

**CITY OF HAWARDEN  
REGULAR CITY COUNCIL MEETING AGENDA  
Hawarden City Hall – Council Chambers Room  
Wednesday, August 26, 2020 at 5:30 p.m.**

**Standard Agenda Items**

- 1a. Approval of August 12, 2020 Council Meeting Minutes**
- 1b. Approval of August 26, 2020 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. Second Reading of Ordinance 724, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to the Standard Penalty.**
- 4. Second Reading of Ordinance 725, An ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to Tobacco Use.**
- 5. Second Reading of Ordinance 726, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to Animal Control.**
- 6. Approval of the Final Pay Request for Firm Foundations Concrete for the City Hall Parking Lot Improvement Project.**
- 7. Consent Agenda:**
  - a. Request from Brian Engleman, dba Sportsman's Lanes & Lounge, for a Liquor License Transfer to the Hawarden Community Center on August 28th, 2020**
- 8. Adjournment**

**Next regular council meeting September 09, 2020**

# 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 12, 2020 at 5:30 p.m.**

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

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

Absent: Council Member: None

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 July 22, 2020 Regular Council Meeting and Planning Session Minutes.**

Moved by Klocke/Bergsma to approve.

Motion carried 5-0.

**1b. Approval of August 12, 2020 Claims for Payment.**

Moved by Feldhacker/Bergsma to approve.

Motion carried 5-0.

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

**2a. Mayor's Report was given.**

**2b. Staff Reports were given.**

**2c. Council Comments were given.**

**Agenda Items**

**Item 3. Ambulance Report – Jeff Nohava**

Annual update with discussion.

**Item 4. Third Reading of Ordinance 723, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to Hawarden Municipal Code Section 36.07 Ambulance Rates.**

Moved by Olson/Kurth to approve.

Aye: Kurth, Feldhacker, Klocke, Bergsma, Olson

Nay: None

Motion carried 5-0.

**Item 5. First Reading of Ordinance 724, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to the Standard Penalty.**

Moved by Klocke/Bergsma to approve.

Aye: Klocke, Bergsma, Kurth, Feldhacker, Olson

Nay: None

Motion carried 5-0.

**Item 6. First Reading of Ordinance 725, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to Tobacco Use.**

Moved by Bergsma/Olson to approve.

Aye: Feldhacker, Bergsma, Olson, Klocke, Kurth

Nay: None

Motion carried 5-0.

**Item 7. First Reading of Ordinance 726, An Ordinance Amending the Code of Ordinances of the City of Hawarden by Amending Provisions Pertaining to Animal Control.**

Moved by Bergsma/Feldhacker to approve.

Aye: Bergsma, Kurth, Klocke, Olson, Feldhacker

Nay: None

Motion carried 5-0.

**Item 8. Approval of a Special Events Application and Hold Harmless Agreement with Kyle Hoffman and ATTPA for a Truck and Tractor Pull on Friday, August 28, 2020.**

Moved by Olson/Bergsma to approve.

Motion carried 5-0.

**Item 9. Approval of a Special Events Application and Hold Harmless Agreement with the Hawarden Derby Club for a Demolition Derby on Saturday, September 5, 2020.**

Moved by Klocke/Bergsma to approve.

Motion carried 5-0.

**Item 10. Approval of Pay Request 11 to Hoogendoorn Construction for the Waste0Water Treatment Facility Improvements.**

Moved by Bergsma/Olson to approve.

Motion carried 5-0.

**Item 11. Approval of Change Order Number 4 for Hoogendoorn Construction for the Wastewater Treatment Facility Improvements.**

Moved by Kurth/Bergsma to approve.

Motion carried 5-0.

**Item 12. Approval of Pay Request Number 1 for Karian Peterson Powerline Contracting for the South Feeder Project.**

Moved by Olson/Bergsma to approve.

Motion carried 5-0.

**Item 13. Discussion of a Hotel/Motel Tax.**

Discussion was held.

**Item 14. Discussion of the Local Option Sales Tax Revenue.**

Discussion was held.

**Item 15. Consent Agenda**

- a. **Request from Brian Engleman, dba Sportsman's Lanes & Lounge, for Renewal of Class C Liquor License for on premise sales of Liquor, Beer, and Wine with Outdoor Services and Sunday Sales.**
- b. **Request from Adam Waterman dba The Other Bar for Renewal of Class C Liquor License for on premise sales of Liquor, Beer and Wine with Sunday Sales.**

Moved by Klocke/Olson to approve.

Motion carried 5-0.

**Item 16. Adjournment.**

Moved by Klocke/Bergsma to adjourn. Motion carried 5-0. Meeting adjourned at 6:25 p.m.

The next regular City Council Meeting will be Wednesday, Aug 26, 2020 @ 5:30 p.m.

ATTEST:

