



NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA

City Council agendas are also available on the Internet at www.sioux-city.org.

You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held Monday, November 19, 2018, 4:00 p.m., local time, in the Council Chambers, 5th Floor, City Hall, 405 6th Street, Sioux City, Iowa, for taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Council.

This is a formal meeting during which the Council may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Council for speakers:

1. Anyone may address the Council on any agenda item.
2. Speakers should approach the microphone one at a time and be recognized by the Mayor.
3. Speakers should give their name, spell their name, give their address, and then their statement.
4. Everyone should have an opportunity to speak. Therefore, please limit your remarks to **three minutes on any one item**.
5. At the beginning of the discussion on any item, the Mayor may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under 'Citizen Concerns'.
7. For the benefit of all in attendance, please turn off all cellular phones and other communication devices while in the City Council Chambers.

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1. Call of the roll - Silent prayer and Pledge of Allegiance to the Flag - Proclamations
 2. Interviews for City Council appointed Boards, Commissions and Committees:
 - A. Gjilan Kosovo Sister City Committee: Juline Albert
 - B. Human Rights Commission: Charlotte Gorter and Donald Scarlett
 - C. Parks and Recreation Advisory Board: Sara Wiedenfeld

CONSENT AGENDA

Items 3 through 15F constitute a Consent Agenda. Items pass unanimously unless a separate roll call vote is requested by a Council Member.

3. Reading of the City Council minutes of November 5, 2018. (CLOSED, REGULAR)
4. EFPPC - Motion accepting the Effective Fiscal and Public Policy Committee Annual Report.
5. SENIORS - Motion accepting the Senior Living Survey Summary and Work Plan for 2019.

6. PARADE - Resolution temporarily closing 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 7:30 p.m., and temporarily closing 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 5:00 p.m. and ending at 6:15 p.m. November 19, 2018 to accommodate Downtown Partners Sioux City's Holiday Lighted Parade and staging.
7. NELSON - Resolution accepting the work and authorizing final payment to Nelson Construction & Development for the 2018 Discovery Parking Ramp Repair Project. (Project No. 6980-728-012)
8. SYPERSMA - Resolution approving the selection of Jeff Sypersma as the Citizen Representative on the Woodbury County Information and Communication Commission for a three-year term expiring December 31, 2021.
9. ACTIONS RELATING TO GRANTS
 - A. MRHD - Resolution authorizing the Sioux City Public Library to accept a 2018 Missouri River Historical Development Fall Grant in the amount of \$65,000 to fund the purchase of new shelving and furniture for the Morningside Branch Library.
 - B. CARVER TRUST - Resolution authorizing the Sioux City Public Library to accept Grant Agreement No. 19-5173 from the Roy J. Carver Charitable Trust in the amount of \$60,000 to fund construction of a group study room, computer area screens and for upgrades to the exterior of the Morningside Branch Library.
10. CIVIL PENALTIES AND SUSPENSIONS
 - A. CENTRAL MART - Resolution assessing a \$1,500 civil penalty and suspending for thirty (30) days the liquor permit issued to Central Mart LLC doing business as Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, for violation of the Iowa beer/wine and liquor laws.
 - B. LOVE'S - Resolution fixing a date, time and place for a hearing on a proposed civil penalty of \$300 against Love's Travel Stops & Country Stores, Incorporated doing business as Love's Travel Stop No. 479, 2525 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.
 - C. PILOT - Resolution fixing a date, time and place for a hearing on a proposed civil penalty of \$300 against Pilot Travel Centers, LLC doing business as Pilot Travel Center No. 594, Pilot Travel Centers LLC, 2815 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.
11. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS
 - A. DGR - Resolution approving a Consulting Services Agreement with DGR Engineering to provide design, construction administration, and inspection services related to the 2019 Jones Street Public Improvement Project in an amount not to exceed \$137,968.

- B. HDR - Resolution approving a Consulting Services Agreement with HDR of Des Moines, Iowa for a wastewater Cost of Service Study in an amount not to exceed \$49,990 to evaluate the City's wastewater rates and fees.
- C. HR GREEN - Resolution approving Amendment No. 3 to the contract with HR Green, Inc. in the amount of \$15,000 for additional construction administration and construction observation in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project. (Project No. 6900-539-189)
- D. INFRATRACK - Resolution approving Change Order No. 5 to the contract with InfraTrack, Inc. in the amount of \$297,500 for additional heavy cleaning with bucket machines in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project. (Project No. 6900-539-189)
- E. KNIFE RIVER - Resolution awarding and approving a contract with Knife River Midwest, LLC of Sioux City, Iowa in the amount of \$7,028,912.93 for the Runway 17-35 Reconstruction and Shift Project Phase 2 (Schedule C) Construction (AIP 55 Project 749-115) at the Sioux Gateway Airport/Col. Bud Day Field.
- F. TRANSPORT - Resolution authorizing and approving a Transport Agreement between Sioux City Fire Rescue and Woodbury County, Iowa for transport services from locations within the City of Sioux City.
- G. MCCLURE - Resolution approving a Consulting Services Agreement with McClure Engineering Company in an amount not to exceed \$43,770 to complete a drainage study for City-owned and maintained detention basins.
- H. C.W. SUTER - Resolution awarding and approving a contract to C.W. Suter & Son, Inc. in the amount of \$663,168 for a portion of the Rebid Hail Damaged Roofs and Buildings Projects. (Project No. 7005.5-889-003)
- I. SGH REDGLAZE - Resolution awarding and approving a contract to SGH Redglaze Holdings, Inc. in the amount of \$420,000 for a portion of the Rebid Hail Damaged Roofs and Buildings Projects. (Project No. 7005.5-889-003)
- J. N. SIOUX - Resolution authorizing and directing the Mayor and City Clerk to execute a 28E Agreement for participation in construction costs for the Military Road Reconstruction and Bridge Rehabilitation Project between the City of Sioux City, Iowa and the City of North Sioux City, South Dakota. (Project No. 6755-719-354)
- K. MILITARY ROAD - Resolution authorizing execution of the "State of South Dakota Maintenance and Jurisdiction Transfer Agreement among Department of Transportation, the City of North Sioux City, South Dakota, and the City of Sioux City, Iowa" in connection with the Military Road Reconstruction and Bridge Rehabilitation Project. (Project No. 6755-719-354)

12. ACTIONS RELATING TO PROPERTY

- A. IHCS AGREEMENT - Resolution approving a subdivision improvement installation agreement with Lakeport View LLC in connection with the Indian Hills Court Subdivision, an Addition to The City of Sioux City, Woodbury County, Iowa.

- B. IHCS FINAL PLAT - Resolution accepting and approving the final plat for "Indian Hills Court Subdivision, an Addition to Sioux City, Woodbury County, Iowa." (Petitioner: Lakeport View, LLC) (File No. 2018-0084)
 - C. FIBERCOMM - Resolution granting a permit to FiberComm to own, operate and maintain underground cable commencing at the southeast corner of 6th Street and Chambers Street, then west across Chambers Street, then south along the west side of Chambers Street for 790 feet crossing 4th Street, then extended south and east for 135 feet to 1900 4th Street.
13. TOTAL CHECKS - Approve total checks issued for the reporting period of October 2018, in the amount of \$9,221,676.22.
14. APPLICATIONS FOR BEER AND LIQUOR LICENSES
- A. ON-PREMISE SALES
 - 1. CLASS C LIQUOR LICENSE (liquor/wine/beer/wine coolers/carry-out)
 - A. Old Chicago Pizza and Taproom, 5030 Sergeant Road (Renewal)
 - B. Townhouse Pizza and Lounge, 2701 Floyd Boulevard (Renewal)
 - B. OFF PREMISE SALES
 - 1. CLASS B WINE PERMIT (wine only)
 - A. La Pinata, 3124 Gordon Drive (Renewal)
 - 2. CLASS C BEER PERMIT (beer/wine coolers)
 - A. La Pinata, 3124 Gordon Drive (Renewal)
15. BOARD, COMMISSION, AND COMMITTEE MINUTES
- A. Building and Housing Code Board – October 2 and 30, 2018
 - B. Civil Service Commission – October 2, 2018
 - C. Effective Fiscal and Public Policy Committee – September 12, 2018
 - D. Environmental Advisory Board – September 13, 2018
 - E. Events Facilities and Tourism Advisory Board – September 7, 2018
 - F. Historic Preservation Commission – November 6, 2018

- End of Consent Agenda -

HEARINGS

- 16. Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the Sioux City Art Center Renovation Project. (Project No. 7001-339-003)
- 17. Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the 2019 Annual Curb and Gutter Project. (Project No. 7006-719-121)

18. Hearing and Resolution approving construction documents for the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(City Project No. 6755-719-354).

ORDINANCES

19. Ordinance amending Chapter 8.04 entitled "Firearms and Weapons" of the Sioux City Municipal Code to prohibit carrying certain toy and simulated firearms or weapons on an individual's person. (First consideration passed November 5, 2018)

DISCUSSION

20. Resolution approving a Development Agreement with CAB Estates LLC for a residential development located at 2619 ½ Glen Ellen Road and authorizing the execution thereof. (Deferred from November 5, 2018)

PRESENTATION

21. City of Sioux City Strategic Plan Quarterly Update Presentation
22. CITIZEN CONCERNS
23. COUNCIL CONCERNS
24. ADJOURNMENT

City Council agendas are also available at www.sioux-city.org.

The City of Sioux City does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals who need auxiliary aids for effective communication in programs and services of the City of Sioux City are invited to make their needs and preferences known to the ADA Compliance Officer, City Hall, 405 6th Street, Room 204, (712) 279-6175. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 2

FROM: Lisa L. McCardle, City Clerk
Heidi Farrens, Deputy City Clerk

SUBJECT: Interviews for City Council appointed Boards, Commissions and Committees:
Gjilan Kosovo Sister City Committee: Juline Albert
Human Rights Commission: Charlotte Gorter and Donald Scarlett
Parks and Recreation Advisory Board: Sara Wiedenfeld

Reviewed By:	<input checked="" type="checkbox"/> Department Director	<input type="checkbox"/> Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
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RECOMMENDATION:
Staff respectfully requests that City Council interview the applicants listed for vacant positions on the applicable Boards, Commissions or Committees.

DISCUSSION:
Gjilan Kosovo Sister City Committee - there are 7 positions available on this newly created committee.

Juline Albert has not previously served on any of the City Council appointed Boards, Commissions or Committees.

Below is a portion of the Vacancy Report pertinent to the **Gjilan Kosovo Sister City Committee**:

Gjilan Kosovo Sister City Committee				
7 Vacancies:	NAME	Vacancy Information		EXPIRES
7 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
				12/31/20
				12/31/20
				12/31/21
				12/31/21
				12/31/22
				12/31/22
				12/31/22
2 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Juline Albert	10/25/18	11/19/18	04/25/20
	Lisa Max	10/25/18	11/05/18	04/25/20

Human Rights Commission - there are 2 positions vacant.

Charlotte Gorter has not previously served on any of the City Council appointed Boards, Commissions or Committees.

Donald Scarlett has not previously served on any of the City Council appointed Boards, Commissions or Committees.

Note: To gender balance the Human Rights Commission the current vacancy should be filled with a male, however Iowa Code states:

69.16A Gender balance.

2. All appointive boards, commissions, committees, and councils of a political subdivision of the state that are established by the Code, if not otherwise provided by law, shall be gender balanced as provided by subsection 1 unless the political subdivision has made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission, committee, or council in compliance with subsection 1 for a period of three months but has been unable to make a compliant appointment. In complying with the requirements of this subsection, political subdivisions shall utilize a fair and unbiased method of selecting the best qualified applicants.

Since the position held by Jean Graham has been open for over 3 months and we have been unable to fill the position with a qualified male we have invited the female applicant to interview before the Council; if you choose to appoint her to the open position, the City will still satisfy the requirements of the gender balance laws.

Below is a portion of the Vacancy Report pertinent to the **Human Rights Commission:**

Human Rights Commission				
Human Rights Commission must be Gender Balanced male required to balance				
The two appointments must be male to gender balance				
2 Vacancies:	NAME	Vacancy Information		EXPIRES
	Scott Raasch	Resigned 10/19/18		06/30/19
	Jean Graham	Expired		06/30/18
11 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
(6 women/4 men)				
Nia Key was appointed after 9 mos w/o male applicants, should have been a male to balance	Jean Graham	1st	08/03/15	06/30/18
	Scott Raasch	2nd	07/18/16	06/30/19
	James Anderson	2nd	07/18/16	06/30/19
	Tracy Everett	1st	07/18/16	06/30/19
	Patricia "Sue" Hartwell	1st	07/18/16	06/30/19
	Richard Moore	1st	04/17/17	06/30/20
	Steele Welcher	2nd	07/17/17	06/30/20
	Mary Day	1st	07/17/17	06/30/20
	Tracy Winters	1st	07/17/17	06/30/20
	Nia Key	Partial/1st	02/05/18	06/30/21
	Julie Berens	2nd	07/09/18	06/30/21

2 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Charlotte Gorter	07/19/18	11/05/18	01/19/20
	Donald Scarlett	11/06/18	11/19/18	05/06/20

Parks and Recreation Advisory Board - there are 3 positions vacant as of December 31, 2018.

Sara Wiedenfeld has not previously served on any of the City Council appointed Boards, Commissions or Committees.

Below is a portion of the Vacancy Report pertinent to the **Parks and Recreation Advisory Board**:

Parks and Recreation Advisory Board				
3 Vacancies:	NAME	Vacancy Information		EXPIRES
	Brent Ruch	Expiring		12/31/18
	Chris Boesch	Expiring		12/31/18
	Joseph Riker	Expiring		12/31/18
9 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
	Brent Ruch	2nd	01/25/16	12/31/18
	Chris Boesch	2nd	01/25/16	12/31/18
	Joseph Riker	1st	01/25/16	12/31/18
	Fran Palmersheim	2nd	01/09/17	12/31/19
	Gretchen Baller	Partial/1st	09/19/16	12/31/19
	Andrew Glisar (extended term)	1st	01/25/16	12/31/19
	Cindy Brewer	1st	02/12/18	12/31/20
	Scott Brouillette	2nd	02/12/18	12/31/20
	Brad Krommenhoek (extended term)	1st	01/25/16	12/31/20
3 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Kathie Pfaffle	10/13/17	12/18/17; 12/03/18	04/13/19
	Raymond Thomas	10/31/17	12/04/17	05/01/19
	Sara Wiedenfeld	11/08/18	11/19/18	05/08/20

FINANCIAL IMPACT:

None.

RELATIONSHIP TO STRATEGIC PLAN:

Interviewing and appointing citizens to various Boards, Commissions, and Committees shows our effort to incorporate citizen input in Municipal Government.

Relates to **Progressive Leadership Vision** - We will use formal and informal methods to engage the Council, our employees, and our customers to promote enhanced organizational engagement and commitment to our shared vision; also relates to **Strategy** - Develop strong partnerships with our residents, visitor's and business community.

As stewards of the City of Sioux City we will strive to enhance connectivity with citizens and businesses – Encourage resident engagement within the community.

ALTERNATIVES:

Staff respectfully requests Council interview all Board, Commission and Committee applicants; Council may then choose to appoint or not to appoint each interviewee per their individual preference.

City Clerk's staff will collect preferences from Council after all applicants for each Board, Commission and Committee have interviewed and the expiration dates of the terms to be filled have passed.

ATTACHMENTS:

Applications



CITY OF SIOUX CITY, IOWA
APPLICATION FOR APPOINTMENT TO A CITY COUNCIL
APPOINTED BOARD, COMMISSION OR COMMITTEE

Date 10/22/18

CITY CLERK'S OFFICE
25 OCT '18 AM 8:19
CITY OF SIOUX CITY

BOARD, COMMISSION or COMMITTEE: GJILAN KOSOVO SISTER CITY COMMITTEE

GENDER BALANCE - Section 69.16A of the Iowa Code requires gender balance on those City Boards and Commissions required or governed by state law unless the City has made a good faith effort for a period of three months to appoint a qualified person. This affects and includes: Airport Board of Trustees; Civil Service Commission; Human Rights Commission; Library Board of Trustees; and Planning and Zoning Commission.

GENERAL INFORMATION

Name Juline Albert Phone Residence 712-574-9492

Home Address 3916 Kateri Ct, Sioux City, IA 51106

E-Mail Address juline.albert@witcc.edu

Employer Western Iowa Tech Community College Phone Business 712-274-6400

Business Address 4647 Stone Ave, Sioux City, IA 51106

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes No How many years have you been a resident? 50+ years

Are you a registered voter? Yes No

Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes No (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

SERVING ON A BOARD - Are you currently serving on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

It is the general policy of the City to allow a person to serve on only one City Council appointed Board, Commission or Committee at any given time. If you answered yes, please explain why Council should make an exception to the general policy and allow you to serve on multiple Boards, Commissions or Committees:

Have you previously served on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.) Currently on the Red Cross Board and the Siouland ICAN group. Formerly on the Sioux City Community School District's Equity Committee and Siouxland Cares. Numerous state-wide committees.

STATE, COUNTY, or MUNICIPAL BOARDS or COMMISSIONS - List any you are presently serving on:
None

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving on a City Council appointed Board, Commission or Committee including skills, training, licenses and certificates that are applicable:
Ph.D. in Higher Education Administration, Curriculum and Instruction with an emphasis in leadership.

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:
I'm very interested in Kosovo and visited both the country and our sister city, Gjilan in May. I believe we are part of the global community and we need to learn about each other and respect each other in order to continue to survive. In my position at WITCC we are working with Kosovo to develop online programs and partnerships that will benefit both of our communities.

CONFLICT OF INTEREST - Chapters 362.5, 362.6, 403.16 and 403A.22 of the Code of Iowa describe potential conflicts of interest for City officials. A Disclosure of Interest Statement as well as the aforementioned Iowa Code has been attached to this application for your review. **If you have any questions regarding this issue please contact the City Attorney's Office at 712-279-6318.** Are you aware of any conflict of interest or potential conflict of interest that may prevent you from carrying out your responsibilities on this Board, Commission or Committee in the best interest of the City of Sioux City? If so, please describe:
None

PERSONAL REFERENCES - Please list 2 references, the City Council may contact your references:
Dr. Terry Murrel Steve Warnstadt

Name: _____
4647 Stone Ave
Address: _____
Sioux City, IA 51106

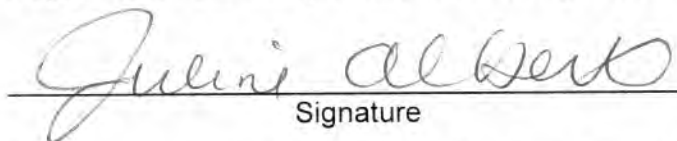
712-274-6400
Phone: _____

Name: _____
4647 Stone Ave
Address: _____
Sioux City, IA 51106

712-274-6400
Phone: _____

I understand the role and responsibilities of membership on this City Council appointed Board, Commission or Committee and I am willing to serve. In applying for appointment I understand the City Council may make inquiries in the community pertinent to my appointment. I also understand that as a member of any Board, Commission or Committee I may be dismissed from the Board, Commission or Committee and or disqualified by the City Council as a candidate for the Board, Commission or Committee membership for making untrue or discriminatory statements about others, including members of protected classes.

If appointed, I am willing to attend the designated Board, Commission or Committee training. **Yes** **No**


Signature

10/22/18
Date _____

Applications are kept on file and active for 18 months from the date you file. A separate application must be completed for each Board, Commission or Committee on which you would consider serving. File applications with the City Clerk's Office, 1st floor, City Hall, 405 6th Street, Sioux City, Iowa, 51101; or mail to City Clerk's Office, P.O. Box 447, Sioux City, Iowa, 51102-0447; or email CityBoardsandCommissions@sioux-city.org. Thank you!



City of Sioux City
GJILAN KOSOVO SISTER CITY COMMITTEE
(Advisory Board)

Mission Statement

The Gjilan Kosovo Sister City Committee shall serve as an advisory and resource body to the City Council regarding the City of Sioux City's relationship with its sister city, Gjilan, Kosovo.

Member Role

Committee members will develop recommendations and review suggestions regarding all proposed exchanges of officials, dignitaries and residents of the respective cities. Members will work to promote city exchanges in a variety of areas, such as culture, education, arts and economy. Members will cultivate a relationship based on mutual trust and respect with Gjilan, Kosovo.

Nominee's Questionnaire

- Describe your interest and/or knowledge of Gjilan, Kosovo or Kosovo in general?
I have visited Gjilan, Kosovo, and met with the mayor and dignitaries of the city. I believe we in Siouxland have a lot in common with Kosovo. Our communities are about the same size and both rely on agriculture and food processing for jobs.
- How do you feel you can contribute to the committee's mission?
I can share my experiences in Kosovo and my understanding of the culture and traditions there. I can also discuss our experiences of working with local businesses there to form partnerships.
- What projects or programs would you like to see the committee pursue?
While in Kosovo, I attended the celebration and signing between the city of Norwalk, Iowa, and its sister city in Kosovo. I will be able to help develop and coordinate a celebration here in Sioux City when the Gjilan dignitaries visit. I can help others to understand the culture in Kosovo by way of discussing the wars and genocide in the area. I can also lead a Sioux City delegation to Kosovo next year to introduce our
- The Gjilan Kosovo Sister City Committee is advisory in nature, what do you see as your role if appointed?
I'd like to assist in any way I can to bring the two communities together.
- Are you able to commit time to the monthly board meeting held on the 3rd Tuesday at 11:30 a.m.? (Please provide detail)
Yes. I will make myself available during that time.

Juline Albert

Signature

10/22/18

Date



CITY OF SIOUX CITY, IOWA
APPLICATION FOR APPOINTMENT TO A CITY COUNCIL
APPOINTED BOARD, COMMISSION OR COMMITTEE

CITY CLERKS OFFICE

19 JUL '18 PM 2:38

CITY OF SIOUX CITY

Date 7/17/2018

BOARD, COMMISSION or COMMITTEE: HUMAN RIGHTS COMMISSION

GENDER BALANCE - Section 69.16A of the Iowa Code requires gender balance on those City Boards and Commissions required or governed by state law unless the City has made a good faith effort for a period of three months to appoint a qualified person. This affects and includes: Airport Board of Trustees; Civil Service Commission; Human Rights Commission; Library Board of Trustees; and Planning and Zoning Commission.

GENERAL INFORMATION

Name Charlotte Gorter Phone Residence 7122810162

Home Address 4512 Cheyenne Blvd Sioux City, IA 51104

E-Mail Address bg8hd8rider@aol.com

Employer student Phone Business

Business Address

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes No How many years have you been a resident? 30

Are you a registered voter? Yes No

Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes No (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

SERVING ON A BOARD - Are you currently serving on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

It is the general policy of the City to allow a person to serve on only one City Council appointed Board, Commission or Committee at any given time. If you answered yes, please explain why Council should make an exception to the general policy and allow you to serve on multiple Boards, Commissions or Committees:

Have you previously served on any other City Council appointed Board, Commission or Committee?

Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.)

- Current Pres. of the Mission of the Messiah
Current Pres. of the Sioux City Police Aux.
Current Secretary of the Iowa State Police Aux.
Ship Board Member
PAC Committee Member
Sunnybrook Church Missionary in Haiti 2 weeks/every year for 10 years
Instructor for Trauma Informed Fostering/Adoption for LSI

STATE, COUNTY, or MUNICIPAL BOARDS or COMMISSIONS - List any you are presently serving on:
Current Recording Secretary of the low State Police Aux

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving on a City Council appointed Board, Commission or Committee including skills, training, licenses and certificates that are applicable:
Retired Sioux City Police Officer

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:
I believe in the betterment of our community and individuals. I have always enjoyed working with others as a hand up, not a hand out. As a parent and resident, I like being involved in the community and participating in current events.

CONFLICT OF INTEREST - Chapters 362.5, 362.6, 403.16 and 403A.22 of the Code of Iowa describe potential conflicts of interest for City officials. A Disclosure of Interest Statement as well as the aforementioned Iowa Code has been attached to this application for your review. **If you have any questions regarding this issue please contact the City Attorney's Office at 712-279-6318.** Are you aware of any conflict of interest or potential conflict of interest that may prevent you from carrying out your responsibilities on this Board, Commission or Committee in the best interest of the City of Sioux City? If so, please describe:

PERSONAL REFERENCES - Please list 2 references, the City Council may contact your references:

Name: Starla Jensen
Address: 1 North Hidden Acres
Sioux City Iowa 51108
Phone: (712) 281-0877

Name: Amanda Beller
Address: 523 Water St
Sioux City Iowa 51101
Phone: (712) 253-8522

I understand the role and responsibilities of membership on this City Council appointed Board, Commission or Committee and I am willing to serve. In applying for appointment I understand the City Council may make inquiries in the community pertinent to my appointment. I also understand that as a member of any Board, Commission or Committee I may be dismissed from the Board, Commission or Committee and or disqualified by the City Council as a candidate for the Board, Commission or Committee membership for making untrue or discriminatory statements about others, including members of protected classes.

If appointed, I am willing to attend the designated Board, Commission or Committee training. **Yes** **No**

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

Charlotte Gorter
/s/ _____
Signature

7/17/2018
Date _____

Applications are kept on file and active for 18 months from the date you file. A separate application must be completed for each Board, Commission or Committee on which you would consider serving. File applications with the City Clerk's Office, 1st floor, City Hall, 405 6th Street, Sioux City, Iowa, 51101; or mail to City Clerk's Office, P.O. Box 447, Sioux City, Iowa, 51102-0447; or email CityBoardsandCommissions@sioux-city.org. Thank you!



City of Sioux City
HUMAN RIGHTS COMMISSION
(Quasi-Judicial)

MISSION STATEMENT

To ensure a fair and equitable community for all. In compliance with Iowa Law the Human Rights Commission mission is to eliminate discrimination in housing, employment, public accommodations, education and credit. To eliminate discrimination based on age, race, creed, color, sex, national origin, religion, mental or physical disability, familial status, marital status, sexual orientation and gender identity. Sponsor programs promoting goodwill among the various racial, religious and ethnic groups in Siouxland.

MEMBER ROLE

The role of Human Rights Commission is to: 1) effectively enforce local, state and federal laws; 2) serve as an information source about civil rights laws and regulations; and 3) actively assist in the prevention and elimination of the effects of discriminatory acts and/or discriminatory practices in the community. Our goal is to secure for everyone in our city freedom from discrimination due to their race, color, national origin, sex, age, mental or physical disability, religion, creed, sexual orientation, gender identity, marital status (credit only), or presence of children in their home. The role of commissioners is to 1) advocate for the prevention and elimination of discrimination against members of any protected classes; 2) review and determine the merits of allegations of discrimination; 3) hold public hearings on individual allegations of discrimination; and 4) educate the community about the existence and effects of discrimination.

Nominee's Questionnaire

1. Do you understand qualifications for appointment to the Human Rights Commission require compliance with the laws protecting the above named classes and that an unwillingness or inability to comply disqualifies your application? **Yes** **No**

2. Describe how you see yourself complying the Human Rights Law.
Abiding, understanding and being proactive of the laws.

3. Do you understand qualifications call for a general knowledge of human and civil rights laws and regulations? **Yes** **No** Please explain your knowledge in these areas.

Far from scholar worthiness, but my general knowledge and experience of being a minority had lead my desire to learn more about human and civil rights for all. Also being involved on other committee's has broadened my understanding, as well as my prior police officer duties.

4. What attracted you to apply for the Human Rights Commission?

I felt that the next step in becoming personally evolved in the Sioux City area included the Human Rights Commission.

5. All agency records including closed sessions (in compliance with the law) relating to clients are confidential, will you observe and maintain this policy of confidentiality? **Yes** **No**

6. Are there any further questions or comments that you wish to express at this time?
no

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

/s/ Charlotte Gorter

Signature

7/17/2018

Date



CITY OF SIOUX CITY, IOWA
APPLICATION FOR APPOINTMENT TO A CITY COUNCIL
APPOINTED BOARD, COMMISSION OR COMMITTEE

CITY CLERKS OFFICE

8 NOV '18 AM 11:44

CITY OF SIOUX CITY

Date 11-5-18

BOARD, COMMISSION or COMMITTEE: HUMAN RIGHTS COMMISSION

GENDER BALANCE - Section 69.16A of the Iowa Code requires gender balance on those City Boards and Commissions required or governed by state law unless the City has made a good faith effort for a period of three months to appoint a qualified person. This affects and includes: Airport Board of Trustees; Civil Service Commission; Human Rights Commission; Library Board of Trustees; and Planning and Zoning Commission.

GENERAL INFORMATION

Name Donald R. Scarlett Phone Residence 712-574-1744

Home Address 3718 Jackson St Sioux City Iowa 51104

E-Mail Address DonScarlett62@gmail.com

Employer Woodbury Co. Juvenile det Phone Business 712-279-6621

Business Address 822 Douglas St Sioux City IA 51101

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes No How many years have you been a resident? 23 YRS

Are you a registered voter? Yes No

Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes No (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

SERVING ON A BOARD - Are you currently serving on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

It is the general policy of the City to allow a person to serve on only one City Council appointed Board, Commission or Committee at any given time. If you answered yes, please explain why Council should make an exception to the general policy and allow you to serve on multiple Boards, Commissions or Committees:

Have you previously served on any other City Council appointed Board, Commission or Committee?

Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.)

I have served on the equity Board For sioux city schools for about 5yrs. I am a part of the board for our H.E. LP Ministries I'm also on our Deacon Board At church.

STATE, COUNTY, or MUNICIPAL BOARDS or COMMISSIONS - List any you are presently serving on:

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving on a City Council appointed Board, Commission or Committee including skills, training, licenses and certificates that are applicable:

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:

I'm interested in making a difference & serving the people.

CONFLICT OF INTEREST - Chapters 362.5, 362.6, 403.16 and 403A.22 of the Code of Iowa describe potential conflicts of interest for City officials. A Disclosure of Interest Statement as well as the aforementioned Iowa Code has been attached to this application for your review. **If you have any questions regarding this issue please contact the City Attorney's Office at 712-279-6318.** Are you aware of any conflict of interest or potential conflict of interest that may prevent you from carrying out your responsibilities on this Board, Commission or Committee in the best interest of the City of Sioux City? If so, please describe:

PERSONAL REFERENCES - Please list 2 references, the City Council may contact your references:

Name: <u>Cynthia Gregg</u>	Name: <u>Derek Albert</u>
Address: <u>3324 Orleans Ave</u>	Address: <u>3916 Kateri Ct.</u>
<u>Sioux City, IA</u>	<u>Sioux City IA</u>
Phone: <u>712-276-2111</u>	Phone: <u>712-274-7240</u>

I understand the role and responsibilities of membership on this City Council appointed Board, Commission or Committee and I am willing to serve. In applying for appointment I understand the City Council may make inquiries in the community pertinent to my appointment. I also understand that as a member of any Board, Commission or Committee I may be dismissed from the Board, Commission or Committee and or disqualified by the City Council as a candidate for the Board, Commission or Committee membership for making untrue or discriminatory statements about others, including members of protected classes.

If appointed, I am willing to attend the designated Board, Commission or Committee training. Yes No

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

I/ Donald Scarlett  Date 11-5-18
Signature

Applications are kept on file and active for 18 months from the date you file. A separate application must be completed for each Board, Commission or Committee on which you would consider serving. File applications with the City Clerk's Office, 1st floor, City Hall, 405 6th Street, Sioux City, Iowa, 51101; or mail to City Clerk's Office, P.O. Box 447, Sioux City, Iowa, 51102-0447; or email CityBoardsandCommissions@sioux-city.org. Thank you!



**City of Sioux City
HUMAN RIGHTS COMMISSION
(Quasi-Judicial)**

MISSION STATEMENT

To ensure a fair and equitable community for all. In compliance with Iowa Law the Human Rights Commission mission is to eliminate discrimination in housing, employment, public accommodations, education and credit. To eliminate discrimination based on age, race, creed, color, sex, national origin, religion, mental or physical disability, familial status, marital status, sexual orientation and gender identity. Sponsor programs promoting goodwill among the various racial, religious and ethnic groups in Siouxland.

MEMBER ROLE

The role of Human Rights Commission is to: 1) effectively enforce local, state and federal laws; 2) serve as an information source about civil rights laws and regulations; and 3) actively assist in the prevention and elimination of the effects of discriminatory acts and/or discriminatory practices in the community. Our goal is to secure for everyone in our city freedom from discrimination due to their race, color, national origin, sex, age, mental or physical disability, religion, creed, sexual orientation, gender identity, marital status (credit only), or presence of children in their home. The role of commissioners is to 1) advocate for the prevention and elimination of discrimination against members of any protected classes; 2) review and determine the merits of allegations of discrimination; 3) hold public hearings on individual allegations of discrimination; and 4) educate the community about the existence and effects of discrimination.

Nominee's Questionnaire

1. Do you understand qualifications for appointment to the Human Rights Commission require compliance with the laws protecting the above named classes and that an unwillingness or inability to comply disqualifies your application? **Yes** **No**
2. Describe how you see yourself complying the Human Rights Law.
3. Do you understand qualifications call for a general knowledge of human and civil rights laws and regulations? **Yes** **No** Please explain your knowledge in these areas.

4. What attracted you to apply for the Human Rights Commission?
TO LEARN MORE ABOUT CIVIL RIGHT LAWS AND REGULATIONS.
5. All agency records including closed sessions (in compliance with the law) relating to clients are confidential, will you observe and maintain this policy of confidentiality? **Yes** **No**
6. Are there any further questions or comments that you wish to express at this time?

NO

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

Isl Donald Scarlett Donald Scarlett
Signature

11-5-18
Date



CITY OF SIOUX CITY, IOWA
APPLICATION FOR APPOINTMENT TO A CITY COUNCIL
APPOINTED BOARD, COMMISSION OR COMMITTEE

Date 10/27/2018

BOARD, COMMISSION or COMMITTEE: PARKS AND RECREATION ADVISORY BOARD

GENDER BALANCE - Section 69.16A of the Iowa Code requires gender balance on those City Boards and Commissions required or governed by state law unless the City has made a good faith effort for a period of three months to appoint a qualified person. This affects and includes: Airport Board of Trustees; Civil Service Commission; Human Rights Commission; Library Board of Trustees; and Planning and Zoning Commission.

GENERAL INFORMATION

Name Sara Wiedenfeld Phone Residence 402-730-6647

Home Address 4401 Grayhawk Ridge Dr Sioux City IA 51106

E-Mail Address sarapharmd@gmail.com Street City/State Zip

Employer U of I College of Pharmacy/Siouxland Medical Ed Foundation Phone Business 712-294-5022

Business Address 2501 Pierce St Sioux City IA 51104 Street City/State Zip Code

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes No How many years have you been a resident? 11
Are you a registered voter? Yes No
Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes No (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

SERVING ON A BOARD - Are you currently serving on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

It is the general policy of the City to allow a person to serve on only one City Council appointed Board, Commission or Committee at any given time. If you answered yes, please explain why Council should make an exception to the general policy and allow you to serve on multiple Boards, Commissions or Committees:

Have you previously served on any other City Council appointed Board, Commission or Committee? Yes No If yes list here:

COMMUNITY INVOLVEMENT - Please describe your past and present community involvement including voluntary, social, city, church, school, business, and/or professional associations you have been involved in and are applicable to this application. (Include dates of involvement and any offices or leadership positions held.) Junior League of Sioux City 2009-present held leadership positions of secretary and VP of Community. Have been a project chair including this year chairing Camp High Hopes Sensory Playground. Chaired project with LaunchPAD.

STATE, COUNTY, or MUNICIPAL BOARDS or COMMISSIONS - List any you are presently serving on:

SPECIAL QUALIFICATIONS - Please list any special qualifications for serving on a City Council appointed Board, Commission or Committee including skills, training, licenses and certificates that are applicable:

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:
I am committed to improving the health of Siouxland residents. Access to parks and trails is important not only to me as a resident but also as a health care provider.

CONFLICT OF INTEREST - Chapters 362.5, 362.6, 403.16 and 403A.22 of the Code of Iowa describe potential conflicts of interest for City officials. A Disclosure of Interest Statement as well as the aforementioned Iowa Code has been attached to this application for your review. **If you have any questions regarding this issue please contact the City Attorney's Office at 712-279-6318.** Are you aware of any conflict of interest or potential conflict of interest that may prevent you from carrying out your responsibilities on this Board, Commission or Committee in the best interest of the City of Sioux City? If so, please describe:

PERSONAL REFERENCES - Please list 2 references, the City Council may contact your references:

Cindy Brewer Name: _____ 4723 Cambridge Ct Address: _____ Sioux City IA 51106 _____ 712-577-2571 Phone: _____	Cara Drew Name: _____ 5511 Wild Rose Ln Address: _____ Sioux City IA 51106 _____ 712-898-6261 Phone: _____
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I understand the role and responsibilities of membership on this City Council appointed Board, Commission or Committee and I am willing to serve. In applying for appointment I understand the City Council may make inquiries in the community pertinent to my appointment. I also understand that as a member of any Board, Commission or Committee I may be dismissed from the Board, Commission or Committee and or disqualified by the City Council as a candidate for the Board, Commission or Committee membership for making untrue or discriminatory statements about others, including members of protected classes.

If appointed, I am willing to attend the designated Board, Commission or Committee training. **Yes** **No**

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

Sara Wiedenfeld
10/27/2018
/s/ _____ Date _____
Signature

Applications are kept on file and active for 18 months from the date you file. A separate application must be completed for each Board, Commission or Committee on which you would consider serving. File applications with the City Clerk's Office, 1st floor, City Hall, 405 6th Street, Sioux City, Iowa, 51101; or mail to City Clerk's Office, P.O. Box 447, Sioux City, Iowa, 51102-0447; or email CityBoardsandCommissions@sioux-city.org. Thank you!



City of Sioux City
PARKS AND RECREATION ADVISORY BOARD
(Advisory Board)

MISSION STATEMENT

The Parks and Recreation Advisory Board advises the City Council on the operations of the city parks and recreation system. Provides recommendations on policies and regulations for the delivery of services (parks, recreation, aquatics, and facilities). Works with department staff to implement programs and assist in enhancing the quality of life for citizens of Sioux City.

MEMBER ROLE

Members will participate in an advisory capacity regarding the mission of park and recreation facilities and services. Members will assist staff in the development and implementation of cost effective quality programs and services, facilities and landscapes, and information as an essential link in creating a dynamic and vital Siouxland.

Nominee's Questionnaire

1. Describe your use of City parks, recreational programs and the facilities operated by the Sioux City Parks and Recreation Division.

I enjoy biking and often use the trail system. I also live close to Sertoma park and run on the trail regularly. While I don't have children, I take family members to the climbing wall and to the playground at Sertoma park when they come to visit.

2. Describe your interest in the parks and recreation industry as it applies to Sioux City.

I think having an active and diverse parks and recreation industry is vital to attracting and retaining residents of Sioux City and the health of our population.

3. Do you have specific ideas for future development, improvements or projects for parks and recreational facilities in Sioux City?

Connection of trails is important for me so biking becomes more accessible and safe for Sioux City's residents.

