

**Community Center and Library,  
December 02, 2024 at 5:00 pm  
Meet at the Library, 205 East Grand Street**

Following the tours, Council will reconvene at the address below for the regular Council meeting.

## City of Monticello, Iowa

[www.ci.monticello.ia.us](http://www.ci.monticello.ia.us)

**Monticello City Council Meeting December 2, 2024 at 6:00 p.m.  
Monticello Renaissance Center, 220 E. 1<sup>st</sup> Street, Monticello, Iowa**

<b>Mayor:</b>	Wayne Peach	<b>Staff:</b>	
<b>City Council:</b>		<b>City Administrator:</b>	Russell Farnum
<b>At Large:</b>	Josh Brenneman	<b>City Clerk/Treas.:</b>	Sally Hinrichsen
<b>At Large:</b>	Scott Brighton	<b>Police Chief:</b>	Britt Smith
<b>At Large:</b>	Jake Ellwood	<b>Library Director:</b>	Faith Brehm
<b>At Large:</b>	Dave Goedken	<b>Public Works Dir.:</b>	Nick Kahler
<b>At Large:</b>	Candy Langerman	<b>Water/Wastewater Sup.:</b>	Jim Tjaden
<b>At Large:</b>	Mary Phelan	<b>Park &amp; Rec Director:</b>	Jacob Oswald
		<b>Ambulance Director:</b>	Lori Lynch
		<b>City Engineer:</b>	Patrick Schwickerath

- **Call to Order – 6:00 P.M.**
- Pledge of Allegiance
- Roll Call
- Agenda Addition/Agenda Approval

**Open Forum:** If you wish to address the City Council on subjects pertaining to today's meeting agenda please wait until that item on the agenda is reached. If you wish to address the City Council on an item not on the agenda, please approach the lectern and give your name and address for the public record before discussing your item. Individuals are normally limited to speaking for no more than three (3) minutes on a topic and the Open Forum is by rule limited to a total of twenty (20) minutes.

**Consent Agenda** (These are routine items and will be enacted by one motion without separate discussion unless someone requests an item removed to be considered separately.)

<b>Approval</b> of Council Mtg. Minutes	November	18, 2024
<b>Approval</b> of Payroll	November	28, 2024
<b>Approval</b> of Bill List		
<b>Approval</b> of Casey's Class E Alcohol license		
<b>Appointment</b> of Kurt Jansen to the Airport Board to replace Charlie Becker		

## **Mayor's Report**

### **Presentations:**

1. **Presentation** – City award presentation for North Chestnut Street Project – Colton Ingles

### **Resolutions:**

2. **Resolution** To approve the hiring a Monticello Ambulance Full-Time AEMT and setting wage
3. **Resolution** Approving Pay Request #7 to Bill Bruce Builders, Inc., Re: Wastewater Treatment Plant Improvement Project in the amount of \$1,732,849.31
4. **Resolution** Accepting bids related to Ambulance and auto cot loading system and to approve purchase of Ambulance and auto cot loading system from Legacy Emergency Vehicles
5. **Resolution** Approving the Creation of a Monticello Park and Recreation Adult Recreation and Events Coordinator Position – tabled from last meeting

### **Motions:**

6. **Motion** to approve purchase of Trojan U.V. Bulbs for the Wastewater Treatment Facility in the amount of \$14,464
7. **Motion** to approve rental rate and Memorandum of Understanding for Tough Entertainment specific to Winter Bounce
8. **Motion** to approve purchase of skid steer
9. **Motion** to approve purchase of mini excavator

### **Ordinances:**

10. **Ordinance** Amending the Code of Ordinances of the City of Monticello, Iowa, by Adding a New Chapter 126 “Consumable Hemp And Marijuana Product Sales” - 3<sup>rd</sup> & final reading

### **Reports / Potential Actions:**

11. City Engineer
12. City Administrator
13. Police Chief
14. Water/Wastewater Superintendent

15. Park and Recreation Director
16. Library Director
17. Ambulance Director
18. City Clerk
19. Public Works Director

**Work Sessions:**

20. Work Session – Sidewalk Policy

**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.

Monticello City Council meetings are recorded, by attending and choosing to participate you give your consent to be recorded. If you prefer not to be recorded, you may submit comments in writing.

**The meeting will continue to be broadcast on Mediacom (Local Access Channel) and will be accessible via Zoom via the following link.**

City of Monticello is inviting you to a scheduled Zoom meeting.

Topic: December 2, 2024 Council Meeting  
Time: Dec 2, 2024 06:00 PM Central Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/88022216794>

Meeting ID: 880 2221 6794

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One tap mobile  
+13092053325,,88022216794# US  
+13126266799,,88022216794# US (Chicago)

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Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 507 473 4847 US
- +1 564 217 2000 US

Meeting ID: 880 2221 6794

Find your local number: <https://us02web.zoom.us/j/88022216794>

“This employer is an equal opportunity provider & employer”

Regular Council Meeting  
November 18, 2024, 6:00 P.M.  
Community Media Center

Mayor Wayne Peach and Councilmembers Dave Goedken, Candy Langerman, Mary Phelan, and Jake Ellwood met at the Monticello Police Department and EMS Facility located at 201 East South Street to tour prior to the Council meeting. Also present were City Administrator Russell Farnum, Ambulance Director Lori Lynch and Police Chief Britt Smith. No action was taken.

Mayor Wayne Peach called the meeting to order. Council present were: Josh Brenneman, Dave Goedken, Candy Langerman, Mary Phelan, Scott Brighton and Jake Ellwood. Also present were City Administrator Russell Farnum, City Clerk Sally Hinrichsen, Library Director Faith Brehm, Public Works Director Nick Kahler, Water/Wastewater Supt. Jim Tjaden, Park & Rec Director Jacob Oswald, Ambulance Director Lori Lynch and Police Chief Britt Smith. The public was invited to attend the meeting in person, or to participate in the meeting electronically via “Zoom Meetings” or “Facebook” and were encouraged to communicate from the chat or message.

Phelan moved to approve the agenda, Brenneman seconded, roll call was unanimous.

Ellwood moved to approve the consent agenda; Brenneman seconded. Roll call was unanimous.

Brenneman moved to approve Resolution #2024-162 Approving FY 2023-2024 Street Finance Report. Brighton seconded, roll call was unanimous.

Brighton moved to approve Resolution #2024-163 authorizing and approving a Loan Agreement, providing for the placement and issuance of General Obligation Corporate Purpose Notes, Series 2024 and providing for the levy of taxes to pay the same, Langerman seconded. Roll call was unanimous.

Hinrichsen handed out the updated list of TIF Development Agreement amounts, and requested Council approve the amounts on that list when approving the resolutions, as the updated amounts were received this afternoon. Langerman moved to approve Resolution #2024-164 Appropriating funds necessary to meet the City’s Obligation to Kardes Inc. per Development Agreement dated March 17, 2014. Brenneman seconded, roll call was unanimous.

Brenneman moved to approve Resolution #2024-165 Appropriating funds necessary to meet the City’s Obligation to Mike Beck and Ken McDermott, known as Royal Flush Truck Wash, Inc per Development Agreement, dated March 17, 2014, and as amended, dated June 3, 2019. Brighton seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-166 Appropriating funds necessary to meet the City’s Obligation to Cobblestone Inn & Suites (formerly known as Boulders Inn Monticello) under the Development Agreement dated October 5, 2015; as amended November 20, 2017. Brenneman seconded, roll call was unanimous.

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Langerman moved to approve Resolution #2024-167 Appropriating funds necessary to meet the City's Obligation to Orbis Manufacturing, a subsidiary of Menasha Corporation per Development Agreement dated April 3, 2017, as amended by Resolution #19-27, dated April 15, 2019. Ellwood seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-168 Appropriating funds necessary to meet the City's Obligation to Lauren Welter, successor owner of 218 West First Street, Suite "A" per Development Agreement dated October 2, 2017. Brighton seconded, roll call was unanimous.

Ellwood moved to approve Resolution #2024-169 Appropriating funds necessary to meet the City's Obligation to Paige Jacobs, LLC, successor owner of 218 West First Street, Suite "B" per Development Agreement dated October 2, 2017. Phelan seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-170 Appropriating funds necessary to meet the City's Obligation to Njs LLC, successor owner of 218 West First Street, Suite "C" per Development Agreement dated October 2, 2017. Langerman seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-171 Appropriating funds necessary to meet the City's Obligation to Mercy Care Management, Inc per Development Agreement, dated July 7, 2019. Brenneman seconded, roll call was unanimous.

Ellwood moved to approve Resolution #2024-172 Appropriating funds necessary to meet the City's Obligation to McMATT Properties per Development Agreement, dated June 21, 2021. Phelan seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-173 Appropriating funds necessary to meet the City's Obligation to BR3 Development LLC per Development Agreement, dated March 1, 2021. Brighton seconded, roll call was unanimous.

Ellwood moved to approve Resolution #2024-174 Appropriating funds necessary to meet the City's Obligation to Frontier Warehousing and Oak Street Commercial Cabinets, Inc dba Oak Street Manufacturing per Development Agreement, dated January 3, 2022, as amended November 7, 2022. Brighton seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-175 Appropriating funds necessary to meet the City's Obligation to Theisen Real Estate LLC per Development Agreement, dated September 15, 2023. Ellwood seconded, roll call was unanimous.

Brighton moved to approve Resolution #2024-176 Appropriating funds necessary to meet the City's Obligation to Manternach Custom Creations per Development Agreement, dated September 6, 2022. Phelan seconded, roll call was unanimous.

Farnum reported the updated amount to be certified to the County to cover the revised amounts for the Development Agreements is \$785,000. Langerman moved to approve

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Resolution #2024-177 Approving FY 2026 TIF Certification. Brenneman seconded, roll call was unanimous.

Kahler reviewed his request to replace the Skid Loader and to purchase a Mini Excavator for Public Works. Langerman moved to approve Resolution #2024-178 Approving Purchase of Skid Loader and Mini Excavator from Kromminga Motors. Brenneman seconded, roll call vote was: Ayes: Langerman, Brenneman and Brighton. Nays: Ellwood, Goedken and Phelan. Motion failed.

Kahler advised the Fire truck would be a pumper tanker. Farnum advised if the City purchased the truck with 50% down payment, they would give the City a discount of \$20,934. They are looking at the chassis being a year in production and the fire equipment would be another year or more. Brighton moved to approve Resolution #2024-179 Accepting bids related to Fire Truck purchase and to approve purchase of Fire Truck from Toyne, Inc. Langerman seconded, roll call was unanimous.

Goedken moved to approve Resolution #2024-180 Approving the hiring of a Monticello Ambulance Part-Time Paramedic and setting wage. Brenneman seconded, roll call was unanimous.

Farnum advised the City Attorney has reviewed the proposed lease and the Airport Board recommended approval of the proposed lease, for the month-to-month rental of hangar space. Phelan moved to approve Resolution #2024-181 Adopting "Standard" Airport Hangar Month-to-Month Lease for the Monticello Regional Airport (City of Monticello). Langerman seconded, roll call was unanimous.

Oswald reviewed his proposal to create a 32 hour/week position to run the Adult Recreation and Events activities. After much discussion, Brighton moved to table action on the Creation of a Monticello Park and Recreation Adult Recreation and Events Coordinator Position. Ellwood seconded, roll call was unanimous.

Farnum advised funds for the Holiday lights were all fundraised for the purchase of lights. Goedken moved to approve purchase of updated Holiday Lights for community display, Brighton seconded, roll call was unanimous.

Goedken moved to approve closing City Hall the day after Thanksgiving, Ellwood seconded, roll call was unanimous.

Goedken moved Ordinance #776 amending the Code of Ordinances of the City of Monticello, Iowa, by Adding a New Chapter 126 Entitled "CONSUMABLE HEMP AND MARIJUANA PRODUCT SALES", second reading in title only. Brenneman seconded. Roll call unanimous.

Peach asked Council to consider two questions: 1) Why increase the number of homes in Monticello? and 2) Why would someone want to move to Monticello? Peach felt while working on the budget the Council should ask themselves these two questions.

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Farnum reported the Community Heart & Soul program held a meeting and did a recap of accomplishments. Most of the tasks, if not all, have been completed. They are looking at doing a Heart & Soul – Part 2 program to look at what accomplishments they would like to work on.

Farnum is working with school on plans for Carpenter and Shannon schools, once the new grade school is completed. Farnum reported Northridge development is moving along.

Tjaden reported that the lead survey was submitted in October 2024. They sent out 440 letters to people who did not answer the survey and 6 letters to the homes with lead lines, as required by the DNR and EPA. These letters are required to be sent yearly until it is confirmed there are no lead lines or the existing lead lines are replaced.