\_\_\_\_\_  
Ricard R. Porter, Mayor

\_\_\_\_\_  
Michael De Bruin, City Administrator/City Clerk

**CITY OF HAWARDEN  
COUNCIL MEETING  
AUGUST 26, 2020**

| <b>DATE</b> | <b>CHECK NO</b> | <b>VENDOR NAME</b>            | <b>REFERENCE</b>          | <b>TOTAL</b> |
|-------------|-----------------|-------------------------------|---------------------------|--------------|
| 8/17/2020   | 56295           | BTN                           | TV PROGRAMMING COST       | \$ 1,292.67  |
| 8/17/2020   | 56296           | UNITED PARCEL SERVICE         | SHIPPING                  | \$ 12.99     |
| 8/18/2020   | 56297           | FIRM FOUNDATION CONCRETE      | CONCRETE EXPENSE          | \$ 5,585.29  |
| 8/18/2020   | 56298           | FIRM FOUNDATION CONCRETE      | CONCRETE EXPENSE          | \$ 14,407.51 |
| 8/21/2020   | 56299 thru      | PAYROLL                       |                           |              |
| 8/21/2020   | 56305           | PAYROLL                       |                           |              |
| 8/21/2020   | 56306           | ICMA-RC                       | 457- ICMA                 | \$ 250.00    |
| 8/21/2020   | 56307           | FLEX PLAN                     | URM/FLEX PLAN             | \$ 1,258.91  |
| 8/21/2020   | 56308           | CHILD SUPPORT PAYMENT CTR     | GARNISHMENTS              | \$ 573.69    |
| 8/21/2020   | 56309           | AFSCME/IOWA COUNCIL 61        | UNION DUES                | \$ 338.94    |
| 8/21/2020   | 56310           | CITY OF HAWARDEN              | VOID                      | \$ -         |
| 8/21/2020   | 56311           | CITY OF HAWARDEN              | SELF-INS-FAM              | \$ 740.00    |
| 8/26/2020   | 56312           | AIRGAS USA LLC                | OXYGEN                    | \$ 68.82     |
| 8/26/2020   | 56313           | AUREON NETWORK SERVICES       | TRANSIT TRAFFIC           | \$ 122.90    |
| 8/26/2020   | 56314           | BIG SIOUX EMBROIDERY          | UNIFORM SHIRTS            | \$ 75.00     |
| 8/26/2020   | 56315           | BOOTH PHARMACY INC            | SUPPLIES                  | \$ 10.19     |
| 8/26/2020   | 56316           | BORCHERS SUPPLY INC           | CHEMICALS                 | \$ 164.50    |
| 8/26/2020   | 56317           | BOUND TREE MEDICAL LLC        | SUPPLIES                  | \$ 156.60    |
| 8/26/2020   | 56318           | BOYER MACHINE INC             | DROPBOX GRATE             | \$ 30.00     |
| 8/26/2020   | 56319           | CENTURY BUSINESS PRODUCTS INC | SVC AGMT                  | \$ 134.96    |
| 8/26/2020   | 56320           | CITY OF HAWARDEN              | SELF-INS FUND             | \$ 500.00    |
| 8/26/2020   | 56321           | CONSORTIA CONSULTING          | SERVICE                   | \$ 1,800.00  |
| 8/26/2020   | 56322           | COOPERATIVE FARMERS ELEVATOR  | ROUNDUP                   | \$ 738.80    |
| 8/26/2020   | 56323           | DELL MARKETING LP             | LAPTOP                    | \$ 1,226.06  |
| 8/26/2020   | 56324           | DENNIS GRAGE ESTATE           | HITEC REFUND              | \$ 12.21     |
| 8/26/2020   | 56325           | DGR ENGINEERING               | UTILITY CROSSING          | \$ 3,697.73  |
| 8/26/2020   | 56326           | DIAMOND VOGEL & WAX CO        | PAINT                     | \$ 1,075.20  |
| 8/26/2020   | 56327           | ERICSON AUTO BODY             | LIGHTING REBATE           | \$ 611.25    |
| 8/26/2020   | 56328           | EZ-LINER                      | TIPS                      | \$ 923.31    |
| 8/26/2020   | 56329           | FERGUSON WATERWORKS #2516     | METERS                    | \$ 1,343.87  |
| 8/26/2020   | 56330           | JULIE FISCHER                 | UTILITY REFUND            | \$ 106.22    |
| 8/26/2020   | 56331           | GCC ALLIANCE CONCRETE CO INC  | CONCRETE                  | \$ 269.00    |
| 8/26/2020   | 56332           | GROEBNER                      | METER                     | \$ 6,151.47  |
| 8/26/2020   | 56333           | AUTUMN HARDIN                 | UTILITY REFUND            | \$ 4.18      |
| 8/26/2020   | 56334           | HAWARDEN REGIONAL HEALTHCARE  | LOCAL OPTION SALES TAC    | \$ 31,071.02 |
| 8/26/2020   | 56335           | HAWKINS INC                   | CHEMICALS                 | \$ 1,325.99  |
| 8/26/2020   | 56336           | BRAD HOFLAND                  | CLEAN CC                  | \$ 100.00    |
| 8/26/2020   | 56337           | MARY HULLEMAN                 | PD BENEFIT                | \$ 520.09    |
| 8/26/2020   | 56338           | iconectiv LLC                 | PH SPECIAL CHARGES & FEES | \$ 254.30    |
| 8/26/2020   | 56339           | ICORE                         | ACC TARIFF/FCC FILING FEE | \$ 548.00    |
| 8/26/2020   | 56340           | IOWA INFORMATION INC          | MINS & CLAIMS             | \$ 759.78    |
| 8/26/2020   | 56341           | JACKS UNIFORMS & EQUIPMENT    | UNIFORM/SUPPLIES          | \$ 121.99    |

| DATE      | CHECK NO | VENDOR NAME                    | REFERENCE             | TOTAL        |
|-----------|----------|--------------------------------|-----------------------|--------------|
| 8/26/2020 | 56342    | JMCM ENTERPRISES LLC           | GRANT ASSISTANCE FIRE | \$ 2,267.57  |
| 8/26/2020 | 56343    | JOHN R. ANDERSON TRUCKING      | TRUCKING              | \$ 805.61    |
| 8/26/2020 | 56344    | KEYSTONE RIDGE DESIGNS         | BENCH WALKING TRAIL   | \$ 1,474.00  |
| 8/26/2020 | 56345    | L.G. EVERIST INC               | BLACK DIRT            | \$ 671.26    |
| 8/26/2020 | 56346    | LONG LINES                     | HIGH SPEED INT        | \$ 15,516.80 |
| 8/26/2020 | 56347    | MAINSTREET AUTOBODY &          | UNIT 1 REPAIRS        | \$ 590.87    |
| 8/26/2020 | 56348    | MANGOLD ENVIRONMENTAL          | LAB FEES              | \$ 918.00    |
| 8/26/2020 | 56349    | MOW & GLOW LAWN & FLOOR CARE   | CLEAN CC              | \$ 100.00    |
| 8/26/2020 | 56350    | MUNICIPAL UTILITIES            | VOID                  | \$ -         |
| 8/26/2020 | 56351    | MUNICIPAL UTILITIES            | UTILITIES             | \$ 18,259.41 |
| 8/26/2020 | 56352    | NATIONAL CABLE TELEVISION      | TV PROGRAMMING COST   | \$ 326.51    |
| 8/26/2020 | 56353    | NEXSTAR BROADCASTING INC       | KCAU-ABC              | \$ 4,973.31  |
| 8/26/2020 | 56354    | JEFF NOHAVA                    | SELF-INS FUND REIMB   | \$ 1,000.00  |
| 8/26/2020 | 56355    | NORTHSIDE BODY SHOP            | DOOR REPAIR           | \$ 234.00    |
| 8/26/2020 | 56356    | NORTHWEST APPRAISAL SERVICES   | LOT APPRAISAL HSTBLDG | \$ 400.00    |
| 8/26/2020 | 56357    | EVAN OLIN                      | UTILITY REFUND        | \$ 35.15     |
| 8/26/2020 | 56358    | ONE OFFICE SOLUTION            | SUPPLIES              | \$ 89.13     |
| 8/26/2020 | 56359    | PHYSICIANS CLAIMS COMPANY      | BILLING               | \$ 1,491.33  |
| 8/26/2020 | 56360    | PING'S SALES & SERVICE         | CHIMNEY CAP           | \$ 29.95     |
| 8/26/2020 | 56361    | PREMIER COMMUNICATIONS         | DIRECTORY LISTINGS    | \$ 15.70     |
| 8/26/2020 | 56362    | PROCHEM DYNAMICS LLC           | GUARDIAN              | \$ 121.00    |
| 8/26/2020 | 56363    | REGIONAL TRANSIT AUTHORITY     | SENIOR CITIZENS       | \$ 8,000.00  |
| 8/26/2020 | 56364    | ROAD GUYS CONST CO INC         | SEAL COAT             | \$ 77,267.84 |
| 8/26/2020 | 56365    | ROVI GUIDES INC                | TV PROGRAMMING COST   | \$ 608.79    |
| 8/26/2020 | 56366    | SHOWTIME NETWORK INC           | TV PROGRAMMING        | \$ 246.24    |
| 8/26/2020 | 56367    | SIMMERING-CORY                 | LEGIS CHANGES         | \$ 1,011.00  |
| 8/26/2020 | 56368    | SINCLAIR BROADCAST GROUP INC   | RETRANSMISSION        | \$ 2,000.79  |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PROPERTY TAX          | \$ 7,340.00  |
| 8/26/2020 | 56370    | SIOUXLAND DISTRICT HEALTH DEPT | LAB FEES              | \$ 80.00     |
| 8/26/2020 | 56371    | SMITH ELECTRIC                 | FILTERS CLEAN/INSPECT | \$ 466.62    |
| 8/26/2020 | 56372    | STRYKER SALES CORPORATION      | SPRING FOR COT        | \$ 99.08     |
| 8/26/2020 | 56373    | SUBSCRIBER TECHNOLOGIES INC    | TV PROGRAMMING        | \$ 225.00    |
| 8/26/2020 | 56374    | SUNSHINE FOODS                 | SUPPLIES              | \$ 126.95    |
| 8/26/2020 | 56375    | TRUESDELL OIL INC              | FUEL                  | \$ 774.68    |
| 8/26/2020 | 56376    | UNITED PARCEL SERVICE          | SHIPPING              | \$ 12.91     |
| 8/26/2020 | 56377    | USA BLUEBOOK                   | CHLORINE COLORIMETER  | \$ 1,220.80  |
| 8/26/2020 | 56378    | UTILITY EQUIPMENT COMPANY      | PVC PIPE              | \$ 426.95    |
| 8/26/2020 | 56379    | VERMEER SALES & SERVICE INC    | VEHICLE MAINT         | \$ 1,142.50  |
| 8/26/2020 | 56380    | VISA                           | 20 F-150 SUPPLIES     | \$ 1,752.32  |
| 8/26/2020 | 56381    | VSP GRAPHIC GROUP              | VEHICLE GRAPHICS      | \$ 574.95    |
| 8/26/2020 | 56382    | WATCH GUARD                    | IN-CAR CAMERA SYSTEM  | \$ 5,520.00  |
| 8/26/2020 | 56383    | WELLS FARGO VENDOR FIN SER LLC | COPIER LEASE          | \$ 233.86    |
| 8/26/2020 | 56384    | WESCO RECEIVABLES CORP         | SUPPLIES              | \$ 1,438.50  |
| 8/26/2020 | 56385    | WIGMAN COMPANY                 | SUPPLIES              | \$ 58.66     |
| 8/26/2020 | 11141368 | IVY FUNDS                      | 457- W&R              | \$ 50.00     |
| 8/26/2020 | 11141369 | IPERS                          | IPERS - CITY          | \$ 17,190.58 |

| DATE      | CHECK NO | VENDOR NAME                | REFERENCE              | TOTAL         |
|-----------|----------|----------------------------|------------------------|---------------|
| 8/26/2020 | 11141370 | WELLMARK                   | GROUP 125 - FAM        | \$ 32,210.18  |
| 8/26/2020 | 11141371 | AFLAC                      | PRE TAX INS PRE        | \$ 918.84     |
| 8/26/2020 | 11141372 | EFTPS                      | FED/FICA TAX           | \$ 14,267.58  |
| 8/26/2020 | 11141373 | IOWA DEPT OF REVENUE       | STATE TAXES            | \$ 4,646.00   |
| 8/26/2020 | 11141374 | WEX BANK                   | FUEL                   | \$ 2,440.79   |
| 8/26/2020 | 11141375 | MISSOURI RIVER ENERGY SVCS | ELECTRIC PURCHASE      | \$ 108,087.34 |
| 8/26/2020 | 11141376 | REGISTER OF COPYRIGHTS     | COPYRIGHT FEES         | \$ 797.55     |
| 8/26/2020 | 11141377 | CLAYTON ENERGY CORPORATION | GAS PURCHASE           | \$ 2,634.02   |
|           |          |                            |                        | =====         |
|           |          |                            | Accounts Payable Total | \$ 421,574.36 |
|           |          |                            | Payroll Checks         | \$ 45,850.14  |
|           |          |                            |                        | =====         |
|           |          |                            | Report Total           | \$ 467,424.50 |
|           |          |                            |                        | =====         |

**CITY OF HAWARDEN  
COUNCIL MEETING  
AUGUST 26, 2020**

| <b>DATE</b> | <b>CHECK NO</b> | <b>VENDOR NAME</b>            | <b>INVOICE DESCRIPTION</b>     | <b>INVOICE AMT</b> | <b>TOTAL</b> |
|-------------|-----------------|-------------------------------|--------------------------------|--------------------|--------------|
| 8/17/2020   | 56295           | BTN                           | TV PROGRAMMING COST            | \$                 | 1,292.67     |
| 8/17/2020   | 56296           | UNITED PARCEL SERVICE         | SHIPPING AMB                   | \$                 | 12.99        |
| 8/18/2020   | 56297           | FIRM FOUNDATION CONCRETE      | COMM CENTER CONCRETE EXPENSE   | \$                 | 5,585.29     |
| 8/18/2020   | 56298           | FIRM FOUNDATION CONCRETE      | COMM CENTER CONCRETE EXPENSE   | \$                 | 14,407.51    |
| 8/21/2020   | 56299 thru      | PAYROLL                       |                                |                    |              |
| 8/21/2020   | 56305           | PAYROLL                       |                                |                    |              |
| 8/21/2020   | 56306           | ICMA-RC                       | 457- ICMA                      | \$ 125.00          |              |
| 8/21/2020   | 56306           | ICMA-RC                       | 457- ICMA                      | \$ 125.00          | \$ 250.00    |
| 8/21/2020   | 56307           | FLEX PLAN                     | URM/FLEX PLAN                  |                    | \$ 1,258.91  |
| 8/21/2020   | 56308           | CHILD SUPPORT PAYMENT CTR     | GARNISHMENTS                   |                    | \$ 573.69    |
| 8/21/2020   | 56309           | AFSCME/IOWA COUNCIL 61        | UNION DUES                     | \$ 169.47          |              |
| 8/21/2020   | 56309           | AFSCME/IOWA COUNCIL 61        | UNION DUES                     | \$ 169.47          | \$ 338.94    |
| 8/21/2020   | 56310           | CITY OF HAWARDEN              | VOID                           | \$                 | -            |
| 8/21/2020   | 56311           | CITY OF HAWARDEN              | SELF-INS-FAM                   | \$                 | 740.00       |
| 8/26/2020   | 56312           | AIRGAS USA LLC                | OXYGEN AMB                     | \$                 | 68.82        |
| 8/26/2020   | 56313           | AUREON NETWORK SERVICES       | TRANSIT TRAFFIC                | \$                 | 122.90       |
| 8/26/2020   | 56314           | BIG SIOUX EMBROIDERY          | PD UNIFORM SHIRTS              | \$                 | 75.00        |
| 8/26/2020   | 56315           | BOOTH PHARMACY INC            | AMB SUPPLIES                   | \$                 | 10.19        |
| 8/26/2020   | 56316           | BORCHERS SUPPLY INC           | CHEMICALS EL                   | \$                 | 164.50       |
| 8/26/2020   | 56317           | BOUND TREE MEDICAL LLC        | SUPPLIES AMB                   | \$                 | 156.60       |
| 8/26/2020   | 56318           | BOYER MACHINE INC             | DROPBOX GRATE GENADM           | \$                 | 30.00        |
| 8/26/2020   | 56319           | CENTURY BUSINESS PRODUCTS INC | SVC AGMT 7/18/20-8/17/20 GENAD | \$                 | 134.96       |
| 8/26/2020   | 56320           | CITY OF HAWARDEN              | SELF-INS FUND REIMBURSEMENT    | \$                 | 500.00       |
| 8/26/2020   | 56321           | CONSORTIA CONSULTING          | SRV FOR JULY 2020 CAB          | \$                 | 1,800.00     |
| 8/26/2020   | 56322           | COOPERATIVE FARMERS ELEVATOR  | 2-4D & ROUNDUP WA              | \$ 134.80          |              |
| 8/26/2020   | 56322           | COOPERATIVE FARMERS ELEVATOR  | ROUNDUP ST                     | \$ 604.00          | \$ 738.80    |
| 8/26/2020   | 56323           | DELL MARKETING LP             | LAPTOP LEGADM                  | \$                 | 1,226.06     |
| 8/26/2020   | 56324           | DENNIS GRAGE ESTATE           | HITEC REFUND                   | \$                 | 12.21        |
| 8/26/2020   | 56325           | DGR ENGINEERING               | UTILITY CROSSING               | \$ 2,443.73        |              |

| DATE      | CHECK NO | VENDOR NAME                  | INVOICE DESCRIPTION          | INVOICE AMT  | TOTAL        |
|-----------|----------|------------------------------|------------------------------|--------------|--------------|
| 8/26/2020 | 56325    | DGR ENGINEERING              | SOUTH CIRCUIT PROF SERVICES  | \$ 1,254.00  | \$ 3,697.73  |
| 8/26/2020 | 56326    | DIAMOND VOGEL & WAX CO       | PAINT ST                     |              | \$ 1,075.20  |
| 8/26/2020 | 56327    | ERICSON AUTO BODY            | LIGHTING REBATE EL           |              | \$ 611.25    |
| 8/26/2020 | 56328    | EZ-LINER                     | TIPS & GUARD SPRAY ST        | \$ 295.90    |              |
| 8/26/2020 | 56328    | EZ-LINER                     | TIPS ST                      | \$ 627.41    | \$ 923.31    |
| 8/26/2020 | 56329    | FERGUSON WATERWORKS #2516    | METERS WA                    |              | \$ 1,343.87  |
| 8/26/2020 | 56330    | JULIE FISCHER                | UTILITY REFUND EL            |              | \$ 106.22    |
| 8/26/2020 | 56331    | GCC ALLIANCE CONCRETE CO INC | CONCRETE WSTWA               |              | \$ 269.00    |
| 8/26/2020 | 56332    | GROEBNER                     | VALVE GAS                    | \$ 186.68    |              |
| 8/26/2020 | 56332    | GROEBNER                     | METER GAS                    | \$ 4,855.97  |              |
| 8/26/2020 | 56332    | GROEBNER                     | SUPPLIES GAS                 | \$ 1,108.82  | \$ 6,151.47  |
| 8/26/2020 | 56333    | AUTUMN HARDIN                | UTILITY REFUND EL            |              | \$ 4.18      |
| 8/26/2020 | 56334    | HAWARDEN REGIONAL HEALTHCARE | LOST FOR JULY 2020           |              | \$ 31,071.02 |
| 8/26/2020 | 56335    | HAWKINS INC                  | CHEMICALS POOL               |              | \$ 1,325.99  |
| 8/26/2020 | 56336    | BRAD HOFLAND                 | AUGUST 8TH CC                |              | \$ 100.00    |
| 8/26/2020 | 56337    | MARY HULLEMAN                | PD BENEFIT 8/21/20           |              | \$ 520.09    |
| 8/26/2020 | 56338    | iconectiv LLC                | PH SPECIAL CHARGES & FEES    |              | \$ 254.30    |
| 8/26/2020 | 56339    | ICORE                        | ACC TARIFF/FCC FILING FEE PH |              | \$ 548.00    |
| 8/26/2020 | 56340    | IOWA INFORMATION INC         | 6/24 MINS & CLAIMS GENADM    | \$ 344.00    |              |
| 8/26/2020 | 56340    | IOWA INFORMATION INC         | 7/8 MINS & CLAIMS GENADM     | \$ 415.78    | \$ 759.78    |
| 8/26/2020 | 56341    | JACKS UNIFORMS & EQUIPMENT   | UNIFORM/SUPPLIES PD          |              | \$ 121.99    |
| 8/26/2020 | 56342    | JMCM ENTERPRISES LLC         | GRANT ASSISTANCE FIRE        |              | \$ 2,267.57  |
| 8/26/2020 | 56343    | JOHN R. ANDERSON TRUCKING    | TRUCKING ST                  | \$ 266.70    |              |
| 8/26/2020 | 56343    | JOHN R. ANDERSON TRUCKING    | TRUCKING ST                  | \$ 270.81    |              |
| 8/26/2020 | 56343    | JOHN R. ANDERSON TRUCKING    | TRUCKING ST                  | \$ 268.10    | \$ 805.61    |
| 8/26/2020 | 56344    | KEYSTONE RIDGE DESIGNS       | BENCH WALKING TRAIL          |              | \$ 1,474.00  |
| 8/26/2020 | 56345    | L.G. EVERIST INC             | BLACK DIRT CEM               |              | \$ 671.26    |
| 8/26/2020 | 56346    | LONG LINES                   | ANPI LD PH                   | \$ 466.52    |              |
| 8/26/2020 | 56346    | LONG LINES                   | ZONE LD PH                   | \$ 7.65      |              |
| 8/26/2020 | 56346    | LONG LINES                   | HIGH SPEED INT               | \$ 15,042.63 | \$ 15,516.80 |
| 8/26/2020 | 56347    | MAINSTEET AUTOBODY &         | UNIT 1 REPAIRS AMB           |              | \$ 590.87    |
| 8/26/2020 | 56348    | MANGOLD ENVIRONMENTAL        | LAB FEES WSTWA               |              | \$ 918.00    |
| 8/26/2020 | 56349    | MOW & GLOW LAWN & FLOOR CARE | AUGUST 8TH CLEANING CC       |              | \$ 100.00    |

| DATE      | CHECK NO | VENDOR NAME                    | INVOICE DESCRIPTION            | INVOICE AMT | TOTAL       |
|-----------|----------|--------------------------------|--------------------------------|-------------|-------------|
| 8/26/2020 | 56350    | MUNICIPAL UTILITIES            | VOID                           | \$          | -           |
| 8/26/2020 | 56351    | MUNICIPAL UTILITIES            | UTILITIES WSTWA                | \$          | 18,259.41   |
| 8/26/2020 | 56352    | NATIONAL CABLE TELEVISION      | TV PROGRAMMING COST PH         | \$          | 326.51      |
| 8/26/2020 | 56353    | NEXSTAR BROADCASTING INC       | WGN TV                         | \$ 161.66   |             |
| 8/26/2020 | 56353    | NEXSTAR BROADCASTING INC       | KCAU-ABC                       | \$ 4,811.65 | \$ 4,973.31 |
| 8/26/2020 | 56354    | JEFF NOHAVA                    | SELF-INS FUND REIMBURSEMENT    | \$          | 1,000.00    |
| 8/26/2020 | 56355    | NORTHSIDE BODY SHOP            | DOOR REPAIR EL                 | \$          | 234.00      |
| 8/26/2020 | 56356    | NORTHWEST APPRAISAL SERVICES   | LOT APPRAISAL HSTBLDG          | \$          | 400.00      |
| 8/26/2020 | 56357    | EVAN OLIN                      | UTILITY REFUND EL              | \$          | 35.15       |
| 8/26/2020 | 56358    | ONE OFFICE SOLUTION            | SUPPLIES GENADM                | \$ 38.56    |             |
| 8/26/2020 | 56358    | ONE OFFICE SOLUTION            | CALENDARS PD                   | \$ 50.57    | \$ 89.13    |
| 8/26/2020 | 56359    | PHYSICIANS CLAIMS COMPANY      | BILLING FOR JUNE 2020 AMB      | \$          | 1,491.33    |
| 8/26/2020 | 56360    | PING'S SALES & SERVICE         | CHIMNEY CAP ST                 | \$          | 29.95       |
| 8/26/2020 | 56361    | PREMIER COMMUNICATIONS         | DIRECTORY LISTINGS PH          | \$          | 15.70       |
| 8/26/2020 | 56362    | PROCHEM DYNAMICS LLC           | GUARDIAN POOL                  | \$          | 121.00      |
| 8/26/2020 | 56363    | REGIONAL TRANSIT AUTHORITY     | SENIOR CITIZENS FY 20-21       | \$          | 8,000.00    |
| 8/26/2020 | 56364    | ROAD GUYS CONST CO INC         | SEAL COAT 52,208SQ YD ST       | \$          | 77,267.84   |
| 8/26/2020 | 56365    | ROVI GUIDES INC                | TV PROGRAMMING COST            | \$          | 608.79      |
| 8/26/2020 | 56366    | SHOWTIME NETWORK INC           | TV PROGRAMMING COST MONTHLY    | \$          | 246.24      |
| 8/26/2020 | 56367    | SIMMERING-CORY                 | 2020 LEG CHANGES               | \$          | 1,011.00    |
| 8/26/2020 | 56368    | SINCLAIR BROADCAST GROUP INC   | RETRANSMISSION TV              | \$          | 2,000.79    |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PROPERTY TAX PH                | \$ 4,954.00 |             |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PCL 1335276006 PROPERTY TAX    | \$ 340.00   |             |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | 1335203002 PROPERTY TAX        | \$ 228.00   |             |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PCL 1335253003 PROPERTY TAX    | \$ 138.00   |             |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PCL 1335226001                 | \$ 958.00   |             |
| 8/26/2020 | 56369    | SIOUX COUNTY TREASURER         | PCL 1902126001 PROPERTY TAX    | \$ 722.00   | \$ 7,340.00 |
| 8/26/2020 | 56370    | SIOUXLAND DISTRICT HEALTH DEPT | LAB FEES WA                    | \$ 28.00    |             |
| 8/26/2020 | 56370    | SIOUXLAND DISTRICT HEALTH DEPT | LAB FEES WA                    | \$ 52.00    | \$ 80.00    |
| 8/26/2020 | 56371    | SMITH ELECTRIC                 | SERVICE AIR CONDITIONER EL     | \$ 133.78   |             |
| 8/26/2020 | 56371    | SMITH ELECTRIC                 | FILTERS CLEAN/INSPECT AC GENAD | \$ 332.84   | \$ 466.62   |
| 8/26/2020 | 56372    | STRYKER SALES CORPORATION      | SPRING FOR COT AMB             | \$          | 99.08       |
| 8/26/2020 | 56373    | SUBSCRIBER TECHNOLOGIES INC    | TV PROGRAMMING COST MONTHLY    | \$          | 225.00      |

| DATE                   | CHECK NO | VENDOR NAME                    | INVOICE DESCRIPTION          | INVOICE AMT  | TOTAL         |
|------------------------|----------|--------------------------------|------------------------------|--------------|---------------|
| 8/26/2020              | 56374    | SUNSHINE FOODS                 | SUPPLIES GENADM              |              | \$ 126.95     |
| 8/26/2020              | 56375    | TRUESDELL OIL INC              | FUEL ST                      |              | \$ 774.68     |
| 8/26/2020              | 56376    | UNITED PARCEL SERVICE          | SHIPPING WA                  |              | \$ 12.91      |
| 8/26/2020              | 56377    | USA BLUEBOOK                   | CHLORINE COLORIMETER WA      | \$ 445.00    |               |
| 8/26/2020              | 56377    | USA BLUEBOOK                   | CARTRIDGE WA                 | \$ 99.44     |               |
| 8/26/2020              | 56377    | USA BLUEBOOK                   | PAINT ST                     | \$ 365.66    |               |
| 8/26/2020              | 56377    | USA BLUEBOOK                   | HYDRANT PARK                 | \$ 310.70    | \$ 1,220.80   |
| 8/26/2020              | 56378    | UTILITY EQUIPMENT COMPANY      | PVC PIPE WSTWA               | \$ 375.00    |               |
| 8/26/2020              | 56378    | UTILITY EQUIPMENT COMPANY      | SUPPLIES WSTWA               | \$ 51.95     | \$ 426.95     |
| 8/26/2020              | 56379    | VERMEER SALES & SERVICE INC    | VEHICLE MAINT EL             |              | \$ 1,142.50   |
| 8/26/2020              | 56380    | VISA                           | 20 F-150 SUPPLIES PD         | \$ 1,505.87  |               |
| 8/26/2020              | 56380    | VISA                           | COMMERICAL LICENSE COMM&ECON | \$ 246.45    | \$ 1,752.32   |
| 8/26/2020              | 56381    | VSP GRAPHIC GROUP              | VEHICLE GRAPHICS PD          |              | \$ 574.95     |
| 8/26/2020              | 56382    | WATCH GUARD                    | IN-CAR CAMERA SYSTEM PD      |              | \$ 5,520.00   |
| 8/26/2020              | 56383    | WELLS FARGO VENDOR FIN SER LLC | COPIER LEASE GENADM          |              | \$ 233.86     |
| 8/26/2020              | 56384    | WESCO RECEIVABLES CORP         | SUPPLIES WA                  |              | \$ 1,438.50   |
| 8/26/2020              | 56385    | WIGMAN COMPANY                 | SUPPLIES GAS                 |              | \$ 58.66      |
| 8/26/2020              | 11141368 | IVY FUNDS                      | 457- W&R                     |              | \$ 50.00      |
| 8/26/2020              | 11141369 | IPERS                          | IPERS - CITY                 | \$ 8,620.02  |               |
| 8/26/2020              | 11141369 | IPERS                          | IPERS - CITY                 | \$ 8,570.56  | \$ 17,190.58  |
| 8/26/2020              | 11141370 | WELLMARK                       | GROUP 125 - FAM              | \$ 16,105.09 |               |
| 8/26/2020              | 11141370 | WELLMARK                       | GROUP 125 - FAM              | \$ 16,105.09 | \$ 32,210.18  |
| 8/26/2020              | 11141371 | AFLAC                          | PRE TAX INS PRE              | \$ 459.42    |               |
| 8/26/2020              | 11141371 | AFLAC                          | PRE TAX INS PRE              | \$ 459.42    | \$ 918.84     |
| 8/26/2020              | 11141372 | EFTPS                          | FED/FICA TAX                 |              | \$ 14,267.58  |
| 8/26/2020              | 11141373 | IOWA DEPT OF REVENUE           | STATE TAXES                  | \$ 2,348.00  |               |
| 8/26/2020              | 11141373 | IOWA DEPT OF REVENUE           | STATE TAX                    | \$ 2,298.00  | \$ 4,646.00   |
| 8/26/2020              | 11141374 | WEX BANK                       | FUEL AMB                     |              | \$ 2,440.79   |
| 8/26/2020              | 11141375 | MISSOURI RIVER ENERGY SVCS     | ELECTRIC PURCHASE            |              | \$ 108,087.34 |
| 8/26/2020              | 11141376 | REGISTER OF COPYRIGHTS         | COPYRIGHT FEES               |              | \$ 797.55     |
| 8/20/2020              | 11141377 | CLAYTON ENERGY CORPORATION     | GAS PURCHASE                 |              | \$ 2,634.02   |
|                        |          |                                |                              | =====        |               |
| Accounts Payable Total |          |                                |                              |              | \$ 421,574.36 |

| DATE | CHECK NO | VENDOR NAME | INVOICE DESCRIPTION | INVOICE AMT | TOTAL      |
|------|----------|-------------|---------------------|-------------|------------|
|      |          |             | Payroll Checks      | \$          | 45,850.14  |
|      |          |             |                     |             | =====      |
|      |          |             | Report Total        | \$          | 467,424.50 |
|      |          |             |                     |             | =====      |

**TOTAL CLAIMS BY FUND 08/26/2020**

|                          |           |                   |
|--------------------------|-----------|-------------------|
| GENERAL FUND             | \$        | 94,313.31         |
| ROAD USE TAX FUND        | \$        | 87,325.67         |
| POLICE RETIREMENT FUND   | \$        | 520.09            |
| LOCAL OPTION SALES TAX   | \$        | 31,071.02         |
| WALKING TRAIL PROJECT    | \$        | 1,474.00          |
| CITY PARKING LOT         | \$        | 19,992.80         |
| WATER UTILITY FUND       | \$        | 13,780.99         |
| WASTE WATER UTILITY FUND | \$        | 12,270.70         |
| WASETWATER PROJECTS      | \$        | 2,443.73          |
| ELECTRIC UTILITY FUND    | \$        | 124,755.82        |
| ELEC TRANSMISSION LINE   | \$        | 1,254.00          |
| GAS UTILITY FUND         | \$        | 19,654.79         |
| SOLID WASTE UTILITY FUND | \$        | 249.99            |
| TELECOMMUNICATIONS ADMIN | \$        | 8,319.50          |
| CABLE/INTERNET UTILITY   | \$        | 22,349.65         |
| TELEPHONE UTILITY FUND   | \$        | 16,572.92         |
| SELF-INSURANCE/RISK MGT  | \$        | 1,500.00          |
| CAPITAL EQUIPMENT FUND   | \$        | 9,575.52          |
| <b>TOTAL FUNDS</b>       | <b>\$</b> | <b>467,424.50</b> |

**ORDINANCE NO. 724**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO STANDARD PENALTY**

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

**SECTION 1. SECTION MODIFIED.** Section 1.14 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00. Under no circumstances shall any person be subject to imprisonment as a penalty for a violation of this Code of Ordinances.

*(Code of Iowa, Sec. 364.3[2] and 903.1[1a])*

**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 by the Council on the 9th day of September 2020 and approved this 9th day of September 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: August 12, 2020

Second Reading: August 26, 2020

Third Reading: September 09, 2020

I certify that the foregoing was published as Ordinance No. 724 on the \_\_\_\_\_ day of September 2020.

\_\_\_\_\_  
City Clerk

## ORDINANCE NO. 725

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, 2011, BY AMENDING PROVISIONS PERTAINING TO TOBACCO USE

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

**SECTION 1. SECTION MODIFIED.** Section 46.02 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

*(Code of Iowa, Sec. 453A.2)*

**SECTION 2. SECTION MODIFIED.** Section 121.07 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**121.07 PERSONS UNDER LEGAL AGE.** A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])*

**SECTION 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 9th day of September 2020 and approved this 9th day of September 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: August 12, 2020

Second Reading: August 26, 2020

Third Reading: September 09, 2020

I certify that the foregoing was published as Ordinance No. 725 on the \_\_\_\_\_ day of September 2020.

\_\_\_\_\_  
City Clerk

## ORDINANCE NO. 726

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

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

**SECTION 1. SECTION MODIFIED.** Section 55.01 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**55.01 DEFINITIONS.** The following terms are defined for use in this chapter.

1. “Advertise” means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

*(Code of Iowa, Sec. 717E.1)*

2. “Animal” means a nonhuman vertebrate.

*(Code of Iowa, Sec. 717B.1)*

3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

*(Code of Iowa, Sec. 162.2)*

4. “At large” means off the premises of the owner, not attached to a leash held by a competent person, restrained, within a motor vehicle, or housed in a veterinary hospital or kennel.

5. “Business” means any enterprise relating to any of the following:

*(Code of Iowa, Sec. 717E.1)*

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

6. “Cats” includes both male and female felines whether altered or not.

7. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

*(Code of Iowa, Sec. 717.B1)*

8. “Dogs” includes both male and female canines whether altered or not.

9. “Domestic animal” is a typical and customary house pet, under 100 pounds, that is not a livestock species or a dangerous animal as defined herein. This includes dogs, cats, non-dangerous aquarium fish, domesticated birds, hamsters or gerbils.

10. “Fair” means any of the following:

*(Code of Iowa, Sec. 717E.1)*

- A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
11. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.  
(*Code of Iowa, Sec. 717E.1*)
12. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.  
(*Code of Iowa, Sec. 717.B1*)
13. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry (i.e. chickens, turkeys, ducks, geese, pigeons, game hens, pheasants, etc.).  
(*Code of Iowa, Sec. 717.1*)
14. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
15. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.  
(*Code of Iowa, Sec. 717E.1*)
16. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.  
(*Code of Iowa, Sec. 162.2*)
17. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.  
(*Code of Iowa, Sec. 162.2*)
18. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.  
(*Code of Iowa, Sec. 717.B1*)

**SECTION 2. SECTION MODIFIED.** Section 55.05 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**55.05 ANIMAL NEGLECT.**

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

*(Code of Iowa, Sec. 717B.3)*

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

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

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

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

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

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

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

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

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

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

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

**SECTION 3. SECTION MODIFIED.** Section 55.06 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is repealed and the following adopted in lieu thereof:

**55.06 ABANDONMENT OF CATS AND DOGS.** It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

*(Code of Iowa, Sec. 717B.8)*

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**SECTION 4. SECTION ADDED.** Chapter 55 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is amended by adding a new Section 55.20 which is hereby adopted to read as follows:

**55.20 TAMPERING WITH A RABIES VACCINATION TAG.** It is unlawful to tamper with a rabies vaccination tag.

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
  - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
  - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**SECTION 5. SECTION ADDED.** Chapter 55 of the Code of Ordinances of the City of Hawarden, Iowa, 2011, is amended by adding a new Section 55.21 which is hereby adopted to read as follows:

**55.21 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE.** It is unlawful to tamper with an electronic handling device.

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
  - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog’s behavior.
  - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
  - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
  - B. A peace officer.
  - C. A veterinarian.
  - D. An animal shelter or pound.

**SECTION 6. 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 7. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 9th day of September 2020 and approved this 9th day of September 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 726 on the \_\_\_\_\_ day of September 2020.

\_\_\_\_\_  
City Clerk

CERTIFICATE FOR PAYMENT NO. 3, Final

Firm Foundation Concrete  
3940 Hickory Ave  
Sioux Center, IA 51250

Project: City Hall Pavement Replacement  
Hawarden, Iowa

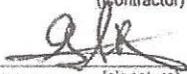
DGR Project No. 369243

Owner: City of Hawarden, IA

For Period From: July 1, 2020 to July 30, 2020

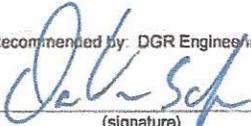
| Line No.                          | Estimated Units | Description                                    | Unit Price | Contract Price  | This Application |             | Completed to Date |                        |
|-----------------------------------|-----------------|--|------------|-----------------|------------------|-------------|-------------------|------------------------|
|                                   |                 |  |            |                 | Units            | Value       | Units             | Value                  |
| 1                                 | JOB             | Traffic control                                | L.S.       | \$250.00        |                  | 0.00        | 100%              | 250.00                 |
| 2                                 | 25 C.Y.         | Topsoil, on-site                               | 15.00      | 375.00          |                  | 0.00        | 25.00             | 375.00                 |
| 3                                 | 885 C.Y.        | Excavation, Class 10                           | 7.00       | 6,195.00        |                  | 0.00        | 885.00            | 6,195.00               |
| 4                                 | 3,575 S.Y.      | Subgrade preparation, 12"                      | 2.10       | 7,507.50        |                  | 0.00        | 3,635.00          | 7,633.50               |
| 5                                 | 3,575 S.Y.      | Pavement, PCC, 6", Class C, Class 3 durability | 38.50      | 137,637.50      |                  | 0.00        | 3,645.50          | 140,351.75             |
| 6                                 | 3,575 S.Y.      | Pavement removal                               | 2.00       | 7,150.00        |                  | 0.00        | 3,635.00          | 7,270.00               |
| 7                                 | 0.1 Acre        | Seeding, fertilizing and mulching              | 20,000.00  | 2,000.00        | 0.10             | 2,000.00    | 0.10              | 2,000.00               |
| 8                                 | 305 L.F.        | Rock Log Paver protection, install & maintain  | 2.25       | 686.25          |                  | 0.00        |                   | 0.00                   |
| 9                                 | JOB             | Trash Enclosure                                | L.S.       | 14,500.00       | 25%              | 3,625.00    | 100%              | 14,500.00              |
| 10                                | JOB             | SWPPP compliance                               | L.S.       | 200.00          |                  | 0.00        | 100%              | 200.00                 |
| 11                                | JOB             | Mobilization                                   | L.S.       | <u>2,500.00</u> |                  | <u>0.00</u> | 100%              | <u>2,500.00</u>        |
| TOTAL BID                         |                 |  |            |                 | \$179,001.25     | \$5,625.00  |                   | \$181,275.25           |
| Total Work Completed              |                 |  |            |                 |                  |             |                   | \$181,275.25           |
| Stored Materials                  |                 |  |            |                 |                  |             |                   |                        |
| Less Retainage                    |                 |  |            |                 |                  |             |                   | <u>0</u> % <u>0.00</u> |
|                                   |                 |  |            |                 |                  |             |                   | \$181,275.25           |
| Less Previous Payments            |                 |  |            |                 |                  |             |                   | 166,867.74             |
| TOTAL AMOUNT DUE THIS PAY REQUEST |                 |  |            |                 |                  |             |                   | <u>\$14,407.51</u>     |

Payment Requested by:

Firm Foundation Concrete  
(Contractor)  
  
(signature)

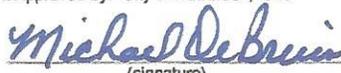
Date 8/13/2020

Payment Recommended by: DGR Engineering

  
(signature)

Date 8/18/20

Payment Approved by: City of Hawarden, Iowa

  
(signature)

Date 8-18-20

**CERTIFICATE OF CONTRACTOR  
AND INDEMNITY AGREEMENT**



\_\_\_\_\_, certifies that he is the \* Owner/President  
Title or Designation

of Firm Foundation Concrete, the Contractor,  
Name of Contractor

in a contract No. 369243 dated February 26, 2020, entered into between the Contractor and

\_\_\_\_\_  
City of Hawarden  
Name of Owner

the Owner, for the construction of City Hall Pavement Replacement

\_\_\_\_\_  
Name of Project DGR Project No. 369243

and that he is authorized to and does make this Certificate and Indemnity Agreement on behalf of the Contractor in order to induce the Owner to make payment to the Contractor, in accordance with the provisions of the Contract. Undersigned further certifies that:

1. The Project has been completed in accordance with provisions of the Construction Contract; provided however, that acceptance by the Owner shall not be deemed to relieve the Contractor of his obligations contained in the Construction Contract with respect to defective workmanship and materials discovered within two year(s) after the date of completion.

2. All persons who have furnished labor in connection with the Project have been paid in full at hourly wage rates not less than those, if any, set forth in the Construction Contract; that all manufacturers, materialmen and subcontractors which furnished any materials or services, or both, for the Project have been paid in full; that no lien has been filed against the Project and no person has any right to claim any lien against the Project.

3. That the Contractor has delivered to the Owner duplicate releases of liens executed by all manufacturers, materialmen and subcontractors that furnished materials or services for the project as follows:

| Name                    | Kind of Material and Services |
|-------------------------|-------------------------------|
| <u>GCC</u>              | <u>Concrete</u>               |
| <u>Mike Vander Wint</u> | <u>Dirt Work</u>              |
| <u>American Fence</u>   | <u>Gates</u>                  |
| <u>Doble V</u>          | <u>Brick</u>                  |
| <u>VHLS</u>             | <u>Grass Seeding</u>          |

If the Owner pays the Contractor the total amount due under the Contract, which the Contractor agrees is **\$ 181,275.25**, the Contractor will indemnify and hold harmless and does hereby undertake and agree to indemnify and hold harmless the Owner, including the defense of any suit, from any claim, demand or lien arising out of the acts of the Contractor in the performance of the Contract for which the Contractor is liable and which may have been or may be filed against the Owner.

A handwritten signature in black ink, appearing to be 'J. S.', written over a horizontal line.

Signature

**ENGINEER'S STATEMENT OF FINAL COMPLETION  
AND  
OWNER'S ACCEPTANCE OF CONTRACT CONSTRUCTION**

To: Firm Foundation Concrete  
3940 Hickory Avenue  
Sioux Center, IA 51250

City Hall Pavement Replacement  
Project Designation

I, the undersigned Engineer of the above designated project, do hereby state that:

1. The construction provided for pursuant to Construction Contract No. 369243, dated February 26, 2020, including all approved amendments and change orders, (hereinafter called the "Project") between City of Hawarden ("Owner") and Firm Foundation Concrete ("Contractor") has been completed as of August 7, 2020 and to the best of my knowledge, information and belief, based on observations made during the period of construction, is in substantial compliance with the provisions of the Construction Contract, including all plans, specifications and drawings, and modifications thereof.

To the best of my knowledge, information, and belief,

2. Defects in workmanship and materials reported during the period of construction of the Project have been corrected.

3. The total cost of the project as completed is one hundred eighty-one thousand, two hundred seventy-five and 25/100----- dollars (\$ 181,275.25).

4. The Final Inventory as shown on Certificate for Payment No. 3- Final is a complete and accurate summary of the work performed in accordance with the Construction Contract.

Accepted:

DGR Engineering

City of Hawarden

By 

By Michael DeBruin  
Owner

Title Project Manager

Date August 18, 2020

Date August 26, 2020

Attest \_\_\_\_\_

**CITY OF HAWARDEN  
JOINT PLANNING SESSION  
HAWARDEN CITY COUNCIL & HAWARDEN REGIONAL  
HEALTHCARE BOARD  
Hawarden City Hall – Hawarden Community Center  
Wednesday, August 26, 2020, immediately following the Regular  
Meeting at 5:30 p.m.**

**Agenda Items**

- 1. Joint planning session with the Hawarden City Council and the Hawarden Regional Healthcare Board**
- 2. Adjournment**