

**CITY OF HAWARDEN
REGULAR CITY COUNCIL MEETING AGENDA
Hawarden City Hall – Council Chambers Room
Wednesday, September 11, 2019 at 5:30 p.m.**

**Note: Please meet at Oak Grove at the Nature Center at 4:00 pm for
a Tour.**

Standard Agenda Items

- 1a. Approval of August 28, 2019 Council Meeting Minutes**
- 1b. Approval of September 11, 2019 Claims for Payment**
- 1c. Open business from the Community (limited to a maximum of 5 minutes per item).**
- 2a. Mayor's Report**
- 2b. Staff Reports/Discussion**
- 2c. Council Comments**

Other Agenda Items

- 3. Third Reading of Ordinance 714, An Ordinance Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Conflict of Interest.**
- 4. Third Reading of Ordinance 715, An Ordinance Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Solid Waste Control.**
- 5. Third Reading of Ordinance 716, An Ordinance Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Operating Budget Preparation.**
- 6. Discussion on a Possible Gas Rate Case with Northern Natural Gas.**
- 7. Resolution 2019-45, A Resolution of the Hawarden City Council, Hawarden, Iowa, to Establish Policies Regarding the Residential Anti-displacement and Relocation Assistance Plan (RARA) in Accordance with the Housing and Community Development Act of 1974, as Amended and HUD Regulations at 24 CFR 42.325; a Procurement Policy of Goods and Services; A Code of Conduct; The Prohibition of the Use of Excessive Force; An Affirmative Fair Housing Policy; and Equal Employment Opportunity During the Execution of Federally Assisted Projects.**
- 8. Approval of the Technical Agreement Contract between Northwest Iowa Planning and Development Commission and the City of Hawarden for the Hawarden Housing Rehab Grant Project.**
- 9. Approval of Certified Inspector Jonathon Hintz as the Inspector for the Hawarden Housing Rehab Grant Project.**
- 10. Adjournment**

Next regular council meeting September 25, 2019

City of Hawarden

Public Meeting Procedures

These Procedural rules are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open and comprehensive debate of issues brought before the body for action in a forum open to the public, and which encourages citizens' awareness of City Council activities. These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, but is intended merely to serve as a general set of guidelines to assist the governmental body in conducting City business.

House Rules:

- No food or drink other than bottled water may be brought into the Council Chambers.
- Cell phones and pagers should be silenced in the Council Chambers.
- Signs and placards are not permitted in the Council Chambers.

Citizens' Right To Be Heard:

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, City Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing.
- Speakers must stand at the dais and speak into the microphone, unless unable to do so, and state your name and address for the record.
- Any citizen requesting to speak shall limit himself or herself to matters of fact regarding the issue of concern.
- Comments should be limited to five (5) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- Personal attacks made publicly toward any citizen or city employee are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the Council Chambers by Police Department personnel or other agent designated by the City Council or City Administrator.

**UNAPPROVED MINUTES REGULAR CITY COUNCIL MEETING
HAWARDEN CITY HALL – COUNCIL CHAMBERS
Wednesday, August 28, 2019 at 5:30 p.m.**

The Council Meeting was called to order at 5:30 p.m.

Present: Mayor Pro Tem Olson; Council Members: Bergsma, Klocke, Kurth, Feldhacker

Absent: Mayor Porter

Staff Present: Mike DeBruin, City Administrator/City Clerk; Travis Waterman, Public Works Director; Jacob Stoner, Finance Officer; Larry Cope, Economic Development Director; Corey Utech, Chief of Police; Jim Pickner, City Attorney

Absent: None

Standard Agenda Items

1a. Approval of August 14, 2019 Regular Council Meeting Minutes.

Moved by Feldhacker/Bergsma to approve the August 14, 2019 Regular Council Meeting Minutes.

Motion carried 5-0.

1b. Approval of Claims for Payment.

Moved by Kurth/Bergsma to approve the August 28, 2019 Claims for Payment.

Motion carried 5-0.

1c. No Open Business from the Community was held.

2a. No Mayor's Report was given.

2b. Staff Reports were given.

2c. No Council Comments were given.

Agenda Items

Item 3. Resolution 2019-44, Authorizing and Approving a Loan Agreement, Providing for the Issuance & Securing the Payment of \$2,340,000 Electric Revenue Bonds, Series 2019.

Moved by Bergsma/Kurth to approve.

Aye: Olson, Bergsma, Kurth, Feldhacker, Klocke Nay: None Motion carried 5-0.

Item 4. Second Reading of Ordinance 714, Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Conflict of Interest.

Moved by Kurth/Klocke to approve.

Aye: Bergsma, Feldhacker, Olson, Klocke, Kurth Nay: None Motion carried 5-0.

Item 5. Second Reading of Ordinance 715, Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Solid Waste Control.

Moved by Klocke/Bergsma to approve.

Aye: Feldhacker, Kurth, Klocke, Bergsma, Olson Nay: None Motion carried 5-0.

Item 6. Second Reading of Ordinance 716, Amending the Code of Ordinances of the City of Hawarden, Iowa, 2011, by Amending Provisions Pertaining to Operating Budget Preparation.

Moved by Olson/Feldhacker to approve.

Aye: Klocke, Olson, Feldhacker, Kurth, Bergsma Nay: None Motion carried 5-0.

Item 7. Approval of the Hedging Agreement, By and Between, Public Energy Facilities Authority and the City of Hawarden Municipal Utilities.

Moved by Kurth/Klocke to approve. Motion carried 5-0.

Item 8. Consent Agenda

- a. Request from Jay Kennedy, dba Thirsty Pigs LLC, for a new 5-day Class C Liquor License with Outdoor Service, effective Thurs., Aug. 29, 2019 for 734-1st St (Demolition Derby).**

Moved by Kurth/Feldhacker to approve. Motion carried 5-0.

Item 9. Adjournment.

The next regular City Council Meeting will be Wednesday, September 11, 2019 @ 5:30 p.m.

Moved by Feldhacker/Bergsma to adjourn. Motion carried 5-0. Meeting adjourned at 5:45 p.m.

ATTEST:

Travis Olson, Mayor Pro Tem

Michael De Bruin, City Administrator/City Clerk

**CITY OF HAWARDEN
COUNCIL MEETING
SEPTEMBER 11, 2019**

DATE	CHECK NO	VENDOR NAME	REFERENCE	TOTAL
8/30/2019	54480	AIRGAS USA LLC	AMB SUPPLIES	\$ 108.55
8/30/2019	54481	BARCO PRODUCTS COMPANY	DWNTWN PROJ TRASH CANS	\$ 8,089.30
8/30/2019	54483	BOMGAARS	PD CAR WASH SUPPLIES	\$ 2,450.93
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST SUPPLIES	\$ 743.81
8/30/2019	54485	NORTH WEST REC	ELECTRICITY WA	\$ 25.00
8/30/2019	54486	PRECISION MIDWEST	EL FREIGHT CHG	\$ 25.00
8/30/2019	54487	UNITED PARCEL SERVICE	EL SHIPPING	\$ 111.16
9/6/2019	54488 thru	PAYROLL		
9/6/2019	54494	PAYROLL		
9/6/2019	54495	FLEX PLAN	URM/FLEX PLAN	\$ 936.74
9/11/2019	54496	ANCERLY HOSTING	WEB HOSTING	\$ 100.00
9/11/2019	54497	ARROW MANUFACTURING INC	SUPPLIES AMB	\$ 80.00
9/11/2019	54498	BTN	TV PROGRAMMING COST	\$ 1,247.47
9/11/2019	54499	BLUE OTTER SOLUTIONS LLC	APGA GOAL SURVEY	\$ 675.00
9/11/2019	54500	CATALYST SOLUTIONS INC	TECH SERVICES	\$ 1,910.60
9/11/2019	54501	CRAWFORD COUNTY	TRANQUILIZER GUN	\$ 827.85
9/11/2019	54502	CULLIGAN WATER CONDITIONING	SUPPLIES GENADM	\$ 38.00
9/11/2019	54503	DGR ENGINEERING	WSTWA TREATMENT FAC CONST	\$ 4,936.50
9/11/2019	54504	EAGLE RIDGE CORPORATE SVCS INC	125,105&COBRA FEES JUL-SEPT 19	\$ 750.00
9/11/2019	54505	ECHO GROUP INC	SUPPLIES GAS	\$ 181.92
9/11/2019	54506	FELD FIRE	FIRE PUMP TEST	\$ 1,144.00
9/11/2019	54507	FERGUSON WATERWORKS #2516	SUPPLIES WA	\$ 2,671.27
9/11/2019	54508	FLOWERS BY JAN	PLANT GENADM	\$ 45.00
9/11/2019	54509	ISAIAH GLANZER	UTILITY REFUND	\$ 61.32
9/11/2019	54510	GOODLAND PUMP & SUPPLY CO	WELL #10	\$ 9,763.20
9/11/2019	54511	GROEBNER	SUPPLIES GAS	\$ 1,410.18
9/11/2019	54512	HAWARDEN REGIONAL HEALTHCARE	LOST JULY 2019	\$ 30,593.59
9/11/2019	54513	HAWARDEN SENIOR CITIZEN CENTER	RENT	\$ 250.00
9/11/2019	54514	HERITAGE ANIMAL HEALTH	SHIPPING WA	\$ 42.82
9/11/2019	54515	MARY HULLEMAN	PD RETIREMENT BENEFIT	\$ 508.13
9/11/2019	54516	IAMU	SYSTEM LEAK SURVEY GAS	\$ 2,537.00
9/11/2019	54517	IOWA ONE CALL	EMAIL LOCATES	\$ 38.70
9/11/2019	54518	KLEMMENSEN COMMERCIAL	DOOR REPAIR PD	\$ 549.00
9/11/2019	54519	KSOU-AM & FM KHK-FM	FOOTBALL PACKAGE COM&ECON	\$ 250.00
9/11/2019	54520	LYNOTT IMPLEMENT INC	BLADE CEM	\$ 392.35
9/11/2019	54521	MEYER INC	WOOD CHIPS PARK	\$ 3,070.00
9/11/2019	54522	MIDWEST ALARM COMPANY INC	FIRE & SECURITY ALARM PH	\$ 93.00
9/11/2019	54523	MUELLER CO	STOPPER FITTINGS GAS	\$ 1,855.48
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 27,603.24
9/11/2019	54525	NWIA SOLID WASTE AGENCY	SPRING CLEANUP SOLWST	\$ 1,087.90
9/11/2019	54526	O.C. SANITATION INC	AUGUST COLLECTION SOLWST	\$ 15,676.00
9/11/2019	54527	OLSONS PEST TECHNICIANS	PEST CONTROL GENADM	\$ 264.43

9/11/2019	54528	PICKNER LAW OFFICE PC	LEGAL FEES SEPT 2019	\$	742.00
9/11/2019	54529	POWERPLAN	REPAIRS ST	\$	2,009.68
9/11/2019	54530	PREMIER COMMUNICATIONS	T1 SVC	\$	440.80
9/11/2019	54531	QUILL CORPORATION	OFFICE SUPPLIES	\$	153.95
9/11/2019	54532	ROVI GUIDES INC	TV PROGRAMMING COST	\$	591.06
9/11/2019	54533	SHOWTIME NETWORK INC	TV PROGRAMMING COST	\$	235.62
9/11/2019	54534	SINCLAIR BROADCAST GROUP INC	RETRANSMISSION KMEG	\$	1,839.60
9/11/2019	54535	SIOUX COUNTY TREASURER	PARCEL 12	\$	4,170.00
9/11/2019	54536	SKARSHAUG TESTING LABORATORY	TESTING EL	\$	615.27
9/11/2019	54537	SMITH ELECTRIC	SEWER SYSTEM SVC WSTWA	\$	79.18
9/11/2019	54538	SUBSCRIBER TECHNOLOGIES INC	TV PROGRAMMING COST	\$	225.00
9/11/2019	54539	TOWER DISTRIBUTION COMPANY	TV PROGRAMMING COST	\$	176.21
9/11/2019	54540	USA BLUEBOOK	SUPPLIES WA	\$	658.17
9/11/2019	54541	VERIZON	CELL SVC PD	\$	208.08
9/11/2019	54542	WELLS FARGO VENDOR FIN SER LLC	ID 90136622267 COPIER LEASE	\$	233.86
9/11/2019	54543	WESTERN IOWA TECH COMM COLLEGE	ACADEMY LAROCO	\$	3,350.00
9/11/2019	54544	JANESS WOLGEN	POOL-CERTIFICATIONS	\$	375.00
9/6/2019	54545	NORTHERN MUNICIPAL	L&R FUND ASSESSMENT GAS	\$	1,964.80
9/6/2019	54546	WOODBURY CO SHERIFFS RESERVES	AMMUNITION PD	\$	100.00
9/6/2019	11141093	WADDELL & REED	457- W&R	\$	50.00
9/6/2019	11141094	EFTPS	FED/FICA TAX	\$	12,739.81
9/10/2019	11141095	CLAYTON ENERGY CORPORATION	GAS PURCHASE	\$	5,488.21
9/11/2019	11141096	CASEY'S BUSINESS MASTERCARD	FUEL ST	\$	779.48
8/29/2019	11141097	DEARBORN NATIONAL	LIFE INS PD	\$	299.66
9/11/2019	11141098	PEOPLES BANK	BILLING CHGS & FEES	\$	40.00
9/11/2019	11141099	TREASURER STATE OF IOWA	720 EXCISE TAX PH	\$	415.74
9/11/2019	11141100	TREASURER STATE OF IOWA	SLAES TAX 8/31/19	\$	6,514.00
9/11/2019	11141101	TREASURER STATE OF IOWA	WATER SVC EXCISE TAX	\$	1,863.00
9/11/2019	11141102	USAC	USAC FEES	\$	1,333.37
		TOTAL ACCOUNTS PAYABLE		\$	170,835.99
		PAYROLL CHECKS		\$	40,178.65
				=====	
		***** REPORT TOTAL *****		\$	211,014.64
				=====	

CITY OF HAWARDEN
COUNCIL MEETING
SEPTEMBER 11, 2019

DATE	CHECK NO	VENDOR NAME	INVOICE DESCRIPTION	INVOICE AMT	TOTAL
8/30/2019	54480	AIRGAS USA LLC	OXYGEN	\$	108.55
9/11/2019	54496	ANCERLY HOSTING	WEB HOSTING	\$	100.00
9/11/2019	54497	ARROW MANUFACTURING INC	SUPPLIES AMB	\$	80.00
8/30/2019	54481	BARCO PRODUCTS COMPANY	DWNTWN PROJ TRASH CANS	\$	8,089.30
9/11/2019	54498	BTN	TV PROGRAMMING COST	\$	1,247.47
9/11/2019	54499	BLUE OTTER SOLUTIONS LLC	APGA GOAL SURVEY	\$	675.00
8/30/2019	54483	BOMGAARS	PD CAR WASH SUPPLIES	\$	2,450.93
9/11/2019	11141096	CASEY'S BUSINESS MASTERCARD	FUEL PD	\$	779.48
9/11/2019	54500	CATALYST SOLUTIONS INC	TECH SERVICES	\$	1,910.60
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST SUPPLIES	\$ 52.24	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST SUPPLIES	\$ 200.69	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST SUPPLIES	\$ 35.12	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST OIL	\$ 209.70	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	WSTWA WIPER BLADES	\$ 9.74	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST AIR FILTER	\$ 36.77	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST FILTER	\$ 29.96	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	FIRE RAD CAP	\$ 4.95	
8/30/2019	54484	CENTRAL PARTS & SUPPLY	ST SUPPLIES	\$ 164.64	\$ 743.81
9/10/2019	11141095	CLAYTON ENERGY CORPORATION	GAS PURCHASE	\$	5,488.21
9/11/2019	54501	CRAWFORD COUNTY	TRANQUILIZER GUN	\$	827.85
9/11/2019	54502	CULLIGAN WATER CONDITIONING	SERVICE	\$	38.00
8/29/2019	11141097	DEARBORN NATIONAL	LIFE INS PD	\$	299.66
9/11/2019	54503	DGR ENGINEERING	WSTWA TREATMENT FAC CONST ADM	\$	4,936.50
9/11/2019	54504	EAGLE RIDGE CORPORATE SVCS INC	125,105&COBRA FEES JUL-SEPT 19	\$	750.00
9/11/2019	54505	ECHO GROUP INC	SUPPLIES GAS	\$	181.92
9/6/2019	11141094	EFTPS	FED/FICA TAX	\$	12,739.81
9/11/2019	54506	FELD FIRE	EQUIPMENT	\$ 794.00	
9/11/2019	54506	FELD FIRE	EQUIPMENT	\$ 350.00	\$ 1,144.00
9/11/2019	54507	FERGUSON WATERWORKS #2516	SUPPLIES WA	\$	2,671.27

DATE	CHECK NO	VENDOR NAME	INVOICE DESCRIPTION	INVOICE AMT	TOTAL
9/6/2019	54495	FLEX PLAN	URM/FLEX PLAN		\$ 936.74
9/11/2019	54508	FLOWERS BY JAN	PLANT GENADM		\$ 45.00
9/11/2019	54509	ISAIAH GLANZER	UTILITY REFUND		\$ 61.32
9/11/2019	54510	GOODLAND PUMP & SUPPLY CO	WELL #10		\$ 9,763.20
9/11/2019	54511	GROEBNER	SUPPLIES	\$ 1,230.06	
9/11/2019	54511	GROEBNER	SUPPLIES	\$ 180.12	\$ 1,410.18
9/11/2019	54512	HAWARDEN REGIONAL HEALTHCARE	LOST JULY 2019		\$ 30,593.59
9/11/2019	54513	HAWARDEN SENIOR CITIZEN CENTER	RENT		\$ 250.00
9/11/2019	54514	HERITAGE ANIMAL HEALTH	SHIPPING WA	\$ 21.42	
9/11/2019	54514	HERITAGE ANIMAL HEALTH	SHIPPING WA	\$ 21.40	\$ 42.82
9/11/2019	54515	MARY HULLEMAN	PD RETIREMENT BENEFIT		\$ 508.13
9/11/2019	54516	IAMU	SYSTEM LEAK SURVEY GAS		\$ 2,537.00
9/11/2019	54517	IOWA ONE CALL	EMAIL LOCATES		\$ 38.70
9/11/2019	54518	KLEMMENSEN COMMERCIAL	DOOR REPAIR PD		\$ 549.00
9/11/2019	54519	KSOU-AM & FM KIHK-FM	BASEBALL ADVERTISING WA	\$ 50.00	
9/11/2019	54519	KSOU-AM & FM KIHK-FM	FOOTBALL PACKAGE COM&ECON	\$ 200.00	\$ 250.00
9/11/2019	54520	LYNOTT IMPLEMENT INC	BLADE CEM	\$ 53.76	
9/11/2019	54520	LYNOTT IMPLEMENT INC	BLADES CEM	\$ 70.20	
9/11/2019	54520	LYNOTT IMPLEMENT INC	BATTERY CEM	\$ 38.81	
9/11/2019	54520	LYNOTT IMPLEMENT INC	PARTS PARK	\$ 53.76	
9/11/2019	54520	LYNOTT IMPLEMENT INC	OIL FILTER,GAS FILTER CEM	\$ 44.34	
9/11/2019	54520	LYNOTT IMPLEMENT INC	BEARING,PART ST	\$ 131.48	\$ 392.35
9/11/2019	54521	MEYER INC	WOOD CHIPS PARK		\$ 3,070.00
9/11/2019	54522	MIDWEST ALARM COMPANY INC	FIRE & SECURITY ALARM PH		\$ 93.00
9/11/2019	54523	MUELLER CO	CHIP SWEEPER, STRAP GAS	\$ 614.95	
9/11/2019	54523	MUELLER CO	ADAPTER STOPPER GAS	\$ 248.77	
9/11/2019	54523	MUELLER CO	STOPPER FITTINGS GAS	\$ 991.76	\$ 1,855.48
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ (3.01)	
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 27,120.97	
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 303.30	
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 28.73	
9/11/2019	54524	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 153.25	\$ 27,603.24
8/30/2019	54485	NORTH WEST REC	ELECTRICITY		\$ 25.00

DATE	CHECK NO	VENDOR NAME	INVOICE DESCRIPTION	INVOICE AMT	TOTAL
9/6/2019	54545	NORTHERN MUNICIPAL	L&R FUND ASSESSMENT GAS		\$ 1,964.80
9/11/2019	54525	NWIA SOLID WASTE AGENCY	SPRING CLEANUP SOLWST		\$ 1,087.90
9/11/2019	54526	O.C. SANITATION INC	AUGUST COLLECTION SOLWST		\$ 15,676.00
9/11/2019	54527	OLSONS PEST TECHNICIANS	PEST CONTROL GENADM	\$ 103.00	
9/11/2019	54527	OLSONS PEST TECHNICIANS	PEST CONTROL PARK	\$ 41.43	
9/11/2019	54527	OLSONS PEST TECHNICIANS	PEST CONTROL WA	\$ 120.00	\$ 264.43
9/11/2019	11141098	PEOPLES BANK	BILLING CHGS & FEES		\$ 40.00
9/11/2019	54528	PICKNER LAW OFFICE PC	LEGAL FEES		\$ 742.00
9/11/2019	54529	POWERPLAN	REPAIRS ST		\$ 2,009.68
8/30/2019	54486	PRECISION MIDWEST	EL FREIGHT CHG		\$ 25.00
9/11/2019	54530	PREMIER COMMUNICATIONS	FAX LINE	\$ 51.58	
9/11/2019	54530	PREMIER COMMUNICATIONS	T1 SVC	\$ 372.62	
9/11/2019	54530	PREMIER COMMUNICATIONS	DIRECTORY LISTINGS	\$ 16.60	\$ 440.80
9/11/2019	54531	QUILL CORPORATION	OFFICE SUPPLIES		\$ 153.95
9/11/2019	54532	ROVI GUIDES INC	TV PROGRAMMING COST		\$ 591.06
9/11/2019	54533	SHOWTIME NETWORK INC	TV PROGRAMMING COST MONTHLY		\$ 235.62
9/11/2019	54534	SINCLAIR BROADCAST GROUP INC	RETRANSMISSION KMEG		\$ 1,839.60
9/11/2019	54535	SIOUX COUNTY TREASURER	PARCEL 1335203002		\$ 4,170.00
9/11/2019	54536	SKARSHAUG TESTING LABORATORY	TESTING EL	\$ 273.40	
9/11/2019	54536	SKARSHAUG TESTING LABORATORY	TESTING EL	\$ 341.87	\$ 615.27
9/11/2019	54537	SMITH ELECTRIC	SEWER SYSTEM SVC WSTWA		\$ 79.18
9/11/2019	54538	SUBSCRIBER TECHNOLOGIES INC	TV PROGRAMMING COST MONTHLY		\$ 225.00
9/11/2019	54539	TOWER DISTRIBUTION COMPANY	TV PROGRAMMING COST MONTHLY		\$ 176.21
9/11/2019	11141099	TREASURER STATE OF IOWA	720 EXCISE TAX PH		\$ 415.74
9/11/2019	11141100	TREASURER STATE OF IOWA	SLAES TAX 8/31/19		\$ 6,514.00
9/11/2019	11141101	TREASURER STATE OF IOWA	WATER SVC EXCISE TAX		\$ 1,863.00
8/30/2019	54487	UNITED PARCEL SERVICE	EL SHIPPING		\$ 111.16
9/11/2019	54540	USA BLUEBOOK	SUPPLIES WA	\$ 245.05	
9/11/2019	54540	USA BLUEBOOK	SUPPLIES WSTWA	\$ 413.12	\$ 658.17
9/11/2019	11141102	USAC	USAC FEES		\$ 1,333.37
9/11/2019	54541	VERIZON	CELL SVC WA	\$ 128.04	
9/11/2019	54541	VERIZON	CELL SVC PD	\$ 80.04	\$ 208.08
9/6/2019	11141093	WADDELL & REED	457- W&R		\$ 50.00

DATE	CHECK NO	VENDOR NAME	INVOICE DESCRIPTION	INVOICE AMT	TOTAL
9/11/2019	54542	WELLS FARGO VENDOR FIN SER LLC	COPIER LEASE	\$	233.86
9/11/2019	54543	WESTERN IOWA TECH COMM COLLEGE	ACADEMY LAROCO	\$	3,350.00
9/11/2019	54544	JANESS WOLGEN	POOL-CERTIFICATIONS	\$	375.00
9/6/2019	54546	WOODBURY CO SHERIFFS RESERVES	AMMUNITION PD	\$	100.00
		TOTAL ACCOUNTS PAYABLE		\$	170,835.99
		PAYROLL CHECKS		\$	40,178.65
				=====	
		***** REPORT TOTAL *****		\$	211,014.64
				=====	

FUND NAME	TOTAL
GENERAL FUND	\$ 44,596.63
ROAD USE TAX FUND	\$ 6,105.50
POLICE RETIREMENT FUND	\$ 508.13
LOCAL OPTION SALES TAX	\$ 30,593.59
DOWNTOWN PROJECT	\$ 8,089.30
WATER UTILITY FUND	\$ 18,302.78
WASTE WATER UTILITY FUND	\$ 3,773.08
WASETWATER PLANT RENOVATE	\$ 4,936.50
ELECTRIC UTILITY FUND	\$ 11,939.16
GAS UTILITY FUND	\$ 20,353.68
SOLID WASTE UTILITY FUND	\$ 16,896.83
TELECOMMUNICATIONS ADMIN	\$ 2,391.02
CABLE/INTERNET UTILITY	\$ 34,648.21
TELEPHONE UTILITY FUND	\$ 7,880.23

BILLING REPORT

August 2019

	NO.	KWH	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
ELECTRIC (security lights)						
RESIDENTIAL	1,019	1,258,453	\$ 109,555.59	\$ 1,095.74	\$ 110,651.33	\$ 196,305.42
*MISC CHARGES			\$ 1,450.00	\$ 101.50	\$ 1,551.50	\$ 3,210.00
COMMERCIAL	180	492,970	\$ 47,252.87	\$ 3,162.35	\$ 50,415.22	\$ 90,984.20
*MISC CHARGES			\$ 75.00	\$ 5.25	\$ 80.25	\$ 214.00
INDUSTRIAL/INTERRUPTIBLE	9	437,774	\$ 36,342.73	\$ 1,381.04	\$ 37,723.77	\$ 71,595.04
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
INTERDEPARTMENTAL	69	306,770	\$ 28,092.43	\$ -	\$ 28,092.43	\$ 43,011.80
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
PUBLIC AUTHORITY	10	134,098	\$ 11,294.76	\$ -	\$ 11,294.76	\$ 20,340.48
PENALTY			\$ 346.65	\$ -	\$ 346.65	\$ 662.57
MISC SALES/NSF FEES			\$ -	\$ -	\$ -	\$ -
WIND ENERGY	6		\$ 24.00	\$ 0.24	\$ 24.24	\$ 48.48
TOTAL	1,293	2,630,065	\$ 234,434.03	\$ 5,746.12	\$ 240,180.15	\$ 426,371.99

	NO.	CCF	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
GAS						
RESIDENTIAL	862	6,675	\$ 12,670.50	\$ 126.91	\$ 12,797.41	\$ 22,210.78
*MISC CHARGES					\$ -	\$ -
COMMERCIAL	112	2,629	\$ 2,988.88	\$ 208.13	\$ 3,197.01	\$ 6,093.07
*MISC CHARGES					\$ -	\$ -
INDUSTRIAL/INTERRUPTIBLE	8	5,322	\$ 3,960.02	\$ 72.09	\$ 4,032.11	\$ 8,220.12
*MISC CHARGES				\$ -	\$ -	\$ -
INTERDEPARTMENTAL	15	1,570	\$ 1,231.01	\$ -	\$ 1,231.01	\$ 2,372.97
PUBLIC AUTHORITY	7	404	\$ 390.73	\$ -	\$ 390.73	\$ 815.84
PENALTY			\$ 18.80	\$ -	\$ 18.80	\$ 56.60
MISC SALES					\$ -	\$ -
TOTAL	1,004	16,600	\$ 21,259.94	\$ 407.13	\$ 21,667.07	\$ 39,769.38

	NO.	CF	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
WATER						
RESIDENTIAL	1,003	729,800	\$ 25,387.92	\$ 1,523.16	\$ 26,911.08	\$ 52,440.94
*MISC CHARGES			\$ 25.00	\$ 1.50	\$ 26.50	\$ 53.00
COMMERCIAL	116	141,260	\$ 3,990.87	\$ 227.71	\$ 4,218.58	\$ 8,152.54
*MISC CHARGES			\$ 25.00	\$ 1.50	\$ 26.50	\$ 132.50
INDUSTRIAL/INTERRUPTIBLE	7	61,800	\$ 1,243.62	\$ 74.62	\$ 1,318.24	\$ 2,506.27
INTERDEPARTMENTAL	21	84,300	\$ 1,874.07	\$ -	\$ 1,874.07	\$ 3,478.41
PUBLIC AUTHORITY	7	32,000	\$ 702.00	\$ -	\$ 702.00	\$ 1,589.22
BULK WATER	7	31,482	\$ 588.71	\$ 35.31	\$ 624.02	\$ 1,802.11
PENALTY			\$ 41.03	\$ -	\$ 41.03	\$ 71.83
MISC SALES			\$ -	\$ -	\$ -	\$ -
TOTAL	1,161	1,080,642	\$ 33,878.22	\$ 1,863.80	\$ 35,742.02	\$ 70,226.82

					MONTH	YEAR
SEWER RENTAL	NO.	CF	DOLLARS	TAXES	TO DATE	TO DATE
RESIDENTIAL	970	705,300	\$ 31,950.58	\$ -	\$ 31,950.58	\$ 63,228.76
COMMERCIAL	102	109,800	\$ 3,750.77	\$ 262.41	\$ 4,013.18	\$ 7,846.38
INDUSTRIAL/INTERRUPTIBLE	5	54,600	\$ 859.48	\$ 60.16	\$ 919.64	\$ 1,696.03
INTERDEPARTMENTAL	13	16,600	\$ 532.68	\$ -	\$ 532.68	\$ 950.82
PUBLIC AUTHORITY	6	30,000	\$ 560.72	\$ -	\$ 560.72	\$ 1,249.78
PENALTY			\$ 52.02	\$ -	\$ 52.02	\$ 91.77
MISC SALES					\$ -	\$ -
TOTAL	1,096	916,300	\$ 37,706.25	\$ 322.57	\$ 38,028.82	\$ 75,063.54

					MONTH	YEAR
GARBAGE COLLECTIONS	NO.		DOLLARS	TAXES	TO DATE	TO DATE
RESIDENTIAL	1,063		\$ 18,605.34	\$ -	\$ 18,605.34	\$ 33,264.77
*MISC CHARGES					\$ -	\$ -
COMMERCIAL	104		\$ 424.52	\$ 29.72	\$ 454.24	\$ 810.04
INDUSTRIAL/INTERRUPTIBLE	5		\$ 20.00	\$ 1.40	\$ 21.40	\$ 37.45
INTERDEPARTMENTAL	15		\$ 60.00		\$ 60.00	\$ 105.00
PUBLIC AUTHORITY	5		\$ 20.00		\$ 20.00	\$ 35.00
PENALTY			\$ 46.15		\$ 46.15	\$ 66.52
MISC SALES			\$ -	\$ -	\$ -	\$ -
TOTAL	1,192		\$ 19,176.01	\$ 31.12	\$ 19,207.13	\$ 34,318.78

					MONTH	YEAR
HITEC COMMUNICATIONS	NO.		DOLLARS	TAXES	TO DATE	TO DATE
PHONE	319		\$ 6,270.87		\$ 6,270.87	\$ 13,913.22
RESIDENTIAL	298		\$ 12,708.89		\$ 12,708.89	\$ 26,765.47
NON RESIDENTIAL	284		\$ 2,368.09		\$ 2,368.09	\$ 4,667.03
HITEC LONG DISTANCE			\$ 588.82		\$ 588.82	\$ 1,189.06
SPECIAL ADJUSTMENTS			\$ -	\$ 418.55	\$ 418.55	\$ 845.86
FEDERAL TAX			\$ -	\$ 1,129.48	\$ 1,129.48	\$ 2,270.09
STATE SALES TAX			\$ -	\$ -	\$ -	\$ -
MISC SALES			\$ -	\$ -	\$ -	\$ -
TOTAL	901		\$ 21,936.67	\$ 1,548.03	\$ 23,484.70	\$ 49,650.73

					MONTH	YEAR
CABLE	NO.		DOLLARS	TAXES	TO DATE	TO DATE
INTERNET	840		\$ 45,989.62		\$ 45,989.62	\$ 91,301.88
LOCAL PACKAGE	46		\$ 1,331.70		\$ 1,331.70	\$ 2,692.35
BASIC SERVICE	460		\$ 33,021.59		\$ 33,021.59	\$ 66,074.20
SHOWTIME PACKAGE	14		\$ 210.00		\$ 210.00	\$ 420.00
MOVIE CHANNEL (CINAMAX)	8		\$ 80.00		\$ 80.00	\$ 160.00
STARZ	3		\$ 45.00		\$ 45.00	\$ 60.00
HBO	13		\$ 260.00		\$ 260.00	\$ 520.00
CONVERTER BOX	2		\$ 4.00		\$ 4.00	\$ 8.00
MISC REV (OTHER CHG & CR)	0		\$ -		\$ -	\$ -
PAY-PER-VIEW	0		\$ -		\$ -	\$ -
FRANCHISE FEE	553		\$ 1,883.98		\$ 1,883.98	\$ 3,761.58
EQUIPMENT REVENUE	46		\$ 786.20		\$ 786.20	\$ 1,537.33

DIGITAL BASIC SERVICE	49	\$	1,693.55		\$	1,693.55	\$	3,315.91	
DIGITAL SHOWTIME	4	\$	60.00		\$	60.00	\$	110.00	
DIGITAL CINEMAX	2	\$	20.00		\$	20.00	\$	40.00	
DIGITAL HBO	8	\$	160.00		\$	160.00	\$	278.71	
STATE SALES TAX		\$	-	\$	2,639.23	\$	2,639.23	\$	5,267.35
TOWER LEASE SPACE		\$	650.00		\$	650.00	\$	1,300.00	
MISC SALES		\$	-	\$	-	\$	-	\$	-
TOTAL	2048	\$	86,195.64	\$	2,639.23	\$	88,834.87	\$	176,847.31

	NO.		DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE	
MISC SALES		\$	-	\$	-	\$	-
TOTAL	0	\$	-	\$	-	\$	-

	NO.		DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE			
MISCELLANEOUS CHARGES									
PS-PROJECT SHARE	5	\$	37.00	\$	-	\$	37.00	\$	74.00
PT-PET SERVICE					\$	-	\$	-	
MISC					\$	-	\$	-	
TOTAL		\$	37.00	\$	-	\$	37.00	\$	74.00

GRAND TOTAL		\$	454,623.76	\$	12,558.00	\$	467,181.76	\$	872,322.55
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**BILLING REPORT
AUGUST 2018**

	NO.	KWH	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
ELECTRIC (security lights)						
RESIDENTIAL	1,013	1,156,605	\$ 101,881.43	\$ 1,051.04	\$ 102,932.47	\$ 197,387.14
*MISC CHARGES			\$ 1,349.54	\$ 94.47	\$ 1,444.01	\$ 2,754.76
COMMERCIAL	186	506,619	\$ 47,689.94	\$ 3,156.96	\$ 50,846.90	\$ 94,213.43
*MISC CHARGES			\$ 175.00	\$ 12.25	\$ 187.25	\$ 294.25
INDUSTRIAL/INTERRUPTIBLE	13	385,213	\$ 32,385.84	\$ 1,335.08	\$ 33,720.92	\$ 64,465.85
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
INTERDEPARTMENTAL	68	279,601	\$ 15,726.49	\$ -	\$ 15,726.49	\$ 30,725.88
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
PUBLIC AUTHORITY	9	118,087	\$ 9,760.84	\$ -	\$ 9,760.84	\$ 18,855.53
PENALTY			\$ 334.95	\$ -	\$ 334.95	\$ 646.26
MISC SALES			\$ -	\$ -	\$ -	\$ -
WIND ENERGY	6		\$ 24.00	\$ 0.24	\$ 24.24	\$ 48.48
TOTAL	1,295	2,446,125	\$ 209,328.03	\$ 5,650.04	\$ 214,978.07	\$ 409,391.58

	NO.	CCF	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
GAS						
RESIDENTIAL	867	6,439	\$ 9,439.58	\$ 95.31	\$ 9,534.89	\$ 18,728.46
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
COMMERCIAL	114	2,463	\$ 2,570.48	\$ 178.17	\$ 2,748.65	\$ 5,555.36
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
INDUSTRIAL/INTERRUPTIBLE	10	4,359	\$ 3,529.72	\$ 92.10	\$ 3,621.82	\$ 7,590.98
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
INTERDEPARTMENTAL	15	2,334	\$ 1,932.48	\$ -	\$ 1,932.48	\$ 3,851.37
PUBLIC AUTHORITY	6	468	\$ (578.54)	\$ -	\$ (578.54)	\$ (246.48)
PENALTY			\$ 25.62	\$ -	\$ 25.62	\$ 54.82
MISC SALES			\$ -	\$ -	\$ -	\$ -
TOTAL	1,012	16,063	\$ 16,919.34	\$ 365.58	\$ 17,284.92	\$ 35,534.51

	NO.	CF	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
WATER						
RESIDENTIAL	998	884,300	\$ 28,251.20	\$ 1,694.68	\$ 29,945.88	\$ 54,754.69
*MISC CHARGES			\$ -	\$ -	\$ -	\$ -
COMMERCIAL	127	179,700	\$ 4,731.99	\$ 275.79	\$ 5,007.78	\$ 9,498.24
*MISC CHARGES			\$ -	\$ -	\$ -	\$ 26.50
BULK WATER	9	30,414	\$ 568.74	\$ 34.13	\$ 602.87	\$ 2,093.69
INDUSTRIAL/INTERRUPTIBLE	8	61,300	\$ 1,244.97	\$ 74.72	\$ 1,319.69	\$ 2,463.06
INTERDEPARTMENTAL	20	98,600	\$ 2,122.74	\$ -	\$ 2,122.74	\$ 3,856.14
PUBLIC AUTHORITY	6	52,900	\$ 1,086.21	\$ -	\$ 1,086.21	\$ 1,715.04
PENALTY			\$ 25.67	\$ -	\$ 25.67	\$ 57.52
MISC SALES			\$ -	\$ -	\$ -	\$ -
TOTAL	1,168	1,307,214	\$ 38,031.52	\$ 2,079.32	\$ 40,110.84	\$ 74,464.88

					MONTH	YEAR
SEWER RENTAL	NO.	DOLLARS	TAXES		TO DATE	TO DATE
RESIDENTIAL	964	\$ 22,821.83	\$ -	\$	22,821.83	\$ 43,795.93
NON RESIDENTIAL	119	\$ 3,550.84	\$ 207.91	\$	3,758.75	\$ 7,123.28
CONTRACT		\$ -	\$ -	\$	-	\$ -
PENALTY		\$ 23.55		\$	23.55	\$ 47.91
MISC SALES				\$	-	\$ -
TOTAL	1,083	\$ 26,396.22	\$ 207.91	\$	26,604.13	\$ 50,967.12

					MONTH	YEAR
GARBAGE COLLECTIONS	NO.	DOLLARS	TAXES		TO DATE	TO DATE
RESIDENTIAL	1,063	\$ 14,630.88	\$ -	\$	14,630.88	\$ 29,200.96
*MISC CHARGES		\$ -	\$ -	\$	-	\$ -
NON RESIDENTIAL	117	\$ 352.84	\$ 23.86	\$	376.70	\$ 752.04
PENALTY		\$ 19.90		\$	19.90	\$ 47.96
MISC SALES		\$ -		\$	-	\$ -
TOTAL	1,180	\$ 15,003.62	\$ 23.86	\$	15,027.48	\$ 30,000.96

					MONTH	YEAR
HITEC COMMUNICATIONS		DOLLARS	TAXES		TO DATE	TO DATE
PHONE	NO.					
RESIDENTIAL	336	\$ 8,660.28		\$	8,660.28	\$ 26,124.40
NON RESIDENTIAL	305	\$ 12,620.34		\$	12,620.34	\$ 16,907.37
HITEC LONG DISTANCE	283	\$ 2,259.09		\$	2,259.09	\$ 4,622.35
SPECIAL ADJUSTMENTS		\$ 690.96		\$	690.96	\$ 1,188.21
FEDERAL TAX		\$ -	\$ 438.30	\$	438.30	\$ 879.60
STATE SALES TAX		\$ -	\$ 1,141.82	\$	1,141.82	\$ 2,287.29
MISC SALES		\$ -	\$ -	\$	-	\$ -
TOTAL	924	\$ 24,230.67	\$ 1,580.12	\$	25,810.79	\$ 52,009.22

CABS BILLED	----	\$ 2,392.63		\$	2,392.63	\$ 4,832.29
CABS RECEIVED	----	\$ 2,045.64		\$	2,045.64	\$ 4,026.42

					MONTH	YEAR
CABLE	NO.	DOLLARS	TAXES		TO DATE	TO DATE
INTERNET	1153	\$ 43,721.13		\$	43,721.13	\$ 87,708.83
LOCAL PACKAGE	50	\$ 1,447.50		\$	1,447.50	\$ 2,895.00
BASIC SERVICE	551	\$ 33,589.99		\$	33,589.99	\$ 69,511.74
SHOWTIME PACKAGE	15	\$ 225.00		\$	225.00	\$ 450.00
MOVIE CHANNEL (CINAMAX)	8	\$ 80.00		\$	80.00	\$ 160.00
STARZ	6	\$ 90.00		\$	90.00	\$ 180.00
HBO	12	\$ 260.00		\$	260.00	\$ 502.00
CONVERTER BOX	1	\$ 4.00		\$	4.00	\$ 8.00
MISC REV (OTHER CHG & CR)	0	\$ -		\$	-	\$ -
PAY-PER-VIEW	0	\$ -		\$	-	\$ -
FRANCHISE FEE	606	\$ 1,950.79		\$	1,950.79	\$ 4,008.58

EQUIPMENT REVENUE	60	\$	954.31	\$	954.31	\$	1,862.16
DIGITAL BASIC SERVICE	61	\$	2,057.14	\$	2,057.14	\$	4,021.16
DIGITAL SHOWTIME	7	\$	100.65	\$	100.65	\$	175.65
DIGITAL CINEMAX	2	\$	20.00	\$	20.00	\$	31.67
DIGITAL HBO	9	\$	180.00	\$	180.00	\$	360.00
STATE SALES TAX				\$	2,730.61	\$	5,611.03
TOWER LEASE SPACE		\$	650.00	\$	650.00	\$	1,300.00
MISC SALES		\$	-	\$	-	\$	-
TOTAL	2541	\$	85,330.51	\$	2,730.61	\$	88,061.12
							\$ 178,785.82

	NO.	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
MISC SALES			\$ -	\$ -	\$ -
TOTAL	0	\$ -	\$ -	\$ -	\$ -

MISCELLANEOUS CHARGES	NO.	DOLLARS	TAXES	MONTH TO DATE	YEAR TO DATE
PS-PROJECT SHARE	4	\$ 27.00	\$ -	\$ 27.00	\$ 54.00
PT-PET SERVICE	0	\$ -	\$ -	\$ -	\$ -
MISC		\$ -	\$ -	\$ -	\$ -
TOTAL		\$ 27.00	\$ -	\$ 27.00	\$ 54.00

GRAND TOTAL		\$ 417,659.54	\$ 12,637.44	\$ 430,296.98	\$ 836,040.38
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ORDINANCE NO. 714

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO CONFLICT OF INTEREST

Be It Enacted by the City Council of the City of Hawarden, Iowa:

SECTION 1. SUBSECTIONS MODIFIED. Subsections 10, 11 and 12 of Section 5.07 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, are repealed and the following adopted in lieu thereof:

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.

(Code of Iowa, Sec. 362.5[3j])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[3k])

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

(Code of Iowa, Sec. 362.5[3l])

SECTION 2. SEVERABILITY CLAUSE. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council on the 11th day of September 2019.

Ricard Porter, Mayor

ATTEST:

Michael DeBruin, City Clerk

First Reading: August 14, 2019

Second Reading: August 28, 2019

Third Reading: September 11, 2019

I certify that the foregoing was published as Ordinance No. 714 on the 12th day of September 2019.

Michael DeBruin, City Clerk

ORDINANCE NO. 715

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE CONTROL

Be It Enacted by the City Council of the City of Hawarden, Iowa:

SECTION 1. SUBSECTIONS MODIFIED. Subsections 13 and 14 of Section 105.02 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, are repealed and the following adopted in lieu thereof:

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.
(*Code of Iowa, Sec. 455B.301*)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:
(*Code of Iowa, Sec. 455B.301*)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.
- F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.
- G. Post-use polymers or recoverable feedstocks that are any of the following:
 - (1) Processed at a pyrolysis or gasification facility.
 - (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

SECTION 2. SEVERABILITY CLAUSE. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and Approved by the Council on the 11th day of September 2019.

Ricard Porter, Mayor

ATTEST:

Michael DeBruin, City Clerk

First Reading: August 14, 2019

Second Reading: August 28, 2019

Third Reading: September 11, 2019

I certify that the foregoing was published as Ordinance No. 715 on the 12th day of September 2019.

Michael DeBruin, City Clerk

ORDINANCE NO. 716

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO OPERATING BUDGET PREPARATION

Be It Enacted by the City Council of the City of Hawarden, Iowa:

SECTION 1. SECTION MODIFIED. Section 7.05 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

A. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

B. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

- (1) The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(2) The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(4) If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase.

Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection.

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

D. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

5. Council Review. The Council shall review the proposed budget and may make any adjustments it deems appropriate in the budget before accepting such proposal for publication, hearing, and final adoption.

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication

of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16[3])

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

(Code of Iowa, Sec. 384.16[5])

SECTION 2. SEVERABILITY CLAUSE. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and Approved by the Council on the 11th day of September 2019.

Ricard Porter, Mayor

ATTEST:

Michael DeBruin, City Clerk

First Reading: August 14, 2019

Second Reading: August 28, 2019

Third Reading: September 11, 2019

I certify that the foregoing was published as Ordinance No. 716 on the 12th day of September 2019.

Michael DeBruin, City Clerk

Northern Natural Gas Possible Rate Case

Northern Natural Gas, (NNG), is a rate regulated Gas Pipeline that supplies our natural gas. They are investor owned and the rates are governed by Federal Energy Regulatory Commission, (FERC). By being regulated, they are limited to a certain percentage on their rate of return.

FERC has initiated what is called a schedule 5 rate case proposing that NNG was overearning. NNG stated they were investing the extra income in infrastructure. 2019 NNG backed up its stance with a schedule 4 Rate case saying they needed to raise rates 90.6% because they were losing money on all the infrastructure work being done.

Hawarden belongs a group of small natural gas end users, NMDG which has 30 Municipals in Iowa and close to 40 in Minnesota. NMDG along with larger companies like Mid-America Energy and Xcel Energy are opposing the 90.6% increase and are joining the others in litigation to fight this rate increase. While this case is being litigated, NNG has the right to implement the 90.6% increase until FERC makes a ruling, which could take up to 2 years. If FERC would rule that the 90.6% increase is not justified and hands down a lower percentage, all the end user entities would get a refund of the difference. For example, if FERC decides NNG should have given a discount of 10% we would get our increase back and get a 10% decrease from the FERC ruling.

The increase that is taking place, which will start on January 1, 2020 in will increase our fixed cost by just under \$77,000 per year. We would propose to not pass this increase on to our customers and use a combination of multiple things in the gas department to make up this difference. We would propose that we will use our PEFA discount, approximately \$15,000 to \$18,000 per year, part of the \$4.00 base rate increase, and put any upgrades, other than those that are absolutely essential, on hold during this time. We are hoping that this increase from NNG is temporary and short lived. In addition, it would be difficult if we did get a refund at the conclusion of this case to pass that refund to the customer.

To pay for the attorneys in the rate case, each member of NMDG will have to pay an assessment. There are two documents attached to this that show the breakdown of the shared cost of litigation. The members of NMDG approved a \$100,000 assessment in which Hawarden's contribution would be \$1,964.80. There are some total estimates of \$300,000 to \$405,000 for full litigation. Hawarden's contribution would be \$5,894.40- \$7,957.44. This could all be settled earlier with an agreed upon settlement but as of last month NNG was not interested in settling.

Northern Rate Proceedings - Summary of Legal and Expert Fee Estimates		
	Low	High
Duncan, Weinberg, Genzer & Penbroke		
Through 2019	\$ 75,000	\$ 90,000
Through Pretrial -1/20 through 4/20	\$ 95,000	\$ 130,000
Trial Stage - 5/1/20 to 12/20	\$ 110,000	\$ 145,000
Gorak & Bay Consulting		
Pre-Trial	\$ 63,750	\$ 106,250
Trial	\$ 42,500	\$ 58,500
GDS Associates Consulting		
COS Through Discovery/Settlement - Now through 1/20	\$ 72,000	\$ 100,000
COS Testimony and Trial - 2/20-6/20	\$ 65,000	\$ 90,000
ROE Through Discovery/Settlement - Now through 1/20	\$ 27,000	\$ 38,500
ROE Testimony and Trial - 2/20-6/20	\$ 80,000	\$ 110,000
Total	\$ 630,250	\$ 868,250
NMDG – 46.7%	\$294,326	\$405,472
MRGTF – 53.3%	\$335,923	\$462,777

NMDG

Litigation & Regulatory Fund Assessments

Assessment Year	2019
Total Assessment	\$100,000.00
Throughput Period	11/01/2017 through 10/31/2018

Utility Name	2018	% of Total	75%	25%	Total Assessment
	Throughput		Throughput Assessment	Base Assessment	
Alton	80,694	1.02%	767.72	833.33	\$1,601.05
Cascade	95,385	1.21%	907.49	833.33	\$1,740.82
Cedar Falls	2,427,840	30.80%	23,098.30	833.33	\$23,931.64
Coon Rapids	76,835	0.97%	731.00	833.33	\$1,564.34
Emmetsburg	239,443	3.04%	2,278.04	833.33	\$3,111.38
Everly	38,981	0.49%	370.86	833.33	\$1,204.20
Gilmore City	100,507	1.27%	956.22	833.33	\$1,789.55
Graettinger	50,070	0.64%	476.36	833.33	\$1,309.70
Guthrie Center	134,107	1.70%	1,275.88	833.33	\$2,109.22
Harlan	472,468	5.99%	4,495.03	833.33	\$5,328.36
Hartley	117,314	1.49%	1,116.12	833.33	\$1,949.45
Hawarden	118,927	1.51%	1,131.46	833.33	\$1,964.80
Lake Park	102,412	1.30%	974.34	833.33	\$1,807.67
Manilla	28,002	0.36%	266.41	833.33	\$1,099.74
Manning	137,454	1.74%	1,307.73	833.33	\$2,141.06
Orange City	353,964	4.49%	3,367.59	833.33	\$4,200.92
Osage	354,080	4.49%	3,368.69	833.33	\$4,202.03
Preston	57,634	0.73%	548.33	833.33	\$1,381.66
Remsen	118,927	1.51%	1,131.46	833.33	\$1,964.80
Rock Rapids	164,077	2.08%	1,561.02	833.33	\$2,394.35
Rolfe	37,226	0.47%	354.17	833.33	\$1,187.50
Sabula	25,872	0.33%	246.14	833.33	\$1,079.48
Sac City	120,409	1.53%	1,145.56	833.33	\$1,978.90
Sanborn	175,174	2.22%	1,666.59	833.33	\$2,499.93
Sioux Center	1,188,061	15.07%	11,303.13	833.33	\$12,136.46
Tipton	206,203	2.62%	1,961.80	833.33	\$2,795.13
Waukee	636,810	8.08%	6,058.57	833.33	\$6,891.90
West Bend	99,909	1.27%	950.53	833.33	\$1,783.86
Whittemore	68,086	0.86%	647.77	833.33	\$1,481.10
Woodbine	56,305	0.71%	535.68	833.33	\$1,369.02
Total	7,883,176	100%	75,000.00	25,000.00	\$100,000.00

RESOLUTION NO. 2019-45

A RESOLUTION OF THE HAWARDEN COUNCIL, HAWARDEN, IOWA, TO ESTABLISH POLICIES REGARDING THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN (RARA) IN ACCORDANCE WITH THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND HUD REGULATIONS AT 24 CFR 42.325; A PROCUREMENT POLICY OF GOODS AND SERVICES; A CODE OF CONDUCT; THE PROHIBITION OF THE USE OF EXCESSIVE FORCE; AN AFFIRMATIVE FAIR HOUSING POLICY; AND EQUAL EMPLOYMENT OPPORTUNITY DURING THE EXECUTION OF FEDERALLY ASSISTED PROJECTS.

WHEREAS: The City of HAWARDEN has been awarded a Community Development Block Grant (CDBG) for the rehabilitation of single-family owner-occupied housing; and,

WHEREAS: The City of HAWARDEN seeks to execute this project following sound business practices and in compliance with all applicable rules and regulations; and,

WHEREAS: The Community Development Block Grant program requires the City to adopt an "Anti-Displacement and Relocation Assistance Plan," an "Affirmative Fair Housing Policy," a "Policy Prohibiting the Use of Excessive Force in Non-Violent Civil Rights Demonstrations," and an "Equal Employment Opportunity Policy": and,

WHEREAS: Community Development Block Grant program regulations require the City to adopt a "Code of Conduct" that applies to all officers, employees, or agents of the City engaged in the award or administration of contracts supported by federal grants to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2CFR 200.318 and other applicable federal and state standards, regulations, and laws.

WHEREAS: The CDBG program requires the City to adopt a "Procurement Policy" for the City to follow in the acquisition of goods and services for said CDBG-assisted project which sets out sound business practices for the procurement of goods and services for federally assisted projects; and,

WHEREAS: The City Council seeks to assure federally assisted City projects are executed following sound business practices which will be facilitated through adherence to each of the above listed policies.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAWARDEN, IOWA, that the City does adopt and adhere to each of the attached policies or plans: "Residential Anti-Displacement and Relocation Assistance Plan," and the attached "Code of Conduct," and the attached "Procurement Policy," and the attached "Policy Statement Regarding Excessive Force," and the attached "Affirmative Fair Housing Policy," and the attached "Equal Employment Opportunity Policy" and that said policies will be adhered to during the execution of the City's Community Development Block Grant Project and the Council gives the Mayor authority to sign each policy document.

PASSED AND APPROVED THIS 11th DAY OF SEPTEMBER, 2019.

Ric Porter Mayor, City of Hawarden

Attest:

Mike DeBruin, City Administrator City of Hawarden

1. RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Hawarden in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹, UDAG and/or HOME-assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the City of Hawarden will adhere to at least one of the following steps, depending on the type and nature of the CDBG project, to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City of Hawarden will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

¹ CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

One-for-One Replacement of Lower-Income Dwelling Units

The City of Hawarden will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the [CDBG and/or HOME] Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Hawarden to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Hawarden will make public in a newspaper of general circulation and submit to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

- 1) A description of the proposed assisted project;
- 2) The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
- 3) A time schedule for the commencement and completion of the demolition or conversion;
- 4) To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
- 5) 5. The source of funding and a time schedule for the provision of the replacement dwelling units;
- 6) The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Hawarden will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City of Hawarden may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Contacts

The City of Hawarden, City Manager's Office, 1150 Central Ave, Hawarden, Iowa or by phone at 712-551-2565 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City of Hawarden Manager's Office, 1150 Central Ave, Hawarden, Iowa 51023 or by phone at 712-551-2565 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

CITY OF HAWARDEN 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 HAWARDEN related to the implementation and administration of the CDBG award and other federally funded projects. All procurement will be done in accordance with 2CFR Part 200 and Appendix II to Part 200.

POLICY

GENERAL PROCUREMENT PRACTICES

The City of HAWARDEN will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition of unnecessary or duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting; and use good administrative judgment to settle all contractual and administrative issues.

COMPETITION

The City of HAWARDEN will provide full and open competition; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

METHODS OF PROCUREMENT

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

- A. Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)
- B. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$150,000. If small purchase procedures

are used for a procurement under a grant, price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.

C. In 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 the lowest in price. The sealed bids method is the required method for procuring construction.

1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:

- a) A complete, adequate and realistic specification or purchase description is available.
- b) Two or more responsible bidders are willing and able to compete effectively for the City of Spencer' business; and
- c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.

2. When sealed bids are used for a procurement under a grant, the following requirements apply:

- a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
- 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 for bids.
- c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
- 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 Spencer indicates that such discounts are generally taken.
- e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.

D. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:

1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
 3. The City of HAWARDEN shall have a method for conducting evaluations of the proposals received and for selecting awardees.
 4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
 5. The City of HAWARDEN should use competitive proposal procedures for qualification-based 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., administration professional services) even though NE firms are a potential source to perform the proposed effort.
- E. Noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals 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. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. The awarding agency (IEDA) authorizes noncompetitive proposals. (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).
- F. The City of HAWARDEN will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- G. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

RECYCLED MATERIALS

The City of HAWARDEN will procure items with the highest percentage of recycled materials practical.

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 HAWARDEN shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

PROCUREMENT RECORDS

The City of HAWARDEN 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 contract price. The City of HAWARDEN shall make technical specifications and procurement documents available for review upon request.

BONDING REQUIREMENTS

Bonding requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

Passed and adopted this ____ day of _____, 2019

Ric Porter, Mayor, City of HAWARDEN

Mike DeBruin, City Administrator, City of HAWARDEN

CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City of Hawarden engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of the City of Hawarden shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
An organization which employs, or is about to employ any of the above; or, has a financial or other interest in the firm selected for award.

The City of Hawarden officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

FRAUD, WASTE AND ABUSE

The City of Hawarden has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify the City of Hawarden of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to the City Administrator, City of Hawarden City Hall, 1150 Central Ave Hawarden, IA or by phone at 712-551-2565.

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Hawarden's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this ____ Day of _____, 2019.

(signature) Ric Porter Mayor

ATTEST:

(signature) Mike DeBruin, City Administrator

POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE

WHEREAS, the City of Hawarden has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the City of Hawarden endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, the City of Hawarden hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the City of Hawarden agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. The City of Hawarden further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the City of Hawarden has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by the Office of the City Administrator, City of Hawarden, 1150 Central Ave , Hawarden, Iowa 51023 or by phone at 712-551-2565.

Adopted by the City of Hawarden this ____Day of _____, 2019.

Signed: Ric Porter, Mayor _____

Attest: Mike DeBruin, City
Administrator _____

CITY OF HAWARDEN AFFIRMATIVE FAIR HOUSING POLICY

This notice is published 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 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, color, creed, religion, sex, national origin, disability or familial status.

The (Recipient), City of Hawarden, Hawarden, 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 in the sale or rental of housing, the financing of housing and the provision of brokerage services.

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

OFFICE: City Administrator

ADDRESS: City Hall, 1150 Central Ave, Hawarden, Iowa 51023

PHONE NUMBER: 712-551-2565

HOURS: Monday – Friday 7:30 a.m. – 4:30 p.m.



EQUAL OPPORTUNITY POLICY STATEMENT

DATE: __ / __ / __

It is the policy of the City of Hawarden to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The Mayor has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Mayor's responsibility. The Mayor will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the City of Hawarden. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the City because of race, creed, color, religion, sex, national origin, age, handicap, political affiliation or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the City Clerk, who can be contacted at City Hall 1150 Central Ave, Hawarden, Iowa 51023 or by phone at 712-551-2565

This Equal Opportunity Policy of the City shall be posted in conspicuous places within the City Hall, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

Mayor Ric Porter, City of Hawarden

Attest:

City Administrator Mike DeBruin, City of Hawarden

**AN AGREEMENT BETWEEN
THE NORTHWEST IOWA PLANNING AND DEVELOPMENT COMMISSION
AND THE CITY OF HAWARDEN, IOWA**

THIS AGREEMENT entered into this 11th day of September, 2019, by and between the Northwest Iowa Planning and Development Commission (hereinafter called the Planning Agency) and the City of HAWARDEN, Iowa (hereinafter called the City).

WHEREAS the City has competitively procured for the technical services necessary to carry out the attached "Scope of Services", and

WHEREAS the City has passed and approved a RESOLUTION requesting the Planning Agency's technical services in carrying out the attached "Scope of Services"; and

NOW THEREFORE, it is hereby agreed by the Planning Agency and the City as follows:

SECTION 1. Scope of Services

The Planning Agency shall provide and perform the necessary services required to carry out the technical assistance as set out in the Scope of Services attached as Exhibit A.

SECTION 2. Time of Performance

The services of the Planning Agency shall commence on September 6, 2018, and shall be completed upon final close out as determined by the Iowa Economic Development Authority.

SECTION 3. Method of Payment

The total maximum cost of services to the City shall be \$7,200 for technical services related to the administration of an IEDA Housing Fund grant received by the City. Reimbursement will be done as invoiced and will be based upon a per housing unit being rehabilitated cost of \$1,200.00 per unit for work activities specified in the approved work program.

SECTION 4. Progress Report

A progress report (written or oral) shall be presented to the City Council as requested by the same. The report shall specify that the Planning Agency has performed the work in conformance with the agreement. The progress report also shall describe the work accomplished during the period.

SECTION 5. Personnel

The Planning Agency represents that it has, or will secure, all personnel necessary in performing the services under SECTION 1 of this agreement.

SECTION 6. Property

The Planning Agency shall be free to acquire materials, supplies and/or equipment, as it deems necessary in the performance of work under this agreement and as allowed under Housing Administrative guidelines.

SECTION 7. Records Available

At any time during normal business hours and as often as necessary, each party shall make available to the other party all financial and administrative records with respect to all matters covered by this agreement.

SECTION 8. Access to and Maintenance of Records

The NWIPDC shall, for a period of five (5) years, beginning with the date of submission of the final expenditure report or until all audit findings have been resolved, furnish all information and reports required by Executive Order 11246, of September 24, 1965; and will permit access to books, records, and accounts by the City, the Department of Housing and Urban Development, the Secretary of Labor, the Iowa Department of Economic Development, and/or their authorized representative, for purposes of investigation to ascertain compliance.

SECTION 9. Federal Compliance Assurances

In connection with the carrying out of this agreement, all parties shall comply with the following laws and regulations:

- Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C., 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and Amendments and regulations issued thereto.
- Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309)
- The Age Discrimination Act of 1975, as amended (S.C. 1601 et seq.).
- Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112).
- Title VIII of the Civil Rights Act of 1968, as amended.
- Federal Executive Order 11063, as amended by Executive Order 12259.
- Federal Executive Orders 11246, as amended by Federal Executive Order 11375 (See Exhibit B - attached to this contract).

- Iowa Civil Rights Act of 1965 (Iowa Executive Order 15 and 34)
- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213).
- All government-wide lobbying restrictions made part of this agreement by attachment (See Exhibit C - attached to this contract).
- Title IV of the Lead Based Poisoning Prevention Act (42 U.S.C. 4831) as implemented through the regulations contained in 24 CFR, Part 35.
- The contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.
- Lead-Safe Housing Regulations. 24 CFR 35 Part et al. Requirements for Notification, Evaluation and Reduction of Lead-Based Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule.
- Standards and Policies Relating to Energy Efficiency Pub. L. 94-163, 89 Stat. 871 Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
- Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting. The Contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.

SECTION 10. Amendment of this Agreement

If, as the work progresses, major changes in the schedule, funding, scope or total cost of the work to be performed are necessary, the modifications shall be mutually agreed upon by both the City and the Planning Agency and shall be incorporated into this Agreement through a written amendment signed by both parties. These amendment provisions shall be in effect as of the date of the amendment unless otherwise specified within the agreement.

SECTION 11. Termination for Cause

This agreement may be terminated, for cause, by either party upon sixty (60) days written notice in the event of failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

SECTION 12. Termination for Convenience

The performance of work under this contract may be terminated by either party in accordance with this clause in whole, or from time to time in part, whenever the determination is made that such termination is the best interest of both parties. All reasonable costs associated with this contract and incurred up to the date of termination will be paid by the City. No payment will be made for work completed after termination of this contract.

SIGNED:

Northwest Iowa Planning
and Development Commission

City of HAWARDEN, Iowa

Executive Director

Mayor

Secretary

City Administrator

Exhibit A

Proposed Scope of Services - Housing Technical Services

The Northwest Iowa Planning and Development Commission (NWIPDC) will assist the City with technical services in the administration of a Housing Grant that the City has been awarded to assist the City in the rehabilitation of housing units occupied by low to moderate income persons. The following is a list of the technical services to be provided by the NWIPDC in connection with the administration of the housing grant:

- I. Project Set-up
 - A. Prepare third party income verifications for applicant eligibility.
 - B. Process individual applications in accordance with Administrative Plan.
 - C. Determine after-rehabilitation value.
 - D. Prepare and complete the Section 106 Historical Review for each property to be assisted.
- II. Project Implementation
 - A. Set up contractor open houses and ensure that an adequate number of contractors participate in the bidding process.
 - B. Conduct bid letting and provide City with resolution to award construction to low bidder.
 - C. Determine financial feasibility of each project and notify property owner of their options.
 - D. Conduct pre-construction conference and oversee the completion of construction contract and required forms.
 - E. Provide relocation advice to homeowners, if applicable.
 - F. Prepare and file the promissory note and mortgage between the City and the property owner who receives financial assistance.
 - G. Provide overall project supervision and act as liaison between the contractors, the property owner, residents, and the City.
- III. Ongoing Management
 - A. Maintain project files for at least five years after the grant is closed out.
 - B. Provide City with guidance and technical assistance in regard to the five year receding forgivable loans with homeowners and contractor warranties.
 - C. Prepare lien releases as appropriate.

EXHIBIT B

EXECUTIVE ORDER 11246, AS AMENDED BY EXECUTIVE ORDER 11375

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and

such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- (7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

EXHIBIT C

CERTIFICATION REGARDING GOVERNMENT-WIDE RESTRICTION ON LOBBYING

During the performance of this agreement the Planning Agency's Executive Director certifies to the best of his or her knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instructions.
- iii. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

A CONTRACTUAL AGREEMENT
BETWEEN
THE CITY OF HAWARDEN (City)
NORTHWEST IOWA PLANNING AND DEVELOPMENT COMMISSION (NWIPDC)
and
Jonathon W. Hintz (Housing Rehabilitation Inspector)

WHEREAS, the City of HAWARDEN is the recipient of a 2019 Housing Fund Grant (19-HSG-012) from the Iowa Economic Development Authority (IEDA) to rehabilitate six (6) owner-occupied housing units, and

WHEREAS, the City of HAWARDEN has contracted the services of Northwest Iowa Planning and Development Commission to administer the above-mentioned grant program on behalf of the City of HAWARDEN, and

WHEREAS, the services of a Housing Rehabilitation Inspector have been competitively procured to carry out the required activities outlined in Exhibit A, and

NOW THEREFORE, it is hereby agreed by the City of HAWARDEN, Northwest Iowa Planning and Development Commission and Jonathon W. Hintz as follows:

SECTION 1. Scope of Services

The Housing Rehabilitation Inspector shall provide and perform the necessary services required to carry out the activities as set up in the Agreement for Services attached as Exhibit A.

SECTION 2. Time of Performance

The services of the Housing Rehabilitation Inspector shall commence on September 11, 2019 and run through the grant close-out, as determined by the Iowa Department of Economic Development.

SECTION 3. Purpose of Agreement

The purpose of this agreement is to facilitate the operation of the 2019 Housing Fund grant project within the City of HAWARDEN including the rehabilitation of six (6) owner-occupied homes.

SECTION 4. Method of Payment

The total maximum cost of services to the Housing Rehabilitation Inspector shall be no more than \$9,000 payable on a cost reimbursement basis for eligible costs for work activities specified in the approved work program.

SECTION 5. Basis of Payment

The City of HAWARDEN will reimburse the Housing Rehabilitation Inspector for documented work delineated in Exhibit A. The City's financial participation **shall not exceed a maximum of \$12,000** (\$2000 x 6 units).

SECTION 6. Progress Report

A progress report (written or oral) shall be presented to the NWIPDC (Grant Administrator) as requested by the same. The NWIPDC (Grant Administrator) may from time to time request that the Housing Rehabilitation Inspector appear at City Council meetings. The report shall specify that the Housing Rehabilitation Inspector has performed the work in conformance with the agreement. The progress report also shall describe the work accomplished during the period.

SECTION 7. Personnel

The Housing Rehabilitation Inspector represents that he has, or will secure, all personnel necessary in performing the services under SECTION 1 of this agreement.

SECTION 8. Property

The Housing Rehabilitation Inspector shall be free to acquire materials, supplies and/or equipment, as it deems necessary in the performance of work under this agreement and as allowed under Housing Fund (HF) guidelines.

SECTION 9. Records Available

At any time during normal business hours and as often as necessary, each party shall make available to the other party all financial and administrative records with respect to all matters covered by this agreement.

SECTION 10. Access to and Maintenance of Records

The Housing Rehabilitation Inspector shall, for a period of five (5) years, beginning with the date of submission of the final expenditure report or until all audit findings have been resolved, furnish all information and reports required by Executive Order 11246, of September 24, 1965; and will permit access to books, records, and accounts by the City, the Department of Housing and Urban Development, the Secretary of Labor, the Iowa Department of Economic Development, the State Auditor, the General Accounting Office and/or their authorized representatives, for purposes of investigation to ascertain compliance.

SECTION 11. Insurance - Responsibility for Policy

The Housing Rehabilitation Inspector shall obtain and maintain in full force and effect at all times, insurance in at least the following limits:

- General Liability.....\$300,000 per occurrence, and
- Medical Payments.....\$5,000 per person/\$25,000 per occurrence

To protect the City and NWIPDC against such losses, damages, injuries, claims, demands and expenses on account of injury to any person or persons, or to any property belonging to any person or persons, by reason of such casualty, accident or other happenings by the Housing Rehabilitation Inspector or any person under the Housing Rehabilitation Inspector during the term of this contract. A Certificate of Insurance or a copy of the policy evidencing existence of the above coverage's shall be delivered to NWIPDC. The Housing Rehabilitation Inspector shall provide and pay for any other insurance or bond that may be required by any governmental authority as a condition to, or in connection with, this contract. In the event of an accident, the

Housing Rehabilitation Inspector shall promptly notify NWIPDC, in writing, within 24 hours and will also comply with all terms and conditions entered in the insurance policies. The Housing Rehabilitation Inspector agrees to cooperate with the City and NWIPDC and the insurance companies in defending against any claims or actions resulting from the Housing Rehabilitation Inspector's operation of said contract. If any insurance herein is cancelled or suspended, or if the Housing Rehabilitation Inspector fails to maintain such insurance, the City or NWIPDC, at their option, may terminate this contract.

SECTION 12. Insurance - Cost

All insurance premium costs shall be paid by the Housing Rehabilitation Inspector. Any deductible amounts which are applicable to the insurance coverage shall be paid by the Housing Rehabilitation Inspector.

SECTION 13. Indemnification and Insurance

The Housing Rehabilitation Inspector as hired under this agreement as an independent contractor, agrees and will protect, indemnify and hold harmless the City and NWIPDC and its assignees and agents from and against any and all losses, damages, injuries, claims, demands and expenses occasioned by, or arising out of, the performance of duties by the Housing Rehabilitation Inspector including any accident or other occurrence causing or inflicting injury and/or damage to any person or property, happening or done, while carrying out the duties of the contract, due directly or indirectly to this contract by the Housing Rehabilitation Inspector or any person claiming through or under the Housing Rehabilitation Inspector.

SECTION 14. Federal Compliance Assurances

In connection with the carrying out of this agreement, all parties shall comply with the following laws and regulations:

- Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C., 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and Amendments and regulations issued thereto.
- Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309)
- The Age Discrimination Act of 1975, as amended (S.C. 1601 et seq.).
- Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112).
- Title VIII of the Civil Rights Act of 1968, as amended.
- Federal Executive Order 11063, as amended by Executive Order 12259.

- Federal Executive Orders 11246, as amended by Federal Executive Order 11375 (Attached to this contract as Exhibit B)
- Iowa Civil Rights Act of 1965 (Iowa Executive Order 15 and 34)
- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213).
- All government-wide lobbying restrictions made part of this agreement by attachment (attached to this contract as Exhibit C).
- Title IV of the Lead Based Poisoning Prevention Act (42 U.S.C. 4831) as implemented through the regulations contained in 24 CFR, Part 35.
- The contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.
- Lead-Safe Housing Regulations. 24 CFR 35 Part et al. Requirements for Notification, Evaluation and Reduction of Lead-Based Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule.
- Standards and Policies Relating to Energy Efficiency Pub. L. 94-163, 89 Stat. 871 Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
- Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting. The Contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.

SECTION 15. Amendment of this Agreement

If, as the work progresses, major changes in the schedule, funding, scope or total cost of the work to be performed are necessary, the modifications shall be mutually agreed upon by both the Housing Rehabilitation Inspector and NWIPDC and shall be incorporated into this Agreement through a written amendment signed by both parties. These amendment provisions shall be in effect as of the date of the amendment unless otherwise specified within the agreement.

SECTION 16. Termination for Cause

This agreement may be terminated, for cause, by any party upon thirty (30) days written notice in the event of failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

SECTION 17. Termination for Convenience

The performance of work under this contract may be terminated by any party in accordance with this clause in whole, or from time to time in part, whenever the determination is made that such termination is the best interest of any one of the parties. All reasonable costs associated with this contract and incurred up to the date of termination will be paid by the City. No payment will be made for work completed after termination of this contract.

APPROVED AS OF September 11th, 2019

SIGNED:

Housing Rehabilitation Inspector

Northwest Iowa Planning and
Development Commission

City of HAWARDEN

EXHIBIT A

Scope of Services Housing Rehabilitation Inspector

The Housing Rehabilitation Inspector shall perform for the City the following inspection duties and related activities as required by the City's Housing Rehabilitation Grant Program. The Northwest Iowa Planning and Development Commission (NWIPDC) on behalf of the City will assist the Housing Rehabilitation Inspector in performing these required duties.

- 1. Perform and submit written inspection of proposed units to determine condition using Iowa's Minimum Rehabilitation Standards.**
- 2. Provide a preliminary cost estimate to assist in determining feasibility for the rehabilitation program.**
- 3. Perform a visual risk assessment for lead-based paint hazards of proposed units to determine corrective measures required under 40 CFR Part 35, et al..**
- 4. Prepare a revised cost estimate including both the rehabilitation work and the cost of standard treatments for the interim control of lead-based paint hazards in the proposed unit.**
- 5. Prepare written bid documents and specifications for all proposed rehabilitation work including lead-based paint hazard reduction measures.**
- 6. Assist in the solicitation of local contractors and instruct the safe work practices course.**
- 7. Host contractor open house on all proposed units and answering any questions contractors have regarding the bid specifications.**
- 8. Attend bid lettings and assist the City if requested to make recommendations.**
- 9. Attend pre-construction conference with contractor and owner to explain such items as; weekly inspections, change orders, pay requests, punch lists, warranties, lien waivers, and etc.**
- 10. Perform and write up weekly inspections during rehabilitation phase.**
- 11. Prepare and approve all change orders and obtain necessary approvals to process.**
- 12. Prepare contractor's request for payment and obtain necessary approvals to process.**
- 13. Conduct final rehabilitation inspection including lead-based paint clearance testing, as required under 40 CFR Part 35 et al.**
- 14. Participate in project monitoring visits by the State.**
- 15. Attend local housing committee meeting and City Council meetings as requested.**
- 16. Perform under duties to be determined by either the City or NWIPDC as necessary to meet the program requirements of the Housing Rehabilitation Grant.**

EXHIBIT B

EXECUTIVE ORDER 11246, AS AMENDED BY EXECUTIVE ORDER 11375

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may

be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- (7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

EXHIBIT C

CERTIFICATION REGARDING GOVERNMENT-WIDE RESTRICTION ON LOBBYING

During the performance of this agreement the Planning Agency's Executive Director certifies to the best of his or her knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instructions.
- iii. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EXHIBIT D

Independent Contractor

The Housing Rehabilitation Inspector is hired under this agreement as an independent contractor, therefore shall agree to the following terms.

Expenses. City shall not be liable to Contractor for any expenses paid or incurred by Contractor unless otherwise agreed to in writing.

Payroll and Other Taxes. Contractor is not an employee and shall be responsible and pay all his taxes as mandated by law, including without limitation, payroll taxes, Social Security, Medicare, federal, state and local taxes. Contractor shall not be treated as an employee with respect to the services performed hereunder for any purpose, including, without thereby limiting, federal or state tax purposes.

Insurance/Worker's Compensation. Contractor is not an employee and therefore City will not provide Workers' Compensation Insurance. Contractor shall provide his own insurance and provide a certificate of insurance if requested (as applicable).

Termination Without Cause. The City may terminate this agreement by giving thirty (30) days written notice to the other of its intent to terminate this contract for any reason.

No Authority to Bind City of HAWARDEN. Contractor has no authority to enter into contracts or agreements on behalf of City of HAWARDEN. This agreement does not create a partnership or joint venture between the parties.

Declaration by Independent Contractor. Contractor declares and states that he has complied with all federal, state and local laws regarding business permits and licenses that may be required to carry out the work to be performed under this agreement, including without limitation, complying with all federal, state and local law regarding tax withholding and payment thereof.

No Assignment of Contract. This Agreement may not be assigned by Contractor.

Choice of Law. Any dispute under this agreement or related to this agreement shall be decided in accordance with the laws of the State of Iowa and jurisdiction shall be in Buena Vista County.