

**CITY OF STORM LAKE
REGULAR COUNCIL MEETING, CITY HALL
COUNCIL CHAMBERS
AUGUST 15, 2016
5:00 PM**



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

AGENDA

1. Hear the Public
2. Consent Agenda
 - A. Approve Consent Agenda
 - B. Buy Local Information
 - C. Motion Authorizing a Noise Variance for the Lao Buddhist Temple
 - D. Motion Authorizing Noise Variances for Buena Vista University
 - E. Motion Authorizing a Noise Variance and Related Permits for the 2016 AWARE Run/Walk Event
 - F. Motion Authorizing a Noise Variance for the Honda Shop Memorial Motorcycle Fun run
3. Public Hearing On A Proposal To Amend The City Code By Updating The Referenced Construction Codes and Standards To The Most Recent Editions.
4. Ordinance No. 01-O-2016-2017 Amending The City Code By Updating The Referenced Construction Codes and Standards To The Most Recent Editions - 1st Reading
5. Resolution No. 11-R-2016-2017 Accepting Certificate Of Substantial Completion On The North Central Storm Water Project
6. Resolution No. 12-R-2016-2017 Establishing Campground Seasons And Setting Monthly Rates For Off-Season Camping
7. Resolution No. 13-R-2016-2017 Accepting Bids On The Abner Bell Created Wetland, Awarding Bid, And Approving The Construction Agreement
8. Resolution No. 14-R-2016-2017 Approving The 28E Agreement For Buena Vista County and City of Storm Lake Regarding The Collection Of Delinquent Debt.
9. Motion Authorizing the City Council to go into Closed Session in Reference to Iowa Code Chapter 21.5(g) for the Purpose of Discussing Sensitive Law Enforcement Issues
10. 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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Staff Summary

8/15/2016

Agenda Item # A.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

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REPORT TO: Honorable Mayor and City Council

FROM: Mayra Martinez, Deputy City Clerk

SUBJECT: Approve Consent Agenda

BACKGROUND: The Consent Agenda Includes:

- List of bills for approval
- King's Pointe disbursements for approval
- Sunrise Pointe bills for approval
- Approve August 1, 2016 City Council Minutes
- Approve a 5-day liquor license for Buddhist Temple effective on September 2, 2016
- Approve an outdoor service area for Puffs liquor license on August 27, 2016 (subject to dram shop)
- Approve re-appointment of Mike Olthoff to the Storm Water Advisory Committee
- Approve Noise Variance for the Buddhist Temple on Sunday, September 4, 2016 between 1:00pm and 1:00am (see attached staff summary)
- Approve Noise Variances for Buena Vista University Welcome Weekend Celebration for the 2016/17 academic school year from August 26th to August 28th (see attached staff summary)
- Approve Noise Variance for BVRMC's 2016 AWARE Run/Walk scheduled for Saturday, September 24, 2016 at 8:00AM (see attached staff summary)
- Approve Noise Variance for Honda Shop's Memorial Ride Event Saturday, September 17, 2016 from 7:00pm until 11:00pm (see attached staff summary)
- Approve cigarette permit for Rachel N Eddy's Vapes

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills - \$469,220.26
- King's Pointe Bills - \$230,814.40
- Sunrise Pointe Golf Course Bills - \$8,106.61

The City will receive the following revenues:

- Liquor license - \$37.50
- Cigarette permit - \$75.00

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

Description	Type
📎 List of Bills	List of Bills
📎 List of Bills - King's Pointe & Sunrise Pointe	List of Bills
📎 Minutes - August 1, 2016	Minutes
📎 Cigarette Permit Application	Application

City of Storm Lake
620 Erie Street PO Box 1086
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Checks for Approval Report

From: 08/02/16 To 08/15/16
User: tyler.gibbins

UNAVAILABLE

AFLAC	PR Batch 00551.08.2016 Aflac Pretax	457.22
AFLAC	PR Batch 00551.08.2016 Aflac After tax	99.12
AFLAC	PR Batch 00552.08.2016 Aflac Pretax	75.32
AFLAC	PR Batch 00552.08.2016 Aflac After tax	50.21
AHLBRECHT SHANNON	Refund Check	139.80
BANUELOS SONIA	Refund Check	81.72
BARTOLOME CARVY	Refund Check	82.52
CARR ERNEST	Refund Check	52.25
City of Storm Lake	PR Batch 00552.08.2016 Dental employee/spouse	13.86
City of Storm Lake	PR Batch 00552.08.2016 Dental insurance family	24.45
City of Storm Lake	PR Batch 00552.08.2016 125 Flexible Benefits	265.21
City of Storm Lake	PR Batch 00552.08.2016 Flex- Child Care	62.50
City of Storm Lake	PR Batch 00552.08.2016 Health Insurance Family	597.20
City of Storm Lake	PR Batch 00551.08.2016 Dental employee/child	6.00
City of Storm Lake	PR Batch 00551.08.2016 Dental insurance employee c	19.76
City of Storm Lake	PR Batch 00551.08.2016 Dental employee/spouse	12.78
City of Storm Lake	PR Batch 00551.08.2016 Dental insurance family	81.18
City of Storm Lake	PR Batch 00551.08.2016 125 Flexible Benefits	532.97
City of Storm Lake	PR Batch 00551.08.2016 Flex- Child Care	161.54
City of Storm Lake	PR Batch 00551.08.2016 Health Insurance Family	1,709.03
City of Storm Lake	PR Batch 00551.08.2016 Health Insurance Single	376.55
Collection Services Center	PR Batch 00551.08.2016 Child Support Payments to I	222.00
Conseco Health Insurance Co	PR Batch 00551.08.2016 Cancer Pre Tax Insurance	41.04
EFTPS	PR Batch 00551.08.2016 Federal Income Tax	10,501.37
EFTPS	PR Batch 00551.08.2016 FICA Employee Portion	3,980.85
EFTPS	PR Batch 00551.08.2016 FICA Employer Portion	3,980.85
EFTPS	PR Batch 00551.08.2016 Medicare Employee Portion	1,498.00
EFTPS	PR Batch 00551.08.2016 Medicare Employer Portion	1,498.00
EFTPS	PR Batch 00552.08.2016 Federal Income Tax	3,947.56
EFTPS	PR Batch 00552.08.2016 FICA Employee Portion	1,516.58
EFTPS	PR Batch 00552.08.2016 FICA Employer Portion	1,516.58
EFTPS	PR Batch 00552.08.2016 Medicare Employee Portion	449.64
EFTPS	PR Batch 00552.08.2016 Medicare Employer Portion	449.64
FANG CHARLIE	Refund Check	99.90
FANG CHARLIE	Refund Check	0.10
GRANADOS JUAN	Refund Check	15.73
GRANADOS JUAN	Refund Check	23.10
GRANADOS JUAN	Refund Check	4.99
GRANADOS JUAN	Refund Check	1.10
GRANADOS JUAN	Refund Check	2.35
GREGG ELIZABETH	Refund Check	160.00
HAILEMICHAEL DANIEL	Refund Check	31.08
HAILEMICHAEL DANIEL	Refund Check	56.63
HAILEMICHAEL DANIEL	Refund Check	13.75
HAILEMICHAEL DANIEL	Refund Check	2.18
HAILEMICHAEL DANIEL	Refund Check	6.47
HERNANDEZ MARIA	Refund Check	160.00
HO QUE	Refund Check	24.96
HO QUE	Refund Check	50.52
HO QUE	Refund Check	17.12
HO QUE	Refund Check	1.75
HO QUE	Refund Check	8.05
HOLTGREWE KAYLA	Refund Check	80.13
ICMA Retirement Trust 457	PR Batch 00552.08.2016 ICMA	675.00
ICMA Retirement Trust 457	PR Batch 00552.08.2016 ICMA City Paid	550.01
ICMA Retirement Trust 457	PR Batch 00552.08.2016 ICMA City paid for Police	451.85
ICMA Retirement Trust 457	PR Batch 00551.08.2016 ICMA	1,605.00

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Iowa Public Employees	PR Batch 00551.08.2016 IPERS	3,462.26
Iowa Public Employees	PR Batch 00551.08.2016 IPERS City Share	5,196.14
Iowa Public Employees	PR Batch 00552.08.2016 IPERS	1,173.82
Iowa Public Employees	PR Batch 00552.08.2016 IPERS City Share	1,761.69
ITT Hartford AMS RPVA	PR Batch 00552.08.2016 457 Hartford	100.00
ITT Hartford AMS RPVA	PR Batch 00551.08.2016 457 Hartford	225.00
LENDT CONNIE	Refund Check	17.85
LENDT CONNIE	Refund Check	31.09
LENDT CONNIE	Refund Check	12.73
LENDT CONNIE	Refund Check	1.25
LENDT CONNIE	Refund Check	5.99
MICKELSON STEPHAN/SHARON	Refund Check	72.76
Muni Fire/Police Retire	PR Batch 00552.08.2016 Muni Police/Fire Pension	568.15
Muni Fire/Police Retire	PR Batch 00552.08.2016 Muni Police/Fire Pension Ci	1,566.64
Muni Fire/Police Retire	PR Batch 00551.08.2016 Muni Police/Fire Pension	3,334.39
Muni Fire/Police Retire	PR Batch 00551.08.2016 Muni Police/Fire Pension Ci	9,194.48
REYES GARCIA MARIA	Refund Check	128.95
RIVERA NEYDA	Refund Check	15.78
RIVERA NEYDA	Refund Check	31.17
RIVERA NEYDA	Refund Check	11.25
RIVERA NEYDA	Refund Check	1.11
RIVERA NEYDA	Refund Check	5.29
RODRIGUEZ ISRAEL	Refund Check	48.62
SLY JESSICA	Refund Check	89.57
SMITH ANDONIO	Refund Check	60.66
SMITH REHNO	Refund Check	14.69
SMITH REHNO	Refund Check	21.98
SMITH REHNO	Refund Check	5.14
SMITH REHNO	Refund Check	1.03
SMITH REHNO	Refund Check	2.42
Teamsters Local Union 554	PR Batch 00551.08.2016 Union Dues	168.50
Treasurer State Of Iowa	PR Batch 00551.08.2016 State Income Tax	3,938.17
Treasurer State Of Iowa	PR Batch 00552.08.2016 State Income Tax	1,586.88
TURCIOS BONILLA ONILDA	Refund Check	86.30
VALLADARES PRISCILLA	Refund Check	25.40
VALLADARES PRISCILLA	Refund Check	43.30
VALLADARES PRISCILLA	Refund Check	11.66
VALLADARES PRISCILLA	Refund Check	1.78
VALLADARES PRISCILLA	Refund Check	5.49
XIONG YENG	Refund Check	46.24

UNAVAILABLE **Department Total =** 71,620.69

Police Department

Alliant Energy	Gas Service June/July 2016	151.46
Alta Body Shop	Towing Services July 2016	1,800.00
Buena Vista Stationery & Print Inc	Envelopes	9.19
Buena Vista Stationery & Print Inc	Business Cards- Hartwell	46.44
Central Bank	Fuel	50.13
Central Iowa Distributing, Inc	Cleaning Supplies	164.70
Control System Specialists, LLC	Clean Coils on Air Conditioner	416.44
Digital Ally Inc	Holsters	185.00
Edwards Storm Lake	Serpentine Belt Replacement	55.94
Genesis Development	Janitorial Services- July 2016	600.00
Havens & Havens	Legal Fees- July 2016	15.42
Jack's Uniforms & Equipment	Uniforms McDonald	42.79
Jack's Uniforms & Equipment	Uniforms Bravo	42.79
Jack's Uniforms & Equipment	Uniforms McDonald	1,625.84

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JNB Acquisition Corporation	Copier Maintenace Agreement	317.81
Julius Dennis R.	June 2016 PD Uniform Alteration	8.75
Mangold Environmental Testing	Shipping	12.45
MS Door Service Ltd	Pest Management Services	24.00
Neuroth Kevin	Garbage Service July 2016	24.50
Rasmussen's	Reprogramming Key & Towing	141.29
Rasmussen's	Transmission Fluid	51.29
Reserve Account	Postage Aug 4, 2016	79.63
Star Energy, LLC	Fuel July 2016	2,505.71
UPS Store The	Shipping	21.90
Vast Broadband	Phone Service August 2016	291.89

Police Department	Department Total =	8,685.36
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Emergency Management

Blue Valley Public Safety Inc	Siren System Inspection	2,893.10
Blue Valley Public Safety Inc	Siren Repairs- Lightning Damage	1,629.90

Emergency Management	Department Total =	4,523.00
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Fire Department

Alliant Energy	Gas Service June/July 2016	27.73
Arnold Motor Supply, LLP	Battery- MoComm 1	226.40
Arnold Motor Supply, LLP	Battery Tester	45.88
Arnold Motor Supply, LLP	Supplies	6.39
Arnold Motor Supply, LLP	Filter Returned	-7.53
Bomgaars Supply, Inc	Plugs	7.98
Fire Service Bureau	FF1 Training- Ramos & Wahlberg	100.00
Heiman Inc	Extension Cords for Engine 74	78.25
Neuroth Kevin	Garbage Service July 2016	54.25
Reserve Account	Postage Aug 4, 2016	7.36
Rust's Western Shed	Zipper Repairs	30.00
Star Energy, LLC	Fuel July 2016	166.03
Vast Broadband	Phone Service August 2016	50.83

Fire Department	Department Total =	793.57
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Building Official

Havens & Havens	Legal Fees- July 2016	1,988.75
Rasmussen's	Power Steering Repairs	310.77
Reserve Account	Postage Aug 4, 2016	122.52
Star Energy, LLC	Fuel July 2016	105.72
Storm Lake Ace Hardware Inc	Windsheild Was Fluid	2.99
Vast Broadband	Phone Service August 2016	76.24

Building Official	Department Total =	2,606.99
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Animal Care

Johnson Dianne	Bd & Disp of Cats & Dogs	420.00
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Animal Care	Department Total =	420.00
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Roadway Maintenance

Alliant Energy	Gas Service June/July 2016	121.99
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Arnold Motor Supply, LLP	Filter for Air Compressor	128.96
Bolton & Menk, Inc	Design Services through 8/2/2016	985.50
Bolton & Menk, Inc	Engineering Services through 8/2/2016	1,914.50
Bolton & Menk, Inc	Prelim & Final Design through 8/2/2016	1,869.00
Bomgaars Supply, Inc	Ribbon & Fly Spray	16.58
Bomgaars Supply, Inc	Valve & Tape	21.38
Bomgaars Supply, Inc	Ammonia	8.58
Bomgaars Supply, Inc	Ammonia & Fill Valve	15.57
Bomgaars Supply, Inc	Bow Saw	9.99
Bomgaars Supply, Inc	Nozzle & Bait	79.98
Bomgaars Supply, Inc	Couplings & Nipples	12.77
Bomgaars Supply, Inc	Helmet, Paint, & Brushes	72.35
Bomgaars Supply, Inc	Keys	8.46
Bomgaars Supply, Inc	Sealant	77.96
Brown Supply Company	Reflective Strips	216.00
Central Iowa Distributing, Inc	Cleaning Supplies	134.05
CNH Industrial America LLC	Chain Saw Bars	66.46
Etnyre Jason	NW Planning Meeting- Spencer- Etnyre	43.20
Fastenal Company	Supplies	30.53
Graham Tire	New Tire	124.97
Graham Tire	New Tire- Payloader	2,541.45
Graham Tire	O-Ring Installation	147.50
I&S Group, Inc.	Services through 7/23/2016	335.00
Iowa Dept of Transportation	Material	1,875.67
JNB Acquisition Corporation	Copier Maintenace Agreement	10.03
Mathy Construction Company	Concrete	758.48
McCrea Enterprises	Paint & Rollers	133.55
Neuroth Kevin	Garbage Service July 2016	127.00
Sioux City Foundry Co.	Rebar	737.00
Smith Concrete Service Inc	Pay Estimate #5 of E 10th Street Reconstruction	15,564.16
Star Energy, LLC	Fuel July 2016	1,103.13
Storm Lake Ace Hardware Inc	Ammonia	9.98
Storm Lake Ace Hardware Inc	Connector & Hose	10.98
Storm Lake Hydraulics Co Inc	Hyd Hose & Ends	92.09
Telvent DTN, Inc	Online Services through 11/14/2016	681.00
Vast Broadband	Phone Service August 2016	56.81

Roadway Maintenance

Department Total = 30,142.61

Airport

Bart's Flying Service	Fasteners	12.47
Bomgaars Supply, Inc	Receptacles	19.92
Bomgaars Supply, Inc	Lights	39.96
Bomgaars Supply, Inc	Supplies	3.90
Bomgaars Supply, Inc	Lights	21.54
Bomgaars Supply, Inc	Garden Hoses & Sprinkler	157.97
Century Link	August 2016 Phone Service	155.87
Iowa Dept of Agriculture & Land Stewardship	2017 Meter Licensing Fee	9.00
Iowa Dept of Natural Resources	FY2017 Storm Water Discharge Permit- Airport	175.00
MS Door Service Ltd	Pest Management Services	45.00
Nepple Electric Inc	Service Call- AV Gas Pump	50.00
Reserve Account	Postage Aug 4, 2016	7.65

Airport

Department Total = 698.28

Library

Alliant Energy	Gas Service June/July 2016	22.26
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Baker & Taylor, Inc	Books	32.42
Baker & Taylor, Inc	Books	245.23
Biblionix LLC	Apollo Subscription	2,300.00
Brodart Co	Books	11.11
Brodart Co	Books	15.61
Brodart Co	Books	48.58
Brodart Co	Books	291.44
Brodart Co	Books	128.33
Brodart Co	Books	348.32
Custodian of Petty Cash Kim Mehlenbacher	July 2016 Postage	118.08
Ebsco Industries Inc	FY2017 Ebsco Host Subscription	2,477.70
Genesis Development	Janitorial Services- July 2016	600.00
Houchen Bindery Ltd	Book Repairs	88.50
Houchen Bindery Ltd	Book Repairs	74.00
Ingram Library Services, Inc	Books	15.64
Ingram Library Services, Inc	Books	15.07
Ingram Library Services, Inc	Books	16.79
Ingram Library Services, Inc	Books	15.63
Ingram Library Services, Inc	Books	16.79
Ingram Library Services, Inc	Books	16.65
Ingram Library Services, Inc	Books	16.21
Ingram Library Services, Inc	Books	16.79
Ingram Library Services, Inc	Books	16.78
Ingram Library Services, Inc	Books	16.21
Ingram Library Services, Inc	Books	16.78
Ingram Library Services, Inc	Books	14.95
Ingram Library Services, Inc	Books	10.84
Ingram Library Services, Inc	Books	10.84
Iowa Office Supply Inc	Paper	36.90
Midwest Tape LLC	DVDs	131.92
Midwest Tape LLC	DVDs	314.90
Midwest Tape LLC	DVDs	25.99
Midwest Tape LLC	DVDs	20.97
Neuroth Kevin	Garbage Service July 2016	38.25
Overdrive, Inc	2017 Bridges E Book Subscription	1,196.00
Recorded Books LLC		35.99
Reserve Account	Postage Aug 4, 2016	18.14
Sioux City Journal	FY2017 Subscription- Library	321.72
State Library of Iowa	FY2017 Bridges E-Book Discription	58.00
State Library of Iowa	FY2017 EBSCOHost Database Subscription	555.00
State Library of Iowa	FY2017 EBSCOHost Publishing Additional Database	1,152.00
Storm Lake Ace Hardware Inc	Traps	4.47
Storm Lake Times The	FY2017 Subscription	59.95
Turnquist Laura	Homebound Delivery Mileage for July 2016	14.04
Vast Broadband	Phone Service August 2016	115.19

Library	Department Total =	11,116.98
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Band

Central Bank	Music Clips	215.64
J.W. Pepper & Sons, Inc	Band Music	34.65
J.W. Pepper & Sons, Inc	Band Music	55.00
J.W. Pepper & Sons, Inc	Band Music	60.99

Band	Department Total =	366.28
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Parks Department

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Alliant Energy	Gas Service June/July 2016	27.11
Alta Implement Company Inc	Belts	50.27
Alta Implement Company Inc	Additional Difference from Original Payment	0.40
Arnold Motor Supply, LLP	Belt	15.78
Bluegrass Playground Inc	Swings	464.00
Bomgaars Supply, Inc	Brushes, Nozzle, Cover & Sprayer	36.94
Bomgaars Supply, Inc	Paint Tray & Wood Finish	77.97
Bomgaars Supply, Inc	Cable, Rope, Clips & Anchor	50.85
Bomgaars Supply, Inc	Wood Finish, Molding, & Brush	44.47
Bomgaars Supply, Inc	Wrenches, Couplers, Nozzle, & Pressure Washer Gun	95.96
Bomgaars Supply, Inc	Volt Tester, Squeegee & Wood Handle	42.97
Bomgaars Supply, Inc	Fasteners	3.96
Bomgaars Supply, Inc	Cap & Adapter for Water Truck	19.68
Bomgaars Supply, Inc	Wood Handle & Broom Returned	-22.98
Bomgaars Supply, Inc	Trash Can	14.99
Bomgaars Supply, Inc	Blades & Nozzles	58.15
Bomgaars Supply, Inc	Sponges for Fountain	3.98
Box Elder Valley, Inc	Tire Swing Replacement Parts	144.70
Central Iowa Distributing, Inc	Cleaning Supplies	764.50
Emmons & Olivier Resources Inc	Design Work for Circle Park Raingardens	759.75
Havens & Havens	Legal Fees- July 2016	453.26
Mike's Lawn Service, Inc	Seeding Services	97.97
Neuroth Kevin	Garbage Service July 2016	205.50
Neuroth Kevin	Extra Garbage- 4th of July	168.40
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing- Hoffman	37.00
Reinert Michael P	Plate for Grill	75.00
Star Energy, LLC	Fuel July 2016	2,507.45
Storm Lake Ace Hardware Inc	Adapters & Supplies	14.63
Vast Broadband	Phone Service August 2016	35.93
Zimco Supply Co	Chemical	373.66

Parks Department

Department Total = 6,622.25

Golf Course

A & A Automotive	New Tube for Lawn Mower Tire- Less Tax	49.24
Arnold Motor Supply, LLP	Oil Filter	16.28
Arnold Motor Supply, LLP	Oil Filter & Supplies	28.53
Bomgaars Supply, Inc	Tape, Batteries, Grease	64.27
Bomgaars Supply, Inc	Flowers	122.57
Bomgaars Supply, Inc	Wheel & Rain Gauge	7.98
Bomgaars Supply, Inc	Fasteners & Fuel Line Hose	3.44
Bomgaars Supply, Inc	Wheel	3.99
Bomgaars Supply, Inc	PTO Pins	5.98
Bomgaars Supply, Inc	Garage Door Opener Supplies	18.01
CNH Industrial America LLC	Lever & Supplies	79.86
ProElect/Professional Electronics	Fire Alarm Inspection	250.00
Star Energy, LLC	Fuel July 2016	23.28
Zimco Supply Co	Chemicals	310.11

Golf Course

Department Total = 983.54

Campgrounds

Arctic Glacier U.S.A., Inc.	Ice	19.90
Arctic Glacier U.S.A., Inc.	Ice	90.25
Buena Vista Stationery & Print Inc	Toner	86.81
Central Iowa Distributing, Inc	Cleaning Supplies	175.00
Graham Tire	Tire Repairs	33.73

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Iowa Office Supply Inc	Paper & Toner	76.45
Melander's	Dryer Repairs- Less Tax	81.58
Neuroth Kevin	Garbage Service July 2016	1,456.00
Storm Lake Ace Hardware Inc	Plugs & Caps	23.94
Storm Lake Ace Hardware Inc	Supplies	134.99
Twin Rivers Media, LLC	Advertising	300.00
Vast Broadband	Phone Service August 2016	102.00
Wurth Doug	8/5/2016 Campground Refund Check	64.00

Campgrounds **Department Total =** 2,644.65

Outdoor WaterPark

Brown & Hofmeister LLP	Legal Services through 7/31/2016	405.00
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Outdoor WaterPark **Department Total =** 405.00

UNAVAILABLE

King's Pointe Resort	July 2016 Housekeeping	1,530.00
King's Pointe Resort	July 2016 Maintenance	179.25
King's Pointe Resort	July 2016 Extermination	161.36
King's Pointe Resort	July 2016 Add-On Packages	1,245.00
King's Pointe Resort	July 2016 Supplies	510.00
King's Pointe Resort	July 2016 Propane	94.95
King's Pointe Resort	July 2016 Furniture	2,159.88
King's Pointe Resort	July 2016 Brochures	293.08
Kinseth Hospitality Corporation	July 2016 Management Fee	1,440.16

