

City of Eagle Grove – Regular City Council Agenda
Monday December 4th, 2023 6:30 P.M.
Public Safety Building – 210 E. Broadway, Eagle Grove, Iowa
Roll Call: Pamperin, Weland, Jergens, Lorenzen, Vandewater, and Limerick

Pledge of Allegiance Prayer

Call meeting to order – The Honorable Mayor – Sandra McGrath
Public Forum: -

Consent Agenda: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to a Council vote on the motion. A roll call vote will be taken:

- a. Minutes: November 20th & November 28th
 - b. Claims: see attached
 - c. Building Permit Report: see attached
 - d. Beer/Liquor Licenses:
 - e. Cigarette Permits:
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1. Review, Discuss, and Take Potential Action on the Eagle Grove Rec Center
 - a. Review and Discuss interim financing for Eagle Grove Recreation
 - b. Review and Discuss Other Options regarding the Eagle Grove Rec Center
 2. Review and Take Action on **Resolution 2023-98**: A Resolution Accepting the Eagle Grove Rec Center (due to having no action at the 11-28-2023 meeting)
 - a. Recommendation is not to accept.
 3. Review and Take Action on **Resolution 2023-99**: A Resolution Terminating the Ground Lease Agreement with Eagle Grove Recreation (due to having no action at the 11-28-2023 meeting)
 4. Review and Take Action on **Resolution 2023-100**: A Resolution Terminating the Employee-Sharing Agreement with Eagle Grove Recreation (due to having no action at the 11-28-2023 meeting)
 5. Review and Take Action on **Resolution 2023-101**: A Resolution Soliciting RFP's for Professional Services for the Eagle Grove Rec Center (due to having no action at the 11-28-2023 meeting)
 6. Review and Take Action on **Resolution 2023-102**: A Resolution to begin the process of establishing an Enterprise Fund (due to having no action at the 11-28-2023)
 7. Review and Take Action on **Resolution 2023-103**: A Resolution Accepting an Assignment and Assumption of Leases and Contracts (pending discussion and if Rec Center is accepted by City)
 8. Review and Take Action on **Resolution 2023-104**: A Resolution Setting a Date for Public Hearing for a Zoning Classification Amendment

Department Reports:

- POLICE
- PUBLIC WORKS
- CITY ADMINISTRATOR
- MAYOR
- ADJOURNMENT

CLAIMS REPORT
 Check Range: 12/04/2023-12/04/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
BOMGAARS	SUPPLIES, MAINTENANCE		2,266.46	49911	12/04/23
BOUND TREE MEDICAL LLC	EMS MEDICAL SUPPLIES		319.65	49912	12/04/23
ELAN FINANCIAL SERVICES	EMS SUPPLIES		3,119.27	49913	12/04/23
CITY CLERK	GARBAGE BILLING FEES		659.00	49914	12/04/23
EAGLE BUILDING SUPPLY	MASON MIX, LUMBER		534.22	49915	12/04/23
FORT DODGE ASPHALT CO.	PAY APP #1 2023 ST PROJ		106,424.97	49916	12/04/23
GOLDFIELD ACCESS NETWORK	PHONE, INTERNET		401.24	49917	12/04/23
GRP & ASSOCIATES	MEDICAL WASTE DISPOSAL		50.00	49918	12/04/23
GUTTER SPECIALIST	REPLACE DOWNSPOUT		167.18	49919	12/04/23
HEWETT WHOLESALE INC	SOAP, ROLL TOWELS		219.85	49920	12/04/23
HSA - SSB ACH	HSA TRANSFER DEC 2023		8,262.23	14149349	12/04/23
IMWCA	AUDITED PREMIUM ADJ		1,180.00	49921	12/04/23
IOWA ONE CALL	NOTIFICATIONS		58.60	49922	12/04/23
IOWA POLICE CHIEFS ASSOCIATION	MEMBERSHIP RENEWAL		125.00	49923	12/04/23
MICROBAC LABORATORIES INC	TESTING FOR LANDFILL DIESEL		1,119.75	49924	12/04/23
LAW ENFORCEMENT SYSTEMS INC.	SUPPLIES		328.00	49925	12/04/23
MENARDS	XMAS BULBS-STREET LIGHTS		419.00	49926	12/04/23
MIDAMERICAN ENERGY	ELECTRICITY		21,474.43	49927	12/04/23
OLDSON'S INC.	BLDG MAINTENANCE		837.19	49928	12/04/23
RED HEAD TRIBE LOGOS LLC	EMS SHIRTS		279.28	49929	12/04/23
SIMMERING-CORY &	CDBG HOUSING GRANT SVCS		1,000.00	49930	12/04/23
T & D SERVICE	STREET SANDER		372.18	49931	12/04/23
THE TRASH MAN	GARBAGE REVENUES		3,509.37	49932	12/04/23
THE WELLNESS CENTER	FITNESS CENTER MEMBERSHIPS		293.00	49933	12/04/23
UNITYPOINT HEALTH TRINITY REG	EMS DRUG TEST		45.00	49934	12/04/23
VERIZON	CELLPHONES, LANDLINES		1,428.86	49935	12/04/23
WORKFORCE SOLUTIONS LLC	EMPLOYEE MEDIATION		5,460.00	49936	12/04/23
WRIGHT COUNTY AUDITOR	ELECTION COSTS		1,253.04	49937	12/04/23
YOHNCO INC	CEMENT STORM INTAKE		339.25	49938	12/04/23
			<u>161,946.02</u>		
Payroll Fund	Accounts Payable Total		161,946.02		
First Citizens - MC	Payroll Fund Tst		119,677.23	49907	11/27/23
First State Bank	2022A Bond Int		39,812.80	49908	11/28/23
Pfm Financial	Interest 2022B		6,421.59	49909	11/28/23
UMB Bank	Annual Retainer		7,000.00	49910	11/28/23
	Interest Payments		81,881.25	ACH	11/29/23
			<u>416,680.59</u>		
			<u>416,680.59</u>		

12-04-2023 Building Permit List

TERRI J MEYER	1421 W BROADWAY	FENCE
Brad mrla	33 Parkview dr	parking
JESUS AGUAS	116 S JACKSON	DRIVEWAY
Dollar general-grocery	1715 n iowa	Sign
Leonardo meza	613 se 1	Cement around his house
Broady almond	504 n Lincoln	driveway
James stiltz	509 s. park	fence
Phil johnson	107 n commercial	Use permit

NOT APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

Resolution 2023-98

A RESOLUTION ACCEPTING THE EAGLE GROVE REC CENTER

WHEREAS, the City Council of the City of Eagle Grove hereby fully accept the Eagle Grove Rec Center per the Ground Lease Agreement in the event of a dissolution by Eagle Grove Recreation, a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Eagle Grove hereby accept the Eagle Grove Rec Center and authorize the City Attorney, the Mayor, and designee to complete the transfer of the Eagle Grove Rec Center to be fully owned and operated by the City of Eagle Grove.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called and the following Council members voted:

Ayes:
Nays:

Whereupon, the Mayor declared said this Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

NOT APPROVED

Whereupon, Council member _____ moved the following Resolution be adopted:

RESOLUTION 2023-99

A RESOLUTION TERMINATING A LAND LEASE AGREEMENT WITH EAGLE GROVE RECREATION

WHEREAS, the City of Eagle Grove has published and held a public hearing on a land lease agreement with the Eagle Grove Recreation for the construction and operation of the Eagle Grove Rec Center on April 25, 2022 pursuant to Resolution 2022-53; and,

WHEREAS, pursuant to Resolution 2022-54, the City of Eagle Grove approved a Land Lease Agreement with Eagle Grove Recreation, a non-profit corporation; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Eagle Grove does hereby terminate the Land Lease Agreement between the City of Eagle Grove and Eagle Grove Recreation.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called, and the following Council members voted:

AYES: _____, _____, _____, _____, _____, _____,

NAYS: _____, _____, _____, _____, _____, _____,

Whereupon, the Mayor declared said Resolution duly passed and adopted on this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

NOT APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

Resolution 2023-100

A RESOLUTION AUTHORIZING THE TERMINATION OF AN EMPLOYEE SHARING AGREEMENT WITH EAGLE GROVE RECREATION

WHEREAS, the City Council of the City of Eagle Grove has reviewed and approved an Employee Sharing Agreement with Eagle Grove Recreation to enhance the recreation offerings throughout the community of Eagle Grove pursuant to Resolution 2022-99; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Eagle Grove hereby terminate the Employee Sharing Agreement between Eagle Grove Recreation and the City of Eagle Grove and authorize the Mayor and City Clerk to execute the affixed Agreement between the City of Eagle Grove and Eagle Grove Recreation.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called and the following Council members voted:

Ayes:
Nays:

Whereupon, the Mayor declared said this Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

NOT APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

RESOLUTION 2023-101

A RESOLUTION SOLICITING RFP'S FOR PROFESSIONAL SERVICES FOR THE EAGLE GROVE REC CENTER

WHEREAS, the City Council of the City of Eagle Grove feel it is in the best interest of the community to publish a request for proposal for professional services relating to architectural and engineering to complete the Eagle Grove Rec Center, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Eagle Grove, Iowa hereby approve and authorize the publishing of a Request for Proposal for Professional Services on this 4th day of December, 2023.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called, and the following Council members voted:

Ayes: _____, _____, _____, _____, _____, _____,

Nays: _____, _____, _____, _____, _____, _____,

Whereupon, the Mayor declared said Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

Resolution 2023-102

A RESOLUTION TO BEGIN THE PROCESS OF ESTABLISHING AN ENTERPRISE FUND FOR THE EAGLE GROVE REC CENTER

WHEREAS, the City Council of the City of Eagle Grove feel it is in the best interest to begin establishing an Enterprise Fund; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Eagle Grove hereby wish to authorize the City Attorney and City personnel to prepare proceedings to implement an enterprise fund relating to the Eagle Grove Parks and Recreation Department and the Eagle Grove Rec Center.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called and the following Council members voted:

Ayes:

Nays:

Whereupon, the Mayor declared said this Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

NOT APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

Resolution 2023-103

A RESOLUTION ACCEPTING AN ASSIGNMENT AND ASSUMPTION OF LEASES AND CONTRACTS

WHEREAS, the City Council of the City of Eagle Grove has reviewed an Assignment and Assumption of Leases and Contracts with Eagle Grove Recreation; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Eagle Grove hereby accept the affixed Assignment and Assumption of Leases and Contracts and authorize the City Attorney, the Mayor, and designee to complete the transfer of the Eagle Grove Rec Center and comply with the Assignment and Assumption of Leases and Contracts between Eagle Grove Recreation and the City of Eagle Grove.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called and the following Council members voted:

Ayes:
Nays:

Whereupon, the Mayor declared said this Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

NOT APPROVED

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ASSIGNMENT AND ASSUMPTION OF LEASES AND CONTRACTS

This Assignment and Assumption of Leases and Contracts (the “Agreement”), effective as of the date last signed below, is by and between Eagle Grove Recreation, (“Assignor”) a domestic non-profit corporation organized and existing under the laws of the State of Iowa, and the City of Eagle Grove, Iowa (“Assignee”), a municipality located in Wright County, Iowa, (collectively, the “Parties”).

Whereas, Assignor was incorporated in 2020 with the mission of fundraising for, developing, and operating a recreation center in the City of Eagle Grove, Iowa;

Whereas, Assignor has previously entered into a land lease with Assignee for the following described property and subsequently began construction on a recreation center;

Greenwood Park, being a part of Outlot 1 of the NW1/4SW1/4 of Section 26, Township 91 North, range 26 West of the 5th p.m., Wright County, Iowa; EXCEPTING Parcel Letter “J” as described in a survey recorded at Book 2012, Page 1468 and Parcel Letter “K” as described in a survey recorded at Instrument No. 16-1873.

Whereas, Assignor has been unable to secure sufficient funding for the completion of said construction and in order to ensure fulfillment of its mission and duty to donors, even if by a different entity, is desirous of transferring said property to Assignee; and

Whereas, Assignee has agreed to take possession and ownership of said building and assume the assets and debts described herein.

Now, therefore, the Parties hereby enter into this Agreement upon the following terms and conditions:

1. **Restrictions on Use.** This Agreement is contingent upon Assignee’s representation that the recreation center will be completed and operated as a recreation center for the benefit of the community and the cost to access said center will be kept as low as practicable. Furthermore, any and all funds transferred to Assignee may only be used towards the construction and operation of said recreation center.
2. **Assignor’s Representations and Warranties.** Assignor represents and warrants that it is the legal and beneficial owner of the cash, leasehold interest under the above-referenced land lease, all fixtures, improvements, and other personal property located thereon, and any other personal property or purchase orders or contracts for the provision of labor or materials to construct or operate the recreation center (“Assigned Interest”), and it has full power and authority, and has taken all actions necessary, to execute and deliver this Agreement and to consummate the transactions contemplated herein. Furthermore, Assignor represents and warrants that the attached “Exhibit A” is a complete and accurate statement of its: (i) existing assets; (ii) known creditors and debts; (iii) existing purchase

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orders or contracts for the provision of labor or materials to construct or operate the recreation center; and (iv) all other personal property.

- 3. Assignee’s Representations and Warranties. Assignee represents and warrants that it has full power and authority, and has taken all actions necessary, to execute and deliver this Agreement and to consummate the transactions contemplated herein.
- 4. Payments. From and after the effective date, Assignee shall make all payments associated with the debts and creditors described on Exhibit A.
- 5. Assignment and Assumption. Assignor hereby sells, assigns, grants, conveys, and transfers to Assignee all of Assignor’s right, title, and interest in and to the Assigned Interest. Assignee hereby accepts such assignment and assumes all of Assignor’s duties and obligations under the Assigned Interest and agrees to pay, perform, and discharge, as and when due, all of the known, disclosed obligations of Assignor, including late fees, penalties, and interest, if any.
- 6. Deed and Bill of Sale. Assignor shall execute a Quit Claim Deed for the structure on the above-described property and a Bill of Sale for the personal property referenced above to the Assignee.
- 7. Dissolution of Assignor. Assignee hereby consents to the dissolution of Assignor following the execution of this Agreement and the above-referenced Quit Claim Deed and Bill of Sale.

“ASSIGNOR”

“ASSIGNEE”

 Alyssa Pedersen-Dooley, President
 Eagle Grove Recreation
 Date of Signature:_____

 Sandra McGrath, Mayor
 City of Eagle Grove, Iowa
 Date of Signature:_____

 Bryce Davis, City Administrator
 City of Eagle Grove, Iowa
 Date of Signature:_____

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Exhibit "A"

List of Assets, Known Creditors and Debts, and Purchase Orders or Contracts

1. Assets (\$1,960,030)
 - a. Cash approx. \$47,000.00
 - b. Outstanding deposits \$5,000
 - c. Building/Equipment/W.I.P. \$1,596,111
 - d. Individual/Corporate Pledges (Amount likely to be collected) \$211,919
 - e. City amount receivable per initial agreement \$100,000
2. Debts/Invoices Received and Unpaid (\$334,115.86)
 - a. Sadler Construction:
 - i. Invoice #5126 \$27,524.08
 - ii. Invoice #5032 \$37,404.24
 - b. Bianchi Heating & Cooling: (Hired and approved by board)
 - i. Invoice #93945 \$18,290.00
 - ii. Invoice #93945(sic) \$73,335.00
 - iii. Invoice #95164 \$1,374.38
 - c. Tjaden Electric: (Hired and approved by board)
 - i. Invoice #2210 \$14,234.18
 - ii. Invoice #2153 \$41,269.98
 - iii. Invoice #2264 \$14,163.61
 - d. K&K Construction, LLC dba EQUIMCO
 - i. Invoice #6817 \$91,441.68
 - e. H2I Group (Hired and approved by board)
 - i. Invoice #228289 \$15,078.71

Net Assets: \$1,625,914.14

3. Contracts and Purchase Orders
 - a. Push, Pedal, Pull Equipment Lease Agreement
 - i. \$3,077-3,362/month
 - b. Lease with City of Eagle Grove for Parks & Rec Dept.
 - i. Unknown amount- City has possession but no lease agreement has been signed.
 - c. Bob and Terry's Sign Company
 - i. Estimate to install sign approx. \$3,500.

*Anticipated costs to completion: \$700,000.

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APPROVED

Whereupon, Council member _____ moved that the following resolution be adopted:

Resolution 2023-104

A RESOLUTION TO SET A DATE FOR A PUBLIC HEARING TO AMEND THE ZONING CLASSIFICATION OF A CERTAIN PARCEL TO BUSINESS B-2 DISTRICT

WHEREAS, the City Council has reviewed a request to amend the zoning classification of a certain parcel from Residential R-1 District to Business B-2 District, further described as the following:

And;

WHEREAS, the City Council would like to set a date for a Public Hearing for further public consideration; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Eagle Grove hereby sets a Public Hearing date to review Ordinance 2023-06: An Ordinance Amending the Zoning Classification to Business B-2 District for a Certain Parcel in the City of Eagle Grove on Monday, December 18, 2023 at 6:30 pm.

The motion was seconded by Council member _____ and after due consideration thereof, the roll was called and the following Council members voted:

Ayes:
Nays:

Whereupon, the Mayor declared said Resolution duly passed and adopted this 4th day of December, 2023.

Sandra McGrath
Mayor

ATTEST:

Bryce Davis
City Administrator/Clerk

APPROVED