REFEREE-P&REC	120.00
MOUNT VERNON ACE HARDWARE	SUPPLIES-FD	116.42
IOWA DEPT OF NATURAL RESOURCES	ANNUAL WATER USE FEE-WAT	115.00
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	112.20
VEENSTRA & KIMM INC	LBC GENERATOR	111.50
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT,SEW,GB	110.00

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, OCTOBER 7, 2024

MECHANICSVILLE TELEPHONE COMPANY	PHONE/INTERNET-POOL	108.77
STUDENT PUBLICATIONS INC	ADS/PUBLICATIONS-P&REC	107.63
AIRGAS INC	CYLINDER RENTAL-PW	101.78
AMAZON CAPITAL SERVICES	SUPPLIES-P&REC	91.91
ALLIANT ENERGY	ENERGY USAGE-RUT,P&A,WAT,SEW	86.80
VESTIS	RUGS,SERVICES-FD	84.81
GABRIELL GARCIA	REFUND-P&REC	82.00
ALLIANT ENERGY	ENERGY USAGE-LBC	81.82
PROFESSIONAL WINDOW CLEANING	WINDOW CLEANING-CITY HALL	80.00
CITY LAUNDERING CO	SERVICES-CITY HALL	79.69
CITY LAUNDERING CO	SERVICES-CITY HALL	79.69
CITY LAUNDERING CO	SERVICES-CITY HALL	79.69
CITY LAUNDERING CO	SERVICES-CITY HALL	79.69
ALL SECURE	SECURITY SYST MONITORING-POOL	75.00
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT,SEW,GB	74.73
PRESTO-X	PEST CONTROL-FD	73.81
IOWA ONE CALL	LOCATES-WAT,SEW	72.90
AMAZON CAPITAL SERVICES	SUPPLIES-PD	72.18
CENTURY LINK	PHONE CHARGES-PD	71.61
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT,SEW,GB	69.79
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	64.89
PRESTO-X	PEST CONTROL-CITY HALL	63.80
ALLIANT ENERGY	ENERGY USAGE-PD	63.23
PRESTO-X	PEST CONTROL-PD	62.00
GARY'S FOODS	SUPPLIES-LBC,P&A	61.69
ALLIANT ENERGY	ENERGY USAGE-SIRENS	61.37
BRADY WEAVER	REFEREE-P&REC	60.00
EVAN COLEMAN	REFEREE-P&REC	60.00
EVAN COLEMAN	REFEREE-P&REC	60.00
GABRIEL GRAFFT	REFEREE-P&REC	60.00
GAGE HOLUB	REFEREE-P&REC	60.00
JAKOB A YOCK	REFEREE-P&REC	60.00
JAKOB HAUGSE	REFEREE-P&REC	60.00
JAMISON W BILLINGSLEY	REFEREE-P&REC	60.00
LUKE RUSHFORD	REFEREE-P&REC	60.00
TIERNAN BOOTS	REFEREE-P&REC	60.00
AMAZON CAPITAL SERVICES	SUPPLIES-PD	56.49
CARQUEST OF LISBON	EQUIP MAINT-PW	55.14
MOUNT VERNON BANK & TRUST CO	NSF CHECK-WAT,SEW,GB	54.99
AMAZON CAPITAL SERVICES	UNIFORMS-ALL DEPTS	46.90
ALLIANT ENERGY	ENERGY USAGE-RUT,WAT,SEW	45.39
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	40.88
CUSTOM HOSE & SUPPLIES INC	SUPPLIES-RUT	37.54
BANKCARD 8076	REFUND-LBC	36.00
ALLIANT ENERGY	ENERGY USAGE-RUT,WAT,SEW,SW	34.24
NEAL'S WATER CONDITIONING	WATER/SALT-FD	33.00
MT VERNON EYE CLINIC	PRE-EMPLOYMENT EXAM-PD	30.00
ALLIANT ENERGY	ENERGY USAGE-SW	29.31
SAMANTHA KNUDSON	REFUND-LBC S	25.00
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	22.00
ALLIANT ENERGY	ENERGY USAGE-CEM	20.38
HAWKINS INC	CHEMICALS-WAT	20.00
DIANNA HAMILTON	REFUND-P&REC	20.00
AMAZON CAPITAL SERVICES	SUPPLIES-LBC	17.87
JACLYN CRAIG	REFUND-P&REC	15.00
KONICA MINOLTA	MAINT PLAN/COPIES-LBC	13.25
IOWA LAW ENFORCEMENT ACADEMY	TRAINING-PD	10.00

CITY OF MOUNT VERNON
CLAIMS FOR APPROVAL, OCTOBER 7, 2024

IOWA LAW ENFORCEMENT ACADEMY	TRAINING-PD	10.00
AUTHNET GATEWAY BILLING	CREDIT CARD SERVICES-LBC	5.00
TOTAL		387,814.64

FUND EXPENSE TOTALS		
PAYROLL		233,635.45
PW FACILITIES		31,110.55
GENERAL FUND		30,088.53
SEWER FUND		20,497.38
WATER FUND		15,062.26
ROAD USE TAX FUND		11,898.92
2024 INFRASTRUCTURE		10,901.44
LBC		10,129.33
ARPA LINN COUNTY GRANT		6,910.00
SOLID WASTE		6,340.03
GLENN ST/CHI/COTTONWOOD		3,606.00
CIP/FIRE DEPT TAX LEVY		3,125.83
CAPITAL IMPROVEMENT PROJECTS		1,912.82
LOST III UR & STREETScape		1,788.94
REMOTE READ METER PROJECT		405.00
STORM WATER FUND		278.16
LOW MODERATE INCOME FUND		124.00
TOTAL		387,814.64

FY25 SEPTEMBER REVENUE		
GENERAL GOVERNMENT		318,869.35
PUBLIC WORKS		300,085.12
PUBLIC SAFETY		107,313.46
CULTURE-RECREATION		35,531.41
COMMUNITY & ECONOMIC DEV		1,146.00
TOTAL		762,945.34

AGENDA ITEM # J – 2

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Appointment

ACTION: Motion

SYNOPSIS: Chief Shannon is seeking permission to appoint Nick Eicher to the Mt. Vernon/Lisbon Police Department. Nick would hopefully leave for the academy in January as Jeff is retiring in February.

BUDGET ITEM: General

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

AGENDA ITEM # J – 3

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Change Order #1 – Bryant Rd Watermain
ACTION:	Motion

SYNOPSIS: Change Order #1 is a deduct of \$9,463.25. The pipe feeding the Bryant Rd. area is smaller than what we believed it to be so there was a rather large deduction in the original construction price. Due to the initial reduction, staff asked Dave Schmitt Construction to provide a price for connecting the new water main to the public works facility. This was an add of \$17,958, but still left an overall deduction of \$9,463.25.

BUDGET ITEM: PW Purchase

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Change Order

PREPARED BY: Chris Nobsch

DATE PREPARED: 10/3/2024



VEENSTRA & KIMM INC.

2600 University Parkway, Suite 1
Coralville, Iowa 52241

319.466.1000 // 888.241.8001
www.v-k.net

September 30, 2024

CHANGE ORDER NO. 1

**BRYANT ROAD WATER MAIN IMPROVEMENTS
MOUNT VERNON, IOWA**

Change Order No. 1 is for the following modifications to the project:

1. Design change due to field locate of existing 4-inch iron pipe along Bryant Road. Project will consist of 6-inch pipe from station 0+00 to 5+00 instead of 8-inch pipe. Water from station 5+00 to 11+25 is deleted from the project.

a. Bid items deleted from the project are as follows:

		Estimated			
<u>Description</u>	<u>Unit</u>	<u>Quantities</u>	<u>Unit Price</u>	<u>Extended Price</u>	
1.1	Disconnect & Rmvl of Water Main	LF	-50	\$ 18.25	\$ (912.50)
1.2	WM, Trenched, DR-18 C900, 6"	LF	-168	\$ 27.00	\$ (4,536.00)
1.3	WM, Trenched, DR-18 C900, 8"	LF	-1,115	\$ 32.85	\$ (36,627.75)
1.4	Trenched in Place Service	Ea	-1	\$ 1,088.00	\$ (1,088.00)
1.5	Bored in-Place Service	Ea	-1	\$ 2,320.00	\$ (2,320.00)
1.6	Valve, Gate, 6"	Ea	-1	\$ 1,689.00	\$ (1,689.00)
1.7	Valve, Gate, 8"	Ea	-2	\$ 2,322.00	\$ (4,644.00)
1.8	Line Stop, 6"	Ea	-1	\$ 9,495.00	\$ (9,495.00)
1.9	Fittings by Count, Tee, 8" X 6"	Ea	-1	\$ 760.00	\$ (760.00)
1.10	Fittings by Count, Cross, 8" X 6"	Ea	-1	\$ 1,141.00	\$ (1,141.00)
1.11	Fittings by Count, Future Cap, 8"	Ea	-1	\$ 460.00	\$ (460.00)
1.12	Fittings by Count, Reducer 8" X 6"	Ea	-1	\$ 560.00	\$ (560.00)
1.13	Fire Hydrant Assembly, WM-201	Ea	-1	\$ 6,500.00	\$ (6,500.00)
				Total Deleted	\$ (70,733.25)

b. Revised design bid items to be added to the project are as follows:

		Estimated			
<u>Description</u>	<u>Unit</u>	<u>Quantities</u>	<u>Unit Price</u>	<u>Extended Price</u>	
1	Valve, Gate, 6"	Ea.	3	\$ 1,689.00	\$ 5,067.00
2	Fittings by Count, Tee, 6" X 4"	Ea.	1	\$ 660.00	\$ 660.00
3	Fittings by Count, Cross, 6" X 6"	Ea.	1	\$ 1,050.00	\$ 1,050.00
4	Fittings by Count, Future Cap, 6"	Ea.	1	\$ 400.00	\$ 400.00
5	Fittings by Count, Reducer 6" X 4"	Ea.	1	\$ 500.00	\$ 500.00
6	Fire Hydrant Assembly, WM-201	Ea.	1	\$ 6,500.00	\$ 6,500.00
7	WM, Trenched, DR-18 C900, 6"	LF	670	\$ 27.00	\$ 18,090.00
8	Inserta Valve	Ea.	1	\$ 9,495.00	\$ 9,495.00
9	Blow-off Assembly	Ea.	1	\$ 1,200.00	\$ 1,200.00
10	4" MJ Plug w/2" threaded tap	Ea.	1	\$ 350.00	\$ 350.00
				Total Added	\$ 43,312.00

V&K No. 51376

Change Order No. 1
 September 30, 2024
 V&K No. 51376

2. Extend the City's 6-inch water service from the existing building to the back of the lot for future buildings. Contract will install 240 linear feet of water main and set a tee with a hydrant on the left and a cap on the right.

<u>Description</u>	<u>Unit</u>	<u>Estimated</u>		<u>Extended Price</u>
		<u>Quantities</u>	<u>Unit Price</u>	
a WM, Trenched, DR-18 C900, 6"	LF	240	\$ 27.00	\$ 6,480.00
b Fire Hydrant Assembly, WM-201	Ea.	1	\$ 6,500.00	\$ 6,500.00
c Valve, Gate, 6"	Ea.	2	\$ 1,689.00	\$ 3,378.00
d Fittings by Count, Tee, 6" X 6"	Ea.	1	\$ 700.00	\$ 700.00
e Fittings by Count, Future Cap, 6"	Ea.	1	\$ 400.00	\$ 400.00
f Remove Barbwire Fence	LS	1	\$ 500.00	\$ 500.00
Total:				\$ 17,958.00

Change Order No. 1 decreases the contract amount by \$ 9,463.25.

DAVE SCHMITT CONSTRUCTION

CITY OF MOUNT VERNON, IOWA

By _____

By _____

Title _____

Title _____

Date _____

Date _____

VEENSTRA & KIMM, INC.

ATTEST:

By _____

By _____

Title Project Engineer

Title _____

Date 9/30/2024

Date _____

AGENDA ITEM # J – 4

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Pay Application #1 – Sanitary Sewer
ACTION:	Motion

SYNOPSIS: Pay Application #1 is in the amount of \$61,766.53. This project is part of the Linn County ARPA grant for sanitary sewer televising, cleaning and lining project.

BUDGET ITEM: ARPA Funds

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Pay Application #1

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024



VEENSTRA & KIMM INC.

2600 University Parkway, Suite 1
Coralville, Iowa 52241

319.466.1000 // 888.241.8001
www.v-k.net

September 10, 2024

PAY ESTIMATE NO. 1
2024 SANITARY SEWER REHABILITATION
MOUNT VERNON, IOWA

Municipal Pipe Tool Co., LLC
515 5th Street, P.O. Box 398
Hudson, IA 50643

Contract Amount \$709,464.33
Contract Date July 15, 2024
Pay Period July 15, 2024 - September 10,2024

