

**CITY OF STORM LAKE
REGULAR COUNCIL SESSION MEETING,
CITY HALL
COUNCIL CHAMBERS
MAY 6, 2024
5:00 PM**



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

AGENDA

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

BY TELEPHONE:

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

Zoom Meeting ID: 933-2006-3301

BY COMPUTER:

<https://zoom.us/j/93320063301>

Open the Meeting

- **Call to Order**
- **Pledge of Allegiance**
- **Proclamation**

A. Consideration of Changes in Agenda and Setting the Agenda

B. Disclosure by City Council Members

C. Hear the Public

D. Consent Agenda

1. [Consent Agenda](#)
2. [Buy Local Information](#)
3. [SLPD City Code Enforcement Summary](#)

E. Unfinished Business

F. New Business

1. [Motion To Approve The Bridge of Storm Lake's Run For Our Future 2024 Events](#)
2. [Motion To Approve Noise Variance Request 1121 N Lake For Private Party Event.](#)
3. [Motion to Approve BVU Walk to End Alzheimer's Event Request](#)
4. [Resolution No. 47-R-2023-2024 Approving SLU Events Request](#)
5. [Public Hearing On Fiscal Year 2023-2024 Budget Amendment](#)
6. [Resolution No. 48-R-2023-2024 Amending the Fiscal Year 2023-2024 Budget](#)
7. [Resolution No. 49-R-2023-2024 Authorizing Inter-fund Transfers and Adjustments](#)
8. [Motion to Approve Proposal and Award Contract for Exploratory Test Wells to Sargent Drilling](#)

9. Resolution No. 50-R-2023-2024 Establishing A Child Care Steering Committee For The City Of Storm Lake, Iowa
10. Resolution No. 51-R-2023-2024 Determining The Necessity And Fixing a Date For a Public Hearing On The Matter of The Adoption of a Proposed Amended and Restated Storm Lake Urban Revitalization Plan for the Storm Lake Urban Revitalization Area
11. Setting Public Hearing For A City Ordinance Establishing Regulations For After-hours Businesses That Permit Alcohol Consumption Beyond 2 AM.
12. Resolution No. 52-R-2023-2024 Approving And Authorizing Execution of A Memorandum of Agreement for Private Development By And Between The City of Storm Lake, Iowa and Bloomfield Acres, L.L.C.
13. Stray Animal Work Session- Clarification from April 15, 2024 Meeting
14. Tourism Activity Update
15. City Council Requested Items / City Council Updates

G. Adjourn

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item please approach the podium when that agenda item is called and upon recognition by the Mayor identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda please approach the podium under the "Hear the Public" agenda item and upon recognition by the Mayor identify yourself by stating your name and address.
3. Please keep your remarks to three (3) minutes or less.
4. If you require accommodation for this meeting including but not limited to translation services, hearing assistance, or accessibility please contact the City Clerk at least four (4) hours prior to the start of the meeting.

**If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.*

***Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.*

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

Staff Summary

05/06/2024

Agenda Item # D.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
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REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: **Consent Agenda**

BACKGROUND: The Consent Agenda Includes:

- List of Bills
- King's Pointe & Sunrise Pointe Disbursements ,
- Approve April 15, 2024 City Council Minutes and April 23, 2024 Special City Council Minutes
- Acknowledge the March 2024 Library Minutes
- Acknowledge the March 2024 Airport Minutes
- Approve Buy Local Information
- Approve Storm Lake Police Department City Code Enforcement Update

FISCAL IMPACT: City Will Pay The Following Expenditures:

- List of Bills: \$1,726,891.50
- King's Pointe & Sunrise Pointe Golf Course Bills: \$71,215.09

RECOMMENDATION: Approve Consent Agenda

ATTACHMENTS:

[5/6/2024 City Claims Expense Report.pdf](#)
[5/6/2024 Kings Pointe Claims 3.26.2024 to 4.12.2024.xlsx](#)
[04/15/2024 City Council Minutes.docx](#)
[04/23/2024 Special City Council Minutes.docx](#)
[Library Minutes March 2024](#)
[Airport Minutes March 2024](#)

Storm Lake, IA

Payment Date Range: 04/18/2024 - 05/08/2024



Vendor Name	Vendor Number	Payable Description	Total Payments
BVC			
Buena Vista County Solid Waste	001035	Recycling	118.56
Essential Ellison LLC	002043	Extinguisher Testing	598.16
		BVC Total:	716.72
Contract/Agreement			
Community Education Dept	001397	3rd Qtr FY2024 - 28E Agreement	27,020.40
Godbersen-Smith Construction Co., Inc	002165	Pay #11 of Hwy 7/110 Intersection	63,988.55
I & S Group, Inc	001103	Design Services	28,819.40
Municipal Pipe Tool Co., LLC	001413	Valve Kit	5,123.82
SCE, LLC	001344	Lagoon Return Pit Rehab	68,322.59
		Contract/Agreement Total:	193,274.76
Local			
A & A Automotive	001022	New Tires (2)	638.75
Alliant Energy	001173	Gas Services	9,146.95
Arnold Motor Supply, LLP	001007	Supplies	462.21
Bomgaars Supply, Inc	001151	Supplies	2,415.51
Edwards Storm Lake	001114	Engine Oil Pressure Control Solenoid	4,759.32
Fareway Stores, Inc	001535	Supplies	8.88
Fastenal Company	001033	Fasteners	213.54
Graham Tire	001093	Tire Repairs	50.38
Grand Central Coffee Station	001499	Meeting Supplies	89.00
Hy-Vee, Inc	001152	ILEA Meal Plan 2024	2,673.85
Iowa Office Supply Inc	001037	Office Supplies	623.07
Jones Nursery, LLC	002337	Downtown Planter Pots- Less Tax	319.90
King's Pointe Resort	001110	Legislative Coffee	489.96
L & G Products, Inc	001099	Mulch	5,712.73
Larson Oil & Distributing Co, Inc	001178	Propane	1,349.70
Michael P. Reinert	001079	Welding Wire	281.20
MidAmerican Energy Company	001074	91230-94002 Electric Services	58,424.32
North Lake Truck Repair	001177	Battery Replacement	1,700.34
O'Reilly Automotive Inc	001108	Filters	462.21
Plumbing & Heating Wholesale, Inc	001126	Pipe Tools	827.17
Qwest Corporation	001070	Phone Service	244.08
Rent-All, Inc	001210	Lift Rental	287.00
Stanton Electric, Inc	001264	Lights- Emerald Park Tennis Courts	448.40
Stille Pierce & Pertzborn	001294	Insurance Renewal	840,488.00
Storm City Auto Parts, Inc	001501	Oil Drain Station	735.34
Storm Lake Ace Hardware	001216	Supplies	1,894.48
Storm Lake Bakery	001284	Downtown Assessment Meeting	133.80
Thermo King of Sioux Falls	001502	Air Bag Replacement	558.20
Vanish LLC	001212	March 2024 Towing Service	600.00
Vetter Equipment	001098	Filters & Supplies	436.62
Visual Edge Inc	001063	Copier Maintenance Agreement	1,036.62
WalMart #01-1526	001153	Supplies	624.94
Wiese Plumbing & Heating, Inc	001302	Leak Repairs	514.21
		Local Total:	938,650.68
Non-Local			
ABC Pest Control, Inc	001078	Pest Control Services	238.88
Ahlers & Cooney, P.C.	001023	General Legal Services	13,051.78
Alex Air Apparatus 2 LLC	002217	Gas Monitor (Crush Plant)	5,944.58
AM Services LLC	002465	Liquid Cooler Services- Less Sales Tax	383.50

Buy Local_v1

Vendor Name	Vendor Number	Payable Description	Total Payments
Ardent Lighting Group, LLC	002468	Pickleball Court Light Pole	12,000.00
ATCO Manufacturing Company	002172	Degreaser	5,870.50
Barco Municipal Products, Inc	001517	Barricades	527.16
Bert Gurney & Associates	001769	Gearbox	7,247.87
Boji Portable Toilets Inc	001133	Portable Toilet Rental	420.00
Breanna Nieland	001607	4/26/2024 Investigation Training	139.00
Central Iowa Distributing, Inc	001026	Cleaning Supplies	1,794.40
Cintas First Aid & Safety	001094	First Aid Supplies	176.21
Continental Research Corporation	002277	Supplies	436.00
Dale Vitito	001061	Uniform	3,665.59
Dorsey & Whitney LLP	001954	TIF Legal Services	9,551.00
Ed M. Feld Equipment Company, Inc	001031	Security Monitoring	120.00
Electric Pump Inc	001032	NW LS Arm & Slide	259.04
Elliot Equipment Company	001681	Gutter Brooms	4,951.70
Farm & Home Publishers LTD	001644	Wall Map	297.00
Fast Lane Motor Parts LLC	001518	Cleaner	125.42
Foundation Analytical Laboratory, Inc	001100	Testing Services	1,661.50
Hach Company	001034	Testing Supplies	1,032.00
HD Supply, Inc	001336	Supplies	21.75
Iowa Department of Transportation	001341	Paint	3,827.35
Iowa Lakes Regional Water	001073	Water Service	86.06
Joshua Beeck	002472	Window Cleaning Service	45.00
Kasperbauer Cleaners, Inc	002435	Entrance Mat Services	81.24
Laurens House of Print Ltd	002161	Name Plates	220.65
Linde Inc	001111	Carbon Dioxide	5,752.96
Marcus Lumber Company Corp	002011	Supplies	393.28
Martin's Flag Company Co, Inc	001092	Flags	342.32
Mercy Medical Services	001342	8/15/2022 Kutz Physical	305.76
Mississippi Lime Company	001095	Lime	45,809.88
Musco Coporation	002457	Pickleball Court Lighting	31,694.00
MW Watermark, LLC	001772	Press Cloth	8,820.86
National Fire Protection Association	001300	NFPA 921	311.22
NCL of Wisconsin, Inc	001191	Testin Supplies	989.59
PageFreezer Software, Inc	001914	Annual License Fee	318.00
Pattlen Enterprises, Inc	001184	Utility Vehicle	30,345.00
Petersen Manufacturing	001088	Plaque	109.06
Prime Media Acquisition Corp	001287	Supplies	173.60
Ray Allen Manufacturing, LLC	001556	ID Collar	97.97
Response Graphics & Embroidery, LLC	002346	Uniforms	170.97
Secretary of State	001207	2024 Notary Renewal- Lundberg	30.00
SGS, LLC	002126	Garbage Services	1,352.62
Sirchie Acquisition Company, LLC	001437	Supplies	31.90
State Hygienic Laboratory	001595	Testing Services	770.50
Streicher's, Inc	002200	Simu Kits	1,175.07
The Home City Ice Company	002471	Ice	428.36
The Rosen Publishing Group Inc	002466	Books	605.10
Toyne, Inc	001277	Pump	718.22
Twin Rivers Media, LLC	001148	Advertising	500.00
ULINE	001609	Crate & Paint	186.36
Underground Location Company	001194	Locate Services	68.50
UPS	001121	Shipping	39.91
Vessco, Inc	001458	Pumphead	665.12
W. W. Grainger, Inc	001085	Filters	1,651.52
Western Iowa Tech Community College	002166	2024 Fire School Tuition	335.00
		Non-Local Total:	208,367.83
Payroll/Refunds			
Clinton Butler	002289	3/21/2024 Training Reimb	24.00
Custodian of Petty Cash	001602	2024 CG Starting Cash	210.00

Buy Local_v1

Vendor Name	Vendor Number	Payable Description	Total Payments
Custodian of Petty Cash- Jean Cashman	001470	Postage	11.00
Dana A Larsen	002210	3/21/2024 Tourism Conf Reimb	242.72
Janine Davis	002470	Mailbox Reimbursement	62.00
Joanna Ek	002469	3/28/24 Backup Reimbursement	350.00
North Shore Condo Assn #3	002473	City Tree Removal Reimbursement	2,835.50
Randy Weflen	001308	3/21/2024 Training Reimb	24.00
Thomas Lane	002020	FY2024 Boot Allowance	73.98
		Payroll/Refunds Total:	<u>3,833.20</u>
		Grand Total:	1,344,843.19

King's Pointe Resort

Claims Publication

From 3/26/2024 to 4/12/2024

Vendor	Description	Amount
Alliant Energy	Utilities \$	511.09
Amazon Capital Services Inc	Supplies \$	380.60
Bomgaars	Supplies \$	346.29
Cintas Corporation	Supplies \$	5,263.52
COMMTRAK	Services \$	136.00
Daniels Filter Service	Supplies \$	621.48
ECOLAB	Supplies \$	559.45
Fastenal Company	Supplies \$	202.59
Frigitec Inc.	Supplies \$	337.12
Grainger	Supplies \$	43.34
Guest Supply	Supplies \$	1,846.95
Hermel Wholesale	Food \$	545.00
HyVee	Food \$	524.05
KAYL/KKIA	Advertising \$	157.50
Long Lines LLC	Utilities \$	3,058.51
Maestro PMS	Services \$	159.00
Mediacom	Utilities \$	472.90
Mood Media North America Holding LLC	Services \$	125.17
Office Elements	Supplies \$	66.82
Olsen Welding and Machine Shop	Services \$	15.00
Pepsi	Beverages \$	1,180.70
Pest Elimination Division	Services \$	559.45
Plumbing & Heating Wholesale Inc.	Supplies \$	244.26
Quore-HIE West Acres	Services \$	317.21
Rebnord Technologies Inc.	Services \$	28,260.75
Rolloff Dumpster Rental of Iowa INC.	Services \$	272.56
S&L Hospitality LLC	Services \$	1,456.32
Schumacher Elevator Company	Services \$	1,227.78
SGS LLC	Utilities \$	63.00
Storm Lake Ace Hardware	Supplies \$	364.75
Storm Lake Rotary Club	Services \$	125.00
Symmetry Energy Solutions LLC	Services \$	8,712.70
Sysco Iowa Inc.	Food \$	11,426.59
Travel Incorporated	Services \$	12.90
Visual Edge IT INC	Services \$	142.11
Vizergy	Services \$	1,241.45
Wells Fargo Financial Leasing Inc.	Services \$	235.18
		\$ 71,215.09

CITY OF STORM LAKE REGULAR COUNCIL MEETING, CITY HALL COUNCIL CHAMBERS APRIL 15, 2024, 5:00 PM

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

Also Present: City Manager Keri Navratil, Assistant City Manager David Derragon, Police Chief Chris Cole, Fire Chief Glenn Schlessner, King's Pointe Manager Amy VonBank, Building and Code Compliance Director Scott Olesen, Development Services Specialist Lee Dutfeld, Communications Coordinator Dana Larsen, Public Services Supervisor Scott Bonebrake, Assistant Public Services Supervisor Brandon Ripke, Public Works Director Matt Beckman, Finance Director Brian Oakleaf, Staff Accountant Tyler Gibbins, and City Clerk Mayra Martinez.

Media Present: Ryan Thompson with KAYL, and Amber Mohmand with The Storm Lake Times Pilot.

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

Pledge of Allegiance

Agenda – Requested by Council Member McKeon to pull agenda items #2 and #3 out of the consent agenda regarding the BVU Noise Variance request for April 27th and the BVU Noise Variance and Road Closure for April 28th.

Moved by Council Member Martinez to approve setting the agenda as presented with items #2 and #3 being pulled from the consent agenda and placed as new business agenda items. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

Disclosure by City Council Members – No items at this time.

Hear the Public - Curt Snyder with Carroll Refuse Service addressed City Council members with their new plan of trash and recycling pickup days for the City of Storm Lake residents. The plan is to change the pickup days to Mondays and Tuesdays. They will divide the city in half and pick up both the trash and recycling on the same day. This should simplify the process and make it easier for customers to remember to put both cans out for pickup all on the same day. Also, if a holiday falls on a holiday, they will move the pickup days to Tuesdays and Wednesdays. They will send out letters, emails, and text messages explaining the changes in the pickup days. They are hoping to implement this change in June of this year and these changes will pertain to the residential portion of the City and the commercial accounts will remain on the same schedule currently.

Mayor Porsch read a proclamation declaring May 5th – May 11th as Drinking Water Week. Mayor Porsch stated that water is our most valuable natural resource and serves a vital role in daily life. Drinking Water Week is an ideal time to recognize the hard work performed by the entire water

sector and that we are all stewards of the water infrastructure upon which current and future generations depend.

Mayor Porsch also read a proclamation declaring May 5th – May 11th as the 55th Annual Professional Municipal Clerks Week. He stated that the office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels. We extend appreciation to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Mayor Porsch read a proclamation declaring May 2024 as Storm Lake Proud Beautification Month. He stated the Mayor and City Council desire to place special emphasis on a clean and beautiful town and encourage our community members and businesses to promote and actively engage in beautification projects and to do their part to improve the appearance of Storm Lake and to encourage others to do likewise.

Consent Agenda – Moved by Council Member Ramos to approve the consent agenda, approve List of Bills Check #'s 81243 through 81293, EFT #'s 1343, 5120 through 5170, DFT's #2186 through 2197, King's Pointe & Sunrise Pointe Disbursements, approve April 1, 2024, Regular City Council minutes, approve renewal liquor license for Puffs and Loyal Order of Moose, approve Buy Local Information, approve Storm Lake Police Department City Code Enforcement Update. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

Unfinished Business – None at this time.

New Business

Iowa Lakes Corridor Update - Kirk Strouth, President, and Trevor Smith Senior Vice President of Iowa Lakes Corridor Development Corporation, gave a quarterly update on their business retention efforts, their 2024 goals, and the growth opportunities in the area.

BVU Noise Variance Request For April 27th - Moved by Council Member McKeon to approve a BVU noise variance request for April 27th for a Block Party Event to be held on campus. Seconded by Council Member Ramos. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

BVU Noise Variance and Road Closure Request For April 28th - Moved by Council Member McKeon to approve a BVU noise variance and road closure request for April 28th. Seconded by Council Member Martinez. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

1116 Lincoln Road Noise Variance Request – There were discussions between Council members, Chief Cole, and Mayor Porsch regarding the noise variance request for 1116 Lincoln Road. Mayor Porsch entertained a motion to approve the 1116 Lincoln Road noise variance request. Hearing none, this item dies for lack of motion.

Public Hearing on FY 2024-2025 Budget

FY 2024-2025 Budget – Mayor Porsch opened the public hearing for the FY 2024-2025 Budget stating this was the time and place for any comments. Hearing no comments and no objections received before this public hearing from the Public or City Council, Mayor Porsch closed the public hearing.

Moved by Council Member McKinney to adopt Resolution No. 43-R-2023-2024 adopting the FY 2024-2025 budget. Seconded by Council Member Ramos. Roll call vote: All ayes with Council Member Ricklefs absent. Motion carried.

RESOLUTION NO. 43-R-2023-2024

RESOLUTION ADOPTING THE 2024-2025 FISCAL YEAR BUDGET FOR THE CITY OF STORM LAKE, IOWA

Be it resolved by the Council of the City of Storm Lake, Iowa:

Whereas the proposed budget has been published as required by law, and

Whereas the City Council has held a public hearing as required by law, and

Whereas all transfer of funds must be approved by resolution of the City Council.

NOW THEREFORE BE IT RESOLVED that the annual budget for the fiscal year ending June 30, 2025, as set forth in the Budget Summary and in the detailed budget in support thereof showing the revenue estimates, transfers and appropriation expenditures and allocations to program activities for said fiscal year be adopted.

ADOPTED BUDGET SUMMARY

City Name: STORM LAKE
Fiscal Year July 1, 2024 - June 30, 2025

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
Revenues & Other Financing Sources										
Taxes Levied on Property	1 3,000,197	1,573,412		329,000	0			4,902,609	4,272,141	4,814,264
Less: Uncollected Property Taxes-Levy Year	2 0	0		0	0			0	0	0
Net Current Property Taxes	3 3,000,197	1,573,412		329,000	0			4,902,609	4,272,141	4,814,264
Delinquent Property Taxes	4 0	0		0	0			0	0	0
TIF Revenues	5		3,247,465					3,247,465	1,779,143	818,193
Other City Taxes	6 510,101	3,130,173		6,666	0			3,646,940	3,230,840	3,501,118
Licenses & Permits	7 124,500	0					0	124,500	179,695	240,660
Use of Money and Property	8 2,100	0	0	0	0	0	0	2,100	7,195	384,558
Intergovernmental	9 416,936	2,088,841	0	0	243,000		3,687,874	6,436,651	5,930,554	6,272,316
Charges for Fees & Service	10 1,602,512	0		0	0	0	16,520,932	18,123,444	15,610,158	15,531,884
Special Assessments	11 0	0		0	0		0	0	0	0
Miscellaneous	12 0	0		0	0	38,175	0	38,175	32,700	119,805
Sub-Total Revenues	13 5,656,346	6,792,426	3,247,465	335,666	243,000	38,175	20,208,806	36,521,884	31,042,426	31,682,798
Other Financing Sources:										
Total Transfers In	14 1,837,864	916,750	0	2,658,046	1,827,000	0	13,773,859	21,013,519	10,762,008	14,908,442
Proceeds of Debt	15 0	0	0	0	0		9,137,582	9,137,582	0	5,934,298
Proceeds of Capital Asset Sales	16 0	0	0	0	0	0	0	0	0	0
Total Revenues and Other Sources	17 7,494,210	7,709,176	3,247,465	2,993,712	2,070,000	38,175	43,120,247	66,672,985	41,804,434	52,525,538
Expenditures & Other Financing Uses										
Public Safety	18 3,179,864	1,009,889	0			10,000		4,199,753	3,844,373	3,707,436
Public Works	19 400,091	1,720,138	0			0		2,120,229	1,983,870	2,026,122
Health and Social Services	20 33,000	0	0			0		33,000	23,000	18,252
Culture and Recreation	21 1,774,210	208,323	0			29,330		2,011,863	1,761,081	1,565,248
Community and Economic Development	22 390,731	490,843	253,273			0		1,134,847	1,184,137	546,582
General Government	23 840,177	54,771	0			0		894,948	754,210	682,498
Debt Service	24 0	0	0	2,758,615		0		2,758,615	2,246,547	2,236,177
Capital Projects	25 0	0	0	0	3,123,200	0		3,123,200	3,525,649	7,491,187
Total Government Activities Expenditures	26 6,618,073	3,483,964	253,273	2,758,615	3,123,200	39,330		16,276,455	15,322,867	18,273,502
Business Type Proprietary: Enterprise & ISF	27						29,196,126	29,196,126	15,644,544	15,973,584
Total Gov & Bus Type Expenditures	28 6,618,073	3,483,964	253,273	2,758,615	3,123,200	39,330	29,196,126	45,472,581	30,967,411	34,247,086
Total Transfers Out	29 529,900	4,086,177	2,865,989	348,276	0	0	13,183,177	21,013,519	10,762,008	14,908,442
Total ALL Expenditures/Fund Transfers Out	30 7,147,973	7,570,141	3,119,262	3,106,891	3,123,200	39,330	42,379,303	66,486,100	41,729,419	49,155,528
Excess Revenues & Other Sources Over	31									
(Under) Expenditures/Transfers Out	32 346,237	139,035	128,203	-113,179	-1,053,200	-1,155	740,944	186,885	75,015	3,370,010
Beginning Fund Balance July 1	33 2,750,039	3,461,911	-128,203	113,179	1,053,200	513,516	15,184,471	22,948,113	22,873,098	19,503,088
Ending Fund Balance June 30	34 3,096,276	3,600,946	0	0	0	512,361	15,925,415	23,134,998	22,948,113	22,873,098

PASSED AND APPROVED this 15th day of April 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Mayor Porsch thanked all the staff for their time and hard work on the budget.

