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

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

You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held Monday, November 4, 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

CONSENT AGENDA

Items 2 through 12C constitute a Consent Agenda. Items pass unanimously unless a separate roll call vote is requested by a Council Member.

2. Reading of the City Council minutes of October 28, 2019. (CLOSED, REGULAR)

3. HUMAN RIGHTS - Motion approving the annual performance evaluation for the Human Rights Director.

4. SPORTS - Resolution approving Regional Sports Authority District Grant Agreement No. 20-RSAD-09 by and between the City of Sioux City and the Iowa Economic Development Authority in the amount of $50,000 for a FY 2019-20 Regional Sports Authority District Grant to offset the cost of certain sporting events.

5. HOLIDAY LIGHTED PARADE - Resolution temporarily closing 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 8:00 p.m. and temporarily closing 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 4:00 p.m. and ending at 6:15 p.m. November 25, 2019 to accommodate Downtown Partners Sioux City’s Holiday Lighted Parade and staging.
6. **LEECH AVE** - Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project. (Project No. 6988-719-287)

7. **ELECTRICAL** - Resolution awarding a Service Provider Agreement to Electrical Engineering & Equipment of Sioux City, Iowa in the amount of $108,915 for a three (3) year agreement to test city-wide generators. (RFB No. 257810)

8. **NORTHERN VALLEY** - Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Telco Triad Community Credit Union, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (A 1.55 acre portion of Lot 2, Northern Valley Crossing, Third Addition)

9. **ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS**
   
   **A. STRAWN** - Resolution accepting the work and authorizing final payment to Strawn Construction Services, Inc. for the 614 Pierce Emergency Paving Project. (Project No. 7067-519-127)
   
   **B. VEDRAL** - Resolution approving payment of settlement (Jared Vedral)

10. **PURCHASING**

   **A. HOCKENBERG’S** - Resolution awarding a purchase order to Hockenberg’s Equipment and Supply Company of Omaha, Nebraska in the amount of $79,213.08 for the purchase of china, flatware and other banquet items for the Sioux City Convention Center. (RFQ No. 259454)

   **B. GURNEY** - Resolution awarding a purchase order to Bert Gurney & Associates of Omaha, Nebraska in the amount of $63,285 for repairs to Pump No. 4 located at the Floyd Pump Station, 1425 Bluff Road, Sioux City, Iowa.

11. **APPLICATIONS FOR BEER AND LIQUOR LICENSES**

   **A. OFF PREMISE SALES**
   
   1. CLASS B WINE PERMIT (wine only)
   
       a. Downtown Liquor, 1203 5th Street (Renewal)
   
       b. La Pinata, 3124 Gordon Drive (Renewal)
   
   2. CLASS C BEER PERMIT (beer/wine coolers)
   
       a. Downtown Liquor, 1203 5th Street (Renewal)
   
       b. La Pinata, 3124 Gordon Drive (Renewal)
   
   3. CLASS E LIQUOR LICENSE (liquor only)
   
       a. Downtown Liquor, 1203 5th Street (Renewal)

12. **BOARD, COMMISSION, AND COMMITTEE MINUTES**

   **A. Environmental Advisory Board** – September 12 and October 10, 2019
   
   **B. Seniors Advisory Committee** – October 22, 2019
   
   **C. Transit System Advisory Board** – October 16, 2019

   - End of Consent Agenda -
RECOMMENDATIONS OF PLANNING AND ZONING

13. Hearing and Ordinance rezoning 2025 Riverside Boulevard from Zone Classification SC (Suburban Commercial) to Zone Classification GC (General Commercial). (Petitioner: Bargain Bedding, Inc.) The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0074)

14. Hearing and Ordinance rezoning 5607½ Sunnybrook Drive from Zone Classification GC (General Commercial) to Zone Classification MU (Mixed Use). (Petitioner: Eagle Construction Inc.) The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0076)

15. Resolution accepting and approving the Final Plat of Eagle Ridge Addition, Third Filing to Sioux City, Woodbury County, Iowa. (Petitioner: DeRocher Brothers Construction LLC) The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0075)

HEARINGS

16. Hearing and Resolution approving the lease of 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.

ORDINANCES

17. Ordinance amending Chapter 7.01 entitled “Definitions and Penalties”, Chapter 7.02 entitled “Licensing of Dogs and Cats”, and Chapter 7.03 entitled “Animal Control,” to revise definitions, revise administrative procedures, increase licensing amounts of unneutered animals, and establish scheduled fines related to violations of the animal code.

18. Ordinance repealing Chapter 7.10 of the Sioux City Municipal Code entitled “Pit Bulls Prohibited.” (First Consideration approved October 14, 2019) (Second Consideration approved October 21, 2019)

19. CITIZEN CONCERNS

20. COUNCIL CONCERNS

21. 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.
A Closed Session of the City Council was held at 3:00 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Scott, and Watters. Absent: None.

Staff members present included: Robert Padmore, City Manager; Nicole M. DuBois, City Attorney; and 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 Watters, that Council enter closed session to discuss strategy with Counsel about matters that are presently in litigation because public disclosure would be likely to prejudice or disadvantage the position of the City in that litigation; all voting aye.

Motion by Scott, seconded by Groetken, that Council enter closed session to discuss strategy in matters relating to employment conditions of employees of the City covered by a collective bargaining agreement; all voting aye.

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

Motion by Scott, seconded by Moore, that Council return to open session at 4:02 p.m.; all voting aye.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:03 p.m., on motion by Scott, seconded by Moore; all voting aye.

ATTEST: ____________________________  ____________________________
        Lisa L. McCardle, City Clerk  Robert E. Scott, Mayor

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1. The Regular Meeting of the City Council was held at 4:04 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Scott, and Watters. Absent: None.

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

Mayor Scott, on behalf of the City Council, read two proclamations. The first proclaimed November 1st as “Siouxland Sleep Out Day” in Sioux City; accepted by Mike & Cindy Woods, Siouxland Sleep Out Founders; and a second proclaimed November 1st as “Lennox-Gastaut Syndrome Awareness Day” in Sioux City; accepted by Jeremy, Bill and Valerie Dodge. Mayor Scott read a commendation for Mark & Susan Tighe, 4118 Perry Way, awarding them the 2019 “Yard of the Year Award”; the Tighe’s accepted.

CONSENT AGENDA

Motion by Scott, seconded by Moore, to adopt the Consent Agenda; all voting aye. Items 2 through 10G are approved unanimously unless specifically noted after the item.

2. Reading of the City Council minutes of October 17, 21, and 23, 2019.

Reading of the minutes of October 17, 21, and 23, 2019, was waived and as part of the consent agenda the minutes were approved as presented.

3. MYPAD - Resolution amending the guidelines for the HOME Investment Partnership Program funded MyPad Program which provides down payment and closing cost assistance for low-income households.

2019-0874

Amy Keairns, Neighborhood Services Project Coordinator, provided information on the item.

4. LIBRARY - Motion appointing Genevieve Radosti to the Library Board of Trustees for a partial term expiring June 30, 2022, replacing Richard Moon.

2019-0875

5. HAWKINS - Resolution awarding a purchase order to Hawkins, Inc. of Sioux Falls, South Dakota in the amount of $.51 per pound for the purchase of phosphate F-35 for the Water Treatment Plant for one year. (RFB No. 259113)

2019-0876

6. ANNUAL REPORTS

A. BUILDING - Motion accepting and approving the Building and Housing Code Board FY 2019 Annual Report.

2019-0877

B. AIRPORT - Motion accepting and approving the Sioux Gateway Airport FY 2019 Annual Report.

2019-0878
7. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

A. **KCB** - Resolution authorizing and approving a development agreement and minimum assessment agreement with KCB Investments, LLC for the redevelopment of property in the Combined Floyd River Urban Renewal Area. (Property located at 3232 Highway 75 North)  
   
   Marty Dougherty, Economic and Community Development Director; and Renae Billings, Business Development Coordinator; provided information on the item.

   **Request by Scott to pull the item from the Consent Agenda for a separate vote; the resolution was moved and seconded as part of the Consent Agenda; Capron, Groetken, Moore, and Watters voting aye; Scott voting nay.**

B. **IDOT** - Resolution authorizing execution of the “Agreement for a Surface Transportation Block Grant (STBG) Program Federal-aid Swap Project” Iowa DOT agreement number 3-19-STBG-SWAP-20, Project Number STGB-SWAP-7057(704)—SG-97 with the Iowa Department of Transportation in connection with the Myrtle Street Reconstruction Project. (West 23rd Street North one mile to West Clifton Street) (City Project No. 7048-719-289)  
   
   Gordon Phair, City Engineer, provided information on the item.

C. **ENGINEERING** - Resolution approving the contract and performance bond with Sioux City Engineering Company of Sioux City, Iowa in the amount of $1,359,987.28 for the construction of the Department of Transportation Project No. BROS-7057(697)—BJ-97 (City Project No. 6874-719-355) Bluff Road Bridge Project.  
   
   Jill Wanderscheid, Neighborhood Services Manager; and Amy Keairns, Neighborhood Services Project Coordinator; provided information on the item.

   **Request by Scott to pull the item from the Consent Agenda. Motion by Moore, seconded by Capron, to delete the item; all voting aye.**

D. **JEO** - Resolution approving Amendment No. 1 to the consulting services agreement with JEO Consulting Group, Inc. for additional construction services in connection with the Rose Hill Alley, Inlet, Sidewalk and Curb Ramp Project (Project No. 6930A-719-229) in an amount not to exceed $12,300.  
   
   Jill Wanderscheid, Neighborhood Services Manager; and Amy Keairns, Neighborhood Services Project Coordinator; provided information on the item.

   **Request by Scott to pull the item from the Consent Agenda. Motion by Moore, seconded by Capron, to delete the item; all voting aye.**

E. **DIXON** - Resolution approving the contract and performance bond with Dixon Construction Company of Correctionville, Iowa in the amount of $2,781,307.25 for the construction of the Riverfront Trail Connection Project, Iowa Department of Transportation Project No. TAP-U-7057(686)—8l-97. (City Project No. 7068-459-044)  
   
   **2019-0882**

8. ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS

A. **FERRINI** - Resolution approving payment of settlement. (Anthony Ferrini)  
   
   **2019-0883**

B. **KJ ESTATES** - Resolution approving partial settlement of a tort claim and authorizing payment thereof. (KJ Estates)  
   
   **2019-0884**
C. AG - Resolution accepting the work and authorizing final payment to AG Construction Inc. for the Rose Hill Alley, Inlet, Sidewalk and Curb Ramp Project. (Project No. 6930A-719-229) 2019-0885

9. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. ON-PREMISE SALES
   1. CLASS C LIQUOR LICENSE (liquor/wine/beer/wine coolers/carry-out)
      a. Restaurant De Arco, 1917 Pierce Street (New)
   2. SPECIAL CLASS C LIQUOR LICENSE (wine/beer/wine coolers/carry-out)
      a. Cone Park, 3800 Line Drive (Renewal)
      b. La Juanita, 1316 Pierce Street (Renewal)

B. OFF-PREMISE SALES
   1. CLASS B WINE PERMIT (wine only)
      a. Casey’s General Store No. 2607, 3731 Hamilton Boulevard (Renewal)
      b. Circle S Gordon Drive, 2520 Gordon Drive (Renewal)
   2. CLASS B NATIVE WINE PERMIT (Iowa wine only)
      a. Circle S Riverside, 2404 Riverside Boulevard (Renewal)
   3. CLASS C BEER PERMIT (beer/wine coolers)
      a. Casey’s General Store No. 2607, 3731 Hamilton Boulevard (Renewal)
      b. Circle S Gordon Drive, 2520 Gordon Drive (Renewal)
      c. Circle S Riverside, 2404 Riverside Boulevard (Renewal)
   4. CLASS E LIQUOR LICENSE (liquor only)
      a. Casey’s General Store No. 2607, 3731 Hamilton Boulevard (Renewal)
      b. Circle S Gordon Drive, 2520 Gordon Drive (Renewal)

10. BOARD, COMMISSION, AND COMMITTEE MINUTES

   A. Airport Board of Trustees – August 8 and September 12, 2019
   B. Active Transportation Advisory Committee – August 21, 2019
   C. Board of Adjustment – October 8, 2019
   D. Civil Service Commission – September 10, 2019
   E. Mayor’s Youth Commission – September 9, 2019
   F. Parking and Skywalk System Board of Trustees – October 16, 2019
   G. Planning and Zoning Commission – September 24 and October 8, 2019

   - End of Consent Agenda -

HEARINGS

11. Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the 10th Street and Irene Street Paving Repair Project. (Project No. 7070-519-127) 2019-0886

No protests were received. The hearing was closed on motion by Moore, seconded by Scott; all voting aye.
12. Fire Safety Operational Permits

Chief Tom Everett, Fire Department; and Mark Aesoph, Fire Marshall; provided information on the item. Jeffery Reinders, 2300 Hawkeye Dr, President of the Sioux City Construction League, spoke on the item.

13. CITIZEN CONCERNS

There were no citizen concerns.

14. COUNCIL CONCERNS

Groetken requested information about the progress of work at the intersections of 11th St and Jackson St, and 11th St and Floyd Blvd. Gordon Phair, City Engineer, provided information about the project.

Capron requested information regarding Kings Hwy. Dave Carney, Public Works Director; and Gordon Phair, City Engineer; provided information about bridge replacement and paving.

Watters urged the community to support and participate in the 2020 Census.

Moore thanked the Boy Scout Troup and Morningside College students for their attendance and interest in local government.

Scott asked Carney to address malfunctions of the stoplight at the intersection of Buckwalter Dr and Outer Dr.

Robert Padmore, City Manager, announced the Iowa Department of Natural Resources will be coordinating a depredation goose hunt on the grounds of the Green Valley Golf Course, 4300 Donner Ave. Shooting will begin at approximately 7:30 a.m. and will conclude by 10:30 a.m. Shotgun noise will be heard from the area. All ammunition discharged will remain within the property boundaries of the golf course. A press release was issued and the Police Department notified residents in the area.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:03 p.m., on motion by Scott, seconded by Capron; all voting aye.

ATTEST: ____________________________ ____________________________
Lisa L. McCardle, City Clerk Robert E. Scott, Mayor

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CITY OF SIOUX CITY  
REQUEST FOR CITY COUNCIL ACTION  

MEETING DATE: November 4, 2019  
ACTION ITEM #: 3  

FROM: Sioux City Human Rights Commission  

SUBJECT: Motion approving the annual performance evaluation for the Human Rights Director.  

RECOMMENDATION:  
The Human Rights Commission respectfully requests approval of the annual performance evaluation for Human Rights Director, Karen Mackey.  

DISCUSSION:  

FINANCIAL IMPACT:  
N/A  

ALTERNATIVES:  
None.  

ATTACHMENTS:  
N/A
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 4

FROM: Jessica Johnson, City Manager’s Office
       Spero Vlahoulis, City Purchasing

SUBJECT: Resolution approving Regional Sports Authority District Grant Agreement No. 20-RSAD-09 by and between the City of Sioux City and the Iowa Economic Development Authority in the amount of $50,000.00 for a FY 2019-20 Regional Sports Authority District Grant to offset the cost of certain sporting events.

RECOMMENDATION:
Staff respectfully requests Council to approve the Regional Sports Authority District Grant Agreement No. 20-RSAD-09. The agreement will allow the City of Sioux City to receive the Regional Sports Authority District Grant in the amount of $50,000. The money will be used by the Sioux City Sports Commission to offset expenses of local sports-related events that drive tourism and economic impact in Sioux City.

DISCUSSION:
The Sioux City Sports Commission received the RSAD Grant for FY2019, and was selected as one of ten (10) Regional Sports Authority Districts by the Iowa Economic Development Authority. The Regional Sports Authority District Grant allows the Sioux City Sports Commission and the Events Facilities and Tourism Advisory Board to continue the positive flow of sports-related content into Sioux City. The Regional Sports Authority District Grant will be used to help the following events in Sioux City: NAIA Division II Women’s Basketball National Championship, NAIA Volleyball National Championship, Midwest Dart Championship, Siouxland Youth Hockey Girls Tournament, Miracle League All Star Celebration and RMN Youth Wrestling Tournament.

FINANCIAL IMPACT:
The selection as a Regional Sports Authority District allows for a grant of $50,000 to offset the cost of certain sporting events, with a local match of $25,000. The amount of $25,000 of committed expenses are used to match the $50,000.

RELATIONSHIP TO STRATEGIC PLAN:
Focus Areas: Grow Sioux City, Promote Sioux City
ALTERNATIVES:
N/A

ATTACHMENTS:
Resolution
Agreement No. 20-RSAD-09
RESOLUTION NO. 2019 -

RESOLUTION APPROVING REGIONAL SPORTS AUTHORITY DISTRICT GRANT AGREEMENT NO. 20-RSAD-09 BY AND BETWEEN THE CITY OF SIOUX CITY AND THE IOWA ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF $50,000.00 FOR A FY 2019-20 REGIONAL SPORTS AUTHORITY DISTRICT GRANT TO OFFSET THE COST OF CERTAIN SPORTING EVENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Regional Sports Authority District Grant Agreement No. 20-RSAD-09 by and between the City of Sioux City and the Iowa Economic Development Authority in the amount of $50,000.00 for a FY 2019-20 Regional Sports Authority District Grant to offset the cost of certain sporting events, a copy of which is attached hereto and by this reference incorporated herein, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Sioux City Sports Commission Treasurer be and he is hereby authorized and directed to execute said Regional Sports Authority District Grant Agreement for and on behalf of the City of Sioux City, Iowa.

PASSED AND APPROVED: November 4, 2019

Robert E. Scott, Mayor

ATTEST: ____________________________

Lisa L. McCardle, City Clerk
In consideration of the promises and mutual covenants and agreements contained herein, the Parties agree as follows:

1. **DEFINITIONS.**
   "Grantee" means an entity as defined in 261 Iowa Administrative Code, Chapter 38, Section 38.1. The Grantee shall have the primary responsibility for the Project and shall be the fiscal agent. The Grantee shall ensure that the minimum match requirements are met, as defined in 261 IAC 38.3(1), and that all other conditions of this Agreement are met.

   "Project" means the activities and other obligations to be performed or accomplished by the Grantee as described in this Agreement, the application approved by IEDA (Attachment C), the award letter (Attachment B), and described in the Work Statement and Budget (Attachment A).

   "Project Completion Date" means June 30, 2020, which is the date by which the Project tasks must be complete.

2. **PRIOR EXPENSES.** Grant funds may be used only for Project costs. No expenditures made prior to the Effective Date may be included as Project costs for this Agreement and no expenses incurred prior to the Effective Date may be included as Project costs for this Agreement.

3. **TOTAL PAYMENT.** Total payment of state funds under this Agreement is not to exceed $50,000.00 as shown in Attachment A. unless modified by written amendment of this Contract. All payments under this Agreement are subject to receipt by IEDA of sufficient state funds for this activity. Any termination, reduction, or delay of state funds to IEDA shall, at the option of IEDA, result in the termination, reduction, or delay of state funds to the Grantee.

4. **CASH MATCH.** The Grantee shall ensure that a minimum of fifty percent (50%) local cash match of grant funds is provided for the Project.

5. **COST VARIATION.** If the total Project cost is less than the amount specified in this Agreement, IEDA's participation shall be reduced at the same ratio as IEDA funds are to the total Project budget, and any disbursed excess above the reduced IEDA participation shall be returned immediately to IEDA.

6. **REPORTING REQUIREMENTS.** The Grantee shall submit a written evaluation and financial report as specified by IEDA before August 17, 2020. Documentation required before final payment is made is defined in 261 IAC 38.6(4).

7. **PAYMENT PROCEDURES.** Payment shall be made in two disbursements. The first disbursement of seventy-five percent (75%) of grant funds shall be made at the start of this Agreement subject to approval of waiver by the Department of Revenue and documentation that the Grantee has control of seventy-five percent (75%) of the required matching funds. The second disbursement will be made after the Project has been completed and IEDA has received and reviewed the final product identified in Section 6 REPORTING REQUIREMENTS. Requests for payment shall be made using the standard IEDA fund request form or a detailed invoice that contains the same information as the IEDA fund request form. If the total grant award amount has not been claimed within ninety (90) days of the Project Completion Date, then IEDA shall be under no obligation for further disbursement.

8. **UTILIZATION OF CONSULTANT(S).** If consultant(s) are to be hired in association with the Project, the Grantee is responsible for recruiting, selecting, and contracting (e.g. terms and conditions, scope of work, payment) with consultant(s).

9. **DEFAULT.** The occurrence of any one or more of the following events shall constitute cause for IEDA to declare the Grantee in default of its obligations under this Agreement: a) non-performance; b) a failure of the Grantee to make substantial and timely progress toward performance of the Agreement; c) a failure of the Grantee’s work...
product and services to conform with the terms of this Agreement and any and all attachments; d) a breach of any
term of this Agreement; e) misspending grant proceeds for purposes not described in Work Statement and
Budget (Attachment A). IEDA shall issue a written notice of default providing therein a fifteen (15) day period
during which the Grantee shall have an opportunity to cure, provided that cure is possible and feasible.

10. TERMINATION. This Agreement may be terminated in the following circumstances: a) by either party, without
cause, after thirty (30) days written notice provided that no funds have been disbursed; b) because of the
Grantee’s default under this Agreement; c) because of the termination or reduction of funding to IEDA; d) upon
written agreement by all parties.

11. REMEDY UPON TERMINATION. In the event of termination of this Agreement or reduction of the Agreement
amount, the exclusive, sole, and complete remedy of the Grantee shall be payment for work completed prior to
termination or the reduced Agreement amount, whichever is less.

12. PROCEDURE UPON TERMINATION. If this Agreement is terminated due to Grantee’s failure to cure a default,
the Grantee shall return to IEDA all Grant funds within one (1) week of receipt of Notice of Termination.

13. NONASSIGNMENT. This Agreement may not be assigned without prior IEDA written consent.

14. MODIFICATION. No change, modification, or termination of any of the terms, provisions, or conditions of this
Agreement shall be effective unless made in writing and signed by the Grantee. Notwithstanding the sentence
above, IEDA may unilaterally modify the Agreement at will in order to accommodate any change in any applicable
federal, state, or local laws, regulations, rules, or policies. A copy of such unilateral modification will be given to
the Grantee as an amendment to this Agreement.

15. COMPLIANCE WITH LAWS AND REGULATIONS; DECLARATION OF THE GRANTEE. The Grantee shall
comply with all applicable state and federal laws, rules, ordinances, regulations and orders. The Grantee declares
that it has complied with all federal, state, and local laws regarding business permits and licenses that may be
required to carry out the work to be performed under this Agreement.

16. COMPLIANCE WITH EEO/AA PROVISIONS. The Grantee shall comply with the provisions of federal, state,
and local laws, rules, and executive orders to ensure that no employee or applicant for employment is discriminated
against because of race, religion, color, age, sex, national origin, or disability. A breach of this provision shall be
considered a material breach of this Agreement.

17. INDEMNIFICATION AGAINST LOSS OR DAMAGE. The Grantee shall jointly and severally defend,
indemnify, and hold IEDA, its successors and assigns, harmless from and against any liability, loss, damage, or expense,
including reasonable counsel fees, which IEDA may incur or sustain by reason of (a) the failure of the Grantee to
fully perform and comply with the terms and obligations of this Agreement; (b) the Grantee’s performance or
attempted performance of this Agreement; (c) the Grantee’s activities with subgrants and third parties.

18. ACCESS TO RECORDS. The Grantee shall permit IEDA or its agents to access and examine, audit, excerpt,
and transcribe any directly pertinent books, documents, reports, papers, and records of the Grantee relating to orders,
invoices, or payments or any other documentation or materials pertaining to this Agreement. Upon the request of
IEDA, the Grantee shall deliver to IEDA or its agents said documentation or materials.

19. RECORDS RETENTION. All records of the Grantee relating to this Agreement shall be retained for a period of
three (3) years following the date of final payment or completion of any required audit, whichever is later.

20. UNALLOWABLE COSTS. If IEDA determines at any time, whether through monitoring, audit, closeout
procedures, or by other means that the Grantee has received grant funds or requested reimbursement for costs
which are unallowable under the terms of this Agreement, the Grantee will be notified of the questioned costs and
given an opportunity to justify questioned costs. If it is IEDA’s final determination that costs previously paid by
IEDA are unallowable under the terms of the Agreement, the expenditures will be disallowed and the Grantee
shall immediately repay to IEDA any and all disallowed costs.

21. SURVIVAL OF AGREEMENT. If any portion of this Agreement is held to be invalid or unenforceable, the
remainder shall be valid and enforceable.

22. GOVERNING LAW. This Agreement shall be interpreted in accordance with the law of the State of Iowa, and any
action relating to the Agreement shall only be commenced in the Iowa District Court for Polk County or the United
States District Court for the Southern District of Iowa.
23. **FINAL AUTHORITY.** The decision of IEDA shall be binding on the Grantee. IEDA shall have the final authority to assess whether the Grantee has complied with the terms of this Agreement.

24. **INTELLECTUAL PROPERTY.** All concepts, tapes, compilations, or other work product procured or created by the Grantee or its employees or agents for IEDA in connection with this Agreement shall be the property of IEDA. IEDA shall be deemed the author of such work product and all rights in the work product including copyrights and other rights, title and interest in such materials. Accordingly, IEDA may adapt, change, edit, or use these materials in combination with the works of others and may publish the materials. If for any reason IEDA is not deemed to be the author and owner of these materials for all purposes then this Agreement shall be considered an irrevocable, perpetual assignment by the Grantee to IEDA of all rights it may have in any work product. The Grantee shall take any steps necessary to ensure that persons working on behalf of the Grantee will not have any claim to the work product or the rights in the work product.

25. **DOCUMENTS INCORPORATED BY REFERENCE.** The following documents are hereby incorporated by reference:

   (a) Attachment A – Budget and Work Statement.
   (b) Attachment B – Award Letter.
   (c) Attachment C – Application as approved by IEDA.

26. **ORDER OF PRIORITY.** In the event of a conflict between documents, the following order or priority shall be applied:

   (a) Articles 1-28 of this Agreement.
   (b) Attachment A – Budget and Work Statement.
   (c) Attachment B – Award Letter.
   (d) Attachment C – Application as approved by IEDA.

27. **INTEGRATION.** This Agreement contains the entire understanding between the Grantee and IEDA and any representations that may have been made before or after the signing of this Agreement, which are not contained herein, are nonbinding, void, and of no effect. Neither of the parties has relied on any such prior representation in entering into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, effective as of the Effective Date first stated.

FOR GRANTEE:

Signature

Title

FOR IEDA:

Deborah V. Durham, Director
## ATTACHMENT A

### BUDGET and WORK STATEMENT

<table>
<thead>
<tr>
<th>Event Name</th>
<th>Projected Attendance</th>
<th>Explanation of how state funds will be used to support the event</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAIA Women’s Basketball DII Tournament</td>
<td>30,032</td>
<td>Marketing/advertising and NAIA Corporate fees</td>
</tr>
<tr>
<td>NAIA Volleyball Championship</td>
<td>19,546</td>
<td>Marketing/advertising and NAIA Corporate fees</td>
</tr>
<tr>
<td>Midwest Dart Championship</td>
<td>1,110</td>
<td>Facility rental fees, printing tournament information and posters</td>
</tr>
<tr>
<td>Siouxland Youth Hockey Girls Tournament</td>
<td>446</td>
<td>Ice rental and officials</td>
</tr>
<tr>
<td>Miracle League All Star Event</td>
<td>1,675</td>
<td>Player lodging and game day expenses</td>
</tr>
<tr>
<td>RMN Youth Wrestling</td>
<td>5,725</td>
<td>Marketing/advertising, financial assistance, and travel expenses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Amount</th>
<th>Cash Match</th>
<th>Total Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50,000.00</td>
<td>$25,000.00</td>
<td>$75,000.00</td>
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</tbody>
</table>

**Cash Match Source**

<table>
<thead>
<tr>
<th>Source</th>
<th>Cash Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sioux City CVB – NAIA DII Women’s Basketball National Championship &amp; NAIA Volleyball National Championship</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

### ATTACHMENT B – Award Letter

Due to its size, Attachment B will not be attached to this Agreement but will be kept on file at the IOWA ECONOMIC DEVELOPMENT AUTHORITY. It shall, nevertheless, be considered an incorporated element of this Agreement.

### ATTACHMENT C – Application as approved by IEDA

Due to its size, Attachment C will not be attached to this Agreement, but will be kept on file at the IOWA ECONOMIC DEVELOPMENT AUTHORITY. It shall, nevertheless, be considered an incorporated element of this Agreement.
Resolution temporarily closing 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 8:00 p.m. and temporarily closing 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 4:00 p.m. and ending at 6:15 p.m. November 25, 2019 to accommodate Downtown Partners Sioux City’s Holiday Lighted Parade and staging.

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

DISCUSSION:
Downtown Partners Sioux City requests the temporary street closures of 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 8:00 p.m. and the temporary street closures of 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 4:00 p.m. and ending at 6:15 p.m. November 25, 2019 to accommodate Downtown Partners Sioux City’s Holiday Lighted Parade and staging.

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

FINANCIAL IMPACT:
N/A

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Quality of Life
Strategic Focus Areas - Explore Destination Sioux City; Grow Sioux City Pride
ALTERNATIVES:
Deny the request for street closures and direct the event coordinator to seek an alternative location.

ATTACHMENTS:
Resolution
Map
RESOLUTION NO. 2019 - ___________

RESOLUTION TEMPORARILY CLOSING 4TH STREET FROM IOWA STREET TO NEBRASKA STREET, NEBRASKA STREET FROM 4TH STREET TO 5TH STREET, AND 5TH STREET FROM NEBRASKA STREET TO JONES STREET BEGINNING AT 6:15 P.M. AND ENDING AT 8:00 P.M. AND TEMPORARILY CLOSING 3RD STREET FROM IOWA STREET TO COURT STREET, AND IOWA STREET FROM 3RD STREET TO 4TH STREET BEGINNING AT 4:00 P.M. AND ENDING AT 6:15 P.M., NOVEMBER 25, 2019 TO ACCOMMODATE DOWNTOWN PARTNERS SIOUX CITY’S HOLIDAY LIGHTED PARADE AND STAGING.

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

WHEREAS, the parade involves the temporary closures of 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street beginning at 6:15 p.m. and ending at 8:00 p.m. and the temporary closures of 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street beginning at 4:00 p.m. and ending at 6:15 p.m. on November 25, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that 4th Street from Iowa Street to Nebraska Street, Nebraska Street from 4th Street to 5th Street, and 5th Street from Nebraska Street to Jones Street be and the same are hereby temporarily closed beginning at 6:15 p.m. and ending at 8:00 p.m. and 3rd Street from Iowa Street to Court Street and Iowa Street from 3rd Street to 4th Street be the same are hereby temporarily closed beginning at 4:00 p.m. and ending at 6:15 p.m. November 25, 2019 to accommodate Downtown Partners Sioux City’s Holiday Lighted Parade and staging.

PASSED AND APPROVED: November 4, 2019

Robert E. Scott, Mayor

ATTEST: ________________________________

Lisa L. McCardle, City Clerk
Downtown Holiday Lighted

Closure: 4th Street (Iowa Street to Nebraska Street)
Nebraska Street (4th Street to 5th Street)
5th Street (Nebraska Street to Jones Street)

Staging Area: 3rd Street (Court Street to Iowa Street)
Iowa Street (3rd Street to 4th Street)
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019

ACTION ITEM #: 6

FROM: Gordon L. Phair, City Engineer
Vishnu Nellore, Civil Engineer

SUBJECT: Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project (Project No. 6988-719-287).

RECOMMENDATION:
Staff respectfully requests Council adopt plans, specifications, form of contract, and estimated cost for the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project (Project No. 6988-719-287).

DISCUSSION:
McClure Engineering Company has completed plans and specifications for the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project. This project includes the full reconstruction of all paving and utilities on Leech Avenue between South Fairmount Street and South Rustin Street.

Staff is ready to publish the Notice of Public Hearing on November 9, 2019 and November 16, 2019 and advertise the Notice to Bidders on November 6, 2019. A public hearing will be held on November 25, 2019. Bids will be received on December 10, 2019. This project shall be completed within 100 working days, which is anticipated to be in September 2020. The contractor shall receive a payment of $1,500 per day for each day upon completion of the project before the 100-working day limit up to a maximum incentive payment of $30,000. The contractor shall be charged $1,500 per day for each day the project is not opened to vehicular and pedestrian traffic beyond the 100 working days.

FINANCIAL IMPACT:
This project is funded using a transfer in water and sewer funds, in-sales tax infrastructure, and general obligation bonds under CIP 719-287 Leech Avenue Reconstruction, South Fairmount Street to South Rustin Street. The Engineer’s opinion of probable construction cost for the work is $1,595,407.00. The project currently has an available balance of $1,201,821.13. An additional $500,000.00 has been requested from the fiscal year 2021 CIP 719-133 Annual Infrastructure Reconstruction to cover the short fall.
RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:
Council may request changes to the project documents or schedule.

ATTACHMENTS:
Resolution
Public Notice of Taking Bids
Notice of Public Hearing
RESOLUTION NO. 2019 - ____________
with attachments

RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST FOR THE PROPOSED CONSTRUCTION OF THE LEECH AVENUE RECONSTRUCTION (SOUTH FAIRMOUNT STREET TO SOUTH RUSTIN STREET) PROJECT (PROJECT NO. 6988-719-287).

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa to construct the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project, in Sioux City, Iowa; and

WHEREAS, McClure Engineering Company of Sioux City, Iowa have prepared the plans, specifications, form of contract, and estimated cost.

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

A. The plans, specifications, form of contract, and estimated cost, as prepared by McClure Engineering Company and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 P.M., Local Time, November 25, 2019, in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, be and the same is hereby fixed as the time and place for a public hearing on the same as required by law, at which hearing any interested person may appear and file objections to the proposed plans, specifications, form of contract and estimated cost in the amount of $1,595,407.00 for said improvements.

B. The bids will be received by the City Clerk of the City of Sioux City, Iowa, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City until 1:00 P.M., Local Time, December 10, 2019 for the proposed construction of said improvements.

C. The time of 1:00 P.M., Local Time, December 10, 2019, in the Fourth Floor Clock Tower Conference Room in City Hall, 405 Sixth Street, Sioux City, Iowa, be and it is hereby fixed as the time and place for the opening of bids for the proposed construction of said improvements, and said bids shall be considered and acted upon at a meeting of the City Council in the City Council Chambers thereafter.

D. The City Clerk of the City of Sioux City, Iowa shall cause the attached Notice of Taking Bids to be posted in a relevant contractor plan room service with statewide circulation, and a relevant construction lead generating service with statewide circulation in a manner prescribed by law.

E. The City Clerk of the City of Sioux City, Iowa shall cause the attached Notice of Taking Bids to be posted on the City’s Engineering website, located at https://sioux-city.org/engineering.
F. The City Clerk of the City of Sioux City, Iowa, shall cause the attached Notice of Public Hearing to be given by publication in at least one newspaper of general circulation in the manner prescribed by law.

PASSED AND APPROVED: November 4, 2019

______________________________  Robert E. Scott, Mayor

ATTEST:________________________

Lisa L. McCardle, City Clerk
NOTICE OF TAKING BIDS FOR THE CONSTRUCTION OF THE LEECH AVENUE RECONSTRUCTION (SOUTH FAIRMOUNT STREET TO SOUTH RUSTIN STREET) PROJECT (PROJECT NO. 6988-719-287), IN SIOUX CITY, IOWA.

Sealed bids will be received by the City of Sioux City, City Clerk, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in Sioux City Iowa, until 1:00 P.M., Local Time, December 10, 2019, for the construction of the project, as described in the construction documents. The project is located at Leech Avenue between South Fairmount Street and South Rustin Street and includes reconstruction of the roadway, water mains, sanitary sewer, storm sewer, sidewalks, driveways, water and sewer services, site restoration, erosion control, and traffic control.

Bids received will be opened and tabulated at a public meeting, presided over by a City Engineer, in the 4th Floor Clock Tower Conference Room in the Public Works Department, City Hall, at 1:00 P.M., Local Time, on December 10, 2019. Thereafter, bids will be acted upon by the City Council at such time and place as may be fixed.

Each bid must be made on a form furnished by the City and must be accompanied by a bid bond, a cashier’s check or certified check of an Iowa bank or a bank chartered under the laws of the United States, or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, in an amount equal to ten percent (10%) of the amount of the bid, made payable to the City Treasurer of the City of Sioux City, Iowa. The check or draft may be cashed by the City Treasurer as liquidated damages in the event the successful bidder fails to enter into a contract within the ten (10) days after notice of award and post bond satisfactory to the City ensuring the faithful fulfillment of the contract.

The contract will be awarded to the lowest responsive, responsible bidder. However, the City reserves the right to reject any or all bids, readvertise for new bids and to waive informalities that may be in the best interest of the City. By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa and to Iowa domestic labor.

The Notice of Public Hearing will be published in the Sioux City Journal on November 9, 2019 and November 16, 2019.

This project has an early start date of April 1, 2020, and a late start date of April 27, 2020. Work shall be completed within 100 Working Days. The contractor shall be charged liquidated damages at the rate of $1,500 per day for each day the project is not opened to vehicular and pedestrian traffic beyond the 100 working days. The contractor shall receive a payment of $1,500 per day for each day upon completion of the project before the 100-working day limit up to a maximum incentive payment of $30,000.

Specifications for this project shall be the 2019 version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the 2017 version of the City of Sioux City Supplement.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public. The documents are also available for viewing by the public, or sub-contractors, or suppliers, on the City’s Engineering website, under the Projects Out to Bid tab www.sioux-city.org/engineering. Construction documents for private use, or potential prime contractors may be obtained from the Purchasing Division, City Hall, upon deposit of twenty dollars ($20) via check or money order for each set. The deposit will be returned to depositor if the
construction documents are returned in good condition within fourteen (14) days from date of award. **Contractors intending to bid as the prime contractor must obtain a hard copy of the plans, specifications and form of contract from the Purchasing Division. Failure to obtain a hard copy may result in the bid being deemed nonresponsive and rejected.**

/s/ Lisa L. McCardle,
City Clerk of the City of Sioux City, Iowa

Post on the Construction Update Plan Room Network’s website at [www.mbionline.com](http://www.mbionline.com) and on the City’s website at [www.sioux-city.org/engineering](http://www.sioux-city.org/engineering) on November 6, 2019.
NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COSTS FOR THE CONSTRUCTION OF THE LEECH AVENUE RECONSTRUCTION (SOUTH FAIRMOUNT STREET TO SOUTH RUSTIN STREET) PROJECT (PROJECT NO. 6988-719-287), IN SIOUX CITY, IOWA.

A public hearing will be held before the Sioux City City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on November 25, 2019 commencing at 4:00 P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of cost in the amount of $1,595,407.00 (the construction documents) for the construction of the Leech Avenue Reconstruction (South Fairmount Street to South Rustin Street) Project in Sioux City, Iowa. At said hearing, any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the public improvement. The public improvement project is located at Leech Avenue between South Fairmount Street and South Rustin Street and includes reconstruction of the roadway, water mains, sanitary sewer, storm sewer, sidewalks, driveways, water and sewer services, site restoration, erosion control, and traffic control.

/s/ Lisa L. McCardle, City Clerk of the City of Sioux City, Iowa

Publish in the Sioux City Journal November 9, 2019 and November 16, 2019.
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 7

FROM: David Carney, Public Works Director
Dave DeLeon, Fleet Manager
Spero Vlahoulis, Purchasing Manager

SUBJECT: Resolution awarding a Service Provider Agreement to Electrical Engineering & Equipment of Sioux City, Iowa in the amount of $108,915.00 for a three (3) year agreement to test city-wide generators (RFB#257810)

RECOMMENDATION:
Staff respectfully requests the City Council approve a Service Provider Agreement to Electrical Engineering & Equipment of Sioux City, Iowa in the amount of $108,915.00 for a three (3) year agreement to test City-wide generators (RFB#257810).

DISCUSSION:
The City’s annual generator testing Agreement has expired and a new Agreement is needed. There are forty (40) generators that need to be tested. The generator locations are as follows: Airport (3), Art Center, Convention Center, Long Lines Recreation Center, Fire Stations (8), Museum, Police/Fire Headquarters, Water Treatment Plant (8), Transit (3), and Waste Water Treatment (13). The Agreement is for three (3) years and allows for two (2) one (1) year renewals.

Invitations to bid were sent to thirteen (13) vendors able to provide generator testing. Three (3) bids were received. The qualifying bids are as follows:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Annual Price</th>
<th>Three Year Price</th>
<th>Price Difference from Low Bid</th>
<th>Percentage Difference from Low Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Engineering</td>
<td>$36,305.00</td>
<td>$108,915.00</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>and Equipment of Sioux City</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Omaha, NE</td>
<td>$47,063.00</td>
<td>$141,189.00</td>
<td>$10,758.00 annually</td>
<td>29.6%</td>
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<tr>
<td>Cummins Great Plains Omaha, NE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ziegler, Inc. Des Moines, IA</td>
<td>$75,325.00</td>
<td>$225,975.00</td>
<td>$39,020 annually</td>
<td>108%</td>
</tr>
</tbody>
</table>

FINANCIAL IMPACT:
Funds are available in account #601-6750-482.22-01, Central Maintenance Garage, Fleet Operations, Administrative Services, available balance is $382,496.
RELATIONSHIP TO STRATEGIC PLAN:
Relationship complies with City Operational Plans.

ALTERNATIVES:
Reject the bids.

ATTACHMENTS:
Resolution
Service Provider Agreement (Hard copies)
RESOLUTION NO. 2019 - _____________
with attachments

RESOLUTION AWARDING A SERVICE PROVIDER AGREEMENT TO ELECTRICAL ENGINEERING & EQUIPMENT OF SIOUX CITY, IOWA IN THE AMOUNT OF $108,915.00 FOR A THREE (3) YEAR AGREEMENT TO TEST CITY-WIDE GENERATORS (RFB#257810).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a Service Provider Agreement, a copy of which is attached hereto and by this reference made a part hereof, be awarded to Electrical Engineering & Equipment of Sioux City, Iowa in the amount of $108,915.00 for a three (3) year agreement to test City-wide generators (RFB#257810).

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

PASSED AND APPROVED: November 4, 2019

______________________________
Robert E. Scott, Mayor

ATTEST: ___________________________
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019 ACTION ITEM # 8

FROM: Chris Myres, Economic Development

SUBJECT: Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Telco Triad Community Credit Union, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (A 1.55 acre portion of Lot 2, Northern Valley Crossing, Third Addition)

RECOMMENDATION:
Staff respectfully requests approval of the above resolution.

DISCUSSION:

Background
The City Council has previously approved the development of the city-owned 29-acre Northern Valley Crossing site located near the intersection of Outer Drive and Floyd Boulevard. Several streets and utilities have been constructed, and to date three projects have been completed - Pizza Ranch, The Shoppes at Northern Valley, and Dollar Tree. In addition, Aldi’s Grocery Store is under construction and land has been sold to Silverstar Carwash and Burger King for projects that will begin in the upcoming months.

Current Project
The City has received an offer for the purchase of a portion of Lot 2, Northern Valley Crossing Third Addition. Telco Triad Community Credit Union proposes to purchase an approximately 1.55-acre site at the southeast corner of the intersection of Floyd Boulevard and Northern Valley Drive for the construction of a branch credit union operation. The company is offering $6.50/square foot or a total price of $438,867. The building will be approximately 2,500 square feet in size and will include adequate landscaping, exterior design elements, and parking to meet City codes. The project will represent a total capital investment of approximately $600,000. Eight credit union employees will be employed at the facility.

Approval of the above resolution will initiate the mandatory 30-day notice period for the sale of city-owned property in an urban renewal area for these projects. Staff will present a development agreement for Council consideration upon completion of the notice period. A public hearing will be scheduled for December 9, 2019. The project proposal from Telco Triad Community Credit Union is attached.
Urban Renewal Process
Approval of the attached resolution will initiate the required thirty (30) day hearing period during which other proposals may be submitted to the City. A public hearing would be held on December 9, 2019 to evaluate all proposals received. Should no other proposals be received, a development agreement with Telco Triad Community Credit Union would be presented to Council for consideration immediately following the public hearing.

FINANCIAL IMPACT:
The City will see immediate revenue through the proceeds of the sale and will see increased tax revenue through the new development on the site.

RELATIONSHIP TO STRATEGIC PLAN:
To expand development opportunities, develop the resources to support economic growth, and develop new business sites.

ALTERNATIVES:
None recommended

ATTACHMENTS:
Resolution
Public Notice
Proposal
Site Plan
RESOLUTION NO. 2019 - ______________
with attachments

RESOLUTION INVITING PROPOSALS FOR THE SALE OF LAND IN THE COMBINED FLOYD RIVER URBAN RENEWAL AREA, ANNOUNCING THE INTENT TO ACCEPT THE PROPOSAL OF TELCO TRIAD COMMUNITY CREDIT UNION, FIXING THE DATE FOR RECEIPT OF PROPOSALS, AND FOR PUBLIC HEARING AND PROVIDING FOR NOTICE THEREOF. (A 1.55 ACRE PORTION OF LOT 2, NORTHERN VALLEY CROSSING, THIRD ADDITION)

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 Floyd River Urban Renewal Area; and

WHEREAS, Telco Triad Community Credit Union has submitted to the City a proposal to purchase a portion of the project area described as follows:

A 1.55-acre portion of Lot 2, Northern Valley Crossing, Third Addition, Sioux City, Iowa

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 sell said property and that proposals for the purchase 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 Telco Triad Community Credit Union 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 Economic Development Department, Room 204, City Hall, 405 Sixth Street, Sioux City, Iowa, by 1:00 p.m., local time, December 9, 2019; and

WHEREAS, the City Council shall evaluate all timely proposals, taking into account such factors as it considers appropriate, including but not limited to, the following:

Quality of the Proposed Development:

(1) The total cost of the proposed project.

(2) The types of materials to be used in the construction of the project.

(3) Overall project amenities.

Economic Feasibility of the Proposed Development:
(1) The economic return to the City provided by the proposed development, including but not limited to, the amount of revenue generated for the City, the property and sales taxes to be generated, the number of jobs provided, and the encouragement of related development in the area.

(2) The ability of the prospective developer to finance and timely complete the project as proposed, including any contingencies on such performance.

(3) The financial impact of the proposed development upon the City’s operating budget and capital improvement plan, particularly as it related to the construction and maintenance of any required public improvements; 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 December 9, 2019, at the regularly scheduled council meeting and fixes the date of December 9, 2019 at 1:00 p.m., local time, as the last day upon which proposals can be received by the City.

PASSED AND APPROVED: November 4, 2019 _____________________________

Robert E. Scott, Mayor

ATTEST: _____________________________

Lisa L. McCardle, City Clerk
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 purchase of certain land in the Combined Floyd River Urban Renewal Area; and under and by virtue of which the City has expressed an intent to accept the proposal as submitted by Telco Triad Community Credit Union, 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:

A 1.55-acre portion of Lot 2, Northern Valley Crossing, Third Addition, Sioux City, Iowa

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 Economic Development Department, Room 206, City Hall, 405 Sixth Street, Sioux City, Iowa.

Any person interested in purchasing said real estate should submit a completed proposal to the Economic Development Department, Room 206, City Hall, 405 Sixth Street, Sioux City, Iowa no later than 1:00 p.m., local time, on December 9, 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 Economic Development Department without charge.

The City Council shall evaluate all timely proposals, taking into account such factors as it considers appropriate, including but not limited to, the following:

Quality of the Proposed Development:

(1) The total cost of the proposed project.

(2) The types of materials to be used in the construction of the project.

(3) Overall project amenities.

Economic Feasibility of the Proposed Development:

(1) The economic return to the City provided by the proposed development, including but not limited to, the amount of revenue generated for the City, the property and sales taxes to be generated, the number of jobs provided, and the encouragement of related development in the area.

(2) The ability of the prospective developer to finance and timely complete the project as proposed, including any contingencies on such performance.

(3) The financial impact of the proposed development upon the City’s operating budget and capital improvement plan, particularly as it related to the construction and maintenance of any required public improvements.
A public hearing will be held concerning any qualified proposals received and concerning the acceptance of the proposal as submitted by Telco Triad Community Credit Union for the purchase 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 December 9, 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

Published in the Sioux City Journal November 9, 2019.
October 28, 2019

Chris Myres  
Economic Development Department  
City of Sioux City  
405 6th Street  
Sioux City, IA 51102

Dear Chris,

Telco Triad Community Credit Union (TTCCU) is pleased to present a purchase offer on a piece of property within the City of Sioux City’s ‘Northern Valley Crossing’ development area. We have done an initial review of the properties available to determine the appropriate location and size to best fit our needs.

Pending Iowa Credit Union authorization, TTCCU offers to purchase a 1.55 acre portion of parcel #94715276008 also identified as Northern Valley Crossing 3rd Lot 2. TTCCU proposes to purchase the northernmost portion of this lot directly at the intersection of Floyd Boulevard and Northern Valley Drive.

Our intent is to construct a new TTCCU building at this location. While the programming is not finalized, our current discussions suggest up to an 2,500 square foot facility housing up to 8 employees. Budgetary construction costs at this early stage are being considered in the range of $600,000.00 to $700,000.00 outside of acquisition cost.

To begin this exciting process for us, our offer is to purchase this one-acre property at $6.50 per square foot for a total sum of $438,867.00.

If this offer is acceptable, please let me know and we will proceed with any additional documentation and discussions as required by the City to accomplish this.

Should you have any questions or need further information on our proposal, please contact me at 712.202.8815.

Sincerely,

Tim L. Piepho, CCUE/CEO  
tim@telcotriad.org
SITE PLAN

North Lot Size: 1.36 Acres
Impervious Area: 24,200SF
Total Parking Stalls: 34

Sanitary line
+ 40' easement

NORTHERN VALLEY DRIVE

10 Stalls

FLOYD BLVD.

80 Stalls

15 Stalls

2500 SF

TTCGU

1/64" = 1'-0"

Site Plan Proposal - 8000sf

South Lot Size: 2.35 Acres

30 Stalls

12672 SF

Shops

TTCGU 8,000sf Bldg.

Telco Triad

Floyd Blvd.

S.1.5

OWNER

FEH DESIGN

www.FEHDESIGN.COM

(415) 252-3434 (510) 279-2010 (503) 683-1099 (202) 966-2055
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 9A

FROM: Gordon Phair, City Engineer
 Justin Pottorff, Civil Engineer

SUBJECT: Resolution accepting the work and authorizing final payment to Strawn Construction Services, Inc. for the 614 Pierce Emergency Paving Project (Project No. 7067-519-127).

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

RECOMMENDATION:
Staff respectfully requests Council approve the resolution accepting the work and authorizing final payment in the amount of $8,800.32 now and $2,894.95 in 30 days to Strawn Construction Services, Inc. of Sioux City, Iowa for the 614 Pierce Emergency Paving Project (Project No. 7067-519-127).

DISCUSSION:
This project included the removal and replacement of paving due to a watermain break. As a result of the immediate need for emergency repairs to preserve the health and safety of the public, the City Engineer and City Manager signed a ‘Finding of Necessity’ per Iowa Code, Chapter 384.103, which authorizes the City Manager to “accept, enter into, and make payment under a contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of Chapter 26 [Public Construction Bidding] do not apply.”

Contractors were notified on August 14, 2019, and the project was bid on August 20, 2019. Four (4) bids were received for this project. The bids are as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>City, State</th>
<th>Base Bid</th>
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</thead>
<tbody>
<tr>
<td>Strawn Construction</td>
<td>Sioux City, Iowa</td>
<td>$57,950.00</td>
</tr>
<tr>
<td>Sioux City Engineering</td>
<td>Sioux City, Iowa</td>
<td>$90,382.50</td>
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<td>SubSurfco</td>
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<td>Engineer’s Estimate</td>
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<td>$90,000.00</td>
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</table>

The base bid, submitted by Strawn Construction Services, Inc. was 35.61% or $32,050.00 below the Engineer’s Estimate of $90,000.00.

The contract was awarded to Strawn Construction Services, Inc of Sioux City, Iowa on August 22, 2019 under the authority of the ‘Finding of Necessity’ for a contract amount of $57,950.00. The City Council approved this contract on September 9, 2019 under Resolution 2019-0739. The work has been completed and approved by City staff.
Below is a summary of the project:

**Original Contract Amount:** $57,950.00

**Change Order No. 1 Summary:** $5,667.00
This change order was approved by staff and included the removal and replacement of unsuitable soils found, removal of street car tracks from under the paving, and the replacement of the storm sewer damaged by the watermain break.

**Change Order No. 2 Summary:** -$5,718.10
This change order was approved by staff and was the balancing change order for this project.

**Final Construction Cost:** $57,898.90
The final construction cost for this project is $57,898.90, which is 0.09% below the original contract amount.

**FINANCIAL IMPACT:**
This project is funded using transfers in water funds under CIP 519-127. The project currently has an available balance of $236,254.63.

**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
Final Payment Application
RESOLUTION NO. 2019 - _____________
with attachments

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL PAYMENT TO STRAWN CONSTRUCTION SERVICES, INC. FOR THE 614 PIERCE EMERGENCY PAVING PROJECT (PROJECT NO. 7067-519-127).

WHEREAS, pursuant to a Finding of Necessity, quotes were received by the City of Sioux City, Iowa, on August 20, 2019, for the 614 Pierce Emergency Paving Project, in Sioux City, Iowa, (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by the City Engineering Division; and

WHEREAS, on August 22, 2019, Sioux City, Iowa entered into a contract with Strawn Construction Services, Inc. for the 614 Pierce Emergency Paving Project within the City as therein described; and

WHEREAS, said contractor has satisfactorily completed the construction of the project in accordance with the terms and conditions of said contract and the plans and specifications as shown by the engineer’s report filed with the City Clerk on November 4, 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 $57,898.50 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 $8,800.32 now and in the amount of $2,894.95 in thirty days provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of Strawn Construction Services, Inc. for the construction of the project.

PASSED AND APPROVED: ___________ November 4, 2019 _____________
Robert E. Scott, Mayor

ATTEST: ______________________________
Lisa L. McCadle, City Clerk
## Detailed Payment

**Appia**

### Sioux City - Iowa

**Detail Payment**

7067-519-127

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<th>Description</th>
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**Detailed Payment:**

7067-519-127

10/11/2019
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**Section Totals:**

$5,533.50  $11,601.50

### Section: 4 - Sewers and Drains

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**Section Totals:**

$1,565.00  $5,215.00

### Section: 5 - Water Mains and Appurtenances

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**Section Totals:**

$275.00  $550.00

### Section: 6 - Structures for Sanitary and Storm Sewers

Detailed Payment: 10/11/2019

7067-519-127

Page 2 of 5
<table>
<thead>
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Intake: SW-501

Remove Manhole or Intake
Manhole or Intake Adjustment, Minor
Connection to Existing Manhole or Intake

Section Totals: $1,040.00  $5,900.00

Section: 7 - Streets and Related Work

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Section Totals: $0.00  $29,382.40

Section: 8 - Traffic Control

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<th>Item ID</th>
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<th>Unit Price</th>
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<tr>
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Detailed Payment:
7067-519-127

10/11/2019
Page 3 of 5
### Temporary Traffic Control

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Special Provision Item, Lump Sum: Pavement Marking Restoration

### Section 9 - Site Work and Landscaping

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<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Unit Price</th>
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Erosion Control (LS)

### Section 11 - Miscellaneous

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Mobilization

### Time Charges

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<th>Charges This Period</th>
<th>Damages This Period</th>
<th>Days Completed To Date</th>
<th>Days Remaining To Date</th>
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<tr>
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Total Damages: $0.00

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Detailed Payment: 7067-519-127

10/11/2019

Page 4 of 5
## Summary

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<td>Previous Payment:</td>
<td>$46,203.63</td>
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---

Terry Steen [Signature] 10/16/19
Contractor (Print Name) Contractor (Signature) Date

Eric Grau [Signature] 10-15-19
Inspector (Print Name) Inspector (Signature) Date

Justin Petoroff [Signature] 10-15-19
Engineer (Print Name) Engineer (Signature) Date

Gordon L. Plain [Signature] 10/11/17
City Engineer (Print Name) City Engineer (Signature) Date

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Detailed Payment:
7067-510-127 10/11/2019
Page 5 of 5
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019

FROM: Connie E. Anstey, Assistant City Attorney

SUBJECT: Resolution approving payment of settlement (Jared Vedral)

RECOMMENDATION:
Staff respectfully request the City Council approve a resolution authorizing payment of a negotiated settlement with Jared Vedral in Workers’ Compensation Case Nos. 5061972, 5061973, 5061974, 5067339 and settlement of the pending employment issues and all future potential claims.

DISCUSSION:
Jared Vedral is employed as an Automotive Equipment Operator III. He began employment with the City as a Maintenance Worker on April 25, 2005 and has also worked as a Utility Worker. Mr. Vedral has filed four (4) separate actions for worker’s compensation benefits which have been consolidated for hearing on December 10, 2019 which include a review reopening claim relating to an April 3, 2014 injury to his left shoulder, an October 20, 2015 injury to his neck and right shoulder, an August 21, 2017 injury to his left knee and an either March 18 or March 20, 2018 injury to his left shoulder. We have reached a settlement, subject to Council approval, of all pending and any potential future claims associated with Mr. Vedral’s employment with the City and his voluntary separation from employment in exchange for a lump sum payment of $150,000.00 made payable to Mr. Vedral and his attorney Ron Pohlman. Approval of the settlement is recommended.

FINANCIAL IMPACT:
Funds for this settlement will be paid from the appropriate fund.

RELATIONSHIP TO STRATEGIC PLAN:
N/A

ALTERNATIVES:
N/A

ATTACHMENTS:
Resolution
RESOLUTION NO. 2019 - __________

RESOLUTION APPROVING PAYMENT OF SETTLEMENT (JARED VEDRAL)

WHEREAS, four (4) workers' compensation claims were filed by Jared Vedral resulting from claimed injuries which include a review reopening claim relating to an April 3, 2014 injury to his left shoulder, an October 20, 2015 injury to his neck and right shoulder, an August 21, 2017 injury to his left knee and an either March 18 or March 20, 2018 injury to his left shoulder in Case Nos. 5061972, 5061973, 5061974, 5067339; and

WHEREAS, it has been determined that it is in the best interest of the City to settle all current and future claims relating to Mr. Vedral's employment by obtaining a negotiated settlement in exchange for a payment of $150,000.00 to Jared Vedral in exchange for a full release of all claims and his voluntary resignation from employment.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the Director of Finance be and she is hereby authorized and directed to issue a check from the appropriate fund in the amount of $150,000.00 payable to Jared Vedral and his attorney Ron Pohlman.

BE IT FURTHER RESOLVED that said checks be delivered to the Legal Department and that the City Attorney shall obtain the necessary releases and dismissals with prejudice and thereafter deliver the checks.

PASSED AND APPROVED: November 4, 2019  Robert E. Scott, Mayor

ATTEST: Lisa L. McCardle, City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 10A

FROM: Jessica Johnson, Project Management Specialist
Spero Vlahoulis, Purchasing Manager

SUBJECT: Resolution awarding a purchase order to Hockenberg’s Equipment and Supply Company of Omaha, Nebraska in the amount of $79,213.08 for the purchase of china, flatware and other banquet items for the Sioux City Convention Center (RFQ #259454).

RECOMMENDATION:
Staff respectfully requests the City Council approve a purchase order to Hockenberg’s Equipment and Supply Company of Omaha, Nebraska in the amount of $79,213.08 for the purchase of china, flatware and other banquet items for the Sioux City Convention Center (RFQ #259454).

DISCUSSION:
City staff would like to purchase china, flatware and other banquet items to be used at the Sioux City Convention Center. The china pattern purchased is the same as the pattern currently used by staff. Items on hand have been chipped, damaged, and broken over the years and the current stock needs to be replenished. Staff feels that replenishing the inventory is more economical than replacing the entire inventory. In addition to the china and flatware, the purchase order includes serving trays, bus tubs, creation station, and other items necessary for banquet functions. New china and banquet items were budgeted in the CIP under project 379-051, Convention Center Upgrades.

Invitations to bid were sent to seventeen (17) vendors able to provide china. Four (4) bids were received. The qualifying bids are as follows:

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Price</th>
<th>Price Difference from Low Bid</th>
<th>Percentage Difference from Low Bid</th>
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<tbody>
<tr>
<td>Hockenberg’s Equipment and Supply Omaha, NE</td>
<td>$79,213.08</td>
<td>Not Applicable</td>
<td>17.17%</td>
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<tr>
<td>Institutions Services Sioux Falls, SD</td>
<td>$92,812.33</td>
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<td>US Foods Iowa City, IA</td>
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<td>Refrigeration Engineering, Inc. Sioux City, Iowa</td>
<td>$98,028.88</td>
<td>$18,815.80</td>
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</table>

 Reviewed By: x Department Director x Finance Department x City Attorney x City Manager
FINANCIAL IMPACT:
Funds are available in account #301-8799-433.22-36, EFB, Building Improvements, Project 379-051 Convention Center Upgrade available balance is $564,701.

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 HOCKENBERG’S EQUIPMENT AND SUPPLY COMPANY OF OMAHA, NEBRASKA IN THE AMOUNT OF $79,213.08 FOR THE PURCHASE OF CHINA, FLATWARE AND OTHER BANQUET ITEMS FOR THE SIOUX CITY CONVENTION CENTER (RFQ #259454).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a purchase order be issued to Hockenberg’s Equipment and Supply Company of Omaha, Nebraska in the amount of $79,213.08 for the purchase of china, flatware and other banquet items for the Sioux City Convention Center (RFQ #259454).

PASSED AND APPROVED: November 4, 2019 Robert E. Scott, Mayor

ATTEST:

Lisa L. McCardle, City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019

FROM: Joe Fontenot, WWTP Superintendent
Mark Simms, Utilities Director

SUBJECT: Resolution awarding a purchase order to Bert Gurney & Associates of Omaha, Nebraska in the amount of $63,285.00 for repairs to Pump No. 4 located at the Floyd Pump Station, 1425 Bluff Road, Sioux City, Iowa.

RECOMMENDATION:
Staff respectfully requests Council award a Purchase Order to Bert Gurney & Associates in Omaha, Nebraska in the amount of $63,285.00 for repairs to Pump No. 4 at the Floyd Pump Station due to excessive wear.

DISCUSSION:
Services included use of a crane to remove Pump No. 4 from the Floyd Pump Station as well as transportation to and from Bert Gurney & Associates in Omaha, Nebraska, and reinstallation. The pump was disassembled and examined for repairs needed. The Proposal for the needed repairs is attached. It totals $63,285.00, with the replacement of the impeller. While it is cheaper to repair the existing impeller, this existing impeller broke at the stress point where it was repaired previously. At this time, we felt that it was worth the extra money to replace the impeller. This pump has been in operation and online for over 5 years, and was scheduled for removal and repair. In addition, the remaining pumps at the Floyd Pump Station were under additional stress due to the extra pumping with one pump missing during the extreme flows that we've been experiencing due to the recent flooding events. A replacement pump and motor of this size would cost more than $132,000.00. Bert Gurney & Associates is the vendor that services this brand of pump in this region with original manufacturer parts. Other repair shops could possibly do the work needed but it would be with aftermarket parts and there would be additional charges for them to evaluate and transport the pumps. Charges for evaluation and transportation would have to be paid to Bert Gurney as well.

FINANCIAL IMPACT:
This purchase order will be charged to CIP # 539207 (Lift Station Improvements) which has a current balance of $339,890.00.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:
City Council may choose to not approve the invoice for repairs needed for Pump No. 4 at the Floyd Pump Station.
ATTACHMENTS:
Resolution
Bert Gurney and Associates Proposal FMP 19-265-0
Pentair Inspection Report
RESOLUTION NO. 2019 - ____________

RESOLUTION AWARDED A PURCHASE ORDER TO BERT GURNEY & ASSOCIATES OF OMAHA, NEBRASKA IN THE AMOUNT OF $63,285.00 FOR REPAIRS TO PUMP NO. 4 LOCATED AT THE FLOYD PUMP STATION, 1425 BLUFF ROAD, SIOUX CITY, IOWA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a Purchase Order be issued to Bert Gurney & Associates of Omaha, Nebraska in the amount of $63,285.00 for repairs to Pump No. 4 at the Floyd Pump Station located at 1425 Bluff Road.

PASSED AND APPROVED: __November 4, 2019__________

Robert E. Scott, Mayor

ATTEST: _______________________________

Lisa L. McCardle, City Clerk
ATTENTION: Jeremy Mayo – imayo@sioux-city.com

PROPOSAL: FMP 19-265-0

PROJECT: 16" VTSH Pump Serial # 453672-0
Floyd Station Sioux City, IA

PROPOSAL

See attached inspection report and work scope:

Scope of Work and Repair Cost for S/N 453672-0
- Remove and install pump onsite.
- Deliver to repair facility
- Disassemble, Clean and inspect.
- Replace the following components: Impeller (with ceramic coating), pump shaft, all enclosing tubes, all bearings, all line shaft couplings, wear rings, restrictor bushing and snap ring, packing, top shaft sleeve, all hardware and gaskets are required.
- Weld and machine all register fits on the following components: column pipes, discharge head
- Repair washout on the suction bell with epoxy repair putty
- Bore and sleeve restrictor bushing fit on diffuser bowl
- Straighten and polish all line shaft
- Assemble pump
- Ship back to Customers location.
- Delivery will be approximately 8-10 weeks ARO.

Cost to perform above scope of work will be: $56,414.00

Price deduction for repairing the impeller instead of replacing the impeller.
Deduct cost; $2,102.00

Motor Scope of Work and Repair Cost
- Disassemble and Inspect, recondition motor replacing bearings and other parts as needed, computer balance the rotor, T.I.R. shaft, Assemble, Test and Paint.

Cost to perform above scope of work will be: $2,646.00

Removal and installation of Pump and Motor
- Labor, travel time and expenses cost
  - Cost does not include crane rental

  $4,225.00
New Pump Pricing

- One - new replacement pump for serial # 453672-0  
  Lead time of approximately 20 weeks  
  $105,134.00

New Electric Motor Pricing

- One – new 150 HP 1190 RPM replacement electric motor  
  Lead time of approximately 20 weeks  
  $27,405.00

Total purchase price;  
$132,539.00

The above prices are based on purchasing the pump and motor together.

ITEMS NOT INCLUDED:
Parts Freight
Start-up Services
Sales or use taxes of any kind or type.
Installation labor, service or supervision.
Anchor bolts, brackets, fasteners, lubricants, controls, gauges, wiring or any other item of supply unless specifically mentioned in the preceding scope of supply.

TERMS OF PAYMENT:
NET 30 DAYS, 1.5% per month late payment charge on any unpaid balance.

TERMS & CONDITIONS OF SALE:
Per attached BERT GURNEY & ASSOCIATES CONDITIONS. No monies or contingencies have been included for acceptance of different or additional Terms & Conditions of Sale.

Cordially yours,
GURNEY & ASSOCIATES

Lee Dunn

DOC:  PROPOSALS/2019/FMP 19-265-0 Sioux City, IA Floyd Station 16” VTSH repair
TERMS & CONDITIONS

(1) BERT GURNEY & ASSOCIATES, INC. is the "Company" and you are the "Purchaser" referred to in the terms and "CONDITIONS".

(2) Purchaser's terms and conditions inconsistent with those set forth herein will not be recognized and will be of no effect unless agreed to in writing by the Company.

(3) This proposal is limited to the quantities and items specifically mentioned and listed. The right to correct all typographical or clerical errors in prices or specifications is reserved.

(4) Unless otherwise specified, prices are F.O.B. point of shipment and are subject to change unless orders are placed with the Company within thirty (30) days from date of Proposal.

(5) The amount of any applicable tax or other government charge upon the production, sale, shipment and/or use of the goods covered by this proposal shall be added to the price and shall be paid by the Purchaser.

(6) The Company reserves the right to assign to its Suppliers all or part of the material or equipment to be supplied under this proposal.

(7) All proposals are subject to the approval of the Company and/or its Supplier.

(8) If delivery specified herein is F.O.B. point of destination or F.O.B. point of shipment with freight allowed, the Purchaser shall pay the Company or its Supplier, in addition to the purchase price, any amount by which the freight on the goods may be increased by reason of increased freight rates between the dates of this proposal and shipment.

(9) If shipments are delayed by the Purchaser, payment shall become due on date when the Company or its Supplier is prepared to make shipment, and Purchaser shall assume all risk and expense of storage.

(10) The Company shall not be liable for failure to perform or delay in performing an obligation resulting from Acts of God, fires, strikes, accident, terrorism or other factors beyond reasonable control of the Company.

(11) Without written authority to Purchaser, the Company or its Supplier will not be liable for expense of repairs made on material or equipment performed outside Company's factory.

(12) The Company shall not be liable for any special, indirect or consequential damages resulting in any manner from the furnishings of the equipment herein or for damages of any kind arising from the use of the equipment specified herein.

(13) It is understood and agreed that title and right of possession to all material or equipment sold under this proposal remains with the Company or its Supplier until it has received the full price therefore, and same shall retain its characteristics as personal property regardless of its use prior to payment of the purchase price.

(14) Terms, unless otherwise specified, are thirty (30) days net from date of invoice F.O.B. point of shipment and are not contingent on performance of equipment or materials. Payments in U.S. currency. The Company or its Suppliers may require pro rata payments for partial shipments.
Lee,

We would like to thank you for allowing us the opportunity to quote repairs on the pump indicated above. The subject pump has been completely disassembled and inspected. Please review the following inspection findings.

Overall
This pump is in mixed condition. Aside from standard wear components, many of the internal components can be repaired and reused, with a few exceptions. Details on each component will follow.

Bowl Assembly
The bowl assembly is in fair condition. The diffuser bowl bearing bores are in good condition. The register fits are slightly worn, but we can restore the proper clearances by machining the mating parts as opposed to doing any welding on the bowl itself. The restrictor bushing fit is washed out, and will need to be bored and sleeved, as is typical in a VTSH pump of this age. The suction bell is in good condition with the exception of some washout around the wearing ring. The ring fit itself measures to print, so the bell can be repaired with epoxy repair putty, and no machining will be necessary.

The impeller shroud was cracked during removal from the shaft. It had previously been welded where it had broken before, and this time it broke in the exact same spot. We recommend replacing the impeller with a new part. However, rewelding this existing impeller back together is also an option.

The pump shaft is in poor condition, with severely worn bearing journals, and will need to be replaced.

Pump shaft wear at upper (left) and lower (right) bearing journals.
Broken impeller shroud (left) and washed out restrictor bushing fit on bowl (right).

Suction bell wearing ring area showing significant washout.

**Column Pipe**
The column pipes are in fair condition. Structurally, they are sound and have a lot of life left in them. However, the register fits are all out of tolerance and will need to be welded and machined to restore the proper clearances and ensure proper alignment of the pump components.

**Discharge Head**
The discharge head is in fair condition. The motor fit is in great shape, but the packing box fit and column pipe fit are both oversized. We will need to weld up all three fits and remachine to restore the proper clearances and ensure concentricity of all three fits.

Discharge head and columns (left), worn packing box fit on head (center), and example of worn column register fit (right).
**Packing Box**
The packing box is in fair condition. The register fit is slightly undersize, but it is measuring round with minimal signs of wear. The discharge head will be machined to match, and the packing box itself can be reused as-is.

**Shafting**
The lineshafts are in good condition with little to no wear evident. They will all be straightened, polished, and reused. They can be flipped end for end as needed to ensure the bearings are all riding on completely unworn surfaces.

**Enclosing Tubes**
The enclosing tubes are in poor condition, and will all need to be replaced. The lower enclosing tube was broken directly above where it threads onto the tube adapter on the bowl. The rest are eroded on the edges. Those edges are critical to bearing alignment, therefore the tubes must be replaced to ensure proper alignment of the lineshafts.

![Examples of worn enclosing tube end (left) and broken lower tube at the adapter in the bowl (right).](image)

**Scope of Supply**
- Perform a complete and thorough inspection of all pump components.
- Provide detailed inspection report.
- Replace the following components:
  - Impeller (with ceramic coating)
  - Pump shaft
  - Enclosing tubes
  - All enclosing tubes
  - All bearings
  - All lineshaft couplings
  - Wearing rings
  - Restrictor bushing and snap ring
  - Packing
  - Top shaft sleeve
  - All hardware and gaskets as required for complete pump assembly.
- Weld and machine all register fits on the following components:
  - Column pipes
  - Discharge head
• Repair washout on suction bell with epoxy repair putty.
• Bore and sleeve restrictor bushing fit on diffuser bowl.
• Straighten and polish all lineshafts.
• Assemble pump complete.
• Coat pump to match original.
• Prepare pump for shipment to job site.

The cost for the above scope of supply is on the attached proposal, with a lead time of **8 – 10 weeks**.

**OPTIONAL Impeller Repair**

• Weld repair impeller shroud and grind smooth.
• Coat entire impeller with ceramic epoxy.
• Balance impeller to G2.5 standards.

To repair the impeller as described instead of replacing it, we can offer a price deduction for a total pump repair cost, with a lead time of **8 – 10 weeks**.

**New Pump Pricing**
A complete new replacement pump cost provided on the attached proposal, with a lead time of approximately **20 weeks**.

**New Motor Pricing**
A new replacement motor cost provided on the attached proposal, with a lead time of approximately **20 weeks**. Please note that this pricing is valid only with the purchase of a new pump or the repairs as quoted above. Standalone motor pricing is subject to increase.

This pricing does not include taxes or freight, which will be billed separately, as applicable. Lead time quoted is valid after receipt of purchase order. This quote includes only the parts and processes specifically outlined above. Warranty will be contingent on inclusion of any parts and/or processes deemed necessary by Pentair. The above quotation is valid for 30 days from the date of this letter, and is subject to Pentair Standard Terms and Conditions (KC585) including the same warranty as new Pentair products.

We thank you for the opportunity to quote this repair. Let us know if you have any questions about this quote or our proposed scope of supply.

Sincerely,

Justin Gomez
Product Engineer – Pump Services Group

CC: Andrew Pepperdine
    Shawn Stevenson
MEETING DATE: November 4, 2019 ACTION ITEM # 11
FROM: Lisa L. McCardle, City Clerk
Heidi Farrens, Deputy City Clerk

SUBJECT:
APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. OFF PREMISE SALES

1. CLASS B WINE PERMIT (wine only)
   A. Downtown Liquor, 1203 5th Street (Renewal)
   B. La Pinata, 3124 Gordon Drive (Renewal)

2. CLASS C BEER PERMIT (beer/wine coolers)
   A. Downtown Liquor, 1203 5th Street (Renewal)
   B. La Pinata, 3124 Gordon Drive (Renewal)

3. CLASS E LIQUOR LICENSE (liquor only)
   A. Downtown Liquor, 1203 5th Street (Renewal)

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
ENVIROMENTAL ADVISORY BOARD MEETING
Regular Meeting Minutes
September 12, 2019

The Environmental Advisory Board held a meeting on this date at 4:00 p.m. at City Hall, 405 6th Street, Sioux City, Iowa at which time the following items were discussed:

<table>
<thead>
<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
<th>STAFF PRESENT</th>
<th>Guests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrie Radloff</td>
<td>Adam Wheelock</td>
<td>Debbie Leigh</td>
<td>Jeanne Bockholt</td>
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<td>Sara Steussy</td>
<td>Brooke Muhlack</td>
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<td>Eric Wissing</td>
<td>Brooke Gilbert</td>
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<tr>
<td>David Hoferer</td>
<td>John Helms</td>
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**CALL TO ORDER**

Motion by Carrie Radloff to approve the minutes of August 8, 2019, seconded by Brooke Gilbert, all voting aye.

**REPORTS & COMMUNICATIONS**

**Fall ReEvent** – S.E.A.M. was awarded the contract for electronics collection and recycling. Lite Form and Batteries Plus will participate. The skywalk banner has been put in place and all supplies ordered. Sara will send a list for volunteers to sign up and coordinate the last-minute details.

**EAB Role in Loess Hills Development Proposal** – Sara discussed the development with Jeff Hansen and Chris Madsen with the Community Development Department. While the developer has pulled out of this project, they discussed the possibility of the EAB being more involved in their process early on to get feedback for future projects. Discussion was tabled until next month by Carrie Radloff, seconded by David Hoferer.

**Environmental Services Analyst position update** – two people are on the list - one person was interviewed with another to be interviewed as soon as it can be arranged and then a decision will be made.

**Parking Day** – Friday, October 20 from 10:00 a.m. – 2:00 p.m. Sara and Carrie will be set up to hand out information and giveaway’s.

Meeting adjourned at 5:08 p.m.

Recorded by,
Debbie Leigh
Secretary
The Environmental Advisory Board held a meeting on this date at 4:00 p.m. at City Hall, 405 6th Street, Sioux City, Iowa at which time the following items were discussed:

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</tbody>
</table>

**CALL TO ORDER**

September minutes should be amended to include Jeanne Bockholt as a guest in attendance. Motion by David Hoferer to approve the minutes of September 12, 2019 as amended, seconded by Carrie Radloff, all voting aye.

**REPORTS & COMMUNICATIONS**

**Fall ReEvent** – The fall Re-Event was held October 5, 2019 in the Long Lines parking lot. Approximately 275 vehicles stopped at the event to properly dispose of electronics, batteries, and light bulbs. SEAM collected electronics, Batteries Plus collected light bulbs and batteries, and Liteform provide a trailer for disposal of Styrofoam. Attendance and materials collected were in line with previous fall events.

**EAB Role in Loess Hills Development Proposal** – No updates.

**Recycle Sioux Progress** – The board was reminded that the contract with Blue Earth for the Recycle Sioux included the creation of a second recycling PSA to be run during the holidays. EAB will be working with Blue Earth in the coming weeks to finalize storyboard and then coordinate with the city and a local station for production and airing around the holidays. Suggestion was made to consider using the Recycle Sioux bus in a community parade this year. Sara will explore feasibility with transit staff.

**Cone-ucopia** – Saturday, October 13 from 10:00 a.m. – 2:00 p.m. Carrie will be set up to hand out information and giveaways.

**Morningside Wellness Fair** – Monday, October 21 from 11:30 a.m. – 1:00 p.m. Carrie and John will set up to hand out information and giveaways.

**Musketeers Game** – Brooke will explore tabling at a Musketeers game. Sara will explore airing the Recycle Sioux PSA at the games and other community events.

Meeting adjourned at 4:58 p.m.

Recorded by,
Sara Steussy
Board Chair
Call to Order – A meeting of the Seniors Advisory Committee was called to order at 3:30 p.m. on Tuesday, October 22, 2019, at City Hall, 405 6th St. in the City Manager’s Conference Room, Room 209.

MEMBERS PRESENT
Douglas Lehman
Cheryl Prather
Jean Carlson
Neil Peck
Daniel Burrows, Vice Chair

MEMBERS ABSENT
Ann Brodersen, Chair
Shirley McLeod

OTHERS PRESENT
Michelle Brady, Staff
Jean Logan, Community Action Agency of Siouxland
Dick Salem
Karla Hertz
Amy Kakacek

Minutes September 24, 2019 – The Seniors Advisory Committee accepted the September 24, 2019 minutes.

Alternative Senior Housing Discussion – Four guests were present to discuss senior housing in Sioux City. Jean Logan from Community Action Agency of Siouxland, and Dick Salem, Karla Hertz and Amy Kakacek from Re/Max Preferred. Topics covered included exploring how seniors can remain in their homes; what seniors are looking for in the housing market place; what type of housing is currently available in the area; the cost of housing in the area; and what type of housing is missing for seniors.

Points of note: There are programs for emergency repairs for seniors but no known stipends. Reverse mortgages are an option. The median priced home is $170,000. There is a very short supply of homes under $170,000 that are move in ready. There are several apartment complexes in the area with rents ranging from $575 to $765 and above. Meadow View is a development of owner occupied townhomes in Morningside for those 55 years old and older that range from $155-180,000, 900 s.f. two bedrooms and no basement. Downsizing seniors express an interest in a home with two bedrooms, two baths, two-car garage, with a basement. There is a shortage of handicap housing with no steps and wheelchair accessible.

Other Items / Information:

Committee Member Terms – It was noted that the terms of Jean Carlson and Shirley McLeod end December 31, 2019. Jean will not be requesting a second term. Shirley is able to apply for a second term. Members were asked to get the word out for potential applicants for the Jean’s future vacant spot.

Next Meeting Date – The next meeting will be held on Tuesday, November 26, 2019, at 3:30 p.m. in the City Manager’s Conference Room.

Adjournment – Cheryl Prather moved and Doug Lehman seconded a motion to adjourn at 4:35 pm. Motion was unanimously approved.
On this date 3:30 p.m., at 509 Nebraska Street, Sioux City, Iowa, was held a regular meeting of the Sioux City Transit Advisory Board for the purpose of discussing items of interest and concern to the Sioux City Transit System, the City of Sioux City, and the citizens thereof, matters to be brought to the attention of the Advisory Board by the Transit Manager; and such other business that might properly come before the Board at this time.

**MEMBERS PRESENT**
- Sue Errickson
- Mary Martin
- Richard Owens
- Kathie Pfaffle

**MEMBERS ABSENT**
- Jeff Harcum, Operations Supv.
- Julie Johannsen, Admin Assistant
- Mike Collett, Assistant City Manager
- Curt Miller, SRTS

**ITEM NO. 1 CALL OF ROLL AND INTRODUCTIONS**

Roll was called.

**ITEM NO. 2 APPROVAL OF SEPTEMBER MINUTES**

*Martin made a motion, Errickson seconded the motion, to approve the minutes from the September meeting. All members present voted aye to approve the minutes.*

**ITEM NO. 3 OPERATING AND PARATRANSPORT REPORTS**

Collett provided a review of Operating Reports. All financials are on track and passenger counts are trending up for both fixed route and paratransit. We are operating one less school route due to the Hunt school construction.

The detour in North Sioux City now allows access to the Military Road bridge. Military Road in Riverside is still under construction, but buses no longer have to take the interstate detour.

The fuel tank project bid has been awarded to K & S, LLC dba Nelson Commercial Construction.

The purchase of another Alexander Dennis bus was approved by council on October 14, 2019.

**ITEM NO. 4 OTHER BUSINESS**

A. Grant Updates

Harcum stated that specifications will be drawn up for the LED lighting retro fit and locker room remodel at the maintenance garage.

**ITEM NO. 5 OTHER DISCUSSION**

Harcum informed the board that the fence project at the MLK Center has been completed. This fencing is to prevent unauthorized access to the skywalk roof.

Walker Restoration will be putting together the work proposal for the MLK parking facility.
Bids were received and are under review for the installation of a hydronic filter for the heat pump system at the MLK facility.

Harcum mentioned that Mike Collett has been contacted by the City of Lincoln as they seek information for the construction of a new transportation facility in their city.

Collett informed the board that the vacant space in the MLK Center is going to be leased by The Friends of Andrew Lang political campaign.

Curt Miller gave an update on the status of the new facility to be constructed for SRTS. They are still working on the grant and have received the environmental findings back with no issues found. Year one of the project will consist of grading, utilities and paving; year two will be the construction of the facility with an anticipated completion in late 2021/early 2022.

Miller discussed the new software that SRTS will be moving to. The new platform will have a phone app and will allow on-line scheduling of rides. The software will also provide more options for customizing reports.

Due to changes in Medicaid SRTS has seen a slight decrease in ridership as they are only scheduling rides for one provider as of July 1, 2019.

Owens inquired about the status of any donations received for the Nights and Weekends program since the “ask” letter was sent out to the TAG list. To date no donations have been received.

Owens stated that the Blind Association would be meeting on October 19, 2019 and would discuss the program. The agency did have questions about the program and how to prevent fraudulent use of the vouchers. Discussion was held regarding the paratransit approval and how vouchers are purchased.

Owens informed the board that letters are scheduled to go out to area churches the week of October 21, 2019 to encourage donations to the Nights and Weekends program.

Owens asked if there was a database of area service organizations. Owens will reach out to The Center to see if they still maintain this list. Pfaffle suggested that SIMPCO may also have some data in their records.

Harcum inquired about the possibility of applying for a grant through MRHD (Missouri River Historical Development). Collett stated that their grant program is not geared toward operational expense items.

Collett stated that results from the rider survey conducted by the Morningside College students would be available for the next meeting.

**ITEM NO. 6 NEXT MEETING**

The next regular meeting will be held on November 20, 2019.

*Martin made a motion, Pfaffle seconded the motion, to adjourn; all members present voted aye. Meeting adjourned at 4:09 p.m.*

Mary Martin, Secretary
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 13

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

SUBJECT: Hearing and Ordinance rezoning 2025 Riverside Boulevard from Zone Classification SC (Suburban Commercial) to Zone Classification GC (General Commercial). (Petitioner: Bargain Bedding, Inc.). The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0074).

RECOMMENDATION:
Staff respectfully requests City Council approve the requested rezoning, subject to the following findings.

Planning and Zoning Commission:
Agenda Item 2019-0074: Requested rezoning of the property located at 2025 Riverside Boulevard from SC (Suburban Commercial) to GC (General Commercial). (Petitioner: Bargain Bedding, Inc.)

Chris Madsen presented the requested rezoning at 2025 Riverside Boulevard. The Petitioner intends to extend their business, Bargain Bedding, onto the vacant lot. Bargain Bedding is located approximately one block away. Currently this lot is the only lot zoned SC (Suburban Commercial) in the area with all other lots zoned GC (General Commercial). The zone change, therefore, would be consistent with the area. Madsen stated staff recommends approval of this item.

Jim Stevenson, Real Estate Agent for the Petitioner, stated the Petitioner has outgrown their current location and would like to combine everything into one location at the new site. The Petitioner currently has several storage areas, throughout the city, that they would like to eliminate. With the zone change, the Petitioner would be able to do that.

O’Neill (Stewart) moved to approve item 2019-0074. Motion carried. 6-0-0 (Yes: Geary, Stewart, Bostinelos, O’Neill, Ross, Silverberg, No: 0 Abstain: 0).

Findings of Fact:
1) The property would be used as an expansion site for Bargain Bedding’s retail and storage.
2) No opposing responses have been received to the notification.
3) The applicant’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: Site Photos
Attachment E: Application

BACKGROUND REPORT:
The City has received a request from Bargain Bedding, Inc., petitioner, to rezone the property located at 2025 Riverside Boulevard from SC (Suburban Commercial) to GC (General Commercial). The petitioner intends to expand their business on the currently vacant site. A general area map is enclosed for your review.

ANALYSIS:
As stated the petitioner is requesting rezoning of the property located at 2025 Riverside Boulevard. The property was previously an apartment building, that suffered a fire in 2012 and was subsequently red tagged and demolished. The site has been vacant since that time.

The subject property is the only Suburban Commercial zoned property on Riverside Boulevard. The Suburban Commercial zoning district allows commercial retail as a conditional use. The petitioner has chosen to rezone the property instead of requesting the conditional use to General Commercial, where commercial retail is an allowed use. The petitioner is proposing to expand the retail and storage of Bargain Bedding. The petitioner has stated that their business would include both the subject property and their current location at 2139 Riverside Boulevard. A site plan has not been submitted, and would be reviewed by City Staff at a later date.

EXISTING ZONING AND LAND USE:
SC ; Vacant

EXISTING ZONING REQUIREMENTS:
The SC district is meant for neighborhood convenience uses, with building and site design standards that are compatible and cohesive with abutting and adjacent residential uses.
PROPOSED ZONING REQUIREMENTS:
The GC district is meant for a broad range of smaller and larger scale commercial use types situated on parcels that have on-site parking.

SURROUNDING ZONING AND LAND USE:
North: GC ; Apartment Building
South: BP ; Vacant Commercial Building
East: GC ; The Brew
West: NC.4 ; Single Family Residential

DEPARTMENT COMMENTS
No comments.

COMPREHENSIVE PLAN:
The 2005 Comprehensive Plan indicates this area as “Mixed-Use Regional”. “Mixed-Use Regional” is defined as areas that are traditionally large in size, comprised of many city blocks or acres, and having concentrated development that supports a varied and large employment base while addressing the needs of a regional market.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:
The subject property is not located in an urban renewal or TIF district.

SUBAREA / CORRIDOR PLAN:
The subject property is not located in a subarea or Corridor Plan.

FLOOD PLAIN:
The subject property is located in the X-Protected by Levee Flood Zone.

CITIZEN RESPONSE:
Twenty-nine notices were sent within the required timeframe. No responses were received.
ORDINANCE REZONING 2025 RIVERSIDE BOULEVARD FROM ZONE CLASSIFICATION SC (SUBURBAN COMMERCIAL) TO ZONE CLASSIFICATION GC (GENERAL COMMERCIAL)

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

Section 1: That the City Council has conducted a public hearing on this proposed rezoning.

Section 2: That Ordinance No. 2015-0215, as amended, also known and identified as the Sioux City Zoning and Sign Ordinance, is hereby amended by adding thereto the following to be known as Section 25.02.030.1365 of said Ordinance No. 2015-0215 as amended:

25.02.030.1365: The following described real property shall be changed FROM Zone Classification SC (Suburban Commercial) TO Zone Classification GC (General Commercial):

All that part of the N.W. 1/4 of the N.E. 1/4 of Section 23, Township 89, Range 48 West of the Fifth Principal Meridian, described as follows: Beginning at a point on the west line of Riverside Boulevard 60 feet south of the S.E. corner of Lot 1, Block 1, North Riverside, Second Filing; thence south on the west line of said Riverside Boulevard, 96 feet; thence westerly at right angles with the west line of said Riverside Boulevard, 150 feet; thence north at right angles with the last mentioned line, 96 feet; thence easterly to place of beginning. Subject to and together with any and all easements, restrictions and covenants.

Description is from land deed record No. 96, Page 9, dated April 3, 1940. Warranty deed recorded in Book 940, Page 31, dated April 18, 1960 shows this parcel is otherwise known as Lot 11, "Subdivision of Section 23, T.89 R.48", in the County of Woodbury and State of Iowa, and extending to the center line of abutting right-of-way.

Section 3: That the boundaries of zones as shown on the official zoning map on file in the Planning Division office of the City of Sioux City, Iowa, is hereby modified and corrected in accordance herewith, and said map and all information shown thereon shall be as much a part of this Ordinance as though all the matters and information set forth in said map were here fully set forth herein.

Section 4: That all Ordinances, or part of Ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5: That this Ordinance shall be and become effective upon its passage, approval and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: November 4, 2019

______________________________
Robert E. Scott, Mayor

ATTEST: Lisa L. McCordle, 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 November 9, 2019

______________________________
Lisa L. McCardle, City Clerk
ORDINANCE REZONING 2025 RIVERSIDE BOULEVARD FROM ZONE CLASSIFICATION SC (SUBURBAN COMMERCIAL) TO ZONE CLASSIFICATION GC (GENERAL COMMERCIAL)

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 rezones the following described property within the City of Sioux City, Woodbury County, Iowa, from Zone Classification SC (Suburban Commercial) to Zone Classification GC (General Commercial):

All that part of the N.W. 1/4 of the N.E. 1/4 of Section 23, Township 89, Range 48 West of the Fifth Principal Meridian, described as follows: Beginning at a point on the west line of Riverside Boulevard 60 feet south of the S.E. corner of Lot 1, Block 1, North Riverside, Second Filing; thence south on the west line of said Riverside Boulevard, 96 feet; thence westerly at right angles with the west line of said Riverside Boulevard, 150 feet; thence north at right angles with the last mentioned line, 96 feet; thence easterly to place of beginning. Subject to and together with any and all easements, restrictions and covenants.

Description is from land deed record No. 96, Page 9, dated April 3, 1940. Warranty deed recorded in Book 940, Page 31, dated April 18, 1960 shows this parcel is otherwise known as Lot 11, "Subdivision of Section 23, T.89 R.48", in the County of Woodbury and State of Iowa,

and extending to the center line of abutting right-of-way.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _________________, 2019.
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO SIOUX CITY ZONING AND SIGN ORDINANCE

Notice is hereby given that at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered on November 4, 2019, in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, there will be conducted a public hearing by the City Council on the proposed amendment to the Zoning and Sign Ordinance of the City of Sioux City, Iowa, proposing the following change:

25.02.030.1365: The following described real property shall be changed FROM Zone Classification SC (Suburban Commercial) TO Zone Classification GC (General Commercial):

All that part of the N.W. 1/4 of the N.E. 1/4 of Section 23, Township 89, Range 48 West of the Fifth Principal Meridian, described as follows: Beginning at a point on the west line of Riverside Boulevard 60 feet south of the S.E. corner of Lot 1, Block 1, North Riverside, Second Filing; thence south on the west line of said Riverside Boulevard, 96 feet; thence westerly at right angles with the west line of said Riverside Boulevard, 150 feet; thence north at right angles with the last mentioned line, 96 feet; thence easterly to place of beginning. Subject to and together with any and all easements, restrictions and covenants.

Description is from land deed record No. 96, Page 9, dated April 3, 1940. Warranty deed recorded in Book 940, Page 31, dated April 18, 1960 shows this parcel is otherwise known as Lot 11, "Subdivision of Section 23, T.89 R.48", in the County of Woodbury and State of Iowa,

and extending to the center line of abutting right-of-way.

(2025 Riverside Boulevard) (2019-0074)

At said hearing parties in interest and citizens will have an opportunity to be heard in relation to said proposed amendment and change.

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

View Looking West

View Looking South

SITE PHOTOS
ATTACHMENT E

CITY OF SIOUX CITY
Applicant Profile Form
(Complete along with the appropriate application form. Not required with the Design Review Committee Request Form)

Before completing, read the entire Applicant Profile Form and related application. A pre-application conference is required for all applications for cluster, mixed, and planned neighborhoods; traditional neighborhood development, as well as applications for development in the Airport Protection (AP), Entertainment (EE), Historic Area (HA), and Public Institutional (PI) zoning districts. However, pre-application conferences may be requested for any development type.

PETITIONER/APPLICANT INFORMATION

Name: Bargain Bedding, Inc.
Street Address: 2139 Riverside Blvd
City: Sioux City
State: Iowa
Zip: 51103
Phone: 712-255-3600
Email Address: bargainbedding@hotmail.com

PROPERTY OWNER (IF DIFFERENT)

Name:
Street Address:
City:
State:
Zip:
Phone:
Email Address:

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

Parcel ID # 894823207007
LL-SC COMM 89-48 SUB DIV 23-89-48 LOT 11 SW COR OF PAUL AVE & RIVERSIDE BLVD

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.

- Vacation
- Zoning Change
- Set Plan
- Development Concept Plan
- Site Plan
- Major Changes to a Site Plan
- Minor Changes to a Concept Plan
- Minor Modifications
- Zoning Compliance Certificate
- Right-of-Way Encroachment
- Sign Design Program
- Text Amendment
- Interpretation
- Conditional/Use Permit
- Site Plan Development Permit
- Site Plan Amendment
- Site Plan Specialty Permit
- Temporary Use Permit
- Appeal
- Variance
- Interchange Development
- Preliminary/Final Plat
- Designation of Historic Site/Building
- Accessory Dwelling Unit
- Archeology Permit
- Certificate of Appropriateness
- Easement Permit

SIGNATURE

Property Owner'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 https://online.encyclopedia.com/res/siouxcity-ia/index.aspx. See Subsection 25.06.070 for the complete review procedures.

G17114 45578 4350.00
CITY OF SIOUX CITY
Application for a Zone Change (Includes Restricted Use Overlay Districts)
(Complete along with the Applicant Profile Form)

SUBJECT PROPERTY INFORMATION
Owner: Bargain Bedding, Inc.

Street Address

Current Zoning District: SC (Suburban Commercial)
Proposed Zoning District: GC (General Commercial)
Existing Use: Vacant Lot
Proposed Use: Retail Sales

WRITTEN STATEMENT OF REQUEST

Describe the need and justification for the proposed zone change, including the conformity of the proposal with the Comprehensive Plan.

(Refer to Subsection 25.06.090.13 Zone Change (Map Amendments, including Restricted Use Overlay Districts) of the Sioux City Zoning and Sign Code): The need for the property would be to grow/expand our current business operation which is currently known as Bargain Bedding. We would like to build a new retail store on the property so we could expand our current product selection, gain additional warehousing space, and create a newer, more modern image for our growing business.

Having done research of the area, we feel the new building and business type conforms with the Comprehensive Plan for business along Business Blvd. It falls in line with the majority of existing zoning classifications along the Blvd. and would enhance the appearance of the area with a newly constructed business location bringing the property to its highest and best use versus its current use as a vacant lot. In addition, it would be beneficial to both the City and County adding additional property tax revenue from the improvements.

If approved, we will provide a site plan for the building, parking, signage and other requirements required in order to obtain a building permit.

INFORMATION CHECKLIST

☐ ☐ N/A A survey by a Certified Land Surveyor licensed in the State of Iowa if necessary, to describe the property.

☐ ☐ N/A A general area map or site plan showing the area requested to be rezoned.

☐ Completed Applicant Profile Form.

☐ A filing fee of $350.

☐ ☐ N/A A zone change to a Historic Area District requires an application for a Local Historic District or Landmark for review by the Historic Preservation Commission and State Historic Preservation Office prior to approving the request.

☐ Other information as requested by the Administrator prior to submittal of the application, including whether a Restricted Use Overlay District is required (Subsection 25.06.090.13 Restricted Use Overlay Districts)

SIGNATURE

Owner/Petitioner's Signature: [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.encodedplus.com/rcgs/siouxcity_index.aspx
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019

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

SUBJECT: Hearing and Ordinance rezoning 5607½ Sunnybrook Drive from Zone Classification GC (General Commercial) to Zone Classification MU (Mixed Use). (Petitioner: Eagle Construction Inc.). The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0076).

RECOMMENDATION:
Staff respectfully requests City Council approve the requested rezoning, subject to the following findings.

Planning and Zoning Commission:
Agenda Item 2019-0076: Requested rezoning of property located at 5607½ Sunnybrook Drive from GC (General Commercial) to MU (Mixed Use). (Petitioner: Eagle Construction, Inc.)

Chris Madsen presented the requested rezoning on Sunnybrook Drive from GC (General Commercial) to MU (Mixed Use). The Petitioner is requesting a two hundred and eight (208) unit apartment complex and townhomes on the site. The GC (General Commercial) zone allows for apartment buildings but not townhomes. Therefore, the Petitioner is requesting a zone change. Madsen went over the different zones in that area. Staff believes the site plan will meet all City guidelines and should get approved at staff level. Madsen presented the site plan so the Commission is aware of what is going to be constructed. Madsen stated the Petitioner is requesting an extension of Sunnybrook Plaza into the site. This will be a public street and will need to be dedicated in the future. Madsen talked briefly on a second access into the site from the south. The Petitioner is working with the property owners to the south to make that connection. Madsen stated again we are not reviewing the site plan just the rezoning and City staff recommends approval.

Stewart asked if the Petitioner would need any other approvals for the apartments and townhomes based on this zoning, since the presentation talked about limited use. Madsen stated that the site plan would need to be approved but no other approvals would be needed in the MU (Mixed Use) zone to build apartments and townhomes. Geary questioned if Mixed Use is the highest and best use of the property. He stated General Commercial seems to be the highest and best use of the property given what it is surrounded by. Madsen stated that the Comprehensive Plan shows the area mainly as Mixed Use with parks and open space. Madsen stated from staff’s perspective it does fit with the Comprehensive plan.
Josh Kruger, Petitioner (1305 East Benson Road, Sioux Falls, South Dakota) stated they have been working with the City. The underlying restrictions of the current zoning district have proven to be difficult to meet their project type. They have developed properties in other States and had success with placing townhomes and apartments on similar sites making more of a community feel versus just driving up to an apartment building. The main reasons they selected this property is its location to shops and restaurants. There is another apartment complex in the area that is doing very well and the area is growing. He talked a little about the site plan.

Geary wanted to know if the Petitioner already owns the property or if it was subject to purchase after the rezoning is approved. Kruger stated that the purchase is subject to this rezoning. Silverberg wanted to know if there would be any separation like as in a wall from the cemetery. Kruger stated that the cemetery would be sitting about 35 feet above where the apartments are going. Kruger also stated they already have a wall of sorts there. Stewart stated it may be early but with the amount of traffic already on Sunnybrook Drive has Engineering thought about or stated what effects this will have on the traffic or the roads. Madsen stated that Engineering is working on this and that was one of the reasons for a second access drive to the property. Stewart and Geary wanted to know if that was just going to be connecting to Lowe’s parking lot? Madsen stated that they are working with the property owner to gain access from that direction. There was a lot of conversation between the commission members and the Petitioner on gaining the secondary access and what effects this will have on the traffic on to Sunnybrook Drive.

Nick Hagerty (5680 Sunnybrook Drive, Sioux City, Iowa) spoke in favor of this item. Hagerty represents Prime Bank and wanted to voice his support for the use of the property in this way. Hagerty stated that they have had problems in the past developing the site and he feels it is a great use for this property. Hagerty stated that there is a need for market rate housing in Sioux City and he feels this will help with the situation.

Dennis Potteroff (5814 Pine View Drive, Sioux City, Iowa) spoke in opposition of this item. Potteroff wanted to voice his concerns about traffic on Sunnybrook Drive, losing his view, and the noise increase in the area at all hours of the day.

David Greigg (3205 Sumac Trail, Sioux City, Iowa) spoke in opposition of this item. Greigg voiced his concerns about the noise, light, pollution and how it will affect his property value with this apartment complex being built. Greigg feels that it will develop as commercial over time. In the ten (10) years since he owned his property the area has expanded greatly, but not over night.

O’Neill (Ross) moved to approve item 2019-0076 as presented. Motion carried. 4-2-0 (Yes: Stewart, Bostinelos, O’Neill, Ross, No: Geary, Silverberg, Abstain: 0).

Findings of Fact:
1) The petitioner is proposing a 208-unit apartment and townhouse development on the property.
2) The GC zone allows apartments by conditional use permit and prohibits townhouses.
3) One opposing response has been received to the notification.
4) The applicant’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: Site Plan
Attachment E: Application

BACKGROUND REPORT:
The City has received a request from Eagle Construction Inc., Petitioner, to rezone the property located at 5607 ½ Sunnybrook Drive from GC (General Commercial) to MU (Mixed Use). The Petitioner intends to construct a 208-unit apartment complex on the site. A general area map is enclosed for your review.

ANALYSIS:

As stated the Petitioner is requesting rezoning of the property located at 5607 ½ Sunnybrook Drive. The property is currently zoned GC (General Commercial), which allows apartments by conditional use permit and prohibits townhouse units. The Petitioner is proposing a mixture of apartments, 188 units, and townhouses, 20 units. The Petitioner chose to rezone to Mixed Use to leave the option open for the ability to have mixed-use commercial and residential development on the site. At this time the only use proposed on the site is residential.

One response was received to the notification, with concerns regarding access from one entry point on Sunnybrook Plaza. The site plan was reviewed by the Development Review Committee (DRC) at their October 10, 2019 meeting. That site plan can be found in Attachment C. The Petitioner has shown, on request by City Staff, a second access to the south. The Petitioner is working with the southern property owner regarding that proposed access.

The Petitioner is proposing to extend the Sunnybrook Plaza right of way east into the property and including a round-a-bout giving access to the property. No other platting is being requested, however at a future date the dedication of the completed street will be requested.

EXISTING ZONING AND LAND USE:

GC ; Vacant

EXISTING ZONING REQUIREMENTS:
The GC district is meant for a broad range of smaller and larger scale commercial use types situated on parcels that have on-site parking.
PROPOSED ZONING REQUIREMENTS:
The MU district is meant for a planned mixture of residential and commercial uses, which may be for transitioning areas along corridors, infill and redevelopment sites, or a planned, mixed use development. A mixed-use development plan requires a development concept plan and planned development site plan.

SURROUNDING ZONING AND LAND USE:
North: NC.1 ; Single Family Residential
South: GC ; Lowes
East: PI ; Memorial Park Cemetery
West: GC ; Commercial Office and Retail

DEPARTMENT COMMENTS
No comments.

COMPREHENSIVE PLAN:
The 2005 Comprehensive Plan indicates this area as “Mixed-Use Regional”. “Mixed-Use Regional” is defined as areas that are traditionally large in size, comprised of many city blocks or acres, and having concentrated development that supports a varied and large employment base while addressing the needs of a regional market.

A portion of the property is also in the “Parks and Open Space” designation that was at one time considered to be an expansion area for the cemetery. Due to grade change between the two properties, this is not likely.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:
The subject property is not located in an urban renewal 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 zone.

CITIZEN RESPONSE:
Fourteen notices were sent within the required timeframe. One response was received with concerns about access and one in opposition.

Planning and Zoning Commission,
Thank you for the opportunity to comment on Item 2019-0076. CNOS is excited about growth in Sioux City and welcome new options for housing, shopping, healthcare, entertainment, etc. We are concerned about adding a large housing complex with only one road (Sunnybrook Plaza) to enter and exit the property. To turn left or right onto Sunnybrook Drive from Sunnybrook Plaza is already difficult and can be dangerous. We would ask the Commission to ensure there will be additional access roads to the complex before approving the rezoning request.

Nancy Swanson | CNOS
VP of Administrative Services
We oppose the rezoning of property located at 5607-1/2 Sunnybrook Drive from GC (General Commercial) to MU (Mixed Use) for the purpose of constructing a 215-unit apartment and townhouse development. We oppose this type of development because our private back yard will be on display to the upper floors of the proposed building, instances of trespassing on our property will increase, noise from inhabitants and vehicles will be disruptive to our lives, pollution (trash, air, noise) will increase, and lighting from the building and its surrounding area will reflect into our bedrooms. Additionally, we are concerned that construction will erode our property which adjoins this site. We are also concerned that the value of our property will be diminished but not offset by tax levies. Several years ago we opposed a variance for signage that exceeded the size and height limit for some of these same reasons, and that variance was denied.
Our back deck view.

View from our garden toward the site in question.

Deck view of garden and proposed building site.

Additional view from deck showing garden and proposed building site.
View from our hill toward proposed site.

View from edge of garden toward proposed site.
Pottorff property at 5814 Pine View Dr.
Proposed building site
ATTACHMENT A

ORDINANCE NO. 2019 - _____________

ORDINANCE REZONING 5607½ SUNNYBROOK DRIVE FROM ZONE CLASSIFICATION GC (GENERAL COMMERCIAL) TO ZONE CLASSIFICATION MU (MIXED USE)

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

Section 1: That the City Council has conducted a public hearing on this proposed rezoning.

Section 2: That Ordinance No. 2015-0215, as amended, also known and identified as the Sioux City Zoning and Sign Ordinance, is hereby amended by adding thereto the following to be known as Section 25.02.030.1366 of said Ordinance No. 2015-0215 as amended:

25.02.030.1366: The following described real property shall be changed FROM Zone Classification GC (General Commercial) TO Zone Classification MU (Mixed Use):

Lot 3, Sunnybrook Plaza, Second Filing to the City of Sioux City, Woodbury County, Iowa, EXCEPTING therefrom those portions contained in the following 3 tracts of land:

TRACT I: Those portions of Lots 2 and 3, Sunnybrook Plaza, Second Filing, an addition to Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the southeast corner of said Lot 2; thence North 88°30'28" West along the south line of said Lot 2 for a distance of 15.00 feet to the Point of Beginning; thence North 01°25'48" East for a distance of 88.89 feet; thence northeasterly along a curve to the right with a radius of 42.50 feet, through a central angle of 65°05'56", for a distance along the arc of 48.29 feet: the chord of which bears North 33°58'47" East a distance of 45.73 feet to a point of reverse curvature, thence along a curve to the left with a radius of 52.50 feet, through a central angle of 245°05'56", for a distance along the arc of 224.58 feet, the chord of which bears North 56°01'13" West a distance of 88.51 feet; thence South 88°30'28" East for a distance of 25.00 feet; thence South 01°25'48" West for a distance of 175.00 feet to the south line of said Lot 2; thence South 88°30'28" East along said south line for a distance of 25.00 feet to the Point of Beginning, containing 11,184 square feet or 0.26 acres, subject to easements, if any, of record or apparent.

Basis of Bearings: The south line of Lot 2, Sunnybrook Plaza, Second Filing was assumed to bear North 88°30'28" West to conform to recorded subdivision.

TRACT II: That portion of Lot 3, Sunnybrook Plaza, Second Filing, an addition to the City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the northwest corner of said Lot 3: thence South 01°25'48" West along the west line of said Lot 3 for a distance of 110.87 feet to the Point of Beginning: thence South 85°44'15" East for a distance of 204.59 feet; thence South 01°25'48" West for a distance of 210.61 feet; thence North 88°30'28" West for a distance of 172.06 feet to the right-of-way of Sunnybrook Court; thence northwesterly along said right-of-way and along a non-tangent curve to the left with a radius of 52.50 feet, from a tangent bearing in of North 30°01'21" West, through
a central angle of 44°46'19", for a distance along the arc of 41.02 feet, the chord of which bears North 52°24'30" West a distance of 39.99 feet; thence North 01°25'48" East for a distance of 196.94 feet to the Point of Beginning, containing 43,560 square feet or 1.00 acres, more or less.

Basis of Bearings: The west line of said Lot 3 is assumed to bear North 01°25'48" East to conform to recorded subdivision plat.

TRACT III: That portion of Lot 3, Sunnybrook Plaza, Second Filing, an addition to the City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the Northwest corner of said Lot 3; thence South 01°25'48" West along the West line of said Lot 3 for a distance of 307.81 feet to the right-of-way of Sunnybrook Court; thence Southeasterly along said right-of-way and along a non-tangent curve to the right with a radius of 52.50 feet, for a distance along the arc of 41.02 feet, the chord of which bears South S 52°24'30" East a distance of 39.99 feet; to the Point of Beginning; thence South 88°30'28" East for a distance of 172.06 feet thence South 01°25'48" West for a distance of 10.00 feet; thence North 88°30'28" West for a distance of 167.31 feet; thence Northwesterly along said right-of-way and along a non-tangent curve to the left with a radius of 52.50 feet, for a distance along the arc of 11.10 feet, the chord of which bears North 23°58'04" West a distance of 11.08 feet to the Point of Beginning, containing 1,695 square feet or 0.04 acres, more or less, subject to easements, if any, of record or apparent.

Basis of Bearings: The West line of said Lot 3 is assumed to bear South 01°25'48" West to conform to recorded subdivision plat, and extending to the center line of abutting right-of-way.

Section 3: That the boundaries of zones as shown on the official zoning map on file in the Planning Division office of the City of Sioux City, Iowa, is hereby modified and corrected in accordance herewith, and said map and all information shown thereon shall be as much a part of this Ordinance as though all the matters and information set forth in said map were here fully set forth herein.

Section 4: That all Ordinances, or part of Ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5: That this Ordinance shall be and become effective upon its passage, approval and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: November 4, 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 ______November 9, 2019______

____________________________________
Lisa L. McCardle, City Clerk
ORDINANCE REZONING 5607½ SUNNYBROOK DRIVE FROM ZONE CLASSIFICATION GC (GENERAL COMMERCIAL) TO ZONE CLASSIFICATION MU (MIXED USE)

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 rezones the following described property within the City of Sioux City, Woodbury County, Iowa, from Zone Classification GC (General Commercial) to Zone Classification MU (Mixed Use):

Lot 3, Sunnybrook Plaza, Second Filing to the City of Sioux City, Woodbury County, Iowa, EXCEPTING therefrom those portions contained in the following 3 tracts of land:

TRACT I: Those portions of Lots 2 and 3, Sunnybrook Plaza, Second Filing, an addition to Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the southeast corner of said Lot 2; thence North 88°30′28″ West along the south line of said Lot 2 for a distance of 15.00 feet to the Point of Beginning; thence North 01°25′48″ East for a distance of 88.89 feet; thence northeasterly along a curve to the right with a radius of 42.50 feet, through a central angle of 65°05′56″, for a distance along the arc of 48.29 feet: the chord of which bears North 33°58′47″ East a distance of 45.73 feet to a point of reverse curvature, thence along a curve to the left with a radius of 52.50 feet, through a central angle of 245°05′56″, for a distance along the arc of 224.58 feet, the chord of which bears North 56°01′13″ West a distance of 88.51 feet; thence South 88°30′28″ East for a distance of 25.00 feet; thence South 01°25′48″ West for a distance of 175.00 feet to the south line of said Lot 2; thence South 88°30′28″ East along said south line for a distance of 25.00 feet to the Point of Beginning, containing 11,184 square feet or 0.26 acres, subject to easements, if any, of record or apparent.

Basis of Bearings: The south line of Lot 2, Sunnybrook Plaza, Second Filing was assumed to bear North 88°30′28″ West to conform to recorded subdivision.

TRACT II: That portion of Lot 3, Sunnybrook Plaza, Second Filing, an addition to the City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the northwest corner of said Lot 3; thence South 01°25′48″ West along the west line of said Lot 3 for a distance of 110.87 feet to the Point of Beginning; thence South 85°44′15″ East for a distance of 204.59 feet; thence South 01°25′48″ West for a distance of 210.61 feet; thence North 88°30′28″ West for a distance of 172.06 feet to the right-of-way of Sunnybrook Court; thence northwesterly along said right-of-way and along a non-tangent curve to the left with a radius of 52.50 feet, from a tangent bearing in of North 30°01′21″ West, through a central angle of 44°46′19″, for a distance along the arc of 41.02 feet, the chord of which bears North 52°24′30″ West a distance of 39.99 feet; thence North 01°25′48″ East for a distance of 196.94 feet to the Point of Beginning, containing 43,560 square feet or 1.00 acres, more or less.

Basis of Bearings: The west line of said Lot 3 is assumed to bear North 01°25′48″ East to conform to recorded subdivision plat.
TRACT III: That portion of Lot 3, Sunnybrook Plaza, Second Filing, an addition to the City of Sioux City, Woodbury County, Iowa, described as follows:

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Basis of Bearings: The West line of said Lot 3 is assumed to bear South 01°25'48" West to conform to recorded subdivision plat,

and extending to the center line of abutting right-of-way.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _________________, 2019.
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO SIOUX CITY ZONING AND SIGN ORDINANCE

Notice is hereby given that at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered on November 4, 2019, in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, there will be conducted a public hearing by the City Council on the proposed amendment to the Zoning and Sign Ordinance of the City of Sioux City, Iowa, proposing the following change:

25.02.030.1366: The following described real property shall be changed FROM Zone Classification GC (General Commercial) TO Zone Classification MU (Mixed Use):

Lot 3, Sunnybrook Plaza, Second Filing to the City of Sioux City, Woodbury County, Iowa, EXCEPTING therefrom those portions contained in the following 3 tracts of land:

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Basis of Bearings: The West line of said Lot 3 is assumed to bear South 01°25'48" West to conform to recorded subdivision plat,

and extending to the center line of abutting right-of-way.

(5607½ Sunnybrook Drive) (2019-0076)

At said hearing parties in interest and citizens will have an opportunity to be heard in relation to said proposed amendment and change.

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

**CITY OF SIOUX CITY**

***Applicant Profile Form***

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

Before completing, read the entire Applicant Profile Form and related application. A pre-application conference is required for all applications for clusters, 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**: Eagle Construction Inc
- **Street Address**: 1305 E Benson Rd
- **City**: Sioux Falls
- **Phone**: 605-331-2800
- **State**: SD
- **ZIP**: 57108
- **E-mail Address**: josh@eagledesignbuild.com

**PROPERTY OWNER (IF DIFFERENT)**

- **Name**: Koski Properties, LLC
- **Street Address**: 1501 Zenith Dr
- **City**: Sioux City
- **State**: IA
- **ZIP**: 51103
- **Phone**: 712-838-0046
- **E-mail Address**: paulkoskovich@aol.com

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

See attached document.

**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 25.68-B Permits and Procedures of the Code.

- □Vacation
- □Zone Change
- □Sign Permit
- □Minor Modification
- □Right-of-Way Encroachment
- □Text Amendment
- □Site Plan / Development Concept Plan
- □Major changes to a Site/Concept Plan
- □Minor Changes to a Site/Concept Plan
- □Zoning Compliance Certificate
- □Sign Design Program
- □Interpretation
- □Conditional/Limited Use Permit
- □Temporary Use Permit
- □Designation of Historic Site/Landmark
- □Accessory Dwelling Unit
- □Appeal
- □Variance
- □Agreement Permit
- □Interchange Development
- □Preliminary/Final Plat

**SIGNATURE**

Property Owner's Signature: [Signature]

Application Date: 10/4/19

*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 codes at: http:// Lincoln.CitizenCode.us/https/siouxcity-ia/index.aspx. See Subsection 25.65.070 for the complete review procedures.*

For Office Use Only

File Number: [File Number]

Staff Reviewer: [Staff Reviewer]
CITY OF SIOUX CITY
Application for a Zone Change (Includes Restricted Use Overlay Districts)
(Complete along with the Applicant Profile Form)

SUBJECT PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Owner</th>
<th>Kosko Properties, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>5607 1/2 Sunnybrook Drive</td>
</tr>
<tr>
<td>Current Zoning District</td>
<td>GC</td>
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<tr>
<td>Proposed Zoning District</td>
<td>Proposed Use</td>
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<td>Vacant Land</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Multifamily Housing Development</td>
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</tbody>
</table>

WRITTEN STATEMENT OF REQUEST

Describe the need and justification for the proposed zone change, including the conformity of the proposal with the Comprehensive Plan. (Refer to Subsection 26.06.080.13 Zone Change (Map Amendment, Including Restricted Use Overlay Development) of the Sioux City Zoning and Sign Code.)

We are requesting a zoning change from General Commercial to Mixed Use for the above referenced parcel of land. The current zoning does not allow town homes to be built on the land of the proposed development.

With the limited amount of street frontage with this large parcel of land, it would be difficult to develop commercial properties so we believe that the highest and best use of the land would be a Multifamily Residential Housing development consisting of Apartment and Town homes.

The parcel of land in question is currently located near or adjacent to commercial zoned property, public and institutional property, and general residential property. Rezoning this parcel to mixed use would allow the proposed Multifamily Housing Development with the possibility of having a commercial component within the development.

INFORMATION CHECKLIST

☐ N/A A survey by a Certified Land Surveyor licensed in the State of Iowa if necessary to describe the property.

☐ N/A A general area map or site plan showing the area requested to be rezoned.

☐ N/A Completed Applicant Profile Form.

☐ N/A A filing fee of $300.

☐ N/A A zone change in a Historic Area District requires an application for a Local Historic District or Landmark for review by the Historic Preservation Commission and State Historic Preservation Office prior to approving the request.

☐ N/A Other information as requested by the Administrator prior to submitting the application, including whether a Restricted Use Overlay District is required (Subsection 26.06.080.13 Restricted Use Overlay District).

SIGNATURE

Owner/Developer's Signature: 
Application Date: 10/4/19

*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.encodedplus.com/egui/siouxcity-ia/index.aspx

For Office Use Only

File Number:

Staff Reviewer:
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019
ACTION ITEM #: 15

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

SUBJECT: Resolution accepting and approving the Final Plat of Eagle Ridge Addition, Third Filing to Sioux City, Woodbury County, Iowa. (Petitioner: DeRocher Brothers Construction LLC). The Planning and Zoning Commission recommends approval of this item. (File No. 2019-0075).

RECOMMENDATION:
Staff respectfully requests City Council approve the requested final plat, subject to the following findings.

Planning and Zoning Commission:
Agenda Item 2019-0075: Requested final plat of Eagle Ridge Addition, Third Filing, a replat of Lots 52-67 of Eagle Ridge Addition, First Filing. (Petitioner: DeRocher Brothers Construction LLC)

Chris Madsen presented the final plat. The Petitioner proposes to increase the number of lots from sixteen (16) to twenty-six (26). The current lots are one hundred (100) feet wide and typically around 16,000 square feet. The proposed lots would generally be sixty-four (64) feet wide and 10,000 square feet. Madsen stated this would increase the density of the property; however, it would still meet the SR (Suburban Residential) zoning requirements. The Petitioner is planning on only single-family homes on the lots. City staff recommends approval.

Geary asked if, under the current zoning, townhomes would be allowed. Madsen stated that twin or townhomes would be allowed but duplexes would not be allowed. Stewart asked if this would be consistent with the new comprehensive plan. Madsen stated he believed it is and that it is not out of character for the neighborhood. Ross asked how long we would allow the roads to remain as dead-end roads. Ross noted the road width seemed to be smaller. Madsen stated that the road may be narrower than Glenn Ellen Road but that would be a question for Engineering. Jeff Hanson measured and stated all the roads are thirty-two (32) feet. Madsen also stated that they will eventually have to have the roads connect or go into a cul-de-sac or hammerhead. When the contractor doesn’t own the extension, the City doesn’t require them to extend the street.

Nicole DeRocher, Petitioner (13968 Highway 3, Akron, Iowa) stated they recently acquired these lots from the original developer with the goal of building smaller (loosely used) more affordable homes. Geary asked what average square foot they were looking to develop. DeRocher stated they are looking at between 1,600 and 1,800 square feet. They want to maintain
the value of the area. Stewart asked what they consider affordable. DeRocher stated that she didn’t want to be locked down to prices at this point, but their goal is to be between $285,000 and $300,000. DeRocher stated the realtor they are working with expressed there it is a need in the community for affordable housing. DeRocher expressed how they feel they may be able to decrease the cost for potential buys.

Wendell Hubert (6800 Prairie View Drive, Sioux City, Iowa) spoke neither in favor or opposition. Hubert stated that he has general questions he would like addressed. Hubert talked about the covenant or guidelines they had to follow when they purchased a lot there. Madsen stated that the City enforces City Code but has nothing to do with the covenants. Madsen also stated that the covenants are put in place by the builder and/or Home Owners Association. Madsen did not know a Home Owners Association exists for this area. Hubert was concerned about having homes next door that would assess at less than half of his assessed value.

Efren Bata (6750 Brookside Court, Sioux City, Iowa) stated he has concerns about breaking up the street to add additional sewer and water. Madsen stated that it is necessary to make new cuts by removing and replacing the concrete. Bata also voiced his concerns about the price of the new homes stating he doesn’t want to see his house value depreciate.

Geary asked for the Petitioner, Nicole DeRocher to come back up. Geary asked about covenants and if the Petitioner was able to follow the guidelines. DeRocher stated upon purchase of the lots they were given ownership of the Eagle Ridge Design Review Committee (DRC) which gives them the ability to change the covenants. DeRocher stated they have mainly been focusing on City Code at this point.

O’Neill (Bostinelos) moved to approve item 2019-0075 as presented. Motion carried. 6-0-0 (Yes: Stewart, Bostinelos, Geary, Ross, Silverberg, O’Neill No: 0, Abstain: 0).

Findings of Fact:
1) The proposal would increase the number of lots from 16 to 26.
2) The proposed plat is compliant with the 2005 Comprehensive Plan.
3) The applicant’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.
BACKGROUND REPORT:
The City has received a request from DeRocher Brothers Construction LLC, petitioner, for final plat approval for Lots 52-67. The petitioner intends to increase the number of lots from 16 to 26. A general area map and final plat are enclosed for your review.

ANALYSIS:
As stated the petitioner is requesting a replat of Lots 52-67 of Eagle Ridge Addition, First Filing. The lots are adjacent to Brookside Drive and on the north side of Prairie View Drive, all east of Glen Ellen Road. The petitioner intends to construct single family detached homes on the smaller lots.

The petitioner is requesting the final plat to increase the number of lots on the subject property from 16 to 26. The current lots are generally 16,000 square feet, with a street frontage of 100' wide. The proposed lots are 10,000 square feet with a street frontage of 64' on average. The lot size is smaller than average in the area, however not unique. Whispering View Third Addition, 4th Filing has an average of 5,600 square foot lots, and the single-family lots just north of the subject property in Whispering View 3rd Addition, 8th Filing fronting on Glen Ellen Road average between 11,000 and 12,000 square feet.

Iowa State Code 354 Platting — Division and Subdivision of Land describes the review and approval process for municipalities. The following Code section is significant;

354.8 Review and approval by governing bodies.
   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. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

The property is located in the Suburban Residential zoning district, which requires a minimum lot size of 60’ and lot area of 6,000 square feet. The 2005 Comprehensive plan also identifies this area as Suburban Residential, which calls for planned residential development. Staff believes that the proposed final plat is compliant with all City Subdivision, Zoning, and Comprehensive Plan requirements.

EXISTING ZONING AND LAND USE:
SR ; Vacant

EXISTING ZONING REQUIREMENTS:
The SR district developed as the Planned type is meant for a planned neighborhood environment that has a high percentage of common space that may be used to preserve environmental resources, provide open space for recreational amenities, buffer housing types or adjacent development, or for agricultural purposes.
PROPOSED ZONING REQUIREMENTS:
N/A

SURROUNDING ZONING AND LAND USE:
North: NC.3 ; Single Family Residential (Whispering View 3rd, 8th Filing)
South: SR ; Single Family Residential (Eagle Ridge 1st Filing)
East: SR ; Vacant (Future Eagle Ridge Additions)
West: SR ; Single Family Residential (Eagle Ridge 1st Filing)

DEPARTMENT COMMENTS
No comments.

COMPREHENSIVE PLAN:
The 2005 Comprehensive Plan indicates this area as “Suburban Residential”. “Suburban Residential” is defined as development consistent with contemporary design practices that are sensitive to existing environmental characteristics of the location.

URBAN RENEWAL / URBAN REVITALIZATION / TIF:
The subject property is located in the City-Wide Urban Revitalization Area.

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 zone.

CITIZEN RESPONSE:
Seventeen notices were sent within the required timeframe. One phone response was received in opposition to the decrease in lot size.
RESOLUTION ACCEPTING AND APPROVING THE FINAL PLAT OF EAGLE RIDGE ADDITION, THIRD FILING TO SIOUX CITY, WOODBURY COUNTY, IOWA

WHEREAS, the City of Sioux City did file with the City Clerk of the City of Sioux City, Iowa, a certain plat designated “Eagle Ridge Addition, Third Filing to Sioux City, Woodbury County, Iowa”; and

WHEREAS, the Planning and Zoning Commission, at their October 22, 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 for “Eagle Ridge Addition, Third Filing 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: November 4, 2019

Robert E. Scott, Mayor

ATTEST:
Lisa L. McCardle, City Clerk
ATTACHMENT C

Notification Map

City of Sioux City Planning Division

NOTIFICATION MAP
ATTACHMENT E

CITY OF SIOUX CITY
Applicant Profile Form
(Complete along with the appropriate application form, not required with the Design Review Committee Request Form)

Before completing, read the entire Applicant Profile Form and related application. A pre-application conference is required for all applications for class 1 mixed use, and planned neighborhood traditions neighborhood development, as well as applications for development in the Airport Protection (AP), Cdico; Entertainment (CE), Historic Area (HA), Public Institutional (PI) zoning districts. However, pre-application conferences may be required for any development type.

PETITIONER/APPLICANT INFORMATION

Name: DeRocher Brothers Construction LLC
Street Address: 13966 Hwy 3
City: Akron
State: IA
ZIP: 51001
Phone: 712-568-5745
Email Address: derocher@promicsonline.net

PROPERTY OWNER (IF DIFFERENT)

Name: (above) as of 9/30/19
Street Address:
City: 
State: 
ZIP:
Phone: 
Email Address:

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

See attached Eagle Ridge Addn 1st

PLANNING AND ZONING DIVISION REQUESTS

Applicants 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, Board, or Commissions. A full list of permits and approval procedures is listed in Subchapter 25.40-8 Permit and Procedure of the Code.

Vacation: Site Plan/Development Plan
Zone Change: Major Change to Site Plan
Sign Permit: Major Change to Site Plan
Minor Modification: Site Plan
Rezoning: Site Plan
Site Development: Site Plan
Traffic Control: Site Plan

SIGNATURE

Property Owner’s Signature: Nicolle DeRocher
Application Date: 09/17/19

*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://www.scioweb.us/regs/siouxcity-la/index.aspx. See Subsection 25.40-70 for the complete review procedures.

For Office Use Only
File Number:
Staff Reviewer:
CITY OF SIOUX CITY
Application for a Preplat, Preliminary Plat, or Final Plat
(Complete along with the Applicant Profile Form)

SUBJECT PROPERTY INFORMATION

Owner: [Name]
Street Address: Eagle Ridge Addn 1st
Zoning District: Existing Use
Lot Size: see attached
Proposed Use: Residential

REQUEST

Include the following:

☐ Completed Applicant Profile Form
☐ A reproducible copy and five (5) copies of the preliminary plat
☐ As per Chapter 24,120, any owner, developer or agent wishing to subdivide a parcel of land shall contact the Planning Director and arrange for a Preplat Conference. This conference is to determine general requirements to be included in the subdivision. If the subdivision does not involve new streets or utilities, the conference may be waived by the Planning and Zoning Commission. For additional information regarding conference, see the Subdivision Regulations Manual.

☐ Preplat
☐ 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)
☐ Yes /// No If no, list requested waivers on back of form.

☐ Preliminary 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.
☐ Is the final plat prepared in conformity with the Sioux City Subdivision Ordinance? (Yes)///(No)
☐ Yes /// No If no, list requested waivers on back of form.

For Office Use Only
File Number: [Number]
Staff Reviewer:
## INFORMATION CHECKLIST

### Pre-Plat Checklist

A subdivider may request a preplat conference surveyor prior to preparation and submission of final plat materials. If a preplat conference is requested, the planning staff will schedule a time and place and notify the appropriate participants.

Preplat conferences are intended to provide an opportunity for communication between city staff, public utility company representatives, and the development team including the subdivider and engineer/land surveyor team to discuss the city and public utility requirements with the proposed development and to inform the development team of the process, standards and requirements for development of the proposed subdivision.

To begin the process, the development team should provide a sketch plan information for the proposed subdivision including an area map showing:

- Feeding streets
- Property lines
- Other significant features
- A sketch plan showing much existing and proposed information as possible about the following:
  - Intended lot layouts (with dimensions to nearest foot)
  - Zoning
  - Streets
  - Topography
  - Trees and vegetation
  - Buildings
  - Streams and drainage areas
  - Stormwater management facilities
  - Sanitary sewers
  - Water lines
  - Natural gas lines
  - Electric lines
  - Postal areas
  - Easements

### Preliminary Plat Checklist

Preliminary plats are required for "major subdivisions" (i.e., a subdivision that requires public improvements). See Section 24.10.003 for complete preliminary plat filing requirements.

- Completed application with filing fee ($400).
- Study map (may be on the preliminary plat sheet).
- Preliminary design by professional engineer for public improvements (may be on the preliminary plat sheet) as set forth in the Plan Design Standards Manual.
- Grading plan (may be on the preliminary plat sheet) with existing and proposed topography, proposed slopes, and property locations, etc., as required for a grading permit application in Grading Ordinance Sec. 24.10.003 and 24.10.006, including a drainage report and erosion control plan, if any, of a grading plan, or references to a previously approved grading plan for the proposed subdivision.
- Graded materials prepared on CAD to be submitted on digital format media.
- Plot plan drawn by professional engineer or land surveyor (not separate scale) showing:
  - Title with notes: "Preliminary Plat of (name of subdivision)," all subdivisions should be labeled as such in a subtitle,
  - Legal description of property on preliminary plat area with statement of the area (to nearest 0.1 acre),
  - Names, addresses and phone numbers of owners, subdivider, engineer, surveyor and any agents,
  - North arrow and graphic scale,
  - Existing and proposed zoning.

Preliminary plat sheet in plan view of proposed subdivision including:

- Boundary with bearings and dimensions of proposed subdivision in relation to two corners on other U.S. public land survey system or on a recorded subdivision,
- Dimensions and bearings of lots and right-of-way,
- Sequential numbering of lots, blocks, and lots in each block,
- Existing and proposed utility systems to serve the subdivision, size and location of existing utility systems including water, sanitary sewer, storm drains, pipelines, natural gas, electric transmission and distribution lines, preliminary plats for proposed city utility systems with types, number and size and locations,
- Staff Reviewer:
### Final Plat Checklist

See Section 2410.040 for complete final plat filing requirements.

- Completed application with filing fee (2x2).
- Final plat (12 copies) prepared by a professional land surveyor meeting the requirements of Iowa Code Sections 234.3, 234.11, and 253.6 in a size acceptable to the county recorder (or Woodbury County, 24" x 24") containing:
  - Title with words "Final Plat of [Name of subdivision]." The subdivision name cannot duplicate any existing subdivision in the county. Subdivisions must be labeled as such in a subtitle.
  - Legal description with reference to U.S. public land survey or existing recorded subdivisions or monuments and statement of area rounded to the nearest 0.01 acre.
  - Certification by the land surveyor as required in Iowa Code Chapter 353.
  - Name, address, telephone number for owner, subdivider, and land surveyor.
  - North arrow and graphic scale.
  - Map of the final plat at scale of 1" = 100' (or less) and is acceptable to the Planning Director) containing:
    - Plots in plan view showing sequentially numbered lots, blocks, and streets.
    - All elevations, boundaries, and contour data indicated to the nearest 0.01 foot and to the nearest second of sign.
    - Locations of bench marks and monuments found and set.
    - Street names.
    - Adjacent lots and subdivision names shown in dotted or dashed lines and et cetera.
  - Plot of the final plat map or attached sheets, including:
    - Plot of the owners to the platting including a dedication of land and improvements to public use.
    - Consent of mortgagee or lien holders to the platting.
    - An attorney's statement as to the land in the subdivision plat.
    - A certificate of the County Treasurer that the land is free from special assessments or unpaid taxes (or secured by UCCs).
    - A certificate of the City Council either accepting and approving the plat or stating in writing the right to review. The following are required certifications:
      - A certified resolution of the City Council either accepting and approving the plat or stating the right to review.
      - A certified resolution of the City Council either accepting and approving the plat or stating in writing the right to review.
      - A certified resolution of the City Council either accepting and approving the plat or stating the right to review.
  - A plot of the final plat map or attached sheets, including:
    - Plot of the owners to the platting including a dedication of land and improvements to public use.
    - Consent of mortgagee or lien holders to the platting.
    - An attorney's statement as to the land in the subdivision plat.
    - A certificate of the City Council either accepting and approving the plat or stating in writing the right to review.
    - A certified resolution of the City Council either accepting and approving the plat or stating in writing the right to review.
    - A certified resolution of the City Council either accepting and approving the plat or stating in writing the right to review.
  - Final plat addendum if appropriate.
  - Graphic materials prepared on CAD also be submitted on digital format media.

### Signature

Owner/Petitioner's Signature: ____________________________  
Application Date: ____________

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**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://onlineservices.sci.gov/siouxzoning/aspx**

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

MEETING DATE: November 4, 2019 ACTION ITEM # 16

FROM: Glenn Sedivy, Communications Center Director

SUBJECT: Hearing and Resolution approving the lease of 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.

RECOMMENDATION:
Staff respectfully requests City Council conduct a public hearing and pass a resolution approving the lease of 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
Lease (hard copies will be provided)
Memorandum of Lease (hard copies will be provided)
RESOLUTION NO. 2019 - ___________
with attachments

RESOLUTION APPROVING THE LEASE OF 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.

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, a public hearing was held as provided by law on November 4, 2019 for the proposed lease of a portion of certain real property legally described as follows:

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 Southwesterly 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 W 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, the City Council is advised and is of the opinion that such lease would be in the best interest of the City and that the property is not needed for other municipal purposes during the term of the lease; and

WHEREAS, copies of the proposed Lease and Memorandum of Lease are attached hereto and by this reference made a part hereof, and should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIoux City, IOWA that the real property described in the preamble hereof be leased to USCOC of Greater Iowa, LLC in accordance with the Lease and Memorandum of Lease attached hereto which are hereby approved as to form and content.

BE IT FURTHER RESOLVED, that the real estate described in the preamble hereof is not likely to be needed for any other municipal purpose during the term of this lease.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute said Lease and Memorandum of Lease for and on behalf of the City of Sioux City, Iowa

PASSED AND APPROVED: November 4, 2019

Robert E. Scott, Mayor

ATTEST: Lisa L. McCardle, City Clerk
MEETING DATE: November 4, 2019
FROM: Nicole M. DuBois, City Attorney
       Caleb C. Christopherson, Assistant City Attorney

SUBJECT: Ordinance amending Chapter 7.01 entitled “Definitions and Penalties”,
          Chapter 7.02 entitled “Licensing of Dogs and Cats”, and Chapter 7.03 entitled “Animal Control,” to revise definitions, revise administrative procedures, increase licensing amounts of unneutered animals, and establish scheduled fines related to violations of the animal code

RECOMMENDATION:
Staff respectfully requests the City Council adopt an Ordinance amending Chapter 7.01 entitled “Definitions and Penalties”, Chapter 7.02 entitled “Licensing of Dogs and Cats” and Chapter 7.03 entitled “Animal Control” to revise definitions, revise administrative procedures, increase licensing amounts of unneutered animals, and establish scheduled fines related to violations of the animal code.

DISCUSSION:
Amendments to Chapters 7.01, 7.02 and 7.03:

Chapter 7.01 - Definitions and Penalties: The Chapter is revised to clarify the definitions of Neutered animals and Injury.

Chapter 7.02 - Licensing of Dogs and Cats: This Chapter is revised to increase annual licensing amounts for unneutered animals. Unneutered is used to describe both male and female animals in the Ordinance. The annual license fee is proposed to increase from $11.00 to $15.00 for each neutered dog or cat and from $31.00 to $125.00 for each unneutered dog and unneutered cat. Additionally, late licensing fees have been increased.

Chapter 7.03 - Animal control: This Chapter is revised to provide additional clarification of the administrative process for determining High Risk and Vicious Animals. Additionally, scheduled violation amounts are proposed if an owner is found responsible for failing to prevent bites and attacks. The proposed amounts are as follows and have been increased to the maximum amount of penalty the City can implement under a municipal infraction:

A person who violates 7.03.063 Duty of owner to prevent animal bites or attacks and maintain control shall be subject to civil penalties as follows:
   a. For a violation not resulting in a bite or injury, a civil penalty of $100.00 shall be assessed.
   b. For a violation which includes a bite or attack upon a domestic animal which is
property of a person, which does not result in Serious Injury or death, a civil penalty of $150.00 shall be assessed.

c. For a violation which results in Serious Injury or death upon a domestic animal which is property of a person, a civil penalty of $200.00 shall be assessed.

d. For a violation which includes a bite upon a person not resulting in Injury, a civil penalty of $250.00 shall be assessed.

e. For a violation resulting in Injury to a person, a civil penalty of $500.00 shall be assessed.

f. For a violation resulting in Serious Injury or death to a person, a civil penalty of $750.00 shall be assessed.

Violations under the Animal Control Chapters can be charged as either a municipal infraction or simple misdemeanor at the discretion of the Poundmaster. The amounts noted above are for municipal infractions. Simple misdemeanor violations are subject to a fine of $625.00 and up to thirty days in jail at the discretion of the Court.

FINANCIAL IMPACT:

There is the potential for collection of increased licensing amounts.

ALTERNATIVES:

Not approve the proposed changes.

ATTACHMENTS:

Ordinance
ORDINANCE NO. 2019 - ____________

ORDINANCE AMENDING CHAPTER 7.01 ENTITLED “DEFINITIONS AND PENALTIES”, CHAPTER 7.02 ENTITLED “LICENSING OF DOGS AND CATS”, AND CHAPTER 7.03 ENTITLED “ANIMAL CONTROL,” TO REVISE DEFINITIONS, REVISE ADMINISTRATIVE PROCEDURES, INCREASE LICENSING AMOUNTS OF UNNEUTERED ANIMALS, AND ESTABLISH SCHEDULED FINES RELATED TO VIOLATIONS OF THE ANIMAL CODE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1: Subsection 7.01.010(13) of the Sioux City Municipal Code is amended to read as follows:

13. "High risk animal" means any animal that satisfies one or more of the following:
   a. Chases or approaches a person, domestic animal, fowl, or livestock in an apparent attitude of attack, or
   b. Attacks a person, domestic animal, fowl, or livestock, or
   c. Bites, harms, or attempts to bite or harm a person, domestic animal, fowl, or livestock; and
   d. Such action, attack, or bite as enumerated above in subsections (a), (b), and (c) results in a judgment against the owner for a violation of section 7.03.063; or
   e. Has been trained to fight other domestic animals; or
   f. Has been trained as a guard dog for people or property and is not subject to the provisions contained in chapter 7.07, as may be amended.
   g. This section shall not apply to law enforcement canines.

An animal provoked to an attitude of self-defense, or assumes a defensive attitude in protection of its owner’s property shall not summarily be proposed to be a vicious high risk animal. The city manager or the city manager’s designee may take various factors into consideration when determining whether an animal meets this definition. These factors include, but are not limited to, whether the animal was provoked, or whether the animal was acting to protect itself, its owner, or its owner’s property.

Section 2: Subsection 7.01.010(16) of the Sioux City Municipal Code is amended to read as follows:

16. "Neutered", "Altered", "Spayed" shall mean the same as "neutered," "altered," and "spayed," and refers to a procedure that has been performed by a veterinarian on an animal, male or female, that renders it incapable of bearing offspring.

Section 3: Subsection 7.01.010(20) of the Sioux City Municipal Code is amended to read as follows:

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1 Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by strikethrough.
20. "Vicious animal" means and includes any animal which bites or harms:
   a. A person or persons and the bite or harm causes bleeding or noticeable and documented injury to the person; or
   b. A domestic animal, fowl, or livestock such that the domestic animal, fowl, or livestock is significantly injured, requires medical attention, is maimed, or killed; and
   c. Such action, attack, or bite as enumerated above in subsections (a) and (b) results in a judgment against the owner for a violation of section 7.03.063.

An animal provoked to an attitude of self defense, or assumes a defensive attitude in protection of its owner’s property shall not summarily be proposed to be a vicious animal. The city manager or the city manager’s designee may take various factors into consideration when determining whether an animal meets this definition. These factors include, but are not limited to, whether the animal was provoked, or whether the animal was acting to protect itself, its owner, or its owner’s property.

**Section 4:** Section 7.01.010 of the Sioux City Municipal Code is amended by adding the following new subsection:

28. “Injury” means any visible or documented bodily injury not constituting “Serious Injury” as defined herein.

**Section 5:** Subsection 7.02.020(2) of the Sioux City Municipal Code is amended to read as follows:

2. After March 1st of each license year, delinquent license fees in the amount of two fifteen dollars shall be assessed in addition to the annual license fee; after April 1st of each license year, delinquent license fees in the amount of four twenty dollars shall be assessed in addition to the annual license fee; and after May 1st of each license year, delinquent license fees in the amount of six twenty-five dollars shall be assessed in addition to the annual license fee. In those cases where, by reason of residence outside the corporate limits, age, or ownership, the dog or cat was not subject to licensing until after January 1st of the license year, the license fee shall become due and payable within sixty days after the date that such dog or cat first becomes subject to the terms of this chapter. Sixty days after said date, the owner shall pay a delinquent-license fee of two fifteen dollars in addition to the annual license fee. Ninety days after said date, the owner shall pay a delinquent-license fee of four twenty dollars in addition to the annual license fee. After one hundred and twenty days from said date, the owner shall pay a delinquent-license fee of six twenty-five dollars in addition to the annual license fee.
Section 6: Subsection 7.02.020(4) of the Sioux City Municipal Code is amended to read as follows:

4. The annual license fee shall be $11.00 $15.00 for each neutered dog or cat and $31.00 $125.00 for each unneutered dog and unneutered cat. In those cases where a dog or cat becomes subject to the terms of this chapter after July 1 of any license year, the fee shall be 1/2 of the annual license fee.

Section 7: Section 7.03.036 of the Sioux City Municipal Code is amended to read as follows:

7.03.036 Disposition of vicious or high risk animals
1. Any animal suspected of being or previously determined to be vicious or high risk shall be seized by an animal control officer and impounded in the animal shelter. In the event the animal cannot be caught by an animal control officer without exposing the officer or citizens to danger or personal injury, a peace officer or animal control officer is authorized to humanely destroy the animal. This section shall not apply to a vicious animal which is housed or otherwise kept outside the limits of the City, which is brought into the City for the sole purpose of receiving medical care in a bona fide, licensed veterinarian hospital or clinic for treatment.
2. An animal suspected of being high risk may be reclaimed by the owner of the animal upon payment of impounding and boarding fees, and presentation of proof to the poundmaster of compliance with the requirements of section 7.03.070, with the exception of the spay and neuter requirement.
3. An animal suspected of being vicious may be reclaimed by the owner of the animal upon:
   a. payment of impounding and boarding fees,
   b. presenting proof to the poundmaster that the animal shall be relocated outside the corporate limits of Sioux City, and
   c. signing an agreement with the City that authorizes seizure and immediate disposition of the animal in accordance with law and without further notice, in the event the animal, while considered vicious, is subsequently returned to any place within the corporate limits of Sioux City.
4. If an owner refuses the animal control officer entry upon property to view or seize an animal suspected of being vicious or high risk, the officer may request a search warrant through the city attorney or the city attorney's designee from a judge or magistrate. Such requests shall detail the reason why the warrant is necessary and why the animal control officer has reason to believe a violation of this title exists.
5. The owner of an animal seized under this section shall be cited for an applicable violation of this title.
   a. If the owner of an animal not previously determined to be vicious is ultimately found not guilty of violating section 7.03.063, section 7.03.065, or section 7.03.095, the animal involved shall be returned to the owner and the owner shall bear no costs of the confinement unless the confinement was a result of any other violation of a rule or law or part of an animal quarantine. If, after the conclusion of a court case, the owner does not redeem the animal, it will be held for fifteen (15) days and thereafter be disposed of in the following manner, as deemed appropriate by the city manager, the city manager’s designee, or the poundmaster:
      (1) Be humanely destroyed; or
      (2) Permanently relocated outside the city limits of the City of Sioux City; or
      (3) Sent to an animal rescue organization located outside the city limits of the City of Sioux City.
   b. If the owner is found guilty of or pleads guilty to a violation of section 7.03.063, section
7.03.065, or section 7.03.095 the owner is subject to penalties as set forth in Iowa Code Section 364.22, as amended, which may include an order to abate the violation by any means necessary including having the animal humanely destroyed by the poundmaster or the poundmaster’s designee.

6. Any animal previously determined to be a vicious animal which is seized or impounded within the City shall be disposed of in accordance with law without any further notice to the owner, if any.

7. If the owner is found guilty of or pleads guilty to a violation section 7.03.063, section 7.03.065, or section 7.03.095, the owner shall pay all confinement expenses of the animal.

Section 8: Section 7.03.063 of the Sioux City Municipal Code is amended to read as follows:

7.03.063 Duty of owner to prevent animal bites or attacks and maintain control.

1. The owner of an animal shall at all times maintain control of such animal to prevent the animal from biting, harming, chasing, harassing, or worrying any human, domestic animal, fowl, or livestock. The owner of an animal shall also maintain control of such animal to prevent the animal from attempting to bite, harm, chase, harass, or worry any human, domestic animal, fowl, or livestock.

2. It shall be unlawful for an owner to fail to maintain control of an animal as provided in this section.

3. A person who violates this section shall be subject to the provisions of section 1.04.100. civil penalties as follows:
   a. For a violation not resulting in a bite or Injury, a civil penalty of $100.00 shall be assessed.
   b. For a violation which includes a bite or attack upon a domestic animal which is property of a person, which does not result in Serious Injury or death, a civil penalty of $150.00 shall be assessed.
   c. For a violation which results in Serious Injury or death upon a domestic animal which is property of a person, a civil penalty of $200.00 shall be assessed.
   d. For a violation which includes a bite upon a person not resulting in Injury, a civil penalty of $250.00 shall be assessed.
   e. For a violation resulting in Injury to a person, a civil penalty of $500.00 shall be assessed.
   f. For a violation resulting in Serious Injury or death to a person, a civil penalty of $750.00 shall be assessed.

Section 9: Section 7.03.064 of the Sioux City Municipal Code is amended to read as follows:

7.03.064 Determination of a high risk or vicious animal. The determination of a high risk or vicious animal shall be in accordance with the following procedures:

1. The poundmaster or the poundmaster’s designee, upon issuance of a citation for violation of section 7.03.063 investigation of an incident alleging a bite or attack in violation of Section 7.03.063, may deem the animal(s) involved in the violation high risk or vicious. The poundmaster or poundmaster’s designee shall issue a written notice to the owner that the owner's animal has been deemed high risk or vicious, as applicable. The citation should include a notation of said determination, if any, but the absence of a stated determination on the citation shall not prevent city staff or the poundmaster from making a subsequent determination at their discretion. The owner of the animal deemed high risk or vicious may appeal the decision within ten...
days, as provided below.

2. The owner of the animal may redeem the animal as provided in this chapter, as applicable. The animal shall be considered high risk or vicious (as applicable), pending the outcome of an administrative appeal as provided herein, and the final adjudication of a court case, if any.

3. Appeal. An owner whose animal is deemed to be high risk or vicious may appeal the determination to the city manager in accordance with procedures set forth in Section 2.06.070. The findings of the city manager or the city manager's designee as hearing officer shall be conclusive.

4. The determination of an animal to be high risk or vicious shall become permanent upon both of the following: if
   a. no administrative appeal is sought in accordance with Section 2.06.070, or if an administrative appeal proceeding results in affirming the high risk or vicious determination; and
   b. the owner is ultimately found liable for the cited violation of Section 7.03.063.

Section 10: Subsection 7.03.095(4) of the Sioux City Municipal Code is amended to read as follows:

4. Any animal believed by the city manager, the city manager's designee, or the poundmaster to be a vicious animal shall be impounded, at the owner's expense, until:
   a. the vicious determination becomes final and any court cases are resolved with final judgments resulting from administrative procedures as provided herein; or
   b. until the animal is reclaimed by the owner of the animal in accordance with Section 7.03.036(3).

Section 11: 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 12: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Subsection 7.01.010(13), Subsection 7.01.010(16), Subsection 7.01.010(20), Subsection 7.02.020(2), Subsection 7.02.020(4), Section 7.03.036, Section 7.03.063, Section 7.03.064, and Subsection 7.03.095(4), of the Sioux City Municipal Code.

Section 13: Effective Date. This ordinance shall be in full force and effect January 1, 2020 from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: November 4, 2019

ATTEST: ____________________________
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on November 9, 2019

______________________________
Lisa L. McCardle, City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: November 4, 2019	ACTION ITEM # 18
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 October 14, 2019; Second consideration passed October 21, 2019)

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, IOWA:

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.
   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.

2 Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by strikethrough
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 of 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: ______________

__________________________
Robert E. Scott, Mayor

ATTEST:
__________________________
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on ______________

__________________________
Lisa L. McCardle, City Clerk