BID ITEMS							
	Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Completed	Value Completed
1.1	Mobilization	LS	1	\$ 25,113.50	\$ 25,113.50	0.5	\$ 12,556.75
1.2	Traffic Control	LS	1	\$ 20,607.50	\$ 20,607.50	0.5	\$ 10,303.75
1.3	Sanitary Sewer Cleaning						\$ -
	1.3.1 6"	LF	748	\$ 2.55	\$ 1,907.40		
	1.3.2 8"	LF	7,843	\$ 2.55	\$ 19,999.65	5577	\$ 14,221.35
	1.3.3 10"	LF	1,805	\$ 2.55	\$ 4,602.75	743	\$ 1,894.65
	1.3.4 12"	LF	2,195	\$ 2.55	\$ 5,597.25	2048	\$ 5,222.40
1.4	Sanitary Sewer Televising						
	1.4.1 6"	LF	1,087	\$ 1.00	\$ 1,087.00		\$ -
	1.4.2 8"	LF	10,912	\$ 1.00	\$ 10,912.00	5577	\$ 5,577.00
	1.4.3 10"	LF	3,410	\$ 1.00	\$ 3,410.00	743	\$ 743.00
	1.4.4 12"	LF	4,390	\$ 1.00	\$ 4,390.00	2048	\$ 2,048.00
1.5	Cured-in Place Pipe Lined Sewer						\$ -
	1.5.1 6"	LF	339	\$ 35.92	\$ 12,176.88		\$ -
	1.5.2 8"	LF	3,069	\$ 31.45	\$ 96,520.05		\$ -
	1.5.3 10"	LF	1,605	\$ 43.82	\$ 70,331.10		\$ -
	1.5.4 12"	LF	2,195	\$ 46.95	\$ 103,055.25		\$ -
1.6	CIPP Service Reinstatement	Ea.	91	\$ 250.00	\$ 22,750.00		\$ -
1.7	Sewer Service Grouting	Ea.	91	\$ 795.00	\$ 72,345.00		\$ -
1.8	Protruding Services	Ea.	16	\$ 250.00	\$ 4,000.00	2	\$ 500.00
1.9	Open Cut Point Repair						\$ -
	1.9.1 Depth <10'	Ea.	25	\$ 2,992.50	\$ 74,812.50		\$ -
	1.9.2 Depth >10'	Ea.	5	\$ 4,095.00	\$ 20,475.00		\$ -
1.10	Sanitary Sewer Pipe in Open Cut	LF	310	\$ 220.50	\$ 68,355.00		\$ -
1.11	Pipe Reaming	LF	3,050	\$ 2.50	\$ 7,625.00	2538	\$ 6,345.00
1.12	Root Sawing	LF	1,857	\$ 2.50	\$ 4,642.50	1247	\$ 3,117.50
1.13	7" PCC Pavement	SY	140	\$ 107.10	\$ 14,994.00		\$ -
1.14	HMA - Standard Traffic	Tons	60	\$ 126.00	\$ 7,560.00		\$ -
1.15	Manhole Installation	Ea.	1	\$ 10,290.00	\$ 10,290.00		\$ -
1.16	Manhole Adjustment Minor	Ea.	2	\$ 840.00	\$ 1,680.00		\$ -
1.17	Heavy Cleaning: 3+ passes	LF	4,380	\$ 2.50	\$ 10,950.00	524	\$ 1,310.00
1.18	Solid Waste Disposal	LB	26,500	\$ 0.35	\$ 9,275.00		\$ -
Contract Price:					\$ 709,464.33		\$ 63,839.40

SUMMARY			
		Total Approved	Total Completed
		Contract Price	\$ 709,464.33
			\$ 63,839.40
Approved Change Order (list each)	Change Order No. 1	\$ 1,178.00	\$ 1,178.00
		Revised Contract Price	\$ 710,642.33

Stored
 Total Earned \$ 65,017.40
 Retainage (5%) \$ 3,250.87
Total Earned Less Retainage \$ 61,766.53

Total Previously Approved (list each)		

Total Previously Approved \$ -
Amount Due This Request \$ 61,766.53

Percent Complete 9%


The amount \$61,766.53 is recommended for approval for payment in accordance with the terms of the contract.

Prepared By:
Municipal Pipe Tool Co., LLC

Recommended By:
Veenstra & Kimm, Inc.

Approved By:
Mount Vernon, Iowa

Signature: Sharon Waschkat
 Name: Sharon Waschkat
 Title: COO
 Date: 9/16/24

Signature: 
 Name: Eric Gould
 Title: Engineer
 Date: September 10, 2024

Signature: _____
 Name: _____
 Title: _____
 Date: _____

AGENDA ITEM # J – 5

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Police Vehicle Equipment Installation

ACTION: Motion

SYNOPSIS: Chief Shannon is requesting approval of the proposed RACOM quote in the amount of \$25,186.98. This is a proposal to equip the new 2024 Ford Interceptor.

BUDGET ITEM: CIP/Police General

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024



RACOM
 1200 Capital Dr. SW
 Cedar Rapids, IA 52404

www.racom.net
 Accounts Payable, Angela Gallentine,
 angela.gallentine@racom.net

Proposal Prepared for: Mount Vernon-Lisbon Police Department
 Address: 380 Lincoln Way
 City: Mt Vernon
 State & Zip Code: IA 52314
 County: Linn
 Phone/FAX: 319-895-6141
 Contact Name: Chief Doug Shannon
 Contact E-mail: dshannon@mtvernonlisbonpa-ia.gov
 Customer Account Number: _____
 Customer PO Number: _____

2024 Ford Police Interceptor Utility Upfit

ITEM	QTY	PART NO.	DESCRIPTION	UNIT	EXTENDED
			SoundOff Signal Lighting, Brackets and Electronics	\$	-
1	1	ENSSA5200RSP	SoundOff Signal bluePRINT 500 Series Control System	\$	1,137.60
2	1	EMPLB01HZ2-47Z	mPower Extensor Lightbar w/ Hook Kit and Feet	\$	3,345.00
3	1	ENFWB01JR7	nForce Rear Interior Lightbar	\$	1,002.60
4	3	ENGND04102	Remote Nodes (Qty 3)	\$	225.00
5	3	ENGHNK05	Remote Node 18" Harness (Qty 3)	\$	51.60
6	2	PMP2BKUMB4	Ford Police Interceptor Utility Under Mirror Bracket	\$	24.60
7	2	PMP2WSDDB	Dual mPower Window Shroud for Rear Cargo Window	\$	21.00
8	2	ETSS100J5	100J Siren Speakers w/ 5 Year Warranty	\$	270.60
9	2	ETSSVBK01	Ford Police Interceptor Utility Siren Speaker Bracket	\$	35.40
10	2	PSLVBK01	Ford Police Interceptor Utility SL Running Board Bracket Kit	\$	31.20
11	1	ELUC3H010D	Universal Headlight Insert (Red / White)	\$	99.60
12	1	ELUC3H010E	Universal Headlight Insert (Blue / White)	\$	99.60
13	1	ENT3B3D	Surface Mount Intersector Light (Red / White) - Drivers Side Mirror	\$	223.20
14	1	ENT3B3E	Surface Mount Intersector Light (Blue / White) - Passenger Side Mirror	\$	223.20
15	1	ESLRL6115D	61" SL Running Board Light (Red / White) - Drivers Side	\$	395.40
16	1	ESLRL6115E	61" SL Running Board Light (Blue / White) - Passenger Side	\$	395.40
17	2	EMPS2001N-D	1" x 4" mPower Stud Mount (Red/ White) - Drivers Side Cargo Window	\$	147.00
18	2	EMPS2001N-E	1" x 4" mPower Stud Mount (Blue / White) - Passenger Side Cargo Window	\$	147.00
19	1	EMPSA05C2-D	2" x 4" mPower Stud Mount - (Red / White) - Drivers Side License Plate	\$	211.20
20	1	EMPSA05C2-E	2" x 4" mPower Stud Mount - (Blue / White) - Passenger Side License Plate	\$	211.20
21	1	EMPS2001M-R	1" x 4" mPower Stud Mount (Red) - Drivers Side Hatch	\$	137.40
22	1	EMPS2001M-B	1" x 4" mPower Stud Mount (Blue) - Passenger Side Hatch	\$	137.40
23	1	EMPS2001B-D	1" x 4" mPower Quick Mount (Red / White) - Prisoner Light	\$	147.00
24	1	ECVDMITAL00	obSERVE "Classic" Dome Light 6" (Red / White) - Front Drivers Compartment	\$	82.20
25	2	EBSDL0002-D	obSERVE+ Dome Light 3" (Red / White) - Rear Hatch Interior Lighting	\$	71.40
26	1	ENGSYMD01	bluePRINT Sync Module	\$	304.20
				Total Equipment Price	\$ 25,186.98
				Installation	\$ -
				Subtotal	\$ 25,186.98
				Taxes	
				Shipping	\$ 0.00
				Total	\$ 25,186.98