Fiscal Year 2023-2024 Budget - Moved by Council Member Martinez to approve setting a public hearing for May 6, 2024, at 5:00 pm at City Hall Council Chambers on amending Fiscal Year 2023-2024 budget. Seconded by Council Member McKeon. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

Well Development Project - Moved by Council Member Martinez to adopt Resolution No. 44-R-2023-2024 approving a grant agreement with Iowa Economic Development Authority for the well

development project. Seconded by Council Member Ramos. Roll call vote: All ayes with Council Member Ricklefs absent. Motion carried.

RESOLUTION NO. 44-R-2023-2024

**A RESOLUTION APPROVING A GRANT AGREEMENT WITH IEDA
FOR THE WELL DEVELOPMENT PROJECT**

WHEREAS, the City of Storm Lake has been awarded a grant from the Iowa Economic Development Authority under the Iowa Community Development Block Grant program for the Storm Lake Well Development Project, and;

WHEREAS, the City has an immediate need to conduct a project to construct a new well to ensure a high quality and sufficient supply of water for its residents, and;

WHEREAS, the City Council is in agreement with the terms provided by the Iowa Economic Development Authority for the Community Development Block Grant for the Storm Lake Well Development Project;

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

SECTION 1. The City Council approves the contract with the Iowa Economic Development Authority for project number 24-WS-0XX which includes a grant award in the amount of \$500,000.00 for the Storm Lake Well Development Project.

SECTION 2. The approval of the IEDA Grant Agreement is contingent upon final review and approval of the agreement by IEDA.

SECTION 3. The Mayor is authorized to sign the contract with the Iowa Economic Development Authority and all other required documents upon final review by IEDA.

PASSED AND APPROVED THIS 15TH DAY OF APRIL 2024.

BY THE CITY COUNCIL OF THE
CITY OF STORM LAKE, IOWA

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Moved by Council Member McKeon to adopt Resolution No. 46-R-2023-2024 approving a grant administration agreement with Simmering-Cory for the Storm Lake well development project.

Seconded by Council Member McKinney. Roll call vote: All ayes with Council Member Ricklefs absent. Motion carried.

RESOLUTION NO. 46-R-2023-2024

**RESOLUTION APPROVING A GRANT ADMINISTRATION
AGREEMENT WITH SIMMERING-CORY FOR THE STORM LAKE WELL
DEVELOPMENT PROJECT**

WHEREAS, the City of Storm Lake has been awarded a grant from the Iowa Economic Development Authority under the Iowa Community Development Block Grant program for the Storm Lake Well Development Project, and;

WHEREAS, the City has an immediate need to conduct a project to construct a new well to ensure a high quality and sufficient supply of water for its residents, and;

WHEREAS, the City Council has a need to have a professional grant administrator administer the grant per the Iowa Economic Development Authority guidelines;

WHEREAS, the City has previously procured for grant administration services following 2 CFR 200.319 and has selected the firm of Simmering-Cory to assist the City with this grant;

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

SECTION 1. The City Council approves the contract with the Simmering-Cory for grant administration services on IEDA project number 24-WS-0XX in the amount of \$20,000.00 for the Storm Lake Well Development Project.

SECTION 2. Approval of the grant administration agreement is contingent upon IEDA approval of the grant agreement.

SECTION 3. The Mayor is authorized to sign the contract with the Simmering-Cory following approval of IEDA's grant agreement approval.

PASSED AND APPROVED THIS 15TH DAY OF APRIL 2024.

BY THE CITY COUNCIL OF THE
CITY OF STORM LAKE, IOWA

Michael Porsch, Mayor

ATTEST:

Mayra Martinez, City Clerk

Highway 7 & 110 Intersection Project - Moved by Council Member McKinney to adopt Resolution No. 45-R-2023-2024 approving Change Order No. 2 that includes an increase of \$50,848.05 to the contract with 32 working days added of the Highway 7& 110 Intersection Upgrade project. Seconded by Council Member McKeon. Roll call vote: All ayes with Council Member Ricklefs absent. Motion carried.

RESOLUTION NO. 45-R-2023-2024

**RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR THE
HIGHWAY 7 & 110 INTERSECTION PROJECT**

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the Highway 7 & 110 Intersection Project; and

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

WHEREAS, on February 7, 2022, the following bid for the construction of certain public improvements described in general as the Highway 7 & 110 Intersection Project, is hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Contractor: Godbersen-Smith Construction, Inc.

Amount of bid: \$3,866,039.85

Portion of bid: All

WHEREAS, on November 21, 2022 Change Order No. 1 was approved in the amount of \$57,805.00 increasing the total contract to \$3,923,844.85 with an additional 6 working days.

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

Section 1. That Change Order No. 2 is hereby approved in the amount of \$50,848.05 increasing the total contract to \$3,974,692.90 with an additional 32 working days.

Section 2. That the Mayor and Clerk are hereby directed to execute Change Order No. 2 for the construction of said public improvements.

PASSED AND APPROVED this 15th day of April, 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Memorial Road Street & Utilities Improvements Project - Moved by Council Member Martinez to approve an amendment to the Professional Services agreement with Bolton & Menk for the 2024 Memorial Road Street and Utilities Improvements project. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

Council Member Martinez requested project updates be provided to the council as a project goes along with supporting documentation.

Work Session To Discuss The Need For A City Ordinance Establishing Regulations For After-hours Businesses That Permit Alcohol Consumption Beyond 2 AM - Mayor Porsch informed Council Members he asked Daniel Ramos to wait and speak to the Council members at this time.

Daniel Ramos, owner of the Oasis Event Center, gave a rebuttal to Police Chief Cole's prior presentation information requesting an ordinance establishing regulations for after-hours businesses that permit alcohol consumption beyond 2:00 am. Daniel Ramos also answered questions presented by the Mayor and Council Members regarding the operation of his business after 2:00 am.

Council Member McKinney recommended that the City Council move forward with creating the ordinance. Council Members concurred.

Stray Animal Work Session - Chief Cole and City Manager reviewed with City Council Members the City Ordinance about stray animals. Council Members asked questions and discussed the matter with updates that they would like to see on a proposed ordinance change.

City Council Requested Items / City Council – No items at this time.

Adjourn - Moved by Council Member Ramos to adjourn at 7:17 pm. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ricklefs absent. Motion carried.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

**CITY OF STORM LAKE CITY HALL COUNCIL CHAMBERS SPECIAL COUNCIL
SESSION MEETING, APRIL 23, 2024, 5:00 PM**

Present: Mayor Michael Porsch, Council Members Kevin McKinney, Meg McKeon, Maria Ramos, Maggie Martinez, and Matt Ricklefs. Absent: None.

Also Present: City Manager Keri Navratil, Assistant City Manager David Derragon, and City Clerk Mayra Martinez.

Media Present: no media present

Mayor Porsch called the meeting to order at 5:00 pm

Pledge of Allegiance

New Business

Retail Coach Presentation - Kyle Cofer, Project Director with The Retail Coach gave a presentation on the information the company has gathered for retail and economic development for the City of Storm Lake. With additional details that can be viewed online Retail 360 Page on the city's website.

Adjourn - Moved by Council Member Ramos to adjourn at 5:53 pm. Seconded by Council Member McKinney. Vote: All ayes. Motion carried.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk



Library Board Meeting, City of Storm Lake, March 11, 2024, 4:00 p.m.

Present: Board President Mary Kay Hudspeth, Jim Eliason, Sarah Freking, Sue Lyngaas, and Barb Wells. Also present, Elizabeth Huff, Library Director.

Board President Hudspeth called the meeting to order at 4:00 p.m.

Disclosures by Board Members - None

Agenda Approval – Moved by Board Member Freking to approve the agenda. Seconded by Board Member Wells. Vote all ayes. Motion carried.

Public Hearing – None

Witter Gallery Report – None

Approval of Minutes – Moved by Board Member Lyngaas to approve February Minutes. Seconded by Board Member Eliason. Vote all ayes. Motion carried.

Director's Report – No questions on the Bar Charts or Ledger. Board Member Lyngaas asked about the State Library pilot program on Social Work. The Director said Kathryn McKinley looked at the Social Work information while the Director assessed the administrative information for each webinar module. They reviewed 4 modules, took the quizzes, and made email comments to Dr. Wahler, the presenter. The new boilers passed State Inspection. In the Boiler Room there is more work to be done, replacement of a rusting pump part and copper tube insulation. The Library Board reviewed a new website for Intellectual Freedom which will be continuing education in the next few meetings.

Approval of Bills – Moved by Board Member Freking to approve March Bills. Seconded by Board Member Lyngaas. Vote all ayes. Motion carried.

Work Session: New Five-year goals and forum – The Director discussed trending library issues and the Board considered sustainability, social work, intellectual freedom, automation, and AI. Also added to the list were Kids Fest and Harmony Gardens.

Work Session: Hybrid meetings in the Bylaws – Board Member Eliason wrote an amendment which will be reviewed next month.

Trustee Continuing Education – tabled until next month.

Library Board Member Requested Items – Board President Hudspeth announced Board Member Lyngaas' resignation from the Board. Board Members expressed heartfelt gratitude for her service. The Board President gave evaluation forms to the Board Members.

Adjournment - Moved by Board Member Freking to adjourn the meeting at 4:45pm. Seconded by Board Member Wells. Vote all ayes. Motion carried.

Elizabeth Huff, Library Director - Please note the above is an unapproved draft of minutes and will be approved by the Board of Trustees on April 8, 2024.

Storm Lake Airport Commission
Regular Meeting, Airport Terminal
Monday, March 11, 2024, 4:00 PM

Present: Commission Members Bob Ansong, Cynthia Turner, Gary Worthan and Nathaniel Kitzrow.
Absent: Commission Member Jason Dierking. Staff Present: Tyler Gibbins.

Chairman Ansong called the meeting to order at 4:00 pm.

Minutes - Moved by Commissioner Worthan to approve the February 11, 2024, minutes. Seconded by Commissioner Kitzrow. Vote: All ayes with Commissioner Dierking absent. Motion carried.

Financial Report - Moved by Commissioner Kitzrow to approve the February 2024 financial reports. Seconded by Commissioner Turner. Vote: All ayes with Commissioner Dierking absent. Motion carried.

Fuel Report - Moved by Commissioner Kitzrow to approve the February 2024 Fuel report. Seconded by Commissioner Worthan. Vote: All ayes with Commissioner Dierking absent. Motion carried.

Airport Manager's Monthly Report - Brokered the sale of Stanley Rishoi's Mooney. Shoveled sidewalks around the terminal building on 2/16/24 and 2/28/24. Notified the authorities that someone ran over the stop sign and the Welcome To Storm Lake sign. The City crew came out to look at replacing manhole covers. Called the USDA about badger holes on the runway.

Courtesy Car Usage: 5 Miles: 51
Fuel Meter Reading: Jet A – 710,916
AV Gas – 164,026.5

Administration Report March 2024

Runway 17/35 Lighting Project Update - The preconstruction meeting has been scheduled for Thursday, March 13th, 2024, at 2:00pm.

FY2025 Budget - The City Council considered the operating budget for the airport on March 4th. The attached budget report is the proposed operating budget for the airport.

Adjourn - Moved by Commissioner Worthan to adjourn at 4:14 pm. Seconded by Commissioner Kitzrow. Vote: All ayes with Commissioner Dierking absent. Motion carried.

Staff Summary

05/06/2024

Agenda Item # D.2.



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

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: Buy Local Information

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

Breakout

Buena Vista County

Calculated Expenses

716.72

Contract/Agreement	193,274.76
Local	938,650.68
Non-Local	208,367.83
Payroll/UB Refunds/Pyrl Tax & Ins	<u>385,881.51</u>
TOTAL EXPENSES:	\$1,726,891.50

RECOMMENDATION: Approve Buy Local Information

ATTACHMENTS:
[5/6/2024 Project Report.pdf](#)

Summary

Project Summary							
Project Number	Project Name	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
OP1.122814	Richland Street, Phase 2 Improvem...	174,107.75	0.00	174,095.25	0.00	174,095.25	12.50
OP1.125106	BRIC	212,709.99	212,709.99	212,709.99	0.00	212,709.99	0.00
OP1.126252	Comprehansive Plan & Zoning Code U...	125,880.00	0.00	125,824.50	0.00	125,824.50	55.50
OP1.131538	Memorial Road Street & Utility Impro...	3,894,220.00	3,894,220.00	331,737.00	0.00	331,737.00	3,562,483.00
OT5.128791	Runway 17/35 Lighting Replacement	410,741.68	410,741.68	96,802.87	0.00	96,802.87	313,938.81
19-22797	Memorial Lift Station Improvements	2,533,320.00	0.00	2,554,600.96	0.00	2,554,600.96	-21,280.96
20-HSG-022	2021 Housing Sustainability Project	224,994.00	224,994.00	181,283.12	0.00	181,283.12	43,710.88
21-26215	Downtown Master Plan	113,000.00	0.00	103,650.00	0.00	103,650.00	9,350.00
22-26698	Storm Lake WTP- Well No. 21	1,789,929.00	1,789,929.00	726,087.09	1,851.25	727,938.34	1,061,990.66
22-26815	W 6th Street Utilities Extension	314,241.49	314,241.49	318,517.58	0.00	318,517.58	-4,276.09
22-27926	Storm Lake WTP- Well #22	149,200.00	149,200.00	63,402.50	0.00	63,402.50	85,797.50
23-092	King's Pointe Remodel/Refresh	439,737.55	439,737.55	347,417.02	0.00	347,417.02	92,320.53
23-29446	WWTP UV Disinfection Building	189,472.00	189,472.00	27,317.50	562.50	27,880.00	161,592.00
23-29447	College & 3rd St Lift Station Replacem...	185,000.00	185,000.00	96,465.00	13,175.00	109,640.00	75,360.00
FEMA HMGP (HMA) 4483	FEMA HMGP (HMA) 4483	373,560.00	373,560.00	0.00	0.00	0.00	373,560.00
HTG322020	T-Mobile Hometown Grant Q-3-22	0.00	0.00	45,619.48	0.00	45,619.48	-45,619.48
IA0091	SL Elevated Water Storage- Tower #5	7,384,100.15	7,384,100.15	506,816.62	6,596.25	513,412.87	6,870,687.28
New	Lead Service Line Replacement Prelim...	15,500.00	0.00	0.00	0.00	0.00	15,500.00
OP1.125220	4th Street Watermain Improvement P...	553,406.16	0.00	581,342.16	0.00	581,342.16	-27,936.00
P11.118940	Oneida Street Reconstruction from RR...	2,526,433.98	0.00	2,513,334.28	0.00	2,513,334.28	13,099.70
P11.120411	Highway 7/110 Traffic Lane/Signalizat...	4,711,913.90	1,210.58	4,866,679.50	63,988.55	4,930,668.05	-218,754.15
SP21122	SL Library CDBG- COVID (CV) Grant	634,285.27	634,285.27	634,285.27	0.00	634,285.27	0.00
Report Total:		26,955,752.92	16,203,401.71	14,507,987.69	86,173.55	14,594,161.24	12,361,591.68

Group Summary						
Group	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
Airport Projects	410,741.68	410,741.68	96,802.87	0.00	96,802.87	313,938.81
ARPA Project	1,789,929.00	1,789,929.00	726,087.09	1,851.25	727,938.34	1,061,990.66
Building Resilient Infrastructure and C...	212,709.99	212,709.99	212,709.99	0.00	212,709.99	0.00
Economic Development	778,115.49	539,235.49	774,894.68	0.00	774,894.68	3,220.81
King's Pointe Resort Projects	439,737.55	439,737.55	347,417.02	0.00	347,417.02	92,320.53
Library Project	634,285.27	634,285.27	634,285.27	0.00	634,285.27	0.00
Sanitary Sewer Projects	3,281,352.00	748,032.00	2,678,383.46	13,737.50	2,692,120.96	589,231.04
Street Construction	11,306,675.63	3,895,430.58	7,885,846.03	63,988.55	7,949,834.58	3,356,841.05
Water Project	8,102,206.31	7,533,300.15	1,151,561.28	6,596.25	1,158,157.53	6,944,048.78
Report Total:	26,955,752.92	16,203,401.71	14,507,987.69	86,173.55	14,594,161.24	12,361,591.68

Staff Summary

05/06/2024

Agenda Item # D.3.



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

REPORT TO: Honorable Mayor & Council
FROM: Chris Cole Police Chief
SUBJECT: SLPD City Code Enforcement Summary

BACKGROUND: 4/15/2024 to 4/29/2024

Tall Grass and Weeds – 18

Accumulate Junk – 34

Accumulate Trash – 11

Grass Clippings – 5

Bags of Leaves – 5

Junk Vehicles – 4

Burning inside city limits – 5

Total : 82

Citations – 0

FISCAL IMPACT: None

RECOMMENDATION: None

ATTACHMENTS:

Staff Summary

05/06/2024

Agenda Item # F.1.



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

REPORT TO: Honorable Mayor & Council

FROM: Chris Cole Police Chief

SUBJECT: **Motion To Approve The Bridge of Storm Lake's Run For Our Future 2024 Events**

BACKGROUND: Below is information regarding a request from the Bridge of Storm Lake for the annual Run For Our Future 5K, 10K, and Half Marathon.

The event will be held on Saturday June 15th 2024

The half-marathon will begin at 7:00 AM at the Storm Lake Marina and circle the lake south on HWY 110 and will transition to the Lake Trail in Lakeside. The runners will remain on the lake trail winding through Frank Starr and Emerald Park with the race ending back at Storm Lake Marina via Marina Road.

The 10K will begin at 8:00 AM at Lakeside Marina and follow the Lake Trail, Starr Park, wind through Emerald Park and end at Storm Lake Marina via Marina Road.

The 5K will begin at 8:00am at Methodist Manor and follow the westbound route ending at the Storm Lake Marina.

Attached are course maps.

This event is the same as in past years and has not caused any concerns or issues.

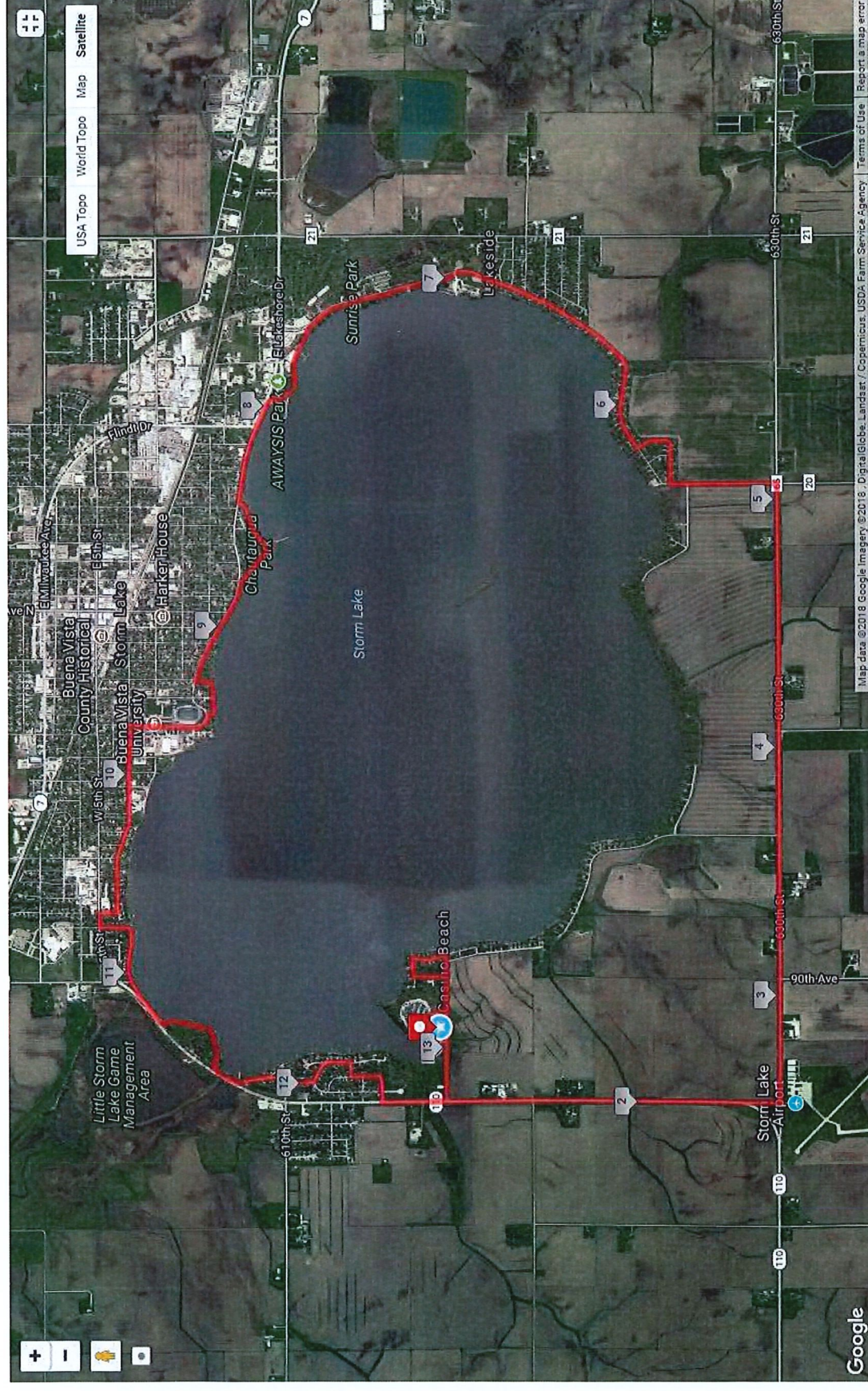
FISCAL IMPACT: Traffic control and course security for the event will be absorbed by the normal SLPD operating budget.

RECOMMENDATION: Approve request upon receipt of liability insurance.

ATTACHMENTS:

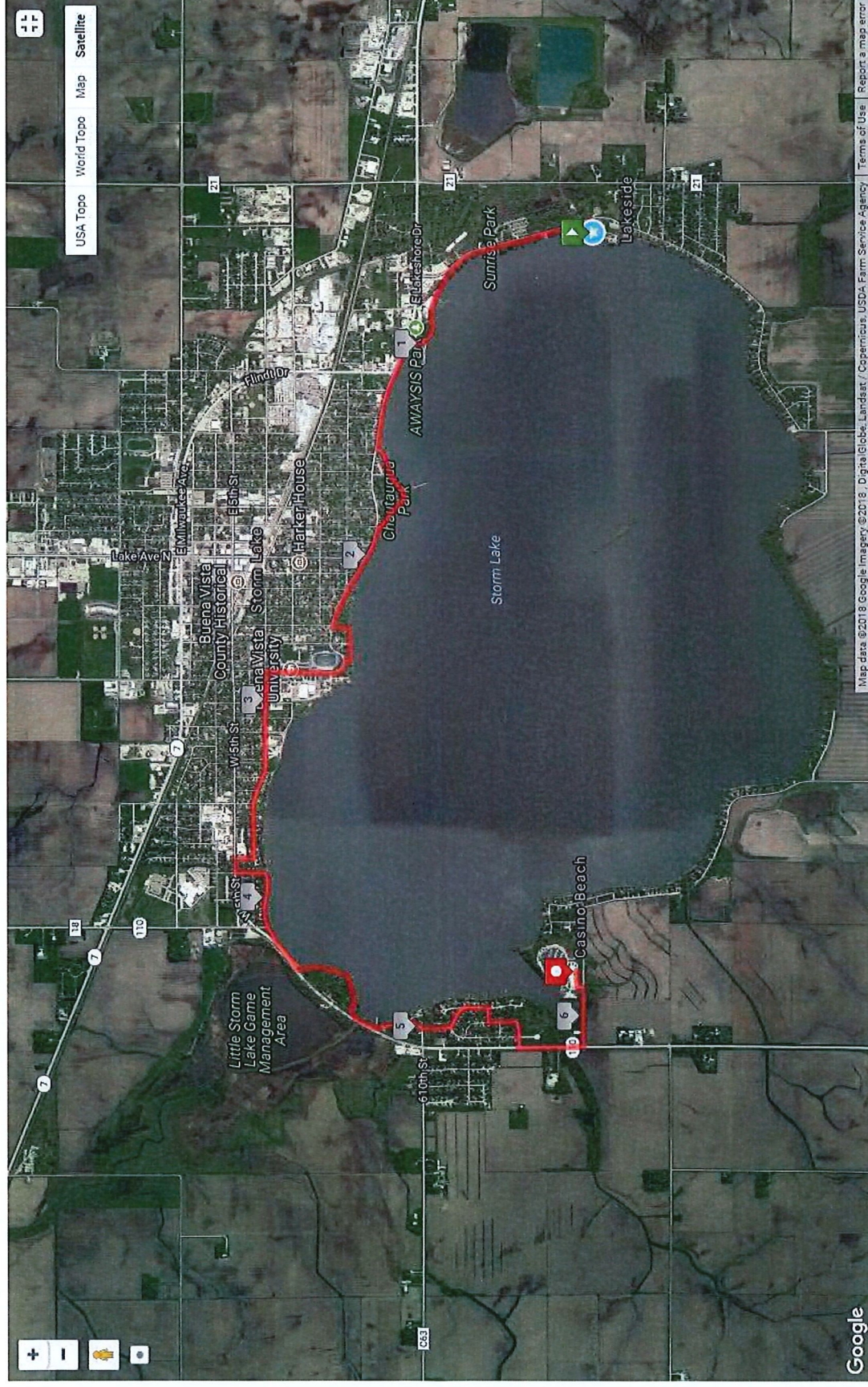
[20240416083835308.pdf](#)

1/2 Marathon - The Bridge of Storm Lake's Run For Our Future



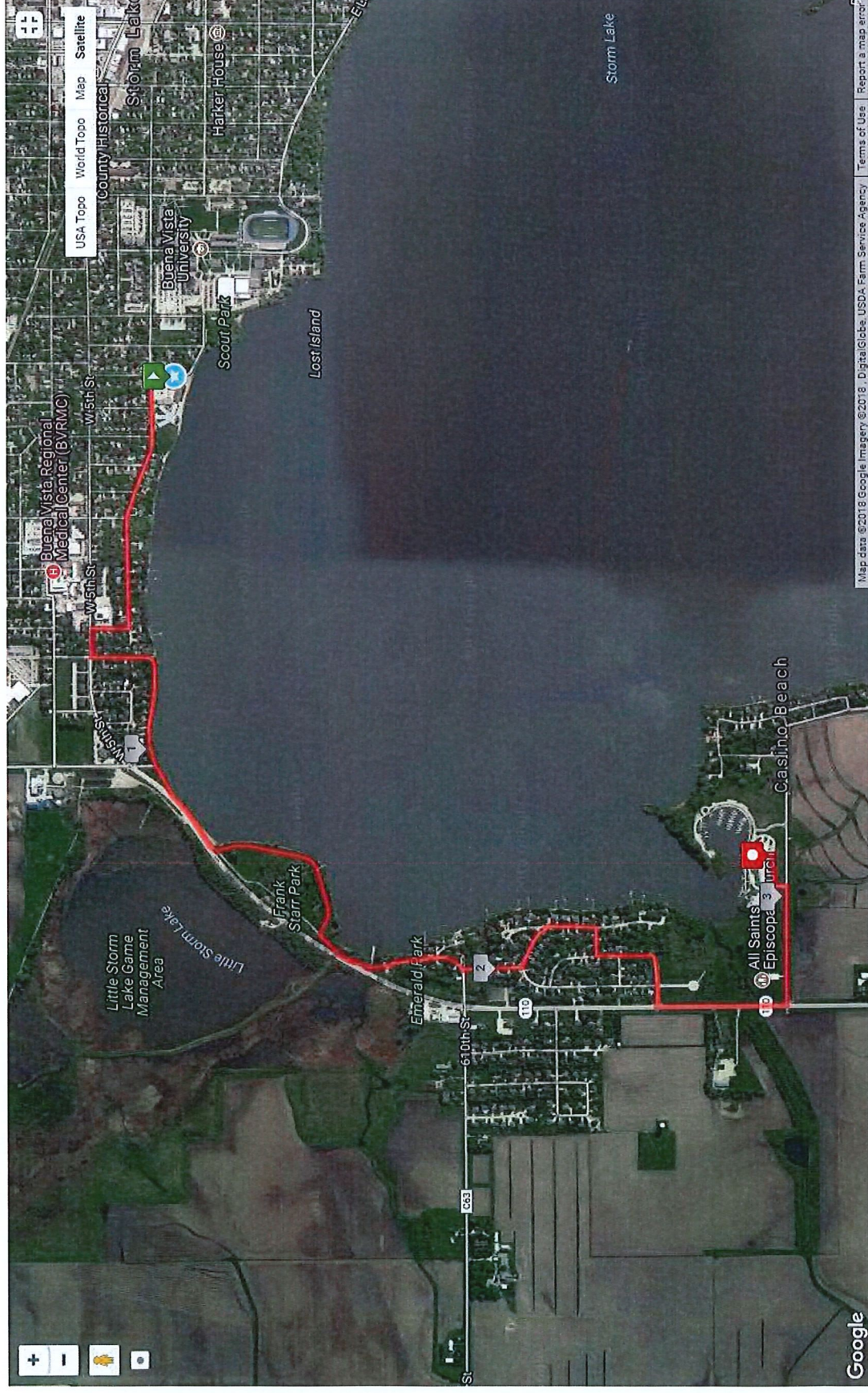
Start @ Finish Line, Casino Beach Loop then out south on Hwy 110 around the lake (Follow signs in switching from Road to Bike Path)

10K (Marina to Marina) - The Bridge of Storm Lake's Run For Our Future



Start in front of Lakeside Marina (Follow signs in switching from Road to Bike Path) Ends in West Marina Parking Lot

5K - The Bridge of Storm Lake's Run For Our Future



Start in front of Lake Pointe Villa (408 Barton St). Ends in West Marina Parking Lot

Staff Summary

05/06/2024

Agenda Item # F.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
[p \(712\) 732-8000](tel:(712)732-8000)
[f \(712\) 732-4114](tel:(712)732-4114)

REPORT TO: Honorable Mayor & Council

FROM: Chris Cole Police Chief

SUBJECT: **Motion To Approve Noise Variance Request 1121 N Lake For Private Party Event.**

BACKGROUND: Attached is a request for a noise variance from Tyson Rice for a private party which will include a live band at 1121 N Lake Ave. The band will play inside the shop garage with the garage door open from 6PM to 9:30 PM on Saturday June 29th 2024.

FISCAL IMPACT: None

RECOMMENDATION: Vote on request.

ATTACHMENTS:
[20240425085847758.pdf](#)

Chris Cole

From: Tyson Rice <tysonrice76@gmail.com>
Sent: Wednesday, April 24, 2024 8:22 PM
To: Chris Cole
Subject: Shop Party

Hi, I'd like to do whatever necessary for my wife and I to have a private party and music performer at my shop located at 1121 N Lake Ave on Saturday June 29th from 6:00pm until 9:30pm. The entertainment will be inside the shop but the shop doors will be open and some music may carry out. Please let me know what I need to do. Thanks!

Tyson Rice
712-661-8970

Staff Summary

05/06/2024

Agenda Item # F.3.



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

REPORT TO: Honorable Mayor & Council

FROM: Chris Cole Police Chief

SUBJECT: Motion to Approve BVU Walk to End Alzheimer's Event Request

BACKGROUND:

Attached is a request with proof of insurance and a route map for BVU's Walk to End Alzheimer's Event. This event is scheduled for Saturday October 5th and would start at around 8:00 AM and finish around 11:00 AM.

Organizers are requesting to close Chautauqua Park Drive from E Lakeshore to the Hudson Street Extension for the event.

FISCAL IMPACT: None

RECOMMENDATION: Vote on request

ATTACHMENTS:

[20240502122801334.pdf](#)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/1/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Inszone Insurance Services 1101 Perimeter Drive, Suite 500 Schaumburg IL 60173	CONTACT NAME: Sandy Crespin PHONE (A/C, No, Ext): 847-719-7877 FAX (A/C, No): 847-398-7077 E-MAIL ADDRESS: screspin@inszoneins.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: Philadelphia Indemnity Insurance Company NAIC # 18058	
INSURER B: Hartford Insurance Group NAIC # 29424	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
 Alzheimer's Disease & Related Disorders Association, Inc.
 225 N. Michigan Ave Ste 1700
 Chicago IL 60601

ALZHE-2

COVERAGES**CERTIFICATE NUMBER:** 2091565882**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Sex Abuse/Molest ☒ Soc Serv Prof GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	Y	PHPK2664736	3/11/2024	3/11/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			PHPK2664736	3/11/2024	3/11/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UM/UIM \$ 1,000,000
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			PHUB903794	3/11/2024	3/11/2025	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	83WEBU6934	3/11/2024	3/11/2025	☒ PER STATUTE ☐ OTH-ER E.I. EACH ACCIDENT \$ 1,000,000 E.I. DISEASE - EA EMPLOYEE \$ 1,000,000 E.I. DISEASE - POLICY LIMIT \$ 1,000,000
A	D&O, EPLI PROFESSIONAL LIABILITY			PHSD1863000 PHPK2664736	3/11/2024 3/11/2024	3/11/2025 3/11/2025	D&O \$50/EPLI \$50K RET OCC 1,000,000/AGGR 10,000,000 3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Iowa Chapter

RE: Storm Lake Walk to End Alzheimer's Event held Oct 4-5, 2024 at Buena Vista University

Buena Vista University is Additional Insured for operations conducted by the insured at the event listed. Subject to policy terms and conditions.

**Bounce Houses and other rebounding devices are excluded from any liability coverage on this policy.

CERTIFICATE HOLDER**CANCELLATION**

Buena Vista University
 610 W 4th Street
 Storm Lake IA 50588

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Staff Summary

05/06/2024

Agenda Item # F.4.



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

REPORT TO: Honorable Mayor & Council

FROM: Chris Cole Police Chief

SUBJECT: **Resolution No. 47-R-2023-2024 Approving SLU Events Request**

BACKGROUND: Attached is a request from SLU for the following events in 2024:
Farmers Market, Ridiculous Days, Wood Wine and Blues, Multicultural Festival, Chills and Thrills & Miracle on Lake Ave.

FISCAL IMPACT: There will be some costs incurred by Parks and Public Safety that will be absorbed by the normal operating budget.

RECOMMENDATION: **Motion To Approve Resolution No. 47-R-2023-2024 2024 SLU Events Request**

ATTACHMENTS:
[PERMIT REQUESTS 2024 Final.docx](#)



*Storm Lake Public Safety Department
Attn: Chief Chris Cole
401 East Milwaukee Ave
Storm Lake, IA 50588*

Dear Chief Cole,

For 2024, Storm Lake United would like to make requests for the following events:

Farmers Market
Ridiculous Days/ Sidewalk Sales
Wood, Wine and Blues
Multicultural Festival
Chills and Thrills
Miracle on Lake Avenue

Storm Lake United (SLU) respectfully makes the following requests for our events throughout 2024:

FARMERS MARKET

SLU respectfully requests permission for the following:

- Authorization to have sales of farmer raised goods in Public Parking Lot C located at Erie Street and 6th Street.
- Permission for assembly of *Farmers Market* stands starting on Saturday June 15th- Saturday, October 28th on both Thursday Nights from 3:00pm-6:30pm and on Saturday Mornings from 1:00pm.
- A Noise Variance on Thursday events and Saturday events for the duration.

RIDICULOUS DAYS

SLU respectfully requests permission for the following from Thursday July 18th-Saturday July 20th, 2024:

- Permission to hold sidewalk sales from Thursday, July 18th at 7:00am- Saturday, July 20th at 5:00pm in the 500, 600 & 700 blocks of Lake Avenue including the side streets immediately adjacent on 5th and 6th Streets.
- Permission to allow community members to sell secondhand goods on Saturday, July 19th from 8:00am-4:00pm. Spaces will be assigned to sellers beforehand and will not be in front of any existing open business. A \$20 refundable deposit will be collected by SLU

when a seller registers. The deposit will be refunded to the seller once it has been confirmed their assigned space is clear of any items or trash.

WOOD, WINE & BLUES

Scheduled to take place from Friday August 16-Sunday August 18, 2024. It is a community-wide event that will include a three-day chainsaw carving competition between professional wood carvers, a wine and arts festival on Saturday August 17th and Sunday August 18th in the park with craft vendors selling their products, Iowa wineries and breweries providing free tastings for the public, a wine trailer, and free daytime concerts from various artists. Should SLU decide to sell beer or bring in a vendor, all Iowa ABD guidelines will be followed, and public safety will be notified. SLU respectfully request permission for the following:

- To use Sunset Park on Friday, August 16th between the hours of 8:00am-9:00pm. On Saturday, August 17th from 8:00am-9:00pm. On Sunday, August 18th from 8:00am-6:00pm.
- To use the Sunset Park Band Shell from 10:00am-9:00pm on Saturday, August 17th. and from 10:00am-5:00pm on Sunday, August 18th.
- To have a Noise Variance in Sunset Park on Friday, August 16th from 8:00am-9:00pm. On Saturday, August 17th from 8:00am-9:00pm. On Sunday, August 18th from 8:00am-5:00pm.
- To allow chainsaw competitors to complete tree sculpture carvings with the designated logs located in Sunset Park on Friday, August 16th from 8:00 am-5:30pm. Saturday, August 17th from 8:00am-5:00pm. Sunday, August 18th from 8:00am to 3:30pm.
- To allow craft vendors to display and sell their products in Sunset Park Saturday, August 17th and Sunday, August 18th from 10:00am-5:00pm.
- To allow SLU to sell quick carve sculptures that the competing carvers will create in a 90-minute quick carve competition via silent auction on Saturday, August 17th and Sunday, August 18th.
- To allow food vendors to sell their products on Friday, August 16th-Sunday August 18th in Sunset Park.
- To allow the wine vendors to sell glasses of wine on Saturday, August 17th and Sunday August 18th from the hours of 11:00 am-5:00 pm during the Wood, Wine & Blues event. Wine vendors will only be serving wine by the glass and selling unopened bottles of Iowa Wines. Wine vendors will be required to submit proof of a valid liquor license and insurance to the City of Storm Lake prior to the event.
- Should SLU obtain correct licenses from the Iowa ABD, request to allow the brewery vendors to sell glasses of beer on Saturday, August 17th and Sunday, August 18th from the hours of 12:00 pm to 5:00 pm during the Wood, Wine and Blues event. Brewery vendors will be required to submit proof of a valid liquor license and insurance to the City of Storm Lake prior to the event.
- To allow the competing carvers to sell their work in Sunset Park.
- Permission to set-up Koenig portable toilets as needed.
- To allow, for a fee, to hold an approximately 30-team cornhole competition that is open to the community.
- For appropriate support from parks and public safety.
- For access to electrical power in Sunset Park.
- Request to the City of Storm Lake for assistance to stage and stand the carvers' logs prior to competition.
- Request to the City of Storm Lake for assistance to relocate wood carvings from Sunset Park after competition.

The competing carvers will be responsible for supplying their own safety equipment, including safety netting, fire extinguishers, eye protection, ear plugs, and chainsaw resistant pants or

chaps. Each carver will be required to sign a waiver before they will be able to compete in the competition.

THE SLU MULTICULTURAL FESTIVAL

Sunday September 15th, 2024, SLU is hosting a free community-wide celebration at Chautauqua Park. The event will include dancing, singing, family activities, music by a DJ, band or sound system, community vendors to educate the public about different cultures, food vendors, and a talent show. No alcohol will be sold. However, attendees will be allowed to bring their own beverages, excluding kegs which are not allowed in the park per Storm Lake City Code, Section 10-8-1 Prohibition of Beer Kegs. Storm Lake United would like to request a permit for the following activities:

- To use Chautauqua Park on Sunday, September 15th 8:00am-10:00pm.
- To use the Chautauqua Park Soccer Mini Pitch surface from 10:00-11:00pm
- To have a Noise Variance in Chautauqua Park on Sunday September 15th from 10am-10:00pm.
- To allow vendors to display and sell their products in Chautauqua Park.
- To allow food vendors to sell their products.
- Permission to set-up Koenig portable toilets as needed.
- For support from parks and public safety.
- For access to electrical power in Sunset Park.

CHILLS & THRILLS

SLU's annual Halloween Trick or Treating celebration that includes coordination with BVU student organizations and local businesses to provide a family friendly Halloween Trick or Treating and fun fall activities for the citizens of Storm Lake. This year the event is scheduled for Saturday. October 26th, 2024.

- A Noise Variance beginning at 9:00am to 12:00pm.
- Permission for student organizations and local businesses to set up tables for games and candy on the 500, 600 & 700 block of Lake Avenue from 9:00am to 12:00pm.

MIRACLE ON LAKE AVENUE

Miracle on Lake Avenue is scheduled for *Thursday, December 5th, 2024*, but a weather date is also requested for Friday December 6th. SLU respectfully requests the following activities on Lake Avenue between 5:00pm-9:00pm.

- A Noise Variance for holiday music is needed for the parade and sidewalk activities on the 500 and 600 blocks of Lake Avenue from 5:00pm-9:00pm.
- The parade will start at 6:00pm. The staging area will be in the 500 and 600 blocks of Cayuga Street. The parade will go West on 7th Street, South on Lake Avenue, East on Railroad Street and North on Erie Street ending in the 700 block.
- A street closure at the 200 block of East 5th Street for the Tree Lighting ceremony that will take place immediately following the parade. Once the ceremony is over, the street will be reopened.

A representative from Storm Lake United will attend the city council meeting to answer any questions that may arise. If the council has any questions prior to the meeting, please feel free to contact me.

Thank you,
Jacque Olson
Community Events Coordinator
Storm Lake United
Mobile: 712-299-8217
Phone: 712-732-3780
Email: jacque@stormlakeunited.com

Staff Summary

05/06/2024

Agenda Item # F.5.



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

REPORT TO: Honorable Mayor & Council

FROM: Brian Oakleaf Finance Director

SUBJECT: **Public Hearing On Fiscal Year 2023-2024 Budget Amendment**

BACKGROUND: The City is required to amend the budget anytime expenses are estimated to exceed the prior authorized budget authority as set by City Council.

Prior to adoption of the budget amendment the City must hold a public hearing and publish notice. The Public Notice, published on Wednesday, April 24th, shows the Amendment details and is attached for your review.

FISCAL IMPACT: None.

RECOMMENDATION: Hear comments
Close Public Hearing

ATTACHMENTS:
[PublicHearingNotice Amendment.pdf](#)

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET				
City of STORM LAKE				
Fiscal Year July 1, 2023 - June 30, 2024				
The City of STORM LAKE will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2024				
Meeting Date/Time: 5/6/2024 05:00 PM		Contact: Brian T. Oakleaf		Phone: (712) 732-8000
Meeting Location: City Council Chambers 620 Erie St. Storm Lake, IA				
There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing. Budget amendments are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult https://dom.iowa.gov/local-gov-appeals .				
REVENUES & OTHER FINANCING SOURCES		Total Budget as Certified or Last Amended	Current Amendment	Total Budget After Current Amendment
Taxes Levied on Property	1	4,272,141	0	4,272,141
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0
Net Current Property Tax	3	4,272,141	0	4,272,141
Delinquent Property Tax Revenue	4	0	0	0
TIF Revenues	5	1,779,143	0	1,779,143
Other City Taxes	6	3,217,668	0	3,217,668
Licenses & Permits	7	179,695	0	179,695
Use of Money & Property	8	7,195	0	7,195
Intergovernmental	9	5,930,554	0	5,930,554
Charges for Service	10	15,610,158	0	15,610,158
Special Assessments	11	0	0	0
Miscellaneous	12	32,700	0	32,700
Other Financing Sources	13	10,613,287	5,800,000	16,413,287
Transfers In	14	18,255,496	0	18,255,496
Total Revenues & Other Sources	15	59,898,037	5,800,000	65,698,037
EXPENDITURES & OTHER FINANCING USES				
Public Safety	16	3,844,373	0	3,844,373
Public Works	17	1,983,870	255,083	2,238,953
Health and Social Services	18	23,000	0	23,000
Culture and Recreation	19	1,761,081	0	1,761,081
Community and Economic Development	20	1,130,117	0	1,130,117
General Government	21	754,210	85,500	839,710
Debt Service	22	2,326,226	435,000	2,761,226
Capital Projects	23	12,338,909	0	12,338,909
Total Government Activities Expenditures	24	24,161,786	775,583	24,937,369
Business Type/Enterprise	25	21,410,224	3,609,242	25,019,466
Total Gov Activities & Business Expenditures	26	45,572,010	4,384,825	49,956,835
Transfers Out	27	18,255,496	0	18,255,496
Total Expenditures/Transfers Out	28	63,827,506	4,384,825	68,212,331
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	-3,929,469	1,415,175	-2,514,294
Beginning Fund Balance July 1, 2023	30	22,147,746	-1,219,184	20,928,562
Ending Fund Balance June 30, 2024	31	18,218,277	195,991	18,414,268
Explanation of Changes: King's Pointe Remodel Bond, both Revenues and Expenditures. Bond Payment reflected in Debt Service. Movement of Capital Improvement Items into this fiscal year. Total Amendment will affect ending fund balance by 1.07%				

Staff Summary

05/06/2024

Agenda Item # F.6.



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

REPORT TO: Honorable Mayor & Council

FROM: Brian Oakleaf Finance Director

SUBJECT: **Resolution No. 48-R-2023-2024 Amending the Fiscal Year 2023-2024 Budget**

BACKGROUND: Iowa Code requires an Amendment of Current Budget prior to any Program Expenses exceed the previous approved Budget.

FISCAL IMPACT: The Total Net Fiscal Impact of this Amendment is \$195,991, which is a 1.07% change from the original budget.

RECOMMENDATION: Approve Resolution 48-R-2023-2024 Amending the Fiscal Year 2023-2024 Budget

ATTACHMENTS:
[PublicHearingNotice Amendment.pdf](#)
[Resolution No. 48-R-2023-2024 - FY 23-24 Budget Amendment Resolution.doc](#)

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET				
City of STORM LAKE				
Fiscal Year July 1, 2023 - June 30, 2024				
The City of STORM LAKE will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2024				
Meeting Date/Time: 5/6/2024 05:00 PM		Contact: Brian T. Oakleaf		Phone: (712) 732-8000
Meeting Location: City Council Chambers 620 Erie St. Storm Lake, IA				
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Explanation of Changes: King's Pointe Remodel Bond, both Revenues and Expenditures. Bond Payment reflected in Debt Service. Movement of Capital Improvement Items into this fiscal year. Total Amendment will affect ending fund balance by 1.07%				

RESOLUTION NO. 48-R-2023-2024

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2024

Be it Resolved by the Council of the City of Storm Lake:

Section 1. Following notice published April 24, 2024, and the public hearing held, May 6, 2024 the current budget is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET				
City of STORM LAKE				
Fiscal Year July 1, 2023 - June 30, 2024				
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Explanation of Changes: King's Pointe Remodel Bond, both Revenues and Expenditures. Bond Payment reflected in Debt Service. Movement of Capital Improvement Items into this fiscal year. Total Amendment will affect ending fund balance by 1.07%.				

NOW THEREFORE be it resolved by the City Council of the City of Storm Lake, Iowa, to approve the above said budget amendment for the 2023-2024 Fiscal Year.

PASSED AND APPROVED this 6th day of May 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

05/06/2024

Agenda Item # F.7.



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

REPORT TO: Honorable Mayor & Council

FROM: Brian Oakleaf Finance Director

SUBJECT: **Resolution No. 49-R-2023-2024 Authorizing Inter-fund Transfers and Adjustments**

BACKGROUND:

Each fiscal year a number of inter-fund transfers must be completed in order to properly account for expenditures and accurately state Fund balances. This Resolution would authorize these transfers along with Audit adjustments and flow of funds through our Debt Service accounts.

These transfers are necessary to comply with Iowa Code 384.18 as the expenditures must be reflected within their originally budgeted Program.

FISCAL IMPACT: There is no actual fiscal impact as these simply reflect movement and accurate statement of Funds as opposed to additional expenditures.

RECOMMENDATION: Approve Resolution No. 49-R-2023-2024 and authorize the attached Transfers and Adjustments.

ATTACHMENTS:

[Resolution No. 49-R-2023-2024 Authorizing Inter Fund Transfers 2023-2024.xlsx](#)

RESOLUTION NO. 49-R-2023-2024
A RESOLUTION AUTHORIZING INTERFUND TRANSFERS AND ADJUSTMENTS

Be it Resolved by the Council of the City of Storm Lake:

Section 1. Whereas, there is a need to transfer resources between funds provided as follows:

Fund Key:

001	General Fund	172	Library Misc Memorial Trust	603	Water Plant Debt Service
003	Outdoor Water Park Fund	177	Asset Forfeiture/Law Enforcement Fund	604	Utility Deposits
004	Cottages	178	Police Dept. Evidence Fund	610	Sewer Fund
005	Tort Insurance Fund	200	Debt Service Fund	611	Sewer Capital Improvements
006	Marina	201	Storm Water Debt Service Fund	612	Sewer Debt Reserve
010	Franchise Fees	220	Outdoor Pool/Storm Water GO	613	FEMA HMGP - Sanitary Sewer
030	Outdoor WP Replacement Res	222	Hotel Motel Tax Debt Reserve	620	Storm Water Fund
040	Cottage Reserve Fund	223	\$2.5 Bond Sinking Fund	621	Storm Water Capital
110	Road Use Tax Fund	224	TIF Debt Reserve Fund	622	Storm Water Sinking Fund
112	Special Levy Fund	225	Alwaysis Local Option Sinking	670	Landfill Fund
119	Emergency Levy	227	5.6M Series Sinking Fund	750	Lodge Operations Fund
121	Local Option Sales Tax Fund	228	2.94M Series Sinking Fund	753	Lodge Reserve Fund
123	Hotel Motel Tax	230	Hotel/Motel Tax Bonds Fund	754	Lodge Taxes & Insurance
124	Mitigation Fund	231	McKenna Water Sinking Fund	755	Hotel Revenue Bonds Fund
125	TIF Fund	232	McKenna Sewer Sinking Fund	756	Hotel Property Tax Fund
126	Bargloff TIF	233	Bargloff Reserve Fund	757	Lodge Replacement Reserve Fund
127	The Reserves - TIF	234	Bargloff Sinking Fund	822	Health Benefit Trust Fund
128	#4 LMI Housing URA	235	TIF Bonds Fund	824	125 Flexible Benefits Fund
129	Storm Lake Sub-Division #5	299	Bond Refinancing	825	Wellness Fund
130	South School Urban Renewal	301	Capital Improvement Projects	835	Employee Internal Fund
131	LMI #5 Housing URA	500	Erma Myers Trust Fund	910	Chapter 411 Pension Fund
132	LMI Revolving Fund	600	Water Fund	960	Lake Improvement Commission
167	Restricted Gifts	601	Water Capital Improvements	970	Drainage Districts
168	Senior Center Trust Fund	602	Water Bond Reserve		

Section 2. Whereas, there is a need to transfer resources between funds to provide for operations, fund balancing, and debt service in amounts not to exceed according to the certified budget for fiscal year 2023-2024 as follows:

Fund From:	Fund To:	Description (What):	Amount:
Fund 001	Fund 234	\$3.39M GO Bond Admin Fee	\$ 600.00
Fund 010	Fund 001	FD Portable Radio Units	\$ 20,000.00
Fund 010	Fund 001	Parks Trails	\$ 100,000.00
Fund 010	Fund 001	PD HVAC Updates	\$ 34,500.00
Fund 010	Fund 001	PD Force on Force Training Equip	\$ 17,110.00
Fund 010	Fund 001	Certification	\$ 79,862.18
Fund 010	Fund 030	OWP Circulation Pump	\$ 5,000.00
Fund 010	Fund 110	Street Dump Truck (#13)	\$ 145,000.00
Fund 010	Fund 110	Infrastructure Mgmt Plan	\$ 350,000.00
Fund 112	Fund 910	MFPRSI Transfer	\$ 380,000.00
Fund 112	Fund 825	Wellness Fund	\$ 12,000.00
Fund 119	Fund 001	Emergency Levy	\$ 97,619.00
Fund 121	Fund 001	Alwaysis Park Lighthouse Stain/Paint	\$ 20,000.00
Fund 121	Fund 001	CG Cable Box/Service Line	\$ 65,000.00
Fund 121	Fund 001	Chautauqua Park Lighting	\$ 20,000.00
Fund 121	Fund 001	Chautauqua Park Pickleball Courts	\$ 70,000.00
Fund 121	Fund 001	Golf Greens Roller	\$ 15,000.00

Fund 121	Fund 001	Golf Greens Mower	\$	62,000.00
Fund 121	Fund 001	Hwy 71 Lighthouse Painting	\$	75,000.00
Fund 121	Fund 001	Kiwanis Park	\$	10,000.00
Fund 121	Fund 001	Library HVAC	\$	21,500.00
Fund 121	Fund 001	Parks Slip Form Paving Machine	\$	25,000.00
Fund 121	Fund 001	Parks Irrigation System	\$	65,000.00
Fund 121	Fund 001	Parks Large Area Mowers (3)	\$	75,000.00
Fund 121	Fund 001	Parks Service Truck	\$	65,000.00
Fund 121	Fund 001	Retail Coach Initial Fee	\$	40,000.00
Fund 121	Fund 001	Parks Toolcat	\$	80,000.00
Fund 121	Fund 001	Parks Trailer	\$	9,600.00
Fund 121	Fund 001	Parks Truck for Paving Machine	\$	150,000.00
Fund 121	Fund 001	PD Patrol Cars (2)	\$	115,000.00
Fund 121	Fund 110	Street Backhoe	\$	225,000.00
Fund 121	Fund 110	Street Equipment Trailer	\$	15,000.00
Fund 121	Fund 223	\$1.85M Hotel Rev Bond	\$	129,313.50
Fund 121	Fund 225	\$8.171M GO Bond	\$	212,564.00
Fund 121	Fund 301	PD Digital Sign Grant Match	\$	25,000.00
Fund 121	Fund 301	Runway 17/35 Lighting Local Match	\$	36,387.17
Fund 121	Fund 301	Paxton's Trust Playground Equipment	\$	89,145.00
Fund 121	Fund 757	KP Remodel/Refresh	\$	186,250.00
Fund 123	Fund 757	KP Remodel/Refresh	\$	278,000.00
Fund 123	Fund 228	\$925k Tax GO Bond	\$	120,890.00
Fund 124	Fund 227	\$5.74M GO Bond	\$	249,925.84
Fund 125	Fund 227	\$5.74M GO Bond	\$	274,525.00
Fund 125	Fund 225	\$8.171M GO Bond	\$	215,136.34
Fund 125	Fund 231	\$5.805M Urban Renewal GO Bond	\$	217,500.00
Fund 125	Fund 235	\$5.805M Urban Renewal GO Bond	\$	200,583.33
Fund 125	Fund 756	Certified Debt of Property Tax	\$	221,752.00
Fund 126	Fund 234	\$2.685M (of \$3.39M) GO Bond	\$	238,593.00
Fund 167	Fund 301	Paxton's Trust Playground Equipment	\$	150,000.00
Fund 200	Fund 234	\$705k Fire Truck (of \$3.39M) GO Bond	\$	138,605.44
Fund 201	Fund 227	\$5.74M Go Bond	\$	248,214.00
Fund 220	Fund 225	\$8.171 M GO Bond	\$	386,837.12
Fund 600	Fund 301	Spoil Site & Commercial Prop Development	\$	125,000.00
Fund 600	Fund 301	Water Tower #5 Local Match	\$	36,000.00
Fund 600	Fund 603	\$2.163M Water Rev Bond	\$	69,797.00
Fund 600	Fund 603	\$7.5M Water Rev SRF Bond	\$	501,025.00
Fund 610	Fund 301	Spoil Site & Commercial Prop Development	\$	125,000.00
Fund 610	Fund 612	\$1.608M Memorial LS SRF	\$	102,188.00
Fund 610	Fund 612	\$4.538M Sewer Rev SRF Bond	\$	436,006.00
Fund 610	Fund 612	\$660k Sewer Rev Bond	\$	45,428.00
Fund 620	Fund 227	\$5.74M GO Bond	\$	135,437.50
Fund 620	Fund 622	\$729k NCSW SRF Bond	\$	47,766.00
Fund 755	Fund 223	\$1.85M Hotel Rev Bond	\$	73,384.00
			\$	7,781,044.42

NOW THEREFORE be it resolved by the City Council of the City of Storm Lake, Iowa, to approve the above said transfers of funds

PASSED AND APPROVED this 6th day of May, 2024

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

05/06/2024

Agenda Item # F.8.



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

REPORT TO: Honorable Mayor & Council

FROM: Matt Beckman Public Works Director

SUBJECT: **Motion to Approve Proposal and Award Contract for Exploratory Test Wells to Sargent Drilling**

BACKGROUND: Based on recommendations from the Iowa DNR and from the Preliminary Engineering Report prepared by ISG for the Storm Lake water supply, the City needs additional source capacity to meet future water needs. The City currently has projects underway to replace two failed wells, but still needs to construct additional wells to increase our water supply capacity.

City staff has worked with ISG and LRE Water to determine the most appropriate locations for new sand and gravel wells. Hydrology indicated the most logical place to construct additional wells would be on City-owned property adjacent to the Little Storm Lake Discovery Center, and on a parcel of land near the intersection of Abner Bell Road and W. 6th Street. ISG solicited proposals from qualified contractors to drill two (2) exploratory test wells, and quotes from two (2) contractors were received:

Sargent Drilling: \$104,518.00

Layne Christensen Company: \$113,835.00

The City has a good working relationship with Sargent Drilling and the cost of the work falls within the budget of \$130,000 established for test well exploration in the City's capital improvement plan.

FISCAL IMPACT: The overall cost of this proposal is \$104,518.00.

RECOMMENDATION: Staff recommendation is to approve the agreement with Sargent Drilling for \$104,518.00 for the completion of two (2) sand and gravel test wells.

ATTACHMENTS:

[2024 Test Well Locations.pdf](#)



TEST WELL EXHIBIT

Letter of Recommendation



APRIL 19, 2024
Matt Beckman
Public Works Director
City of Storm Lake

RE: Letter of Recommendation for 2024 Storm Lake Test Wells

Mr. Beckman,

On Monday April 8, 2024, two (2) proposals were received for the 2024 Test Well project. Due to the price of the proposed test wells, the required completion dates were revised and new proposals were received on April 19, 2024. The revised proposals are summarized in the table below. Please see the full proposals attached to this letter for additional details.

Bidder	Proposal
Layne Christensen Company	\$113,835.00
Sargent Drilling	\$104,518.00

The apparent low bidder is Sargent Drilling of Carroll, Iowa, with a proposal price of \$104,518.00. The work is proposed to be completed in the summer of 2024, with invoicing taking place in August of 2024. We have confirmed that Sargent Drilling’s proposal is complete and thorough. Therefore, we recommend approval of Sargent Drilling’s proposal.

Sincerely,

Amanda Goodenow, PE
Civil Engineer
Amanda.Goodenow@ISGInc.com

Enclosed:

- Layne Christensen Proposal
- Sargent Drilling Proposal

QUOTATION

Layne Christensen Company

4601 North 252nd Street

Valley, NE 68064

Phone (402) 359-2042

Fax (402) 359-2310

Date: 04/17/24

P.O. Number:

Purchaser: City of Storm Lake

Attn: Amanda Goodenow, ISG, Inc.

620 Erie Street, PO Box 1086

Storm Lake, IA 50588

Phone Number (712) 732-8000

Mobile

Email

Amanda.Goodenow@ISGInc.com

Job Number: _____

We are pleased to submit the following quotation:

Job Description: City of Storm Lake Test Wells

QNTY	UNITS	DESCRIPTION	PRICE	TOTAL
1	LS	Test Well 1	25,530.00	25,530.00
180	VF	Casing and Screen	99.00	17,820.00
24	HR	Well Development	465.00	11,160.00
1	LS	Test Well 2	24,165.00	24,165.00
130	VF	Casing and Screen	99.00	12,870.00
24	HR	Well Development	465.00	11,160.00
1	LS	Mobilization (single mobilization for both well sites)	11,130.00	11,130.00
		NOTES: 1) Layne is anticipating installing 6" diameter PVC test wells for this project.		
		2) Layne assumes use of a filter bag in lieu of a frac tank for management of well development discharge fluids.		
		A frac tank has not been included in this proposal.		
		3) Applicable Taxes Not Included.		
		4) Payment Terms Net 30 Days.		
		5) Prices Valid For 30 Days From Date of Quotation.		
TOTAL				\$113,835.00

The undersigned Purchaser hereby instructs Layne Christensen Company (Contractor), to proceed with the work described with the understanding that the Terms and Conditions shown on the reverse are hereby incorporated as part of this Quotation and with the specific understanding that Contractor will not be held liable for any damage in any way whatsoever for failure to complete the described work, nor for any injury or damage resulting from Contractor's efforts to perform such work, or for delay on Contractor's part in completing same. All work described herein will be provided as quoted above or on a cost plus basis at the hourly rates provided. All quotes indicated, if any, are estimates based on the best information available prior to beginning work. As the scope of work changes, revised quotations will not be issued unless requested. Purchaser's pumps, motors, parts and/or accessories may be stored by the Contractor for thirty (30) days from the date of invoice or other written notice from Contractor. After said thirty (30) days, disposal of such equipment may be made by the Contractor without incurring any liability.

Purchaser

City of Storm Lake

By: _____

Title:

Date: _____

PO #:

Are you tax exempt? (Circle One) YES NO

Contractor

Layne Christensen Company

By: [Signature]

Title: Project Manager III

Date: 04/17/24



**Preliminary Work Schedule
Storm Lake Test Wells
REV. April 17, 2024**

	APRIL										MAY															JUNE														
Description	15	16	17	18	19	22	23	24	25	26	29	30	1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31	3	4	5	6	7
Anticipated Notice to Proceed																																								
Order and Procure Test Well Materials																																								
Sites 1 & 2 Test Drilling																																								
Sites 1 & 2 Development & Test Pumping																																								

	JUNE															JULY															AUG									
Description	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31	1	2
Sites 1 & 2 Development & Test Pumping																																								
Sites 1 & 2 Sieve Analysis and Final Report																																								
Sites 1 & 2 Well Abandonments																																								

TERMS AND CONDITIONS

LIABILITY OF CONTRACTOR: Contractor shall not be liable for any bodily injury, death, or injury to or destruction of tangible property except as the same may have been caused by the negligence of Contractor. In no event shall Contractor be liable for any delays or special, indirect, incidental or consequential damages. Purchaser agrees that the total limit of Contractor's liability (whether based on negligence, warranty, strict liability or otherwise) hereunder, shall not exceed the aggregate amount due Contractor for services rendered under this contract. All claims, including claims for negligence or any other cause whatsoever, shall be deemed waived unless made in writing and received by Contractor within one (1) year after Contractor's completion of work hereunder.

INSURANCE: Contractor shall provide workers' compensation insurance, public liability and property damage insurance covering its employees and operation. Purchaser, at its option, may maintain such insurance as will protect it against claims arising out of the work.

REIMBURSABLE COST: In addition to the hourly charge provided on the face of this contract, Purchaser will reimburse Contractor for travel and living expenses necessarily incurred by the Contractor in the performance of the work, minor incidental expenses such as overnight mail, telephone and petty cash expenditures necessarily incurred, cost of removal of all debris if so directed by Purchaser, sales, consumer, use and similar taxes required by law and the cost of permits and all licenses necessary for the execution of the work. The foregoing costs shall be billed at actual cost plus fifteen percent (15%) unless otherwise agreed upon.

PRICE ADJUSTMENT: Any cost estimates or time frames stated herein are subject to equitable adjustment in the event of differing or unforeseeable conditions, changes in applicable laws after the date of this contract, unforeseeable delays or difficulties caused by acts of God, Purchaser or any third parties. Prices of goods acquired by Contractor from others shall be adjusted to reflect Contractor's price in effect at time of shipment. The price of Contractor's goods will be adjusted to the price in effect at time of shipment in accordance with Contractor's current escalation policies or as specifically covered in this contract.

TERMS: Thirty (30) days net from date of invoice. For extended projects, Contractor shall submit invoices on a monthly basis for any and all work completed and materials or equipment provided during the previous month. Past due invoices shall be subject to a delinquency charge of one and one-half percent (1-1/2%) per month (eighteen percent (18%) per annum) unless a lower charge is required under applicable law, in which case the lower rate shall apply. Purchaser agrees to pay all collection fees, attorneys' fees and costs incurred in the collection of any past due amounts arising out of this contract. Contractor shall have the right to immediately terminate this contract without further liability if Purchaser fails to make timely payment or otherwise materially breaches this contract.

MATERIAL SHORTAGES AND COST INCREASES: If any portion of materials or equipment which Contractor is required to furnish becomes unavailable, either temporarily or permanently, through causes beyond the control and without the fault of Contractor, then in the case of temporary unavailability any completion time frames shall be extended for such period of time as Contractor shall be delayed by such above-described unavailability, and in the case of permanent unavailability Contractor shall be excused from the requirement of furnishing such materials or equipment. Purchaser agrees to pay Contractor any increase in cost between the cost of the materials or equipment which have become permanently unavailable and the cost of the closest substitute which is then reasonably available.

DELAYS: If Contractor is delayed at any time in the progress of work by labor disputes, fire, unusual delays in transportation, unavoidable casualties, weather, or any cause beyond Contractor's reasonable control, then any completion time frames shall be extended by a reasonable period of time, at least equal to the period of delay.

CHANGED CONDITIONS: The discovery of any hazardous waste, substances, pollutants, contaminants, underground obstructions or utilities on or in the job site which were not brought to the attention of Contractor prior to the date of this contract will constitute a materially different site condition entitling Contractor, at its sole discretion to immediately terminate this contract without further liability.

ESCALATION: This contract is made with the understanding that Contractor will be able to begin and continuously proceed with its work on or before the proposed start date on the reverse side hereof. In the event Contractor is unable to commence its work on or before said date because the project is not ready for Contractor's work, Contractor will charge Purchaser the amount of increase in Contractor's cost attributable to such delay, plus Contractor's normal overhead percentage.

GUARANTEE AND LIABILITY: Contractor warrants that its labor supplied hereunder shall be free from defect and shall conform to the standard of care in effect in its industry at the time of performance of such labor for a period of twelve (12) months after substantial completion of Contractor's work. Contractor agrees, to the extent it is permitted, to pass on any warranties provided by the manufacturers of materials and/or equipment furnished under this contract. Contractor itself provides no warranty, express, implied or otherwise, on any such materials or equipment. Contractor will not be responsible for: work done, material or equipment furnished or repairs or alterations made by others.

For any breach hereunder, Contractor shall be liable only for the value of the installation work or, if it wrongfully fails to install, then its liability is limited to the difference between the contract price herein, and the value of other similar installation work. If Contractor's breach damages any materials or equipment furnished hereunder, Contractor shall only be liable for the value of such materials or equipment. Under no circumstances will Contractor be liable for consequential, special or indirect damages, including without limitation, any crop loss or damage, damage to other equipment, structures or property, nor for any other similar or dissimilar damages or losses whether due to delay, failure to furnish or install, delay in installation, defective material or equipment, defective workmanship, defective installation, delay in replacing, nor for any cause or breach whatsoever. In any event, Contractor's total liability towards Purchaser for alleged faulty performance or nonperformance under this contract shall be limited to the total contract price. No materials, equipment or services contracted herein carries any guarantee not mentioned in this contract. THE ABOVE WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY DISCLAIMED.

TITLE AND OWNERSHIP: In case of default on Purchaser's part, Contractor shall have the right to enter the premises upon which any material or equipment furnished herein have been installed and retake such goods not then paid for and pursue any further remedy provided by law, including recovery of attorneys' fees and any deficiency to the maximum extent and in the manner provided by law. Such materials and equipment shall retain their character as personal property of Contractor until payment in full is received by Contractor, regardless of their mode of attachment. Unless prior specific written instructions are received to the contrary, surplus and replaced materials and equipment resulting from repair or installation work shall become the property of Contractor.

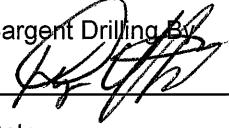
DELIVERY: Shipment schedules and dates, expressed or implied, are contingent on normal conditions. Contractor will not be responsible for any delays in shipment or completion caused by factors beyond its control such as, but not limited to, suppliers' failures, accidents, work stoppages or operation of or changes in the law. Shipments will be made as promptly as Contractor's ability to obtain materials and/or equipment and scheduling will permit. No delay in shipments or variances from shipping schedule shall be cause of cancellation or any claim for damage. Any changes in layout or design requested after acceptance of this contract will be made at Purchaser's additional cost. Any such change and/or time taken to supply engineering data or to approve drawings will automatically extend shipping schedules. Equipment will be shipped "knocked down" to the extent Contractor considers necessary, with small parts stripped from equipment and crated. On and after delivery to the carrier for transportation to the Purchaser's site, Purchaser shall be responsible for all loss or damage to materials or equipment due to any cause, including but not limited to loss or damage resulting from casualty.

INDEMNIFICATION: Purchaser agrees to indemnify and hold Contractor, its directors, officers, stockholders, employees, agents and subcontractors, harmless from and against any and all claims, demands, causes of action (including third party claims, demands or causes of action for contribution or indemnification), liability and costs (including attorneys' fees and other costs of defense) asserted and/or filed by Purchaser or any third party(ies), including without limitation Purchaser's employees, and arising out of or as a result of: (i) the presence of Contractor or its subcontractors at the job site, (ii) the work performed by Contractor or its subcontractors, or (iii) any negligent act or omission of Purchaser, its employees, agents, consultants, other contractors or any person or entity under Purchaser's control; except to the extent that such claims, demands, causes of action, liabilities or costs are caused by the negligence of Contractor or its subcontractors.

INTERPRETATION: This contract shall be governed by and construed in accordance with the laws of the state of the job site location. If any term, provision or condition contained herein shall, to any extent, be invalid or unenforceable, pursuant to state law or otherwise, the remainder of the terms, provisions and conditions herein (or the application of such term, provision, or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision and condition of this contract shall be valid and enforceable to the fullest extent permitted by law.

ASSIGNMENT & SUBLETTING: Purchaser shall not have the right to transfer or assign its rights and/or obligations under this contract to any third party, related or unrelated, without the express written consent of Contractor. Contractor shall have the right to transfer, assign or sublet all or any portion of its rights or obligations hereunder, but such transfer, assignment or subletting shall not relieve Contractor from its full obligations to Purchaser unless such transfer, assignment or subletting is pursuant to the sale of Contractor, or the division of Contractor responsible for this contract, to a third party.

MISCELLANEOUS: The terms and conditions set forth herein constitute the entire understanding of the parties relating to the work to be performed, and materials and equipment to be provided, by Contractor for the Purchaser. All previous proposals, offers, and other communications relative to the provisions of the subject work, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated herein. Any modifications or revisions of any provisions herein or any additional provisions contained in any purchase order, acknowledgment, or other form of the Purchaser are hereby expressly objected to by Contractor and shall not operate to modify this contract. This contract shall take effect upon acceptance and execution by both parties.

Sargent Drilling By

Date
4-19-24



SCHEDULE:

The City wishes to move forward with this project quickly and would like to commence the work as soon as possible. Please include in your proposal a project schedule indicating the timeframes for both completing the construction/proper plugging and the final deliverables. The work described in this RFP for test well 1 shall be completed by **June 30, 2024**. The work described in this RFP for test well 2 shall not begin prior to July 1, 2024 and shall be completed by **September 30, 2024**.

PROPOSAL:

Please submit a lump sum price and unit price for the items listed below:

ITEM	UNIT	QUANTITY	UNIT RATE	TOTAL
Test Well 1	LS	1	\$11,160.00	\$11,160.00
Casing and Screen	VF	180	\$124.00	\$22,320.00
Well Development	HR	24	\$520.00	\$12,480.00
Test Well 2	LS	1	\$8,060.00	\$8,060.00
Casing and Screen	VF	130	\$124.00	\$16,120.00
Well Development	HR	24	\$520.00	\$12,480.00
Mobilization	LS	1	\$21,898.00	\$21,898.00
			TOTAL	\$ 104,518.00

Test Well 1: The work would be completed in the summer of 2024 and would be invoiced August 2024.

Contractor shall provide all material, equipment, and labor necessary to complete construction of Test Well 1 at the location as shown in the attachment. Work shall be in accordance with Iowa Department of Natural Resources (IDNR) guidance and procedures. Work includes, but is not limited to, mobilization, drilling, well casing, well screening, cement grouting, well development, test pump(s), well log, well water samples and analysis, test pumping data, estimated safe yield/well capacity, recommendations of design, well plugging, site restoration, cleanup, permits, certificates, temporary protection, and miscellaneous associated work necessary for, or incidental to, the installation of Test Well 1. Drilling for each test well shall end at the bottom of the aquifer or with the Engineer's approval. Upon well plugging, the contractor is responsible for submitting the plugging record to the IDNR on Form 542-1226. ISG has submitted the necessary documentation to the Iowa DNR for these test wells to remain in place for thirty (30) days. No measurements will be made for the lump sum price. The Contractor will be paid the lump sum price for Test Well 1. In addition, the Contractor shall be paid per vertical foot (VF) for the total depth of the well. Well development will be measured hourly and paid at the unit price. Unit price quantities are estimated for bid comparison purposes. The Contractor shall be paid based on the total quantity required during field work.

Subsequent test wells will be measured and paid in the same manner as Test Well 1.

All Well Water Pollution Prevention is the responsibility of the contractor. Test Well 1 development & test pumping water is anticipated to be spread across the site and controlled with silt fence. Test Well 2 development & test pumping water will need to be filtered through a frac tank prior to discharge into the wetland shown on the test well exhibit.

This RFP is being issued to firms that are pre-qualified for the Work. Qualification submissions are not required to be submitted with the RFP response.

Please submit your proposal to Amanda Goodenow at ISG, **prior to 8:00am, April 8, 2024**. Proposals will be evaluated and awarded within seven (7) days of the proposal submittal date.

Please contact Amanda Goodenow at (712) 732-7745 for any questions or necessary clarifications to this RFP.

Staff Summary

05/06/2024

Agenda Item # F.9.



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

REPORT TO: Honorable Mayor & Council

FROM: Lee Dutfield Development Services Sepcialist

SUBJECT: **Resolution No. 50-R-2023-2024 Establishing A Child Care Steering Committee For The City Of Storm Lake, Iowa**

BACKGROUND: On April 1, 2024, the Mayor and Council held a discussion to establish the Storm Lake Child Care Steering Committee to implement the goals and strategies identified in the Strategic Plan completed by First Children's Finance.

It was decided that the initial members of the Storm Lake Child Care Steering Committee will be appointed by the City of Storm Lake. The initial steering committee will consist of seven (7) individuals, with at least one (1) representative from Storm Lake City Council. The remaining steering committee members will represent local employers, educational institutions, and community organizations, to assure diverse backgrounds and leadership skills.

On April 4, 2024, applications for the Storm Lake Child Care Steering Committee were made available to the public in both English and Spanish. Notice of the application period and process was advertised in English and Spanish to the public via a press release, newspaper ad, radio announcement, social media posts and the City's website. A QR code and link was created to make the application process simple to complete.

It was further decided that once the initial steering committee is appointed by the Mayor and Council, the steering committee will function independently, with no affiliation with or obligation to the City of Storm Lake. Vacancies on the steering committee will be filled by appointment by the remaining steering committee members and must maintain the size and composition of the initial committee. The steering committee may choose to create subcommittees in order to distribute the workload of the activities outlined in this plan. The size and composition of each subcommittee will be determined by the steering committee

based on the expected activities and need for additional support.

FISCAL IMPACT: N/A

RECOMMENDATION: Motion to Approve Resolution 50-R-2023-2024 Establishing A Child Care Steering Committee For The City Of Storm Lake, Iowa.

ATTACHMENTS:

[Resolution No. 50-R-2023-2024 Establishing A Child Care Steering Committe.docx](#)

RESOLUTION NO. 50-R-2023-2024

**A RESOLUTION ESTABLISHING A CHILD CARE STEERING
COMMITTEE FOR THE CITY OF STORM LAKE, IOWA**

WHEREAS, the City Council of the City of Storm Lake, Iowa recognized the need for Child Care opportunities in the city, and

WHEREAS, the City Council secured funding through the State of Iowa Economic Development Authority Rural Child Care Market Study grant and entered into an agreement with First Children's Finance to complete a Market Analysis and Strategic Plan for Child Care; and

WHEREAS, key findings, goals and strategies have been identified and presented to the community in a public forum; and

WHEREAS, engaging local employers and other community partners is necessary to increase the number of regulated child care spaces in the community; and

WHEREAS, the City of Storm Lake has purchased property identified for use in construction of a child care facility; and

WHEREAS, to implement the goals and strategies identified in the Strategic Plan it is necessary to establish the Storm Lake Child Care Steering Committee; and

WHEREAS, appointing the initial members of the steering committee will be the last official action taken by the Storm Lake City Council as next phases will be led by the Storm Lake Child Care Steering Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF STORM LAKE, IOWA, the following individuals are appointed to the Storm Lake Child Care Steering Committee.

1. Maggie Martinez
2. Derrick Randal
3. Heather Santos
4. Cynthia Trujillo
5. Magdalena Reyes
6. _____
7. _____

PASSED, APPROVED, AND ADOPTED this 6th DAY OF MAY, 2024.

BY THE CITY COUNCIL OF THE
CITY OF STORM LAKE, IOWA

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

05/06/2024

Agenda Item # F.10.



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

REPORT TO: Honorable Mayor & Council

FROM: Lee Dutfield Development Services Sepcialist

SUBJECT: **Resolution No. 51-R-2023-2024 Determining The Necessity And Fixing a Date For a Public Hearing On The Matter of The Adoption of a Proposed Amended and Restated Storm Lake Urban Revitalization Plan for the Storm Lake Urban Revitalization Area**

BACKGROUND: This Amended and Restated Storm Lake Urban Revitalization Plan will consolidate the Original Plan and the prior amendments into a single document and will amend the Plan's provisions to reflect new changes to Iowa Code Chapter 404 that are scheduled to take effect on July 1, 2024.

This Resolution sets the date of a public hearing on the matter of the adoption of a proposed Amended and Restated Storm Lake Urban Revitalization Plan for the Storm Lake Urban Revitalization Area for May 20, 2024.

FISCAL IMPACT: N/A

RECOMMENDATION: Approve Resolution No. 51-R-2023-2024 determining the necessity and fixing a date for a public hearing on the matter of the adoption of a proposed Amended and Restated Storm Lake Urban Revitalization Plan for the Storm Lake Urban Revitalization Area for May 20, 2024, and ordering the related mailing and publication of the Notice of Public Hearing.

ATTACHMENTS:

[Resolution No. 51-R-2023-2024 - Amended_and_Restated_Urban_Revit_Plan_-_Resolution_Setting_Date.docx](#)
[Amended and Restated Urban Revit Plan - Notice of Public Hearing \(02345650x7F7E1\).DOCX](#)
[Amended and Restated Urban Revit Plan - Resolution Setting Date \(02345649x7F7E1\).DOCX](#)
[05202024 - Notice Of Public Hearing - Storm Lake Urban Revitalization Area.docx](#)

RESOLUTION NO. 51-R-2023-2024

**RESOLUTION DETERMINING THE NECESSITY AND
FIXING A DATE FOR A PUBLIC HEARING ON THE
MATTER OF THE ADOPTION OF A PROPOSED
AMENDED AND RESTATED STORM LAKE URBAN
REVITALIZATION PLAN FOR THE STORM LAKE
URBAN REVITALIZATION AREA**

WHEREAS, pursuant to the provisions of Iowa Code Chapter 404, in February 2005, the City of Storm Lake, Iowa (the "City") adopted the Storm Lake Urban Revitalization Plan (the "Original Plan") for the Storm Lake Urban Revitalization Area (the "Revitalization Area" or "Area"), which Revitalization Area was subsequently designated by ordinance; and

WHEREAS, the Original Plan was subsequently amended by an Amendment No. 1 to the Original Plan adopted on March 3, 2014, an Amendment No. 2 to the Original Plan adopted on November 5, 2018, and an Amendment No. 3 to the Original Plan adopted on April 19, 2021 (the "Amendments"); and

WHEREAS, by the foregoing action, the Council has determined that the Revitalization Area within the City can be revitalized as authorized by Iowa Code Chapter 404; and

WHEREAS, a proposed Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") has been prepared, the purpose of which is to consolidate the Original Plan and the Amendments into a single document and to amend the Plan's provisions to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024; and

WHEREAS, before such Amended and Restated Plan can be adopted, it is necessary that a public hearing be held thereon and that due notice be given in accordance with the requirements of Iowa Code Chapter 404.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF 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 Iowa Code Section 404.1 and the proposed Amended and Restated Plan, attached to this Resolution as Exhibit 1, is declared to substantially meet the criteria of Iowa Code Section 404.2.

Section 2. It is determined that it is in the best interests of the citizens of the City to hold a public hearing on the matter of the adoption of the Amended and Restated Plan at a regularly scheduled meeting of the City Council, on May 20, 2024, at 5:00 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 Amended and Restated Plan, at least once not less than seven (7) days and not more than twenty (20) days prior to the date of said public hearing, as provided in Iowa Code Section

404.2(6); May 20, 2024 should be the next regularly scheduled City Council meeting after the publication of notice.

Section 4. Be it further resolved that copies of the Amended and Restated 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 AMENDED AND
RESTATED STORM LAKE URBAN REVITALIZATION PLAN
FOR THE STORM LAKE URBAN REVITALIZATION AREA

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing at its meeting which begins at 5:00 P.M. on May 20, 2024, 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 Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") for the Storm Lake Urban Revitalization Area ("Urban Revitalization Area" or "Area") described therein, under the authority of Iowa Code Chapter 404.

The purpose of the Amended and Restated Plan is to consolidate the Original Storm Lake Urban Revitalization Plan, adopted in February 2005 and the subsequent amendments to the original plan into a single document, and make updates to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amended and Restated Plan. The proposed Amended and Restated Plan is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Iowa Code Section 404.2.

Dated this _____ day of _____, 2024.

City Clerk, City of Storm Lake, State of Iowa

(End of Notice)

PASSED AND APPROVED this 6th day of May, 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

EXHIBIT 1

**AMENDED AND RESTATED
STORM LAKE
URBAN REVITALIZATION PLAN

FOR THE

STORM LAKE URBAN REVITALIZATION AREA

CITY OF STORM LAKE, IOWA**

2024

**AMENDED AND RESTATED
STORM LAKE URBAN REVITALIZATION PLAN
FOR THE
STORM LAKE URBAN REVITALIZATION AREA**

CITY OF STORM LAKE, IOWA

I. INTRODUCTION AND HISTORY

The Urban Revitalization Act, Chapter 404 of the *Code of Iowa*, is intended to encourage development, redevelopment, and revitalization within a designated area of a city by authorizing property tax development incentives to the private sector. Qualified real estate within a designated area may be eligible to receive a total or partial exemption from property taxes on improvements for a specified number of years. The primary intent of this act is to provide communities with a long-term increase or stabilization in their tax base by encouraging rehabilitation or new construction which might not otherwise have occurred.

The City Council of the City of Storm Lake, Iowa (the “City”) has previously adopted the Storm Lake Urban Revitalization Plan (the “Original Plan”) to establish an urban revitalization area within the City under the provisions of Iowa Code Chapter 404, known as the Storm Lake Urban Revitalization Area (the “Area” or “Revitalization Area”). The Original Plan was adopted by Resolution of the City Council on February 21, 2005 and was subsequently amended by an Amendment No. 1 to the Original Plan adopted on March 3, 2014, an Amendment No. 2 to the Original Plan adopted on November 5, 2018, and an Amendment No. 3 to the Original Plan adopted on April 19, 2021.

The City is now adopting this Amended and Restated Storm Lake Urban Revitalization Plan (the “Amended and Restated Plan” or “Plan”) in order to consolidate the Original Plan and the prior amendments into a single document and to update the Plan’s provisions to reflect recent legislative changes to Iowa Code Chapter 404, which are scheduled to take effect on July 1, 2024.

Upon adoption of this Amended and Restated Plan, this Amended and Restated Plan shall replace the Original Plan, as previously amended. In case of any conflict or uncertainty, the terms of this Amended and Restated Plan shall control. Any parts of the Original Plan, as previously amended, in conflict with this Amended and Restated are hereby repealed.

II. DESCRIPTION OF REVITALIZATION AREA

The Revitalization Area includes all real property within the City’s corporate limits and any property annexed into the City as of the effective date of its annexation to the City. A map of the Revitalization Area, as of the Amended and Restated Plan’s effective date, is attached hereto as Exhibit A.

The City may amend the land included in the Revitalization Area by adoption of future amendments to this Plan and by the adoption of additional designating ordinances or the repeal of existing designating ordinances.

III. DESIGNATION OF REVITALIZATION AREA

Iowa Code Chapter 404 provides that the City Council may designate an area of the City as a revitalization area, if that area meets any of the criteria set forth in Iowa Code Section 404.1. The City has previously designated the Revitalization Area as an urban revitalization area under the criteria of Section 404.1(4) and Section 404.1(5), which respectively provide the following criteria:

4. “An area which is appropriate as an economic development area as defined in section 403.17.” [Iowa Code Section 403.17(10) provides that “economic development area” means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises or housing and residential development for low and moderate income families, including single or multi-family housing.]
5. “An area or an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multi-family housing.”

With the adoption of this Amended and Restated Plan, the City Council affirms that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof, of the Revitalization Area, is necessary in the interest of the public health, safety, and welfare of the residents of the City and that the Revitalization Area substantially meets the criteria established in Section 404.1 of the *Code of Iowa* for a revitalization area.

IV. EXISTING ZONING

Existing zoning classifications of the property within the Area include:

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

The City’s zoning ordinance(s) and a detailed zoning map are available for public inspection at City Hall.

V. EXISTING AND PROPOSED LAND USE

Existing land use categories are the same as the zoning classifications described above.

New and expanded commercial, industrial, and residential development, including improvements to and revitalization of existing commercial, industrial, and residential structures, is proposed for the Revitalization Area, in accordance with the City's zoning ordinance(s) and the City's Comprehensive Plan.

VI. PROPOSALS FOR EXPANDING CITY SERVICES

No extensions or upgrades to existing municipal services or infrastructure are currently planned as part of this Plan. As development and redevelopment within the Revitalization Area warrants, municipal services within the Revitalization Area will be expanded and improved, as needed and as financially feasible, to serve new and expanded development.

VII. ELIGIBLE IMPROVEMENTS

The Plan is applicable to all of the property in the Revitalization Area assessed as residential, commercial, or industrial ("Eligible Property").

Improvements to Eligible Property, including rehabilitation and additions to any existing buildings on Eligible Property and new construction of buildings on vacant Eligible Property or on Eligible Property with existing buildings, which increase the actual assessed value of the Eligible Property by at least ten percent (10%) for Eligible Property are "Qualifying Improvements" under this Plan.

"Actual Value Added by the Qualifying Improvements" or "Actual Value Added," as used in this Plan, means the actual value added by Qualifying Improvements to the assessed value of the Eligible Property as of the first year for which the exemption is received.

All Qualifying Improvements, in order to be considered eligible for tax abatement, must be completed in conformance with all applicable ordinances and regulations for the City and must be completed during the time the Eligible Property was designated as a revitalization area (under this Amended and Restated Plan or under the Original Plan).

VIII. TIME FRAME

Revitalization activities in the Revitalization Area shall be eligible under this Plan until the City repeals or amends the ordinance(s) establishing the Revitalization Area, or repeals or amends the exemption benefits contained in this Plan.

If at any time, 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 exemptions granted in the Plan would cease to be of benefit to the City, then, pursuant to Iowa Code Section 404.7, the City Council may repeal the ordinance(s) designating the Revitalization Area, or any portion of the Revitalization Area. Following the repeal of the ordinance(s) designating the Revitalization Area,

all previously approved exemptions shall continue until their expiration. The City reserves the right to extend, amend, terminate, or repeal the Plan and/or the designating ordinances to the extent allowed by law.

IX. EXEMPTIONS

The following exemption schedules are available under this Plan for Eligible Properties located within the Revitalization Area to which Qualifying Improvements are made:

Residential Property

All Eligible Property 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 the Actual Value Added by Qualifying Improvements; provided, however, that the exemption from taxation shall not apply to property tax levies imposed by a school district for applications submitted on or after July 1, 2024, as and to the extent required by Iowa Code Section 404.3D. The exemption is for a period of five (5) years.

Multi-Residential Property (3+ Separate Dwelling Units)

All Eligible Property assessed as residential property under Iowa Code Section 441.21(14)(a)(6), having three or more separate dwelling units, is eligible to receive a one hundred percent (100%) exemption from taxation on the Actual Value Added by Qualifying Improvements; provided, however, that the exemption from taxation shall not apply to property tax levies imposed by a school district for applications submitted on or after July 1, 2024, as and to the extent required by Iowa Code Section 404.3D. The exemption is for a period of ten (10) years.

This exemption is available for this particular subset of residential property in lieu of the general residential property exemption set forth above, and is made available to further the City's planning objectives with respect to ensuring the availability of a variety of housing options and promoting the development of multi-family residential properties.

Commercial Property

All Eligible Property assessed as commercial property is eligible to receive an exemption from taxation on the Actual Value Added by Qualifying Improvements under one of the following exemption schedules. The property owner shall identify which exemption schedule is selected on the application submitted to the City.

- A. A one hundred percent (100%) exemption from taxation on the Actual Value Added by Qualifying Improvements. The exemption is for a period of three (3) years.
- B. An exemption from taxation on a percentage of the Actual Value Added by Qualifying Improvements, over a period of ten (10) years, exempting the following percentage of the Actual Value Added by Qualifying Improvements in the respective year of the schedule:

Year 1 - 80%	Year 6 - 40%
Year 2 - 70%	Year 7 - 30%
Year 3 - 60%	Year 8 - 30%
Year 4 - 50%	Year 9 - 20%
Year 5 - 40%	Year 10 - 20%

Abandoned Property

All Eligible Property determined to be abandoned property pursuant to Iowa Code Section 404.3B (meeting the definition of “abandoned” in Iowa Code Section 657A.1) shall be eligible to receive a one hundred percent (100%) exemption from taxation on the Actual Value Added by Qualifying Improvements; provided, however, for properties assessed as residential, the exemption from taxation shall not apply to property tax levies imposed by a school district for applications submitted on or after July 1, 2024, as and to the extent required by Iowa Code Section 404.3D. The exemption is for a period of five (5) years.

X. APPLICATION PROCEDURES

Property owners must file an application, on the form provided by the City, for each new exemption claimed. The application shall be filed by the property owner with the City Council by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years. The application shall contain, but is not limited to the following information:

- The nature of the improvement(s);
- The cost of the improvement(s);
- Estimated or actual completion date of the improvement(s);
- The tenants that occupied the property on the date the City adopted the resolution adopting the Original Plan, if known; and
- Identification of which exemption option the property owner is applying for under this Plan.

Additional Requirement for Properties Assessed as Commercial: Property owners submitting applications on or after July 1, 2024 for improvements to property assessed as commercial must also enter into a written assessment agreement with the City, in substantially the form attached as Exhibit B, specifying a minimum actual value for the completed improvements, consistent with and to the extent required by the provisions of Iowa Code Section 404.3C in effect at the time the application is submitted to the City.

Property owners may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption on the project. The City Council shall give its prior approval if the project is in conformance with this Plan for revitalization. However, if the proposal is not approved, the owner(s) may submit an amended proposal for the City Council to approve or reject. Such prior approval shall not entitle the owner(s) to exemption from taxation

until the improvements have been completed and found to be qualified for the exemption under this Plan.

XI. APPLICATION REVIEW

The City Council shall, subject to review by the County Assessor, approve all applications submitted for approval if:

1. The project, as determined by the City Council, is in conformance with this Plan and all other requirements of City Code, including, but not limited to, zoning and building code requirements; and
2. The project is located within the Revitalization Area; and
3. The improvements were made during the time the Revitalization Area was so designated.

The City Council will determine which exemption is applicable to the project (if any), subject to review by the County Assessor, based upon the terms of the Plan in effect when the application is reviewed and approved by the Council.

All approved applications shall be forwarded to the County Assessor by March 1 for review, pursuant to Iowa Code Section 404.5. The County Assessor shall make a physical review of all properties with approved applications. The County Assessor shall determine the increase in actual value for tax purposes due to the improvements and notify the applicant of the determination, which may be appealed to the local board of review pursuant to the provisions of the Iowa Code. After the initial tax exemption is granted, the County Assessor shall continue to grant the tax exemption for the time period specified on the approved application. The tax exemptions for the succeeding years shall be granted without the owner(s) having to file an application for succeeding years.

XII. OTHER SOURCES OF REVITALIZATION FUNDS

The City is not aware of a federal, state, or private grant or loan program that is permanently a source of funding for residential improvements in the Revitalization Area. However, it is not the intention of the City to prohibit the use of any other appropriate federal or state revitalization or incentive programs within the Revitalization Area. The City Council encourages all property owners to investigate other public and private funding sources for improvements to real property, and to apply to those sources which are applicable to the types of improvements being proposed.

XIII. RELOCATION PROVISIONS

The City does not anticipate the displacement or relocation of any persons, families, or businesses as a result of the improvements to be made in the Revitalization Area. However, if the relocation or displacement of a qualified tenant results from a property owner's action to qualify for a tax exemption under this Plan, upon the City's verification of such relocation or displacement, the City may require the property owner to compensate the qualified tenant for at least one month's rent and actual relocation expenses. A "qualified tenant" means the legal occupant of a residential

dwelling unit which is located within the designated Revitalization Area and who has occupied the same dwelling unit continuously since one year prior to the adoption of the Original Plan.

XIV. ASSESSED VALUATIONS AND OWNERS OF RECORD

Listings of the names and addresses of the owners of record for all real estate in the Revitalization Area, along with the assessed valuations stated separately for land and buildings for the real estate, as of the adoption dates of the Original Plan, are maintained in the office of the City Clerk.

XV. LIMITATION TO ELIGIBILITY FOR PROPERTY IN URBAN RENEWAL AREA

The City has one or more urban renewal areas that may overlap with the Revitalization Area and, in the future, may establish additional urban renewal areas that overlap with the Revitalization Area. The City has a tax increment financing program within these urban renewal areas that is designed to provide incentives for development. Accordingly, a property that, in the determination of the City Council, is within an urban renewal area and is receiving either direct or indirect benefits that were financed through a tax increment financing program, shall not be eligible for tax abatement under this Plan absent specific approval from the City Council.

XVI. SEVERABILITY

If any part of the Amended and Restated Plan is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted urban revitalization plans as a whole or any part of the previously adopted urban revitalization plans, prior amendments to revitalization plans, or the Amended and Restated Plan not determined to be invalid or unconstitutional.

XVII. EFFECTIVE DATE

This Amended and Restated Plan shall be effective upon the approval of a resolution by the City Council adopting the Amended and Restated Plan (“Effective Date”).

Applications submitted under this Plan following the Effective Date shall be eligible to apply only for those exemptions contained in this Amended and Restated Plan, subject to the terms of the Plan. All exemptions awarded prior to the Effective Date shall continue until their expiration.

EXHIBIT A
MAP OF REVITALIZATION AREA
(as of Amended and Restated Plan's adoption)



EXHIBIT B
FORM OF MINIMUM ASSESSMENT AGREEMENT

THIS MINIMUM ASSESSMENT AGREEMENT (“Minimum Assessment Agreement”) is dated as of _____, 20____, by and between the City of Storm Lake, Iowa (the “City”), an Iowa municipal corporation, and **[PROPERTY OWNER, a(n) Iowa _____]** (“Owner”).

WHEREAS, consistent with the provisions of the City’s Amended and Restated Storm Lake Urban Revitalization Plan (the “Plan”), the Owner has submitted an Application for Tax Abatement dated as of _____, 20____ (the “Application”) regarding certain commercial real estate owned by Owner and located in the Storm Lake Urban Revitalization Area, which real estate is legally described as follows:

[LEGAL DESCRIPTION]

(the “Property”); and

WHEREAS, the Application describes certain improvements that have been or are proposed to be constructed on the Property (the “Eligible Improvements”); and

WHEREAS, pursuant to Iowa Code Section 404.3C, the City and Owner desire to establish a Minimum Actual Value for the Eligible Improvements and Property following completion of the Eligible Improvements for the duration of the tax abatement requested by the Owner by submission of the Application, under the provisions of the Plan; and

WHEREAS, the Buena Vista County Assessor has reviewed the preliminary plans and specifications for the Eligible Improvements that are contemplated to be constructed.

NOW, THEREFORE, the parties to this Minimum Assessment Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Upon substantial completion of construction of the Eligible Improvements, but in no event later than January 1, 20____, the minimum actual value fixed for assessment purposes for the Eligible Improvements and the Property (building and land value) in the aggregate shall be not less than _____ Dollars (\$_____), before rollback.

The Minimum Actual Value shall terminate and be of no further force or effect as of December 31, 20____ (“Assessment Termination Date”). Upon the Assessment Termination Date, this Minimum Assessment Agreement shall no longer control the assessment of the Property.

2. This Minimum Assessment Agreement shall be promptly recorded by the City with the Recorder of Buena Vista County, Iowa. Such filing shall constitute notice to any subsequent encumbrancer of the Property (or part thereof), whether voluntary or involuntary, and this Minimum Assessment Agreement shall be binding and enforceable in its entirety against any

such subsequent encumbrancer, including the holder of any mortgage. The City shall pay all costs of recording.

3. This Minimum Assessment Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties hereto and their respective successors and permitted assigns.

4. Nothing herein shall be deemed to waive the rights of Owner from seeking administrative or legal remedies to reduce the actual value assignment made by the Assessor in excess of the Minimum Actual Value established herein. In no event, however, shall Owner seek to reduce the actual value to an amount below the Minimum Actual Value established herein during the term of this Minimum Assessment Agreement. This Minimum Assessment Agreement may be amended or modified and any of its terms, covenants, representations, warranties or conditions waived, only by a written instrument executed by the parties hereto, or in the case of a waiver, by the party waiving compliance.

5. If any term, condition or provision of this Minimum Assessment Agreement is for any reason held to be illegal, invalid or inoperable, such illegality, invalidity or inoperability shall not affect the remainder hereof, which shall at the time be construed and enforced as if such illegal or invalid or inoperable portion were not contained herein.

6. The Minimum Actual Value herein established shall be of no further force and effect and this Minimum Assessment Agreement shall terminate pursuant to the Assessment Termination Date set forth in Section 1 above.

[Remainder of this page is blank. Signatures start on the next page.]

CITY OF STORM LAKE, IOWA

By: _____
Mayor

ATTEST:

By: _____
City Clerk

STATE OF IOWA)
) SS
COUNTY OF BUENA VISTA)

On this _____ day of _____, 20____, before me a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Storm Lake, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

Notary Public in and for the State of Iowa

[Signature page to Minimum Assessment Agreement – City]

[OWNER]

By: _____

Print Name: _____

Its: _____

STATE OF _____)
) SS
COUNTY OF _____)

This record was acknowledged before me on this _____ day of _____, 20_____, by _____, as the _____ of [OWNER], on behalf of whom the record was executed.

Notary Public in and for said state

[Signature page to Minimum Assessment Agreement – Owner]

CERTIFICATION OF ASSESSOR

The undersigned, having reviewed the plans and specifications for the Eligible Improvements to be constructed, and being of the opinion that the minimum actual value contained in the foregoing Minimum Assessment Agreement appears reasonable, hereby certifies as follows:

The undersigned Assessor, being legally responsible for the assessment of the above described property upon completion of the improvement to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall be not less than \$_____.

Assessor for Buena Vista County, Iowa

Date

STATE OF IOWA)
) SS
COUNTY OF BUENA VISTA)

Subscribed and sworn to before me by _____, Assessor for Buena Vista
County, Iowa on this ____ day of _____, 20____.

Notary Public for the State of Iowa

Consistent with Iowa Code §404.3C, a copy of Iowa Code §404.3C is attached, as follows:

1. For revitalization areas established under this chapter on or after the effective date of this division of this Act and for first-year exemption applications for property located in a revitalization area in existence on the effective date of this division of this Act filed on or after the effective date of this division of this Act, commercial property shall not receive a tax exemption under this chapter unless the city or county, as applicable, and the owner of the qualified real estate enter into a written assessment agreement specifying a minimum actual value until a specified termination date for the duration of the exemption period.

2. a. The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made to the property and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than\$

b. The assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

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CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF BUENA VISTA

)

I, the undersigned City Clerk of the City of Storm Lake, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2024.

City Clerk, City of Storm Lake, State of Iowa

(SEAL)

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NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF
THE CITY OF STORM LAKE, IOWA, ON THE MATTER OF
THE ADOPTION OF A PROPOSED AMENDED AND
RESTATED STORM LAKE URBAN REVITALIZATION PLAN
FOR THE STORM LAKE URBAN REVITALIZATION AREA

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing at its meeting which begins at 5:00 P.M. on May 20, 2024, 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 Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") for the Storm Lake Urban Revitalization Area ("Urban Revitalization Area" or "Area") described therein, under the authority of Iowa Code Chapter 404.

The purpose of the Amended and Restated Plan is to consolidate the Original Storm Lake Urban Revitalization Plan, adopted in February 2005 and the subsequent amendments to the original plan into a single document, and make updates to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amended and Restated Plan. The proposed Amended and Restated Plan is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Iowa Code Section 404.2.

Dated this _____ day of _____, 2024.

City Clerk, City of Storm Lake, State of Iowa

(End of Notice)

ITEM TO INCLUDE ON AGENDA

CITY OF STORM LAKE, IOWA

May 6, 2024

5:00 P.M.

Storm Lake Urban Revitalization Plan

- Resolution determining the necessity and fixing a date for a public hearing on the matter of the adoption of a proposed Amended and Restated Storm Lake Urban Revitalization Plan for the Storm Lake Urban Revitalization Area

IMPORTANT INFORMATION

1. The above agenda items should be included, along with any other agenda items, in the meeting agenda. The agenda should be posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting. If no such office exists, the notice must be posted at the building in which the meeting is to be held.
2. If you do not now have a bulletin board designated as above mentioned, designate one and establish a uniform policy of posting your notices of meeting and tentative agenda.
3. Notice and tentative agenda must be posted at least 24 hours prior to the commencement of the meeting.

**NOTICE MUST BE GIVEN PURSUANT TO CHAPTER 21,
CODE OF IOWA, AND THE LOCAL RULES OF THE CITY.**

May 6, 2024

The City Council of the City of Storm Lake, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 620 Erie Street, Storm Lake, Iowa, at 5:00 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DETERMINING THE NECESSITY AND FIXING A DATE FOR A PUBLIC HEARING ON THE MATTER OF THE ADOPTION OF A PROPOSED AMENDED AND RESTATED STORM LAKE URBAN REVITALIZATION PLAN FOR THE STORM LAKE URBAN REVITALIZATION AREA", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. ____

RESOLUTION DETERMINING THE NECESSITY AND
FIXING A DATE FOR A PUBLIC HEARING ON THE MATTER
OF THE ADOPTION OF A PROPOSED AMENDED AND
RESTATED STORM LAKE URBAN REVITALIZATION PLAN
FOR THE STORM LAKE URBAN REVITALIZATION AREA

WHEREAS, pursuant to the provisions of Iowa Code Chapter 404, in February 2005, the City of Storm Lake, Iowa (the "City") adopted the Storm Lake Urban Revitalization Plan (the "Original Plan") for the Storm Lake Urban Revitalization Area (the "Revitalization Area" or "Area"), which Revitalization Area was subsequently designated by ordinance; and

WHEREAS, the Original Plan was subsequently amended by an Amendment No. 1 to the Original Plan adopted on March 3, 2014, an Amendment No. 2 to the Original Plan adopted on November 5, 2018, and an Amendment No. 3 to the Original Plan adopted on April 19, 2021 (the "Amendments"); and

WHEREAS, by the foregoing action, the Council has determined that the Revitalization Area within the City can be revitalized as authorized by Iowa Code Chapter 404; and

WHEREAS, a proposed Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") has been prepared, the purpose of which is to consolidate the Original Plan and the Amendments into a single document and to amend the Plan's provisions to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024; and

WHEREAS, before such Amended and Restated Plan can be adopted, it is necessary that a public hearing be held thereon and that due notice be given in accordance with the requirements of Iowa Code Chapter 404.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, STATE OF 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 Iowa Code Section 404.1 and the proposed Amended and Restated Plan, attached to this Resolution as Exhibit 1, is declared to substantially meet the criteria of Iowa Code Section 404.2.

Section 2. It is determined that it is in the best interests of the citizens of the City to hold a public hearing on the matter of the adoption of the Amended and Restated Plan at a regularly scheduled meeting of the City Council, on May 20, 2024, at 5:00 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 Amended and Restated Plan, at least once not less than seven (7) days and not more than twenty (20) days prior to the date of said public hearing, as provided in Iowa Code Section

404.2(6); May 20, 2024 should be the next regularly scheduled City Council meeting after the publication of notice.

Section 4. Be it further resolved that copies of the Amended and Restated 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 AMENDED AND
RESTATED STORM LAKE URBAN REVITALIZATION PLAN
FOR THE STORM LAKE URBAN REVITALIZATION AREA

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing at its meeting which begins at 5:00 P.M. on May 20, 2024, 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 Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") for the Storm Lake Urban Revitalization Area ("Urban Revitalization Area" or "Area") described therein, under the authority of Iowa Code Chapter 404.

The purpose of the Amended and Restated Plan is to consolidate the Original Storm Lake Urban Revitalization Plan, adopted in February 2005 and the subsequent amendments to the original plan into a single document, and make updates to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amended and Restated Plan. The proposed Amended and Restated Plan is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Iowa Code Section 404.2.

Dated this _____ day of _____, 2024.

City Clerk, City of Storm Lake, State of Iowa

(End of Notice)

PASSED AND APPROVED this 6th day of May, 2024.

Mayor

ATTEST:

City Clerk

ATTACH AMENDED AND
RESTATED PLAN LABELED AS
EXHIBIT 1 HERE

CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF BUENA VISTA

)

I, the undersigned City Clerk of the City of Storm Lake, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2024.

City Clerk, City of Storm Lake, State of Iowa

(SEAL)

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**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL
OF THE CITY OF STORM LAKE, IOWA, ON THE MATTER
OF THE ADOPTION OF A PROPOSED AMENDED AND
RESTATED STORM LAKE URBAN REVITALIZATION
PLAN FOR THE STORM LAKE URBAN
REVITALIZATION AREA**

Public notice is hereby given that the City Council of the City of Storm Lake, Iowa, will hold a public hearing at its meeting which begins at 5:00 P.M. on May 20, 2024, 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 Amended and Restated Storm Lake Urban Revitalization Plan ("Amended and Restated Plan" or "Plan") for the Storm Lake Urban Revitalization Area ("Urban Revitalization Area" or "Area") described therein, under the authority of Iowa Code Chapter 404.

The purpose of the Amended and Restated Plan is to consolidate the Original Storm Lake Urban Revitalization Plan, adopted in February 2005 and the subsequent amendments to the original plan into a single document, and make updates to reflect recent legislative changes to Iowa Code Chapter 404 that take effect on July 1, 2024.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amended and Restated Plan. The proposed Amended and Restated Plan is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Storm Lake, Iowa, pursuant to Iowa Code Section 404.2.

Dated this 6th day of May, 2024.

/s/Mayra A. Martinez

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

Staff Summary

05/06/2024

Agenda Item # F.11.



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

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Setting Public Hearing For A City Ordinance Establishing Regulations For After-hours Businesses That Permit Alcohol Consumption Beyond 2 AM.**

BACKGROUND:

Over the past years, the Storm Lake Police Department has observed a trend of escalating crimes and violence associated with after-hours establishments allowing alcohol consumption past 2 AM.

These businesses often draw large crowds after the bars close at 2AM and operate without liquor licenses, rendering them unregulated. Consequently, after-hours establishments have become focal points for criminal activities, including large fights, drug-related incidents, public intoxication, property damage, shootings, and various liquor law violations.

The increase in calls linked to after-hours businesses has imposed a significant risk to our staff and a burden on our resources. Officers are frequently dispatched to address disturbances and ensure public safety in these areas, only after the incident has escalated and spun out of control.

Incidents of violence and disorderly conduct pose substantial risks to patrons, police officers, and the surrounding community.

In response to these concerns, we recommend the implementation of a new city ordinance specifically addressing after-hours businesses that allow alcohol to be consumed after 2AM..

This ordinance proposes regulations, including a permitting process, background checks, insurance coverage, and consent for police and fire department officials to enter the premises to conduct inspections to ensure compliance with state and city codes.

Additionally, the ordinance outlines enforcement measures and penalties for non-compliance, including a permit revocation process for those violating the ordinance.

By imposing regulations on these establishments, we hope to reduce the occurrence of violent incidents, safeguard our officers, and uphold the integrity of our community.

The Police Department fully supports the enactment of this ordinance to protect the well-being of our residents and maintain peace and order within our city.

Work Sessions were held on April 1 and April 15.

FISCAL IMPACT:

None

RECOMMENDATION:

Set Public Hearing for 5:00 p.m. May 20, 2024 in City Council Chambers.

ATTACHMENTS:

[Ordinance - After Hours Businesses \(02294332x7F7E1\) DRAFT KN Edit.docx](#)

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE IV OF THE STORM LAKE, IOWA CITY CODE BY ADDING NEW CHAPTER 4-11 REGULATING AFTER HOURS BUSINESSES

4-11-1: PURPOSE; FINDINGS:

The purpose of this chapter is to provide for the reasonable regulation of existing After Hours businesses within the city of Storm Lake. The city council finds that the existence of After Hours businesses, which allow the on-premises consumption of alcohol during early morning hours, in the city of Storm Lake has caused detrimental effects on the health, safety, welfare, and quality of life of residents, and visitors. Based on these findings and intentions, the city council has enacted the following regulations for After Hours businesses in the city of Storm Lake.

4-11-2: DEFINITIONS

AFTER HOURS BUSINESS. Any business open during any time between the hours of 2:00 a.m. to 6:00 a.m. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises. The term does not include events at hotels or motels or spontaneous social gatherings on residential properties.

APPLICANT. Any person, as defined by this Ordinance, applying for a license to operate an After Hours business.

BUSINESS PREMISES OR LICENSED PREMISES. All buildings and properties including parking lots owned or leased for the benefit of the operation of the after hours business.

HOTEL or MOTEL. Any building or structure, equipped, used, advertised as, or held out to the public to be an inn, hotel, motel, motor inn, or place where regular sleeping accommodations are furnished transient guests for hire, which is licensed by the Iowa Department of Inspections and Appeals.

PERSON. Any individual, association, partnership, corporation, club, or other legal entity.

4-11-3: LICENSE REQUIRED

(A) No person shall operate an After Hours business in the city without first applying for and paying the license fee to procure an After Hours business license.

(B) This Ordinance shall not apply to hotels or motels.

(C) A license to conduct an After Hours business may be issued by the City Clerk to a person who meets all requirements and conditions set forth in this Ordinance.

4-11-4: APPLICATION REQUIREMENTS

A person shall apply to the City Clerk for an original or renewal After Hours business license at least sixty (60) days prior to the date the person plans to begin operating an After Hours business.

The applicant shall provide information required by this Section upon a form to be provided by the City Clerk along with the documents specified below and payment of the application fee in the amount set in the Schedule of Fees adopted by the City Council.

- A. The Applicant's full legal name, and any other names used by the Applicant in the preceding five (5) years.
- B. The Applicant's current mailing address.
- C. Proof of the Individual's age completing the application on behalf of the Applicant. No Person under the age of twenty-one (21) years shall be eligible for a license.
- D. The business name, mailing address, location (if different from the mailing address), and phone number.
- E. The name and business address of the Applicant's registered agent (if applicable).
- F. A statement as to whether the Individual has ever had a license for an After Hours Business, or its equivalent as defined in this Ordinance, denied, revoked, or suspended in any other city, county, or state, and if so, the date(s) and jurisdiction(s) of the denial, revocation, or suspension.
- G. A statement as to whether the Applicant has ever owned a business that operated after hours that has been declared by a court of law to be a nuisance or was closed by order of a court of law.
- H. Personal injury coverage in the amount of \$1 million.
- I. General liability insurance in the amount of \$2 million.
- J. A copy of the Sales Tax Permit for the proposed business, from the Iowa Department of Revenue.
- K. Applicant shall provide a written consent for the City to conduct a background check on each Person who signed the application.
- L. Applicant shall provide a written consent for members of the Storm Lake Fire and Police Departments to enter the business premises without warrant at any time to inspect for violations of the provisions of state law and City ordinances, including, but not limited to, compliance with the laws of this Ordinance, Iowa Code chapter 123 alcoholic beverages licensing laws, and other applicable fire, building, and health code regulations.

After an Application is received, the City Clerk shall determine whether the application is complete. The City Clerk shall transmit the application to the Fire Department and Building Code Enforcement to conduct an inspection of the premises with the owner's cooperation. The Applicant shall permit the City's Fire Department and Building Code Compliance officers to enter and examine the premises to confirm compliance with City Code standards. The City Clerk shall also forward the Application to the Police Chief to conduct its review.

The Applicant shall immediately supplement any information provided in the application if any changes, errors, or omissions would cause the original application to be false or incomplete. This obligation to supplement continues after a license is issued.

4-11-5 POLICE DEPARTMENT REVIEW. Each application for an original or renewal After Hours Business license shall be provided to the Police Chief for review. Upon receipt, the Police Chief, or designee, shall conduct a background check and an investigation as to the truth of the

facts averred in the application documents. The Police Chief or designee shall forward the results to the City Clerk along with a recommendation for approval or disapproval. No approval of the license may occur until the City Clerk has received the results of the investigation.

4-11-6 LICENSE ISSUANCE

The City Clerk shall issue a license under the following conditions:

- A. The application is complete and all information and documents required in section 4-11-3 have been provided.
- B. The application fee is paid.
- C. The Police Chief or designee has recommended approval.
- D. The premises for which an after hours business license is sought must be located within an area where such business is permitted and conforms to City zoning requirements.
- E. The premises for which an after hours business license is sought meets all applicable laws, ordinances, resolutions, and health and fire regulations.
- F. No license shall be approved for any Applicant that has previously had a liquor license revoked or suspended for any reason within one (1) year of the date of application for After Hours business license.
- G. No license shall be approved for a period of one (1) year from the date on which any Applicant has had any premises or business found to be a nuisance under Chapter 8-1.
- H. No license shall be approved to any applicant who:
 - a. Within one (1) year of the date of application, has violated the state alcoholic beverages laws and regulations for which corrective action has been taken, including suspension or revocation of liquor licenses;
 - b. Within five (5) years of the date of application, has been convicted of crimes relating to illegal drug use, possession or sale;
 - c. Within five (5) years of the date of application, has been convicted of a felony or serious misdemeanor.
 - d. Within one (1) year of the date of application, has had an After Hours business license or renewal license revoked, suspended, or denied.

These requirements apply to all of the following:

- a. Each of the officers, directors and partners of the person;
- b. Tenants operating the premises on behalf of the Applicant;
- c. A person who directly or indirectly owns or controls 10% or more of any class of stock of the person;
- d. A person who directly or indirectly has an interest of 10% or more in the ownership or profits of the person.

4-11-7 RENEWAL.

- A. A license shall remain valid for a period of one (1) year from the date of issuance, unless the license has otherwise been suspended or revoked. A license may be renewed only by making application as provided in this Ordinance and paying the applicable renewal fee.

- B. An application for renewal shall be filed at least ninety (90) days before the expiration date.
- C. Renewal license applications are evaluated and granted upon the same standards, conditions, and requirements as original applications.
- D. After Hours Business licenses are not transferrable.

4-11-8 GROUNDS FOR REVOCATION, SUSPENSION, OR CIVIL PENALTY.

- A. An After Hours Business licensee may be required to pay a civil penalty and/or have the license suspended for a period not to exceed one year, or revoked, for violations of this Ordinance.
- B. Upon complaint or a reasonable suspicion that there are grounds for revocation or suspension, the City Manager may cause the matter to be investigated. If the city Manager finds that a violation has occurred, the City Manager shall give notice to the licensee of intent to suspend or revoke the license.
- C. Notice of the City's intent to suspend, revoke, or deny renewal of a license shall be served upon the licensee by personal service or by certified mail, return receipt requested. The suspension or revocation shall become effective seven (7) days after notice is served or mailed, unless an appeal is timely filed.
- D. Grounds for suspension, revocation, or civil penalty, are as follows:
 - a. Misrepresentation of any material fact in the license application by the applicant/licensee or their respective employees or agents;
 - b. Violation of any provision of state law or city ordinance pertaining to the operation of the business by the licensee or their employees or agents;
 - c. Failure to pass any health, fire, or safety code inspections;
 - d. Any change in ownership or interest in the business which was not previously reported and approved by the City;
 - e. Any event which would have resulted in disqualification from approval of license when originally issued or renewed; or
 - f. Any sale or other purported transfer of the license.

4-11-9 APPEAL. Any applicant or licensee aggrieved by the refusal of the City Clerk to Issue or renew a license, or by suspension or revocation of a license by the City Manager, has the right to appeal the decision to the City Council of the City of Storm Lake, Iowa. Such appeal shall be requested by submitting a written request to the City Clerk within ten (10) days of the action which is appealed. The City Council shall consider the appeal at the first regularly scheduled meeting following the filing of the appeal before which meeting sufficient time exists to give the public the required notice of the existence of the appeal hearing on the agenda. At the appeal hearing, the appellant shall be entitled to present their appeal orally or in writing. The City Council shall act on the appeal within twenty-one (21) days of the hearing and shall either uphold or reverse the action of the City Clerk or City Manager, and direct any further action from staff as is necessary to implement the order.

4-11-10 EFFECT OF REVOCATION

- A. Any licensee whose license is revoked shall not thereafter be permitted to hold a license in the city for a period of one (1) year from the date of revocation.
- B. A spouse or business associate holding 10% or more of the capital stock or ownership interest in the business of a person whose license has been revoked shall not be issued a license and no license shall be issued which covers any businesses in which the person has a financial interest for a period of two years from the date of revocation.
- C. If a license is revoked, the premises covered by the license shall not be re-licensed as an after hours business for one year from the date of revocation.

4-11-11 MUNICIPAL INFRACTION. A violation of any provision of this Chapter 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.

4-11-12 APPLICATION TO EXISTING BUSINESSES

All businesses meeting the definition of After Hours Business herein as of the effective date of this Ordinance are granted a temporary license to continue operation for a period of one-hundred and eighty (180) days following the Ordinance's effective date. All After Hours Businesses shall be subject to the requirements of this Ordinance following expiration of the temporary license period.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall be in effect following its final passage, approval and publication as provided by law.

Staff Summary

05/06/2024

Agenda Item # F.12.



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

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Resolution No. 52-R-2023-2024 Approving And Authorizing Execution of A Memorandum of Agreement for Private Development By And Between The City of Storm Lake, Iowa and Bloomfield Acres, L.L.C.**

BACKGROUND: The City has received a proposal from Bloomfield Acres, L.L.C. (Kading) to build at its expense a residential housing development of seventy-six (76) market-rate two-bedroom and three-bedroom leased housing units, as currently designed, in single-story attached structures to a maximum density of 10 units per acre.

The Developer, at its expense, shall construct private entrances and streets, storm water detention ponds, private storm sewer lines and private sanitary lines to serve the Development and to be connected to the City's infrastructure. All maintenance on private infrastructure will be performed by, and at the expense of, Developer. Developer shall construct the private drive, storm sewer lines, detention ponds and sewer lines in accordance with SUDAS and City of Storm Lake Codes standards, according to the approved site plan. The connections of all such private infrastructure to the City's infrastructure shall be supervised by, and subject to the approval of, City officials.

The Developer, at its expense, shall install onsite watermains and appurtenances to connect to the City of Storm Lake water system. The Developer shall construct watermains in accordance with specifications set forth in the City Code and administrative rules and in locations approved by the City. All maintenance on the Development's water system will be performed by the Developer, at its expense, for the duration of the tax abatement period. At the expiration of the tax abatement period, the Developer will provide City with an easement for future maintenance of the Development's watermains in dimensions and locations approved by the City. The City shall not be required to maintain the watermains, and the Developer shall continue to maintain

them, until such easement is granted to the City.

The Developer, at its expense, shall install and maintain sidewalks on private property, pursuant to the City-approved site plan.

The City shall timely approve the Developer's first-year application for tax abatement under the Urban Revitalization Plan and shall forward the application to the County Assessor for the tax abatement to be entered onto the assessment rolls by the County Assessor. The parties agree that the tax abatement is expected to be a 10-year, 100% exemption from taxation for the building/improvement assessed value added to the Property by construction of the Development, provided, however, that because the Development is expected to be assessed as residential property, the parties acknowledge that the tax levies imposed by school districts may not be abated due to Iowa Code Section 404.3D, scheduled to take effect on July 1, 2024.

FISCAL IMPACT: The current parcel's net tax is \$274/year.

RECOMMENDATION: Approve Resolution No. 52-R-2023-224 Approving And Authorizing Execution of A Memorandum of Agreement for Private Development By And Between The City of Storm Lake, Iowa and Bloomfield Acres, L.L.C.

ATTACHMENTS:

[Sunrise Pointe 2024 Development Agreement \(4.17 CLEAN\) \(01801538xB8DF0\).DOCX](#)

[Project Site.pdf](#)

[Resolution No. 52-R-2023-2024 - Resolution Authorizing Agreement For Private Development - Bloomfield Acres, L.L.C. MOA -.docx](#)

MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT
Between the City of Storm Lake, Iowa and
Bloomfield Acres, L.L.C.

Preparer Information: Jeffrey G. Baxter, Dickinson Bradshaw, 801 Grand Avenue, Ste. 3700, IA 50309; Telephone: (515) 244-2600

Taxpayer Information: Bloomfield Acres, L.L.C., 7008 Madison Avenue, Urbandale, IA 50322

Return Document to: Mayra Martinez, City Clerk, City of Storm Lake, Iowa, 620 Erie Street, Storm Lake, IA 50588

Grantor: City of Storm Lake, IA

Grantee: Bloomfield Acres, L.L.C.

Property Description: See Pages 1 and 2

MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT
Between the City of Storm Lake, Iowa and
Bloomfield Acres, L.L.C.

This MEMORANDUM OF AGREEMENT FOR PRIVATE DEVELOPMENT (the "Agreement") is made on or as of the _____ day of _____, 2024, by and between the CITY OF STORM LAKE, IOWA, a municipality (the "City"), and BLOOMFIELD ACRES, L.L.C., an Iowa limited liability company (the "Developer"), whose principal place of business is located at 7008 Madison Avenue, Urbandale, Iowa 50322.

Recitals

A. The City has undertaken a program for economic development in the City by adopting its Urban Revitalization Plan in February of 2005, and Amendments #1 and #2 thereto in March of 2014 and November of 2018, respectively.

B. The Developer is party to a contract under which, subject to the satisfaction of certain conditions, it will acquire ownership of the following described real estate within the City:

A PART OF LOT 1 OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: Commencing at the Northeast (NE) Comer of the Southwest Quarter (SW 1/4) of said Section 34; Thence on an assumed bearing of South 89° 44' 31" West, along the North line of said Southwest Quarter (SW 1/4), 53.20 feet; Thence South 00° 01' 00" East, 692.67 feet; Thence North 89° 59' 51" West, 274.75 feet to the Point of Beginning; Thence continuing North 89° 59' 51" West, 599.29 feet to the East line of Proposed Witter Street; Thence South 00° 01' East, along the East line of Proposed Witter Street, 608.53 feet to the North line of West 10th Street; Thence North 89° 55' 48" East, along the North line of West 10th Street, 607.76 feet; Thence North 00° 48' 53" West, 607.82 feet to the Point of Beginning

(the "Property"). The Developer proposes to construct on the Property a residential housing development, including the infrastructure necessary for it (the "Project"), and the City desires that Developer do so.

C. The City and Developer desire to have Developer construct all infrastructure in accordance with the City's comprehensive plan and to SUDAS and City standards according to approved site plan.

D. The City and Developer desire to enter into this Agreement for the purpose of detailing the responsibilities of each party in the construction of certain improvements associated with the Property.

Terms of Agreement

NOW, THEREFORE, in consideration of the above-stated recitals and the promises and assurances set forth below, the City and Developer agree as follows:

1. THE PROJECT: The Developer, at its expense, shall construct a residential housing development (the "Development") of seventy-six (76) market-rate two-bedroom and three-bedroom leased housing units, as currently designed, in single-story attached structures to a maximum density of 10 units per acre. Occupancy loads per unit shall be governed by the leasing standards adopted by the Developer and the current owners of the Property: 5 persons (3 adults maximum, 3 unrelated adults maximum, with each resident over 18 signing the associated leases). The R-4 - Zoning District in which the Property is located is limited to a density of greater than 12 units per acre. All specifications for the Development shall be derived from the governing document, Sunset Pointe Masterplan, and associated site plans, landscape plans, grading plans, and other plans submitted by Developer to City that are approved by the City. Any changes to the plans must first be approved by the City in writing.

2. CONTRIBUTIONS, OBLIGATIONS AND UNDERTAKINGS OF DEVELOPER:

- A) The Developer shall utilize standard construction practices with regard to the construction of the residences, including architectural shingles, engineered wood siding (or comparable) with 50-year warranty stone veneer, and neutral earth tone colors.
- B) The Developer, at its expense, shall construct private entrances and streets, storm water detention ponds, private storm sewer lines and private sanitary lines to serve the Development and to be connected to the City's infrastructure. All maintenance on private infrastructure will be performed by, and at the expense of, Developer. Developer shall construct the private drive, storm sewer lines, detention ponds and sewer lines in accordance with SUDAS and City of Storm Lake Codes standards, according to the approved site plan. The connections of all such private infrastructure to the City's infrastructure shall be supervised by, and subject to the approval of, City officials.
- C) The Developer, at its expense, shall install onsite watermain and appurtenances to connect to the City of Storm Lake water system. The Developer shall construct watermain in accordance with specifications set forth in the City Code and administrative rules and in locations approved by the City. All maintenance on the Development's water system will be performed by the Developer, at its expense, for the duration of the tax abatement period. At the expiration of the tax abatement period, the Developer will provide City with an easement for future maintenance of the Development's watermain in dimensions and locations approved by the City. The City shall not be required to maintain the watermain, and the Developer shall continue to maintain them, until such easement is granted to the City.

- D) The Developer, at its expense, shall provide 24 hour emergency response capability to the Project and the Development and routine resident support services during normal business hours. The City Clerk shall be provided written contact information for the corresponding providers and managers.
- E) The Developer, at its expense, shall install and maintain sidewalks on private property, pursuant to the City-approved site plan.
- F) The Developer, at its expense, shall plant trees and other landscaping pursuant to the City approved site plans.
- G) The Developer, at its expense, shall install outside building lights on each unit as set forth in the City approved site plans.
- H) Developer, at its expense, shall have installed either individual water meters for each residential unit or a master water meter for all units in the Development.
- I) Developer shall prohibit parking on the private streets in the Development and shall enforce the prohibition. The private streets shall be kept free of parked vehicles, snow, and other obstructions so public safety agencies and utility and maintenance workers can drive vehicles on such streets. Employees and agents of public safety agencies, including City, county, state, and federal agencies, and agencies cooperating with such public safety agencies, as well as City utility and other public utility employees and agents shall be permitted to use such private streets and sidewalks within the Development, and private entrances to the Development at all times, as if they were public streets and public sidewalks. Developer shall indemnify City for, and defend City against, claims for all damages brought against the City arising in whole or part because of Developer's failure to maintain its private streets in the Development or to keep them free of parked vehicles, snow, debris, or other obstructions. In addition, the Developer shall indemnify the City for lawyer fees and other expense of litigation associated with defending such claims for damages.
- J) Developer, at its expense, shall acquire all necessary permits required by law associated with the Project and Development.

3. CITY OBLIGATIONS AND UNDERTAKINGS:

- A) Provided (i) the Developer timely submits a first-year application under the City's Storm Lake Urban Revitalization Plan (the "Urban Revitalization Plan") following completion of the improvements and (ii) the improvements and the Developer's application comply with the terms and conditions of the Urban Revitalization Plan, then the City shall timely approve the Developer's first-year application for tax abatement under the Urban Revitalization Plan and shall forward the application to the County Assessor for the tax abatement to be entered onto the assessment rolls by

the County Assessor. The parties agree that the tax abatement is expected to be a 10-year, 100% exemption from taxation for the building/improvement assessed value added to the Property by construction of the Development, provided, however, that because the Development is expected to be assessed as residential property, the parties acknowledge that the tax levies imposed by school districts may not be abated due to Iowa Code Section 404.3D, scheduled to take effect on July 1, 2024. The parties acknowledge that the tax abatement entered on the tax rolls by the County Assessor following an approved first-year application may be different than stated in this Agreement to the extent Iowa Code Chapter 404 is modified by applicable legislative changes or due to interpretation of Iowa Code Chapter 404 by an Iowa court, but that if Iowa Code Chapter 404 is modified to allow for the abatement of tax levies imposed by school districts, or if the Iowa courts interpret Iowa Code 404 to allow the same, that the parties intend and the City will act to allow the full 10-year, 100% exemption from taxation for the building/improvement assessed value added to the Property by construction of the Development.

- B) City shall follow the building fee resolution that reduced the building permit fee to 1.65% of the construction costs for projects costing over \$10,000,000.00.
- C) City shall accept dedication of the watermain in the Development at such time as it becomes obligated to maintain such watermain under Section 2 (C) above.
- D) Upon Developer's acquisition of title to the Property, this Agreement shall be recorded by the City in the Buena Vista County, Iowa Recorder's Office. The recording of the Agreement shall serve as notice to the public that the Agreement contains provisions restricting development and use of the Property and the improvements located and operated on the Property. All provisions of the Agreement and any subsequent amendments thereto, if any, even though not set forth herein, are by the filing of the Agreement made a part hereof by reference, and anyone making any claim against any of the Property in any manner whatsoever shall be fully advised as to all of the terms and conditions of the Agreement, and any amendments thereto, as if the same were fully set forth herein.

4. RECORDING OF THE AGREEMENT. Neither the City nor the Developer shall record this Agreement with the Buena Vista County, Iowa Recorder's Office at any time, except as provided in Section 3 (D) above.

5. DEVELOPER'S PROPERTY TITLE. This Agreement shall be void if Developer does not acquire title to the Property by September 30, 2024. The City shall not be required to perform its obligations under any provision of the Agreement unless and until Developer acquires title to the Property.

6. SUCCESSORS AND ASSISGNS BOUND. The terms and provisions of this Agreement shall bind, and inure to the benefit of, the Developer's and the City's successors in interest and assigns.

7. NO THIRD-PARTY BENEFICIARIES. No rights or privileges of either party hereto shall inure to the benefit of any landowner, contractor, subcontractor, material supplier, or any other person or entity and no such contractor, subcontractor, landowner, material supplier, or any other person or entity shall be deemed to be a third-party beneficiary of any of the provisions of this Agreement.

8. INSPECTION OF AGREEMENT BY PUBLIC. A copy of the Agreement and any subsequent amendments thereto, if any, shall be maintained on file for public inspection during ordinary business hours in the office of the City Clerk, Storm Lake, Iowa.

9. CITY COUNCIL APPROVAL. This Agreement is expressly subject to and conditioned upon approval of the Storm Lake City Council.

The City has executed this Agreement on the ____ day of _____,
2024.

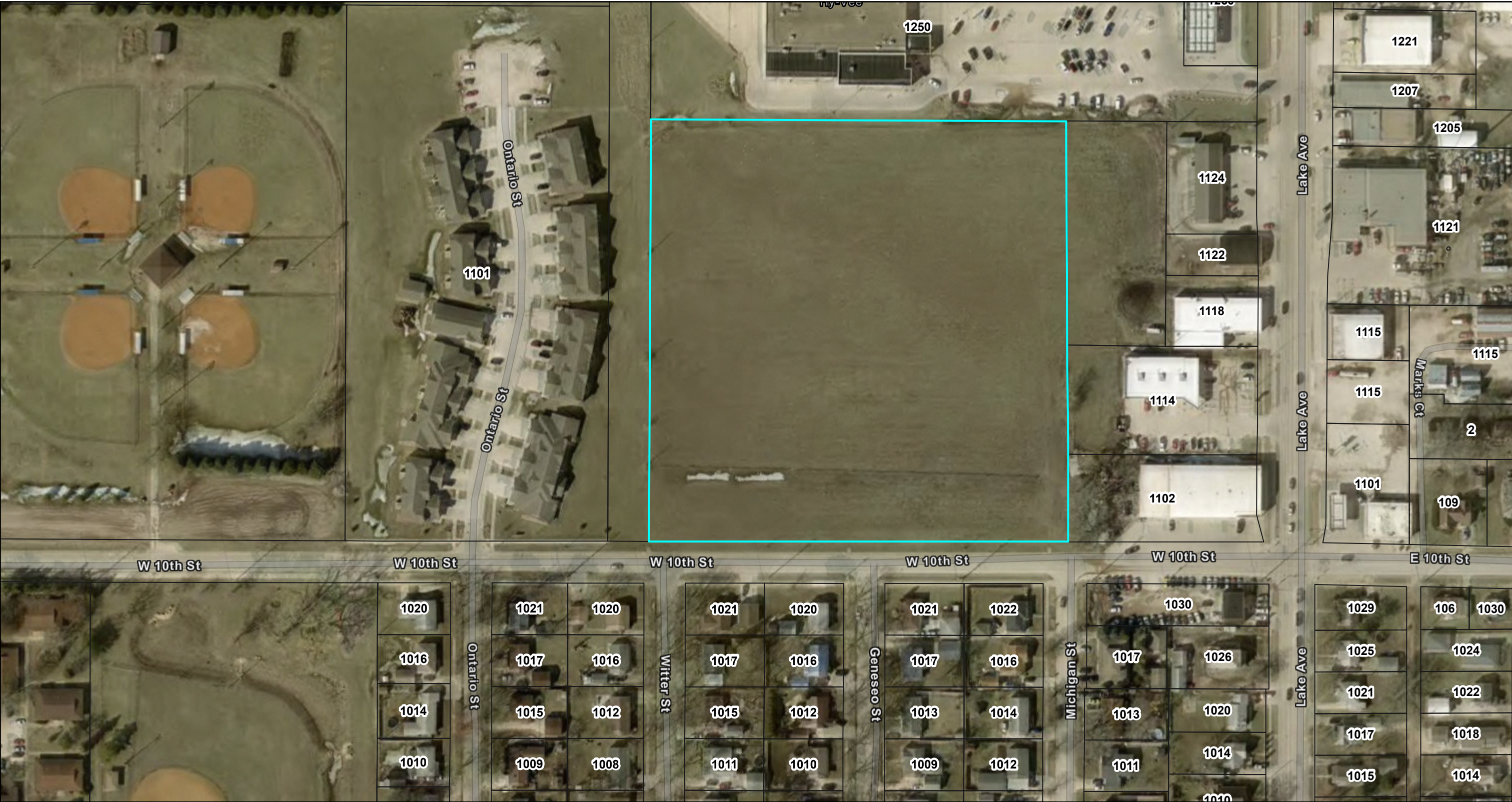
The Developer has executed this Agreement on the ____ day of _____,
2024.

By: _____
Karie Ramsey, its Manager

This record was acknowledged on the _____ day of _____, 2024, by
Karie Ramsey, as Manager of Bloomfield Acres, L.L.C.

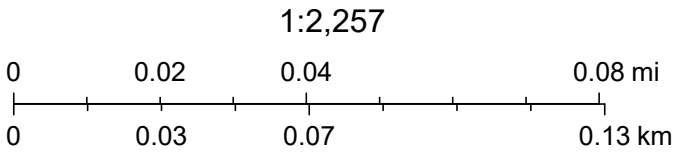
Page 7 of 7

ArcGIS Web Map



4/29/2024, 11:27:33 AM

- Parcels
- City Limits



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RESOLUTION NO. 52-R-2023-2024

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION
OF A MEMORANDUM OF AGREEMENT FOR PRIVATE
DEVELOPMENT BY AND BETWEEN THE CITY OF STORM
LAKE, IOWA AND BLOOMFIELD ACRES, L.L.C.**

WHEREAS, the City has received a proposal from Bloomfield Acres, L.L.C. (the "Developer"), in the form of a proposed Memorandum of Agreement for Private Development (the "Agreement") by and between the City and the Developer, pursuant to which, among other things, the Developer would agree to construct a residential housing development, together with all related site improvements (as defined in the Agreement) on certain real property located within the City and planned to be acquired by Developer (the "Property"); and

WHEREAS, as an incentive for the Developer's performance under the Agreement, the Agreement proposes that the City will: (i) apply a reduced building permit fee for the project and (ii) will approve the Developer's application for tax abatement under the City's Urban Revitalization Plan, provided the application and the constructed improvements comply with the requirements of the Urban Revitalization Plan, all under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Council has determined that the Agreement 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 is in furtherance of appropriate economic development activities and objectives of the City.

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

Section 1. That the form and content of the Agreement, 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 Agreement 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 Agreement, 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 Agreement as executed.

PASSED AND APPROVED this 6th day of May, 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Staff Summary

05/06/2024

Agenda Item # F.13.



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

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil City Manager

SUBJECT: **Stray Animal Work Session- Clarification from April 15, 2024 Meeting**

BACKGROUND: This is a follow-up work session from April 8 and April 15. There is clarification for the questions regarding animal care at Lake Animal Hospital.

FISCAL IMPACT: Unknown

RECOMMENDATION: N/A

ATTACHMENTS:

[City Code 8-3 Dogs.pdf](#)
[City Code 8-4 Cats.pdf](#)
[City Code 8-9 Dangerous and Vicious Animals.pdf](#)
[Iowa Code Chapter 351.pdf](#)
[Iowa Code Chapter 717B.pdf](#)
[Dr. Johnson Letter.pdf](#)

Chapter 8-3

DOGS

Sections:

8-3-1	Definitions
8-3-2	License
8-3-3	Immunization
8-3-4	Kennel Dogs
8-3-5	Dogs Disturbing The Peace
8-3-6	Impounding
8-3-7	Municipal Infraction
Section 8-3-1	Definitions

For use within this Chapter the following are defined:

(A) "DOGS" includes both male and female dogs whether altered or not;

(B) "AT LARGE" refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle, or in an animal hospital or kennel;

(C) "OWNER" includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

Section 8-3-2 License

Every owner of a dog which is unlicensed or whose license has expired shall procure a dog license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the dog. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

(Ord. No. 269495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-3-3 Immunization

The Mayor may order the immunization of all dogs against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Ordinance for any dog to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of dogs, to evidence such immunization and this tag shall be worn by such dogs.

Section 8-3-4 Kennel Dogs

Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Chapter.

Section 8-3-5 Dogs Disturbing The Peace

(A) It shall be unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another.

(B) It shall be unlawful for an owner of a dog to allow or permit such dog to run at large.

(C) It shall be unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

(D) The provisions of Subsections (A) and (B) shall not apply to dogs being run by an employee of the City or by a person, including the person's employee, under contract with the City of Storm Lake for the purpose of controlling and minimizing the presence of geese in the City parks or other property owned by the City.

(Ord. 08-O-2006-2007, Amended, 05/07/2007)

Section 8-3-6 Impounding

(A) Any unlicensed dog found at large, or any licensed dog found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed dogs shall be notified that upon payment of impounding costs such dogs will be returned. If the impounded licensed dogs are not recovered by their owners within five (5) days after notice, the dogs shall be disposed of by the Chief of Police.

(C) Impounded unlicensed dogs may be recovered by the owner, upon proper identification by payment of license fee and impounding costs. If such dogs are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-3-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 8-4

CATS

Sections:

8-4-1	Definitions
8-4-2	License
8-4-3	Immunization
8-4-4	Kennel Cats
8-4-5	Cats Disturbing The Peace
8-4-6	Impounding
8-4-7	Municipal Infraction
Section 8-4-1	Definitions

For use within this Chapter the following are defined:

(A) "AT LARGE": Refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in any animal hospital or kennel.

(B) "CATS": Includes both male and female cats whether altered or not.

(C) "OWNER": Any person, firm or corporation owning, harboring, sheltering or keeping a cat.

Section 8-4-2 License

Every owner of a cat which is unlicensed or whose license has expired shall procure a cat license from the City Police. The annual license fee shall be in the amount set by Council Resolution. A penalty, in the amount set by Council Resolution, shall be assessed for failure to pay the license fee when due. A license granted pursuant to this provision shall be valid for a period of one year.

Upon payment of the license fee, the City Police shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the cat. The City Police shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Police shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar shall be deemed unlicensed.

(Ord. No. 259495, Amended, 04/03/95)

(Ord. 06-O-2008-2009, Amended, 12/15/2008; Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-4-3 Immunization

The Mayor may order the immunization of all cats against rabies, whenever in his/her discretion, public health or safety requires. It shall be a violation of this Chapter for any cat to run at large unless immunized whenever such immunization has been ordered until the Mayor has found the public health and safety no longer requires such immunization. A tag shall be issued by the City Police whenever the Mayor has ordered immunization of cats, to evidence such immunization and this tag shall be worn by such cats.

Section 8-4-4 Kennel Cats

Kennel cats which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Chapter.

Section 8-4-5 Cats Disturbing The Peace

(A) It shall be unlawful for an owner of a cat to allow or permit such cat to pass upon the premises of another.

(B) It shall be unlawful for an owner of a cat to allow or permit such cat to run at large.

(C) It shall be unlawful for an owner of a cat to allow or permit such cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, whining, meowing or otherwise.

Section 8-4-6 Impounding

(A) Any unlicensed cat found at large, or any licensed cat found at large in violation of the provisions of this Chapter, shall be seized and impounded.

(B) The owners of such licensed cats shall be notified that upon payment of impounding costs such cats will be returned. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats shall be disposed of by the Chief of Police.

(C) Impounded unlicensed cats may be recovered by the owner, upon proper identification by payment of the license fee and impounding costs. If such cats are not claimed within five (5) days after impounding, they shall be disposed of by the Chief of Police.

Section 8-4-7 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 8-9

DANGEROUS AND VICIOUS ANIMALS

Sections:

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

Section 8-9-1 Definitions

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

(A) "DANGEROUS ANIMAL":

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

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

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

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

otherwise threaten the safety of human beings or domestic animals.

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

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

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

Section 8-9-2 Keeping Of Dangerous Animals Prohibited

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

Section 8-9-3 Dangerous Animal Exceptions

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

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

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

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

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

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

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

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

Section 8-9-5 Keeping Of Vicious Animals Prohibited

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

Section 8-9-6 Vicious Animal Exception

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 351

DOGS AND OTHER ANIMALS

Referred to in [§331.381](#)

351.1	through 351.24	Repealed by 94 Acts, ch 1173, §42.	351.37	Dogs running at large — impoundment — disposition.
351.25	Dog as property.		351.38	Owner's duty.
351.26	Right and duty to kill untagged dog.		351.39	Confinement.
351.27	Right to kill tagged dog.		351.40	Quarantine.
351.28	Liability for damages.		351.41	Not a limitation on power of municipalities and counties.
351.29	Construction clause.		351.42	Exempt dogs.
351.30	through 351.32	Reserved.	351.43	Penalty.
351.33	Rabies vaccination.		351.44	Reserved.
351.34	Condition for license.	Repealed by 94 Acts, ch 1173, §42.	351.45	Tampering with a rabies vaccination tag — penalties.
351.35	How and when.		351.46	Tampering with an electronic handling device — penalties.
351.36	Enforcement.			

351.1 through 351.24 Repealed by 94 Acts, ch 1173, §42.

351.25 Dog as property.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid rabies vaccination tag attached to the collar, shall be deemed property. Dogs not provided with a rabies vaccination tag shall not be deemed property.

[C24, 27, 31, 35, 39, §5447; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.25]

[94 Acts, ch 1173, §32](#)

Referred to in [§351.45](#)

351.26 Right and duty to kill untagged dog.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

[C24, 27, 31, 35, 39, §5448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.26]

[94 Acts, ch 1173, §33](#)

Referred to in [§351.45](#)

351.27 Right to kill tagged dog.

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.27]

[94 Acts, ch 1173, §34](#); [2007 Acts, ch 111, §1](#)

351.28 Liability for damages.

The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. [This section](#) does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.28]

[83 Acts, ch 117, §1](#)

351.29 Construction clause.

A holding that one or more sections of [this chapter](#) are unconstitutional shall not be held to invalidate the remaining sections.

[C24, 27, 31, 35, 39, §5451; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.29]

[2019 Acts, ch 59, §107](#)

351.30 through 351.32 Reserved.**351.33 Rabies vaccination.**

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.

[C66, 71, 73, 75, 77, 79, 81, §351.33]

Referred to in [§351.35](#), [351.36](#), [351.42](#), [351.43](#)

351.34 Condition for license. Repealed by 94 Acts, ch 1173, §42.**351.35 How and when.**

The rabies vaccination required by [section 351.33](#) shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog.

[C66, 71, 73, 75, 77, 79, 81, §351.35]

Referred to in [§351.36](#), [351.42](#), [351.43](#), [351.45](#)

351.36 Enforcement.

Local health and law enforcement officials shall enforce the provisions of [sections 351.33](#), [351.35](#), [this section](#), and [sections 351.37 through 351.43](#) relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

[C66, 71, 73, 75, 77, 79, 81, §351.36]

[2018 Acts, ch 1026, §121](#)

Referred to in [§351.42](#), [351.43](#)

351.37 Dogs running at large — impoundment — disposition.

1. A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag or a rabies vaccination certificate is not presented to the local board of health or law enforcement official.

2. The local board of health or law enforcement official shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of [this section](#), notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

3. If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in [this section](#), the dog

may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in [section 162.2](#).

[C66, 71, 73, 75, 77, 79, 81, §351.37]

[2002 Acts, ch 1130, §1](#); [2017 Acts, ch 54, §76](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.38 Owner's duty.

It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

[C66, 71, 73, 75, 77, 79, 81, §351.38]

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.39 Confinement.

If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. [This section](#) shall not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

[C66, 71, 73, 75, 77, 79, 81, §351.39]

[2001 Acts, ch 19, §1](#); [2001 Acts, ch 176, §68](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the department of health and human services. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

[C66, 71, 73, 75, 77, 79, 81, §351.40]

[2023 Acts, ch 19, §1110](#)

Referred to in [§351.36](#), [351.42](#), [351.43](#)

Section amended

351.41 Not a limitation on power of municipalities and counties.

[This chapter](#) does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

[C66, 71, 73, 75, 77, 79, 81, S81, §351.41; [81 Acts, ch 117, §1065](#)]

Referred to in [§351.36](#), [351.42](#), [351.43](#)

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of [sections 351.33](#) and [351.35](#), [sections 351.36 through 351.41](#), [this section](#), and [section 351.43](#).

[C66, 71, 73, 75, 77, 79, 81, §351.42]

[2018 Acts, ch 1026, §122](#)

Referred to in [§351.36](#), [351.43](#)

351.43 Penalty.

Any person who violates or refuses to comply with the provisions of [section 351.33](#) or [sections 351.35 through 351.42](#) is guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §351.43]

[2018 Acts, ch 1026, §123](#); [2022 Acts, ch 1021, §87](#)

Referred to in [§351.36](#), [351.42](#)

351.44 Reserved.**351.45 Tampering with a rabies vaccination tag — penalties.**

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

a. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in [section 351.35](#).

b. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in [sections 351.25](#) and [351.26](#).

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. [This section](#) shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in [section 801.4](#).

c. A veterinarian licensed as provided in [chapter 169](#).

d. An animal shelter or pound as defined in [section 162.2](#).

[2020 Acts, ch 1111, §1](#)

351.46 Tampering with an electronic handling device — penalties.

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

a. The person knowingly removes, disables, or destroys an electric device designed and used to maintain custody or control of the dog or modify the dog's behavior.

b. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including but not limited to a collar, harness, or vest.

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. [This section](#) shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in [section 801.4](#).

c. A veterinarian licensed as provided in [chapter 169](#).

d. An animal shelter or pound as defined in [section 162.2](#).

[2020 Acts, ch 1111, §2](#)

CHAPTER 717B

MISTREATMENT OF ANIMALS

Referred to in §162.10D, 165B.2, 331.307, 331.308, 364.22, 364.22A, 670.4, 701.1, 717F4, 717F5

Injury to livestock, see [chapter 717](#)

717B.1	Definitions.	717B.6	Destruction and disposition of wild animals.
717B.2	Animal abuse — penalties.		
717B.3	Animal neglect — penalties.	717B.7	Repealed by 2002 Acts, ch 1130, §10.
717B.3A	Animal torture — penalties.		
717B.3B	Animal mistreatment — court order — evaluation and treatment.	717B.8	Abandonment of cats and dogs — penalties.
717B.4	Dispositional proceedings.	717B.9	Injury or interference with a police service dog.
717B.5	Rescue of threatened animals.		

717B.1 Definitions.

As used in [this chapter](#):

1. “*Animal*” means a nonhuman vertebrate. However, “*animal*” does not include any of the following:

- a. Livestock, as defined in [section 717.1](#).
- b. Preserve whitetail as defined in [section 484C.1](#).
- c. Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in [section 481A.1](#), unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.
- d. Any nongame species declared to be a nuisance pursuant to [section 481A.42](#).

2. “*Animal care provider*” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to [section 717B.5](#).

3. “*Animal mistreatment*” means an act described as animal abuse as provided in [section 717B.2](#), animal neglect as provided in [section 717B.3](#), animal torture as provided in [section 717B.3A](#), abandonment of a cat or dog as provided in [section 717B.8](#), or injury to or interference with a police service dog as provided in [section 717B.9](#).

4. Unless the context otherwise requires, “*book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

5. “*Commercial establishment*” means a commercial establishment as defined in [section 162.2](#) that is operating under a valid authorization issued or renewed under [section 162.2A](#).

6. a. “*Convicted*” means the entry of a judgment of conviction under [chapter 901](#) or adjudicated delinquent for an act which is an indictable offense in this state or in another state under [chapter 232](#).

b. “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

7. “*Department*” means the department of agriculture and land stewardship.

8. “*Dispositional expenses*” means expenses incurred by a local authority in rescuing an animal as provided in [section 717B.5](#), maintaining the animal until the conclusion of a dispositional proceeding as provided in [section 717B.4](#), or disposing of the animal as provided in [section 717B.4](#).

9. “*Euthanasia*” means the same as defined in [section 162.2](#).

10. “*Injury*” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, including physical damage or harm to an animal’s muscle, tissue, organs, bones, hide, or skin.

11. “*Law enforcement officer*” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

12. “*Local authority*” means a city as defined in [section 362.2](#) or a county as provided in [chapter 331](#).

13. “*Maintenance*” means to provide on-site or off-site care to neglected animals.

14. “Responsible party” means a person who owns or maintains an animal.

15. “Serious injury” means an injury that constitutes an animal’s protracted or permanent disfigurement, the protracted or permanent impairment of an animal’s health, the protracted or permanent impairment of the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

16. “Threatened animal” means an animal that is abused as provided in [section 717B.2](#), neglected as provided in [section 717B.3](#), or tortured as provided in [section 717B.3A](#).

17. “Veterinarian” means a veterinarian licensed pursuant to [chapter 169](#) who practices veterinary medicine in this state.

[94 Acts, ch 1103, §12; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2002 Acts, ch 1130, §2; 2013 Acts, ch 90, §201; 2020 Acts, ch 1111, §3, 4](#)

Referred to in [§717D.1](#), [717E.7](#), [717F.10](#)

717B.2 Animal abuse — penalties.

1. A person commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning.

2. [This section](#) shall not apply to any of the following:

a. An owner of the animal, or a person acting with the consent of the owner, who euthanizes an animal in a reasonable manner, if at the time of the euthanasia, the animal is in a state of permanent pain or suffering.

b. A person acting to carry out an order issued by a court.

c. A veterinarian practicing veterinary medicine as provided in [chapter 169](#).

d. A person acting in order to carry out another provision of law which allows the conduct.

e. A person taking, hunting, trapping, or fishing for a wild animal as provided in [chapter 481A](#).

f. A person acting to protect the person’s property from a wild animal as defined in [section 481A.1](#).

g. A person acting to protect a person from injury or death caused by a wild animal as defined in [section 481A.1](#).

h. A person reasonably acting to protect the person’s property from damage caused by an unconfined animal.

i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

k. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

l. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

4. A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class “D” felony if the person has previously been convicted of committing animal abuse pursuant to [this section](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant

to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

[94 Acts, ch 1103, §13](#); [2008 Acts, ch 1058, §20](#); [2020 Acts, ch 1111, §5](#)

Referred to in [§162.10A](#), [717B.1](#), [717B.3](#), [717B.3A](#), [717B.3B](#)

717B.3 Animal neglect — penalties.

1. A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare:

a. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

b. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

c. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

d. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

e. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

f. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in [this subsection](#).

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. [This section](#) does not apply to any of the following:

a. A person issued or renewed an authorization to operate a commercial establishment, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in [subsection 1](#), was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in [subsection 1](#), the person complied with the standard of care requirements provided in [section 162.10A, subsection 1](#), including any applicable rules adopted by the department applying to any of the following:

(a) A state licensee or registrant operating pursuant to [section 162.10A, subsection 2](#), paragraph "a" or "b".

(b) A permittee operating pursuant to [section 162.10A, subsection 2](#), paragraph "c".

b. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

3. A person who commits animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor.

4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

5. A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

6. Notwithstanding [subsection 5](#), a person who commits animal neglect that causes serious injury or death to an animal is guilty of a class "D" felony if the person has been previously convicted of animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [this section](#), animal

torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

94 Acts, ch 1103, §14; 95 Acts, ch 49, §25; 2008 Acts, ch 1058, §21; 2014 Acts, ch 1092, §147; 2020 Acts, ch 1111, §6

Referred to in §162.10A, 717B.1, 717B.2, 717B.3A, 717B.3B

717B.3A Animal torture — penalties.

1. A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury or death.

2. [This section](#) shall not apply to any of the following:

- a. A person acting to carry out an order issued by a court.
- b. A veterinarian practicing veterinary medicine as provided in [chapter 169](#).
- c. A person acting in order to carry out another provision of law which allows the conduct.
- d. A person taking, hunting, trapping, or fishing for a wild animal as provided in [chapter 481A](#).
- e. A person acting to protect the person's property from a wild animal as defined in [section 481A.1](#).
- f. A person acting to protect a person from bodily harm or death caused by a wild animal as defined in [section 481A.1](#).

g. A person acting reasonably to protect the person's property from damage caused by an unconfined animal.

h. A person acting reasonably to protect a person from bodily harm or death caused by an unconfined animal.

i. A local authority acting reasonably to euthanize an animal, if at the time of the euthanasia, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

j. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

k. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in [section 232.8](#). The juvenile court shall not waive jurisdiction in a proceeding concerning such an offense alleged to have been committed by a child under the age of seventeen.

4. A person who commits animal torture is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal torture is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [this section](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

2000 Acts, ch 1152, §3; 2008 Acts, ch 1058, §22; 2020 Acts, ch 1111, §7

Referred to in §162.10A, 232.8, 717B.1, 717B.2, 717B.3, 717B.3B

717B.3B Animal mistreatment — court order — evaluation and treatment.

1. At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.

2. Notwithstanding [subsection 1](#), the court shall enter an order described in that subsection, if the convicted person is any of the following:

- a. A juvenile.
- b. An adult convicted of animal abuse punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.2](#), animal neglect punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.3](#), or animal torture pursuant to [section 717B.3A](#).

3. The costs of undergoing a psychological or psychiatric evaluation and undergoing any treatment ordered by the court shall be borne by the convicted person, unless the person is a juvenile.

4. An order made under [this section](#) is in addition to any other order or sentence of the court.

5. Any violation of the court order shall be punished as contempt of court pursuant to [chapter 665](#).

[2020 Acts, ch 1111, §8](#)

717B.4 Dispositional proceedings.

1. Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.

a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.

b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under [section 717B.5](#).

c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of [this chapter](#).

3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:

a. The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.

b. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in [this section](#), the local authority may use the posted amount to offset the local authority’s dispositional expenses.

c. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority’s dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.

d. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. A threatened animal that is ordered by a court to be destroyed under [this section](#) shall be destroyed only by euthanasia as defined in [section 162.2](#).

[94 Acts, ch 1103, §15; 2002 Acts, ch 1130, §3](#)

Referred to in [§602.6405](#), [717B.1](#), [717B.5](#), [717D.5](#), [717F.5](#)

717B.5 Rescue of threatened animals.

A local authority may provide for the rescue of an animal as follows:

1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to [chapter 169](#). The law enforcement officer may rescue the animal by entering on public or private property, as provided in [this subsection](#). The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

2. a. If an animal is rescued pursuant to [this section](#), the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:

(1) Delivering written notice to the responsible party's last known address by the United States postal service or personal service.

(2) Posting a notice in a conspicuous place at the location where the animal was rescued.

b. The notice shall state that the animal has been rescued by the local authority pursuant to [this section](#).

3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to [section 717B.4](#).

4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to [section 717B.4](#).

[94 Acts, ch 1103, §16; 2002 Acts, ch 1130, §4; 2013 Acts, ch 30, §261](#)

Referred to in [§717B.1](#), [717B.4](#)

717B.6 Destruction and disposition of wild animals.

A person may humanely destroy a wild animal as defined in [section 481A.1](#), if the wild animal is permanently distressed by injury or disease to a degree that results in severe and prolonged suffering. The destroyed animal shall be subject to disposition as provided by rules adopted by the natural resource commission pursuant to [chapter 17A](#).

[94 Acts, ch 1103, §17](#)

717B.7 Repealed by [2002 Acts, ch 1130, §10](#). See [chapter 717D](#).

717B.8 Abandonment of cats and dogs — penalties.

1. A person commits animal abandonment if the person owns or has custody of a cat or dog and relinquishes all rights in and duties to care for the cat or dog.

2. [This section](#) does not apply to any of the following:

a. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.

b. The delivery of a cat or dog to an animal shelter or pound as defined in [section 162.2](#) that has been issued or renewed a valid authorization by the department under [chapter 162](#).

c. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

3. a. A person who commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.

b. A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor.

c. A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

[94 Acts, ch 1103, §19; 2020 Acts, ch 1111, §9](#)

Referred to in [§717B.1](#)

717B.9 Injury or interference with a police service dog.

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

a. Tortures a police service dog.

b. Injures, so as to disfigure or disable, a police service dog.

c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.

d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.

e. Kills a police service dog.

f. Administers poison to a police service dog.

3. As used in [this section](#), "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.

4. [This section](#) does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

[94 Acts, ch 1103, §20; 95 Acts, ch 107, §1](#)

Referred to in [§717B.1](#), [717B.2](#), [717B.3](#), [717B.3A](#)



107 West 16th Street, Storm Lake, IA 50588, 712-732-2033

To: City of Storm Lake
From: Dr. Dianne Johnson DVM – Lake Animal Hospital
Re: Animal Control Rescue and Management
February 19, 2024

Overview

It has come to our attention that there has been a lack of communication and expectation between Lake Animal Hospital and the City of Storm Lake when it comes to the expenses of stray animals brought into the clinic. However, we would like to continue assisting our community with the stray population. Unfortunately, the current relationship with the City is not sustainable because of the financial strain on Lake Animal Hospital to handle and manage the stray population. We hope that a new agreement can be reached with a realistic cost the city is willing and able to pay for the caring of the neglected, abandoned and abused strays.

Lake Animal Hospital should not be solely responsible for the financial responsibilities of the strays brought in by the Storm Lake Police Department (SLPD). As a place of business, we strive to provide the best quality care to our clients and community. To continue to provide quality care, the city needs to be financially responsible for the stray animals brought into us by the SLPD. We have come up with a solution to appease both Lake Animal and the City of Storm Lake.

Sections are as follows:

1. Neglect and abuse cases
2. Hoarding cases
3. Rabies watch
4. Everyday stray sick animals (such as a sick or injured felines or canines)
5. Everyday healthy stray animals
 - 5A. Feline intakes and SNAP testing
 - 5B. Canine intakes
 - 5C. Intake of other breed animals
6. Cost of medical care, treatment and boarding

Section 1: Neglect and Abuse

The city will be held financially responsible for the care and payment to Lake Animal Hospital. If the city so chooses, they may seek restitution from the party and/or parties responsible for neglect or abuse. Lake Animal Hospital can provide an itemized list of services provided.

In the event of neglect or abuse, Lake Animal Hospital will provide food, water, shelter, and the necessary medical care to the animal. Lake Animal will also provide medical treatment to the animal(s), at the expense of the city.

Section 2: Hoarding

In the event of an animal hoarding situation, the city will be responsible for the cost of care and treatment of the animals. The city will also be held responsible for the cost of possible life-saving surgeries or euthanasia. If the city so chooses to seek restitution from the party or parties responsible for hoarding animals, Lake Animal Hospital will provide an itemized list of services provided.

Section 3: Rabies Watch

Any canine or feline brought to us by the police department for biting a human will be quarantined for 10 days and will be given a rabies shot after the 10 days. The city will be held responsible for paying \$300.00 for the quarantine. If the city so chooses to seek restitution from the animal's owner, we can provide them with an itemized invoice. If the city cannot provide payment for rabies watches we will be unable to house rabies watches.

Section 4: Everyday Stray Sick Animals

A stray animal that is unwell brought into Lake Animal Hospital will receive urgent and proper medical care, at the expense of the city. In section 6, there is an approximate cost of what the city will be expected to pay Lake Animal Hospital.

Section 5: Everyday Healthy Stray Animals

Stray animals brought to Lake Animal, will be placed on hold for 7 days and pictures and descriptions of the animal will be placed on the clinic's Facebook page. After these 7 days, the animals become Lake Animal property. The city will be required to pay for vaccination, any SNAP testing required, boarding, and microchipping. If the animal is claimed in those 7 days the owner will be held financially responsible for vaccination, any SNAP testing, and microchip. The owner will also be required to pay a stray pick-up fee to Lake Animal Hospital.

Section 5A: Feline Intakes and SNAP Test

All feline intakes brought to Lake Animal Hospital will be tested for FIV (spread through bites) and FELV, the cost of these tests will be expected to be covered by the City of Storm Lake. All feline intakes will receive age-appropriate vaccinations, at the expense of the city. The only felines that will make the requirement to be seen by us by the police will be any feline that can fit in the palm of the officer's hand or is sick or injured.

- Vaccinations \$20
- 7 days Room/Board (R/B) \$70
- Feline Leukemia (FeLV) and Feline Immunodeficiency (FIV) Viruses \$25
 - Feline Intake Total \$115

The Feline SNAP Test is required by Lake Animal Hospital to ensure the safety of our clients' feline friends. The Feline SNAP test is to test to see if a feline patient has FIV or FELV. Both FIV and FELV are highly contagious amongst felines. First, testing for this will help in the decision to euthanize the feline or not possibly. If the feline is positive for FELV (feline Leukemia) it will be euthanized due to its high mortality rate amongst felines.

If the feline is positive for FIV (feline immunodeficiency virus) the feline will be evaluated by the doctor. The FIV mortality rate is very low because they can live a long life under the right care but will need to be quarantined from healthy cats.

Section 5B: Canine intakes

Canines brought to us by the police department will receive the following: age-appropriate vaccinations (such as Rabies and Distemper), a microchip, and a Heartworm test. Canines if found to have fleas or ticks will also receive flea and tick prevention. The city will be required to pay for these services.

If the canine is claimed in 7 days, the owner of the canine will be expected to pay for those services, and they will receive a stray pick-up fee here at Lake Animal. If the canine does go back to its owner, the city will not be held financially responsible for the canine.

- Distemper Rabies \$20
- Microchip \$20
- Heartworm Test \$25
- 7 days Room/Board (R/B) \$70
 - Canine Intake Total \$135

Section 5C: Intake of other breed animals

The city of Storm Lake will be required to contact Lake Animal Hospital for any other animals including but not limited to rabbits, birds, reptiles, ect. The cost of care for any other animals aside from felines and canines may be subject to change, as some supplies for proper care of these pets will likely need to be purchased. The city of Storm Lake will be required to pay the boarding cost of any other animals that are not dogs or cats.

Section 6: Cost of Medical Care, Treatment and Boarding

The cost of medical care and treatment is subject to change. The cost of all medical services and medications will be paid for by the city of Storm Lake. There will be discounted services, medications, and surgeries.

The city will be responsible in paying for the following and is subject to change:

- Distemper-Rabies \$20
- Microchip \$20
- Canine Heartworm Test \$25
- 7 days Room/Board (R/B) \$70
- Feline Leukemia (FeLV) and Feline Immunodeficiency (FIV) Viruses SNAP Test \$25
- Any life-saving surgeries will be half-price
- Euthanasia \$50
- Any medications needed by any stray animals will be at cost with a markup between 15-25%
- Necessary vaccinations for both canines and felines will be each sold at \$10

Boarding costs of stray animals will be taken care of by the city of Storm Lake. The boarding cost of \$10 per night for the stray animals includes the cost of labor and food attributed to care for the strays.

Staff Summary

05/06/2024

Agenda Item # F.14.



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

REPORT TO: Honorable Mayor & Council

FROM: David Derragon Assistant City Manager

SUBJECT: **Tourism Activity Update**

BACKGROUND: An update of tourism activity conducted by city staff will be presented.

FISCAL IMPACT: N/A

RECOMMENDATION: No action will be taken

ATTACHMENTS:

Staff Summary

05/06/2024

Agenda Item # F.15.



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

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez City Clerk

SUBJECT: City Council Requested Items / City Council Updates

BACKGROUND:

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS: