

**CITY OF STORM LAKE
REGULAR COUNCIL MEETING, CITY HALL
COUNCIL CHAMBERS
NOVEMBER 2, 2015
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**
3. Mr. Kiley Miller's Presentation to Council Requesting Council's Consideration for Increasing City Support of the Corridor.
4. Storm Lake United Presentation
5. **Resolution No. 56-R-2015-2016 Change Order #2 Housing Project #2014-3**
6. **Resolution No. 57-R-2015-2016 Final Approval Housing Project 2014-3**
7. **Resolution No. 58-R-2015-2016 Approving an Amendment to the Development Agreement with Southwest Minnesota Housing Partnership**
8. Public Hearing On North Central Storm Water System Improvements Project
9. Resolution No. 59-R-2015-2016 Final Acceptance Of Storm Lake Sanitary Sewer System Mitigation Project Contract #2 - Sanitary Sewer and Force Main - West Area Supplemental Contract And Approving Final Pay Estimates 1S and 2S
10. Resolution No. 60-R-2015-2016 Final Acceptance Of FEMA Sanitary Sewer System Mitigation Project Contract #1 - Sanitary Sewer And Force Main - South Area Supplemental Contract And Approval Of Partial Payment Estimate No. 1S.
11. Resolution No. 61-R-2015-2016 Approving Change Order #13 To Storm Lake Sanitary Sewer System Mitigation Project Contract 4 - Lift Stations
12. Study Session To Discuss Two New Ordinances, A New Tree Ordinance And A New Mayor's Advisory Committee Ordinance
13. 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

11/2/2015

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: Sue Vossberg, 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 the October 19, 2015 City Council Minutes
- Liquor license renewal for Lake Avenue Lounge
- Native wine permit for Elements

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills - \$1,750,229.44
- King's Pointe Bills - \$144,548.19
- Sunrise Pointe Golf Course Bills - \$2,289.00

The City will receive the following revenues:

- Liquor license renewal - \$845.00

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

Description	Type
☐ List of Bills	List of Bills
☐ List of Bills - Kings Pointe & Sunrise Pointe	List of Bills
☐ Minutes - October 19, 2015	Minutes
☐ Liquor Report - Lake Avenue Lounge	Backup Material

City of Storm Lake
620 Erie Street PO Box 1086
Storm Lake IA, 505881086

Checks for Approval Report

From: 10/20/15 To 11/02/15
User: tyler.gibbins

UNAVAILABLE

AFLAC	PR Batch 00553.10.2015 Aflac Pretax	87.22
AFLAC	PR Batch 00553.10.2015 Aflac After tax	54.06
AFLAC	PR Batch 00554.10.2015 Aflac Pretax	487.22
AFLAC	PR Batch 00554.10.2015 Aflac After tax	143.28
City of Storm Lake	PR Batch 00554.10.2015 Dental employee/child	5.78
City of Storm Lake	PR Batch 00554.10.2015 Dental insurance employee c	17.00
City of Storm Lake	PR Batch 00554.10.2015 Dental employee/spouse	12.36
City of Storm Lake	PR Batch 00554.10.2015 Dental insurance family	78.48
City of Storm Lake	PR Batch 00554.10.2015 125 Flexible Benefits	817.13
City of Storm Lake	PR Batch 00554.10.2015 Flex- Child Care	115.39
City of Storm Lake	PR Batch 00554.10.2015 Health Insurance Family	1,596.74
City of Storm Lake	PR Batch 00554.10.2015 Health Insurance Single	355.36
City of Storm Lake	PR Batch 00553.10.2015 Dental insurance employee c	2.18
City of Storm Lake	PR Batch 00553.10.2015 Dental employee/spouse	8.92
City of Storm Lake	PR Batch 00553.10.2015 Dental insurance family	33.04
City of Storm Lake	PR Batch 00553.10.2015 125 Flexible Benefits	207.91
City of Storm Lake	PR Batch 00553.10.2015 Health Insurance Family	596.50
City of Storm Lake	PR Batch 00553.10.2015 Health Insurance Single	48.12
Collection Services Center	PR Batch 00553.10.2015 Child Support Payments to I	325.00
Collection Services Center	PR Batch 00554.10.2015 Child Support Payments to I	222.00
Conseco Health Insurance Co	PR Batch 00554.10.2015 Cancer Pre Tax Insurance	41.04
EFTPS	PR Batch 00554.10.2015 Federal Income Tax	7,921.04
EFTPS	PR Batch 00554.10.2015 FICA Employee Portion	3,556.25
EFTPS	PR Batch 00554.10.2015 FICA Employer Portion	3,556.25
EFTPS	PR Batch 00554.10.2015 Medicare Employee Portion	1,225.63
EFTPS	PR Batch 00554.10.2015 Medicare Employer Portion	1,225.63
EFTPS	PR Batch 00553.10.2015 Federal Income Tax	4,695.79
EFTPS	PR Batch 00553.10.2015 FICA Employee Portion	1,894.22
EFTPS	PR Batch 00553.10.2015 FICA Employer Portion	1,894.22
EFTPS	PR Batch 00553.10.2015 Medicare Employee Portion	553.84
EFTPS	PR Batch 00553.10.2015 Medicare Employer Portion	553.84
ICMA Retirement Trust 457	PR Batch 00553.10.2015 ICMA	575.00
ICMA Retirement Trust 457	PR Batch 00553.10.2015 ICMA City Paid	583.35
ICMA Retirement Trust 457	PR Batch 00553.10.2015 ICMA City paid for Police	436.17
ICMA Retirement Trust 457	PR Batch 00554.10.2015 ICMA	2,485.00
Iowa Public Employees	PR Batch 00554.10.2015 IPERS	3,524.69
Iowa Public Employees	PR Batch 00554.10.2015 IPERS City Share	5,289.86
Iowa Public Employees	PR Batch 00553.10.2015 IPERS	1,533.32
Iowa Public Employees	PR Batch 00553.10.2015 IPERS City Share	2,301.28
ITT Hartford AMS RPVA	PR Batch 00553.10.2015 457 Hartford	100.00
ITT Hartford AMS RPVA	PR Batch 00554.10.2015 457 Hartford	225.00
Muni Fire/Police Retire	PR Batch 00554.10.2015 Muni Police/Fire Pension	2,325.26
Muni Fire/Police Retire	PR Batch 00554.10.2015 Muni Police/Fire Pension Ci	6,869.43
Muni Fire/Police Retire	PR Batch 00553.10.2015 Muni Police/Fire Pension	634.23
Muni Fire/Police Retire	PR Batch 00553.10.2015 Muni Police/Fire Pension Ci	1,873.68
Teamsters Local Union 554	PR Batch 00554.10.2015 Union Dues	191.50
Treasurer State Of Iowa	PR Batch 00554.10.2015 State Income Tax	3,124.40
Treasurer State Of Iowa	PR Batch 00553.10.2015 State Income Tax	1,959.81

UNAVAILABLE

Department Total = 66,363.42

Police Department

Bomgaars Supply, Inc	Supplies	1.67
Central Bank	Fuel While Pumps Were Down	19.00
Central Bank	Fuel While Pumps Were Down	10.67
Central Bank	Fuel While Pumps Were Down	32.31

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

From: 10/20/15 To 11/02/15
User: tyler.gibbins

City of Storm Lake	Health Ins Allocations Nov2015	21,730.65
Custodian of Petty Cash	SLPD Postage	12.20
Custodian of Petty Cash	SLPD Postage	6.96
Custodian of Petty Cash	SLPD Postage	12.20
Custodian of Petty Cash	SLPD Postage	15.14
Hy-Vee, Inc	Supplies	34.99
Hy-Vee, Inc	Supplies	47.10
Principal Life Ins Co	Insurance Premium Nov 2015	1,819.31
Universal Credit Services Inc	Background Checks	47.40
Wal Mart #01-1526	Supplies	2.48
Wal Mart #01-1526	Supplies	10.97
Wal Mart #01-1526	Supplies	23.82
Wal Mart #01-1526	Supplies	25.32
Wal Mart #01-1526	Supplies	11.97
Wal Mart #01-1526	Supplies	78.70

Police Department

Department Total = 23,942.86

Fire Department

City of Storm Lake	Health Ins Allocations Nov2015	1,995.89
City of Storm Lake	Serviced #71	139.33
Iowa Central Comm College	NATA Conference- ICC- Hoffman	50.00
Principal Life Ins Co	Insurance Premium Nov 2015	174.41

Fire Department

Department Total = 2,359.63

Building Official

Bomgaars Supply, Inc	Brake Light	3.99
City of Storm Lake	Health Ins Allocations Nov2015	1,970.82
Principal Life Ins Co	Insurance Premium Nov 2015	133.24

