

**CITY OF STORM LAKE
REGULAR COUNCIL SESSION MEETING,
CITY HALL
COUNCIL CHAMBERS
JULY 3, 2023
5:00 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

Access to the official meeting can also be done through the following ways:

BY TELEPHONE:

Dial: 1-312-626-6799 or toll-free: 1-888-475-4499

Zoom Meeting ID: 933-2006-3301

BY COMPUTER:

<https://zoom.us/j/93320063301>

Open the Meeting

- **Call to Order**
- **Pledge of Allegiance**
- **Proclamation**

- A. **Consideration of Changes in Agenda and Setting the Agenda**
- B. **Disclosure by City Council Members**
- C. **Hear the Public**
- D. **Consent Agenda**
 - 1. [Consent Agenda](#)
 - 2. [Buy Local Information](#)
 - 3. [SLPD City Code Enforcement Summary](#)
- E. **Unfinished Business**
- F. **New Business**
 - 1. [Motion To Approve Malarkys Noise Variance Request](#)
 - 2. [Resolution No. 01-R-2023-2024 Approving Change Order No. 4 of the Storm Lake Public Library HVAC Renovations](#)
 - 3. [Second Amendment to Agreement with Tyson Foods, Inc.](#)
 - 4. [Rural Child Care Market Study Grant Update](#)
 - 5. [City Council Requested Items](#)
- G. **Adjourn**

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item please approach the podium when that agenda item is called and upon recognition by the Mayor identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda please approach the podium under the "Hear the Public" agenda item and upon recognition by the Mayor identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance, or accessibility please contact the City Clerk at least four (4) hours prior to the start of the meeting.

**If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.*

***Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.*

Find us on Facebook <https://www.facebook.com/cityofstormlake> Follow us on Twitter [@Storm_Lake](https://twitter.com/Storm_Lake)
Find us on the Web at <http://www.stormlake.org>

Staff Summary

07/03/2023

Agenda Item # D.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: Consent Agenda

BACKGROUND:

- List of Bills
- King's Pointe & Sunrise Pointe Disbursements ,
- Approve June 19, 2023 City Council Minutes
- Acknowledge June 22, 2023 Civil Service Minutes and Certify Eligibility List
- Approve Renewal Cigarette Permits for From Earth Wellness, Wal-Mart Store #1526, May Flower Asian Grocery ,Fareway Store #461
- Approve Temporary Liquor License for Storm Lake United, Legendary Hospitality LLC dba Malarkys,
- Renewal Liquor License for El Mexicano
- Approve Band Board Application 2023 - Matt Pearson - 3-year term
- Approve Airport Commission Board Application 2023 - Cynthia Turner - 3-year term
- Approve Buy Local Information
- Approve Storm Lake Police Department City Code Enforcement Update

FISCAL IMPACT:

The City Will Pay The Following Expenditures:

- List of Bills: \$ 2,028,307.77
- King's Pointe & Sunrise Pointe Golf Course Bills: \$283,090.70

The City Will Receive The Following Income: Renewal Liquor & Cigarette License Fees: \$ 950.00

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

[07/03/2023 City Expense Report.pdf](#)
[07/03/2023 King's Pointe Claims 6.15.2023 to 6.28.2023.xlsx](#)
[06/19/2023 City Council Minutes.pdf](#)
[Storm Lake United Liquor Application 2023.pdf](#)
[Legendary Hospitality, LLC dba Malarkys Pub Liquor Application.pdf](#)
[El Mexicano Liquor Application 2023.pdf](#)
[Matt Pearson - Band Board Application 2023 - 3 Year Term.pdf](#)

Cynthia Turner - Airport Commission Application 2023 - 3 Year Term.pdf
20230622 - Civil Service Minutes.docx
Eligibility List - Civil Service
Fom Earth Wellness Cigarette Application 2023.pdf
Walmart Inc Store #1526 Cigarette Application 2023.pdf
May Flower Asian Grocery Cigarette Application 2023.pdf
Fareway Store #461 Cigarette Application 2023.pdf

Storm Lake, IA

Payment Date Range: 06/22/2023 - 07/05/2023



Vendor Name	Vendor Number	Payable Description	Total Payments
BVC			
Buena Vista County Attorney	001144	Forfeit #23-000130	399.63
Buena Vista County Solid Waste	001035	1st Qtr FY2024 Assessment	95,839.02
Control System Specialists, LLC	001013	Filter Replacement	206.00
Justin Harrington	002064	Trucking Services	275.79
Power Solutions, Inc	001465	CG Shed Electrical Work	6,513.55
Randall Pedersen	002155	1212 Erie Street Main Repairs	2,120.00
Storm Lake Garage Door Service, LLC	002067	Shop Door Repairs	86.00
		BVC Total:	105,439.99
Contract/Agreement			
Empire Excavation	002241	Pay #4 of W 6th Utility Ext	44,676.91
Storm Lake Public Library Gallery Guild In	001361	FY2024 Outside Agency- Mosaic Art	19,800.00
		Contract/Agreement Total:	64,476.91
Local			
Arnold Motor Supply, LLP	001007	Supplies	2,099.89
Bomgaars Supply, Inc	001151	Supplies	4,549.39
Culligan Water Storm Lake	001071	Water Supplies	86.25
Edwards Storm Lake	001114	Water Pump Replacement	483.41
Fastenal Company	001033	Supplies	168.53
Graffix Inc	001187	SL 150th Shirts	4,352.10
Hawk-I Plumbing Inc	002004	Snack Shack HVAC	19,928.16
Hy-Vee, Inc	001152	Supplies	42.99
Iowa Office Supply Inc	001037	Stapler	44.84
Jones Nursery, LLC	002337	Planter Supplies	186.99
King's Pointe Resort	001110	NWILOC Meeting	1,265.00
L & G Products, Inc	001099	Fertilizer	184.05
L & S Concrete LLC	002333	Kiwanis Park Pickleball Court Concrete	13,000.00
Michael P. Reinert	001079	Bolt Ear Repairs	515.70
Plumbing & Heating Wholesale, Inc	001126	Supplies	85.62
Qwest Corporation	001070	Phone Service	253.90
Rebnord Technologies, Inc	001091	FY2024 Renewals & Tech	276,644.44
Reding's Gravel & Excavating Co., Inc	001132	Rock	1,648.74
Rent-All, Inc	001210	Trencher	139.50
Smith Concrete Service Inc	001134	Concrete	11,311.05
Stanton Electric, Inc	001264	Lights	341.61
Star Spangled Spectacular	002326	FY2024 Outside Agency Funding- July 4th Ce	6,000.00
Stille Pierce & Pertzborn	001294	Insurance Audit	23,482.00
Storm Lake Hydraulics Co, Inc	001089	Hyd Hose	97.42
Storm Lake Industrial Corporation	001198	SL Bucks	100.00
The Storm Lake Times	001214	May 2023 Publications	1,714.63
Vanish LLC	001212	May 2023 Towing Services	3,140.00
Vetter Equipment	001098	Supplies	328.45
Visual Edge Inc	001063	Toner	302.71
WalMart #01-1526	001153	Supplies	1,425.22
		Local Total:	373,922.59
Non-Local			
911 Systems, LLC	002335	Alert Systems	277.50
ABC Pest Control, Inc	001078	Pest Control Services	47.90
Ahlers & Cooney, P.C.	001023	2023 UR Revenue Cap Loan Note	26,992.08
Aquatic Informatics Inc	002305	WIMS Subscription	5,796.00
Atomic Music Group LLC	002312	8/10/2023 Event Down	2,000.00

Buy Local_v1

Vendor Name	Vendor Number	Payable Description	Total Payments
Aurelia Lumber Company Inc	001827	Supplies	138.08
Axon Enterprises, Inc	001049	Taser Cartridges	1,582.70
BSN Sports, Inc	001617	Scoreboard	4,200.00
Builders Sharpening & Service LLC	001011	Supplies	497.66
Carco Automotive Inc	002044	2022 Kenworth T370	331,325.00
Central Iowa Distributing, Inc	001026	Cleaning Supplies	1,626.20
Cintas First Aid & Safety	001094	First Aid Supplies	39.14
Civic Plus	001706	Annual Subscription	15,975.90
Collection Services Center	001039	Child Support payments	442.07
Core & Main LP	002000	Testing Supplies	2,719.83
CTK Group LLC	002010	Evidence Based Training- Salinas	500.00
Dale Vitito	001061	Uniform	1,599.64
Davis Equipment Corporation	001113	Supplies	31.45
Digital Ally Inc	001394	FY2024 Subscription	22,536.00
Eastern Aviation Fuels, Inc	001030	Filters	1,376.25
Ed M. Feld Equipment Company, Inc	001031	FY2024 SCBA Replacement	21,757.76
EFTPS	001045	Federal withholding taxes	38,390.83
Electric Pump Inc	001032	Supplies	28.63
Engel Agri-Sales, Co	001366	Large Area Mowers	73,197.00
Environmental Resource Associates	001520	Supplies	223.72
Fire Service Training Bureau	001483	FF1- Wells	200.00
Foundation Analytical Laboratory, Inc	001100	Testing Services	2,675.50
Hach Company	001034	Testing Supplies	728.00
HD Supply, Inc	001336	Winch Cable	1,628.66
Hupp Electric Motors	001500	Inspection Services	3,300.00
ICMA Retirement Trust 457	001041	ICMA withholdings	700.00
Imagine the Possibilities, Inc	001883	FY2024 Outside Agency Funding- Waterpark	500.00
Iowa Chapter IAEI	002334	2023 Code Update Reg- Chambers	180.00
Iowa Department of Transportation	001341	Paint	4,582.90
Iowa Dept of Justice	001350	Forfeit #23-000130	150.00
Iowa League of Cities	001117	FY2024 Membership	5,294.00
Iowa Public Employees	001042	IPERS withholdings	19,477.12
Iowa State University	001508	2023 MPA Registration- Martinez	419.00
Iowa Stormwater Education Partnership	001208	FY2024 Membership	3,930.00
J.W. Pepper & Son, Inc	001647	Music	655.99
Linde Inc	001111	Carbon Dioxide	2,291.44
Locality Media, Inc	002181	First Due FY2024 Subscription	8,505.00
Marcus Lumber Company Corp	002011	Supplies	1,371.69
Mass Mutual	001047	457 plan withholding	450.00
Mid Iowa Fountain Service	001628	Awaysis Fountain Repairs	1,550.91
Midwest Breathing Air, LLC	001365	Quarterly Air Testing	712.31
Midwest Underground Supply, LLC	002321	Hydroseeder Unit	24,900.00
Midwestern Mechanical of Iowa, Inc	001819	75% Down- ERV & Pump Replacements	306,643.44
Mississippi Lime Company	001095	Lime	16,476.98
Muni Fire/Police Retire	001043	MFPRSI withholdings	18,999.78
Municipal Supply, Inc	001391	FY2024 Annual Subscription- RNI & SA	30,453.75
NJ Criminal Interdiction LLC	002053	Informant Registration- Cameron, Butler, La	675.00
NW Iowa Planning & Development Comm	001102	FY2024 Dues	7,324.85
Peter Tim Petersen	001680	2023 DNR UST Inspection	1,060.00
Petersen Manufacturing	001088	Concrete Bench	1,974.00
Piper Sandler & Co	001422	\$5.8M TIF Bond Placement Agent Services	128,250.00
Pitney Bowes	001182	Postage Machine Agreement	244.50
Prime Media Acquisition Corp	001287	Supplies	173.60
R & R Products, Inc	001299	Goose Decoys	277.80
Regional Transit Authority	001107	FY2023 Annual Contribution	7,500.00
Salina Vortex Corporation	002331	Diverter	7,987.59
SGS, LLC	002126	Garbage Services	1,290.75
Small Town RV	002332	Supplies	880.65
Steven A Beeck	001083	Window Cleaning Services	43.00

Buy Local_v1

Vendor Name	Vendor Number	Payable Description	Total Payments
The Retail Coach, LLC	002262	Finall Installment of Retail Market	10,000.00
Thompson Electric Company	001829	Reporter Installation	3,898.69
Treasurer State of Iowa	001046	State withholding taxes	6,667.38
Tyler Technologies, Inc	001084	Annual Subscription	36,695.17
Underground Location Company	001194	Locate Services	138.00
Upper Des Moines Opportunity	001631	FY2024 Outside Agency Funding	15,000.00
UPS	001121	Shipping	35.52
Van-Wall Equipment, Inc	001362	Greens Roller	16,475.00
W. W. Grainger, Inc	001085	Pet Waste Bags	1,929.60
		Non-Local Total:	1,258,598.91
Payroll/Refunds			
AFLAC	001038	Aflac withholdngs	544.94
Iowa District Court	002065	Court Garnishment	25.00
		Payroll/Refunds Total:	569.94
		Grand Total:	1,803,008.34

King's Pointe Resort

Claims Publication

From 6/15/2023 to 6/28/2023

Vendor	Description	Amount
360 Custom Designs, LLC	Services	\$ 1,463.38
3E Electrical Eng	Services	\$ 82.43
A&A Automotive Inc	Services	\$ 60.18
ACCO Unlimited Corporation	Supplies	\$ 4,393.24
Alliant Energy	Utilities	\$ 64.66
Alpha Media	Supplies	\$ 400.00
Amazon Capital Services, Inc	Supplies	\$ 1,200.32
Burke Engineering Sales Company	Services	\$ 472.00
Cintas Corporation	Supplies	\$ 1,886.89
Doll Distribution	Beverages	\$ 1,417.90
ECOLAB	Supplies	\$ 628.79
Feld Security	Services	\$ 763.02
Foundation Analytical Lab	Services	\$ 81.50
Frigitec Inc.	Supplies	\$ 901.49
Grainger	Supplies	\$ 28.50
GuestSupply	Supplies	\$ 76.58
Hard Tops of Iowa	Supplies	\$ 1,520.36
Hawk-I Electric	Services	\$ 682.16
Hermel Wholesale	Food	\$ 599.89
HyVee	Beverages	\$ 2,197.64
Imagine The Possibilities Inc	Services	\$ 150.00
Iowa Sportsman	Advertising	\$ 400.00
Johnson Brothers	Beverages	\$ 1,422.25
KAYL/KKIA	Advertising	\$ 315.00
KCAU TV	Advertising	\$ 1,500.00
Kelli's Gift Shop Suppliers	Supplies	\$ 1,079.89
Laurens House of Print, LTD	Services	\$ 472.55
Martin Brothers	Food	\$ 17,150.90
MidAmerican Energy	Utilities	\$ 20,585.39
North American Directory Services LLC	Services	\$ 100.00
Northern Lights	Supplies	\$ 1,045.58
Office Elements	Supplies	\$ 56.83
Olsen Welding & Machine	Services	\$ 15.00
Oscar Rosales	Refund	\$ 500.00
Pepsi Beverages Company	Beverages	\$ 1,468.99
Pinnacle Communications	Supplies	\$ 1,644.40
Plumbing and Heating Wholesale, Inc.	Supplies	\$ 3,655.01
Rebnord Technologies, Inc.	Services	\$ 275.00
Rent-All Inc.	Services	\$ 174.40
Rolloff Dumpster Rental of Iowa INC.	Utilities	\$ 384.76
Sceptre Hospitality Resources, LLC	Services	\$ 2,801.16
Schumacher Elevator Company	Services	\$ 2,796.50

SGS, LLC	Utilities	\$ 60.00
Shift 4	Services	\$ 596.00
Spencer Reporter	Advertising	\$ 395.00
SPRY IT	Services	\$ 75.00
Storm Lake Ace Hardware	Supplies	\$ 1,051.44
Storm Lake Times	Services	\$ 264.00
Sysco Iowa, Inc.	Food	\$ 16,182.93
The Messenger	Advertising	\$ 400.00
Tri-County Special	Services	\$ 200.00
Verizon Wireless	Utilities	\$ 328.02
Vista Paints	Supplies	\$ 107.15
Visual Edge IT, INC	Services	\$ 164.90
Vizergy	Services	\$ 1,241.45
Water Safety Products, Inc.	Supplies	\$ 6,952.11
W-O Mgmt Fee (Mar 2023)	Agreement	\$ 8,876.14
W-O Payroll 6/22	Payroll	\$ 169,282.02
		<u>\$ 283,090.70</u>

CITY OF STORM LAKE REGULAR COUNCIL MEETING, CITY HALL COUNCIL CHAMBERS, JUNE 19, 2023, 5:00 PM

Present: Mayor Michael Porsch, City Council Members, Maria Ramos, Kevin McKinney, Maggie Martinez, Matt Ricklefs, and Tyson Rice. Absent: None.

Staff Present: City Manager Keri Navratil, Assistant City Manager David Derragon, City Attorney Phil Havens, King's Pointe Manager Amy Von Bank, Police Chief Chris Cole, Fire Chief Glenn Schlessler, Public Works Director Matt Beckman, Building and Code Compliance Director Scott Olesen, Library Director Elizabeth Huff, Development Services Specialist Lee Dutfield, Communications Coordinator Dana Larsen, Public Services Supervisor Scott Bonebrake, Public Services Supervisor Brandon Ripke, Finance Director Brian Oakleaf, Staff Accountant Tyler Gibbins and City Clerk Mayra Martinez.

Ryan Thompson with KAYL Radio and Kate Kealey with The Storm Lake Times Pilot.

Mayor Porsch called the meeting to order at 5:00 pm.

Pledge of Allegiance

Agenda - Moved by Council Member Rice to approve setting the agenda as presented. Seconded by Council Member Martinez. Vote: All ayes. Motion carried.

Disclosure by City Council Members – No items at this time.

Council Member Matt Ricklefs arrived at 5:02 pm

Hear the Public - none

Mayor Porsch presented a check in the amount of \$1,615.00 to Maggie Reyes from Upper Des Moines from money collected during the city wide clean up. Maggie thanked the Council and community for the donation. She is very thankful to those who contributed the money, and she said it will be used to help families in need.

Mayor Porsch announced and presented an award to King's Pointe Waterpark Resort and the City of Storm Lake who were recently presented with an inaugural **Service Excellence Award** by the Iowa Travel Industry Partners. The award honors Iowa Tourism Organizations that achieve significant growth by providing exceptional customer service while enhancing the visitor's experience while traveling in Iowa. Amy Von Bank thanked the City Council for the partnership we have, and she appreciates everything the Council does for King's Pointe.

Consent Agenda - Moved by Council Member Ricklefs to approve the List of Bills Check #'s 80016 through 80075, EFT #'s 1149, 1150, 4173 through 4228, DFT #'s 1919 through 1930, King's Pointe Disbursements, approve June 5, 2023, City Council Minutes, renewal liquor licenses for Grand Central Coffee Station LLC, Storm Lake Honda, Puff's, Pizza Hut, approve renewal cigarette permits for Brew #33, Walgreens #11330, Beer Thirty, Sichanh Inc, Caseys #3030, Caseys #3679, Walmart #1526, BLP Pohnpei Market, approve Storm Lake Buddhist Temple noise variance request for July 1st 2023 from 3:00 pm to 1:00 am and on Monday July 3rd from 3:00 pm to 1:00 pm, Storm Lake High School Homecoming Parade permit request for September 15, 2023 at 2:30 pm, Star Spangled Spectacular fireworks permit, approve engagement letter for Attorney Services, Storm Lake Honda Noise Variance

request for July 2, 2023 from 7:00 pm to 11:00 pm, Buy Local information, and approve SLPD City Code Enforcement summary. Seconded by Council Member Ramos. Vote: All ayes. Motion carried.

Unfinished Business – No items at this time.

New Business

Water Rate Schedule - Moved by Council Member McKinney to adopt third and final reading of Ordinance No. 13-O-2022-2023 providing for a new water rate schedule. Seconded by Council Member Rice. Roll call vote: All ayes. Motion carried.

ORDINANCE NO. 13-O-2022-2023

ORDINANCE AMENDING CHAPTER 3-5 OF TITLE III OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED “WATER RATES,” TO PROVIDE FOR NEW RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WATER RATES AND NEW MINIMUM RATES

WHEREAS, the City’s water rates, set out in Section 3-5-1 in Chapter 3-5 of the City Code, need to be adjusted to reflect current costs and expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1: AMENDMENTS TO SECTION 3-5-1: Chapter 3-5 of Title III of the City Code of the City of Storm Lake, Iowa, is hereby amended by striking Section 3-5-1 of such Chapter and substituting in lieu thereof the following new Section 3-5-1:

Section 3-5-1 Water Rates

Effective for billings made on or after July 1, 2022, and before July 1, 2023, water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$15.26 for the first 1,500 gallons.

\$4.57 per 1,000 gallons for all water used in excess of 1,500 gallons.

(B) Commercial and Industrial rates:

A base rate of \$15.26 for the first 1,500 gallons.

\$4.57 per 1,000 gallons for the next 8,500 gallons.

\$3.30 per 1,000 gallons for the next 150,000 gallons.

\$3.15 per 1,000 gallons for the next 840,000 gallons.

\$3.73 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2023, and before July 1, 2024, water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$16.33 for the first 1,500 gallons.

\$4.89 per 1,000 gallons for all water used in excess of 1,500 gallons.

(B) Commercial and Industrial rates:

- A base rate of \$16.33 for the first 1,500 gallons.
- \$4.89 per 1,000 gallons for the next 8,500 gallons.
- \$3.53 per 1,000 gallons for the next 150,000 gallons.
- \$3.37 per 1,000 gallons for the next 840,000 gallons.
- \$3.99 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2024, water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

- A base rate of \$17.47 for the first 1,500 gallons.
- \$5.23 per 1,000 gallons for all water used in excess of 1,500 gallons.

(B) Commercial and Industrial rates:

- A base rate of \$17.47 for the first 1,500 gallons.
- \$5.23 per 1,000 gallons for the next 8,500 gallons.
- \$3.78 per 1,000 gallons for the next 150,000 gallons.
- \$3.61 per 1,000 gallons for the next 840,000 gallons.
- \$4.27 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

The City Council may, by written contract, provide for commercial and industrial rates that are at variance with those set forth above if those same contracts provide long term guarantees that minimum payments will be made to the city to cover future bonded indebtedness during the term of the contract.

(C) If a single meter serves a property or area containing one or more multiple dwellings, or an area or property with several residential dwellings, the residential rate shall apply.

(D) If a single meter serves an area or property that is used for both residential purposes and for commercial and industrial purposes, the rate for the use that constitutes the majority of the consumption of water shall be used; or, the City Council may order that separate meters be installed to measure the water consumed by each such use.

(E) Effective July 1, 2022, the minimum monthly rate for each user of 1,500 gallons or less shall be \$15.26 per user; effective July 1, 2023, the minimum monthly rate for each user of 1,500 gallons or less shall be \$16.33 per user; and effective July 1, 2024, the minimum monthly rate for each user of 1,500 gallons or less shall be \$17.47 per user. If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the minimum rate shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling includes separate apartments, condominiums, mobile homes or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel rooms, motel rooms or boarding rooms without separate kitchen and bath facilities.

(F) Residential Consumer shall be charged the Residential Rates specified above. A Commercial Consumer and an Industrial Consumer shall each be charged the Commercial and Industrial Rates specified above. For purposes of this Section 3-5-1, the following definitions apply:

1. "RESIDENTIAL CONSUMER": A consumer purchasing water for single or multi-family dwelling units whether or not such units are used exclusively for family living purposes.
2. "COMMERCIAL CONSUMER": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is less than one hundred sixty thousand (160,000) gallons per month.
3. "INDUSTRIAL CONSUMERS": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is more than one hundred sixty thousand (160,000) gallons per month.

SECTION 2. REPEALER: All ordinances or parts of ordinances of the City of Storm Lake, Iowa in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 19th day of June, 2023.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Sewer Rate Schedule - Moved by Council Member Ricklefs to adopt third and final reading of Ordinance No. 14-O-2022-2023 providing for a new sewer rate schedule. Seconded by Council Member Ramos. Roll call vote: All ayes. Motion carried.

ORDINANCE NO. 14-O-2022-2023

ORDINANCE AMENDING CHAPTER 3-3 OF TITLE III OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED "SEWER RATES," TO PROVIDE FOR NEW RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SEWER RATES AND NEW MINIMUM RATES

WHEREAS, the City's sewer rates, set out in Section 3-3-4 in Chapter 3-3 of the City Code need to be adjusted to reflect current costs and expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

SECTION 1: AMENDMENTS TO SECTION 3-3-4: Chapter 3-3 of Title III of the City Code of the City of Storm Lake, Iowa, is hereby amended by striking Section 3-3-4 of such Chapter and substituting in lieu thereof the following new Section 3-3-4:

Section 3-3-4 Rate Schedule

- (A) Each user shall pay for the services provided by the City based on the user's use of the treatment works as determined by water meter(s) acceptable to the City.
- (B) Each contributor shall pay a base user charge of twenty-three dollars and eighty-seven cents (\$23.87) per month per water meter utilized by such contributor and which charge shall be in addition to the charges set forth in subsections (D) and (E) which follow.

In addition, the base user charge shall automatically increase effective July 1, 2023 to twenty-five dollars and fifty-four cents (\$25.54) per month per water meter utilized by such contributor; and shall increase effective July 1, 2024 to twenty-seven dollars and thirty-three cents (\$27.33) per month per water meter utilized by such contributor.

