

CITY OF MONONA
SPECIAL MEETING
11.22.2023CITY OF MONONA
SPECIAL COUNCIL MEETING
WEDNESDAY,
NOVEMBER 22, 2023

The Monona, Iowa, City Council met in special session Wednesday, November 22, 2023, at 5:15 p.m. in Monona City Hall Council Chambers. Mayor Grant Langhus presided with John Elledge, Bridget Schlein, Andrew Meyer, Preston Landt, and Timothy Wright present. Guests Present: None

1. Approve Agenda
It was moved by Meyer, seconded by Elledge to approve the agenda as written. Carried Unanimously
2. Resolution #2023-31 to Accept and Approve 2022/2023 Annual Urban Renewal Report for Fiscal Year Ending June 30, 2023

City Administrator Collins explained the current Tax Increment Financing (TIF) projects that the city currently has going and what the TIF money is used for. It was then moved by Elledge, seconded by Schlein to approve Resolution #2023-31. ROLL CALL: Ayes – Five, Nays – None; resolution approved.

3. Reevaluate Community Center Rental Fees

After previously being tabled, Administrator Collins presented the council with three different "Rental & Security Deposit Fee" for the community center. After some discussion it was moved by Meyer, seconded by Elledge to change four of the nine scheduled fees: Monona Renter for 51 to 100 people will pay \$100.00 Usage rent and \$100 deposit and over 100 people will go the \$200 usage rent and \$200 deposit. MFL MarMac renter with 51 to 100 people will pay \$125 for rent and \$125 deposit. Renters outside the MFL MarMac school with between 51 to 100 people will pay \$300 usage rent and \$300 deposit. Carried Unanimously.

There being no further business, Mayor Langhus declared the meeting adjourned at 5:25 p.m.

Barbara Collins,
City Administrator
Published in The Outlook, Monona on December 6, 2023.

IOWA DISTRICT
COURT CLAYTON
COUNTY
PROBATE OF WILL –
JASON JOHN WINTERTHE IOWA DISTRICT COURT
FOR CLAYTON COUNTY
CASE NO. ESPR007732
NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF
EXECUTOR, AND NOTICE
TO CREDITORS

IN THE MATTER OF
THE ESTATE OF
JASON JOHN WINTER, Deceased
To All Persons Interested in the Estate of Jason John Winter, Deceased, who died on or about September 1, 2023:

You are hereby notified that on November 27, 2023, the Last Will and Testament of Jason J. Winter, deceased, bearing date of October 1, 2010, was admitted to probate in the above named court and that Kelly L. Winter was appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated November 27, 2023.
/s/ Kelly L. Winter, Executor
207 Natures Drive,
McGregor, IA 52157

/s/ Gregory J. Schiller, ICIS#8401
Attorney for Executor
Schiller Law Office
105 W. Center Street
Monona, IA 52159

Date of second publication December 13, 2023.

Published in The Outlook, Monona on Dec. 6 and Dec. 13, 2023.

MINUTES 11.21.2023 CLAYTON COUNTY BOARD OF SUPERVISORS

November 21, 2023

Meeting of the Clayton County Board of Supervisors at 600 Gunder Road NE, Elkader, Iowa. Present: Steve Doepcke, Ray Peterson, and Doug Reimer
Guests: Samantha Rumph, Justin Williams, Patti Ruff, Jenna Pollock, Sue Meyer, Casey Stickfort, and Jennifer Garms.

Doepcke moved, Reimer seconded to approve the meeting minutes from the November 14, 2023. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Reimer moved, Doepcke seconded to approve the claims as presented totaling \$166,960.97. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Reimer moved, Doepcke seconded to approve the lighting replacement on the courthouse clocktower from Wulfekuhle Electric for \$1,140.00. Ayes: Doepcke, Peterson, Reimer. Motion carried. A bid of \$1,260.00 from Kregel Electric was also considered.

Reimer moved, Doepcke seconded to approve a Special Class C Retail Native Wine License with Outdoor Service for Jennings Winery. Ayes: Doepcke, Peterson, Reimer. Motion carried.