Terms of Purchase: 30 DAY

Tax Rate 8.1%

Taxes
 Shipping
 Total \$ 25,186.98

System Description:

Proposal Presented By: Ben Eden Date: 9/13/2024

Proposal Accepted By: _____ Date: _____

ITEM	QTY	Part No.	DESCRIPTION	UNIT	EXTENDED
27	1	ETFBSN-P	Taillight Flasher	\$	61.20
28	1	ENGLMK008	BluePrint Link Kit for Ford Police Interceptor Utility	\$	388.80
				HAVIS Console and Accessories	\$ -

29	1	C-VS-1012-INUT-2	22" Angled Console for Ford Police Interceptor Utility	\$	500.50	\$	500.50
30	1	C-PM-124-PC	Brother PocketJet Internal Printer Housing - 6" Mounting Space	\$	198.66	\$	198.66
31	1	C-EB40-XG1-1P	Unity XG-10M Radio Faceplate - 4" Mounting Space	\$	28.49	\$	28.49
32	1	C-EB40-SO5-1P	SoundOff Signal 500 Control System Remote Mount Faceplate - 4" Mounting Space	\$	28.49	\$	28.49
33	1	C-EB25-MWG-1P	M500 DVR Faceplate - 2.5" Mounting Space	\$	25.41	\$	25.41
34	1	CUP2-1001	Self-Adjusting Double Cup Holder, 4" Mounting Space	\$	51.59	\$	51.59
35	2	C-USB-3	USB-C & USB Type A Dual Port Charger	\$	76.23	\$	152.46
36	1	C-ARM-103	Top Mount Armrest Large Pad	\$	140.14	\$	140.14
37	1	C-MCB	Mic Clip 90 degree Bracket	\$	14.63	\$	14.63
			Setina Pushbumper, Partitions, Replacement Seat and Cargo Box	\$	-	\$	-
38	1	BK2168ITU20	Ford Police Interceptor Utility PB450L Push Bumper w/ 4 mPowers	\$	1,034.10	\$	1,034.10
39	1	HK0809ITU20	Ford Police Interceptor Utility PB8 Headlight Guard	\$	413.10	\$	413.10
40	1	PT2185ITU20TM	Front Partition RP Transfer Kit	\$	404.10	\$	404.10
41	1	PK0316ITU202ND	#12VS Rear Polycarbonate Partition	\$	584.10	\$	584.10
42	1	QK0634ITU20	Full Replacement Transport Seat	\$	917.10	\$	917.10
43	1	QK049ITU20	TPO Plastic Rear Floor Pan	\$	251.10	\$	251.10
44	1	TK0233ITU20	Cargo Box, Top Sliding drawer w/ Key Lock and bottom sliding drawer w/out lock	\$	1,664.10	\$	1,664.10
45	1	TPA9289	Radio Tray w/out Lock	\$	350.99	\$	350.99
46	1	GK10271UHK	Single T-Rail Gunlock w/ Universal "Handcuff-style" lock	\$	359.10	\$	359.10
47	1	WK0514ITU20H	Steel Window Barrier with Horizontal Bars	\$	296.10	\$	296.10
48	1	500-0008	Ford Police Interceptor HINT Dash Tablet Mount w/ Keyboard mount	\$	819.32	\$	819.32
49	1	200-0622-00	Stalker VSS Hardwire Kit	\$	175.00	\$	175.00
50			Miscellaneous Shop Supplies Including Wire, loom and other consumables	\$	350.00	\$	350.00
51			Labor for Decommission, Upfit and Programming	\$	5,500.00	\$	5,500.00



AGENDA ITEM # J – 6

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Springville Ready Mix Invoice #79154

ACTION: Motion

SYNOPSIS: The attached invoice includes concrete charges for the new public works site construction. These projects include the brine shed footings and interior floors in the north building.

BUDGET ITEM: PW Purchase

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

SPRINGVILLE READY MIX, INC.
P.O. BOX 99
301 5TH STREET NORTH
SPRINGVILLE, IOWA 52336-0099

INVOICE

P.O.
6046

CITY OF MOUNT VERNON
213 1ST ST NW
MT VERNON IA 52314

Customer No. 48025
Invoice Date 9/16/2024
Invoice Number 79154 Page 1
Job Id 1507 BRYANT RD
Credit Terms 30 DAYS
Ship Address 1507 BRYANT RD

Date	Ticket	Qty	Description	Price	Amount
09/10/24	62818	10.00 CY	4000 AE WR 1/2 AIR	96.50	965.00
09/10/24	62818	10.00 TR	TRUCKING NO TAX	62.00	620.00
09/10/24	62819	10.00 CY	4000 AE WR 1/2 AIR	96.50	965.00
09/10/24	62819	10.00 TR	TRUCKING NO TAX	62.00	620.00
09/10/24	62820	10.00 CY	4000 AE WR 1/2 AIR	96.50	965.00
09/10/24	62820	10.00 TR	TRUCKING NO TAX	62.00	620.00
09/10/24	62824	10.00 CY	4000 AE WR 1/2 AIR	96.50	965.00
09/10/24	62824	10.00 TR	TRUCKING NO TAX	62.00	620.00
09/10/24	62828	10.00 CY	4000 AE WR 1/2 AIR	96.50	965.00
09/10/24	62828	10.00 TR	TRUCKING NO TAX	62.00	620.00
09/12/24	62866	10.50 CY	4000 AE WR FLYASH 20%	91.50	960.75
09/12/24	62866	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62867	10.50 CY	4000 AE WR FLYASH 20%	91.50	960.75
09/12/24	62867	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62868	10.50 CY	4000 AE WR FLYASH 20%	91.50	960.75
09/12/24	62868	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62871	10.50 CY	4000 AE WR 20% ASH RECLAIM	91.50	960.75
09/12/24	62871	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62874	10.50 CY	4000 AE WR 20% ASH RECLAIM	91.50	960.75
09/12/24	62874	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62876	10.50 CY	4000 AE WR 20% ASH RECLAIM	91.50	960.75
09/12/24	62876	10.50 TR	TRUCKING NO TAX	62.00	651.00
09/12/24	62877	10.00 CY	4000 AE WR 20% ASH RECLAIM	91.50	915.00

CONTINUED

SPRINGVILLE READY MIX, INC.
P.O. BOX 99
301 5TH STREET NORTH
SPRINGVILLE, IOWA 52336-0099

INVOICE

Customer No. 48025
Invoice Date 9/16/2024
Invoice Number 79154 Page 2
Job Id 1507 BRYANT RD
Credit Terms 30 DAYS
Ship Address 1507 BRYANT RD

CITY OF MOUNT VERNON
213 1ST ST NW
MT VERNON IA 52314

Date	Ticket	Qty	Description	Price	Amount
09/12/24	62877	10.00 TR	TRUCKING NO TAX	62.00	620.00

Total Cubic Yards 123.00

Sub-Total	19130.50
Sales Tax- EX	0.00
Invoice Total	19130.50

AGENDA ITEM # J – 7

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Water's Edge Invoice
ACTION:	Motion

SYNOPSIS: Attached you will find Invoice #11007 From Waers Edge Aquatic Design in the amount of \$23,205.

BUDGET ITEM: Bond

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Invoice

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024



1153 Southwest Blvd, Suite 202
 Kansas City, KS 66103
 913-438-4338

Mount Vernon, IA - City of
 Matt Siders

Invoice number 11007
 Date 09/18/2024

Project 23-530 MOUNT VERNON, IA - POOL
 IMPROVEMENTS

Services Through August 31,2024

Description	Contract Amount	Percent Complete	Remaining Percent	Prior Billed	Total Billed	Remaining	Current Billed
Planning							
Evaluation	10,700.00	100.00	0.00	10,700.00	10,700.00	0.00	0.00
Design							
Design Development	31,500.00	100.00	0.00	31,500.00	31,500.00	0.00	0.00
Final Design/CDs	102,900.00	100.00	0.00	82,320.00	102,900.00	0.00	20,580.00
Bidding/Negotiation	5,250.00	50.00	50.00	0.00	2,625.00	2,625.00	2,625.00
Subtotal	139,650.00	98.12	1.88	113,820.00	137,025.00	2,625.00	23,205.00
Total	150,350.00	98.25	1.75	124,520.00	147,725.00	2,625.00	23,205.00

Invoice total **23,205.00**

WE'VE MOVED! PLEASE NOTE OUR NEW ADDRESS!

Terms are Net 30

Email: info@wedesignpools.com

Visit us on the web at wedesignpools.com

AGENDA ITEM # J – 8

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE: October 7, 2024

AGENDA ITEM: Pay Application #1

ACTION: Motion

SYNOPSIS: Pay Application #1 for the 2024 pool renovations is in the amount of \$59,660. Demolition of the deck concrete has begun, along with removal of old caulk/sealants at the basin joints.

BUDGET ITEM: Bond

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Pay Application #1

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF

2 PAGES

TO OWNER REPRESENTATIVE:
Chris Nosbisch
City of Mt Vernon
213 1st St W, Mt Vernon, IA 52314

PROJECT: Mount V. Pool Renovations
ARCH / ENG: Waters Edge Aquatic Design
1153 Southwest Blvd Ste
202, Kansas City, KS 66103

APPLICATION NO:
PERIOD TO:
PROJECT #: 24-109
CONTRACT #:
ORDER #:
REQ / REF #:

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$	1,443,700.00
2. Net change by Change Orders	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	1,443,700.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	62,800.00
5. RETAINAGE:		
a. <u>5</u> % of Completed Work	\$	3,140.00
b. <u>5</u> % of Stored Material	\$	0.00
(Column F on G703)		
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	3,140.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	59,660.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	0.00
8. CURRENT PAYMENT DUE	\$	59,660.00
9. BALANCE TO FINISH, INCL. RETAINAGE (Line 3 less Line 6)	\$	1,384,040.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT 1992 EDITION - AIA® © 1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee. Woodruff Construction does not send nor receive wire instructions via unsecured email without confirming information via reciprocating telephone calls or direct person to person contact. Under no circumstances should you send any funds to any party without first calling Woodruff Construction at 319-545-2410 and verifying the accuracy of wire instructions provided to you.

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

CONTRACTOR:
By: [Signature] Date: 10/02/24
State of Idaho County of Blaine
Subscribed and sworn to before me this 2nd day of October
Notary Public: [Signature]
My Commission expires: 6-4-27



ARCHITECT'S CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED \$ 59,660.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature] Date: 10/03/2024

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5292

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 0

Contractor's signed certification is attached.

APPLICATION DATE: 10/2/2024

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: n/a

Use Column I on Contracts where variable retainage for line items may apply.

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H % (G + C)	I BALANCE TO FINISH (C - G)	J RETAINAGE (IF VARIABLE RATE)
1	Mobilization	\$30,000.00	\$0.00	\$0.00	\$20,000.00		\$20,000.00	66.67%	\$10,000.00	\$1,000.00
2	General Conditions	\$85,000.00	\$0.00	\$0.00	\$8,000.00		\$8,000.00	9.41%	\$77,000.00	\$400.00
3	Bonds/Insurance	\$9,800.00	\$0.00	\$0.00	\$9,800.00		\$9,800.00	100.00%	\$0.00	\$490.00
4	Owner's Allowance-General	\$35,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$35,000.00	\$0.00
5	Owner's Allowance-Power	\$50,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$50,000.00	\$0.00
6	Demolition	\$33,000.00	\$0.00	\$0.00	\$10,000.00		\$10,000.00	30.30%	\$23,000.00	\$500.00
7	Concrete	\$64,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$64,000.00	\$0.00
8	Joint Sealants	\$11,500.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$11,500.00	\$0.00
9	Main Water slide	\$310,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$310,000.00	\$0.00
10	Aquatic Play unit	\$163,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$163,000.00	\$0.00
11	Shades	\$23,500.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$23,500.00	\$0.00
12	Misc. Steel Items	\$7,500.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$7,500.00	\$0.00
13	Prep and Coating	\$48,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$48,000.00	\$0.00
14	Pool Equipment	\$532,000.00	\$0.00	\$0.00	\$15,000.00		\$15,000.00	2.82%	\$517,000.00	\$750.00
15	Earth work	\$33,000.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$33,000.00	\$0.00
16	Exterior Improvements	\$8,400.00	\$0.00	\$0.00	\$0.00		\$0.00	0.00%	\$8,400.00	\$0.00
17		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
18		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
19		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
20		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
21		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
22		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
23		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
24		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
25		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
26		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
27		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
28		\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00
	GRAND TOTALS	\$1,443,700.00	\$0.00	\$0.00	\$62,800.00	\$0.00	\$62,800.00	4.35%	\$1,380,900.00	\$3,140.00