If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the base user charge shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling unit includes separate apartments, condominiums, mobile homes, or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel or motel rooms, or boarding rooms without separate kitchen and bath facilities.

(C) Amount of hydraulic loading subject to user charge:

1. In addition to the base rate, all residential contributors shall pay monthly user charges which shall be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a residential contributor uses water for lawn watering which is not returned to the collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.
2. In addition to the base rate, all industrial and commercial contributors, which shall include all contributors who do not qualify as residential contributors, shall pay monthly user charges which shall be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

(D) Each contributor shall pay a user service charge for operation and maintenance including replacement and debt service of four dollars and fifty-nine cents (\$4.59) per one thousand (1,000) gallons of water (or wastewater) used as determined in Subsection (A) of this Section 3-3-4. In addition, the user service charge for operation and maintenance including replacement and debt service shall increase effective July 1, 2023 to four dollars and ninety-one cents (\$4.91) per one thousand (1,000) gallons of water (or wastewater) used as determined in Subsection (A) of this Section 3-3-4. In addition, the user service charge for operation and maintenance including

replacement and debt service shall increase effective July 1, 2024 to five dollars and twenty-five cents (\$5.25) per one thousand (1,000) gallons of water (or wastewater) used as determined in Subsection (A) of this Section 3-3-4.

(E) For those contributors who contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge shall be paid. The surcharge for operation and maintenance including replacement is:

\$.54 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective July 1, 2023, \$.58 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective July 1, 2024, \$.62 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

\$.43 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective July 1, 2023, \$.46 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective July 1, 2024, \$.49 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

\$2.04 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective July 1, 2023, \$2.18 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective July 1, 2024, \$2.33 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

(F) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.

(G) The user charge rates established in this Section apply to all users of the domestic wastewater treatment facility located within the City limits. User charge rates for contributors outside of the City limits whose rates are not established by contract shall be as determined by resolution of the Council, but they shall not be less than the user charge rates established for users located within the City limits. User charge rates for contributors located outside the City limits which are presently established by contract shall be honored for the duration of the contract but no renewal or modification of that contract shall be made which does not provide that the contributor shall pay user charge rates at least equal to those charged to users located within the City limits.

SECTION 2. REPEALER: All ordinances or parts of ordinances of the City of Storm Lake, Iowa in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 19th day of June, 2023.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

RAGBRAI 2023 REGULATIONS - Moved by Council Member Ramos to waive 1st reading of Ordinance No 15-O-2022-2023 amending the Code of Ordinance of the City of Storm Lake, Iowa by adding a new “Title XI Entitled RAGBRAI 2023 Regulations. Seconded by Council Member Ricklefs. Roll call vote: All ayes. Motion carried.

Moved by Council Member McKinney to waive 2nd reading of Ordinance No 15-O-2022-2023 amending the Code of Ordinance of the City of Storm Lake, Iowa by adding a new “Title XI Entitled RAGBRAI 2023 Regulations. Seconded by Council Member Ramos. Roll call vote: All ayes. Motion carried.

Moved by Council Member Ricklefs to adopt 3rd and final reading of Ordinance No 15-O-2022-2023 amending the Code of Ordinance of the City of Storm Lake, Iowa by adding a new “Title XI Entitled RAGBRAI 2023 Regulations. Seconded by Council Member Ramos. Roll call vote: All ayes. Motion carried.

ORDINANCE NO. 15-O-2022-2023

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STORM LAKE, IOWA, BY ADDING A NEW TITLE X1 RAGBRAI 2023 REGULATIONS

BE IT ENACTED by the City Council of the City of Storm Lake, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Storm Lake, Iowa, is amended by adding a new Title XI, entitled RAGBRAI 2023 REGULATIONS, which is hereby adopted to read as follows:

TITLE XI

RAGBRAI 2023 REGULATIONS

XI-01 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Commercial food booth” means any person that sells food or beverages to the public for the purpose of generating a profit for a for profit business.
2. “Commercial non-food booth” means any person that sells services or merchandise other than food or beverages to the public for the purpose of generating a profit for a for profit business.
3. “Central Business District” means the 500, 600, and 700 blocks of Lake Avenue.
4. “Food” means food products of all kinds, including food packaged for consumption off premises as well as meals prepared for consumption either on or off premises. Food shall also include beverages of every kind, including both alcoholic and non-alcoholic beverages, except for water provided without costs to the consumer.
5. “Not-for-profit food booth” means any person that sells food or beverages to the public for the purpose of generating profit for an organization that is established under IRS 501(c)(3), a governmental entity, or a similar organization where 100% of the profits benefits the not-for-profit organization.
6. “Not-for-profit non-food booth” means any person that sells services or merchandise other than food or beverage to the public for the purpose of generating a profit for an organization that is established under IRS 501(c)(3), a governmental entity, or a similar organization where 100% of the profits benefits the not-for-profit organization.
7. “Permitted vendors” means vendors who have been approved by permit of the RAGBRAI Committee including commercial food vendors, not-for-profit food vendors, commercial non-food vendors, and not-for-profit non-food vendors.
8. “Person” means any individual, person, club, group, organization, partnership, corporation, or entity of any kind.
9. “RAGBRAI” means the Register’s Annual Great Bicycle Ride Across Iowa.
10. “RAGBRAI Committee” means the Advisory Board and the Executive Committee as designated by the City and Storm Lake United.
11. “Recreational fire” means any fire that is used for recreational purposes including fires in fire pits, chimineas, or similar apparatus.

12. “Regularly established place of business” means the location at which a business carries on its regular business during the year in a regular or systemic manner.

14. “Vision clearance area” is defined by a triangle with legs of 20 feet from the point at which property lines meet the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway (approach), meet.

X1-02 FOOD VENDOR PERMITS. No person shall sell food or beverages in the City outside of the property line of their regularly established place of business between the hours of 12:01 a.m. on Sunday, July 23, 2023, and 11:59 p.m. on Monday, July 24, 2023, without first obtaining a Food Vendor Permit as required by this Code.

1. Each person desiring to sell food or beverages during the designated times outlined in this chapter shall obtain from the RAGBRAI Committee a Food Booth Permit which shall include all information as determined reasonable by the RAGBRAI Committee on an application form approved by the RAGBRAI Committee.

2. All food and beverage vendors shall submit with their application for a permit the appropriate permit fee as approved by the RAGBRAI Committee.

3. All persons applying for a food vender permit shall provide to the RAGBRAI Committee a certificate showing proof of liability insurance and naming the local RAGBRAI Committee, Storm Lake United, and the City of Storm Lake as additional insured in the minimum amounts as follows:

A.	Personal Injury	\$250,000 per person
B.	Total Exposure	\$1,000,000 per event
C.	Property Damage	\$50,000

4. The RAGBRAI Committee shall have the authority to locate food vendors who are permitted by this chapter on public property and right-of-way areas within the event venue as approved by the City Manager or designee.

5. All permits issued under this chapter shall only be effective from 12:01 a.m. on Sunday, July 23, 2023, until 11:59 p.m. on Monday, July 24, 2023, and only in the area specifically assigned to the vendor by the RAGBRAI Committee.

6. Health Regulations. All food vendors shall comply with State and County health regulations pertaining to the sale and dispensing of food for consumption on their premises, including, but not limited to, the obtaining of appropriate permits.

7. Exceptions. The following shall be exceptions shall be in place:

A. A food vendor who operates out of a permanent location in the Central Business District who desires to extend their normal business services outside of their property limits and onto the public right-of-way during the event shall obtain a permit and provide the required certification of insurance as required herein.

B. A not-for-profit organization who is selling food or beverages as a fundraiser for their own benefit on their own property or on property that they rent shall be required to obtain a permit and provide proof of insurance.

C. Food vendors who operate within the existing property lines of property that they own or where they conduct business on a regular basis at least 100 days of a given year shall be exempt from the requirement of this section.

X1-03 NON-FOOD VENDOR PERMITS. No person shall sell services or merchandise in the City outside of the property line of their regularly established place of business between the hours of 12:01 a.m. on Sunday, July 23, 2023, and 11:59 p.m. on Monday, July 24, 2023, without first obtaining a Non-Food Vendor Permit as required by this Code.

1. Each person desiring to sell services or merchandise during the designated times outlined in this chapter shall obtain from the RAGBRAI Committee a Non-Food Booth Permit which shall include all information as determined reasonable by the RAGBRAI Committee on an application form approved by the RAGBRAI Committee and readily made available on the local Storm Lake RAGBRAI website.

2. All services and merchandise vendors shall submit with their application for a permit the appropriate permit fee as approved by the RAGBRAI Committee.

3. All persons applying for a non-food vendor permit shall provide to the RAGBRAI Committee a certificate showing proof of liability insurance and naming the local RAGBRAI Committee, Storm Lake United, and the City of Storm Lake as additional insured in the minimum amounts as follows:

- | | |
|--------------------|-----------------------|
| A. Personal Injury | \$250,000 per person |
| B. Total Exposure | \$1,000,000 per event |
| C. Property Damage | \$50,000 |

4. The RAGBRAI Committee shall have the authority to locate non-food vendors who are permitted by this chapter on public property and right-of-way areas within the event venue as approved by the City Manager or designee.

5. All permits issued under this chapter shall only be effective from 12:01 a.m. on Sunday, July 23, 2023, until 11:59 p.m. on Monday, July 24, 2023, and only in the area specifically assigned to the vendor by the RAGBRAI Committee.

6. Portable non-food vendors providing shower services to RAGBRAI riders shall be billed by the RAGBRAI Committee for the City to provide water and waste water for their units on a per head basis. The users shall pay \$5.00 per shower head. The user shall pay at the time of issuance of the permit and the RAGBRAI Committee shall forward all water and waste water user collections to the City.

A. A total of 240 shower heads shall be allowed to connect to the City of Storm Lake's water and/or waste water service area system.

B. All portable non-food vendors providing shower services shall terminate service at 9:00 PM on Sunday, July 23rd, 2023 and use the dumping station located at the Storm Lake's Waste Water Treatment plant located at 1234 630th Street, Storm Lake, IA 50588.

7. Should water use reach 3,500 gallons per minute for 60 consecutive minutes, a water emergency will be declared. If a declaration of water emergency is declared, the City reserves the right to:

A. Revoke any and all permits outlined in Sections X1-02 and X1-03.

B. Disconnect any un-metered users of the City's Water Systems.

C. Impose any additional water conservation measures the City deems necessary for the provision of water.

- D. If water conservation measures are imposed during the RAGBRAI event, the RAGBRAI Committee and the City of Storm Lake shall pro-rate user collections outlined in section X1-03, subsection 6 and refund the portable non-food vendors who were unable to continue to provide shower services.
- 8. Non-Food vendors shall comply with all federal, state, and local laws, regulations, and licenses.
 - A. Intravenous (IV) therapy services shall be provided by a trained and licensed medical professional.
 - B. Disposal of all medical waste shall be completed in accordance with federal, state, and local regulations.
- 9. Exceptions. The following shall be exceptions shall be in place:
 - A. A non-food vendor who operates out of a permanent location in the Central Business District who desires to extend their normal business services outside of their property limits and onto the public right-of-way during the event shall obtain a permit and provide the required certification of insurance as required herein.
 - B. Non-food vendors who operated within the existing property lines of property that they own or where they conduct business on a regular basis at least 300 days of a given year shall be exempt from the requirement of this section.

XI-04 CENTRAL BUSINESS DISTRICT REQUIREMENTS. Vendors permitted to operate or extend their operations into public property or within the public right-of-way within the Central Business District area between 12:01 a.m. on Sunday, July 23, 2023, and 11:59 p.m. on Monday, July 25, 2023, shall comply with the following regulations:

- 1. Permitted vendors shall not leave any merchandise, advertising, signs, merchandise racks or stands, benches, tables and chairs, or garbage receptacles in the public right-of-way when the business is not open for business.
- 2. The vendor is required to maintain a direct five-foot clear path from one end of their permitted area to the other end for ADA accessibility at all times.
- 3. The vendor is required to provide their own trash receptacles for their patrons and the general public during the time of operation.

XI-05 SIDEWALK SALES PERMITTED. Permitted vendors shall have permission to hold sidewalk sales starting at 6:00 a.m. on Sunday, July 23, 2023, and ending at 5:00 p.m. on Monday, July 24, 2023, within the Central Business District.

XI-06 OUTDOOR ALCOHOLIC BEVERAGE GARDENS.

- 1. The Council shall authorize the RAGBRAI Committee as the only vendor authorized to operate an outdoor alcoholic beverage garden from a temporary location as outlined in section X1-08 with a five- or 14-day alcoholic beverage license.
- 2. The Council may authorize, after consultation with the RAGBRAI Committee, additional outdoor alcoholic beverage gardens which are proposed to be located on private property when all of the following regulations are met:

- A. The application shall apply to the RAGBRAI Committee and the City that shall include a drawing showing the location of the proposed beverage garden, the property lines, and the required fencing.
- B. The applicant shall have the appropriate alcoholic beverage license and insurance.
- C. The applicant shall not serve any beverage in any glass containers for outside consumption.
- D. The applicant shall obtain permission from the Council and a food vendor license from the RAGBRAI Committee including the payment of any permit fees as approved by the RAGBRAI Committee.

