



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

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

You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held June 8, 2015, 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.

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1. Call of the roll - Silent prayer and Pledge of Allegiance to the Flag - Proclamations
  2. Interviews for City Council appointed Boards, Commissions and Committees:
    - A. Airport Board of Trustees - Grady Marx and Michael Stiles
    - B. Events Facilities Advisory Board - Tim Seaman
    - C. Historic Preservation Commission - Charles (Mark) Custer
    - D. Human Rights Commission - Wesley Whitehead

### **CONSENT AGENDA**

**Items 3 through 12D constitute a Consent Agenda. Items pass unanimously unless a separate roll call vote is requested by a Council Member.**

3. Reading of the City Council minutes of June 1 ([Closed](#) and [Regular](#)), 2015.
4. [BOA - Motion acknowledging Board of Adjustment actions of May 26, 2015.](#)
5. **ACTIONS ADOPTING CONSTRUCTION DOCUMENTS**
  - A. [ANNUAL RESURFACING - Resolution adopting plans, specifications and form of contract for the proposed construction of the 2015 Annual Resurfacing Project.](#)

- B. MILWAUKEE RAIL ROAD - Resolution adopting plans, specifications and form of contract for the proposed construction of the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97.
- C. MILWAUKEE RAIL ROAD - Resolution adopting plans, specifications and form of contract for the proposed construction of the Milwaukee Rail Road Utility Project.

6. ACTIONS RELATING TO BONDS

- A. SERIES 2015A - Resolution directing sale of \$23,500,000 (subject to adjustment per terms of offering) General Obligation Bonds, Series 2015A.
- B. SERIES 2015B - Resolution directing sale of \$5,145,000 (subject to adjustment per terms of offering) Taxable General Obligation Bonds, Series 2015B.
- C. SERIES 2015A - Resolution authorizing and providing for the issuance of \$\_\_\_\_\_ General Obligation Bonds, Series 2015A, and levying a tax to pay said bonds; approval of the tax exemption certificate, and continuing disclosure certificate.
- D. SERIES 2015B - Resolution authorizing and providing for the issuance of \$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B, and levying a tax to pay said bonds; and approval of the continuing disclosure certificate.

7. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

- A. WESTERN WATERPROOFING - Resolution approving Change Order No. 1 to the contract with Western Waterproofing Company of America in the amount of \$33,050.88 for additional ceiling repair in connection with the River's Landing Parking Facility 2015 Repairs Project.
- B. IDOT - Resolution approving an agreement with the Iowa Department of Transportation for the use of Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2015, 2016, and 2017 construction seasons.
- C. IDOT - Resolution approving an agreement with the Iowa Department of Transportation for the use of Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2016 and 2017 construction seasons.
- D. IDOT - Resolution approving Agreement No. 2015-16-249 with the Iowa Department of Transportation for the I-29 Sanitary Sewer Relocation from Floyd Boulevard to Perry Creek Lift Station Project and authorizing payment. (IDOT Project No. IM-NHS-029-6(258)147--03-97)
- E. RML ARCHITECTS - Resolution awarding a Consulting Services Agreement to RML Architects LLC for architectural services for Tuck-pointing and Exterior Repairs on City Hall, Fire Station No. 6, Long Lines Family Recreation Center and the Sioux City Convention Center in an amount not to exceed \$40,000 plus reimbursables.

- F. HR GREEN - Resolution awarding a Consulting Services Agreement to HR Green, Inc. for design of the Sioux City Police Station Lift Station Replacement Project in an amount not to exceed \$26,690 plus reimbursables.
- G. HR GREEN - Resolution approving a Consulting Services Agreement with HR Green, Inc. for design and construction administration/observation of the Ravine Park Watershed Upland BMP's and In-Stream Construction Project in an amount not to exceed \$169,800.
- H. SIOUX CITY ENGINEERING - Resolution awarding and approving a contract to Sioux City Engineering Company of Sioux City, Iowa in the amount of \$1,507,408.85 for the Glenn Avenue Reconstruction Project from South Martha Street to South Cecelia Street, Iowa DOT Project Number STP-U-7057(689)--70-97.

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 (Northern Valley Commercial Development (Northern Valley Associates, LLC) and Warehouse/Distribution Facility Land Purchase).
- 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 (Sunnybrook Shopping Center Development and Donner Warehouse Development).

9. TOTAL CHECKS - Approve total checks issued for the reporting period of May 2015, in the total amount of \$9,880,129.05.

10. APPLICATIONS FOR CIGARETTE, TOBACCO, NICOTINE, VAPOR PERMITS

A. OVER-THE-COUNTER

- 1. Whispering Creek Golf Club, 6500 Whispering Creek Drive (Renewal)
- 2. Greenville Pharmacy, 2705 Correctionville Road (Renewal)
- 3. Central Mart, 1000 Morningside Avenue (Renewal)
- 4. Central Mart, 2501 Floyd Boulevard (Renewal)
- 5. Bill's Auto Parts, 3905 Transit Avenue (Renewal)
- 6. International Market and Spanish Services, 607 Pearl Street (Renewal)
- 7. Sam's Mini Mart, 711 Gordon Drive (Renewal)

11. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. CLASS "B" BEER PERMIT

- 1. Jackson Street Brewing, 607 5th Street (New)

B. CLASS "C" BEER PERMIT

- 1. Select Mart, 2825 Gordon Drive (Renewal)
- 2. Kum & Go, 2026 Riverside Boulevard (Renewal)
- 3. Get Funky Gifts, 4273 Sergeant Road (New)

C. CLASS "B" LIQUOR LICENSE

- 1. HGI/Bevs On The River, 1110 Larsen Park Road (Renewal)

D. CLASS "C" LIQUOR LICENSE

1. Paxton Street Tavern, 2110 South Paxton Street (Renewal)
2. Court Street Tap, 2106 Court Street (Renewal)
3. Buffalo Alice, 1020 - 1022 4th Street (Renewal)
4. Bergie's Bar, 201 4th Street (Renewal)
5. Work & Church, 215 4th Street (06/18/15-06/19/15 Temporary Outdoor)
6. Work & Church, 215 4th Street (07/11/15-07/12/15 Temporary Outdoor)
7. Work & Church, 215 4th Street (07/14/15-07/15/15 Temporary Outdoor)
8. Work & Church, 215 4th Street (07/17/15-07/18/15 Temporary Outdoor)
9. Work & Church, 215 4th Street (07/22/15-07/23/15 Temporary Outdoor)
10. Paxton Street Tavern, 2110 South Paxton Street (06/19/15-06/20/15 Temporary Outdoor)
11. Paxton Street Tavern, 2110 South Paxton Street (06/21/15 Temporary Outdoor)
12. Paxton Street Tavern, 2110 South Paxton Street (06/26/15-06/28/15 Temporary Outdoor)
13. Paxton Street Tavern, 2110 South Paxton Street (07/03/15-07/05/15 Temporary Outdoor)
14. Paxton Street Tavern, 2110 South Paxton Street (07/10/15-07/12/15 Temporary Outdoor)
15. Paxton Street Tavern, 2110 South Paxton Street (07/17/15-07/19/15 Temporary Outdoor)
16. Paxton Street Tavern, 2110 South Paxton Street (07/31/15-08/02/15 Temporary Outdoor)
17. Paxton Street Tavern, 2110 South Paxton Street (09/04/15-09/07/15 Temporary Outdoor)
18. The Diving Elk, 1101 4th Street (06/19/15-06/21/15 Temporary Outdoor: Awesome Biker Nights)
19. Sioux City Convention Center, 801 4th Street (06/19/15-06/21/15 Temporary Outdoor: Awesome Biker Nights)
20. Tyson Events Center/Long Lines Family Center, 401 Gordon Drive (Box Office Parking Lot) (06/27/15 Temporary Transfer: Camp High Hopes Ribfest)

E. CLASS "E" LIQUOR LICENSE

1. Kum & Go, 2026 Riverside Boulevard (Renewal)
2. Select Mart, 2825 Gordon Drive (Renewal)

F. SPECIAL CLASS "C" LIQUOR LICENSE

1. Tony's Pizza & Pub, 1917 Pierce Street (Renewal)

G. CLASS "B" WINE PERMIT

1. Kum & Go, 2026 Riverside Boulevard (Renewal)
2. Select Mart, 2825 Gordon Drive (Renewal)

H. CLASS "B" NATIVE WINE PERMIT

1. Get Funky Gifts, 4273 Sergeant Road (New)

12. RECEIPT OF BOARD, COMMISSION AND COMMITTEE MINUTES:

- A. Library Board of Trustees - May 20, 2015
- B. Parking and Skywalk System Board of Trustees - May 20, 2015
- C. Parks and Recreation Advisory Board - May 5, 2015
- D. Transit System Advisory Board - May 20, 2015

- End of Consent Agenda -

## **HEARINGS**

13. Hearing and Resolution accepting the proposal of RAG Realty LLP for the purchase of certain land in the Combined Central Sioux City -CBD Urban Renewal Area and authorizing sale of said property. (Vacated north/south alley abutting 1005 4th Street)

## **ORDINANCES**

14. Ordinance amending Chapter 13.08 entitled "Sanitary Sewer Rates" of the Sioux City Municipal Code to provide for a fee increase for septic waste haulers.

## **RECOMMENDATIONS OF PLANNING AND ZONING**

15. Hearing and Ordinance amending several chapters of Title 25 of the Sioux City Municipal Code entitled "Zoning and Sign Code" for the purpose of creating consistency throughout the Municipal Code, to enable clearer interpretation, to correct scrivener's errors and propose changes to address requirements to better align the Municipal Code with the desired development standards in Sioux City. (Petitioner: City of Sioux City) The Planning and Zoning Commission recommends approval of this item. (File No. 2015-0032)
16. Hearing and Ordinance vacating the east/west alley adjacent to 1008 North Irene Street. (Petitioner: Tony Courey) The Planning and Zoning Commission recommends approval of this item. (File No. 2015-0030)

## **DISCUSSION**

17. Resolution accepting the work and authorizing final payment to Lan-Tel Communication Services, Inc. for the Downtown Traffic Control System Rehabilitation - Fiber Network and Traffic Signal Cabinets Project in connection with a judgment rendered in Case Number LACV 151360, Barger Construction, Inc. vs. Lan-Tel Communications Services, Inc. and City of Sioux City.
18. Resolution approving an Agreement to Terminate Development Agreement with Semper Floyd, LLC for property known as Lot 1 of Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa.
19. Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Northern Valley Associates, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (Lot 1 of Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa)

## 20. **CITIZEN CONCERNS**

## 21. **COUNCIL CONCERNS**

## 22. **ADJOURNMENT**

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*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.*

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 2

**FROM:** Lisa L. McCardle, City Clerk  
Sarah Swearingen, Deputy City Clerk

**SUBJECT:** Interviews for City Council appointed Boards, Commissions and Committees:  
**Airport Board of Trustees - Grady Marx and Michael Stiles**  
**Events Facilities Advisory Board - Tim Seaman**  
**Historic Preservation Commission - Charles (Mark) Custer**  
**Human Rights Commission - Wesley Whitead**

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

**RECOMMENDATION:**

Staff respectfully requests that Council interview the above applicants for the applicable Board, Commission or Committee.

**DISCUSSION:**

**Grady Marx** is applying for a position on the **Airport Board of Trustees**; there will be 2 positions vacant on the Board as of June 30, 2015. Mr. Marx has previously served on the Airport Board of Trustees from 07/01/10 - 05/17/13.

**Michael Stiles** is reapplying for a position on the **Airport Board of Trustees**; there will be 2 positions vacant on the Board as of June 30, 2015. Mr. Stiles has previously served on the Airport Board of Trustees from 07/09/12 - 06/30/15.

Below is a portion of the Vacancy Report pertinent to the Airport Board of Trustees:

<b>Airport Board of Trustees</b>				
<b>**Airport Board of Trustees must be Gender Balanced**</b>				
<b>2 Vacancies:</b>	<b>NAME</b>	<b>Vacancy Information</b>		<b>EXPIRES</b>
	James Palmer	Upcoming Expiration		06/30/15
	Michael Stiles	Upcoming Expiration		06/30/15
<b>7 Members:</b>	<b>NAME</b>	<b>Term (3 Year)</b>	<b>Appointment</b>	<b>Expires</b>
	James Palmer	1st	07/09/12	06/30/15
	Michael Stiles	1st	07/09/12	06/30/15
	Vincent Kramper	1st	07/08/13	06/30/16
	Darrell Jesse	1st	07/08/13	06/30/16
	Rita DeJong	1st	08/11/14	06/30/17
	Noelle Jacobs	1st	09/15/14	06/30/17
	Angie Schneiderman	1st	09/15/14	06/30/17
<b>7 Applications:</b>	<b>NAME</b>	<b>Application Received</b>	<b>Interview date/Notes</b>	<b>App Expires</b>
	Grady Marx	01/14/14	<del>06/23/14</del> 06/08/15	07/14/15
	Brad Lego	04/03/14	<del>07/07/14</del> 05/18/15	10/03/15

	Joseph Kruse	05/14/14	<del>07/14/14</del>	11/14/15
	Craig Posson	07/18/14	<del>08/11/14</del> 06/01/15 Canceled	01/18/16
	Christopher Roan	10/06/14	06/01/15	04/06/16
	James Palmer	05/12/15	05/18/15	11/12/16
	Michael Stiles	05/21/15	06/08/15	11/21/16

**Tim Seaman** is reapplying for a position on the **Events Facilities Advisory Board**; there will be 3 positions vacant on the Board as of June 30, 2015. Mr. Seaman has previously served the following terms on City Council appointed Boards, Commissions and Committees:

*Events Facilities Advisory Board*

1<sup>st</sup> Term - 06/20/94 - 06/30/97  
2<sup>nd</sup> Term - 06/09/97 - 06/30/00

Partial - 07/16/01 - 06/30/02  
1<sup>st</sup> Term - 07/15/02 - 06/30/05  
2<sup>nd</sup> Term - 06/30/05 - 06/30/08

1<sup>st</sup> Term - 08/10/09 - 06/30/12  
2<sup>nd</sup> Term - 07/01/12 - 06/30/15

*Cone Park Committee*

1st Term - 01/07/08 - 12/31/09  
2nd Term - 12/31/09 - 12/31/12

Partial - 05/12/14 - 12/31/15

Below is a portion of the Vacancy Report pertinent to the Events Facilities Advisory Board:

<b>Events Facilities Advisory Board</b>				
<b>3 Vacancies:</b>	<b>NAME</b>	<b>Vacancy Information</b>		<b>EXPIRES</b>
	Kevin Kjeldseth	Upcoming Expiration		06/30/15
	Eric Hoak	Upcoming Expiration		06/30/15
	Tim Seaman	Upcoming Expiration		06/30/15
<b>11 Members:</b>	<b>NAME</b>	<b>TERM (3 Year)</b>	<b>APPOINTMENT</b>	<b>EXPIRES</b>
	Kevin Kjeldseth	3rd	07/23/12	06/30/15
	Eric Hoak	1st	07/23/12	06/30/15
	Tim Seaman	2nd	07/23/12	06/30/15
	Irving Jensen, Jr	4th	07/08/13	06/30/16
	Bruce Miller	4th	07/08/13	06/30/16
	Robert Sabel	2nd	07/08/13	06/30/16
	Miles Patton Jr	Partial	12/23/13	06/30/16
	Zena Berenstein	3rd	07/07/14	06/30/17
	Dave Madsen	1st	07/07/14	06/30/17
	John Meyers	3rd	07/14/14	06/30/17
	Earl Miller	1st	09/15/14	06/30/17
<b>4 Applications:</b>	<b>NAME</b>	<b>Application Received</b>	<b>Interview date/Notes</b>	<b>App Expires</b>
	Tom Padgett	02/06/15	06/01/15	08/06/16
	Kevin Kjeldseth	05/07/15	06/01/15	11/07/16
	Eric Hoak	05/26/15	06/01/15	11/26/16
	Tim Seaman	05/27/15	06/08/15	11/27/16

**Charles (Mark) Custer** is reapplying for a position on the **Historic Preservation Commission**; there will be 3 positions vacant on the Commission as of June 30, 2015. Mr. Custer has previously served on the Historic Preservation Commission from 07/09/12 - 06/30/15.

Below is a portion of the Vacancy Report pertinent to the Historic Preservation Commission:

<b>Historic Preservation Commission</b>				
<b>3 Vacancies:</b>	<b>NAME</b>	<b>Vacancy Information</b>		<b>EXPIRES</b>
	Toi Sullivan	Upcoming Expiration		06/30/15
	Robert R. Coacher	Upcoming Expiration		06/30/15
	Charles (Mark) Custer	Upcoming Expiration		06/30/15
<b>9 Members:</b>	<b>NAME</b>	<b>TERM (3 Year)</b>	<b>APPOINTMENT</b>	<b>EXPIRES</b>
	Toi Sullivan	1st	07/09/12	06/30/15
	Robert R. Coacher	1st	07/09/12	06/30/15
	Charles (Mark) Custer	1st	07/09/12	06/30/15
	Sara DeAnda	2nd	07/08/13	06/30/16
	Teresa Delfs	1st	07/08/13	06/30/16
	Dale McKinney	1st	07/08/13	06/30/16
	Jim Jung	4th	07/07/14	06/30/17
	Fern Rocklin	2nd	07/07/14	06/30/17
	Adam Fullerton	1st	08/11/14	06/30/17
<b>1 Applications:</b>	<b>NAME</b>	<b>Application Received</b>	<b>Interview date/Notes</b>	<b>App Expires</b>
	Charles (Mark) Custer	05/27/15	06/08/15	11/27/16

**Wesley Whitead** is reapplying for a position on the **Human Rights Commission**; there will be 3 positions vacant on the Commission as of June 30, 2015. Mr. **Whitead** has previously served the following terms on City Council appointed Boards, Commissions and Committees:

*Human Rights Commission*

1<sup>st</sup> Term - 08/06/12 - 06/30/15

*Enterprise Zone Commission*

1<sup>st</sup> Term - 12/31/98 - 12/31/01

2<sup>nd</sup> Term - 02/25/02 - 12/31/04

*Planning and Zoning Commission*

Partial - 08/19/91 - 06/30/93

1<sup>st</sup> Term - 06/30/93 - 06/30/98

2<sup>nd</sup> Term - 06/30/98 - 06/30/03

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

<b>Human Rights Commission</b>				
<b>**Human Rights Commission must be Gender Balanced**</b>				
<b>3 Vacancies:</b>	<b>NAME</b>	<b>Vacancy Information</b>		<b>EXPIRES</b>
	Nancy Furness	Upcoming Expiration		06/30/15
	Wesley Whitead	Upcoming Expiration		06/30/15
	Guy Greene	Upcoming Expiration		06/30/15
<b>11 Members:</b>	<b>NAME</b>	<b>TERM (3 Year)</b>	<b>APPOINTMENT</b>	<b>EXPIRES</b>
	Nancy Furness	1st	08/06/12	06/30/15
	Wesley Whitead	1st	08/06/12	06/30/15
	Guy Greene	2nd	08/06/12	06/30/15



	Scott Raasch	1st	07/08/13	06/30/16
	James Anderson	1st	07/08/13	06/30/16
	Monique Scarlett	3rd	07/08/13	06/30/16
	Tracy Everett	Partial	12/23/13	06/30/16
	Jim Rixner	2nd	08/04/14	06/30/17
	Shirley McLeod	2nd	08/04/14	06/30/17
	Erika Worrell	1st	08/04/14	06/30/17
	Steele Welcher	1st	08/04/14	06/30/17
<b>4 Applications:</b>				
	<b>NAME</b>	<b>Application Received</b>	<b>Interview date/Notes</b>	<b>App Expires</b>
	Michelle Cory	12/19/13	Left message 5/30/14 & 6/13/14	06/19/15
	Jake Jungers	04/21/14	<del>06/09/14</del> 06/01/15	10/21/15
	Michael Bayala	06/30/14	<del>07/14/14</del>	12/30/15
	Wesley Whitead	05/07/15	06/08/15	11/07/16

**FINANCIAL IMPACT:**

None.

**RELATIONSHIP TO STRATEGIC PLAN:**

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

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

**ALTERNATIVES:**

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

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

**ATTACHMENTS:**

Applications



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

Date 1/13/14

BOARD, COMMISSION or COMMITTEE: AIRPORT BOARD OF TRUSTEES

GENDER BALANCE - Effective January 1, 2012, Section 69.16A of the Iowa Code requires gender balance on those City Boards and Commissions required or governed by state law unless the City has made a good faith effort for a period of three months to appoint a qualified person.

GENERAL INFORMATION

Name Grady Marx Phone Residence 712 274 2095

Home Address 1461 158th st Sioux City Ia. 51106

E-Mail Address gm@marxdistribution.com

Employer Marx Distribution Phone Business 712 258 5884

Business Address 2400 3rd st Sioux City Ia. 51101

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

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

Are you a registered voter? Yes No

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

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

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

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

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

Local business owner/operator for past 35+ years, I was very involved in bringing a major Flight school to Sioux City and working with WIT for the campus and many local events over the years

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

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

**INTEREST** - State why you would like to volunteer to serve and what contributions you believe you can make:  
To continue to promote the SUX airport and try to develop more aviation related business in Sioux City

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

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

Name: Curt Miller  
Address: Sioux City Airport  
  
Phone: \_\_\_\_\_

Name: Dr. Grant Shumaker and Sandy Shumaker  
Address: Dakota Dunes  
  
Phone: 712 490 8422

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

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

  
Signature

Date 1/13/14

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



City of Sioux City  
AIRPORT BOARD OF TRUSTEES  
(Administrative Board)

**MISSION STATEMENT**

The Airport Board of Trustees governs the Sioux Gateway Airport. The Board establishes rules, rates and fees, and regulations regarding the Airport's services and facilities; promotes, develops, and encourages civilian, commercial, and military aviation activities; applies for grants; selects a director responsible for daily administration and prepares the annual budget for approval by the City Council.

**MEMBER ROLE**

Airport Board of Trustees members act as advocates for development and sustainment of airport facilities and services. Members participate in public meetings to review financial reports, budgets, and project progress. Members take formal action to approve rates, leases, grant applications, policies and regulations that relate to the operations and security at the airport. Members participate on various committees responsible for specific areas of airport services like marketing, airline recruitment, and ad-hoc committees for specific projects or activities. Members may also participate in travel to visit airline representatives and/or legislative representatives at federal or state levels. Members participate in employee performance evaluation of the Airport Director position and recommend compensation rates. Members may act as representatives at local meetings and activities on behalf of the Airport Board.

**Nominee's Questionnaire**

1. Describe your use of services and facilities at the Sioux Gateway Airport.

Rent a hanger from Sioux City

2. Describe your interest in the Air Industry.

I have been very active in aviation for many yaers

3. Do you have specific ideas for future development and improvements at the Sioux Gateway Airport?

Develope more aviation related business in Sioux City

4. The Airport Board of Trustees is an Administrative Board with significant oversight responsibilities including employment decisions, what do you feel your role will be if appointed?

I have been past vice president of the Airport Board and I can take on any challenge in the interest of the airport

5. Are you able to commit time to the monthly board meetings held every 3rd Tuesday at 7:30 a.m., occasional committee meetings, and travel to various locations to call on airline representatives if needed? (Please provide detail)

Yes as I have in the past with a good attendance record

  
\_\_\_\_\_  
Signature

1/13/14

\_\_\_\_\_  
Date



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

Date May 21, 2015

BOARD, COMMISSION or COMMITTEE: AIRPORT BOARD OF TRUSTEES

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

GENERAL INFORMATION

Name Michael D Stiles Phone Residence 712-253-8050

Home Address 3110 Knollwood Ct - Sioux City, IA 51106
Street City/State Zip

E-Mail Address Michael.Stiles@stlukescollege.edu

Employer St. Luke's College - UnityPoint Health Phone Business 712-279-3148

Business Address 2800 Pierce Street Sioux City, IA 51104
Street City/State Zip Code

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes No How many years have you been a resident? 37

Are you a registered voter? Yes No

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

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

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

Have you previously served on any other City Council appointed Board, Commission or Committee? Yes No If yes list here: Currently serving my first term on the Airport Board.

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

Current Airport Board (Vice Chair), Current SHIP Board (Treasurer), Current Siouxland Chamber of Commerce Government Relations Committee (Past Chair), Current Iowa Association Independent Colleges & Universities Board, Past Church Council (Vice Chair), Past Tri-State Graduate Center Board, Past Ronald McDonald House Board (Chairperson), Past Council on Sexual Assault & Domestic Violence Board, Past Telco-Triad Community Credit Union Board (Chairperson), Past Youth Sports Coach, Past Multiple Sioux City School District Committees

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

None

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

Bachelor and Masters Degrees from the University of Northern Iowa. 38 years of managerial and executive leadership experience.

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

In my first term on the Airport Board I have contributed with regular participation at Board and special committee meetings. I routinely seek clarification of current policies, procedures and strategies and opportunities to strengthen and improve the airport for customers and employees. Like many other sectors the technical nature of airport regulations and nomenclature present a fairly steep learning curve. At the end of this first term I am feeling better equipped and prepared to offer even more to airport governance and leadership in the second term.

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

No known areas for conflict of interest.

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

Name: Jim Malek  
Address: 3716 Woodbine Road  
Sioux City, IA 51106  
Phone: 712-395-0325 (cell)

Name: Lynn Wold  
Address: UnityPoint Health - St. Luke's  
2720 Stone Park Blvd - Sioux City, IA 51104  
Phone: 712-279-3632

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

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

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

/s/ Michael D. Stiles  
Signature

Date May 21, 2015

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



City of Sioux City
AIRPORT BOARD OF TRUSTEES
(Administrative Board)

MISSION STATEMENT

The Airport Board of Trustees governs the Sioux Gateway Airport. The Board establishes rules, rates and fees, and regulations regarding the Airport's services and facilities; promotes, develops, and encourages civilian, commercial, and military aviation activities; applies for grants; selects a director responsible for daily administration and prepares the annual budget for approval by the City Council.

MEMBER ROLE

Airport Board of Trustees members act as advocates for development and sustainment of airport facilities and services. Members participate in public meetings to review financial reports, budgets, and project progress. Members take formal action to approve rates, leases, grant applications, policies and regulations that relate to the operations and security at the airport. Members participate on various committees responsible for specific areas of airport services like marketing, airline recruitment, and ad-hoc committees for specific projects or activities. Members may also participate in travel to visit airline representatives and/or legislative representatives at federal or state levels. Members participate in employee performance evaluation of the Airport Director position and recommend compensation rates. Members may act as representatives at local meetings and activities on behalf of the Airport Board.

Nominee's Questionnaire

1. Describe your use of services and facilities at the Sioux Gateway Airport.

I fly commercially and via private charter episodically in the performance of my duties as Chancellor of St. Luke's College.

2. Describe your interest in the Air Industry.

In my first term I have confirmed my belief that timely and affordable access to commercial and charter air service is an essential element in the economic vitality and economic growth of a city and region. What I've learned in the first term is the importance of general aviation to Sioux City and the region's industrial and general business sector's fulfillment of duties and thereby the economic health of the community.

3. Do you have specific ideas for future development and improvements at the Sioux Gateway Airport?

If appointed, I will continue to work with airport and economic development professional to support additional commercial air service for Sioux Gateway. I am also committed to working with the city to develop revenue generating services and business ventures on current and/or future airport properties. I am currently serving on a planning committee that is addressing the longitudinal needs of the airport for general aviation and for commercial development.

4. The Airport Board of Trustees is an Administrative Board with significant oversight responsibilities including employment decisions, what do you feel your role will be if appointed?

I believe that I have proven in my first term my capabilities as a Board member and Board officer to make meaningful contributions to an Administrative Board. I continue to serve on local non-profit boards. As College Chancellor I also continue to work in harmony with the Board of Directors of St. Luke's College.

5. Are you able to commit time to the monthly board meetings held every 3rd Tuesday at 7:30 a.m., occasional committee meetings, and travel to various locations to call on airline representatives if needed? (Please provide detail)

Yes. My attendance record at such meetings during my first term is best evidence. In my position I can exercise significant influence and control over the scheduling of my work obligations.

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

/s/ Michael D. Stiles
Signature

May 21, 2015
Date



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

CITY OF SIOUX CITY

Date 5-21-15 27 MAY '15 AM 8:16

**BOARD, COMMISSION or COMMITTEE:** EVENTS FACILITIES ADVISORY BOARD

CITY CLERKS OFFICE

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

**GENERAL INFORMATION**

Name TIM SEAMAN Phone Residence 712-274-8769  
Home Address 4910 6<sup>th</sup> AVE SIOUX CITY IA 51106  
Street City/State Zip  
E-Mail Address tseaman@kcautv.com  
Employer KCAU-TV Phone Business 712-224-6772  
Business Address 625 DOUGLAS ST SIOUX CITY IA 51101  
Street City/State Zip Code

**PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:**

Are you a Sioux City resident? Yes  No  How many years have you been a resident? 27  
Are you a registered voter? Yes  No   
Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes  No  (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

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

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

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

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

I HAVE SERVED ON SEVERAL NAIA ORGANIZATIONAL GROUPS AS WELL AS THE ORIGINAL VISION IOWA, TEC ORGANIZING GROUP. CURRENTLY Bd Chair of SC Noon Sentoma. I ALSO SERVE AS Bd MEMBER OF THE MERCY MEDICAL CENTER FOUNDATION.



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

EFAB  
CONE PARK

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

I AM VERY ACTIVE IN CIVIC EVENTS AND MY WORK IN THE TV INDUSTRY KEEPS ME UP TO DATE ON MANY LOCAL PROJECTS OF INTEREST.

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

I HAVE INVESTED MANY YEARS TRYING TO HELP THE EFAB DEVELOPE BETTER FACILITIES AND HAVE A GOOD TRACK RECORD.

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

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

Name: <u>DAVE FERRIS</u>	Name: <u>PENNY GARDN</u>
Address: <u>SIoux CITY</u>	Address: <u>SIoux CITY</u>
Phone: <u>712-223-2065</u>	Phone: <u>712-898-4685</u>

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

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

[Signature] Signature Date 5-21-15

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



City of Sioux City  
**EVENTS FACILITIES ADVISORY BOARD**  
(Advisory Board)

**Mission Statement**

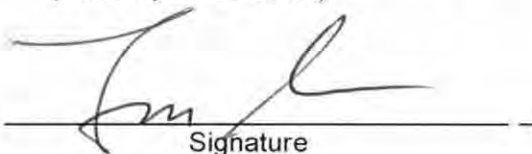
The Event Facilities Advisory Board (EFAB) recommends policies and regulations to the Executive Director and provides general review of EFAB's financial activities; acting as a liaison in assisting to identify new methods of operation, with a special emphasis on marketing Sioux City, food and beverage, parking, box office procedures, maintenance and cleaning techniques; assist the Bureau in identifying markets, assessing market trends, analyzing market competition, exploring marketing strategies and setting program goals.

**MEMBER ROLE**

The Event Facilities Advisory Board makes recommendations on the operation of the Tyson Events Center, the Sioux City Convention Center, Orpheum Theater, IBP Ice Center, and Tourism Bureau in Sioux City in a professional and businesslike manner so as to generate optimum revenues from the facilities while minimizing expenses. The Board's principle goal is to ensure effective operations and keeping the operating subsidy from general tax dollars to the lowest possible amount; at the same time maximize the economic impact of the economy of Sioux City through the use of the facilities.

**Nominee's Questionnaire**

1. Describe your use of the services and events offered by the Event Facilities operations at the Tyson Events Center, Convention Center, Orpheum Theater, IBP Ice Center, and Tourism Bureau. *I HAVE BEEN A PATRON OF ALL OF THE FACILITIES LISTED ABOVE. I HAVE A DEEP KNOWLEDGE OF THESE FACILITIES AS WELL HAVING SERVED ON EFAB.*
2. Have you ever worked in the field of events or entertainment or a similar field? Explain the benefits of your experience.
3. Do you have specific ideas for improvements or future projects for the Event Facilities Advisory Board?  
*YES AND MANY OF THESE IDEAS ARE ALREADY IN USE.*
4. The Event Facilities Advisory Board is advisory in nature, what do you see your role as being if appointed?  
*I TRY TO BE A MEMBER THAT ASKS DIFFICULT QUESTIONS AND PROBES BELOW THE SURFACE OF AN ISSUE.*
5. Are you able to commit time to the monthly board meeting held on the 4th Friday at 12:00 p.m. and an additional monthly sub-committee meeting held during the two weeks prior? (Please provide detail)

  
Signature

*5-21-15*  
Date



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

CITY OF SIOUX CITY

Date May 20, 2015

27 MAY '15 AM 9:18

BOARD, COMMISSION or COMMITTEE: HISTORIC PRESERVATION COMMISSION

CITY CLERKS OFFICE

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

GENERAL INFORMATION

Name Charles "Mark" Custer Phone Residence 712-560-6110

Home Address 2317 Summit St Sioux City, IA 51104
Street City/State Zip

E-Mail Address cmarkcuster@gmail.com

Employer Hard Rock Casino & Hotel Phone Business 712-226-7600

Business Address 111 3rd St. Sioux City, IA 51101
Street City/State Zip Code

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes (checked) No How many years have you been a resident? 6 years

Are you a registered voter? Yes (checked) No

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

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

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

I am applying for a second term with the Historic Preservation Commission.

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

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

Sioux City Historic Preservation Commission, Sioux City Downtown Rotary, Committee member and past Chair of Staff/Parish Relations Committee at the First Methodist Church, Past Executive Director Siouxland Habitat for Humanity, research assistant Sioux City Museum.

**STATE, COUNTY, or MUNICIPAL BOARDS or COMMISSIONS** - List any you are presently serving on:  
Historic Preservation Commission, Sioux City

**SPECIAL QUALIFICATIONS** - Please list any special qualifications for serving on a City Council appointed Board, Commission or Committee including skills, training, licenses and certificates that are applicable:  
Experience with historic research, currently updating the Jackson Street Tour for the commission.

**INTEREST** - State why you would like to volunteer to serve and what contributions you believe you can make:  
I have a deep appreciation for the history of Sioux City and hope to help preservation as much of it as is possibly.

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

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

Name: Jim Jung

Name: Matt Ricke

Address: \_\_\_\_\_

Address: 2315 Summit St

email: jimboj@netzero.net

Sioux City, IA 51104

Phone: \_\_\_\_\_

Phone: 712-223-0023

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

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

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

/s/ Charles M Custer  
Signature

Date 5/20/15

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



**City of Sioux City**  
**HISTORIC PRESERVATION COMMISSION**  
 (Administrative Board)

**MISSION STATEMENT**

The Sioux City Historic Preservation Commission (HPC) members will research current information and partner with local, state and national organizations to advocate and protect Sioux City's historic resources.

**MEMBER ROLE**

The role of an HPC member includes the following activities: Advise the City Council and other groups on preservation issues; Assist businesses, groups, and individuals in preservation efforts; Educate the residents of Sioux City about methods and merits of preservation; Safeguard the City's historic and cultural heritage by preserving sites of significance; and, Identify, protect, and enhance potential historic attractions for tourism and business.

**Nominee's Questionnaire**

1. What is your definition of 'historic preservation'? *To preserve as much of Sioux City's past, as represented in buildings, archives and other materials, as is economically possible.*
  
2. Describe your past or current involvement in historic preservation projects. *I am completing one term on the commission and am currently updating the Jackson street tour for the commission. I also volunteer at the Sioux City Public Museum.*
  
3. Do you have specific ideas for future historic preservation projects in Sioux City? *I am very encouraged by the preservation plan currently being worked on by the commission.*
  
4. The Historic Preservation Commission is an Administrative Board with significant oversight responsibilities, including employment decisions; what do you feel your role will be if appointed? *To evaluate all issues and lend my advise.*
  
5. Are you able to commit time to the monthly meeting held on the 1st Tuesday of the month at 5:15 p.m. and additional time on various projects of the Commission? (Please provide detail) *yes, I am currently serving on the board and working on the Jackson street tour.*

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

IS/ Chloe M. Cox  
 Signature

5/20/15  
 Date



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

Date \_\_\_\_\_

**BOARD, COMMISSION or COMMITTEE:** HUMAN RIGHTS COMMISSION

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

**GENERAL INFORMATION**

Name Wesley Whitead Phone Residence 233 1408

Home Address 2108 ROSEVELT SIoux CITY 51109  
Street City/State Zip

E-Mail Address Wes Whitead@CableOne.net

Employer Sioux City Phone Business \_\_\_\_\_

Business Address ~~Sioux~~ Sioux City 51109  
Street City/State Zip Code

**PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:**

Are you a Sioux City resident? Yes  No  How many years have you been a resident? 82 YR

Are you a registered voter? Yes  No

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

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

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

Have you previously served on any other City Council appointed Board, Commission or Committee? Yes  No  If yes list here: Human Rights Comm Planning & Zoning

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

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

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

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

*I want to make a difference*

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

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

Name: <u>Bob Scott</u>	Name: <u>Dan Moor</u>
Address: <u>Sioux City</u>	Address: <u>Sioux City</u>
Phone: _____	Phone: _____

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

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

Wes Winstead Signature Date 5/10/15

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



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

**MISSION STATEMENT**

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

**MEMBER ROLE**

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

**Nominee's Questionnaire**

1. Do you understand qualifications for appointment to the Human Rights Commission require compliance with the laws protecting the above named classes and that an unwillingness or inability to comply disqualifies your application? Yes  No
2. Describe how you see yourself complying the Human Rights Law.
3. Do you understand qualifications call for a general knowledge of human and civil rights laws and regulations? Yes  No  Please explain your knowledge in these areas.
4. What attracted you to apply for the Human Rights Commission?
5. All agency records including closed sessions (in compliance with the law) relating to clients are confidential, will you observe and maintain this policy of confidentiality? Yes  No
6. Are there any further questions or comments that you wish to express at this time?

Wesley Whitehead  
Signature

5/10/15  
Date



A Closed Session of the City Council was held at 3:30 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Radig and Scott. Absent: None.

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

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

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

Groetken exited closed session at 3:50 p.m.

**Motion by Scott, seconded by Capron, that Council return to open session at 3:51 p.m.; all voting aye.**

#### ADJOURNMENT

**There being no further business, the meeting was adjourned at 3:52 p.m., on motion by Radig, seconded by Moore; all voting aye.**

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

\_\_\_\_\_  
Robert E. Scott, Mayor

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

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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.

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

Taxpayers Research Council President, Jim Johnson, introduced Taylor Goodvin as the new Executive Director.

Jeremy Taylor, Woodbury County Board of Supervisors, presented a resolution to the Council stating the County is proud of the City's efforts on the largest economic development project in Sioux City history; recognized the work completed to become a designated Home Base Iowa Community; and stated they appreciate the City-County cooperation.

2. The Council interviewed the following applicants for positions on their respective City Council appointed Boards, Commissions and Committees: Christopher Roan, Airport Board of Trustees; Eric Hoak, Kevin Kjeldseth and Tom Padgett, Events Facilities Advisory Board; and Suzan Stewart, Planning and Zoning Commission/Board of Adjustment. Craig Posson, Airport Board of Trustees; and Jake Jungers, Human Rights Commission; have canceled their interviews.

### **PRESENTATION**

3. Proposed Veterans Memorial in Sertoma Park. (4229 South Lancelot Lane)

Matt Salvatore, Parks and Recreation Director; and Larry Book, Sertoma Club; provided information on the item. Dennis Dufault, 1519 S Olive St, spoke on the item.

### **CONSENT AGENDA**

**Motion by Scott, seconded by Radig, to adopt the Consent Agenda; all voting aye. Items 4 through 14F are approved unanimously unless specifically noted after the item.**

4. Reading of the City Council minutes of May 18, 2015.

**Reading of the minutes of May 18, 2015, was waived and as part of the consent agenda the minutes were approved as presented.**

5. SIOUX GATEWAY AIRPORT - Resolution adopting plans, specifications and form of contract for the proposed construction of the Rehabilitation of Taxiway F and removal of abandoned Taxiways Project at the Sioux Gateway Airport/Col. Bud Day Field. **2015-0388**
6. 46TH STREET - Resolution approving and accepting an Offer of Sale of Land from Charles E. Cowan and Terry R. Cowan. in consideration of \$48,000 in connection with the Floyd River Flood Control Project and authorizing payment. (A portion of the property commonly known as 4600 46th Street) **2015-0389**

7. ACTIONS RELATING TO FAÇADE IMPROVEMENT PROGRAMS

- A. HISTORIC PEARL DISTRICT - Resolution amending the Historic Pearl District Façade Improvement Program and Design Manual by requiring a mortgage and promissory note which forgives 20% of the total grant each year for five years, providing a definition of the term parcel, and expanding the program boundary. **2015-0390**

Jill Wanderscheid, Neighborhood Services Supervisor, provided information on the item.

- B. WEST 7TH STREET - Resolution amending the West 7th Street Façade Improvement Program by requiring a mortgage and promissory note which forgives 20% of the total grant each year for five years, allowing for additional flexibility with regard to multiple parcels controlled by one owner, and providing a definition of the term parcel. **2015-0391**

8. ACTIONS RELATING TO GRANTS

- A. HUD - Resolution approving and accepting a grant agreement between the City of Sioux City and the Department of Housing and Urban Development for \$13,594 in Continuum of Care Planning Grant funds. **2015-0392**

- B. WALMART FOUNDATION - Resolution authorizing the City of Sioux City Community Development Department to submit a grant application to the Walmart Foundation for Community Grant Program funds in the amount of \$1,500 for National Night Out and authorizing the Mayor to sign a letter authorizing the Community Development Department to access the Walmart Foundation's online grant application system. **2015-0393**

9. ACTIONS RELATING TO STREET CLOSURES

- A. BIKE SUX - Resolution temporarily closing the west lane of northbound Hamilton Boulevard from 2945 Hamilton Boulevard to Stone Park Boulevard, south lane of westbound Stone Park Boulevard from Hamilton Boulevard to Woodland Way and the east lane of southbound Woodland Way from Stone Park Boulevard to the Perry Creek Trail, beginning at 8:00 a.m. and ending at 10:00 a.m. June 6, 2015 for a charity bike ride sponsored by Bike SUX. **2015-0394**

Glenn Ellis, City Engineer, provided information on the item.

- B. STREET DANCE - Resolution temporarily closing the south half of the north/south alley and the west 75 feet of the east half of the east/west alley excluding said alley intersection between 5th Street, Iowa Street, 6th Street and Floyd Boulevard beginning at 5:00 p.m., June 19, 2015, and ending at 2:00 a.m., June 21, 2015, for the Firehouse Bar's Street Dance. **2015-0395**

Angel Wallace, Parks and Recreation Manager, provided information on the item.

- C. AWESOME BIKER NIGHTS - Resolution temporarily closing 4th Street from Jones Street to Floyd Boulevard; Virginia Street from 3rd Street to the east/west alley between 4th Street and 5th Street; Court Street from 3rd Street to 5th Street; Iowa Street from 3rd Street to the east/west alley between 4th Street and 5th Street; Jennings Street from 3rd Street to 4th Street; the 3-foot wide strip of land from Jones Street to Virginia Street north of 4th Street and south of the Convention Center; the north/south alley between Iowa Street and Floyd Boulevard from 3rd Street to 75 feet north of 4th Street; and all business front sidewalks on Historic 4th Street beginning at 12:00 p.m. June 19, 2015, and ending at 12:00 a.m. June 21, 2015; with additional time to 5:00 a.m. on June 21, 2015 to facilitate and promote safe cleanup for the Awesome Biker Nights Fundraiser. **2015-0396**
- D. FRIDAYS ON THE PROMENADE - Resolution temporarily closing Virginia Street from 4th Street south to the entrance of the parking lot adjacent to 1004 4th Street on June 5, June 12, June 26, July 10, July 17 and July 31, 2015 beginning at 12:00 p.m. and ending at 9:00 p.m. for Fridays on the Promenade Summer Concerts. **2015-0397**

10. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

- A. CMILLER CPM - Resolution approving an Independent Contractor Agreement between Curtis Miller d.b.a. CMILLER CPM LLC and the City of Sioux City, Iowa for project management services at the Sioux Gateway Airport/Col. Bud Day Field. **2015-0398**

Amber Hegarty, Assistant City Attorney, provided information on the item.

- B. CAMBRIDGE SYSTEMATICS - Motion authorizing City staff to enter into negotiations with the firm of Cambridge Systematics, Inc. of Chicago, Illinois, to formulate a contract for the planning and design services related to the Sioux City Rail Study - Phase II. **2015-0399**

Jill Wanderscheid, Neighborhood Services Supervisor, provided information on the item.

- C. IDOT - Resolution authorizing execution of the "Agreement for Traffic Safety Improvement Program Funding" Iowa DOT Agreement Number 2016-TS-029, Project Number CS-TSF-7057(691)--85-97 with the Iowa Department of Transportation in connection with the purchase of traffic signal battery backup units. **2015-0400**
- D. IDOT - Resolution authorizing and approving the City of Sioux City's application to the Iowa Department of Transportation FY 2016 Federal Aid Highway/Rail Crossing Safety Program for railroad signal safety improvements at Grant Street also known as Fun Place. (FRA Number 307687X) **2015-0401**

Jill Wanderscheid, Neighborhood Services Supervisor, provided information on the item.

- E. LINES & STRIPES - Resolution awarding and approving a contract to Lines & Stripes of Sioux City, Iowa, in the amount of \$46,010 for sandblasting and painting 430 hydrants around the City. (Bid No. 222380) **2015-0402**

Tim Higgins, Utilities Superintendent, provided information on the item.

- F. HR GREEN - Resolution approving Amendment No. 1 to the Consulting Services Agreement with HR Green, Inc. to add Gatewell No. 17 into the developed model for the Leeds Area Gatewell Nos. 3 and 4 in connection with the Leeds Area Watershed Interior Drainage Analysis Project in an amount not to exceed \$6,320. **2015-0403**
- G. CLOVERLEAF COLD STORAGE - Resolution authorizing and approving a Parking License Agreement with Cloverleaf Cold Storage Co. (Current Address: 2800 Cloverleaf Court, Future Development Address: 401 Douglas Street) **2015-0404**

11. ACTIONS AUTHORIZING THE ISSUANCE OF CHECKS

- A. WORKER'S COMP - Resolution approving settlement of worker's compensation claims and authorizing payment thereof. (Randy Watterson) **2015-0405**
- B. TORT CLAIM - Resolution approving settlement of a tort claim and authorizing payment thereof. (Nguyen) **2015-0406**
- C. MARK ALBENESIUS INC. - Resolution accepting the work and authorizing final payment to Mark Albenesius Inc. of South Sioux City, Nebraska, for the Evergreen Lane Repair Project. (South Cypress Street west to cul-de-sac) **2015-0407**

12. APPLICATIONS FOR CIGARETTE, TOBACCO, NICOTINE, VAPOR PERMITS

- A. OVER-THE-COUNTER
  - 1. Madhouse Vapor, 3221 Gordon Drive (Renewal)
  - 2. K Mart, 5700 Gordon Drive (Renewal)
  - 3. Everything Smoking, 1411 Pierce Street (Renewal)
  - 4. Live, Laugh & Shop, 4400 Sergeant Road No. 500 (Renewal)
  - 5. Hy-Vee Mainstreet, 2611 Pierce Street (Renewal)
  - 6. Hy-Vee Food Store, 2827 Hamilton Boulevard (Renewal)
  - 7. Hy-Vee Gas, 2801 Hamilton Boulevard (Renewal)
  - 8. Hy-Vee Food Store, 4500 Sergeant Road (Renewal)
  - 9. Hy-Vee Gas, 4450 Sergeant Road (Renewal)
  - 10. Hy-Vee Food Store, 3301 Gordon Drive (Renewal)
  - 11. Hy-Vee Gas, 3333 Gordon Drive (Renewal)
  - 12. Fareway, 4267 Sergeant Road (Renewal)
  - 13. Fareway, 4016 Indian Hills Drive (Renewal)
  - 14. Fareway, 4040 War Eagle Drive (Renewal)
  - 15. Whispering Creek Golf Club, 6500 Whispering Creek Drive (New)

13. APPLICATIONS FOR BEER AND LIQUOR LICENSES

- A. CLASS "C" BEER PERMIT
  - 1. Pilot Travel Center, 2815 Singing Hills Boulevard (Renewal)
- B. CLASS "C" LIQUOR LICENSE
  - 1. El Bon Club, 820 Nebraska Street (Renewal)
  - 2. Steinbeck's Pub, 3929 Floyd Boulevard  
(06/13/15-06/14/15 Temporary Outdoor: Leeds Days)
  - 3. McCarthy & Bailey's, 421 Pearl Street  
(06/06/15-06/07/15 Temporary Outdoor: AmeriCan Party)
  - 4. Holy Trinity Greek Orthodox Church, 900 6th Street  
(06/10/15-06/15/15 New 5 Day: GreekFest)

5. Firehouse Bar, 1211 5th Street (06/19/15-06/21/15 Temporary Outdoor: Street Dance)
6. Sioux City Convention Center, Virginia Street side of 1004 4th Street west stopping at Promenade Cinema entrance 924 4th Street (06/12/15 Temporary Transfer: Fridays On The Promenade)
7. Tyson Events Center/Long Lines Family Center, Virginia Street side of 1004 4th Street west stopping at Promenade Cinema entrance 924 4th Street (06/05/15 Temporary Transfer: Fridays On The Promenade)
8. Tyson Events Center/Long Lines Family Center, Virginia Street side of 1004 4th Street west stopping at Promenade Cinema entrance 924 4th Street (06/26/15 Temporary Transfer: Fridays On The Promenade)
9. Tom Foolery's, 1008 4th Street (06/19/15-06/20/15 Temporary Outdoor: Awesome Biker Nights)
10. Ichiban Japanese Steakhouse & Sushi, 4567 Southern Hills Drive (New)
11. Paxton Street Tavern, 2110 South Paxton Street (06/05/15-06/07/15 Temporary Outdoor)
12. Ickey Nickel, 4700 41st Street (New)
13. The Dirty Dime, 4700 41st Street (06/12/15-12/12/15 New 6 Month)

14. RECEIPT OF BOARD, COMMISSION AND COMMITTEE MINUTES:

- A. Airport Board of Trustees - April 9, 2015
- B. Board of Adjustment - April 14 and 28, 2015
- C. Events Facilities Advisory Board - March 27 and April 24, 2015
- D. Mayor's Youth Commission - April 6, 2015
- E. Planning and Zoning Commission - April 14 and 28, 2015
- F. Woodbury County Information and Communication Commission - April 8, 2015

*- End of Consent Agenda -*

**HEARINGS**

15. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for construction of the Sioux City Museum Building Property Inc. Façade Renovation Project. (607 4th Street) **2015-0408**

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

16. Hearing and Resolution accepting the proposal of D. A. Davis Co., Inc. for the sale of land in the Donner Park Urban Renewal Area and authorizing a Development Agreement. (Property located at 4815 Lincoln Way) **(Motion requested to defer this item to June 15, 2015)**

Chris Myres, Economic Development Specialist, provided information on the item.

**Motion by Scott, seconded by Radig, to continue the hearing and defer action on the item until June 22, 2015; all voting aye.**

17. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for construction of the Cunningham Drive Reconstruction Project from the Old Floyd Channel to South Lewis Boulevard. **2015-0409**

Jade Dundas, Assistant City Manager/Public Works; and Glenn Ellis, City Engineer; provided information on the item.

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

18. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for construction of the Ravine Park Improvements Project. **2015-0410**

Jade Dundas, Assistant City Manager/Public Works, provided information on the item.

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

19. Hearing and Resolution approving plans, specifications form of contract and estimated costs for the Elevation of Wellheads on Riverfront Project. (Well 6) **2015-0411**

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

## **DISCUSSION**

20. Resolution authorizing execution of the United States Department of Transportation Grant Agreement under the Consolidated Appropriations Act, 2014 for the National Infrastructure Investments Discretionary Grant Program (FY 2014 TIGER Discretionary Grants) FHWA FY 2014 TIGER Planning Grant Number P-5, Project Number HDP-7057(685)--71-97 with the Iowa Department of Transportation in connection with the 18th Street Viaduct Planning Project. **2015-0412**

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

21. Resolution authorizing City staff to enter into negotiations with JEO Consulting Group, Inc. of Lincoln, Nebraska, for final engineering design of the 18th Street Viaduct Project. (Project No. HDP-7057(685)--71-97) **2015-0413**

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

## 22. CITIZEN CONCERNS

None.

## 23. COUNCIL CONCERNS

Groetken spoke about the Swimming Pool Committee, stating the first meeting was held on Friday, May 29th; Riverside Pool opens for the summer season on Saturday, June 6th and Leif, Lewis, Leeds and Cook open Monday, June 8th; and mentioned lifeguards and public attendance are needed.

Groetken mentioned an article in the Sioux City Journal about the NAIA National Softball Tournament and wanted to thank the City for their participation with a special thank you to Morningside College and Corey Westra for organizing the event. Padmore thanked Security National Bank and Morningside College for their donations to make the tournament free.

Capron stated people were really impressed with the NAIA Softball Tournament and asked about the placement of the traffic light from Gordon Drive onto Nebraska Street. Dundas will contact the Iowa DOT for feedback. Capron also asked the status of campgrounds in Sioux City. Padmore will have staff look into this. Capron thanked Moore for his participation in the recent donut eating contest with proceeds benefiting the Boys and Girls Home.

Moore spoke about a letter he had received regarding trees coming out of the hillside at Stone Park Blvd and 36th St. Dundas provided information regarding this concern stating he and Bach can meet with the citizen.

Council talked about getting ready for RAGBRAI and the need for housing and shower trailers. Padmore stated a test run of the route was held on Saturday, May 30th.

Radig asked about the zoning change for a vineyard at Myrtle St and West 15th St, stating it was changed back to a residential zoning. Radig feels if current board members are always re-appointed, new applicants will be discouraged from applying.

Council spoke about future Swimming Pool Committee meetings, the posting requirements and stated the next meeting will be held June 6th at 12:00 p.m. at the Long Lines Family Rec Center.

Scott stated the World War I Ceremony at Graceland Cemetery was a nice event and thanked everyone involved.

#### 24. ADJOURNMENT

**There being no further business, the meeting was adjourned at 5:28 p.m., on motion by Scott, seconded by Moore; all voting aye.**

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

\_\_\_\_\_  
Robert E. Scott, Mayor

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



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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 4

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

**SUBJECT:** Motion acknowledging Board of Adjustment actions of May 26, 2015.

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

**RECOMMENDATION:**

Staff respectfully requests the City Council approve a motion acknowledging the Board of Adjustment actions of May 26, 2015.

Board of Adjustment:

Agenda Item 2015-0031: Requested conditional use permit pursuant to Section 25.94.030(14) for the property at 522 W. 3<sup>rd</sup> Street. (Petitioner: Joseph Smith)

Stewart (O'Neill) moved to approve this item with the condition that the hours of operation are from 6:00 a.m. to 11:00 p.m. and no alcohol sales.

Motion Carried. 5-1-0 (Yes: Ross, Krage, Calligan, Stewart, O'Neill / No: Beukelman / Abstained: 0)

**DISCUSSION:**

Requested conditional use permit for the property located at 522 W. 3<sup>rd</sup> Street pursuant to Section 25.94.030(14) of the 1976 Zoning Code to operate a commercial use in a residential zone. Enforcement on the property began prior to the effective date of the current zoning code, March 28, 2015. The petitioner proposes to have a restaurant within the existing building which is zoned for residential use. A conditional use permit to operate a convenience store was approved for the property in 2008.

**FINANCIAL IMPACT:**

N/A

**RELATIONSHIP TO STRATEGIC PLAN:**

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

**ALTERNATIVES:**

None.

**ATTACHMENTS:**

None.

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

## CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 5A

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Justin Pottorff, Civil Engineer

**SUBJECT:** Resolution adopting plans, specifications and form of contract for the proposed construction of the 2015 Annual Resurfacing Project.

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

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**RECOMMENDATION:**

Staff respectfully requests Council adopt plans and specifications for the 2015 Annual Resurfacing Project.

**DISCUSSION:**

The City Engineering Division has completed plans and specifications for the 2015 Annual Resurfacing Project. This project includes various sections of curb and gutter, persons with disabilities accessible sidewalks, inlet reconstruction, and asphalt resurfacing. The project locations are as follows:

1. **7th Street** : From Water Street to Pearl Street
2. **South Cleveland Street** : From Glenn Avenue to Seger Avenue
3. **Seger Avenue** : From South Saint Aubin Street to the cul-de-sac east of South Cleveland Street
4. **Sunnybrook Drive** : From South Lakeport Street to South Oleander Street
5. **11th Street** : From Douglas Street to Pierce Street.
6. **Hornick Avenue** : From Nash Street to Riverside Boulevard
7. **Hornick Avenue** : From Bryan Street to Boies Street
8. **West 5th Street** : From Fawcett Street to Judd Street
9. **West 32nd Street** : From Rebecca Street to Myrtle Street
10. **11th Street**: From Clark Street to Division Street
11. **Pierce Street** : From 3rd Street to 6th Street
12. **Sergeant Road** : From Lincoln Way to South Saint Aubin
13. **7th Street** : From Division Street to Lewis Boulevard.
14. **Green Avenue** : From Mulberry Street to Correctionville Road

Staff is ready to advertise the Notice of Public Hearing and Notice to Bidders on June 13, 2015 and June 20, 2015. A public hearing will be held on June 22, 2015. Bids will be received on June 23, 2015. This project has a completion date of October 30, 2015.

**FINANCIAL IMPACT:**

This project is funded using transfers in Water Funds, Sewer Funds, Sales Tax Infrastructure, and GO Bonds under CIP 719-121 "Annual Resurfacing/Panel Patch/Curb and Gutter". The Engineers opinion of probably construction cost for the work is \$950,000.00. The project currently has an available balance of \$1,679,219.89.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibilities – Infrastructure  
Strategic Focus Area –Grow Sioux City

**ALTERNATIVES:**

Council may request changes to the project documents or schedule.

**ATTACHMENTS:**

Resolution  
Public Notice

**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION ADOPTING PLANS, SPECIFICATIONS AND FORM OF  
CONTRACT FOR THE PROPOSED CONSTRUCTION OF THE 2015 ANNUAL  
RESURFACING PROJECT.

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa to construct the 2015 Annual Resurfacing Project, in Sioux City, Iowa; and

WHEREAS, the City Engineering Division have 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 the City Engineering Division, and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the 2015 Annual Resurfacing Project, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 o'clock P.M., Local Time, June 22, 2015, in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, be, and the same is hereby fixed as the time and place for a public hearing on the same as required by law, at which hearing any interested person may appear and file objections to the proposed plans, specifications, form of contract and estimated cost in the amount of \$950,827.60 for said improvements.
- B. The bids will be received by the City Clerk of the City of Sioux City, Iowa, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City until 1:00 o'clock P.M., Local Time, June 23, 2015 for the proposed construction of said improvements.
- C. The time of 1:00 o'clock P.M., Local Time, June 23, 2015, 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: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COSTS FOR THE CONSTRUCTION OF THE 2015 ANNUAL RESURFACING PROJECT, IN SIOUX CITY, IOWA, AND TAKING BIDS THEREON.

A public hearing will be held before the Sioux City City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on June 22, 2015 commencing at 4:00 P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of costs in the amount of \$950,827.60 (the construction documents) for the 2015 Annual Resurfacing Project 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, June 23, 2015, for the construction of the project, as described in the construction documents. The work involved is the replacement of curb and gutter, replacement of sidewalks, and asphalt resurfacing in various locations of town.

Bids received will be opened and tabulated at a public meeting, presided over by a City Engineer, in the 4th Floor Clock Tower Conference Room in the Public Works Department, Room 409, City Hall, at 1:00 P.M., Local Time, on June 23, 2015. Thereafter, bids will be acted upon by the City Council at such time and place as may be fixed.

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

Failure to submit a fully completed Bidder Status Form and Worksheet with the bid may result in the bid being deemed nonresponsive and rejected.

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 begin upon receipt of the Notice to Proceed and be fully completed by October 30, 2015.

Specifications for this project shall be the 2015 version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the 2015 City of Sioux City Supplement.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public. The documents are also available for viewing by the public, or sub-contractors, or suppliers, on the City's Engineering website, under the Projects Out to Bid tab (<https://sioux-city.org/engineering>). Construction documents for private use, or potential prime contractors may be obtained from the Engineering Division, City Hall, upon deposit of fif-

teen dollars (\$15) for each set. The deposit will be returned to depositor if the construction documents are returned in good condition within fourteen (14) days from date of award. **Contractors intending to bid as the prime contractor must obtain a hard copy of the plans, specifications and form of contract from the Engineering Division. Failure to obtain a hard copy may result in the bid being deemed nonresponsive and rejected.**

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

Publish in the Sioux City Journal June 13, 2015 and June 20, 2015.

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 5B

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Ricky J. Mach, Water Plant Superintendent

**SUBJECT:** Resolution adopting plans, specifications and form of contract for the proposed construction of the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97.

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

**RECOMMENDATION:**

Staff respectfully requests Council adopt plans and specifications for the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97.

**DISCUSSION:**

On January 11, 2010, City Council approved Resolution Number 2010-0019 accepting a grant in the amount of \$477,142.00 from the Iowa Department of Transportation Statewide Enhancement Program for the restoration and the rehabilitation to the back four existing buildings at the Milwaukee Railroad Shops Historic District Phase V. The City has agreements with the Siouxland Historic Railroad Association and the Iowa Department of Transportation. No City funds are invested in this project; however, staff time will need to be committed to administer the project and distribute the funding and paperwork as the local governmental host agency.

RML Architects has completed plans and specifications for the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97. This project includes historic restoration and rehabilitation of four existing buildings located at the Milwaukee Rail Road Shops Historic District.

Staff is ready to advertise the Notice of Public Hearing and Notice to Bidders on June 13, 2015 and June 20, 2015. A pre-bid meeting will be held on June 16, 2015. A public hearing will be held on June 22, 2015. Bids will be received on June 23, 2015. This project has a completion date of March 31, 2016.

**FINANCIAL IMPACT:**

This project is funded using CIP # 663-168 "Milwaukee Rail Road Shops Historic District Restoration" with funds from the Iowa Department of Transportation Enhancement Grant and Siouxland Historic Rail Road Association. The Engineer's opinion of probably construction cost for the work is \$783,860.00. The project currently has an available balance of \$3,130,701.63.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Council may request changes to the project documents or schedule.

**ATTACHMENTS:**

Resolution

Public Notice



**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION ADOPTING PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE PROPOSED CONSTRUCTION OF THE MILWAUKEE RAIL ROAD SHOPS HISTORIC DISTRICT PHASE V PROJECT STP-ES-7057(665)--81-97.

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa to construct the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97, in Sioux City, Iowa; and

WHEREAS, RML Architects of Sioux City, Iowa have 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 RML Architects, and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 o'clock P.M., Local Time, June 22, 2015, in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, be, and the same is hereby fixed as the time and place for a public hearing on the same as required by law, at which hearing any interested person may appear and file objections to the proposed plans, specifications, form of contract and estimated cost in the amount of \$783,860.00 for said improvements.
- B. The bids will be received by the City Clerk of the City of Sioux City, Iowa, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City until 1:00 o'clock P.M., Local Time, June 23, 2015 for the proposed construction of said improvements.
- C. The time of 1:00 o'clock P.M., Local Time, June 23, 2015, 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: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COSTS FOR THE CONSTRUCTION OF THE MILWAUKEE RAIL ROAD SHOPS HISTORIC DISTRICT PHASE V PROJECT STP-ES-7057(665)--81-97, IN SIOUX CITY, IOWA, AND TAKING BIDS THEREON.

A public hearing will be held before the Sioux City City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on June 22, 2015 commencing at 4:00 P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of costs in the amount of \$783,860.00 (the construction documents) for the construction of the Milwaukee Rail Road Shops Historic District Phase V Project STP-ES-7057(665)--81-97 in Sioux City, Iowa (the project). 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, June 22, 2015, for the construction of the project, as described in the construction documents. The work involved is the historic restoration and rehabilitation of four existing buildings located at the Milwaukee Rail Road Shops Historic District.

Bids received will be opened and tabulated at a public meeting, presided over by a City Engineer, in the 4th Floor Clock Tower Conference Room in the Public Works Department, Room 409, City Hall, at 1:00 P.M., Local Time, on June 23, 2015. Thereafter, bids will be acted upon by the City Council at such time and place as may be fixed.

A pre bid meeting will be held at the Siouxland Historical Railroad site, 3400 Sioux River Road (Hwy 12 No.), Sioux City, IA., at 10:30 A.M., on Tuesday June 16, 2015. All interested Contractors and Subcontractors are invited to attend. State and Federal requirements for this project will be discussed.

Each bid must be made on a form furnished by the Iowa Department of Transportation 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.

Failure to submit a fully completed Bidder Status Form and Worksheet with the bid may result in the bid being deemed nonresponsive and rejected.

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.

A Disadvantaged Business Enterprise (DBE) goal of Zero Percent (0%) of the Base Contract Sum has been established for this project.

Any bidder or equipment supplier whose firm or affiliate is listed in the GSA publication "List of parties Excluded from Federal procurement and Non-procurement Programs" will be prohibited

from the bidding process. Anyone submitting a bid who is listed in this publication will be determined to be a non-responsive bidder in accordance with 40 CFR Part 31.

A contractor's Suspension/Debarment Certification is included in these Contract Documents; however, this certification shall not preclude any interested party from ascertaining whether the certifying person is actually on the "List of parties Excluded from Federal Procurement and Non-procurement Programs."

The work on this project shall begin upon receipt of the Notice to Proceed and be fully completed by March 31, 2016.

References to SUDAS specifications for this project shall be the current version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the current version of the City of Sioux City Supplement.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public. The documents are also available for viewing by the public, or sub-contractors, or suppliers, on the City's Engineering website, under the Projects Out to Bid tab (<https://sioux-city.org/engineering>). Construction documents for private use or potential prime contractors may be obtained from the office of the Architect, RML Architects, LLC, 922 Douglas Street, Sioux City, Iowa, upon deposit of one hundred dollars (\$100.00) for each set. Documents are circulated only as a complete set, partial sets are not available. The deposit will be returned to depositor if the construction documents are returned in good condition within fourteen (14) days from date of award. **Contractors intending to bid as the prime contractor must obtain a hard copy of the plans, specifications and form of contract from RML Architects, LLC., 922 Douglas Street, Sioux City, Iowa. Failure to obtain a hard copy may result in the bid being deemed nonresponsive and rejected.**

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

Publish in the Sioux City Journal June 13, 2015 and June 20, 2015.

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 5C

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Brett Langley, Civil Engineer

**SUBJECT:** Resolution adopting plans, specifications and form of contract for the proposed construction of the Milwaukee Rail Road Utility Project.

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

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**RECOMMENDATION:**

Staff respectfully requests Council adopt plans and specifications for the Milwaukee Rail Road Utility Project.

**DISCUSSION:**

The City Engineering Division has completed plans and specifications for the Milwaukee Rail Road Utility Project. This project includes extending water and sanitary sewer underneath the rail road tracks northeast from Home Street to the edge of the Milwaukee Rail Road Museum property. Permits have been approved by the Iowa Department of Natural Resources (IDNR) and Burlington Northern Sante Fe Rail Road (BNSF) for construction underneath the BNSF rail road right-of-way.

Staff is ready to advertise the Notice of Public Hearing and Notice to Bidders on June 13, 2015 and June 20, 2015. A public hearing will be held on June 22, 2015. Bids will be received on June 23, 2015. This project has a completion date of August 7, 2015.

**FINANCIAL IMPACT:**

This project is fully funded using City funds with a transfer in water and sewer funds under CIP 663-168 "Milwaukee Railroad Shops Historic District. The Engineer's opinion of probable construction cost for the work is \$86,310.00. The project currently has an available balance of \$3,130,701.63.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Council may request changes to the project documents or schedule.

**ATTACHMENTS:**

Resolution  
Public Notice

**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION ADOPTING PLANS, SPECIFICATIONS AND FORM OF  
CONTRACT FOR THE PROPOSED CONSTRUCTION OF THE MILWAUKEE  
RAIL ROAD UTILITY PROJECT.

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa to construct the Milwaukee Rail Road Utility Project, in Sioux City, Iowa; and

WHEREAS, the City Engineering Division 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 the City Engineering Division, and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the Milwaukee Rail Road Utility Project, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 o'clock P.M., Local Time, June 22, 2015, in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, be, and the same is hereby fixed as the time and place for a public hearing on the same as required by law, at which hearing any interested person may appear and file objections to the proposed plans, specifications, form of contract and estimated cost in the amount of \$86,310.00 for said improvements.
- B. The bids will be received by the City Clerk of the City of Sioux City, Iowa, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City until 1:00 o'clock P.M., Local Time, June 23, 2015 for the proposed construction of said improvements.
- C. The time of 1:00 o'clock P.M., Local Time, June 23, 2015, 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: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COSTS FOR THE CONSTRUCTION OF THE MILWAUKEE RAIL ROAD UTILITY PROJECT, IN SIOUX CITY, IOWA, AND TAKING BIDS THEREON.

A public hearing will be held before the Sioux City City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on June 22, 2015 commencing at 4:00 P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of costs in the amount of \$86,310.00 (the construction documents) for the construction of the Milwaukee Rail Road Utility Project in Sioux City, Iowa (the project). 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, June 23, 2015, for the construction of the project, as described in the construction documents. The work involved is extending sewer and water service to the Milwaukee Rail Road Museum right-of-way line.

Bids received will be opened and tabulated at a public meeting, presided over by a City Engineer, in the 4th Floor Clock Tower Conference Room in the Public Works Department, Room 409, City Hall, at 1:00 P.M., Local Time, on June 23, 2015. Thereafter, bids will be acted upon by the City Council at such time and place as may be fixed.

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

Failure to submit a fully completed Bidder Status Form and Worksheet with the bid may result in the bid being deemed nonresponsive and rejected.

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 begin upon receipt of the Notice to Proceed and be fully completed by August 7, 2015.

Specifications for this project shall be the 2015 version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the 2015 City of Sioux City Supplement.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public. The documents are also available for viewing by the public, or sub-contractors, or suppliers, on the City's Engineering website, under the Projects Out to Bid tab (<https://sioux-city.org/engineering>). Construction documents for private use, or potential prime contractors may be obtained from the Engineering Division, City Hall, upon deposit of fif-

teen dollars (\$15) for each set. The deposit will be returned to depositor if the construction documents are returned in good condition within fourteen (14) days from date of award. **Contractors intending to bid as the prime contractor must obtain a hard copy of the plans, specifications and form of contract from the Engineering Division. Failure to obtain a hard copy may result in the bid being deemed nonresponsive and rejected.**

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

Publish in the Sioux City Journal June 13, 2015 and June 20, 2015.

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 6 A-D

**FROM:** Amy Walker, Treasurer

**Resolution directing sale of \$23,500,000 (subject to adjustment per terms of offering) General Obligation Bonds, Series 2015A**

**Resolution directing sale of \$5,145,000 (subject to adjustment per terms of offering) Taxable General Obligation Bonds, Series 2015B**

**SUBJECT:** Resolution authorizing and providing for the issuance of \$\_\_\_\_\_ General Obligation Bonds, Series 2015A, and levying a tax to pay said bonds; approval of the tax exemption certificate, and continuing disclosure certificate

Resolution authorizing and providing for the issuance of \$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B, and levying a tax to pay said bonds; and approval of the continuing disclosure certificate

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

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**RECOMMENDATION:**

Staff respectfully requests Council approve the Resolutions on the Agenda relating to the issuance of General Obligation Bonds, Series 2015A and Series 2015B.

**DISCUSSION:**

Bids will be received the morning of Monday, June 8, 2015. The bids will be opened and the results will be confirmed and verified. Result of Sales reports will be prepared and delivered to the Council with an appropriate recommendation. Resolution documents and related attachments will be adjusted to reflect the actual par amount of bonds issued.

In order to finalize the issuance process and prepare for the bond closing these Resolutions were prepared by the City's Bond Counsel.

**FINANCIAL IMPACT:**

The FY 2016 CIP proposes multiple projects financed by Series 2015A and Series 2015B.

**RELATIONSHIP TO STRATEGIC PLAN:**

Relates to Progressive Leadership Vision, PL-4 Formalize policies which result in sound financial practices.



**ALTERNATIVES:**

To not proceed with the sale of General Obligation Bonds to fund the City's FY 2016 CIP Program.

**ATTACHMENTS:**

Resolutions directing the sale of Bonds  
Resolutions authorizing the issuance of Bonds  
Tax Exemption Certificate  
Continuing Disclosure Certificates

## ITEMS TO INCLUDE ON AGENDA

### CITY OF SIOUX CITY, IOWA

\$23,500,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2015A

- Receipt of bids.
- Resolution directing sale.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

June 8, 2015

The City Treasurer of the City of Sioux City, State of Iowa, met at City Hall, 405 - 6th Street, Sioux City, Iowa, at 10:30 A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the Bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 4:00 P.M. on the above date.

The following persons were present:

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\* \* \* \* \*

This being the time and place for the opening of bids for the sale of \$23,500,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2015A, the meeting was opened for the receipt of bids for the Bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Treasurer then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.
3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: \_\_\_\_\_

True Interest Rate (as-bid): \_\_\_\_\_%

Net Interest Cost (as-bid): \$ \_\_\_\_\_

In consultation with Piper Jaffray & Co., the City considered the adjustment of the aggregate principal amount of the Bonds and each scheduled maturity thereof in accordance with the Terms of Offering and the following actions were taken:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

All bids were then referred to the Council for action.

June 8, 2015

The City Council of the City of Sioux City, State of Iowa, met in open session, in the Council Chambers, City Hall, 405 - 6th Street, Sioux City, Iowa, at 4:00 P.M., on the above date. There were present Mayor Robert E. Scott, in the chair, and the following named Council Members:

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Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$23,500,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2015A," and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$23,500,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2015A

WHEREAS, bids have been received for the Bonds described as follows and the best bid received (with permitted adjustments, if any) is determined to be the following:

\$23,500,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2015A

Bidder: \_\_\_\_\_ of \_\_\_\_\_

The terms of award:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

True Interest Rate: \_\_\_\_\_%

Net Interest Cost: \$ \_\_\_\_\_

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

Section 1. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded as described above.

Section 2. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the Bonds heretofore given and all acts of the Clerk done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned City Clerk of the City of Sioux City, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the 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 public hearing 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 the 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 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 vacancy existed except as may be stated in the 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 the Council hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Lisa L. McCardle, City Clerk,  
City of Sioux City, State of Iowa

(SEAL)



## ITEMS TO INCLUDE ON AGENDA

### CITY OF SIOUX CITY, IOWA

\$5,145,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds, Series 2015B

- Receipt of bids.
- Resolution directing sale.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

June 8, 2015

The City Treasurer of the City of Sioux City, State of Iowa, met at City Hall, 405 - 6th Street, Sioux City, Iowa, at 10:30 A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the Bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 4:00 P.M. on the above date.

The following persons were present:

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\* \* \* \* \*

This being the time and place for the opening of bids for the sale of \$5,145,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds, Series 2015B, the meeting was opened for the receipt of bids for the Bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Treasurer then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.
3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: \_\_\_\_\_

True Interest Rate (as-bid): \_\_\_\_\_%

Net Interest Cost (as-bid): \$ \_\_\_\_\_

In consultation with Piper Jaffray & Co., the City considered the adjustment of the aggregate principal amount of the Bonds and each scheduled maturity thereof in accordance with the Terms of Offering and the following actions were taken:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

All bids were then referred to the Council for action.

June 8, 2015

The City Council of the City of Sioux City, State of Iowa, met in open session, in the Council Chambers, City Hall, 405 - 6th Street, Sioux City, Iowa, at 4:00 P.M., on the above date. There were present Mayor Robert E. Scott, in the chair, and the following named Council Members:

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Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$5,145,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2015B," and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$5,145,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2015B

WHEREAS, bids have been received for the Bonds described as follows and the best bid received (with permitted adjustments, if any) is determined to be the following:

\$5,145,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2015B

Bidder: \_\_\_\_\_ of \_\_\_\_\_

The terms of award:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

True Interest Rate: \_\_\_\_\_%

Net Interest Cost: \$ \_\_\_\_\_

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

Section 4. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded as described above.

Section 5. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 6. That the notice of the sale of the Bonds heretofore given and all acts of the Clerk done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned City Clerk of the City of Sioux City, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the 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 public hearing 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 the 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 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 vacancy existed except as may be stated in the 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 the Council hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Lisa L. McCardle, City Clerk,  
City of Sioux City, State of Iowa

(SEAL)

01113248-1\111114-181

**ITEMS TO INCLUDE ON AGENDA**

**CITY OF SIOUX CITY, IOWA**

\$\_\_\_\_\_ General Obligation Bonds, Series 2015A

- Resolution authorizing the issuance, and levying a tax to pay the Bonds; Approval of the Tax Exemption Certificate, and Continuing Disclosure Certificate.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.



June 8, 2015

The City Council of the City of Sioux City, State of Iowa, met in open session, in the Council Chambers, City Hall, 405 - 6th Street, Sioux City, Iowa, at 4:00 P.M., on the above date. There were present Mayor Robert E. Scott, in the chair, and the following named Council Members:

\_\_\_\_\_  
\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$\_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2015A, AND LEVYING A TAX TO PAY SAID BONDS, APPROVAL OF THE TAX EXEMPTION CERTIFICATE, AND CONTINUING DISCLOSURE CERTIFICATE" and moved that it be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared said Resolution duly adopted as follows:

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$\_\_\_\_\_ GENERAL OBLIGATION BONDS, SERIES 2015A, AND LEVYING A TAX TO PAY SAID BONDS; APPROVAL OF THE TAX EXEMPTION CERTIFICATE, AND CONTINUING DISCLOSURE CERTIFICATE

WHEREAS, the Issuer is duly incorporated, organized and exists under and by virtue of the laws and Constitution of the State of Iowa; and

WHEREAS, the Issuer is in need of funds to pay costs of improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with rehabilitation and improvement of parks already owned, including facilities, equipment, signage, and improvements commonly found in City parks; trail and sidewalk improvements; construction, reconstruction, relocation, extension, improvement and equipping of sanitary sewers and facilities, storm sewers and other drainage facilities; improvements for the collection of surface waters, streams, and flood mitigation; waterworks improvements, including water main, tower and storage improvements; construction, reconstruction and repair of improvements to the City-owned cemetery grounds, infrastructure and facilities; construction, reconstruction and repairing of street, intersection, streetscape, alley and median improvements; reconstruction, improvement and repair of bridges and railroad crossings; construction of improvements and acquisition of equipment at the Sioux Gateway Airport, including replacement and or refurbishment of the airports paved and unpaved surfaces, electrical systems, buildings and the airfield specific equipment; and equipping the street, sewer and water departments, essential corporate purpose(s), and it is deemed necessary and advisable that General Obligation Bonds, to the amount of not to exceed \$17,500,000 be issued for said purpose(s); and

WHEREAS, pursuant to notice published as required by Section 384.25 of said Code, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Police Department, and Long Lines Family Recreational Center; reconstruction, repair, replacement, and acquisition costs associated with the City's parking enterprise, general corporate purpose(s), and it is deemed necessary and advisable that General Obligation Bonds, to the amount of not to exceed \$1,000,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and

WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of Bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with annual pool improvements; WCICC Information Services equipment upgrades, hardware replacements, related improvements and software; acquisition and implementation of integrated library system; and improvements and equipping the Field Services Facility, general corporate purpose(s), and it is deemed necessary and advisable that General Obligation Bonds, to the amount of not to exceed \$1,000,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and

WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said bonds for such purpose(s); and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with acquisition of data processing upgrades and technology improvements, including annual fiber optic improvements; and construction, improvement and equipping a city fueling island at Central Maintenance Garage, general corporate purpose(s), and it is deemed necessary and advisable that General Obligation Bonds, to the amount of not to exceed \$1,000,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and

WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of Bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, the Issuer is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with Riverfront Recreation Upgrades (CBD), water main upgrades (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD), essential corporate purpose project(s), and it is deemed necessary and advisable that the City issue General Obligation Bonds, for such purpose(s) to the amount of not to exceed \$8,700,000 as authorized by Sections 384.25 and 403.12 of the Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24 (3)(q), 384.25, and 403.12 this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and no petition having been filed, it is the decision of the Council that additional action be taken for the issuance of said Bonds for such purpose(s), and that such action is considered to be in the best interests of the City and the residents thereof; and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, it is hereby found and determined that the various general obligation Bonds authorized as hereinabove described shall be combined for the purpose of issuance in a single issue of \$\_\_\_\_\_ General Obligation Bonds as hereinafter set forth; and

WHEREAS, pursuant to the provisions of Chapter 75 of the Code of Iowa, the above mentioned Bonds were heretofore sold at public sale and action should now be taken to issue said Bonds conforming to the terms and conditions of the best bid received at the advertised public sale.

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

**Section 7. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:**

- "Authorized Denominations" shall mean \$5,000 or any integral multiple thereof.
- "Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant or such person's subrogee.
- "Blanket Issuer Letter of Representations" shall mean the Representation Letter from the Issuer to DTC, with respect to the Bonds.
- "Bond Fund" shall mean the fund created in Section 3 of this Resolution.
- "Bonds" shall mean \$\_\_\_\_\_ General Obligation Bonds, Series 2015A, authorized to be issued by this Resolution.
- "Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

- "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate approved under the terms of this Resolution and to be executed by the Issuer and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

- "Depository Bonds " shall mean the Bonds as issued in the form of one global certificate for each maturity, registered in the Registration Books maintained by the Registrar in the name of DTC or its nominee.

- "DTC" shall mean The Depository Trust Company, New York, New York, which will act as security depository for the Bond pursuant to the Representation Letter.

- "Issuer" and "City" shall mean the City of Sioux City, State of Iowa.

- "Participants" shall mean those broker-dealers, banks and other financial institutions for which DTC holds Bonds as securities depository.

- "Paying Agent" shall mean the City Treasurer, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Bonds as the same shall become due.

- "Project" shall mean the costs of improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with rehabilitation and improvement of parks already owned, including facilities, equipment, signage, and improvements commonly found in City parks; trail and sidewalk improvements; construction, reconstruction, relocation, extension, improvement and equipping of sanitary sewers and facilities, storm sewers and other drainage facilities; improvements for the collection of surface waters, streams, and flood mitigation; waterworks improvements, including water main, tower and storage improvements; construction, reconstruction and repair of improvements to the City-owned cemetery grounds, infrastructure and facilities; construction, reconstruction and repairing of street, intersection, streetscape, alley and median improvements; reconstruction, improvement and repair of bridges and railroad crossings; construction of improvements and acquisition of equipment at the Sioux Gateway Airport, including replacement and or refurbishment of the airports paved and unpaved surfaces, electrical systems, buildings and the airfield specific equipment; and equipping the street, sewer and water departments; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Police Department, and Long Lines Family Recreational Center; reconstruction, repair, replacement, and acquisition costs associated with the City's parking enterprise; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with annual pool improvements; WCICC Information Services equipment upgrades, hardware replacements, related improvements and software; acquisition and implementation of integrated library system; and improvements and equipping the Field Services Facility; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with acquisition of data processing upgrades and technology improvements, including annual fiber optic improvements; and construction, improvement and equipping a city fueling island at Central Maintenance Garage; and aiding in the planning, undertaking and carrying out of urban renewal projects under the

authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with Riverfront Recreation Upgrades (CBD), water main upgrades (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD).

- "Project Fund" shall mean the fund required to be established by this Resolution for the deposit of the proceeds of the Bonds.
- "Rebate Fund" shall mean the fund so defined in and established pursuant to the Tax Exemption Certificate.
- "Registrar" shall mean the City Treasurer of Sioux City, Iowa, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Bonds. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Bonds.
- "Resolution" shall mean this resolution authorizing the Bonds.
- "Tax Exemption Certificate" shall mean the Tax Exemption Certificate approved under the terms of this Resolution and to be executed by the Treasurer and delivered at the time of issuance and delivery of the Bonds.
- "Treasurer" shall mean the City Treasurer or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Bonds issued hereunder.

**Section 8. Levy and Certification of Annual Tax; Other Funds to be Used.**

a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal and interest of the Bonds hereinafter authorized to be issued, there is hereby levied for each future year the following direct annual tax on all of the taxable property in Sioux City, Iowa, to-wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$ _____ *	2015/2016
\$ _____	2016/2017
\$ _____	2017/2018
\$ _____	2018/2019
\$ _____	2019/2020
\$ _____	2020/2021
\$ _____	2021/2022
\$ _____	2022/2023
\$ _____	2023/2024
\$ _____	2024/2025

\*A levy has been included in the budget previously certified and will be used together with available City funds to pay the principal and interest of the Bond coming due in 2015/2016.

(NOTE: For example the levy to be made and certified against the taxable valuations of January 1, 2014 will be collected during the fiscal year commencing July 1, 2015.)

b) Resolution to be Filed With County Auditor. A certified copy of this Resolution should be filed with the County Auditor of Woodbury County, State of Iowa, and said Auditor is hereby instructed in and for each of the years as provided, to levy and assess the tax hereby authorized in Section 2 of this Resolution, in like manner as other taxes are levied and assessed, and such taxes so levied in and for each of the years aforesaid be collected in like manner as other taxes of the City are collected, and when collected be used for the purpose of paying principal and interest on said Bonds issued in anticipation of said tax, and for no other purpose whatsoever.

c) Additional City Funds Available. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the City available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

**Section 9. Bond Fund.** Said taxes shall be collected each year at the same time and in the same manner as, and in addition to, all other taxes in and for the City, and when collected they shall be converted into a special fund within the Debt Service Fund to be known as the "GENERAL OBLIGATION BOND FUND 2015 NO. 1" (the "Bond Fund"), which is hereby pledged for and shall be used only for the payment of the principal of and interest on the Bonds hereinafter authorized to be issued; and also there shall be apportioned to said fund its proportion of taxes received by the City from property that is centrally assessed by the State of Iowa.

**Section 10. Application of Bond Proceeds.** Proceeds of the Bonds, other than accrued interest except as may be provided below, shall be credited to the Project Fund and expended therefrom for the purposes of issuance. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Bonds at any time that other funds shall be insufficient to the purpose, in which event such funds shall be repaid to the Project Fund at the earliest opportunity. Any balance on hand in the Project Fund and not immediately required for its purposes may be invested not inconsistent with limitations provided by law or this Resolution.

Proceeds invested shall mature before the date on which the moneys are required for the Project. Accrued interest, if any, shall be deposited in the Bond Fund.

**Section 11. Investment of Bond Fund Proceeds.** All moneys held in the Bond Fund, provided for by Section 3 of this Resolution shall be invested in investments permitted by Chapter 12B, Code of Iowa, 2015, as amended, or deposited in financial institutions which are members of the Federal Deposit Insurance Corporation and the deposits in which are insured thereby and all such deposits exceeding the maximum amount insured from time to time by FDIC or its equivalent successor in any one financial institution shall be continuously secured in compliance with Chapter 12C of the Code of Iowa, 2015, as amended, or otherwise by a valid pledge of direct obligations of the United States Government having an equivalent market value. All such interim investments shall mature before the date on which the moneys are required for payment of principal of or interest on the Bonds as herein provided.

**Section 12. Bond Details, Execution and Redemption.**

a) Bond Details. General Obligation Bonds of the City in the amount of \$ \_\_\_\_\_, shall be issued pursuant to the provisions of Sections 384.25, 384.26, 384.28 and 403.12 of the Code of Iowa for the aforesaid purposes. The Bonds shall be designated "GENERAL OBLIGATION BOND, SERIES 2015A", be dated June 29, 2015, and bear interest from the date thereof, until payment thereof, at the office of the Paying Agent, said interest payable on December 1, 2015, and semiannually thereafter on the 1st day of June and December in each year until maturity at the rates hereinafter provided.

The Bonds shall be executed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the Clerk, and impressed or printed with the seal of the City and shall be fully registered as to both principal and interest as provided in this Resolution; principal, interest and premium, if any, shall be payable at the office of the Paying Agent by mailing of a check to the registered owner of the Bond. The Bonds shall be in the denomination of \$5,000 or multiples thereof. The Bonds shall mature and bear interest as follows:

Principal Amount	Interest Rate	Maturity June 1 <sup>st</sup>
\$ _____	_____ %	2016
\$ _____	_____ %	2017
\$ _____	_____ %	2018
\$ _____	_____ %	2019
\$ _____	_____ %	2020
\$ _____	_____ %	2021
\$ _____	_____ %	2022
\$ _____	_____ %	2023
\$ _____	_____ %	2024
\$ _____	_____ %	2025

\*Term Bonds

b) Redemption.

i. Optional Redemption. Bonds maturing after June 1, 2020, may be called for optional redemption by the Issuer on that date or any date thereafter, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Bond. Failure to give written notice to any registered owner of the Bonds or any defect therein shall not affect the validity of any proceedings for the redemption of the Bonds. All Bonds or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If less than all of a maturity is called for redemption, the Issuer will notify DTC of the particular amount of such maturity to be redeemed prior to maturity. DTC will determine by lot the amount of each Participant's interest in such maturity to be redeemed and each Participant will then select by lot the beneficial



ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

ii. Mandatory Payment and Redemption of Term Bonds. All Term Bonds are subject to mandatory redemption prior to maturity at a price equal to 100% of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

	Term Bond # _____	
Principal Amount	Interest Rate	Maturity June 1st

\*Final Maturity

The principal amount of Term Bonds may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Bonds credited against future mandatory redemption requirements for such Term Bonds in such order as the City shall determine.

**Section 13. Issuance of Bonds in Book-Entry Form; Replacement Bonds.**

a) Notwithstanding the other provisions of this Resolution regarding registration, ownership, transfer, payment and exchange of the Bonds, unless the Issuer determines to permit the exchange of Depository Bonds for Bonds in Authorized Denominations, the Bonds shall be issued as Depository Bonds in denominations of the entire principal amount of each maturity of Bonds (or, if a portion of said principal amount is prepaid, said principal amount less the prepaid amount). The Bonds must be registered in the name of Cede & Co., as nominee for DTC. Payment of semiannual interest for any Bonds registered in the name of Cede & Co. will be made by wire transfer or New York Clearing House or equivalent next day funds to the account of Cede & Co. on the interest payment date for the Bonds at the address indicated or in the Representation Letter.

b) The Bonds will be initially issued in the form of separate single authenticated fully registered bonds in the amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of the Bonds will be registered in the registry books of the City Treasurer kept by the Paying Agent and Registrar in the name of Cede & Co., as nominee of DTC. The Paying Agent and Registrar and the Issuer may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions to be redeemed, giving any notice permitted or required to be given to registered owners of Bonds under the Resolution of the Issuer, registering the transfer of Bonds, obtaining any consent or other action to be taken by registered owners of the Bonds and for other purposes. The Paying Agent, Registrar and the Issuer have no responsibility or obligation to any Participant or Beneficial Owner of the Bonds under or through DTC with respect to the accuracy of records maintained by DTC or any Participant; with respect to the payment by DTC or Participant of an amount of principal or redemption price of or interest on the Bonds; with respect to any notice given to owners of Bonds under the Resolution; with respect to the Participant(s) selected to receive payment in the event of a partial redemption of the Bonds, or a consent given or other

action taken by DTC as registered owner of the Bonds. The Paying Agent and Registrar shall pay all principal of and premium, if any, and interest on the Bonds only to Cede & Co. in accordance with the Representation Letter, and all payments are valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum paid. DTC must receive an authenticated Bond for each separate stated maturity evidencing the obligation of the Issuer to make payments of principal of and premium, if any, and interest. Upon delivery by DTC to the Paying Agent and Registrar of written notice that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to the new nominee in accordance with this Section.

c) In the event the Issuer determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds certificates, the Issuer may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the Participants, of the availability through DTC of Bonds certificates. The Bonds will be transferable in accordance with this Section. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Paying Agent and Registrar and discharging its responsibilities under applicable law. In this event, the Bonds will be transferable in accordance with this Section.

d) Notwithstanding any other provision of the Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on the Bond and all notices must be made and given, respectively to DTC as provided in the Representation letter.

e) In connection with any notice or other communication to be provided to Bondholders by the Issuer or the Paying Agent and Registrar with respect to a consent or other action to be taken by Bondholders, the Issuer or the Paying Agent and Registrar, as the case may be, shall establish a record date for the consent or other action and give DTC notice of the record date not less than 15 calendar days in advance of the record date to the extent possible. Notice to DTC must be given only when DTC is the sole Bondholder.

f) The Representation Letter is on file with DTC and sets forth certain matters with respect to, among other things, notices, consents and approvals by Bondholders and payments on the Bonds. The execution and delivery of the Representation Letter to DTC by the Issuer is ratified and confirmed.

g) In the event that a transfer or exchange of the Bonds is permitted under this Section, the transfer or exchange may be accomplished upon receipt by the Registrar from the registered owners of the Bonds to be transferred or exchanged and appropriate instruments of transfer. In the event Bond certificates are issued to holders other than Cede & Co., its successor as nominee for DTC as holder of all the Bonds, or other securities depository as holder of all the Bonds, the provisions of the Resolution apply to, among other things, the printing of certificates and the method or payment of principal of and interest on the certificates. Any substitute depository shall be designated in writing by the Issuer to the Paying Agent. Any such substitute depository shall be a qualified and registered "clearing agency" as provided in Section 17A of the Securities Exchange Act of 1934, as amended. The substitute depository shall provide for (i) immobilization of the Depository Bonds, (ii) registration and transfer of interests in Depository Bonds by book entries made on records of the depository or its nominee and (iii) payment of prin-

cipal of, premium, if any, and interest on the Bonds in accordance with and as such interests may appear with respect to such book entries.

h) The officers of the Issuer are authorized and directed to prepare and furnish to the purchaser, and to the attorneys approving the legality of Bonds, certified copies of proceedings, ordinances, resolutions and records and all certificates and affidavits and other instruments as may be required to evidence the legality and marketability of the Bonds, and all certified copies, certificates, affidavits and other instruments constitute representations of the Issuer as to the correctness of all stated or recited facts.

**Section 14. Registration of Bonds; Appointment of Registrar; Transfer; Ownership; Delivery; and Cancellation.**

a) Registration. The ownership of Bonds may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Bonds, and in no other way. The City Treasurer is hereby appointed as Bond Registrar under the terms of this Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the Bonds for the payment of principal of and interest on the Bonds as provided in this Resolution. All Bonds shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 384.31 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Bonds and in this Resolution.

b) Transfer. The ownership of any Bond may be transferred only upon the Registration Books kept for the registration and transfer of Bonds and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Bond (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Bond, a new fully registered Bond, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmaturing and unredeemed principal amount of such transferred fully registered Bond, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.

c) Registration of Transferred Bonds. In all cases of the transfer of the Bonds, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Bonds, in accordance with the provisions of this Resolution.

d) Ownership. As to any Bond, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bonds and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

e) Cancellation. All Bonds which have been redeemed shall not be reissued but shall be cancelled by the Registrar. All Bonds which are cancelled by the Registrar shall be destroyed and a certificate of the destruction thereof shall be furnished promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the cancelled Bonds to the Issuer.

f) Non-Presentation of Bonds. In the event any payment check representing payment of principal or interest on the Bonds is returned to the Paying Agent or if any bond is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal or interest on Bonds shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Bonds shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Bonds who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Bonds. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent, shall surrender any remaining funds so held to the Issuer, whereupon any claim under this Resolution by the Owners of such interest or Bonds of whatever nature shall be made upon the Issuer.

g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one bond for each annual maturity. The Registrar shall furnish additional Bonds in lesser denominations (but not less than the minimum denomination) to an owner who so requests.

**Section 15. Reissuance of Mutilated, Destroyed, Stolen or Lost Bonds**. In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver a new Bond of like tenor and amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond to Registrar, upon surrender of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the Registrar and Issuer with satisfactory indemnity and complying with such other reasonable regulations as the Issuer or its agent may prescribe and paying such expenses as the Issuer may incur in connection therewith.

**Section 16. Record Date**. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Bond, shall be made to the registered holder thereof or to their designated agent as the same appear on the books of the Registrar on the 15th day of the month preceding the payment date. All such payments shall fully discharge the obligations of the Issuer in respect of such Bonds to the extent of the payments so made. Payment of principal shall only be made upon surrender of the Bond to the Paying Agent.

**Section 17. Execution, Authentication and Delivery of the Bonds**. Upon the adoption of this Resolution, the Mayor and Clerk shall execute and deliver the Bonds to the Registrar, who shall authenticate the Bonds and deliver the same to or upon order of the Purchaser. No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless the Registrar shall duly endorse and execute on

such Bond a Certificate of Authentication substantially in the form of the Certificate herein set forth. Such Certificate upon any Bond executed on behalf of the Issuer shall be conclusive evidence that the Bond so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

**Section 18. Right to Name Substitute Paying Agent or Registrar.** Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered bondholder.

**Section 19. Form of Bond.** Bonds shall be printed substantially in the form as follows:

"STATE OF IOWA"  
"COUNTY OF WOODBURY"  
"CITY OF SIOUX CITY"  
"GENERAL OBLIGATION BOND"  
"SERIES 2015A"  
"CORPORATE PURPOSES"

Rate: \_\_\_\_\_  
Maturity: \_\_\_\_\_  
Bond Date: June 29, 2015  
CUSIP No.: \_\_\_\_\_  
"Registered"  
Certificate No. \_\_\_\_\_  
Principal Amount: \$ \_\_\_\_\_

The City of Sioux City, State of Iowa, a municipal corporation organized and existing under and by virtue of the Constitution and laws of the State of Iowa (the "Issuer"), for value received, promises to pay from the source and as hereinafter provided, on the maturity date indicated above, to

(Registration panel to be completed by Registrar or Printer with name of Registered Owner).

or registered assigns, the principal sum of (enter principal amount in long form) THOUSAND DOLLARS in lawful money of the United States of America, on the maturity date shown above, only upon presentation and surrender hereof at the office of the City Treasurer, Paying Agent of this issue, or its successor, with interest on the sum from the date hereof until paid at the rate per annum specified above, payable on December 1, 2015, and semiannually thereafter on the 1st day of June and December in each year.

Interest and principal shall be paid to the registered holder of the Bond as shown on the records of ownership maintained by the Registrar as of the 15th day of the month preceding such interest payment date. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

This Bond is issued pursuant to the provisions of Section 384.25, 384.26, 384.28 and 403.12 of the Code of Iowa, for the purpose of paying costs of improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with rehabilitation and improvement of parks already owned, including facilities, equipment, signage, and improvements commonly found in City parks; trail and sidewalk improvements; construction, reconstruction, relocation, extension, improvement and equipping of sanitary sewers and facilities, storm sewers and other drainage facilities; improvements for the collection of surface waters, streams, and flood mitigation; waterworks improvements, including water main, tower and storage improvements; construction, reconstruction and repair of improvements to the City-owned cemetery grounds, infrastructure and facilities; construction, reconstruction and repairing of street, intersection, streetscape, alley and median improvements; reconstruction, improvement and repair of bridges and railroad crossings; construction of improvements and acquisition of equipment at the Sioux Gateway Airport, including replacement and or refurbishment of the airports paved and unpaved surfaces, electrical systems, buildings and the airfield specific equipment; and equipping the street, sewer and water departments; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improve-

ment and equipping various City facilities including the Police Department, and Long Lines Family Recreational Center; reconstruction, repair, replacement, and acquisition costs associated with the City's parking enterprise; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with annual pool improvements; WCICC Information Services equipment upgrades, hardware replacements, related improvements and software; acquisition and implementation of integrated library system; and improvements and equipping the Field Services Facility; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with acquisition of data processing upgrades and technology improvements, including annual fiber optic improvements; and construction, improvement and equipping a city fueling island at Central Maintenance Garage; and aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with Riverfront Recreation Upgrades (CBD), water main upgrades (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD), in conformity to a Resolution of the Council of said City duly passed and approved.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a limited purpose trust company ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other Issuer as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Bonds maturing after June 1, 2020, may be called for optional redemption by the Issuer and paid before maturity on said date or any date thereafter, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Bond. Failure to give written notice to any registered owner of the Bonds or any defect therein shall not affect the validity of any proceedings for the redemption of the Bonds. All bonds or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If less than all of a maturity is called for redemption, the Issuer will notify DTC of the particular amount of such maturity to be redeemed prior to maturity. DTC will determine by lot the amount of each Participant's interest in such maturity to be redeemed and each Participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

The Bonds maturing on \_\_\_\_\_ are subject to mandatory redemption prior to maturity by application of money on deposit in the Bond Fund and shall bear interest at \_\_\_\_% per annum at a price of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Principal  
Amount

Maturity  
June 1st

---

\*Final Maturity

The principal amount of Term Bonds may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Bonds credited against future mandatory redemption requirements for such Term Bonds in such order as the City shall determine.

Ownership of this Bond may be transferred only by transfer upon the books kept for such purpose by the City Treasurer, the Registrar. Such transfer on the books shall occur only upon presentation and surrender of this Bond at the office of the Registrar as designated below, together with an assignment duly executed by the owner hereof or his duly authorized attorney in the form as shall be satisfactory to the Registrar. Issuer reserves the right to substitute the Registrar and Paying Agent but shall, however, promptly give notice to registered bondholders of such change. All bonds shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 384.31 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Bond Resolution.

And it is hereby represented and certified that all acts, conditions and things requisite, according to the laws and Constitution of the State of Iowa, to exist, to be had, to be done, or to be performed precedent to the lawful issue of this Bond, have been existent, had, done and performed as required by law; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the territory of the Issuer for the payment of the principal and interest of this Bond as the same will respectively become due; that the faith, credit, revenues and resources and all the real and personal property of the Issuer are irrevocably pledged for the prompt payment hereof, both principal and interest; and the total indebtedness of the Issuer including this Bond, does not exceed the constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the Issuer by its Council, has caused this Bond to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, with the seal of the City printed or impressed hereon, and to be authenticated by the manual signature of an authorized representative of the Registrar, the City Treasurer, Sioux City, Iowa.

Date of authentication:

This is one of the Bonds described in the within mentioned Resolution, as registered by the City Treasurer.

CITY TREASURER, Registrar

By: \_\_\_\_\_  
Authorized Signature

Registrar and Transfer Agent: City Treasurer  
Paying Agent: City Treasurer

SEE REVERSE FOR CERTAIN DEFINITIONS

(Seal)



(Signature Block)

CITY OF SIOUX CITY, STATE OF IOWA

By: \_\_\_\_\_ (manual or facsimile signature)  
Mayor

ATTEST:

By: \_\_\_\_\_ (manual or facsimile signature)  
City Clerk

(Assignment Block)  
(Information Required for Registration)

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (Social Security or Tax Identification No. \_\_\_\_\_) the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney in fact to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Person(s) executing this Assignment sign(s) here)

SIGNATURE )  
GUARANTEED) \_\_\_\_\_

IMPORTANT - READ CAREFULLY

The signature(s) to this Power must correspond with the name(s) as written upon the face of the certificate(s) or bond(s) in every particular without alteration or enlargement or any change whatever. Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signature to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.

INFORMATION REQUIRED FOR REGISTRATION OF TRANSFER

Name of Transferee(s) \_\_\_\_\_  
 Address of Transferee(s) \_\_\_\_\_  
 Social Security or Tax Identification \_\_\_\_\_  
 Number of Transferee(s) \_\_\_\_\_  
 Transferee is a(n):  
 Individual\* \_\_\_\_\_ Corporation \_\_\_\_\_  
 Partnership \_\_\_\_\_ Trust \_\_\_\_\_

\*If the Bond is to be registered in the names of multiple individual owners, the names of all such owners and one address and social security number must be provided.

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though written out in full according to applicable laws or regulations:

- TEN COM - as tenants in common
- TEN ENT - as tenants by the entireties
- JT TEN - as joint tenants with rights of survivorship and not as tenants in common
- IA UNIF TRANS MIN ACT - ..... Custodian .....  
 (Cust) (Minor)  
 Under Iowa Uniform Transfers to Minors Act.....  
 (State)

ADDITIONAL ABBREVIATIONS MAY ALSO BE USED THOUGH NOT IN THE ABOVE LIST

**Section 20. Closing Documents. The Mayor and City Clerk are authorized and directed to execute, attest, seal and deliver for and on behalf of the City any other additional certificates, documents, or other papers and perform all other acts, including without limitation the execution of all closing documents, as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.**

**Section 21. Contract Between Issuer and Purchaser. This Resolution constitutes a contract between said City and the purchaser of the Bonds.**

**Section 22. Non-Arbitrage Covenants. The Issuer reasonably expects and covenants that no use will be made of the proceeds from the issuance and sale of the Bonds issued hereunder which will cause any of the Bonds to be classified as arbitrage bonds within the meaning of Sections 148(a) and (b) of the Internal Revenue Code of the United States, as amended, and that throughout the term of the Bonds it will comply with the requirements of statutes and regulations issued thereunder.**

To the best knowledge and belief of the Issuer, there are no facts or circumstances that would materially change the foregoing statements or the conclusion that it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be arbitrage bonds.

**Section 23. Approval of Tax Exemption Certificate. Attached hereto is a form of Tax Exemption Certificate stating the Issuer's reasonable expectations as to the use of**

the proceeds of the Bonds. The form of Tax Exemption Certificate is approved. The Issuer hereby agrees to comply with the provisions of the Tax Exemption Certificate and the provisions of the Tax Exemption Certificate are hereby incorporated by reference as part of this Resolution. The City Treasurer is hereby directed to make and insert all calculations and determinations necessary to complete the Tax Exemption Certificate at issuance of the Bonds to certify as to the reasonable expectations and covenants of the Issuer at that date.

**Section 24. Continuing Disclosure.** The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, and the provisions of the Continuing Disclosure Certificate are hereby incorporated by reference as part of this Resolution and made a part hereof. Notwithstanding any other provision of this Resolution, failure of the Issuer to comply with the Continuing Disclosure Certificate shall not be considered an event of default under this Resolution; however, any holder of the Bonds or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Issuer to comply with its obligations under the Continuing Disclosure Certificate. For purposes of this section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bond (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

**Section 25. Additional Covenants, Representations and Warranties of the Issuer.** The Issuer certifies and covenants with the purchasers and holders of the Bonds from time to time outstanding that the Issuer through its officers, (a) will make such further specific covenants, representations and assurances as may be necessary or advisable; (b) comply with all representations, covenants and assurances contained in the Tax Exemption Certificate, which Tax Exemption Certificate shall constitute a part of the contract between the Issuer and the owners of the Bonds; (c) consult with Bond Counsel (as defined in the Tax Exemption Certificate); (d) pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Bonds; (e) file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

**Section 26. Amendment of Resolution to Maintain Tax Exemption.** This Resolution may be amended without the consent of any owner of the Bonds if, in the opinion of Bond Counsel, such amendment is necessary to maintain tax exemption with respect to the Bonds under applicable Federal law or regulations.

**Section 27. Repeal of Conflicting Resolutions or Ordinances.** All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

**Section 28. Severability Clause.** If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned City Clerk of the City of Sioux City, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the 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 public hearing 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 the 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 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 vacancy existed except as may be stated in the 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 the Council hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lisa L. McCardle, City Clerk,  
City of Sioux City, State of Iowa

(SEAL)

**ITEMS TO INCLUDE ON AGENDA**

**CITY OF SIOUX CITY, IOWA**

\$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B

- Resolution authorizing the issuance, and levying a tax to pay the Bonds; and Approval of the Continuing Disclosure Certificate.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

June 8, 2015

The City Council of the City of Sioux City, State of Iowa, met in open session, in the Council Chambers, City Hall, 405 - 6th Street, Sioux City, Iowa, at 4:00 P.M., on the above date. There were present Mayor Robert E. Scott, in the chair, and the following named Council Members:

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Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$\_\_\_\_\_ TAXABLE GENERAL OBLIGATION BONDS, SERIES 2015B, AND LEVYING A TAX TO PAY SAID BONDS, AND APPROVAL OF THE CONTINUING DISCLOSURE CERTIFICATE" and moved that it be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared said Resolution duly adopted as follows:

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$\_\_\_\_\_ TAXABLE GENERAL OBLIGATION BONDS, SERIES 2015B, AND LEVYING A TAX TO PAY SAID BONDS; AND APPROVAL OF THE CONTINUING DISCLOSURE CERTIFICATE

WHEREAS, the Issuer is duly incorporated, organized and exists under and by virtue of the laws and Constitution of the State of Iowa; and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Event Center, Ice Arena, general corporate purpose(s), and it is deemed necessary and advisable that Taxable General Obligation Bonds, to the amount of not to exceed \$1,000,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and

WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of Bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements to the Lewis and Clark Stadium, general corporate purpose(s), and it is deemed necessary and advisable that General Obligation Bonds, to the amount of not to exceed \$1,000,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and



WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said bonds for such purpose(s); and

WHEREAS, the City is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with assisting façade improvements in the Pierce Street and West 7th Corridors; and assistance with City-wide housing rehabilitation projects, general corporate purpose(s), and it is deemed necessary and advisable that Taxable General Obligation Bonds, to the amount of not to exceed \$400,000 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 75,000, and the Bonds for these purposes do not exceed \$1,000,000; and

WHEREAS, pursuant to notice published as required by Section 384.26 (5) of said Code, the Council of the City has held public meeting and hearing upon the proposal to institute proceedings for the issuance of Bonds for general corporate purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, the Issuer is in need of funds to pay costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with assisting Downtown building development (CBD), Trinity Rail Improvements (Donner), land acquisition, building development, and Tyson Parking Expansion (CBD), Southeast Morningside Area Development (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD), essential corporate purpose project(s), and it is deemed necessary and advisable that the City issue Taxable General Obligation Bonds, for such purpose(s) to the amount of not to exceed \$8,700,000 as authorized by Sections 384.25 and 403.12 of the Code of Iowa; and

WHEREAS, pursuant to notice published as required by Sections 384.24 (3)(q), 384.25, and 403.12 this Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of said Bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and no petition having been filed, it is the decision of the Council that additional action be taken for the issuance of said Bonds for such purpose(s), and that such action is considered to be in the best interests of the City and the residents thereof; and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, it is hereby found and determined that the various general obligation Bonds authorized as hereinabove described shall be combined for the purpose of issuance in a single issue of \$ \_\_\_\_\_ General Obligation Bonds as hereinafter set forth; and

WHEREAS, pursuant to the provisions of Chapter 75 of the Code of Iowa, the above mentioned Bonds were heretofore sold at public sale and action should now be taken to issue said Bonds conforming to the terms and conditions of the best bid received at the advertised public sale:

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

**Section 29. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:**

- "Authorized Denominations" shall mean \$5,000 or any integral multiple thereof.
- "Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant or such person's subrogee.
- "Blanket Issuer Letter of Representations" shall mean the Representation Letter from the Issuer to DTC, with respect to the Bonds.
- "Bond Fund" shall mean the fund created in Section 3 of this Resolution.
- "Bonds" shall mean \$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B, authorized to be issued by this Resolution.
- "Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.
- "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate approved under the terms of this Resolution and to be executed by the Issuer and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.
- "Depository Bonds " shall mean the Bonds as issued in the form of one global certificate for each maturity, registered in the Registration Books maintained by the Registrar in the name of DTC or its nominee.
- "DTC" shall mean The Depository Trust Company, New York, New York, which will act as security depository for the Bond pursuant to the Representation Letter.
- "Issuer" and "City" shall mean the City of Sioux City, State of Iowa.
- "Participants" shall mean those broker-dealers, banks and other financial institutions for which DTC holds Bonds as securities depository.
- "Paying Agent" shall mean the City Treasurer, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Bonds as the same shall become due.
- "Project" shall mean the costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Event Center, Ice Arena; certain of the improvements to the Lewis and Clark Stadium; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connec-

tion with assisting façade improvements in the Pierce Street and West 7th Corridors; and assistance with City-wide housing rehabilitation projects; and certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with assisting Downtown building development (CBD), Trinity Rail Improvements (Donner), land acquisition, building development, and Tyson Parking Expansion (CBD), Southeast Morningside Area Development (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD).

- "Project Fund" shall mean the fund required to be established by this Resolution for the deposit of the proceeds of the Bonds.
- "Registrar" shall mean the City Treasurer of Sioux City, Iowa, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Bonds. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Bonds.
- "Resolution" shall mean this resolution authorizing the Bonds.
- "Treasurer" shall mean the City Treasurer or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Bonds issued hereunder.

**Section 30. Levy and Certification of Annual Tax; Other Funds to be Used.**

a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal and interest of the Bonds hereinafter authorized to be issued, there is hereby levied for each future year the following direct annual tax on all of the taxable property in Sioux City, Iowa, to-wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$ _____ *	2015/2016
\$ _____	2016/2017
\$ _____	2017/2018
\$ _____	2018/2019
\$ _____	2019/2020
\$ _____	2020/2021
\$ _____	2021/2022
\$ _____	2022/2023
\$ _____	2023/2024
\$ _____	2024/2025

\*A levy has been included in the budget previously certified and will be used together with available City funds to pay the principal and interest of the Bond coming due in 2015/2016.

(NOTE: For example the levy to be made and certified against the taxable valuations of January 1, 2014 will be collected during the fiscal year commencing July 1, 2015.)

b) Resolution to be Filed With County Auditor. A certified copy of this Resolution should be filed with the County Auditor of Woodbury County, State of Iowa, and said Auditor is hereby instructed in and for each of the years as provided, to levy and assess the tax hereby authorized in Section 2 of this Resolution, in like manner as other taxes are levied and assessed, and such taxes so levied in and for each of the years aforesaid be collected in like manner as other taxes of the City are collected, and when collected be used for the purpose of paying principal and interest on said Bonds issued in anticipation of said tax, and for no other purpose whatsoever.

c) Additional City Funds Available. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the City available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

**Section 31. Bond Fund.** Said taxes shall be collected each year at the same time and in the same manner as, and in addition to, all other taxes in and for the City, and when collected they shall be converted into a special fund within the Debt Service Fund to be known as the "TAXABLE GENERAL OBLIGATION BOND FUND 2015 NO. 2" (the "Bond Fund"), which is hereby pledged for and shall be used only for the payment of the principal of and interest on the Bonds hereinafter authorized to be issued; and also there shall be apportioned to said fund its proportion of taxes received by the City from property that is centrally assessed by the State of Iowa.

**Section 32. Application of Bond Proceeds.** Proceeds of the Bonds, other than accrued interest except as may be provided below, shall be credited to the Project Fund and expended therefrom for the purposes of issuance. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Bonds at any time that other funds shall be insufficient to the purpose, in which event such funds shall be repaid to the Project Fund at the earliest opportunity. Any balance on hand in the Project Fund and not immediately required for its purposes may be invested not inconsistent with limitations provided by law or this Resolution.

Proceeds invested shall mature before the date on which the moneys are required for the Project. Accrued interest, if any, shall be deposited in the Bond Fund.

**Section 33. Investment of Bond Fund Proceeds.** All moneys held in the Bond Fund, provided for by Section 3 of this Resolution shall be invested in investments permitted by Chapter 12B, Code of Iowa, 2015, as amended, or deposited in financial institutions which are members of the Federal Deposit Insurance Corporation and the deposits in which are insured thereby and all such deposits exceeding the maximum amount insured from time to time by FDIC or its equivalent successor in any one financial institution shall be continuously secured in compliance with Chapter 12C of the Code of Iowa, 2015, as amended, or otherwise by a valid pledge of direct obligations of the United States Government having an equivalent market value. All such interim investments shall mature before the date on which the moneys are required for payment of principal of or interest on the Bonds as herein provided.

**Section 34. Bond Details, Execution and Redemption.**

a) Bond Details. Taxable General Obligation Bonds of the City in the amount of \$ \_\_\_\_\_, shall be issued pursuant to the provisions of Sections 384.25, 384.26, 384.28 and 403.12 of the Code of Iowa for the aforesaid purposes. The Bonds shall be designated "TAXABLE GENERAL OBLIGATION BOND, SERIES 2015B", be dated June 29, 2015, and bear interest from the date thereof, until payment thereof, at the office of the Paying Agent, said interest payable on December 1, 2015, and semi-annually thereafter on the 1st day of June and December in each year until maturity at the rates hereinafter provided.

The Bonds shall be executed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the Clerk, and impressed or printed with the seal of the City and shall be fully registered as to both principal and interest as provided in this Resolution; principal, interest and premium, if any, shall be payable at the office of the Paying Agent by mailing of a check to the registered owner of the Bond. The Bonds shall be in the denomination of \$5,000 or multiples thereof. The Bonds shall mature and bear interest as follows:

Principal Amount	Interest Rate	Maturity June 1 <sup>st</sup>
\$ _____	_____ %	2016
\$ _____	_____ %	2017
\$ _____	_____ %	2018
\$ _____	_____ %	2019
\$ _____	_____ %	2020
\$ _____	_____ %	2021
\$ _____	_____ %	2022
\$ _____	_____ %	2023
\$ _____	_____ %	2024
\$ _____	_____ %	2025

\*Term Bonds

b) Redemption.

i. Optional Redemption. Bonds maturing after June 1, 2020, may be called for optional redemption by the Issuer on that date or any date thereafter, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Bond. Failure to give written notice to any registered owner of the Bonds or any defect therein shall not affect the validity of any proceedings for the redemption of the Bonds. All Bonds or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If less than all of a maturity is called for redemption, the Issuer will notify DTC of the particular amount of such maturity to be redeemed prior to maturity. DTC will determine by lot the amount of each Participant's interest in such maturity to be redeemed and each Participant will then select by lot the beneficial

ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

ii. Mandatory Payment and Redemption of Term Bonds. All Term Bonds are subject to mandatory redemption prior to maturity at a price equal to 100% of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Term Bond # _____		
Principal Amount	Interest Rate	Maturity June 1st

\*Final Maturity

The principal amount of Term Bonds may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Bonds credited against future mandatory redemption requirements for such Term Bonds in such order as the City shall determine.

**Section 35. Issuance of Bonds in Book-Entry Form; Replacement Bonds.**

a) Notwithstanding the other provisions of this Resolution regarding registration, ownership, transfer, payment and exchange of the Bonds, unless the Issuer determines to permit the exchange of Depository Bonds for Bonds in Authorized Denominations, the Bonds shall be issued as Depository Bonds in denominations of the entire principal amount of each maturity of Bonds (or, if a portion of said principal amount is prepaid, said principal amount less the prepaid amount). The Bonds must be registered in the name of Cede & Co., as nominee for DTC. Payment of semiannual interest for any Bonds registered in the name of Cede & Co. will be made by wire transfer or New York Clearing House or equivalent next day funds to the account of Cede & Co. on the interest payment date for the Bonds at the address indicated or in the Representation Letter.

b) The Bonds will be initially issued in the form of separate single authenticated fully registered bonds in the amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of the Bonds will be registered in the registry books of the City Treasurer kept by the Paying Agent and Registrar in the name of Cede & Co., as nominee of DTC. The Paying Agent and Registrar and the Issuer may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions to be redeemed, giving any notice permitted or required to be given to registered owners of Bonds under the Resolution of the Issuer, registering the transfer of Bonds, obtaining any consent or other action to be taken by registered owners of the Bonds and for other purposes. The Paying Agent, Registrar and the Issuer have no responsibility or obligation to any Participant or Beneficial Owner of the Bonds under or through DTC with respect to the accuracy of records maintained by DTC or any Participant; with respect to the payment by DTC or Participant of an amount of principal or redemption price of or interest on the Bonds; with respect to any notice given to owners of Bonds under the Resolution; with respect to the Participant(s) selected to receive payment in the event of a partial redemption of the Bonds, or a consent given or other

action taken by DTC as registered owner of the Bonds. The Paying Agent and Registrar shall pay all principal of and premium, if any, and interest on the Bonds only to Cede & Co. in accordance with the Representation Letter, and all payments are valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum paid. DTC must receive an authenticated Bond for each separate stated maturity evidencing the obligation of the Issuer to make payments of principal of and premium, if any, and interest. Upon delivery by DTC to the Paying Agent and Registrar of written notice that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to the new nominee in accordance with this Section.

c) In the event the Issuer determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds certificates, the Issuer may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the Participants, of the availability through DTC of Bonds certificates. The Bonds will be transferable in accordance with this Section. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Paying Agent and Registrar and discharging its responsibilities under applicable law. In this event, the Bonds will be transferable in accordance with this Section.

d) Notwithstanding any other provision of the Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on the Bond and all notices must be made and given, respectively to DTC as provided in the Representation letter.

e) In connection with any notice or other communication to be provided to Bondholders by the Issuer or the Paying Agent and Registrar with respect to a consent or other action to be taken by Bondholders, the Issuer or the Paying Agent and Registrar, as the case may be, shall establish a record date for the consent or other action and give DTC notice of the record date not less than 15 calendar days in advance of the record date to the extent possible. Notice to DTC must be given only when DTC is the sole Bondholder.

f) The Representation Letter is on file with DTC and sets forth certain matters with respect to, among other things, notices, consents and approvals by Bondholders and payments on the Bonds. The execution and delivery of the Representation Letter to DTC by the Issuer is ratified and confirmed.

g) In the event that a transfer or exchange of the Bonds is permitted under this Section, the transfer or exchange may be accomplished upon receipt by the Registrar from the registered owners of the Bonds to be transferred or exchanged and appropriate instruments of transfer. In the event Bond certificates are issued to holders other than Cede & Co., its successor as nominee for DTC as holder of all the Bonds, or other securities depository as holder of all the Bonds, the provisions of the Resolution apply to, among other things, the printing of certificates and the method or payment of principal of and interest on the certificates. Any substitute depository shall be designated in writing by the Issuer to the Paying Agent. Any such substitute depository shall be a qualified and registered "clearing agency" as provided in Section 17A of the Securities Exchange Act of 1934, as amended. The substitute depository shall provide for (i) immobilization of the Depository Bonds, (ii) registration and transfer of interests in Depository Bonds by book entries made on records of the depository or its nominee and (iii) payment of prin-

cipal of, premium, if any, and interest on the Bonds in accordance with and as such interests may appear with respect to such book entries.

h) The officers of the Issuer are authorized and directed to prepare and furnish to the purchaser, and to the attorneys approving the legality of Bonds, certified copies of proceedings, ordinances, resolutions and records and all certificates and affidavits and other instruments as may be required to evidence the legality and marketability of the Bonds, and all certified copies, certificates, affidavits and other instruments constitute representations of the Issuer as to the correctness of all stated or recited facts.

**Section 36. Registration of Bonds; Appointment of Registrar; Transfer; Ownership; Delivery; and Cancellation.**

a) Registration. The ownership of Bonds may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Bonds, and in no other way. The City Treasurer is hereby appointed as Bond Registrar under the terms of this Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the Bonds for the payment of principal of and interest on the Bonds as provided in this Resolution. All Bonds shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 384.31 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Bonds and in this Resolution.

b) Transfer. The ownership of any Bond may be transferred only upon the Registration Books kept for the registration and transfer of Bonds and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Bond (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Bond, a new fully registered Bond, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmaturing and unredeemed principal amount of such transferred fully registered Bond, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.

c) Registration of Transferred Bonds. In all cases of the transfer of the Bonds, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Bonds, in accordance with the provisions of this Resolution.

d) Ownership. As to any Bond, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bonds and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.



e) Cancellation. All Bonds which have been redeemed shall not be reissued but shall be cancelled by the Registrar. All Bonds which are cancelled by the Registrar shall be destroyed and a certificate of the destruction thereof shall be furnished promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the cancelled Bonds to the Issuer.

f) Non-Presentation of Bonds. In the event any payment check representing payment of principal or interest on the Bonds is returned to the Paying Agent or if any bond is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal or interest on Bonds shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Bonds shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Bonds who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Bonds. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent, shall surrender any remaining funds so held to the Issuer, whereupon any claim under this Resolution by the Owners of such interest or Bonds of whatever nature shall be made upon the Issuer.

g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one bond for each annual maturity. The Registrar shall furnish additional Bonds in lesser denominations (but not less than the minimum denomination) to an owner who so requests.

**Section 37. Reissuance of Mutilated, Destroyed, Stolen or Lost Bonds**. In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver a new Bond of like tenor and amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond to Registrar, upon surrender of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the Registrar and Issuer with satisfactory indemnity and complying with such other reasonable regulations as the Issuer or its agent may prescribe and paying such expenses as the Issuer may incur in connection therewith.

**Section 38. Record Date**. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Bond, shall be made to the registered holder thereof or to their designated agent as the same appear on the books of the Registrar on the 15th day of the month preceding the payment date. All such payments shall fully discharge the obligations of the Issuer in respect of such Bonds to the extent of the payments so made. Payment of principal shall only be made upon surrender of the Bond to the Paying Agent.

**Section 39. Execution, Authentication and Delivery of the Bonds**. Upon the adoption of this Resolution, the Mayor and Clerk shall execute and deliver the Bonds to the Registrar, who shall authenticate the Bonds and deliver the same to or upon order of the Purchaser. No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless the Registrar shall duly endorse and execute on

such Bond a Certificate of Authentication substantially in the form of the Certificate herein set forth. Such Certificate upon any Bond executed on behalf of the Issuer shall be conclusive evidence that the Bond so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

**Section 40. Right to Name Substitute Paying Agent or Registrar.** Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered bondholder.

**Section 41. Form of Bond.** Bonds shall be printed substantially in the form as follows:

"STATE OF IOWA"  
"COUNTY OF WOODBURY"  
"CITY OF SIOUX CITY"  
"TAXABLE GENERAL OBLIGATION BOND"  
"SERIES 2015B"  
"CORPORATE PURPOSES"

Rate: \_\_\_\_\_  
Maturity: \_\_\_\_\_  
Bond Date: June 29, 2015  
CUSIP No.: \_\_\_\_\_  
"Registered"  
Certificate No. \_\_\_\_\_  
Principal Amount: \$ \_\_\_\_\_

The City of Sioux City, State of Iowa, a municipal corporation organized and existing under and by virtue of the Constitution and laws of the State of Iowa (the "Issuer"), for value received, promises to pay from the source and as hereinafter provided, on the maturity date indicated above, to

(Registration panel to be completed by Registrar or Printer with name of Registered Owner).

or registered assigns, the principal sum of (enter principal amount in long form) THOUSAND DOLLARS in lawful money of the United States of America, on the maturity date shown above, only upon presentation and surrender hereof at the office of the City Treasurer, Paying Agent of this issue, or its successor, with interest on the sum from the date hereof until paid at the rate per annum specified above, payable on December 1, 2015, and semiannually thereafter on the 1st day of June and December in each year.

Interest and principal shall be paid to the registered holder of the Bond as shown on the records of ownership maintained by the Registrar as of the 15th day of the month preceding such interest payment date. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

**THE HOLDERS OF THE BONDS SHOULD TREAT THE INTEREST AS SUBJECT TO FEDERAL INCOME TAXATION.**

This Bond is issued pursuant to the provisions of Sections 384.25, 384.26, 384.28 and 403.12 of the Code of Iowa, for the purpose of paying costs of certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Event Center, Ice Arena; certain of the improvements to the Lewis and Clark Stadium; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with assisting façade improvements in the Pierce Street and West 7th Corridors; and assistance with City-wide housing rehabilitation projects; and certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with assisting Downtown building development (CBD), Trinity

Rail Improvements (Donner), land acquisition, building development, and Tyson Parking Expansion (CBD), Southeast Morningside Area Development (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD), in conformity to a Resolution of the Council of said City duly passed and approved.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a limited purpose trust company ("DTC"), to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other Issuer as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Bonds maturing after June 1, 2020, may be called for optional redemption by the Issuer and paid before maturity on said date or any date thereafter, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Bond. Failure to give written notice to any registered owner of the Bonds or any defect therein shall not affect the validity of any proceedings for the redemption of the Bonds. All bonds or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If less than all of a maturity is called for redemption, the Issuer will notify DTC of the particular amount of such maturity to be redeemed prior to maturity. DTC will determine by lot the amount of each Participant's interest in such maturity to be redeemed and each Participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

The Bonds maturing on \_\_\_\_\_ are subject to mandatory redemption prior to maturity by application of money on deposit in the Bond Fund and shall bear interest at \_\_\_\_% per annum at a price of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Principal Amount	Maturity June 1st
---------------------	----------------------

\*Final Maturity

The principal amount of Term Bonds may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Bonds credited against future mandatory redemption requirements for such Term Bonds in such order as the City shall determine.

Ownership of this Bond may be transferred only by transfer upon the books kept for such purpose by the City Treasurer, the Registrar. Such transfer on the books shall occur only upon presentation and surrender of this Bond at the office of the Registrar as designated below, together with an assignment duly executed by the owner hereof or his duly authorized attorney in the form as shall be satisfactory to the Registrar. Issuer reserves the right to substitute the Registrar and Paying Agent but shall, however, promptly give notice to registered bondholders of

such change. All bonds shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 384.31 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Bond Resolution.

And it is hereby represented and certified that all acts, conditions and things requisite, according to the laws and Constitution of the State of Iowa, to exist, to be had, to be done, or to be performed precedent to the lawful issue of this Bond, have been existent, had, done and performed as required by law; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the territory of the Issuer for the payment of the principal and interest of this Bond as the same will respectively become due; that the faith, credit, revenues and resources and all the real and personal property of the Issuer are irrevocably pledged for the prompt payment hereof, both principal and interest; and the total indebtedness of the Issuer including this Bond, does not exceed the constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the Issuer by its Council, has caused this Bond to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, with the seal of the City printed or impressed hereon, and to be authenticated by the manual signature of an authorized representative of the Registrar, the City Treasurer, Sioux City, Iowa.

Date of authentication:

This is one of the Bonds described in the within mentioned Resolution, as registered by the City Treasurer.

CITY TREASURER, Registrar

By: \_\_\_\_\_  
Authorized Signature

Registrar and Transfer Agent: City Treasurer  
Paying Agent: City Treasurer

SEE REVERSE FOR CERTAIN DEFINITIONS

(Seal)  
(Signature Block)

CITY OF SIOUX CITY, STATE OF IOWA

By: \_\_\_\_\_ (manual or facsimile signature)  
Mayor

ATTEST:

By: \_\_\_\_\_ (manual or facsimile signature)  
City Clerk

(Assignment Block)  
(Information Required for Registration)

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (Social Security or Tax Identification No. \_\_\_\_\_) the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney in fact to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Person(s) executing this Assignment sign(s) here)

SIGNATURE )  
GUARANTEED) \_\_\_\_\_

IMPORTANT - READ CAREFULLY

The signature(s) to this Power must correspond with the name(s) as written upon the face of the certificate(s) or bond(s) in every particular without alteration or enlargement or any change whatever. Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signature to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.

INFORMATION REQUIRED FOR REGISTRATION OF TRANSFER

Name of Transferee(s) \_\_\_\_\_  
Address of Transferee(s) \_\_\_\_\_  
Social Security or Tax Identification \_\_\_\_\_  
Number of Transferee(s) \_\_\_\_\_  
Transferee is a(n):  
Individual\* \_\_\_\_\_ Corporation \_\_\_\_\_  
Partnership \_\_\_\_\_ Trust \_\_\_\_\_

\*If the Bond is to be registered in the names of multiple individual owners, the names of all such owners and one address and social security number must be provided.

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though written out in full according to applicable laws or regulations:

- TEN COM - as tenants in common
- TEN ENT - as tenants by the entireties
- JT TEN - as joint tenants with rights of survivorship and not as tenants in common
- IA UNIF TRANS MIN ACT - ..... Custodian .....  
(Cust) (Minor)  
Under Iowa Uniform Transfers to Minors Act.....  
(State)

ADDITIONAL ABBREVIATIONS MAY  
ALSO BE USED THOUGH NOT IN THE ABOVE LIST

**Section 42. Closing Documents.** The Mayor and City Clerk are authorized and directed to execute, attest, seal and deliver for and on behalf of the City any other additional certificates, documents, or other papers and perform all other acts, including without limitation the execution of all closing documents, as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

**Section 43. Contract Between Issuer and Purchaser.** This Resolution constitutes a contract between said City and the purchaser of the Bonds.

**Section 44. Continuing Disclosure.** The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, and the provisions of the Continuing Disclosure Certificate are hereby incorporated by reference as part of this Resolution and made a part hereof. Notwithstanding any other provision of this Resolution, failure of the Issuer to comply with the Continuing Disclosure Certificate shall not be considered an event of default under this Resolution; however, any holder of the Bonds or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Issuer to comply with its obligations under the Continuing Disclosure Certificate. For purposes of this section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bond (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

**Section 45. Repeal of Conflicting Resolutions or Ordinances.** All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

**Section 46. Severability Clause.** If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:

\_\_\_\_\_  
Lisa L. McCardle, City Clerk



CERTIFICATE

STATE OF IOWA                                )  
   ) SS  
COUNTY OF WOODBURY                    )

I, the undersigned City Clerk of the City of Sioux City, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the 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 public hearing 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 the 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 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 vacancy existed except as may be stated in the 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 the Council hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Lisa L. McCardle, City Clerk,  
City of Sioux City, State of Iowa

(SEAL)

## CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of Sioux City, State of Iowa (the "Issuer"), in connection with the issuance of \$\_\_\_\_\_ General Obligation Bonds, Series 2015A and \$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B (the "Bonds") dated the date of delivery. The Bonds are being issued pursuant to a Resolution of the Issuer approved on June 8, 2015 (the "Resolution"). The Issuer covenants and agrees as follows:

**Section 47. Purpose of the Disclosure Certificate.** This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c2-12(b)(5).

**Section 48. Definitions.** In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Financial Information" shall mean financial information or operating data of the type included in the final Official Statement, provided at least annually by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Beneficial Owner" shall mean any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

"Business Day" shall mean a day other than a Saturday or a Sunday or a day on which banks in Iowa are authorized or required by law to close.

"Dissemination Agent" shall mean the Issuer or any Dissemination Agent designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Holders" shall mean the registered holders of the Bonds, as recorded in the registration books of the Registrar.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"Municipal Securities Rulemaking Board" or "MSRB" shall mean the Municipal Securities Rulemaking Board, 1900 Duke Street, Suite 600, Alexandria, VA 22314.

"National Repository" shall mean the MSRB's Electronic Municipal Market Access website, a/k/a "EMMA" ([emma.msrb.org](http://emma.msrb.org)).

"Official Statement" shall mean the Issuer's Official Statement for the Bonds, dated \_\_\_\_\_, 2015.

**"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.**

**"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.**

**"State" shall mean the State of Iowa.**

**Section 49. Provision of Annual Financial Information.**

a) The Issuer shall, or shall cause the Dissemination Agent to, not later than the 15<sup>th</sup> day of April each year, commencing with information for the 2014/2015 fiscal year, provide to the National Repository an Annual Financial Information filing consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Financial Information filing must be submitted in such format as is required by the MSRB (currently in "searchable PDF" format). The Annual Financial Information filing may be submitted as a single document or as separate documents comprising a package. The Annual Financial Information filing may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the Issuer may be submitted separately from the balance of the Annual Financial Information filing and later than the date required above for the filing of the Annual Financial Information if they are not available by that date. If the Issuer's fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(c).

b) If the Issuer is unable to provide to the National Repository the Annual Financial Information by the date required in subsection (a), the Issuer shall send a notice to the Municipal Securities Rulemaking Board, if any, in substantially the form attached as Exhibit A-1 and A-2.

c) The Dissemination Agent shall:

i. each year file Annual Financial Information with the National Repository;  
and

ii. (if the Dissemination Agent is other than the Issuer), file a report with the Issuer certifying that the Annual Financial Information has been filed pursuant to this Disclosure Certificate, stating the date it was filed.

**Section 50. Content of Annual Financial Information. The Issuer's Annual Financial Information filing shall contain or incorporate by reference the following:**

a) The last available audited financial statements of the Issuer for the prior fiscal year, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under State law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with generally accepted accounting principles, noting the discrepancies therefrom and the effect thereof. If the Issuer's audited financial statements for the preceding years are not available by the time Annual Financial Information is required to be filed pursuant to Section 3(a), the Annual Financial Information filing shall contain unaudited financial statements of the type included in the final Official Statement, and the audited financial

statements shall be filed in the same manner as the Annual Financial Information when they become available.

b) A table, schedule or other information prepared as of the end of the preceding fiscal year, of the type contained in the final Official Statement under the caption: "Population", "Property Valuations", "Tax Rates", "Combined Historic Tax Rates", "Tax Collection History", "Largest Taxpayers", "Outstanding Debt", "Overlapping & Underlying Debt" and "Debt Limit and Financial Summary."

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer or related public entities, which have been filed with the National Repository. The Issuer shall clearly identify each such other document so included by reference.

### **Section 51. Reporting of Significant Events.**

a) Pursuant to the provisions of this Section, the Issuer shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds in a timely manner not later than 10 Business Days after the day of the occurrence of the event:

- i. Principal and interest payment delinquencies;
- ii. Non-payment related defaults, if material;
- iii. Unscheduled draws on debt service reserves reflecting financial difficulties;
- iv. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
- v. Substitution of credit or liquidity providers, or their failure to perform;
- vi. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the Series Bonds, or material events affecting the tax-exempt status of the Bonds;
- vii. Modifications to rights of Holders of the Bonds, if material;
- viii. Bond calls (excluding sinking fund mandatory redemptions), if material, and tender offers;
- ix. Defeasances of the Bonds;
- x. Release, substitution, or sale of property securing repayment of the Bonds, if material;
- xi. Rating changes on the Bonds;
- xii. Bankruptcy, insolvency, receivership or similar event of the Issuer;

xiii. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

xiv. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

b) Whenever the Issuer obtains the knowledge of the occurrence of a Listed Event, the Issuer shall determine if the occurrence is subject to notice only if material, and if so shall as soon as possible determine if such event would be material under applicable federal securities laws.

c) If the Issuer determines that knowledge of the occurrence of a Listed Event is not subject to materiality, or determines such occurrence is subject to materiality and would be material under applicable federal securities laws, the Issuer shall promptly, but not later than 10 Business Days after the occurrence of the event, file a notice of such occurrence with the Municipal Securities Rulemaking Board through the filing with the National Repository.

**Section 52. Termination of Reporting Obligation.** The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds or upon the Issuer's receipt of an opinion of nationally recognized bond counsel to the effect that, because of legislative action or final judicial action or administrative actions or proceedings, the failure of the Issuer to comply with the terms hereof will not cause Participating Underwriters to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended. If such termination occurs prior to the final maturity of the Bonds, the Issuer shall give notice of such termination in the same manner as for a Listed Event under Section 5(c).

**Section 53. Dissemination Agent.** The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the Issuer.

**Section 54. Amendment; Waiver.** Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

a) If the amendment or waiver relates to the provisions of Section 3(a), 4, or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted;

b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Resolution for amendments to the Resolution with the consent of Holders, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Holders or Beneficial Owners of the Bonds.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the Issuer shall describe such amendment in the next Annual Financial Information filing, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the Issuer. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5(c), and (ii) the Annual Financial Information filing for the year in which the change is made will present a comparison or other discussion in narrative form (and also, if feasible, in quantitative form) describing or illustrating the material differences between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

**Section 55. Additional Information.** Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Financial Information filing or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Annual Financial Information filing or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Certificate to update such information or include it in any future Annual Financial Information filing or notice of occurrence of a Listed Event.

**Section 56. Default.** In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. Direct, indirect, consequential and punitive damages shall not be recoverable by any person for any default hereunder and are hereby waived to the extent permitted by law. A default under this Disclosure Certificate shall not be deemed an event of default under the Resolution, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

**Section 57. Duties, Immunities and Liabilities of Dissemination Agent.** The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

**Section 58. Beneficiaries.** This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and Holders

**and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.**

Date: \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF SIOUX CITY, STATE OF IOWA

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

EXHIBIT A-1

NOTICE TO NATIONAL REPOSITORY OF FAILURE TO FILE ANNUAL FINANCIAL INFORMATION

Name of Issuer: City of Sioux City, Iowa.

Name of Bond Issue: \$ \_\_\_\_\_ General Obligation Bonds, Series 2015A

Dated Date of Issue: the date of delivery

NOTICE IS HEREBY GIVEN that the Issuer has not provided Annual Financial Information with respect to the above-named Bonds as required by Section 3 of the Continuing Disclosure Certificate delivered by the Issuer in connection with the Bonds. The Issuer anticipates that the Annual Financial Information will be filed by \_\_\_\_\_.

Dated: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF SIOUX CITY, STATE OF IOWA

By: \_\_\_\_\_  
Its: \_\_\_\_\_



EXHIBIT A-2

NOTICE TO NATIONAL REPOSITORY OF FAILURE TO FILE ANNUAL FINANCIAL INFORMATION

Name of Issuer: City of Sioux City, Iowa.

Name of Bond Issue: \$\_\_\_\_\_ Taxable General Obligation Bonds, Series 2015B

Dated Date of Issue: date of delivery

NOTICE IS HEREBY GIVEN that the Issuer has not provided Annual Financial Information with respect to the above-named Bonds as required by Section 3 of the Continuing Disclosure Certificate delivered by the Issuer in connection with the Bonds. The Issuer anticipates that the Annual Financial Information will be filed by \_\_\_\_\_.

Dated: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF SIOUX CITY, STATE OF IOWA

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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TAX EXEMPTION CERTIFICATE

of

CITY OF SIOUX CITY, COUNTY OF WOODBURY, STATE OF IOWA, ISSUER

\$ \_\_\_\_\_ General Obligation Bonds, Series 2015A

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This instrument was prepared by:

Ahlers & Cooney, P.C.  
100 Court Avenue, Suite 600  
Des Moines, Iowa 50309  
(515) 243-7611

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## TAX EXEMPTION CERTIFICATE

### CITY OF SIOUX CITY, STATE OF IOWA

THIS TAX EXEMPTION CERTIFICATE made and entered into on June 29, 2015, by the City of Sioux City, County of Woodbury, State of Iowa (the "Issuer").

#### INTRODUCTION

This Certificate is executed and delivered in connection with the issuance by the Issuer of its \$\_\_\_\_\_ General Obligation Bonds, Series 2015A (the "Bonds"). The Bonds are issued pursuant to the provisions of the Resolution of the Issuer authorizing the issuance of the Bonds. Such Resolution provides that the covenants contained in this Certificate constitute a part of the Issuer's contract with the owners of the Bonds.

The Issuer recognizes that under the Code (as defined below) the tax-exempt status of the interest received by the owners of the Bonds is dependent upon, among other things, the facts, circumstances, and reasonable expectations of the Issuer as to future facts not in existence at this time, as well as the observance of certain covenants in the future. The Issuer covenants that it will take such action with respect to the Bonds as may be required by the Code, and pertinent legal regulations issued thereunder in order to establish and maintain the tax-exempt status of the Bonds, including the observance of all specific covenants contained in the Resolution and this Certificate.

#### ARTICLE I

##### DEFINITIONS

The following terms as used in this Certificate shall have the meanings set forth below. The terms defined in the Resolution shall retain the meanings set forth therein when used in this Certificate. Other terms used in this Certificate shall have the meanings set forth in the Code or in the Regulations.

- "Annual Debt Service" means the principal of and interest on the Bonds scheduled to be paid during a given Bond Year.
- "Bonds" means the \$\_\_\_\_\_ aggregate principal amount of General Obligation Bonds, Series 2015A, of the Issuer issued in registered form pursuant to the Resolution.
- "Bond Counsel" means Ahlers & Cooney, P.C., Des Moines, Iowa, or an attorney at law or a firm of attorneys of nationally recognized standing in matters pertaining to the tax-exempt status of interest on obligations issued by states and their political subdivisions, duly admitted to the practice of law before the highest court of any State of the United States of America.
- "Bond Fund" means the Sinking Fund described in the Resolution.
- "Bond Purchase Agreement" means the binding contract in writing for the sale of the Bonds.

- "Bond Year" as defined in Regulation 1.148-1(b), means a one-year period beginning on the day after expiration of the preceding Bond Year. The first Bond Year shall be the one-year or shorter period beginning on the Closing Date and ending on a principal or interest payment date, unless Issuer selects another date.
- "Bond Yield" means that discount rate which produces an amount equal to the Issue Price of the Bonds when used in computing the present value of all payments of principal and interest to be paid on the Bonds, using semiannual compounding on a 360-day year as computed under Regulation 1.148-4.
- "Certificate" means this Tax Exemption Certificate.
- "Closing" means the delivery of the Bonds in exchange for the agreed upon purchase price.
- "Closing Date" means the date of Closing.
- "Code" means the Internal Revenue Code of 1986, as amended, and any statutes which replace or supplement the Internal Revenue Code of 1986.
- "Computation Date" means each five-year period from the Closing Date through the last day of the fifth and each succeeding fifth Bond Year.
- "Excess Earnings" means the amount earned on all Nonpurpose Investments minus the amount which would have been earned if such Nonpurpose Investments were invested at a rate equal to the Bond Yield, plus any income attributable to such excess.
- "Final Bond Retirement Date" means the date on which the Bonds are actually paid in full.
- "Governmental Obligations" means direct general obligations of, or obligations the timely payment of the principal of and interest on which is unconditionally guaranteed by the United States.
- "Gross Proceeds" as defined in Regulation 1.148-1(b), means any Proceeds of the Bonds and any replacement proceeds (as defined in Regulation 1.148-1(c)) of the Bonds.
- "Gross Proceeds Funds" means the Project Fund, Proceeds held to pay cost of issuance, and any other fund or account held for the benefit of the owners of the Bonds or containing Gross Proceeds of the Bonds except the Bond Fund and the Rebate Fund.
- "Issue Price" as defined in Regulation 1.148-1(b), means [the initial offering price of the Bonds to the public (not including bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of the Bonds (not less than 10% of each maturity) were sold to the public. For those maturities where less than 10% of such maturity has been sold at the initial offering price, the price for that maturity is determined as of the date of the Bond Purchase Agreement based upon the reasonably expected initial offering price to the public. The Purchasers have certified the Issue Price to be not more than \$\_\_\_\_\_.

- "Issuer" means the City of Sioux City, a municipal corporation in the County of Woodbury, State of Iowa.

- "Minor Portion of the Bonds", as defined in Regulation 1.148-2(g), means the lesser of five (5) percent of Proceeds or \$100,000. The Minor Portion of the Bonds is computed to be \$100,000.

- "Nonpurpose Investments" means any investment property which is acquired with Gross Proceeds and is not acquired to carry out the governmental purpose of the Bonds, and may include but is not limited to U.S. Treasury bonds, corporate bonds, or certificates of deposit.

- "Proceeds" as defined in Regulation 1.148-1(b), means Sale Proceeds, investment proceeds and transferred proceeds of the Bonds.

- "Project" means the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with rehabilitation and improvement of parks already owned, including facilities, equipment, signage, and improvements commonly found in City parks; trail and sidewalk improvements; construction, reconstruction, relocation, extension, improvement and equipping of sanitary sewers and facilities, storm sewers and other drainage facilities; improvements for the collection of surface waters, streams, and flood mitigation; waterworks improvements, including water main, tower and storage improvements; construction, reconstruction and repair of improvements to the City-owned cemetery grounds, infrastructure and facilities; construction, reconstruction and repairing of street, intersection, streetscape, alley and median improvements; reconstruction, improvement and repair of bridges and railroad crossings; construction of improvements and acquisition of equipment at the Sioux Gateway Airport, including replacement and or refurbishment of the airports paved and unpaved surfaces, electrical systems, buildings and the airfield specific equipment; and equipping the street, sewer and water departments; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with improvement and equipping various City facilities including the Police Department, and Long Lines Family Recreational Center; reconstruction, repair, replacement, and acquisition costs associated with the City's parking enterprise; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with annual pool improvements; WCICC Information Services equipment upgrades, hardware replacements, related improvements and software; acquisition and implementation of integrated library system; and improvements and equipping the Field Services Facility; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with acquisition of data processing upgrades and technology improvements, including annual fiber optic improvements; and construction, improvement and equipping a city fueling island at Central Maintenance Garage; and aiding in the planning, undertaking and carrying out of urban renewal projects under the authority of Iowa Code chapter 403 and the Urban Renewal Plans for the Combined Business District (CBD), Floyd River (Floyd) and Donner Park (Donner) Urban Renewal Areas, such as those costs associated with Riverfront Recreation Upgrades (CBD), water main upgrades (Donner), street, utility and public infrastructure improvements (Donner/Floyd), assisting with facade improvements (CBD) including sums already expended that meet the requirements of Section 2.8 hereof, as more fully described in the Resolution.

- "Project Fund" shall mean the fund required to be established by the Resolution for the deposit of the Proceeds of the Bonds.
- "Purchasers" means \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, constituting the initial purchasers of the Bonds from the Issuer.
- "Rebate Amount" means the amount computed as described in this Certificate.
- "Rebate Fund" means the fund to be created, if necessary, pursuant to this Certificate.
- "Rebate Payment Date" means a date chosen by the Issuer which is not more than 60 days following each Computation Date or the Final Bond Retirement Date.
- "Regulations" means the Income Tax Regulations, amendments and successor provisions promulgated by the Department of the Treasury under Sections 103, 148 and 149 of the Code, or other Sections of the Code relating to "arbitrage bonds", including without limitation Regulations 1.148-1 through 1.148-11, 1.149(b)-1, 1.149-d(1), 1.150-1 and 1.150-2.
- "Replacement Proceeds" include, but are not limited to, sinking funds, amounts that are pledged as security for an issue, and amounts that are replaced because of a sufficiently direct nexus to a governmental purpose of an issue.
- "Resolution" means the resolution of the Issuer adopted on June 8, 2015, authorizing the issuance of the Bonds.
- "Sale Proceeds" as defined in Regulation 1.148-1(b), means any amounts actually or constructively received from the sale of the Bonds, including amounts used to pay underwriter's discount or compensation and accrued interest other than pre-issuance accrued interest.
- "Sinking Fund" means the Bond Fund.
- "SLGS" means demand deposit Treasury securities of the State and Local Government Series.
- "Tax Exempt Obligations" means bonds or other obligations the interest on which is excludable from the gross income of the owners thereof under Section 103 of the Code and include certain regulated investment companies, stock in tax-exempt mutual funds and demand deposit SLGS.
- "Taxable Obligations" means all investment property, obligations or securities other than Tax Exempt Obligations.
- "Verification Certificate" means the certificate attached to this Certificate as Exhibit A, setting forth the offering prices at which the Purchaser will reoffer and sell the Bonds to the public.

## ARTICLE II

## **SPECIFIC CERTIFICATIONS, REPRESENTATIONS AND AGREEMENTS**

The Issuer hereby certifies, represents and agrees as follows:

### Section 2.1 Authority to Certify and Expectations

(a) The undersigned officer of the Issuer along with other officers of the Issuer, are charged with the responsibility of issuing the Bonds.

(b) This Certificate is being executed and delivered in part for the purposes specified in Section 1.148-2(b)(2) of the Regulations and is intended (among other purposes) to establish reasonable expectations of the Issuer at this time.

(c) The Issuer has not been notified of any disqualification or proposed disqualification of it by the Commissioner of the Internal Revenue Service as a bond issuer which may certify bond issues under Section 1.148-2(b)(2) of the Regulations.

(d) The certifications, representations and agreements set forth in this Article II are made on the basis of the facts, estimates and circumstances in existence on the date hereof, including the following: (1) with respect to amounts expected to be received from delivery of the Bonds, amounts actually received, (2) with respect to payments of amounts into various funds or accounts, review of the authorizations or directions for such payments made by the Issuer pursuant to the Resolution and this Certificate, (3) with respect to the Issue Price, the certifications of the Purchasers as set forth in the Verification Certificate, (4) with respect to expenditure of the Proceeds of the Bonds, actual expenditures and reasonable expectations of the Issuer as to when the Proceeds will be spent for purposes of the Project, and (5) with respect to Bond Yield, review of the Verification Certificate. The Issuer has no reason to believe such facts, estimates or circumstances are untrue or incomplete in any material way.

(e) To the best of the knowledge and belief of the undersigned officer of the Issuer, there are no facts, estimates or circumstances that would materially change the representations, certifications or agreements set forth in this Certificate, and the expectations herein set out are reasonable.

(f) No arrangement exists under which the payment of principal or interest on the Bonds would be directly or indirectly guaranteed by the United States or any agency or instrumentality thereof.

(g) After the expiration of any applicable temporary periods, and excluding investments in a bona fide debt service fund or reserve fund, not more than five percent (5%) of the Proceeds of the Bonds will be (a) used to make loans which are guaranteed by the United States or any agency or instrumentality thereof, or (b) invested in federally insured deposits or accounts.

(h) The Issuer will file with the Internal Revenue Service in a timely fashion Form 8038-G, Information Return for Tax-Exempt Governmental Obligations with respect to the Bonds and such other reports required to comply with the Code and applicable Regulations.

(i) The Issuer will take no action which would cause the Bonds to become "private activity bonds" as defined in Section 141 (a) of the Code, including any use of



the Project by any person other than a governmental unit if such use will be by other than a member of the general public. None of the Proceeds of the Bonds will be used directly or indirectly to make or finance loans to any person other than a governmental unit.

(j) The Issuer will make no change in the nature or purpose of the Project except as provided in Section 6.1 hereof.

(k) Except as provided in the Resolution, the Issuer will not establish any sinking fund, bond fund, reserve fund, debt service fund or other fund reasonably expected to be used to pay debt service on the Bonds (other than the Bond Fund and any Reserve Fund), exercise its option to redeem Bonds prior to maturity or effect a refunding of the Bonds.

(l) No bonds or other obligations of the Issuer (1) were sold in the 15 days preceding the date of sale of the Bonds, (2) were sold or will be sold within the 15 days after the date of sale of the Bonds, (3) have been delivered in the past 15 days or (4) will be delivered in the next 15 days pursuant to a common plan of financing for the issuance of the Bonds and payable out of substantially the same source of revenues.

(m) None of the Proceeds of the Bonds will be used directly or indirectly to replace funds of the Issuer used directly or indirectly to acquire obligations having a yield higher than the Bond Yield.

(n) No portion of the Bonds is issued for the purpose of investing such portion at a higher yield than the Bond Yield.

(o) The Issuer does not expect that the Proceeds of the Bonds will be used in a manner that would cause them to be "arbitrage bonds" as defined in Section 148(a) of the Code. The Issuer does not expect that the Proceeds of the Bonds will be used in a manner that would cause the interest on the Bonds to be includible in the gross income of the owners of the Bonds under the Code. The Issuer will not intentionally use any portion of the Proceeds to acquire higher yielding investments.

(p) The Issuer will not use the Proceeds of the Bonds to exploit the difference between tax-exempt and taxable interest rates to obtain a material financial advantage.

(q) The Issuer has not issued more Bonds, issued the Bonds earlier, or allowed the Bonds to remain outstanding longer than is reasonably necessary to accomplish the governmental purposes of the Bonds and in fact, the Bonds will not remain outstanding longer than 120% of the economic useful life of the assets financed with the Proceeds of the Bonds.

(r) The Bonds will not be Hedge Bonds as described in Section 149(g)(3) of the Code because the Issuer reasonably expects that it will meet the Expenditure test set forth in Section 2.5(b) hereof and that 50% or more of the Proceeds will not be invested in Nonpurpose Investments having a substantially guaranteed yield for four or more years.

Except for costs of issuance, all Sale Proceeds and investment earnings thereon will be expended for costs of the type that would be chargeable to capital accounts under the Code pursuant to federal income tax principles if the Issuer were treated as a corporation subject to federal income taxation.

## Section 2.2 Receipts and Expenditures of Sale Proceeds

Sale Proceeds (par plus re-offering premium of \$ \_\_\_\_\_), less underwriter's discount of \$ \_\_\_\_\_, received at Closing are expected to be deposited and expended as follows:

- (a) \$ \_\_\_\_\_ representing pre-issuance accrued interest will be deposited into the Bond Fund and will be used to pay a portion of the interest accruing on the Bonds on the first interest payment date; and
- (b) \$ \_\_\_\_\_ representing costs of issuing the Bonds will be used within six months of the Closing Date to pay the costs of issuance of the Bonds (with any excess remaining on deposit in the Project Fund); and
- (c) \$ \_\_\_\_\_ will be deposited into the Project Fund and will be used together with earnings thereon to pay the costs of the Project and will not exceed the amount necessary to accomplish the governmental purposes of the Bonds.

## Section 2.3 Purpose of Bonds

The Issuer is issuing the Bonds to pay the costs of improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with rehabilitation and improvement of parks already owned, including facilities, equipment, signage, and improvements commonly found in City parks; trail and sidewalk improvements; construction, reconstruction, relocation, extension, improvement and equipping of sanitary sewers and facilities, storm sewers and other drainage facilities; improvements for the collection of surface waters, streams, and flood mitigation; waterworks improvements, including water main, tower and storage improvements; construction, reconstruction and repair of improvements to the City-owned cemetery grounds, infrastructure and facilities; construction, reconstruction and repairing of street, intersection, streetscape, alley and median improvements; reconstruction, improvement and repair of bridges and railroad crossings; construction of improvements and acquisition of equipment at the Sioux Gateway Airport, including replacement and or refurbishment of the airports paved and unpaved surfaces, electrical systems, buildings and the airfield specific equipment; and equipping the street, sewer and water departments; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with annual pool improvements; improvements to the Lewis and Clark Stadium; WCICC Information Services equipment upgrades, hardware replacements, related improvements and software; acquisition and implementation of integrated library system; and improvements and equipping the Field Services Facility; certain of the improvements and facilities included in the bond-financed portions of the Capital Improvement Program, including those costs incurred in connection with acquisition of data processing upgrades and technology improvements, including annual fiber optic improvements; and construction, improvement and equipping a city fueling island at Central Maintenance Garage.

## Section 2.4 Facts Supporting Tax-Exemption Classification

### Governmental Bonds

#### Private Business Use/Private Security or Payment Tests

The Bonds are considered to be governmental bonds, not subject to the provisions of the alternate minimum tax. The Proceeds will be used for the purposes de-

scribed in Section 2.3 hereof. These bonds are not private activity bonds because no amount of Proceeds of the Bonds is to be used in a trade or business carried on by a non-governmental unit. Rather, the Proceeds will be used to finance the general government operations and facilities of the Issuer described in Section 2.3 hereof. None of the payment of principal or interest on the Bonds will be derived from, or secured by, money or property used in a trade or business of a non-governmental unit. In addition, none of the governmental operations or facilities of the Issuer being financed with the Proceeds of the Bonds are subject to any lease, management contract or other similar arrangement or to any arrangement for use other than as by the general public.

#### Private Loan Financing Test

No amount of Proceeds of the Bonds is to be used directly or indirectly to make or finance loans to persons other than governmental units.

#### Output Facilities (water facilities)

The Issuer will use all or a portion of the Proceeds of the Bonds to finance an output facility.

The Issuer will comply with the Code and Regulations with respect to output facilities applicable to the Bonds.

#### Section 2.5 Facts Supporting Temporary Periods for Proceeds

(a) Time Test. Not later than six months after the Closing Date, the Issuer will incur a substantial binding obligation to a third party to expend at least 5% of the net Sale Proceeds of the Bonds.

(b) Expenditure Test. Not less than 85% of the net Sale Proceeds will be expended for Project costs, including the reimbursement of other funds expended to date, within a three-year temporary period from the Closing Date.

(c) Due Diligence Test. Not later than six months after Closing, work on the Project will have commenced and will proceed with due diligence to completion.

(d) Proceeds of the Bonds representing less than six months accrued interest on the Bonds will be spent within six months of this date to pay interest on the Bonds, and will be invested without restriction as to yield for a temporary period not in excess of six months.

#### Section 2.6 Resolution Funds at Restricted or Unrestricted Yield

(a) Proceeds of the Bonds will be held and accounted for in the manner provided in the Resolution. The Issuer has not and does not expect to create or establish any other bond fund, reserve fund, or similar fund or account for the Bonds. The Issuer has not and will not pledge any moneys or Taxable Obligations in order to pay debt service on the Bonds or restrict the use of such moneys or Taxable Obligations so as to give reasonable assurances of their availability for such purposes.

(b) Any monies which are invested beyond a temporary period are expected to constitute less than a major portion of the Bonds or to be restricted for investment at a yield not greater than one-eighth of one percent above the Bond Yield.

(c) The Issuer has established and will use the Bond Fund primarily to achieve a proper matching of revenues and debt service within each Bond Year and the Issuer will apply moneys deposited into the Bond Fund to pay the principal of and interest on the Bonds. Such Fund will be depleted at least once each Bond Year except for a reasonable carryover amount. The carryover amount will not exceed the greater of (1) one year's earnings on the Bond Fund or (2) one-twelfth of Annual Debt Service. The Issuer will spend moneys deposited from time to time into such fund within 13 months after the date of deposit. Revenues, intended to be used to pay debt service on the Bonds, will be deposited into the Bond Fund as set forth in the Resolution. The Issuer will spend interest earned on moneys in such fund not more than 12 months after receipt. Accordingly, the Issuer will treat the Bond Fund as a bona fide debt service fund as defined in Regulation 1.148-1(b).

Investment of amounts on deposit in the Bond Fund will not be subject to arbitrage rebate requirements as the Bonds meet the safe harbor set forth in Regulation 1.148-3(k), because the average annual debt service on the Bonds will not exceed \$2,500,000.

(d) The Minor Portion of the Bonds will be invested without regard to yield.

#### Section 2.7 Pertaining to Yields

(a) The purchase price of all Taxable Obligations to which restrictions apply under this Certificate as to investment yield or rebate of Excess Earnings, if any, has been and shall be calculated using (i) the price taking into account discount, premium and accrued interest, as applicable, actually paid or (ii) the fair market value if less than the price actually paid and if such Taxable Obligations were not purchased directly from the United States Treasury. The Issuer will acquire all such Taxable Obligations directly from the United States Treasury or in an arm's length transaction without regard to any amounts paid to reduce the yield on such Taxable Obligations. The Issuer will not pay or permit the payment of any amounts (other than to the United States) to reduce the yield on any Taxable Obligations. Obligations pledged to the payment of debt service on the Bonds, or deposited into any reserve fund after they have been acquired by the Issuer will be treated as though they were acquired for their fair market value on the date of such pledge or deposit. Obligations on deposit in any reserve fund on the Closing Date shall be treated as if acquired for their fair market value on the Closing Date.

(b) Qualified guarantees have not been used in computing yield.

(c) The Bond Yield has been computed as not less than \_\_\_\_\_ percent. This Bond Yield has been computed on the basis of a purchase price for the Bonds equal to the Issue Price.

## Section 2.8 Reimbursement Bonds

Not later than 60 days after payment of Original Expenditures, the Issuer has adopted an Official Intent and has declared its intention to make a Reimbursement Allocation of Original Expenditures incurred in connection with Project Segment(s) from proceeds of the Reimbursement Bonds.

(a) The Reimbursement Allocation will occur on or before the later of (i) eighteen months after the Original Expenditures are paid or (ii) eighteen months after the first Project Segment is placed in service, but in no event more than three years after the Original Expenditures are paid.

(b) No other Reimbursement Allocation will be made except for Preliminary Expenditures.

(c) The Reimbursement Allocation has not been undertaken to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements and will not employ an abusive arbitrage device under Regulation 1.148-10.

(d) Within one year of the Closing Date, the Reimbursement Allocation will not be used in a manner that results in the creation of replacement proceeds, as defined in Regulation 1.148-1.

(e) For purposes of Section 2.3, the following terms shall have the meanings set forth below:

(1) "Official Intent" means a declaration of intent described under Regulation 1.150-2 to reimburse Original Expenditures with the proceeds of the Bonds.

(2) "Original Expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than the Reimbursement Bonds.

(3) "Preliminary Expenditures", as defined in Regulation 1.150-2(f)(2), means architectural, engineering, surveying, soil tests, Reimbursement Bond issuance costs, and similar costs incurred prior to commencement of construction, rehabilitation or acquisition of a Project Segment which do not exceed 20% of the Issue Price of the portion of the Bonds that finances the Project Segment for which they were incurred.

(4) "Project Segment" means the costs, described in an Official Intent of the Issuer, incurred prior to the Closing Date to acquire, construct, or improve land, buildings or equipment excluding current operating expenses but including costs of issuing the Reimbursement Bonds.

(5) "Reimbursement Allocation" means written evidence of the use of Reimbursement Bond proceeds to reimburse a fund of the Issuer for Original Expenditures paid or advanced prior to the Closing Date and incurred in connection with a Project Segment.

(6) "Reimbursement Bonds" means the portion of the Bonds which are allocated to reimburse the Original Expenditures paid prior to the Closing Date and incurred in connection with a Project Segment.

### ARTICLE III

#### REBATE

##### Section 3.1 Records

Sale Proceeds of the Bonds will be held and accounted for in the manner provided in the Resolution. The Issuer will maintain adequate records for funds created by the Resolution and this Certificate including all deposits, withdrawals, transfers from, transfers to, investments, reinvestments, sales, purchases, redemptions, liquidations and use of money or obligations until six years after the Final Bond Retirement Date.

##### Section 3.2 Rebate Fund

(a) In the Resolution, the Issuer has covenanted to pay to the United States the Rebate Amount, an amount equal to the Excess Earnings on the Gross Proceeds Funds, if any, at the times and in the manner required or permitted and subject to stated special rules and allowable exceptions.

(b) The Issuer may establish a fund pursuant to the Resolution and this Certificate which is herein referred to as the Rebate Fund. The Issuer will invest and expend amounts on deposit in the Rebate Fund in accordance with this Certificate.

(c) Moneys in the Rebate Fund shall be held by the Issuer or its designee and, subject to Sections 3.4, 3.5 and 6.1 hereof, shall be held for future payment to the United States as contemplated under the provisions of this Certificate and shall not constitute part of the trust estate held for the benefit of the owners of the Bonds or the Issuer.

(d) The Issuer will pay to the United States from legally available money of the Issuer (whether or not such available money is on deposit in any fund or account related to the Bonds) any amount which is required to be paid to the United States.

##### Section 3.3 Exceptions to Rebate

The Issuer reasonably expects that the Bonds are eligible for one or more exceptions from the arbitrage rebate rules set forth in the Regulations. If any Proceeds are ineligible, or become ineligible, for an exception to the arbitrage rebate rules, the Issuer will comply with the provisions of this Article III. A description of the applicable rebate exception(s) is as follows:

- Eighteen-Month Exception

The Gross Proceeds of the Bonds are expected to be expended for the governmental purposes for which the Bonds were issued in accordance with the following schedule:

- 1) 15 percent spent within six months of the Closing Date;
- 2) 60 percent spent within one year of the Closing Date;

- 3) 100 percent spent within eighteen months of the Closing Date (subject to 5 percent retainage for not more than one year).

In any event, the Issuer expects that the 5% reasonable retainage will be spent within 30 months of the Closing Date. For purposes of determining compliance with the six-month and twelve-month spending periods, the amount of investment earnings included shall be based on the Issuer's reasonable expectations that the average annual interest rate on investments will be not more than 2%. For purposes of determining compliance with the eighteen-month spending period, the amount of investment earnings included shall be based on actual earnings. If the Issuer fails to meet the foregoing expenditure schedule, the Issuer shall comply with the arbitrage rebate requirements of the Code.

- Election to Treat as Construction Bonds.

The Issuer reasonably expects that more than 75 percent of the "available construction proceeds" ("ACP") of the Bonds, as defined in Section 148(f)(4)(C)(vi) of the Code, will be used for construction expenditures. ACP includes the issue price of the issue plus the earnings on such issue. Not less than the following percentages of the ACP will be spent within the following periods:

- 1) 10 percent spent within six months of the Closing Date;
- 2) 45 percent spent within one year of the Closing Date;
- 3) 75 percent spent within eighteen months of the Closing Date;
- 4) 100 percent spent within two years of the Closing Date (subject to 5 percent retainage for not more than one year).

In any event, the Issuer expects that the 5% reasonable retainage will be spent within a three-year period beginning on the Closing Date. A failure to spend an amount that does not exceed the lesser of (i) 3% of the issue price or (ii) \$250,000, is disregarded if the Issuer exercises due diligence to complete the Project.

- Election with respect to future earnings

Pursuant to Section 1.148-7(f)(2) of the Regulations, the Issuer elects to use actual investment earnings of the ACP in determining compliance with the above schedule.

If the Issuer fails to meet the foregoing expenditure schedule, the Issuer shall comply with the arbitrage rebate requirements of the Code.

#### Section 3.4 Calculation of Rebate Amount

(a) As soon after each Computation Date as practicable, the Issuer shall, if necessary, calculate and determine the Excess Earnings on the Gross Proceeds Funds (the "Rebate Amount"). All calculations and determinations with respect to the Rebate Amount will be made on the basis of actual facts as of the Computation Date and reasonable expectations as to future events.

(b) If the Rebate Amount exceeds the amount currently on deposit in the Rebate Fund, the Issuer may deposit an amount in the Rebate Fund such that the balance in the Rebate Fund after such deposit equals the Rebate Amount. If the amount in the

Rebate Fund exceeds the Rebate Amount, the Issuer may withdraw such excess amount provided that such withdrawal can be made from amounts originally transferred to the Rebate Fund and not from earnings thereon, which may not be transferred, and only if such withdrawal may be made without liquidating investments at a loss.

### Section 3.5 Rebate Requirements and the Bond Fund

It is expected that the Bond Fund described in the Resolution and Section 2.6(c) of this Certificate will be treated as a bona fide debt service fund as defined in Regulation 1.148-1(b). As such, any amount earned during a Bond Year on the Bond Fund and amounts earned on such amounts, if allocated to the Bond Fund, will not be taken into account in calculating the Rebate Amount if the annual gross earnings on the Bond Fund for such Bond Year are less than \$100,000 or if average annual debt service will not exceed \$2,500,000. However, should annual gross earnings exceed \$100,000 or should the Bond Fund cease to be treated as a bona fide debt service fund, the Bond Fund will become subject to the rebate requirements set forth in Section 3.4 hereof.

### Section 3.6 Investment of the Rebate Fund

(a) Immediately upon a transfer to the Rebate Fund, the Issuer may invest all amounts in the Rebate Fund not already invested and held in the Rebate Fund, to the extent possible, in (1) SLGS, such investments to be made at a yield of not more than one-eighth of one percent above the Bond Yield, (2) Tax Exempt Obligations, (3) direct obligations of the United States or (4) certificates of deposit of any bank or savings and loan association. All investments in the Rebate Fund shall be made to mature not later than the next Rebate Payment Date.

(b) If the Issuer invests in SLGS, the Issuer shall file timely subscription forms for such securities (if required). To the extent possible, amounts received from maturing SLGS shall be reinvested immediately in zero yield SLGS maturing on or before the next Rebate Payment Date.

### Section 3.7 Payment to the United States

(a) On each Rebate Payment Date, the Issuer will pay to the United States at least ninety percent (90%) of the Rebate Amount less a computation credit of \$1,000 per Bond Year for which the payment is made.

(b) The Issuer will pay to the United States not later than sixty (60) days after the Final Bond Retirement Date all the rebatable arbitrage as of such date and any income attributable to such rebatable arbitrage as described in Regulation 1.148-3(f)(2).

(c) If necessary, on each Rebate Payment Date, the Issuer will mail a check to the Internal Revenue Service Center, Ogden, UT 84201. Each payment shall be accompanied by a copy of Form 8038-T, Arbitrage Rebate, filed with respect to the Bonds or other information reporting form as is required to comply with the Code and applicable Regulations.

### Section 3.8 Records

(a) The Issuer will keep and retain adequate records with respect to the Bonds, the Gross Proceeds Funds, the Bond Fund, and the Rebate Fund until six years after the Final Bond Retirement Date. Such records shall include descriptions of all cal-



culations of amounts transferred to the Rebate Fund, if any, and descriptions of all calculations of amounts paid to the United States as required by this Certificate. Such records will also show all amounts earned on moneys invested in such funds, and the actual dates and amounts of all principal, interest and redemption premiums (if any) paid on the Bonds.

(b) Records relating to the investments in such Funds shall completely describe all transfers, deposits, disbursements and earnings including:

(1) a complete list of all investments and reinvestments of amounts in each such Fund including, if applicable, purchase price, purchase date, type of security, accrued interest paid, interest rate, dated date, principal amount, date of maturity, interest payment dates, date of liquidation, receipt upon liquidation, market value of such investment on the Final Bond Retirement Date if held by the Issuer on the Final Bond Retirement Date, and market value of the investment on the date pledged to the payment of the Bonds or the Closing Date if different from the purchase date.

(2) the amount and source of each payment to, and the amount, purpose and payee of each payment from, each such Fund.

#### Section 3.9 Additional Payments

The Issuer hereby agrees to pay to the United States from legally available money of the Issuer (whether or not such available money is on deposit in any fund or account related to the Bonds) any amount which is required to be paid to the United States, but which is not available in a fund related to the Bonds for transfer to the Rebate Fund or payment to the United States.

### **ARTICLE IV**

#### **INVESTMENT RESTRICTIONS**

##### Section 4.1 Avoidance of Prohibited Payments

The Issuer will not enter into any transaction that reduces the amount required to be deposited into the Rebate Fund or paid to the United States because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Bond Yield not been relevant to either party. The Issuer will not invest or direct the investment of any funds in a manner which reduces an amount required to be paid to the United States because such transaction results in a small profit or larger loss than would have resulted if the transaction had been at arm's length and had the Bond Yield not been relevant to the Issuer. In particular, notwithstanding anything to the contrary contained herein or in the Resolution, the Issuer will not invest or direct the investment of any funds in a manner which would violate any provision of this Article IV.

##### Section 4.2 Market Price Requirement

(a) The Issuer will not purchase or direct the purchase of Taxable Obligations for more than the then available market price for such Taxable Obligations. The Issuer will not sell, liquidate or direct the sale or liquidation of Taxable Obligations for less than the then available market price.

(b) For purposes of this Certificate, United States Treasury obligations purchased directly from the United States Treasury will be deemed to be purchased at the market price.

#### Section 4.3 Investment in Certificates of Deposit

(a) Notwithstanding anything to the contrary contained herein or in the Resolution, the Issuer will invest or direct the investment of funds on deposit in the Reserve Fund, any other Gross Proceeds Fund, the Bond Fund, and the Rebate Fund, in a certificate of deposit of a bank or savings bank which is permitted by law and by the Resolution only if the purchase price of such a certificate of deposit is treated as its fair market value on the purchase date and if the yield on the certificate of deposit is not less than (1) the yield on reasonably comparable direct obligations of the United States; and (2) the highest yield that is published or posted by the provider to be currently available from the provider on reasonably comparable certificates of deposit offered to the public.

(b) The certificate of deposit described in paragraph 4.3(a) above must be executed by a dealer who maintains an active secondary market in comparable certificates of deposit and must be based on actual trades adjusted to reflect the size and term of that certificate of deposit and the stability and reputation of the bank or savings bank issuing the certificate of deposit.

#### Section 4.4 Investment Pursuant to Investment Contracts and Agreements

The Issuer will invest or direct the investment of funds on deposit in the Gross Proceeds Funds, the Bond Fund, and the Rebate Fund pursuant to an investment contract (including a repurchase agreement) only if all of the following requirements are satisfied:

(a) The Issuer makes a bona fide solicitation for the purchase of the investment. A bona fide solicitation is a solicitation that satisfies all of the following requirements:

(1) The bid specifications are in writing and are timely forwarded to potential providers.

(2) The bid specifications include all material terms of the bid. A term is material if it may directly or indirectly affect the yield or the cost of the investment.

(3) The bid specifications include a statement notifying potential providers that submission of a bid is a representation that the potential provider did not consult with any other potential provider about its bid, that the bid was determined without regard to any other formal or informal agreement that the potential provider has with the issuer or any other person (whether or not in connection with the Bonds), and that the bid is not being submitted solely as a courtesy to the issuer or any other person for purposes of satisfying the requirements of paragraph (d)(6)(iii)(B)(1) or (2) of section 1.148-5 of the Regulations.

(4) The terms of the bid specifications are commercially reasonable. A term is commercially reasonable if there is a legitimate business purpose for the term other than to increase the purchase price or reduce the yield of the investment.

(5) For purchases of guaranteed investment contracts only, the terms of the solicitation take into account the Issuer's reasonably expected deposit and drawdown schedule for the amounts to be invested.

(6) All potential providers have an equal opportunity to bid and no potential provider is given the opportunity to review other bids (i.e., a last look) before providing a bid.

(7) At least three reasonably competitive providers are solicited for bids. A reasonably competitive provider is a provider that has an established industry reputation as a competitive provider of the type of investments being purchased.

(b) The bids received by the Issuer meet all of the following requirements:

(1) The Issuer receives at least three bids from providers that the Issuer solicited under a bona fide solicitation meeting the requirements of paragraph (d)(6)(iii)(A) of section 1.148-5 of the Regulations and that do not have a material financial interest in the issue. A lead underwriter in a negotiated underwriting transaction is deemed to have a material financial interest in the issue until 15 days after the issue date of the issue. In addition, any entity acting as a financial advisor with respect to the purchase of the investment at the time the bid specifications are forwarded to potential providers has a material financial interest in the issue. A provider that is a related party to a provider that has a material financial interest in the issue is deemed to have a material financial interest in the issue.

(2) At least one of the three bids described in paragraph (d)(6)(iii)(B)(1) of section 1.148-5 of the Regulations is from a reasonably competitive provider, within the meaning of paragraph (d)(6)(iii)(A)(7) of section 1.148-5 of the Regulations.

(3) If the Issuer uses an agent to conduct the bidding process, the agent did not bid to provide the investment.

(c) The winning bid meets the following requirements:

(1) Guaranteed investment contracts. If the investment is a guaranteed investment contract, the winning bid is the highest yielding bona fide bid (determined net of any broker's fees).

(2) Other investments. If the investment is not a guaranteed investment contract, the winning bid is the lowest cost bona fide bid (including any broker's fees).

(d) The provider of the investments or the obligor on the guaranteed investment contract certifies the administrative costs that it pays (or expects to pay, if any) to third parties in connection with supplying the investment.

(e) The Issuer will retain the following records with the bond documents until three years after the last outstanding bond is redeemed:

(1) For purchases of guaranteed investment contracts, a copy of the contract, and for purchases of investments other than guaranteed investment contracts, the purchase agreement or confirmation.

(2) The receipt or other record of the amount actually paid by the Issuer for the investments, including a record of any administrative costs paid by the Issuer, and the certification under paragraph (d)(6)(iii)(D) of section 1.148-5 of the Regulations.

(3) For each bid that is submitted, the name of the person and entity submitting the bid, the time and date of the bid, and the bid results.

(4) The bid solicitation form and, if the terms of the purchase agreement or the guaranteed investment contract deviated from the bid solicitation form or a submitted bid is modified, a brief statement explaining the deviation and stating the purpose for the deviation.

(5) For purchases of investments other than guaranteed investment contracts, the cost of the most efficient portfolio of State and Local Government Series Securities, determined at the time that the bids were required to be submitted pursuant to the terms of the bid specifications.

#### Section 4.5 Records

The Issuer will maintain records of all purchases, sales, liquidations, investments, reinvestments, redemptions, disbursements, deposits, and transfers of amounts on deposit.

#### Section 4.6 Investments to be Legal

All investments required to be made pursuant to this Certificate shall be made to the extent permitted by law. In the event that any such investment is determined to be ultra vires, it shall be liquidated and the proceeds thereof shall be invested in a legal investment, provided that prior to reinvesting such proceeds, the Issuer shall obtain an opinion of Bond Counsel to the effect that such reinvestment will not cause the Bonds to become arbitrage bonds under Sections 103, 148, 149, or any other applicable provision of the Code.

### **ARTICLE V**

#### **GENERAL COVENANTS**

The Issuer hereby covenants to perform all acts within its power necessary to ensure that the reasonable expectations set forth in Article II hereof will be realized. The Issuer reasonably expects to comply with all covenants contained in this Certificate.

### **ARTICLE VI**

#### **AMENDMENTS AND ADDITIONAL AGREEMENTS**

#### Section 6.1 Opinion of Bond Counsel; Amendments

The various provisions of this Certificate need not be observed and this Certificate may be amended or supplemented at any time by the Issuer if the Issuer receives an opinion or opinions of Bond Counsel that the failure to comply with such provisions will not cause any of the

Bonds to become "arbitrage bonds" under the Code and that the terms of such amendment or supplement will not cause any of the Bonds to become "arbitrage bonds" under the Code, or otherwise cause interest on any of the Bonds to become includable in gross income for federal income tax purposes.

Section 6.2 Additional Covenants, Agreements

The Issuer hereby covenants to make, execute and enter into (and to take such actions, if any, as may be necessary to enable it to do so) such agreements as may be necessary to comply with any changes in law or regulations in order to preserve the tax-exempt status of the Bonds to the extent that it may lawfully do so. The Issuer further covenants (1) to impose such limitations on the investment or use of moneys or investments related to the Bonds, (2) to make such payments to the United States Treasury, (3) to maintain such records, (4) to perform such calculations, and (5) to perform such other lawful acts as may be necessary to preserve the tax-exempt status of the Bonds.

Section 6.3 Internal Revenue Service Audits

The Internal Revenue Service has not audited the Issuer regarding any obligations issued by or on behalf of the Issuer. To the best knowledge of the Issuer, no such obligations of the Issuer are currently under examination by the Internal Revenue Service.

Section 6.4 Amendments

Except as otherwise provided in Section 6.1 hereof, all the rights, powers, duties and obligations of the Issuer shall be irrevocable and binding upon the Issuer and shall not be subject to amendment or modification by the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Certificate to be executed by its duly authorized officer, all as of the day first above written.

\_\_\_\_\_  
Finance Director, City of Sioux City, State of  
Iowa

(SEAL)

**PURCHASER'S CERTIFICATE**

I, the undersigned, do hereby certify that I am the \_\_\_\_\_, of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ (the "Purchaser"), hereby certifies as follows:

1. That the Purchaser and the City of Sioux City (the "Issuer"), have entered into a contract (the "Contract") dated June 8, 2015 (the "Sale Date"), concerning purchase by the Purchaser from Issuer of \$ \_\_\_\_\_ General Obligation Bonds, Series 2015A, dated June 29, 2015 (the "Bonds").

2. That the Contract is in full force and effect and has not been repealed, rescinded or amended.

3. That the Purchaser hereby confirms that all of the Bonds have been the subject of a bona fide initial offering to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers) (the "Public") at the price for each maturity of the Bonds as shown on the Final Official Statement related to the issuance of the Bonds, and any addenda thereto (the "Price"); and that in offering the Bonds to the Public, the Purchaser did not reserve or hold back any Bonds for itself, its affiliates or its affiliated accounts or for any other person not part of the Public. For purposes of this Certificate, "affiliate" means any company that controls, is controlled by, or is under common control with the Purchaser, and "affiliated account" means any account of the Purchaser or its affiliates that is controlled by the Purchaser or an affiliate or in which the Purchaser or an affiliate has a beneficial ownership.

4. That on the Sale Date based upon the Purchaser's assessment of then prevailing market conditions, the Price for the Bonds of each maturity did not exceed the fair market value to the Public of the Bonds of such maturity as of the Sale Date.

5. That as of the Sale Date the Purchaser reasonably expected that (a) the first sale to the Public of an amount of Bonds of each maturity equal to ten percent or more of such maturity of Bonds (the "First Substantial Block") would be at the Price for such maturity and (b) no Bonds of any maturity would be sold at a higher price before the First Substantial Block of Bonds of such maturity was sold to the Public at the Price, and that, in addition, accrued interest to the date of issuance of the Bonds by the Issuer will be paid by the investors purchasing the Bonds.

6. That the Purchaser agrees that based upon the Price reflected herein the arbitrage yield on the Bonds is \_\_\_\_\_%, and that the weighted average maturity of the Bonds based on the Price reflected herein is \_\_\_\_\_ years.

7. That the undersigned is a duly authorized representative of the Purchaser, with the power to make the representations herein.

IN WITNESS HERETO, I affix my signature this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
(PURCHASER)

By: \_\_\_\_\_

Title: \_\_\_\_\_

(Attach copy of coversheet of Final Official Statement)

01115082-1\111114-180

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7A

Jade Dundas, Assistant City Manager of Public Works

**FROM:** Glenn Ellis, City Engineer  
Monette Harbeck, Parking and Meter Operations Supervisor

**SUBJECT:** **Resolution approving Change Order No. 1 to the contract with Western Waterproofing Company of America in the amount of \$33,050.88 for additional ceiling repair in connection with the River's Landing Parking Facility 2015 Repairs Project.**

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

**RECOMMENDATION:**

Staff respectfully requests Council approve Change Order No. 1 to the contract with Western Waterproofing Company of America in the amount of \$33,050.88 for additional ceiling repair for the River's Landing Parking Facility 2015 Repairs Project.

**DISCUSSION:**

A contract in the amount of \$209,301.92 was awarded to Western Waterproofing Company of America on February 23, 2015 under Resolution No. 2015-0134. This change order is necessary to perform additional ceiling repairs that were identified as being needed. The project was originally bid with the ceiling repair quantity less than the total quantity of ceiling repairs needed as a whole. With the awarded bid coming in less than the engineer's estimate, there was an opportunity to do more work. The additional ceiling repairs are needed, and will be completed within the quantities approved.

**FINANCIAL IMPACT:**

This project is funded using Parking Abated GO Bonds under CIP 728-012, Annual Parking Ramp Repairs. The project currently has an available balance of \$187,762.23.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Defer action to negotiate costs for change order.

**ATTACHMENTS:**

Resolution  
Change Order No. 1



**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachment

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT WITH WESTERN WATERPROOFING COMPANY OF AMERICA IN THE AMOUNT OF \$33,050.88 FOR ADDITIONAL CEILING REPAIR IN CONNECTION WITH THE RIVER'S LANDING PARKING FACILITY 2015 REPAIRS PROJECT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that Change Order No. 1, a copy of which is attached hereto and by this reference made a part hereof, to the contract with Western Waterproofing Company of America of Omaha, Nebraska in the amount of \$33,050.88 for additional ceiling repair in connection with the River's Landing Parking Facility 2015 Repairs Project, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized and directed to execute said Change Order No. 1 for and on behalf of the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



400 6th Street | P.O. Box 447 | Sioux City, IA 51102

Project: Rivers Landing Parking Facility 2015 Repairs

Contractor:  
Western Waterproofing Company of America  
14815 Grover Street  
Omaha, NE 68144

Interim Quantity Adjustment

CHANGE ORDER NO. 1

Date of Issuance: 5/12/15

Project No. 6796-726-012

Contract No. 99411

Contract Date: 3/23/15

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

Item No.	Description	Units	Plan Quantity	Adjusted Quantity	Unit Prices	Quantity Change	Total Cost Add / (Deduct)
10	Coiling Repair - Partial Depth	SF	396.00	700.00	\$ 108.72	304.00	\$ 33,050.88

Value of Change Order \$ 33,050.88

Original Contract Price:	\$209,301.02
Previously Approved Change Orders	
No.	\$0.00
No.	\$0.00
No.	\$0.00
No.	\$0.00
Net Increase / Decrease This Change Order:	\$33,050.88
Revised Contract Price:	\$242,352.80

Contract Time Prior to this Change Order (Calendar Days / Final Completion Date)	6/18/2015
Net Increase Resulting from this Change Order (Calendar Days)	42
Revised Contract Time Including this Change Order (Calendar Days / Final Completion Date)	7/29/2015

 5/20/15  
 Contractor \_\_\_\_\_ Date  
 5/20/15  
 Inspector \_\_\_\_\_ Date  
 5/20/15  
 Project Engineer \_\_\_\_\_ Date  
 28 May '15  
 City Engineer \_\_\_\_\_ Date  
 City Manager \_\_\_\_\_ Date

cc: Contractor  
Engineering  
Finance  
Clerk's Office

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7B

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Glenn Ellis, City Engineer

**SUBJECT:** Resolution approving an agreement with the Iowa Department of Transportation for the use of Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2015, 2016, and 2017 construction seasons.

---

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

---

**RECOMMENDATION:**  
Staff respectfully requests Council authorize the execution of an agreement with the Iowa Department of Transportation (IDOT) to use local roads as detours during the 2015, 2016, and 2017 construction seasons on I-29.

**DISCUSSION:**  
The Iowa Department of Transportation has requested that they be authorized to use Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street to detour I-29 northbound traffic during the closure of the Floyd Boulevard northbound on and off-ramps, and the northbound Nebraska Street off-ramp. This agreement is similar to previous year's agreements which have allowed IDOT to utilize other local roads when portions of I-29 were being constructed and were closed.

All detours will meet the MUTCD standards for traffic control and will be maintained by the IDOT throughout the closure.

**FINANCIAL IMPACT:**  
IDOT will restore the local roads to as good condition as prior to the detour or compensate the City for excessive traffic on the local roads during the period they were used for the detour route.

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

**ALTERNATIVES:**  
Deny the use of local road ways as detours for the I-29 project. This will likely delay the project and increase costs significantly.  
Ask IDOT to identify alternate routes.

**ATTACHMENTS:**

Resolution  
Agreement  
Detour Maps

**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION APPROVING AN AGREEMENT WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR USE OF DACE AVENUE, WESLEY PARKWAY, VIRGINIA STREET, NEBRASKA STREET, PIERCE STREET, AND 3RD STREET AS DETOURS IN CONNECTION WITH THE I-29 NORTHBOUND RECONSTRUCTION, FLOYD RIVER TO WESLEY PARKWAY PROJECT DURING THE 2015, 2016, AND 2017 CONSTRUCTION SEASONS.

WHEREAS, the Iowa Department of Transportation has determined the necessity to close the Floyd Boulevard northbound I-29 on and off-ramps, and the northbound Nebraska Street off-ramp to northbound traffic in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2015, 2016, and 2017 construction seasons; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the City of Sioux City desires to permit the use of Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street as detours during the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2015, 2016, and 2017 construction seasons; and

WHEREAS, the Iowa Department of Transportation has submitted to the City of Sioux City an Agreement for the use of Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street as detours during the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project closure during the 2015, 2016, and 2017 construction seasons, a copy of which Agreement is attached hereto and by this reference made a part hereof, which should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Agreement by and between the Iowa Department of Transportation and the City of Sioux City, Iowa, for the use of Dace Avenue, Wesley Parkway, Virginia Street, Nebraska Street, Pierce Street, and 3rd Street as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2015, 2016, and 2017 construction seasons, be and the same is hereby approved and the Mayor be and he is hereby authorized and directed to execute said agreement for and on behalf of the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



**AGREEMENT FOR USE OF LOCAL AGENCY ROADS AS DETOURS**

This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the Department; and the City of Sioux City, hereinafter known as the Local Public Agency (LPA).

WHEREAS, the Department has determined the necessity to temporarily close primary highway Floyd Blvd. Ramps B&D (Northbound Ramps) from beginning of the northbound Floyd Blvd. exit-ramp to end of the northbound Floyd Blvd. entrance ramp for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies; and

WHEREAS, It is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:  
NB Floyd Blvd. exit ramp B traffic will utilize I-29 NB Exit 148 Wesley Pkwy; thence south to SB Floyd Blvd. Exit to north Floyd Blvd. (241)  
Beginning at NB Floyd Blvd. entrance ramp D (stage 1); thence west 0.2 mile on Duce Ave; thence north 0.10 mile on Virginia St; thence west on Gordon Dr. to north I-29 via Wesley Pkwy interchange. NB Floyd Blvd. entrance ramp D (stage 3); same detour above but will connect with the  
Wesley Pkwy Ramp B detour/closure. (49) See Attached Maps for all 3 - Detours.; and

WHEREAS, Authorized representatives of both the Department and the LPA shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the Department will inspect the bridges on the detour route and determine the maximum vehicle weight (up to 156,000 pounds) that can be safely carried on these bridges and submit this information to the LPA for its review. The LPA may choose to restrict detour traffic to only vehicles of legal weight or size. If the LPA allows oversize or overweight loads, it shall notify the Department in writing. The Department shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the Department agrees to perform the following pre-detour maintenance, if any: Detour signing and paint markings, per MUTCD; and

WHEREAS, the Department agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Department pursuant to 751 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the Department shall restore the local agency road to as good condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin September 1, 2015 and end December 31, 2017 and  
 (date) (date)

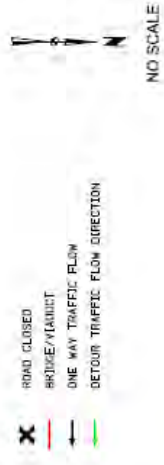
WHEREAS, the parties agree to the following additional provisions, if any: \_\_\_\_\_

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

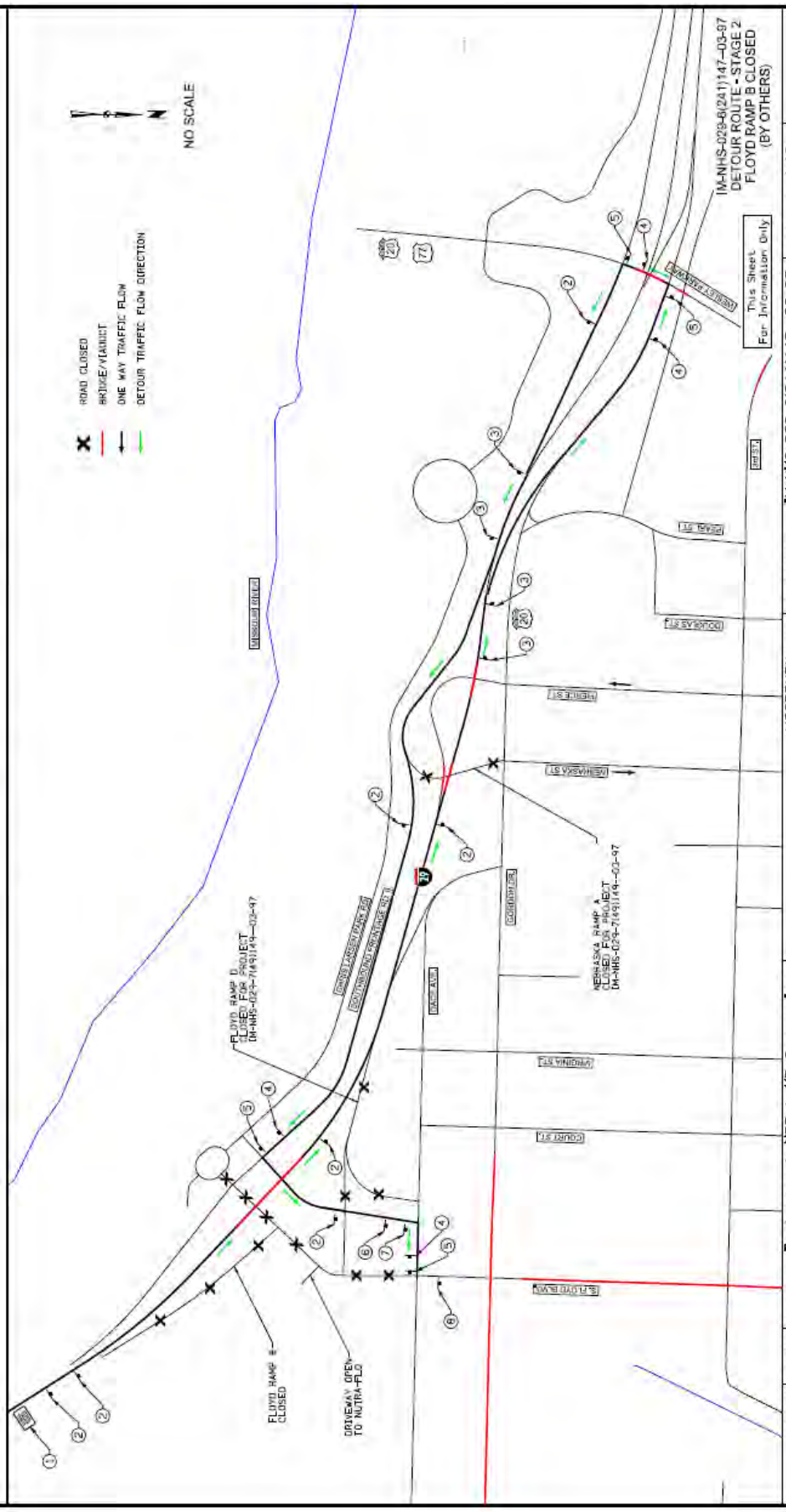
IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

District Engineer Iowa Department of Transportation	Date	City representative	Date
		Printed name and title of city representative	
		County representative	Date
		Printed name and title of county representative	

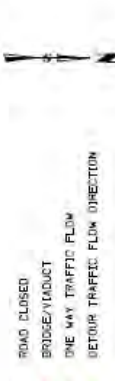
- ① PDMS
- 10 DAYS PRIOR TO START
- DISPLAY 1: EXT 147A / FLOYD / CLOSED
- DISPLAY 2: STARTING / (ADD DATE)
- START OF PROJECT
- DISPLAY 1: EXT 147A / FLOYD / CLOSED
- DISPLAY 2: USE / EXIT / 148



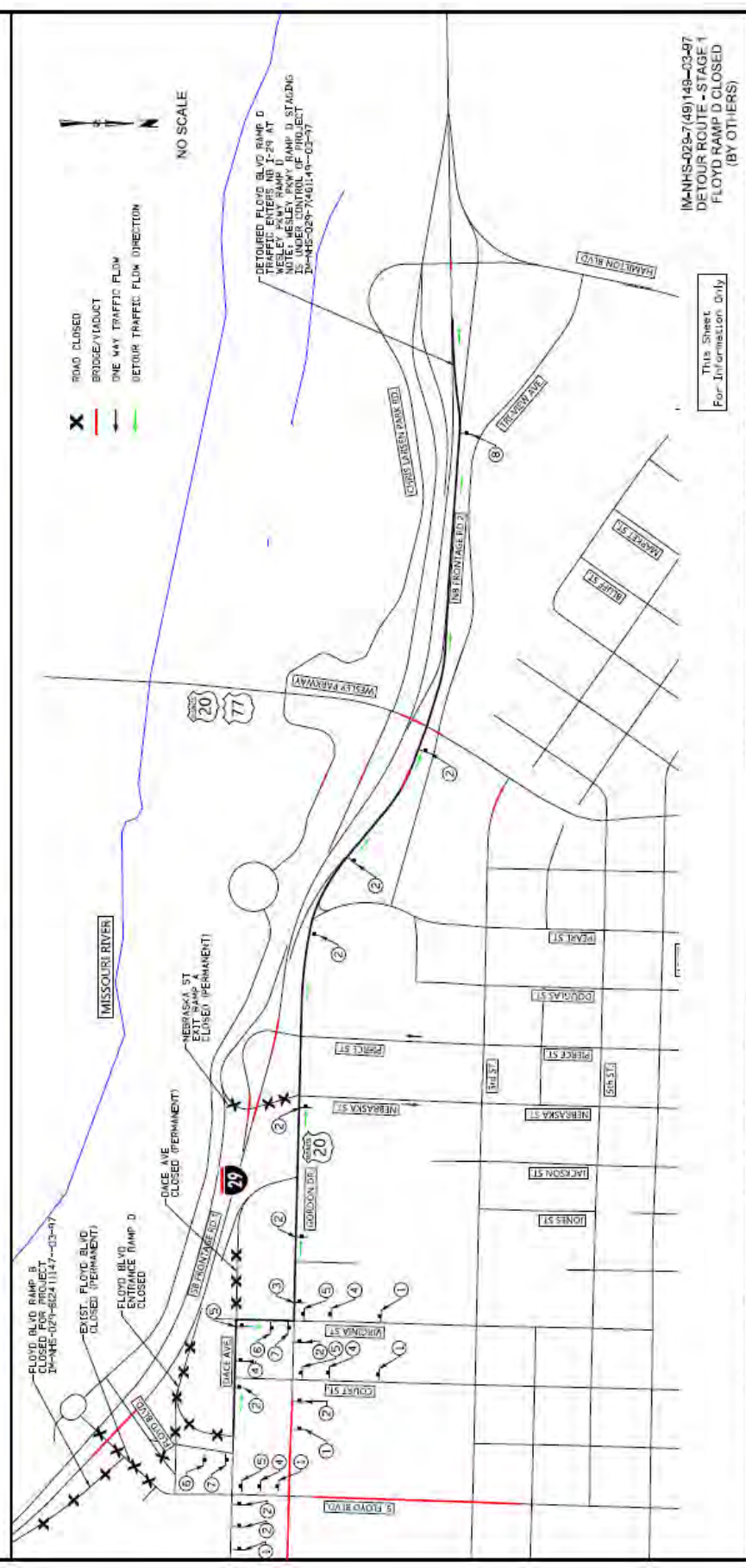
NO SCALE



**Ramp Closed  
to North  
Follow Detour**



NO SCALE



IM-NHS-029-7(49)149-03-97  
DETOUR ROUTE - STAGE 1  
FLOYD RAMP D CLOSED  
(BY OTHERS)

This Sheet  
For Information Only





NOTES:  
 1- ACTIVATE DMS.  
 2- 1ST MESSAGE (10 DAYS PRIOR TO EXIT CLOSURE):  
 DISPLAY 1: EXIT 147B CLOSED  
 DISPLAY 2: STARTING / AND OVER  
 3- 2ND MESSAGE (THRU DURATION OF EXIT CLOSURE):  
 DISPLAY 1: USE / EXIT / 147A  
 DISPLAY 2: USE / EXIT / 147A

ROAD CLOSED  
 BRIDGE/VIADUCT  
 ONE WAY TRAFFIC FLOW  
 DETOUR TRAFFIC FLOW DIRECTION



NO SCALE

[M-NHS-029-7(49)] 149-03-97  
 DETOUR ROUTE - STAGE 2  
 NEBRASKA RAMP B CLOSED  
 (BY OTHERS)

ENCLOSURE	DATE	DESIGN TEAM	Tymkowitz \ HDR \ HR Green Inc.	PROJECT NUMBER	[M-NHS-029-7(49)] 149-03-97	SHEET NUMBER	J.60
3/28/05 PM	4/26/05	www.hr.com	06-011246\CONTR\B647\0000000037 (REV) 9/28/04 PLT C.A.K.	WOODBURY COUNTY			

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

## CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7C

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Glenn Ellis, City Engineer

**SUBJECT:** Resolution approving an agreement with the Iowa Department of Transportation for the use of Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2016 and 2017 construction seasons.

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

---

**RECOMMENDATION:**

Staff respectfully requests Council authorize the execution of an agreement with the Iowa Department of Transportation (IDOT) to use local roads as detours during the 2016 and 2017 construction seasons on I-29.

**DISCUSSION:**

The Iowa Department of Transportation has requested that they be authorized to use Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway to detour northbound I-29 traffic during the closure of the northbound Wesley Parkway off-ramp. This agreement is similar to previous year's agreements which have allowed IDOT to utilize other local roads when portions of I-29 were being constructed and were closed.

All detours will meet the MUTCD standards for traffic control and will be maintained by the IDOT throughout the closure.

**FINANCIAL IMPACT:**

IDOT will restore the local roads to as good condition as prior to the detour or compensate the City for excessive traffic on the local roads during the period they were used for the detour route.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Deny the use of local road ways as detours for the I-29 project. This will likely delay the project and increase costs significantly.  
Ask IDOT to identify alternate routes.

**ATTACHMENTS:**

Resolution  
Agreement  
Detour Maps

**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION APPROVING AN AGREEMENT WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR USE OF NEBRASKA STREET, 3RD STREET, PEARL STREET, AND WESLEY PARKWAY AS DETOURS IN CONNECTION WITH THE I-29 NORTHBOUND RECONSTRUCTION, FLOYD RIVER TO WESLEY PARKWAY PROJECT DURING THE 2016 AND 2017 CONSTRUCTION SEASONS.

WHEREAS, the Iowa Department of Transportation has determined the necessity to close the northbound Wesley Parkway off-ramp to northbound traffic in connection with the I-29 northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2016 and 2017 construction seasons; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the City of Sioux City desires to permit the use of Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway as detours during the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2016 and 2017 construction seasons; and

WHEREAS, the Iowa Department of Transportation has submitted to the City of Sioux City an Agreement for the use of Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway as detours during the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project closure during the 2016 and 2017 construction seasons, a copy of which Agreement is attached hereto and by this reference made a part hereof, which should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Agreement by and between the Iowa Department of Transportation and the City of Sioux City, Iowa, for the use of Nebraska Street, 3rd Street, Pearl Street, and Wesley Parkway as detours in connection with the I-29 Northbound Reconstruction, Floyd River to Wesley Parkway Project during the 2016 and 2017 construction seasons, be and the same is hereby approved and the Mayor be and he is hereby authorized and directed to execute said agreement for and on behalf of the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



AGREEMENT FOR USE OF LOCAL AGENCY ROADS AS DETOURS



This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the Department; and the City of Sioux City, hereinafter known as the Local Public Agency (LPA).

WHEREAS, the Department has determined the necessity to temporarily close primary highway Wesley Pkwy Ramp B (Northbound exit-ramp) from beginning of the northbound Wesley Pkwy exit-ramp to end of the northbound Wesley Pkwy exit-ramp for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:  
Northbound Exit 145 Wesley Pkwy will be closed and traffic will utilize Exit 147B, thence north 0.20 mile on Nebraska St. to the intersection of Nebraska St. and 3rd St.; thence west 0.40 mile on 3rd St. to the intersection of 3rd St. and Wesley Pkwy; thence south 0.12 mile on Wesley Pkwy to the interchange of I-29 and Wesley Pkwy; and

WHEREAS, Authorized representatives of both the Department and the LPA shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the Department will inspect the bridges on the detour route and determine the maximum vehicle weight (up to 156,000 pounds) that can be safely carried on these bridges and submit this information to the LPA for its review. The LPA may choose to restrict detour traffic to only vehicles of legal weight or size. If the LPA allows oversize or overweight loads, it shall notify the Department in writing. The Department shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the Department agrees to perform the following pre-detour maintenance, if any: Detour signing and paint markings, per MUTCD; and

WHEREAS, the Department agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Department pursuant to 761 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the Department shall restore the local agency road to as good condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin March 1, 2016 and end December 31, 2017; and  
 (date) (date)

WHEREAS, the parties agree to the following additional provisions, if any: \_\_\_\_\_

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

District Engineer Iowa Department of Transportation	<u>                    </u> Date	City representative <u>                    </u> Printed name and title of city representative	<u>                    </u> Date
		County representative <u>                    </u> Printed name and title of county representative	<u>                    </u> Date

②  
**EXIT 148**  
**Wesley Pkwy**  
**CLOSED**  
**USE EXIT 147B**

③  
**Wesley Pkwy**  
**RAMP CLOSED**  
**FOLLOW DETOUR**

④  
**DETOUR**  
**WESLEY PKWY**  
**↑**  
 M4-S M6-2

⑤  
**DETOUR**  
**WESLEY PKWY**  
**↑**  
 M4-S M6-3

⑥  
**DETOUR**  
**WESLEY PKWY**  
**↗**  
 M4-S M6-IR

⑦  
**DETOUR**  
**WESLEY PKWY**  
**↑**  
 M4-S M6-IR

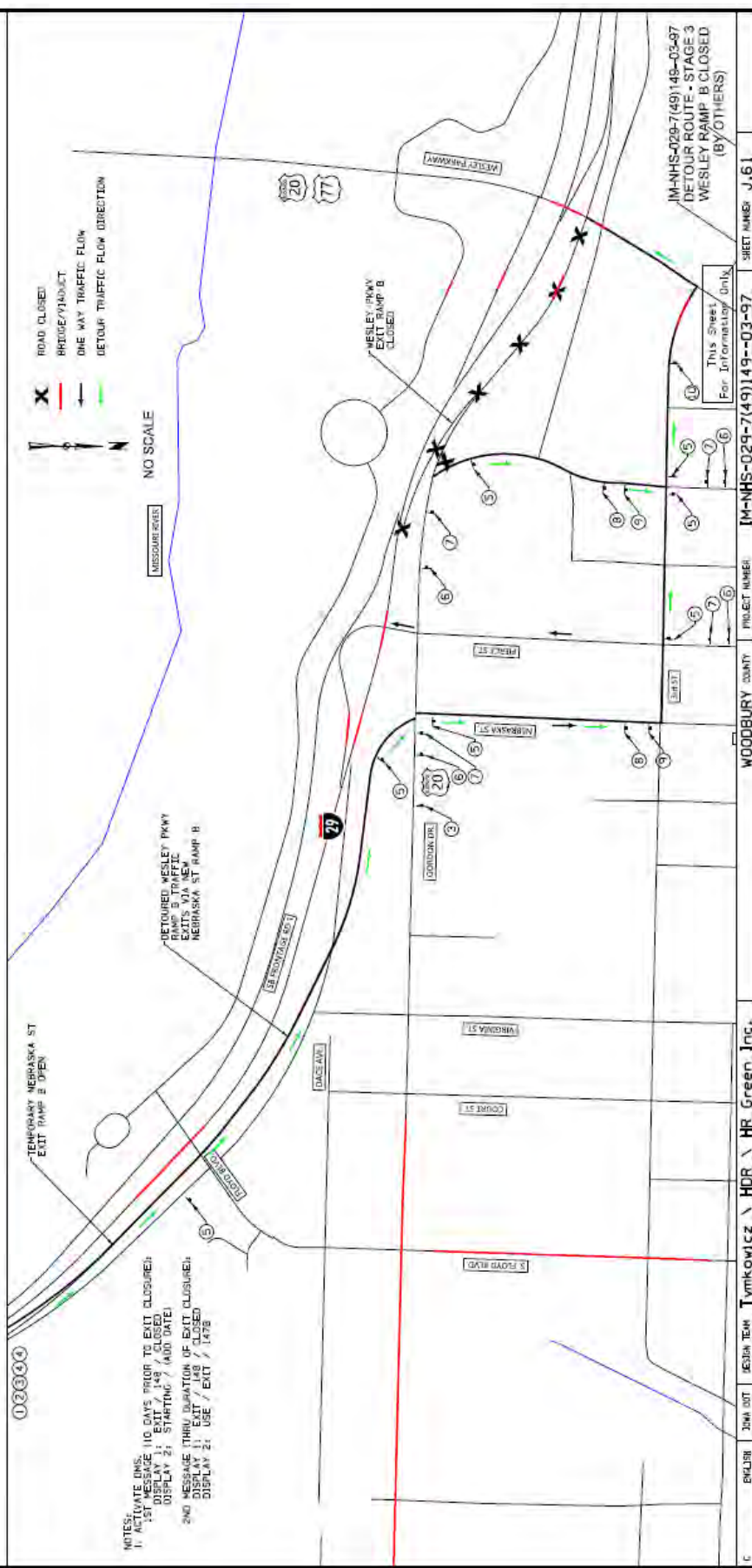
⑧  
**DETOUR**  
**WESLEY PKWY**  
**↖**  
 M4-S M6-TL

⑨  
**DETOUR**  
**WESLEY PKWY**  
**←**  
 M4-S M6-IL

⑩  
**END**  
**DETOUR**  
**WESLEY PKWY**  
 M4-S M6-S

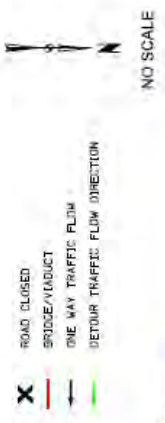
①  
**DMS**

NOTES:  
 1. ACTIVATE DMS. (10 DAYS PRIOR TO EXIT CLOSURE);  
 1ST MESSAGE: "EXIT 148 CLOSED."  
 DISPLAY 2: "STARTING / (ADD DATE)";  
 2ND MESSAGE (THRU DURATION OF EXIT CLOSURE):  
 DISPLAY 1: "EXIT 148 / CLOSED";  
 DISPLAY 2: "USE / EXIT / 147B"

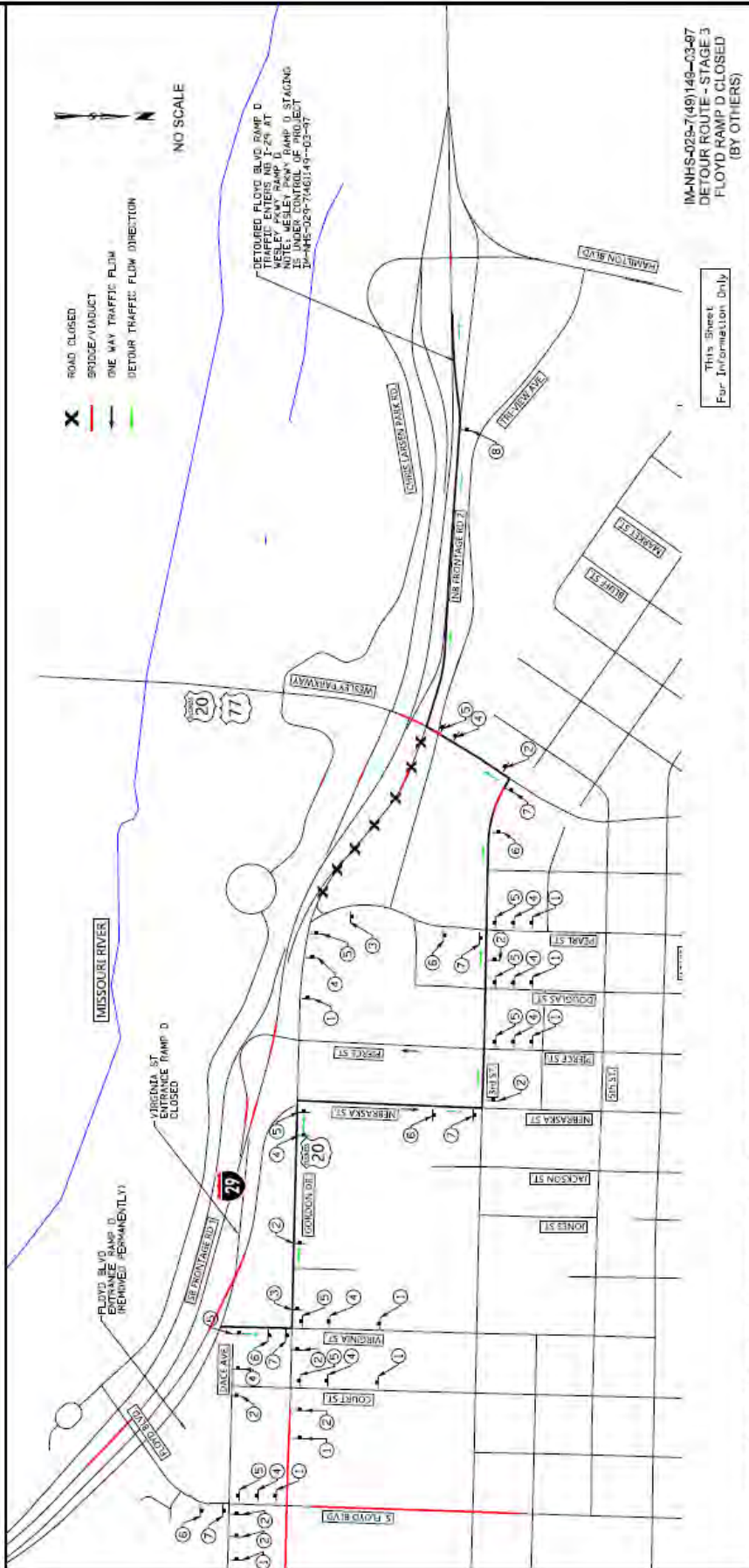


IM-NHS-029-7(49)148-05497  
 DETOUR ROUTE - STAGE 3  
 WESLEY RAMP B CLOSED  
 (BY OTHERS)

**Ramp Closed**  
**TO NORTH**  
**FOLLOW DETOUR**



NO SCALE



MA-NHS-029-7(49)149-03-97  
 DETOUR ROUTE - STAGE 3  
 FLOYD RAMP D CLOSED  
 (BY OTHERS)

This Sheet  
 For Information Only

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7D

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Glenn Ellis, City Engineer

**SUBJECT:** Resolution approving Agreement No. 2015-16-249 with the Iowa Department of Transportation for the I-29 Sanitary Sewer Relocation from Floyd Boulevard to Perry Creek Lift Station Project and authorizing payment (IDOT Project No. IM-NHS-029-6(258)147--03-97).

---

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

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**RECOMMENDATION:**

Staff respectfully request Council approve Agreement No. 2015-16-249 with the Iowa Department of Transportation for the I-29 Sanitary Sewer Relocation from Floyd Boulevard to Perry Creek Lift Station Project (IDOT Project No. IM-NHS-029-6(258)147--03-97).

**DISCUSSION:**

This cooperative agreement pertains to joint participation for reconstructing the sanitary sewer line in conjunction with the I-29 project on Larsen Park Road between Floyd Boulevard and the Perry Creek Lift Station.

This project is for the sanitary sewer improvements which begin from Perry Creek Lift Station and continue east along Larsen Park Road, under Interstate 29, to the Floyd Boulevard area. The sanitary sewer project includes the extension of the 14 inch sanitary sewer force main, relocation of the sanitary interceptor sewer to the north side of Larsen Park Road, and the cased crossing of I-29 to connect into the I-29 Sanitary Sewer Interceptor Floyd River Siphon and Connection to the Floyd Lift Station in connection with the I-29 Widening Project (No. IM-NHS-029-6(257)1--03-97) near Floyd Boulevard. The project includes construction of a 36 inch sanitary sewer by open cut and trenchless methods. The existing interceptor within I-29 right-of-way will be abandoned once the new sewer is in operation. Portions of Larsen Park Road will be reconstructed in areas where the new sanitary sewer will be constructed within the roadway. The project also includes building sanitary sewer service connections, water service connections, full depth patching, fire hydrants, bike trail, and replacement of street lighting. Temporary sanitary sewer bypassing may be required to stage the project to keep the sanitary sewer flowing at all times.

This agreement includes the City's reimbursement to the IDOT estimated in the amount of \$8,728,867.39, an amount equal to 100% of the sanitary sewer, water main, and storm sewer replacement, 100% of the roadway replacement, and 87% of the storm sewer outlet. The City's reimbursement will be made in three (3) equal yearly installments of approximately \$2,909,622.46 each, beginning upon completion of construction and proper billing by the



IDOT and will be determined by the quantities in place per unit bid process plus or minus IDOT approved contract change orders.

**FINANCIAL IMPACT:**

This project is funded in CIP 719-213 "I-29 Utility Master Project" using Sewer Funds and GO Bonds. The current available appropriation is \$32,362,256.05.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Council may request staff visit with IDOT regarding changes to the agreement before proceeding.

**ATTACHMENTS:**

Resolution  
Agreement

**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION APPROVING AGREEMENT NO. 2015-16-249 WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE I-29 SANITARY SEWER RELOCATION FROM FLOYD BOULEVARD TO PERRY CREEK LIFT STATION PROJECT AND AUTHORIZING PAYMENT (IDOT PROJECT NO. IM-NHS-029-6(258)147--03-97).

WHEREAS, the City of Sioux City and the Iowa Department of Transportation are desirous of reconstructing I-29 between Floyd Boulevard and Wesley Parkway, including the reconstruction of utilities as part of Segment 2 of the Interstate 29 Project; and

WHEREAS, there is attached hereto and by this reference made a part hereof, Agreement No. 2015-16-249 by and between the City of Sioux City and the Iowa Department of Transportation covering requirements for the replacement of the sanitary sewer, water main, storm sewer, and roadway reconstruction on Larsen Park Road between Floyd Boulevard and the Perry Creek Lift Station, and the City's reimbursement to the Iowa Department of Transportation for this work; and

WHEREAS, said Agreement No. 2015-16-249 should be approved as to form and content.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that Agreement No. 2015-16-249 by and between the City of Sioux City and the Iowa Department of Transportation for the I-29 Sanitary Sewer Relocation from Floyd Boulevard to Perry Creek Lift Station Project (IDOT Project No. IM-NHS-029-6(258)147--03-97) be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized and directed to execute said Agreement No. 2015-16-249 for and on behalf of the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



I-29 sanitary sewer relocation from Floyd Boulevard to Perry Creek Lift Station. The project also provides for reconstruction of Larsen Park Road and the associated storm sewer and bike trail and storm sewer outfalls for Pearl Street and Virginia Street (see Exhibit A for location).

## 2. Project Costs

- a. The LPA shall reimburse the DOT for the project costs estimated at \$8,728,867.39. LPA reimbursement will be made in three (3) equal yearly installments of approximately \$2,909,622.46 each. The first installment will be due upon completion of construction and proper billing by the DOT. The final two installments will be billed to the LPA one and two years subsequent to the date of the first billing respectively. The actual amount of reimbursement will be determined by the quantities in place and the accepted bid at the contract letting and subsequent change orders (see Exhibit B for estimated costs).

## 3. Environmental, Right-of-Way, Permits and Other Requirements

- a. The LPA shall be responsible for obtaining any necessary permits from the DOT, such as the Work Within the Right-of-Way Permit, Access Connection/Entrance Permit, Utility Accommodation Permit, Application for Approval of a Traffic Control Device, or other construction permits required for the project prior to the start of construction. Neither the approval of funding nor the signing of this Agreement shall be construed as approval of any required permit from the DOT.
- b. The LPA shall obtain all project permits and / or approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, or other State or Federal agencies as may be required.
- c. If right-of-way is required for the project, the LPA shall acquire the necessary right-of-way in accordance with 761 Iowa Administrative Code Chapter 111, Real Property Acquisition and Relocation Assistance. The LPA shall submit preliminary right-of-way plans to the DOT's Office of Right-of-way for review and approval prior to the commencement of any acquisition.
- d. Additionally, the portions right-of-way acquired for improvements to the Primary Road System shall be acquired in the name of the State of Iowa. The LPA will properly close the sale of each parcel and shall furnish the DOT copies of all completed contracts, deeds, conveyances and condemnation documents (for state right of way).
- e. If the project requires utility relocations, subject to the approval of and without expense to the DOT, the LPA agrees to perform or cause to be performed all relocations, alterations, adjustments or removals of existing utility facilities, including but not limited to electric transmission and distribution lines, telephone lines, fiber optics lines, natural gas pipelines, water mains and hydrants, curb boxes, utility accesses, storm water intakes, sanitary sewers, and related poles, installations and appurtenances, whether privately or publicly owned, and all parking meters, traffic signals and other facilities or obstructions which are located within the limits of an established street or alley and which will interfere with construction of the project and the clear zone. All utility relocations shall be accomplished in accordance with the DOT's Utility Accommodation Policy, as set forth in 761 Iowa Administrative Code, Chapter 115.
- f. If the LPA has completed a Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the FIS is modified, amended or revised in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the modification, amendment or revision to the DOT. If the LPA does not have a detailed Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the LPA does

March 2010

adopt an FIS in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the FIS to the DOT.

#### 4. Project Design

- a. The LPA or its consultant shall be responsible for the design of all proposed improvements.
- b. The project plans, specifications and engineer's cost estimate shall be prepared and certified by a Professional Engineer licensed to practice in the State of Iowa.
- c. All proposed highway or street improvements shall be designed using good engineering judgment and the American Association of State Highway and Transportation Officials (AASHTO) "Policy on Geometric Design of Highways and Streets", (latest edition).
- d. The project design shall comply with the "Manual on Uniform Traffic Control Devices for Streets and Highways", by the Federal Highway Administration, as adopted by DOT, as per 761 Iowa Administrative Code, Chapter 130.

#### 5. Bid Letting

- a. The LPA shall submit the plans, specifications, estimate, and all other contract documents for review by the DOT. All plan submittals shall be in accordance with the Major Project schedule, as shown on the Instructional Memorandum to Local Public Agencies 3.005, Project Development Submittal Dates and Information, published by the DOT's Office of Local Systems.
- b. The project will be let by the DOT in accordance with its normal letting procedures. As a condition for the DOT to let the project, the LPA agrees that the LPA has the financial resources to proceed with the project if bids submitted are 110% of the project cost estimate or less. If the LPA is a city, the LPA shall comply with the public hearing requirements of the Iowa Code section 26.12.
- c. When let by the DOT, the DOT will identify the lowest responsive bidder. When bids submitted are more than 110% of the project cost estimate, the DOT will mail a tabulation of responsive bids and three originals of the unexecuted contract to the LPA for concurrence. The LPA shall either take action to accept the award to the lowest responsive bidder or reject all bids. Following concurrence of the award of contract, the LPA shall forward to the DOT two copies each of the signed contract, performance bond, and certificate of insurance.
- d. The LPA shall be the contracting authority for the project.

#### 6. Construction & Maintenance

- a. The LPA shall be responsible for the daily inspection of the project, including the compilation of a daily log of materials, equipment, and labor used on the project.
- b. The LPA shall comply with the procedures and responsibilities for materials testing and construction inspection according to DOT's Materials Instructional Memorandums (I.M.'s) and the Construction Manual. If requested, the DOT may be able to perform some testing services. If performed, the DOT will bill the LPA for testing services according to its normal policy.
- c. The work on this project shall be in accordance with the approved plans and specifications. Any substantial modification of these plans and specifications must be approved by the DOT prior to the modification being put into effect.

- d. The LPA, in cooperation with the DOT, will take whatever steps may be required with respect to alteration of the grade lines of the new highway facilities constructed under the project in accordance with Iowa Code section 364.15. The DOT and LPA will work together to minimize potential impacts to properties that may occur as a result of the project.
- e. Subject to the provisions hereof, the LPA in accordance with 761 Iowa Administrative Code sections 150.3(1)c and 150.4(2) will remove or cause to be removed all encroachments or obstructions in the existing primary highway right of way. The LPA will also prevent the erection and/or placement of any structure or obstruction on said right of way or any additional right of way which is acquired for this project including but not limited to private signs, buildings, pumps, and parking areas.
- f. With the exception of service connections no new or future utility occupancy of project right-of-way, nor any future relocations of or alterations to existing utilities within said right-of-way (except service connections), will be permitted or undertaken by the LPA without the prior written approval of the DOT. All work will be performed in accordance with the Utility Accommodation Policy and other applicable requirements of the DOT.
- g. Upon completion of the project, no changes in the physical features thereof will be undertaken or permitted without the prior written approval of the DOT.
- h. After the project construction is complete and prior to final acceptance of the project by the DOT, the LPA shall furnish three sets of "as-built" plans to the DOT's contact person.
- i. Future maintenance of the primary highway within the project area will be carried out in accordance with the terms and conditions contained in 761 Iowa Administrative Code Chapter 150.

#### **7. Traffic Control**

- a. The work for this project does not directly impact any traffic on I-29, therefore I-29 through-traffic will be maintained during the construction.
- b. Access between Chris Larsen Park and I-29 will be maintained during the project.
- c. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" as per 761 Iowa Administrative Code, Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.

#### **8. Payments and Reimbursements**

- a. The DOT will make initial payments to the consultant(s) and contractor(s) for construction costs from the Primary Road Fund. Upon completion of the project, the LPA shall reimburse the DOT for its share of the project costs as outlined in Section 2.a. above. Reimbursement will be provided to the DOT either by a warrant or voucher from the LPA, or by crediting the Primary Road Fund from the funding sources provided to the LPA by this agreement.

#### **9. General Provisions**

- a. The LPA shall maintain records, documents, and other evidence in support of the work performed under the terms of this agreement. All accounting practices applied and all records maintained will be in accordance with generally accepted accounting principles and procedures. Documentation shall be made available for inspection and audit by authorized representatives of the DOT and / or the Federal

Highway Administration (FHWA), or their designees at all reasonable times. The LPA shall provide copies of said records and documents to the DOT upon request. The LPA shall also require its contractors to permit authorized representatives of the DOT and / or the FHWA to inspect all work materials, records, and any other data with regard to agreement related costs, revenues and operating sources. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final amendment / modification to the project in the FHWA's Fiscal Management Information System (FMIS). Upon receipt of such approval by FHWA, the DOT will notify the LPA of the record retention date.

- b. In accordance with Title VI of the Civil Rights Acts of 1964 and Iowa Code Chapter 216 and associated subsequent nondiscrimination laws, regulations and executive orders, the LPA shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The LPA agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews, and funding participation.
- d. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
- e. This agreement is not assignable without the prior written consent of the DOT.
- f. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.
- g. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A. Either party has the right to submit the matter to arbitration after ten (10) days notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. The DOT and the LPA agree to be bound by the decision of the appointed arbitrator. Neither party may seek any remedy with the State or Federal courts absent exhaustion of the provisions of this paragraph for arbitration.
- h. This Agreement may be executed in (three) counterparts, each of which so executed will be deemed to be an original.
- i. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the LPA and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

March 2010

**IN WITNESS WHEREOF**, each of the parties hereto has executed Agreement No. 2015-16-249 as of the date shown opposite its signature below.

**CITY OF SIOUX CITY:**

By: \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_  
Title: Mayor

I, \_\_\_\_\_, certify that I am the Clerk of the City, and that \_\_\_\_\_, who signed said Agreement for and on behalf of the City was duly authorized to execute the same on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_  
City Clerk of Sioux City, Iowa.

**IOWA DEPARTMENT OF TRANSPORTATION:**

By: \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_  
Tony Lazarowicz  
District Engineer  
District 3









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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7E

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

**SUBJECT:** Resolution awarding a Consulting Services Agreement to RML Architects L.L.C. for architectural services for Tuck-pointing and Exterior Repairs on City Hall, Fire Station #6, Long Lines Family Recreation Center and the Sioux City Convention Center in an amount not to exceed \$40,000.00 plus reimbursables.

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

Staff respectfully requests Council approve the attached Resolution awarding a Consulting Services Agreement to RML Architects L.L.C. of Sioux City for architectural services for Tuck-pointing and Exterior Repairs to City Hall, Fire Station #6, Long Lines Family Recreation Center and the Sioux City Convention Center.

**DISCUSSION:**

Staff is currently looking at repairs to four (4) city facilities.

City Hall - Remove and replace caulk at all window openings, control and expansion joints. Inspect exterior masonry with a drone with a camera attached to determine areas that require tuck-pointing paying particular attention to window heads and sills as some were observed as needing attention.

Fire Station #6 – Scrape, prime and paint all existing wood trim. Remove sealant and caulk existing windows. Repair masonry and tuck-point brick columns on front of building and inspect exterior masonry and tuck-point as necessary.

Long Lines Family Recreation Center – Remove and replace caulk at all existing windows. Scrape, prime and paint all existing steel lintels. The north façade is showing moisture penetration. Inspect the masonry, including both sides of the parapet wall, and attempt to identify sources of water penetration. Inspect the rest of the facility for areas requiring sealing or tuck-pointing. This would require use of the drone to fly and photograph the building.

Sioux City Convention Center – Investigate cracks and settling on east side of loading dock area. The existing glass storefront systems on the building are experiencing moisture problems both in and around the storefront. Remove and replace all caulk at all control and expansion joints. Remove and replace all caulk at existing windows. Check condition of sealant and flashings at barrel vault as moisture problems currently exist. May need to use the drone

to photograph trouble areas.

RML Architects L.L.C. will provide architectural design, prepare bid documents, including plans and specifications, as well as anticipated cost estimates to secure construction bids for the project.

The expected project will be awarded and work should begin in the summer of 2015 with completion by the spring of 2016.

**FINANCIAL IMPACT:**

This project will be funded by FY15 CIP 889-001 "Annual City Buildings Repairs" Available cash balance \$189,606.00 FY15 CIP 459-102 "Long Lines Family Recreation Center" Available cash balance \$830,441.00 FY15 CIP 379-010 "Annual EFAB Remodeling and Repair" Available cash balance \$173,430.00

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibilities - City Infrastructure Vision; Renew our existing infrastructure, facilities and installations.

**ALTERNATIVES:**

Make no improvements, but staff does not recommend that.

**ATTACHMENTS:**

Resolution

**Hard copy** of the Consulting Services Agreement will be provided.

**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachment

RESOLUTION AWARDDING A CONSULTING SERVICES AGREEMENT TO RML ARCHITECTS L.L.C. FOR ARCHITECTURAL SERVICES FOR TUCK-POINTING AND EXTERIOR REPAIRS TO CITY HALL, FIRE STATION #6, LONG LINES FAMILY RECREATION CENTER AND THE SIOUX CITY CONVENTION CENTER IN AN AMOUNT NOT TO EXCEED \$40,000.00 PLUS REIMBURSABLES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that a Consulting Services Agreement, a copy of which is attached hereto and by this reference made a part hereof, be awarded to RML Architects L.L.C of Sioux City, Iowa, for architectural services for tuck-pointing and exterior repairs to City Hall, Fire Station #6, Long Lines Family Recreation Center and the Sioux City Convention Center in an amount not to exceed \$40,000.00 plus reimbursables.

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

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa McCardle, City Clerk

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

## CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7F

Doug Young, Police Chief

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

**SUBJECT:** Resolution awarding a Consulting Services Agreement to HR Green, Inc. for design of the Sioux City Police Station Lift Station Replacement Project in an amount not to exceed \$26,690.00 plus reimbursables.

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

**RECOMMENDATION:**

Staff respectfully requests Council approve the attached Resolution awarding a Consulting Services Agreement to HR Green, Inc. of Sioux City for design of the Sioux City Police Station Lift Station Replacement Project in an amount not to exceed \$26,690.00 plus reimbursables.

**DISCUSSION:**

The facility located at 601 Douglas Street was constructed in 1986. The existing lift station structure is in poor condition and operation of the lift station pumps are problematic. The existing lift station structure and equipment shall be removed and replaced. The new lift station will be a prepackaged grinder pump station and the pumps will be installed on a rail system which will allow the pumps to be brought to the surface for repairs and servicing eliminating the need for staff or contractors to enter the confined space.

Three bids were received:

Company	City	BID
DGR Engineering	Sioux City, Iowa	\$42,350.00 + reimbursables
Olsson Associates	Sioux City, Iowa	\$36,700.00 + reimbursables
<b>HR Green, Inc.</b>	<b>Sioux City, Iowa</b>	<b>\$26,690.00 + reimbursables</b>

The expected project will be awarded and work should begin immediately with completion by the fall of 2015.

**FINANCIAL IMPACT:**

The funding for the design contract is covered under the CIP 195-009 Police Headquarters Reconstruction and Repair and has an available balance of \$1,773,210.00

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibilities - City Infrastructure Vision; Renew our existing infrastructure, facilities and installations.

**ALTERNATIVES:**

Make no improvements, but staff does not recommend that.

**ATTACHMENTS:**

Resolution

**Hard copy** of the Consulting Services Agreement will be provided



**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION AWARDING A CONSULTING SERVICES AGREEMENT TO HR GREEN, INC. FOR DESIGN OF THE SIOUX CITY POLICE STATION LIFT STATION REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$26,690.00 PLUS REIMBURSABLES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that a Consulting Services Agreement, a copy of which is attached hereto and by this reference made a part hereof, be awarded to HR Green, Inc. of Sioux City, Iowa, for design services in connection with the Sioux City Police Station Lift Station Replacement Project in an amount not to exceed \$26,690.00 plus reimbursables.

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

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa McCardle, City Clerk

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7G

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Glenn Ellis, City Engineer

**SUBJECT:** Resolution approving a Consulting Services Agreement with HR Green, Inc. for design and construction administration/observation of the Ravine Park Watershed Upland BMP's and In-Stream Construction Project in an amount not to exceed \$169,800.00.

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

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**RECOMMENDATION:**

Staff respectfully requests Council approve the attached resolution for a Consulting Services Agreement with HR Green, Inc. for the design and construction administration/observation of the Ravine Park Watershed Upland BMP's and In-Stream Construction Project.

**DISCUSSION:**

This agreement is for engineering design and construction administration/observation services for the Ravine Park Watershed Upland BMP's Project, and the construction administration/observation of the Ravine Park In-Stream Construction Project.

These services are in addition to previous services provided by HR Green within the Ravine Park Watershed. On January 23, 2013, under Resolution No. 2013-0104, the City entered into an agreement with HR Green for an amount not to exceed \$97,500.00 to study the watershed and provide recommended projects. On January 27, 2014, under Resolution No. 2014-0045, the City entered into an agreement with HR Green for an amount not to exceed \$24,900.00 to provide conceptual design along the Ravine Park Waterway. On September 15, 2014, under Resolution No. 2014-0679 the City entered into an agreement with HR Green for an amount not to exceed \$69,800.00 to provide final design for the Ravine Park Waterway Improvements. On January 5, 2015 under Resolution No. 2015-0026, the City Council approved Amendment No. 1 for construction administration and observation in an amount not to exceed \$39,885.00 for the Oak Savanna Restoration efforts and the Ravine Park Channel Construction Improvements.

The expected project schedule for the Ravine Park Watershed Upland BMP's Project will have final plans and specifications developed for the bidding process to take place in the Fall of 2015, and construction beginning in Spring 2016. The construction schedule for the Ravine Park In-Stream Construction Project is scheduled to start in June 2015, and be completed by April 30, 2016.

**FINANCIAL IMPACT:**

This project is funded using a Clean Water loan program that the State has set up to fund water quality improvements, for which the City is eligible. This project is programmed under CIP 549-

148, Ravine Park Drainage Improvements.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

Deny this agreement and require the City seek services from another firm

**ATTACHMENTS:**

Resolution

**Hard Copy** of the Agreement will be provided

**RESOLUTION NO. 2015 - \_\_\_\_\_**  
with attachments

RESOLUTION APPROVING A CONSULTING SERVICES AGREEMENT WITH HR GREEN, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION/OBSERVATION OF RAVINE PARK WATERSHED UPLAND BMP'S AND IN-STREAM CONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$169,800.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that a Consulting Services Agreement, a copy of which is attached hereto and by this reference made a part hereof, with HR Green, Inc. of Sioux Falls, South Dakota in an amount not to exceed \$169,800.00 for design and construction administration/observation of Ravine Park Watershed Upland BMP's and In-Stream Construction Project, be and the same is hereby approved.

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

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

## CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 7H

**FROM:** Jade Dundas, Assistant City Manager of Public Works  
Brittany Anderson, Civil Engineer

**SUBJECT:** Resolution awarding and approving a contract to Sioux City Engineering Company of Sioux City, Iowa in the amount of \$1,507,408.85 for the Glenn Avenue Reconstruction Project from South Martha Street to South Cecelia Street, Iowa DOT Project Number STP-U-7057(689)--70-97.

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

Staff respectfully requests Council award and approve a contract to Sioux City Engineering Company of Sioux City, Iowa in the amount of \$1,507,408.85 for the Glenn Avenue Reconstruction Project from South Martha Street to South Cecelia Street, Iowa DOT Project Number STP-U-7057(689)--70-97.

**DISCUSSION:**

This project includes full water, wastewater, and storm sewer utility and paving reconstruction along five blocks of Glenn Avenue from South Martha Street to South Cecelia Street. Notice of Public Hearing was advertised on May 9, 2015 and May 16, 2015. The public hearing was held on May 18, 2015. This project has a completion date of August 17, 2015 for Stage I which includes storm sewer, sanitary sewer repairs and manholes, water main including services, street, driveways and sidewalk paving. Stage II has a completion date of October 2, 2015 and is for all other items including but not limited to sanitary sewer lining and sodding. This completion schedule will minimize traffic impacts in the area prior to the opening of Morningside Elementary School.

The project was bid through the Iowa Department of Transportation on May 19, 2015. Three (3) bids were received for this project. The bids are as follows:

Company	City, State	Base Bid
Sioux City Engineering Company	Sioux City, Iowa	\$1,507,408.85
D.A. Davis Co., Inc.	South Sioux City, Nebraska	\$1,550,364.37
Lessard Contracting, Inc.	Sergeant Bluff, Iowa	\$1,998,064.70
Engineer's Estimate		\$1,350,000.00

The base bid, submitted by Sioux City Engineering Company of Sioux City, Iowa is 11.6% or \$157,408.85 above the Engineer's Estimate of \$1,350,000.00.

**FINANCIAL IMPACT:**

The Glenn Avenue Reconstruction Project from South Martha Street to South Cecelia Street is programmed in FY 2015 CIP 719-203 which is funded through a transfer in water funds, sewer funds, sales tax infrastructure, and general obligation bonds. This CIP currently has an available balance of \$1,978,398.52. The federal funds under this agreement will reimburse up to 80 percent of eligible costs or \$1,753,700.00 whichever is less.

**RELATIONSHIP TO STRATEGIC PLAN:**

Municipal Responsibility – Infrastructure  
Focus Area – Grow Sioux City

**ALTERNATIVES:**

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

**ATTACHMENTS:**

Resolution  
Letter of recommendation from JEO Consulting Group, Inc.  
Bid Tabulation Sheet  
Contracts (**Hard Copies**)

**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT TO SIOUX CITY ENGINEERING COMPANY OF SIOUX CITY, IOWA IN THE AMOUNT OF \$1,507,408.85 FOR THE GLENN AVENUE RECONSTRUCTION PROJECT FROM SOUTH MARTHA STREET TO SOUTH CECELIA STREET, IOWA DOT PROJECT NUMBER STP-U-7057(689)--70-97.

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the Iowa Department of Transportation, on May 19, 2015 for the Glenn Avenue Reconstruction Project from South Martha Street to South Cecelia Street, in Sioux City, Iowa (the Project) together with necessary accessories and appurtenances, all in accordance with the construction documents heretofore prepared by JEO Consulting Group, Inc.; and

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

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

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

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

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

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

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

Section 2: It is hereby found, determined and declared that the bid of Sioux City Engineering Company of Sioux City, Iowa, in the amount of \$1,507,408.85 for construction of the Project in Sioux City, Iowa, as provided in the construction documents referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

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

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

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

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

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_

Lisa L. McCardle, City Clerk





May 19, 2015

Glenn Ellis, P.E.  
City Engineer  
City of Sioux City  
405 6<sup>th</sup> St.  
Sioux City, IA 51102

RE: Glenn Avenue Reconstruction Project  
STP-U-7057(689)—70-97  
JEO Project No. 120882.00

Dear Mr. Ellis:

JEO reviewed the bids that were received on May 19, 2015 for the above referenced project. Based on that review, we offer the following summary and recommendation.

The bid letting was held thru the Iowa Department of Transportation and three bids were received for the Glenn Avenue Reconstruction Project. The apparent bids are recorded on the attached bid tabulation form.

Based on our review of the Apparent Bid Proposal, Sioux City Engineering Co. is the apparent low bidder. It is our recommendation you proceed with establishing a contract for construction with the lowest responsible bidder, Sioux City Engineering Co., in the amount of \$1,507,408.85.

JEO is committed to provide any assistance necessary to move the project forward.

If you have any questions or concerns, based on the information and recommendation provided herein, please don't hesitate to give us a call.

Sincerely,

Justin Vogel, PE  
Project Manager

Enc.

# Apparent Bids for Proposal 97-7057-689

PCC PAVEMENT - REPLACE

Letting ID: 15/05/19

Cut-Off Time: 10:00:59 AM

Bidder Name	DBE	Bid Amount
SIoux CITY ENGINEERING CO.	4.11%	\$1,507,408.85
D.A. DAVIS CO., INC.	6.88%	\$1,550,364.37
LESSARD CONTRACTING, INC.	11.55%	\$1,998,064.70

(3 Apparent Bids)

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

## CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 8 A&B

Nicole Jensen, City Attorney

**FROM:** Marty Dougherty, Economic Development Director  
Donna Forker, Finance Director

**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 (Northern Valley Commercial Development (Northern Valley Associates, LLC) and Warehouse/Distribution Facility Land Purchase).

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 (Sunnybrook Shopping Center Development and Donner Warehouse Development)

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

---

**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

**DISCUSSION:**

Changes to Iowa Urban Renewal law now requires the City to amend its urban renewal plans to cover all approved items which shall use Tax Increment Financing assistance for economic development projects.

**Combined Floyd River Urban Renewal Plan** - The proposed amount of indebtedness to be incurred and the estimated cost of the proposed infrastructure and improvements will be approximately as follows:

- |   |              |
|---|--------------|
| - Northern Valley Crossing Commercial Development<br>(Northern Valley Associates, L.L.C.) | \$500,000.00 |
| - Warehouse/Distribution Facility Land Purchase   | \$450,000.00 |

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

- Sunnybrook Commercial/Retail Development	\$8,000,000.00
- Donner Warehouse/Distribution Development	\$500,000.00

**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 June 16, 2015 for comment by affected taxing agencies. The hearings on the proposed plan amendments will be scheduled for July 13, 2015.

**FINANCIAL IMPACT:**

These amendments are necessary to allow the City to move forward with these economic development projects.

**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:**

Not recommended.

**ATTACHMENTS:**

Resolution and proposed Amendment No. 1 to the Amended and Restated Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area;

Resolution and proposed Amendment No. 1 to the Amended and Restated Donner Park Urban Renewal Plan for the Donner Park Urban Renewal Area

**RESOLUTION NO. 2015-\_\_\_\_\_**

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 (NORTHERN VALLEY COMMERCIAL DEVELOPMENT (NORTH- ERN VALLEY ASSOCIATES, LLC) AND WAREHOUSE/DISTRIBUTION FACIL- ITY LAND PURCHASE).

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 Combined Floyd River Urban Renewal Plan on October 13, 1986, pursuant to Resolution No. 86/T-4985 and subsequent amendments to the same on April, 11, 1988, pursuant to Resolution No. 88/T-6349; October 6, 1997, pursuant to Resolution No. 97/U-5919, July 7, 2003, pursuant to Resolution No. 2003-0598; February 6, 2012, pursuant to Resolution 2012-0088; October 22, 2012, pursuant to Resolution 2012-0744; May 13, 2013, pursuant to Resolution 2013-0376; November 25, 2013, pursuant to Resolution No. 2013-0876; May 5, 2014, pursuant to Resolution No. 2014-0272; November 17, 2014, pursuant to Resolu- tion No. 2014-0848; and April 27, 2015, pursuant to Resolution No. 2015-0305 (together, the "Amended Plan") for the amended Combined Floyd River Urban Renewal Project Area de- scribed therein (the "Project Area"), which Amended Plan is on file in the office of the Recorder of Woodbury County at Roll 740, Image 9865-9907; 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 up- date certain provisions of the Amended Plan to conform to current City objectives and planning initiatives for 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 desig- nated 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 pro- posed 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 un- der 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 re- quired by Section 403.5(2) of the Code of Iowa, as amended, shall be held on June 16, 2015, 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., June 16, 2015 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 8<sup>th</sup> day of June, 2015

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Lisa L. McCardle, 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., July 13, 2015, 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 COMBINED FLOYD RIVER URBAN RENEWAL PLAN FOR THE COMBINED FLOYD RIVER 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 July 13, 2015 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 proposed economic development projects for Northern Valley Commercial Development (Northern Valley Associates, LLC) and Warehouse/Distribution Facility Land Purchase.

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 8<sup>th</sup> day of June, 2015.

---

Lisa L. McCardle, City Clerk, Sioux City, Iowa

Publish in the Sioux City Journal June 27, 2015.

(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: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



**AMENDMENT NO. 1**

**TO THE  
AMENDED AND RESTATED  
COMBINED FLOYD RIVER  
URBAN RENEWAL PLAN**

**FOR THE  
COMBINED FLOYD RIVER  
URBAN RENEWAL AREA**

**CITY OF SIOUX CITY, IOWA**

## **AMENDMENT NO. 1**

### **AMENDED AND RESTATED COMBINED FLOYD RIVER URBAN RENEWAL PLAN CITY OF SIOUX CITY, IOWA**

The Amended and Restated Combined Floyd River Urban Renewal Plan ("Plan") for the Combined Floyd River Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted October 13, 1986, pursuant to Resolution No. 86/T-4985 and subsequent amendments to the same on April, 11, 1988, pursuant to Resolution No. 88/T-6349; October 6, 1997, pursuant to Resolution No. 97/U-5919, July 7, 2003, pursuant to Resolution No. 2003-0598; February 6, 2012, pursuant to Resolution 2012-0088; October 22, 2012, pursuant to Resolution 2012-0744; May 13, 2013, pursuant to Resolution 2013-0376; November 25, 2013, pursuant to Resolution No. 2013-0876; May 5, 2014, pursuant to Resolution No. 2014-0272; November 17, 2014, pursuant to Resolution No. 2014-0848; and April 27, 2015, pursuant to Resolution No. 2015-0305 and is being further amended to add and/or confirm a proposed project to be undertaken within the Urban Renewal Area ("Amendment"). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the Amended and Restated Combined Floyd River Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

#### **PROPOSED URBAN RENEWAL PROJECTS**

The following new subsections (f) and (g) to Section G (2) is added to the Plan as follows:

#### **G. Urban Renewal Projects**

##### **2. Development Agreements**

- (f) The City is considering entering into a Development Agreement with a private Developer, by which the City would, subject to the terms and conditions of a negotiated Development Agreement, purchase an existing warehouse/distribution facility to help facilitate the current owner's expansion into a larger facility in Sioux City. Cost of the proposed purchase along with closing and carrying costs is estimated to be \$450,000.
- (g) The City is considering entering into a Development Agreement with a private Developer, Northern Valley Associates, L.L.C., by which the City would, subject to the terms and conditions of a negotiated Development Agreement sell land for commercial development and would provide costs associated with a road extension in conjunction with this development up to the amount of \$500,000 in exchange for a minimum assessment agreement.



**RESOLUTION NO. 2015-\_\_\_\_\_**

**RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RE-  
STATED DONNER PARK URBAN RENEWAL PLAN FOR THE DONNER PARK  
URBAN RENEWAL AREA OF THE CITY OF SIOUX CITY, IOWA (SUNNY-  
BROOK SHOPPING CENTER DEVELOPMENT AND DONNER WAREHOUSE  
DEVELOPMENT)**

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 Donner Park Urban Renewal Plan on December 7, 1987, pursuant to Resolution No. 87/T-6002 and subsequent amendments to the same on September 12, 1988, pursuant to Resolution No. 88/T-6760; June 10, 1991, pursuant to No. 91/T-9955; October 12, 1992, pursuant to Resolution No. 92/U-549; December 20, 1993, pursuant to Resolution No. 93/U-1656; December 19, 1994, pursuant to Resolution No. 94/U-2783; March 24, 1997, pursuant to Resolution No. 97/U-5267; August 24, 2009, pursuant to Resolution No. 2009-0679; September 13, 2010, pursuant to Resolution No. 2010-0670; December 10, 2012, pursuant to Resolution No. 2012-0842; May 13, 2013, pursuant to Resolution No. 2013-0377; November 25, 2013, pursuant to Resolution No. 2013-0877; May 5, 2014, pursuant to Resolution No. 2014-0273; September 8, 2014, pursuant to Resolution No. 2014-0665; December 22, 2014, pursuant to Resolution No. 2014-0939; and April 27, 2015, pursuant to Resolution No. 2015-0304 (together, the "Amended Plan") for the amended 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 740, Image 9802-9864; 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, 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 June 16, 2015, 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., June 16, 2015 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 8<sup>th</sup> day of June, 2015

---

Lisa L. McCardle, 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., July 13, 2015, 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 July 13, 2015 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 economic development projects for Sunnybrook Shopping Center Development and Donner Warehouse Development.

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 8<sup>th</sup> day of June, 2015.

---

Lisa L. McCardle, City Clerk, Sioux City, Iowa

Publish in the Sioux City Journal June 27, 2015.

(END 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: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk



**AMENDMENT NO. 1**

**TO THE  
AMENDED AND RESTATED  
DONNER PARK  
URBAN RENEWAL PLAN**

**FOR THE  
DONNER PARK  
URBAN RENEWAL AREA**

**CITY OF SIOUX CITY, IOWA**

## **AMENDMENT NO. 1**

### **AMENDED AND RESTATED DONNER PARK URBAN RENEWAL PLAN CITY OF SIOUX CITY, IOWA**

The Amended and Restated Donner Park Urban Renewal Plan ("Plan") for the Donner Park Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted December 7, 1987, pursuant to Resolution No. 87/T-6002 and subsequent amendments to the same on September 12, 1988, pursuant to Resolution No. 88/T-6760; June 10, 1991, pursuant to No. 91/T-9955; October 12, 1992, pursuant to Resolution No. 92/U-549; December 20, 1993, pursuant to Resolution No. 93/U-1656; December 19, 1994, pursuant to Resolution No. 94/U-2783; March 24, 1997, pursuant to Resolution No. 97/U-5267; August 24, 2009, pursuant to Resolution No. 2009-0679; September 13, 2010, pursuant to Resolution No. 2010-0670; December 10, 2012, pursuant to Resolution No. 2012-0842; May 13, 2013, pursuant to Resolution No. 2013-0377; November 25, 2013, pursuant to Resolution No. 2013-0877; May 5, 2014, pursuant to Resolution No. 2014-0273; September 8, 2014, pursuant to Resolution No. 2014-0665; December 22, 2014, pursuant to Resolution No. 2014-0939; and April 27, 2015, pursuant to Resolution No. 2015-0304 and is being further amended to add and/or confirm a proposed project to be undertaken within the Urban Renewal Area ("Amendment"). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the Amended and Restated Donner Park Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

### **PROPOSED URBAN RENEWAL PROJECTS**

The following new subsections (k) and (l) to Section E (1) is added to the Plan as follows:

#### **E. Urban Renewal Projects**

##### **1. Development Agreements**

(k) The City is considering entering into a Development Agreement with a private Developer, by which the City would, subject to the terms and conditions of a negotiated Development Agreement provide up to \$8,000,000 in the form of an Economic Development Grant for various road, utility, and other infrastructure improvements related to the further development of the Sunnybrook commercial/retail area in exchange for a Minimum Assessment Agreement on the development property.

(l) The City is considering entering into a Development Agreement with a private Developer, by which the City would, subject to the terms and conditions of a negotiated Development Agreement provide up to \$500,000 to the Developer in the form of a Tax Rebate Grant over the term of five years in exchange for a Minimum Assessment Agreement on the development property.





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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 9

**FROM:** Spero Vlahoulis, Budget/Finance Analyst

**SUBJECT:** **Approve total checks issued for the reporting period of May 2015, in the amount of \$9,880,129.05**

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

**RECOMMENDATION:**

Staff respectfully requests the Council to approve the total checks issued for May 2015 on Monday's Agenda.

**DISCUSSION:**

The Finance Department has on file a list of gross cumulative payments paid to each separate accounts payable vendor on a monthly basis. This listing is available for Council Members' perusal. On your agenda for Monday is a total amount of these payments for City Council approval. The day after the Council meeting, the Finance Department files the list with The Sioux City Journal for publication.

Detailed information on these listed payments can be found in the Finance Department. This department keeps a weekly claim register, which lists vendor name, vendor number, and account code. Any question from Council members or citizens concerning vendor payments are easily answered using a cross-reference system on the mainframe computer, which searches information on vendor payments.

**FINANCIAL IMPACT:**

None

**RELATIONSHIP TO STRATEGIC PLAN:**

Relates to Progressive Leadership Vision, PL-4 Formalize policies which result in sound financial practices.

**ALTERNATIVES:**

Under the Code of Iowa, all checks issued must be approved by the City Council.

**ATTACHMENTS:**

None

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 10

**FROM:** Lisa McCardle, City Clerk  
Sarah Swearingen, Deputy City Clerk

**SUBJECT:** Application For Cigarette, Tobacco, Nicotine, Vapor Permit:

**A. OVER-THE-COUNTER**

1. Whispering Creek Golf Club, 6500 Whispering Creek Drive (Renewal)
2. Greenville Pharmacy, 2705 Correctionville Road (Renewal)
3. Central Mart, 1000 Morningside Avenue (Renewal)
4. Central Mart, 2501 Floyd Boulevard (Renewal)
5. Bill's Auto Parts, 3905 Transit Avenue (Renewal)
6. International Market and Spanish Services, 607 Pearl Street (Renewal)
7. Sam's Mini Mart, 711 Gordon Drive (Renewal)

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

Staff respectfully requests and recommends approval of the above Cigarette, Tobacco, Nicotine, and/or Vapor Permit.

**DISCUSSION:**

The City Clerk's Office is required by the Iowa Department of Revenue to assist them by processing applications for Cigarette, Tobacco, Nicotine, Vapor Permits from businesses within the Sioux City limits. City Clerk's Office receives the application and collects the annual \$100 permit fee; the application is emailed to the Iowa Alcoholic Beverage Division and we then issue a permit to the business. The retailer is required to post the permit in their establishment where the sale is to be made in plain view of the public.

Zoning has been verified for any new applicants above, no violations were found unless otherwise noted.

**FINANCIAL IMPACT:**

All fees collected stay with the issuing authority; revenue collected in FY2014 totaled \$10,775.

**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 the application for a Cigarette, Tobacco, Nicotine, Vapor Permit, however, if the permits is denied the Iowa Alcoholic Beverage Division has the authority to override the Council decision and issue the permit.

**ATTACHMENTS:**

None

x	Regular Session
	Study Session
	Closed Session

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 11

**FROM:** Lisa McCardle, City Clerk  
Sarah Swearingen, Deputy City Clerk

**SUBJECT: Applications For Beer and Liquor Licenses**

- A. **CLASS "B" BEER PERMIT**
  - 1. Jackson Street Brewing, 607 5th Street (New)
- B. **CLASS "C" BEER PERMIT**
  - 1. Select Mart, 2825 Gordon Drive (Renewal)
  - 2. Kum & Go, 2026 Riverside Boulevard (Renewal)
  - 3. Get Funky Gifts, 4273 Sergeant Road (New)
- C. **CLASS "B" LIQUOR LICENSE**
  - 1. HGI/Bevs On The River, 1110 Larsen Park Road (Renewal)
- D. **CLASS "C" LIQUOR LICENSE**
  - 1. Paxton Street Tavern, 2110 South Paxton Street (Renewal)
  - 2. Court Street Tap, 2106 Court Street (Renewal)
  - 3. Buffalo Alice, 1020 - 1022 4th Street (Renewal)
  - 4. Bergie's Bar, 201 4th Street (Renewal)
  - 5. Work & Church, 215 4th Street  
(06/18/15-06/19/15 Temporary Outdoor)
  - 6. Work & Church, 215 4th Street  
(07/11/15-07/12/15 Temporary Outdoor)
  - 7. Work & Church, 215 4th Street  
(07/14/15-07/15/15 Temporary Outdoor)
  - 8. Work & Church, 215 4th Street  
(07/17/15-07/18/15 Temporary Outdoor)
  - 9. Work & Church, 215 4th Street  
(07/22/15-07/23/15 Temporary Outdoor)
  - 10. Paxton Street Tavern, 2110 South Paxton Street  
(06/19/15-06/20/15 Temporary Outdoor)
  - 11. Paxton Street Tavern, 2110 South Paxton Street  
(06/21/15 Temporary Outdoor)
  - 12. Paxton Street Tavern, 2110 South Paxton Street  
(06/26/15-06/28/15 Temporary Outdoor)
  - 13. Paxton Street Tavern, 2110 South Paxton Street  
(07/03/15-07/05/15 Temporary Outdoor)
  - 14. Paxton Street Tavern, 2110 South Paxton Street  
(07/10/15-07/12/15 Temporary Outdoor)
  - 15. Paxton Street Tavern, 2110 South Paxton Street  
(07/17/15-07/19/15 Temporary Outdoor)
  - 16. Paxton Street Tavern, 2110 South Paxton Street  
(07/31/15-08/02/15 Temporary Outdoor)
  - 17. Paxton Street Tavern, 2110 South Paxton Street  
(09/04/15-09/07/15 Temporary Outdoor)

18. **The Diving Elk, 1101 4th Street  
(06/19/15-06/21/15 Temporary Outdoor: Awesome Biker Nights)**
  19. **Sioux City Convention Center, 801 4th Street  
(06/19/15-06/21/15 Temporary Outdoor: Awesome Biker Nights)**
  20. **Tyson Events Center/Long Lines Family Center, 401 Gordon Drive  
(Box Office Parking Lot) (06/27/15 Temporary Transfer: Camp High  
Hopes Ribfest)**
- E. **CLASS "E" LIQUOR LICENSE**
1. **Kum & Go, 2026 Riverside Boulevard (Renewal)**
  2. **Select Mart, 2825 Gordon Drive (Renewal)**
- F. **SPECIAL CLASS "C" LIQUOR LICENSE**
1. **Tony's Pizza & Pub, 1917 Pierce Street (Renewal)**
- G. **CLASS "B" WINE PERMIT**
1. **Kum & Go, 2026 Riverside Boulevard (Renewal)**
  2. **Select Mart, 2825 Gordon Drive (Renewal)**
- H. **CLASS "B" NATIVE WINE PERMIT**
1. **Get Funky Gifts, 4273 Sergeant Road (New)**

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

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

**DISCUSSION:**

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

*\*\*All Outdoor Events are approved pending final inspections once the event is set up.*

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

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

**FINANCIAL IMPACT:**

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



**DRAFT**

**LIBRARY BOARD OF TRUSTEES  
Regular Meeting  
May 20, 2015**

The regular meeting of the Board of Trustees of the Sioux City Public Library was held on Wednesday, May 20, 2015, in the Conference Room of The Wilbur Aalfs (Main) Library.

MEMBERS PRESENT: Melissa Cain, David Halaas, Richard A. Moon, Christopher D. Norvell, Janet Plathe, Mary Ann Schuldt

STAFF PRESENT: Betsy J. Thompson, Connie K. Brown, Adrienne Jansen

1. President Janet Plathe called the meeting to order at 3:31 p.m.
2. Roll call was taken and introductions were made to Adrienne Jansen, new Youth Services Manager.
3. The Agenda was approved.
4. Approve the Minutes – April 15, 2015 [Action Item]

Schuldt moved approval of the minutes. Moon seconded. Motion approved unanimously.

5. Director's Report

Thompson said we learned last week that the small town of Salix has contracted with Sloan, so Salix residents can now use the state-wide Open Access service. This came to our attention when a home school mother brought her children in to Morningside Branch and discovered that as they had recently moved to Salix, they would have to purchase a card to check out all the items they had selected. The Branch Manager gave her the "tax-payer education talk," that cities tax themselves for library service, and that the patron could contact her city officials. The patron started making calls and everyone learned that Salix had contracted with Sloan the week before. The patron and her children were able to come back and pick up all the items they had selected the same day.

Thompson said this morning staff dealt with a patron who was behaving inappropriately. When the Police were called the patron came over to staff and made a clenched-fist motion that caused the staff member to flinch and to feel threatened. Thompson said the Museum and Transit Directors have mentioned that they are having more trouble than ever before.

Thompson received email today from the State Library that, after going through a bid process, they have signed a contract with OverDrive for the whole state to participate in their download service. This is the same company our consortium had been contracting with so patrons won't have to learn a different service.

Trustees reviewed the stories Thompson started including with her Director's Report this month.

Trustees asked about several patron comments.

Halaas commented on the Friends raising \$30,000 at their Book Sale. Thompson said it is all done with volunteer help. They liked the location this year though they had to pay rent.

## 6. Financial Reports

### A. Expenditures: Approve Claims [Action Item]

Thompson said bids for an elevator upgrade are due next week and vendors are coming through to look. Thompson talked about the purchasing card process and when payments are reflected in the expenditures report.

Moon moved approval of claims. Schuldt seconded. Motion approved unanimously.

### B. 2014-2015 Monthly Budget Summary

The report was received.

### C. New Purchases [Action Item]

Thompson said we pay OCLC an annual fee for catalog records that we import into our system. We do receive credit for catalog records that we enter.

Halaas moved to approve payment for the OCLC subscription renewal in the amount of \$16,376.66 for the next fiscal year. Moon seconded. Motion approved unanimously.

## 7. Unfinished Business

None was presented.

## 8. New Business

### A. Non-Resident Card Fee [Action Item]

Thompson said this is a policy the Board sets annually for people who do not reside in Sioux City. The formula she uses is the amount of City tax dollars divided by the number of households in Sioux City. The average Sioux City household pays \$78.30 in taxes for library service and she recommends keeping the same non-resident card fee for the next fiscal year.

Halaas moved that the non-resident borrower card fees remain the same – \$10 per month, \$25 per quarter, or \$80 per year for fiscal year 2015-2016. Schuldt seconded. Motion approved unanimously.

- B. At 4:09 p.m. Moon moved to enter a closed session to discuss the professional competency of an individual whose performance is being considered, in order to prevent needless and irreparable injury to that individual's reputation. The individual requests a closed session pursuant to Iowa Code Section 21.5 (1)(i). Cain seconded. Moon, Schuldt, Norvell, Cain, Halaas, and Plathe all voted aye. Motion carried.

At 4:35 p.m. Moon moved to return to open session. Schuldt seconded. Moon, Schuldt, Norvell, Cain, Halaas, and Plathe all voted aye. Motion carried.

- C. 2015-2016 Personnel Complement and Other Personnel Action [Action Item]

Thompson shared information on the amount of money available for nonunion staff increases and for good performers who have been here a while but aren't to mid-range yet.

Cain moved to give Thompson an increase of 2.75%. Schuldt seconded. Motion approved unanimously.

Plathe thanked Thompson for her excellent service. Thompson said the Board identified goals for her to focus on and she appreciates that and the support of the Board.

Moon moved to adopt the 2015-2016 Personnel Complement/Authorized Personnel Strength for the Library. Cain seconded. Thompson said this is essentially determined when we put the budget together. As a matter of policy these are the positions we have. Plathe appreciates that Thompson looks at the big picture when positions come open. Thompson said the next retirement has been announced effective July 31 and we are now looking for a local history and collection development person. Motion approved unanimously.

- D. Election of Board Officers [Action Item]

Halaas moved, on behalf of the Nominating Committee, the following slate of officers for the Library Board of Trustees for fiscal year 2015-2016—President: Janet Plathe, Vice President: Melissa Cain, Secretary: Richard Moon. Halaas thanked the three. Motion approved unanimously.

Trustees congratulated the new officers.

## 9. Trustee Concerns

Halaas showed an article on dealing with privacy issues in a May 25<sup>th</sup> Nation magazine. He also shared a New Yorker cartoon showing "Books to Relax With."

Schuldt shared a *Sioux City Journal* article about MHRD grants and asked if the Library should be applying. Thompson said one project that comes to mind is digitizing some local history. The application process has changed since the Library last applied.



Plathe mentioned the two Trustee positions that will be open in June. Lightcap is moving to Topeka and Schuldt is not eligible for another term. Thompson encouraged Trustees to let others know about the openings and that she is available for questions. Cain will mention the openings to the leadership group where she works. Trustees suggested mentioning it on Facebook and the Library's web site.

10. Next Meetings:

Wednesday, June 17, 2015, 3:30 p.m.

No meeting scheduled in July

Wednesday, August 19, 2015, 3:30 p.m.

Wednesday, September 16, 2015, 3:30 p.m.

Tuesday, September 29, 2015, noon, Joint Meeting with Council

Plathe asked Trustees to check their schedules for conflicts for the meeting with Council so that we can change the meeting if we need to.

11. Plathe adjourned the meeting at 4:55 p.m.

Richard Moon, Acting Secretary

Connie K. Brown, Assistant Secretary



**PARKING AND SKYWALK SYSTEM  
BOARD OF TRUSTEES  
MEETING MINUTES  
May 20, 2015**

The Parking and Skywalk System Board of Trustees met at 9:00 a.m. on Wednesday, May 20, 2015, in the 3<sup>rd</sup> Floor Conference Room, Ho-Chunk Centre, 600 4<sup>th</sup> Street, Sioux City, Iowa.

<b><u>MEMBERS PRESENT:</u></b>	<b><u>MEMBERS ABSENT:</u></b>	<b><u>OTHERS PRESENT:</u></b>
Steve Boden, Chair	Alexcia Boggs	Ann Mach, ABM Parking Services
Frank Forneris, Vice Chair	Monette Harbeck	Bob Osterman, Per Mar Security
Ragen Cote		Mike Collett, Asst. City Manager
Mark Reinders		Sarah Swearingen, City Clerk's Office

**CALL TO ORDER**

Boden called the meeting to order at 9:05 a.m.

**MINUTES**

Motion by Reinders, seconded by Cote, to approve the minutes of April 22, 2015; all voting aye.

**REPORTS & COMMUNICATIONS**

**Skywalk Operations** - Swearingen handed out traffic counts. Collett stated the roof replacement project for the Convention Center Bridge and the Bridge from Sioux City Hotel to the **Stifel Nicolaus** Building is moving forward.

**Parking Operations** - Collett stated the LED Relighting Project in the MLK is complete; River's Landing repairs is in need of a change order for an additional 300 sq. ft. of work to be completed at a cost of approximately \$33,000. This will need to go to City Council for approval.

Motion by Boden, seconded by Reinders, to approve the Change Order to Western Waterproofing; all voting aye.

Collett stated a Parking Agreement with the Sioux City Hotel will be going to City Council for approval with the Hotel getting a value of \$2,000 for a \$1,280 monthly cost.

Motion by Reinders, seconded by Cote, to approve the Parking Agreement with the Sioux City Hotel; all voting aye.

Collett stated a Parking Agreement with Cloverleaf will begin June 1st for 40 parking spaces.

**Advertising Sign Requests** - None.

**Downtown Informational Report** - Cote stated they are now working on the annual Parking Survey to go out in July and will bring a draft of the survey to the next meeting. Cote stated she has met with the Convention Center and Police Department on the transient issue and are looking into possible solutions.

**ABM Parking Services Report** - The report was sent by e-mail to the Board. Mach stated the Sioux City Hotel was behind in validation charges but is now current.

**Skywalk Security Update - Per Mar Security** - Osterman stated they are up and running with a full staff. They have made a few changes and continue their efforts in recruiting.

**PETITIONS, APPLICATIONS, HEARINGS** - None.

### **UNFINISHED BUSINESS**

**Wall and Ceiling Repair Project Update** - Collett stated Stan LaFave, Building Maintenance Supervisor, has been helping with getting the specs ready.

**Pay-By-Phone RFP** - Collett stated the contract is currently in the Legal Department for review and should be presented to Council for approval on June 1st or 8th.

### **NEW BUSINESS**

**Approval of costs and distribution to properties for April 2015** - Collett stated charges are down due to the timing of the security costs and MidAmerican usage was down. Motion by Cote, seconded by Reinders, to approve the costs and distribution to properties for April 2015; all voting aye.

### **ADJOURNMENT**

Being no further discussion, it was motioned by Reinders, seconded by Cote, to adjourn the meeting at 9:30 a.m.; all voting aye.



**PARKS & RECREATION  
ADVISORY BOARD  
MEETING MINUTES  
MAY 5, 2015**

A meeting of the Parks and Recreation Advisory Board was held at 4 p.m., Long Lines Family Rec Center, 401 Gordon Drive, 3rd Floor Conference Room, Sioux City, Iowa.

<b><u>MEMBERS PRESENT</u></b>	<b><u>STAFF PRESENT</u></b>	<b><u>OTHERS</u></b>
Don Copas	Matt Salvatore	John Engel
Fran Palmersheim	Angel Wallace	Larry Book
Brent Ruch	Kelly Bach	Jeri Ducommun
Chris Boesch	Eric Griffith	Ed Pickens
Scott Brouillette	Todd Lien	Gary Fuentes
Kent Kolbe	Tim Tushla	Suzanne Swanson
	Brittany Scott	Brenda Mapes
<b><u>MEMBERS ABSENT</u></b>		
Cole Hoff		
Andrew Glisar		
Joseph Riker		

1. CALL OF THE ROLL

Meeting was called to order by Ruch at 4:03 p.m.

2. APPROVAL OF THE MINUTES

**Reading of the minutes of April 1, 2015, was waived and on motion by Palmersheim, seconded by Brouillette, to approve the minutes; all voting aye.**

3. COMMUNITY INTEREST AND CONCERNS

A. Memorial Bench at Bacon Creek Park

**Kolbe entered the meeting at 4:04 pm.**

Jeri Ducommun said her husband, Wayne Ducommun, was the project engineer for Bacon Creek Park and was quite proud of the park. Her family feels a memorial bench in his honor would be a nice addition to the park. They prefer to have the bench located near the south dam or by the dock and are requesting approval. Wallace said she would provide an estimate on the cost of the bench. She added any bench in the park destroyed due to vandalism is under warranty and will be repaired. She recommended a metal bench to deter such vandalism, but due to aesthetics a plastic bench will be installed.

**Motion by Ruch, seconded by Kolbe, to approve the request for the memorial bench; all voting aye.**

## B. Lyons Park Soccer Goals

John Engel said he is a local business owner and president of Project Be The Change, which teaches young people to be entrepreneurs. When Project Be The Change was initially started, the soccer players were asked what they needed. They responded there is no place to play soccer. Money was raised to make it possible to play a game they love. It was supported by Parks and Recreation and the Parks Board.

Wallace said initially several locations were proposed, and Lyons Park was chosen. One goal was installed. There were issues with maintenance of the grounds due to no irrigation. This is a park; therefore, it is not maintained as a soccer field. Staff agreed to install a second soccer goal and relocate the goals to address the ground issue. Engel added Cook Park was an option, but spacing was an issue.

Special Olympics and west side soccer players expressed to him their concerns when the goals were removed. There was no notification the goals would be removed. It caused a lot of anxiety and disappointment among the kids, as they had helped to put the goals in the park. The goals have been down for 13 months. Engel stated ultimately one goal was re-installed. One goal is not going to be a solution for these kids, as both goals are needed.

Suzanne Swanson, a neighborhood resident, said an adult group came in, took over, and trashed the park. They would leave garbage everywhere, flipped over tables, and participated in illegal activities. Brenda Mapes, a neighborhood resident, agreed with Ms. Swanson and added she felt adult soccer play in the park was preventing younger players access and created an unfriendly environment. Engel replied he has been going to Lyons Park several times a week since this happened to pick up trash. Gary Fuentes noted there is limited places to play soccer so this park had a lot of usage.

Ed Pickens is a resident of this neighborhood and is opposed to bringing the second goal back, as this has been an on-going issue for four years. He presented two letters from neighbors Marna Samuel and Chris Knudsen regarding their concerns in relation to this park. Pickens added Ms. Samuel had her vehicle hit twice from the patrons of the park. The final straw was the adult teams trashing the park and urinating in the alley.

Engel said he is glad there is a public forum to discuss the issues. It is a public park, and there is not much that can be done about the adults attending the park. Brouillette said the problem is the usage by the adults and asked for solutions to keep the adults out and allow the kids to play.

Engel said there is a need in the community for areas to play soccer. If there were more locations, it would not get so much concentrated use. It makes sense to address the issue and add locations.

Engel said the park was more successful than they anticipated. There was so much usage it wore out the grass. They came up with solutions to address the issues. They tried a rotation plan by rotating the goals and reducing the wear on the grass and chaining the goals together to allow the grass to grow back.

Salvatore said staff would explore different areas for this activity. Engel said he is open to another location but would like it to be within walking distance on the west side. Salvatore asked Engel what he thought about Spaulding Park. Engel said this would be a cool

spot for soccer but had concerns about balls going out onto Gordon Drive. Kolbe said the Board needed time to discuss how they plan to proceed.

**Swanson, Pickens, Mapes, Engel, and Fuentes all exited the meeting at 5:05 pm.**

Wallace said the goals were reduced to one goal to eliminate the competition play. It is a public park; and, the City cannot limit who uses it. Ruch stated he feels only one goal will work at this location. If the same issues arise, that one will be removed. Salvatore said staff would leave the one goal in place and work with Engel on other locations. Ruch asked staff to relay to Mr. Engel notice has been served. The issues need to be addressed or the goal will be removed.

#### C. Sertoma Club Veteran's Memorial

Larry Book said he appreciates the partnership the City has with the Sertoma Club. The Club would like to add a veteran's area in Sertoma Park. They have budgeted \$85,000 for a three phase addition over the next three years. He presented a concept plan of their proposal. They hope to have a feature from the Air Guard or service segment such as a helicopter or canon. A colonnade of trees will be planted. A granite memorial will be erected for fallen heroes with statements or the names of those that died in action; and, there are plans to segment it to Woodbury County. Brick columns that will be maintenance free will be added around the granite memorial.

Cement work and a retaining wall will be installed this year. The Club has authorized \$22,000 the first year; \$38,000 the second year; and the balance the third year. Grants will be applied for, and fundraising events will be held. They have visited with various veterans groups who wholeheartedly support this. Book noted a water line will need to be installed for a hydrant and guessed that cost to be around \$6-7,000. Book said the Club will take the concept plan to the City Council for approval along with the wording on the plaques.

**Motion by Ruch, seconded by Palmersheim, to approve the concept plan; all voting aye.**

#### 4. STAFF REPORTS

- Parks Maintenance
- Recreation
- ibp Ice Center
- Cemeteries
- LLFRC
- Director's Report

Due to the lateness of the hour, staff reports were not given.

#### 5. AQUATICS MASTER PLAN

Salvatore reported the City Council is planning to put together an ad hoc committee to decide the future of the pools. The Parks Board should provide two members to serve on this committee.

Griffith noted Riverside Pool will be filled next week. To date, \$40,000 has been spent on CIP projects for small minor improvements at the pools.

6. PARKS AND RECREATION BOARD CONCERNS

Palmerheim said one of the drinking fountains at Bacon Creek Park is not working. Bach said there is an adult fountain, a handicapped fountain, and a dog fountain. Bach continued a new fountain has been installed at Legacy Park, and some were repaired at Leif Erikson.

Brouillette suggested putting a trash can up by the shelter at the top of the hill so the public can pick up after their dogs. There are no trash cans up there.

Brouillette said he walks the trails often. He suggested doggie bags be provided and placed where there are benches along the trail. He thought vets would donate the bags.

**Kolbe exited the meeting at 5:21 pm.**

Salvatore informed everyone Parks and Recreation is hosting a kite flying event for children for Kids to Parks Day at the ibp Ice Center.

7. ADJOURNMENT

**There being no further business, the meeting was adjourned at 5:22 p.m., on motion by Brouillette, seconded by Ruch; all voting aye.**

DRAFT

**SIoux CITY TRANSIT ADVISORY BOARD  
REGULAR MEETING  
May 20, 2015**

On this date 3:29 p.m., at 509 Nebraska Street, Sioux City, Iowa, was held a regular meeting of the Sioux City Transit Advisory Board for the purpose of discussing items of interest and concern to the Sioux City Transit System, the City of Sioux City, and the citizens thereof, matters to be brought to the attention of the Advisory Board by the Transit Manager; and such other business that might properly come before the Board at this time.

**MEMBERS PRESENT**

Mary Martin  
Joan Bruhn  
Richard Owens

**MEMBERS ABSENT**

Mary Elder  
Tom Venesky

**OTHERS**

Dawn Kimmel, Mobility Manager  
Maureen Timblin, Admin. Assistant  
Jeff Harcum, Transit Supervisor  
Mike Collett, Asst. City Manager

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

Roll was called.

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

*Martin made a motion, Bruhn seconded the motion, to approve the minutes from the March meeting. All voted aye to approve the minutes.*

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

Collett stated the financial reports through the month of April show a lower deficit. Expenses are approximately \$3.7 million, and revenues are \$3.5 million, resulting in a \$150,000 deficit. Collett stated the budget should balance by the end of the fiscal year. Vehicle repair and maintenance expenses have gotten a little better recently. Paratransit expenses have increased, and passenger counts continue to increase. Discussion was held about vehicle maintenance and the increased budget for those expenses that was approved by the City Council. Martin asked about SRTS using Transit's bus wash. Collett stated SRTS uses the new bus wash system for the paratransit vehicles, which are owned by the City. Collett explained the bus wash system was funded with grant funds.

**ITEM NO. 4 OTHER BUSINESS**

A. Grant Updates

Harcum stated the LED lighting fixtures have all been installed in the MLK building. Many of them have automatic sensors and are not on when not needed. A cost savings in electric utility expenses is projected to be 50 – 60% or \$18,000 – 19,000 per year; with a six-year payback. Other facility improvements are being made to the MLK building. Construction maintenance on the MLK building includes sealing joints, concrete areas, and caulking cracks to prevent moisture from seeping into concrete. The security camera system is being upgraded from analog to



a digital system; and two new sliding doors will be installed on the south side of the MLK building. New signs will be installed in the elevators.

The new PTIG grant application project will include rehabilitation and improvements to the passenger shelters. The grant award announcement will be made in June.

Congress has not fully funded the federal operating assistance. Funding will expire May 31<sup>st</sup>. Staff expects short-term extensions to the funding, before a long term grant is awarded.

Bruhn asked if there is funding available for route information signage at the mall. Collett stated the new route schedules are very close to being completed; then they will be available at the mall. Discussion was held about the web-based GPS system to track buses along the regular fixed routes.

#### B. Bus Purchases

Collett stated city staff went to California to inspect the condition of used buses. Council approved the purchase of three used buses, at \$58,500 per bus, to replace 1992 buses. One old bus will be kept as a spare.

New Flyer brought two new buses to Sioux City to demonstrate for Transit staff to view. Transit staff is considering purchasing two New Flyer buses.

#### **ITEM NO. 5 OTHER DISCUSSION**

Discussion was held about a joint meeting that was recently held at the Convention Center. The long-term transportation plan was discussed at the meeting. Chapter 4 of the long range transportation plan will be on next month's meeting agenda and Michelle, from SIMPCO, will be invited to the June board meeting.

Collett stated Transit will provide three routes for Ragbrai.

#### **ITEM NO. 6 NEXT MEETING**

The next meeting is scheduled for June 17, 2015, at 3:30 p.m.

*Bruhn made a motion, Martin seconded the motion, to adjourn; all present voted aye. Meeting adjourned at 4:02 p.m.*

Mary Martin  
Secretary

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 13

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

**SUBJECT:** **Hearing and Resolution accepting the proposal of RAG Realty L.L.P. for the purchase of certain land in the Combined Central Sioux City – CBD Urban Renewal Area and authorizing sale of said property. (vacated north/south alley abutting 1005 4<sup>th</sup> Street)**

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<b>Reviewed By:</b>	<input checked="" type="checkbox"/> Department Director	<input checked="" type="checkbox"/> Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
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**RECOMMENDATION:**  
Staff respectfully requests Council approve the proposed resolution.

**DISCUSSION:**  
On the agenda for Monday is a hearing and resolution proposing to sell all that part of the vacated north/south alley abutting 1005 4<sup>th</sup> Street to RAG Realty, L.L.P. This portion of right-of-way was vacated by Ordinance 2015-0210 dated March 23, 2015. RAG Realty L.L.P would like to add this portion of vacated right-of-way to the adjacent property that they own.

The Resolution on Monday’s agenda authorizes the issuance of a City deed to RAG Realty, L.L.P. This is in the Combined Central Sioux City CBD Urban Renewal Area.

**FINANCIAL IMPACT:**  
The amount of \$600.00 plus costs will be received at time of closing.

**RELATIONSHIP TO STRATEGIC PLAN:**  
Municipal Responsibility - Infrastructure  
Focus Area – Expand Development Opportunities and Grow Sioux City

**ALTERNATIVES:**  
Do not approve the resolution

**ATTACHMENTS:**  
Proposed Resolution  
Offer to Purchase  
Aerial

**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION ACCEPTING THE PROPOSAL OF RAG REALTY L.L.P. FOR THE PURCHASE OF CERTAIN LAND IN THE COMBINED CENTRAL SIOUX CITY – CBD URBAN RENEWAL AREA AND AUTHORIZING SALE OF SAID PROPERTY. (VACATED NORTH/SOUTH ALLEY ABUTTING 1005 4<sup>th</sup> STREET)

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

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

WHEREAS, RAG Realty L.L.P. has submitted a proposal to the City for the purchase of the following described property in the Combined Central Sioux City –CBD Urban Renewal Area:

All that part of the vacated north/south alley adjacent to Lots 1-3 and 10-12 in Block 33, Middle Sioux City Addition, Woodbury County, State of Iowa; and

WHEREAS, pursuant to Resolution No. 2015-0313 passed and approved by the City Council on May 4, 2015, the City indicated its intent to accept said proposal of RAG Realty L.L.P., established a date and time for the submission of proposals by other interested parties, established a date and time for a hearing accepting such proposals, and authorized the publication of notice of such invitation, intent and hearing; and

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

WHEREAS, a city deed has been prepared for the purchase of said property pursuant to the terms of said proposal and should be approved as to form and content.

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

BE IT FURTHER RESOLVED that upon receipt of the consideration fixed in said city deed and the costs incurred in this sale that the city deed be delivered to RAG Realty L.L.P.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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**Prepared by:** Nicole Jensen-Harris, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6318

**After recording return to:** City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

ADDRESS TAX STATEMENT: RAG Realty L.L.P.  
1005 4th Street, Sioux City, IA 51101

CITY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Sioux City, Iowa, a municipal corporation, of the County of Woodbury, and State of Iowa, by its Mayor thereunto duly authorized, as hereinafter set forth, in consideration of the sum of SIX HUNDRED DOLLARS AND NO CENTS (\$600.00) in hand paid by RAG Realty L.L.P. of the County of Woodbury and State of Iowa, does hereby release, remise, convey and quit claim unto the said RAG Realty L.L.P., all its right, title and interest in and to the following described premises situated in the County of Woodbury and State of Iowa, to-wit:

All that part of the vacated north/south alley adjacent to Lots 1-3 and 10-12 in Block 33, Middle Sioux City Addition, Woodbury County, State of Iowa

(Subject to the right of the City of Sioux City, Iowa, to use said real estate in connection with the operation and maintenance of any presently existing and installed public utility, above or below the ground, and subject to the same right on the part of public utility companies operating under franchise in the City of Sioux City, Iowa.)

This deed is executed under and by virtue of the authority vested in the Mayor of Sioux City, Iowa, under the provisions of which and in accordance herewith, this deed is executed and delivered.

IN WITNESS WHEREOF, the City of Sioux City, Iowa, has caused these Presents to be signed by its Mayor and the seal of said City duly attested by the City Clerk hereunto affixed this 8<sup>th</sup> day of June, 2015.

CITY OF SIOUX CITY, IOWA

BY: \_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

STATE OF IOWA        )  
                              : ss  
WOODBURY COUNTY)

On this 8<sup>th</sup> day of June, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa; that the seal affixed to the foregoing instrument is the official seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council, as contained in Resolution No. 2015-\_\_\_\_\_ passed on the 8<sup>th</sup> day of June, 2015, and that Robert E. Scott and Lisa L. McCardle acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City.

BY: \_\_\_\_\_  
Notary Public in and for Iowa

Exempt from Transfer Tax pursuant to Chapter 428A.2(6).

**OFFER TO PURCHASE VACATED PUBLIC RIGHT(S)-OF-WAY**

The undersigned do hereby offer to purchase the following vacated street, alley, or other public right-of-way

**LEGAL DESCRIPTION:** All that part of the vacated north/south alley abutting Lots 1-3 and 10-12, Block 33, Middle Sioux City, Woodbury County, Iowa

**COMMONLY KNOWN AS:** All that part of the vacated north/south alley abutting 1005 4<sup>th</sup> Street, Sioux City, Iowa

according to the following procedure as established by the City Council, Sioux City, Iowa, a Municipal Corporation

1. Purchase price of vacated streets and alleys is to be determined in accordance with Council Resolution 98/U-6796, as follows:
  - a) For vacated street rights-of-way which are sold as developable lots (meaning the vacated land meets the definition of a zoning lot as per the Sioux City Zoning Ordinance) in residentially zoned areas: the value of the vacated land will be determined by a weighted average of the assessed valuation per square foot of abutting properties, with a zero to 25 percent deduction available for "faults". These faults could include drainage, vegetation or topography
  - b) For all other vacations of streets or alleys in residentially zoned areas, the value of the vacated land will be determined as 50% of the weighted average of the assessed valuation per square foot, of abutting properties
  - c) For those vacations involving commercial and industrial zoned land where vacated streets are being sold as developable lots (meaning the vacated land meets the definition of a zoning lot as per the Sioux City Zoning Ordinance), the property will be appraised, the cost of the appraisal to be paid by the applicant.
  - d) For all other vacations of streets and alleys in commercial and industrial zoned land, the price of the land will be as 100% of the weighted average of the assessed value per square foot of the adjoining properties.
  - e) The minimum sale price for all land will, in no case, be less than 25 cents per square foot
2. The sale of other public lands may require that the purchase price be established by a professional appraiser or appraisers to be selected by the City. In such cases, the petitioner shall pay the cost of the appraisal.
3. All land sold is subject to the right of the City of Sioux City and franchised utility companies to use said land in connection with the operation and maintenance of any presently existing and installed public utilities, above or below the ground, unless specifically agreed otherwise by the City Council.

**Formula Price \$ 600,00 plus costs**

This offer respectfully submitted with a full understanding of the above provisions on this 13 day of APRIL, 2015.

By [Signature]  
Phone: 712-252-1897

Please print the exact name and mailing address you would like the title to the property placed in, in the event the City Council approves your offer to purchase the vacated public right-of-way.

246 R. 1st, L.L.P.

Subscribed and sworn before me this 13th day of April, 2015

[Signature]  
Notary Public in and for the State of Iowa





General Area Map

5th St

Subject Property

Virginia St

Court St

4th St

Design

SIoux CITY

City of Sioux City Planning Department  
This map is intended to provide a general overview of the subject property and is not intended to be used for legal purposes. The City of Sioux City Planning Department is not responsible for any errors or omissions on this map. A disclaimer is provided in the bottom right corner of the map.

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 14

**FROM:** Jade Dundas, Utilities Director  
Desiree McCaslen, Pretreatment Manager

**SUBJECT:** Ordinance amending Chapter 13.08 entitled "Sanitary Sewer Rates" of the Sioux City Municipal Code to provide for a fee increase for septic waste haulers.

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

**RECOMMENDATION:**

Staff respectfully requests Council approve the above referenced rate increase which will allow for cost of treatment recovery.

**DISCUSSION:**

Staff has reviewed all established discharge rates for disposal and treatment at the Waste Water Treatment Plant; Industrial Pretreatment, Groundwater Remediation, Laboratory Sampling and Analysis and Septic. It has been determined that a rate increase is necessary for the Septic discharge rate. Historically, the City has only charged \$18.05 per load delivered. This rate has not been adjusted since FY12.

To account for the administration of the hauled waste program, the cost for treatment, the cost of the laboratory analysis and the time dedicated to the acceptance of this waste, staff respectfully requests that the City raise the Septic Hauler Fee to \$99.00 per load over a three year period. The first to be effective July 1, 2015.

- Effective July 1, 2015 - \$33.00 per load.
- Effective July 1, 2016 - \$66.00 per load.
- Effective July 1, 2017 - \$99.00 per load.

Staff has completed a comparative study of similar municipalities in the area and these proposed rates are in line with what they are currently charging. Staff has also met with the hauler community to discuss the proposed rate increase.

**FINANCIAL IMPACT:**

None

**RELATIONSHIP TO STRATEGIC PLAN:**

Infrastructure Vision:

We will invest in our infrastructure to attract and retain businesses and increase quality of life



**ALTERNATIVES:**

Council can choose to deny this action. The result will be the application of the previously approved rates which staff has determined is not recovering the cost for treatment.

Require staff to evaluate other rate increase options to cover the cost of treatment.

**ATTACHMENTS:**

Ordinance

Council Memo of March 25, 2015

**ORDINANCE NO. 2015- \_\_\_\_\_**

ORDINANCE AMENDING CHAPTER 13.08 ENTITLED "SANITARY SEWER RATES" OF THE SIOUX CITY MUNICIPAL CODE TO PROVIDE FOR A FEE INCREASE FOR SEPTIC WASTE HAULERS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA<sup>1</sup>:

Section 1: Subsection 13.08.060(7) of the Sioux City Municipal Code is amended to read as follows:

7. Subject to prior approval of the Director and receipt of a permit, waste haulers may discharge septic tank waste at the waste water treatment facility. Haulers are also required to obtain a State of Iowa Septic Hauler License. The charges for discharge shall be in accordance with the following rate schedule:

Septic Hauler Fee	Per Load Discharged
Effective July 1, 2014 <del>2015</del>	<del>\$18.050</del> <u>\$33.00</u>
Effective July 1, 2016	<u>\$66.00</u>
Effective July 1, 2017	<u>\$99.00</u>

Section 2: Section 13.08.090 of the Sioux City Municipal Code is amended to read as follows:

**13.08.090 Violation - Penalty.** Any contributor found in violation of this chapter constitutes a municipal infraction and is punishable according to the provisions of Section ~~4.04.010~~ 1.04.100 of this code. Violations include but are not limited to the following:

1. Any discharge that the Director determines has caused, alone or in combination with other discharges, interference or pass through, which endangers the health of the sewage treatment personnel or the public, or impairs the efficient operation of the City's WWTP,
2. Slug discharges,
3. Any contributor responsible for the dilution or bypass of any wastestream in lieu of adequate treatment, or
4. Any other prohibited discharges or general violations of this Chapter or state and/or Federal code.

Section 3: 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 4: 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 5: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Subsection 13.08.060(7) and Section 13.08.090 of the Sioux City Municipal Code.

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<sup>1</sup> Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by ~~strikethrough~~.

Section 6: Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

**ORDINANCE NO. 2015 - \_\_\_\_\_**

ORDINANCE AMENDING CHAPTER 13.08 ENTITLED "SANITARY SEWER RATES" OF THE SIOUX CITY MUNICIPAL CODE TO PROVIDE FOR A FEE INCREASE FOR SEPTIC WASTE HAULERS.

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

Section 1: Subsection 13.08.060(7) of the Sioux City Municipal Code is amended to read as follows:

7. Subject to prior approval of the Director and receipt of a permit, waste haulers may discharge septic tank waste at the waste water treatment facility. Haulers are also required to obtain a State of Iowa Septic Hauler License. The charges for discharge shall be in accordance with the following rate schedule:

Septic Hauler Fee	Per Load Discharged
Effective July 1, 2015	\$33.00
Effective July 1, 2016	\$66.00
Effective July 1, 2017	\$99.00

Section 2: Section 13.08.090 of the Sioux City Municipal Code is amended to read as follows:

**13.08.090 Violation - Penalty.** Any contributor found in violation of this chapter constitutes a municipal infraction and is punishable according to the provisions of Section 1.04.100 of this code. Violations include but are not limited to the following:

1. Any discharge that the Director determines has caused, alone or in combination with other discharges, interference or pass through, which endangers the health of the sewage treatment personnel or the public, or impairs the efficient operation of the City's WWTP,
2. Slug discharges,
3. Any contributor responsible for the dilution or bypass of any wastestream in lieu of adequate treatment, or
4. Any other prohibited discharges or general violations of this Chapter or state and/or Federal code.

Section 3: 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 4: 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 5: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Subsection 13.08.060(7) and Section 13.08.090 of the Sioux City Municipal Code.

Section 6: Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on June 13, 2015

\_\_\_\_\_  
Lisa L. McCardle, City Clerk



## CITY COUNCIL INFORMATIONAL MEMO

**FROM :** Desiree McCaslen

**Approved For Trans-  
mission To Council**

**DATE :** 3.25.2015

**RE :** Proposed Septic Hauler Rate Increase

The purpose of this memo is to inform the Mayor and Council about the Proposed Septic Hauler Rate increase. On 1.27.2015 staff submitted an information memo to the Public Works Director which included the following:

Staff has reviewed the following discharge rates for disposal and treatment at the WWTP, Industrial Pretreatment, Groundwater Remediation, Laboratory sampling and analysis, and Septic. It has been determined that a rate increase is necessary for the Septic discharge rate. Historically, the City has only charged \$18.05 per load delivered. This rate has not been adjusted since FY12. To account for the administration of the hauled waste program, the cost for treatment, the cost of the laboratory analysis and the time dedicated to the acceptance of this waste staff respectfully requests that the City raise the Septic Hauler Fee to \$99.00 per load over a three year period.

YTD14 the City received 2,679 loads of septic waste and invoiced \$53,399.32 in charges for the disposal. With the proposed rate increase the projected YTD14 invoices would have totaled \$267,900.00, an increase of \$214,500.68. Comparative to other communities with hauled waste programs this is a conservative charge:

<u>Municipality</u>	<u>Disposal Rate</u>
*Sioux Falls, SD	\$15.00 rate study proposal is to raise this to \$100.00/3,000 gals.
*Council Bluffs, IA	\$30.00/1,000 gallons discharged (will be increasing this in 2015)
LeMars, IA	\$100.00-\$220.00/3,000 gals.
Storm Lake, IA	\$35.00/3,000 gals. (will be increased in 2015)
*Des Moines, IA	\$150.00 within City limits
Spencer, IA	\$25.00/3,000 gals. (Only get 7 loads per week)

\*These facilities are more similar in design and loading to the Sioux City Wastewater Treatment Facility.

On 3.25.2015 staff met with all of the affected haulers to discuss the proposed increase. The hauler community is reluctantly supportive of the proposed increase based on the above information. They were reluctant to have it implemented all at once. From our conversations, staff is recommending that the rate increase occur over the next three years:

- July 1, 2015-Increase the rate to \$33.00 per load
- July 1, 2016-Increase the rate to \$66.00 per load

- July 1, 2017-Increase the rate to \$99.00 per load

Staff will draft a press release to inform the public of the proposed rate increase and will plan on presenting the proposal as an ordinance amendment to council for review and approval in May 2015.

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 15

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

**SUBJECT:** **Hearing and Ordinance amending several chapters of Title 25 of the Sioux City Municipal Code entitled "Zoning and Sign Code" for the purpose of creating consistency throughout the Municipal Code, to enable clearer interpretation, to correct scrivener's errors and propose changes to address requirements to better align the Municipal Code with the desired development standards in Sioux City. The Planning and Zoning Commission recommends approval of this item. (Petitioner: City of Sioux City). (File No. 2015-0032).**

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

Staff respectfully requests City Council approve the requested text amendments, subject to the following findings.

Planning Commission:

Agenda Item 2015-0032: Requested zoning ordinance text amendment to various Subchapters, Sections, Tables and Subsections to Title 25 of the Municipal Code. (Petitioner: City of Sioux City)

O'Neill (Calligan) moved to recommend to the City Council approval of this item.

Motion Carried.6-0-0 (Yes: Ross, Krage, Calligan, Stewart, O'Neill, Beukelman/ No: 0/ Abstained: 0)

Findings of Fact:

- 1) A new Zoning and Sign Code became effective on March 28, 2015;
- 2) Staff have encountered several amendments needed to clarify Title 25 for implementation;
- 3) The proposed amendments help create consistency throughout Title 25.

Recommended Conditions of Approval:

- 1) None

**DISCUSSION:**

See Analysis



**FINANCIAL IMPACT:**

N/A

**RELATIONSHIP TO STRATEGIC PLAN:**

The subject request is an example of “Expand Development Opportunities and Grow Sioux City” of the Strategic Plan.

**ALTERNATIVES:**

None.

**ATTACHMENTS:**

Attachment A: Ordinance

**BACKGROUND REPORT:**

The City Council approved the adoption of the Sioux City Zoning and Sign Code on March 23, 2015 and the Code became effective on March 28, 2015. The rewrite of the Zoning Code took place over 18 months with numerous meetings to create a Code that is best for Sioux City. As expected, there is a need to amend several portions of the Code for consistency between sections and unanticipated challenges when implementing the Code in reality.

Staff recommends approving all of the text amendments in one ordinance rather than separately. Many amendments are minor changes in the text needed for interpretation purposes and do not require deliberation, including grammatical errors. The Analysis section below summarizes those amendments where substantive changes are made. Refer to Attachment A for the specific proposed language, including the grammatical changes not listed in the Analysis section below.

**ANALYSIS:**

**Amend various Sections to include Urban Farm as a land use: Section 25.02.100, Section 25.02.190, Table 25.02.100.1, Table 25.02.130, and Subchapter 25.07-B Definitions**

Staff recommends adding a new land use for “Urban Farm”. The use is defined and meant for commercial agriculture uses in residential zones that are more intense than a community garden, but less intense than a regular farming operation. There continue to be inquiries on small scale farming within neighborhoods. Urban farming is also a trend across larger cities. Staff would like to have standards in place to regulate these types of uses. Urban farming is proposed as a limited use with Administrative approval in select districts.

Specific language includes:

**Urban Farming** means a zoning lot, as defined in this article, over one acre, used to grow and harvest food crops and/or non-food crops for personal or commercial use. An orchard or tree farm that is a principal use is considered an urban farm. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.

Urban Farming is allowed as follows:

- a. Agricultural uses provided that no offensive odors or dust are created and provided, further, that no retail sales shall be permitted on the premises.
- b. The following farm products are prohibited from being produced on an urban garden or urban farm:

- (1) Farm animals, as defined in Chapter 7.01.010 Definitions and Penalties of the Code.
- c. Buildings and structures related to agricultural uses must comply with the accessory structure setback and height requirements in 25.02.290 of this Chapter.
- d. Cultivation must comply with the following additional setback requirements:
- (1) Crop areas must be set back at least five (5) feet from all property lines. The required setback must be covered with ground plants, not planted with the intent to harvest, which may include grasses (including native species and ornamental grasses).
  - (2) Orchards and tree farms shall be set back at least fifteen (15) feet from the lot line of any developed lot,
  - (3) Lighting, if provided, shall be shielded so that all directly emitted light falls within the property.

**Amend the land uses for Indoor Recreation: Table 25.02.110**

Staff recommends changing the regulations for indoor recreation, such as swimming pools and tennis courts, from “prohibited” to “limited” in the Public Institutional district.

**Amend the regulations for alcoholic beverage and tobacco sales: Section 25.02.180(2)**

Staff recommends amending this section because the location standards for alcohol and tobacco sales need to be clarified to indicate the buffer area is measured from the property line. An error is also corrected for the distances from schools, parks, and places of assembly to correctly state they must be 300 feet away.

**Amend the standards for accessory structures in residential zones: Section 25.02.290 and Subsection 25.03.090.1**

The standards in place for accessory structures are not clear and are located in two different Sections of the Code. Staff proposes eliminating the space limitations that are listed separately in Section 25.02.290 and incorporating them into Subsection 25.03.090.1 Accessory Building and Structures. The standards are nearly identical to those in the 1976 Ordinance but more clearly defined for setback, height, and location requirements.

**Amend Table 25.03.020.3 and Subsection 25.03.050.1 for various items**

There is a discrepancy between the standards for corner lot side yards for garages in Subsection 25.03.050.1(h) and Table 25.06.020.3. To make the Code consistent, a 20 foot setback requirement for corner side yards is suggested when leading to a garage, as a footnote added to Table 25.06.020.3. The exceptions for yard encroachments and fences, Subsection 25.03.050.1, are amended to reflect the change too.

In addition, Table 25.06.020.3 needs to be updated to reflect the use of Building Coverage Ratio instead of Impervious Coverage Ratio as stated in the text.

Lastly, staff recommends deleting the requirements for maximum lot sizes in the Neighborhood Conservation districts. Many lots already exceed the maximum lot size requirements, which make it difficult to comply when splitting an existing lot for development. The minimum lot size requirements are unchanged.

**Amend requirements for mixed use building density and development in the Rural Residential district: Table 25.03.030.1**

Requirements are not stated for density requirements on vertical mixed use buildings in the DC, HA-4, and HA-P districts. Currently, the Code has a circular reference and does not provide a standard. With the number of downtown residential developments on the horizon this requirements needs to be determined. Staff recommends no density requirement for vertical mixed use buildings in these districts. The building code regulates density in some sense already for safety purposes.

A second amendment to Table 25.03.030.1 regards the development area required in the Rural Residential district. Staff assumes that the 20 acre requirement was intended to force development to occur 20 acres at a time to avoid disjointed “leapfrog” development of two acre lots scattered here and there that has occurred in the northern part of the City over the past few decades. There has been no demand at all, in the City for 20+ acre developments of 10 or more two acre lots. There has been significant demand for the creation of two acre lots one, two or three at a time. Often several two acre lots are divided from a larger agricultural tract to provide house sites for family members. The present Zoning Ordinance provides no way to create one or two two-acre lots at a time. There is a strong demand for such lots. Staff believes that this type of development should be allowed.

**Amend fence requirements: Subsection 25.03.090.3**

Staff recommends deleting the requirement for fence opacity. Currently fences in the front or street side yard cannot exceed 50% opacity.

**Amend repetitive landscaping requirements along facades with standard materials: Subsection 25.03.180.3**

The landscaping section of the Code already describes the planting requirements. The Façade Treatment section of the Code (Subsection 25.03.180.3) also has landscaping requirements listed. These requirements need to be deleted to keep consistency throughout the Code.

**Amend vehicle stacking requirements: Subsection 25.05.040.6**

Staff recommends amending the vehicle stacking requirements based on concerns from developers and research of other area cities. The current requirements are somewhat excessive given there are also requirements in place to provide bufferyards and limit the location of vehicle stacking in front of buildings. Specifically, the amendment reduces stacking spaces for banks with drive-ups from four to three and creates a blanket requirement for drive-through restaurants of six stacking spaces from the menu board no matter how many windows are present.

**Amend attached sign requirements: Table 25.05.180.2.2**

The attached sign table in the commercial zoning districts allows 15% wall coverage, however limits number of signs to one per façade. Staff recommends removing the number requirement, as the 15% cumulative will regulate.

**Amend setback requirements for freestanding signs: Tables in 25.05.180.3**

The text relating to freestanding signs requires a five foot setback from property lines, however, the Tables refer to district setback requirements. Staff recommends removing the district setback requirement and requiring a five foot setback from property lines for all freestanding signs.

**Amend review procedures for sign permits in special areas: Table 25.06.060.3, Subsection 25.06.080.9, and Subsection 25.06.090.4**

Tables and text needs amending to clarify when sign permits require review by another body. Staff recommends requiring conditional signs to get Planning and Zoning Commission approval rather than City Council. The Administrator can approve limited signs based on review of the Design Review Committee or Historic Preservation Commission.

ATTACHMENT A: ORDINANCE

ORDINANCE NO. 2015- \_\_\_\_\_

ORDINANCE AMENDING SEVERAL CHAPTERS OF TITLE 25 OF THE SIOUX CITY MUNICIPAL CODE ENTITLED “ZONING AND SIGN CODE” FOR THE PURPOSE OF CREATING CONSISTENCY THROUGHOUT THE MUNICIPAL CODE, TO ENABLE CLEARER INTERPRETATION, TO CORRECT SCRIVENER’S ERRORS AND PROPOSE CHANGES TO ADDRESS REQUIREMENTS TO BETTER ALIGN THE MUNICIPAL CODE WITH THE DESIRED DEVELOPMENT STANDARDS IN SIOUX CITY.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA<sup>2</sup>:

Section 1: Section 25.02.100, Table 25.02.100.1, of the Sioux City Municipal Code is amended to read as follows:

Table 25.02.100.1 Land Uses in the Neighborhood Conservation Sub-districts						
Land Use	Reference	Sub-districts				
		Neighborhood Conservation (NC)				
		NC-1 <sup>8</sup>	NC-2	NC-3	NC-4	NC-5
Legend: A = Allowed L = Limited C= Conditional P = Prohibited						
<b>Single-Family Detached<sup>1</sup></b>						
Conventional Home (including modular homes)	§ 25.02.160	A	A	A	A	A
Lot Line Home <sup>2</sup>	§ 25.02.160	P	L	L	L	L
Mobile Home	§ 25.02.160	P	P	P	P	P
Manufactured Home	§ 25.02.160	P	P	P	P	C
<b>Single-Family Attached</b>						
Duplex	§ 25.02.160	P	P	L	L	L
Twin Home (Condominium Townhome)	§ 25.02.160	P	L	L	L	L
Townhome	§ 25.02.160	P	P	C	L	L
<b>Multiple-Family</b>						
Apartment <sup>3</sup>	§ 25.02.160	P	P	P	L	L
Boarding Home <sup>4</sup>	Chapter 1350, Boarding Homes, Iowa Code	P	P	P	P	P
Multiplex <sup>5</sup>	§ 25.02.160	P	P	L	L	L
Dormitory / Fraternity / Sorority	§ 25.02.160	P	P	P	P	C
<b>Mixed Use</b>						
Live-Work	§ 25.02.160	P	P	L	L	L
Work-Live	§ 25.02.160	P	P	P	C	C
<b>Commercial Use of the Home</b>						
Bed and Breakfast Home	§ 25.02.160	L	L	L	L	L
Bed and Breakfast Inn	§ 25.02.160	P	P	P	C	C
Child Care Home or Child Development Home	§ 25.02.160	L	L	L	L	L

<sup>2</sup> Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by ~~strikethrough~~.

**Table 25.02.100.1  
Land Uses in the Neighborhood Conservation Sub-districts**

Land Use	Reference	Sub-districts				
		Neighborhood Conservation (NC)				
		NC-1 <sup>8</sup>	NC-2	NC-3	NC-4	NC-5
Child Care Center or Child Care Facility	Chapter 237A, Child Care Facilities, Iowa Code	P	P	P	C	C
Elder Group Home	§ 25.02.160 Chapter 231B, Elder Group Homes, Iowa Code	P	C	C	C	C
Home Business	§ 25.02.160	L	P	P	L	L
Home Occupation	§ 25.02.160	L	L	L	L	L
<b>Institutional, Recreation, and Amusement Uses</b>						
Childcare Center	§ 25.02.170	C	C	C	L	L
Community Center	-	C	C	C	C	C
Funeral Home, Chapel, or Mortuary (including crematories)	§ 25.02.170	C	C	C	L	L
Hospital, Clinic, Medical Lab, or Urgent Care	§ 25.02.170	P	P	P	C	C
Medical or Dental Office	-	C	C	C	L	L
Outdoor Recreation (athletic fields, park, plaza, playground)	§ 25.02.170	L	L	L	L	L
Place of Assembly	§ 25.02.170	C	C	C	L	L
Private Club	-	P	P	P	C	C
Public Safety Facility	-	A	A	A	A	A
Transitional Service Facility (shelter)	§ 25.02.170	C	C	C	L	L
<b>Commercial Uses</b>						
Bank or Credit Union	-	P	P	P	C	C
Office, General	-	P	P	P	C	C
Parking, Garage or Lot <sup>6</sup>	§ 25.02.180	P	P	L	L	A
<b>Agricultural, Industrial, Utility, and Communication Uses</b>						
Wireless Telecommunication Tower <sup>7</sup>	§ 25.02.190	C	C	C	C	C
Urban Farming	§ 25.02.190	⏟	⏟	⏟	⏟	⏟
Community Garden	§ 25.02.170	⏟	⏟	⏟	⏟	⏟

**Table Notes:**

1. The principal structure shall have a floor area of not less than 640 square feet; a minimum width of any building elevation of 20 feet; and sided with material other than flat or corrugated sheet metal.
2. May be allowed as part of a planned development, subject to the standards of Subchapter 25.03-A, Development Yield and Lot Standards.
3. May contain not more than four dwelling units or not more than four single-family attached dwellings.
4. Boarding homes that existed on the effective date of this Code require a conditional use permit (see Section 25.02.160, Residential and Commercial Uses of the Home Standards).
5. A maximum of four units is allowed within a multiplex.
6. Districts with a parking overlay, previously designated as "-P", are allowed as set out in this Table and in accordance with the standards set out in Section 25.02.180, Commercial Use Standards.
7. Districts with a telecommunication tower overlay, previously designated as "-T", are allowed as set out in this Table and in accordance with the standards set out in Section 25.02.190, Agricultural, Industrial, Utility, and Communication Use Standards.
8. Neighborhood Conservation Sub-District NC.1 with a Rural Residential Overlay Zone, previously designated as "-R", shall continue with the development restrictions set out in Subsection 25.03.020.3, Development Standards.

Section 2: Section 25.02.110, Table 25.02.110, of the Sioux City Municipal Code is amended to read as follows:

**Table 25.02.110  
Institutional, Recreation, and Amusement Uses**

Land Use	Standards Reference <sup>1</sup>	Zoning Districts																	
		Agriculture		Residential				Mixed Use	Nonresidential					Overlay and Special			Historic <sup>2</sup>		
		AG	RR	SR	GR	UR	MU	SC <sup>2</sup>	GC	DC <sup>2</sup>	BP	GI	AP	CE <sup>2</sup>	PI	HA-4	HA-P	HA-N	
Legend: A = Allowed L = Limited C = Conditional P = Prohibited																			
<b>Institutional Uses</b>																			
Adult Day Care	-	P	P	P	P	P	A	A	A	A	P	P	Refer to BP and GI Districts. Also, see Subsection 25.02.060.1 Airport Protection (AP) Overlay District	P	P	A	A	P	
Child Care Center	§ 25.02.170	P	C	C	C	C	A	A	A	A	A	C		P	P	A	A	C	
Community Center or Charitable Institution	§ 25.02.170	P	L	L	L	L	A	A	A	A	A	P		A	A	A	A	L	
Crematory	§ 25.02.170	P	P	P	P	P	P	P	C	P	A	A		P	P	P	P	P	
Funeral Home, Chapel, or Mortuary	§ 25.02.170	P	P	P	C	C	A	C	A	A	P	P		P	P	P	P	C	
Government Office	-	P	P	P	P	P	A	P	A	A	A	A		P	A	A	A	P	
Institutional Residential	§ 25.02.170	C	C	C	C	L	A	L	A	A	P	P		P	P	A	A	C	
Library	-	P	C	C	C	A	A	A	A	A	P	P		A	A	A	A	C	
Place of Assembly	§ 25.02.170	C	C	C	C	C	A	C	A	A	A	P		A	A	A	A	C	
Post Office	-	P	P	P	P	C	A	C	A	A	A	A		A	A	A	A	P	
Private Club	-	P	P	P	P	P	A	C	A	A	A	A		A	A	A	A	P	
Public Safety Facility	-	A	C	C	C	C	A	C	A	A	A	A		A	A	A	A	A	
<b>Education Uses, Public or Private</b>																			
College, University, or Vocational School	§ 25.02.170	P	P	P	P	P	A	P	A	L	L	L	See above	P	A	L	L	P	
Pre-School	§ 25.02.170	C	L	L	L	L	A	L	A	A	P	P		P	A	A	A	L	
<b>Health Care Uses</b>																			
Assisted Living or Congregate Care	§ 25.02.170	P	L	L	L	A	A	L	A	A	P	P	See above	P	A	A	A	L	
Hospital, Clinic, Medical Lab, or Urgent Care	§ 25.02.170	P	P	P	P	C	C	C	A	A	A	A		P	A	C	C	P	
Medical or Dental Office	-	P	P	P	P	C	A	A	A	A	A	P		P	P	A	A	P	
Nursing Home (see also Institutional Residential)	§ 25.02.170	P	L	L	L	A	A	L	A	A	P	P		P	A	A	A	L	
<b>Protective Care</b>																			
Protective Care (detention, halfway house)	§ 25.02.170	C	P	P	P	C	P	P	C	P	C	P	See above	P	C	P	P	P	
Transitional Service Facility (shelter)	§ 25.02.170	P	A	P	C	L	L	L	A	P	P	P		P	P	L	P	C	
<b>Recreation and Amusement</b>																			
Campground	-	A	C	P	P	P	P	P	A	P	P	P	See above	P	A	P	P	P	
Casino	§ 25.02.170	P	P	P	P	P	P	P	P	P	P	P		A	P	P	P	P	
Community Garden	§ 25.02.170	A	L	L	L	L	L	L	P	P	P	P		P	A	P	P	L	
Driving Range	-	C	C	P	P	P	C	P	C	P	A	A		P	A	P	P	P	
Indoor Arena, Stadium, or Theater	-	P	P	P	P	P	C	P	A	A	A	P		P	A	A	A	P	
Indoor Commercial Amusement	§ 25.02.170	P	P	P	P	P	C	P	L	L	L	P		P	A	L	L	P	
Indoor Recreation or Personal Fitness	-	P	C	C	C	C	C	L	L	L	A	P		P	L	L	L	P	

**Table 25.02.110  
Institutional, Recreation, and Amusement Uses**

Land Use	Standards Reference <sup>1</sup>	Zoning Districts																	
		Agriculture		Residential				Mixed Use	Nonresidential					Overlay and Special			Historic <sup>2</sup>		
		AG	RR	SR	GR	UR	MU	SC <sup>2</sup>	GC	DC <sup>2</sup>	BP	GI	AP	CE <sup>2</sup>	PI	HA-4	HA-P	HA-N	
Outdoor Arena, Stadium, or Amphitheater	§ 25.02.170	C	C	P	P	P	P	P	C	P	C	P		C	A	P	P	P	
Outdoor Circus, Carnival, Exhibition, or Show	Municipal Code, Chapter 4.14	L	P	P	P	P	P	P	L	P	L	L		L	L	P	P	P	
Outdoor Commercial Amusement	-	P	P	P	P	P	P	P	C	P	P	P		C	P	P	P	P	
Outdoor Recreation (park, playground, golf course)	§ 25.02.170	A	L	L	L	L	L	L	L	L	P	P		L	L	L	L	L	
Outdoor Recreation (athletic fields)	-	A	L	C	C	C	C	P	C	P	L	P		P	C	P	P	C	
Outdoor Shooting or Archery Range	-	C	P	P	P	P	P	P	P	P	C	C		P	P	P	P	P	
Recreational Vehicle Park	§ 25.02.170	P	P	P	P	C	C	P	C	P	C	C		P	P	P	P	P	

**TABLE NOTES:**

1. This column contains a cross-reference to the standards that apply in districts in which the use is listed as limited ("L") or conditional ("C")
2. Subject to design standards set out in Section 25.02.060, *Special and Overlay Districts*.

Section 3: Section 25.02.130, Table 25.02.130, of the Sioux City Municipal Code is amended to read as follows:

**Table 25.02.130  
Agricultural, Industrial, Utility, and Communication Uses**

Land Use	Standards Reference <sup>1</sup>	Zoning Districts																	
		Agriculture		Residential				Mixed Use	Nonresidential					Overlay and Special			Historic <sup>2</sup>		
		AG	RR	SR	GR	UR	MU	SC <sup>2</sup>	GC	DC <sup>2</sup>	BP	GI	AP	CE <sup>2</sup>	PI	HA-4	HA-P	HA-N	
<b>Legend: A = Allowed L = Limited C= Conditional P = Prohibited</b>																			
<b>Agricultural Uses</b>																			
Agricultural Packing or Processing Facility	§ 25.02.190	P	P	P	P	P	P	P	P	P	P	L	Refer to BP and GI Districts. Also, see Subsection 25.02.060.1 <i>Airport Protection (AP) Overlay District</i>	P	P	P	P	P	
Agricultural Production	§ 25.02.190	A	L	P	P	P	P	P	P	P	L	L		P	P	P	P	P	
Agricultural Sales	-	A	P	P	P	P	P	P	P	P	C	A		P	P	P	P	P	
Animal Feeding Operation (including open feedlots)	-	C	P	P	P	P	P	P	P	P	P	C		P	P	P	P	P	
Apiary	§ 25.02.190	C	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
Equipment Sales and Service	-	C	P	P	P	P	P	P	C	P	C	A		P	P	P	P	P	
Farm	-	A	A	A	A	P	P	P	P	P	A	A		P	P	P	P	P	
Urban Farm	§ 25.02.190	A	L	L	L	L	L	P	P	P	P	P		P	P	P	P	P	
Food Processing (grain, soybean, and animal feed)	-	C	P	P	P	P	P	P	P	P	P	A		P	P	P	P	P	
Pigeon Lofts or Cages	§ 25.02.190	A	L	L	L	L	P	P	P	P	P	P		P	P	P	P	C	
Veterinary Clinic, Large Animal	-	A	P	P	P	P	P	P	C	P	C	A	P	P	P	P	P		
Wholesale Greenhouse or Nursery	§ 25.02.190	A	C	P	P	P	P	P	C	P	C	A	P	P	P	P	P		
<b>Industrial Uses</b>																			
Airport	-	P	P	P	P	P	P	P	P	P	A	A	Refer to BP	P	A	P	P	P	

**Table 25.02.130  
Agricultural, Industrial, Utility, and Communication Uses**

Land Use	Standards Reference <sup>1</sup>	Zoning Districts																
		Agriculture	Residential				Mixed Use	Nonresidential				Overlay and Special			Historic <sup>2</sup>			
		AG	RR	SR	GR	UR	MU	SC <sup>2</sup>	GC	DC <sup>2</sup>	BP	GI	AP	CE <sup>2</sup>	PI	HA-4	HA-P	HA-N
Automobile Repairs and Service, Heavy	§ 25.02.190	P	P	P	P	P	P	P	C	P	L	A	and GI Districts. Also, see Subsection Airport Protection (AP) Overlay District	P	P	P	P	P
Bus or Taxi Depot	-	P	P	P	P	P	C	P	A	C	A	P		A	A	C	C	P
Commercial Retail, Heavy (building supply, home center)	§ 25.02.190	P	P	P	P	P	C	P	L	P	L	A		P	P	P	P	P
Composting Facility	-	A	P	P	P	P	P	P	P	P	C	C		P	C	P	P	P
Construction Services and Yards	-	P	P	P	P	P	P	P	P	P	C	A		P	P	P	P	P
Extraction (gas, gravel, minerals, oil, or sand) or Landfill	§ 25.02.190	C	C	P	P	P	P	P	P	P	P	C		P	C	P	P	P
Food Processing (except grain, soybean, and animal feeding)	-	C	P	P	P	P	P	P	P	P	A	A		P	P	P	P	P
Heavy Industry	§ 25.02.190	P	P	P	P	P	P	P	P	P	L	L		P	P	P	P	P
Heavy Equipment or Truck Sales or Leasing	-	P	P	P	P	P	P	P	P	P	C	A		P	P	P	P	P
Heliport or Helistop	-	C	P	P	P	P	C	P	C	C	C	C		P	C	P	P	P
Landfill	-	C	P	P	P	P	P	P	P	P	P	C		P	P	P	P	P
Light Industry	-	P	P	P	P	P	P	P	P	P	A	A		P	P	P	P	P
Manufacturing and Fabrication	-	P	P	P	P	P	P	P	P	P	C	A		P	P	P	P	P
Outdoor Storage Yard	§ 25.02.190	C	P	P	P	P	P	P	P	P	C	L		P	C	P	P	P
Recycling Collection	-	P	P	P	P	P	P	P	C	P	C	L		P	A	P	P	P
Recycling Collection and Processing Operation	§ 25.02.190	P	P	P	P	P	P	P	P	P	C	L		P	C	P	P	P
Researching and Testing Lab	-	P	P	P	P	P	P	P	C	P	A	A		P	P	P	P	P
Salvage Facility and Yard	§ 25.02.190	P	P	P	P	P	P	P	P	P	P	C		P	P	P	P	P
Self-Storage Facility	§ 25.02.190	C	P	P	P	C	C	P	C	P	L	L		P	P	P	P	P
Storage of Flammable or Noxious Materials or Substances	-	C	P	P	P	P	P	P	P	P	P	C		P	P	P	P	P
Truck Stop	-	P	P	P	P	P	P	P	C	P	C	A	P	P	P	P	P	
Warehousing or Distribution	-	P	P	P	P	P	P	P	P	P	A	A	P	P	P	P	P	
Waste Transfer Station	-	C	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	
Wholesale	-	C	P	P	P	P	P	P	P	P	A	A	P	P	P	P	P	
<b>Utility Uses</b>																		
Electrical Substation	§ 25.02.190	L	L	L	L	L	P	P	L	P	A	A	See above	P	L	P	P	P
Power or Solid Waste Energy Recovery Plant	-	C	P	P	P	P	P	P	P	P	C	A		P	P	P	P	P
Small Wind Energy Systems	§ 25.02.190	L	L	L	L	L	L	L	L	P	L	L		P	L	P	P	L
Water or Wastewater Treatment Plant	-	A	C	C	C	C	P	P	P	P	A	A		P	A	P	P	P
<b>Telecommunication Uses</b>																		
Broadcasting Center	§ 25.02.190	P	P	P	P	P	C	P	C	C	A	A	See above	P	A	C	C	P
Building-Mounted Telecommunication Facilities	§ 25.02.190	L	L	L	L	L	L	L	L	L	L	L		L	L	C	C	C



Table 25.02.130 Agricultural, Industrial, Utility, and Communication Uses																		
Land Use	Standards Reference <sup>1</sup>	Zoning Districts																
		Agriculture	Residential				Mixed Use	Nonresidential				Overlay and Special			Historic <sup>2</sup>			
		AG	RR	SR	GR	UR	MU	SC <sup>2</sup>	GC	DC <sup>2</sup>	BP	GI	AP	CE <sup>2</sup>	PI	HA-4	HA-P	HA-N
Wireless Telecommunication Tower	§ 25.02.190	L	C	C	C	C	C	P	C	P	L	L		P	C	P	P	P

**TABLE NOTES:**  
1. This column contains a cross-reference to the standards that apply in districts in which the use is listed as limited ("L") or conditional ("C")  
2. Subject to design standards set out in Section 25.02.060, *Special and Overlay Districts*.

Section 4: Sub-sub-subsection 25.02.160(1)(e)(2) of the Sioux City Municipal Code is amended to read as follows:

(2) Windows are frosted or composed of glass block, do not open, are materially offset from windows of any type on adjoining property, and satisfy all applicable building and fire code ~~code~~ requirements; or

Section 5: Sub-subsection 25.02.160(2)(f) of the Sioux City Municipal Code is amended to read as follows:

- f. Consist of any of the following siding materials:
- (~~a~~) (1) Residential horizontal aluminum or vinyl lap siding;
  - (~~b~~) (2) Cedar or other wood siding;
  - (~~c~~) (3) Wood grain, weather resistant, press board siding;
  - (~~d~~) (4) Stucco siding; or
  - (~~e~~) (5) Brick or stone siding.

Section 6: Sub-subsection 25.02.160(2)(g) of the Sioux City Municipal Code is amended to read as follows:

- g. Consist of any of the following roofing materials:
- (~~a~~) (1) Fiberglass shingles;
  - (~~b~~) (2) Shake shingles;
  - (~~c~~) (3) Asphalt shingles; or
  - (~~d~~) (4) Tile.

Section 7: Sub-subsection 25.02.160(8)(f) of the Sioux City Municipal Code is amended to read as follows:

- f. In the SC District:
- (~~a~~) (1) The use occurs as a conversion within the square footage of an existing unit; or
  - (~~b~~) (2) Any expansion that increases the square footage of the existing building meets the following standards:
    - (A) The square footage of the expanded multiplex is no greater than 120 percent of the largest residence within 300 feet in any direction;
    - (B) Exterior building materials are of similar type, quality, and durability as the existing building materials;
    - (C) The structure retains the appearance of a single family dwelling;

Section 8: Sub-subsection 25.02.170(16)(b) of the Sioux City Municipal Code is amended to read as follows:

b. Noise from the use is not to be audible at the property line of any nearby residential uses between the hours of 9:00 p.m. and 9:00 a.m.

Section 9: Sub-subsection 25.02.170(17)(c) of the Sioux City Municipal Code is amended to read as follows:

c. Noise from the use is not to be audible at the property line of any nearby residential uses between the hours of 9:00 p.m. and 9:00 a.m.

Section 10: Sub-subsection 25.02.180(2)(a) of the Sioux City Municipal Code is amended to read as follows:

a. The site property line of the proposed use is not located within 200 feet from an NC, RR, SR, GR, UR, or SC District or an Institutional Residential Facility; or

Section 11: Sub-subsection 25.02.180(2)(b) of the Sioux City Municipal Code is amended to read as follows:

b. The proposed use is not located within 300 feet of a school, public park, or place of assembly, measured in a straight line between the closest property lines, except that it may be located within 300 ~~200~~-feet of a school, public park, or place of assembly:

Section 12: Sub-sub-subsection 25.02.190(10)(b)(1) of the Sioux City Municipal Code is amended to read as follows:

(1) Are not to be stored in parking spaces that are required by Section 25.05.030, Parking and Loading Calculations;

Section 13: Sub-subsection 25.02.190(15)(a) of the Sioux City Municipal Code is amended to read as follows:

a. The use is not to be located on parcels that abut a state highway;

Section 14: Sub-subsection 25.02.190(19)(e) of the Sioux City Municipal Code is amended to read as follows:

e. Electrical substations in the ~~the~~ RR, SR, GR, UR, NC, and SC Districts that are not concealed within buildings are buffered with an evergreen hedge of at least five feet in height is planted around the outside of the security fence, except at points of entry.

Section 15: Section 25.02.190 of the Sioux City Municipal Code is amended by adding the following new subsection and the remaining numbered paragraphs renumbered:

10. Urban Farming is allowed as follows:

a. Agricultural uses provided that no offensive odors or dust are created and provided, further, that no retail sales shall be permitted on the premises.

b. The following farm products are prohibited from being produced on an urban garden or urban farm:

(1) Farm animals, as defined in Chapter 7.01.010 Definitions and Penalties of the Code.

c. Buildings and structures related to agricultural uses must comply with the accessory structure setback and height requirements in 25.02.290 of this Chapter.

d. Cultivation must comply with the following additional setback requirements:

(1) Crop areas must be set back at least five (5) feet from all property lines. The required setback must be covered with ground plants, not planted with the intent to harvest, which may include grasses (including native species and ornamental grasses).

(2) Orchards and tree farms shall be set back at least fifteen (15) feet from the lot line of any developed lot.

(3) Lighting, if provided, shall be shielded so that all directly emitted light falls within the property.

Section 16: Sub-sub-subsection 25.02.270(13)(b)(1) of the Sioux City Municipal Coder is amended to read as follows:

(1) Are allowed on lots along the boundary; and

Section 17: Sub-subsection 25.02.280(4)(c) of the Sioux City Municipal Code is amended to read as follows:

c. Rural Residential (RR), Suburban Residential (SR), General Residential (GR), and Urban Residential (UR) Districts, as well as the Neighborhood Conservation (NC) Sub-districts.

(1) Child's playhouse, gazebo, pavilion, or similar structure.

(2) Golf courses, swimming pools, tennis courts, and clubhouses when designed and operated within an authorized planned neighborhood.

(3) Keeping of dogs, cats and other household pets, but limited to three such animals in these districts.

(4) Outdoor storage within the rear yard, provided the lot is not a double-frontage lot, of no more than one boat and boat trailer, pickup camper top, travel trailer, or recreational vehicle, provided:

(A) It shall not be connected to electric, water, or wastewater utilities except as necessary for maintenance purposes;

(B) It shall not be used for living, sleeping or housekeeping purposes; and

(C) It may be parked in a lawful driveway when in immediately usable condition and during the normal use season.

(5) Private garages, parking lots, loading docks and driveways.

(6) Private residential clubhouse that is accessory to a multiple-family development and limited to use by occupants and guests provided that:

(A) The minimum lot size is one acre;

(B) There shall be no sleeping facilities other than those for one caretaker or manager and his/her family; and

(C) Accessory restaurants, cocktail lounges, and game rooms are permitted if open only to resident members and members' guest.

(7) Private swimming pool and bathhouse that is accessory to a residential dwelling and limited to use by the occupants and guests of the dwelling, provided that:

(A) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to the swimming pool; and

(B) Fixed lighting fixtures shall be arranged so as to prevent glare of beams onto any adjacent property, as set out in Division 25.05-D, Exterior Lighting (Reserved), or as otherwise required by the City.

(8) Retail stores, services, and offices for elderly housing buildings or complexes when designed and intended solely for the use and needs of the residents.

(A) Commercial uses oriented to the general public by way of the means of ingress, signage, or nature of business are prohibited; and

(B) The aggregate gross floor area devoted to such commercial uses shall not exceed 10 percent of the gross floor area devoted to the residential use.

(9) Roof-mounted telecommunication towers and antennas, subject to the following restrictions:

(A) The height of the tower shall not be more than 25 percent of the height of the building;

(B) The combined height of the tower and building shall not exceed the maximum height allowed in the zoning district; and

(C) The tower and any supports shall be set back from the edge of the roof at least as far as the height of the tower above the roof.

(10) Storage structure that is incidental to a permitted use, provided that such accessory storage structure shall not exceed 150 square feet in gross floor area.

(11) Structure to store personal property or to enclose a hobby or a home occupation in conformance with the standards set out for home businesses and home occupations in Section 25.02.130, Agricultural, Industrial, Utility, and Communication Uses Standards.

(12) Tennis courts accessory to a residential dwelling and limited to use by the occupants and guests of the dwelling, provided that any and all fixed lighting fixtures shall be arranged so as to prevent glare of beams onto any adjacent property, as set out in Division 25.05-D, Exterior Lighting (Reserved), or as otherwise required by the City.

Section 18: Section 25.02.290 of the Sioux City Municipal Code is deleted in its entirety.

#### **25.02.290 Space Limitations for Certain Accessory Structures**

~~1. Generally. Accessory structures shall comply with the space limits applicable in the district in which they are located, except that structures that are accessory to residential uses shall be subject to the requirements of this Section.~~

##### ~~2. Standards.~~

~~a. The aggregate ground coverage of all detached accessory structures shall not exceed:~~

~~(1) For single family detached dwellings, 1,000 square feet or the ground coverage of the principal structure, whichever is less.~~

~~(2) For single family attached and multiple family dwellings, 500 square feet per dwelling unit.~~

~~(3) In the Agriculture (AG) Suburban Residential (SR) districts, the maximum aggregate lot coverage for principle and accessory structures is 10 percent of the lot.~~

~~b. No accessory structure shall exceed 20 feet in height or the height of the principal building, whichever is less.~~

~~c. No accessory structure shall be located within the front yard.~~

~~d. No accessory structure shall be located closer than 15 feet to a street side yard or rear yard that is adjacent to a street right of way;~~

e. On a corner lot, the accessory structure shall not be located closer than the required or existing front setback, whichever is less, of the abutting lot, and in no case, less than 15 feet.

f. An accessory structure located entirely in the rear yard may be located within three feet of a side or rear lot line provided it is not adjacent to a street.

g. An accessory structure that is partially located in a side yard may be located within five feet of a side lot line along an alley if a wall, parallel and adjacent to the alley, contains a vehicle access doorway.

3. Exception. The front, side or rear setbacks set out in Items 2.c, 2.d, and 2.e above, may be reduced for steep slopes, as set out in Section 25.03.050, Height and Area Exceptions.

Section 19: Sub-subsection 25.03.020.3(2) of the Sioux City Municipal Code is amended to read as follows:

2. Constrained Development. In certain locations, development density must be limited due to limited public water supply by reason of the distance from existing water mains, the land lies above an elevation of 1,270 feet, or the land is in a location that cannot be served by public water supply. In these cases:

a. Uses. Development may be allowed subject to the allowed, limited, and conditional uses applicable to the NC.1 sub-district or, if unplatted and undeveloped, the Suburban Residential (SR) district;

b. Standards. The standards for the NC.1 sub-district reflected for the equivalent district of RE / R in Table 25.03.020.3, Existing Neighborhood Lot and Building Standards, shall apply; and

c. Map Notation. The Official Zoning Map shall denote such properties with the designation of NC.1 / R or SR / R, as applicable.

Section 20: Subsection 25.03.020.3, Table 25.03.020.3, of the Sioux City Municipal Code is amended to read as follows:

Table 25.03.020.3 Existing Neighborhood Lot and Building Standards											
Sub-district	Equivalent District	Predominant Housing Type	Minimum Lot Width <sup>2</sup>	Lot Area		Minimum Setback <sup>9,10</sup>				Maximum	
				Minimum <sup>3</sup>	Maximum <sup>3</sup>	Front <sup>3</sup>	Interior Side <sup>4</sup>	Street Side	Rear <sup>4</sup>	Building Height	Impervious Building Coverage Ratio
NC.1	RE / R	Single-family detached dwellings <sup>1</sup>	200'	2 ac.	NA	35'	20'	25'	35'	35'	10%
	R, RE		120'	1 ac.	2 ac. +			20'			
NC.2	RS-120	Single-family detached dwellings <sup>5</sup>	80'	12,000 sf.	22,000 sf.	35'	10'	20'	35'	35'	30%
	RS-70		60'	7,000 sf.	12,000 sf.	25'	5' / 10'	20'	25' / 15'		20%
NC.3	RS-70-A	Single-family detached and single-family attached dwellings <sup>5,6</sup>	60'	7,000 sf.	12,000 sf.	25'	5' / 10'	20'	25' / 15'	35'	30%
	RD-60, RD-60-A			6,000 sf.							
NC.4	RG-50, RG-50-A	Single-family detached, attached, and multiple-family dwellings	50'	5,000 sf.	15,000 sf.	25'	5' / 10'	10'	25' / 15'	35'	40%
	RG-28, GUR						5'		20'		75%
NC.5	RG-20	Single-family detached, attached, and multiple-family dwellings, plus additional uses <sup>7,8</sup>	50'	5,000 sf.	11,200 sf.	25'	5'	10'	10'	75'	80%
	RG-8				9,600 sf.	10'	0'	10'	0'		90%

**Table 25.03.020.3  
Existing Neighborhood Lot and Building Standards**

Sub-district	Equivalent District	Predominant Housing Type	Minimum Lot Width <sup>2</sup>	Lot Area		Minimum Setback <sup>9,10</sup>				Maximum	
				Minimum <sup>3</sup>	Maximum <sup>3</sup>	Front <sup>3</sup>	Interior Side <sup>4</sup>	Street Side	Rear <sup>4</sup>	Building Height	Impervious Building Coverage Ratio

**TABLE NOTES:**

- Any existing single-family attached dwellings that existed on the effective date of this Code are conforming. New single-family attached dwellings are prohibited.
- Any newly constructed principal buildings on vacant lots shall have a floor area of not less than 640 square feet, with a minimum width of any building elevation of 20 feet.
- The lot area per dwelling unit of newly constructed single-family attached or multiple-family dwellings shall comply with the standards of 25.03.030.3, Lot and Building Standards. Lots of record that exist on the effective date of this Code that are less than 5,000 square feet are conforming as set out in 25.03.020.2, Application.
- These setbacks are for detached / attached dwelling units.
- Any manufactured homes that were allowed by way of the Modified Residential (-M) Overlay District are subject to the provisions of Subchapter 25.06-C, Non-conformities. New development of manufactured homes within this sub-district is prohibited.
- Townhomes that existed on the effective date of this Code are conforming. New development of townhomes may only be allowed by issuance of a conditional use permit.
- Any manufactured homes that were allowed by way of the Modified Residential (-M) Overlay District are conforming; provided, however, that the replacement of, or substantial improvement to, a manufactured home may only be allowed by issuance of a conditional use permit. New development of manufactured homes within this sub-district is prohibited. Mobile homes within this sub-district (and throughout the City) are prohibited.
- Any uses permitted in the equivalent districts, other than the predominant housing types listed above, that existed on the effective date of this Code are conforming; provided, however, that any redevelopment of or substantial improvements to these uses may only be allowed by issuance of a conditional use permit. New development of these uses within this sub-district is permitted subject to the provisions set out in Table 25.02.100.1, Land Uses in the Neighborhood Conservation Sub-districts.
- For planned developments prior to the effective date of this Code, the front, interior-side, street-side, and rear setbacks shall be in accordance with the approved plan.
- Attached garages facing a street or alley right of way are required to have a 20 foot setback to provide off-street driveway to the garage.

Section 21: Sub-subsection 25.03.030.1(4) of the Sioux City Municipal Code is amended to read as follows:

4. Interpretation of Table. The table may be interpreted as follows:

Column

- ~~1-~~ a. District and Neighborhood Type sets out each zoning district and the neighborhood types permitted with them.
- ~~2-~~ b. Minimum Lot Size sets out the lot size that is used together with the minimum open space ratio (OSR) to establish the maximum gross density (i.e. maximum number of dwelling units) for each neighborhood type.
- ~~3-~~ c. Minimum Open Space Ratio (OSR) sets out the minimum amount of common open space that is required for each neighborhood. The open space may be used to preserve environmental resources (e.g. steep slopes, unstable soils, woodlands, floodplains and riparian areas, etc.), provide open space for recreational amenities (e.g. parks, trails, and greenways), and/or to buffer adjacent development.
- ~~4-~~ d. Maximum Gross Density sets out the maximum number of dwelling units per acre that may be constructed by-right in each district and for each neighborhood type.
- ~~5-~~ e. Minimum Area of Development sets out the minimum area of land required to develop cluster or planned neighborhoods, or a traditional neighborhood development (TND).
- ~~6-~~ f. Utility Requirement sets out whether on-site utilities (well and septic) are allowed or whether public utilities are required. This requirement is based on the minimum lot size and development density.

**Table 25.03.030.1  
Residential Development Standards**

District and Neighborhood Type	Minimum Lot Size	Minimum Open Space Ratio (OSR) <sup>1</sup>	Development Standards		Utility Requirement
			Maximum Gross Density	Minimum Area of Development	

Table 25.03.030.1 Residential Development Standards					
District and Neighborhood Type	Minimum Lot Size	Minimum Open Space Ratio (OSR) <sup>1</sup>	Development Standards		Utility Requirement
			Maximum Gross Density	Minimum Area of Development	
Agricultural (AG)					
Farm	20 ac.	0%	0.05	NA	On-Site
Rural Residential (RR)					
Acreage	10 ac.	0%	0.09	NA	On-Site
Cluster (Ranchette)	2 ac.	78%	0.10	<del>20 acres</del> NA	On-Site or Public
Planned (Homestead)	1 ac.	86%	0.12	<del>20 acres</del> NA	Public
Suburban Residential (SR)					
Standard	2 ac.	0%	0.50	NA	On-Site
Cluster	31,000 sf.	20%	1.00	10 acres	Public
Planned	6,000 sf.	35%	3.50	10 acres	Public
General Residential (GR)					
Standard	12,000 sf.	10%	2.73	NA	Public
Cluster	7,000 sf.	12%	4.22	10 ac.	Public
Planned	5,000 sf.	20%	5.35	20 ac.	Public
Manufactured Home Park <sup>2</sup>	5,000 sf.	20%	5.35	5 ac.	Public
Traditional Neighborhood Development (TND)	See Table 25.03.030.3	25%	6.90	20 ac.	Public
Urban Residential (UR)					
Cottage	4,500 sf.	20%	5.76	NA	Public
Village (Mixed Housing) <sup>3</sup>	1,800 sf.	18%	13.00	NA	Public
Downtown Loft <sup>4</sup>	1,700 sf.	NA	24.00	NA	Public
TABLE NOTES:					
NA - Not Applicable					
1. In certain circumstances, a greater open space ratio may be required to protect floodplains and steep slopes. In the SR and GR districts, the planned neighborhood offers the highest density with the greatest amount of open space for resource protection purposes.					
2. The maximum size of a manufactured home park is 15 acres. A manufactured home park is permitted as set out in Table 25.02.100.2, <i>Residential and Commercial Uses of the Home</i> .					
3. A village may include any of the housing types set out in Subsection 25.03.030.3, <i>Neighborhood and Housing Types</i> . For a village (mixed housing) development, the lot size is an average lot size per dwelling unit (rather than the minimum lot size per dwelling unit).					
4. In the DC, HA-4, and HA-P district, this standard is used for single use (all residential) multiple-family buildings. For vertical mixed use buildings, refer to Subsection <del>25.03.040.1, Development Standards</del> . there is no maximum gross density.					

Section 22: Subsection 25.03.040.2, Table 25.03.04.2, of the Sioux City Municipal Code is amended to read as follows:

Table 25.03.040.2 Nonresidential Building Scale	
Classification of Street from which Access is Taken	Maximum Nonresidential Gross Floor Area
Arterial Street or Highway	No Maximum
Collector and Sub-Collector Streets	10,000 sf.
Local Street or Cul-de-Sac	5,000 sf.

Section 23: Subsection 25.03.050.1 of the Sioux City Municipal Code is amended to read as follows:

1. Agriculture (AG), Rural Residential (RR), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), and residential uses in the Mixed Use (MU) and Suburban Commercial (SC) Districts.
  - a. Height Exceptions.

(1) Any structure, principal use, or building erected or altered after the effective date of this Code shall comply with the height limitations of the district in which it is located, except as specified in this Item. However, in no case shall the exceptions listed below exceed the maximum height restrictions of the Airport Protection (AP) district, as set out in Subsection 25.02.060.1, Airport Protection (AP) Overlay District.

(2) The appurtenances listed below may exceed the prescribed height limit of the district in which they are located, provided they are normally required for a use permitted in the district in which they are erected or constructed. However, no appurtenance shall appreciably shade a solar array located on the same or any adjoining property.

- (A) Belfries;
- (B) Chimneys;
- (C) Condensers;
- (D) Cooling towers;
- (E) Cupolas, domes, and spires;
- (F) Elevator bulkheads;
- (G) Flagpoles;
- (H) Monuments;
- (I) Observation or ornamental towers;
- (J) Penthouses for other than living purposes;
- (K) Solar arrays, collectors, condensers, and heat storage units, subject to the standards set out in Subsection 25.03.080.4, Solar Arrays.
- (L) Stacks; and
- (M) Standpipes and other necessary mechanical appurtenances and their protective housing.

b. Lot Area Exceptions. See Subsection 25.06.120.7, Nonconforming Lots.

c. Yards. Any building, structure, or principal use erected, altered, or established shall comply with the yard requirements of the district in which it is located, as set out in Subsection 25.03.020.3, Development Standards (for Established Neighborhoods) or Subsection 25.03.030.1, Development Standards (for New Neighborhoods), except as specified in this Item.

(1) The required yards for any building, structure, or use shall be contained on the same lot and in the same district as the building, structure, or use for which it is required.

(2) All required yards shall be open from the ground to the sky, except as specified in this Item.

d. Yard Encroachments.

(1) Eaves and cornices may extend no more than two feet into a required yard, except that eaves may encroach up to three feet into a required yard when such yard is 10 feet or more in width or depth. In the case of lot line homes, eaves and cornices shall either extend into a required yard or an access easement on the adjoining lot.

(2) Chimneys, when not more than four feet wide, may extend one foot into any required interior side yard or street side yard. Such chimneys may extend two feet into any yard when such yard is 10 feet or more in width or depth. Chimneys of more than four feet in width must conform to the yard requirements.

(3) Open, uncovered porches or terraces.

(A) Porches and terraces that are no higher than the floor level of the first floor above grade on the side of the building to which they are attached, and in no event higher than 30 ~~26~~ inches above grade of the lot on the side of the building where such porch or terrace is located, may extend:

(i) Three feet into any required side yard, provided it is not closer than three feet to a side lot line;

(ii) Ten feet into any required front yard, provided it is not closer than eight feet to the front property line; or

(iii) Within no less than five feet of the rear lot line.

(B) No railing or other barrier that is higher than 42 inches shall be placed around a porch or terrace and no solid wall or barrier which blocks light or air shall be within five feet of any property line, except as otherwise provided in this Item.

(C) All porches and terraces shall be subject to street corner visibility requirements, as set out in Subsection 25.04.110.8, Sight Distance Requirements (Reserved), or as otherwise required by the City.

(4) Air-conditioning condensers may extend four feet into a required yard, provided the condenser is no more than three feet in height and 30 cubic feet in bulk.

(5) Solar energy collectors and heat storage units of up to 200 square feet of collector surface area may extend two feet into any required yard of 10 feet or more. A solar energy collector and heat storage unit of any size needed to supply the building to which it is appurtenant may be treated as an accessory use, subject to the provisions of Subchapter 25.03-B, Accessory and Supplemental Standards, and established according to the provisions set out in Section 25.02.280, Permitted Accessory Uses, Buildings, and Structures.

(6) Garages may be allowed within a required front yard or street side yard under the following circumstances:

(A) When the yard slopes so severely that the roof of the garage is no more than one foot above the surface of the ground at the top of the area of grade change;

(B) The base of the garage closest to street right-of-way will not extend into the area between the end of the grade change and the street right-of-way;

(C) When no more than 25 percent of its side walls are above ground and exposed to the elements; and

(D) After a finding by the Administrator, or a designee, that:

(i) Topographic conditions make such location necessary;

(ii) Such orientation will not create a hazard to automobile or pedestrian traffic in the street; and

(iii) Such orientation will be in harmony with the character of development of the neighborhood. In no case shall such a garage be allowed in which more than 25 percent of its side walls are above ground and exposed to the elements.

e. Fences and Hedges.

(1) Except in districts allowing the construction of buildings to the property line, there shall be provided an unobstructed view within the sight distance triangle, ~~as set out in Section 25.04.110.8, Sight Distance Requirements (Reserved)~~, or as otherwise required by the City, within which there shall be no sight-obscuring or partly obscuring wall, fence, sign, or foliage that is more than 24 inches above curb grade or, in the case of trees, foliage that is lower than 10 feet above curb grade.

(2) On portions of a lot not within the sight distance triangle, the height of fences of any length, and foliage continuous for five feet or more, shall be limited to 48 inches on any street right-of-way and ahead of the front building line the front 50 feet of any side lot line. On all other portions of lot lines, fences, hedges, and continuous foliage barriers may not exceed the standards set out in Subsection 25.03.090.3 Fences and Walls a height of 72 inches. However, a non-opaque fence may be placed around the grounds of a public or private school that may be up to 96 inches in height.

(3) Fences and hedges erected within the building envelope may conform with the building height limits for the district in which it is located, subject to all applicable building codes, as amended from time to time.

f. Exception. The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences or hedges of a height in excess of those established in this Item be placed as buffering between uses, provided that no such approval shall have the effect of reducing sight visibility.

g. Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line for a lot which is greater than the minimum yards required in this Code, then, notwithstanding any other provision of this Code, the minimum yards shall be the greater of those shown on the subdivision plat or those set out in Subsection 25.03.020.3, Development Standards (for Established Neighborhoods) or Subsection 25.03.030.1, Development Standards (for New Neighborhoods).

~~h. Corner Lot Side Yards. The side yards of corner lots shall be no less than 20 feet, unless a reduction to 15 feet is allowed by the Administrator, or a designee, due to garage access from the side street~~

h. Minor Modifications. The yard, space, and bulk regulations specified in this Code may include consideration of minor modifications that may be authorized by the Administrator, or a designee, as set out in Subsection 25.06.150.2, Repairs and Modifications.

i. Average Front Setbacks. Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same district, provided that:

(1) The lot proposed for development is not counted in the calculation; and

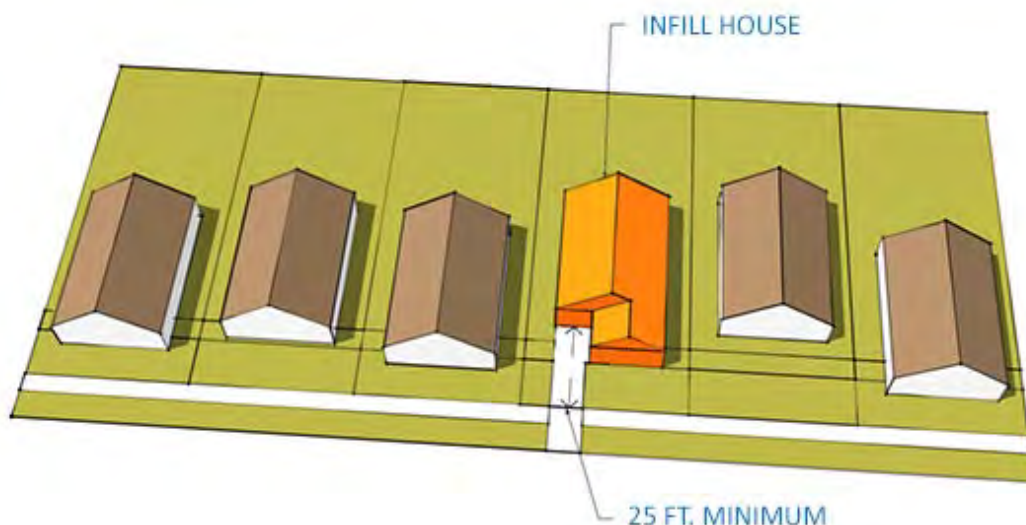
(2) If the lot takes vehicular access from the front, the driveway must be at least:

(A) 25 feet long, measured from the property line at the street right-of-way to a building wall or garage door; and

(B) The width of the garage door(s) are not more than 18 feet or less than nine feet in width. (See Figure 25.03.050.1, Front Setback Averaging)



Figure 25.03.050.1  
Front Setback Averaging



Section 24: Sub-subsection 25.03.080.3(3) of the Sioux City Municipal Code is amended to read as follows:

3. Permit Required. Any retaining wall ~~48~~ 30 inches in height or greater shall require a retaining wall permit.

Section 25: Subsection 25.03.090.1 of the Sioux City Municipal Code is amended to read as follows:

25.03.090.1 Accessory Buildings and Structures.

1. Timing of Construction. No accessory building or structure shall be constructed unless the building is constructed or under construction simultaneously with the accessory building or structure.

2. Maximum Number of Accessory Buildings. ~~No more than two accessory buildings shall be constructed on a lot~~ There is no limit on the number of accessory buildings allowed, however, in the Rural Residential (RR), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), and Neighborhood Conservation (NC) districts, the maximum area of accessory buildings is 1,000 square feet or the size of the principal structure, whichever is less.

3. Residential Occupancy. Residential occupancy of an accessory building that is not constructed and approved for resident use is prohibited.

4. Exceptions. The front, side, or rear setbacks set out in this Subsection may be reduced for steep slopes, as set out in section 25.03.050, Height and Area Exceptions.

4 5. Attached Accessory Buildings. Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.

5 6. Detached Garages.

a. Access.

(1) Driveway access to garages shall be no less than 10 feet wide and shall be constructed to the standards set out in Subsection 25.05.050.2, Access to Single-Family and Two-Family Lots (Reserved), or an otherwise required by the City.

(2) A driveway of no less than 20 feet in length shall be constructed to provide off-street access to the garage for which such length shall be measured from the face of the garage doors to the street right-of-way.

b. Setbacks. The setbacks for detached garages are as follows:

(1) Interior Side Yards. A detached garage may be located a minimum of five feet from the side lot line of the property if it is located in an area from the rear building line of the principal building to the rear property line and is under 16 feet in height. An additional one foot setback is required for every two feet above 16 feet in height, up to the maximum height ~~required by the district.~~ set out in Item 8, Space Limitations for Detached Accessory Buildings and Structures, below.

(2) Front Yards. No detached garage may be located between the front building line of the principal building and the front property line, unless in accordance with the provisions for yard encroachments (i.e. steep slopes) in Subsection 25.03.050.1, Residential Districts.

(3) Rear Yards. The minimum rear yard setback for detached garages shall be five feet. This minimum rear yard setback shall be increased to 20 feet if the accessory building is a garage with a vehicular entrance door that is oriented toward an alley. Double-frontage lots shall require front yard setbacks along both street frontages per the district standards. Easements may be incorporated into these required setbacks. No detached garage shall be located within any easement or right-of-way along the rear property line.

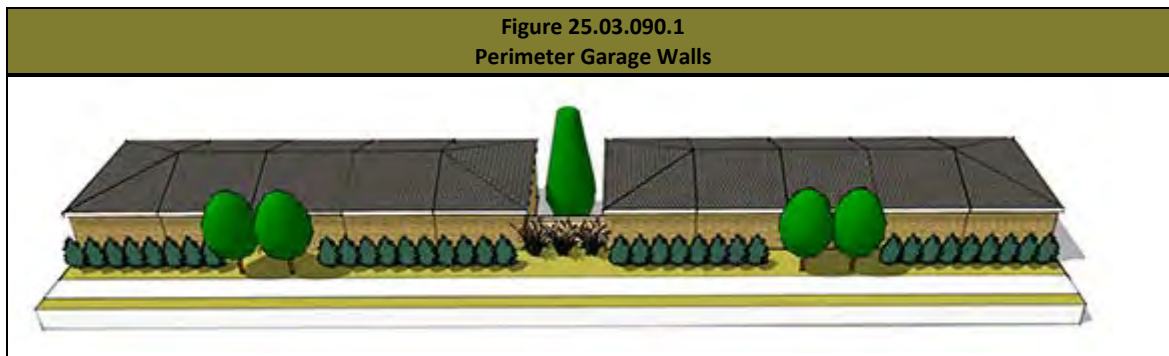
(4) Street Side Yards. Any garage that fronts on public street right-of-way must be set back the greater of 20 feet or the minimum setback required by the district.

~~e. Single Story Detached Garage. A single story detached garage may be constructed within the building envelope or in a side or rear yard, provided that the garage is:~~

- ~~—— (1) In conformance with all building and fire codes; and~~
- ~~—— (2) Is no greater than 16 feet in height to the peak of the roof, excluding a cupola;~~
- ~~—— (3) Set back no less than five feet from side and rear property lines and does not encroach into utility or other easements; or~~
- ~~—— (4) Set back according to the standards set out in Subsection 25.03.020.3, Development Standards (for Established Neighborhoods) or Subsection 25.03.030.1, Development Standards (for New Neighborhoods), for the type of housing with which the garage is associated.~~

cd. Single-Story Detached Garage as Perimeter Wall. A single-story detached garage may be constructed as a perimeter wall of single-family attached and multiple-family developments, provided that:

- (1) The perimeter wall is horizontally offset at least two feet for every 50 feet in length (see Figure 25.03.090.1, Perimeter Garage Walls); and
- (2) If the outside wall of a garage is used as part of a required bufferyard, it is installed on the inside boundary of the bufferyard.



~~e. Two Story Detached Garage. A two story detached garage may be constructed as an accessory building to single family detached dwellings if it is located within the building envelope and does not exceed the height of the principal dwelling.~~

67. Detached Garages in the Neighborhood Conservation (NC) Sub-districts. The standards of Item 65, above, apply with the exception of those set out in this Item.

a. Setbacks. The setbacks for detached garages are as follows:

(1) Interior Side Yards. A detached garage may be located a minimum of three feet from the side lot line of the property if it is located in an area from the rear building line of the principal building to the rear property line and is under 16 feet in height. An additional one-half foot setback is required for every two feet above 16 feet in height, up to the maximum height ~~required by the district.~~ set out in Item 8, *Space Limitations for Detached Accessory Buildings and Structures*, below.

(2) Rear Yards. The minimum rear yard setback for detached garages shall be three feet. This minimum rear yard setback shall be increased to 18 feet if the accessory building is a garage with a vehicular entrance door that is oriented toward an alley. Double-frontage lots shall require front yard setbacks along both street frontages per the district standards. Easements may be incorporated into these required setbacks. No detached garage shall be located within any easement or right-of-way along the rear property line.

b. Exemption. A one-time exemption from the impervious coverage limitations set out in Item 89 (see Footprint), below, may be granted by the Administrator for construction of up to 450 square feet of detached garage floor area, provided that the exemption does not apply to the floor area within an unit that is above the garage (See Sec-

tion 25.02.270, Accessory Dwelling Units). This exemption is for the purpose of providing on-site parking and thereby reducing the demand for on-street parking spaces in the Neighborhood Conservation (NC) sub-districts.

~~7~~ 8. ~~Other~~ Space Limitations for Detached Accessory Buildings and Structures. Accessory structures shall comply with the space limits applicable in the district in which they are located, except that structures that are accessory to residential uses shall be subject to the requirements of this Section. Detached garages are also subject to the standards of Item 6 and 7, above, where applicable in place of this Item.

- a. Height. ~~One story~~ Height of the principal structure or 20 feet, whichever is less.
- b. Footprint.

(1) Generally: Accessory buildings and structures count toward the calculation of maximum building coverage ratio and impervious coverage ratio, as set out in Subsection 25.03.020.3, Development Standards, or Subsection 25.03.030.3, Lot and Building Standards. In addition, ~~no detached accessory building or structure shall cover an area that is larger than 600 square feet nor cover more than 25 percent of the rear yard, whichever is less. the aggregate area of all detached accessory structures on a property shall not cover an area that is larger than 1,000 square feet or exceed the maximum building coverage ratio of the district, whichever is less, unless set out otherwise below.~~

(2) AG, RR, and NC.1 District: ~~In the Agriculture (AG) district, an accessory building or structure is permitted to support agricultural uses. Non agricultural accessory buildings and structures shall cover no more than 50 percent of the footprint of the principal building. In the Agriculture (AG), Rural Residential (RR), and NC.1 districts, the maximum aggregate lot coverage for principle and accessory structures is limited to the building coverage ratio allowed in the zoning district.~~

(3) Single-family attached and multiple-family dwellings in any residential district: The aggregate area of all detached accessory structures shall not exceed 500 square feet per dwelling unit.

- c. Setbacks.

(1) Front:

(A) Generally: Behind the principal building.

(B) Garages: Behind the front building line.

(C) Carports and porte-cochere building setbacks are established in Subsection 25.03.080.1, Carports and Porte-Cocheres.

(2) Street Side: 15 feet.

(3) Interior Side: ~~Five~~ Three feet.

(4) Rear:

(A) Generally: ~~Five~~ Three feet.

(B) Buildings on the same lot: Six feet.

d. Easements. Accessory structures and buildings shall not be located within an easement.

e. Design. Accessory buildings and structures shall be designed to be compatible with the principal building in terms of:

(1) Color, which shall be the same as or complement the principal building;

(2) Roof pitch, which shall be the same as the principal building;

(3) Roof materials and color, which shall be the same as the principal building; and

(4) Materials, which shall be the same as those used on the principal building and in the case of siding or brick, shall be installed with the same patterns as on the principal building.

#### 8 ~~9~~. Sheds.

a. A shed that is 120 square feet or less in floor area and not more than 10 feet in height to the peak of the roof may be located anywhere in a side or rear yard, provided that:

(1) It does not alter or block the flow of storm water drainage;

(2) It does not create nonconforming situations with respect to the building code on adjacent properties; and

(3) It ~~does is~~ not located in a floodplain or easement.

b. If a shed is located closer than three feet to a side or rear lot line, the area between the shed and the lot line is:

(1) Planted with shrubs that will grow to form a hedge with a height of at least three feet within not more than 18 months of planting;

(2) The location of an opaque wall or fence that is at least six feet in height; or

(3) No less than two feet from the roof overhang to the property line; and

~~(4) There is no more than one shed per residential lot.~~

Section 26: Sub-subsection 25.03.090.3(2) of the Sioux City Municipal Code is deleted and the remaining numbered paragraphs renumbered.

~~2. Openness. Fences in a required front yard or street side yard shall not exceed 50 percent opacity. All other fences may exceed 50 percent opacity.~~

Section 27: Sub-sub-sub-sub-subsection 25.03.180.3(1)(a)(2)(B) of the Sioux City Municipal Code is amended to read as follows:

(B) Non-Street Facing. An interior side or any other side elevation that does not front on or most directly face street right-of-way or a private access easement shall be constructed of or faced with a decorative building material on 30 percent or 50 feet of the facade, whichever is greater. The remaining portion of the building facade shall be constructed of a standard building material. ~~The non-street facing elevation shall be screened with small trees that have a mature growth of no less than 15 feet in crown height, which shall be spaced no more than 10 feet apart and a continuous row of shrubs no less than three feet in height at the time of planting. These tTrees~~ and shrubs shall be planted in a landscape area that complies with Subsection 25.05.120.1, Site Landscaping.

Section 28: Sub-sub-sub-sub-subsection 25.03.180.3(2)(a)(2)(B) of the Sioux City Municipal Code is amended to read as follows:

(B) Non-Street Facing. An interior side or any other side elevation that does not front on or most directly face street right-of-way or a private access easement shall be constructed of or faced with a decorative building material on 50 percent or 75 feet of the facade, whichever is greater. The remaining portion of the building facade shall be comprised of a secondary building material. ~~The non-street facing elevation shall be screened with small trees that have a mature growth of no less than 15 feet in crown height, which shall be spaced no more than 10 feet apart and a continuous row of shrubs no less than three feet in height at the time of planting. These tTrees~~ and shrubs shall be planted in a landscape area that complies with 25.05.120.1, Site Landscaping.

Section 29: Sub-subsection 25.04.190.15(2)(d) of the Sioux City Municipal Code is amended to read as follows:

d. Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and shall be punishable as provided in ~~Section~~ Subsection 25.04.19.17. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

Section 30: Sub-subsection 25.05.040.6(2) of the Sioux City Municipal Code is amended to read as follows:

2. Requirements. Uses that include drive-through service shall not have fewer than the following number of stacking spaces:

a. Bank or credit union, commercial retail, dry cleaning and laundry, convenience stores, or pharmacies (or functionally similar uses): ~~Four~~ Three stacking spaces per drive-through station.

b. Drive-through restaurants (or functionally similar uses):

1. ~~If two service windows are provided (one for payment and one for pick up):~~

~~(A) Four stacking spaces to each menu board;~~

~~(B) Four stacking spaces between the menu board and the first window (including the position at the first window); and~~

~~(C) Two spaces between the first window and the second window (including the position at the second window). See Figure 25.05.040.6, Illustrative Stacking Requirements.~~

~~2. If one service window is provided (for both payment and pick up):~~

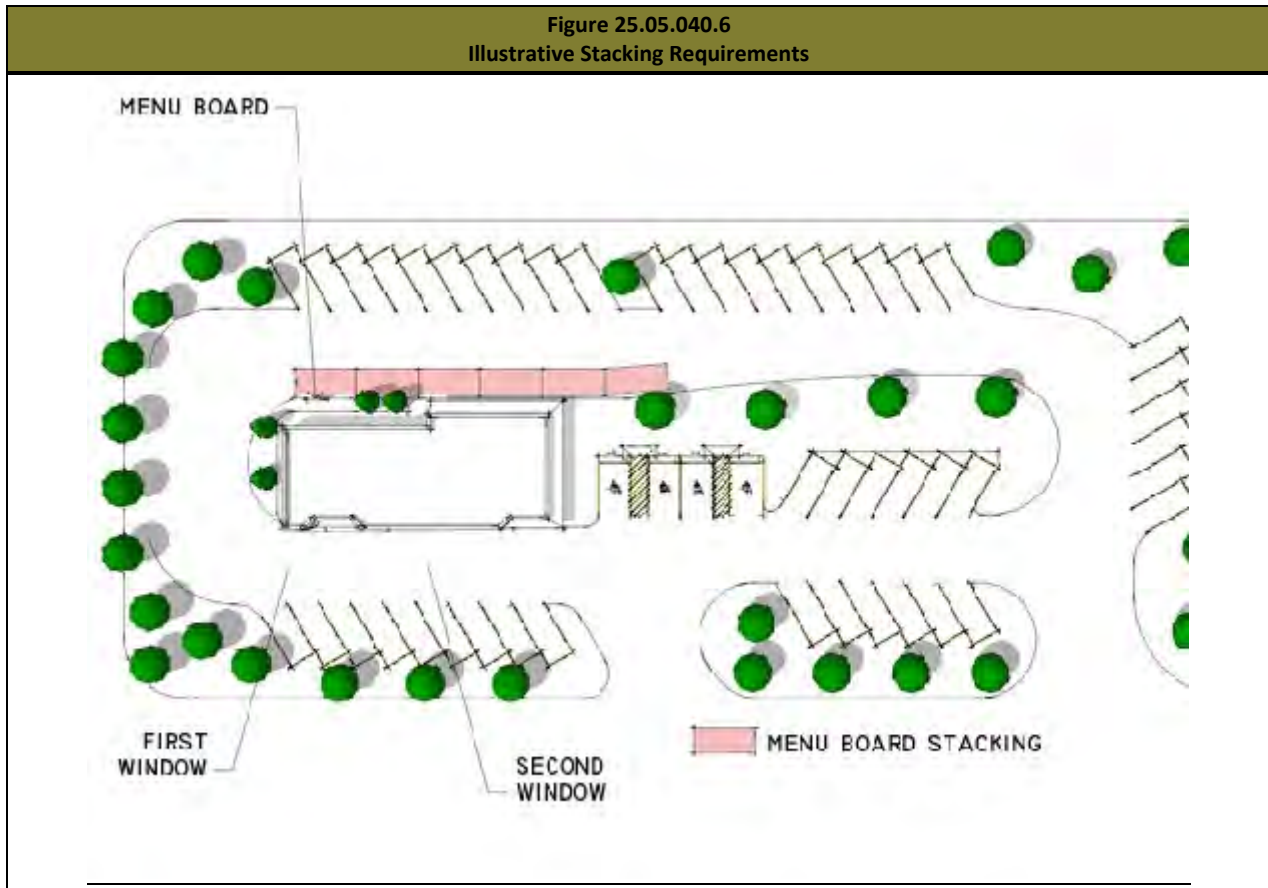
~~(A) Six stacking spaces to each menu board. See Figure 25.05.040.6, Illustrative Stacking Requirements.;~~

and

~~(B) Five stacking spaces between the menu board and the service window.~~

c. Drive-through only uses such as vending kiosks or ATMs (or functionally similar uses): In buildings with less than 300 square feet of gross floor area and no separate menu board (e.g., coffee stands): Three stacking spaces per service window.

Section 31: Subsection 25.05.040.6, Figure 25.05.040.6, of the Sioux City Municipal Code is amended to read as follows:



Section 32: Subsection 25.05.170.5 of the Sioux City Municipal Code is amended to read as follows:

### **25.05.170.5 Illumination of Signs**

1. Generally.

a. Signs shall be indirectly illuminated\_or, if directly illuminated, the source of illumination shall be shielded from public view.

b. No artificial light, of whatever type or nature, used in conjunction with the lighting of any sign shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.

c. No sign lighted by any type of indirect lighting shall have any such lighting which exceeds 1,600 milliamps rated capacity, nor shall any sign lighted by neon or similar material have such neon or similar material which exceeds 300 milliamps rated capacity.

2. Color. Illumination shall be in white light only.

3. Electrical Service. When electrical service is provided to a sign, all such electrical service shall be permanently installed in accordance with the City's adopted electrical code, as amended from time to time, and shall be placed underground. In special circumstances, when underground electrical service is impractical, above-ground electrical service may be approved by the Planning and Zoning Commission only upon a favorable recommendation of the Administrator.

4. Optical Sensor. All message center signs that are directly illuminated shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the footcandle requirement set out in Item 56, below.

5. Sign Illumination. Signs shall not exceed 0.3 footcandles over ambient light conditions.

Section 33: Subsection 25.05.180.2, Table 25.05.180.2.2, of the Sioux City Municipal Code is amended to read as follows:

**Table 25.05.180.2.2  
Attached Signs, Mixed-Use and Nonresidential Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Mixed Use	Nonresidential				
		MU	SC	GC	DC	BP	GI
<b>Arcade Sign<sup>1,2</sup></b>							
Number Allowed	-	One per building front OR one per 15' of lineal building frontage (rounded down) for mixed-use or multi-tenant building					
Maximum Length	-	Six feet OR 75% of the awning/canopy width, whichever is less					
Minimum Clearance	-	Eight feet above grade					
Maximum Sign Area / Sign	-	Six square feet					
Illumination	§ 25.05.170.5	None					
Allowance	-	Used only in combination with an awning/canopy sign AND a wall sign					
Sign Permit Required	-	Permitted with awning / canopy sign					
<b>Awning / Canopy Sign<sup>1,2</sup></b>							
Number Allowed	-	One per building front or one per storefront for a mixed-use or multi-tenant building					
Minimum Clearance	-	Eight feet above grade					
Maximum Sign Area / Sign	-	One square foot per lineal foot of awning/canopy width					
Maximum Signable Area Ratio	§ 25.05.160.2	80% of valence OR 40% of awning/canopy surface; may be increased to 60% of awning/canopy surface if no other attached/freestanding sign is on the property					
Illumination	§ 25.05.170.5	Down lighting; only the sign area containing the letters or logos may be illuminated with interior lighting					
Allowance	-	Used only in combination with an arcade sign AND a wall sign, PLUS one freestanding sign (see Sub-section 25.05.180.3, <i>Freestanding Signs</i> ), subject to cumulative sign area		Used only in combination with an arcade sign AND a marquee OR wall sign, subject to cumulative sign area		Used only in combination with an arcade sign AND a wall sign, PLUS one freestanding sign (see Sub-section 25.05.180.3, <i>Freestanding Signs</i> ), subject to cumulative sign area	
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs					
<b>Flag, Unofficial<sup>3</sup></b>							
Number Allowed	-	Three		Three		Three	
Permitted Locations	-	Attached to a permanent flagpole or private light pole provided the flag does not encroach public right-of-way		Attached to a permanent flagpole or private light pole provided the flag does not encroach public right-of-way		Attached to a permanent flagpole or private light pole provided the flag does not encroach public right-of-way	
Maximum Sign Area / Sign	-	Six square feet		Six square feet		Six square feet	
Maximum Height	-	12 feet		12 feet		12 feet	
Minimum Clearance	-	Eight feet above grade		Eight feet above grade		Eight feet above grade	
Illumination	§ 25.05.170.5	None		None		None	
Allowance	-	Used only in combination with a wall OR a roof sign, subject to cumulative sign area		Use only in combination with a wall OR a roof sign, subject to cumulative sign area		Use only in combination with a wall OR a roof sign, subject to cumulative sign area	
Sign Permit Required	-	No		No		No	
<b>Marquee Sign<sup>1,2</sup></b>							
Maximum Projection From Building Facade	-	Eight feet	NA	Eight feet		NA	
Minimum Clearance	-	Eight feet above grade		Eight feet above grade		NA	

**Table 25.05.180.2.2**  
**Attached Signs, Mixed-Use and Nonresidential Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Mixed Use	Nonresidential				
		MU	SC	GC	DC	BP	GI
Maximum Sign Area	-	50 sf. / Side (100 sf. total)		50 sf. / Side (100 sf. total)			
Illumination	§ 25.05.170.5	Down lighting; only the sign area containing the letters or logos may be illuminated with interior lighting		Down lighting; only the sign area containing the letters or logos may be illuminated with interior lighting			
Allowance	-	Used in lieu of other sign types		Used in lieu of other sign types			
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs			
<b>Projecting Sign<sup>1,2,7</sup></b>							
Maximum Distance From Building Facade	-	Six feet				NA	NA
Minimum Clearance, Pedestrian Way	-	Eight feet above grade					
Minimum Clearance, Vehicular Way	-	14' above grade					
Maximum Sign Area / Sign	-	Six square feet					
Illumination	§ 25.05.170.5	None					
Allowance	-	Used only in combination with a wall OR a roof sign, subject to cumulative sign area					
Sign Permit Required	-	Yes, plus building permit					
<b>Roof Sign<sup>4</sup></b>							
Number Allowed	-	One	NA	One	NA	One	
Height	-	25% of building height OR 12', whichever is less		25% of building height OR 12', whichever is less		25% of building height OR 12', whichever is less	
Maximum Sign Area / Sign	-	One square foot per lineal foot of street frontage OR 100 sf. maximum, whichever is less; based on cumulative sign area		One square foot per lineal foot of street frontage OR 100 sf. maximum, whichever is less; based on cumulative sign area		One square foot per lineal foot of street frontage OR 100 sf. maximum, whichever is less; based on cumulative sign area	
Bottom Clearance	-	One foot		One foot		One foot	
Illumination	§ 25.05.170.5	Uplighting or interior lighting		Uplighting or interior lighting		Uplighting or interior lighting	
Allowance	-	Used only in combination with a wall OR projecting sign, subject to cumulative sign area		Used only in combination with a wall OR projecting sign, subject to cumulative sign area		Used only in combination with a wall OR projecting sign, subject to cumulative sign area	
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs	
<b>Wall Sign<sup>6,7</sup></b>							

Table 25.05.180.2.2 Attached Signs, Mixed-Use and Nonresidential Districts							
Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Mixed Use		Nonresidential			
		MU	SC	GC	DC	BP	GI
Number Allowed	-	Limit one per building facade; based on maximum and cumulative sign areas			One square foot per lineal foot of street frontage	Two square feet per lineal foot of street frontage	
Maximum Sign Area / Sign	-	Two square feet per lineal front building footage; minimum of 50 sf.			One square foot per lineal foot of street frontage; minimum 50 sf. <sup>5</sup>	Two square feet per lineal foot of street frontage; minimum 50 sf.	
Maximum Signable Area Ratio	§ 25.05.160.2	15% of wall surface or facade			15% of wall surface or facade; only the lowest 40' of the wall surface qualifies		
Illumination	§ 25.05.170.5	Down lighting or interior lighting					
Allowance	-	Used in any combination with other signs, subject to cumulative sign area					
Sign Permit Required	-	Yes, plus building (if attached to building) and electrical permits for lighted signs					
<b>Window Sign</b>							
Maximum Signable Area Ratio	-	30 percent	15 percent	30 percent	30 percent	15 percent	
Illumination	§ 25.05.170.5	Direct only	None	Direct only	None	Direct only	
Allowance	-	Allowed in addition to other attached signs					
Restriction	-	Window signs are permitted on the ground or first floor only, except as set out in Subsection 25.05.200.1, <i>Downtown and Historic Districts</i> .					
Sign Permit Required	-	No					
<b>Cumulative Sign Area</b>							
All Allowed, Limited, and Conditional Uses	§ 25.02.110 § 25.02.120 § 25.02.130	500 sf.	300 sf.	500 sf.	300 sf.	500 sf.	

**TABLE NOTES:**

1. May be subject to an encroachment permit, as set out in Section 17.28.020, Encroachments, under Title 17, Streets and Sidewalks, of the Municipal Code.
2. A message center may be part of a marquee sign, as set out in Subsection 25.05.170.6, *Message Centers*.
3. One duly adopted flag of the United States, State of Iowa, Woodbury County, and the City of Sioux City, illuminated or non-illuminated, may be flown on a property provided the flag is attached to a permanent flagpole or a flagpole that is mounted to a principal building and provided the flag does not encroach into public right-of-way, as set out in Section, *Application*.
4. All roof signs shall be installed or erected in such a manner that there shall be no angle iron support structure visible from street level or grade level, they shall be set back a distance at least three feet from all outside walls of the building on or over which they are located, and no guy wires, braces, or secondary supports shall be visible from the street or grade level.
5. In computing the maximum sign area in the Downtown Commercial (DC) district, no more than two street frontages may be used.
6. Wall signs, including parapet signs, shall not extend beyond the roof line of the building to which the sign is mounted.
7. Refer to Subsection 25.05.200.1, *Downtown and Historic Districts*, for additional standards and requirements applicable to wall, projection, directory, and other sign types in the Downtown Commercial (DC) district, and the Historic 4th Street (HA-4) and Historic Pearl Street (HA-P) sub-districts.
8. Incidental signs include those that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets, as set out in Section 25.05.140, *Application*.
9. Interior signs are those that are not visible from residential uses or districts, abutting property, or public rights-of-way, which do not require a sign permit, as set out in Section 25.05.140, *Application*.

Section 34: Subsection 25.05.180.3, Table 25.05.180.3.1, of the Sioux City Municipal Code is amended to read as follows:

Table 25.05.180.3.1 Freestanding Signs, Agriculture and Residential Districts						
Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts				
		Agriculture		Residential		
		AG	RR	SR	GR	UR



**Table 25.05.180.3.1  
Freestanding Signs, Agriculture and Residential Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts				
		Agriculture	Residential			
		AG	RR	SR	GR	UR
<b>Directional / Informational Sign</b>						
Number Allowed	-	NA	One per entrance/exit			
Maximum Height	-		Four feet			
Maximum Sign Area / Sign	-		Three square feet			
Maximum Sign Area (Cumulative)	-		Nine square feet			
Setbacks	<del>§25.03.030.2</del>		Five feet from property lines; three feet from any pavement edge			
Illumination	§25.05.170.5		Direct only			
Allowance	-		Allowed in addition to other freestanding signs			
Sign Permit Required	-		Yes, plus electrical permit for lighted signs			
Sign Permit Required, Directional Only <sup>1</sup>	-		No, only electrical permit for lighted signs			
<b>Directory Sign</b>						
Number Allowed	-	NA	One per property with a multi-tenant building			
Maximum Height	-		10 feet			
Maximum Sign Area / Sign	-		Two square feet per linear foot of street frontage; maximum 100 sf.			
Setbacks	<del>§25.03.030.2</del>		Based on district and neighborhood type			
Illumination	§25.05.170.5		Direct or indirect			
Allowance	-		Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs			
Sign Permit Required	-		Yes, plus building and electrical permits for lighted signs			
<b>Monument Sign<sup>2</sup></b>						
Number Allowed	-	One	One			
Maximum Height	-	10 feet	10 feet			
Maximum Sign Area / Sign	§25.05.180.2	32 sf.	Multiple-Family = 16 sf. Public and Institutional = See PI district (Table25.05.180.3.1) Recreation/Amusement = 32 sf. Commercial = 32 sf. Public Assembly = See PI district (Table25.05.180.3.1)	Multiple-Family = 16 sf. Public and Institutional = See PI district (Subsection 25.05.180.2) Recreation/Amusement = 32 sf. Commercial = two square feet per linear foot of street frontage; maximum 64 sf. Public Assembly = See PI district (Subsection25.05.180.2)		
Setbacks, Generally	<del>§25.03.030.2</del>	Based on district and neighborhood type		Based on district and neighborhood type		
Setbacks, Specifically	-	Minimum 25' from interior side or rear lot lines when abutting a residential use or district	Minimum five feet from front and street side yards; minimum 25' from interior side or rear lot lines when abutting a residential use or district			
Illumination	§25.05.170.5	Direct or indirect		Direct or indirect		
Allowance	§25.05.180.2	One monument OR pole sign is allowed, PLUS applicable attached signs		One freestanding sign per property, PLUS applicable attached signs		
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs		
<b>Pole Sign or Pylon Sign</b>						
Number Allowed	-	One	One	One		
Maximum Height	-	10 feet	10 feet	10 feet		
Minimum Clearance	-	Eight feet above grade	Eight feet above grade	Eight feet above grade		

Table 25.05.180.3.1 Freestanding Signs, Agriculture and Residential Districts						
Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts				
		Agriculture	Residential			
		AG	RR	SR	GR	UR
Maximum Sign Area / Sign Face	-	32 sf.	50 sf.		Two square feet per linear foot of street frontage; maximum 100 sf.	
Setbacks	<b>§25.03.030.2</b>	Based on district and neighborhood type	Based on district and neighborhood type		-	
Illumination	<b>§25.05.170.5</b>	Direct or indirect	Direct or indirect		Direct or indirect	
Allowance	-	One pylon, pole, OR monument sign is allowed, PLUS applicable attached signs	One freestanding sign per property, PLUS applicable attached signs	One freestanding sign per property, PLUS applicable attached signs		
Sign permit Required	-	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs		
Subdivision Entrance Sign <sup>3</sup>						
Number Allowed	-	One	One per collector or arterial street entrance; maximum of three signs	One per property entrance		
Maximum Height	-	10 feet	10 feet		10 feet	
Minimum Clearance, as applicable	-	Eight feet above grade	Eight feet above grade,		Eight feet above grade	
Maximum Sign Area / Sign Face	-	50 sf.	50 sf.		16 sf.	
Maximum Sign Area (Cumulative)	-	100 sf.	100 sf.		32 sf.	
Setbacks	<b>§25.03.030.2</b>	Based on district and neighborhood type	Based on district and neighborhood type		Based on district and neighborhood type	
Illumination	<b>§25.05.170.5</b>	Direct or indirect	Direct or indirect		Direct or indirect	
Allowance	-	Only sign type allowed for subdivision identity	Only sign type allowed for subdivision identity	Only sign type allowed for multiple-family complex identity		
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs		
Cumulative Sign Area						
Multiple-Family / Commercial Use of the Home	<b>§ 25.02.100</b>	15 sf.	16 sf.			
Institutional, Recreation, and Amusement Uses	<b>§ 25.02.110</b>	30 sf.	50 sf.			
Commercial Uses	<b>§ 25.02.120</b>	50 sf.	50 sf.			
<b>TABLE NOTES:</b>						
1. Directional only means there is no commercial message included on the Directional / Informational Sign.						
2. The area of a monument sign structure may be counted as part of the maximum and cumulative sign area if the Administrator determines that the structure itself is an attention-getting device and part of the communication of the sign in which case the area of the structure shall be limited to 200 percent of the sign face.						
3. The maximum sign area per sign face may be used for a double-faced sign or two independent monument signs on either side of a subdivision entrance.						
4. In computing the maximum sign area, no more than two street frontages may be used.						

Section 35: Subsection 25.05.180.3, Table 25.05.180.3.2, of the Sioux City Municipal Code is amended to read as follows:

Table 25.05.180.3.2 Freestanding Signs, Mixed-Use and Nonresidential Districts						
Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts				
		Mixed Use	Nonresidential			
		MU	SC	GC	DC	BP
Directional / Informational Sign						

**Table 25.05.180.3.2  
Freestanding Signs, Mixed-Use and Nonresidential Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Mixed Use	Nonresidential				
		MU	SC	GC	DC	BP	GI
Number Allowed	-	One per entrance/exit	One per entrance/exit	One per entrance/exit	One per entrance/exit	One per entrance/exit	
Maximum Height	-	Four feet	Four feet	Four feet	Four feet	Six feet	10 feet
Maximum Sign Area / Sign	-	Six square feet	Three square feet	Six square feet	Three square feet	Eight square feet	
Maximum Sign Area (Cumulative)	-	18 sf.	Nine square feet	18 sf.	Nine square feet	24 sf.	
Setbacks	-	Five feet from property lines; three feet from any pavement edge	Five feet from property lines; three feet from any pavement edge	Five feet from property lines; three feet from any pavement edge	Five feet from property lines; three feet from any pavement edge	Five feet from property lines; five feet from any pavement edge	
Illumination	<b>§25.05.170.5</b>	Direct only	Direct only	Direct only	Direct only	Direct or indirect	
Allowance	-	Allowed in addition to other freestanding signs	Allowed in addition to other freestanding signs	Allowed in addition to other freestanding signs	Allowed in addition to other freestanding signs	Allowed in addition to other freestanding signs	
Sign Permit Required, Information Only	-	Yes, plus electrical permit for lighted signs	Yes, plus electrical permit for lighted signs	Yes, plus electrical permit for lighted signs	Yes, plus electrical permit for lighted signs	Yes, plus electrical permit for lighted signs	
Sign Permit Required, Directional Only <sup>1</sup>	-	No, only electrical permit for lighted signs	No, only electrical permit for lighted signs	No, only electrical permit for lighted signs	No, only electrical permit for lighted signs	No, only electrical permit for lighted signs	
<b>Directory Sign<sup>2</sup></b>							
Number Allowed	-	One per street frontage for a multi-tenant building	NA	One per street frontage for a multi-tenant building	One per street frontage for a multi-tenant building		
Maximum Height	-	10 feet		10 feet	15 feet		
Maximum Sign Area / Sign	-	One square foot per linear foot of street frontage; maximum 50 sf.		One square foot per linear foot of street frontage; maximum 100 sf.	Two square feet per linear foot of street frontage; maximum 250 sf.		
Minimum Separation (Signs on Same Property)		100 feet		100 feet	125 feet		
Setbacks	<b>§ 25.03.040</b>	<del>Based on district standards</del>		<del>Based on district standards</del>	<del>Based on district standards</del>		
Illumination	<b>§25.05.170.5</b>	Direct or indirect		Direct or indirect	Direct or indirect		
Allowance	-	Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs		Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs	Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs		
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs		
<b>Monument Sign<sup>2,3</sup></b>							
Number Allowed	-	One per street frontage	One per street frontage; two maximum	One per street frontage; two maximum		One per street frontage	
Maximum Height	-	10 feet	Six feet	10 feet	6 feet	15 feet	
Maximum Sign Area / Sign	<b>§25.05.180.2</b>	32 sf.	32 sf.	One square foot per linear foot of street frontage; maximum 250 sf.	25 sf.	50 sf.	
Maximum Sign Area (Cumulative)	-	One square foot per linear foot of street frontage; maximum 96 sf.	One square foot per linear foot of street frontage; maximum 64 sf.		One square foot per linear foot of street frontage; maximum 100 sf.	One square foot per linear foot of street frontage; maximum 250 sf.	

**Table 25.05.180.3.2  
Freestanding Signs, Mixed-Use and Nonresidential Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Mixed Use	Nonresidential				
		MU	SC	GC	DC	BP	GI
Bonus Sign Area (Cumulative)	Item 14	NA	NA	See Item 14., above	NA	See Item 14., above	
Minimum Separation (Signs on Same Property)	-	100 feet	100 feet	NA	100 feet	125 feet	
Setbacks	<del>§ 25.03.040</del>	<del>Based on district standards</del>	<del>Based on district standards</del>	<del>Based on district standards</del>		<del>Based on district standards</del>	
Illumination	§25.05.170.5	Direct or indirect	Direct or indirect	Direct or indirect		Direct or indirect	
Allowance	§25.05.180.2	Only for properties set back from right-of-way; otherwise, use pole, pylon, or attached signs	Only sign type allowed	Used in lieu of a directory, pole, OR pylon sign, PLUS applicable attached signs	Only for properties set back from right-of-way; otherwise, use pole, pylon, or attached signs	Used in lieu of a directory, pole, OR pylon sign, PLUS applicable attached signs	
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs	
<b>Pole Sign or Pylon Sign<sup>2,4</sup></b>							
Number Allowed	-	One per street frontage	NA	One per street frontage; two maximum	One per street frontage; three maximum	One per street frontage; two maximum	
Maximum Height	-	10 feet		65 feet	6 feet	65 feet	100 feet
Minimum Clearance	-	Eight feet above grade		Eight feet above grade		Eight feet above grade	
Maximum Sign Area / Sign	-	32 sf.		One square foot per linear foot of street frontage; maximum 250 sf.	One square foot per linear foot of street frontage; maximum 100 sf.	Two square feet per linear foot of street frontage; maximum 250 sf.	
Maximum Sign Area (Cumulative)	-	One square foot per linear foot of street frontage; maximum 96 sf.					
Bonus Sign Area for Monument Signs	-	NA		See Item 14., above	NA	See Item 14., above	
Minimum Separation (Signs on Same Property)		100 feet		100 feet		125 feet	
Setbacks	<del>§ 25.03.040</del>	<del>Based on district standards</del>		<del>Based on district standards</del>		<del>Based on district standards</del>	
Illumination	§25.05.170.5	Direct or indirect		Direct or indirect		Direct or indirect	
Allowance		Pylon, pole, OR monument sign		Pylon, pole, OR monument sign		Pylon, pole, OR monument sign	
Sign Permit Required	-	Yes, plus building and electrical permits for lighted signs	Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs		
<b>Cumulative Sign Area</b>							
All Allowed, Limited, and Conditional Uses	-	One square foot per linear foot of street frontage; maximum 500 sf.	One square foot per linear foot of street frontage; maximum 100 sf.	Two square feet per linear foot of street frontage; maximum 500 sf.	300 sf.	One square foot per linear foot of street frontage; maximum 500 sf.	

**TABLE NOTES:**

- "Directional only" means there is no commercial message included on the Directional / Informational Sign.
- In computing the maximum sign area, no more than two street frontages may be used except in the Downtown Commercial (DC) district where up to three frontages may be used.
- The area of a monument sign structure may be counted as part of the maximum and cumulative sign area if the Administrator determines that the structure itself is an attention-getting device and part of the communication of the sign in which case the area of the structure shall be limited to 200 percent of the sign face.
- Refer to 25.05.200.3, *Highway Signage*, for freestanding signs within 660 feet of interstates, freeway primary, and primary highways.

Section 36: Subsection 25.05.180.3, Table 25.05.180.3.3, of the Sioux City Municipal Code is amended to read as follows:

Table 25.05.180.3.3 Freestanding Signs, Special and Historic Districts							
Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Special			Historic		
		AP	CE	PI	HA-4 <sup>4</sup>	HA-P <sup>5</sup>	HA-N
<b>Directional / Informational Sign</b>							
Number Allowed	-	Based on allowable signage of the underlying district	One per entrance/exit	NA	One per entrance/exit	Refer to Item 1617., above	
Maximum Height	-		Six feet		Four feet		
Maximum Sign Area / Sign	-		Six square feet		Six square feet		
Maximum Sign Area (Cumulative)	-		24 sf.		18 sf.		
Setbacks	-		Five feet from property lines; three feet from any pavement edge		Five feet from property lines; five feet from any pavement edge		
Illumination	<del>§25.05.170.5</del>		Direct or indirect		Indirect only		
Allowance	-		Allowed in addition to other freestanding signs		Allowed in addition to other freestanding signs		
Sign Permit Required	-		Yes, plus electrical permit for lighted signs		Yes, plus electrical permit for lighted signs		
Sign Permit Required, Directional Only <sup>1</sup>	-		No, only electrical permit for lighted signs		No, only electrical permit for lighted signs		
<b>Directory Sign<sup>2</sup></b>							
Number Allowed	-	Based on allowable signage of the underlying district	One per street frontage for a multi-tenant building	NA	One per street frontage for a multi-tenant building	Refer to Item 1617., above	
Maximum Height	-		15 feet		15 feet		
Maximum Sign Area / Sign	-		One square foot per linear foot of street frontage; maximum 250 sf.		One square foot per linear foot of street frontage; maximum 100 sf.		
Minimum Separation (Signs on Same Property)	-		100 feet		100 feet		
Setbacks	<del>§25.03.040</del>		Based on district standards		Based on district standards		
Illumination	<del>§25.05.170.5</del>		Direct or indirect		Indirect only		
Allowance	-		Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs		Used in lieu of a monument, pole, OR pylon sign, PLUS applicable attached signs		
Sign Permit Required	-		Yes, plus building and electrical permits for lighted signs		Yes, plus building and electrical permits for lighted signs		
<b>Monument Sign<sup>2,3</sup></b>							
Number Allowed	-	Based on allowable signage of the underlying district	One per street frontage	NA	One per street frontage; two maximum	Refer to Item 1617., above	
Maximum Height	-		10 feet		10 feet		
Maximum Sign Area / Sign	<del>§25.05.180.2</del>		60 sf.		50 sf.		
Maximum Sign Area (Cumulative)	-		Two square feet per linear foot of street frontage; maximum 250 sf.		Two square feet per linear foot of street frontage; maximum 250 sf.		
Bonus Sign Area (Cumulative)	Item 14		See Item 14., above		See Item 14., above		
Minimum Separation (Signs on Same Property)	-		100 feet		100 feet		

**Table 25.05.180.3.3  
Freestanding Signs, Special and Historic Districts**

Sign Type / Standards	Standards Reference <sup>1</sup>	Zoning Districts					
		Special			Historic		
		AP	CE	PI	HA-4 <sup>4</sup>	HA-P <sup>5</sup>	HA-N
Setbacks	<del>§ 25.03.040</del>		<del>Based on district standards; minimum five feet from interior and street side yards</del>			<del>Based on district standards</del>	
Illumination	§25.05.170.5		Direct or indirect			Direct or indirect	
Allowance	§25.05.180.2		Used in lieu of a directory, pole, OR pylon sign, PLUS applicable attached signs			Used in lieu of a directory, pole, OR pylon sign, PLUS applicable attached signs	
Sign Permit Required	-		Yes, plus building and electrical permits for lighted signs			Yes, plus building and electrical permits for lighted signs	
<b>Pole Sign or Pylon Sign<sup>2, 4</sup></b>							
Number Allowed	-	Based on allowable signage of the underlying district	One per street frontage	NA		One per street frontage; two maximum	Refer to Item <del>4617</del> , above
Maximum Height	-		10 feet			15 feet	
Minimum Clearance	-		Eight feet above grade			Eight feet above grade	
Maximum Sign Area / Sign	-		50 sf.			Two square feet per linear foot of street frontage; maximum 100 sf.	
Maximum Sign Area (Cumulative)	-		One square foot per linear foot of street frontage; maximum 250 sf.			One square foot per linear foot of street frontage; maximum 250 sf.	
Bonus Sign Area for Monument Signs	-		See Item 14., above			See Item 14., above	
Minimum Separation (Signs on Same Property)	-		100 feet			100 feet	
Setbacks	<del>§ 25.03.040</del>		<del>Based on district standards</del>			<del>Based on district standards</del>	
Illumination	§25.05.170.5		Direct or indirect			Direct or indirect	
Allowance	-		Pylon, pole, OR monument sign			Pylon, pole, OR monument sign	
Sign permit Required	-		Yes, plus building and electrical permits for lighted signs			Yes, plus building and electrical permits for lighted signs	
<b>Cumulative Sign Area</b>							
All Allowed, Limited, and Conditional Uses	-	Based on cumulative sign area of underlying district	One square foot per linear foot of street frontage; maximum 250 sf.	NA		One square foot per linear foot of street frontage; maximum 250 sf. of both attached and freestanding signs	Refer to Item <del>4617</del> , above

**TABLE NOTES:**

- "Directional only" means there is no commercial message included on the Directional / Informational Sign.
- In computing the maximum sign area, no more than two street frontages may be used except in the Downtown Commercial (DC) district where up to three frontages may be used.
- The area of a monument sign structure may be counted as part of the maximum and cumulative sign area if the Administrator determines that the structure itself is an attention-getting device and part of the communication of the sign in which case the area of the structure shall be limited to 200 percent of the sign face.
- Refer to 25.05.200.3, Highway Signage, for freestanding signs within 660 feet of interstates, freeway primary, and primary highways.
- Signs in the HA-4 and HA-P sub-districts may require the approval of the Historic Preservation Commission.

Section 37: Sub-sub-sub-subsection 25.05.200.1 (2)(a)(2) of the Sioux City Municipal Code is amended to read as follows:

2. A projecting sign is permitted as set out in Subsection 25.05.180.2, Attached Signs. A projecting sign shall be supported by a decorative ~~chain or~~ bracket, designed and constructed with craftsmanship and detail. Any such projecting sign shall be oriented so that the face of the sign is perpendicular to the building façade from which it projects.

Section 38: Subsection 25.06.060.3, Table 25.06.060.3, is amended to read as follows:

Table 25.06.060.3 Public Meeting and Hearing Approvals					
Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
PUBLIC MEETINGS (NO PUBLIC HEARING REQUIRED)					
<b>Use Permits</b>					
Avigation Permit	Projects within the Airport Protection (AP) district that exceed 150' in height	Prior to the construction or establishment of any new structure or use and before any existing use or structure is substantially changed, altered, or repaired	As set out in the permit exceptions in Subsection 25.02.060.1, <i>Airport Protection (AP) District</i>	Airport Zoning Commission, who may refer the application to the City Council	See Iowa Code, Section 329.9 , <i>Procedure for Adopting Zoning Regulations – Zoning Commission</i> and Subsection 25.02.060.1, <i>Airport Protection (AP) District</i>
<b>Plans and Plats</b>					
Site Plan	New development, redevelopment, substantial improvement and expansion of multiple-family residential, nonresidential, and mixed use buildings and sites in all districts, as well as special districts upon referral by the Administrator or upon appeal of the applicant	Prior to issuance of permits that allow for land clearing, site grading, or construction	Single-family, duplex, twin home, and townhome dwellings on individual lots	Planning and Zoning Commission, upon referral of the Administrator or appeal by the applicant, following recommendations of the Design Review Committee and Administrator	See Subchapter 25.03-C, <i>Design Standards</i>
Urban Renewal Plan	Subject to a proposal for a renewal improvement project	Requires prior approval of the City Council for an improvement project if the project is in conformance with a plan for renewal	None	City Council, upon recommendation of the Planning and Zoning Commission	See Section 25.06.090.3, <i>Urban Renewal</i> and Title 26, <i>Urban Revitalization</i>
<b>Design Review</b>					
Sign Permit in Special Areas	Installation of a new, enlarged, or replacement sign in the Downtown Commercial (DC) district; Historic 4th Street (HA-4), Historic Pearl Street (HA-P), or Historic Neighborhood or Center (HA-N) sub-districts; in residential areas; or along primary highways.	Prior to installation of sign or sign mount or any enlargement or improvement of an existing sign	Signs that do not require a permit, as set out in Section 25.05.140, <i>Application</i> , and signs allowed in other districts, as set out in Table 25.05.180.1, <i>Sign Types by District</i> .	Conditional Approvals: <del>Administrator upon recommendation of</del> Planning and Zoning Commission <u>upon recommendation of the Administrator and/or</u> Historic Preservation Commission	See Section 25.05.200, <i>Special Area Sign Standards</i> and Subsection 25.06.090.4, <i>Sign Permit in Special Areas</i>
Sign Permit	Conditionally permitted uses set out in the tables in Subchapter 25.02-C, <i>Land Uses</i> ; for existing public, institutional, nonresidential, and mixed uses within the RR, SR, GR, and UR districts, and the NC.4 and NC.5 sub-districts; and for certain sign types in certain districts as set out in Table 25.05.180.1, <i>Sign Types by District</i>	Prior to installation of sign or sign mount or any enlargement or improvement of an existing sign	Signs that do not require a permit, as set out in Section 25.05.140, <i>Application</i> , and signs that are “allowed” or “limited” in Table 25.05.180.1, <i>Sign Types by District</i>	<del>Limited Approvals: Administrator</del> Conditional Approvals: <u>City Council Planning and Zoning Commission</u> <del>upon recommendation of the Planning and Zoning Commission</del> <u>Administrator</u>	See Subchapter 25.05-C, <i>Signs</i> , particularly Section 25.05.180, <i>Permanent and Temporary Signs</i>
Sign Design Program	Approval of a sign design program	Prior to construction or installation of signs pursuant to an approved sign design program	None	Planning and Zoning Commission	See Section 25.05.190, <i>Sign Design Program</i>
PUBLIC HEARINGS REQUIRED					

**Table 25.06.060.3  
Public Meeting and Hearing Approvals**

Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
<b>Use Permits</b>					
Conditional Use Permit	New conditional uses; changes to an existing conditional use; material changes to or expansion of a conditional use	Prior to establishment or modification of a conditional use	None	Board of Adjustment (BOA), followed by City Council review who may take no action or remand it back to the BOA for further consideration	See Subsection 25.06.090.7, <i>Conditional Use Permit</i> , and Subchapter 25.02-D, <i>Conditional and Limited Uses</i>
Temporary Use Permit, Public and Commercial Events	Public and commercial events with an expected peak attendance of more than 1,500 persons and where indicated as "conditional" in Table 25.02.200, <i>Temporary Uses</i>	Prior to installation of temporary buildings or structures or establishment of a temporary use or event	Public and commercial events with an expected peak attendance of less than 1,500 persons may be permitted by the Administrator	Board of Adjustment	See Subchapter 25.02-E, <i>Temporary Uses</i>
Temporary Use Permit, Construction, Storage, and Refuse Collection Uses	Facilities indicated as "conditional" in Table 25.02.230, <i>Temporary Construction, Storage, and Refuse Collection Uses</i>	Prior to installation of temporary buildings or structures or establishment of a temporary use or facility	Facilities indicated as "limited" in in Table 25.02.230, <i>Temporary Construction, Storage, and Refuse Collection Uses</i>	Board of Adjustment	See Section 25.02.230, <i>Construction, Storage, and Refuse Collection Uses</i>
<b>Plats and Plans</b>					
Comprehensive Plan	Development and amendment of the Comprehensive Plan	Updated every five years	Periodic amendments to the land use plan or the development of special area plans	City Council, upon recommendation of the Planning and Zoning Commission	See Subsection 25.06.090.9, <i>Comprehensive Plan</i>
Development Concept Plan	Planned neighborhood or traditional neighborhood development prior to submission of Planned Development Site Plan upon recommendation of Administrator or appeal of the applicant	Prior to or concurrently with a Planned Development Site Plan	Certain waivers of submission requirements may be granted by the Administrator, as set out in Subsection 25.06.090.11, <i>Major Changes to a Development Concept Plan or Planned Development Site Plan</i>	Planning and Zoning Commission upon referral of Administrator or appeal by the applicant	See Subsection 25.06.090.10, <i>Development Concept Plan</i>
Major Changes to Development Concept Plan	Proposed changes to a planned neighborhood or traditional neighborhood development	Prior to the construction or development that is within the area proposed to be changed	Minor changes to a Development Concept Plan may be permitted administratively (see Table 25.06.060.2, <i>Administrative Permits and Approvals</i> )	Planning and Zoning Commission, upon recommendation of Administrator	See Subsection 25.06.090.11, <i>Major Changes to a Development Concept Plan or Planned Development Site Plan</i>
Major Changes to Planned Development Site Plan	Proposed changes to a planned neighborhood or traditional neighborhood development	Prior to the construction or development that is within the area proposed to be changed	Minor changes to a Planned Development Site Plan also require Planning and Zoning Commission hearing and approval	City Council, upon approval and recommendation of Planning and Zoning Commission	See Subsection 25.06.090.11, <i>Major Changes to a Development Concept Plan or Planned Development Site Plan</i>
Planned Development Site Plan	Approval of a planned neighborhood or traditional neighborhood development	Prior to issuance of permits that allow for land clearing, site grading, or construction	May be submitted concurrently with Development Concept Plan (optional, at discretion of applicant)	City Council upon final report and recommendation of the Planning and Zoning Commission	See Subsection 25.06.090.11, <i>Major Changes to a Development Concept Plan or Planned Development Site</i>
<b>Text and Map Amendments</b>					
Restricted Use Overlay District	Restricting the allowed, limited, and conditional uses for a parcel or development tract	Prior to any change in land use	None	City Council, upon final report and recommendation of the Planning and Zoning Commission	See Subsection 25.06.090.13, <i>Restricted Use Overlay District</i>
Text Amendments	Amendments to the text of this Code	Petition by Administrator, City Council, or other administrative body	A petition by an individual or body other than those listed in Subchapter 25.06-A, <i>Administrative Bodies</i>	City Council, upon final report and recommendation of the Planning and Zoning Commission	See Subsection 25.06.090.14, <i>Text Amendment</i>



**Table 25.06.060.3  
Public Meeting and Hearing Approvals**

Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
Zone Change (zoning map amendment)	Changing the zoning of a parcel from one district to another	Prior to any change in land use other than those that are permitted in the respective district	None	City Council, upon final report and recommendation of the Planning and Zoning Commission	See Subsection 25.06.090.15, <i>Zone Change (Map Amendment)</i>
<b>Historic Preservation</b>					
Certificate of Appropriateness	Demolition, new construction, exterior alteration, modification, or addition to a designated historic site or building or structure in a historic district	Prior to issuance of permits that allow for new construction, exterior alteration, modification, or addition to a designated historic site	None	City Council, upon recommendation of the Historic Preservation Commission and Design Review Committee	See Subsection 25.06.090.16, <i>Certificate of Appropriateness</i> and Subsection 25.06.090.16, <i>Certificate of Appropriateness, Hardship Waiver</i>
Certificate of Appropriateness, Hardship Waiver	Denial of a certificate of appropriateness for demolition of a historic site or building or structure in a historic district	Prior to issuance of a permit to demolish a historic resource	Applications that do not meet the criteria for issuance of a hardship waiver	City Council, upon recommendation of the Historic Preservation Commission	See Subsection 25.06.090.16, <i>Certificate of Appropriateness</i> and Subsection 25.06.090.17, <i>Certificate of Appropriateness, Hardship Waiver</i>
Designation of Historic Site or District	Designation of a historic site or district	Prior to establishment of historic site or district	None	City Council, upon recommendation of Historic Preservation Commission	See Subsection 25.06.030.5, <i>Historic Preservation Commission</i>
Local nomination to National Register of Historic Places	Local nomination to the National Register of Historic Places	Prior to proposed nominations to the National Register of Historic Places	None	State Historic Preservation Office, upon recommendation of Historic Preservation Commission	See Subsection 25.06.030.5, <i>Historic Preservation Commission</i> and Subsection 25.06.090.19, <i>Local Nomination to the National Register of Historic Places</i>
<b>Appeals and Variances</b>					
Administrative Appeal	Appeals from orders, decisions, determinations, or the failure to act by the Administrator or other administrative officials set out in Section 25.06.030, <i>Bodies Established and Authorized</i> , by any aggrieved person or by any officer, department or board of the City affected by a decision of the Administrator	Within 30 days of the action complained of by filing a notice of appeal	None	Board of Adjustment within 30 days following close of the public hearing	See Subsection 25.06.090.20, <i>Administrative Appeals</i>
Appeals to the City Council	Appeals from decisions of the Planning and Zoning Commission	Within 30 days of the decision appealed	None	City Council	See Subsection 25.06.090.21, <i>Appeals to City Council</i>
Avigation Variance	Any structure, tree, or use of property that is inconsistent with Subsection 25.02.060.1, <i>Airport Protection (AP) District</i>	Prior to the construction or establishment of any new structure or use and before any existing use or structure is substantially changed, altered, or repaired	As set out in the permit exceptions in Subsection 25.02.060.1, <i>Airport Protection (AP) District</i>	Board of Adjustment	See Subsection 25.02.060.1, <i>Airport Protection (AP) District</i>
Sign Variance	Authorizing a sign that does not comply with Subchapter 25.05-C, <i>Signs</i>	Prior to issuance of a sign permit	None	Board of Adjustment, upon recommendation of the Administrator	See Subchapter 25.05-C, <i>Signs</i>

Table 25.06.060.3 Public Meeting and Hearing Approvals					
Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
Variance	Deviation from the standards of this Code	Prior to building permit for improvements for which a variance is required; concurrently with other applications for development approval that include variances	Any use of development in a residential district that is not permitted by right, industrial use or development in any other district than the GI district, any use or development in the BP or GI districts that are not permitted by right in such districts, creation of a lot or parcel that cannot be developed in compliance with this Code, temporary only uses, or a greater than minimum variance necessary to relieve the practical difficulty, unnecessary hardship, or lack of fair return demonstrated by the applicant	Board of Adjustment	See Subsection 25.06.090.24, <i>Variance</i>
Table Notes: 1. Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this Code.					

Section 39: Sub-sub-subsection 25.06.080.9(3)(c) of the Sioux City Municipal Code is amended to read as follows:

c. Downtown and Historic Districts. In reviewing, considering, and approving a sign permit in the DC and HA districts, including the HA-4, HA-P, and other applicable sub-districts, the application is processed according to the sequential steps set out in Subsection 25.06.070.2, Pre-Application Conference, through Subsection 25.06.070.10, Public Meetings and Hearings, and shall be referred to other departments and agencies, as applicable, and then decided by the ~~City Council~~ City Council Administrator upon the recommendation of the Historic Preservation Commission and Design Review Committee, as set out in Table 25.06.060.2, Administrative Permits and Approvals.

Section 40: Sub-sub subsection 25.06.080.9(5)(b) of the Sioux City Municipal Code is amended to read as follows:

b. Downtown and Historic Districts. The ~~City Council~~ Administrator shall approve, approve with conditions, or deny a sign permit application, upon receipt of a recommendation of the Historic Preservation Commission and Design Review Committee.

Section 41: Sub-sub-sub-subsection 25.06.090.4(3)(b)(2) of the Sioux City Municipal Code is amended to read as follows:

2. Conditional Approvals.

(A) Signs proposed to be located in the Downtown Commercial (DC) district, in residential areas, or along primary highways shall be reviewed by the Planning and Zoning Commission ~~and recommended to the City Council~~ who shall approve, approve with conditions, or deny the sign permit application.

(B) Signs proposed to be located in the Historic 4th Street (HA-4), Historic Pearl Street (HA-P), or Historic Neighborhood or Center (HA-N) sub-districts shall be reviewed by the Historic Preservation Commission and recommended to the ~~City Council~~ Planning and Zoning Commission who shall approve, approve with conditions, or deny the sign permit application.

Section 42: Sub-sub-subsection 25.06.090.4(5)(b) of the Sioux City Municipal Code is amended to read as follows:

b. ~~City Council~~ Planning and Zoning Commission. Conditional approvals for signs proposed to be located in the Downtown Commercial (DC) district; the Historic 4th Street (HA-4), Historic Pearl Street (HA-P), or Historic Neighborhood or Center (HA-N) sub-districts; in residential areas; or along the state's primary highways.

Section 43: Sub-sub-sub-sub-subsection 25.06.090.24 (3)(a)(7)(C) of the Sioux City Municipal Code is amended to read as follows:

C. The characteristics of the subject property which prevent compliance with ~~the~~ requirements of this Code;

Section 44: Subchapter 25.07-B DEFINITIONS, Alphabet U, is amended by adding the following new definition as follows:

**Urban Farming** means a zoning lot, as defined in this article, over one acre, used to grow and harvest food crops and/or non-food crops for personal or commercial use. An orchard or tree farm that is a principal use is considered an urban farm. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.

Section 45: 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 46: 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 47: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 25.02.100, Table 25.02.100.1; Section 25.02.110, Table 25.02.110, Section 25.02.130, Table 25.02.130; Sub-sub-subsection 25.02.160(1)(e)(2); Sub-subsection 25.02.160(2)(f); Sub-subsection 25.02.160(2)(g); Sub-subsection 25.02.160(8)(f); Sub-subsection 25.02.170(16)(b); Sub-subsection 25.02.170(17)(c); Sub-subsection 25.02.180(2)(a); Sub-subsection 25.02.180(2)(b); Sub-sub-subsection 25.02.190(10)(b)(1); Sub-subsection 25.02.190(15)(a); Sub-subsection 25.02.190(19)(e); Sub-sub-subsection 25.02.270(13)(b)(1); Sub-subsection 25.02.280(4)(c); Section 25.02.290; Sub-subsection 25.03.020.3(2); Subsection 25.03.020.3, Table 25.03.020.3; Sub-subsection 25.03.030.1(4); Subsection 25.03.040.2, Table 25.03.04.2; Subsection 25.03.050.1; Sub-subsection 25.03.080.3(3); Subsection 25.03.090.1; Sub-subsection 25.03.090.3(2); Sub-sub-sub-sub-subsection 25.03.180.3(1)(a)(2)(B); Sub-sub-sub-sub-subsection 25.03.180.3(2)(a)(2)(B); Sub-subsection 25.04.190.15(2)(d); Sub-subsection 25.05.040.6 (2); Subsection 25.05.040.6, Figure 25.05.040.6; Subsection 25.05.170.5; Subsection 25.05.180.2, Table 25.05.180.2.2; Subsection 25.05.180.3, Table 25.05.180.3.1; Subsection 25.05.180.3, Table 25.05.180.3.2; Subsection 25.05.180.3, Table 25.05.180.3.3; Sub-sub-sub-subsection 25.05.200.1 (2)(a)(2); Subsection 25.06.060.3, Table 25.06.060.3; Sub-sub-subsection 25.06.080.9(3)(c); Sub-sub-subsection 25.06.080.9(5)(b); Sub-sub-sub-subsection 25.06.090.4(3)(b)(2); Sub-sub-subsection 25.06.090.4 (5)(b); and Sub-sub-sub-sub-subsection 25.06.090.24 (3)(a)(7)(C) of the Sioux City Municipal Code.

Section 48: Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_

Lisa L. McCardle, City Clerk

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

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 16

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

**SUBJECT:** **Hearing and ordinance vacating the east/west alley adjacent to 1008 North Irene Street. (Petitioner: Tony Courey). The Planning and Zoning Commission recommends approval of this item. (File No. 2015-0030)**

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

---

**RECOMMENDATION:**

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

Planning Commission:  
Agenda Item 2015-0030: Requested vacation of the east/west alley adjacent to 1008 North Irene Street. (Petitioner: Tory Courney)

O’Neill (Calligan) moved to recommend to the City Council approval of this item.  
Motion Carried. 5-0-1 (Yes: Ross, Krage, Calligan, Stewart, O’Neill, Beukelman / No: 0/ Abstained: Krage)

Findings of Fact:

- 1) It is the City’s policy to vacate and dispose of unneeded rights-of-way.
- 2) By vacating and disposing of the subject right-of-way, access would not be denied to property owners.
- 3) No opposing responses have been received to the notification.
- 4) The applicant’s proposal conforms to the minimum Municipal Code requirements.

Recommended Conditions of Approval:

- 1) None

**DISCUSSION:**

See Analysis

**FINANCIAL IMPACT:**

N/A

**RELATIONSHIP TO STRATEGIC PLAN:**

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

## **ALTERNATIVES:**

None.

## **ATTACHMENTS:**

Attachment A: Ordinance  
Attachment B: General Area Map  
Attachment C: Notification Map  
Attachment D: Alley View  
Attachment E: Application

## **BACKGROUND REPORT:**

The petitioner, Tony Courey, requests the vacation of the east/west alley adjacent to 1008 North Irene Street. A general area map is attached for your review.

## **ANALYSIS:**

As stated, Tony Courey is requesting to vacate the east/west alley adjacent to 1008 North Irene Street. The property at 1008 North Irene Street is a red tagged dwelling that the petitioner has bought and is working to bring up to code. The petitioner wishes to purchase the alley and add to his property. The petitioner has stated a desire to install a driveway, Staff wish to note that a driveway would be permitted if paved and leading to were a garage could be built.

The following criteria were the basis for the previously approved right-of-way vacation:

- *Cities may vacate streets and alleys but must consider the interests of the public.*  
Public notice was mailed to properties within 200 feet. No opposing responses were received.
- *Streets and alleys should not be vacated for the benefit of private persons if it will probably seriously inconvenience the public.*  
The alley appears to be primarily used to access the petitioner's property.
- *The vacation of a street or alley should not deprive the complaining property owner of convenient and reasonable access to or from his property to a substantial degree.*  
There have been no complaining property owners. The petitioner owns the property to the south and the property to the north is separated by a retaining wall.
- *The City Council must determine whether the street or alley is necessary for public use and convenience and whether they are sufficiently traveled to justify maintenance at public expense.*  
The vacation will not impact the transportation system.
- *The right to reasonable ingress and egress to abutting properties may not be totally destroyed; however, as long as one reasonable means of ingress and egress to a lot remains it is not so adversely affected.*  
The subject vacation does not eliminate access to any abutting properties.
- *Non-abutting owners have far less standing to challenge a vacation.*  
There have been no responses from non-abutting property owners.

The proposal is to only vacate the east/west alley adjacent to the petitioner's property. City Staff have observed that the remainder of the east/west and the north/south alleys also appear to not

be in use. Staff will work with the petitioner and adjacent property owners to explore vacating the remaining alleys in the block.

**EXISTING ZONING AND LAND USE:**

NC.4 ; Unimproved alley

**EXISTING ZONING REQUIREMENTS:**

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

**PROPOSED ZONING REQUIREMENTS:**

N/A

**SURROUNDING ZONING AND LAND USE:**

North: NC.4 ; Single Family Residential

South: NC.4 ; Single Family Residential

East: NC.4 ; Single Family Residential

West: NC.4 ; Single Family Residential

**DEPARTMENT COMMENTS**

No comments.

**COMPREHENSIVE PLAN:**

The 2005 Comprehensive Plan indicates this area as “Urban Residential”. “Urban Residential” is defined as older areas of higher density where infill and redevelopment are in forms and densities similar to existing urban development types and densities within these areas.

**URBAN RENEWAL / URBAN REVITALIZATION / TIF:**

The subject property is located in the Greenville / Kelly Park Urban Revite area.

**SUBAREA / CORRIDOR PLAN:**

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

**FLOOD PLAIN:**

The subject property is not located in a flood plain.

**CITIZEN RESPONSE:**

Sixteen notices were sent within the required timeframe. No responses were received.

ATTACHMENT A

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**Prepared by:** Nicole Jensen-Harris, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6318

**After recording return to:** City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

**ORDINANCE NO. 2015-\_\_\_\_\_**

ORDINANCE VACATING THE EAST/WEST ALLEY ADJACENT TO 1008  
NORTH IRENE STREET.

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

The east/west alley located adjacent to Lots F and G, Block 32 of Hornick and Skinner's Subdivision of Lots in Cole's Addition to Sioux City in the County of Woodbury and the State of Iowa. Containing an area of 2400 sq. ft. more or less;  
and

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

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

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

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

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

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

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

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

The undersigned does hereby certify the foregoing is a correct copy of Ordinance No. 2015-\_\_\_\_\_ adopted by the City Council of Sioux City on \_\_\_\_\_, 2015. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lisa L. McCardle, City Clerk

I hereby certify that a summary of the foregoing was published in the Sioux City Journal on \_\_\_\_\_.

\_\_\_\_\_  
Lisa L. McCardle, City Clerk



ORDINANCE VACATING THE EAST/WEST ALLEY ADJACENT TO 1008  
NORTH IRENE STREET.

This is a summary of Ordinance Number 2015-\_\_\_\_\_ passed by the Sioux City City Council on \_\_\_\_\_, 2015 and is effective today. A complete copy of the ordinance is available at the office of the City Clerk in City Hall, 405 6<sup>th</sup> Street, Sioux City, Iowa, Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance vacates the following described public right of way within the City of Sioux City, Woodbury County, Iowa:

The east/west alley located adjacent to Lots F and G, Block 32 of Hornick and Skinner's Subdivision of Lots in Cole's Addition to Sioux City in the County of Woodbury and the State of Iowa. Containing an area of 2400 sq. ft. more or less

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal \_\_\_\_\_, 2015.

**NOTICE OF HEARING ON PROPOSAL TO VACATE PUBLIC**

**RIGHT-OF-WAY OWNED BY CITY OF SIOUX CITY**

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

The east/west alley located adjacent to Lots F and G, Block 32 of Hornick and Skinner's Subdivision of Lots in Cole's Addition to Sioux City in the County of Woodbury and the State of Iowa. Containing an area of 2400 sq. ft. more or less

(The east/west alley adjacent to 1008 North Irene Street) (2015-0030)

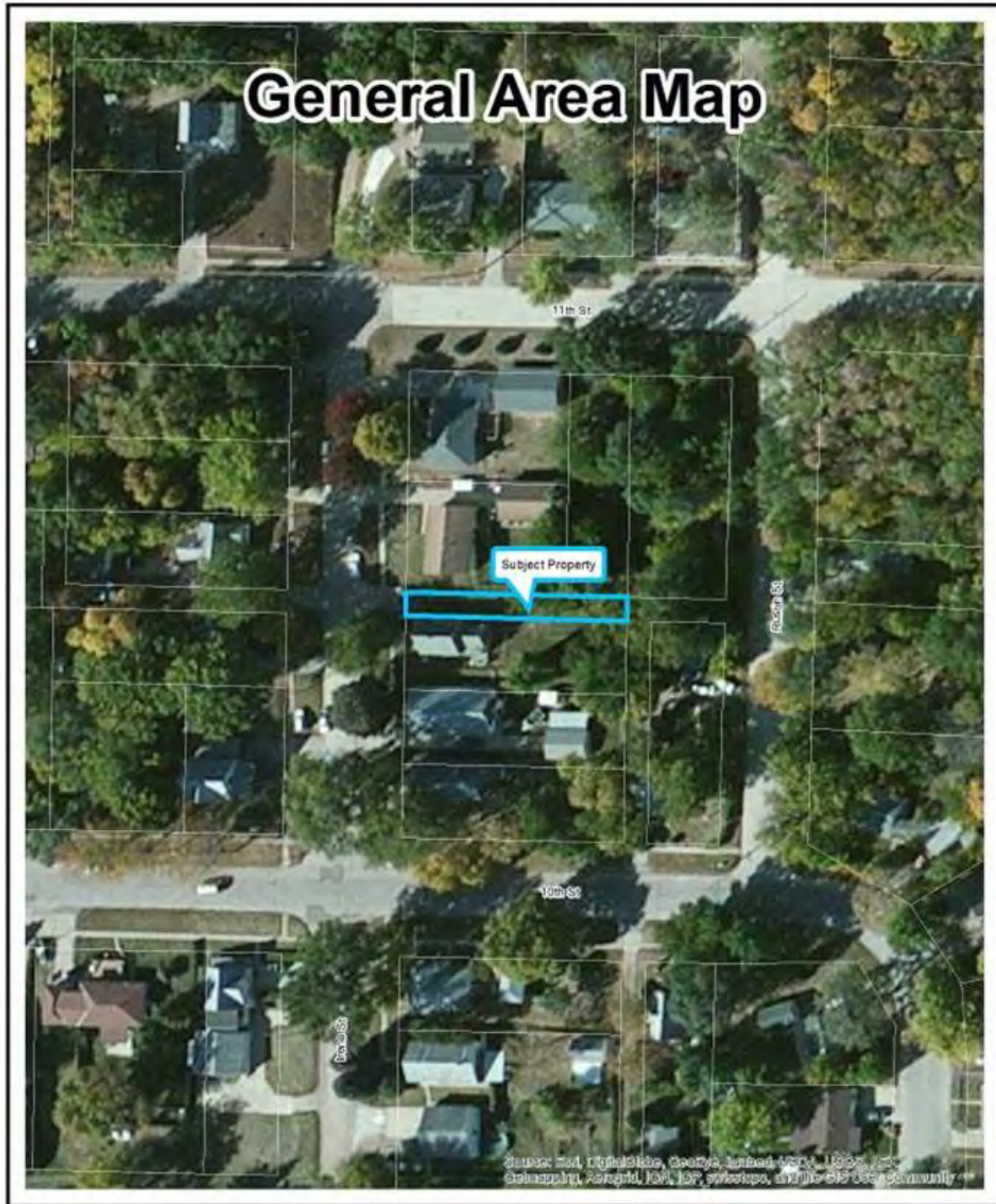
That said Ordinance and proposal to vacate said real estate will come on for final hearing and action before the City Council in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, on June 8, 2015, at the council meeting commencing at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered. At said hearing interested persons may appear and be heard for or against said proposed vacation.

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal June 1, 2015

ATTACHMENT B




**SIoux CITY**

**City of Sioux City Planning Division**

Disclaimer of Liability: Great City and Woodbury Co. GIS Services

The Customer acknowledges and understands that the information is for informational purposes only and is not intended to be used for any other purpose. The City and Woodbury Co. make no warranties or guarantees, either expressed or implied, as to the completeness, accuracy, or timeliness of the information. The information is provided "as is" and the user assumes all responsibility for its use. The information is provided "as is" and the user assumes all responsibility for its use.



GENERAL AREA MAP

ATTACHMENT C



NOTIFICATION MAP

ATTACHMENT D



PHOTO LOOKING EAST FROM IRENE STREET

ATTACHMENT E

**CITY OF SIOUX CITY**

**Applicant Profile Form**

*(Complete along with the appropriate application form)*

Planning Division  
Room 308  
405 6<sup>th</sup> Street  
P.O. Box 447  
Sioux City, IA 51102-0447



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

**PETITIONER/APPLICANT INFORMATION**

Name: Tony Conroy  
 Street Address: 4700 Old Lakeport Rd  
 City: Sioux City State: IA ZIP: 51106  
 Phone: 712 281 7707 E-mail Address: tony.conroy@gmail.com  
 Petitioner's interest in the property: Owner  Contract Buyer  Architect  Engineer  Other: \_\_\_\_\_

**PROPERTY OWNER (IF DIFFERENT)**

Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

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

**PLANNING AND ZONING DIVISION REQUESTS**

Approvals are issued by the City after compliance with the requirements of the Zoning and Sign Code is determined. A determination is made by the Planning and Zoning Commission, Board of Adjustment, Administrator, or City Council upon recommendation of City staff, Boards, or Commissions. A full list of permits and approval procedures are listed in *Subchapter 25.06-B Permits and Procedures of the Code*.

<input checked="" type="checkbox"/> Vacation	<input type="checkbox"/> Site Plan / Development Concept Plan	<input type="checkbox"/> Conditional/Limited Use Permit	<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Zoning Change	<input type="checkbox"/> Major changes to a Site/Concept Plan	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Designation of Historic Site/Landmark
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Minor Changes to a Site/Concept Plan	<input type="checkbox"/> Appeal	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Minor Modification	<input type="checkbox"/> Zoning Compliance Certificate	<input type="checkbox"/> Variance	<input type="checkbox"/> Avigation Permit
<input type="checkbox"/> Right-of-Way Encroachment	<input type="checkbox"/> Sign Design Program		<input type="checkbox"/> Interchange Development
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Interpretation		<input type="checkbox"/> Preliminary/Final Plat

**SIGNATURE**

Owner/Petitioner's Signature:  Application Date: 4-23-15

\*For additional assistance please contact the City Planning and Zoning Division either before or after submission of the application. A copy of the entire Sioux City Zoning and Sign Code is available in the Planning Division office or under Title 25 online at: <http://online.encodeplus.com/regis/siouxcity-ia/index.aspx>. See *Subsection 25.06.079* for the complete review procedures.

For Office Use Only

File Number: **15-030**

Staff Reviewer:

APPLICATION

**CITY OF SIOUX CITY**

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

Planning Division  
Room 308  
405 6th Street  
P.O. Box 447  
Sioux City, IA 51102-0447



**SUBJECT PROPERTY INFORMATION**

Owner: Tony Courey  
Street Address: 1008 N Irene  
Zoning District: NC4 Lot Area: 2400  
Existing Use: 1008 N Irene N Parking

**REQUEST**

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

**WRITTEN STATEMENT OF REQUEST**

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

Add yard space

**INFORMATION CHECKLIST**

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

**SIGNATURE**

Owner/Petitioner's Signature:

Application Date: 4-28-15

\*For additional assistance please contact the City Planning and Zoning Division either before or after submission of the application. A copy of the entire Sioux City Zoning and Sign Code is available in the Planning Division office or under Title 25 online at: <http://online.encodeplus.com/regs/sioux-city-ia/index.aspx>

For Office Use Only

File Number:

Staff Reviewer:

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 17

**FROM:** Justin Vondrak, Assistant City Attorney

**SUBJECT:** Resolution accepting the work and authorizing final payment to Lan-Tel Communication Services, Inc. for the Downtown Traffic Control System Rehabilitation – Fiber Network and Traffic Signal Cabinets Project in connection with a judgment rendered in Case Number LACV 151360, Barger Construction, Inc. vs. Lan-Tel Communications Services, Inc. and City of Sioux City

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

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**RECOMMENDATION:**

Staff respectfully requests the Council approve a resolution accepting the work and authorizing final payment to Lan-Tel Communications Services, Inc. for work performed and retainage held in the construction of the Downtown Traffic Control System Rehabilitation – Fiber Network and Traffic Signal Cabinets Project

**DISCUSSION:**

On October 19, 2009, the City entered into a contract with Lan-Tel Communication Services, Inc. for the construction of the Downtown Traffic Control System Rehabilitation – Fiber Network and Traffic Signal Cabinets Project. Lan-Tel Communication Services, Inc. in turn entered into a subcontract with Barger Construction, Inc. on April 14, 2010 in connection with items related to sidewalk, PCC 6 inches, pavement PCC 8 inches, concrete pad, cabinet footings and removal of handhole, which items were bid on a unit price and not on a lump sum basis. Lan-Tel Communication Services, Inc. also entered into a subcontract with Hopkins Cable, L.P. on or about April, 2010 in connection with items related to the installation of fiber optic cables in connection with the project.

On October 22, 2012, Barger Construction, Inc. filed a Petition seeking judgment for damages against Lan-Tel Communication Services, Inc. and the City of Sioux City, Case No. LACV 151360. On November 6, 2013, a Findings of Fact, Conclusion of Law and Decree in Case No. LACV 151360 was entered by the Court in which the Court found that effective with the filing of the Decree that the project has been completed and accepted and the City was to pay a judgment of indemnity to Lan-Tel Communications Services, Inc. in the amount of \$23,275.00 plus interest and court costs. Said judgment of indemnity was approved by the City Council on January 6, 2014, pursuant to Resolution No. 2014-0007.

On December 26, 2013, Hopkins Cable, L.P. filed a Petition seeking judgment for damages against Lan-Tel Communication Services, Inc. and the City of Sioux City, Case No. LACV



158210.

On April 8, 2015, the Woodbury County District Court granted a judgment in favor of Hopkins Cable, L.P., against Lan-Tel Communications Services, Inc. The City of Sioux City was dismissed from the case at the close of Plaintiff's evidence.

On May 5, 2015, a Findings of Fact, Conclusion of Law and Decree in Case No. LACV 158210 was entered by the Court. The City was granted a directed verdict at the close of evidence by Hopkins Cable, L.P. based upon a lack of any evidence introduced establishing a claim against the City.

Under the Court's previous ruling in Case No. LACV151360, the City of Sioux City shall pay to Lan-Tel Communications Services, Inc. the retainage of \$99,463.88 plus interest at the legal rate from 60 days from November 6, 2013 per Iowa Code Section 573.14 so long as no additional claims were filed under Section 573. The lawsuit filed by Hopkins Cable, L.P. stayed this ruling until final resolution. Judgment now having been rendered in that case, the City is now obligated to release the retainage and amount due pursuant to the Court's previous ruling in Case No. LACV151360.

**FINANCIAL IMPACT:**

This project is included in the current CIP Project No. 139-009, "City Traffic Control System".

Payment to Lan-Tel Communications Services, Inc. in the amount of \$99,463.88 plus interest as awarded by the Court.

**RELATIONSHIP TO STRATEGIC PLAN:**

This action supports the Strategic Plan by improving the quality and accessibility of our infrastructure and transportation system for people and products.

**ALTERNATIVES:**

NA

**ATTACHMENTS:**

Resolution

**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION ACCEPTING THE WORK AND AUTHORIZING FINAL PAYMENT TO LAN-TEL COMMUNICATION SERVICES, INC. FOR THE DOWNTOWN TRAFFIC CONTROL SYSTEM REHABILITATION – FIBER NETWORK AND TRAFFIC SIGNAL CABINETS PROJECT IN CONNECTION WITH A JUDGMENT RENDERED IN CASE NUMBER LACV 151360, BARGER CONSTRUCTION, INC. VS. LAN-TEL COMMUNICATIONS SERVICES, INC. AND CITY OF SIOUX CITY

WHEREAS, on October 19, 2009, Sioux City, Iowa, entered into a contract with Lan-Tel Communication Services, Inc. for the construction of the Downtown Traffic Control System Rehabilitation – Fiber Network and Traffic Signal Cabinets Project ("the project") within the City as therein described; and

WHEREAS, Lan-Tel Communication Services, Inc. in turn entered into a subcontract with Barger Construction, Inc. on April 14, 2010 in connection with items related to sidewalk, PCC 6 inches, pavement PCC 8 inches, concrete pad, cabinet footings and removal of handhole, which items were bid on a unit price and not on a lump sum basis; and

WHEREAS, Lan-Tel Communication Services, Inc. also entered into a subcontract with Hopkins Cable, L.P. on or about April, 2010 in connection with items related to the installation of fiber optic cables in connection with the project; and

WHEREAS, on October 22, 2012, Barger Construction, Inc. filed a Petition seeking judgment for damages against Lan-Tel Communication Services, Inc. and the City of Sioux City, Case No. LACV 151360; and

WHEREAS, on November 6, 2013, a Findings of Fact, Conclusion of Law and Decree in Case No. LACV 151360 was entered by the Court, a copy of said Findings of Fact, Conclusion of Law and Decree is attached hereto and by this reference made a part hereof; and

WHEREAS, pursuant to said Findings of Fact, Conclusion of Law and Decree in Case No. LACV 151360, the City of Sioux City paid a judgment of indemnity to Lan-Tel Communications Services, Inc. in said amount of \$23,275.00 plus interest and court costs on January 6, 2014, pursuant to Resolution No. 2014-0007, and

WHEREAS, on December 26, 2013, Hopkins Cable, L.P. filed a Petition seeking judgment for damages against Lan-Tel Communication Services, Inc. and the City of Sioux City, Case No. LACV 158210; and

WHEREAS, on May 5, 2015, a Findings of Fact, Conclusion of Law and Decree in Case No. LACV 158210 was entered by the Court, a copy of said Findings of Fact, Conclusion of Law and Decree is attached hereto and by this reference made a part hereof; and

WHEREAS, in Case No. LACV 158210, the City of Sioux City was granted a directed verdict at the close of evidence by Hopkins Cable, L.P. based upon a lack of any evidence introduced establishing a claim against the City of Sioux City; and

WHEREAS, no other claims have been brought forth in connection with the project under Iowa Code Section 573; and

WHEREAS, pursuant to the Findings of Fact, Conclusion of Law and Decree in Case No. LACV 151360, the project has been completed and accepted effective with the filing of said Decree and Lan-Tel Communication Services, Inc. is entitled to final payment, providing no liens have been filed against the work and no claims under Iowa Code Section 573 remain.

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

- A. That pursuant to the Findings of Fact, Conclusion of Law and Decree filed November 6, 2013 in Case No. LACV 151360, Barger Construction, Inc. vs. Lan-Tel Communications Services, Inc. and City of Sioux City, the project is hereby approved and accepted as having been completed.
- B. The Director of Finance be, and she is hereby authorized and directed to issue a check in the amount of \$99,463.88 plus interest at the legal rate from 60 days from November 6, 2013 provided there are no liens or claims against retainage on file, payable from the appropriate fund in favor of Lan-Tel Communications Services Inc. for the construction of the project.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

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

**MEETING DATE:** June 8, 2015 **ACTION ITEM #** 18 & 19  
Marty Dougherty, Economic Development  
**FROM:** Nicole Jensen, City Attorney  
Amber Hegarty, Assistant City Attorney

**SUBJECT:** Resolution approving an Agreement to Terminate Development Agreement with Semper Floyd, LLC for property known as Lot 1 of Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa.

Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Northern Valley Associates, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (Lot 1 of Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa)

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<b>Reviewed By:</b>	<input checked="" type="checkbox"/> Department Director	<input checked="" type="checkbox"/> Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
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**RECOMMENDATION:**  
Staff respectfully requests approval of the above resolution.

**DISCUSSION:**  
**Background**  
The City Council has previously approved the development of the City-owned 29-acre Northern Valley Crossing site located near the intersection of Outer Drive and Floyd Boulevard. Several streets and utilities have been constructed and the first commercial project, Pizza Ranch, successfully opened in December 2013.

The lot immediately north of Pizza Ranch has received considerable interest and the City had previously approved an agreement with Semper Floyd, LLC for development of the parcel. Due to changes at the corporate level, Walgreens has delayed the construction of any new stores in the United States and, as a result, the Developer has indicated the planned project is unlikely to proceed for some time. The City has received an alternative offer for the parcel for the construction of a new multi-tenant commercial center and staff recommends the previous agreement be terminated in order to proceed with the alternative offer.

Approval of the above resolutions will terminate the existing agreement with Semper Floyd, LLC and initiate the mandatory 30-day notice period for the sale of City-owned property in an urban renewal area. Staff will present a development agreement for Council consideration upon completion of the notice period on July 13, 2015. The Northern Valley Associates

("NVA") project proposal is attached.

**Development Proposal** *As a part of the proposed agreement NVA will agree to:*

- Purchase the 1.58 acre (68,800 SF) site from the City for \$7.00/SF (\$481,600).
- Construct a new commercial/retail building with a minimum of 10,800 square feet.
- Enter into a negotiated minimum assessment agreement with a minimum assessed value of at least \$1,000,000.
- Submit a site plan for approval within the City's Zoning and Sign Code and that meets the new Development Design Standards. Plan will include four finished sides with approved building materials, and permitted uses and sign plan.

*The City will agree to:*

- Convey and transfer title of approximately 1.58 acres to NVA for \$7.00/SF.
- The City has previously constructed access streets and off-site city utilities to serve the site.

**FINANCIAL IMPACT:**

The City will receive the proceeds of the sale of the parcel (\$481,600) and in addition will receive property tax revenue generated by the construction of taxable improvements on the developed property. The City has previously constructed improvements as part of the Northern Valley Crossing development.

**RELATIONSHIP TO STRATEGIC PLAN:**

*To expand development opportunities, develop the resources to support economic growth, and develop new business sites.*

**ALTERNATIVES:**

None Recommended

**ATTACHMENTS:**

Resolution terminating the Development Agreement with Semper Floyd, LLC  
Agreement to Terminate Development Agreement  
Resolution announcing the intent to accept the proposal of Northern Valley Associates  
Project Proposal  
Project Map

**RESOLUTION NO. 2015- \_\_\_\_\_**  
with attachments

RESOLUTION APPROVING AN AGREEMENT TO TERMINATE DEVELOPMENT AGREEMENT WITH SEMPER FLOYD, LLC FOR PROPERTY KNOWN AS LOT 1 OF NORTHERN VALLEY CROSSING, SECOND FILING, AN ADDITION TO SIOUX CITY, WOODBURY COUNTY, IOWA.

WHEREAS, the City of Sioux City, Iowa and Semper Floyd, LLC entered into a Development Agreement dated September 23, 2013 for property known as Lot 1 of Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa pursuant to Resolution No. 2013-0741 passed and approved on September 23, 2013; and

WHEREAS, the Parties now desire to terminate said Development Agreement; and

WHEREAS, there is attached hereto and by this reference made apart hereof a copy of the Agreement to Terminate Development Agreement which should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Agreement to Terminate Development Agreement by and between the City of Sioux City, Iowa and Semper Floyd, LLC be and the same is hereby approved and the Mayor and City Clerk be and they are hereby authorized and directed to execute said Agreement for and on behalf of the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

**AGREEMENT TO TERMINATE DEVELOPMENT AGREEMENT**

This agreement is entered into on the 24 day of June, 2015, by the City of Sioux City, Iowa, a municipality ("City") and Semper Floyd, LLC, an Iowa limited liability company ("Developer")

**RECITALS**

The parties entered into a Development Agreement dated September 23, 2013 for the sale of property owned by the City to the Developer and the commercial development of the same property by the Developer. On May 19, 2015, the City served a Notice of Default and Right to Cure upon the Developer.

THEREFORE, IT IS AGREED AS FOLLOWS:

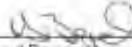
1. The Development Agreement by and between the City and the Developer dated September 23, 2013 is hereby terminated by mutual consent.
2. This Agreement covers the following described property:  

Lot 1 of Northern Valley Crossing, Second Filing, an addition to Sioux City, Woodbury County, Iowa
3. The Developer waives its right under Section 10.2 of the Development Agreement to a thirty (30) day right to cure any of its defaults under the Development Agreement.
4. This Termination Agreement shall be effective upon signature by both parties.

City of Sioux City, Iowa

Semper Floyd, LLC

By: \_\_\_\_\_  
Robert E. Scott, Mayor

By:  \_\_\_\_\_  
Howard Bergerud, President

Attest:

By: \_\_\_\_\_  
Lisa L. McCordle, City Clerk

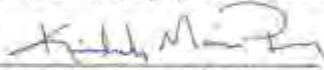
STATE OF IOWA                    )  
  ) SS  
COUNTY OF WOODBURY        )

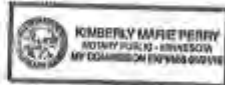
On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me a Notary Public in and for said State, personally appeared Robert E. Scott and Lisa L. McCardle, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Sioux City, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

STATE OF MINNESOTA        )  
  ) SS  
COUNTY OF HENNEPIN        )

On this 2nd day of June, 2015, before me the undersigned a Notary Public in and for said State, personally appeared, Howard Bergerud to me personally known, who, being by me duly sworn, did say that he is the manager of Semper Floyd, LLC, and that said instrument was signed on behalf of said company, and that the said manager as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it voluntarily executed.

  
\_\_\_\_\_  
Notary Public in and for the State of Minnesota





**RESOLUTION NO. 2015-\_\_\_\_\_**  
with attachments

RESOLUTION INVITING PROPOSALS FOR THE SALE OF LAND IN THE COMBINED FLOYD RIVER URBAN RENEWAL AREA, ANNOUNCING THE INTENT TO ACCEPT THE PROPOSAL OF NORTHERN VALLEY ASSOCIATES, FIXING THE DATE FOR RECEIPT OF PROPOSALS, AND FOR PUBLIC HEARING AND PROVIDING FOR NOTICE THEREOF. (LOT 1 OF NORTHERN VALLEY CROSSING, SECOND FILING, AN ADDITION TO SIOUX CITY, WOODBURY COUNTY, IOWA)

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

WHEREAS, Northern Valley Associates have submitted to the City a proposal to purchase the project area described as follows:

Lot 1, Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa,

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

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

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

WHEREAS, the City wishes to announce its intent to accept the proposal of Northern Valley Associates in the absence of any more favorable offer in response to the invitation made herein; and

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

WHEREAS, any additional proposals should be submitted to the Economic Development Department, Room 206, City Hall, 405 Sixth Street, Sioux City, Iowa, by 1:00 p.m., local time, July 13, 2015; and

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

Quality of the Proposed Development:

- (1) The total cost of the proposed project.
- (2) The types of materials to be used in the construction of the project.
- (3) Overall project amenities.

Economic Feasibility of the Proposed Development:

- (1) The economic return to the City provided by the proposed development, including but not limited to, the amount of revenue generated for the City, the property and sales taxes to be generated, the number of jobs provided, and the encouragement of related development in the area.
- (2) The ability of the prospective developer to finance and timely complete the project as proposed, including any contingencies on such performance.
- (3) The financial impact of the proposed development upon the City's operating budget and capital improvement plan, particularly as it related to the construction and maintenance of any required public improvements; and

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

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

BE IT FURTHER RESOLVED that the City hereby announces and fixes a public hearing on said proposal on July 13, 2015, at the regularly scheduled council meeting and fixes the date of July 13, 2015 at 1:00 p.m., local time, as the last day upon which proposals can be received by the City.

PASSED AND APPROVED: June 8, 2015

\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

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

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

Lot 1, Northern Valley Crossing, Second Filing, an Addition to Sioux City, Woodbury County, Iowa

Full information as to the form and content of bid documents, requirements to be met by bidders, and as to bidding procedures is available at the Economic Development Department, Room 206, City Hall, 405 Sixth Street, Sioux City, Iowa.

Any person interested in purchasing said real estate should submit a completed proposal to the Economic Development Department, Room 206, City Hall, 405 Sixth Street, Sioux City, Iowa no later than 1:00 p.m., local time, on July 13, 2015.

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

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

Quality of the Proposed Development:

- (1) The total cost of the proposed project.
- (2) The types of materials to be used in the construction of the project.
- (3) Overall project amenities.

Economic Feasibility of the Proposed Development:

- (1) The economic return to the City provided by the proposed development, including but not limited to, the amount of revenue generated for the City, the property and sales taxes to be generated, the number of jobs provided, and the encouragement of related development in the area.
- (2) The ability of the prospective developer to finance and timely complete the project as proposed, including any contingencies on such performance.
- (3) The financial impact of the proposed development upon the City's operating budget and capital improvement plan, particularly as it related to the construction and maintenance of any required public improvements.

A public hearing will be held concerning any qualified proposals received and concerning the acceptance of the proposal as submitted by Northern Valley Associates for the purchase of said property. Said public hearing will be at the regularly scheduled city council meeting in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on July 13, 2015, at 4:00 p.m., local time, or as soon thereafter as the matter can be reached for hearing.

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

CITY OF SIOUX CITY, IOWA

BY: LISA L. MCCARDLE  
CITY CLERK

Published in the Sioux City Journal June 13, 2015.

June 3, 2015

Dick Salem  
Northern Valley Associates, LLC  
302 Jones Street, Suite 100  
Sioux City, IA 51101

RE: Letter of Understanding – Northern Valley Crossing

Dear Mr. Salem:

This letter is to serve as a "Letter of Understanding" to establish the commitments made by each party regarding the sale of land and construction of a commercial/retail building in the Northern Valley Crossing located near the intersection of Floyd Boulevard and Outer Drive in Sioux City, Iowa (the "Development"). This Letter of Understanding is intended to provide clarification of the terms and parameters of the Development and to ensure that both parties are proceeding according to a mutually-agreed set of expectations to avoid any miscommunication and maintain a development process free from delays.

Under the terms of this Letter of Understanding, the City of Sioux City, Iowa ("City"), which owns the subject real estate and Northern Valley Associates, LLC ("NVA"), which proposes to purchase and develop the subject real estate, will negotiate and intend to enter into a development agreement and minimum assessment agreement.

To assist NVA with its Development, the City commits the following:

- A. The City will sell to NVA property legally described as Lot 1 of Northern Valley Crossing, Second Filing, an addition to Sioux City, Woodbury County, Iowa. Said parcel is approximately 1.58 acres (68,800 square feet) in size ("Development Property"). NVA will pay City \$7 per square foot or a total of \$481,600 for the property.
- B. The City has previously constructed a section of Northern Valley Place along the south property line as well as a section of Northern Valley Drive along the east property line, with available utilities that will support the development of the site.


NVA agrees to the following commitments in return for the City's full performance of the commitments outlined above:

- A. NVA commits to construct a commercial/retail building initially containing a minimum of 10,800 square feet. Said construction will begin no later than September 1, 2015 and be completed no later than December 31, 2015.

- B. NVA will pay to the City \$7 per square foot or a total of \$481,600 for the development property.
- C. NVA will commit to enter into a negotiated minimum assessment agreement with a minimum assessed valuation equaling at least \$1,000,000 on the Development Property.
- D. To assist the City in compliance with Iowa Urban Renewal and Tax Increment Financing Laws, Developer shall determine and provide to the City an estimated the number of Full Time Equivalents to be employed at the Development Property when fully developed. NVA will also make its best efforts to lease at least 50% of the available space to new businesses.
- E. Both the City and NVA recognize the intent to further develop the entire Northern Valley Crossing area into a quality commercial development. NVA will submit a plan for approval to construct the improvements on the Development Property within the current zoning classification on the site and within the City's Zoning and Sign Code, including incorporating the City's Development Design Standards. These requirements include buildings with four finished sides using approved building materials. NVA and the City will mutually agree to plan for permitted uses and a sign plan for the development site.

Both parties recognize that all commitments made in this Letter of Understanding are non-binding and done so for the express purpose of allowing preliminary steps and work on this Development to proceed under a shared understanding of the parameters of the project and is contingent upon execution of all necessary documents and final approval of these documents by the Sioux City City Council.

  
Robert Padmore  
City Manager  
City of Sioux City

  
Richard J. Salem  
Managing Member  
Northern Valley Associates, LLC

# Northern Valley Crossing



## City of Sioux City Planning Division

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

