

**CITY OF STORM LAKE
REGULAR COUNCIL SESSION MEETING,
CITY HALL
COUNCIL CHAMBERS
JULY 5, 2022
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**
- **Hear the Public**
- **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. [Approve Consent Agenda](#)
 - 2. [Buy Local Information](#)
 - 3. [Motion To Approve Kiwanis Sprint Triathlon / Duathlon Request](#)
 - 4. [Motion To Approve Sendero De Salvacion Iglesia Noise Variance Request For Outdoor Services](#)
 - 5. [Motion To Approve Kiwanis Car Show & Kids Activities in the Park](#)
 - 6. [SLPD City Code Enforcement Update](#)
- E. **Unfinished Business**
- F. **New Business**
 - 1. [Motion To Approve KidsFest Outdoor Waterpark Special One Day Rate Request](#)
 - 2. [Public Hearing On A Proposed Preliminary And Final Plat For A Minor Subdivision](#)
 - 3. [Resolution No. 02-R-2022-2023 Recommendation On A Preliminary And Final Plat For A Minor Subdivision](#)
 - 4. [Resolution No. 03-R-2022-2023 Approving Final Completion, Change Order No. 1, and Final Payment of 2020 Expansion Boulevard Improvements - Pavement Rehabilitation Project](#)

5. Resolution No. 04-R-2022-2023 Supporting Workforce Housing Tax Incentive Program-Woodland Creek Subdivision
 6. Ordinance No. 01-O-2022-2023 Amending Chapter 3-5 Of Title III Of The City Code Of The City Of Storm Lake, Iowa, Titled "Water Rates," To Provide For A New Water Conservation Measure
 7. Hearing to Appeal City Manager's Decision Determining a Certain Dog to be a Vicious Animal Pursuant to Section 8-9-7 of the Storm Lake, Iowa Code
 8. Council Decision Regarding the Appeal on City Manager's Decision for Vicious Animals Pursuant to Section 8-9-7 of the Storm Lake, Iowa Code
 9. Work Session - 2022 Legislation
- G. **City Council Requested Items**
None at this time
- H. **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.*

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Find us on the Web at <http://www.stormlake.org>

Staff Summary

07/01/2022

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: Nelda Kirkholm

SUBJECT: Approve Consent Agenda

BACKGROUND: The Consent Agenda Includes:

- List of Bills For Approval
- King's Pointe and Sunrise Pointe disbursements for Approval
- Approve the June 20, 2022 City Council Minutes
- Approve the July 1, 2022 Special City Council Minutes
- Approve Renewal Liquor Licenses for Grand Central (East)
- Approve Appointment of Lindsey Browning to the Mayor's Advisory Committee - 6 year term
- Kiwanis Sprint Triathlon / Duathlon Request
- Kiwanis Car Show & Kids Activities in the Park
- Sendero De Salvacion Inglesia Noise Variance Request for Outdoor Services
- Approve the SLPD Enforcement Summary (see staff summary)
- Buy Local Information

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills -- \$1,395,264.43
- King's Pointe & Sunrise Pointe Golf Course Bills -- \$373,139.32

The City will receive the following revenues:

- Liquor License renewal fees -- \$337.50

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

06202022 CC Minutes.doc
7.5.2022 Expense Report.pdf
7.5.2022 KP 6.16.2022 to 6.30.2022.xlsx
Grand Central Liquor Application 2022.pdf
Grand Central East Liquor Report 2022.xls
- Application.pdf
07012022 - CC Minutes - Special.docx

REGULAR COUNCIL MEETING, CITY HALL COUNCIL CHAMBERS CITY OF STORM LAKE, JUNE 20, 2022, 5:00 PM

Present: Present: Mayor Michael Porsch, Council Members Tyson Rice, Maggie Martinez, Matt Ricklefs, and Kevin McKinney (via Zoom). Absent: Maria Ramos

Staff present: City Manager Keri Navratil, Assistant City Manager David Derragon, City Attorney Phil Havens, Police Chief Chris Cole, Fire Chief Glenn Schlessler, Building and Code Compliance Director Scott Olesen, Public Services Supervisor Scott Bonebrake, Public Services Assistant Supervisor Brandon Ripke, King's Pointe Manager Amy Von Bank, Communications Coordinator Dana Larson, Finance Director Brian Oakleaf, Deputy City Clerk Nelda Kirkholm, Kim Woltman Program/Campground Manager and Staff Accountant Tyler Gibbins.

Pledge of Allegiance

Agenda - Moved by Council Member Ricklefs to approve setting the agenda. Seconded by Council Member Martinez. Vote: All ayes with Council Member Ramos absent. Motion carried.

Disclosures - None at this time.

Hear the Public - Andriette Wickstrom from 909 W. 5th Street expressed to City Council that she is very happy with Storm Lake Proud and the work that has been done to improve the image of Storm Lake. Andriette would like to see the City start their newsletter again as it was very informative for the public as to what is going on in the City.

Consent Agenda - Moved by Council Member Rice to approve the Consent Agenda, list of bills Check #'s 77618 through 78565, EFT's 874 and 3054, King's Pointe and Sunrise Pointe disbursements, approve the June 6, 2022 minutes, approve renewal liquor license for Casey's Store #3030, approve renewal cigarette permits for BLP Phonpei Market and Brewsters, approve to amend the Warehouse Storage Facilities Operator agreement with L&G Products, Inc, approve the 2022 SLHS Homecoming Parade request for September 23, 2022, approve agreements with Storm Lake Cab and RIDES for transit services, and approve the SLPD Code Enforcement Summary. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ramos absent. Motion carried.

Unfinished Business – Moved by Council Member Ricklefs to un-table the item Resolution No. 79-R-2021-2022 supporting workforce housing tax incentive program for Woodland Creek for discussion. Seconded by Council Member Rice. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

Resolution No. 79-R-2021-2022 died due to a lack of motion.

Text Amendment to the Zoning Ordinance GI Zoning District. - 3rd Reading Moved by Council Member Ricklefs to pass on third reading Ordinance No. 10-O-2021-2022 for a proposed text amendment to the Storm Lake Zoning Ordinance to permit kennels in the GI Zoning district. Seconded by Council Member McKinney. There were no questions, discussions, or comments from the public or City Council members. Roll call vote: Ayes:

Council Members McKinney and Ricklefs. Nays: Council Members Rice and Martinez with Council Member Ramos absent. Motion Failed.

Preliminary and Final Plat For A Minor Subdivision - Moved by Council Member Martinez to approve setting a public hearing on a preliminary and final plat for a Minor Subdivision for July 5th, 2022, at 5:00 pm at City Hall Council Chambers. Seconded by Council Member Rice. Vote: All ayes with Council Member Ramos absent. Motion Carried.

Fiber Optic Improvements – 2021 project - Moved by Council Member Rice to adopt Resolution No. 80-R-2021-2022 approving Change Order No. 1 of the Fiber Optic Improvements – 2021 project. Seconded by Council Member Ricklefs. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

RESOLUTION NO. 80-2021-2022

RESOLUTION ADOPTING CHANGE ORDER #1 FOR THE FIBER OPTIC IMPROVEMENTS – 2021 PROJECT

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the Fiber Optic Improvements – 2021 project; and

WHEREAS, notice of hearing on plans, specifications, form of contract and estimate of cost for said public improvements was published as required by law; and

WHEREAS, a contract in the amount of \$1,232,301.80 was awarded to Kramer Service Group for the project; and

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

Section 1. To approve Change Order No. 1 to the contract for work performed by Kramer Service Group for an increase of \$122,753.00 with 21 additional working days to the contract. The total contract amount is \$1,355,054.80 with a substantial completion date of 9/23/2022.

Section 2. That the Mayor and Clerk are hereby directed to execute this Change Order No. 1.

PASSED AND APPROVED this 20th day of June, 2022.

Michael Porsch, Mayor

ATTEST:

Nelda Kirkholm, Deputy City Clerk

Moved by Council Member McKinney to approve an amendment to the Professional Services Agreement with Rebnord Technologies for the Fiber Optic Improvements – 2021 project. Seconded by Council Member Martinez. Vote: All ayes with Council Member Ramos absent.

Workforce Housing Tax Incentive Program - Bloomfield Acres (Kading) - Moved by Council Member Rice to adopt Resolution No. 81-R-2021-2022 supporting Workforce Housing Tax Incentive program – Bloomfield Acres (Kading). Seconded by Council Member Martinez. Roll call vote: All ayes with Council Member Ramos absent.

RESOLUTION NO. 81–R-2021-2022

A RESOLUTION IN SUPPORT OF A WORKFORCE HOUSING TAX INCENTIVE APPLICATION TO BE SUBMITTED TO THE IOWA ECONOMIC DEVELOPMENT AUTHORITY (IDEA) BY BLOOMFIELD ACRES, LLC FOR A HOUSING PROJECT IN STORM LAKE, IOWA

WHEREAS, Bloomfield Acres, LLC plans on a significant capital investment for a housing development located on 1401 Poplar Lane, 1404 Poplar Lane and parcel 1402131001; and

WHEREAS, the project consists of 170 market-rate 3-bedroom leased housing units constructed in single family attached structures; and

WHEREAS, the insufficient housing market has impacted recruitment and retention of employees; and

WHEREAS, a comprehensive needs analysis stated there is demand for over 600 general occupancy units through 2025; and

WHEREAS, the project will address the critical need for housing in Storm Lake, and

WHEREAS, the project will add new assessable tax valuation to Storm Lake; and

WHEREAS, the City of Storm Lake will assist the project by providing tax abatement of 100% for ten (10) years; and

WHEREAS, Bloomfield Acres, LLC intends to submit an application for Workforce Housing Tax Incentive through the Iowa Economic Development Authority; and

WHEREAS, the City of Storm Lake is a duly recognized political subdivision of the State of Iowa action under the laws of the State of Iowa; and

WHEREAS, the City Council is the duly elected governing body of Storm Lake, Iowa; and

IT IS HEREBY RESOLVED by the City Council of Storm Lake Iowa as follows:

1. The City Council is in full support of the opportunity to promote housing development in Storm Lake, Iowa and fully supports the Application for Workforce Housing Tax Incentives.
2. City staff is authorized to assist in the preparation of the application and related materials deemed necessary.

PASSED AND APPROVED this 20th day of June, 2022.

Michael Porsch, Mayor

ATTEST

Nelda Kirkholm, Deputy City Clerk

Carrie Woerdeman updated the Council on the Bloomfield Acres project. They currently have fourteen buildings framed. They are trying to frame two units per week and hope to wrap up the first phase of the project by winter of this year. They are also hoping to open for occupancy in the next 60 to 90 days.

2022 4th Street Watermain Improvements Project - Moved by Council Member Ricklefs to approve an amendment to the Professional Services Agreement with Bolton & Menk for the 2022 4th Street Watermain improvements project. Seconded by Council Member Martinez. Vote: All ayes with Council Member Ramos absent. Motion carried.

Storm Lake Library CDBG – COVID (CV) Funding Grant - Moved by Council Member Martinez to adopt Resolution No. 83-R-2021-2022 approving the amendment to the agreement with CMBA for Professional Services for architectural services for the Storm Lake CDBG – Covid (CV) funding grant. Seconded by Council Member Ricklefs. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

RESOLUTION NO. 83-R-2021-2022

A RESOLUTION APPROVING AN AGREEMENT FOR ARCHITECTURAL SERVICES THE STORM LAKE LIBRARY FOR A CDBG-CV APPLICATION

WHEREAS, the City of Storm Lake desires to apply for CDBG-CV funding, and;

WHEREAS, the City desires to have professional architectural services for the proposed project and therefore followed the Federal CDBG procurement guidelines to solicit proposals from qualified architects for the proposed project, and;

WHEREAS, the City published notice of procurement for architectural services in the Storm Lake Times on July 7, 2021 for such services, and;

WHEREAS, the City published notice of procurement for architectural services with the Iowa League of Cities and on the City's website; and;

WHEREAS, the City received four proposal(s) for architectural services from qualified firms, and, following a review of the proposals, the City Council on August 2, 2021 selected CMBA for professional services for this funding opportunity, and;

WHEREAS, the City Council approved the agreement with CMBA for architectural services for the Storm Lake Library for this CDBG-CV funding application on August 16, 2021.

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

SECTION 1. The City Council approves the amendment to the agreement with CMBA for architectural services for the Storm Lake Library for this CDBG-CV funding application for the following changes:

- a. Add Raker Rhodes Structural Engineering to the contract – Jerad Hoffman is the representative
- b.
- c. Matt Gumm, P.E. being replaced by Holly Stevens, P.E. as the representative from MODUS

PASSED AND APPROVED this 20th day of June 2022.

Michael Porsch, Mayor

ATTEST:

Neda Kirkholm, Deputy City Clerk

Campground Event on July 30, 2022 – David Derragon introduced Kim Woltman who is the City program manager and Campground manager to have her explain the idea for the request. Kim explained that she would like to help increase attendance at the Campground during the week by offering some activities at the campground and awarding prizes for the activities. Kim and the campground hosts have suggested a chili cookoff at the campground and award a prize to the winner. Council Member Rice suggested that the campground should host an activity once a month and award a prize for that activity. Council Member McKinney suggested to approve \$500 to be used for prize money for this campground season.

Moved by Council Member McKinney to approve prizes for the campground events this summer and early fall not to exceed \$500.00. Seconded by Council Member Rice. Vote: All ayes with Council Member Ramos absent. Motion carried.

City Council Requested Items - No items at this time.

Adjourn - Moved by Council Member McKinney to adjourn at 5:41 pm. Seconded by Council Member Rice. Vote: All ayes with Council Member Ramos absent. Motion carried.

Michael Porsch, Mayor

ATTEST:

Nelda Kirkholm, Deputy City Clerk



Storm Lake, IA

My Buy Local_v1

Payment Date Range: 06/23/2022 - 07/06/2022

Vendor Name	Buy Local Info	Payable Description	Total Payments
BVC			
Buena Vista County Solid Waste	BVC	Assessment Installment #1 FY2023	95,786.50
Control System Specialists, LLC	BVC	Freon	1,119.81
Justin Harrington	BVC	Mason Sand- from Dave's Sand	314.78
Buena Vista County Solid Waste	BVC	Recycling	116.60
	BVC Total:	97,337.69	
Contract/Agreement			
Godbersen-Smith Construction Co., Inc	Contract/Agreement	Pay #3 of Hwy 7/110 Intersection	306,262.66
Kevin L Gilman	Contract/Agreement	Pay #2 (Final) Pamon Project	15,181.00
Storm Lake Public Library Gallery Guild Inc	Contract/Agreement	FY2023 Outside Agency Funding	12,000.00
Blacktop Service Company	Contract/Agreement	Pay #6 (Final) of Exp Blvd Pavement Rehab	7,158.59
Kevin L Gilman	Contract/Agreement	Pay #1 of Boyd Project	4,900.00
	Contract/Agreement Total:	345,502.25	
Local			
Rebnord Technologies, Inc	Local	Annual IT Subscriptions PO 2023-020	224,257.03
Bomgaars Supply, Inc	Local	Supplies	3,421.98
Smith Concrete Service Inc	Local	Concrete	3,174.00
WalMart #01-1526	Local	Supplies	634.87
Arnold Motor Supply, LLP	Local	Supplies	418.13
Vetter Equipment	Local	Belts & Supplies	308.55
Arctic Glacier International Inc	Local	Ice	305.97
Qwest Corporation	Local	Phone Service	242.12
Visual Edge Inc	Local	Copier Maintenance Agreement	238.00
Vetter Equipment	Local	Chain Saw Repairs	205.57
Visual Edge Inc	Local	Copier Maintenance Agreement	129.26
Color-ize Inc	Local	Decals	125.80
Stanton Electric, Inc	Local	Lights	119.68
L & G Products, Inc	Local	Herbicide	98.50
McCrea Eneterprises	Local	Paint Supplies	91.20
Vetter Equipment	Local	Fittings & Couplings	73.03
Buena Vista Regional Medical Center	Local	4/14/2022 Mason- Lab Admin	71.00
L & G Products, Inc	Local	Mulch	69.60
Rent-All, Inc	Local	Float Rental	62.00
L & G Products, Inc	Local	Mulch	52.20
Storm Lake Hearing Aid Service, Inc	Local	Hearing Screening	50.00
Verizon Wireless Services LLC	Local	SMS Request	50.00
Michael P. Reinert	Local	Tubing	39.50
Plumbing & Heating Wholesale, Inc	Local	Couplings	30.75
Storm City Auto Parts, Inc	Local	Filter & Oil	28.56
Vetter Equipment	Local	Trimmer Supplies	26.39
Deere Credit, Inc	Local	Hygard	24.59
Michael P. Reinert	Local	Supplies	24.00
Vetter Equipment	Local	Spark Plugs	18.68
Paxtons Jewelry	Local	Engraving	18.00
Michael P. Reinert	Local	Supplies	12.00
Rent-All, Inc	Local	Appliance Cart Rental	10.20
Mike's Lawn Service, Inc	Local	Weed Mats	6.00
Michael P. Reinert	Local	Steel Material	6.00
Storm City Auto Parts, Inc	Local	Spark Plug	3.42
Vetter Equipment	Local	Statement Credit	-297.62
	Local Total:	234,148.96	
Non-Local			
Kramer Well Drilling, LLC	Non-Local	Pay #2 of Fiber Improvement- 2021	266,290.32

My Buy Local_v1

Payment Date Range: 06/23/2022 - 07/06/2022

Vendor Name	Buy Local Info	Payable Description	Total Payments
Tyler Technologies, Inc	Non-Local	FY2023 Annual Subscription	32,773.39
Digital Ally Inc	Non-Local	FY2023 Video Solution Subscription Program	29,420.54
Municipal Supply, Inc	Non-Local	RNI & SA Annual Subscription	15,587.00
Mississippi Lime Company	Non-Local	Lime	21,013.05
NW Iowa Planning & Development Commi	Non-Local	FY2023 Annual Dues	5,634.50
Electric Pump Inc	Non-Local	Fairbanks Pump Repairs	5,240.49
Municipal Supply, Inc	Non-Local	2" Meters	3,795.47
W. W. Grainger, Inc	Non-Local	Supplies	3,392.10
Industrial Process Technology, Inc	Non-Local	Actuators	3,250.00
Rock River Arms Inc	Non-Local	Duty Weapon	2,928.00
K & W Electric, Inc	Non-Local	Runway Light Repairs	2,841.43
Industrial Process Technology, Inc	Non-Local	Add'l Trip for Coupling Valve	4,425.00
Linde Inc	Non-Local	Carbon Dioxide	1,909.92
Dale Vitito	Non-Local	Uniforms- Beaugregard	1,879.54
Tyler Technologies, Inc	Non-Local	FY2023 Annual Subscription- Time & Attendan	1,786.80
Efficient Construction LLC	Non-Local	KP Roof Repairs	1,500.00
US Peroxide, LLC	Non-Local	Facility & Maintenance Agreement	1,500.00
Ed M. Feld Equipment Company, Inc	Non-Local	Gloves & Boots	1,498.76
WaterPro Supplies Inc	Non-Local	Coupling	1,444.00
Impact7G, Inc	Non-Local	Survey Services	1,100.00
SCE, LLC	Non-Local	Campground Site 307 Leak Repairs	1,023.50
Midwest Breathing Air, LLC	Non-Local	Quarterly Air Test	655.89
J.W. Pepper & Son, Inc	Non-Local	Material	627.00
Des Moines Area Community College	Non-Local	WW Training Class- Muniz	625.00
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	560.00
University Enterprises, Inc	Non-Local	Water Treatment and Distribution Training Ma	500.00
Alpha Wireless Communications	Non-Local	Speakers	444.92
Del's Garden Center, Inc	Non-Local	Plants	319.80
W. W. Grainger, Inc	Non-Local	Ram	313.59
Dale Vitito	Non-Local	Medals	313.34
WaterPro Supplies Inc	Non-Local	Unions	288.00
Central Iowa Distributing, Inc	Non-Local	Cleaning Supplies	284.00
Hach Company	Non-Local	Testing Supplies	273.88
R & R Products, Inc	Non-Local	Motor- Less Tax	253.35
Iowa League of Cities	Non-Local	IaCMA FY2023 Dues- Derragon	250.00
Pitney Bowes	Non-Local	Postage Machine Agreement	249.99
Ed M. Feld Equipment Company, Inc	Non-Local	Couplings	249.34
Jeff Koenig	Non-Local	Portable Toilet Rental	242.00
P.Q.L., Inc.	Non-Local	Lights	239.70
W. W. Grainger, Inc	Non-Local	Fiberglass	224.58
Ahlers & Cooney, P.C.	Non-Local	Dev Agreement Services- Brash LLC	216.50
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	203.00
Underground Location Company	Non-Local	Locate Services	195.50
J.W. Pepper & Son, Inc	Non-Local	Material	172.99
Laurens House of Print Ltd	Non-Local	Door Hangars	169.50
Davis Equipment Corporation	Non-Local	Wire	289.07
Ed M. Feld Equipment Company, Inc	Non-Local	Quarterly Security Monitoring	120.00
NW Iowa Planning & Development Commi	Non-Local	5.4.2022 CPR Training- Add'l	100.00
Foundation Analytical Laboratory, Inc	Non-Local	Testing Services	90.00
Van-Wall Equipment, Inc	Non-Local	Filter	72.88
UnityPoint Clinic- Occupational Medicine	Non-Local	DOT Services	42.00
Steven A Beeck	Non-Local	Window Cleaning Services	41.00
Stanard & Associates, Inc	Non-Local	Testing Material	40.77
UPS	Non-Local	Shipping	29.68
Central Iowa Distributing, Inc	Non-Local	Cleaning Supplies	28.00
Pitney Bowes	Non-Local	Ink Pad Replacement Kit	19.54
Alpha Wireless Communications	Non-Local	Supplies	18.04
UPS	Non-Local	Shipping	25.54
Non-Local Total:		419,022.20	

My Buy Local_v1**Vendor Name**

Payroll/Refunds

Custodian of Petty Cash- Jean Cashman

Buy Local Info**Payable Description****Total Payments**

Payroll/Refunds

Postage

18.45

Payroll/Refunds Total: 18.45**Grand Total:** 1,096,029.55**Payment Date Range: 06/23/2022 - 07/06/2022**

King's Pointe Resort

Claims Publication

From 6/16/2022 to 6/30/2022

Vendor	Description	Amount
360 Custom Designs, LLC	Services	\$ 4,043.00
ACCO Unlimited Corporation	Supplies	\$ 12,067.43
Alliant Energy	Utilities	\$ 685.37
Amazon Capital Services, Inc	Supplies	\$ 684.97
Arnold Motor Supply, LLP	Supplies	\$ 44.70
Arnulfo Nery	Refund	\$ 200.00
Assa Abloy Global Solutions	Services	\$ 381.50
Bomar Soft Playgrounds Inc	Supplies	\$ 4,590.00
Bomgaars Supply Inc.	Supplies	\$ 510.79
BV Glass Co.	Supplies	\$ 905.40
Caasa C/O Christine	Refund	\$ 200.00
Canadian Plastic Cards Inc	Supplies	\$ 280.00
Cintas Corporation	Supplies	\$ 2,537.74
COMMLOG LLC	Supplies	\$ 54.48
COUNSEL	Services	\$ 248.46
DayMark	Services	\$ 248.36
Denison Bulletin & Review	Services	\$ 229.00
Doll Distribution	Beverages	\$ 2,182.80
ECOLAB	Supplies	\$ 772.28
Ed M. Feld Equipment	Services	\$ 5,050.33
Foundation Analytical Laboratory, Inc	Services	\$ 60.00
Frigitec Inc.	Supplies	\$ 1,118.83
G & R Controls, Inc.	Services	\$ 6,841.10
Grainger	Supplies	\$ 1,766.74
Gray Media Group DBA KTIV	Advertising	\$ 1,963.00
GuestSupply	Supplies	\$ 4,021.66
HD Supply Facilities Maintenance LTD	Supplies	\$ 422.83
Hermel Wholesale	Food	\$ 584.72
HyVee	Supplies	\$ 2,741.56
Imagine The Possibilities Inc	Services	\$ 120.00
Iowa Dept of Rev	Taxes	\$ 41,400.80
Iowa State University	Services	\$ 320.00
Johnson Brothers	Beverages	\$ 1,338.85
Joyce M. Smith dba Joyce's Greenhouse	Services	\$ 13,512.48
KAYL/KKIA	Advertising	\$ 630.00
KCAU TV	Advertising	\$ 894.68
Laurens House of Print, LTD	Supplies	\$ 785.64
Loffredo Fresh Foods Inc	Food	\$ 1,703.50
Long Lines LLC	Utilities	\$ 887.45
M3 Accounting Services Inc.	Services	\$ 481.90
Marcus Lumber Co	Supplies	\$ 297.95
Martin Brothers	Food	\$ 9,702.30

Mediacom	Utilities	\$ 487.90
MidAmerican Energy	Utilities	\$ 17,152.47
Mood Media North America Holding LLC	Services	\$ 114.00
National Utilities Refund LLC	Services	\$ 215.21
Nelson's Premix and Vet Supply	Supplies	\$ 1,101.50
Office Elements	Supplies	\$ 276.65
Olsen Welding & Machine	Services	\$ 15.00
Pepsi Beverages Company	Beverages	\$ 2,507.62
Plumbing and Heating Wholesale, Inc.	Supplies	\$ 699.65
Power Solutions Inc.	Services	\$ 1,076.55
Quore Systems, LLC	Services	\$ 570.00
Rebnord Technologies, Inc.	Services	\$ 2,358.33
Rent-All Inc.	Supplies	\$ 1,029.00
RFID Hotel	Supplies	\$ 896.56
Rolloff Dumpster Rental of Iowa INC.	Services	\$ 442.68
Roto-Rooter	Services	\$ 672.00
Sceptre Hospitality Resources, LLC	Services	\$ 2,479.88
Schumacher Elevator Company	Services	\$ 342.40
SGS, LLC	Services	\$ 40.00
Shift 4	Services	\$ 1,346.64
Silverware POS Inc.	Services	\$ 10.00
Spencer Radio Group	Advertising	\$ 88.00
SPRY IT	Supplies	\$ 75.00
Steve's Window Service	Services	\$ 502.00
Storm Lake Ace Hardware	Supplies	\$ 869.04
Symmetry Energy Solutions LLC	Services	\$ 15,815.06
Sysco Iowa, Inc.	Food	\$ 23,493.03
Travel and Transport, Inc.	Services	\$ 313.61
TY Inc.	Supplies	\$ 1,623.70
Verizon Wireless	Services	\$ 271.96
Vista Paints	Supplies	\$ 424.58
Water Safety Products, Inc.	Supplies	\$ 6,635.31
Wells Fargo Financial Leasing, Inc.	Services	\$ 235.18
W-O Mgmt Fee- May 2022	Contract	\$ 17,130.90
W-O Payroll- 6/24/22	Payroll	\$ 144,208.64
Zone Home Entertainment	Supplies	\$ 107.00
		<u>\$ 373,139.65</u>



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
GRAND CENTRAL COFFEE STATION, LLC	Grand Central Coffee Station	(712) 213-0305		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
1501 East Lakeshore Drive		Storm Lake	Buena Vista	50588
MAILING ADDRESS	CITY	STATE	ZIP	
201 Pheasant Ave.	Storm Lake	Iowa	50588	

Contact Person

NAME	PHONE	EMAIL
Karen Keenan	(712) 299-4416	kmkeen7@gmail.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BW0096560	Special Class C Liquor License	12 Month	Submitted to Local Authority
EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS	
June 18, 2022	June 17, 2023		
SUB-PERMITS			
Special Class C Liquor License, Class B Wine Permit			



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Outdoor Service, Sunday Service

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Karen Keenan	Storm Lake	Iowa	50588	owner	100.00	Yes

Insurance Company Information

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

June 18, 2022

POLICY EXPIRATION DATE

June 18, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

M E M O R A N D U M

TO: MAYRA MARTINEZ

FROM: CHRIS COLE

DATE: April 22, 2022

REFERENCE: LIQUOR LICENSE RENEWAL
Grand Central East
1501 E Lakeshore Dr

Discussion: Per your request I have accessed the department computer for calls of interest to the aforementioned establishment. The calls are as follows:

4-19-2021 to
4-19-2022

INCIDENTS

Business Security	63
PR/Talk/Presentation	5
Street Beat	7
Vehicle Stop	3

ARRESTS none

Recommendation: Approval of liquor license.

Boards & Commissions Application

06/26/2022 11:24 AM (EDT)



First Name	Lindsey
Last Name	Browning
Street Address	512 Angier Drive
City	Storm Lake
State	IA
Zip Code	50588
Phone Number	3317072810
Email	l.l.browning@icloud.com
How many years have you lived in Storm Lake	1
List any volunteer/civic/community activity in which you have been involved:	New to the community and looking to get more involved.
Occupation	Assistant County Attorney
Employer	Buena Vista County Attorney's Office
Please check the following City board or commission to which you would like to be appointed:	Mayor's Committee on Trees, Trails, Parks
Why do you want to serve on this board or commission?	My husband and I have really enjoyed use of the parks and trails since purchasing our home here in February. I'd love to be a part of its continued maintenance for all to enjoy.

In accordance with Iowa Code Chapter 362 the City must determine what relationships or transactions you may have or potentially have with the City of Storm Lake prior to your appointment to a Board or Commission. In order to do this, we must ask you to answer the following questions.

Do you or any immediate family member own or are part owners of a business doing business with the City of Storm Lake?	No
--	----

Are you employed by any business doing business with the City of storm Lake? No

Is your salary/bonus determined by financial performance of the company or do you receive a commission? No

I certify that all answers are correct and true.

File(s) attached:



Date 06/26/2022

"Appointment to City Boards and Commissions are made by the Storm Lake Mayor and confirmed by the City Council."

Thank you for providing this information. After clicking 'Submit' you will receive a Submission ID number that can be retained for future reference.

You will be updated by our staff, if necessary, as your submission is processed.

Have a great day!

**CITY OF STORM LAKE CITY HALL COUNCIL CHAMBERS SPECIAL
COUNCIL MEETING, JULY 1, 2022, 8:00 AM**

Present: Member Mayor Michael Porsch, Council Members Maggie Martinez, Member Maria Ramos and Kevin McKinney. Absent: Council Members Matt Ricklefs and Tyson Rice.

Pledge of Allegiance

Agenda - Moved by Council Member Ramos to approve setting the agenda. Seconded by Council Member Martinez. Vote: All ayes with Council Members Ricklefs and Rice absent. Motion carried.

Disclosure by City Council Members – None

Hear the Public – No public comments

Water Conservation -Moved by Council Member McKinney to approve Resolution No. 01-R-2022-2023 Implementing Water Conservation Measures. Seconded by Council Member Martinez. Vote: All ayes with Council Members Ricklefs and Rice absent. Motion carried.

**RESOLUTION NO. 01-R-2022-2023
RESOLUTION TO DESIGNATE MANDATORY WATER CONSERVATION MEASURES
FOR USERS OF THE STORM LAKE WATER SYSTEM**

WHEREAS, During and following drought conditions which may occur from time to time, the supply of water available to the Storm Lake Water Plant may become significantly and seriously depleted; and

WHEREAS, Continuing hot, dry weather is causing the supply of water to be insufficient to meet the customary and usual demand of water customers; and

WHEREAS, the City must comply with permit requirements issued by the Iowa Department of Natural Resources relating to water collection and treatment; and

WHEREAS, the City has an allotted source capacity of 3,500 gallons per minute; and

WHEREAS, the City has capacity for producing treated water in the amount of 3.5 to 4 million gallons per day; and

WHEREAS, Demand for water by systems users has been reaching 4.5 to 5 million gallons per day during several days each week during hot, dry conditions; and

WHEREAS, Adequate time is necessary to allow for treatment of water to refill towers to serve users of the system; and

WHEREAS, the City Council now finds a public emergency water shortage and hereby implements water conservation methods as outlined in the Storm Lake Municipal Code.

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

Section 1. The following water conservation measures are now in effect:

From July 2, 2022 through July 4, 2022:

- No lawn or tree watering
- Flower beds/pots and vegetable gardens can be watered using a watering can or a hose that can regulate flow
- No vehicle washing at residential properties. Commercial car washes are permitted uses.
- No cleaning driveways sidewalks, etc.
- No Power washing, including houses, buildings, etc.

From July 5, 2022 forward:

- Lawns, trees and commercial properties shall not be watered between the hours of 9 a.m. and 6 p.m. When watering, please use a nozzle that will control flow to avoid wasting water.
- Flower beds/pots and vegetable gardens can be watered using a watering can or a hose that can regulate flow
- No watering may occur on Tuesdays and Thursdays until further notice.
- Anyone who needs to use power washers on buildings or concrete must contact the City of Storm Lake at 732-8000 so a lower demand time can be scheduled. This includes residential houses. The request will be addressed by the City Manager or designee.
- Vehicle washing should not take place during the high-demand daytime hours. If car washing is necessary, it must be done on a lawn to make best use of the water instead of allowing it to run to the storm sewer.
- Water uses such as washing down driveways and refilling pools should be avoided if possible, and if necessary, do these things outside the 9 a.m.- 6 p.m. window.
- New seedings and sod may only be planted and watered before May 31st and after September 30th per Iowa SUDAS.
- Golf course fairways can be watered from 2:00 AM to 6:00 AM. An exception for watering the golf course greens as needed is allowed.

Section 2. Further, as drought conditions may continue through October 2022, pursuant to Storm Lake Municipal Code Section 3-5-5, additional action necessary during this time may be taken

by the Mayor or City Manager and issued through a Proclamation. Additional actions may include issuance of a municipal infraction if necessary.

PASSED AND APPROVED this 1st day of July 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Cigarette Permits - Moved by Council Member Ramos to approve Renewal Cigarette Permits for Beer Thirty and Sichanh Inc and New Cigarette Permit for May Flower Asian Grocery. Seconded by Council Member Martinez. Vote: Ayes - Council Members Martinez and Ramos and 1 nay vote – Council Member McKinney with Council Members Ricklefs and Rice absent. Motion carried.

Adjourn - Moved by Council Member Ramos to adjourn at 8:25 am. Seconded by Council Member Mckinney. Vote: All ayes with Council Members Ricklefs and Rice absent. Motion carried. .

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

07/01/2022

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: Nelda Kirkholm

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:

<u>Breakout</u>	<u>Calculated Expenses</u>
Buena Vista County	\$ 97,337.69
Contract/Agreement	\$ 345,502.25
Local	\$ 234,148.96
Non-Local	\$ 419,022.20
Payroll/Refunds/Pyrl Tax & Ins	\$ 299,253.33
Total Expenses	\$ 1,395,264.43
Supporting Documents Attached	

RECOMMENDATION: Review Buy Local Information

ATTACHMENTS:
[7.5.2022 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 Wetlan...	1,173,565.00	0.00	1,170,187.96	0.00	1,170,187.96	3,377.04
01112-0020	10th & Ontario StormWater Improvem...	1,753,734.33	0.00	1,752,412.45	0.00	1,752,412.45	1,321.88
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 Improvements	174,107.75	174,107.75	174,095.25	0.00	174,095.25	12.50
OP1.125106	BRIC	7,978,418.00	7,978,418.00	106,516.49	0.00	106,516.49	7,871,901.51
16-19284	4th & Bartion Storm Water Improvemen...	760,113.88	0.00	757,662.80	0.00	757,662.80	2,451.08
19-22797	Memorial Lift Station Improvements	2,533,320.00	877.16	2,399,998.33	0.00	2,399,998.33	133,321.67
20-23848	Storm Lake WTP- Electrical MCC Replac...	268,494.81	0.00	273,335.01	0.00	273,335.01	-4,840.20
20-24387	Radio Park Lift Station Replacement	568,639.68	568,639.68	423,725.49	0.00	423,725.49	144,914.19
20-HSG-022	2021 Housing Sustainability Project	224,994.00	224,994.00	102,219.12	20,081.00	122,300.12	102,693.88
22-26698	Storm Lake WTP- Well No. 21	131,000.00	131,000.00	6,700.00	0.00	6,700.00	124,300.00
22-26815	W 6th Street Utilities Extension	75,500.00	75,500.00	18,700.00	0.00	18,700.00	56,800.00
35665	1st & Mae Street	764,059.53	0.00	762,737.66	0.00	762,737.66	1,321.87
8406	7th & Geneseo St Sanitary Sewer Impro...	410,306.35	0.00	408,984.48	0.00	408,984.48	1,321.87
IA0091	SL Elevated Water Storage- Tower #5	541,762.00	541,762.00	9,479.52	0.00	9,479.52	532,282.48
New 2	FEMA Hazard Mitigation Assistance (W...	48,600.00	48,600.00	0.00	0.00	0.00	48,600.00
OP1.125220	4th Street Watermain Improvement Pro...	457,037.00	457,037.00	52,217.50	0.00	52,217.50	404,819.50
P11.112742	North Central SW Phase II	1,854,441.25	0.00	1,853,147.38	0.00	1,853,147.38	1,293.87
P11.118940	Oneida Street Reconstruction from RR t...	2,588,808.30	5,132.54	2,460,894.08	0.00	2,460,894.08	127,914.22
P11.120411	Highway 7/110 Traffic Lane/Signalization	4,598,729.85	229,936.50	892,339.91	306,262.66	1,198,602.57	3,400,127.28
P11.120478	Tulip Lane SW Improvements	443,607.50	16,739.92	440,789.42	0.00	440,789.42	2,818.08
P11.120650	2020 Expansion Blvd Improvements	1,125,878.60	0.00	1,161,566.01	7,158.59	1,168,724.60	-42,846.00
P11.122266	7th Street Sewer Lining/2021 CIPP	514,861.25	514,861.25	485,364.15	0.00	485,364.15	29,497.10
T51.119823	Runway 13/31 & Taxiway Lighting	459,190.70	0.00	459,190.70	0.00	459,190.70	0.00
Urban20WQI-004	SLHS Courtyard Conservation	119,097.86	119,097.86	115,439.86	0.00	115,439.86	3,658.00
Report Total:		30,401,265.27	11,086,703.66	17,121,050.92	333,502.25	17,454,553.17	12,946,712.10

Group Summary						
Group	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
Airport Projects	459,190.70	0.00	459,190.70	0.00	459,190.70	0.00
ARPA Project	541,762.00	541,762.00	9,479.52	0.00	9,479.52	532,282.48
Building Resilient Infrastructure and Co...	7,978,418.00	7,978,418.00	106,516.49	0.00	106,516.49	7,871,901.51
Economic Development	419,591.86	419,591.86	236,358.98	20,081.00	256,439.98	163,151.88
National Resiliency Disaster Grant Proje...	8,507,686.72	531,601.17	8,464,633.65	0.00	8,464,633.65	43,053.07
Sanitary Sewer Projects	3,150,559.68	618,116.84	2,823,723.82	0.00	2,823,723.82	326,835.86
Street Construction	8,487,524.50	409,176.79	4,688,895.25	313,421.25	5,002,316.50	3,485,208.00
Water Project	856,531.81	588,037.00	332,252.51	0.00	332,252.51	524,279.30
Report Total:	30,401,265.27	11,086,703.66	17,121,050.92	333,502.25	17,454,553.17	12,946,712.10

Staff Summary

07/01/2022

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

SUBJECT: **Motion To Approve Kiwanis Sprint Triathlon / Duathlon Request**

BACKGROUND: Attached is a request from Curt Reis for the 2022 Kiwanis Sprint Triathlon / Duathlon which is scheduled for Saturday August 20th, 2022.

The request is for the following:

Noise variance Awaysis Park for amplified announcements and music from 7AM to 12PM

Use of Awaysis Park, Awaysis Park Beach, the west half of the Awaysis Parking lot (including the center drive) from 4AM to 12PM

Use of city streets for the event

FISCAL IMPACT: The costs associated with his event will be absorbed by the normal operating budget of the police department.

RECOMMENDATION: Approve request upon receipt of liability insurance

ATTACHMENTS:
[Kiwanis Request Letter](#)

June 20, 2022

City of Storm Lake &
Park Board of Storm Lake
c/o City Clerk
City Hall
620 Erie Street
Storm Lake, IA 50588

RE: Kiwanis Sprint Triathlon / Duathlon
Request for Noise Variance, Fencing/Street Blockage, Use of Awaysis Park/Parking Lot
Date of Events: Saturday, August 20, 2022

Dear Ladies and Gentlemen:

This concerns the Kiwanis Sprint Triathlon events to be held on Saturday, August 20, 2022. The Hy-Noon Kiwanis of Storm Lake will be hosting the 8th Annual "Storm the Lake" Kiwanis Sprint Triathlon / Duathlon. Proceeds from this event will go to Kiwanis and used to supplement the Club's commitment to the Kiwanis International World Wide Service project "EliMiNaTe" to virtually eliminate Maternal/Neonatal Tetanus. As we have reached our initial goal, a portion of the proceeds will go to support our club's commitment to the recently completed Kiwanis Park.

The event will take place in Awaysis Park/parking lot, Sunrise Park, and various streets. We are requesting your permission to conduct these activities.

August 20, 2022:

General Description: On Saturday, August 20, 2022 we are planning the following activities in Awaysis Park / Sunrise park:

1. Sprint Triathlon consisting of an 800 meter swim, 12.63 mile bicycle ride and a 3.1 mile run
2. Duathlon consisting of a 1 mile run, 12.63 mile bicycle ride and 3.1 mile run.

The Triathlon will start with an 800 meter swim using the Awaysis Beach area and the adjacent bay. The participants will transition to bicycles in the west ½ of the nearby parking lot, exiting the center drive and proceeding east to the City limits turning south on the Lakeside blacktop. Participants will re-enter city limits on Highway 110 on the West side of the lake and travel city streets including Highway 110, Howard Road, Kelvin Road, Emerald Drive, West 5th Street, Grand Avenue and Lakeshore Drive returning to the Awaysis parking lot.

The Duathlon will start with a 1 mile run utilizing Sunrise Park road. The participants will transition to bicycles in the west ½ of the Awaysis parking lot, exiting the center drive and proceeding east to the City limits turning south on the Lakeside blacktop. Participants will re-enter city limits on Highway 110 on the West side of the lake and travel city streets including Highway 110, Howard Road, Kelvin Road, Emerald Drive, West 5th Street, Grand Avenue and Lakeshore Drive returning to the Awaysis parking lot.

All participants will again transition to running and proceed south along Sunrise Park utilizing the Lake Trail to the Lakeside City limits. Runners will proceed to a turnaround point near the outlet dam in Lakeside retuning to Storm Lake and the Awaysis parking.

There will registration and timer tents set up in the Awaysis parking as well as bike racks and timing equipment.

Parking Closures: We request that you permit us (the Hy-Noon Kiwanis) to close off the west ½ of the Awaysis parking, including the center driveway, Awaysis Park and the Awaysis Beach. We would also request use of the Gazebo's in Awaysis Park for overflow administrative activities. This area would need to be closed from 4:00 am to 12:00 pm. We have filed reservations with City Hall re: Gazebos.

Street usage: We would also request that the Hy-Noon Kiwanis be allowed use of the streets named above. We would also request that, with assistance from the Storm Lake Police Department, we be allowed to control traffic to facilitate safe passage of bicyclists.

Noise Variance: We request that you allow us (Hy-Noon Kiwanis) a variance to the noise ordinance. Race announcements will be made through out the event. The variance would be in effect from 7:00 am to 12:00 pm.

A certificate of liability insurance will be provided naming the City of Storm Lake as insured for \$1,000,000 of coverage.

Thank you for your continued cooperation and support of Storm Lake Kiwanis. We look for continued growth and success of the events. Thank you for your attention to this matter.

Sincerely,

Curt

Curt Reis
Safety Committee Chair
Hy-Noon Kiwanis

Triathlon Coordinators:

Duane Queen
804 Kelvin Road
Storm Lake, IA
732-4286

Clark Fort
732-3747

cc: Chris Cole (Storm Lake Public Safety)
Korey Elston, B V Co. Sheriff

Staff Summary

07/01/2022

Agenda Item # D.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: Chris Cole

SUBJECT: **Motion To Approve Sendero De Salvacion Iglesia Noise Variance Request For Outdoor Services**

BACKGROUND: Pastor Mario Pineda and Claudia Loera have requested a noise variance for outdoor church services to be held in the Sunset Park Band Shell on the following dates:
July 28th, August 25th, September 29th, October 13th

The services will be held from 6:00 PM to 10:00 PM

FISCAL IMPACT: None

RECOMMENDATION: Approve Request

ATTACHMENTS:
[Park Event / Registration Application](#)



Print Form

Great Lawn & Bandshell Reservation Form
 City of Storm Lake
 City Hall, 620 Erie Street
 712-732-8000
 712-732-4114 (f)
 cityhall@stormlake.org

Name: Sendero de Salvacion Iglesia
 Address: 2015 W Milwaukee Pastor - mario Pineda
 City: Storm Lake ~~IA~~ IA Phone Number: 712/730-2272
 State: IA Zip: 50588 Cell Phone: 832-755-5576
 E-mail Address:

☐ Great Lawn Area
Rental Date:
 \$200.00 Rental
 (per slot)

Plus \$150.00 Deposit

☒ Band Shell
Rental Date: July 25, Aug 25, Sept 29, Oct 13
 \$25.00 Rental
 (per slot)

Plus \$50.00 Deposit

By signing this rental agreement form you agree to the terms and rules of this rental agreement. You hereby agree that you will only have exclusive right to the an area of the Great Lawn or Band Shell for the rental period. You agree to have the Great Lawn or Band Shell clean and ready for the next person to use at the end of the rental period. You agree not to attach anything to the Great Lawn or Band Shell picture by any means other than masking tape and to remove all items by the end of your rental period. You agree that you will not drive on or over any sidewalk, trail, or grass within the parks and to limit vehicles to the authorized parking areas of the park. You also agree to pick up all trash in and around the Great Lawn and/or Band Shell and to dispose of the garbage in a proper garbage facility provided within the park. If at the time you arrive there are persons utilizing the Great Lawn area or Band Shell please kindly ask them to move to another location. If they refuse to leave or the rental facility is not clean you may contact the Buena Vista County Communications Center at 712-749-2525 for assistance - please provide them with your name and the rental facility you are renting. Signs indicating your rental will be posted at the facility the day of the rental. You agree to pay for any damages or clean up expenses that occur as a result of your rental including those that might exceed your damage deposit.

You agree that all tents, stakes, or any other items that are driven or placed into the ground of the Great Lawn shall be done by the Storm Lake Parks Department or will have prior written approval of the Storm Lake Parks Departments.

You agree and understand that once the facility is rented there is no refund for cancellation.

 Renter
 Signature:

Claudio Lopez

Date:

6/17/22

This Section - City of Storm Lake Use Only

Payment Rec'd Date: Rental Taken By: BL

Payment Method

Deposit Payment Method

☒ Cash
Receipt #:
☐ Cash

☐ Check
Check #:
☐ Check
Check #:
☐ Credit Card
Card Type:
☐ Returned
Date:

Administrative Checklist

☐ Put on Rental Calendar

☐ Put on Web Calendar

☐ Parks Dept. Notified

City of Storm Lake
PO Box 1086
Storm Lake, Iowa 50588
712-732-8000
cityclerk@stormlake.org
www.stormlake.org

City of Storm Lake

Park Event / Rental Registration Application

Please complete this form for all events requested to be held within the Storm Lake Park System

Name of Requesting Party: Sendero de Salvacion Iglesia Phone #: Pastor Mario Pineda
712-730-2272

Mailing Address: 2015 W Milwaukee Ave Email:

City: Storm Lake State: IA Zip: 50588

Cell Phone:

2nd Contact: Claudia Loera Position/Relationship:

Email: Cell Phone: 832-755-5576

Requested Park: Sunset - Bandshell Event Date: July 28, Aug 25, Sept 29, Oct 13

Event Type: Church service Event Start Time: 6:00pm

Event End Time: 10:00 pm

Please answer the following questions regarding your proposed events:

Will there be amplified noise such as music, spoken word through a microphone or karaoke? (Use of amplified noise will require a noise variance)

yes

Will you have horses involved in the event? (All animal feces must be managed and removed from public property)

no

Will you be selling food or drink as part of event? (Sale of food requires a permit from the BV County Sanitarian 712-749-2555, provide a copy of this permit to the City. Also, Council approval for food sale on public property.)

no

☐ Check this box if you will be charging admission to this event.

Will you be using an open shelter, the band shell, or the Chautauqua Park Shelter House? (These facilities are available for rent and have a rental fee associated with them - please fill out the rental agreement in addition to this document.)

Band Shell

Will you be erecting a tent? If **YES** attach a map of the park showing the location of the tent, size, and staking layout.

no

How many people will be attending the event? Provide your best estimate on attendance.

60

Do you have electrical needs? yes Identify: outlets Additional Electrical- \$150.00

Will there be alcohol at the event? no Will alcohol be sold at the event? no Do you have a liquor license?

Will you have inflatables at the event? If yes you will be required to provide liability insurance to the City.

no

Are you requesting Street closures? no Which Streets?

Starting Time:

Ending Time:

Will there be fireworks involved with this event? If Yes please contact the Fire Chief at 712-732-8010.

no

Are you requesting security services provided by Storm Lake Public Safety? SLPS may require security services.

no

Signature Field

Claudia Loera

Date:

Staff Summary

07/01/2022

Agenda Item # D.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: Chris Cole

SUBJECT: **Motion To Approve Kiwanis Car Show & Kids Activities in the Park**

BACKGROUND: Attached is a request letter from Curt Reis for the Kiwanis Car Show and Kids Activities in Chautauqua Park. The event date is scheduled for Sunday September 4th 2022. This event includes a car show, food booths and kids games.

The Kiwanis are requesting a street closure at Chautauqua Park Drive west entrance to the maintenance building in the park from 8AM to 5PM. They are also requesting, fencing from the city to separate the east and west side of the park for the car show.

Lastly, they are requesting a noise variance for amplified music, announcements and entertainment from 8AM to 5PM.

This request is the same as in past years and the event generally runs smoothly.

FISCAL IMPACT: None

RECOMMENDATION: Approve request upon receipt of insurance certificates

ATTACHMENTS:
[Kiwanis Car Show Request](#)

June 20, 2022

City of Storm Lake &
Park Board of Storm Lake
c/o City Clerk
City Hall
620 Erie Street
Storm Lake, IA 50588

RE: Kiwanis Car Show and Kids Activities in Park
Request for Noise Variance, Fencing/Street Blockage, Use of Chautauqua Park
Date of Events: Sunday, September 4, 2022

Dear Ladies and Gentlemen:

This concerns the Kiwanis Car Show and other events to be held on Sunday, September 4, 2022. The Hy-Noon Kiwanis of Storm Lake will be hosting the annual car show, Storm Lake Kiwanis Beavers will be hosting a fund-raising meal and 4-H will be holding kids games in the park. Proceeds from the car show will go to Hy-Noon Kiwanis, proceeds from the food sales will go to the Kiwanis Beavers and be used to support our commitment to youth recreation and education. Proceeds from the 4H kids games will go to support their programming.

As in the past, these events will take place in Chautauqua Park. This is our 16th year and again we are requesting your permission to continue these activities in the park.

September 4, 2022:

General Description: On Sunday, September 4, 2022 we are planning the following activities in Chautauqua Park:

1. Auto Show hosted by the Hy-Noon Kiwanis
2. Food Booth
3. Kids Games

Our request is much the same as we requested last year. Our desire is to have a fence separating the east and west side of the park. The fence line would run immediately to the west of the shelter house and tennis courts. We would like to restrict entry into the west side of the park at the corner where Lakeshore Drive, Chautauqua Park Drive, and Cayuga Street meet. This is where show vehicles will enter the automobile show. Food and soda sales booths will be in the vicinity of the north and northeast side of the shelter house.

The public will enter the auto show from the north side through the sidewalk just to the west of the shelter house as in past years. Automobiles for the auto show will enter on the west side of the park by turning onto Chautauqua Park Drive from Lakeshore Drive, as in past years. The east side of the park will be unrestricted to the public.

There will also be a DJ stand set up directly to the northwest of the tennis court area to play classic car music and make award announcements for the auto show. This will be within the confines of the fenced area.

Fence Permit: We request that you permit us (the Hy-Noon Kiwanis) to fence off Chautauqua Park in the same manner as past years. We request that Chautauqua Park Drive be blocked at its entrance from Cayuga Street to the point south of the city maintenance garage. This street would need to be blocked from 8:00 am to 5:00 pm.

Request for Fencing: Please provide us with the fencing to block off the area requested for our activities. Our organization will be responsible for the erection and removal of this fence and will work with the city personnel in this regard.

Noise Variance: We request that you allow us (Hy-Noon Kiwanis) a variance to the noise ordinance. Music and vehicle engines will be performing during the day. The variance would be in effect from 8:00 am to 5:00 pm.

A certificate of liability insurance will be provided naming the City of Storm Lake as insured for \$1,000,000 of coverage.

Thank you for your continued cooperation and support of these events. We look for continued growth and success of the events. Thank you for your attention to this matter.

Sincerely,

Curt Reis
Hy-Noon Kiwanis
Car Show Committee

cc: Carl Turner – Kiwanis Beavers
Chris Cole (Storm Lake Public Safety)

Staff Summary

07/01/2022

Agenda Item # D.6.



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
SUBJECT: SLPD City Code Enforcement Update
BACKGROUND: 6/15/2022 to 6/28/2022

White Summons – 11

CCE Total: 101

Tall Grass and Weeds – 63

Grass Clippings in Street – 7

Accumulate Junk – 25

Junk Vehicle – 3

Accumulate Trash – 1

Misc CCE – 2

0 Citations

FISCAL IMPACT: None

RECOMMENDATION:

ATTACHMENTS:

Staff Summary

07/01/2022

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: Keri Navratil

SUBJECT: **Motion To Approve KidsFest Outdoor Waterpark Special One Day Rate Request**

BACKGROUND: KidsFest is scheduled for July 17, 2022 and King's Point Outdoor Waterpark would like to request a onetime rate change for July 17.
Individuals under 11 year of age will - Free
Individuals over 12 years of age- \$5.00

FISCAL IMPACT: N/A

RECOMMENDATION: Motion to approve Outdoor Waterpark Special Rate on July 17, 2022 for KidsFest

ATTACHMENTS:

Staff Summary

07/01/2022

Agenda Item # F.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: Colette Baker

SUBJECT: **Public Hearing On A Proposed Preliminary And Final Plat For A Minor Subdivision**

BACKGROUND:

This agenda item is a public hearing for a request for a proposed preliminary and final plat for a minor subdivision by Jason and Brooke Husienga/DLH Land LLC. Since the proposed subdivision of land is considered a minor subdivision in accordance with the Storm Lake Subdivision Ordinance, the preliminary and final plats can be reviewed and approved at the same meeting by the Planning and Zoning Commission and the Storm Lake City Council. A minor subdivision is defined as a division of land into no more than four lots and does not require the installation of streets, sewer, or water. The area will remain Res-Reserve District. The lots meets all bulk regulations, are located on an existing street, and has existing utilities. A copy of the proposed plat is attached to this staff summary.

The Storm Lake Planning and Zoning Commission will meet on Friday July 1st at 4:00 pm to review this application, and will provide a recommendation to the Storm Lake City Council.

COMPREHENSIVE PLAN RELATIONSHIP The Storm Lake Comprehensive Plan on page 5-6, lists "HOUSING GOALS AND POLICIES". Goal 1 is to "Provide a variety of housing options to attract and retain households of varying sizes, ages, and diversity, incomes, and needs"

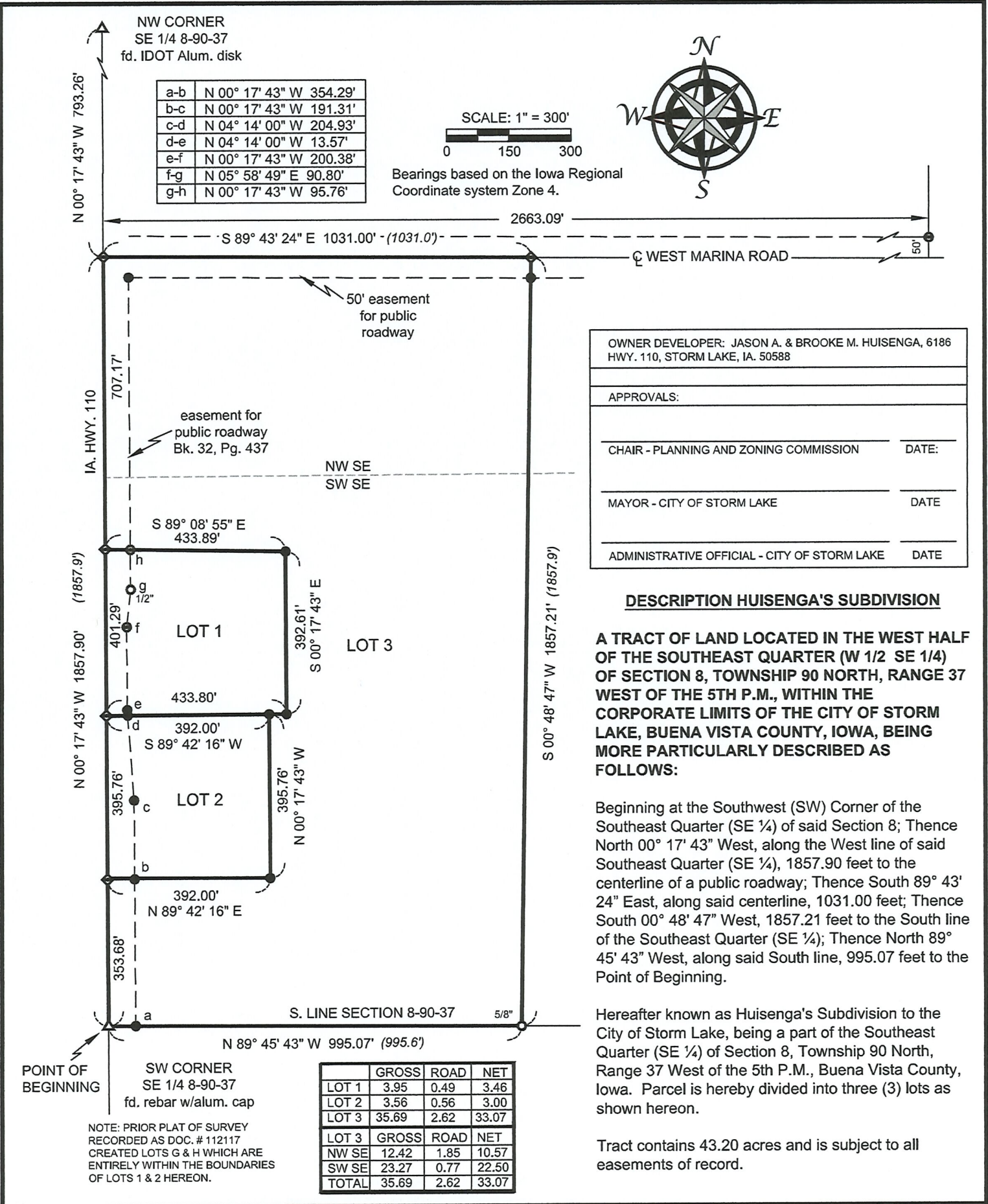
FISCAL IMPACT: Cost of public notices and legal fees estimated at \$300.00

RECOMMENDATION: Open Public Hearing
Receive Public Input
Close Public Hearing

ATTACHMENTS:
[Huisenga Plat.pdf](#)

Huisenga Resolutions.pdf
Map With Key.docx
Map.png
Notice to paper.docx

INDEX LEGEND	
PLAT OF HUISENGA'S SUBDIVISION	
COUNTY:	BUENA VISTA
CITY:	STORM LAKE
SECTION:	8
TOWNSHIP:	T-90-N
RANGE:	R-37-W 5TH P.M.
ALIQUOT PART:	SW 1/4 SE 1/4
PROPRIETOR:	
SURVEY PREPARED FOR:	DAN CONNELL
SURVEY PREPARED BY:	J. SCOTT SHEVEL IOWA PLS NO. 11810
COMPANY NAME:	ISG
ADDRESS:	1725 N. LAKE AVE, STORM LAKE, IA. 50588
PHONE:	712-732-7745



LEGEND OF SYMBOLS/ABBREVIATIONS

- CORNERS FOUND (uncapped rebar - dia. shown)
- CORNERS FOUND (1/2" rebar w/rpc no. 11810)
- CORNERS SET (1/2" rebar w/rpc no. 11810)
- ◆ CORNER SET (magnetic nail)
- ▲ SECTION CORNER FOUND (monuments as described)
- 100.00' MEASURED
- (100.00') RECORDED AS
- rpc RED PLASTIC CAP

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

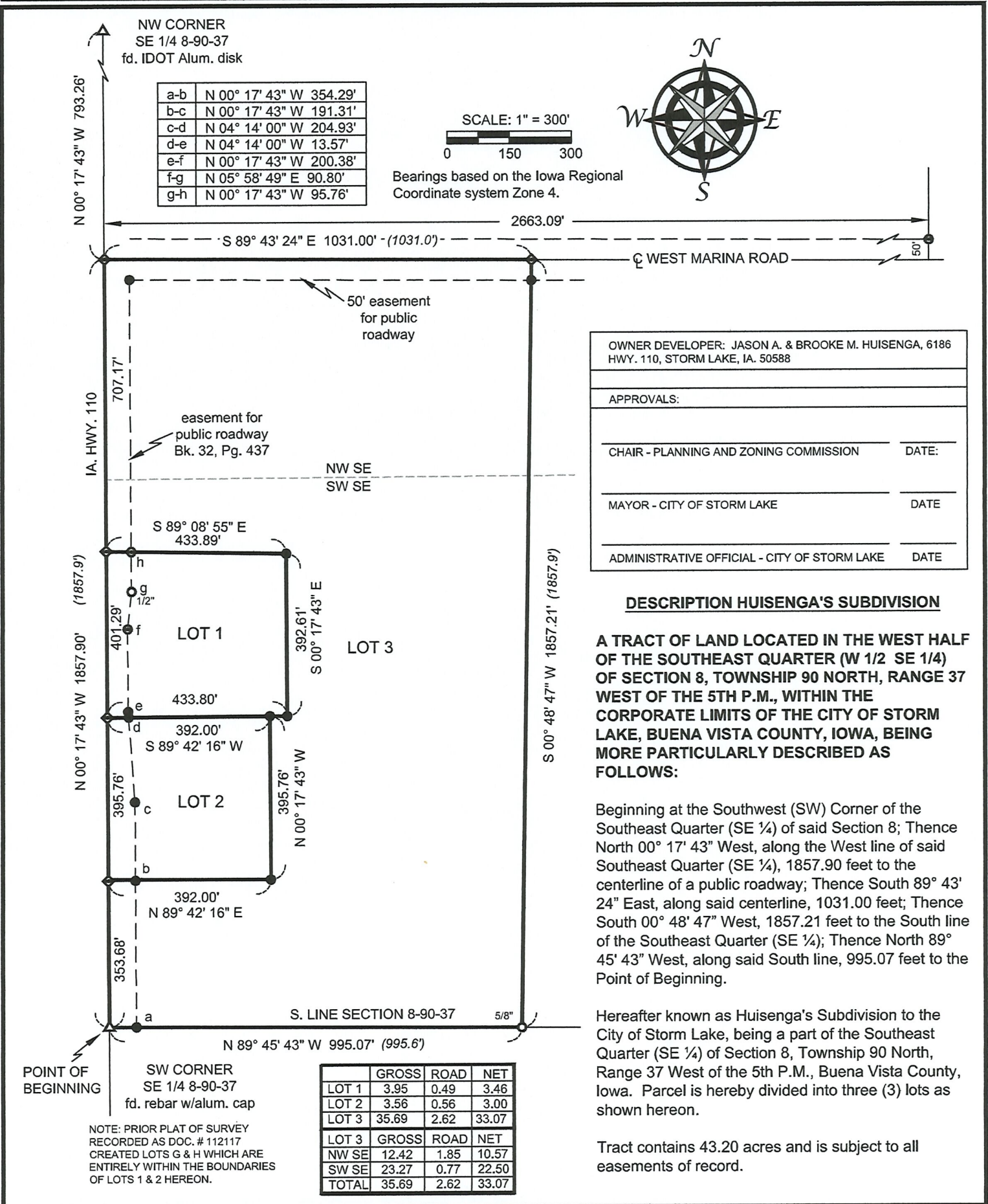
J. Scott Shevel 10/28/21
J. Scott Shevel
License Number 11810
My License renewal date is December 31, 2021
Pages covered by this seal 1

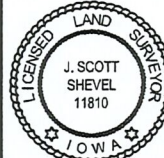
LICENSED LAND SURVEYOR
J. SCOTT SHEVEL
11810
IOWA

ISG
Architecture
Engineering
Land Surveying
Environmental
Planning
www.isg-grp.com

I+S GROUP
PN: 21-25963
Drawn: JSS
Sheet 1 OF 1
Surveyed by: JSS
Surveyed: 10/21/21
Revised:
Drawing Name:

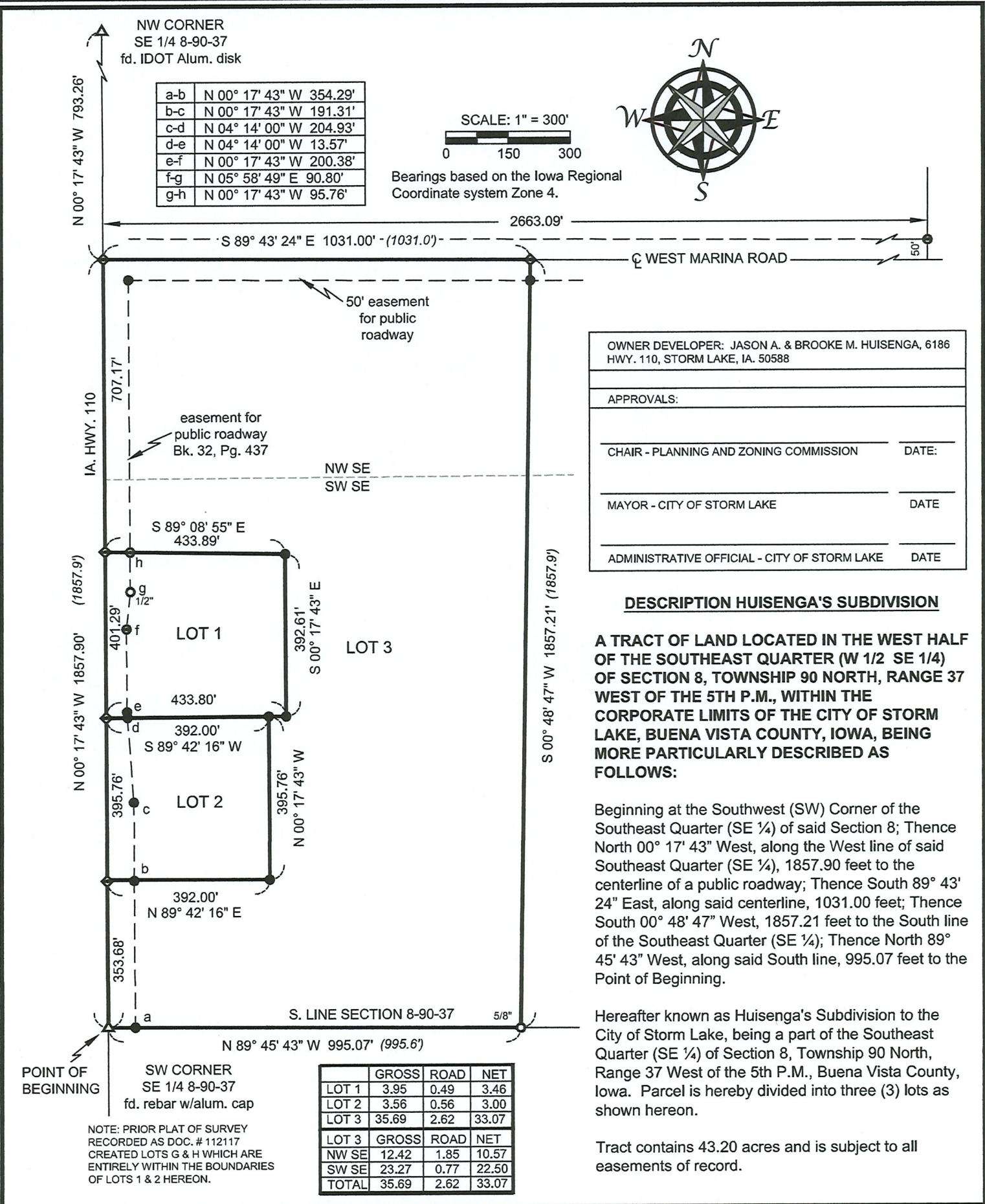
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COMPANY NAME: ISG	
ADDRESS: 1725 N. LAKE AVE, STORM LAKE, IA. 50588	
PHONE: 712-732-7745	



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○	CORNERS FOUND (uncapped rebar - dia. shown)		 J. Scott Shevel License Number 11810 My License renewal date is December 31, 2021 Pages covered by this seal <u>1</u>
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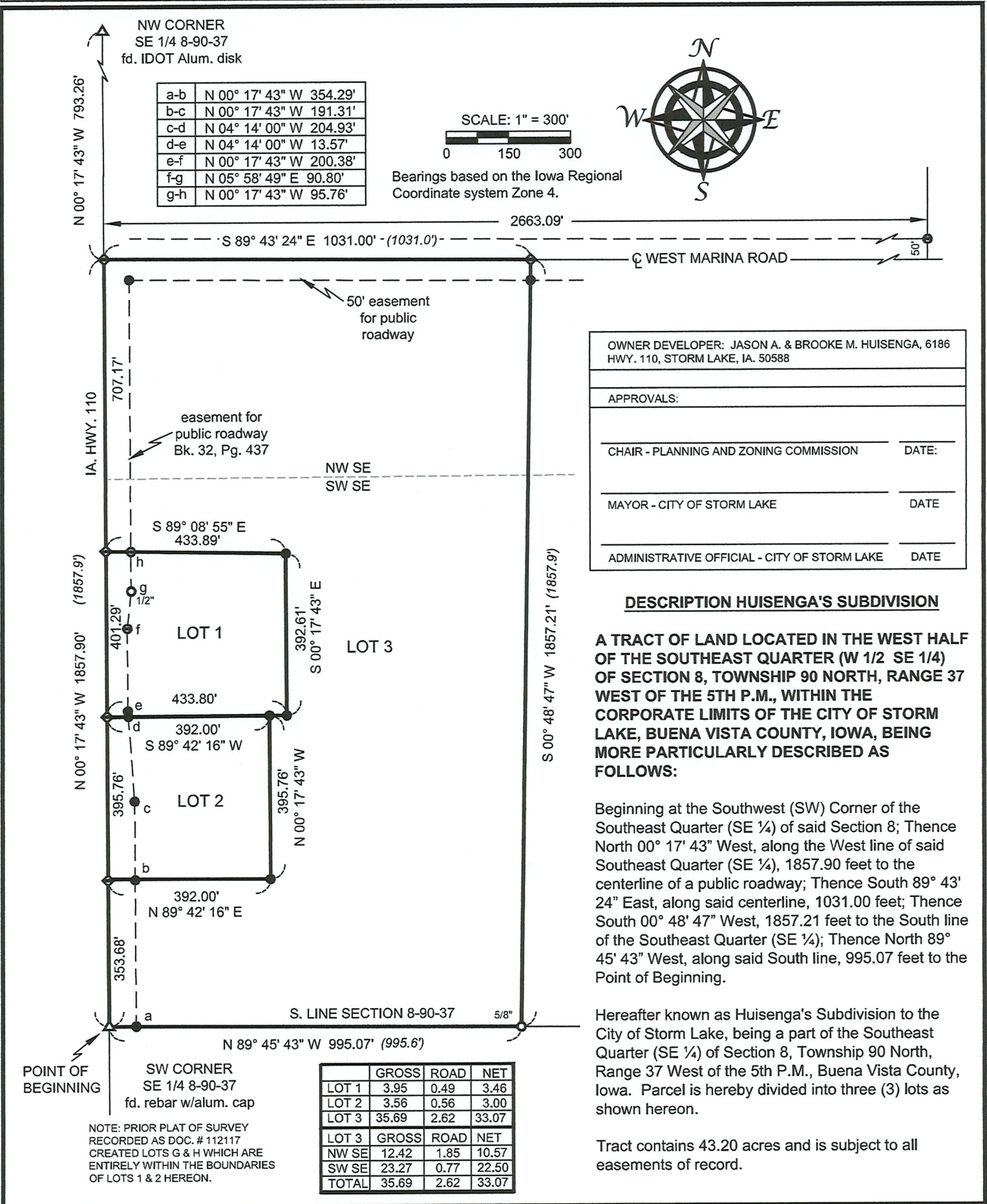
 I+S GROUP	Architecture Engineering Land Surveying Environmental Planning www.isg-grp.com
	PN: 21-25963
	Drawn: JSS
	Sheet 1 OF 1
	Surveyed by: JSS
	Surveyed: 10/21/21
Revised:	
Drawing Name:	41

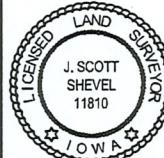
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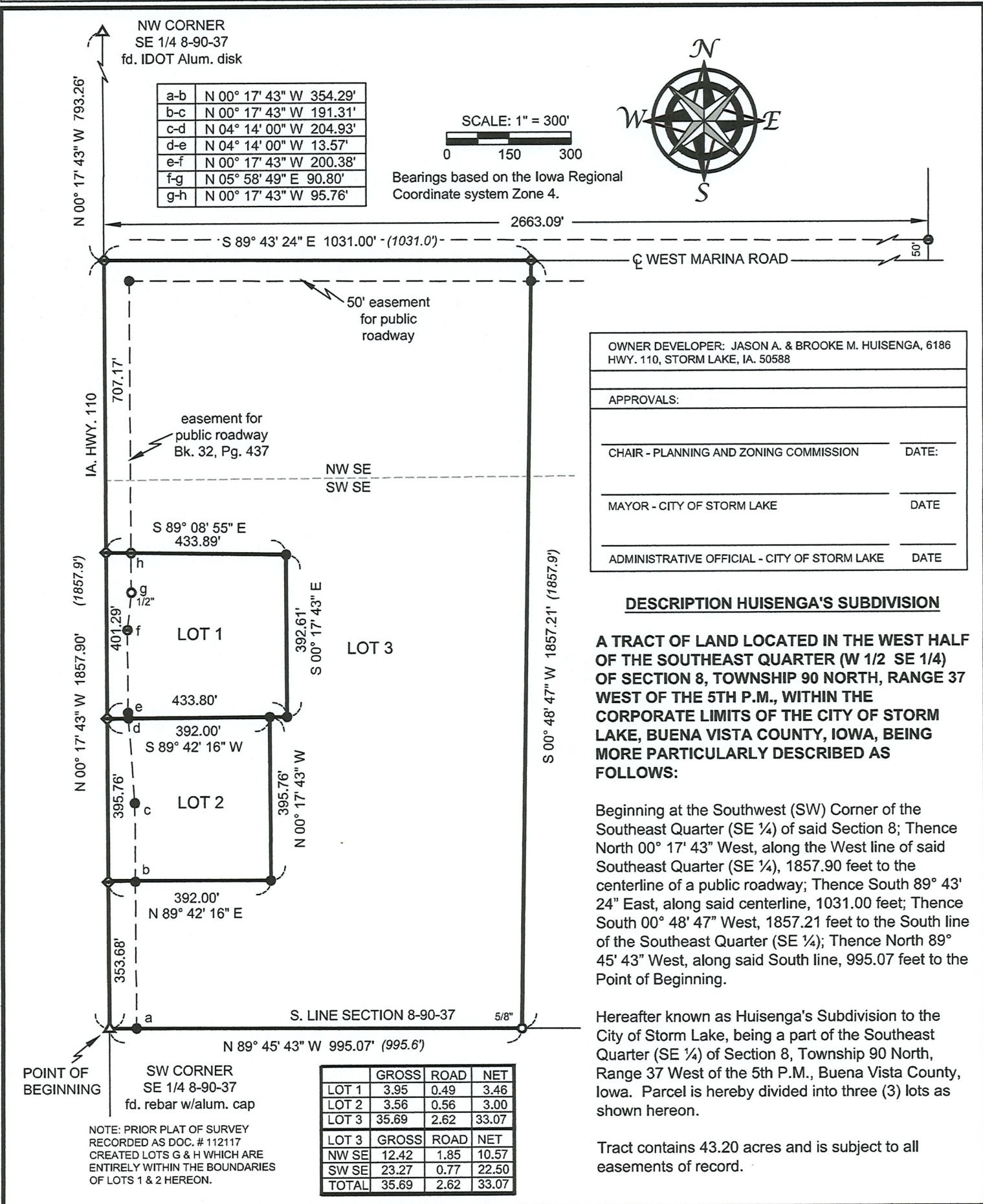
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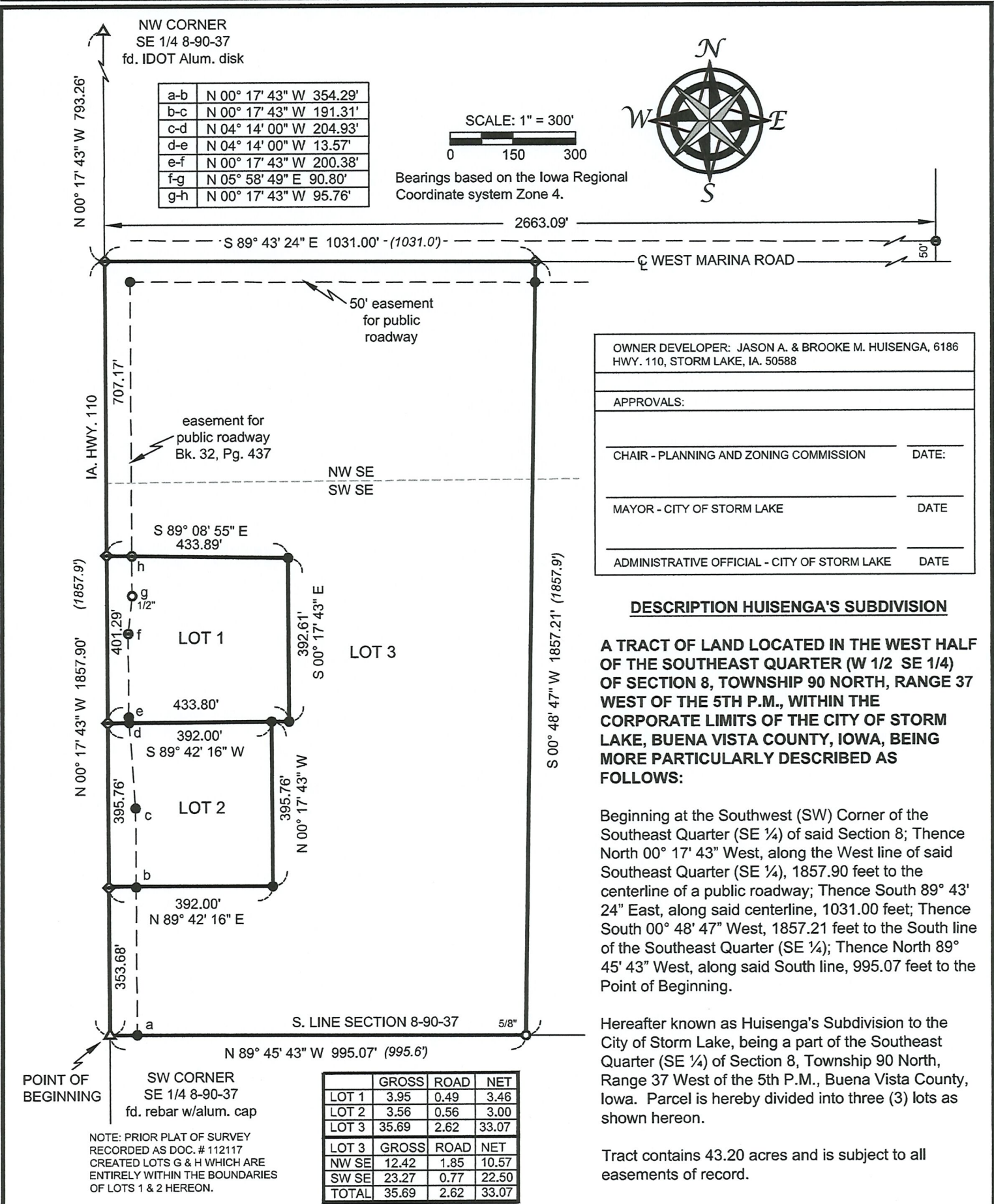
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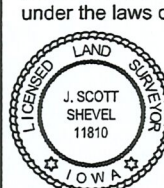
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RESOLUTION NO. _____
**RESOLUTION APPROVING PLATTING OF HUISENGA'S SUBDIVISION
 TO THE CITY OF STORM LAKE, IOWA**

WHEREAS, Jason A. Huisenga and Brooke M. Huisenga, and DLH Land, L.L.C., have presented to the Storm Lake, Iowa Planning and Zoning Commission, a plat of "Huisenga's Subdivision" to the City of Storm Lake, Iowa; and

WHEREAS, said plat of the proposed Subdivision has been reviewed by this Commission. Said plat has been found acceptable to this Commission and in compliance with the rules and regulations set forth in the relevant statutes and ordinances applicable hereto; and

WHEREAS, the Planning and Zoning Commission of Storm Lake, Iowa approves said plat and recommends to the City Council of Storm Lake, Iowa, that the same be approved, as submitted to this Commission;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Storm Lake, Iowa, that the Commission:

Approves the preliminary and final plat of "Huisenga's Subdivision" to the City of Storm Lake, Iowa, same being comprised of three lots, and recommends that the City Council of Storm Lake, Iowa approve same.

Passed, approved and adopted this ____ day of _____, 2022.

Planning and Zoning Commission of Storm Lake, Iowa

By: _____
 _____, Chairperson

ATTEST:

 Secretary of the Meeting

RESOLUTION NO. _____

RESOLUTION APPROVING PLATTING OF HUISENGA'S SUBDIVISION
TO THE CITY OF STORM LAKE, IOWA

WHEREAS, Jason A. Huisenga and Brooke M. Huisenga, and DLH Land, L.L.C. have presented a preliminary plat and final plat of HUISENGA'S SUBDIVISION TO THE CITY OF STORM LAKE, IOWA as described and have presented to the City Council of Storm Lake, Iowa a plat of the following described property:

SEE ATTACHED EXHIBIT A

and

WHEREAS, the plat of the proposed subdivision has been reviewed and recommended for approval to this council by the Planning and Zoning Commission of the City of Storm Lake, Iowa, and said plat and dedication have been found acceptable to us and in compliance with the rules and regulations; and

WHEREAS, the same is found to conform with applicable provisions of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Storm Lake, Iowa: the preliminary and final Plat of Huisenga's Subdivision to the City of Storm Lake, Iowa is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of this Council be and are hereby authorized to certify this resolution and that said certification of this resolution shall be affixed to said plat as provided by Chapter 354 of the Code of Iowa (2021) and that the same may be filed in the appropriate County offices as provided by law.

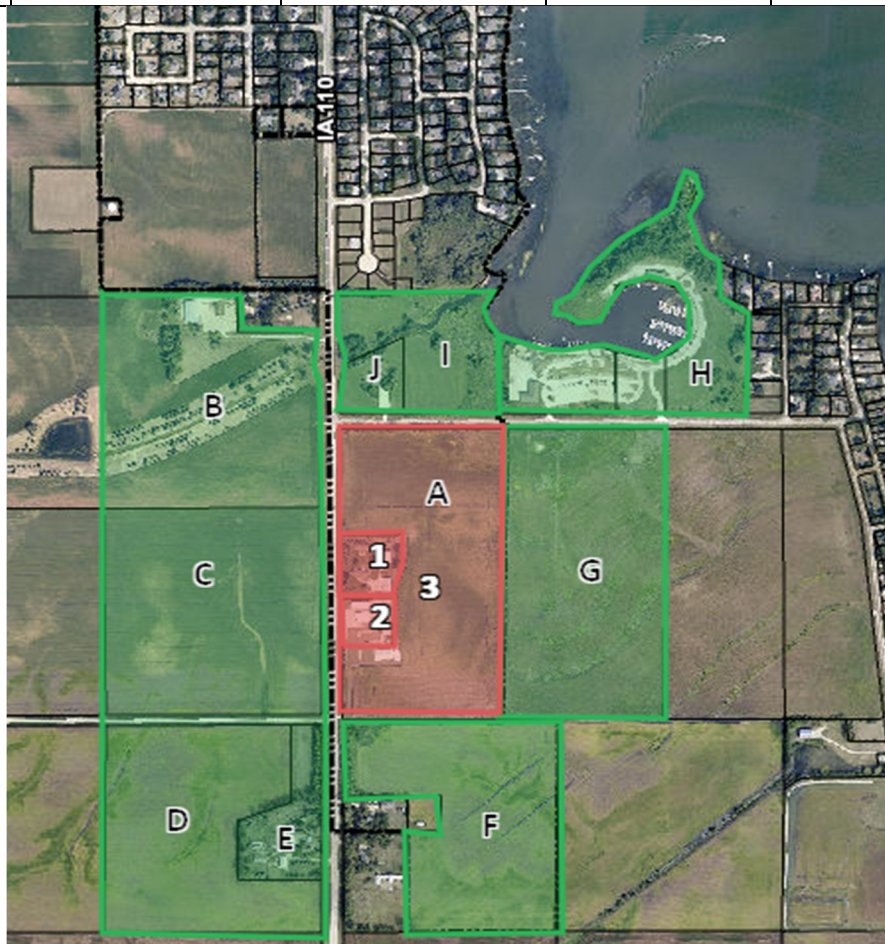
PASSED, APPROVED, AND ADOPTED THIS ____ day of _____, 2022.

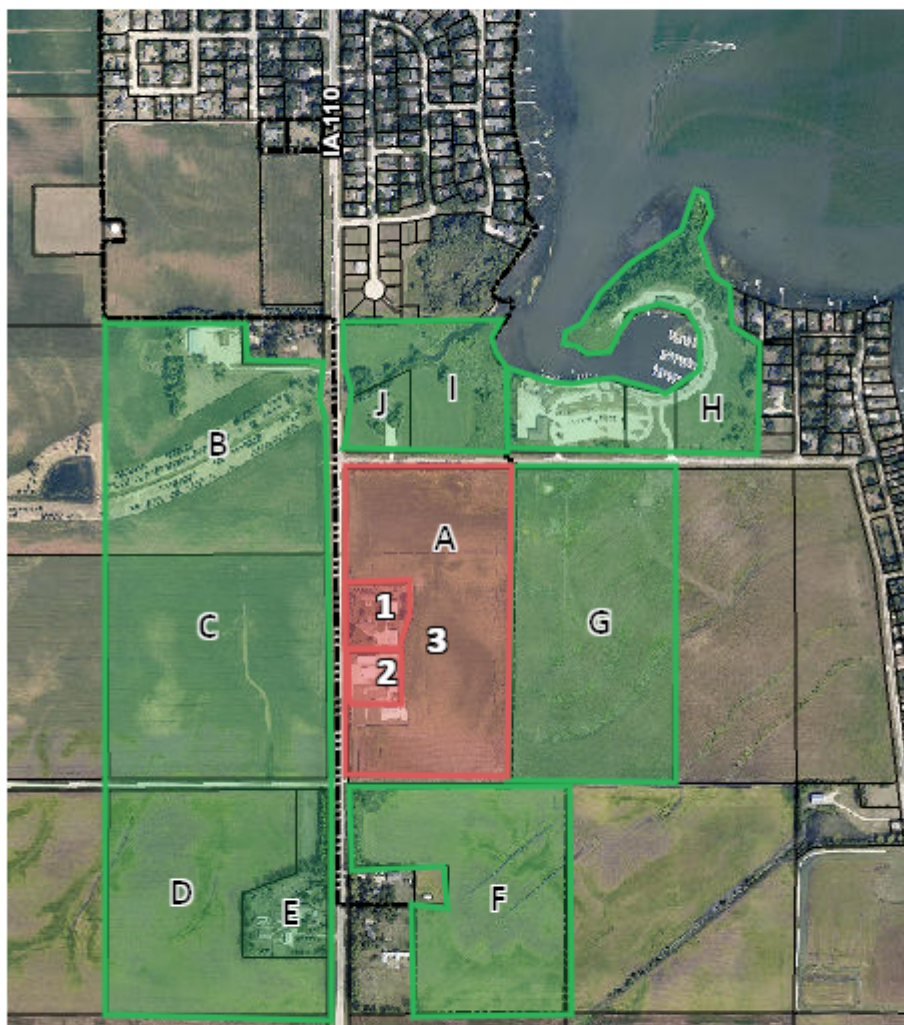
Michael Porsch, Mayor of the City
of Storm Lake, Iowa

ATTEST:

Mayra A. Martinez, City Clerk of
the City of Storm Lake, Iowa

Parcel ID	Map Key	Owner Name	Taxpayer Name	Taxpayer Address1	Taxpayer City	Taxpayer State	Taxpayer Zip Code
1408451003	A1	HUISENGA JASON A	HUISENGA JASON A	6186 HWY 110	STORM LAKE	IA	50588
1408451005	A2	DLH LAND LLC	DLH LAND LLC	6186 HWY 110	STORM LAKE	IA	50588
1408451004	A3	DLH LAND LLC	DLH LAND LLC	6186 HWY 110	STORM LAKE	IA	50588
1408300005	B	BRECHER SALLY R REV TRUST	BRECHER SALLY R REV TRUST	P O BOX 462	STORM LAKE	IA	50588-0462
1408300004	C	FOELL NICHOLAS R	FOELL NICHOLAS R	6424 80TH AVE	STORM LAKE	IA	50588
1417100002	D	PETERS JENNIFER J	PETERS JENNIFER J	6357 80TH AVE	STORM LAKE	IA	50588
1417100003	E	CRAMPTON RANDY L	CRAMPTON RANDY L	6219 HWY 110	STORM LAKE	IA	50588
1417200007	F	TNK LAND & CATTLE LLC	TNK LAND & CATTLE LLC	P O BOX 578	STORM LAKE	IA	50588-0578
1408476001	G	REDENBAUGH PHIL C	REDENBAUGH PHIL C	160 CASINO RD	STORM LAKE	IA	50588
1408426002	H	IOWA STATE OF	IOWA STATE OF	800 LINCOLN WAY	AMES	IA	50010
1408401002	I	ALL SAINTS EPISCOPAL CHURCH	PERRY HUGH	10 PARK CT	STORM LAKE	IA	50588
1408401001	J	EPISCOPAL CORP OF DIOCESE OF IOWA	EPISCOPAL CORP OF DIOCESE OF IOWA	121 W MARINA RD	STORM LAKE	IA	50588







NOTICE OF PUBLIC HEARING FOR PUBLICATION
PLANNING AND ZONING COMMISSION
And
CITY COUNCIL MEETING

CITY OF STORM LAKE

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

Planning & Zoning File number: 2022-4

Date: July 1, 2022

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

In person at City Hall

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

Webinar ID: 825 5453 3554

By Computer: <https://us06web.zoom.us/j/82554533554>

A petition for a preliminary plat and final plat for a minor subdivision in the RES-Reserve District as applied to the property described as:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W 1/2 SE ¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter (SE ¼) of said Section 8; Thence North 00° 17' 43" West, along the West line of said Southeast Quarter (SE ¼), 1857.90 feet to the centerline of a public roadway; Thence South 89° 43' 24" East, along said centerline, 1031.00 feet; Thence South 00° 48' 47" West 1857.21 feet to the South line of the Southeast Quarter (SE ¼); Thence North 89° 45' 43" West, along said South line, 995.07 feet to the Point of Beginning.

has been requested by Jason and Brooke Huisenga/DLH Land, LLC. Tract contains 43.20 acres and is subject to all easements if record,

The petition requests approval of a preliminary plat and final plat for a minor subdivision in the RES-Reserve District. The area will remain the RES Reserve District.

A public hearing will be held by the Planning and Zoning Commission on July 1st, 2022, at 4:00 p.m. You may attend In person at City Hall, By Telephone: Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Webinar ID: 825 5453 3554 or By Computer: <https://us06web.zoom.us/j/82554533554>

Following the hearing the board will make a recommendation to the City Council relative to the application. The City Council will meet Tuesday, July 5, 2022, at 5:00 P.M. You may attend in person at City Hall, By Telephone Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Zoom Meeting ID: 933-2006-3301, or By Computer: <https://zoom.us/j/93320063301>

You yourself, an agent or an attorney may attend the Planning & Zoning or the Council meeting in opposition to or support of the proposed preliminary and final plat for a minor subdivision.

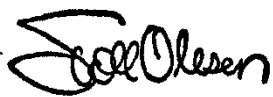
The petition requests approval of a preliminary plat and final plat for a minor subdivision in the RES- Reserve District. The area will remain the RES- Reserve District.

A public hearing will be held by the Planning and Zoning Commission on July 1, 2022, at 4:00 p.m. You may attend In person at City Hall, By Telephone: Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Webinar ID: 825 5453 3554 or By Computer: <https://us06web.zoom.us/j/82554533554>

Following the hearing the board will make a recommendation to the City Council relative to the application. The City Council will meet Monday, July 5, 2022, at 5:00 P.M. You may attend in person at City Hall, By Telephone Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Zoom Meeting ID: 933-2006-3301, or By Computer: <https://zoom.us/j/93320063301>

You yourself, an agent or an attorney may attend the Planning & Zoning or the Council meeting in opposition to or support of the proposed preliminary and final plat for a minor subdivision.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Olesen". The signature is stylized with a large, looped "S" and a cursive "Olesen".

Scott Olesen

Zoning Administrator

Staff Summary

07/01/2022

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: Colette Baker

SUBJECT: **Resolution No. 02-R-2022-2023 Recommendation On A Preliminary And Final Plat For A Minor Subdivision**

BACKGROUND: This agenda item is a request for a proposed preliminary and final plat for a minor subdivision by Jason and Brooke Huisenga/DLH Land LLC. Since the proposed subdivision of land is considered a minor subdivision in accordance with the Storm Lake Subdivision Ordinance, the preliminary and final plats can be reviewed and approved at the same meeting by the Planning and Zoning Commission and the Storm Lake City Council. A minor subdivision is defined as a division of land into no more than four lots and does not require the installation of streets, sewer, or water. The area will remain Res-Reserve District. The lots meets all bulk regulations, are located on an existing street, and has existing utilities. A copy of the proposed plat is attached to this staff summary.

COMPREHENSIVE PLAN RELATIONSHIP The Storm Lake Comprehensive Plan on page 5-6, lists "HOUSING GOALS AND POLICIES". Goal 1 is to "Provide a variety of housing options to attract and retain households of varying sizes, ages, and diversity, incomes, and needs"

FISCAL IMPACT: Cost of public notices and legal fees estimated at \$300.00

RECOMMENDATION: Approve Resolution No. 02-R-2022-2023 On A Preliminary And Final Plat For A Minor Subdivision

ATTACHMENTS:

[Huisenga Plat.pdf](#)

[Huisenga Resolutions.pdf](#)

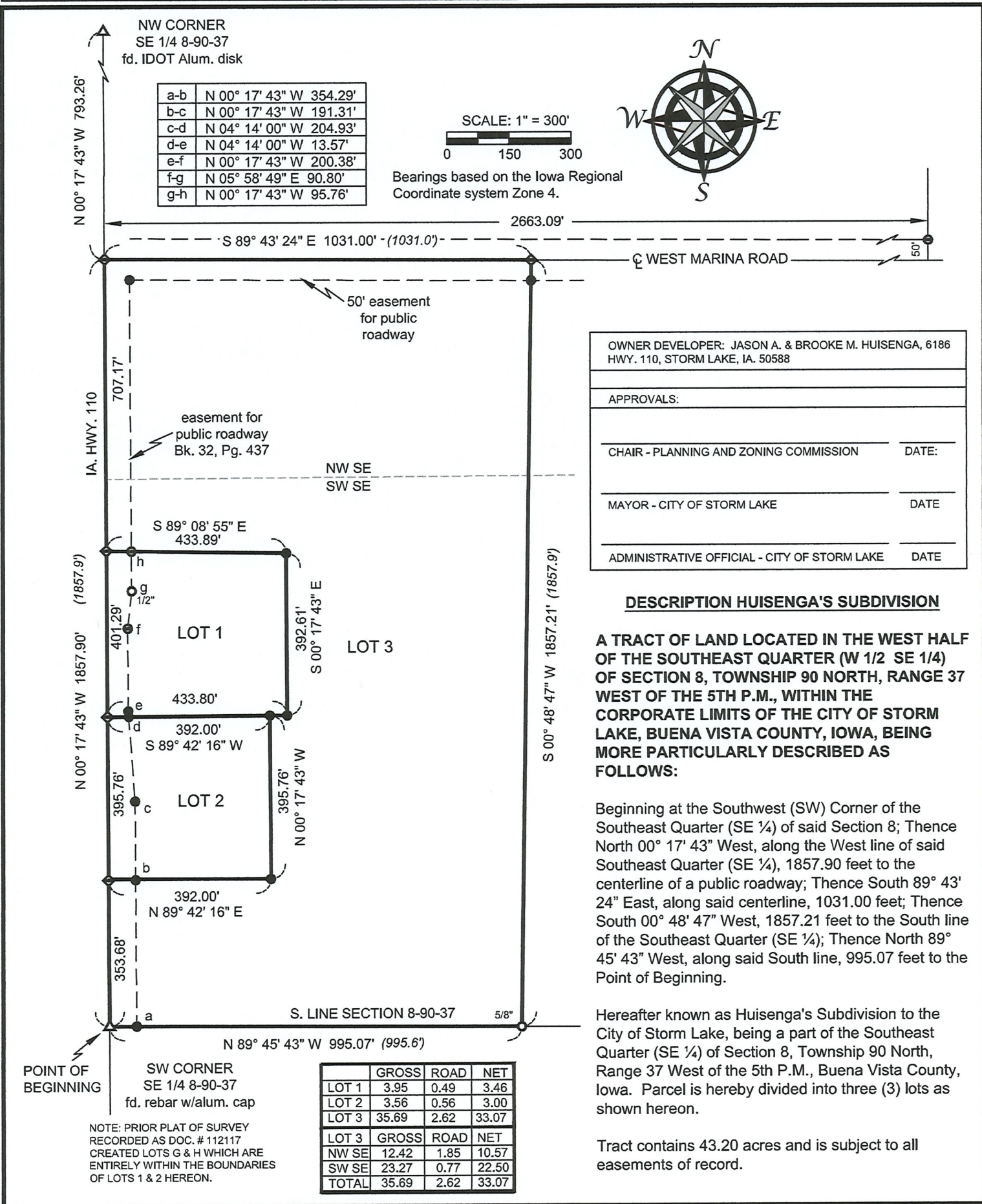
[Map With Key.docx](#)

[Map.png](#)

[Notice to paper.docx](#)

[0220222023 - Resolution Recommendation On a Preliminary and Final Plat - Huisenga's Subdivision.docx](#)

INDEX LEGEND	
PLAT OF HUISENGA'S SUBDIVISION	
COUNTY:	BUENA VISTA
CITY:	STORM LAKE
SECTION:	8
TOWNSHIP:	T-90-N
RANGE:	R-37-W 5TH P.M.
ALIQUOT PART:	SW 1/4 SE 1/4
PROPRIETOR:	
SURVEY PREPARED FOR:	DAN CONNELL
SURVEY PREPARED BY:	J. SCOTT SHEVEL IOWA PLS NO. 11810
COMPANY NAME:	ISG
ADDRESS:	1725 N. LAKE AVE, STORM LAKE, IA. 50588
PHONE:	712-732-7745



OWNER DEVELOPER: JASON A. & BROOKE M. HUISENGA, 6186 HWY. 110, STORM LAKE, IA. 50588

APPROVALS:

CHAIR - PLANNING AND ZONING COMMISSION	DATE:
MAYOR - CITY OF STORM LAKE	DATE
ADMINISTRATIVE OFFICIAL - CITY OF STORM LAKE	DATE

DESCRIPTION HUISENGA'S SUBDIVISION

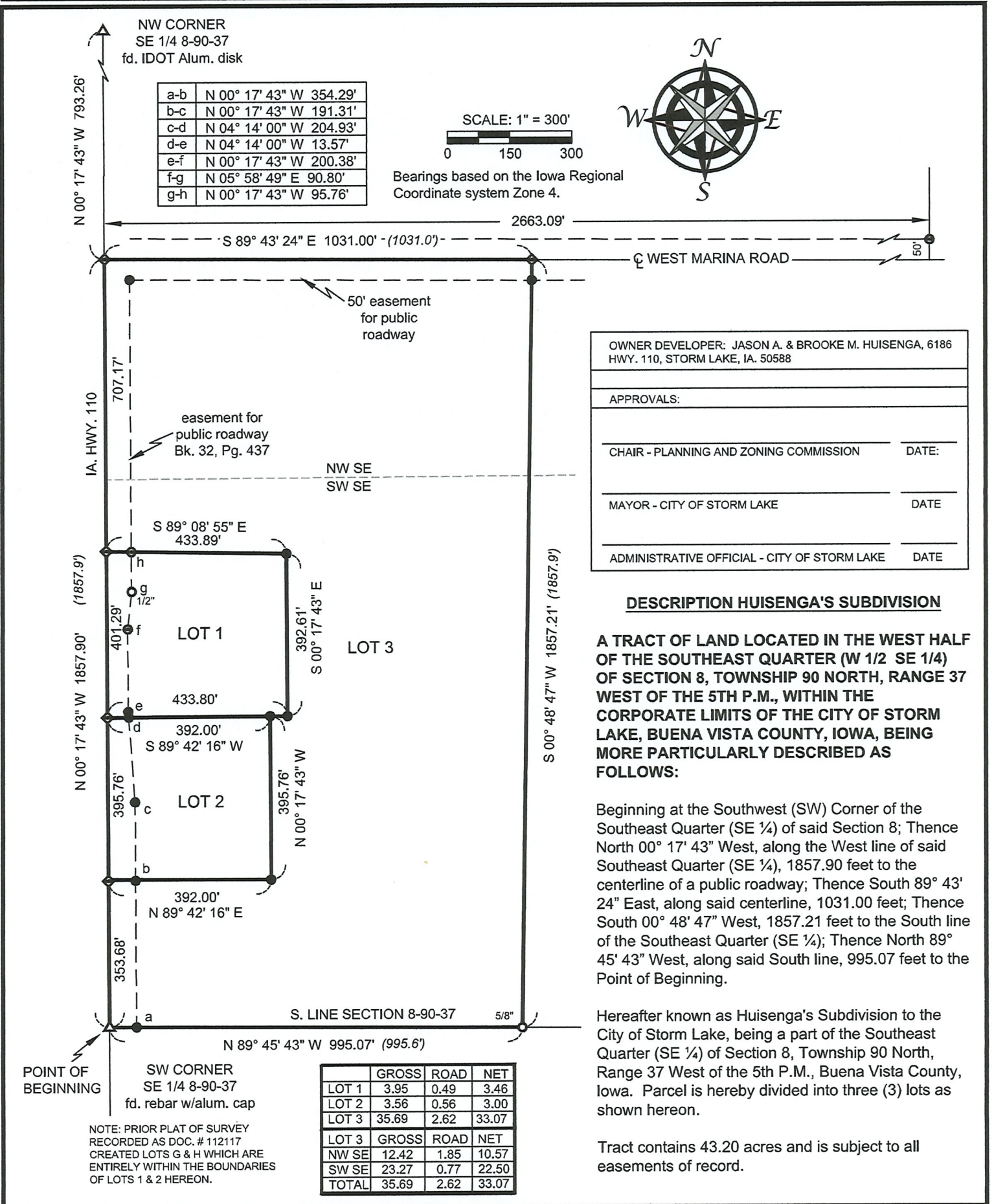
A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W 1/2 SE 1/4) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter (SE 1/4) of said Section 8; Thence North 00° 17' 43" West, along the West line of said Southeast Quarter (SE 1/4), 1857.90 feet to the centerline of a public roadway; Thence South 89° 43' 24" East, along said centerline, 1031.00 feet; Thence South 00° 48' 47" West, 1857.21 feet to the South line of the Southeast Quarter (SE 1/4); Thence North 89° 45' 43" West, along said South line, 995.07 feet to the Point of Beginning.

Hereafter known as Huisenga's Subdivision to the City of Storm Lake, being a part of the Southeast Quarter (SE 1/4) of Section 8, Township 90 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa. Parcel is hereby divided into three (3) lots as shown hereon.

Tract contains 43.20 acres and is subject to all easements of record.

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PROPRIETOR:	
SURVEY PREPARED FOR: DAN CONNELL	
SURVEY PREPARED BY: J. SCOTT SHEVEL IOWA PLS NO. 11810	
COMPANY NAME: ISG	
ADDRESS: 1725 N. LAKE AVE, STORM LAKE, IA. 50588	
PHONE: 712-732-7745	



LEGEND OF SYMBOLS/ABBREVIATIONS

- CORNERS FOUND (uncapped rebar - dia. shown)
- CORNERS FOUND (1/2" rebar w/rpc no. 11810)
- CORNERS SET (1/2" rebar w/rpc no. 11810)
- ◆ CORNER SET (magnetic nail)
- ▲ SECTION CORNER FOUND (monuments as described)
- 100.00' MEASURED
- (100.00') RECORDED AS
- rpc RED PLASTIC CAP

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

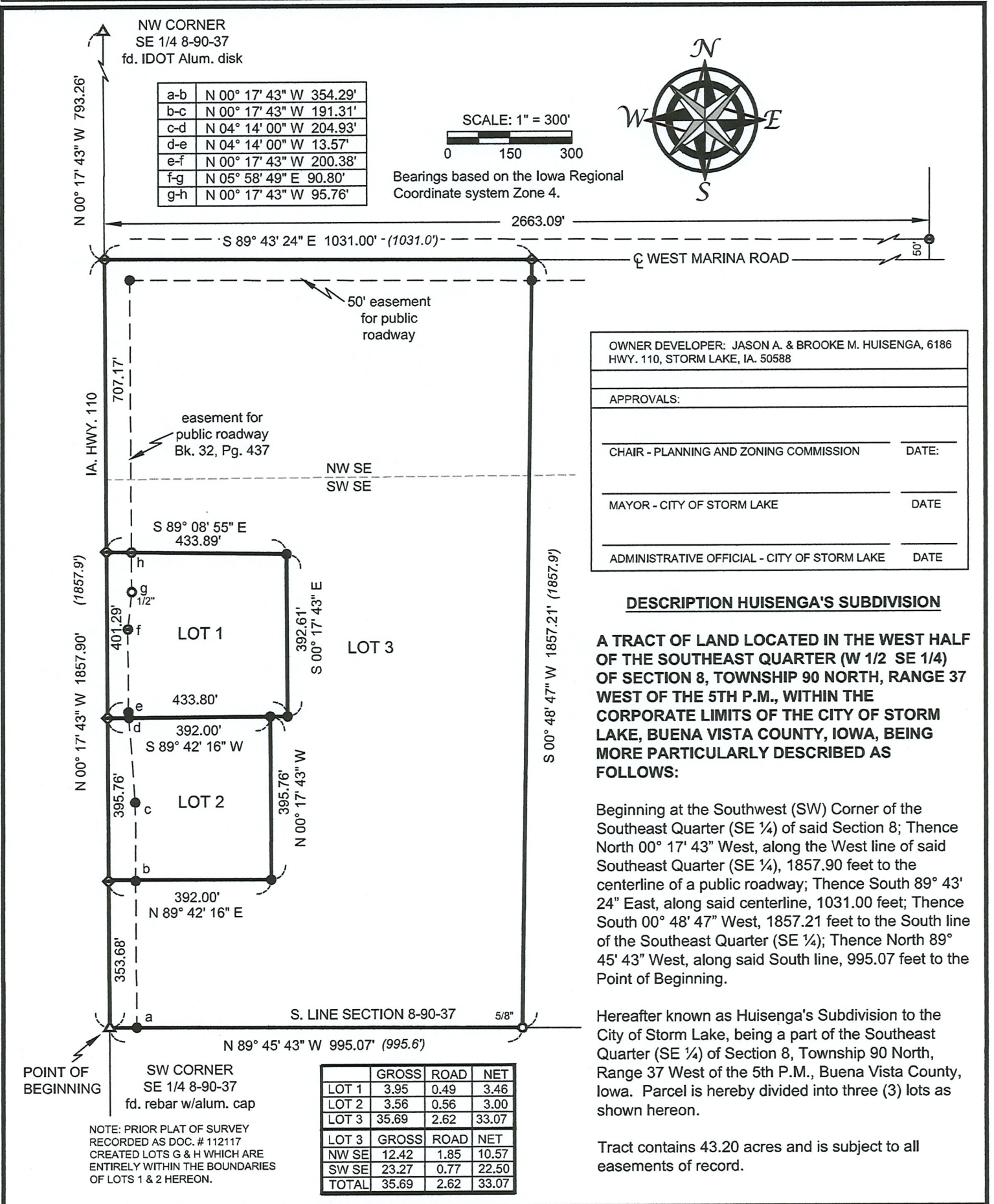
J. Scott Shevel 10/28/21
J. Scott Shevel
License Number 11810
My License renewal date is December 31, 2021
Pages covered by this seal 1

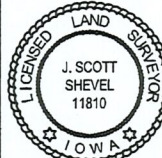
ISG
Architecture
Engineering
Land Surveying
Environmental
Planning
www.isg-grp.com

I+S GROUP

PN: 21-25963
Drawn: JSS
Sheet 1 OF 1
Surveyed by: JSS
Surveyed: 10/21/21
Revised:
Drawing Name:

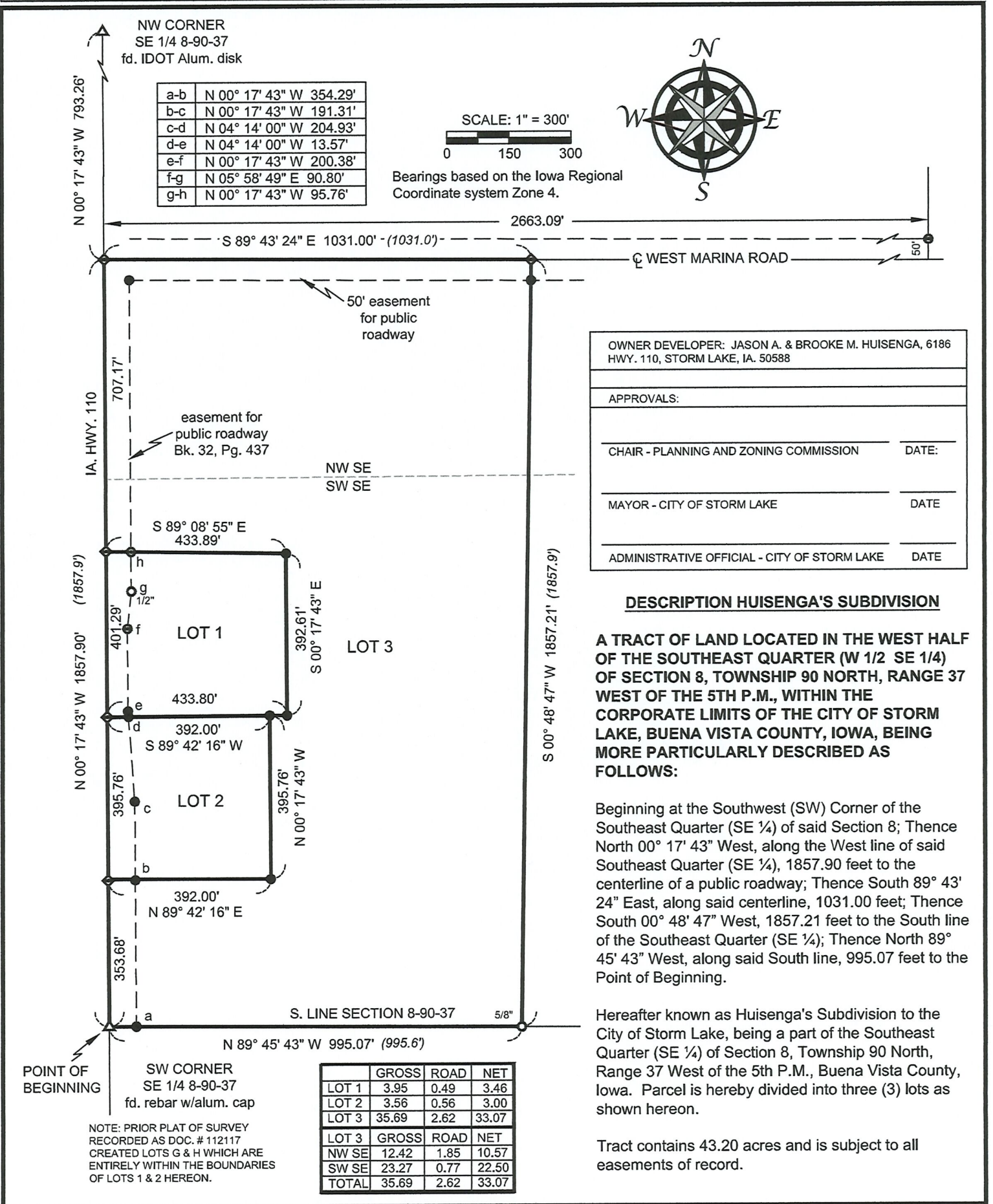
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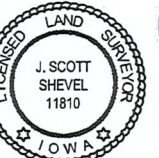


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⦿	CORNERS FOUND (uncapped rebar - dia. shown)		 J. Scott Shevel License Number 11810 My License renewal date is December 31, 2021 Pages covered by this seal <u>1</u>
○	CORNERS FOUND (1/2" rebar w/rpc no. 11810)		
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▲	SECTION CORNER FOUND (monuments as described)		
100.00'	MEASURED		10/28/21
(100.00')	RECORDED AS		Date:
rpc	RED PLASTIC CAP		
		ISG I+S GROUP	
		PN: 21-25963	
		Drawn: JSS	
		Sheet 1 OF 1	
		Surveyed by: JSS	
		Surveyed: 10/21/21	
		Revised:	
		Drawing Name:	

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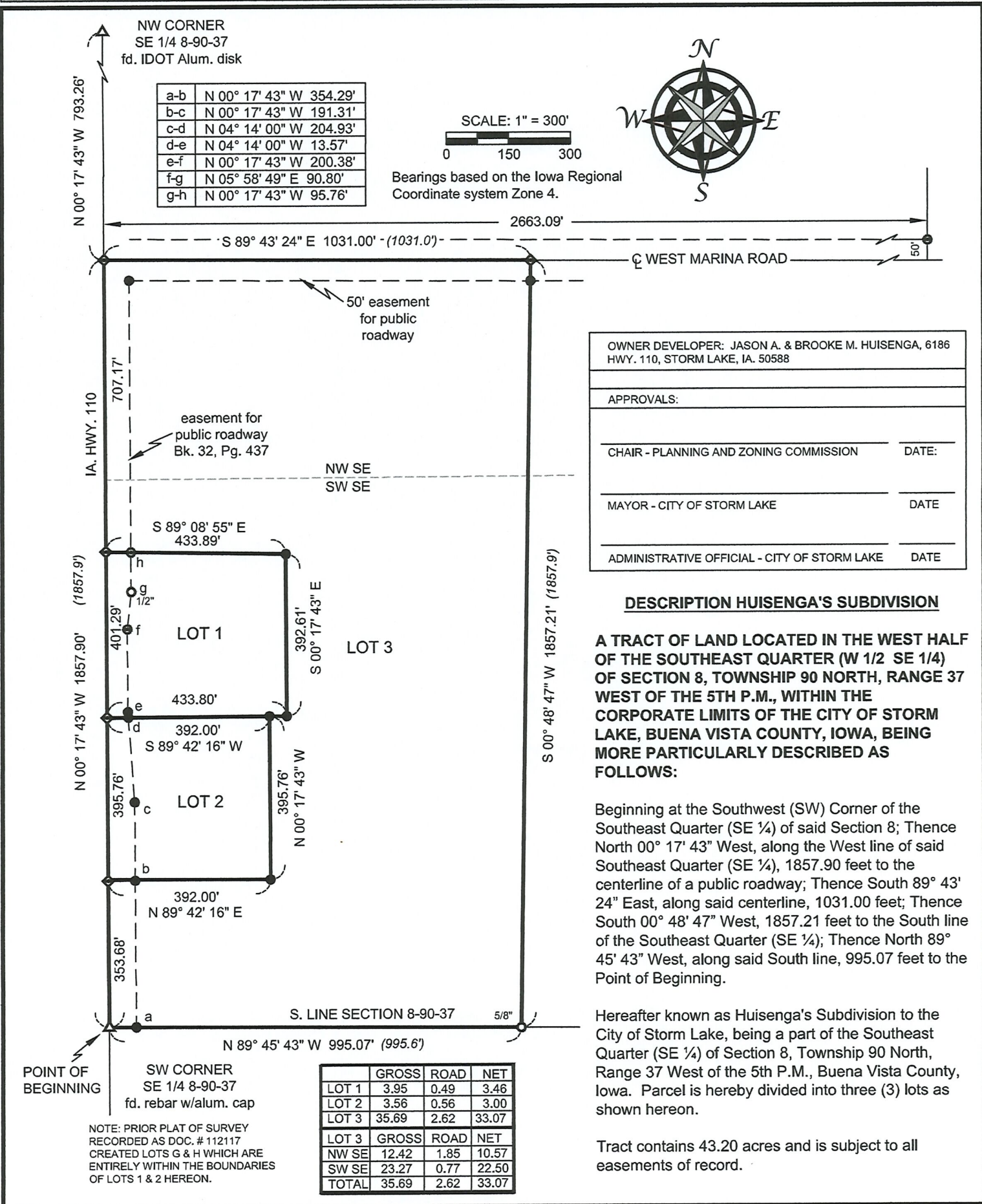


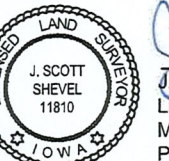
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	Architecture Engineering Land Surveying Environmental Planning www.js-grp.com	
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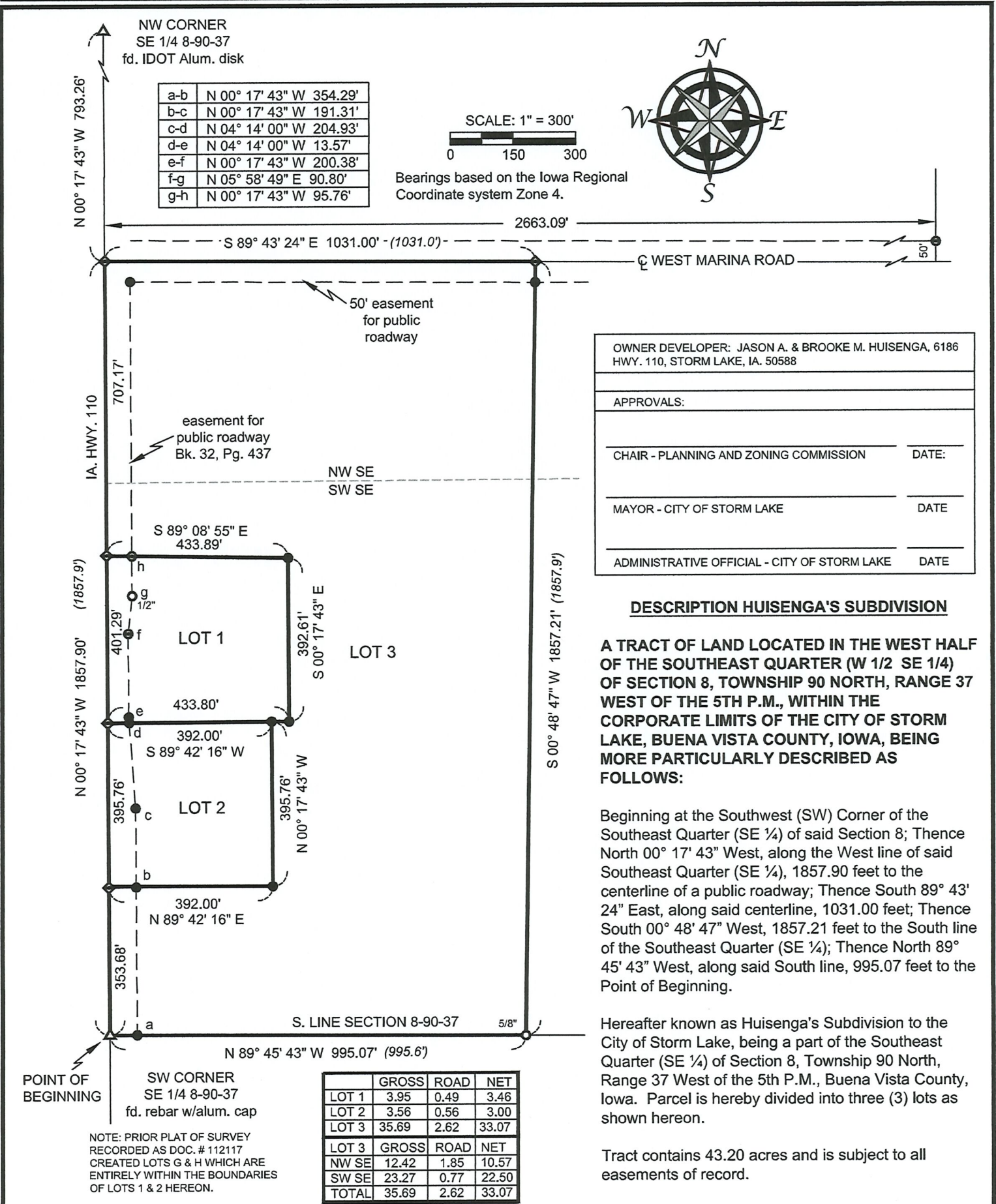
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		 Architecture Engineering Land Surveying Environmental Planning www.isg-grp.com I+S GROUP PN: 21-25963 Drawn: JSS Sheet 1 OF 1 Surveyed by: JSS Surveyed: 10/21/21 Revised: Drawing Name: 5	

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I+S GROUP
PN: 21-25963
Drawn: JSS
Sheet 1 OF 1
Surveyed by: JSS
Surveyed: 10/21/21
Revised:
Drawing Name:

RESOLUTION NO. _____
**RESOLUTION APPROVING PLATTING OF HUISENGA'S SUBDIVISION
 TO THE CITY OF STORM LAKE, IOWA**

WHEREAS, Jason A. Huisenga and Brooke M. Huisenga, and DLH Land, L.L.C., have presented to the Storm Lake, Iowa Planning and Zoning Commission, a plat of "Huisenga's Subdivision" to the City of Storm Lake, Iowa; and

WHEREAS, said plat of the proposed Subdivision has been reviewed by this Commission. Said plat has been found acceptable to this Commission and in compliance with the rules and regulations set forth in the relevant statutes and ordinances applicable hereto; and

WHEREAS, the Planning and Zoning Commission of Storm Lake, Iowa approves said plat and recommends to the City Council of Storm Lake, Iowa, that the same be approved, as submitted to this Commission;

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Storm Lake, Iowa, that the Commission:

Approves the preliminary and final plat of "Huisenga's Subdivision" to the City of Storm Lake, Iowa, same being comprised of three lots, and recommends that the City Council of Storm Lake, Iowa approve same.

Passed, approved and adopted this ____ day of _____, 2022.

Planning and Zoning Commission of Storm Lake, Iowa

By: _____
 _____, Chairperson

ATTEST:

 Secretary of the Meeting

RESOLUTION NO. _____

RESOLUTION APPROVING PLATTING OF HUISENGA'S SUBDIVISION
TO THE CITY OF STORM LAKE, IOWA

WHEREAS, Jason A. Huisenga and Brooke M. Huisenga, and DLH Land, L.L.C. have presented a preliminary plat and final plat of HUISENGA'S SUBDIVISION TO THE CITY OF STORM LAKE, IOWA as described and have presented to the City Council of Storm Lake, Iowa a plat of the following described property:

SEE ATTACHED EXHIBIT A

and

WHEREAS, the plat of the proposed subdivision has been reviewed and recommended for approval to this council by the Planning and Zoning Commission of the City of Storm Lake, Iowa, and said plat and dedication have been found acceptable to us and in compliance with the rules and regulations; and

WHEREAS, the same is found to conform with applicable provisions of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Storm Lake, Iowa: the preliminary and final Plat of Huisenga's Subdivision to the City of Storm Lake, Iowa is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of this Council be and are hereby authorized to certify this resolution and that said certification of this resolution shall be affixed to said plat as provided by Chapter 354 of the Code of Iowa (2021) and that the same may be filed in the appropriate County offices as provided by law.

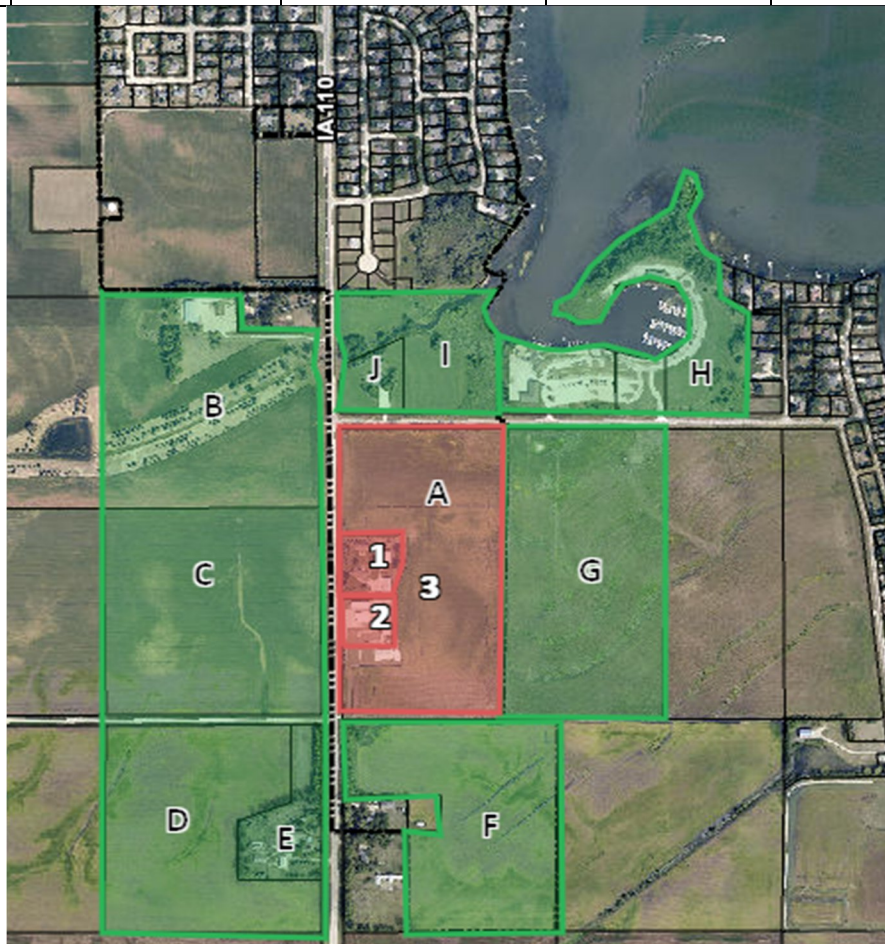
PASSED, APPROVED, AND ADOPTED THIS ____ day of _____, 2022.

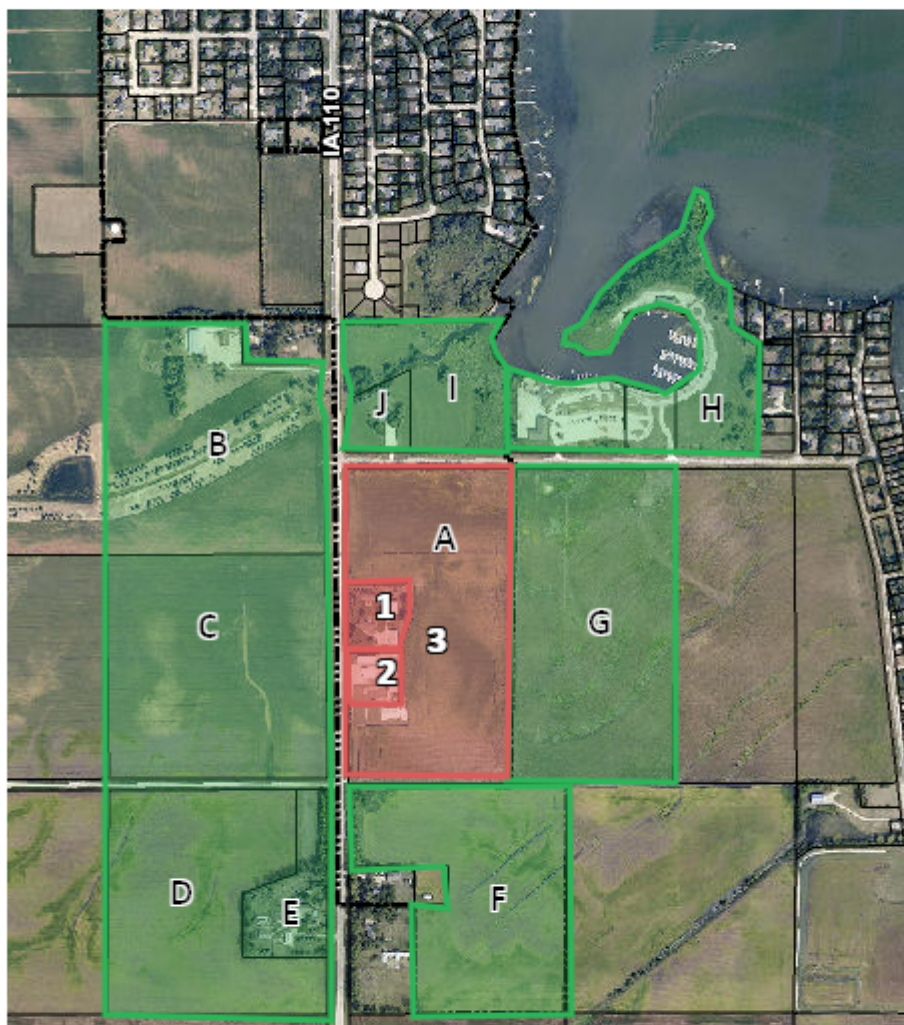
Michael Porsch, Mayor of the City
of Storm Lake, Iowa

ATTEST:

Mayra A. Martinez, City Clerk of
the City of Storm Lake, Iowa

Parcel ID	Map Key	Owner Name	Taxpayer Name	Taxpayer Address1	Taxpayer City	Taxpayer State	Taxpayer Zip Code
1408451003	A1	HUISENGA JASON A	HUISENGA JASON A	6186 HWY 110	STORM LAKE	IA	50588
1408451005	A2	DLH LAND LLC	DLH LAND LLC	6186 HWY 110	STORM LAKE	IA	50588
1408451004	A3	DLH LAND LLC	DLH LAND LLC	6186 HWY 110	STORM LAKE	IA	50588
1408300005	B	BRECHER SALLY R REV TRUST	BRECHER SALLY R REV TRUST	P O BOX 462	STORM LAKE	IA	50588-0462
1408300004	C	FOELL NICHOLAS R	FOELL NICHOLAS R	6424 80TH AVE	STORM LAKE	IA	50588
1417100002	D	PETERS JENNIFER J	PETERS JENNIFER J	6357 80TH AVE	STORM LAKE	IA	50588
1417100003	E	CRAMPTON RANDY L	CRAMPTON RANDY L	6219 HWY 110	STORM LAKE	IA	50588
1417200007	F	TNK LAND & CATTLE LLC	TNK LAND & CATTLE LLC	P O BOX 578	STORM LAKE	IA	50588-0578
1408476001	G	REDENBAUGH PHIL C	REDENBAUGH PHIL C	160 CASINO RD	STORM LAKE	IA	50588
1408426002	H	IOWA STATE OF	IOWA STATE OF	800 LINCOLN WAY	AMES	IA	50010
1408401002	I	ALL SAINTS EPISCOPAL CHURCH	PERRY HUGH	10 PARK CT	STORM LAKE	IA	50588
1408401001	J	EPISCOPAL CORP OF DIOCESE OF IOWA	EPISCOPAL CORP OF DIOCESE OF IOWA	121 W MARINA RD	STORM LAKE	IA	50588







NOTICE OF PUBLIC HEARING FOR PUBLICATION
PLANNING AND ZONING COMMISSION
And
CITY COUNCIL MEETING

CITY OF STORM LAKE

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

Planning & Zoning File number: 2022-4

Date: July 1, 2022

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

In person at City Hall

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

Webinar ID: 825 5453 3554

By Computer: <https://us06web.zoom.us/j/82554533554>

A petition for a preliminary plat and final plat for a minor subdivision in the RES-Reserve District as applied to the property described as:

A TRACT OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W 1/2 SE ¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter (SE ¼) of said Section 8; Thence North 00° 17' 43" West, along the West line of said Southeast Quarter (SE ¼), 1857.90 feet to the centerline of a public roadway; Thence South 89° 43' 24" East, along said centerline, 1031.00 feet; Thence South 00° 48' 47" West 1857.21 feet to the South line of the Southeast Quarter (SE ¼); Thence North 89° 45' 43" West, along said South line, 995.07 feet to the Point of Beginning.

has been requested by Jason and Brooke Huisenga/DLH Land, LLC. Tract contains 43.20 acres and is subject to all easements if record,

The petition requests approval of a preliminary plat and final plat for a minor subdivision in the RES-Reserve District. The area will remain the RES Reserve District.

A public hearing will be held by the Planning and Zoning Commission on July 1st, 2022, at 4:00 p.m. You may attend In person at City Hall, By Telephone: Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Webinar ID: 825 5453 3554 or By Computer: <https://us06web.zoom.us/j/82554533554>

Following the hearing the board will make a recommendation to the City Council relative to the application. The City Council will meet Tuesday, July 5, 2022, at 5:00 P.M. You may attend in person at City Hall, By Telephone Dial: 1-312-626-6799 or toll-free: 1-888-475-4499 Zoom Meeting ID: 933-2006-3301, or By Computer: <https://zoom.us/j/93320063301>

You yourself, an agent or an attorney may attend the Planning & Zoning or the Council meeting in opposition to or support of the proposed preliminary and final plat for a minor subdivision.

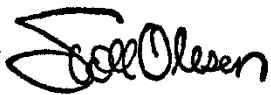
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You yourself, an agent or an attorney may attend the Planning & Zoning or the Council meeting in opposition to or support of the proposed preliminary and final plat for a minor subdivision.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Olesen". The signature is stylized with a large, looped "S" and a cursive "Olesen".

Scott Olesen

Zoning Administrator

RESOLUTION NO. 02-R-2022-2023

**RESOLUTION APPROVING PLATTING OF HUISENGA'S SUBDIVISION TO THE
CITY OF STORM LAKE, IOWA**

WHEREAS, Jason A. Huisenga and Brooke M. Huisenga, and DHL Land, L.L.C. have Presented a preliminary plat and final plat of HUISENGA'S SUBDIVISION TO THE CITY OF STORM LAKE, IOWA as a described and have presented to the City council of Storm Lake, Iowa a plat of the following described property:

SEE ATTACHED EXHIBIT A

And

WHEREAS, the plat of the proposed subdivision has been reviewed and recommended For approval to this council by the Planning and Zoning Commission of the City of Storm Lake, Iowa, and said plat and dedication have been found acceptable to us and in compliance with the Rules and regulations; and

WHEREAS, the same is found to conform with applicable provisions of the Iowa Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Storm Lake, Iowa: the preliminary and final Plat of Huisenga's Subdivision to the City of Storm Lake, Iowa Is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of this Council be and are Hereby authorized to certify this resolution and that said certification of this resolution shall be Affixed to said plat as provided by Chapter 354 of the Code of Iowa (2021) and that the same maybe filed in the appropriate County offices as provided by law.

PASSED AND APPROVED this 5th day of July 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

07/01/2022

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: David Derragon

SUBJECT: **Resolution No. 03-R-2022-2023 Approving Final Completion, Change Order No. 1, and Final Payment of 2020 Expansion Boulevard Improvements - Pavement Rehabilitation Project**

BACKGROUND: The project consisted of roadway improvements entailing concrete rehabilitation, 4" asphalt overlay, driveway replacement, shouldering, and related roadway improvements.

Construction was deemed complete June 14, 2022.

Construction of the effort generally proceeded as planned and with some changes from the construction documents. Change Order 1 includes general quantity reconciliation items and a contractual time extension associated with the Engineer's review of the constructed improvements. The additional quantities most attributed to the cost increase were the inclusion of additional roadway subdrain and additional driveway, both resultant of conditions discovered through the course of construction. The time extension is attributed to conditions outside of the contractor's control. Specifically, the sewer rehabilitation contractor discovered a conduit which was bored through the sewer main, which necessitated a repair and delayed the paving contractor from performing the paving work as scheduled. Similarly, the paving contractor was delayed in completing driveway and surface restoration work through the coordination with a private business along the route.

At the time of the bid letting, the Engineer's Opinion of Probable Cost was \$770,569.50.

FISCAL IMPACT:

The estimated value of the contract with Blacktop Service Co. is \$671,799.60 with no previous change orders. This change order will result in a \$44,059.50 increase to the contract, for a final contract value of \$715,859.10.

RECOMMENDATION:

Move to adopt Resolution No. 03-R-2022-2023 Approving Final Completion, Change Order No. 1, and Final Payment of 2020 Expansion Boulevard Improvements - Pavement Rehabilitation Project

ATTACHMENTS:

[Change Order No. 1.pdf](#)

[Expansion Blvd Pavement Rehab Cert of Substantial Completion - Final.pdf](#)

[0320222023 - Resolution for Final Completion, Change Order No 1 and Final Pyt 2020 Expansion Blvd Improvements.docx](#)

CHANGE ORDER NO.: 1

Owner: City of Storm Lake, Iowa Owner's Project No.:
 Engineer: Bolton & Menk, Inc. Engineer's Project No.: P11.120650
 Contractor: Blacktop Service Co. Contractor's Project No.:
 Project: Expansion Boulevard Pavement Rehabilitation

Date Issued: June 20, 2022 Effective Date of Change Order: 06/20/2022

The Contract is modified as follows upon execution of this Change Order:

Description:

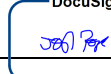
- 1) Reconciliation of as completed quantities to adjust contract amount
- 2) Adjustment of substantial completion and ready for final payment dates - *for coordination between multiple contracts, unknown pipe intrusion into sanitary sewer that delayed CIPP contract and subsequently overlay contract, as well as additional private work at McNess.*

Attachments:

Quantity Revisions Attachment

Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
\$ 671,799.60		Substantial Completion:	6/11/2021
		Ready for final payment:	6/25/2021
[Increase] [Decrease] from previously approved Change Orders No. to No. :		[Increase] [Decrease] from previously approved Change Orders No.0 to No. 0:	
\$		Substantial Completion:	0 Days
		Ready for final payment:	0 Days
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 671,799.60		Substantial Completion:	6/11/2021
		Ready for final payment:	6/25/2021
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ 44,059.50		Substantial Completion:	192 days
		Ready for final payment:	316 days
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 715,859.10		Substantial Completion:	12/20/2021
		Ready for final payment:	5/6/2022

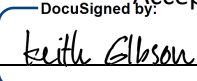
Recommended by Engineer (if required)

By: 
 Title: Project Manager
 Date: June 24, 2022

Authorized by Owner

By: _____
 Title: Mayor
 Date: _____

Accepted by Contractor

By: 
 Title: HR/Safety/Environmental Director, Contract A
 Date: June 24, 2022

Approved by Funding Agency (if applicable)

By: _____
 Title: _____
 Date: _____

CHANGE ORDER #1 - SCHEDULE OF UNIT PRICES
EXPANSION BOULEVARD IMPROVEMENTS - PAVEMENT REHABILITATION
CITY OF STORM LAKE, IOWA
BMI PROJECT NO. P12.120650



Real People. Real Solutions.

6/20/2022

Item No.	Item	Unit	As-Bid Quantity	Change Order Quantity	Unit Price	Amount
1	EXCAVATION, CLASS 13	CY	106	-1	\$29.95	-\$29.95
2	SUBGRADE PREPARATION	SY	636	-8	\$3.15	-\$25.20
3	SUBBASE, MODIFIED, 6"	SY	636	-8	\$13.15	-\$105.20
4	EXPLORATORY EXCAVATION	HR	20	-18	\$236.25	-\$4,252.50
5	SUBDRAIN, HDPE, 6"	LF	4200	1355	\$10.00	\$13,550.00
6	SUBDRAIN OUTLETS TO DITCH, HDPE, 6"	EA	18	6	\$315.00	\$1,890.00
7	MANHOLE ADJUSTMENT, MINOR	EA	12	0	\$2,520.00	\$0.00
8	PAVEMENT, PCC, 8"	SY	545	-7	\$75.75	-\$530.25
9	HMA OVERLAY, HIGH TRAFFIC (HT) INTERMEDIATE, 1/2", PG58-34	TON	1215	-1	\$98.65	-\$98.65
10	HMA OVERLAY, HIGH TRAFFIC (HT) SURFACE, 1/2", PG58-34H	TON	1254	-42	\$98.65	-\$4,143.30
11	GRANULAR SURFACING, VARIES	TON	873	17.27	\$40.00	\$690.80
12	REMOVAL OF SIDEWALK	SY	4	0	\$78.75	\$0.00
13	REMOVAL OF DRIVEWAY	SY	1128	0	\$15.75	\$0.00
14	SIDEWALK, PCC, 6"	SY	4	0	\$61.00	\$0.00
15	DRIVEWAY, PAVED, PCC, VARIES	SY	1128	945.78	\$71.50	\$67,623.27
16	DRIVEWAY, GRANULAR, VARIES	TON	25	-25	\$36.75	-\$918.75
17	FULL DEPTH PATCHES, PCC	SY	824	16	\$82.00	\$1,312.00
18	PARTIAL DEPTH PATCHES, PCC	SF	765	-638	\$22.25	-\$14,195.50
19	MILLING, 2"	SY	710	-299	\$17.00	-\$5,083.00
20	PAVEMENT REMOVAL	SY	545	2.66	\$10.50	\$27.93
21	TEMPORARY TRAFFIC CONTROL	LS	1	0	\$10,000.00	\$0.00
22	HYDRAULIC SEEDING, SEEDING, FERTILIZING, AND MULCHING	AC	0.5	-0.5	\$7,500.00	-\$3,750.00
23	MAILBOX REMOVAL AND REPLACEMENT	EA	2	-2	\$400.00	-\$800.00
24	INLET PROTECTION DEVICE, WATTLE	EA	5	-5	\$205.00	-\$1,025.00
25	MOBILIZATION	LS	1	0	\$18,000.00	\$0.00
26	CONSTRUCTION ALLOWANCE	LS	1	-0.30386	\$20,000.00	-\$6,077.20
CHANGE ORDER BASE TOTAL:						<u><u>\$44,059.50</u></u>

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Storm Lake Owner's Project No.:
Engineer: Joshua A. Pope, P.E. Engineer's Project No.: P11.120650
Contractor: Blacktop Service Company Contractor's Project No.:
Project: Expansion Boulevard Pavement Rehabilitation
Contract Name:

This ☐ Preliminary ☒ Final Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

Date of Substantial Completion: **June 14, 2022**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the Final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work must be as provided in the Contract, except as amended as follows:

Amendments to Owner's Responsibilities: ☒ None ☐ As follows:

Amendments to Contractor's Responsibilities: ☒ None ☐ As follows:

The following documents are attached to and made a part of this Certificate:

Punch List – all items completed

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Engineer

By (signature):

DocuSigned by:



Name (printed):

7367BB09A51D4FZ
Joshua Pope, P.E.

Title:

City Infrastructure Engineer

RESOLUTION NO. 03-2022-2023

**RESOLUTION ADOPTING FINAL COMPLETION, CHANGE ORDER NO. 1 AND
FINAL PAYMENT FOR THE 2020 EXPANSION BOULEVARD PAVEMENT
REHABILITATION PROJECT**

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the Expansion Boulevard Sewer Rehabilitation Project; and

WHEREAS, notice of hearing on plans, specifications, form of contract and estimate of cost for said public improvements was published as required by law; and

WHEREAS, a contract in the amount of \$671,799.60 was awarded to Blacktop Service Co. for the project; and

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

Section 1. To approve Change Order No. 1 to the contract for work performed by Blacktop Service Co. for an increase of \$44,059.50 to the contract for a total contact amount of \$715,859.10.

Section 2. That the Mayor and Clerk are hereby directed to execute this Change Order No. 1.

Section 3. Final payment, pursuant to State Code, will be made to Blacktop Service Co. in the amount of \$7,158.59.

PASSED AND APPROVED this 5TH day of July, 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

07/01/2022

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: Keri Navratil

SUBJECT: **Resolution No. 04-R-2022-2023 Supporting Workforce Housing Tax Incentive Program- Woodland Creek Subdivision**

BACKGROUND: Healthy Efficient Homes, LLC is submitting an application to the Iowa Economic Development Authority (IDEA) for the Workforce Housing Tax Incentive Program. Lots located in the Woodland subdivision on both Howard Drive and Kelvin Road will be used. There are four lots that are zoned for twin homes which will allow for eight single family homes. Three lots are designated for detached single family homes and the current plan will be to construct three homes. The total investment in the project is expected to be \$2,926,000.

The City supports this project and understands that the project will qualify for a property tax exemption.

FISCAL IMPACT: There is no fiscal impact by approving this resolution

RECOMMENDATION: Approve Resolution No. 04-R-2022-2023 Supporting Workforce Housing Tax Incentive Program - Woodland Creek Subdivision

ATTACHMENTS:

[Proposal for SL.pdf](#)

[0420222023 - Supporting Workforce Housing Tax Incentive Program - Woodland Creek Subdivision.docx](#)

To Storm Lake City Council;

Attention: Lee Dutfeld- Development Services Specialist

The intention of Healthy Efficient Homes is the construction of 11 single family homes for Mag-Shu LLC. These homes will be built on lots currently owned by Mag-Shu LLC. Lots located in the Woodland subdivision located on both Howard Drive and Kelvin Road will be used.

Lots 1-2-12-14 are zoned for twin homes so that currently 8 single family homes would be constructed upon these 4 lots
 Lots 10-11-15 are designated for detached single family homes and the current plan would be to construct 3 homes upon these 3 lots.

Iowa Workforce Housing offers tax incentives which we are trying to obtain. These incentives require a contribution from the City. The homes on these lots are eligible for a tax abatement and that would be considered the Cities contribution.

Thank You for the consideration

James Johnson

RESOLUTION NO. 04-2022-2023

A RESOLUTION IN SUPPORT OF A WORKFORCE HOUSING TAX INCENTIVE APPLICATION TO BE SUBMITTED TO THE IOWA ECONOMIC DEVELOPMENT AUTHORITY (IDEA) BY HEALTHY EFFICIENT HOMES, LLC FOR HOUSING PROJECTS LOCATED AT WOODLAND SUBDIVISION

WHEREAS, Healthy Efficient Homes, LLC plans on a \$2,926,000 Million capital investment for a housing development located at the Woodland Subdivision; and

WHEREAS, the project consists of eight (8) single family homes constructed on four (4) lots and three (3) detached single family homes constructed on three lots; and

WHEREAS, the project will add new assessable tax valuation to Storm Lake; and

WHEREAS, the City of Storm Lake will assist the project by providing tax abatement; and

WHEREAS, Healthy Efficient Homes, LLC intends to submit an application for Workforce Housing Tax Incentive through the Iowa Economic Development Authority; and

WHEREAS, the City of Storm Lake is a duly recognized political subdivision of the State of Iowa action under the laws of the State of Iowa; and

WHEREAS, the City Council is the duly elected governing body of Storm Lake, Iowa; and

IT IS HEREBY RESOLVED by the City Council of Storm Lake Iowa as follows:

1. The City Council is in full support of the opportunity to promote housing development in Storm Lake, Iowa and fully supports the Application for Workforce Housing Tax Incentives.
2. City staff is authorized to assist in the preparation of the application and related materials deemed necessary.

PASSED AND APPROVED this 5th day of July, 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

07/01/2022

Agenda Item # F.6.



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

SUBJECT: **Ordinance No. 01-O-2022-2023 Amending Chapter 3-5 Of Title III Of The City Code Of The City Of Storm Lake, Iowa, Titled "Water Rates," To Provide For A New Water Conservation Measure**

BACKGROUND: On, July 1, 2022 City Council declared mandatory water conservation measures for users of the Storm Lake Water System. Storm Lake's current ordinance does not prohibit water customers from selling or distributing water during water shortage emergencies. This ordinance would prohibit customers from selling or distributing water during water shortage emergencies.

FISCAL IMPACT: N/A

RECOMMENDATION: APPROVE 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 A NEW WATER CONSERVATION MEASURE

ATTACHMENTS:
[0120222023 - Ordinance amending Chapter 3-5 \(3-5-5\) of the City Code \(2022\).docx](#)

ORDINANCE NO. 01-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 A NEW WATER CONSERVATION MEASURE

WHEREAS, certain water conservation measures that may be imposed by the City Council, the Mayor, and the City Manager during a water shortage emergency declared by the City Council pursuant to Section 3-5-4 are set forth in Section 3-5-5 in Chapter 3-5 of the City Code; and

WHEREAS, the Council wishes to add an additional water conservation measure that may be used during such a water shortage emergency.

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

SECTION 1: AMENDMENT TO SECTION 3-5-5: Chapter 3-5 of Title III of the City Code of the City of Storm Lake, Iowa, is hereby amended by adding to Section 3-5-5 the following new subsection (F) immediately after subsection (E):

(F) All customers may be prohibited from selling, transferring, or distributing during the declared water shortage emergency more than ten gallons of City-supplied water to persons and entities who intend to use the water outside of the city limits of the City of Storm Lake, Iowa, without prior written consent of the City Manager. The City Manager or the Mayor may proclaim this water conservation measure applicable without further authorization from the City Council.

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 ____ day of _____, 2022.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

07/01/2022

Agenda Item # F.7.



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

SUBJECT: **Hearing to Appeal City Manager's Decision Determining a Certain Dog to be a Vicious Animal Pursuant to Section 8-9-7 of the Storm Lake, Iowa Code**

BACKGROUND:

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

[8-9_Dangerous_and_Vicious_Animals.pdf](#)

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

8-9-1	Definitions
8-9-2	Keeping Of Dangerous Animals Prohibited
8-9-3	Dangerous Animal Exceptions
8-9-4	Seizure, Impoundment And Disposition Of Dangerous Animals
8-9-5	Keeping Of Vicious Animals Prohibited
8-9-6	Vicious Animal Exception
8-9-7	Seizure, Impoundment And Disposition Of Vicious Animals
8-9-8	Restrictions Of Keeping Of Potentially Vicious Animals
8-9-9	Complaint, Procedures And Restrictions Of Potentially Vicious Animals

Section 8-9-1 Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings in this Section:

(A) "DANGEROUS ANIMAL":

1. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
2. Any animals declared to be dangerous by the Board of Health of the County or the City Administrator or his/her designee;
3. The following animals which shall be deemed to be dangerous animals per se:

Lions,tigers, jaguars, leopards, cougars, lynx and bobcats;
Wolves, coyotes and foxes;
Badgers, wolverines, weasels, skunks and mink;
Raccoons;
Bears;
Monkeys and chimpanzees;
Bats;
Alligators and crocodiles;
Scorpions;
Snakes that are venomous or constrictors;
Gila monsters;

(B) "POTENTIALLY VICIOUS ANIMAL": Any animal, except for a dangerous animal per se, as listed above, which:

1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, or
2. With a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to

otherwise threaten the safety of human beings or domestic animals.

(C) "VICIOUS ANIMAL": Any animal, except for a dangerous animal per se as listed above which:

1. Has inflicted serious injury on a human being unless the animal was on its owner's premises and either
 - a. The animal was being provoked, teased or tormented; or
 - b. The victim was trespassing and was more than seven (7) years of age; or
2. Has attacked, and killed or caused disabling injury to other domestic animal without provocation while off the owner's premises; or
3. Is owned or harbored primarily or in part for the purpose of fighting in contests or any animal trained for such fighting.

As used herein, serious injury includes any one bite which breaks the skin of the victim.

Section 8-9-2 Keeping Of Dangerous Animals Prohibited

No person shall keep, shelter, or harbor any dangerous animal as a pet, nor act as a temporary custodian for such animal, nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City of Storm Lake, except as provided in Section 8-9-3 of this Code.

Section 8-9-3 Dangerous Animal Exceptions

The prohibition contained in Section 8-9-2 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

- (A) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
- (B) The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
- (C) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
- (D) The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the Iowa Conservation Commission.
- (E) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 481A or 481B of the Iowa Code.

Section 8-9-4 Seizure, Impoundment And Disposition Of Dangerous Animals

(A) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal, may, in the discretion of the City Administrator or his/her designee, or the Chief of Police, be destroyed if it cannot be confined or captured. The City of Storm Lake shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(B) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City of Storm Lake, the City Administrator shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Administrator shall order the person named in the complaint to safely remove such animal from the City of Storm Lake, permanently place the animal with an organization or group allowed under Section 8-9- 3 of this Code to possess dangerous animals, or destroy the animal, within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person in which case the City Administrator shall cause the animal to be immediately seized and impounded or killed if seizure or impoundment are not possible without risk of serious physical harm or death to any person.

(C) The order to remove a dangerous animal issued by the City Administrator may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the City, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the City Administrator is not appealed and is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Section 8-9-3 of this Chapter to possess dangerous animals, or destroy such animal in a humane manner. Failure to comply with an order of the City Administrator issued pursuant thereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

Section 8-9-5 Keeping Of Vicious Animals Prohibited

No person shall keep, shelter or harbor for any reason within the City a vicious animal so defined herein, except as provided in Section 8-9-6 of this Code.

Section 8-9-6 Vicious Animal Exception

The prohibition contained in Section 8-9-5 of this Code shall not apply to the keeping of vicious animals in the following circumstances:

(A) Animals under the control of a law enforcement or military agency.

(B) The keeping of guard dogs. However, guard dogs must be kept within a structure of fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 8-9-5 and 8-9-7 of this Code. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar importance, and the owner of such premises shall inform the Chief of Police that a guard dog is on duty at such premises.

Section 8-9-7 Seizure, Impoundment And Disposition Of Vicious Animals

(A) The City Administrator or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the City Administrator or his/her designee. The person, firm or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is vicious, the City Administrator or his/her designee shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the City Administrator or his/her designee was issued has not appealed such order to the City Council, the City Administrator or his/her designee shall cause the animal to be destroyed.

(C) The order to remove or destroy vicious animal issued by the City Administrator or his/her designee shall be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order to remove or destroy the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the City Administrator or his/her designee.

(D) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the City Administrator or his/her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing, or any continued session thereof.

(E) If the City Council affirms the action of the City Administrator or his/her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious animal, shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or destroy. If the original order of the City Administrator or his/her designee is not appealed and is not complied with within three (3) days or the order of the City Council after appeal is not complied with within three (3) days of its issuance, the City Administrator or his/her designee is authorized to seize and impound such vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the City Administrator or his/her designee and/or the City Council was issued has not petitioned the Buena Vista County District Court for a review of said order, the City Administrator or his designee shall cause the animal to be destroyed in a humane manner.

(F) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or of the City Council after appeal, shall constitute a Municipal infraction.

(G) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the City Administrator or his/her designee may immediately destroy it.

(H) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

Section 8-9-8 Restrictions Of Keeping Of Potentially Vicious Animals

No person shall keep, shelter or harbor for any reason within the City a potentially vicious animal as defined herein after such animal has been determined to be potentially vicious as provided in Section 8-9-9, unless the terms and conditions imposed by the hearing officer, or the City Council, as appropriate, for keeping such animal within the City have been strictly complied with.

Section 8-9-9 Complaint, Procedures And Restrictions Of Potentially Vicious Animals

(A) The City Administrator, or his/her designee, in his/her discretion or upon receipt of a complaint alleging that a particular animal is a potentially vicious animal as defined herein, may initiate proceedings to declare such animal a potential vicious animal. A hearing on the matter shall be conducted by the Administrator or his/her designee. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than three (3) days written notice of the time and place of said hearing.

Said notice shall set forth the description of the animal in question and the basis for the allegation that the animal is potentially vicious. The notice shall also set forth that if the animal is determined to be potentially vicious, the owner will be required to comply with certain restrictions with regard to the animal and if such restrictions are not followed, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon an adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

(B) If, after hearing, the City Administrator or his/her designee determines that an animal is potentially vicious, the City Administrator or his/her designee may order that the owner comply with some or all of the following restrictions with regard to the animal, as appropriate, as a condition of the animal owner's continued right to maintain the animal within the City limits.

1. The animal may be required to be muzzled at all times when upon public property.
2. The animal may be required to be restrained by a chain leash at all times when the animal is outside the owner's home, and which chain leash should be not more than six feet (6') in length if the animal is on public property.
3. The owner may be required to fence the owner's premises or a portion thereof with chain link or other type fence reasonably calculated to restrain the animal and keep it in good state of repair whenever the animal is outside on the owner's premises.

(C) An order determining an animal to be potentially vicious and imposing restrictions upon the continued existence of that animal within the City limits may be appealed to the same extent and subject to the same procedural requirements and safeguards as are contained in Section 8-9-7 relating to vicious animals.

(D) Failure to comply with an order of the City Administrator or his/her designee issued pursuant hereto and not appealed, or the City Council after appeal, shall constitute a Municipal infraction. Further, failure to comply with regard to a particular animal shall qualify that animal as a vicious animal, notwithstanding the basic definition of vicious animal as contained in Section 8-9-1, and subject the owner and the animal involved to all of the provisions of this Chapter relating to vicious animals.

Staff Summary

07/01/2022

Agenda Item # F.8.



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

SUBJECT: **Council Decision Regarding the Appeal on City Manager's Decision for Vicious Animals Pursuant to Section 8-9-7 of the Storm Lake, Iowa Code**

BACKGROUND:

Council options:

a) a motion to affirm the City Manager's June 25th Decision and Order, approve and adopt the proposed Decision and Order of the City Council affirming the City Manager's Decision and Order, and authorize the Mayor and Clerk to sign the Council's Decision and Order,

OR, if the foregoing motion is not made, seconded or carried,

b) a motion to reverse the June 25th Decision and Order of the City Manager, approve and adopt the proposed Decision reversing the City Manager's Decision and Order, and authorize the Mayor and Clerk to sign such Decision of Council.

FISCAL IMPACT:

RECOMMENDATION: Council Decision

ATTACHMENTS:

Staff Summary

07/01/2022

Agenda Item # F.9.



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

SUBJECT: **Work Session - 2022 Legislation**

BACKGROUND: Staff will present information regarding new signed legislation at the State level related to ATV/UTV Operation and Home Occupations.

This legislation was passed the State Legislature in May 2022 and signed by the Governor in June 2022.

FISCAL IMPACT: N/A

RECOMMENDATION: Update to Council - no action at this time

ATTACHMENTS:

[HF2130_GovLetter.pdf](#)

[HF2431_GovLetter.pdf](#)

[ATV-UTV Update Points.docx](#)



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

June 13, 2022

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 2130, an Act relating to registered all-terrain vehicles and off-road utility vehicles, and making penalties applicable.

The above House File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 2130

AN ACT

RELATING TO REGISTERED ALL-TERRAIN VEHICLES AND OFF-ROAD
UTILITY VEHICLES, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.234A, subsection 1, paragraph f,
Code 2022, is amended to read as follows:

f. The all-terrain vehicle is operated on a ~~county roadway~~
primary highway in accordance with section 321I.10, subsection
1A, a secondary road in accordance with section 321I.10,
subsection 2, or a city street in accordance with section
321I.10, subsection 3.

Sec. 2. Section 321.234A, subsection 2, Code 2022, is
amended to read as follows:

2. A person operating an all-terrain vehicle on a highway
shall have a valid driver's license and ~~the vehicle shall be~~
operated operate the vehicle at speeds of thirty-five miles per
hour or less. In addition, a person operating an all-terrain
vehicle on a highway pursuant to subsection 1, paragraphs "b"

through "g", shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B.

Sec. 3. Section 321.234A, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. As provided in section 321.1, an all-terrain vehicle is a motor vehicle for purposes of this chapter. Therefore, an all-terrain vehicle operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under this chapter for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432, and 321.437.

Sec. 4. Section 321.384, subsection 1, Code 2022, is amended to read as follows:

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as provided in this chapter. However, an all-terrain vehicle shall display lighted headlamps as provided in section 321.415 at all times while the vehicle is operated on a highway.

Sec. 5. Section 321.385, Code 2022, is amended to read as follows:

321.385 Headlamps on motor vehicles.

Every motor vehicle other than a motorcycle, ~~or~~ motorized bicycle, or all-terrain vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

Sec. 6. Section 321.386, Code 2022, is amended to read as follows:

321.386 Headlamps on motorcycles, and motorized bicycles, and all-terrain vehicles.

Every motorcycle, ~~and motorized bicycle, and all-terrain vehicle~~ shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

Sec. 7. Section 321I.8, subsection 2, Code 2022, is amended to read as follows:

2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department, but shall not be used for law enforcement purposes outside of a designated off-highway vehicle recreational riding area or for purchasing, installing, or maintaining signs along a highway outside of a designated off-highway vehicle recreational riding area. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or

earnings on moneys in the special fund shall remain in the fund.

Sec. 8. Section 321I.10, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A registered all-terrain vehicle or off-road utility vehicle may be operated on an undivided two-lane primary highway that is not part of the interstate road system over the most direct and accessible route between any of the following locations:

- a. An all-terrain vehicle park or trail.
- b. A secondary road on which such vehicles are authorized to operate under subsection 2.
- c. A city street on which such vehicles are authorized to operate under subsection 3.
- d. The vehicle operator's residence.

Sec. 9. Section 321I.10, subsections 2 and 3, Code 2022, are amended to read as follows:

2. a. A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period following secondary roads:

- (1) An unpaved secondary road.
- (2) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations:
 - (a) An all-terrain vehicle park or trail.
 - (b) Another secondary road on which such vehicles are authorized to operate under this paragraph.
 - (c) A city street on which such vehicles are authorized to operate under subsection 3.
 - (d) The vehicle operator's residence.

(3) A paved, undivided secondary road or segment thereof, if authorized by the county board of supervisors. The county board of supervisors shall evaluate the traffic conditions on all county highways such secondary roads under its jurisdiction and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue

hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

b. Notwithstanding paragraph "a", a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a secondary road or segment thereof under its jurisdiction as follows:

(1) When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to section 306.41.

(2) When the secondary road or segment thereof is designated as a detour route pursuant to section 306.41.

(3) For any other secondary road or segment thereof, for no more than seven consecutive days and no more than thirty days in a calendar year when the prohibited days are established by ordinance.

3. Cities A city may regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of ~~cities~~ the city within ~~their respective~~ its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of ~~registered all-terrain vehicles or registered off-road utility~~ such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or off-road utility vehicle within the city.

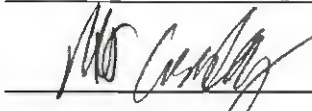
Sec. 10. Section 321I.10, subsection 5, unnumbered paragraph 1, Code 2022, is amended to read as follows:

An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

Sec. 11. Section 321I.10, subsection 5, paragraph e, Code 2022, is amended to read as follows:

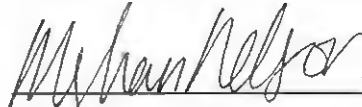
e. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city on which the all-terrain vehicle or off-road utility vehicle is authorized to operate to a street, roadway,

or highway ~~designated as an all-terrain vehicle trail by~~
~~a state agency, county, or city~~ on which such vehicle is
authorized to operate.

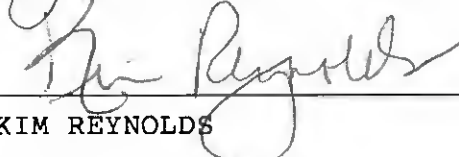

PAT GRASSLEY
Speaker of the House


JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2130, Eighty-ninth General Assembly.


MEGHAN NELSON
Chief Clerk of the House

Approved June 13th, 2022


KIM REYNOLDS
Governor



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

June 14, 2022

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 2431, an Act relating to the regulation of home-based businesses, including food establishments and home food processing establishments, and providing civil penalties.

The above House File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 2431

AN ACT

RELATING TO THE REGULATION OF HOME-BASED BUSINESSES, INCLUDING
FOOD ESTABLISHMENTS AND HOME FOOD PROCESSING ESTABLISHMENTS,
AND PROVIDING CIVIL PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 10A.104, subsection 11, Code 2022, is amended to read as follows:

11. Administer inspections and licensing of hotels and home ~~bakeries~~ food processing establishments.

Sec. 2. Section 137D.1, Code 2022, is amended to read as follows:

137D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

~~1. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.~~

~~2. "Department" means the department of inspections and appeals.~~

1. "Department" means the department of inspections and appeals.

2. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

3. "Home bakery food processing establishment" means a business on the premises of a residence in which prepared homemade food is created items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than thirty-five fifty thousand dollars. However, "home bakery food processing establishment" does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

4. "Prepared food" means soft pies, bakery products with a custard or cream filling, or baked goods that are a time/temperature control for safety food. "Prepared food" does not include baked goods that are not a time/temperature control for safety food, including but not limited to breads, fruit pies, cakes, or other pastries that are not a time/temperature control for safety food. "Homemade food item" means a food that is produced and, if packaged, packaged at a home food processing establishment. "Homemade food item" includes food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20. "Homemade food item" does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under chapter 192, and meat, meat food products, poultry, or poultry products regulated under chapter 189A,

except for any of the following products when sold directly to the end consumer:

a. Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.

b. Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 C.F.R. §381.10(d).

c. Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 C.F.R. §303.1(d).

5. "Produce", with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. "Produce" does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement.

5- 6. "Time/temperature control for safety food" means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Sec. 3. Section 137D.2, Code 2022, is amended to read as follows:

137D.2 Licenses and inspections.

1. A person shall not open or operate a home bakery food processing establishment until a license has been obtained from the department ~~of inspections and appeals~~. The department shall collect a fee of fifty dollars for a license. After collection, the fees shall be deposited in ~~the general fund of~~ a special fund in the state treasury. Moneys in the fund are appropriated to the department for the administration of this chapter. A license shall expire one year from date of issue. A license is renewable.

2. A person shall not sell or distribute from a home bakery food processing establishment if the home bakery food processing establishment is unlicensed, the license of the home bakery food processing establishment is suspended, or

the food fails to meet standards adopted for such food by the department.

3. An application for a license under this chapter shall be made upon a form furnished by the department and shall contain the items required by ~~it~~ the department according to rules adopted by the department.

4. The department shall regulate, license, and inspect ~~home bakeries according to standards adopted by rule~~ food processing establishments in a manner that is consistent with this chapter.

5. The department shall provide for the periodic inspection of a ~~home bakery~~ food processing establishment. The inspector may enter the ~~home bakery~~ food processing establishment at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing food for sale.

6. The department shall regulate and may inspect food prepared at a ~~home bakery according to standards adopted by rule~~ food processing establishment in a manner that is consistent with this chapter. The inspection may occur at any place where ~~the prepared food~~ a homemade food item is created, transported, or stored for sale or resale.

7. A home food processing establishment shall affix or label a homemade food item with all of the following information:

a. Information to identify the name of the home food processing establishment.

b. The common name of the food.

c. The ingredients of the homemade food item in descending order of predominance.

d. The net quantity of contents.

e. For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

f. The following statement: "This product was produced at a home food processing establishment." If the homemade food item contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.

8. The department may adopt rules under chapter 17A to administer this chapter.

Sec. 4. Section 137D.3, Code 2022, is amended to read as follows:

137D.3 Penalty.

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home ~~bakeries~~ food processing establishments or ~~prepared foods~~ created homemade food items produced in a home bakery, ~~is guilty of a simple misdemeanor~~ food processing establishment shall be subject to a civil penalty in the amount of one hundred dollars per violation, to be collected by the department. Moneys collected from civil penalties shall be deposited in the special fund referred to in section 137D.2. Each day that the violation continues constitutes a separate ~~offense~~ violation.

Sec. 5. Section 137D.4, Code 2022, is amended to read as follows:

137D.4 Injunction.

A person operating a home ~~bakery~~ food processing establishment or selling ~~prepared foods~~ homemade food items created at a home ~~bakery~~ food processing establishment in violation of a provision of this chapter may be restrained by injunction from further operating that home ~~bakery~~ food processing establishment. If an imminent health hazard exists, the home ~~bakery~~ food processing establishment must cease operation and notify the department. Operation shall not be resumed until authorized by the department.

Sec. 6. Section 137D.6, Code 2022, is amended to read as follows:

137D.6 Conflicts with state building code.

Provisions of this chapter, including standards for home ~~bakeries~~ food processing establishments adopted by the department, in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Sec. 7. Section 137D.8, Code 2022, is amended to read as follows:

137D.8 Suspension or revocation of licenses.

The department may suspend or revoke a license issued to a

person under this chapter if any of the following occurs:

1. The person's home ~~bakery~~ food processing establishment does not conform to a provision of this chapter or a rule adopted pursuant to this chapter.
2. The person violates a provision of this chapter or a rule adopted pursuant to this chapter.
3. The person conducts an activity constituting a criminal offense in the home ~~bakery~~ food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result.

Sec. 8. Section 137F.1, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "*Cottage food*" means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in section 137F.20 and food for resale that is not time/temperature control for safety food. "*Cottage food*" includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of four and six-tenths or lower or a water activity value of eighty-five hundredths or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned.

"*Cottage food*" does not include any of the following:

- a. Milk or milk products regulated under chapter 192.
- b. Meat, meat food products, poultry, or poultry food products regulated under chapter 189A.

Sec. 9. Section 137F.1, subsection 8, paragraphs d, e, and f, Code 2022, are amended to read as follows:

d. Premises ~~which that~~ are a home ~~bakery pursuant to food processing establishment as defined in chapter 137D.~~

e. Premises where a person operates a farmers market, if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

f. Premises of a residence in which food ~~that is not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food~~ is produced

pursuant to section 137F.20.

Sec. 10. NEW SECTION. 137F.20 Cottage food — requirements.

1. Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food is sold and delivered by the producer directly to the consumer, or delivered by mail or an agent of the producer such as an employee. A producer may sell food to the consumer in person, remotely, by telephone, by internet, or by an agent of the producer.

2. Cottage food sold pursuant to this section shall be affixed or labeled with all of the following information:

a. Information to identify the name and address, phone number, or electronic mail address of the person preparing the food.

b. The common name of the food.

c. The ingredients of the cottage food in descending order of predominance.

d. The following statement: "This product was produced at a residential property that is exempt from state licensing and inspection." If the cottage food contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.

e. If the food is home-processed and home-canned pickles, vegetables, or fruits permitted under this section, the date that the food was processed and canned.

3. Compliance with the cottage food exemption provided in this section does not represent compliance with federal law.

Sec. 11. Section 210.23, Code 2022, is amended to read as follows:

210.23 Exception.

Any person engaged in operating a home ~~baking~~ food processing establishment is exempt from the provisions of sections 210.19 through 210.22.

Sec. 12. NEW SECTION. 335.35 Home-based businesses.

1. For purposes of this section:

a. "Goods" means any merchandise, equipment, products, supplies, or materials.

b. "Home-based business" means any business for the

manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. "No-impact home-based business" means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the county occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.

4. A county may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and

surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A county shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a county regulation does not comply with this section, the county that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

Sec. 13. NEW SECTION. 414.33 Home-based businesses.

1. For purposes of this section:

a. "Goods" means any merchandise, equipment, products, supplies, or materials.

b. "Home-based business" means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. "No-impact home-based business" means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or

in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A city shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the city to operate a no-impact home-based business.

4. A city may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

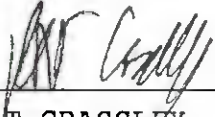
(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A city shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a city regulation

does not comply with this section, the city that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

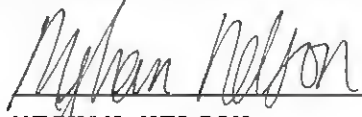


PAT GRASSLEY
Speaker of the House

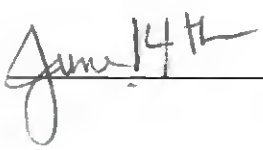


JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2431, Eighty-ninth General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved  , 2022



KIM REYNOLDS
Governor

ATV/UTV Update:

Effective July 1, All terrain vehicle (ATV) and utility terrain vehicle (UTV) users will be able to ride in any of Iowa's 99 counties, with a few restrictions.

The law change will still come with restrictions:

- ATVs and UTVs have a speed limit of 35 mph
- All ATVs and UTVs must have operational headlights, tail and brake lights, horn and rearview mirrors.
- They must be operated by a person who is at least 18 years old with a valid driver's license and carrying valid proof of insurance

There also remain several restrictions on which roads ATV and UTV users will be able to travel on:

- If driving on a state two-lane highway or county highway, it must be over the most direct and accessible route to or from an all-terrain vehicle park or trail, to the nearest county road, or an authorized city street or one's residence.
- Riders may cross a four-lane highway at an intersection from an authorized road so long as it is not an Interstate highway.
- ATVs and UTVs are not permitted to drive on any gravel or paved roadway that is marked under construction, closed, or a detour for normal vehicle traffic.
- ATVs and UTVs may be restricted from county roadways during special events, like RAGBRAI, for a maximum of seven days consecutively or 30 days in a year.
- ATVs and UTVs may only be operated on state highways, and may not travel on four-lane or interstate roads. They may be driven on any county unpaved gravel road.
- Riders will be allowed to ride day or night.

Cities may regulate ATV and UTV traffic within their city limits, including primary and secondary road extensions, but cities may not charge a fee to ATV and UTV owners for use of their streets; these new laws will also override any county ordinances currently in place.