XI-07 NOISE VARIANCE. The City hereby extends to the RAGBRAI Committee a noise variance and permit for the 2023 RAGBRAI event that extends to activities under the general direction of the RAGBRAI Committee until 12:00 a.m. (midnight) on Monday, July 24, 2023.

XI-08 PRIMARY ENTERTAINMENT VENUE AND BEVERAGE GARDEN. The City hereby approves the Great Lawn and Awaysis Park, including the public parking and right-of-way adjacent to the area as the primary entertainment venue and beverage garden. The RAGBRAI Committee shall be responsible for creating a beverage garden that shall meet the requirements of their liquor license and insurance policy.

XI-09 SMOKING. Smoking is prohibited within the event venue areas and public campground areas.

XI-10 PETS. Pets are prohibited within the event venue and campground areas as designated by the RAGBRAI Committee with the following exceptions:

- 1. Service animals, as defined by the ADA, are allowed.
- 2. Pets who are contained within a recreational vehicle or motor home or on a leash within the Sunrise Campgrounds or designated RV Campgrounds.

XI-11 SIGNAGE. Effective at 6:00 a.m. on Sunday, July 23, 2023, and until 5:00 p.m. on Monday, July 24, 2023, the City shall suspend Article 10, Section 1003 of the City's Zoning Code which is related to temporary signage provided temporary signs specific to the RAGBRAI event meet the following requirements:

- 1. The suspension of Article 10, Section 1003 of the City's Zoning Code only applies to signs related to the RAGBRAI event.
- 2. Temporary signs may be placed within the public right-of-way when the following has occurred:
 - A. The signs have been approved by the RAGBRAI Committee.
 - B. Signs are placed along the approved route for RAGBRAI within the City limits.
- 3. No temporary signs are allowed within the vision clearance area of street intersections.
- 4. All temporary signs are removed by 5:00 p.m. on Monday, July 24, 2023.

The City reserves the right to remove any temporary signs placed in conflict with this chapter without notice.

XI-12 STREET CLOSINGS. The Council hereby authorizes the Police Chief to direct the closing of any street within the City on a temporary basis to improve the safety of citizens, visitors, or to protect public or private property. The Police shall give appropriate notification to residents of street closures in advance, where feasible, of the event for those areas that are planned and shall provide notification of other closures as soon as is reasonably practicable. Emergency closures may occur without notification.

XI-13 RECREATIONAL FIRES. Recreational fires within the City shall be prohibited beginning at 12:01 a.m. on Wednesday, July 19, 2023, for all properties within the City. The prohibition shall remain in effect until 11:59 p.m. on Wednesday, July 26, 2023. The Fire Chief has the authority to make necessary changes to this section as conditions vary.

XI-14 CODE SECTIONS TEMPORARILY SUSPENDED. The following section of the City Code shall be temporarily suspended beginning at 6:00 a.m. on Sunday, July 23, 2023, and ending at 5:00 p.m. on Monday, July 24, 2023:

1. Chapter 9-10 relating to bicycles.
2. Section 9-11 relating to parking.

XI-15 NUISANCES. The sale of food, services, or merchandise, or the erection of a temporary facility for the sale of food, services, or merchandise without a permit required by this chapter is hereby declared a nuisance and shall be subject to immediate, emergency abatement by the City, their officers and assigns.

XI-16 VIOLATIONS AND PENALTIES. Violations of this chapter shall constitute a municipal infraction under Chapter 1-20 of the City Code. In addition, to the implementation of a municipal infraction for a violation of this Code the City, in their sole discretion may revoke any approved permit and may require a person, vendor, or organization to vacate the approved venue area or public property, including the public right-of-way.

XI-17 EFFECITVE PERIOD. This chapter shall be effective from 12:01 a.m. on Sunday, July 23, 2023, until 11:59 p.m. on Monday, July 24, 2023, unless otherwise specified within this chapter.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 19th day of June, 2023, and approved this 19th day of June, 2023.

ATTEST:

Mayra A. Martinez, City Clerk

First Reading: 06/19/2023, Second Reading: 06/19/2023, Third Reading: 06/19/2023

Playground Equipment - Moved by Council Member Martinez to approve a donation of \$150,000 from Paxton Trust for playground equipment in Chautauqua Park to assist with replacement of equipment that will be ADA complaint. Seconded by Council Member McKinney. Vote: All ayes. Motion carried.

Mayor Porsch claimed that on behalf of the City, we would like to thank the Paxton Trust for their generosity to the City and we truly appreciate their support.

Teamsters Local #554

City Manager Keri Navratil presented to City Council the following proposed agreement between the City of Storm Lake and Teamsters Local #554: The current agreement will expire June 30, 2023. Both parties agreed to the following contract terms in March 2023.

- A Two-year agreement beginning July 1, 2023, and expiring on June 30, 2025
- 5% Wage increase on July 1, 2023, and 5% wage increase on July 1, 2024
- Increase K9 pay to \$3.00/hour.
- Field Training Officer pay will be \$1.00/hour.
- Bi-lingual pay will be \$1.00/hour.

Moved by Council Member Ricklefs to approve the contract proposal between the City of Storm Lake and Teamster Local #554. Seconded by Council Member Martinez. Roll call vote: All ayes. Motion carried.

Witter Gallery – City Manager Keri Navratil reminded Council that for FY 2023-2024 City Council awarded Witter Gallery \$7,500 for flooring replacement and at that time Council directed Witter Gallery to use a local business. Witter Gallery did receive two quotes for carpet – one quote is from Snooks in Sioux Rapids and the other one is from Loew's Carpet One in Storm Lake. Julie Steinfeld with Witter Gallery presented to Council the two quotes for the carpet replacement at Witter Gallery. Snook's quote was \$4,545.90 and Loews Carpet One (local business) quote was 6,783.53 with a difference of \$2,237.63. Julie requested directions from Council regarding the purchase of the carpet. Council members discussed allowing additional funds to purchase carpet locally but to not exceed \$2,300.00.

Moved by Council Member Martinez to approve amount not to exceed \$2,300.00 as additional funds for Witter Gallery carpet project and to contract the job locally with Loew's Carpet One in Storm Lake. Seconded by Council Member Ramos. Vote: All ayes. Motion carried.

Illicit Discharge - City Manager presented to City Council that Carroll Refuse Service was cited for illicit discharge violations for hydraulic leaks and/or liquid garbage on public property on May 30, June 7, June 13, and June 15. In addition, businesses have reported liquid garbage on private property.

Curt Snyder owner of Carroll Refuse Service told Council that the past month has been a challenge as we had two major hydraulic leaks on high traffic areas. One was a faulty hose, and one was a faulty crimp on a large main hose. This created two large leaks and used spill kits to clean up the leaks in addition with help from City crews and the Fire Department. Curt informed Council that there is no way he can tell when leaks can happen and understood the penalty and paid the fines. One of the main issues is the juices mainly from restaurants and schools. Contacted JD at the schools and restaurants on the disposal of the liquids and will work with Carroll Refuse on this situation. Also, we will be replacing seals on the trucks quarterly instead of every six months. Additional pickup dates have been added to restaurants to help with the spills. Curtis mentions that their main goal is to do the job right. Mayor Porsch told Curt that we appreciate him coming to discuss the issues and trying to resolve the issues.

City Council Requested Items

Council Member Martinez suggested that we try to educate the public on the juice issues in trash.

Council Member McKinney would like to see at least two electric charging stations set up at King's Pointe. Council Member Martinez concurred. – City Manager Navratil mentioned that the City had applied for a grant for electric chargers but did not receive the grant. Another grant we applied for was a \$500,000 match which was too high. We are still looking for more opportunities. We will have more discussion during the budget.

Council Member McKinney would like to see something going on with day care and we need to get something straightened out. We either need to get a different organization to work on this or someone to spearhead this and work on it. City Manager Navratil mentioned that the city had a grant to do a day care study for the next few months and we can hold a work session in the next few months.

Adjourn - Moved by Council Member Ramos to adjourn at 6:02 pm. Seconded by Council Member McKinney. Vote: All ayes. Motion carried.



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
STORM LAKE CHAMBER AND AREA DEVELOPMENT, INC.	Strom Lake United	(712) 301-3174		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
119 west 6th street		Storm Lake	Buena Vista	50588
MAILING ADDRESS	CITY	STATE	ZIP	
119 West 6th Street	Storm Lake	Iowa	50588	

Contact Person

NAME	PHONE	EMAIL
Lance Bellinghausen	(712) 301-3174	puffs.lance@gmail.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Special Class C Retail Alcohol License	5 Day	Pending Dramshop Review

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
----------------	-----------------	----------------------

SUB-PERMIT

Special Class C Retail Alcohol License

PRIVILEGES

Outdoor Service



State of Iowa

Alcoholic Beverages Division

Status of Business

BUSINESS TYPE

Nonprofit entity which has a principal office in the State of Iowa.

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Fletcher Kucera	Storm Lake	Iowa	50588	Director	10.00	Yes

• Companies

COMPANY NAME	FEDERAL ID	CITY	STATE	ZIP	% OF OWNERSHIP
Storm Lake United	27-0436116	Storm Lake	Iowa	50588	10.00

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

Scottsdale Insurance Company

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE
DATE

OUTDOOR SERVICE EXPIRATION
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE
DATE

TEMP TRANSFER EXPIRATION
DATE



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
LEGENDARY HOSPITALITY, LLC	MALARKYS PUB			
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
147 FLINDT DR		STORM LAKE	BUENA VISTA	50588
MAILING ADDRESS	CITY	STATE	ZIP	
147 FLINDT DR	STORM LAKE	Iowa	50588	

Contact Person

NAME	PHONE	EMAIL
JOSH NIEMEIER	7127308408	legendaryhospitality@outlook.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Class C Retail Alcohol License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
----------------	-----------------	----------------------

SUB-PERMITS

Class C Retail Alcohol License

PRIVILEGES

Outdoor Service, Sunday Service



State of Iowa

Alcoholic Beverages Division

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
JOSH NIEMEIER	ALTA	Iowa	510021522	Partner	50.00	Yes
KENNETH HACH II	ALTA	Iowa	510021615	Partner	50.00	Yes

Insurance Company Information

INSURANCE COMPANY

Midwest Family Mutual Insurance Company

POLICY EFFECTIVE DATE

Dec 15, 2022

POLICY EXPIRATION DATE

Dec 15, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY

RAMON INC

NAME OF BUSINESS(DBA)

TIENDA EL MEXICANO

BUSINESS

(712) 213-1047

ADDRESS OF PREMISES

1509 Lake Avenue North

PREMISES SUITE/APT NUMBER

CITY

Storm Lake

COUNTY

IA

ZIP

50588

MAILING ADDRESS

2189 Vernon Voss Road

CITY

Denison

STATE

Iowa

ZIP

51442

Contact Person

NAME

RAMON PATINO

PHONE

(712) 269-7130

EMAIL

ramonpatino7@gmail.com

License Information

LICENSE NUMBER

LICENSE/PERMIT TYPE

TERM

STATUS

Class B Retail Alcohol License

12 Month

Submitted
to Local
Authority

EFFECTIVE DATE

EXPIRATION DATE

LAST DAY OF BUSINESS

SUB-PERMIT

Class B Retail Alcohol License

PRIVILEGES

Status of Business



State of Iowa

Alcoholic Beverages Division

BUSINESS TYPE

Sole Proprietor

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
RAMON PATINO	Denison	Iowa	51442	OWNER	100.00	Yes

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE
DATE

OUTDOOR SERVICE EXPIRATION
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE
DATE

TEMP TRANSFER EXPIRATION
DATE



Board Renewal Application

First Name	Matt
Last Name	Pearson
Street Address	904 N Walnut St
City	Storm Lake
State	IA
Zip Code	50588
Phone Number	712-299-3571
Secondary Phone	712-732-2766
Email	matt.tuba@gmail.com
Current Board/Commission Serving	Band Trustees

Beginning in 2012 Iowa law requires that government appointed boards and/or commission be gender balanced when and where possible. The City will review all re-appointments for positions based on this state regulation and make re-appointments to comply with that requirement. Should it not be possible to re-appoint you to the same board the City will look at other opportunities to appoint to other boards and/or commissions should you so desire.

Do you still reside within the city limits of Storm Lake?	Yes
---	-----

Would you like to be re-appointed to the same board/commission if possible?	Yes
---	-----

Signature	
-----------	--

Date	06/29/2023
------	------------

Thank you for contacting us. We have received your message and appreciate you reaching out.

