



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, October 21, 2019, 4:00 p.m., local time, in the Council Chambers, 5th Floor, City Hall, 405 6th Street, Sioux City, Iowa, for the purpose of 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 cell phones and other communication devices while in the City Council Chambers.

-
-
1. Call of the Roll - Silent Prayer and Pledge of Allegiance to the Flag - Proclamations
 2. [Interview for the Library Board of Trustees: Genevieve Radosti](#)

CONSENT AGENDA

Items 3 through 15C 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 October 14 and 15, 2019. ([CLOSED](#), [REGULAR](#), [JOINT](#))
4. [BOA - Motion acknowledging Board of Adjustment actions of October 8, 2019.](#)
5. [PARKS - Resolution fixing fees for services provided by the Parks and Recreation Department and rescinding Resolution No. 2018-0976.](#)
6. [PUBLIC FUNDS - Resolution designating depositories for public funds.](#)
7. [FSS - Resolution approving an application to fund two Housing Choice Voucher Family Self-Sufficiency Program Coordinators for FY 2019 under the Notice of Funding Availability from the U.S. Department of Housing and Urban Development in the amount of \\$144,000 and authorizing and directing the Housing Services Division Manager to execute the required assurances and certifications in connection with said program application.](#)

8. BARKER - Resolution approving a Second Amendment to the Consulting Services Agreement with Barker Lemar Engineering Consultants for additional regulatory assistance, and for the installation of gas vents and a groundwater monitoring well for the closed 28th Street landfill in an amount not to exceed \$32,140.
9. LEGAL - Resolution appointing Steven R. Postolka as Assistant City Attorney II.
10. EAB - Motion appointing Joschua Schanda to the Environmental Advisory Board for a partial term expiring December 31, 2019, replacing Craig Keiser, and reappointing Joschua Schanda for a three-year term expiring December 31, 2022.
11. MID COUNTRY - Resolution awarding a purchase order to Mid Country Machinery Inc. of Sergeant Bluff, Iowa in the amount of \$204,450 for the purchase of a Kobelco Excavator. (RFB No. 258635)
12. ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS
 - A. NELSON - Resolution accepting the work and authorizing final payment to K&S, LLC doing business as Nelson Commercial Construction for the installation of two (2) park shelters. (Project No. 459-180)
 - B. GLOBAL - Resolution accepting the work and authorizing final payment to Global Engineering & Construction, Inc. for the Sioux City Art Center Renovation Project. (Project No. 7001-339-003)
13. ACTIONS RELATING TO PROPERTY
 - A. FIBERCOMM - Resolution granting a permit to FiberComm LC to own, operate and maintain underground cable commencing at the southwest corner of 11th Street and Division Street, extending east for 220' and crossing under Division Street, then extending north for 65' under 11th Street, then continuing north for 845' on private property ending at 1321 Lewis Boulevard.
 - B. USCOC - Resolution proposing to lease certain real property to USCOC of Greater Iowa, LLC for installation, operation and maintenance of a communications system and authorizing and directing publication of notice to lease such real estate. (Portion of the guyed tower and adjacent ground space located at 4201 Cheyenne Boulevard)
 - C. FRIENDS - 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 Friends of Andrew Yang, NPC, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (Space No. 1B in the Martin Luther King Jr. Ground Transportation Center located at 521 Nebraska Street)
14. APPLICATIONS FOR BEER AND LIQUOR LICENSES
 - A. ON-PREMISE SALES
 1. CLASS C LIQUOR LICENSE (liquor/wine/beer/wine coolers/carry-out)
 - a. Jim's, 4503 Stone Avenue (Renewal)
 2. SPECIAL CLASS C LIQUOR LICENSE (wine/beer/wine coolers/carry-out)
 - a. Elfredos Heartland Pizza, 523 West 19th Street (New)

B. OFF PREMISE SALES

1. CLASS B WINE PERMIT (wine only)
 - a. Sam's Mini Mart, 923 West 7th Street (Renewal)
2. CLASS C BEER PERMIT (beer/wine coolers)
 - a. Abarrotes Aguilar, 1001 Court Street (Renewal)
 - b. Braunger Steak Co., 1436-1440 Hamilton Boulevard (Renewal)
 - c. Hy-Vee Gas No. 3, 3333 Gordon Drive (Renewal)
 - d. Sam's Mini Mart, 923 West 7th Street (Renewal)
 - e. Sarg's Mini Mart, 3407 Glenn Avenue (Renewal)
3. CLASS E LIQUOR LICENSE (liquor only)
 - a. Sam's Mini Mart, 923 West 7th Street (Renewal)

15. BOARD, COMMISSION, AND COMMITTEE MINUTES

- A. Building and Housing Code Board – October 1, 2019
- B. Parks and Recreation Advisory Board – October 2, 2019
- C. Sports Commission – October 9, 2019

- End of Consent Agenda -

RECOMMENDATIONS OF PLANNING AND ZONING

16. Hearing and Ordinance vacating all that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys. (Petitioner: Jean Barr) The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0062)
17. Hearing and Ordinance vacating that portion of West Street lying between West 1st Street and the east/west alley approximately 100 feet north of Highland Avenue. (Petitioner: Mark Baker) The Planning and Zoning Commission recommends approval of this item. (File 2019-0072)
18. Resolution accepting and approving the Final Plat of Shirley Oaks Addition to Sioux City, Woodbury County, Iowa. (1914 South Fairmount Street) (Petitioner: Gene Sherman) The Planning and Zoning Commission recommends approval of this Item. (File No. 2019-0067)

HEARINGS

19. Hearing and Resolution accepting the proposal of The Iowa Department of Transportation for the granting of a temporary easement in certain land in the Combined Central Sioux City -CBD Urban Renewal Area. (a portion of Chris Larsen Park property located in the 1100 block of Chris Larsen Park Road)
20. Resolution accepting the proposal of The Iowa Department of Transportation for the purchase of certain land in the Combined Central Sioux City -CBD Urban Renewal Area and authorizing sale of said property. (vacated portion of Chris Larsen Park property located in the 1100 block of Chris Larsen Park Road)

21. Hearing and Resolution approving proposal to grant a temporary easement. (a portion of Riverside Park property located at 100 Riverside Boulevard) (Petitioner: Iowa Department of Transportation) (Purchase Price: Mutual Benefits)
22. Hearing and Resolution approving proposal to sell certain real property and authorizing a quitclaim deed. (vacated portion of Riverside Park property located at 100 Riverside Boulevard) (Petitioner: Iowa Department of Transportation) (Purchase Price: Mutual Benefits)

ORDINANCES

23. Ordinance adding a new chapter to the Sioux City Municipal Code to be entitled "Northbrook Urban Revitalization Area Plan."
24. Ordinance repealing Chapter 7.10 of the Sioux City Municipal Code entitled "Pit Bulls Prohibited." (First Consideration approved October 14, 2019)

25. **CITIZEN CONCERNS**

26. **COUNCIL CONCERNS**

27. **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: October 21, 2019 **ACTION ITEM #** 2

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

SUBJECT: Interview for the Library Board of Trustees: Genevieve Radosti

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that City Council interview the applicant listed for a vacant position on the Library Board of Trustees.

DISCUSSION:

Library Board of Trustees – there are two positions vacant as of June 30, 2019.

Genevieve Radosti 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 **Library Board of Trustees:**

Library Board of Trustees				
Library Board of Trustees must be Gender Balanced				
1 male and 1 female - OR - 2 males are required to balance**				
2 Vacancies:	NAME	Vacancy Information		EXPIRES
	David Halaas	Expired		06/30/19
	Richard A. Moon	Expired		06/30/19
7 Members:				
(2 women/4 men)	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
	David Halaas	1st	07/11/16	06/30/19
	Richard A. Moon	2nd	07/11/16	06/30/19
	Hope Schaefer	Partial/1st	10/24/16	06/30/20
	Jane Vereen	Partial	02/12/18	06/30/20
	Heidi Reinking	Partial	09/23/19	06/30/21
	Charles (Bill) McKenny	2nd	07/09/18	06/30/21
	Todd Stanley	2nd	07/15/19	06/30/22
1 Application:				
	NAME	Application Received	Interview date/Notes	App Expires
	Genevieve Radosti	10/10/19	10/21/19	04/10/21

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:

Application



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

Date 10/09/2019

BOARD, COMMISSION or COMMITTEE: LIBRARY BOARD OF TRUSTEES

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 Genevieve Radosti Phone Residence 712-899-7255

Home Address 2712 Dodge Ave Sioux City, IA 51106

Street City/State Zip

E-Mail Address gennygal@gmail.com

Employer Central Bank Phone Business 605-540-4333

Business Address 400 Gold Circle, Suite 100 Dakota Dunes, SD 57049

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? 24

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.)

In the fall of 2012, I volunteered for President Obama's grassroots campaign. In the summer and fall of 2014, I volunteered as an archival intern at the Sioux City Public Museum. Throughout my adult life, I have volunteered at Lamb Theatre with Ushering, Front of House, and Season Membership. In 2018 and 2019, I have participated in the Sioux City Litter Dash.

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

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:
I have training in archival work and marketing. I am skilled in cash handling and balancing and have seven years of experience in customer service fields. I have a Bachelors in History from Morningside College, with a cluster in Theatre. I have performed as an actress for 16 years and have excellent memorization skills. I also write screenplays and play scripts in my spare time.

INTEREST - State why you would like to volunteer to serve and what contributions you believe you can make:
I would like to serve on the Library Board of Trustees because I want to help generate enthusiasm and awareness for the resources the library has to offer. (Especially for underserved communities.) I currently work in a marketing role and have a background in research, so I hope to apply what I've learned and use it to give back to my community. I also look forward to meeting and working with individuals from all different backgrounds, so I can learn from them and apply it to both my work as a trustee and other aspects of my life.

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:
No, I am not aware of any conflicts of interest.

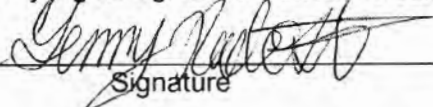
PERSONAL REFERENCES - Please list 2 references, the City Council may contact your references:

Name: <u>Jessika Evans</u>	Name: <u>Kendra Piper</u>
Address: <u>400 Gold Circle Suite 100</u>	Address: _____
<u>Dakota Dunes SD 57049</u>	_____
Phone: <u>712-635-0131</u>	Phone: <u>712-204-4076</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.

/s/  Date 10/9/19

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
LIBRARY BOARD OF TRUSTEES
(Administrative Board)

MISSION STATEMENT

The Sioux City Public Library connects people and ideas to empower and enrich our community. The Board of Trustees sets policy and oversees the Library in fulfilling that mission.

MEMBER ROLE

From the State Library of Iowa Trustee Handbook, the Library Board of Trustees has five primary roles:

1. Advocate for the library in the community and advocate for the community as a member of the library board. To be a library advocate is to work for the betterment of library services for the community. Advocacy includes working to obtain adequate funding for the library; pursuing opportunities to meet and speak with community groups; getting to know the mayor and city council; making sure the community's needs and interests are paramount when making board decisions.
2. Plan for the future of the library. Planning is one of the most important trusts that the community gives to the library board. Planning is deciding what is going to happen with library services over the next few years. It is taking charge of the library's future and creating it to be responsive to what the community needs.
3. Monitor and evaluate the overall effectiveness of the library. The community puts its trust in the library board to make sure the library is operating the way it should. For example, the library board is familiar with the library's budget - where the money is coming from and how it will be spent. The board monitors monthly financial reports and approves the bills so they can be paid. The board also helps determine whether the community is satisfied with the service received from the library.
4. Set library policies. The library board spends much of its time on policy issues - developing policies and monitoring the effectiveness of those policies. (Policy is a carefully designed, broadly stated, written guideline for actions and decision of the library.) Once adopted by the board, library staff carries out the policies on a day-to-day basis.
5. Hire and evaluate the library director. The board hires a qualified director to manage the day-to-day operations of the library and works with the director, carefully respecting each other's roles. The board also regularly evaluates the director to make sure the library operates well and in the best interest of those the library serves.

Please go to next page for Nominee's Questionnaire.

Nominee's Questionnaire

1. What are your views on the importance of having a library in our community?

I think the library is important not just because of the free access to physical media, but also because of the internet access and trained professionals who can help technology-shy guests use these resources. Librarians' roles in their communities are vital because they have access to resources, they know HOW to access them, and they are trained to help you get the answers you need. Without libraries and librarians, access to information would be solely a matter of education and wealth rather than a trip to Downtown or Morningside or Perry Creek.

2. Do you believe that all Library services should be offered free of charge or should there be reasonable fees for services offered?

In a perfect world, I believe all Library services should be free. But I understand that ink is expensive and parking tickets earn money for the city, so I understand why things like printing or parking at the meters cost money. However, I think the endgoal should be to provide these things free of charge, provided one doesn't abuse the library's resources.

3. What role do you feel Trustees and the Library Director should play in fund raising to support Library operations?

I feel the Trustees and Director should play a major role in organizing fundraising opportunities. That's one reason why we want to be a part of the board: we want to keep knowledge accessible, and that costs money. And if the Library Board isn't going to take the time and care to nurture our community's intellectual resources, who will?

4. As an administrative board the Library Trustees have full operational and fiduciary responsibility managing the Library; briefly describe your experience in the areas of personnel management, financial operations, litigation, business operation, and risk management.

As a bank teller for four years, I have extensive experience in locating and fixing offages. (You can bet my branch missed me when I was on maternity leave.) I have also been responsible for avoiding risk by following bank policies when running transactions and helping to troubleshoot during unusual situations or technical difficulties. I have a mind for numbers and problem solving, though I also have a creative side. I like to think I'm the best of both worlds.

5. Are you able to commit time to the monthly board meetings held every 3rd Wednesday at 3:30 p.m.? (Please provide detail)

Yes, I can make the time for it. In fact, my employer encourages me to occasionally volunteer during the work week, as community involvement is one of our core values. (And I have a very generous PTO policy, so if I need to take the time, I can.)

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/


Signature

10/9/19
Date

A Closed Session of the City Council was held at 3:30 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.

Motion by Scott, seconded by Moore, 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 return to open session at 4:15 p.m.; all voting aye.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:16 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\2019\101419csm

1. The Regular Meeting of the City Council was held at 4:20 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, on behalf of the City Council, proclaimed October 2019 as "Domestic Violence Awareness Month" in Sioux City and urged all citizens to actively participate in the scheduled events and programs; Deb Hogan, CSADV, accepted.

CONSENT AGENDA

Motion by Scott, seconded by Moore, to adopt the Consent Agenda; all voting aye. Items 2 through 11B are approved unanimously unless specifically noted after the item.

2. Reading of the City Council minutes of October 7, 2019.

Reading of the minutes of October 7, 2019, was waived and as part of the consent agenda the minutes were approved as presented.

3. STREET CLOSURE - Resolution temporarily closing 4th Street from Jackson Street to Jones Street beginning at 11:00 a.m. October 19, 2019 and ending at 3:00 a.m. October 20, 2019 to accommodate the Zombie Apocalypse fundraiser. **2019-0839**

Angel Wallace, Parks and Recreation Manager, provided information on the item. Don Dew, 1313 23rd St, spoke on the item.

4. PAVING REPAIR - Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the 10th Street and Irene Street Paving Repair Project. (Project No. 7070-519-127) **2019-0840**

5. COMBINED CENTRAL -Resolution setting dates of a Consultation and a Public Hearing on proposed Amendment No. 1 to the Amended and Restated Combined Central Sioux City -CBD Urban Renewal Plan for the Combined Central Sioux City - CBD Urban Renewal Area of the City of Sioux City, Iowa. (Development of a new building in the Historic 4th Street District; redevelopment of an existing building in the Historic 4th Street District, and the acquisition of an existing historic building in the Central Business District) **2019-0841**

6. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

- A. NELSON - Resolution awarding and approving a contract to K&S, LLC doing business as Nelson Commercial Construction in the amount of \$332,000 for the 2020 Airport Terminal Renovation Project (Project No. 7063-749-122-123)

2019-0842

- B. CIVIL RIGHTS - Resolution approving a Cooperative Agreement between the Iowa Civil Rights Commission and the Sioux City Human Rights Commission commencing July 1, 2019 and ending June 30, 2020, for the purpose of cross-filing complaints pursuant to Iowa Code Section 216.19. **2019-0843**

7. ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS

- A. GUARANTEE - Resolution accepting the work and authorizing final payment to Guarantee Roofing, Siding and Insulation Co., LLC of Sioux City, Iowa for a portion of the Hail Damaged Roofs and Buildings Projects. (Project No. 7005-889-003) **2019-0844**
- B. WEGHER - Resolution accepting the work and authorizing final payment to Wegher Construction Co. of North Sioux City, South Dakota for the construction of the Sioux City Public Library Morningside Branch Renovation Project. (Project No. 7005-319-007) **2019-0845**

8. PURCHASING

- A. BARCO - Resolution awarding a purchase order to Barco Municipal Products Inc. in the amount of \$82,470 for the purchase of chain for snow tires for the Field Services Division. (Bid No. 259004) **2019-0846**
- B. DENNIS - Resolution awarding a purchase order to Alexander Dennis Inc. of Canyon Lake, California, in an amount not to exceed \$363,588 for the purchase of one 30 foot heavy-duty, low-floor diesel bus for the Sioux City Transit System. **2019-0847**

9. TOTAL PAYMENTS - Approve total payments issued for the reporting period of September 2019, in the amount of \$19,217,968.61 and fund transfers for the reporting period of September 2019.

10. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. ON-PREMISE SALES

1. CLASS C LIQUOR LICENSE (liquor/wine/beer/wine coolers/carry-out)
 - a. Club Riviera, 714 4th Street (Temporary Outdoor Service for Zombie Apocalypse Fundraiser, October 19, 2019)
 - b. The Olive Garden Italian Restaurant No. 1711, 4930 Sergeant Road (Renewal)
 - c. One-Eyed Jacks, 3091 Hamilton Boulevard (Renewal)
2. SPECIAL CLASS C LIQUOR LICENSE (wine/beer/wine coolers/carry-out)
 - a. Briar Cliff University, 3303 Rebecca Street (Renewal)

Moore abstained on the Briar Cliff University, 3303 Rebecca Street, Special Class C Liquor License Renewal, due to a conflict of interest.

- b. Huhot Mongolian Grill, 4229 Street Lakeport Street (Renewal)

B. OFF PREMISE SALES

1. CLASS B WINE PERMIT (wine only)
 - a. Charlie's Wine & Spirits, 507 West 19th Street (Renewal)
 - b. Kum and Go No. 251, 1005 Gordon Drive (Renewal)
2. CLASS C BEER PERMIT (beer/wine coolers)
 - a. Charlie's Wine & Spirits, 507 West 19th Street (Renewal)
 - b. Kum and Go No. 251, 1005 Gordon Drive (Renewal)
3. CLASS E LIQUOR LICENSE (liquor only)
 - a. Charlie's Wine & Spirits, 507 West 19th Street (Renewal)
 - b. Kum and Go No. 251, 1005 Gordon Drive (Renewal)

11. BOARD, COMMISSION, AND COMMITTEE MINUTES

- A. Museum Board of Trustees – August 7, 2019
- B. Transit System Advisory Board – September 18, 2019

- End of Consent Agenda -

RECOMMENDATIONS OF PLANNING AND ZONING

12. Ordinance rezoning property located southwest of the intersection of 33rd Street and Floyd Boulevard from Zone Classification NC.4 (Neighborhood Conservation, 5000 square feet per unit minimum) to Zone Classification GC (General Commercial). (Petitioner: Kenneth Roach) The Planning and Zoning Commission recommends partial approval of this item. (File No. 2019-0068) **(First Consideration approved October 7, 2019)** **2019-0848**

Jeff Hanson, Community Development Operations Manager; and Dave Carney, Public Works Director; provided information on the item.

Motion by Scott, seconded by Groetken, to amend the proposed ordinance to be consistent with the Planning and Zoning Commission recommendation for a partial rezoning as opposed to the full rezoning requested by the petitioner; all voting aye.

The ordinance was considered on motion by Scott, seconded by Watters, to pass second consideration as amended; 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 third consideration; all voting aye.

ORDINANCES

13. Ordinance amending Chapter 7.03 entitled “Animal Control” and Chapter 7.04 entitled “Rabies Control” of the Sioux City Municipal Code to update language, revise administrative procedures, correct errors, and streamline processes related to animal control. **2019-0849**

Motion by Scott, seconded by Capron, to further amend the proposed ordinance by changing Section 7.04.010(4), to reflect a veterinarian issues the rabies-immunization tag, not the City.; all voting aye.

The ordinance was considered on motion by Scott, seconded by Capron, to pass first consideration as amended; 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.

14. Ordinance repealing Chapter 7.10 of the Sioux City Municipal Code entitled “Pit Bulls Prohibited”.

Nicole DuBois, City Attorney, provided information on the item. Marty Torgenson, 3205 6th Ave; Glenn Baker, 2017 W 14th St; Jason Hopkins, 3325 Pierce St; Jim Rixner, 114 Midvale Ave; Rande and Gregory Giles, 33676 South Ridge Rd; Mark Solheim, 2909 Garretson Ave; and Cortney Vander Schaaf, 412 Judd St; spoke on the item.

The ordinance was considered on motion by Scott, seconded by Capron, to pass first consideration; Capron, Moore, Scott, and Watters voting aye; Groetken voting nay.

DISCUSSION

15. Resolution amending the Position Classification Manual adopted by Resolution No. 91/T-9972 by approving and adopting updated job descriptions for Professional, Administrative, Technical, Supervisory, Executive and Council-appointed Employee Positions. (EMS Director, Class Code 5480 and EMS Compliance Officer, Class Code 5460) **2019-0850**

Janelle Bertrand, Human Resources Director, provided information on the item.

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

16. Resolution amending the Position Classification Manual adopted by Resolution No. 2017-0869 by deleting therefrom the positions, titles and job descriptions of EMT (Basic, Advanced), Class Code 5411; Paramedic, Class Code 5413; and Lead Medic/Training Officer, Class Code 5415.

Motion by Scott, seconded by Moore, to delete the item; all voting aye.

17. Resolution amending the Position Classification Manual adopted by Resolution No. 91/T-9972 by adding thereto the positions, titles and job descriptions of EMT (Basic, Advanced), Class Code 5411; Paramedic, Class Code 5413; and Lead Medic/Training Officer, Class Code 5415.

Motion by Scott, seconded by Capron, to delete the item; all voting aye.

Moore exited the meeting at 5:20 p.m.

18. Resolution approving Amendment No. 3 to the Contract with Local 2796, American Federation of State, County and Municipal Employees (AFSCME), representing Sioux City Professional, Administrative, Technical and Supervisory Employees (PATS) to incorporate sections applicable to Emergency Medical Services (EMS) and establish an Emergency Medical Services (EMS) salary schedule for the positions of EMT (basic, Advanced), Pay Range K10; Paramedic, Pay Range K20; and Lead Medic/Training Officer, Pay Range K30.

Motion by Scott, seconded by Groetken, to delete the item; all voting aye. (Moore was absent vote from this vote.)

19. Resolution terminating the Amended and Restated Salary and Benefits Plan for Emergency Medical Services (EMS) employees.

Motion by Scott, seconded by Watters, to delete the item; all voting aye. (Moore was absent vote from this vote.)

Moore returned to the meeting at 5:24 p.m.

20. Resolution approving payment to Certified Testing Services, Inc. of Sioux City, Iowa in the amount of \$3,055 for Invoice No. SC39690 and in the amount of \$1,878 for Invoice No. SC39837 for observation, labor, and material for testing and inspection services in connection with the Convention Center Parking Deck Project. (Project No. 6936-663-239) **2019-0851**

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

21. Resolution approving Change Request No. 14 to the contract with L & L Builders Co. of Sioux City, Iowa in an amount not to exceed \$211,151 for labor and material to remodel the four (4) public restrooms located on the west side of the Sioux City Convention Center in connection with the Sioux City Convention Center Renovation Project (Project No. 6940-663-239) **(Deferred from October 7, 2019) 2019-0852**

Stan LaFave, Facilities Maintenance Supervisor, provided information on the item. Ernie Colt, 4526 Perry Way; and Jeffery Reinders, 2300 Hawkeye Dr; spoke on the item.

Motion by Scott, seconded by Capron, to adopt the proposed resolution; Capron, Groetken, and Moore voting aye; Scott and Watters voting nay.

22. CITIZEN CONCERNS

Jeffery Reinders, 2300 Hawkeye Dr, President of the Sioux City Construction League; spoke on Fire Occupancy Inspection fees stating he had attended an earlier Council Meeting and asked that the fees be removed but has not heard anything in response since; Scott stated City staff will present information on the fees at the October 28th City Council Meeting.

23. COUNCIL CONCERNS

Groetken stated he attended the Board, Commission, and Committee Appreciation Dinner; Groetken stated the speaker was good and the food was top-shelf.

Watters stated there will be a Joint Council and Active Transportation Advisory Committee Meeting held Tuesday, October 15th, at 12:00 p.m., in the Lower Level Conference Room in City Hall.

Moore reminded everyone to review the information they were given for the Council Retreat that will be held Wednesday, October 16th, 12:00 p.m. at the Betty Strong Interpretive Center, 900 Larsen Park Rd.

24. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:50 p.m., on motion by Scott, seconded by Capron; 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.

**JOINT MEETING OF THE CITY COUNCIL
AND THE
ACTIVE TRANSPORTATION ADVISORY COMMITTEE**

A Joint Meeting of the City Council and Active Transportation Advisory Committee was held at 12:00 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; Lisa McCardle, City Clerk; Matt Salvatore, Parks and Recreation Director; Dave Carney, Public Works Director; Jeff Hanson, Community Development Operations Manager; Erin Berzina, City Planner; and Anne Westra, Economic Development Specialist.

Members of the Active Transportation Advisory Committee present included: Michelle Bostinelos, Robert DeSmidt, and Angela Drent. Absent: Judy Bonertz, Michael Johnson, Liliana Madrid, and Korey Smith.

Also present were various members of the media.

Berzina led introductions, she also provided a brief overview of the Active Transportation Advisory Committee (ATAC) which originated as part of the 2015 Active Transportation Plan, the ATAC was formed in October 2018 by Council resolution, and the first meeting was held in March 2019.

Berzina described the purpose of the ATAC as advisory on implementation of bicycle and pedestrian plans; to evaluate performance in keeping with the phasing and timeline of the Active Transportation Plan and coordinate activities; and assist in the development and implementation of other goals as related to active transportation practices.

Bostinelos provided information on planned bike lanes on portions of Leech Ave; Hamilton Blvd; and Downtown. Group discussion was held pertaining to the bike lanes and trails concerning safety, location, width, connectivity, cost, and a variety of other factors that will impact them.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:00 p.m., on motion by Scott, seconded by Moore; all voting aye.

ATTEST: _____

Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

<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: October 21, 2019 **ACTION ITEM #** 4

FROM: Jeff Hanson, Community Development Operations Manager (CRM)

SUBJECT: **Motion acknowledging Board of Adjustment actions of October 8, 2019.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that Council approve a motion approving Board of Adjustment actions from the October 8, 2019 meeting, based on the following findings:

Board of Adjustment:

Agenda Item 2019-0066: Requested Conditional Use Permit pursuant to Municipal Code Section 25.02.120 for the property located at 1523 Pierce Street. (Petitioner: Tewodros Worku)

Chris Madsen presented the Conditional Use Permit. This property is currently zoned Mixed Use and would allow a restaurant. To allow alcohol sales for on-premise consumption, a conditional use permit would be required. Madsen gave a brief history of the property which previously operated as Café Danh. The property operated with a liquor license that expired in 2010. A conditional use permit was approved in November of 2017. That conditional use permit expired nine (9) months after approval due to no action being taken to receive a liquor license. Madsen went over the two (2) standards set out in Municipal Code Section 25.02.120. The petitioner and the property meet all standards.

Petitioner: Tewodros Worku (121 Gilman Terrace Sioux City, Iowa) stated that he would like to be able to sell and consume alcohol at the restaurant he is planning on opening.

Coleman (Stewart) moved to approve item. Motion carried. 5-0-0 (Yes: O'Neill, Stewart, Coleman, Bostinelos, Geary, No: 0 Abstain: 0).

DISCUSSION:

File No. 2019-0066

The City has received a request from Elily, LLC – Tewodros Worku, petitioner, for a conditional use permit from Municipal Code Section 25.02.120 to allow for the sale of alcohol for on-site consumption for the property located at 1523 Pierce Street. The petitioner wishes to open a restaurant in the former Café Danh building. The former Café Danh operated a liquor license that expired in 2010, and a Conditional Use Permit was approved in November of 2017 to allow for the sale of alcohol on premise. The petitioner has opened the Elilly Restaurant and Coffee House, however never received a liquor license. The 2017 Conditional Use

Permit expired 9 months after approval due to no action taken to receive a liquor license.

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:

None

<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: October 21, 2019 **ACTION ITEM #** 5

FROM: Matt Salvatore, Parks and Recreation Director

SUBJECT: Resolution fixing fees for services provided by the Parks and Recreation Department and rescinding Resolution No. 2018-0976.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve a resolution adjusting the fee structure for some of the Parks and Recreation Department programs and services.

DISCUSSION:

Parks and Recreation staff has reviewed the fee structure for certain programs and services provided by the Parks and Recreation Department and desires to propose increases and changes to the fee structure to provide better customer service and fiscal management. The proposed fee structure was unanimously approved by the Parks and Recreation Advisory Board at their October 2, 2019, meeting.

City staff proposes adjustments to the Parks and Recreation Program Fee Schedule as outlined below:

Recreation Programs

Staff is proposing adding a discounted walk-in fee for pickleball. Currently, the department offers an annual membership for pickleball participants or a walk-in fee. The adult walk-in fee for the Long Lines Family Recreation Center is \$4.00.

- Proposed Fee: \$3.00 walk-in fee for pickleball players

Low Income Fee Requirements

Staff is proposing adding the following to the low-income fee requirements.

- Current requirement: Fees charged to low income individuals shall be reduced by 20% of the amount set forth herein except where low income fee is noted. To qualify for low income fees, the person or family must be registered with or receiving services from a recognized welfare or assistance program. An individual may also qualify if the person's income meets the guidelines for free or reduced-price meals at the public schools.

- Proposed requirement change: An individual may provide a valid Notice of Decision letter from Department of Human Services (DHS).

Aquatics Fees

Staff is proposing an increase to the swim team rate for practices per hour. The proposed increase will support administration and operating costs.

- Current fee: \$15.00 per hour for practice
- Proposed fee: \$35.00 per hour for practice

Park Shelter Rental Fees

Staff is proposing an increase to the **park shelter rental fees**. Park shelter rental fees have not been increased since 2010.

Rental Times:	Half day 7:00 am – 4:00 pm / 4:30 pm – 11:00 pm
	Full day 7:00 am – 11:00 pm
Half Day Fees:	Current: \$30
	<i>Proposed:</i> \$35
Full Day Fees:	Current: \$60
	<i>Proposed:</i> \$70

Staff is proposing changes to fees charged to rent the **Sertoma Park** shelter. To provide better customer service, the proposed fee changes will be in-line with the other park shelter rental fees.

Rental Times:	Half day 7:00 am – 4:00 pm / 4:30 pm – 11:00 pm
	Full day 7:00 am – 11:00 pm
Half Day Fees:	Current: \$50
	<i>Proposed:</i> \$35
Full Day Fees:	Current: \$100
	<i>Proposed:</i> \$70

Staff is proposing changes to fees for **Parkland Use** for attractions (i.e. bouncy houses, dunk tanks, petting zoo, pony rides, and party tents, and any other approved use). To provide better customer service, the additional fee charged for parkland use will be eliminated.

Half Day Fees:	Current: \$30
	<i>Proposed:</i> \$0
Full Day Fees:	Current: \$60
	<i>Proposed:</i> \$0

Eliminate all fees charged for parkland use as the process is not necessary and requires additional staff time. A copy of the certificate of liability insurance will still be required for additional attractions associated with a shelter rental.

Cone Park Ice Skating Rink and Tubing Hill

Staff is proposing the following additions and/or changes to the Cone Park Fee Schedule:

- Cone Park Lodge Rentals: Add a \$75.00 minimum fee for alcohol or concessions that can be used during a private lodge rental. One staff person will be assigned.

- Cone Park Lodge and Ice Skating and Pre-Season: Add a Private Rental, Monday – Sunday, 5:00 p.m. – 11:00 p.m., \$400.00. Includes exclusive use of ice skating rink.
- Private Cone Park Group Rentals Non-Operating Hours: Add a Private Rental, Friday, 9:00 p.m. – 11:00 p.m., \$750.00. Includes exclusive use of the tubing hill with Snow Glow lights, ice skating rink, and lodge.
- Cone Park Operating Hours: Add Holiday Hours, times will vary, \$10.00 per person.
- Cone Park Group Fee for School/Non-Profit 501(c)(3): Remove the School/Non-Profit 501(c)(3) classification. The rental category will change to Cone Park Group Fee for Fundraisers.

FINANCIAL IMPACT:

The proposed increased fee structure would generate additional revenue for the Parks and Recreation Department that is necessary to support increases in operational costs. Fees will be effective upon passage of the Resolution.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibilities – Quality of Life
Strategic Focus Area - Explore Destination Sioux City

ALTERNATIVES:

City Council can deny the proposed modified fee structure and direct City staff to maintain the current fee structure or make changes to the proposed fee structure.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019 - _____

RESOLUTION FIXING FEES FOR SERVICES PROVIDED BY THE PARKS AND RECREATION DEPARTMENT AND RESCINDING RESOLUTION NO. 2018-0976

WHEREAS, the Parks and Recreation Department has established a fee structure for certain services; and

WHEREAS, said Parks and Recreation Department has determined some of the fees need to be increased or adjusted to provide better customer service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the following fees for Parks and Recreation Department programs and services shall be in effect commencing upon passage of this resolution:

LONG LINES FAMILY REC CENTER/CLIMBING WALL

Arena	Fees
Tiny Tot Indoor Gym (ages 1-7) (Mon.–Fri. 8:00 a.m. - 12 p.m.)	\$0
Walk-In rate (ages 1-3)	\$0
Walk-In rate (ages 4-12)	\$3.00
Walk-In rate (ages 13-59)	\$4.00
Walk-In rate (ages 60 and over)	\$3.00
Family rate (group of 5)	\$10.00
Individual Courts -- Hourly rate anytime during operating hours	\$45.00/hr.
All 3 Courts per hour	\$125.00/hr.
Arena All Day rental: All courts from 10:00 a.m. – 12:00 a.m. Saturday only. Includes 40 rounds tables, 15 long tables, 350 chairs and setup	\$1,500.00
Volleyball equipment set up fee (used with walk-in fee only)	\$10.00
Batting Cage and Court	\$45.00/hr.
2nd Floor Party Room (with additional reservation includes 8 tables, 32 chairs)	\$25.00/hr.
2nd Floor Party Room (without an addition reservation includes 8 tables, 32 chairs)	\$35.00/hr.
2nd Floor Party Room 4 hour rental fee (includes 8 tables, 32 chairs)	\$100.00
2nd Floor Party Room 8 hour rental fee (includes 8 tables, 32 chairs)	\$175.00
3rd Floor Conference Room – 10 round tables, 2 long tables, 80 chairs and set up	\$50.00/hr.
3rd Floor Conference Room - 10 round tables, 2 long tables, 80 chairs and set up - 4 hour rental fee	\$175.00

3rd Floor Conference Room - 10 round tables, 2 long tables, 80 chairs and set up - 8 hour rental fee	\$300.00
3rd Floor Conference Room - 10 round tables, 2 long tables, 80 chairs and set up – All Day Rental fee (10:00 a.m. – 12:00 a.m. Saturdays only)	\$400.00
Hall of Fame Room - 25 round tables, 4 long tables, 200 chairs and set up	\$75.00/hr.
Hall of Fame Room (4 hour rate) 25 round tables, 4 long tables, 200 chairs and set up	\$250.00
Hall of Fame Room (8 hour rate) 25 round tables, 4 long tables, 200 chairs and set up	\$450.00
Hall of Fame Room – All Day Rental 10:00 a.m. – 12:00 a.m. Saturday only includes 25 round tables, 4 long tables, 200 chairs, and setup	\$700.00
Additional Before/After Hours staff fee	\$16.75/hr.
Tan folding or red padded seat chairs, set up and tear down, with rent	\$1.00/per chair
Table (round or banquet) and 8 chairs, set up and tear down, with rent	\$10.00
Usage of the Long Lines Family Rec Center PA system	\$25.00
Usage of a portable PA system	\$50.00
Attendant to oversee PA system operations	\$20.00/hr.
Take down and reset portable basketball hoops (five total)	\$100.00 ea.
Big Screen rental (set up and tear down)	\$250.00
Pipe-n-Drape per foot	\$3.00
Linens (each)	\$3.00
Black Curtains (Each side – block arena seating)	\$50.00/side
Black Curtains (block stage) 90'	\$150.00
Portable Stage (available upon request)	Fee will vary
Clean Up Fee (to be determined by Parks and Rec. Director)	Fee will vary
Arena Damage Deposit - refundable if facility has no damage	\$200.00
Security when alcohol is served - 2nd floor arena - 4 hours	\$400.00
Security when alcohol is served - 3rd floor - 4 hours	\$200.00

Climbing Wall

Fees

After Prom wall fees (Two-hour session between 11:00 p.m. and 2:00 a.m. Times set upon reservation.)	\$300.00/hr.
Climbing Wall Sessions - Includes a harness (Ages 5 and older)	\$7.00 per 2 hr. session

Exclusive Climbing Wall Rental (Ages 5 and older) Includes climbing shoes, no maximum	\$300.00 per 2 hr. session
Student Night	\$4.00
Hero's Night – Thank You!	\$4.00
Shoe Rental	\$3.00
10 Punch Pass	\$63.00
10 Punch Pass w/ climbing wall shoes	\$90.00
3 Month Individual Membership	\$100.00
6 Month Individual Membership	\$175.00
Annual Individual Membership	\$250.00
3 Month Family Membership*	\$200.00
6 Month Family Membership*	\$300.00
Annual Family Membership*	\$400.00
(*Family Memberships includes 2 adults and 2 minors)	
Climbing Wall Group Fee	\$7.00
(Per person with a \$150.00 minimum – includes climbing wall shoes. Discount only available for non-profits with 501(c)(3) status. Maximum 25 climbers per group.)	
Climbing Wall Parties - Party for up to 10 Climbers (Includes climbing shoes and 1 hr. rental of 2 nd Floor Party Room)	\$95.00
Climbing Wall Parties - Party for up to 25 Climbers (Includes climbing shoes and 1 hr. rental of 2 nd Floor Party Room)	\$200.00
Climb Strong Climbing Team	\$100.00 per season
Climbing Team Membership - 2 seasons per year (Ages 9-17)	
College Climbing Team (per visit)	\$5.00 per participant
Climbing Wall Competition (Ages 5 and older)	\$30.00 - pre-registration \$35.00 - day of registration
Climbing Wall Merchandise	
Chalk	\$6.00
Chalk Bag	\$15.00
Chalk/Chalk Bag Combo	\$20.00
Climbing Wall T-Shirt	\$8.00

ibp ICE CENTER

Groups

Musketeers

Siouxland Youth Hockey Association

Fees

Hourly Rate/Per Contract

Per Contract

Per Contract - \$140.00/hr. for Practice

	\$160.00/hr. for Games
Figure Skating	Per Contract \$140.00/hr. for Practice
	\$160.00/hr. for Ice Shows
Sioux City Adult Hockey	Per Contract \$140.00/hr. for Ice Usage
Curling Team	\$150.00 per team of six
Public Ice	General Admission
General Admission (ages 19 and above)	\$6.00
Student Admission (ages 6-18)	\$5.00
Youth Admission (ages 5 and under)	\$2.00
Skate Rental	\$3.00
Skate Sharpening	\$5.00
Room Rental	Fees
Package A:	\$25.00
Party Room Rental (15 minutes before/after skating session) <u>Includes:</u> table, chairs and room set up/clean-up	
Rate Schedule per Individual – \$7.00 - party of 10 or more* \$8.00 - party of 9 or less* <i>(*includes skate admission and skate rental)</i>	
Package B:	\$135.00
Party Room Rental (15 minutes before/after skating session) <u>Includes:</u> table, chairs, table coverings, place settings, room set up/clean-up, 2 large pizzas, 2 2-liter bottles of soda, discount coupons for each guest on a return visit, skate admission and skate rental for 10 individuals	
Party Room Additional Add-ons:	
Additional pizzas	\$15.00
Additional sodas	\$5.00
Additional skates	\$2.00
Additional admission	\$5.00

Miscellaneous Group Rental:

Rate Definitions: Rate will be charged in ¼ hour increments, after one full hour of paid ice rental. It will include one ice resurface prior to rental time, and one ice resurface after rental time ends.

Special Conditions: Ice rental is scheduled on an available basis and is preemptible. Ice events that are not preemptible must have a separate contract at a specially negotiated rate. All ice times scheduled, but not used, shall be paid.

Services and Facilities included with Ice Rental:

- Lighting provided to accommodate usage.
- Restroom/dressing area provided based on availability.
- Hockey goals provide at no charge.

Janitorial services provided by ibp Ice Center to maintain restrooms, lobbies, and areas open to the general public.

Parking: The ibp Ice Center reserves the right to charge a parking fee to all facility functions, or rent the lot to other lessees and/or users.

PICNIC SHELTER RESERVATIONS

Reservations for group picnics can be made at shelter houses located in Riverside Park, Bacon Creek Park, Leif Erikson Park, Lewis Park, Sertoma Park, and Chris Larsen Park year-round; however, shelter users should note the public restrooms are only operational from April 15 through October 15, or as determined and allowable by weather conditions.

~~Parkland rentals are required for amenities (i.e. bouncy houses, dunk tanks, petting zoo, pony rides, and party tents, and any other approved use) that will utilize additional space beyond a reserved picnic shelter area. An additional land use fee of \$30.00 for half-day shelter rentals and \$60.00 for full-day shelter rentals will be charged for park land use. An additional land use fee of \$60.00 will be charged for park land use at the Anderson Dance Pavilion, Rose Garden, and Grandview Park. All special parkland uses for certain amenities (i.e. bouncy houses, dunk tanks, petting zoo, pony rides, and party tents, and any other approved use) will require a Certificate of Liability Insurance listing the City of Sioux City as an additional insured.~~

Shelter rental is divided into time periods and rental fees as follows:

7:00 a.m. to 4:00 p.m.	\$ 30.00 <u>\$35.00</u> per ½ day / \$30.00 additional parkland use fee
4:30 p.m. to 11:00 p.m.	\$ 30.00 <u>\$35.00</u> per ½ day / \$30.00 additional parkland use fee
7:00 a.m. to 11:00 p.m.	\$ 60.00 <u>\$70.00</u> per full day / \$60.00 additional parkland use fee

Anderson Dance Pavilion	\$ 60.00 per hour
	\$200.00 per ½ day (7:00 a.m. to 4:00 p.m.)
	\$200.00 per ½ day (4:00 p.m. to 11:00 p.m.)
	\$400.00 per full day (7:00 a.m. to 11:00 p.m.)
Parkland Use Fee	\$ 60.00 additional fee

Grandview Bandshell	\$ 60.00 per hour
	\$200.00 per ½ day (7:00 a.m. to 4:00 p.m.)
	\$200.00 per ½ day (4:00 p.m. to 11:00 p.m.)
	\$400.00 per full day (7:00 a.m. to 11:00 p.m.)
Parkland Use Fee	\$ 60.00 additional fee

Grandview Bandshell (Interior Rooms)	
	\$ 80.00 per Rose Garden or Bandshell rental
	\$120.00 Damage Deposit

Rose Garden \$ 60.00 per hour
 \$200.00 per ½ day (7:00 a.m. to 4:00 p.m.)
 \$200.00 per ½ day (4:00 p.m. to 11:00 p.m.)
 \$400.00 per full day (7:00 a.m. to 11:00 p.m.)
 Parkland Use Fee ~~_____ \$ 60.00 additional fee~~

Sertoma Pavilion ~~_____ \$ 50.00 per ½ day (7:00 a.m. — 4:00 p.m.)~~
~~_____ \$ 50.00 per ½ day (4:00 p.m. — 11:00 p.m.)~~
~~_____ \$100.00 per full day (7:00 a.m. — 11:00 p.m.)~~
 Parkland Use Fee ~~_____ \$ 30.00 per ½ day rental and \$60.00 per full day rental additional fee.~~

Bandshell Rental: A \$50.00 key deposit is required to access the electrical panels located on the Bandshell.

Rose Garden Rental: A \$50.00 key deposit is required to access the electrical panel located on the Rose Garden Fountain.

Parks Cancellation Policy: ~~An administration fee of \$10.00 or 10% of the fee (whichever is greater) will be retained~~ No refund will be given when a Parks and Recreation facility reservation is canceled under 30 days of the reserved date.

SWIMMING POOL RATES

Facility	Fees	
	Low Income	General
Leif and Lewis Pools		
Ages 2 - 17	\$1.80	\$2.25
Adult	\$2.80	\$3.50
Riverside		
Ages 2 - 17	\$2.80	\$3.50
Adult	\$3.40	\$4.25
Coupon Books		\$45.00
• Leif, Lewis 25 Pass Book		\$70.00
• Riverside 25 Pass Book		
Swim Lesson Fees		
• Parent Infant/Preschool (Leif and Lewis)		\$35.00
• Tiny Tot (Leif and Lewis)		\$40.00
• Learn to Swim (Leif and Lewis)		\$45.00
• Private Lessons (Leif and Lewis)		\$60.00
Swim Team Rental Fees		
• Leif and Lewis	\$15.00/hr.	<u>\$35.00/hr.</u>

Birthday Party Rentals

• Package #1	\$75.00
✓ Up to 10 People	
✓ Cake, soda, paperware, & party host	
✓ Additional person	\$5.00
• Package #2	\$95.00
✓ Up to 10 People	
✓ Pizza, soda, cake, ice cream, paperware, & party host	
✓ Additional person	\$7.00

Birthday Party Additional Add-ons:

Additional Pizza	\$10.00
Additional 2-liter soda	\$2.50
Larger sized cake	\$15.00

Private Pool Rental

• RFAC	
0-150 people	\$150.00/hr.
151-400 people	\$250.00/hr.
401+ people	Contact Recreation Supervisor
• Lewis and Leif	
0-150 people	\$125.00/hr.
151-400 people	\$175.00/hr.
401+ people	Contact Recreation Supervisor

RECREATION PROGRAMS

Program	Fees
Youth Tee Ball League	
• Fee with t-shirt	\$40.00
• Fee without t-shirt	\$30.00
Youth Basketball League	
• Fee with t-shirt	\$40.00
• Fee without t-shirt	\$30.00
Youth Soccer League	
• Fee with t-shirt	\$40.00
• Fee without t-shirt	\$30.00
Bam Bam Baseball	
• Fee with t-shirt	\$40.00
• Fee without t-shirt	\$30.00
Tennis Lessons	
• Ages 4 to 10	\$50.00
• Ages 11 to 18	\$60.00

Golf Lessons	
• Pee Wee	\$25.00
• Beginner	\$30.00
Adult Flag Football	\$175.00 per team (Based on participation numbers)
Men's Basketball	\$300.00 per team (Based on participation numbers)
Co-Ed and Women's Volleyball	\$250.00 per team (Based on participation numbers)
Co-Ed Curling League	\$150.00 per team of six
Co-Ed Bean Bag League	\$40.00/team of two
Co-Ed Broom Ball League	\$125.00/team of twelve
Pickle Ball Membership (Ages 5 and Older)	<u>\$3.00 Walk-in Fee</u>
Pickle Ball equipment is available to checkout. (Fees will be \$50.00 when sign up or renewal is done by June 1 of each year)	\$75.00 <u>Annual Membership</u>
Late Registration Fee for all Parks and Recreation Programs	\$5.00

LOW INCOME FEES

- ~~• Fees charged to low income individuals shall be reduced by 20% of the amount set forth herein except where low income fee is noted. To qualify for low income fees, the person or family must be registered with or receiving services from a recognized welfare or assistance program. An individual may provide a valid notice of decision letter from Department of Human Services (DHS). An individual may also qualify if the person's income meets the guidelines for free or reduced-price meals at the public schools.~~

RECREATION AND AQUATIC REFUND POLICY

- ~~• Cancellations prior to the program deadline will receive a refund, less the \$5.00 administrative fee.~~
- ~~• Cancellations after the program deadline, or on the first business day after the first day of the program or lesson, will receive 50% of the program or lesson fees.~~
- ~~• The t-shirt fee will not be refunded if possession of the t-shirt has been accepted.~~
- Requires a minimum of one-week cancellation prior to the start of the class or program for a refund, less 10% or \$5.00 administrative fee. No refunds will be give once the class or program has begun.
- The t-shirt fee will not be refunded once possession of the t-shirt has been accepted.

FAMILY RECREATION ACTIVITIES

Program	Fees
Daddy Daughter Date Night	\$15.00 per person
Brunch with the Bunny	\$10.00 per person Under 2 years of age free admission
Breakfast with Santa	\$10.00 per person Under 2 years of age free admission
Pool Party Series Pool Party	\$5.00 per person
Parent's Night Out	\$10.00 pre-registration \$15.00 night of the event

PORTABLE STAGE

1 calendar day rental (12:00 a.m. to 11:59 p.m.)	\$500.00
Delivery and setup charge (7:00 a.m. to 3:30 p.m., Monday through Friday)	\$150.00
Delivery and setup charge after hours and weekends	\$200.00
Refundable damage deposit/cleaning fee	\$500.00
Non-Profit groups with 501(c)3 status	Delivery fee

CITY-WIDE SPECIAL EVENTS

(Walk/Runs, Block Parties, Parades, etc.)

	Fees
Special Event Permit Fee	\$50.00
Residential Block Party Permit Fee	\$25.00
Special Event Barricade Rental	\$50.00 (non-profit or City sponsored events only)
Police Department Public Safety Fees	\$200.00/two hours and 3 officers (excludes parades)
Additional Police Officers	\$50.00/hour (excludes parades)
Special Event Sound Permit	\$25.00 See Section 10.30.260 of the Sioux City Municipal Code
Special Event Street Sweeper Fee	\$75.00/hour (2 hr. min.)

**CONE PARK HOURS OF OPERATION
FOR ICE SKATING RINK AND TUBING HILL**

<u>Days</u>	<u>Hours</u>	<u>Fees</u>
Monday - Thursday	6:00 p.m. – 9:00 p.m.	\$ 7.00 per person (\$5.60 low income fee)
Saturday & Sunday	11:00 a.m. – 2:00 p.m.	\$10.00 per person (\$8.00 low income fee)
Saturday & Sunday	2:30 p.m. – 5:30 p.m.	\$10.00 per person (\$8.00 low income fee)
Sunday	6:00 p.m. – 9:00 p.m.	\$ 7.00 per person (\$5.60 low income fee)
<u>Holiday Hours</u>	<u>Times will vary</u>	<u>\$10.00 per person (\$5.60 low income fee)</u>

Twilight Tubing Snow Glow Tubing

Friday & Saturday	6:00 p.m. – 9:00 p.m.	\$10.00 per person (\$8.00 low income fee)
Friday & Saturday	9:00 p.m. – 11:00 p.m.	\$10.00 per person (\$8.00 low income fee) *

**Time and fees will only apply when applicable.*

Ice Skating Only	\$5.00 per person
Ice Skate Rentals	\$3.00 per person

CONE PARK LODGE AND ICE SKATING RINK - PRE-SEASON

(Tubing hill not available during pre-season)

<u>Days</u>	<u>Hours</u>	<u>Fees</u>
Tuesday and Thursday	6:00 p.m. – 9:00 p.m.	\$5.00 per person (skate rental \$3.00)
Saturday and Sunday	11:00 a.m. – 4:00 p.m.	\$5.00 per person (skate rental \$3.00)
<u>Monday – Sunday</u>	<u>5:00 p.m. 11:00 p.m.</u>	<u>\$400.00 (Private Rental)</u>

Closed: Monday, Wednesday, Friday *(Except for Private Rentals)*

Private Rental: Includes exclusive use of ice skating rink.

PRIVATE CONE PARK RENTALS (OPERATING HOURS)

Cone Park is available for private rentals during operating hours. Private rentals include exclusive use of the tubing hill and ice skating rink.

<u>Days</u>	<u>Hours</u>	<u>Fees</u>
Monday - Thursday	6:00 p.m. – 9:00 p.m.	\$1,000.00 per 3-hour session

*Ice skate rentals not included in fee.

CONE PARK GROUP RENTALS (NON-OPERATING HOURS)

<u>Days</u>	<u>Hours</u>	<u>Sessions</u>
Tuesday - Thursday	9:00 a.m. – 6:00 p.m.	3-hours

Size of Group per 3-Hour Session

1-25 people	\$225 (\$9 per person)
26-50 people	\$400 (\$8 per person)
51-100 people	\$700 (\$7 per person)
101-225 people	\$1,000 (Exclusive Rental)

*Ice skate rentals not included in fee.

**Group sizes of 1-100 do not have exclusive use of the park; only groups of 101-225 have exclusive use.

CONE PARK GROUP PRIVATE RENTALS (NON-OPERATING HOURS)

<u>Day</u>	<u>Hours</u>	<u>Fee</u>
Friday	9:00 p.m. – 11:00 p.m.	\$750.00

Private Rental- Includes exclusive use of the tubing hill with Snow Glow Lights, ice skating rink and lodge.

CONE PARK GROUP FEE FOR SCHOOL/NON-PROFIT 501(C)(3) FUNDRAISERS

<u>Days</u>	<u>Hours</u>	<u>Fees</u>
Monday - Thursday	9:00 a.m. – 9:00 p.m.	\$7.00 per person / 3-hour session
Friday	9:00 a.m. – 6:00 p.m.	\$7.00 per person / 3-hour session

*Ice skating included with admission; ice skate rentals not included in fee.

Reservations made Monday-Thursday (operating hours) and Friday (non-operating hours):

- \$1.00 will be returned for every admission up to 150 (minimum 50)
- \$2.00 will be returned for every admission up to and over 151 (maximum 225)
- \$450 maximum return
- ~~Must provide 501(c)(3) paperwork to be eligible.~~

Reservations made less than two weeks prior to the rental date must obtain supervisor approval.

CONE PARK LODGE RENTALS

<u>Days</u>	<u>Hours</u>	<u>Fees</u>
Half Day	10:00 a.m. – 4:00 p.m.	\$250.00
Half Day	5:00 p.m. – 11:00 p.m.	\$250.00
Full Day	10:00 a.m. – 11:00 p.m.	\$500.00

~~*Lodge Rentals will include one staff person.~~ A \$75.00 minimum fee will be added for alcohol or concessions during a private lodge rental and will include one staff person.

**Estimated Occupancy: 116 for seating or 250 standing room only.

***A fee of \$50.00 will be charged for each additional hour scheduled before or after the fixed times.

LOW INCOME FEES

Fees charged to low income individuals shall be reduced by 20% of the amount set forth herein except where low income fee is noted. To qualify for low income fees, the person or family must ~~be registered with or receiving services from a recognized welfare or assistance program or an individual may provide a valid notice of decision letter from the Department of Human Services (DHS). An individual may also qualify if the person's income meets the guidelines for free or reduced-price meals at the public schools.~~

BE IT FURTHER RESOLVED that Resolution No. 2018-0976 passed and approved December 17, 2018 be and the same is hereby rescinded.

PASSED AND APPROVED: October 21, 2019

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: October 21, 2019 **ACTION ITEM #** 6

FROM: Kelli Hill, City Treasurer

SUBJECT: Resolution designating depositories for public funds.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests Council approve the resolution designating depositories.

DISCUSSION:
Chapter 12B of the Code of Iowa requires that the City Treasurer deposit all funds into financial institutions that are approved by the City Council. Chapter 12C of the Code of Iowa requires that the maximum amount which may be kept on deposit in each bank be designated. Periodically this list is updated to address name changes and to adjust the maximum amounts approved for deposit.

FINANCIAL IMPACT:
There is no financial impact.

RELATIONSHIP TO STRATEGIC PLAN:
This action shows the City's effort to maintain sound fiscal policy in dealing with the City's financial assets and relates to the Trust and Open Communication values in the strategic plan.

ALTERNATIVES:
N/A

ATTACHMENTS:
Resolution

RESOLUTION NO. 2019 - _____

RESOLUTION DESIGNATING DEPOSITORIES FOR PUBLIC FUNDS.

WHEREAS, the provisions of Chapter 12B of the Iowa Code, as amended, requires that the City Treasurer shall deposit all funds coming into her hands at such banks as are first approved by the City Council; and

WHEREAS, Chapter 12C of the Iowa Code further requires that the maximum amount which may be kept on deposit in each bank be designated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the following named banks, be and they are hereby designated as depositories for funds coming into the possession of the City Treasurer in amounts not to exceed the amounts designated for each of such depositories and the City Treasurer is hereby authorized to deposit such funds not in excess of the amounts designated in and for the following named banks:

Availa Bank, Sioux City, Iowa	\$10,000,000
Central Bank, Sioux City, Iowa	\$10,000,000
Great Southern Bank, Sioux City, Iowa	\$10,000,000
Heritage Bank NA, Sioux City, Iowa	\$10,000,000
Iowa Public Agency Investment Trust	\$100,000,000
Liberty National Bank, Sioux City, Iowa	\$10,000,000
Northwest Bank, Sioux City, Iowa	\$10,000,000
People's Bank Sioux City, Sioux City, Iowa	\$10,000,000
Pioneer Bank, Sioux City, Iowa	\$10,000,000
Primebank, Sioux City, Iowa	\$10,000,000
Security National Bank, Sioux City, Iowa	\$60,000,000
US Bank, Sioux City, Iowa	\$10,000,000
Wells Fargo Bank Iowa NA, Sioux City, Iowa	\$150,000,000

BE IT FURTHER RESOLVED that the City Treasurer be and she is hereby authorized to execute the appropriate bank forms in connection herewith.

PASSED AND APPROVED: October 21, 2019

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: October 21, 2019 **ACTION ITEM #** 7

FROM: Amy Tooley, Housing Services Division Manager

SUBJECT: Resolution approving an application to fund two Housing Choice Voucher Family Self-Sufficiency Program Coordinators for FY 2019 under the Notice of Funding Availability from the U.S. Department of Housing and Urban Development in the amount of \$144,000 and authorizing and directing the Housing Services Division Manager to execute the required assurances and certifications in connection with said program application.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve the attached resolution approving the Sioux City Housing Authority's grant application in the amount of \$144,000 for the FY 2019 Family Self Sufficiency Program to support renewal FSS Program Coordinator positions through the Department of Housing and Urban Development.

DISCUSSION:

Housing staff is once again applying for funding to support two full time Family Self Sufficiency Program Coordinators. This program has been very successful in the past and recognized by HUD as being a top quality housing program that helps low income families become economically independent, productive, tax-paying, working citizens.

On September 26, 2019, HUD published a Notice of Funding Availability for Fiscal Year (FY) 2019 Family Self Sufficiency (FSS) Program. The purpose of the FSS funding being made available under this NOFA is to provide funding for the salaries and benefits of program coordinators. Eligibility will be based on the number of families participating in the PHA's FSS Program for the period from January 1, 2018 – July 30, 2019. The Sioux City Housing Authority meets initial eligibility guidelines for the competitive funding process for two renewal positions.

The purpose of the Family Self Sufficiency Program is to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher Section 8 Program with public and private resources to enable participating families to increase earned income and financial literacy, reduce or eliminate the need for welfare assistance, and make progress toward economic independence and self-sufficiency.

The Family Self Sufficiency Program and this FSS NOFA support HUD's strategic goal of utilizing housing as a platform for improving quality of life by helping HUD-assisted renters increase economic security and self-sufficiency. The FSS Program provides critical tools that can be used by communities to help families develop new skills that will lead to self-sufficiency. As a result of their participation in the FSS Program, many families have achieved

stable employment.

The application submission deadline is October 28, 2019.

FINANCIAL IMPACT:

If the Housing Authority receives 2 FSS funding renewals from HUD, it will continue to provide FSS Coordinator Services for calendar year 2020. The total amount of funding applied for under this application is \$144,000 in administrative fees under fund #242-7202.

RELATIONSHIP TO STRATEGIC PLAN:

Enhance Public/Private Partnership
#7 Continue efforts to eliminate and prevent homelessness

ALTERNATIVES:

Not apply for funding to support the two positions, but staff does not recommend this.

ATTACHMENTS:

Resolution
Application - Hard copies

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION APPROVING AN APPLICATION TO FUND TWO HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM COORDINATORS FOR FY 2019 UNDER THE NOTICE OF FUNDING AVAILABILITY FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE AMOUNT OF \$144,000 AND AUTHORIZING AND DIRECTING THE HOUSING SERVICES DIVISION MANAGER TO EXECUTE THE REQUIRED ASSURANCES AND CERTIFICATIONS IN CONNECTION WITH SAID PROGRAM APPLICATION.

WHEREAS, the U.S. Department of Housing and Urban Development has awarded the City of Sioux City Housing Choice Vouchers for the Family Self-Sufficiency Program and has announced the availability of funding for coordinators for such program; and

WHEREAS, an application, a copy of which is attached hereto and by this reference made a part hereof, for two Housing Choice Voucher Family Self-Sufficiency Program Coordinators has been prepared and should be approved; and

WHEREAS, said application is consistent with the City of Sioux City's Comprehensive Housing Affordability Strategy; and

WHEREAS, the application is in accordance with Section 213(c) of the Housing and Community Development Act of 1974, which states in part that the City must determine whether or not there is a need for such housing assistance, taking into consideration any applicable or state or area-wide housing assistance plan as well as generally available data with respect to population, poverty, housing overcrowding, housing vacancies and substandard housing; and

WHEREAS, an application may be approved only if the City's determination is in the affirmative; and

WHEREAS, the City of Sioux City feels it is in the best interest to agree and assure the U.S. Department of Housing and Urban Development that it will comply with all certifications in connection with the operation of its Housing Choice Voucher Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Housing Choice Voucher Program application for two Housing Choice Voucher Family Self-Sufficiency Program Coordinators for the City of Sioux City Housing Authority is hereby approved pursuant to the requirements of Section 403A.5 of the Iowa Code, and that the Housing Services Division Manager is hereby authorized and directed to execute and to file such application, and all assurances and understandings contained therein to provide such additional information and to furnish such documents as may be required on behalf of said department.

BE IT FURTHER RESOLVED that the application is in accordance with Section 213(c) of the Housing and Community Development Act of 1974 and the City hereby determines there is a need for such housing assistance having taken into consideration the applicable state and area-wide housing assistance plan as well as generally available data with respect to population, poverty, housing overcrowding, housing vacancies and substandard housing.

BE IT FURTHER RESOLVED that the Housing Services Division Manager is authorized and directed to execute the assurances and certifications required by the U.S. Department of Housing and Urban Development in connection with said program application, including assurances that the City will comply with certifications in connections with the operation of the Housing Choice Voucher Program Family Self-Sufficiency Program.

PASSED AND APPROVED: October 21, 2019

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: October 21, 2019 **ACTION ITEM #** 8

FROM: Mark Simms, Utilities Director

SUBJECT: Resolution approving a Second Amendment to the Consulting Services Agreement with Barker Lemar Engineering Consultants for additional regulatory assistance, and for the installation of gas vents and a groundwater monitoring well for the closed 28th Street landfill in an amount not to exceed \$32,140.00.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve a Second Amendment to the Consulting Services Agreement with Barker Lemar Engineering Consultants for additional regulatory assistance, and for the installation of gas vents and a groundwater monitoring well for the closed 28th Street landfill in an amount not to exceed \$32,140.00.

DISCUSSION:

The City entered into a Consulting Services Agreement in an amount not to exceed \$69,075.00 with Barker Lemar Engineering on August 21, 2017, Resolution No. 2017-0790, for post-closure monitoring and regulatory assistance at the 28th Street landfill.

Amendment No. 1 was approved on December 11, 2017 in an amount not to exceed \$3,000.00 for additional regulatory assistance which included semi-annual inspections.

The attached Amendment No. 2 expands the regulatory assistance to include completion of the required renewal application for the Citizens Convenience Center Permit, and the installation of four gas vents and one monitoring well. The gas vents are necessary to attempt to address groundwater impact on the south side of the Landfill. The monitoring well is necessary to bracket the elevated cobalt concentrations measured in monitoring well MW-9, and to attempt to obtain more representative samples to clarify the total metals concentration effects that are associated with total suspended solids. If the samples from the new monitoring well show a reduced level of cobalt, this may eliminate the need for more extensive work.

The total contract, including Amendment No. 1 and Amendment No. 2, is not to exceed \$104,215.00.

FINANCIAL IMPACT:

This annual services contract is funded out of the Solid Waste Collection, fund no. 530-2201-452.20-03.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure

ALTERNATIVES:

Deny this Amendment No. 2 and require the City seek services from another firm.

ATTACHMENTS:

Resolution

Amendment No. 2

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION APPROVING A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH BARKER LEMAR ENGINEERING CONSULTANTS FOR ADDITIONAL REGULATORY ASSISTANCE, AND FOR THE INSTALLATION OF GAS VENTS AND A GROUNDWATER MONITORING WELL FOR THE CLOSED 28TH STREET LANDFILL IN AN AMOUNT NOT TO EXCEED \$32,140.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Second Amendment to the Consulting Services Agreement, a copy of which is attached hereto and by this reference made a part hereof, with Barker Lemar Engineering Consulting of Des Moines, Iowa in an amount not to exceed \$32,140.00 for Additional Regulatory Assistance for the installation of gas vents and a groundwater monitoring well for the 28th Street closed landfill, 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 Second Amendment to the Consulting Services Agreement for and on behalf of the City.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

SECOND AMENDMENT TO CONSULTING SERVICES AGREEMENT

This Second Amendment to Consulting Services Agreement is made on the _____ day _____, 2019, by and between the City of Sioux City, Iowa, a municipal corporation, hereinafter ("City") and Barker Lemar Engineering Consultants, hereinafter ("Barker Lemar").

RECITALS

The Parties entered into a Consulting Services Agreement for engineering and consulting services on August 21, 2017, to comply with the conditions outlined in the landfill permit for the closed City of Sioux City Sanitary Landfill located at 5800 28th Street, (herein "Agreement."). The City and Barker Lemar agree to amend the original Agreement as follows:

AGREEMENT

1. Scope of Services was amended on December 11, 2017 to include the following.
 - a. Task 10 – Regulatory Assistance in an amount not to exceed \$3,000.
2. Scope of Services shall be amended to include the following.
 - a. Task 11 – Regulatory Assistance in an amount not to exceed \$7,500 for fiscal year 2020 (July 1, 2019 through June 30, 2020).

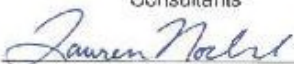
The purpose of this task is to provide regulatory assistance and administrative services when requested by the City associated with general landfill operations, solid waste management, and compliance activities, when the requested assistance is above and beyond the scope of the original agreement. Tasks may include, but not be limited to, the following:

 - Department meetings and correspondence;
 - Compliance Research Services;
 - Permit amendment requests;
 - Leachate Discharge Permit Activities;
 - Leachate Sampling and Analysis;
 - Long Range Planning Activities;
 - Permit Renewal Assistance
 - Other Miscellaneous Projects as Directed by the Client.
 - b. Task 12 – Installation of Gas Vents and a Groundwater Monitoring Well for a compensation estimated to be \$24,640. Please see Exhibit A (attached) for the scope of services.
3. In all other respects, the Consulting Services Agreement entered into by the Parties on August 21, 2017, shall remain in full force and effect.
4. The total contract including Amendment Nos. 1 and 2, is estimated to be \$104,215.

City of Sioux City Iowa

Barker Lemar Engineering and
Consultants

By: _____
Robert K. Padmore
City Manager

By: 

Lauren Norland, P.E.
Project Engineer

Attest:

By: _____
City Clerk

Exhibit A

Proposal: Installation of Gas Vents and a Groundwater Monitoring Well

Exhibit "A"

October 15, 2019

Mr. Mark Simms, City of Sioux City
Public Works Department
PO Box 447
Sioux City, IA 51102

Re: Proposal: Installation of Gas Vents and a Groundwater Monitoring Well
City of Sioux City Sanitary Landfill (Closed)
Permit # 97-SDP-03-81C
Proposal No. 195994

Dear Mr. Simms:

BARKER LEMAR ENGINEERING CONSULTANTS (BARKER LEMAR) appreciates the opportunity to provide environmental services to the City of Sioux City (Client) and the City of Sioux City Sanitary Landfill (Landfill).

1.0 PROJECT UNDERSTANDING

As discussed in our meeting on August 27, 2019, the installation of passive landfill gas vents and a groundwater monitoring well, all on the south side of the Landfill are recommended. Currently the groundwater protection standard (GWPS) for cobalt at monitoring wells MW-4R3 and MW-9 is exceeded at a statistically significant level (SSLs). There is some ambiguity associated with the statistical conclusions due to the presence of somewhat elevated total suspended solids (TSS) in the groundwater samples. Additional sampling and analysis will be attempted to clarify the total metals concentration effects associated with TSS at the site. This action may or may not result in the elimination of existing SSLs. If the SSLs can be eliminated, an assessment of corrective measures (ACM) would not be required at this time. Currently, an ACM is due June 30, 2021 as approved by the Iowa Department of Natural Resources (DNR) in correspondence dated September 26, 2019 (Doc No. 95978).

Assuming an ACM based on cobalt remains a requirement, bracketing of the elevated cobalt concentrations at monitoring well MW-9 will be required. Additionally, the targeted remedy for groundwater remediation will attempt to include an attenuation zone point of compliance (AZPOC), which would also require a groundwater monitoring well down-gradient of monitoring well MW-9. Therefore, the installation of a groundwater monitoring well south/southeast of monitoring well MW-9 is recommended.

Notwithstanding the elevated cobalt concentrations, tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl chloride (VC), concentrations in monitoring well MW-4R3 are trending upward and the most recent concentrations are above the GWPS. Additionally, 1,1-dichloroethane (1,1-DCA) concentrations in monitoring wells MW-3R, MW-4R3, and MW-9 are trending upward, with the higher concentrations

measured in monitoring wells MW-3R and MW-4R3. If these trends and concentrations continue, it is likely SSLs for one or more of these chlorinated volatile organic compounds (CVOCs) will result, which would require the preparation of an ACM. Therefore, it appears that even if the site is successful in removing the requirement for an ACM associated with cobalt, the present course would result in an ACM being required for one or more CVOCs at some point in the future. As an attempt to proactively reverse the current CVOC trends and potentially avert future SSLs, the installation of passive vents north of monitoring wells MW-3R, MW-4R3, and MW-9 is recommended. Additionally, if the cobalt SSLs remain and an ACM is required, some form of source control would be required for the approval of an AZPOC. Passive vents could be presented at the source control for a remedy that includes an AZPOC.

2.0 SCOPE OF SERVICES

Based on the above information, BARKER LEMAR outlines the following scope of services by task:

1. Drilling Activities
2. Monitoring Well Development and Low-Flow Equipment Installation
3. Survey Activities/DNR Reporting

Task 1 – Drilling Activities

Methane Gas Vents

- One gas vent will be advanced on the north side of the internal landfill road, north of monitoring well MW-3R; one gas vent will be installed approximately 10-20 feet north of MW-9; and two vents will be installed approximately 10-20 feet north of monitoring well MW-4R3. Each vent will be advanced to approximately 60 feet below ground surface (bgs). The gas vents will be installed with approximately 10 feet of riser and approximately 50 feet of screen. Each gas vent point will be outfitted with an aluminum turbine vent to enhance methane removal.

Attenuation Zone Point of Compliance Groundwater Monitoring Well

- Install one groundwater monitoring well approximately 35 feet south/southeast of MW-9. The well will be advanced to 10 feet (estimated) below groundwater surface with 10-15 feet of screen, estimated to be 75 feet of total depth.

Task 2 – Monitoring Well Development and Low-Flow Equipment and Installation

BARKER LEMAR staff will perform the following subtasks:

- Install a dedicated submersible pump in the newly installed groundwater monitoring well for sampling purposes. The static water level is presumed to be approximately 65 feet bgs; if static water level is less than 25 feet, well tubing will be installed for sampling; and
- Install wellhead assembly on the newly installed groundwater monitoring well to accommodate low-flow groundwater sampling.

Note: The fee for this task is estimated based on recent groundwater levels taken by BARKER LEMAR staff during monitoring activities. The actual fee invoiced to the Client will be based on the groundwater level at the time of installation.

Low-flow equipment installation will not be performed if the well is observed to be dry at the time of performing this work. Low-flow equipment may be required to be installed at a later date if well conditions

change. Well development will take place in the same mobilization as low-flow equipment installation and will be performed using a non-dedicated stainless-steel submersible pump.

Task 3 – Project Management/DNR Reporting

- The current site map will be updated to reflect the location of the new well. Additionally, boring logs and monitoring well construction documentation will be prepared and submitted to the DNR after the drilling activities are completed.

3.0 COMPENSATION

BARKER LEMAR agrees to perform the above scope of services on a lump sum by task basis. Compensation detail per task is shown in table 1 below. Although compensation is shown by task, the compensation for individual tasks are not independent of each other, and elimination of any task or part of a task shall justify a review and potential adjustment of the compensation for the remaining scope of services. BARKER LEMAR invoices will be submitted monthly and will reflect the percentage complete of each task as of the date of the invoice. The compensation for the proposed scope of services is valid for 60 days following the date of this proposal. Payment terms are as described in the attached terms and conditions. Should conditions be encountered that require a significant change in the scope of services, compensation, or schedule, BARKER LEMAR will contact Client and proceed only with Client authorization, followed by a signed change order.

**TABLE 1
COMPENSATION DETAIL**

TASK NUMBER	SCOPE OF SERVICES TASK	UNIT PRICE	UNITS	FEE
Task 1: Drilling Activities				
	Mobilization and Project Coordination		Lump Sum	\$3,658
	Per Diem (2 people)	\$300/day	4	\$1,200
	AZPCC Groundwater Monitoring Well Installation ⁽¹⁾	\$5,150/well	1	\$5,150
	Gas Vent Installation ⁽¹⁾	\$3,050/vent	4	\$12,200
Task 2:	Monitoring Well Development and Low-Flow Equipment Purchase and Installation		Lump Sum	\$1,682
Task 3:	Survey Activities/DNR Reporting		Lump Sum	\$750
Total				\$24,640

Notes:

- (1) The gas vents and monitoring well installation fees included in Table 1 will be billed based on the depth of the gas vents and monitoring well installed. This cost estimate assumes one groundwater monitoring well with a total depth of 75 feet and four gas vents with total depths of 60 feet each installed. Additional footage charged at \$25.00 per foot.

4.0 LIMITATIONS

Services not set forth in section 2.0, scope of services, are excluded from this proposal. BARKER LEMAR assumes no responsibility to perform such excluded services and has no liability associated with the non-performance of such services.

5.0 SCHEDULE

BARKER LEMAR will begin these services subsequent to receiving the signed confirmation of notice to proceed, or the Agency's verbal authorization followed by the signed notice to proceed. Barring circumstances beyond BARKER LEMAR's control, BARKER LEMAR anticipates completing the scope of services before December 31, 2019 if this proposal is signed within 60 days.

6.0 HEALTH AND SAFETY

This proposal assumes that Level D safety precautions are adequate and confined space entry is not required. Level D safety attire generally consists of a normal work uniform including safety shoes, hard-hat where required, and appropriate eye protection. The costs will be adjusted accordingly if site specific conditions require more stringent health and safety procedures.

7.0 CONDITIONS

Items to be provided by Agency include the right-of-entry to conduct monitoring point and gas vent installations. The Agency is responsible for making BARKER LEMAR aware of any restrictions or special requirements regarding the site and its required activities prior to the commencement of the fieldwork. Additionally, the Agency is responsible for utility locates and providing access to information pertinent to the reviews and reports discussed herein.

CONFIRMATION OF NOTICE TO PROCEED

Proposal No. 195994

The above proposal is understood and accepted.

BARKER LEMAR agrees to perform and complete the following scope of services for the Client at its facility located near Sioux City, Iowa.

The scope of services is described as gas vent and groundwater well installation and reporting as further defined in section 2.0 in this proposal.

BARKER LEMAR agrees to perform the above scope of services for compensation estimated to be \$24,640. Our invoices will be submitted monthly and will reflect the percentage complete of each task for lump sum items, actual quantities for unit priced items, and actual labor and expense for other items as of the date of the invoice. The compensation for the proposed scope of services is valid for 60 days following the date of this proposal.

If this proposal meets with your approval, sign two originals of this confirmation of notice to proceed, retain one original for Client files, and return one original or copy via email, fax to 515.256.0572, or U.S. mail to BARKER LEMAR ENGINEERING CONSULTANTS, 1801 Industrial Circle, West Des Moines, IA 50265.

If you have questions regarding any of the information above, please contact one of the authorized signers below at 515.256.8814, or 800.707.4248.

BARKER LEMAR ENGINEERING CONSULTANTS

CITY OF SIOUX CITY



Lauren Norland, P.E.

Project Engineer

10/04/2019

lnorland@barkerleamar.com

Robert K. Padmore

City Manager

Date:

rpadmore@sioux-city.org



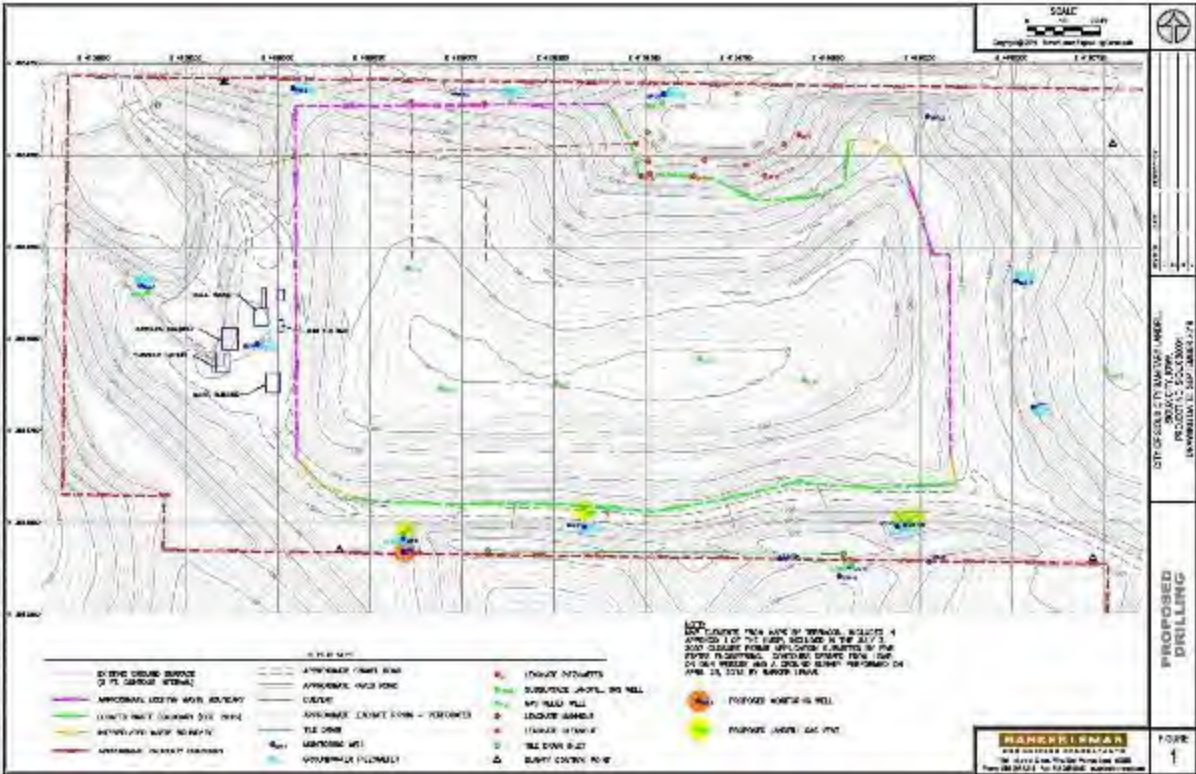
Timothy C. Buelow, P.E.

Principal Engineer

10/04/2019

tbuelow@barkerleamar.com

P:\2019 Proposals\SIQX\195994 Gas Vent and AZPC MW Installation.docx



SCALE
1" = 100'

DATE: 11/11/2011
TIME: 10:00 AM

CITY OF SULLY, IOWA
PROJECT: WATER SUPPLY

PROPOSED DRILLING

PLANNING
1



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/30/2019

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 have ADDITIONAL INSURED provisions or 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 McLure Murphy & Assoc - MDX 1-800-247-7755 PO Box 9207 Des Moines, IA 50306-9207 INSURED Berker Lemaer and Associates, Inc. dba Berker Lemaer Engineering Consultants 1901 Industrial Circle West Des Moines, IA 50265	CONTACT NAME Vickie Maez PHONE (A/C, No. EX) FAX (A/C, No.) EMAIL ADDRESS: vmaez@bela.com INSURER(S) AFFORDING COVERAGE INSURER A: TOKIO MARINE SPECIALTY INS CO 11216 INSURER B: UNITED FIRE & CAS CO 11021 INSURER C: MIDWEST BUILDERS CAS MET CO 11126 INSURER D: INSURER E: INSURER F:
--	--

COVERAGES CERTIFICATE NUMBER: 57547758 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	TYPE OF INSURANCE	ADDL. INFO	POLICY NUMBER	POLICY EFF. DATE	POLICY EXPI. DATE	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MGMT <input checked="" type="checkbox"/> S.O.C.M. <input checked="" type="checkbox"/> Ded. \$10,000 Contractual Liability GEN. AGGREGATE LIMIT AFFLSES PER. POLICY <input checked="" type="checkbox"/> <input type="checkbox"/> EST <input type="checkbox"/> EXC. <input type="checkbox"/> O-ER		0EX1919551	12/31/18	12/31/19	BODILY INJURY \$ 1,000,000 PRODUCTS (Excl. Comp. & Equip.) \$ 100,000 MEDICAL EXP. (Excl. Comp. & Equip.) \$ 10,000 PERSONAL & AD. INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPLY CHRG. \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SO-SCHEDULED AUTOS <input checked="" type="checkbox"/> AUTO ONLY <input checked="" type="checkbox"/> NON-OWNED AUTO ONLY <input checked="" type="checkbox"/> \$1,000 Comp <input checked="" type="checkbox"/> \$1,000 Coll.		60455469	12/31/18	12/31/19	COMBINED SINGLE LIMIT (Excl. Med. Exp.) \$ 1,000,000 BODILY INJURY (Person) \$ BODILY INJURY (Acc. Assesng) \$ PROPERTY DAMAGE (Excl. Med. Exp.) \$
A	UMBRELLA LIAB. <input checked="" type="checkbox"/> SOCLY <input checked="" type="checkbox"/> EXCESS LIAB. <input type="checkbox"/> CLAIMS MADE DEF. <input checked="" type="checkbox"/> RETENTION \$ -0-		FCB656275	12/31/18	12/31/19	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY APPROPRIATOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) Pres. Retiree (NH) RESCISSION OF OPERATIONS 2019	Y/N N/A	NC100-0001217-2019A	01/01/18	01/01/20	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER \$1 EACH OCCURR \$ 1,000,000 <input type="checkbox"/> EMPHASIS - EA EMPLOYE \$ 1,000,000 <input type="checkbox"/> EMPHASIS - INDU. UNEM \$ 1,000,000
A	Professional & Followers		PPN1919551	12/31/18	12/31/19	Per Claim 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Sioux City is listed as additional insured on General Liability, Automobile Liability, Umbrella Liability Policy, and all policies will be Primary & Noncontributory.

Berker Employment Services, Inc. is WC Named Insured.

CERTIFICATE HOLDER City of Sioux City P.O. Box 447 Sioux City, IA 51102 USA	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
--	--

<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: October 21, 2019 **ACTION ITEM #** 9

FROM: Nicole DuBois, City Attorney

SUBJECT: Resolution appointing Steven R. Postolka as Assistant City Attorney II.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests that the City Council approve a resolution appointing Steven R. Postolka to the position of Assistant City Attorney II at an annual salary of \$80,000.00.

DISCUSSION:
After a thorough recruitment and interview process, Steven R. Postolka was identified as the top candidate for the position of Assistant City Attorney II. Steven will fill the position previously held by Justin Vondrak.

FINANCIAL IMPACT:
This position is budgeted in the current budget.

RELATIONSHIP TO STRATEGIC PLAN:
MUNICIPAL RESPONSIBILITIES

- Progressive Leadership

ALTERNATIVES:
None recommended.

ATTACHMENTS:
Resolution

RESOLUTION NO. 2019 - _____

RESOLUTION APPOINTING STEVEN R. POSTOLKA AS ASSISTANT CITY ATTORNEY II.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Steven R. Postolka be and the same is hereby appointed as Assistant City Attorney II of the City of Sioux City, Iowa, effective January 2, 2020 at an annual salary of \$80,000.00 plus the benefits prescribed by the City for Professional, Administrative, Technical, Supervisory, Executive and Council-Appointed Employees.

PASSED AND APPROVED: October 21, 2019

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: September 9, 2019 **ACTION ITEM #** 10

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

SUBJECT: **Motion appointing Joschua Schanda to the Environmental Advisory Board for a partial term expiring December 31, 2019, replacing Craig Keiser, and reappointing Joschua Schanda for a three-year term expiring December 31, 2022.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that City Council appoint the above applicant to the Environmental Advisory Board.

DISCUSSION:

The above-mentioned individual completed an application and appeared before the Council to interview for a position on the Environmental Advisory Board; the Council has indicated their preference to appoint him.

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; and the **Strategy** - Develop strong partnerships with our residents, visitors, and business community.

ALTERNATIVES:

Council may approve the appointment as listed or withdraw their preference and wait for additional applications to be submitted for the open position.

ATTACHMENTS:

None

<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: October 21, 2019 **ACTION ITEM #** 11

David Carney, Public Works Director

FROM: Dave DeLong, Fleet Supervisor
Spero Vlahoulis, Purchasing Manager

SUBJECT: Resolution awarding a purchase order to Mid Country Machinery Inc. of Sergeant Bluff, Iowa in the amount of \$204,450.00 for the purchase of a Kobelco Excavator (RFB #258635).

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the City Council approve a purchase order to Mid Country Machinery Inc. of Sergeant Bluff, Iowa in the amount of \$204,450.00 for the purchase of a Kobelco Excavator (RFB #258635).

DISCUSSION:

City staff would like to purchase an excavator to replace unit #326, which was purchased in 2008 and has a ten (10) year useful life.

Invitations to bid were sent to eleven (11) vendors able to provide excavators. Four (4) bids were received along with one (1) no bid. One of the bids received was received after the due time. The three (3) qualifying bids are as follows:

	Mid Country Machinery, Inc. Sergeant Bluff, IA	Murphy Tractor & Equipment Sioux City, IA	Titan Machinery Sioux City, IA
Model	Kobelco SK260LC	John Deere 250LC	Case CX250D
Price	\$217,950.00	\$255,750.00	\$275,000.00
Less Trade In	\$13,500.00	\$18,000.00	\$16,000.00
Net Cost	\$204,450.00	\$237,750.00	\$259,000.00
Price Difference from Low Bid	Not Applicable	\$33,300.00	\$41,050.00
Percentage Difference from Low Bid	Not Applicable	15.27%	18.83%

The bid that was late was for \$274,000.00.

FINANCIAL IMPACT:

Funds are available in account #609-6759-488.43-02, CMG Rolling Equipment, Contractor's Mobile, available balance is \$788,773.

RELATIONSHIP TO STRATEGIC PLAN:

Relationship complies with City Operational Plans.

ALTERNATIVES:

Reject the bids.

ATTACHMENTS:

Resolution.

RESOLUTION NO. 2019 - _____

RESOLUTION AWARDING A PURCHASE ORDER TO MID COUNTRY MACHINERY INC. OF SERGEANT BLUFF, IOWA IN THE AMOUNT OF \$204,450.00 FOR THE PURCHASE OF A KOBELCO EXCAVATOR (RFB #258635).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a purchase order be issued to Mid Country Machinery Inc. of Sergeant Bluff, Iowa in the amount of \$204,450.00 for the purchase of a Kobelco Excavator (RFB #258635).

PASSED AND APPROVED: October 21, 2019

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: October 21, 2019 **ACTION ITEM #** 12A

FROM: Kelly Bach, Parks Maintenance Supervisor
Matthew Salvatore, Parks and Recreation Director

SUBJECT: Resolution accepting the work and authorizing final payment to K&S, LLC dba Nelson Commercial Construction for the installation of two (2) park shelters (Project No. 459-180).

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 \$30,918.70 now and \$5,520.80 in 30 days payable to K&S, LLC dba Nelson Commercial Construction of Sioux City, Iowa for the installation of two (2) park shelters (Project No. 459-180).

DISCUSSION:

A Service Provider Agreement was awarded to K&S, LLC dba Nelson Commercial Construction of Sioux City, Iowa, on October 1, 2018 under Resolution No. 2018-0808 for a contract amount of \$110,416.00. The work has been completed and approved by City staff.

This project involved the installation of two park shelters at Riverside Park. One of the shelters was a new shelter installed by Miracle Field and the other was a replacement for Shelter #5 which was over 35 years old.

Below is a summary of the project:

Original Contract Amount: \$110,416.00

Final Construction Cost: \$110,416.00

The final construction cost for this project is \$110,416.00 which is the original contract amount.

FINANCIAL IMPACT:

This project was funded using CIP 301-5901-443.22-49 Miscellaneous Improvements, Parks & Recreation, Capital Improvements, Repairs and Improvements. Project 459-180 currently has an available balance of \$175,900.00.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

Council can choose not to accept the work.

ATTACHMENTS:

Resolution

Final Payment Application

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL
PAYMENT TO K&S, LLC DBA NELSON COMMERCIAL CONSTRUCTION FOR
THE INSTALLATION OF TWO (2) PARK SHELTERS (PROJECT NO. 459-180).

WHEREAS, on October 1, 2018, Sioux City, Iowa entered into a Service Provider Agreement with K&S, LLC dba Nelson Commercial Construction of Sioux City, Iowa for the installation of two (2) shelters at Riverside Park 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 Service Provider Agreement as shown by the application and certification for payment filed with the City Clerk on October 21, 2019, and attached hereto and made a part hereof; and

WHEREAS, in accordance with the terms of the Service Provider Agreement, 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 application and certification for payment, 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 Service Provider Agreement and the total project cost of the project under said Service Provider Agreement is hereby determined to be \$110,416.00 as shown in said application and certification for payment.
- B. The Director of Finance be, and she is hereby authorized and directed to issue a check in the amount of \$30,918.70 now and \$5,520.80 in thirty days provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of K&S, LLC dba Nelson Commercial Construction for the construction of the project.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER:
 City of Sioux City
 405 6th Stree, RM 408
 Sioux City IA 51101
 FROM CONTRACTOR:
 Nelson Construction
 2805 W 4th ST
 Sioux City IA 51103

PROJECT:
 Riverside Park Shelters
 1301 Riverside Blvd
 Sioux City, IA 51101
 VIA ARCHITECT:
 Bacon Creek
 220 S Westcott St
 Sioux City IA 51106

APPLICATION #: 3
 PERIOD TO: 04/30/19
 PROJECT NOS:
 CONTRACT DATE: 10/01/18

Distribution to:

<input checked="" type="checkbox"/>	Owner
<input type="checkbox"/>	Const. Mgr
<input type="checkbox"/>	Architect
<input type="checkbox"/>	Contractor

CONTRACT FOR: City of Sioux City - Purchasing

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM-----	\$	<input type="text" value="110,416.00"/>
2. Net change by Change Orders-----	\$	<input type="text"/>
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$	<input type="text" value="110,416.00"/>
4. TOTAL COMPLETED & STORED TO DATE-\$		<input type="text" value="110,416.00"/>
(Column G on Continuation Sheet)		
5. RETAINAGE:		
a. 5.0% of Completed Work	\$	<input type="text" value="5,520.80"/>
(Column D+E on Continuation Sheet)		
b. 5.0% of Stored Material	\$	<input type="text"/>
(Column F on Continuation Sheet)		
Total Retainage (Line 5a + 5b or		
Total in Column 1 of Continuation Sheet-----	\$	<input type="text" value="5,520.80"/>
6. TOTAL EARNED LESS RETAINAGE-----	\$	<input type="text" value="104,895.20"/>
(Line 4 less Line 5 Total)		
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		
(Line 6 from prior Certificate)-----	\$	<input type="text" value="73,976.50"/>
8. CURRENT PAYMENT DUE-----	\$	<input type="text" value="30,918.70"/>
9. BALANCE TO FINISH, INCLUDING RETAINAGE		
(Line 3 less Line 6)	\$	<input type="text" value="5,520.80"/>

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown therein is now due.

CONTRACTOR:

By: Steve Nelson Date: 4/30/19
 Steve Nelson

State of: Iowa
 County of: Woodbury

Subscribed and sworn to before me this 5th day of Mar-19

Notary Public: _____
 My Commission expires: 05/19/23

CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ----- \$ _____
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:

By: _____ Date: _____
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CONTINUATION SHEET

ATTACHMENT TO PAY APPLICATION

APPLICATION NUMBER: 3

PROJECT:
Riverside Park Shelters
1301 Riverside Blvd
Sioux City, IA 51101

APPLICATION DATE: 04/01/19

PERIOD TO: 30-Apr-19

ARCHITECT'S PROJECT NO:

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not In D or E)	G		H Balance To Finish (C - G)	I Retainage
			From Previous Application (D + E)	This Period		Total Completed And Stored To Date (D + E + F)	% (G/C)		
1	General Conditions (bond, permit, GC's)	13,250.00	7,900.00	5,350.00		13,250.00	100%		662.50
2	Foundations	7,047.00	7,047.00			7,047.00	100%		352.35
3	Slab on Grade	12,165.00	12,165.00			12,165.00	100%		608.25
4	Metals - Rebar	5,000.00	5,000.00			5,000.00	100%		250.00
5	Metal Building	70,704.00	43,507.00	27,197.00		70,704.00	100%		3,535.20
6	Permits and Bonds	2,250.00	2,250.00			2,250.00	100%		112.50
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
SUBTOTALS PAGE 2		110,416.00	77,869.00	32,547.00		110,416.00	100%		5,520.80

<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: October 21, 2019 **ACTION ITEM #** 12B

FROM: Ricky J. Mach, Special Assistant to the City Manager
Al Harris-Fernandez, Art Center Director

SUBJECT: Resolution accepting the work and authorizing final payment to Global Engineering & Construction, Inc. for 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 Council approve the resolution accepting the work and authorizing final payment in the amount of \$39,640.52 now and \$9,511.86 in 30 days to Global Engineering & Construction, Inc. for the Sioux City Art Center Renovation Project (Project No. 7001-339-003).

DISCUSSION:

A contract was awarded to Global Engineering & Construction, Inc. of Sioux City, Iowa on December 17, 2018 under Resolution No. 2018-0996 for a contract amount of \$167,900.00. The work has been completed and approved by City staff.

This project involved renovation of the existing interior space that changed the former studio spaces into art storage on the second level and turned the current art storage into a gallery on the first level. The hands-on gallery was relocated to the conference room space, and made way for another art gallery on the first level. The second level ceramic studio became a meeting room/library space.

Below is a summary of the project:

Original Contract Amount: \$167,900.00

Change Order No. 1 Summary: \$1,887.15 Remove Structural Beam in studio 202A and 202B.

Change Order No. 2 Summary: \$1,050.00
Install two single pole switches, install conduit, install a j box, rewire circuit.

Change Order No. 3 Summary: \$7,850.00
Hang, tape and finish drywall in vault and room 202, demolition of kiln lines in room 207, clean, repair, and paint drywall in room 206 and gallery 103

Change Order No. 4 Summary: \$3,250.00

Delays in rack system changed completion date and down time

Change Order No.5 Summary: \$8,300.00

Skim coat and paint in room 101, Gallery 103 and Gallery 102. Install EMT in new vault, Re-route HVAC in conference miscellaneous touch up painting of walls and doors.

Final Construction Cost: \$190,237.15

The final construction cost for this project is \$190,237.15 which is 13% above the original contract amount.

FINANCIAL IMPACT:

This project is funded using GO BONDS under CIP 339-003 Art Center Capital Projects. The project currently has an available balance of \$114,977.07.

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
Architects Statement of Final Acceptance
Final Payment Application

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL PAYMENT TO GLOBAL ENGINEERING & CONSTRUCTION, INC. FOR THE SIOUX CITY ART CENTER RENOVATION PROJECT (PROJECT NO. 7001-339-003).

WHEREAS, on December 17, 2018, Sioux City, Iowa entered into a contract with Global Engineering & Construction, Inc. of Sioux City, Iowa for the Sioux City Art Center Renovation 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 October 21, 2019, 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 \$190,237.15 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 \$39,640.52 now and \$9,511.86 in thirty days provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of Global Engineering & Construction, Inc. for the construction of the project.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



405 6th Street | P.O. Box 447 | Sioux City, IA 51102



CERTIFICATE OF PAYMENT NO. 6 (Final-RTN)

Date of Issuance: 9/26/2019

Project No. 2018-0996

Contract Date: 12/17/2018

Payment Period 9/26/2019

Project: Art Center Renovation

Contractor: Global Engineering & Construction, Inc.

425 Perry Street
Sioux City, IA 51103

DETAILED ESTIMATE			
Description	Quantity	Unit Price	Total Cost
See Attached [Or list line items here if there aren't too many.]			

Value of Work Completed this Estimate: \$39,640.52

Original Contract Price:	<u>\$167,900.00</u>
Approved Change Orders:	
No. 1 Date: xx/xx/xx	<u>\$1,887.15</u>
No. 2 Date:	<u>\$1,050.00</u>
No. 3 Date:	<u>\$7,850.00</u>
No. 4 Date:	<u>\$3,250.00</u>
No. 5 Date:	<u>\$8,300.00</u>
Total Contract Price:	<u>\$190,237.15</u>

Total Value of Completed Work	<u>\$190,237.15</u>
Total Retainage (5%)	<u>\$9,511.86</u>
Total Net Amount	<u>\$180,725.29</u>

Less: Estimates previously approved:

	<u>Net Payment</u>	<u>Retainage</u>
No. 1	<u>\$41,836.08</u>	<u>\$2,201.90</u>
No. 2	<u>\$38,376.34</u>	<u>\$2,019.81</u>
No. 3	<u>\$14,852.87</u>	<u>\$781.73</u>
No. 4	<u>\$31,635.00</u>	<u>\$1,665.00</u>
No. 5	<u>\$16,366.50</u>	<u>\$861.40</u>
Total	<u>\$143,066.79</u>	<u>\$7,529.84</u>

Value of Work Completed this Estimate:	<u>\$39,640.52</u>
Retainage held this Estimate:	<u>\$1,982.02</u>
NET AMOUNT DUE THIS ESTIMATE:	<u>\$37,658.50</u>

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.

KEVIN BEAULIEU Kevin Beaulieu 9-26-19
 Contractor (Print) Signature Date

Inspector (Print) Signature Date
NATHAN KALAHAR Nathan Kalahar 10-8-19
 Project Engineer (Print) Signature Date

Ricky J. Mach Ricky J. Mach 10-14-19
 City Engineer (Print) Signature Date
LPA

cc: Contractor
Engineering
Finance
Clerk's Office

Project Name: Art Center Renovation
 Sioux City Project Number: xxxx-xxx-xxx
 IDOT Project Number:
 Contractor: Global Engineering & Construction, Inc.

Pay Request No. 6

Final (RTN)

ITEM NUMBER	ITEM CODE	DESCRIPTION	UNITS	CONTRACT QUANTITY	UNIT PRICE	CONTRACT PRICE	PREVIOUS QUANTITY	AMOUNT PREVIOUS	QUANTITY THIS PERIOD	TOTAL QUANTITY	TOTAL AMOUNT COMPLETED	TOTAL DUE THIS PERIOD
1				1.00	\$ 13,339.68	\$ 13,339.68	1.00	\$ 13,339.68	0.00	1.00	\$ 13,339.68	\$ -
2				1.00	\$ 9,074.10	\$ 9,074.10	0.88	\$ 8,000.00	0.12	1.00	\$ 9,074.10	\$ 1,074.10
3				1.00	\$ 967.90	\$ 967.90	0.96	\$ 927.90	0.04	1.00	\$ 967.90	\$ 40.00
4				1.00	\$ 3,481.43	\$ 3,481.43	0.99	\$ 3,450.00	0.01	1.00	\$ 3,481.43	\$ 31.43
5				1.00	\$ 21,976.25	\$ 21,976.25	0.77	\$ 17,000.00	0.23	1.00	\$ 21,976.25	\$ 4,976.25
6				1.00	\$ 67,994.03	\$ 67,994.03	0.74	\$ 50,000.00	0.26	1.00	\$ 67,994.03	\$ 17,994.03
7				1.00	\$ 241.98	\$ 241.98	1.00	\$ 241.98	0.00	1.00	\$ 241.98	\$ -
8				1.00	\$ 5,317.42	\$ 5,317.42	0.96	\$ 5,117.42	0.04	1.00	\$ 5,317.42	\$ 200.00
9				1.00	\$ 9,392.30	\$ 9,392.30	0.96	\$ 8,982.50	0.04	1.00	\$ 9,392.30	\$ 409.80
10				1.00	\$ 36,114.91	\$ 36,114.91	0.95	\$ 34,300.00	0.05	1.00	\$ 36,114.91	\$ 1,814.91
11				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
12	CO#1	REMOVE PARTITION SUPPORT		1.00	\$ 1,887.15	\$ 1,887.15	1.00	\$ 1,887.15	0.00	1.00	\$ 1,887.15	\$ -
13	CO#2	REROUTE LIGHT SWITCHING		1.00	\$ 1,050.00	\$ 1,050.00	0.81	\$ 850.00	0.19	1.00	\$ 1,050.00	\$ 200.00
14	CO#3	HANG, TAPE, PAINT TEXTURE DRYWALL		1.00	\$ 7,850.00	\$ 7,850.00	0.83	\$ 6,500.00	0.17	1.00	\$ 7,850.00	\$ 1,350.00
15	CO#4	ADDITIONAL COSTS DATE EXTENSION		1.00	\$ 3,250.00	\$ 3,250.00	0.00	\$ -	1.00	1.00	\$ 3,250.00	\$ 3,250.00
16	CO#5	MISC. PRIMING AND PAINTING		1.00	\$ 8,300.00	\$ 8,300.00	0.00	\$ -	1.00	1.00	\$ 8,300.00	\$ 8,300.00
17				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
18				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
19				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
20				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
21				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
22				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
23				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
24				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
25				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
26				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
27				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
28				0.00	\$ -	\$ -	0.00	\$ -	-	0.00	\$ -	\$ -
29						\$ -	0.00	\$ -		0.00	\$ -	\$ -
30						\$ -	0.00	\$ -		0.00	\$ -	\$ -
31						\$ -	0.00	\$ -		0.00	\$ -	\$ -
32						\$ -	0.00	\$ -		0.00	\$ -	\$ -
33						\$ -	0.00	\$ -		0.00	\$ -	\$ -
34						\$ -	0.00	\$ -		0.00	\$ -	\$ -
TOTAL						\$ 190,237.15		\$ 150,596.63			\$ 190,237.15	\$ 39,640.52
LESS 5% RETENTION												\$ 1,982.02
AMOUNT DUE												\$ 37,658.50

<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: October 21, 2019 **ACTION ITEM #** 13A

FROM: Gordon Phair City Engineer
Nate Wing, Civil Engineer

SUBJECT: Resolution granting a permit to FiberComm LC to own, operate and maintain underground cable commencing at the southwest corner of 11th Street and Division Street, extending east for 220' and crossing under Division Street, then extending north for 65' under 11th Street, then continuing north for 845' on private property ending at 1321 Lewis Boulevard.

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 LC 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 southwest corner of 11th Street and Division Street, extending east for 220' and crossing under Division Street, then extending north for 65' under 11th Street, then continuing north for 845' on private property ending at 1321 Lewis Boulevard.

DISCUSSION:
The City has received a letter from FiberComm LC for a permit to install underground cable commencing at the southwest corner of 11th Street and Division Street, extending east for 220' and crossing under Division Street, then extending north for 65' under 11th Street, then continuing north for 845' on private property ending at 1321 Lewis Boulevard.

The fiber optic is being installed to serve the address of 1321 Lewis Boulevard.

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 LC 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 LC

ATTACHMENTS:

Resolution
Application (with Map)
Insurance

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION GRANTING A PERMIT TO FIBERCOMM LC TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE COMMENCING AT THE SOUTHWEST CORNER OF 11TH STREET AND DIVISION STREET, EXTENDING EAST FOR 220' AND CROSSING UNDER DIVISION STREET, THEN EXTENDING NORTH FOR 65' UNDER 11TH STREET, THEN CONTINUING NORTH FOR 845' ON PRIVATE PROPERTY ENDING AT 1321 LEWIS BOULEVARD.

WHEREAS, the City Council has received a request from FiberComm LC 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:

- Commencing at the southwest corner of 11th Street and Division Street; thence extending east for approximately 220' across Division Street; thence extending north for approximately 65' across 11th Street, thence continuing north for approximately 845' on private property and ending at 1321 Lewis Boulevard;

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: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Engineering
City of Sioux City
405 6th Street
P.O. Box 447
Sioux City, Iowa 51102

10/4/2019

Subject: FiberComm Request for ROW Use: **11th St. from Division St.**

Dear Engineering,

FiberComm respectfully requests the City's consideration to grant permission and 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 to supply fiber facilities to our customer Hansen Mueller at 1321 Lewis Blvd.

Proposed Route Description

Underground construction will begin in the in south right-of-way, at the SW corner of 11th & Division St., where a FiberComm facilities hand hole currently exists. From this location one 1 ¼" duct will extend east in the southern right-of-way of 11th St. for approximately 220', proceeding north approximately 65', crossing 11th St to the northern right-of-way of 11th St., continuing north for approximately 845' on private property where construction will end.

Construction Dates

Estimated Start Date: Early November, 2019

Estimated Completion Date: Mid November, 2019

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 (# 5077)
Work Area Map
Certificate of Insurance Listing City of Sioux City – Additionally Insured
Blanket Performance, Payment, & Maintenance Bond BD7900685622



2019 Fiber / Utility Installation & Maintenance Permit

	Name	Address	Phone	Email
Applicant:	Tom Hunter	1605 9th St., Sioux City IA. 51101	712-224-2053	thunter@fibercomm.net
Facility Owner:	FiberComm LC	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: 4/3/2020

Insurance Certificate on File: Yes No Not Applicable

Work in: (Street) 11th Street Paved Unpaved Parkway

From: (Street) Division Street To: (Street) n/a

Address Served: (If Applicable) 1321 Lewis Blvd.

Start Date: November 4, 2019 Completion Date: November 15, 2019

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.

[Signature] 10/4/19
Applicant Signature Date

[Signature] 10/8/19
Gordon Phair Date
City Engineer

FOR OFFICE USE ONLY

Date Submitted:	<u>10.4.19</u>	Permit/Resolution No. _____
Engineer Review:	<u>NW</u>	Date: <u>10.4.19</u>
Utility Review:	<u>MH</u>	Date: <u>10.4.19</u>
Water Treatment Plant Review:	<u>BP</u>	Date: <u>10.7.19</u>
Parks and Recreation Review:	<u>KB</u>	Date: <u>10.4.19</u>
Building Maintenance Review:	<u>DJ</u>	Date: <u>10.8.19</u>
Communication Review:	<u>GS</u>	Date: <u>10.7.19</u>

Permit Fee: New Installation \$250.00 Emergency/Maintenance Requiring Excavation \$85.00
 Check Cash Credit Card



2019 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. Paving patches shall have a six (6) inch rock subbase and paving thickness shall match the existing pavement depth plus two (2) inches. Panel patching shall include full panel or half panel replacement. 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.

PUBLIC WORKS DEPARTMENT 405 6th Street • P.O. Box 447 • Sioux City, IA 51102 www.sioux-city.org

ADMINISTRATION
PH 712-279-6222
FAX 712-279-6850

WATER TREATMENT
PH 712-279-6156
FAX 712-279-6179

WASTE WATER TREATMENT
PH 712-279-6915
FAX 712-279-6191

ENVIRONMENTAL SERVICES
PH 712-279-6349
FAX 712-279-6850

ENGINEERING
PH 712-279-6324
FAX 712-279-6249

FIELD SERVICES
PH 712-279-5806
FAX 712-279-0412

RECREATION SERVICES
PH 712-279-6128
FAX 712-279-6194





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/15/2019

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 have ADDITIONAL INSURED provisions or 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 & Associates 117 Pierca Street Suite 200 Sioux City IA 51101		CONTACT NAME: Kali Steffen PHONE (A/C, No, Ext): (712) 258-2580 FAX (A/C, No): (712) 258-2184 E-MAIL ADDRESS: ksteffen@mspinsurance.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: EMC Property & Casualty	NAIC # 25186
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	
INSURED FiberComm LC PO Box 416 Sioux City IA 51102-0416			

COVERAGES **CERTIFICATE NUMBER:** CL1951501467 **REVISION NUMBER:**

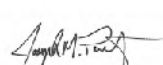
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	4D21298	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 - COMP/OP AGG	\$ 2,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		Y	4E21298	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 checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			4J21298	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		N/A	4H21298	10/22/2018	10/22/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							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 (ACORD 101, Additional Remarks Schedule, may be attached 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**CANCELLATION**

The City of Sioux City PO Box 447 Sioux City IA 51102	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 

© 1988-2015 ACORD CORPORATION. All rights reserved.

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.

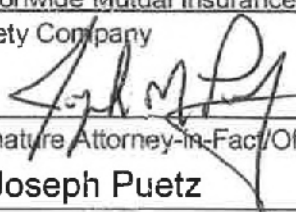
This bond may be terminated by the Surety by the giving of (30) days written notice to the City of Sioux City provided, however, that in the event of such termination, the Surety shall be relieved of liability hereunder only with respect to breaches of Condition occurring on or after the effective date 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 20th day of May 2019

SURETY:

Nationwide Mutual Insurance Company
Surety Company

By: 
Signature Attorney-in-Fact/Officer

Joseph Puetz

Name of Attorney-in-Fact/Officer

Nationwide Mutual Insurance Company
Company Name

1100 Locust Street, Dept. 2006
Company Address

Des Moines, Iowa 50391-2006
City, State, Zip Code

866.387.0457
Company Telephone Number

PRINCIPAL:

Fiber Comm. LC

By: 
Signature

Jeff Zyzda

Name (Print/Type)

Manager
Title

PO Box 416
Address

Sioux City, Iowa 51102
City, State, Zip Code

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
Allied Property and Casualty Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

Joseph Puetz

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

Ten Thousand and no/100 Dollars

\$10,000.00

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 27th day of February, 2019.

Antonio C. Albanese

Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 27th day of February, 2019, before me came the above-named officer for the Company 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 Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Suzanne C. De'lo
Notary Public, State of New York
No. 02DE612ER49
Qualified in Westchester County
Commission Expires September 16, 2021

Suzanne C. De'lo

Notary Public
My Commission Expires
September 16, 2021

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, 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 Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal 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 Assistant Secretary, and affixed the corporate seal of said Company this 20th day of May 2019

Laura B. Guy

Assistant Secretary



VERIFICATION CERTIFICATE

THIS IS TO CERTIFY THAT BOND NUMBER **BD 7900685622**

ISSUED TO: **FIBERCOMM, LC**

**PO BOX 416
SIOUX CITY**

IA

51102

IN FAVOR OF: **CITY OF SIOUX CITY**

DESCRIBED AS A: **BLANKET PERFORMANCE, PAYMENT & MAINTENANCE
BOND**

REMAINS IN FULL FORCE AND EFFECT, SUBJECT TO ALL ITS AGREEMENTS, CONDITIONS AND LIMITATIONS FOR
THE PERIOD FROM: **04/03/2019** TO: **04/03/2020**

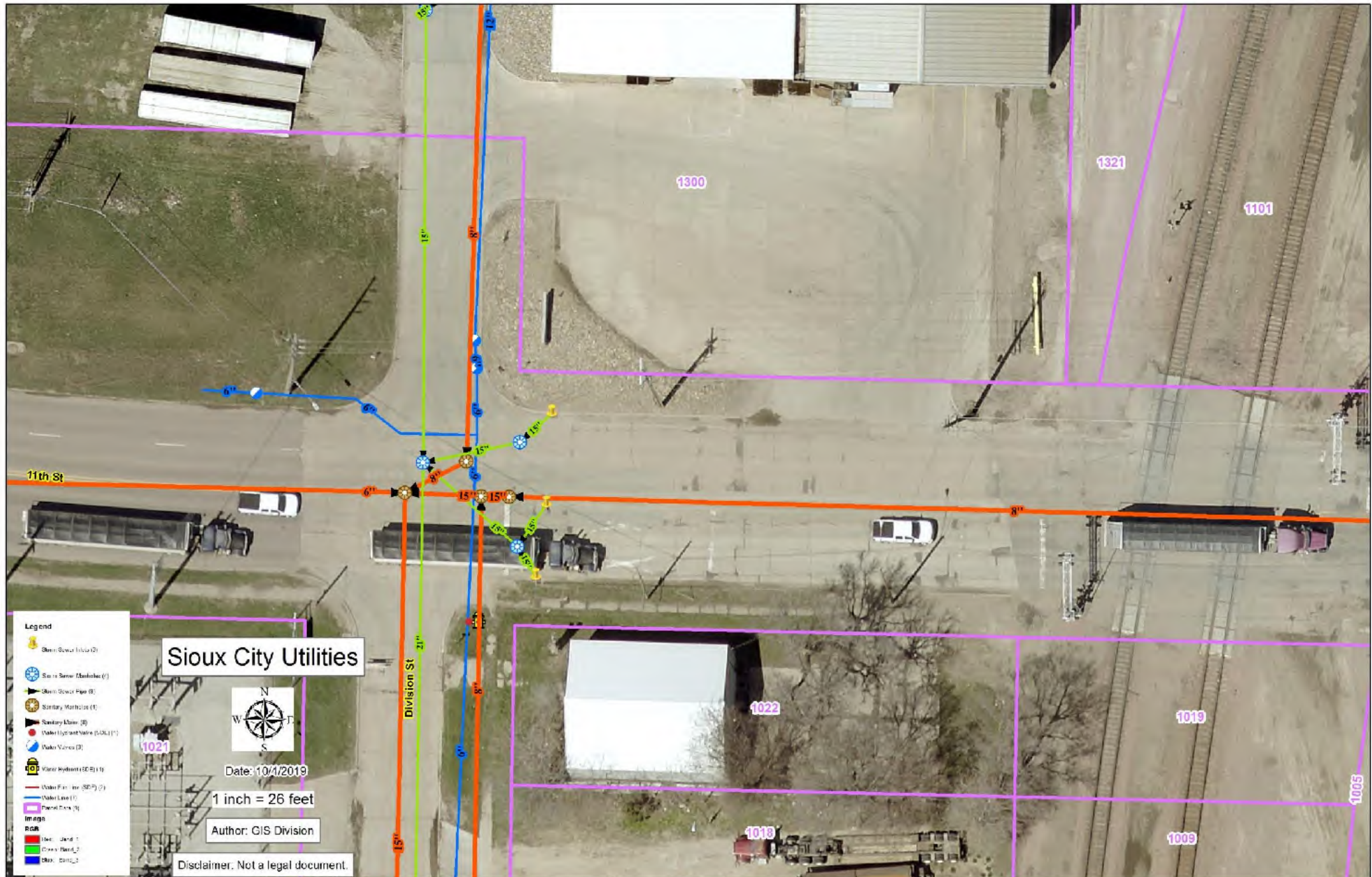
SIGNED, SEALED, AND DATED THIS **3rd DAY OF APRIL, 2019.**

NATIONWIDE MUTUAL INSURANCE COMPANY

By

President





Sioux City Utilities



Date: 10/4/2019

1 inch = 26 feet

Author: GIS Division

Disclaimer: Not a legal document.

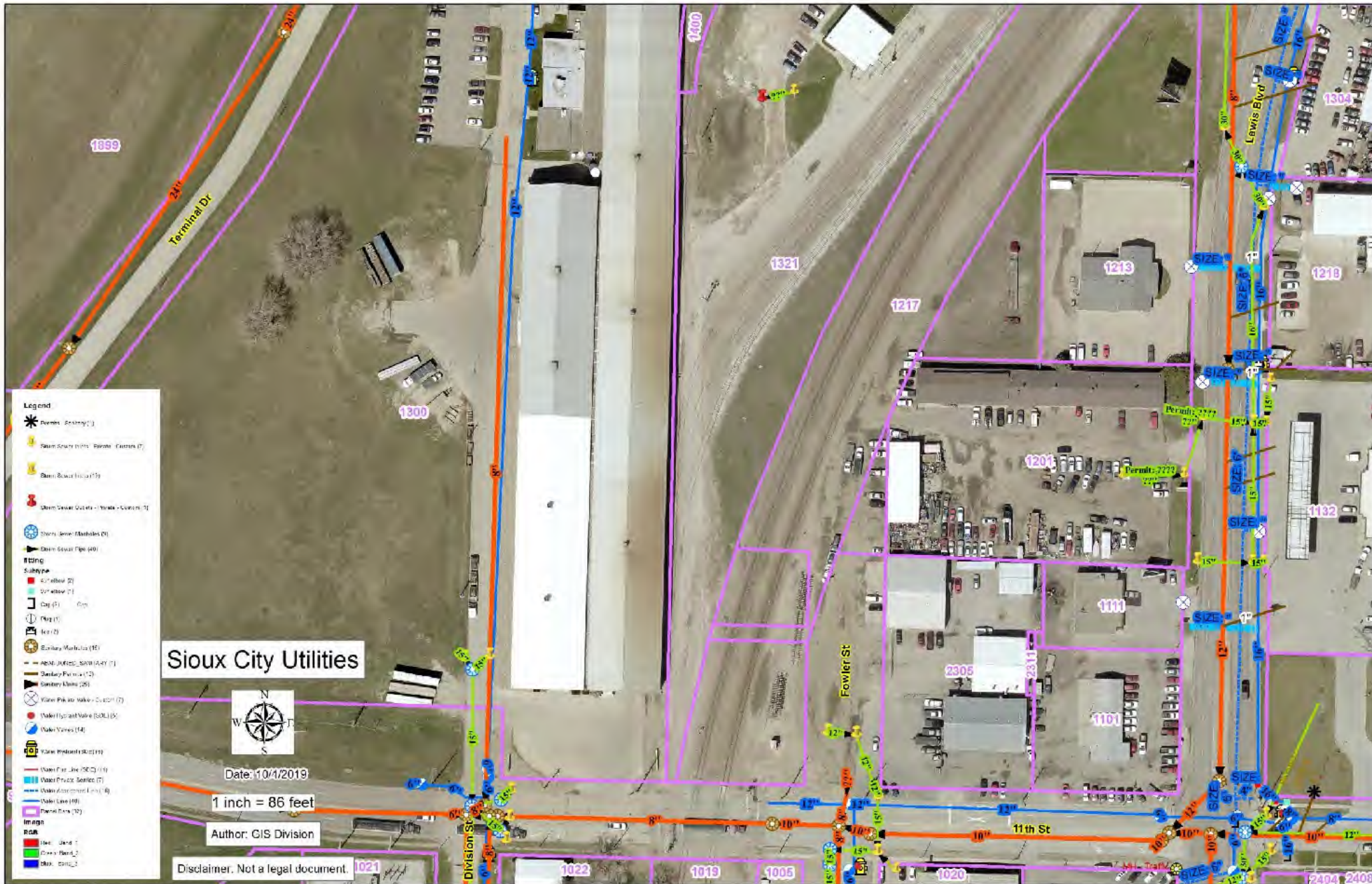
Legend

- Open Sewer (150)(2)
- Sanitary Sewer (Manholes)(1)
- Open Sewer Pipe (8)
- Sanitary Manholes (1)
- Sanitary Manhole (2)
- Water Light Valve (50)(1)(1)
- Water Valves (2)
- Water Hydrant (30)(1)
- Water Fire Line (30)(2)
- Water Line (1)
- Parcel Data (4)

Image

Color

- Parcels - 2014_1
- Parcels - 2014_2
- Parcels - 2014_3



- Legend**
- Manhole - Sanitary (1)
 - Manhole - Sewer (2)
 - Manhole - Storm (3)
 - Manhole - Other (4)
 - Manhole - Other (5)
 - Manhole - Other (6)
 - Manhole - Other (7)
 - Manhole - Other (8)
 - Manhole - Other (9)
 - Manhole - Other (10)
 - Manhole - Other (11)
 - Manhole - Other (12)
 - Manhole - Other (13)
 - Manhole - Other (14)
 - Manhole - Other (15)
 - Manhole - Other (16)
 - Manhole - Other (17)
 - Manhole - Other (18)
 - Manhole - Other (19)
 - Manhole - Other (20)
 - Manhole - Other (21)
 - Manhole - Other (22)
 - Manhole - Other (23)
 - Manhole - Other (24)
 - Manhole - Other (25)
 - Manhole - Other (26)
 - Manhole - Other (27)
 - Manhole - Other (28)
 - Manhole - Other (29)
 - Manhole - Other (30)
 - Manhole - Other (31)
 - Manhole - Other (32)
 - Manhole - Other (33)
 - Manhole - Other (34)
 - Manhole - Other (35)
 - Manhole - Other (36)
 - Manhole - Other (37)
 - Manhole - Other (38)
 - Manhole - Other (39)
 - Manhole - Other (40)
 - Manhole - Other (41)
 - Manhole - Other (42)
 - Manhole - Other (43)
 - Manhole - Other (44)
 - Manhole - Other (45)
 - Manhole - Other (46)
 - Manhole - Other (47)
 - Manhole - Other (48)
 - Manhole - Other (49)
 - Manhole - Other (50)

Sioux City Utilities



Date: 10/4/2019

1 inch = 86 feet

Author: GIS Division

Disclaimer: Not a legal document.

<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: October 21, 2019 **ACTION ITEM #** 13B

FROM: Glenn Sedivy, Communications Center Director

SUBJECT: Resolution proposing to lease certain real property to USCOC of Greater Iowa, LLC for installation, operation and maintenance of a communications system and authorizing and directing publication of notice to lease such real estate. (Portion of the guyed tower and adjacent ground space located at 4201 Cheyenne Boulevard)

Reviewed By:	<input checked="" type="checkbox"/> Department Director	<input checked="" type="checkbox"/> Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
---------------------	---	--	---	--

RECOMMENDATION:
Staff respectfully requests City Council pass a resolution proposing to lease a portion of the guyed tower and adjacent ground space located at 4201 Cheyenne Boulevard to USCOC of Greater Iowa, LLC for installation, operation and maintenance of a communications system.

DISCUSSION:
USCOC of Greater Iowa, LLC desires to lease a portion of the public safety communications guyed tower and ground space adjacent to the base of the tower for installation and operation of a communications system. This lease would allow the Communications Center to lease tower space and adjacent ground space to USCOC of Greater Iowa, LLC for their communications system.

The total monthly rent to be paid will not be less than \$1,650.00 per month throughout the initial term of five (5) years, but total rent may be higher than \$1,650.00 per month if USCOC of Greater Iowa, LLC's equipment changes in technology type and/or increases in quantity or size, whereby a new monthly rate increasing the base rate shall be negotiated.

FINANCIAL IMPACT:
This lease would allow the Communications Center to receive revenue from USCOC of Greater Iowa, LLC for tower rent which would provide a revenue stream to offset their operating budget.

ALTERNATIVES:
Not approve lease.

ATTACHMENTS:

Resolution

Notice

Proposed Lease (hard copies will be provided)

RESOLUTION NO. 2019 - _____
with attachments

RESOLUTION PROPOSING TO LEASE CERTAIN REAL PROPERTY TO USCOC OF GREATER IOWA, LLC FOR INSTALLATION, OPERATION AND MAINTENANCE OF A COMMUNICATIONS SYSTEM AND AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE TO LEASE SUCH REAL ESTATE. (PORTION OF THE GUYED TOWER AND ADJACENT GROUND SPACE LOCATED AT 4201 CHEYENNE BOULEVARD)

WHEREAS, the City owns a public safety communications guyed tower and building adjacent to the North High water tower located at 4201 Cheyenne Boulevard; and

WHEREAS, the City desires to lease a portion of said public safety communications guyed tower and ground space adjacent to the base of the tower to USCOC of Greater Iowa, LLC for installation, operation and maintenance of a communications system; and

WHEREAS, there is now on file in the office of the City Clerk a resolution by virtue of which the City proposes to lease a portion of the following described real property:

Ingress and egress to the tower and building site located at 4201 Cheyenne Boulevard and more particularly described as follows:

A Lease of land being described as part of the Southeast Quarter of the Northeast Quarter in Section 9, Township 89 North, Range 47 West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter of the Northeast Quarter of Section 9; thence S 88°25'28"E along the North line of said Southeast Quarter of the Northeast Quarter of Section 9 for 633.53 feet; thence Southeast-erly along the Westerly right-of-way line of Cheyenne Blvd. and a 1105.93 foot radius curve concave Southwesterly for an arc length of 532.89 feet with a delta of 27°36'28" to the point of beginning of said Lease, said curve having a chord bearing of S 04°32'43"E and a chord distance of 527.75 feet; thence N 44°43'24"W for 293.78 feet; thence N 88°01'41"W for 346.51 feet; thence S 43°18'34"W for 184.33 feet; thence S 01°51'39"W for 153.65 feet; thence S 41°05'11"E for 183.78 feet; thence S 88°06'26"E for 141.32 feet; thence N 56°59'04"E for 111.32 feet; thence S 44°43'24"E for 231.19 feet; thence S 45°35'25"E for 61.30 feet; thence N 26°51'19"E along said Westerly right-of-way line of Cheyenne Blvd. for 39.61 feet; thence Northeasterly along said Westerly right-of-way line of Cheyenne Blvd. and a 1105.93 foot radius curve concave Northwesterly for an arc length of 339.35 feet with a delta of 17°34'52" to the point of beginning of said Lease, said curve having a chord bearing of N 18°02'58"E and a chord distance of 338.03 feet;

Lease containing an area of 256,213.18 square feet or 5.88 acres;

to USCOC of Greater Iowa, LLC for a period of 5 years commencing when required licenses and permits are acquired by USCOC of Greater Iowa, LLC, with USCOC of Greater Iowa, LLC having the option to extend said Lease for five (5) additional terms of five (5) years each from the expiration of the initial term upon such terms as are mutually agreed upon by the parties; and

WHEREAS, Section 364.7 of the Iowa Code requires that notice of the proposed lease be published in the manner provided under Section 362.3 of the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the resolution shall come on for final hearing before the City Council on November 4, 2019 at 4:00 o'clock P.M., or as soon thereafter as said matter can be reached for hearing.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to give notice of such proposed lease as is required by law.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

NOTICE OF HEARING ON PROPOSAL TO LEASE CITY PROPERTY

NOTICE is hereby given that there is now on file in the office of the City Clerk located at the Customer Service Center on First Floor of City Hall, 405 6th Street, Sioux City, Iowa, a resolution proposing to lease a portion of the following described real property:

Ingress and egress to the tower and building site located at 4201 Cheyenne Boulevard and more particularly described as follows:

A Lease of land being described as part of the Southeast Quarter of the Northeast Quarter in Section 9, Township 89 North, Range 47 West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter of the Northeast Quarter of Section 9; thence S 88°25'28"E along the North line of said Southeast Quarter of the Northeast Quarter of Section 9 for 633.53 feet; thence Southeast-erly along the Westerly right-of-way line of Cheyenne Blvd. and a 1105.93 foot radius curve concave Southwesterly for an arc length of 532.89 feet with a delta of 27°36'28" to the point of beginning of said Lease, said curve having a chord bearing of S 04°32'43"E and a chord distance of 527.75 feet; thence N 44°43'24"W for 293.78 feet; thence N 88°01'41"W for 346.51 feet; thence S 43°18'34"W for 184.33 feet; thence S 01°51'39"W for 153.65 feet; thence S 41°05'11"E for 183.78 feet; thence S 88°06'26"E for 141.32 feet; thence N 56°59'04"E for 111.32 feet; thence S 44°43'24"E for 231.19 feet; thence S 45°35'25"E for 61.30 feet; thence N 26°51'19"E along said Westerly right-of-way line of Cheyenne Blvd. for 39.61 feet; thence Northeasterly along said Westerly right-of-way line of Cheyenne Blvd. and a 1105.93 foot radius curve concave Northwesterly for an arc length of 339.35 feet with a delta of 17°34'52" to the point of beginning of said Lease, said curve having a chord bearing of N 18°02'58"E and a chord distance of 338.03 feet;

Lease containing an area of 256,213.18 square feet or 5.88 acres;

to USCOC of Greater Iowa, LLC for a period of 5 years commencing when required licenses and permits are acquired by USCOC of Greater Iowa, LLC, with USCOC of Greater Iowa, LLC having the option to extend said Lease for five (5) additional terms of five (5) years each from the expiration of the initial term upon such terms as are mutually agreed upon by the parties.

Said lease will come on for public hearing before the City Council in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, on November 4, 2019, at the Council Meeting commencing at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered. At said hearing interested persons may appear and be heard for or against said lease.

CITY OF SIOUX CITY, IOWA

BY: Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal October 26, 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: October 21, 2019 **ACTION ITEM #** 13C

FROM: Mike Collett, Assistant City Manager

SUBJECT: 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 Friends of Andrew Yang, NPC, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (Space No. 1b in the Martin Luther King Jr. Ground Transportation Center located at 521 Nebraska Street)

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the above resolution.

DISCUSSION:

Friends of Andrew Yang, NPC conducts political campaign operations. The potential lessee prefers to lease Space 1b, located at 521 Nebraska Street.

The proposed terms of the lease are as follows:

Friends of Andrew Yang, NPC will:

- Take possession on November 26, 2019.
- Lease Space 1b (1,500 s.f.) at \$8.00/s.f.
- Pay utilities, insurance, and janitorial services.
- Pay a lease deposit equal to one month's rent.
- Lease term of four (4) months.

The City will:

- Provide common area maintenance.
- Provide exterior maintenance.
- Provide HVAC, plumbing, and electrical maintenance.

Other potential tenants have expressed interest in the available spaces in the MLK Center, however no other proposals are currently pending.

FINANCIAL IMPACT:

Income from the lease of the property in the MLK Center supports Transit Operations.

RELATIONSHIP TO STRATEGIC PLAN:

Develop solutions to fill underutilized commercial/residential space and redevelopment space in the downtown.

ALTERNATIVES:

Accept or reject the request to invite proposals for the lease of land.

ATTACHMENTS:

Resolution

Public Notice

Proposal - Lease – Business Property

RESOLUTION NO. 2019 - _____
with attachments

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 FRIENDS OF ANDREW YANG, NPC, FIXING THE DATE FOR RECEIPT OF PROPOSALS, AND FOR PUBLIC HEARING AND PROVIDING FOR NOTICE THEREOF. (SPACE NO. 1B IN THE MARTIN LUTHER KING JR. GROUND TRANSPORTATION CENTER LOCATED AT 521 NEBRASKA STREET)

WHEREAS, in furtherance of the objectives of Chapter 403 of the Code of Iowa, the City of Sioux City, Iowa, has undertaken a program of redevelopment of blighted areas in the City, and in this connection has instituted the Combined Central Sioux City -CBD Urban Renewal Project; and

WHEREAS, Friends of Andrew Yang, NPC has submitted to the City a proposal to lease a portion of the project area described as follows:

That part of the Martin Luther King Jr. Ground Transportation Center being in the east ½ of Block 10, Sioux City East Addition to Sioux City, Woodbury County, Iowa, also known as Leaseable Space No. 1b containing 1,500 square feet commonly known as 521 Nebraska Street;

a copy of which proposal is attached hereto and on file in the office of the City Clerk; and

WHEREAS, Section 403.8 of the Code of Iowa authorizes the City to invite proposals from and make available all pertinent information to all parties interested in obtaining property in an urban renewal area under such reasonable competitive bidding procedures as it shall prescribe; and

WHEREAS, the City Council believes that it is in the public interest to lease said property and that proposals for the lease be sought from parties who had not expressed their interest prior to this offering; and

WHEREAS, the City wishes to announce its intent to accept the proposal of Friends of Andrew Yang, NPC in the absence of any more favorable offer in response to the invitation made herein; and

WHEREAS, further information should be made available to any other interested parties; and

WHEREAS, any additional proposals should be submitted to the Assistant City Manager, 509 Nebraska Street, Sioux City, Iowa, by 1:00 p.m., local time, November 25, 2019; and

WHEREAS, a Notice of Invitation for Proposals and of Intention to Accept Proposal, and of a Public Hearing, a copy of which is attached hereto and by this reference incorporated herein, should be approved as to form and content and its publication authorized and directed.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the Public Notice attached hereto is hereby approved as to form and content and its publication is hereby authorized and directed.

BE IT FURTHER RESOLVED that the City hereby announces and fixes a public hearing on said proposal on November 25, 2019, at the regularly scheduled council meeting and fixes the date of November 25, 2019 at 1:00 p.m., local time, as the last day upon which proposals can be received by the City.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

PUBLIC NOTICE OF INVITATION FOR PROPOSALS AND OF INTENT TO ACCEPT PROPOSAL AND OF PUBLIC HEARING

NOTICE is hereby given that there is now on file in the office of the City Clerk located at the Customer Service Center on First Floor of City Hall, 405 6th Street, Sioux City, Iowa, a resolution under and by virtue of which the City of Sioux City, Iowa, invites proposals for the lease of certain land in the Combined Central Sioux City -CBD Urban Renewal Project Area; and under and by virtue of which the City has expressed an intent to accept the proposal as submitted by Friends of Andrew Yang, NPC, a copy of which is on file in the office of the City Clerk. Said Invitation for Proposals and said proposal concerns the following described real property:

That part of the Martin Luther King Jr. Ground Transportation Center being in the east ½ of Block 10, Sioux City East Addition to Sioux City, Woodbury County, Iowa, also known as Leaseable Space No. 1b containing 1,500 square feet commonly known as 521 Nebraska Street;

Full information as to the form and content of bid documents, requirements to be met by bidders, and as to bidding procedures is available at the office of the Sioux City Transit System, 509 Nebraska Street, Sioux City, Iowa.

Any person interested in leasing said real estate should submit a completed proposal to the Assistant City Manager, 509 Nebraska Street, Sioux City, Iowa no later than 1:00 p.m., local time, on November 25, 2019.

The right is reserved by the City to accept or reject any or all proposals, and to waive formalities in any procedures set forth herein. Documents to be completed may be obtained from the Sioux City Transit System without charge.

A public hearing will be held concerning any qualified proposals received and concerning the acceptance of the proposal as submitted by Friends of Andrew Yang, NPC for the lease of said property. Said public hearing will be at the regularly scheduled city council meeting in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on November 25, 2019, at 4:00 p.m., local time, or as soon thereafter as the matter can be reached for hearing.

Published by order of the City Council of Sioux City, Iowa.

CITY OF SIOUX CITY, IOWA

BY: LISA L. McCARDLE
CITY CLERK

Publish in the Sioux City Journal October 26, 2019

PROPOSAL

LEASE - BUSINESS PROPERTY

THIS LEASE AGREEMENT, executed in duplicate, made and entered into this ____ day of October 2019, by and between the City of Sioux City, Iowa, (hereinafter called the "Landlord") whose address for the purpose of this lease is Post Office Box 447, Sioux City, Iowa 51102 and Friends of Andrew Yang, NPC hereinafter called the "Tenant") whose address for the purpose of this lease is 214 W 39th St. Suite 404, New York, NY 10018.

WITNESSETH THAT:

1. **LEASED PREMISES AND TERM.** The Landlord, in consideration of the rents herein reserved and of the agreements and conditions herein contained, on the part of the Tenant to be kept and performed, leases unto the Tenant and Tenant hereby rents and leases from Landlord, according to the terms and provisions herein, the following described real estate, situated in Woodbury County, Iowa, to wit:

That part of the Martin Luther king Jr. Ground Transportation Center being in the east ½ of Block 10, Sioux City East Addition to Sioux City, Woodbury County, Iowa, also known as Leasable Space No. 1b containing 1,500 square feet commonly known as 521 Nebraska Street, (herein "leased premises)."

with the improvements thereon and all rights, easements and appurtenances thereto belonging, which includes the space and leased premises for a term commencing at midnight of the day previous to the first day of the lease term, which shall be on the 26th day of November 2019, and ending at midnight on the last day of the lease term, which shall be on the 29th day of February, 2020, upon the condition that the Tenant pays rent therefore, and otherwise performs as in this lease provided.

2. **RENTAL.** Tenant shall pay a lease deposit equal to one month's rent and said deposit shall be paid on November 26, 2019. The deposit shall be returned to the Tenant at the end of the lease or any extension thereof, if all rents and responsibilities of the Tenant are current at that time. Tenant agrees to pay to Landlord as rental for said term, as follows: \$150.00 per month, in advance, the first rent payment becoming due upon November 26, 2019, and \$1,000.00 per month, in advance, on the 1st day of each month thereafter. A one-time amount of \$500 also due November 26, 2019 toward flooring installation.

All sums shall be paid at the address of Landlord, as above designated, or at such other place in Iowa, or elsewhere, as the Landlord may, from time to time, designate in writing.

Payments are delinquent if made five days or more after the due date. Delinquent payments shall include a late payment fee equal to five percent (5%) of the monthly payment.

3. **POSSESSION.** Tenant shall be entitled to possession on November 26, 2019, and shall yield possession to the Landlord at the time and date of the close of this lease term, except as herein otherwise expressly provided. Should Landlord be unable to give possession on said date, Tenant's only damages shall be a rebating of the pro rata rental.

4. **USE OF LEASED PREMISES.** Tenant covenants and agrees during the term of this lease to use and to occupy the leased premises only for its business as conducting political campaign business. For restrictions on such use, see paragraphs 6(c), 6(d) and 11(b) below.
5. **QUIET ENJOYMENT.** Landlord covenants that its estate in said leased premises is fee simple and that the Tenant on paying the rent herein reserved and performing all the agreements by the Tenant to be performed as provided in this lease, shall and may peaceably have, hold and enjoy the demised leased premises for the term of this lease free from molestation, eviction or disturbance by the Landlord or any other persons or legal entity whatsoever. (But see paragraph 14, below)

Landlord shall have the right to mortgage all of its right, title, interest in said leased premises at any time without notice, subject to this lease.

6. **CARE AND MAINTENANCE OF LEASED PREMISES.** (a) Tenant takes said leased premises in their present condition except for such repairs and alterations as may be expressly herein provided. Tenant must provide Landlord with copies of all contracts for build out work on the leased premises if any alterations will be made. All plans for build out work must be approved by the Landlord.

(b) Landlord's duty of care and maintenance. Landlord will keep the roof, structural part of the floor, walls, pipes and sewers above and below leased premises and other structural parts of the building in good repair. Landlord will provide common area maintenance.

(c) Tenant's duty of care and maintenance. Tenant shall, after taking possession of said leased premises and until the termination of this lease and the actual removal from the leased premises, at its expense, care for and maintain said leased premises in a reasonably safe and serviceable condition, except for structural parts of the building. Tenant will furnish all interior and exterior decorating. Tenant will not permit or allow said leased premises to be damaged or depreciated in value by any act or negligence of the Tenant, its agents or employees. Without limiting the generality of the foregoing, Tenant will make necessary connections to the sewer, the plumbing, the water pipes and electrical wiring, except as follows:

The Landlord shall be responsible to provide plumbing and electrical maintenance.

and Tenant agrees to keep faucets closed so as to prevent waste of water and flooding of leased premises; to promptly take care of any leakage or stoppage in any of the water, gas or waste pipes within the lease premises. The Tenant agrees to maintain adequate heat to prevent freezing of pipes, if and only if the other terms of this lease fix responsibility for heating upon the Tenant. Tenant at its own expenses may install floor covering and will maintain such floor covering in good condition. Tenant will be responsible for the plate glass in the windows of the leased premises for the first floor. Tenant shall not be responsible for the plate glass if any defects occur as a result of the negligence of the Landlord. Tenant shall make no structural alterations or improvements without the written approval of the Landlord first had and obtained, of the plans and specifications therefore.

(d) Tenant will make no unlawful use of said leased premises and agrees to comply with all valid regulations of the board of health, City Ordinances or applicable municipality, the laws of the State of Iowa and the Federal government, but this provision shall not be construed

as creating any duty by Tenant to members of the general public. Tenant, by the terms of this lease is leasing leased premises on the ground floor and it will not allow trash of any kind to accumulate on said leased premises in the halls, if any, and it will remove same from the leased premises at its own expense. Landlord will remove snow and ice and other obstacles from the sidewalk on or abutting the leased premises.

7. **UTILITIES AND SERVICES.** (a) Tenant, during the term of this lease, shall pay, before delinquency, all charges for use of telephone, water, sewer, internet, trash disposal, and prorated at \$400 per month for gas and electricity during the months of November through March and \$200 per month for the months of April through October if applicable and not limited by the foregoing all other utilities and services of whatever kind and nature which may be used in or upon the leased premises.

(b) Air conditioning equipment and heating equipment shall be furnished by the Landlord. Thereafter maintenance, including repair or replacement thereof, shall be at the expense of the Landlord.

(c) Janitor service shall be furnished at the expense of Tenant.

8. **SURRENDER OF LEASED PREMISES AT END OF TERM - REMOVAL OF FIXTURES.**

(a) Tenant agrees that upon the termination of this lease, it will surrender, yield up and deliver the leased premises in good and clean condition, except the effects of ordinary wear and tear and depreciation arising from lapse of time, or damage without fault or liability of Tenant. [See also 11(a) and 11(e) below]

(b) Tenant may, at the expiration of the term of this lease, or renewal or renewals thereof or at a reasonable time thereafter, if Tenant is not in default hereunder, remove any equipment which said Tenant has installed in the leased premises, providing said Tenant repairs any and all damages caused by removal.

(c) Holding over. Continued possession, beyond the expiratory date of the term of this lease, by the Tenant, coupled with the receipt of the specified rental by the Landlord (and absent a written agreement by both parties for an extension of this lease, or for a new lease) shall constitute a month to month extension of this lease.

9. **ASSIGNMENT AND SUBLETTING.** Any assignment of this lease or subletting of the leased premises or any part thereof, without the Landlord's written permission shall, at the option of the Landlord, make the rental for the balance of the lease term due and payable at once. Such written permission shall not be unreasonably withheld.

10. **TAXES.** (a) All real estate taxes levied or assessed by lawful authority (but reasonably preserving either party's rights of appeal) against said real property shall be timely paid by the Landlord.

(b) Personal property taxes. Tenant agrees to timely pay all taxes, assessments or other public charges levied or assessed by lawful authority (but reasonably preserving Tenant's right of appeal) against its personal property on the leased premises, during the term of this lease.

(c) Special assessments. Special assessments shall be the responsibility of the Landlord. Special assessments are defined as any tax levied upon the leased premises for any public improvement or nuisance abatement.

11. **INSURANCE.** (a) Landlord and Tenant will each keep its respective property interests in the leased premises and its liability in regard thereto, and the personal property on the leased premises, reasonably insured against hazards and casualties; that is, fire and those items usually covered by extended coverage; and Tenant will procure and deliver to the Landlord a certification from the respective insurance companies to that effect. Such insurance shall be made payable to the parties hereto as their interest may appear, except that the Tenant's share of such insurance proceeds are hereby assigned and made payable to the Landlord to secure rent or other obligations then due and owing Landlord by Tenant. [See also 11(e) below]
- (b) Tenant will not do or omit the doing of any act which would vitiate any insurance, or increase the insurance rates in force upon the real estate improvements on the leased premises or upon any personal property of the Tenant upon which the Landlord by law or by the terms of this lease, has or shall have a lien.
- (c) Subrogation rights are not to be waived unless a special provision is attached to this lease.
- (d) Tenant further agrees to comply with recommendations of Iowa Insurance Service Bureau and to be liable for and to promptly pay, as if current rental, and increase in insurance rates on said leased premises and on the building of which said leased premises are a part, due to increased risks or hazards resulting from Tenant's use of the leased premises otherwise than as herein contemplated and agreed.
- (e) Insurance Proceeds. Landlord shall settle and adjust any claim against any insurance company under its said policies of insurance for the leased premises, and said insurance monies shall be paid to and held by the Landlord to be used in payment for cost of repairs or restoration of damaged building, if the destruction is only partial. [See also 11(a) above]
12. **INDEMNITY AND LIABILITY INSURANCE.** Except as to any incident arising out of roof and structural parts of the building as a result of the negligence of the Landlord, Tenant will protect, indemnify and save harmless the Landlord, its elected officials, officers, employees and agents from and against any and all loss, costs, damage and expenses occasioned by, or arising out of, any accident or other occurrence causing or inflicting injury and/or damage to any person or property due directly or indirectly to the tenancy, use or occupancy thereof, or any part thereof by the Tenant or any person claiming through or under the Tenant. The Tenant further covenants and agrees that it will at its own expense procure and maintain casualty and liability insurance in a responsible company or companies authorized to do business in the State of Iowa, in amounts not less than \$1,000,000 per incident and \$2,000,000 aggregate, and with the limits of \$50,000 for property damage, protecting the Landlord against such claim, damages, costs or expenses on account of injury to any person or persons, or to any property belonging to any person or persons, by reason of such casualty, accident or other happening on or about the demised leased premises during the term thereof. Certificates or copies of said policies, naming the Landlord as an additional insured, and providing for thirty days' notice to the Landlord before cancellation shall be delivered to the Landlord prior to the approval and execution of this lease by the Sioux City City Council. As to insurance of the Landlord for roof and structural faults, see paragraph 11(a) above.

13. **FIRE AND CASUALTY. PARTIAL DESTRUCTION OF LEASED PREMISES.** (a) In the event of a partial destruction or damage of the leased premises, which is a business interference, that is, which prevents the conducting of a normal business operation and which damage is reasonably repairable within sixty days after its occurrence, this lease shall not terminate but the rent for the leased premises shall abate during the time of such business interference. In the event of partial destruction, Landlord shall repair such damages within sixty days of its occurrence unless prevented from so doing by acts of God, the elements, the public enemy, strikes, riots, insurrection, government regulations city ordinances, labor, material or transportation shortages, or other causes beyond Landlord's reasonable control.
- (b) Zoning. Should the zoning ordinance of the City of Sioux City make it impossible for Landlord, using diligent and timely effort to obtain necessary permits and to repair and/or rebuild so that Tenant is not able to conduct its business on these leased premises, then such partial destruction shall be treated as a total destruction as in the next paragraph provided.
- (c) Total destruction of business use. In the event of a destruction or damage of the leased premises including the parking area (if a parking area is a part of the subject matter of this lease) so that Tenant is not able to conduct its business on the leased premises or the then current legal use for which the leased premises are being used and which damages cannot be repaired within ninety days this lease may be terminated at the option of either the Landlord or Tenant. Such termination in such event shall be effected by written notice of one party to the other, within twenty days after such destruction. Tenant shall surrender possession within ten days after such notice issues, and each party shall be released for all future obligations hereunder, Tenant paying rental pro rata only to the date of such destruction. In the event of such termination of this lease, Landlord at its option, may rebuild or not, according to its own wishes and needs.
14. **CONDEMNATION.** (a) Disposition of awards. Should the whole or any part of the demised leased premises be condemned or taken by a competent authority for any public or quasi-public use or purpose, each party shall be entitled to retain, as its own property, any award payable to it. Or in the event that a single entire award is made on account of the condemnation, each party will then be entitled to take such proportion of said award as may be fair and reasonable.
- (b) Date of lease termination. If the whole of the demised leased premises shall be so condemned or taken, the Landlord shall not be liable to the Tenant except and as its rights are preserved as in paragraph 14(a) above.
15. **TERMINATION OF LEASE AND DEFAULTS OF TENANT.** (a) Termination upon expiration or upon notice of defaults. This lease shall terminate upon expiration of the demised term; or if this lease expressly and in writing provides for any option or options, and if any such option is exercised by the Tenant, then this lease will terminate at the expiration of the option term or terms. Upon default in payment of rental herein or upon any other default by Tenant in accordance with the terms and provisions of this lease, this lease may at the option of the Landlord be canceled and forfeited, PROVIDED, HOWEVER, before any such cancellation and forfeiture except as provided in 15(b) below, Landlord shall give Tenant a written notice specifying the default, or defaults, and stating that this lease will be canceled and forfeited ten days after the giving of such notice, unless such default or defaults, are remedied within such grace period. In the event Tenant has not

remedied a default in a timely manner following a notice of default, Landlord may proceed with all available remedies at law or in equity, including but not limited to termination of the lease or forfeiture of the lease. In the event of termination of this lease, Landlord shall be entitled to prove claim for and obtain judgment against Tenant for the balance of the rent, plus all expenses of Landlord in regaining possession of the premises and the reletting thereof, including attorney fees and court costs, with credit for any amount obtained by reason of reletting.

(b) Bankruptcy or insolvency of tenant. In the event Tenant is adjudicated a bankrupt or in the event of a judicial sale or other transfer of Tenant's leasehold interest by reason by any bankruptcy or insolvency proceedings or by other operation of law, but not by death, and such bankruptcy, judicial sale or transfer has not been vacated or set aside within ten days from the giving of notice thereof by Landlord to Tenant, then and in any such events, Landlord may, at its option, immediately terminate this lease, re-enter said leased premises, upon giving of ten days' written notice by Landlord to Tenant, all to the extent permitted by applicable law.

(c) In (a) and (b) above, a waiver by the Landlord as to any default shall not constitute a waiver of any subsequent default or defaults.

(d) Acceptance of keys, advertising and re-renting by the Landlord upon the Tenant's default shall be construed only as an effort to mitigate damages by the Landlord, and not as an agreement to terminate this lease.

16. **RIGHT OF EITHER PARTY TO MAKE GOOD ANY DEFAULT OF THE OTHER.** If default shall be made by either party in the performance of, or compliance with, any of the terms, covenants or conditions of this lease, and such default shall have continued for thirty days after written notice thereof from one party to the other, the person aggrieved, in addition to all other remedies now or hereafter provided by law, may, but need not, perform such term, covenant or condition, or make good such default and any amount advanced shall be repaid forthwith on demand, together with interest at the rate of 12% per annum, from date of advance.

17. **SIGNS.** (a) Tenant shall have the right and privilege of attaching, affixing, painting or exhibiting signs on the leased premises, provided only (1) that any and all signs shall comply with the ordinances of the City of Sioux City and the laws of the State of Iowa; (2) such signs shall not change the structure of the building; (3) such signs if and when taken down shall not damage the building; and (4) such signs shall be subject to the written approval of the Landlord, which approval shall not be unreasonably withheld.

(b) Landlord during the last ninety days of this lease, or extension, shall have the right to maintain in the windows or on the building or on the leased premises either or both a "For Rent" or "For Sale" sign and Tenant will permit, at such time, prospective tenants or buyers to enter and examine the leased premises.

18. **MECHANIC'S LIENS.** Neither the Tenant nor anyone claiming by, through, or under the Tenant, shall have the right to file or place any mechanic's lien or other lien of any kind or character whatsoever, upon said leased premises or upon any building or improvement thereon, or upon the leasehold interest of the Tenant therein, and notice is hereby given that no contractor, sub-contractor, or anyone else who may furnish any material, service or labor for any building, improvements, alteration, repairs or any part thereof, shall at any time be or become entitled to any lien thereon, and for the further security of the Landlord, the Tenant covenants and agrees to give actual notice thereof in advance, to any and all contractors and sub-contractors who may furnish or agree to furnish any such material, service or labor.

19. **SUBSTITUTION OF EQUIPMENT, MERCHANDISE, ETC.** (a) The Tenant shall have the right, from time to time, during the term of this lease, or renewal thereof, to sell or otherwise dispose of any personal property of the Tenant situated on the said leased premises, when in the judgment of the Tenant it shall have become obsolete, outworn or unnecessary in connection with the operation of the business on said leased premises; provided, however, that the Tenant shall, in such instance (unless no substituted article or item is necessary) at its own expense, substitute for such items of personal property so sold or otherwise disposed of, a new or other item in substitution thereof, in like or greater value and adopted to the affixed operation of the business upon the leased premises.

(b) Nothing herein contained shall be construed as denying Tenant the right to dispose of inventoried merchandise in the ordinary course of the Tenant's trade or business.

20. **ENVIRONMENTAL.**

(a) Landlord. To the best of Landlord's knowledge to date:

1. Neither Landlord nor Landlord's former or present tenants are subject to any investigation concerning the leased premises by any governmental authority under any applicable federal, state, or local codes, rules and regulations pertaining to air and water quality, the handling, transportation, storage, treatment, usage, or disposal of toxic or hazardous substances, air emissions, other environmental matter, and all zoning and other land use matters.
2. Any handling, transportation, storage, treatment, or use of toxic or hazardous substances that has occurred on the leased premises has been in compliance with all applicable federal, state and local codes, rules and regulations.
3. No leak, spill release, discharge, emission or disposal of toxic or hazardous substances has occurred on the leased premises.
4. The soil, groundwater, and soil vapor on or under the leased premises is free of toxic or hazardous substances.
5. Landlord shall assume liability and shall indemnify and hold Tenant harmless against all liability or expense arising from any condition which existed, whether known or unknown, at the time of execution of the lease which condition is not a result of actions of the Tenant or which condition arises after date of execution but which is not a result of actions of the Tenant.

(b) Tenant. Tenant expressly represents and agrees:

1. During the lease term, Tenant's use of the property will not include the use of any hazardous substance without Tenant first obtaining the written consent of Landlord. Tenant understands and agrees that Landlord's consent is at Landlord's sole option and complete discretion and that such consent may be withheld or may be granted with any conditions or requirements that Landlord deems appropriate.
 2. During the lease term, Tenant shall be fully liable for all costs and expenses related to the use, storage, removal and disposal of hazardous substances used or kept on the property by Tenant, and Tenant shall give immediate notice to Landlord of any violation or any potential of any environmental regulation, rule, statute or ordinance relating to the use, storage or disposal of any hazardous substance.
 3. Tenant, at its sole cost and expense, agrees to remediate, correct or remove from the leased premises any contamination of the property caused by any hazardous substances which have been used or permitted by Tenant on the leased premises during any term of this lease. Remediation, correction or removal shall be in a safe and reasonable manner, and in conformance with all applicable laws, rules and regulations. Tenant reserves all rights allowed by law to seek indemnify or contribution from any person, other than Landlord, who is or may be liable for any such cost and expense.
 4. Tenant agrees to indemnify and hold Landlord, its elected officials, officers, employees and agents harmless from and against all claims, causes or action, damages, loss, costs, expense, penalties, fines, lawsuits, liabilities, attorney fees, engineering and consulting fees, arising out of or in any manner connected with hazardous substances, which are caused or created by Tenant on or after the date of this lease and during any term of this lease, including, but not limited to, injury or death to persons or damage to property, and including any diminution of the value of any leased premises which may result from the foregoing. This indemnity shall survive the cessation, termination, abandonment or expiration of this lease.
21. **NONDISCRIMINATION.** The Tenant will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, sexual orientation, gender identity, national origin, sex, disability, or other handicap, age, marital/familial status, or status with regard to public assistance. The Tenant will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship. The Tenant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provision of this nondiscrimination clause.
22. **RIGHTS CUMULATIVE.** The various rights, powers, options, elections and remedies of either party, provided in this lease, shall be construed as cumulative and no one of them as exclusive of the others, or exclusive of any rights, remedies or priorities allowed either party by law, and shall in no way affect or impair the right of either party to pursue any other equitable or legal remedy to which either party may be entitled as long as any default remains in any way unremedied, unsatisfied or undischarged.

23. **NOTICES AND DEMANDS.** Notices as provided for in this lease shall be given to the respective parties hereto at the respective addresses designated on page one of this lease unless either party notifies the other, in writing, of a different address. Notice to the Tenant shall be directed to the attention of Joel Longtin. Without prejudice to any other method of notifying a party in writing or making a demand or other communication, such message shall be considered given under the terms of this lease when sent, addressed as above designated, postage prepaid, by registered or certified mail, return receipt requested, by the United States mail and so deposited in a United States mailbox.
24. **PROVISIONS TO BIND AND BENEFIT SUCCESSORS, ASSIGNS, ETC.** Each and every covenant and agreement herein contained shall extend to and be binding upon the respective successors, heirs, administrators, executors and assigns of the parties hereto; except that if any part of this lease is held in joint tenancy, the successor in interest shall be the surviving joint tenant.
25. **CHANGES TO BE IN WRITING.** None of the covenants, provisions, terms or conditions of this lease to be kept or performed by Landlord or Tenant shall be in any manner modified, waived or abandoned, except by a written instrument duly signed by the parties and delivered to the Landlord and Tenant. This lease along with any personal guarantee executed with regards to this lease contains the whole agreement of the parties.
26. **CONSTRUCTION.** Words and phrases herein, including acknowledgment hereof, shall be constructed as in the singular or plural number, and as masculine, feminine or neuter gender according to the context.
27. **FEDERAL TRANSIT ADMINISTRATION AND FEDERAL INTEREST.**
- (a) The Tenant acknowledges that Landlord is the recipient of Federal grants through the Federal Transit Administration ("FTA"), which funded, in part, the Premises. The Tenant further acknowledges that pursuant to FTA grant requirements, the Landlord must demonstrate and retain satisfactory continuing control over the use of the Premises. The Tenant agrees that it will not exercise any right permitted under this Lease in a manner which compromises or otherwise diminishes Landlord's obligation to retain satisfactory continuing control over the use of the Premises.
 - (b) Satisfactory continuing control is defined as the legal assurance that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life or until disposition.
 - (c) The Tenant acknowledges the Federal interest in the Premises and agrees that it will take no action which compromises or otherwise diminishes such interest.
 - (d) The Tenant acknowledges that the Landlord must comply with all applicable Federal statutes, regulations, orders, certification and assurances, or other Federal law (collectively referred to as "Federal laws"), including, but not limited to, those set forth in the current FTA Master Agreement governing transit projects supported with Federal assistance awarded through the FTA. The Tenant agrees that it will take no action seeking compliance with non-Federal laws to the extent such laws conflict with applicable Federal laws.

IN WITNESS WHEREOF, the parties hereto have duly executed this lease in duplicate the day and year first above written.

TENANT
Friends of Andrew Yang, NPC

LANDLORD
City Of Sioux City Iowa

By: _____
Name: _____
Title: _____

By: _____
Name: Robert Padmore
Title: City Manager

<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: October 21, 2019 **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. Jim's, 4503 Stone Avenue (Renewal)
2. **SPECIAL CLASS C LIQUOR LICENSE** (wine/beer/wine coolers/carry-out)
 - A. Elfredos Heartland Pizza, 523 West 19th Street (New)

B. OFF PREMISE SALES

SUBJECT:

1. **CLASS B WINE PERMIT** (wine only)
 - A. Sam's Mini Mart, 923 West 7th Street (Renewal)
2. **CLASS C BEER PERMIT** (beer/wine coolers)
 - A. Abarrotes Aguilar, 1001 Court Street (Renewal)
 - B. Braunger Steak Co., 1436-1440 Hamilton Boulevard (Renewal)
 - C. Hy-Vee Gas No. 3, 3333 Gordon Drive (Renewal)
 - D. Sam's Mini Mart, 923 West 7th Street (Renewal)
 - E. Sarg's Mini Mart, 3407 Glenn Avenue (Renewal)
3. **CLASS E LIQUOR LICENSE** (liquor only)
 - A. Sam's Mini Mart, 923 West 7th Street (Renewal)

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests and recommends approval of the above Beer and Liquor License.

DISCUSSION:

Fire Code Inspections were completed; Building, Electrical, Mechanical, and Plumbing Inspections were performed; and Zoning Code has been verified for the above applicant, no violations were found unless otherwise noted.

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 establishment were reviewed and the Police Department recommends

approval for the applicant unless otherwise noted.

FINANCIAL IMPACT:

The percentage 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 \$109,753.48 in FY2019.

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 1, 2019

The regular meeting of the Building and Housing Code Board was held on Tuesday, October 1, 2019, 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>
Barney Pottebaum	Matt Thompson	Darrel Bullock	
Kim Willer		Code Enforcement Manager	
Doug Rose		Tiffany Bonnes	
Mark Corbin		Secretary	
Dennis Dufault			
Willie Delfs			
Steve Bruening			
Ron Speckman			

The meeting was called to order by Barney. Motion was made by Kim and seconded by Mark to recommend approval of the minutes of the July 2, 2019, meeting. All members present voted “aye,” and the motion was carried.

Old Business

No old business.

New Business

A member of the City Council has talked to Darrel about having permits required for every roof being put on in the City. Darrel is investing and gathering facts on this issue, including what surrounding cities and towns require in their municipalities. He will bring his findings to the Council and present the feedback from the Council to the Board.

Darrel introduced our Plumbing Inspector Dan Roder and our new Mechanical Inspector Todd Evans.

The Board talked about the adoption of the 2018 Plumbing and Mechanical Code. A link to the new code and changes in the new code was emailed to Board members. The State of Iowa is working on getting the new Code adopted and as a municipality, we are required to follow State Code, unless our code is more restrictive. Ways of passing the information on the new code to the contractors was discussed. Options include talking to the contractors, emailing contractors, posting the information at the whole sale houses, giving the info out when permits are applied for, or including the information with monthly statements. The State’s effective date was September 18, 2019, with a six-month grace period. We will take the new code to the City Council for approval on October 21, 2019, since the City usually updates the Municipal Code at the same time the State updates their code. A motion was made by Dennis and seconded by Mark to adopt and move forward to the City Council the new 2018 Plumbing and Mechanical Code as adopted by the State of Iowa. All members present voted “aye,” and the motion was carried.

A new energy code is being discussed on the National level and also on the State level.

The First Class Stationary Engineer License application for Howard McDole was reviewed. Motion was made by Dennis and seconded by Kim that Howard McDole could move forward to take the exam. All members present voted “aye,” motion carried.

The vacancy report for the Board was discussed.

Darrel also talked about where he was at in the process of getting the license ready for monitoring boilers. Our previous Mechanical Inspector was working with Western Iowa Tech with setting up the on-line class requirements for the license, including the curriculum with tests and quizzes and also instructional videos. Our new Mechanical Inspector is going to help finish the development of this course.

With no further business to discuss, a motion made by Kim and seconded by Ron to adjourn the meeting at 8:36 a.m. All members present voted "aye," and the motion was carried.

Barney Pottebaum, Chairperson

Darrel Bullock, Code Enforcement Manager,
Inspection Services Division



**PARKS & RECREATION
ADVISORY BOARD
MINUTES
OCTOBER 2, 2019**

A meeting of the Parks and Recreation Advisory Board was held at 4:00 p.m., Long Lines Family Rec Center, 401 Gordon Drive, Sioux City, Iowa.

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>	<u>OTHERS</u>
Cindy Brewer	Matt Salvatore	
Kathryn Pfaffle	Brittany Scott	
Scott Brouillette	Todd Lien	
Sara Wiedenfeld	Bill Lane	
Gretchen Baller	Eric Griffith	
Raymond Thomas	Angel Wallace	
Brad Krommenhoek	Kelly Bach	
	John Byrnes	
<u>MEMBERS ABSENT</u>		
Fran Palmersheim		
Andrew Glisar		

1. CALL OF THE ROLL

Meeting was called to order by Brewer at 4:00 p.m.

Krommenhoek and Byrnes entered the meeting at 4:02 pm.

2. READING OF THE MINUTES OF SEPTEMBER 4, 2019

Reading of the minutes of September 4, 2019, was waived and on motion by Wiedenfeld, seconded by Baller, to approve the minutes; all voting aye.

3. COMMUNITY INTEREST AND CONCERNS

There were no concerns reported.

4. PARKS AND RECREATION FEES

Pfaffle entered the meeting at 4:03 pm.

Griffith outlined the various changes and increases in fees which includes the following:

- Low Income Requirement - provide a valid notice of decision letter from DHS to prove low income status.
- Shelters - remove the bounce house fee and increase shelter rentals by \$5. The yearly average of rentals is 200.
- Sertoma Park - change the shelter rental fee to be consistent with all other shelters.
- Cone Park - add \$75 minimum fee for alcohol during a private rental; add pre-season rates for private rentals; add a private rental session on Friday (9 pm – 11 pm) \$750;

add holiday hours fee of \$10; and change the group fee by removing “non-profit” and call it “group fee for fundraisers”.

Brewer questioned closing for an exclusive party on a Friday night. Byrnes said the attendance on a Friday night averaged 30 people.

Bach entered the meeting at 4:04 pm.

Motion by Krommenhoek, seconded by Baller, to approve the fees as presented; all voting aye.

5. SIOUX CITY MARATHON

Thomas stated a local group wants to bring back the marathon event. It would be different than in the past. With all the new trails, it is ideal for this event. The City is flat, picturesque, with a great tri-state location. It is a significant event to coordinate; and, they are in the early stages of planning.

Brewer asked when they plan to hold it. Thomas noted possibly in a year on Saturday or Sunday. Salvatore suggested forming a committee. He stated he will organize a few key City staff members while Thomas can organize interested public members for the committee.

Brouillette suggested tag team the marathon with another event. He questioned how many runners participate in a marathon. Thomas responded 1,500 for a full marathon and 3,000 for a half marathon. Lane added it's not just a race; it's a community event.

6. CONE-ACOPIA FALL FEST UPDATE

Byrnes reported the Facebook event went out last week, and there have been 1,200 people who are interested. The event will be held one week from this Sunday. The volunteer pool needs individuals. They are needed from 9 am - 10 am for the Monster Dash. Bach said to place a barricade on the trail to the tower to guide the runners instead of having a volunteer stand there during the race. Brouillette said he can volunteer.

Brouillette asked if the event is pet friendly. Byrnes said it will be allowed as long as the pet is on a leash per City Park ordinance.

7. PARKS AND RECREATION BOARD CONCERNS

Cone Park – Salvatore stated Parks Maintenance staff recently regraded the bunny hill. The parking lot is almost complete.

Joint Meeting – The joint meeting of the Parks Board and City Council will be held on October 23 at noon in the Long Lines Family Rec Center.

Parks Board – The November meeting has been canceled. The December meeting will be held at its regularly scheduled date and time, December 4 at 4 pm. The January meeting date and time will be announced. Smithgroup will be giving an update on the Riverfront design.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:37 p.m., on motion by Baller, seconded by Wiedenfeld; all voting aye.



**SIOUX CITY SPORTS COMMISSION
MEETING MINUTES
October 9, 2019**

A meeting of the Sioux City Sports Commission (SCSC) was held at 12:0 p.m. at Brightside Café, 525 4th Street, Sioux City, IA 51101.

<u>BOARD PRESENT</u>	<u>STAFF PRESENT</u>	<u>OTHERS PRESENT</u>
Tim Seaman	Rhonda Capron, City Council	Tim Savona, Spectra
Spero Vlahoulis	Pete Groetken, City Council	Ace Leiting, Midwest Darts/Pool
Karrie Hruska		
<u>BOARD ABSENT</u>	<u>STAFF ABSENT</u>	
Tom Betz	Bob Scott, Mayor	
Jeff Carlson		

1. CALL OF THE ROLL
2. Reading of the minutes for September 18, 2019, was waived and on motion by Seaman, seconded by Groetken, the minutes were approved as presented; all voting aye.
3. Vlahoulis said that the FY2019 Final Payment of \$12,500 was received on October 4. FY2019 is now complete. FY2020 contracts will be sent in coming weeks.
4. Ace Leiting from the Midwest Darts/Pool Championship requested to speak on behalf of the Midwest Dart/Pool Championship. Leiting thanked the board for the FY2020 grant amount. The dart tournament will be held the first weekend in February at the Sioux City Convention Center/Courtyard Hotel and they anticipate 700 people with approximately 90% of the participants being from out of town for the two night/three day event.
5. Next meeting is scheduled for November 13, 2019 at 12 pm at Tyson Events Center.
6. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:45 p.m., on motion by Seaman seconded by Vlahoulis; all voting aye.

<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: October 21, 2019 **ACTION ITEM #** 16

FROM: Jeff Hanson, Community Development Operations Manager (EJB)

SUBJECT: **Hearing and Ordinance vacating all that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys. (Petitioner: Jean Barr). The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0062).**

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
---------------------	---	---	---	--

RECOMMENDATION:

Staff respectfully requests the City Council approve the requested alley vacations, subject to the following findings.

Planning and Zoning Commission:

Agenda Item 2019-0062: Requested vacation of all that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys. (Petitioner: Jean Barr)

Erin Berzina presented the requested vacation, stating the original request was only for the east/west alley adjacent to 1213 South Royce Street. To prevent a dead-end alley, staff recommended adding the north/south alley adjacent to 4014 Stone Avenue. The petitioner proposes to purchase only a portion of the east/west alley adjacent to her property. The subject areas to be vacated are not used in the transportation system and are overgrown with trees and brush. Some surrounding property owners have voiced concerns that they will be landlocked or have insufficient access because of this vacation. Berzina stated that due to insufficient access to adjacent backyards, staff recommends denial of this vacation.

Geary asked if it was standard practice to recommend denial due to complaints. Berzina stated that the denial was based on a determination of insufficient access. O'Neill asked if the access issue would be solved if the abutting property owners purchased the one-half of the vacated alley offered to them. Berzina stated that it could and that each adjacent property owner is offered eight (8) feet of the vacated alley. Berzina also stated that may not be enough space to get large landscaping equipment into the area. O'Neill stated she doesn't think it is right to deny the vacation based on the reasons stated in the staff report. She stated that if no one chooses to buy the vacated alleys, they can still be used but are not maintained by the city any longer. Geary agreed.

Jean Barr, Petitioner, (1213 South Royce Street, Sioux City, Iowa) spoke on the vacation. Barr stated she currently maintains the property with little to no help from her neighbors. She stated if the alley is vacated and she purchases her portion of the east/west alley, she will be able to better maintain the property which will improve the appearance of her property.

Ron Howard (1210 South Saint Aubin Street) spoke in opposition to the item. He stated that one main area of concern is losing access to his backyard the two (2) or three (3) times a year he needs access for landscaping purposes. His other concern is that any grading changes to the north/south alley may have negative effects. Mr. Howard stated that his property sits much higher than the other properties and he doesn't want to have any problems if his property is draining into someone else's property and starts causing an issue.

O'Neill (Coleman) moved to approve item 2019-0062. Motion carried. 5-0-0 (Yes: Geary, Stewart, Bostinelos, O'Neill, Coleman, No: 0 Abstain: 0).

Findings of Fact:

- 1) It is the City's policy to vacate and dispose of unneeded rights-of-way.
- 2) By vacating and disposing of the subject right of way, access would not be denied to property owners.
- 3) Four adjacent neighbors responded with concerns of access to their backyards as a result of this vacation request.
- 4) The Planning and Zoning Commission determined that the petitioner's proposal conforms to the minimum Municipal Code requirements.

Recommended Conditions of Approval:

- 1) None.

DISCUSSION:

See Analysis

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility: Quality of Life.
Focus Area: Enhance Public/Private Partnerships.

ALTERNATIVES:

None.

ATTACHMENTS:

- Attachment A: Ordinance
- Attachment B: General Area Map
- Attachment C: Notification Map
- Attachment D: Written Responses
- Attachment E: Site Photos
- Attachment F: Application

BACKGROUND REPORT:

The petitioner, Jean Barr, requests to vacate all that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys. The subject property requested for vacation is approximately five thousand and fifty-six (5,056) square feet. The proposal will allow for the petitioner to add a portion of the subject area to her respective property. A general area map is enclosed for your review.

ANALYSIS:

As stated, the petitioner requests to vacate all that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys. The east/west alley proposed to be vacated is approximately 16' x 150', the north/south alley is approximately 16' x 150', and the alley intersection is approximately 16' x 16'. The petitioner only proposes to purchase a portion of the east/west alley and the intersection adjacent to her property as city policy allows to maintain and improve the appearance of the area. In order to remedy a north/south, dead-end alley, staff recommended adding the north/south alley as part of the proposed area to be vacated. The petitioner is not eligible to purchase the north/south alley portion of the subject vacation area nor does she wish to do so. The north/south alley section will be offered for sale only to the adjacent property owners at 4008 Stone Avenue, 4014 Stone Avenue, and 1210 South Saint Aubin Street. The subject north/south alley is currently inaccessible from the south end, as the south half of the alley has already been vacated and sold. The subject vacation area is overgrown with trees and brush. The proposed areas to be vacated are unimproved and not used in the transportation system. Surrounding property owners have expressed concerns that they will have insufficient access to their backyards as a result of this vacation. The petitioner wishes to add a portion of the east/west alley to her property and may install a fence after the subject area is vacated and sold. Three written responses from the mailed notification were received and are attached below. An adjacent property owner at 1210 South Saint Aubin Street spoke at the Planning and Zoning Commission meeting in opposition of vacating the north/south alley with concerns of accessing his backyard via Stone Avenue if the portion of the north/south alley north of his home is sold to the property owners of 4008 Stone Avenue and 4014 Stone Avenue. If the portion of north/south alley in between 4008 Stone Avenue and 4014 Stone Avenue is sold to those respective property owners, 1210 South Saint Aubin Street would have no public right-of-way access to the backyard. However, the property owners of 4008 Stone Avenue and 4014 Stone Avenue have expressed no interest in purchasing the adjacent alley if vacated, so the vacated alley would remain a city-owned parcel.

The following criteria are used to determine whether to vacate rights-of-way:

- *Cities may vacate streets and alleys but must consider the interests of the public.*
Public notice was mailed to properties within two hundred (200) feet, excluding rights-of-way. Four responses from adjacent property owners, one in-person and three in writing, were received as a result of the vacation notification.
- *Streets and alleys should not be vacated for the benefit of private persons if it will probably seriously inconvenience the public.*
The subject vacation area is partially impassable, not a viable street or alley, and is not currently used in the transportation system. Access to backyards may be affected by the vacation and sale of the subject vacation area, but no primary accesses to adjacent properties are eliminated.
- *The vacation of a street or alley should not deprive the complaining property owner of convenient and reasonable access to or from his property to a substantial degree.*

Three written responses have been received from the notification. The property owner at 4008 Stone Avenue may be satisfied with an access easement with the petitioner to access her backyard when needed. The property owner at 4014 Stone Avenue is opposed to the request and may have a landscaping company perform work and remove trees in her backyard, which would require access from the east/west alley portion of the vacation area due to the terrace in her backyard. The property owner at 4008 Stone Avenue is opposed to the request to vacate the north/south alley with the misunderstanding that the alley would be sold to the petitioner; however, city policy only allows adjacent property owners the opportunity to purchase right-of-way abutting their property and the petitioner would not be allowed to purchase that portion of the north/south alley.

- *The City Council must determine whether the street or alley is necessary for public use and convenience and whether they are sufficiently traveled to justify maintenance at public expense.*

The vacation area is unimproved and partially inaccessible. The vacation will not impact the transportation system.

- *The right to reasonable ingress and egress to abutting properties may not be totally destroyed; however, as long as one reasonable means of ingress and egress to a lot remains it is not so adversely affected.*

The subject vacation does not eliminate access to any abutting properties, as the adjacent properties have primary access points on Stone Avenue and South St. Aubin Street. Access to backyards may be adversely affected.

- *Non-abutting owners have far less standing to challenge a vacation.*

No comments were received from non-abutting property owners.

EXISTING ZONING AND LAND USE:

NC.4; Single-family Residential

EXISTING ZONING REQUIREMENTS:

The NC.4 district is meant for a variety of housing types in a mixed housing neighborhood.

PROPOSED ZONING REQUIREMENTS:

N/A

SURROUNDING ZONING AND LAND USE:

North: PI; Public and Institutional

South: NC.4; Single-family Residential

East: NC.4; Single-family Residential

West: NC.4; Single-family Residential

DEPARTMENT COMMENTS

MidAmerican Energy – Gas Division: “No comments.”

MidAmerican Energy – Electric Division: “No conflicts. There are existing overhead lines in north/south alley MidAmerican will require that an easement is maintained. Any required relocations of our facilities would subject to reimbursement.”

MidAmerican Energy – Right of Way Agent: “MidAmerican will need to reserve easement rights in the alley as we have facilities that will remain in place if that alley is vacated. If this request passes, please make sure the city puts language in the alley vacation document that Public Utilities still have their rights to the alley in order to replace, repair, maintain, and access our facilities for that neighborhood infrastructure.”

COMPREHENSIVE PLAN:

The 2005 Comprehensive Plan indicates this area as “Urban Residential.” “Urban Residential” is defined as older areas of higher density where infill and redevelopment are in forms and densities similar to existing urban development types and densities within these areas. This category may include a mixture of housing styles and types including single family, townhomes, duplexes, and apartment houses.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:

The subject property is not located in an active urban renewal, urban revitalization, or TIF district.

SUBAREA / CORRIDOR PLAN:

The subject property is not located in a subarea or corridor plan.

FLOOD PLAIN:

The subject property is not located in a flood plain.

CITIZEN RESPONSE:

Twenty-four (24) notices were sent within the required timeframe. Three responses were received and are noted in Attachment C.

ATTACHMENT A

ORDINANCE

Prepared by: Nicole M. DuBois, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6318
After recording return to: City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

ORDINANCE NO. 2019 - _____

ORDINANCE VACATING ALL THAT PART OF THE EAST/WEST ALLEY ADJACENT TO 1213 SOUTH ROYCE STREET AND THE NORTH/SOUTH ALLEY ADJACENT TO 4014 STONE AVENUE, INCLUDING THE INTERSECTION OF THE ALLEYS.

WHEREAS, the City of Sioux City, Iowa, owns and has heretofore dedicated the following described public right-of-way within the City of Sioux City, Woodbury County, Iowa, legally described as follows:

All that part of the east/west alley, abutting Lots 4-7, and the north/south alley abutting Lots 3-4, including the intersection of said east/west and north/south alleys, all in Block 2, Cheney's Addition to Sioux City, Iowa, in County of Woodbury and State of Iowa. Contains approximately 5,056 square feet more or less; and

WHEREAS, the Sioux City Planning and Zoning Commission has conducted a hearing on the proposed vacation and submitted a recommendation to the City Council relative thereto; and

WHEREAS, the City Council has conducted a public hearing on the proposed vacation of the above described property; and

WHEREAS, the City Council finds that said property is no longer necessary for public use and of no benefit to the public and there is no reason to believe that the same will be necessary for use by the public in the future and that vacation thereof will be for the public good.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: That the above described public right-of-way located within the City of Sioux City, Woodbury County, Iowa, be, and the same is hereby vacated.

Section 2: That any and all other ordinances of the City of Sioux City, Woodbury County, Iowa, in conflict herewith, be, and the same are to the extent of such conflict hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Office of the City Clerk, City of Sioux City, Iowa: State of Iowa, Woodbury County, ss:

The undersigned does hereby certify the foregoing is a correct copy of Ordinance No. 2019-_____ adopted by the City Council of Sioux City on _____, 2019. Signed this _____ day of _____, 2019.

Lisa L. McCardle, City Clerk

I hereby certify that a summary of the foregoing was published in the Sioux City Journal on October 26, 2019

Lisa L. McCardle, City Clerk

ORDINANCE VACATING ALL THAT PART OF THE EAST/WEST ALLEY
ADJACENT TO 1213 SOUTH ROYCE STREET AND THE NORTH/SOUTH
ALLEY ADJACENT TO 4014 STONE AVENUE, INCLUDING THE
INTERSECTION OF THE ALLEYS.

This is a summary of Ordinance Number 2019-_____ passed by the Sioux City City Council on _____, 2019 and is effective today. A complete copy of the ordinance is available at the office of the City Clerk in City Hall, 405 6th Street, Sioux City, Iowa, Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance vacates the following described public right of way within the City of Sioux City, Woodbury County, Iowa:

All that part of the east/west alley, abutting Lots 4-7, and the north/south alley abutting Lots 3-4, including the intersection of said east/west and north/south alleys, all in Block 2, Cheney's Addition to Sioux City, Iowa, in County of Woodbury and State of Iowa. Contains approximately 5,056 square feet more or less.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _____, 2019.

**NOTICE OF HEARING ON PROPOSAL TO VACATE PUBLIC
RIGHT-OF-WAY OWNED BY CITY OF SIOUX CITY**

NOTICE is hereby given that there is now on file in the office of the City Clerk located at the Customer Service Center on First Floor of City Hall, 405 6th Street, Sioux City, Iowa, an Ordinance under and by virtue of which it is proposed to vacate the following described real estate in Sioux City, Iowa:

All that part of the east/west alley, abutting Lots 4-7, and the north/south alley abutting Lots 3-4, including the intersection of said east/west and north/south alleys, all in Block 2, Cheney's Addition to Sioux City, Iowa, in County of Woodbury and State of Iowa. Contains approximately 5,056 square feet more or less.

(All that part of the east/west alley adjacent to 1213 South Royce Street and the north/south alley adjacent to 4014 Stone Avenue, including the intersection of the alleys) (2019-0062)

That said Ordinance and proposal to vacate said real estate will come on for final hearing and action before the City Council in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, on October 21, 2019, at the council meeting commencing at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered. At said hearing interested persons may appear and be heard for or against said proposed vacation.

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal October 14, 2019

ATTACHMENT B

GENERAL AREA MAP



SIoux CITY

City of Sioux City Planning Division

Disclaimer of Liability: (Sioux City and Woodbury Co. GIS System)
The Customer understands and acknowledges that the Products and information contained therein are subject to constant change and that its accuracy cannot be guaranteed. Sioux City & Woodbury Co. make no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of such Products, or accept any liability arising from any incorrect, incomplete or misleading information contained therein.

N
W E
S

ATTACHMENT C
NOTIFICATION MAP



City, IA 51102, Call (712) 279-6340, Fax (712) 224-5218, or e-mail
planzone@sioux-city.org.

Your Name: Carla Whitehead Agenda Date: 9/10/2019

Address: 4020 Stone Ave Agenda Item No.: 2019-0062
Sioux City IA, 51104

Your Comments Regarding This Item: I live on corner of Stone
& Royce, that alley runs east and west I would like
easement on forly access to back yard & garden
tilted, only exit when Stone has school traffic
if I park there if I have appointments. I have lived at
4020 Stone since 1978, have always shared maintance
so I would need easement in writing
Thank you

Agenda: 2019-0062

September 4, 2019

Property/north-south ally between 4008 Stone Avenue and 4014 Stone Avenue petitioned to be vacated and added to the property of Jean Barr (homeowner at 1213 S. Royce Street)...

Should the petitioner believe she needs access to her property through the above named ally, her focus should be the ally south rather than north. Since her home is not directly on this ally, we have no interest in allowing this petition to be allowed.

Richard and Louanne Zortman 4008 Stone Ave

Richard 

ATTACHMENT E

SITE PHOTOS

East/west Alley, looking west



North/south alley, looking south (photo 1)



North/south alley, looking south (photo 2 – close-up)



North/south alley, looking north



ATTACHMENT F

APPLICATION

Date Received: 8.14.19

19-062

Date Recorded: _____
Initials: LC

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 <u>JEAN BARR</u>					
Street Address <u>1213 S. ROYCE ST</u>					
City	<u>SIOUX CITY</u>	State	<u>IA</u>	ZIP	<u>51106</u>
Phone	<u>(712) 389-5308</u>	E-mail Address			
Petitioner's interest in the property	Owner <input checked="" type="checkbox"/>	Contract Buyer <input type="checkbox"/>	Architect <input type="checkbox"/>	Engineer <input type="checkbox"/>	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)

--

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 checked="" 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 type="checkbox"/> Preliminary/Final Plat

SIGNATURE

Property Owner's Signature: <u>Jean Barr</u>	Application Date: <u>8/14/19</u>
--	----------------------------------

*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/sioux-city-ia/index.aspx>. See *Subsection 25.06.070* for the complete review procedures.

For Office Use Only

File Number:

Staff Reviewer:

PAID
8/14/19 ✓ #2778 \$275.00

CITY OF SIOUX CITY

Application for a Vacation or Easement of Public Ground
 (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	City of Sioux City.	
Street Address	1213 S. Royce St.	
Zoning District		Lot Area
Existing Use	Alley	

REQUEST

Requested Approval	<input type="checkbox"/> Vacation of public ground (\$275 filing fee)	<input type="checkbox"/> Easement of public ground (\$275 filing fee)	<input type="checkbox"/> Easement clearing title (\$300 filing fee)
Existing Use	<input type="checkbox"/> Public street	<input checked="" type="checkbox"/> Public alley	<input type="checkbox"/> Other public ground

WRITTEN STATEMENT OF REQUEST

Describe the reason for requesting a vacation or easement, including why the subject property is not needed for the public:

FOR IMPROVEMENTS SUCH AS WEED CONTROL, LANDSCAPING AND AESTHETIC APPEAL

INFORMATION CHECKLIST

- N/A A survey by a Certified Land Surveyor licensed in the State of Iowa if necessary to describe the property.
- A completed offer to purchase the entire legally described vacation unless an abutting property owner requests to purchase the half abutting their property. Please include the contact information of purchaser if requesting vacation.
- A general area map showing the subject area and request.
- Completed Applicant Profile Form
- Filing fee of \$275 for vacations and easements, \$300 for an easement clearing title.

SIGNATURE


Owner/Petitioner's Signature:	<i>Jean Barr</i>	Application Date:	8/14/19
-------------------------------	------------------	-------------------	---------

*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>

For Office Use Only

File Number:

Staff Reviewer:

 **Beacon**™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Parcels

Date created: 8/28/2019
Last Data Uploaded: 7/10/2019 7:01:24 PM

Developed by  **Schneider**
GEOESPATIAL

<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: October 21, 2019 **ACTION ITEM #** 17

FROM: Brent D. Nelson AICP, Senior Planner

SUBJECT: **Hearing and Ordinance vacating that portion of West Street lying between West 1st Street and the east/west alley approximately 100 feet north of Highland Avenue. (Petitioner: Mark Baker) The Planning and Zoning Commission recommends approval of this item. (File 2019-0072).**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that Council concur with the Planning and Zoning Commission and approve the subject vacation based on the following findings;

Agenda Item 2019-0072: Requested vacation of all that portion of West Street from West 1st Street south to the north/south alley 100± feet north of Highland Avenue. (Petitioner: Mark Baker)

Brent Nelson presented the vacation. Nelson stated this street is not needed in the City's transportation system, is of substandard width, unpaved, excessively steep, and a maintenance issue for the City street crews. Stewart asked if there were any responses from the notices. Nelson stated there were six (6) responses from the neighbors; all in favor of the proposed vacation.

Mark Baker, Petitioner (1700 West 1st Street, Sioux City, Iowa) explained the main reason he would like to obtain this property is to add to his current yard. He would also like to prevent anyone from driving on the property because he feels it is a safety issue for the kids. Nelson stated, until the City can replace the curb, a barricade can be put in place to eliminate traffic.

Bostinelos (Stewart) moved to approve the item 2019-0072 as presented. Motion carried. 5-0-0 (Yes: Geary, Stewart, Bostinelos, O'Neill, Coleman, No: 0 Abstain: 0).

Findings of Fact:

- 1) The street is not needed in the City's transportation system
- 2) The street is of substandard width, unpaved, excessively steep, and a maintenance issue for City street crews.

Recommended Conditions of Approval:

- 1) None

DISCUSSION:

See Analysis

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility: Quality of Life.

Focus Area: Enhance Public/Private Partnerships.

ALTERNATIVES:

1) None.

ATTACHMENTS:

Attachment A: Ordinance Vacating

Attachment B: General Area Map

Attachment C: Notification List

Attachment D: Site Photo

Attachment E: Application

BACKGROUND REPORT:

The petitioner, Mark Baker, requests to vacate all that part of West Street from West 1st Street south to the north/south alley 100± feet north of Highland Avenue. A general area map is enclosed for your review.

ANALYSIS:

This portion of West Street was originally platted as part of the Sioux City Davis Subdivision in March of 1882. West Street was originally named Estee Street. The street was renamed to "West Street" in 1911 (Ordinance H-1108). That Ordinance renamed several hundred streets in Sioux City.

This portion of West Street lays between Blocks 25 and 26 in Sioux City Davis Addition. It is platted at only 26.5-foot wide (east to west) and 155-foot north to south. It is very steep; about a 15% grade, but levels out south of the alley.

The street is gravel and the driven way largely runs from right-of-way line to right-of-way line. It is depressed into something of a "channel" with dirt "banks" three to four feet straight up and down on most of the east side. The Petitioner has landscaped the transition from his property to the right-of-way on the west side. Though a portion of the street is graveled and periodically graded by the City, the City's Street Superintendent notes that the street is a maintenance problem and vacation would relieve the City of maintenance issues.

The following criteria are used to determine whether to vacate rights-of-way:

- *Cities may vacate streets and alleys but must consider the interests of the public.*
Public notice was mailed to properties within two hundred (200) feet, excluding rights-of-way. Six responses from surrounding properties have been received.
- *Streets and alleys should not be vacated for the benefit of private persons if it will probably seriously inconvenience the public.*

The subject vacation area is not a viable street or alley, and is not heavily used in the transportation system.

- *The vacation of a street or alley should not deprive the complaining property owner of convenient and reasonable access to or from his property to a substantial degree.*
Six responses have been received in favor of the proposed vacation from the notification.
- *The City Council must determine whether the street or alley is necessary for public use and convenience and whether they are sufficiently traveled to justify maintenance at public expense.*
The vacation will not impact the transportation system.
- *The right to reasonable ingress and egress to abutting properties may not be totally destroyed; however, as long as one reasonable means of ingress and egress to a lot remains it is not so adversely affected.*
The subject vacation does not eliminate access to any abutting properties.
- *Non-abutting owners have far less standing to challenge a vacation.*
Six responses have been received in favor of the proposed vacation from the notification.

SURROUNDING ZONING AND LAND USE:

North: NC.4; West 1st Street and single-family residences
South: NC.4; Highland Avenue, single family residences and vacant
East: NC-4; Vacant
West: NC-4; Single family residence

DEPARTMENT COMMENTS

MidAmerican – Gas: There are existing natural gas facilities in the west right-of-way of the north-south portion of West Street, MidAmerican will require that an easement is maintained. Any required relocations of our facilities would subject to reimbursement.

COMPREHENSIVE PLAN:

The 2005 Comprehensive Plan indicates the subject property as “Urban Residential”.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:

The subject property is not located in an urban renewal area.

SUBAREA / CORRIDOR PLAN:

The subject property is not located in an area covered by a Subarea Plan.

FLOOD PLAIN:

The subject property is not located in a flood plain.

CITIZEN RESPONSE:

Thirty-three notices were sent within the required timeframe. Six neighbors from the immediate area called requesting that the vacation be approved.

ATTACHMENT A
ORDINANCE VACATING

Prepared by: Nicole M. DuBois, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6318
After recording return to: City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

ORDINANCE NO. 2019 - _____

ORDINANCE VACATING THAT PORTION OF WEST STREET LYING
BETWEEN WEST 1ST STREET AND THE EAST/WEST ALLEY
APPROXIMATELY 100 FEET NORTH OF HIGHLAND AVENUE

WHEREAS, the City of Sioux City, Iowa, owns and has heretofore dedicated the following described public right-of-way within the City of Sioux City, Woodbury County, Iowa, legally described as follows:

West Street (originally platted as Estee Street) lying between Lot 1, Block 25, and Lot 7, Block 26, all in Sioux City Davis Addition to Sioux City, Woodbury County, Iowa; and

WHEREAS, the Sioux City Planning and Zoning Commission has conducted a hearing on the proposed vacation and submitted a recommendation to the City Council relative thereto; and

WHEREAS, the City Council has conducted a public hearing on the proposed vacation of the above described property; and

WHEREAS, the City Council finds that said property is no longer necessary for public use and of no benefit to the public and there is no reason to believe that the same will be necessary for use by the public in the future and that vacation thereof will be for the public good.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: That the above described public right-of-way located within the City of Sioux City, Woodbury County, Iowa, be, and the same is hereby vacated.

Section 2: That any and all other ordinances of the City of Sioux City, Woodbury County, Iowa, in conflict herewith, be, and the same are to the extent of such conflict hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Office of the City Clerk, City of Sioux City, Iowa: State of Iowa, Woodbury County, ss:

The undersigned does hereby certify the foregoing is a correct copy of Ordinance No. 2019-_____ adopted by the City Council of Sioux City on _____, 2019. Signed this _____ day of _____, 2019.

Lisa L. McCardle, City Clerk

I hereby certify that a summary of the foregoing was published in the Sioux City Journal on October 26, 2019

Lisa L. McCardle, City Clerk

ORDINANCE VACATING THAT PORTION OF WEST STREET LYING
BETWEEN W. 1ST STREET AND THE EAST/WEST ALLEY APPROXIMATELY
100 FEET NORTH OF HIGHLAND AVENUE

This is a summary of Ordinance Number 2019-_____ passed by the Sioux City City Council on _____, 2019 and is effective today. A complete copy of the ordinance is available at the office of the City Clerk in City Hall, 405 6th Street, Sioux City, Iowa, Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance vacates the following described public right of way within the City of Sioux City, Woodbury County, Iowa:

West Street (originally platted as Estee Street) lying between Lot 1, Block 25, and Lot 7, Block 26, all in Sioux City Davis Addition to Sioux City, Woodbury County, Iowa.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _____, 2019.

NOTICE OF HEARING ON PROPOSAL TO VACATE PUBLIC

RIGHT-OF-WAY OWNED BY CITY OF SIOUX CITY

NOTICE is hereby given that there is now on file in the office of the City Clerk located at the Customer Service Center on First Floor of City Hall, 405 6th Street, Sioux City, Iowa, an Ordinance under and by virtue of which it is proposed to vacate the following described real estate in Sioux City, Iowa:

West Street (originally platted as Estee Street) lying between Lot 1, Block 25, and Lot 7, Block 26, all in Sioux City Davis Addition to Sioux City, Woodbury County, Iowa.

(That portion of West Street lying between W. 1st Street and the east/west alley approximately 100 feet north of Highland Avenue) (2019-0072)

That said Ordinance and proposal to vacate said real estate will come on for final hearing and action before the City Council in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, on October 21, 2019, at the council meeting commencing at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered. At said hearing interested persons may appear and be heard for or against said proposed vacation.

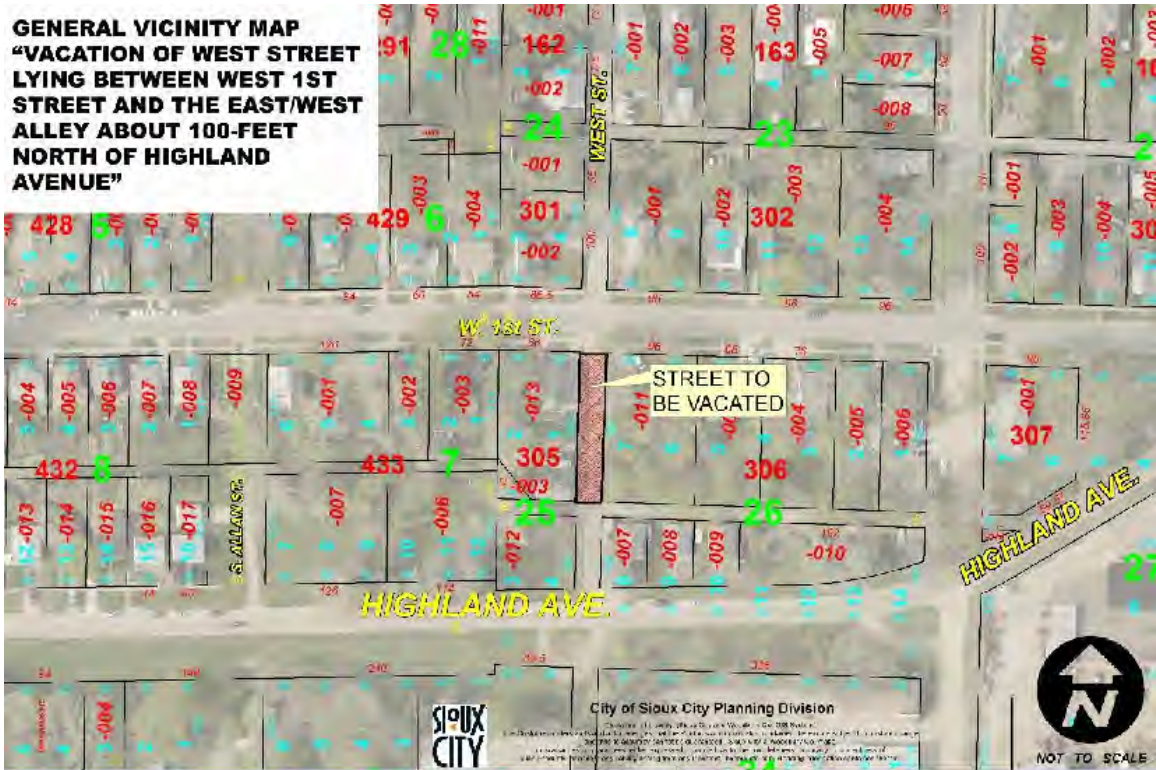
CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal October 14, 2019.

ATTACHMENT B

GENERAL AREA MAP



ATTACHMENT C
NOTIFICATION LIST

ARGUELLO CHRISTOPHER D ARGUELLO MELINDA E	1603 W HIGHLAND AVE	SIOUX CITY IA 51103-4803
BAKER MARK H	1700 W 1ST ST	SIOUX CITY IA 51103
BUDDI STEPHEN R BUDDI DIANA LEE	1610 W 2ND ST	SIOUX CITY IA 51103
CRAIG JODIE L	1627 W HIGHLAND AVE	SIOUX CITY IA 51103
DAVIS CLIFFORD T DAVIS JULIA K	117 WEST ST	SIOUX CITY IA 51103
DE LEON JORGE DE LEON MARIANA	1620 W 2ND ST	SIOUX CITY IA 51103
DELOSSANTOS ALFREDO	1724 W 2ND ST	SIOUX CITY IA 51103
DERBENBERG PROPERTIES LLC	3310 MILITARY RD	SIOUX CITY IA 51103
FERRINI JOSEPH A	1712 W 1ST ST	SIOUX CITY IA 51103
GLAU DAVID D	2523 JENNINGS ST	SIOUX CITY IA 51104
GODBERSEN MARTIN C	1615 W 1ST	SIOUX CITY IA 51103
GROETKIN FRANCIS D GROETKIN LINDA M	PO BOX 1374	SIOUX CITY IA 51102-1374
HALL JUDY K	1725 W 1ST ST	SIOUX CITY IA 51103
HARGROVE VIRGINIA H	2210 S ST AUBIN ST	SIOUX CITY IA 51106-2803
HERNANDEZ ISIDRO PEREZ CHERON ANA LILIA	1719 W 1ST ST	SIOUX CITY IA 51103
JARABEK DON I JARABEK NANCY R	1801 W 1ST ST	SIOUX CITY IA 51103
KNUTSON RICKY D KNUTSON BONNIE S	1616 W 1ST ST	SIOUX CITY IA 51103
LAURSEN GEORGE DENNIS	314 S PRESCOTT ST	SIOUX CITY IA 51103
MANTILLA JOSUE RODRIGUEZ	1714 W 1ST ST	SIOUX CITY IA 51103
MILLER HOLLY	1717 W 2ND ST	SIOUX CITY IA 51103
NAVA DIANA ARACELY MARTINEZ	1618 W 1ST ST	SIOUX CITY IA 51103-4203
ORR TERRY	1623 W HIGHLAND AVE	SIOUX CITY IA 51103
PALMA ABRAHAM PALMA JEANNETTE	PO BOX 2113	SIOUX CITY IA 51103
PAULSEN JOHN R JR	1704 W 2ND ST	SIOUX CITY IA 51103
PENA CELSO PENA MARIA	1707 W 1ST ST	SIOUX CITY IA 51103
REYNOLDS DEAN TRUSTEE	PO BOX 5261	BEVERLY HILLS CA 90209
RICHTER MICHAEL W RICHTER PATRICIA D	1610 W 1ST ST	SIOUX CITY IA 51103
SCHULDT LE ANN M	1616 W 2ND ST	SIOUX CITY IA 51103
TOPETE ALFONSO	1701 W 2ND ST	SIOUX CITY IA 51103
TRAN PHUONG	324 E 17TH ST	SO SIOUX CITY NE 68776
VELAZQUEZ LANETTE Y	1710 W 2ND ST	SIOUX CITY IA 51103
VIRGINIA PROPERTY LLC	1800 WEST 1ST ST	SIOUX CITY IA 51103
VO NHAN	1310 VIRGINIA ST	SIOUX CITY IA 51105

ATTACHMENT D
SITE PHOTO



**ATTACHMENT E
APPLICATION**

**TO GET WEST ST.
275 CHECK COMING IN MONDAY**

19-072

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 305
405 6th Street
P.O. Box 447
Sioux City, IA 51102-0147



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	MARK H BAKER				
Street Address	1700 WEST 1 ST				
City	Sioux City	State	IA	ZIP	51103-4244
Phone	712-490-7003	E-mail Address	A99GRANDPRIXGTP@YAHOO.COM		
Petitioner's interest in the property	Owner <input checked="" type="checkbox"/>	Contract Buyer <input type="checkbox"/>	Architect <input type="checkbox"/>	Engineer <input type="checkbox"/>	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)					
PORTION OF WEST STREET ADJACENT LOT 1 OF BLOCK 25 OF SIOUX CITY DAVIS ADDITION, AND LOT 7 OF BLOCK 25 OF SIOUX CITY DAVIS ADDITION					
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 <i>Subchapter 25.06-B Permits and Procedures of the Code</i> .					
<input checked="" 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 type="checkbox"/> Preliminary/Final Plat		
SIGNATURE					
Property Owner's Signature:	Mark H Baker			Application Date:	9/17/19
*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 <i>Subsection 25.06.070</i> for the complete review procedures.					

For Office Use Only

File Number:

Staff Reviewer:

PAID
9/17/19 money order \$275.00

CITY OF SIOUX CITY
 Application for a Vacation or Easement of Public Ground
(Complete along with the Applicant Profile Form)

Planning Division
 Room 308
 505 6th Street
 P.O. Box 447
 Sioux City, IA 51102-0447



SUBJECT PROPERTY INFORMATION

Owner: MARK H BAKER
 Street Address: 1700 WEST 1ST
 Zoning District: _____ Lot Area: _____
 Existing Use: _____

REQUEST

Requested Approval: Vacation of public ground (\$275 filing fee) Easement of public ground (\$275 filing fee) Easement clearing title (\$300 filing fee)
 Existing Use: Public street Public alley Other public ground

WRITTEN STATEMENT OF REQUEST

Describe the reason for requesting a vacation or easement, including why the subject property is not needed for the public:

① SET BACK TO BUILD A GARAGE
 ② NOT USED
 ③ UNWARD EXPENSE FOR SIOUX CITY

INFORMATION CHECKLIST

- N/A A survey by a Certified Land Surveyor licensed in the State of Iowa if necessary to describe the property.
- A completed offer to purchase the entire legally described vacation (unless an abutting property owner requests to purchase the half abutting their property. Please include the contact information of purchaser if requesting vacation).
- A general area map showing the subject area and request.
- Completed Applicant Profile Form.
- Filing fee of \$275 for vacations and easements, \$300 for an easement clearing title.

SIGNATURE

Owner/Petitioner's Signature: _____ Application Date: _____

*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>

<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: October 21, 2019 **ACTION ITEM #** 18

FROM: Brent D. Nelson AICP, Senior Planner

SUBJECT: **Resolution accepting and approving the Final Plat of Shirley Oaks Addition to Sioux City, Woodbury County, Iowa (1914 South Fairmount Street) (Petitioner: Gene Sherman). The Planning and Zoning Commission recommends approval of this Item. (File No. 2019-0067).**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests approval of the final plat of Shirley Oaks Addition based on the following finding;

Agenda Item 2019-0067: Requested final plat of Shirley Oaks Subdivision located at 1914 South Fairmount Street. (Petitioner: Alan Fagan, Surveyor and Gene Sherman, Owner)

Brent Nelson presented the final plat of Shirley Oaks Addition. Nelson showed the final plat and stated the property would be split into 13 lots. Lots one through five (1-5) and eight through ten (8-10) would most likely be sold off for single family dwellings and/or side by side town homes. Lots seven (7) and eleven (11) will remain in Sherman’s position, as he lives on Lot seven (7) and lot eleven (11) houses a cell tower. The property is zoned NC.4 which allows for this type of housing, and all thirteen (13) lots shown on the proposed final plat meet the minimum requirements. Nelson mentioned where the water service and sewer service is available from. Nelson stated that the language for the large water way easement is still being finalized. The waterway runs through the middle of the property from South Rustin Street to South Fairmount Street. The intent of this easement is not to increase or decrease the Petitioner’s responsibilities for the maintenance of the ditch through the subdivision.

Nelson went on to mention the 2017 Board of Adjustment approval of a Conditional Use Permit for a cell tower on Lot eleven (11). Nelson mentioned an access easement to that tower that crossed Lot eight (8). Staff is unaware of any requirements that would prohibit a residence from being built on a lot that is already occupied by a cell tower. With that being said it is very unlikely that someone would build on this lot as the frontage on Marshall Avenue is very steep and rugged.

Jason Geary expressed concern with the cell tower that is located on this property and the 200 foot fall zone. Geary stated we wouldn’t approve a cell tower within 200 feet of a current standing home, so why are we now asking to approve platting land to develop homes within 200 feet of a cell tower. Stewart, O’Neill, and Bostinelos stated when deciding to purchase or

develop this land perspective buyers are well aware of the cell tower and it is their choice whether or not to buy in this area. Chris Madsen gave an example of an established liquor store and then a church moving next door even though the liquor store isn't allowed within 200 feet of the church. If the liquor store stops operating for any amount of time it wouldn't be able to open back up in the same location. As stated, since the cell tower was established first, the area can be developed around it.

Alan Fagan, Surveyor, for Petitioner, spoke on behalf of Gene Sherman and himself. He stated that Sherman has owned this property for a long time and Sherman's house is located on this land. Fagan stated that Sherman plans to do as he has with his other plats such as Sherman Oaks Subdivision. Fagan stated they do not plan on developing the area themselves. Fagan also stated, at this time, the lot with the cell tower will not be sold and will stay in Sherman's ownership. Fagan stated some of the lots are smaller but they are buildable.

Sandy Hanlon (2609 Marshall Avenue, Sioux City, Iowa) appeared in opposition and voiced her concerns on water runoff issues and the amount of machinery traffic. Hanlon's concern lies with the fact that this property is located in a hilly neighborhood. With developing and disrupting the ground, she asked what actions would be taken to prevent damage to property located lower than Mr. Sherman's land. Hanlon went on to voice her concern on the damages to other properties that the vibrations of heavy machinery can cause and who would be responsible for damages. Hanlon stated she agrees that Sioux City needs housing, but is concerned about this location.

Jeanette Bobeen (725 South Fairmount Street, Sioux City, Iowa) stated she was neither in favor of nor opposed to this item. She did, however, have questions that she wanted addressed. If not addressed now, she wanted the questions noted so that when it came time for development of the property the developers knew how the neighbors felt and what their concerns were. Bobeen's concerns were mainly with the amount of traffic this would be adding to the neighborhood and what damage could be caused to her property from the construction. With the possible damage to her property she wanted to know who would be responsible for any necessary repairs.

O'Neill stated the final plat is the only item being discussed. It is not known when the property will be developed, who will develop it or how it will be developed. O'Neill asked Bobeen to voice these concerns again when a site plan comes forward. O'Neill stated, at this time, we wouldn't have any answers for her.

Bostinelos stated that she feels Sioux City needs housing and she doesn't want to prevent that even if the entire plat isn't developable. She felt three to five houses are better than none.

O'Neill (Bostinelos) moved to approve item 2019-0067 with the following conditions: prepare the waterway easement and note the abandoned sewer main. Motion carried. 4-1-0 (Yes: Stewart, Bostinelos, O'Neill, Coleman, No: Geary Abstain: 0).

Findings of Fact:

1) All Subdivision Ordinance and Platting requirements have been met.

Recommended Conditions of Approval:

2) Prepare the waterway easement.

3) Note the abandoned sewer main.

DISCUSSION:

Questions and responses arising from the Planning and Zoning Commission Meeting:

1.) Stormwater runoff

The City typically does not require storm water detention in areas where no new infrastructure is being built. Footprints of new houses on smaller infill lots such as this average about 2,000 square feet plus driveways of about 500 square feet (25' X 20') for a total of about 2,500 square feet of new impervious area. There are likely to be no more than nine lots with a total area of about 2.5 acres that will be built on. Therefore, only about 20,000 to 22,500 square feet of new impervious area will be created and likely will be created over a number of years. Detention is required when 25,000 square feet of new impervious area is created (though detention may be required when more than 5,000 square feet is built in some cases).

Further, as noted above, only 2.5 acres will be changing use (Lots 1-5, 6-9, and Lot 14). Runoff from the rest of the property will remain unchanged. As per the Iowa DOT Runoff Manual, the ground in its present state (compacted dirt, brush and weeds) would have a runoff coefficient of about .60. When the houses are completed, they will have a runoff coefficient of about .47 (lawns "soak up" more runoff than virtually any other land use).

Therefore, additional impervious surface being created should be less than the 25,000 square foot threshold for requiring detention and it is possible that, due to the change in land use on the nine lots, runoff from the site may be reduced slightly. Therefore, detention will not be required.

2.) Water flow

The subject waterway is fed by a 48-inch pipe in Indiana Avenue and by a catch basin in Rustin Street. There is a 48-inch outlet pipe running under Fairmount Street to release the runoff. The City's Engineering Division advises that the pipes and waterway can accommodate a 10-year storm event (0.1% event) and probably a 25-year event but no infrastructure in this portion of Morningside is sized to accommodate a 100-year event (0.01% event).

3.) Lot dimensions

Relative Municipal Code requirements for lots in this plat are

- Blocks: less than 1,000 L.F.
- Frontage on a public right-of-way: 25-feet
- Lot width: 50-feet
- Flag Lots: Discouraged but allowed
- Sewer Connection: required (roll in wyes)
- Water Connection: required (bore in taps)
- Storm water facilities: Existing ditch
- Lot size: 5,000 sq. ft.
- Building coverage ratio: 40%

Iowa Code 354.8 notes: "2. *If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat.*"

All lots proposed by the plat appear to meet relevant Municipal Code requirements.

4.) Cell tower

When the cell tower was built, it met all Municipal Code requirements and had a 200-foot setback from any residences. It was suggested that if the nine residences proposed were already existing the Board of Adjustment may not have approved the cell tower. That may or may not be true; staff has no way of knowing.

Staff believes that it is unlikely that any residences will be built within that 200-foot setback; garages or accessory structures perhaps, but no residences. There is no indication that the Petitioner attempted to mislead anyone with the timing of the cell tower vs. the timing of the platting, and there is nothing in the Subdivision Ordinance or anywhere in the Municipal Code prohibiting platting property within 200-feet of a cell tower.

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility: Quality of Life.

Focus Area: Enhance Public/Private Partnerships.

ALTERNATIVES:

None.

ATTACHMENTS:

Attachment A: Resolution

Attachment B: General Area Map

Attachment C: Final Plat

Attachment D: Site Photos

Attachment E: Application

BACKGROUND REPORT:

The subject property was platted as part of the Marks 1st and 2nd Addition in about 1905. It appears that most of that platting was vacated in 1910 and the property has never been re-platted. Property immediately to the east, the Sherman Oaks Subdivision was platted in 1996. The property was annexed into the City on September 1, 1890.

The Sioux City Comprehensive Plan to 1980 (adopted in 1962) called for the subject property to develop with low and medium density residential uses. Vision 2020 (adopted in 1990) called for the subject property to develop with low to moderate density residential uses. The draft 2015 Comprehensive Plan shows the area as developing with urban residential and urban conservation uses.

With the adoption of the City's first Zoning Ordinance in 1927, the property was zoned "C" Medium Density Residential. The 1962 Zoning Ordinance rezoned the subject property to RG-50. The RG-50 Zoning remained with the 1976 Zoning Ordinance rewrite. The subject property was then rezoned to NC.4 in 2015.

ANALYSIS:

The entirety of the property proposed for subdivision is zoned NC.4 with a minimum lot width of 50 feet and minimum lot area of 5,000 square feet. All 13 lots shown on the proposed final plat meet the minimum requirements.

Water service is available in South Fairmount Street (6-inch main, service elevation 1,437) and in South Rustin Street (6-inch main, service elevation 1,437). The property lays below elevation 1,180.

Sewer service is available in South Fairmount Street (8-inch main) and in South Rustin Street (8-inch main). However, there are no existing sewer stubs to any of the new lots with the possible exceptions of Lots 7 and 12. Therefore, there could be up to ten cuts in South Fairmount Street to accommodate sewer stubs for houses to be built with the plat.

Breaking the street that many times in such a short distance is not ideal. However, it is a strong policy of the City to encourage infill housing development. It is difficult to create infill housing developments without cutting into existing infrastructure. The City Engineering Division is aware of the number of likely street cuts.

One of the major features of the plat is the very large waterway easement running through the middle of the property from South Rustin Street to South Fairmount Street. That waterway is fed by a very large 48-inch brick and corrugated metal pipe (CMP) storm sewer that serves a large portion of Morningside as shown below (about 64-acres).



The intent of this waterway easement is not to increase or decrease the Petitioner's responsibilities for the maintenance of the ditch through the subdivision. Rather the purpose is to allow City crews to access the ditch in case of emergency to remove trees that an unusually heavy rain storm could cause to fall into the channel and back up water, or to make emergency repairs to the channel itself if heavy rain causes erosion and sloughing. That easement has been identified on the plat and a legal description has been created for it. There is some question as to how the easement is to be worded. This verbiage has not yet been determined.

There is a sanitary sewer easement through the property that has been abandoned. It should be clearly labeled on the plat as "Abandoned Sanitary Sewer Easement".



In 2017, the Board of Adjustment approved a Conditional Use Permit for a Cell Tower on Lot 11. There is an access easement to that tower that crosses Lot 8. Staff is unaware of any requirement that would prohibit a residence from being built on a lot that is already occupied by a cell tower. At the same time, it is unlikely that a house will be built on Lot 11, though it has 40-feet of frontage on Marshall Avenue (the Subdivision Ordinance requires all lots to have 25-feet of frontage on a public street), that frontage is very steep and rugged.

EXISTING ZONING AND LAND USE:

NC.4/vacant/SFR

SURROUNDING ZONING AND LAND USE:

North: NC.4; one- and two-family residences
 South: NC.4; one- and two-family residences
 East: NC.4; single family residences
 West: NC.4; single family residences

DEPARTMENT COMMENTS

MidAmerican – Electric: MEC notes that they have no conflicts with the proposed plat and development

COMPREHENSIVE PLAN:

Urban Residential and Urban Conservation Uses.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:

The subject property is not located in an Urban Renewal Area

SUBAREA / CORRIDOR PLAN:

The subject property is not located in an area covered by a Subarea Plan.

FLOOD PLAIN:

The subject property is not located in a flood plain.

CITIZEN RESPONSE:

There were 307 notices sent within the required timeframe. As of October 3rd, three (3) responses have been received. All were simply inquiring about what was proposed to be developed on the site.

ATTACHMENT A

RESOLUTION NO. 2019 - _____

RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT OF SHIRLEY OAKS ADDITION TO SIOUX CITY, WOODBURY COUNTY, IOWA (1914 SOUTH FAIRMOUNT STREET)

WHEREAS, Shirley A. Sherman as Trustee of the Shirley A. Sherman Revocable Trust Dated September 26, 2016 did file with the City Clerk of the City of Sioux City, Iowa, a certain plat designated as the final plat of Shirley Oaks Addition to Sioux City, Woodbury County, Iowa; and

WHEREAS, the Planning and Zoning Commission, at their October 8, 2019 regular meeting, has recommended the acceptance and approval of said plat.

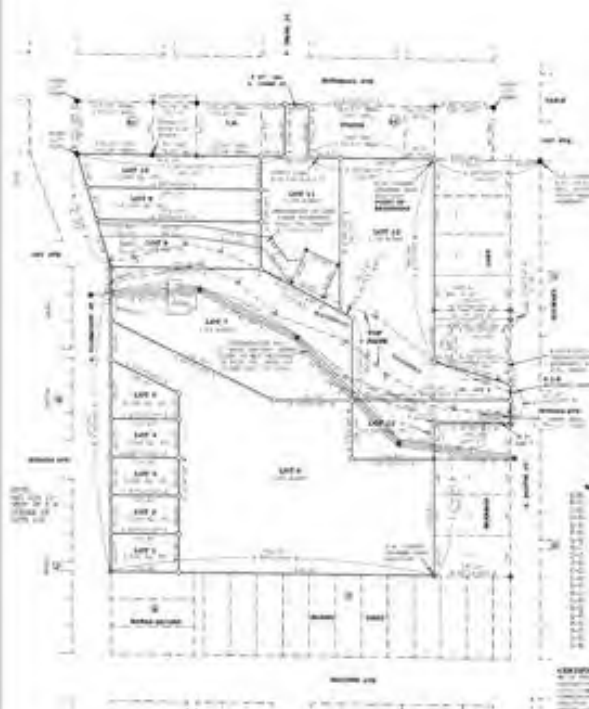
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that said Final Plat of Shirley Oaks Addition to Sioux City, Woodbury County, Iowa as hereto attached and forming part of this Resolution, be, and the same is hereby, accepted and approved, and the Mayor and the City Clerk are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

**FORM 1241
SHIRLEY OAKS ADDITION
IN JACKSONVILLE, FLORIDA COUNTY, FLORIDA**



DEVELOPER
 J. M. ...
 ...

TOWNSHIP SUPERVISOR
 ...

CITY ENGINEER
 ...

PLANNING AND ZONING COMMISSION
 ...

MEMORANDUM
 ...

CITY COMMISSIONER
 ...

CONVEYANCE
 This is a conveyance of a portion of Section 24, Township 24 North, Range 17 West of the 1st Meridian, ...

RECORDING CERTIFICATE
 This is a recording certificate of the above described instrument, ...

DEED
 This is a deed of the above described premises, ...

PLAT LEGEND	
SHIRLEY OAKS ADDITION	...
LOT 1	...
LOT 2	...
LOT 3	...
LOT 4	...
LOT 5	...
LOT 6	...
LOT 7	...
LOT 8	...
LOT 9	...
LOT 10	...
LOT 11	...
LOT 12	...
LOT 13	...
LOT 14	...
LOT 15	...



MEMORANDUM
 ...

RECORDING CERTIFICATE
 ...

DEED
 ...

CITY ENGINEER
 ...

PLANNING AND ZONING COMMISSION
 ...

CITY COMMISSIONER
 ...

RECORDING CERTIFICATE
 ...

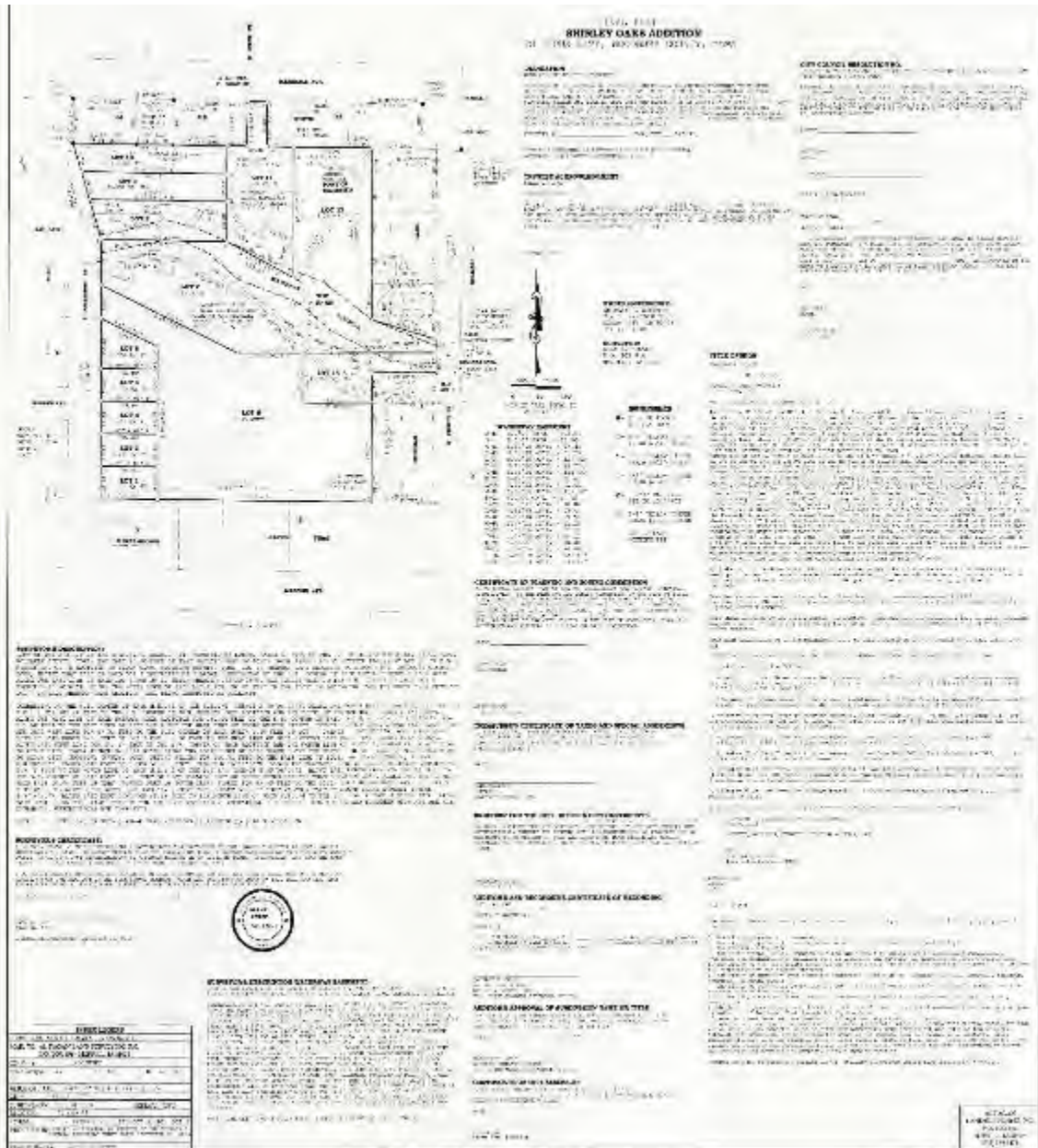
DEED
 ...

PLANNING AND ZONING COMMISSION
 JACKSONVILLE, FLORIDA

ATTACHMENT B
GENERAL AREA MAP



ATTACHMENT C FINAL PLAT



ATTACHMENT D:
SITE PHOTOS





**ATTACHMENT E:
APPLICATION**

CITY OF SIOUX CITY

Applicant Profile Form

(Complete along with the appropriate application form. Not required with the Design Review Committee Request form.)

19-067

Planning Division
Room 110
405 S. Lincoln
P.O. Box 177
Sioux City, IA 51102-0177



In order to comply with the online Applicant Profile Form and related and/or oral Applicant Profile Conference is required for all applications for cluster, mixed housing, and planned single family, traditional single family development, as well as applications for development in the Smart Protection Plan, Central Urbanist Park (CUP), Historic Area (HA), and other Institutional (I) zoning districts. However, the applicant categories may be requested for any development type.

PETITIONER/APPLICANT INFORMATION

Name: ALAN L. FRANK
 Street Address: PO Box 858
 City: HERKULE State: IA Zip: 51136
 Phone: 712-539-1471 E-mail Address: alfsurveying@midland
 Petitioner's interest in the project: Owner - Contract Owner: Architect: Other: Subcontractor

PROPERTY OWNER (IF DIFFERENT)

Name: SHIRLEY A. SHERMAN REVOCABLE TRUST
 Street Address: 714 S. FARMHUNT ST.
 City: SIOUX CITY State: IA Zip: 51102
 Phone: 712-790-6311 E-mail Address: shirley@sm601@gmail.com

LEGAL DESCRIPTION (IF LEGAL IS TOO LONG, NOTE BELOW AND ATTACH TO THE APPLICATION)

SEE ATTACHMENT

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.

Site Plan	Final Plan / Development Concept Plan	Conditional Use Permit	Use Change of Applicant
Site Plan	Major Changes to Site Concept Plan	Temporary Use Permit	Designation of Historic District
Sign Permit	Minor Changes to Site Concept Plan	Appeal	Necessary District (C)
Minor Modification	Zoning Commission Certificate	Variances	Occupancy Permit
Right-of-Way Encroachment	Sign Overlay Program		Interchange Designation
Use Amendment	Ordinance		Permitting/Review Fee

SIGNATURE

Property Owner's Signature: [Signature] Application Date: 9-1-19

*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.siouxcityia.com/regis/siouxcity-ia/index.aspx>. See Subsection 25.06.07D for the complete review procedures.

City Office Use Only: Fee Received: City Revenue:

PAID
 9/10/19 ✓ # 12153 \$250.00

CITY OF SIOUX CITY

Application for a Preplat, Preliminary Plat, or Final Plat
(Complete along with the Applicant Profile Form)

Planning Division
Room 309
405 8th Street
P.O. Box 467
Sioux City, IA 51102-0467



SUBJECT PROPERTY INFORMATION

Owner: SHIPLEY A. SHERMAN REVOCABLE TRUST
Street Address: 914 S. FAIRMOUNT
Zoning District: Existing Use
Lot Size: 7500 SQ. FT. TO 2.95 AC. Proposed Lots: 13
Proposed Use: RESIDENTIAL

REQUEST

Include the following:

- Completed Applicant Profile Form
- A reproducible copy and five (5) copies of the preliminary plat.
- Preplat:
 - 1.1 As per Chapter 21.02 C10, 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 followed 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 conferences, see the Subdivision Regulations Manual.
- Preliminary Plat:
 - One digitally formatted copy and five (5) paper copies of the Grading Plan.
 - Is the preliminary plat prepared in conformity with the Sioux City Subdivision Ordinance?
 - Yes No No, list requested waivers on back of form.
- Final Plat:
 - One digitally formatted copy and five (5) paper copies of the Final Plat.
 - Engineer's statement that the public improvements have been completed or are bonded for.
 - The final plat may be submitted for signatures following Council action.
 - 1.1 Is the final plat prepared in conformity with the Sioux City Subdivision Ordinance?
 - Yes No No, list requested waivers on back of form.

For Office Use Only

File Number

Staff Reviewer

	Study Session
	Closed Session

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

MEETING DATE: October 21, 2019 **ACTION ITEM #** 19-20

FROM: Jeff Hanson, Community Development Operations Manager (SW)

Hearing and Resolution accepting the proposal of The Iowa Department of Transportation for the granting of a temporary easement in certain land in the Combined Central Sioux City -CBD Urban Renewal Area. (a portion of Chris Larsen Park property located in the 1100 block of Chris Larsen Park Road)

SUBJECT: **And**

Hearing and Resolution accepting the proposal of The Iowa Department of Transportation for the purchase of certain land in the Combined Central Sioux City -CBD Urban Renewal Area and authorizing sale of said property. (vacated portion of Chris Larsen Park property located in the 1100 block of Chris Larsen Park Road)

Reviewed By: **x** Department Director Finance Department **x** City Attorney **x** City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council approve the proposed resolutions.

DISCUSSION:

On the agenda for Monday the City Council will be asked to conduct a public hearing and approve the proposal granting a Temporary Easement and to sell certain real property to the Iowa Department of Transportation in connection with the I-29 Reconstruction Project. The IDOT has submitted a purchase agreement requesting a Quit Claim Deed and one Temporary Easement from the City in connection with the I-29 Reconstruction Project. Both parcels are located in the 1100 block of Chris Larsen Park Road within Chris Larsen Park.

The first resolution on Monday’s agenda is for the granting of a Temporary Easement to the Iowa Department of Transportation. The Temporary Easement is for the purposes of constructing a trail.

The second resolution on Monday’s agenda is for the issuance of a Quit Claim Deed to the Iowa Department of Transportation. This portion of parkland was vacated by Ordinance No. 2019-0722 dated September 9, 2019.

FINANCIAL IMPACT:

Mutual Benefits

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:

Do not approve the resolutions.

ATTACHMENTS:

Proposed Resolutions
Purchase Agreement
Aerials

RESOLUTION NO. 2019-_____

RESOLUTION ACCEPTING THE PROPOSAL OF THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE GRANTING OF A TEMPORARY EASEMENT IN CERTAIN LAND IN THE COMBINED CENTRAL SIOUX CITY -CBD URBAN RENEWAL AREA. (A PORTION OF CHRIS LARSEN PARK PROPERTY LOCATED IN THE 1100 BLOCK OF CHRIS LARSEN PARK ROAD)

WHEREAS, in furtherance of the objectives of Chapter 403 of the Code of Iowa, the City of Sioux City, Iowa, has undertaken a program of redevelopment of blighted areas in the City, and in this connection, has instituted the Combined Central Sioux City -CBD Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa authorizes the City to invite proposals from all interested parties for the granting of an easement in land in an urban renewal area by publishing public notice of its intent to receive and accept any such proposal; and

WHEREAS, the Iowa Department of Transportation has submitted a proposal to acquire a temporary easement in the following described property in the Combined Central Sioux City -CBD Urban Renewal Area:

THE TEMPORARY EASEMENT RIGHT GRANTED TO CONSTRUCT A TRAIL IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 30, Township 89 North, Range 47 West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the point of intersection of the East line of said Government Lot 3 and the existing South right of way line of Interstate Highway No. 29; thence South 89°05'55" West, 348.00 feet along said existing South right of way line; thence South 00°54'05" East, 7.00 feet to the Point of Beginning; thence South 89°05'55" West, 222.00 feet; thence South 00°54'05" East, 25.00 feet; thence North 89°05'55" East, 260.00 feet; thence North 57°33'39" West, 45.49 feet to the Point of Beginning. (Containing 6025 square feet.); and

WHEREAS, pursuant to Resolution No. 2019-0832 passed and approved by the City Council on October 7, 2019, the City indicated its intent to accept said proposal of the Iowa Department of Transportation, established a date and time for the submission of proposals by other interested parties, established a date and time for a hearing accepting such proposals, and authorized the publication of notice of such invitation, intent and hearing; and

WHEREAS, a hearing was held on the proposals so submitted and the City Council is of the opinion and belief that it would be in the best interests of the City to accept the proposal of the Iowa Department of Transportation for the granting of a temporary easement in said property and that accepting such proposal is in the public interests; and

WHEREAS, a "Grant of Temporary Easement", a copy of which is attached hereto and by this reference made a part hereof, for the granting of an easement in said property pursuant to the terms of said proposal, should be approved as to form and content.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the Grant of Temporary Easement in the above described real property be granted in accordance with the terms and conditions set forth therein to the Iowa Department of Transportation and the Mayor and City Clerk be and they are hereby authorized and directed to execute same for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of an executed Offer to Purchase from the Iowa Department of Transportation and of the consideration fixed in said Grant of Temporary Easement and the costs incurred that the Grant of Temporary Easement be delivered to the grantee.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

GRANT OF TEMPORARY EASEMENT

For the consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION the City of Sioux City, Woodbury County, Iowa does hereby convey to the Iowa Department of Transportation, a temporary easement over the following described real estate in Woodbury County, Iowa:

THE TEMPORARY EASEMENT RIGHT GRANTED TO CONSTRUCT A TRAIL IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 30, Township 89 North, Range 47 West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the point of intersection of the East line of said Government Lot 3 and the existing South right of way line of Interstate Highway No. 29; thence South 89°05'55" West, 348.00 feet along said existing South right of way line; thence South 00°54'05" East, 7.00 feet to the Point of Beginning; thence South 89°05'55" West, 222.00 feet; thence South 00°54'05" East, 25.00 feet; thence North 89°05'55" East, 260.00 feet; thence North 57°33'39" West, 45.49 feet to the Point of Beginning. (Containing 6025 square feet.)

This temporary easement is for the purposes of constructing a trail on property owned by the City of Sioux City, Iowa, located on or near the above described real property.

The temporary easement shall terminate on completion of the I-29 Reconstruction Project.

Signed this 21st day of October, 2019.

CITY OF SIOUX CITY, IOWA

By: _____
Robert E. Schott
Mayor

ATTEST: _____
Lisa L. McCardle
City Clerk

STATE OF IOWA)
 : ss
WOODBURY COUNTY)

On this 21st day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the official seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council, as contained in Resolution No. 2019-_____ passed on the 21st day of October, 2019, and that Robert E. Scott and Lisa L. McCardle acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City.

BY: _____
Notary Public in and for Iowa

RESOLUTION NO. 2019-_____

with attachments

RESOLUTION ACCEPTING THE PROPOSAL OF THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF CERTAIN LAND IN THE COMBINED CENTRAL SIOUX CITY -CBD URBAN RENEWAL AREA AND AUTHORIZING SALE OF SAID PROPERTY. (VACATED PORTION OF CHRIS LARSEN PARK PROPERTY LOCATED IN THE 1100 BLOCK OF CHRIS LARSEN PARK ROAD)

WHEREAS, in furtherance of the objectives of Chapter 403 of the Code of Iowa, the City of Sioux City, Iowa, has undertaken a program of redevelopment of blighted areas and economic development in the City, and in this connection, has instituted the Combined Central Sioux City - CBD Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa authorizes the City to invite proposals from all interested parties for the purchase of land in an urban renewal area by publishing public notice of its intent to receive and accept any such proposal; and

WHEREAS, the Iowa Department of Transportation has submitted a proposal to the City for the purchase of the following described property in the Combined Central Sioux City -CBD Urban Renewal Area:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of the accretions to Government Lots 1 and 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West of the 5th Principal Meridian, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the point of intersection of the existing South right of way line of the Union Pacific Railroad and the East line of the Northwest $\frac{1}{4}$ of said Section 29; thence South $01^{\circ}10'53''$ West, 1287.74 feet along the East line of said Northwest $\frac{1}{4}$ and said line projected South to a point on the existing South right of way line of Interstate 29; thence North $85^{\circ}46'39''$ West, 1270.17 feet along said existing South right of way line; thence North $00^{\circ}54'05''$ West, 44.00 feet along said existing South right of way line to the Point of Beginning; thence continuing North $00^{\circ}54'05''$ West, 11.00 feet along said existing South right of way line; thence North $78^{\circ}26'20''$ West, 228.97 feet along said existing South right of way line; thence North $83^{\circ}30'39''$ West, 141.17 feet along said existing South right of way line; thence South $00^{\circ}54'05''$ East, 10.57 feet; thence South $83^{\circ}34'30''$ East, 141.15 feet; thence South $78^{\circ}17'44''$ East, 229.10 feet to the Point of Beginning. (Containing 3863 square feet.); and

WHEREAS, pursuant to Resolution No. 2019-0831 passed and approved by the City Council on October 7, 2019, the City indicated its intent to accept said proposal of the Iowa Department of Transportation, established a date and time for the submission of proposals by other interested parties, established a date and time for a hearing accepting such proposals, and authorized the publication of notice of such invitation, intent and hearing; and

WHEREAS, a hearing was held on the proposals so submitted and the City Council being fully advised in the premises is of the opinion and belief that it would be in the best interests of the City to accept the proposal of the Iowa Department of Transportation for the purchase of said property and that accepting such proposal is in the public interests; and

WHEREAS, a Quitclaim Deed has been prepared for the purchase of said property pursuant to the previously received Purchase Agreement and should be approved as to form and content.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the Quitclaim Deed attached hereto providing for the sale of said property to the Iowa Department of Transportation is hereby approved as to form and content and the Mayor and City Clerk be and they are hereby authorized and directed to execute same for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of an executed Offer to Purchase from the Iowa Department of Transportation and of the consideration fixed in said Quitclaim Deed and the costs incurred in this sale that the Quitclaim Deed be delivered to the Iowa Department of Transportation.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Prepared by: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Return to: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Address Tax Statements: Tax Exempt-IA Code Sec. 427.1 (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of ZERO AND 0/100----(\$0.00)----Dollars and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF SIOUX CITY, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Woodbury County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel vacated in a part of the accretions to Government Lots 1 & 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West of the 5th Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the point of intersection of the existing South right of way line of the Union Pacific Railroad and the East line of the Northwest ¼ of said Section 29; thence South 01°10'53" West, 1287.74 feet along the East line of said Northwest ¼ and said line projected South to a point on the existing South right of way line of Interstate 29; thence North 85°46'39" West, 1270.17 feet along said existing South right of way line; thence North 00°54'05" West, 44.00 feet along said existing South right of way line to the Point of Beginning; thence continuing North 00°54'05" West, 11.00 feet along said existing South right of way line; thence North 78°26'20" West, 228.97 feet along said existing South right of way line; thence North 83°30'39" West, 141.17 feet along said existing South right of way line; thence South 00°54'05" East, 10.57 feet; thence South 83°34'30" East, 141.15 feet; thence South 78°17'44" East, 229.10 feet to the Point of Beginning, containing 3863 square feet.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Woodbury County Project No. IMN-029-6(150)142--0E-97
City of Sioux City (Parcel No. 209SS)

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20__

CITY OF SIOUX CITY, IOWA

By: _____ (Sign in Ink)
Robert E. Scott, Mayor

(AFFIX CORPORATE SEAL ABOVE)

By: _____ (Sign in Ink)
Lisa L. McCardle, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20____, and that Robert E. Scott and Lisa L. McCardle acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

(Sign in Ink)
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

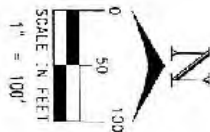
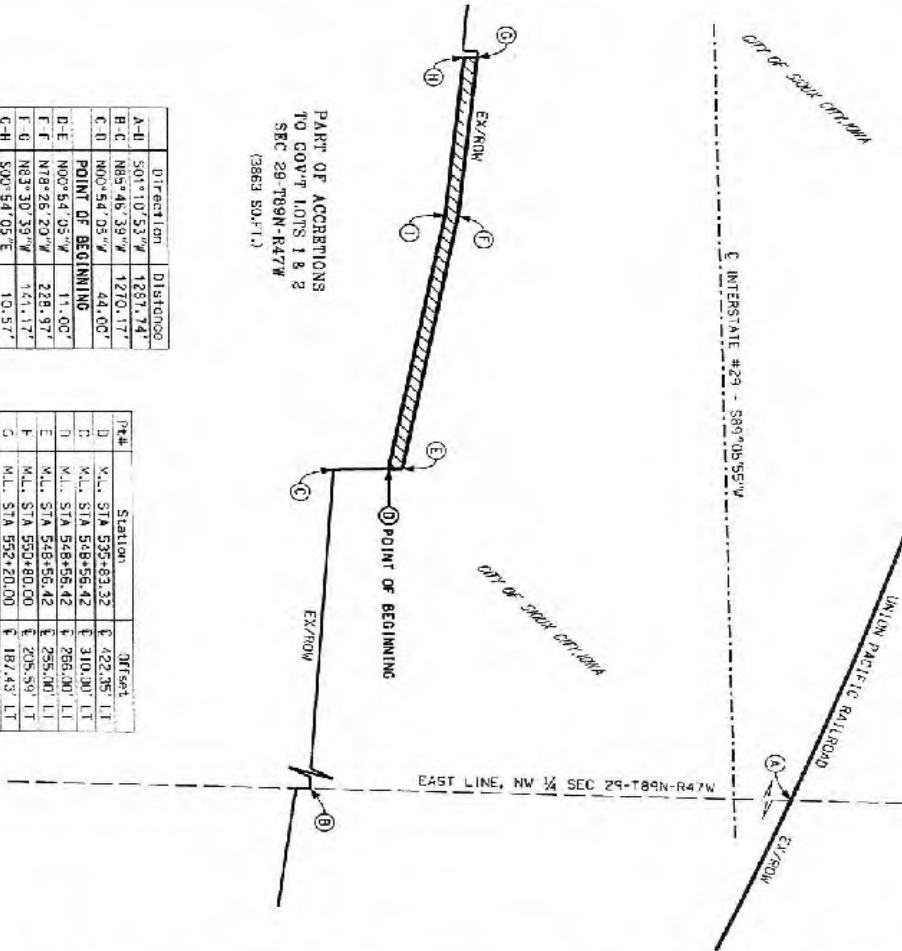


COUNTY WOODBURY STATE CONTROL NO. _____
 PROJECT NO. 1MN-029-6:1501142--0E-97 PARCEL NO. 209 SS
 SECTION 29 TOWNSHIP 89N RANGE 47W
 ROW - O.C.D. 3863 SQ. FT., EASE _____, TEMP EASE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM _____

	Direction	Distances
A-B	S01°10'53"W	1287.74'
B-C	N85°46'39"W	1270.17'
C-D	N00°54'05"W	44.00'
POINT OF BEGINNING		
D-E	N00°54'05"W	11.00'
E-F	N78°26'29"W	228.97'
F-G	N83°30'39"W	741.17'
G-H	S00°54'05"E	10.57'
H-I	S83°34'30"E	141.15'
I-D	S78°17'44"E	229.10'

Tag	Station	Offset
D	V.L. STA 535+63.32	£ 422.95 LT
E	M.L. STA 548+58.42	£ 310.00 LT
F	M.L. STA 548+58.42	£ 286.00 LT
G	M.L. STA 548+58.42	£ 285.00 LT
H	M.L. STA 552+20.00	£ 187.43 LT
I	M.L. STA 552+20.00	£ 198.00 LT
J	M.L. STA 553+80.00	£ 216.00 LT

PART OF ACCESSIONS
TO GOV'T LOTS 1 & 2
S8C 29-T89N-R47W
(3863 SQ.FT.)



DATE DRAWN ALR 04/26/2018

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

James C. Sailer 5/2/18
 James C. Sailer License No. 12090 Date
 My license renewal date is December 31, 2018
 Pages or sheets covered by this sect: _____



Office of Right of Way, 800 Lincoln Way, Ames, Iowa 50010

Ph.: 515-239-1135
FAX: 515-239-1247
E-mail: Dwayne.Myers@dot.iowa.gov
www.iowadot.gov

DATE 7/3/2018

COUNTY Woodbury

PROJECT IMN-29-6(150)142-0E-97

PARCEL 209SS


OFFER TO PURCHASE – Appraisal Waiver

Owner City of Sioux City

Address 405 6th St., Sioux City, IA 51101

Pursuant to federal and state regulations, the Iowa Department of Transportation presents to you the pamphlet *Highways and Your Land* and submits an offer of Mutual Benefit, which represents just compensation of the right of way needed from your property.

You will not be required to move from your dwelling or to move your business, farm, non-profit organization to personal property any sooner than 10/3/2018, which is at least 90 days from the date of this notice.

By 
Dwayne Myers, Acquisition Agent

Return to and Prepared by Katherine Johnson, Right of Way Office, Iowa Department of Transportation,
800 Lincoln Way, Ames, IA 50010, 515-239-1633

Form 634023 (07-16)



Office of Right of Way, 800 Lincoln Way, Ames, Iowa 50010

Ph: 515-239-1135
Toll-Free: 888-282-5809
FAX: 515-239-1247
www.iowadot.gov

PURCHASE AGREEMENT

Parcel Number: 209SS County: Woodbury
Project Number: IMN-29-5(150)142-0E-97 Route Number: I-29
Seller: City of Sioux City

THIS AGREEMENT entered into this 7 day of October, 2017 2019
by and between, Seller and the Iowa Department of Transportation, acting for the State of Iowa, Buyer.

1. The Seller agrees to sell and furnish to the Buyer a conveyance document, on form(s) furnished by the Buyer, and the Buyer agrees to buy the following real estate, hereinafter referred to as the premises, in parts of the following: A parcel of land located in a part of the accretions to Government Lots 1 & 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West, in the County of Woodbury, State of Iowa, and more particularly described on page 5, including the following buildings, improvements and other property:

All land, trees, shrubs, landscaping and surfacing attached to the premises sought and described herein

2. The Buyer agrees to pay, and the Seller agrees to grant, the right of possession, convey title and surrender physical possession of the premises as shown on or before the dates listed below:

Payment Amount	Agreed Performance	Date of Performance
	On conveyance of title	
	On surrender of possession	
\$0.00	On possession and conveyance	After Buyer approval
\$0.00	Total Lump-Sum Amount	

Breakdown	Ac/Sq. Ft.			
Land by fee title	3,863 sq. ft.	Fence	0	rods woven
Underlying fee title	0	Fence	0	rods barbed
Permanent easement	0			

DISTRIBUTION: TWO COPIES RETURNED TO BUYER (IOWA DOT) ONE COPY RETAINED BY SELLER
209SS, IMN-29-5(150)142-0E-97

3. Possession of the premises is the essence of this agreement and the Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. The Seller grants the Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data. The Seller may surrender possession of the premises, building, improvement, or any part thereof, prior to the time that he/she has agreed to do so, and agrees to give the Buyer 10 days notice of the Seller's intention to surrender possession by calling the Buyer at 1-866-282-5809.
4. The Seller warrants that there are no tenants on the premises holding under lease, except: None
5. This agreement shall apply to and bind the legal successors in interest of the Seller, and the Seller agrees to pay all liens and assessments against the premises, including all taxes and special assessments payable until surrender of possession, as required by the Iowa Code section 427.2 and agrees to warrant good and sufficient title.
6. The Buyer may include mortgagees, lien holders, encumbrances, and taxing authorities as payees on warrants issued in payment of this agreement. In addition to the total lump-sum payment amount, the Buyer agrees to pay \$0.00 for the cost of adding title documents required by this transaction to the Seller's abstract of title. If requested to do so, the Seller will deliver to the Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, an abstract of title to the premises. The Buyer agrees to pay the cost of abstract continuation. The Seller agrees to provide the documents as may be required by Iowa Land Title Standards to convey merchantable title to the Buyer. The Seller also agrees to obtain court approval of this agreement, if requested by the Buyer, in the event title to the premises becomes an asset of any estate, trust, conservatorship or guardianship. The Buyer agrees to pay court approval costs and all other costs necessary to transfer the premises to the Buyer, except attorney fees. Claims for such transfer costs shall be paid in amounts supported by paid receipts or signed invoices.
7. The Buyer agrees that any agricultural drain tiles that are located within the premises that are damaged or require relocation by highway construction shall be repaired or relocated at no expense to the Seller. Where the Buyer specifically agrees to construct and maintain fence, the fence shall be constructed and maintained for vehicle access control purposes at no expense to the Seller. The Buyer has the right of entry upon the Seller's remaining property along the right-of-way line, if necessary, for the purpose of connecting the drain tile, and constructing and maintaining the fence. The Seller may pasture against the fence at his/her own risk. The Buyer will not be liable for fencing private property or maintaining it to restrain livestock.
8. If the Seller holds title to the premises in joint tenancy with full rights of survivorship and not as tenants in common at the time of this agreement, the Buyer will pay any remaining proceeds to the survivor of that joint tenancy, and will accept title solely from that survivor, provided the joint tenancy has not been destroyed by operation of law or acts of the Seller.
9. These premises are being acquired for public purposes. This transfer is exempt from the requirements for the filing of a "Declaration of Value" in accordance with Iowa Code section 428A.1.
10. The premises also includes all estates, rights, title, and interests, including all easements, and all advertising devices and the right to erect such devices as are located thereon. The Seller consents to any change of grade of the highway and accepts payment under this agreement for any and all damages arising from those changes. The Seller acknowledges full settlement and payment from the Buyer for all claims per the terms of this agreement, and discharges the Buyer from liability because of this agreement and the construction of the public improvement project.
11. The Seller states and warrants that, to the best of the Seller's knowledge, there is no burial site, well, solid waste disposal site, private sewage disposal systems, hazardous substance or underground storage tank on the premises, except: None
12. This written agreement constitutes the entire agreement between Buyer and Seller and there is no agreement to do or not to do any act or deed except as specifically provided for herein.
13. Buyer hereby gives notice of Seller's five-year right to renegotiate construction or maintenance damages not apparent at the time of the signing of this agreement as required by the Code of Iowa, Section 6B.52.
14. The Sellers grant to the Buyer temporary easement for the purpose of constructing a trail. The Right-of-Way Design Plot Plan, attached as a page 4 of this agreement, graphically illustrates the proposed temporary easement area being granted. The temporary easement shall terminate on completion of this highway project.

Seller's signature and claimant's certification: Upon due approval and execution by the Buyer, the undersigned sellers/claimants certify the total lump-sum payment amount shown here is just and unpaid.
 City of Sioux City

BY: X [Signature]
 Robert E. Scott, Mayor
 405 8th St.
 Sioux City, IA 51101

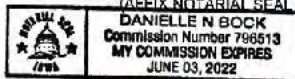
BY: X [Signature]
 Lisa L. McCordle, Clerk

This section to be completed by a Notary Public.

STATE OF IOWA
 COUNTY OF Woodbury
 ss:

On this 7 day of October, 2019, before me, the undersigned, a notary public in and for said the State of Iowa, personally appeared Robert E. Scott and Lisa L. McCordle, to me personally known, who being by me duly sworn, did say that they are the mayor and city clerk, respectively, of the city of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its city council _____ as contained in ordinance number 2019-0830, passed (the resolution adopted) by the city council under roll call number _____ of the city council on the 7 day of October, 2019, and that Robert E. Scott and Lisa L. McCordle acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

(AFFIX NOTARIAL SEAL BELOW)



[Signature] (Sign in ink)
Danielle N. Bock (Printtype name)
 Notary Public in and for the State of Iowa

BUYER'S APPROVAL	
Recommended by (Sign in ink): X _____	(Date) _____
(Printed Name): Project Agent Scott Henning	
Approved by (Sign in ink): X _____	(Date) _____
(Printed Name): Right of Way Director Martin J. Sankey	
BUYER'S ACKNOWLEDGEMENT	
STATE OF IOWA	}
COUNTY OF STORY	} ss:
On this _____ day of _____, 2018, before me, the undersigned, personally appeared RCW Director <u>Martin J. Sankey</u> known to me to be a Right of Way Director of the Buyer and who did say that the instrument was signed on behalf of the Buyer by its authority duly recorded in its minutes, and said right of way director acknowledged the execution of the instrument, whose signature appears hereon, to be the voluntary act and deed of the Buyer, and by it voluntarily executed.	
(NOTARIAL SEAL)	Notary Public in and for the State of Iowa



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

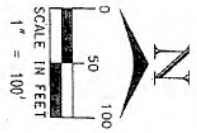
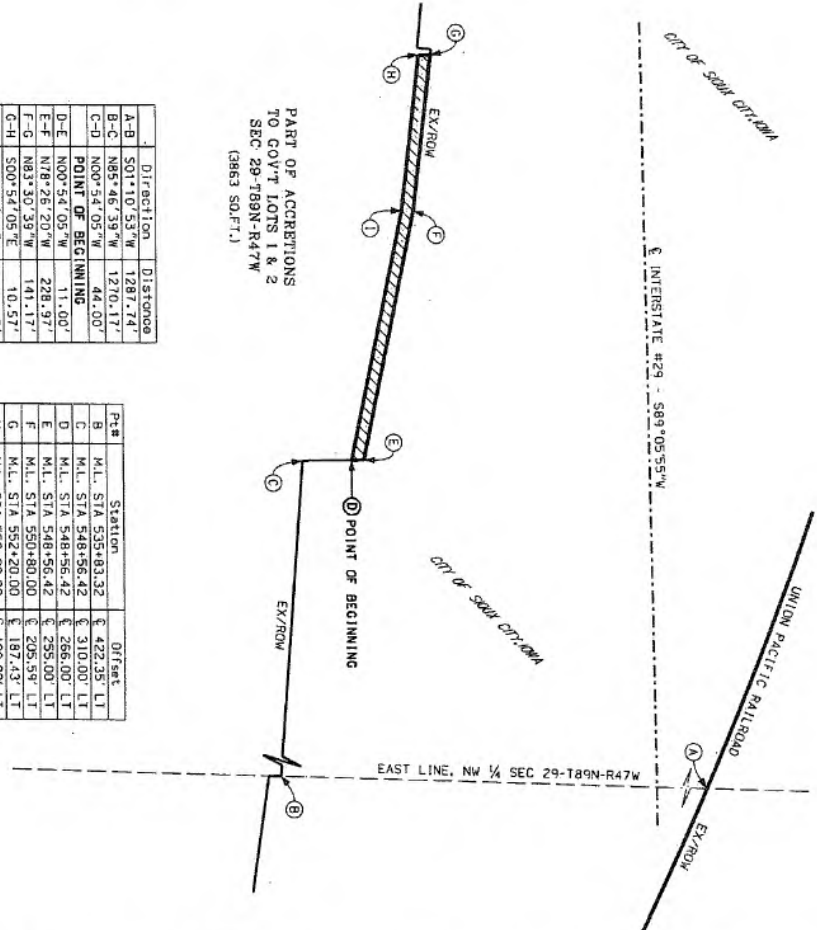


COUNTY WOODBURY STATE CONTROL NO. _____
PROJECT NO. IMN-029-611501142--OE-97 PARCEL NO. 209 SS
SECTION 29 TOWNSHIP 89N RANGE 47W
ROW - O.C.D. 3863 SQ. FT., EASE _____, TEMP EASE _____
ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
ACQUIRED FROM _____

	Direction	Distance
A-B	S01°10'53"W	1287.74'
B-C	N85°46'39"W	1270.17'
C-D	N00°54'05"W	44.00'
POINT OF BEGINNING		
D-E	N00°54'05"W	11.00'
E-F	N78°26'20"W	228.97'
F-G	N83°30'39"W	141.17'
G-H	S00°54'05"E	10.57'
H-I	S83°34'30"E	141.157'
I-D	S78°17'44"E	229.107'

Pt#	Station	Offset
B	M.L. STA 535+83.32	£ 422.35 LT
C	M.L. STA 548+56.42	£ 310.00 LT
D	M.L. STA 548+56.42	£ 286.00 LT
E	M.L. STA 548+56.42	£ 295.00 LT
F	M.L. STA 550+80.00	£ 205.97 LT
G	M.L. STA 552+20.00	£ 187.43 LT
H	M.L. STA 552+20.00	£ 198.00 LT
I	M.L. STA 550+80.00	£ 216.00 LT

PART OF ACCRETIONS
TO GOVT LOTS 1 & 2
SEC 29-T89N-R47W
(3863 SQ.FT.)



DATE DRAWN ALR 04/26/2018



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

James C. Sailer 5/2/18
James C. Sailer License No. 12090 Date
My license renewal date is December 31, 2018
Pages or sheets covered by this seal: _____

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of the accretions to Government Lots 1 & 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West of the 5TH Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the point of intersection of the existing South right of way line of the Union Pacific Railroad and the East line of the Northwest $\frac{1}{4}$ of said Section 29; thence South $01^{\circ}10'53''$ West, 1287.74 feet along the East line of said Northwest $\frac{1}{4}$ and said line projected South to a point on the existing South right of way line of Interstate 29; thence North $85^{\circ}46'39''$ West, 1270.17 feet along said existing South right of way line; thence North $00^{\circ}54'05''$ West, 44.00 feet along said existing South right of way line to the Point of Beginning; thence continuing North $00^{\circ}54'05''$ West, 11.00 feet along said existing South right of way line; thence North $78^{\circ}26'20''$ West, 228.97 feet along said existing South right of way line; thence North $83^{\circ}30'39''$ West, 141.17 feet along said existing South right of way line; thence South $00^{\circ}54'05''$ East, 10.57 feet; thence South $83^{\circ}34'30''$ East, 141.15 feet; thence South $78^{\circ}17'44''$ East, 229.10 feet to the Point of Beginning, containing 3863 square feet.

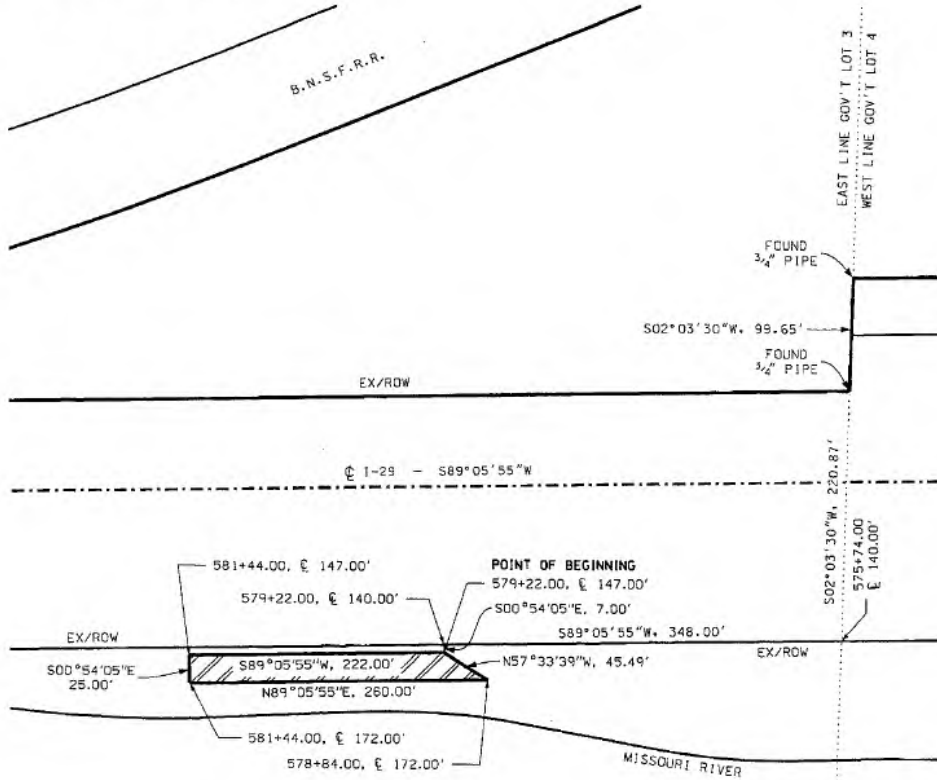


IOWA DEPARTMENT OF TRANSPORTATION
 TEMPORARY EASEMENT
 EXHIBIT "A"



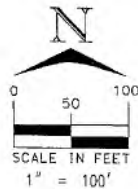
COUNTY WOODBURY STATE CONTROL NO. _____
 PROJECT NO. IMN-029-6(150)142--OE-97 PARCEL NO. 209SS
 SECTION 30 TOWNSHIP 89N RANGE 47W
 ROW ~ FEE _____, EASE _____, TEMP EASE 6025 SQ.FT. *
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM _____

* TEMPORARY EASEMENT TO CONSTRUCT TRAIL.



TEMPORARY EASEMENT
 TO CONSTRUCT TRAIL

PART OF GOV'T LOT 3
 SEC 30-T89N-R47W
 (6025 SQ.FT.)



DATE DRAWN ALR 04/26/2018
 30-89-47 4 TE28

THE TEMPORARY EASEMENT RIGHT GRANTED TO CONSTRUCT A TRAIL IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 30, Township 89 North, Range 47 West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, as shown on the Temporary Easement Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the point of intersection of the East line of said Government Lot 3 and the existing South right of way line of Interstate Highway No. 29; thence South $89^{\circ}05'55''$ West, 348.00 feet along said existing South right of way line; thence South $00^{\circ}54'05''$ East, 7.00 feet to the Point of Beginning; thence South $89^{\circ}05'55''$ West, 222.00 feet; thence South $00^{\circ}54'05''$ East, 25.00 feet; thence North $89^{\circ}05'55''$ East, 260.00 feet; thence North $57^{\circ}33'39''$ West, 45.49 feet to the Point of Beginning, containing 6025 square feet.



Prepared by: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
 Return to: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
 Address Tax Statements: **Tax Exempt-IA Code Sec. 427.1** (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

**QUITCLAIM DEED
 (CORPORATE GRANTOR)**

For the consideration of ZERO AND 0/100-----(\$0.00)-----Dollars and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF SIOUX CITY, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Woodbury County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel vacated in a part of the accretions to Government Lots 1& 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West of the 5th Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the point of intersection of the existing South right of way line of the Union Pacific Railroad and the East line of the Northwest ¼ of said Section 29; thence South 01°10'53" West, 1287.74 feet along the East line of said Northwest ¼ and said line projected South to a point on the existing South right of way line of Interstate 29; thence North 85°46'39" West, 1270.17 feet along said existing South right of way line; thence North 00°54'05" West, 44.00 feet along said existing South right of way line to the Point of Beginning; thence continuing North 00°54'05" West, 11.00 feet along said existing South right of way line; thence North 78°26'20" West, 228.97 feet along said existing South right of way line; thence North 83°30'39" West, 141.17 feet along said existing South right of way line; thence South 00°54'05" East, 10.57 feet; thence South 83°34'30" East, 141.15 feet; thence South 78°17'44" East, 229.10 feet to the Point of Beginning, containing 3863 square feet.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Woodbury County Project No. IMN-029-6(150)142--0E-97
 City of Sioux City (Parcel No. 209SS)

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20__

CITY OF SIOUX CITY, IOWA

By: _____ (Sign in Ink)
Robert E. Scott, Mayor

(AFFIX CORPORATE SEAL ABOVE) By: _____ (Sign in Ink)
Lisa L. McCardle, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20__, and that Robert E. Scott and Lisa L. McCardle acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

(AFFIX NOTARIAL SEAL ABOVE ▲)

RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of the accretions to Government Lots 1 & 2, also described as accretions to Tax Lots 1 through 5, inclusive, of the Auditors Plat of Government Lots 1 through 4, inclusive, all in Section 29, Township 89 North, Range 47 West of the 5TH Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

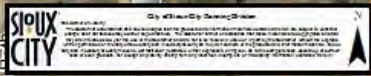
Commencing at the point of intersection of the existing South right of way line of the Union Pacific Railroad and the East line of the Northwest $\frac{1}{4}$ of said Section 29; thence South $01^{\circ}10'53''$ West, 1287.74 feet along the East line of said Northwest $\frac{1}{4}$ and said line projected South to a point on the existing South right of way line of Interstate 29; thence North $85^{\circ}46'39''$ West, 1270.17 feet along said existing South right of way line; thence North $00^{\circ}54'05''$ West, 44.00 feet along said existing South right of way line to the Point of Beginning; thence continuing North $00^{\circ}54'05''$ West, 11.00 feet along said existing South right of way line; thence North $78^{\circ}26'20''$ West, 228.97 feet along said existing South right of way line; thence North $83^{\circ}30'39''$ West, 141.17 feet along said existing South right of way line; thence South $00^{\circ}54'05''$ East, 10.57 feet; thence South $83^{\circ}34'30''$ East, 141.15 feet; thence South $78^{\circ}17'44''$ East, 229.10 feet to the Point of Beginning, containing 3863 square feet.



General Area Map
For Illustrative purposes only

Temporary Easement
6,025 sq. ft.

Proposed Sale
3,863 sq. ft.



<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: October 21, 2019 **ACTION ITEM #** 21-22

FROM: Jeff Hanson, Community Development Operations Manager (SW)

Hearing and Resolution approving proposal to grant a temporary easement. (a portion of Riverside Park property located at 100 Riverside Boulevard) (Petitioner: Iowa Department of Transportation) (Purchase Price: mutual benefits).

SUBJECT: And

Hearing and Resolution approving proposal to sell certain real property and authorizing a quitclaim deed (vacated portion of Riverside Park property located at 100 Riverside Boulevard) (Petitioner: Iowa Department of Transportation) (Purchase Price: mutual benefits).

Reviewed By:	<input checked="" type="checkbox"/> Department Director	Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
---------------------	---	--------------------	---	--

RECOMMENDATION:

Staff respectfully requests that the City Council approve the proposed resolutions.

DISCUSSION:

On the agenda for Monday the City Council will be asked to conduct a public hearing and approve the proposal granting a Temporary Easement and to sell certain real property to the Iowa Department of Transportation in connection with the I-29 Reconstruction Project. The IDOT has submitted a purchase agreement requesting a City Deed and one Temporary Easement from the City. Both parcels are located at 100 Riverside Boulevard within Riverside Park.

The first resolution on Monday’s agenda is for the granting of a Temporary Easement to the Iowa Department of Transportation. The Temporary Easement is for the purposes of clearing and grubbing.

The second resolution on Monday’s agenda is for the issuance of a Quit Claim Deed to the Iowa Department of Transportation. This portion of parkland was vacated by Ordinance No. 2019-0154 dated February 25, 2019.

FINANCIAL IMPACT:

Mutual Benefits

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:

Do not approve the resolutions.

ATTACHMENTS:

Proposed Resolutions

Purchase Agreement

Aerials

RESOLUTION NO. 2019-_____

RESOLUTION APPROVING PROPOSAL TO GRANT A TEMPORARY EASEMENT. (A PORTION OF RIVERSIDE PARK PROPERTY LOCATED AT 100 RIVERSIDE BOULEVARD) (PETITIONER: IOWA DEPARTMENT OF TRANSPORTATION) (PURCHASE PRICE: MUTUAL BENEFITS).

WHEREAS, the City Council of the City of Sioux City, Iowa, set forth its proposal to grant a temporary easement in the following described real property in Resolution No. 2019-0835, passed and approved October 7, 2019:

THE TEMPORARY EASEMENT RIGHT FOR CLEARING AND GRUBBING IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA 12 (Riverside Boulevard); thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 299.59 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet to the Point of Beginning; thence continuing along the existing North right of way line of Primary Road No. I-29 for the following 4 courses; thence Southwesterly a distance of 60.93 feet along the arc of a tangential curve, having a radius of 258.30 feet, concave Northwesterly and having a chord bearing, South 45°02'41" West, 60.79 feet; thence South 51°49'06" West, 290.49 feet; thence Southwesterly a distance of 749.43 feet along the arc of a non-tangential curve, having a radius of 957.20 feet, concave Northwesterly and having a chord bearing, South 74°11'35" West, 730.43 feet; thence North 75°22'52" West, 82.12 feet; thence South 83°16'34" East, 162.19 feet; thence North 89°45'28" East, 99.87 feet; thence North 83°19'39" East, 107.28 feet; thence North 74°18'26" East, 134.29 feet; thence North 68°51'10" East, 99.29 feet; thence North 61°00'46" East, 100.76 feet; thence North 56°27'48" East, 116.22 feet; thence North 52°00'20" East, 204.44 feet; thence North 49°19'16" East, 156.34 feet; thence South 04°13'45" West, 6.09 feet to the Point of Beginning. (Containing 8,075 square feet.); and

WHEREAS, a public hearing was held on said proposal on October 21, 2019, pursuant to published notice given as provided by law; and

WHEREAS, the City Council has heard all the objections to said proposal, but believes the temporary easement should be granted; and

WHEREAS, a "Grant of Temporary Easement" has been prepared and is attached hereto and by this reference made a part hereof.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that all objections to the proposed "Grant of Temporary Easement" for the real estate described in the preamble hereof be, and the same are hereby overruled.

BE IT FURTHER RESOLVED that the "Grant of Temporary Easement" in the above described real property be granted in accordance with the terms and conditions set forth therein and outlined in a Purchase Agreement passed and approved by the City Council on October 7, 2019, pursuant to Resolution No. 2019-0833.

BE IT FURTHER RESOLVED that the "Grant of Temporary Easement" attached hereto be and the same is hereby approved as to form and content and the Mayor and City Clerk are authorized and directed to execute the same for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of an executed Offer to Purchase from the Iowa Department of Transportation and of the consideration fixed in said "Grant of Temporary Easement" and the costs incurred that the "Grant of Temporary Easement" be delivered to the Iowa Department of Transportation.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

GRANT OF TEMPORARY EASEMENT

For the consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION the City of Sioux City, Woodbury County, Iowa does hereby convey to the Iowa Department of Transportation, a temporary easement over the following described real estate in Woodbury County, Iowa:

THE TEMPORARY EASEMENT RIGHT FOR CLEARING AND GRUBBING IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA 12 (Riverside Boulevard); thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 299.59 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet to the Point of Beginning; thence continuing along the existing North right of way line of Primary Road No. I-29 for the following 4 courses; thence Southwesterly a distance of 60.93 feet along the arc of a tangential curve, having a radius of 258.30 feet, concave Northwesterly and having a chord bearing, South 45°02'41" West, 60.79 feet; thence South 51°49'06" West, 290.49 feet; thence Southwesterly a distance of 749.43 feet along the arc of a non-tangential curve, having a radius of 957.20 feet, concave Northwesterly and having a chord bearing, South 74°11'35" West, 730.43 feet; thence North 75°22'52" West, 82.12 feet; thence South 83°16'34" East, 162.19 feet; thence North 89°45'28" East, 99.87 feet; thence North 83°19'39" East, 107.28 feet; thence North 74°18'26" East, 134.29 feet; thence North 68°51'10" East, 99.29 feet; thence North 61°00'46" East, 100.76 feet; thence North 56°27'48" East, 116.22 feet; thence North 52°00'20" East, 204.44 feet; thence North 49°19'16" East, 156.34 feet; thence South 04°13'45" West, 6.09 feet to the Point of Beginning. (Containing 8,075 square feet.)

This temporary easement is for the purposes of clearing and grubbing on land owned by the City of Sioux City, Iowa, located on or near the above described real property.

The temporary easement shall terminate on completion of the I-29 Reconstruction Project.

Signed this 21st day of October, 2019.

CITY OF SIOUX CITY, IOWA

By: _____
Robert E. Scott
Mayor

ATTEST: _____
Lisa M. McCardle
City Clerk

STATE OF IOWA)
 : ss
WOODBURY COUNTY)

On this 21st day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the official seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council, as contained in Resolution No. 2019-_____ passed on the 21st day of October, 2019, and that Robert E. Scott and Lisa L. McCardle acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City.

BY: _____
Notary Public in and for Iowa

RESOLUTION NO. 2019-_____
with attachments

RESOLUTION APPROVING PROPOSAL TO SELL CERTAIN REAL PROPERTY AND AUTHORIZING A QUITCLAIM DEED (VACATED PORTION OF RIVERSIDE PARK PROPERTY LOCATED AT 100 RIVERSIDE BOULEVARD) (PETITIONER: IOWA DEPARTMENT OF TRANSPORTATION) (PURCHASE PRICE: MUTUAL BENEFITS).

WHEREAS, the City Council of the City of Sioux City, Iowa, set forth its proposal to sell the following described real property in Resolution No. 2019-0834, passed and approved October 7, 2019:

THE FEE SIMPLE TITLE GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA 12 (Riverside Boulevard); thence South 09°55'38" East, 172.14 feet along said existing West right of way line to the Point of Beginning; thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 127.46 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet; thence North 04°13'45" East, 369.22 feet to the Point of Beginning. (Containing 10,215 square feet.); and

WHEREAS, a public hearing was held on said proposal on October 21, 2019, pursuant to published notice given as provided by law; and

WHEREAS, the City Council has heard all the objections to said proposal, but believes selling of the real property is in the public interest; and

WHEREAS, a Quitclaim Deed, prepared in accordance with the previously received Purchase 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 all objections to the proposed sale of the real estate described in the preamble hereof, be and the same are hereby overruled.

BE IT FURTHER RESOLVED, that the above described real property be sold to the Iowa Department of Transportation in accordance with the terms and conditions set forth in the Purchase Agreement passed and approved by the City Council on October 7, 2019, pursuant to Resolution No. 2019-0833.

BE IT FURTHER RESOLVED that the Quitclaim Deed attached hereto conveying said property to Iowa Department of Transportation, be and the same is hereby approved as to form and content and the Mayor and City Clerk authorized and directed to execute same for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of an executed Offer to Purchase from the Iowa Department of Transportation and of the consideration fixed in said Quitclaim Deed and the costs incurred in this sale that the Quitclaim Deed be delivered to the Iowa Department of Transportation.

PASSED AND APPROVED: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Prepared by: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757
Return to: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757
Address Tax Statements: Tax Exempt-IA Code Sec. 427.1 (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of MUTUAL BENEFIT—(\$0.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF SIOUX CITY, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Woodbury County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA12 (Riverside Boulevard); thence South 09°55'38" East, 172.14 feet along said existing West right of way line to the Point of Beginning; thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 127.46 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet; thence North 04°13'45" East, 369.22 feet to the Point of Beginning, containing 10,215 square feet.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20__

CITY OF SIOUX CITY, IOWA

By: _____ (Sign in Ink)
Robert Scott, Mayor

(AFFIX CORPORATE SEAL ABOVE)

By: _____ (Sign in Ink)
Lisa McCardle, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Scott and Lisa McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20____, and that Robert Scott and Lisa McCardle acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

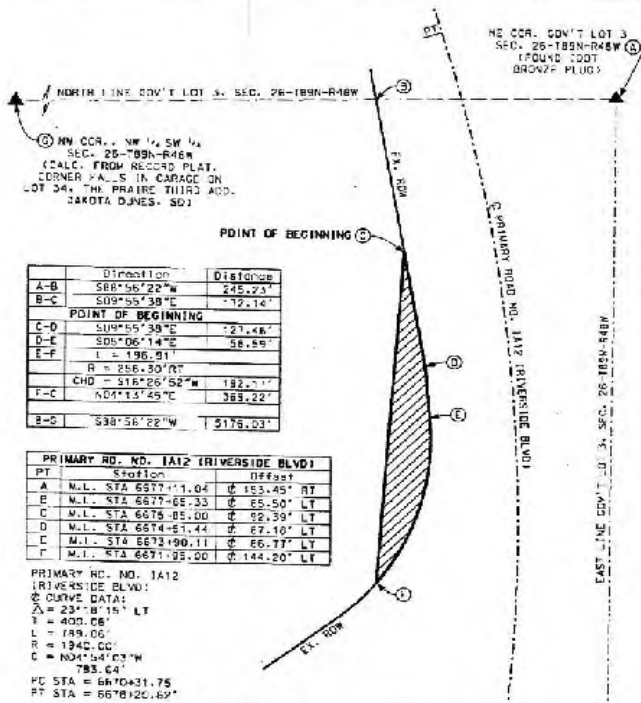
(AFFIX NOTARIAL SEAL ABOVE ▲)



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAN
EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO.
PROJECT NO. 14N-029-611501142-DE-97 PARCEL NO. 115
SECTION 26 TOWNSHIP 89 NORTH RANGE 46 WEST
ROW - PLE 10.215 SO. FT. EASE DUTY CLAIM
ACQUIRED ACCESS RIGHTS FROM STA. TO STA. MAIN LINE SIDE
ACQUIRED ACCESS RIGHTS FROM STA. 6671+95 TO STA. 6675+85 RIVERSIDE BLVD. WEST SIDE
ACQUIRED FROM

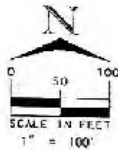


	Direction	Distance
A-B	S88°56'22"W	245.23'
B-C	S09°55'38"E	72.16'
POINT OF BEGINNING		
C-D	S10°55'30"E	121.46'
D-E	S05°06'14"E	58.59'
E-F	L = 196.91'	
	R = 256.50'/RT	
	CHD = S16°26'52"W	182.71'
F-G	N04°13'45"E	383.22'
G-H	S38°56'22"W	5175.03'

PRIMARY RD. NO. 1412 (RIVERSIDE BLVD)		
PT	Station	Offset
A	N.L. STA 6677+11.04	Ø 153.45' RT
B	M.L. STA 6677+66.33	Ø 65.50' LT
C	M.L. STA 6678+05.00	Ø 92.39' LT
D	M.L. STA 6678+51.44	Ø 82.10' LT
E	M.L. STA 6679+00.11	Ø 66.77' LT
F	M.L. STA 6679+95.00	Ø 144.20' LT

PRIMARY RD. NO. 1412
RIVERSIDE BLVD:
CURVE DATA:
Δ = 23° 0' 15" LT
T = 400.06'
L = 189.06'
R = 1940.00'
C = N04°14'03"W
783.64'
PC STA = 6670+31.75
PT STA = 6678+20.69'

PART OF GOV'T LOT 3
SEC. 26-T89N-R46W
(10.215 SO. FT.)



DATE DRAWN WRS 09/27/2016



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.
Robert D. Wortman 10-2-2016
Robert D. Wortman License No. 12420
My license expires on December 31, 2019
Pages or sheets covered by this map: THIS SHEET ONLY



Office of Right of Way, 800 Lincoln Way, Ames, Iowa 50010

Ph.: 515-239-1135
FAX: 515-239-1247
E-mail: Dwayne.Myers@dot.iowa.gov
www.iowadot.gov

DATE 10/11/2018

COUNTY Woodbury

PROJECT IMN-29-6(150)142-0E-97

PARCEL 11S

OFFER TO PURCHASE – Appraisal Waiver

Owner City of Sioux City

Address 405 6th St., Sioux City, IA 51101

Pursuant to federal and state regulations, the Iowa Department of Transportation presents to you the pamphlet *Highways and Your Land* and submits an offer of \$Mutual Benefit, which represents just compensation of the right of way needed from your property.

You will not be required to move from your dwelling or to move your business, farm, non-profit organization to personal property any sooner than 1/11/2019, which is at least 90 days from the date of this notice.

By  _____
Dwayne Myers, Acquisition Agent

Return to and Prepared by Katherine Johnson, Right of Way Office, Iowa Department of Transportation,
800 Lincoln Way, Ames, IA 50010, 515-239-1633

Form 654026 (07-16)



Office of Right of Way, 800 Lincoln Way, Ames, Iowa 50010

Ph: 515-239-1135
Toll-Free: 866-282-5809
FAX: 515-239-1247
www.iowadot.gov

PURCHASE AGREEMENT

Parcel Number: 11S County: Woodbury
Project Number: IMN-29-S(150)142-0E-97 Route Number: I-29
Seller: City of Sioux City

THIS AGREEMENT entered into this 7 day of October, 2019 by and between, Seller and the Iowa Department of Transportation, acting for the State of Iowa, Buyer.

- 1a. The Seller agrees to sell and furnish to the Buyer a conveyance document, on form(s) furnished by the Buyer, and the Buyer agrees to buy the following real estate, hereinafter referred to as the premises, in parts of the following: A parcel of land located in a part of Government Lot 3, Section 26 Township 89 North, Range 48 West, in the County of Woodbury, State of Iowa, and more particularly described on page 5, including the following buildings, improvements and other property.
All land, trees, shrubs, landscaping and surfacing attached to the premises sought and described herein
- 1b. The Seller also agrees to convey to the Buyer all of the Seller's rights of direct access from the premises to Primary Rd. No. Iowa 12, From Sta. 6671+85 (side road) West side to 6675+85 (Side Road) West side, excepting and reserving to the Seller the right of access at the following locations none.
2. The Buyer agrees to pay, and the Seller agrees to grant, the right of possession, convey title and surrender physical possession of the premises as shown on or before the dates listed below:

Payment Amount	Agreed Performance	Date of Performance	
	On conveyance of title		
	On surrender of possession		
\$0.00	On possession and conveyance	After Buyer approval	
\$0.00	Total Lump-Sum Amount		
Breakdown	Ac/Sq. Ft.		
Land by fee title	10,215	sq. ft.	Fence 0 rods woven
Underlying fee title	0		Fence 0 rods barbed
Permanent easement	0		

DISTRIBUTION: TWO COPIES RETURNED TO BUYER (IOWA DOT) ONE COPY RETAINED BY SELLER.
11S, IMN-29-S(150)142-0E-97

3. Possession of the premises is the essence of this agreement and the Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. The Seller grants the Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data. The Seller may surrender possession of the premises, building, improvement, or any part thereof, prior to the time that he/she has agreed to do so, and agrees to give the Buyer 10 days notice of the Seller's intention to surrender possession by calling the Buyer at 1-866-282-5809.
4. The Seller warrants that there are no tenants on the premises holding under lease, except: None
5. This agreement shall apply to and bind the legal successors in interest of the Seller, and the Seller agrees to pay all liens and assessments against the premises, including all taxes and special assessments payable until surrender of possession, as required by the Iowa Code section 427.2 and agrees to warrant good and sufficient title.
6. The Buyer may include mortgagees, lien holders, encumbrances, and taxing authorities as payees on warrants issued in payment of this agreement. In addition to the total lump-sum payment amount, the Buyer agrees to pay \$0.00 for the cost of adding title documents required by this transaction to the Seller's abstract of title. If requested to do so, the Seller will deliver to the Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, an abstract of title to the premises. The Buyer agrees to pay the cost of abstract continuation. The Seller agrees to provide the documents as may be required by Iowa Land Title Standards to convey merchantable title to the Buyer. The Seller also agrees to obtain court approval of this agreement, if requested by the Buyer, in the event title to the premises becomes an asset of any estate, trust, conservatorship or guardianship. The Buyer agrees to pay court approval costs and all other costs necessary to transfer the premises to the Buyer, except attorney fees. Claims for such transfer costs shall be paid in amounts supported by paid receipts or signed invoices.
7. The Buyer agrees that any agricultural drain tiles that are located within the premises that are damaged or require relocation by highway construction shall be repaired or relocated at no expense to the Seller. Where the Buyer specifically agrees to construct and maintain fence, the fence shall be constructed and maintained for vehicle access control purposes at no expense to the Seller. The Buyer has the right of entry upon the Seller's remaining property along the right-of-way line, if necessary, for the purpose of connecting the drain tile, and constructing and maintaining the fence. The Seller may pasture against the fence at his/her own risk. The Buyer will not be liable for fencing private property or maintaining it to restrain livestock.
8. If the Seller holds title to the premises in joint tenancy with full rights of survivorship and not as tenants in common at the time of this agreement, the Buyer will pay any remaining proceeds to the survivor of that joint tenancy, and will accept title solely from that survivor, provided the joint tenancy has not been destroyed by operation of law or acts of the Seller.
9. These premises are being acquired for public purposes. This transfer is exempt from the requirements for the filing of a "Declaration of Value" in accordance with Iowa Code section 428A.1.
10. The premises also includes all estates, rights, title, and interests, including all easements, and all advertising devices and the right to erect such devices as are located thereon. The Seller consents to any change of grade of the highway and accepts payment under this agreement for any and all damages arising from those changes. The Seller acknowledges full settlement and payment from the Buyer for all claims per the terms of this agreement, and discharges the Buyer from liability because of this agreement and the construction of the public improvement project.
11. The Seller states and warrants that, to the best of the Seller's knowledge, there is no burial site, well, solid waste disposal site, private sewage disposal systems, hazardous substance or underground storage tank on the premises, except: None
12. This written agreement constitutes the entire agreement between Buyer and Seller and there is no agreement to do or not to do any act or deed except as specifically provided for herein.
13. Buyer hereby gives notice of Seller's five-year right to renegotiate construction or maintenance damages not apparent at the time of the signing of this agreement as required by the Code of Iowa, Section 6B.52.
14. The Sellers grant to the Buyer temporary easement for the purpose of Clearing and Grubbing, The Right-of-Way Design Plot Plan, attached as a page 4 of this agreement, graphically illustrates the proposed temporary easement area being granted. The temporary easement shall terminate on completion of this highway project.

Seller's signature and claimant's certification: Upon due approval and execution by the Buyer, the undersigned sellers/claimants certify the total lump-sum payment amount shown here is just and unpaid.

City of Sioux City

BY: X

Robert E. Scott
 Robert E. Scott, Mayor
 405 6th St.
 Sioux City, IA 51101

BY: X

Lisa L. McCardle
 Lisa L. McCardle, Clerk

This section to be completed by a Notary Public.

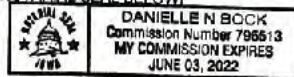
STATE OF IOWA

COUNTY OF Woodbury

ss:

On this 7 day of October, 2019, before me, the undersigned, a notary public in and for said the State of Iowa, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, who being by me duly sworn, did say that they are the mayor and city clerk, respectively, of the city of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its city council as contained in ordinance number 2019-0833, passed (the resolution adopted) by the city council under roll call number _____ of the city council on the 7 day of October 2019 and that Robert E. Scott and Lisa L. McCardle acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

(AFFIX NOTARIAL SEAL BELOW)



Danielle N. Bock (Sign in ink)

Danielle N. Bock (Print/type name)

Notary Public in and for the State of Iowa

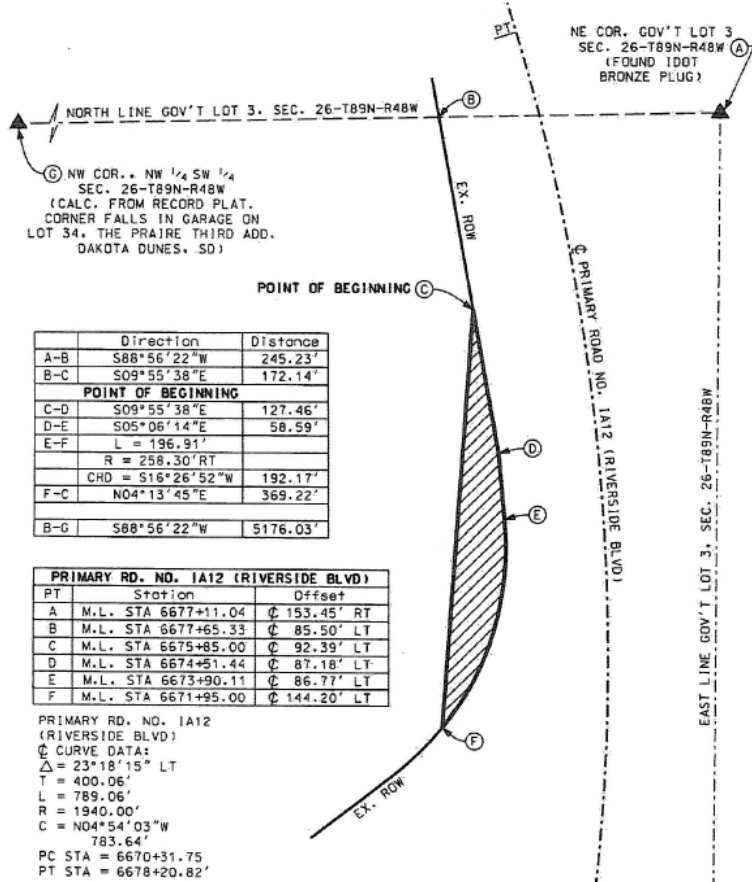
BUYER'S APPROVAL	
Recommended by (Sign in ink): X _____ (Date)	
(Printed Name): Project Agent Scott Henning	
Approved by (Sign in ink): X _____ (Date)	
(Printed Name): Right of Way Director Martin J. Sankey	
BUYER'S ACKNOWLEDGEMENT	
STATE OF IOWA } COUNTY OF STORY } ss:	
On this _____ day of _____, 2018, before me, the undersigned, personally appeared ROW Director, <u>Martin J. Sankey</u> known to me to be a Right of Way Director of the Buyer and who did say that the instrument was signed on behalf of the Buyer by its authority duly recorded in its minutes, and said right of way director acknowledged the execution of the instrument, whose signature appears hereon, to be the voluntary act and deed of the Buyer, and by it voluntarily executed.	
(NOTARIAL SEAL)	Notary Public in and for the State of Iowa



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO. -
PROJECT NO. IMN-029-611501142--OE-97 PARCEL NO. 11S
SECTION 26 TOWNSHIP 89 NORTH RANGE 48 WEST
ROW - FEE 10.215 SQ. FT. EASE QUIT CLAIM
ACQUIRED ACCESS RIGHTS FROM STA. TO STA. MAIN LINE SIDE
ACQUIRED ACCESS RIGHTS FROM STA. 6671+95 TO STA. 6675+85 RIVERSIDE BLVD. WEST SIDE
ACQUIRED FROM

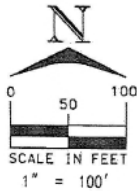


	Direction	Distance
A-B	S88°56'22"W	245.23'
B-C	S09°55'38"E	172.14'
POINT OF BEGINNING		
C-D	S09°55'38"E	127.46'
D-E	S05°06'14"E	58.59'
E-F	L = 196.91'	
	R = 258.30' RT	
	CHD = S16°26'52"W	192.17'
F-C	N04°13'45"E	369.22'
B-G	S88°56'22"W	5176.03'

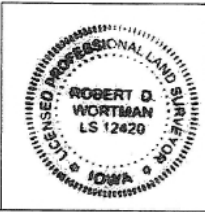
PRIMARY RD. NO. 1A12 (RIVERSIDE BLVD)		
PT	Station	Offset
A	M.L. STA 6677+11.04	Φ 153.45' RT
B	M.L. STA 6677+65.33	Φ 85.50' LT
C	M.L. STA 6675+85.00	Φ 92.39' LT
D	M.L. STA 6674+51.44	Φ 87.18' LT
E	M.L. STA 6673+90.11	Φ 86.77' LT
F	M.L. STA 6671+95.00	Φ 144.20' LT

PRIMARY RD. NO. 1A12
(RIVERSIDE BLVD)
C CURVE DATA:
Δ = 23°18'15" LT
T = 400.06'
L = 789.06'
R = 1940.00'
C = N04°54'03"W
783.64'
PC STA = 6670+31.75
PT STA = 6678+20.82'

PART OF GOV'T LOT 3
SEC. 26-T89N-R48W
(10.215 SQ. FT.)



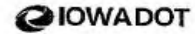
DATE DRAWN WRS 09/27/2018



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.
Robert D. Wortman 10-2-2018
Robert D. Wortman License No. 12420 Date
My license renewal date is December 31, 2019.
Pages or sheets covered by this seal: THIS SHEET ONLY



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO. -
PROJECT NO. IMN-029-6(150)142--DE-97 PARCEL NO. 115
SECTION 26 TOWNSHIP 89 NORTH RANGE 48 WEST

	Direction	Distance
A-B	S88°56'22"W	245.23'
B-C	S09°55'38"E	299.59'
C-D	S05°06'14"E	58.59'
D-E	L = 196.91'	
	R = 258.30' RT	
	S16°26'52"W	192.17'
POINT OF BEGINNING		
E-F	L = 60.93'	
	R = 258.30' RT	
	S45°02'41"W	60.79'
F-G	S51°49'06"W	290.49'
G-H	L = 749.43'	
	R = 957.20' RT	
	S74°11'35"W	730.43'
H-I	N75°22'52"W	82.12'
I-J	S83°16'34"E	162.19'
J-K	N89°45'28"E	99.87'
K-L	N83°19'39"E	107.28'
L-M	N74°18'26"E	134.29'
M-N	N68°51'10"E	99.29'
N-D	N61°00'46"E	100.76'
O-P	N56°27'48"E	116.22'
P-O	N52°00'20"E	204.44'
Q-R	N49°19'16"E	156.34'
R-E	S04°13'45"W	6.09'
B-S	S88°56'22"W	5176.03'

PRIMARY ROAD NO. I-29		
PT	Station	Offset
A	M.L. STA 662+52.33	⊕ 1346.15' RT
B	M.L. STA 666+18.87	⊕ 1323.16' RT
C	M.L. STA 665+01.59	⊕ 1035.18' RT
D	M.L. STA 664+87.64	⊕ 977.53' RT
E	M.L. STA 665+34.92	⊕ 788.91' RT
F	M.L. STA 665+82.20	⊕ 741.65' RT
G	M.L. STA 668+20.89	⊕ 531.53' RT
H	M.L. STA 675+10.00	⊕ 158.61' RT
I	M.L. STA 675+95.00	⊕ 150.47' RT
J	M.L. STA 674+30.00	⊕ 187.00' RT
K	M.L. STA 673+30.00	⊕ 218.00' RT
L	M.L. STA 672+25.00	⊕ 260.00' RT
M	M.L. STA 671+00.00	⊕ 328.00' RT
N	M.L. STA 670+10.00	⊕ 384.00' RT
O	M.L. STA 669+25.00	⊕ 450.00' RT
P	M.L. STA 668+30.00	⊕ 531.00' RT
Q	M.L. STA 666+65.00	⊕ 680.00' RT
R	M.L. STA 665+35.12	⊕ 795.00' RT

THE FEE SIMPLE TITLE GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South $88^{\circ}56'22''$ West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA12 (Riverside Boulevard); thence South $09^{\circ}55'38''$ East, 172.14 feet along said existing West right of way line to the Point of Beginning; thence continuing along said existing West right of way line for the following 3 courses; South $09^{\circ}55'38''$ East, 127.46 feet; thence South $05^{\circ}06'14''$ East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South $16^{\circ}26'52''$ West, 192.17 feet; thence North $04^{\circ}13'45''$ East, 369.22 feet to the Point of Beginning, containing 10,215 square feet.

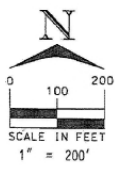
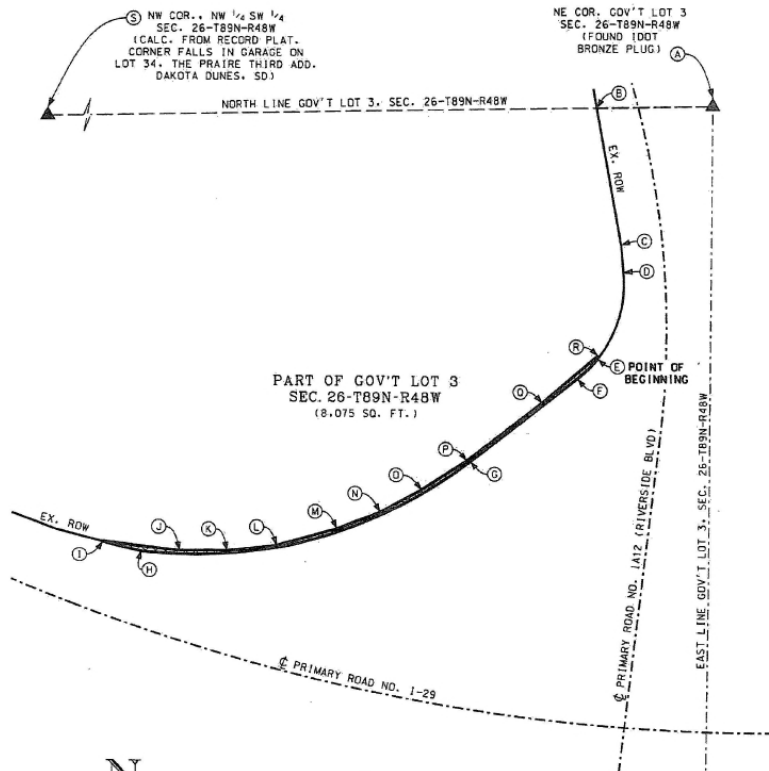


IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

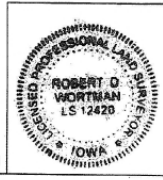


COUNTY WOODBURY STATE CONTROL NO. -
 PROJECT NO. IMN-029-6(150)142--DE-97 PARCEL NO. 11S
 SECTION 26 TOWNSHIP 89 NORTH RANGE 48 WEST
 ROW - FEE _____ EASE 8.075 SQ. FT # QUIT CLAIM _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM _____

* TEMPORARY EASEMENT FOR CLEARING AND GRUBING.



DATE DRAWN WRS 09/27/2018



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.
Robert D. Wortman 10-2-2018
 Robert D. Wortman License No. 12428 Date
 My license renewal date is December 31, 2019.
 Pages or sheets covered by this seal: SHEET 1 AND SHEET 2
 SHEET 1 OF 2

THE TEMPORARY EASEMENT RIGHT FOR CLEARING AND GRUBBING IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA12 (Riverside Boulevard); thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 299.59 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet to the Point of Beginning; thence continuing along the existing North right of way line of Primary Road No. I-29 for the following 4 courses; thence Southwesterly a distance of 60.93 feet along the arc of a tangential curve, having a radius of 258.30 feet, concave Northwesterly and having a chord bearing, South 45°02'41" West, 60.79 feet; thence South 51°49'06" West, 290.49 feet; thence Southwesterly a distance of 749.43 feet along the arc of a non-tangential curve, having a radius of 957.20 feet, concave Northwesterly and having a chord bearing, South 74°11'35" West, 730.43 feet; thence North 75°22'52" West, 82.12 feet; thence South 83°16'34" East, 162.19 feet; thence North 89°45'28" East, 99.87 feet; thence North 83°19'39" East, 107.28 feet; thence North 74°18'26" East, 134.29 feet; thence North 68°51'10" East, 99.29 feet; thence North 61°00'46" East, 100.76 feet; thence North 56°27'48" East, 116.22 feet; thence North 52°00'20" East, 204.44 feet; thence North 49°19'16" East, 156.34 feet; thence South 04°13'45" West, 6.09 feet to the Point of Beginning, containing 8,075 square feet.



Prepared by: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757
Return to: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757
Address Tax Statements: **Tax Exempt-IA Code Sec. 427.1** (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of MUTUAL BENEFIT-----(\$0.00)----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF SIOUX CITY, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Woodbury County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of vacated land located in a part of Government Lot 3, Section 26, Township 89 North, Range 48 West of the Fifth Principal Meridian, City of Sioux City, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof and more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 3; thence South 88°56'22" West, 245.23 feet along the North line of said Government Lot 3 to a point on the existing West right of way line of Primary Road No. IA12 (Riverside Boulevard); thence South 09°55'38" East, 172.14 feet along said existing West right of way line to the Point of Beginning; thence continuing along said existing West right of way line for the following 3 courses; South 09°55'38" East, 127.46 feet; thence South 05°06'14" East, 58.59 feet; thence Southerly a distance of 196.91 feet along the arc of a non-tangential curve, having a radius of 258.30 feet, concave Westerly and having a chord bearing, South 16°26'52" West, 192.17 feet; thence North 04°13'45" East, 369.22 feet to the Point of Beginning, containing 10,215 square feet.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20__

CITY OF SIOUX CITY, IOWA

By: _____ (Sign in Ink)
Robert Scott, Mayor

(AFFIX CORPORATE SEAL ABOVE)

By: _____ (Sign in Ink)
Lisa McCardle, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Scott and Lisa McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20____, and that Robert Scott and Lisa McCardle acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

(AFFIX NOTARIAL SEAL ABOVE ▲)

x	Regular Session
	Study Session
	Closed Session

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

MEETING DATE: October 21, 2019 **ACTION ITEM #** 23

FROM: Chris Myres, Economic Development Specialist

SUBJECT: **Ordinance adding a New Chapter to the Sioux City Municipal Code to be entitled "Northbrook Urban Revitalization Area Plan"**

Reviewed By: **x** Department Director Finance Department **x** City Attorney **x** City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council approve the above ordinance adopting the Northbrook Urban Revitalization Area Plan as part of the Municipal Code.

DISCUSSION:

Background

City staff was approached by Brad Cummings and Dick Salem regarding financial assistance to promote the construction of road and utility infrastructure to support the ongoing development of the Northbrook industrial and commercial area. The area was originally developed nearly twenty years ago and the lots accessed by the initial road network are nearly built out. Mr. Cummings and Mr. Salem are proposing a looped road that would open up nearly 40 acres of land to development to the north of the existing development.

Staff is requesting the Council create a Commercial Urban Revitalization area covering the entire development. Mr. Cummings and Mr. Salem agree that the property tax abatements available under this program would allow them to construct the proposed infrastructure. In addition to providing assistance with the new infrastructure, the tax abatements available under the program would promote additional construction on existing lots within the development. None of the land in this development is currently in an Urban Revitalization Area or a Tax Increment Financing District, which limits the City's ability to provide assistance to promote new development. As you will see in the attached maps the boundaries of the proposed district are drawn to include the entire Northbrook area.

The creation of a Commercial Urban Revitalization district for these projects would make available one of two options to these projects:

- 3 years, 100% exemption
- 10 years partial exemption on a graduated scale

This tax incentive mirrors the incentive currently offered City-wide to residential properties. The developers have indicated that the creation of an urban revitalization district for these projects would induce the construction of larger buildings with larger tax value.

Urban Revitalization Process

Creating an urban revitalization area is a three-step process. On August 12, 2019, City Council completed the first step of the process by approving a Resolution of Necessity and setting the public hearing. Council conducted a public hearing on September 16, 2019 which was the second step of the process. The final step is today's requested action to adopt the Northbrook Urban Revitalization Area Plan as part of the Municipal Code.

FINANCIAL IMPACT:

There is no direct budget impact. The only fiscal impact will be that the property taxes due on the increased value of improved property will either be abated for three years or based on a graduated schedule over the next ten years.

RELATIONSHIP TO STRATEGIC PLAN:

To expand development opportunities, develop the resources to support economic growth, and develop new business sites.

ALTERNATIVES:

None proposed.

ATTACHMENTS:

Ordinance

Map of current proposal – Northbrook Urban Revitalization Area

General area map of proposed Northbrook Urban Revitalization Area

Boundary and parcel map of proposed Northbrook Urban Revitalization Area

Urban Revitalization Plan – Hard Copy

ORDINANCE NO. 2019 - _____

ORDINANCE ADDING A NEW CHAPTER TO THE SIOUX CITY MUNICIPAL CODE TO BE ENTITLED "NORTHBROOK URBAN REVITALIZATION AREA PLAN"

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

There is hereby added to Title 26 of the Sioux City Municipal Code the following new chapter to be codified as Chapter 26.188 entitled "Northbrook Urban Revitalization Area Plan" containing Sections 1 through 4 as follows:

Chapter 26.188
NORTHBROOK URBAN REVITALIZATION AREA PLAN

Sections:

- 26.188.010 Northbrook Urban Revitalization Area project description.
- 26.188.020 Other provisions.
- 26.188.030 Official maps.
- 26.188.040 Property owners and assessed values.

Section 1: 26.188.010 Northbrook Urban Revitalization Area project description. In conjunction with Chapters 26.04, 26.10, 26.12 and 26.16 of this title, this plan, and the tax exemption allowed under this plan, is applicable to all real property located in the project area. The benefits of this plan apply to the rehabilitation and additions to existing buildings and to the construction of new buildings.

All that part of the Northwest Quarter (NW 1/4) Section 23, Township 89 North, Range 47, West of the 5th Principal Meridian, all bounded and described as follows:

Commencing at the Southwest corner of Lot 1, Northbrook Industrial Park to Sioux City, Woodbury County, Iowa, said point also being on the north line of 23rd Street and the south line of said Northbrook Industrial Park; thence southeasterly along the south line of Southbridge Industrial Park to the southeast corner of Lot 11 of said Northbrook Industrial Park, said corner being on the east line of Northbrook Industrial Park; thence north along the east line of Northbrook Industrial Park extended to the south line of 28th Street; thence west along the south line of 28th Street to the intersection with the east line of Business Highway 75; thence southwesterly along the east line of Business Highway 75 to the intersection with the north line of 23rd Street; thence east along the north line of 23rd Street to the intersection with the southwest corner of Lot 1, Northbrook Industrial Park and the point of beginning.

Section 2: 26.188.020 Other provisions.

1. Duration of plan controls. The duration of the regulations and controls shall be maintained and continued in effect for a period of time from October 26, 2019 to December 31, 2023 by approval of the Northbrook Urban Revitalization Area Plan by the City Council of the City of Sioux City, Iowa.

2. Termination of revitalization activities. When, in the opinion of the City Council of the City of Sioux City, Iowa, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted by the Revitalization Act would cease to be of benefit to the City, the City Council may repeal the ordinance establishing this revitalization area and approving this plan. In that event, all existing exemptions shall continue until their expiration.

3. Procedure for changes in approved plan. Adjustments or modifications resulting from experience during project execution are authorized in the administration of this project, provided that

the intent of this approved plan is not changed. Any modification or adjustment is subject to the same requirements and procedures by which this plan was originally approved.

Section 3: 26.188.030 Official maps. The location, size, shape and boundaries of the parcels, existing zoning, existing land use and proposed land use established, as they pertain to the Northbrook Urban Revitalization Area Plan shall be indicated on the atlas or maps, which is entitled "Official Northbrook Urban Revitalization Area Maps" and shall consist of:

1. General Area Map, Map No. 1
2. Boundary and Parcel Map, Map No. 2;
3. Existing Zoning, Map No. 3;
4. Existing Land Use, Map No. 4;
5. Proposed Land Use, Map No. 5;

Said official maps and all notations, reference and other information shown thereon, shall have the same force and effect as if fully set forth or described in this chapter and by this reference is made a part of this chapter and such maps, after being adopted by reference as part of this title, and so certified by the city clerk, together with the text, shall be maintained by the city clerk, and such atlas shall be the official Northbrook Urban Revitalization Area maps, for purposes of enforcement of this title. Any amendment to said maps shall be promptly and permanently noted on the face of the maps in the custody of the city clerk. A copy of the official Northbrook Urban Revitalization Area maps and each amendment shall be filed with the county recorder of Woodbury County. A copy of said official maps are on file and available for inspection in the office of the city clerk.

Section 4: 26.188.040 Property owners and assessed values. The Northbrook Urban Revitalization Area Plan consists of the area contained within the boundaries described in Section 26.188.010. The required list of names and addresses of the owners of record of the real estate within the Northbrook Urban Revitalization Area Plan, listing the land and building values separately, as provided by the Woodbury County Auditor's office (2019 values payable in 2020) are on file and available for inspection in the office of the city clerk.

Section 5: 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 6: 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: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on October 26, 2019

Lisa L. McCardle, City Clerk

Northbrook Urban Revitalization Area



General Area Map



Boundary and Parcel Map



<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: October 21, 2019 **ACTION ITEM #** 24

FROM: Nicole M. DuBois, City Attorney
Caleb C. Christopherson, Assistant City Attorney

SUBJECT: **Ordinance repealing Chapter 7.10 of the Sioux City Municipal Code entitled “Pit Bulls Prohibited” (First consideration passed November 14, 2019)**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests the City Council adopt an Ordinance repealing Chapter 7.10 to repeal the prohibition on dogs defined therein as “pit bulls.”

DISCUSSION:
Repeal of Chapter 7.10: Animal Control regulations across the United States are turning to breed neutral regulation and moving away from breed specific regulations. Responsible pet ownership, care, and enforcement for violations are the primary focus of the City’s enforcement measures.

Additionally, repeal of Chapter 7.10 is also recommended to ensure future compliance with federal regulations specifically Americans with Disability’s (ADA) and Fair Housing Regulations for individuals that may possess service animals that fall under breed specific regulation.

FINANCIAL IMPACT:
None foreseen.

ALTERNATIVES:
Not approve the proposed changes.

ATTACHMENTS:
Ordinance

ORDINANCE NO. 2019 - _____

ORDINANCE REPEALING CHAPTER 7.10 OF THE SIOUX CITY MUNICIPAL
CODE ENTITLED "PIT BULLS PROHIBITED"

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA¹:

Section 1: Chapter 7.10 of the Sioux City Municipal Code is hereby repealed in its entirety.

Chapter 7.10
PIT BULLS PROHIBITED

Sections:

- ~~7.10.010 Pit Bull defined.~~
- ~~7.10.020 Pit Bull registration, confinement and care.~~
- ~~7.10.030 Pit Bulls prohibited.~~
- ~~7.10.040 Exceptions.~~
- ~~7.10.050 Impoundment~~

~~**7.10.010 Pit Bull defined.** A "pit bull" is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier as set forth in the standards established by the American Kennel Club or United Kennel Club for any of the aforementioned breeds.~~

~~**7.10.020 Pit Bull registration, confinement and care.**~~

~~—1. Licensing and Registration: All pit bulls in the City that were properly licensed and registered by their owners before April 25, 2009 for year 2009 shall be allowed until 5 p.m. on March 31, 2010 to complete renewal licensing and renewal registration for the year 2010. All pit bulls which were not registered or licensed prior to April 25, 2009 are excluded from this provision and remain banned from the City.~~

~~—a. The following fee schedule shall apply until the close of the renewal licensing and renewal registration period for pit bulls on March 31, 2010:~~

~~—(i). Fee for renewal licensing and registration on or before March 31, 2010 shall be twenty-five (\$25.00) dollars plus ten (\$10.00) dollars for each neutered dog and thirty (\$30.00) dollars for each unneutered dog.~~

~~—b. Pit bull license and registration renewals not completed by March 31, 2010 shall be deemed non-continuous and the pit bull will no longer be exempt from the ban.~~

~~—c. License and registration, regardless of date of issue, shall expire on December 31st of each year and renewals for year 2011 and every year thereafter must be completed prior to March 1st or the license and registration will be deemed non-continuous and the pit bull will no longer be exempt from the City wide ban. Licensing fees for pit bulls in subsequent years shall be governed by Section 7.02.020(4).~~

~~—d. Each year, upon the renewal of the license, the owner of a pit bull must register the pit bull by appropriately filling in the breed section of the registration form. The word pit bull should be placed next to the word "breed" on the form if the dog has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier.~~

~~—2. Confinement and Care.~~

¹ Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by ~~strikethrough~~

~~— a. All pit bulls in the City shall be securely confined within an occupied house or residence or in a securely enclosed pen, kennel or dog run, except when leashed as provided in this section. Such pen, kennel or dog run must have secure sides and a secure top attached to the sides, or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground not less than two feet to prevent digging under the walls by the confined pit bull. All structures must comply with all city zoning and building regulations. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.~~

~~— b. No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit on its own volition.~~

~~— c. No pit bull may go outside its pen, kennel, dog run, house or residence, unless the pit bull is securely leashed with a leash no longer than six feet in length.~~

~~— d. No pit bull shall be kept on a chain, rope, or other type of leash outside its kennel, pen, dog run, house or residence, unless both the pit bull and the leash are under the actual physical control of a person 18 years old or older.~~

~~— e. No pit bull shall be permitted to go off the premises of the owner unless the pit bull is secured by a leash no longer than six feet in length and under the actual physical control of a person eighteen years of age or older.~~

~~— f. Pit bull dogs shall have an identification microchip placed under the pit bull's skin and the identification must be kept current.~~

7.10.030 Pit Bulls prohibited. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the City of Sioux City, Iowa, any pit bull.

7.10.040 Exceptions.

~~— 1. Pit bulls currently and continuously registered, licensed, confined and cared for pursuant to Section 7.10.020 of this Chapter shall be exempt from Section 7.10.030. Failure to register or license a pit bull pursuant to 7.10.020(1) immediately removes this exemption from the pit bull. Failure to confine and care for the pit bull pursuant to 7.10.020(2) shall result in a written warning. Failure to confine and care for a pit bull after a warning has been previously issued for the pit bull shall immediately remove the exemption from the pit bull.~~

~~— 2. Offspring of registered pit bulls shall be exempt from Section 7.10.030 for the first six months of life. Within ten days of their birth, owners of offspring of registered pit bulls shall send a certified letter to the poundmaster announcing their birth. Failure to properly notify the poundmaster shall remove the exemption from the offspring.~~

~~— 3. Pit bulls temporarily held by the Humane Society of Sioux City, or similar agency approved by the city manager or the city manager's designee shall be exempt from Section 7.10.030. Agencies seeking the approval of the city manager or the city manager's designee shall obtain said approval in writing and shall be subject to the terms and parameters set forth in said approval. Failure to comply with said terms and parameters of the city manager's or the city manager's designee's approval shall result in immediate revocation of this exception.~~

~~— 4. Pit bulls temporarily transported and held in the City for the purpose of showing the pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization shall be exempt from Section 7.10.030. Pit bulls may not be temporarily transported or held in the City for the above referenced purpose for more than thirty days.~~

~~— 5. Pit bulls held in the City's animal shelter, transported by City personnel or transported by persons contracted by the City for animal control services shall be exempt from Section 7.10.030.~~

7.10.050 Impoundment

~~—1. The poundmaster of the City of Sioux City, Iowa, is authorized to immediately impound any pit bull found in the City of Sioux City, Iowa, which does not fall within one of the exceptions contained in Section 7.10.040 above. Unless it is determined that the pit bull falls under one of the exceptions and subject to subsection 2 below, ten calendar days after impoundment the poundmaster shall transfer or destroy the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the poundmaster that the pit bull is to be permanently taken out of Sioux City, and the owner pays the cost of impoundment.~~

~~—2. When the poundmaster has impounded any pit bull pursuant to this section or when the poundmaster has issued a written warning pursuant to Section 7.10.040(1) and the owner of the pit bull disputes the classification of the animal as a pit bull, disputes the issuance of a warning and/or disputes whether the pit bull is exempted from Section 7.10.030, the owner of the pit bull may file a written request for a hearing with the City Manager or the City Manager's designee within seven (7) calendar days after impoundment. The poundmaster shall bear the burden of proof to show the dog is a pit bull, as defined in Section 7.10.010, by clear, convincing, and satisfactory evidence. The City Manager or the City Manager's designee will act as hearing officer. At the conclusion of the hearing or within seven (7) days thereafter the hearing officer shall render a written decision. The findings of the City Manager or the City Manager's designee shall be conclusive.~~

~~—3. The City Manager or the City Manager's designee upon finding that the animal is a pit bull pursuant to subsection 2 above shall order the transfer or destruction of the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the poundmaster that the pit bull is to be permanently taken out of Sioux City, and the owner pays the cost of impoundment. The City Manager or City Manager's designee shall not transfer or destroy any pit bull until all legal proceedings and appellate time frames have expired.~~

~~—4. Following a hearing held in accordance with subsection 2 above, an owner of a dog found to be a pit bull who wishes to dispute the finding may notify the City Manager's Office, and such notice must be received, within seven (7) days of the date the decision was rendered. The owner will be then be issued a Municipal Infraction citation with a court date listed. The owner must sign the citation. Absent a dispute being raised in accordance with this Section, the decision rendered at the hearing shall be final.~~

~~—5. Nothing herein shall prevent the poundmaster from simultaneously following any other procedure or process contained within this Title as appropriate.~~

Section 2: 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: October 21, 2019

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on
October 26, 2019

Lisa L. McCardle, City Clerk