You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held March 24, 2014, 4:00 p.m., local time, in the City 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 cellular 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 10C 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 March 17 (Closed and Regular), 2014

3. HISTORIC PEARL DISTRICT - Resolution adopting plans, specifications, and form of contract for the proposed construction of the Historic Pearl District Alley Reconstruction Project - Phase II.

4. ACTIONS RELATING TO STREET CLOSURES
   A. SPRING THAW - Resolution temporarily closing Larsen Park Road from the driveway entrance of Bev’s on the River located at 1110 Larsen Park Road to the west driveway entrance of the Argosy Casino located at 100 Larsen Park Road on April 5, 2014 beginning at 7:00 a.m. and ending at 12:00 p.m. for the Missouri River Runners Spring Thaw 5K and 10K Races.
B. **FRIDAYS ON THE PROMENADE** - Resolution temporarily closing Virginia Street south to the entrance of the parking lot adjacent to 1004 4th Street on May 30, June 6, June 13, June 27, July 11, July 25 and August 1, 2014 beginning at 12:00 p.m. and ending at 9:00 p.m. for Fridays on the Promenade Summer Concerts.

5. **CIVIL PENALTIES AND SUSPENSIONS**

A. **CATTLEMAN’S** - Resolution assessing a civil penalty of $500 against End, Inc. d.b.a. Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa, for violation of the Iowa Beer/Wine and Liquor Laws.

B. **KENT’S KROSSING** - Resolution fixing a date, time and place for a hearing on a proposed civil penalty of $300 against KRTF, Inc. d.b.a. Kent’s Krossing, 301 Floyd Boulevard, Sioux City, Iowa, for violation of the Iowa Cigarette Laws.

6. **ACTIONS RELATING TO AGREEMENTS AND CONTRACTS**

A. **INTERSTATE MECHANICAL** - Resolution approving the contract and performance bond with Interstate Mechanical Corporation of Sioux City, Iowa, in the amount of $54,340 for the Sioux City Public Transit Air Handler and Condenser Replacement Project.

B. **FIBERCOMM** - Resolution granting a permit to FiberComm of Sioux City, Iowa, to own, operate and maintain underground cable along the south side of Tri View Avenue from the northwest corner of Hamilton Boulevard and Tri View Avenue to 1420 Tri View Avenue.

7. **ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS**

A. **ELECTRIC INNOVATIONS** - Resolution accepting the work and authorizing final payment to Electric Innovations, Inc. of Sioux City, Iowa, for the Airfield Improvement Project; Security Improvements at the Sioux Gateway Airport/Col. Bud Day Field. (Project 749-096)

B. **LONG LINES** - Resolution authorizing reimbursement of $64,802.18 to Long Lines Metro, LLC for relocation of conduit located along Gordon Drive and in connection with the Gordon Drive Conduit Project, Iowa Department of Transportation Project No. IMN-029-6(239)147--0E-97.

8. **ACTIONS RELATING TO PROPERTY**

A. **COMBINED FLOYD RIVER** - Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area of the City of Sioux City, Iowa. (Reconstruction of Dace Avenue/Cunningham Drive/Leech Avenue Intersection)

B. **DONNER PARK** - Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area of the City of Sioux City, Iowa. (Harbor Drive/Lewis Boulevard Water Main Upsize, Southbridge Rail Project and Sabre Industries, Inc.)
C. COMBINED CENTRAL - Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 2 to the Amended and Restated Combined Central Sioux City -CBD Urban Renewal Plan for the Combined Central Sioux City -CBD Urban Renewal Area of the City of Sioux City, Iowa. (Skyway Improvements, Historic Pearl District Improvements and Museum Building Refurbishment)

9. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. CLASS “C” LIQUOR LICENSE
   1. Jolly Rogers, 1110 Larsen Park Road (Peninsula) (Renewal)
   2. Rebos, 1101 4th Street (Renewal)
   3. Bob’s Watering Hole, 722 West 7th Street (Renewal)

10. RECEIPT OF BOARD, COMMISSION AND COMMITTEE MINUTES:

   A. Human Rights Commission - March 6, 2014
   B. Museum Board of Trustees - February 14, 2014
   C. Planning and Zoning Commission - March 11, 2014

   - End of Consent Agenda -

HEARINGS

11. Hearing to Obtain Citizens’ Views on HUD’s Sioux City Consortium Year 5 Action Plan.

12. Hearing and Resolution adopting the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program and authorizing the Mayor to execute required assurances and certifications in connection therewith.

13. Hearing and Resolution adopting the Annual Plan for the Section 8 Housing Choice Voucher Program and authorizing the Mayor to execute required assurances and certifications in connection therewith.

ORDINANCES


15. Ordinance amending Chapter 4.48 entitled “Pawnbrokers and Dealers in Precious Metals or Precious Gems” of the Sioux City Municipal Code to include secondhand dealers, electronic filing; two tier license fee; holding period for transient dealers; prohibit licensing of individuals convicted of fraud, forgery or theft; penalty for no license and Sunday sales.

RECOMMENDATIONS OF PLANNING AND ZONING

16. Hearing and Ordinance adopting a Modified Site Plan for 3901 Stadium Drive. (Area zoned BG-C (General Business Zone -Planned Commercial Overlay)). (Petitioner: Jensen Imports) The Planning and Zoning Commission recommends approval of this item. (File No. 2014-0013)
DISCUSSION

17. Resolution awarding a contract to Concrete Specialty, Inc. of South Sioux City, Nebraska, in the amount of $1,161,964.05 for the South Fairmount Street Reconstruction from south of Dodge Avenue to north of Leech Avenue Project.

18. Resolution awarding a contract to Sewalson Contracting Inc. of Sioux City, Iowa, in the amount of $79,720.05 for the Bluff Street Bridge Slope Protection Project.

19. Resolution authorizing the submittal of a Letter of Map Revision (LOMR) to the Federal Emergency Management Association for their review of the Corps of Engineers findings relating to the flood hazard areas of the Perry Creek Channel and the levee certification.

20. Resolution approving a Third Amendment to the Solid Waste Disposal and Operation Services Agreement between Gill Hauling, Inc. and the City of Sioux City. (Deferred from March 10, 2014)

PRESENTATIONS


22. Zoning Ordinance Rewrite Update.

23. CITIZEN CONCERNS

24. COUNCIL CONCERNS

25. 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) 279-6259. 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 3:45 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Radig and Scott. Absent: None.

Other staff members present included: Robert Padmore, City Manager; Nicole Jensen-Harris, City Attorney; and Sarah Swearingen, Deputy City Clerk.

Motion by Scott, seconded by Radig, 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 Radig, that Council return to open session at 3:55 p.m.; all voting aye.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:56 p.m., on motion by Scott, seconded by Radig; all voting aye.

ATTEST: _______________________________________________________________________
Sarah E. Swearingen, Deputy City Clerk                        Robert E. Scott, Mayor

City Council minutes are available on the Internet at www.sioux-city.org.
1. The Regular Meeting of the City Council was held at 4:00 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Radig and Scott. Absent: None.

Other staff members present included: Robert Padmore, City Manager; Nicole Jensen-Harris, City Attorney; and Sarah Swearingen, Deputy City Clerk.

Mayor Scott read one proclamation commending Boy Scout Troop 204, members of Troop 204 along with their Troop Master Deb Reinard and Assistant Scout Master Bobby Nieto, accepting.

CONSENT AGENDA

Motion by Scott, seconded by Moore, to adopt the Consent Agenda; all voting aye. Items 2 through 8D are approved unanimously unless specifically noted after the item.

2. Reading of the City Council minutes of March 10 and 11, 2014

Reading of the minutes of March 10 and 11, 2014, was waived and as part of the consent agenda the minutes were approved as presented.

3. TIF FUNDS - Resolution approving advance of funds for repayment from the City’s Urban Renewal Tax Increment Revenue Funds and directing the filing of certification under Iowa Code Section 403.19. (FEH Realty, LLC, 419 8th Street and 805 Pierce Street) 2014-0149

4. FIRE RESCUE - Resolution authorizing Sioux City Fire Rescue to submit a 2013 Fire Prevention and Safety Grant application with the Federal Emergency Management Agency in the amount of $12,500 for the purpose of purchasing 500 dual sensor smoke detectors and materials for use in the Residential Home Safety Program. 2014-0150

5. MTC MECHANICAL - Resolution awarding a purchase order to MTC Mechanical, LLC of Sioux City, Iowa, in the amount of $38,173 for the installation of a new HVAC system and demolition and replacement of a portion of the ceiling in the 4th Street Skywalk Bridge located between the Sioux City Hotel and the Stifel Nicolaus Building. (Bid No. 210704) 2014-0151

6. ACTIONS RELATING TO PERSONNEL

A. FINANCE - Resolution amending the Authorized Budget Payroll Complement, the Position Classification Manual and Pay Schedule for Professional, Administrative, Technical, Supervisory, Executive and Council-Appointed Employees by adding thereto the positions, titles and job descriptions of Finance Director, Class Code 1291 and Budget Manager, Class Code 1281 and authorizing said positions in the Finance Department. 2014-0152

B. ECONOMIC AND COMMUNITY DEVELOPMENT - Resolution amending the Authorized Budget Payroll Complement, the Position Classification Manual and Pay Schedule for Professional, Administrative, Technical, Supervisory, Executive and Council-Appointed Employees by adding thereto the position, title and job description of Economic and Community Development Director, Class Code 4381 and authorizing said position in the newly created Economic and Community Development Department. 2014-0153
C. PARKS AND RECREATION - Resolution amending the Authorized Budget Payroll Complement, the Position Classification Manual and Pay Schedule for Professional, Administrative, Technical, Supervisory, Executive and Council-Appointed Employees by adding thereto the position, title and job description of Parks and Recreation Director, Class Code 6672 and authorizing said position in the newly created Parks and Recreation Department.  

D. TRANSPORTATION - Resolution amending the Authorized Budget Payroll Complement, the Position Classification Manual and Pay Schedule for Professional, Administrative, Technical, Supervisory, Executive and Council-Appointed Employees by adding thereto the position, title and job description of Transportation Director, Class Code 7091 and authorizing said position in the newly created Transportation Department.

Motion by Moore, seconded by Scott, to defer this item to April 7, 2014; all voting aye.

E. PUBLIC WORKS - Resolution amending the Public Works Department’s budget by re-classifying the position of Underground Utility Field Manager to Utilities Superintendent.  

2014-0155

7. TOTAL CHECKS - Approve total checks issued for the reporting period of February 2014, in the amount of $5,492,309.13.

8. RECEIPT OF BOARD, COMMISSION AND COMMITTEE MINUTES:

   A. Effective Fiscal and Public Policy Committee - February 12, 2104
   B. Historic Preservation Commission - February 4, 2014
   C. Mayor’s Youth Commission - February 3, 2014
   D. Planning and Zoning Commission - February 25, 2014

- End of Consent Agenda -

HEARINGS

9. Hearing and Resolution accepting the proposal of Charles Oehlerking for the lease of certain land in the Donner Park Urban Renewal Area and authorizing lease of said property. (A 109 acre parcel of property located at 2201 Boulevard of Champions)

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

10. Hearing and Resolution assenting to the request of Thomas Joe Schatz to annex certain land to the City of Sioux City, Iowa. (2243 Andrew Avenue)

Jeff Hanson, Community Development Operations Manager; Jade Dundas, Assistant City Manager for Public Works; Justin Vondrak, Assistant City Attorney; and Brent Nelson, Sr. City Planner; provided information on the item. Thomas Joe Schatz, 2243 Andrew Ave; and Greg Heiden, property owner of 1141 225th St; spoke on the item.

No protests were received. The hearing was closed and the resolution adopted on motion by Scott, seconded by Capron; motion and second withdrawn.
Motion by Groetken, seconded by Capron, to continue the hearing and defer action on the item until April 7, 2014; all voting aye.

DISCUSSION

11. Resolution awarding a contract to Interstate Mechanical Corporation of Sioux City, Iowa, in the amount of $54,340 for the Sioux City Public Transit Air Handler and Condenser Replacement Project. 2014-0157

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

12. Resolution awarding a contract to Whiting Systems, Inc. of Alexander, Arkansas, in the amount of $215,724 for the Sioux City Transit Bus Wash System Replacement Project. 2014-0158

Mike Collett, Assistant City Manager for Administration, provided information on the item.

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

PRESENTATIONS


Michelle Brady, Community Development Specialist; Jeff Hanson, Community Development Operations Manager; Chief Tom Everett, Fire Department; Capt. Lisa Claeys, Police Department; Betsy Thompson, Library Director; and Marty Dougherty, Economic Development Director; provided information on the item.

Mayor Scott asked that the Environmental Advisory Board research the possibility of a plastic bag ban.

Moore asked for more information on the following topics: a City Wide curbside cleanup program; the lack of qualified applicants for the MyPad program; the creation of a non-profit land bank to further redevelopment; and stated the zoning ordinance rewrite update will be brought to Council on March 24, 2014.


Jade Dundas, Assistant City Manager for Public Works; and Tim Higgins, Safety Manager; provided information on the item. Dennis Usher, 122 W Stewart Ave; Jim Gengler, 1721 S Hennepin St; Mark Corbin, Morningside Plumbing; and Miriam Clayton, 1423 W 4th St; spoke on the item.

Robert Padmore, City Manager, stated staff will continue to work through this process and come back to Council with more information.

15. CITIZEN CONCERNS

Miriam Clayton, 1423 W 4th St, clarified that Westside Coalition will meet Thursday, March 20th at 7:00 p.m.
16. **COUNCIL CONCERNS**

Groetken thanked the City and all of the sponsors for the NAIA Tournament and reminded everyone that Semifinals take place tonight, March 17th, and the Championship game will be held at 7:00 p.m. on Tuesday, March 18th.

Capron stated there is currently a buy one-get one offer for tickets to the NAIA Semifinals and Championship games.

Capron thanked Boy Scout Troop 204 for attending the meeting.

17. **ADJOURNMENT**

*There being no further business, the meeting was adjourned at 5:58 p.m., on motion by Scott, seconded by Moore; all voting aye.*

**ATTEST:**

Sarah E. Swearingen, Deputy City Clerk

Robert E. Scott, Mayor

*City Council minutes are available on the Internet at [www.sioux-city.org](http://www.sioux-city.org).*

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City of Sioux City
Request for City Council Action

Meeting Date: March 24, 2014
Action Item #: 3

From: Jill M. Wanderscheid, Neighborhood Services Supervisor
Glenn Ellis, City Engineer

Subject: Resolution adopting plans, specifications, and form of contract for the proposed construction of the Historic Pearl District Alley Reconstruction Project - Phase II.

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

Recommendation:
Staff respectfully requests Council adopt plans and specifications for the Historic Pearl District Alley Reconstruction Project – Phase II.

Discussion:
DGR Engineering has completed the plans and specifications for the Historic Pearl District Alley Reconstruction Project – Phase II. This project includes the full reconstruction of alleys in the 600 block of Pearl / Water Streets (please see attached map). The reconstruction of the alleys was determined to be a priority of the Historic Pearl District business and property owners.

Staff is ready to advertise the Notice of Public Hearing and Notice to Bidders on April 5 and April 12, 2014. A public hearing will be held on April 14, 2014. Bids will be received until April 15, 2014. This project will be completed in one stage and has a required completion date of June 30, 2014.

Financial Impact:
This project is funded under FY14 / FY15 CIP 879-015 “Historic Pearl District”.

Relationship to Strategic Plan:
Expand Development Opportunities and Grow Sioux City
9. Increase infrastructure and paving investment.

Alternatives:
None recommended.

Attachments:
Resolution
Public Notice
Project Map
RESOLUTION NO. 2014 - ____________
with attachments

RESOLUTION ADOPTING PLANS, SPECIFICATIONS, AND FORM OF CONTRACT FOR THE PROPOSED CONSTRUCTION OF THE HISTORIC PEARL DISTRICT ALLEY RECONSTRUCTION PROJECT – PHASE II.

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa, to construct the Historic Pearl District Alley Reconstruction Project – Phase II, in Sioux City, Iowa; and

WHEREAS, DGR Engineering of Sioux City, Iowa, has prepared the plans, specifications and form of contract

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

A. The plans, specifications and form of contract, as prepared by DGR Engineering of Sioux City, Iowa, and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the Historic Pearl District Alley Reconstruction Project – Phase II, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 o'clock P.M., Local Time, April 14, 2014, 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 of 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 o'clock P.M., Local Time, April 15, 2014, for the proposed construction of said improvements.

C. The time of 1:00 o'clock P.M., Local Time, April 15, 2014, 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 hearing and opening of bids to be given by publication in at least one newspaper of general circulation in the manner prescribed by law.

PASSED AND APPROVED: __March 24, 2014__

______________________________
Robert E. Scott, Mayor

ATTEST:

______________________________
Sarah E. Swearingen, Deputy City Clerk
NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COSTS FOR THE CONSTRUCTION OF THE HISTORIC PEARL DISTRICT ALLEY RECONSTRUCTION - PHASE II, IN SIOUX CITY, IOWA, AND TAKING BIDS THEREON.

A public hearing will be held before the Sioux City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on April 14, 2014, commencing at 4:00 P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of costs for the HISTORIC PEARL DISTRICT ALLEY RECONSTRUCTION - PHASE II in Sioux City, Iowa. At said hearing, the City Council will receive and consider any objections made by any interested party to said construction documents.

Sealed bids will be received by the City Clerk 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, April 15, 2014, for the construction of the project, as described in the construction documents.

Work items include:

1105.1 S.Y. Pavement Removal
532 C.Y. Remove Subgrade Soils
506 C.Y. Subgrade Treatment, C-Stone Subbase
963.5 S.Y. Pavement, PCC, 6", 8"
877.8 S.F. Sidewalk, PCC, 6"

and other related construction work.

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 Engineering Division, Room 409, City Hall, at 1:00 P.M., Local Time, on April 15, 2014. Bids will be acted upon by the City Council at such later 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 work on this project shall be according to the following schedule:

Work may begin after contracts are signed, insurance certificates are approved and issuance of Notice to Proceed. All work to be completed on or by June 30, 2014.
Specifications for this project shall be the 2014 version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the 2014 City of Sioux City Supplement.

The City of Sioux City, as a designated exempt entity, shall issue a sales tax exemption certificate to the successful bidder. The bidder shall not include sales or use tax in this project.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public.

Complete digital project bidding documents are available at www.questcdn.com. You may download the digital plan documents for $15.00 by inputting Quest project #3123391 on the website’s Project Search page. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, and working with this digital project information. An optional paper set of the proposal forms and specifications for individual use may be obtained from the project engineer, DGR Engineering, 6115 Whispering Creek Drive, Sioux City, Iowa 51106 telephone 712-266-1554, Fax 712-266-1707.

/s/ Sarah E. Swearingen
Deputy City Clerk of the City of Sioux City, Iowa

Publish in the Sioux City Journal April 5, 2014 and April 12, 2014
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 4A

FROM: Angel Wallace, Parks and Recreation Manager

SUBJECT: Resolution temporarily closing Larsen Park Road from the driveway entrance of Bev’s on the River located at 1110 Larsen Park Road to the west driveway entrance of the Argosy Casino located at 100 Larsen Park Road on April 5, 2014 beginning at 7:00 a.m. and ending at 12:00 p.m. for the Missouri River Runners Spring Thaw 5K and 10K Races.

RECOMMENDATION:
Staff respectfully requests and recommends that the City Council approve the resolution requesting a street closure for the Missouri River Runners Spring Thaw 5K and 10K Races.

DISCUSSION:
The Missouri River Runner coordinators are requesting a temporary street closure of Larsen Park Road between Bev’s on the River driveway entrance to the west driveway entrance of the Argosy Casino, from 7:00 A.M. to 12:00 P.M. on Saturday, April 5, 2014, to accommodate the Missouri River Runners Spring Thaw 5K and 10K Races. Staging will begin at 7:00 A.M., with the races commencing at 9:30 A.M., and the road closure ending at 12:00 P.M. The Special Event packet has been completed and routed to the required city departments for approval. All necessary permits will be obtained by the organization.

The Legal Department has advised the event may occur subject to closure of the right-of-way by the City. Therefore, to assist in these community events, we propose to temporarily close this right-of-way for the period specified.

FINANCIAL IMPACT:
N/A

RELATIONSHIP TO STRATEGIC PLAN:
Explore Destination Sioux City
Grow Sioux City Pride

ALTERNATIVES:
Deny the request for a street closure and direct the event coordinator to seek an alternative location.

ATTACHMENTS:
Resolution
Map
RESOLUTION NO. 2014 - ____________

RESOLUTION TEMPORARILY CLOSING LARSEN PARK ROAD FROM THE DRIVEWAY ENTRANCE OF BEV'S ON THE RIVER LOCATED AT 1110 LARSEN PARK ROAD TO THE WEST DRIVEWAY ENTRANCE OF THE ARGOSY CASINO LOCATED AT 100 LARSEN PARK ROAD ON APRIL 5, 2014 BEGINNING AT 7:00 A.M. AND ENDING AT 12:00 P.M. FOR THE MISSOURI RIVER RUNNERS SPRING THAW 5K AND 10K RACES.

WHEREAS, the Missouri River Runners desire to conduct 5K and 10K races; and

WHEREAS, the races involve the temporary closure of Larsen Park Road from the driveway entrance of Bev's on the River located at 1110 Larsen Park Road to the west driveway entrance of the Argosy Casino located at 100 Larsen Park Road on April 5, 2014 beginning at 7:00 A.M. and ending at 12:00 P.M.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIoux CITY, that Larsen Park Road from the driveway entrance of Bev's on the River located at 1110 Larsen Park Road to the west driveway entrance of the Argosy Casino located at 100 Larsen Park Road be and the same is hereby temporarily closed April 5, 2014, beginning at 7:00 A.M. and ending at 12:00 P.M. for the Missouri River Runners Spring Thaw 5K and 10K Races.

PASSED AND APPROVED: __March 24, 2014___  ____________________________

Robert E. Scott, Mayor

ATTEST: __________________________
Sarah E. Swearingen, Deputy City Clerk
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014

ACTION ITEM #: 4B

FROM: Angel Wallace, Parks and Recreation Manager

SUBJECT: Resolution temporarily closing Virginia Street south to the entrance of the parking lot adjacent to 1004 4th Street on May 30, June 6, June 13, June 27, July 11, July 25 and August 1, 2014 beginning at 12:00 p.m. and ending at 9:00 p.m. for Fridays on the Promenade Summer Concerts.

RECOMMENDATION:
Staff respectfully requests Council approve the resolution for a temporary street closure for the Fridays on the Promenade event on multiple Fridays this summer.

DISCUSSION:
Sioux City Parks and Recreation is requesting to temporarily close Virginia Street from the south parking lot of Francis Canteen to 4th Street (4th Street will remain open) on multiple Fridays to include May 30, June 6, June 13, June 27, July 11, July 25, and August 1, 2014, beginning at 12:00 noon and ending at 9:00 p.m. This time will include set up and tear down. The concerts are scheduled from 6:00 p.m. to 8:00 p.m. Fridays on the Promenade is a summer concert series hosting various blues and jazz style live bands with an average of 300 attendees at each performance.

FINANCIAL IMPACT:
There are no budget implications for the City due to this street closure.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility - Explore Destination Sioux City
Focus Area - Grow Sioux City Pride

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

ATTACHMENTS:
Resolution
Map
RESOLUTION NO. 2014 - ____________

RESOLUTION TEMPORARILY CLOSING VIRGINIA STREET SOUTH TO THE ENTRANCE OF THE PARKING LOT ADJACENT TO 1004 4TH STREET ON MAY 30, JUNE 6, JUNE 13, JUNE 27, JULY 11, JULY 25 AND AUGUST 1, 2014 BEGINNING AT 12:00 P.M. AND ENDING AT 9:00 P.M. FOR FRIDAYS ON THE PROMENADE SUMMER CONCERTS.

WHEREAS, Sioux City Parks and Recreation desires to conduct Fridays on the Promenade summer concerts on May 30, June 6, June 13, June 27, July 11, July 25 and August 1, 2014; and

WHEREAS, the Fridays on the Promenade summer concerts involve the closure of Virginia Street south to the entrance of the parking lot adjacent to 1004 4th Street on May 30, June 6, June 13, June 27, July 11, July 25 and August 1, 2014 beginning at 12:00 P.M. and ending at 9:00 P.M.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Virginia Street south to the entrance of the parking lot adjacent to 1004 4th Street be and the same is hereby temporarily closed May 30, June 6, June 13, June 27, July 11, July 25 and August 1, 2014 beginning at 12:00 P.M. and ending at 9:00 P.M. for Fridays on the Promenade Summer Concerts.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST: __________________________

Sarah E. Swearingen, Deputy City Clerk
Street Closure for Friday's on the Promenade

Virginia Street Closed
South of 4th Street for a Quarter Block

Closure from 6:00 PM - 8:00 PM on the following dates: May 30th, June 6th, 13th, 27th, July 11th, 25th, August 1st
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014
ACTION ITEM #: 5A

FROM: Sergeant Ronald Heimgartner, Investigative Services Bureau, Special Investigations Unit
Officer Nathan West, Investigative Services Bureau, Special Investigations Unit

SUBJECT: Resolution assessing a civil penalty of $500 against End, Inc. d.b.a. Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa, for violation of the Iowa Beer/Wine and Liquor Laws.

Reviewed By: 

Department Director 
Finance Department 
City Attorney 
City Manager

RECOMMENDATION:
The Sioux City Police Department respectfully requests that the City Council assess a fine of $500.00 against the following liquor permit holder due to a first violation of State Liquor Statute 123.49(2)(h):

- Liquor License LC0024526 under the name End, Inc. d.b.a. Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa for violation of the Iowa beer/wine and liquor laws.

DISCUSSION:
On February 25, 2014, officers sent an underage confidential informant into Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa to attempt to purchase alcohol. The bartender, Setsuko Johnson, sold the confidential informant a bottle of Miller 64 and was subsequently issued a citation for selling alcohol to an underage person in violation of State Liquor Statute 123.49(2)(h). On March 7, 2014, Ms. Johnson plead guilty and received a fine of $735.00.

FINANCIAL IMPACT:
Collection of civil penalties to be placed in the City’s General Fund.

RELATIONSHIP TO STRATEGIC PLAN:
INVESTIGATIVE SERVICES:
Municipal Responsibility - Health and Safety Vision
Strategic Focus Area - Enhance Public/Private Partnerships

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

ATTACHMENTS:
Resolution for Cattleman’s
Citation for Setsuko Johnson
RESOLUTION NO. 2014 - ____________

RESOLUTION ASSESSING A CIVIL PENALTY OF $500.00 AGAINST END, INC. D.B.A. CATTLEMAN’S, 1701 DACE AVENUE, SIOUX CITY, IOWA, FOR VIOLATION OF THE IOWA BEER/WINE AND LIQUOR LAWS.

WHEREAS, on March 7, 2014, Setsuko Johnson was convicted in Woodbury County District Court, Docket No. STA0105986 of violating Iowa Code §123.49(2)(h) on February 25, 2014, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Setsuko Johnson was an employee of End, Inc. d.b.a. Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa, a liquor control licensee and/or beer permit holder; and

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

WHEREAS, said violation occurred after January 1, 1988 and this being the first conviction of violation of this section within a period of two (2) years; and

WHEREAS, Iowa Code §123.50(3)(a), as amended, provides that a licensee who violates said section shall be assessed a civil penalty in the amount of $500.00; and

WHEREAS, Iowa Code §123.39, as amended, provides that local authorities shall retain such civil penalties if the proceeding to impose the penalty is conducted by the local authority.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the City Council, pursuant to the authority of the above cited sections, hereby imposes a civil penalty in the amount of $500.00 against End, Inc. d.b.a. Cattleman’s, 1701 Dace Avenue, Sioux City, Iowa, Permit No. LC0024526.

BE IT FURTHER RESOLVED that said license holder has thirty (30) days from the date of this resolution to pay such penalty in full to the City of Sioux City, Iowa, c/o City Treasurer, P.O. Box 447, Sioux City, Iowa 51102. Failure to pay this penalty shall result in a fourteen (14) day suspension of the liquor license and/or beer permit held by the license holder effective on the 32nd day from the date of this resolution.

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

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

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

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST: ________________________

Sarah E. Swearingen, Deputy City Clerk
## Charges, Dispositions, Sentences

### Defendant: JOHNSON, SETSUKO

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Title: STATE VS. JOHNSON, SETSUKO  
Case: 03971 STA0105986 (WOODBURY)  
Citation Number: DO355038

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Case: 03971 STA0105986 (WOODBURY)  
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CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014
ACTION ITEM #: 5B

FROM: Sergeant Ronald Heimgartner, Investigative Services Bureau, Special Investigations Unit
Officer Anthony Vondrak, Investigative Services Bureau, Special Investigations Unit

SUBJECT: Resolution fixing a date, time and place for a hearing on a proposed civil penalty of $300 against KRTF, Inc. d.b.a. Kent’s Krossing, 301 Floyd Boulevard, Sioux City, Iowa, for violation of the Iowa Cigarette Laws.

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

- Cigarette License #14-42534 under the name KRTF, Inc. d.b.a. Kent’s Krossing, 301 Floyd Boulevard, Sioux City, Iowa.

DISCUSSION:
On February 18, 2014, officers sent an underage confidential informant into Kent’s Crossing, 301 Floyd Boulevard, Sioux City, Iowa to attempt to purchase tobacco. The clerk, Holly K. Morrow, sold the confidential informant Marlboro Red Short cigarettes and was subsequently issued a citation for selling tobacco to an underage person in violation of State Cigarette Statute 453A.2(1). On March 4, 2014, Ms. Morrow plead guilty and received a fine of $195.00.

FINANCIAL IMPACT:
Collection of civil penalties to be placed in the City’s General Fund.

RELATIONSHIP TO STRATEGIC PLAN:
INVESTIGATIVE SERVICES:
Municipal Responsibility - Health and Safety Vision
Strategic Focus Area - Enhance Public/Private Partnerships

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

ATTACHMENTS:
Council Resolution for Kent’s Krossing
Copies of citation for Holly K. Morrow
RESOLUTION NO. 2014 - ____________
with attachments

RESOLUTION FIXING A DATE, TIME AND PLACE FOR A HEARING ON A PROPOSED CIVIL PENALTY OF $300.00 AGAINST KRTF, INC. D.B.A. KENT’S KROSSING, 301 FLOYD BOULEVARD, SIOUX CITY, IOWA, FOR VIOLATION OF THE IOWA CIGARETTE LAWS.

WHEREAS, on March 4, 2014, Holly K. Morrow was convicted in Woodbury County District Court, Case No. STA0105489 of violating Iowa Code § 453A.2 on February 18, 2014, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Holly K. Morrow was an employee of KRTF, Inc. d.b.a. Kent's Krossing, 301 Floyd Boulevard, Sioux City, Iowa, a cigarette permit holder; and

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

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

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

WHEREAS, the City Council is advised and does believe that a public hearing should be set and fixed for April 21, 2014 at 4:00 o’clock P.M. in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa for the purpose of considering whether a penalty in the amount of $300.00 should be assessed against the permittee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the City Council conduct a public hearing on a proposed fine to be assessed against KRTF, Inc. d.b.a. Kent’s Krossing, 301 Floyd Boulevard, Sioux City, Iowa, Cigarette Permit No. 14-42534.

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

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

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

PASSED AND APPROVED: March 24, 2014

ATTEST: ________________________________  Robert E. Scott, Mayor

Sarah Swearingen, Deputy City Clerk
### Charges, Dispositions, Sentences

**Title:** STATE vs. MORROW, HOLLY KAY  
**Case:** 03971 STA0105489 (WOODBURY)  
**Citation Number:** DO355036

**Defendant:** MORROW, HOLLY KAY

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### Financials
Title: STATE vs. MORROW, HOLLY KAY  
Case: 03971 STA0105489 (WOODBURY)  
Citation Number: DO355036

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CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 6A

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

SUBJECT: Resolution approving the contract and performance bond with Interstate Mechanical Corporation of Sioux City, Iowa, in the amount of $54,340 for the Sioux City Public Transit Air Handler and Condenser Replacement Project.

REVIEWED BY: x Department Director x Finance Department x City Attorney x City Manager

RECOMMENDATION:
Staff respectfully requests Council approve the attached resolution approving the contract documents with Interstate Mechanical Corporation of Sioux City, Iowa in the amount of $54,340.00 for the Sioux City Public Transit Air Handler and Condenser Replacement Project.

DISCUSSION:
On February 26, 2014 bids were received for the above named project. Three bids were received. They are as follows:

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<td><strong>Engineers Estimate</strong></td>
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This project is to replace the roof top air handler and condensing unit located in the mechanical room and associated equipment at the Sioux City Public Transit facility located at 2504 East 4th Street. The system being replaced is the original equipment (facility was built in 1977) and is no longer operational.

Staff recommends accepting the base bid of $54,340.00 from Interstate Mechanical Corporation.

The low bid as submitted by Interstate Mechanical Corporation is 19% under the engineer’s Estimate.
FINANCIAL IMPACT:
This project will be funded 80% by a FY14 Public Transit Infrastructure Grant through the Iowa DOT. Transit CIP 739-020 “Annual Transit Capital Projects” will fund the 20% match and has a balance of $582,064 which will be used toward this project.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibilities - City Infrastructure Vision; Renew our existing infrastructure, facilities and installations.

ALTERNATIVES:
None

ATTACHMENTS:
Resolution
Bid Tab
Hard copies of the contract will be provided
RESOLUTION NO. 2014 - 

RESOLUTION APPROVING THE CONTRACT AND PERFORMANCE BOND WITH INTERSTATE MECHANICAL CORPORATION IN THE AMOUNT OF $54,340.00 FOR THE SIoux CITY PUBLIC TRANSIT AIR HANDLER AND CONDENSER REPLACEMENT PROJECT.

WHEREAS, the City Council has previously awarded a contract to Interstate Mechanical Corporation of Sioux City, Iowa for the Sioux City Public Transit Air Handler and Condenser Replacement Project and

WHEREAS, Interstate Mechanical Corporation has submitted a signed contract and performance bond for approval, copies of which are attached hereto and by this reference made a part hereof; and

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

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

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

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the contract and performance bond submitted by Interstate Mechanical Corporation of Sioux City, Iowa for the Sioux City Public Transit Air Handler and Condenser Replacement Project in Sioux City, Iowa is hereby approved and the City Manager and City Clerk are hereby authorized and directed to execute said contract for and on behalf of the City of Sioux City, Iowa. Upon execution of the contract by the City Manager as authorized herein, the contract shall be in full force and effect and not before.

BE IT FURTHER RESOLVED that progress payments may be made to the contractor under terms and provisions of the contract by the Director of Finance in amounts certified by the Facilities Maintenance Supervisor as the value of work satisfactorily performed for the period.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
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CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 6B

FROM: Jade Dundas, Assistant City Manager for Public Works

SUBJECT: Resolution granting a permit to FiberComm of Sioux City, Iowa, to own, operate and maintain underground cable along the south side of Tri View Avenue from the northwest corner of Hamilton Boulevard and Tri View Avenue to the Telco Triad Credit Union at 1420 Tri View Avenue.

RECOMMENDATION:
Staff respectfully requests the City Council approve the Resolution granting a permit to FiberComm to perform underground construction in the City’s right-of-way for the installation of fiber optic network services along the south side of Tri View Avenue from the northwest corner of Hamilton Boulevard and Tri View Avenue to the Telco Triad Credit Union at 1420 Tri View Avenue.

DISCUSSION:
Attached please find a letter from Michael Massey of FiberComm requesting a permit to install two (1 1/4”) ducts from an existing vault at the northwest corner of Hamilton Boulevard and Tri View Avenue along the south side of Tri View Avenue to a new vault at the Telco Triad Credit Union at 1420 Tri View Avenue.

This fiber permit approval is recommended by staff to continue to provide optical telecommunications services to the area.

Pursuant to municipal ordinance, permits are granted by the City Council to install underground cable to those companies not holding a franchise with the City. In the past, the Council has been concerned about exclusivity with respect to the granting of these permits. The City is prohibited from granting any type of exclusive rights to a cable company, a telecommunications company, a gas company or an electric company under the laws of the State of Iowa. Therefore, we cannot require anybody to use the facilities of FiberComm or any other telephone company.

The attached route has been reviewed by the Engineering Department.

FINANCIAL IMPACT:
There are no budget implications for the City due to this project.
RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Focus Area – Expand Development Opportunities and Grow Sioux City

ALTERNATIVES:
Council could deny permit to FiberComm of Sioux City, Iowa.

ATTACHMENTS:
Resolution
Letter request from FiberComm
Map
RESOLUTION NO. 2014 - ____________

RESOLUTION GRANTING A PERMIT TO FIBERCOMM OF SIOUX CITY, IOWA, TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE ALONG THE SOUTH SIDE OF TRI VIEW AVENUE FROM THE NORTHWEST CORNER OF HAMILTON BOULEVARD AND TRI VIEW AVENUE TO 1420 TRI VIEW AVENUE.

WHEREAS, the City Council has received a request from FiberComm (hereinafter referred to as “Permitee”) to own, operate and maintain underground communication cable to be installed by Permitee in certain specified public right-of-ways; and

WHEREAS, the City Council is advised and does believe that permission to own, operate and maintain such cable should be granted, pursuant to Chapter 12.05 of the Sioux City Municipal Code, under the conditions hereafter imposed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that Permitee be and it is hereby authorized to own, operate and maintain communication cable underground, across or along the following streets:

- Construction will include two (2) – 1 ¼” conducts and one (1) fiber optic vault. The construction will go from an existing vault on the northwest corner of Hamilton Boulevard and Tri View Avenue an approximate distance of 360 feet to a new vault to be set at 1420 Tri View Avenue. The cable will be used to extend the existing fiber optic route down Tri View Avenue and to feed an existing customer, Telco Triad Credit Union.

1. Cable under paved right-of-ways shall be maintained without disturbing the driving surface unless specifically authorized by the City’s engineering division in writing.

2. Open cutting of public right-of-ways or private driveways to maintain the existing cable shall be replaced to original condition.

3. Permitee’s contractor must schedule a preconstruction meeting with City Engineering staff prior to construction to provide information concerning the construction methods, traffic control plan, construction schedule, and impacts to the City’s right-of-way. The contractor must also provide City Engineering with a construction plan showing hand holes, conduit locations, and other appurtenances that will be installed in the City’s right-of-way.

4. A complete set of “as built” construction plans in paper and electronic format shall be filed with the City’s engineering division within fourteen (14) days after completion of the project.

5. Permitee shall maintain with the City’s engineering division a telephone number or numbers to call to locate buried cable and to receive emergency messages at any time.

6. In the course of maintaining the buried cable, no public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be at least 72 hours in advance of any closing. Closing shall be at no expense to the City.
7. Permitee or its contractor shall comply with all city ordinances regulating construction on the public right-of-ways during any maintenance activities on the buried cable. Permitee agrees to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code.

8. Permitee shall relocate any buried cable, at its expense, to accommodate a public improvement in the public right-of-way.

9. Permitee shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Permitee or the City, on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this resolution. However, Permitee shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Permitee to defend and save harmless and indemnify the City shall extend to the officers, employees and agents of the City to the extent the City is obligated to defend, save harmless and indemnify by law.

10. Permitee agrees to require all general contractors who may perform any work for Permitee under this resolution to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event Permitee does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

11. Permitee shall file with the city clerk a letter accepting the terms and conditions of this resolution within thirty (30) days after its passage and approval. Failure to accept the terms and conditions of this resolution within the time frame specified herein shall be sufficient grounds for the city manager to order removal of the buried cable.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:
Sarah E. Swearingen, Deputy City Clerk
March 5, 2014

Melissa Uhl
City of Sioux City
435 6th Street
Sioux City, IA

RE: RIGHT-OF-WAY PERMIT FOR TRI VIEW AVENUE

Dear Melissa,

FiberComm respectfully requests the City of Sioux City’s permission to be placed on the next Council’s agenda. FiberComm wishes to obtain approval to construct an underground fiber optic route in the City’s right-of-way along Tri View Avenue. Please see the attached aerial map / plan and a brief description of the project below. FiberComm customers along Tri View Avenue have requested that FiberComm provide fiber optic service to their businesses.

Proposed Route Description
Construction will include two (2) - 1 ⅛” conduits and one (1) fiber optic vault. The construction will go from an existing vault at Hamilton Blvd and Tri View Avenue an approximate distance of 360 feet to a new vault to be set at 1420 Tri View Avenue. The cable will be used to extend the existing fiber optic route down Tri View Avenue and to feed an existing customer, Telco Triad Credit Union.

Construction Dates
Estimated Start Date: As soon as authorization is granted by the City and weather permits.
Estimated Completion Date: No later than May 1, 2014

Underground Contractor
Hopkins Cable, L.P.
Dakota City, NE 68731
402-987-3092

Method of Installation
Horizontal Directional Drilling (HDD)

Underground Ducts
All underground ducts are composed of schedule 40 nonmetallic flexible high density polyethylene (HDPE) material. The ducts will be placed at an approximate depth of 35’ to 40’.

Underground Enclosures (Vaults)
Fiber optic vaults will be placed flush to grade. They will be made of precast polymer concrete reinforced with fiberglass and conform to current ANSI/SCITE 77 Specifications for Underground Enclosure Integrity. Vault dimensions will be 49 5/8” x 32 1/8” with 22,000 lbs load rated covers.

Iowa One Call Notices
All necessary Iowa One Call notices and associated locating costs will be the responsibility of FiberComm and the underground contractor.