Have a great day!



Board Renewal Application

First Name	Cynthia
Last Name	Turner
Street Address	218 Lake Ave.
City	Storm Lake
State	IA
Zip Code	50588
Phone Number	7125418528
Email	cynthiaannt@gmail.com
Current Board/Commission Serving	Airport Commission

Beginning in 2012 Iowa law requires that government appointed boards and/or commission be gender balanced when and where possible. The City will review all re-appointments for positions based on this state regulation and make re-appointments to comply with that requirement. Should it not be possible to re-appoint you to the same board the City will look at other opportunities to appoint to other boards and/or commissions should you so desire.

Do you still reside within the city limits of Storm Lake?	Yes
Would you like to be re-appointed to the same board/commission if possible?	Yes

Signature

CATurner

Date	06/29/2023
------	------------

Thank you for contacting us. We have received your message and appreciate you reaching out.

Have a great day!

CITY OF STORM LAKE CONFERENCE ROOM CIVIL SERVICE MEETING, JUNE 22, 2023, 4:00 PM

Present: Member Dan Richardson, Di Daniels (via zoom) and Nancy Johnson. Absent: none.

Others Present: Mayra Martinez, and Chris Cole.

Commissioner Richardson called the meeting to order at 4:04 pm

Minutes - Moved by Commissioner Johnson to approve May 03, 2023, Minutes. Seconded by Commissioner Daniels. Vote: All ayes. Motion carried.

Patrol Officer Rank Eligibility List - Moved by Commissioner Johnson to approve new Eligibility List for Patrol Officer rank which includes Aaron Molinsky. Seconded by Member Daniels. Vote: All ayes. Motion carried.

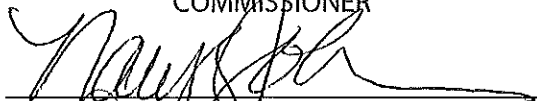
Adjourn - Moved by Commissioner Member Johnson to adjourn at 4:08 pm Seconded by Commissioner Member Daniels. Vote: All ayes. Motion carried.

ELIGIBILITY LIST

For: Patrol Officer

Name	ID#
Aaron Molinsky	001


COMMISSIONER


COMMISSIONER


COMMISSIONER

DATE

MAYOR

ATTEST

DATE

Nelda Kirkholm

From: Pat Mefferd <patmefferd@gmail.com>
 Sent: Monday, June 19, 2023 10:22 AM
 To: Nelda Kirkholm
 Subject: Tobacco permit

Iowa Department of
REVENUE

Iowa Retail Permit Application
 for Cigarette/Tobacco/Nicotine/Vapor
 tax.iowa.gov

Instructions on the reverse side

For period (MM/DD/YYYY) 1/1/23 through June 30, 2023
 I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:
 Trade name/Doing business as: From EARTH WellNESS
 Physical location address: 1221 LAKE AVE City: Storm Lake ZIP: 50598
 Mailing address: SAME City: _____ State: _____ ZIP: _____
 Business phone number: 712-213-2323

Legal Ownership Information:
 Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☐ LLC ☒ LLP ☐
 Name of sole proprietor, partnership, corporation, LLC, or LLP: ELITE ENTERPRISES DNR LLC
 Mailing address: 1126 D. 202 AVE C.R. City: Dyers State: NE ZIP: 68008
 Phone number: 402-650-3253 Fax number: _____ Email: fromearthwellness@gmail.com

Retail Information:
 Types of Sales: Over-the-counter ☒ Vending machine ☐
 Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes ☐ No ☒
 Types of Products Sold: (Check all that apply)
 Cigarettes ☐ Tobacco ☒ Alternative Nicotine Products ☒ Vapor Products ☒
 Type of Establishment: (Select the option that best describes the establishment)
 Alternative nicotine/vapor store ☒ Bar ☐ Convenience store/gas station ☐ Drug store ☐
 Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐
 Has vending machine that assembles cigarettes ☐ Other ☐

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)
 Name (please print): PAT MEFFERD Name (please print): _____
 Signature: [Signature] Signature: _____
 Date: JUN 17, 2023 Date: _____

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY - MUST BE COMPLETE

• Fill in the amount paid for the permit: \$75.00
 • Fill in the date the permit was approved by the council or board: _____
 • Fill in the permit number issued by the city/county: FY23-24-16
 • Fill in the name of the city or county issuing the permit: Storm Lake
 • New ☐ Renewal ☒

Send completed/approved application to Iowa Alcohol Beverage Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

• Email: apledge@iowaabd.com
 • Fax: 515-281-7376

Pat

Iowa Department of REVENUE

Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor

tax.iowa.gov

Instructions on the reverse side

For period (MM/DD/YYYY) 06 / 30 / 2023 through June 30, 2024

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade name/Doing business as: Walmart Inc. dba Walmart #1526Physical location address: 1831 Lake Ave City: Storm Lake ZIP: 50588Mailing address: 702 SW 8th Street City: Bentonville State: AR ZIP: 72716-0500Business phone number: 479-696-2873

Legal Ownership Information:

Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐Name of sole proprietor, partnership, corporation, LLC, or LLP Walmart Inc.Mailing address: 702 SW 8th Street City: Bentonville State: AR ZIP: 72716-0500Phone number: 479-696-2873 Fax number: _____ Email: complic@wal-mart.com

Retail Information:

Types of Sales: Over-the-counter ☒ Vending machine ☐Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes ☐ No ☒

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative Nicotine Products ☒ Vapor Products ☐

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☐ Drug store ☐
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐Has vending machine that assembles cigarettes ☐ Other ☒ Retail

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)

Name (please print): Sarah Little

Name (please print): _____

Signature: *S Little*

Signature: _____

Date: 4/7/2023

Date: _____

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
- Fill in the date the permit was approved by the council or board: _____
- Fill in the permit number issued by the city/county: FY 23-24-15
- Fill in the name of the city or county issuing the permit: City of Storm Lake
- New ☐ Renewal ☒

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
- Fax: 515-281-7375

Instructions on the reverse side

For period (MM/DD/YYYY) 07/01/2023 through June 30, 2024

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade name/Doing business as: May Flower Asian Grocery

Physical location address: 200 W Railroad St City: Storm Lake ZIP: 50588

Mailing address: 200 W Railroad St City: Storm Lake State: IA ZIP: 50588

Business phone number: 712-267-3069

Legal Ownership Information:

Type of Ownership: Sole Proprietor ☒ Partnership ☐ Corporation ☐ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP Htoo Soe

Mailing address: 1016 Euergreen Ave City: Storm Lake State: IA ZIP: 50588

Phone number: 712-267-3069 Fax number: _____ Email: mayflowerasianmarket@gmail.com

Retail Information:

Types of Sales: Over-the-counter ☒ Vending machine ☐

Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes ☐ No ☒

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative Nicotine Products ☐ Vapor Products ☐

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☐ Drug store ☐
Grocery store ☒ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐

Has vending machine that assembles cigarettes ☐ Other ☐ _____

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)

Name (please print): Htoo Soe Name (please print): _____

Signature: _____ Signature: _____

Date: 5-4-23 Date: _____

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
- Fill in the date the permit was approved by the council or board: _____
- Fill in the permit number issued by the city/county: FY 23-24-17
- Fill in the name of the city or county issuing the permit: City of Storm Lake
- New ☐ Renewal ☒

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
- Fax: 515-281-7375

Instructions on the reverse sideFor period (MM/DD/YYYY) 07 / 01 / 23 through June 30, 2024

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade name/Doing business as: Fareway Stores, Inc. # 461

Physical location address: 731 Seneca Street City: STORM LAKE ZIP: 50588

Mailing address: 731 Seneca Street City: STORM LAKE State: IA ZIP: 50588

Business phone number: 712 732-6203

Legal Ownership Information:

Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP Fareway Stores, Inc.

Mailing address: PO Box 70 City: Boone State: IA ZIP: 50036

Phone number: 515-433-5336 Fax number: 515-433-4416 Email: storelicenses@farewaystores.com

Retail Information:

Types of Sales: Over-the-counter ☒ Vending machine ☐

Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes ☐ No ☒

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative Nicotine Products ☒ Vapor Products ☒

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☐ Drug store ☐

Grocery store ☒ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐

Has vending machine that assembles cigarettes ☐ Other ☐

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)

Name (please print): Garrett S. Piklapp Name (please print): _____

Signature:  Signature: _____

Date: Mar 30, 2023 Date: _____

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
- Fill in the date the permit was approved by the council or board: _____
- Fill in the permit number issued by the city/county: FY 23-24-18
- Fill in the name of the city or county issuing the permit: City of Storm Lake
- New ☐ Renewal ☒

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
- Fax: 515-281-7375

Staff Summary

07/03/2023

Agenda Item # D.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: Buy Local Information

BACKGROUND: Early in 2011 during a Study Session discussion Council asked staff to look at putting together some analysis information regarding the amount of purchases made locally. We have pulled that information together and a provided a summary of purchases identified in the current list of bills to be approved that are purchased locally (within the City of Storm Lake), within Buena Vista County, and outside of Buena Vista County are presented here for Council's review. This information is presented for for both the City and King's Pointe's bills. As the reader reviews the information they should note the following key notes: Costs associated with any major capital project (those bid under the State of Iowa Bid Law) are excluded from the calculation Costs associated with travel is excluded from the calculation and % Costs associated with payroll is excluded from the calculation and % In some cases there is only one vendor or an item is only available from vendors outside of the City limits and/or Buena Vista County – we have not identified these Some departments have fairly minor budgets and a major purchase can skew the % and or amount for a given review period (For Example: the Airport may have normally \$4,000 - \$6,000 in expenses until they purchase Jet Fuel or Av Gas which can be \$10,000 + and as a vendor who is not local this can skew the information for that review period) Local has been determined to be has an office front in the area and based on where the office front is located for local vs. BV County (For Example: Wal-Mart is considered local since they have a store in Storm Lake even though their headquarters is not located here) As with all analytical data it is possible to interpret the numbers in a variety of ways and as we move forward we would be happy to provide further detail and or revise the way in which we show the data. Likewise if you have any questions or concerns please don't hesitate to contact city staff.

FISCAL IMPACT:	Breakout	Calculated Expenses
	Buena Vista County	\$ 105,439.99

Contract/Agreement	\$	64,476.91
Local	\$	373,922.59
Non- Local	\$	1,258,598.91
Payroll/Refunds/Pyrl Tax & Ins		<u>225,869.37</u>
	\$	2,028,307.77

RECOMMENDATION: Review Buy Local Information

ATTACHMENTS:

[07/03/2023 Project Report.pdf](#)