Oswald reported having a large turnout for the bike park area cleanup. He wanted to thank Randy Mueller for donating the use of his chipper, as they were able to get much more cleanup done. Oswald advised they have received a Jones County Foundation Grant for the Bike Park.

Oswald stated he is looking for volunteers to help with the Holiday on 1<sup>st</sup> event. Oswald stated County Conservation has offered to do the trail seeding, which should be done soon.

Brehm advised that the Library is working with the Heritage Center with the traveling Smithsonian display the Heritage Center currently has.

Lynch reported doing interviews for the Full-time paramedic position and hoping to hire soon.

Hinrichsen reported that Sue Russ has applied for grants for the Fire Department and they were awarded the Theisen and the Community Foundation grants to purchase radios.

Kahler advised they will continue to pick up leaves, weather permitting.

Council held a work session on the budget timeline. No action was taken.

Brighton moved to adjourn the meeting at 7:17 P.M.

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Wayne Peach, Mayor

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Sally Hinrichsen, City Clerk/Treasurer

# PAYROLL - NOVEMBER 28, 2024

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
<b>AMBULANCE</b>	<b>November 11 - 24, 2024</b>				
Christian Bell	\$ 896.00	\$ -	0.00	0.00	\$ 755.90
Brian Bronemann	756.40	-	0.00	0.00	636.80
Jamie Coleman	2,383.92	166.32	0.00	2.63	1,851.46
Jordan Fullerton	1,790.24	80.16	0.00	0.00	1,431.90
Mason Hanson	776.16	-	0.00	0.00	613.61
Ron Herman, Jr.	160.00	-	0.00	0.00	137.70
Sonya Johnson	431.40	-	0.00	0.00	371.60
Austin Koch	374.08	-	0.00	0.00	222.24
Lori Lynch	3,351.54	-	0.00	0.00	2,225.03
Coletta Matson	2,217.60	-	0.00	40.50	1,478.03
Chloe Mogensen	152.46	-	0.00	0.00	51.33
Sky Monty	1,702.52	68.92	0.00	0.00	1,291.30
Mandy Norton	479.40	-	0.00	0.00	391.07
Kyle Pierson	188.56	-	0.00	0.00	162.43
Shannon Poe	92.40	-	0.00	0.00	69.59
Cory Reyner	2,160.00	-	0.00	0.00	1,694.33
Hunter Schmidt	277.20	-	0.00	0.00	238.78
Shirlee Scott	2,137.60	-	0.00	0.00	1,603.86
Reggie Welter	978.00	-	0.00	0.00	789.85
<b>TOTAL AMBULANCE</b>	<b>\$ 21,305.48</b>	<b>\$ 315.40</b>	<b>0.00</b>	<b>43.13</b>	<b>\$ 16,016.81</b>
<b>CEMETERY</b>	<b>November 11 - 24, 2024</b>				
Dan McDonald	\$ 2,106.40	\$ -	0.00	0.00	\$ 1,551.08
<b>TOTAL CEMETERY</b>	<b>\$ 2,106.40</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 1,551.08</b>
<b>CITY HALL</b>	<b>November 11 - 24, 2024</b>				
Cheryl Clark	\$ 2,745.60	\$ -	0.00	13.50	\$ 1,997.00
Russ Farnum	3,961.54	-	0.00	0.00	2,566.06
Sally Hinrichsen	3,192.54	-	0.00	0.00	1,944.95
Nanci Tuel	2,612.16	-	0.00	0.00	2,146.80
<b>TOTAL CITY HALL</b>	<b>\$ 12,511.84</b>	<b>\$ -</b>	<b>0.00</b>	<b>13.50</b>	<b>\$ 8,654.81</b>
<b>COUNCIL / MAYOR</b>	<b>November 11 - 24, 2024</b>				
Josh Brenneman	\$ 300.00	\$ -	0.00	0.00	\$ 276.78
Scott Brighton	300.00	-	0.00	0.00	276.78
Jake Ellwood	300.00	-	0.00	0.00	277.05
Dave Goedken	300.00	-	0.00	0.00	276.78
Candy Langerman	300.00	-	0.00	0.00	277.05
Wayne Peach	500.00	-	0.00	0.00	421.75
Mary Phelan	300.00	-	0.00	0.00	277.05
<b>TOTAL COUNCIL / MAYOR</b>	<b>\$ 2,300.00</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,083.24</b>
<b>LIBRARY</b>	<b>November 11 - 24, 2024</b>				
Faith Brehm	\$ 1,764.00	\$ -	0.00	0.00	\$ 1,342.89
Molli Hunter	1,305.60	-	0.00	0.00	1,032.83
Penny Schmit	1,549.61	-	0.00	0.00	1,090.01
<b>TOTAL LIBRARY</b>	<b>\$ 4,619.21</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 3,465.73</b>
<b>MBC</b>	<b>November 11 - 24, 2024</b>				



# PAYROLL - NOVEMBER 28, 2024

DEPARTMENT	GROSS PAY	OT PAY	COMP HRS. ACCRUED	COMP TOTAL	NET PAY
Grace Dupuy	\$ 1,688.00	\$ -	0.00	0.00	\$ 1,290.09
Jacob Oswald	2,533.92	-	0.00	0.00	1,914.42
<b>TOTAL MBC</b>	<b>\$ 4,221.92</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 3,204.51</b>
<b>POLICE</b>					
<b>November 11 - 24, 2024</b>					
Dawn Graver	\$ 2,945.60	\$ -	0.00	0.00	\$ 2,143.00
Erik Honda	3,218.98	-	0.00	6.00	2,393.98
Jordan Koos	3,165.12	-	0.00	13.50	2,134.72
Cole Millard	2,806.35	71.55	0.00	0.00	1,888.40
Keanan Shannon	2,993.76	-	0.00	0.00	2,176.75
Britt Smith	3,561.31	-	0.00	0.00	2,602.65
Madonna Staner	1,819.20	-	0.00	0.25	1,351.25
Brian Tate	3,476.98	-	0.00	0.00	2,589.18
<b>TOTAL POLICE</b>	<b>\$ 23,987.30</b>	<b>\$ 71.55</b>	<b>0.00</b>	<b>19.75</b>	<b>\$ 17,279.93</b>
<b>ROAD USE</b>					
<b>November 11 - 24, 2024</b>					
Zeb Bowser	\$ 2,066.40	\$ -	0.00	5.00	\$ 1,568.81
Jacob Gravel	2,066.40	-	0.00	0.88	1,519.76
Nick Kahler	2,578.35	-	0.00	0.00	1,832.70
Jasper Scott	2,066.40	-	0.00	0.63	1,595.93
<b>TOTAL ROAD USE</b>	<b>\$ 8,777.55</b>	<b>\$ -</b>	<b>0.00</b>	<b>6.51</b>	<b>\$ 6,517.20</b>
<b>SEWER</b>					
<b>November 9 - 22, 2024</b>					
Jim Tjaden	\$ 2,928.12	\$ -	0.00	0.00	\$ 2,116.09
<b>TOTAL SEWER</b>	<b>\$ 2,928.12</b>	<b>\$ -</b>	<b>0.00</b>	<b>0.00</b>	<b>\$ 2,116.09</b>
<b>WATER</b>					
<b>November 9 - 22, 2024</b>					
Scott Hagen	\$ 2,126.40	\$ -	3.00	32.25	\$ 1,670.52
Josh Willms	2,126.40	-	7.50	27.00	1,416.87
<b>TOTAL WATER</b>	<b>\$ 4,252.80</b>	<b>\$ -</b>	<b>10.50</b>	<b>59.25</b>	<b>\$ 3,087.39</b>
<b>TOTAL - ALL DEPTS.</b>	<b>\$ 87,010.62</b>	<b>\$ 386.95</b>	<b>10.50</b>	<b>142.14</b>	<b>\$ 63,976.79</b>

# CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
POLICE DEPARTMENT					
JACOB HEINSIUS	PD PEST CONTROL		42.50		
INFRASTRUCTURE TECHNOLOGY	PD 3CX ANNUAL LICENSE		69.50		
IOWA LAW ENFORCEMENT ACADEMY	PD TRAINING - HONDA		50.00		
IOWA STATE PRISON INDUSTRIES	PD MINOR EQUIPMENT		47.99		
KIECK'S CAREER APPAREL	PD MINOR EQUIPMENT		1,325.00		
LYNCH DALLAS, P.C.	PD ATTORNEY FEES		200.00		
MONTICELLO COMM SCHOOL DISTRICT	PD FUEL		1,001.43		
TAC 10, INC.	PD TAC10 MAINTENANCE		1,250.00		
EMBLEMS INC	PD MINOR EQUIPMENT		288.50		
			-----		
	110 POLICE DEPARTMENT TOTAL		4,274.92		
STREET LIGHTS					
ALLIANT ENERGY-IES	E 1ST STREETLIGHTS		4,908.16		
			-----		
	230 STREET LIGHTS TOTAL		4,908.16		
AQUATIC CENTER					
INFRASTRUCTURE TECHNOLOGY	POOL 3CX ANNUAL LICENSE		69.50		
			-----		
	440 AQUATIC CENTER TOTAL		69.50		
CEMETERY					
JOHN DEERE FINANCIAL	CEMETERY GROUNDS SUPPLIES		196.90		
MONTICELLO COMM SCHOOL DISTRICT	CEMETERY FUEL		194.14		
			-----		
	450 CEMETERY TOTAL		391.04		
ATTORNEY					
LYNCH DALLAS, P.C.	ATTORNEY FEES		630.00		
			-----		
	641 ATTORNEY TOTAL		630.00		
CITY HALL/GENERAL BLDGS					
FP MAILING SOLUTIONS	CH OFFICE SUPPLIES		407.85		
INFRASTRUCTURE TECHNOLOGY	CH 3CX ANNUAL LICENSE		278.00		
SYCAMORE MEDIA CORP	CH ADVERTISING		904.15		
LASER TECH USA, INC. DBA	CH BUILDING SUPPLIES		62.39		
			-----		
	650 CITY HALL/GENERAL BLDGS TOTAL		1,652.39		
			-----		
	001 GENERAL TOTAL		11,926.01		
MONTICELLO BERNDEN CENTER					
PARKS					
INFRASTRUCTURE TECHNOLOGY	MBC 3CX ANNUAL LICENSE		69.50		
MONTICELLO COMM SCHOOL DISTRICT	MBC FUEL		105.32		
			-----		
	430 PARKS TOTAL		174.82		

# CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
	005 MONTICELLO BERNDES CENTER TOTAL		174.82		
MONTICELLO TREES FOREVER PUBLIC WORKS ALL AMERICAN LAWN & LANDSCAPE	TREES		868.00		
	299 PUBLIC WORKS TOTAL		868.00		
	014 MONTICELLO TREES FOREVER TOTAL		868.00		
FIRE FIRE M TOWN TIRE & AUTO MONTICELLO COMM SCHOOL DISTRICT TOYNE, INC.	FIRE VEHICLE REPAIR/MAINT FIRE FUEL FIRE VEHICLE REPAIR/MAINT		46.91 443.13 375.96		
	150 FIRE TOTAL		866.00		
	015 FIRE TOTAL		866.00		
AMBULANCE AMBULANCE AARON'S AUTOMOTIVE LLC JACOB HEINSIUS BOUND TREE MEDICAL, LLC INFRASTRUCTURE TECHNOLOGY KARDES INC LYNCH DALLAS, P.C. MONTICELLO COMM SCHOOL DISTRICT UNITY POINT HEALTH ZOLL MEDICAL CORPORATION	AMB VEHICLE REPAIR/MAINT AMB PEST CONTROL AMB MEDICAL SUPPLIES AMB 3CX ANNUAL LICENSE AMB FUEL AMB ATTORNEY FEES AMB FUEL AMB PHARMACY SUPPLIES AMB MEDICAL SUPPLIES		422.44 42.50 387.85 69.50 178.02 3,055.61 977.18 930.51 129.00		
	160 AMBULANCE TOTAL		6,192.61		
	016 AMBULANCE TOTAL		6,192.61		
LIBRARY IMPROVEMENT LIBRARY BAKER & TAYLOR BOOKS FAREWAY STORES #840-1	LIB IMP BOOKS LIB IMP PROGRAMS/PROMOTIONS		15.96 100.71		
	410 LIBRARY TOTAL		116.67		
	030 LIBRARY IMPROVEMENT TOTAL		116.67		
LIBRARY LIBRARY CONTROL INSTALLATIONS OF IOWA INFRASTRUCTURE TECHNOLOGY	LIB BLDG REPAIR/MAINT LIB 3CX ANNUAL LICENSE		5,500.00 139.00		

# CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
JOHN DEERE FINANCIAL	LIB BUILDING SUPPLIES		14.27		
MID AMERICA BOOKS	LIB BOOKS		38.45		
	410 LIBRARY TOTAL		5,691.72		
	041 LIBRARY TOTAL		5,691.72		
AIRPORT					
AIRPORT					
ALLIANT ENERGY-IES	20373 HWY 38 AIRPORT		559.85		
JOHN DEERE FINANCIAL	AIRPORT EQUIP REPAIR/MAINT		113.38		
LAPORTE MOTOR SUPPLY	AIRPORT EQUIP REPAIR/MAINT		238.50		
MONTECELLO AVIATION INC	AIRPORT MANAGER		2,500.00		
	280 AIRPORT TOTAL		3,411.73		
	046 AIRPORT TOTAL		3,411.73		
ROAD USE					
STREETS					
ALLIANT ENERGY-IES	22059 HWY 38		328.73		
RODNEY COOHEY	RU STREET MAINTENANCE SUPPLIES		1,809.00		
HENNICK TREE SERVICE LLC	RU TREE & STUMP REMOVAL		16,800.00		
JOHN DEERE FINANCIAL	RU STREET MAINTENANCE SUPPLIES		256.89		
KIMBALL MIDWEST	RU SUPPLIES		137.19		
KROMMINGA MOTORS INC	RU MINI HOE RENTAL		703.56		
LAPORTE MOTOR SUPPLY	RU EQUIP REPAIR/MAINT		19.36		
MIDWEST WHEEL COMPANIES	RU EQUIP REPAIR/MAINT		385.26		
THEODORE KRAUS	RU LIGHT SYSTEMS & STRUCTURES		259.91		
MONTECELLO COMM SCHOOL DISTRICT	RU FUEL		891.65		
L.L. PELLING CO	RU STREET MAINTENANCE SUPPLIES		975.55		
MATHY CONSTRUCTION	RU STREET MAINTENANCE SUPPLIES		134.32		
SUNBELT RENTALS INC	RU STREET MAINTENANCE SUPPLIES		668.95		
	210 STREETS TOTAL		23,370.37		
	110 ROAD USE TOTAL		23,370.37		
TIF PROJECT					
STREETS					
PFM FINANCIAL ADVISORS LLC	TIF PRO FEES - NORTHRIDGE		5,009.38		
	210 STREETS TOTAL		5,009.38		
	325 TIF PROJECT TOTAL		5,009.38		
C.C. BIDWELL LIBRARY BOOK					
LIBRARY					
BAKER & TAYLOR BOOKS	LIB BIDWELL BOOKS		180.76		
MICRO MARKETING LLC	LIB BIDWELL BOOKS		88.00		

# CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
	410 LIBRARY TOTAL		268.76		
	502 C.C. BIDWELL LIBRARY BOOK TOTAL		268.76		
WATER					
WATER					
ALLIANT ENERGY-IES	16540 190TH ST WATER TOWER		129.95		
HAWKINS WATER TREATMENT	WATER SYSTEM		200.00		
IOWA ONE CALL	WATER SYSTEM		31.50		
JOHN DEERE FINANCIAL	WATER SUPPLIES		30.65		
MONTICELLO COMM SCHOOL DISTRCT	WATER FUEL		201.67		
MUNICIPAL SUPPLY INC	WATER SYSTEM		2,226.40		
	810 WATER TOTAL		2,820.17		
	600 WATER TOTAL		2,820.17		
SEWER					
SEWER					
IOWA ONE CALL	SEWER SYSTEM		31.50		
JOHN DEERE FINANCIAL	SEWER SUPPLIES		16.98		
MONTICELLO COMM SCHOOL DISTRCT	SEWER FUEL		201.70		
	815 SEWER TOTAL		250.18		
	610 SEWER TOTAL		250.18		
SEWER CAPITAL IMPROVEMENT					
SEWER					
INSURANCE ASSOCIATES, INC.	SEWER FACILITY IMPROVEMENTS		4,046.00		
	815 SEWER TOTAL		4,046.00		
	613 SEWER CAPITAL IMPROVEMENT TOTAL		4,046.00		
SANITATION					
SANITATION					
MONTICELLO COMM SCHOOL DISTRCT	SANITATION FUEL		31.59		
REPUBLIC SERVICES	RESIDENTIAL GARBAGE		25,829.82		
	840 SANITATION TOTAL		25,861.41		
	670 SANITATION TOTAL		25,861.41		
YARD WASTE SITE					
SANITATION					

# CLAIMS REPORT

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
ALLIANT ENERGY-IES	22411 BUSINESS HWY 151		31.86		
	840 SANITATION TOTAL		31.86		
	675 YARD WASTE SITE TOTAL		31.86		
	Accounts Payable Total		90,905.69		

**CLAIMS REPORT  
CLAIMS FUND SUMMARY**

FUND NAME	AMOUNT
001 GENERAL	11,926.01
005 MONTICELLO BERNDES CENTER	174.82
014 MONTICELLO TREES FOREVER	868.00
015 FIRE	866.00
016 AMBULANCE	6,192.61
030 LIBRARY IMPROVEMENT	116.67
041 LIBRARY	5,691.72
046 AIRPORT	3,411.73
110 ROAD USE	23,370.37
325 TIF PROJECT	5,009.38
502 C.C. BIDWELL LIBRARY BOOK	268.76
600 WATER	2,820.17
610 SEWER	250.18
613 SEWER CAPITAL IMPROVEMENT	4,046.00
670 SANITATION	25,861.41
675 YARD WASTE SITE	31.86
-----	
TOTAL FUNDS	90,905.69

City Council Meeting  
Prep. Date: 11/25/2024  
Preparer: Lori Lynch



Agenda Item: # 2  
Agenda Date: 12/02/2024

*Communication Page*

**Agenda Items Description:** Hiring Full time Aemt and setting the wage.

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

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:


**Synopsis:** Director Lynch would like to hire Matthew John as a full time Aemt

**Background Information:** Director Lynch would like to hire Matthew John as a full time Aemt. He would be filling an open position. He has a medical background in hospital environment. Wage would be set at \$23.57. He will be on probation for one year.

**Staff Recommendation:** Director Lynch recommends hiring Matthew John.



# The City of Monticello, Iowa

## RESOLUTION #

### **To approve the hiring a Monticello Ambulance Full-Time AEMT and setting wage**

**WHEREAS**, a Monticello Full-Time Ambulance AEMT position has been available with the resignation of AEMT, and

**WHEREAS**, The Ambulance Director interviewed candidates for the Full-time position, and

**WHEREAS**, The Ambulance Director felt Matthew John would be a great addition to the Full-Time AEMT roster and wishes to offer the position to him, and

**WHEREAS**, The City Council has set forth starting wages for AEMTs at \$23.57 per hour, and

**WHEREAS**, The City Administrator recommends hiring the Monticello Ambulance Full-Time AEMT and

**WHEREAS**, The Council finds it appropriate to follow the recommendation of the Ambulance Director and the City Administrator, and further finds that the wages set are fair and reasonable and should, therefore, be approved.

**NOW, THEREFORE**, The Council hereby authorizes the hiring a Monticello Ambulance Full-Time AEMT with a starting wage of \$23.57.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto. Done this 2<sup>nd</sup> day of December 2024.

---

Wayne Peach, Mayor

Attest:

---

Sally Hinrichsen, City Clerk/Treasurer



November 25, 2024

Mayor and City Council  
City of Monticello  
200 East 1<sup>st</sup> Street  
Monticello, IA 52310

RE: CONTRACTOR'S APPLICATION FOR PAYMENT #7 - WASTEWATER  
TREATMENT PLANT IMPROVEMENTS – BILL BRUCE BUILDERS, INC

Dear Mayor and City Council:

Enclosed for your review and approval is the Contractor's Application for Payment #7 for work completed on the Wastewater Treatment Plant Improvement Project.

Application for Payment includes costs associated with general conditions, continued work on installing rebar, pouring a wall section of the biosolids storage area, storing of equipment for the Aero-mod system, storing of doors and continued electrical work.

I have reviewed the application for payment and find it in agreement with the work completed to date. I, therefore, recommend approval of the Application for Payment #7 in the amount of **\$1,732,849.31** to Bill Bruce Builders, Inc.

Respectfully,

SNYDER & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Nick Eisenbacher', with a long horizontal flourish extending to the right.

Nick Eisenbacher, P.E.  
Project Engineer

Enclosure: Bill Bruce Builders, Inc Contractor's Application for Payment #7

cc: Karen Howe & David Kull, USDA Rural Development; Russ Farnum and Jim Tjaden City of Monticello

**Contractor's Application for Payment**

<b>Owner:</b> <u>City of Monticello</u>	<b>Owner's Project No.:</b> <u>120.1109.08</u>
<b>Engineer:</b> <u>Snyder &amp; Associates, Inc.</u>	<b>Engineer's Project No.:</b> <u>120.1109.08</u>
<b>Contractor:</b> <u>Bill Bruce Builders, Inc.</u>	<b>Contractor's Project No.:</b> <u>20231024</u>
<b>Project:</b> <u>Wastewater Treatment Plant (WWTP) Improvements</u>	
<b>Contract:</b> <u>Wastewater Treatment Plant Improvements</u>	
<b>Application No.:</b> <u>7</u>	<b>Application Date:</b> <u>11/12/2024</u>
<b>Application Period:</b> <b>From</b> <u>10/1/2024</u>	<b>to</b> <u>10/31/2024</u>

1. Original Contract Price	\$ 23,448,000.00 -
2. Net change by Change Orders	\$ 763,990.30 -
3. Current Contract Price (Line 1 + Line 2)	\$ 24,211,990.30 -
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 5,667,341.83 -
5. Retainage	
a. <u>5%</u> X <u>\$4,425,994.01-</u> Work Completed	\$ 221,299.70
b. <u>5%</u> X <u>\$1,241,347.82-</u> Stored Materials	\$ 62,067.39
c. Total Retainage (Line 5.a + Line 5.b)	\$ 283,367.09 -
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 5,383,974.74 -
7. Less previous payments (Line 6 from prior application)	3,651,125.43
8. Amount due this application	\$ 1,732,849.31 -
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 18,828,015.56 -

**Contractor's Certification**


The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

**Contractor:** Bill Bruce Builders, Inc.

**Signature:**  **Date:** 11/15/2024

<b>Recommended by Engineer</b>	<b>Approved by Owner</b>
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____
<b>Approved by Funding Agency</b>	
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____

**Progress Estimate - Lump Sum Work**

**Contractor's Application for Payment**

Owner: City of Monticello  
 Engineer: Snyder & Associates, Inc.  
 Contractor: Bill Bruce Builders, Inc.  
 Project: Wastewater Treatment Plant (WWTP) Improvements  
 Contract: Wastewater Treatment Plant Improvements

Owner's Project No: 120.1109.08  
 Engineer's Project No: 120.1109.08  
 Contractor's Project No: 20231024

Application No.: 7 From 10/1/2024 to 10/31/2024 Application Date: 11/12/24

A ITEM #	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (Not in D or E)	G TOTAL COMPLETED & STORED TO DATE (D + E + F)	H % (G / C)	I BALANCE TO FINISH (C - G)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
<b>Original Contract</b>								
1	Insurance - Bond	175,724.00	175,724.00			175,724.00	100%	0.00
2	Insurance - Builders Risk	36,000.00	36,000.00			36,000.00	100%	0.00
3	Insurance - General Liability	135,000.00	135,000.00			135,000.00	100%	0.00
4	Preconstruction	12,000.00	12,000.00			12,000.00	100%	0.00
5	General Conditions - 36 Months	2,002,468.00	333,744.66	55,624.11		389,368.77	19%	1,613,099.23
6	Submittals	50,000.00	45,500.00			45,500.00	91%	4,500.00
7	Concrete Reinforcing	1,207,086.00	238,335.13			238,335.13	20%	968,750.87
8	Cast-In-Place Concrete	950,000.00	121,736.48	20,000.00		141,736.48	15%	808,263.52
9	Rebar Labor	1,000,000.00	140,000.00	10,000.00		150,000.00	15%	850,000.00
10	Concrete - Aeromod	1,610,500.00				0.00	0%	1,610,500.00
11	Concrete - BioSolids	927,500.00	400,000.00	50,000.00		450,000.00	49%	477,500.00
12	Concrete - Generator	12,800.00				0.00	0%	12,800.00
13	Concrete - Controls & UV Building	260,000.00				0.00	0%	260,000.00
14	Concrete - Truck Dump Oil Sand Interceptor	30,000.00				0.00	0%	30,000.00
15	Concrete Paving	130,000.00				0.00	0%	130,000.00
16	Mobilization	300,000.00	30,000.00	15,000.00		45,000.00	15%	255,000.00
17	Placement on Project	179,200.00	25,000.00	12,500.00		37,500.00	21%	141,700.00
18	Digging for Electrical/Concrete around pipes	100,000.00				0.00	0%	100,000.00
19	Sluice Gates/Slides Gates Install	50,000.00				0.00	0%	50,000.00
20	Liquid Process Pipe Install	50,000.00				0.00	0%	50,000.00
21	Shaftless Screw Conveyor - Labor	20,000.00				0.00	0%	20,000.00
22	Secondary Containment Scale - Labor	10,000.00				0.00	0%	10,000.00
23	Ploymer Blending and Feed Equipment - Labor	10,000.00				0.00	0%	10,000.00
24	Rotary Press System - Labor	20,000.00				0.00	0%	20,000.00
25	Precast Structural Concrete - Engineering	24,000.00	24,000.00			24,000.00	100%	0.00
26	Precast Structural Concrete - Wall Panels	368,127.00	148,765.35			148,765.35	40%	219,361.65
27	Precast Structural Concrete - 10" Hollowcore	96,927.00				0.00	0%	96,927.00
28	Precast Structural Concrete - 8" Hollowcore	28,760.00	28,760.00			28,760.00	100%	0.00
29	Precast Structural Concrete - Trucking	16,320.00	5,712.00			5,712.00	35%	10,608.00
30	Precast Structural Concrete - Wash	14,100.00				0.00	0%	14,100.00
31	Precast Strucutral Concrete - Caulking & Grouting	45,500.00				0.00	0%	45,500.00
32	Precast & Steel Erection	199,400.00	35,340.00			35,340.00	18%	164,060.00
33	Masonry	150,000.00	15,000.00			15,000.00	10%	135,000.00
34	Structural Steel Fabrication	199,750.00	107,000.00			107,000.00	54%	92,750.00
35	Rough Carpentry - Labor	66,000.00				0.00	0%	66,000.00
36	Demolition of Metal Panels	12,800.00				0.00	0%	12,800.00
37	Metal Panel Install	45,980.00				0.00	0%	45,980.00
38	EPDM Roofing	192,400.00				0.00	0%	192,400.00
39	Sectional Doors	76,462.00				0.00	0%	76,462.00
40	FRP Aluminum Hybrid Doors	77,155.00			77,155.00	77,155.00	100%	0.00
41	Aluminum Framed Entrances and Storefronts	30,090.00	1,500.00			1,500.00	5%	28,590.00
42	Painting	124,931.00				0.00	0%	124,931.00
43	Specialties	8,030.00				0.00	0%	8,030.00
44	Lab Equipment - End Loader	179,000.00	179,000.00			179,000.00	100%	0.00
45	Lab Equipment - Hotsy Pressure Washer	7,800.00				0.00	0%	7,800.00

46	Refrigerated Composite Sampler	27,500.00				0.00	0%	27,500.00
47	Plumbing / HVAC	499,980.00	92,330.00			92,330.00	18%	407,650.00
48	Electrical - General Conditions (temp pwer, submittals & Mob)	144,025.00	36,006.25	50,408.75		86,415.00	60%	57,610.00
49	Electrical - Service Equipment	675,000.00	80,361.21	7,388.79		87,750.00	13%	587,250.00
50	Electrical - Site Work	310,613.00	21,742.90	9,318.39		31,061.29	10%	279,551.71
51	Electrical - Building Power and Equipment	310,612.00		15,530.60		15,530.60	5%	295,081.40
52	Lagoon Sludge Removal	93,900.00				0.00	0%	93,900.00
53	SWPPP Installation	43,795.00	1,608.00	700.00		2,308.00	5%	41,487.00
54	SWPPP Inspections	14,600.00	3,750.00			3,750.00	26%	10,850.00
55	Retaining Walls	43,207.00				0.00	0%	43,207.00
56	MOBILIZATION	219,649.00	64,844.78			64,844.78	30%	154,804.22
57	TOPSOIL STRIP SALVAGE SPREAD	58,971.00	5,710.00			5,710.00	10%	53,261.00
58	SITE GRADING	148,842.00	11,349.00			11,349.00	8%	137,493.00
59	ROCK SURFACING AND SUBBASE	62,214.00				0.00	0%	62,214.00
60	WATER MAIN AND SERVICES	322,021.00	129,571.98			129,571.98	40%	192,449.02
61	PRV VALVE VAULT	61,312.00				0.00	0%	61,312.00
62	4" SANITARY FORCE MAIN	34,589.00				0.00	0%	34,589.00
63	8" SANITARY GRAVITY MAIN	72,519.00				0.00	0%	72,519.00
64	10" SANITARY FORCE MAIN	19,920.00				0.00	0%	19,920.00
65	16" SANITARY GRAVITY MAIN	21,984.00				0.00	0%	21,984.00
66	18" SANITARY GRAVITY MAIN	128,356.00				0.00	0%	128,356.00
67	SANITARY MANHOLES	254,293.00				0.00	0%	254,293.00
68	MH-11 DIGESTED SLUDGE PS & VV	94,292.00				0.00	0%	94,292.00
69	EFFLUENT PS & VV	424,757.00				0.00	0%	424,757.00
70	BYPASS PUMPING	145,830.00				0.00	0%	145,830.00
71	STORM SEWER AND DRAIN TILE	59,390.00				0.00	0%	59,390.00
72	TRUCK DUMP TANK & SANITARY	52,864.00				0.00	0%	52,864.00
73	STRUCTURE EXCAVATION	334,347.00	38,535.00			38,535.00	12%	295,812.00
74	STRUCTURE BACKFILL	283,748.00				0.00	0%	283,748.00
75	STRUCTURE SUBBASE	204,903.00	21,929.00			21,929.00	11%	182,974.00
76	DEMO	304,279.00	5,878.57			5,878.57	2%	298,400.43
77	DEWATERING	164,411.00				0.00	0%	164,411.00
78	Wall Mounted Walkways - Install	34,000.00				0.00	0%	34,000.00
79	Stop Logs / Stainless Steel Sluices Gates & Slide Gates	94,800.00				0.00	0%	94,800.00
80	Split-Clarator Secondary Clarifier	688,417.00			688,417.00	688,417.00	100%	0.00
81	Wall Mounted Aerators	371,879.00				0.00	0%	371,879.00
82	Sludge Management	10,959.00				0.00	0%	10,959.00
83	Plant Process Controls	123,612.00				0.00	0%	123,612.00
84	Wall mounted Walkways	308,612.00			308,612.00	308,612.00	100%	0.00
85	Actuagted Valves	93,971.00				0.00	0%	93,971.00
86	Sluice Gates & Hand Lift Stop Plates	21,206.00				0.00	0%	21,206.00
87	Aeration Blower and Controls	649,681.00				0.00	0%	649,681.00
88	Probe Module & Sensor Probes	19,213.00				0.00	0%	19,213.00
89	Clarifier Algae Control	20,857.00				0.00	0%	20,857.00
90	Bio-P Selector Tank Mixing	65,643.00				0.00	0%	65,643.00
91	Installation Materials and Spare Parts	91,750.00				0.00	0%	91,750.00
92	Manufacturer's Services	14,500.00				0.00	0%	14,500.00
93	Freight	14,400.00				0.00	0%	14,400.00
94	Variable Frequency Motor Controllers / Controls / Submersible Pumps	1,514,000.00				0.00	0%	1,514,000.00
95	Fabricated Stainless Steel - Labor	100,750.00	9,125.00			9,125.00	9%	91,625.00
96	Fabricated Stainless Steel - Materials	170,000.00	9,706.08		121,266.82	130,972.90	77%	39,027.10
97	Ultraviolet Disinfection Equipment - Placement for Fabrication	45,897.00				0.00	0%	45,897.00
98	Ultraviolet Disinfection Equipment - Submittals	45,897.00	45,897.00			45,897.00	100%	0.00
99	Ultraviolet Disinfection Equipment - Equipment	45,897.00			45,897.00	45,897.00	100%	0.00
100	Ultraviolet Disinfection Equipment - Start-Up	15,299.00				0.00	0%	15,299.00
101	Girt Classifying & Washer	104,099.00				0.00	0%	104,099.00
102	Cheemical Containments & Scales / Polymer Blending & Feed Equipment Cheemical Feed / Shaftless Screw Conveyor	280,527.00		135,627.00		135,627.00	48%	144,900.00
103	Liquid Process Piping - Man Holes, Valves, and Piping	190,648.00	3,931.70	9,004.48		12,936.18	7%	177,711.82
104	Fournier - Rotary Press Submittals	75,220.95	75,220.95			75,220.95	100%	0.00
104.1	Fournier - Rotary Press	426,252.05		319,689.04		319,689.04	75%	106,563.01
105	Utility Materials - Piping, valves, vaults	931,480.00	91,302.51	8,295.00		99,597.51	11%	831,882.49
<b>Orginal Contract Totals</b>		<b>\$ 23,448,000.00</b>	<b>\$ 2,986,917.55</b>	<b>\$ 719,086.16</b>	<b>\$ 1,241,347.82</b>	<b>\$ 4,947,351.53</b>	<b>\$ 0.21</b>	<b>\$ 18,500,648.47</b>

**Progress Estimate - Lump Sum Work**

**Contractor's Application for Payment**

Owner: City of Monticello  
 Engineer: Snyder & Associates, Inc.  
 Contractor: Bill Bruce Builders, Inc.  
 Project: Wastewater Treatment Plant (WWTP) Improvements  
 Contract: Wastewater Treatment Plant Improvements

Owner's Project No: 120.1109.08  
 Engineer's Project No: 120.1109.08  
 Contractor's Project No: 20231024

Application No.: 7 From 10/1/2024 to 10/31/2024 Application Date: 11/12/24

A ITEM #	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D E		F MATERIALS PRESENTLY STORED (Not in D or E)	G TOTAL COMPLETED & STORED TO DATE (D + E + F)	H % (G / C)	I BALANCE TO FINISH (C - G)
			WORK COMPLETED					
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
<b>Change Orders</b>								
1	Unsuitable Soils	763,990.30	619,202.34	100,787.96		719,990.30	94%	44,000.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
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						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
						0.00	#DIV/0!	0.00
<b>Change Order Totals</b>		\$ 763,990.30	\$ 619,202.34	\$ 100,787.96	\$ -	\$ 719,990.30		\$ 44,000.00

Original Contract and Change Orders								
<b>Project Totals</b>		\$ 24,211,990.30	\$ 3,606,119.89	\$ 819,874.12	\$ 1,241,347.82	\$ 5,667,341.83		\$ 18,544,648.47

**Stored Materials Summary**

**Contractor's Application for Payment**

Owner: City of Monticello  
 Engineer: Snyder & Associates, Inc.  
 Contractor: Bill Bruce Builders, Inc.  
 Project: Wastewater Treatment Plant (WWTP) Improvements  
 Contract: Wastewater Treatment Plant Improvements

Owner's Project No: 120.1109.08  
 Engineer's Project No: 120.1109.08  
 Contractor's Project No: 20231024

Application No.: 41 Application Period: From 10/1/2024 to 10/31/2024

Application Date: 11/12/24

A ITEM NO. LUMP SUM TAB	B SUPPLIER INVOICE NO.	C SUBMITTAL NO. (WITH SPECIFICATION SECTION NO)	D DESCRIPTON OF MATERIALS OR EQUIPMENT STORED	E STORAGE LOCATION	F APPLICATION NO NO. WHEN MATERIALS PLACED IN STORAGE	G MATERIALS STORED			H INCORPORATED IN WORK			M MATERIALS REMAINING IN STORAGE (I-L) (\$)
						I PREVIOUS AMOUNT STORED (\$)	J AMOUNT STORED THIS PERIOD (\$)	K AMOUNT STORED TO DATE (G+H) (\$)	L AMOUNT PREVIOUSLY INCORPORATED IN THE WORK (\$)	M AMOUNT INCORPORATED IN THE WORK THIS PERIOD (\$)	N TOTAL AMOUNT INCORPORATED IN THE WORK (J+K) (\$)	
26	Pay App #1		Wall Panels	Advanced Precast	1	130,359.00		130,359.00	\$ 130,359.00		130,359.00	0.00
28	Pay App #2		8" Hollowcore	Advanced Precast	1	28,760.00		28,760.00	\$ 28,760.00		28,760.00	0.00
49	Pay App #1		Service Equipment - Electrical Distribution Storage	Westphal & Company	2	40,500.00		40,500.00		\$ 40,500.00	40,500.00	0.00
49	Pay App #2		Service Equipment - Electrical Distribution Storage	Westphal & Company	2	25,878.74		25,878.74		\$ 25,878.74	25,878.74	0.00
96	Pay App #1		Fabricated Stainless Steel - Materials	Dubuque Plumbing & Heating	3	92,818.94		92,818.94			0.00	92,818.94
40	Pay App #1		FRP Aluminum Hybrid Doors	Opening Specilists, Inc	3	17,226.22		17,226.22			0.00	17,226.22
49	Pay App #2		Fabricated Stainless Steel - Materials	Dubuque Plumbing & Heating	4	15,097.90		15,097.90			0.00	15,097.90
	Pay App #2		FRP Aluminum Hybrid Doors	Opening Specilists, Inc	4	52,780.00		52,780.00			0.00	52,780.00
	Pay App #3		Fabricated Stainless Steel - Materials	Dubuque Plumbing & Heating	5	13,349.98		13,349.98			0.00	13,349.98
	Pay App #6		Ultraviolet Disinfection Equipment	Enaqua	6	45,897.00		45,897.00			0.00	45,897.00
	Pay App #1		Split-Clarator Secondary Clarifier	Aero-Mod	7		688,417.00	688,417.00			0.00	688,417.00
	Pay App #1		Wall mounted Walkways	Aero-Mod	7		308,612.00	308,612.00			0.00	308,612.00
	Pay App #3		FRP Aluminum Hybrid Doors	Opening Specilists, Inc	7		7,148.78	7,148.78			0.00	7,148.78
								0.00			0.00	
								0.00			0.00	
<b>Totals</b>						<b>\$ 462,667.78</b>	<b>\$ 1,004,177.78</b>	<b>\$ 1,466,845.56</b>	<b>\$ 159,119.00</b>	<b>\$ 66,378.74</b>	<b>\$ 225,497.74</b>	<b>\$ 1,241,347.82</b>

# The City of Monticello, Iowa

## RESOLUTION #

### Approving Pay Request #7 to Bill Bruce Builders, Inc., Re: Wastewater Treatment Plant Improvement Project in the amount of \$1,732,849.31

**WHEREAS**, The City of Monticello, Iowa is an incorporated city within Jones County, Iowa; and

**WHEREAS**, Bill Bruce Builders, Inc. contracted with the City for the construction of public improvements described in general, as construction of the Wastewater Treatment Facility Improvements Project, and

**WHEREAS**, Bill Bruce Builders, Inc. has submitted their seventh pay request in the amount of \$1,732,849.31 which has been reduced by the contractually agreed upon 5% retainer, and

**WHEREAS**, The Council finds that the pay request is supported by the work completed and that the City Engineer has recommended approval of said pay request.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby approve the seventh pay request from Bill Bruce Builders, Inc., in the amount of \$1,732,849.31, same reflecting the maintenance of a 5% retainer in the current amount of \$283,367.09 for work completed and stored materials.

**IN THE TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 2<sup>nd</sup> day of December 2024.

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Wayne Peach, Mayor

*Attest:*

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Sally Hinrichsen, City Clerk/Treasurer



City Council Meeting  
Prep. Date: 11/25/2024  
Preparer: Lori Lynch



Agenda Item: # 4  
Agenda Date: 12/2/2024

*Communication Page*

**Agenda Items Description:** Ordering new ambulance and purchasing Auto cot loading system.

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

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:


**Synopsis:** Director Lynch would like to order new ambulance and purchase new auto cot loading system

**Background Information:** Director Lynch would like purchase a new ambulance with a new auto cot loading system. The ambulance will replace our oldest ambulance that was built in 2013. It currently has 158,000 miles on it. This ambulance will have the same layout as the newer 2021 ambulance. EMS has used Lifeline ambulances for several other ambulances. We need to get this order placed since there is such a long lead time. The ambulance can be ordered with a \$130,000 deposit, which will provide a discount of \$5000.

The ambulance purchase price is \$ 295,170, less the discount, is net **\$ 290,170**. Delivery is estimated in 2027.

Purchasing the new auto loading cot system before January 1 will save an expected 2025 price increase of about \$6000. Ordering the auto-cot with the ambulance will allow delivery direct to Lifeline for installation. The auto-cot purchase is **\$58,206**.

The Ambulance has the money for the cot and the down payment for the ambulance in equipment and ambulance set-aside funds. Both of these items are also reimbursable through the County EMS fund, which will then be deposited back into the set-aside funds. The remaining funds due will be in the set-aside by the time the City takes delivery of the unit in 2027.

The City will need to make a budget amendment in the future, to make these expenditures and re-plenish the set-asides from the County EMS fund.

**Staff Recommendation:** Director Lynch recommends placing order and paying deposit as noted above.

# The City of Monticello, Iowa

## RESOLUTION #

### Accepting bids related to Ambulance and auto cot loading system and to approve purchase of Ambulance and auto cot loading system from Legacy Emergency Vehicles

**WHEREAS**, the City of Monticello Ambulance Department has been budgeting set-aside for and otherwise planning for the purchase of a new ambulance unit, and

**WHEREAS**, the Council finds that the funds have been set-a-side to provide for the purchase of this Ambulance unit and auto cot loading system. Council finds that purchasing the Ambulance unit and auto cot loading system is in the best interest of the City and the Ambulance Department; and should be approved, and

**WHEREAS**, that Legacy Emergency Vehicles has offered a discount if partial payment is paid at the time the contract is signed and the Council finds that the prepayment amount, thus reducing the purchase price by \$5,000 for the ambulance unit and purchasing the new auto loading cot system now will save about \$6,000, if purchased prior to the new year, was in the best interest of the City and will pay balance on delivery to the City, and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Monticello, Iowa does hereby authorize the City of Monticello Ambulance Director, Lori Lynch, to execute the Purchase Agreement between the City of Monticello / Monticello Ambulance Department and Legacy Emergency Vehicles, whereby the City of Monticello agrees to buy said new Ambulance unit at a cost of not to exceed \$295,170.00 and the new auto loading cot system \$58,206.00.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal for the City of Monticello, Iowa to be affixed. Done this 2<sup>nd</sup> day of December, 2024.

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Wayne Peach, Mayor

Attest:

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Sally Hinrichsen, City Clerk/Treasurer

**City Council Meeting**  
**Prep. Date:** 11/25/24  
**Preparer:** Jacob Oswald



**Agenda Item:** # 5  
**Agenda Date:** 12/2/2024

*Communication Page*

**Agenda Items Description:** Consideration/Hiring of Permanent Part-Time Adult and Events Coordinator.

**Type of Action Requested:** Resolution

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

**Synopsis:**

The Parks and Recreation Department seeks to create a new permanent part-time position. The Department of Labor classifies, a "permanent employee" is someone who has ongoing employment with no set end date, while a "seasonal employee" is hired for a specific period of time each year, usually during a peak business season, and their employment automatically ends when that season is over; meaning they are not guaranteed work year-round like a permanent employee.

**Background Information:**

The Parks and Recreation Department is proposing a permanent part-time position for an Adult Recreation and Events Coordinator to better meet the recreational, social, and wellness needs of the community. This role will focus on developing adult programs and family events, while laying the groundwork for therapeutic activities. To ensure the position's viability and effectiveness, it will initially be offered on a 20-hour-per-week basis with a six-month trial period and potential for increased hours based on performance and demand.

With an anticipated start date of January 2025, the proposed position, at a base rate of \$20 per hour, would cost approximately \$12,200 over the course of the six-month trial period (including benefits such as IPERS, Social Security, Medicare, and Unemployment). Funding for this position will be based on revenue and supplemented with a budget amendment if necessary. Line items that would be provide potential supplement include, but not limited to, League Expense, Concessions, Recreation Contract Services. This position, if shown to be successful, will be incorporated into future budgets, based on revenue, to maintain financial continuity without increasing budget requests.

If approved, this role would add 1,040 hours of expanded capacity to the department annually, significantly easing the burden on the current two-person staff, who collectively log roughly 800 hours of overtime each year. Recreation coordinators are particularly susceptible to burnout due to the heavy

workloads, inconsistent schedules, and the constant need for creativity and adaptability. By redistributing responsibilities, this position would reduce strain on existing staff, improve operational efficiency, and support a healthier work-life balance, ensuring staff remain effective and valued in their roles.

In addition to addressing community demand for adult-focused programs, the Adult Recreation and Events Coordinator will plan and execute social clubs (i.e. hiking, biking, cards), small- and large-scale community events. The position would also involve extensive collaboration with local partners to ensure high-quality, accessible offerings and hands-on management of event logistics and facilities. The Parks and Recreation Department strongly prefers to retain the existing part-time Parks Maintenance role, which has utilized 10 of the previously approved 100 hours, as it provides valuable ongoing support for department operations, especially during peak times (i.e. evenings, weekends, holidays). Together, with the new Adult Recreation and Events Coordinator, these roles will enhance the department’s ability to expand programming and strengthen community engagement.

**Figure below**, per council request, illustrates the cost recovery of our two existing adult programs, showcasing the financial efficiency and sustainability of the department’s existing offerings.

<b>Current Adult Programming</b>	<b>Revenue</b>	<b>Expense</b>	<b>Net</b>
Co Ed Volleyball	\$ 2,000.00	\$ (200.00)	\$ 1,800.00
Co Ed Slow Pitch	\$ 1,200.00	\$ (350.00)	\$ 850.00
<b>Total</b>	<b>\$ 3,200.00</b>	<b>\$ (550.00)</b>	<b>\$ 2,650.00</b>

**Staff Recommendation:**

To approve the creation of a permanent part-time position within the Parks and Recreation Department.

# The City of Monticello, Iowa

## RESOLUTION #

### **Approving the Creation of a Monticello Park and Recreation Adult Recreation and Events Coordinator Position**

**WHEREAS**, The Park and Recreation Department is proposing the creation of a permanent part-time position for an Adult Recreation and Events Coordinator to enhance the department's ability to meet the recreational, social, and wellness needs of the adult community. This role aims to develop inclusive programs and, in the long term, to introduce therapeutic activities that support individuals facing physical, mental, or emotional challenges, and

**WHEREAS**, The City Council finds that by establishing this position, the Parks and Recreation Department will strengthen community engagement and connection among residents, promoting physical health and social interaction. The new role will expand capacity for adult recreational programming and event planning to meet growing community needs, and

**WHEREAS**, The City Administrator and Parks and Recreation Director has also shared with the Council the proposed wage and benefits for this position, as follows: will not exceed 32 hours per week, at a base rate of \$20 per hour. With eligible benefits included (IPERS, Social Security, Medicare, and Unemployment), the effective hourly rate is \$23.44 and the Council finds the proposed wages and benefits to be appropriate, and

**NOW, THEREFORE**, The Council hereby authorizes the creation of a permanent part-time position for an Adult Recreation and Events Coordinator with pay and benefits as proposed by the City Administrator and Park and Recreation Director, as set forth subsequently herein.

**IN TESTIMONY WHEREOF**, I have hereunto subscribed my name and caused the Great Seal of the City of Monticello, Iowa to be affixed hereto. Done this 18<sup>th</sup> day of November, 2024.

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Wayne Peach, Mayor

Attest:

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Sally Hinrichsen, City Clerk/Treasurer

City Council Meeting  
Prep. Date 11-25-2024  
Preparer: Jim Tjaden



Agenda Item: # 6  
Agenda Date: 12-02-2024

*Communication Page*

**Agenda Items Description:** Motion to approve purchase of Trojan U.V. Bulbs for the Wastewater Treatment Facility in the amount of \$14,464

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

**Attachments & Enclosures:**  


**Fiscal Impact:**  
Budget Line Item: 

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Budget Summary: 

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Expenditure: 

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Revenue: 

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**Synopsis: Replacing Trojan U.V. Bulbs**

**Background Information:**

The Trojan U.V. bulbs for disinfection have a 15000 hour warranty with the intensity going down from there. Our bulbs currently have 17000 hours with realistically needing this system for 2 more years. Upon ordering to delivery will take 3 months. the cost will be \$452.00 per bulb for a total of \$14,464.00. There is currently enough money in the capital equipment account to cover the cost We have to have the system running by March 15<sup>th</sup> so I recommend we order them now

**Staff Recommendation:**

**City Council Meeting**  
**Prep. Date:** 11/26/2024  
**Preparer:** Russell Farnum



**Agenda Item:** # 7  
**Agenda Date:** 12/2/2024

*Communication Page*

**Agenda Items Description:** Proposed rental rate for Tough Entertainment specific to Winter Bounce

<b><u>Type of Action Requested:</u></b> Motion	
<b><u>Attachments &amp; Enclosures:</u></b> Memorandum of Understanding	<b><u>Fiscal Impact:</u></b> Budget Line Item: Budget Summary: Expenditure: Revenue:

**Synopsis:**

The attached Memorandum of Understanding is in reference to proposed rental rates for Tough Entertainment and their Winter Bounce series in partnership with Monticello Parks and Recreation

**Background Information:**

Monticello Parks and Recreation has established a new rental rate for event use as part of its Memorandum of Understanding (MOU) with Tough Entertainment. The rate for facility rentals will be set at **\$100 per day**, which will be collected by the City to support operational costs associated with hosting events.

Additionally, as part of the partnership, Tough Entertainment has agreed to contribute **\$2 per attendee** from their events as a donation to the **Monticello Friends of Parks and Recreation**. This generous arrangement not only provides financial support for the City's facilities but also directly benefits community initiatives, including youth scholarships, park enhancements, and recreational programming.

**Staff Recommendation:**

To approve the rental rates for Tough Entertainment on dates outlined in the MOU attached.

## MEMORANDUM OF UNDERSTANDING

November 21, 2024



Between

**Tough Entertainment**

And

**Monticello Parks and Recreation**

This Memorandum of Understanding (MOU) is entered into by and between Tough Entertainment, hereinafter referred to as "Tough Entertainment," and Monticello Parks and Recreation, hereinafter referred to as "Parks and Recreation," for the purpose of establishing the terms for the use of the Berndes Center located in Monticello, Iowa.

### 1. Purpose

This MOU outlines the agreement between Tough Entertainment and Monticello Parks and Recreation for the rental of the Berndes Center for the following dates:

- December 20th and 21st, 2024
- January 18th, 19th, and 20th, 2025
- February 7th and 8th, 2025
- March 28th and 29th, 2025

### 2. Facility Rental Terms

Tough Entertainment agrees to pay a facility rental fee of \$100 per day of use for the dates specified above.

### 3. Additional Fees

In addition to the rental fee, Tough Entertainment will donate \$2 per entry collected for the events to Monticello Friends of Parks and Recreation. The total number of entries will be reported by Tough Entertainment to Parks and Recreation within 10 days following the conclusion of each event.

### 4. Payment Schedule

Tough Entertainment will remit the rental fee of \$100 per day and the entry fee donation within 30 days following each event date. Payment will be made via check or another mutually agreed method.

### 5. Responsibilities of Tough Entertainment

Tough Entertainment agrees to:

- Provide proof of insurance.
- Ensure the Berndes Center is used in a manner that is consistent with the policies and procedures of Monticello Parks and Recreation.
- Leave the facility in a clean and undamaged condition after each event.
- Obtain any necessary permits, licenses, or insurance required for events held at the Berndes Center.

### 6. Responsibilities of Monticello Parks and Recreation

Monticello Parks and Recreation agrees to:

- Provide access to the Berndes Center on the dates specified, including evening prior for set-up.
- Maintain the Berndes Center in good condition and ensure it is ready for use on the event dates.
- Coordinate with Tough Entertainment for any facility-specific requirements or support needs.



**7. Termination**

Either party may terminate this MOU with 30 days written notice.

**8. Indemnification**

Tough Entertainment agrees to indemnify and hold harmless the City of Monticello and Monticello Parks and Recreation, its employees, and agents from any and all claims, damages, or liabilities arising from the use of the Berndes Center.

**9. Amendments**

Any amendments or modifications to this MOU must be made in writing and signed by both parties.

**10. Contact Information**

For Tough Entertainment:

Tyler Johnson

[Redacted]

[Redacted]

For Monticello Parks and Recreation:

Jacob Oswald

766 N. Maple St.

319-465-6640

joswald@ci.monticello.ia.us

This MOU is effective upon the signature of both parties and will remain in effect for the dates specified above.

**Signed:**

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Tyler Johnson, Tough Entertainment

Date: \_\_\_\_\_

---

Jacob Oswald, Parks and Recreation Director

Date: \_\_\_\_\_

**City Council Meeting**  
**Prep. Date:** November 26, 2024  
**Preparer:** Nick Kahler



**Agenda Item:** 8  
**Agenda Date:** December 2, 2024

*Communication Page*

**Agenda Items Description:** Purchase of a skid loader

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

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

**Synopsis:** Updating our skid loader

**Background Information:** Our skid loader was purchased in 2013. It currently has about 2900 hours on it and is showing its age.

We use the skid loader for a variety of jobs but a big portion of its time is spent with trees and snow. We used to use it for clearing cul-de-sacs and parking lots during the winter but since we have purchased the wheel loader, we use that as its faster to get around and clean with. That means that the skid loader is now our machine to load the trucks with sand/salt. We can do this with our current skid loader if you are careful as it just goes high enough to get over the sides of the trucks. Having a skid loader that is bigger than the one we currently have will certainly help with this as well as help when we are taking trees down and moving logs with the grapple.

We can go back to using the skid loader to clean cul-de-sacs and parking lots or load trucks with it. Either way updating after 11 years of service while it still has value makes sense vs running it till the point it can't run anymore and having to purchase a new one without a trade in that has some value.

**Staff Recommendation:** We recommend the approval of purchasing a new skid loader from Kromminga Motors

City Council Meeting  
Prep. Date: November 26, 2024  
Preparer: Nick Kahler



Agenda Item: 9  
Agenda Date: December 2, 2024

*Communication Page*

**Agenda Items Description:** Purchase of mini excavator

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

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:  
Budget Summary:  
Expenditure:  
Revenue:


**Synopsis:** Owning a mini excavator vs renting

**Background Information:**

We had a tractor backhoe that we traded in for the wheel loader because it was too big and cumbersome to set up and use. It took up a lot of room when the outriggers were down and if you needed to move you had to pull everything up and find another spot you would fit in to and set it back up. The front of the backhoe was supposed to have a “wet kit” (hydraulic hookups) so we could potentially put a grapple on, or a blade that angles, or any other attachment that required hydraulics to move it. The rear end was plumbed for hydraulics but did not come with the quick-change bucket. We could not take the bucket off without first knocking the pins that hold it on out. Therefore, we were not able to use the rear hydraulics for a jackhammer, plate compactor, a smaller bucket, etc. We know that you should be able to do almost everything with a backhoe that you can do with a mini excavator but when it does not have the things that you need to be effective and efficient its not doing anyone any good.

Instead, we rent a mini excavator, as they are more maneuverable, easier to get into places, and can easily change buckets or add attachments which helps us to do our jobs and complete tasks better. With the cost of labor and materials going up we have been trying to get any patch work we need done cleaned out and ready for the contractor to bring the cost down. We use it for digging out spots in streets for asphalt patches, re-opening storm intakes, storm intake repairs, for cleaning out stump grindings, for digging holes for new trees, etc.

It costs \$50.00 a day and \$50.00 an hour when we rent. If we continue to rent at a cost of \$4,000 a year average, in 10yrs time we will have spent \$40,000, in 15yrs we will have spent \$60,000, and in 20yrs we will have spent \$80,000.

We currently pay more in rental fees each year than it would cost per year to own a mini excavator.

We have broken down the cost of the city owning a mini excavator by purchase price of \$52,500 and years of service.

# of years	Per year	Per day	Per hour
10	\$5,250	\$14.38	\$0.60
15	\$3,500	\$9.59	\$0.40
20	\$2,625	\$7.19	\$0.30

We will purchase these pieces of equipment using the set a side money already in the budget and a small amount of street maintenance money.

	Skid loader	Price	Trade value	Purchase Price
Kromminga Motors	C327	\$58,500.00	\$21,500.00	\$37,000.00
Scherrman's Imp.	310B	\$58,900.00	\$20,000.00	\$38,900.00
Bodensteiner's Imp.	331P	\$77,770.00	\$19,000.00	\$58,770.00

NEW	Mini Excavator	Price
Kromminga Motors	E37c	\$52,500.00
Bodensteiner's Imp.	35-P	\$60,241.00

USED	Mini Excavator	Price
Kromminga Motors	2017 - E37c with 950 hrs	\$49,500.00

**Staff Recommendation:** We recommend the purchase of a mini excavator from Kromminga Motors

**City Council Meeting**  
**Prep. Date:** 10/30/2024  
**Preparer:** Russell Farnum



**Agenda Item:** # 10  
**Agenda Date:** 12/02/2024

*Communication Page*

**Agenda Items Description:** Cannabinoids /Marijuana ordinance

**Type of Action Requested:** Ordinance, 3<sup>rd</sup> & final Reading

**Attachments & Enclosures:**  
  
**Draft Ordinance**

**Fiscal Impact:**

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

**Summary:** In mid-2023, Jennifer Husman of Jones County Safe and Healthy Youth Coalition approached Council about legal drug items that were being marketed to children. Many candy-like products, fruity energy drinks and similar products were being marketed as “ways to get high” but were exempt from controlled-substance laws because they were either 1) below certain “THC” levels, or 2) derived from hemp, which was exempt through the Farm Bill. The goal was not to prohibit these otherwise-legal products, but reduce the visibility and availability of the product to minors.

Council formed a committee to study the issue, which performed a substantial amount of work in a short period of time. After a year and a half, the attached Ordinance is a good solution and is presented for Council consideration and approval.

**Background:** Council agreed to have a committee study the issue, and within a few meetings a draft set of regulations had been roughed out. After involving some vaping and other retailers in the discussion, additional terms were added to address their concerns. At that point, Monticello was the first city in the State to have proposed such regulations, and the attorneys weren’t sure if the proposed Ordinance was constitutional. The committee has been waiting for legal input and review of the proposed regulations before bringing this forward.

In the meantime, the State tightened up their laws related to this issue, completely prohibiting the sale of vaping products that are not registered with the FDA (which is most). Also in the meantime, Mt. Vernon modeled their new regulation from our draft proposal, and Iowa City went way forward with restrictions that banned vaping products, kratom, and many other items.

The essential provisions of this proposed ordinance include the following:

1. Retailers may only sell such items from permanent storefronts which are restricted to the C-1, C-3 and M-1 zoning districts; this prohibits any sales from the C-2 (downtown\*), roadside stands or temporary booths, or residential zoning districts;
2. Retailers are restricted to a minimum of 1000 feet from schools, churches, day cares, parks, libraries and museums;
3. Retailers are restricted to a minimum of 1000 feet from each other;
4. Retailers are prohibited from also serving alcohol if they sell these products, and retailers that serve alcohol are prohibited from retailing THC-related products;
5. Minors are prohibited from entering THC retail establishments.

This regulation does not, and was not intended to, regulate nicotine-related products. At last review, no existing convenience stores, liquor stores, or other mixed-base retailers sold the type of products that would be impacted by this legislation. There is one CBD-based retailer which is located in the C-2 (downtown) zoning district – the owner is aware of this new ordinance proposal and is skeptical but generally supportive of it. That store will be “grandfathered in” and if they move, they will have to comply with the new ordinance.

Penalties for violations would be either a municipal infraction or lead to a civil citation, in accordance with Chapter 4 of the municipal code.

**Recommendation:** This ordinance is a reasonable solution to address the concerns of restricting access to THC and marijuana-related products by minors. Approval on first reading is recommended.

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTICELLO, IOWA, BY ADDING A NEW CHAPTER 126 ENTITLED “CONSUMABLE HEMP AND MARIJUANA PRODUCT SALES”**

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

**SECTION 1. NEW CHAPTER.** The Code of Ordinances of the City of Monticello, Iowa, is amended by adding a new Chapter 126, entitled **CONSUMABLE HEMP AND MARIJUANA PRODUCT SALES**, which is hereby adopted to read as follows:

**CHAPTER 126**

**CONSUMABLE HEMP AND MARIJUANA PRODUCT SALES**

126.01 Purpose

126.02 Definitions

126.03 Certain Activities and Sales Prohibited.

126.04 Location Restrictions

126.05 Responsibilities of Seller.

126.06 Hours of Operation

126.07 Enforcement

**126.01 PURPOSE.** The purpose of this ordinance is to set forth where consumable hemp, marijuana, marijuana-derived and/or medical CBD/cannabis products (as defined below, and/or in the Iowa Code) may be grown, produced, sold or distributed in the City of Monticello, including: products in Iowa’s registered consumable hemp program; products in Iowa’s Medical Cannabidiol (CBD or aka Cannabis) program; and other marijuana or hemp-derived commercialized products intended for consumption, if their sale is legalized by state or federal law.

**126.02 DEFINITIONS.**

**Cannabidiol (“CBD”):** A crystalline compound and one of two main cannabinoids found in the cannabis plant; in its pure form, it has no known psychoactive effect. (The other main cannabinoid being tetrahydrocannabinol “THC”, which does have a psychoactive effect.) Pure CBD is devoid of psychoactive activity, with analgesic and anti-inflammatory activities.

**Cannabinoid:** any of a group of closely related compounds which include cannabitol (“CBD”), and the active constituents of cannabis. The cannabis plant contains more than 100 compounds (or cannabinoids).

**Cannabis:** A tall plant with a stiff upright stem, divided serrated leaves, and glandular hairs. It is used to produce hemp fiber and as a drug. It is a dried preparation of the flowering tops or other parts of the cannabis plant, or a resinous extract (cannabis resin), smoked or consumed, generally illegally, as a psychoactive drug. It is also called Marijuana.

**Consumable Hemp Product:** A liquid or solid manufactured or derived from Hemp, that can be introduced into the human body by ingestion or internal absorption, including but not limited to: food, chew or snuff, oils and lotions, and hemp processed or otherwise manufactured, marketed, sold, or distributed as food (e.g., "gummies"), a food additive, a dietary supplement, or a drug. Consumable hemp products do not include those intended to be introduced into the human body by any method of inhalation.

**Consumable Hemp Vaping Product:** A liquid or solid manufactured or derived from Hemp, that can be introduced into the human body by any method of inhalation.

**Hemp:** The plant *Cannabis sativa* L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis.

**Hemp-derived Psychoactive Product:** Any product that is made from, derived from, distilled from, or contains hemp or hemp extracts that can be used for human consumption or application, that contains THC, whether or not the product exceeds federal limits of 0.3% THC by weight including, but not limited to cannabis flower, edible products, tinctures, vapes, powder, wax, pills, and lotions, that affect mental processes (e.g., perception, consciousness, cognition or mood and emotions) when ingested, taken into or administered into one’s system.

**Marijuana:** All parts of the plant *Cannabis*, its roots, stalks, leaves, flowers, and seeds, whether growing or not, and any resin, compound, cake, manufacture, salt, derivative, mixture or preparation of the plant.

**Marijuana-derived Product:** Any product that is made from, derived from, distilled from, or contains marijuana or marijuana extracts that can be used for human consumption or application, including, but not limited to cannabis flower, edible products, tinctures, vapes, powder, wax, pills, and/or lotions.



**Marijuana-derived Psychoactive Product:** Any product that is made from, derived from, distilled from, or contains marijuana or marijuana extracts that can be used for human consumption or application, that contains THC, including, but not limited to cannabis flower, edible products, tinctures, vapes, powder, wax, pills, and lotions, that affect mental processes (e.g., perception, consciousness, cognition or mood and emotions) when ingested, taken into or administered into one’s system.

**Medical CBD/Cannabis product:** Any product that has been approved either legislatively in Iowa or by the Medical CBD/Cannabis Board for medical use.

**Tetrahydrocannabinol (“THC”):** A crystalline compound and one of two main cannabinoids found in the cannabis plant; in its pure form, and is known for its psychoactive effect. (The other main cannabinoid being “CBD”, which does not have a psychoactive effect). “THC” may also be known by its isomer/analog/derivative, such as HHC, Delta-6, 8, 9, 10 or otherwise, or any combination thereof, which for purposes of this Ordinance shall be considered THC, even if derived from CBD.

### **126.03 Certain Activities and Sales Prohibited.**

A. Growth, manufacture, sale or distribution of any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product is prohibited in any establishment selling alcoholic beverages for consumption on the premises.

B. Growth, manufacture, sale or distribution of any Consumable Hemp Vaping Products is prohibited anywhere in the City of Monticello, regardless of the amount of THC isomers/analog/derivatives in the product.

C. Consumption of any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product is prohibited on the premises of any property that is allowed to grow, manufacture, sell or distribute any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product.

### **126.04 Location Restrictions.**

A. Any person or business growing, manufacturing, selling, or distributing any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or

Medical CBD/Cannabis product in the City of Monticello shall only do so from a permanent retail or industrial building, located in a C-1, C-3 or M-1 zoning district, that also meets all of the location requirements set forth below.

B. No business engaging in the growth, manufacture, sale or distribution of any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product shall be allowed:

1. Within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
2. Within one thousand (1,000) feet of any public or private school offering general education for students between the years of Preschool and Twelfth grade, public library or museum.
3. Within one thousand (1,000) feet of any public park or playground. For purposes of this section, bike paths, trails, waterways, and boat launches shall not be deemed a public park.
4. Within one thousand (1,000) feet of any other business engaging in the growth, manufacture, sale or distribution of any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product.

Distances provided above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the business of growth, manufacture, sale or distribution of any Cannabidiol, Cannabinoid, Hemp, Consumable hemp product, Hemp-derived psychoactive product, Marijuana, Marijuana-derived product, Marijuana-derived psychoactive product, and/or Medical CBD/Cannabis product is to be separated.

**126.05 Responsibilities of Seller.** Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

**126.06 Hours of Operation.** A marijuana sales business may remain open for business no longer than the hours from between 10:00 a.m. to midnight, seven days a week.

**126.07 Enforcement.** Any violation of this ordinance by the owner or operator shall be subject to penalties in accordance with Chapter 4 of the municipal code.

**SECTION 2. Repeal.** Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

**SECTION 3. Severability.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. Effective Date.** This ordinance shall be in effect from and after final passage, approval, and posting and publication of this ordinance as required by law.

PASSED and APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Wayne Peach, Mayor

Attest:

\_\_\_\_\_  
Sally Hinrichsen, City Clerk

First Reading: 11/4/2024

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_ on the \_\_\_\_ day of \_\_\_\_, 2024.

\_\_\_\_\_  
Sally Hinrichsen, City Clerk/Treasurer

City Council Meeting  
Prep. Date: 11/26/2024  
Preparer: Sally Hinrichsen



Agenda Item: #11-19  
Agenda Date: 12/2/2024

*Communication Page*

**Agenda Items Description:** Reports

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

**Attachments & Enclosures:**


**Fiscal Impact:**

Budget Line Item:	
Budget Summary:	
Expenditure:	
Revenue:	

**Reports / Potential Actions:**

- 11. City Engineer
- 12. City Administrator
- 13. Police Chief
- 14. Water/Wastewater Superintendent
- 15. Park and Recreation Director
- 16. Library Director
- 17. Ambulance Director
- 18. City Clerk
- 19. Public Works Director

Dear Mayor and Council;

As identified within the 2024/2025 City of Monticello City Council Priority Goals, the Council wished to update our sidewalk program considering the recent caselaw of *Splittgerber v. Bankers Trust Company* (2024). While our current sidewalk program is better than most communities, the following is a summary of the current sidewalk enforcement program and how this current practice falls within the rulings of the *Splittgerber* case. This summary also poses some questions for the Council that will provide guidance and direction for the program in the years ahead.



200 E. First Street  
Monticello, IA 52310  
(319) 465-3577  
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**CITY OF MONTICELLO  
CITY COUNCIL**

**2024/2025 Priority Goals**

**8 Update sidewalk program considering recent case law**

As mentioned, a ruling by the Iowa Supreme Court has had an impact on the importance in how cities handle sidewalk deficiencies to minimize our liability. Here is a brief summary from Attorney Doug Herman on how this interpretation is impacting liability.

“The new Supreme Court decision in *Splittgerber* overturned a prior case, the *Madden* case, which interpreted the same State statute in a different manner. Under *Madden* a municipality could pass an ordinance making private property owners liable for damages caused by a defective sidewalk, whether they had been ordered to repair the sidewalk by the municipality or not. The *Splittgerber* Court disagreed with *Madden*, finding that the Iowa Statute under consideration did not allow a City to transfer liability for a defective sidewalk to a private property owner by Statute as such a statute would conflict with the State statute and therefore be pre-empted by the State statute. Under home rule authority a City can pass any law or do anything not forbidden or prohibited by State statute, in this situation the two Courts, *Madden* and *Splittgerber*, read the law differently. The *Splittgerber* case finding that the language of the

State Statute allowed the City to pass on maintenance obligations to a private property owner but did not allow a City to pass liability to the private property owner. That said, the Splittgerber case is specifically tied to the Statute and the interpretation of what it allows or doesn't allow. It is possible, if the City has ordered repairs/maintenance and the owner fails to repair/maintain as ordered, that the City would have an argument that the private property owner must indemnify the City for any damages incurred or liability imposed on the City as a result of an injury caused to someone by a defective sidewalk. (While not covered by this case, it would be unlikely that a City could successfully claim indemnification if the order from the City to the property owner to repair their sidewalk was not relatively recent/current".

In short, this ruling highlights the importance for the City to conduct inspections and notify property owners of deficiencies to limit, but never fully absolve us from liability. While our current program has been viewed as better than most communities, there is still some room for improvement and some guidance from the Council is necessary to determine what those areas of importance will be.

#### Program Summary:

Since 2019, when the Police Department was assigned to oversee sidewalk enforcement and infill, I generated a policy and practice for sidewalk inspections and infill considerations. While City wide sidewalk inspections had proven to be very daunting and have been the reason past enforcement follow through always failed, a procedure was generated to ensure that the program could be adequately managed on an annual basis. We currently follow a ward style inspection area as identified by the previous ward style voting map, and conduct an inspection on a new ward annually. After four years, the entire town has been inspected. This ward-by-ward inspection process makes it easier to take bites out of the City, but does pose some concern as we consider the most recent rulings.

Here is how the program works, each spring, once school has released for the year, our School Resource Officer is assigned to conduct an inspection of the sidewalks within the identified ward. We utilize the guidelines within Chapter 136.02 of the Monticello City Code of Ordinances to identify compliance issues, which follow ADA guidelines very closely. An inspection report form is completed for each property that is identified as "out of compliance". The panels are marked with orange paint in a manner identified within the inspection report for the identified deficiency. That report, along with a sidewalk construction permit and a copy of the code requirements are sent to the property owner of the identified property. The first notice, typically around mid-June, provides for 90 days to complete the identified repairs. While we provide them with a letter that clearly states the requirement of obtaining a FREE building permit for the repair/construction of a sidewalk, there are very few property owners that return the sidewalk construction permit. Of the ones that do complete the sidewalk construction permit, there is generally only one that will notify the City to have the forms inspected prior to pouring. The forms are "inspected" by a member of public works, or myself to check for any issues. Unfortunately, I've taken the stance that if the repairs get made, I don't go out and contact them for the permit. This may be an area for future improvement and it may be necessary from an accountability and liability standpoint that we receive and conduct these inspections.

After the completion of the 90 days, a follow up inspection is completed on all of the out of compliance properties. For the properties that have made the repairs, we ensure that they fall within the

requirements and sign off on the completion of the repairs. For any properties that have failed to make the identified repairs, a second notice is sent by certified mail that reiterates the identified repairs and provides for an additional 30 days to make the repairs. Additionally, it includes language that failure to make the repairs will result in the City coordinating the completion of the repairs and assessing the cost to the property owner. The assessment of costs is covered under Chapter 136.04 and 136.05 of the City of Monticello Code of Ordinances.

At the completion of the 30 days, if the repairs are not made, I coordinate with a local contractor to make the repairs. This is generally for 1-3 properties per year that we coordinate the work for. For the last 2 years, I have not sought bids but had contacted Monk Construction to make the repairs. They have generally been the cheapest and are willing to work around the challenges of replacing 1 panel here and there as many contractors don't prefer to do this type of work.

Once I receive the invoice from the contractor, an invoice generated for each property and is sent to the owner requesting payment for the repairs. If no payment is received, I provide Sally with all the documentation which includes; Inspection Report, Notification letters, Certified Mailing receipt, and invoice. Sally then proceeds with filing the assessment.

I have included our current Policy and Procedure for the Sidewalk Program. This currently is not an official Policy and Procedure for the City, so it should be reviewed by the Council, recommendations made and approved for use.

## **City of Monticello Sidewalk Policy**

Safe, pedestrian-friendly neighborhoods and access to critical infrastructure by way of foot, bike or by other non-motorized means for residents of all ages are a priority for the City of Monticello. An important component in ensuring this is the City's sidewalk inspection, repair, and infill program, which is developed to provide for guidance on the maintenance, installation and infill sidewalks within the City of Monticello.

The purpose of this document is to establish policy and guidelines for the routine inspection, inspection criteria, repair and replacement procedures, installation requirements, and prioritization of infill for connectivity of sidewalks within the City of Monticello.

Iowa Code 364.12(d) and City Code Chapter 136 provides the City of Monticello legal guidance and authority for the maintenance and repair of public sidewalks. These code sections within this policy are referenced for their guidance in addressing issues within the community. The Americans with Disabilities Act (ADA) and the Iowa Statewide Urban Design and Specifications (SUDAS) provide for specifications for the installation of sidewalks standards.

## **MAINTENANCE**

136.07 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk. (Code of Iowa, Sec. 364.12[2c])

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 24 hours, the officer authorized by the Council may remove or cause to be removed all snow, ice or accumulations such as mud, sand or other debris from abutting property, from all sidewalks, without notice to the property owner, when knowledge of such condition comes to said officer's attention. Said officer shall return to the Council an itemized and verified statement of expenditures of labor and materials used in making such removal and the description of the lot or parcel of ground abutting on the sidewalk from which said snow, ice or other accumulation has been removed, and the cost thereof shall be assessed to the property fronting thereon. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk. (Code of Iowa, Sec. 364.12[2b & e])

## **Inspection**

For the purposes of the inspection program, Monticello is divided into four (4) geographical areas consistent with the Four (4) Ward Zones. Each year, the sidewalks in one of the four (4) areas will be inspected in accordance with the criteria established by the City Code of Ordinances to determine if sidewalk repairs are necessary. Only sidewalks are inspected. The parkway, driveway approaches, water stop boxes located outside of the sidewalk, etc. are not inspected as part of the program.

In addition, sidewalks are inspected outside of the geographical area if a complaint is received on the condition of a sidewalk.

## **Inspection criteria**



The City of Monticello recognizes current ADA requirements for sidewalk installation or repair. These installation recommendations can be viewed at <https://intrans.iastate.edu/app/uploads/sites/15/2018/12/12A-2.pdf>

Property owners are encouraged to maintain sidewalks within the current ADA requirements. The City of Monticello has adopted criteria for replacement to maintain safe and passable sidewalks, which can be viewed within the City of Monticello Code of Ordinances, Chapter 136.



The inspector marks an orange [X] or [X] < X] for a continuous string of defective sidewalk squares which meet one or more of the following criteria:

- A. Vertical separations equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
- B. Horizontal separations equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
- C. Holes or depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more and at least four (4) inches in diameter.
- D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ( $\frac{1}{2}$ ) inch or more.
- E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ( $\frac{3}{4}$ ) inch or more.
- F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
- G. A sidewalk with any part thereof missing to the full depth.
- H. A change in the grade equal or greater than three-fourths ( $\frac{3}{4}$ ) inch.

The inspector reports deficiencies to the property owner on the Sidewalk Inspection Report which is mailed to the property owner's address. The attached sidewalk

inspection form will be utilized to document the process. Property owners adjacent to sidewalks that are marked for repair are notified of their responsibility to repair the sidewalk through a notification letter as identified above that is sent to the owner of record as listed at the Jones County Assessor's Office.

Property owners notified of defective panels will be mailed through regular mail the following documents; Sidewalk inspection report, Letter indicating inspection standards with repair time frames, and blank sidewalk construction permit.

In the event a property owner has questions or concerns regarding the identification or notification of a panel (s) that are out of compliance, the property owner must notify City Hall and request a follow-up visit with City Staff.

## **REPAIR BEST PRACTICES**

Sidewalks panels that are identified as defective are typically best suited for complete replacement. On occasion, deficiencies may be resolved by making repairs in lieu of the replacement of the panels. Additional options for repairs are permissible and the options available are dependent on the contractor that is selected by the property owner.

**Crack Filling:** Crack filling is done primarily to seal concrete cracks to prevent moisture from penetrating the base, causing additional crack widening and uneven settlement. Crack filling is appropriate when horizontal separations are at or less than  $\frac{3}{4}$ "

**Mud Jacking:** Mud Jacking is used to correct differential settlement between concrete panels. It is appropriate where individual panels are in relatively good condition by have horizontal separations.

**Concrete Planing:** Concrete planing is another method of addressing horizontal separations. Raised edges may be ground down the width of panel to remove the "trip hazard".

## **Repair Process**

After the inspection occurs, property owners will be given 90 days from the date of mailing to complete the required repairs. Extensions are permitted providing a request for an extension from the property owner with a reasonable explanation

authorized by City Staff. Property owners will select a contractor of their choosing to make the necessary repairs.

A follow up inspection will occur for all identified panels after 90 days. Property Owners who have not made the required repairs will receive a second follow up notification by Certified Mail. Property Owners will be given an additional 30 days to make the repairs.

A follow up inspection will occur for all identified panels that were not completed within the second notification after 30 days. All repairs not completed will be organized for a designated contractor to complete.

**\*\*An earlier deadline may be given dependent upon the severity of the condition of the sidewalk.**

After completion, the City Clerk will follow the assessment procedures as identified. Payment plans may be requested, but subject to City Council Approval based upon financial need.

**136.08 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

**136.09 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa. (Code of Iowa, Sec. 384.38)

**136.04 NOTICE OF ASSESSMENT OF REPAIR OR CLEANING COST.** Upon the filing of the verified statement, the Clerk shall cause a notice of such facts to be given to the owner of the abutting property either by personal service or by mailing a notice to the last known address of the owner. The notice shall contain a statement of the character of the work performed, a description of the property affected, the amount returned against such lot or parcel of ground, and a statement that the person may pay the amount assessed by a certain date without interest or penalty. The notice shall also indicate that the person may object to such assessment

and the notice shall state the place and time at which the Council will hear such objections. The time set for hearing shall be not less than 10 days after the service or mailing of said notice.

136.05 HEARING AND ASSESSMENT. At the time and place designated in such notice, the Council shall meet, hear and consider all objections to the whole or any part of such assessment, and shall correct all errors or omissions therein, and after such considerations, the Council shall adopt the corrected list as the amounts to be assessed against the property therein described.

136.06 BILLING AND CERTIFYING TO COUNTY. If, after the adoption by the Council of the final assessment against each lot, part of lot or parcel of land, any assessment or any part thereof remains unpaid for over 30 days after the Council determination of correct charges, the Clerk shall certify to the County Auditor as a special tax against the lot, part of lot or parcel of ground all unpaid amounts, which shall constitute a lien and be collected by the County Treasurer in the same manner as all other taxes. Any assessment which exceeds \$100.00 may be paid in installments as set by Council, not to exceed 10, in the same manner and at the same interest rates as for special assessments under Chapter 384 of the Code of Iowa. No Commented [AF165]: MC plus former 50.02(7) Commented [AF166]: MC – blended with former 136.12 Commented [AF167]: Moved from 136.13 Commented [AF168]: Moved from 136.14 CHAPTER 136 SIDEWALK REGULATIONS CODE OF ORDINANCES, MONTICELLO, IOWA - 685 - interest shall be charged for assessments or part thereof, paid within 30 days of the time that the Council determined the final amounts.

## **SPECIFICATIONS**

136.10 STANDARD SIDEWALK SPECIFICATIONS. The City Engineer shall prepare full and complete plans and specifications for the construction of sidewalks and driving crossings in the same which, upon approval by the Council, shall be on file in the office of the Clerk. All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Engineer, and in accordance with the plans and specifications prepared by the City Engineer's office and approved by the Council.

136.11 SIDEWALK GRADES. All sidewalk grades shall be the grade of the top of the surface of the walk at the edge of the walk nearest to the property line. All sidewalks and terraces between the sidewalks and curbs shall have a uniform grade of two and one-half percent or three-tenths of an inch to the foot from the inside of the walk sloping to the outside of the curb unless otherwise ordered by resolution of the Council. The construction of permanent sidewalks shall

not be made until the bed of the same has been graded so that, when completed, such sidewalk will be at the established grade by the engineer. 136.12 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City. 136.13 INSPECTION OF PRIVATE WORK; REMEDIES. All sidewalk improvements shall be done under the direction and supervision of the City Engineer and subject to the inspection and approval of the engineer. Whenever any sidewalk improvements are made which do not conform to the provisions of this chapter and with the specifications herein referred to,

## **City responsibilities**

City causes: If the damage to the sidewalk is caused by a City owned item, i.e. a water main valve (not a service valve), a sewer manhole located within the sidewalk, the City will take responsibility for the repair of the sidewalk directly as long as the damage is directly attributable to the item. Just because a City-owned item is present does not automatically mean that the item is the cause of the damage. Each situation will be evaluated individually by City staff.

Resident is not responsible for sections connecting the sidewalk to the street

Sidewalks Crossing City Alley's will be the responsibility of the City to replace.

Sidewalk Approaches that are currently not ADA compliant will be made ADA compliant and will be the responsibility of the City if there is currently and adjacent sidewalk that continues. If no adjacent sidewalk exists, and there is no ramp access, it will be the responsibility of the property owner.

## **INFILL**

In addition to repair and maintenance, the City will also work to identify, evaluate, prioritize, and make recommendations for the infill of missing sections of sidewalk throughout the community. Making key connections of sidewalks to increase the walkability or accessibility of the community is a priority.

The City of Monticello has directed the coordination of a sidewalk committee to establish criteria for the prioritization of sidewalk construction projects. The committee will provide for recommendations to the City Council that will prioritize sidewalk infill improvements in a manner that provides the greatest short- and medium-term benefits. These improvements will be prioritized by their ability to allow all children to walk to school safely. Additionally, access to critical infrastructure such as parks, government buildings, and shopping necessities will factor into the prioritization. Further criteria will be used in establishing priority projects, such as;

- Existing level of non-motorized traffic
  - Continuity with existing sidewalks
- Presence or Absence of viable alternative routes for non-motorized traffic
  - Ancillary costs associated with the proposed infill

## **PROCEDURE**

The sidewalk committee, using the above listed factors, will identify, evaluate, and prepare a recommendation to be presented to the City Council. Since infill projects will be at the direction of the City Council to improve overall quality of life for the residents, the following financial considerations will be established as part of this sidewalk policy;

All infill will be recommended as a 50/50 cost share between property owner and City. The cost share will apply strictly to the material and labor costs of the sidewalk adjacent to the property owner's property. The cost will be established through the receipt of bids or quotations from authorized contractors. Additional costs, such as additional grading, tree removal, retaining walls, culverts, etc., will be at the full expense to the City.

In the event the property owner wishes to complete the installation themselves or through a privately arranged contractor, the City will authorize the infill to be completed. The property owner may submit and invoice and the City will reimburse 50% of the costs, not to exceed 50% of the cost of the original project cost unless authorized prior to completion.

In recognizing that trees are vital for improving quality of life, if a tree is required to be removed from a property, the tree board will work with the property owner to replace trees at the City's expense.

The City will allow property owners to participate in a payment plan as authorized by the City Council.

If the recommendation of the infill of sidewalk is approved by the City Council, yet the property owner declines to participate in the voluntary infill program, the City maintains the authority under Chapter 136.09 to order sidewalks be installed at the expense of the property owner while following the designated assessment procedures.

There are some considerations for improvements to our current program and additional ways to minimize City liability.

1. The City should consider formally approving the sidewalk policy program after identifying any areas of concern.
2. Determine if more "follow up" is needed during the permitting process including an inspection of forms prior to pouring any concrete.
3. Consider whether City wants to get a "fresh start" with sidewalks, and instead of asking residents to pay, do a complete inspection of all four wards, update/repair of walks at City expense, with notice to property owners of anticipated/planned projects moving forward.

This option would be difficult seeing that we have spent the last 5 years getting residents accustomed to this new program, and forced several residents and businesses to make repairs and not provided any financial assistance. For the City to make all necessary repairs would not only be a huge financial undertaking, but also may result in some unhappy people who were forced to make repairs in the last 5 years.

4. Consider receiving an estimate from a contractor in advance to provide the work at a set rate per sidewalk panel and offer to arrange for the completion of the repairs once the initial notices are sent out.

I think the benefit here just leaves a homeowner with less decisions to make on their own which can cause them to fail to take any action. The more steps we take care of in the process may result in quicker compliance and a more unified repair. This consideration does involve us taking more action and more coordination from a staff standpoint that is already difficult given the secondary nature of sidewalk enforcement.

5. If residents allowed to do own work, be sure to have forms inspected in advance of pouring concrete for compliance by someone that would know what they are looking for (ECIA maybe, City PW maybe, City Engineer, etc.)

We are currently only inspecting the sidewalk forms where the City is contacted in advance. We are not keeping track of the repair process unless we are specifically notified by a property owner by way of a construction permit. This is another area that we could do a better job staying involved throughout the entire process, but does require more staff time.

6. Consider checking with City Engineer regarding design standards that may require what is called a “passing zone” under the ADA for wheelchairs when a 4’ sidewalk goes for a certain length. (Sidewalks should be at least 5 ft wide to accommodate two people walking side by side and to allow for encroachment from snow, grass, and shrubs. If sidewalks are less than 60 in wide, passing areas must be built every 200 ft. According to the Access Board, ADA sidewalk passing spaces must be at least 60 in by 60 in, or they can be T-shaped with each stem at )

If we were to force the installation of passing zones, we may want to consider this being at the City’s expense.

7. Consider whether the City would benefit from 5’ sidewalks in certain high traffic areas, and in those cases whether City would pay for the extra 1’ in width.
8. Consider whether there are any stretches of “sidewalks to nowhere”, where instead of repairing/replacing it makes more sense to remove.
- 7 Consider a City ‘loan’ program, where City pays for sidewalk repairs and owner agrees to reimburse the City over time (\$50-\$100 per month at \_\_%, etc.)

Sincerely,

Britt