Building Official

Department Total = 2,108.05

Law Enforcement

Htoo Kaye	Ref Kaye Htoo- Cash Reimbursement	120.00
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Law Enforcement

Department Total = 120.00

Roadway Maintenance

Blacktop Service Company Inc	Pay Estimate #3 of Highway 7 Widening Project	275,067.24
Bomgaars Supply, Inc	Key & Supplies	15.98
Bomgaars Supply, Inc	Impact Wrench	249.99
Bomgaars Supply, Inc	Gate, Hinges, & Supplies	279.98
Bomgaars Supply, Inc	Traps & Spray Bottles	18.35
Chicago Central & Pacific	Crossing Materials & Services for Railroad	31,103.56
City of Storm Lake	Serviced #65	155.75
City of Storm Lake	Serviced & Window Switch #113	263.07
City of Storm Lake	Health Ins Allocations Nov2015	7,331.63
Fastenal Company	Supplies	23.69
Fastenal Company	Supplies	2.24
I&S Group, Inc.	Engineering Services through 9/26/2015	7,825.21
Iowa Office Supply Inc	Copier Maintenance Agreement	8.74
Lundell Construction Co. Inc.	Limestone	667.15
Principal Life Ins Co	Insurance Premium Nov 2015	450.70
Ripke Brandon	Repaired Line from Broken Concrete on Street Project	174.41

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Smith Concrete Service Inc	Pay Estimate #3 of E 10th Street Reconstruction	320,110.54
Smith Concrete Service Inc	Pay Estimate #4 of Lake Ave Trail	53,582.83
Wal Mart #01-1526	Supplies	3.78
Wal Mart #01-1526	Supplies	9.87
Roadway Maintenance	Department Total =	697,344.71
Signs & Signals		
Iowa Dept of Transportation	Galvanized Posts	501.00
Signs & Signals	Department Total =	501.00
Snow Removal		
City of Storm Lake	Health Ins Allocations Nov2015	2,072.34
Hallett Materials	Sand	267.28
Principal Life Ins Co	Insurance Premium Nov 2015	132.48
Snow Removal	Department Total =	2,472.10
Airport		
Bart's Flying Service	Airport Contract October 2015	4,963.75
Bolton & Menk, Inc	Engineering Services through 9/30/2015	6,882.00
Culligan	Water Supplies	15.90
Iowa Lakes Regional Water	Water Service October 2015	56.87
Airport	Department Total =	11,918.52
Transit		
DeWall Jeff	1st Qtr FY 2016 Cab Rides	276.00
Regional Transit Authority	1st Qtr FY 2016 Ride Services	127.00
Transit	Department Total =	403.00
Library		
Baker & Taylor, Inc	Books	293.13
Baker & Taylor, Inc	Books	412.23
Baker & Taylor, Inc	Books	19.17
Barnes & Noble Booksellers, Inc	Books	25.59
Barnes & Noble Booksellers, Inc	Books	64.74
Biblionix LLC	Annual Subscription through July 2016	2,291.00
Brodart Co	Books	371.63
Brodart Co	Books	20.45
Brodart Co	Books	64.72
Brodart Co	Books	26.82
Brodart Co	Books	41.30
Buena Vista Stationery & Print Inc	Ribbon & Holder	53.11
Central Iowa Distributing, Inc	Cleaning Supplies	152.14
City of Storm Lake	Health Ins Allocations Nov2015	4,687.74
Custodian of Petty Cash Kim Mehlenbacher	September 2015 Postage	251.06
Freese Ruth	Annual State Library Conference- Freeze	54.00
Gareth Stevens Publishing	Books	16.95
Ingram Library Services, Inc	Books	11.61
Ingram Library Services, Inc	Books	11.44
Ingram Library Services, Inc	Books	16.79

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Ingram Library Services, Inc	Books	32.95
Ingram Library Services, Inc	Books	10.84
Ingram Library Services, Inc	Books	15.63
Ingram Library Services, Inc	Books	16.78
Ingram Library Services, Inc	Books	13.91
Ingram Library Services, Inc	Books	16.79
Ingram Library Services, Inc	Books	27.22
Ingram Library Services, Inc	Books	16.78
Ingram Library Services, Inc	Books	9.64
Ingram Library Services, Inc	Books	16.76
Ingram Library Services, Inc	Books	16.22
Ingram Library Services, Inc	Books	11.44
Ingram Library Services, Inc	Books	10.46
Ingram Library Services, Inc	Books	12.18
Inquirehire	Background Checks	39.00
Iowa Office Supply Inc	Copier Maintenance Agreement	32.06
Iowa Office Supply Inc	Copier Maintenance Agreement	11.74
Mead Jo	Mead- Mileage- 1st Qtr FY2016	61.76
Mehlenbacher Kim	Annual Library Conference- Mehlenbacher	54.00
Midwest Tape LLC	DVDs	193.10
Midwest Tape LLC	DVDs	14.99
Midwest Tape LLC	DVDs	14.99
Midwest Tape LLC	DVDs	90.95
Miller Melissa	Annual State Library Conference- Miller- Des Moines	221.90
Principal Life Ins Co	Insurance Premium Nov 2015	187.90
Rebnord Technologies Inc	Deep Freeze Subscription	1,200.00
Recorded Books LLC	CDs	64.79
Storm Lake Times The	September 2015 Advertising	172.36

Library	Department Total =	11,472.76
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Parks Department

A & A Automotive	Transmission Assembly	1,980.20
Bomgaars Supply, Inc	Links & Snaps	19.73
Bomgaars Supply, Inc	Batteries	29.98
Bomgaars Supply, Inc	Rods & Keys for Sunset Restroom	12.92
City of Storm Lake	Health Ins Allocations Nov2015	1,978.19
Crescent Electric Supply Co	Conduit for Frank Starr- Less Tax	42.97
Fastenal Company	Supplies	1.77
Koenig Jeff	Pot Rental & Cleaning	309.00
Principal Life Ins Co	Insurance Premium Nov 2015	189.71
Wede's Lock Service Joe	Service Calls on Park Door Locks	136.00

Parks Department	Department Total =	4,700.47
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Golf Course

A & A Automotive	Tire Repair	33.43
A & A Automotive	Tire Repair- Less Tax	25.92
Bomgaars Supply, Inc	Knee Boots	27.99
Bomgaars Supply, Inc	Supplies	8.58
Bomgaars Supply, Inc	Link	2.49
Bomgaars Supply, Inc	Grease	13.56
Bomgaars Supply, Inc	Bait	2.36
City of Storm Lake	Health Ins Allocations Nov2015	1,120.86
Principal Life Ins Co	Insurance Premium Nov 2015	84.31

Golf Course	Department Total =	1,319.50
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Campgrounds

City of Storm Lake	Health Ins Allocations Nov2015	373.62
Principal Life Ins Co	Insurance Premium Nov 2015	28.10

Campgrounds	Department Total =	401.72
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Community Ed

Community Education Dept	1st Qtr Reimbursement FY2016	20,406.66
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Community Ed	Department Total =	20,406.66
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Shelter House

Peffer Jennifer	Shelter House Refund	80.00
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Shelter House	Department Total =	80.00
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UNAVAILABLE

City of Storm Lake	Replaced Heater Hose in KP Expedition	83.42
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UNAVAILABLE	Department Total =	83.42
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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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Economic Develop

City of Storm Lake	Health Ins Allocations Nov2015	965.53
Principal Life Ins Co	Insurance Premium Nov 2015	60.77
RDG IA Inc	Engineering Services through 9/30/2015	6,247.60

UNAVAILABLE	Department Total =	7,273.90
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Housing Program

Olthoff Michael	1609 Rose Lane Renovations (Final)	27,555.28
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Housing Program	Department Total =	27,555.28
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Dredging

City of Storm Lake	Health Ins Allocations Nov2015	284.32
Principal Life Ins Co	Insurance Premium Nov 2015	19.60

Dredging	Department Total =	303.92
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Mayor, Council, Manager

City of Storm Lake	Health Ins Allocations Nov2015	22.30
Principal Life Ins Co	Insurance Premium Nov 2015	49.24

Mayor, Council, Manager	Department Total =	71.54
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Policy & Administration

City of Storm Lake	Health Ins Allocations Nov2015	1,431.69
Principal Life Ins Co	Insurance Premium Nov 2015	111.03

Policy & Administration

Department Total = 1,542.72

Other Policy & Administration

Central Bank	Des Moines Register Subscription	10.00
Central Bank	ICMA Conference- Seattle- Patrick	448.28
Central Bank	Meeting Expense	38.78
Central Bank	Meeting Expense	25.40
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Kruse	97.04
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Patrick	97.04
Central Bank	Employee Recognition Dinner Awards	44.56
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Smith	97.04
Color-ize Inc	Employee Recognition Dinner Supplies	8.65
Iowa Office Supply Inc	Copier Maintenance Agreement	8.75
NW IA League of Cities	September 2015 Meeting	90.00
Patrick James H	ICMA Conference- Seattle, WA- Patrick	138.51
Pitney Bowes Inc.	Terminal Rental Fee through October 30, 2015	100.00
Rebnord Technologies Inc	Shipping Charges	188.00
Springbrook Natl User Group	2016 Annual Renewal	35.00
Wal Mart #01-1526	Supplies	72.01

Other Policy & Administration

Department Total = 1,499.06

Water Administration

Accela, Inc #774375	IVR Transactions- Partial Aug & September 2015	39.00
Accela, Inc #774375	Online UB- Partial Aug & September 2015	146.25
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Smith	97.03
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Kruse	97.03
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Patrick	97.03
Central Bank	ICMA Conference- Seattle- Patrick	448.28
City of Storm Lake	Health Ins Allocations Nov2015	3,007.06
Custodian of Petty Cash	NSF Fee- #11639-000	3.00
Iowa Office Supply Inc	Copier Maintenance Agreement	8.74
Joyce's Greenery	Trees for City Hall	410.00
Lundell Construction Co. Inc.	Rock for City Hall Parking Lot	279.37
Lundell Construction Co. Inc.	Rock for City Hall Parking Lot	151.93
Patrick James H	ICMA Conference- Seattle, WA- Patrick	138.51
Pitney Bowes Inc.	Terminal Rental Fee through October 30, 2015	100.00
Principal Life Ins Co	Insurance Premium Nov 2015	228.94
Qualified Presort Service, LLC	Montly Statements	399.26
Springbrook Natl User Group	2016 Annual Renewal	35.00
Treasurer State of Iowa	2015 Unclaimed Property	785.41

Water Administration

Department Total = 6,471.84

Water Plant

Bomgaars Supply, Inc	Nozzle, O-Rings	27.48
Bomgaars Supply, Inc	Floor Dry	26.97
Bomgaars Supply, Inc	Spill Kits	104.93
Bomgaars Supply, Inc	Bushings & Adapters	23.41
Bomgaars Supply, Inc	Gloves	39.90

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Bomgaars Supply, Inc	Hydraulic Fluid	36.98
Bomgaars Supply, Inc	Hypo Room Fittings	147.96
Chem-Sult Inc	Sodium Chlorite	3,391.44
Chem-Sult Inc	Sodium Chlorite Freight	125.00
City of Storm Lake	Health Ins Allocations Nov2015	4,756.30
Ferguson Enterprises Inc	Tape, Coupler, Blades	85.76
Hach Chemical Company	Lab Supplies	165.00
Hawkins, Inc	Fluoride	2,315.82
Hawkins, Inc	Fluoride Freight	20.50
Hawkins, Inc	Sodium Aluminate	635.88
Hawkins, Inc	Sodium Aluminate Freight	20.00
Hawkins, Inc	Hazard Signs	47.37
Iowa Dept of Natural Resources	2016 Annual Water Use Fee- Permit #1356	99.00
Miles Truck, Inc	2008 Ford F750 XL Truch Purchase	48,400.00
Mississippi Lime Company	Lime	4,769.00
Mississippi Lime Company	Lime	4,738.60
Principal Life Ins Co	Insurance Premium Nov 2015	425.96
ProElect/Professional Electronics	Phone Overlays	24.00
Taylor Contracting Co., Inc.	2005 PJ HT 20 Trailer	3,500.00

Water Plant **Department Total =** 73,927.26

Water Distribution

Bomgaars Supply, Inc	Cutting Wheels & Hitch Pins	21.92
City of Storm Lake	Health Ins Allocations Nov2015	1,415.53
Graham Tire	Tire Repairs	23.00
Principal Life Ins Co	Insurance Premium Nov 2015	136.83

Water Distribution **Department Total =** 1,597.28

Water Meters

Bomgaars Supply, Inc	Pain, Ties, & Flashlight	44.73
City of Storm Lake	Health Ins Allocations Nov2015	1,127.10
Principal Life Ins Co	Insurance Premium Nov 2015	55.88

Water Meters **Department Total =** 1,227.71

Wastewater Administration

Accela, Inc #774375	Online UB- Partial Aug & September 2015	146.25
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Smith	97.03
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Kruse	97.03
Central Bank	Iowa Leage Of Cities- Cedar Rapids- Patrick	97.03
Central Bank	ICMA Conference- Seattle- Patrick	448.28
City of Storm Lake	Health Ins Allocations Nov2015	2,997.46
Iowa Office Supply Inc	Copier Maintenance Agreement	8.74
Patrick James H	ICMA Conference- Seattle, WA- Patrick	138.50
Pitney Bowes Inc.	Terminal Rental Fee through October 30, 2015	100.00
Principal Life Ins Co	Insurance Premium Nov 2015	227.59
Qualified Presort Service, LLC	Montly Statements	399.25
Springbrook Natl User Group	2016 Annual Renewal	35.00
Treasurer State of Iowa	2015 Unclaimed Property	785.41

Wastewater Administration **Department Total =** 5,577.57

Wastewater Treatment Plant

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Bomgaars Supply, Inc	Power Steering Fluid	6.98
Bomgaars Supply, Inc	Pipe Plugs	5.18
Century Link	October 2015 Phone Service	192.32
City of Storm Lake	Serviced & Battery #30	148.46
City of Storm Lake	Removed Chainlinks to Factor Specifications #122	153.19
City of Storm Lake	Health Ins Allocations Nov2015	4,732.44
Foundation Analytical Laboratory Inc	Testing	355.00
Foundation Analytical Laboratory Inc	Testing	440.00
Foundation Analytical Laboratory Inc	Testing	805.00
Grainger Inc W.W.	Pallet Dolly	327.75
Inquirehire	Background Checks	68.50
Larson Oil & Distributing Co, Inc	Fuel	46.77
Larson Oil & Distributing Co, Inc	Propane Tank Services	215.45
Lundell Construction Co. Inc.	Road Stone	-208.65
NCL of Wisconsin Inc	Testing Supplies	142.66
Northern Balance/Scale Inc	Thermometer Calibration	126.00
Principal Life Ins Co	Insurance Premium Nov 2015	177.77
Recycle Center Harold Rowley	Recycling	20.80
Univar USA, Inc	Hydrogen Peroxide- Less Tax	1,505.50
Wal Mart #01-1526	Supplies	13.97

Wastewater Treatment Plant

Department Total = 9,275.09

Wastewater Collection

Bomgaars Supply, Inc	Torch Tip Returned	-11.49
Bomgaars Supply, Inc	Torch Tip & Cleaner	16.18
City of Storm Lake	Health Ins Allocations Nov2015	1,415.53
Principal Life Ins Co	Insurance Premium Nov 2015	136.83
Veenstra & Kimm, Inc	Construction Admin through 10/17/2015	12,286.08
Veenstra & Kimm, Inc	Construction Admin through 10/17/2015	1,638.15
Veenstra & Kimm, Inc	Construction Admin through 10/17/2015	2,457.22

Wastewater Collection

Department Total = 17,938.50

Landfill

Accela, Inc #774375	Online UB- Partial Aug & September 2015	146.25
City of Storm Lake	Health Ins Allocations Nov2015	469.58
Iowa Office Supply Inc	Copier Maintenance Agreement	8.74
Principal Life Ins Co	Insurance Premium Nov 2015	20.68
Qualified Presort Service, LLC	Montly Statements	399.25
Springbrook Natl User Group	2016 Annual Renewal	35.00

Landfill

Department Total = 1,079.50

Storm Water Administration

Accela, Inc #774375	Online UB- Partial Aug & September 2015	146.25
City of Storm Lake	Health Ins Allocations Nov2015	753.83
Iowa Office Supply Inc	Copier Maintenance Agreement	8.74
Principal Life Ins Co	Insurance Premium Nov 2015	28.98
Qualified Presort Service, LLC	Montly Statements	399.25
Springbrook Natl User Group	2016 Annual Renewal	35.00

Storm Water Administration

Department Total = 1,372.05

Storm Water Collection

City of Storm Lake
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Checks for Approval Report

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Bomgaars Supply, Inc	Shears	26.99
Buena Vista Co Engineer	Gutz Field Entrance- Pipe & Fill	730.00
City of Storm Lake	Health Ins Allocations Nov2015	660.57
Foundation Analytical Laboratory Inc	Testing	120.00
Foundation Analytical Laboratory Inc	Testing	120.00
H & W Contracting LLC	Pay Estimate #3 of NCSW	582,973.67
Principal Life Ins Co	Insurance Premium Nov 2015	35.82
Rehab Systems Inc.	Jet/Vac Cleaning Storm Sewer Lines	875.00
Storm Water Collection	Department Total =	585,542.05
Street Cleaning		
City of Storm Lake	Health Ins Allocations Nov2015	470.13
Street Cleaning	Department Total =	470.13
Insurance		
Auxiant - Claims Account	10/26/2015 Claims	9,878.37
Auxiant - Claims Account	10/19/2015 Claims	11,489.61
Auxiant - Fixed Account	November 2015 Insurance Premium	15,903.70
Auxiant - Flex Account	10/21/2015 Flex Claims	8.02
Insurance	Department Total =	37,279.70
Vehicle Maintenance		
Fastenal Company	Supplies	11.03
Fastenal Company	Supplies	8.53
Rasmussen's	Hose for the Heater on KP Expedition	72.42
Reinert Michael P	Pipe	7.50
Reinert Michael P	Oxygen Refill	16.00
Reinert Michael P	Steel Material & Plate for #5	32.44
Vehicle Maintenance	Department Total =	147.92
Technology		
Perrin Directional Drilling LLC	Fiber Line Pay Estimate	122,713.60
Strategic Insight, Inc	Capitol Planning Software	1,350.00
Technology	Department Total =	124,063.60
	Grand Total =	1,750,229.44

King's Pointe Resort
Disbursements 10/14/2015 through 10/27/2015

Vendor Name	Description	Amount
Ace Hardware Inc.	supplies	57.96
Alpha Wireless	supplies	219.00
American Red Cross	supplies	105.00
Ameripride Services	supplies	562.30
Arnold Motor Supply	supplies	21.27
Bomgaars Supply Inc.	supplies	346.97
Color-ize	supplies	80.85
Crescent Electric Supply Co.	supplies	248.98
Ed. M. Feld Equipment Co.	supplies	529.50
Expedia Inc.	commission	252.45
Ferguson Enterprises, Inc.	supplies	235.38
Hard Tops of Iowa	supplies	2,829.00
Hawk-I Electric Inc.	supplies	487.61
Hy-Vee Food Stores (2)	food	271.55
MidAmerican Energy Company	utilities	10,050.16
J Dan Skinner.com, Inc.	supplies	13.25
Julius Cleaners (2)	cleaning	66.60
KDSN AM/FM	advertising	186.00
Kineth Hotel Corporation (2)	payroll/mgt. fee/employee benefits	70,375.62
Mangold Environmental Testing	testing	300.00
Modern Sound Engineering Inc.	supplies	490.86
Pepsi-Cola Bottling Co.	beverages	1,223.83
Pilot Tribune	advertising	313.13
Pinnacle West, LLC	supplies	187.23
Probuild Company LLC	supplies	261.98
Rent-All Inc. (2)	rental fees	310.00
Revel Match DBA Rave Sports	supplies	1,405.65
Revinat Inc.	supplies	420.00
Continuum Retail Energy Service	utilities	4,376.03
Storm Lake Hydraulics Co Inc.	supplies	8.25
Storm Lake Times (2)	advertising	100.99
Sysco Gues Supply (2)	supplies	1,289.41
Treasurer State of Iowa (3)	sales tax	34,976.00
UPS	shipping	28.76
US Foods	food	10,055.35
US Water Services Inc.	supplies	458.33
Al's Liquor	beverages	462.48
Doll Distributing LLC	beverages	387.50
Hy-Vee Food Stores	food	157.60
Johnson Brothers/Iowa Wine & Bev	beverages	395.36
	Total	144,548.19

Sunrise Pointe Golf Course
Disbursements 10/14/2015 through 10/27/2015

MidAmerican Energy Company	utilities	562.13
Julius Cleaners	mat cleaning	4.80
Kineth Hotel Corporation	payroll, management fee	1,662.43
Alliant Energy	utilities	59.64
	Totals	2,289.00

These are Draft Minutes Subject to Final Council Approval

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL, OCTOBER 19, 2015 5:00 P.M.

Present: Council Members Dan Anderson, Sara Huddleston, Mike Porsch, Bruce Engelmann and David Walker. Absent: Mayor Jon Kruse. Staff present: City Manager Jim Patrick, Asst. City Manager Keri Navratil, City Attorney Phil Havens, Public Safety Director Mark Prosser, Building Official Scott Olesen, Fire Chief Mike Jones, Public Works Director Jason Etnyre, Project Manager/Community Development Director Mike Wilson, Library Director Elizabeth Huff, Finance Director Jane Smith, and Sue Vossberg City Clerk.

Mayor Pro-Tem Walker called the meeting to order at 5:00pm.

Hear the Public – Tim Humes, 209 W. 8th Street, addressed the Council about the feral cat issue in Storm Lake. He would like the Council to address the issue and make a public announcement about the issue of pets at large.

Consent Agenda – Moved by Council Member Porsch to approve the consent agenda which included the list of bills, minutes from the October 5, 2015 council meeting, liquor license renewals for Fareway and One Stop Liquor, and an agreement with Raymond and Helen Mittelstadt for installation of a grinder pump on their property. Seconded by Council Member Huddleston. Vote: All ayes. Motion carried.

5K Ugly Sweater Event – Moved by Council Member Engelmann to authorize the waiving of the rental fee for the use of the Chautauqua Park Shelter House for the St. Mary's Athletic Boosters Ugly Sweater 5K Event scheduled for Saturday, November 28, 2015. Seconded by Council Member Anderson. Vote: All ayes. Motion carried.

FEMA Project – Moved by Council Member Anderson the adopt Resolution No. 50-R-2015-2016 approving change order #12 to the contract with Eriksen Construction Co., Inc. for the Sanitary Sewer System Mitigation Project – Contract 4 – Lift Stations, an addition of \$112,000.00 to the contract. Total contract cost after change order #12 is \$3,984,807.25. Seconded by Council Member Huddleston. Vote: All ayes. Motion carried.

Grinder Pump Installation – Moved by Council Member Prosch to adopt Resolution No. 51-R-2015-2016 approving a contract with Schoon's Construction for installation of two E-1 grinder pumps. One pump installed for the Frank Starr Park restrooms and one for the Raymond Mittelstadt residence. Contract amount \$18,952.47. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

Downtown Façade Project – Moved by Council Member Huddleston to adopt Resolution No. 52-R-2015-2016 approving change order #3 to the contract with Cornerstone Commercial Contractors, Inc. for the Downtown Façade Renovation Project.

Change order is for an addition of \$4,333.00 for 615 Lake Avenue and an addition of \$8,242.00 for 613 Lake Avenue. Total cost for change order #3 is an addition of \$12,575.00 to the contract. Total contract cost after change order #3 is \$567,417.00. Seconded by Council Member Anderson. Vote: All ayes. Motion carried.

North Central Storm Water Project – Moved by Council Member Porsch to set a public hearing for November 2, 2015 for an update on the North Central Storm Water Project. Seconded by Council Member Anderson. Vote: All ayes. Motion carried.

Howard Road – Moved by Council Member Engelmann to adopt Resolution No. 53-R-2015-2016 approving change order #2 to the contract with Smith Concrete for the Howard Road Paving Project a decrease of \$425.50 to the contract. Total contract cost after change order #1 is \$174,975.55. Seconded by Council Member Huddleston. Vote: All ayes. Motion carried.

Moved by Council Member Porsch to adopt Resolution No. 54-R-2015-2016 approving the final acceptance of the Howard Road Paving Project contract with Smith Concrete Service. Final contract cost \$174,975.55. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

Branching Out Grant Fiscal Sponsor – Moved by Council Member Porsch to approve being the fiscal sponsor for the Storm Lake Cemetery Board in applying for a grant from Trees Forever under the Alliant Energy Branching Out Program. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

Home Base Iowa Initiative – Moved by Council Member Huddleston to adopt Resolution No. 55-R-2015-2016 supporting the Home Base Iowa Initiative. Seconded by Council Member Anderson. Vote: All ayes. Motion carried.

Branching Out Grant – Moved by Council Member Engelmann to approve submittal of a grant to Trees Forever under the Alliant Energy Branching Out Program. The grant will only be submitted if it will not be in conflict with the City being a fiscal sponsor for the Storm Lake Cemetery Board's grant submittal. Seconded by Council Member Porsch. Vote: All ayes. Motion carried.

Adjournment – Moved by Council Member Engelmann to adjourn the meeting at 5:35pm. Seconded by Council Member Huddleston. Vote: All ayes. Motion carried.

David Walker, Mayor Pro-Tem

Attest: Sue Vossberg, City Clerk

M E M O R A N D U M

TO: SUE VOSSBERG

FROM: MARK PROSSER

DATE: OCTOBER 13, 2015

REFERENCE: LIQUOR LICENSE RENEWAL
LAKE AVENUE LOUNGE
617 LAKE AVE

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

	10-29-2013 to 10-26-2014	10-26-2014 to 10-11-2015
INCIDENTS		
Ambulance Call	0	1
Bar Check	73	67
Business Security	1	2
Disturbance/Noise/Party	0	1
Found Property	0	1
Intoxicated Pedestrian	1	1
Keys Locked in Car	1	0
Law Dept. Assist	0	1
Open Door/Window	1	1
PR/Talk/Presentation	3	11
Station Assignment	1	0
Street Beat	5	0
Wants/Warrants Check	0	1

ARRESTS

Public Intoxication	1	1
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Recommendation: Approval of liquor license

Staff Summary

11/2/2015
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:

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	\$1,750,229.44	\$107,742.29	\$18,813.67	17	\$774.80	1	\$88,153.82	82
King's	\$144,548.19	\$39,196.57	\$13,294.15	34			\$25,902.42	66

Pointe							
Golf Course	\$2,289.00	\$626.57	\$626.57	100		\$	

RECOMMENDATION: Review Buy Local Information

Staff Summary

11/2/2015

Agenda Item # 3.



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: James H. Patrick, City Manager

SUBJECT: Mr. Kiley Miller's Presentation to Council Requesting Council's Consideration for Increasing City Support of the Corridor.

BACKGROUND: Mr. Kiley Miller, Executive Director for Iowa Lakes Corridor, will make a presentation to Council.

FISCAL IMPACT: No Fiscal cost incurred for the presentation.

RECOMMENDATION: Council listen to the presentation.

Staff Summary

11/2/2015

Agenda Item # 4.



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: James H. Patrick, City Manager

SUBJECT: Storm Lake United Presentation

BACKGROUND: Council has requested that Storm Lake United give a quarterly update. Mr. Lalone will present this quarterly update to Council.

FISCAL IMPACT: No fiscal impact.

RECOMMENDATION: Council hear the presentation.

Staff Summary

11/2/2015

Agenda Item # 5.



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: James H. Patrick, City Manager

SUBJECT: **Resolution No. 56-R-2015-2016 Change Order #2 Housing Project #2014-3**

BACKGROUND: During an electrical inspection it was determined the meter socket needed to be relocated and replaced. The proposed change order will adjust the original contract by an increase of \$2,508.50 for the cost of moving and replacing the meter socket.

This housing project is within budget.

FISCAL IMPACT: All the parties on the project agree to the change order. This Change Order will increase the contract amount by \$2,508.50. Total cost of the contract for Project #2014-3 after Change Order #2 is \$27,555.28.

RECOMMENDATION: Adopt Resolution No. 56-R-2015-2016

ATTACHMENTS:

Description	Type
☐ Change Order #2	Change Order
☐ Resolution No. 56-R-2015-2016	Resolution

REQUEST FOR CHANGE ORDER - NO. 2

PROJECT _____

Owner: _____
Address: _____
Storm Lake IA 50588

Contractor: K & M Construction
Address: 725 E. Lakeshore Drive
Storm Lake IA 50588

TYPE OF REQUEST _____

☒ CHANGE IN SPECS
☒ INCREASE IN CONTRACT AMOUNT \$2,508.50

REASON FOR REQUEST: Install new electrical service. Add \$2,508.50.

Adjusted Contract Amount	\$ <u>25,046.78</u>
Increase Amount	\$ <u>2,508.50</u>
Adjusted Contract Amount	\$ <u>27,555.28</u>

Inspector's Signature: _____ Date: _____

Contractor's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

City Signature: _____ Date: _____

RESOLUTION NO. 56-R-2015-2016

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

To approve Change Order #2 to the contract with K & M Construction for the Housing Rehabilitation Project #2014-3 with the following changes:

- Install new electrical service with an increase of \$2,508.50.

Total cost of change order #2 is increase of 2,508.50 to the contract. Total contract cost after change order #2 is \$27,555.28.

PASSED AND APPROVED this 2nd day of November 2015.

Jon F. Kruse, Mayor

ATTEST:

Susan Vossberg, City Clerk

Staff Summary

11/2/2015

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: James H. Patrick, City Manager

SUBJECT: **Resolution No. 57-R-2015-2016 Final Approval Housing Project 2014-3**

BACKGROUND: Work on the 2nd of 12 homes in the City's current Housing Rehabilitation Grant is now complete and all punch list items have been completed. The project did have two change orders one to remove the new sheathing from the specs (approved on June 15, 2015) and one for a new electrical service line (approved earlier on this agenda).

The homeowner, grant administrator, and City staff have all approved the work and the project is ready for final acceptance and payment. This resolution will approve the final acceptance on this project.

FISCAL IMPACT: The total cost of this project after Change Order #1 and #2 is \$27,555.28.

The cost of the project is covered through the grant from the State of Iowa.

RECOMMENDATION: Adopt Resolution No. 57-R-2015-2016 Subject to passing final inspection on November 3, 2015

ATTACHMENTS:

Description	Type
☐ Resolution No. 57-2015-2016	Resolution

RESOLUTION NO. 57-R-2015-2016

RESOLUTION ACCEPTING PUBLIC IMPROVEMENT

WHEREAS, the City Council of the City of Storm Lake, Iowa entered into a construction contract, and the Mayor and Clerk of Storm Lake, Iowa executed the contract with K & M Construction Storm Lake, IA with regard to the Housing Rehabilitation Project #2014-3, City of Storm Lake, Iowa.

WHEREAS, said contractor has fully completed the said project in accordance with the terms and conditions of said contract and plans and specifications.

WHEREAS, the final inspection will be held on November 3, 2015.

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

Section 1. That said public improvement is hereby approved and accepted as having been fully completed in accordance with the plans, specifications and form of contract, upon final inspection approval, and the total final contract price is \$27,555.28.

PASSED AND APPROVED this 2nd day of November, 2015.

Jon F. Kruse, Mayor

ATTEST:

Susan Vossberg, City Clerk

Staff Summary

11/2/2015

Agenda Item # 7.



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: Mike Wilson, Community Development Director

SUBJECT: **Resolution No. 58-R-2015-2016 Approving an Amendment to the Development Agreement with Southwest Minnesota Housing Partnership**

BACKGROUND: On August 2, 2013 the City approved a Development Agreement with Southwest Minnesota (SWMHP) to develop the 10th Street Townhome Project. Section 6.10 of the Agreement required SWMHP to dedicate the infrastructure to the City upon completion and acceptance by the City. The Iowa Finance Authority has taken the stance that dedication of the infrastructure to the City would trigger a recall of a portion of the tax credits that were issued to SWMHP. Neither the City or SWMHP want that to happen.

As such, the Amendment will delete the requirement that the infrastructure be dedicated to the City. The infrastructure will remain the property of SWMHP. However, SWMHP will grant access for City crews to maintain the water, sanitary sewer and storm water utilities.

FISCAL IMPACT: No fiscal impact. SWMHP will remain responsible for costs to maintain the infrastructure.

RECOMMENDATION: Approve the Resolution.

ATTACHMENTS:

Description	Type
☐ Development Agreement Amendment	Backup Material
☐ Resolution No. 58-R-2015-2016	Resolution

SECOND AMENDMENT TO THE AGREEMENT
FOR PRIVATE DEVELOPMENT BY AND BETWEEN
THE CITY OF STORM LAKE AND 10TH STREET TOWNHOMES LLLP

This Second Amendment ("Second Amendment" or "Amendment") is made as of the _____ day of _____, 2015, to the AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF STORM LAKE AND 10TH STREET TOWNHOMES LLLP ("Original Agreement") dated August 2, 2013, between the City of Storm Lake, Iowa ("City") and 10th Street Townhomes LLLP ("Developer").

WHEREAS, the parties previously executed the Original Agreement in which Developer is obligated to construct an affordable townhome development, and in consideration of Developer's obligations, the City agrees to provide certain incentives to Developer; and

WHEREAS, the parties previously executed a First Amendment to the Original Agreement dated February 17, 2014 ("First Amendment") in which the parties agreed to amend the Original Agreement to provide for a rebate of a portion of the Building Permit Fee that the Developer previously paid in full; and

WHEREAS, the parties have now agreed to further amend the Original Agreement to provide that the Developer Infrastructure Improvements will not be conveyed to, or accepted by, the City; and

WHEREAS, the City is agreeable to Developer's proposal under the terms and conditions of this Amendment.

NOW, THEREFORE, it is agreed by the parties:

1. All capitalized words used herein and not specifically defined shall have the same definitions as in the Original Agreement.

2. The definition of Developer Infrastructure Improvements in Section 1.1 is hereby deleted in its entirety and a new definition of Developer Infrastructure Improvements is inserted in lieu thereof as follows:

"Developer Infrastructure Improvements means the construction of streets, sanitary sewer, storm sewer and sidewalks by the Developer. For further detail, see Exhibit B-2, which is attached to this Agreement and incorporated herein."

3. Subsection 2.2.m. is hereby deleted in its entirety.

4. Section 3.1 is hereby deleted in its entirety and a new Section 3.1 is inserted in lieu thereof as follows:

"Section 3.1 Construction of Developer Infrastructure Improvements and Minimum Improvements. The Developer agrees that it will cause the

Developer Infrastructure Improvements and the Minimum Improvements to be constructed on the Development Property in conformance with the Construction Plans submitted to, and approved by, the City. The Developer agrees that the scope and scale of the Developer Infrastructure Improvements and the Minimum Improvements to be constructed shall not be significantly less than the scope and scale thereof as detailed and outlined in the Construction Plans, as so approved. Developer shall provide to the City all GIS data points for construction of the Developer Infrastructure Improvements in the form of shapefiles.”

5. Section 3.3 is hereby deleted in its entirety and a new Section 3.3 is inserted in lieu thereof as follows:

“Section 3.3 Commencement and Completion of Construction of Developer Infrastructure Improvements and Minimum Improvements. Subject to Unavoidable Delays, the Developer shall cause construction of the Developer Infrastructure Improvements and the Minimum Improvements to be undertaken and completed on or before December 31, 2014. All such work shall be in conformity with the Construction Plans approved by the applicable City building officials or any amendments thereto as may be approved by City building officials.

The Developer agrees that it shall permit designated representatives of the City, upon reasonable notice to the Developer (which does not have to be written), to enter upon the Development Property during the construction of the Developer Infrastructure Improvements and the Minimum Improvements in order to inspect such construction and the progress thereof. Upon notice of completion of the Developer Infrastructure Improvements and the Minimum Improvements, the City shall inspect the Developer Infrastructure Improvements and the Minimum Improvements and determine whether they have been completed in accordance with this Agreement. If the City determines that the Minimum Improvements are not acceptable, it shall notify the Developer within ten (10) days. If the City finds the Developer Infrastructure Improvements and Minimum Improvements acceptable, the City shall notify the Developer.”

6. Section 3.4 is hereby deleted in its entirety and a new Section 3.4 is inserted in lieu thereof as follows:

“Section 3.4 Certificates of Completion for Developer Infrastructure Improvements and Minimum Improvements. Upon written request of the Developer after issuance of an occupancy permit for the Minimum Improvements, the City will furnish the Developer with a Certificate of Completion for the Minimum Improvements in recordable form, in substantially the form set forth in Exhibit C attached hereto. Furthermore, upon written request of the Developer, after completion of the Developer Infrastructure Improvements, the City will furnish the Developer with a Certificate of Completion in recordable form, in substantially the form set forth in Exhibit C-1 attached hereto. Such Certificates of Completion shall be a conclusive determination of satisfactory termination of

the covenants and conditions of this Agreement solely with respect to the obligations of the Developer to construct the Developer Infrastructure Improvements and the Minimum Improvements.

The Certificates of Completion may be recorded in the proper office for the recordation of deeds and other instruments pertaining to the Development Property at the Developer's sole expense. If the City shall refuse or fail to provide a Certificate of Completion in accordance with the provisions of Section 3.4, the City shall, within twenty (20) calendar days after written request by the Developer, provide the Developer with a written statement indicating in adequate detail in what respects the Developer has failed to complete the applicable portion of the Developer Infrastructure Improvements or Minimum Improvements in accordance with the provisions of this Agreement, or is otherwise in default under the terms of this Agreement, and what measures or acts will be necessary, in the reasonable opinion of the City, for the Developer to take or perform in order to obtain such Certificate of Completion.”

7. Subsection 6.1.b. is hereby deleted in its entirety and a new Subsection 6.1.b. is inserted in lieu thereof as follows:

“b. Reserved; and”

8. Section 6.10 is hereby deleted in its entirety and a new Section 6.10 is inserted in lieu thereof as follows:

“Section 6.10. Reserved.”

9. Section 9.1. is hereby deleted in its entirety and a new Subsection 9.1. is inserted in lieu thereof as follows:

“Section 9.1. Release and Indemnification Covenants.

a. Developer releases the City and the governing body members, officers, agents, servants and employees thereof (hereinafter, for purposes of this Article IX, the “indemnified parties”) from, covenants and agrees that the indemnified parties shall not be liable for, and agrees to indemnify, defend, and hold harmless the indemnified parties against, any loss or damage to property or any injury to or death of any person occurring at or about or resulting from any defect in the Developer Infrastructure Improvements or the Minimum Improvements or Development Property.

b. Except for any willful misrepresentation or any willful or wanton misconduct or any unlawful act of the indemnified parties, Developer agrees to protect and defend the indemnified parties, now or forever, and further agrees to hold the indemnified parties harmless, from any claim, demand, suit, action or other proceedings whatsoever by any person or entity whatsoever arising or purportedly arising from: (i) any violation of any agreement or condition of this

Agreement (except with respect to any suit, action, demand or other proceeding brought by Developer against the City to enforce its rights under this Agreement); (ii) the construction, installation, ownership, and operation of the Developer Infrastructure Improvements or the Minimum Improvements; or (iii) any hazardous substance or environmental contamination located in or on the Development Property.

c. The indemnified parties shall not be liable for any damage or injury to the persons or property of Developer or their officers, agents, servants or employees or any other person under the direct supervision or control of the Developer who may be about the Developer Infrastructure Improvements or the Minimum Improvements or the Development Property due to any act of negligence of any person under the direct supervision or control of the Developer.

d. All covenants, stipulations, promises, agreements, and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements, and obligations of the City, and not of any governing body member, officer, agent, servant or employee of the City in the individual capacity thereof.

e. The provisions of this Article IX shall survive the termination of this Agreement.”

10. Except as amended and/or modified by this Second Amendment, the Original Agreement and First Amendment are hereby ratified and confirmed and all other terms of the Original Agreement and First Amendment shall remain in full force and effect.

[Remainder of page intentionally left blank; signature pages to follow]

IN WITNESS WHEREOF, the City has caused this Second Amendment to be duly executed in its name and behalf by its Mayor and its seal to be hereunto duly affixed and attested by its City Clerk, and Developer has caused this Second Amendment to be duly executed in its name and behalf by its Authorized Representative, all on or as of the date first written above.

(SEAL)

CITY OF STORM LAKE, IOWA

By: _____
Jon F. Kruse, Mayor

ATTEST:

By: _____
Sue Vossberg, City Clerk

[Signature pages to Second Amendment – City of Storm Lake]

10TH STREET TOWNHOMES LLLP

By its Co-General Partner:
Southwest Minnesota Housing Partnership

By: _____
Rick Goodemann, Chief Executive Officer

AND

By Its Co-General Partner:
Southwest Building Specialists, Inc.

By: _____
Rick Goodemann, Chief Executive Officer

[Signature page to Second Amendment – 10th Street Townhomes LLLP]

01173196-1\11149-064

RESOLUTION NO. 58-R-2015-2016

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF STORM LAKE AND 10TH STREET TOWNHOMES LLLP

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, 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 #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan 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, 10th Street Townhomes LLLP (the "Developer") has proposed a Second Amendment to the Agreement for Private Development ("Second Amendment") between Developer and the City which provides that the Developer Infrastructure Improvements (as defined in the Agreement for Private Development) will not be conveyed to, or accepted by, the City; and

WHEREAS, the Second Amendment does not obligate the City to provide any additional incentives; and

WHEREAS, the Council has determined that a Second Amendment providing that the Developer Infrastructure Improvements will not be conveyed to the City is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Second Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A

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

That the performance by the City of its obligations under the Second Amendment, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Second Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein.

That the form and content of the Second 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 Second 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 Second 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 Second Amendment as executed.

PASSED AND APPROVED this 2nd day of November, 2015.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

11/2/2015

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: Public Hearing On North Central Storm Water System Improvements Project

BACKGROUND: Last Council meeting, Council set a public hearing on the North Central Storm Water System Improvements Project as required by the Community Development Block Grant.

This public hearing is being held to update residents on the City's North Central storm water system improvements project since this project is partially funded with CDBG funds.

Since the CDBG application was submitted to the State of Iowa in the fall of 2012, the need for this project and the goals to reduce storm water flooding in areas served by this project have not changed as evident by the last large rain events. H&W Contracting is the contractor for the project and work on the project is approximately 40% completed. The grant is scheduled to close out July 31, 2016.

To date, \$481,123.00 in CDBG funds have been requested and \$527,924.78 in matching funds have been expended.

FISCAL IMPACT: No fiscal impact for the public hearing. Revenue for this project comes from CDBG and a SRF loan which is financed with State Sales Tax Increment Financing.

RECOMMENDATION: Hear the public.

Staff Summary

11/2/2015

Agenda Item # 9.



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. 59-R-2015-2016 Final Acceptance Of Storm Lake Sanitary Sewer System Mitigation Project Contract #2 - Sanitary Sewer and Force Main - West Area Supplemental Contract And Approving Final Pay Estimates 1S and 2S

BACKGROUND: The City of Storm Lake entered into a supplemental contract with J&K Contracting, LLC on January 5, 2015. The Sanitary Sewer System Mitigation Project Contract 2 - Sanitary Sewer and Force Main - West Area project had been substantially completed other than some outstanding work that was included on the Supplemental contract. During the course of the supplemental contract several issues that were not originally included in the supplemental contract were noticed and added to the cleanup list.

J&K has proposed that the City assume responsibility for the items remaining since the supplemental issues have been completed. J&K Contracting proposed to compensate the City the sum of \$2,000 for the City to address the remaining work items. After reviewing this proposal, there is agreement that the value of the work remaining to be completed will not exceed the sum of \$2,000.

Under the Hazard Mitigation Grant, the City will need to accept the work on the supplemental contract and pay the remaining amount due J&K Contracting. J&K Contracting has provided a \$2,000 check in the amount of \$2,000 to reimburse the City for the cost of the final work items.

This Resolution would accept the project and authorize the City to sign the Certificate of Completion. The Engineer's opinion is that the work performed is in substantial accordance with the plans and specifications. The Resolution would also approve the partial payment Estimate No. 1S (Final) in the amount of \$1,900. Final

retainage in the amount of \$100.00 will be paid on or about December 2, 2015.

FISCAL IMPACT:

The City has received a \$2,000 check from J&K Contracting to reimburse the City for final work items on Contract #2. The City will pay the final pay estimate (1S) of \$1,900 with the acceptance of the Supplemental Contract. The retainage of \$100.00 will then be paid on or about December 2, 2015 as a partial payment Estimate Number 2S (Retainage).

RECOMMENDATION:

Council Adopt Resolution No. 59-R-2015-2016 Final Acceptance Of Storm Lake Sanitary Sewer System Mitigation Project Contract #2 - Sanitary Sewer and Force Main - West Area Supplemental Contract and Approving Final Pay Estimates 1S and 2S.

ATTACHMENTS:

Description		Type
☐	Resolution No. 59-R-2015-2016	Resolution
☐	Certificate of Completion	Backup Material

RESOLUTION NO. 59-R-2015-2016

RESOLUTION ACCEPTING PUBLIC IMPROVEMENT

WHEREAS, the City Council of the City of Storm Lake, Iowa entered into a supplemental contract, and the Mayor and Clerk of Storm Lake, Iowa executed the supplemental contract with J & K Contracting LLC, Ames, Iowa with regard to the Sanitary Sewer System Mitigation Project Contract 2 – Sanitary Sewer and Force Main – West Area Supplemental Contract.

WHEREAS, said contractor has fully completed the said project in accordance with the terms and conditions of said contract and plans and specifications.

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

Section 1. That said public improvement is hereby approved and accepted as having been fully completed in accordance with the plans, specifications and form of contract, and the total final supplemental contract price is \$2,000.00.

PASSED AND APPROVED this 2nd day of November 2015.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

CERTIFICATE OF COMPLETION - SUPPLEMENTAL CONTRACT

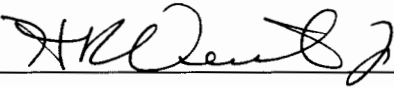
**SANITARY SEWER SYSTEM MITIGATION PROJECT CONTRACT 2 - SANITARY SEWER
AND FORCE MAIN - WEST AREA PROJECT
SUPPLEMENTAL CONTRACT
STORM LAKE, IOWA**

We hereby certify that we have made an on-site review of the completed construction of the Sanitary Sewer System Mitigation Project Contract 2 - Sanitary Sewer and Force Main - West Area project Supplemental Contract project as performed by J&K Contracting, LLC.

As Engineers for the project, it is our opinion the work performed is in substantial accordance with the plans and specifications, and that the final amount of the Contract is Two Thousand and 00/100 Dollars (\$2,000.00).

VEENSTRA & KIMM, INC.

Accepted: CITY OF STORM LAKE, IOWA

By 

By _____

Title Project Manager

Title _____

Date October 27, 2015

Date _____

Staff Summary

11/2/2015

Agenda Item # 10.



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. 60-R-2015-2016 Final Acceptance Of FEMA Sanitary Sewer System Mitigation Project Contract #1 - Sanitary Sewer And Force Main - South Area Supplemental Contract And Approval Of Partial Payment Estimate No. 1S.

BACKGROUND: The City of Storm Lake entered into a supplemental contract with H&W Contracting, LLC on December 15, 2014 for the Sanitary Sewer System Mitigation Project Contract 1 - Sanitary Sewer and Force Main - South Area project. The Supplemental contract was intended to cover the remaining grading and seeding on the project and had a value of \$3,000.

H&W Contracting LLC has completed most of the work under the supplemental contract. There are still a few areas that may need additional attention but this work, if necessary, can be administered under the maintenance bond.

The engineer has inspected the project and in his opinion, the work performed is in substantial accordance with the plans and specifications.

FISCAL IMPACT: The final pay estimate is for \$2,850 with a 5% retainage in the amount of \$150. The \$150 retainage will be held for 30 days and paid on or about December 2, 2015 for a total of \$3,000.00, the final amount of the Contract.

RECOMMENDATION: Council Adopt Resolution No. 60-R- 2015-2016 Final Acceptance Of FEMA Sanitary Sewer System Mitigation Project #1 - South Area Supplemental Contract And Approve Partial Payment Estimate 1S.

ATTACHMENTS:

Description

Type

- ▢ Certificate of Completion
- ▢ Resolution No. 60-R-2015-2016

Backup Material
Resolution

CERTIFICATE OF COMPLETION - SUPPLEMENTAL CONTRACT

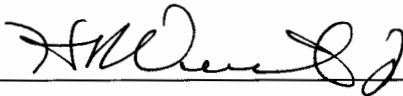
**SANITARY SEWER SYSTEM MITIGATION PROJECT
CONTRACT 1 - SANITARY SEWER AND FORCE MAIN - SOUTH AREA
SUPPLEMENTAL CONTRACT
STORM LAKE, IOWA**

We hereby certify that we have made an on-site review of the completed construction of the Sanitary Sewer System Mitigation Project, Contract 1 - Sanitary Sewer and Force Main - South Area Supplemental Contract project as performed by H&W Contracting, LLC.

As Engineers for the project, it is our opinion the work performed is in substantial accordance with the plans and specifications, and that the final amount of the Contract is Three Thousand and 00/100 Dollars (\$3,000.00).

VEENSTRA & KIMM, INC.

Accepted: CITY OF STORM LAKE, IOWA

By 

By _____

Title Project Manager

Title _____

Date October 27, 2015

Date _____

RESOLUTION NO. 60-R-2015-2016

RESOLUTION ACCEPTING PUBLIC IMPROVEMENT

WHEREAS, the City Council of the City of Storm Lake, Iowa entered into a supplemental contract, and the Mayor and Clerk of Storm Lake, Iowa executed the supplemental contract with H & W Contracting LLC with regard to the Sanitary Sewer System Mitigation Project Contract 1 – Sanitary Sewer and Force Main – South Area Supplemental Contract.

WHEREAS, said contractor has fully completed the said project in accordance with the terms and conditions of said contract and plans and specifications.

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

Section 1. That said public improvement is hereby approved and accepted as having been fully completed in accordance with the plans, specifications and form of contract, and the total final supplemental contract price is \$3,000.00.

PASSED AND APPROVED this 2nd day of November 2015.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Staff Summary

11/2/2015

Agenda Item # 11.



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: James H. Patrick, City Manager

SUBJECT: Resolution No. 61-R-2015-2016 Approving Change Order #13 To Storm Lake Sanitary Sewer System Mitigation Project Contract 4 - Lift Stations

BACKGROUND: Change Order 13 to the FEMA Contract #4 is to adjust the original proposal quantities to the final as constructed quantities and raises the contract price by \$507.00.

During construction of the project the quantity of work completed for two of the bid items slightly exceeded the original proposal quantity. Bid Item 1.15 had an additional 6 feet of 18-inch storm sewer installed during construction. Bid item 1.18 had an additional 20 feet of sewer televised. Under the contract, Erickson Construction Co. is to be compensated at the unit prices in the contract for the quantities of work actually completed. For work items that exceed the proposal quantity it is necessary to adjust the contract by change order prior to payment under the construction contract. This change order does not involve any additional work on the project but only administratively adjusts the quantities for the two items to allow for payment under the contract.

FISCAL IMPACT:	Original Contract Amount	\$3,704,400.00
	Previously Approved Change Orders	\$ 280,804.25
	This Change Order	\$ 507.00
	Adjusted Contract with this Change Order	\$3,985,311.25
	Percentage Change this Change Order	0.01%
	Accumulative Change Order	7.59%

FEMA will pay 75%, Home Land Security 10% and the City 15%.

RECOMMENDATION: Council Adopt Resolution No. 61-R-2015-2016 Approving Change Order #13 To Storm Lake Sanitary Sewer System Mitigation Project Contract 4 - Lift Stations

ATTACHMENTS:

Description	Type
📎 Resolution No. 61-R-2015-2016	Resolution
📎 Change Order #13	Change Order

RESOLUTION NO. 61-R-2015-2016

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

To approve Change Order No. 13 to the contract with Eriksen Construction Co., Inc. for the Sanitary Sewer System Mitigation Project – Contract 4 – Lift Stations, to adjust the proposal quantities for Bid Items 1.15 and 1.18 to final as constructed quantities an addition of \$507.00.

Cost of Change Order No. 13 is an addition of \$504.00 to the contract. Total contract cost after Change Order No. 13 is \$3,985,311.25.

PASSED AND APPROVED this 2nd day of November, 2015.

Jon Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk



VEENSTRA & KIMM, INC.

3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7848(FAX) • 800-241-8000(WATS)

October 9, 2015

CHANGE ORDER NO. 13

CITY OF STORM LAKE, IOWA
SANITARY SEWER SYSTEM MITIGATION PROJECT
CONTRACT 4 – LIFT STATIONS

Description

Change Order No. 13 is to adjust the proposal quantities for Bid Items 1.15 and 1.18. During construction slight increases of the length of 18-inch storm sewer and television inspection were required. This change order is to adjust the original contract quantities to the final as constructed quantities.

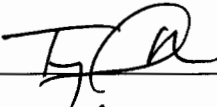
Change Order Costs

1. Bid Item 1.15 18" storm sewer in open cut, + 6 LF @ \$77/LF =	\$462.00
2. Bid Item 1.18 Television inspection, + 20 LF @ \$225/LF =	45.00
TOTAL	\$507.00

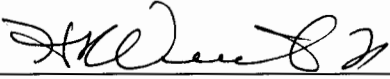
Financial Summary

Original Contract Amount	\$3,704,400.00
Previously Approved Change Orders	\$280,804.25
Previously Adjusted Contract Price	\$3,984,804.25
This Change Order	\$507.00
Adjusted Contract with this Change Order	\$3,985,311.25
Percentage Change this Change Order	0.01%
Accumulative Change, All Change Orders	7.59%

ERIKSEN CONSTRUCTION CO., INC.

By 
Title President
Date 10/14/15

VEENSTRA & KIMM, INC.

By 
Title President
Date October 14, 2015

CITY OF STORM LAKE, IOWA

By _____
Title _____
Date _____

ATTEST:

By _____
Title _____
Date _____

Staff Summary

11/2/2015

Agenda Item # 12.



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: Study Session To Discuss Two New Ordinances, A New Tree Ordinance And A New Mayor's Advisory Committee Ordinance

BACKGROUND: The City's Tree Ordinance is in need of an update. The City has been the recipient of a IDNR Grant to develop an Urban Forestry Plan. Work continues as staff inventories trees, and we conduct hands on sessions on tree maintenance and other tree care clinics. The IDNR and City are working on a proposed tree plan intended to address the ash bore beetle and other diseases, care and maintenance, and goals for growing the tree canopy in Storm Lake. Part of this effort is updating the Tree Ordinance to make it more relevant to the City and address our future needs. The draft tree ordinance closely follows the IDNR proposed tree ordinance, adapted to Storm Lake.

The second Ordinance is a new Mayor's Advisory Committee for Parks, Trails, and Urban Forest. This committee would provide recommendations and advise to the Mayor on the development of new parks and trails as well as assistance in Urban forest planning and development.

FISCAL IMPACT: None at this time.

RECOMMENDATION: Mayor and Council consider the draft Ordinances and provide staff with guidance on the development of them.

ATTACHMENTS:

Description	Type
☐ Tree Ordinance	Ordinance

City of Storm Lake

Chapter 10-5
TREES

10-5-1

10-5-2

Title

This Ordinance shall be known as the municipal tree ordinance for the City of Storm Lake, in Buena Vista County, State of Iowa.

Purpose

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Storm Lake.

Definitions

Corner Lots shall mean a lot situated at the junction of two (2) or more streets.

Large trees shall mean those trees attaining a height of 45 feet or more.

Park shall mean all public parks having individual names.

Tree lawn shall mean that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Tree Advisory Committee

There is hereby created and established a tree advisory committee for the City of Storm Lake which shall consist of a minimum of three and no more than five members, citizens and residents of this City, who shall be appointed by the mayor with the approval of the City Council. They shall also be members of the Mayor's Advisory Committee for Parks, Trails and Urban Forest. Members of the committee shall serve without compensation. The term of the tree advisory committee shall be three years, except that the term of two members appointed to the first committee shall be only one year, and the term of the other two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. The urban forester will serve as ex-officio member of the tree advisory committee.

The tree advisory committee will assist the city forester in the development of a comprehensive plan for the City of Storm Lake, including planning, tree planting, and maintenance programs for all public trees. The committee will promote the goals of the tree program.

Urban Forester

The City of Storm Lake shall employ a city forester, urban forester, or arborist. This individual shall be employed by the parks department, and serve as an ex-officio member of the tree advisory committee.

The urban forester shall have the following general powers and duties: (1) To direct, manage, supervise, and control the city street program to include all planting, removal, maintenance, and protection of all trees and shrubs on public areas; (2) To guard all trees and shrubs within the city to prevent the spread of disease or pests and to eliminate dangerous conditions that may affect the life, health, or safety of persons or property; (3) Such other powers and duties as are provided by the laws of Iowa; and by ordinance or the city.

Authority

The urban forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The urban forester shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree advisory committee and City Manager.

Permits

No person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground, or otherwise disturb any tree on any street or municipal-owned property without first filing an application and procuring a permit from the urban forester or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the urban forester.

The urban forester shall have the authority to require posting of a bond adequate to fully repay the City of Storm Lake for any and all costs attendant to the completion of the work under the permit. In addition, the contractor is required to show adequate insurance coverage from potential damages during the execution of the work.

Maintenance

All trees planted shall have trunks not less than one inch diameter at 6 inches above the ground. No trees shall be planted closer than 3 feet from the curb line or outer line of the sidewalk. Parkings must be at least 10 feet wide for medium and small trees. All trees shall be planted in line with each other and at a spacing of 40 to 60 feet depending on the species planted. No street tree shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground utility wire. No trees shall be planted within 50 lateral feet from corners or intersections.

All trees and shrubs on public or private property, which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet of the sidewalk side.

All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

Privately owned trees shall be cleaned and pruned to prevent damage to adjoining home or property. Privately owned trees shall be clear of street sight triangles and fire hydrants.

Species, Cultivars, and Varieties

The Tree Advisory Committee develops and maintains a list of desirable trees for planting along street in three size classes: small, medium, and large. A list of tree species not suitable for planting as street trees will also be created and enforced.

Obstruction

It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets.

When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune such trees with the cost assessed to the owner as provided by law in special assessments.

Nuisance and Condemnation

All street trees planted in violation of, or not maintained in strict compliance with the provisions of this ordinance, or that are dead or dangerous are declared to constitute a public nuisance. The urban forester shall cause written notice to be served on the property owner requiring such nuisances to be corrected within 30 days or the cost of correction will be assessed against the property owner.

Protection of Trees

During the development, redevelopment, razing, or renovating, no more than 50 percent of the trees shall be cut, damaged, or removed except by specific permit. No person shall excavate and ditches, tunnels, trenches or lay and drive within a radius of 20 feet from any tree.

No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree: allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees to come in contact with them: or set fire or permit fire to burn when such fire or the heat will injure any portion of any tree.

Tree topping is not allowed on any publicly owned tree.

Appeals

Any person who receives an order from the urban forester and objects to all or a part thereof, may, within 8 working days of receipt thereof, notify the urban forester and City Council, in writing, of the nature of the objection and request a hearing thereon. The hearing shall be held at the next scheduled Council Meeting that can be properly noticed. Within 8 days after such hearing, the City Manager shall notify the appellant and the urban forester of the final decision.

Interference

No person shall prevent, delay, or interfere with the urban forester or forester's assistants in the execution or enforcement of this ordinance.

Penalties

Any person or firm, or corporation violating or failing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than \$150,000, nor more than \$5,000 per day per occurrence, or may be imprisoned for a term not exceeding 60 days or both.