Summary

Project Summary						
Project Number	Project Name	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance Budget Remaining
01112-0019	WasteWater Treatment Facility Wetla...	1,173,565.00	0.00	1,171,509.84	0.00	1,171,509.84 2,055.16
01112-0020	10th & Ontario StormWater Improve...	1,753,734.33	0.00	1,753,734.33	0.00	1,753,734.33 0.00
01112-0021	4th & Oats StormWater Improvements	832,997.63	0.00	833,347.35	0.00	833,347.35 -349.72
OP1.122814	Richland Street, Phase 2 Improvemen...	174,107.75	174,107.75	174,095.25	0.00	174,095.25 12.50
OP1.124529	2021 Fiber Optic System Improvement	1,512,413.00	1,512,413.00	1,512,318.50	0.00	1,512,318.50 94.50
OP1.124889	2021 Cabin Construction	3,300.00	0.00	3,300.00	0.00	3,300.00 0.00
OP1.125106	BRIC	8,573,638.49	8,573,638.49	212,709.99	0.00	212,709.99 8,360,928.50
OP1.126252	Comprehansive Plan & Zoning Code U...	125,880.00	125,880.00	125,824.50	0.00	125,824.50 55.50
OT5.128791	Runway 17/35 Lighting Replacement	395,903.25	395,903.25	46,323.76	0.00	46,323.76 349,579.49
16-19284	4th & Bartion Storm Water Improvem...	760,113.88	0.00	760,113.88	0.00	760,113.88 0.00
19-22797	Memorial Lift Station Improvements	2,533,320.00	877.16	2,544,600.96	0.00	2,544,600.96 -11,280.96
20-23848	Storm Lake WTP- Electrical MCC Repla...	268,494.81	0.00	285,519.75	0.00	285,519.75 -17,024.94
20-24387	Radio Park Lift Station Replacement	571,448.36	571,448.36	573,607.61	0.00	573,607.61 -2,159.25
20-HSG-022	2021 Housing Sustainability Project	224,994.00	224,994.00	177,417.12	0.00	177,417.12 47,576.88
21-26215	Downtown Master Plan	113,000.00	113,000.00	103,650.00	0.00	103,650.00 9,350.00
22-26698	Storm Lake WTP- Well No. 21	1,768,477.00	1,768,477.00	149,893.28	0.00	149,893.28 1,618,583.72
22-26815	W 6th Street Utilities Extension	317,768.00	317,768.00	233,075.74	44,676.91	277,752.65 40,015.35
22-27926	Storm Lake WTP- Well #22	129,200.00	129,200.00	54,467.50	0.00	54,467.50 74,732.50
35665	1st & Mae Street	764,059.53	0.00	764,059.53	0.00	764,059.53 0.00
8406	7th & Geneseo St Sanitary Sewer Imp...	410,306.35	0.00	410,306.35	0.00	410,306.35 0.00
HTG322020	T-Mobile Hometown Grant Q-3-22	0.00	0.00	39,814.00	0.00	39,814.00 -39,814.00
IA0091	SL Elevated Water Storage- Tower #5	760,100.15	760,100.15	454,408.92	0.00	454,408.92 305,691.23
New	Lead Service Line Replacement Prelim...	15,500.00	15,500.00	0.00	0.00	0.00 15,500.00
New1	WWTP UV Disinfection Building	25,300.00	25,300.00	0.00	0.00	0.00 25,300.00
New2	College & 3rd St Lift Station Replacem...	185,000.00	185,000.00	0.00	0.00	0.00 185,000.00
OP1.125220	4th Street Watermain Improvement P...	489,078.46	489,078.46	533,888.85	0.00	533,888.85 -44,810.39
P11.112742	North Central SW Phase II	1,854,441.25	0.00	1,854,469.26	0.00	1,854,469.26 -28.01
P11.118940	Oneida Street Reconstruction from RR...	2,526,433.98	-2,121.56	2,513,334.28	0.00	2,513,334.28 13,099.70
P11.120411	Highway 7/110 Traffic Lane/Signalizat...	4,661,065.85	0.00	4,153,333.63	0.00	4,153,333.63 507,732.22
P11.120478	Tulip Lane SW Improvements	443,607.50	0.00	442,111.30	0.00	442,111.30 1,496.20
P11.120650	2020 Expansion Blvd Improvements	1,169,938.10	0.00	1,168,724.60	0.00	1,168,724.60 1,213.50
P11.122266	7th Street Sewer Lining/2021 CIPP	495,443.50	495,443.50	495,287.16	0.00	495,287.16 156.34
SP21122	SL Library CDBG- COVID (CV) Grant	677,887.25	677,887.25	592,844.68	0.00	592,844.68 85,042.57
Report Total:		35,710,517.42	16,553,894.81	24,138,091.92	44,676.91	24,182,768.83 11,527,748.59

Group Summary						
Group	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
Airport Projects	395,903.25	395,903.25	46,323.76	0.00	46,323.76	349,579.49
ARPA Project	760,100.15	760,100.15	454,408.92	0.00	454,408.92	305,691.23

Staff Summary

07/03/2023

Agenda Item # D.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council
FROM: Chris Cole Police Chief
SUBJECT: SLPD City Code Enforcement Summary
BACKGROUND: 6/14/2023 to 6/27/2023

Total: 66

Accumulate Junk – 18

Accumulate Trash – 3

Tall Grass and Weeds – 40

Junk Vehicle – 4

Grass Clippings -1

Citations – 1

White Summons: 4

FISCAL IMPACT: None

RECOMMENDATION: None

ATTACHMENTS:

Staff Summary

07/03/2023

Agenda Item # F.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Chris Cole Police Chief

SUBJECT: **Motion To Approve Malarkys Noise Variance Request**

BACKGROUND:

Malarky's Pub has requested a noise variance for a live band to provide outdoor amplified music for RAGBRAI in the parking lot area of 147 Flindt Drive. .

The request is for Sunday July 23rd. from 8 PM to 1:00 AM.

Point of contact is Josh Niemeyer: 712-730-8408 and Rob Hach: 712-299-0622

FISCAL IMPACT: None

RECOMMENDATION: Approve Request

ATTACHMENTS:

Staff Summary

07/03/2023

Agenda Item # F.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
[p \(712\) 732-8000](tel:(712)732-8000)
[f \(712\) 732-4114](tel:(712)732-4114)

REPORT TO: Honorable Mayor & Council

FROM: Scott Olesen Building & Code Compliance Director

SUBJECT: **Resolution No. 01-R-2023-2024 Approving Change Order No. 4 of the Storm Lake Public Library HVAC Renovations**

BACKGROUND: During the Library HVAC renovation project, a corroded potable water line was discovered and was repaired during the project. The repair included coring the concrete mezzanine floor, replacing portions of a water line, pipe insulation, and electrical repairs to damaged electrical lines in the Library mezzanine area.

The work was completed with no impact on the project schedule.

FISCAL IMPACT: This change order will reduce the contingency fund by \$2,120.00, leaving \$43,751.00 remaining in contingency funds.

RECOMMENDATION: Approve Resolution No. 01-R-2023-2024 Approving Change Order No. 4 of the Storm Lake Public Library HVAC Renovations.

ATTACHMENTS:

[CO #004- Final_signed with documentation.pdf](#)

[Resolution No. 01-R-2023-2024 Change Order No 4 Storm Lake Library HVAC Project CM 7.3.2022.docx](#)

**AIA**[®]**Document G701[®] – 2017****Change Order**

PROJECT: *(Name and address)*
 SP21122- Storm Lake Public Library
 Renovations
 609 Cayuga Street
 Storm Lake, Iowa 50588

CONTRACT INFORMATION:
 Contract For: Single Prime

CHANGE ORDER INFORMATION:
 Change Order Number: 004

Date:

Date: June 26, 2023

OWNER: *(Name and address)*
 City of Storm Lake
 PO Box 1086
 Storm Lake, Iowa 50588

ARCHITECT: *(Name and address)*
 CMBA Architects
 505 Grand Avenue
 Spencer, Iowa 51301

CONTRACTOR: *(Name and address)*
 Woodruff Construction
 1890 Kountry Lane
 Fort Dodge, Iowa 50501

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

COR 7: Existing Water pipe leak in mezzanine

DEDUCT

(\$1,206.00)

COR 8: Damaged electrical line in mezzanine concrete floor repair

DEDUCT

(\$914.00)

TOTAL

(\$2,120.00)

The Original Contingency Sum was

\$42,000.00

The Contingency Sum prior to this change order

\$45,871.32

The Contingency Sum will be decreased by this Change Order in the amount of

(\$2,120.00)

The New Contingency Sum including this Change Order will be

\$43,751.32

The original Contract Sum was

\$ 599,700.00

The net change by previously authorized Change Orders

\$ -5,200.00

The Contract Sum prior to this Change Order was

\$ 594,500.00

The Contract Sum will be decreased by this Change Order in the amount of

\$ 0.00

The new Contract Sum including this Change Order will be

\$ 594,500.00

The Contract Time will be increased by Zero (0) days.

The new date of Substantial Completion will be Unchanged

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

CMBA Architects

ARCHITECT *(Firm name)*

Woodruff Construction

CONTRACTOR *(Firm name)*

City of Storm Lake

OWNER *(Firm name)*

SIGNATURE

SIGNATURE

SIGNATURE

Angela McCaulley, Project Architect

Chad Lennon, West Region
 President

Michael Porsch, Mayor

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

DATE

DATE

DATE

WOODRUFF CONSTRUCTION

100% Employee Owned

1890 Kountry Lane | Fort Dodge, IA 50501
Ph: [515] 576-1118 Fax: [515] 955-2170

4/19/2023

Angela McCaulley
CMBA Architects
505 Grand Avenue
Spencer, IA 51301

RE: Storm Lake Public Library 2022 Renovation

SUBJ: Potential Change Order #07 – RFP #005 RFI #8 Existing water pipe leak in mezzanine

Dear Angela:

Per RFP #005 from RFI#8 dated 4/10/23, we are proposing the following:

Provide pricing with material and labor breakdown to replace the damaged domestic water piping and associated insulation.
Please provide piping material type and length to be replaced as well as insulation thickness in the breakdown.

Our total price to perform the subject changed work is \$1206.00

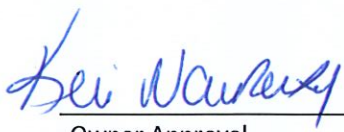
The schedule analysis determines the resulting changed activity sequence to add ZERO (0) WORKING DAYS to the project.

When this potential change order is signed by the Owner and a copy is returned to the contractor, approval of change(s) is effective IMMEDIATELY and we will proceed with the change(s) described above. Approved changes will be included in a future contract change order. If you require additional clarification, please contact me. Thank you for your prompt response.

Sincerely,

WOODRUFF CONSTRUCTION

Kevin Larsen
Project Manager

	/	<u>4/20/2023</u>		/	<u>4/20/23</u>
Owner Approval		Date	Architect Approval		Date



PCO #7

Project Name Storm Lake Library

DATE: 4/19/2023

CHANGE DESCRIPTION: Install Milano Milky White window film to glass at telehealth

TIME INCREASE FOR THIS CHANGE ORDER IS 0
 WORKING DAYS AFTER WRITTEN APPROVAL

JOBSITE SUPERVISION AND GENERAL CONDITIONS			
0	Days @ \$	500	= \$ -
TOTAL WOODRUFF LABOR COST			= \$ 170.00
TOTAL WOODRUFF MATERIAL COST			= \$ 10.00
SUBTOTAL			= \$ 180.00
plus OH&P @	15%	= \$ 27	= \$ 207.00

TOTAL SUBCONTRACT COST			= \$ 920.00
plus OH&P @	5%	= \$ 46	= \$ 966

CREDITS (IF APPLICABLE)			
TOTAL LABOR CREDIT	=	\$	-
TOTAL MATERIAL CREDIT	=	\$	-
TOTAL SUBCONTRACT CREDIT	=	\$	-

SUBTOTAL PRICE THIS POTENTIAL CHANGE ORDER	\$	1,173
BONDS & INSURANCE 2.8%	\$	33
TOTAL PRICE THIS POTENTIAL CHANGE ORDER	\$	1,206



PLUMBING CHANGE ORDER REQUEST NO. 2

Storm Lake Library
Storm Lake, IA, 50588
04-17-23

Woodruff Construction
501 Greenfield Dr.
Tiffin, IA 52340

Attn: Kevin Larsen

PROJECT: Storm Lake Library

CR #1 Water Leak Repair - Labor and Material	\$920.00
--	-----------------

- Scope:
 - 12 ft ¾" HWS from mezzanine ceiling to 1 ft below mezzanine floor.
 - 12 ft 2" CWS from mezzanine ceiling to mezzanine floor penetrations.
- Copper pipe inspection.
- Replace corroded section of 2" copper pipe.
- Replace corroded section of ¾" copper pipe.
- Reinstall insulation.
- Relocate joist crossmember to avoid contact with copper pipe.
- Repair requires water to be shut off for 6 hours.
- Quote does not include weekend work.
- Quote limited to scope of work.

If you have any questions, please feel free to contact me at the office.

Sincerely,

Jeff Duvall

Sioux Falls, SD
4105 N Lewis Ave.
Sioux Falls, SD 57104
Phone 605-339-3963
FAX 605-338-1195
siouxfalls@mwmech.com

Rapid City, SD
3536 Eglon Street
Rapid City, SD 57703
Phone 605-394-9636
FAX 605-394-9637
rapidcity@mwmech.com

Spencer, IA
3905 4th Ave W
Spencer, IA 51301
Phone 712-262-1206
FAX 712-262-1209
spencer@mwmech.com

Sioux City, IA
2100 Business 75 N
Sioux City, IA 51105
Phone 712-224-6161
FAX 712-224-6162
siouxcity@mwmech.com

WOODRUFF CONSTRUCTION

100% Employee Owned

1890 Kountry Lane | Fort Dodge, IA 50501
Ph: (515) 576-1118 Fax: (515) 955-2170

5/17/2023

Angela McCaulley
CMBA Architects
505 Grand Avenue
Spencer, IA 51301

RE: Storm Lake Public Library 2022 Renovation

SUBJ: Potential Change Order #08- Damaged electrical line in mezzanine concrete floor repair

Dear Angela:

Here is the cost of the emergency work from the electrical line that was hit while core drilling the mezzanine floor to inspect the leaking water lines that ran through the mezzanine to the restrooms and janitors closet below.

Our total price to perform the subject changed work is \$914.00

The schedule analysis determines the resulting changed activity sequence to add ZERO (0) WORKING DAYS to the project.

When this potential change order is signed by the Owner and a copy is returned to the contractor, approval of change(s) is effective IMMEDIATELY and we will proceed with the change(s) described above. Approved changes will be included in a future contract change order. If you require additional clarification, please contact me. Thank you for your prompt response.