FiberComm agrees to comply with the terms and conditions listed on the City Council approved Resolution granting a permit to FiberComm to own, operate and maintain underground cable in certain specified public streets. All associated costs related to the herein described construction will be the responsibility of FiberComm.

If you or anyone with the City should have any questions, suggestions, or recommendations that would be applicable to our construction plans, please do not hesitate to contact me.
Respectfully,

Michael Massey

FiberComm
General Manager
1005 9th Street
Sioux City, IA 51101
712-224-2020 Office
712-224-8810 Fax
mmassey@fibercomm.net
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 7A

FROM: Curtis R. Miller, Airport Director

SUBJECT: Resolution accepting the work and authorizing final payment to Electric Innovations, Inc. of Sioux City, Iowa, for the Airfield Improvement Project; Security Improvements at the Sioux Gateway Airport/Col. Bud Day Field. (Project 749-096)

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

RECOMMENDATION:
Staff respectfully requests the City Council approve the resolution accepting the work and authorizing final payment in the amount of $11,477.08 now and $43,648.38 in 30 days to Electric Innovations, Inc. for the Airport Security Improvement Project.

DISCUSSION:
A contract was awarded to Electric Innovations, Inc. on August 12, 2013 under Resolution 2013-0642 in the amount of $432,582.60 for security improvements at the Airport. Change Order 1 in the amount of $4,480.80 was approved by the Airport Board on February 18, 2014 for additional conduit, cabling and an additional door to the access control system. The Airport Board approved Change Order 2 on March 4, 2014 for a contract reduction of $579.91 for two key switches not installed. The work has been completed and approved by RS&H Engineering and city staff. The final construction cost is $436,483.49.

FINANCIAL IMPACT:
The Federal Aviation Administration funded approximately 90% of this project. The Airport’s share was approximately $96,179.62 and was allocated in the 2013 CIP (Project 749-084 Airport Capital CIP).

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility-Health and Safety.

ALTERNATIVES:
N/A

ATTACHMENTS:
Resolution
Final Pay Application
Change Order No. 1
Change Order No. 2
RESOLUTION NO. 2014 - ____________

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL PAYMENT TO ELECTRIC INNOVATIONS, INC. FOR THE AIRFIELD IMPROVEMENT PROJECT; SECURITY IMPROVEMENTS AT THE SIOUX GATEWAY AIRPORT/COL. BUD DAY FIELD. (PROJECT 749-096)

WHEREAS, on August 12, 2013, Sioux City, Iowa, entered into a contract with Electric Innovations, Inc. for the construction of the Airfield Improvement Project; Security Improvements at the Sioux Gateway Airport/Col. Bud Day Field (“the 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 March 24, 2014, 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 $436,483.49 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 $11,477.08 now and in the amount of $43,648.38 in thirty days provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of Electric Innovations, Inc. for the construction of the project.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
TO CITY OF SIoux CITY  
P.O. BOX 447  
SIoux CITY, IA 51102-0447

CONTRACTOR'S APPLICATION FOR PAYMENT
Application is made for Payment, as shown below, in connection with the Contract. Schedule of Values is attached.

1. ORIGINAL CONTRACT SUM ........................................... $ 432,682.60
2. NET CHANGE BY CHANGE ORDERS ........................... $ 3,900.89
3. CONTRACT SUM TO DATE (Line 1 + 2) ....................... $ 436,583.49
4. TOTAL COMPLETED AND STORED TO DATE (Column G on Schedule of Values) ....................... $ 436,403.49
5. RETAINAGE:  
   a. 10.00% of Completed Work  
      (Column D + E on Schedule of Values) ................... $ 43,648.38
   b. 0.00% of Stored Material  
      (Column F on Schedule of Values) .................. $ 0.00
   Total Retainage (Line 5a + 5b) or Total in Column 1 of Schedule of Values) ................... $ 43,648.38
6. TOTAL EARNED LESS RETAINAGE .............................. $ 392,835.11
   (Line 4 less Line 5 Total)  
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT .............. $ 361,356.03
   (Line 6 from prior Application)  
8. CURRENT PAYMENT DUE  ......................................... $ 11,477.08
9. BALANCE TO FINISH, INCLUDING RETAINAGE .............. $ 43,648.38

CHANGE ORDER SUMMARY
Total changes approved in previous months by Owner ............................. 0.00
Total approved this Month ..................................................................... 4,490.00
-579.91
TOTALS ........................................................................ 4,490.00
-579.91
NET CHANGES by Change Order ........................................... 3,900.89

CONTRACTOR: ELECTRIC INNOVATIONS
By: ____________________________ Date: 03/10/2014

ARCHITECT'S CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED ................................................................ $11,477.08

(Attach explanation if the amount certified differs from the amount applied for as shown above. Initial all figures on this Application and on the Schedule of Values that are changed to conform to the amount certified.)

ARCHITECT: ____________________________ Date: 03/10/2014

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.
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<th>SCHEDULED VALUE</th>
<th>WORK COMPLETED</th>
<th>MATERIALS PRESENTLY STORED NOT IN PLACE</th>
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CHANGE ORDER

Sioux Gateway Airport
Security Improvements
FAA AIP Project Number 03-19-0085-45
RS&H Iowa, P.C. Number 213-9554-017

OWNER: City of Sioux City, Iowa
2403 Aviation Blvd.
Sioux City, IA 51111

CHANGE ORDER NO. 1
INITIATION DATE: January 28, 2014

TO: Electric Innovations
(Contractor) 2300 7th Street
Sioux City, Iowa 51105

CONTRACT DATE: 06/28/2013

You are directed to make the following changes in this Contract amount as dated June 28, 2013 by and between yourself and the City of Sioux City, in accordance with its conditions;

The work under this Contract shall be changed and the Contract Sum and/or Contract Time adjusted to reflect all additions and/or deletions described and indicated by modifications to the Contract Documents, including any and all drawings and attachments thereto, all of which form a part of this Change Order. The Contract Documents shall apply to this Change Order.

Description:

RFP#1 Included sawing in a new 1" access control conduit and cable to the existing access pedestal. The existing conduit was only ½" below the surface and conflicted with the detector loops. This change results in an increase to the contract amount of $180.05

RFP #2 Included providing cabling and power to relocate the CCTV monitors from the SRE airport offices to the third floor of the terminal building. This change results in an increase to the contract amount of $1,208.28

RFP #3 Included adding an additional door to the access control system. This change order request includes re-using the existing card reader and providing a new controller board, wiring and programming for door 108. This change results in an increase to the contract amount of $3,092.47

The total increase in Contract Value as a result of this Change Order is $4,480.80.
Not valid until signed by the Owner. Signature by the Contractor indicates final agreement herewith, including all adjustments in the Contract Sum and/or the Contract Time. The Contractor shall only be paid for work performed at the bid unit price.

The original Contract Sum was

Net change by previously authorized Change Order

The Contract Sum prior to this Change Order was

The Amount of this Change Order is

The new Contract Sum including this Change Order will be

The Contract Time will be Increased [0], Decreased [0] working days

The Date of Substantial Completion as a result of this Change Order is therefore 150 Calendar Days

Issued and Approved by:

RS&H Iowa, P.C.

Project Manager

Agreed to:

Electric Innovations

Contractor

2300 7th st. Sioux City

IA 51105

By: [Signature] 01/28/2014

DATE

Authorized:

City of Sioux City Iowa

2403 Aviation Blvd. Sioux City, IA 51111

By: [Signature] 2/12/14

DATE

EXECUTIVE DIRECTOR
CHANGE ORDER

Sioux Gateway Airport
Security Improvements
FAA AIP Project Number 03-19-0085-45
RS&H Iowa, P.C. Number 213-9554-017

OWNER: City of Sioux City, Iowa
2403 Aviation Blvd.
Sioux City, IA 51111

CHANGE ORDER NO. 2
INITIATION DATE: February 25, 2014

TO: Electric Innovations
(Contractor) 2300 7th Street
Sioux City, Iowa 51105

CONTRACT DATE: 06/28/2013

You are directed to make the following changes in this Contract amount as dated June 28, 2013 by and between yourself and the City of Sioux City, in accordance with its conditions:

The work under this Contract shall be changed and the Contract Sum and/or Contract Time adjusted to reflect all additions and/or deletions described and indicated by modifications to the Contract Documents, including any and all drawings and attachments thereto, all of which form a part of this Change Order. The Contract Documents shall apply to this Change Order.

Description:

RFP#4 Deducts materials and labor for installing and programming 2 key switches from the main terminal entrance door and the baggage claim entrance door. This change results in a decrease to the contract amount of ($579.91)

The total decrease in Contract Value as a result of this Change Order is ($579.91).

Not valid until signed by the Owner. Signature by the Contractor indicates final agreement herewith, including all adjustments in the Contract Sum and/or the Contract Time. The Contractor shall only be paid for work performed at the bid unit price.

The original Contract Sum was $432,582.60
Net change by previously authorized Change Order $0.00
The Contract Sum prior to this Change Order was $432,582.60
The Amount of this Change Order is $579.91
The new Contract Sum including this Change Order will be $432,002.69

The Contract Time will be increased 0.00 decreased 0.00 working days
The Date of Substantial Completion as a result of this Change Order is therefore 160 Calendar Days

Page 1 of 2
Issued and Approved by:
RS&H Iowa, P.C.
Project Manager:
4525 Airport Approach Rd, Duluth, MN 55811

Agreed to:
Electric Innovations
Contractor
2300 7th Street, Sioux City, Iowa 51105

By: [Signature] 2-25-2014
DATE

By: [Signature] 2-25-2014
DATE

Authorized:
City of Sioux City, Iowa
2403 Aviation Blvd, Sioux City, IA 51111

Executive Director
DATE
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 7B

FROM: Jade Dundas, Assistant City Manager for Public Works

SUBJECT: Resolution authorizing reimbursement of $64,802.18 to Long Lines Metro, LLC for relocation of conduit located along Gordon Drive and in connection with the Gordon Drive Conduit Project, Iowa Department of Transportation Project Number IMN-029-6(239)147--0E-97.

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

RECOMMENDATION:
Staff respectfully requests Council approve the attached resolution reimbursing Long Lines Metro, LLC in the amount of $64,802.18 for the City’s share of the Gordon Drive Conduit Project with the Iowa Department of Transportation.

DISCUSSION:
On August 3, 2009 under Resolution Number 2009-0625 the City Council approved an agreement with Long Lines Metro, LLC in connection with the Downtown Traffic Control System Rehabilitation - Fiber Network and Traffic Signal Cabinets Project. As part of that agreement the City agreed that it would be responsible for the relocation of the conduit at its expense and Long Lines Metro, LLC would be responsible for the relocation of the buried fiber, both its fiber and the City’s fiber, at their expense.

In connection with the Iowa Department of Transportation Gordon Drive Conduit Project IMN-029-6(239)147--0E-97, Long Lines Metro, LLC entered into an agreement (2013-16-157) with the Iowa Department of Transportation requiring Long Lines Metro, LLC to reimburse the Iowa Department of Transportation for the relocation of the fiber conduit. Per the City’s agreement with Long Lines Metro, LLC the City would then reimburse Long Lines Metro, LLC for the City’s share of the conduit relocation.

The Iowa Department of Transportation has completed the relocation of the conduit and provided Long Lines Metro, LLC actual project quantities and an invoice for the cost share amount including the City’s portion. The City’s portion of the conduit relocation to be reimbursed to Long Lines Metro, LLC is $64,802.18. Additionally, the City shall be separately responsible to IDOT for its direct portion of the relocation costs in the amount of $64,802.18 pursuant to IDOT Project No. IMN-029-6(239)147--0E-07.

FINANCIAL IMPACT:
This project is funded using IDOT Loan in CIP 719-213 “I-29 Utility Master Project”. The current available appropriation is $24,010,299.06.
RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Focus Area – Expand Development Opportunities and Grow Sioux City
#9 Increase infrastructure and paving investment.

ALTERNATIVES:
Deny and/or defer could result in a potential progress disruption to all associated projects.

ATTACHMENTS:
Resolution
Long Lines Metro, LLC Invoice
2009 Agreement between the City of Sioux City and Long Lines Metro
RESOLUTION AUTHORIZING REIMBURSEMENT OF $64,802.18 TO LONG LINES METRO, LLC FOR RELOCATION OF CONDUIT LOCATED ALONG GORDON DRIVE AND IN CONNECTION WITH THE GORDON DRIVE CONDUIT PROJECT, IOWA DEPARTMENT OF TRANSPORTATION PROJECT NUMBER IMN-029-6(239)147--0E-97.

WHEREAS, on August 3, 2009, pursuant to Resolution No. 2009-0625, the City of Sioux City and Long Lines Metro, LLC entered into an Agreement for the Downtown Traffic Control System Rehabilitation – Fiber Network and Traffic Signal Cabinets Project for the purpose of communications connectivity and operation of an Intelligent Transportation System; and

WHEREAS, pursuant to said Agreement, in the event it was necessary to relocate conduit to accommodate a public improvement and/or for the repair of a public improvement in the public right of way that the responsibility and costs shall be at the City's expense; and

WHEREAS, on March 26, 2013, the Iowa Department of Transportation and Long Lines Metro, LLC entered into Agreement Number 2013-16-157 for the relocation of conduit in connection with the Iowa Department of Transportation Gordon Drive Conduit Project Number IMN-029-6(239)147--0E-97; and

WHEREAS, as part of the Iowa Department of Transportation Gordon Drive Conduit Project, Long Lines Metro, LLC had to relocate the conduit along Gordon Drive; and

WHEREAS, the relocation of conduit in connection with the Iowa Department of Transportation Gordon Drive Conduit Project Number IMN-029-6(239)147--0E-97 has been completed by Long Lines Metro, LLC and reimbursement of the cost of the relocation of said conduit has been requested from Long Lines Metro, LLC in the amount of $64,802.18.

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 in the amount of $64,802.18 payable to Long Lines Metro, LLC as reimbursement of the cost of the relocation of conduit along Gordon Drive pursuant to Resolution No. 2009-0625 and in connection with the Iowa Department of Transportation Gordon Drive Conduit Project.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
**INVOICE**

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<tr>
<th>DESCRIPTION</th>
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<th>AMOUNT</th>
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<td>Gordon Drive Conduit Project</td>
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</table>

**TOTAL DUE:** 64,802.18
AGREEMENT

AGREEMENT (the “Agreement”) made and entered into as of August 3, 2009, by and between the City of Sioux City, Iowa (the “City”), and Long Lines Metro, LLC, a Delaware limited liability company.

Background

A. The City is proceeding with the development and installation of an intelligent Transportation System (ITS) in and about the City. This project requires the use of a fiber optic cable network for purposes of communications connectivity and operation of the system. The City has installed and presently maintains conduit for the purpose of housing fiber optic cable facilities within the City limits.

B. Long Lines has installed and presently owns and maintains fiber optic networks in and around the City.

C. The parties have agreed that Long Lines will furnish, install, and transfer ownership to the City of a fiber optic cable network for the ITS in return for the perpetual right to use the City’s conduit for installing and operating a fiber optic cable network for Long Lines’s commercial use.

Terms

NOW, THEREFORE, the parties agree as follows:

1. Obligations of the City.

   (a) The City will install a 2-inch conduit (pipe), or will refurbish existing 2-inch conduit (pipe) including splice points (i.e., hand holes and quazite tubes) to usable condition, and maintain this conduit, along the following routes (hereinafter collectively referred to as the "Conduit"): 

   Route 1: From Gordon Drive and Virginia Street, west on Gordon Drive to Pearl Street, and from there north on Pearl Street to 5th Street, and from there east on 5th Street to the Dr. Martin Luther King, Jr. Transportation Center (the “MLK”)

   Route 2: Continuing from the termination of Route 1, east on 5th Street to Jackson Street

   Route 3: Continuing from the termination of Route 2, east on 5th Street to Jennings Street, and from there north on Jennings Street to
6th Street, and from there east on 6th Street to Court Street, and from there south on Court Street to 5th Street

Route 4: Continuing from the termination of Route 3, south on Court Street to Gordon Drive, and from there west on Gordon Drive to Virginia Street and connecting to Route 1 (Please note that this route is in the plans as an alternate bid item. The City will only proceed with this route if they have sufficient funds based on how high the bids come in at). 

Route 5: Continuing from the signal cabinet on Route 1 at the corner of Pearl Street and 5th Street, north on Pearl Street to 6th Street, and from there west on 5th Street to signal cabinet.

Route 6: From the Rivers Landing Ramp north on Douglas Street to 6th Street, and from there west on 6th Street to signal cabinet.

Route 7: From signal cabinet at 3rd Street west of Pierce Street, north on Pierce Street to 5th Street and connecting to Route 1.

Route 8: From signal cabinet at 3rd Street west of Pierce Street, east on 3rd Street to Art Center, and from there east on 3rd Street to Jackson Street, and from there north on Jackson Street to signal cabinet (Please note that the route between 3rd St. and Pierce St. except for what goes to the Art Center is in the plans as an alternate bid item. The City will not proceed with this route unless they have sufficient funds based on how high the bids come in).

Route 9: Continuing from Route 4 at the corner of 3rd Street and Nebraska Street, north on Nebraska Street to 5th Street and connecting to Route 2.

Route 10: From MLK north to 6th Street, and from there east on 6th Street to Jackson Street, and from there south on Jackson Street to 5th Street and connecting to Route 1.

Route 11: From MLK west on 5th Street to Pierce Street, and from there north on Pierce Street to 7th Street, and from there west on 7th Street to Douglas Street, and from there north on Douglas Street to 8th Street, and from there east on 8th Street to Pierce Street, and from there north on Pierce Street to 14th Street.

Route 12: Continuing from Route 11 at the corner of 10th Street and Pierce Street, west on 10th Street to signal cabinet and Fire Station #1.
Route 13: Continuing from Route 11 at the corner of 11th Street and Pierce Street, east on 11th Street to Jackson Street, and from there north on Jackson Street to signal cabinet.

Route 14: Continuing from the termination of Route 11, west on 14th Street to signal cabinet on Douglas Street, and east on 14th Street to signal cabinet on Jackson Street.

2. Grant of Rights to Long Lines. The City grants Long Lines a perpetual right and license to (a) install, operate, and maintain a 96-strand, single mode fiber optic cable (the "Long Lines Fiber") in the Conduit and to access the Long Lines Fiber, for operating (including splicing), testing, maintenance, or any other reasonable purpose, at any splice vaults or hand hole on the Conduit or at any other locations where the Long Lines Fiber may be accessed (e.g., in the MLK Transportation Center, the Art Center, or any other buildings through which the Conduit passes) with the exception of the signal cabinets, and (b) to install a fiber distribution panel in the MLK Transportation Center at a location mutually agreeable to the parties.

3. Obligations of Long Lines.

(a) Long Lines will furnish and install, without any funding or contribution by the City, single mode fiber optic cable, as specified below, for the exclusive use of the City and its designees (hereinafter collectively referred to as the "City Fiber"):

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<td>48</td>
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<td>13-14</td>
<td>24</td>
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(b) Upon the completion by Long Lines of installation and testing of the City Fiber, Long Lines will transfer to the City, with no payment or contribution by the City, all right, title, and interest in and to the City Fiber.

(c) For the entire period that that Long Lines operates a fiber system in this conduit, as described in this agreement, following the transfer to the City of title to the City Fiber, Long Lines will:
(i) provide, at no cost to the City, all necessary Iowa One Call locating services for the City Fiber, and

(ii) perform, at no cost to the City, all necessary Iowa One Call notifications in compliance with Section 480.4 Required Notice – Location and Marking of Underground Facilities – Exceptions, as defined in Chapter 480 of the Iowa Code.

(iii) maintain with the City’s engineering division a telephone number or numbers to call to locate buried cable and/or to receive emergency messages at any time of the day or night.

(d) Long Lines agrees its cable under paved right-of-ways shall be maintained without disturbing the driving surface unless specifically authorized by the City’s engineering division in writing.

(e) Long Lines agrees that open cutting of public right-of-ways or private driveways or sidewalks to maintain its cable shall be replaced to original condition.

(f) Long Lines agrees that in the course of maintaining its buried cable that no public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be given at least seventy-two (72) hours in advance of any closing. Any closure shall be accomplished at no expense to the City.

(g) Long Lines and/or its contractor(s) shall comply with all city ordinances regulating construction on the public right-of-ways during any maintenance activities on its buried cable. Long Lines and/or its contractor(s) further agree to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code.

(h) The parties agree that in the event that it is necessary to relocate the Conduit and cable/fiber to accommodate a public improvement and/or for the repair of a public improvement in the public right-of-way that the responsibility and costs shall be apportioned as follows:

1. The City agrees that it will be responsible for the relocation of the Conduit at its expense.

2. Long Lines agrees that it will be responsible for the relocation of the buried Fiber, both its Fiber and the City’s Fiber, at Long Lines’ expense.

(i) Long Lines agrees to require all general contractors who may perform any work for Long Lines under the terms of this agreement to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event that Long Lines does
not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

    (j) In no event shall Long Lines be liable to the City for any interruptions to service or interference with the operations of the City's services or business. In no event shall the City be liable to Long Lines for any interruptions to service or interference with the operations of Long Lines services or business.

4. **Indemnification.** The City shall indemnify and hold harmless Long Lines from all claims and liability due to activities of persons employed by or representing the City. Long Lines agrees that it shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Long Lines, or its contractor(s), on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this agreement. However, Long Lines shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Long Lines to defend and save harmless and to indemnify the City shall extend to the elected officials, officers employees and agents of the City to the extent the City is obligated to defend and save harmless and indemnify by law.

5. **Miscellaneous**

    (a) This Agreement, and any related written agreement that expressly references this Agreement, constitutes the entire agreement of the parties with respect to the Conduit, the City Fiber, and the Long Lines Fiber, and the parties' rights and obligations with respect thereto and supersedes and cancels all prior discussions, arrangements, or agreements, written and oral, with respect to those subjects.

    (b) The parties agree that all Long Lines' rights and obligations under this Agreement may be transferred to a successor in interest or assignee with the consent of the City, which consent shall not be unreasonably withheld or denied.

    (b) Each party agrees to execute such additional documents and to take such actions as may reasonably be requested by the other party to confirm or carry out the intent and purposes of this Agreement.

    (d) This Agreement shall be governed by and construed in accordance with the internal laws of the State of Iowa applicable to contracts made and to be performed entirely within such State, without regard to the conflict of laws principles of such State.

    (e) This Agreement may be executed in two or more counterparts, all of which shall be considered one and the same agreement.
IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

CITY of SIOUX CITY, IOWA

By ____________________________
Michael M. Hobart
Mayor of Sioux City, Iowa

Certification of City Clerk:

Lisa L. McCadle, certify that I am the Clerk of the City of Sioux City, Iowa, and that Mayor Michael M. Hobart, who executed this Agreement for and on behalf of the City was duly authorized and empowered to do so as of August 3, 2009.

______________________________
Lisa L. McCadle
Clerk of the City of Sioux City, Iowa

LONG LINES METRO, LLC

By ____________________________
Paul Bergmann
Chief Operating Officer
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014
ACTION ITEM # 8 A-C

FROM: Nicole Jensen-Harris, City Attorney
Marty Dougherty, Economic Development Director
Donna Forker, Budget and Financial Manager

SUBJECT: Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area of the City of Sioux City, Iowa. (Reconstruction of Dace Avenue/Cunningham Drive/Leech Avenue Intersection)

Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area of the City of Sioux City, Iowa. (Harbor Drive/Lewis Boulevard Water Main Upsize, Southbridge Rail Project and Sabre Industries, Inc.)

Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 2 to the Amended and Restated Combined Central Sioux City -CBD Urban Renewal Plan for the Combined Central Sioux City -CBD Urban Renewal Area of the City of Sioux City, Iowa. (Skyway Improvements, Historic Pearl District Improvements and Museum Building Refurbishment)

RECOMMENDATION:
The City Council is respectfully requested to approve the proposed resolutions setting dates for consultation meetings and public hearings on the proposed amendments to the following Urban Renewal Plans:
- Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area;
- Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area; and
- Amendment No. 2 to the Amended and Restated Combined Central Sioux City -CBD Urban Renewal Plan for the Combined Central Sioux City -CBD Urban Renewal Area.

DISCUSSION:
Changes to Iowa Urban Renewal law now requires the City to amend its urban renewal plans to cover all approved Capital Improvement Program items which shall use Tax Increment Financing abated bond debt each year prior to initiating the bonding process for the City’s General Obligation Bond Issue. The proposed plan amendments include the following items and associated costs as set out in the Capital Improvement Program FY2015:
Combined Floyd River Urban Renewal Plan - The proposed amount of Capital Improvement Program indebtedness to be incurred and the estimated cost of the proposed infrastructure and improvements will be approximately as follows:

- Reconstruct Dace/Cunningham/Leech Ave Intersection $250,000.00

Donner Park Urban Renewal Plan - The proposed amount of Capital Improvement Program indebtedness to be incurred and the estimated cost of the infrastructure improvements, improvement projects and land acquisition will be approximately as follows:

- Southbridge Rail $395,000.00
- Sabre Industries Inc. $958,000.00
- Upsize water main Harbor/Lewis $296,100.00

Combined Central Sioux City -CBD Urban Renewal Plan - The proposed amount of Capital Improvement Program indebtedness to be incurred and the estimated cost of the public improvements, infrastructure improvements, improvement projects, and economic development grants will be approximately as follows:

- Skywalk Improvements $56,000.00
- Historic Pearl District Improvements $150,000.00
- Museum Building Refurbishment $590,000.00

Schedule for Consultation Meetings and Public Hearings - If the proposed resolutions on today’s agenda are passed by the Council, consultation meetings will be set for April 1, 2014 for comment by affected taxing agencies. The hearings on the proposed plan amendments will be scheduled for the May 5, 2014 in order to accommodate the bonding schedule.

FINANCIAL IMPACT:
These amendments are necessary to allow the City to proceed forward with the City’s General Obligation Bond Issuance.

RELATIONSHIP TO STRATEGIC PLAN:
The amendments to the City’s Urban Renewal Plans shows the City’s effort to maintain sound fiscal policy in dealing with the City’s financial health. Relates to Progressive Leadership Vision, PL-4 Formalize policies which result in sound financial practices.

ALTERNATIVES:
Postpone the City’s General Obligation Bond issuance.

ATTACHMENTS:
Resolutions
Proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area;
Proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area; and
Proposed Amendment No. 2 to the Amended and Restated Combined Central Sioux City –CBD Urban Renewal Plan for the Combined Central Sioux City –CBD Urban Renewal Area.
RESOLUTION NO. 2014 - ____________

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RE-STATED COMBINED FLOYD RIVER URBAN RENEWAL PLAN FOR THE COMBINED FLOYD RIVER URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA (RECONSTRUCTION OF DACE AVENUE/CUNNINGHAM DRIVE/LEECH AVENUE INTERSECTION)

WHEREAS, the City Council previously has found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and has approved and adopted the Amended and Restated Combined Floyd River Urban Renewal Plan on November 25, 2013, pursuant to Resolution No. 2013-0876 (the "Amended Plan") for the amended Combined Floyd River Urban Renewal Project Area described therein (the "Project Area"), which Amended Plan is on file in the office of the Recorder of Woodbury County at Roll 733, Image 1189-1228; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 1 to the Amended Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to further update certain provisions of the Amended Plan to conform to current City objectives and planning initiatives for the Project Area, and to include additional properties within the Project Area, as hereinafter described; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Amended Plan; and

WHEREAS, the Iowa Code requires the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 1 to the Amended Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa Code further requires the City Council to hold a public hearing on the proposed Amendment No. 1 to the Amended Plan subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

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

Section 1. That the consultation on the proposed Amendment No. 1 to the Amended Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on April 1, 2014, in Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa at 3:30 P.M., and the City Manager or his designee is hereby appointed to serve as the designated representative of the City for purposes of conducting said consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).
Section 2. That the City Clerk is authorized and directed to cause a notice of said consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of the proposed Amendment No. 1 to the Amended Plan, said notice to be in substantially the following form:
NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF SIOUX CITY, IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED COMBINED FLOYD RIVER URBAN RENEWAL PLAN FOR THE COMBINED FLOYD RIVER URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA

The City of Sioux City, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 3:30 P.M., April 1, 2014 in Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa concerning a proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in said Amended Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Manager (or his designee) as the designated representative of the City of Sioux City, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 1 to the Amended Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this ________ day of ____________________, 2014

________________________________________
Sarah Swearingen, Deputy City Clerk
City of Sioux City, Iowa

(END OF NOTICE)
Section 3. That a public hearing shall be held on the proposed Amendment No. 1 to the Amended Plan before the City Council at its meeting which commences at 4:00 P.M., May 5, 2014, in the Council Chambers, City Hall, Sioux City, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Sioux City Journal, once on a date not less than four (4) nor more than twenty (20) days before the date of said public hearing, and to mail a copy of said notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:
The City Council of the City of Sioux City, Iowa, will hold a public hearing before itself at its meeting which commences at 4:00 P.M. on May 5, 2014 in the Council Chambers, City Hall, Sioux City, Iowa to consider adoption of the proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan (the “Amended Plan”) for the existing Combined Floyd River Urban Renewal Area (“Project Area”).

A copy of Amendment No. 1 to the Amended Plan is on file for public inspection in the office of the City Clerk, City Hall, Sioux City, Iowa.

The purpose of the Amendment No. 1 to the Amended Plan is to further update certain provisions of the Amended Plan to conform to current City objectives, planning initiatives and program activities for the Project Area.

The general scope of the urban renewal activities under consideration in the Amended Plan is to convey land and enter into development agreements for new development and the redevelopment of existing commercial buildings and land for commercial residential and mixed use purposes in order to encourage investment and strengthen the area economy. This activity may involve grants, rebates, loans or other incentives funded by tax increment financing. Specifically, the amendment addresses a proposed urban renewal project for the following Capital Improvement Program budgeted items for Fiscal Year 2015: Reconstruction of Dace Avenue/Cunningham Drive/Leech Avenue Intersection.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This Notice is given by order of the City Council of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _______ day of __________________, 2014.

______________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

Publish in the Sioux City Journal April 26, 2014.

(END OF NOTICE)
Section 5. That the proposed Amendment No. 1 to the Amended Plan, now before this Council, for the Combined Floyd River Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 1 to the Amended Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Amendment No. 1 to the Amended Plan shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST: 
Sarah E. Swearingen, Deputy City Clerk
CERTIFICATE

STATE OF IOWA   

) SS

COUNTY OF WOODBURY   

I, the undersigned City Clerk of Sioux City, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of __________________, 2014.

____________________________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

SEAL
RESOLUTION NO. 2014 - ____________

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED DONNER PARK URBAN RENEWAL PLAN FOR THE DONNER PARK URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA (HARBOR DRIVE/LEWIS BOULEVARD WATER MAIN UPSIZE, SOUTHBRIDGE RAIL PROJECT AND SABRE INDUSTRIES, INC.)

WHEREAS, the City Council previously has found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and has approved and adopted the Amended and Restated Donner Park Urban Renewal Plan on November 25, 2013, pursuant to Resolution No. 2013-0877 (the "Amended Plan") for the Donner Park Urban Renewal Project Area described therein (the "Project Area"), which Amended Plan is on file in the office of the Recorder of Woodbury County at Roll 733, Image 1229-1283; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 1 to the Amended Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to further update certain provisions of the Amended Plan to conform to current City objectives and planning initiatives for the Project Area, and to include additional properties within the Project Area, as hereinafter described; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Amended Plan; and

WHEREAS, the Iowa Code requires the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 1 to the Amended Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa Code further requires the City Council to hold a public hearing on the proposed Amendment No. 1 to the Amended Plan subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

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

Section 1. That the consultation on the proposed Amendment No. 1 to the Amended Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on April 1, 2014, in Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa at 3:30 P.M., and the City Manager or his designee is hereby appointed to serve as the designated representative of the City for purposes of conducting said consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).
Section 2. That the City Clerk is authorized and directed to cause a notice of said consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of the proposed Amendment No. 1 to the Amended Plan, said notice to be in substantially the following form:
NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF SIOUX CITY, IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED DONNER PARK URBAN RENEWAL PLAN FOR THE DONNER PARK URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA

The City of Sioux City, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 3:30 P.M., April 1, 2014 in Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa concerning a proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in said Amended Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Manager (or his designee) as the designated representative of the City of Sioux City, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 1 to the Amended Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this ________ day of ____________________, 2014

________________________________________
Sarah Swearingen, Deputy City Clerk
City of Sioux City, Iowa

(END OF NOTICE)
Section 3. That a public hearing shall be held on the proposed Amendment No. 1 to the Amended Plan before the City Council at its meeting which commences at 4:00 P.M., May 5, 2014, in the Council Chambers, City Hall, Sioux City, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Sioux City Journal, once on a date not less than four (4) nor more than twenty (20) days before the date of said public hearing, and to mail a copy of said notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:
NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED DONNER PARK URBAN RENEWAL PLAN FOR THE DONNER PARK URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA

The City Council of the City of Sioux City, Iowa, will hold a public hearing before itself at its meeting which commences at 4:00 P.M. on May 5, 2014 in the Council Chambers, City Hall, Sioux City, Iowa to consider adoption of the proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan (the "Amended Plan") for the existing Donner Park Urban Renewal Area ("Project Area").

A copy of Amendment No. 1 to the Amended Plan is on file for public inspection in the office of the City Clerk, City Hall, Sioux City, Iowa.

The purpose of the Amendment No. 1 to the Amended Plan is to further update certain provisions of the Amended Plan to conform to current City objectives, planning initiatives and program activities for the Project Area.

The general scope of the urban renewal activities under consideration in the Amended Plan is to convey land and enter into development agreements for new development and the redevelopment of existing commercial buildings and land for commercial residential and mixed use purposes in order to encourage investment and strengthen the area economy. This activity may involve grants, rebates, loans or other incentives funded by tax increment financing. Specifically, the amendment addresses proposed urban renewal projects for the following Capital Improvement Program budgeted items for Fiscal Year 2015: Harbor Drive/Lewis Boulevard Water Main Upsize, Southbridge Rail Project and Sabre Industries, Inc.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This Notice is given by order of the City Council of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _______ day of __________________, 2014.

_______________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

Publish in the Sioux City Journal April 26, 2014.

(ENDING OF NOTICE)
Section 5. That the proposed Amendment No. 1 to the Amended Plan, now before this Council, for the Donner Park Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 1 to the Amended Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Amendment No. 1 to the Amended Plan shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED: March 24, 2014

______________________________
Robert E. Scott, Mayor

ATTEST:

______________________________
Sarah E. Swearingen, Deputy City Clerk
CERTIFICATE

STATE OF IOWA )
) SS
COUNTY OF WOODBURY )

I, the undersigned City Clerk of Sioux City, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____________________, 2014.

____________________________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

SEAL
RESOLUTION NO. 2014 - ____________

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT NO. 2 TO THE AMENDED AND RE-STATED COMBINED CENTRAL SIOUX CITY –CBD URBAN RENEWAL PLAN FOR THE COMBINED CENTRAL SIOUX CITY –CBD URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA (SKYWAY IMPROVEMENTS, HISTORIC PEARL DISTRICT IMPROVEMENTS AND MUSEUM BUILDING REFURBISHMENT)

WHEREAS, the City Council previously has found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and has approved and adopted the Amended and Restated Combined Central Sioux City –CBD Urban Renewal Plan on November 25, 2013, pursuant to Resolution No. 2013-0879 and subsequent amendment to the same on January 6, 2014, pursuant to Resolution No. 2014-0011 (together, the "Amended Plan") for the amended Combined Central Sioux City –CBD Urban Renewal Project Area described therein (the "Project Area"), which Amended Plan is on file in the office of the Recorder of Woodbury County at Roll 732, Image 11981-1027; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 2 to the Amended Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to further update certain provisions of the Amended Plan to conform to current City objectives and planning initiatives for the Project Area, and to include additional properties within the Project Area, as hereinafter described; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Amended Plan; and

WHEREAS, the Iowa Code requires the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 2 to the Amended Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa Code further requires the City Council to hold a public hearing on the proposed Amendment No. 2 to the Amended Plan subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:
Section 1. That the consultation on the proposed Amendment No. 2 to the Amended Plan re-
quired by Section 403.5(2) of the Code of Iowa, as amended, shall be held on April 1, 2014, in
Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa at 3:30 P.M., and the City Manager or
his designee is hereby appointed to serve as the designated representative of the City for pur-
poses of conducting said consultation, receiving any recommendations that may be made with
respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of said consultation
to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along
with a copy of the proposed Amendment No. 2 to the Amended Plan, said notice to be in sub-
stantially the following form:
NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF SIOUX CITY, IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 2 TO THE AMENDED AND RESTATATED COMBINED CENTRAL SIOUX CITY –CBD URBAN RENEWAL PLAN FOR THE COMBINED CENTRAL SIOUX CITY –CBD URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA

The City of Sioux City, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 3:30 P.M., April 1, 2014 in Room 306, City Hall, 405 Sixth Street, Sioux City, Iowa concerning a proposed Amendment No. 2 to the Amended and Restated Combined Central Sioux City –CBD Urban Renewal Plan for the Combined Central Sioux City –CBD Urban Renewal Area, a copy of which is attached here-to.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in said Amended Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Manager (or his designee) as the designated representative of the City of Sioux City, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 2 to the Amended Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this ________ day of ____________________, 2014

________________________________________
Sarah Swearingen, Deputy City Clerk
City of Sioux City, Iowa

(END OF NOTICE)
Section 3. That a public hearing shall be held on the proposed Amendment No. 2 to the Amended Plan before the City Council at its meeting which commences at 4:00 P.M., May 5, 2014, in the Council Chambers, City Hall, Sioux City, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Sioux City Journal, once on a date not less than four (4) nor more than twenty (20) days before the date of said public hearing, and to mail a copy of said notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:
The City Council of the City of Sioux City, Iowa, will hold a public hearing before itself at its meeting which commences at 4:00 P.M. on May 5, 2014, in the Council Chambers, City Hall, Sioux City, Iowa to consider adoption of the proposed Amendment No. 2 to the Amended and Restated Combined Central Sioux City –CBD Urban Renewal Plan (the "Amended Plan") for the existing Combined Central Sioux City –CBD Urban Renewal Area ("Project Area").

A copy of Amendment No. 2 to the Amended Plan is on file for public inspection in the office of the City Clerk, City Hall, Sioux City, Iowa.

The purpose of the Amendment No. 2 to the Amended Plan is to further update certain provisions of the Amended Plan to conform to current City objectives, planning initiatives and program activities for the Project Area.

The general scope of the urban renewal activities under consideration in the Amended Plan is to convey land and enter into development agreements for new development and the redevelopment of existing commercial buildings and land for commercial residential and mixed use purposes in order to encourage investment and strengthen the area economy. This activity may involve grants, rebates, loans or other incentives funded by tax increment financing. Specifically, the amendment addresses proposed urban renewal projects for the following Capital Improvement Program budgeted items for Fiscal Year 2015: Skyway Improvements, Historic Pearl District Improvement and Museum Building Refurbishment.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This Notice is given by order of the City Council of Sioux City, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _______ day of __________________, 2014.

____________________________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

Publish in the Sioux City Journal April 26, 2014.

(END OF NOTICE)
Section 5. That the proposed Amendment No. 2 to the Amended Plan, now before this Council, for the Combined Central Sioux City –CBD Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 2 to the Amended Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Amendment No. 2 to the Amended Plan shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
CERTIFICATE

STATE OF IOWA )
                  ) SS
COUNTY OF WOODBURY )

I, the undersigned City Clerk of Sioux City, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of ______________________, 2014.

____________________________________________
Sarah Swearingen, Deputy City Clerk, Sioux City, Iowa

SEAL
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 9

FROM: Lisa L. McCardle, City Clerk

SUBJECT: Applications For Beer and Liquor Licenses

A. CLASS “C” LIQUOR LICENSE
   1. Jolly Rogers, 1110 Larsen Park Road (Peninsula) (Renewal)
   2. Rebos, 1101 4th Street (Renewal)
   3. Bob’s Watering Hole, 722 West 7th Street (Renewal)

RECOMMENDATION:
Staff respectfully requests and recommends approval of the following Beer and Liquor Licenses:

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

Property tax records were verified and taxes are paid to date; the business utility accounts are also current for all applicants unless otherwise noted.

Police Records for the establishments were reviewed and the Police Department recommends approval for all applicants unless otherwise noted.

FINANCIAL IMPACT:
None.

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
1. Roll call

The Human Rights Commission’s regular monthly meeting, held in Council Chambers of City Hall, was called to order by Jim Rixner, Chairperson, at 5:30 p.m.

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<tr>
<th>Commissioners Present</th>
<th>Commissioner's Absent</th>
<th>Staff Present</th>
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<tbody>
<tr>
<td>Jim Rixner, Chair</td>
<td>Wes Whitead</td>
<td>Sharon Holder</td>
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<tr>
<td>James Anderson</td>
<td>Rabbi Guy Howard Greene</td>
<td>Lana Becker</td>
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<td>Tracy Everett</td>
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<td>Sue Flemming</td>
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<td>Shirley McLeod</td>
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<td>Nancy Furness</td>
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<td>Monique Scarlett</td>
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<td>Christy Conrad (in at 5:31)</td>
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2. Approval of the minutes of the February 6, 2014, meeting.

Ms. Scarlett moved to approve the minutes from the February 6, 2014, meeting; Ms. McLeod seconded. All others voted in favor.

3. Closed Session.

Ms. McLeod moved to go into closed session of the Commission to review or discuss records which are required or authorized by Iowa Code Section 21.5(1)(a) or (f) or federal law to be kept confidential. Ms. Scarlett seconded. All others voted in favor.

Ms. McLeod moved to return to open session, Ms. Furness seconded. All others voted in favor.

After returning to open session, Mr. Blumberg moved to accept staff's recommendations in Case 11-1225; Ms. McLeod seconded. All others voted in favor.

In Case 11-1230, Ms. Scarlett moved to accept staff's recommendation, Ms. McLeod seconded. All others voted in favor.

4. Upcoming Events.

   a. Faces of Siouxland (March 30, 2014)

Ms. Flemming gave an update on the event. She stated that all of the entertainment has been lined up, the Girl Scouts will serve as the honor guard and there will be a variety of food vendors. Ms. Flemming passed around a chart for Commissioners to list what hours they will be attending the event. Mr. Raasch stated that he has contacted the radio stations to get the word
out. Mr. Rixner stated that he will be on KMEG news on March 26th at 5:30 a.m. to talk about the event. Mr. Blumberg stated that he will be on KTIV news on March 26th at Noon and on KCAU at 5:00 p.m. on March 24th to talk about the event. Ms. Flemming stated that she had not heard back from Cornerstone church about being part of the entertainment and the time slots have all been filled up. Mr. Rixner asked if she would contact them to see if they wanted a booth. Several Commissioners asked to get a copy of the press release. Ms. Scarlett stated that she will be unable to attend as she will be in Texas for her son’s wedding.

b. Landlord and Property Manager Workshop (April 2014)

Ms. Mackey stated that the workshop will be held on April 22nd at the Long Lines Family Rec Center in the 3rd Floor Conference Room. This will be an all day workshop. Ms. Conrad will teach the workshop. Ms. Mackey stated that the workshop will be offered free this year since we will be receiving HUD Partnership Grant Funds.

5. Staff reports

Ms. Mackey stated that we have not received our HUD Partnership Grant Funds yet and other than the Landlord and Property Manager Workshop we will wait to use the rest of the money after we receive the funds. Ms. Mackey stated that once we receive the funds we will be able to hire two part time temporary employees.

Mr. Rixner stated that he attended the budget hearing in February. He stated that Council had discussed moving our cases to the Iowa Civil Rights Commission due to a backlog in cases. Mr. Rixner stated that we will revisit the issue at our Joint meeting with Council in May. Mr. Rixner stated that he will reiterate the need to have a local Commission handle the cases.

6. Committee reports

Mr. Rixner stated that the Evaluation Committee met to complete Ms. Mackey’s evaluation. The evaluation was handed out to all Commissioners to take home to review. Mr. Rixner stated that we will put it on the April Commission meeting agenda. This review is for a one year period ending June 30, 2013 and Ms. Mackey will be due for another review in June of 2014.

7. Old Business

Ms. Conrad asked if the changes to the Rules and Regulations have been finalized. Ms. Mackey stated that we can’t make changes in the middle of an appeal.

8. New Business

a. ADA Presentation

The Human Rights Commission asked representatives from the City’s Human Resources department and local organizations to be present to discuss the Disability Committee. Ms. Mackey stated that Becky Weber was present to give an ADA presentation. Ms. Weber is a certified ADA Coordinator. She stated that she has started her own business and that she can do facility inspections and make recommendations on ADA compliance. She stated that she has concerns about Sioux City’s representation for people with disabilities.
b. Disability Committee

Ms. Weber stated that she sees a need for a Disability Commission so that people with disabilities can be involved. Bridey Hayes, Human Resources Director and ADA Coordinator and Theo McElhose, Human Resources Specialist, were present to discuss the Disability Committee. Ms. McElhose stated that the Disability Committee is comprised of City Employees from different departments so if there is an issue in a department there is someone there to help with the issue. The Committee meets once a month if there are agenda items. Ms. McElhose stated that she has been going through City parks and facilities to check for ADA compliance. Ms. Scarlett wanted to know if the Disability Committee checks for compliance in stores and restaurants. Ms. McElhose stated that the goal of the Committee is the check City compliance. Mr. Blumberg wanted to know if there was a complaint against a business if they would contact the ADA Coordinator. Ms. Hayes stated that that was outside of their jurisdiction. Ms. Mackey stated that a complaint could be filed with the Human Rights Commission. Don Dew, Director of Disabilities Resource Center of Siouxland, stated that he would like to see a Disability Commission that would meet every month and include City employees and people with disabilities. Ms. McElhose stated that there are people on the Committee with disabilities or who have family members with disabilities. Ms. Furness wanted to know if the Committee was open to citizens. Ms. Mackey stated that it is not a posted meeting. Ms. McElhose stated that this Committee was designed to address City buildings for compliance. Mr. Blumberg asked Mr. Dew who he would need to talk to in order to establish a Disability Commission. Mr. Dew stated that he would need to go to City Council and need the backing of the Human Rights Commission. Mr. Rixner stated that he understands that the Disability Committee has a limited function and that Mr. Dew is looking for a broader function. Mr. Rixner stated that citizens who have issues with disability discrimination can file a complaint with the Human Rights Commission. Mr. Rixner stated that with regards to access issues if Mr. Dew wants a community based organization that people are engaged in then he should form his own organization for that. Ms. Conrad stated that on the advocacy side we could have an ADA event or an ADA class. Mr. Rixner asked if the City has any enforcement for ADA compliance. Ms. Hayes stated that she doesn’t believe that the City has any enforcement other than citizens filing a complaint with the Human Rights Commission. Ms. Scarlett stated that the Disability Committee and the Disability Resources Center of Siouxland should work together. Mr. Rixner agreed.

9. Citizen concerns

Discussion continued about the Disability Committee; however, discussion was cut short due to the room’s unavailability after 6:45 p.m.

10. Adjournment

The meeting was adjourned at 6:46 p.m. by Mr. Rixner.

Respectfully Submitted:

Lana Becker, Secretary
A meeting of the Sioux City Public Museum Board of Trustees was held Friday, February 14, 2014, 12:00 p.m. at the Sioux City Public Museum.

**Members Present**

Katie Colling  
Steve Crary  
Janet Flanagan  
Don Kingery  
Ray Krigsten  
Rick Mullin

**Members Absent**

Darold Sea

**Others Present**

Steve Hansen  
Deanna Mayo

**Called to Order:** Colling called the meeting to order at 12:05 p.m.

**Minutes:** Krigsten made a motion to approve the minutes of January 17, 2014 as submitted. The motion was seconded by Krigsten and passed unanimously.

**Financial Report:** Hansen reported the current budget is looking good and everything is tracking as it should. Crary made a motion to approve the financial report as submitted. The motion was seconded by Krigsten and passed unanimously.

**Old Business:**

**Museum Facilities:** Hansen reported the minor heating issues at the Museum and the Welcome Center have both been resolved. Hansen reported the Museum’s issue was due to Mid American Energy shutting off the gas for a pipe repair. The Museum has submitted a claim requesting that Mid American Energy pay for the charges incurred. Hansen noted several projector bulbs have been replaced throughout the Museum’s media exhibitions.

**Exhibits and Events:** Hansen reported the Sam Seldon’s Vintage Radio Collection exhibit is now on display. Seldon’s wife and other family members were here to view the exhibit and they were both happy and emotional about the display. The Museum is also displaying a small exhibit on Jim Henry and the quilt exhibit will remain on display until the middle of March. The next exhibits will include the Sioux City History Projects exhibit and the short-term Denmark, October 1943 exhibit on loan from the Danish Museum. Hansen reported the Museum is also getting a new exhibit kiosk that can show up to four video clips. Hansen noted discussion will be held on potential traveling exhibits during the March or April meeting.

**Director’s Report:** Hansen gave an update regarding the on-going budget hearings. The Museum was asked to submit a 1% budget reduction that amounted to $9,250. An itemized list was submitted which included reductions in the janitorial, land lease and utilities line items. City Finance has reported they will be sending out a memo highlighting budget wrap-up items later today.

**Website:** Hansen reported staff has been working with WCICC on finalizing the Museum’s new website. The new site will be going live on March 1st.
**Cone Park:** Hansen reported he will be meeting with members of the Cone Park committee along with Irving Jensen, Jr. and Bob Padmore. The committee will present proposed plans for the Museum plaza as well as other locations they are also considering.

**New Business:**

**Best Cultural Attraction:** Hansen reported the Museum was notified that we have been selected by the Weekender as one of the top three best cultural attractions in the City. Additional information will be coming out regarding this recognition.

**Tourism in your Home Town:** Hansen reported the Museum will be participating in the Tourism in your Home Town promotion once again this year. The committee is looking at expanding this event for a longer period than past years.

**Adjournment:** There being no further business, Krigsten made a motion to adjourn the meeting at 12:43 p.m. The motion was seconded by Crary and passed unanimously.

Respectfully submitted,

Steve Hansen, Museum Director
/dm
A regular meeting of the City Planning and Zoning Commission was held this date at 4:00 p.m. in the City Council Chambers, 5th Floor, City Hall, 405 - 6th Street, Sioux City, Iowa, at which time the following items were considered.

**MEMBERS PRESENT**
Cindy O’Neill, Chair
Jason Geary, Vice Chair
Suzan Stewart
Kevin Godwin
Joe Krage
Jean Calligan

**MEMBERS ABSENT**
Ryan Ross

**STAFF PRESENT**
Justin Vondrak, Assistant City Attorney
Chris Madsen, Planner
Charlie Cowell, Planner
Ron Kueny, Zoning Enforcement Officer
Guadalupe Quintana, Admin Secretary

O’Neill called the meeting to order at 4:00 p.m., and read the opening statement explaining the procedure. She then introduced the Commission Members and City staff to the audience. The Commission was asked if any had contact with the owner, petitioner, agent, or anyone listed on the notification list regarding the agenda items. None advised they had.

**Agenda Item 2014-0012:** Requested vacation of various rights-of-way south of the property located at 2300 W 19th Street. (Petitioner: Central Assembly of God)

Stewart (Calligan) moved to recommend to the City Council deferral of this item to the March 25, 2014 meeting. Motion Carried. 6-0-0 (Yes: Krage, Calligan, Stewart, O’Neill, Godwin, Geary / No: 0 / Abstained: 0) Voice Vote

**Agenda Item 2014-0013:** Requested site plan approval for the property located at 3901 Stadium Drive. (Petitioner: Jensen Imports)

Geary (Krage) moved to recommend to the City Council approval of this item. Motion Carried. 6-0-0 (Yes: Krage, Calligan, Stewart, O’Neill, Godwin, Geary / No: 0 / Abstained: 0) Voice Vote

**Other Business**

a. Report by the Chair regarding Planning and Zoning items at the City Council meeting.
b. Other items brought forward by the Commission and / or staff.
c. Approval of the minutes of the February 25, 2014 meeting.

Godwin (Krage) moved to recommend to the City Council approval of the February 25, 2014 meeting minutes. Motion Carried. 3-0-3 (Yes: Krage, Calligan, Godwin / No: 0 / Abstained: Stewart, O’Neill, Geary) Voice Vote

**Meeting adjourned at 4:25 p.m.**

Submitted by
Guadalupe Quintana
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014  ACTION ITEM # 11

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

Subject: Hearing to Obtain Citizens’ Views on HUD’s Sioux City Consortium Year 5 Action Plan.

RECOMMENDATION:
Staff respectfully requests the City Council conduct a public hearing regarding HUD’s Sioux City Consortium Year 5 Action Plan.

DISCUSSION:
The City of Sioux City is the Lead Agency for the Sioux City Consortium (Consortium). The Consortium consists of the cities of Sioux City, Iowa; Dakota City, Nebraska; and South Sioux City, Nebraska. HUD requires the Consortium to complete a Consolidated Plan every five years to help identify housing needs in the Consortium and to receive entitlement funds. City Council approved the most recent Consolidated Plan on May 3, 2010. Each year, the Consortium is required to update that five year plan, in the form of an Action Plan. At this time, staff would like to conduct a public hearing to gain public input on this Year 5 Action Plan.

To meet the goal of public participation, an informal public hearing was held March 13, 2014, at the Wilbur Aalfs Library. A draft Year 5 Action Plan has been prepared and is available for public comment from March 24, 2014 through until May 5, 2014. City Council will be asked to approve the Year 5 Action Plan on May 5, 2014 and the final document will be delivered to HUD by May 15, 2014.

Staff published a notice for this hearing, per HUD guidelines, in the Sioux City Journal, Dakota County Star, and Mundo Latino. Draft copies of the Year 5 Action Plan have been made available at the Sioux City City Hall, South Sioux City City Hall, Dakota City City Hall, Wilbur Aalfs Library, South Sioux City Library, and also on the City’s website.

FINANCIAL IMPACT:
None.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibilities: Quality of Life
Strategic Focus Areas:
Expand Development Opportunities and Grow Sioux City
  • Conduct an aggressive neighborhood rehabilitation program within three existing Sioux City neighborhoods
- Identify public infrastructure projects in the Rose Hill and Jones Street Urban Renewal Areas
- Add 50 new affordable housing units to existing inventory

Enhance Public/Private Partnerships
- Encourage resident engagement in the community
- Continue efforts to eliminate and prevent homelessness

Progressive Leadership Vision. We will use formal and informal methods to engage the Council, our employees and our customers to promote enhanced organizational engagement and commitment to our shared vision.

ALTERNATIVES:
None recommended.

ATTACHMENTS:
List of Proposed Activities – 2014
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CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014      ACTION ITEM #: 12

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

SUBJECT: Hearing and resolution adopting the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program and authorizing the Mayor to execute required assurances and certifications in connection therewith.

RECOMMENDATION:
Staff respectfully requests that the City Council approve the proposed resolution.

DISCUSSION:
The Department of Housing and Urban Development (HUD) requires local Housing Authorities to adopt a written Administrative Plan that establishes local policies for administration of the Housing Choice Voucher Program in those areas where HUD allows local discretion. The Housing Authority Board of Commissioners, which in Sioux City is the City Council, must formally adopt the Administrative Plan and any revisions to the Plan.

Staff would like to request the following minor changes, clarifications, and additions be approved:

Chapter 1 - Pages 3 and 4. Updated income eligibility determination methods, property standards, and that any housing inspector will become HQS certified, completing HQS training and exam. Effective January, 24, 20151, there will be new property standards for HOME vouchers. HQS will be replaced by UPCS standards 24 CFR 5.705.
Chapter 3 - Page 4 – added additional clarification to policy when a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date; 6) head of household at time of initial application regardless of household members added to the application at a later time; 7) household member who has the preference which placed the family on a higher position on the waiting list.
Page 5 - Changed to 50/50 custody to reflect actual court decisions.
Page 12 - Requires recertification for live in aide annually.
Page 22 – Updated criminal check policy to be consistent with HUD guidelines.
Chapter 3 and Chapter 16: VAWA – adds sexual assault, changes the year from 2005 to 2013, (3-26, 3-37 and 12-14); lastly if they feel they are in danger, they do not have to identify the abuser (16-35)
Chapter 4 - Pages 8 and 9. Added two new waiting list admission preferences - Moving Up and Homeless Student. 7 points - a family can only be eligible for ONE of these two preferences:
Moving Up Preference - limited to 50 per year on a rolling basis OR Homeless Student - limited to 100 per year on a rolling basis.

Moving Up Preference: Siouxland Coalition to End Homelessness (CoC) partners will identify persons or families in Permanent Supportive Housing (PSH) and Transitional Housing (TH) that meet criteria; were previously homeless prior to entry in to the PSH or TH program but who no longer need that level of supportive services. The Moving Up Preference will be limited to 50 admission preferences per year on a rolling basis, and will contribute significantly to the community’s overall efforts to end homelessness by freeing up units for currently homeless families and individuals with disabilities who need housing combined with services.

To qualify:
- Voluntary Tenant Participation
- Permanent Supportive Housing Residency for at least 2 years, OR
- Transitional Housing Residency for at least 3 months
- Tenant in good standing
- Referrals are restricted to service providers only; Continuum of Care (CoC) Providers with an Memorandum of Understanding (MOU)

Homeless Families with School Aged Children: This preference will identify homeless school aged children in the Sioux City Community School District that meet the criteria; meet HUD’s definition of homelessness and are identified and referred by Sioux City Community Schools and other private Sioux City schools under MOUs. The Homeless Families with School Aged Children Preference will be limited to 100 admission preferences per year on a rolling basis. PHAs and schools can collaborate to identify and assist children whose families are experiencing homelessness and to support housing stability. By working together to end homelessness for families, schools and PHAs can strengthen communities and improve educational outcomes for students.

To qualify:
- Voluntary Tenant Participation
- Meet HUD’s definition of homelessness: Category 1
- Referrals are restricted to Sioux City Community Schools, both public and private, who will identify and make referrals with a Memorandum of Understanding (MOU)

The students and their families must meet the definition of homelessness:
Category 1: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

a) An individual or family with a nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

b) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local governments for low-income individuals); or

c) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Chapter 4 - Page 12. Family Reunification (FUP)

Added Council on Sexual Assault and Domestic Violence and Jackson Recovery as referring partners. Made housekeeping changes on procedures to reflect actual practice.

Chapter 6 - Page 34. If a family is occupying a unit which has more bedrooms than allocated under the PHA’s subsidy standards due to changes in family size, the PHA will issue the family a new voucher, of the appropriate size, and assist the family in finding a suitable unit, if desired. Families who are under-occupying a unit as defined above will be issued a Housing Choice Voucher and given a thirty day notice to locate to a new unit before assistance level is changed unless it is in the first year of the lease.
The PHA may increase the bedroom size of the voucher if a permanent family addition warrants the change within thirty to sixty days of the addition or re-addition of the household member (depending on notification requirements.)

Chapter 11 - Page 6. The PHA may increase the bedroom size of the voucher if a permanent family addition warrants the change within thirty to sixty days of the addition or re-addition of the household member (depending on notification requirements).

Page 7. If a family is occupying a unit which has more bedrooms than allocated under the PHA’s subsidy standards due to changes in family size, the PHA will issue the family a new voucher, of the appropriate size, and assist the family in finding a suitable unit, if desired. Families who are under-occupying a unit as defined above will be issued a Housing Choice Voucher and given a thirty day notice to locate a new unit before assistance level is changed unless it is in the first year of the lease.

Chapter 12 - Page 5. Some factors to be considered for active participants who are convicted of drugs/violent activity while on the program.

1) Have there been previous charges while the family has been on housing?
2) Was the family given an opportunity to participate in housing upon completion of treatment/counseling and a one year period?
3) Did the family disclose the incident(s) or did the family provide false information on the self-declaration?
4) Is the family willing to be assessed and follow the recommendations in the assessment for drug/alcohol treatment within 60 days from the notice?
5) Has the family supplied proof of the assessment or treatment completion within the required time frame?
6) Has the family member involved been removed from the household? And will the family agree to bar the former household member from visiting the unit?

Chapter 15 - Page 6. PHA Policy – No shared housing agreement can be approved without viewing a written agreement between the provider and the landlord (i.e. Mid Steps/Pride Group, etc. and Housing Manager’s approval.)

A hard copy of the entire Administrative Plan containing the revisions is available to the public in the Housing Assistance Center.

FINANCIAL IMPACT:
Across-the-board budget cuts, as mandated in the Budget Control Act of 2011, have reduced Section 8 Housing Choice Voucher Program funding by 5.1% for CY2013. Successive federal budgets have also severely underfunded Housing Choice Voucher (HCV) Administrative Fees. The SCHA has experienced a 23% reduction in pro-ration of eligible administrative fees since 2010. Administrative fees are essential to the implementation of the voucher program. SCHA is modifying their administrative plan to counteract the effects of the reductions to both Housing Assistance Payments and Administrative Fee funding.

RELATIONSHIP TO STRATEGIC PLAN:
By seeking comments on affordable housing issues, the Housing Authority is seeking input from the community on ways to continuously improve the living conditions in neighborhoods and the quality of life in Sioux City.

ALTERNATIVES:
None recommended.

ATTACHMENTS:
Resolution
RESOLUTION NO. 2014 - ____________
with attachments

RESOLUTION ADOPTING THE REVISIONS TO THE ADMINISTRATIVE PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE REQUIRED ASSURANCES AND CERTIFICATIONS IN CONNECTION THEREWITH.

WHEREAS, the United States Department of Housing and Urban Development, in conjunction with the Section 8 Housing Program, requires the development and adoption of an Administrative Plan in conjunction therewith; and

WHEREAS, recent federal regulation changes necessitates making some changes to the Administrative Plan for Section 8 housing programs; and

WHEREAS, a public hearing having been held on the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program on the 24th day of March, 2014, a copy of which is on file in the office of the City Clerk and by this reference incorporated herein; and

WHEREAS, the City Council having heard all proponents and objectors, is of the opinion that the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program should be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program, referred to in the preamble hereof, be and the same are approved and adopted.

BE IT FURTHER RESOLVED, that the Mayor, be and he is hereby authorized to execute such assurances and certifications required by the United States Department of Housing and Urban Development in connection with the revisions to the Administrative Plan for the Section 8 Housing Choice Voucher Program.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
MEETING DATE: March 24, 2014  
ACTION ITEM #: 13  
FROM: Jeff Hanson, Community Development Operations Manager (AT)  
SUBJECT: Hearing and Resolution adopting the Annual Plan for the Section 8 Housing Choice Voucher Program and authorizing the Mayor to execute required assurances and certifications in connection therewith.

RECOMMENDATION:  
Staff respectfully requests that the City Council approve the proposed resolution.

DISCUSSION:  
The Public Housing Reform Act requires the submission of an Annual Plan by every Housing Authority across the nation. The Annual Plan being submitted to HUD this year provides details about the PHA’s current programs and policy changes, the resident population served, and the PHA’s strategy for addressing housing needs of currently assisted families and the larger community.

The Sioux City Housing Authority is required to hold a public meeting to discuss the Plan and receive comments on the PHA Plan each year. The PHA’s board of commissioners, which in Sioux City is the City Council, must conduct this public hearing in a location that is accessible to residents served by the PHA. The PHA will incorporate pertinent public comments from the hearing into the PHA Plan. The PHA may also receive written comments from the Resident Advisory Board (RAB) on the plan. The PHA will then use the public comments and RAB recommendations to revise the plan as necessary.

After revisions, if any, are completed, the completed PHA Plan template is electronically submitted to HUD by the Sioux City Housing Authority. HUD will review the plan and may request additional information or a revision to the PHA Plan from the Housing Authority. HUD will inform the PHA when the plan is approved.

FINANCIAL IMPACT:  
Future funding is subject to timely submission of the Annual Plan.

RELATIONSHIP TO STRATEGIC PLAN:  
Municipal Responsibility – Quality of Life  
Focus Area – Enhance Public / Private Partnerships  
# 7 Continue efforts to eliminate and prevent homelessness.
ALTERNATIVES:
None recommended.

ATTACHMENTS:
Resolution
PHA Annual Plan (Hard Copy)
RESOLUTION NO. 2014 - ____________
with attachment

RESOLUTION ADOPTING THE ANNUAL PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE REQUIRED ASSURANCES AND CERTIFICATIONS IN CONNECTION THEREWITH.

WHEREAS, the United States Department of Housing and Urban Development requires local Housing Authorities to adopt a written Annual Plan that establishes local policies for administration of its programs; and

WHEREAS, the Public Housing Reform Act necessitates reviewing and updating the Annual Plan for the Section 8 Housing Choice Voucher Program; and

WHEREAS, a public hearing having been held on the Annual Plan for the Section 8 Housing Choice Voucher Program on the 24th day of March, 2014, a copy of which is on file in the office of the City Clerk and by this reference incorporated herein; and

WHEREAS, the City Council having heard all proponents and objectors, is of the opinion that the Annual Plan for the Section 8 Housing Choice Voucher Program should be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Annual Plan for the Section 8 Housing Choice Voucher Program, referred to in the preamble hereof, be and the same is approved and adopted.

BE IT FURTHER RESOLVED, that the Mayor, be and he is hereby authorized to execute such assurances and certifications required by the United States Department of Housing and Urban Development in connection with the Annual Plan for the Section 8 Housing Choice Voucher Program.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk

U:\City Legal\Secure\Res2014\Com Dev\Section 8 Annual Hsg Choice Voucher Plan 2.Doc
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014
ACTION ITEM #: 14

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

SUBJECT: Ordinance amending Chapter 4.36 of the Sioux City Municipal Code entitled "Sign Regulations" by increasing permit fees charged for signs.

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

RECOMMENDATION:
Staff respectfully requests the City Council approve an amendment to Subsection 4.36.040(2) of the Municipal Code.

DISCUSSION:
In the recently approved FY 2015 Operating and Capital Budgets staff reviewed the current sign permit fee structure. It was evident that our current fee structure is outdated and not consistent with other communities in Iowa and the tri-state region. Subsection 4.36.040(2) of the Municipal Code lists the current sign permit fee as $0.20 per square foot of cumulative sign area, but not less than $15.00.

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Minimum Permit Fee</th>
<th>Max Fee*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sioux City</td>
<td>82,684</td>
<td>$15</td>
<td>$50.00</td>
</tr>
<tr>
<td>Des Moines</td>
<td>203,433</td>
<td>$35</td>
<td>$372.50</td>
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<td>Cedar Rapids</td>
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<td>Davenport</td>
<td>99,685</td>
<td>$10</td>
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<tr>
<td>Iowa City</td>
<td>67,862</td>
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<tr>
<td>Waterloo**</td>
<td>68,406</td>
<td>$12</td>
<td>Varies</td>
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<tr>
<td>Council Bluffs</td>
<td>62,230</td>
<td>$1</td>
<td>$250.00</td>
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<tr>
<td>Ames</td>
<td>58,965</td>
<td>$63.85-$90.65</td>
<td>$63.85-$90.65</td>
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<tr>
<td>Dubuque</td>
<td>57,637</td>
<td>$53-$73</td>
<td>$93.00</td>
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<tr>
<td>Sioux Falls, SD</td>
<td>153,888</td>
<td>$35</td>
<td>$75.00</td>
</tr>
<tr>
<td>Omaha, NE</td>
<td>408,958</td>
<td>$41</td>
<td>$206.00</td>
</tr>
</tbody>
</table>

*Based on the max area allowed for on-premise advertising signs in Sioux City of 250 SF
**Fee based on the value of the sign

To better reflect the costs associated with sign review and enforcement, staff requests to amend Subsection 4.36.040(2) to increase sign permit fees over the next three fiscal years. Under this request, sign permit fees will increase to $0.40 per square foot of cumulative sign area, but not less than $50.00 by FY 2017:
<table>
<thead>
<tr>
<th></th>
<th>Cumulative Sign Area Fee</th>
<th>Minimum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>$0.20 per sq. ft.</td>
<td>$15.00</td>
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<tr>
<td>FY2015</td>
<td>$0.20 per sq. ft.</td>
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<tr>
<td>FY2016</td>
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</tr>
<tr>
<td>FY2017</td>
<td>$0.40 per sq. ft.</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

FINANCIAL IMPACT:
The amendment will increase charges associated with sign permit applications to better reflect review and enforcement costs.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Progressive Leadership
Focus Area – Enhance Public/Private Partnerships

ALTERNATIVES:
Do not approve the requested amendment.

ATTACHMENTS:
Attachment A: Ordinance
ORDINANCE NO. 2014- __________

ORDINANCE AMENDING CHAPTER 4.36 OF THE SIOUX CITY MUNICIPAL CODE ENTITLED “SIGN REGULATIONS” BY INCREASING PERMIT FEES CHARGED FOR SIGNS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA1:

Section 1: Subsection 4.36.040(2) of the Sioux City Municipal Code is amended to read as follows:

2. Permit Fee. Applications for permits shall be filed with the zoning administrator before any work or placement is initiated, along with a fee of twenty cents per square foot of cumulative sign area. In no event shall the permit fee be less than fifteen dollars.
   a. Effective July 1, 2014 to June 30, 2015, a fee of twenty cents per square foot of cumulative sign area. In no event shall the permit fee be less than thirty dollars.
   b. Effective July 1, 2015 to June 30, 2016, a fee of thirty cents per square foot of cumulative sign area. In no event shall the permit fee be less than forty dollars.
   c. Effective July 1, 2016 and thereafter, a fee of forty cents per square foot of cumulative sign area. In no event shall the permit fee be less than fifty dollars.

Exception: In an emergency situation, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within twenty-four hours after the first working day.

Section 2: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 3: 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 4: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Subsection 4.36.040(2) of the Sioux City Municipal Code.

Section 5: Effective Date. This ordinance shall be in full force and effect July 1, 2014 after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: ________________________________
                                                                                     Robert E. Scott, Mayor

ATTEST: ___________________________________________________________________________
                     Sarah Swearingen, Deputy City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on ________________
                                                                                     Sarah Swearingen, Deputy City Clerk

1 Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by strikethrough.
ORDINANCE AMENDING CHAPTER 4.36 OF THE SIOUX CITY MUNICIPAL Code ENTITLED “SIGN REGULATIONS” BY INCREASING PERMIT FEES CHARGED FOR SIGNS.

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

Section 1: Subsection 4.36.040(2) of the Sioux City Municipal Code is amended to read as follows:

2. Permit Fee. Applications for permits shall be filed with the zoning administrator before any work or placement is initiated, along with a fee of:
   a. Effective July 1, 2014 to June 30, 2015, a fee of twenty cents per square foot of cumulative sign area. In no event shall the permit fee be less than thirty dollars.
   b. Effective July 1, 2015 to June 30, 2016, a fee of thirty cents per square foot of cumulative sign area. In no event shall the permit fee be less than forty dollars.
   c. Effective July 1, 2016 and thereafter, a fee of forty cents per square foot of cumulative sign area. In no event shall the permit fee be less than fifty dollars.

Exception: In an emergency situation, work may be initiated and completed without first applying a permit. However, a permit shall be applied for within twenty-four hours after the first working day.

Section 2: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 3: 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 4: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Subsection 4.36.040(2) of the Sioux City Municipal Code.

Section 5: Effective Date. This ordinance shall be in full force and effect July 1, 2014 after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: __March 24, 2014__

____________________________
Robert E. Scott, Mayor

ATTEST:
Sarah E. Swearingen, Deputy City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on __March 29, 2014__

____________________________
Sarah E. Swearingen, Deputy City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014
ACTION ITEM # 15

FROM: Capt. Melvin Williams, Police Department
Justin Vondrak, Assistant City Attorney

SUBJECT: Ordinance amending Chapter 4.48 entitled “Pawnbrokers and Dealers in Precious Metals or Precious Gems” of the Sioux City Municipal Code to include secondhand dealers, electronic filing; two tier license fee; holding period for transient dealers; prohibit licensing of individuals convicted of fraud, forgery or theft; penalty for no license and Sunday sales.

Reviewed By: 
Department Director
Finance Department
City Attorney
City Manager

RECOMMENDATION:
Staff respectfully requests the Council authorize the modification of Chapter 4.48 entitled “Pawnbrokers and Dealers in Precious Metals or Precious Gems” and the deletion of Chapter 4.40 entitled “Secondhand Dealers”.

DISCUSSION:
The Police Department currently manually processes approximately 3,700 pawn cards per month. This process involves: printing cards, distributing cards, picking up cards, manually reviewing, entering and filing of cards. This results in a significant use of staff time, delays in information availability and incomplete item descriptions.

Staff recommends that the City changes to electronic filing of pawn/purchase records. To facilitate this change, the Council will need to modify sections of Chapter 4.48. In reviewing Chapter 4.48 we also identified other sections of the chapter that needed updated. A draft of potential changes was made and a meeting was held with interested pawnbrokers. During that meeting the pawnbrokers expressed support for the electronic filing. They also expressed frustration that they compete against secondhand dealers who are currently required to keep similar records but not file with the police department or have a license.

Staff reviewed Chapter 4.40 “Secondhand Dealers” and determined that the two chapters did not treat the businesses the same on the same types of transactions. Therefore, staff is recommending secondhand dealers be covered under Chapter 4.48.

The significant modifications to Chapter 4.48 are:
- The addition of Secondhand Dealers
- Requiring electronic filing including digital photos of, identification used, item pawned or sold and photo of person involved or an electronic thumb print
- Establishing a two tier license fee
- Requiring “Transient Dealers” to hold covered items within the city limits of Sioux City
during the 15 day holding period
- Prohibit the licensing of anyone with a felony conviction related to fraud, forgery or theft
- Establish a penalty for not obtaining a license
- Allowing business to be open on Sunday

Staff identified 24 “Secondhand Dealers” that may be impacted by these changes. Staff invited all 24 businesses to a forum to discuss the potential changes. Only 3 businesses attended the meeting. The main concern of those in attendance was the cost of the license.

These modifications to Chapter 4.48 will go into effect on July 1, 2014. This delay will give the Police Department and businesses impacted by the changes the necessary time to obtain equipment and training.

FINANCIAL IMPACT:
On-line reporting services will charge an annual fee of approximately $6,700.00. Not printing pawn cards will save approximately $1,600.00 annually. Sworn and civilian staff efficiency will increase.

RELATIONSHIP TO STRATEGIC PLAN:
MUNICIPAL RESPONSIBILITIES
- We will enhance Public Health and Safety by maximizing the utilization of technology, improved community engagement, and improved communications and facilities.

ALTERNATIVES:
Remain with the current system.

ATTACHMENTS:
Proposed ordinance.
ORDINANCE AMENDING CHAPTER 4.48 ENTITLED “PAWN BROKERS AND DEALERS IN PRECIOUS METALS OR PRECIOUS GEMS” OF THE SIOUX CITY MUNICIPAL CODE TO INCLUDE SECONDHAND DEALERS, ELECTRONIC FILING; TWO TIER LICENSE FEE; HOLDING PERIOD FOR TRANSIENT DEALERS; PROHIBIT LICENSING OF INDIVIDUALS CONVICTED OF FRAUD, FORGERY OR THEFT; PENALTY FOR NO LICENSE AND SUNDAY SALES.

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

Section 1: Section 4.48.010 of the Sioux City Municipal Code is amended to read as follows:

4.48.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

1. “Article” means any item, object or particular which may be purchased.

2. “Casual purchases of precious metals or precious gems” means the purchase of precious metals or precious gems articles other than for resale or for the purchaser’s own use or enjoyment. Any purchase from a dealer in precious metals or precious gems shall be considered a casual purchase. Purchases made by owners or employees of covered businesses that are the result of contacts made through the business shall not be considered casual purchases.

23. “Dealer in precious metals or precious gems” means any person who engages in a business of purchasing or receiving, for resale, any precious metals, coins or any precious gems which were previously sold at retail, or coins not purchased from a dealer in precious metals or precious gems. This does not include any person who makes only casual purchases of precious metals, coins or precious gems, nor any person who purchases only from a wholesaler.

4. “Secondhand dealer” means a person who engages in the business of purchasing or receiving, for resale, secondhand goods including antiques. It does not include charitable organizations that receive donated goods.

5. “Secondhand goods” means any used personal property except:
   a. Property purchased and sold for recycling;
   b. Licensable motor vehicles; and
   c. Junk as defined in Iowa Code Chapter 306C.

6. “Transient Dealer” means any person or entity who engages in a business of purchasing or receiving articles for resale and does not have a fixed business location within the city limits of Sioux City, Iowa. This does not include any person who makes only casual purchases or any person who purchases only from a wholesaler. “Regulated Transaction in precious metals or precious gems” means the purchase or receipt by a dealer, other than a casual purchaser, of any precious metal or precious gem previously sold at retail, or coins.

37. “Pawnbroker” means any person who makes loans or advancements upon pawn, pledge or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage, or a bill of sale thereon, or who by advertisement or sign or otherwise hold themselves out as a pawnbroker.

48. “Precious gems” means diamonds, emeralds, rubies, sapphires and pearls and any other gem of similar value and any article made in whole or in part of such gems.

59. “Precious metals” means gold, silver and platinum and any article made in whole or in part of any such metals.

2 Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by strikethrough.
Section 2: Section 4.48.020 of the Sioux City Municipal Code is amended to read as follows:

4.48.020 License Fee. Every pawnbroker, secondhand dealer and/or dealer in precious metals or precious gems shall pay an annual license fee of $100.00 to the city if they do not average in excess of 20 covered transactions per month. Pawnbrokers, secondhand dealers or dealers in precious metals or precious gems who average in excess of 20 covered transactions per month shall pay an annual license fee of $200.00 to the city. Transient Dealers shall pay an annual license fee of $200.00 to the city.

Section 3: Section 4.48.030 of the Sioux City Municipal Code is amended to read as follows:

4.48.030 License. After receiving the license fee, the city shall issue to the person applying for a license, a license which shall state the name and place of residence of the person licensed, the business to be transacted, and the place or places where it is to be carried on, including any locations that articles may be stored, and the date when issued. The license fee shall be prorated on a quarterly basis and the license shall expire December 31st of each year. No person shall engage in, or carry on, the business of pawnbroker, secondhand dealer or a dealer in precious metals or precious gems, without paying the fee and procuring a license provided in this chapter, nor shall any person carry on said business in any manner contrary to the provisions of this chapter.

A license will not be issued to anyone with a felony conviction related to fraud, forgery or theft.

The proprietor's license shall be sufficient for all clerks, agents, and employees engaged or employed at each place named in the license. Every clerk, agent, or employee of any pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall be subject to and bound by the provisions of this chapter and liable to the same penalties and to the same extent as his/her employer or principal for any violation thereof.

Section 4: Section 4.48.050 of the Sioux City Municipal Code is amended to read as follows:

4.48.050 Bond. Before any license shall be issued to any pawnbroker, secondhand dealer or dealer in precious metals or precious gems, the applicant shall file a bond with the city signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state, in the penal sum of two ten thousand dollars. The condition of the bond shall be that the licensee will comply with the regulations contained in this chapter and that they will pay all fines, costs, or penalties imposed for failure to do so. A further condition of the bond shall be that the loss sustained by any person by reason of taking in or purchasing stolen property which has been sold, so same cannot be returned to the owner thereof, then they will pay said owner the sale price obtained therefor; or if the same still remains in their possession, they will deliver same to the owner thereof.

Section 5: Section 4.48.060 of the Sioux City Municipal Code is amended to read as follows:

4.48.060 Action to recover fee. When any person engages in business as a pawnbroker, secondhand dealer or dealer in precious metals or precious gems without paying the fee provided for and imposed in this chapter, any person having knowledge thereof, shall notify the legal police department. It shall be the duty of the city attorney or his assistants police department, when they are informed that any person is engaged in business as a pawnbroker, secondhand dealer or dealer in precious metals or precious gems without a license to investigate and if a violation is identified the police department will issue a municipal infraction. Obtaining a license and paying the fee, fine will be required before the business can reopen to bring suit to recover the same in the name of the city.
Section 6: Section 4.48.070 of the Sioux City Municipal Code is amended to read as follows:

4.48.070 Recordkeeping by pawnbrokers, secondhand dealers and dealers in precious metals and precious gems. Upon receipt or purchase of any goods or property, every pawnbroker, secondhand dealer, dealer in precious metals or previous precious gems shall immediately make or cause to be made a record of every such transaction. The records of such transactions shall include the following:

1. Name, address, date of birth, and social security number, driver’s license number and date of issuance or, if unavailable, the identifying number from at least one form of government issued identification of the person from whom the article was purchased or received. Digital photos or a scanned thumb print of the person and digital photos of the identification presented; and, if that person is not personally known to the pawnbroker, dealer, or dealer’s agents, that person’s driver’s license number and date of issuance or, if unavailable, the identifying number from at least one form of government issued identification;
2. A particular, detailed and accurate description of each article, including any identifying marks, numbers or inscriptions, except that coins may be described only by the amount of each denomination and face type purchased along with digital photos will be taken of all articles;
3. Estimated quantity of each article;
4. The amount paid, advanced or loaned;
5. Date and hour of each transaction;
6. Time when the article is to be redeemed or bought back, if applicable;
7. What, if any, mortgage or bill of sale was taken, or receipt or pawn ticket was given;
8. Name of owner or employee completing the transaction;
9. Location of transaction if not performed at the business address listed in the license.

The records of a pawnbroker’s license or license to, secondhand dealer and/or a dealer of precious metals or precious gems in records at all times shall during normal business hours be open to examination by any sheriff, deputy sheriff or police officer. Any person who fails to keep the record or fails to make required entries thereon, or intentionally or knowingly makes any false or unintelligible entry, or any entry which he has reason to believe is untrue, or fails to make the inquiries necessary to enable him to make such entries or any of them, or who fails to procure the license or who fails to procure his license or records when requested by an officer having authority to examine them, or who destroys or negligently permits such records to be destroyed or lost shall be guilty of a municipal infraction or simple misdemeanor and upon conviction shall be punished as provided in section 1.04.100 of this code.

Section 7: Section 4.48.080 of the Sioux City Municipal Code is amended to read as follows:

4.48.080 Report to chief of police. Any article taken in, pawned or purchased by a pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall be reported electronically using the service specified by the chief of police within twenty-four hours after purchasing or receipt of said articles, upon forms or cards issued by the Sioux City Police Department. These cards shall include the information sought under Section 4.48.070 of this chapter. No person purchasing or receiving any article shall melt, destroy, sell, or dispose of the same without making such report or within fifteen days after such report is made except upon written permit from the chief of police. All articles covered by this ordinance must be retained within the city limits of Sioux City, Iowa for at least 15 days and must be held in such a method that individual articles may be readily identifiable with the appropriate transaction report.
Section 8: Section 4.48.090 of the Sioux City Municipal Code is amended to read as follows:

4.48.090 General restrictions.
1. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall purchase or receive any personal property from any minor without first receiving the consent in writing from the parent or guardian, and a copy of such written consent must be electronically filed with the chief of police at the time of filing the report required in Section 4.48.080.
2. No pawnbroker shall purchase or receive any property or surrender any property between Saturday midnight and Sunday midnight.
3. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall conceal, secrete or destroy for the purpose of concealing any article purchased or received by him for the purpose of preventing identification thereof by any officer or any person claiming to own the same.
4. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall sell or otherwise dispose of any article during the time any person has a right to buy back or redeem the same.
5. During normal business hours, no pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall refuse, resist, or attempt to prevent or delay any sheriff, deputy, chief of police, or police officer from making an examination with or without a warrant of the premises occupied or used to store articles by such pawnbroker, secondhand dealer or dealer in precious metals and precious gems for the purpose of discovering stolen property.
6. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall sell or permit to be redeemed or otherwise dispose of any article which he has reason to believe had been stolen, or which is adversely claimed by any person, or which he has been notified not to sell, release, or otherwise dispose of by any sheriff, deputy, chief of police or police officer without first obtaining permit permission in writing from the chief of police.
7. All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for fifteen days following, and during said period shall not be cleaned, repaired, dyed or altered in any manner whatsoever.

Section 9: Section 4.48.100 of the Sioux City Municipal Code is amended to read as follows:

4.48.100 Right of redemption. All persons pawning articles to a pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall have a right to redeem such articles for at least fifteen days after the date of the pawning of the articles. If the business is closed on the fifteenth day, the person shall have until the end of the next business day to redeem such articles.

Section 10: Section 4.48.110 of the Sioux City Municipal Code is amended to read as follows:

4.48.110 Permits-Suspension or revocation.
1. Grounds for Suspension. The license of a pawnbroker, secondhand dealer or dealer in precious metals or precious gems may be suspended or revoked for knowingly making a false statement in writing in applying for a license or for any violation of this chapter.
2. Suspension Procedures. The city manager may, upon receipt of information alleging that grounds exist to suspend or revoke the license of any license holder under this chapter, report the circumstances to the city council which shall in such case cause a notice to be sent by ordinary mail to the licensee which notice shall state that a suspension or revocation hearing has been set before the city council, the grounds for the proposed suspension or revocation, the date and time of the hearing, and the place where the hearing will be conducted. Upon the hearing, if the city council determines that grounds do exist, it may suspend or revoke the li-
license. In the event such license is revoked, no license shall be issued to such pawnbroker, secondhand dealer or dealer in precious metals or precious gems for a period of one year.

3. During periods of suspension or revocation the affected business will continue to allow individuals to redeem any pawned articles.

Section 11: The title of Chapter 4.48 of the Sioux City Municipal Code is changed to “Pawnbrokers, Secondhand Dealers and Dealers in Precious Metals or Precious Gems”.

Section 12: Chapter 4.40 of the Sioux City Municipal Code entitled “Secondhand Dealers” is repealed in its entirety.

Section 13: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 14: 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 15: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 4.48.010; Section 4.48.020; Section 4.48.030; Section 4.48.050; Section 4.48.060; Section 4.48.070; Section 4.48.080; Section 4.48.090; Section 4.48.100; Section 4.48.110; and Chapter 4.40 of the Sioux City Municipal Code.

Section 16: Effective Date: This ordinance shall be in full force and effect July 1, 2014 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: ________________________________
Sarah Swearingen, Deputy City Clerk

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

____________________________________
Sarah Swearingen, Deputy City Clerk
ORDINANCE NO. 2014 - ____________

ORDINANCE AMENDING CHAPTER 4.48 ENTITLED “PAWN BROKERS AND DEALERS IN PRECIOUS METALS OR PRECIOUS GEMS” OF THE SIOUX CITY MUNICIPAL CODE TO INCLUDE SECONDHAND DEALERS, ELECTRONIC FILING; TWO TIER LICENSE FEE; HOLDING PERIOD FOR TRANSIENT DEALERS; PROHIBIT LICENSING OF INDIVIDUALS CONVICTED OF FRAUD, FORGERY OR THEFT; PENALTY FOR NO LICENSE AND SUNDAY SALES.

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

Section 1: Section 4.48.010 of the Sioux City Municipal Code is amended to read as follows:

4.48.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

1. “Article” means any item, object or particular which may be purchased.

2. “Casual purchases” means the purchase of articles other than for resale or for the purchaser’s own use or enjoyment. Any purchase from a dealer shall be considered a casual purchase. Purchases made by owners or employees of covered businesses that are the result of contacts made through the business shall not be considered casual purchases.

3. “Dealer in precious metals or precious gems” means any person who engages in a business of purchasing or receiving, for resale, any precious metals, coins or any precious gems which were not purchased from a dealer in precious metals or precious gems. This does not include any person who makes only casual purchases of precious metals, coins or precious gems, nor any person who purchases only from a wholesaler.

4. “Secondhand dealer” means a person who engages in the business of purchasing or receiving, for resale, secondhand goods including antiques. It does not include charitable organizations that receive donated goods.

5. “Secondhand goods” means any used personal property except:
   a. Property purchased and sold for recycling;
   b. Licensable motor vehicles; and
   c. Junk as defined in Iowa Code Chapter 306C.

6. “Transient Dealer” means any person or entity who engages in a business of purchasing or receiving articles for resale and does not have a fixed business location within the city limits of Sioux City, Iowa. This does not include any person who makes only casual purchases or any person who purchases only from a wholesaler.

7. “Pawnbroker” means any person who makes loans or advancements upon pawn, pledge or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage, or a bill of sale thereon, or who by advertisement or sign or otherwise hold themselves out as a pawnbroker.

8. “Precious gems” means diamonds, emeralds, rubies, sapphires and pearls and any other gem of similar value and any article made in whole or in part of such gems.

9. "Precious metals" means gold, silver and platinum and any article made in whole or in part of any of such metals.
Section 2: Section 4.48.020 of the Sioux City Municipal Code is amended to read as follows:

4.48.020 License Fee. Pawnbrokers, secondhand dealers or dealers in precious metals or precious gems shall pay an annual license fee of $100.00 to the city if they do not average in excess of 20 covered transactions per month. Pawnbrokers, secondhand dealers or dealers in precious metals or precious gems who average in excess of 20 covered transactions per month shall pay an annual license fee of $200.00 to the city. Transient Dealers shall pay an annual license fee of $200.00 to the city.

Section 3: Section 4.48.030 of the Sioux City Municipal Code is amended to read as follows:

4.48.030 License. After receiving the license fee, the city shall issue to the person applying for a license, a license which shall state the name and place of residence of the person licensed, the business to be transacted, and the place or places where it is to be carried on, including any locations that articles may be stored, and the date when issued. The license shall expire December 31st of each year. No person shall engage in, or carry on, the business of pawnbroker, secondhand dealer or a dealer in precious metals or precious gems, without paying the fee and procuring a license provided in this chapter, nor shall any person carry on said business in any manner contrary to the provisions of this chapter.

A license will not be issued to anyone with a felony conviction related to fraud, forgery or theft.

The proprietor's license shall be sufficient for all clerks, agents, and employees engaged or employed at each place named in the license. Every clerk, agent, or employee of any pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall be subject to and bound by the provisions of this chapter and liable to the same penalties and to the same extent as his/her employer or principal for any violation thereof.

Section 4: Section 4.48.050 of the Sioux City Municipal Code is amended to read as follows:

4.48.050 Bond. Before any license shall be issued to any pawnbroker, secondhand dealer or dealer in precious metals or precious gems, the applicant shall file a bond with the city signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state, in the penal sum of ten thousand dollars. The condition of the bond shall be that the licensee will comply with the regulations contained in this chapter and that they will pay all fines, costs, or penalties imposed for failure to do so. A further condition of the bond shall be that the loss sustained by any person by reason of taking in or purchasing stolen property which has been sold, so same cannot be returned to the owner thereof, then they will pay said owner the sale price obtained therefor; or if the same still remains in their possession, they will deliver same to the owner thereof.

Section 5: Section 4.48.060 of the Sioux City Municipal Code is amended to read as follows:

4.48.060 Action to recover fee. When any person engages in business as a pawnbroker, secondhand dealer or dealer in precious metals or precious gems without paying the fee provided for and imposed in this chapter, any person having knowledge thereof, shall notify the police department. It shall be the duty of the police department, when they are informed that any person is engaged in business as a pawnbroker, secondhand dealer or dealer in precious metals or precious gems without a license to investigate and if a violation is identified the police department will issue a municipal infraction. Obtaining a license and paying the fine will be required before the business can reopen.
Section 6: Section 4.48.070 of the Sioux City Municipal Code is amended to read as follows:

4.48.070 Recordkeeping by pawnbrokers, secondhand dealers and dealers in precious metals and precious gems. Upon receipt or purchase of any goods or property, every pawnbroker, secondhand dealer, dealer in precious metals or precious gems shall immediately make or cause to be made a record of every such transaction. The records of such transactions shall include the following:

1. Name, address, date of birth, driver’s license number and date of issuance or, if unavailable, the identifying number from at least one form of government issued identification of the person from whom the article was purchased or received. Digital photos or a scanned thumb print of the person and digital photos of the identification presented;
2. A particular, detailed and accurate description of each article, including any identifying marks, numbers or inscriptions, along with digital photos will be taken of all articles;
3. Estimated quantity of each article;
4. The amount paid, advanced or loaned;
5. Date and hour of each transaction;
6. Time when the article is to be redeemed or bought back, if applicable;
7. What, if any, mortgage or bill of sale was taken, or receipt or pawn ticket was given.;
8. Name of owner or employee completing the transaction;
9. Location of transaction if not performed at the business address listed in the license.

The records of a pawnbroker, secondhand dealer and/or a dealer of precious metals or precious gems shall during normal business hours be open to examination by any sheriff, deputy sheriff or police officer. Any person who fails to keep the record or fails to make required entries thereon, or intentionally or knowingly makes any false or unintelligible entry, or any entry which he has reason to believe is untrue, or fails to make the inquiries necessary to enable him to make such entries or any of them, or who fails to procure the license or who fails to procure his license or records when requested by an officer having authority to examine them, or who destroys or negligently permits such records to be destroyed or lost shall be guilty of a municipal infraction or simple misdemeanor and upon conviction shall be punished as provided in section 1.04.100 of this code.

Section 7: Section 4.48.080 of the Sioux City Municipal Code is amended to read as follows:

4.48.080 Report to chief of police. Any article taken in, pawned or purchased by a pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall be reported electronically using the service specified by the chief of police within twenty-four hours after purchasing or receipt of said articles. This documentation shall include the information sought under Section 4.48.070 of this chapter. No person purchasing or receiving any article shall melt, destroy, sell, or dispose of the same without making such report or within fifteen days after such report is made except upon written permit from the chief of police. All articles covered by this ordinance must be retained within the city limits of Sioux City, Iowa for at least 15 days and must be held in such a method that individual articles may be readily identifiable with the appropriate transaction report.

Section 8: Section 4.48.090 of the Sioux City Municipal Code is amended to read as follows:

4.48.090 General restrictions.

1. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall purchase or receive any personal property from any minor without first receiving the consent in writing from the parent or guardian, and a copy of such written consent must be electronically filed as required in Section 4.48.080.
2. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall conceal, secrete or destroy for the purpose of concealing any article purchased or received by him for the purpose of preventing identification thereof by any officer or any person claiming to own the same.

3. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall sell or otherwise dispose of any article during the time any person has a right to buy back or redeem the same.

4. During normal business hours, no pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall refuse, resist, attempt to prevent or delay any sheriff, deputy sheriff, chief of police, or police officer from making an examination with or without a warrant of the premises occupied or used to store articles by such pawnbroker, secondhand dealer or dealer in precious metals and precious gems for the purpose of discovering stolen property.

5. No pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall sell or permit to be redeemed or otherwise dispose of any article which he has reason to believe had been stolen, or which is adversely claimed by any person, or which he has been notified not to sell, release, or otherwise dispose of by any sheriff, deputy sheriff, chief of police or police officer without first obtaining permission in writing from the chief of police.

6. All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for fifteen days following, and during said period shall not be cleaned, repaired, dyed or altered in any manner whatsoever.

Section 9: Section 4.48.100 of the Sioux City Municipal Code is amended to read as follows:

**4.48.100 Right of redemption.** All persons pawning articles to a pawnbroker, secondhand dealer or dealer in precious metals or precious gems shall have a right to redeem such articles for at least fifteen days after the date of the pawning of the articles. If the business is closed on the fifteenth day, the person shall have until the end of the next business day to redeem such articles.

Section 10: Section 4.48.110 of the Sioux City Municipal Code is amended to read as follows:

**4.48.110 Permits-Suspension or revocation.**

1. Grounds for Suspension. The license of a pawnbroker, secondhand dealer or dealer in precious metals or precious gems may be suspended or revoked for knowingly making a false statement in writing in applying for a license or for any violation of this chapter.

2. Suspension Procedures. The city manager may, upon receipt of information alleging that grounds exist to suspend or revoke the license of any license holder under this chapter, report the circumstances to the city council which shall in such case cause a notice to be sent by ordinary mail to the licensee which notice shall state that a suspension or revocation hearing has been set before the city council, the grounds for the proposed suspension or revocation, the date and time of the hearing, and the place where the hearing will be conducted. Upon the hearing, if the city council determines that grounds do exist, it may suspend or revoke the license. In the event such license is revoked, no license shall be issued to such pawnbroker, secondhand dealer or dealer in precious metals or precious gems for a period of one year.

3. During periods of suspension or revocation the affected business will continue to allow individuals to redeem any pawned articles.

Section 11: The title of Chapter 4.48 of the Sioux City Municipal Code is changed to “Pawnbrokers, Secondhand Dealers and Dealers in Precious Metals or Precious Gems”.

Section 12: Chapter 4.40 of the Sioux City Municipal Code entitled “Secondhand Dealers” is repealed in its entirety.
Section 13: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 14: 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 15: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 4.48.010; Section 4.48.020; Section 4.48.030; Section 4.48.050; Section 4.48.060; Section 4.48.070; Section 4.48.080; Section 4.48.090; Section 4.48.100; Section 4.48.110; and Chapter 4.40 of the Sioux City Municipal Code.

Section 16: Effective Date: This ordinance shall be in full force and effect July 1, 2014 from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: March 24, 2014

______________________________
Robert E. Scott, Mayor

ATTEST: ________________________________
Sarah E. Swearingen, Deputy City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on March 29, 2014

______________________________
Sarah E. Swearingen, Deputy City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 16

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

SUBJECT: Hearing and Ordinance adopting a Modified Site Plan for 3901 Stadium Drive. (Area zoned BG-C (General Business Zone -Planned Commercial Overlay)). (Petitioner: Jensen Imports) The Planning and Zoning Commission recommends approval of this item. (File No. 2014-0013)

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

Planning Commission:
Agenda Item 2014-0013: Requested site plan approval for the property located at 3901 Stadium Drive. (Petitioner: Jensen Imports).

Geary (Krage) moved to recommend to the City Council approval of this item. Motion Carried. 6-0-0 (Yes: Krage, Calligan, Stewart, O’Neill, Godwin, Geary / No: 0 / Abstained: 0)

Findings of Fact:
1) The proposed site plan is consistent with other developments in the area.
2) The stormwater pond was sized to include development on this property.
3) The proposed sign is allowed per the Zoning Ordinance.
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:
Focus Area: Expand Development Opportunities and Grow Sioux City.
#3 Grow a vibrant and balanced economy.

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 Jensen Imports, petitioner, requesting site plan approval for the property located at 3901 Stadium Drive. The proposal will allow for the construction of a 13,354 square foot car dealership. A general area map and site plan are enclosed for your review.

ANALYSIS:
As stated, the petitioner is requesting site plan approval for the property located at 3901 Stadium Drive. The petitioner, Jensen Imports, has licensed to sell Volkswagen vehicles and wishes to expand the dealership north. The subject property is zoned BG-C, and requires site plan approval for any new development.

The petitioner intends to develop the Volkswagen dealership as a separate parcel. The building would sit just to the east of the existing stormwater pond, which was sized to handle stormwater for the existing Jensen Imports and future development on the subject lot.

The proposed building will be 13,354 square feet. The Zoning Ordinance requires 1 parking space per 400 square feet of floor area, for a required 34 spaces on site. The site plan shows 45 spaces with two additional “VW new car storage areas” to the north of the building. The Zoning Ordinance does not differentiate between customer/employee parking and vehicle display for car dealerships, and it is likely that at least 33 of the designated parking spaces will be vehicle display. Staff believes that the parking shown is consistent with other car dealerships parking designs and the 12 designated customer and employee parking spaces would suffice for this use.

The petitioner is requesting one freestanding sign along Stadium Drive. The existing Jensen Imports property has 3 freestanding signs, with the 3rd approved by site plan in 2009. As stated above, the new site will be a separate parcel and is entitled to a separate sign. The Explorer Park Plan recommends only monument signs in this area and the petitioner is proposing a 30’ tall sign that would match the existing signs on Stadium Drive.

EXISTING ZONING AND LAND USE:
BG-C ; Vacant Land
EXISTING ZONING REQUIREMENTS:
The BG zone is intended to provide business locations for retail, service and wholesale uses serving a city-wide clientele. The zone is intended to be located in areas characterized by good accessibility, including those areas which are heavily exposed to automobile traffic.

PROPOSED ZONING REQUIREMENTS:
N/A

SURROUNDING ZONING AND LAND USE:
North: BG-C ; Vacant Land
South: BG-C ; Jensen Imports
East: BG-C ; Homebuilders Association
West: ML ; Farm field

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 located in the Donner Park Urban Renewal TIF District.

SUBAREA / CORRIDOR PLAN:
The subject property is located in the Explorer’s Park Plan.

FLOOD PLAIN:
The subject property is not located in a flood plain.

CITIZEN RESPONSE:
Six notices were sent within the required timeframe. No responses were received.
ORDINANCE NO. 2014 - 

ORDINANCE ADOPTING A MODIFIED SITE PLAN FOR 3901 STADIUM DRIVE. (AREA ZONED BG-C (GENERAL BUSINESS ZONE – PLANNED COMMERCIAL OVERLAY))

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 modified site plan.

Section 2: That Ordinance No. S-30424, as amended, also known and identified as the Sioux City Zoning Ordinance, is hereby amended by adding thereto the following to be known as Section 25.24.030.1249 of said Ordinance No. S-30424 as amended:

25.24.030.1249: The Modified Site Plan dated March 5, 2014 for property presently zoned BG-C (General Business Zone – Planned Commercial Overlay) and legally described as follows:

Lot 3 and the south 45.15 feet of Lot 2, of the Replat of the Diamond Legend Addition in a part of the Fractional NW ¼ of Section 18, Township 88 North, Range 47 West, of the 5th P.M., City of Sioux City, Woodbury County, Iowa,

is hereby adopted and approved.

Section 3: That a detailed modified site plan dated March 5, 2014 including, but not limited to, a site development map and text to be used for the development of the above described property is on file in the office of the City Clerk of the City of Sioux City, Iowa, and is hereby approved and adopted and is by this reference made a part hereof.

Section 4: That the boundaries of zones as shown on the official zoning map on file in the office of the City Clerk 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 fully set forth herein.

Section 5: That all Ordinances, or parts of Ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6: 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: March 24, 2014

_________________________________
Robert E. Scott, Mayor

ATTEST:

_________________________________
Sarah E. Swearingen, Deputy 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. 2014-______ adopted by the City Council of Sioux City on ______________, 2014. Signed this _____ day of ________________, 2014.

__________________________________
Sarah Swearingen, Deputy City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on __March 29, 2014__

__________________________________
Sarah E. Swearingen, Deputy City Clerk
ORDINANCE ADOPTING A MODIFIED SITE PLAN FOR 3901 STADIUM DRIVE. (AREA ZONED BG-C (GENERAL BUSINESS ZONE –PLANNED COMMERCIAL OVERLAY))

This is a summary of Ordinance Number 2014-_______ passed by the Sioux City City Council on _________________, 2014 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 adopts a Modified Site Plan dated March 5, 2014 for property within the City of Sioux City, Woodbury County, Iowa, presently zoned BG-C (General Business Zone –Planned Commercial Overlay) and legally described as follows:

Lot 3 and the south 45.15 feet of Lot 2, of the Replat of the Diamond Legend Addition in a part of the Fractional NW ¼ of Section 18, Township 88 North, Range 47 West, of the 5th P.M., City of Sioux City, Woodbury County, Iowa.

/s/ Sarah Swearingen, Deputy City Clerk

Publish in the Sioux City Journal _________________, 2014.
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO SIOUX CITY ZONING ORDINANCE

Notice is hereby given that at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered, on March 24, 2014, 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 Ordinance of the City of Sioux City, Iowa, proposing the following change:

25.24.030.1249: Adoption of a modified site plan for the following described real property zoned as BG-C (General Business Zone –Planned Commercial Overlay):

Lot 3 and the south 45.15 feet of Lot 2, of the Replat of the Diamond Legend Addition in a part of the Fractional NW ¼ of Section 18, Township 88 North, Range 47 West, of the 5th P.M., City of Sioux City, Woodbury County, Iowa.

(3901 Stadium Drive) (2014-0013)

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/ Sarah Swearingen, Deputy City Clerk

Publish in the Sioux City Journal March 17, 2014.
**APPLICATION FORM - SITE PLAN / REZONING**

**PROJECT ADDRESS / COMMON DESCRIPTION:**
VOLKSWAGEN DEALERSHIP
3009 STADIUM DRIVE

**PETITIONER'S NAME:**
BOB JENSEN / JENSEN IMPORTS REAL ESTATE, LLC
Phone #: 712 255-3000

**MAILING ADDRESS:**
3009 STADIUM DRIVE

**PETITIONER'S INTEREST IN PROPERTY:**
Owner

**OWNER'S NAME:**

**MAILING ADDRESS:**

**LEGAL DESCRIPTION:**
SOUTH 45.15 FEET OF LOT 2 AND LOT 3 IN DIAMOND LEGEND ADDITION
REPLAT, CITY OF SIOUX CITY, WOODBURY COUNTY, IOWA

**APPLICATION DATE:** 2/24/14

**Include the following:**

- Site Plan $350.00
  - One digitally formatted copy and 30 paper copies of the site plan prepared in conformity with Chapter 25.12 of the Sioux City Zoning Ordinance.
  - Is the site plan prepared in conformity with standards of the zoning ordinance?
    - Yes
    - No
    - If no, list requested waivers on back of form.

- Rezoning $350.00
  - For office use only.
  - File No.

**NOTE:**
For additional assistance, please contact the City Planning and Zoning Division either before or after submission of the petition.
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014  ACTION ITEM # 17

FROM: Jade Dundas, Assistant City Manager for Public Works

SUBJECT: Resolution awarding a contract to Concrete Specialty, Inc. of South Sioux City, Nebraska, in the amount of $1,161,964.05 for the South Fairmount Street Reconstruction from south of Dodge Avenue to north of Leech Avenue Project.

REVIEWED BY:
	x Department Director  x Finance Department  x City Attorney  x City Manager

RECOMMENDATION:
Staff respectfully requests Council award the contract to Concrete Specialty, Inc. of South Sioux City, Nebraska in the amount of $1,161,964.05 for the construction of the South Fairmount Street Reconstruction from south of Dodge Avenue to north of Leech Avenue Project.

DISCUSSION:
This project will reconstruct South Fairmount Street between Dodge Avenue and Leech Avenue. Notice of Public Hearing was advertised on March 1, 2014 and March 8, 2014. The public hearing was held on March 10, 2014. Construction for the intersection of Leech Avenue and South Fairmount Street will have a completion date of August 1, 2014. The construction of South Fairmount Street between Leech Avenue and Dodge Avenue will have a completion date of November 1, 2014.

The project was bid on March 11, 2014. Three (3) 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>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete Specialty, Inc.</td>
<td>South Sioux City, Nebraska</td>
<td>$1,161,964.05</td>
</tr>
<tr>
<td>Sioux City Engineering Co.</td>
<td>Sioux City, Iowa</td>
<td>$1,175,331.05</td>
</tr>
<tr>
<td>Lessard Contracting, Inc.</td>
<td>Sergeant Bluff, Iowa</td>
<td>$1,276,317.39</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td></td>
<td>$1,075,555.50</td>
</tr>
</tbody>
</table>

The bid submitted by Concrete Specialty, Inc. of South Sioux City, Nebraska is 8.03% or $86,408.55 above the Engineer’s Estimate of $1,075,555.50.

FINANCIAL IMPACT:
This project is funded using GO bonds, water funds, sewer funds and sales tax infrastructure funds under CIP 719-133 Annual Infrastructure Reconstruction. The project currently has an available balance of $10,533,356.84.
RELATIONSHIP TO STRATEGIC PLAN:
   Municipal Responsibility – Infrastructure
   Strategic Focus – Expand Development Opportunities and Grow Sioux City
   # 9 Increase infrastructure and paving investment

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

ATTACHMENTS:
   Resolution
   Letter of Recommendation from Consultant
   Bid Tabulation Sheet – **Hard Copy**
RESOLUTION NO. 2014 - ____________

RESOLUTION AWARDING A CONTRACT TO CONCRETE SPECIALTY, INC. OF SOUTH SIOUX CITY, NEBRASKA IN THE AMOUNT OF $1,161,964.05 FOR THE SOUTH FAIRMOUNT STREET RECONSTRUCTION FROM SOUTH OF DODGE AVENUE TO NORTH OF LEECH AVENUE PROJECT.

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on March 11, 2014, for the South Fairmount Street Reconstruction from south of Dodge Avenue to north of Leech Avenue Project, in Sioux City, Iowa, (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by DGR Engineering; and

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

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

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

Section 2: It is hereby found, determined and declared that the bid of Concrete Specialty, Inc. of South Sioux City, Nebraska, in the amount of $1,161,964.05 for construction of the Project in Sioux City, Iowa, as provided in the plans and specifications referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

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

Section 4: The contractor is directed to execute the contract and submit the same to the City Engineering Division with all of the supporting documents within ten days for approval and signature by the City.

Section 5: The checks or bid bonds of all unsuccessful bidders, be, and the same are hereby ordered returned to such bidders.

PASSED AND APPROVED: March 24, 2014  Robert E. Scott, Mayor

ATTEST:  
Sarah E. Swearingen, Deputy City Clerk
March 12, 2014

Mr. Glenn Ellis, P.E.
City Engineer
City of Sioux City
Sioux City, IA 51101

Re: S. Fairmount Reconstruction – Dodge Avenue to Leech Avenue, Sioux City, IA
    DGR File 263004

Dear Glenn:

Bids were opened for the project referenced above at 1:00 p.m. on Tuesday, March 11, 2014. Three bids were received as follows:

- Concrete Specialty, Inc. $1,161,964.05
- Sioux City Engineering Co. $1,175,331.05
- Lessard Contracting, Inc. $1,276,317.39

The low bid of $1,161,964.05 by Concrete Specialty, Inc. was $86,408.55, or 8.03 percent, higher than the engineer’s estimate of $1,075,555.50.

Based on our review of the bids and past experience with the contractor, we recommend award of the project to Concrete Specialty, Inc. in the amount of $1,161,964.05. DGR will hold on providing contract documents to Concrete Specialty, Inc. until further direction from you.

The original bids are enclosed for your files.

Sincerely,

DGR Engineering

Bryan Wells, PE

BNW:baw

Enclosures
CITY OF SIOUX CITY  
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014  
ACTION ITEM #: 18

FROM: Jade Dundas, Assistant City Manager for Public Works

SUBJECT: Resolution awarding a contract to Sewalson Contracting Inc. of Sioux City, Iowa, in the amount of $79,720.05 for the Bluff Street Bridge Slope Protection Project.

RECOMMENDATION: 
Staff respectfully requests Council award a contract to Sewalson Contracting Inc. of Sioux City, Iowa in the amount of $79,720.05 for the construction of the Bluff Street Bridge Slope Protection Project.

DISCUSSION: 
This project includes removing the existing fill material underneath the Bluff Street Bridge and replacing it with riprap, as instructed by the Army Corp of Engineers (ACOE). Notice of Public Hearing was advertised on March 1, 2014 and March 8, 2014. The public hearing was held on March 10, 2014. Construction completion shall be on or before June 1, 2014.

The project was bid on March 11, 2014. Five (5) 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>
</tr>
</thead>
<tbody>
<tr>
<td>Sewalson Contracting Inc.</td>
<td>Sioux City, IA</td>
<td>$ 79,720.05</td>
</tr>
<tr>
<td>Nelson &amp; Rock Contracting</td>
<td>Onawa, IA</td>
<td>$ 90,066.95</td>
</tr>
<tr>
<td>Richardson Trucking</td>
<td>Sioux City, IA</td>
<td>$ 90,428.26</td>
</tr>
<tr>
<td>DA Davis Co. Inc.</td>
<td>South Sioux City, IA</td>
<td>$ 91,069.60</td>
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<tr>
<td>Lessard Contracting, Inc.</td>
<td>Sergeant Bluff, IA</td>
<td>$ 121,335.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td></td>
<td>$ 66,130.00</td>
</tr>
</tbody>
</table>

The base bid, submitted by Sewalson Contracting Inc. of Sioux City, IA is 20.5% or $13,590.05 above the Engineer’s Estimate of $66,130.00.

FINANCIAL IMPACT: 
This project is funded using Storm Water Abated GO funds under CIP 173-002 – Perry Creek Flood Control. The project currently has an available balance of $343,978.50.
RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Strategic Focus – Expand Development Opportunities and Grow Sioux City
# 9 Increase infrastructure and paving investment

ALTERNATIVES:
1. The City Council may choose to not award this contract.
2. Bids may be further evaluated or the project documents may be revised and reissued for bid.

ATTACHMENTS:
Resolution
Bid Tabulation Sheet
RESOLUTION NO. 2014 - ____________

RESOLUTION AWARDING A CONTRACT TO SEWALSON CONTRACTING INC. OF SIOUX CITY, IOWA IN THE AMOUNT OF $79,720.05 FOR THE BLUFF STREET BRIDGE SLOPE PROTECTION PROJECT.

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on March 11, 2014, for the Bluff Street Bridge Slope Protection 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 Department; and

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

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

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

Section 2: It is hereby found, determined and declared that the bid of Sewalson Contracting Inc. of Sioux City, Iowa in the amount of $79,720.05 for construction of the Project in Sioux City, Iowa, as provided in the plans and specifications referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

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

Section 4: The contractor is directed to execute the contract and submit the same to the City Engineering Division with all of the supporting documents within ten days for approval and signature by the City.

Section 5: The checks or bid bonds of all unsuccessful bidders, be, and the same are hereby ordered returned to such bidders.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
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<td>LS</td>
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<td>$ 11,440.00</td>
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<td>$ 38.60</td>
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<td><strong>Total</strong></td>
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<td><strong>$ 79,720.82</strong></td>
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<td><strong>$ 90,968.95</strong></td>
<td><strong>$ 90,968.95</strong></td>
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<td><strong>$ 90,968.95</strong></td>
<td><strong>$ 121,395.00</strong></td>
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</table>
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:       March 24, 2014

ACTIONS

ITEM #    19

FROM:       Jade Dundas, Assistant City Manager for Public Works

SUBJECT:
Resolution authorizing the submittal of a Letter of Map Revision (LOMR) to the Federal Emergency Management Association for their review of the Corps of Engineers findings relating to the flood hazard areas of the Perry Creek Channel and the levee certification.

RECOMMENDATION:
Staff respectfully requests the City Council authorize signatures for the Letter of Map Revision (LOMR) to be submitted to the Federal Emergency Management Association for their review of the Corps of Engineers findings related to the flood hazard areas of the Perry Creek Channel and the levee certification.

DISCUSSION:
The Corps of Engineers has recently completed the levee certification associated with the Perry Creek Channel. A product of this certification is an assessment of flood hazards within the basin. The assessment has been completed and it has been discovered that significant reduction in the flood hazard area have resulted from the construction of the levee.

The benefit of these findings is that a Letter of Map Revision (LOMR) will be sent to FEMA which will allow them to authorize changes in the flood hazard area. These changes will eliminate the flood insurance requirement for many property owners in the area. Although the flood hazard area is reduced greatly there are still properties which remain in the flood hazard zone which will still require flood insurance.

FINANCIAL IMPACT:
This revision will have no direct financial impact on the City. The most significant impact will be to owners of properties that are currently paying insurance. As a result of the removal from the flood hazard area they will no longer be required to pay flood insurance premiums.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Infrastructure
Strategic Focus Area – Expand Development Opportunities and Grow Sioux City
ALTENRATIVES:
Do not sign the document and request additional information be provided by the Corps of Engineers concerning the project and findings.

ATTACHMENTS:
Resolution
Hard Copy: Letter of Map Revision (LOMR) request
RESOLUTION NO. 2014 - ____________
with attachments

RESOLUTION AUTHORIZING THE SUBMITTAL OF A LETTER OF MAP REVISION (LOMR) TO THE FEDERAL EMERGENCY MANAGEMENT ASSOCIATION FOR THEIR REVIEW OF THE CORPS OF ENGINEERS FINDINGS RELATING TO THE FLOOD HAZARD AREAS OF THE PERRY CREEK CHANNEL AND THE LEVEE CERTIFICATION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the City of Sioux City is hereby authorized and directed to submit a Letter of Map Revision (LOMR), a copy of which is attached hereto and by this reference made a part hereof, to the Federal Emergency Management Association for their review of the Corps of Engineers findings relating to the flood hazard areas of the Perry Creek Channel and the levee certification.

BE IT FURTHER RESOLVED that the Mayor and Flood Plain Administrator be and they are hereby authorized and directed to execute said Letter of Map Revision for and on behalf of the City.

PASSED AND APPROVED: __March 24, 2014__

Robert E. Scott, Mayor

ATTEST:
Sarah E. Swearingen, Deputy City Clerk
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014  ACTION ITEM #: 20

FROM: Jade Dundas, Assistant City Manager for Public Works

SUBJECT: Resolution approving a Third Amendment to the Solid Waste Disposal and Operation Services Agreement between Gill Hauling, Inc. and the City of Sioux City. (Deferred from March 10, 2014)

RECOMMENDATION:
Staff respectfully requests that the City Council consider removing from the Solid Waste Disposal and Operation Services Agreement with Gill Hauling the annual administrative reimbursement fee of $50,000 paid to the City.

DISCUSSION:
The Solid Waste Disposal and Operation Services Agreement between Sioux City and Gill Hauling, Inc. requires Gill Hauling to reimburse the City $50,000 annually for administrative costs ($30,000) and educational outreach programs ($20,000). Gill Hauling has requested the annual administrative reimbursement fee of $50,000 be taken out of the Solid Waste Disposal and Operation Services Agreement because costs associated with the solid waste and recycling programs have increased and are presenting a financial hardship.

In addition, Gill Hauling, Inc. is requesting the payment they sent on January 13, 2014 be returned. This payment was made in error pending the approval of this Third Amendment.

FINANCIAL IMPACT:
Currently these funds are used to support administrative costs and educational outreach programs. These programs will need to be scaled back or other funds will need to be designated for these costs. Waiving this fee will have a negative impact on the solid waste fund.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Create a Green City Initiative
Strategic Focus Area – Enhance Public/Private Partnerships

ALTERNATIVES:
Keep the annual administrative reimbursement fee of $50,000 in the Solid Waste Disposal and Operation Services Agreement and require Gill Hauling to cover all of the additional expenses associated with enhanced recycling as a cost of operation.

ATTACHMENTS:
Resolution
Third Amendment
RESOLUTION NO. 2014 - ____________
with attachments

RESOLUTION APPROVING A THIRD AMENDMENT TO THE SOLID WASTE DISPOSAL AND OPERATION SERVICES AGREEMENT BETWEEN GILL HAULING, INC. AND THE CITY OF SIOUX CITY.

WHEREAS, Gill Hauling, Inc. and the City of Sioux City entered into a Solid Waste Disposal and Operation Services Agreement on July 31, 2006, pursuant to Resolution No. 2006-0543, for solid waste disposal and operation services, which Agreement was subsequently amended on September 20, 2010 pursuant to Resolution No. 2010-0698 and October 8, 2012 pursuant to Resolution No. 2012-0712; and

WHEREAS, said parties desire to further amend said Solid Waste Disposal and Operation Services Agreement; and

WHEREAS, a copy of said Third Amendment to the Solid Waste Disposal and Operation Services Agreement is attached hereto and by this reference made a part hereof, which Third Amendment 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 Third Amendment to the Solid Waste Disposal and Operation Services Agreement between Gill Hauling, Inc. and the City of Sioux City, Iowa, referred to in the preamble hereof, be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED that the City Manager and City Clerk be and they are hereby authorized and directed to execute said Third Amendment to the Solid Waste Disposal and Operation Services Agreement for and on behalf of the City of Sioux City, Iowa.

PASSED AND APPROVED: March 24, 2014

Robert E. Scott, Mayor

ATTEST:

Sarah E. Swearingen, Deputy City Clerk
THIRD AMENDMENT TO SOLID WASTE DISPOSAL
AND OPERATION SERVICES AGREEMENT

This Third Amendment to Solid Waste Disposal and Operation Services Agreement is made on the ___ day of March, 2014, by and between the City of Sioux City, Iowa, a municipal corporation, hereinafter ("City") and Gill Hauling, Inc., a Nebraska Corporation, hereinafter ("Gill").

RECITALS

The parties entered into an agreement for the disposal of solid waste on July 31, 2006, (herein "Agreement"), pursuant to Resolution No. 2006-043, which Agreement was subsequently amended on September 20, 2010 pursuant to Resolution No. 2010-0698 and October 8, 2012 pursuant to Resolution No. 2012-0712. The parties desire to further amend said Agreement as follows:

AGREEMENT

1. Article XXVIII – Administration, Paragraph A, of the Agreement is amended to read as follows:

   Article XXVIII
   Administration

   A. The administration and enforcement of this Agreement shall be the responsibility of the Manager. It shall be the responsibility of the Manager to see that refuse service customers are provided at all times with complete information about the service. The Contractor shall mutually share the responsibility of public outreach, campaigns, advertising, special events and education with the City for all recycling and solid waste matters.

2. In all other respects, the Solid Waste Disposal and Operation Services Agreement entered into by the parties on July 31, 2006 shall remain in full force and effect.

   City of Sioux City Iowa
   By: ________________
   Title: Robert K. Padmore
   City Manager

   Gill Hauling, Inc.
   By: ________________
   Title: Bernard A. Gill
   President

   Attest:

   By: ________________
   Title: Lisa L. McCordie
   City Clerk

   Attest:

   By: ________________
   Title: __________________
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014 ACTION ITEM # 21

FROM: Renae Billings, Economic Development Specialist

SUBJECT: Presentation - Innovation Market Winners

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

RECOMMENDATION:
Staff respectfully requests Council to review the presentations from the winners of the 2014 Innovation Market.

DISCUSSION:
The Sioux City Growth Organization hosted the 4th annual Innovation Market event on February 27, 2014. Innovation Market is a business idea competition designed to grow local ideas into reality. The top 5 vote getters were announced the night of the event and had the opportunity to present to SCGO members and donors on March 12th for a chance to win cash prizes and free accounting and legal services. The first place prize was awarded to Sean Richardson and Blake Anderson for Pushlee, the patent pending retargeting ad platform for gas stations and convenience stores. The second place prize was awarded to Geoff Arnold for Sioux City Suds, a hometown restaurant and brewery that will use only locally sourced hops to brew beer and will bring in fresh meat and produce from local farms daily.

The City partnered once again with SCGO for this year’s Innovation Market and participated with an in-kind donation and marketing for the event. The City also contributed $2,000 towards the second place prize winnings.

FINANCIAL IMPACT:
No financial impact is anticipated.

RELATIONSHIP TO STRATEGIC PLAN:
Municipal Responsibility – Economic Opportunity
Focus Area – Enhance Public/Private Partnerships
#6 Create opportunities to partner with Sioux City Growth Organization

ALTERNATIVES:
N/A

ATTACHMENTS:
None
CITY OF SIOUX CITY
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: March 24, 2014  ACTION ITEM # 22

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

SUBJECT: Presentation - Zoning Ordinance Rewrite Update

RECOMMENDATION:
Staff respectfully requests City Council review the project update presented by Bret Kendig of Kendig Keast Collaborative.

DISCUSSION:
The City Council approved a professional services agreement with Kendig Keast Collaborative on June 9, 2013 (Resolution No. 2013-0552). The project is scheduled to have four modules, or sections of the new Ordinance. Module 1 was received on December 20, 2013 with public input meetings held on January 8, 2014. Module 2 was received on March 7, 2014 with public input meetings to be held on March 25, 2014 at 9:00 A.M. and 10:00 A.M. in the Gleeson Room of the Downtown Library.

At this mid-point in the Zoning and Sign Ordinance Rewrite, the project consultant, Bret Kendig, would like to give a status report and work to date update to the City Council. The draft Module 1 and Module 2 can be found on the Zoning and Sign Ordinance website at http://online.encode-360.com/regs/siouxcity/.

FINANCIAL IMPACT:
N/A

RELATIONSHIP TO STRATEGIC PLAN:
Focus Area: Expand Development Opportunities and Grow Sioux City.
#3 Grow a vibrant and balanced economy.

ALTERNATIVES:
None.

ATTACHMENTS:
None.