UNAVAILABLE **Department Total =** 7,613.68

Shelter House

Alliant Energy	Gas Service June/July 2016	19.23
Calcines Maite	Shelter Rental Fee Refund	25.00
MS Door Service Ltd	Pest Management Services	18.00
Stanton Electric, Inc	Restroom Light Repairs	121.38

Shelter House **Department Total =** 183.61

UNAVAILABLE

Bomgaars Supply, Inc	Chains for Breakwaters	47.60
Havens & Havens	Legal Fees- July 2016	123.33
Neuroth Kevin	Extra Garbage Service Jul 2016	26.00
Neuroth Kevin	Garbage Service July 2016	93.00
Storm Lake Ace Hardware Inc	Irrigation Supplies	111.87
Storm Lake Ace Hardware Inc	Acrylic Sheet & Drill Supplies	29.48
Storm Lake Times The	July 2016 Publications	31.60
Storm Lake Times The	July 2016 Publications	31.20
Storm Lake Times The	July 2016 Publications	30.00

UNAVAILABLE **Department Total =** 524.08

Dohrman Trust

Century Business Products,Inc	Copier Maintenance Agreement (Partial)	15.00
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Dohrman Trust **Department Total =** 15.00

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From: 08/02/16 To 08/15/16
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Economic Develop

Havens & Havens	Legal Fees- July 2016	30.83
Reserve Account	Postage Aug 4, 2016	0.93
Vast Broadband	Phone Service August 2016	25.41

Economic Develop

Department Total = 57.17

SLADC

Storm Lake United	Pay #1 FY2017 SLU Agreement	13,833.34
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SLADC

Department Total = 13,833.34

TIF

Ahlers & Cooney, P.C.	Legal Fees- Orton Development	2,096.52
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TIF

Department Total = 2,096.52

Bargloff TIF

Ahlers & Cooney, P.C.	Legal Fees- Amendment #2 through 7/26/2016	2,310.23
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Bargloff TIF

Department Total = 2,310.23

Dredging

Lake Improvement Commission	4th Quarter FY2016 Hotel/Motel Tax	6,361.47
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Dredging

Department Total = 6,361.47

Convention/Visitor's Bureau

Storm Lake United	4th Quarter FY2016 Hotel/Motel Tax	19,084.40
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Convention/Visitor's Bureau

Department Total = 19,084.40

Legal Services

Ahlers & Cooney, P.C.	Legal Fees through 7/26/2016	90.00
Havens & Havens	Legal Fees- July 2016	495.72

Legal Services

Department Total = 585.72

City Hall Building

Alliant Energy	Gas Service June/July 2016	37.69
Central Iowa Distributing, Inc	Cleaning Supplies	147.51
Iowa Workforce Development	Elevator Inspection	175.00
Julius Dennis R.	July 2016 Entrance Mat Services	58.80
Julius Dennis R.	June 2016 Entrance Mat Services	58.80
MS Door Service Ltd	Pest Management Services	23.00
Neuroth Kevin	Garbage Service July 2016	28.50
Vast Broadband	Phone Service August 2016	89.85
Wiese Plumbing & Heating	A/C Repairs	195.00

City Hall Building

Department Total = 814.15

Other Policy & Administration

Central Bank	2016 ICMA Annual Conference Registration	236.66
Color-ize Inc	City Tidbits- August 2016	26.25
Gateway Center Associates LP	Martinez- Clerk School Room	165.76
Gateway Center Associates LP	Martinez- Clerk School Room	124.32
Genesis Development	Shredding- July 2016	5.75
Genesis Development	Janitorial Services- July 2016	200.00
Iowa Office Supply Inc	Paper & Toner	23.28
JNB Acquisition Corporation	Copier Maintenace Agreement	10.04
King's Pointe Resort	Governor Meeting Expense	106.10
Martinez Mayra	Clerk School- Ames- Martinez	60.28
Martinez Mayra	Clerk School- Ames- Martinez	68.28
Reserve Account	Postage Aug 4, 2016	229.89
Storm Lake Times The	July 2016 Publications	50.00
Storm Lake Times The	July 2016 Publications	18.00
Storm Lake Times The	July 2016 Publications	37.12
Storm Lake Times The	July 2016 Publications	20.00
Storm Lake Times The	July 2016 Publications	44.80
Storm Lake Times The	July 2016 Publications	69.50

Other Policy & Administration

Department Total = 1,496.03

Water Administration

Bolton & Menk, Inc	Bio-Reactors Service through 8/2/2016	274.00
Bucheli Harley	Finance Assistant Ad	43.34
Central Bank	2016 ICMA Annual Conference Registration	236.67
Gateway Center Associates LP	Martinez- Clerk School Room	124.32
Gateway Center Associates LP	Martinez- Clerk School Room	165.76
Genesis Development	Janitorial Services- July 2016	200.00
Iowa Office Supply Inc	Paper & Toner	23.27
JNB Acquisition Corporation	Copier Maintenance Agreement	10.04
Martinez Mayra	Clerk School- Ames- Martinez	60.28
Martinez Mayra	Clerk School- Ames- Martinez	68.28
Qualified Presort Service, LLC	Past Due Notice	70.01
Reserve Account	Postage Aug 4, 2016	16.35
Vast Broadband	Phone Service August 2016	75.57

Water Administration

Department Total = 1,367.89

Water Plant

Alliant Energy	Gas Service June/July 2016	444.17
Bolton & Menk, Inc	Design Service through 8/2/2016	7,757.50
Bomgaars Supply, Inc	Handsaw, Pipe, & Straps	45.74
Bomgaars Supply, Inc	Sink Repair Supplies	35.54
Bomgaars Supply, Inc	Roundup	147.96
Bomgaars Supply, Inc	Spraypaint & Drill Bit	14.37
Bomgaars Supply, Inc	Batteries & Gloves	255.97
Bomgaars Supply, Inc	Fasteners	9.19
Bomgaars Supply, Inc	Buckets, Nutdrivers, & Drill Bit Sets	107.78
Bomgaars Supply, Inc	Hose, GrassSeet, Roundup & Supplies	235.77
Bomgaars Supply, Inc	Supplies for Grit Cart	69.00
Bomgaars Supply, Inc	Wheelbarrow	99.99
Buena Vista Stationery & Print Inc	Binder	51.04
Buena Vista Stationery & Print Inc	Postcards	35.98
Central Iowa Distributing, Inc	Squeegee	86.30

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Central Iowa Distributing, Inc	Cleaning Supplies	204.84
Control System Specialists, LLC	A/C Unit Repairs	195.00
Emmons & Olivier Resources Inc	Bidding Services through 7/25/2016	10,585.55
Foundation Analytical Laboratory Inc	Testing	192.00
Foundation Analytical Laboratory Inc	Testing	15.00
Foundation Analytical Laboratory Inc	Testing	15.00
Foundation Analytical Laboratory Inc	Testing	36.00
Foundation Analytical Laboratory Inc	Testing	72.00
Foundation Analytical Laboratory Inc	Testing	120.00
Grainger Inc W.W.	Bristle Refill Refund	-115.14
Hupp Electric Motors	Well House 14 Pump	12,830.20
Mangold Environmental Testing	Bacteria Testing	95.00
Mangold Environmental Testing	Bacteria Testing	20.00
Midwest Fence & Gate Company	Service Call to Repair Gate	614.96
Midwest Fence & Gate Company	Service Call- No Power	884.34
Midwest Fence & Gate Company	Service Call- No Power	222.50
Mike's Electronics Inc	Service Call- Well 14	70.00
Mike's Electronics Inc	Service Call- Well 4	70.00
Mike's Electronics Inc	Service Call- Lime Slaker	210.00
Mississippi Lime Company	Lime	4,938.10
Mississippi Lime Company	Lime	4,675.90
Neuroth Kevin	Garbage Service July 2016	82.75
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing- Davis	37.00
ProElect/Professional Electronics	Service Call- Door Access	1,424.00
ProElect/Professional Electronics	Damaged Call Box Repairs	456.23
Star Energy, LLC	Fuel July 2016	98.07
Storm Lake Ace Hardware Inc	Hook & Handle	27.91
Storm Lake Ace Hardware Inc	Hooks	69.90
Storm Lake Ace Hardware Inc	Hooks	6.99
Storm Lake Ace Hardware Inc	Nail Stick	44.99
Vast Broadband	Phone Service August 2016	166.84
Ziegler Inc	Service Contract Well 14, 15, 20, & WTP	14,486.80

Water Plant	Department Total =	62,249.03
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Water Distribution

Alliant Energy	Gas Service June/July 2016	20.42
Bomgaars Supply, Inc	Battery & Socket Adapters	127.97
Bomgaars Supply, Inc	Spraypaint	24.55
Bomgaars Supply, Inc	Wheel Charger	129.99
Bomgaars Supply, Inc	Tools for Fiber Line	48.46
Bomgaars Supply, Inc	Shop Supplies (Floor Jack)	191.96
Inquirehire	Background Check	68.50
Schumann Dale	2016 Expansion Blvd Site Utility Incentive	5,625.00
Star Energy, LLC	Fuel July 2016	200.79
Storm Lake Ace Hardware Inc	Marking Wand	29.99
Storm Lake Ace Hardware Inc	Marking Wand	29.99
Vast Broadband	Phone Service August 2016	74.78

Water Distribution	Department Total =	6,572.40
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Water Meters

Bomgaars Supply, Inc	Drill Bits	18.38
Bomgaars Supply, Inc	Phone Holder & Truck Supplies	47.97
Bomgaars Supply, Inc	Truck Supplies	7.28
Fastenal Company	Supplies	15.46
Star Energy, LLC	Fuel July 2016	123.44

Storm Lake Ace Hardware Inc	Caulk	5.98
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Water Meters		Department Total =	218.51
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Wastewater Administration

Bucheli Harley	Finance Assistant Ad	43.33
Central Bank	2016 ICMA Annual Conference Registration	236.67
Gateway Center Associates LP	Martinez- Clerk School Room	165.76
Gateway Center Associates LP	Martinez- Clerk School Room	124.32
Genesis Development	Janitorial Services- July 2016	200.00
Iowa Office Supply Inc	Paper & Toner	23.27
JNB Acquisition Corporation	Copier Maintenace Agreement	10.04
Martinez Mayra	Clerk School- Ames- Martinez	60.28
Martinez Mayra	Clerk School- Ames- Martinez	68.28
Qualified Presort Service, LLC	Past Due Notice	70.01
Reserve Account	Postage Aug 4, 2016	16.35
Vast Broadband	Phone Service August 2016	88.29

Wastewater Administration		Department Total =	1,106.60
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Wastewater Treatment Plant

Alliant Energy	Gas Service June/July 2016	35.63
Arnold Motor Supply, LLP	Gauge & Supplies	5.38
Arnold Motor Supply, LLP	Battery	124.45
Arnold Motor Supply, LLP	Supplies	61.56
Bomgaars Supply, Inc	Drill & Cable Ties	105.98
Bomgaars Supply, Inc	Supplies for Sample Pump	5.58
Bomgaars Supply, Inc	Gloves	23.96
Bomgaars Supply, Inc	Fasteners	5.56
Bomgaars Supply, Inc	Supplies & Cleaners	195.63
Bomgaars Supply, Inc	Tire Assembly for Utility Cart	66.38
Bomgaars Supply, Inc	Wheelbarrow, Trimmer, & Supplies	124.96
Bomgaars Supply, Inc	Chains & Keys	46.87
Bomgaars Supply, Inc	Adapters & Couplings	15.16
Bomgaars Supply, Inc	Conduit	12.99
Bomgaars Supply, Inc	Gloves, Battery, & Other Safety Equipment	147.99
Bomgaars Supply, Inc	Green Lawn	21.99
Bomgaars Supply, Inc	Dogwood & Weigela- Casino Lift Station	216.63
Bomgaars Supply, Inc	Fasteners & Clips	12.63
Bomgaars Supply, Inc	Clips	25.47
Bomgaars Supply, Inc	Tape Measurer & Key Blank	15.97
Bomgaars Supply, Inc	Snap, Books & Couplers	33.92
Bomgaars Supply, Inc	Key Blanks	17.91
Bomgaars Supply, Inc	Rope, Vise, & Tubing	138.98
Bomgaars Supply, Inc	Fasteners	2.40
Central Iowa Distributing, Inc	Cleaning Supplies	405.23
Central Iowa Distributing, Inc	Cleaning Supplies	91.52
Color-ize Inc	WasteWater Books	71.36
Edwards Storm Lake	Running Boards & Flashers for New Pickup- Less Tax	928.00
Electric Pump Inc	East Basin Transfer Pump Repairs	1,961.44
Electric Pump Inc	Basin Repairs & Add-ons	8,811.56
Foundation Analytical Laboratory Inc	Testing	990.00
Foundation Analytical Laboratory Inc	Testing	344.00
Grainger Inc W.W.	Waders- Safety Supplies	219.82
Grainger Inc W.W.	Waders & Respirator- Safety Supplies	145.76
Havens & Havens	Legal Fees- July 2016	262.08
Iowa Dept of Natural Resources	FY2017 National Pollutant Discharge Elimination Sys	1,275.00

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Iowa Office Supply Inc	Business Cards- Streed	46.49
JNB Acquisition Corporation	Copier Maintenace Agreement	18.68
JNB Acquisition Corporation	Copier Maintenace Agreement	27.52
Lou's Gloves, Inc	Gloves	138.00
NCL of Wisconsin Inc	Lab Supplies	218.21
Neuroth Kevin	Garbage Service July 2016	67.00
North Lake Truck Repair	Brown Bear Auger Repairs	1,358.35
Recycle Center Harold Rowley	Recycling	31.72
Recycle Center Harold Rowley	Recycling	23.40
Recycle Center Harold Rowley	Late Fee	5.00
Rehab Systems Inc.	Vac Cleaning- Drain Pump & Lagoon Return Pit	875.00
Reinert Michael P	Repair Axle for Utility Cart	152.60
Richland Research Corp	Grease Remover for Lift Stations	1,998.50
Star Energy, LLC	Fuel July 2016	300.58
Storm Lake Ace Hardware Inc	Film Poly & Tube	59.87
Storm Lake Ace Hardware Inc	Sample Pump Supplies	154.42
US Peroxide, LLC	Facility Maintenance Agreement	750.00
US Peroxide, LLC	Facility Maintenance Agreement	750.00
USA Blue Book	Hose Replacement	343.65
Vessco Inc	Blower #2 Allignment	500.00
Wastewater Treatment Plant	Department Total =	24,788.74
Wastewater Collection		
Schumann Dale	2016 Expansion Blvd Site Utility Incentive	5,625.00
Star Energy, LLC	Fuel July 2016	103.43
Wastewater Collection	Department Total =	5,728.43
Landfill		
Bucheli Harley	Finance Assistant Ad	43.33
JNB Acquisition Corporation	Copier Maintenace Agreement	10.03
Qualified Presort Service, LLC	Past Due Notice	70.00
Reserve Account	Postage Aug 4, 2016	8.18
Landfill	Department Total =	131.54
Storm Water Administration		
Central Bank	ICMA Meeting Expense	53.89
Genesis Development	Janitorial Services- July 2016	200.00
JNB Acquisition Corporation	Copier Maintenace Agreement	10.03
Qualified Presort Service, LLC	Past Due Notice	70.00
Storm Water Administration	Department Total =	333.92
Storm Water Collection		
Arnold Motor Supply, LLP	Oil Dri	394.50
Bomgaars Supply, Inc	Gas Cans & Funnels	84.66
Certified Testing Services, Inc	Testing Services	1,706.00
Fareway Store #461	Distilled Water for Testing	2.49
Foundation Analytical Laboratory Inc	Testing	540.00
Foundation Analytical Laboratory Inc	Testing	480.00
Foundation Analytical Laboratory Inc	Testing	275.00
Foundation Analytical Laboratory Inc	Testing	420.00
Healy John J.	Pay Estimate #10 of Expansion Blvd SW Project	81,680.91

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Hulstein Excavating Inc	Pay Estimate #3 of Erie Street CDBG Storm Water Im	55,304.44
Storm Lake Ace Hardware Inc	Late Fee	7.90
Storm Lake Ace Hardware Inc	Clamps, Hose, & Supplies	12.97

Storm Water Collection

Department Total = 140,908.87

Street Cleaning

Star Energy, LLC	Fuel July 2016	90.78
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Street Cleaning

Department Total = 90.78

Insurance

Auxiant - Claims Account	8/1/2016 Claims	14,943.91
Auxiant - Claims Account	8/8/2016 Claims	6,671.95
Auxiant - Flex Account	8/3/2016 Flex Claims	157.72
Auxiant - Flex Account	7/27/2016 Flex Claims	241.05

Insurance

Department Total = 22,014.63

UNAVAILABLE

Johnson Kelly	July 2016 Punches & Discounts	236.90
Salus LLC	July 2016 Memberships	240.00

UNAVAILABLE

Department Total = 476.90

Vehicle Maintenance

Arnold Motor Supply, LLP	Portable Drive Socket Set	29.99
Arnold Motor Supply, LLP	Manifold & Intake	126.75
Arnold Motor Supply, LLP	Gasket Dressing	8.99
Arnold Motor Supply, LLP	Fuel Hose & Bypass Cap	3.36
Arnold Motor Supply, LLP	Supplies	12.49
Arnold Motor Supply, LLP	Starter Cable, Clamps & Pole	36.06
Arnold Motor Supply, LLP	Gasket	6.99
Arnold Motor Supply, LLP	Switch & Supplies	70.11
Arnold Motor Supply, LLP	Switch & Solenoid	101.78
Arnold Motor Supply, LLP	Alternator & Supplies	238.31
Arnold Motor Supply, LLP	Carberator, Muffler, Clamps, Manifold, & Supplies	503.26
Arnold Motor Supply, LLP	Fittings	6.28
Arnold Motor Supply, LLP	Break Clean	84.60
Arnold Motor Supply, LLP	Self-Etching Primer	8.89
Arnold Motor Supply, LLP	Air Filter & Fuel Hose	18.17
Arnold Motor Supply, LLP	Battery Core Returned	-21.00
Arnold Motor Supply, LLP	Supplies	4.38
Arnold Motor Supply, LLP	Service Charge	19.19
Arnold Motor Supply, LLP	Oil Dri	291.93
Bomgaars Supply, Inc	Ball Valve	6.99

Vehicle Maintenance

Department Total = 1,557.52

Technology

Rebnord Technologies Inc	LCD Monitor	199.95
Rebnord Technologies Inc	2 Factor Auth	375.00
Rebnord Technologies Inc	My AntiSpam	75.00
Rebnord Technologies Inc	IT Service Agreement	3,325.00

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Rebnord Technologies Inc	IT Service Agreement- Fiber Network	200.00
Vast Broadband	Internet Service August 2016	894.95
Technology		
	Department Total =	5,069.90
	Grand Total =	469,220.26

King's Pointe Resort
Disbursements 8/2/2016 to 8/15/2016

Vendor Name	Description	Amount
ACCO	services	1,883.00
Ace Hardware	supplies	17.69
A Closer Look Inc	services	139.00
American Red Cross National (2)	services	97.00
Ameripride Services (2)	supplies	1,237.42
Ameri-Tech Industrial Inc	services	452.38
Arnold Motor Supply	supplies	236.44
Bomgaars Supply Inc	supplies	3.49
Buena Vista Stationary	supplies	115.76
Cedar Valley Bank & Trust	services	1,056.86
Centerpointe Energy Service	supplies	5,128.16
Color-ize (2)	supplies	1,838.05
Crescent Electric	supplies	378.26
The Designers	services	1,645.00
Iowa Division of Labor Services (2)	services	525.00
Ed M Feld Equipment Co, Inc	services	90.00
Edward Don & Company	services	169.92
Ferguson Enterprises Inc (2)	supplies	261.69
First National Bank- Omaha CC (2)	payment	1,955.03
Frigitec	services	112.18
Furniture & Floors for Less	supplies	198.00
Garbage Hauling Service	services	483.24
Hamco Walker Paper Co	supplies	162.00
Hawk-I Electric	services	427.08
Hy-Vee Food Store (3)	food	585.95
Iowa Office Supply	supplies	237.71
Julius Cleaners (2)	services	60.45
Kineth Hotel Corporation (5)	payroll, work comp	135,075.09
Maintenance USA	services	400.05
Media USA Advertising Inc	advertising	1,975.00
Oracle America, Inc	services	10,798.73
Pepsi-Cola Bottling Co. (2)	beverages	2,670.67
Red Book Solutions	services	55.57
Revinant Inc	services	15.00
The Storm Lake Times	publication	50.00
Sysco Guest Supply LLC	supplies	1,228.27
Treasurer - State of Iowa (2)	sales tax	29,400.00
United Parcel Service- Carl STM (2)	services	28.49
US Foods	food	27,236.35
Stephanie Wandrey	reimbursement	96.00
Al's Liquor	beverages	551.02
Doll Distributing	beverages	1,068.35
Johnson Brothers/Iowa Wine & Bev	beverages	589.90
King's Pointe Resort	services	79.15

Total 230,814.40

Sunrise Pointe Golf Course
Disbursements 8/2/2016 to 8/15/2016

Hawk-I Plumbing, Inc	services	739.18
Julius Cleaners	services	4.80
Kinseth Hotel Corporation (3)	payroll, management fee	5,769.44
Pepsi-Cola Bottling	supplies	180.33
US Foods Inc	food	375.56
Doll Distributing	beverages	42.00
Johnson Brothers/Iowa Wine & Bev	beverages	331.20
Misc POA Disbursements (2)	refunds	664.10
	Totals	8,106.61

Total	459,229.37
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**REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL,
AUGUST 1, 2016 5:00 P.M.**

Present: Mayor Jon Kruse, Council Members Dan Anderson, Bruce Carlson, Bruce Engelmann, Mike Prosch and Tyson Rice. Absent: None. Staff present: City Manager Jim Patrick, Asst. City Manager Keri Navratil, City Attorney Phil Havens, Public Safety Director Mark Prosser, Fire Chief Mike Jones, Building Official Scott Olesen, Public Works Director Jason Etnyre, Library Director Elizabeth Huff, Water Plant Superintendent Mike Davis, Wastewater Superintendent Mark Streed, and Sue Vossberg City Clerk.

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

Hear the Public – None

Consent Agenda – Moved by Council Member Prosch to adopt Resolution No. 05-R-2016-2017 approving the Consent Agenda which included checks #52877 through #53010, minutes of the July 18, 2016 City Council meeting, liquor license renewals for Waterview, El Mariachi, and Boz Wellz, approve request for the 2016 Step Up Running Event to be held on Saturday, September 3rd at 7:30am at Awaysis Park to authorize parking lot closure and a noise variance at between 6:00am to 12:00pm, and approve request for a noise variance and permission to erect a gazebo for a wedding at Scout Park on Saturday, August 6, 2016 between 3:00pm to 4:30pm. Seconded by Council Member Carlson. Vote: All ayes. Motion carried.

RESOLUTION NO. 05-R-2016-2017

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

To approve the Consent Agenda which includes the list of bills, list of King's Pointe and Sunrise Pointe Golf Course bills and to prorate to the appropriate funds.

To further approve the minutes as presented to the Council for the regular City Council meeting July 18, 2016.

To further approve liquor license renewals for Waterview, El Mariachi, and Boz Wellz.

To further approve the request for the 2016 Step Up Running Event scheduled for Saturday, September 3, 2016 at 7:30am at Awaysis Park. Permission to use Awaysis Park, close West Awaysis Park parking lot between 6:00am to 12:00pm, noise variance for the Awaysis Park venue between 6:00am to 12:00 pm, issue a Run/Walk permit, and support from the Parks and Police Departments.

To further approve a noise variance from 3:00pm until 4:30pm and permission to erect a gazebo for a wedding in Scout Park on Saturday, August 6, 2016.

PASSED AND APPROVED this 1th day of August 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Amendment to Development Agreement with Storm Lake Development Group LLC –
Moved by Council Member Anderson to adopt Resolution No. 06-R-2016-2017 approving and authorizing execution of First Amendment to the Development Agreement with Storm Lake Development Group LLC. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 06-R-2016-2017

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF
A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY
AND BETWEEN THE CITY OF STORM LAKE AND STORM LAKE
DEVELOPMENT GROUP LLC

WHEREAS, by Resolution No. 08-R-2010-2011 adopted July 19, 2010, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Storm Lake North #1 - Bargloff Urban Renewal Plan (the "Plan") for the Storm Lake North #1 - Bargloff Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, as amended, is on file in the office of the Recorder of Buena Vista County; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, on the 16th day of May, 2016 the City of Storm Lake, Iowa ("City") and Storm Lake Development Group LLC ("Developer") entered into a Development Agreement (the "Agreement") pursuant to which the City and Developer agreed to undertake certain activities including, but not limited to, the construction of an approximately 20,375 square foot building on the Development Property; and

WHEREAS, the City and the Developer have agreed to an amendment, in the form of a First Amendment to the Agreement (the "First Amendment"), pursuant to which the City and Developer agree to amend the Original Agreement specifically amending the Certificate of Assessor contained in the Minimum Assessment Agreement; and

WHEREAS, the Agreement provides that it may only be amended by a subsequent writing signed by the parties.

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

Section 1. That the form and content of the First Amendment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the First Amendment for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the First Amendment, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the First Amendment as executed.

PASSED AND APPROVED this 1st day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

South School Urban Renewal Plan – Moved by Council Member Porsch to adopt Resolution No. 07-R-2016-2017 determining necessity and setting dates of a consultation session for August 10, 2016 at 10:00am and a public hearing for September 6, 2016 at 5:00pm on the proposed South School Urban Renewal Plan. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 07-R-2016-2017

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED SOUTH SCHOOL URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF STORM LAKE, STATE OF IOWA

WHEREAS, it is hereby found and determined that one or more blighted areas, as defined in Chapter 403, Code of Iowa, exist within the City and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the City; and

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and has caused there to be prepared a proposed South School Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the South School Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), AND FIVE (5), BLOCK FORTY (40) ORIGINAL TOWN OF STORM LAKE, IOWA **EXCEPT** THE EAST ONE HUNDRED SEVENTY-TWO FEET (E. 172') OF THE NORTH SIXTY-FIVE FEET (N. 65') OF LOT ONE (1), BLOCK FORTY (40), ORIGINAL TOWN OF STORM LAKE, IOWA;

Together with the following-described parts of street rights-of-way abutting the above-described property:

The Third Street right-of-way commencing at its intersection with the western boundary of the Irving Street right-of-way on the West and extending one hundred twenty-eight feet (128') eastward;

And

The Irving Street right-of-way commencing at its intersection with the northern boundary of the Third Street Right-of-way on the North and extending five hundred feet (500') southward;

And

The Cayuga Street right-of-way commencing one hundred sixty feet (160') north of its intersection with the southern boundary of the Second Street right-of-way on the South and extending three hundred thirty-five feet (335') northward.

WHEREAS, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan; and

WHEREAS, City staff has caused there to be prepared a form of Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to form the South School Urban Renewal Area suitable for residential development and blight remediation activities and to include a list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed South School Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole prior to Council approval of such Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed South School Urban Renewal Plan; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed South School Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed South School Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

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

Section 1. That the consultation on the proposed South School Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 10th day of August, 2016, in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at 10:00 A.M., and the Assistant City Manager, or her delegate, is hereby appointed to serve as the designated representative of the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of this Resolution and the proposed South School Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN
THE CITY OF STORM LAKE, STATE OF IOWA AND ALL
AFFECTED TAXING ENTITIES CONCERNING THE
PROPOSED SOUTH SCHOOL URBAN RENEWAL PLAN FOR
THE CITY OF STORM LAKE, STATE OF IOWA

The City of Storm Lake, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 10:00 A.M. on August 10, 2016, in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa concerning a proposed South School Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan. Note that the Plan includes an analysis of alternative development options and funding for public building(s) and why such options are less feasible than the proposed urban renewal project(s).

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Assistant City Manager, or her delegate, as the designated representative of the City of Storm Lake, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed South School Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Storm Lake, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _____ day of _____, 2016.

City Clerk, City of Storm Lake, State of Iowa

(End of Notice)

Section 3. That a public hearing shall be held on the proposed South School Urban Renewal Plan before the City Council at its meeting which commences at 5:00 P.M. on September 6, 2016, in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Storm Lake Times, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL
OF A PROPOSED SOUTH SCHOOL URBAN RENEWAL
PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE
CITY OF STORM LAKE, STATE OF IOWA

The City Council of the City of Storm Lake, State of Iowa, will hold a public hearing before itself at its meeting which commences at 5:00 P.M. on September 6, 2016 in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, to consider adoption of a proposed South School Urban Renewal Plan (the "Plan") concerning a proposed South School Urban Renewal Area in the City of Storm Lake, State of Iowa, legally described as follows:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), AND FIVE (5), BLOCK FORTY (40) ORIGINAL TOWN OF STORM LAKE, IOWA **EXCEPT** THE EAST ONE HUNDRED SEVENTY-TWO FEET (E. 172') OF THE NORTH SIXTY-FIVE FEET (N. 65') OF LOT ONE (1), BLOCK FORTY (40), ORIGINAL TOWN OF STORM LAKE, IOWA;

Together with the following-described parts of street rights-of-way abutting the above-described property:

The Third Street right-of-way commencing at its intersection with the western boundary of the Irving Street right-of-way on the West and extending one hundred twenty-eight feet (128') eastward;

And

The Irving Street right-of-way commencing at its intersection with the northern boundary of the Third Street Right-of-way on the North and extending five hundred feet (500') southward;

And

The Cayuga Street right-of-way commencing one hundred sixty feet (160') north of its intersection with the southern boundary of the Second Street right-of-way on the South and extending three hundred thirty-five feet (335') northward.

which land is to be included as part of this proposed Urban Renewal Area.

A copy of the Plan is on file for public inspection in the office of the City Clerk, City Hall, City of Storm Lake, Iowa.

The City of Storm Lake, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be

economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified in the Plan. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The Plan provides that the City may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the City. The Plan initially provides that the Plan may be amended from time to time.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of Storm Lake, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this _____ day of _____, 2016.

City Clerk, City of Storm Lake, State of Iowa

(End of Notice)

Section 5. That the proposed South School Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed South School Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed South School Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within thirty (30) days of the date hereof.

PASSED AND APPROVED this 1st day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Exhibit 1

SOUTH SCHOOL URBAN RENEWAL PLAN

for the

SOUTH SCHOOL URBAN RENEWAL AREA

CITY OF STORM LAKE, IOWA

SEPTEMBER 2016

SIMMERING-CORY, INC.

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South School Urban Renewal Plan
for the
South School Urban Renewal Area
City of Storm Lake, Iowa

A. INTRODUCTION

The South School Urban Renewal Plan (“Plan” or “Urban Renewal Plan”) for the South School Urban Renewal Area (“Area” or “Urban Renewal Area”) has been developed to help local officials alleviate blighting conditions and influences in the City of Storm Lake, Iowa (the “City”). The urban renewal projects undertaken to alleviate blight pursuant to this Plan will also stimulate private investment in housing and residential development.

In order to achieve this objective, the City intends to undertake Urban Renewal activities pursuant to the powers granted to it under Chapter 403 and Chapter 15A of the *Code of Iowa*, as amended.

B. DESCRIPTION OF THE URBAN RENEWAL AREA

The Urban Renewal Area is described in Exhibit “A” and illustrated in Exhibit “B.”

The City reserves the right to modify the boundaries of the Area at some future date.

C. AREA DESIGNATION

The City of Storm Lake designates this Urban Renewal Area as a blighted area that is appropriate for promoting projects that help to alleviate blighting conditions and influences.

In May 2016, an assessment was conducted to evaluate the presence of blighting conditions in the Area. The assessment confirmed that blighting conditions exist in the Urban Renewal Area. In general, this finding is the result of the presence of a combination of blighting influences including deteriorating structures, presence of mold and asbestos, and potential impacts to adjoining properties.

In combination, these factors substantially impair the sound growth of the Area, constitute an economic and social liability, and are a menace to the public welfare.

As such, this Area is appropriate for blight remediation, revitalization, and redevelopment.

D. HISTORY AND PURPOSE

The proposed Urban Renewal Area is being created in order to remediate blighting influences.

The Urban Renewal Area includes two vacant school buildings and one pole building that is still in use as a batting cage. The main school building is approximately 88 years old. School District officials as well as the City have considered a number of options for the property including renovating the buildings into something the school can use, a community center, and a business incubator; however, all of these options included renovation costs between \$4,000,000 to \$7,000,000. School officials and the City determined that it was more cost effective to build new facilities rather than renovate the 88-year-old building. As a result, an option on the property has been granted to Foutch Brothers, LLC for redevelopment.

The outdated condition of the buildings, problems associated with continued vacancy, and the obsolescent nature of its operating systems impairs the development potential of the Area. These conditions resulted a blight finding on this property, triggering the establishment of the Urban Renewal Area. Due to the excessive costs associated with redevelopment of the obsolete and outdated buildings, incentives to the developer are necessary in order for the residential conversion to be feasible.

E. BASE VALUE

If the Urban Renewal Area is legally established, a Tax Increment Financing (TIF) Ordinance is adopted, and debt is certified prior to December 1, 2016, the taxable valuation as of January 1, 2015, will be considered the frozen “base valuation.” If a TIF Ordinance is not adopted until a later date, or debt is not first certified prior to December 1, 2016, the frozen “base value” will be the assessed value of the taxable property within that area covered by the TIF Ordinance as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt on the Area.

F. DEVELOPMENT PLAN

Storm Lake has a general plan for the physical development of the City as a whole, outlined in the Comprehensive Plan – Storm Lake 2030, adopted by the City in 2013. The goals and objectives identified in this Plan, and the urban renewal projects described herein, are in conformity with the goals, objectives, and recommendations identified in Comprehensive Plan – Storm Lake 2030.

This Urban Renewal Plan does not in any way replace the City’s current land use planning or zoning regulation process. Currently the Area is zoned as IN-2, Institutional Facilities. Multi-family residential, as proposed, is an allowable use in the IN-2 district. The City doesn’t anticipate any change in zoning as a result of the proposed development.

The need, if any, for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area are set forth in this Plan. As the Area continues to develop, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

G. PLAN OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites for new residential development within the Area. More specific objectives for development within the Urban Renewal Area are as follows:

1. To eliminate blighting influences and promote revitalization, through public action and commitment, or by providing incentives to private persons or businesses, to acquire, rehabilitate, renovate, demolish, and/or redevelop existing structures or property.
2. To stimulate, through public action and commitment, private investment in new residential development and redevelopment. The City realizes that the availability of decent, safe, and sanitary housing is important in enhancing the economic viability of the community.
3. To plan for and provide sufficient land for residential development in a manner that is efficient from the standpoint of providing municipal services.
4. To help develop a sound economic base that will serve as the foundation for future growth and development.
5. To provide for the installation and upgrade of public works, infrastructure, and related facilities which contribute to the sound development of the Area.
6. To provide a more marketable and attractive investment climate.
7. To preserve the health, safety, living environment, general character, and general welfare of Storm Lake, Iowa.
8. To promote development utilizing any other objectives allowed by Chapter 403 of the *Code of Iowa*.

H. TYPES OF RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage the development of the Area, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, *Code of Iowa* including, but not limited to, tax increment financing. Activities may include:

1. To undertake and carry out urban renewal projects through the execution of contracts and other instruments, including blight remediation projects.
2. To acquire property and to hold, clear, or prepare the property for redevelopment.
3. To dispose of property so acquired.

4. To provide for the construction of site specific improvements, such as grading and site preparation activities, access roads and parking, fencing, utility connections, and related activities.
5. To demolish structures and to clear the land for future development so as to revitalize the Area and alleviate blighting conditions.
6. To arrange for or cause to be provided the construction or repair of public infrastructure, including, but not limited to, streets and sidewalks, traffic lights, pedestrian safety measures, water mains, sanitary sewers, storm sewers, public utilities, or other facilities in connection with urban renewal projects which serve to revitalize the area and alleviate blighting conditions.
7. To make loans, forgivable loans, tax rebate payments, or other types of grants or incentives to private persons or businesses for revitalization or blight remediation purposes, including residential projects, on such terms as may be determined by the City Council.
8. To use tax increment financing to facilitate urban renewal projects, including, but not limited to, financing to achieve a more marketable and competitive land offering price and to provide for necessary physical improvements and infrastructure.
9. To use tax increment revenues to help leverage grants, loans, or other assistance from the state and federal governments (such as providing the local match for such assistance) in support of projects or businesses that advance the objectives of this plan.
10. To finance programs or projects which will directly benefit housing conditions and/or increase the availability of multi-family housing opportunities for residents of the community.
11. To borrow money and to provide security therefor.
12. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
13. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic and housing conditions for the City of Storm Lake and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

I. ELIGIBLE URBAN RENEWAL PROJECTS

Although certain project activities may occur over a period of years, the Proposed Urban Renewal Projects under this Urban Renewal Plan include:

1. Development Agreements: The City expects to consider requests for Development Agreements for the following projects that are consistent with this Plan, in the City's sole discretion.

A. Foutch Brothers, LLC (or a related entity): The City expects to consider providing incentives to assist Foutch Brothers, LLC (or a related entity), who may be renovating blighted property currently owned by the Storm Lake School District and which the City expects will be sold to Foutch Brothers, LLC (or a related entity) prior to the start of the project. The project involves the conversion of two vacant school buildings, into approximately 39 market-rate apartments. The existing auditorium space may be left as it is currently and may be redeveloped in the future. Construction is anticipated to take place in 2017-2019. Overall project costs are expected to be approximately \$4,200,000. The City expects to make grants to the developer in the form of rebates of incremental taxes generated by the project, not to exceed \$800,000.

B. Future Development Agreements: The City expects to consider requests for Development Agreements for projects that are consistent with this Plan, in the City's sole discretion. Such Agreements are unknown at this time, but based on past history, and dependent on development opportunities and climate, the City expects to consider a broad range of incentives as authorized by this Plan, including, but not limited to, land, loans, grants, tax rebates, public infrastructure assistance, and other incentives. The costs of such Development Agreements will not exceed \$250,000 - \$500,000.

2. Planning, Engineering Fees (for Urban Renewal Plans), Attorney Fees, Other Related Costs to Support Urban Renewal Projects and Planning:

Project	Estimated Date	Estimated Cost
Fees and Costs	Undetermined	Not to Exceed \$50,000

J. FINANCIAL INFORMATION

1.	July 1, 2016, Constitutional Debt Limit	\$24,083,708
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2.	Current Outstanding General Obligation Debt	\$18,102,000
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Projects has not yet been determined. This document is for planning purposes only. The estimated project costs in this Plan are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects as described above will be approximately as stated in the next column:	\$1,100,000 – 1,350,000 This does not include financing costs related to debt issuance, which may be incurred over the life of the Area.

K. URBAN RENEWAL FINANCING

The City of Storm Lake intends to utilize various financing tools, such as those described below to successfully undertake the proposed urban renewal actions. The City of Storm Lake has the statutory authority to use a variety of tools to finance physical improvements within the Area. These include:

A. Tax Increment Financing.

Under Section 403.19 of the *Code of Iowa*, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements, economic development incentives, or other urban renewal projects. Upon creation of a tax increment district within the Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from taxes paid on the difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. Certain increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City, and in any event upon the expiration of the tax increment district.

B. General Obligation Bonds.

Under Division III of Chapter 384 and Chapter 403 of the *Code of Iowa*, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements within the Area and for other urban renewal projects or incentives for development consistent with this Plan. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of Storm Lake. It may be, the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates, or other incentives to developers or private entities in connection with the urban renewal projects identified in this Plan. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Area for urban renewal projects. Alternatively, the City may determine to use available funds for making such loans or grants or other incentives related to urban renewal projects. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

L. PROPERTY ACQUISITION/DISPOSITION

The City will follow any applicable requirements for the acquisition and disposition of property upon the terms and conditions in the discretion of the City Council.

M. RELOCATION

The City does not expect there to be any relocation required of residents or businesses as part of the proposed urban renewal project; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

N. STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform to State and local laws will be complied with by the City in implementing this Urban Renewal Plan and its supporting documents.

O. AGRICULTURAL LAND

Because this Urban Renewal Area does not contain land defined as “agricultural land” pursuant to *Code of Iowa* Section 403.17(3), no agricultural landowner consents are required.

P. SEVERABILITY

In the event one or more provisions contained in the Urban Renewal Plan shall be held for any reason to be invalid, illegal, unauthorized, or unenforceable in any respect, such invalidity, illegality, un-authorization, or unenforceability shall not affect any other provision of this Urban Renewal Plan, and this Urban Renewal Plan shall be construed and implemented as if such provisions had never been contained herein.

Q. PROPERTY WITHIN AN URBAN REVITALIZATION AREA

The Urban Renewal Area may (now or in the future) also be located within an established Urban Revitalization Area. The Storm Lake City Council, at its sole discretion, shall determine which incentives are available through either: (a) this Plan, for urban renewal incentives, if any urban renewal incentives are offered by the City; or (b) tax abatement incentives through Urban Revitalization; or (c) a combination of these incentives.

R. URBAN RENEWAL PLAN AMENDMENTS

This Urban Renewal Plan may be amended from time to time for a number of reasons including, but not limited to, adding or deleting land, adding or amending urban renewal projects, or modifying goals or types of renewal activities.

The City Council may amend this Plan in accordance with applicable State law.

S. EFFECTIVE PERIOD

This Urban Renewal Plan will become effective upon its adoption by the City Council and shall remain in effect until terminated by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, during the life of this Plan, the City Council may designate all or any portion of the property covered by this plan as a “tax increment area.” With respect to this Urban Renewal Area, there is no statutory limit on the number of years in which tax increment revenues may be collected by the City for its project indebtedness. This Urban Renewal Area contains blighted conditions, and therefore, the Area is not subject to the statutory limit on the number of years in which tax increment revenues may be collected by the City.

EXHIBIT A

LEGAL DESCRIPTION OF SOUTH SCHOOL URBAN RENEWAL AREA

LEGAL DESCRIPTION:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), AND FIVE (5), BLOCK FORTY (40) ORIGINAL TOWN OF STORM LAKE, IOWA **EXCEPT** THE EAST ONE HUNDRED SEVENTY-TWO FEET (E. 172') OF THE NORTH SIXTY-FIVE FEET (N. 65') OF LOT ONE (1), BLOCK FORTY (40), ORIGINAL TOWN OF STORM LAKE, IOWA;

Together with the following-described parts of street rights-of-way abutting the above-described property:

The Third Street right-of-way commencing at its intersection with the western boundary of the Irving Street right-of-way on the West and extending one hundred twenty-eight feet (128') eastward;

And

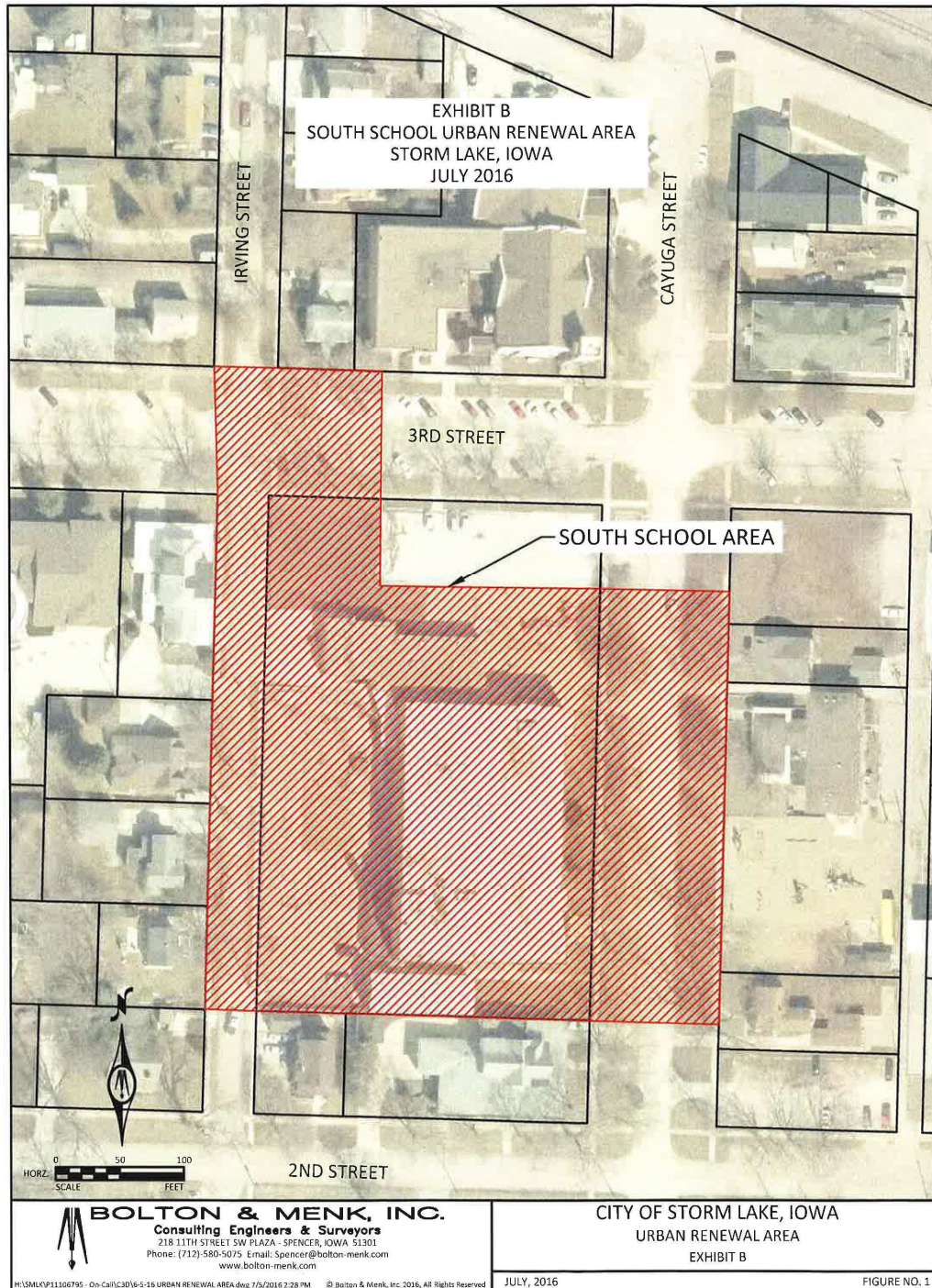
The Irving Street right-of-way commencing at its intersection with the northern boundary of the Third Street Right-of-way on the North and extending five hundred feet (500') southward;

And

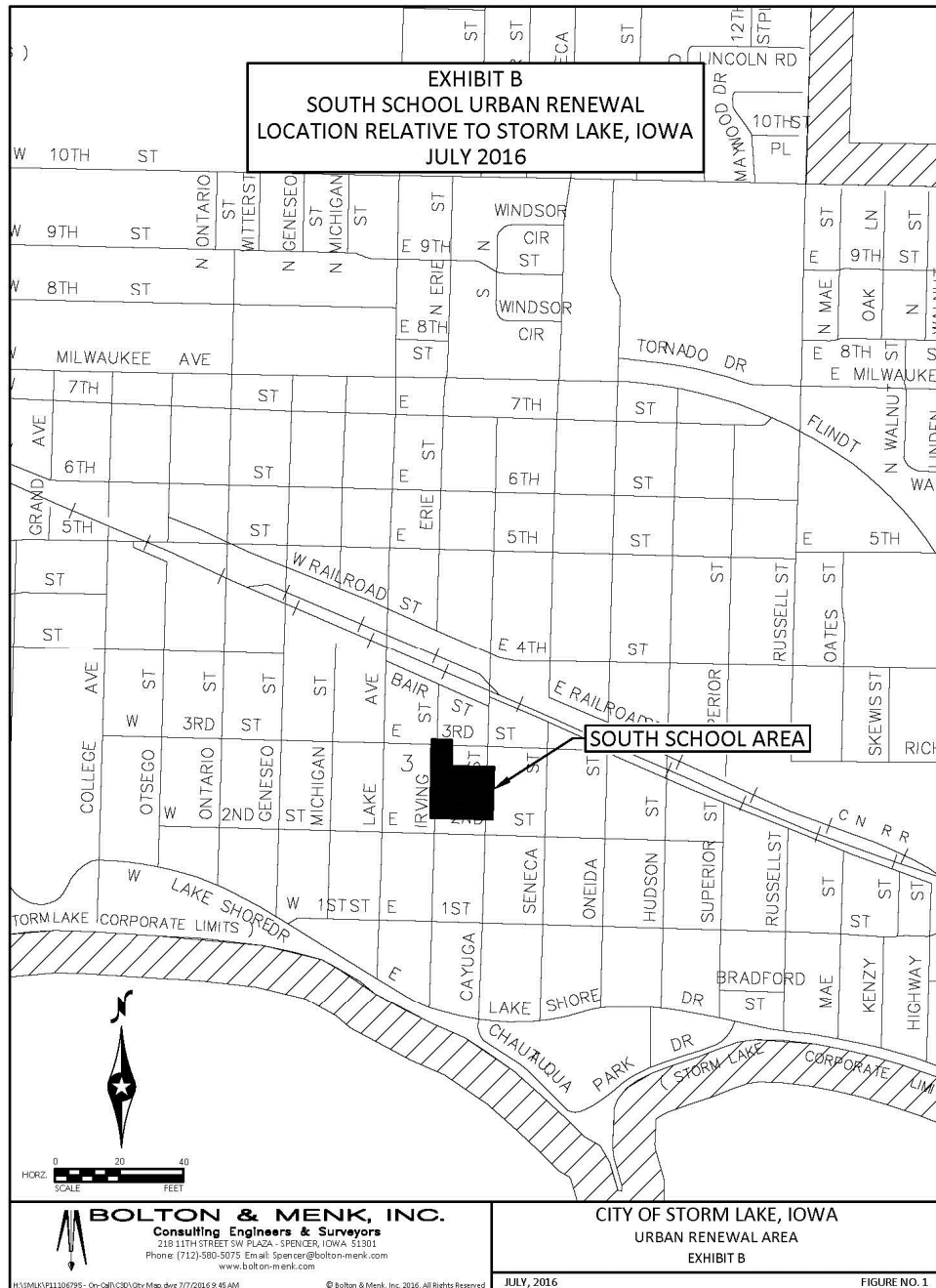
The Cayuga Street right-of-way commencing one hundred sixty feet (160') north of its intersection with the southern boundary of the Second Street right-of-way on the South and extending three hundred thirty-five feet (335') northward.

EXHIBIT B

MAP OF SOUTH SCHOOL URBAN RENEWAL AREA



MAP OF SOUTH SCHOOL URBAN RENEWAL AREA



Building Code Updates – Moved by Council Member Englemann to adopt Resolution No. 08-R-2016-2017 setting a public hearing for August 15, 2016 at 5:00pm for proposal to amend the City Code by updating the construction codes and standards to the most recent edition. Seconded by Council Member Porsch Vote: All ayes. Motion carried.

RESOLUTION NO. 08-R-2016-2017

RESOLUTION SETTING HEARING ON A PROPOSAL TO ADOPT BY REFERENCE PARTS OR ALL OF CERTAIN STATEWIDE OR NATIONALLY RECOGNIZED STANDARD CODES AND IOWA CODE SECTIONS AS PART OF AN ORDINANCE AMENDING THE CITY'S BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE, RESIDENTIAL BUILDING CODE, FIRE CODE, AND HOUSING CODE; AND PRESCRIBING NOTICE

WHEREAS, the City Council of the City of Storm Lake, Iowa has, from time to time, adopted by reference the provisions of certain statewide or nationally recognized standard codes or portions of such codes by ordinances which identify the codes by subject matter, source, and date, without setting them forth in full, as permitted by Iowa Code Section 380.10;

WHEREAS, the City Council of the City of Storm Lake, Iowa has, from time to time, adopted by reference the provisions of certain portions of the Code of Iowa related to such statewide or nationally recognized standard codes or portions of such codes by ordinances without setting them forth in full, also as permitted by Iowa Code Section 380.10;

WHEREAS, the City's Building Code, Plumbing Code, Electrical Code, Mechanical Code, Residential Building Code, Fire Code, and Housing Code are included among such codes that are adopted in whole or part by reference to statewide or nationally recognized standard codes and portions of the Code of Iowa;

WHEREAS, the City Council now intends to consider adopting an ordinance that amends and updates such codes by reference to updated statewide or nationally recognized standard codes and portions of the Code of Iowa;

WHEREAS, the updated statewide or nationally recognized standard codes to be adopted in whole or part by reference include the International Building Code, 2015 Edition; the Uniform Plumbing Code, 2015 Edition; the National Electrical Code, 2014 Edition; the International Mechanical Code, 2015 Edition; the Residential Building, 2015 Edition; the Uniform Housing Code, 1994 Edition (by its references to portions of the other Codes set forth herein); and the International Fire Code, 2015 Edition;

WHEREAS, the Iowa Code sections to be adopted in whole or part by reference are 100.1(5), 100.35, 103.6, and 105.4(1)(a);

WHEREAS, Iowa Code Section 380.10 requires the Council to hold a public hearing on any proposed standard code or on the portion of the standard code to be adopted by reference and to hold a public hearing on any portion of the Code of Iowa to be adopted by reference; and

WHEREAS, copies of the standard codes or portions thereof and the portions of the Iowa Code proposed to be adopted by reference are available for review by members of the public at the office of the City Clerk of the City of Storm Lake, City Hall, 620 Erie Street, Storm Lake, Iowa.

NOW, THEREFORE, be it hereby resolved that this proposal to adopt by reference parts or all of such statewide or nationally recognized standard codes and Iowa Code sections as part of an Ordinance amending the City's Building Code, Plumbing Code, Electrical Code, Mechanical Code, Residential Building Code, Fire Code, and Housing Code shall be scheduled for public hearing at the Council Chambers at City Hall at the regular council meeting scheduled August 15, 2016, at 5:00 p.m. The City Clerk is directed to have a copy of this Resolution published in the Storm Lake Times on a date not less than four (4) days nor more than twenty (20) days prior to said meeting. The City Clerk is further directed to have available in the City Clerk's office at the Clerk's address shown above copies of the standard codes or portions thereof and the portions of the Iowa Code proposed to be adopted by reference for review by members of the public.

Passed and approved this 1st day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Erie Street Stormwater Project – Moved by Council Member Anderson to adopt Resolution No. 09-R-2016-2017 approving change order #2 an addition of \$5,922.00 to the contract with Hulstein Excavating Inc. and adding 3 days to the contract. Total contract amount after change order is \$1,058,260.74. Seconded by Council Member Porsch. Vote: All Ayes. Motion carried.

RESOLUTION NO. 09-R-2015-2016

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

To approve Change Order No. 2 to the contract with Hulstein Excavating Inc. for the Erie Street CDBG Stormwater Improvements Project, an increase of \$5,922 to the contract for the removal of contaminated soil found on the corner of Erie and E. Milwaukee Street and installation of concrete pipe required by DNR.

Also included in the change order is the addition of 3 days to the contract due to the time required for the removal of the contaminated soils.

Total cost of Change Order #2 is an increase of \$5,922.00 to the contract and the addition of 3 days added to the contract. Total contract cost after change order #2 is \$1,058,260.74.

PASSED AND APPROVED this 1st day of August 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Sanitary Sewer Mitigation Project – Moved by Council Member Porsch to approve the Third Amendment to the Engineer’s Agreement with Veenstra and Kimm for Phase 2 – Final Design and Construction Administration for the Sanitary Sewer Mitigation Project adding \$2,842.08 to the agreement. Seconded by Council Member Carlson. Vote: All Ayes. Motion Carried

2016 Reap City Parks and Open Space Grant – Moved by Council Member Porsch to adopt Resolution No. 10-R-2016-2017 approving submittal of a 2016 REAP City Parks and Open Spaces grant application. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 10-R-2016-2017

A RESOLUTION IN SUPPORT OF SUBMITTING A REAP GRANT APPLICATION FOR A NEIGHBORHOOD PARKS PROJECT

WHEREAS the City of Storm Lake, Iowa recognizes the importance of providing parks and opens spaces to the Citizens of Storm Lake, and

WHEREAS the Resource Enhancement and Protection (REAP) is a State of Iowa program that invests in the enhancement and protection of the state’s natural and cultural resources, and

WHEREAS the REAP funds are available to cities through competitive grants, and

WHEREAS the REAP grant is a 100% grant so local matching funds are not required, and

WHEREAS, the City of Storm Lake desires to submit an application to the program to procure funds to create a neighborhood park.

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

The submittal of the grant application is hereby approved for submittal to the State of Iowa REAP program.

PASSED AND APPROVED this 1st day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Purchase Offer – Moved by Council Member Porsch to approve a purchase offer with William and Joyce Smith for the purchase of the old Joyce's Greenery located at the corner of 5th and Russell Street at a cost of \$60,000.00 subject to the City receiving the REAP grant. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

Council Member Rice questioned City Manager James Patrick about his job interview.

Adjournment – Moved by Council Member Porsch to adjourn the meeting at 5:26pm. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk



SEE INSTRUCTIONS ON THE REVERSE SIDE

For period (MM/DD/YYYY) 09/01/2016 through June 30, 2017

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

Business Information:

Trade Name/DBA: Rachel N Eddy's Vapes
Physical Location Address: 205 Flindt Dr. 1C suite#3 City: Storm Lake ZIP: 50588
Mailing Address: 210 Highway st. City: Storm Lake State: IA ZIP: 50588
Business Phone Number: () N/A

Legal Ownership Information:

Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☐ LLC ☒ LLP ☐
Name of sole proprietor, partnership, corporation, LLC, or LLP: Eduardo Gutierrez Flores
Mailing Address: 210 Highway st. City: Storm Lake State: IA ZIP: 50588
Phone Number: (712) 299-4268 Fax Number: () Email: rachel_7799@hotmail.com

Retail Information:

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

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative Nicotine Products ☒ Vapor Products ☒

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

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

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

SIGNATURE OF OWNER(S), PARTNER(S), OR CORPORATE OFFICIAL(S)

Name (please print): Eduardo Gutierrez Flores Name (please print): _____
Signature: Eduardo Gutierrez Signature: _____
Date: 8/12/16 Date: _____

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

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
- Fill in the date the permit was approved by the council or board: _____
- Fill in the permit number issued by the city/county: _____
- Fill in the name of the city or county issuing the permit: _____

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

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

Staff Summary

8/15/2016
Agenda Item # B.



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

REPORT TO: Honorable Mayor and City Council

FROM: Mayra Martinez, Deputy City Clerk

SUBJECT: Buy Local Information

BACKGROUND: Early in 2011 during a Study Session discussion Council asked staff to look at putting together some analysis information regarding the amount of purchases made locally. We have pulled that information together and a provided a summary of purchases identified in the current list of bills to be approved that are purchased locally (within the City of Storm Lake), within Buena Vista County, and outside of Buena Vista County are presented here for Council's review. This information is presented for for both the City and King's Pointe's bills.

As the reader reviews the information they should note the following key notes:

- Costs associated with any major capital project (those bid under the State of Iowa Bid Law) are excluded from the calculation
- Costs associated with travel is excluded from the calculation and %
- Costs associated with payroll is excluded from the calculation and %
- In some cases there is only one vendor or an item is only available from vendors outside of the City limits and/or Buena Vista County – we have not identified these
- Some departments have fairly minor budgets and a major purchase can skew the % and or amount for a given review period (For Example: the Airport may have normally \$4,000 - \$6,000 in expenses until they purchase Jet Fuel or Av Gas which can be \$10,000 + and as a vendor who is not local this can skew the information for that review period)
- Local has been determined to be has an office front in the area and based on where the office front is located for local vs. BV County (For Example: Wal-Mart is considered local since they have a store in Storm Lake even though their headquarters is not located here)

As with all analytical data it is possible to interpret the numbers in a variety of ways and as we move forward we would be happy to provide further detail and or revise the way in which we show the data. Likewise if you have any questions or concerns please don't hesitate to contact city staff.

FISCAL IMPACT:

	Total Expenses	Calculated Expenses	Local	%	BV Co	%	Non Local	%
City	\$469,220.26	\$209,555.23	\$86,028.75	41.05	\$5,002.46	2.39	\$118,524.02	56.56
King's Pointe	\$230,814.40	\$66,339.31	\$5,096.90	7.69			\$61,242.41	92.31
Golf Course	\$8,106.61	\$1,673.07	\$46.80	2.80			\$1,626.27	97.20

RECOMMENDATION: Review Buy Local Information

Staff Summary

8/15/2016

Agenda Item # C.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

[p \(712\) 732-8000](tel:(712)732-8000)

[f \(712\) 732-4114](tel:(712)732-4114)

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: Motion Authorizing a Noise Variance for the Lao Buddhist Temple

BACKGROUND: Attached is a written request for a Noise Variance for outdoor amplified music for a celebration scheduled for Sunday, September 4, 2016 at the Buddhist Temple located at 6010 Rothmoor Road.

The hours of the proposed Variance are 1:00pm until 1:00am.

This request is consistent with previous years. I will issue the Variance upon receiving a consensus in the affirmative from the city council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
 Buddhist Noise Permit	Permit

noise ordinance

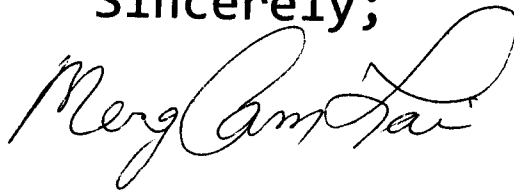
July 19, 2016

Storm Lake City Council
Chief Mark Prosser, Public Safety

On behalf of the Storm Lake Lao Temple, we are requesting a noise ordinance on Sept 4th from 1pm through 1am Sept 5th. For a ceremonial celebration.

If there are any questions please contact:
Meng Lai, China House, 712-299-1068

Sincerely;

A handwritten signature in black ink, appearing to read 'Meng Lai', written in a cursive style.



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: Lao Buddhist Temple Celebration

Issued To:

Name: Meng Cam Lai

Organization: Temple Committee

Address: 624 West Milwaukee Avenue, Storm Lake, IA 50588

Phone: 712-299-1068

Date(s) of Event: Sunday, 9-4-2016

Time(s) of Event: 1:00pm until 1:00am

Expiration of Permit: 9-5-2016

Location / Area
of Use:

Temple / 6010 Rothmoor Road

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by:

Mark A. Prosser

Please Print

Date:

8-16-2016

Signature:

Title:

Public Safety Director

Staff Summary

8/15/2016

Agenda Item # D.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: Motion Authorizing Noise Variances for Buena Vista University

BACKGROUND: Attached to this summary is a written request from Ebony King, BVU Student Activities requesting a series of Noise Variances be issued for outdoor activities and amplified entertainment in connection with the return of students for the 2016/17 academic school year.

The requests are as follows:

- *Friday, 8-26-2016 from 10:00pm until 12:00am at the BVU Rec House for an outdoor event
- *Saturday, 8-27-2016 from 4:00pm until 8:00pm in Scout Park for an outdoor event
- *Saturday, 8-27-2016 from 9:30pm until 12:00am for capture the flag events at the football stadium
- *Sunday, 8-28-2016 from 8:00pm until 12:00am for an outdoor concert in the central campus area

These requests are consistent with previous years. I will issue the Variances upon receipt of a consensus in the affirmative by the city council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
LETTER AND PERMITS	Permit

July 28th, 2016

Mark Prosser
Director of Public Safety
401 East Milwaukee Ave.
Storm Lake, Iowa 50588

Dear Mr. Prosser:

Buena Vista University is preparing for the annual Welcome Weekend Celebration from Friday, August 26th, 2016 to Sunday, August 28th, 2016. In order to make this year's events a success, we are requesting the assistance of the city. The following is an overview of what we are requesting:

A noise variance for the following dates and times:

Friday, August 26th, 2016: 10pm – 12am – Fire Pit at Outdoor Rec House

Saturday, August 27th, 2016: 4pm – 8pm – DJ music for Beaver Olympics at Scott Park

Saturday, August 27th, 2016: 9:30pm – 12am – Capture the Flag on BVU Football Field (Lights will be on)

Sunday, August 28th, 2016: 8:00pm- 12:00am – The live band IV Play will be playing music on BVU central campus.

We appreciate the city council's consideration of the above requests and if additional information is needed please contact Ebony N. King, Director of Multicultural Engagement & Student Activities at 712-749-2379. Thank you for your help in making this year's activities a success for the Buena Vista University.

Sincerely,

Ebony N. King

Ms. Ebony N. King, M.S
Director of Multicultural Engagement & Student Activities
Buena Vista University
610 West 4th Street
Storm Lake, Iowa 50588



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVU Fire Pit @ Recreation House

Issued To:

Name: Ebony Kling

Organization: BVU Student Activities

Address: 610 West 4th Street, Storm Lake, IA 50588

Phone: 712-749-2379

Date(s) of Event: Friday, 8-26-2016

Time(s) of Event: 10:00pm until 12:00am

Expiration of Permit: 8-27-2016

Location / Area
of Use:

BVU Recreation House

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by: Mark A. Prosser

Please Print

Date: 8-16-2016

Signature:

Title: Public Safety Director



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVU Beaver Olympics Event

Issued To:

Name: Ebony King

Organization: BVU Student Activities

Address: 610 West 4th Street, Storm Lake, IA 50588

Phone: 712-749-2379

Date(s) of Event: Saturday, 8-27-2016

Time(s) of Event: 4:00pm until 8:00pm

Expiration of Permit: 8-28-2016

Location / Area
of Use:

Scout Park

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by:

Mark A. Prosser

Please Print

Date:

8-16-2016

Signature:

Title:

Public Safety Director



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVU Capture the Flag Event

Issued To:

Name: Ebony King

Organization: BVU Student Activities

Address: 610 West 4th Street, Storm Lake, IA 50588

Phone: 712-749-2379

Date(s) of Event: Saturday, 8-27-2016

Time(s) of Event: 9:30pm until 12:00am

Expiration of Permit: 8-28-2016

Location / Area
of Use:

BVU Football Stadium

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by:

Mark A. Prosser

Please Print

Date:

8-16-2016

Signature:

Title:

Public Safety Director



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVU Outdoor Concert

Issued To:

Name: Ebony King

Organization: BVU Student Activities

Address: 610 West 4th Street, Storm Lake, IA 50588

Phone: 712-749-2379

Date(s) of Event: Sunday, 8-28-2016

Time(s) of Event: 8:00pm until 12:00am

Expiration of Permit: 8-29-2016

Location / Area
of Use:

BVU Central Campus Area

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by: Mark A. Prosser

Please Print

Date: 8-16-2016

Signature:

Title: Public Safety Director

Staff Summary

8/15/2016

Agenda Item # E.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: Motion Authorizing a Noise Variance and Related Permits for the 2016 AWARE Run/Walk Event

BACKGROUND: Attached is a written request from Katie Schwint representing the Buena Vista Regional Medical Center (BVRMC) making a series of requests related to the 2016 AWARE Run/Walk scheduled for Saturday, September 24, 2016 at 8:00am. Specific requests are as follows:
*A permit for the event
*A Noise Variance for the BVRMC campus between the hours of 8:00am and 12:00pm for outdoor announcements
*Appropriate support from the police department
The request notes that the appropriate event insurance is forthcoming.
I will issue the Noise Variance upon receiving a consensus in the affirmative by the city council. All other requests have been completed.

FISCAL IMPACT: Support to the event by the SLPD will be paid for out of the normal operational budget.

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
☐ Noise permit attached	Permit



Mark Prosser
Director of Public Safety
401 East Milwaukee
Storm Lake, IA 50588

August 8, 2016

Dear Chief Prosser;

Buena Vista Regional Medical Center is requesting a help with traffic control, event permit, and a noise ordinance our annual A.W.A.R.E (annual walk and run event) effort to raise awareness about cancer and raise funds to assist individuals with cancer in meeting their personal needs.

The 5K will be held on Saturday, September 24, 2016 at 8:00 a.m., beginning and ending at the Kallmer Education Center on the grounds of BVRMC. I have included a copy of our flyer and a map of the anticipated route for the event so you can determine any street closings or crossing issues.

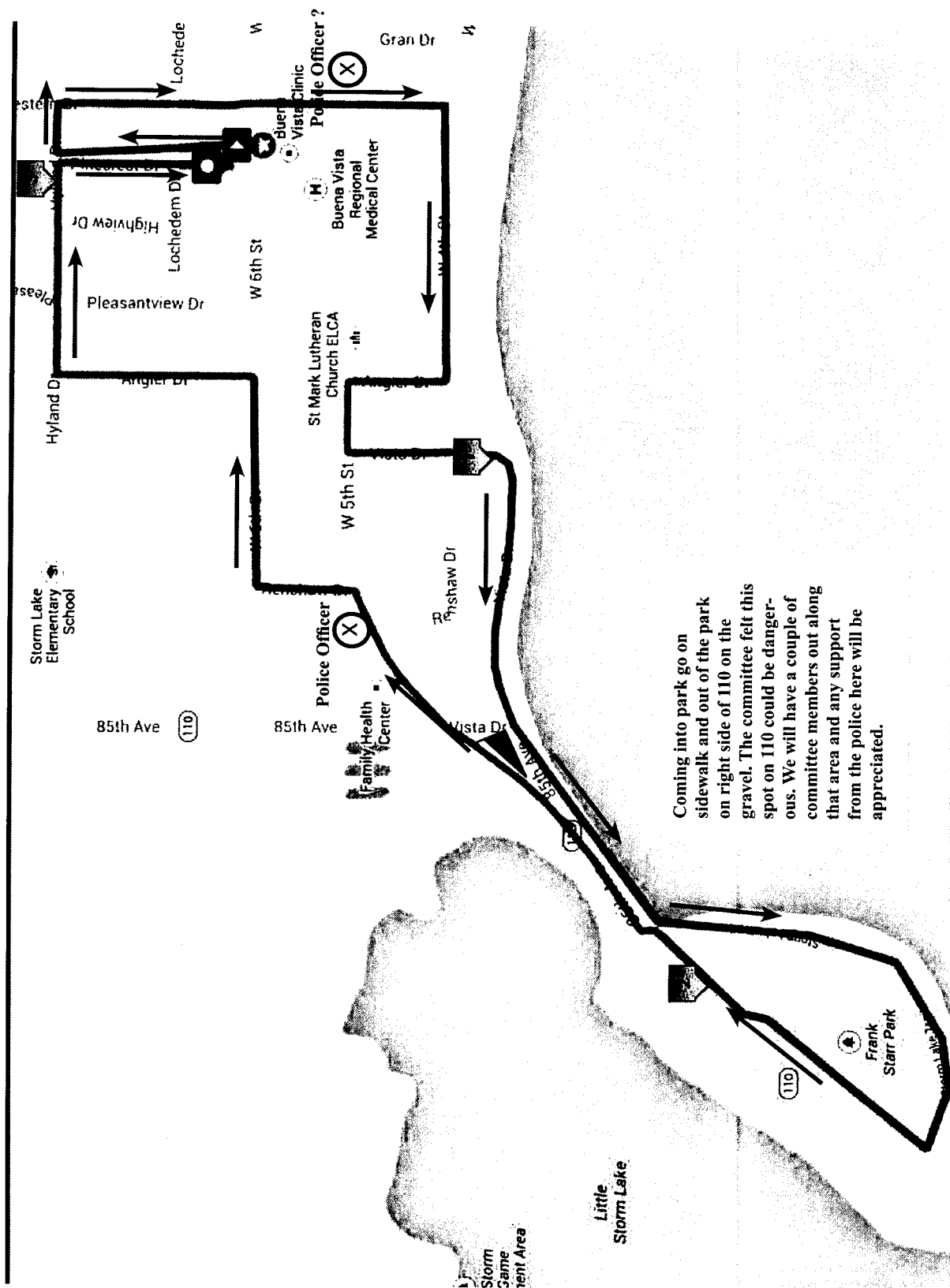
Please note the route is the same as last year.

Regarding a noise variance, we will make some brief announcements with a loud speaker at the beginning of the race near the Kallmer Education Center entrance and at the conclusion we will have some celebratory music playing.

I will see that we deliver the certificate of insurance for the event to City Hall when we receive from our insurance carrier. We appreciated the support of the City last year and look forward to another safety-partnership for this year's event. For any additional information you may call the hospital coordinator for the event, Diane Porter @ 712-213-8610 or send an e-mail to porter.diane@bvrmc.org.

Thank you for your assistance with this matter.

Katie Schwint
Executive Director of Communications





**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVRMC AWARE Event

Issued To:

Name: Katie Schwint / Diane Porter

Organization: BVRMC Staff

Address: 1525 West 5th Street, Storm Lake, Iowa 50588

Phone: 712-213-8610

Date(s) of Event: Saturday, September 24, 2016

Time(s) of Event: 8:00am until 12:00pm

Expiration of Permit: 9-25-2016

Location / Area
of Use:

BVRMC Campus

Type of Permit

- ☒ Noise Variance (8-7-4)
- ☐ Ride/Run/Walk (9-13-4)
- ☐ Parade (9-13-4)
- ☐ Public Demonstration (8-7-4)
- ☐ Street Closing
- ☐ Fireworks (8-2-1(I2A))
- ☐ Authorized Burn (7-2-2-B)
- ☐ Other

Authorized by: Mark A. Prosser

Date: 8-16-2016

Please Print

Signature:

Title: Public Safety Director



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: BVRMC AWARE Event

Issued To:

Name: Katie Schwint / Diane Porter

Organization: BVRMC Staff

Address: 1525 West 5th Street, Storm Lake, Iowa 50588

Phone: 712-213-8610

Date(s) of Event: Saturday, September 24, 2016

Time(s) of Event: 8:00am

Expiration of Permit: 9-25-2016

Location / Area
of Use:

Northwestern-West 4th/Shoreway-Angier-West 5th-Vista-Renshaw-West 6th-Angier-Hyland-Pinecrest

Type of Permit

☐ Noise Variance (8-7-4)

☒ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by:

Mark A. Prosser

Date:

8-16-2016

Please Print

Signature:

Title:

Public Safety Director

Staff Summary

8/15/2016

Agenda Item # F.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: Motion Authorizing a Noise Variance for the Honda Shop Memorial Motorcycle Fun run

BACKGROUND: Attached is a written request for a Noise Variance for a Memorial Motorcycle Fun Run sponsored by the Storm Lake Honda Shop on Saturday, September 17, 2016.

The fun run will end at the Honda Shop's facility located at 2000 Goldwing Drive where a band with outdoor, amplified music will entertain from 7:00pm until 11:00pm.

I will issue the Variance upon receipt of a consensus in the affirmative from the city council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
☐ Noise permit	Permit

Mark Prosser

From: Mark Prosser
Sent: Wednesday, August 10, 2016 2:34 PM
To: Mark Prosser
Subject: FW: storm lake honda fun run

From: Jeff Schultz [mailto:jschultz@stormlakehonda.com]
Sent: Wednesday, August 10, 2016 2:27 PM
To: Mark Prosser <Prosser@stormlake.org>
Subject: RE: storm lake honda fun run

2000 Goldwing drive
Storm lake, IA 50588
September 17th 2016 from 7pm-11pm

Storm Lake Honda is sponsoring a memorial motorcycle Fun Run. We will be finishing the ride at the above address and date. We would like to have a band play between 7pm and 11pm that night.

Thank you!
Jeff Schultz
Storm Lake Honda



**Public Safety
Police & Fire
PERMIT**

401 East Milwaukee Avenue
Storm Lake, Iowa
Phone: 712-732-8010
Email: publicsafety@stormlake.org

Event: Storm Lake Honda Memorial Ride

Issued To:

Name: Jeff Schultz

Organization: Storm Lake Honda

Address: 207 East Milwaukee Avenue, Storm Lake, IA 50588

Phone: 712-732-2460

Date(s) of Event: Saturday, 9-17-2016

Time(s) of Event: 7:00pm untill 11:00pm

Expiration of Permit: 9-18-2016

Location / Area
of Use:

2000 Goldwing Drive

Type of Permit

☒ Noise Variance (8-7-4)

☐ Ride/Run/Walk (9-13-4)

☐ Parade (9-13-4)

☐ Public Demonstration (8-7-4)

☐ Street Closing

☐ Fireworks (8-2-1(I2A))

☐ Authorized Burn (7-2-2-B)

☐ Other

Authorized by:

Mark A. Prosser

Date:

8-16-2016

Please Print

Signature:

Title:

Public Safety Director

Staff Summary

8/15/2016

Agenda Item # 3.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Scott Olesen, Building Official

SUBJECT: Public Hearing On A Proposal To Amend The City Code By Updating The Referenced Construction Codes and Standards To The Most Recent Editions.

BACKGROUND:

The City Code adopts by reference the International Building, Residential, Fire, and Mechanical Codes, as well as the Uniform Plumbing Code and National Electrical Code.

These codes are produced by the International Code Council, the National Fire Protection Association, and the International Association of Plumbing and Mechanical Officials. Each of these organizations updates their codes on a three year cycle.

At this time, City staff is proposing to update from the 2009 versions of the International Building, Fire, Residential, and Mechanical codes, as well as the Uniform Plumbing Code to the 2015 versions. The National Electrical Code is on a different three year cycle and therefore we will be updating to the 2014 National Electrical Code.

Updating to the current code editions will bring the City into line with the codes adopted by the State of Iowa and other jurisdictions. Additionally, the City of Storm Lake is reviewed every three years by the Insurances Services Offices (ISO), which provides ratings for building departments which is then used for setting insurance rates. A City's ISO rating is also used by FEMA in responding to natural disasters. Adopting more current codes will help to maintain our current rating.

Adopting the most current codes is important to keep pace with new materials and techniques in the industry as well.

The International Building Code regulates the construction of all commercial, industrial, and multifamily dwellings. The International Residential Code regulates the construction of one and two family dwellings and townhomes. The International Mechanical Code provides the requirements for the installation of heating and cooling systems as well as kitchen hoods in commercial cooking operations. The Uniform Plumbing Code regulates the installation of plumbing, water heaters,, and gas piping in buildings as well as other similar items.

Council must first hold a Public Hearing on the proposed amendments to the current City Code, and then hold the first reading of the proposed amendment to the City Code which appears later on the Council agenda.

The State Code requires that when we adopt the construction codes as adopted by the State of Iowa, that we do so in a 30 day time period. In order to comply with this, staff will ask to have the second reading waived at the September 5th City Council meeting and hold the third reading of the City Code amendment.

A copy of the proposed Ordinance and the amendments is attached for your review.

FISCAL IMPACT:

Legal fees and publication are estimated to be \$500.00

RECOMMENDATION:

Open the public hearing, receive input, close the public hearing.

ATTACHMENTS:

Description	Type
□ Ordinance No. 01-O-2016-2017	Ordinance

ORDINANCE NO. 01-O-2016-2017

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3, SECTION 3; TITLE 5, CHAPTER 4, SECTIONS 3 AND 6; TITLE 5, CHAPTER 6, SECTION 2; TITLE 5, CHAPTER 9, SECTION 2; TITLE 7, CHAPTER 1, SECTIONS 1, 5, 6, AND; 7 AND TITLE 7; CHAPTER 2, SECTION 2 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY UPDATING BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE, HOUSING CODE, RESIDENTIAL BUILDING CODE, FIRE CODE AND OPEN BURNING REGULATIONS AND REFERENCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA THAT THE FOLLOWING CODE SECTIONS ARE AMENDED BY THE DELETION OF LANGUAGE INDICATED BY STRIKEOUT (—) AND BY THE ADDITION OF LANGUAGE INDICATED BY HIGHLIGHT (■):

Section 1. Section 5-2-2 is hereby amended to read as follows

5-2-2 Adoption Of Building Code

Pursuant to ~~After~~ published notice and public hearing as required by law, the International Building Code, 2009~~2015~~ Edition, and all provisions of the International Building Code Referenced Standards, 2009~~2015~~ Edition, referred to therein, published by the International Code Council, and commonly known as the International Building Code, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Building Code, 2009~~2015~~ Edition, and as adopted by the City of Storm Lake, Iowa, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Building Code, 2009~~2015~~ Edition, Section 109, Building Permit fees shall be based on the total estimated cost of construction, reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Building Code, 2009~~2015~~ ~~e~~ Edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.
2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Building Code.

(C) The provisions of Section 113.3 of the International Building Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) Section ~~101.4~~101.4.3, of the International Building Code shall be amended to ~~S~~state: "The Uniform Plumbing Code, ~~Uniform Mechanical Code, and National Electrical Code~~ shall be the referenced Codes used in conjunction with this code to the prescribed extent of each such reference."

(E) Delete Sections 101.4.1, ~~101.4.2~~, 101.4.3, 101.4.4, and 101.4.6 of the International Building Code.

(Ord. No. 10-O-94-95, Amended, 01/03/95)

Section 2. Section 5-3-3 is hereby amended to read as follows

5-3-3 Plumbing Code Adopted

~~Pursuant to~~After published notice and public hearing as required by law, the Uniform Plumbing Code, ~~2009 Edition~~2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, but as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health pursuant to Iowa Code Section 105.4(1)(a) and administrative rules issued pursuant thereto, is hereby adopted in its entirety as the Plumbing Code for the City, except as provided below in this Section 5-3-3, and it is hereby incorporated by reference. All installations, repairs and alterations of plumbing within the City shall be made in conformance with the City's Plumbing Code as the same may be modified, however, by regulations issued by the State of Iowa Plumbing Code Committee and no permit shall be issued by the Plumbing Inspector for such a project if the plans and specifications are not in conformance with that Plumbing Code.

A copy of the Uniform Plumbing Code, ~~2009 Edition~~, as adopted and amended by the Iowa plumbing and mechanical systems board, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

~~Notwithstanding the provisions of said Uniform Plumbing Code, 2009 Edition, the provisions of Section 103.4~~104.5 of the Uniform Plumbing Code relating to fees shall not apply in the City of Storm Lake, Iowa, including any schedules referred to by said ~~paragraphs~~Section. In lieu thereof, the applicant shall pay a fee as provided in Title 5, Chapter 3, Section 10.

(Ord. No. 11-O-94-95, Amended, 01/03/95)

Section 3. Section 5-4-3 is hereby amended to read as follows

5-4-3 Electrical Code Adopted

~~Pursuant to~~After published notice and public hearing as required by law, the National Electrical Code, ~~2008~~2014 Edition, as published and approved by the National Fire Protection Association but as adopted and amended from time to time by the electrical examining board within the division of state fire marshal

of the Iowa Department of Public Safety pursuant to Iowa Code Section 103.6 and administrative rules pursuant thereto is hereby adopted as ~~approved by the State of Iowa~~, as the Electrical Code for the City and it is hereby incorporated by reference. All installations, repair or replacement of electrical equipment within the City shall be made in conformance with ~~that the Electrical Code for the City~~ and no permit shall be issued by the Electrical Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the National Electrical Code, ~~2008~~2014 Edition, as adopted and amended by the electrical examining board within the division of state fire marshal of the Iowa Department of Public Safety, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of the National Electrical Code, ~~2008~~2014 Edition, as adopted and amended by the electrical examining board within the division of state fire marshal of the Iowa Department of Public Safety, ~~as adopted by the State of Iowa~~, the following provisions shall apply:

(A) All business buildings (either erected, altered or converted for such purpose), public buildings, schools, churches, oil stations, warehouses, bulk oil plants, institutional buildings, apartment houses and all buildings except dwelling houses of not more than two (2) families, shall be wired throughout with rigid conduit, armored cable, flexible steel conduit, metal raceway, electrical metallic tubing, or electrical non-metallic tubing in accordance with NEW requirements, provided, however, that armored cable or flexible steel conduit may be used only where it is impractical to use rigid conduit or electrical metallic tubing, and further provided that in remodeling work in the buildings above mentioned, metal surface raceway may be used in remodeling, where, in the opinion of the Electrical Inspector, it is impractical to install rigid conduit or electrical metallic tubing. However, in all structures having four (4) or more dwelling units, a feeder must be installed to each dwelling unit branch circuit panel and run in conduit or electric metallic tubing. Each individual dwelling unit may be wired in metallic armored cable (BX) or non-metallic sheath cable (Romex).

(B) Basements of all dwelling houses shall be wired in rigid conduit or electric metallic tubing with the same provision for the use of armored cable or flexible steel conduit as provided in the preceding paragraph, provided that where the entrance switch or panel is on a floor other than the basement, the conduit must be continuous from such switch or panel and connect to the basement conduit. The balance of buildings used as dwelling houses for not more than two (2) families and private garages may be wired with non-metallic sheathed cable.

(C) All sign boards or poster boards shall be wired in rigid conduit or electric metallic tubing.

(Ord. No. 019697, Amended, 08/19/96)

Section 4. Section 5-4-6 is hereby amended to read as follows

5-4-6 Permits

No electrical equipment shall be installed within or on any building, structure or premises, publicly or

privately owned, nor any alterations or additions made in existing equipment, without first securing a permit therefore from the Electrical Inspector except that a permit shall not be required to construct, maintain or install any of the following classes of electrical work:

(A) Minor work and repairs where cost of material shall not exceed one hundred dollars (\$100.00).

(B) The installation, alteration or repair of electrical equipment installed by or for any electrical supply agency, for the use of such agency, in the generation, transmission, distribution or metering of electricity.

(C) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

(D) Inspections and an electrical permit are not required if all of the following conditions apply:

1. The installation is performed by a licensed Electrical Contractor, Residential Electrical Contractor or their employees.
2. The installation does not in any way involve work within a new or existing switchboard or panelboard.
3. The installation does not exceed 30 amps.
4. The installation does not exceed 277 volts, single phase.

Section 5. Section 5-6-2 is hereby amended to read as follows

5-6-2 Adoption Of Mechanical Code

~~Pursuant to~~ After published notice and public hearing as required by law, the International Mechanical Code, ~~2009~~2015 Edition, as published by the International Code Council, Inc., but as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health pursuant to Iowa Code Section 105.4(1)(a) and administrative rules issued pursuant thereto and commonly known as the International Mechanical Code is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Mechanical Code, ~~2009~~2015 Edition, as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health, and a certified copy of this Ordinance are on file in the office of the Building Official.

Notwithstanding the provisions of said International Mechanical Code, ~~2009~~2015 Edition, as adopted and amended by the plumbing and mechanical systems board in the Iowa Department of Public Health, the provisions of Section 106.5 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the cost of the mechanical improvements shall be included with the other costs of building improvements subject to the Building Permit Fee Schedule required by Title 5, Chapter 2, Section 2 and therefore collected as a part of the building permit fee.

The provisions of Section 109 of the International Mechanical Code are hereby amended by providing that ~~elect~~ elected officials of the City who are not full-time employees may serve on the Board of Appeals. ~~shall be established as required in Section 5-2-2(e) of the Storm Lake City Code.~~

(Ord. No. 12-O-94-95, Amended, 01/03/95)

Section 6. Section 5-8-8 is hereby amended to read as follows

5-8-8 CODE CITATIONS IN SUPPORT OF SUBSTANDARD BUILDING STANDARDS

The following references to substandard building standards set forth in Chapter 10 of the Uniform Housing Code and set out in the left column below shall be held to mean a condition which does not meet the standards set forth in the code section or sections set forth opposite that standard:

Substandard Building Standard Support Code Section

1001.2(1)	UHC 505.1, UPC 413.14 401.2
1001.2(3)	UHC 505.3, UPC 406.34 420.0
1001.2(5)	Definitions/Chapter 4, UHC
1001.2(6)	UHC 701.1, IBC 1204.1
1001.2(8) (Ventilation only)	UHC 504
1001.2(10)	UHC 504.4, UHC 701.2
1001.2(14)	UHC 1001.2, Section 3-2-2(d)Storm Lake City Code
1001.3(2)	UHC 1001.3, Tables 2308.8(1) 2308.4.2.1(1), 2308.8(2) 2308.4.2.1(2), IBC
1001.3(3)	UHC 101.3, Tables 2308.8(1) 2308.4.2.1(1), 2308.8(2) 2308.4.2.1(2), IBC
1001.3(5)	Table 2308.9.1 2308.5.1 IBC
1001.3(7)	Tables 2308.10.2(1) 2308.7.1(1),(2) and 2308.10.3(3) 2308.7.2(3) IBC
1001.3(8)	UHC 1001.3
1001.5	<u>Control Panel</u> Access UFC 8509.2 IFC 605.3 Labeled IFC 605.3.1 Openings NEC 110.12(A) <u>Outlets</u> Covered NEC 406.5 406.6 Open Wires/Splices IFC 605.6 Extension Cords IFC 605.5 Proper Overcurrent Protection NEC Table 3-10-16 310.15(B)(16) Electrical Service Sized To Loads Imposed NEC 230.42 230.23
1001.6	Plumbing Which Has Not Been Maintained In Good Condition UHC 1001.6 Plumbing Which Has Cross Connections Or Siphonage Between Fixtures UPC 602.0
1001.7	Water Heaters and Boilers Which Do not have the Pressure Relief Valve Piped To Within 6" To The Floor UPC 608.5 Fuel Fired Equipment Without A Shutoff Valve Installed in the Gas Piping Within 6' of the Appliance UPC 4212.4 1212.5
1001.9	Buildings Not Designed For Occupancy UHC 1001.14 Improper Number of Exits Provided For Occupancy Load IBC 1018.1 1006 Improper Storage Class I and II NFPA 30, Chapter 9.3.6 and 9.3.7 Flammable Containers IFC 3404.3.5 30404.3.4 Smoke Detectors - IFC 907.2.10.3 907.2.11 Fire Alarm Systems - IFC 907.2.9 Fire Extinguishers - IFC 906

(Ord. No. 079596, Enacted, 12/18/95)

Section 7. Section 5-9-2 is hereby amended to read as follows

5-9-2 Adoption of Residential Building Code

Pursuant to published notice and public hearing as required by law, the International Residential Code, 2009~~2015~~ Edition, published by the International Code Council, Inc. ~~and commonly known as the International Code Council, are~~ is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Residential Code, 2009~~2015~~ Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Residential Code, 2009~~2015~~ Edition, Section R108.2, building permit fees shall be based on the total estimated cost of construction reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Residential Code, 2009~~2015~~ Edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.

2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Residential Code, 2009~~2015~~ Edition.

b. Buildings intended for residential use, as defined in the Storm Lake Zoning Ordinance, may provide for wooden foundations otherwise meeting the strength and support requirements established by the International Residential Code, 2009~~2015~~ Edition.

(C) The provisions of Section R112.3 of the International Residential Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) The following Chapters of the 2009~~2015~~ International Residential Code are hereby deleted: Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, (except 2904) 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, ~~and 41 and 43.~~

(E) Section R504, of the 2009~~2015~~ International Residential Code is hereby deleted.

(F) Amend Table R402.2: Insert 3,000, in place of 2,500, in the severe weathering potential column.

(G) Amend R102.4 to State: "The Codes and Standards referenced in this Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Any reference made in regard to Plumbing, Mechanical, Electrical, or Fire Codes shall be in fact construed to mean the Uniform Plumbing, International Mechanical, and International Fire Codes, as well as the National Electrical Code. When differences occur between provisions of this Code, as adopted, and referenced codes and standards, the provisions of this Code shall apply.

(H) Subsections R313.1 and R313.2 of the 2009~~2015~~ International Residential Code are hereby amended by deleting said sections and inserting in lieu thereof the following:

The following structures shall be provided with automatic fire sprinkler systems installed in accordance section 2904 of the IRC, NFPA 13, NFPA 13R, NFPA 13D, or other systems listed and approved for installation in dwellings:

1. Any residential dwelling unit in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage areas), that exceed 5,000 square feet.
2. Townhouse structures that contain more than 6 dwelling units.
3. Townhouse structures that exceed 14,000 square feet in gross floor area 9as determined above for dwelling units).

Section 8. Section 7-1-1 is hereby amended to read as follows

7-1-1 Adoption Of International Fire Code

~~There is hereby adopted by the City of Storm Lake, Iowa for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the~~ adopts the International Fire Code, 2015 Edition, and other Standards as may be referenced therein, published by the International Code Council, Inc., as adopted and amended from time to time by the state fire marshal in the Iowa Department of Public Safety pursuant to Iowa Code Sections 100.1(5) and 100.35 and administrative rules pursuant thereto, ~~being particularly the 2009 Editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Sections 7-1-5, 7-1-6, and 7-1-7 hereof, of which~~Such Code and Standards have been and are now filed in the office of the Building Official and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, the provision thereof shall be controlling within the limits of the City.
(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 9. Section 7-1-5 is hereby amended to read as follows

7-1-5 Establishments Of Limits In Which Storage Of Liquified Petroleum Gases Is To Be Restricted

Section ~~3301.1~~^{6101.1} of the International Fire Code shall be amended as follows: Storage of liquefied petroleum gas is restricted, are hereby established as follows:

Within the City limits of Storm Lake, Iowa with the exception of the Heavy Industrial (GI) Zoning District lying east of Geisinger Road and Flindt Drive and south of the abandoned railroad right-of-way.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 10. Section 7-1-6 is hereby amended to read as follows

7-1-6 Establishments Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

Section ~~3301.1~~^{5601.1}, of the International Fire Code is amended to read as follows: Storage of explosives and blasting agents is prohibited within the City Limits of Storm Lake, Iowa.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 11. Section 7-1-7 is hereby amended to read as follows

7-1-7 Amendments Made In The International Fire Code

NFPA30, Flammable and Combustible Liquids Code is amended and changed in the following respects:

Reference Chapter 23.4 of NFPA30, ~~2008 Edition~~.

Location: A flammable or combustible liquid storage tank may be located underground, either away from or under a building, if such installation meets the requirements of this Section, except that no such installation can be made in any Residential District within the City.

Chapter 4.3.2.7 of NFPA 30A ~~2008 Edition~~, as referenced by the International Fire Code shall have the following added:

Class I or Class II liquids shall not be dispensed into the fuel tank of a motor vehicle from above ground tanks with the exception that this subsection shall prohibit the dispensing of Class I or Class II liquids in the open from a fuel dispensing system supplied by an above ground tank or tanks, not to exceed a total of 6,000 gallons in capacity at any one location, which are located in areas of the City zoned light industrial (LI) or heavy industrial (GI) and intended for fueling vehicles used in connection with a business operated by the owner or lessee of the premises providing:

- a. An inspection of the premises and operations has been made and approval granted by the Storm Lake Fire Chief.
- b. The dispensing is done on premises which are not open to the public.
- c. The tank is safeguarded against collision, spillage and overfill, to the satisfaction of the Storm Lake Fire Chief.

d. The tank system is listed or approved for such above ground use, and the longest dimension of each tank shall be the horizontal dimension.

e. The tank complies with the requirements for emergency relief venting, and the tank and dispensing system the electrical classification requirements of the Code.

f. The tank or tanks are not located within forty feet (40') from any building or any property line of a parcel of land not under the ownership or lease of the operator.

g. The tank or tanks are not located within twenty feet (20') from any tanks used to store LP gas.

h. The tank storage shall be located completely within a concrete bunker which shall surround the tank or tanks and appurtenances and have the capacity to hold 120% of the capacity of the tank or tanks. The said bunker must be at least 3,000 psi concrete, be watertight with drain plug installed, and shall otherwise comply with the provisions of NFPA 30, Flammable and Combustible Liquids Code, ~~Chapter 2~~ or the comparable provisions of NFPA 30A, as appropriate.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 12. Section 7-2-2 is hereby amended to read as follows

7-2-2 Permitted Open Burning

A. Following A Disaster:

The Fire Chief may authorize limited periods of open burning to assist in the clean up of debris in the aftermath of manmade or natural disasters such as tornadoes and ice storms.

B. Training Fires:

The scheduled burning of a structure or a field of prairie grass for the purpose of training member of the Fire Department which has been requested by the Fire Chief and approved by the Director of Public Safety and the City Administrator.

C. Recreational Fires:

A recreational fire is a fire for religious, ceremonial, cooking, camping or social purposes. Permitted recreational fires include fires in an outdoor fireplace or a barbecue pit.

Fires on the open ground, or in a fire ring, are permitted recreational fires if 1) they are authorized by the owner of the property on which they are located; 2) the fire has a total fuel area three feet (3') or less in diameter and two feet (2') or less in height; and 3) the fire is not located within twenty-five feet (25') of any structure.

In addition, to qualify as a recreational fire, all of the following requirements must be met:

1. The fuel used must be clean, dry firewood or charcoal only. No yard waste (other than clean dry tree

limbs cut to be the equivalent of firewood), house waste, rubbish, paneling, treated lumber or construction debris may be burned nor may any materials containing glass, paint, solvents or which contain high moisture or sap content which may produce noxious fumes or dense smoke.

2. Recreational fires are not permitted when the wind speed exceeds 20 mph or under drought conditions when the Fire Chief has proclaimed a ban on such fires.

3. Recreational fires in approved burning appliances equipped with a spark arrester and/or a lid must be at least fifteen feet (15') from any structure and they may not be placed on a combustible surface if the burning chamber of that appliance will come in contact with that surface.

4. An adult must be in attendance at the recreational fire until it is out.

5. Recreational fires shall not be conducted before 7:00 A.M. and shall be completely extinguished when the activity ceases, or by 12:00 midnight, whichever comes first.

6. The person responsible for the fire shall have a fire extinguisher or other means of extinguishing the fire available.

D. Certain fires on property within an Agricultural Reserve (AGRES) Zoning District established under the Zoning Code of Storm Lake, Iowa:

A fire that is located on a taxable real estate parcel of two or more acres, or located on two or more contiguous taxable parcels which are owned by a common owner and together comprise two or more acres, situated exclusively within an Agricultural Reserve (AGRES) Zoning District established under the Zoning Code of Storm Lake, Iowa, is permitted if the following conditions are satisfied:

1. Materials burned consist of brush, including twigs, removed or fallen tree limbs, fallen leaves, and removed shrubs, but excluding grass and grass clippings, other yard waste and garden waste.

2. Wind speeds are 20 miles per hour or less.

3. The fire is not closer than fifty (50) feet to any structure.

4. The fire is not under drought conditions when the Fire Chief has proclaimed a ban on such a fire.

The following items also shall not be burned in a fire otherwise permitted under this Subsection D: rubbish; trash; paneling; treated lumber; construction debris; materials containing glass, paint, or solvents; and materials or vegetation that contain high moisture or sap content which may produce noxious fumes or dense smoke.

SECTION 13. 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 14. 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 15. EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

8/15/2016

Agenda Item # 4.



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

REPORT TO: Honorable Mayor and City Council

FROM: Scott Olesen, Building Official

SUBJECT: Ordinance No. 01-O-2016-2017 Amending The City Code By Updating The Referenced Construction Codes and Standards To The Most Recent Editions - 1st Reading

BACKGROUND:

The City Code adopts by reference the International Building, Residential, Fire, and Mechanical Codes, as well as the Uniform Plumbing Code and National Electrical Code.

These codes are produced by the International Code Council, the National Fire Protection Association, and the International Association of Plumbing and Mechanical Officials. Each of these organizations updates their codes on a three year cycle.

At this time, City staff is proposing to update from the 2009 versions of the International Building, Fire, Residential, and Mechanical codes, as well as the Uniform Plumbing Code to the 2015 versions. The National Electrical Code is on a different three year cycle and therefore we will be updating to the 2014 National Electrical Code.

Updating to the current code editions will bring the City into line with the codes adopted by the State of Iowa and other jurisdictions. Additionally, the City of Storm Lake is reviewed every three years by the Insurances Services Offices (ISO), which provides ratings for building departments which is then used for setting insurance rates. A City's ISO rating is also used by FEMA in responding to natural disasters. Adopting more current codes will help to maintain our current rating.

Adopting the most current codes is also important to keep pace with new materials and techniques in the industry as well.

The International Building Code regulates the construction of all commercial, industrial, and multifamily dwellings. The International Residential Code regulates the construction of one and two family dwellings and townhomes. The International Mechanical Code provides the requirements for the installation of heating and cooling systems as well as kitchen hoods in commercial cooking operations. The Uniform Plumbing Code regulates the installation of plumbing, water heaters,, and gas piping in buildings as well as other similar items.

The State Code requires that when we adopt the construction codes as adopted by the State of Iowa, that we do so in a 30 day time period. In order to comply with this, staff will ask to have the second reading waived at the September 5th City Council meeting and hold the third reading of the City Code amendment.

A copy of the proposed Ordinance and the amendments is attached for your review.

FISCAL IMPACT:

Legal fees and publication are estimated to be \$500.00

RECOMMENDATION:

Pass on 1st reading August 15, 2016
Waive 2nd reading on September 6, 2016
Pass on 3rd reading September 6, 2016

ATTACHMENTS:

Description	Type
 Ordinance No. 01-O-2016-2017	Ordinance

ORDINANCE NO. 01-O-2016-2017

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3, SECTION 3; TITLE 5, CHAPTER 4, SECTIONS 3 AND 6; TITLE 5, CHAPTER 6, SECTION 2; TITLE 5, CHAPTER 9, SECTION 2; TITLE 7, CHAPTER 1, SECTIONS 1, 5, 6, AND; 7 AND TITLE 7; CHAPTER 2, SECTION 2 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY UPDATING BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE, HOUSING CODE, RESIDENTIAL BUILDING CODE, FIRE CODE AND OPEN BURNING REGULATIONS AND REFERENCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA THAT THE FOLLOWING CODE SECTIONS ARE AMENDED BY THE DELETION OF LANGUAGE INDICATED BY STRIKEOUT (—) AND BY THE ADDITION OF LANGUAGE INDICATED BY HIGHLIGHT (■):

Section 1. Section 5-2-2 is hereby amended to read as follows

5-2-2 Adoption Of Building Code

Pursuant to ~~After~~ published notice and public hearing as required by law, the International Building Code, 2009~~2015~~ Edition, and all provisions of the International Building Code Referenced Standards, 2009~~2015~~ Edition, referred to therein, published by the International Code Council, and commonly known as the International Building Code, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Building Code, 2009~~2015~~ Edition, and as adopted by the City of Storm Lake, Iowa, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Building Code, 2009~~2015~~ Edition, Section 109, Building Permit fees shall be based on the total estimated cost of construction, reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Building Code, 2009~~2015~~ e~~E~~dition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.
2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Building Code.

(C) The provisions of Section 113.3 of the International Building Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) Section ~~101.4~~101.4.3, of the International Building Code shall be amended to ~~S~~state: "The Uniform Plumbing Code, ~~Uniform Mechanical Code, and National Electrical Code~~ shall be the referenced Codes used in conjunction with this code to the prescribed extent of each such reference."

(E) Delete Sections 101.4.1, ~~101.4.2~~, 101.4.3, 101.4.4, and 101.4.6 of the International Building Code.

(Ord. No. 10-O-94-95, Amended, 01/03/95)

Section 2. Section 5-3-3 is hereby amended to read as follows

5-3-3 Plumbing Code Adopted

~~Pursuant to~~After published notice and public hearing as required by law, the Uniform Plumbing Code, ~~2009 Edition~~2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, but as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health pursuant to Iowa Code Section 105.4(1)(a) and administrative rules issued pursuant thereto, is hereby adopted in its entirety as the Plumbing Code for the City, except as provided below in this Section 5-3-3, and it is hereby incorporated by reference. All installations, repairs and alterations of plumbing within the City shall be made in conformance with the City's Plumbing Code as the same may be modified, however, by regulations issued by the State of Iowa Plumbing Code Committee and no permit shall be issued by the Plumbing Inspector for such a project if the plans and specifications are not in conformance with that Plumbing Code.

A copy of the Uniform Plumbing Code, ~~2009 Edition~~, as adopted and amended by the Iowa plumbing and mechanical systems board, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

~~Notwithstanding the provisions of said Uniform Plumbing Code, 2009 Edition, the provisions of Section 103.4~~104.5 of the Uniform Plumbing Code relating to fees shall not apply in the City of Storm Lake, Iowa, including any schedules referred to by said ~~paragraphs~~Section. In lieu thereof, the applicant shall pay a fee as provided in Title 5, Chapter 3, Section 10.

(Ord. No. 11-O-94-95, Amended, 01/03/95)

Section 3. Section 5-4-3 is hereby amended to read as follows

5-4-3 Electrical Code Adopted

~~Pursuant to~~After published notice and public hearing as required by law, the National Electrical Code, ~~2008~~2014 Edition, as published and approved by the National Fire Protection Association but as adopted and amended from time to time by the electrical examining board within the division of state fire marshal

of the Iowa Department of Public Safety pursuant to Iowa Code Section 103.6 and administrative rules pursuant thereto is hereby adopted as ~~approved by the State of Iowa~~, as the Electrical Code for the City and it is hereby incorporated by reference. All installations, repair or replacement of electrical equipment within the City shall be made in conformance with ~~that the Electrical Code for the City~~ and no permit shall be issued by the Electrical Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the National Electrical Code, ~~2008~~2014 Edition, as adopted and amended by the electrical examining board within the division of state fire marshal of the Iowa Department of Public Safety, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of the National Electrical Code, ~~2008~~2014 Edition, as adopted and amended by the electrical examining board within the division of state fire marshal of the Iowa Department of Public Safety, ~~as adopted by the State of Iowa~~, the following provisions shall apply:

(A) All business buildings (either erected, altered or converted for such purpose), public buildings, schools, churches, oil stations, warehouses, bulk oil plants, institutional buildings, apartment houses and all buildings except dwelling houses of not more than two (2) families, shall be wired throughout with rigid conduit, armored cable, flexible steel conduit, metal raceway, electrical metallic tubing, or electrical non-metallic tubing in accordance with NEW requirements, provided, however, that armored cable or flexible steel conduit may be used only where it is impractical to use rigid conduit or electrical metallic tubing, and further provided that in remodeling work in the buildings above mentioned, metal surface raceway may be used in remodeling, where, in the opinion of the Electrical Inspector, it is impractical to install rigid conduit or electrical metallic tubing. However, in all structures having four (4) or more dwelling units, a feeder must be installed to each dwelling unit branch circuit panel and run in conduit or electric metallic tubing. Each individual dwelling unit may be wired in metallic armored cable (BX) or non-metallic sheath cable (Romex).

(B) Basements of all dwelling houses shall be wired in rigid conduit or electric metallic tubing with the same provision for the use of armored cable or flexible steel conduit as provided in the preceding paragraph, provided that where the entrance switch or panel is on a floor other than the basement, the conduit must be continuous from such switch or panel and connect to the basement conduit. The balance of buildings used as dwelling houses for not more than two (2) families and private garages may be wired with non-metallic sheathed cable.

(C) All sign boards or poster boards shall be wired in rigid conduit or electric metallic tubing.

(Ord. No. 019697, Amended, 08/19/96)

Section 4. Section 5-4-6 is hereby amended to read as follows

5-4-6 Permits

No electrical equipment shall be installed within or on any building, structure or premises, publicly or

privately owned, nor any alterations or additions made in existing equipment, without first securing a permit therefore from the Electrical Inspector except that a permit shall not be required to construct, maintain or install any of the following classes of electrical work:

(A) Minor work and repairs where cost of material shall not exceed one hundred dollars (\$100.00).

(B) The installation, alteration or repair of electrical equipment installed by or for any electrical supply agency, for the use of such agency, in the generation, transmission, distribution or metering of electricity.

(C) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

(D) Inspections and an electrical permit are not required if all of the following conditions apply:

1. The installation is performed by a licensed Electrical Contractor, Residential Electrical Contractor or their employees.
2. The installation does not in any way involve work within a new or existing switchboard or panelboard.
3. The installation does not exceed 30 amps.
4. The installation does not exceed 277 volts, single phase.

Section 5. Section 5-6-2 is hereby amended to read as follows

5-6-2 Adoption Of Mechanical Code

~~Pursuant to~~ After published notice and public hearing as required by law, the International Mechanical Code, ~~2009~~2015 Edition, as published by the International Code Council, Inc., but as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health pursuant to Iowa Code Section 105.4(1)(a) and administrative rules issued pursuant thereto and commonly known as the International Mechanical Code is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Mechanical Code, ~~2009~~2015 Edition, as adopted and amended from time to time by the plumbing and mechanical systems board in the Iowa Department of Public Health, and a certified copy of this Ordinance are on file in the office of the Building Official.

Notwithstanding the provisions of said International Mechanical Code, ~~2009~~2015 Edition, as adopted and amended by the plumbing and mechanical systems board in the Iowa Department of Public Health, the provisions of Section 106.5 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the cost of the mechanical improvements shall be included with the other costs of building improvements subject to the Building Permit Fee Schedule required by Title 5, Chapter 2, Section 2 and therefore collected as a part of the building permit fee.

The provisions of Section 109 of the International Mechanical Code are hereby amended by providing that ~~elect~~ elected officials of the City who are not full-time employees may serve on the Board of Appeals. ~~shall be established as required in Section 5-2-2(e) of the Storm Lake City Code.~~

(Ord. No. 12-O-94-95, Amended, 01/03/95)

Section 6. Section 5-8-8 is hereby amended to read as follows

5-8-8 CODE CITATIONS IN SUPPORT OF SUBSTANDARD BUILDING STANDARDS

The following references to substandard building standards set forth in Chapter 10 of the Uniform Housing Code and set out in the left column below shall be held to mean a condition which does not meet the standards set forth in the code section or sections set forth opposite that standard:

Substandard Building Standard Support Code Section

1001.2(1)	UHC 505.1, UPC 413.14 401.2
1001.2(3)	UHC 505.3, UPC 406.34 420.0
1001.2(5)	Definitions/Chapter 4, UHC
1001.2(6)	UHC 701.1, IBC 1204.1
1001.2(8) (Ventilation only)	UHC 504
1001.2(10)	UHC 504.4, UHC 701.2
1001.2(14)	UHC 1001.2, Section 3-2-2(d)Storm Lake City Code
1001.3(2)	UHC 1001.3, Tables 2308.8(1) 2308.4.2.1(1), 2308.8(2) 2308.4.2.1(2), IBC
1001.3(3)	UHC 101.3, Tables 2308.8(1) 2308.4.2.1(1), 2308.8(2) 2308.4.2.1(2), IBC
1001.3(5)	Table 2308.9.1 2308.5.1 IBC
1001.3(7)	Tables 2308.10.2(1) 2308.7.1(1),(2) and 2308.10.3(3) 2308.7.2(3) IBC
1001.3(8)	UHC 1001.3
1001.5	<u>Control Panel</u> Access UFC 8509.2 IFC 605.3 Labeled IFC 605.3.1 Openings NEC 110.12(A) <u>Outlets</u> Covered NEC 406.5 406.6 Open Wires/Splices IFC 605.6 Extension Cords IFC 605.5 Proper Overcurrent Protection NEC Table 3-10-16 310.15(B)(16) Electrical Service Sized To Loads Imposed NEC 230.42 230.23
1001.6	Plumbing Which Has Not Been Maintained In Good Condition UHC 1001.6 Plumbing Which Has Cross Connections Or Siphonage Between Fixtures UPC 602.0
1001.7	Water Heaters and Boilers Which Do not have the Pressure Relief Valve Piped To Within 6" To The Floor UPC 608.5 Fuel Fired Equipment Without A Shutoff Valve Installed in the Gas Piping Within 6' of the Appliance UPC 4212.4 1212.5
1001.9	Buildings Not Designed For Occupancy UHC 1001.14 Improper Number of Exits Provided For Occupancy Load IBC 1018.1 1006 Improper Storage Class I and II NFPA 30, Chapter 9.3.6 and 9.3.7 Flammable Containers IFC 3404.3.5 30404.3.4 Smoke Detectors - IFC 907.2.10.3 907.2.11 Fire Alarm Systems - IFC 907.2.9 Fire Extinguishers - IFC 906

(Ord. No. 079596, Enacted, 12/18/95)

Section 7. Section 5-9-2 is hereby amended to read as follows

5-9-2 Adoption of Residential Building Code

Pursuant to published notice and public hearing as required by law, the International Residential Code, 2009~~2015~~ Edition, published by the International Code Council, Inc. ~~and commonly known as the International Code Council, are~~ is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Residential Code, 2009~~2015~~ Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Residential Code, 2009~~2015~~ Edition, Section R108.2, building permit fees shall be based on the total estimated cost of construction reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Residential Code, 2009~~2015~~ Edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.

2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:

- a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Residential Code, 2009~~2015~~ Edition.

- b. Buildings intended for residential use, as defined in the Storm Lake Zoning Ordinance, may provide for wooden foundations otherwise meeting the strength and support requirements established by the International Residential Code, 2009~~2015~~ Edition.

(C) The provisions of Section R112.3 of the International Residential Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) The following Chapters of the 2009~~2015~~ International Residential Code are hereby deleted: Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, (except 2904) 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, ~~and 41 and 43.~~

(E) Section R504, of the 20092015 International Residential Code is hereby deleted.

(F) Amend Table R402.2: Insert 3,000, in place of 2,500, in the severe weathering potential column.

(G) Amend R102.4 to State: "The Codes and Standards referenced in this Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Any reference made in regard to Plumbing, Mechanical, Electrical, or Fire Codes shall be in fact construed to mean the Uniform Plumbing, International Mechanical, and International Fire Codes, as well as the National Electrical Code. When differences occur between provisions of this Code, as adopted, and referenced codes and standards, the provisions of this Code shall apply.

(H) Subsections R313.1 and R313.2 of the 20092015 International Residential Code are hereby amended by deleting said sections and inserting in lieu thereof the following:

The following structures shall be provided with automatic fire sprinkler systems installed in accordance section 2904 of the IRC, NFPA 13, NFPA 13R, NFPA 13D, or other systems listed and approved for installation in dwellings:

1. Any residential dwelling unit in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage areas), that exceed 5,000 square feet.
2. Townhouse structures that contain more than 6 dwelling units.
3. Townhouse structures that exceed 14,000 square feet in gross floor area 9as determined above for dwelling units).

Section 8. Section 7-1-1 is hereby amended to read as follows

7-1-1 Adoption Of International Fire Code

~~There is hereby adopted by the City of Storm Lake, Iowa for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the~~ adopts the International Fire Code, 2015 Edition, and other Standards as may be referenced therein, published by the International Code Council, Inc., as adopted and amended from time to time by the state fire marshal in the Iowa Department of Public Safety pursuant to Iowa Code Sections 100.1(5) and 100.35 and administrative rules pursuant thereto, ~~being particularly the 2009 Editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Sections 7-1-5, 7-1-6, and 7-1-7 hereof, of which~~Such Code and Standards have been and are now filed in the office of the Building Official and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, the provision thereof shall be controlling within the limits of the City.
(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 9. Section 7-1-5 is hereby amended to read as follows

7-1-5 Establishments Of Limits In Which Storage Of Liquified Petroleum Gases Is To Be Restricted

Section ~~3301.1~~^{6101.1} of the International Fire Code shall be amended as follows: Storage of liquefied petroleum gas is restricted, are hereby established as follows:

Within the City limits of Storm Lake, Iowa with the exception of the Heavy Industrial (GI) Zoning District lying east of Geisinger Road and Flindt Drive and south of the abandoned railroad right-of-way.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 10. Section 7-1-6 is hereby amended to read as follows

7-1-6 Establishments Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

Section ~~3301.1~~^{5601.1}, of the International Fire Code is amended to read as follows: Storage of explosives and blasting agents is prohibited within the City Limits of Storm Lake, Iowa.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 11. Section 7-1-7 is hereby amended to read as follows

7-1-7 Amendments Made In The International Fire Code

NFPA30, Flammable and Combustible Liquids Code is amended and changed in the following respects:

Reference Chapter 23.4 of NFPA30, ~~2008 Edition~~.

Location: A flammable or combustible liquid storage tank may be located underground, either away from or under a building, if such installation meets the requirements of this Section, except that no such installation can be made in any Residential District within the City.

Chapter 4.3.2.7 of NFPA 30A ~~2008 Edition~~, as referenced by the International Fire Code shall have the following added:

Class I or Class II liquids shall not be dispensed into the fuel tank of a motor vehicle from above ground tanks with the exception that this subsection shall prohibit the dispensing of Class I or Class II liquids in the open from a fuel dispensing system supplied by an above ground tank or tanks, not to exceed a total of 6,000 gallons in capacity at any one location, which are located in areas of the City zoned light industrial (LI) or heavy industrial (GI) and intended for fueling vehicles used in connection with a business operated by the owner or lessee of the premises providing:

- a. An inspection of the premises and operations has been made and approval granted by the Storm Lake Fire Chief.
- b. The dispensing is done on premises which are not open to the public.
- c. The tank is safeguarded against collision, spillage and overfill, to the satisfaction of the Storm Lake Fire Chief.

d. The tank system is listed or approved for such above ground use, and the longest dimension of each tank shall be the horizontal dimension.

e. The tank complies with the requirements for emergency relief venting, and the tank and dispensing system the electrical classification requirements of the Code.

f. The tank or tanks are not located within forty feet (40') from any building or any property line of a parcel of land not under the ownership or lease of the operator.

g. The tank or tanks are not located within twenty feet (20') from any tanks used to store LP gas.

h. The tank storage shall be located completely within a concrete bunker which shall surround the tank or tanks and appurtenances and have the capacity to hold 120% of the capacity of the tank or tanks. The said bunker must be at least 3,000 psi concrete, be watertight with drain plug installed, and shall otherwise comply with the provisions of NFPA 30, Flammable and Combustible Liquids Code, ~~Chapter 2~~ or the comparable provisions of NFPA 30A, as appropriate.

(Ord. No. 13-O-94-95, Amended, 01/03/95)

Section 12. Section 7-2-2 is hereby amended to read as follows

7-2-2 Permitted Open Burning

A. Following A Disaster:

The Fire Chief may authorize limited periods of open burning to assist in the clean up of debris in the aftermath of manmade or natural disasters such as tornadoes and ice storms.

B. Training Fires:

The scheduled burning of a structure or a field of prairie grass for the purpose of training member of the Fire Department which has been requested by the Fire Chief and approved by the Director of Public Safety and the City Administrator.

C. Recreational Fires:

A recreational fire is a fire for religious, ceremonial, cooking, camping or social purposes. Permitted recreational fires include fires in an outdoor fireplace or a barbecue pit.

Fires on the open ground, or in a fire ring, are permitted recreational fires if 1) they are authorized by the owner of the property on which they are located; 2) the fire has a total fuel area three feet (3') or less in diameter and two feet (2') or less in height; and 3) the fire is not located within twenty-five feet (25') of any structure.

In addition, to qualify as a recreational fire, all of the following requirements must be met:

1. The fuel used must be clean, dry firewood or charcoal only. No yard waste (other than clean dry tree

limbs cut to be the equivalent of firewood), house waste, rubbish, paneling, treated lumber or construction debris may be burned nor may any materials containing glass, paint, solvents or which contain high moisture or sap content which may produce noxious fumes or dense smoke.

2. Recreational fires are not permitted when the wind speed exceeds 20 mph or under drought conditions when the Fire Chief has proclaimed a ban on such fires.

3. Recreational fires in approved burning appliances equipped with a spark arrester and/or a lid must be at least fifteen feet (15') from any structure and they may not be placed on a combustible surface if the burning chamber of that appliance will come in contact with that surface.

4. An adult must be in attendance at the recreational fire until it is out.

5. Recreational fires shall not be conducted before 7:00 A.M. and shall be completely extinguished when the activity ceases, or by 12:00 midnight, whichever comes first.

6. The person responsible for the fire shall have a fire extinguisher or other means of extinguishing the fire available.

D. Certain fires on property within an Agricultural Reserve (AGRES) Zoning District established under the Zoning Code of Storm Lake, Iowa:

A fire that is located on a taxable real estate parcel of two or more acres, or located on two or more contiguous taxable parcels which are owned by a common owner and together comprise two or more acres, situated exclusively within an Agricultural Reserve (AGRES) Zoning District established under the Zoning Code of Storm Lake, Iowa, is permitted if the following conditions are satisfied:

1. Materials burned consist of brush, including twigs, removed or fallen tree limbs, fallen leaves, and removed shrubs, but excluding grass and grass clippings, other yard waste and garden waste.

2. Wind speeds are 20 miles per hour or less.

3. The fire is not closer than fifty (50) feet to any structure.

4. The fire is not under drought conditions when the Fire Chief has proclaimed a ban on such a fire.

The following items also shall not be burned in a fire otherwise permitted under this Subsection D: rubbish; trash; paneling; treated lumber; construction debris; materials containing glass, paint, or solvents; and materials or vegetation that contain high moisture or sap content which may produce noxious fumes or dense smoke.

SECTION 13. 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 14. 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 15. EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

8/15/2016

Agenda Item # 5.



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

REPORT TO: Honorable Mayor and City Council

FROM: Jason Etnyre, Public Works Director

SUBJECT: Resolution No. 11-R-2016-2017 Accepting Certificate Of Substantial Completion On The North Central Storm Water Project

BACKGROUND: In June of 2015 the City of Storm Lake entered into a contract with H&W Contracting for the construction of the North Central storm water project. This project has been substantially completed by the contractor. There are still a couple of minor punch list items that the contractor will be finalizing within the next 30 days to close this project out. H&W is also required to provide the City of Storm Lake a vegetation establishment and maintenance warranty for a period of 2 years. This includes mowing, weed spraying and reseeding of areas that fail to grow and develop.

