

**REGULAR COUNCIL MEETING, CITY OF STORM LAKE, IOWA, CITY HALL,
MARCH 6, 2017 5:00 P.M.**

Present: Mayor Jon Kruse, Council Members Dan Anderson, Bruce Carlson, Bruce Engelmann, Mike Porsch and Tyson Rice. Absent: None. 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, Library Director Elizabeth Huff, Water Plant Superintendent Mike Davis, Wastewater Superintendent Mark Streed, and City Clerk Mayra Martinez

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

Andy Wobbema from MidAmerican presented the Council with \$1,000 from the Tree's Please Program.

Hear the Public – Jesse Barnett, 616 College Street, requested College Street around his home to be completely replaced.

Consent Agenda – Moved by Council Member Engelmann to approve the consent agenda which included list of bills, minutes from the February 20, 2017 City Council meeting, liquor license renewal for Lakeshore Café & Jimmy's Bar & Grill. Approve the Civil Service Commission eligibility list. Seconded by Council Member Porsch. Vote: All ayes. Motion carried.

Zoning Ordinance - Moved by Council Member Anderson to pass on 3rd Reading Ordinance 04-O-2016-2017 for the proposed text amendment to the Storm Lake Zoning Ordinance. Seconded by Council Member Porsch. Vote: All ayes. Motion carried.

ORDINANCE NO. 04-O-2016-2017

ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF STORM LAKE, A PART OF THE STORM LAKE MUNICIPAL CODE, TO ALLOW FOR CERTAIN LARGE SCALE AUTOMOTIVE RENTAL AND SALES BUSINESSES AS A PERMITTED USE AS OF RIGHT IN THE GENERAL INDUSTRIAL (GI) ZONING DISTRICT

WHEREAS, the City Staff has petitioned for changes in the text of the Storm Lake Zoning Ordinance and Subdivision Regulations to allow for certain large scale automotive rental and sales businesses as a permitted use as of right in the General Industrial (GI) Zoning District;

WHEREAS, the City's Planning and Zoning Commission has reviewed and recommended approval of the proposed changes in the text of the Zoning Ordinance that will allow for such additional use of real property in a GI Zoning District; and

WHEREAS, the proposed changes in the text of such Zoning Ordinance are consistent and in accordance with the comprehensive plan adopted by the City in Resolution No. 94-R-2012-2013 on February 18, 2013;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Storm Lake, Iowa, as follows:

Section 1. AMENDMENTS. The Zoning Ordinance of the City of Storm Lake is amended as follows:

a. In “Article Three-Use Types”, insert a new subparagraph 6 under Section 307(c) as follows:

6. Automotive Rental and Sales-Large Scale: Establishments providing sale or rental of automobiles, motorcycles, motorhomes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing, occupying facilities 30,000 square feet or larger in area, and within 1,000 feet of Iowa State Highway 71 right-of-way. Outdoor storage of vehicles to be repaired shall be completely screened so as not to be visible from a public right-of-way and shall not occur in front of the front building line of the main structure. Screening shall also be in accordance with Article 8 of this Ordinance.

b. In “Article Four-Base Zoning District Regulations,” “Table 4-2-Permitted and Conditional Uses By Zoning Districts” under “Commercial Uses.” between “Auto Rental/ Sales” and “Auto Services” in the “Uses” column, insert “Auto Rental and Sales-Large Scale;” insert “P” in the “GI” column of that row; and insert “605c” in the “Additional Regulations” column of that row.

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

Section 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 6th day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra Martinez, City Clerk

5-Year CIP - Mayor Kruse opened the public hearing on the proposed FY 2018-2022 Five-Year Capital Improvement Plan stating that this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Porsch to adopt Resolution No. 79-R-2016-2017 adopting the City Of Storm Lake Five-Year Capital Improvements Plan. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 79-R-2016-2017

RESOLUTION ADOPTING THE CITY OF STORM LAKE 5-YEAR CAPITAL IMPROVEMENTS PLAN

WHEREAS, the City of Storm Lake has a need to develop a 5-Year Capital Improvements Plan that will assist city staff and the City Council in the development of long term capital funding priorities; and

WHEREAS, each department of the City of Storm Lake has submitted and prioritized potential projects for the next five fiscal years; and

WHEREAS, the City Manager and City Council have reviewed and prioritized those projects based on potential funding sources in each fund; and

WHEREAS, the proposed 5-Year Capital Improvements Plan has been reviewed and commented on by the City Council during their Budget Workshop in February 7, 2017.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Storm Lake City Council formally approves the City's FY 2018-2022 5-Year Capital Improvement Plan as a planning document for the entire city organization.

PASSED AND APPROVED this 6th day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

FY2017-2018 Budget – Mayor opened the public hearing on the FY 2017-2018 Budget stating this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member to adopt Resolution No. 80-R-2016-2017 adopting the FY 2017-2018 Budget. Finance Director Oakleaf explained that the budget was published in the paper included the

change that were requested at the budget workshop by adding \$12,000 to the SLU appropriation. Seconded by Council Member Porsch. Vote : All ayes. Motion carried.

RESOLUTION NO. 80-R-2016-2017

RESOLUTION ADOPTING THE 2017-2018 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, 2018, 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.

		Budget FY 2018	Re-est. FY 2017	Actual FY 2016
		(a)	(b)	(c)
<u>Revenues & Other Financing Sources</u>				
Taxes Levied on Property	1	4,225,086	4,192,977	3,992,039
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	4,225,086	4,192,977	3,992,039
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	794,019	869,480	740,590
Other City Taxes	6	2,199,185	2,041,119	2,218,063
Licenses & Permits	7	279,500	239,671	152,648
Use of Money and Property	8	125,200	560,760	165,987
Intergovernmental	9	5,927,452	5,887,051	6,267,191
Charges for Services	10	12,758,802	13,847,325	11,898,937
Special Assessments	11	0	0	0
Miscellaneous	12	253,000	189,018	529,431
Other Financing Sources	13	0	0	5,341,127
Transfers In	14	3,152,980	2,306,142	2,516,168
Total Revenues and Other Sources	15	29,715,224	30,133,543	33,822,181

<u>Expenditures & Other Financing</u>				
<u>Uses</u>				
Public Safety	16	3,271,882	2,945,927	2,737,931
Public Works	17	1,710,060	1,845,121	1,340,443
Health and Social Services	18	8,250	8,156	7,415
Culture and Recreation	19	1,735,508	2,106,385	1,509,369
Community and Economic Development	20	82,000	124,217	504,136
General Government	21	465,171	449,700	535,842
Debt Service	22	2,163,550	1,746,415	3,002,543
Capital Projects	23	5,123,600	2,357,430	4,200,528
Total Government Activities Expenditures	24	14,560,021	11,583,351	13,838,207
Business Type / Enterprises	25	11,488,635	15,850,929	15,027,270
Total ALL Expenditures	26	26,048,656	27,434,280	28,865,477
Transfers Out	27	3,152,980	2,306,142	2,516,168
Total Expenditures/Transfers Out	28	29,201,636	29,740,422	31,381,645
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	513,588	393,121	2,440,536
Beginning Fund Balance July 1	30	14,587,464	14,194,343	11,753,807
Ending Fund Balance June 30	31	15,101,052	14,587,464	14,194,343

PASSED AND APPROVED this 6th day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

2016 Water main Improvements – Moved by Council Member Anderson to adopt Resolution No. 81-R-2016-2017 approving the contract for the 2016 Water Main Improvements with SCE LLC from Cherokee. Contract is for \$220,600.75. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 81-R-2016-2017

RESOLUTION APPROVING 2016 WATERMAIN IMPROVEMENTS

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

WHEREAS, by Resolution No. 72-R-2016-2017, adopted February 20, 2017 approved bid from SCE LLC. as the lowest responsible bid received.

NOW, THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of Storm Lake, Iowa , hereby approve Resolution to execute contract with SCE for the construction of water main running adjacent to Highway 7 in Storm Lake, IA from Richland Street to East 4th Street and removal. Total cost of contract is \$220,600.75.

PASSED AND APPROVED this 6th day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra A. Martinez , City Clerk

10th and Ontario Stormwater Improvements Project – Moved by Council Member Porsch to approve an amendment to the agreement for professional services on the 10th and Ontario Stormwater Improvement Project. Total amended contract will increase by \$32,000 for a total engineering cost of \$329,000. Seconded by Council Member Carlson. Vote: All ayes. Motion carried.

Storm Lake Marina Campground – Moved by Council Member Anderson to adopt Resolution No. 82-R-2016-2017 approving the 2017 Land And Water Conservation Fund (LWCF) Grant submittal. Seconded by Council Member Carlson. Vote: All ayes. Motion carried.

RESOLUTION 82–R-2016-2017

Project Proposal

PART I- RESOLUTION ON ACQUISITION OR DEVELOPMENT FOR OUTDOOR RECREATION

County: Buena Vista

WHEREAS, the City of Storm Lake (City/County) is interested in acquiring lands or developing outdoor recreational facilities on the following described project for the enjoyment of the citizenry of

Site Name: Storm Lake and the State Iowa.

Site Address: 207 West Marina Road

Project Title: Storm Lake Marina Campground

Total Estimated Cost: \$ 226,869.50

Brief Description of Project:

Phase 1 of the the development of the Storm Lake Marina would included the construction of 11 seasonal campsites on the southeast portion of the property. Improvements would include but are not limited to : installation of rock driveways and camper pads, electric, sewer, and water services for each site, and the planting of trees for shade and screening. These sites would allow for permanent seasonal placement of campers at the marina and would be managed by the marina staff.

AND, Land and Water Conservation Fund financial assistance is being sought for the acquisition or development of said outdoor recreational facilities,

NOW THEREFORE, be it resolved by the City Council for the City of Storm Lake that the project described above be authorized,

AND, be it further resolved that said the City of Storm Lake make application to the Iowa Department of Natural Resources to seek Land and Water Conservation Fund financial assistance from the National Park Service in the amount of 44 % of the actual cost of the project,

AND, be it further resolved that said the City of Storm Lake certifies to the following:

1. That is will accept the terms and conditions set forth in the NPS Grants-in-Aid Manual and which will be a part of the Project Agreement for any grant awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the acquisition and/or development in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the Iowa Department of Natural Resources.
3. That is has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said City of Storm Lake for public outdoor recreational use.
4. That no financial assistance has been given or promised under any other federal program or activity with regard to the proposed project.
5. That it will not discriminate against any person on the basis of race, color, or natural origin in the use of any property or failure acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964), and of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.
6. That it will maintain adequate financial records on the proposed project to substantiate claims for cost-sharing.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of a resolution duly and legally adopted by the Storm Lake City Council at a legal meeting held on this 6th Day of March, 20 17.

(signature)

Mayor

(title)

(signature)

City Clerk

(title)

2017 Sunrise Campground Storm Sewer Improvements – Moved by Council Member Anderson to adopt Resolution No. 83-R-2016-2017 approving and awarding bid for the 2017 Sunrise Campground Storm Sewer Improvements to SCE LLC. Total project cost of \$8,257. Seconded by Council Member Engelmann. Vote: All ayes. Motion carried.

RESOLUTION NO. 83-R-2016-2017

RESOLUTION ACCEPTING AND AWARDING BID FOR THE 2017 SUNRISE CAMPGROUND STORM SEWER IMPROVEMENTS

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

Section 1. That the following bid for the construction of certain public improvements described in general as the 2017 Sunrise Campground Storm Sewer Improvements, described in the plans and specifications heretofore adopted by this Council on February 6, 2017 be and is hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Contractor:	SCE LLC.
Amount of bid:	\$8,257.00
Portion of bid:	All

Section 2. That the Mayor and Clerk are hereby directed to execute contract with the contractor for the construction of said public improvements, said contract not to be binding on the City until approved by this Council.

PASSED AND APPROVED this 6nd day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

3rd Addition Phase 2 Improvements – Moved by Council Member Engelmann to approve professional services agreement with Bolton & Menk for 3rd Addition Phase 2 Improvements, 13th Street Extension. Total cost not to exceed \$41,100. Seconded by Council Member Anderson. Vote: All ayes. Motion carried.

Franchise Fees – Mayor opened the public hearing on Franchise Fees Revenue Purpose Statement stating this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Rice to adopt Resolution No. 84-R-2016-2017 approving the Revenue Purpose Statement regarding use of revenue from the proposed gas and electric franchise fees. Seconded by Council Member Porsch. Vote: All ayes. Motion carried.

RESOLUTION NO. 84-R-2016-2017

RESOLUTION ADOPTING REVENUE PURPOSE STATEMENT REGARDING USE OF REVENUES FROM PROPOSED GAS AND ELECTRIC FRANCHISE FEES PURSUANT TO IOWA CODE § 364.2(4)(f)

WHEREAS, the City of Storm Lake is considering an amendment to its current gas franchise with Interstate Power & Light Company (Alliant Energy) and current electric franchise with Iowa Lakes Electric Cooperative, Midwest Power, a division of Midwest Power Systems, Inc., now MidAmerican Energy Company (under which a franchise fee will be assessed); and

WHEREAS, the City Council of the City of Storm Lake will hold a public hearing regarding any amendment to its gas and electric franchises prior to adoption of any amended franchises; and

WHEREAS, Iowa Code § 364.2(4)(f) requires adoption of a “Revenue Purpose Statement” by a city council prior to the adoption of any franchise containing a franchise fee or any ordinance imposing a franchise fee specifying the purpose or purposes for which any revenue generated by a franchise fee will be used, and

WHEREAS, as required by Iowa Code § 364.2(4)(f) a copy of the proposed “Revenue Purpose Statement” has been published in the manner provided by Iowa Code § 362.3.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Storm Lake:

Section 1: The following “Revenue Purpose Statement” is hereby adopted by the City Council of the City of Storm Lake, to wit:

REVENUE PURPOSE STATEMENT REGARDING USE OF REVENUE FROM GAS AND ELECTRIC FRANCHISE FEES

Pursuant to Iowa Code § 364.2(4)(f) the City of Storm Lake states that all revenue generated from franchise fees assessed on the sales of gas or electricity within the city shall be deposited in the franchise fee account in the general fund and shall be used to reimburse the City for all costs associated with inspecting, supervising or otherwise regulating its franchises. Moneys in the franchise fee account in the general fund in excess of the amounts necessary for costs associated with inspecting, supervising or otherwise regulating its franchises shall be expended for any of the following:

repair, remediation, restoration, cleanup, replacement, and improvement of existing public improvements and other publicly owned property, buildings, and facilities; projects designed to prevent or mitigate future disasters as defined in Iowa Code § 29C.2; energy conservation measures for low-income homeowners, low-income energy assistance programs, and weatherization programs; public safety, including the equipping of fire, police, emergency services, sanitation, street, and civil defense departments; the establishment, construction, reconstruction, repair, equipping, remodeling, and extension of public works, public utilities, and public transportation systems; the construction, reconstruction, or repair of streets, highways, bridges, sidewalks, pedestrian underpasses and overpasses, street lighting fixtures, and public grounds, and the acquisition of real estate needed for such purposes; abatement of fees for property damaged by a disaster as defined in Iowa Code § 29C.2; and economic development activities and projects.

Section 2. The City Clerk shall cause this “Revenue Purpose Statement Regarding Use of Revenue from Gas and Electric Franchise Fees” as adopted to be published in the manner required by Iowa Code § 362.3.

Adopted the 6th day of March, 2017.

Jon F. Kruse, Mayor

ATTEST:

Mayra A. Martinez,
City Clerk

Mayor opened the public hearing to adopt Ordinance repealing current franchise, granting a new franchise to MidAmerican Energy Company, and increasing the Franchise Fee stating this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Engelmann to approve the 1st Reading of the Ordinance No. 05-O-2016-2017 repealing current Franchise, granting a new Franchise to MidAmerican Energy, and increasing the Franchise Fee to 5%.. Seconded by Council Member Porsch. Vote: All ayes. Motion carried.

Mayor opened the public hearing to adopt Ordinance repealing current Franchise, Granting a new Franchise to Interstate Power & Light Company, and increasing the Franchise Fee stating this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Porsch to approve the 1st Reading of the Ordinance No. 06-O-2016-2017 repealing current Franchise, granting a new Franchise to Interstate Power & Light Company, Alliant Energy, and increasing the Franchise Fee to 5%. Seconded by Council Member Carlson. Vote: All ayes. Motion carried.

Mayor opened the public hearing to adopt Ordinance repealing current Franchise, granting a new Franchise to Iowa Lake's Electric Cooperative, and increasing the Franchise Fee stating this was the time and place for any comments. Hearing no comments the Mayor then closed the public hearing.

Moved by Council Member Porsch to approve the 1st Reading of the Ordinance No. 07-O-2016-2017 repealing current Franchise, granting a new Franchise to Iowa Lake's Electric Cooperative, and increasing the Franchise Fee to 5%. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

City Manager Transition - Moved by Council Member Porsch to approve the appointment of Keri Navratil as the Storm Lake's new City Manager effective May 20, 2017. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

Closed Session – Moved by Council Member Porsch to go into closed session at 5:52 pm in Reference to Iowa Code Chapter 21.5(C) to discuss matters of litigation. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

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

Moved by Council Member Porsch to return to open session at 8:03 pm. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

Action Following closed session - Moved by Council Member Porsch to authorize the City Manager, Jim Patrick, at his discretion, to take action necessary to evict Kinseth pending negotiations to be resolved. Seconded by Council Member Carlson. Vote: All ayes. Motion carried.

Adjournment – Moved by Council Member Porsch to adjourn the meeting at 8:03 pm. Seconded by Council Member Rice. Vote: All ayes. Motion carried.

Jon F. Kruse, Mayor

ATTEST:

Mayra Martinez, City Clerk