

**REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL,
DECEMBER 5, 2016 5:00 P.M.**

Present: Mayor Jon Kruse, Council Members Dan Anderson, Bruce Carlson, and Tyson Rice.
Absent: Mike Porsch and Bruce Engelmann. Staff present: City Manager Jim Patrick, Asst. City Manager Keri Navratil, City Attorney Phil Havens, Public Safety Director Mark Prosser, Fire Chief Mike Jones, Building Official Scott Olesen, Public Works Director Jason Etnyre, Water Plant Superintendent Mike Davis, Wastewater Superintendent Mark Streed, Deputy City Clerk Mayra Martinez and Sue Vossberg City Clerk.

Mayor Kruse called the meeting to order at 5:03pm.

Hear the Public – None

Consent Agenda – Moved by Council Member Anderson to approve the consent agenda which includes the list of bills, minutes from the November 21, 2016 City Council meeting, liquor license renewal for Ahuachapan Restaurant, and native wine permit renewal for Hy-Vee #1634 and The Daily Apple. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

Iowa Lakes Corridor - Kiley Miller gave a quarterly update on the Iowa Lakes Corridor.

2016 Reap Grant – Moved by Council Member Rice to approve a REAP Grant Agreement for Park Acquisition with the Iowa Department of Natural Resources. Grant amount of \$60,000. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

CDBG Administrative Services – Moved by Council Member Anderson to approve Amendment #1 to the CDBG Administrative Services Contract with Simmering – Cory, Inc. for the Erie Street Storm Water Project. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

Use of Excessive Force Policy – Moved by Council Member Carlson to adopt Resolution No. 51-R-2016-2017 approving the prohibition of the Use of Excessive Force Policy. Seconded by Council Member Anderson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

RESOLUTION NO. 51-R-2016-2017

**RESOLUTION ADOPTING MAYOR'S PROCLAMATION REGARDING A POLICY
ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

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

These are draft minutes Subject to Final Council Approval

WHEREAS, Section 519 of the Department of Veteran Affairs and Housing and Urban Development and the Independent Agencies Appropriation Act of 1990, requires that all federal grant recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction; and

WHEREAS, the City of Storm Lake has received Community Development Block Grant funds.

THEREFORE, be it resolved that the City of Storm Lake, Iowa, hereby prohibits any law enforcement agency operating within the City of Storm Lake to use excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the City agrees to enforce any applicable State or local laws against person(s) or group(s) who physically bar access to, or exit from, facilities or locations which are the subject of a non-violent protest demonstration. The City further pledges enforcement of this policy within the jurisdiction of the City and encourages any individual or group who feels that the City has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided and may be obtained from the Mayor, City Hall, 620 Erie Street, Storm Lake IA 50588.

PASSED AND APPROVED on this 5th day of December, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Affirmative Fair Housing Policy – Moved by Council Member Anderson to adopt Resolution No. 52-R-2016-2017 approving the Affirmative Fair Housing Policy. Seconded by Council Member Rice. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

RESOLUTION NO. 52-R-2016-2017

A RESOLUTION ADOPTING AFFIRMATIVE FAIR HOUSING POLICY

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

This notice is posted pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal

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assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, creed, color, religion, sex, national origin, sexual orientation, disability, age, political affiliation, familial status or citizenship.

The City of Storm Lake, Iowa, advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing and it shall also take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

The City of Storm Lake shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

The City of Storm Lake has designated the following office as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

Name:	Mayor
Office:	City Hall
Address:	620 Erie Street – Storm Lake IA 50588
Phone Number:	712-732-8000
Hours:	8:00 – 5:00 (Monday – Friday)

PASSED AND APPROVED this 5th day of December, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

Procurement Policy – Moved by Council Member Rice to adopt Resolution No. 53-R-2016-2017 approving the Procurement Policy. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

RESOLUTION NO.53-R-2016-2017

RESOLUTION ADOPTING PROCUREMENT POLICY

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

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WHEREAS, the City of Storm Lake has received a Community Development Block Grant from the Iowa Economic Development Authority; and

WHEREAS, the Iowa Economic Development Authority requires the City of Storm Lake to adopt Procurement Policies in order to utilize such funds;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Storm Lake that it agrees to adopt and implement the attached Procurement Procedures for use during the implementation and administration of the City's Community Development Block Grant Program.

PASSED AND APPROVED this 5th day of December, 2016.

Jon F. Kruse, Mayor

Attest:

Sue Vossberg, City Clerk

PROCUREMENT POLICY

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for the City of Storm Lake related to the implementation and administration of the Community Development Block Grant. All procurement will be done in accordance with 24 CFR; Part 85.

POLICY

I. Methods of Procurement

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) competitive sealed bids (formal advertising); (c) competitive proposals; (d) noncompetitive proposals.

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. The City of Storm Lake shall comply with state or local small purchase dollar limits under \$25,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from at least three qualified sources.
- B. In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price. The sealed bids method is the preferred method for procuring construction.
 1. Appropriate conditions in order for formal advertising to be feasible must be present, including, as a minimum, the following:
 - (a) a complete, adequate and realistic specification or purchase description;
 - (b) two or more responsible suppliers are willing and able to compete effectively for the City of Storm Lake business; and,
 - (c) the procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.
 2. When formal advertising is used for a procurement under a grant, the following requirements shall apply:
 - (a) a sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.
 - (b) the invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.
 - (c) all bids shall be opened publicly at the time and place stated in the invitation for bids.

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(d) a firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the City of Storm Lake indicates that such discounts are generally taken.

(e) any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

C. In competitive proposals, proposals are requested from a number of sources and the Request for Proposal is publicized. Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

1. Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposal shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.
2. The Request for Proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.
3. The City of Storm Lake shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.
4. Awards may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price and other factors considered. Unsuccessful offerors will be notified promptly in writing.
5. The City of Storm Lake may utilize competitive negotiation procedures for procurement of architectural/engineering (A/E) professional services, whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g. administrative services) even though A/E firms are a potential source to perform the proposed effort.

D. Noncompetitive proposal is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

1. The item is available from only a single source;
2. After solicitation of a number of sources, competition is determined inadequate;
3. Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation; and,

Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority.

E. The City of Storm Lake will provide, to the greatest extent possible, that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents. (The project area is defined as the county in which the project is located.) The City of Storm Lake will solicit qualified small, minority, and women's businesses whenever they are potential sources. The City of Storm Lake will procure goods and services from labor surplus areas when economically feasible.

F. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

II. Contract Pricing

A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

B. The City of Storm Lake shall perform some form of cost/price analysis for every procurement action, including modifications or change orders.

III. Procurement Records

The City of Storm Lake shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the cost or price.

EFFECTIVE DATE

Passed this 5th day of December, 2016.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk

North Raccoon River Watershed - A study session was held concerning the North Raccoon River Watershed Management Authority and review of the possible 28E Agreement.

Mandatory Residential Garbage Collection Service – A study session was held concerning mandatory residential garbage collection service. A sample ordinance from the City of Cherokee was given to the Council. Comments were received from the Solid Waste Manager Lori Dicks and owners of Garbage Hauling Service. Further study session will be held at future council meetings.

Closed Session – Moved by Council Member Carlson to go into closed session at 5:50 pm in reference to Iowa Code Chapter 21.5(C) to discuss litigation matters. Seconded by Council Member Rice. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

Attendance in closed session: Rice, Anderson, Carlson, Kruse, Patrick, Navratil, Vossberg, Martinez, and Havens.

Moved by Council Member Rice to return to open session at 7:38pm. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

Adjournment – Moved by Council Member Anderson to adjourn the meeting at 7:39 pm. Seconded by Council Member Carlson. Vote: All ayes with Council Member Porsch and Engelmann absent. Motion carried.

Jon F. Kruse, Mayor

ATTEST:

Sue Vossberg, City Clerk