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L. Discussion Items (No Action)

AGENDA ITEM # L – 1

**AGENDA INFORMATION
MT. VERNON CITY COUNCIL COMMUNICATION**

DATE:	October 7, 2024
AGENDA ITEM:	Linn County – King Chapel Update
ACTION:	Motion

SYNOPSIS: Representatives from Linn County Planning and Zoning will be present to discuss their stance on the current status of King Chapel. Attached with this packet is a report from Cornell’s Engineer regarding the current condition of the building.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: Supporting Documents

PREPARED BY: Chris Nosbisch

DATE PREPARED: 10/3/2024



September 26, 2024

Mr. Scott Ladwig
Construction Project Manager
Cornell College
600 First Street SW
Mount Vernon, Iowa 52314

RE: King Chapel Repair Project
Cornell College, Mount Vernon, IA
Walter P Moore Project No. D24.22001.00

Dear Mr. Ladwig:

As requested, Walter P Moore is writing to provide an update on the current status of King Chapel and identify three potential courses of action for moving forward. This letter is based on our recent assessment of the building, ongoing discussions with Cornell College, and teleconferences with representatives from FEMA and Linn County. It is our understanding that the individuals from FEMA and Linn County are looking to Cornell College to provide an update on the status of the repair project and establish a plan for moving forward.

As you are aware, Walter P Moore conducted a structural condition assessment of the building and identified several critical repairs necessary to ensure the structural integrity and stability of the building. Our findings included evidence of displacement of the masonry wall at the southwestern corner of the western transept and the eastern transept elevation. Walter P Moore also identified roof trusses with visual distress. After our initial investigation, Walter P Moore designed external bracing for the southwestern corner. The braces were designed to provide temporary stability to the building until long-term repairs are completed. Walter P Moore notes that we cannot rely on the temporary bracing for long-term stabilization of the building, and that the temporary bracing was designed with the understanding that permanent repairs would be implemented at the building.

Additionally, our team of subconsultants recently installed an automated system for continuous monitoring of the building. The objective for the monitoring program is to establish a baseline condition and to continue monitoring throughout the repair process. Based on our review of the daily reports and overall trends of the survey data, Walter P Moore has not seen any significant movement to-date. Data analyzed to-date indicates no substantial differential movements over the observed period. There have been recorded variations of the target positions that are consistent with thermal and environmental effects. Overall trends do not indicate any significant movement or displacement of concern.

Based on our assessment, Walter P Moore has identified three potential courses of action for Cornell College to move forward to address the structural concerns of the building. Below is a detailed description of each option.

1. Continue to monitor

Maintain the current condition of the building and continue to monitor it for any indication of significant progressive movement or displacement in any certain direction. This option should involve periodic inspection to visually examine the building and evaluate whether on-site conditions align with the reports provided by the automated monitoring system. For this option, Walter P Moore recommends that we set up an alert system that would alert Walter P Moore and Cornell College representatives to indication of movement over a certain threshold (i.e. 1/2 inch). Walter P Moore recommends that the College enact a plan in the event that such movement is identified, including securing the site and ensuring that no individuals are in the building or within the gated area. While this is the least disruptive option, there is a risk with delaying the proposed repairs.

2. Add bracing

Another approach is to reinforce the building with added bracing. This bracing can either be implemented as soon as practical to prevent additional displacement of the structure, or we can develop an emergency plan to install the bracing quickly if and when the need arises. Bracing would be similar in size and configuration to the brace installed at the Southwest corner of the building and would be installed at the northwest corner. For this option, the College may elect to procure material and set up contracts to erect the steel brace in the event it is needed. Walter P Moore notes that while additional bracing would provide temporary stability to the building, we continue to recommend that long-term repairs are completed.

3. Full roof replacement with temp roof

The final option is in line with the college's project goals to restore the chapel (including the replacement of the roof. The roof replacement will require the installation of a new temporary interior roof to brace the masonry walls and serve as a working platform and protection of the interior of the chapel. The temporary roof design and install could be accelerated to provide the stability of the wall in lieu of adding the second external brace.

We strongly urge the College to proceed with repair program to address the structural deficiencies or define a long-term stability plan that is agreeable to Linn County, the College, and Walter P Moore. We are committed to assisting you through this process and ensuring that the repairs are carried out effectively. If you have any questions or require further clarification, please do not hesitate to contact us.

Sincerely,

WALTER P. MOORE AND ASSOCIATES, INC.


Matthew L. Wagner, P.E.
Principal & Managing Director
Diagnostics Group



September 26, 2024

Mr. Scott Ladwig
Construction Project Manager
Cornell College
600 First Street SW
Mount Vernon, Iowa 52314

**RE: King Chapel Building Survey & Monitoring Update
Cornell College, Mount Vernon, IA
Walter P Moore Project No. D24.22001.00**

Dear Mr. Ladwig:

Walter P Moore was requested to provide an update on the King Chapel monitoring program. The objective of the monitoring program is to detect any further deterioration or movement of the structure and to prevent any potential hazards or structural failures until and during the wall and truss repairs. Accordingly, Walter P Moore proposed a monitoring program which includes a survey of multiple targets on the West, East, and North elevations. The scope of work for this monitoring program includes the following:

- Automated Static Displacement Monitoring of the building: Monitoring of 36 points (~12 per elevation) to be measured at one-week intervals or less (provided by Geo-Instruments).
- Baseline survey and follow-up survey(s) to reconfirm measurements if necessary (provided by Shive-Hattery).
- Site visits performed by Walter P Moore to observe initial installation of the monitoring equipment and up to two (2) additional visits to visually confirm that the monitor's positions are indicative of the actual condition of the building.

The basis of this letter is to summarize the status of the monitoring program and initial findings and recommendations from Walter P Moore.

Summary of Work To-Date

Automated Static Displacement Monitoring

As noted in the previous report, Geo-Instruments installed the targets on King Chapel during the week of May 13th. Targets N1-N9 were installed on the North Elevation, Targets E1-E13 installed on the East Elevation, and Targets W1-W12 were installed on the West Elevations. Targets are generally located along floor lines at Level 1, Level 2, Level 4, and one target on each elevation is installed near the top of the gable. Representative photographs of targets are included in Appendix A. An elevation markup showing locations of each target is provided in Appendix B.

After on-site installation, Geo-Instruments configured the project website and set up automated daily reports that are distributed to identified representatives of Walter P Moore and Cornell

College. Daily reports indicate movement trends of each individual target on the X, Y, and Z axes. Note that Geo-Instruments rotated the X and Y axes to run parallel to the building (Figure 1).

Monitoring Update – September 2024

Based on our review of the daily reports and overall trends of the survey data, Walter P Moore has not seen any significant movement to-date. Representative data are provided in Figures 2-5. Figures 2-5 show the overall movement at the east elevation, west elevation, northwest corner, and north elevation from the time of installation (mid-May 2024) through the end of September 2024. While the data shows that there is some movement over the period observed, the variations are generally cyclical and consistent with environmental and seasonal temperature fluctuations. Data analyzed to-date indicates minor variations in the target locations over the observed period, generally measuring less than $\frac{1}{4}$ inch. Looking at individual differentials between target points, the measured differential is typically less than $\frac{1}{16}$ inch. This indicates that the target points are generally moving together, which is consistent with thermal/environmental fluctuations. Overall trends do not indicate any significant progressive movement or displacement in any certain direction.

Note that although data from target W13, located on Level 1 on the West elevation, has shown some irregularity in comparison to the other targets on the daily reports, there is no indication of significant movement from the adjacent targets on the West elevation. Walter P Moore believes the irregularities reflected in the daily reports for W13 are not reflective of actual building conditions. We will continue to monitor the data for this target within the context of the entire building. As we collect additional data in the coming weeks, Walter P Moore will continue to review overall trends and will have a more comprehensive view of changes over time.



Figure 1. Rotated X and Y axis relative to the orientation of King Chapel.

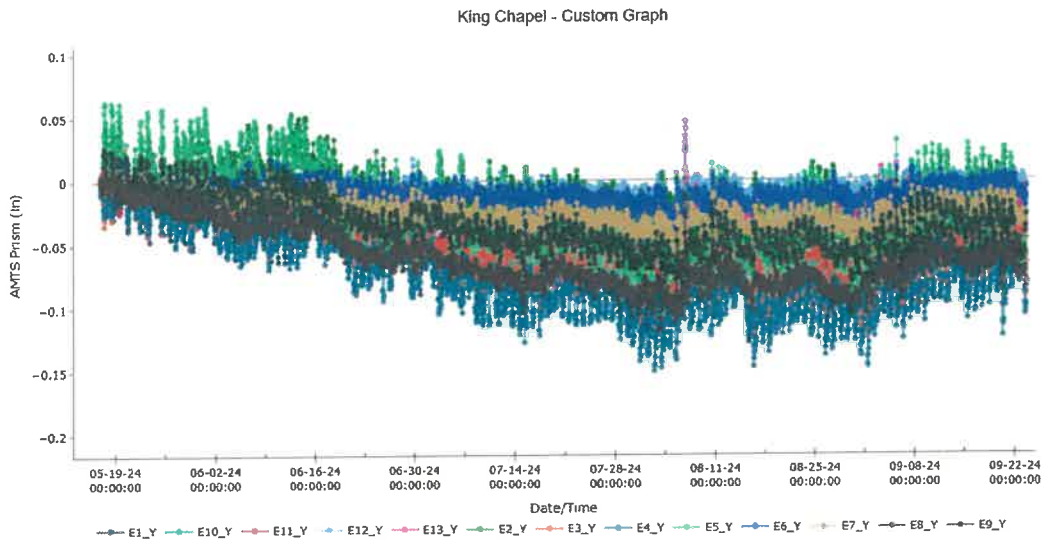


Figure 2 – East Elevation Data along Y Axis – May 2024 – September 2024

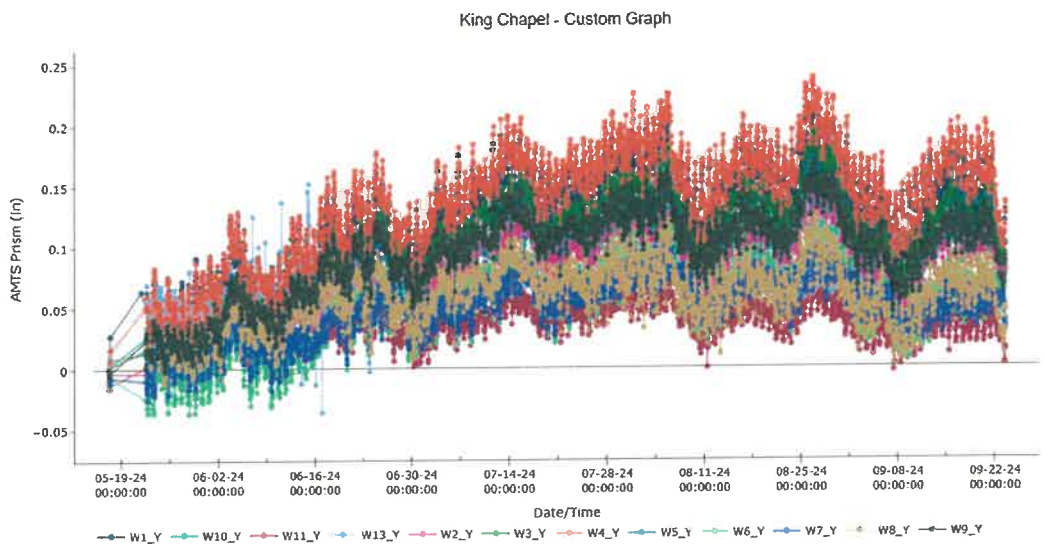


Figure 3 – West Elevation along Y axis – May 2024 – September 2024

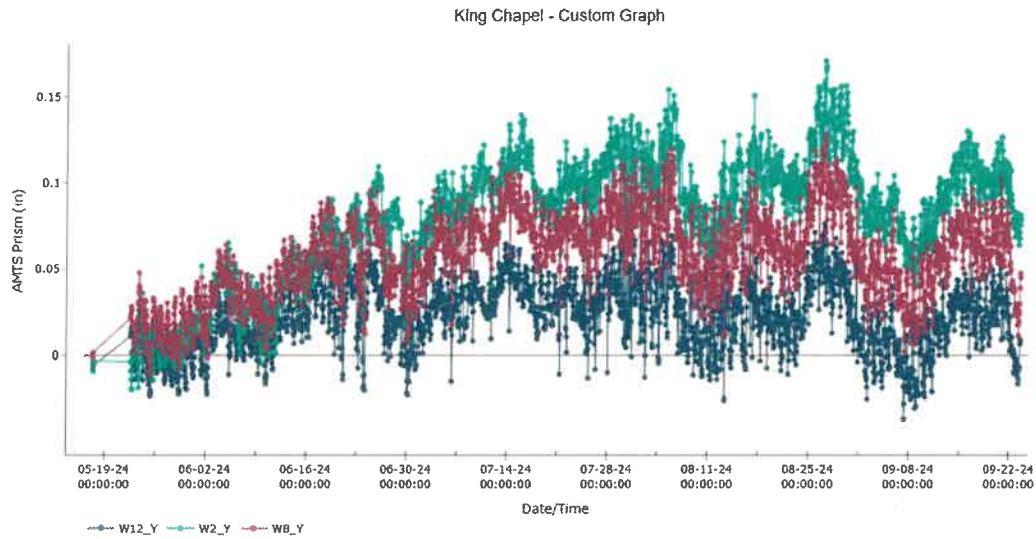


Figure 4 – West Elevation – Northwest Corner along Y Axis – May 2024 – September 2024

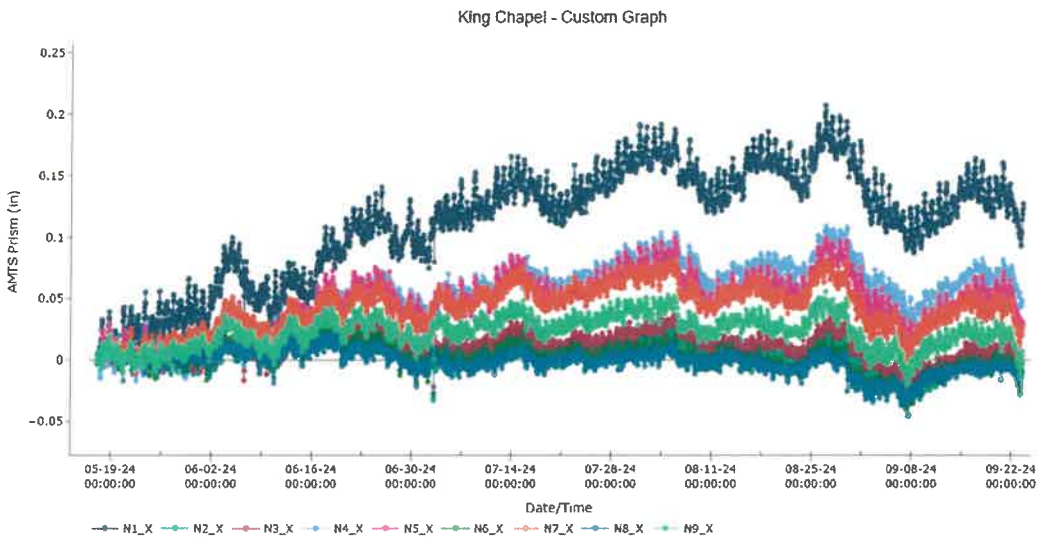


Figure 5 – North Elevation along X Axis – May 2024 – September 2024

Conclusions

Based on our analysis to-date, Walter P Moore has not observed significant movement trends of the building. Data analyzed to-date indicates no substantial differential movements over the observed period. There have been recorded variations of the target positions that are consistent with thermal and environmental effects. We will continue to monitor the data to look for notable changes or patterns of movement. Our ongoing monitoring will enable us to identify emerging trends in the future and prevent any potential hazards related to the stability of the building. Walter P Moore will continue to provide updated reports on the status and outcomes of the monitoring program.

Limitations

Walter P Moore has no direct knowledge of and offers no warranty regarding the condition of concealed construction or subsurface conditions beyond what was revealed in our review. Any comments regarding concealed construction or subsurface conditions are our professional opinion, based on engineering experience and judgment, and derived in accordance with current standard of care and professional practice.

Various other non-structural, cosmetic, and structural damage unrelated to this assessment may have been observed throughout the structure, some of which are discussed in general in this report. However, a detailed inventory of all cosmetic, nonstructural, and structural damage was beyond the scope of our assessment. Comments in this report are not intended to be comprehensive but are representative of observed conditions. In this study we did not include review of the design, review of concealed conditions, or detailed analysis to verify adequacy of the structure to carry the imposed loads and to check conformance to the applicable codes. Repair recommendations discussed herein are conceptual and will require additional engineering design for implementation.

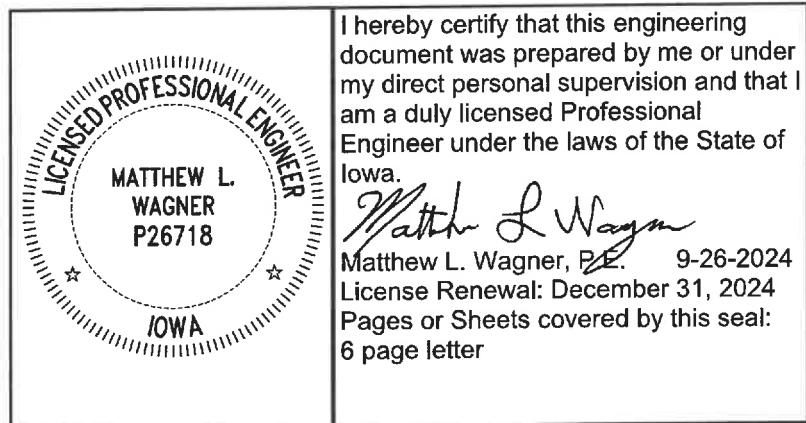
We have made every effort to reasonably present the various areas of concern identified during our site visits. If there are perceived omissions or misstatements in this report regarding the observations made, we ask that they be brought to our attention as soon as possible so that we can fully address them in a timely manner.

This report has been prepared on behalf of and for the exclusive use of Cornell College. This report and the findings contained herein shall not, in whole or in part, be disseminated or conveyed to any other party or used or relied upon by any other party, in whole or in part, without prior written consent.

Sincerely,

WALTER P. MOORE AND ASSOCIATES, INC.


Matthew L. Wagner, P.E.
Principal & Managing Director
Diagnostics Group



M. Reports Mayor/Council/Admin.

**CITY OF MT. VERNON
CITY ADMINISTRATOR
REPORT TO THE CITY COUNCIL
October 17, 2024**

- City staff hosted representatives from the City of Riverside at the LBC on Monday, September 30, 2024, as they begin the review process for their own complex.
- The next IaCMA Board of Directors meeting will be held on Friday, October 11, 2024.
- Marsha and Lori will be attending the IMFOA Conference in Des Moines starting October 16, 2024, and running to October 18, 2024.
- The next Mt. Vernon, MVCSD and Cornell College luncheon meeting will take place on Tuesday, October 8, 2024.
- Water meter installation has begun. I want to remind residents that we are replacing just about all of the water meters in the community regardless of age. There are two reasons for this, 1. We are moving to a radio read system and the new meters need to be on the system, and 2. The city is conducting a lead pipe inspection as required by the Federal government during the replacement process.