Sincerely,

WOODRUFF CONSTRUCTION

Kevin Larsen
Project Manager

Kevin Larsen / 6/12/2023
Owner Approval / Date

Angela McCaulley / 6/12/23
Architect Approval / Date

PCO #8

Project Name Storm Lake Library

DATE: 5/17/2023

CHANGE DESCRIPTION: Repair electrical line damage from leaking water line repair

TIME INCREASE FOR THIS CHANGE ORDER IS 0
WORKING DAYS AFTER WRITTEN APPROVAL

JOBSITE SUPERVISION AND GENERAL CONDITIONS			
0	Days @ \$	500	= \$ -
TOTAL WOODRUFF LABOR COST			= \$ 170.00
TOTAL WOODRUFF MATERIAL COST			= \$ 10.00
SUBTOTAL			= \$ 180.00
plus OH&P @	15%	= \$ 27	= \$ 207.00

TOTAL SUBCONTRACT COST			= \$ 673.00
plus OH&P @	5%	= \$ 34	= \$ 707

CREDITS (IF APPLICABLE)	
TOTAL LABOR CREDIT	= \$ -
TOTAL MATERIAL CREDIT	= \$ -
TOTAL SUBCONTRACT CREDIT	= \$ -

<u>SUBTOTAL PRICE THIS POTENTIAL CHANGE ORDER</u>	\$ 914
<u>BONDS & INSURANCE 2.8%</u>	\$
<u>TOTAL PRICE THIS POTENTIAL CHANGE ORDER</u>	\$ 914

PCO #8

Project Name Storm Lake Library

DATE: 17-May-23

ITEM AND DESCRIPTION FOR ADDITIONAL WORK	QUANTITY	UNIT	UNIT LABOR	UNIT MAT'L	UNIT SUBCON	LABOR	MATERIAL	SUBCON	TOTAL
WOODRUFF WORK									
Project Manager	1	mh	90	5		90	5	-	95
Field Coordination	1	mh	80	5		80	5	-	85
General Labor		mh	55	5		-	-	-	-
Carpenter		mh	60	5		-	-	-	-
Iron Worker		mh	70	5		-	-	-	-
Concrete Finisher		mh	65	5		-	-	-	-
Crane Operator		mh	85	5		-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
SUBCONTRACTORS									
KW Electric						-	-	673	673
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
						-	-	-	-
SUBTOTAL						170	10	673	853
ADDITIONAL WORK TOTAL						170	10	673	853



K&W Electric Inc.

1004 Main St.

P.O Box 426

Emmetsburg, Iowa 50536

Phone (712)-852-9077

Fax (712)-852-8061

www.K-WElectric.com

56

Date: May 16, 2023

To: Woodruff Construction

Attention: Kevin Larson

Regarding: repair conduit at Storm Lake Library

We propose the following electrical for the sum of:
\$673.00

****This price **does** include:

- 8 hours of labor
- \$33.00 Misc parts

If you have any questions feel free to call.

Upon Acceptance sign, date, and return 1 copy _____

Signature

Date

Thank you,

Lee Palmer
Estimator/Project Manager



An Equal Opportunity Employer



RESOLUTION NO. 01-R-2023-2024

**RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR THE
STORM LAKE LIBRARY HVAC PROJECT**

WHEREAS, the City of Storm Lake, Iowa has heretofore entered into a contract with Woodruff Construction of Fort Dodge, Iowa, for the Storm Lake Library HVAC Project; and

WHEREAS, during the course of the work the contractor hit a hot water line that was not known to exist and then an electrical conduit, also not known to exist; and

WHEREAS, the City has consulted with the project architect and has agreed that the request for this change in scope proposed by Woodruff Construction is justified; and

WHEREAS, the City and Contractor have agreed to deduct the total cost of the changes from the original contingency sum; and

WHEREAS, the proposed scope change will result in an decrease in the balance of the contingency sum that is a part of the contract with Woodruff Construction; and

WHEREAS, the proposed change will not result in either an increase or decrease in the contract price at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA:

Section 1. That the contract with Woodruff Construction, of Fort Dodge, Iowa be amended as outlined in Change Order No. 4 by changing the project cost by a net change of \$0.00 (zero), to a total project cost of \$594,500.00.

Section 2. That the contingency sum within the contract be decreased by \$2,120.00 to a total of \$43,751.32.

Section 3. That the contract with Woodruff Construction, of Fort Dodge, Iowa be amended as outlined in Change Order No. 4 by changing the total working days in the contract by zero (0) days.

Section 4. The Mayor is hereby authorized to sign Change Order No. 4 on behalf of the City of Storm Lake.

Section 5. Change Order No. 4 is hereby accepted and approved by the City of Storm Lake.

PASSED AND APPROVED THIS 3RD DAY OF JULY 2023.

Michael Porsch, Mayor

ATTEST

Mayra A. Martinez, City Clerk

Staff Summary

07/03/2023

Agenda Item # F.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Second Amendment to Agreement with Tyson Foods, Inc.**

BACKGROUND: The City has an agreement with Tyson that states the City will furnish and sell water to Tyson for a period of 20 years. The term of the agreement ended November 30, 2022. The first amendment extended the terms of the contract to June 30, 2023. Tyson Foods is requesting the agreement to be extended to August 15, 2023. The new industrial rates that City Council adopted by Ordinance on June 19 will apply to the amended agreement.

FISCAL IMPACT: N/A

RECOMMENDATION: Approve second amendment to agreement.

ATTACHMENTS:

[Tyson Water Agreement.pdf](#)

[Amended Agreement](#)

[2nd Amendment to Agreement \(Amending term of water agreement with Tyson Foods\)](#)

AGREEMENT

This Agreement is made and entered into between the City of Storm Lake, Iowa, a municipal corporation, hereinafter referred to as CITY, and TYSON Foods, Inc., a Delaware corporation, hereinafter referred to as TYSON.

HISTORY

On or about April 15, 1982, the CITY and IBP, Inc. entered into an Agreement relating to a lease to IBP of the Lagoon Wastewater Treatment Facilities owned by CITY. A companion agreement was designated as a "Supplemental Agreement" relating to the terms and conditions by which CITY would sell water to IBP. The latter Agreement was modified or clarified by a subsequent Statement of Agreement dated June 8, 1992 and a Letter of Understanding dated July 6, 1998.

IBP, Inc. was acquired by TYSON in the year 2001 and is now a wholly owned subsidiary of TYSON. As such, TYSON succeeded to all the rights and responsibilities of IBP, Inc. under the terms of the Supplemental Agreement. By its terms, the Supplemental Agreement, as modified, expired on June 30, 2002. Since that date, with no separate agreement relating to the purchase of water by TYSON from CITY in effect, TYSON has been purchasing water from CITY as an industrial consumer with no separate water service agreement in place. As such, TYSON is paying for water based upon the industrial rate for water consumers established by ordinance and is subject to the other terms and conditions relating to water consumers as set forth in the CITY's Code of Ordinances.

CITY is planning for a substantial water treatment plant improvement project to increase the capacity of the water treatment plant and to update the plant to meet current operational and regulatory standards as well as the addition of a new Dakota aquifer well and a new shallow well. In planning this project, CITY requires representations from TYSON regarding the amount of water production that TYSON will require in the future and a guarantee from TYSON that TYSON will be financially responsible for TYSON'S proportionate share of the cost of building these improvements.

This Agreement is therefore made to provide for a written contract with TYSON so that during the term of that contract, TYSON will be able to predict its water costs. The agreement is also made to provide the necessary representations and guarantee to CITY with regard to the planned water plant and well improvement projects. Except to the extent necessary to determine TYSON's obligations, as the successor to IBP, to pay for water consumed on or prior to June 30, 2002, the Supplemental Agreement dated April 15, 1982, the Statement of Agreement dated June 8, 1992 and the Letter of Understanding dated July 6, 1998 shall be void and of no further effect. The Agreement between the CITY and IBP dated April 15, 1982 related to the lease of the Lagoon Wastewater Treatment Facilities shall not be affected by the execution of this Agreement although TYSON has now succeeded to the rights and responsibilities of IBP, Inc. under the terms of that Agreement.

In consideration of the mutual covenants set forth herein, it is agreed by the parties as follows:

Section 1. Term. CITY will furnish and shall sell water to TYSON pursuant to the terms of this Agreement for a period of twenty (20) years, beginning December 1, 2002, which shall be the effective date of this Agreement.

Section 2. Water Supply. CITY agrees that it will maintain capacity to deliver 2,250,000 gallons of water per day to the Storm Lake facility of TYSON averaged out on a weekly basis but in no event in excess of 2,600,000 gallons on any one calendar day at a pressure range of 50-60 psi except when prevented from doing so by an act of God, war, terrorist act, plant breakdown, or when it is necessary to temporarily reduce pressure so as to permit emergency repair or emergency maintenance of a water distribution line. Furthermore, CITY agrees that all scheduled maintenance shall, to the extent practicable, take place on non-production days. TYSON may not exceed the consumption amounts set forth above until it has entered into a written agreement modifying the terms of this Agreement to the satisfaction of both parties.

If TYSON should consume water in excess of maximum allowable amount as set forth in this Agreement or in excess of such additional capacity as may be agreed to by separate written instrument, whichever applies, CITY reserves the right to restrict the flow to TYSON'S premises so that the maximum will not be exceeded, or to charge TYSON a surcharge in addition to the applicable rate or both such restriction and surcharge. The surcharge shall be an additional \$0.50 per 1000 gallons consumed in excess of the authorized daily peak volume. CITY agrees that it will not exercise its authority to restrict water flow without advance notice to TYSON and allowance of a reasonable time under the then existing conditions for TYSON to bring its water consumption into compliance with this Agreement. The surcharge shall not be imposed until CITY provides written notice to TYSON that its consumption is in excess of the amount authorized by this Agreement and that such excess consumption is unacceptable to CITY, and the surcharge shall only apply to excess consumption occurring after the date of notice to TYSON.

As a condition of purchasing water pursuant to this Agreement, TYSON agrees that during

the term of this Agreement, TYSON will not receive water from, or cross-connect to, water supplied from any other source, including its own wells, for use in its Storm Lake, Iowa plant.

Section 3. Compensation for Water Consumed. As a large user of water, TYSON shall not be required to pay the rate for water consumed based upon the Ordinances of CITY, but shall instead pay for water pursuant to the terms set forth in this contract. Initially, TYSON shall pay for water at the rate of \$1.66 per 1,000 gallons of water consumed. Payment shall be made on a monthly basis and shall be deemed delinquent if not paid within fifteen (15) days of the date of billing.

CITY may change the rate per 1,000 gallons of water consumed by TYSON, but subject to the limitations set forth herein. At the present time, the residential rate for household use within the City of Storm Lake, Iowa established by ordinance is \$2.40 per 1,000 gallons of water in excess of 1,500 gallons. At the present time, the commercial and industrial rate for water consumed in excess of 160,000 gallons of water established by ordinance is \$1.66 per 1,000 gallons. The ordinance rate for industrial use in excess of 160,000 gallons is therefore equal to 69.17% of the residential rate per 1,000 gallons for water used in excess of 1,500 gallons. The parties agree that the authority of CITY to change the water rate for TYSON is limited and that CITY may not charge TYSON an amount per 1,000 gallons which is more than 69.17% of the rate set for residential users by ordinance for consumption in excess of 1,500 gallons. The parties agree that if, during the term of the contract, the residential water rate established by ordinance increases or decreases, the rate payable by TYSON shall automatically increase or decrease as appropriate so that it will remain 69.17% of the rate set for residential users in excess of 1,500 gallons per month. The limitation on the ability of CITY to raise TYSON'S water rate shall not be a limitation on CITY'S right to amend its industrial water rate ordinance for industrial users who are not on a water contract.

Section 4. Water Systems Improvements. CITY represents to TYSON that beginning in the Fall of 2002 with completion not later than 2004, CITY will cause to be constructed the water system improvements described on Exhibit "A" hereto and incorporated by reference.

Section 5. Guarantee. In consideration of the rate guarantee set forth in Section 3, and in recognition of the fact that the CITY must build a water capacity into its water system which it would not need if TYSON were not present, TYSON guarantees that if it should cease operation in Storm Lake, Iowa during the term of the contract, or if for any reason TYSON should reduce its water usage below 28,600,000 gallons per month, TYSON will pay to CITY within thirty (30) days thereafter the sum set forth on Exhibit "B" attached hereto as set forth opposite the six (6) month period during which the triggering event occurred. In the alternative, TYSON may, in its sole discretion, elect to pay CITY a monthly water charge equal to the charge for 28,600,000 gallons at the current rate then in effect for each month the actual consumption is less than 28,600,000 gallons.

In the event that TYSON ceases operating in Storm Lake, but elects to pay the minimum bill based upon 28,600,000 monthly consumption and then sells the Storm Lake, Iowa TYSON facility, CITY will sell water to the purchasing entity pursuant to the terms of this contract, but such assumption shall not relieve TYSON of its obligation under this contract except that the sale shall not trigger the requirement that TYSON make the guarantee payment set forth on Schedule "B" for so long as the purchasing entity purchases and pays for the minimum water consumption of 28,600,000 gallons per month.

If TYSON should cease operation in Storm Lake, and thereafter elect to pay the minimum monthly consumption payment while attempting to sell the Storm Lake facility, and if such sale should not prove successful, TYSON may, at its option, continue making the minimum consumption

payments based upon 28,600,000 gallons per month, or it may at any time thereafter elect to make the one time lump sum guarantee payment. If TYSON elects to make the lump sum guarantee payment, the amount owing shall be the amount which would be owing as shown on Exhibit "B" attached for the first month TYSON does not make the minimum consumption payment.

The purpose of this Section is to guarantee that TYSON will pay its agreed 43% share of the \$7 million bonded indebtedness required to rehabilitate the plant and wells and if TYSON (or any successor) shall continue in operation for the full term of the contract, TYSON shall have paid its share of the bonded indebtedness through the rates that it is paying as set forth in Section 3. If TYSON shall have operated continuously during the term of the contract, except as previously provided, no amounts shall be due to CITY under the terms of this section. Furthermore, CITY agrees and acknowledges that TYSON shall only be responsible and liable for the rate payments and the possible guarantee payment as specified in this contract and shall not be responsible for any capital expenditures, maintenance, upkeep or any other operational expenses of the water treatment facility, wells or water distribution system.

Should the CITY be required to shut off water to the TYSON facility in Storm Lake, Iowa because of nonpayment of amounts owed pursuant to this contract, or pursuant to the contract ending June 30, 2002, or pursuant to the rate structure in effect for the period July 1, 2002 until the inception of this contract, that shutoff shall constitute a cessation of operation by TYSON and TYSON shall then and in that event be required to pay to CITY the amount set forth on Exhibit "B" opposite the six (6) month period during which the shutoff occurred in addition to any delinquent amounts then owing.

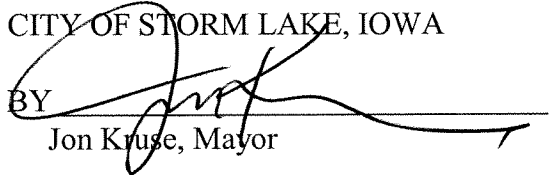
Section 6. Resale of Water. TYSON agrees that it shall not resell water purchased hereunder.

Section 7. Back Flow Preventer. TYSON shall have a back flow preventer installed at its cost on both the ten (10) inch water line and the six (6) inch water line serving TYSON's facilities and shall be responsible for ensuring that they are maintained in accordance with AWWA standards. TYSON shall have both back flow preventers inspected annually on or about the anniversary date of this Contract and shall provide CITY with a written copy of the inspection report within 30 days after completion of the inspection.

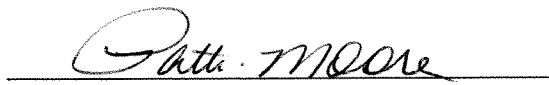
In Witness Whereof, the parties have executed this Agreement on the 13th day of November, 2002.

CITY OF STORM LAKE, IOWA

BY


Jon Kruse, Mayor

ATTEST:


Patti Moore, City Clerk

TYSON FOODS, INC.

By

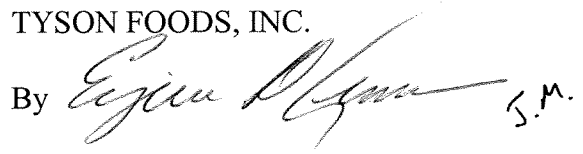
 S.M.
ATTEST: 

EXHIBIT "A"

DESCRIPTION OF PROJECTS

I. Water Treatment Plant Improvements Storm Lake, Iowa

The Water Treatment Plant Improvements project is designed to increase the capacity of the water treatment plant to 6 MGD and to upgrade the treatment plant to meet current operational and regulatory standards. The project will involve the construction of one new solids contact tank with associated chemical handling facilities and modification of the recarbonation system. The project will involve further modification of the existing four filters to increase their capacity and eliminate hydraulic restrictions. Two new filters will be constructed. Piping modifications including a separate header from the recarbonation system to the filters will be constructed. A fifth high service pump and modifications to the piping for the high service pump will be constructed. A new building entrance, including an access elevator to the second floor, will be provided. Disinfection system improvements will be added for the expanded capacity and to address the ammonia concerns in the raw water supply. Modifications to the existing building systems including the electrical and mechanical systems will be provided, along with a new SCADA control system. A new sludge thickener will be constructed and the existing backwash recovery tank will be modified to use as a backwash recovery system. The existing sludge press building will be modified to include pumping for the thickened sludge. Sludge handling will be converted from a gravity to pumped system. Site improvements, including additional parking, will be provided.

II. WELL FIELD IMPROVEMENTS

One new Dakota well is designed to produce approximately 1,000 gpm. A shallow well is also planned which should produce approximately 600 gpm. The project includes the two new wells, transmission main connecting the new wells to the water plant, land acquisition, engineering and administrative costs.

**Contingent Payment
Tyson Foods to
City of Storm Lake**

Exhibit "B"

<u>Period Operation Ceased</u>	<u>Amount of Payment</u>
12/1/2002 - 5/31/2003	\$ 3,000,000
6/1/2003 - 11/30/2003	\$ 2,925,000
12/1/2003 - 5/31/2004	\$ 2,850,000
6/1/2004 - 11/30/2004	\$ 2,775,000
12/1/2004 - 5/31/2005	\$ 2,700,000
6/1/2005 - 11/30/2005	\$ 2,625,000
12/1/2005 - 5/31/2006	\$ 2,550,000
6/1/2006 - 11/30/2006	\$ 2,475,000
12/1/2006 - 5/31/2007	\$ 2,400,000
6/1/2007 - 11/30/2007	\$ 2,325,000
12/1/2007 - 5/31/2008	\$ 2,250,000
6/1/2008 - 11/30/2008	\$ 2,175,000
12/1/2008 - 5/31/2009	\$ 2,100,000
6/1/2009 - 11/30/2009	\$ 2,025,000
12/1/2009 - 5/31/2010	\$ 1,950,000
6/1/2010 - 11/30/2010	\$ 1,875,000
12/1/2010 - 5/31/2011	\$ 1,800,000
6/1/2011 - 11/30/2011	\$ 1,725,000
12/1/2011 - 5/31/2012	\$ 1,650,000
6/1/2012 - 11/30/2012	\$ 1,575,000
12/1/2012 - 5/31/2013	\$ 1,500,000
6/1/2013 - 11/30/2013	\$ 1,425,000
12/1/2013 - 5/31/2014	\$ 1,350,000
6/1/2014 - 11/30/2014	\$ 1,275,000
12/1/2014 - 5/31/2015	\$ 1,200,000
6/1/2015 - 11/30/2015	\$ 1,125,000
12/1/2015 - 5/31/2016	\$ 1,050,000
6/1/2016 - 11/30/2016	\$ 975,000
12/1/2016 - 5/31/2017	\$ 900,000
6/1/2017 - 11/30/2017	\$ 825,000
12/1/2017 - 5/31/2018	\$ 750,000
6/1/2018 - 11/30/2018	\$ 675,000
12/1/2018 - 5/31/2019	\$ 600,000
6/1/2019 - 11/30/2019	\$ 525,000
12/1/2019 - 5/31/2020	\$ 450,000
6/1/2020 - 11/30/2020	\$ 375,000
12/1/2020 - 5/31/2021	\$ 300,000
6/1/2021 - 11/30/2021	\$ 225,000
12/1/2021 - 5/31/2022	\$ 150,000
6/1/2022 - 11/30/2022	\$ 75,000
	\$ -

AMENDMENT TO AGREEMENT

This Amendment to Agreement is made and entered into between the City of Storm Lake, Iowa ("CITY"), a municipal corporation, and Tyson Foods, Inc. ("TYSON"), a Delaware corporation, for the purpose of amending an Agreement between CITY and TYSON dated November 13, 2002 governing the CITY's sale of water to TYSON (the "Agreement").

In consideration of the mutual covenants set forth herein, CITY and TYSON agree as follows:

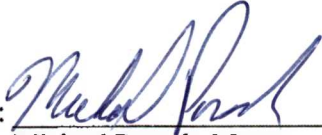
1. Section 1 of the Agreement, captioned "Term," is amended to read as follows:

Section 1. Term. City will furnish and shall sell water to TYSON pursuant to the terms of this Agreement for a period of twenty (20) years and seven (7) months, beginning December 1, 2002, which shall be the effective date of this Agreement. Therefore, CITY shall furnish and sell water to TYSON pursuant to the terms of this Agreement through June 30, 2023.

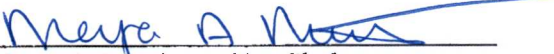
2. All other sections of the Agreement are unchanged and remain in full force and effect.

In Witness Whereof, CITY and TYSON have executed this Amendment to Agreement on the 21st day of November, 2022.

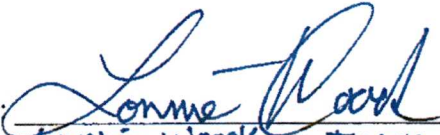
CITY OF STORM LAKE, IOWA

By: 
Michael Porsch, Mayor

ATTEST:


Mayra A. Martinez, City Clerk

TYSON FOODS, INC.

By: 
Lonnie Wood, Tyson Park
Complex Mgr.

ATTEST:

SECOND AMENDMENT TO AGREEMENT

This Second Amendment to Agreement is made and entered into between the City of Storm Lake, Iowa (“CITY”), a municipal corporation, and Tyson Fresh Meats, Inc. (“TYSON”), a Delaware corporation, for the purpose of amending an Agreement between CITY and TYSON dated November 13, 2002 governing the CITY’s sale of water to TYSON (the “Agreement”).

In consideration of the mutual covenants set forth herein, CITY and TYSON agree as follows:

1. Section 1 of the Agreement, captioned “**Term**,” is amended to read as follows:
Section 1. Term. City will furnish and shall sell water to TYSON pursuant to the terms of this Agreement for a period of twenty (20) years, eight (8) months and fifteen days, beginning December 1, 2002, which shall be the effective date of this Agreement. Therefore, CITY shall furnish and sell water to TYSON pursuant to the terms of this Agreement through August 15, 2023.
2. Even though this Second Amendment to Agreement is not executed by both of the parties until after June 30, 2023, the Agreement shall be considered to have not lapsed at the end of June 30, 2023, and shall be treated, for all purposes, as though the Agreement has remained in effect from November 13, 2002 through August 15, 2023.
3. All other sections of the Agreement are unchanged and remain in full force and effect. However, the parties recognize that the City’s water rates for Tyson, under the terms of the Agreement being extended, change, effective July 1, 2023, to rates equal to the commercial and industrial rates set forth in Section 3-5-1 of the Storm Lake City Code in effect as of July 1, 2023. Additionally, Tyson Fresh Meats, Inc., is hereby substituted in place of Tyson Foods, Inc. and recognized as being the proper party to the Agreement.
4. This Second Amendment to Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original copy of this Second Amendment to Agreement and all of which, when taken together, shall be deemed to be but one and the same Second Amendment to Agreement. A digital or encrypted signature, facsimile or .pdf copy of a signature of a party hereto shall have the same effect and validity as an original signature.

In Witness Whereof, CITY and TYSON have executed this Second Amendment
to Agreement on the 30 day of June, 2023.

CITY OF STORM LAKE, IOWA

TYSON FRESH MEATS, INC.

By: _____
Michael Porsch, Mayor

By: Kyle Narron
_____, SVP Pork

ATTEST:

ATTEST:

Mayra A. Martinez, City Clerk

_____, _____

Staff Summary

07/03/2023

Agenda Item # F.4.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Lee Dutfield Development Services Sepcialist

SUBJECT: **Rural Child Care Market Study Grant Update**

BACKGROUND: The Rural Child Care Market Study Grant program aims to support the use of data and analysis by rural communities to determine specific needs and solutions. Through greater understanding of geographic market, demographics, competition, and other factors, communities can be armed with the information needed to make proactive steps towards addressing child care challenges. Funding from the program requires us to partner with an IEDA approved third party who will complete the market analysis and work with us on completing a strategic plan. The City of Storm Lake has partnered with First Children's Finance.

FISCAL IMPACT: N/A

RECOMMENDATION: N/A

ATTACHMENTS:

Staff Summary

07/03/2023

Agenda Item # F.5.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council
FROM: Mayra Martinez City Clerk
SUBJECT: City Council Requested Items

BACKGROUND:

FISCAL IMPACT:

RECOMMENDATION: Future work session or presentations:
• Child Care update - future meeting

ATTACHMENTS: