

**CITY OF STORM LAKE
REGULAR COUNCIL MEETING, CITY HALL
COUNCIL CHAMBERS
FEBRUARY 17, 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**
3. **Public Hearing On Zoning Ordinance, Subdivision Ordinance, & Zoning Map**
4. **Ordinance No. 07-O-2013-2014 Zoning Ordinance, Subdivision Ordinance, & Zoning Map**
5. **Public Hearing On Amendment #1 To #4 LMI Housing Urban Renewal Plan**
6. **Resolution No. 59-R-2013-2014 Approving Amendment #1 To #4 LMI Housing Urban Renewal Plan**
7. **Conduct A Public Hearing On A Proposed Amendment To The Southwest Minnesota Housing Partnership Development Agreement**
8. **Resolution No. 60-R-2013-2014 Approving An Amendment To The Southwest Minnesota Housing Partnership Development Agreement**
9. **Motion Setting Public Hearing On Fiscal Year 2014-2015 Budget**
10. **Motion Setting Public Hearing On FY 2015-2019 Five-Year Capital Improvements Plan**
11. **Resolution No. 61-R-2013-2014 Approving & Authorizing Amendment To Loan And Disbursement Agreement For \$7,500,000 Water Revenue Capital Loan Note, Series 2003**
12. **Resolution No. 62-R-2013-2014 Setting Public Hearing On Amendment #1 To Storm Lake Urban Revitalization Program**
13. **Resolution No. 63-R-2013-2014 Setting Public Hearing & Consultation Session Prunty/Zinn Annexation**
14. **Approve Engineering Agreement For Seneca Street Reconstruction**
15. **Ordinance No. 04-O-2013-2014 Make the Intersection of 13th Street and Seneca Street a 4 Way Stop - 3rd Reading**
16. **Ordinance No. 05-O-2013-2014 Amendments To Title 10, Chapter 1, Of The Storm Lake City Code Regarding Sidewalks - Third Reading**
17. **Ordinance No. 06-O-2013-2014 Providing For Collection Of Incremental Taxes - McDonalds Parcel, Third Reading**
18. **Study Session - Solicitor, Peddler, & Transient Merchant License Ordinance Changes**

19. 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

2/17/2014

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
- Approve February 3, 2014 City Council Minutes and February 11, 2014 Budget Workshop minutes
- Approve liquor license renewals for Boathouse, Casey's West, Casey's East, and Dollar General

FISCAL IMPACT: The City will pay the following expenditures:

- List of Bills - \$751,807.21
- King's Pointe Bills - \$153,351.26
- Sunrise Pointe Golf Course Bills - \$3,385.99

The City will receive the following revenues:

- Liquor license renewal - \$1,295.00

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

Description	Type
☐ List of Bills	Contract
☐ King's Pointe & Sunrise Pointe Golfcourse List of bills	List of Bills
☐ Minutes - February 3, 2014	Minutes
☐ Minutes - February 11, 2014	Minutes
☐ Boathouse Liquor Report	Backup Material
☐ Casey's East Liquor Report	Backup Material
☐ Dollar General Liquor Report	Backup Material
☐ Casey's West Liquor Report	Backup Material

City of Storm Lake
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Checks for Approval Report

From: 02/04/14 To 02/17/14
User: tyler.gibbins

UNAVAILABLE

AFLAC	PR Batch 00551.02.2014 Aflac Pretax	50.17
AFLAC	PR Batch 00551.02.2014 Aflac After tax	54.06
AFLAC	PR Batch 00552.02.2014 Aflac Pretax	491.72
AFLAC	PR Batch 00552.02.2014 Aflac After tax	160.56
City of Storm Lake	PR Batch 00552.02.2014 Dental employee/child	8.46
City of Storm Lake	PR Batch 00552.02.2014 Dental insurance employee c	15.68
City of Storm Lake	PR Batch 00552.02.2014 Dental employee/spouse	20.00
City of Storm Lake	PR Batch 00552.02.2014 Dental insurance family	97.75
City of Storm Lake	PR Batch 00552.02.2014 125 Flexible Benefits	672.44
City of Storm Lake	PR Batch 00552.02.2014 Flex- Child Care	115.38
City of Storm Lake	PR Batch 00552.02.2014 Health Insurance Family	2,061.88
City of Storm Lake	PR Batch 00552.02.2014 Health Insurance Single	338.56
City of Storm Lake	PR Batch 00551.02.2014 Dental insurance employee c	1.06
City of Storm Lake	PR Batch 00551.02.2014 Dental employee/spouse	8.68
City of Storm Lake	PR Batch 00551.02.2014 Dental insurance family	32.27
City of Storm Lake	PR Batch 00551.02.2014 125 Flexible Benefits	259.57
City of Storm Lake	PR Batch 00551.02.2014 Flex- Child Care	20.83
City of Storm Lake	PR Batch 00551.02.2014 Health Insurance Family	587.80
City of Storm Lake	PR Batch 00551.02.2014 Health Insurance Single	22.92
Collection Services Center	PR Batch 00551.02.2014 Child Support Payments to I	325.00
Collection Services Center	PR Batch 00552.02.2014 Child Support Payments to I	619.38
Conseco Health Insurance Co	PR Batch 00552.02.2014 Cancer Pre Tax Insurance	58.30
EFTPS	PR Batch 00552.02.2014 Federal Income Tax	9,667.09
EFTPS	PR Batch 00552.02.2014 FICA Employee Portion	3,856.51
EFTPS	PR Batch 00552.02.2014 FICA Employer Portion	3,856.51
EFTPS	PR Batch 00552.02.2014 Medicare Employee Portion	1,409.06
EFTPS	PR Batch 00552.02.2014 Medicare Employer Portion	1,409.06
EFTPS	PR Batch 00551.02.2014 Federal Income Tax	3,977.78
EFTPS	PR Batch 00551.02.2014 FICA Employee Portion	1,739.86
EFTPS	PR Batch 00551.02.2014 FICA Employer Portion	1,739.86
EFTPS	PR Batch 00551.02.2014 Medicare Employee Portion	495.63
EFTPS	PR Batch 00551.02.2014 Medicare Employer Portion	495.63
ICMA Retirement Trust 457	PR Batch 00551.02.2014 ICMA	950.00
ICMA Retirement Trust 457	PR Batch 00551.02.2014 ICMA City Paid	529.18
ICMA Retirement Trust 457	PR Batch 00551.02.2014 ICMA City paid for Police	424.91
ICMA Retirement Trust 457	PR Batch 00552.02.2014 ICMA	985.00
Iowa Public Employees	PR Batch 00552.02.2014 IPERS	3,837.93
Iowa Public Employees	PR Batch 00552.02.2014 IPERS City Share	5,759.95
Iowa Public Employees	PR Batch 00551.02.2014 IPERS	1,403.11
Iowa Public Employees	PR Batch 00551.02.2014 IPERS City Share	2,105.86
ITT Hartford AMS RPVA	PR Batch 00552.02.2014 457 Hartford	325.00
Muni Fire/Police Retire	PR Batch 00552.02.2014 Muni Police/Fire Pension	2,990.23
Muni Fire/Police Retire	PR Batch 00552.02.2014 Muni Police/Fire Pension Ci	9,581.49
Muni Fire/Police Retire	PR Batch 00551.02.2014 Muni Police/Fire Pension	521.22
Muni Fire/Police Retire	PR Batch 00551.02.2014 Muni Police/Fire Pension Ci	1,670.13
Teamsters Local Union 554	PR Batch 00552.02.2014 Union Dues	254.00
Treasurer State Of Iowa	PR Batch 00552.02.2014 State Income Tax	3,781.30
Treasurer State Of Iowa	PR Batch 00551.02.2014 State Income Tax	1,740.81

UNAVAILABLE

Department Total = 71,529.58

Police Department

Alliant Energy	Gas Service Nov/Dec 2013	786.56
Alta Body Shop	Towing Services- January 2014	1,350.00
Buena Vista Stationery & Print Inc	Paper	30.30
Buena Vista Stationery & Print Inc	Organizer Less only 10% not 20%	15.61

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Buena Vista Stationery & Print Inc	Office Supplies	8.79
Buena Vista Stationery & Print Inc	Office Supplies	13.99
Buena Vista Stationery & Print Inc	Office Supplies	13.98
Buena Vista Stationery & Print Inc	Office Supplies Returned	-29.98
Buena Vista Stationery & Print Inc	Office Supplies	11.49
Buena Vista Stationery & Print Inc	Office Supplies	48.25
Buena Vista Stationery & Print Inc	Iowa Incident Reports	230.60
Buena Vista Stationery & Print Inc	Letterhead Paper- Public Safety	391.70
Central Bank	Mercy Medical Conference 6 Attendees	60.00
Central Iowa Distributing, Inc	Cleaning Supplies	134.40
Custodian of Petty Cash	Postage	7.89
Custodian of Petty Cash	Postage	6.77
Custodian of Petty Cash	Postage	7.72
Eickholt Raymond	ILEA Training- 1/29/2014 Eickholt	93.00
Erskine Todd	ILEA Training 1/29/2014- Erskine	623.88
Evertex Inc	Cell Phone Service Feb 2014	521.51
Fitzpatrick Auto Center	Light Repairs to P-10	82.50
Genesis Development	Janitorial Services- January 2014	600.00
Graham Tire	Tire Repair P-19	18.00
Iowa Lakes Electric Cooperative	Electric Service January 2014	37.38
Iowa Law Enforcement Academy	Mental Health Training	20.00
Keltek, Inc	Roll Paper	244.36
LECC	IPCA Meeting & LECC Conf- 5/20/2014- Prosser Reg	125.00
MS Door Service Ltd	December 2013 Pest Management Services	24.00
Neuroth Kevin	Garbage Hauling Service January 2014	23.00
O'Reilly Auto Parts	Wiper Fluid	14.94
O'Reilly Auto Parts	Lights	10.62
Rasmussen's	Spark Plug P-4	236.52
Rasmussen's	Spark Plug P-4	333.30
Seiler Plumbing & Heating Inc	Service Call on Sewer Pit	55.00
Star Energy, LLC	Fuel January 2014	5,279.98
Storm City Auto Parts	Paste Wax	8.99
Wide Open West	Phone Service February 2014	328.08
Zee Medical Inc	First Aid Supplies	42.45

Police Department

Department Total = 11,810.58

Fire Department

Alliant Energy	Gas Service Dec/Jan 2014	1,123.51
Alpha Wireless	Pager Repairs	76.80
Arnold Motor Supply, LLP	Fluids for Engine	25.57
Cardiovascular Assoc PC	Stress Test- Nebitt	130.00
Cardiovascular Assoc PC	Stress Test- Benedict	130.00
Evertex Inc	Cell Phone Service Feb 2014	61.20
Fireguard, Inc	Stat-X fire suppression cannisters	1,320.00
Helens Commercial Laundry	Laundry Services	23.75
Helens Commercial Laundry	Laundry Services	13.00
Helens Commercial Laundry	Laundry Services	13.00
Helens Commercial Laundry	Laundry Services	23.75
Iowa Assn of Pro Fire Chiefs	Membership Fee 2014- Jones- Reprint Ck#43780	50.00
Larson Oil & Distributing Co, Inc	Kerosene	47.30
Mangold Environmental Testing	Shipping	6.03
Mangold Environmental Testing	Shipping	6.03
MS Door Service Ltd	December 2013 Pest Management Services	18.00
National Fire Protection Association	2014 Membership Fee- Jones	165.00
Neuroth Kevin	Garbage Hauling Service January 2014	52.00
Stanton Electric, Inc	Light	12.30
Star Energy, LLC	Fuel January 2014	188.44

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Wide Open West	Phone Service February 2014	58.29
Fire Department	Department Total =	3,543.97
Building Official		
Buena Vista Stationery & Print Inc	Desk Calendar	8.15
Central Bank	Super 8 Lodging- Olesen- 1/8/2014	154.56
City of Storm Lake	Serviced Engine B-10	30.35
Evertex Inc	Cell Phone Service Feb 2014	27.50
IAPMO Iowa Chapter	2014 Membership to Iowa Chapter- Olesen	20.00
National Fire Protection Association	2014 Membership Fee- Olesen	165.00
Olesen Scott E	Educational Seminar- Cheska, MN- Olesen	75.16
Star Energy, LLC	Fuel January 2014	147.05
Storm Lake Times The	P&Z File #2013-6	7.20
Wide Open West	Phone Service February 2014	87.43
Building Official	Department Total =	722.40
Law Enforcement		
Arenson Law Office, PC	Court Ordered Return from SL12-1731	6,000.00
Law Enforcement	Department Total =	6,000.00
Crime Prevention		
US Police Canine Assn	2014 USPCA Membership	50.00
USPCA Region 21	USPCA 2014 Trials	50.00
Crime Prevention	Department Total =	100.00
Roadway Maintenance		
Adventure Lands of America, Inc	Room 1/29/14 to 1/30/14- Kelly	211.86
Alliant Energy	Gas Service Dec/Jan 2014	1,784.63
Arnold Motor Supply, LLP	Bearings (4), Oil Seal	45.41
Bolton & Menk, Inc	Engineering Service- E 10th St Rehab through 1/22/20	1,725.50
Bomgaars Supply, Inc	Leaf Rake	27.98
Bomgaars Supply, Inc	Rakes	33.96
Buena Vista Stationery & Print Inc	Labels	12.79
Central Bank	ICMA Membership & Conferencing 2014	250.98
Central Bank	Forestry Hard Hats/Muffs	136.62
City of Storm Lake	New Brake System on T-3	377.51
City of Storm Lake	Replaced Radiator on T-3	820.16
City of Storm Lake	Serviced Engine #135	44.30
CNH Capital LLC	Filters	84.14
Evertex Inc	Cell Phone Service Feb 2014	13.75
Fastenal Company	Supplies	31.95
Ferguson Enterprises Inc	Supplies	25.74
Ferguson Enterprises Inc	Supplies	19.28
Ferguson Enterprises Inc	Supplies	36.63
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	203.49
I&S Group, Inc.	Engineering Services- W 5th St Reconstruction	770.00
Iowa Office Supply Inc	Toner	79.54
Iowa Prison Industries	Danger Signs (6)	199.32
Keller Ken	W 7th St Building Furnace Repairs	113.62
Kelly Patrick James	Iowa Concrete Paving Assoc- Altoona- Kelly	105.76
Mailboxes & Parcel Depot	Shipping	9.30

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McCrea Enterprises	New Billing of Inv#58314	3.50
McCrea Enterprises	Supplies	62.50
Neuroth Kevin	Garbage Hauling Service January 2014	119.25
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing	37.00
Rebnord Technologies Inc	Mouse & Keyboard	24.95
Rust's Western Shed	Repair Chain Saw Chaps	8.00
Star Energy, LLC	Fuel January 2014	3,285.42
Storm Lake Times The	2014 Street Improvement Project	6.40
Wide Open West	Phone Service February 2014	54.75

Roadway Maintenance	Department Total =	10,765.99
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Signs & Signals

General Traffic Controls Inc	Traffic Signal & Equipment	1,746.29
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Signs & Signals	Department Total =	1,746.29
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Snow Removal

Arnold Motor Supply, LLP	Belt for Snowblower	11.83
City of Storm Lake	Replaced Hyd Hose #13	57.61
Hallett Materials	Sand	641.29
Sta-Mel Enterprises, Inc	Roadsalt	1,707.20
Sta-Mel Enterprises, Inc	Roadsalt	1,596.80
Sta-Mel Enterprises, Inc	Roadsalt	1,667.20
Sta-Mel Enterprises, Inc	Roadsalt	1,673.60
Telvent DTN, Inc	Service Period 2/15/2014 to 5/14/2014	624.00

Snow Removal	Department Total =	7,979.53
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Airport

Ascent Aviation Group, Inc.	Monthly Dial Fee- February 2014	46.00
Bart's Flying Service	Reissue Airport Contract December 2013	4,895.00
Century Link	Phone Service- February 2014	125.78
City of Storm Lake	New Battery #61	228.24
MS Door Service Ltd	December 2013 Pest Management Services	45.00
Nepple Electric Inc	Repairs to the Fuel Pump	2,877.92
Pilot Tribune	Public Notice of Runway 13/31	19.80
Seiler Plumbing & Heating Inc	New Water Heater	447.12

Airport	Department Total =	8,684.86
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Library

Alliant Energy	Gas Service Dec/Jan 2014	1,669.28
Genesis Development	Janitorial Services- January 2014	500.00
Wide Open West	Phone Service February 2014	33.05

Library	Department Total =	2,202.33
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Parks Department

Alliant Energy	Gas Service Dec/Jan 2014	187.13
Arnold Motor Supply, LLP	Truck Engine	3,359.09
Arnold Motor Supply, LLP	Door Hinge	19.20
Arnold Motor Supply, LLP	Oil Filter & Superstat for #1 S10	17.78
Arnold Motor Supply, LLP	Air Filter for New Holland Mower	7.66

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Arnold Motor Supply, LLP	Supplies	5.49
Arnold Motor Supply, LLP	Toolcat Epoxy	4.99
Arnold Motor Supply, LLP	Toolcat Mirror	23.99
Buena Vista Extension Svc	Ornamental & Turfgrass Registration 2014- Hoffman	35.00
Buena Vista Extension Svc	Ornamental & Turfgrass Registration 2014- Collins	35.00
City of Storm Lake	Replaced Radiator #136	300.29
Evertex Inc	Cell Phone Service Feb 2014	13.75
Fastenal Company	Supplies	14.59
Neuroth Kevin	Garbage Hauling Service January 2014	68.50
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing	37.00
Star Energy, LLC	Fuel January 2014	729.73
Storm Lake Ace Hardware Inc	Rollers	4.99
Storm Lake Ace Hardware Inc	Trim Set	19.99
Wide Open West	Phone Service February 2014	38.68

Parks Department **Department Total =** 4,922.85

Golf Course

Buena Vista Extension Svc	Ornamental & Turfgrass Registration 2014- Feltner	35.00
Neuroth Kevin	Garbage Hauling Service January 2014	77.75
Star Energy, LLC	Fuel January 2014	126.75

Golf Course **Department Total =** 239.50

Campgrounds

Central Bank	January 2014 PayPal Account	25.00
Crescent Electric Supply Co	Supplies	17.52
McCrea Enterprises	Supplies	154.10

Campgrounds **Department Total =** 196.62

UNAVAILABLE

King's Pointe Resort	January 2014 Housekeeping Cleaning Expenses	435.00
King's Pointe Resort	January 2014 Maintenance Expense	113.00
King's Pointe Resort	January 2014 Hotel Supplies	145.00
King's Pointe Resort	January 2014 Water Park Package (5)	456.77
Kinseth Hospitality Corporation	January 2014 Management Fee	206.12

UNAVAILABLE **Department Total =** 1,355.89

Shelter House

Alliant Energy	Gas Service Dec/Jan 2014	327.70
MS Door Service Ltd	December 2013 Pest Management Services	18.00

Shelter House **Department Total =** 345.70

UNAVAILABLE

Storm Lake Times The	KP Disb 12/11 to 12/31/2013	28.40
Storm Lake Times The	KP Disb 1/1 to 1/15/2014	18.80

UNAVAILABLE **Department Total =** 47.20

Economic Develop

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Evertex Inc	Cell Phone Service Feb 2014	33.70
Price Jennifer A	Downtown Survey Research and Travel Expenses	2,032.50
Wide Open West	Phone Service February 2014	29.20
Wilson Michael A	Meeting with Developer- Des Moines- Wilson	163.52
Economic Develop	Department Total =	2,258.92
Bargloff TIF		
Ahlers & Cooney, P.C.	Amendment #1- URA through Jan 19, 2014- Legal Fees	2,791.47
Ahlers & Cooney, P.C.	Bargloff URA through Jan 27, 2014- Legal Fees	830.00
Bolton & Menk, Inc	Engineering Service- 6" Water Main Permit- Pizza Rai	1,355.00
Bargloff TIF	Department Total =	4,976.47
#4 LMI Housing URA		
Storm Lake Times The	Public HearingAmendment No 1 to #4	24.60
#4 LMI Housing URA	Department Total =	24.60
Legal Services		
Ahlers & Cooney, P.C.	Legal Services through Jan 19, 2014	897.00
Legal Services	Department Total =	897.00
City Hall Building		
Alliant Energy	Gas Service Dec/Jan 2014	640.94
Evertex Inc	Cell Phone Service Feb 2014	19.24
Genesis Development	Janitorial Services- January 2014	200.00
Julius Dennis R.	Entrance Mats	28.40
Julius Dennis R.	Entrance Mats	28.40
MS Door Service Ltd	December 2013 Pest Management Services	23.00
Neuroth Kevin	Garbage Hauling Service January 2014	27.00
Schumacher Elevator Company	Elevator Maintenance	182.55
Steve's Window Svc	Window Cleaning 1/28/2014	34.00
Wide Open West	Phone Service February 2014	100.15
City Hall Building	Department Total =	1,283.68
Tort Liability		
Rasmussen's	Repairs to Cook Vehicle	756.65
Tort Liability	Department Total =	756.65
Other Policy & Administration		
Buena Vista Co Recorder	Easement Recording- Manasota Key	32.00
Buena Vista Co Recorder	Easement Recording- Lake Investment	32.00
Buena Vista Co Recorder	Easement Recording- Cortez Saul	32.00
Buena Vista Stationery & Print Inc	Office Supplies	8.79
Buena Vista Stationery & Print Inc	Office Supplies	14.07
Central Bank	January 2014 Des Moines Register	10.00
Central Bank	2014 IMMI and ICMA Summit & YPLI Registration-	140.00
Central Bank	ICMA Membership & Conferencing 2014	250.99
Central Bank	Iowa League of City's Legislative Day 2014 Registrati	50.00

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Custodian of Petty Cash	Postage	0.46
Hoffman's Inc	Extra Delivery Charge	9.00
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	1,017.42
Iowa Office Supply Inc	Office Supplies	37.30
Iowa Office Supply Inc	Office Supplies Returned	-16.56
Iowa Office Supply Inc	Copier Contract	0.17
King's Pointe Resort	Legislative Breakfast	93.86
Qualified Presort Service, LLC	City Tidbits	207.03
Storm Lake Times The	Claims 12/17/13 to 1/6/2014	35.67
Storm Lake Times The	Regular Meeting Jan 6, 2014	27.00
Storm Lake Times The	2013 Financial Report	106.18
Storm Lake Times The	Claims 1/7 to 1/20/2014	42.92
Storm Lake Times The	Regular Meeting Jan 20, 2014	40.60
Storm Lake Times The	Wages from 2013	28.20
US Postage Meter Center	Postage Machine Supplies	74.07

Other Policy & Administration

Department Total = 2,273.17

Water Administration

Buena Vista Stationery & Print Inc	Office Supplies	7.49
Buena Vista Stationery & Print Inc	Calculator	43.75
Buena Vista Stationery & Print Inc	Stamp	21.59
Central Bank	2014 IMMI and ICMA Summit & YPLI Registration-	140.00
Central Bank	ICMA Membership & Conferencing 2014	250.99
Custodian of Petty Cash	Postage	0.46
Evertex Inc	Cell Phone Service Feb 2014	34.90
Genesis Development	Janitorial Services- January 2014	200.00
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	203.48
Iowa Office Supply Inc	Office Supplies	37.30
Iowa Office Supply Inc	Office Supplies Returned	-16.56
Qualified Presort Service, LLC	ACH Final Bill	1.69
Qualified Presort Service, LLC	Final Bills	6.97
Springbrook Software, Inc	Jan 2014 IVR Subscription	9.00
US Postage Meter Center	Postage Machine Supplies	74.07
Wide Open West	Phone Service February 2014	85.12

Water Administration

Department Total = 1,100.25

Water Plant

Alliant Energy	Gas Service Dec/Jan 2014	2,082.41
Bomgaars Supply, Inc	Tower 4 Valve Pit Piping	54.05
Bomgaars Supply, Inc	Air Compressor	119.99
Bomgaars Supply, Inc	Zinc Fitting Cleaner	35.99
Bomgaars Supply, Inc	Tower 4 Valve	14.08
Buena Vista Stationery & Print Inc	Labels	12.79
Central Iowa Distributing, Inc	Floor Wax & Supplies	295.78
Crescent Electric Supply Co	Fuses	54.40
Evertex Inc	Cell Phone Service Feb 2014	176.25
Fastenal Company	Lime Containment Area Supplies	92.40
Graffix, Inc	Uniforms	280.60
Graffix, Inc	Uniform Setup Fee	31.50
Hickman, Williams & Company	Lime	8,782.52
Hickman, Williams & Company	Lime Freight	524.24
Hickman, Williams & Company	Lime Freight	252.56
Hickman, Williams & Company	Lime	4,231.06
Hickman, Williams & Company	Lime	4,218.60
Hickman, Williams & Company	Lime Freight	251.81

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Iowa Rural Water Assn	Iowa Rural Water Assn Conference 2/24/14- Sutton R	295.00
Mailboxes & Parcel Depot	Shipping	11.38
Mailboxes & Parcel Depot	Shipping	11.03
Mike's Electronics Inc	Temp Lime Day Bin Controller Hookup	205.00
Mike's Electronics Inc	Temp Lime Day Bin Controller Hookup	400.00
Mike's Electronics Inc	Tower 4 Valve	110.00
Stanley Mark	Lime Containment Area Supplies	4,465.86
Star Energy, LLC	Fuel January 2014	308.11
Storm Lake Ace Hardware Inc	Supplies	30.13
TestAmerica Laboratories, Inc	Jan 2014 Bacteria Testing	100.00
TestAmerica Laboratories, Inc	Jan 2014 Fluoride Testing	20.00
TestAmerica Laboratories, Inc	Jan 2014 Nitrite Testing	15.00
University of Iowa	Chlorite	114.00
University of Iowa	Chlorite	304.00
Wide Open West	Phone Service February 2014	175.21

Water Plant	Department Total =	28,075.75
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Water Distribution

Alliant Energy	Gas Service Dec/Jan 2014	106.17
Bomgaars Supply, Inc	Concrete Mix	19.95
Bomgaars Supply, Inc	Battery	119.09
City of Storm Lake	Replaced Oil Pan Gasket #7	222.26
Evertex Inc	Cell Phone Service Feb 2014	33.70
Fitzpatrick Auto Center	Key's for Toolbox on New Silverado	17.93
Graham Tire	Tire Repair	20.00
Iowa Pump Works	Supplies	370.06
Larson Oil & Distributing Co, Inc	Propane	38.70
Moodie Ref Air Cond Svc	Shop Heater	20.00
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing	37.00
Owens Inspection Services, LLC	Inspection Services January 2014- Less Discount	2,146.62
Reinert Michael P	Tubing	7.50
Star Energy, LLC	Fuel January 2014	696.02
Wide Open West	Phone Service February 2014	76.14

Water Distribution	Department Total =	3,931.14
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Water Meters

Bomgaars Supply, Inc	Battery	99.99
Municipal Supply, Inc.	Water Meter- Pizza Ranch	1,392.60
Municipal Supply, Inc.	Water Meter Supplies	12.16
Municipal Supply, Inc.	Water Meters	3,051.00
Occupational Medicine at Riverside UnityPoint Clinic	Drug Testing	37.00
Star Energy, LLC	Fuel January 2014	223.37

Water Meters	Department Total =	4,816.12
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Wastewater Administration

Alliant Energy	Gas Service Dec/Jan 2014	106.17
Buena Vista Stationery & Print Inc	Stamp	21.59
Buena Vista Stationery & Print Inc	Calculator	43.75
Central Bank	2014 IMMI and ICMA Summit & YPLI Registration-	140.00
Central Bank	ICMA Membership & Conferencing 2014	250.99
Evertex Inc	Cell Phone Service Feb 2014	34.90
Genesis Development	Janitorial Services- January 2014	200.00
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	203.48

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

Checks for Approval Report

From: 02/04/14 To 02/17/14
User: tyler.gibbins

Iowa Office Supply Inc	Office Supplies	37.29
Iowa Office Supply Inc	Office Supplies Returned	-16.55
John Hall & Associates, PLLC	Nov 2013- Jan 2014 Nutrient Strategy Legal Fees	483.75
Lundell Construction Co. Inc.	Silo Demolition & Disposal	3,450.00
Qualified Presort Service, LLC	Final Bills	6.97
US Postage Meter Center	Postage Machine Supplies	74.07
Wide Open West	Phone Service February 2014	99.70
Wastewater Administration	Department Total =	5,136.11

Wastewater Treatment Plant

Alliant Energy	Gas Service Dec/Jan 2014	2,150.03
Bomgaars Supply, Inc	Galvanized Elbow	1.99
Bomgaars Supply, Inc	Old Memorial Generator	74.80
Bomgaars Supply, Inc	Door Keys/Shop	11.45
Bomgaars Supply, Inc	Generator 50 Kw batts	149.36
Bomgaars Supply, Inc	Torch Kit	53.97
Central Bank	Meeting Expense	170.00
Evertex Inc	Cell Phone Service Feb 2014	224.38
Fareway Store #461	Lab DI Water	126.00
Ferguson Enterprises Inc	Gaskets that were on backorder from original payment	26.89
Foundation Analytical Laboratory Inc	Holidays & Total N,P	905.00
Foundation Analytical Laboratory Inc	TKN, N, P	461.00
Graffix, Inc	Uniform Setup Fee	31.50
Graffix, Inc	Uniforms	290.60
Graffix, Inc	Uniforms- Rainforth	83.20
Grainger Inc W.W.	Exit Signs (2)	125.00
Grainger Inc W.W.	Scale Water Bowls	93.45
Iowa Office Supply Inc	Copier Contract	5.77
Larson Oil & Distributing Co, Inc	Propane BFP	1,233.80
Mike's Electronics Inc	SCADA Programming	202.98
Mike's Electronics Inc	Communication Repair 13th St	110.00
Mike's Electronics Inc	Memorial generator Installation	125.00
Mike's Electronics Inc	VFD Pump #1 Scout Park	3,145.30
NCL of Wisconsin Inc	Lab Supplies	285.00
ProBuild	Back HVAC Unit Supplies	37.26
ProBuild	Heat Pump Supplies	164.19
Rehab Systems Inc.	Vac Cleaning of Sanitary Sewer Lift Station	375.00
Sanitary Services, Inc	Memorial Grit Hauling January 2014	470.00
Star Energy, LLC	Fuel January 2014	509.69
Storm Lake Ace Hardware Inc	Hammers for Service Truck	35.47
Storm Lake Ace Hardware Inc	Belt Filter Press- Polymer Pump	11.12
Storm Lake Ace Hardware Inc	Supplies	77.19
Storm Lake Ace Hardware Inc	Supplies	52.96
Wastewater Treatment Plant	Department Total =	11,819.35

Wastewater Collection

Eriksen Construction Co, Inc	Pay Estimate #6 of Contract \$4 through 1/31/2014	134,543.94
Eriksen Construction Co, Inc	Pay Estimate #6 of Contract \$4 through 1/31/2014	17,939.19
Eriksen Construction Co, Inc	Pay Estimate #6 of Contract \$4 through 1/31/2014	26,908.79
Gridor Construction, Inc	Pay Estimate #10 of Contract #5 through 1/31/2014	263,766.56
Gridor Construction, Inc	Pay Estimate #10 of Contract #5 through 1/31/2014	35,168.88
Gridor Construction, Inc	Pay Estimate #10 of Contract #5 through 1/31/2014	52,753.31
Star Energy, LLC	Fuel January 2014	358.56
Wastewater Collection	Department Total =	531,439.23

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

Checks for Approval Report

From: 02/04/14 To 02/17/14
User: tyler.gibbins

Landfill

Buena Vista Stationery & Print Inc	Calculator	43.75
Buena Vista Stationery & Print Inc	Stamp	21.58
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	203.48
Qualified Presort Service, LLC	Final Bills	6.96
US Postage Meter Center	Postage Machine Supplies	74.07

Landfill	Department Total =	349.84
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Storm Water Administration

Buena Vista Stationery & Print Inc	Stamp	21.59
Buena Vista Stationery & Print Inc	Calculator	43.75
Evertex Inc	Cell Phone Service Feb 2014	3.56
Genesis Development	Janitorial Services- January 2014	200.00
Hunzelman Putzier Company	FY2013 Audit Billing through 1/31/2014	203.48
Qualified Presort Service, LLC	Final Bills	6.96
US Postage Meter Center	Postage Machine Supplies	74.07

Storm Water Administration	Department Total =	553.41
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Storm Water Collection

Bolton & Menk, Inc	Engineering Services through 1/23/2014- N Central S	7,943.55
Storm Lake Times The	Public Notice- Resolution of Sales of Real Estate	661.14

Storm Water Collection	Department Total =	8,604.69
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Insurance

Three Rivers Benefit Corporation	2/3/2014 Flex Claims	1,287.47
Three Rivers Benefit Corporation	2/3/2014 Flex Claims	2,642.51

Insurance	Department Total =	3,929.98
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UNAVAILABLE

Central Bank	Wellness Booklets	47.98
Salus LLC	January 2014 Memberships (10)	200.00
Wellness Council of America	Spark 16 Health Newsletter- 6 Months	124.80
Wiebers Fitness	January 2014 Wellness Punches & Classes	430.58

UNAVAILABLE	Department Total =	803.36
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Vehicle Maintenance

Arnold Motor Supply, LLP	Antifreeze	444.75
Arnold Motor Supply, LLP	Oil Filter	67.20
Arnold Motor Supply, LLP	Electric Connector	155.99
Arnold Motor Supply, LLP	Oil Pan Set	23.49
Arnold Motor Supply, LLP	Brake Fluid	19.99
Arnold Motor Supply, LLP	Brake Hose	23.54
Arnold Motor Supply, LLP	Supplies For #5 Blower Motor	39.64
Bomgaars Supply, Inc	Pulley (2)	16.98
Deere Credit Inc	Relay	11.79
Dultmeier Sales LLC	Pump	251.67
Storm Lake Hydraulics Co Inc	Hose Ends & Supplies	57.61

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

Checks for Approval Report

From: 02/04/14 To 02/17/14
User: tyler.gibbins

Storm Lake Hydraulics Co Inc	Connectors	24.22
Titan Machinery	Cooler	1,147.38
Vehicle Maintenance		Department Total = 2,284.25
Technology		
Rebnord Technologies Inc	2 Factor Authorization	375.00
Rebnord Technologies Inc	IT Service Agreement	3,200.00
Rebnord Technologies Inc	My AntiSpam	75.00
Wide Open West	Internet Service February 2014	649.95
Technology		Department Total = 4,299.95
		Grand Total = 751,807.21

King's Pointe Resort
Disbursements 1/29/2014 through 2/11/2014

Vendor Name	Description	Amount
ACCO	supplies	736.65
Ace Hardware	supplies	368.68
Ace Refrigeration Eng.	supplies	88.50
Ameripride Services	supplies	834.12
Aramark Uniform Services (2)	uniforms	2,445.68
Arnold Motor Supply	supplies	65.49
ASCAP	royalties	1,362.99
Automatic Door Group, Inc.	repairs	249.20
Booking.com	commission	29.70
Chelsea Bork (2)	reimbursement	1,012.42
Budget Lighting, Inc.	supplies	346.35
Buena Vista Stationery	supplies	185.73
Burke Engineering Sales Co.	supplies	370.00
Capital Sanitary Supply Co.	supplies	1,061.21
Cedar Valley Bank & Trust	payment	1,056.86
Citadel Communications Co. - KCAU	advertising	1,300.00
City of Storm Lake	water	4,028.17
Color-ize	supplies	542.50
Daniels Filter Service	supplies	471.60
Whitney Dickinson	reimbursement	302.75
Dippin' Dots Inc.	supplies	1,065.88
Ed M. Feld Equipment Co. Inc.	supplies	581.71
Nick Edwards	reimbursement	75.00
Expedia Inc.	commission	479.02
Fairway Outdoor Funding, LLC	billboard	810.00
Ferguson Enterprises, Inc.	supplies	906.62
First National Bank Omaha	credit card	1,064.30
Garbage Hauling Service	garbage service	177.35
Graffix Inc DBA Wall of Fame (2)	uniforms	5,966.86
Hard Tops of Iowa	repairs	1,335.00
Hy-Vee Food Stores	food	735.43
Iowa Office Supply, Inc.	supplies	691.97
Kineth Hotel Corporation (2)	payroll/mgmt fee	74,712.21
Olsen Welding & Machine Shop	supplies	516.00
Pepsi-Cola Bottling Co.	beverages	1,380.67
Rebnord Technologies Inc. (2)	tech support	1,075.00
Revinat Inc.	supplies	975.00
Seminole Retail Energy Servc.	utilities	8,239.53
Sysco Guest Supply LLC	supplies	3,739.99
Townsquare Media Sioux Falls	advertising	495.00
Treasurer State of Iowa	sales tax	12,300.00
UPS	shipping	69.81
US Foods	food	14,443.09
Vizergy	web support	2,060.00
Young Broadcasting/KELO TV	advertising	700.00
Al's Liquor	beverages	411.41
Contract Labor	entertainment	150.00
Doll Distributing	beverages	546.95
Johnson Brothers/Iowa Wine & Bev	beverages	483.25
Sara Kreutz	reimbursement	100.00
Menards Lumber	supplies	125.61
Misc. POA Disbursements	reimbursement	80.00
	Totals	153,351.26

Sunrise Pointe Golf Course

Disbursements 1/29/2014 through 2/11/2014

Julius Cleaners	cleaning	3.80
Alliant Energy	utilities	1,193.57
Kinseth Hotel Corporation	payroll/mgmt fee	2,188.62
	Totals	3,385.99

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL, FEBRUARY 3, 2014, 5:00 P.M.

Present: Mayor Jon Kruse, Council Members Dan Anderson, David Walker, Sara Huddleston, and Mike Porsch (arrived @ 5:11pm). Absent: Bruce Engelmann. 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, Todd Allen Water Plant Superintendent, Jacob Stewart Wastewater Plant Superintendent, Jennifer Movall Finance Department Manager, and Justin Yarosevich City Clerk.

Mayor Kruse called the meeting to order at 5:04PM

Hear the Public – None

Consent Agenda – Moved by Council Member Walker to approve the consent agenda which included checks #44888 through #45011, minutes from the January 20, 2014 council meeting. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann and Porsch absent. Motion carried.

Option to Purchase Land – Moved by Council Member Walker to remove from the table Resolution No. 51-R-2013-2014 authorizing approval of option to purchase land from David & Ruth Peterson and approving sale and conveyance of part of such real estate. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann and Porsch absent. Motion carried.

Moved by Council Member Anderson to disapprove Resolution No. 51-R-2013-2014 authorizing approval of option to purchase land from David & Ruth Peterson and approving sale of conveyance of part of such real estate. Seconded by council Member Walker. Vote: All ayes with Council Member Engelmann and Porsch absent. Motion carried.

Airport Runway 13/31 Project – Mayor Kruse opened the public hearing on the plans, specifications, and form of contract for the Airport Runway 13/31 Rehabilitation Project stating that this is the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Huddleston to adopt Resolution No. 55-R-2013-2014 approving the plans, specifications, form of contract and estimate of cost for the Runway 13/31 Rehabilitation Storm Lake Municipal Airport Project. Seconded by Council Member Anderson. Vote: All ayes with Council Member Engelmann and Porsch absent. Motion carried.

RESOLUTION NO. 55-R-2013-2014

**RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF
CONTRACT AND ESTIMATE OF COST FOR THE CITY OF STORM
LAKE RUNWAY 13/31 REHABILITATION STORM LAKE MUNICIPAL
AIRPORT 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 Runway 13/31 Rehabilitation Storm Lake Municipal Airport 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 3rd day of February 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

W. 5th Street Project – Mayor Kruse opened the public hearing on the plans, specifications, form of contract and estimate of cost for the 2014 Street Improvement Project – HMA Resurfacing with Milling, West 5th Street from Vista Drive to Lake Avenue stating that this was the time and place for any comments. Council Member Walker asked about the method in which the grading would be handled to lower the grade. Various options will be looked at with the selected contractor to determine the best approach. Hearing no further comments the Mayor then closed the public hearing.

Council Member Porsch arrived at 5:11pm.

Moved by Council Member Walker to adopt Resolution No. 56-R-2013-2014 approving the plans, specifications, form of contract and estimate of cost for the 2014 Street Improvement Project – HMA Resurfacing with Milling, West 5th Street from Vista Drive to Lake Avenue. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

RESOLUTION NO. 56-R-2013-2014

**RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF
CONTRACT AND ESTIMATE OF COST FOR THE CITY OF STORM
LAKE 2014 STREET IMPROVEMENT PROJECT – HMA
RESURFACING WITH MILLING, WEST FIFTH STREET FROM VISTA
DRIVE TO LAKE AVENUE**

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 Street Improvement Project – HMA Resurfacing with Milling, West Fifth Street from Vista Drive to Lake Avenue; 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 3rd day of February 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

FEMA Contract #3 – Moved by Council Member Porsch to adopt Resolution No. 57-R-2013-2014 approving change order #3 for the FEMA Sanitary Sewer System Mitigation Project Contract 3 – Sanitary Sewer and Force Main – North Area an increase to the contract of \$2,047.50. Total contract cost after change order #3 is \$1,368,193.00. Seconded by Council Member Walker. Vote: All ayes with Council Member Engelmann absent. Motion carried.

RESOLUTION NO. 57-R-2013-2014

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

To approve Change Order No. 3 to the contract with H & W Contracting for the Sanitary Sewer System Mitigation Project Contract 3 – Sanitary Sewer and Force Main – North Area with the following changes:

Additional Railroad Charges for flagging and locating costs

- Out of pocket payment for flagging and utility locate costs - \$1,950.00
- 5% Administrative Allowance - \$97.50

Total cost of change order #3 is an increase of \$2,047.50 to the contract. Total contract cost after change order #3 is \$1,368,193.00.

PASSED AND APPROVED this 3rd day of January 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Zoning Code Update – Moved by Council Member Anderson to set the public hearing for Monday, February 17, 2014 at 5:00pm for the Update to the Zoning and Subdivision Ordinance and Zoning Map. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

10th Street Townhome – Moved by Council Member Porsch to adopt Resolution No. 58-R-2013-2014 setting the public hearing for Monday, February 17, 2014 at 5:00pm on a proposed amendment to the Southwest Minnesota Housing Partnership Development Agreement. Seconded by Council Member Walker. Vote: All ayes with Council Member Engelmann absent. Motion carried.

RESOLUTION NO. 58-R-2013-2014

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON
THE PROPOSAL TO ENTER INTO AN AMENDMENT NO. 1
TO AGREEMENT FOR PRIVATE DEVELOPMENT WITH
10TH STREET TOWNHOMES LLLP, AND PROVIDING FOR
PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, as amended, is, or will be on file in the office of the Recorder of Buena Vista County; and

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

WHEREAS, 10th Street Townhomes LLLP (the “Developer”) has proposed an Amendment No. 1 to the Agreement for Private Development (“Agreement”) between Developer and the City which would obligate the City to reimburse Developer for a portion of the Building Permit Fee paid by Developer in the amount of \$27,011.06; and

WHEREAS, Iowa Code Chapters 15A and 403 (the "Urban Renewal Law") authorize cities to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Amendment No. 1 to Agreement for Private Development is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 364.6 of the City Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the City Clerk publish notice of the proposal and of the time and place of the meeting at which the Council proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said City to such action.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at 5:00 o'clock P.M. on the 17th day of February, 2014, for the purpose of taking action on the matter of the proposal to enter into an Amendment No. 1 to Agreement for Private Development 10th Street Townhomes LLLP.

Section 2. That the City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING OF THE CITY
COUNCIL OF THE CITY OF STORM LAKE IN THE
STATE OF IOWA, ON THE MATTER OF THE
PROPOSAL TO ENTER INTO AN AMENDMENT NO.
1 TO AGREEMENT FOR PRIVATE DEVELOPMENT
WITH 10TH STREET TOWNHOMES LLLP, AND THE
HEARING THEREON

PUBLIC NOTICE is hereby given that the Council of the City of Storm Lake in the State of Iowa, will hold a public hearing on the 17th day of February, 2014, at 5:00 o'clock P.M. in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at which meeting the Council proposes to take action on the proposal to enter into an Amendment No. 1 to Agreement for Private Development (the "Agreement") with 10th Street Townhomes LLLP (the "Developer").

10th Street Townhomes LLLP (the "Developer") has proposed an Amendment No. 1 to the Agreement for Private Development ("Agreement") between Developer and the City which would obligate the City to reimburse Developer for a portion of the Building Permit Fee paid by Developer in the amount of \$27,011.06.

A copy of the Amendment No. 1 to Agreement is on file for public inspection during regular business hours in the office of the City Clerk, City Hall, City of Storm Lake, Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the proposal to enter into the Amendment No. 1 to Agreement with the Developer. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Amendment No. 1 to Agreement.

This notice is given by order of the City Council of the City of Storm Lake in the State of Iowa, as provided by Section 364.6 of the City Code of Iowa.

Dated this _____ day of _____, 2014.

City Clerk, City of Storm Lake in the State of Iowa
(End of Notice)

PASSED AND APPROVED this 3rd day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

All Way Stop – Moved by Council Member Huddleston to pass on 2nd reading Ordinance No. 04-O-2013-2014 adding all way stop at the intersection of 13th Street and Seneca Street. Seconded by Council Member Anderson. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Sidewalk Ordinance – Moved by Council Member Walker to pass on 2nd reading Ordinance No. 05-O-2013-2014 amending regulations regarding sidewalks. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Bargloff TIF – McDonalds Parcel – Moved by Council Member Walker to pass on 2nd reading Ordinance No. 06-O-2013-2014 providing for the collection of incremental taxes in connection with the Storm Lake Urban Renewal Area North #1 – Bargloff Urban Renewal Area (McDonald's Parcel). Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Study Session Zoning – Emily Haselhoff presented an update on the new zoning ordinance, subdivision ordinance, and zoning map.

Closed Session – Moved by Council Member Walker to go into closed session at 5:47pm in reference to Iowa Code Chapter 21.5 (j) to discuss the purchase of property. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Attendance in closed session: Mike Wilson, Jim Patrick, Justin Yarosevich, Jon Kruse, David Walker, Dan Anderson, Sara Huddleston, Mike Porsch, and Phil Havens.

Mike Wilson left at 6:01PM.

Moved by Council Member Walker to return to open session at 6:15pm. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Adjourn – Moved by Council Member Porsch to adjourn the meeting at 6:16pm. Seconded by Council Member Anderson. Vote: All ayes with Council Member Engelmann absent. Motion carried.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

**CITY COUNCIL BUDGET WORKSHOP MEETING, CITY OF STORM LAKE,
IOWA, CITY HALL, FEBRUARY 11, 2014, 6:00 P.M.**

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

Mayor Kruse called the meeting to order at 6:00PM

Hear the Public – None

Tax Levy Rate – Moved by Council Member Engelmann to approve the tax levy rate of 13.02396 for the FY 2014-2015 Budget. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Operations Budget – Moved by Council Member Anderson to approve the operations budget for FY 2014-2015. Seconded by Council Member Huddleston. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Capital Improvements Plan – Moved by Council Member Engelmann to approve the FY 2014-2015 Capital Improvements Plan. Seconded by Council Member Anderson. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Fund Balances – Moved by Council Member Anderson to approve the fund balances for the FY 2014-2015 Budget. Seconded by Council Member Engelmann. Vote: All ayes with Council Member Walker and Porsch absent. Motion carried.

Special Project Funding – Council directed staff to notify the two agencies, in a public manner, that they have 18 months, until June 30, 2015 to raise matching funds and to show movement on their part or we will re-allocate the funds to another project within the community.

Adjourn – Moved by Council Member Engelmann to adjourn the council meeting at 7:24pm. Seconded by Council Member Anderson. 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: FEBRURARY 11, 2014

REFERENCE: LIQUOR LICENSE RENEWAL
BOATHOUSE
502 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:

	01-29-2012 to 01-28-2013	01-29-2013 to 02-09-2014
INCIDENTS		
Animal Call	4	0
Bar Check	7	2
Business Security	16	7
City/Co Department Assist	0	1
Fire Department Assist	16	0
Juvenile Problem	4	0
Keys Locked In Car	3	3
Open Window/Door	0	2
PR/Talk/Presentation	2	2
Station Assignment	0	1
Theft	0	2
ARREST	none	none

Recommendation: Approval of liquor license.

M E M O R A N D U M

TO: JUSTIN YAROSEVICH

FROM: MARK PROSSER

DATE: FEBRUARY 11, 2014

REFERENCE: LIQUOR LICENSE RENEWAL
CASEY'S EAST
1419 E LAKESHORE DR

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

	02-14-12 to 02-11-2013	02-12-2013 to 02-09-2014
INCIDENTS		
Animal Complaint	1	0
Burglar Alarm	3	0
Business Assist	1	0
Business Security	117	20
Citizen Assist	2	1
City / County Dept. Assist	1	1
Found Property	1	0
Intoxicated Driver	1	0
Keys Locked In Car	5	5
Motorist Assist	6	3
Pedestrian Stop	0	1
PR/Talk/Presentation	2	2
Reckless Driver	0	1
Station Assignment	1	3
Street Beat	82	32
Suspicious Person	1	1
Suspicious Vehicle	2	0
Theft	1	3
Vehicle Maintenance	9	3
Vehicle Stop	13	14
ARRESTS	none	none

Recommendation: Approval of liquor license.

M E M O R A N D U M

TO: JUSTIN YAROSEVICH

FROM: MARK PROSSER

DATE: FEBRUARY 11, 2014

REFERENCE: LIQUOR LICENSE RENEWAL
DOLLAR GENERAL
1423 N 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:

	02-11-2012 to 02-11-2013	02-12-2013 to 02-09-2014
INCIDENTS		
Accident	3	0
Ambulance Assist	2	0
Animal Call	1	0
Burglar Alarm	3	0
Business Assist	1	0
Business Security	55	44
Child Abuse	0	1
Drug Investigation	0	1
Harassment	1	0
Intoxicated Driver	0	1
Keys Locked In Car	6	2
Motorist Assist	0	1
Pedestrian Stop	1	0
PR/Talk/Presentation	1	0
Station Assignment	0	1
Street Beat	9	10
Suspicious Activity	1	0
Suspicious Vehicle	0	6
Theft	4	1
Vandalism	1	0
Vehicle Stop	12	14
Welfare Check	1	0

ARRESTS

Theft

0

1

Recommendation: Approval of liquor license.

M E M O R A N D U M

TO: JUSTIN YAROSEVICH

FROM: MARK PROSSER

DATE: FEBRUARY 11, 2014

REFERENCE: LIQUOR LICENSE RENEWAL
CASEY'S WEST
222 W MILWAUKEE AVE

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

	02-15-2012 to 02-11-2013	02-12-2013 to 02-09-2014
INCIDENTS		
Accident	2	4
Ambulance Call	0	1
Assault	0	1
Burglary	1	0
Burglar Alarm	2	1
Business Assist	3	3
Business Security	26	32
Citizen Assist	0	4
Disturbance/Noise/Party	2	0
Domestic	0	1
Drug Investigation	0	1
Extra Security	0	1
Fight	1	1
Found Property	1	0
General Information	0	1
Harassment	0	2
Intoxicated Driver	0	1
Keys Locked In Car	7	9
Law Department Assist	0	2
Motorist Assist	5	0
Parking Complaint	2	0
Pedestrian Stop	1	0
PR/Talk/Presentation	2	2
Reckless Driver	0	1
Station Assignment	1	0

Street Beat	22	9
Suspicious Activity	1	0
Theft	11	12
Vandalism	1	0
Vehicle Maintenance	8	7
Vehicle Stop	16	14
Wants/Warrants Check	1	1
warrant Service	0	1
Station Assignment	0	3
Subpoena Service	0	1

ARRESTS

Assault	0	1
Child Endangerment	0	1
Disorderly Conduct	0	2
Domestic Abuse	0	1
False Imprisonment	0	1
Operating While Intoxicated	1	0
Supply Tobacco to Minor	0	1
Theft	0	2
Truancy	0	1

Recommendation: Approval of liquor license.

Staff Summary

2/17/2014

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	\$751,807.21	\$142,101.64	\$58,766.88	41	\$1,551.00	1	\$81,783.76	58
King's Pointe	\$153,351.26	\$64,768.88	\$9,704.35	15			\$55,064.53	85
Golf Course	\$3,385.99	\$1,197.37	\$1,197.37	100			\$	



RECOMMENDATION: Review Buy Local Information

Staff Summary

2/17/2014

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: Emily Haselhoff, Planning Coordinator

SUBJECT: **Public Hearing On Zoning Ordinance, Subdivision Ordinance, & Zoning Map**

BACKGROUND: This agenda item is for a public hearing on the Zoning Ordinance, Subdivision Ordinance, and Zoning Map. City Staff published notice for the public hearing as required by Iowa Law and all affected property owners were sent letters by the Planning Commission notifying them of the anticipated changes.

The Planning and Zoning Commission have been working on the Zoning Ordinance, Subdivision Ordinance, and Zoning Map update since February last year, after the Comprehensive Plan was approved. Since then, they have been meeting monthly to review the ordinances, map, and all the proposed changes to make sure they coincide with the visions for the City of Storm Lake and Comprehensive Plan.

The Planning and Zoning Commission held public hearings on October 28, 2013; November 25, 2013; and most recently on February 10, 2014. The comments received from the public during the November meeting have been addressed or discussed by the Planning and Zoning Commission. This created the need for another public hearing which was held on February 10th. During this public hearing, City Staff presented the changes that were made based on the Commissioners recommendations from the January meeting. The Commission then allowed anyone from the public to address any more comments or concerns that still exist with this Ordinance change. The Commission noted that one area of concern still exists for the proposed Zoning change in Emerald Park and those comments are noted in their recommendation.

After holding the public hearing, the Planning and Zoning Commission recommended the City Council should approve the Zoning Ordinance, Subdivision Ordinance, and Zoning Map contingent upon the addition of hyperlinks throughout the documents and the creation of Indexes for both documents. The Commission also recommended that Council take special notice

and consider the proposed re-zoning of properties east of Emerald Drive and along Spring Court and determine whether the zoning should be changed from the proposed zoning of R-2 to the current zoning of R-1.

Copies of the updated Zoning Ordinance, Subdivision Ordinance, and Zoning Map have been attached to this staff summary for Council review. The ordinances and maps are also located on the www.stormlake.org/draftzoning website.

FISCAL IMPACT:

The only fiscal impact is the cost of the publication of the notice for the public hearing.

RECOMMENDATION:

Open the Public Hearing
Hear Any Comments
Close the Public Hearing

Staff Summary

2/17/2014

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: Emily Haselhoff, Planning Coordinator

SUBJECT: **Ordinance No. 07-O-2013-2014 Zoning Ordinance, Subdivision Ordinance, & Zoning Map**

BACKGROUND: The Planning and Zoning Commission have been working on the Zoning Ordinance, Subdivision Ordinance, and Zoning Map update since February last year after the Comprehensive Plan was approved. Since then, they have been meeting monthly to review the ordinances and map and all the proposed changes to make sure they coincide with the visions for the City of Storm Lake and Comprehensive Plan.

The Planning and Zoning Commission held public hearings on October 28, 2013; November 25, 2013; and most recently on February 10, 2014. The comments received from the public during the November meeting have been addressed or discussed by the Planning and Zoning Commission which brought about the need for the February 10th public hearing. During this public hearing, City Staff presented the changes that were made based on the Commissioners recommendations from the January meeting. The Commission then allowed anyone from the public to address any more comments or concerns that may still exist with this update. The Commission noted one area of remaining concern centered on the change of R1 to R-2 zoning on the east of Emerald Drive and added comments to their recommendation.

After holding the public hearing, the Planning and Zoning Commission recommended that the City Council should approve the Zoning Ordinance, Subdivision Ordinance, and Zoning Map contingent upon the addition of hyperlinks throughout the documents and the creation of Indexes for both documents. The Commission also recommended that the Council take special notice and consider the proposed re-zoning of properties east of Emerald Drive and along Spring Court and whether the zoning should be changed from the proposed zoning of R-2 to the current R-1 zoning.

Staff has reviewed the re-zoning on the east side of Emerald Drive

and along Spring Court and would recommend to keep the proposed zoning as R-2. The Staff reasoning is that several parcels on Spring Court are smaller than the minimum lot area requirement for an R-1 zoning district and two parcels on North Emerald Drive are currently apartment buildings which are not permitted within an R-1 district but are permitted in an R-2 district.

Copies of the updated Zoning Ordinance, Subdivision Ordinance, and Zoning Map have been attached to this staff summary for Council review. The ordinances and maps are also located on the www.stormlake.org/draftzoning website.

FISCAL IMPACT:

The total cost for the project is \$17,000.

RECOMMENDATION:

Adopt Ordinance No. 07-O-2013-2014
1st Reading - February 17, 2014
2nd Reading - March 3, 2014
3rd Reading - March 17, 2014

ATTACHMENTS:

Description	Type
 Ordinance No. 07-O-2013-2014	Ordinance
 P&Z Action Taken	Backup Material
 Updated Zoning Ordinance	Backup Material
 Updated Subdivision Ordinance	Backup Material
 Zoning Map Changes	Map
 New Zoning Map	Map
 Overlay District Zoning Map	Map
 Hwy 110 Proposed Zoning	Backup Material

ORDINANCE NO. 07-O-2013-2014

AN ORDINANCE AMENDING THE CITY OF STORM LAKE ZONING AND SUBDIVISION REGULATIONS AND ADOPTING THE OFFICIAL ZONING MAP

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, is granted the power to adopt zoning and subdivision regulations as per Iowa Code Chapters 414 and 354 ; and

WHEREAS, the City Council of the City of Storm Lake deems it necessary to regulate the use and development of land in order to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements; and to carry out certain goals and strategies identified in the Storm Lake Comprehensive Plan; and

WHEREAS, Iowa Code Chapter 414.3 requires that zoning regulations be made in accordance with a comprehensive plan; and

WHEREAS, the City of Storm Lake adopted an updated comprehensive plan by Resolution No. 94-R-2012-2013 on February 18, 2013; and

WHEREAS, revisions to the zoning and subdivision regulations have been recommended for the purposes of ensuring consistency with the comprehensive plan, correcting technical errors and omissions, and enhancing clarity and usability; and

WHEREAS, the Planning and Zoning Commission has held a series of meetings in 2013 and 2014 discussing and reviewing changes including public hearings held on October 28th and November 25th of 2013 and February 10th, 2014; and

WHEREAS, the Planning and Zoning Commission has recommended approval of the proposed zoning and subdivision regulations and map amendments.

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

Section 1. Adoption of the Zoning Ordinance by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Zoning Ordinance, a copy of which is attached and incorporated by reference, and which is an ordinance regulating the use and

location of buildings and sites; establishing certain base zoning districts for residential, commercial, institutional, industrial and open spaces; providing standards for building setbacks, heights, lot cover and other spatial requirements; providing standards for minimum lot sizes and dimensions; establishing certain overlay districts for special uses and design parameters; providing certain supplemental use regulations for use such as horticulture, urban animal husbandry, residential uses, downtown residential uses, institutional uses, and commercial/industrial uses; providing requirements for certain site improvements such as parking, landscaping, lighting, circulation, and signage; and providing for administrative procedures to secure proper development entitlements.

Section 2. Adoption of the Subdivision Ordinance by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Subdivision Ordinance, a copy of which is attached and incorporated by reference, and which is an ordinance regulating the division of lands; providing procedures and rules for the processing of plats; providing guidelines for subdivision layout and design including preservation of open space and natural features; providing requirements for access and circulation; requiring the provision of public improvements including sanitary sewer, potable water, stormwater infrastructure and utilities; and providing for the necessary dedication of public lands, financial guarantees and development agreement mechanisms to administer installation of public improvements.

Section 3. Adoption of the official zoning map by reference: The City Council of the City of Storm Lake, State of Iowa, hereby adopts the 2014 Zoning Map as its official zoning map.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Chapters 414 and 354 of the Code of Iowa, as amended, with respect to establishing zoning regulations and regulating the platting, division, and subdivision of land.

Section 5. This Ordinance shall be in effect 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

**ACTION TAKEN ON UPDATED ZONING ORDINANCE,
SUBDIVISION ORDINANCE, & ZONING MAP**

CITY OF STORM LAKE

PLANNING AND ZONING COMMISSION

Date: February 10, 2014

Application # _____

Applicant: City of Storm Lake Zoning Ordinance, Subdivision
Ordinance, & Zoning Map

The Planning and Zoning Commission has reviewed the foregoing documents and hereby recommends
to the City Council that the documents be:

X Approved _____ Denied

Reason for approval or denial: (list complete data) _____

Contingent upon: addition of hyperlinks throughout the documents

creation of Indexes for Zoning & Subdivision Ordinances

Recommend to consider rezoning properties east of Emerald Dr.
& along Spring Court back to R-1.

Acted upon this 10 day of February 2014.

Signed: _____

Radly
Chairman

Attest: _____

Emily Haselhoff
Secretary

The City Council has reviewed the foregoing documents and recommendations and hereby
_____ Approves _____ Denies the documents.

Dated this _____ day of _____, 2014.

Signed: _____

Administrator

Attest: _____

City Clerk



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



The Subdivision Ordinance Of the City of Storm Lake, Iowa

~ **Proposed Amendments** ~

Draft Post Public Hearing – 7 February 2014

This draft of the subdivision ordinance includes all changes as of 7 February 2014. A version of this document showing all changes is available upon request.

GENERAL PROVISIONS

1 ARTICLE ONE - GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Ordinance of the City of Storm Lake.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Storm Lake under Chapter 354, Code of Iowa, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Storm Lake and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Storm Lake or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Storm Lake by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Storm Lake with the ability to grow incrementally through the eventual annexation of land for new development served by municipal utilities.

GENERAL PROVISIONS

1-3 Relationship to the Comprehensive Plan

- a. The City of Storm Lake intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
- b. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Storm Lake's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to the subdivision of, or filing of plats of survey of all property within the corporate limits of the City of Storm Lake and within two-miles of the corporate limits as provided by Chapter 354.9 of the Code of Iowa.
- b. No owner of real property within the City of Storm Lake and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning and Zoning Commission to the City Council. The City Council shall consider the amendment at its next regularly scheduled meeting.

1-6 Fees

The City Council of the City of Storm Lake shall establish fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance. Fees shall be reviewed and established by resolution on an annual basis.

1-7 Enforcement

GENERAL PROVISIONS

The Zoning Administrator shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning and Zoning Commission, City Council, or other appropriate agency.

1-8 Penalties

a. Violation and Penalty

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.
2. An owner, developer, or subdivider of property may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Zoning Administrator shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Storm Lake, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, conditional use permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Storm Lake's Zoning Ordinance.

DEFINITIONS

2

ARTICLE TWO - DEFINITIONS

2-1 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Subdivision Ordinance. The meaning and construction of words as set forth shall apply throughout the Subdivision Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

2-2 Definitions of Terms

For the purposes of this Subdivision Ordinance, certain terms and words are hereby defined. Certain sections contain definitions, which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meanings or meanings implied by their context shall apply.

2-3 A

- a. ADT or Average Daily Traffic: The average number of motor vehicles per day that pass over a given point or segment of street.
- b. Alley: A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
- c. Applicant: An owner, developer, or sub divider submitting an application to divide property pursuant to this Ordinance.
- d. Approving Authority: The City Council of the City of Storm Lake or its designee.
- e. ASCE: The American Society of Civil Engineers.

2-4 B

- a. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical

DEFINITIONS

requirements of bicycling.

- b. Bike Boulevard: Bike boulevards are lower traffic volume streets that are designed to optimize bike traffic, are signed and designated as bike routes. These streets are intended to connect key destinations within the community and other trail corridors.
- c. Buffer: A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.
- d. Building Official: The designee of the City of Storm Lake is responsible for the supervision and administration of the Uniform Building Code.
- e. Business days: Business days shall refer to week days in which city offices are officially open.

2-5 C

- a. Centerline Offset: The distance between the centerline of roads intersecting a common road from the same or opposite sides.
- b. Channel: The bed or banks of a natural stream or drainage way, which convey the constant or intermittent flow of water, including stormwater run-off.
- c. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- d. Comprehensive Plan: The Comprehensive Plan of the City of Storm Lake.
- e. Concept Plan: A preliminary presentation, which includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- f. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- g. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
- h. Conventional Subdivision: A subdivision which literally meets all nominal

DEFINITIONS

standards of the Zoning Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

- i. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
- j. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the roadway and to channel or control drainage.

2-6 D

- a. Dedication: A grant of land to the City or another public agency for a public purpose.
- b. Design standards: Standards that set forth specific improvement requirements.
- c. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
- d. Developer: The legal owner(s) or authorized agent of any land included in a proposed development.
- e. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- f. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.
- g. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
- h. Drainage system: The system through which water flows from the land.

2-7 E

- a. Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
- b. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

DEFINITIONS

2-8 F

- a. Final Approval: The final official action of the City Council permitting the filing of a subdivision with the Buena Vista County Recorder and the conveyance of individual parcels and lots to subsequent owners.
- b. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

2-9 G

- a. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

2-10 H

2-11 I

2-12 J

2-13 K

2-14 L

- a. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created assigned and recorded in the Office of the Buena Vista County Recorder.
 - 1. Corner Lot: A lot located at the junction of at least two streets, private ways or courts or of at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
 - 2. Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. (Also known as a Through Lot)

DEFINITIONS

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- 3. Interior Lot: A lot other than a corner lot.
 - 4. Common Development Lot: When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.
 - b. Lot Area: The total horizontal area within the lot lines of a lot.
 - c. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
 - d. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street rights-of-way or easement.
 - 1. Front Lot Line: the lot line separating a lot and a public or private street right-of-way or easement.
 - (a) For an interior lot, the lot line separating the lot from the right-of-way or easement.
 - (b) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the Building Official shall determine the front lot line, or as may be noted on a final plat.
 - (c) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the Building Official shall determine the front lot line, or as may be noted on a final plat.
 - 2. Rear Lot Line: The lot line which is opposite and most distant from the front lot line.
 - 3. Side Lot Line: Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - e. Lot Split: The division or re-division of a tract or parcel of land into two lots, building sites, or other divisions by metes and bounds description.
 - f. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

DEFINITIONS

2-15 M

- a. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
- b. Major subdivision: Any subdivision not defined and approved as a minor subdivision.
- c. Minor subdivision: A subdivision of land which creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all zoning requirements.
- d. Moving lane: Any traffic lane within a roadway where traffic movement is the primary or sole function.

2-16 N

2-17 O

- a. Off-site: Located outside the boundaries of the parcel that is the subject of an application.
- b. Open space: Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

2-18 P

- a. Parking lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
- b. Pavement: An impermeable, hard surface, typically asphalt, Asphaltic concrete, concrete, or brick or other masonry paver units.
- c. Plat: A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - 1. Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Buena Vista County Recorder.

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2. Final Plat: The final map of the subdivision, which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the Buena Vista County Recorder.

2-19 R

- a. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guide way transit, electric transmission lines, gas pipelines, water mains, or sewer mains.
- b. Roadway: The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the roadway is measured from curb line to curb line. On streets without curbs, the roadway is measured from the flow line of one curb to the flow line of the opposite curb.
- c. Retention Basin: Similar to a detention basin, a retention basin is a natural or manmade depression that retains storm water runoff and does not outlet it to a surface water body. Retention basins temporarily store water until it has infiltrated into the ground or has evaporated.

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- a. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
1. Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
2. Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
3. Lateral or local: A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
- b. Septic system: An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
- c. Sidewalk: A paved path provided for pedestrian use, usually located at the side of

DEFINITIONS

and detached from a road, but within the right-of-way.

- d. Storm Sewer: A conduit, which conducts storm drainage from a development or subdivision, ultimately to a drainage way or stream.
- e. Street: A right-of-way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
- f. Street hierarchy: The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:
 - 1. Court or lane
 - 2. Local
 - 3. Collector
 - 4. Minor Arterial
 - 5. Major Arterial
- g. Subdivision: A subdivision is a division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.
- h. Subdivision Development Agreement: A legally binding agreement between the City and a developer that clearly establishes the developer's responsibility and obligations regarding the provision of public and private utilities, streets, infrastructure, parks and open space, storm water facilities and any other mutually agreed to terms and requirements.

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DEFINITIONS

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341 **2-26 Y**

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344 a. Yield Plan: A preliminary plan drafted consistent with the rules and regulations
345 of the zoning and subdivision code to determine a base density or “yield” for a
346 parcel or group of parcels. A yield plan is commonly applied as part of a planned
347 unit development or conservation subdivision process.
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349 **2-27 Z**

PROCEDURES AND ADMINISTRATION

3

ARTICLE THREE - PROCEDURES AND ADMINISTRATION

3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning and Zoning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process consistent with [Chapter 354 of the Iowa Code of Laws](#). The Article provides procedures for the approval of two types of subdivisions: Minor Subdivisions, and Major Subdivisions.

3-2 Subdivisions

The platting of land shall be required when a tract of land is proposed to be divided into three or more separate lots of record or when a tract of land is subdivided by repeated lot divisions. (This will be determined based on available land records on file with the county recorder's office and the City of Storm Lake.) For the purposes of this Article, a simple lot split is not a Subdivision. .

a. Applicability

The Zoning Administrator shall determine whether a tract of land may be divided by a simple lot split, minor subdivision, or major subdivision. Simple lot splits include the division by metes and bounds description of one parcel into no more than two separate parcels and is not considered a subdivision. Minor subdivisions result in no more than 3 lots and require no new or extensions of existing streets or infrastructure except for sidewalk improvements.

Minor Subdivision applicants must provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance on an application as provided by the Zoning Administrator.

Application for a land division shall be made on a form as provided by the Zoning Administrator.

b. Stages in the Approval Process

The approval process for Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

Minor Subdivisions allow for the simultaneous review of a preliminary and final plat and generally require less information than would otherwise be required of a preliminary plat in a major subdivision form.

PROCEDURES AND ADMINISTRATION

c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Zoning Administrator or his/her designee, regarding general requirements and issues relating to the proposed subdivision. The purpose of the meeting shall be to:
 - (a) Review preliminary ideas and concepts that describe the project and its key goals and the project's consistency with City Plans and Policies.
 - (b) Ensure a mutual understanding of the subdivision process, application/information needs, fees, approval process, and key timelines/deadlines.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
 - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - (b) Maps and diagrams illustrating existing conditions of the site: natural, historical, cultural features on the site, existing uses, general topography or any other unique aspect of the site,
 - (c) A concept plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. The pre-application conference does not require a formal application or payment of a fee. Review and reactions at the pre-application do not in any way constitute any preliminary approval or acceptance of a preliminary plat application.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file six copies of a preliminary plat for subdivisions within the corporate limits of Storm Lake and eight copies for subdivisions outside the corporate limits of Storm Lake. The application for preliminary plat approval shall be submitted to the City Clerk at least 30-calendar days before the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; supporting documents required for Minor or Major Subdivisions to be provided in checklist form by the Zoning Administrator; and payment of a fee, the amount of which shall be determined based on a fee schedule established by city ordinance.

2. Draft Subdivision Development Agreement

PROCEDURES AND ADMINISTRATION

The preliminary plat application shall include a draft of a subdivision development agreement, following a format established by the City Attorney. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision.

3. Preliminary Plat Approval Procedure

- (a) After submission of a complete application for a preliminary plat, the Zoning Administrator and his/her staff shall review the application and issue an official determination as to the completeness of the application. If the application is not complete, the Zoning Administrator will request incomplete information to be submitted to the City no longer than 30 calendar days from being notified of the application being incomplete. If missing information is not provided within the allotted time frame, a new application will be required. When the application is determined to be complete, the Zoning Administrator will notify the applicant in writing and commence the review process. The application will not be placed on the Planning and Zoning Commission's agenda until it is deemed complete. As part of the review, the Zoning Administrator will circulate the application to the City Staff, local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within fifteen business days from receipt of the application materials.
- (b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning and Zoning Commission.
- (c) The Planning and Zoning Commission, following 10 calendar days notice, shall hold a public hearing on each Subdivision and, following such public hearing, shall take action on the application. The Planning and Zoning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues. If a delay is needed, the applicant may request in writing the 60 day review deadline be extended up to an additional 60 days.
- (d) Following action by the Planning and Zoning Commission, a written recommendation summarizing the Commission's action to the City Council shall be prepared and circulated to the applicant and the Council.
- (e) The City Council, at its next regularly scheduled meeting, shall consider each Subdivision and shall take action to approve, deny, or table for further evaluation the application.

PROCEDURES AND ADMINISTRATION

- (f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
- (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval of a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
 - (3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat upon receiving a written request from the applicant/developer.
 - (4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 20 lots or 10% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

4. Deadline for Action:

Consistent with [Iowa Code 354.8](#) the City Council shall take action on the application within sixty (60) days from the date in which the application was deemed complete by the City. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been requested by the applicant and granted by the City Council. The application for final plat approval shall be submitted to the City Clerk at least 30 calendar days before the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form and checklist established by the Zoning Administrator; supporting documents that provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance ;

PROCEDURES AND ADMINISTRATION

and payment of a fee, the amount of which shall be based on a fee schedule established by city ordinance.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

The Zoning Administrator and Planning and Zoning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Subdivision Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

If the Planning and Zoning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Subdivision Chapter, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

The City Council shall have final approval authority over all final plat applications. The City Council shall take action on all final plats within 60 calendar days from the day at which the final plat application was deemed complete. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

f. Filing the Final Plat

1. Following City Council approval of a final plat, the Mayor of the City of Storm Lake shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.
2. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the County Recorder of Buena

PROCEDURES AND ADMINISTRATION

Vista County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.

3. The subdivider must file the plat along with all applicable covenants and other documentation within 180 days of the execution of the plat by the Chairman of the Planning and Zoning Commission and the Mayor.

g. Plats Outside of Corporate Limits

1. Authority within Two Miles of City Limits

Pursuant to the authority contained in Section 354.9 Code of Iowa, the Subdivision Ordinance, and the provisions of the Municipal Code of the City shall govern all territory outside the corporate limits of the City but within two miles of such corporate limits, except to the extent that ordinances or resolutions of the City Council shall limit their application to an area less than two miles of such corporate limits.

2. Procedures

Procedures for the approval of plats outside the corporate limits of Storm Lake shall be the same as set forth in this section, except for the following provisions:

- (a) Eight copies of the plat shall be filed with the City Clerk.
- (b) The City Clerk shall refer one copy each to the County Engineer and the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission.
- (c) The County Planning and Zoning Commission shall submit a recommendation to the City within thirty days after referral of the plat to the County Engineer and the County Planning and Zoning Commission.

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SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

4

ARTICLE FOUR - SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

4-1 Purpose

The purpose of this Article is to assure that subdivisions in the Storm Lake area create functional and attractive environments, minimize adverse effects, and become assets to the city's urban and natural setting. The Article defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Storm Lake and jurisdiction.

4-2 Site Design and Constraints

a. Consideration of Plans

The design of subdivisions shall consider all existing local and regional plans for Storm Lake and its Jurisdiction. These include the Comprehensive Plan for the City of Storm Lake and any other Council approved or accepted policy plan, master plan, or community system plan.

b. Grading Permit Required

1. A Grading Permit is required for erosion and sediment control on all construction sites greater than 1 acre in size. Prior to grading or site disturbing activity, the developer shall apply to the Zoning Administrator for a grading permit. The application for a grading permit shall include:
 - (a) A location map showing the location and extent of grading activity.
 - (b) A Sediment and Erosion Control Plan.
2. After submission of a complete application for a grading permit, the Zoning Administrator and his/her staff shall review the application. As part of the review, the Zoning Administrator shall circulate the petition to any agency with statutory authority for the management of drainage ways and storm water management.
3. A grading permit shall be issued within ten business days if the Zoning Administrator has received assurances from applicable state agencies that the Sediment and Erosion Control Plan is compatible with statute, and further that it is compatible with the objectives and policies of the City's Comprehensive Plan and Zoning Ordinance. If the submitted Sediment and Erosion Control Plan is deemed inadequate, the applicant will be given a list of mitigation measures that must be included to ensure conformance. The Zoning Administrator shall issue a grading permit to the applicant upon certification that mitigation measures will be taken as prescribed, consistent with applicable state and federal regulations regarding soil

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

and sediment erosion, and environmental water quality.

c. Preservation of Natural Features, Drainage Patterns and the Urban Forest

1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - (a) *Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service.* Construction and fill activity shall be prohibited on wetlands in excess of one acre in size. Development and fill upon wetlands smaller than once acre in size should be avoided whenever possible but regulated by permit authority of applicable state and federal agencies.
 - (b) *Habitats of endangered species.* Development shall avoid fill or disturbance of habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior, and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Storm Lake Comprehensive Plan.
3. The subdivider shall give consideration to protecting the integrity of the natural environment of the community through the preservation, protection, and planting of trees. The City has found it necessary and desirable to establish requirements for the preservation of trees on new development sites. The objectives of this ordinance shall include, but are not limited to:
 - (a) the perpetuation of the existing tree canopy through root protection by eliminating or reducing compaction, filling or excavation;
 - (b) prevention of soil erosion and sedimentation;
 - (c) reduced storm water runoff;
 - (d) improved air quality;
 - (e) reduced noise pollution;
 - (f) energy conservation through natural insulation and shading;
 - (g) control of the urban heat island effect;
 - (h) increased property values

d. General Guidelines for Subdivision Layout

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimization of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.
5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimization of cul-de-sacs over 300 feet.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Storm Lake, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
8. Dedication of arterial, collector, and key local streets on the general alignments specified in the Comprehensive Plan.

e. Site Design Objectives and Approval

The Planning and Zoning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

4-3 Subdivision Design Categories and Rules

a. Purpose

The purpose of this section is to establish design alternatives that provide greater flexibility in subdivision design and to allow alternative approaches to achieving the vision, guiding principles, goals and policies as established in the Comprehensive Plan.

b. Alternative Subdivisions: Types and Special Regulations

Two alternative types of subdivision design are described below. Both subdivision designs would require the approval of a Planned Unit Development (PUD) consistent with the City of Storm Lake's Zoning Ordinance: Conservation Subdivisions and Traditional Neighborhood Districts

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

1. Conservation Subdivisions

- (a) Conservation subdivisions allow the Conservation or grouping of residential lots in order to provide common open space.
- (b) Conservation Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The overall density of subdivision complies with the zoning district that contains the final subdivision. Overall density shall be determined by completing a yield plan as defined in the Article 5 PUD Overlay of the Zoning Ordinance. A subdivider may apply for a rezoning and PUD approval simultaneously with the plat approval process.
 - (2) Individual lot size dimensions, including lot width, may be reduced from the base zoning district consistent with Article 5 section 512 of the Zoning Ordinance. Any savings on lot size shall be devoted to common open space or other approved community facilities.
 - (3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
 - (4) Street or right-of-way widths set forth in Article Five may be varied for local streets within Conservation Subdivisions provided adequate measures are made to ensure public safety (police/fire) access..
 - (5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

2. Traditional Neighborhood Districts

- (a) Traditional Neighborhood District (TND) Subdivisions allow the development of urban neighborhoods that produce new development consistent with the patterns of historic or traditional parts of Storm Lake, with appropriate civic space; or provide for the recreation of neighborhoods that follow the patterns of other traditional towns. Approval of a Traditional Neighborhood District subdivision requires submission of a specific district plan.
- (b) TND Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The minimum size parcel to be covered by the TND Subdivision is 15 acres.
 - (2) The overall density of the subdivision complies with the zoning district that contains the final subdivision as defined by preparing a yield plan. A subdivider may apply for a rezoning simultaneously with the plat approval process.

SUBDIVISION DESIGN CATEGORIES & GENERAL STANDARDS

- (3) Individual lot size dimensions, including minimum width, may be reduced from the base zoning district consistent with Article 5 section 512 of the Zoning Ordinance. Any savings on lot size shall be devoted to public space, including but not limited to town squares, small parks, greenways, and community facilities.
- (4) All streets within a TND Subdivision connect to other streets within the district, forming a continuous network. The internal street system connects to other streets on the edge of the district.
- (5) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way, including an alley, must be at least 20 feet. Garage access from the rear of lots by way of an alley is encouraged.
- (6) Retail, service, civic, office, and various types of residential land uses may be combined within a TND subdivision, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.
- (7) Street or right-of-way widths set forth in Article Five may be varied for local streets within TND Subdivisions provided adequate measures are made to ensure public safety (police/fire) access.
- (8) Overall density permitted by the underlying zoning district of the TND Subdivision (as determined through a yield plan) may be increased consistent with Article 5 section 512 of the Zoning Ordinance.
- (9) All applications for a TND Subdivision must be accompanied by a Planned Unit Development which shall constitute the TND Subdivision Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. The City shall issue subsequent building and development permits only in consistency with the TND Subdivision Plan.
- (10) Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with the subdivision application.

5 ARTICLE FIVE - CIRCULATION SYSTEM DESIGN

5-1 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Storm Lake and its planning jurisdiction.

5-2 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform to the City's Comprehensive Plan. For streets not shown on the Comprehensive Plan, the arrangement of streets shall provide for the logical extension of existing streets and maintain a high degree of connectivity.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later developments. Such extensions shall make provision when necessary with a turnaround with a diameter of at least 180 feet.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to encourage through traffic to be routed to collector or arterial streets.
5. The system shall promote a safe and comfortable street system through the implementation of traffic calming measures that ensure safe speeds and minimize unintended traffic patterns.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

CIRCULATION SYSTEM DESIGN

2. In new subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted on cul-de-sac streets, to preserve natural features, to create visual interest, or maintain greenways and pedestrian ways proposed in the Storm Lake Comprehensive Plan.
3. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
4. Bikeways or recreational trails shall be required when specifically indicated by the Comprehensive Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

5-3 Street Hierarchy and Design

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function.
2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates using standards approved by the City Infrastructure and Public Facilities Director.
3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
4. The applicant shall demonstrate to the satisfaction of the approving agencies that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.

b. Roadway Width

1. Roadway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical and environmentally responsible development of streets, minimum roadway width should generally be used. Minimum roadway widths are set forth in Table 5-2.

c. Curbs Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.
2. Requirements for curbs vary according to street function and the nature of adjacent

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development. Adjacent development is defined as urban or rural as follows:

- (a) Rural: Residential or predominately agricultural land use where average lot frontage exceeds 150 feet.
- (b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet; or adjacent land uses include commercial, office, industrial, or civic use types and are served by municipal utilities.

- 3. Where curbing is not required, edge definition and stabilization shall be provided.
- 4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.
- 5. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.
- 6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
- 7. Curb construction shall follow standards established by the City of Storm Lake.
- 8. The design and installation of curbs, gutters, and shoulders shall be consistent with an approved Storm Water Management Plan for the subdivision.

d. Sidewalks

- 1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
- 2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
- 3. Unless otherwise approved, sidewalks shall be placed generally parallel to streets within right-of-way. Exceptions are possible on cul-de-sacs, to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system.
- 4. In commercial areas with on-street parking or traffic speeds below 30 mph, sidewalks may abut curb.
- 5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Storm Lake and its jurisdiction.

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6. All sidewalks shall be constructed according to current standards in use by the City of Storm Lake and shall comply with standards of the Americans with Disabilities Act.
7. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trails

1. Bikeways and recreational trails shall be required in subdivisions when specified as part of the Comprehensive Plan.
2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Storm Lake. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets and shall be consistent with an approved Storm Water Management Plan for the subdivision.

f. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the roadway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.
2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-ways for functional categories of roads is set forth in Table 5-3.
4. Dedications: Dedications of right-of-way for collector, sub collector, community, or arterial streets shall be made consistent with the Comprehensive Plan.

g. Street Design Standards

1. Street Design Standards shall follow the Statewide Urban Design and Specifications ([SUDAS](#)) Manual where practical.
2. All streets shall be paved to current standards as established in City Specifications and consistent with the [SUDAS](#) manual.
3. Continuity of Arterial or Collector Streets- No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Plan subject to the approval of the City Council.

CIRCULATION SYSTEM DESIGN

4. Cul-de-sacs
 - (a) Cul-de-sac streets designed to have one end permanently closed shall not exceed 300 feet in length and shall be designed so that vision from entrance to end is not restricted.
 - (b) The closed end of a cul-de-sac shall have a turnaround with a street property line diameter of at least 114 feet in residential subdivisions. In commercial or industrial areas, the diameter shall be designed to accommodate commercial vehicle maneuvers appropriate to the type of uses planned for the subdivision.
5. Street Grades - Required street grades are set forth in Table 5-2.
6. Street Intersections
 - (a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints.
 - (b) In most cases, no more than two streets should intersect at a single intersection.
 - (c) Local streets shall not provide intersections with major arterials.
 - (d) New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 150 feet between centerlines. The use of traffic calming strategies is encouraged where local streets intersect with collector streets.
 - (e) Intersection design standards are set forth in Table 5-2.
7. Block Size
 - (a) The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within urban subdivisions shall not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints. Blocks within conservation design subdivisions shall not exceed 1,320 feet.

5-4 Lighting and Wiring

a. Underground Wiring

1. All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of the approving authorities, such location is not feasible. Poles

CIRCULATION SYSTEM DESIGN

for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

CIRCULATION SYSTEM DESIGN

TABLE 5-1: Street Hierarchy

<i>Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Lane, Court, or Cul-de-sac	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions. Bike Boulevards can be accommodated on local streets that do connect to adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid. Bike Boulevards can be accommodated on collector streets.	1,000-2,000
Minor Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Storm Lake, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid. Bike accommodations on minor arterials should be designed as bike lanes.	2,000-6,000

CIRCULATION SYSTEM DESIGN

TABLE 5-2: Street Right-of-Way, Widths and Grades

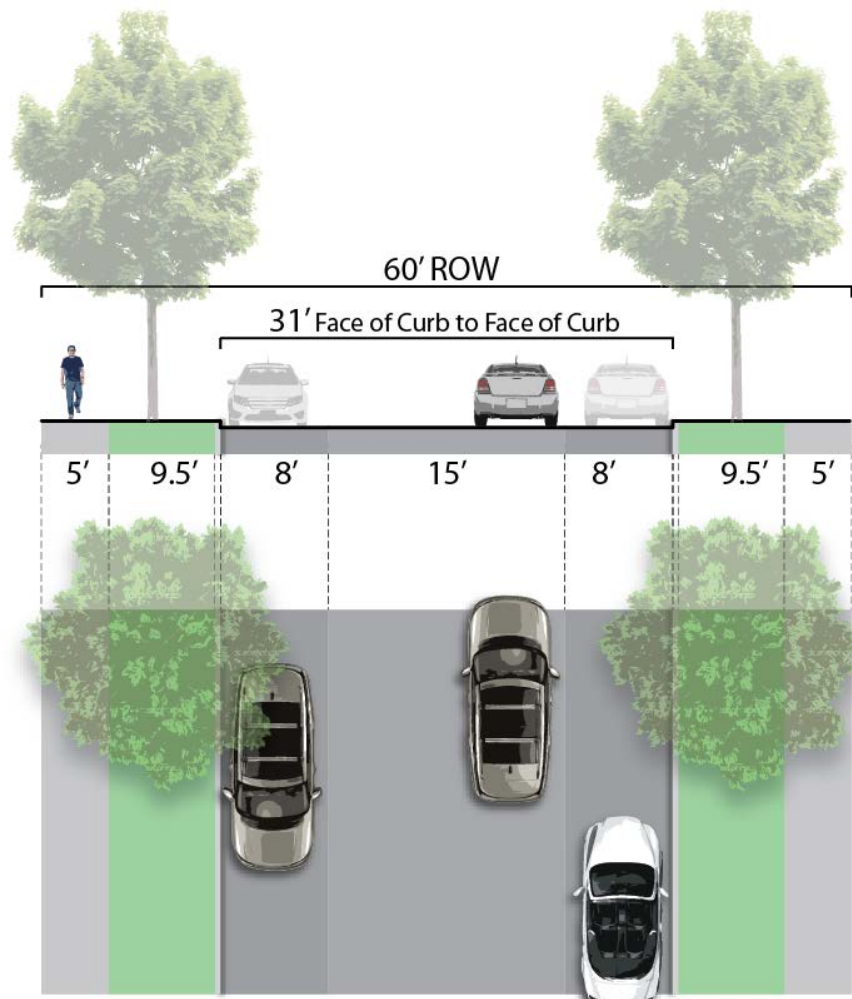
Street Right-of-Way and Widths. Minimum rights of way shall be provided as follows:

1. Thoroughfares – 80 feet
2. Collector streets – 80 feet
3. Residential or minor streets – 60 feet
4. Cul-de-sac – 130 feet in diameter
5. Alleys – 20 feet

Street Widths. Streets shall have a width and cross section that matches the street type appropriate to the subdivision using the following street types as guidelines:

1. Local Street (Residential and Commercial)

Street Type A Local Street with parking on both sides – to be applied where parking is developed to minimum required off-street parking thresholds.

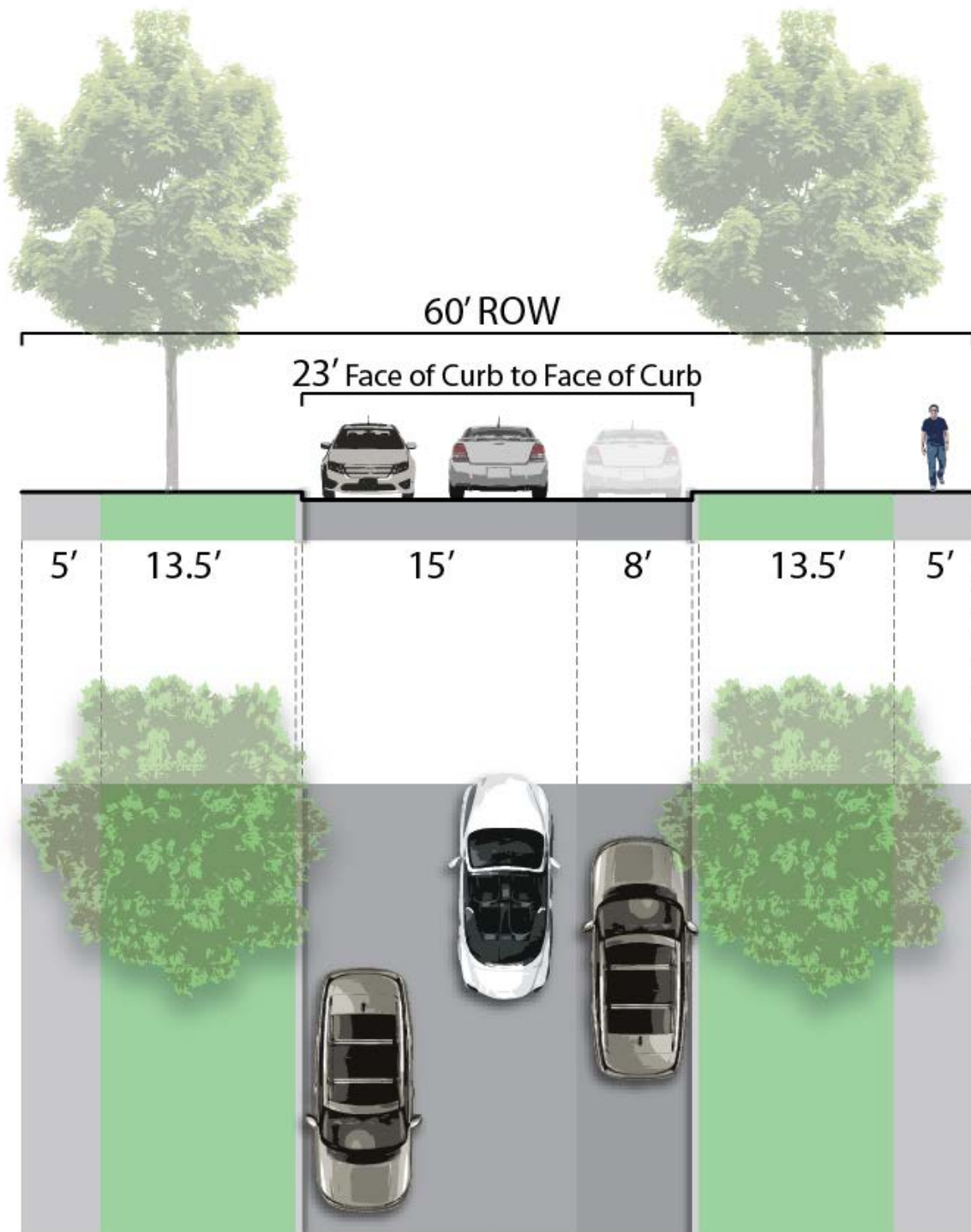


CIRCULATION SYSTEM DESIGN

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Street Type B

Local Street with parking on one side – to be applied to subdivisions where adequate off street parking is provided

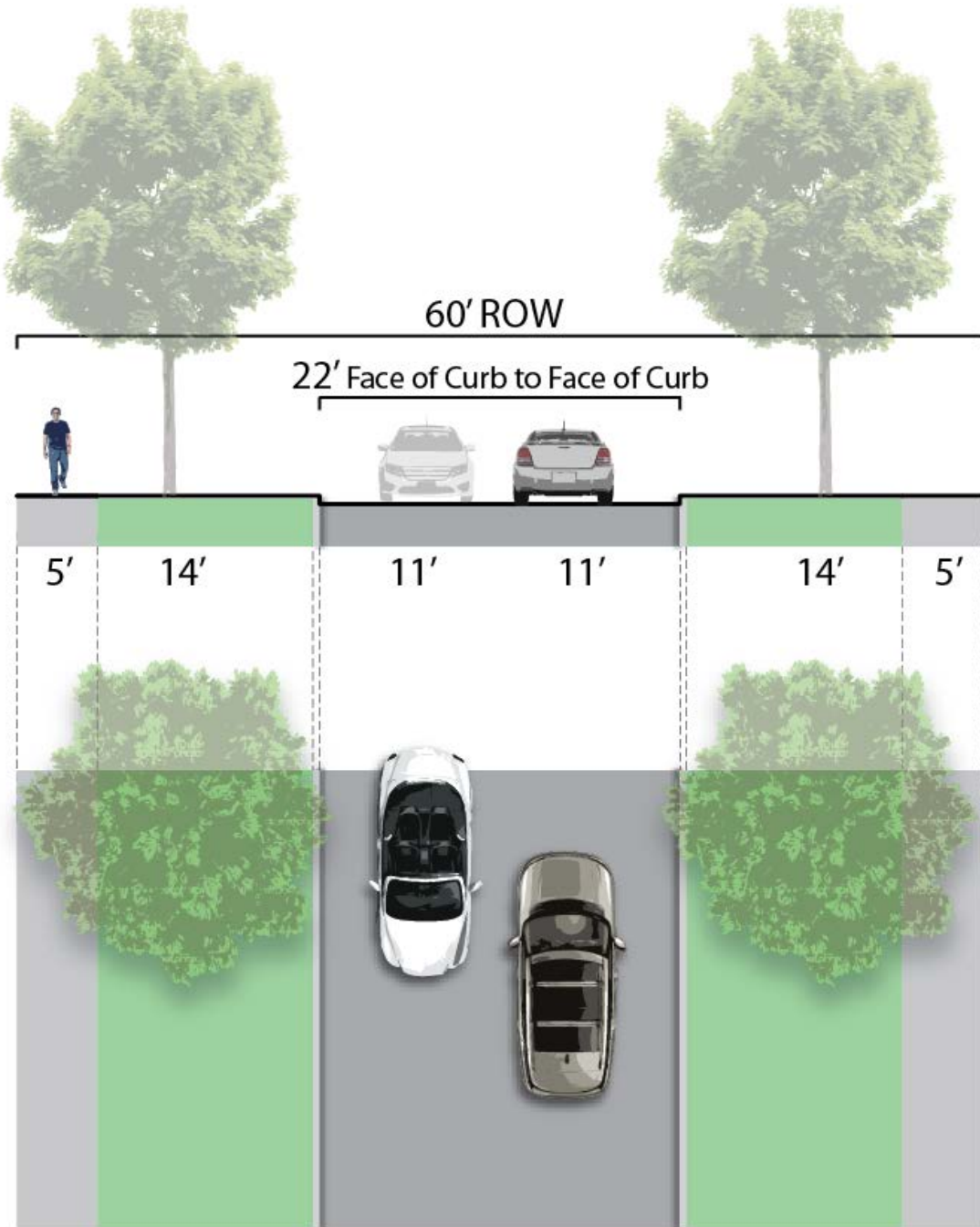


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CIRCULATION SYSTEM DESIGN

Street Type C

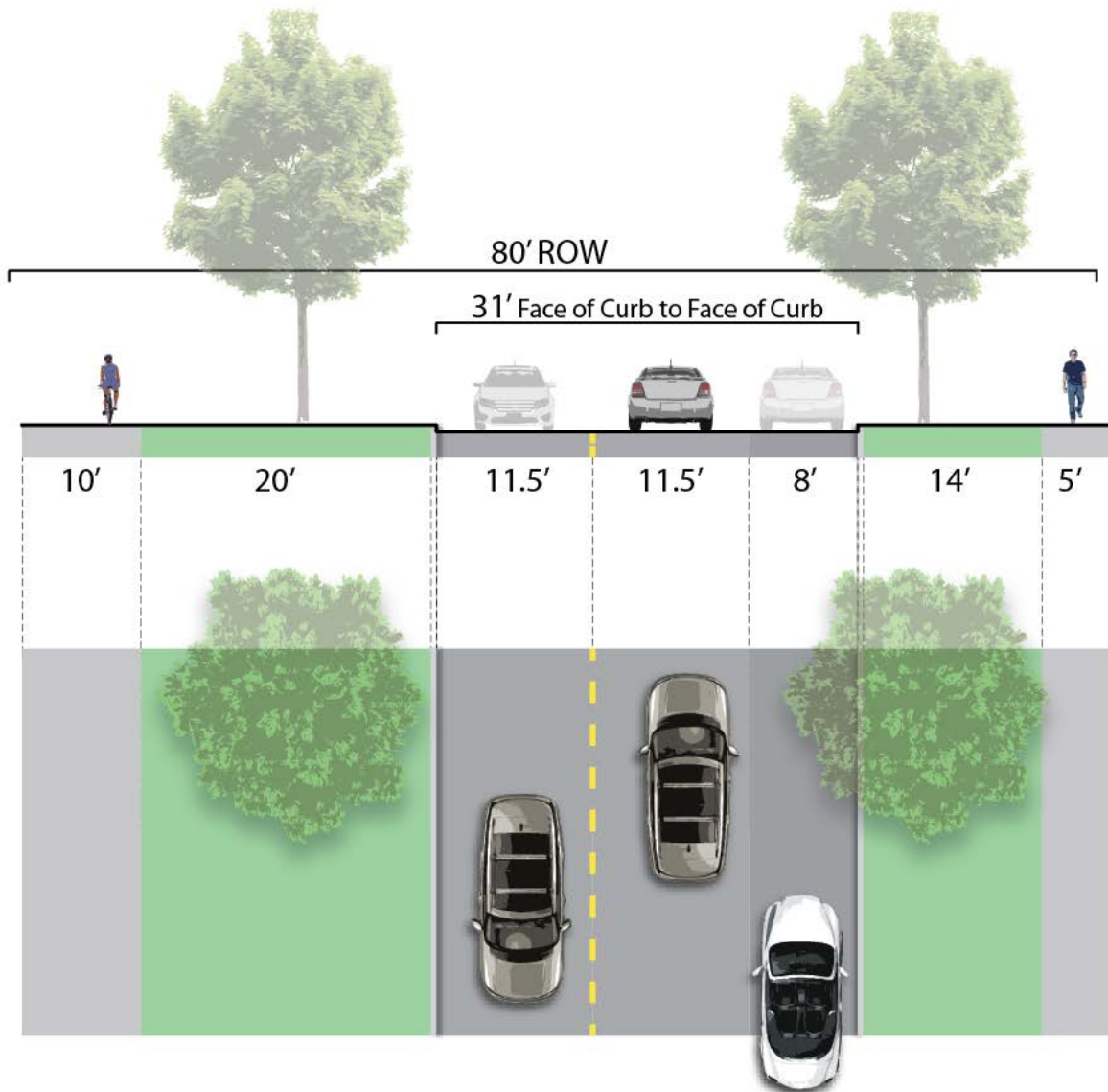
Local street with no parking - to be applied to subdivisions where development type/pattern includes ample off street parking accommodations including parking areas for visitors/guests typically maintained through a homeowner association or other private entity.



CIRCULATION SYSTEM DESIGN

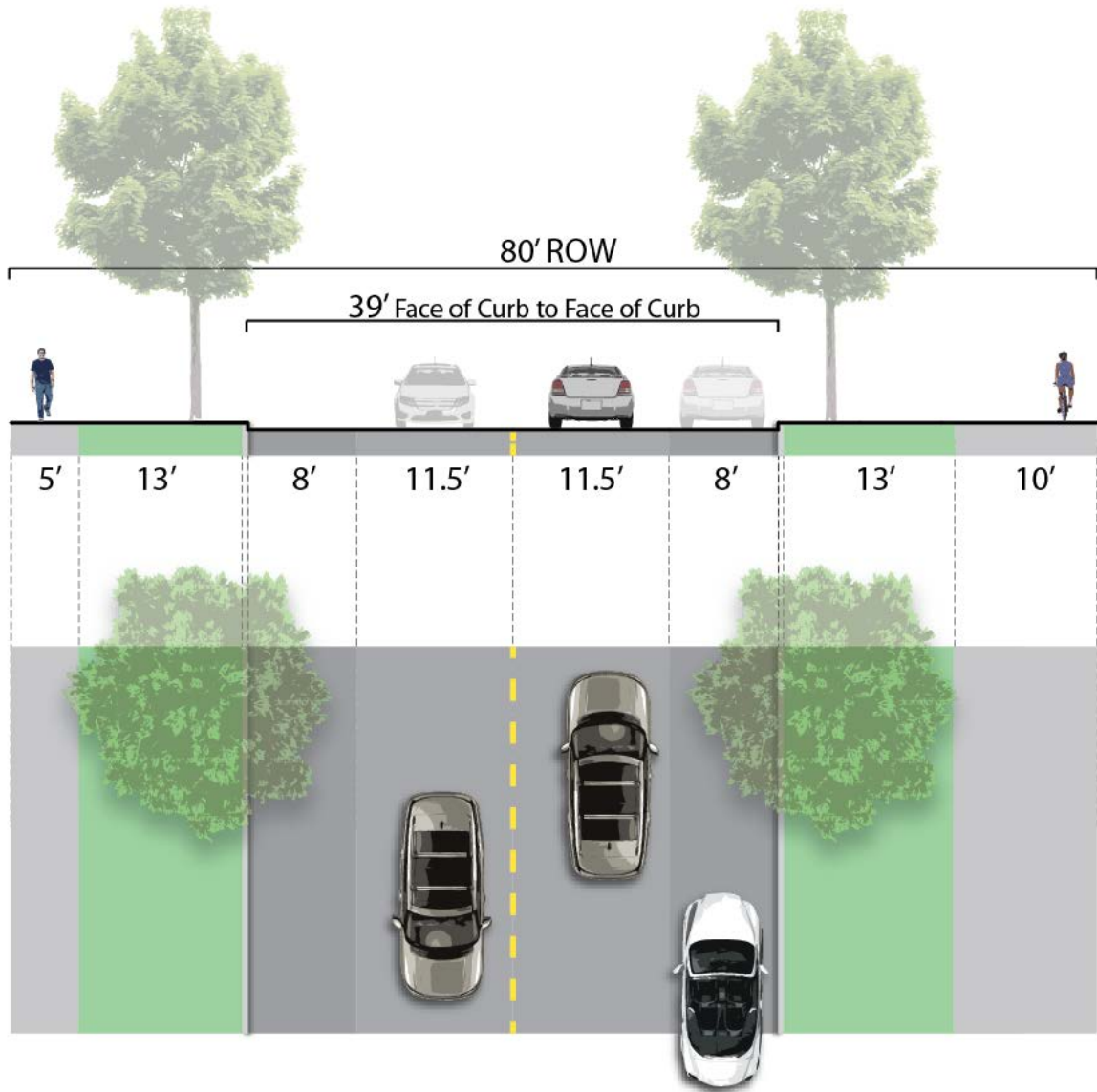
2. Collector/Arterial Street

Street Type D Collector Street through residential neighborhood with parking on one side



CIRCULATION SYSTEM DESIGN

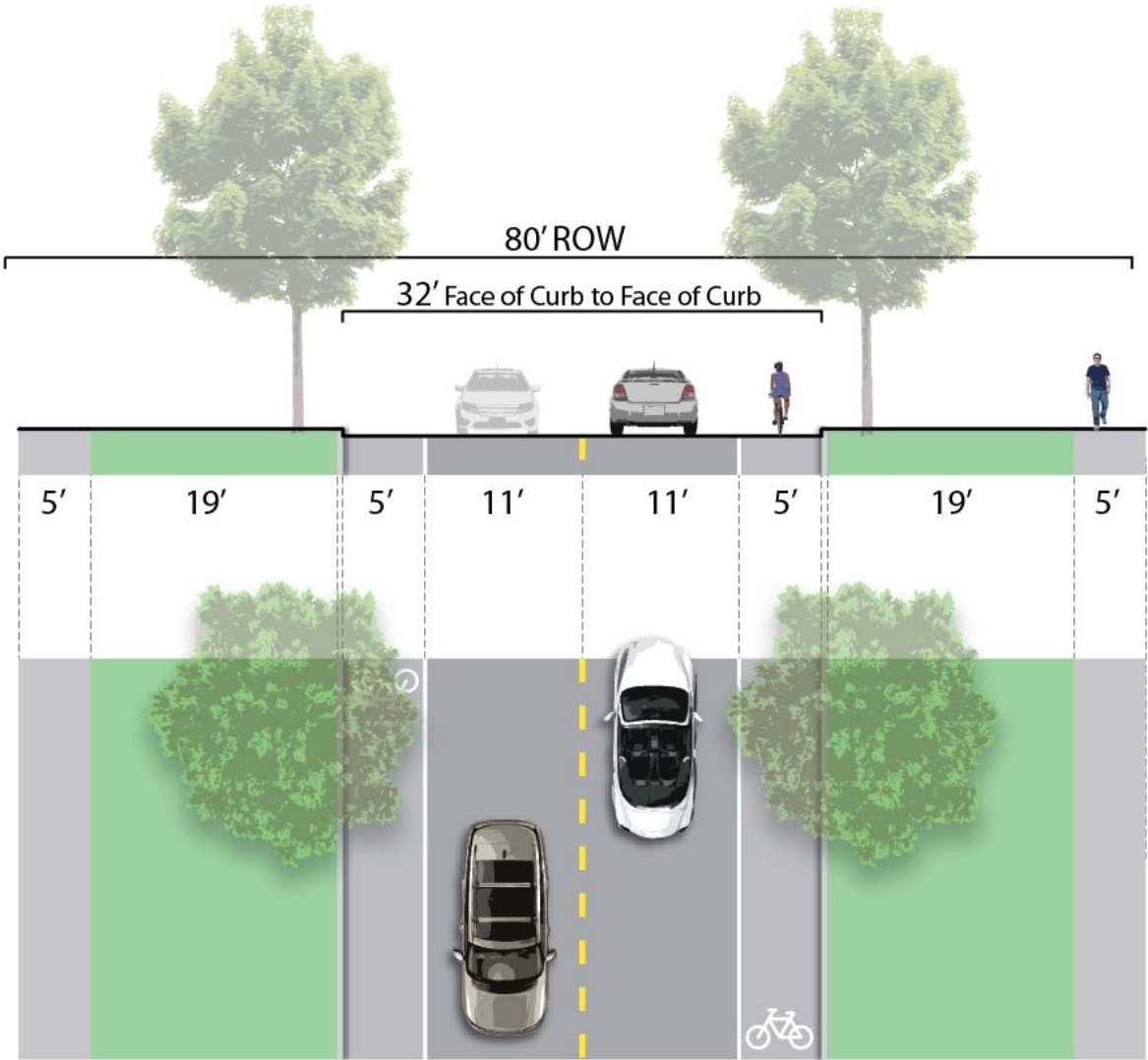
Street Type E Collector Street in residential neighborhood with parking on both sides



CIRCULATION SYSTEM DESIGN

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Street Type F Collector Street in residential neighborhood with no street parking and bike lanes on street

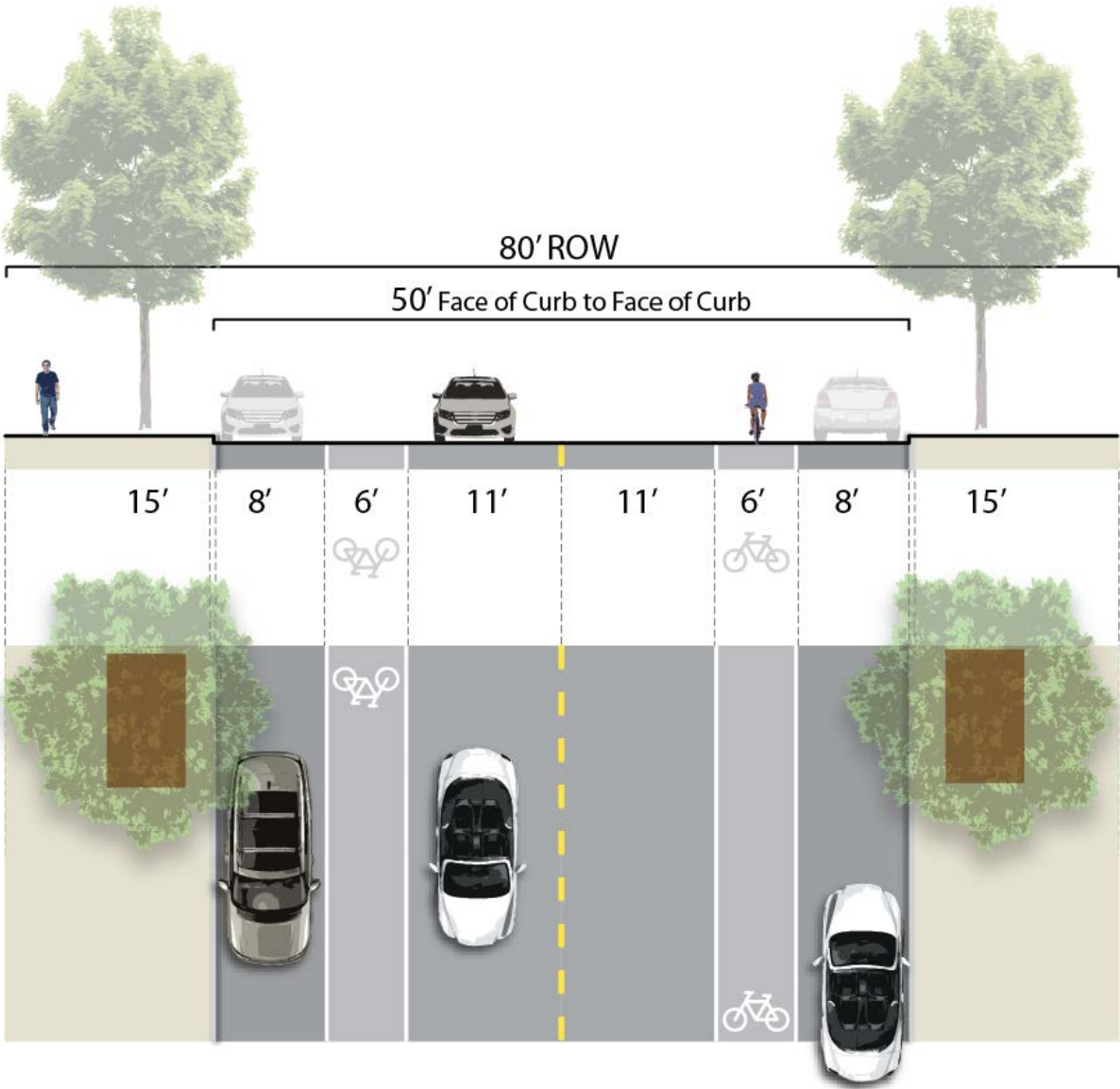


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CIRCULATION SYSTEM DESIGN

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Street Type G Collector Street in commercial neighborhood with on street parking and bike lanes on street



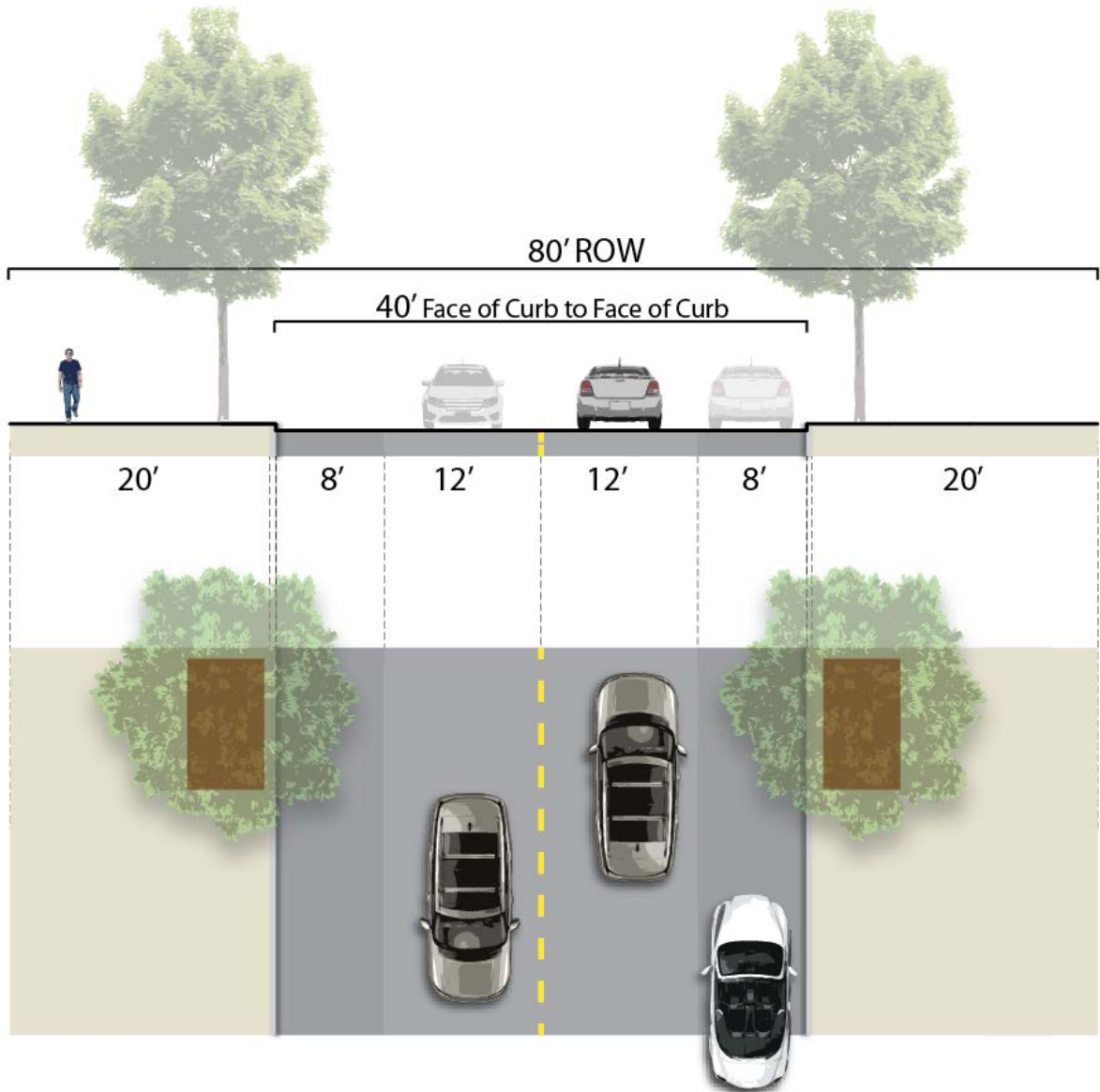
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CIRCULATION SYSTEM DESIGN

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Street Type H

Collector Street in commercial neighborhood with parking on both sides



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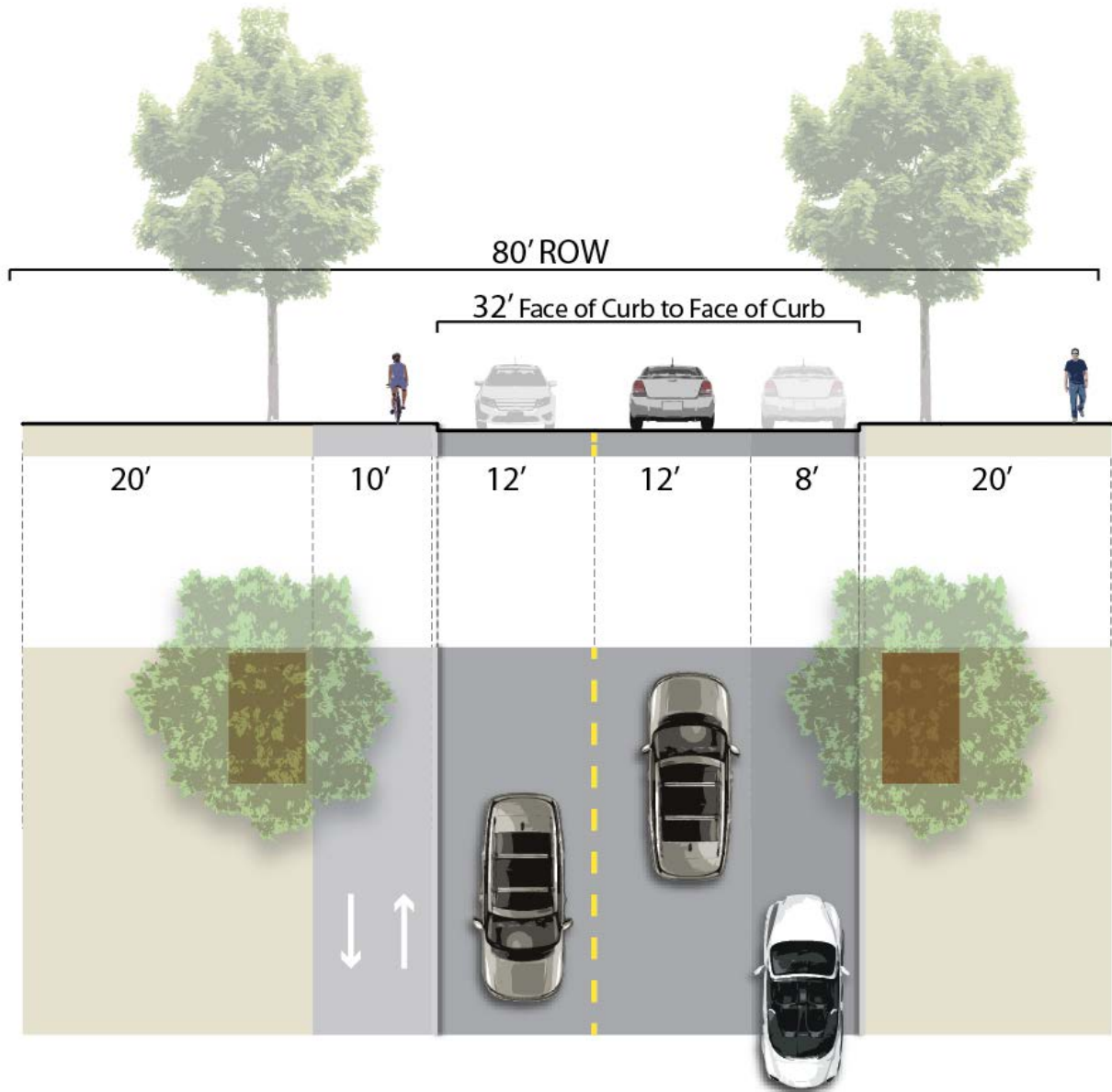
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CIRCULATION SYSTEM DESIGN

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Street Type I

Collector Street in commercial neighborhood with parking on one side



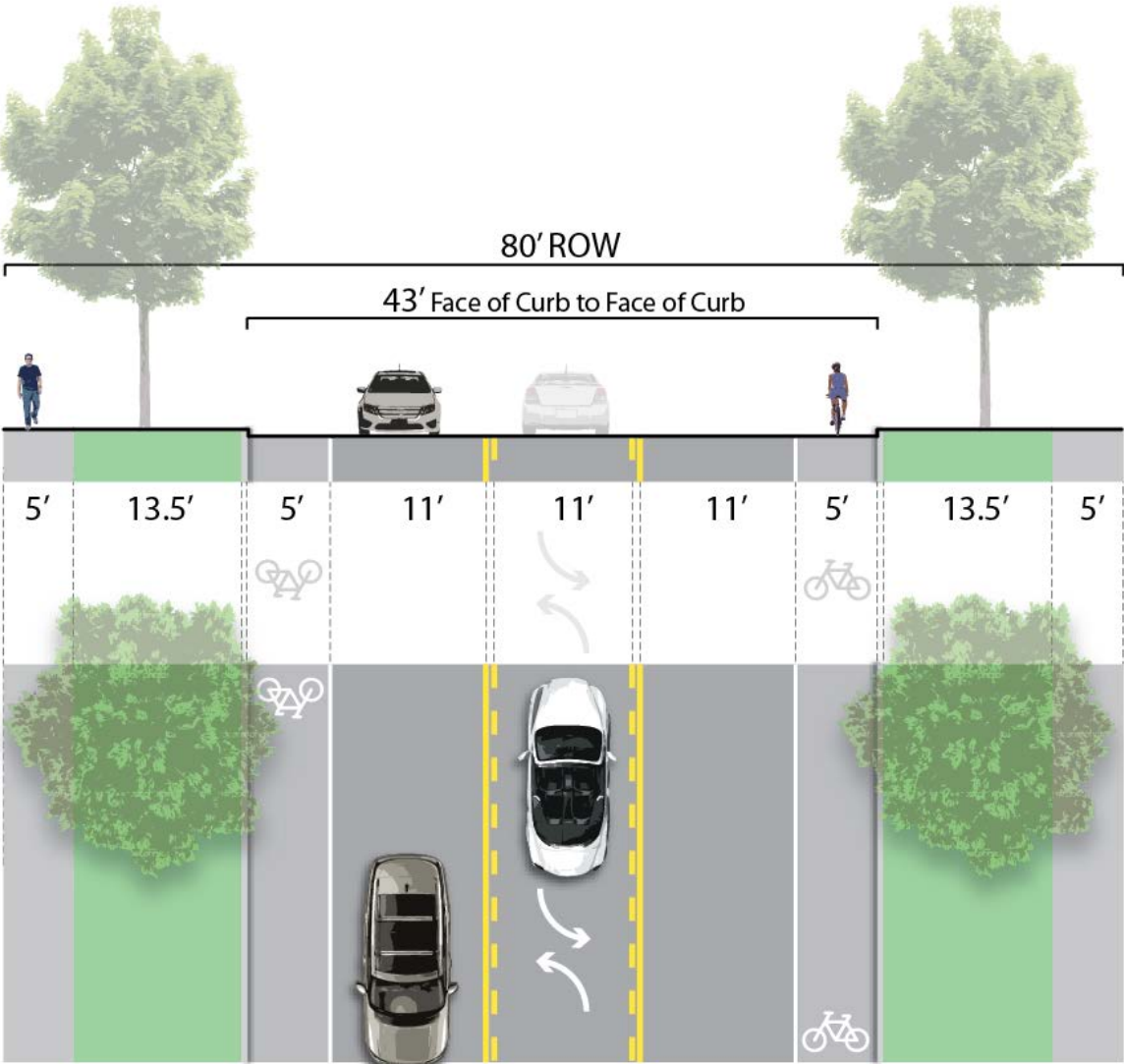
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CIRCULATION SYSTEM DESIGN

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Street Type J Collector Street in commercial neighborhood 3 lane complete street configuration

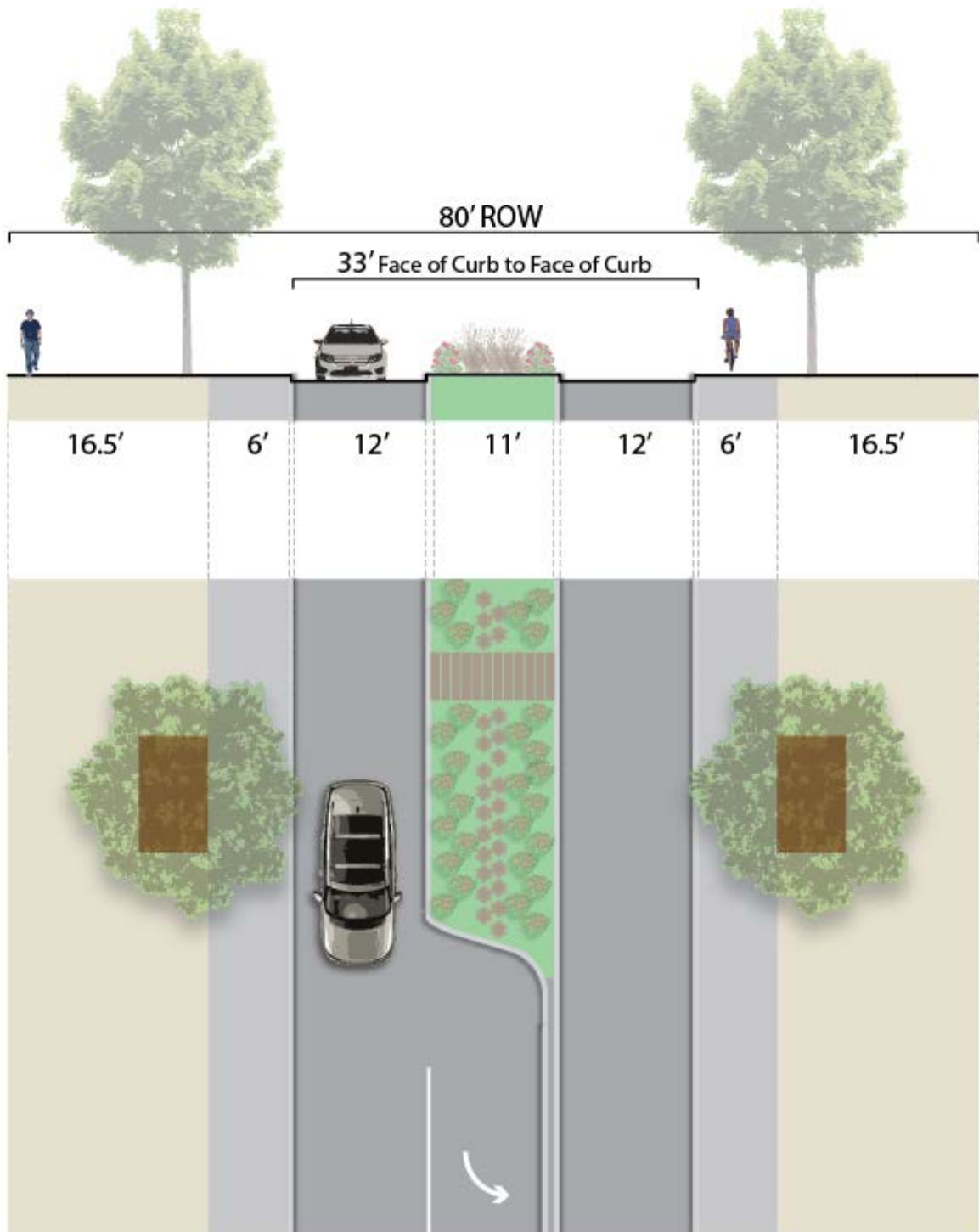


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CIRCULATION SYSTEM DESIGN

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Street Type K Collector Street in Commercial neighborhood with landscaped median and no parking

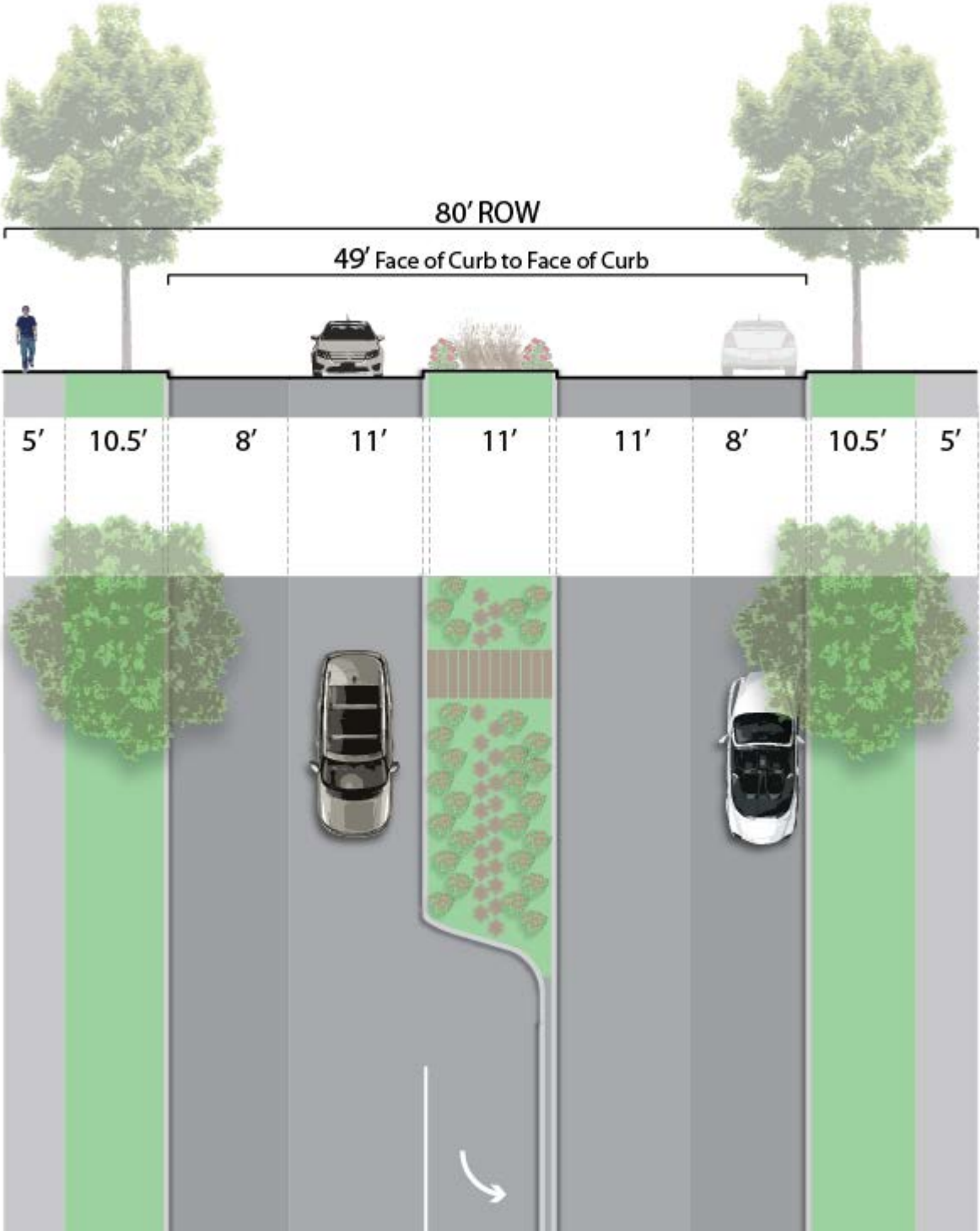


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CIRCULATION SYSTEM DESIGN

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Street Type L Collector Street in Residential or Commercial area neighborhood
landscaped median and on street parking

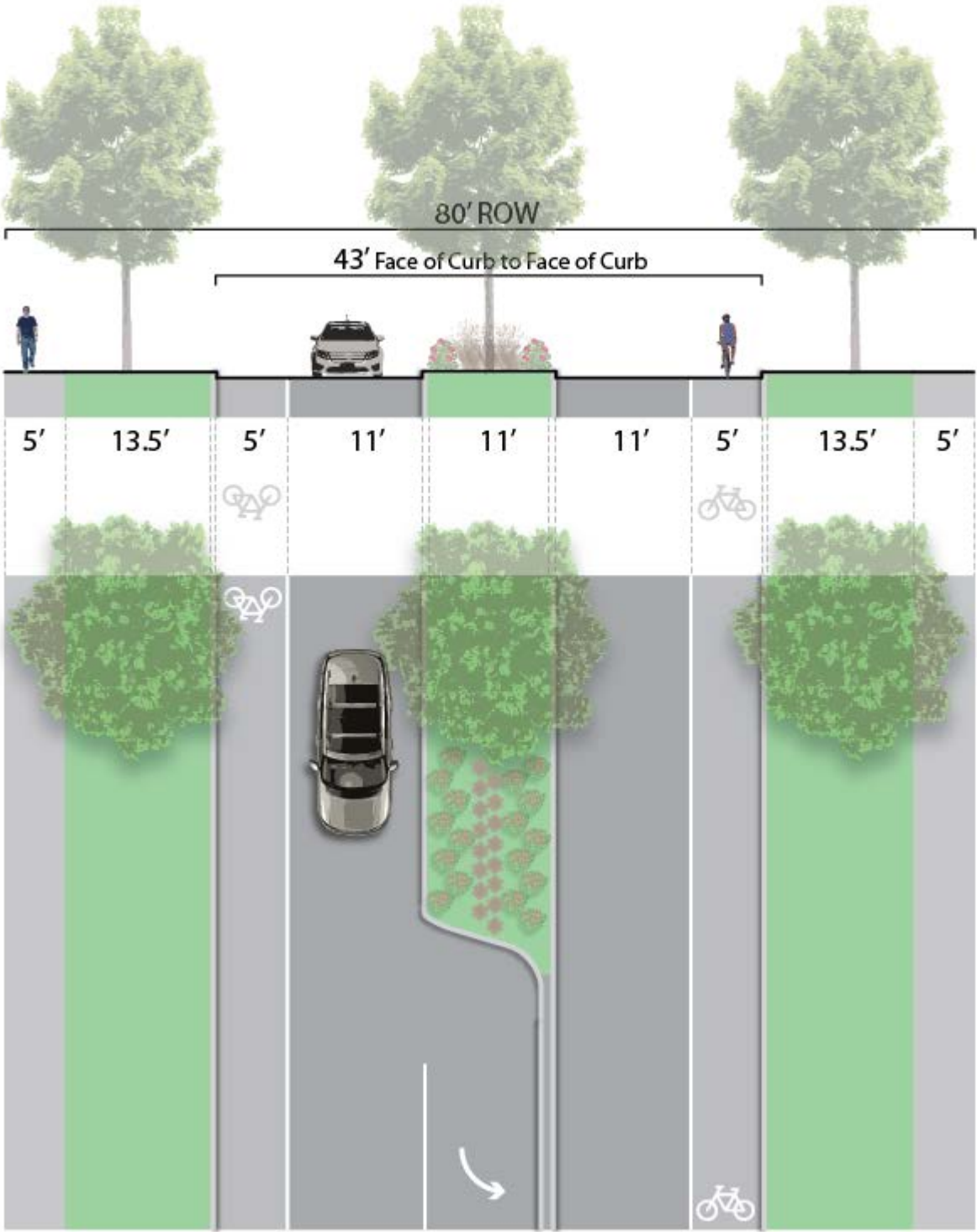


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CIRCULATION SYSTEM DESIGN

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Street Type M Collector Street in Residential neighborhood with landscaped median



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CIRCULATION SYSTEM DESIGN

Street Grades. Streets and alleys shall be completed to grades, which have been officially determined or be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or ten (10) percent for main or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary to the City Infrastructure and Public Facilities Director; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at the intersections, shall be worked out in detail to meet with the approval of the City Infrastructure and Public Facilities Director.

TABLE 5-3: Curb, Sidewalk, and Trail Requirements

<i>Street Type</i>		<i>Curb/ Shoulder</i>	<i>Sidewalk</i>	<i>Bike Trail Type</i>
Cul-de-sac		Required	Not Required if the cul-de-sac has no pedestrian connection through the end of the cul-de-sac to a public trail, park, school or other destination	NA
Local		Curb	Both sides	Bike Boulevard
Collector		Curb	Both sides – or paired with an off street multi-purpose trail	Bike Boulevard or On Street Bike Lanes or off-street multi-purpose trail (side path)
Arterial		Curb	Both Sides – or paired with an off street multi-purpose trail	Off street multi-purpose trail (side path)
- Arterial right-of-way design and width is determined by state standards and designation of individual street or roadway segment.(See SUDAS manual) - Sidewalk and trail configurations in PUDs shall be consistent with the goals and policies outlined in the comprehensive plan and shall be subject to the approved PUD.				

6 ARTICLE SIX

6-1 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Storm Lake and its jurisdiction is adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

6-2 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system.
2. If a public water supply system is proposed to be provided to an area within a six-year period from the time of platting, as indicated in an officially adopted document of the City or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
3. All proposals for new water supplies, extensions, or main installation shall be approved by the City of Storm Lake.

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
- ~~3.~~ Fire protection shall be furnished for any development connected to the municipal water system.
4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage. The City Infrastructure and Public Facilities Director and Fire Chief shall approve the type and placement of hydrants. All lines serving hydrants shall be at least six inches in diameter, should be circulating lines, and should carry appropriate state approvals.
5. Installation of water systems shall conform to community design standards in use

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within the City of Storm Lake.

6. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.
7. All state requirements shall be met and approvals from the Department of Natural Resources shall be obtained for all water systems.

6-3 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.
2. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the City, the County, the Iowa Department of Health, or other authorized agency, the City may require installation of a temporary alternative system, capped system or dry lines.
3. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.
4. All state requirements shall be met and approvals from the Department of Natural Resources shall be obtained for all waste disposal systems.

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. Installation of sanitary sewer systems shall conform to community design standards in use within the City of Storm Lake.
3. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.

6-4 Storm Water Management

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

a. Design

1. All subdivisions shall have a storm water management system that is adequate to properly manage the volume, rate, and quality of storm water runoff from the site. .
2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Comprehensive Plan, the City's Storm Water Management Ordinance and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques.
3. To the maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainage ways.
4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:
 - (a) There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.
 - (b) No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development run off shall not exceed the amount of pre-development runoff, and is to be managed in a manner consistent with Iowa statute and existing case law regarding such flows.
5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, grey water reuse, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include retention basins, swales, bio-swales, rain gardens, porous paving, and terracing.
6. No surface water may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. All storm water design shall be reviewed and approved by the consulting City Engineer. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section. A certification from a registered Professional Engineer shall be filed with the City of Storm Lake certifying that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Iowa. This certification shall be affixed to an accurate set of "as-built" system plans.

b. Erosion Control

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed Professional Engineer, for any land disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan and Storm Water Management Plan.

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

6-5 Easements

a. Utility Easements

1. Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities in a five foot wide strip of land adjoining all front and side property lines; and a ten foot wide strip of land adjoining all rear property lines.

b. Drainage Easements

Where a watercourse, drainage way, crosses a subdivision channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall correspond generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. Parallel streets or parkways may be utilized to preserve such drainage ways.

c. Setback Requirements for Structures Adjacent to Creeks and Drainage Ways

1. In addition to other applicable provisions of city ordinances, no persons shall be granted a permit for the construction of any structure, exclusive of fences, bank stabilization structures, poles signs, and non-related parking areas adjacent to any creek or stream unless such structure is located so that no portion whereof is any closer to the stream than will allow a maximum 3:1 slope between the water's edge (during normal flow conditions) of the stream and the closest point of the structure at-grade.

d. Other Easements

The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the City or appropriate public agency.

6-6 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands shall be completed as required by this Ordinance.

a. Public Parkland Dedication Purpose and Applicability

1. The purpose of this section is to regulate the use and development of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.
2. Any Developer who seeks to develop land for residential purposes shall be required to

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

dedicate public parkland.

3. No new plats or site plans for residential development shall be approved unless and until the provisions of this section are complied with, including a depiction of the parkland on the plat in compliance with this section.

b. Computation of the Amount of Public Parkland Required.

This subsection shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park.

1. The amount of public parkland required to be dedicated in a proposed development shall be five percent (5%) of the gross acres in the residential development. The desired minimum area for a neighborhood park is one acre. Subdivisions that require less than one acre shall be provided alternative means to meet the parkland dedication requirements as outlined in subsection c. below.
2. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required.
3. Dedicated public parkland shall not be used to satisfy required stormwater management standards, except in cases where creative use of best management practices can integrate public park uses with stormwater infrastructure. In no cases shall more than 25% of dedicated public parkland be utilized to satisfy required storm water management standards.
4. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.
5. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.
6. Requirement of Dedication and Installation of Land or Easements for Trails. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan the Developer shall be required to dedicate land or trail easements at least ten (10) feet in width. Furthermore, the Developer is required to install the trails to the width and specifications as required by the City. This land or easements, if approved by the City Council, may serve to satisfy parkland dedication requirements.

c. Alternative to Dedication of Public Parkland Provided.

If a Developer does not desire to dedicate public parkland required in this section, the Developer may make a request to the City Council that the Developer be allowed to meet the requirements of this section through other arrangements agreeable to the City Council and the Developer as long as such agreement provides equal value to the City. Such arrangements shall be made between the City Council and the Developer in the form of a Development Agreement.

7

ARTICLE SEVEN

7-1 Purpose

The purpose of this Article is to ensure the equitable financing and proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

7-2 Application

This article applies to subdivisions, which require the installation of streets, utilities, or other public improvements by the City or developer.

7-3 Responsibility of Sub Divider

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

7-4 Subdivision Agreement

a. Condition for Approval of Plat

As a condition for final approval, each subdivision plat must include a subdivision development agreement entered into between the City of Storm Lake and the subdivider. No contract for the construction of public improvements involving a subdivision within two miles of the corporate limits of Storm Lake shall be awarded without adequate provisions for the construction, operations, and maintenance of a private sanitary sewer system.

b. Rules for Distributing Improvement Costs

Generally, the following rules shall be followed in distributing costs for public improvements:

1. Public Costs: Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:
 - (a) Pavement width in excess of 32 feet for streets designated as collector or arterial streets in the Storm Lake Comprehensive Plan or any subsequent amendment thereof. On collector and arterial streets the additional cost shall be borne by the City or other public agency.
 - (b) The incremental cost of water mains over six inches.

IMPROVEMENT FINANCING AND GUARANTEES

- (c) Oversized storm sewers or drainage structures required serving other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
 - (d) Sanitary outfall sewers or water lines outside of the limits of a District that serve areas larger than that of the District, provided that such extension is consistent with the sequencing of development specified in an approved master plan or planned unit development.
 - (e) The additional costs of sanitary sewers over 8 inches in diameter, when the City requires such sewers.
 - (f) Park and recreation facilities consistent with the Comprehensive Plan or an approved Park System Plan.
2. Private Costs: Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:
- (a) The entire cost of grading street rights-of-way, including intersections.
 - (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to 6 inches.
 - (c) All paving and street construction, including curbs and gutters, up to a roadway width of 32 feet.
 - (d) A storm water management system adequate to provide for the collection, retention, and treatment of surface runoff, extending to the boundaries of the subdivision.
 - (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
 - (f) The contract charge for underground electrical and gas service.
 - (g) An iron rod not less than one-half inch in diameter and 24 inches in length as follows:
 - (1) Set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.
 - (2) At lot corners and changes in direction of block and lot boundaries.
3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount, which could be, assessed against subdivision

IMPROVEMENT FINANCING AND GUARANTEES

property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

7-5 Performance Guarantees

a. Required Guarantees

As a condition of the final approval of the plat and prior to its recording with the Buena Vista County Recorder, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council at the request of the applicant after demonstrating the reasonable need for the extension.
3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Development Agreement negotiated between the City and the Developer and approved with the Final Plat.

7-6 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Zoning Administrator in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The City's designee shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Zoning Administrator certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the Zoning Administrator shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies, which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.

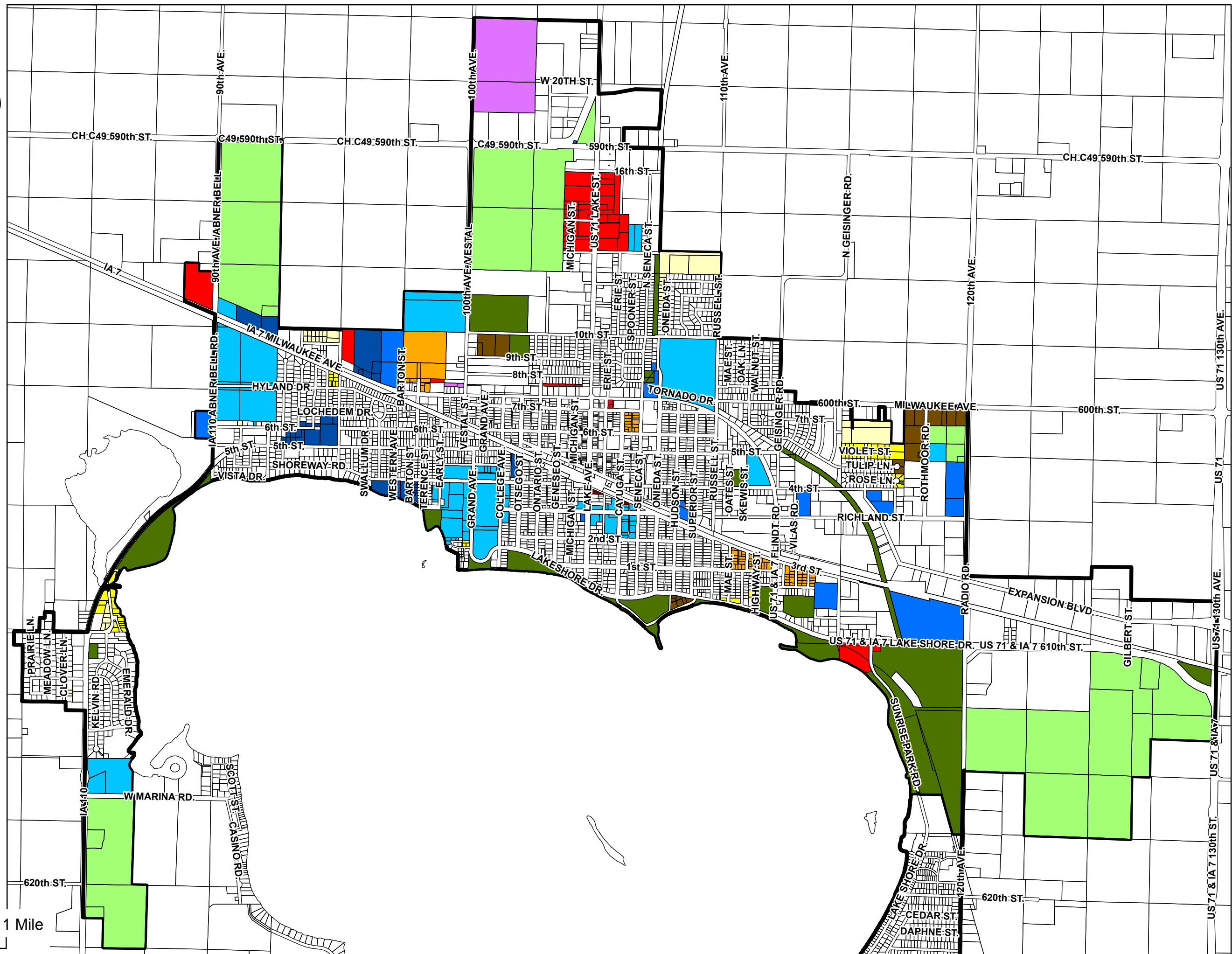
IMPROVEMENT FINANCING AND GUARANTEES

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4. No occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the designee of the City.
 - c. Improvements within the two mile Jurisdiction
 1. Improvements in the two-mile jurisdiction shall be the same as required above, provided that they are not less than required by county subdivision policy and that all road and drainage plans shall be approved by the County Engineer. The County Board of Supervisors for public maintenance shall accept all completed roads.
 2. Where the subdivision contains physical facilities necessary for the welfare of the area, which are of common use or benefit, and which are not or cannot be satisfactorily maintained by an existing public agency, other satisfactory legal provision shall be made for the proper and continuous maintenance of such facilities and shall be identified as part of the subdivision development agreement.

A simple compass rose with four points. The top point is labeled 'N' and the bottom point is labeled 'S'. The points are black with white outlines.

 City Limits

0 0.25 0.5 1 Mile



A simple compass rose with four points. The top point is labeled 'N' and the bottom point is labeled 'S'. The points are black with white outlines.

Storm Lake Zoning Map



Updated: January 31, 2014

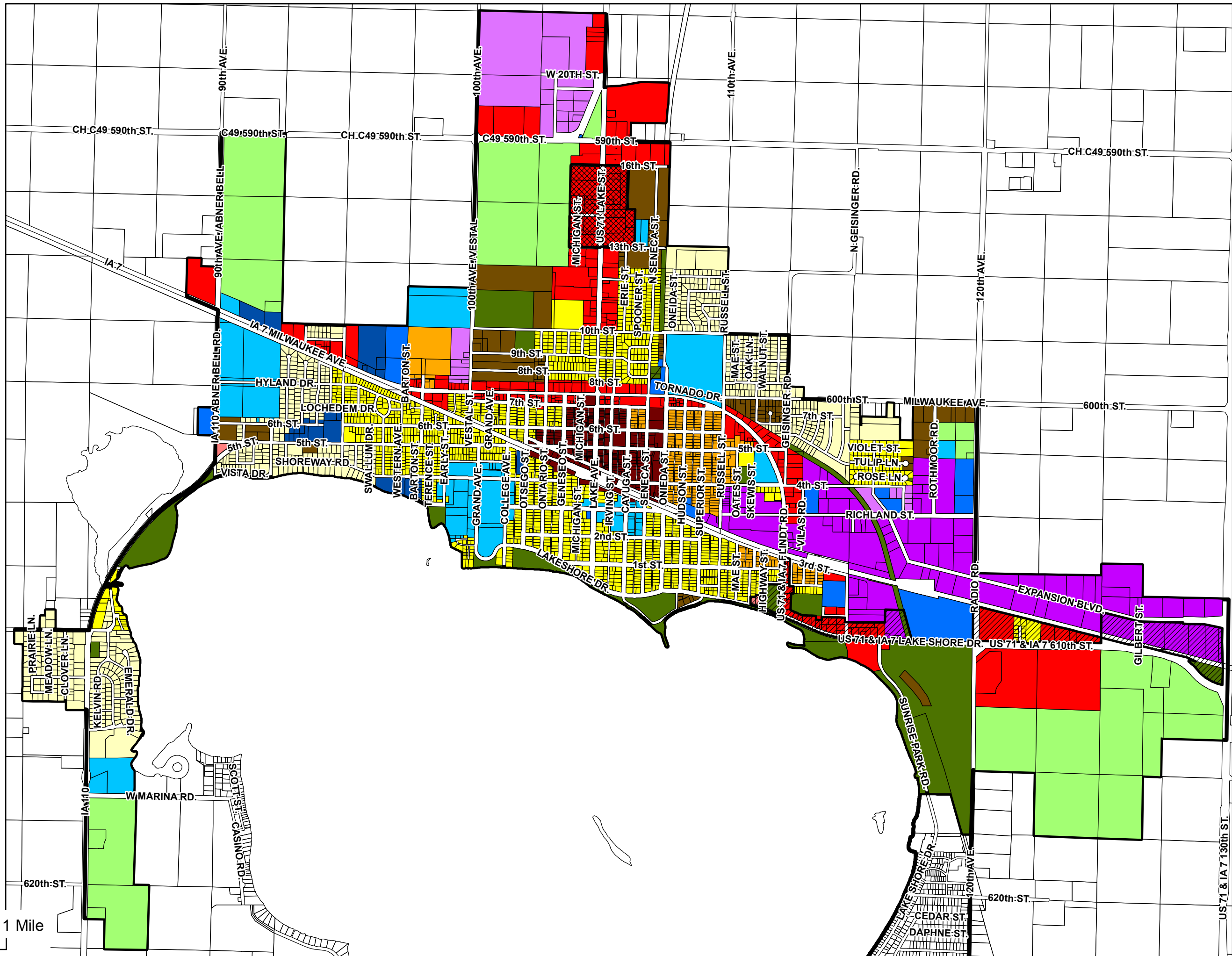
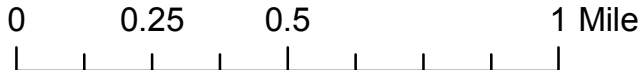


Legend

New Zoning

Zoning Districts

- | | |
|--|--------------------------------------|
|  | RES: Reserve |
|  | R-1: Low Density Residential |
|  | R-2: Low-Medium Density Residential |
|  | R-3: Medium Density Residential |
|  | R-4: High Density Residential |
|  | IN-1: Public Services |
|  | IN-2: Institutional Facilities |
|  | IN-3: Hospital Medical Facilities |
|  | PO: Park, Recreation, and Open Space |
|  | LC: Limited Commercial |
|  | CC: Community Commercial |
|  | CBD: Central Business District |
|  | LI: Limited Industrial |
|  | GI: General Industrial |
|  | Industrial Reuse Overlay District |
|  | East Gateway Overlay District |
|  | City Limits |





Legend

Zoning Changes

 Zoning Changes

Proposed Zoning Districts

-  RES
-  R-1
-  R-2
-  R-3
-  R-4
-  IN-1
-  IN-2
-  IN-3
-  PO
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Staff Summary

2/17/2014

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: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Public Hearing On Amendment #1 To #4 LMI Housing Urban Renewal Plan**

BACKGROUND: Previously the City had approved a Urban Renewal Plan for the Urban Renewal Area #4 for the SW Minnesota Housing development. That plan did not include the potential reimbursement of building permit fees which the City has determined is necessary to meet the previous agreements and commitments to the project that were approved with the SW Minnesota application for Housing Tax Credits.

In order to allow for the amendment of the Development Agreement between the City and SW Minnesota Housing the Urban Renewal Plan must include the potential reimbursement of building permit fees as part of the plan.

In addition to this public hearing the City of Storm Lake held a consultation session with the affected taxing entities on January 28, 2014 at 9:00AM. At that Consultation Session no one from the other taxing entities showed up. Minutes from that meeting are attached to this staff summary for Council's review.

FISCAL IMPACT: There is no fiscal impact to holding the public hearing.

RECOMMENDATION: Open Public Hearing
Hear Comments
Close Public Hearing

ATTACHMENTS:

Description	Type
 Consultation Session Minutes	Contract

MEMO

February 4, 2014



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

TO: File
CC: N/A
FROM: Justin Yarosevich, Assistant City Manager

**SUBJECT: Notes For Storm Lake #4 LMI Urban Renewal Area
Amendment #1 Consultation Session**

As directed by Storm Lake City Council a consultation session was held for the Storm Lake #4 Urban Renewal Area Amendment #1 for the affected taxing entities on Tuesday, January 28, 2014 at 9:00AM in the City Council Chambers at City Hall.

At the appointed time City Staff present included: James Patrick, City Manager, Mark Prosser, Public Safety Director, and Justin Yarosevich, Assistant City Manager.

There was no one else in attendance at the meeting.

City staff waited until 9:10AM then declared the consultation session closed.

There were no comments or questions.

Staff Summary

2/17/2014

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: Justin Yarosevich, Assistant City Manager / City Clerk

SUBJECT: **Resolution No. 59-R-2013-2014 Approving Amendment #1 To #4 LMI Housing Urban Renewal Plan**

BACKGROUND: Previously the City had approved an Urban Renewal Plan for the Urban Renewal Area #4 for the SW Minnesota Housing development. That plan did not include the potential reimbursement of building permit fees which the City has determined necessary to meet the previous agreements and commitments that were approved with the SW Minnesota application for Housing Tax Credits.

In order to allow for the amendment of the Development Agreement between the City and SW Minnesota Housing the Urban Renewal Plan must include the potential reimbursement of building permit fees as part of the plan.

Following the consultation session and the public hearing the Council now has the ability to take action on the resolution.

FISCAL IMPACT: The fiscal impact of this item is the cost of the rebate for building permit fees of \$27,011.66 which will be eligible for reimbursement should the Urban Renewal Area generate enough tax revenue to meet all the debt certified against it.

RECOMMENDATION: Adopt Resolution No. 59-R-2013-2014

ATTACHMENTS:

Description	Type
☐ Resolution No. 59-R-2013-2014	Resolution

RESOLUTION NO. 59-R-2013-2014

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 1 TO THE #4 LMI HOUSING URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Plan Area (the Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

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

A tract of land located in the North Half of the Southwest Quarter (N½SW¼) of Section 34, Township 91 North, Range 37 West of the 5th P.M., within the corporate limits of the City of Storm Lake, Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southeast (SE) corner of the Northwest Quarter of the Southwest Quarter (NW¼SW¼) of said Section 34; thence North 00°02'19" West, along the East line of said Northwest Quarter of the Southwest Quarter (NW¼SW¼), 30.00 feet to the North line of West 10th Street being also the Point of Beginning; thence North 89°56'56" East, along said North line, 332.89 feet to the West line of proposed Witter Street; thence North 00°01'00" West, along said West line, 770.00 Feet; thence North 89°55'06" West, 382.17 Feet to the East line of a tract described in document number 983710 in the office of the Buena Vista County Recorder; thence South 00°11'13" East, along said east line, 770.78 feet to the North line of said West 10th Street; thence South 89°55'30" East, along said North line, 46.99 feet to the point of beginning.

Tract contains 6.74 acres and is subject to all easements of record.

AND

The Urban Renewal Area also includes the full right-of-way of adjacent road and street bordering the Area, including proposed Witter Street; and

WHEREAS, a proposed Amendment No. 1 to the Plan for the Urban Renewal Area has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Area adds no new land; and

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

WHEREAS, by resolution adopted on January 20, 2014, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 1 to the Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 1 to the Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Clerk filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Amendment No. 1 to the Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Storm Lake Times, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 1 to the Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in Amendment No. 1 concerning the area of the City of Storm Lake, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and

sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan, as amended, and Amendment No. 1 to the Plan conform to the general plan for the development of the City as a whole; and

C. Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Urban Renewal Area:

1. Residential use is expected and with reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is not expected, however, with reference to any portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal Area, as amended, continues to be an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan of the City of Storm Lake, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan for the City of Storm Lake, State of Iowa"; Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan of the City of Storm Lake, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment No. 1 with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original #4 LMI Housing Urban Renewal Plan, as amended, shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Amendment. The proposed Amendment No. 1 to the #4 LMI Housing Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Buena Vista County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 1, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Exhibit 1

#4 LMI HOUSING URBAN RENEWAL PLAN

AMENDMENT #1

CITY OF STORM LAKE, IOWA

**Original Area Adopted –2013
Amendment #1 – 2014**

**AMENDMENT #1
to the
#4 LMI HOUSING URBAN RENEWAL PLAN
CITY OF STORM LAKE, IOWA**

The #4 LMI Housing Urban Renewal Plan (“Plan”) for the #4 LMI Housing Urban Renewal Area (“Area” or “Urban Renewal Area”), adopted in 2013, is being amended to add and/or confirm the list of proposed projects to be undertaken within the #4 LMI Housing Urban Renewal Area by this Amendment #1 (“Amendment” or “Amendment #1”). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the original #4 LMI Housing Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

AREA DESIGNATION

This area continues to be an economic development district that is appropriate for the development of LMI residential housing units.

AREA OBJECTIVES

There are no changes in the Area objectives.

TYPES OF RENEWAL ACTIVITIES

There are no changes in the types of renewal activities to be undertaken within the Area.

PREVIOUSLY APPROVED URBAN RENEWAL PROJECTS

The following urban renewal projects were previously authorized in the Plan and are continuing and have been updated by this Amendment.

The Previously Approved Projects, including those that will continue in the Area, include the following Public Improvements projects:

Public Improvements:

<u>Project</u>	<u>Date</u>	<u>Estimated Amount</u>
Extension of existing water main to provide water service to LMI housing development.	2013-2014	\$75,000
Installation of street lights needed to provide lighting to LMI housing development.	2013-2014	\$30,000
Construction and installation of two rain garden intakes at LMI housing development.	2013-2014	\$20,000

Construction and installation of a temporary gravel hammerhead at the north end of the extended Ontario Street	2013-2014	\$5,000
Total		\$130,000

Other urban renewal activities planned in the Urban Renewal Area:

<u>Project</u>	<u>Date</u>	<u>Estimated Amount</u>
Assistance to 10 th Street Townhomes LLLP for construction of LMI residential Townhomes Project	Undetermined	\$410,700
TOTAL		\$410,700

Furtherance of urban renewal activities will continue to require engineering and planning costs and attorney fees (estimated at \$20,000).

PROPOSED URBAN RENEWAL PROJECTS (Amendment #1)

Although certain project activities may occur over a period of years, in addition to the projects previously proposed in the #4 LMI Housing Urban Renewal Plan, as previously amended, the proposed urban renewal projects under this Amendment include:

- 1) Amendment No. 1 to Agreement for Private Development with 10th Street Townhomes LLLP:

Project	Estimated Date	Not to Exceed Cost	Rationale
Rebate of a portion of the building permit fee	2014	\$27,011.06	This payment will promote economic development and the creation of LMI housing by supporting the 10 th Street Townhomes LLLP LMI residential townhomes project.
Total		Not to exceed \$27,011.06	

- 2) **Planning, engineering fees (for urban renewal plans), attorney fees to support urban renewal projects and planning**

Project	Date	Estimated cost
Fees and costs	2013-2015	Not to exceed \$20,000

FINANCIAL INFORMATION

1.	July 1, 2013 constitutional debt limit:	\$22,588,439
2.	Current outstanding general obligation debt:	\$15,620,000
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Proposed Urban Renewal Project (Amendment #1) has been determined to be \$27,011.06 plus up to \$20,000 of urban renewal-related fees and costs. This document is for planning purposes only. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above will be approximately as follows:	\$47,011.06

DEVELOPMENT PLAN

Storm Lake has a general plan for the physical development of the City, as a whole, outlined in the Storm Lake Comprehensive Plan that was adopted by the City Council in February, 2013. The goals, objectives, and projects proposed in this Urban Renewal Plan Amendment #1 are consistent with the City's Comprehensive Plan.

This Urban Renewal Amendment #1 does not in any way replace the City's current land use planning or zoning regulation process.

PROPERTY ACQUISITION/DISPOSITION

The City will follow any applicable requirements for the acquisition and disposition of property.

URBAN RENEWAL PLAN AMENDMENTS

The #4 LMI Housing Urban Renewal Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or modifying goals or types of renewal activities.

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

EFFECTIVE PERIOD

This Urban Renewal Plan Amendment No. 1 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be consistent with Chapter 403 of the Iowa Code and the division of revenues shall continue on the Area, including all Amendment Areas, for the maximum period allowed by law.

Amendment No. 1 adds and/or confirms a list of proposed projects to be undertaken within the Urban Renewal Area and does not impact any expiration or sunset dates of the City's ability to collect incremental taxes.

REPEALER

Any parts of the previous Plan, as previously amended, in conflict with this Amendment are hereby repealed.

SEVERABILITY CLAUSE

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

00989461-1\11149-067

Staff Summary

2/17/2014

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: Mike Wilson, Community Development Director

SUBJECT: **Conduct A Public Hearing On A Proposed Amendment To The Southwest Minnesota Housing Partnership Development Agreement**

BACKGROUND: In July 2013 Council approved a Development Agreement with SWMHP relating to the 10th Street Townhome project which will create 42 new townhome apartments. In that Development Agreement the City agreed to provide certain incentives to help the SWMHP application for tax credits be successful.

A portion of those incentives was in-kind work that City crews could accomplish for less cost than a contractor would charge for the work. Some of this work has been completed, some will be done in the spring.

The City's actual cost to do the work was less than the value created for SWMHP, but since that was the case the Iowa Finance Authority has ruled the the City needs to make an additional contribution to the project so that the City's actual cost equals the value created for SWMHP. The additional amount needed is \$27,011.66 Not doing so creates a risk that SWMHP might not receive all of their tax credits.

Council is required to hold a Public Hearing on the amendment.

FISCAL IMPACT: Staff is recommending a partial rebate of the building permit fee which has already been paid. The total amount of the permit fee was \$53,574.53 of which \$12,600 for sewer and water hookup fees were waived as part of the original incentive package. Providing the rebate of \$27,011.66 will result in the City collecting a net amount of \$13,963.47 for the permit.

RECOMMENDATION: Open the Hearing
Hear the Public
Close The Hearing

Staff Summary

2/17/2014

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: Mike Wilson, Community Development Director

SUBJECT: **Resolution No. 60-R-2013-2014 Approving An Amendment To The Southwest Minnesota Housing Partnership Development Agreement**

BACKGROUND: In July 2013 Council approved a Development Agreement with SWMHP relating to the 10th Street Townhome project which will create 42 new townhome apartments. In that Development Agreement the City agreed to provide certain incentives to help the SWMHP application for tax credits be successful.

A portion of those incentives was in-kind work that City crews could accomplish for less cost than a contractor would charge for the work. Some of this work has been completed, some will be done in the spring.

The City's actual cost to do the work was less than the value created for SWMHP. Since that was the case, Iowa Finance Authority has ruled that the City needs to make an additional contribution to the project so that the City's actual cost equals the value SWMHP represented in the application based on agreements with the City. The additional amount needed is \$27,011.66. Not doing so creates a risk that SWMHP might not receive all of their tax credits.

FISCAL IMPACT: Staff is recommending a partial rebate of the building permit fee which has already been paid. The total amount of the permit fee was \$53,574.53 of which \$12,600 for sewer and water hookup fees were waived as part of the original incentive package. Providing the rebate of \$27,011.66 will result in the City collecting a net amount of \$13,963.47 for the permit.

RECOMMENDATION: Approve the Resolution

ATTACHMENTS:

Description	Type
 Resolution No. 60-R-2013-2014	Resolution
 Amendment #1 to Development Agreement	Backup Material

RESOLUTION NO. 60-R-2013-2014

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

WHEREAS, by Resolution No. 02-R-2013-2014, adopted July 1, 2013, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the #4 LMI Housing Urban Renewal Plan (the "Plan") for the #4 LMI Housing Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

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

WHEREAS, 10th Street Townhomes LLLP (the "Developer") has proposed a First Amendment to the Agreement for Private Development ("Amendment") between Developer and the City which would obligate the City to reimburse Developer for a portion of the Building Permit Fee paid by Developer in the amount of \$27,011.06; and

WHEREAS, Iowa Code Chapters 15A and 403 authorize cities to make loans and grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Amendment is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code taking into account any or all of the factors set forth in Chapter 15A, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.

- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds; and

WHEREAS, pursuant to notice published as required by law, this Council has held a public meeting and hearing upon the proposal to approve and authorize execution of the Amendment and has considered the extent of objections received from residents or property owners as to said proposed Amendment; and, accordingly the following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That the performance by the City of its obligations under the Amendment, including but not limited to making of loans and grants to the Developer in connection with the development of the Development Property under the terms set forth in the Amendment, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403 of the Iowa Code, taking into account the factors set forth therein.

Section 2. That the form and content of the Amendment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Amendment for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Amendment, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Amendment as executed.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

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

This First Amendment ("First Amendment" or "Amendment") is made as of the _____ day of _____, 2014, to the **AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN THE CITY OF STORM LAKE AND 10TH STREET TOWNHOMES LLLP** ("Original Agreement") dated August 2, 2013, between the City of Storm Lake, Iowa ("City") and 10th Street Townhomes LLLP ("Developer").

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

WHEREAS, the parties have now agreed to amend the Original Agreement to provide for a rebate of a portion of the Building Permit Fee that Developer previously paid in full to the City; and

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

NOW, THEREFORE, it is agreed by the parties:

1. All capitalized words have the same definitions as in the Original Agreement.
2. A new Section 4.4 is inserted as follows:

Building Permit Fee. Upon approval of this First Amendment by the Storm Lake City Council and execution by the parties, the City agrees to reimburse Developer for a portion of the Building Permit Fee previously paid by Developer in the amount of \$27,011.06.

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

IN WITNESS WHEREOF, the City has caused this First Amendment to be duly executed in its name and behalf by its Mayor and its seal to be hereunto duly affixed and attested by its City Clerk, and Developer has caused this First Amendment to be duly

Draft 1/7/14

executed in its name and behalf by its Authorized Representative, all on or as of the date first written above.

CITY OF STORM LAKE, IOWA

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

(SEAL)

10TH STREET TOWNHOMES LLLP

By its Co-General Partner:
Southwest Minnesota Housing Partnership

Rick Goodemann, Chief Executive Officer

AND

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

Rick Goodemann, Chief Executive Officer

00988646-1\11149-064

Draft 1/7/14

Staff Summary

2/17/2014

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: Jennifer Movall, Finance Department Manager

SUBJECT: **Motion Setting Public Hearing On Fiscal Year 2014-2015 Budget**

BACKGROUND: This agenda item will set the public hearing for the Fiscal Year 2014-2015 Budget for Monday, March 3rd, 2014 at 5:00 PM in the City Hall Council Chambers.

The State of Iowa Code requires that the city hold a public hearing on the proposed Fiscal Year 2014-2015 Budget prior to adoption of the budget by resolution. Notice of the public hearing will be published in the newspaper as required by State Code.

FISCAL IMPACT: The fiscal impact for the motion to set the public hearing is the cost of publication.

RECOMMENDATION: Set the Public Hearing for Monday, March 3, 2014 at 5:00 PM

Staff Summary

2/17/2014

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: Jennifer Movall, Finance Department Manager

SUBJECT: **Motion Setting Public Hearing On FY 2015-2019 Five-Year Capital Improvements Plan**

BACKGROUND: This agenda item will set the public hearing for the Fiscal Year 2015-2019 Five-Year Capital Improvements Plan for Monday, March 3, 2014 at 5:00PM in the City Hall Council Chambers.

Section 384.15 of the State of Iowa Code requires that the City hold a public hearing on the proposed Fiscal Year 2015-2019 Five-Year Capital Improvement Plan prior to adoption of the plan by resolution. Notice of the public hearing will be published in the newspaper as required by State Code.

FISCAL IMPACT: The fiscal impact for the motion to set the public hearing is the cost of publication.

RECOMMENDATION: Set the Public Hearing for March 3, 2014 at 5:00PM

Staff Summary

2/17/2014

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: Jennifer Movall, Finance Department Manager

SUBJECT: **Resolution No. 61-R-2013-2014 Approving & Authorizing Amendment To Loan And Disbursement Agreement For \$7,500,000 Water Revenue Capital Loan Note, Series 2003**

BACKGROUND: This resolution will approve and authorize an amendment to the Loan and Disbursement Agreement between the City of Storm Lake and the Iowa Finance Authority for the \$7,500,000 Water Revenue Capital Loan Note, Taxable Series 2003. This State Revolving Loan (SRF) was for the construction of the new Water Plant back in 2002-2003.

In November 2013 we received a letter from the Iowa Finance Authority stating that effective December 2013, the interest rate on our loan was being reduced from 3% to 1.75%. This interest rate reduction will save the City \$337,900 in interest over the remaining life of the loan which will be paid off June 1, 2024.

The approval of this resolution will amend the Loan and Disbursement Agreement with Iowa Finance Authority to properly reflect the new interest rate of 1.75%.

FISCAL IMPACT: The fiscal impact for this resolution is a reduction in interest of \$337,900.

RECOMMENDATION: Approve the Resolution Authorizing the amendment to the Loan and Disbursement Agreement.

ATTACHMENTS:

Description	Type
 Resolution No. 61-R-2013-2014	Resolution

RESOLUTION NO. 61-R-2013-2014

A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO LOAN AND DISBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF STORM LAKE AND THE IOWA FINANCE AUTHORITY, AND AUTHORIZING AND PROVIDING FOR THE REISSUANCE OF THE \$7,500,000 WATER REVENUE CAPITAL LOAN NOTE, TAXABLE SERIES 2003, OF THE CITY

WHEREAS, the City of Storm Lake (hereinafter the "Issuer") previously issued its Water Revenue Capital Loan Note, Taxable Series 2003, dated August 5, 2003, to the extent of \$7,500,000 (hereinafter the "Note") currently outstanding in the amount of \$4,664,000, pursuant to a Loan and Disbursement Agreement between Issuer, the Iowa Finance Authority, the Iowa Department of Natural Resources and Wells Fargo Bank, N.A., dated of like date (the "Agreement"), for the purpose of defraying the costs of the Project (as defined in the resolution authorizing issuance of the same (hereinafter the "Resolution")); and

WHEREAS, the Iowa Finance Authority, as Original Purchaser and current holder of the Notes, has authorized a reduction in the interest rate on the Notes to 1.75%; and

WHEREAS, an Amendment to the Loan and Disbursement Agreement (hereinafter the "Amendment") has been prepared to reflect said interest rate reduction, a copy of which is attached hereto as Exhibit A.

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

- Section 1. That the Resolution is hereby amended to reflect the interest rate reduction to 1.75% per annum on the outstanding principal amount from and after December 1, 2013 for the remainder of the life of the Notes.
- Section 2. That the Amendment in substantially in the form attached to this Resolution is hereby authorized to be executed and issued on behalf of the Issuer by the Mayor and attested by the City Clerk.
- Section 3. Except as amended herein, all of the other terms and conditions of the Resolution and Agreement are in all respects ratified, confirmed and approved and shall remain in full effect.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

2/17/2014

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: **Resolution No. 62-R-2013-2014 Setting Public Hearing On Amendment #1 To Storm Lake Urban Revitalization Program**

BACKGROUND: The City of Storm Lake last adopted and updated the Urban Revitalization Plan in 2005. That plan was good for 20 years and provides for the opportunity for tax abatement with the City limits as of the date of adoption.

Since 2005 the City has expanded its borders and has added three (3) more Urban Renewal Areas (URA) of which tax abatement can have a negative impact on the overall goals of the URA. Thus staff has worked with Simmering & Cory staff and our legal counsel to update the plan through the provided amendment which is attached to this staff summary.

The amendment provides for the following changes:

- * Provides for the extension of the plan to 2024
- * Provides for newly annexed areas (those annexed since 2005) to be included in the Urban Revitalization Area and provides that all new annexations become eligible upon approval of the annexation
- * Excludes Tax Abatement benefits from properties in an existing Urban Renewal Area (The City could still choose to incentivize development and/or expansion through the Urban Renewal process instead of Urban Revite)
- * Provides for the same abatement rules as in the 2005 plan with the exception of multi-residential housing which is not eligible for benefits in the new plan

Prior to approval of the amendment of the plan the City must publish and hold a public hearing on the plan. This agenda item will set a public hearing for Monday, March 3, 2014 at 5:00PM on this amendment and direct staff to publish the notice as required by Iowa Law.

Additional information including the full original plan from 2005 and

the proposed amendment #1 are available on the City's web page at www.stormlake.org/taxabatement.

FISCAL IMPACT:

Fiscal Impact of this agenda item is estimated to be \$150.00.

The total cost of the amendment is estimated to be \$5,000.00.

RECOMMENDATION:

Approve Resolution No. 62-R-2013-2014 to Set Public Hearing for 5:00PM on March 3, 2014

ATTACHMENTS:

Description	Type
 Amendment 1 To Urban Revitalization Plan	Policy
 Resolution No. 62-R-2013-2014	Resolution

URBAN REVITALIZATION PLAN

STORM LAKE REVITALIZATION AREA

CITY OF STORM LAKE, IOWA

February, 2005
Amendment #1 – March, 2014

SIMMERING-CORY, INC.

AMENDMENT #1 TO STORM LAKE URBAN REVITALIZATION PLAN

The City of Storm Lake (“City”) Urban Revitalization Plan (“Revitalization Plan” or “Urban Revitalization Plan”) for the Storm Lake Urban Revitalization Area (“Revitalization Area” or “Area”), dated February 2005, is being amended to:

- (a) extend the expiration date of the Plan to January 1, 2024;
- (b) prohibit any eligibility for exemptions under this Plan for properties located within an urban renewal area;
- (c) to amend the description of the Area to include the entire City limits as of January 1, 2014, thus including all annexed areas since the Original Plan was adopted in 2005; and
- (d) provide that future annexed property shall be automatically included within the Area upon the effective date of annexation.

Except as modified by this Amendment #1 (“Amendment”), the provisions of the original Storm Lake Urban Revitalization Plan are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

C. DESCRIPTION OF THE AREA

The original Storm Lake Revitalization Area (“Area”) included the entire area within the corporate limits as it existed on February 21, 2005, except that part of the City located south of Richland Street and east of Flint Drive. The excepted area had been designated as an Urban Renewal Area. The City has now determined to include the entire City within the Revitalization Area. However, all property within the City that is within a current or future Urban Renewal Area will not be eligible for any benefits under this Plan. (See Section R.)

The legal description of the Urban Revitalization Area is attached as Exhibit A.

Section J Modified: Section J of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

J. TIME FRAME

The Area shall be eligible for tax abatement under the Revitalization Plan until January 1, 2024. This means the improvements must be completed during the 2023 calendar year so that the assessor can make a full assessment of the improvements as of January 1, 2024. If, in the opinion of the City Council, the desired level of revitalization has been attained or

economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Revitalization Area, pursuant to Section 404.7 of the Code of Iowa at any time prior to February 1, 2024. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City may also extend the time period for tax abatement at any time.

Section K Modified: Section K of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

K. EXEMPTIONS

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the improvements. The exemption is for a period of five (5) years.

All qualified real estate assessed as commercial property is eligible to receive a fifty percent (50%) exemption from taxation on the actual value added by the improvements. The exemption is for a period of three (3) years.

No exemption is applicable to commercial property that consists of three or more separate living quarters with at least 75% of the space used for residential use or for property classified as multiresidential property.

Section N Modified: Section N of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

N. OTHER SOURCES OF REVITALIZATION FUNDS

The City encourages the investment and reinvestment of funds to construct new or rehabilitate existing residential properties in the community. As such, the City has a history of utilizing various funding sources, including CDBG (Community Development Block Grant) and IFA (Iowa Finance Authority) programs for financing improvements to residential properties.

It is not the intention of the City of Storm Lake to prohibit the use of these or other appropriate federal or state revitalization or incentive programs within the Revitalization Area.

New Section R: The Storm Lake Urban Revitalization Plan is amended by adding a new Section R, which is adopted to read as follows:

R. EXCLUSION OF BENEFITS IN URBAN RENEWAL AREAS

Property located within any current or future Urban Renewal Area established in the City is ineligible for any Exemptions under this Plan.

Accordingly, in the future, as boundaries of existing or future Urban Renewal Areas are amended, or if new Urban Renewal Areas are established or modified, the land area within such Urban Renewal Areas shall automatically become ineligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

Likewise, if in the future, an Urban Renewal Plan expires or if an amendment removes property from an Urban Renewal Area and consequently such land is no longer within an Urban Renewal Area, such land shall automatically become eligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

A map of the current Urban Renewal Areas is attached hereto as Exhibit B. These areas will be modified in the future. For current information on the boundaries of the City's Urban Renewal Areas, see the City Clerk.

New Section S: The Storm Lake Urban Revitalization Plan is amended by adding a new Section S, which is adopted to read as follows:

S. ANNEXED AREAS TO BE INCLUDED

The Urban Revitalization Plan for the Storm Lake Urban Revitalization Area was adopted by Resolution #48-R-2004-2005 on February 21, 2005 (Original Plan).

This Amendment #1 to the Storm Lake Urban Revitalization Plan adds the additional property that has been annexed by the City of Storm Lake since the adoption of the Original Plan. For all property annexed after February 21, 2005, up to and through December 31, 2013, such property is eligible for exemptions under this Urban Revitalization Plan for projects on or after the effective date of this Amendment #1 to the Urban Revitalization Plan.

For all property annexed after January 1, 2014, and in the future, such property shall be automatically included within the Area as of the effective date of annexation and the provisions of the Plan, as amended, shall be applicable to such property.

Note, however, if annexed property is located within a current or future Urban Renewal Plan, as amended, such property is not eligible for abatement, meaning such property is not eligible for the Exemptions under Section K.

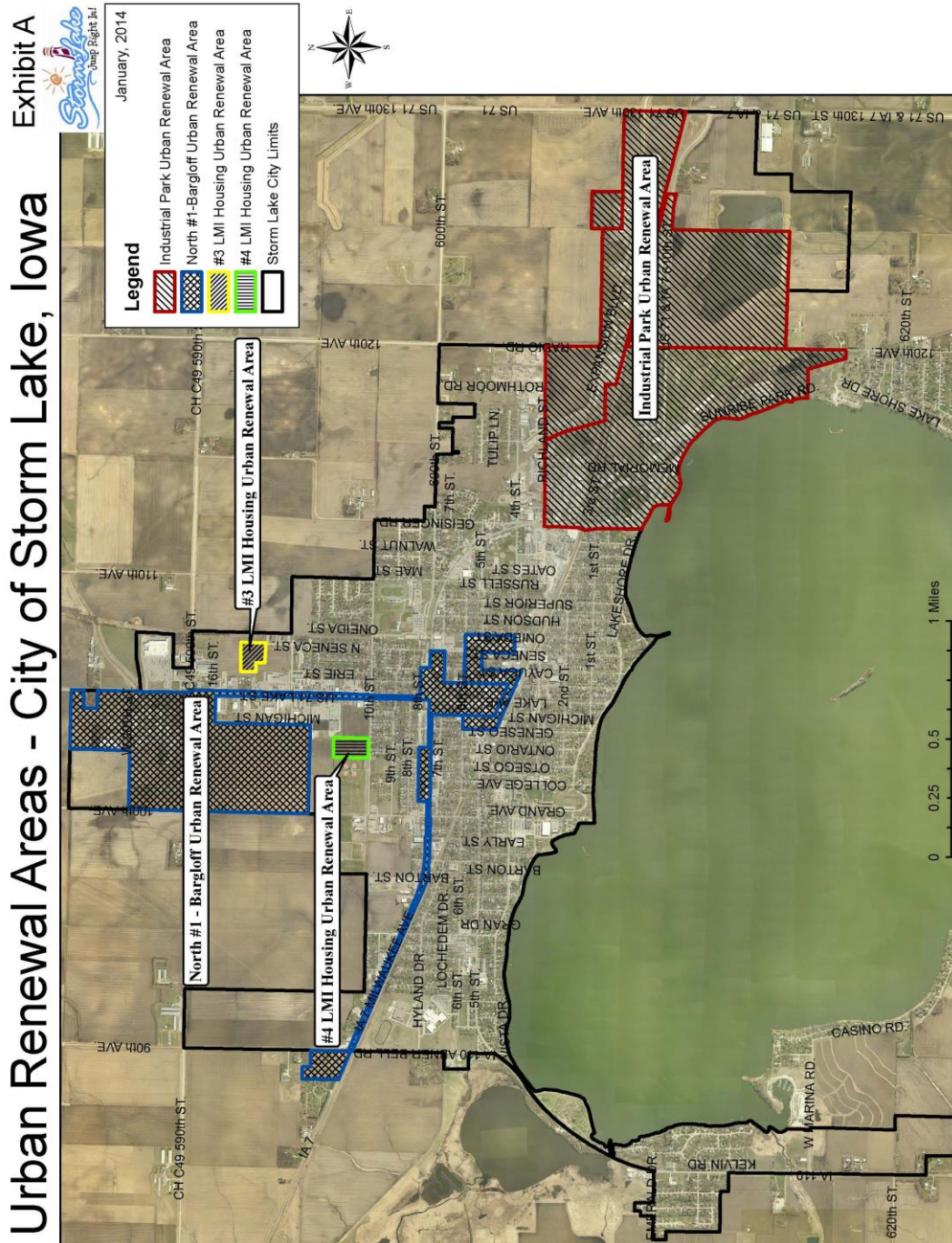
EXHIBIT A

Legal Description of Urban Revitalization Area

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

EXHIBIT B

Map showing current Urban Renewal Areas that are not eligible for any Exemptions under this Revitalization Plan. Property within future modifications, additions and/or deletions of urban renewal areas are likewise not eligible for any Exemptions under this Revitalization Plan.



RESOLUTION NO. 62-R-2013-2014

RESOLUTION DETERMINING THE NECESSITY AND FIXING DATE FOR A PUBLIC HEARING ON THE MATTER OF THE ADOPTION OF A PROPOSED AMENDMENT NO. 1 TO STORM LAKE URBAN REVITALIZATION PLAN

WHEREAS, the Council has determined that certain areas within the City of Storm Lake can be revitalized and the potential for certain permitted commercial and residential development enhanced by the adoption of an urban revitalization plan as authorized by Chapter 404, Code of Iowa (the "Act"); and

WHEREAS, a proposed Amendment No. 1 ("Amendment") to Storm Lake Urban Revitalization Plan (the "Plan") has been prepared, the purpose of which is to extend the expiration date of the Plan, amend the legal description to include the entire City limits as of January 1, 2014, provide that future annexed property shall be automatically included within the Area, and prohibit any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area; and

WHEREAS, the property within the Area, after the proposed Amendment is adopted will be legally described as follows:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

WHEREAS, before such Amendment can be adopted, it is necessary pursuant to Iowa Code Section 404.2(6) that a public hearing be held thereon and that due notice be given in accordance with the requirements of the Act.

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

Section 1. It is determined that the rehabilitation, conservation, redevelopment, economic development or a combination thereof of the Area is necessary in the interest of the public health, safety, or welfare of the residents of the city, and the Area substantially meets the criteria of Section 404.1 and the proposed Amendment No. 1 to Storm Lake Urban Revitalization Plan, attached to this Resolution as Exhibit 1, is declared to substantially meet the criteria of Iowa Code Section 404.1.

Section 2. It is determined that it is in the best interests of the citizens of the City of Storm Lake, Iowa to hold a public hearing on the matter of the adoption of the Amendment No. 1 to Storm Lake Urban Revitalization Plan, on the 3rd day of March, 2014 at 5:00 o'clock P.M., in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa.

Section 3. That the City Clerk be and is hereby directed to publish a notice of a public hearing on the Amendment No. 1 to the Storm Lake Urban Revitalization Plan, at least once not

less than seven days prior to the date of said public hearing, as provided in Section 404.2(6) of the Code of Iowa. March 3rd is the next regularly scheduled city council meeting after the publication of the notice.

Section 4. Be it further resolved that copies of the Amendment No. 1 to Storm Lake Urban Revitalization Plan be made available to the public through the office of the City Clerk.

Section 5. The notice of the proposed hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL
OF THE CITY OF STORM LAKE, IOWA, ON THE MATTER OF THE
ADOPTION OF A PROPOSED AMENDMENT NO. 1 TO STORM LAKE
URBAN REVITALIZATION PLAN

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing on the 3rd day of March, 2014, at 5:00 o'clock P.M., in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at which meeting the Council proposes to take action on the adoption of an Amendment No. 1 to Storm Lake Urban Revitalization Plan described therein, under the authority of Chapter 404 of the Code of Iowa, as amended.

The proposed Storm Lake Urban Revitalization Area is legally described as follows:

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

The Amendment No. 1 to the Storm Lake Urban Revitalization Plan extends the expiration date of the Plan, amends the legal description to include the entire City limits as of January 1, 2014, provides that future annexed property shall be automatically included within the Area, and prohibits any eligibility for exemptions under this Plan for properties located within a current or future urban renewal area.

The Amendment No. 1 to Storm Lake Urban Revitalization Plan, if adopted, will allow property owners to apply for abatement on eligible improvements to certain residential property or commercial property. Limitations will apply.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amendment. The proposed Amendment, including a map of the area, is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours. The Amendment is also posted on the City's website at www.stormlake.org/taxabatment.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Section 404.2(6) of the Code of Iowa, 2013, as amended.

Dated this ____ day of _____, 2014

City Clerk of Storm Lake, Iowa
(End of Notice)

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Exhibit 1

URBAN REVITALIZATION PLAN

STORM LAKE REVITALIZATION AREA

CITY OF STORM LAKE, IOWA

**February, 2005
Amendment #1 – March, 2014**

SIMMERING-CORY, INC.

AMENDMENT #1 TO STORM LAKE URBAN REVITALIZATION PLAN

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- (d) provide that future annexed property shall be automatically included within the Area upon the effective date of annexation.

Except as modified by this Amendment #1 (“Amendment”), the provisions of the original Storm Lake Urban Revitalization Plan are hereby ratified, confirmed and approved and shall remain in full force and effect as provided therein.

C. DESCRIPTION OF THE AREA

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The legal description of the Urban Revitalization Area is attached as Exhibit A.

Section J Modified: Section J of the Storm Lake Urban Revitalization Plan is hereby repealed and the following adopted in lieu thereof:

J. TIME FRAME

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within such Urban Renewal Areas shall automatically become ineligible for Exemptions under Section K of this Urban Revitalization Plan, without the need for an amendment to the Urban Revitalization Plan.

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For all property annexed after January 1, 2014, and in the future, such property shall be automatically included within the Area as of the effective date of annexation and the provisions of the Plan, as amended, shall be applicable to such property.

Note, however, if annexed property is located within a current or future Urban Renewal Plan, as amended, such property is not eligible for abatement, meaning such property is not eligible for the Exemptions under Section K.

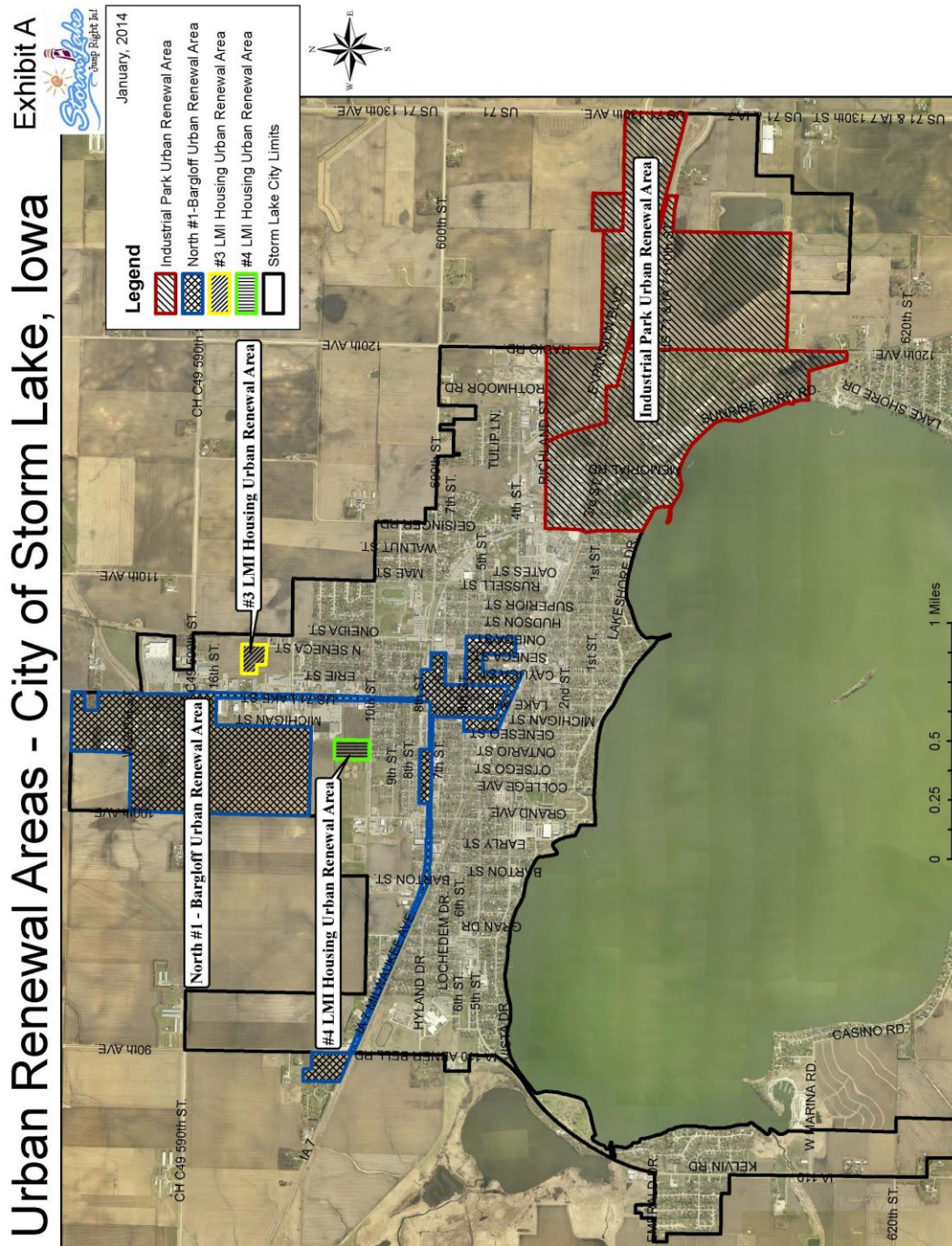
EXHIBIT A

Legal Description of Urban Revitalization Area

Entire corporate limits as of January 1, 2014. The Area shall also include all area annexed into the City after January 1, 2014, effective immediately upon the effective date of the annexation of such area.

EXHIBIT B

Map showing current Urban Renewal Areas that are not eligible for any Exemptions under this Revitalization Plan. Property within future modifications, additions and/or deletions of urban renewal areas are likewise not eligible for any Exemptions under this Revitalization Plan.



Staff Summary

2/17/2014

Agenda Item # 13.



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: **Resolution No. 63-R-2013-2014 Setting Public Hearing & Consultation Session Prunty/Zinn Annexation**

BACKGROUND: The City of Storm Lake is in receipt of a request for voluntary annexation by the Prunty & Zinn family for two parcels of Land that are located on the south side of East Milwaukee Ave. and are contiguous with the City limits to the south.

Previously in 2009 Mr. Floyd Courtright signed an agreement with the City of Storm Lake that allowed him to continue to receive water and sanitary sewer services from the city at the in city rate per an oral agreement back in the 60's or 70's until such time as he no longer resided at the property or transferred ownership of the property.

Mr. Courtright passed away in 2013 and the property is in the ownership of his children triggering the clause that called for either the termination of services to the property or the voluntary annexation of the property to the City of Storm Lake.

Attached is the application for annexation for the two lots owned by Mr. Courtright and a map showing the location.

The annexation is 100% voluntary and because the property is within a two mile radius of another incorporated City, Lakeside, the City will have to proceed to the City Development Board for final approval.

The first step for the City is to set two meetings as follows:

1. A consultation session with other taxing bodies so that they may provide input on the annexation. The date recommended for this meeting will be March 11, 2014 at 9AM.
2. Recommend that a public hearing on the voluntary annexation request be set for Monday, May 5, 2014 at 5:00PM

Approval of this resolution will direct the City Clerk to publish the required notices for the annexation and to mail the appropriate notices for the two meetings to the required entities and property owners. The resolution also sets the dates as indicated in the information above.

FISCAL IMPACT:

The average cost of a voluntary annexation within two miles of another incorporated community is about \$2,000 including administrative costs and legal fees. The City covers these expenses out of the General Legal Expenses Account utilizing general fund revenues.

RECOMMENDATION:

Adopt Resolution No. 63-R-2013-2014

ATTACHMENTS:

Description		Type
	Prunty Zinn Annexation Map	Map
	Prunty Zinn Application for Annexation	Backup Material
	Resolution No. 63-R-2013-2014	Resolution

Property Owned By Suzanne Prunty & Sheryl Zinn



0 50 100 200 Feet

Exhibit "B"



Legend

-  Annexation Parcels
-  Roads
-  City Limits

Application for Voluntary Annexation
By
Suzanne Prunty and Wayne Prunty, Wife and Husband, and Sheryl Zinn and
William Zinn, Wife and Husband

To: City Council
City of Storm Lake, Iowa
City Hall
620 Erie Street
Storm Lake, IA 50588

Re: Annexation of real estate legally described on attached Exhibit "A" and referred to below as the
"Land"

The undersigned make(s) application to the City of Storm Lake, Iowa, and request(s) it to annex the Land which is generally shown on the map attached hereto as Exhibit "B". In support of this application, the undersigned represent(s) and warrant(s) as follows:

1. The undersigned is/are the sole owner(s) of the Land. The area of the Land to be annexed, including parts subject to easements and rights-of -way is: 2.751 acres.
2. The Land is located in Buena Vista County, Iowa, and is not located within any incorporated city.
3. The address of the Land, if any, is: 1502 E. Milwaukee, Storm Lake, IA 50588.
The Parcel Numbers of the Land for assessment and taxation purposes are:
14-02-201-006 and 14-02-201-007.
4. The undersigned consent(s) to the annexation of the Land by the City of Storm Lake, Iowa, whether the Land is the only real estate to be annexed or part of a territory to be annexed that includes real estate owned by others.
5. The undersigned acknowledge(s) that, pursuant to Iowa Code Section 368.7(e), the undersigned may withdraw this application for annexation at any time within three (3) business days after the public hearing held by the City of Storm Lake, Iowa, which hearing must be held before the City of Storm Lake, Iowa approves or denies the application for annexation. The undersigned waive(s) the right to withdraw this Application and waive(s) the right to withdraw the undersigned's consent to the proposed annexation.
6. *(Check one line)*
____ No business is currently providing solid waste collection services (garbage pickup) to the Land.
____ Solid waste collection services (garbage pickup) are currently being provided to a use on the Land by _____.

(Insert name and address of solid waste collection service.)

7. *(Check one line)*
____ No use on the Land receives public water service from any source.
____ Public water service is currently being provided to a use on the Land by:

(Insert name and address of water service provider.)
8. *(Check one line)*
____ No use on the Land receives electrical service from any source.
____ Electrical service is currently being provided to a use on the Land by:

(Insert name and address of electrical service provider.)
9. *(Check one line)*
____ No use on the Land receives natural gas service from any source.
____ Natural gas service is currently being provided to a use on the Land by:

(Insert name and address of natural gas service provider.)
10. *(Check one line)*
____ No use on the Land receives cable television service from any source.
____ Cable television service is currently being provided to a use on the Land by:

(Insert name and address of cable television service provider.)
11. *(Check one line)*
____ No use on the Land receives telephone service from any source.
____ Telephone service is currently being provided to a use on the Land by:

(Insert name and address of telephone service provider.)
12. *(Check one line)*
____ No use on the Land receives Internet service from any source.
____ Internet service is currently being provided to a use on the Land by:

(Insert name and address of Internet service provider.)
13. If an undersigned owner is an entity or a person acting as a trustee of a trust, the true legal name of the entity or the trust is shown below and the individual(s) signing on behalf of such entity or trust has/have legal authority to sign this Application on behalf of the entity or trust. Any such entity or trustee agrees to provide the City of Storm Lake, Iowa with written evidence of such authority.

Signatures of owners who are individuals:

(sign on above line) (Print or type name here:) Suzanne Prunty _____
Address and Phone #: 1324 450th Street, Cherokee, IA 51012; 712-437-2432

(sign on above line) (Print or type name here:) Wayne Prunty _____
Address and Phone #: 1324 450th Street, Cherokee, IA 51012; 712-437-2432

(sign on above line) (Print or type name here:) Sheryl Zinn _____
Address and Phone #: 811 West 10th Street, Spencer, IA 51301; 712-262-3718

(sign on above line) (Print or type name here:) William Zinn _____
Address and Phone #: 811 West 10th Street, Spencer, IA 51301; 712-262-3718

Exhibit "A"

**Legal Description for Real Estate Owned by
Suzanne Prunty and Wayne Prunty, Wife and Husband, and Sheryl Zinn and
William Zinn, Wife and Husband**

Part of the North Twenty-Five (25) acres of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., more particularly described as follows:

Beginning at a point 245 Feet East of the Northwest corner of said Northeast Quarter (NE $\frac{1}{4}$), thence East 274 Feet to the west line of Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., thence South along said lot line a distance of 350 Feet; thence South 90°00' West a distance of 274 Feet; thence North to the point of beginning; and Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., subject to existing road and easement for drainage.

RESOLUTION NO. 63-R-2013-2014

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED VOLUNTARY ANNEXATION

WHEREAS, the City of Storm Lake, Iowa has received an Application from the owners of property requesting that the City voluntarily annex their property which is generally adjacent to the northeastern boundary of the City of Storm Lake, located south of 600th Street and adjacent to, and east of, Redwood Drive, a private road, and is more specifically described as follows:

Parcels A and B, contiguous parcels identified for taxation purposes as Parcel Numbers 14-02-201-006 and 14-02-201-007, together owned by Suzanne Prunty and Wayne Prunty, wife and husband, and Sheryl Zinn and William Zinn, wife and husband, and together legally described as:

Part of the North Twenty-Five (25) acres of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., more particularly described as follows:

Beginning at a point 245 Feet East of the Northwest corner of said Northeast Quarter (NE1/4), thence East 274 Feet to the west line of Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., thence South along said lot line a distance of 350 Feet; thence South 90°00' West a distance of 274 Feet; thence North to the point of beginning; and Lot One (1), Block One (1), Ferry's Subdivision of part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Two (2), Township Ninety (90) North, Range Thirty-Seven (37) West of the Fifth P.M., subject to existing road and easement for drainage.

WHEREAS, the proposed annexation of such parcels is 100% voluntary;

WHEREAS, the territory proposed to be annexed adjoins the northeastern boundary of the City of Storm Lake, is outside the boundaries of any other city, is within two miles of the city limits of the City of Lakeside, Iowa, but is not within two miles of the boundaries of any city

other than the City of Lakeside, Iowa;

WHEREAS, the real estate proposed to be annexed adjoins 600th Street, also known as East Milwaukee Avenue, a Buena Vista County, Iowa road, on the north boundary of such real estate; and

WHEREAS, that part of the 600th Street right-of-way that adjoins and lies between the north boundary of the real estate described above and the centerline of 600th Street should be included with the real estate the applicants seek to annex in the territory to be annexed pursuant to the application.

NOW, THEREFORE, be it resolved by the City Council of the City of Storm Lake, Iowa as follows:

1. City staff shall hold a consultation meeting with regard to this proposed annexation with the Buena Vista County Board of Supervisors and the Hayes Township Trustees on March 11, 2014, at 9:00 a.m. at the Council Chambers in City Hall in Storm Lake, Iowa. City staff shall give notice to such Board and Trustees as required by law.

2. The City of Storm Lake shall consider the proposal to voluntarily annex the property described above. The meeting of the City Council at which the proposed annexation is to be considered shall be held in the Council Chambers at City Hall, Storm Lake, Iowa at 5:00 p.m. on the 5th day of May, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.

3. The City Clerk shall publish Notice of Hearing on Voluntary Annexation not less than 10 business days prior to the date of the hearing in the Storm Lake Times.

4. The City Clerk shall mail Notice to all owners of the adjoining land, to the Chairperson of the Buena Vista County, Iowa Board of Supervisors, to the affected utilities, and to all other parties giving notice of said public hearing as required by Iowa Code Section 368.7,

not less than 14 business days prior to the hearing. Such notices shall be sent by certified mail when required by the Iowa Code or Administrative Rules.

Moved by Council Member _____ to adopt and seconded
by Council Member _____.

Passed and approved this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

2/17/2014

Agenda Item # 14.



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: **Approve Engineering Agreement For Seneca Street Reconstruction**

BACKGROUND: The engineering agreement is with Bolton & Menk, Inc. for services to complete the necessary survey, preliminary design, final design, permitting and construction administration, staking and part time observations for the reconstruction of Seneca Street from Hwy 7 north approximately 400 feet.

The scope of work includes pavement removal and replacement with 7" PCC on a rock base with subdrains from the north line of Hwy 7 thru the Windsor Circle intersection. The plan anticipates the lowering of the street at the former railroad crossing and installing intakes on Seneca Street at the Windsor Circle intersection if sufficient depth is available at the existing storm sewer on Windsor Circle.

A temporary access entrance outside of the project area will need to be constructed to allow access for the Police Department.

Construction is anticipated to begin in the summer of 2014 with the roadway closed for approximately 4-6 weeks.

The cost for the engineering agreement is approximately \$23,500.

FISCAL IMPACT: Budgeted amount for the project is \$135,000

RECOMMENDATION: Approve engineering agreement

ATTACHMENTS:

Description	Type
☐ Map of Seneca	Map
☐ Engineering Agreement	Contract



S. Windsor

Seneca

HWY 7/Milwaukee



BOLTON & MENK, INC.®

Consulting Engineers & Surveyors

1900 North Grand Avenue • Suite E12 • Spencer, IA 51301

Phone (712) 580-5075

www.bolton-menk.com

February 12, 2014

Justin Yarosevich
Assistant City Manager
City of Storm Lake
P.O. Box 1086
Storm Lake, Iowa 50588

RE: Seneca Street Reconstruction, 2014

Dear Justin:

Bolton & Menk is pleased to provide the following scope of services and agreement to complete the necessary survey, preliminary design, final design, permitting, and construction administration, staking and part-time observation of improvements to Seneca Street from Hwy 7 to immediately north of the Windsor Circle intersection. The total project length is approximately 400 feet.

The scope of work includes pavement removal and replacement with 7" PCC on a rock base with sub-drains from the north line of Hwy 7 thru the Windsor Circle intersection. We anticipate lowering the street at the former railroad crossing and installing intakes on Seneca Street at the Windsor Circle intersection if sufficient depth is available at the existing storm sewer on Windsor Circle west of Seneca. To maintain access to the police/fire station during construction, it will be necessary to construct a temporary access entrance outside of the project area.

We understand that the City has established a budget for this project of \$135,000 in 2014. Construction is anticipated to occur in the summer of 2014. We anticipate the roadway will be closed for approximately 4-6 weeks during the construction phase.

We have assumed that with the exception of the improvements described above, no other utility relocations or improvements will be necessary. We will coordinate thru One-Call for utility locates within the project corridor.

The following provides a brief description of the tasks necessary to complete your project.

SCOPE OF SERVICES

TASK 1: Topographic Survey

Task 1.1 Design Survey

This will include field survey required to complete design of the proposed improvements.

TASK 2: Project Development, Final Design and Bidding Phase Services

Task 2.1 Meeting With City Staff

Bolton and Menk will meet with City staff to review the project scope and estimated cost. We will



then proceed with final plan development based on the decisions made at this meeting.

Task 2.2 Final Bidding Documents

Bolton & Menk will prepare a final plan set showing proposed improvements in accordance with the City and SUDAS requirements. We will develop the project manual and other items necessary to take the project to bid letting.

Major design components will include the following:

- Title sheet, special details, quantities and reference notes
- Roadway and storm sewer design drawings/details.
- The project manual will include the following items:
 - General Information for Bidders: Advertisement for Bids, Instructions to Bidders, Special Bidding requirements/provisions
 - General Supplementary Conditions
 - Information to be submitted with bid: Proposal and Bid Bond
 - Agreement, Performance, Payment and Maintenance Bond Forms
 - Technical Specifications, SUDAS

Task 2.3 Bidding Phase

Bolton & Menk will provide the following items during bidding phase services:

- Prepare advertisement for bids and submit to the City for publication
- Provide copies of the contract/bidding documents
- Address questions from prospective bidders, subcontractors and suppliers, and prepare and issue addenda as required
- Attend bid opening and prepare recommendation for Award

TASK 3: Construction Services

Task 3.1 Construction Contract Administration

During the term of the construction phase, Bolton & Menk will provide the following services: Review all shop drawing submittals, prepare pay estimates and other Contractor or City correspondence, conduct onsite visits, final inspection, and prepare a punch list and other close out documents.

Task 3.2 Preconstruction Conference

Bolton & Menk will attend and preside over a preconstruction conference. Attendees will include City staff, Contractor, Subcontractors, and utility companies. We will provide meeting minutes to all attendees.

Task 3.3 Construction Survey

Bolton & Menk will provide construction staking for the project. Staff will provide construction stakes for subgrade, storm sewer and paving.

Task 3.4 Resident Project Representation Services

Bolton & Menk will provide staff for part time, on-site observation during construction. These services are estimated at 16 hours per week for 6 weeks of construction. Staff will act as a liaison between the Contractor and the City and Engineer. They will mark out removals, measure quantities and present issues that arise to the Engineer for clarification.



Task 3.5 Final Inspection

We will meet one time with City staff and the Contractor near the completion of construction to review the work and note any issues or items that need to be resolved. A final punch list will be provided to the Contractor and to the City.

Task 3.5 Project Closeout

Bolton & Menk will provide Record Drawings based on RPR staff and Contractor records during construction. Verify that punch list items are complete and prepare final change order and pay request.

Items provided by the Client

- Application/permit fees
- Setting date and times for public meetings

COMPENSATION

<i>Task 1 (Topographic Survey):</i>	<i>\$ 2,300</i>
<i>Task 2 (Project Development):</i>	<i>\$ 9,800</i>
<i>NOT TO EXCEED</i>	<i>\$ 12,100</i>
 <i>Task 3 (Construction Services):</i>	 <i>\$ 11,400</i>
<i>HOURLY</i>	<i>\$ 11,400</i>

Upon authorization and Notice to proceed, we will schedule the Kick-off meeting with the City. We anticipate submitting the plans to the City for review within 6 weeks of receiving notice to proceed and bidding the project in the spring of 2014, for summer 2014 construction.

Bolton & Menk does not have any hidden costs for services. You will not be charged separately for indirect costs including mileage, survey supplies, computer time, copies, etc.

This scope of work will be completed and invoiced monthly at Standard Hourly Rates with an estimated fee of \$23,500. Any significant changes to the scope of work initiated by the City after initial submittal to the City may require an additional agreed upon fee.

We accept and agree to follow the terms of the federal "Contract Clause Requirements" attached to and made a part of the agreement.

This proposal is subject to the attached "Terms of Proposal".

We appreciate this opportunity and look forward to the continuation of our relationship.

Sincerely,

BOLTON & MENK, INC.


Neil Guess, P.E.
Principal Engineer

PROFESSIONAL SERVICES AGREEMENT

by and between
BOLTON & MENK, INC.
1900 N Grand Ave., Suite E12
Spencer, IA 51301
Ph. (712) 580-5075

and

Date of Agreement: February 12, 2014

Agreement Number: P11. _____

Project Location: Storm Lake, Iowa

Client

Name: City of Storm Lake, Iowa

Address: 620 Erie Street

Address: _____

City: Storm Lake State Iowa Zip 50588

(hereinafter referred to as Client)

Phone No.: 712-732-8000

Fax No.: 712-732-4114

Agent or Person Ordering Services and/or Billing Address (if different)

Agent or Person Ordering Services: James Patrick, City Manager

Address: _____

City: _____ State _____ Zip _____

Phone No.: _____

Fax No.: _____

Fee Arrangement

Task 1 & Task 2 - Not to exceed \$12,100.

Task 3 - Hourly Estimate \$11,400

Scope/Intent and Extent of Services

Scope of Work is to be completed as outlined in the attached Letter Proposal.

Special Conditions

BMI and Client agree to the Terms and Conditions as stated above and on the second page of this Agreement. The below signed represents that he or she has been authorized to accept this agreement on behalf of the Client.

Offered by: Bolton & Menk, Inc.

Accepted by:

Neil Guess, PE Principal Engineer

print name/title

John F. Kruse, Mayor

print name/title



2/12/14

signature and date

signature and date

Terms and Conditions

Bolton & Menk, Inc.

BMI shall perform the services outlined in this agreement for the stated fee arrangement.

Access to Site: Unless otherwise stated, Client agrees to provide BMI with access to the site, including adjoining properties, for activities necessary for the performance of services. It is understood that in the normal course of work, property damage may occur due to excavations, tree and brush trimming, marking lines, etc. The cost to correct resulting damages has not been included in the fee. BMI will take precautions to minimize damage due to these activities and the Client agrees to reimburse BMI for any costs associated with required restoration work.

Dispute Resolution: Any claims or disputes made during or after the performance of services between BMI and the Client, with the exception of claims by BMI for non-payment of services rendered, shall be submitted to mediation before any other lawful dispute resolution is commenced by either party.

Billings and Payments: Invoices for BMI's services shall be submitted, at BMI's option, either upon completion of such services or on a monthly basis. Invoices shall be due and payable within 30 days after the invoice date. If the invoice is not paid within 30 days, BMI may, without waiving any claim or right against the Client, and without liability whatsoever to the Client, terminate the performance of the service.

Late Payments: Accounts unpaid 30 days after the invoice date will be subject to a monthly service charge of 1.5% on the unpaid balance. If any portion or all of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

Standard of Care: Professional services provided under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of BMI's profession currently practicing under similar conditions.

BMI makes no expressed or implied warranty with respect to its undertakings described herein.

Certifications: Any certification provided by BMI is a professional opinion based upon knowledge, information and beliefs available to BMI at the time. Such certifications are not intended and shall not be construed as a guarantee or warranty. BMI shall not be required to certify the existence of conditions whose existence BMI cannot ascertain.

Limitation of Liability: In recognition of the relative risks, rewards and benefits of the project to both the Client and BMI, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, BMI's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claimed expenses arising out of the performance of this agreement from any cause or causes, shall not exceed \$50,000.00. Such claims include, but are not limited to, BMI's negligence, errors, omissions, strict liability, breach of contract, or breach of warranty.

Initial here: _____ (BMI) _____ (Client).

Termination of Services: This agreement may be terminated by the Client or BMI should the other fail to perform its obligations hereunder. In the event of termination, the Client shall pay BMI for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses.

Ownership of Documents: All documents, including reports, specifications, drawings, field data, notes and documents or electronic media prepared or furnished by BMI under this agreement shall remain the property of BMI. The Client may make and retain copies for its use in connection with this project. However, such documents are not intended for reuse by the Client on any other project or any use by others without the written consent of BMI.

Staff Summary

2/17/2014

Agenda Item # 15.



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: **Ordinance No. 04-O-2013-2014 Make the Intersection of 13th Street and Seneca Street a 4 Way Stop - 3rd Reading**

BACKGROUND: Due to concerns about increased vehicular and pedestrian traffic at the intersection of 13th Street and Seneca Street and in advance of the new apartment complex opening north of that intersection, we are requesting a change in the ordinance to make this intersection a 4 way stop. This would increase the safety of vehicular and pedestrian traffic.

The Police Department has received comments and requests for stop signs from community members as well as feedback at their summer Neighborhood Outreach Programs in that area.

The Police Department has also received complaints of traffic speed increasing in this area and an overall increase in vehicular traffic already without the addition of the new apartment complex.

FISCAL IMPACT: 4 stop signs and post would be the only fiscal impact at a cost of \$150.00 a sign.

RECOMMENDATION: Pass and adopt Ordinance No.
First reading January 20, 2014 - APPROVED
Second reading February 3, 2014 - APPROVED
Third reading February 17, 2014

ATTACHMENTS:

Description	Type
☐ Ordinance No. 04-O-2013-2014	Ordinance

ORDINANCE NO. 04-O-2013-2014

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 3 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA BY THE ADDITION OF STOP SIGNS

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

Section 1. Title 9, Chapter 7, Section 3 of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa is hereby amended by the addition of the following unnumbered Subsection at the end of said Section 3 (Stop Signs Required) as it now reads:

All corners of the intersection of Thirteenth Street and North Seneca Street

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 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

Justin Yarosevich, City Clerk

Staff Summary

2/17/2014

Agenda Item # 16.



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

REPORT TO: Honorable Mayor and City Council

FROM: Scott Olesen, Building Official

SUBJECT: **Ordinance No. 05-O-2013-2014 Amendments To Title 10, Chapter 1, Of The Storm Lake City Code Regarding Sidewalks - Third Reading**

BACKGROUND: City staff is in the process of updating our inspection process and forms as well as creating an inspection policy. As a part of that process, City staff has reviewed our inspection procedures and Title 10, Chapter 1 of the Storm Lake City Code with the City Attorney.

The current sidewalk inspection procedure has been in place since 1995. City staff performs annual inspections on sidewalks within the City every spring. On going annual inspections are integral to maintaining safe pedestrian walks which are an important asset to the community. It also helps to reduce the liability associated with trips and falls if sidewalks are allowed to fall into disrepair.

The City is split up into five different "zones" and the procedure is to inspect a different zone every year such that sidewalks are inspected at least once every four years. See the attached map which identifies the five zones.

The exception to this has been the zone containing the Central Business District, since this area has a large amount of pedestrian traffic. Inspections of the Central Business District are done annually. None of the timing for the inspections is proposed to be changed.

The proposed changes to the inspection policy would also require the City Hike and Bike Trail system to be inspected annually.

The proposed changes to Title 10, which are attached to this staff summary, will all be amendments to existing sections. The major changes are as follows:

After reviewing our current City Code and the State Code, the City Attorney determined that we will need to send our sidewalk repair

notices via certified mail in order to be able to assess the work done by the City for those that fail to correct the deficiencies on their own within the allowed timeline.

Initially, City staff recommended that the Council approve a fee for sidewalk permits issued for repairs under this program. After receiving public input on this, City staff reviewed the need to charge a permit fee and determined that that City could opt to NOT charge a permit fee at the current time. City staff proposes to implement revisions in the sidewalk inspection process including multiple types of notification and education of the community about the sidewalk inspection process. The staff feels that this improved process could reduce the number of properties that are out of compliance and therefore reduce the City's cost of implementing the program. Staff would like to review the program over at least two inspection cycles to determine if the changes to the program have improved compliance. If the changes do not reduce the costs of the program, then permit fees could be revisited for approval at that time.

The Code has also been updated to clarify the period allowed for installation of sidewalks where they did not previously exist and for repairs which are required to be made to sidewalks as a result of City inspections. None of these timelines will change from what is currently allowed but the timing was not previously included in the ordinance and will now be. This will allow the City to enforce the ordinance more effectively.

The change to the City Code also clarifies that the City will remove and replace a damaged section of sidewalk rather than make surface repairs to effect a more long term solution in the event that the owner chooses to have the work assessed and/or does not complete the work in the required time. New/repared sidewalks will be constructed to ADA standards.

The intent of the updates to the current inspection program are to bring our City Ordinance in line with the current State Code requirements for notices for repairs, clarify the assessment process, and update our forms and procedures to make the process more efficient.

Finally, staff has produced an administrative policy that will provide guidance and work flow as to how the process outlined in the ordinance will be administered. Council will find the administrative policy attached to this staff summary as well as copies of the sidewalk inspection zone map, a sidewalk inspection program brochure, a copy of the proposed ordinance update, and a copy of the sidewalk inspection criteria.

FISCAL IMPACT:

The fiscal impact includes attorney fees for review of the City Code and inspection process which are anticipated to be in the range of \$500.00, as well as costs for certified mailings to property owners with deficient sidewalks estimated at between \$500 to \$1,000.

RECOMMENDATION:

Approve Ordinance No. 05-O-2013-2014

1st Reading - January 20, 2014 - APPROVED
2nd Reading - February 3, 2014 - APPROVED
3rd Reading - February 17, 2014

ATTACHMENTS:

Description	Type
 Ordinance No. 05-O-2013-2014	Ordinance
 Sidewalk Zone Map	Map
 Sidewalk deficiencies	Backup Material
 Sidewalk Brochure	Backup Material
 Sidewalk Administrative Policy	Policy

ORDINANCE NO. 05-O-2013-2014

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1, SECTIONS 2, 3, 5, 8, 9, 10, 11, 12 AND 15 OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA FOR THE PURPOSE OF UPDATING THE PROVISIONS OF THE CITY CODE RELATING TO SIDEWALKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA THAT THE FOLLOWING CODE SECTIONS ARE AMENDED AS SET FORTH HEREAFTER.

Section 1. Section 10-1-2 is hereby amended by the addition of the following the text of this Section as it currently reads:

“If standards determined pursuant to the Americans with Disability Act (ADA) require construction to a higher standard, the ADA Standard shall apply.”

Section 2. Section 10-1-3 is hereby amended by the addition of the following sentence following the text of that Section as it currently reads:

“The Notice shall provide that the owner must obtain a permit to make such sidewalk improvements at such cost for the permit as is prescribed from time to time by resolution by the Council, and shall provide a time limit in which the construction of the sidewalk must be completed, and which time limit shall not be less than 120 days.”

Section 3. Section 10-1-5 is hereby amended by adding the language set forth hereafter immediately following the text of the Section as it currently reads:

“When the City assesses the cost of constructing a sidewalk across the property where no sidewalk has previously existed, the property owner may elect to make the payments in equal payments over a period of not more than four years plus interest at the rate of five percent.”

Section 4. Section 10-1-8 is hereby amended by deleting the word “Administrator” wherever it appears in this Section and substituting the term “Manager” in its place.

Section 5. Section 10-1-9 is hereby amended by deleting the language of the present Section and substituting the following language within its place:

“Section 10-1-9 Owner’s Responsibility On Receiving Notice To Repair.

Upon receipt of Notice to Repair Sidewalks, all homeowners shall, within sixty (60) calendar days thereafter, first obtain a permit from the Code Enforcement Officer and pay the charge for said permit. The Application for the permit shall include the name of the contractor purposed to do the repair or replacement, or alternatively, provide notice that the owner will personally do

the work and provide the tentative date of the repairs and provide notice as to whether the owner intends to repair or replace the sidewalk.

Following the issuance of this permit and within the same sixty (60) day time frame set forth above, all sidewalk repair or replacement as required in the Notice to the property owner shall be completed. For good cause shown, the City Manager is hereby authorized to extend the period of time for completion of sidewalk repair or replacement beyond the sixty (60) day period for such additional period of time as the manager deems reasonable.”

Section 6. Section 10-1-10 is hereby amended by deleting the word “Administrator” wherever it appears and substituting the word “Manager” in its place. In addition, the following additional sentences shall be inserted at the end of Section 10-1-10 as follows: “Homeowners are given notice that if they fail to make the repairs required and if the City must then proceed, pursuant to this Section, to make the repair, it will be the policy of the City to make all repairs by removing the affected sections of the sidewalk and replacing them with new concrete notwithstanding that the homeowner might have pursued other possible remedies to bring the sidewalk into compliance. For assessments made pursuant to this Section, the property owner shall have the option of paying the assessment over a two (2) year period with interest at five percent (5%).

Section 7. Section 10-1-11 is hereby amended by deleting the language as it presently reads and substituting the following language in its place:

“Section 10-1-11 Appeal Of Notice To Repair Or Notice Of Assessment

Any property owner desiring to appeal a notice requiring the property owner to install and repair or replace sidewalk adjacent to or adjoining the owner’s property must file a notice of appeal with the City Clerk within five (5) days of receipt of the notice. The appeal shall be heard at the earliest possible date thereafter by three members of the City staff designated by the City Manager. In no case shall the appeal be heard by the City staff member who made the original inspection and determined the necessity of repairs. If the City makes the repairs required upon failure of the property owner to do so and thereafter files an assessment against the property, and the property owner desires to appeal that notice of assessment, the property owner shall file a notice of appeal with the City Clerk within ten (10) days following receipt of the notice of assessment. The appeal of the assessment shall be heard at the next regular council meeting following the receipt of the notice of appeal by the Clerk, and at the conclusion of the hearing on that property owner’s appeal, the Council shall either affirm, reverse or modify the original assessment order.”

Section 8. Section 10-1-13 is hereby amended by the deletion of the word “Administrator” wherever it appears in that Section and substituting the word “Manager” in its place.

Section 9. Section 10-1-15 is hereby amended by deleting the language of the current Section and substituting the following language in its place:

“Section 10-1-15 Municipal Infraction. A violation of any provision of this Chapter, specifically including the failure to obtain permits that are required by this Chapter or failure to pay the permit fee, shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.”

Section 10. 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 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

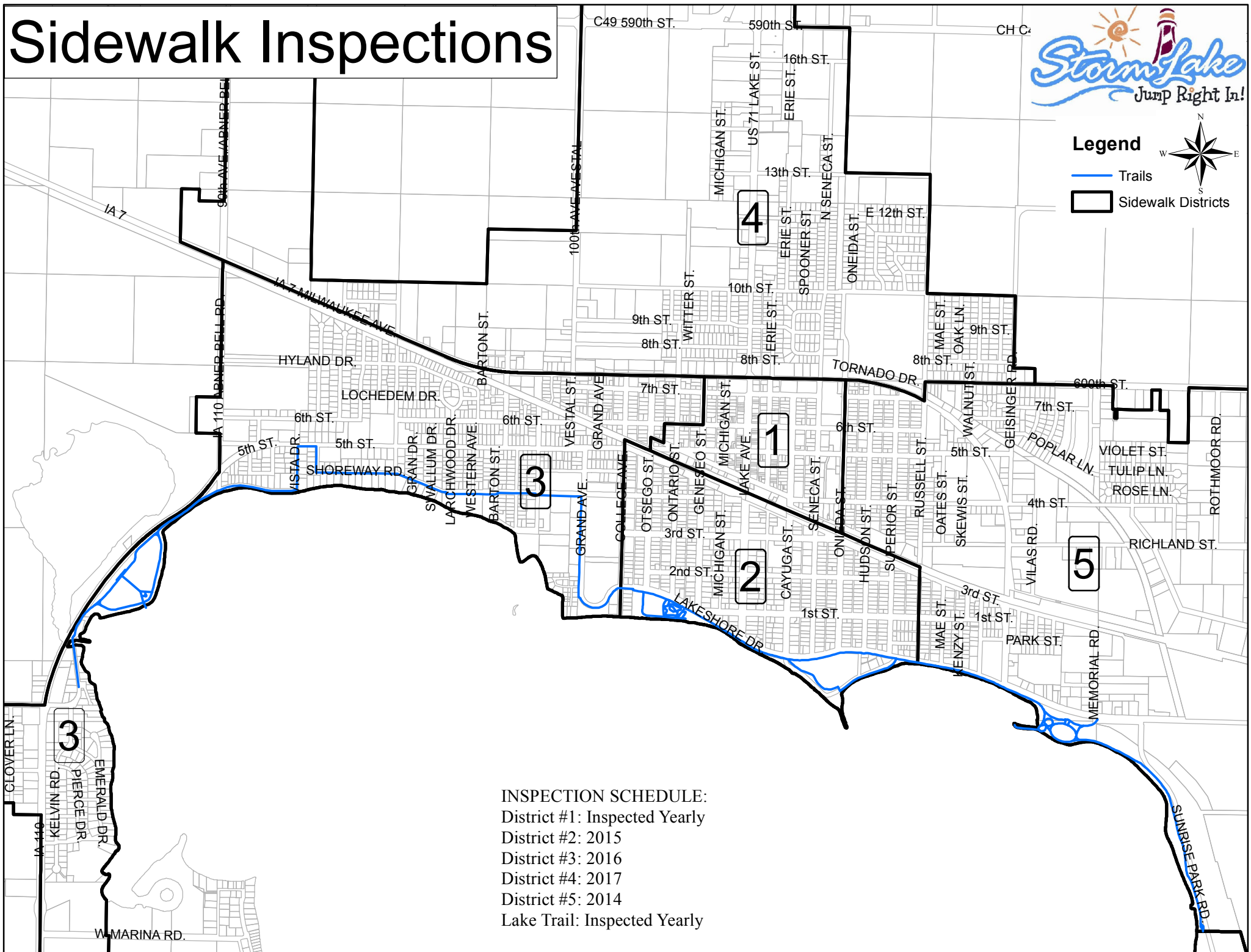
Justin Yarosevich, City Clerk

Sidewalk Inspections



Legend

-  Trails
-  Sidewalk Districts



INSPECTION SCHEDULE:

District #1: Inspected Yearly

District #2: 2015

District #3: 2016

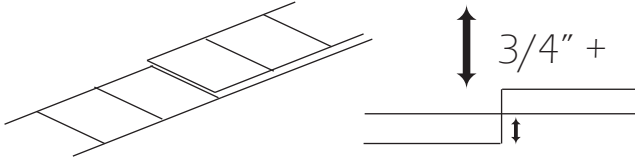
District #4: 2017

District #5: 2014

Lake Trail: Inspected Yearly

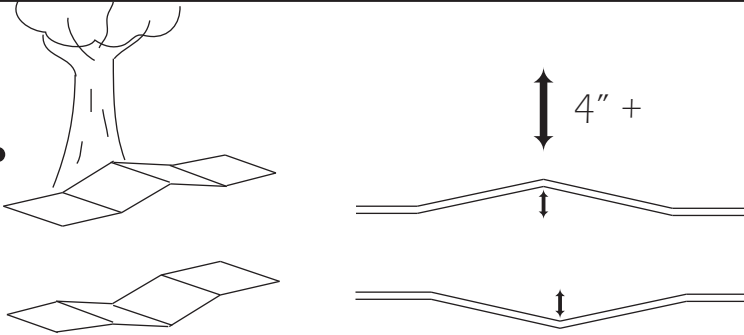
TYPE OF REPAIR

A.



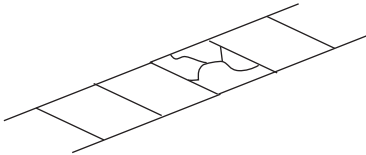
A vertical separation of $3/4"$ or more

B.



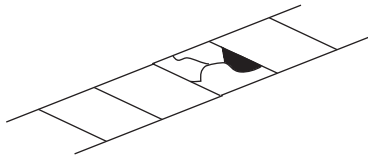
A deviation from the design or construction grade equal to $4"$ in a ten-foot section

C.



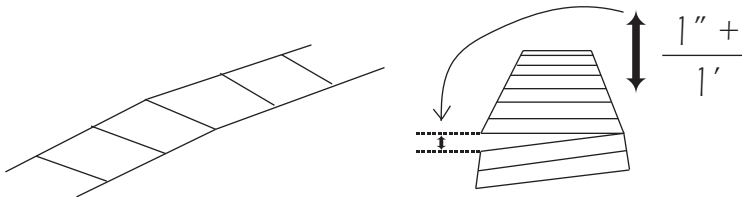
The sidewalk is cracked into 4 or more pieces per $4' \times 4'$ section, and sections have a vertical difference of $3/4"$ or more

D.



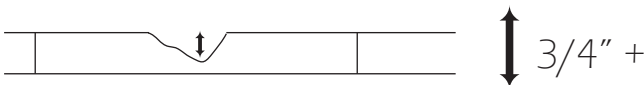
A part of the sidewalk is missing for the whole depth

E.



A side-to-side slope is greater than $1"$ per foot

F.



Holes or depressions $3/4"$ or more in depth

G.



A horizontal separation of $3/4"$ or more

SIDEWALK REGULATIONS

CONTACT FOR MORE INFORMATION

Building Official's Office

712.732.8002

buildingofficial@stormlake.org

www.stormlake.org/sidewalks



WHAT IS THE PURPOSE OF SIDEWALK REGULATIONS?

The intent of this program is to promote consistency in the inspection of sidewalks and to insure the best pedestrian and bicycle routes available within the community.

WHO PERFORMS THESE INSPECTIONS?

Inspections of sidewalks shall be performed by the City Code Enforcement Officer, the Assistant Infrastructure Superintendent, the Infrastructure Superintendent, and/or the Building Official.

INSPECTION REQUIREMENTS

Inspections of private properties within the city shall be done at least once every five (5) years. These inspections include identification of any violations or deficiencies in the sidewalk.

Inspectors record these deficiencies by **writing on the inspection report** as well as **highlighting the violations on the sidewalk** with paint.

Sidewalks will be inspected for the deficiencies listed on page 2.

WHAT DOES IT MEAN?

SIDEWALK:

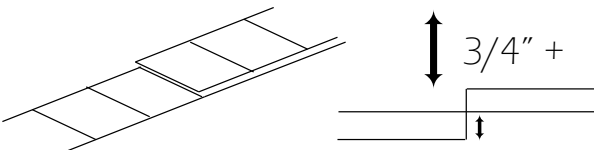
(in this document), the portion of sidewalk that is used for public pedestrian access.

Not sidewalks that are on private property (with the exception of a private sidewalk that is declared as public access sidewalk via an agreement or easement).



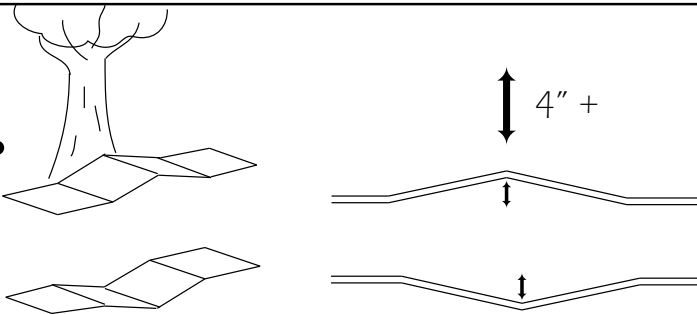
TYPE OF REPAIR

- A.



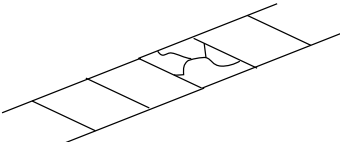
A vertical separation of 3/4" or more

B.



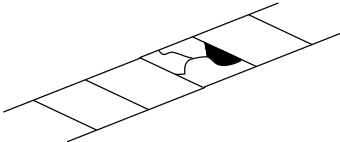
A deviation from the design or construction grade equal to 4" in a ten-foot section

C.



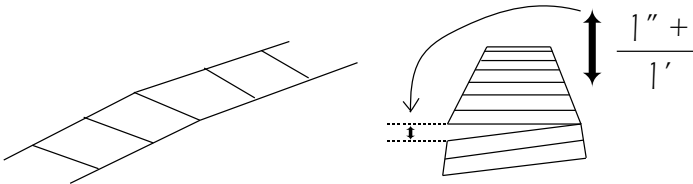
The sidewalk is cracked into 4 or more pieces per 4'x4' section, and sections have a vertical difference of 3/4" or more

D.



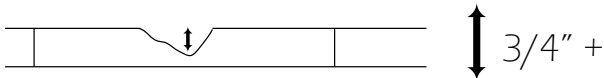
A part of the sidewalk is missing for the whole depth

E.



A side-to-side slope is greater than 1" per foot

F.



Holes or depressions 3/4" or more in depth

G.



A horizontal separation of 3/4" or more
-
- LAST REVISED JANUARY 2014
- ## WHAT DOES IT MEAN?
- ### MUNICIPAL INFRACTION:
- any act declared to be unlawful, an offense or a misdemeanor. It also includes any failure to perform any act or duty required by City Code. Municipal infractions can be charged for each day the issue is not resolved. First offense is a charge of **\$75.00**, second offense is a charge of **\$125.00**, and all other repeated offenses are **\$200.00**.
- ## INSPECTION CYCLE
- In April of each year, the City will notify the public of upcoming inspections by all of the following methods:

 - local media
 - social media
 - City Tidbits Newsletter (included in monthly utility bill)
 - the city's website, www.stormlake.org
- Inspections begin when weather permits, but never later than May 1st. All inspections are completed before June 1st.

Following the inspection of sidewalks, the inspector turns in the completed inspection sheets into the Sidewalk Program Administrative Assistant. Notices are completed for each violation, and sent via certified mail.
- SIDEWALK APPROACHES (CITY RESPONSIBILITY)

SIDEWALK (PROPERTY OWNER RESPONSIBILITY)

HOME ADDRESS

STREET NAME:
NOMBRE DE LA CALLE:

PROPERTY LINE - LINEA DE LA PROPIEDAD

PROPERTY LINE - LINEA DE LA PROPIEDAD

FRONT OF HOME - FRENTE A LA CASA

PROPERTY LINE - LINEA DE LA PROPIEDAD

STREET NAME:
NOMBRE DE LA CALLE:

STREET NAME:
NOMBRE DE LA CALLE:

STREET NAME:
NOMBRE DE LA CALLE:

The notice that is mailed to the property owner after inspection contains the following:

- Notice of the right to appeal the findings of the inspection.
 - Notice to obtain a "Sidewalk Repair Permit" from the Building Official's office prior to the work being done and to pay the permit fee as outlined in the City's current Fee Resolution
 - Notice to repair the found deficiencies within 60 days of the date of the notice
 - Notice that failure to repair the deficiencies will result in the work being done by the City of Storm Lake and assessed against the property including the permit fee and an administrative fee

LAST REVISED JANUARY 2014

2

MY SIDEWALK WAS NOT REPAIRED ON TIME. NOW WHAT?



For those properties where deficiencies that were found in the initial inspection are not repaired at the time of the follow up inspection, the Inspector shall submit to the City Clerk's office a report.

The City Clerk's office will prepare a "Notice to Public of Assessment" that is filed with the Buena Vista County Recorder's office and mailed to each property owner in violation.

The City will make sure the work is done, and the property owner will pay the cost of work and administrative fees (along with interest) with their tax bill over a maximum period of two years.

MY SIDEWALK WAS REPAIRED, BUT NO PERMIT WAS ISSUED. NOW WHAT?



For those deficiencies that have been repaired but no permit was issued, the City will invoice the property owner for the cost of the permit and provide 20 days in which to pay.

Failure to pay will result in a municipal infraction, which can be charged for each day the issue is not resolved.

COMPLAINTS

- Citizens may make complaints regarding the condition of sidewalks within the city of Storm Lake City limits.
- Complaints shall be made in writing (email is an acceptable form of writing for this purpose at buildingofficial@stormlake.org) to the City of Storm Lake, explaining the type of complaint that is being filed.
- Within five working days of the receipt of a complaint, the City shall have an inspector inspect the sidewalk and determine if the complaint is warranted or not. Complaints that are warranted shall be routed through the inspection process.

City of Storm Lake Sidewalk Inspection Program Administrative Policy

This policy is provided to provide guidance in how the City of Storm Lake Sidewalk Inspection Program shall be administered to ensure a fair and equitable process. Staff may recommend changes to the policy from time to time. All changes shall be reviewed by the City Manager and provided to the City Council for their review.

DEFINITIONS

The following general definitions are used throughout this administrative policy:

1. ADA Approach (Ramps) – ramps from the street level to the sidewalk level that are compliant with Americans for Disability Act utilizing the latest standards set by Federal and State governmental units.
2. Certified Mail – Mail sent via the US Postal Service Certified with a return receipt required.
3. Parcel Identification Number (PIN) – The number associated with the property for GIS purposes
4. Sidewalk – Sidewalk as used within this policy shall include the portion of sidewalk that is used for public pedestrian access and not sidewalk that is on private property (with the exception of private sidewalk that is on private property but is declared as public access sidewalk via an agreement or easement).
5. Sidewalk Approaches – the sections of sidewalk starting at the street level and moving up to a common “landing area”. The Sidewalk Approaches are considered, for the purposes of this policy, the responsibility of the City of Storm Lake to repair. Responsibility for maintenance including snow removal of the sidewalk shall be that of the property owner. The property owner shall also be responsible for removal of snow and ice from the Sidewalk Approaches.

ANNUAL REPORT

The Office of the Building Official shall provide an annual report to the City Manager and Storm Lake City Council which provides data on the previous year’s inspection process. The report shall be prepared in January of each calendar year showing the reporting period beginning January 1 and running through December 31 annually. The report shall include:

- The zones that were inspected during the year including a map showing what areas of the community the zones cover
- The number of inspections that were completed
- The number of properties that were found to be deficient
- The number of properties that were assessed for repair work
- The number of properties that were repaired by the property owner
- The number of appeals received and their outcomes

- A narrative report of the year in review including any major changes to the sidewalk inspection program, inspection highlights, and any suggestions for improvements to the program for future years

INSPECTION CYCLE

The inspection cycle for the Sidewalk Inspection Program shall be as follows:

In March of each year the Administrative Assistant assigned the responsibility of handling the processing for the program shall notify the inspections team, the City Clerk, and the City Manager of the zones that shall be inspected during the upcoming inspection cycle. The Administrative Assistant shall then prepare all inspection sheets for the upcoming inspection cycle. The inspection sheets shall be ready to go by March 31st annually.

Through the City's Communication Department, staff shall work to provide adequate notice of the upcoming inspections prior to the start of inspections on May 1st. Notice shall be provided in the manner in which staff believes is most beneficial including the following methods:

- Notification through the City's monthly newsletter "Tidbits"
- Notification through social media
- Notification through a press release sent to local media outlets
- Notification through the City's web page
- Other notification as deemed necessary

Inspections shall start no later than May 1st (or the 1st working day of May) of each calendar year. Inspections shall be completed within 20 working days but in no case later than June 1st of each calendar year.

Following the inspection of sidewalks the inspector shall turn the completed inspection sheets into the Sidewalk Program Administrative Assistant. The Administrative Assistant shall then prepare notices of violation for each property where a sidewalk infraction is found and shall send the notices via certified mail. The mailings shall be completed no later than June 10th of each calendar year.

The notice mailed to the property owner shall contain the following elements:

- Notice of the right to appeal the findings of the inspection. Appeals shall follow the process outlined in this policy.
- Notice to obtain a "Sidewalk Repair Permit" from the Building Official's office prior to the work being done and to pay the permit fee as outlined in the City's current Fee Resolution
- Notice to repair the found deficiencies within 60 days of the date of the notice
- Notice that failure to repair the deficiencies will result in the work being done by the City of Storm Lake and assessed against the property including the permit fee and an administrative fee

Sixty (60) days following the mailing of the notices the City shall inspect all those sidewalks found to be deficient in the original inspection time to determine if the deficiencies have been repaired or not. The inspector shall file in writing the findings of the inspection.

For those deficiencies that have been repaired but no permit was issued the Inspector shall file a written report to the finance office assistant that includes the Property Owner Name, Address, Mailing Address and Phone of the Property Owner, Date of Inspection and Date of follow up Inspection, and Parcel Identification Number to the Finance Department so that the Finance Department may bill the property owners for the Sidewalk Repair Permit fee. Property owners who have not made payment on the Sidewalk Repair Permit fee within twenty (20) days shall then be sent a Past Due Notice and a phone call shall be placed to the property owner giving them another ten (10) days in which to pay for the invoice prior to a municipal infraction being filed against the property.

For those properties where deficiencies that were found in the initial inspection are not repaired at the time of the follow up inspection the Inspector shall submit to the City Clerk's office a report including the following information:

- Property Owner Name
- Parcel Identification Number
- Details of the repairs that need to be made to correct the deficiencies including the length of sidewalk and the width of the sidewalk per property that needs to be replaced
- Address of the property
- Mailing address and phone of the property owner

The City Clerk's office shall prepare a "Notice to Public of Assessment" that shall be filed with the Buena Vista County Recorder's office and shall be mailed to each property that is found to still be in violation. This notice shall be recorded and mailed within ten days of receipt of the information from the Inspector.

The City's Clerk's office shall also prepare a bid document to be sent to local concrete contractors or those contractors who have filed and asked to receive the bid specifications for sidewalk work within 15 days of the receipt of the list from the inspector.

Upon receipt of the bids the City Clerk shall forward the low bidder to the City Council for award of a contract to proceed with the work so that at the latest the work is completed by May 1 of the following year.

In the event that the City of Storm Lake has an outstanding bid for sidewalk replacement work with a per foot price the City may choose to use that bid to accomplish this work.

Following the completion of the work by the contractor the City Clerk's office shall mail notice by Certified Mail to each property owner providing the owner with the option of making payment in full of the amount due and notifying them of the total amount to be assessed against their property and giving them the right to appeal the assessment within 15 days of the date of the letter.

Fifteen days after the mailing of the notices to property owners the City Clerk shall file the assessments with the Buena Vista County Treasurers Office.

In the event that an inspection reveals that a section of sidewalk was removed where sidewalk once existed, the City shall provide notice as required in the City Code and this policy to the property owner to replace the removed sidewalk. The property owner shall be given 120 days in which to repair. If the sidewalk is not repaired in that time frame the City shall proceed with having the sidewalk installed and

assessed to the property owner with the term of the assessment being a maximum assessment of four (4) years with 5% interest.

COMPLAINTS

Citizens may make complaints regarding the condition of sidewalks within the City of Storm Lake city limits. Complaints shall be made in writing (email shall be an acceptable form of writing for this purpose) to the City of Storm Lake. The complaint once received shall be logged into the City's Code and Contact Management system.

Within five working days of the receipt of a complaint the City shall have an inspector inspect the sidewalk and determine if the complaint is warranted or not. Complaints that are warranted shall be routed through the inspection process noted in this policy.

For complaints on sidewalks that are not part of the annual sidewalk inspection group the start date shall be the date of receipt of the complaint. Complaints received in the fall of the year shall be notified by normal US Mail and then re-inspected during the next cycle of inspection (regardless of if that specific location is within the zone being inspected) and, if not completed, shall follow the process outlined in the City Code and this policy along with the rest of the deficient sidewalks in the inspection zone.

All complaints shall have written documentation completed following the inspection and filed with the original complaint within the City's document management program within twenty days of the complaint being filed.

INSPECTIONS

Inspections of sidewalks shall be performed by the City Code Enforcement Officer, the Assistant Infrastructure Superintendent, the Infrastructure Superintendent, and/or the Building Official.

The intent of this program is to promote consistency in the inspection of sidewalks and to insure the best pedestrian and bicycle routes available within the community.

INSPECTION PROCEDURES/REQUIREMENTS

Inspections shall be done at least once every five (5) years for all properties within the city limits except the following:

- Central Business District – Shall be inspected annually
- City Owned and Maintained Trail and other City owned and maintained sidewalks– Shall be inspected annually

During the inspection, inspectors shall identify any violations to the sidewalk both in writing on the inspection report as well as on the sidewalk by painting the sidewalk deficiencies and any panels that need to be replaced.

Sidewalks shall be inspected for the deficiencies outlined in the current deficiencies guidelines.

City sidewalks that are found to be in need of repair shall be repaired and/or replaced within 60 days of the inspection date.

APPEALS

For the Sidewalk Inspection Program there shall be two types of appeals available as follows:

- Deficiency Appeal – the appeal of the occurrence of a deficiency as noted by the City inspector
- Assessment Appeal – the appeal of the amount of the assessment or the right to be assessed for the work

DEFICIENCY APPEAL

Property owners shall have the right under the Sidewalk Inspection Program to file an appeal to the City of Storm Lake regarding the occurrence of a deficiency as determined by the City's inspector. The property owner shall have the right to appeal to the City within five (5) days of the receipt of the certified notice of deficiency.

All appeals under this section shall be heard by a committee of three (3) City staff members who are knowledgeable of the City's Sidewalk Inspection Program. However, the appeal board shall not include the inspector who inspected the sidewalk.

The appeal must be made in writing including the name of the property owner, address of the property where the deficiency was noted, and complete contact information for the property owner including but not limited to mailing address, home phone, cell phone numbers and email address.

ASSESSMENT APPEAL

Property owner shall have the right under the Sidewalk Inspection Program to file an appeal to the City of Storm Lake regarding the assessment of the work done by the City to their property for failure to complete the work as required by the City Code. This shall include the right to appeal the amount of the assessment.

Under this appeal type the property owner shall have ten (10) days from the mailing of the notice of assessment to make the appeal. The appeal shall be scheduled to be heard by the Storm Lake City Council at the next available City Council Meeting provided that there is at least three working days prior to the Council meeting in which the appeal is filed. If the appeal is filed with three or less working days prior to the next Council Meeting the appeal shall be heard at the following regular City Council meeting.

Upon receipt of an appeal the Building Official shall notify the City Clerk to schedule an appeal hearing as outlined in this Administrative Policy.

In preparation for the appeal hearing the Building Official shall provide the appropriate appeal board with the original inspection report, a copy of the appeal, pictures of the existing sidewalk showing the deficiencies and a copy of the sidewalk inspections criteria. In the case of an Assessment Appeal the City

Clerk shall also provide copies of the notices sent to the property owner and the cost of the assessment and breakdown of the assessment amount for that property.

RECORDS RETENTION

All documents related to the City's Sidewalk Inspection Policy including inspection records shall be maintained for at least one complete inspection cycle (For example documents on property A shall not be destroyed until after the next following regular inspection for that same property) in paper format. All inspection reports, assessments, and certified notices shall be maintained in digital format in the City's document management system indefinitely.

All documents shall have on them the Parcel Identification Number (PIN) for GIS purposes and shall be filed by physical address of the property.

The Building Official's office shall be responsible to ensure compliance with this records retention policy.

Staff Summary

2/17/2014

Agenda Item # 17.



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. 06-O-2013-2014 Providing For Collection Of Incremental Taxes - McDonalds Parcel, Third Reading**

BACKGROUND: McDonalds recently constructed a new facility in Storm Lake and within the Storm Lake Urban Renewal Area North #1 - Bargloff Urban Renewal Area. The facility was constructed on vacant land that was previously owned by the Storm Lake Community School District.

As part of the Bargloff TIF or Urban Renewal Area the City must pass an ordinance instructing the collection of incremental taxes on the parcel and setting a base valuation year for the parcel in order to collect the taxes and utilize the taxes to pay for improvements in the Urban Renewal Area.

The Ordinance would set January 1, 2013 as the base valuation for the parcel and any growth in valuation over the valuation placed on January 1, 2013 would then be captured from all taxing entities (with the exception of the School District Property Plant and Equipment Levy, and all jurisdictions Debt Services Levies) for a maximum period of 20 years, provided the City has certified debt against the district.

The City has taken the stance of only passing TIF Ordinances on individual parcels within the Bargloff area to ensure that the other taxing entities are still allowed some growth from the area over the time of the Urban Renewal Area. This ordinance would only set the base value and provide for collection of taxes on the growth in valuation for the McDonalds parcel.

FISCAL IMPACT: The McDonalds parcel will have a base value set at the January 1, 2013 assessed value of \$209,000 which was just the value for the land. The January 1, 2014 value is anticipated to be approximately \$1,070,490.00.

Based on a growth in valuation of \$861,490.00 the city could receive additional tax revenue in the Bargloff Urban Renewal Area of \$29,792 (all is subject to the final assessed value and tax

levies).

RECOMMENDATION:

Adopt Ordinance No. 06-O-2013-2014

1st Reading - January 20, 2014 - APPROVED
2nd Reading - February 3, 2014 - APPROVED
3rd Reading - February 17, 2014

ATTACHMENTS:

Description

Type

 [Ordinance No. 06-O-2013-2014](#)

Ordinance

ORDINANCE NO. 06-O-2013-2014

Field Cod

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON CERTAIN PROPERTY LOCATED WITHIN THE STORM LAKE URBAN RENEWAL AREA NORTH #1 - BARGLOFF URBAN RENEWAL AREA, IN THE CITY OF STORM LAKE, COUNTY OF BUENA VISTA, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF STORM LAKE, COUNTY OF BUENA VISTA, STORM LAKE COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE STORM LAKE URBAN RENEWAL AREA NORTH #1 - BARGLOFF URBAN RENEWAL AREA (MCDONALD'S PARCEL)

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 08-R-2010-2011 passed and approved on the 19th day of July, 2010, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Storm Lake Urban Renewal Area North #1 - Bargloff Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the property owned by Vermeulen Properties 5 LLC (the McDonald's Parcel) located within the area. The McDonald's Parcel is legally described as follows:

The East Two Hundred Ninety-Five and Nine Tenths feet (E. 295.90') of Block Sixty-Three (63), First Addition to the City of Storm Lake, Buena Vista County, Iowa.

Parcel #1403202007; and

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Storm Lake, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City has determined to adopt individual TIF Ordinances on various properties within the Urban Renewal Area as parcels are developed and produce tax increment; and

WHEREAS, the City Council of the City of Storm Lake, State of Iowa, desires to provide for the division of revenue from taxation on the McDonald's Parcel in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof (the McDonald's Parcel), by and for the benefit of the State of Iowa, City of Storm Lake, County of Buena Vista, Storm Lake Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area (the McDonald's Parcel), as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Storm Lake, State of Iowa, certifies to the Auditor of Buena Vista County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein (which certification is directed to be made during the 2014 calendar year), shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. Thus, if "debt" is certified by December 1, 2014, the frozen base valuation for the McDonald's Parcel shall be January 1, 2013.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Storm Lake, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Storm Lake, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the entire Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area (the McDonald's Parcel) without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area (the McDonald's Parcel) exceeds the total assessed value of the taxable property in the Urban Renewal Area (the McDonald's Parcel) as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area (the McDonald's Parcel) shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Storm Lake, State of Iowa, referred to in Section 3 hereof have been paid, all

monies thereafter received from taxes upon the taxable property in the Urban Renewal Area (the McDonald's Parcel) shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above (the McDonald's Parcel). In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of February, 2014.

Jon F. Kruse, Mayor

ATTEST:

City Clerk

Staff Summary

2/17/2014

Agenda Item # 18.



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: **Study Session - Solicitor, Peddler, & Transient Merchant License Ordinance Changes**

BACKGROUND: At a study session in December 2013 the Council heard from staff and from a company, Crown Clinics, regarding some potential changes to the ordinance for solicitors, peddlers, and transient merchants. Following that discussion Council asked staff to go back and prepare a summary of changes that would strengthen the current code and also provide for some additional flexibility in terms of length of license. Council also desired to have staff research other communities ordinances to see if there wer better ways to handle the process of licensing solicitors, peddlers, and transient merchants. The following proposed changes are a result of that discussion and research.

* To maintain the original intent of the ordinance when it was first adopted by encouraging businesses to have a permanent home in the community either through property ownership or property rental, language needs to be added to limit the amount of permits that any one person and/or company could receive in a calendar year. This would limit the total number of permits from exceeding a maximum of six months or 182 days.

* Create a third permit type for a monthly permit. Currently the City has a daily permit and a weekly permit. We have had concerns raised by some tranisent merchants that they would prefer a longer permit and a monthly permit would satisfy this need.

* Create a rate structure for all three levels of permits as follows: Daily permit for \$25/day (no change), weekly permit for \$75/week (no change), and a monthly permit for \$150/month (new).

* Add language to the ordinance to provide for revocation of the license if there is a violation of the ordinance requirements. This language would also include language that prevents the reimbursement of any portion of fees previously paid if their

license was withdrawn.

- * Limit the use of the license between the hours of 9AM and 8PM when going door to door Monday thru Saturday and 1PM to 5PM on Sundays. For those permitted users that are not going door to door they would be limited to operation between 7AM and 10PM daily.

- * Add language that would make the license non-transferable.

- * Add language to the ordinance that clarifies what types of businesses are included and covered by the ordinance to include service related businesses.

- * Add language to the ordinance that outlines the circumstances that would permit denial of the application for license.

- * Revise the language that determines what the application for a permit would need to have.

At this point City staff is presenting the recommendations to Council regarding the staff's proposed changes and looking for feedback. Assuming no major changes, the plan would be to move forward with finishing the development of the actual ordinance and bring that to Council for their approval starting with first reading on March 3, 2014.

FISCAL IMPACT:

There is potential that with stricter guidelines that we will have fewer applications for permits and thus less revenue. The extended options for permit length may increase the number of permits issued.

RECOMMENDATION:

Review and discuss the proposed changes. Provide direction to staff on bringing back changes in an ordinance form.