The Board of Supervisors and Jennifer Garms, County Auditor, met as a Board of Canvassers, as provided by law, and canvassed the election returns from the City/School Election held November 7,

2023. The result of said canvass is as follows:

MFL MarMac School Director At-Large
Chris Hoffert: Received Three Hundred and Thirty-Four (334) votes

Marti Post: Received Three Hundred and Thirty-Five (335) votes
Jonna Schutte: Received Two Hundred and Seventy-One (271) votes

Tonya Meyer: Received Three Hundred and Sixty-Five (365) votes
Danielle Schlake: Received Three Hundred and Forty-Nine (349) votes

Roberta Hass: Received Four Hundred and Four (404) votes
Scattering: Received Four (4) votes

Total: Two Thousand and Sixty-Two (2,062) votes

We therefore declare Tonya Meyer, Danielle Schlake, and Roberta Hass to be duly elected for the office of MFL MarMac Ridge School Director At-Large. Combined totals from Allamakee and Clayton counties.

Starmont School Director At-Large
Jason Gearhart: Received Three Hundred and Ninety (390) votes

Julie Uhlenkamp: Received Four Hundred and Ten (410) votes
Anthony Recker: Received Three Hundred and Seventy-Five (375) votes

Douglas Puffett: Received Three

Hundred and Fifty-Five (355) votes

Scattering: Received Seventeen (17) votes
Total: One Thousand Five Hundred and Forty-Seven (1,547) votes

We therefore declare Jason Gearhart, Julie Uhlenkamp, and Anthony Recker to be duly elected for the office of Starmont School Director At-Large. Combined totals from Buchanan, Delaware, Fayette, and Clayton counties.

The Board reconvened as the Board of Supervisors.

Peterson moved, Reimer seconded to approve the Tier 2 canvass of the City/School Election held November 7, 2023. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Reimer moved, Doepcke seconded to accept and place on file the Post-Election Audit Report & Auditor Certification for the City/School Election held November 7, 2023. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Reimer moved, Doepcke seconded to approve and authorize the chair to sign a lease agreement for the McGregor Radio Tower Site with Dennis and Sue Regal with rent beginning at \$600.00 per month. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Doepcke moved, Reimer seconded to approve and authorize the chair to sign a license agreement for the Tower and Ground Space with NEIT Properties LLC with rent beginning at \$1,000.00 per month.

Ayes: Doepcke, Peterson, Reimer. Motion carried.

Ebony Cooksey discussed with the Board the possibility of NextLink Internet Broadband Development in the county's underserved areas.

Reimer moved, Doepcke seconded to authorize the purchase of two Western Start/Henderson Trucks at \$295,071.00 each. Ayes: Doepcke, Peterson, Reimer. Motion carried. A Caterpillar 140AWD Motor-grader for \$324,750.00 was also considered.

The Board received the resignation of Elise Bergan from the Planning and Zoning Commission. This creates a vacancy for a term expiring December 31, 2026.

The Board reviewed projects to be paid with American Rescue Plan Act funds. Reimer moved, Doepcke seconded to allocate the payment to Marvin Schrock for the interior space of the Emergency Management/Maintenance Building from American Rescue Plan Act funds. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Due to agenda item discussion, the Board was unable to attend the department head meeting.

/s/ Ray Peterson,
Board of Supervisors Chair

Attest: Jennifer Garms,
Clayton County Auditor

Published in The Outlook, Monona on December 6, 2023.

ORDINANCE NO. 430-23 CITY OF MONONA

ORDINANCE NO. 430-23
AN ORDINANCE AMENDING
THE CODE OF ORDINANCES
OF THE CITY OF
MONONA, IOWA, BY AMENDING
PROVISIONS PERTAINING
TO LIQUOR
LICENSES AND CIGARETTE
AND TOBACCO PERMITS

Be It Enacted by the City Council of the City of Monona, Iowa:

SECTION 1. SECTION MODIFIED. Section 120.04 of the Code of Ordinances of the

City of Monona, Iowa, is repealed and the following adopted in lieu thereof:

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Iowa Department of Revenue.

(Code of Iowa, Sec. 123.32[2])
SECTION 2. SECTION MODIFIED. Section 120.05 of the Code of Ordinances of the

City of Monona, Iowa, is repealed and the following adopted in lieu thereof:

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.
(Code of Iowa, Sec. 123.49[1])
2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.
(Code of Iowa, Sec. 123.49[2b])

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.
(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold, except as follows:

A. Definitions. For use in this subsection the following terms are defined as follows:

(1) "Bar" means an establishment where one may purchase alcoholic beverages for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.
(Code of Iowa, Sec. 142D.2[1])

(2) "Restaurant" means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.
(Code of Iowa, Sec. 142D.2[17])

B. This subsection shall not apply if the employer has, on file, written permission from the parent, guardian, or legal custodian of a person 16 or 17 years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person 16 or 17 years of age shall not work in a bar as defined in Paragraph A.

(1) The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the

sale of or serving alcoholic beverages for consumption on the premises where sold.

(2) If written permission is on file in accordance with Paragraph B, a person 16 or 17 years of age may sell or serve alcoholic beverages in a restaurant as defined above in Paragraph A during the hours in which the restaurant serves food.

C. A person 16 or 17 years of age shall not sell or serve alcoholic beverages under this subsection unless at least two employees 18 years of age or older are physically present in the area where alcoholic beverages are sold or served.

D. If a person employed under this subsection reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee's parent, guardian, or legal custodian and to the Iowa Civil Rights Commission, which shall determine if any action is necessary or appropriate under Chapter 216 of the Code of Iowa.

E. An employer that employs a person under this subsection shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

F. Prior to a person commencing employment under this subsection, the employer shall notify the employer's dramshop liability insurer, in a form and time period prescribed by the Director, that the employer is employing a person under this subsection.

(Code of Iowa, Sec. 123.49[2f])
5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2j])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license.
(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.
(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Iowa Department of Revenue and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Iowa Department of Revenue.
(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.
(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.
(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used

to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2k])
SECTION 3. SECTION MODIFIED. Section 121.05 of the Code of Ordinances of the City of Monona, Iowa, is repealed and the following adopted in lieu thereof:

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Iowa Department of Revenue within 30 days of issuance of a permit.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 23rd day of October 2023, and approved this 23rd day of October, 2023.

/s/ Grant Langhus, Mayor

ATTEST:
/s/ Barbara Collins, City Clerk
First Reading: 10-23-23
Second Reading: Waived
Third Reading: Waived
Published in The Outlook, Monona on December 6, 2023.

ORDINANCE NO. 431-23 CITY OF MONONA

ORDINANCE NO. 431-23
AN ORDINANCE AMENDING
THE CODE OF ORDINANCES
OF THE CITY OF
MONONA, IOWA, BY AMENDING
PROVISIONS PERTAINING
TO FISCAL MANAGEMENT

Be It Enacted by the City Council of the City of Monona, Iowa:

SECTION 1. SECTION MODIFIED. Section 7.05 of the Code of Ordinances of the City of Monona, Iowa, is repealed and the following adopted in lieu thereof:

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Annual Statement.
(Code of Iowa, Sec. 24.2A[2])

A. On or before March 15 of each year, the City shall file, with the Department of Management, a report containing all necessary information for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 20, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2(2)(B)(1-9) of the Code of Iowa.

C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City's proposed property tax amount for the budget year and the City's information included in the statements under Paragraph B. At the hearing, the Council shall receive oral or written testimony from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget.

(1) Notice of the public hearing shall be published not less than 10 nor more than 20 days prior to the hearing, in a newspaper published at least once weekly and having general circulation in the City. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(2) Notice of the hearing shall also

be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices and copies of the statements mailed under this section.

(3) Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice.

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until the requirements, of Subsection 4 of this section, are completed, the Council shall set a time and place for public hearing on the budget to be held before April 30 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the Code of Iowa, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection must be filed with the County Auditor.
(Code of Iowa, Sec. 384.16[3])

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organi-

zations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])
8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing, unless an additional tax levy is approved at a City election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.
(Code of Iowa, Sec. 384.16[5])

SECTION 2. SECTION MODIFIED. Section 7.08 of the Code of Ordinances of the City of Monona, Iowa, is repealed and the following adopted in lieu thereof:

7.08 FINANCIAL REPORTS. The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.

2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year.

The Annual Financial Report shall be prepared on forms and pursuant to instructions prescribed by the Auditor of State. Beginning with the Annual Financial Report pub-

lished by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the City during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the City or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.
(Code of Iowa, Sec. 384.22)

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 23rd day of October, 2023, and approved this 23rd day of October, 2023.

/s/ Grant Langhus, Mayor

ATTEST:
/s/ Barbara Collins, City Clerk
First Reading: 10-23-23
Second Reading: Waived
Third Reading: Waived
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