4. The Parks and Recreation Board is advisory in nature, what do you see as your role if appointed?

I can provide my feedback as an end user and generate ideas to make programs and services more attractive to young adults.

5. Are you able to commit time to the monthly board meeting held the 1st Wednesday of each month at 4:00 p.m.? (Please provide detail)

Yes- I have verified with my employer that they would support this

By typing my name in the box below I am offering my digital signature in lieu of my handwritten signature. I understand that my digital signature carries the same legal bindings as my handwritten signature.

Sara Wiedenfeld

10/27/2018

/s/ _____
Signature

_____ Date

A Closed Session of the City Council was held at 3:00 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Scott, and Watters. Absent: None.

Staff members present included: Robert Padmore, City Manager; Nicole M. DuBois, City Attorney; and Heidi Farrens, Deputy City Clerk.

Motion by Scott, seconded by Moore, that Council enter closed session to discuss the purchase or sale of particular real estate where premature disclosure could be reasonably expected to increase the price the City would have to pay for that property or reduce the price the City would receive for that property; all voting aye.

Motion by Scott, seconded by Capron, that Council enter closed session to discuss strategy with Counsel in matters where litigation is imminent and its disclosure would be likely to prejudice or disadvantage the position of the City in that litigation; all voting aye.

Motion by Scott, seconded by Moore, that Council enter closed session to discuss strategy with Counsel about matters that are presently in litigation because public disclosure would be likely to prejudice or disadvantage the position of the City in that litigation; all voting aye.

Motion by Scott, seconded by Capron, that Council return to open session at 4:06 p.m.; all voting aye.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:07 p.m., on motion by Scott, seconded by Moore; all voting aye.

ATTEST: _____
Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

City Council minutes are available on the Internet at www.siox-city.org.

u:\CityAgenda\Minutes and Agendas\Council Minutes\2018\110518csm

1. The Regular Meeting of the City Council was held at 4:12 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Scott, and Watters. Absent: None.

Staff members present included: Robert Padmore, City Manager; Nicole M. DuBois, City Attorney; and Lisa McCardle, City Clerk.

Mayor Scott read a commendation for Dave and Karen Dreessen, 4500 Lincoln Way, awarding them the 2018 "Yard of the Year Award;" the Dreessen's accepting.

2. The Council interviewed the following applicants for positions on City Council appointed Boards, Commissions and Committees:
 - A. Effective Fiscal and Public Policy Committee: Dee Davis
 - B. Gjilan Kosovo Sister City Committee: Lisa Max
 - C. Human Rights Commission: Charlotte Gorter did not appear for her scheduled interview, she will be rescheduled for a later date.

CONSENT AGENDA

Motion by Scott, seconded by Moore, to adopt the Consent Agenda; all voting aye. Items 3 through 13J are approved unanimously unless specifically noted after the item.

3. Reading of the City Council minutes of October 22 and 24, 2018.

Reading of the minutes of October 22 and 24, 2018, was waived and as part of the consent agenda the minutes were approved as presented.

4. DIXON - Resolution accepting the work and authorizing final payment to Dixon Construction Company for the 38th Street Bridge over Perry Creek Project, Iowa Department of Transportation Project No. BROS-7057(682)--8J-97. (City Project No. 6346-719-352) **2018-0869**

Dave Carney, Public Works Director; and Gordon Phair, City Engineer, provided information on the item.

5. CBD URBAN RENEWAL - Resolution inviting proposals for the lease of land in the Combined Central Sioux City -CBD Urban Renewal Area, announcing the intent to accept the proposal of Handy L.C., fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (That part of vacated Jennings Street abutting 839 Gordon Drive) **2018-0870**

Jeff Hanson, Community Development Operations Manager, provided information on the item.

6. CONE PARK - Resolution accepting a donation from the Parks and Recreation Foundation for the Cone Park Project in the amount of \$7,885. **2018-0871**

7. BOA - Motion acknowledging Board of Adjustment actions of October 23, 2018. **2018-0872**
8. ASSESSMENT - Resolution assessing unpaid Skywalk Operation Charges against 622 4th Street. (Badgerow Building) **2018-0873**

Moore abstained on the item due to a conflict of interest.

9. ACTIONS ADOPTING CONSTRUCTION DOCUMENTS

- A. ART CENTER - Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the Sioux City Art Center Renovation Project. (Project No. 7001-339-003) **2018-0874**
- B. CURB/GUTTER - Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the 2019 Annual Curb and Gutter Project. (Project No. 7006-719-121) **2018-0875**
- C. MILITARY RD - Resolution adopting construction documents for the proposed construction of the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97. (City Project No. 6755-719-354) **2018-0876**

Dave Carney, Public Works Director; and Gordon Phair, City Engineer, provided information on the item.

10. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

- A. QUALCHOICE - Resolution approving Amendment No. 1 to the Consulting Services Agreement with QualChoice Health, Inc. (a wholly owned subsidiary of Catholic Health Initiatives) and Mercy Business Health Services of Sioux City of Sioux City, Iowa to change the implementation date of the Wellness Program for city employees from January 1, 2019 to December 1, 2018. (RFP No. 244) **2018-0877**
- B. LAMB - Resolution authorizing and approving a First Amendment to the Development Agreement with LAMB Arts, LTD. (Property located at 625 Douglas Street) **2018-0878**
- C. SDH - Resolution authorizing and approving a Motor Vehicle Lease Agreement between the Siouxland District Health Department and the City of Sioux City for the use of one (1) 2019 Ford Fusion sedan. **2018-0879**
- D. OLSSON - Resolution approving Amendment No. 3 to the Consulting Services Agreement with Olsson Associates for additional construction services in connection with the 46th Street Paving and Drainage Improvements Project in an amount not to exceed \$2,404.51. **2018-0880**

- E. IDOT - Resolution approving Agreement No. 2019-4-031 with the Iowa Department of Transportation for the reconstruction of I-29 from 1.5 miles south of the Riverside Boulevard interchange to US-77 (including Hamilton Boulevard) Project and authorizing payment. (IDOT Project No. IM-NHS-029-7(47)14--03-97)
2018-0881
- F. HGM - Resolution approving Amendment No. 1 to the Engineering Services Agreement with HGM Associates Inc. for additional design services and the removal of inspection services in connection with the Bluff Road Bridge Project (Iowa DOT Project Number BROS-7057(697--8J-97 / City Project No. 6874-719-355) for a reduced contract in an amount not to exceed \$199,511.
2018-0882
- G. VEENSTRA & KIMM - Resolution approving a Consulting Services Agreement with Veenstra & Kimm, Inc. for the 2019-2020 Bridge Inspection and Rating Program in an amount not to exceed \$97,000. (Project No. 7017-719-138)
2018-0883
- H. CAB - Resolution approving a Development Agreement with CAB Estates LLC for a residential development located at 2619 ½ Glen Ellen Road and authorizing the execution thereof.

Jeff Hanson, Community Development Operations Manager, provided information on the item.

Motion by Scott, seconded by Capron, to defer this item to November 19, 2018; all voting aye.

- I. UNION PACIFIC - Resolution authorizing and approving an agreement with the Union Pacific Railroad Company for railroad crossing improvements at Murray Street in connection with the Bridgeport West Improvements (South Patton Street from Boulevard of Champions to Bridgeport Drive, Harbor Drive, Singing Hills Boulevard, and Southbound I-29 Exit Ramp) Project (Project No. 6845B-719-247) in an amount not to exceed \$79,122.00.
2018-0884

11. PURCHASING

- A. BARCO - Resolution awarding a purchase order to Barco Municipal Products Inc. in the amount of \$92,836 for the purchase of chain for snow tires for the Field Services Division. (Bid No. 254387)
2018-0885

Motion by Moore, seconded by Scott, to amend the item awarding a purchase order to Thermo King Christensen in the amount of \$93,675.86; all voting aye. Resolution passed as amended as part of the consent agenda.

- B. KNOEPFLER - Resolution awarding a purchase order to Knoepfler Chevrolet of Sioux City, Iowa, in the amount of \$73,546 for the purchase of four (4) 2019 Chevrolet Malibu sedans. (RFQ No. 254231)
2018-0886

- C. UTILITY EQUIPMENT - Resolution awarding a purchase order to Utility Equipment of Sioux City, Iowa, for the purchase of fire hydrant replacement parts through November 5, 2019. (RFQ No. 254499) **2018-0887**

12. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. ON-PREMISE SALES

1. CLASS C LIQUOR LICENSE (liquor/wine/beer/wine coolers/carry-out)
 - A. El Tapatio, 3400 Gordon Drive (Renewal)
2. SPECIAL CLASS C LIQUOR LICENSE (wine/beer/wine coolers/carry-out)
 - A. 5 Star Nails and Spa, 1937 Hamilton Boulevard (Renewal)
 - B. Sioux City Arts Center, 225 Pierce Street (Temporary Transfer to 220 Pierce Street, November 14-15, 2018)
 - C. Cone Park, 3800 Line Drive (Renewal)
 - D. La Juanita, 1316 Pierce Street (Renewal)
 - E. Winestyles, 5002 Sergeant Road (Renewal)

B. OFF PREMISE SALES

1. CLASS B WINE PERMIT (wine only)
 - A. Downtown Liquor, 1203 5th Street (Renewal)
 - B. White Oak Station No. 54, 2626 Court Street (Renewal)
 - C. White Oak Station No. 55, 2930 Gordon Drive (Renewal)
 - D. White Oak Station No. 56, 1031 Morningside Avenue (Renewal)
 - E. Winestyles, 5002 Sergeant Road (Renewal)
2. CLASS C BEER PERMIT (beer/wine coolers)
 - A. Downtown Liquor, 1203 5th Street (Renewal)
 - B. White Oak Station No. 54, 2626 Court Street (Renewal)
 - C. White Oak Station No. 55, 2930 Gordon Drive (Renewal)
 - D. White Oak Station No. 56, 1031 Morningside Avenue (Renewal)
3. CLASS E LIQUOR LICENSE (liquor only)
 - A. Downtown Liquor, 1203 5th Street (Renewal)

13. BOARD, COMMISSION, AND COMMITTEE MINUTES

- A. Art Center Board of Trustees – October 18, 2018
- B. Board of Adjustment – October 23, 2018
- C. Library Board of Trustees – October 17, 2018
- D. Mayor's Youth Commission – October 1 and 15, 2018
- E. Museum Board of Trustees – October 12, 2018
- F. Parking and Skywalk System Board of Trustees – October 17, 2018
- G. Planning and Zoning Commission – October 23, 2018
- H. Seniors Advisory Committee – October 23, 2018
- I. Sports Commission – October 17, 2018
- J. Transit System Advisory Board – October 17, 2018

- End of Consent Agenda -

RECOMMENDATIONS OF PLANNING AND ZONING

14. Hearing and Ordinance vacating all that part of 9th Street adjacent to 901 Saint Mary's Street and 3615 7th Street and the north/south alley adjacent to 901 Saint Mary's Street and 916 Martha Street. (Petitioners: Donald Sewalson and Allan Sewalson) The Planning and Zoning Commission recommends approval of this item. (File No. 2018-0076) **2018-0888**

Michelle Bostinelos, Planning and Zoning Commission Chair, provided information on the item.

Motion by Scott, seconded by Capron, to close the hearing and pass first consideration of the ordinance; all voting aye.

On motion by Scott, seconded by Capron, all voting aye; the Statutory Rule requiring that an ordinance be considered at three separate meetings was suspended. On motion by Scott, seconded by Moore, the ordinance passed second and third considerations; all voting aye.

15. Hearing and Ordinance rezoning a portion of 5201 Harbor Drive from Zone Classification BP (Business Park) to Zone Classification GI (General Industrial). (Petitioner: AJLB L.L.C.). The Planning and Zoning Commission recommends approval of this item. (File No. 2018-0077) **2018-0889**

Jeff Hanson, Community Development Operations Manager; Michelle Bostinelos, Planning and Zoning Commission Chair, provided information on the item.

Motion by Scott, seconded by Watters, to close the hearing and pass first consideration of the ordinance; all voting aye.

On motion by Scott, seconded by Capron, all voting aye; the Statutory Rule requiring that an ordinance be considered at three separate meetings was suspended. On motion by Scott, seconded by Capron, the ordinance passed second and third considerations; all voting aye.

16. Hearing and Ordinance vacating the north/south alley in the block bounded by Prescott Street, W. 5th Street, Colon Street and W. 4th Street. (Petitioner: Nelson Commercial Construction). The Planning and Zoning Commission recommends approval of this item. (File No. 2018-0078) **2018-0890**

Michelle Bostinelos, Planning and Zoning Commission Chair, provided information on the item.

Motion by Scott, seconded by Watters, to close the hearing and pass first consideration of the ordinance; all voting aye.

On motion by Scott, seconded by Moore, all voting aye; the Statutory Rule requiring that an ordinance be considered at three separate meetings was suspended. On motion by Scott, seconded by Capron, the ordinance passed second and third considerations; all voting aye.

17. Resolution Approving the final plat of Claret View Subdivision, a 49 Lot Residential Subdivision Located west of Glen Ellen Road and about 2,400 feet north of Whispering Creek Drive. (Petitioner: CAB Estates (Jon Sulzbach)). The Planning and Zoning Commission recommends approval of this item with conditions. (File No. 2018-0080). **2018-0891**

Michelle Bostinelos, Planning and Zoning Commission Chair, provided information on the item.

Motion by Scott, seconded by Capron, to adopt the proposed resolution; all voting aye.

HEARINGS

18. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for the Western Hills to Indian Hills Pressure Zone and Tank Demolition Project. (Project No. 6859-519-248)

Dave Carney, Public Works Director; and Brad Puetz, Water Plant Superintendent, provided information on the item

No protests were received. The hearing was closed and the proposed resolution adopted on motion by Scott, seconded by Moore; all voting aye.

Motion by Watters, seconded by Moore, to reconsider the resolution; Capron, Groetken, Moore, and Watters voting aye; Scott voting nay; thus the motion to reconsider is approved.

Motion by Watters, seconded by Capron, to delete this item; Capron, Groetken, Moore, and Watters voting aye; Scott voting nay.

19. Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the Garretson Avenue Realignment Project. (Project No. 6839A-139-018) **2018-0893**

No protests were received. The hearing was closed and the proposed resolution adopted on motion by Scott, seconded by Watters; all voting aye.

20. Hearing and Resolution accepting the proposal of Motor Mart, LLC for the purchase of certain land in the Combined Central Sioux City - CBD Urban Renewal Area, and authorizing a Second Amendment to Development Agreement and a Second Amendment to Minimum Assessment Agreement (The North half of the Vacated North/South Alley and West half of the Vacated East/West alley adjacent to 520 Nebraska Street) **2018-0894**

No protests were received. The hearing was closed and the proposed resolution adopted on motion by Scott, seconded by Moore; all voting aye.

ORDINANCES

21. Ordinance amending Chapter 10.30 entitled "Miscellaneous City Rules of the Road" of the Sioux City Municipal Code to repeal the prohibition of soliciting in public rights-of-way. **(First consideration passed October 22, 2018) 2018-0895**

The ordinance was considered on motion by Scott, seconded by Capron, to pass second consideration; all voting aye.

On motion by Scott, seconded by Moore, all voting aye; the Statutory Rule requiring that an ordinance be considered at three separate meetings was suspended. On motion by Scott, seconded by Watters, the ordinance passed third consideration; all voting aye.

22. Ordinance amending Chapter 8.04 entitled "Firearms and Weapons" of the Sioux City Municipal Code to prohibit carrying certain toy and simulated firearms or weapons on an individual's person.

Capt. Mark Kirkpatrick, Police Department; Sergeant Scott Hatting, Police Department; and Caleb Christophersen, Assistant City Attorney, provided information on the item.

The ordinance was considered on motion by Scott, seconded by Capron, to pass first consideration; all voting aye.

23. Ordinance amending several Chapters of the Sioux City Municipal Code to reflect the current organization of the City, to comply with State Code and other house-keeping amendments. **2018-0896**

The ordinance was considered on motion by Scott, seconded by Moore, to pass first consideration; all voting aye.

On motion by Scott, seconded by Moore, all voting aye; the Statutory Rule requiring that an ordinance be considered at three separate meetings was suspended. On motion by Scott, seconded by Moore, the ordinance passed second and third considerations; all voting aye.

DISCUSSION

24. Resolution approving a Consulting Services Agreement with RML Architects LLC for design and construction observation in connection with the Utilities Garage and Office Building Project in an amount not to exceed \$372,655. (Project No. 7025-889-012) **2018-0897**

Rick Mach, Special Assistant to the City Manager, provided information on the item.

Motion by Scott, seconded by Groetken, to adopt the proposed resolution; all voting aye.

PRESENTATION

25. Spectra Progress Update

Rick Hontz, Regional Vice President; Erika Newton, General Manager; Meghan Calvagna, Director of Partnerships; and Enzo Canannante, Assistant General Manager, provided information on the item.

26. CITIZEN CONCERNS

There were no citizen concerns.

27. COUNCIL CONCERNS

Watters stated he was proud of the community representation in attendance at the Interfaith Memorial Service on November 1st. Watters discussed the Events Facilities and Tourism Advisory Board and the results of their first meeting.

Moore stated the commissioning of the USS Sioux City is November 17, 2018.

28. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:00 p.m., on motion by Scott, seconded by Moore; all voting aye.

ATTEST: _____
Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

City Council minutes are available on the Internet at www.sioux-city.org.

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 4

FROM: Donna Forker, Finance Director

SUBJECT: **Motion accepting the Effective Fiscal and Public Policy Committee Annual Report.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests Council approve a motion accepting the Effective Fiscal and Public Policy Commission’s Fiscal Year 2018 Annual Report.

DISCUSSION:
The committee was established January 24, 2011 to provide citizen input on a wide variety of public and fiscal policy issues. The annual report is prepared to satisfy Municipal Code Section 2.66.070 which requires boards and commissions to file annual reports with the City Council.

FINANCIAL IMPACT:
None

RELATIONSHIP TO STRATEGIC PLAN:
Progressive Leadership Vision- We will use formal and informal methods to engage the Council, our employees and our customers to enhance organizational engagement and commitment to our shared vision.

ALTERNATIVES:
The City Council could reject the report.

ATTACHMENTS:
Effective Fiscal and Public Policy Committee Annual Report

EFFECTIVE FISCAL AND PUBLIC POLICY COMMITTEE ANNUAL REPORT FISCAL YEAR 2018

MISSION STATEMENT: The Effective Fiscal and Public Policy Committee (EFPPC) will review and make recommendations to the City Council on matters pertaining to budgets, capital expenditures, and revenues and operating expenditures as well as make other recommendation on fiscal matters as it may be advisable while considering what is in the best interest of the taxpayers and the City. The committee also serves as an advisory and resource body to the City Council by analyzing, developing and recommending policies and procedures concerning issues not addressed by other boards, commissions and committees.

MEMBERS ROLE: The Effective Fiscal and Public Policy Committee concerns itself with matters relating to taxation and other revenue measures; the bonded debt of the City of Sioux City; deposit of public moneys; the expenditure of public funds; and all aspects of financial policies. The Effective Fiscal and Public Policy Committee provide an opportunity for detailed discussion and consideration of financial matters. The advisory committee shall prepare recommendations and submit them to the City Council based on requests from the City Council relating to current community concerns. Examples of those requests are: review and assistance with strategic planning and special project review and formulation on City projects or initiatives with broad impact. The committee will consider issues that are not the responsibility of other boards, commissions, or committees. The role is advisory only.

EXECUTIVE SUMMARY: The first meeting of the EFPPC was held on February 22, 2011. The committee was established when the Fiscal Management Committee and the Effective Public Policy Committee were dissolved and merged into the new board, Resolution No. 2011-0069, (January 24, 2011). During the Fiscal Year 2018 the committee met seven times.

ACCOMPLISHMENTS:

- Provided input on the City's Comprehensive Plan
- Reviewed the FY 2019 Operating and CIP budgets
- Provided the Parks and Recreation Director feedback on Cone Park and City Trail Projects
- Reviewed and vetted the Park's Restroom Policy
- Received an update on the Plans Review Process
- Reviewed the State's Property Tax Backfill process and the need for the Backfill
- Provided input on the City's efforts for combating the Emerald Ash Borer

GOALS: The EFPPC will discuss and make recommendations on topics as directed by the City Council.

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 5

FROM: Michelle Brady, Neighborhood Services Project & Financial Coordinator

SUBJECT: **Motion accepting the Senior Living Survey Summary and Work Plan for 2019.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council accept the Senior Living Survey Summary and Work Plan.

DISCUSSION:

The Seniors Advisory Committee originated on February 27, 2017, via resolution no. 2017-0150. The focus of the committee is to serve as an advocate for senior citizens to the City Council to represent the interests of and enhance the quality of life for seniors in the city. The committee has worked diligently to secure information about senior services existing in the city and to develop a Senior Living Survey which would help to determine the group's direction for the coming year.

The Senior Living Survey was implemented from August 31 until September 30, 2018. The survey was marketed to persons 55 and over, their families, and their caretakers. The survey covered five areas: General Information, Community, Transportation, Opportunities, and Health and Home. A total of 356 surveys were completed and a Senior Living Survey and Work Plan for 2019 was developed from the data. The committee has identified the top ten areas of concern and developed a work plan for the next year.

A hard copy of the Senior Living Survey and Work Plan for 2019 is provided.

FINANCIAL IMPACT:

None.

RELATIONSHIP TO STRATEGIC PLAN:

Grow Sioux City

ALTERNATIVES:

None.

ATTACHMENTS:

Hard Copy – Senior Living Survey and Work Plan for 2019

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 6

FROM: Angel Wallace, Parks and Recreation Manager

SUBJECT: Resolution temporarily closing 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 7:30 p.m., and temporarily closing 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 5:00 p.m. and ending at 6:15 p.m. November 19, 2018 to accommodate Downtown Partners Sioux City's Holiday Lighted Parade and staging.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve a resolution requesting temporary street closures to accommodate Downtown Partners Sioux City's Holiday Lighted Parade.

DISCUSSION:

Downtown Partners Sioux City requests the temporary street closures of 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 7:30 p.m., and the temporary street closures of 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 5:00 p.m. and ending at 6:15 p.m., November 19, 2018 to accommodate Downtown Partners Sioux City's Holiday Lighted Parade and staging.

The Special Event packet has been completed and routed to the required city departments for approval. All necessary permits will be obtained by the organizer. To promote safe community events, we propose to temporarily close these rights-of-way for the period specified.

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Quality of Life

Strategic Focus Areas - Explore Destination Sioux City; Grow Sioux City Pride

ALTERNATIVES:

Deny the request for street closures and direct the event coordinator to seek an alternative location.

ATTACHMENTS:

Resolution

Map

RESOLUTION NO. 2018 - _____

RESOLUTION TEMPORARILY CLOSING 4TH STREET FROM IOWA STREET TO NEBRASKA STREET, NEBRASKA STREET FROM 4TH STREET TO 5TH STREET, AND 5TH STREET FROM NEBRASKA STREET TO JONES STREET BEGINNING AT 6:15 P.M. AND ENDING AT 7:30 P.M., AND TEMPORARILY CLOSING 3RD STREET FROM IOWA STREET TO COURT STREET, AND IOWA STREET FROM 3RD STREET TO 4TH STREET BEGINNING AT 5:00 P.M. AND ENDING AT 6:15 P.M., NOVEMBER 19, 2018 TO ACCOMMODATE DOWNTOWN PARTNERS SIOUX CITY'S HOLIDAY LIGHTED PARADE AND STAGING.

WHEREAS, Downtown Partners Sioux City desires to conduct a Holiday Lighted Parade; and

WHEREAS, the parade involves the temporary closures of 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 7:30 p.m., and the temporary closures of 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 5:00 p.m. and ending at 6:15 p.m. on November 19, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street be and the same are hereby temporarily closed beginning at 6:15 p.m. and ending at 7:30 p.m., and 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street be the same are hereby temporarily closed beginning at 5:00 p.m. and ending at 6:15 p.m., November 19, 2018 to accommodate Downtown Partners Sioux City's Holiday Lighted Parade and staging.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Downtown Holiday Lighted



<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 7

Monette Harbeck, Parking & Meter Operations Supervisor

FROM: David Carney, Public Works Director
Brett Langley, Civil Engineer

SUBJECT: Resolution accepting the work and authorizing final payment to Nelson Construction & Development for the 2018 Discovery Parking Ramp Repair Project (Project No. 6980-728-012).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the resolution accepting the work and authorizing final payment in the amount of \$4,187.26 now and \$13,589.36 in 30 days to Nelson Construction & Development for the 2018 Discovery Parking Ramp Repair Project (Project No. 6980-728-012).

DISCUSSION:

A contract was awarded to Nelson Construction & Development of Sioux City, Iowa on April 23, 2018 under Resolution No. 2018-0302 for a contract amount of \$268,100.00. The work has been completed and approved by City staff.

This project involved the construction of steel beams to help reinforce portions of the first floor of the Discovery Parking Ramp. Various heating, ventilation, and electrical items needed to be removed and replaced in association with this work.

Below is a summary of the project:

Original Contract Amount: \$268,100.00

Change Order No. 1 Summary: \$3,687.26

This change order was for additional HVAC work and additional light fixtures that were replaced in the area of the newly installed beam supports for the Discovery Parking Ramp.

Final Construction Cost: \$271,787.26

The final construction cost for this project is \$271,787.26 which is 1.37% above the original contract amount.

FINANCIAL IMPACT:

This project is funded using Parking Abated GO Bonds under CIP 728-012 "Annual Parking Ramp Repairs". The project currently has an available balance of \$431,639.43.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

Council can choose not to accept the work and staff will go back to the contractor to discuss any issues.

ATTACHMENTS:

Resolution
Engineer's Statement of Final Acceptance
Final Payment Application

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL PAYMENT TO NELSON CONSTRUCTION & DEVELOPMENT FOR THE 2018 DISCOVERY PARKING RAMP REPAIR PROJECT (PROJECT NO. 6980-728-012).

WHEREAS, on April 23, 2018, Sioux City, Iowa entered into a contract with Nelson Construction & Development of Sioux City, Iowa for the 2018 Discovery Parking Ramp Repair Project within the City as therein described; and

WHEREAS, said contractor has satisfactorily completed the construction of the project in accordance with the terms and conditions of said contract and the plans and specifications as shown by the engineer's report filed with the City Clerk on November 19, 2018, and attached hereto and made a part hereof; and

WHEREAS, in accordance with the terms of the contract, the contractor is entitled to final payment, providing no liens have been filed against the work.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

- A. The said report of the engineer, be, and the same is hereby approved and adopted and the project is hereby approved and accepted as having been fully completed in accordance with the said plans and specifications and contract and the total project cost of the project under said contract is hereby determined to be \$271,787.26 as shown in said report of the engineer.

- B. The Director of Finance be, and she is hereby authorized and directed to issue a check in the amount of \$4,187.26 now and \$13,589.36 in thirty days provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of Nelson Construction & Development for the construction of the project.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Walker Consultants
1660 S. Highway 100, Suite 545
Minneapolis, MN 55416
Voice: 952.595.9116
www.walkerconsultants.com

November 9, 2018

Mr. Brett Langley, P.E.
Civil Engineer
City of Sioux City
405 6th Street, P.O. Box 447
Sioux City, IA 51102

*Re: Statement for Compliance of Work
Discovery Parking Ramp 2018 Repairs
Walker Project #21-4248.20*

Dear Mr. Langley:

Walker Consultants provided Construction Administration services for the 2018 Discovery Parking Ramp restoration project. The contractor for the work was Nelson Construction & Development, located at 1104 4th Street, Sioux City, Iowa.

We are providing this letter to close out work associated with the project. All work associated with the project was found to be in substantial compliance with the Construction Documents dated February 28, 2018, including Addendum 1 dated March 8, 2018.

Sincerely,

WALKER CONSULTANTS

A handwritten signature in green ink, appearing to read "Richard J. Elsher".

Richard J. Elsher
Project Manager



405 8th Street | P.O. Box 447 | Sioux City, IA 51102

Engineer's Report

CERTIFICATE OF PAYMENT

No. 5 - Final

Date of Issuance: 11/19/2018

Project No. 6980-728-012

Contract Date: 5/7/2018

Payment Period
9/29/18 to 10/22/18

Project: 2018 Discovery Parking Ramp Repair Project

Contractor: Nelson Construction and Development
2805 W. 4th Street
Sioux City, IA 51103

DETAILED ESTIMATE			
Description	Quantity	Unit Price	Total Cost
See Attached.			

Value of Work Completed this Estimate: \$4,187.26

Original Contract Price:	<u>\$268,100.00</u>
Approved Change Orders:	
No. 1 Date: 10-22-18	<u>\$3,687.26</u>
No. Date:	<u>\$0.00</u>
No. Date:	<u>\$0.00</u>
No. Date:	<u>\$0.00</u>
No. Date:	<u>\$0.00</u>
Total Contract Price:	<u>\$271,787.26</u>

Total Value of Completed Work	<u>\$271,787.26</u>
Total Retainage (5%)	<u>\$13,589.36</u>
Total Net Amount	<u>\$258,197.90</u>

Less: Estimates previously approved:

	<u>Net Payment</u>	<u>Retainage</u>
No. 1	<u>\$48,260.00</u>	<u>\$2,540.00</u>
No. 2	<u>\$51,889.00</u>	<u>\$2,731.00</u>
No. 3	<u>\$79,743.00</u>	<u>\$4,197.00</u>
No. 4	<u>\$74,328.00</u>	<u>\$3,912.00</u>
No. 5	<u>\$0.00</u>	<u>\$0.00</u>
Total	<u>\$254,220.00</u>	<u>\$13,380.00</u>

Value of Work Completed this Estimate: \$4,187.26
 Retainage held this Estimate: \$209.36
NET AMOUNT DUE THIS ESTIMATE: \$3,977.90

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications, and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

The Contractor hereby declares that during this payment period, that they have not performed any work, furnished any material, sustained any loss, damage or delay for any reason, including soil conditions encountered or created, or otherwise done anything for which they shall ask, demand, sue for, or claim compensation except as is hereby claimed for additional compensation and/or extension of time, as set forth on the attached itemized statement.

Steve Nelson Steve Nelson 10/30/18
 Contractor (Print) Signature Date

Rick Eisner Rick Eisner 10/25/18
 Inspector (Print) Signature Date

Brett Langley Brett Langley 10-30-18
 Project Engineer (Print) Signature Date

Gordon Phair Gordon Phair 10/30/18
 City Engineer (Print) Signature Date

cc: Contractor
Engineering
Finance
Clerk's Office

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 8

FROM: John Malloy, WCICC-IT Director

SUBJECT: Resolution approving the selection of Jeff Sypersma as the citizen representative on the Woodbury County Information and Communication Commission for a three year term expiring December 31, 2021

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve the resolution designating Jeff Sypersma as the Citizen Representative on the Woodbury County Information and Communication Commission for a three year term expiring December 31, 2021.

DISCUSSION:

The 28E Agreement between Woodbury County and the City of Sioux City which creates the WCICC Board requires that the Citizen Representative serving on the Commission be approved by the City Council and by the Woodbury County Board of Supervisors. The Commission is recommending that Jeff Sypersma be approved for another three year term which will expire December 31, 2021.

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

MUNICIPAL RESPONSIBILITIES

- Progressive Leadership

ALTERNATIVES:

None recommended at this time.

ATTACHMENTS:

- Resolution
- 28E Agreement
- First Amendment to 28E Agreement

RESOLUTION NO. 2018 - _____

RESOLUTION APPROVING THE SELECTION OF JEFF SYPERSMA AS THE CITIZEN REPRESENTATIVE ON THE WOODBURY COUNTY INFORMATION AND COMMUNICATION COMMISSION FOR A THREE YEAR TERM EXPIRING DECEMBER 31, 2021

WHEREAS, the City of Sioux City, Iowa has previously entered into an Intergovernmental Agreement with Woodbury County, Iowa pursuant to Chapter 28E of the Code of Iowa to form the Woodbury County Information and Communication Commission; and

WHEREAS, said 28E Intergovernmental Agreement provides that a Citizen Representative selected by Commission members shall serve on the commission subject to approval by the Woodbury County Board of Supervisors and the Sioux City City Council; and

WHEREAS, the four City and County Commission members have selected Jeff Sypersma as the Citizen Representative on the Woodbury County Information and Communication Commission; and

WHEREAS, the City Council believes that it is in the best interest of all concerned to approve the selection of Jeff Sypersma as the Citizen Representative on the Woodbury County Information and Communication Commission for a three year term expiring December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the selection of Jeff Sypersma as Citizen Representative on the Woodbury County Information and Communication Commission for a three year term expiring December 31, 2021 is hereby ratified and approved pursuant to the terms of the aforementioned 28E Intergovernmental Agreement.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Roll 693 Image 566-575

Document 2183 Type AGRMT Pages 18
Date 8/16/2007 Time 10:05 AM
Rec Amt \$52.00

PATRICK F GILL: AUDITOR AND RECORDER
-WOODBURY COUNTY IOWA

Intergovernmental Agreement creating the
Woodbury County Information and Communication Commission

PREPARER INFORMATION: James Abshier, P.O. Box 447, Sioux City, Iowa 51102
Telephone No. (712) 279-6318

TAXPAYER INFORMATION:

RETURN DOCUMENT TO: City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

GRANTORS: Page 4

GRANTEES: Page 4

LEGAL DESCRIPTION: None

RESOLUTION NO. 2007-
with attachments

000540

FILED
SECRETARY OF STATE
IOWA

AUG 7 10 00 AM '07

RESOLUTION APPROVING A 28E INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF SIOUX CITY, IOWA AND WOODBURY COUNTY,
IOWA, CREATING THE WOODBURY COUNTY INFORMATION AND
COMMUNICATIONS COMMISSION

WHEREAS, the City of Sioux City, Iowa and Woodbury County, Iowa, desire to create an Intergovernmental Agreement creating the Woodbury County Information and Communications Commission as set forth in the attached Intergovernmental Agreement; and

WHEREAS, the City Council is advised and does believe that said Intergovernmental Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the attached Intergovernmental Agreement creating the Woodbury County Information and Communications Commission be and the same is hereby approved as to form and content and the Mayor and City Clerk are hereby authorized and directed to execute said Intergovernmental Agreement for and on behalf of the City.

BE IT FURTHER RESOLVED that a copy of this Intergovernmental Agreement be filed with the Secretary of State and the Woodbury County Recorder.

PASSED AND APPROVED: July 9, 2007

Craig S. Berenstein
Craig S. Berenstein, Mayor

ATTEST:

Lisa L. McCardle
Lisa L. McCardle, City Clerk

**Intergovernmental Agreement Creating the Woodbury County Information And
Communication Commission**

Preamble

This agreement is made and entered into by and between the ~~City~~ of Sioux City, Iowa (herein "City"), and Woodbury County, Iowa (herein "County") to be effective on the 1st day of July, 2007.

Article I – Name

The official name of the organization created herein is the "Woodbury County Information and Communication Commission" (herein "WCICC").

Article II - Nature of the Commission

Pursuant to the provisions of Chapter 28E of the Code of Iowa, the City and County hereby create the Woodbury County Information and Communication Commission (herein "COMMISSION") as a separate administrative entity to carry out the purposes of this Agreement. The Commission has two separate and distinct functions. The first is to oversee the combined Information Technology (herein "IT") of the City and the County. The second is to establish broad policies for the operation of the Communications Center serving the City, the County and surrounding areas. Operational supervision shall be provided by a committee of law enforcement personnel appointed, in part, by the Commission. Therefore, this Agreement is divided into two functions. **Division I** sets forth general matters applicable to both functions. **Division II** sets forth the powers and responsibilities of the Commission as they relate to Information Technology. **Division III** sets forth the powers and responsibilities of the Commission as they relate to the Communications Center.

Division I – General Provisions

Article IA Commissioners

The Commission created hereby shall consist of five Commissioners who shall be one of the following:

1. Two members from the City Council of Sioux City.
2. Two members from the Woodbury County Board of Supervisors.
3. A Citizen Representative selected by the four Commissioners, subject to the approval of the Sioux City City Council and the Woodbury County Board of Supervisors who shall serve for a three year term. The Citizen Representative may serve an additional three year term subject to approval of the Sioux City, City Council and the Woodbury County Board of Supervisors.

The City Council of Sioux City and Board of Supervisors of the County shall designate by resolution their respective members of the Commission, and may designate alternates who shall serve in the absence of the designated Commissioners, which alternates shall exercise all the powers of the designated Commissioner. Alternates must be members of the City Council or the Board of Supervisors.

The Citizen Representative shall serve as Chairperson of the Commission.

A quorum shall consist of a majority of all the Commissioners. However, the quorum must consist of a Commissioner from the City Council and a Commissioner from the Board of Supervisors. Each Commissioner shall be entitled to one vote. Actions may be taken by the Commission upon a majority vote of all the Commissioners unless otherwise stated herein or unless the Commission establishes a requirement of a greater number of votes through adoption of a bylaw to that effect which is agreed to by the County and the City.

Article IB – Purpose

The purpose of the Commission shall be:

1. To provide protective communications services to persons within Woodbury County and the Sioux City area, in an effective and cost efficient manner through the consolidation of the communicative operations of the law enforcement and emergency services of those units of government who are participants in this Agreement into a single Communication Center.
2. To operate, manage and provide long-term planning and evaluation, fiscal administration, contractual administration, legal compliance, and standards and policy setting for a City and County's law enforcement departments and such other units of Government utilizing criminal information as part of their operations who become participating members of this Agreement.
3. To continue cooperating with the City and County in the implementation of collaborative utilization of Information Technology, Systems, Applications, and Data Transfer of City and County information. To continue to operate, manage, and provide long-term planning and evaluation, fiscal administration, operational administration, contractual administration and standards for a consolidated Datacenter for all of the City and County IT needs and such other units of government who become participating members of this agreement.

Article IC – Duration

The duration and existence of the Commission and this Agreement shall be for a period of twenty years from the date of this Agreement, unless it is sooner dissolved as hereinafter provided.

Article ID – General Powers

The Commission shall have the power to do all things necessary under Chapter 28E of the Iowa Code to carry out its purpose as stated herein, so long as its actions are not in conflict with the laws of the City of Sioux City, the State of Iowa, or the United States of America.

The Commission may enter into all necessary contracts and may make expenditures for such services, administration, and planning as the Commission deems to be in the best interests of the participants herein consistent with the approved budget. The Commission shall hire a person as its Director of Information Technology. This person shall be under the supervision of the Commission. The Director of the Communications Center shall be employed by the Communications and Criminal Information Committee and subject to their supervision. Both the Director of Information Technology and the Director of the Communications Center shall be City employees for the purposes of wages, benefits, and employee organizational rights. For the purpose of carrying out this Agreement, the Commission may acquire title to real property.

A decision by a majority of the members of the Commission shall be binding upon the City and the County.

Article IE – Insurance

The Commission may obtain such insurance as is necessary to cover risks of operating the Communications Center or the Information Technology Center consistent with the approved budget.

Article IF – Meetings

The Commission shall meet not less than once each calendar month, at such times and places as the chairperson shall designate unless a quorum can not be established for a particular month. Notice shall be sent to the Commissioners and designated representatives of member cities in accordance with Chapter 21 of the Iowa Code as amended.

Article IG – Amendment

The Agreement may be amended by mutual agreement between the City and the County.

Article IH - Joining and Withdrawing-Dissolution

The City or County may withdraw from participation in this Agreement by adoption of a resolution of its governmental body stating that its government withdraws as of a particular future date. The date shall be at least 180 days beyond the date of said resolution. The withdrawing party shall deliver to the other party and to the Chairperson of the Commission a copy of such resolution within 10 days following its adoption. The withdrawing party may withdraw from either the Communications part of this Agreement or the IT part of this Agreement or both.

Should either the City or County adopt a resolution of withdrawal from the entire Agreement and deliver it to the other and to the Chairperson of the Commission within 10 days, the Commission shall be dissolved on the date specified in the resolution for the withdrawal of the government, which shall not be less than 180 days after the date of said resolution. Should the withdrawing party withdraw from only one part of this Agreement, the Commission shall remain to oversee the remaining functions of this Agreement.

Article II - Disposition of Assets Upon Dissolution

In the event that either the City or the County desires to terminate this Agreement other than by mutual consent of the City and County, the party desiring to terminate the Agreement shall not be entitled to any share of the value of the assets/property including all software licenses acquired by the Commission and such withdrawing party will be deemed to have forfeited to the Commission all of its interest in and to all assets/properties that are jointly owned and managed by the Commission regardless of the contributions made by the withdrawing party at any time.

Article IJ – Additional Participants

Any unit of government within Woodbury County may become a participating member of the Agreement participating in only the communications activity or only the IT and criminal information system activity or both. Such election shall be by resolution duly adopted by the governing body of the participating member certified to the commission.

The Commission shall accept such units of government by resolution under such terms and conditions as it may impose or it may decline to accept the unit of government as a participating member.

Each unit of government entering into this Agreement, as a participating member, shall have the right to appoint, by resolution, a representative to the Commission. Such representative shall not be a Commissioner, but may act in an advisory capacity to the Commission. A city participating in this Agreement may designate the Commissioners appointed by Woodbury County as its representatives to the Commission.

The governing body of any participating member in this Agreement may withdraw from this Agreement by resolution of such governing body stating that it withdraws as of a particular date, which date shall be at least 30 days beyond the date of the resolution.

Article IK – Previous Agreements

All previous agreements between the City and the County are terminated upon the effective date of this agreement. Specifically, the Intergovernmental Agreement creating the Woodbury County Information & Communication Commission dated November 24, 1986 and revised Agreement dated on July 1, 1987 is terminated and have no force or effect.

Division II - Information Technology Functions

Article IIA- Powers

The Commission shall have the power to enact policies for the operation of the consolidated Information Technology and shall have the power to hear complaints from citizens regarding said operations.

The Commission may employ such Information Technology employees, including consultants, as it may deem necessary to carry out the purpose of this Agreement consistent with the approved budget. For administrative purposes IT employees shall be city employees. All IT employees, with the exception of consultants, shall reside within Woodbury County or within two miles of the Woodbury County Boundary or within ten miles of the Sioux City Corporate Boundary.

Article IIB – Operations

For IT and automated criminal information activities, the Commission shall establish a single computer Datacenter conveniently located near City Hall and the Courthouse or a facility mutually agreeable to the WCICC Commission. Personal property used to operate the Datacenter shall be the property of the Commission unless leased. The Commission shall abide by federal regulations concerning the use and disposition of equipment supplied by federal grant.

Article IIC – Financing

The consolidated IT and automated criminal information system activities shall be financed as follows:

- a) Prior to January 1 of each year, the Commission shall establish a proposed budget for the ensuing fiscal year. Following the adoption of its budget by the Commission and its approval by the City and County, the City and County shall each include in their budget

an amount to be provided to the Commission during the ensuing fiscal year. The amount to be included in the budget of the City shall be equal to the Commission's estimated cost of providing Information Technology and automated criminal information services to the City for the next fiscal year including the City's share of any approved capital improvements. The estimate shall be based upon historical data and in anticipated future activities by the City. The amount to be included in the budget of the County shall be equal to the Commission's estimated cost of providing IT and automated criminal information services to the County for the next fiscal year including the County's share of any approved capital improvements. The estimate shall be based upon historical data and anticipated future activities by the County.

Cost allocated for capital improvements shall be determined by the Commission. Such costs shall be allocated on the basis of benefits derived by the particular user. If the Commission determines that a capital improvement is of general, rather than particular benefit, the cost shall be allocated on the 50% ratio.

- b) The City shall be responsible for the prompt payment of all expenses authorized by the Commission utilizing its own funds set aside for Commission expenses and those paid to it by County as its share of the Commission's expenses. The County shall pay its share of capital improvement expenses quarterly. Payments for services are due monthly and in the case of the County shall be paid to the City within thirty days after the month the services are rendered. Charges for services shall be calculated upon actual employee time spent providing services to the City or the County. Employee time not directly attributable to either the City or the County and general supplies shall be charged fifty percent to the City and fifty percent to the County. Capital improvements that benefit the City and the County shall also be charged fifty percent to the City and fifty percent to the County. Capital improvements or software or any other device benefiting or serving a single entity shall be billed to that entity.
- c) If the budget as approved by the Commission, the City and the County contains capital improvement projects equally beneficial to the City or the County that will not be financed out of current tax dollars, the City shall provide the interim financing to pay for the project. The County's approval of the budget shall constitute authorization to the City to borrow funds in any lawful manner or to otherwise provide the funds from available revenues for the project. The City will be responsible for complying with all laws and regulations which are applicable to the issuance of any debt to provide the necessary funds to pay for the project.

Prior to issuance of debt by the City or otherwise making funds available to the Commission for a capital improvement project, the County shall approve and deliver to the City a promissory note and loan agreement with respect to repayment of the County's share of capital improvement project. The terms of the note and loan agreement shall be subject to approval and acceptance by the City.

Capital improvement projects which benefit the County only must be financed by the County unless the City consents to providing the interim financing.

- d) The Commission shall administer funds received from federal or state sources, and shall be responsible for the application for grants of funds from criminal information purposes.
- e) Initial contributions of personal property given to the Commission to carry out the purposes of this Agreement by the City or County may be lent, leased or sold to the Commission. If loaned or leased, title to the Property remains with the lender. If sold or

leased to the Commission, the price is subject to the approval of the noncontributing party.

- f) All personal property acquired to affect the purposes of this Division of the Agreement shall be under the immediate control and supervision of the Commission. However, the ownership of all the said personal property shall be divided between the City and County so that each has an undivided one-half ownership interest in the said personal property. Personal property acquired during the term of the Agreement, and paid for entirely from the funds of either the City or the County, shall belong to the entity providing the funding.

Division III - Communications Functions

Article IIIA - Powers

The Commission shall have the power to establish a proposed budget, enact general policies for the operation of the communications activity, and shall have power to hear complaints from citizens regarding said operations.

The Commission shall enter into an agreement with a criminal justice agency to provide day-to-day supervision of the Woodbury County Communications Center and consolidated automated criminal information system.

All communications personnel employed by the Commission shall be city employees for the purpose of wages and benefits and employee organization rights but shall be under the control and supervision of the Woodbury County Communications and Criminal Information Committee. All communication employees, with the exception of consultants, shall reside within Woodbury County or within two miles of the Woodbury County Boundary or within ten miles of the Sioux City Corporate Boundary.

Article IIIB - Operations

For its communication activities, the Commission shall establish a single operations center. The center is presently located in the Police and Fire Administrative Headquarters building. The Communications Center will be relocated to The Security Institute located within the Western Iowa Community College Campus in 2008/2009. Personal property located in the Police and Fire Administrative Headquarters building shall be relocated to The Security Institute. Personal property not relocated and used at the new facility shall be sold in the manner directed by the Commission and the proceeds credited to the Commission's budget to be used to offset the costs of moving the Communications Center and, or the costs of new equipment purchase for use at the new Communications Center. Personal property used to operate the center shall be the property of the Commission unless leased. The Commission shall abide by federal regulations concerning the use and disposition of equipment supplied by federal grant.

Article IIIC - Financing

- a. Prior to January 1 of each year, the Commission shall adopt a budget for the ensuing fiscal year. Following the adoption of its budget by the Commission and its approval by the City and County, the City and County shall each include in its budget an amount to be provided to the Commission during the ensuing fiscal year. The amount to be included in the budget of the City shall be (69.8%) of the budget adopted by the Commission. The amount to be included in the budget of County shall be (30.2%) of the budget adopted by the Commission. Any excess money shall be credited to the City and County at their respective percentages for the following fiscal year. If the Commission's

expenses exceed the budget for that fiscal year, the City and County will be billed their respective percentages to cover the excess cost.

- b. The Commission shall administer funds received from the federal or state sources, and shall be responsible for the application for grants of such funds for communications purposes.
- c. Cost allocation for capital improvements shall be determined by the Commission. Such costs shall be allocated on the basis of benefits derived by the particular user. If the Commission determines that a capital improvement is of general rather than particular benefit, the cost shall be allocated on the 69.8%:30.2% ratio outlined above.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representative as of the date above first written.

Woodbury County, Iowa

By: *Donald W. Walsh*
Chairman, Board of Supervisors

City of Sioux City, Iowa

By: *Craig S. Benson-Toni*
Mayor

Attest: *Ann H. Cardle*
City Clerk

Date: 7/9/2007

FILED
SECRETARY OF STATE
IOWA

STATE OF IOWA

AUG 7 10 00 AM '07

CITY OF SIOUX CITY

Woodbury County

Office of the City Clerk

I, Lisa L. McCardle, City Clerk of the City of Sioux City and City Clerk of the City Council thereof, and as such, having charge of and in my possession all the records and documents pertaining to said office now remaining therein, do hereby certify that it appears from such records that the foregoing is a true and correct copy of the Resolution No. 2007-0540 adopted by the City Council of the City on the 9th day of July, 2007 upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa this 3rd day of August, 2007.



Lisa L. McCardle, City Clerk

(SEAL)



Paul D. Pate
 Secretary of State
 State of Iowa

28E Agreement

FOR OFFICE USE ONLY

FILED

M508372

8/25/2015 2:05:21 PM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

Full Legal Name	Organization Type	*County
Party 1 City of Sioux City, Iowa	City	Woodbury
Party 2 Woodbury County, Iowa	County	Woodbury
Party 3		
Party 4		
Party 5		

*Enter "Other" if not in Iowa

Item 2. The type of Public Service included in this agreement is: 370 Other Public Works
(Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: *(please be specific)*
 Resolution approving Amendment No. 1 to the Intergovernmental Agreement creating the Woodbury County Information and Communications Commission between the City of Sioux City, Iowa and Woodbury County, Iowa

Item 4. The duration of this agreement is: *(check one)* Agreement Expires 7/1/2027 Indefinite Duration
(mm/dd/yyyy)

Item 5. Does this agreement amend or renew an existing agreement? *(check one)*
 NO
 YES Filing # of the agreement: M038762
(Use the filing number of the most recent version filed for this agreement)
 The filing number of the agreement may be found by searching the 28E database at: <http://sos.iowa.gov/28e>

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: *(optional)*

LAST Name _____ FIRST Name _____
 Title _____ Department _____
 Email _____ Phone _____

RESOLUTION NO. 2015- 0611
with attachments

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE
INTERGOVERNMENTAL AGREEMENT CREATING THE WOODBURY
COUNTY INFORMATION AND COMMUNICATIONS COMMISSION BETWEEN
THE CITY OF SIOUX CITY, IOWA AND WOODBURY COUNTY, IOWA

WHEREAS, on July 9, 2007, pursuant to Resolution No. 2007-0540, the City Council approved an Intergovernmental Agreement with Woodbury County, Iowa, creating the Woodbury County Information and Communications Commission, and

WHEREAS, the City of Sioux City, Iowa and Woodbury County, Iowa, desire to amend said Intergovernmental Agreement as set forth in the attached Amendment No. 1 to the Intergovernmental Agreement; and


WHEREAS, the City Council is advised and does believe that said Amendment No. 1 to the Intergovernmental Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the attached Amendment No. 1 to the Intergovernmental Agreement creating the Woodbury County Information and Communications Commission be and the same is hereby approved as to form and content and the Mayor and City Clerk are hereby authorized and directed to execute said Amendment No. 1 to the Intergovernmental Agreement for and on behalf of the City.

BE IT FURTHER RESOLVED that a copy of this Amendment No. 1 to the Intergovernmental Agreement be filed with the Secretary of State and the Woodbury County Recorder

PASSED AND APPROVED: August 24, 2015


Robert E. Scott, Mayor

ATTEST: 
Lisa L. McCardle, City Clerk

**AMENDMENT NO. 1
TO THE INTERGOVERNMENTAL AGREEMENT
CREATING THE WOODBURY COUNTY INFORMATION
AND COMMUNICATION COMMISSION**

Preamble

This Amendment No. 1 to the Intergovernmental Agreement creating the Woodbury County Information and Communications Commission is made by and between the City of Sioux City, Iowa (herein "City"), and Woodbury County, Iowa (herein "County") effective the 1st day of September, 2015.

WHEREAS, The City and County entered into an Intergovernmental Agreement creating the Woodbury County Information and Communications Commission effective 1st day of July 2007;

WHEREAS, The City and County wish to amend the Intergovernmental Agreement. For good and valuable consideration, the City and County agree as follows:

AMENDMENT

The Intergovernmental Agreement, effective the 1st day of July, 2007 is amended as follows:

Division I - General Provisions, Article IA Commissions - is amended as follows:

The Commission created hereby shall consist of five Commissioners who shall be one of the following:

1. Two members from the City Council of Sioux City.
2. Two members from the Woodbury County Board of Supervisors.
3. A Citizen Representative selected by the four Commissioners, subject to the approval of the Sioux City City Council and the Woodbury County Board of Supervisors who shall serve for a three year term. The Citizen Representative may serve additional three year terms subject to approval of the Sioux City City Council and the Woodbury County Board of Supervisors.

The City Council of Sioux City and Board of Supervisors of the County shall designate by motion or resolution their respective members of the Commission, and may designate alternates who shall serve in the absence of the designated Commissioners, which alternates shall exercise all the powers of the designated Commissioner. Alternates must be members of the City Council or the Board of Supervisors.

The Citizen Representative shall serve as chairperson of the Commission.

A quorum shall consist of a majority of all the Commissioners. However, the quorum must consist of a Commissioner from the City Council and a Commissioner from the Board of

Supervisors. Each Commissioner shall be entitled to one vote. Actions may be taken by the Commission upon a majority vote of all of the Commissioners unless otherwise stated herein or unless the Commission establishes a requirement of a greater number of votes through adoption of a bylaw to that effect which is agreed to by the County and the City.

Article IIC – Financing – is amended as follows:

b) The City shall be responsible for the prompt payment of all expenses authorized by the Commission utilizing its own funds set aside for Commission expenses and those paid to it by County as its share of the Commission's expenses. The County shall pay its share of capital improvement expenses quarterly. Payments for services are due monthly and in the case of the County shall be paid to the City within thirty days after the month the services are rendered. Charges for routine services and staff time shall be charged by device count. Device count shall be interpreted to mean actual devices utilized by the City and County respectively. Examples of such devices shall include, but not be limited to: desktop computers, laptop computers, tablets, and multi-functional printers. Special project services, including major coding work, shall be calculated upon actual employee time spent providing services to the City or the County. Employee time not directly attributable to either the City or the County and general supplies shall be charged fifty percent to the City and fifty percent to the County. Capital improvements that benefit the City and the County shall also be charged fifty percent to the City and fifty percent to the County. Capital Improvements or software or any other device benefiting or serving a single entity shall be billed to that entity.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 by their duly authorized representatives effective as of the date above first written.

Woodbury County, Iowa
By: *Marked M...*
Chairman, Board of Supervisors

Attest: *Jim Jensen Deputy*

Date: 08/18/15

City of Sioux City, Iowa
By: *[Signature]*
Mayor

Attest: *[Signature]*
City Clerk

Date: 8/24/15

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 9A

FROM: Helen Rigdon, Library Director

SUBJECT: **Resolution authorizing the Sioux City Public Library to accept a 2018 Missouri River Historical Development Fall Grant in the amount of \$65,000 to fund the purchase of new shelving and furniture for the Morningside Branch Library.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council accept a grant awarded to the Sioux City Public Library from the Missouri River Historical Development in the total amount of \$65,000.

DISCUSSION:

The Sioux City Public Library Board requests the City Council accept the Missouri River Historical Development Grant in the amount of \$65,000. The Library Board of Trustees approved this grant and the funds will be used for furniture for the Morningside Renovation Project (Project No. 7005-319-007). These funds will not be awarded until after the completion of the project in Spring 2019.

FINANCIAL IMPACT:

The funding will be allocated to the Capital Improvement Project #7005-319-007.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibilities - Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

City Council could choose to not accept the grant but staff does not recommend that decision.

ATTACHMENTS:

Resolution
Notice of Award

RESOLUTION NO. 2018 - _____

RESOLUTION AUTHORIZING THE SIOUX CITY PUBLIC LIBRARY TO ACCEPT A 2018 MISSOURI RIVER HISTORICAL DEVELOPMENT FALL GRANT IN THE AMOUNT OF \$65,000 TO FUND THE PURCHASE OF NEW SHELVING AND FURNITURE FOR THE MORNINGSIDE BRANCH LIBRARY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Sioux City Public Library is hereby authorized to accept a 2018 Missouri River Historical Development Fall Grant in the amount of \$65,000 to fund the purchase of new shelving and furniture for the Morningside Branch Library.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

MRHD

MISSOURI RIVER HISTORICAL DEVELOPMENT, INC.

September 11, 2018

PLEDGE: Sioux City Public Library - \$65,000.00

The MRHD Board of Directors has approved the 2018 Special Grant recipients in the form of pledges. Congratulations!!!

Since no application received the amount requested, please revise your budget to reflect the amount of the match with the pledge and send it to mark@mudflap.com as soon as possible.

(How to figure the match: If you will receive \$25,000 that would be 75%. \$25,000 divided by 75% would be \$333.33 per each percentage. $333.33 \times 100\% = \$33,333.00$. Your match would be \$8,333.00)

If your organization is not capable of funding the entire project up front please contact Mark Monson (712-204-1015 or mark@mudflap.com) and we can arrange for an advance.

(Example: A past recipient received a \$50,000 pledge for an HVAC system. The contractor required nearly \$30,000 for materials up front. We advanced the money to cover the materials so the project could be completed.)

Please look over the completion form (enclosed) before you start the project so you will save the needed documents.

You have one year to complete your project. If something requires more time you could get an extension. We don't encourage extensions so do all you can.

Thank you and Good Luck. If you have any questions, feel free to contact me.

This may be used to verify that you have received the pledge.



Mark Monson, Executive Director
Missouri River Historical Development, Inc.
P.O. Box 565
Sgt. Bluff, IA 51054
mark@mudflap.com
712-204-1015

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 9B

FROM: Helen Rigdon, Library Director

SUBJECT: Resolution authorizing the Sioux City Public Library to accept Grant Agreement #19-5173 from the Roy J. Carver Charitable Trust in the amount of \$60,000 to fund construction of a group study room, computer area screens and for upgrades to the exterior of the Morningside Branch Library.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council accepts a grant awarded to the Sioux City Public Library from the Roy J. Carver Charitable Trust in the total amount of \$60,000.

DISCUSSION:

The Sioux City Public Library Board requests the City Council accept the Roy J. Carver Charitable Trust Grant in the amount of \$60,000. The Library Board of Trustees approved this Grant and the funds will be used for a study room, computer furniture, and other furniture for the Morningside Renovation Project (Project No. 7005-319-007).

FINANCIAL IMPACT:

The funding will be allocated to the Capital Improvement Project #7005-319-007.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibilities - Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

City Council could choose to not accept the grant, but staff does not recommend that decision.

ATTACHMENTS:

Resolution
Notice of award and Grant Agreement #19-5173

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AUTHORIZING THE SIOUX CITY PUBLIC LIBRARY TO ACCEPT GRANT AGREEMENT #19-5173 FROM THE ROY J. CARVER CHARITABLE TRUST IN THE AMOUNT OF \$60,000 TO FUND CONSTRUCTION OF A GROUP STUDY ROOM, COMPUTER AREA SCREENS AND FOR UPGRADES TO THE EXTERIOR OF THE MORNINGSIDE BRANCH LIBRARY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Sioux City Public Library is hereby authorized to accept Grant Agreement #19-5173, a copy of which is attached hereto and by this reference made a part hereof, from the Roy J. Carver Charitable Trust in the amount of \$60,000 to fund construction of a group study room, computer area screens and for upgrades to the exterior of the Morningside Branch Library.

BE IT FURTHER RESOLVED that the Library Director be and she is hereby authorized and directed to execute said Grant Agreement for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Roy J. Carver Charitable Trust

202 Iowa Avenue • Muscatine, Iowa 52761-3733
563/263-4010 • Fax: 563/263-1547

www.carvertrust.org

October 19, 2018

Ms. Helen Rigdon
Director
Sioux City Public Library
529 Pierce Street
Sioux City IA 51101

Grant #19-5173

Dear Ms. Rigdon:

On October 19, 2018, the Board of Trustees of the Carver Charitable Trust met and considered your request of \$60,000 to renovate the Morningside Branch facility of the Sioux City Public Library. I am pleased to inform you that your application was approved in the amount requested.

In order to receive the grant, it is necessary to have the appropriate signatures on both copies of the enclosed AGREEMENT OF GRANTEE form, which stipulates the legal and reporting requirements. Once the forms have been completed, immediately return a copy via fax at 563/263-1547, and then later mail the original to this office. A copy of this document should be retained for your files.

Assuming receipt of the signed AGREEMENT by Monday, October 29th, we intend to pay the grant in full at the end of October 2018. Please contact us promptly if you have any questions.

An interim report, describing the progress of the project and related expenditures, will be due no later than November 15, 2019. We ask that you refer to the above grant number in any future correspondence concerning this award.

Congratulations on your grant award and best wishes for success as you prepare to undertake this initiative.

Sincerely,

Lynne M. Sasmazer, Ph.D.
Program Director

Enclosure: Agreement of Grantee (2)

lbm

Faxed &
mail original
10/23/18

ROY J. CARVER CHARITABLE TRUST

Grant #15-6173

AGREEMENT OF GRANTEE

As a condition to a total grant in the amount of \$60,000 to the City of Sioux City, the undersigned agrees to comply with the following conditions:

1. Purpose. The grant shall be used exclusively for the designated purposes as outlined in the grant award letter of October 19, 2018, and will not be used for purposes prohibited by law, including those purposes designated in Section 4945 of the Internal Revenue Code. In the event that the funds are not used for the designated purposes within the time specified in the grantee's proposal or within any approved extension, the funds shall be returned to the Trust.

2. Accounting and Auditing. A systematic record shall be kept by the grantee of the receipt and disbursement of funds and expenditures incurred under the terms of the grant. Substantiating documents (bills, invoices, canceled checks, receipts) shall be retained in the grantee's files for a period of not less than three (3) years after expiration of the grant period. The grantee agrees to promptly furnish the Trust with copies of such documents upon the Trust's request. The Trust, upon request, shall have complete access to the grantee's files and records for the purposes of making such financial audits, verifications and investigations as it deems necessary concerning the grant.

3. Budget. Expenditures of the grant funds must adhere to the specific line items in the approved grant budget. Transfers among line items (increases and decreases) are restricted to one thousand dollars (\$1,000) or ten percent (10%) of the approved line item amount, whichever is greater. If a transfer in excess of this restricted level becomes necessary, the grantee shall request authorization from the Trust by letter. Such transfers may not be made without prior written approval by the Trust.

4. Reports. Narrative and financial reports shall be furnished by the grantee to the Trust as stipulated in the award letter. The narrative report shall include a report on the use of the funds in compliance with the terms of the grant, the progress made by the grantee towards achieving the grant purposes, and any problems or obstacles encountered in the effort to achieve grant purposes. The financial report should be in the same format as the approved grant budget and show the amount budgeted for each line item, the amount expended against each line item as of the date of the report, and the resulting balance remaining in each line.

5. Public Reporting. The grantee shall send to the Trust copies of papers, manuscripts, and other information materials, including print media publications, that are related to the project supported by the Trust. In all public statements concerning the Trust - press releases, annual reports, or other announcements - grantees are requested to refer to the Trust by its full name: Roy J. Carver Charitable Trust.

6. Grant Reversion or Termination. The total amount of this grant or any payment thereof may be discontinued, modified or withheld at any time when, in the judgment of the ROY J. CARVER CHARITABLE TRUST, such action is necessary to comply with the requirements of the law.

The foregoing conditions are hereby accepted and agreed to as of the date indicated.

Grantee Organization: City of Sioux City Date: Oct 23, 2018
By: [Signature] Board Vice President [Signature] Helen Rendon Director
[Signature] Board Vice President [Signature] Helen Rendon Director

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 10A
 Officer Alan Schmeckpeper, Investigative Services Bureau, Special Investigations Unit
FROM: Sergeant Dane Wagner, Investigative Services Bureau, Special Investigations Unit
 Officer Nate Niehus, Investigative Services Bureau, Special Investigations Unit

SUBJECT: **Resolution assessing a \$1,500.00 civil penalty and suspending for thirty (30) days the liquor permit issued to Central Mart LLC d.b.a. Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, for violation of the Iowa beer/wine and liquor laws.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

The Sioux City Police Department respectfully requests that the City Council assess a fine of \$1,500.00 and a thirty (30) day suspension against the following liquor permit holder due to a second violation in two years of State Liquor Statute 123.49(2)(h):

- #LE0002543 under the name Central Mart LLC d.b.a. Central Mart, 1203 Tri View Avenue, Sioux City, Iowa.

DISCUSSION:

Resolution No. 2017-0724 passed and approved on August 7, 2017 assessed a civil penalty of \$500.00 against Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, for a violation of State Liquor Statute 123.49(2)(h) which occurred on July 7, 2017. On October 5, 2018 officers sent an underage confidential informant into Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, to attempt to purchase alcohol. The clerk, Rose L. Coover, sold the confidential informant a bottle of Bud Light and was subsequently issued a citation for selling alcohol to an underage person in violation of State Liquor Statute 123.49(2)(h). On October 26, 2018, Ms. Coover was found guilty and received a fine of \$735.00.

FINANCIAL IMPACT:

Collection of civil penalties to be placed in the City's General Fund.

RELATIONSHIP TO STRATEGIC PLAN:

INVESTIGATIVE SERVICES:

Municipal Responsibility – Health and Safety Vision

Strategic Focus Area – Enhance Public/Private Partnerships

ALTERNATIVES:

There are no alternatives to the imposition of the fines. These are regulated by state law and we have no option but to follow the state law.

ATTACHMENTS:

Resolution for Central Mart

Copy of citation for Rose Coover

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION ASSESSING A \$1,500.00 CIVIL PENALTY AND SUSPENDING FOR THIRTY (30) DAYS THE LIQUOR PERMIT ISSUED TO CENTRAL MART LLC D.B.A. CENTRAL MART, 1203 TRI VIEW AVENUE, SIOUX CITY, IOWA, FOR VIOLATION OF THE IOWA BEER/WINE AND LIQUOR LAWS.

WHEREAS, on October 26, 2018, Rose L. Coover was convicted in Woodbury County District Court, Docket No. STA0173164 of violating Iowa Code Section 123.49(2)(h) on October 5, 2018, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Rose L. Coover was an employee of Central Mart LLC d.b.a. Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, a liquor control licensee and/or beer permit holder; and

WHEREAS, the acts of an agent or employee of a licensee are imputed to the licensee; and

WHEREAS, said violation occurred after January 1, 1988 and this being the second conviction of violation of this section within a period of two (2) years (the first violation occurred on July 7, 2017, and the conviction entered July 17, 2017); and

WHEREAS, Iowa Code Section 123.50(3)(b), as amended, provides that upon a second conviction within a two (2) year period, the violator's license or permit shall be suspended for a period of thirty (30) days and a civil penalty of \$1,500.00 assessed to violator.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the City Council, pursuant to the authority of the above cited sections, hereby suspends liquor Permit No. LE0002543 issued to Central Mart LLC d.b.a. Central Mart, 1203 Tri View Avenue, Sioux City, Iowa, for a period of thirty (30) days effective December 17, 2018 and does hereby levy and assess a civil penalty of \$1,500.00.

BE IT FURTHER RESOLVED that said license holder shall deliver its license to the City Clerk on or before 8:00 A.M. December 17, 2018 to be kept for the period of this suspension and the City Clerk shall return same to the license holder upon completion of the suspension period.

BE IT FURTHER RESOLVED that said license holder shall pay a civil penalty in the amount of \$1,500.00 to the City Clerk on or before 8:00 A.M. December 17, 2018.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to notify the license holder of this action by providing to said license holder a certified copy of this Resolution. Such notice shall be by certified mail, return receipt requested.

BE IT FURTHER RESOLVED, that such license holder is hereby notified that license holder has the right to appeal the imposition of this suspension and civil penalty to the Alcoholic Beverages Division of the Department of Commerce by filing written notice of appeal with said Division and with the City of Sioux City, Iowa within twenty-one (21) days from the date of receipt of this Resolution.

BE IT FURTHER RESOLVED, that the City Clerk shall mail a certified copy of this Resolution to: Licensing Bureau, Alcoholic Beverages Division, Department of Commerce, 1918 S.E. Hulsizer Avenue, Ankeny, Iowa 50021.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Charges, Dispositions, Sentences

Title: STATE vs. COOVER, ROSE

Case: 03971 STA0173164 (WOODBURY)

Citation Number: DO578321

Defendant: COOVER, ROSE

Count 01

Charge

Charge: 123.49(2)(h)

Description:

EMPLOYEE - SUPPLYING ALCOHOL TO PERSON UNDER LEGAL AGE

Offense Date: 10/05/2018

Arrest Date:

Against Type:

DPS Number:

Adjudication

Charge: 123.49(2)(h)

Description:

EMPLOYEE - SUPPLYING ALCOHOL TO PERSON UNDER LEGAL AGE

Adj.: GUILTY - NEGOTIATED/VOLUN PLEA

Adj. Date:

10/26/2018

Adj. Judge: WOODBURY COUNTY CLERK,

Comments:

Sentence

Charge: 123.49(2)(h)

Description:

EMPLOYEE - SUPPLYING ALCOHOL TO PERSON UNDER LEGAL AGE

Sentence Date: 10/26/2018

Sentence:

FINE

Appeal:

Sen. Judge:

WOODBURY COUNTY CLERK,

**Facility
Type:**

Attorney:

Restitution:

Drug:

Extradition:

**Lic. Re-
voked:**

DDS:

Batterer:

**Fine
Amount:** 500

Duration:

Comment: \$50.00/MONTH BEGINNING 11/25/18

Financials

Title: STATE vs. COOVER, ROSE

Case: 03971 STA0173164 (WOODBURY)

Citation Number: DO578321

<u>Summary</u>	<u>Orig</u>	<u>Paid</u>	<u>Due</u>
COSTS	60.00	0.00	60.00
FINE	500.00	300.00	200.00
SURCHARGE	175.00	0.00	175.00
RESTITUTION	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
	<hr/>	<hr/>	<hr/>
	\$735.00	\$300.00	\$435.00

[Make a payment on this case](#)

SUPPORT/ALIMONY

N/A

0.00

N/A

Filings

Title: STATE vs. COOVER, ROSE

Case: 03971 STA0173164 (WOODBURY)

Citation Number: DO578321

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>	<u>Action Date</u>
COURT ORDERED PAYMENT PLAN		10/29/2018	10/29/2018	10/29/2018	
VIOLATIONS HANDLED BY CLERK	WOODBURY COUNTY CLERK	10/26/2018	10/26/2018	10/29/2018	
<i>Comments: \$50.00/MONTH BEGINNING 11/25/18</i>					
TRAFFIC TICKET FILING		10/08/2018	10/08/2018	10/08/2018	
<i>Comments: ARR 10/26/18 @ 1:30PM RE: Employee Supply Alcohol to Minors</i>					

Summary

Title: STATE vs. COOVER, ROSE [EDMS](#)

<u>Trial Court Case ID</u>	<u>Originating County</u>	<u>Created</u>	<u>Speedy Trial</u>	<u>Microfilm Ref</u>
03971 STA0173164	WOODBURY	10/08/2018		
<u>Citation Number</u>	<u>Disposition Status</u>	<u>Disposition Date</u>	<u>Reopened Date</u>	
DO578321	VIOLATIONS HANDLED BY CLERK	10/26/2018		

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 10B-C
 Officer Alan Schmeckpeper, Investigative Services Bureau, Special Investigations Unit
FROM: Sergeant Dane Wagner, Investigative Services Bureau, Special Investigations Unit
 Officer Nathan Niehus, Investigative Services Bureau, Special Investigations Unit

Resolution fixing a date, time and place for a hearing on a proposed civil penalty of \$300.00 against Love’s Travel Stops & Country Stores, Incorporated d.b.a. Love’s Travel Stop #479, 2525 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.

SUBJECT:

Resolution fixing a date, time and place for a hearing on a proposed civil penalty of \$300.00 against Pilot Travel Centers, LLC d.b.a. Pilot Travel Center #594, Pilot Travel Centers LLC, 2815 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

The Sioux City Police Department respectfully requests that the City Council set a date, time and place for a hearing on a proposed civil penalty of \$300.00 against the following cigarette permit holders for a first violation of State Cigarette Statute 453A.2(1):

- Cigarette License #19-42903 under the name Love’s Travel Stops & Country Stores, Incorporated d.b.a. Love’s Travel Stop #479, 2525 Singing Hills Boulevard, Sioux City, Iowa.
- Cigarette License #19-42541 under the name Pilot Travel Centers, LLC d.b.a. Pilot Travel Center #594, 2815 Singing Hills Boulevard, Sioux City, Iowa.

DISCUSSION:

On October 4, 2018, officers sent an underage confidential informant into Love’s Travel Stop #479, 2525 Singing Hills Boulevard, Sioux City, Iowa to attempt to purchase tobacco. The clerk, Sara Kay Baker, sold the confidential informant Marlboro Red cigarettes and was subsequently issued a citation for selling tobacco to an underage person in violation of State Cigarette Statute 453A.2(1). On October 15, 2018, Ms. Baker was found guilty and received a fine of \$195.00.

On October 4, 2018, officers sent an underage confidential informant into Pilot Travel Center #594, 2815 Singing Hills Boulevard, Sioux City, Iowa to attempt to purchase tobacco. The clerk, Michelle Conley, sold the confidential informant Marlboro Red cigarettes and was subsequently issued a citation for selling tobacco to an underage person in violation of State Cigarette Statute 453A.2(1). On October 22, 2018, Ms. Conley was found guilty and received a fine of \$195.00.

FINANCIAL IMPACT:

Collection of civil penalties to be placed in the City's General Fund.

RELATIONSHIP TO STRATEGIC PLAN:

INVESTIGATIVE SERVICES:

Municipal Responsibility – Health and Safety Vision

Strategic Focus Area – Enhance Public/Private Partnerships

ALTERNATIVES:

There are no alternatives to the imposition of the fines. These are regulated by state law and we have no option but to follow the state law.

ATTACHMENTS:

Resolutions for Love's Travel Stop #479 and Pilot Travel Center #594

Copy of citations for Sara Kay Baker and Michelle Conley

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION FIXING A DATE, TIME AND PLACE FOR A HEARING ON A PROPOSED CIVIL PENALTY OF \$300.00 AGAINST LOVE'S TRAVEL STOPS & COUNTRY STORES, INCORPORATED D.B.A. LOVE'S TRAVEL STOP #479, 2525 SINGING HILLS BOULEVARD, SIOUX CITY, IOWA, FOR VIOLATION OF THE IOWA CIGARETTE LAWS.

WHEREAS, on October 15, 2018, Sara Kay Baker was convicted in Woodbury County District Court, Case No. STA0173032 of violating Iowa Code § 453A.2 on October 4, 2018, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Sara Kay Baker was an employee of Love's Travel Stops & Country Stores, Incorporated d.b.a. Love's Travel Stop #479, 2525 Singing Hills Boulevard, Sioux City, Iowa, a cigarette permit holder; and

WHEREAS, the acts of an agent or employee of a licensee are imputed to the licensee; and

WHEREAS, said violation is a first violation of this section within a period of two (2) years; and

WHEREAS, Iowa Code § 453A.22(2), as amended, provides that a permittee who violates said section shall be assessed a civil penalty in the amount of \$300.00 after a hearing and notice; and

WHEREAS, the City Council is advised and does believe that a public hearing should be set and fixed for December 17, 2018 at 4:00 o'clock P.M. in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa for the purpose of considering whether a penalty in the amount of \$300.00 should be assessed against the permittee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the City Council conduct a public hearing on a proposed fine to be assessed against Love's Travel Stops & Country Stores, Incorporated d.b.a. Love's Travel Stop #479, 2525 Singing Hills Boulevard, Sioux City, Iowa, Cigarette Permit No. 19-42903.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to notify the license holder of this action by providing to said license holder a certified copy of this Resolution. Such notice shall be by mail sent to the address listed on the application for a cigarette permit.

BE IT FURTHER RESOLVED, that the City Clerk shall mail a certified copy of this Resolution to: Department of Revenue, Cigarette Permit Division, P.O. Box 10456, Des Moines, Iowa 50306-0456; Iowa Department of Public Health, Division of Tobacco Use Prevention and Control, 321 E. 12th Street, Des Moines, Iowa 50319-0075; and the Iowa Attorney General, ATTN: Matthew L. Gannon, Assistant Attorney General, Hoover State Office Building, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50319.

BE IT FURTHER RESOLVED that in the event the permittee chooses to settle this matter by voluntary payment of the fine, the City Clerk is authorized to file a copy of the Acknowledgment/Settlement Agreement with this resolution and cancel the hearing set forth herein.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Charges, Dispositions, Sentences

Title: STATE vs. BAKER, SARA K

Case: 03971 STA0173032 (WOODBURY)

Citation Number: DO578319

Defendant: BAKER, SARA K

Count 01

Charge

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Offense Date: 10/04/2018

Arrest Date: **Against Type:**

DPS Number:

Adjudication

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Adj.: GUILTY - NEGOTIATED/VOLUN PLEA

Adj. Date: 10/15/2018

Adj. Judge: ,

Comments:

Sentence

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Sentence Date: 10/15/2018

Sentence: FINE

Appeal:

Sen. Judge: ,

**Facility
Type:**

Attorney:

Restitution:

Drug:

Extradition:

**Lic. Re-
voked:**

DDS:

Batterer:

**Fine
Amount:**

Duration:

Comment:

Financials

Title: STATE vs. BAKER, SARA K
Case: 03971 STA0173032 (WOODBURY)
Citation Number: DO578319

<u>Summary</u>	<u>Orig</u>	<u>Paid</u>	<u>Due</u>
COSTS	60.00	60.00	0.00
FINE	100.00	100.00	0.00
SURCHARGE	35.00	35.00	0.00
RESTITUTION	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
	<hr/>	<hr/>	<hr/>
	\$195.00	\$195.00	\$0.00

SUPPORT/ALIMONY

N/A

0.00

N/A

Filings

Title: STATE vs. BAKER, SARA K

Case: 03971 STA0173032 (WOODBURY)

Citation Number: DO578319

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>	<u>Action Date</u>
VIOLATIONS HANDLED BY CLERK		10/15/2018	10/15/2018	10/15/2018	
TRAFFIC TICKET FILING		10/05/2018	10/05/2018	10/05/2018	

Comments: ARR 10/25/18 @ 1:30PM RE: EMPLOYEE PROVIDING TOBACCO/VAPOR
PRODUCT TO MINOR - 1ST OFF

Summary

Title: STATE vs. BAKER, SARA K [EDMS](#)

<u>Trial Court Case ID</u>	<u>Originating County</u>	<u>Created</u>	<u>Speedy Trial</u>	<u>Microfilm Ref</u>
03971 STA0173032	WOODBURY	10/05/2018		
<u>Citation Number</u>	<u>Disposition Status</u>	<u>Disposition Date</u>	<u>Reopened Date</u>	
DO578319	VIOLATIONS HANDLED BY CLERK	10/15/2018		

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION FIXING A DATE, TIME AND PLACE FOR A HEARING ON A PROPOSED CIVIL PENALTY OF \$300.00 AGAINST PILOT TRAVEL CENTERS, LLC D.B.A. PILOT TRAVEL CENTER #594, 2815 SINGING HILLS BOULEVARD, SIOUX CITY, IOWA, FOR VIOLATION OF THE IOWA CIGARETTE LAWS.

WHEREAS, on October 22, 2018, Michelle Conley was convicted in Woodbury County District Court, Case No. STA0173031 of violating Iowa Code § 453A.2 on October 4, 2018, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Michelle Conley was an employee of Pilot Travel Centers, LLC d.b.a. Pilot Travel Center #594, 2815 Singing Hills Boulevard, Sioux City, Iowa, a cigarette permit holder; and

WHEREAS, the acts of an agent or employee of a licensee are imputed to the licensee; and

WHEREAS, said violation is a first violation of this section within a period of two (2) years; and

WHEREAS, Iowa Code § 453A.22(2), as amended, provides that a permittee who violates said section shall be assessed a civil penalty in the amount of \$300.00 after a hearing and notice; and

WHEREAS, the City Council is advised and does believe that a public hearing should be set and fixed for December 17, 2018 at 4:00 o'clock P.M. in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa for the purpose of considering whether a penalty in the amount of \$300.00 should be assessed against the permittee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the City Council conduct a public hearing on a proposed fine to be assessed against Pilot Travel Centers, LLC d.b.a. Pilot Travel Center #594, 2815 Singing Hills Boulevard, Sioux City, Iowa, Cigarette Permit No. 19-42541.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to notify the license holder of this action by providing to said license holder a certified copy of this Resolution. Such notice shall be by mail sent to the address listed on the application for a cigarette permit.

BE IT FURTHER RESOLVED, that the City Clerk shall mail a certified copy of this Resolution to: Department of Revenue, Cigarette Permit Division, P.O. Box 10456, Des Moines, Iowa 50306-0456; Iowa Department of Public Health, Division of Tobacco Use Prevention and Control, 321 E. 12th Street, Des Moines, Iowa 50319-0075; and the Iowa Attorney General, ATTN: Matthew L. Gannon, Assistant Attorney General, Hoover State Office Building, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50319.

BE IT FURTHER RESOLVED that in the event the permittee chooses to settle this matter by voluntary payment of the fine, the City Clerk is authorized to file a copy of the Acknowledgment/Settlement Agreement with this resolution and cancel the hearing set forth herein.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Charges, Dispositions, Sentences

Title: STATE vs. CONLEY, MICHELLE ANN

Case: 03971 STA0173031 (WOODBURY)

Citation Number: DO578320

Defendant: CONLEY, MICHELLE ANN

Count 01

Charge

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Offense Date: 10/04/2018

Arrest Date: **Against Type:**

DPS Number:

Adjudication

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Adj.: GUILTY - NEGOTIATED/VOLUN PLEA

Adj. Date: 10/22/2018

Adj. Judge: ,

Comments:

Sentence

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Sentence Date: 10/22/2018

Sentence: FINE

Appeal:

Sen. Judge: ,

**Facility
Type:**

Attorney:

Restitution:

Drug:

Extradition:

**Lic. Re-
voked:**

DDS:

Batterer:

**Fine
Amount:**

Duration:

Comment:

Financials

Title: STATE vs. CONLEY, MICHELLE ANN

Case: 03971 STA0173031 (WOODBURY)

Citation Number: DO578320

<u>Summary</u>	<u>Orig</u>	<u>Paid</u>	<u>Due</u>
COSTS	60.00	60.00	0.00
FINE	100.00	100.00	0.00
SURCHARGE	35.00	35.00	0.00
RESTITUTION	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
	<hr/>	<hr/>	<hr/>
	\$195.00	\$195.00	\$0.00

SUPPORT/ALIMONY

N/A

0.00

N/A

Filings

Title: STATE vs. CONLEY, MICHELLE ANN

Case: 03971 STA0173031 (WOODBURY)

Citation Number: DO578320

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>	<u>Action Date</u>
VIOLATIONS HANDLED BY CLERK		10/22/2018	10/22/2018	10/22/2018	
TRAFFIC TICKET FILING		10/05/2018	10/05/2018	10/05/2018	

Comments: ARR 10/25/18 @ 1:30PM RE: EMPLOYEE PROVIDING TOBACCO/VAPOR
PRODUCT TO MINOR - 1ST OFF

Summary

Title: STATE vs. CONLEY, MICHELLE ANN [EDMS](#)

<u>Trial Court Case ID</u>	<u>Originating County</u>	<u>Created</u>	<u>Speedy Trial</u>	<u>Microfilm Ref</u>
03971 STA0173031	WOODBURY	10/05/2018		
<u>Citation Number</u>	<u>Disposition Status</u>	<u>Disposition Date</u>	<u>Reopened Date</u>	
DO578320	VIOLATIONS HANDLED BY CLERK	10/22/2018		

	Regular Session
	Study Session
	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11A

FROM: Michelle Brady, Neighborhood Services Project & Financial Coordinator

SUBJECT: **Resolution approving a Consulting Services Agreement with DGR Engineering to provide design, construction administration, and inspection services related to the 2019 Jones Street Public Improvement Project in an amount not to exceed \$137,968.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the attached resolution for a Consulting Services Agreement with DGR Engineering of Sioux City, Iowa, for design engineering for the 2019 Jones Street Public Improvement Project.

DISCUSSION:

The City of Sioux City has been investing Community Development Block Grant (CDBG) funds in the Jones Street Urban Renewal Area in housing rehabilitation, rental rehabilitation, and various public improvements. This is one of the last years for public improvements as another new urban renewal area will be designated soon.

As part of the urban renewal area close-out process, staff identified a list of final public improvements to be completed. A Request for Qualifications (RFQ) was sent to eleven (11) firms for the 2019 Jones Street Public Improvement Project. Two responses were received. Because this project is federally funded, staff is not able to negotiate with two firms at the same time. Therefore, based upon input from the selection committee, negotiations began with DGR Engineering. The project consists of surveying, design, project management, final plans, construction administration services and inspection including the required federal wage and labor related items. The following public improvements are part of this project:

- Curb replacement (approximately 5,105 feet)
- Inlet replacements (three (3))
- Sidewalk replacement/repair along Dale Street in the 1400 block (approximately 660 feet)
- Street resurfacing on 18th Street and Jones Street (1,880 feet)
- Alley replacement on the north half of the N/S alley between 15th, 16th, Dale and Virginia Streets (approximately 200 feet)
- Curb ramp installation at 15th and Dale Streets
- Replacement of 4" water main along two blocks (approximately 615 feet)

City staff have negotiated an agreement with DGR Engineering in an amount not to exceed \$137,968.

FINANCIAL IMPACT:

This agreement will be funded with CDBG funds within Project 719210, Jones Street Public Improvements.

RELATIONSHIP TO STRATEGIC PLAN:

Our Commitment to Citizens – Infrastructure

Focus Area – Expand Development Opportunities and Grow Sioux City.

ALTERNATIVES:

None recommended.

ATTACHMENTS:

Resolution

Agreement – Hard Copy

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT WITH DGR ENGINEERING TO PROVIDE DESIGN, CONSTRUCTION ADMINISTRATION, AND INSPECTION SERVICES RELATED TO THE 2019 JONES STREET PUBLIC IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$137,968.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a Consulting Services Agreement, a copy of which is attached and by this reference made a part hereof, with DGR Engineering of Sioux City, Iowa, in an amount not to exceed One Hundred Thirty-seven Thousand Nine Hundred Sixty-eight Dollars (\$137,968) for survey, design engineering, project management, final plans and construction services for the 2019 Jones Street Public Improvement Project, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk be and they are hereby authorized and directed to execute said agreement for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11B

FROM: Mark Simms, Utilities Director
Joe Fontenot, Wastewater Treatment Plant Superintendent

SUBJECT: Resolution approving a Consulting Services Agreement with HDR of Des Moines, Iowa for a wastewater Cost of Service Study in an amount not to exceed \$49,990.00 to evaluate the City's wastewater rates and fees.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that Council approve a Consulting Services Agreement with HDR of Des Moines, Iowa in an amount not to exceed \$49,990.00 for professional services to evaluate the City's wastewater rates and fees.

DISCUSSION:

On August 20, 2018 Council approved a motion to enter into negotiations with HDR of Des Moines, Iowa to perform a wastewater Cost of Service Study.

The overall objective of the Cost of Service Study will identify current and near-future costs to treat various wastewater constituents including BOD/CBOD, TSS, TKN, FOG, Phosphorous, Nitrogen, and Flow. Costs to properly treat the following categories of wastes will be identified: Domestic; Industrial; - Non Categorical; Industrial-Categorical; Septic Waste; Hauled Waste; Outside Municipality Domestic; Outside Municipality Industrial – Non Categorical; and Outside Municipality Industrial – Categorical; sampling and testing fees.

FINANCIAL IMPACT:

This project is funded under CIP "539-204" – Sanitary Sewer Master Plan. The current balance is \$480,000.00

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

Council could request the project be put on hold.

ATTACHMENTS:

Resolution
Consultant Services Agreement (Hard Copies Provided)

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT WITH HDR OF DES MOINES, IOWA FOR A WASTEWATER COST OF SERVICE STUDY IN AN AMOUNT NOT TO EXCEED \$49,990.00 TO EVALUATE THE CITY'S WASTEWATER RATES AND FEES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that a Consulting Services Agreement with HDR of Des Moines, Iowa, a copy of which is attached hereto and by this reference made a part hereof, for a wastewater Cost of Service Study to evaluate the City's wastewater rates and fees, be and the same is hereby approved in an amount not to exceed \$49,990.00.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and directed to execute said Consulting Services Agreement for a wastewater Cost of Service Study for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11C

FROM: Mark Simms, Utilities Director
Jon O'Brien, Underground Utilities Superintendent

SUBJECT: Resolution approving Amendment No. 3 to the contract with HR Green, Inc. in the amount of \$15,000.00 for additional construction administration and construction observation in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project (Project No. 6900-539-189).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve Amendment No. 3 to the contract with HR Green, Inc. of Sioux Falls, South Dakota in the amount of \$15,000.00 for additional construction administration and construction observation work needed on the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project (Project No. 6900-539-189).

DISCUSSION:

A contract in the amount of \$97,770.00 was approved to HR Green, Inc. on February 13, 2017 under Resolution No. 2017-0112. Amendment No. 1 was authorized on October 23, 2017 for \$43,500.00 for additional design work to coordinate permitting with the BNSF railroad and construction observation. Amendment No. 2 was authorized on May 7, 2018 for \$19,000.00 for additional construction administration and observation to address cleaning due to a large amount of debris in the sewers and lining of the siphon at Nash Street and Janet Avenue, which was added to the scope of the project.

Amendment No. 3 is proposed to add construction administration and construction observation to the project. The construction time has been extended to clean sewers with bucket machines.

The debris in the sewer is hardened in-place, and this hardened debris has slowed the removal by hydro-jetting. The hardened sediment has taken much longer to clean than previous lines. Prior to this project, the sewer line in this area had open grates, allowing storm water and debris to enter the sewer. The sewer line has never been cleaned. The contractor has recommended mechanical cleaning with bucket machines. A change order is being processed to complete this work.

Contract days have been extended to allow for this heavy cleaning with bucket machines. The additional time for construction administration and observation is estimated to be 6 hours per week, for 12 weeks.

FINANCIAL IMPACT:

This project is funded using sewer funds under CIP 539-189 "Annual Sanitary Sewer Interceptor Cleaning". The project currently has an available balance of \$199,658.00.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

Defer action to negotiate costs for the Amendment.

ATTACHMENTS:

Resolution
Amendment No. 3

RESOLUTION NO. 2018 - _____
with attachment

RESOLUTION APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH HR GREEN, INC. IN THE AMOUNT OF \$15,000.00 FOR ADDITIONAL CONSTRUCTION ADMINISTRATION AND CONSTRUCTION OBSERVATION IN CONNECTION WITH THE RIVERFRONT SANITARY SEWER INTERCEPTOR CLEANING AND TELEVISIONING PROJECT (PROJECT NO. 6900-539-189).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Amendment No. 3, a copy of which is attached hereto and by this reference made a part hereof, to the contract with HR Green, Inc. of Sioux Falls, South Dakota in the amount of \$15,000.00 for additional construction administration and construction observation work in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televisioning Project, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and directed to execute said Amendment No. 3 for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Memorandum Fax

October 22, 2018

Mark Simms
 Utilities Director
 City of Sioux City
 PO Box 447
 Sioux City, IA 51102

RE: Amendment 3 - Design Services
 Riverfront Sanitary Sewer Interceptor Cleaning
 Project # 6900 639 189

Dear Mark:

The agreement for design, bidding, and construction and a final report reviewing the findings for the Riverfront Sanitary Sewer Interceptor project was authorized on February 13, 2017. The total engineering design fee was \$97,770. HR Green completed the final design under budget and provided additional assistance with coordinating the railroad agreement and the addition of an access agreement for a temporary access road. During the construction phase, HR Green has provided ongoing construction administration and construction observation services.

The construction progress in 2018 was delayed due to the BNSF Railway permit. Progress throughout 2018 was further hindered by wet weather and heavy sediment that was hardened in-place.

Additionally, the area the contractor has been cleaning/televising has contained more debris than the lines upstream. This is due in part to the open grates that were allowing storm runoff to enter the sanitary sewer system, carrying sediment with it. The line has also never been cleaned, and the deferred maintenance has resulted in deep, hardened sediment deposits. The contractor worked to hydrojet the sediment, but the hardened sediment has taken much longer to clean than previous lines, and required many passes of the jetter. This has resulted in higher hours of heavy cleaning, and change orders to adjust this quantity. The contractor has recommended mechanical cleaning with bucket machines, bypass pumping during cleaning, and disposal of the debris at the City Wastewater Treatment Plant. This will extend the project timeline to complete the cleaning with bucket machines, and a change order is being proposed to complete this work.

HR Green would like to request the following hours for additional construction administration and observation. The project was bid for \$500,121. Change orders 1, 2, 3, and 4 included additional heavy cleaning hours, siphon cleaning and lining, and gravel access road. The revised contract amount is \$1,019,483.50.

TOTAL HOURS	95			2	19	72	2
COST PER HOUR/UNIT (CHARGE-OUT RATE)				211	148	136	90
	Labor Task Total	ODC Task Total	Task Total	Proj Manager	Project Eng	Field Tech	Admin
				Homer	Cotter	Carnethers	
Construction Admin							
Administration	\$ 3,376	\$ 68	\$ 3,444	2	19		2
Construction Observation	\$ 9,720	\$ 1,836	\$ 11,556			72	
Total Riverfront Construction			\$ 15,000				



Mark Summa
October 22, 2018

HR Green has held the remaining budget for the final report of \$8,750. This will allow budget to review the CCTV and recommend improvements to the interceptor and manholes after this project work is complete. HR Green requests the amendment amount shown below.

Authorized HR Green	
Contract	\$97,770
Authorized Amendment 1	\$43,500
Authorized Amendment 2	\$19,000
Requested Amendment 3	\$15,000
Total	\$175,270

If you have any questions, please contact me at 605-221-2659 to discuss.

Sincerely,

HR GREEN, INC.

A handwritten signature in blue ink that reads "Sam Cotter".

Sam Cotter, PE
Project Engineer

cc: Jon O'Brien - City of Sioux City

J:\2017\170125\Construction\Contract\Ir-Amendment-03-Riverfront-102218.docx



HR GREEN, INC.
PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 3

THIS AMENDMENT, made this _____ day of _____, 2018 by and between, City of Sioux City the CLIENT, and HR GREEN, INC. (hereafter "COMPANY"), for professional services concerning:

Riverfront Sanitary Sewer Interceptor Cleaning and Televising (City Project 6900-539-189)

hereby amends the original Professional Services Agreement dated February 13, 2017 as follows:

The CLIENT and COMPANY agree to amend the Scope of Services of the original Professional Services Agreement and previous amendments per attached letter.

In consideration for these services, the CLIENT AGREES to adjust the payment for services performed by COMPANY on the following basis:

A maximum fee to be increased by Fifteen Thousand Dollars (\$15,000.00)

The total authorized compensation after this Amendment, including the original Professional Services Agreement for \$97,770.00 and all previous Amendments for \$62,500.00, is One Hundred Sixty Thousand Two Hundred Seventy Dollars (\$175,270.00)

THIS AMENDMENT is subject to all provisions of the original Professional Services Agreement.

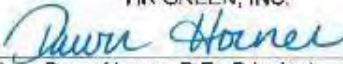
THIS AMENDMENT, together with the original Professional Services Agreement and all previous amendments represents the entire and integrated AGREEMENT between the CLIENT and COMPANY.

THIS AMENDMENT executed the day and year written above.

CITY OF SIOUX CITY

HR GREEN, INC.

By: Robert Padmore, City Manager


By: Dawn Horner, P.E., Principal

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11D

FROM: Mark Simms, Utilities Director
Jon O'Brien, Underground Utilities Superintendent

SUBJECT: Resolution approving Change Order No. 5 to the contract with InfraTrack, Inc. in the amount of \$297,500.00 for additional heavy cleaning with bucket machines in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project (Project No. 6900-539-189).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve Change Order No. 5 to the contract with InfraTrack, Inc. of Worthing, South Dakota in the amount of \$297,500.00 for additional work needed on the Riverfront Sanitary Sewer Interceptor Cleaning and Televising Project (Project No. 6900-539-189).

DISCUSSION:

The Riverfront Sanitary Sewer Cleaning and Televising Project includes cleaning and televising sanitary sewers located along Riverside Boulevard and between I-29 and the BNSF railroad track. City staff does not have records of these sewer lines having ever been cleaned. Sediment has built up and requires multiple passes of hydro-jetting to clean the line, and some damaged pipe lines have been discovered with this project. The focus of the current project is to clean the sewers and evaluate the condition of the sewer. Rehabilitation of portions of the sewer line and manholes are expected upon final review of televising. The project was started in 2017, but work stopped in November 2017 due to freezing conditions. A lease agreement with BNSF Railway was required to access sewer lines for cleaning and televising between BNSF railroad tracks and I-29.

Change Order No. 5 will address additional heavy cleaning with bucket machines to the project. The debris in the sewer is hardened in-place, and removing the debris by hydro jetting requires many passes with multiple hydro jets working simultaneously. Prior to this project, the sewer line in this area had open grates, allowing storm water and debris to enter the sewer. Due to escalating bypass pumping costs and the potential for this large line to plug, this work needed to proceed.

Below is a summary of the work to date:

Original Contract Amount - \$500,121.00

Change Order No. 1 Summary - \$159,200.00 – additional working days and additional heavy cleaning hours, manhole entry to remove failed pipe liner, Janet Street Siphon televising and valve repairs, replacing open grate manhole under War Eagle Drive bridge with closed casting and repair manhole chimney. **(2017-0999 approved November 6, 2017)**

Change Order No. 2 Summary - \$10,054.00 – allowed for a sonar evaluation to better quantify the amount of remaining debris. (This work was not completed due to freezing conditions, and was later deducted in Change Order No. 3). **(2017-1084 approved December 4, 2017)**

Change Order No. 3 Summary - \$269,108.50 – added geogrid to access road construction, cleaning and lining of the Janet Street Siphon, and additional hours of heavy cleaning and working days. **(2018-0355 approved May 7, 2018)**

Change Order No. 4 Summary - \$81,000.00 – additional gravel to complete the access road along I-29. **(2018-0666 approved August 20, 2018)**

Change Order No. 5 Summary - \$297,500.00 – additional heavy cleaning with bucket machines. The debris in the sewer line is hardened in place thus requiring hydro jetting numerous passes with multiple hydro jets working simultaneously. Debris will be hauled to the Wastewater Treatment Plant for dewatering. Contract days have been extended.

Final Cost - \$1,316,983.50

FINANCIAL IMPACT:

This project is funded using sewer funds under CIP 539-189 “Annual Sanitary Sewer Interceptor Cleaning”. The project currently has an available balance of \$199,658.00. A Budget Move from CIP 539-103 “Annual Unspecified Sanitary Sewer will be done to cover the additional funds needed.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

Defer action to negotiate costs for Change Order No. 5.

Delays were not recommended due to added bypass pumping costs and the significant risk of a major blockage.

ATTACHMENTS:

Resolution
Change Order No. 5

RESOLUTION NO. 2018 - _____
with attachment

RESOLUTION APPROVING CHANGE ORDER NO. 5 TO THE CONTRACT WITH INFRATRACK, INC. IN THE AMOUNT OF \$297,500.00 FOR ADDITIONAL HEAVY CLEANING WITH BUCKET MACHINES IN CONNECTION WITH THE RIVERFRONT SANITARY SEWER INTERCEPTOR CLEANING AND TELEVISIONING PROJECT (PROJECT NO. 6900-539-189).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Change Order No. 5, a copy of which is attached hereto and by this reference made a part hereof, to the contract with InfraTrack, Inc. of Worthing, South Dakota in the amount of \$297,500.00 for additional heavy cleaning with bucket machines in connection with the Riverfront Sanitary Sewer Interceptor Cleaning and Televisioning Project, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and directed to execute said Change Order No. 5 for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



444 North 1st P.O. Box 407 Sioux City, IA 51107



CHANGE ORDER NO. 6

Date of Issuance: 10/11/18

Project No. 6000-530-169

Contract Date: 6/13/2017

Project: Riverfront Sewerage Sewer Interceptor Cleaning and Televiewing

Contractor: Infratec Inc. PO Box 272 Working, SD 57077

YOU ARE DIRECTED TO MAKE THE CHANGES NOTED BELOW IN THE SUBJECT CONTRACT

Item No.	Item Code	Description	Units	Plan Quantity	Adjusted quantity	Unit Price	Quantity Change	Total Cost
0	4991.001 X X	Heavy Clearing	Hour	1800.00	1800.00	\$ 225.00	1800.00	\$ 27,000.00
25 (new)	4000.301 X X	Additional Sanitary Sewer Temporary Bypass Pumping	Month	0.00	3.00	\$ 46,000.00	3.00	\$ 138,000.00
26 (new)	4000.001 X X	Heavy Cleaning - Bucket Machine	Hour	0.00	300.00	\$ 565.00	300.00	\$ 169,500.00
27 (new)	Special	Use 1 Decade in Wastewater Treatment Plant	Week	0.00	12.00	\$ 3,750.00	12.00	\$ 45,000.00

Value of Change Order: \$ 287,500.00

Original Contract Price: \$670,121.00
 Previously Approved Change Orders:
 No. 1 Date: 11/5/17 \$149,250.00
 No. 2 Date: 12/4/2017 \$10,054.00
 No. 3 Date: 5/7/18 \$259,700.00
 No. 4 Date: 8/20/18 \$67,000.00
 Net Increase / Decrease in Change O. \$287,500.00
 Revised Contract Price: \$957,621.00

Contract Time Prior to this Change Order (Working Days / Final Completion Date) 170 days / 12/21/2016
 Net Increase Resulting from this Change Order (Working Days) 40
 Revised Contract Time Including this Change Order (Working Days / Final Completion Date) 215 days / 4/30/2018

Justification

This section in the sanitary sewer is hardened, and is not affixed to remove with hydroblasting. The hardened section must be removed by a mechanical method, such as a bucket machine. Additional sanitary sewer bypass is included to allow for operation of the bucket machine, and to have bypass available should an issue arise in the sewer requiring bypass during clearing. The bucket machine will require hauling the debris removed from the sewer to a A change order is being processed to approve the use of bucket machines, and the related equipment and disposal.

Working days and completion days were increased due to the additional work required to remove the hardened section in the line, and due to wet weather conditions.

Kevin Zehn Contractor (Print)  10/11/18
 Signature Date
 Scott Christiansen Inspector (Print)  10-25-18
 Signature Date
 Sam Coster Project Engineer (Print)  10/22/2018
 Signature Date
 Gordon Pfaff City Engineer (Print)  10/30/18
 Signature Date
 Patrick K. Palkovics City Manager (Print) _____
 Signature Date
 cc: Controller
 Engineering
 Finance
 Clerk's Office

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11E

FROM: Mike Collett, Airport Director

SUBJECT: **Resolution awarding and approving a contract with Knife River Midwest, LLC of Sioux City, Iowa in the amount of \$7,028,912.93 for the Runway 17-35 Reconstruction and Shift Project Phase 2 (Schedule C) Construction (AIP 55 Project 749-115) at the Sioux Gateway Airport/Col. Bud Day Field.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council award and approve a contract with Knife River Midwest, LLC of Sioux City, Iowa in the amount of \$7,028,912.93 for the Runway 17-35 Reconstruction and Shift Project Phase 2 (Schedule C) Construction (AIP 55 Project 749-115) at the Sioux Gateway Airport/Col. Bud Day Field.

DISCUSSION:

This contract is being awarded for the second of two phases of construction and consists of Schedule C of the Reconstruction of Runway 17-35 and Shift (6,400 feet by 100 feet) and Taxiway Reconstruction Project. Although the contract is being awarded in two phases, with two separate grants, the entire project was bid at one time. The total bid for the project was \$21,546,894.12 (Schedules A, B, C, & D). This amount came in 1.49% below the engineer's estimate.

Phase 1 (Schedules A&B) in the amount of \$13,692,794.42 was awarded on September 10, 2018. Staff anticipated award of Phase 2 construction contracts next year but one billion dollars in funding became available under the Congressional Consolidated Appropriations Act, 2018 for small airports in the United States. Sioux Gateway Airport was one of the first 34 airports to receive a share of this funding and will use it for Phase 2 construction. Phase D in the amount of \$825,186.77 will not be awarded because the Iowa Air National Guard was unable to receive funding for that portion of the project.

The project when both phases are complete will include reconstruction of the south 5,400' of the existing runway as well as construction of a new 1,000' extension of Runway 35 and Taxiway C to the south. Other project elements include demolition of the north 1,200' of Runway 17 and Taxiway C, construction of a new connector taxiway at the new Runway 17 end, reconstruction of a portion of Taxiway D, and demolition of Taxiway B.

FINANCIAL IMPACT:

The FAA will fund this at 90%. The Airport contribution will be approximately \$724,915.29 and is programmed in FY2019 CIP.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility-Infrastructure
Strategic Focus Area-Expand Development Opportunities
#9 Increase Infrastructure and Paving Investment

ALTERNATIVES:

The alternative would be to reject the bid which staff does not recommend.

ATTACHMENTS:

Resolution
Hard Copies of the contract will be provided

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT WITH KNIFE RIVER MIDWEST, LLC OF SIOUX CITY, IOWA IN THE AMOUNT OF \$7,028,912.93 FOR THE RUNWAY 17-35 RECONSTRUCTION AND SHIFT PROJECT PHASE 2 (SCHEDULE C) CONSTRUCTION (AIP 55 PROJECT 749-115) AT THE SIOUX GATEWAY AIRPORT/COL. BUD DAY FIELD.

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on June 21, 2018 for the Runway 17-35 Reconstruction and Shift (6,400 feet by 100 feet) and Taxiway B, C, and D Reconstruction Project at the Sioux Gateway Airport/Col. Bud Day Field, in Sioux City, Iowa (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by RS&H Iowa, P.C. of St. Charles, Illinois; and

WHEREAS, the bid was carefully considered and it is necessary and advisable that the bid be accepted and that a contract be awarded for the construction of the Project in Sioux City, Iowa; and

WHEREAS, the bidder has submitted a contract and performance bond and related documents, copies of which are attached hereto and by this reference made a part hereof; and

WHEREAS, the City Attorney has examined the contract and performance bond for proper execution and all supporting documents to determine if the same comply with the contract specifications; and

WHEREAS, the City Attorney found said documents to be in order and she has approved the same in writing; and

WHEREAS, the City Manager and City Clerk should be authorized and directed to execute a contract for and on behalf of the City of Sioux City, Iowa.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: The construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances, referred to in the preamble hereof, be and the same is hereby ordered.

Section 2: It is hereby found, determined and declared that the bid of Knife River Midwest, LLC of Sioux City, Iowa, in the amount of \$7,028,912.93 for Phase 2 (Schedule C) of the Runway 17-35 Reconstruction and Shift (6,400 feet by 100 feet) and Taxiway B, C, and D Reconstruction Project at the Sioux Gateway Airport/Col. Bud Day Field, in Sioux City, Iowa as provided in the plans and specifications referred to in the preamble hereof was the bid received and the same is hereby accepted and the contract awarded to said bidder.

Section 3: It is hereby found, determined and declared that the bid accepted in the preceding section of this resolution is fully responsive to the proposal, plans and specifications for the construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances.

Section 4: The contract and bond submitted by the contractor is hereby approved by the City Council for approval and signature by the City.

Section 5: The City Manager and City Clerk are hereby authorized and directed to execute said contract for and on behalf of the City of Sioux City, Iowa. Upon execution of the contract by the City Manager as authorized herein, the contract shall be in full force and effect and not before.

Section 6: Progress payments may be made to the contractor under the terms and provisions of the contract by the Director of Finance in amounts certified by the Airport Director as the value of work satisfactorily performed for the period.

Section 7: The checks or bid bonds of all unsuccessful bidders, be, and the same are hereby ordered returned to such bidders.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11F

FROM: Tom Everett, Fire Chief

SUBJECT: Resolution authorizing and approving a Transport Agreement between Sioux City Fire Rescue and Woodbury County, Iowa for transport services from locations within the City of Sioux City.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve the Transport Agreement as attached to clarify and provide Woodbury County Medical Examiner Transportation for deceased persons as required.

DISCUSSION:

The previous transport service no longer provides such service. Sioux City Fire Rescue, having taken over the EMS transportation, is ready and willing to provide this service and is typically on scene when transportation is required.

FINANCIAL IMPACT:

Woodbury County will pay the City \$350 for transportation per incident. Estimated average number of transports: eight (8) per month (\$2,800)

RELATIONSHIP TO STRATEGIC PLAN:

II. Health and Safety Cluster: We will be known as a safe and healthy city.

ALTERNATIVES:

Council may choose to modify the contract, or not adopt the contract.

ATTACHMENTS:

- Resolution
- Transport Agreement

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AUTHORIZING AND APPROVING A TRANSPORT AGREEMENT BETWEEN SIOUX CITY FIRE RESCUE AND WOODBURY COUNTY, IOWA FOR TRANSPORT SERVICES FROM LOCATIONS WITHIN THE CITY OF SIOUX CITY.

WHEREAS, Sioux City Fire Rescue began performing Ambulance Transport Services for the City of Sioux City on January 1, 2018; and

WHEREAS, Woodbury County desires to procure certain transport services from Sioux City Fire Rescue from locations within the City of Sioux City; and

WHEREAS, Sioux City Fire Rescue is willing to provide those transport services to Woodbury County; and

WHEREAS, the parties desire to enter into a Transport Agreement setting forth the various rights and responsibilities in providing such transport services, a copy of which Transport Agreement is attached hereto and by this reference made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Transport Agreement between Sioux City Fire Rescue and Woodbury County, Iowa for transport services from locations within the City of Sioux City, referred to in the preamble, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED that the Mayor be and he is hereby authorized and directed to execute said Transport Agreement for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

TRANSPORT AGREEMENT

This Transport Agreement ("Agreement") is made and entered into as of November 1st, 2018 through June 30th, 2019 by and between Woodbury County, Iowa (the "County") and City of Sioux City, Sioux City Fire Rescue ("SCFR").

Witnessed that the County wishes to procure certain transport services from SCFR and SCFR wishes to provide those transport services to the County subject to the terms and conditions of this Agreement.

NOW, THEREFORE, the County and SCFR agree as follows:

1. Services. SCFR agrees to transport bodies from locations within Sioux City, Iowa to the office of the Woodbury County Medical Examiner at 2720 Stone Park Blvd, Sioux City, IA 51104. The services shall be performed in a timely manner and in accordance with applicable laws. See Iowa Code section 331.802(1)(death affecting the public interest)
 - (a) Woodbury County Sheriff's Office, Local Law Enforcement and/or Local Fire Officials will provide notification as early as possible, so that SCFR can have the appropriate time to anticipate adequate staffing.
 - (b) Response Time from within the city limits of Sioux City will not exceed 30 minutes.
 - (c) Transportation to the State Medical Examiner or to any location outside of Woodbury County, Iowa is NOT included within this Agreement.
2. Fee. The fee for the service shall be \$350.00 per transport, billed as they occur.
3. Force Majeure. SCFR shall not be liable hereunder for any failure or delay in the performance of the services under this Agreement if such failure or delay is on account of causes beyond its reasonable control, including but not limited to labor disputes, civil commotion, war, fires, floods, inclement weather, government regulations or controls, casualty, government authority, strikes, or acts of God in which event SCFR shall be excused from its obligations for the period of the delay and for a reasonable time thereafter.
4. Term/Termination
 - (a) The term of this Agreement shall be from November 1st, 2018 through June 30th, 2019. Thereafter, the agreement shall automatically renew for a twelve month period beginning on the first day of each and every fiscal year unless terminated or mutually revised by the parties.
 - (b) Either party may terminate this Agreement upon thirty (30) days written notice to the other party.

5. Further Assurances. The parties shall execute such documents and instruments and do all things reasonably required to complete the transactions set forth in this Agreement.
6. Hold Harmless. The parties agree that each will hold the other harmless and indemnify the same from and against any losses or liabilities incurred by the other for services performed under this Agreement, save for those losses or liability occasioned by the acts or negligence of the parties.
7. Governing Law. This Agreement shall be governed and construed according to the laws of the State of Iowa.
8. Notice. Any notice under this Agreement shall be in writing and shall be deemed served when it is delivered by personal delivery or by certified mail return receipt requested, addressed as follows:

if to the County: Woodbury County, Iowa
Woodbury County Courthouse
625 Douglas Street, RM 104
Sioux City, IA 51101
Attn: Board Administrative Coordinator

if to SCFR: Sioux City Fire Rescue
601 Douglas St.
Sioux City, IA 51101
Attn: Fire Chief

Or to such other address or persons as is hereafter designated in writing by the applicable party in the manner provided in this Section for the giving of notices.

9. Section Headings. The section headings contained in this Agreement are contained for convenience only and shall not affect in any way that meaning or interpretation of the Agreement.
10. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any situation in any jurisdiction shall not affect the validity or enforceability of the remaining terms and provisions hereof or the validity or enforceability of the offering term or provision in any situation or in any other jurisdiction.
11. Amendments. No amendment of any provision of this Agreement shall be valid unless the same shall be in writing and signed by the party against whom enforcement is sought.
12. Assignment. This Agreement may not be assigned by either party without the written consent of the other, which consent shall not be unreasonably withheld.

13. Binding Effect. This Agreement shall be binding upon and insure to the benefit of the parties names herein and their respective successors and assigns.
14. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement. In the event any ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties, no presumptions or burden of proof shall arise favoring or disfavoring any party by virtue of authorship of the provisions of this Agreement. The word "including" shall mean including without limitation. Any reference to any federal, state, local or foreign statute or law shall be deemed to refer to all rules and regulations promulgated thereunder, lest the context requires otherwise.
15. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same document.
16. Electronic Signatures. The Parties agree that the electronic signatures of a party to this Agreement or any related document or instrument shall be as valid as an original signature of such party and shall be effective to bind such party to this agreement or such related document or instrument. For purposes hereof, "electronic signature" means a manually-signed original signature that is then transmitted by electronic means; "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a "pdf" (portable document format) or other replicating image attached to an e-mail message; and "electronically signed document" means a document transmitted by electronic means and containing, or to which there is affixed, an electronic signature.
17. Entire Agreement. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any prior understanding, agreements, or representations by or among the parties, written or oral, to the extent they relate in any way to the subject matter hereof.

Executed as of the date first above written.

City of Sioux City

By _____

Printed Name: _____

Title: _____

Woodbury County

By  _____

Printed Name: Rocky DeWitt

Title: CHAIRMAN

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11G

FROM: Melissa D. Campbell, Environmental Services Analyst
Mark Simms, Utilities Director

SUBJECT: **Resolution approving a Consulting Services Agreement with McClure Engineering Company in an amount not to exceed \$43,770.00 to complete a drainage study for City-owned and maintained detention basins.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council authorize McClure Engineering Co. of Sioux City, Iowa, to complete a drainage study for all City-owned and maintained detention basins in the amount of \$43,770.00.

DISCUSSION:

The Environmental Services Division is responsible for overseeing all City-owned detention basins to ensure they are inspected annually and maintained as required by the City's Municipal Separate Storm Sewer System (MS4) permit issued by the Iowa Department of Natural Resources for the discharge of stormwater.

Major tasks included in this drainage study are a field survey of each City-owned basin to quantify current detention volumes, evaluating existing vegetation and infrastructure, hydrologic modeling of watersheds contributing to each basin, and identifying existing water quality benefits and potential areas for improvement. All findings will be included in a final report submitted to the City no later than April 30, 2019.

This report will serve as a reference in future CIP planning by guiding the work plan for CIP 549-007, in providing initial concepts for potential projects that would improve water quality and will be submitted to the Iowa Department of Natural Resources to show compliance with the City's MS4 permit.

FINANCIAL IMPACT:

The cost of this drainage study is \$43,770.00 and will be funded through CIP 549-007, Annual Storm Water Detention Restoration.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Health & Safety

ALTERNATIVES:

- Deny this request and require staff to seek services from another firm.
- Deny this request and don't pursue the project.

ATTACHMENTS:

Resolution

Consulting Service Agreement (Hard Copies Provided)

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT WITH MCCLURE ENGINEERING COMPANY IN AN AMOUNT NOT TO EXCEED \$43,770.00 TO COMPLETE A DRAINAGE STUDY FOR CITY-OWNED AND MAINTAINED DETENTION BASINS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that a Consulting Services Agreement with McClure Engineering Company of Sioux City, Iowa, a copy of which is attached hereto and by this reference made a part hereof, be and the same is hereby approved in an amount not to exceed \$43,770.00 to complete a drainage study for City-owned and maintained detention basins.

BE IT FURTHER RESOLVED that the City Manager and City Clerk be and they are hereby authorized and directed to execute said Consulting Services Agreement for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11H-I

FROM: Stan LaFave, Facilities Maintenance Supervisor
Mike Collett, Assistant City Manager

SUBJECT: Resolution awarding and approving a contract to C.W. Suter & Son, Inc. in the amount of \$663,168.00 for a portion of the Rebid Hail Damaged Roofs and Buildings Projects (Project No. 7005.5-889-003).

Resolution awarding and approving a contract to SGH Redglaze Holdings, Inc. in the amount of \$420,000.00 for a portion of the Rebid Hail Damaged Roofs and Buildings Projects (Project No. 7005.5-889-003).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council award and approve contracts to C.W. Suter & Son, Inc. of Sioux City, Iowa in the amount of \$663,168.00, and SGH Redglaze Holdings, Inc. of Omaha, Nebraska in the amount of \$420,000.00 for the construction of portions of the Rebid Hail Damaged Roofs and Buildings Projects (Project No. 7005.5889-003).

DISCUSSION:

This rebid project includes the removal and replacement of translucent insulated fiberglass panel systems, and insulated sheet metal siding from the hail storm that occurred on June 28, 2017. The city has received payment from our insurance carrier for the facilities and is ready to proceed with repairs.

The Notice of Public Hearing was advertised on September 29, 2018 and October 6, 2018. The public hearing was held on October 8, 2018. Construction completion shall be on or before June 21, 2019.

The project was bid on October 16, 2018. Three (3) bids were received for this project. One of those bidders were non-responsive in connect with the sidewall siding on the Digester Tanks at the Waste Water Treatment Plant. The remaining two (2) bids are as follows:

Company	City, State	# of locations	Total Bids Price
C.W. Suter & Son, Inc.	Sioux City, Iowa	8	\$663,168.00
SCH Redglaze Holdings, Inc.	Omaha, Nebraska	2	\$420,000.00
McKinnis Roofing & Sheet Metal, LLC	Blair, Nebraska	Non-responsive	Non-responsive
Total Price of Two Contracts		2	\$1,083,168.00
Insurance Estimate		10	\$860,000.00

The total bids, submitted by the low bidders for each location results in the total amount of \$1,083,168.00. City Staff is working with the insurance company regarding the cost difference.

FINANCIAL IMPACT:

This project is funded using Insurance Funds and GO Bonds under CIP No. 889-003 Annual City Roof Maintenance Project. The Engineer's opinion of probable construction cost for the work is \$860,000.00.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

1. The City Council may choose to not award and approve these contracts.
2. Bids may be further evaluated or the project documents may be revised and reissued for bid.

ATTACHMENTS:

Resolution
Letter of Recommendation
Bid Tabulation Sheet
Contracts (Hard Copies)

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT TO C.W. SUTER & SON, INC. IN THE AMOUNT OF \$663,168.00 FOR A PORTION OF THE REBID HAIL DAMAGED ROOFS AND BUILDINGS PROJECTS (PROJECT NO. 7005.5-889-003).

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on October 16, 2018, for the Rebid Hail Damaged Roofs and Buildings Projects, in Sioux City, Iowa, (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by FEH Design, Inc.; and

WHEREAS, all of said bids and proposals were carefully considered and it is necessary and advisable that the lowest and/or best bid be accepted and that a contract be awarded for a portion of the construction of the Project in Sioux City, Iowa; and

WHEREAS, the low bidder has submitted a contract and performance bond and related documents, copies of which are attached hereto and by this reference made a part hereof; and

WHEREAS, the City Attorney has examined the contract and performance bond for proper execution and all supporting documents to determine if the same comply with the contract specifications; and

WHEREAS, the City Attorney found said documents to be in order and she has approved the same in writing; and

WHEREAS, the City Manager and City Clerk should be authorized and directed to execute a contract for and on behalf of the City of Sioux City, Iowa.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: The construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances, referred to in the preamble hereof, be and the same is hereby ordered.

Section 2: It is hereby found, determined and declared that the bid of C.W. Suter & Son, Inc. of Sioux City, Iowa, in the amount of \$663,168.00 for a portion of the construction of the Project in Sioux City, Iowa, as provided in the plans and specifications referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

Section 3: It is hereby found, determined and declared that the bid accepted in the preceding section of this resolution is fully responsive to the proposal, plans and specifications for the construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances.

Section 4: The contract and bond submitted by the contractor is hereby approved by the City Council for approval and signature by the City.

Section 5: The City Manager and City Clerk are hereby authorized and directed to execute said contract for and on behalf of the City of Sioux City, Iowa. Upon execution of the contract by the City Manager as authorized herein, the contract shall be in full force and effect and not before.

Section 6: Progress payments may be made to the contractor under the terms and provisions of the contract by the Director of Finance in amounts certified by the City Project Manager as the value of work satisfactorily performed for the period.

Section 7: The checks or bid bonds of all unsuccessful bidders, be, and the same are hereby ordered returned to such bidders.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT TO SGH REDGLAZE HOLDINGS, INC. IN THE AMOUNT OF \$420,000.00 FOR A PORTION OF THE REBID HAIL DAMAGED ROOFS AND BUILDINGS PROJECTS (PROJECT NO. 7005.5-889-003).

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on October 16, 2018, for the Rebid Hail Damaged Roofs and Buildings Projects, in Sioux City, Iowa, (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by FEH Design, Inc.; and

WHEREAS, all of said bids and proposals were carefully considered and it is necessary and advisable that the lowest and/or best bid be accepted and that a contract be awarded for a portion of the construction of the Project in Sioux City, Iowa; and

WHEREAS, the low bidder has submitted a contract and performance bond and related documents, copies of which are attached hereto and by this reference made a part hereof; and

WHEREAS, the City Attorney has examined the contract and performance bond for proper execution and all supporting documents to determine if the same comply with the contract specifications; and

WHEREAS, the City Attorney found said documents to be in order and she has approved the same in writing; and

WHEREAS, the City Manager and City Clerk should be authorized and directed to execute a contract for and on behalf of the City of Sioux City, Iowa.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: The construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances, referred to in the preamble hereof, be and the same is hereby ordered.

Section 2: It is hereby found, determined and declared that the bid of SGH Redglaze Holdings, Inc. of Omaha, Nebraska, in the amount of \$420,000.00 for a portion of the construction of the Project in Sioux City, Iowa, as provided in the plans and specifications referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

Section 3: It is hereby found, determined and declared that the bid accepted in the preceding section of this resolution is fully responsive to the proposal, plans and specifications for the construction of the Project in Sioux City, Iowa, together with necessary accessories and appurtenances.

Section 4: The contract and bond submitted by the contractor is hereby approved by the City Council for approval and signature by the City.

Section 5: The City Manager and City Clerk are hereby authorized and directed to execute said contract for and on behalf of the City of Sioux City, Iowa. Upon execution of the contract by the City Manager as authorized herein, the contract shall be in full force and effect and not before.

Section 6: Progress payments may be made to the contractor under the terms and provisions of the contract by the Director of Finance in amounts certified by the City Project Manager as the value of work satisfactorily performed for the period.

Section 7: The checks or bid bonds of all unsuccessful bidders, be, and the same are hereby ordered returned to such bidders.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

November 8, 2018

Stan LaFave, Building Maintenance Supervisor
City of Sioux City
405 6th Street
Sioux City, IA 51101

Dear Mr. LaFave

Bids were received at 1:00 pm October 16th for the Rebid Hail Damaged Roofs and Buildings Project. Several bids were submitted, opened, and read aloud. The low bidders received and read was from:

SGH Redglaze Holding, Inc. in the total amount of: \$420,000.00.

C.W. Suter and Son, Inc. in the total amount of: \$663,168.00.

Upon review of the bids for the Rebid Hail Damaged Roofs and Buildings Project for the City of Sioux City, **FEH DESIGN** recommends that the City of Sioux City enter into a contract with the contractors indicated above for the bid amount indicated.

If you have any questions, please call me.

Sincerely,

FEH DESIGN



Ron Speckmann, AIA
Principal, Project Manager

Title: Re-Bid Hail Damaged Roofs and Buildings Projects

Bid Opening: Tuesday, October 16, 2018

Line No.	Estimate	CW Suter	SGH	McKinnis
1	\$ 154,000.00	No Bid	\$ 93,000.00	No Bid
2	\$ 404,000.00	No Bid	\$ 327,000.00	No Bid
3A	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3B	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3C	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3D	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3E	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3F	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3G	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
3H	\$ 37,750.00	\$ 82,896.00	No Bid	\$ 122,926.00
Total	\$ 860,000.00	\$ 663,168.00	\$ 420,000.00	\$ 983,408.00
	10	8	2	Non-responsive

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 19, 2018 **ACTION ITEM #** 11J-K

FROM: David Carney, Public Works Director
Gordon Phair, City Engineer

Resolution authorizing and directing the Mayor and City Clerk to execute a 28E Agreement for participation in construction costs for the Military Road Reconstruction and Bridge Rehabilitation Project between the City of Sioux City, Iowa and the City of North Sioux City, South Dakota (Project No. 6755-719-354).

SUBJECT:

Resolution authorizing execution of the “State of South Dakota Maintenance and Jurisdiction Transfer Agreement among Department of Transportation, the City of North Sioux City, South Dakota, and the City of Sioux City, Iowa” in connection with the Military Road Reconstruction and Bridge Rehabilitation Project (Project No. 6755-719-354).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve a resolution to enter into a 28E Agreement with the City of North Sioux City, South Dakota for participation in construction costs, and authorizing the execution of an Jurisdiction Transfer Agreement with the South Dakota Department of Transportation and North Sioux City, South Dakota regarding the ownership, maintenance responsibilities of the Military Road Bridge over the Big Sioux River and the funding cost share associated with the Military Road Reconstruction and Bridge Rehabilitation Project (Project No. 6755-719-354).

DISCUSSION:

The Public Works Department is working closely with the City of North Sioux City, South Dakota in connection to the participation of the joint bridge construction project, and the Agreement to transfer certain highway right-of-way, jurisdiction, operational and maintenance responsibilities from the State of South Dakota to North Sioux City and to outline the future maintenance responsibilities between the City of Sioux City, and the City of North Sioux City regarding the Military Road Bridge over the Big Sioux River. This joint agreement also spells out the cost sharing for the bridge work scheduled with the Military Road Reconstruction and Bridge Rehabilitation Project which will bid through the Iowa Department of Transportation in November 2018 for construction to start in the Spring of 2019. The City of North Sioux City, South Dakota is also funding force main improvements, a critical closure incentive, and additional aesthetic items. The estimated total funds being contributed from the South Dakota Department of Transportation and the City of North Sioux City, South Dakota based on the engineer’s estimate is \$1,684,713.05.

FINANCIAL IMPACT:

The rehabilitation of Military Road Bridge over the Big Sioux River is programmed for \$2,950,000 in FY 2017 CIP 719-138 Annual Bridge Repairs which is funded through a transfer in sales tax infrastructure, general obligation bonds, and the Iowa Department of Transportation Highway Bridge Program funds. The federal funds under the Iowa Department of Transportation Highway Bridge Program will provide up to 80 percent of eligible costs or \$1,000,000.00, whichever is less.

Staff has worked with the City of North Sioux City, South Dakota Department on the 28E Agreement attached outlining the various participation responsibilities for the construction project.

The attached joint transfer agreement being presented for Council approval with the additional funding from North Sioux City, South Dakota will contribute \$1,684,713.05 to the project based on the engineer's estimated values. This contribution will be adjusted based on the contractor's unit bid prices and actual field measured quantities during construction.

The reconstruction of Military Road from the bridge to Riverside Boulevard is programmed for \$2,750,000 in FY 2018 CIP 719-133 Annual Infrastructure Reconstruction which is funded through a transfer in sales tax infrastructure, water and sewer funds, general obligation bonds, and federal funds provided through the Iowa Department of Transportation Surface Transportation Program. The federal funds under the Iowa Department of Transportation Surface Transportation Program will fund 80 percent of the road reconstruction costs up to \$1,325,000.

Streetscape elements with this project are programmed for \$50,000 in FY 2018 and \$50,000 in FY 2019 CIP 879-019 Riverside Boulevard and Military Road District Plan which are funded through general obligation bonds.

To better track the federal funds and project specific expenditures, the unique CIP number 719-354 has been created for the project and the appropriately programmed funds will be transferred from CIP's 719-138, 719-133, and 879-019. The current available balance in CIP 719-354 is \$2,503,839.71.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Strategic Focus – Grow Sioux City

ALTERNATIVES:

Decline to execution of both agreements.

ATTACHMENTS:

Resolution
28E Agreement (Hard copies)
Transfer Agreement

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE A 28E AGREEMENT FOR PARTICIPATION IN CONSTRUCTION COSTS FOR THE MILITARY ROAD RECONSTRUCTION AND BRIDGE REHABILITATION PROJECT BETWEEN THE CITY OF SIOUX CITY, IOWA AND THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA (PROJECT NO. 6755-719-354).

WHEREAS, the City of Sioux City, Iowa and the City of North Sioux City, South Dakota desire to accept joint equal ownership of the Military Road Bridge over the Big Sioux River; and

WHEREAS, the parties have entered into a 28E Agreement setting forth the various participation responsibilities for the construction project; and

WHEREAS, a copy of said 28E Agreement is attached hereto and by this reference made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the 28E Agreement for joint participation responsibilities between the City of North Sioux City, South Dakota, and the City of Sioux City, Iowa regarding the Military Road Reconstruction and Bridge Rehabilitation Project, as referred to in the preamble hereof, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized and directed to execute said 28E Agreement for and on behalf of the City.

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby authorized and directed to file this 28E Agreement with the Iowa Attorney General for their approval and, upon receipt of such approval, file this 28E Agreement with the Iowa Secretary of State and the South Dakota Secretary of State.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION AUTHORIZING EXECUTION OF THE "STATE OF SOUTH DAKOTA MAINTENANCE AND JURISDICTION TRANSFER AGREEMENT AMONG DEPARTMENT OF TRANSPORTATION, CITY OF NORTH SIOUX CITY, SOUTH DAKOTA, AND THE CITY OF SIOUX CITY, IOWA" IN CONNECTION WITH THE MILITARY ROAD RECONSTRUCTION AND BRIDGE REHABILITATION PROJECT (PROJECT NO. 6755-719-354).

WHEREAS, the State of South Dakota Department of Transportation, the City of North Sioux City, South Dakota and the City of Sioux City desire to execute an agreement regarding the ownership, maintenance responsibilities of the Military Road Bridge over the Big Sioux River and the funding cost share associated with the Military Road Reconstruction and Bridge Rehabilitation Project (Project No. 6755-719-354); and

WHEREAS, there is attached hereto and by this reference made a part hereof, a copy of the State of South Dakota Maintenance and Jurisdiction Transfer Agreement among Department of Transportation, the City of North Sioux City, South Dakota, and Sioux City, Iowa setting forth the terms and conditions, which said Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the State of South Dakota Maintenance and Jurisdiction Transfer Agreement among Department of Transportation, the City of North Sioux City, South Dakota, and the City of Sioux City, Iowa regarding the Military Road Bridge over the Big Sioux River, as referred to in the preamble hereof, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized and directed to execute said State of South Dakota Maintenance and Jurisdiction Transfer Agreement among Department of Transportation, the City of North Sioux City, South Dakota, and Sioux City, Iowa for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

**STATE OF SOUTH DAKOTA
MAINTENANCE AND
JURISDICTION TRANSFER AGREEMENT
AMONG
DEPARTMENT OF TRANSPORTATION,
NORTH SIOUX CITY, SOUTH DAKOTA,
AND
SIOUX CITY, IOWA**

This Agreement is made by and among the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE"; the city of Sioux City, Iowa, referred to in this Agreement as "SIOUX CITY"; and the city of North Sioux City, South Dakota, referred to in this Agreement as "NORTH SIOUX CITY." This Agreement is subject to approval by the South Dakota Transportation Commission ("the Commission") and will be null and void if not approved by the Commission.

1. PURPOSE AND BACKGROUND

In March of 1975, the STATE and SIOUX CITY entered into an agreement entitled "Military Road – Big Sioux River Bridge Agreement" to reconstruct the structure on Military Road located over the Big Sioux River on the South Dakota/Iowa border. The agreement directed each party to be jointly responsible for ongoing maintenance activities for the structure at a fifty-fifty (50:50) cost share. The STATE has assigned an inventory number to the structure (Str. # 64-164-385) and the structure is commonly known as the "Military Road Bridge." The STATE desires to relinquish and NORTH SIOUX CITY desires to assume any and all further maintenance, operational and jurisdictional responsibilities with regard to Military Road and the Military Road Bridge. Effective as of the date of the recording of the deed or deeds referenced in Sections 2.A. and 3.A., below, the STATE will relinquish any and all further maintenance, operational and jurisdictional responsibilities it may have with regard to Military Road or the Military Road Bridge to NORTH SIOUX CITY.

The purpose of this Agreement is to transfer certain highway right-of-way, jurisdiction, operational, and maintenance responsibilities from the STATE to NORTH SIOUX CITY for public highway purposes pursuant to SDCL §§ 31-19-63 and 31-19-64.

2. HIGHWAY RIGHT-OF-WAY FOR WHICH OWNERSHIP IS TO BE TRANSFERRED

- A. If approved by the Commission, pursuant to SDCL §§ 31-19-63 and 31-19-64, the STATE will transfer to NORTH SIOUX CITY by quit claim deed and bill of sale all of the STATE'S ownership interests in, jurisdiction over, and operational and maintenance responsibilities of the structure (Str. # 64-164-385) over the Big Sioux River located on Military Road on the South Dakota/Iowa border and any interest in related right of way.

The location of the structure, including any interest in related right of way, to be transferred is shown on the aerial photo attached as **Exhibit A**, which is incorporated as part of this Agreement.

- B. The STATE will transfer to NORTH SIOUX CITY any interest it may have in the existing right of way on Military Road from River Drive in North Sioux City, South Dakota, to the South Dakota/Iowa border at the Big Sioux River.
- C. NORTH SIOUX CITY will provide the STATE with a true and correct copy of the resolution of the NORTH SIOUX CITY'S governing body authorizing NORTH SIOUX CITY to accept ownership, jurisdiction and maintenance responsibilities of the structure and any right of way. A copy of the resolution from NORTH SIOUX CITY accepting ownership of the structure and any right of way is attached to this Agreement as **Exhibit B**.

3. THE STATE AGREES TO THE FOLLOWING:

- A. If approved by the Commission, the STATE will transfer all ownership, jurisdiction and maintenance responsibilities of the structure and any interest it has in any right of way to NORTH SIOUX CITY upon execution of this Agreement. The STATE will prepare the documents necessary to convey ownership of the structure and any right of way and arrange for the recording of the transfer deed or deeds.
- B. The estimated cost for the STATE's share of the Military Road Bridge project is One Million Five Hundred Sixty-Four Thousand Dollars (\$1,564,000), which includes design and construction engineering and estimated construction costs. Upon recording of the transfer, the STATE will make payment of this amount to NORTH SIOUX CITY. The STATE'S conveyance of One Million Five Hundred Sixty-Four Thousand Dollars (\$1,564,000) constitutes full and complete payment for acceptance of ownership of the structure and any right of way by NORTH SIOUX CITY.
- C. Any costs for approach work beyond the structure tie-in points as agreed by the STATE for bridge approach work on the South Dakota side of the structure will be at the expense of NORTH SIOUX CITY.
- D. Any costs for approach work beyond the structure approach slabs on the Iowa side of the structure will be at the expense of SIOUX CITY.
- E. If the actual bids for the bridge work exceeds the engineers estimated projected costs by fifteen percent (15%), this Agreement becomes null and void.
- F. STATE will transfer absolute ownership, jurisdiction and continuing maintenance responsibilities of the structure on Military Road to North Sioux City, including assignments of all permits, licenses, and other rights and responsibilities consistent with the operation of the facility. The form of the bill of sale is attached as **Exhibit E**.

4. NORTH SIOUX CITY AGREES TO THE FOLLOWING:

- A. NORTH SIOUX CITY will accept ownership, jurisdiction and maintenance responsibilities of the structure and any right of way upon delivery by the STATE to NORTH SIOUX CITY with conveyance of the necessary documents.

The term "maintenance responsibilities," when used in this Agreement, will include, but not be limited to, the following:

- i. Snow removal;
 - ii. Pavement markings;
 - iii. Repairs and improvements;
 - iv. Permanent signing;
 - v. Drainage;
 - vi. Inspections;
 - vii. Access management;
 - viii. Utility management; and
 - ix. Compliance with the American with Disabilities Act requirements.
- B. NORTH SIOUX CITY will keep detailed records, accounts, invoices, and supporting documents pertaining to all costs paid for with exchanged funds. Upon reasonable notice, NORTH SIOUX CITY will allow the STATE, through any authorized representative, to have access to and the right to examine and copy all records, accounts, invoices, and supporting documents pertaining to all costs paid for with these funds.

- C. NORTH SIOUX CITY will utilize all funds noted in Section 3., above, to reimburse SIOUX CITY its equal share of the costs associated with the bridge and accompany work of the Military Road Bridge. The state highway funds conveyed may only be used for this purpose. No part of this deposit will revert to NORTH SIOUX CITY'S general funds nor will any portion of this deposit be used for any other purpose than for the reimbursement to SIOUX CITY for the bridge work of the Military Road Bridge project. If there are any funds remaining from the payment from the STATE, these funds can only be used on construction and maintenance of highways and bridges under NORTH SIOUX CITY's jurisdiction and control.
- D. NORTH SIOUX CITY will reimburse SIOUX CITY for costs associated with future inspection, maintenance, repairs, or reconstruction of the structure performed by SIOUX CITY, after mutual agreement of these services.

5. SIOUX CITY AGREES TO THE FOLLOWING:

- A. SIOUX CITY will continue to jointly own half of the Military Road Bridge and will accept the STATE'S transfer of ownership, jurisdiction and maintenance responsibilities to NORTH SIOUX CITY.
- B. SIOUX CITY will be responsible for design, bid letting, inspection, and construction of the re-decking of the Military Road Bridge.
- C. SIOUX CITY shall continue inspection services of the structure, and invoice NORTH SIOUX CITY for fifty percent (50%) of these services.
- D. Future maintenance, repair, or reconstruction of the structure shall be the joint responsibility of SIOUX CITY and NORTH SIOUX CITY.
- E. SIOUX CITY shall reimburse NORTH SIOUX CITY for costs associated with future inspection, maintenance, repairs, or reconstruction of the structure performed by NORTH SIOUX CITY, after mutual agreement of these services.

6. INDEMNIFICATION

SIOUX CITY and NORTH SIOUX CITY will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceedings that arise as a result of the SIOUX CITY and NORTH SIOUX CITY's performance under this Agreement. This section does not require SIOUX CITY and NORTH SIOUX CITY to be responsible for or defend against claims or damages arising solely from errors or omissions of the STATE, its officers, agents, or employees.

7. MISCELLANEOUS

- A. SIOUX CITY and NORTH SIOUX CITY may not assign this Agreement, in whole or in part, without the STATE'S prior written consent. This Agreement may not be amended, except in writing, which writing will be expressly identified as a part of this Agreement and must be signed by an authorized representative of each of the parties. The parties agree changes in the scope of the re-decking project may be cause for amending the Agreement.
- B. The STATE makes no representations or warranties of title for any of the property to be conveyed pursuant to this Agreement.
- C. This Agreement will be effective as of date of last signature.
- D. NORTH SIOUX CITY has designated its Mayor as its authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S

Commission or Council minutes or resolution authorizing the execution of this Agreement by the Mayor as the CITY'S authorized representative is attached to this Agreement as **Exhibit C**.

- E. SIOUX CITY has designated its Mayor as its authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the CITY. A copy of the CITY'S Commission or Council minutes or resolution authorizing the execution of this Agreement by the Mayor as the CITY'S authorized representative is attached to this Agreement as **Exhibit D**.

This Agreement is binding upon the signatories not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the respective CITY to enter into same.

City of North Sioux City, South Dakota

By: 

Its: Mayor, **Randy Fredericksen**

Date: October 9, 2018

Attest:


City Auditor/Clerk Finance & Administration
Susan Kloostra

[CITY SEAL]



State of South Dakota
Department of Transportation

By: _____

Its: Secretary

Date: _____

Approved as to Form:


Dustin Deboer
Special Assistant Attorney General

City of Sioux City, Iowa

By: _____

Its: Mayor, **Robert E. Scott**

Date: _____

Attest:

City Auditor/Clerk, **Lisa L. McCardle**

[CITY SEAL]

Exhibit A



Exhibit C

APPROVED
North Sioux City, South Dakota
City Council Regular Meeting Minutes
September 17, 2018

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Berg, Blaeser, Carpenter, Cropley, Green, Parks and Slater were present. Also in attendance were City Administrator Ted Cherry and Finance Officer Susan Kloostra.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Cropley second by Parks to approve the agenda with the addition of an Executive Session for Contractual. All members present voted aye.

Motion by Slater second by Berg to correct the September 4 Council Meeting minutes on page 6, paragraph, adding "and City governance". Motion by Green second by Slater to approve the amended minutes. All members present voted aye.

V.J.P. Gymnastics requested approval for a fireworks display during their October 6. Motion by Parks second by Cropley to approve the request, contingent upon receiving approval from the building owner. All members present voted aye.

Sugar Daddy's has requested a temporary one-day for special event license to serve malt beverages during the Tri-State Cruisers event on Military Road, September 19, from 4p-9p. Motion by Cropley second by Slater to approve the request as presented. All members present voted aye.

South Dakota Water/Wastewater Agency Response Network (SDWARN), of which North Sioux City is a member, has made a funding request. The organization needs to purchase additional equipment, for the pumping and flood fighting related equipment, they had acquired from the City of Fort Pierre. As members of this organization, we are able to borrow equipment as well as receive aid through sharing resources in the event of an emergency or disaster. Motion by Slater second by Parks to contribute \$1,000 for to SDWARN. All members present voted aye.

Cherry reported completing discussions with SD Department of Transportation regarding the transfer of responsibilities for the Military Road Bridge from SDDOT to North Sioux City. The agreement outlines the shared responsibilities between the City of Sioux City and the City of North Sioux City as pertains to the maintenance and jurisdictional responsibilities and cost sharing. Cherry reported the agreement outlines funding which will be released to North Sioux City to pay for the upcoming bridge construction project that Sioux City is coordinating. If signed as presented, not using the alternate language, the City would receive \$1,564,000 which would be used for its portion of the construction costs as outlined, additional transit fees to continue bus services during construction and \$75,000 which would be paid to the contractor as incentive payments for early completion. The agreement would become null and void if the bids come in 15% higher than the engineer's estimate. DOT and City of Sioux City plan to present this agreement to their boards for final approval. Discussion was held and included questions regarding Sioux City's Military Road bridge construction project. Cropley asked regarding #5D as it's not specific in regards to a 50/50 cost split. Cherry reported the #5D details have not been determined. Motion by Cropley second by Carpenter to approve the agreement (without the alternate language). All members present voted aye.

Council had the second reading of Ordinance 2018-02 Budget Appropriations for Fiscal Year 2019. Cherry pointed out, given Council's approval of the DOT agreement, the state grant revenue line was increase to the \$1,564,000, reducing the amount to be transferred from unassigned cash. A typo was discovered with the water department's overtime amount, it should be \$14,000 not \$114,000. Cropley asked if any budget request documentation was received from the Parks Board and Cherry stated he had not. No other changes were made to

the budget. Motion by Parks second by Cropley to approve the amended budget with the caveat that the percentages provided in the budget are not the final allocations for wage and benefit. All members present voted aye.

Community/council input:

- 1) Streetscape Meeting – 9/18/2018, 7 pm, Council Chambers
- 2) Tri-State Cruisers – 9/19/2018, 4-8 pm, Military Road
- 3) Siouxland Chamber Dinner – 9/20/2018, 5:30 pm, Convention Center

Motion by Cropley second by Berg to enter Executive Session at 7:44 p.m. in accordance with SDCL 1-25-2 (sections 1 and 4) to discuss Contractual matters. All members present voted aye.

Regular session resumed at 8:11 p.m. Roll was taken, all were present.


Council accepted Peggy Garsett's resignation dated September 1, 2018, which Council received on September 4, 2018.

Motion by Green second by Berg to approve the bills as presented. All members present voted aye.

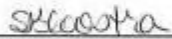
AFLAC	856.34	AUG2018 PREM
BIG SIOUX TOWNSHIP	2892.10	SHARED EXP-WATERS RD. & RICKENBACKER
BUSH DRY CLNRS	44.00	LIB-CLNG PILLOWS
RITWAY BUS FORMS	784.76	ENVELOPES (4000)
CERTIFIED TESTING SVCS,INC	3501.00	N DERBY-OVERLAY PROJECT
CITY OF SIOUX CITY	36357.12	AUG2018 SWR CHGS USAGE 16,832
CONSTRUCTION PLUS, LLC	4268.75	PARKS-DISTRIBUTE & INSTALL MULCH
DAKOTA DUNES/NSC TIMES	875.33	AUG2018 PUBLISHING FEES
THOMPSON INNOVATION	696.00	ANNUAL FIRE ALARM INSPCTN (3)
ELECTRICAL ENGINEERING & EQUIP	2665.00	MNTNNG ON GNRTRS
FERGUSON WATERWORKS	1344.64	WATER METERS (3)
FLOYD RIVER MATRLS INC	178.43	PEA ROCK-7 93 TONS
FOULK BROS PLUMBING	130.00	CH-REGENERATED SOFTENER
GILL CONSTRUCTION	7482.40	CURB REPAIRS (16), MANHOLE REP
GILL HAULING	9220.71	AUG2018 RESIDENTIAL WASTE
H2O 4 U	145.00	BOTTLED WATER (12)
HAWKINS, INC	963.48	CHLORINE (16), GRANULAR (6)
INGRAM LIB SVCS	82.52	BOOKS (4)
JACK'S UNIFORMS & EQUIP	144.95	PD-EARPHONE KIT (2)
KEVIN ODELL ELECTRIC, INC	465.32	LOCATE, INSTALL DATA RECORDER
KNIFE RIVER MIDWEST, LLC	221136.65	N DERBY OVERLAY PROJ
KTV	3750.00	ADVERTISING 08/06-08/25
LOCAL NO 749	236.00	OCT2018 DUES
LONG LINES	801.54	SEP2018 PHN & INT CHGS
MERCY BUSINESS HEALTH SVCS	53.33	SEP2018 EAP
PATRICIA MERSCH	8.89	SR CNTR-BIRTHDAY CAKE
MIDAMERICAN ENERGY	14163.92	AUG2018 UTILITY CHGS
MIDAMERICA BOOKS	107.70	BOOKS (6)
MIDWEST TURF & IRRIGATION	12.70	TORO MOWER PART
ONE OFFICE SOLUTION	228.96	CALCLTR, TONER, FOLDERS (2 CS)
QUALIFIED PRESORT SVC, LLC	757.76	AUG2018 POSTAGE UTILITY BILLS
RADAR SHOP	291.00	RECERTIFIED RADAR UNITS (5)
ROBERTSON IMPLEMENT CO	272.16	WEED EATER REPAIR
SD ONE CALL	72.80	AUG2018 LOCATES (85)
SXLND CHAMBER OF COMMERCE	900.00	ANNUAL DINNER MEMBER 2ND TABLE
SXLND HUMANE SOCIETY	74.00	SEP2018 SERVICES
TOOL DEPOT	35.09	TIGER MOWER-AIRCRAFT CABLE
TOWN & COUNTRY LAWN SVC	969.00	AUG2018 WEED CTRL
UTILITY SVC CO	1600.00	WATER TOWER INSPCTN
VAN DIEST SUPP CO	695.00	BDMIST (10)
VANDER POL EXCAVATING, LLC	165968.82	S DERBY RCNSTRCTN PROJ
WATCHGUARD VIDEO	112.00	VEST ADAPTER CLIP (5)
WELLMARK BLUE CROSS	21259.18	OCT2018 INSUR PREM
WELTE, LIANE	60.00	EXP REIMB-EXCEL CLASSES
WRIGHT EXPRESS FLEET SVCS	3272.49	AUG2018 FUEL CHGS

Motion by Parks second by Cropley to adjourn at 8:13 p.m. All members present voted aye.

Approved


Randy Fredericksen, Mayor

Attested


Susan Klootra, Finance Officer



BILL OF SALE AND ASSIGNMENT

THIS BILL OF SALE AND ASSIGNMENT is made on this ____ day of _____, 2018, by and between the State of South Dakota, acting by and through its Department of Transportation ("SDDOT"), for the benefit of the City of North Sioux City, South Dakota ("CITY").

Background:

1. SDDOT is conveying to CITY certain real and personal property ("Property") located in the State of South Dakota and Iowa; and
2. SDDOT wants to assign to CITY all rights and interests, if any, SDDOT has relating to this Property, including, but limited to, those rights and obligations contained in the agreement entitled "State Of South Dakota Maintenance And Jurisdiction Transfer Agreement Among Department Of Transportation, North Sioux City, South Dakota, And Sioux City, Iowa" ("Agreement"), as well as any necessary permits, licenses, and other documents necessary for maintenance, repair, operation, and control of the subject property.

NOW, THEREFORE, SDDOT, for and in consideration of One Dollar (\$ 1) and other good and valuable consideration, transfers to CITY all of SDDOT'S right, title, and interest, if any, in and to the following Property, together with all appurtenances, rights-of-way, and ingress and egress, easements, franchises, and permits incidental to such bridge, including, but not limited to, those referred to in the Agreement:

Structure # 64-164-385 over the Big Sioux River located on Military Road, on the South Dakota/Iowa border, commonly referred to as the Military Road Bridge, and any related right of way.

This Property is transferred "AS IS, WHERE IS" and SDDOT disclaims any representations and warranties, whether express or implied, as to the condition, merchantability, fitness for any purpose, or quality of title or workmanship of the Property. SDDOT has no responsibility or obligation for the removal or demolition of the Structure upon the Structure meetings its useful service life.

CITY accepts the Property subject to all faults of every kind and nature whatsoever, whether latent or patent and whether now or hereafter existing. SDDOT will not be obligated to do any restoration, repair, removal, remediation, monitoring, or other work in connection with the Property, and SDDOT will not be liable for or responsible in any way for the cost of any restoration, repair, removal, remediation, monitoring, or other work necessary to cause the Property to meet any applicable law, ordinance, requirement, limitation, restriction, rule, regulation, or code, or be suitable for any particular use.

CITY agrees to hold harmless and indemnify SDDOT, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as the result of the negligence, misconduct, error or omission of SDDOT or any officer, agent or employee of SDDOT with regard to the subject matter of this Bill of Sale.

This Bill of Sale does not carry with it any implied covenant whatsoever, including, but not limited to, any covenant that SDDOT has good right to convey any interest in the Property to CITY. The CITY accepts the Property subject to all encumbrances, covenants, conditions, and restrictions, if any, whether of record or not.

This instrument will be construed and enforced in accordance with and governed by the laws of the State of South Dakota. This instrument will be binding upon and inure to the benefit of the parties and their respective successors and assigns.

(SIGNATURES FOLLOW)

EXHIBIT E

This instrument is binding upon signatories not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of the SDDOT and the CITY to enter into the same.

City of North Sioux City, South Dakota

State of South Dakota
Department of Transportation

By: _____

By: _____

Its: Mayor

Its: Secretary of Transportation

Date: _____

Date: _____

Attest:

Approved as to Form:

City Auditor/Clerk

Special Assistant Attorney General

[City Seal]

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 12A-B

FROM: Jeff Hanson, Community Development Operations Manager (CRM)

SUBJECT: **Resolution approving a subdivision improvement installation agreement with Lakeport View L.L.C. in connection with the Indian Hills Court Subdivision, an Addition to The City of Sioux City, Woodbury County, Iowa.**

Resolution accepting and approving the final plat for “Indian Hills Court Subdivision, an Addition to Sioux City, Woodbury County, Iowa” (Petitioner: Lakeport View, L.L.C.). (File No. 2018-0084).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council approve the subdivision improvement agreement and final plat, based on the following findings;

Findings of Fact:

- 1) The final plat is consistent with the preliminary plat approved on May 7, 2018.
- 2) The proposal will allow for the development of twelve (12) single family attached residential units.
- 3) The applicant has completed work on the project.
- 4) The applicant’s proposal conforms to the minimum Municipal Code requirements.

Recommended Conditions of Approval:

- 1) None

DISCUSSION:

The City has received a request from Lakeport View LLC, petitioner, to approve a final plat for a 3.20-acre tract of land located at 4021 Indian Hills Drive. The proposal will allow for the construction of twelve (12) twin home residential units. A general area map and final plat are enclosed for your review.

The preliminary plat for the Indian Hills Court development was approved on May 7, 2018 by City Council by Motion Number 2018-0367. That preliminary plat showed a total of twelve (12) lots on approximately 3.20 acres.

The proposed Final Plat is consistent with the preliminary plat that was approved by the City Council. Each of the lots will include a single family attached dwelling, with lot size ranging from 7,631 square feet to 15,148 square feet.

The petitioner has not completed all the work in association with the final plat. As of the writing of this staff report, the street lights have not been installed, and a maintenance agreement and sizing certification for the detention pond, need to be provided to City Engineering. A subdivision improvement agreement is attached in regard to these items.

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility: Economic Opportunity.

Focus Area: Expand Development Opportunities and Grow Sioux City.

#3 Grow a vibrant and balanced economy.

ALTERNATIVES:

None.

ATTACHMENTS:

Attachment A: Subdivision Improvement Agreement

Attachment B: Ordinance

Attachment C: General Area Map

Attachment D: Application

ATTACHMENT A

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION APPROVING A SUBDIVISION IMPROVEMENT INSTALLATION AGREEMENT WITH LAKEPORT VIEW L.L.C. IN CONNECTION WITH THE INDIAN HILLS COURT SUBDIVISION, AN ADDITION TO THE CITY OF SIOUX CITY, WOODBURY COUNTY, IOWA.

WHEREAS, Lakeport View L.L.C. desires to subdivide certain real property in the City of Sioux City, Iowa, known as Indian Hills Court Subdivision, an addition to Sioux City, Woodbury County, Iowa; and

WHEREAS, Lakeport View L.L.C. request deferment of the installation of certain types of public improvements being street lighting fixtures and wiring; and

WHEREAS, Lakeport View L.L.C. has executed a Subdivision Improvements Installation Agreement, a copy of which is attached hereto and by this reference made a part hereof; and

WHEREAS, such Installation Agreement should be approved and the City Manager and City Clerk authorized and directed to execute same for and on behalf of the City of Sioux City, Iowa.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the Subdivision Improvements Installation Agreement by and between the City of Sioux City, Iowa and Lakeport View L.L.C. for Indian Hills Court Subdivision, an addition to Sioux City, Woodbury County, Iowa, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED that the City Manager and City Clerk be and they are hereby authorized and directed to execute said Subdivision Installations Agreement for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby authorized and directed to certify a copy of this resolution and file same together with said Subdivision Installations Agreement in the office of the Woodbury County Recorder.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

SUBDIVISION IMPROVEMENTS INSTALLATION AGREEMENT

THIS AGREEMENT made on _____ by and between the City of Sioux City, Iowa, (hereinafter "City") and _____, (hereinafter "Subdivider").

RECITALS

WHEREAS, Subdivider has subdivided certain property in Sioux City, Iowa, known as:

That portion of the Southeast Quarter of the Northeast Quarter (SE1/4-NE1/4) of Section 36, Township 89 North, Range 47 West of the 5th P.M., City of Sioux City, Woodbury County, Iowa, described as follows:

Beginning at the east quarter corner of said Section 36; thence North 88°01'52" West along the south line of said SE1/4-NE1/4 for a distance of 929.19 feet (recorded as 930 feet); thence North 01°07'08" East for a distance of 599.21 feet (recorded as 600 feet); thence North 87°50'49" West for a distance of 368.33 feet to the west line of said SE1/4-NE1/4; thence North 00°18'59" East along said west line for a distance of 704.97 feet to the northwest corner of said SE1/4-NE1/4; thence South 88°03'44" East along the north line of said SE1/4-NE1/4 for a distance of 1,307.59 feet to the northeast corner of said SE1/4-NE1/4; thence South 01°07'43" West along the east line of said SE1/4-NE1/4 for a distance of 1,305.87 feet to the Point of Beginning, containing 33.89 acres, more or less, subject to easements, if any, of record or apparent.

Basis of Bearings: All bearings are referenced to the Iowa Regional Coordinate System, Zone 4; and

WHEREAS, the City is willing to approve the subdivision plat without installation of certain public improvements required by City ordinance; and

WHEREAS, the parties desire to agree upon the procedure by which the public improvements will be installed after approval of the subdivision plat.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. This Agreement covers the following types of public improvements:
 - a. Street Lighting Fixtures and Wiring
(hereinafter referred to as "Public Improvements").
2. The City agrees to approve the Subdivider's subdivision plat prior to the construction of all the Public Improvements required by the ordinances of City.
3. Subdivider agrees to install or cause to be installed city-approved street lighting fixtures and all necessary wiring when fifty percent or more of the lots in the subdivision have occupied structures thereon.
4. In the event the Subdivider fails to install the public improvements as required by this Agreement the City may, at its option:

- a. Install or cause to be installed the public improvements at the Subdivider's expense. In this event, the Subdivider agrees to reimburse the City for all costs incurred by the City in installing the public improvements. Payment in full will be due thirty days after submission of the bill and demand for payment to the Subdivider.
 - b. Install or cause to be installed the public improvements and assess the costs against the abutting benefitted in the same manner as permitted by Division IV, Chapter 384, The Code of Iowa. To this end, the Subdivider hereby waives all notices, waives the right to a hearing, waives all rights of appeals and consents to the assessment.
 - c. Proceed under both A and B above.
5. This Agreement is binding upon the Subdivider's successors in interest and they shall have the same obligations and responsibilities as the Subdivider. The City shall have the right to proceed against successors in interest to the same degree and extent as against the Subdivider. However, the City is not obligated to proceed against any successor in interest and may proceed against the Subdivider singularly or against the Subdivider and all successors in interest jointly and severally.
6. In the event a suit is filed by the City for the recovery of any payment due under this Agreement, Subdivider agrees to pay all costs in connection with suit, including reasonable attorney fees, whether or not the suit proceeds to judgment.
7. If the City determined that a public improvement must be installed in all or any part of the Subdivider's subdivision, it shall give the Subdivider and any successor in interest a written notice to construct the public improvement specifying the location or locations on which the public improvement must be constructed and the date the work must be completed. The date for completion of construction must be not less than 35 days from the date of the notice.

Said notice may be given by personal delivery or by ordinary mail sent to the last known address of the Subdivider or any successor in interest. Notice may also be given by publication in the Sioux City Journal if the City reasonably believes mailed notice will not be received and personal service is not possible within the City.
8. Nothing in this Agreement shall be construed to relieve the Subdivider or any successor in interest or their agents from obtaining the necessary permits and otherwise complying with all laws governing the construction of the public right-of-way within the City.

IN WITNESS WHEREOF the parties have executed this Agreement on the date above.

Attest: City of Sioux City Iowa

By: Lisa L. McCardle City Clerk By: Robert Padmore City Manager

Attest: Lakeport View, LLC

By: By: Title: Title:

STATE OF IOWA)
COUNTY OF WOODBURY)

BE IT REMEMBERED, on this ___ day of ___, 2018, before me the undersigned, a Notary Public in and for Woodbury County, personally appeared Robert Padmore and Lisa L. McCardle, to me personally known, who, being by me duly sworn, did say that they are City Manager and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed hereto is the seal of the City of Sioux City, Iowa; that the said instrument was signed and sealed on behalf of said City of Sioux City, Iowa, and that the said Robert Padmore and Lisa L. McCardle acknowledged the execution of said instrument to be the voluntary act and deed of said City of Sioux City, Iowa, by it and by them voluntarily executed.

NOTARY PUBLIC IN AND FOR WOODBURY COUNTY

STATE OF IOWA)
COUNTY OF WOODBURY)

On this ___ day of ___, 2018, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared ___, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

NOTARY PUBLIC IN AND FOR WOODBURY COUNTY

ATTACHMENT B

RESOLUTION NO. 2018 - _____

RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT FOR "INDIAN HILLS COURT SUBDIVISION, AN ADDITION TO SIOUX CITY, WOODBURY COUNTY, IOWA"

WHEREAS, Lakeport View L.L.C. did file with the City Clerk of the City of Sioux City, Iowa, a certain plat designated "Indian Hills Court Subdivision, an addition to Sioux City, Woodbury County, Iowa"; and

WHEREAS, the Planning and Zoning Commission on April 24, 2018 recommended denial of the preliminary plat; and

WHEREAS, the City Council on May 7, 2018 pursuant to Motion Number 2018-0367 approved the Preliminary Plat of Indian Hills Court Subdivision, an Addition to the City of Sioux City, Woodbury County, Iowa.

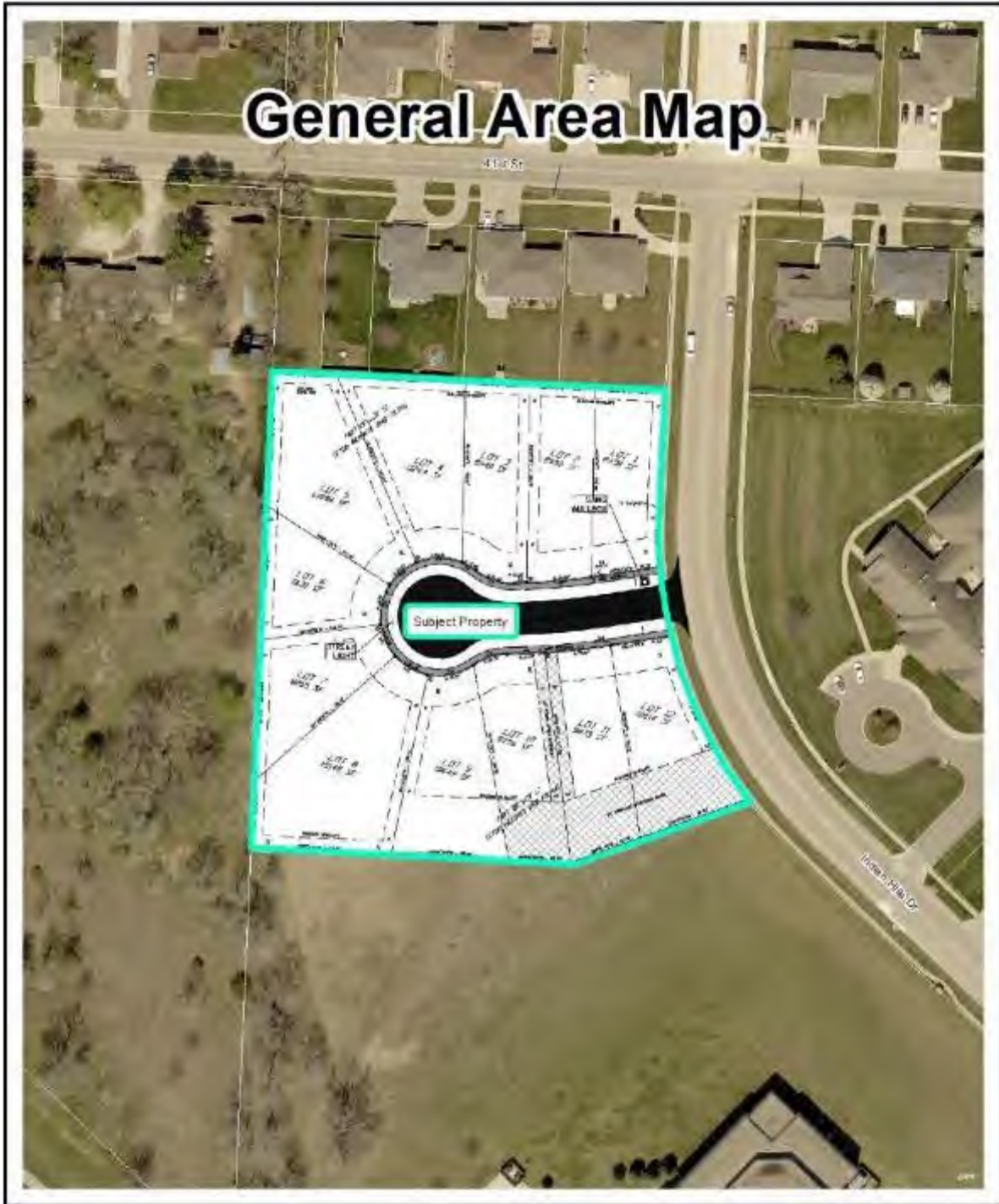
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that said Final Plat for "Indian Hills Court Subdivision, an addition to Sioux City, Woodbury County, Iowa" as hereto attached and forming part of this Resolution, be, and the same is hereby accepted and approved, and the Mayor and the City Clerk be and they are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

ATTACHMENT C



City of Sioux City Planning Division

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This document is for informational purposes only. It is not intended to be used as a legal document. The City of Sioux City is not responsible for any errors or omissions in this document. The City of Sioux City is not responsible for any damages or losses resulting from the use of this document. The City of Sioux City is not responsible for any claims or liabilities arising from the use of this document.



GENERAL AREA MAP

ATTACHMENT D

CITY OF SIOUX CITY

Applicant Profile Form

(Complete along with the appropriate application form. Not required with the Design Review Committee Request Form)

Planning Division
Room 308
405 6th Street
P.O. Box 447
Sioux City, IA 51102-0447



Before completing, read the entire Applicant Profile Form and related application. A pre-application conference is **required** for all applications for cluster, mixed housing, and planned neighborhoods; traditional neighborhood development, as well as applications for development in the Airport Protection (AP), Casino Entertainment (CE), Historic Area (HA), and Public Institutional (PI) zoning districts. However, pre-application conferences may be requested for any development type.

PETITIONER/APPLICANT INFORMATION

Name: Lakeport View, L.L.C.

Street Address: 700 Pierce St.

City: Sioux City State: IA ZIP: 51101

Phone: 712-204-2727 E-mail Address: dick@salemrealestate.biz

Petitioner's interest in the property: Owner Contract Buyer Architect Engineer Other: _____

PROPERTY OWNER (IF DIFFERENT)

Name: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ E-mail Address: _____

LEGAL DESCRIPTION (IF LEGAL IS TOO LONG, NOTE BELOW AND ATTACH TO THE APPLICATION)

Attached.

PLANNING AND ZONING DIVISION REQUESTS

Approvals are issued by the City after compliance with the requirements of the Zoning and Sign Code is determined. A determination is made by the Planning and Zoning Commission, Board of Adjustment, Administrator, or City Council upon recommendation of City staff, Boards, or Commissions. A full list of permits and approval procedures are listed in *Subchapter 25.06-B Permits and Procedures of the Code*.

<input type="checkbox"/> Vacation	<input type="checkbox"/> Site Plan / Development Concept Plan	<input type="checkbox"/> Conditional/Limited Use Permit	<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Zone Change	<input type="checkbox"/> Major changes to a Site/Concept Plan	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Designation of Historic Site/Landmark
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Minor Changes to a Site/Concept Plan	<input type="checkbox"/> Appeal	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Minor Modification	<input type="checkbox"/> Zoning Compliance Certificate	<input type="checkbox"/> Variance	<input type="checkbox"/> Avigation Permit
<input type="checkbox"/> Right-of-Way Encroachment	<input type="checkbox"/> Sign Design Program		<input type="checkbox"/> Interchange Development
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Interpretation		<input checked="" type="checkbox"/> Preliminary/Final Plat

SIGNATURE

Property Owner's Signature: *Richard J. Salem* Application Date: *12/18/18*

***For additional assistance please contact the City Planning and Zoning Division either before or after submission of the application. A copy of the entire Sioux City Zoning and Sign Code is available in the Planning Division office or under Title 25 online at: <http://online.encodeplus.com/regs/siouxcity-ia/index.aspx>. See *Subsection 25.06.070* for the complete review procedures.**

For Office Use Only

File Number:

Staff Reviewer:

CITY OF SIOUX CITY

Application for a Preplat, Preliminary Plat, or Final Plat
(Complete along with the Applicant Profile Form)

Planning Division
Room 308
405 6th Street
P.O. Box 447
Sioux City, IA 51102-0447



SUBJECT PROPERTY INFORMATION

Owner	Lakeport View, L.L.C.		
Street Address	4021 Indian Hills Dr.		
Zoning District	Existing Use	New Development	
Lot Size	3.20 acres	Proposed Lots	12
Proposed Use	12 Townhomes		

REQUEST

<input type="checkbox"/>	Include the following: Completed Applicant Profile Form
<input type="checkbox"/> Preplat	<input type="checkbox"/> A reproducible copy and five (5) copies of the preliminary plat <input type="checkbox"/> As per Chapter 24.12.010, any owner, developer or agent wishing to subdivide a parcel of land shall contact the Planning Director and arrange for a Preplat Conference. This conference is to determine general requirements to be included in the subdivision. If the subdivision does not involve new streets or utilities, the conference may be waived by the Planning and Zoning Commission. For additional information regarding conference, see the Subdivision Regulations Manual.
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> One digitally formatted copy and five (5) paper copies of the Grading Plan. <input type="checkbox"/> Is the preliminary plat prepared in conformity with the Sioux City Subdivision Ordinance? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, list requested waivers on back of form.
<input checked="" type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> One digitally formatted copy and five (5) paper copies of the Final Plat. <input type="checkbox"/> Engineer's statement that the public improvements have been completed or are bonded for. <input type="checkbox"/> The mylar copy may be submitted for signatures following Council action. <input checked="" type="checkbox"/> Is the final plat prepared in conformity with the Sioux City Subdivision Ordinance? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, list requested waivers on back of form.

For Office Use Only

File Number:

Staff Reviewer:

Final Plat Checklist

See Section 24.10.040 for complete final plat filing requirements.

- Completed application with filing fee (\$250).
- Final plat (5 copies) prepared by a professional land surveyor meeting the requirements of Iowa Code Sections 354.6, 354.11 and 355.8 in a size acceptable to the county recorder (in Woodbury County, 22½" x 24½") containing:
 - Title with words "Final Plat of (name of subdivision)." The subdivision name cannot duplicate any existing subdivision in the county. Resubdivisions must be labeled as such in a subtitle.
 - Legal description with reference to U.S. public land survey or existing recorded subdivision monuments and statement of area rounded to the nearest 0.01 acre.
 - Certification by the land surveyor as required in Iowa Code Chapter 355.
 - Name, address, telephone number for owner, subdivider, and land surveyor.
 - North arrow and graphic scale.
 - Map of the final plat at scale of 1" = 100' (unless different scale is acceptable to the Planning Director) containing:
 - Layout in plan view showing sequentially numbered lots, outlots, block, rights-of-way, and easements.
 - All dimensions, bearings and curve data indicated to the nearest 0.01 foot and to the nearest second of angular measurement.
 - Locations of benchmarks and monumentation found and set.
 - Street names.
 - Adjacent lots and subdivision names shown in dotted or dashed lines and lettering.
- Either on the face of the final plat map or attached sheets, the following documents (to be executed prior to or at the recording of the plat):
 - Consent of the owners to the platting including a dedication of land and improvements to public use.
 - Consent of mortgage or lien holders to the platting.
 - An attorney's title opinion regarding the land in the subdivision plat.
 - A certificate of the County Treasurer that the land is free from special assessments or unpaid taxes (or secured by bond).
 - A certified resolution of the City Council either accepting and approving the plat or waiving the right to review. The following are required certifications for City Council acceptance and approval:
 - For "minor subdivisions", resolution of the Planning and Zoning Commission stating its recommendation on the plat.
 - For extraterritorial subdivisions, an agreement by the owner to annex when permissible by State Code.
 - City Engineers certification that public improvements have either been or will be installed in conformance with city standards.
- Flood hazard addendum if appropriate.
- Fill addendum if appropriate.
- Graphic materials prepared on CAD also to be submitted on digital format media.

SIGNATURE

Owner/Petitioner's Signature:

Richard J. Salen

Application Date:

10/17/18

***For additional assistance please contact the City Planning and Zoning Division either before or after submission of the application. A copy of the entire Sioux City Zoning and Sign Code is available in the Planning Division office or under Title 25 online at: <http://online.encodeplus.com/reg/siouxcity-ia/index.aspx>**

For Office Use Only

File Number:

Staff Reviewer:

APPLICATION

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 12C

FROM: Gordon Phair City Engineer
Brett Langley, Civil Engineer

SUBJECT: Resolution granting a permit to FiberComm to own, operate and maintain underground cable commencing at the southeast corner of 6th Street and Chambers Street, then west across Chambers Street, then south along the west side of Chambers Street for 790 feet crossing 4th Street, then extended south and east for 135 feet to 1900 4th Street.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve the Resolution granting a permit to FiberComm of Sioux City, Iowa, to perform underground construction in the City's right-of-way for the installation of fiber optic network services commencing at the southeast corner of 6th Street and Chambers Street, then west across Chambers Street, then south along the west side of Chambers Street for 790 feet crossing 4th Street, then extended south and east for 135 feet to 1900 4th Street.

DISCUSSION:

The City has received a letter from Tom Hunter of FiberComm for a permit to install underground cable commencing at the southeast corner of 6th Street and Chambers Street, west across Chambers Street, then extended south along the west side of Chambers Street for 210 feet where a handhole will be placed, then extended south for 340 feet where a handhole will be placed, then extended south for 240 feet crossing 4th Street where a handhole will be placed, then extended south and east for 135 feet to the address of 1900 4th Street where construction will end.

The fiber optic is being installed to serve the address of 1900 4th Street.

This fiber permit approval is recommended by staff to continue to provide optical telecommunications services to the area.

Pursuant to municipal ordinance, permits are granted by the City Council to install underground cable to those companies not holding a franchise with the City. In the past, the Council has been concerned about exclusivity with respect to the granting of these permits. The City is prohibited from granting any type of exclusive rights to a cable company, a telecommunications company, a gas company or an electric company under the laws of the State of Iowa. Therefore, we cannot require anybody to use the facilities of FiberComm or any other telephone company.

The attached route has been reviewed by several City Departments.

FINANCIAL IMPACT:

There are no budget implications for the City due to this project.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure

Focus Area – Grow Sioux City

ALTERNATIVES:

Council could deny permit to FiberComm

ATTACHMENTS:

Resolution

Application (with Map)

Insurance

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION GRANTING A PERMIT TO FIBERCOMM TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE COMMENCING AT THE SOUTH-EAST CORNER OF 6TH STREET AND CHAMBERS STREET, THEN WEST ACROSS CHAMBERS STREET, THEN SOUTH ALONG THE WEST SIDE OF CHAMBERS STREET FOR 790 FEET CROSSING 4TH STREET, THEN EXTENDED SOUTH AND EAST FOR 135 FEET TO 1900 4TH STREET.

WHEREAS, the City Council has received a request from FiberComm of Sioux City, Iowa (hereinafter referred to as "Applicant") to own, operate and maintain underground communication cable to be installed by Applicant in certain specified public right-of-ways; and

WHEREAS, the City Council is advised and does believe that permission to own, operate and maintain such cable should be granted, pursuant to Chapter 12.05 of the Sioux City Municipal Code, under the conditions hereafter imposed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that Applicant be and is hereby authorized to own, operate and maintain communication cable underground, across or along the following streets:

- Beginning at the southeast corner of 6th Street and Chambers Street, west across Chambers Street, then south along the west side of Chambers Street for 210 feet where a handhole will be placed, then extended south for 340 feet where a handhole will be placed, then extended south for 240 feet crossing 4th Street where a handhole will be placed, then extended south and east for 135 feet to 1900 4th Street;

Subject to the following terms and conditions as outlined in the attached Fiber/Utility Installation and Maintenance Permit.

BE IT FURTHER RESOLVED that the City Engineer be and he is hereby authorized and directed to execute said Fiber/Utility Installation and Maintenance Permit for and on behalf of the City.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



1605 9th Street
Sioux City, IA 51101

712-224-2020
800-836-2472

Fax: 712-258-8810
www.fibercomm.net

Engineering
City of Sioux City
405 6th Street
P.O. Box 447
Sioux City, Iowa 51102

10/8/2018

Subject: FiberComm Request for ROW Use: **Chambers St., 6th St. to 4th St.**

Dear Engineering,

FiberComm respectfully requests the City's consideration to grant permission and to be placed on the Council's earliest agenda for approval to perform underground construction in the City's right-of-way/property for the installation of fiber optic underground facilities. Please see the enclosed aerial map/plan and narrative description of the project below. This project is for placing new fiber facilities to 1900 4th St.

Proposed Route Description

Underground construction will begin in the in southern right-of-way of 6th St., at the corner of 6th & Chambers where a shared facilities hand hole currently exists. From this location one 1 ¼" duct will extend west across Chambers St. then south along the west right-of-way of Chambers St., for approximately 210' where a hand hole, flush to grade will be placed. 1 ¼" duct construction will extend south for approximately 340' where a hand hole, flush to grade will be placed. 1 ¼" duct construction will extend south for approximately 240' crossing 4th St., where a hand hole, flush to grade will be placed. 1 ¼" duct construction will continue south and east for approximately 135' to the address of 1900 4th St., construction will end.

Construction Dates

Estimated Start Date: Mid November, 2018

Estimated Completion Date: Mid/Late November, 2018

Underground Contractor

Tri-State Underground / Dave Brown
Sioux City, IA
712-281-0297

Method of Installation

Horizontal directional drilling (HDD) a trenchless method of installing underground ducts in a prescribed bore path by using a surface launched drilling machine with minimal impact on the surrounding area and environmental disruption.

Underground HDPE

All underground ducts placed will be at an approximate minimum depth of 40" whenever possible. 1 ¼" schedule 40 nonmetallic flexible raceway made from high-density polyethylene (HDPE) for use in underground applications will be utilized providing durability and longevity.

Underground Enclosures (Hand Holes)

All hand holes placed will be flush to grade/concrete made of precast polymer concrete reinforced with fiberglass and conform to current ANSI/SCTE 77 Specifications for Underground Enclosure Integrity. Hand hole dimensions will be 49 5/8" x 32 1/8" with 22,000 lbs load rated covers.

Iowa One Notices

All necessary Iowa One notices and associated locating costs will be the responsibility of FiberComm and underground contractor.

FiberComm agrees to comply with the terms and conditions listed on the City Council approved Resolution granting a permit to FiberComm to own, operate and maintain underground cable in certain specified public streets. All associated costs related to the herein described construction will be the responsibility of FiberComm.

If the City has questions, suggestions, or recommendations that would be applicable to our construction plans, please do not hesitate to contact me.

Sincerely,



Tom Hunter
224-2053 (direct)
thunter@fibercomm.net

Enclosures

Fiber - Utility Installation Maintenance Permit Application
Check Permit Fee (#5066)
Work Area Map
Certificate of Insurance Listing City of Sioux City – Additionally Insured
Blanket Performance, Payment, & Maintenance Bond BD7900685622



Fiber / Utility Installation & Maintenance Permit

	Name	Address	Phone	Email
Applicant:	FiberComm	1605 9th St., Sioux City, IA 51101	712-224-2020	thunter@fiberComm.net
Facility Owner:	FIBERCOMM	1605 9th St., Sioux City, IA 51101	712-224-2020	thunter@fiberComm.net
Contractor:	Tri-State Underground	PO Box 5076, Sioux City, IA 51102	712-281-2097	dave@tristateunderground.com

Bond on File : Yes No Not Applicable Bond Expiration Date: 4/3/2019

Insurance Certificate on File : Yes No Not Applicable

Work in: (Street) Chambers St. Paved Unpaved Parkway

From: (Street) 6th St To: (Street) 4th St

Address Served: (If Applicable) 1900 4th Street

Start Date: Nov. 15, 2018 Completion Date: Nov. 30, 2018

Project Description: Please see enclosed letter & map for complete details

Type of Work: Installation of underground Telecommunications Utilities

- A map showing the work area and proposed traffic control must be attached to the application.

By signing the permit below, the Permittee acknowledges the rules, regulations & City Code pertaining to this permit. The Permittee also agrees to defend, indemnify, and hold harmless the City, its employees, and agents from all suits, actions, damages, or claims to which the City may be subject to, of any kind or nature whatsoever, resulting from, caused by, or arising out of the Permittee's use or occupancy of the public right-of-way authorized by this permit.

Tom Hunter 10/8/18
 Applicant Signature Date City Engineering Approval Date

FOR OFFICE USE ONLY

Date Submitted: 10-19-18 Permit/Resolution No. _____

Engineer Review: B.L. Date: 10.25.18

Utility Review: B.P. Date: 10.24.18 /

Communication Review: G.S. Date: 10.25.18

Permit Fee: New Installation \$250.00 Emergency/Maintenance Requiring Excavation \$85.00

Check Cash Credit Card



Fiber / Utility Installation & Maintenance Permit

STANDARD PERMIT CONDITIONS

The applicant agrees that if granted a permit for obstruction/excavation in the public right-of-way as described in the permit application, the following stipulations shall govern in addition to those included in Chapter 12.05 of the Sioux City Municipal Code.

- No public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be at least ten (10) days in advance of any closing. Applicant is responsible for notifying the properties adjacent to the closure via door hangers. Street Closures shall be at no expense to the City.
- The contractor must schedule a preconstruction meeting with City Engineering staff prior to construction to provide information concerning the construction methods, traffic control plan, construction schedule, and impacts to the City's right-of-way. The contractor must also provide City Engineering with a construction plan showing handholes, conduit locations, and other appurtenances that will be installed in the City's right-of-way.
- Applicant/contractor shall comply with all city ordinances regulating construction in the public right-of-ways during any maintenance activities on the buried utility system. Applicant agrees to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code. Construction work shall conform to the current edition of SUDAS and the City of Sioux City Supplement to SUDAS. See Section 7040 regarding pavement patching requirements. All street patching shall use Iowa DOT Class M concrete mix.
- The applicant shall notify Iowa One Call (IOC) at 1-800-292-8989 or www.iowaonecall.com for utility locates prior to excavation. IOC requires 48 hour notification.
- No excavation in the traveled portion of the public right-of-way shall be left opened and with no work in progress for more than five (5) days. No excavation in the parkway shall be left opened and with no progress for more than ten (10) days.
- When an emergency excavation is necessary, a permit application shall be submitted at the earliest opportunity after the work has started, no later than the next business day.
- Contractor shall furnish, erect and maintain the necessary traffic controls such as signs, barricades, flaggers, etc. as required by the City. Traffic controls provided shall be in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as adopted by the Iowa Department of Transportation.
- A complete set of "as built" construction plans in paper and electronic format shall be filed with the City's Engineering Division within fourteen (14) days after completion of the project.
- Applicant shall maintain with the City's Engineering Division a telephone number or numbers to call to locate buried cable and to receive emergency messages at any time.
- Applicant shall relocate any buried utilities, cable, etc. at its expense, to accommodate a public improvement in the public right-of-way.
- All surfacing shall be replaced to its original condition satisfactory to the Public Works Department. Grass surfaces may be seeded and mulched, sodded or treated with erosion mat as determined by the City Engineer or his/her designee. Paved areas will require passing density tests to be provided to City Engineering staff prior to being paved. The applicant shall assume the responsibility of maintenance costs for restoring any grassed areas, streets, driveways, and sidewalks due to settlement of the trenches or improperly restored improvements over such trenches for a period of (2) years, or until the area is reconstructed by the City, whichever is sooner.
- Applicant shall submit a surety bond in the amount of \$10,000 for all right-of-way obstructions/excavations that will likely cause damage to the right-of-way. The bond shall be signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state and upon which service of process may be made in the State of Iowa. Action may be taken on the bond to recover costs associated with repairs to any damages caused to the right-of-way or City utilities, or if the applicant fails to make timely repairs and reopen the right-of-way.
- Applicant agrees to require all general contractors who may perform any work for Applicant under this permit to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event Applicant does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.



Fiber / Utility Installation & Maintenance Permit

- Applicant shall submit a Certificate of Liability Insurance with the application. The amount of the insurance shall be a minimum of \$1,000,000 with a maximum deductible of \$5,000. The certificate shall name the City as an additional insured and shall include a copy of the endorsement naming the City as such.
- In the event that the Applicant fails to comply with the provision of the application, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the Applicant. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the Applicant shall replace that area as may be ordered by the Public Works Director. All work shall comply with the City's requirements for patch back and repair.
- Applicant shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Applicant or the City, on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this resolution. However, Applicant shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Applicant to defend and save harmless and indemnify the City shall extend to the officers, employees, elected officials, and agents of the City to the extent the City is obligated to defend, save harmless and indemnify by law.
- The applicant agrees to abide by the Supplemental Conditions (If Applicable) written below:
Supplemental Permit Conditions (attach additional sheets as required): _____

This completed, signed and approved permit must be present at the project site while work is underway. Failure to produce this permit when requested can and will result in compulsory work stoppages.

TH
Applicant's Initials

1. Avoid City utilities by 2' Horizontal Clearance.
- 2.

444 E Street - 5th Floor - Sioux City, IA 51101 | www.ci.siouxcity.org

712 279 8222
712 279 8850

712 279 8136
712 279 8179

712 279 8876
712 279 8751

712 279 8083
712 279 8805

712 279 8124
712 279 8249

712 279 8688
712 279 8412

712 279 8120
712 279 8104

FIBERCOMM, INC.
1605 9TH ST
SIOUX CITY, IA 51101

5066
11/4/18

10/18/2018

Pay to the
Order of city of Sioux City

\$ 250.00

Two Hundred Fifty & 00/100

Dollars



SECURITY NATIONAL BANK

Permit No. W000185059

[Redacted Signature]

11/2/18



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Mills-Shellhammer-Puetz Assoc. PO Box 567 Sioux City IA 51102	CONTACT NAME: PHONE (A/C, No, Ext): 712-258-2580 FAX (A/C, No): 712-258-2184 E-MAIL: ADDRESS: info@mspinsurance.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED FiberComm LC Box 416 Sioux City IA 51102-0416	INSURER A: EMC INSURANCE COMPANIES NAIC # 25186	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 2030221029 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR (WSE, WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y	4021288	10/22/2018	10/22/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	Y	4E21288	10/22/2018	10/22/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> QED <input checked="" type="checkbox"/> RETENTION \$ 10,000		4J21288	10/22/2018	10/22/2019	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	4H21288	10/22/2018	10/22/2019	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OFFER E L EACH ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 The City of Sioux City is an additional insured in regards to the General Liability and Auto Liability.

CERTIFICATE HOLDER The City of Sioux City PO Box 447 Sioux City IA 51102	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	--

BLANKET PERFORMANCE, PAYMENT, AND MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, FiberComm, LC as Principal (hereinafter called "Principal") and Nationwide Mutual Insurance Company, as Surety are held and firmly bound unto the City of Sioux City, Iowa, as

Obligee, (hereinafter called "Jurisdiction") and to all persons who may be injured by any breach of any conditions of this Bond in the total aggregate penal sum of Ten Thousand Dollars (\$10,000.00), lawful money of the United States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, legal representatives and assigns, jointly or severally, firmly by these presents.

The conditions of the above obligations are such that whereas said Principal, following application for a license to pull permits for Fiber/Utility Installation & Maintenance work from the Jurisdiction, intends to enter onto property of the Jurisdiction to perform utility work, including, but not limited to new installation of utilities or service/maintenance of existing utilities.

It is expressly understood and agreed by the Principal and Surety in this bond that the following provisions are a part of this Bond and are binding upon said Principal and Surety, to-wit:

1. **PERFORMANCE:** The Principal shall well and faithfully observe, perform, fulfill, and abide by each and every covenant, condition, and part of said Permit Documents, reference made a part hereof, for the permitted work, and shall indemnify and save harmless the Jurisdiction from all outlay and expense incurred by the Jurisdiction by reason of the Principal's default of failure to perform as required. The Principal shall also be responsible for the default or failure to perform as required under the Permit and Permit Documents by all subcontractors, suppliers, agents, or employees furnishing materials or providing labor in the performance of the permitted work.
2. **PAYMENT:** The Principal and the Surety on this Bond hereby agree to pay all just claims submitted by person, firms, subcontractors, and corporations furnishing materials for or performing labor under the Permit on account of which this Bond is given.
3. **MAINTENANCE:** The Principal and the Surety on this Bond shall, for a two year period and at their own expense:
 - A. To remedy any and all defects that may develop in or result from work to be performed under the Permit.
 - B. To keep all work in continuous good repair; and
 - C. To pay the Jurisdiction's reasonable costs of monitoring and inspection to assure that any defects are remedied, and to repay the Jurisdiction all outlay and expense incurred as a result of Principal's and Surety's failure to remedy any defect as required by this section. Including but not limited to claims for all amounts due for any damage, personal or property, caused by the Principal, its contractors, subcontractors, agents or employees in the course of any work performed under the Permit or any work performed on the property of the Jurisdiction.

Principal's and Surety's agreement herein made extends to defects in workmanship or materials not discovered or known to the Jurisdiction at the time of such work was accepted.

It is intended that Principal and Surety will defend and indemnify the Jurisdiction on all claims made against the Jurisdiction on account of Principal's failure to perform as required in the Permits and Permit Documents, that all agreements and promises set forth in the Permits and Permit Documents and in this Bond will be fulfilled, and that

the Jurisdiction will be fully indemnified so that it will be put into the position it would have been in had the Permits been complied with in the first stance as required.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the venue thereof shall be Woodbury County District Court, State of Iowa.

NOW THEREFORE, the condition of this obligation is such that if said Principal shall faithfully perform all the promises of the Principal, as set forth and provided in the Permits and Permit Documents, and in this Bond, then this obligations shall be null and void, otherwise it shall remain in full force and effect/during the period for which any fiber/utility installation by such Principal shall have been guaranteed by the Principal, and specifications under which the same were construed.

When a work term or phrase is issued in this Bond, it shall be interpreted or construed first as defined in this Bond, the Permits or Permit Documents; second, if not defined in the Bond, Permits or Permit Documents, it shall be interpreted or construed as defined in applicable provisions of the Iowa Code; third, if not defined in the Iowa Code, it shall be interpreted or construed according to its generally accepted meaning in the construction industry; and fourth, if it has no generally accepted meaning in the construction industry, it shall be interpreted or construed according to its common usage.

This bond may be terminated by the Surety by the giving of (30) days written notice to the City of Sioux City provided, however, that in the event of such termination, the Surety shall be relieved of liability hereunder only with respect to breaches of Condition occurring on or after the effective date of such termination. The Surety's obligation under this bond shall not exceed 100% of the penal sum of this bond.

Failure to specify or particularize shall not exclude terms or provisions not mentioned and shall not limit liability hereunder. The Permit and Permit Documents are hereby made a part of this Bond.

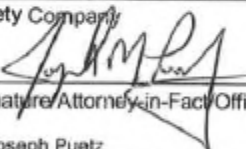
Dated this 9th day of April, 2018

SURETY:

PRINCIPAL:

Nationwide Mutual Insurance Company
Surety Company

Fiber Comm, LC

By: 
Signature Attorney-in-Fact Officer

By: 
Signature

Joseph Puetz
Name of Attorney-in-Fact/Officer

Jeff Zyzda
Name (Print/Type)

Nationwide Mutual Insurance Company
Company Name

Manager
Title

1100 Locust Street, Dept. 2006
Company Address

PO Box 416
Address

Des Moines, Iowa 50391-2006
City, State, Zip Code

Sioux City, Iowa 51102
City, State, Zip Code

866.387.0457
Company Telephone Number

712.224.2020
Telephone Number

Note: All Signatures on this bond must be original signatures in ink; copies of facsimile of any signatures will not be accepted. This bond must be sealed with the Surety's raised, embossing seal. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety's raised, embossing seal.

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
Farmland Mutual Insurance Company, an Iowa corporation
Nationwide Agribusiness Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation
Depositors Insurance Company, an Iowa corporation

hereinafter referred to severally as the "Company" and collectively as the "Companies," each does hereby make, constitute and appoint:

JANET NOWLEN
JOSEPH M. PUETZ
MARK A. LENNON

KEITH M. SHELLHAMMER
KYLE A. KONOPASEK

LYNN A. MILLS
DLANE L. HACK

SIOUX CITY IA

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

ONE MILLION AND NO/100 DOLLARS

\$ 1,000,000.00

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the
19th day of February, 2014.



Terrance Williams, President and Chief Operating Officer of Nationwide Agribusiness Insurance Company and Farmland Mutual Insurance Company; and Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company, and Depositors Insurance Company

ACKNOWLEDGMENT

STATE OF IOWA, COUNTY OF POLK: ss

On this 19th day of February, 2014, before me came the above-named officer for the Companies aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Companies aforesaid, that the seals affixed hereto are the corporate seals of said Companies, and the said corporate seals and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Companies.

Sandy Altz
Notarial Seal - Iowa
Commission Number 152785
My Commission Expires March 24, 2017

Notary Public
My Commission Expires
March 24, 2017

CERTIFICATE

I, Robert W. Homer III, Secretary of the Companies, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Terrance Williams was on the date of the execution of the foregoing power of attorney the duly elected officer of the Companies, and the corporate seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Secretary, and affixed the corporate seals of said Companies this 9th day

of April, 2018.

Secretary

This Power of Attorney Expires 09/16/19

BDJ 1(03-14) 00



— Existing FiberComm/Other's Hand Hole
— Existing FiberComm Underground Facilities
— Proposed FiberComm Hand Hole
— Proposed FiberComm Underground Facilities

PROJECT: Fiber build to 1900 4th Street - New Interstates Mechanical Site - Underground Fiber Optic Facilities
 DATE: October 2018 CONTACT: Tom Hunter thunter@fibercomm.net SCALE: Not to Scale PAGE: 1 of 3

FiberComm
 712-224-2020
 1605 9th St.
 Sioux City, IA 51101

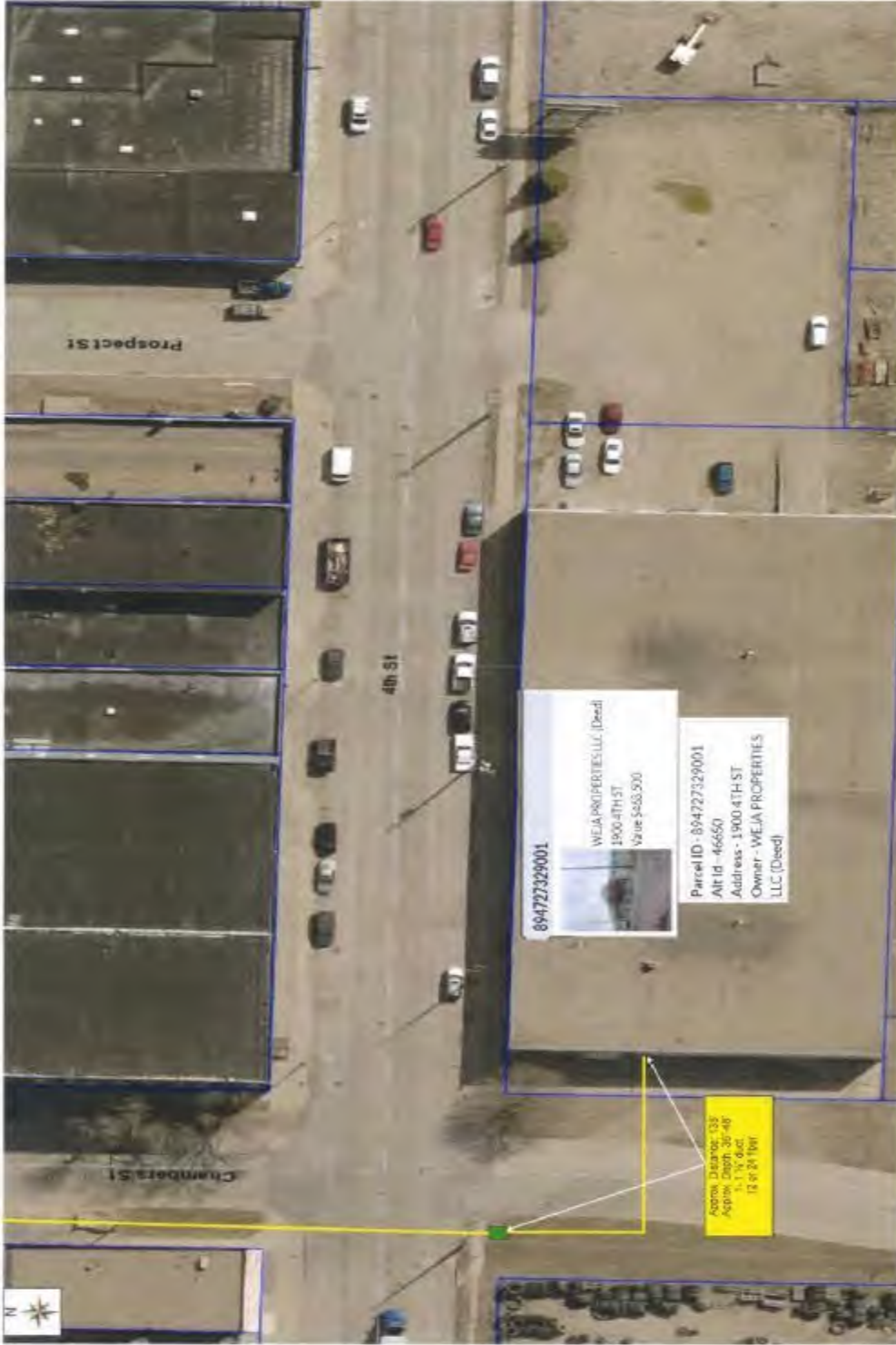


712-224-2020
1605 9th St.
Sioux City, IA 51101

FiberComm

PROJECT: Fiber build to 1900 4th Street - New Interstates Mechanical Site - Underground Fiber Optic Facilities
DATE: April 2018 CONTACT: Tom Hunter thunter@fibercomm.net SCALE: Not to Scale PAGE: 2 of 3

Existing FiberComm/Others Hand Hole
Existing FiberComm Underground Facilities
Proposed FiberComm Hand Hole
Proposed FiberComm Underground Facilities



Prospect St

Chambers St

4th St

894727329001

WEJA PROPERTIES, LLC (Deed)
1900 4TH ST
Value \$465,900

Parcel ID - 894727329001
Alt ID - 466650
Address - 1900 4TH ST
Owner - WEJA PROPERTIES
LLC (Deed)

Agency: Blaine: DSE
Agency: Blaine: DSE
11/13/2020
13:52:24 (UTC)

Existing FiberComm/Others Hand Hole
Existing FiberComm Underground Facilities
Proposed FiberComm Hand Hole
Proposed FiberComm Underground Facilities

PROJECT: Fiber build to 1900 4th Street - New Interstates Mechanical Site - Underground Fiber Optic Facilities
DATE: October 2018 CONTACT: Tom Hunter thunter@fibercomm.net SCALE: Not to Scale PAGE: 3 of 3

712-224-2020
1605 9th St
Sioux City, IA 51101



<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 13

FROM: Donna Forker, Finance Director

SUBJECT: Approve total checks issued for the reporting period of October 2018, in the amount of \$9,221,676.22

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the Council to approve the total checks issued for October 2018 on Monday's Agenda.

DISCUSSION:

The Finance Department has on file a list of gross cumulative payments paid to each separate accounts payable vendor on a monthly basis. This listing is available for Council Members' perusal. On your agenda for Monday is a total amount of these payments for City Council approval. The day after the Council meeting, the Finance Department files the list with The Sioux City Journal for publication.

Detailed information on these listed payments can be found in the Finance Department. This department keeps a weekly claim register, which lists vendor name, vendor number, and account code. Any question from Council members or citizens concerning vendor payments are easily answered using a cross-reference system on the mainframe computer, which searches information on vendor payments.

FINANCIAL IMPACT:

None

RELATIONSHIP TO STRATEGIC PLAN:

This action shows the City's effort to maintain sound fiscal policy in dealing with the City's budget and financial assets and relates to the Trust and Open Communication values in the strategic plan.

ALTERNATIVES:

Under the Code of Iowa, all checks issued must be approved by the City Council.

ATTACHMENTS:

None

x	Regular Session
	Study Session
	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 14

FROM: Lisa L. McCardle, City Clerk
Heidi Farrens, Deputy City Clerk

A. ON-PREMISE SALES

- 1. **CLASS C LIQUOR LICENSE** (liquor/wine/beer/wine coolers/carry-out)
 - A. Old Chicago Pizza and Taproom, 5030 Sergeant Road (Renewal)
 - B. Townhouse Pizza and Lounge, 2701 Floyd Boulevard (Renewal)

SUBJECT:

B. OFF PREMISE SALES

- 1. **CLASS B WINE PERMIT** (wine only)
 - A. La Pinata, 3124 Gordon Drive (Renewal)
- 2. **CLASS C BEER PERMIT** (beer/wine coolers)
 - A. La Pinata, 3124 Gordon Drive (Renewal)

Reviewed By:	x	Department Director	x	Finance Department	x	City Attorney	x	City Manager
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RECOMMENDATION:
Staff respectfully requests and recommends approval of the above Beer and Liquor Licenses.

DISCUSSION:
Fire Code Inspections were completed; Building, Electrical, Mechanical and Plumbing Inspections were performed; and Zoning Code has been verified for the above applicants, no violations were found unless otherwise noted.

All Outdoor Events are approved pending final inspections once the event is set up.

Property tax records were verified and taxes are paid to date; the business utility accounts are also current for all applicants unless otherwise noted.

Police Records for the establishments were reviewed and the Police Department recommends approval for all applicants unless otherwise noted.

FINANCIAL IMPACT:
The % of the local authority share of liquor license fees gathered by the State of Iowa Alcoholic Beverages Division varies from license to license; the City collected \$110,156.27 in FY2018.

RELATIONSHIP TO STRATEGIC PLAN:

Health and Safety Vision - We will enhance public health and safety by maximizing the utilization of technology, improved community engagement, and improved communications and facilities.

ALTERNATIVES:

Council may, at their discretion, vote for approval or deny in opposition of the City departments' recommendations.

ATTACHMENTS:

None

BUILDING AND HOUSING CODE BOARD
Regular Meeting
October 2, 2018

The regular meeting of the Building and Housing Code Board was held on Tuesday, October 2, 2018, at 8:00 a.m., in the Third Floor Conference Room in City Hall.

<u>Board Members Present:</u>	<u>Board Members Absent:</u>	<u>Staff Present:</u>	<u>Guests Present:</u>
Mark Corbin	Matt Thompson	Darrel Bullock, Code Enforcement Manager	Don Sewalson, Sewalson Contracting
Mike Willer			Jeremiah Back, Citizen
Willie Delfs		Tiffany Bonnes, Secretary	
Barney Pottebaum		Gordon L. Phair, City Engineer	
Dennis Dufault			
Doug Rose			
Ron Speckman			
Steve Bruening			

The meeting was called to order by Barney. Motion was made by Mark and seconded by Dennis to recommend approval of the minutes of the July 3, 2018, meeting. All members present voted “aye,” motion carried.

New Business

The Building and Housing Code Board received an appeal to review the decision of Inspection Services to deny a permit for a retaining wall at 600 S. Cecelia Street. Darrel gave a brief time line of the retaining wall project. Jeremiah Back, the home owner, and Don Sewalson from Sewalson Contracting, Inc. presented their appeal and answered questions from the Board. Once they were finished and left, the Board discussed the issue. A motion was made by Steve and seconded by Dennis to send a letter to Jeremiah Back and Don Sewalson stating the wall needed to meet the Municipal City Code requirements of section 25.03.080.

Confirmation of Applications

The following application was reviewed:

Darwin Kluender - 1st Class Stationary Engineer

Motion was made by Doug and seconded by Ron that Darwin Kluender could move forward to take the exam. All members present voted “aye,” motion carried.

Old Business

The Board had previously discussed increasing rental permit fees. A new, three-year fee schedule was submitted to the City Council during two Council sessions and approved.

Darrel is still having meetings with Western Iowa Technology Community College (WITCC) about different classes or courses for Hydronic license requirements. Our Mechanical Inspector is helping with the discussions.

Three different Board members have terms that are expiring and will need to submit new applications if they would like to serve another term.

No further business to discuss, meeting was adjourned at 9:08 a.m. on motion made by Dennis and seconded by Mark. All members present voting "aye," motion carried.

Barney Pottebaum, Chairperson

Darrel Bullock, Code Enforcement Manager,
Inspection Services Division

BUILDING AND HOUSING CODE BOARD
Appeal Meeting
October 30, 2018

The appeal meeting of the Building and Housing Code Board was held on Tuesday, October 30, 2018, at 7:30 a.m., in the Third Floor Conference Room in City Hall.

<u>Board Members Present:</u>	<u>Board Members Absent:</u>	<u>Staff Present:</u>	<u>Guests Present:</u>
Ron Speckman	Steve Bruening	Darrel Bullock,	Dick Salem,
Mike Willer	Willie Delfs	Code Enforcement	Salem Real Estate
Doug Rose	Mark Corbin	Manager	
Barney Pottebaum	Matt Thompson	Tiffany Bonnes,	
Dennis Dufault		Secretary	

The meeting was called to order by Barney. All members present voted “aye,” motion carried.

New Business

The Building and Housing Code Board received an appeal to review the notification from Inspection Services of a non-combustible materials notice at 3087 Floyd Boulevard. Darrel gave a brief description of the appeal. Dick Salem presented his appeal and answered questions from the Board. Once he was finished and left, the Board discussed the issue. A motion was made by Doug and seconded by Dennis to send a letter to Dick Salem that pursuant to the 94 U.B.C. section 603.1 requirements, he would need to get a permit to remove and replace the combustible materials.

No further business to discuss, meeting was adjourned at 7:59 a.m. on motion made by Mike and seconded by Dennis. All members present voting “aye,” motion carried.

Barney Pottebaum, Chairperson

Darrel Bullock, Code Enforcement Manager,
Inspection Services Division

**CIVIL SERVICE COMMISSION
MEETING MINUTES
October 2, 2018**

On this date was held a regular meeting of the Civil Service Commission at 12:00 p.m. in Room 204, City Hall, 405 Sixth Street, Sioux City, Iowa.

PRESENT	ABSENT	OTHERS
Dr. Cyndi Hanson, Member	Sandra Pearson, Member - Excused	Theo McElhose, MS, Clerk to the Commission
Frank Baron, Chair	Lisa Bertrand, Member - Excused	Justin Vondrak, Assistant City Attorney II
Brad Mellang, Member		Karen Mackey, Human Rights Director
		Janelle Bertrand, Human Resources Director

CALL OF THE ROLL

Commissioner Baron moved to call the Civil Service Commission meeting to order at 12:04 P.M.

Mellang – aye; Baron – aye; Hanson – aye.

PERMISSION TO UPGRADE THE WRITTEN TEST FOR TRANSIT MECHANIC (ENTRANCE)

McElhose showed the Commission the old test and the new proposed test and explained that the old test is for the buses that we do not use today.

Hanson moved to approve the proposed upgraded written test. Mellang second.

Baron asked if there were any discussions. None.

Mellang – aye; Baron – aye; Hanson – aye.

REVIEW OF MINUTES OF THE MEETING OF SEPTEMBER 20, 2018

Minutes were approved without objections or corrections. None.

OTHER BUSINESS

None.

Baron motioned to adjourn.

Meeting adjourned at 12:08 p.m.

Clerk of Commission

Chairperson

**EFFECTIVE FISCAL AND PUBLIC POLICY COMMITTEE
REGULAR MEETING MINUTES
September 12, 2018**

The Effective Fiscal and Public Policy Committee met at 4:00 p.m. in the Pre-Council Conference Room, City Hall, 405 - 6th Street, Sioux City, Iowa, at which time the following items were discussed.

MEMBERS PRESENT

Ann Brodersen
Marisa Cummings 4:35
Taylor Goodvin
Jim Johnson
Dick Pruehs
Alex Watters

MEMBERS ABSENT

Tom Baurichter
Michael Bayala
Dee Davis
Joseph Donovan
Adam Johnson
Dick Salem

STAFF

Donna Forker
Mike Collette

OTHER

Call to Order

The meeting was called to order at 4:35 p.m.

Minutes

Johnson motioned and Waters seconded the approval of the minutes of March 14, 2018; all voting aye.

Airport Progress Update

Mike Collette, Assistant City Manager provided the committee with an overview of the following items concerning the Airport:

- Airline Visits
- Runway 17/35 reconstruction
- FAA funding and the role of Passenger Facility Charges
- Future development plans for the Airport

Committee General Questions

Discussion was held on services the City provides which benefits the entire three state region.

Adjournment

There being no further business, the meeting was adjourned at 4:57 p.m., on motion by Brodersen, second by Johnson; all voting aye.

ENVIRONMENTAL ADVISORY BOARD MEETING
Regular Meeting Minutes
September 13, 2018

The Environmental Advisory Board held a meeting on this date at 4:00 p.m. at City Hall, 405 6th Street, Sioux City, Iowa in the 4th Floor Clocktower Conference Room at which time the following items were discussed:

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>
Carrie Radloff	David Hoferer	Melissa Campbell
Sara Steussy	Brooke Gilbert	Debbie Leigh
David Helms		
Eric Wissing		
Adam Wheelock		
Brooke Muhlack		

CALL TO ORDER

Motion by Helms, seconded by Wissing, to approve the minutes of August 9, 2018 all voting aye.

REPORTS & COMMUNICATIONS

Marketing Update:

A new logo has been selected and the new design will be in the next city newsletter as well as other media including a Press Release. The marketing plan will begin as soon as it is approved.

Fall 2018 ReEvent

S.E.A.M was awarded the electronic recycling contract and the fall event has been scheduled for September 29th. All vendors from previous events plan to be there. The skywalk banner will go up Friday, September 14th.

Morningside Into The Streets

Morningside college students are looking to do a community event on October 3, 2018. Melissa will coordinate with their leaders to do storm drain marking or litter removal.

BOARD CONCERNS:

- *Sara and Eric's terms end in December.
- *Appreciation Dinner is October 9th.
- *Sara set up at the Farmers Market answering questions about recycling, composting, etc.
- *A mixed recycling roll-off container will be asked for in this year's budget.

Meeting adjourned at 5:02 p.m.

Recorded by,
 Debbie Leigh
 Secretary

EVENTS FACILITIES AND TOURISM ADVISORY BOARD MEETING MINUTES September 7, 2018

A meeting of the Events Facilities and Tourism Advisory Board was held at 12:00 p.m., at the Tyson Events Center, 401 Gordon Dr, Sioux City, IA.

BOARD PRESENT

Bruce Miller
Tim Bottaro
Susan Unger
Tim Seaman
Lila Plambeck
Mark Baltushis
Rick Motz
Barbara Sloniker

STAFF PRESENT

Jessica Johnson
Robert Padmore

OTHERS

Alex Watters, Council Member
Rick Lecy, Kinseth
Erika Newton, Spectra

BOARD ABSENT

John Meyers

CALL OF THE ROLL – Meeting was called to order by City Manager Robert Padmore.

1. Election of Officers:

- Bruce Miller was nominated for Board Chairman by Tim Seaman, seconded by Rick Motz; all voting aye.
- Lila Plambeck was nominated for Vice Chair by Tim Bottaro, seconded by Rick Motz; all voting aye.

2. Formal Meeting Date and Time:

Bruce Miller inquired and confirmed that the first Friday of every month from Noon-1:00pm will be the official meeting time. The location of meetings will vary from month to month to allow members to visit different sites/establishments in Sioux City. The following locations were scheduled:

- October 5, 2018 – Convention Center – 801 4th Street
- November 2, 2018 – Stoney Creek Hotel – 300 3rd Street
- December 7, 2018 – Tim Bottaro Law Office – 613 Pierce Street
- January 4, 2019 – KCAU - 5993 Gordon Drive
- February 1, 2019 – Unity Point St. Luke's – 2720 Stone Park Boulevard

3. Discussion of future Board action items and goals:

- Bob Padmore voiced the question - What is the role of the hotel and motel industry in tourism marketing effort?
- Bob Padmore confirmed that the main City staff contact for the Board will be Jessica Johnson.
- Tim Seaman asked – Do we have money for tourism initiatives? Where will funding come from?
- Lila Plambeck voiced concerns over who should take ownership of community discussions/issues, i.e. appearance of downtown- ripped flags.
- Rick Motz said he thought this Board would be a good opportunity for residents to bring ideas/suggestions to the table.

- Lila, Erika and several others reminded the group of Roger Brooks' visit to Sioux City and his report/findings. Erika will share the report with the Board.
- Rick Lecy asked if everyone (Chamber, hotels, Convention Center, Tyson Events Center, etc.) are all providing visitors/residents with the same promotional materials? Need to make sure we are being consistent. Everyone agreed to bring the materials they use to next month's meeting.
- Erika discussed history of tourism efforts for Sioux City – previously was responsibility of the City's Events Facilities Department, now Spectra is maintaining. Erika asked who should be responsible moving forward?
- Bruce Miller discussed a need for a central calendar that could be used by everyone to add events.

4. Discussion of need for Regional Tourism Board:

- Councilman Watters discussed his expectations of the Board – Board needs to determine how best to tell Sioux City's story. Need more collaboration between the Siouxland Region. Alex has been contacted by surrounding communities with desire to work together on regional tourism entity, but need to determine where funding would come from. Alex suggested the Board research a possible regional tourism initiative, then bring a recommendation to Council. Jessica will provide Board with information Anne Westra researched on the Quad Cities CVB.
- Discussed possibilities for funding – TSI? Chamber? Hotels and motels?
- Alex Watters said he will provide an update to Council and residents during Council Concerns at next Council Meeting on the direction the Events Facilities and Tourism Advisory Board would like to go.

5. Discussion of Board's homework and next month's Board agenda:

- Review and discuss Quad Cities CVB info.
- Review and discuss Sioux City's current promotional/tourism materials both in print and digital.
- Discuss Regional Siouxland Tourism Board.

6. Adjournment

There being no further business, the meeting was adjourned at 12:54 p.m., on a motion by Alex Watters, seconded by Bruce Miller; all voting aye.

Respectfully submitted:
Jessica Johnson, Projects Management Specialist

Bruce Miller, EFTABoard President

Jessica Johnson, Projects Management Specialist

HISTORIC PRESERVATION COMMISSION

MEETING MINUTES

November 6, 2018

A meeting of the Sioux City Historic Preservation Commission was held this date at 4:00p.m. at City Hall, 405 6th St. in Pre-Council Chambers, Room 512, 5th Floor.

MEMBERS PRESENT

Adam Fullerton
Sara DeAnda
John Vodochodsky
Mark Custer
Anna Vestweber
Doug Strohbeen
Amy MacFarlane
Bill Burrows

MEMBERS ABSENT

Dennis Hill

GUESTS

2 Students from Morningside
Beth Rosenbaum &
Marta Nelson from the Daughters
of the American Revolution

STAFF

Erin Berzina
Kelly Leigh

1. Call to Order

Erin Berzina, Planning Staff, called the meeting to order at 4:00 p.m.

2. Approve minutes for the September 4, 2018 meeting.

Custer (Vodochodsky) recommended approval of the minutes from the September 4, 2018 meeting. All present voted aye.

3. Guest Speaker: Elizabeth Rosenbaum, Daughters of the American Revolution

- a. Re-dedication of the Old Missouri River Trail Monument in War Eagle Park
Beth Rosenbaum and Marta Nelson presented information on a project they are doing at War Eagle Park. They found the original rock that the Old Missouri River Trail monument was stationed on and they would like to rededicate the monument at War Eagle Park. They have already received the Native American community's blessing working with Frank Lemere. They have also met with Matt Salvatore, the Parks and Recreation Director, and he is excited about the rededication on the monument as well. He committed that the City would pave a trail down to the monument location from the current trail. They are exploring fundraising and finance options, as they anticipate the project will cost around \$10,000. They also intend to put this on the National Register once the project is completed.

Amy MacFarlane entered at 4:05 p.m.

Bill Burrows entered at 4:15 p.m.

4. Old Business

- a. Chamber Membership follow-up (Group/Amy)
Amy MacFarlane stated she will add everyone's email to the email group to receive weekly emails through the Chamber of Commerce.
- b. Homeowner's Manual
Erin stated that Jean Calligan and Ike Salmons are working on the Homeowner's Manual as time allows.

- c. 3927 Country Club Boulevard and 615 Douglas Street
There was a discussion amongst the Commission regarding the two properties. Mark Custer stated December 3, 2018 is the deadline to submit to Preserve Iowa to be on the endangered properties list for the state. Strohbeen (Burrows) moved to have Mark Custer submit 615 Douglas to Preserve Iowa to be listed on the endangered properties list.

5. New Business

- a. Monthly Financial Report
Erin Berzina stated the current balance is \$9,442.25
- b. Regional Meeting of HPC's Recap
Bill Burrows, Mark Custer and Johnathan Vodochodsky gave a recap of the regional HPC meeting they had with Lemars and Cherokee HPC's. They stated they heard about Preserve Iowa's endangered properties list from this meeting. They also stated they would like to do rotating tours of historic buildings/places in Sioux City, Lemars and Cherokee, so the Sioux City group needs to come up with a few buildings to hold tours at and bring back ideas to the next regional meeting. They stated the next regional meeting will be held in Sioux City in January.
- c. 2019 Work Plan Review
The group went over the proposed 2019 work plan. Erin stated if there are any changes that need to be made, please let her know and she will update before the next meeting. The Commission will vote on the work plan in December.
- d. Chair and Co-Chair Discussion
Custer (DeAnda) moved to appoint Bill Burrows as chair, and Johnathan Vodochodsky as Co-Chair. Motion Carried. 8-0-0 (Yes: Burrows, Vodochodsky, DeAnda, MacFarlane, Fullerton, Custer, Vestweber, Strohbeen/ No:0/ Abstain:0).
- e. Downtown District
The group discussed first establishing a boundary for the District. Mark Custer stated there are currently 25 properties already on the register in the Downtown area, so some of the research is already done. The group stated they would start establishing it as a local landmark and then move onto the National Register from there. Erin also stated the group can apply for a CLG Grant to fund hiring a consultant to help with the National Register process.

The group also established setting up a separate committee to work on the Downtown District. The group will be Erin Berzina, Doug Strohbeen, Mark Custer, Amy MacFarlane and Johnathan Vodochodsky. Their first task will be establishing a boundary for the District.

6. Committee Reports

- a. **Website Update:** No new updates
- b. **Social Media:** No new updates
- c. **Placard List/Properties of Interest:** Erin handed out a list of the current Placard Properties to the group.
- d. **Scottish Rite:** Erin stated Jim Jung is continuing to work on this.
- e. **Summit Street Survey:** Mark Custer stated he is currently working on the 2300 Block of Summit Street Surveys.
- f. **City Comprehensive Plan/Downtown Plan Updates:** no new updates

Amy MacFarlane left at 5:15 P.M.

7. Announcements / Other Business

Erin stated the Badgerow Building will be up for Sherriff's Auction at the Woodbury County Courthouse on November 21st at 11:00 a.m.

Doug Strohbeen stated the Castle on the Hill Association's lease is up with the Castle on the Hill LLC (owners of the building), and the owners will not renew their lease. He fears they are intending to put more apartments in the building, specifically in the auditorium area of the building.

It was also noted that the Open House for the Aberdeen Apartments (former Central Annex) will be on November 30, 2018 from 10:00 am-12:00 p.m. Anyone is welcome to attend.

9. Adjourn

The meeting concluded at 5:30 p.m. The next scheduled meeting will be held at City Hall Pre-Council Chambers, on Tuesday, December 4, 2018 at 4:00 p.m.

Bill Burrows, Chair

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 16

Ricky J. Mach, Special Assistant to the City Manager

FROM: Al Harris-Fernandez, Art Center Director
Stan LaFave, Facilities Maintenance Supervisor

SUBJECT: **Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the Sioux City Art Center Renovation Project (Project No. 7001-339-003).**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council conduct a public hearing and approve the construction documents for the Sioux City Art Center Renovation Project (Project No. 7001-339-003).

DISCUSSION:

PLaN Architecture has completed plans and specifications for the Sioux City Art Center Renovation Project. This project includes the renovation of the existing interior space that will change the former studio spaces into art storage on the second level, and turn the current art storage into a gallery on the first level. The hands-on gallery will be relocated to the conference room space, and make way for another art gallery on the first level. The second level ceramic studio will become a meeting room/library space.

A bid letting will take place November 27, 2018. This project has a completion date of June 3, 2019.

FINANCIAL IMPACT:

This project is funded using GO Bonds under CIP No. 339-003 Art Center Capital Projects. The Engineer's opinion of probable construction cost for the work is \$214,015.00. The project currently has an available balance of \$361,319.30.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

City Council may choose to not approve construction documents for this project. This would stop the project from moving forward.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018 - _____

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATED COST FOR CONSTRUCTION OF THE SIOUX CITY ART CENTER RENOVATION PROJECT (PROJECT NO. 7001-339-003).

WHEREAS, on the 5th day of November, 2018, plans, specifications, form of contract and estimated cost were filed with the Clerk of Sioux City, Iowa, for construction of the Sioux City Art Center Renovation Project, within the corporate limits; and

WHEREAS, notice of hearing on plans, specifications, form of contract, and estimated cost was published as required by law; and

WHEREAS, the City Council is advised and does believe that said plans, specifications, form of contract and estimated cost should be approved.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the plans, specifications, form of contract and estimated cost for the construction of the Sioux City Art Center Renovation Project be and the same are hereby approved as the plans, specifications, form of contract and estimated cost for said improvements for said project.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 17

FROM: Gordon Phair, City Engineer
Nate Wing, Civil Engineer

SUBJECT: **Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the 2019 Annual Curb and Gutter Project (Project No. 7006-719-121).**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council conduct a public hearing and approve the construction documents for the 2019 Annual Curb and Gutter Project (Project No. 7006-719-121).

DISCUSSION:

The City Engineering Division has completed plans and specifications for the 2019 Annual Curb and Gutter Project. This project includes the removal and replacement of the curb and gutter along 20th Street from Jackson Street to Ingleside Avenue.

A bid letting will take place November 27, 2018. This project shall be completed within 35 working days, which is anticipated to be in June of 2019.

FINANCIAL IMPACT:

This project is funded using transfers in Water Funds, Sewer Funds, Sales Tax Infrastructure, and GO Bonds under CIP 719-121 "Annual Resurfacing/Panel Patch/Curb and Gutter". The Engineer's opinion of probable construction cost for the work is \$145,237.23. The project currently has an available balance of \$1,394,790.24.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

City Council may choose to not approve construction documents for this project. This would stop the project from moving forward.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018 - _____

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATED COST FOR CONSTRUCTION OF THE 2019 ANNUAL CURB AND GUTTER PROJECT (PROJECT NO. 7006-719-121).

WHEREAS, on the 5th day of November, 2018, plans, specifications, form of contract and estimated cost were filed with the Clerk of Sioux City, Iowa, for construction of the 2019 Annual Curb and Gutter Project, within the corporate limits; and

WHEREAS, notice of hearing on plans, specifications, form of contract, and estimated cost was published as required by law; and

WHEREAS, the City Council is advised and does believe that said plans, specifications, form of contract and estimated cost should be approved.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the plans, specifications, form of contract and estimated cost for the construction of the 2019 Annual Curb and Gutter Project be and the same are hereby approved as the plans, specifications, form of contract and estimated cost for said improvements for said project.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 18

FROM: Gordon Phair, City Engineer
Justin Pottorff, Civil Engineer

SUBJECT: **Hearing and Resolution approving construction documents for the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(City Project No. 6755-719-354).**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council conduct a public hearing and approve the construction documents for the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(City Project No. 6755-719-354).

DISCUSSION:

JEO Consulting Group, Inc. has completed construction documents for the Military Road Reconstruction and Bridge Rehabilitation Project. This project includes the bridge deck removal and replacement on the Military Road Bridge, the construction of new paving, sidewalks, driveways, street lights, replacement of existing DIP water main, replacement of existing sanitary sewer, replacement of storm sewer, service connections and cross street connections.

Bids will be received on November 20, 2018 through the Iowa Department of Transportation. The project has a late start date of May 1, 2019. The project contract will have 70 working days to complete the street reconstruction. The number of working days has been corrected from the adopt. Military Road shall not be closed to local traffic from River Drive in North Sioux City, South Dakota to River Drive in Sioux City, Iowa for more than 150 calendar days. This is a Critical Closure Activity per IDOT Standard Specification 1111 and the end of the Critical Closure requires that all lanes, shoulders, and sidewalks are open to traffic. There are incentives/disincentives on this Critical Closure Activity. The Contractor shall receive a payment of \$2,500 per day for each day that the roadway is opened before the 150 calendar day limit, up to a maximum incentive payment of \$75,000. The contractor shall be charged \$2,500 per day for each day that the roadway is closed to traffic beyond the 150 calendar days.

FINANCIAL IMPACT:

The rehabilitation of Military Road Bridge over the Big Sioux River is programmed for \$2,950,000 in FY 2017 CIP 719-138 Annual Bridge Repairs which is funded through a transfer in sales tax infrastructure, general obligation bonds, and the Iowa Department of Transportation Highway Bridge Program funds. The federal funds under the Iowa Department of Transportation Highway Bridge Program will provide up to 80 percent of eligible costs or \$1,000,000.00, whichever is less.

North Sioux City, South Dakota will contribute an estimated amount of \$1,684,713.05 to the project based on the Engineer's Opinion of Probable Cost per the agreement titled "State of South Dakota Maintenance and Jurisdiction Transfer Agreement Among Department of Transportation, North Sioux City, South Dakota, and Sioux City, Iowa". This contribution will be adjusted based on the Contractor's unit bid prices and actual field measured quantities during construction.

The reconstruction of Military Road from the bridge to Riverside Boulevard is programmed for \$2,750,000 in FY 2018 CIP 719-133 Annual Infrastructure Reconstruction which is funded through a transfer in sales tax infrastructure, water and sewer funds, general obligation bonds, and federal funds provided through the Iowa Department of Transportation Surface Transportation Program. The federal funds under the Iowa Department of Transportation Surface Transportation Program will fund 80 percent of the road reconstruction construction costs up to \$1,325,000.

Streetscape elements with this project are programmed for \$50,000 in FY 2018 and \$50,000 in FY 2019 CIP 879-019 Riverside Boulevard and Military Road District Plan which are funded through general obligation bonds.

To better track the federal funds and project specific expenditures, the unique CIP number 719-354 has been created for the project and the appropriately programmed funds will be transferred from CIPs 719-138, 719-133, and 879-019. The current available balance in CIP 719-354 is \$2,503,839.71.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

City Council may choose to not approve construction documents for this project. This would stop the project from moving forward.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018 - _____

RESOLUTION APPROVING CONSTRUCTION DOCUMENTS FOR THE MILITARY ROAD RECONSTRUCTION AND BRIDGE REHABILITATION PROJECT, IOWA DEPARTMENT OF TRANSPORTATION PROJECT NO. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(CITY PROJECT NO. 6755-719-354).

WHEREAS, on the 5th day of November 2018 construction documents were filed with the Clerk of Sioux City, Iowa, for construction of the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(City Project No. 6755-719-354), within the corporate limits; and

WHEREAS, notice of hearing on construction documents was published as required by law; and

WHEREAS, the City Council is advised and does believe that said construction documents should be approved.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the construction documents for the construction of the Military Road Reconstruction and Bridge Rehabilitation Project, Iowa Department of Transportation Project No. STP-U-7057(701)--70-97 / BHM-7057(692)--8K-97(City Project No. 6755-719-354) be and the same are hereby approved as the construction documents for said improvements for said project.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 19

Rex Mueller, Chief of Police

FROM: Sergeant Scott Hatting
Caleb C. Christopherson, Assistant City Attorney

SUBJECT: Ordinance amending Chapter 8.04 entitled “Firearms and Weapons” of the Sioux City Municipal Code to prohibit carrying certain toy and simulated firearms or weapons on an individual’s person. (First consideration passed November 5, 2018)

Reviewed By:	<input checked="" type="checkbox"/> Department Director	<input type="checkbox"/> Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
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RECOMMENDATION:

Staff respectfully requests the City Council adopt an ordinance revising the weapons section.

DISCUSSION:

Incidents involving “dummy,” simulated, or replica firearms have increased over the past three years. Crimes perpetrated by persons carrying dummy firearms, or pellet or BB guns are also increasing. These items are being used to commit assaults and even robberies. SCPD leadership has expressed concerns that while these items are not “firearms” as defined by State or Federal law, the items bear the appearance of actual firearms, and in most cases are indistinguishable from real firearms. In particular, members of the general public and police officers, during the course of an incident in progress, cannot readily determine whether an object appearing to be a firearm is actually a firearm. Currently, neither the City Code nor Iowa Code prohibit carrying “dummy” guns or BB or pellet guns. Iowa Code does not include pellet or BB guns in its definition of “firearm,” thus it is unclear whether those guns may be subject to firearm carry laws. The proposed revision of the City’s Weapons Code would include BB and pellet guns in a prohibition against carrying “dummy” firearms and weapons that can fire a projectile. In addition, unless meeting the description and use as objects reasonably appearing to be firearms, the revision does not prohibit toy guns such as “nerf”, suction-cup dart, squirt guns, or the like, because those items, by their nature, are toys and not weapons. It is anticipated the prohibition will have a deterrent effect on persons contemplating committing crimes using those items. An exemption is provided for persons bearing a valid concealed weapons permit issued in accordance with Iowa Code, provided a permittee’s conduct is within the limitations of the permit. A penalty for violations is provided.

FINANCIAL IMPACT:

None foreseen.

ALTERNATIVES:

Not approve the proposed change.

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO. 2018 - _____

ORDINANCE AMENDING CHAPTER 8.04 ENTITLED "FIREARMS AND WEAPONS" OF THE SIOUX CITY MUNICIPAL CODE TO PROHIBIT CARRYING CERTAIN TOY AND SIMULATED FIREARMS OR WEAPONS ON AN INDIVIDUAL'S PERSON.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA¹:

Section 1: Section 8.04.015 of the Sioux City Municipal Code is amended to read as follows:

8.04.015 Carrying weapon.

1. A person who goes armed with a dagger, razor, stiletto or knife having a blade greater than or equal to three inches in length but less than or equal to five inches in length concealed on or about the person within the corporate limits of the city, except upon his or her own premises, if the person does not use the weapon in the commission of a crime, commits a simple misdemeanor. This subsection shall not apply to a person who carries a knife used in hunting or fishing, while actually engaged in lawful hunting or fishing.

2. No person, while in any public place within the limits of the City, shall carry an object, whether concealed or not, which reasonably appears to be a firearm and which the person knows or should know that persons viewing the object would believe the object to be a firearm, and displays such object in a manner which threatens, intimidates, coerces, or harasses another. Modification of an object to alter, remove, or otherwise defeat the manufacturer's safety features including but not limited to muzzle tips and muzzle plugs, or altering the color or shape of the object to more closely resemble an actual firearm, creates a rebuttable presumption that the individual carrying the object knows or should know that persons viewing the object would believe the object to be a firearm for purposes of threat, intimidation, coercion, or harassment.

3. No person shall carry on or about the person, in any public place within the limits of the City, any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of a spring, an explosive or other propellant, or compressed gas. This subsection shall not be construed to include Dangerous Weapons, as defined by Iowa Code § 702.7, the carrying of which is an Aggravated Misdemeanor under Iowa Code § 724.4. For the purposes of this section, "weapon" shall not include devices designed for and used solely with spherical dye-filled gelatin capsules which break or burst on impact, commonly known as "paintballs," unless such devices are used in the commission of any crime.

4. Subsections 1, 2, and 3 shall not apply to a person who has in the person's possession and who displays to a peace officer on demand a valid permit to carry weapons which has been issued to the person in accordance with Iowa Code Chapter 724, and whose conduct is within the limits of that permit. A person shall not be convicted of a violation of this section if the person produces at the person's trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense, but the person shall pay court costs.

5. Any person carrying a weapon or device described in this section shall produce the weapon or device to a peace officer on demand for evaluation.

6. This section shall not apply, nor be so construed, to prevent any United States officer, or state, county, or city officer, from carrying such weapon when the officer's duties require the person to carry such weapons.

¹ Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by ~~strikethrough~~

7. A violation of this section is a simple misdemeanor.

~~This section shall not apply to a person who carries a knife used in hunting or fishing, while actually engaged in lawful hunting or fishing.~~

Section 2: Severability Clause. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 3: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 8.04.015 of the Sioux City Municipal Code.

Section 4: Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on
November 24, 2018

Lisa L. McCardle, City Clerk

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 20

FROM: Jeff Hanson, Community Development Operations Manager

SUBJECT: Resolution approving a Development Agreement with CAB Estates LLC for a residential development located at 2619 ½ Glen Ellen Road and authorizing the execution thereof. (Deferred from November 5, 2018)

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve a Development Agreement with CAB Estates LLC (Sulzbach) for a residential development at 2619 ½ Glen Ellen Road.

DISCUSSION:

Over the last year city staff has been working with Jon and Jason Sulzbach on the development of a new 63 residential unit subdivision at 2619 ½ Glen Ellen Road. The new residential subdivision contains 61 acres and is located in Whispering Creek at the far north end of the existing Glen Ellen Road. The subdivision will include 37 single family structures, 10 townhomes, and 2 three-plex units. The rezoning and preliminary plat were approved by the City Council on November 27, 2017. The Final Plat was approved by the City Council on November 5, 2018.

The estimated value of the completed project is \$35 million with all public improvements and residential structures. The current assessed value of the vacant property is \$131,000.00

The following are the terms of the Developer:

- A. Apply for and receive all necessary permits.
- B. Develop the Property so 63 residential structures can be constructed upon the Property prior to December 31, 2029.

The Developer may request an extension of the construction deadline in the event that unanticipated circumstances arise which prevent the Developer, or its successors and assigns, from meeting the construction deadline (i.e. such as economic factors which cause a significant decrease in new construction in the community, unanticipated weather delays, etc.) which such extension shall not be unreasonably withheld.

- C. Developer shall execute a forgivable promissory note in the form attached hereto as in the amount of \$630,000.00 (the "Note"). In the event that less than 63 residential structures have been completed by the construction deadline date of December 31, 2029 (or any extension of the deadline date), Developer shall be obligated on demand of the City to refund a prorated portion of the Note. The economic development grant is to be used to support the development of the 63 residential structures. The prorate portion shall be based on a fraction, the numerator of which shall be the number of un-completed residential structures as of the construction deadline date and the denominator of which shall be 63. This fraction shall then be multiplied by \$630,000.00 to determine the amount to be refunded by the Developer to the City upon demand of the City.
- D. The Developer shall complete the construction of all public improvements that would have been required as a condition to approval of the Claret View (the "Public Improvements"). The Public Improvements are to be completed pursuant to the design plans and specifications previously submitted to the City by the Developer in connection with Claret View, formerly known as CAB Estates (the "Plans"). If there is any disagreement between the City and Developer as to whether the Public Improvements are complete pursuant to the Plans, the City and Developer agree to promptly appoint a third-party engineer to determine whether Public Improvements are complete. The decision of the third-party engineer shall be binding on the City and Developer. The costs of the third-party engineer shall be split equally between the City and the Developer.

The following are the terms of the City:

- A. Pay \$630,000.00 as an economic development grant to support the development of 63 residential structures as requested by the Developer. The City will only make payment to the Developer after all zoning approvals, site plan approvals, infrastructure approvals, and upon receipt of the executed Note. The grant shall be paid to the Developer as follows: (i) a payment of \$210,000.00 shall be paid on December 1, 2018, (ii) a second payment of \$210,000.00 shall be paid on July 1, 2019, and (iii) the final payment of \$210,000.00 shall be paid on July 1, 2020.
- B. Provide a Partial Release of Development Agreement upon the closing of the sale of each lot within the Property by Developer.
- C. The City agrees the Note shall be subordinate to any present or future financing, and all renewals, modifications, replacements and extensions thereof, Developer obtains from its lender(s), including but not limited to any mortgage(s) or similar lien(s) granted by Developer to its lender(s) in connection with said financing, and the City agrees that, if requested by Developer, City shall promptly execute and deliver to Developer one or more subordinations confirming the foregoing in the form appropriate for recording in the real estate records of Woodbury County.

FINANCIAL IMPACT:

This project is funded through FY19 CIP No. 611-001 "City's Share New Residential Development".

RELATIONSHIP TO STRATEGIC PLAN:

Infrastructure Vision: We will invest in infrastructure to attract and retain business, spur residential growth and increase quality of life.

ALTERNATIVES:

None recommended.

ATTACHMENTS:

Resolution
CAB Estates LLC Request
Development Agreement

RESOLUTION NO. 2018 - _____
with attachments

RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH CAB ES-
TATES LLC FOR A RESIDENTIAL DEVELOPMENT LOCATED AT 2619 ½
GLEN ELLEN ROAD AND AUTHORIZING THE EXECUTION THEREOF.

WHEREAS, CAB Estates LLC is proposing to undertake a series of private and public im-
provements; and

WHEREAS, a Development Agreement between CAB Estates LLC and the City of Sioux City,
Iowa, a copy of which is attached hereto and by this reference incorporated herein, sets forth
the responsibilities and obligations of the parties in developing such private and public im-
provements; and

WHEREAS, such Development Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX
CITY, that the Development Agreement between CAB Estates LLC and the City of Sioux City,
Iowa, for a residential development located at 2619 ½ Glen Ellen Road, as referred to in the
preamble hereof, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized
and directed to execute said Development Agreement along with all necessary exhibits to said
Development Agreement for and on behalf of the City of Sioux City, Iowa.

PASSED AND APPROVED: November 19, 2018

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

CAB Estates, LLC
5000 S. Lewis Boulevard
Sioux City, IA 51106

April 6, 2018

Jeffrey W. Hanson
Community Development Operations Manager
City of Sioux City
405 6th Street, PO Box 447
Sioux City, IA 51102

Re: CAB Estates, LLC Development Agreement

Dear Jeff:

As you know, CAB Estates, LLC intends to develop a residential development in the Whispering Creek area located on the north end of Glen Ellen Road (the "Project"). The Project, for which we have preliminary plat approval, consists of 49 lots of which 37 will be single family and 12 will be townhomes for a total of 63 homes. The total estimated cost for this project is \$3.5 million dollars. Attached is the lot layout for the Project. We believe this Project will be fully built out within 10 years.

Our family has a proven track record of building residential developments in Sioux City. We most recently developed Whispering View Third Addition which is comprised of 165 lots and is almost entirely built out. With Whispering View Third Addition, we created a development that collectively has a current assessed value of over \$51M and currently generates almost \$600,000 of annual real estate tax revenue. Within the next few years, we expect almost \$60M of taxable value to be created as a result of Whispering View Third Addition. We are not only proud of this development, but believe it demonstrates our ability to create successful residential developments that create real taxable value for the City.

This Project develops the remaining land from the original Whispering Creek development started in 2000. In addition to several topographical challenges, there are several issues that result from the developments that surround the Project. The subdivision infrastructure we are planning also fulfills a needed sanitary sewer connection from Glen Ellen Road to Whispering Creek Drive. As a result, we are requesting the City of Sioux City assist us with this Project with certain items to be included within a Development Agreement. Our request is based on the following are set forth below and divided into four parts.

Part One:

As you know, part of the existing sanitary sewer adjacent to this Project does not function properly. Our Project will gravity drain away to the other side of the property and, as a result, will not need the existing sanitary sewer abutting the Project. The City's Engineering Department, however, is requiring us to install six sewer services for the other side of Glen Ellen Road for a different property owner. We do not believe the City's subdivision ordinance requires us to replace sanitary sewers on City property that were designed in error or which do not benefit the Project.

It is necessary to make the sanitary sewer to be located within our Project extra deep to accommodate the sewer outside of our Project.


Part Two: We are requesting the City take whatever action is necessary to ensure the Project is entitled to residential tax exemptions for revitalization through at least 2025.

Part Three: We are requesting the City perform, at its sole cost and expense, all construction inspection and testing for all public improvements undertaken with respect to the Project or reimburse us to hire an independent contractor to perform all construction inspection and testing for the public improvements.

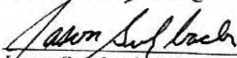
Part Four: To assist with the other challenges related to this Project, we are requesting \$10,000 per housing unit, for a total of \$630,000, to be funded with DIG funds or other funding that the City may utilize. Based on the City's granting of assistance to other developers and our proven track record, we feel this is a very fair request.

Please let me know if you need anything else in connection with our requests.

CAB ESTATES, LLC



Jon Sulzbach, Manager



Jason Sulzbach, Manager

DEVELOPMENT AGREEMENT
THE IOWA STATE BAR ASSOCIATION
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Jeffrey W. Hanson, 405 Sixth Street, P.O. Box 447, Sioux City, IA 51102 (712)279-6103

Taxpayer Information: (name and complete address)

CAB Estates, LLC
5000 S. Lewis Boulevard
Sioux City, IA 51106

Return Document To: (name and complete address)

Jeffrey W. Hanson
405 Sixth Street
P.O. Box 447
Sioux City, IA 51102

Grantor:

City of Sioux City, Iowa

Grantee:

CAB Estates, LLC

Legal Description: See Exhibit A

Document or instrument number of previously recorded documents: N/A.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made on _____, 2018, by and between the City of Sioux City, Iowa, an Iowa municipal corporation, (hereinafter referred to as "City") and CAB Estates, LLC, a limited liability company (hereinafter referred to as "Developer").

WITNESSETH

WHEREAS, Developer owns real estate described in the attached **Exhibit "A"** (the "Property"); and

WHEREAS, Developer desires to construct a residential development on the Property;

WHEREAS, the City accepted and approved the Final Plat of Claret View, an Addition to the City of Sioux City on November 5, 2018 pursuant to Resolution No. 2018-0891 ("Claret View"), provided that the first payment under the Development Agreement would be suspended until the public improvements are completed by Developer; and

WHEREAS, the parties desire to establish between themselves their various obligations, duties and responsibilities;

NOW, THEREFORE, in consideration of the promises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

ARTICLE I RESPONSIBILITIES OF THE DEVELOPER

The Developer shall complete construction of a residential development of the Property in conformance with all zoning, building and subdivision codes adopted by the City of Sioux City and contingent on the following:

- A. Apply for and receive all necessary permits.
- B. Develop the Property so 63 residential structures can be constructed upon the Property prior to December 31, 2029. The Developer may request an extension of the construction deadline in the event that unanticipated circumstances arise which prevent the Developer, or its successors and assigns, from meeting the construction deadline (i.e. such as economic factors which cause a significant decrease in new construction in the community, unanticipated weather delays, etc.) which such extension shall not be unreasonably withheld.
- C. Developer shall execute a forgivable promissory note in the form attached hereto as **Exhibit B** in the amount of \$630,000.00 (the "Note"). In the event that less than 63 residential structures have been completed by the construction deadline date of December 31, 2029 (or any extension of the deadline date), Developer shall be obligated on demand of the City to refund a prorated portion of the Note. The economic development grant is to be used to support the development of the 63 residential structures. The prorate portion shall be based on a fraction, the numerator of which shall be the number of uncompleted

residential structures as of the construction deadline date and the denominator of which shall be 63. This fraction shall then be multiplied by \$630,000.00 to determine the amount to be refunded by the Developer to the City upon demand of the City.

- D. The Developer shall complete the construction of all public improvements that would have been required as a condition to approval of the Claret View (the "Public Improvements"). The Public Improvements are to be completed pursuant to the design plans and specifications previously submitted to the City by the Developer in connection with Claret View, formerly known as CAB Estates (the "Plans"). If there is any disagreement between the City and Developer as to whether the Public Improvements are complete pursuant to the Plans, the City and Developer agree to promptly appoint a third party engineer to determine whether Public Improvements are complete. The decision of the third party engineer shall be binding on the City and Developer. The costs of the third party engineer shall be split equally between the City and the Developer.

ARTICLE II
RESPONSIBILITIES OF THE CITY

The City shall:

- A. Pay \$630,000.00 as an economic development grant to support the development of 63 residential structures as requested by the Developer. City will only make payment to the Developer after all zoning approvals, site plan approvals, infrastructure approvals, and upon receipt of the executed Note. The grant shall be paid to the Developer as follows: (i) a payment of \$210,000.00 shall be paid on December 1, 2018, (ii) a second payment of \$210,000.00 shall be paid on July 1, 2019, and (iii) the final payment of \$210,000.00 shall be paid on July 1, 2020. Notwithstanding the foregoing, the City's obligation to make the December 1, 2018 payment shall be suspended until the Developer completes the Public Improvements as set forth in Section 1.D. above.
- B. Provide a Partial Release of Development Agreement upon the closing of the sale of each lot within the Property by Developer.
- C. The City agrees the Note shall be subordinate to any present or future financing, and all renewals, modifications, replacements and extensions thereof, Developer obtains from its lender(s), including but not limited to any mortgage(s) or similar lien(s) granted by Developer to its lender(s) in connection with said financing, and the City agrees that, if requested by Developer, City shall promptly execute and deliver to Developer one or more subordinations confirming the foregoing in the form appropriate for recording in the real estate records of Woodbury County.

ARTICLE III
GENERAL PROVISIONS

- A. This Agreement shall be binding on the parties and their successors and assigns.
- B. This Agreement shall be interpreted according to the laws of the State of Iowa. The Developer agrees that the Woodbury County District Court shall have exclusive jurisdic-

tion over any litigation between the City and the Developer arising out of this agreement.

C. Any notice, demand or communication under this Agreement by either party to the other shall be sufficiently given if it is dispatched by regular mail, postage prepaid, or delivered personally as follows:

1. Developer to: CAB Estates, LLC
c/o Jon Sulzbach
5000 S. Lewis Boulevard
Sioux City, IA 51106

2. City to: City of Sioux City
Attn: City Manager
405 Sixth Street
P.O. Box 447
Sioux City, IA 51102

D. List of Exhibits: Exhibit A - Description of Property
Exhibit B - Form of Promissory Note

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be duly executed as of the date and year first above written.

CITY:
CITY OF SIOUX CITY, IOWA

ATTEST:

By: _____
Robert E. Scott, Mayor

Lisa L. McCardle, City Clerk

DEVELOPER:
CAB Estates, LLC

By: Jason Sulzbach, Manager
5000 S. Lewis Boulevard
Sioux City, IA 51106

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this ____ day of _____, 2018, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared Robert E. Scott, Mayor of the City of Sioux City, Iowa, and Lisa L. McCardle, City Clerk of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)

NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA, COUNTY OF WOODBURY:

This record was acknowledged before me on _____, 2018 by Jason Sulzbach as Manager of CAB Estates, LLC.

Notary Public - State of Iowa

EXHIBIT A

DESCRIPTION OF PROPERTY

Property legal:

A tract of land located in part of the Southwest Quarter (SW1/4) of Section Three (3), Township Eighty-Eight (88) North, Range Forty-Seven (47) West of the 5th P.M., Woodbury County, Iowa, and more particularly described as follows:

Commencing at the center section corner of Section Three; thence along the north line of the Southwest Quarter a distance of 1250.63 feet to a point of intersection of the north line of the Southwest Quarter and the west right-of-way line of Glen Ellen Road and a point of curvature also being the point of beginning; thence along the west right-of-way of Glen Ellen Road along a curve in a counter clockwise direction and having a delta angle of $29^{\circ}55'16''$, a radius of 930.00 feet, a chord distance of 480.17 feet to a point of curvature on said west right-of-way line of Glen Ellen Road; thence along said west right-of-way line of Glen Ellen Road along a curve in a clock-wise direction and having a delta angle of $46^{\circ}16'54''$, a radius of 570.00 feet, a chord distance of 448.01 feet to a point of intersection of said west right-of-way line of Glen Ellen Road and the northeast corner of Lot 1, Royal Highlands Fourth Addition; thence along the north line of said Lot 1, Royal Highlands Fourth Addition a distance of 139.98 feet to the northwest corner of said Lot 1, Royal Highlands Fourth Addition; thence south-westerly a distance of 226.15 feet to the northwest corner of Lot 46, Royal Highlands Third Addition; thence $S05^{\circ}12'49''W$ a distance of 341.09 feet to the southwest corner of Lot 45, Royal Highlands Third Addition; thence $S84^{\circ}31'40''W$ a distance of 481.12 feet; thence $S64^{\circ}45'50''W$ a distance of 478.33 feet; thence $S55^{\circ}29'34''W$ a distance of 836.38 feet; thence $S33^{\circ}04'42''W$ a distance of 168.66 feet; thence $S26^{\circ}14'46''W$ a distance of 141.12 feet; thence $S08^{\circ}50'31''W$ a distance of 146.65 feet; thence $S03^{\circ}00'21''W$ a distance of 188.29 to a point on the north right-of-way line of Whispering Creek Drive; thence $N89^{\circ}53'11''W$ along the north right-of-way line of Whispering Creek Drive a distance of 183.83 feet; thence $N01^{\circ}5S'36''E$ a distance of 331.32 feet; thence $N02^{\circ}55'44''E$ a distance of 481.89 feet; thence $N21^{\circ}26'20''E$ a distance of 1510.06 feet; thence $N36^{\circ}03'38''W$ a distance of 470.10 feet to a point on the north line of the Southwest Quarter of Section Three; thence along the north line of the Southwest Quarter of Section Three a distance of 1200.24 feet to the point of beginning. Said tract contains a calculated area of 2,653,399± square feet or 60.913± acres more or less and extending to the center line of abutting right-of-way.

EXHIBIT B

**CITY OF SIOUX CITY, IOWA
PROMISSORY NOTE
CAB Estates, LLC**

Amount: **\$630,000.00**

Date: _____, 2018

For value received, the undersigned **CAB Estates, LLC** (hereafter called "Borrower") promise to pay to the order of the City of Sioux City, Iowa (hereafter called the "Payee"), at its principal offices at City Hall, 405 6th Street, P.O. Box 447, Sioux City, Iowa 51102, or upon notice to the Borrower, at such other place as may be designated from time to time by the holder, the principal sum of Six Hundred Thirty Thousand Dollars (\$630,000.00), to the extent such \$630,000 has actually been paid by the Payee to Borrower under the term of the Development entered into by the parties on _____, 2018 (hereinafter the "Development Agreement"), to assist with the development of sixty-three residential structures for a residential development located at 2619 ½ Glen Ellen Road, Sioux City, Iowa to be paid as follows:

A \$630,000.00 forgivable loan.

There will be no principal payments due for the term of this loan. On December 31, 2029, or upon the expiration of any extension of this deadline, the entire amount shall be forgiven upon the completed construction of sixty-three residential structures. In the event that less than sixty-three residential structures have been completed by the deadline date, Borrower shall, upon demand of the Payee to refund a portion of the \$630,000.00. The prorate portion shall be based on a fraction, the numerator of which shall be the number of uncompleted residential structures as of the construction deadline date and the denominator of which shall be 63. This fraction shall then be multiplied by \$630,000.00 to determine the amount to be paid by the Borrower to the Payee upon demand.

1. Payments. All payments under the Note shall be applied to principal and no interest shall accrue under this promissory note.

2. Development Agreement: Acceleration Upon Default. This Note is issued by Borrower to evidence an obligation to repay a loan according to the terms of the Development Agreement between the Payee and Borrower and, at the election of the holder without notice to the Borrower, shall become immediately due and payable in the event any payment is not made when due or upon the occurrence of any default under the terms of the Development Agreement or any obligations of the Borrower as set forth in this Promissory Note.

3. Obligations of Borrower. Borrower shall perform the obligations set forth in the Development Agreement which is incorporated herein by this reference.

4. Waiver. No delay or omission on the part of the holder in exercising any right under this Note shall operate as a waiver of that right or of any other right under this Note. A waiver on any one occasion shall not be construed as a bar to or waiver of any right and/or remedy on any future occasion.

5. Waiver of Protest. The Borrower, surety, endorser and guarantor of this Note, expressly waives presentment, protest, demand, notice of dishonor or default, and notice of any kind with respect to this Note.

6. Costs of Collection. The Borrower will pay on demand all costs of collection, maintenance of collateral, legal expenses, and attorneys' fees incurred or paid by the holder in collecting and or enforcing this Note on default.

7. Meaning of Terms. As used in the Note, "holder" shall mean the Payee or other endorsee of this Note, who is in possession of it, or the bearer hereof, if this Note is at the time payable to the bearer. The word "Borrower" shall mean each of the undersigned. If this Note is signed by more than one person, it shall be the joint and several liabilities of such persons.

8. Miscellaneous. The captions of paragraphs in this Promissory Note are for the convenience of reference only, shall not define or limit the provisions hereof and shall not have any legal or other significance whatsoever.

CAB ESTATES, LLC

By: _____
Jason Sulzbach, Manager

STATE OF IOWA, COUNTY OF WOODBURY:

This record was acknowledged before me on _____, 2018 by Jason Sulzbach as Manager of CAB Estates, LLC.

Notary Public - State of Iowa

<input checked="" type="checkbox"/>	Regular Session
<input type="checkbox"/>	Study Session
<input type="checkbox"/>	Closed Session

**CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION**

MEETING DATE: November 19, 2018 **ACTION ITEM #** 21

FROM: Jessica Johnson, City Manager’s Office

SUBJECT: City of Sioux City Strategic Plan Quarterly Update Presentation

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests Council to view a brief presentation on the City of Sioux City Strategic Plan Updates for Quarter 3 of 2018.

DISCUSSION:
As discussed with the City Manager and City Council, quarterly updates regarding progress on the Strategic Plan will be presented to the City Council.

FINANCIAL IMPACT:
No financial impact.

RELATIONSHIP TO STRATEGIC PLAN:
Focus Areas – Grow Sioux City, Promote Sioux City, Enhance Connectivity with Citizens and Instill Sioux City Pride

ALTERNATIVES:
N/A

ATTACHMENTS:
PDF file – Strategic Plan Q3 2018



Strategic Plan UPDATE

Grow Sioux City

Growing Sioux City is a top priority for all Sioux City residents. That means developing partnerships to expand job creation, encouraging entrepreneurs, improving our city's public safety services and infrastructure, revitalizing neighborhoods and increasing housing opportunities.

Expanded Development Opportunities

New Housing Options

Local housing growth is at an all-time high. Last year brought record-breaking residential housing construction and the trend has continued in 2018. Sioux City is experiencing new developments and expansions throughout the city in Whispering Creek, Eagle Ridge, Sunnybrook, Indian Hills, and downtown.

City staff are currently working on three significant new housing starts that will produce over 200 new housing units to be completed over the next five years.



Commercial Growth

Several new major commercial developments recently opened including the 220,000 square foot Fleet Farm and 55,000 square foot Hobby Lobby stores in the Sunnybrook area.



Industrial Progress

Sioux City continues to develop the 120-acre 27 *Flags* site located in the Southbridge Business Park. Plans are underway to extend additional infrastructure to the site, and Site Certification is nearly complete. The site will be home to a planned new Industrial Spec Building.

The Southbridge Rail Yard is located on the site as well and is currently seeing new use by Agri-Trading for transloading operations.



Progress continues on the construction of \$11 million in major road improvements in the Bridgeport Industrial Area to support ongoing industrial growth.



Rocklin Manufacturing held a ribbon cutting on August 16, 2018 to celebrate their newly restored historic building. The City also presented a Growing Sioux City award to honor the company's investment and commitment to the community.

City Council approved a development agreement with Interstate Mechanical Corp./Interstate Metal Specialists on September 10, 2018 which provides assistance to the companies as they expand into a new facility in Sioux City.

Under Construction



Urban Renewal

Rose Hill Urban Renewal Area is under construction! Work wrapped up in October on the \$350,000 splash pad located just to the north of the current Rose Hill Park. The splash pad includes a number of fire themed water elements, new benches, landscaping, and so much more! It is anticipated to be ready for play in Spring 2019!

Improvements to several sidewalk corners in Rose Hill will be made for ADA accessibility. Improvements to inlets and alleys will be completed this fall.



West 7th Street

Work restarted on the West 7th Street reconstruction project in late March. The second and final phase includes complete reconstruction of West 7th Street between Sioux Street and Hamilton Boulevard. The landscaping has begun and mainline paving is almost complete.

Grow Sioux City

Transportation Improvements

Three Daily Flights to Chicago

Sioux Gateway Airport and Brigadier General George “Bud” Day Field welcomed a third daily American Airlines flight to Chicago along with its once-a-day service to Dallas/Fort Worth. This third flight helps to fill in the gap, making it easier for travelers to go to Chicago and back in the same day. The new flight departs at 3:25 p.m. daily.



Going West?

A \$650,000 grant could help Sioux Gateway Airport reestablish a connecting flight to the western United States. Funding from the U.S. Department of Transportation's Small Community Air Service Department Grant could be used to secure service to the west. Airport officials are talking about the possibilities with various airlines.

Transit Updates

Sioux City Transit continually works to maintain and improve transportation services for citizens. Transit received delivery of a new 30' bus in September. This is a continuation of Transit's fleet updates to allow more versatility.

During the summer months, Sioux City Transit offered their annual *Kids Ride Free* program to allow students ages 5-18 unlimited rides on the city's fixed route system at no cost.



Public Safety

Life Saving Technology

Sioux City Fire Rescue (SCFR) received a grant to purchase dispatch software and station hardware that has allowed the average dispatch time to improve from 41 seconds to 16 seconds, allowing SCFR to respond 25 seconds faster during emergencies.

SCFR also received the Assistance to Firefighters Grant for self-contained breathing apparatus, saving the City \$503,000 in replacement costs.

Mobile data pads that allow firefighters to conduct fire inspections and do pre-planning of commercial buildings were replaced this past quarter as well.



Ambulance Improvements

Sioux City Fire Rescue's EMS Division has ordered four new ambulances to replace outdated models. These new rigs will be better equipped for the winter months with four-wheel drive capabilities.

SCPD Receives Gold

The Sioux City Police Department was reconized nationally by the Commission on Accreditation of Law Enforcement Agencies (CALEA) with the "Distinguished Gold Standard - With Excellence" rating. This is the highest CALEA rating and demonstrates Sioux City is in the top 2% of law enforcement agencies nationally.



CALEA[®]
THE GOLD STANDARD IN PUBLIC SAFETY

Promote Sioux City

City Council and staff promote Sioux City as a tourist destination and as a great place for people to raise a family or start a business. Accomplishing this means increased recreational opportunities, continued development of our public spaces, and enhancing local arts and cultural amenities.

Enhanced Culture & Arts

New Learning Center

Construction wrapped up on the new Gilchrist Learning Center with classes opening to the public in September. Classes and workshops for all ages are offered throughout the week and on weekends. In the spring of 2019 staff will bring an expansion of the schedule to accommodate the demand for new offerings and times.

The Art Center is currently undergoing renovations to create a new collection storage vault, new exhibition galleries, and a new Junior League Hands On! Gallery. Renovations are expected to be completed by spring 2019.



25 Years of ArtSplash

The Sioux City Art Center hosted the 25th Annual ArtSplash festival over the Labor Day weekend in Riverside Park. Nearly 100 exhibiting artists from across the country were joined by family-friendly entertainment and hands-on art activities. The public was asked to vote for the color - red, blue or yellow - that would look best to repaint the sculpture titled *Sioux City*. More than 1,000 people responded; blue was chosen to repaint the sculpture at 3rd and Pierce Street.



Mardi Gras

Sioux City Police Chief Rex Mueller and Fire Rescue Chief Tom Everett served as parade marshals in The Big Parade on July 6th in downtown. Following the parade, the annual Mardi Gras Festive included a Cajun meal and costume gala along with a free concert on the Tyson Events Center plaza.



Downtown Live

Thursday nights on the lawn of the Sioux City Public Museum this summer were home to Downtown Live. Friends were able to gather and enjoy live music from a different band each week.



Great American Read

The quest to determine America's most-loved novel was the framework for Sioux City Public Library's Adult Summer Reading program. PBS (Public Broadcasting Service) conducted a public opinion poll to narrow the list of top books down to 100 as part of a national campaign to discover America's favorite book. The Library and citizens spent the summer and fall seasons reading, voting, giving away prizes, and hosting events leading up to PBS's Grand Finale show where the winner of The Great American Read was announced- *To Kill A Mockingbird*.



Museum Offers Learning & Fun

The grounds of the Sergeant Floyd River Museum and Welcome Center on the riverfront showcased authentic tents, camp equipment, uniforms, and firearms like those used during the Lewis & Clark expedition as part of the annual Sergeant Floyd Memorial Encampment in August. A re-enactment ceremony of Sgt. Floyd's burial was held on the grounds of the Sgt. Floyd Monument.



Summer programming at the Public Museum was well attended. The Museum hosted two free sessions with Clifford the Big Red Dog and IPTV KIDS Clubhouse host Dan Wardell. History at High Noon events hosted monthly were a hit as well. The events featured prairie school architecture, events of 1968, Sioux City's corn palaces, and Russian folk dancing taught by Moscow Ballet Ballerina Mariia Skoruk.

Food Truck Fun

In just three years, Food Truck Fridays have become a downtown Sioux City phenomenon. This past season Food Truck Fridays moved to Pearl Street Park and averaged 10 trucks each week. The popular event brings people of all ages and from all walks of life to experience downtown. This summer's Food Truck Fridays also featured live music and children's activities through a partnership with LaunchPAD Children's Museum.



Saturday in the Park

The annual Saturday in the Park music festival was held at Grandview Park in July. Live music acts were offered throughout the day on two stages. Acts included Jason Isbell and the 400 Unit, Boz Scaggs, Galactic, and many more.

In addition to the music, there was also a collection of regional vendors offering unique creations and handmade crafts in Art Alley and a Kid's Zone that featured pony rides, bubbles, inflatables, facepainting, and a petting zoo.

Promote Sioux City

Recreational Opportunities



New Amenities at Cook Park

Cook Park received a few updates last quarter. The former Cook Park tennis court site is now home to two new full basketball courts with new backboards and rims.

The park is now also home to a new splash pad! The Cook Park Splash Pad, located at 505 Market Street, is the fourth community splash pad to open in Sioux City. The three other splash pads are located at Dale Street Park, Leeds Park, and Cone Park. All of the splash pads locations are free and open to the public.

Trail Improvements

A ribbon cutting was held on July 20 to celebrate the completion of the new pedestrian trail bridge constructed over the Union Pacific Railroad tracks north of Outer Drive. The Floyd Blvd. and Outer Dr. Trail Bridge closed the gap between two trail networks providing over 5.5 miles of continuous trail from Outer Dr. and Hamilton Blvd. to 4th St. and Hoeven Dr.



New Recreational Programming

In partnership with Four Seasons County Club, Parks and Recreation offered a new and improved four-week tennis lesson session that included practices and matches for ages 5-18 this past quarter. Lessons included etiquette, rules, skills, and tournament play. A total of 125 youth participated - a significant increase from previous years. Introductory golf lessons were also provided to 34 participants at the Green Valley Golf Course this summer.

Cornhole, a popular tailgating game was the inspiration for Parks and Recreation's new Cornhole League at Cone Park. The league had 18 registered teams (a total of 36 players) that played a six-week session and a double elimination game playoff. Parks and Recreation is already looking forward to hosting the 2019 season.



Fun For the Family Pet

The annual Pooch Paddle was held at Riverside Pool at the end of the aquatic season. The event was split into two nights, one for small dogs and one for larger dogs. The event was well attended.



Ice Center Updates

The ibp Ice Center underwent some needed upgrades this summer. A new cooling tower was installed along with new LED lighting in the arena. Staff painted the walls in the arena, arena lobby, front lobby, restrooms, player hallways, locker rooms, and office roof tops. Painting of the facility interior doors and skate shop shelving units was also accomplished.



Creating a Destination for Visitors



Reinvestment District Progress

A number of partners have organized around a shared vision for the Sioux City Reinvestment District and four dynamic projects with an estimated capital investment of over \$134 million. These projects include new options for places to live, work, shop, visit, and enjoy cultural and recreational activities.

Construction is now underway at the Convention Center. There will be improvements made to the Convention Center itself as well as a new parking deck and attached Courtyard by Marriott hotel.

Two renovated buildings have been completed and are close to 100% occupancy at Virginia Square. Two new buildings will be under construction soon.

The design of the Siouxland Expo Center is nearing completion with construction expected to begin in the spring.

Agreements for the the Warrior and Davidson Buildings were finalized last quarter. Construction is anticipated to begin this year.

New Events Facilities & Tourism Board

The new Events Facilities and Tourism Advisory Board was formed last quarter and held their first meeting in September. The new advisory board will focus heavily on tourism-related issues with the goal of attracting more visitors to Sioux City.

Regional Sports Destination

The National Association of Intercollegiate Athletics announced that the Division II Women's Basketball Championship will be played at the Tyson Events Center through 2020. 32 teams will compete for the national title in March.

Sioux City received a designation as a Regional Sports Authority District by the state of Iowa. Each year, a \$50,000 grant goes to 10 cities to support amateur sports events that bring visitors to Iowa. The grant will be used for two NAIA tournaments, as well as other local events that drive economic impact.



Enhance Connectivity

The City of Sioux City encourages resident engagement within their community by partnering with local businesses and educational institutions to increase opportunities, nurture young professionals, streamline City processes to gain efficiencies for citizens, and promote volunteerism.

Positive Community Engagement

National Night Out

The Sioux City Neighborhood Network hosted eight events around the community to celebrate National Night Out on August 7, 2018. The annual event aims to promote neighborhood involvement in crime prevention activities, police-community partnerships, and neighborhood relationships and camaraderie.



Community Vision

Additional Comprehensive Plan public events were held in July 2018 including a Steering Community meeting, Planning and Zoning Commission meeting, and a sub-area public workshop. As chapters of the Comprehensive Plan are developed they will be released for review and comment. The final Comprehensive Plan will meet the needs and goals of both our current and future citizens and business owners.

Citizen Feedback

An electronic survey was shared with the community in September requesting feedback on what additional amenities should be added to Cone Park. Nearly 1,000 responses were received with a slip and slide as the most popular item to be added to the park.



Senior Living in Sioux City

A Senior Living Survey was distributed in September to learn how the Sioux City Seniors Advisory Committee can improve our community. More than 350 surveys were completed. The Seniors Advisory Committee is currently working on reviewing the results and will prepare a presentation to City Council.

with Citizens & Businesses

Connecting Citizens to Resources

Community Outreach

The Sioux City Human Rights Commission partnered with the Northern District of Iowa's U.S. Attorney's Office and the Disability Resource Center of Siouxland to present information about healthcare services for individuals with disabilities. The free public event was held at the Public Museum in August.

Ally Hecht, a Morningside College student, joined the Human Rights Commission team this summer as a community outreach advocate as part of the Summer Tyson Internship Program.

Housing For All

Using Community Development Block Grant funds, Sioux City Housing Authority designed a program in 2014 to reduce barriers to housing in the community. Since inception, the program has provided security deposit assistance to 422 families and distributed over \$204,000 to secure housing for the community's low to moderate income households.

Sioux City Housing Authority was presented with the 2018 Award of Merit in Housing and Community Development for the Security Deposit Assistance Program by the National Association of Housing and Redevelopment Officials.



Successful Partnerships

Future Workforce

The new Sioux City Community School District Career Academy opened in downtown Sioux City this fall in the Museum Building following an agreement between the City and School District, with over 1,000 students learning new skills in the facility. A Future Ready Summit was held this fall as well to highlight the new cooperative efforts needed to address the critical need for a skilled workforce.

The Sioux City Police Department is currently expanding programs to partner with local colleges and high schools to make connections with students interested in public service. The goal is to find diverse and high quality candidates for future hiring and keep educated citizens in the Sioux City community.



Enhance Connectivity

Increased Public Safety Communication

Social Media Unit

The Sioux City Police Department continues to use aggressive social media information sharing to connect with citizens and businesses alike. The department's new "social media unit" tasks 7 officers in various areas of the department with utilizing technology and social media to educate and inform the community. Officers also answer questions and generate reports based on information sharing using technology.



Educating the Public

Sioux City Fire Rescue (SCFR) EMS Division is now providing ambulance coverage at local sporting and entertainment events. This allows paramedics to connect and educate the public about hands-only CPR and organ and tissue donation programs while providing a valuable service in the community.

SCFR has provided cardiac arrest survival tips and hands-only CPR training to 500 citizens so far.



Doing Good In Sioux City

Employees Making a Difference

Every month the Employee Advisory Committee (EAC) designates a charity for the "Jeans for Worthy Causes" fundraising effort. Employees may wear jeans on Fridays if they choose to donate that month. In July, August, and September the EAC was able to raise over \$800 that was donated to various charities, including the Boys and Girls Club of Siouxland, the Food Bank of Siouxland's Back Pack Program, and the Friends of the Sioux City Police Department.

with Citizens & Businesses

Citizens Academy

Sioux City Fire Rescue completed their 9th annual Citizens Academy last quarter. Twelve citizens graduated from the 9-week, once per week program that exposes them to all aspects of the SCFR department.



Important Training

The Junior League of Sioux City and The Siouxland Coalition Against Human Trafficking (SCAHT) will train employees of hotel and motels in the Tri-State metropolitan area on how to realize, recognize, and respond to the signs of human trafficking. The Junior League of Sioux City was awarded a grant for SCAHT to pursue this project. The Mayors and City Administrators of Sioux City, Sergeant Bluff, South Sioux City, Dakota Dunes and North Sioux City have signed a letter of support that was sent to all the hotels and motels in the tri-state area.



Instill Sioux City Pride

Instilling Sioux City pride in residents will lead to expanded diversity, increased participation from our City's youth in all aspects of the City, and a more beautiful city.

We Are Sioux City



Sister City Visit

Mayor Haruo Takagi, along with a delegation of 10 middle school students and four staff members from the Yamanashi City government and school district, visited Sioux City in August as part of our Sister City relationship. Since the establishment of the Sister City in 2004, Yamanashi City has sent a delegation to Sioux City every other year to explore and experience American culture. Various events and tours were scheduled for the delegation and each middle school student stayed with a host family during their visit.



USS Sioux City

The United States Navy announced the commissioning date of the USS Sioux City for November 17, 2018 in Annapolis, Maryland. More than 5,000 people are expected to attend the commissioning ceremony at the United States Naval Academy.

Pride in Sioux City

The "Pride of Sioux City" award was given to several businesses this summer to recognize their efforts to improve our community through beautification and quality landscaping practices. The program now includes a partnership with the Siouxland Master Gardeners program through Iowa State Extension. Awards were given to Security National Bank, Seaboard Triumph Foods, and Sunnybrook Dental.



Doing More for the Environment

ReEvent

The semi-annual ReEvent was held on September 29. Electronics, batteries, light bulbs, and styrofoam were accepted for recycling at the event. A total of 600 electronic items, including 233 TVs were recycled. Additionally, 333 pounds of batteries, 125 fluorescent tubes, and 162 fluorescent bulbs were collected. A full trailer of styrofoam was accepted by LiteForm for recycling as well.



Recycling Success

45 tons of glass were collected during the third quarter. This brings the total collected up to 250 tons since the glass recycling program began in January 2017.

Promoting Recycling

A new recycling program logo has been selected and will be used in conjunction with new print marketing materials and a social media campaign to increase recycling efforts in Sioux City. The Environmental Advisory Board, along with City staff and Blue Earth Marketing, will begin rolling out the campaign in November.



Connecting at the Farmers Market

Members of the Environmental Advisory Board set up at the Sioux City Farmer's Market this past quarter to talk to residents about household hazardous waste free disposal and recycling programs. They distributed complimentary reusable bags and produce bags.



Strategic Plan UPDATE