FISCAL IMPACT:

Original Contract Price:	\$2,790,031.05
Change Order #1:	\$(112,297.25)
Change Order #2	\$15,360
Change Order #3	\$17,000

New Contract Amount: \$2,710,093.80

RECOMMENDATION: Staff recommends that Council adopt Resolution No. 11-R-2016-2017 approving the Certificate of Substantial Completion for the North Central Storm Water Project.

ATTACHMENTS:

Description	Type
☐ Resolution No. 11-R-2016-2017	Resolution
☐ Certificate of Substantial Completion	Backup Material

RESOLUTION NO. 11-R-2016-2017

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

To approve the Certificate of Substantial Completion for the North Central Storm Water Project with a substantial completion date of August 8, 2016.

PASSES AND APPROVED this 15th day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

CERTIFICATE OF SUBSTANTIAL COMPLETION

DATE OF ISSUANCE August 8, 2016

OWNER City of Storm Lake, Iowa

CONTRACTOR H&W Contracting, LLC

Contract: North Central Storm Water

Project:

OWNER'S Contract No. _____

ENGINEER'S Project No. P11.106745

This Certificate of Substantial Completion applies to all Work under the Contract Documents or to the following specified parts thereof:

To City of Storm Lake, Iowa

OWNER

And To H&W Contracting, LLC

CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR, and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on:

August 8, 2016

DATE OF SUBSTANTIAL COMPLETION

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of CONTRACTOR to complete all Work in accordance with the Contract Documents. The items in the tentative list shall be completed or corrected by CONTRACTOR within 30 days of the above date of Substantial Completion.

The responsibilities between the OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: Owner has taken complete responsibility for operation, maintenance, and ownership of the facility except for the 2 year vegetation establishment and maintenance warranty

CONTRACTOR: Warranty period for all equipment and facilities started on August 8, 2016

The following documents are attached to and made part of this Certificate:
Punch List (August 9, 2016)

(For items to be attached see definition of Substantial Completion as supplemented and other specifically noted conditions precedent to achieving Substantial Completion as required by Contract Documents.)

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.

Executed by ENGINEER on

August 10, 2016
Date

Bolton & Menk, Inc.

ENGINEER

By:

[Signature]
(Authorized Signature)

CONTRACTOR accepts this Certificate of Substantial Completion on

8/10/16
Date

H&W Contracting, LLC

CONTRACTOR

By:

[Signature]
(Authorized Signature)

OWNER accepts this Certificate of Substantial Completion on

Date

City of Storm Lake, Iowa

OWNER

By:

(Authorized Signature)



PUNCH LIST

Owner: City of Storm Lake, Iowa **Date of Current Issue:** 08/09/2016
Project: North Central Storm Water **Date of Original Issue:** 08/09/2016
Owner Project No.: _____ **Comp. Date:** **Substantial** 08/08/2016 **Final** _____
Contractor: H&W Contracting, LLC **BMI Project No.:** P11.106745
Date(s) of Inspection(s): 08/09/2016

Below is a partial list of items, which must be completed or corrected prior to final acceptance of the subject project. This list may not be final, additional items may be added at a later date.

Item No.	Contract Reference	Item Description	Current Status	Accepted	
				By	Date
1		Backfill soil on Seneca and Spooner Streets	Open		
2		Seed disturbed areas on Seneca and Spooner Streets	Open		
3		Reseed areas where seeding did not take	Open		
4		Remove piles from staging area of future 13 th Street	Open		
5		Remove rocks and concrete from seeded areas. Specifically on Seneca and Spooner, East of Pond 2, and around rain gardens	Open		
6		Patch existing 18" RCP near Station 11+00 damaged during construction	Open		
7		Install all missing apron cages	Open		
8		Remove rocks from bottom of Rain Gardens	Open		
9		Replace Rain Gaurdian structure on North East corner of Oneida and 12 th Streets	Open		



PUNCH LIST

Owner: City of Storm Lake, Iowa
 Project: North Central Storm Water
 Project No.: P11.106745

Item No.	Contract Reference	Item Description	Current Status	Accepted	
				By	Date
10		Reseed biocells	Open		
11		Smooth ditch between project and 709 10 th Street place	Open		
12		Remove bypass pipe under 110 th Street as per agreement with Buena Vista County	Open		
13		Connect flow to Pond 1 and abandon 18" RCP	Open		
14		Remove bypass to inflow of pond 1	Open		
15		Provide an adequate 2 year vegetation establishment and maintenance warranty according to Bid Item No. 63	Open		

Staff Summary

8/15/2016

Agenda Item # 6.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: Jason Etnyre, Public Works Director

SUBJECT: Resolution No. 12-R-2016-2017 Establishing Campground Seasons And Setting Monthly Rates For Off-Season Camping

BACKGROUND: Due to requests by campers associated with the pipeline construction coming through our vicinity, the Public Works Department would like to keep a portion of Sunrise Campground open year round. Staff is recommending establishing seasons of operation for the campground. "In-season" would run from April 15th through September 30th and would allow camping throughout the entire campground. "Off-season" would run from October 1st through April 14th and only for the 38 sites located in the south/ renovated portion of the campground.

"Off-season" camping would be available at the rate of \$800 per month. There would be a reduction of services including no restroom/bathhouse usage, laundry, office, or firewood sales. All camping units in the off season need to be fully self-contained in the off-season. All phone calls and inquiries will be handled by staff at the Public Works Department as is normal procedure when the campground hosts depart at the end of the in season. Monthly rental payments will be made at City Hall and would be due on the 1st of each month. If the 1st falls on a holiday or weekend then all payments would be due by 5:00pm on the next business day. A late fee of \$40.00 per day would apply for late rental payments. No refunds will be made for early departures after the 15th day of the month. No sub-letting of sites will be permitted.

All reservations for "off-season" sites would be made through the Public Works Department during normal business hours. Self-registration will not be permitted during the "off-season".

FISCAL IMPACT: 38 site rentals at \$800 per month would be a potential income of \$30,400 per month. Public Works Staff believes that these sites

will be all rented through at least mid-December and potentially longer depending on the speed of construction.

Additional costs associated with leaving the campground open during this period will include: continued garbage hauling, snow removal as needed, and increased electric utilities. All staff hours will be absorbed within the Public Works normal operations.

RECOMMENDATION: Staff recommends that Council approve Campground seasons and setting monthly rates for off-season camping

ATTACHMENTS:

Description		Type
	Resolution No. 12-R-2016-2017	Resolution

RESOLUTION NO. 12-R-2016-2017

**A RESOLUTION ESTABLISHING CAMPGROUND SEASONS AND SETTING
MONTHLY RATES FOR OFF-SEASON CAMPING**

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

To approve establishing an “In-season” camping season which would run from April 15th
through September 30th and;

To further approve the entire campground as the “In-season” camping area and;

To further approve establishing an “Off-season” camping season which would run from
October 1st through April 14th and;

To further approve the thirty-eight sites in the south/renovated portion of the campground
as the “Off-season” camping area and;

To further approve establishing an “Off-season” camping rate of \$800.00 per month due
on the 1st of each month. If the 1st falls on a holiday or weekend then all payments would be due
by 5:00pm on the next business day. No refunds will be made for early departures after the 15th
day of the month and;

To further approve establishing a late fee of \$40.00 per day if the “Off-season” monthly
rent is not paid by the 1st of the month.

PASSED AND APPROVED this 15th day of August, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

8/15/2016

Agenda Item # 7.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

p (712) 732-8000

f (712) 732-4114

REPORT TO: Honorable Mayor and City Council

FROM: James H. Patrick, City Manager

SUBJECT: Resolution No. 13-R-2016-2017 Accepting Bids On The Abner Bell Created Wetland, Awarding Bid, And Approving The Construction Agreement

BACKGROUND: Council rejected bids for this project at the July 18th Council Meeting. The project was slightly modified by taking the landscaping addendum out of the contract and reduce the scope of the project and then rebid. Bids were opened on Monday, August 8th.

Two bids were received and opened on Monday, August 8th. The two bids were:

Healy Excavating, Lake View, IA	\$206,096.00
Reding's Gravel & Excavating, Algona, IA	\$221,699.00
Engineer Estimate	\$207,170.50

The low responsive bidder was Healy Excavating with a total bid amount of \$206,096.00. Healy has done work in the City in the past and is a good contractor.

FISCAL IMPACT: The budget for this project is \$232,000. IDALS granted the City a Water Quality Initiative Grant of \$75,000 towards this project. The remaining funds will come from budgeted water capital funds.

RECOMMENDATION: Council Adopt Resolution No. 13-R-2015-2016 Accepting bids on Abner Bell created wetland, Award the Bid to Healy Excavation, and Approve the Construction Agreement with Healy Excavation.

ATTACHMENTS:

Description	Type
☐ Resolution No. 13-R-2016-2017	Resolution
☐ Notice of Award	Backup Material
☐ Healy Bid	Backup Material

RESOLUTION NO. 13-R-2016-2017

**RESOLUTION ACCEPTING BIDS, AWARDING BID AND APPROVING CONTRACT
FOR THE CITY OF STORM LAKE LIME LAGOON WATER QUALITY INITIATIVE
RESTORATION PROJECT/ABNER BELL CREATED WETLAND**

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

Section 1. That the following bid for the construction of certain public improvements described in general as the Lime Lagoon Water Quality Initiative Restoration Project/Abner Bell Created Wetland described in the plans and specifications heretofore adopted by this Council on June 20, 2016, be and is hereby accepted and awarded, the same being the lowest responsible bid received for said work, as follows:

Contractor:	Healy Excavating, Lake View, Iowa
Amount of Bid:	\$206,096.00
Portion of Project:	All

Section 2. That the construction contract and bond executed and insurance coverage for the construction of the Lime Lagoon Water Quality Initiative Restoration Project/Abner Bell Created Wetland, as described in detail in the plans and specifications heretofore approved, and which have been signed by the Mayor and Clerk on behalf of the City be and the same hereby approved as follows:

Contractor:	Healy Excavating, Lake View, Iowa
Date of Contract:	August 15, 2016
Bond Surety:	Granite Re, Inc.
Date of Bond:	August 15, 2016
Portion of Project:	All

PASSED AND APPROVED this 15th day of August 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

SECTION 000510
Notice of AwardDate: 8/15/2016

Project: Abner Bell Created Wetland

Owner: City of Storm Lake

Owner's Contract No.:

Contract: Abner Bell Created Wetland

Engineer's Project No.: 01112-0003

Bidder: John J. Healy DBA Healy Excavating

Bidder's Address: 3483 Perkins Avenue

Lakeview, Iowa 51450

You are notified that your Bid dated 8/8/2016 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Abner Bell Created Wetland

The Contract Price of your Contract is Two Hundred Six Thousand and Ninety Six Dollars (\$ 206,096.00).

2 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

1 sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the Owner [2] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01).
3. Other conditions precedent: None.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of Storm Lake

Owner

By:

Authorized SignatureTitle

Copy to Engineer

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

City of Storm Lake , 620 Erie Street Storm Lake, IA 50588

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
N/A	

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in SC-4.02 as containing reliable "technical data," and (2) ~~reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in SC 4.06 as containing~~ reliable "technical data."

E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings

identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.

- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder has performed all examinations, investigations, explorations, tests, studies and reviews of data that it considers necessary or prudent for the determination of this bid and that it reasonably can perform, and does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Item No.	Item Code	Item	Unit	Estimated Quantity	Verified Quantity	Unit Cost	Total Cost
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Part I - General/Erosion Control

1	1090	Mobilization	LS	1		16000.00	16000.00
2	9040	Fiber Log, 9" Diameter	LF	625		2.85	1781.25
3	9040	Silt Fence	LF	425		2.70	1147.50
4	9040	Stabilized Construction Entrance	EA	1		2000.00	2000.00
5	9040	SWPPP Preparation	LS	1		2500.00	2500.00
6	9040	SWPPP Management	LS	1		5000.00	5000.00
7	9040	SWPPP Qualifying Rain Event Inspection (> 0.5")	EA	8		175.00	1400.00
8	9040	Additional Erosion & Sediment Control Measures	ALLOW	1		\$4,000.00	\$4,000.00

Total Part I

33828.75

Part 2 - Removals

9	1110	Remove Barbwire Fence & Posts	LF	100		3.50	350.00
10	2010	Remove Abandoned Electrical Cable	LF	370		3.00	1110.00
11	2010	Sawcut and Remove 6" Steel Water Service	LF	17		8.00	136.00
12	2010	Clearing and Grubbing (For Areas Outside of Storage Ponds and NE Ditch)	LS	1		3900.00	3900.00
13	2010	Remove Culvert	LF	60		10.00	600.00
14	7040	Pavement, Asphalt Removal	SY	79		4.00	316.00

EJCDC C-410 Suggested Bid Form for Construction Contracts
Copyright © 2007 National Society of Professional Engineers for EJCDC. All rights reserved.

15	9040	Filter log, Removal	LF	625		.50	312.50
16	9040	Silt fence, Removal	LF	425		.50	212.50
17	9040	Stabilized Construction Entrance, Removal	EA	1		250.00	250.00

Total Part 2

7187.00

Part 3 - Grading

18	2010	Excavation, Class 10 (P - Plan Quantity)	CY	4300		11.80	50740.00
19	2010	Topsoil, Off-Site Topsoil Borrow (P - Plan Quantity)	CY	550		12.70	6985.00

Total Part 3

57725.00

Part 4 - Storm Sewer

20	4030	Storm Sewer, Trenched, HDPE, 24" (Corrugated, Dual-Wall, Smooth Interior, Water Tight)	LF	93		49.50	4603.50
21	4030	Storm Sewer, Trenched, HDPE, 36" (Corrugated, Dual-Wall, Smooth Interior, Water Tight)	LF	100		114.00	11400.00
22	4030	Storm Sewer, Trenched, Class 4 RCP, 36" Arch Equivalent (44" x 27")	LF	60		182.00	10920.00
23	4030	Steel Apron, 24"	EA	2		600.00	1200.00
24	4030	Steel Apron, 36"	EA	4		1320.00	5280.00
25	4030	RCP Apron, 36" Arch Equivalent (72" x 96")	EA	4		1200.00	4800.00
26	4030	RCP Apron Footing, 36" Arch Equivalent Pipe (20" x 48" x 72", min.)	EA	4		1300.00	5200.00
27	9040	5' x 5' Anti-Seep Collar, Agri-Drain ASCO5, Gum Rubber Collar --- OCS 2	EA	2		400.00	800.00
28	6010	Heavy Duty Galvanized Hinged Pond Skimmer Grate by Haala Industries, Model No. PS54-65H or Approved Equal (Extra Length Brackets for Outside Mounting of CMP Pipe)	EA	2		1425.00	2850.00
29	6010	54" Dia. Galvanized CMP, 14 Gauge x 4.5' Agri-Drain Inline Water Control Structure (w/1.5" x 6" PVC T&G Stop Logs) --- OCS 14 & 15	EA	2		6200.00	12400.00

30	6010	24" PT x 4' Agri-Drain Inline Water Control Structure (w/Stop Logs) --- OCS 2	EA	1		2600.00	2600.00
31	9040	Riprap, Class E w/ Geotextile Fabric	TON	275		44.50	12237.50

Total Part 4

74291.00

Part 5 - Restoration

32	2010	Aggregate Base, 5" Thick, Crushed Stone -- Walking Path	TON	108		27.70	2991.60
33	2010	Aggregate Base, 9" Thick, Crushed Stone --- Vehicular Access	TON	70		27.70	1939.00
34	2010	Aggregate Base, 12" Thick, Crushed Stone (Materials Only)	TON	160		27.70	4432.00
35	2010	Geogrid, Type I (Materials Only)	SY	260		4.20	1092.00
36	9010	Hydraulic Seeding: Seeding, Inoculant and Bonded Fiber Matrix Mulch, Type 2 (Permanent Cool Season Mixture for Slopes and Ditches) --- SUDAS Spec 2.02 B	AC	0.20		7540.00	1508.00
37	9010	Hydraulic Seeding: Seeding, Inoculant and Bonded Fiber Matrix Mulch, Type Wetland Grass Seed Mixture --- SUDAS Spec 2.02 G	AC	0.99		3940.00	3900.60
38	9010	Hydraulic Seeding: Seeding, Inoculant and Bonded Fiber Matrix Mulch, Type Native Grass and Forbs Wildflower Seeding --- SUDAS Spec 2.02 H	AC	0.92		3940.00	3624.80
39	9010	Rolled Erosion Control Product, Type 1C (Ultra Short Term)	SY	1475		1.95	2876.25
40	9010	Turf Reinforcement Mat, Type 2 - Propex Landlok 450 or Approved Equal	SQUARE	60		45.00	2700.00
41	9010	2-Year Vegetation Establishment/Maintenance Warranty Period (To Start After Final Payment)	LS	1		8000.00	8000.00

Total Part 5

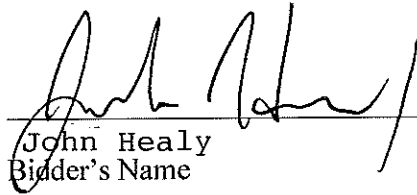
33064.25

Total Bid

206096.00

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.



John Healy
Bidder's Name

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete on or before October 31, 2016, and will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before June 30, 2017.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security in the form of a bid bond in the amount of 5 percent of the maximum bid price.
 - B. List of Proposed Subcontractors;
 - C. List of Proposed Suppliers;
 - D. List of Project References;
 - E. Evidence of authority to do business in the state of the Project; ~~or a written covenant to obtain such license within the time for acceptance of Bids;~~
 - F. Contractor's License No.: N/A ; and
 - G. Required Bidder Qualification Statement with Supporting Data;

ARTICLE 8 – DEFINED TERMS

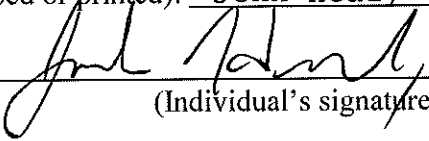
- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

- 9.01 The Bidder shall indicate what business type the bid is submitted by, complete the appropriate business category information, and provide the business address and contact information:
- A. Individual or Sole Proprietorship ✓,
 - B. Partnership _____,
 - C. Corporation _____,
 - D. Joint Venture (all parties must fully execute all documents) _____, or
 - E. Other _____

An Individual

Name (typed or printed): John Healy

By: 
(Individual's signature)

Doing business as: Healy Excavating

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: _____ (SEAL)

State of Incorporation: _____

Type (General Business, Professional, Service, Limited Liability): _____

By: _____
(Signature -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____
(CORPORATE SEAL)

Attest _____

Date of Qualification to do business in Iowa is ____/____/____.

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address 3483 Perkins Ave., Lake View IA 51450

Phone No. 712-665-4500 or 712-830-9179 Fax No. 712-665-4501

E-mail johnhealy@netins.net

SUBMITTED on _____, 20____.

State Contractor License No. C09975 [If applicable]

List of Subcontractors *None*

Work to be Performed	Percent of Total Bid	Subcontractor Name and Address
1.		
2.		
3.		
4.		
5.		

List of Suppliers

Supplier Name
1. Hancock Concrete Products LLC
218 Lake St.
Lake View IA 51450
2. HD Supply Waterworks
2800 SE Gateway Dr.
Grimes IA 50111
3.
4.
5.

List of References, Similar Projects, and Qualifications Statement (*attach additional pages as necessary*)

See attached.

HEALY EXCAVATING

3483 Perkins Avenue
Lake View IA 51450

PAST EXPERIENCE

2014

2014

IOWA DEPT. OF NATURAL RESOURCES

Black Hawk State Marsh-Wetland Dike Repair & Armoring
\$15,557.83

Engineer: Jeff Felts, IDNR, Hinton, IA, 515-250-3712

CITY OF STORM LAKE:

Vilas Street Sub-drain Installation
\$23,633.22

Engineer: Zac Anderson, I & S Group, Inc., Storm Lake, IA, 712-732-7745

CALHOUN/POCAHONTAS COUNTIES:

Open Ditch Repairs-#35-37
\$148,666.63

Engineer: Brian Blomme, I & S Group, Inc., Storm Lake, IA, 712-732-7745

POCAHONTAS COUNTY:

Branch B Open Ditch Repairs #29
\$191,641.50

Engineer: Gary Atherton, Bolton & Menk, Inc., Spencer, IA, 712-580-5075

SIOUX CENTRAL COMMUNITY SCHOOL:

Activities Field/Track Site Grading
\$320,505.00

Engineer: Brad Beck, Beck Engineering, Spirit Lake, IA, 712-336-3596

2015

Expansion Boulevard Project-Still in construction
City of Storm Lake

HEALY EXCAVATING

3483 Perkins Avenue
Lake View IA 51450

PAST EXPERIENCE

2013, 2012

2013

WEBSTER/HAMILTON COUNTIES:

Drain Ditch #54—58 cleanout

\$109,269.83

Engineer: John Milligan, MHF Engineering, PC, Jefferson IA, 515-386-4101

IOWA DEPT. OF AGRICULTURE AND LAND STEWARDSHIP:

Division of Soil Conservation

Pocahontas County CREP Enhancement Project, #Poc903105C and #Poc93113B

\$36,130.93, \$13,116.13 respectively

Engineer: Nick Roethler, I&S Group, Algona IA, 515-295-2980

BUENA VISTA/POCAHONTAS COUNTIES:

Drain Ditch #183 cleanout

\$134,749.10

Engineer: Brian Blomme, I&S Group, Storm Lake IA, 712-732-7745

SAC COUNTY:

Drain Ditch #86 cleanout

\$29,652.97

Engineer: Brian Blomme, I&S Group, Storm Lake IA, 712-732-7745

IOWA DEPT. OF NATURAL RESOURCES:

Okoboji View Wetlands Restoration

\$554,792.50

Engineer: Jeff Felts, IDNR, Hinton IA, 515-250-3712

2012

POCAHONTAS COUNTY

Drain Ditch #22 cleanout

\$93,981.00

Engineer: Gary Atherton, Bolton Menk, Inc., Spencer IA, 712-58-5075

CITY OF LOHRVILLE IA

Wastewater Lagoon

\$434,161.26

Engineer: David Doxtad, I&S Group, Storm Lake IA, 712-732-7745

DUCKS UNLIMITED:

Patterson Wetlands Restoration Project

\$12,080.00

Engineer: Tom Eckroth, c/o Doug Lipetzky, Ducks Unlimited, Bismarck ND, 701-355-3552

IOWA DEPT. OF AGRICULTURE AND LAND STEWARDSHIP:

Division of Soil Conservation

Clay County CREP Wetlands Project, #Cla943506C

\$254,091.89

Engineer: Nick Roethler, I&S Group, Algona IA, 515-295-2980

POCAHONTAS COUNTY:

Drain Ditch #21, 37, 41, 53 Cleanout

\$84,717.90

Engineer: Gary Atherton, Bolton & Menk, Inc., Spencer IA, 712-580-5075

HEALY EXCAVATING

RECORD OF PAST EXPERIENCE

PAGE 1

May/June, 2011 IA Dept. of Natural Resources Don Labate, PE 515-250-3714	Webster County Iowa Brushy Creek State Park #11-02-94-06	Sediment Control Structures Grading	\$ 64,618
June-August, 2011 Sac County Solid Waste Agency Ivan Droessler, PE 712-732-7745	Sac County Iowa Sac County Landfill Cell 7C Expansion	Construction of Subtitle D Liner, Leachate collection & associated Grading	\$198,536
July-Nov., 2011, as needed Sub-contractor w/Christiansen Const. Co. LLC 402-385-3027	Alta, Iowa #09-WS-001	Wastewater Treatment Plant Impr. Grading	\$ 37,621
August, 2011 Sac Co. NRCS, Kenny Bentsen 712-662-7773	Sac County Iowa	Oxbow Restoration Grading	\$ 26,509
July/Aug., 2011 City of Storm Lake Ivan Droessler, PE 712-732-7745	Buena Vista County Iowa Storm Lake IA	Waterway Cleanout Drainage Ditch #25 Excavation & Grading	\$ 84,223
Aug.-Oct., 2011 Harrison County SWCD Larry Hammitt, Eng. 712-644-2210	Harrison County Iowa Near Woodbine IA	Steve Smith Pond Grading	\$ 78,267
Sept.-Nov., 2011 Harrison County SWCD Larry Hammitt, Eng. 712-644-2210	Harrison County Iowa Near Woodbine IA #K-1	Greg Rager Pond Grading & Excavation	\$196,327
PRIVATE: April, 2011 Glacier Bay Bar & Grill George Crouse 515-408-4080	Lake View IA	Installed 2" waterline, 4" sewer line, & 18" storm sewer	\$ 3,850
Oct., 2011 Jason Tiefenthaler 712-673-2527	Breda IA	Septic tank, leach field, & sewer line	\$ 550
Nov., 2011 Dean Tiefenthaler 712-673-2349	Breda IA	Repaired waterway 1517 ft., & fabric	\$ 5,270
Nov./Dec., 2011 Gus Cleveland 712-790-2354	SW of Wall Lake IA	New Waterway, 2345 ft. Rebuilt Terrace, 3600 ft.	\$ 8,328
Nov., 2011 Jim White 712-663-4398	Westside IA	New waterway, 3350 ft.	\$ 7,179
Nov., 2011 Dale Fertig, 712-664-2487	Wall Lake IA	New Building Pad	\$ 6,787

PAGE 2
RECORD OF PAST EXPERIENCE

2010

IA Division of Soil Conservation IA Dept. of Agri. & Land Stewardship Mike Bourland, 515-242-6130	Near Albert City IA Buena Vista County IA #BV913121A	Buena Vista Co. CREP Wetland Grading & Sheet Piling Installation	\$173,819
IA Division of Soil Conservation IA Det. Of Agri. & Land Stewardship Mike Bourland, 515-242-6130	Near Pocahontas IA Pocahontas County IA #POC913121A	Pocahontas Co. CREP Wetland Grading & Sheet Piling Installation	\$164,912
IA Division of Soil Conservation IA Dept. of Agri. & Land Stewardship Mike Bourland, 515-242-6130	Near Ruthven IA Palo Alto County IA #Pal955180	Palo Alto Co. CREP Wetland Grading & Sheet Piling Installation	\$127,923
City of Mapleton Dan Van Schepen, Eng. 712-472-2531	Mapleton IA FFA Project #AIP 3-19-0054-05	Airport Improvements Grading & Excavation	\$ 66,000
Chris Feller Larry Hammitt, Eng. 712-644-2210	Near Woodbine IA Site G-1	Dam Construction Grading & Excavation	\$ 62,991
Iowa Dept. of Natural Resources Jeff Felts, PE 515-250-3712	N. of Estherville IA Emmet County IA #09-014-32-3	Wetland Restoration Grading, Excavation, & Tiling	\$ 54,758

2009

Drainage District #122 Ivan Droessler PE 712-732-7745	Calhoun County IA #086353	Tree Clearing Project Excavating & Grading	\$ 85,528
Wal-mart Sub-contract w/Henry Carlson Co. 605-336-2410	Denison IA #09050-205	Demolition, unhook Utilities, install culvert	\$ 31,660
Iowa Dept. of Natural Resources Jeff Felts, PE 515-250-3712	Near Spirit Lake IA Dickinson County IA #08-01-30-10	Wetland Restoration Grading & Excavation	\$ 33,135
Crawford County Secondary Roads Paul Assman, Engineer 712-263-2449	Stockholm Twp. Crawford County IA #LRDC-58(FEMA 2008)	Ditch Cleanout Excavating	\$ 57,142
Buena Vista County Supervisors Ivan Droessler, PE 712-732-7745	Near Storm Lake IA Buena Vista County IA #086379	Drainage Ditch Tree Clearing Grading & Excavating	\$ 67,611
Iowa Div. Of Soil Conservation Nick Roethler, PE 515-295-2980	Near Laurens IA Buena Vista County IA #BV933512D	Wetland Restoration Grading, Excavating, & Sheet Piling	\$131,889

PAGE 3
RECORD OF PAST EXPERIENCE

2009 Continued

Iowa Dept. of Natural Resouces Jeff Felts, PE 515-2503712	Burr Oak Lake,Near Garner IA Emmett County IA #09-01-32-02	Young Wetland Restoration Grading & Excavating	\$ 55,246
Iowa Div. Of Soil Conservation Allen Hefley, PE 515-955-3635	Near Manson IA Webster County IA #WEB893018B	Markert/Martin Wetland Grading, Excavating, & Sheet Piling	\$ 86,389

Bidder Status Form You must submit the completed form to the governmental body requesting bids per 875

Iowa Administrative Code Chapter 156. This form have been approved by the Iowa Labor Commissioner.

Part A**To be completed by all bidders**

Please answer "Yes" or "No" for each of the following:

- ☒ Yes ☐ No My company is authorized to transact business in Iowa.
(To help you determine if your company is authorized, please review the worksheet on the next page).
- ☒ Yes ☐ No My company has an office to transact business in Iowa.
- ☒ Yes ☐ No My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.
- ☒ Yes ☐ No My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.
- ☒ Yes ☐ No My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a nonresident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders**Part B**

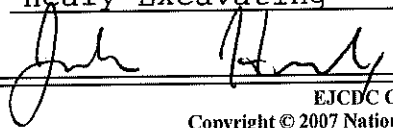
My company has maintained offices in Iowa during the past 3 years at the following addresses:

Dates: 04 / 01 / 2011 to 08 / / 2016 Address: 3483 Perkins Ave.
City, State, Zip: Lake View IA 51450Dates: / / to / / Address:
City, State, Zip: Dates: / / to / / Address:
City, State, Zip:

You may attach additional sheet(s) if needed.

To be completed by non-resident bidders**Part C**1. Name of home state or foreign country reported to the Iowa Secretary of State: 2. Does your company's home state or foreign country offer preferences to resident bidders, resident labor force preferences or any other type of preference to bidders or laborers? ☐ Yes ☐ No3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation. You may attach additional sheet(s) if needed.**To be completed by all bidders****Part D**

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.

Firm Name: Healy ExcavatingSignature:  Date: 8-8-16EJCDC C-410 Suggested Bid Form for Construction Contracts
Copyright © 2007 National Society of Professional Engineers for EJCDC. All rights reserved.

Worksheet: Authorization to Transact Business

This worksheet may be used to help complete Part A of the Resident Bidder Status form. If at least one of the following describes your business, you are authorized to transact business in Iowa.

- ☒ Yes ☐ No My business is currently registered as a contractor with the Iowa Division of Labor.
- ☒ Yes ☐ No My business is a sole proprietorship and I am an Iowa resident for Iowa income tax purposes.
- ☐ Yes ☒ No My business is a general partnership or joint venture. More than 50 percent of the general partners or joint venture parties are residents of Iowa for Iowa income tax purposes.
- ☐ Yes ☒ No My business is an active corporation with the Iowa Secretary of State and has paid all fees required by the Secretary of State, has filed its most recent biennial report, and has not filed articles of dissolution.
- ☐ Yes ☒ No My business is a corporation whose articles of incorporation are filed in a state other than Iowa, the corporation has received a certificate of authority from the Iowa secretary of state, has filed its most recent biennial report with the secretary of state, and has neither received a certificate of withdrawal from the secretary of state nor had its authority revoked.
- ☐ Yes ☒ No My business is a limited liability partnership which has filed a statement of qualification in this state and the statement has not been canceled.
- ☐ Yes ☒ No My business is a limited liability partnership which has filed a statement of qualification in a state other than Iowa, has filed a statement of foreign qualification in Iowa and a statement of cancellation has not been filed.
- ☐ Yes ☒ No My business is a limited partnership or limited liability limited partnership which has filed a certificate of limited partnership in this state, and has not filed a statement of termination.
- ☐ Yes ☒ No My business is a limited partnership or a limited liability limited partnership whose certificate of limited partnership is filed in a state other than Iowa, the limited partnership or limited liability limited partnership has received notification from the Iowa secretary of state that the application for certificate of authority has been approved and no notice of cancellation has been filed by the limited partnership or the limited liability limited partnership.
- ☐ Yes ☒ No My business is a limited liability company whose certificate of organization is filed in Iowa and has not filed a statement of termination.
- ☐ Yes ☒ No My business is a limited liability company whose certificate of organization is filed in a state other than Iowa, has received a certificate of authority to transact business in Iowa and the certificate has not been revoked or canceled.



CONTRACTOR REGISTRATION CERTIFICATE

STATE OF IOWA

IOWA WORKFORCE DEVELOPMENT
DIVISION OF LABOR SERVICES
CONTRACTOR REGISTRATION

1000 East Grand Ave.
Des Moines, IA 50319-0209
Phone (515) 242 – 5871

DATE ISSUED: 6/29/2016

DATE EXPIRES: 6/29/2017

REGISTRATION NUMBER: C099751

HEALY EXCAVATING
3483 PERKINS AVE
LAKE VIEW, IA 51450

A handwritten signature in black ink that reads "Michael A. Mauro".

Michael A. Mauro, Commissioner

Your certificate will be enforced for 1 year if you are in compliance with contractor registration, unemployment insurance, and worker's compensation regulations. Falsifying any records may result in revocation of your certificate, \$500 civil penalty, and criminal prosecution.

SECTION 004313

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

John J. Healy DBA Healy Excavating
3483 Perkins Ave.
Lake View, IA 51450

SURETY (Name and Address of Principal Place of Business):

Granite Re, Inc.
14001 Quailbrook Drive
Oklahoma City, OK 73134

OWNER (Name and Address):

City of Storm Lake
620 Erie Street
Storm Lake, IA 50588

BID

Bid Due Date: July 8, 2016

Description (Project Name and Include Location):

Grading, Drainage Pipes and Structures, Erosion and Sediment Control, Native Landscaping, Vegetation Establishment and Maintenance, City of Storm Lake, Buena Vista County, Iowa

BOND

Bond Number: GR08092

Date (Not ~~earlier~~ than Bid due date): July 6, 2016

Penal sum later Five Percent of Amount Bid

(Words)

\$ 5%

(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

John J. Healy DBA Healy Excavating

Bidder's Name and Corporate Seal

By:

Signature

John Healy

Print Name

Owner

Title

Attest:

Signature

Title

SURETY

Granite Re, Inc.

Surety's Name and Corporate Seal

By:

Signature (Attach Power of Attorney)

Robert Downey

Print Name

Attorney-in-Fact

Title

Attest:

Signature Karla K. Heffron

Witness

Title

EJCDC C-430 Bid Bond (Penal Sum Form)

Prepared by the Engineers Joint Contract Documents Committee.

City of Storm Lake : Abner Bell Created Wetland
June 22, 2016

004313-1

Bid Bond

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2 All Bids are rejected by Owner, or
 - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
7. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

EJCDC C-430 Bid Bond (Penal Sum Form)
Prepared by the Engineers Joint Contract Documents Committee.

GRANITE RE, INC.

GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

MICHAEL J. DOUGLAS; CHRIS STEINAGEL; CHRISTOPHER M. KEMP; KARLA HEFFRON; ROBERT DOWNEY; CONNIE SMITH its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

MICHAEL J. DOUGLAS; CHRIS STEINAGEL; CHRISTOPHER M. KEMP; KARLA HEFFRON; ROBERT DOWNEY; CONNIE SMITH may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 3rd day of July, 2013.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)




Kenneth D. Whittington, President


Kyle P. McDonald, Treasurer

On this 3rd day of July, 2013, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:
August 8, 2017
Commission #: 01013257




Notary Public

GRANITE RE, INC. Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this

10th day of July, 2013.




Kyle P. McDonald, Secretary/Treasurer

SECTION 000520

**SUGGESTED FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

THIS AGREEMENT is by and between City of Storm Lake , IA (“Owner”) and
John J Healy DBA Healy Excavating (“Contractor”).

Owner and Contractor, *in consideration of the mutual covenants hereinafter set forth*, hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Construct Abner Bell Created Wetland including all materials, labor and equipment necessary for: Mobilization; SWPPP Preparation and Administration; Erosion and Sediment Control; Drainage Structure and Driving Surface Removal; Excavation and Backfill; Drainage Pipes and Structures, Driving Surface Restoration and Replacement; Landscape Restoration, including Native Seeding & Plants; QA/QC Testing, Including Compaction and Samples; Site Clean-Up; Vegetation Establishment and Maintenance.

ARTICLE 2 – THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Abner Bell Created Wetland

ARTICLE 3 – ENGINEER

3.01 The Project has been designed by Emmons & Olivier Resources, Inc. (Engineer), which is to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Dates for Substantial Completion and Final Payment*

- A. The Work will be substantially completed on or before October 31, 2016, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before June 30, 2017.

~~{or}~~

~~4.02 *Days to Achieve Substantial Completion and Final Payment*~~

- ~~A. The Work will be substantially completed within _____ days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within _____ days after the date when the Contract Times commence to run.~~

4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$500.00 for each day that expires after the time specified in Paragraph 4.02 above for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$500.00 for each day that expires after the time specified in Paragraph 4.02 above for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs ~~5.01.A, 5.01.B, and~~ 5.01.C below:

- ~~A. For all Work other than Unit Price Work, a lump sum of: \$ _____~~

~~All specific cash allowances are included in the above price in accordance with Paragraph 11.02 of the General Conditions.~~

- ~~B. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the actual quantity of that item:~~

<u>UNIT PRICE WORK</u>					
<u>Item</u>			<u>Estimated</u>	<u>Bid Unit</u>	
<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Bid Price</u>

Total of all Bid Prices (Unit Price Work) \$_____

~~The Bid prices for Unit Price Work set forth as of the Effective Date of the Agreement are based on estimated quantities. As provided in Paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer as provided in Paragraph 9.07 of the General Conditions.~~

C. For all Unit Price Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment ~~on or about the _____ day of~~ each month during performance of the Work as provided in Paragraph 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, ~~including but not limited to liquidated damages,~~ in accordance with Paragraph 14.02 of the General Conditions.

a. 95 percent of Work completed (with the balance being retainage). ~~If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of~~

~~the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and~~

- b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 95 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 Final Payment

- A. Within 30 days of ~~Upon~~ final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

ARTICLE 7 – INTEREST

- 7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project. ~~of _____ percent per annum.~~

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
 - D. Contractor has carefully studied all: ~~(1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions~~ in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities), if any, that have been identified in Paragraph ~~SC-4.02~~ of the ~~Supplementary~~ General Conditions as containing reliable "technical data," ~~and (2) reports and drawings of Hazardous~~

~~Environmental Conditions, if any, at the Site that have been identified in Paragraph SC 4.06 of the Supplementary Conditions as containing reliable "technical data."~~

- E. Contractor has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect ~~considered the information known to Contractor; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on~~ (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including applying the ~~any~~ specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents; and (3) Contractor's safety precautions and programs incident thereto.
- F. Based on the information and observations referred to in Paragraph 8.01.E above, Contractor does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 Contents

- A. The Contract Documents consist of the following:
1. This Agreement.
 2. Performance bond.

3. Payment bond.
4. Insurance.
5. General Conditions.
6. Supplementary Conditions.
7. Specifications as listed in the table of contents of the Project Manual.
8. Drawings consisting of 19 sheets with each sheet bearing the following general title:
ABNER BELL CREATED WETLAND.
9. Addenda.
10. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid.
 - b. Documentation submitted by Contractor prior to Notice of Award.
11. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.04 of the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement *in duplicate*. *One* Counterparts ~~have~~ *each has* been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or have been identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____ (which is the Effective Date of the Agreement).

OWNER:

City of Storm Lake , IA

By: _____

Title: Mayor

Attest: _____

Title: _____

Address for giving notices:

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

CONTRACTOR

John J Healy DBA Healy Excavating

By: _____

Title: _____

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____

Title: _____

Address for giving notices:

License No.: _____

(Where applicable)

Agent for service of process:

Staff Summary

8/15/2016

Agenda Item # 8.



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

REPORT TO: Honorable Mayor and City Council

FROM: James H. Patrick, City Manager

SUBJECT: Resolution No. 14-R-2016-2017 Approving The 28E Agreement For Buena Vista County and City of Storm Lake Regarding The Collection Of Delinquent Debt.

BACKGROUND: The Iowa Code, Chapter 28E, permits state and local governments in Iowa to enter into an agreement with one or more public agencies for joint or cooperative action. Buena Vista County has elected to participate in the collection of delinquent court obligations at the county level as provided in Iowa Code 602.8107. A participating County in the court debt collections program must be fully committed to collect delinquent court debt for all cases assigned to Buena Vista County for collection by the Iowa Judicial Branch to include delinquent amounts arising from municipal infractions and from criminal offenses prosecuted under city ordinance.

The State takes 10% of the fine, filling fees, and criminal penalty surcharges while 90% of certain penalties and forfeitures are owed to the city. To authorize the County Attorney to collect the City's portion of the fine owed the City, the City must grant that authority to the County Attorney.

FISCAL IMPACT: This will allow the County Attorney to collect the City's delinquent court debt on behalf of the City. The County Attorney will be reimbursed 20% of monies received by the City of Storm Lake.

RECOMMENDATION: Council Adopt Resolution No. 14-R-2016-2017 Approving the 28E Agreement for Buena Vista County and City of Storm Lake Regarding the Collection of Delinquent Debt.

ATTACHMENTS:

Description	Type
28E Agreement	Backup Material

28E AGREEMENT FOR BUENA VISTA COUNTY AND CITY OF STORM LAKE
COLLECTION OF DELINQUENT COURT DEBT

WHEREAS, Iowa Code Chapter 28E permits state and local governments in Iowa to enter into an agreement with one or more public or private agencies for joint or cooperative action; and,

WHEREAS, Iowa Code Chapter 28E provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, to the extent conferred by Chapter 28E and the laws of the State of Iowa; and,

WHEREAS, Buena Vista County has elected to participate in the collection of delinquent court obligations at the county level as provided in Iowa Code § 602.8107; and

WHEREAS, as a participating county in the court debt collections program, the Buena Vista County Attorney's Office must be fully committed to collect delinquent court debt for all cases assigned to Buena Vista County for collection by the Iowa Judicial Branch; and,

WHEREAS, those cases assigned by the Judicial Branch to the Buena Vista County Attorney's Office for collection include delinquent amounts arising from municipal infractions classified in accordance with Iowa Code §364.22 and from criminal offenses prosecuted under city ordinances; and,

WHEREAS, a portion of the total amount assessed against a defendant convicted of a municipal infraction under Iowa Code §364.22 or a criminal offense prosecuted under a city ordinance, including but not limited to, filing fees and criminal penalty surcharges, are owed to the State pursuant to Iowa Code §§364.3 and 602.8106; while ninety percent of certain penalties and forfeitures are owed to the city as provided in Iowa Code §§364.22 and 602.8106; and,

WHEREAS, Iowa Code Chapter 665 and Iowa Code §364.22(10)(b) provide authority to enforce judgments for municipal infractions and judgments in criminal actions by the power of contempt for willful failures to comply; and,

WHEREAS, the Buena Vista County Attorney has the duty and authority to collect on delinquent court debts owed the State, but that the County Attorney does not have the codified authority to collect on behalf of the City of Storm Lake that portion of the fine owed the City, nor does the County Attorney have the authority to represent the City in contempt proceedings for the satisfaction of that portion of the fine owed the City without a grant of authority from the City, and

WHEREAS, both the parties and the public they serve will be benefited by entering this agreement, in that benefits of the economies of scale are achieved and duplication of services and additional costs of administration and staffing are avoided,

IT IS THEREFORE AGREED by and between Buena Vista County and the City of Storm Lake as follows:

1. The City of Storm Lake empowers and delegates its authority to collect on delinquent court obligations to the Buena Vista County Attorney for judgments resulting from municipal infractions within Storm Lake as permitted under Iowa Code § 364.22 and from judgments for criminal offenses prosecuted under the City Code of the City of Storm Lake, Iowa, including the right to initiate contempt proceedings.
2. The Buena Vista County Attorney will collect on behalf of the City of Storm Lake delinquent court obligations owed the City of Storm Lake for judgments resulting from municipal infractions of the municipal ordinance of the City of Storm Lake as permitted under Iowa Code § 364.22 and from judgments for criminal offenses prosecuted under the City Code of the City of Storm Lake, Iowa.
3. In exchange for the services performed by the Office of the Buena Vista County Attorney, the City of Storm Lake shall pay to Buena Vista County twenty (20%) percent of monies received by the City of Storm Lake resulting from the Buena Vista County Attorney's collection of delinquent court debt from municipal infractions and criminal offenses under the City Code of the City of Storm Lake, Iowa on behalf of the City of Storm Lake. Payments shall be twice a year based upon the accounting provided by the County showing collections for the preceding six (6) months as follows:
 - a. First annual billing shall cover the period from July 1 through December 31 of the same year.
 - b. Second annual payment shall cover the period January 1 through June 30 of the same year.

The County shall make available to the City all collection records provided by the Clerk of District Court, which both parties acknowledge as the source documents upon which the semi-annual invoices shall be based.

4. Within sixty (60) days of the date of billing as identified in paragraph 3, the City of Storm Lake shall pay the amount due Buena Vista County for the collection services rendered by the Buena Vista County Attorney, where it will be deposited into the county's general fund account.

5. Buena Vista County and the City of Storm Lake will share information as deemed necessary for to fully performance of this agreement.
6. This agreement shall be filed with the Iowa Secretary of State in accordance with Iowa Code § 28E.8
7. This agreement shall take effect July 1, 2016.
8. This agreement has annual term from July 1 of each through June 30 of the following year. This agreement shall automatically renew each year under the same terms and conditions. Either party may elect to terminate this agreement for any reason or no reason at all by providing the other party with written notice of its election to terminate the agreement. The written notice to terminate shall be given no later than the first (1st) day of May before the start of the next annual term and mailed to following addresses:
 - a. Buena Vista County: Buena Vista County Attorney
Post Office Box 1246
Storm Lake, Iowa 50588
 - b. City of Storm Lake: City Clerk
City Hall
620 Erie Street
PO Box 1086
Storm Lake, Iowa 50588
9. If any terms or provisions of this agreement shall be held to be invalid or unenforceable for any reason, then the remaining terms and provisions shall continue to remain in full force and effect. If a court finds that any term or provision of this agreement is limited or unenforceable, but that such term or provision could be limited and thereby be considered valid and enforceable, then such term or provision shall be deemed to be written, construed, and enforced in accordance with said limitation.
10. This agreement is the complete agreement between the parties. Any prior agreements, written or oral, express or implied, are excluded unless incorporated herein. Any amendment to this agreement must be made in writing and must be approved by each party and filed with the Iowa Secretary of State before taking effect.

Date: _____

THE CITY OF STORM LAKE, IOWA

By: _____

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Date: _____

THE COUNTY OF BUENA VISTA, IOWA

BY: _____

Don Altena, Chairperson, Board of Supervisors

ATTEST:

Susan K. Lloyd, Auditor, Buena Vista County, Iowa

STATE OF IOWA, COUNTY OF BUENA VISTA

This Record was acknowledged before me on the _____ day of _____, 2016,
by Jon F. Kruse and Sue Vossberg, as Mayor and City Clerk, respectively, of the City of Storm
Lake, Iowa.

Notary Public in and for the State of Iowa

STATE OF IOWA, COUNTY OF BUENA VISTA

This Record was acknowledged before me on the _____ day of _____, 2016,
by Don Altena and Susan K. Lloyd, as Chairperson of the Buena Vista County, Iowa Board of
Supervisors and Buena Vista County, Iowa Auditor, respectively, of Buena Vista County, Iowa.

Notary Public in and for the State of Iowa

RESOLUTION NO. 14-R-2016-2017

RESOLUTION APPROVING A 28E AGREEMENT BETWEEN THE CITY OF STORM LAKE AND BUENA VISTA COUNTY FOR COLLECTION OF DELINQUENT COURT DEBT

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

To approve an agreement pursuant to Section 28E of the 2015 Code of Iowa by and between the City of Storm Lake, Iowa and Buena Vista County for the collection of delinquent court debt.

PASSED AND APPROVED this 15th day of August 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

8/15/2016

Agenda Item # 9.



City of Storm Lake

PO Box 1086

Storm Lake, IA 50588

[p \(712\) 732-8000](tel:(712)732-8000)

[f \(712\) 732-4114](tel:(712)732-4114)

REPORT TO: Honorable Mayor and City Council

FROM: Mark Prosser, Public Safety Director

SUBJECT: Motion Authorizing the City Council to go into Closed Session in Reference to Iowa Code Chapter 21.5(g) for the Purpose of Discussing Sensitive Law Enforcement Issues

BACKGROUND: This agenda item will move the city council into closed session to discuss sensitive law enforcement issues.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion