

**CITY OF STORM LAKE
REGULAR COUNCIL MEETING, CITY HALL
COUNCIL CHAMBERS
JUNE 2, 2014
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 Buddhist Temple
 - D. Motion Authorizing a Noise Variance for Kings Pointe Resort
3. Motion Authorizing Noise Variances For Buena Vista University
4. Public Hearing For Lake Avenue Recreational Trail
5. Resolution No. 92-R-2013-2014 Approve Plans, Specifications, & Form Of Contract For Lake Avenue Recreational Trail Project
6. Ordinance No.10-O-2013-2014 Vacation Of Public Right Of Way On Behalf Of Buena Vista Regional Medical Center, Third Reading
7. Public Hearing To Sell Public Right Of Way
8. Resolution No. 93-R-2013-2014 Approving The Transfer Of Public Property To Buena Vista Regional Medical Center
9. Public Hearing On Plans & Specifications For Well 20 Construction
10. Resolution No. 94-R-2013-2014 Approving The Well #20 Plans & Specifications
11. Motion To Set Public Hearing On Storm Water Ordinance
12. Ordinance No. 11-O-2013-2014 Minor Changes To Solicitor 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

6/2/2014

Agenda Item # A.



City of Storm Lake
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REPORT TO: Honorable Mayor and City Council

FROM: Sue Vossberg, Deputy Clerk

SUBJECT: **Approve Consent Agenda**

BACKGROUND: The Consent Agenda Includes:

- List of bills for approval
- King's Pointe disbursements for approval
- Sunrise Pointe Golf Course disbursements for approval
- Approve May 19, 2014 and May 28, 2014 City Council minutes
- Approve liquor license renewal for Walgreens
- Approve 5-day liquor license for the Buddhist Temple effective July 4, 2014
- Approve new liquor license for La Perla located at 200 E Railroad St (subject to fire inspection)
- Approve cigarette permit for Murphy Oil, Fareway, Wal-Mart, Walgreens, HyVee
- Approve noise variance for Buddhist Temple (see attached staff summary)
- Approve noise variance for King's Pointe Resort (see attached staff summary)

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills - \$313,179.78
- King's Pointe Bills - \$146,576.20
- Sunrise Pointe Golf Course Bills - \$20,522.45

The City will receive the following revenues:

- Liquor license fees - \$1,182.50
- Cigarette Permit renewals - \$375.00

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

Description

Type

	List of Bills	List of Bills
	King's Pointe & Sunrise Pointe Bills	List of Bills
	Minutes - May 19, 2014	Minutes
	Minutes - May 28, 2014	Minutes
	Walgreens liquor report	Backup Material
	Buddhist Temple 5-day Liquor License Application	Application
	La Perla Liquor Application	Application
	Cigarette Permit Applications	Application

UNAVAILABLE

AFLAC	PR Batch 00553.05.2014 Aflac Pretax	50.17
AFLAC	PR Batch 00553.05.2014 Aflac After tax	54.06
AFLAC	PR Batch 00554.05.2014 Aflac Pretax	491.72
AFLAC	PR Batch 00554.05.2014 Aflac After tax	160.56
City of Storm Lake	PR Batch 00554.05.2014 Dental employee/child	8.46
City of Storm Lake	PR Batch 00554.05.2014 Dental insurance employee c	15.68
City of Storm Lake	PR Batch 00554.05.2014 Dental employee/spouse	18.00
City of Storm Lake	PR Batch 00554.05.2014 Dental insurance family	93.50
City of Storm Lake	PR Batch 00554.05.2014 125 Flexible Benefits	672.44
City of Storm Lake	PR Batch 00554.05.2014 Flex- Child Care	115.38
City of Storm Lake	PR Batch 00554.05.2014 Health Insurance Family	2,007.62
City of Storm Lake	PR Batch 00554.05.2014 Health Insurance Single	317.40
City of Storm Lake	PR Batch 00553.05.2014 Dental insurance employee c	1.06
City of Storm Lake	PR Batch 00553.05.2014 Dental employee/spouse	10.85
City of Storm Lake	PR Batch 00553.05.2014 Dental insurance family	32.27
City of Storm Lake	PR Batch 00553.05.2014 125 Flexible Benefits	259.57
City of Storm Lake	PR Batch 00553.05.2014 Flex- Child Care	20.83
City of Storm Lake	PR Batch 00553.05.2014 Health Insurance Family	646.58
City of Storm Lake	PR Batch 00553.05.2014 Health Insurance Single	22.92
Collection Services Center	PR Batch 00553.05.2014 Child Support Payments to I	325.00
Collection Services Center	PR Batch 00554.05.2014 Child Support Payments to I	628.24
Conseco Health Insurance Co	PR Batch 00554.05.2014 Cancer Pre Tax Insurance	58.30
EFTPS	PR Batch 00554.05.2014 Federal Income Tax	10,684.17
EFTPS	PR Batch 00554.05.2014 FICA Employee Portion	4,669.45
EFTPS	PR Batch 00554.05.2014 FICA Employer Portion	4,669.45
EFTPS	PR Batch 00554.05.2014 Medicare Employee Portion	1,580.71
EFTPS	PR Batch 00554.05.2014 Medicare Employer Portion	1,580.71
EFTPS	PR Batch 00553.05.2014 Federal Income Tax	4,139.82
EFTPS	PR Batch 00553.05.2014 FICA Employee Portion	1,864.07
EFTPS	PR Batch 00553.05.2014 FICA Employer Portion	1,864.07
EFTPS	PR Batch 00553.05.2014 Medicare Employee Portion	524.68
EFTPS	PR Batch 00553.05.2014 Medicare Employer Portion	524.68
ICMA Retirement Trust 457	PR Batch 00553.05.2014 ICMA	1,050.00
ICMA Retirement Trust 457	PR Batch 00553.05.2014 ICMA City Paid	529.18
ICMA Retirement Trust 457	PR Batch 00553.05.2014 ICMA City paid for Police	424.91
ICMA Retirement Trust 457	PR Batch 00554.05.2014 ICMA	1,485.00
Iowa Public Employees	PR Batch 00554.05.2014 IPERS	4,372.73
Iowa Public Employees	PR Batch 00554.05.2014 IPERS City Share	6,562.59
Iowa Public Employees	PR Batch 00553.05.2014 IPERS	1,524.29
Iowa Public Employees	PR Batch 00553.05.2014 IPERS City Share	2,287.73
ITT Hartford AMS RPVA	PR Batch 00553.05.2014 457 Hartford	100.00
ITT Hartford AMS RPVA	PR Batch 00554.05.2014 457 Hartford	225.00
Muni Fire/Police Retire	PR Batch 00554.05.2014 Muni Police/Fire Pension	3,001.78
Muni Fire/Police Retire	PR Batch 00554.05.2014 Muni Police/Fire Pension Ci	9,618.51
Muni Fire/Police Retire	PR Batch 00553.05.2014 Muni Police/Fire Pension	521.22
Muni Fire/Police Retire	PR Batch 00553.05.2014 Muni Police/Fire Pension Ci	1,670.13
Teamsters Local Union 554	PR Batch 00554.05.2014 Union Dues	254.00
Treasurer State Of Iowa	PR Batch 00554.05.2014 State Income Tax	4,064.62
Treasurer State Of Iowa	PR Batch 00553.05.2014 State Income Tax	1,809.91

UNAVAILABLE

Department Total = 77,614.02

Police Department

Able Education	CPR Training & First Aid- 23 Employees	920.00
City of Storm Lake	Health Ins Allocations Jun2014	20,830.60
Cooke Matthew	MidWest Gang Conference- Bloomington, MN- Cook	124.97

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

Checks for Approval Report

From: 05/20/14 To 06/02/14
User: tyler.gibbins

CovertTrack Group, Inc	Mapping Services 8/20/2014 to 8/20/2015	600.00
Custodian of Petty Cash	SLPD Postage	8.32
Custodian of Petty Cash	SLPD Postage	8.86
Custodian of Petty Cash	SLPD Postage	8.32
Fields Adam	MidWest Gang Conference- Bloomington, MN- Fields	77.00
Flikied Brian	Sniper/Observer Training- Monezuma, IA- Flikied	458.40
Hy-Vee, Inc	Annual Meeting Supplies- Less Tax	158.15
Iowa Office Supply Inc	Maintenance Agreement	112.94
Jack's Uniforms & Equipment	Shoulder Patch- Erskine	430.99
Jack's Uniforms & Equipment	Shirt- Weflen	97.89
Mangold Environmental Testing	Shipping	20.38
Martin's Flag Co., Inc.	Flags	112.78
Nepple Electric Inc	Replace Eye Photo & Lamp	175.03
Principal Life Ins Co	Insurance Premium June 2014	2,090.78
Prosser Mark	Speakers- Shifting Demographics- Estherville- Prosser	42.00
Purchase Power	Postage May 21, 2014	103.45
Wal Mart #01-1526	Supplies	4.41
Wal Mart #01-1526	Supplies	34.88

Police Department

Department Total = 26,420.15

Fire Department

Affiliated Computer Services	Support Contract Renewal	795.00
City of Storm Lake	Health Ins Allocations Jun2014	1,912.64
Heiman Inc	Uniform Coat & Pants	2,957.64
Principal Life Ins Co	Insurance Premium June 2014	169.70
Stanton Electric, Inc	Lamps & Lamp Holders	115.42
Storm Lake Hydraulics Co Inc	Hose End	8.78

Fire Department

Department Total = 5,959.18

Building Official

Buena Vista Co Recorder	Copies- Driveway Assessments	48.00
City of Storm Lake	Health Ins Allocations Jun2014	2,147.52
Principal Life Ins Co	Insurance Premium June 2014	139.30
Purchase Power	Postage May 21, 2014	64.76
Rasmussen's	Cable Assembly on Air Distribution	153.90

Building Official

Department Total = 2,553.48

Animal Care

Sanders David James	Pigeon Trapping April/May 2014	235.00
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Animal Care

Department Total = 235.00

Law Enforcement

Jack's Uniforms & Equipment	MRAP Light & Equipment	1,111.34
Jack's Uniforms & Equipment	Chaplain Name Tags (3)	35.75

Law Enforcement

Department Total = 1,147.09

Roadway Maintenance

Buena Vista Regional Medical Center	CDL Data Testing	30.00
Buena Vista Regional Medical Center	CDL Data Testing	108.00

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Buena Vista Regional Medical Center	CDL Data Testing	108.00
City of Storm Lake	Replaced Alt & Prepared Lights	165.62
City of Storm Lake	Health Ins Allocations Jun2014	4,875.71
Iowa Office Supply Inc	Maintenance Agreement	30.70
Northern Safety Co, Inc	Safety Hose	105.83
Principal Life Ins Co	Insurance Premium June 2014	312.05
Rebnord Technologies Inc	External DVD Writer	54.95
Zee Medical Inc	First Aid Supplies	95.45

Roadway Maintenance

Department Total = 5,886.31

Snow Removal

City of Storm Lake	Health Ins Allocations Jun2014	1,716.60
Principal Life Ins Co	Insurance Premium June 2014	110.53

Snow Removal

Department Total = 1,827.13

Airport

Bart's Flying Service	Airport Contract May 2014	4,895.00
Bart's Flying Service	New Fuel Master Terminal Testing Reimbursement	3.70
Bart's Flying Service	New Fuel Master Terminal Testing Reimbursement	0.81
Bart's Flying Service	New Fuel Master Terminal Testing Reimbursement	5.08
Bart's Flying Service	New Fuel Master Terminal Testing Reimbursement	16.76
Bart's Flying Service	New Fuel Master Terminal Testing Reimbursement	11.19
Iowa Lakes Regional Water	Water Services	55.38
MS Door Service Ltd	Pest Management Services	45.00
Purchase Power	Postage May 21, 2014	0.48
Sunshine Services of Iowa, Inc	Garbage Services 4/1 to 6/30/2014	151.50

Airport

Department Total = 5,184.90

Library

City of Storm Lake	Health Ins Allocations Jun2014	4,499.41
Principal Life Ins Co	Insurance Premium June 2014	153.06
Purchase Power	Postage May 21, 2014	19.14

Library

Department Total = 4,671.61

Parks Department

Bolton & Menk, Inc	Sunset Park Trail Ext Eng Service Through- 5/21/2014	3,770.66
Buena Vista Regional Medical Center	CDL Data Testing	30.00
Buena Vista Regional Medical Center	CDL Data Testing	30.00
City of Storm Lake	Health Ins Allocations Jun2014	1,895.86
CNH Capital LLC	Supplies	23.40
Jahde Philip D	Tree Moved 5/5/2014	581.50
L & G Products, Inc	Mec Amine D Spray	780.00
Martin's Flag Co., Inc.	Flags	52.51
Principal Life Ins Co	Insurance Premium June 2014	183.82
Wilson Kenneth D.	Trees (2)	200.00

Parks Department

Department Total = 7,547.75

Golf Course

City of Storm Lake	Health Ins Allocations Jun2014	543.02
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Principal Life Ins Co	Insurance Premium June 2014	40.73
Scallon Steve	Stakes & Rope	2,188.00

Golf Course	Department Total =	2,771.75
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Campgrounds

City of Storm Lake	Health Ins Allocations Jun2014	181.01
Graffix, Inc	Campground Supplies	231.00
Jahde Philip D	Tree Moved 5/5/2014	1,453.75
Principal Life Ins Co	Insurance Premium June 2014	13.58
Wal Mart #01-1526	Supplies	25.73
Wilson Kenneth D.	Trees (5)	500.00

Campgrounds	Department Total =	2,405.07
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UNAVAILABLE

Jahde Philip D	Tree Moved 5/5/2014	290.75
Wilson Kenneth D.	Trees (1)	100.00

UNAVAILABLE	Department Total =	390.75
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Awaysis

Color-ize Inc	Discover Center Panels	522.50
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Awaysis	Department Total =	522.50
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UNAVAILABLE

Fastenal Company	Supplies	4.55
L & G Products, Inc	Shaws, Mop Covers for King's Pointe Per Nick	525.00
Rent-All	Concrete Bullfloat Rental	30.00
Rent-All	Concrete Cart- OWP Repairs	30.00

UNAVAILABLE	Department Total =	589.55
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Economic Develop

City of Storm Lake	Health Ins Allocations Jun2014	927.42
Principal Life Ins Co	Insurance Premium June 2014	60.24

Economic Develop	Department Total =	987.66
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Bargloff TIF

Brown Supply Company	Pizza Ranch Waterlines	7,806.00
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Bargloff TIF	Department Total =	7,806.00
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Storm Lake Sub-Division #5

Bolton & Menk, Inc	Design & Survey Land Dev Through 5/21/2014	2,437.50
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Storm Lake Sub-Division #5	Department Total =	2,437.50
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Dredging

City of Storm Lake
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City of Storm Lake	Health Ins Allocations Jun2014	139.04
Principal Life Ins Co	Insurance Premium June 2014	8.39
Dredging		
	Department Total =	147.43
Mayor, Council, Manager		
City of Storm Lake	Health Ins Allocations Jun2014	320.59
Principal Life Ins Co	Insurance Premium June 2014	48.10
Mayor, Council, Manager		
	Department Total =	368.69
Policy & Administration		
City of Storm Lake	Health Ins Allocations Jun2014	1,371.87
Principal Life Ins Co	Insurance Premium June 2014	105.55
Policy & Administration		
	Department Total =	1,477.42
Legal Services		
EMC Insurance Company	EOC Complaint- Paul Peterson	2,632.30
Legal Services		
	Department Total =	2,632.30
City Hall Building		
Central Iowa Distributing, Inc	Bags	44.30
MS Door Service Ltd	Pest Management Services	23.00
Steve's Window Svc	Window Cleaning 5/19/2014	34.00
City Hall Building		
	Department Total =	101.30
Tort Liability		
Stille Pierce & Pertzborn	Add 2001 Tahoe & 2002 Silverado	642.00
Tort Liability		
	Department Total =	642.00
Other Policy & Administration		
Custodian of Petty Cash	P & A Postage	0.50
Custodian of Petty Cash	P & A Postage	10.20
Iowa Office Supply Inc	Maintenance Agreement	30.71
Moss & Barnett	Legal Services 4/25/2014	207.00
Patrick James H	ACES Awards- Des Moines- Patrick	184.50
Purchase Power	Postage May 21, 2014	258.90
Springbrook Software, Inc	Export File Creation	-175.00
Springbrook Software, Inc	Re-write Work Order	-496.88
Wal Mart #01-1526	Supplies	51.08
Yarosevich Justin W	IaPELRA Spring Meeting- Ft Dodge- Yarosevich	22.40
Other Policy & Administration		
	Department Total =	93.41
Water Administration		
City of Storm Lake	Health Ins Allocations Jun2014	3,175.86
Iowa Office Supply Inc	Maintenance Agreement	30.70
Principal Life Ins Co	Insurance Premium June 2014	222.27

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Purchase Power	Postage May 21, 2014	16.72
Springbrook Software, Inc	Online UB- April 2014	113.25
Springbrook Software, Inc	Online UB- Feb 2014	108.00
Springbrook Software, Inc	Online UB- March 2014	105.50
Springbrook Software, Inc	March 2014 IVR	13.00
Springbrook Software, Inc	April 2014 IVR	9.00
Yarosevich Justin W	IaPELRA Spring Meeting- Ft Dodge- Yarosevich	22.40

Water Administration

Department Total = 3,816.70

Water Plant

City of Storm Lake	Health Ins Allocations Jun2014	2,277.82
Control System Specialists, LLC	Backflow Testing	570.00
Electric Pump Inc	Slurry Pump	2,528.07
Fastenal Company	Pallet jack, Misc Nuts/Bolts	445.22
Hawkins, Inc	Sodium Aluminate	953.81
Hawkins, Inc	Sodium Aluminate Freight	120.00
Hawkins, Inc	Fluoride	417.86
Hawkins, Inc	Fluoride Freight	29.50
Hickman, Williams & Company	Lime	4,588.84
Hickman, Williams & Company	Lime Freight	273.91
Hickman, Williams & Company	Lime Freight	248.63
Hickman, Williams & Company	Lime	4,165.20
Hickman, Williams & Company	Lime	4,204.36
Hickman, Williams & Company	Lime Freight	250.96
Hiway Truck Equipment Inc	Boss V-Plow Cart	424.00
Iowa Dept of Natural Resources	Well #20 Construction Permit	1,639.51
Iowa Office Supply Inc	Maintenance Agreement	17.50
Martin's Flag Co., Inc.	US & Iowa Flags	266.45
McMaster-Carr Supply Co	Press Grating	669.60
NCL of Wisconsin Inc	Lab Supplies	473.89
Principal Life Ins Co	Insurance Premium June 2014	409.70
Rebnord Technologies Inc	Patch Cable- Well 15	84.00
Stanley Mark	Lime Slurry Line Replacement	2,052.90
USA Blue Book	Chlorite Transfer Pump	157.73
Veenstra & Kimm, Inc	Well #20 Design 4/20 to 5/17/2014	14,889.80
Wal Mart #01-1526	File Boxes	49.85
Wal Mart #01-1526	Storage Boxes	29.89
Wal Mart #01-1526	Sealant, Dry Erase Board	10.89

Water Plant

Department Total = 42,249.89

Water Distribution

Buena Vista Regional Medical Center	CDL Data Testing	30.00
City of Storm Lake	Health Ins Allocations Jun2014	1,901.56
Integra Chemical Co.	Dechlorinator Kit	3,494.80
Principal Life Ins Co	Insurance Premium June 2014	191.74
Reinert Michael P	Chain Parts	57.84
Springbrook Software, Inc	Web Payments Credit July 2011	-313.00
Underground Location Company	Locates- April 2014	56.90

Water Distribution

Department Total = 5,419.84

Water Meters

Buena Vista Regional Medical Center	CDL Data Testing	30.00
City of Storm Lake	Health Ins Allocations Jun2014	1,128.93

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Principal Life Ins Co	Insurance Premium June 2014	92.01
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Water Meters	Department Total =	1,250.94
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Wastewater Administration

City of Storm Lake	Health Ins Allocations Jun2014	3,166.57
Iowa Office Supply Inc	Maintenance Agreement	30.70
Iowa Society of CPAs	IA Governmental Roundtable- Movall	30.00
Principal Life Ins Co	Insurance Premium June 2014	221.01
Purchase Power	Postage May 21, 2014	16.72
Springbrook Software, Inc	Online UB- Feb 2014	108.00
Springbrook Software, Inc	Online UB- March 2014	105.50
Springbrook Software, Inc	Online UB- April 2014	113.25
Yarosevich Justin W	IaPELRA Spring Meeting- Ft Dodge- Yarosevich	22.40

Wastewater Administration	Department Total =	3,814.15
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Wastewater Treatment Plant

Assmann Dean	Iowa Operator Certification Application Fee- Reimburs	60.00
Century Link	Phone Service May 2014- Less Tax	182.83
City of Storm Lake	Health Ins Allocations Jun2014	2,277.82
Control System Specialists, LLC	Backflow Preventer Rebuild	283.56
Control System Specialists, LLC	Backflow Preventer Inspection	285.00
Environmental Resource Associates	DMRQA Samples	79.05
Fareway Store #461	DI Water- Lab	126.00
Fastenal Company	Memorial Pump Supplies	41.50
Foundation Analytical Laboratory Inc	CBOD Tests	90.00
Iowa Dept of Natural Resources	WasteWater 3 Operator Cert- Kleespies	60.00
North Lake Truck Repair	Semi Tanker Brakes	286.22
Northern Balance/Scale Inc	Service & Calibrations	164.00
Principal Life Ins Co	Insurance Premium June 2014	592.52
Trimark Physicians Group	TVW Hep B 2nd Series	127.00
USA Blue Book	Portable Pump Hoses	275.29
Wal Mart #01-1526	Laskeside Sampler Ice Packs	11.64
Wal Mart #01-1526	South Mixers AC Unit	29.86
Wal Mart #01-1526	Office Supplies	31.92

Wastewater Treatment Plant	Department Total =	5,004.21
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Wastewater Collection

City of Storm Lake	Health Ins Allocations Jun2014	1,911.22
Gridor Construction, Inc	Retainage on Concrete	7,500.00
Gridor Construction, Inc	Retainage on Concrete	1,000.00
Gridor Construction, Inc	Retainage on Concrete	1,500.00
Iowa Dept of Natural Resources	Admin Consent Order- H&W Construction Permit	2,000.00
Principal Life Ins Co	Insurance Premium June 2014	192.58
Rehab Systems Inc.	Contract #3 Jet/Vac Cleaning	3,375.00
Rehab Systems Inc.	Contract #3 Jet/Vac Cleaning	450.00
Rehab Systems Inc.	Contract #3 Jet/Vac Cleaning	675.00
Underground Location Company	Locates- April 2014	56.90
Veenstra & Kimm, Inc	Construction Services- Solids Handling 4/20/2014- 5/1	874.50
Veenstra & Kimm, Inc	Const Services WWTP Disinfection Improvement 4/20	4,235.16
Veenstra & Kimm, Inc	Construction Staking- 4/20 to 5/17/2014	92.40
Veenstra & Kimm, Inc	Construction Staking- 4/20 to 5/17/2014	12.32
Veenstra & Kimm, Inc	Construction Staking- 4/20 to 5/17/2014	18.48
Veenstra & Kimm, Inc	Construction Admin 4/20 to 5/17/2014	5,820.04

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Veenstra & Kimm, Inc	Construction Admin 4/20 to 5/17/2014	776.00
Veenstra & Kimm, Inc	Construction Admin 4/20 to 5/17/2014	1,164.01
Veenstra & Kimm, Inc	Construction Observation 4/20 to 5/17/2014	2,501.61
Veenstra & Kimm, Inc	Construction Observation 4/20 to 5/17/2014	1,667.74
Veenstra & Kimm, Inc	Construction Observation 4/20 to 5/17/2014	12,508.04

Wastewater Collection

Department Total = 48,331.00

Landfill

City of Storm Lake	Health Ins Allocations Jun2014	450.06
Iowa Office Supply Inc	Maintenance Agreement	30.70
Principal Life Ins Co	Insurance Premium June 2014	19.95
Purchase Power	Postage May 21, 2014	8.35
Springbrook Software, Inc	Online UB- Feb 2014	108.00
Springbrook Software, Inc	Online UB- March 2014	105.50
Springbrook Software, Inc	Online UB- April 2014	113.25

Landfill

Department Total = 835.81

Storm Water Administration

City of Storm Lake	Health Ins Allocations Jun2014	722.93
Iowa Office Supply Inc	Maintenance Agreement	30.70
Principal Life Ins Co	Insurance Premium June 2014	29.55
Springbrook Software, Inc	Online UB- Feb 2014	108.00
Springbrook Software, Inc	Online UB- March 2014	105.50
Springbrook Software, Inc	Online UB- April 2014	113.25

Storm Water Administration

Department Total = 1,109.93

Storm Water Collection

Bolton & Menk, Inc	N Central Design & prof Service Through 5/21/2014	27,019.45
City of Storm Lake	Health Ins Allocations Jun2014	451.42
Jahde Philip D	Tree Moved 5/5/2014	1,163.00
Principal Life Ins Co	Insurance Premium June 2014	21.93
Simmering-Cory Inc	Release of Funds and State Contract Execution- 1st M	6,000.00
Wilson Kenneth D.	Trees (4)	400.00

Storm Water Collection

Department Total = 35,055.80

Street Cleaning

City of Storm Lake	Health Ins Allocations Jun2014	450.73
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Street Cleaning

Department Total = 450.73

Insurance

Three Rivers Benefit Corporation	Flex Claims 5/14/2014	1,606.74
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Insurance

Department Total = 1,606.74

UNAVAILABLE

Salus LLC	April 2014 Membership Dues	200.00
Upper Des Moines Opportunity	LHI 5K Donation- 2014	810.00
Wiebers Fitness	April 2014 Punchcards & Discounts	480.76

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Checks for Approval Report

From: 05/20/14 To 06/02/14
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UNAVAILABLE

Department Total = 1,490.76

Vehicle Maintenance

CNH Capital LLC	Reman-Alter	134.00
Fastenal Company	Supplies & Drill Set	143.83
Napa Auto Parts	Fittings	3.88
Reinert Michael P	Oxygen Refill	21.00
Reinert Michael P	Clamps & Installation	12.90
Storm Lake Hydraulics Co Inc	Swivel Elbow	7.72

Vehicle Maintenance

Department Total = 323.33

Grand Total = 313,179.78

King's Pointe Resort
Disbursements 5/14/2014 through 5/28/2014

Vendor Name	Description	Amount
ACCO	supplies	2,882.50
Ace Hardware (3)	supplies	400.90
Ace Refrigeration Eng.	supplies	1.50
Bomgaars Supply Inc.	supplies	17.88
Booking.com	commission	236.25
Chelsea Bork	reimbursement	278.02
Buena Vista Stationery	supplies	182.12
Capital Sanitary Supply Co.	supplies	407.84
City of Storm Lake	water	224.91
Colorize	supplies	905.57
Comm 1st Broadcasting - KKIA/KAYL	advertising	580.00
Ferguson Enterprises, Inc.	supplies	1,849.92
Hy-Vee Food Stores	food	202.10
MidAmerican Energy Company	utilities	9,135.12
Kinseth Hotel Corporation	payroll	93,589.74
Lake Electric Supply	supplies	486.07
McCrea Enterprises/Vista Paint	supplies	400.70
Olsen Welding & Machine Shop	supplies	319.50
Pepsi-Cola Bottling Co	beverages	2,234.14
Pro Finishes Unlimited Inc.	supplies	3,080.00
Rehab Systems Inc	supplies	875.00
Shoes for Crews	uniforms	942.36
Treasurer State of Iowa	sales tax	14,700.00
Pitney Bowes Bank	postage	1,000.51
UPS	shipping	54.55
US Foods	food	8,906.40
Al's Liquor	beverages	685.27
Doll Distributing	beverages	452.31
Johnson Brothers/Iowa Wine & Bev (2)	beverages	1,040.00
Lexyl Travel Technologies Inc.	supplies	178.50
Wal-Mart	supplies	326.52
	Totals	146,576.20

Sunrise Pointe Golf Course
Disbursements 5/14/2014 through 5/28/2014

Color-ize	supplies	215.65
Comm 1st Broadcasting-KKIA/KAYL	advertising	360.00
Frigitec	supplies	109.06
Julius Cleaners	mat cleaning	3.80
Kinseth Hotel Corporation	payroll, mgmt fee, work comp	2,507.50
Pepsi-Cola Bottling Co	beverages	117.17
Speed's Automotive Supply	carts	13,775.00
Star Promotions	supplies	2,935.21
Alliant Energy	utilities	301.48
US Foods	food	197.58
	Totals	20,522.45

These are Draft Minutes Subject to Final Council Approval

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL, MAY 19, 2014, 5:00 P.M.

Present: Council Members Dan Anderson, Mike Porsch, Bruce Engelmann and David Walker. Absent: Mayor Jon Kruse and Sara Huddleston. Staff present: City Manager Jim Patrick, City Attorney Phil Havens, Public Safety Director Mark Prosser, Building Official Scott Olesen, Fire Chief Mike Jones, Infrastructure Superintendent Pat Kelly, Project Manager/Community Development Director Mike Wilson, Library Director Elizabeth Huff, Doug Rainforth Water Quality Manager, Todd Allen Water Plant Superintendent, Jacob Stewart Wastewater Plant Superintendent, Jennifer Movall Finance Department Manager, and Justin Yarosevich City Clerk.

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

Hear the Public – Tom Huseman was present to introduce himself to the Council and the public and let them know he is running for BV County Board of Supervisors.

Phil Driver also running for County Supervisor was present to introduce himself to the Council. He encouraged people to vote.

Consent Agenda – Moved by Council Member Engelmann to approve the consent agenda which included checks #45830 through #45986, minutes from the May 5, 2014 and May 14, 2014 council meetings, cigarette permits for Dyno's, Casey's East, Casey's West, Casey's Central, Al's Liquors, and Midtown, taxi license for King's Limo, and a noise variance for a wedding and reception at the Sunset Park Band Shell and Chautauqua Park Shelter House on September 27, 2014 between the hours of 10:00am until 9:30pm. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Alliant Energy Annual Report – Rebecca Geisel was present to update Council on the activities of Alliant Energy within the community over the past year. Alliant Energy contributed \$11,000 to economic development support, \$3,400 to community support and contributed \$36,148 to Industrial Park Tree Grant Program.

Star Spangled Spectacular Requests – Moved by Council Member Anderson to adopt Resolution No. 87-R-2013-2014 approving the 2014 Star Spangled Spectacular requests. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Expansion Blvd Storm Water Project – Mayor Pro-tem Walker opened the public hearing on the Expansion Blvd Storm Water Project stating that this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Porsch to adopt Resolution No. 88-R-2013-2014 approving the plans, specifications, and form of contract for the Expansion Blvd Storm Water Project. Seconded by Council member Engelmann. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Sunset Circle Park Trail Extension – Moved by Council Member Engelmann to accept the quote from Smith Concrete for the construction of an extension of the Lake Trail from Sunset Park to Circle Park. Cost of construction \$58,160. Seconded by Council Member Anderson. Vote: All ayes with Council Member Huddleston absent. Motion carried.

FEMA Project – Contract 5 – Moved by Council Member Anderson to adopt Resolution No. 89-R-2013-2014 approving change order #3 to the Sanitary Sewer System Mitigation Project – Contract 5 – Wastewater Treatment Plant an addition of \$18,410 to the contract. Total contract cost after change order #3 is \$8,821,591. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Mediacom Settlement Agreement – Moved by Council Member Engelmann to approve the settlement agreement with Mediacom for franchise audit findings. Mediacom agrees to pay \$5,497.81 for past franchise fees due. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Well #20 – Moved by Council Member Anderson to set June 2, 2014 for a public hearing on the plans and specifications for Well #20 project. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

W. 6th Street Vacation – Moved by Council Member Porsch to pass on 2nd reading Ordinance No. 10-O-2013-2014 vacating a portion of the W. 6th Street right-of-way and a portion of the Highview Drive right-of-way. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Public Right-of-Way Sale – Moved by Council Member Anderson to adopt Resolution No. 90-R-2013-2014 setting a public hearing for June 2, 2014 on the sell of public right-of-way to Buena Vista Regional Medical Center. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

Adjourn – Moved by Council Member Engelmann to adjourn the meeting at 5:32pm. Seconded by Council Member Porsch. Vote: All ayes with Council Member Huddleston absent. Motion carried.

David Walker, Mayor Pro-tem

Attest: Justin Yarosevich, City Clerk

SPECIAL COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL, MAY 28, 2014 8:00 A.M.

Present: Mayor Jon Kruse (by phone), Council Members, Bruce Engelmann, Sara Huddleston, and Dan Anderson. Absent: Mike Porsch and David Walker. Staff present: Jennifer Movall Finance Department Manager and Justin Yarosevich City Clerk.

Mayor Kruse called the meeting to order at 8:00am.

Hear the Public – None

FY 2014 Budget Amendment – Mayor Kruse opened the public hearing on the FY 2013-2014 Budget Amendment stating that this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Englemann to adopt Resolution No. 91-R-2013-2014 adopting the FY 2013-2014 Budget Amendment. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Adjourn – Moved by Council Member Anderson to adjourn the meeting at 8:06am. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Jon F. Kruse, Mayor

ATTEST: Justin Yarosevich, City Clerk

M E M O R A N D U M

TO: JUSTIN YAROSEVICH

FROM: MARK PROSSER

DATE: May 27, 2014

REFERENCE: LIQUOR LICENSE RENEWAL
WALGREENS
800 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:

	05-29-2012 to 05-27-2013	05-28-2013 to 05-25-2014
INCIDENTS		
Accident	6	6
Ambulance Assist	0	2
Animal Complaint	2	1
Burglar Alarm	0	1
Business Assist	2	1
Business Security	49	50
Citizens Assist	2	5
Disturbance Call	0	1
Drug Investigation	1	1
Fire Call	1	0
General Information	1	1
Harassment	0	2
Intoxicated Driver	1	0
Keys Locked In Car	10	9
Law Department Assist	1	1
Lost Property	1	0
Motorist Assist	2	2
Pedestrian Stop	2	4
PR/Talk/Presentation	1	2
Scam	1	0
Street Beat	41	50
Suspicious Activity	2	1
Suspicious Person	0	1
Theft	1	3
Vehicle Search	1	0

Vehicle Stop	25	18
Warrant Service	1	0
Welfare Check	1	0

ARRESTS

Interference	0	1
Theft	0	1

Recommendation: Approval of liquor license

License Application ()

Applicant

Name of Applicant:	<u>Wat Lao Simongkhoun Chantharam</u>		
Name of Business (DBA):	<u>Wat Lao Simongkhoun Chantharam</u>		
Address of Premises:	<u>6018 Rothmoor RD</u>		
City: <u>Storm Lake</u>	County: <u>Buena Vista</u>	Zip: <u>50588</u>	
Business Phone:	<u>(712) 299-1068</u>		
Mailing Address:	<u>6018 Rothmoor RD</u>		
City: <u>Storm Lake</u>	State: <u>IA</u>	Zip: <u>50588</u>	

Contact Person

Name:	<u>Meng Lai</u>		
Phone:	<u>(712) 299-1068</u>	Email Address:	<u>keo_lai@hotmail.com</u>

Classification: Class B Beer (BB) (Includes Wine Coolers)

Term: 5 days

Effective Date: 07/04/2014

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)

Outdoor Service

Sunday Sales

Status of Business

BusinessType:	<u>Publicly Traded Corporation</u>		
Corporate ID Number:	<u>227720</u>	Federal Employer ID #	<u>42-1488210</u>

Ownership

Meng Lai

First Name: Meng

Last Name: Lai

City: storm lake

State: Iowa

Zip: 50588

Position secretary

% of Ownership 0.00 %

U.S. Citizen

Insurance Company Information

Insurance Company:	<u>Founders Insurance Company</u>		
Policy Effective Date:	<u>07/04/2014</u>	Policy Expiration Date:	<u>07/09/2014</u>
Bond Effective Continuously:		Dram Cancel Date:	
Outdoor Service Effective Date:		Outdoor Service Expiration Date:	
Temp Transfer Effective Date:		Temp Transfer Expiration Date:	

License Application ()

Applicant

Name of Applicant:	<u>Bautista LLC</u>		
Name of Business (DBA):	<u>La Perla</u>		
Address of Premises:	<u>200 E Railroad st</u>		
City: <u>Storm Lake</u>	County: <u>Buena Vista</u>	Zip: <u>50588</u>	
Business Phone:	<u>(712) 267-1203</u>		
Mailing Address:	<u>411 N 15th St</u>		
City: <u>Denison</u>	State: <u>IA</u>	Zip: <u>51442</u>	

Contact Person

Name:	<u>Miguel Bautista</u>		
Phone:	<u>(712) 267-1203</u>	Email Address:	<u>mabp1@yahoo.com</u>

Classification: Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 05/30/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)
Sunday Sales

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>46-5256461</u>	Federal Employer ID #	

Ownership

Arturo Bautista

First Name: Arturo

Last Name: Bautista

City: Cherokee

State: Iowa

Zip: 51012

Position Adimistrator

% of Ownership 50.00 %

U.S. Citizen

Miguel Bautista

First Name: Miguel

Last Name: Bautista

City: Denison

State: Iowa

Zip: 51442

Position Administrator

% of Ownership 50.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: IMT Insurance Co

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period July 1, 20 14 through June 30, 20 15

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your city clerk (within city limits) or your county auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA: Wal-Mart Stores, Inc./DBA Walmart # 1526

Location Address (Must Have): 1831 Lake Ave, Storm Lake, IA 50588

Mailing Address: 702 SW 8th Street

City: Bentonville

State/Zip: AR/72716-0500

Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 732-7940

Type of Retail Establishment:

☐ bar ☐ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☒ other Retail

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at www.state.ia.us/tax/business/CigTobIndex.html and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco eList (listserv).

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ LLP

Legal Owner: Wal-Mart Stores, Inc.

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address: 702 SW 8th Street

City: Bentonville

State: AR

Zip: 72716-0500

Ph. Number: (479) 204-2233

Fax Number: (479) 204-9864

E-mail Address: tara.stegall@walmart.com

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 and tobacco products.

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

Name (please print): Andrea Lazenby Assistant Secretary

Name (please print): _____

Signature: Andrea Lazenby

Signature: _____

Date: 5-8-2014

Date: _____

FOR OFFICE USE ONLY

Amount Paid: 75.00

Date Issued: _____

Permit #: BUS2014

☐ New

☒ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY
PLEASE SEND COMPLETED COPY TO THE IOWA
DEPARTMENT OF COMMERCE,
ALCOHOLIC BEVERAGE DIVISION

Name of Issuing City or County Des Moines Storm Lake

70-014a (05/30/12)

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period July 1, 20 14 through June 30, 20 15

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your city clerk (within city limits) or your county auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA: Walgreens #11330

Location Address (Must Have): 800 Lake Ave. Storm Lake, IA

Mailing Address: P.O. Box 901 City: _____ State/Zip: _____

Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 732-0005

Type of Retail Establishment:

☐ bar ☐ convenience store - with gas ☐ convenience store - no gas ☒ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ other _____

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at www.state.ia.us/tax/business/CigTobIndex.html and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco eList (listserv).

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ LLP

Legal Owner: Walgreen Co.

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address: PO Box 901

City: Deerfield State: IL Zip: 60015 Ph. Number: (847) 527-4402

Fax Number: (847) 368-6525 E-mail Address: taxlicenser renewals@walgreens.com

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 and tobacco products.

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

Name (please print): _____ ary Name (please print): Michael Felish

Signature: [Signature] Signature: Assistant Treasurer

Date: MAY 15 2014 Date: _____

FOR OFFICE USE ONLY

Amount Paid: 75.00

Date Issued: _____

Permit #: _____

☐ New

☒ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY
PLEASE SEND COMPLETED COPY TO THE IOWA
DEPARTMENT OF COMMERCE,
ALCOHOLIC BEVERAGE DIVISION

Name of Issuing City or County Storm Lake, IA

70-014a (05/30/12)

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period July 1, 20 14 through June 30, 20 15

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction. If you have questions, call your city clerk (within city limits) or your county auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA: MURPHY USA #6923
Location Address (Must Have): 1829 Lake Ave, Storm Lake IA 50588
Mailing Address: PO Box 7300 City: ELDORADO State/Zip: AR 71731
Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number ()
Type of Retail Establishment: ☐ has vending machine that assembles cigarettes
☐ bar ☒ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☐ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ other

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at www.state.ia.us/tax/business/CigTobIndex.html and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco eList (listserv).

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ LLP

Legal Owner: MURPHY OIL USA INC

(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address: PO Box 7300

City: ELDORADO State: AR Zip: 71731 Ph. Number: (870) 881-6657

Fax Number: (870) 875-7670 E-mail Address: permits_licensing@murphyusa.com

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 and tobacco products.

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

Name (please print): Karen D. Ray Name (please print):
Signature: Karen D. Ray Signature:
Date: 5-1-14 Date:

FOR OFFICE USE ONLY

Amount Paid: 75.00
Date Issued: ☐ New
Permit #: ☒ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY PLEASE SEND COMPLETED COPY TO THE IOWA DEPARTMENT OF COMMERCE, ALCOHOLIC BEVERAGE DIVISION

Name of Issuing City or County Storm Lake

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period July 1, 20 14 through June 30, 20 15

PLEASE TYPE OR PRINT LEGIBLY Please mail this completed application to your local jurisdiction. If you have questions, call your city clerk (within city limits) or your county auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA: Fareway Stores, Inc. #461

Location Address (Must Have): 731 Seneca Street

Mailing Address: 731 Seneca Street City: STORM LAKE State/Zip: 50588

Type of Sales: ☐ Vending Machine ☒ Over-the-counter Telephone Number (712) 732-6203

Type of Retail Establishment:

☐ bar ☐ convenience store - with gas ☐ convenience store - no gas ☐ drug store ☐ gas station
☒ grocery ☐ hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ other _____

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from TaxFax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at www.state.ia.us/tax/business/CigTobIndex.html and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS — THEIR BRANDS AND BRAND FAMILIES

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco eList (listserv).

You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: ☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ LLP

Legal Owner: Fareway Stores, Inc.
(Name of Individual, Partnership, Corporation, LLC, or LLP)

Mailing Address: PO Box 70

City: Boone State: IA Zip: 50036 Ph. Number: (515) 432-2623

Fax Number: (515) 433-4416 E-mail Address: twilson@farewaystores.com

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 and tobacco products.

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

Name (please print): Frederick R. Greiner Name (please print): _____

Signature: Frederick R. Greiner Signature: _____

Date: 5/12/14 Date: _____

FOR OFFICE USE ONLY

Amount Paid: 75.00
Date Issued: _____ ☐ New
Permit #: _____ ☒ Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY PLEASE SEND COMPLETED COPY TO THE IOWA DEPARTMENT OF PUBLIC HEALTH

Name of Issuing City or County Storm Lake

APPLICATION FOR IOWA RETAIL CIGARETTE / TOBACCO PERMIT

For period July 1, 2014 through June 30, 2015

PLEASE TYPE OR PRINT LEGIBLY Please mail this completed application to your local jurisdiction. If you have questions, call your City Clerk (within city limits) or your County Auditor (outside city limits).

I/We hereby make application for a retail permit to sell cigarettes and tobacco products:

BUSINESS INFORMATION

Name of Business/DBA Hy-Vee, Inc. DBA: Hy-Vee Food Store

Location Address (Must Have): 1250 N. Lake Ave, Storm Lake, IA 50588

Mailing Address 5820 Westown Pkwy City West Des Moines Zip 50266

Type of Sales: Vending Machine ☐ Over-the-counter ☒ Telephone Number (712) 732-5628

Type of Establishment:

Bar ☐ convenience store – with gas ☐ convenience store – no gas ☐ drug store ☐ gas station
☒ Grocery hotel/motel ☐ liquor store ☐ restaurant ☐ tobacco store
☐ Other

Cigarettes must be sold at the minimum price set by the State of Iowa. Obtain a current copy from the Iowa Department of Revenue Web site at www.state.ia.us/tax or from Tax Fax at 1-800-572-3943 (enter form number 71023).

ONLY APPROVED BRANDS OF CIGARETTES OR ROLL-YOUR-OWN PRODUCTS MAY BE SOLD IN IOWA

Any brand not on the list is contraband. In addition, all cigarettes sold in Iowa must have an Iowa Cigarette Tax Stamp affixed to each package. Any violation of contraband or non-Iowa cigarette tax stamped package is subject to seizure and penalties under the provisions of Iowa Code 453A and 453D.

The list of approved brands is always current at <http://www.state.ia.us/tax/business/CigTobIndex.htm> and is called IOWA DIRECTORY OF CERTIFIED TOBACCO PRODUCTS MANUFACTURERS – THEIR BRANDS AND BRAND FAMILIES.

Go to <http://elists.idrf.state.ia.us/scripts/wa.exe> and sign up for the Cigarette/Tobacco E-list. You will receive an e-mail every time the approved list changes or the minimum price changes.

LEGAL OWNER INFORMATION

Type of Ownership: Individual Partnership ☒ Corporation LLC LLP

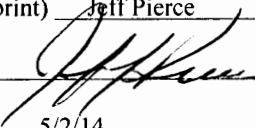
Legal Owner: Hy-Vee, Inc

Mailing Address 5820 Westown Pkwy
City West Des Moines State Iowa Zip 50266 Phone Number (515) 267-2800
Fax Number (515) 267-2904 E-Mail Address _____

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 and tobacco products.

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

Name (please print) Jeff Pierce Name (please print): _____

Signature  Signature _____

Date 5/2/14 Date _____

FOR OFFICE USE ONLY

Amount Paid 75.00

Date Issued _____

Permit Number _____

New

Renewal

FOR CITY CLERK/COUNTY AUDITOR ONLY PLEASE SEND COMPLETED COPY TO THE IOWA DEPARTMENT OF PUBLIC HEALTH

Name of Issuing City or County Storm Lake

Staff Summary

6/2/2014

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: Sue Vossberg, Deputy 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 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 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	\$313,179.78	\$121,810.58	\$13,867.34	11	\$4,910.56	4	\$103,032.68	85
King's Pointe	\$146,576.20	\$38,008.44	\$14,704.79	39			\$23,303.65	61
Golf								

Course	\$20,522.45	\$18,014.95	\$520.93	3		\$17,494.02	97
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RECOMMENDATION: Review Buy Local Information

Staff Summary

6/2/2014

Agenda Item # C.



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 Buddhist Temple**

BACKGROUND: Attached is a written request for a Noise Variance at the Buddhist Temple located at 6010 Rothmoor Road for outdoor, amplified entertainment on July 4, 2014 between the hours of 2:00pm and 11:30pm and July 5, 2014 between the hours of 2:00pm and 1:00am.

The request has been submitted by Meng Lai of the Temple Board.

The request is consistent with previous years and previous celebrations at the temple.

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
 Letter & Permit	Permit

May 22, 2014

Storm Lake City Council
Chief Mark Prosser, Public Safety

On behalf of the Lao Buddhist Temple we are requesting permission for a noise variance beginning at 2 pm through 11:30pm on July 4, 2014 and 2 pm on July 5 through 1 am on July 6, 2014 for a fundraiser which includes a live band among other activities.

If you have any questions please contact:

China House, Meng Lai, 732-1676 or 299-1068

*your sincerely
Meng Lai*



Public Safety Police & Fire

PERMIT

401 East Milwaukee Avenue
Storm Lake, IA 50588
Phone: 712-732-8010

Event Buddhist Temple Celebrations

Issued To: Name Meng Lai

Organization Buddhist Temple

Address 624 West Milwaukee

Storm Lake, IA 50588

Phone 712-732-1676 / 712-299-1068

Date(s) of Event July 4 & 5, 2014

Time(s) of Event See Below

Expiration of Permit 7-6-2014

Location/Area of Use 6010 Rothmoor Road - Buddhist Temple

Type of Permit

X X X

- | | | |
|----------|------------------------------|------------------------------|
| <u>1</u> | Noise Variance -8-7-4 | 7-4-2014 - 2:00PM to 11:30PM |
| | | 7-5-2014 - 2:00PM to 1:00AM |
| <u>2</u> | Ride/Run/Walk - 9-13-4 | |
| <u>3</u> | Parade -9-13-4 | |
| <u>4</u> | Public Demonstration - 8-7-4 | |
| <u>5</u> | Street Closing | |
| <u>6</u> | Fireworks - 8-2-1-(I2A) | |
| <u>7</u> | Authorized Burn - 7-2-2-B | |
| <u>8</u> | Other | |

Authorized by:

Mark A. Prosser

Printed Name

Signature

6-3-2014

Date

Public Safety Director

Title

Staff Summary

6/2/2014

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 a Noise Variance for Kings Pointe Resort**

BACKGROUND: Attached is a list of dates submitted by Nick Edwards of Kings Pointe requesting a Noise Variance for outdoor entertainment throughout the summer months on the patio at the Regatta Grille (Kings Pointe Resort).

The submitted request is for Saturdays and Sundays with the exception of July 2 through 6 for the holiday week and weekend period.

The times requested for each day are 4:00pm until 12:00am (midnight).

This request is consistent with previous years.

A Variance will be issued upon receipt of a consensus in the affirmative from the City Council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
☐ Letter and Variance	Permit



Kings Pointe Resort Request for Noise Variance

Kings Pointe Resort would like to request a noise variance for live music from 4pm to Midnight for the following dates:

Friday 6/6/14 to Sunday 6/7/14
Friday 6/13/14 to Saturday 6/14/14
Friday 6/20/14 to Sunday 6/22/14
Friday 6/27/14 to Saturday 6/28/14
Wednesday 7/2/14 to Sunday 7/6/14
Friday 7/11/14 to Saturday 7/12/14
Friday 7/18/14 to Sunday 7/19/14
Friday 7/25/14 to Saturday 7/26/14
Friday 8/1/14 to Saturday 8/2/14
Friday 8/8/14 to Saturday 8/9/14
Friday 8/15/14 to Saturday 8/16/14
Friday 8/22/14 to Saturday 8/23/14
Friday 8/29/14 to Sunday 8/31/14

Thank you for your consideration.

A handwritten signature in black ink, appearing to be "Nick Edwards".

Nick Edwards
General Manager
Kings Pointe Waterpark Resort

Staff Summary

6/2/2014

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: Mark Prosser, Public Safety Director

SUBJECT: **Motion Authorizing Noise Variances For Buena Vista University**

BACKGROUND: Attached is a letter requesting two (2) Noise Variances for Buena Vista University submitted by Becka Neary-DeLaPorte, Director of Student Activities for Buena Vista University.

The request is for two (2) Noise Variances to be issued for outdoor events in conjunction with the return of BVU students for the 2014/15 academic year.

The specific requests are:

*A Noise Variance for Saturday, August 24, 2014 between the hours of 9:00pm and 12:00am for an outdoor movie on the Forum Lawn.

*A Noise Variance for Sunday, August 24, 2014 between the hours of 8:00pm and 11:00pm for an outdoor concert in the central campus area.

These requests are consistent with previous years.

I will issue the Variances upon receiving a consensus in the

affirmative from the City Council.

FISCAL IMPACT: None

RECOMMENDATION: Pass Motion

ATTACHMENTS:

Description	Type
 letter and variance - bvu welcome week	Letter

BUENA VISTA UNIVERSITY

May 30, 2014

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

Dear Mr. Prosser:

Buena Vista University is preparing for Welcome Week activities on campus for new and returning students. In order to make this year's event(s) a success, we are requesting the assistance of the city. The following is an overview of the proposed events.

Saturday, August 23, 2014 Outdoor Movie on the Lawn-the Student Activities Board is hosting a movie on the Forum lawn from **9:00pm-11:59pm.**

Sunday, August 24, 2014 Johnny Holm Band-the annual welcome back band and dance will be held in central campus from **8:00pm-11:00pm.**

We are requesting a noise variance for the above stated dates and times.

The Student Activities Board and the department of Student Affairs will inform the University neighbors of the date and time of these events through a flier delivered to their home, allowing residence to prepare accordingly. We will distribute notices door to door at least one week prior to the event.

We appreciate the city council's consideration of the above requests and if additional information is needed please contact Mark Kirkholm, Director of Campus Security at 749-2500 or me at 749-2377. We thank you for your help in making this year's activities a success for the Buena Vista University and Storm Lake community.

Sincerely,



Becka Neary-DeLaPorte
Director of Student Activities and Leadership Development
Buena Vista University
610 West 4th Street
Storm Lake, Iowa 50588

CC: Mark Kirkholm and Dale Scully



Public Safety Police & Fire

PERMIT

401 East Milwaukee Avenue
Storm Lake, IA 50588
Phone: 712-732-8010

Event BVU 2014 Welcome Week

Issued To: Name Becka Neary-DeLaPorte

Organization BVU - Student Activities

Address 610 W 4th Street

Storm Lake, IA 50588

Phone 712-749-2377

Date(s) of Event 8-23-14 (9:00pm-12:00am)

8-24-14 (8:00pm-11:00pm)

Time(s) of Event _____

Expiration of Permit 8-25-2014

Location/Area of Use BVU Forum Lawn & Central Campus

Type of Permit

X X X

1 Noise Variance -8-7-4

2 Ride/Run/Walk - 9-13-4

3 Parade -9-13-4

4 Public Demonstration - 8-7-4

5 Street Closing _____

6 Fireworks - 8-2-1-(I2A) _____

7 Authorized Burn - 7-2-2-B _____

8 Other _____

Authorized by: Mark A Prosser

Printed Name

Signature

6-3-2014

Date

Public Safety Director

Title

Staff Summary

6/2/2014

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: Pat Kelly, Infrastructure Superintendent / Public Facilities Director

SUBJECT: **Public Hearing For Lake Avenue Recreational Trail**

BACKGROUND: The Lake Avenue Recreational Trail will construct a walking and biking pedestrian trail along North Lake Avenue from 10th Street north to C49. The bid letting will be June 17, 2014 through the Iowa Department of Transportation. The City Clerk has the plans and specifications on file.

The trail project has two separate grants from the State of Iowa Department of Transportation in the total amount of \$193,000.

This project has been approved in the Capital Budget.

FISCAL IMPACT: Total costs for the project break down as follow based on current estimates.

Engineering \$49,750
Construction \$496,707
Contingency \$1,000
Legal/Admin \$10,000
Street Light Move \$26,875
Land Acquisition \$5,000
The total Projected Cost is \$589,332

This project will be paid for from the two Iowa Department of Transportation Grants, Franchise Fees and Road Use Tax.

RECOMMENDATION: Open Public Hearing

Hear the Public

Close Public Hearing

Staff Summary

6/2/2014

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: Pat Kelly, Infrastructure Superintendent / Public Facilities Director

SUBJECT: **Resolution No. 92-R-2013-2014 Approve Plans, Specifications, & Form Of Contract For Lake Avenue Recreational Trail Project**

BACKGROUND: The Lake Avenue Recreational Trail will construct a walking and biking pedestrian trail along North Lake Avenue from 10th Street north to C49. The bid letting will be June 17, 2014 through the Iowa Department of Transportation. The City Clerk has the plans and specifications on file.

The trail project has two separate grants from the State of Iowa Department of Transportation in the amount of \$193,000.

This project has been approved in the Capital Budget.

FISCAL IMPACT: Total costs for the project break down as follows based on current estimates.

Engineering \$49,750
Construction \$496,707
Contingency \$1,000
Legal/Admin \$10,000
Street Light Move \$26,875
Land Acquisition \$5,000
The total Projected Cost is \$589,332

This project will be paid for from the two Iowa Department of Transportation Grants, Franchise Fees and Road Use Tax.

RECOMMENDATION: Approve Resolution No. 92-R-2013-2014

ATTACHMENTS:

Description	Type
 Resolution No. 92-R-2013-2014	Resolution

RESOLUTION NO. 92-R-2013-2014

**RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF
CONTRACT AND ESTIMATE OF COST FOR THE CITY OF STORM LAKE
2014 LAKE AVENUE TRAIL IMPROVEMENTS PROJECT**

WHEREAS, the plans, specifications, form of contract and estimate of cost were filed with the CITY for the construction of certain public improvements described in general as the 2014 Lake Avenue Trail Improvements Project; and

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

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

Section 1. That the said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said public improvements, as described in the preamble of this Resolution.

PASSED AND APPROVED this 2nd day of June 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

6/2/2014

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: **Ordinance No.10-O-2013-2014 Vacation Of Public Right Of Way On Behalf Of Buena Vista Regional Medical Center, Third Reading**

BACKGROUND: The City received a letter from BVRMC requesting Council consideration to vacate a portion of 6th Street Right Of Way (ROW) from Highview to Pleasantview. BVRMC owns the property on either side of the road and needs this ROW for their planned expansion.

The City Council conducted a public hearing, and has considered this Ordinance on two previous readings. Council is now asked for their consideration on this third Ordinance reading. BVRMC intends to purchase this Right Of Way from the City should Council choose to proceed.

BVRMC intends to relocate the existing sewer main under 6th Street and give the City a new easement for the sewer main.

FISCAL IMPACT: The vacation of the 6th Street ROW will save the City money for continued maintenance. The relocation of the sewer main should improve the efficiency of the sewer main.

RECOMMENDATION: First Reading May 5th

Second Reading May 19th

Third Reading June 2nd

ATTACHMENTS:

Description	Type
 Ordinance No. 10-O-2013-2014	Ordinance

ORDINANCE NO. 10-O-2013-2014

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE WEST 6TH STREET RIGHT-OF-WAY AND A PORTION OF THE HIGHVIEW DRIVE RIGHT-OF-WAY IN THE CITY OF STORM LAKE, IOWA.

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

Section I. Purpose: The purpose of this Ordinance is to vacate a portion of the West 6th Street right-of way and a portion of the Highview Drive right-of way in the City of Storm Lake, Buena Vista County, Iowa and thereby relieve the City of Storm Lake of responsibility for the maintenance and supervision of such streets.

Section II. Facts Found: The City Council of the City of Storm Lake, Iowa hereby makes the following findings:

1. Portions of the West 6th Street and Highview Drive street rights-of way, legally described as:

PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

are not needed for use of the public as streets, and therefore, maintenance of those portions of such streets at public expense is no longer justified. However, the City of Storm Lake, Iowa will continue to maintain certain utilities on, under, and through the entirety of the rights-of-way described above and this vacation of portions of streets is not intended to relinquish any of the City of Storm Lake's property interests in such rights-of-way.

2. The vacation will not deny owners of property abutting on the streets reasonable access to their property.
3. Notice of the intended vacation including the date on which the Council would

first consider the vacating ordinance has been published in the Storm Lake Times on April 25, 2014, and which date was not less than four (4) nor more than twenty (20) days from the date of the first hearing on the proposed vacation, which date was set for May 5, 2014.

Section III. Vacation: Portions of the West 6th Street and Highview Drive street rights-of way, legally described as:

PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

in the City of Storm Lake, Iowa are hereby declared vacated.

Section IV. Repealer: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section V. Severability Clause. If any section, provision, or part of this Ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section VI. When Effective: This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this 2nd day of June, 2014.

Jon Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

6/2/2014

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: **Public Hearing To Sell Public Right Of Way**

BACKGROUND: Council directed that a public hearing be held to consider selling a portion of 6th Street from Highview to Pleasantview to Buena Vista Regional Medical Center (BVRMC).

Buena Vista Regional Medical Center has requested this consideration since they own the property on both sides of the road. This would allow them to expand their campus.

The request is to sell 24,175.85 square feet of Right Of Way to BVRMC in return for their commitment to improve their existing Storm Water management. BVRMC has committed to reduce the current storm water run off as well as to manage the storm water from the new construction.

Their storm water plans have been reviewed and approved by the City contract engineer. The engineer has reviewed and approved the storm water run off calculations and it appears that BVRMC will reduce their runoff by approximately 5 cubic feet per second from the current run off rate. This includes the storm water that will be generated from new construction, a significant reduction to the existing conditions. The City will inspect the final construction to insure that construction was completed per the plans.

BVRMC has also committed to move the sewer main beneath 6th Street and give the City a new easement for the relocated line. This will improve the efficiency of the sewer main as well.

The proposed agreement with BVRMC is attached.

FISCAL IMPACT:

The City has spent approximately \$50.00 to advertise the public hearing. The transfer of property under the terms proposed would assist in diminishing the run off from the current BVRMC campus and improve the water quality going into the lake, saving the City, as well as neighbors, the costs associated with excessive runoff.

RECOMMENDATION:

Open the Public Hearing
Hear any Comments
Close the Public Hearing

ATTACHMENTS:

Description	Type
 BVRMC Agreement	Backup Material

**AGREEMENT BETWEEN CITY OF STORM LAKE AND BUENA VISTA REGIONAL
MEDICAL CENTER FOR CONVEYANCE OF REAL ESTATE IN EXCHANGE FOR
STORM WATER DRAINAGE IMPROVEMENTS**

This is an agreement (the "Agreement") between the City of Storm Lake, Iowa, an Iowa municipal corporation, (the "City") and Buena Vista Regional Medical Center, a County Hospital organized under the laws of Iowa, (BVRMC).

Background

The City owns real estate that is, or until the recent vacation of a portion of the West 6th Street right-of-way and a portion of the Highview Drive right-of-way, was, street rights-of-way in the City of Storm Lake, Iowa, dedicated to the public. The City is in the process of, or has recently completed, the process of passing an ordinance vacating the dedicated street rights-of-way located on such land. The street rights-of-way subject to the vacation and the real estate owned by the City on which those rights-of way are located are legally described as follows:

**PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH
BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE
LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY,
IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

(the "Real Estate").

BVRMC desires to acquire the Real Estate, which adjoins property owned by BVRMC. The City is willing to convey the Real Estate to BVRMC in exchange for certain storm water management improvements to be made by BVRMC under the terms and provisions of this Agreement that will benefit the public.

A sanitary sewer main of the City is situated underground on the Real Estate. BVRMC is embarking on an expansion project which entails use of the Real Estate and, to accommodate the expansion, wants the sanitary sewer main re-routed in such a way that it will cross both part of the Real Estate and part of some property already owned by BVRMC. The City is willing to allow BVRMC to re-route the sewer main but will require that BVRMC grant the City an easement for the construction and maintenance of such main. BVRMC is willing to construct and install the new, re-routed sanitary sewer main and is willing to grant the necessary easement to the City. The City is willing to allow BVRMC to construct and install the main under supervision of the City and subject to City approval. The sanitary sewer main so constructed is to be dedicated to the public.

Terms of Agreement

Now, therefore, in consideration of the mutual promises and assurances contained in this Agreement, the sufficiency of which consideration is acknowledged by the parties, the City and BVRMC agree as follows:

Section 1. Conveyance of Real Estate to BVRMC. Within 14 days after the adoption of such ordinance or the execution of this Agreement by both parties, whichever is later, or at such later date as may be requested by BVRMC in writing, the City shall convey to BVRMC, by quit claim deed, title to the Real Estate without the payment of any money by BVRMC to the City. If BVRMC wishes to have an abstract of title for the Real Estate, BVRMC shall be responsible for ordering and paying the cost of its preparation.

Section 2. Conveyance of Easement to City. At such time as the City conveys the Real Estate to BVRMC, BVRMC shall convey to the City the easement for the re-routed sanitary sewer line without the payment of any money to BVRMC by the City. The easement shall be in the form as shown on attached Exhibit 1.

Section 3. Construction of Re-routed Sanitary Sewer Main. BVRMC, at its expense, shall construct and install, to City's specifications, the re-routed sanitary sewer main on the easement area described in attached Exhibit 1. BVRMC warrants the design, materials, workmanship, construction, and performance of the re-routed sanitary sewer main for two years after completion. The re-routed sanitary sewer main shall be dedicated to the public. However, BVRMC shall permit the City to inspect such main before it is covered with dirt, and the sanitary sewer main must be approved by the City before acceptance of the dedicated sanitary sewer main by the City. That part of the

sewer main which is to be replaced by the re-routed sewer main shall not be disconnected from the City's sanitary sewer system until the City gives BVRMC written authorization to do so.

Section 4. Storm Water Management Improvements to be made by BVRMC.

As a part of its hospital expansion project, BVRMC shall incorporate certain storm water management improvements on its campus, as shown in a letter to James Patrick from Zac Andersen, P.E. dated April 14, 2014 and plans for such improvements, which letter and plans together are referred to below as the "Plans" and attached as Exhibit 2. The Plans may be changed by BVRMC, provided that any change affecting storm water drainage or the calculation of the amount of storm water runoff that will come from the campus of BVRMC, as determined by BVRMC's Professional Engineer, has been approved in writing by the City before BVRMC authorizes any change order effecting such change. BVRMC shall permit the City to inspect the construction of such storm water management improvements after their completion. If the City is reasonably satisfied that the construction of the storm water management improvements has been completed in accordance with the Plans attached as Exhibit 2 or in accordance with the Plans as changed by any change orders requiring approval of the City, the City shall approve such improvements in writing. The City shall not grant BVRMC an occupancy permit with respect to BVRMC's expanded facilities before the City has approved the storm water management improvements and BVRMC has satisfied any other prerequisites imposed by law or ordinance for occupancy.

Section 5. Not Assignable. This Agreement may not be assigned by the parties.

Section 6. Subject to BVRMC's Acceptance of Title. This Agreement is subject to the acceptance by BVRMC of the marketability of City's title to the Real Estate. If BVRMC does not accept the marketability of such title, it shall so notify the City in writing before the City's conveyance of the Real Estate to BVRMC and this Agreement shall be void. If BVRMC does not so notify the City in writing before such conveyance, BVRMC shall be deemed to have accepted the marketability of the City's title to the Real Estate.

Section 7. Subject to Vacation of Street Rights-of-way and to Council Approval. This Agreement is subject to the City's City Council passing and adopting an ordinance lawfully vacating the portions of public street rights-of-way on the Real Estate. This Agreement shall be void if such ordinance is not so passed and adopted. This Agreement is also subject to approval of the City's City Council and shall be void if not so approved.

Dated: _____

THE CITY OF STORM LAKE, IOWA

By: _____
Jon F. Kruse, Mayor

Attest: _____
Justin Yarosevich, City Clerk

Dated: 5/28/14

BUENA VISTA REGIONAL MEDICAL CENTER

By: 
Steven R. Colerick, Chief Executive Officer

Exhibit 1

Return To: Havens and Havens, P.O. Box 426, Storm Lake, IA 50588

Preparer: Philip E. Havens, Havens and Havens, P.O. Box 426, Storm Lake, IA 50588

EASEMENT AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2014, by and between Buena Vista Regional Medical Center, a County Hospital organized under the laws of Iowa, herein referred to as Grantor, and the City of Storm Lake, Iowa, an Iowa municipal corporation, herein referred to as Grantee.

SECTION I.

RIGHT OF WAY

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells and conveys to Grantee, its successors and assigns a perpetual easement for the purpose of laying, constructing, operating, inspecting, repairing, maintaining, replacing, substituting, relocating and removing a sanitary sewer pipeline and appurtenances, for the transportation of sewage, in, over, under, across, and through the following described real estate in Buena Vista County, Iowa, to-wit:

PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL

WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 Feet; thence South 89°00'52" East, 304.79 Feet; thence South 01°11'20" West, 123.73 Feet to the South line of West 6th Street; thence North 89°16'34" West, along said South line, 31.43 Feet to exterior wall of the Hospital Building; thence North 01°02'09" East, along said wall, 24.96 Feet; thence continuing along said wall North 88°57'51" West, 1.74 Feet; thence continuing along said wall along the arc of a 51.32 Foot radius curve, concave northeasterly 22.98 Feet, said curve having a chord which bears North 46°08'45" West, for 22.79 Feet; thence departing from said wall along a line which bears North 01°11'20" East, for 33.41 Feet; thence North 89°00'52" West, 228.71 Feet; thence South 06°10'24" West, 8.40 Feet to the western face of a retaining wall; thence South 31°00'08" West, along said retaining wall 77.09 Feet to the South line of West 6th Street; thence North 88°59'43" West, along said South line, 31.93 Feet to the West line of the vacated portion of West 6th Street; thence North 37°59'51" East, along said West line, 75.12 Feet to the Point of Beginning.

Easement contains 0.47 acres.

See Easement Plat attached for a depiction of the Easement Area.

The real estate subject to the easement shall be referred to below as the "Easement Area."

SECTION II.

TERM

The rights granted herein shall be possessed and enjoyed by Grantee, its successors and assigns so long as the sanitary sewer pipeline constructed pursuant hereto shall be maintained and operated by Grantee, its successors or assigns.

SECTION III.

ADDITIONAL RIGHTS OF GRANTEE

Grantee shall have the right of ingress and egress to and from the Easement Area for any and

all purposes necessary or convenient to the exercise by Grantee of the rights granted herein.

SECTION IV.

RIGHTS OF GRANTOR

Grantor reserves the right to use and enjoy the Easement Area to the fullest possible extent without unreasonable interference with the exercise by Grantee of the rights granted herein. In this regard, neither Grantor nor Grantee shall have the right to locate any building or any surface installation, except the retaining wall as depicted on the attached Easement Plat, on any part of the Easement Area, or to fence the whole or any part thereof.

SECTION V.

PIPELINE DEPTH; TREATMENT AND RESTORATION OF SURFACE

Because the sanitary sewer pipeline to be constructed on the Easement Area will initially be constructed and installed to Grantee's specifications by Grantor, Grantor, at Grantor's expense, shall restore the ground on the Easement Area after the initial construction and installation to its own satisfaction, provided that such restoration shall comply with any and all governing laws, ordinances, and regulations. Grantor and Grantee agree that the sanitary sewer pipeline shall be buried at a depth sufficient to avoid any interference with the normal uses which Grantor might make of Grantor's property. In the maintenance, repair or replacement of the sanitary sewer pipeline or the exercise of its other rights under this agreement, except its right to initially construct the sanitary sewer pipeline, Grantee shall remove the topsoil from the Easement Area separately from the other materials removed by Grantee in such maintenance, repair or replacement of the sanitary sewer pipeline or in the exercise of other rights under this agreement, and shall replace said topsoil in the Easement Area upon completion of the pipeline or other work thereon. Following completion of any work on the

pipeline subsequent to its initial construction, Grantee shall restore the Easement Area as near to its condition before the work as possible. Grantee further agrees that, after any restoration, the Easement Area shall be left free of any large stones, holes or piles of dirt, and the Easement Area shall be reseeded to grass, if necessary. Grantee shall accomplish any restoration required of it within a reasonable time after the completion of work on the sanitary sewer pipeline.

SECTION VI.

WARRANTY OF TITLE

Grantor covenants that it is the owner of the Easement Area and has the right, title and capacity to grant said premises.

SECTION VII.

DEDICATION TO THE PUBLIC

Grantor hereby dedicates to the public the sanitary sewer pipeline and appurtenances thereto to be constructed and installed on the Easement Area, subject to acceptance of such improvements by the Grantee.

SECTION VIII.

EFFECT OF AGREEMENT

This Agreement shall be binding upon the heirs, legal representatives, successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement in Storm Lake, Iowa, on the day and year first above written.

GRANTEE:

CITY OF STORM LAKE, IOWA

GRANTOR:

BUENA VISTA REGIONAL MEDICAL CENTER

By _____
Jon F. Kruse, Mayor

Steven R. Colerick, Chief Executive Officer

ATTEST:

Justin Yarosevich, City Clerk

STATE OF IOWA, COUNTY OF BUENA VISTA

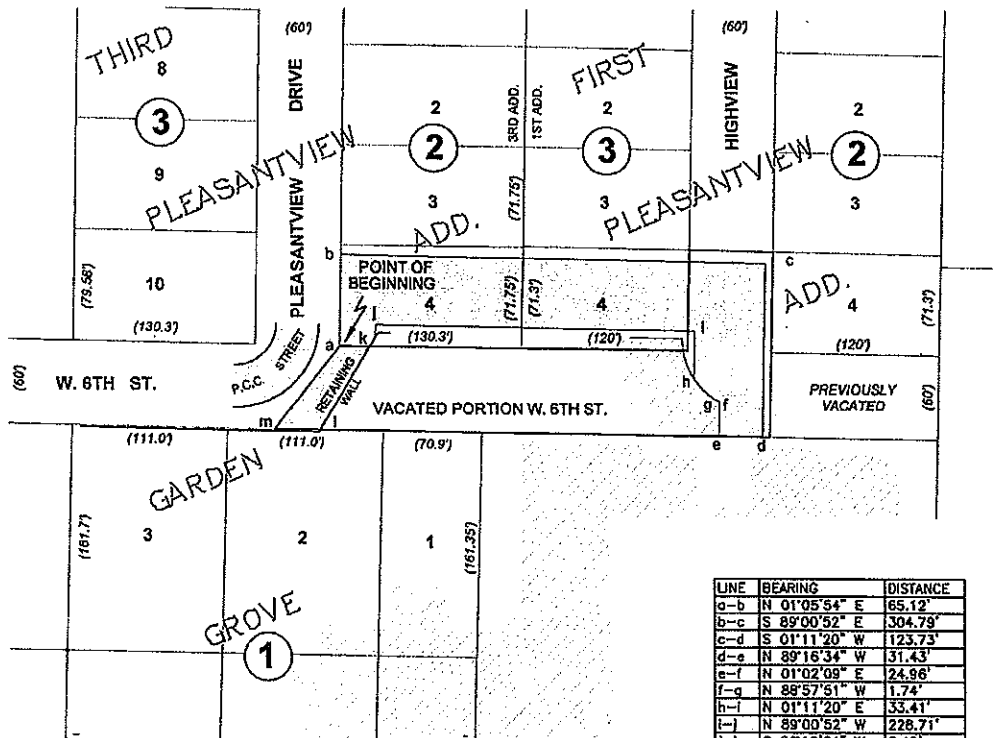
This record was acknowledged before me on _____, 2014, by Jon F. Kruse and
Justin Yarosevich, as Mayor and City Clerk of the City of Storm Lake, Iowa.

Notary Public for the State of Iowa

STATE OF IOWA, COUNTY OF BUENA VISTA

This record was acknowledged before me on _____, 2014, by
Steven R. Colerick, as Chief Executive Officer of Buena Vista Regional Medical Center.

Notary Public for the State Of Iowa



LINE	BEARING	DISTANCE
a-b	N 01°05'54" E	65.12'
b-c	S 89°00'52" E	304.79'
c-d	S 01°11'20" W	123.73'
d-e	N 89°16'34" W	31.43'
e-f	N 01°02'09" E	24.96'
f-g	N 88°57'51" W	1.74'
g-h	N 01°11'20" E	33.41'
h-i	N 89°00'52" W	228.71'
i-j	S 06°10'24" W	8.40'
j-k	S 31°00'08" W	77.09'
k-l	N 88°59'43" W	31.93'
l-m	N 37°59'51" E	75.12'

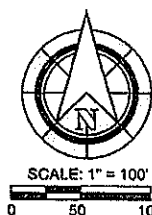
CURVE	LENGTH	RADIUS	CHORD
g-h	22.98'	51.32'	N 46°08'45" W 22.79'

DESCRIPTION - SANITARY SEWER EASEMENT

AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER LINE AND ITS APPURTENANCE STRUCTURES IN PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, AND IN LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND IN LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; Thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 feet; Thence South 89°00'52" East, 304.79 feet; Thence South 01°11'20" West, 123.73 feet to the South Line of West 6th Street; Thence North 89°16'34" West, along said South line, 31.43 feet to exterior wall of the Hospital Building; Thence North 01°02'09" East, along said wall, 24.96 feet; Thence continuing along said wall North 88°57'51" West, 1.74 feet; Thence continuing along said wall along the arc of a 51.32 foot radius curve, concave northeasterly 22.98 feet, said curve having a chord which bears North 46°08'45" West, for 22.79 feet; Thence departing from said wall along a line with bears North 01°11'20" East, for 33.41 feet; Thence North 89°00'52" West, 228.71 feet; Thence South 06°10'24" West, 8.40 feet to the western face of a retaining wall; Thence South 31°00'08" West, along said retaining wall 77.09 feet to the South line of West 6th Street; Thence North 88°59'43" West, along said South line, 31.93 feet to the West line of the vacated portion of West 6th Street; Thence North 37°59'51" East, along said West line, 75.12 feet to the Point of Beginning.

Easement contains 0.47 Acres.



LEGEND	
	= SANITARY SEWER EASEMENT
	= RECORDED DIMENSION

**EASEMENT PLAT
SANITARY SEWER
PART OF FIRST AND THIRD
PLEASANTVIEW ADDITIONS
TO THE CITY OF STORM LAKE,
BUENA VISTA COUNTY, IOWA**

I&S GROUP
1725 N. Lake Ave.
Storm Lake Ia. 50588
Ph: 712-732-7745
PN: 13-16909
Drawn: JSS
Sheet 1 OF 1
Surveyed by: BAM
Survey Date:
Revision Date:
Drawing Name:

Exhibit 2

4/14/2014



Mr. James Patrick
City of Storm Lake
PO Box 1086, Storm Lake, Iowa, 50588

Dear Mr. Patrick,

The Buena Vista Regional Medical Center (BVRMC) is proposing a building expansion to the northwest. The expansion project includes a building addition to the northwest, a new energy center and maintenance building on the western side of the property, reconstruction the helipad and parking lot to the southwest, the addition of an auto plaza as a drop of zone for patients and reconstruction the a portion of the east and northeast parking lot. This stormwater report will discuss the existing and proposed conditions of stormwater management for the site. According to the City of Storm Lake's City Ordinances, storm water management practices must be implemented to reduce the overall peak flow for a 5-year, 24-hour storm event for any portions of the site that was disturbed as well as treat and infiltrate as much of the stormwater that the surrounding soil will allow.

The existing storm collection system at the Buena Vista Regional Medical Center currently has minimal low impact development practices for storm water management. The storm water runoff outlets directly to on-site storm sewer which outlets lets to the City of Storm Lake's Storm Sewer System which freely discharges to Storm Lake without any practice for treatment or to reduce the peak flow. The existing peak flow of the expansion/construction area is 21.48 cubic feet per second (cfs). The expansion/construction area limits can be seen in Figure 1 which is attached.

The existing BVRMC site was determined to have 4 sub-watershed areas. The drainage areas are displayed on Figure 1. Table 1 summarizes the characteristics and peak flow for each sub-watershed area. The 4 sub-watershed areas eventually discharge to the City of Storm Lake storm sewer system at the intersection of W. 5th St. and Northwestern Dr.

1725 North Lake Avenue + PO Box 458 + Storm Lake, IA 50588-7610

info@is-grp.com + www.is-grp.com

P: 712.732.7745

I+S GROUP

I+S GROUP

Table 1, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	1.36	94	6.13
2	1.18	91	4.37
3	1.07	88	4.05
4	1.87	94	6.93
Total			21.48

* Peak flow rate based on 5-year, 24-hour storm event.

The Buena Vista Region Medical Center is proposing to implement nine (9) bio-retention cells within the building expansion project to reduce the 5-year 24-hour peak flow and also treat the storm water. The bio-retention cell locations along with the proposed site plan with storm sewer infrastructure are displayed in Figure 2, which is attached. The bio-retention cells allow storm water to pond and infiltrate through an engineered soil matrix to remove sediments and nutrients from the stormwater runoff. The on-site soils according to the geotechnical engineer report provided by Certified Testing Services, Inc. are not conducive for infiltration, therefore, the majority of the storm water that is filtered through the bio-retention cells will outlet to the on-site storm sewer collection system during off-peak intervals.

Table 2, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	0.79	93	0.63
2	2.88	88	7.49
3	2.03	97	8.80
Total			16.92

* Peak flow rate based on 5-year, 24-hour storm event.

I+S GROUP

The proposed Buena Vista Regional Medical Center site will have 3 sub-watershed areas. Each of the 3 areas have implemented bio-retention cells to reduce the peak flow and treat the storm water runoff. The 3 sub-watershed areas are shown on figure 2. Table 2 summarizes the characteristics and peak flow for each sub-watershed area. The proposed storm water management practices for the planned BVRMC site will reduce the 5-year, 24-hour storm event peak flow from 21.48 cfs to 16.92 cfs.

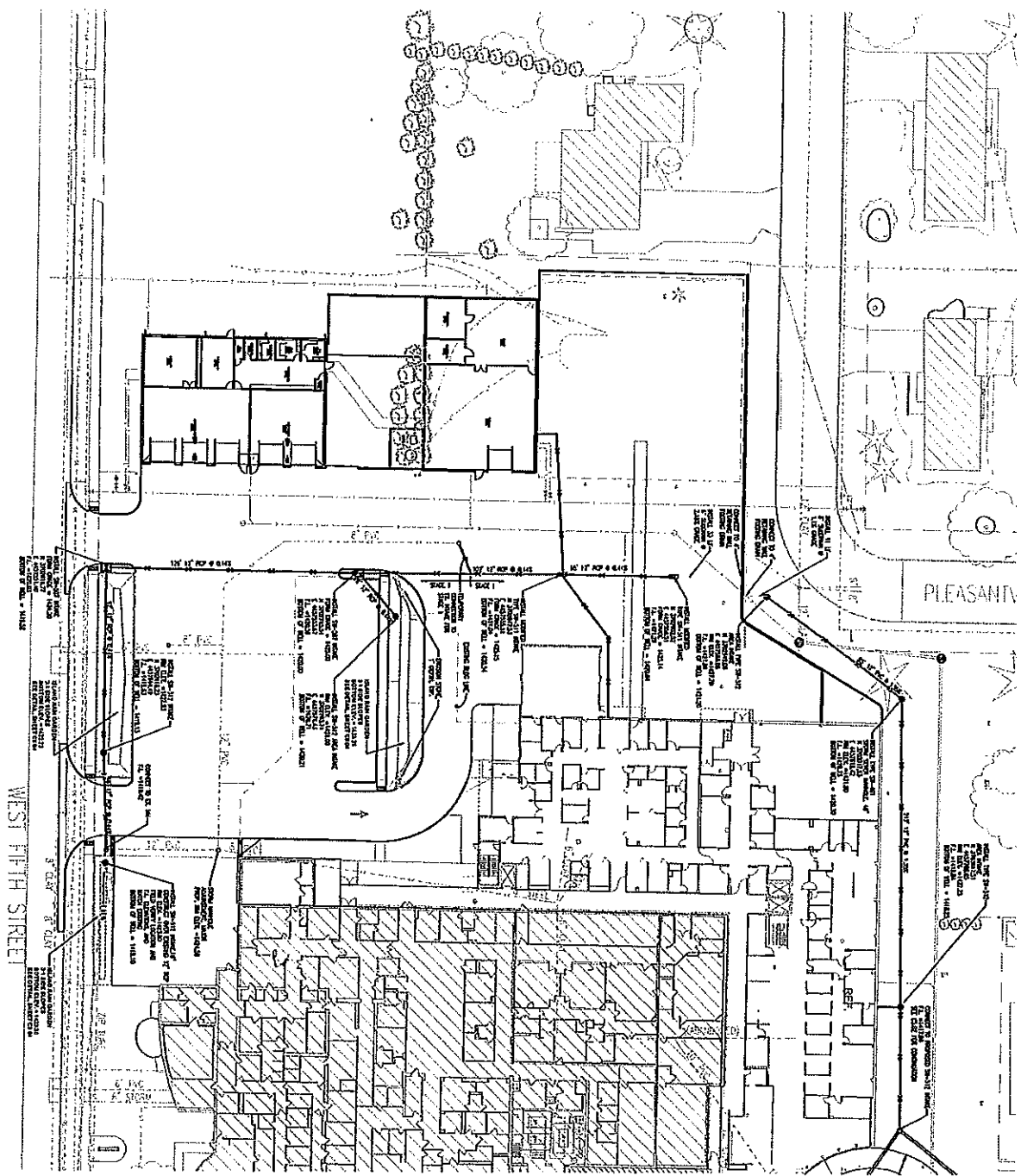
We have also attached the stormwater site plans and details associated with this project. I have copied Mr. Ferrier as requested by you and your staff. Please let me know if you have any questions.

Thank you,



Zac Andersen, P.E.
Civil Engineer

cc: Matthew Ferrier, Bolton & Menk Inc.





Staff Summary

6/2/2014

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. 93-R-2013-2014 Approving The Transfer Of Public Property To Buena Vista Regional Medical Center**

BACKGROUND: BVRMC has requested that the City vacate and transfer the 6th Street Right of Way between Highview and Pleasantview to them. The Council has vacated the ROW on the earlier Ordinance #10-2014-2015. BVRMC owns both sides of the Street and needs this property to expand the Hospital.

Attached is an agreement between the City and BVRMC to transfer the ROW property to BVRMC for the following consideration. BVRMC must reduce the current storm water runoff from the existing campus as well as design to properly manage for a five year storm event in accordance with the pending Storm Water Ordinance.

The City is required to review and approve the storm water management improvements, approve the storm water run off calculations, and inspect and approve the construction of the management facilities. BVRMC has committed to investing at least \$267,233 in both improvements as well as new storm water management facilities.

The City's engineer has reviewed the storm water plans and specifications and has recommended approval. He has also reviewed and recommends approval of the storm water calculations. It appears that even with the new storm water being generated by the hospital addition that the overall storm water runoff will decrease by approximately 5 cubic feet per second.

The City would allow BVRMC to utilize the funds for the purchase of ROW to be used to help BVRMC leverage their budgeted amount to insure the storm water management improvements reduce runoff and improve water quality.

FISCAL IMPACT: The City contribution will assist in the reduction of storm water runoff volume and improving water quality and more costly

solutions to this drainage shed.

RECOMMENDATION:

Approve Resolution No. 93-R-2013-2014, Transferring City Property To BVRMC.

ATTACHMENTS:

	Description	Type
📎	BVRMC Agreement	Backup Material
📎	Resolution No. 93-R-2013-2014	Resolution

**AGREEMENT BETWEEN CITY OF STORM LAKE AND BUENA VISTA REGIONAL
MEDICAL CENTER FOR CONVEYANCE OF REAL ESTATE IN EXCHANGE FOR
STORM WATER DRAINAGE IMPROVEMENTS**

This is an agreement (the "Agreement") between the City of Storm Lake, Iowa, an Iowa municipal corporation, (the "City") and Buena Vista Regional Medical Center, a County Hospital organized under the laws of Iowa, (BVRMC).

Background

The City owns real estate that is, or until the recent vacation of a portion of the West 6th Street right-of-way and a portion of the Highview Drive right-of-way, was, street rights-of-way in the City of Storm Lake, Iowa, dedicated to the public. The City is in the process of, or has recently completed, the process of passing an ordinance vacating the dedicated street rights-of-way located on such land. The street rights-of-way subject to the vacation and the real estate owned by the City on which those rights-of way are located are legally described as follows:

**PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH
BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE
LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY,
IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

(the "Real Estate").

BVRMC desires to acquire the Real Estate, which adjoins property owned by BVRMC. The City is willing to convey the Real Estate to BVRMC in exchange for certain storm water management improvements to be made by BVRMC under the terms and provisions of this Agreement that will benefit the public.

A sanitary sewer main of the City is situated underground on the Real Estate. BVRMC is embarking on an expansion project which entails use of the Real Estate and, to accommodate the expansion, wants the sanitary sewer main re-routed in such a way that it will cross both part of the Real Estate and part of some property already owned by BVRMC. The City is willing to allow BVRMC to re-route the sewer main but will require that BVRMC grant the City an easement for the construction and maintenance of such main. BVRMC is willing to construct and install the new, re-routed sanitary sewer main and is willing to grant the necessary easement to the City. The City is willing to allow BVRMC to construct and install the main under supervision of the City and subject to City approval. The sanitary sewer main so constructed is to be dedicated to the public.

Terms of Agreement

Now, therefore, in consideration of the mutual promises and assurances contained in this Agreement, the sufficiency of which consideration is acknowledged by the parties, the City and BVRMC agree as follows:

Section 1. Conveyance of Real Estate to BVRMC. Within 14 days after the adoption of such ordinance or the execution of this Agreement by both parties, whichever is later, or at such later date as may be requested by BVRMC in writing, the City shall convey to BVRMC, by quit claim deed, title to the Real Estate without the payment of any money by BVRMC to the City. If BVRMC wishes to have an abstract of title for the Real Estate, BVRMC shall be responsible for ordering and paying the cost of its preparation.

Section 2. Conveyance of Easement to City. At such time as the City conveys the Real Estate to BVRMC, BVRMC shall convey to the City the easement for the re-routed sanitary sewer line without the payment of any money to BVRMC by the City. The easement shall be in the form as shown on attached Exhibit 1.

Section 3. Construction of Re-routed Sanitary Sewer Main. BVRMC, at its expense, shall construct and install, to City's specifications, the re-routed sanitary sewer main on the easement area described in attached Exhibit 1. BVRMC warrants the design, materials, workmanship, construction, and performance of the re-routed sanitary sewer main for two years after completion. The re-routed sanitary sewer main shall be dedicated to the public. However, BVRMC shall permit the City to inspect such main before it is covered with dirt, and the sanitary sewer main must be approved by the City before acceptance of the dedicated sanitary sewer main by the City. That part of the

sewer main which is to be replaced by the re-routed sewer main shall not be disconnected from the City's sanitary sewer system until the City gives BVRMC written authorization to do so.

Section 4. Storm Water Management Improvements to be made by BVRMC.

As a part of its hospital expansion project, BVRMC shall incorporate certain storm water management improvements on its campus, as shown in a letter to James Patrick from Zac Andersen, P.E. dated April 14, 2014 and plans for such improvements, which letter and plans together are referred to below as the "Plans" and attached as Exhibit 2. The Plans may be changed by BVRMC, provided that any change affecting storm water drainage or the calculation of the amount of storm water runoff that will come from the campus of BVRMC, as determined by BVRMC's Professional Engineer, has been approved in writing by the City before BVRMC authorizes any change order effecting such change. BVRMC shall permit the City to inspect the construction of such storm water management improvements after their completion. If the City is reasonably satisfied that the construction of the storm water management improvements has been completed in accordance with the Plans attached as Exhibit 2 or in accordance with the Plans as changed by any change orders requiring approval of the City, the City shall approve such improvements in writing. The City shall not grant BVRMC an occupancy permit with respect to BVRMC's expanded facilities before the City has approved the storm water management improvements and BVRMC has satisfied any other prerequisites imposed by law or ordinance for occupancy.

Section 5. Not Assignable. This Agreement may not be assigned by the parties.

Section 6. Subject to BVRMC's Acceptance of Title. This Agreement is subject to the acceptance by BVRMC of the marketability of City's title to the Real Estate. If BVRMC does not accept the marketability of such title, it shall so notify the City in writing before the City's conveyance of the Real Estate to BVRMC and this Agreement shall be void. If BVRMC does not so notify the City in writing before such conveyance, BVRMC shall be deemed to have accepted the marketability of the City's title to the Real Estate.

Section 7. Subject to Vacation of Street Rights-of-way and to Council Approval. This Agreement is subject to the City's City Council passing and adopting an ordinance lawfully vacating the portions of public street rights-of-way on the Real Estate. This Agreement shall be void if such ordinance is not so passed and adopted. This Agreement is also subject to approval of the City's City Council and shall be void if not so approved.

Dated: _____

THE CITY OF STORM LAKE, IOWA

By: _____
Jon F. Kruse, Mayor

Attest: _____
Justin Yarosevich, City Clerk

Dated: 5/28/14

BUENA VISTA REGIONAL MEDICAL CENTER

By: 
Steven R. Colerick, Chief Executive Officer

Exhibit 1

Return To: Havens and Havens, P.O. Box 426, Storm Lake, IA 50588

Preparer: Philip E. Havens, Havens and Havens, P.O. Box 426, Storm Lake, IA 50588

EASEMENT AGREEMENT

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SECTION I.

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PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL

WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 Feet; thence South 89°00'52" East, 304.79 Feet; thence South 01°11'20" West, 123.73 Feet to the South line of West 6th Street; thence North 89°16'34" West, along said South line, 31.43 Feet to exterior wall of the Hospital Building; thence North 01°02'09" East, along said wall, 24.96 Feet; thence continuing along said wall North 88°57'51" West, 1.74 Feet; thence continuing along said wall along the arc of a 51.32 Foot radius curve, concave northeasterly 22.98 Feet, said curve having a chord which bears North 46°08'45" West, for 22.79 Feet; thence departing from said wall along a line which bears North 01°11'20" East, for 33.41 Feet; thence North 89°00'52" West, 228.71 Feet; thence South 06°10'24" West, 8.40 Feet to the western face of a retaining wall; thence South 31°00'08" West, along said retaining wall 77.09 Feet to the South line of West 6th Street; thence North 88°59'43" West, along said South line, 31.93 Feet to the West line of the vacated portion of West 6th Street; thence North 37°59'51" East, along said West line, 75.12 Feet to the Point of Beginning.

Easement contains 0.47 acres.

See Easement Plat attached for a depiction of the Easement Area.

The real estate subject to the easement shall be referred to below as the "Easement Area."

SECTION II.

TERM

The rights granted herein shall be possessed and enjoyed by Grantee, its successors and assigns so long as the sanitary sewer pipeline constructed pursuant hereto shall be maintained and operated by Grantee, its successors or assigns.

SECTION III.

ADDITIONAL RIGHTS OF GRANTEE

Grantee shall have the right of ingress and egress to and from the Easement Area for any and

all purposes necessary or convenient to the exercise by Grantee of the rights granted herein.

SECTION IV.

RIGHTS OF GRANTOR

Grantor reserves the right to use and enjoy the Easement Area to the fullest possible extent without unreasonable interference with the exercise by Grantee of the rights granted herein. In this regard, neither Grantor nor Grantee shall have the right to locate any building or any surface installation, except the retaining wall as depicted on the attached Easement Plat, on any part of the Easement Area, or to fence the whole or any part thereof.

SECTION V.

PIPELINE DEPTH; TREATMENT AND RESTORATION OF SURFACE

Because the sanitary sewer pipeline to be constructed on the Easement Area will initially be constructed and installed to Grantee's specifications by Grantor, Grantor, at Grantor's expense, shall restore the ground on the Easement Area after the initial construction and installation to its own satisfaction, provided that such restoration shall comply with any and all governing laws, ordinances, and regulations. Grantor and Grantee agree that the sanitary sewer pipeline shall be buried at a depth sufficient to avoid any interference with the normal uses which Grantor might make of Grantor's property. In the maintenance, repair or replacement of the sanitary sewer pipeline or the exercise of its other rights under this agreement, except its right to initially construct the sanitary sewer pipeline, Grantee shall remove the topsoil from the Easement Area separately from the other materials removed by Grantee in such maintenance, repair or replacement of the sanitary sewer pipeline or in the exercise of other rights under this agreement, and shall replace said topsoil in the Easement Area upon completion of the pipeline or other work thereon. Following completion of any work on the

pipeline subsequent to its initial construction, Grantee shall restore the Easement Area as near to its condition before the work as possible. Grantee further agrees that, after any restoration, the Easement Area shall be left free of any large stones, holes or piles of dirt, and the Easement Area shall be reseeded to grass, if necessary. Grantee shall accomplish any restoration required of it within a reasonable time after the completion of work on the sanitary sewer pipeline.

SECTION VI.

WARRANTY OF TITLE

Grantor covenants that it is the owner of the Easement Area and has the right, title and capacity to grant said premises.

SECTION VII.

DEDICATION TO THE PUBLIC

Grantor hereby dedicates to the public the sanitary sewer pipeline and appurtenances thereto to be constructed and installed on the Easement Area, subject to acceptance of such improvements by the Grantee.

SECTION VIII.

EFFECT OF AGREEMENT

This Agreement shall be binding upon the heirs, legal representatives, successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement in Storm Lake, Iowa, on the day and year first above written.

GRANTEE:

CITY OF STORM LAKE, IOWA

GRANTOR:

BUENA VISTA REGIONAL MEDICAL CENTER

By _____
Jon F. Kruse, Mayor

Steven R. Colerick, Chief Executive Officer

ATTEST:

Justin Yarosevich, City Clerk

STATE OF IOWA, COUNTY OF BUENA VISTA

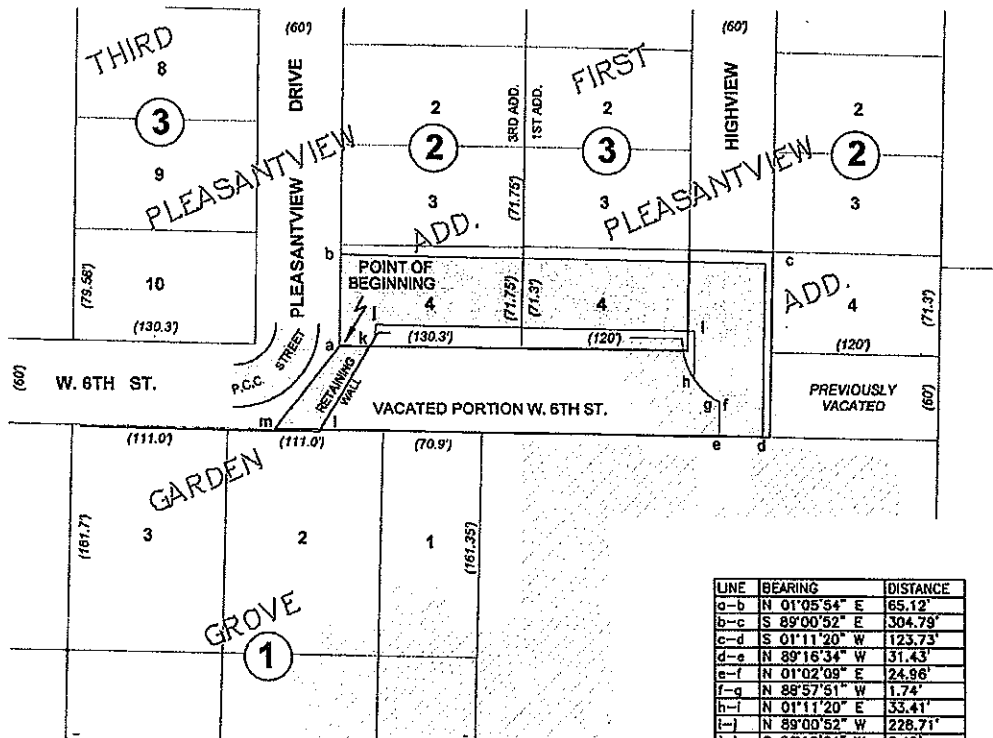
This record was acknowledged before me on _____, 2014, by Jon F. Kruse and
Justin Yarosevich, as Mayor and City Clerk of the City of Storm Lake, Iowa.

Notary Public for the State of Iowa

STATE OF IOWA, COUNTY OF BUENA VISTA

This record was acknowledged before me on _____, 2014, by
Steven R. Colerick, as Chief Executive Officer of Buena Vista Regional Medical Center.

Notary Public for the State Of Iowa



LINE	BEARING	DISTANCE
a-b	N 01°05'54" E	65.12'
b-c	S 89°00'52" E	304.79'
c-d	S 01°11'20" W	123.73'
d-e	N 89°16'34" W	31.43'
e-f	N 01°02'09" E	24.96'
f-g	N 88°57'51" W	1.74'
g-h	N 01°11'20" E	33.41'
h-i	N 89°00'52" W	228.71'
i-j	S 06°10'24" W	8.40'
j-k	S 31°00'08" W	77.09'
k-l	N 88°59'43" W	31.93'
l-m	N 37°59'51" E	75.12'

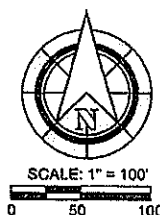
CURVE	LENGTH	RADIUS	CHORD
g-h	22.98'	51.32'	N 46°08'45" W 22.79'

DESCRIPTION - SANITARY SEWER EASEMENT

AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER LINE AND ITS APPURTENANCE STRUCTURES IN PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, AND IN LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND IN LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; Thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 feet; Thence South 89°00'52" East, 304.79 feet; Thence South 01°11'20" West, 123.73 feet to the South Line of West 6th Street; Thence North 89°16'34" West, along said South line, 31.43 feet to exterior wall of the Hospital Building; Thence North 01°02'09" East, along said wall, 24.96 feet; Thence continuing along said wall North 88°57'51" West, 1.74 feet; Thence continuing along said wall along the arc of a 51.32 foot radius curve, concave northeasterly 22.98 feet, said curve having a chord which bears North 46°08'45" West, for 22.79 feet; Thence departing from said wall along a line with bears North 01°11'20" East, for 33.41 feet; Thence North 89°00'52" West, 228.71 feet; Thence South 06°10'24" West, 8.40 feet to the western face of a retaining wall; Thence South 31°00'08" West, along said retaining wall 77.09 feet to the South line of West 6th Street; Thence North 88°59'43" West, along said South line, 31.93 feet to the West line of the vacated portion of West 6th Street; Thence North 37°59'51" East, along said West line, 75.12 feet to the Point of Beginning.

Easement contains 0.47 Acres.



LEGEND	
	= SANITARY SEWER EASEMENT
	= RECORDED DIMENSION

**EASEMENT PLAT
SANITARY SEWER
PART OF FIRST AND THIRD
PLEASANTVIEW ADDITIONS
TO THE CITY OF STORM LAKE,
BUENA VISTA COUNTY, IOWA**

I&S GROUP
1725 N. Lake Ave.
Storm Lake Ia. 50588
Ph: 712-732-7745
PN: 13-16909
Drawn: JSS
Sheet 1 OF 1
Surveyed by: BAM
Survey Date:
Revision Date:
Drawing Name:

Exhibit 2

4/14/2014



Mr. James Patrick
City of Storm Lake
PO Box 1086, Storm Lake, Iowa, 50588

Dear Mr. Patrick,

The Buena Vista Regional Medical Center (BVRMC) is proposing a building expansion to the northwest. The expansion project includes a building addition to the northwest, a new energy center and maintenance building on the western side of the property, reconstruction the helipad and parking lot to the southwest, the addition of an auto plaza as a drop of zone for patients and reconstruction the a portion of the east and northeast parking lot. This stormwater report will discuss the existing and proposed conditions of stormwater management for the site. According to the City of Storm Lake's City Ordinances, storm water management practices must be implemented to reduce the overall peak flow for a 5-year, 24-hour storm event for any portions of the site that was disturbed as well as treat and infiltrate as much of the stormwater that the surrounding soil will allow.

The existing storm collection system at the Buena Vista Regional Medical Center currently has minimal low impact development practices for storm water management. The storm water runoff outlets directly to on-site storm sewer which outlets lets to the City of Storm Lake's Storm Sewer System which freely discharges to Storm Lake without any practice for treatment or to reduce the peak flow. The existing peak flow of the expansion/construction area is 21.48 cubic feet per second (cfs). The expansion/construction area limits can be seen in Figure 1 which is attached.

The existing BVRMC site was determined to have 4 sub-watershed areas. The drainage areas are displayed on Figure 1. Table 1 summarizes the characteristics and peak flow for each sub-watershed area. The 4 sub-watershed areas eventually discharge to the City of Storm Lake storm sewer system at the intersection of W. 5th St. and Northwestern Dr.

1725 North Lake Avenue + PO Box 458 + Storm Lake, IA 50588-7610

info@is-grp.com + www.is-grp.com

P: 712.732.7745

I+S GROUP

I+S GROUP

Table 1, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	1.36	94	6.13
2	1.18	91	4.37
3	1.07	88	4.05
4	1.87	94	6.93
Total			21.48

* Peak flow rate based on 5-year, 24-hour storm event.

The Buena Vista Region Medical Center is proposing to implement nine (9) bio-retention cells within the building expansion project to reduce the 5-year 24-hour peak flow and also treat the storm water. The bio-retention cell locations along with the proposed site plan with storm sewer infrastructure are displayed in Figure 2, which is attached. The bio-retention cells allow storm water to pond and infiltrate through an engineered soil matrix to remove sediments and nutrients from the stormwater runoff. The on-site soils according to the geotechnical engineer report provided by Certified Testing Services, Inc. are not conducive for infiltration, therefore, the majority of the storm water that is filtered through the bio-retention cells will outlet to the on-site storm sewer collection system during off-peak intervals.

Table 2, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	0.79	93	0.63
2	2.88	88	7.49
3	2.03	97	8.80
Total			16.92

* Peak flow rate based on 5-year, 24-hour storm event.

I+S GROUP

The proposed Buena Vista Regional Medical Center site will have 3 sub-watershed areas. Each of the 3 areas have implemented bio-retention cells to reduce the peak flow and treat the storm water runoff. The 3 sub-watershed areas are shown on figure 2. Table 2 summarizes the characteristics and peak flow for each sub-watershed area. The proposed storm water management practices for the planned BVRMC site will reduce the 5-year, 24-hour storm event peak flow from 21.48 cfs to 16.92 cfs.

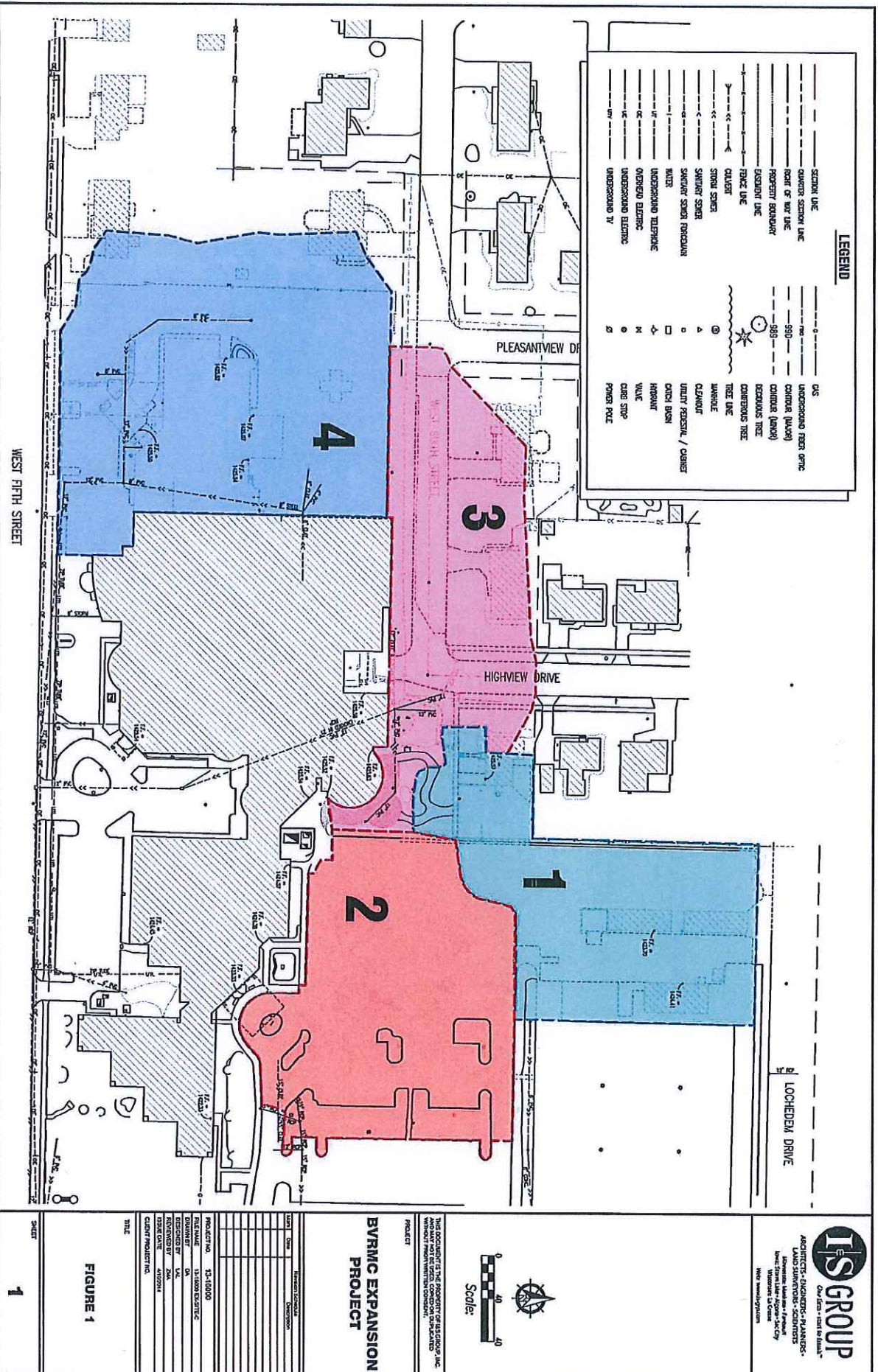
We have also attached the stormwater site plans and details associated with this project. I have copied Mr. Ferrier as requested by you and your staff. Please let me know if you have any questions.

Thank you,

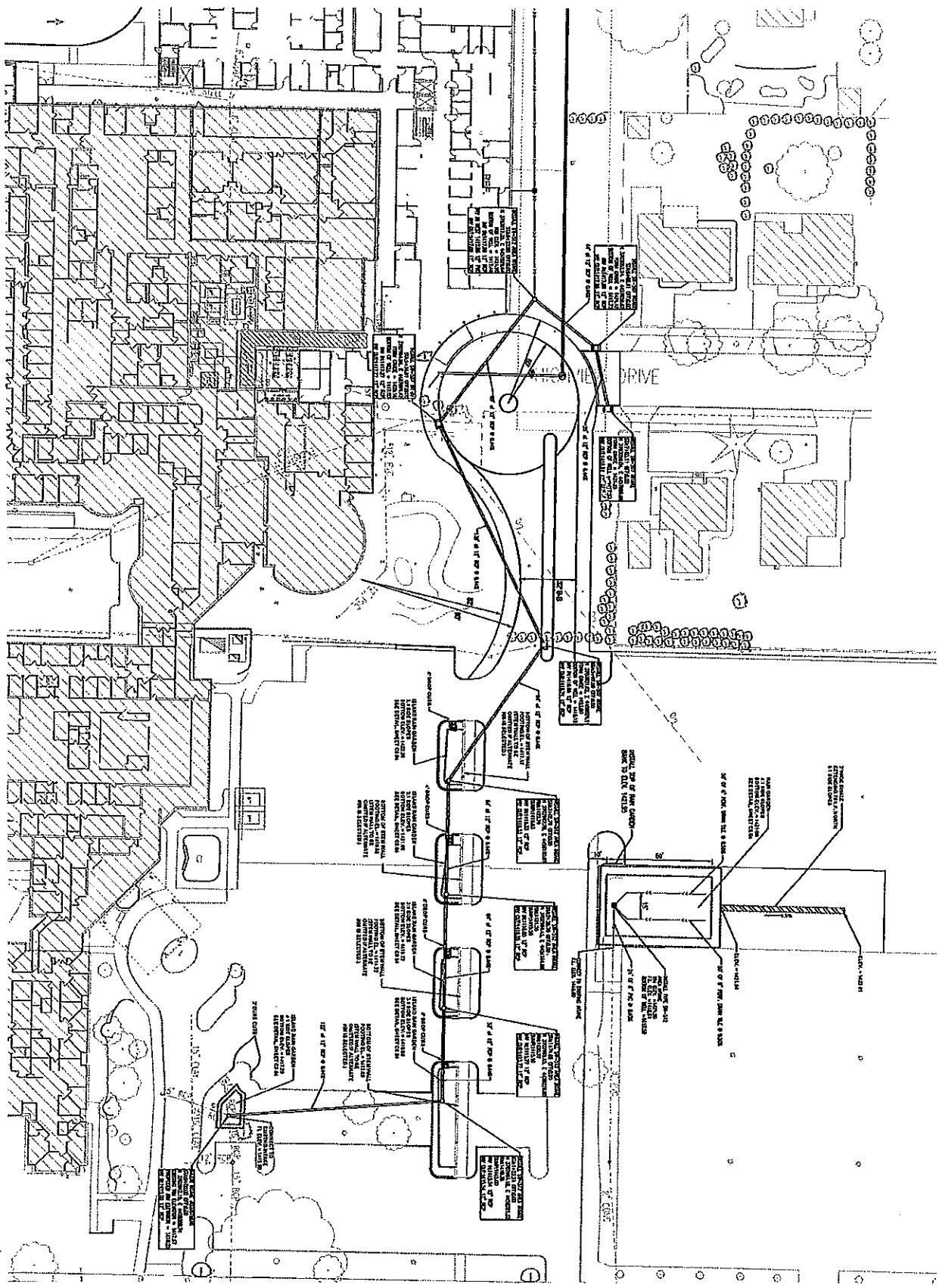


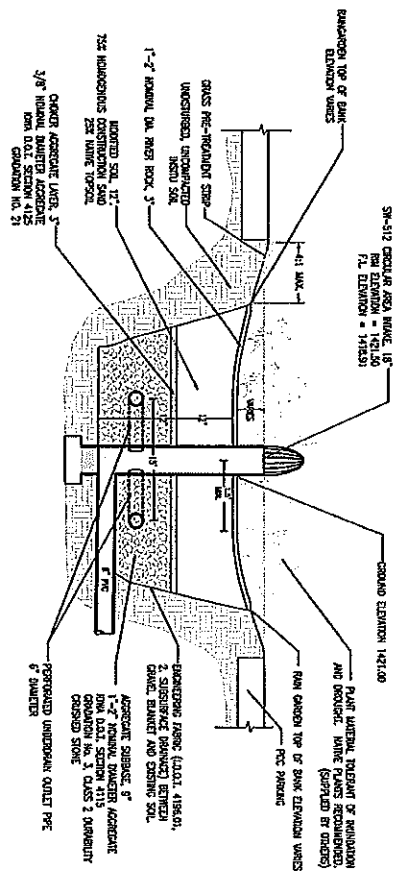
Zac Andersen, P.E.
Civil Engineer

cc: Matthew Ferrier, Bolton & Menk Inc.

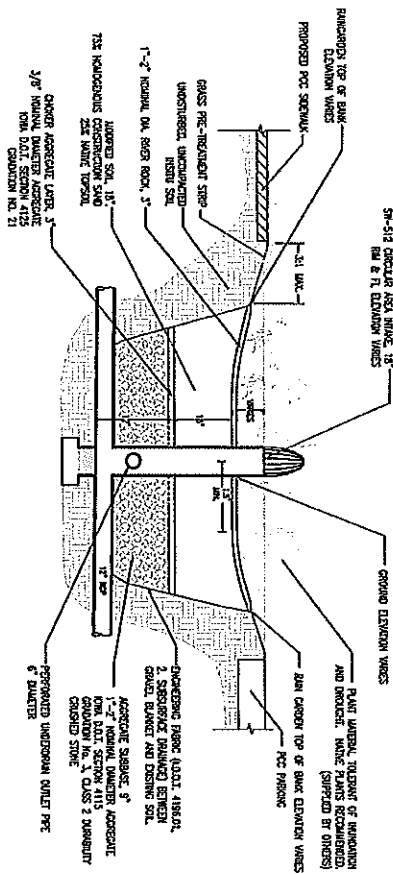




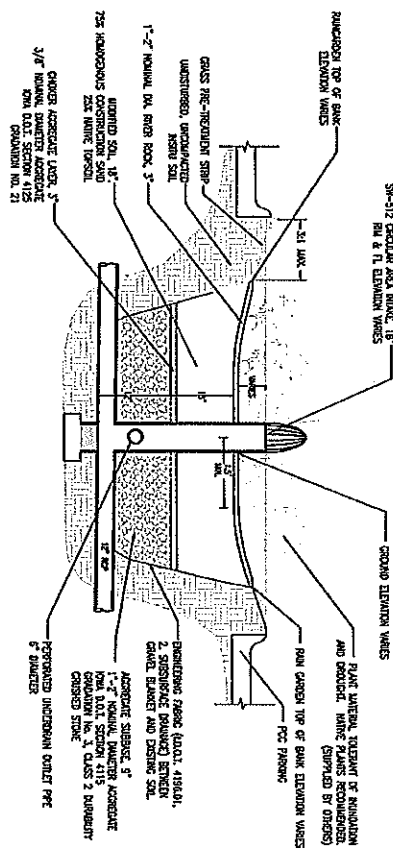




SECTION/ELEVATION: TYPICAL RAIN GARDEN, NORTHEAST PARKING LOT
N.T.S.



SECTION/ELEVATION: TYPICAL RAIN GARDEN, WEST PARKING LOT
N.T.S.



SECTION/ELEVATION: TYPICAL RAIN GARDEN, EAST PARKING LOT ISLANDS
N.T.S.

RESOLUTION NO. 93-R-2013-2014

RESOLUTION APPROVING DISPOSITION AND CONVEYANCE OF REAL ESTATE TO BUENA VISTA REGIONAL MEDICAL CENTER IN EXCHANGE FOR STORM WATER MANAGEMENT IMPROVEMENTS TO BE MADE BY BUENA VISTA REGIONAL MEDICAL CENTER; AND AUTHORIZING MAYOR AND CLERK TO EXECUTE CONTRACTS, DEEDS, AND DOCUMENTS FOR SUCH DISPOSITION AND CONVEYANCE

WHEREAS, the City of Storm Lake, Iowa (the “City”) is the owner of real estate described as follows:

PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

(the “Real Estate”);

WHEREAS, the City Council, by Resolution adopted May 19, 2014, proposed to convey the Real Estate to Buena Vista Regional Medical Center (“BVRMC”) in consideration of BVRMC making certain storm water management improvements on its campus at its own expense that will serve to greatly alleviate the flow of storm water on public streets and private property in the vicinity of the BVRMC campus;

WHEREAS, the cost to the City of Storm Lake of similar storm water management

improvements, were the City to make such improvements for the benefit of the public, would equal or exceed the fair market value of the Real Estate;

WHEREAS, BVRMC desires to acquire the Real Estate for use in its planned expansion;

WHEREAS, the Real Estate is without apparent value or use to the City, except for its use as a site for an existing underground sanitary sewer line;

WHEREAS, the City and BVRMC have negotiated an agreement called, "Agreement Between City of Storm Lake and Buena Vista Regional Medical Center for Conveyance of Real Estate in Exchange for Storm Water Improvements" (the "Agreement"), a copy of which is attached as Exhibit "A," subject to the approval of the City Council of the City of Storm Lake, Iowa, in which the City would convey the Real Estate to BVRMC without monetary consideration but in exchange for BVRMC a) making certain storm water management improvements on its campus at its own expense, b) conveying an easement to the City of Storm Lake, which easement is located on BVRMC's adjacent property and on a part of the Real Estate, for a re-routed sanitary sewer line without the payment of any money by the City, c) constructing and installing the re-routed sanitary sewer line to the City's specifications at the expense of BVRMC, and d) dedicating to the public the re-routed sewer line;

WHEREAS, the City Council, by Resolution adopted May 19, 2014, proposed to dispose of the Real Estate on the terms and conditions set forth above;

WHEREAS, notice of said disposition of the Real Estate has been made to the public by publication in the Storm Lake Times on May 23, 2014, pursuant to a directive to the Clerk contained in the May 19, 2014 Resolution;

WHEREAS, the Council has passed on third reading an ordinance that, when effective

upon publication, will vacate the street rights-of-way to the extent they are situated on the Real Estate;

WHEREAS, the Council finds that the proposed disposition is in the City's interest for the reasons set forth above; and

WHEREAS, BVRMC has previously approved the Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Storm Lake, Iowa does hereby agree to dispose of the Real Estate on the terms and conditions previously set forth in this Resolution and in the Agreement.

IT IS FURTHER RESOLVED that the Agreement between the City of Storm Lake, Iowa and BVRMC, attached as Exhibit "A," is approved.

IT IS FURTHER RESOLVED AND DIRECTED that the Mayor and City Clerk are authorized to sign and otherwise execute the Agreement and all other necessary contracts, deeds, and documents associated with the disposition and conveyance by the City of the Real Estate to BVRMC on the terms and conditions set forth herein and in the Agreement.

Passed and approved this 2nd day of June, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Exhibit "A"

**AGREEMENT BETWEEN CITY OF STORM LAKE AND BUENA VISTA REGIONAL
MEDICAL CENTER FOR CONVEYANCE OF REAL ESTATE IN EXCHANGE FOR
STORM WATER DRAINAGE IMPROVEMENTS**

This is an agreement (the "Agreement") between the City of Storm Lake, Iowa, an Iowa municipal corporation, (the "City") and Buena Vista Regional Medical Center, a County Hospital organized under the laws of Iowa, (BVRMC).

Background

The City owns real estate that is, or until the recent vacation of a portion of the West 6th Street right-of-way and a portion of the Highview Drive right-of-way, was, street rights-of-way in the City of Storm Lake, Iowa, dedicated to the public. The City is in the process of, or has recently completed, the process of passing an ordinance vacating the dedicated street rights-of-way located on such land. The street rights-of-way subject to the vacation and the real estate owned by the City on which those rights-of-way are located are legally described as follows:

**PORTIONS OF WEST 6TH STREET AND HIGHVIEW DRIVE, BOTH
BEING DEDICATED PUBLIC STREETS WITHIN THE CORPORATE
LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY,
IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Beginning at the Northeast (NE) corner of Lot Four (4), Block Three (3) of First Pleasantview Addition, Thence East to the Northwest (NW) corner of Lot Four (4), Block Two (2) in said First Pleasantview Addition; Thence South along the East line of Highview Drive to the South line of West 6th Street; Thence West along said South line to a point 34.00 feet East of the Northwest (NW) corner of Lot Two (2), Block One (1) in Garden Grove Addition; Thence northeasterly to the Southwest (SW) corner of Lot Four (4), Block Two (2) in Third Pleasantview Addition; Thence East along the North line of West 6th Street to the West line of Highview Drive; Thence North along said West line to the Point of Beginning,

(the "Real Estate").

BVRMC desires to acquire the Real Estate, which adjoins property owned by BVRMC. The City is willing to convey the Real Estate to BVRMC in exchange for certain storm water management improvements to be made by BVRMC under the terms and provisions of this Agreement that will benefit the public.

A sanitary sewer main of the City is situated underground on the Real Estate. BVRMC is embarking on an expansion project which entails use of the Real Estate and, to accommodate the expansion, wants the sanitary sewer main re-routed in such a way that it will cross both part of the Real Estate and part of some property already owned by BVRMC. The City is willing to allow BVRMC to re-route the sewer main but will require that BVRMC grant the City an easement for the construction and maintenance of such main. BVRMC is willing to construct and install the new, re-routed sanitary sewer main and is willing to grant the necessary easement to the City. The City is willing to allow BVRMC to construct and install the main under supervision of the City and subject to City approval. The sanitary sewer main so constructed is to be dedicated to the public.

Terms of Agreement

Now, therefore, in consideration of the mutual promises and assurances contained in this Agreement, the sufficiency of which consideration is acknowledged by the parties, the City and BVRMC agree as follows:

Section 1. Conveyance of Real Estate to BVRMC. Within 14 days after the adoption of such ordinance or the execution of this Agreement by both parties, whichever is later, or at such later date as may be requested by BVRMC in writing, the City shall convey to BVRMC, by quit claim deed, title to the Real Estate without the payment of any money by BVRMC to the City. If BVRMC wishes to have an abstract of title for the Real Estate, BVRMC shall be responsible for ordering and paying the cost of its preparation.

Section 2. Conveyance of Easement to City. At such time as the City conveys the Real Estate to BVRMC, BVRMC shall convey to the City the easement for the re-routed sanitary sewer line without the payment of any money to BVRMC by the City. The easement shall be in the form as shown on attached Exhibit 1.

Section 3. Construction of Re-routed Sanitary Sewer Main. BVRMC, at its expense, shall construct and install, to City's specifications, the re-routed sanitary sewer main on the easement area described in attached Exhibit 1. BVRMC warrants the design, materials, workmanship, construction, and performance of the re-routed sanitary sewer main for two years after completion. The re-routed sanitary sewer main shall be dedicated to the public. However, BVRMC shall permit the City to inspect such main before it is covered with dirt, and the sanitary sewer main must be approved by the City before acceptance of the dedicated sanitary sewer main by the City. That part of the

sewer main which is to be replaced by the re-routed sewer main shall not be disconnected from the City's sanitary sewer system until the City gives BVRMC written authorization to do so.

Section 4. Storm Water Management Improvements to be made by BVRMC.

As a part of its hospital expansion project, BVRMC shall incorporate certain storm water management improvements on its campus, as shown in a letter to James Patrick from Zac Andersen, P.E. dated April 14, 2014 and plans for such improvements, which letter and plans together are referred to below as the "Plans" and attached as Exhibit 2. The Plans may be changed by BVRMC, provided that any change affecting storm water drainage or the calculation of the amount of storm water runoff that will come from the campus of BVRMC, as determined by BVRMC's Professional Engineer, has been approved in writing by the City before BVRMC authorizes any change order effecting such change. BVRMC shall permit the City to inspect the construction of such storm water management improvements after their completion. If the City is reasonably satisfied that the construction of the storm water management improvements has been completed in accordance with the Plans attached as Exhibit 2 or in accordance with the Plans as changed by any change orders requiring approval of the City, the City shall approve such improvements in writing. The City shall not grant BVRMC an occupancy permit with respect to BVRMC's expanded facilities before the City has approved the storm water management improvements and BVRMC has satisfied any other prerequisites imposed by law or ordinance for occupancy.

Section 5. Not Assignable. This Agreement may not be assigned by the parties.

Section 6. Subject to BVRMC's Acceptance of Title. This Agreement is subject to the acceptance by BVRMC of the marketability of City's title to the Real Estate. If BVRMC does not accept the marketability of such title, it shall so notify the City in writing before the City's conveyance of the Real Estate to BVRMC and this Agreement shall be void. If BVRMC does not so notify the City in writing before such conveyance, BVRMC shall be deemed to have accepted the marketability of the City's title to the Real Estate.

Section 7. Subject to Vacation of Street Rights-of-way and to Council Approval. This Agreement is subject to the City's City Council passing and adopting an ordinance lawfully vacating the portions of public street rights-of-way on the Real Estate. This Agreement shall be void if such ordinance is not so passed and adopted. This Agreement is also subject to approval of the City's City Council and shall be void if not so approved.

Dated: _____

THE CITY OF STORM LAKE, IOWA

By: _____
Jon F. Kruse, Mayor

Attest: _____
Justin Yarosevich, City Clerk

Dated: 5/28/14

BUENA VISTA REGIONAL MEDICAL CENTER

By:  _____
Steven R. Colerick, Chief Executive Officer

Exhibit 1

Return To: Havens and Havens, P.O. Box 426, Storm Lake, IA 50588
Preparer: Philip E. Havens, Havens and Havens, P.O. Box 426, Storm Lake, IA 50588

EASEMENT AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2014, by and between Buena Vista Regional Medical Center, a County Hospital organized under the laws of Iowa, herein referred to as Grantor, and the City of Storm Lake, Iowa, an Iowa municipal corporation, herein referred to as Grantee.

SECTION I.

RIGHT OF WAY

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells and conveys to Grantee, its successors and assigns a perpetual easement for the purpose of laying, constructing, operating, inspecting, repairing, maintaining, replacing, substituting, relocating and removing a sanitary sewer pipeline and appurtenances, for the transportation of sewage, in, over, under, across, and through the following described real estate in Buena Vista County, Iowa, to-wit:

PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL

WITHIN THE CORPORATE LIMITS OF THE CITY OF STORMLAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 Feet; thence South 89°00'52" East, 304.79 Feet; thence South 01°11'20" West, 123.73 Feet to the South line of West 6th Street; thence North 89°16'34" West, along said South line, 31.43 Feet to exterior wall of the Hospital Building; thence North 01°02'09" East, along said wall, 24.96 Feet; thence continuing along said wall North 88°57'51" West, 1.74 Feet; thence continuing along said wall along the arc of a 51.32 Foot radius curve, concave northeasterly 22.98 Feet, said curve having a chord which bears North 46°08'45" West, for 22.79 Feet; thence departing from said wall along a line which bears North 01°11'20" East, for 33.41 Feet; thence North 89°00'52" West, 228.71 Feet; thence South 06°10'24" West, 8.40 Feet to the western face of a retaining wall; thence South 31°00'08" West, along said retaining wall 77.09 Feet to the South line of West 6th Street; thence North 88°59'43" West, along said South line, 31.93 Feet to the West line of the vacated portion of West 6th Street; thence North 37°59'51" East, along said West line, 75.12 Feet to the Point of Beginning.

Easement contains 0.47 acres.

See Easement Plat attached for a depiction of the Easement Area.

The real estate subject to the easement shall be referred to below as the "Easement Area."

SECTION II.

TERM

The rights granted herein shall be possessed and enjoyed by Grantee, its successors and assigns so long as the sanitary sewer pipeline constructed pursuant hereto shall be maintained and operated by Grantee, its successors or assigns.

SECTION III.

ADDITIONAL RIGHTS OF GRANTEE

Grantee shall have the right of ingress and egress to and from the Easement Area for any and

all purposes necessary or convenient to the exercise by Grantee of the rights granted herein.

SECTION IV.

RIGHTS OF GRANTOR

Grantor reserves the right to use and enjoy the Easement Area to the fullest possible extent without unreasonable interference with the exercise by Grantee of the rights granted herein. In this regard, neither Grantor nor Grantee shall have the right to locate any building or any surface installation, except the retaining wall as depicted on the attached Easement Plat, on any part of the Easement Area, or to fence the whole or any part thereof.

SECTION V.

PIPELINE DEPTH; TREATMENT AND RESTORATION OF SURFACE

Because the sanitary sewer pipeline to be constructed on the Easement Area will initially be constructed and installed to Grantee's specifications by Grantor, Grantor, at Grantor's expense, shall restore the ground on the Easement Area after the initial construction and installation to its own satisfaction, provided that such restoration shall comply with any and all governing laws, ordinances, and regulations. Grantor and Grantee agree that the sanitary sewer pipeline shall be buried at a depth sufficient to avoid any interference with the normal uses which Grantor might make of Grantor's property. In the maintenance, repair or replacement of the sanitary sewer pipeline or the exercise of its other rights under this agreement, except its right to initially construct the sanitary sewer pipeline, Grantee shall remove the topsoil from the Easement Area separately from the other materials removed by Grantee in such maintenance, repair or replacement of the sanitary sewer pipeline or in the exercise of other rights under this agreement, and shall replace said topsoil in the Easement Area upon completion of the pipeline or other work thereon. Following completion of any work on the

pipeline subsequent to its initial construction, Grantee shall restore the Easement Area as near to its condition before the work as possible. Grantee further agrees that, after any restoration, the Easement Area shall be left free of any large stones, holes or piles of dirt, and the Easement Area shall be reseeded to grass, if necessary. Grantee shall accomplish any restoration required of it within a reasonable time after the completion of work on the sanitary sewer pipeline.

SECTION VI.

WARRANTY OF TITLE

Grantor covenants that it is the owner of the Easement Area and has the right, title and capacity to grant said premises.

SECTION VII.

DEDICATION TO THE PUBLIC

Grantor hereby dedicates to the public the sanitary sewer pipeline and appurtenances thereto to be constructed and installed on the Easement Area, subject to acceptance of such improvements by the Grantee.

SECTION VIII.

EFFECT OF AGREEMENT

This Agreement shall be binding upon the heirs, legal representatives, successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement in Storm Lake, Iowa, on the day and year first above written.

GRANTEE:

CITY OF STORM LAKE, IOWA

GRANTOR:

BUENA VISTA REGIONAL MEDICAL CENTER

By _____
Jon F. Kruse, Mayor

Steven R. Colerick, Chief Executive Officer

ATTEST:

Justin Yarosevich, City Clerk

STATE OF IOWA, COUNTY OF BUENA VISTA

This record was acknowledged before me on _____, 2014, by Jon F. Kruse and Justin Yarosevich, as Mayor and City Clerk of the City of Storm Lake, Iowa.

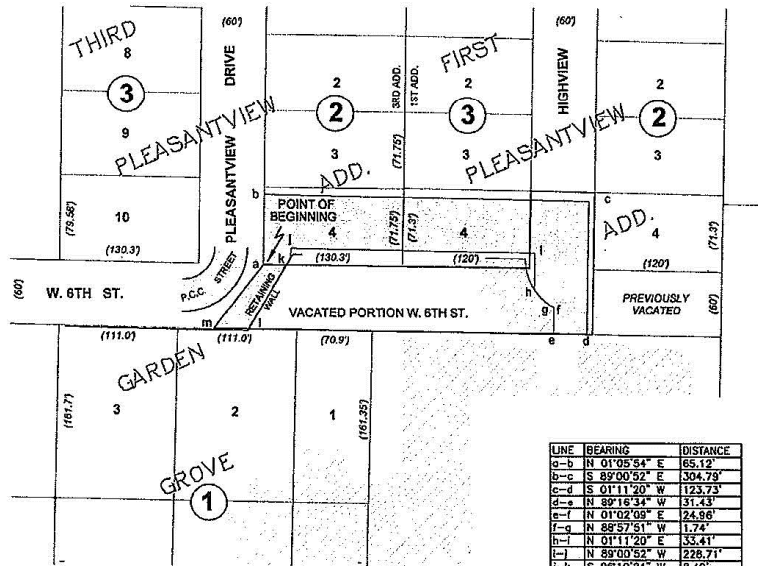
Notary Public for the State of Iowa

STATE OF IOWA, COUNTY OF BUENA VISTA

This record was acknowledged before me on _____, 2014, by Steven R. Colerick, as Chief Executive Officer of Buena Vista Regional Medical Center.

Notary Public for the State Of Iowa

PREPARED BY: J. SCOTT SHEVEL P.L.S. I&S GROUP, INC. P.O. BOX 458 1725 N. LAKE AVE. STORM LAKE, IA, 50588



LINE	BEARING	DISTANCE
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g-h	22.98'	51.32'	N 46°08'45" W 22.79'

DESCRIPTION - SANITARY SEWER EASEMENT

AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER LINE AND ITS APPURTENANCE STRUCTURES IN PORTIONS OF VACATED WEST 6TH STREET AND HIGHVIEW DRIVE, AND IN LOT FOUR (4), BLOCK TWO (2) THIRD PLEASANTVIEW ADDITION AND IN LOT FOUR (4), BLOCK THREE (3) OF FIRST PLEASANTVIEW ADDITION ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF STORM LAKE, BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of Lot Four (4), Block Two (2), Third Pleasantview Addition; Thence North 01°05'54" East, along the West line of said Lot Four (4), 65.12 feet; Thence South 89°00'52" East, 304.79 feet; Thence South 01°11'20" West, 123.73 feet to the South Line of West 6th Street; Thence North 89°16'34" West, along said South line, 31.43 feet to exterior wall of the Hospital Building; Thence North 01°02'09" East, along said wall, 24.96 feet; Thence continuing along said wall North 88°57'51" West, 1.74 feet; Thence continuing along said wall along the arc of a 51.32 foot radius curve, concave northeasterly 22.98 feet, said curve having a chord which bears North 46°08'45" West, for 22.79 feet; Thence departing from said wall along a line which bears North 01°11'20" East, for 33.41 feet; Thence North 89°00'52" West, 228.71 feet; Thence South 06°10'24" West, 8.40 feet to the western face of a retaining wall; Thence South 31°00'08" West, along said retaining wall 77.09 feet to the South line of West 6th Street; Thence North 88°59'43" West, along said South line, 31.93 feet to the West line of the vacated portion of West 6th Street; Thence North 37°59'51" East, along said West line, 75.12 feet to the Point of Beginning.

Easement contains 0.47 Acres.



SCALE: 1" = 100'
0 50 100

LEGEND

- = SANITARY SEWER EASEMENT
- = RECORDED DIMENSION

**EASEMENT PLAT
SANITARY SEWER
PART OF FIRST AND THIRD
PLEASANTVIEW ADDITIONS
TO THE CITY OF STORM LAKE,
BUENA VISTA COUNTY, IOWA**



1725 N. Lake Ave.
Storm Lake Ia. 50588
Ph: 712-732-7745
PH: 13-18000
Drawn: JSS
Sheet 1 OF 1
Surveyed by: BAM
Survey Date:
Revision Date:
Drawing Name:

Exhibit 2

4/14/2014



Mr. James Patrick
City of Storm Lake
PO Box 1086, Storm Lake, Iowa, 50588

Dear Mr. Patrick,

The Buena Vista Regional Medical Center (BVRMC) is proposing a building expansion to the northwest. The expansion project includes a building addition to the northwest, a new energy center and maintenance building on the western side of the property, reconstruction the helipad and parking lot to the southwest, the addition of an auto plaza as a drop of zone for patients and reconstruction the a portion of the east and northeast parking lot. This stormwater report will discuss the existing and proposed conditions of stormwater management for the site. According to the City of Storm Lake's City Ordinances, storm water management practices must be implemented to reduce the overall peak flow for a 5-year, 24-hour storm event for any portions of the site that was disturbed as well as treat and infiltrate as much of the stormwater that the surrounding soil will allow.

The existing storm collection system at the Buena Vista Regional Medical Center currently has minimal low impact development practices for storm water management. The storm water runoff outlets directly to on-site storm sewer which outlets lets to the City of Storm Lake's Storm Sewer System which freely discharges to Storm Lake without any practice for treatment or to reduce the peak flow. The existing peak flow of the expansion/construction area is 21.48 cubic feet per second (cfs). The expansion/construction area limits can be seen in Figure 1 which is attached.

The existing BVRMC site was determined to have 4 sub-watershed areas. The drainage areas are displayed on Figure 1. Table 1 summarizes the characteristics and peak flow for each sub-watershed area. The 4 sub-watershed areas eventually discharge to the City of Storm Lake storm sewer system at the intersection of W. 5th St. and Northwestern Dr.

1725 North Lake Avenue + PO Box 458 + Storm Lake, IA 50588-7610
info@is-grp.com + www.is-grp.com
P: 712.732.7745

I+S GROUP

I+S GROUP

Table 1, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	1.36	94	6.13
2	1.18	91	4.37
3	1.07	88	4.05
4	1.87	94	6.93
Total			21.48

* Peak flow rate based on 5-year, 24-hour storm event.

The Buena Vista Region Medical Center is proposing to implement nine (9) bio-retention cells within the building expansion project to reduce the 5-year 24-hour peak flow and also treat the storm water. The bio-retention cell locations along with the proposed site plan with storm sewer infrastructure are displayed in Figure 2, which is attached. The bio-retention cells allow storm water to pond and infiltrate through an engineered soil matrix to remove sediments and nutrients from the stormwater runoff. The on-site soils according to the geotechnical engineer report provided by Certified Testing Services, Inc. are not conducive for infiltration, therefore, the majority of the storm water that is filtered through the bio-retention cells will outlet to the on-site storm sewer collection system during off-peak intervals.

Table 2, Summarizes the characteristics and peak flow rate of each sub-watershed area.

Sub-Watershed	Area (AC)	Curve Number	Peak Flow Rate* (CFS)
1	0.79	93	0.63
2	2.88	88	7.49
3	2.03	97	8.80
Total			16.92

* Peak flow rate based on 5-year, 24-hour storm event.

I+S GROUP

The proposed Buena Vista Regional Medical Center site will have 3 sub-watershed areas. Each of the 3 areas have implemented bio-retention cells to reduce the peak flow and treat the storm water runoff. The 3 sub-watershed areas are shown on figure 2. Table 2 summarizes the characteristics and peak flow for each sub-watershed area. The proposed storm water management practices for the planned BVRMC site will reduce the 5-year, 24-hour storm event peak flow from 21.48 cfs to 16.92 cfs.

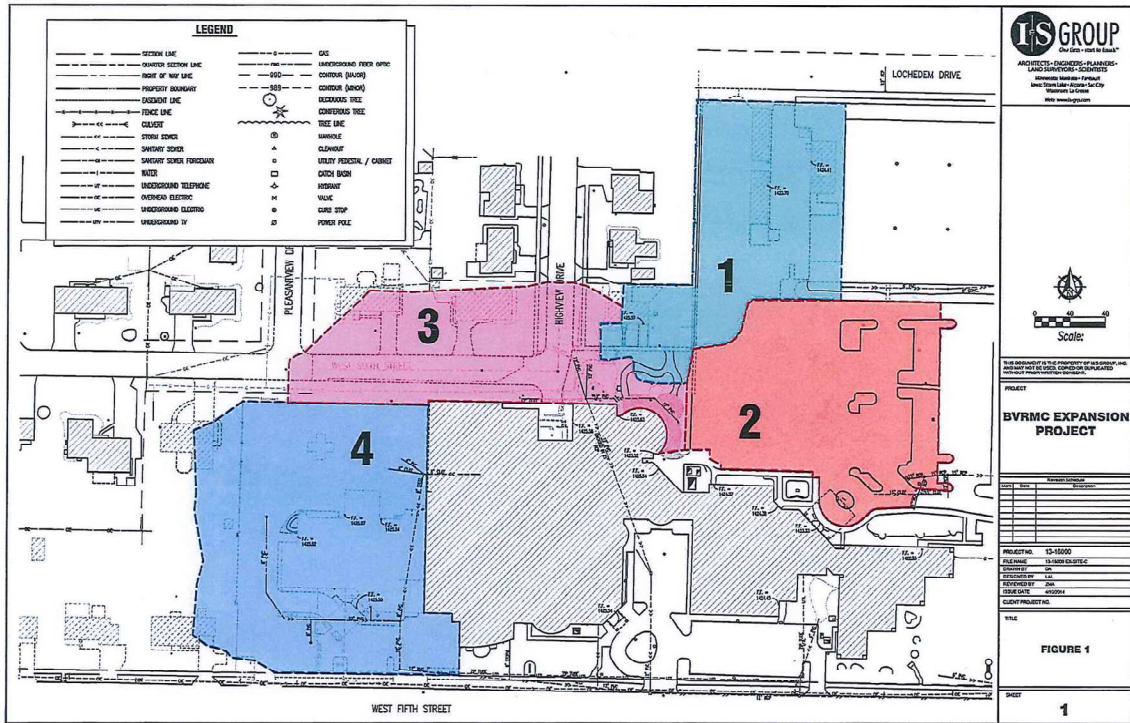
We have also attached the stormwater site plans and details associated with this project. I have copied Mr. Ferrier as requested by you and your staff. Please let me know if you have any questions.

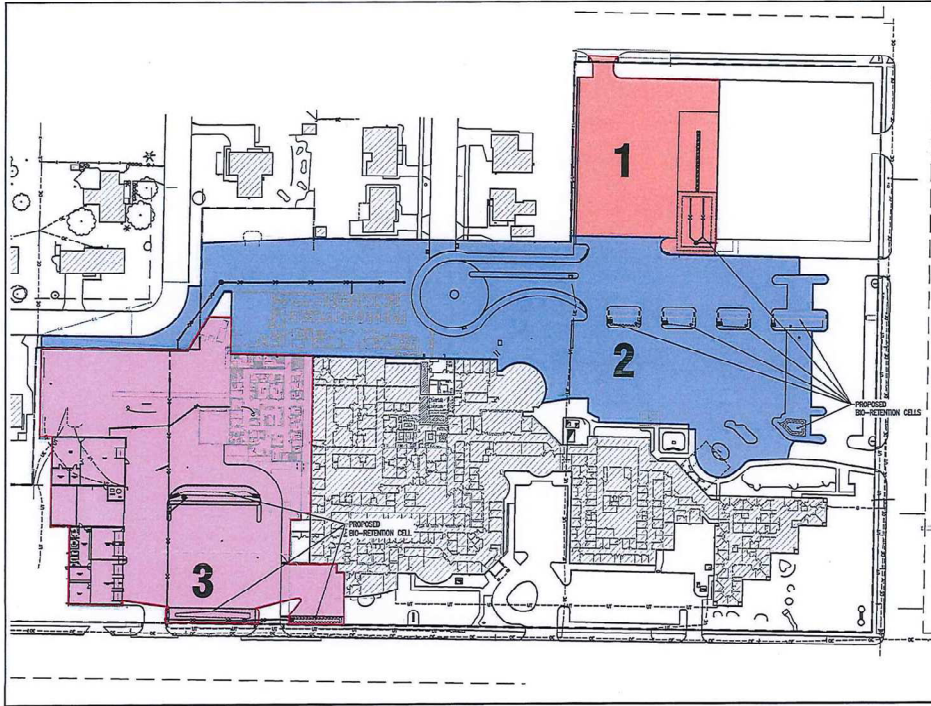
Thank you,

A handwritten signature in black ink that reads "Zac Andersen". The signature is fluid and cursive, with the first name "Zac" being more prominent.

Zac Andersen, P.E.
Civil Engineer

cc: Matthew Ferrier, Bolton & Menk Inc.







IS GROUP
ARCHITECTS - ENGINEERS - PLANNERS -
 LANDSCAPE ARCHITECTS
 10000 North 10th Avenue, Suite 100
 Denver, Colorado 80231
 Phone: (303) 733-1100
 Fax: (303) 733-1101



PROJECT

BVRMC EXPANSION PROJECT

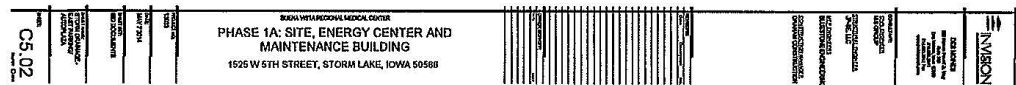
Revision History	
Rev	Description

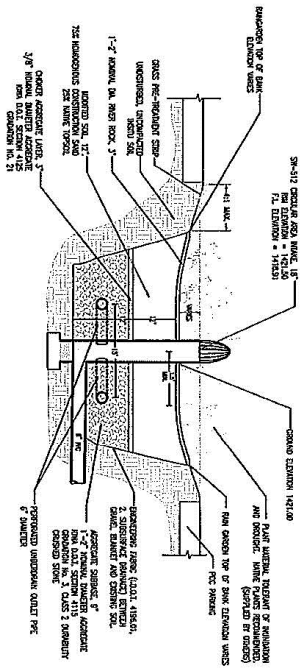
ARCHITECT	IS GROUP
ENGINEER	IS GROUP
PLANNING	IS GROUP
LANDSCAPE	IS GROUP
DESIGNER	IS GROUP
DATE	
CLIENT PROJECT NO.	

FIGURE 2

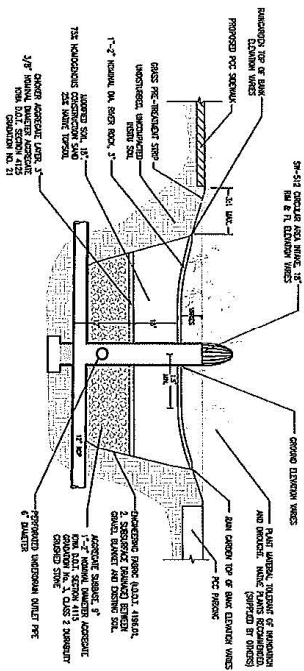
SHEET

2

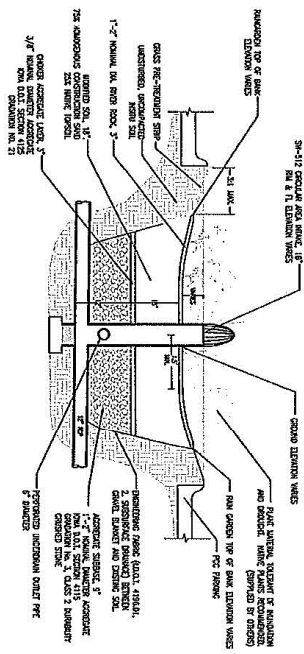




SECTION ELEVATION: TYPICAL RAIN GUTTER, NORTHWEST PARKING LOT
K.T.S.



SECTION ELEVATION: TYPICAL RAIN GUTTER, WEST PARKING LOT
K.T.S.



SECTION ELEVATION: TYPICAL RAIN GUTTER, EAST PARKING LOT ISLANDS
K.T.S.

Staff Summary

6/2/2014

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: **Public Hearing On Plans & Specifications For Well 20 Construction**

BACKGROUND: The City has explored for water and found a good source on Mr. Zylstra's property along C-49 and west of Abner Bell Road. The City purchased approximately 5.5 acres to construct well #20, provide well head protection zone, and have enough room for a future replacement well.

Plans and Specifications for the construction of Well #20 have been available for public review.

At last Council meeting, Council set a public hearing on the plans and specifications for the construction of Well 20 for this evening.

FISCAL IMPACT: No cost for the public hearing

RECOMMENDATION: Open the Hearing

Hear the Public

Close the Public Hearing

Staff Summary

6/2/2014

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. 94-R-2013-2014 Approving The Well #20 Plans & Specifications**

BACKGROUND: The City found a location for Well #20 on the former Mr. and Mrs. Zylstra property located on C-49 west of Abner Bell Road. The engineering plans and specifications have been available for review for the last two weeks and Council has now held a Public Hearing on those plans and specifications.

The Engineer's estimate for the project is \$864,755 based on the current design of a dual cased well using an interior stainless steel well casing. There is an alternate bid item to change the interior casing pipe from stainless steel to mild steel. The estimated credit for the mild casing in lieu of stainless steel casing is \$40,000.

FISCAL IMPACT: Engineer's construction estimate is \$864,755

Engineering - \$55,500

Legal fees - \$10,000

Land Acquisition - \$117,410

Total Estimated Costs - \$1,047,665

This will be paid for from the proceeds of the \$2.34M Water Revenue Bond that was issued in April 2013.

RECOMMENDATION: Approve the plans and specifications.

ATTACHMENTS:

Description	Type
 Resolution No. 94-R-2013-2014	Resolution

RESOLUTION NO. 94-R-2013-2014

**RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF
CONTRACT AND ESTIMATE OF COST FOR THE CITY OF STORM LAKE
WATER SUPPLY WELL NO. 20 PROJECT**

WHEREAS, the plans, specifications, form of contract and estimate of cost were filed with the CITY for the construction of certain public improvements described in general as the Water Supply Well No. 20 Project; and

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

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

Section 1. That the said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said public improvements, as described in the preamble of this Resolution.

PASSED AND APPROVED this 2nd day of June 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

6/2/2014

Agenda Item # 11.



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: **Motion To Set Public Hearing On Storm Water Ordinance**

BACKGROUND: The U.S. EPA's National Pollutant Discharge Elimination System (NPDES) permit program administered by the Iowa Department of Natural Resources requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR a NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4). The City of Storm Lake is a MS4 permitted City.

The City of Storm Lake, as a condition of the MS4 permit, is obliged to adopt and enforce a Post Construction Storm Water Control Ordinance. The City does have an Illicit Discharge Ordinance but not a Post Construction Storm Water Control Ordinance. Therefore, the City of Storm Lake wishes to establish this ordinance to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with storm water runoff is in the public's interest and will prevent threats to public health, safety and property damage.

The Storm Water Advisory Board and Planning and Zoning Board have recommended this Ordinance to Council.

It would be appropriate for Council to set a Public Hearing for June

16th at 5:00 to receive public comment on this proposed Ordinance.

FISCAL IMPACT:

Publishing fee of approximately \$50.00

RECOMMENDATION:

Set a Public Hearing for the proposed Post-Construction Storm Water Control Ordinance.

Staff Summary

6/2/2014

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: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Ordinance No. 11-O-2013-2014 Minor Changes To Solicitor Ordinance**

BACKGROUND: In the past couple of months the City Council approved a complete revision to the City's Solicitor and Transient Merchant Ordinance which included some major changes including limits on the hours that solicitors and transient merchants were able to sell their goods and services.

As we were going through the ordinance the Council had questions about the timing for sales for the Transient Merchants and following adoption we had a few questions from past transient merchants regarding the same issues. Staff went back and reviewed the issue and is comfortable making an adjustment to the hours of service for transient merchants only.

Transient Merchants are those that are selling from a fixed location (for example a business parking lot or vacant lot with the permission of the property owner). This time change would not affect those going door to door.

The current ordinance allows for sales for Transient Merchants from 7:00AM to 10:00PM daily. The revision as proposed would extend the sales period from 7:00AM to midnight daily.

Council may want to consider approving first reading on June 2nd and then waiving 2nd reading and passing on 3rd reading on June 19th to expedite the process.

FISCAL IMPACT:

There is no fiscal impact to this change other than the potential to have more revenue from licenses/permits due to the more opportunity to sell items.

There is a minor cost of approximately \$50.00 for publishing the ordinance with the minutes once and if approved.

RECOMMENDATION:

There are no rate changes proposed with this ordinance revision.

Approve on 1st Reading - June 2, 2014

Waive 2nd Reading - June 19, 2014

Approve on 3rd Reading - June 19, 2014

ATTACHMENTS:

	Description	Type
	Solicitor Ordinance Change	Ordinance

ORDINANCE NO. 11-O-2013-2014

AN ORDINANCE AMENDING TITLE 4, CHAPTER 3, SECTION 14 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY EXTENDING THE HOURS EACH DAY THAT TRANSIENT MERCHANTS CAN CONDUCT BUSINESS AND BY SPECIFYING THE TIME ZONE OF THE HOURS DURING WHICH SUCH BUSINESS IS PERMITTED

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

Section 1. Section 4-3-14 of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa is hereby amended to read as follows:

4-3-14 Other Prohibited Acts

- (a) No person shall engage in any activity of a fund Raiser or Solicitor with any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.
- (b) No person shall act as a Fund Raiser or Solicitor except between the hours of 9:00 a.m. Central Time and 8:00 p.m. Central Time Monday through Saturday and between the hours of 1:00 p.m. Central Time and 5:00 p.m. Central Time Sunday.
- (c) No Transient Merchant shall conduct business at any time except between the hours of 7:00 a.m. **Central Time** and ~~10:00 p.m.~~ **12:00 midnight Central Time** each day.
- (d) No Fund Raiser, Solicitor or Transient Merchant shall conduct any activities requiring a license under this Chapter on any property which has a posted notice prohibiting peddling or soliciting.
- (e) No Fund Raiser, Solicitor or Transient Merchant shall harass, intimidate, coerce or threaten any individual, or fraudulently misrepresent facts to induce a sale, gift, or contribution.
- (f) No Solicitor or Transient Merchant shall falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale, or sell any unwholesome or tainted food or foodstuffs.
- (g) No Fund Raiser, Solicitor or Transient Merchant shall conduct its business or activities in such a manner as to endanger the public health, welfare, or safety of the public.

Section 2. 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 _____, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk