



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.siox-city.org.

You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held April 3, 2017, 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. Events Facilities Advisory Board - Doug Strohbeen and Theresa Brehm
 - B. Human Rights Commission - Tracy Winters
 - C. Senior Advisory Committee - Daniel Burrows

CONSENT AGENDA

Items 3 through 8B 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 March 27, 2017. ([Regular](#), [Closed](#))
4. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS
 - A. [GRUNDMAN-HICKS](#) - Resolution awarding a contract to Grundman-Hicks, LLC of Cherokee, Iowa in the amount of \$470,000 for the Half Moon Booster Station Facility Improvements Project. (Project No. 519-132)

- B. ELECTRIC - Resolution granting a permit to Electric Innovations to own, operate and maintain underground cable commencing at the Jones Street entrance driveway of 623 Jennings Street, then west across Jones Street, then north for approximately 200 feet to the northwest corner of 7th Street and Jones Street, then west for 360 feet to the south side of 701 Jackson Street.
- C. FIBERCOMM - Resolution granting a permit to FiberComm to own, operate and maintain underground cable from the northwest corner of the intersection of Indiana Avenue and Morningside Avenue, then west along Indiana Avenue, then north along South Rustin Street, then west along Marshall Avenue, then south along South Fairmount Street, then east along Macomb Avenue, then south along South Helen Street, then east along Stone Avenue, to the southwest corner of South Paxton Street and Stone Avenue.
- D. FIBERCOMM - Resolution granting a permit to FiberComm to own, operate and maintain underground cable commencing at the northeast corner of the alley intersection of 8th Street between Douglas Street and Pierce Street, along 8th Street where it exits the right-of-way at 605 8th Street, then resume in public right-of-way on Nebraska Street north of 8th Street, then cross west on Nebraska Street, then west along the alley, between 8th Street and 9th Street to the southwest corner of the alley intersection between Pierce Street and Nebraska Street.

5. ACTIONS RELATING TO PROPERTY

- A. MOTOROLA - Resolution proposing to sublease a portion of space on the Public Safety Communications Tower located at 3430 West 23rd Street to Motorola Solutions, Inc for installation, operation and maintenance of a communication system and authorizing and directing publication of notice to sublease such real estate.
- B. OUTER DRIVE - Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Peace Reformed Church Reformed Church of America, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (A portion of vacated Outer Drive abutting property at 4100 Outer Drive)

6. PURCHASING

- A. HAWKINS - Resolution awarding a purchase order to Hawkins, Inc in the amount of \$3.18 per pound for the purchase of potassium permanganate for the Water Treatment Plant. (Bid No. 244158)
- B. HYCHEM - Resolution awarding a purchase order to Hychem, Inc, in the amount of \$2.96 per gallon for the purchase of coagulant (PACL) for the Water Treatment Plant. (Bid No. 244152)
- C. CARUS - Resolution awarding a purchase order to Carus Corporation in the amount of \$.77 per pound for the purchase of sodium permanganate for the Water Treatment Plant. (Bid No. 244150)

7. APPLICATIONS FOR BEER AND LIQUOR LICENSES

A. ON-PREMISE SALES

1. CLASS A LIQUOR LICENSE (Private Club, no carry-out)
 - A. Sioux City Country Club, 4001 Jackson Street (Renewal)
2. CLASS C LIQUOR LICENSE (Commercial, carry-out beer, wine coolers)
 - A. Buffalo Wild Wings, 5001 Sergeant Road (Renewal)
 - B. McCarthy and Bailey's, 417-423 Pearl Street (Renewal)
 - C. Whispering Creek Golf Course, 6500 Whispering Creek Drive (Renewal)
3. CLASS B BEER PERMIT (includes wine coolers, carry-out)
 - A. Floyd Slow Pitch Softball, 2500 Chautauqua Drive (New)
(April 6-11, 2017 New 5 Day) (April 20-October 20, 2017 New 6 Month)

B. OFF PREMISE SALES

1. CLASS C BEER PERMIT (includes wine coolers)
 - A. Casey's General Store #2608, 1132 Lewis Boulevard (Renewal)
 - B. Casey's General Store #2275, 1000 Riverside Boulevard (Renewal)
 - C. Pronto Express, 1800 Highway 75 North (Renewal)
2. CLASS B WINE PERMIT
 - A. McCarthy and Bailey's, 417-423 Pearl Street (Renewal)
3. CLASS B NATIVE WINE PERMIT (Iowa wine only)
 - A. Casey's General Store #2608, 1132 Lewis Boulevard (Renewal)

8. BOARD, COMMISSION AND COMMITTEE MINUTES

- A. Events Facilities Advisory Board - January 27, 2017
- B. Library Board of Trustees - March 15, 2017

- End of Consent Agenda -

HEARINGS

9. Hearing and Resolution instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$475,000 Sewer Revenue Capital Loan Notes.
10. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for the proposed construction of the Interior Remodel - Long Lines Recreation Center Auditorium Space Project. (Project No. 459-102)
11. Hearing and Resolution withdrawing the civil penalty of \$300 against Kum & Go LLC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa for violation of the Iowa cigarette laws pursuant to Iowa Code Section 453A.22(3).
12. Hearing and Resolution assessing a civil penalty of \$300 against Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.

13. Hearing and Resolution approving proposal to sell certain real property and authorizing a city deed. (That part of vacated 37th Street abutting 3700 Grandview Boulevard) (Petitioner: Eufrazio Taracena and Connie K. Taracena) (Purchase price: \$1,682.50 plus costs)
14. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for construction of the Promenade Improvement Project. (Project No. 549-021)
15. Hearing and Resolution accepting the proposal of Midnight, LLC for the purchase of certain land in the Combined Central Sioux City - CBD Urban Renewal Area, and authorizing and approving a development agreement. (Property located in the 300 block of Wesley Parkway)

ORDINANCES

16. Resolution adopting the 2017 First Quarter Supplement to the Sioux City Municipal Code covering ordinances through Ordinance No. 2017-0293.
17. Ordinance amending Chapter 1.01 entitled "Code Adoption" of the Sioux City Municipal Code to provide for the adoption of the municipal code.

DISCUSSION

18. Resolution approving a Development Agreement with Clayton Creek, LLC for a rural residential development located at 701 South Roswell Street and 801 South Roswell Street and authorizing the execution thereof. **(Deferred from March 27, 2017)**
19. Resolution awarding and approving a contract with ESA, Inc of North Sioux City, South Dakota in the amount of \$125,248 for asbestos abatement in the Southeast Balcony Area of the Long Lines Family Recreation Center. (401 Gordon Drive) **(Deferred from March 27, 2017)**
20. Resolution awarding a Service Provider Agreement to Thompson Electric Company of Sioux City, Iowa in the amount of \$27,800 for a portion of the City-Wide Arc Flash Study.
21. Resolution awarding a Service Provider Agreement to West Plains Engineering, Inc. of Sioux Falls, South Dakota in the amount of \$140,930 for a portion of the City-Wide Arc Flash Study.
22. Resolution approving a Development Agreement with Black and Blue Development, LLC for a residential development in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill and authorizing the execution thereof.

PRESENTATION

23. Reinvestment District Presentation

24. CITIZEN CONCERNS

25. COUNCIL CONCERNS

26. ADJOURNMENT

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

The City of Sioux City does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Individuals who need auxiliary aids for effective communication in programs and services of the City of Sioux City are invited to make their needs and preferences known to the ADA Compliance Officer, City Hall, 405 6th Street, Room 204, (712) 279-6259. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

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☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 2

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

SUBJECT: Interviews for City Council appointed Boards, Commissions and Committees:
Events Facilities Advisory Board: Doug Strohbeen, Theresa Brehm
Human Rights Commission: Tracy Winters
Senior Advisory Committee: Daniel Burrows

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

RECOMMENDATION:

Staff respectfully requests that Council interview the applicants listed for vacant positions on the applicable Board, Commission or Committee.

DISCUSSION:

Events Facilities Advisory Board - currently 1 vacant position.

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

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

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

Events Facilities Advisory Board				
1 Vacancies:	NAME	Vacancy Information		EXPIRES
	Alex Watters	Resigned 02/26/17		
11 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
	Irving Jensen, Jr (Orpheum Rep)			
	John Meyers (Orpheum Rep)			
	Bruce Miller (Media Rep)			
	Zena Berenstein	3rd	07/07/14	06/30/17
	Dave Madsen	1st	07/07/14	06/30/17
	Earl Miller	1st	09/15/14	06/30/17
	Eric Hoak	2nd	07/06/15	06/30/18
	Tim Seaman	3rd	07/06/15	06/30/18
	Tom Padgett	1st	07/06/15	06/30/18

	Todd Moyer	1st	08/08/16	06/30/19
	Alex Watters	1st	08/08/16	06/30/19
8 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Miles Patton Jr	04/15/16	06/06/16 03/27/17	10/15/17
	Heidi Connelly	02/22/17	06/06/16 04/10/17	08/22/18
	Robert Sabel	05/23/16	*Contact with next vacancy	11/23/17
	Theresa Brehm	05/23/16	06/13/16 04/03/17	11/23/17
	Lila Plambeck	06/28/16	07/11/16 03/27/17	12/28/17
	Kent Kolbe	10/24/16	03/27/17	04/24/18
	Doug Strohbeen	03/15/17	04/03/17	09/15/18
	Kevin Kjeldseth	03/21/17	03/27/17	09/21/18

Human Rights Commission - currently 1 vacant position.

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

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

Human Rights Commission				
Human Rights Commission must be Gender Balanced				
1 Vacancy:	NAME	Vacancy Information		EXPIRES
	Jeremy Pigg	Resigned 02/03/17		06/30/17
11 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
	Jeremy Pigg	Partial	02/08/16	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
	Julie Berens	1st	08/03/15	06/30/18
	Jean Graham	1st	08/03/15	06/30/18
	Manuel Calamanco	Partial	10/24/16	06/30/18
	Scott Raasch	2nd	07/18/16	06/30/19
	James Anderson	2nd	07/18/16	06/30/19
	Tracy Everett	1st	07/18/16	06/30/19
	Patricia "Sue" Hartwell	1st	07/18/16	06/30/19
5 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Michael Schmitz-Hahn	01/13/16	01/25/16 No interview this time	07/13/17
	Hilda Pereda	05/16/16	06/20/16	11/16/17
	Tracy Winters	06/30/16	07/11/16 04/03/17	12/30/17
	Jay Rosenberg	03/15/17		09/15/18
	Rev Richard Moore	03/24/17	04/10/17	09/24/18

Senior Advisory Committee - currently 7 vacant positions on the newly-formed Committee.

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

Below is a portion of the Vacancy Report pertinent to the **Senior Advisory Committee**

Senior Advisory Committee				
7 Vacancies:	NAME	Vacancy Information		EXPIRES
7 Members:	NAME	TERM (3 Year)	APPOINTMENT	EXPIRES
				12/31/19
				12/31/19
				12/31/20
				12/31/20
				12/31/20
				12/31/21
				12/31/21
4 Applications:	NAME	Application Received	Interview date/Notes	App Expires
	Ann E. Brodersen	03/13/17	03/27/17	09/13/18
	Neil Peck	03/13/17	03/27/17	09/13/18
	Daniel Burrows	03/13/17	04/03/17	09/13/18
	James Chartier	03/17/17	03/27/17	09/17/18

FINANCIAL IMPACT:

None.

RELATIONSHIP TO STRATEGIC PLAN:

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

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

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

ALTERNATIVES:

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

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

ATTACHMENTS:

Applications



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

CITY OF SIOUX CITY

15 MAR '17 AM 10:37

CITY CLERKS OFFICE

Date 3/15/17

BOARD, COMMISSION or COMMITTEE: EVENTS FACILITIES ADVISORY BOARD

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. This affects and includes Civil Service Commission, Human Rights Commission, Library Board of Trustees, and Planning and Zoning Commission.

GENERAL INFORMATION

Name Doug Strohbeen Phone Residence 605-366-2024

Home Address 2011 Seneca Way Sioux City, Ia 51104
Street City/State Zip

E-Mail Address doug.4714@msn.com

Employer Washington Nat'l Ins Co Phone Business 605-366-2024

Business Address 2011 Seneca Way 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? 67

Are you a registered voter? Yes ☒ No ☐

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

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

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

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

Yes ☐ No ☒ If yes list here: _____

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

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:

Past President Habitat for Humanity, River-Cade Commodore, Past local, state and Regional President of Exchanges Club, Past President of Augustana Lutheran Church. I have been involved in ~~marketing~~ marketing all my life starting with Marketing Club Pres. in college.

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

I am a lifelong resident of Sioux City. I have served our City as a volunteer ~~over~~ over the years. My service in the recent past has been limited due to my travel requirements in my job and I was self-employed. I am now retired and eager to help our tourism opportunities grow.

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

None

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

Name: Jeremy Craighead

Address: 3818 Cheyenne Blvd

Sioux City, Ia 51104

Phone: 712-253-2668

Name: David Sen

Address: 2035 Seneca Way

Sioux City, Ia 51104

Phone: 712-560-2228

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 ☐

Douglas R. Stuthman
Signature

Date 3/15/17

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



City of Sioux City
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.

Have attended various events at all facilities except Tourism Bureau

2. Have you ever worked in the field of events or entertainment or a similar field? Explain the benefits of your experience.

Was Commodore for RiverCade in 1991

3. Do you have specific ideas for improvements or future projects for the Event Facilities Advisory Board?

I believe we need to actively bring a wide venue of opportunities for the people of Siouxland. We have become a Regional Draw and we need to build on that opportunity

4. The Event Facilities Advisory Board is advisory in nature, what do you see your role as being if appointed?

Help in procuring entertainment & convention bookings to Sioux City.

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)

Glen R. Stutken

Signature

3/15/17

Date



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

CITY OF SIOUX CITY
26 MAY '16 AM 9:26
CITY CLERKS OFFICE

Date 5/23/16

BOARD, COMMISSION or COMMITTEE: EVENTS FACILITIES ADVISORY BOARD

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

GENERAL INFORMATION

Name Theresa Brehm Phone Residence 712-251-5138
Home Address 4021 Van Buren St Sioux City, IA 51108
Street City/State Zip
E-Mail Address theresa.brehm@gmail.com
Employer Girl Scouts of Greater Iowa Phone Business 712-255-0187
Business Address 1515 Zenith Dr. Sioux City, IA 51108
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? 8
Are you a registered voter? Yes ☒ No ☐
Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? Yes ☒ No ☐ (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

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

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

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

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

While I was a student at Briar Cliff University I was involved with our campus activities board and was the President of Alverno Hall from 2003-04.

In my professional career I've been on many committees for planning different events for the Girl Scout volunteers we serve and also the girls that are enrolled with our organization.

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

NA

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:

NA

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

As a young professional living in Sioux City, I like to see that we have different types of entertainments and venues to be used. I would like to work with the other esteemed members of the board to keep those events coming and bring a fresh presepective of what we could bring to the area.

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: Brittini Fergen

Address: 2732 Willow St.
Sioux City, IA 51106

Phone: 712-490-3383

Name: Tina Steck

Address: 4017 Van Buren St
Sioux City, IA 51108

Phone: 712-574-2109

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.

Theresa Brehm
/s/ _____
Signature

5/23/16
Date _____

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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 in attendance to many performances and athletic events at the Tyson Event Center and have worked closely with the Musketeer Hockey team with my job at the Girl Scouts. I've also been in attendance for the annual events at the convention center (Siouxland Homeshow, Fall/Spring Craft Fairs) as well as been a thrilled audience member with performances and sensory delights of the Orpheum Theatre-I was lucky enough to walk that stage for my own college graduation.

2. Have you ever worked in the field of events or entertainment or a similar field? Explain the benefits of your experience.

For the Girl Scouts of Greater Iowa I am the Programming Manager for the council. That means I work with different partners to develop a program or a skill that they offer and negotiate that partner to provide that programming to our girls and volunteers.

3. Do you have specific ideas for improvements or future projects for the Event Facilities Advisory Board?

Not at this time.

4. The Event Facilities Advisory Board is advisory in nature, what do you see your role as being if appointed?

I am analytical and I need to take a minute to make a informed decision of the material placed before me. I believe that I would be able to bring a new perspective and different view of what young professionals with out kids category citizenen would like to see.

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)

Yes, I have talked with my employer about wanting to be on this board and if its decided that I am selected, I will be given the time from them.

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.

Theresa Brehm

5/23/16

/s/

Signature

Date



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

CITY CLERKS OFFICE

30 JUN '16 AM 10:35

CITY OF SIOUX CITY

Date 6/30/2016

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 Tracy E. Winters Phone Residence 712 274-2068

Home Address 4511 Garretson Avenue, Sioux City, IA 51106

Street City/State Zip
E-Mail Address tracy.winterslucky1@gmail.com

Employer Aventure Staffing Phone Business 712 224-2722

Business Address 509 Douglas Street, Sioux City, Iowa 51101

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

Are you a Sioux City resident? Yes ☒ No ☐ How many years have you been a resident? 9 years

Are you a registered voter? Yes ☒ No ☐

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

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

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

N/A

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

Yes ☐ No ☒ If yes list here:

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

Volunteer Work;

Art Splash - Sept. 2008 & Sept. 5, 2015

Awesome Biker Nights - June 20, 2015

Teaching Soft Skills to Native American Youth & Adults at Northeast Indian Comm. College (Satellite Locations)

4/19/2016 So. Sioux City Native American College, Dakota Ave. So. Sioux City, NE

4/20/2016 Omaha Native American Reservation, Macy, NE

4/25/2016 Santee Sioux Reservation, Santee Ne

Business Awards Luncheon - Employed with Aventure Staffing, we won the award for Small Business of the year (2016).

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

N/A

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:

Supervisory Skills-Supervisory position held from 2008-2015 has enabled me to be fair and impartial. Working in the medical field for 12 years has given me the opportunity to serve the public in very unique and at times, difficult situations. I have attended numerous trainings and conferences pertaining to interacting with subordinates, authority figures and the public in general.

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

I consider myself to be a very good listener and always think before I speak. When situations have occurred in the past I have treated everyone with respect and confidentiality. I have life experiences that I feel will be beneficial to the Human Rights Commission and the community. I am a minority myself and can relate with other nationalities and respect their heritage.

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:

N/A

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

Name: Darla McCloskey
Address: 645 B Hwy 35, Dakota City, NE 68731

Phone: 816-509-2433

Name: Eric Hanson
Address: 320 Firethorn Trail, No. Sioux City, SD 57049

Phone: 605-670-0243

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/ Tracy E. Winters
Signature

Date 6/30/2016

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



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

MISSION STATEMENT

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

MEMBER ROLE

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

Nominee's Questionnaire

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

2. Describe how you see yourself complying the Human Rights Law.

I will diligently research and collect all information pertinent to all cases I am assigned. I will take note of extenuation circumstances when needed and apply the correct guidelines as I go through the process of getting all the facts. I will interact with all persons I encounter in a professional manner.

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.

Discrimination in housing, employment and other areas of life need to be handled in a very careful and confidential manner. There is a process that must be followed and I intend to go the extra mile to learn and apply everything I can to ensure the regulations are met.

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

I would like to contribute my time and talents to help make Sioux City a better community. I believe that everyone regardless of nationality, gender and religion should be treated fairly in all aspects of each and everyones lives.

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?

Given the opportunity to serve on the board I believe I can help make a difference in the lives of those in our community. I will respect all individuals involved such as authority figures, peers and the public in general.

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/ Tracy E. Winters

Signature

Tracy E Winters

6/30/2016

Date



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

CITY OF SIOUX CITY
13 MAR '17 PM3:07
CITY CLERK: JHCE

Date 3/13/17

BOARD, COMMISSION, COMMITTEE:

CITY OF SIOUX CITY SENIOR ADVISORY COMMITTEE

GENERAL INFORMATION

Name DANIEL N. BURROWS Phone Residence 712-251-7003
Home Address 55 W. CLIFTON #310 SIOUX CITY 51104
Street City/State Zip
E-Mail Address dan.burrows67@gmail.com
Employer RETIRED Phone Business _____
Business Address _____
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? 66
Are you a registered voter? ☒ Yes ☐ No
Have you reviewed the Ordinance or Resolution establishing the Board, Commission or Committee you are applying for? ☒ Yes ☐ No (If no, please contact the City Clerk's Office at 712.279.6313 to obtain a copy.)

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

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

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

☒ Yes ☐ No If **yes** list here: _____

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

VOLUNTEER FOR JACKSON RECOVERY
OXFORD HOUSE

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:

MASTERS DEGREE IN ELEMENTARY EDUCATION
CERTIFIED TEACHER IOWA AND NEBRASKA
VARIOUS SUPERVISORY POSITIONS IN PREVIOUS EMPLOYMENT

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

I WOULD LIKE TO SERVE BECAUSE I THINK SENIOR CITIZENS ARE A UNIQUE GROUP WITH MULTIPLE UNDER UTILIZED SKILLS. I AM A SENIOR CITIZEN AND WOULD LIKE TO SEE MORE OPPORTUNITIES

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

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

Name: COREY WRENN

Name: KERMIT DAHLEN

Address: 401 Douglas #415

Address: 800 5th St. #200

SIoux City, IA

SIoux City IA 51104

Phone: 712-252-3268

Phone: 712-234-2300

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**

Donald A. Blumwald

Signature

Date 3/13/17

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

1. The Regular Meeting of the City Council was held at 4:26 p.m. The following Council Members were present on call of the roll: Capron, Groetken, Moore, Scott and Watters. Absent: None.

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

2. The Council interviewed the following applicants for positions on their respective City Council appointed Boards, Commissions and Committees: Dr. Cyndi Hanson, Civil Service Commission; Kevin Kjeldseth, Kent Kolbe, Miles Patton Jr and Lila Plambeck, Events Facilities Advisory Board; Ann Brodersen, James Chartier, and Neil Peck, Senior Advisory Committee.

CONSENT AGENDA

Motion by Scott, seconded by Moore, to adopt the Consent Agenda; all voting aye. Items 3 through 15E are approved unanimously unless specifically noted after the item.

3. Reading of the City Council minutes of March 20, 2017.

Reading of the minutes of March 20, 2017, was waived and as part of the consent agenda the minutes were approved as presented.

4. CLARK - Resolution accepting the work and authorizing final payment to the Sioux City Community School District for the Clark Elementary School Pedestrian Bridge and Storm Sewer Replacement Project. (4310 Perry Way) (Project No. 6679-549-101) **2017-0259**

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

5. URBAN RENEWAL - Resolution approving advances of funds for repayment from the City's urban renewal tax increment revenue funds and directing the filing of certification under Iowa Code Section 403.19. **2017-0260**
6. TREASURY REG - Resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects. **2017-0261**

7. BATTERY PARK - Resolution temporarily closing Water Street from 4th Street to 5th Street; 4th Street from Pearl Street to Water Street; and the west one-half of the east/west alley and the south one-half of the north/south alley excluding the intersection between Water Street, Pearl Street, 4th Street, and 5th Street beginning at 2:00 p.m. and ending at 11:59 p.m. June, 10, 2017, June 30, 2017, July 22, 2017, July 28, 2017, August 26, 2017, and September 1, 2017 for the Hard Rock Casino's Battery Park Concert Series. **2017-0262**

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

8. IEDA - Resolution supporting the submission of an Iowa Economic Development Authority (IEDA) Application for the Workforce Housing Tax Credit Program for Hands Property Management, LLC. (4619 Harrison Street, 4621 Harrison Street, 4625 Harrison Street, 4627 Harrison Street, 4631 Harrison Street, 4633 Harrison Street, 4637 Harrison Street, 4639 Harrison Street, 4701 Harrison Street, 4705 Harrison Street, 4709 Harrison Street) **2017-0263**
9. IEDA - Resolution supporting the submission of an Iowa Economic Development Authority (IEDA) Application for the Workforce Housing Tax Credit Program for Hands Property Management, LLC. (2110 South Henry Street, 2109 South Lakeport Street, 1931 Hanford Street, 2011 Cavalier Way) **2017-0264**
10. IEDA - Resolution supporting the submission of an Iowa Economic Development Authority (IEDA) Application for the Workforce Housing Tax Credit Program for Hands Property Management, LLC. (1501 34th Street) **2017-0265**
11. TRAILS - Resolution adopting construction documents for the proposed construction of the Outer Drive North and Floyd Boulevard Trail Connection Project, Iowa Department of Transportation Project No. EDP-7057(688)-7Y-97. (City Project No. 6748-173-019) **2017-0266**

12. ACTIONS RELATING TO AGREEMENTS AND CONTRACTS

- A. C.A.P. - Resolution approving Extension Agreement No. 1 with C.A.P. Recycling of Mapleton, Iowa for an additional one (1) year period for the purchase of clean asphalt millings and crushed, clean concrete until March 27, 2018. (RFQ 232562) **2017-0267**
- B. IEDA - Resolution authorizing and approving Contract Amendment No. 2 to the Targeted Jobs Withholding Tax Credit Program Withholding Agreement with the Iowa Economic Development Authority and Hirschbach Motor Lines, Inc. and GR Equipment Leasing, Inc. (Contract Number: 17-Tj-006) (306 Virginia Street) **2017-0268**

- C. NEBCON - Resolution awarding and approving a contract to Nebcon, Inc. in the amount of \$28,370.02 for the 2017 City Fiber Optics Project. (Project No. 6898-859-043) **2017-0269**

Glenn Sedivy, Communications Center Director, provided information on the item.

- D. DGR - Resolution approving a Consulting Services Agreement with DGR Engineering for design of the Ingleside Avenue Reconstruction (14th Street to 18th Street) Project in an amount not to exceed \$191,821. (Project No. 6892-719-133) **2017-0270**
- E. DGR - Resolution approving a Consulting Services Agreement with DGR Engineering for design of the Harbor Drive and Murray Street Intersection Improvements Project in an amount not to exceed \$89,000. (Project No. 6879-663-302) **2017-0271**
- F. CLAYTON CREEK - Resolution approving a Development Agreement with Clayton Creek LLC for a rural residential development located at 701 South Roswell Street and 801 South Roswell Street and authorizing the execution thereof.

Jeff Hanson, Community Development Operations Manager, provided information on the item. Jay Layman, 6701 Kingswood Court, spoke on the item.

Motion by Groetken, seconded by Capron, to defer this item to April 3, 2017; Capron, Groetken, Moore and Watters voting aye; Scott voting nay.

- G. LOAN NOTES - Resolution fixing date for a meeting on the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$470,000 Sewer Revenue Capital Loan Notes of City of Sioux City, Iowa, and providing for publication of notice thereof. **2017-0272**

Motion by Scott, seconded by Moore, to amend the item changing \$470,000 to \$475,000; all voting aye. Resolution passed as amended as part of the consent agenda.

- H. MLS - Resolution awarding and approving a contract to MLS Landscape & Design, Inc. of Granville, Iowa in the amount of \$212,802 for the construction of the Sertoma Park Trail Loop Project. (3233 Singing Hills Boulevard) **2017-0273**
- I. TR HARRIS - Resolution awarding and approving a contract to TR Harris Construction Inc. in the amount of \$529,788.27 for the Quail Court, Deer Haven Drive, and Maplewood Street Repair Project. (Project No. 6858-719-015) **2017-0274**

- J. ESA - Resolution awarding and approving a contract with ESA, Inc. of North Sioux City, South Dakota in the amount of \$125,248 for asbestos abatement in the Southeast Balcony Area of the Long Lines Family Recreation Center. (401 Gordon Drive)

Matt Salvatore, Parks and Recreation Director and Bill Julius, Events Center Coordinator, provided information on the item.

Motion by Moore, seconded by Scott, to defer this item to April 3, 2017; all voting aye.

- K. THOMPSON ELECTRIC - Resolution awarding a contract to Thompson Electric Company in the amount of \$149,360 for the Heritage Parking Ramp Lighting Renovations Project. (Project No. 6893-728-012) **2017-0275**

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

13. ACTIONS RELATING TO PROPERTY

- A. CRUZ - Resolution inviting proposals for the sale of land in the Jones Street Urban Renewal Area, announcing the intent to accept the proposal of Jorge A. Cruz Angeles and Lilia Cruz, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (Property located at 861 15th Street) **2017-0276**
- B. ALAVEZ - Resolution inviting proposals for the sale of land in the Jones Street Urban Renewal Area, announcing the intent to accept the proposal of Bernadino Alavez and Cleotildie Alavez, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (A vacant lot commonly known as 861 15th Street) **2017-0277**
- C. ELECTRONIC - Resolution proposing to sell certain real property. (The north one-half of the vacated east/west alley abutting 510 West 20th Street) (Petitioner: Electronic Engineering) (Purchase price: \$584 plus costs) **2017-0278**
- D. MACONN - Resolution proposing to sell certain real property. (The south one-half of the vacated east/west alley abutting 507 West 19th Street) (Petitioner: Maconn LLC) (Purchase price: \$584 plus costs) **2017-0279**

14. PURCHASING

- A. CARUS - Resolution awarding a Purchase Order to Carus Corporation of Chicago, Illinois in the amount of \$38,573 for the purchase of one bulk load of sodium permanganate for the Southbridge Regional Water Treatment Plant. (Invoice No. SLS10056746) **2017-0280**

- B. READY MIX - Resolution awarding a purchase order to Siouxland Concrete/Standard Ready Mix of South Sioux City, Nebraska for the purchase of concrete products for the Public Works and Utilities Departments. (Bid #243540) **2017-0281**

- C. ITSADVY - Resolution awarding a purchase order to ITsavvy of Addison, Illinois, in an amount not to exceed \$25,023.85 for the purchase of twenty-six (26) Uninterruptable Power Supplies (UPS) for critical network infrastructure for City and County locations, including the Library. (Bid No. 244018 and 244020) **2017-0282**

Doug Bock, WCICC-IT Network Manager, and Spero Vlahoulis, Purchasing Manager, provided information on the item.

Motion by Watters, seconded by Capron, to amend the item by awarding the purchase order to Sterling Computers, a local vendor, as opposed to ITsavvy; all voting aye. Resolution passed as amended as part of the consent agenda.

- D. NORTHERN TRUCK - Resolution awarding a purchase order to Northern Truck Equipment Corporation of Sioux Falls, South Dakota, in the amount of \$53,973 for the purchase of nine (9) Monroe Material Spreaders. (RFQ #242247) **2017-0283**

- E. NILFISK - Resolution awarding a purchase order to Nilfisk, Inc. of Brooklyn Park, Minnesota in the amount of \$43,507.05 for the purchase of a 2017 Advance SC8000 Rider Scrubber. (Bid #243093) **2017-0284**

15. BOARD, COMMISSION AND COMMITTEE MINUTES

- A. Airport Board of Trustees - February 9, 2017
- B. Environmental Advisory Board - March 9, 2017
- C. Museum Board of Trustees - January 13, 2017
- D. Planning and Zoning Commission - March 14, 2017
- E. Yamanashi City Sister City Committee - February 16, 2017

- End of Consent Agenda -

RECOMMENDATIONS OF PLANNING AND ZONING

16. Hearing and Ordinance vacating that portion of Lorraine Avenue located between South Coral Street and South Glass Street. (Petitioner: Joel and Donna Wiegand) The Planning and Zoning Commission recommends approval of this item. (File No. 2017-0025) **2017-0285**

Suzan Stewart, Planning and Zoning Commission Chair, provided information on the item. Joel Wiegand, 2842 S Coral St, spoke on the item.

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

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

HEARINGS

17. Hearing for the United States Housing and Urban Development (HUD) Sioux City Consortium Year Three Action Plan. **2017-0286**

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

18. Hearing and Resolution approving plans, specifications, form of contract and estimated cost for the construction of Pearl Street Park. (7th Street and Pearl Street) **2017-0287**

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

19. Hearing and Resolution approving plans, specifications, form of contract, and estimated cost for construction of the North Lewis Boulevard Water Main 1st Street to 31st Street – Phase 3 (11th Street to 1st Street) Project (Project No. 6782C-519-237), in Sioux City, Iowa. **2017-0288**

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 consenting to the Transfer, Assignment, Consent, Estoppel and Amendment Agreement between Aviators Anonymous, Inc. d/b/a JetSun Aviation Centre, Hawthorne Global Aviation Services, LLC and the City of Sioux City, Iowa and a Memorandum of Lease between the City of Sioux City, Iowa and Hawthorne Global Aviation Services, LLC for property located at the Sioux Gateway Airport/Col. Bud Day Field. **2017-0289**

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

21. Resolution awarding a Service Provider Agreement to Thompson Electric Company in the amount of \$354,967 for a City-Wide Arc Flash Study.

Spero Vlahoulis, Purchasing Manager, provided information on the item.

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

22. Resolution approving Amendment No. 1 to the Development Agreement with G.K.D., LLC in connection with the property located at the northwest corner of Floyd Boulevard and Outer Drive and authorizing the execution thereof. **2017-0290**

Motion by Scott, seconded by Watters, to amend the item by changing northwest corner to northeast corner; all voting aye.

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

23. Resolution adopting plans, specifications, form of contract, and estimated cost for the proposed construction of the Pierce Street Reconstruction (24th Street to 29th Street) Project. (Project No. 6809-719-133) **2017-0291**

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

24. Resolution approving a Developmental Services Agreement with UnityPoint Health – St. Luke’s Hospital in connection with the Pierce Street Reconstruction (24th Street to 29th Street) Project. (Project No. 6809-719-133) **2017-0292**

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

25. Resolution approving Change Order No. 1 to the contract with Mark Albenesius, Inc. in the amount of \$20,725 for additional work due to settlement and revised site conditions in connection with the Missouri River Boat Club Ramp and Bank Repairs Project. (Project No. 6810-173-018)

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

26. Hearing and Resolution announcing the intent of the City to accept the proposals of Tritz Pallet, Inc. and Monterey Management, LLC for the sale of portions of land in the Donner Park Urban Renewal Area, fixing the date for public hearings and providing for notice thereof. (2201 Boulevard of Champions and 2301 Boulevard of Champions) **(Deferred from March 13, 2017)** **2017-0293**

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

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

Scott exited the meeting at 5:26 p.m. and returned at 5:28 p.m.

PRESENTATION

27. Military Road Reconstruction and Bridge Rehabilitation Project (Project No. 6755-719-354) Overview.

Scott exited the meeting at 6:15 p.m. and did not return.

Brittany Anderson, Sr. Civil Engineer, and John Marburger, JEO Consulting, provided information on the item. Ken Piepho, CEO Telco Triad Community Credit Union, 5500 Military Road; Ted Cherry, North Sioux City Administrator; Rick Law, North Sioux City Business Owner; and Tim Jacobs, North Sioux City, spoke on the item.

28. **CITIZEN CONCERNS**

Marva Baggett, 1331 S Maple St, spoke on the transit system and provided survey information collected.

Sherry Flansburg, 1201 S Linn St, spoke on the increase in taxes on her home.

Tim Seaman, Events Facilities Advisory Board President, 4910 6th Ave, spoke on the proposed downtown Marriott. He shared the Board's support for the project.

Cory Smith, Albright Cycle, 200 5th St; Rod Reisdorph, owner Hydraulic Sales and Service, 408 Water St; and Tim Engle, owner A1 Auto Service, 404 Water St, spoke on the street closure approved for the Hard Rock Casino Battery Park Concert Series stating the early closure of streets on Fridays will affect their businesses. Ashley French, Hard Rock Casino, 111 3rd St, provided information stating they would work with the businesses to minimize the impact.

29. **COUNCIL CONCERNS**

There were no Council concerns.

30. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:11 p.m., on motion by Groetken, seconded by Capron; all voting aye.

ATTEST: _____
Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

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

u:\CityAgenda\Minutes and Agendas\Council Minutes\2017\032717m

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

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

Motion by Scott, seconded by Moore, that Council enter closed session to evaluate the professional competency of an individual whose appointment is being considered to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Motion by Scott, seconded by Moore, that Council return to open session at 4:21 p.m.; all voting aye. (Groetken was absent from this vote.)

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:22 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.siouxcity.org.

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☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 4A

FROM: Brad Puetz, Water Plant Superintendent
Mark Simms, Utilities Director

SUBJECT: Resolution awarding a contract to Grundman-Hicks, L.L.C. of Cherokee, Iowa in the amount of \$470,000.00 for the Half Moon Booster Station Facility Improvements Project. (Project No. 519-132)

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests Council award a contract to Grundman-Hicks, L.L.C. of Cherokee, Iowa in the amount of \$470,000.00 for the Half Moon Booster Station Facility Improvement Project (Project No. 519-132).

DISCUSSION:

This project includes facility improvements at the Half Moon Booster Station consisting of the replacement of two horizontal split case centrifugal pumping units and associated piping, valves and appurtenances, electrical and instrumentation control work, and all other work indicated on the drawings and as specified.

Notice of Public Hearing was advertised on February 11, 2017 and February 18, 2017. The bid opening was held on March 14, 2017. One (1) bid was received for this project. That bid is as follows:

Company	City, State	Base Bid
Grundman-Hicks, L.L.C.	Cherokee, Iowa	\$470,000.00
Engineer's Estimate	Sioux City, Iowa	\$532,981.00

Staff and the design engineer recommend awarding to Grundman-Hicks, L.L.C. based on their low bid which was 11.8% below engineers estimate.

FINANCIAL IMPACT:

This project is funded using Water Abated G.O. Bonds under CIP 519-132 Booster Station Improvements. The project currently has an available balance of \$499,808.00.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

1. The City Council may choose not to award this contract.
2. Bids may be further evaluated or the project documents maybe revised and re-issued for further bid.

ATTACHMENTS:

Resolution

Engineer's Letter of Recommendation

Bid Tabulation Sheet

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION AWARDING A CONTRACT TO GRUNDMAN-HICKS, L.L.C. OF
CHEROKEE, IOWA IN THE AMOUNT OF \$470,000.00 FOR THE HALF MOON
BOOSTER STATION FACILITY IMPROVEMENTS PROJECT. (PROJECT NO.
519-132)

WHEREAS, pursuant to a notice published in the manner and form prescribed by law, bids and proposals were received by the City of Sioux City, Iowa, on March 14, 2017 for the Half Moon Booster Station Facility Improvements Project (Project No. 519-132), in Sioux City, Iowa, (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by Black & Veatch; and

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

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

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

Section 2: It is hereby found, determined and declared that the bid of Grundman-Hicks, L.L.C. of Cherokee, Iowa, in the amount of \$470,000.00 for construction of the Project in Sioux City, Iowa, as provided in the plans and specifications referred to in the preamble hereof is the lowest and/or best bid received and the same is hereby accepted and the contract awarded to said bidder.

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

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

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: Lisa L. McCardle, City Clerk



BLACK & VEATCH Corporation
8400 WARD PARKWAY, KANSAS CITY, MO 64114 USA
+1 913-458-3484 | WINGERIG@BV.COM

March 16, 2017

City of Sioux City, Iowa
Half Moon Booster Station Facility Improvements
Recommendation of Award

B&V Project 192389.3000
File 80.1130

Mr. Brad Puetz
Water Plant Superintendent
City of Sioux City
1101 Tri View Avenue
Sioux City, Iowa 51103

Dear Mr. Puetz:

The bid opening for the Half Moon Booster Station Facility Improvements project was conducted on March 14, 2017. One bid was received from Grundman-Hicks, L.L.C. of Cherokee, Iowa. The bid amount was \$470,000.00. A copy of the bid tabulation is attached for reference.

The Engineer's Opinion of Probable Construction Cost is \$532,981.00. The low bid is lower than the Engineer's Opinion of Probable Construction Cost and, therefore, the bid amount is considered reasonable.

Grundman-Hicks has performed multiple projects for the City of Sioux City. These projects included the Southbridge Water Treatment Plant Reservoir Overflow Pipeline Extension project, the Southbridge Regional Water Treatment Plant Chemical Feed Diffuser Access Platform project, the Zenith Water Treatment Plant Chlorine Contact Basin Divider Wall project and the Zenith Water Treatment Plant Ultraviolet Disinfection System project. Their performance on all of these projects was considered acceptable.

The proposed electrical subcontractor is Thompson Electric Company of Sioux City. Thompson Electric Company has also performed multiple projects for the City of Sioux City. Their performance has also been considered acceptable.

The pumping units will be manufactured by Pentair (Fairbanks Nijhuis). Pentair was specified as an acceptable manufacturer in the Bid Documents.

It is our opinion that Grundman-Hicks, L.L.C. is capable of satisfactorily performing the work under this contract. It is our recommendation that the City of Sioux City award the Half Moon Booster Station Facility Improvements project to Grundman-Hicks, L.L.C. in the amount of \$470,000.00.

Page 2

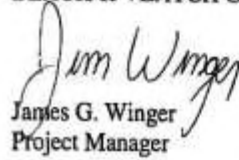
Mr. Brad Puetz

B&V Project 192389.3000
March 16, 2017

If there are any questions or if you wish to discuss this matter further, please contact us.

Very truly yours,

BLACK & VEATCH CORPORATION



James G. Winger
Project Manager

Enclosure

City of Sioux City, Iowa

Half Moon Booster Station Facility Improvements

Bid Opening - 1 p.m. - March 14, 2017

BLACK & VEATCH CORPORATION
 Checked: Jim Winger

BIDDER	Bid Signed	Bid Security	Bidder Status Form	Affirmative Action Information	List of Major Subcontractors & Suppliers	LUMP SUM BID AMOUNT
Grundman-Hicks, L.L.C.	X	X	X	X	X	\$470,000.00
1222 S. 2nd Street						
Cherokee, Iowa 51012						
Engineer's Opinion of Probable Construction Cost	—	—	—	—	—	\$532,981.00

x	Regular Session
	Study Session
	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 4B

FROM: Glenn Ellis, City Engineer
Eric Jones, Civil Engineer

SUBJECT: Resolution granting a permit to Electric Innovations to own, operate and maintain underground cable commencing at the Jones Street entrance driveway of 623 Jennings Street, then west across Jones Street, then north for approximately 200 feet to the northwest corner of 7th Street and Jones Street, then west for 360 feet to the south side of 701 Jackson Street.

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

Staff respectfully requests the City Council approve the Resolution granting a permit to Electric Innovations of Sioux City, Iowa, to perform underground construction in the City's right-of-way for the installation of fiber optic network services commencing at the Jones Street entrance driveway of 623 Jennings Street, then west across Jones Street, then north for approximately 200 feet to the northwest corner of 7th Street and Jones Street, then west for 360 feet to the south side of 701 Jackson Street.

DISCUSSION:

The City has received a letter from Angi Whitrock of Electric Innovations for a permit to install underground cable commencing at the Jones Street entrance driveway of 623 Jennings Street, then west across Jones Street, then north for approximately 200 feet to the northwest corner of 7th Street and Jones Street, where a hand hole will be placed, then west for 360 feet to the south side of 701 Jackson Street, where a hand hole will be placed before crossing onto private property at 701 Jackson Street.

The fiber optic is being installed to serve the address of 701 Jackson Street.

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

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

The attached route has been reviewed by several City Departments.

FINANCIAL IMPACT:

There are no budget implications for the City due to this project.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure

Focus Area – Grow Sioux City

ALTERNATIVES:

Council could deny permit to Electric Innovations

ATTACHMENTS:

Resolution

Application (with Map)

Insurance

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION GRANTING A PERMIT TO ELECTRIC INNOVATIONS TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE COMMENCING AT THE JONES STREET ENTRANCE DRIVEWAY OF 623 JENNINGS STREET, THEN WEST ACROSS JONES STREET, THEN NORTH FOR APPROXIMATELY 200 FEET TO THE NORTHWEST CORNER OF 7TH STREET AND JONES STREET, THEN WEST FOR 360 FEET TO THE SOUTH SIDE OF 701 JACKSON STREET.

WHEREAS, the City Council has received a request from Electric Innovations of Sioux City, Iowa (hereinafter referred to as "Applicant") to own, operate and maintain underground communication cable to be installed by Applicant in certain specified public right-of-ways; and

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

- Commencing at the Jones Street entrance driveway of 623 Jennings Street, then west across Jones Street, then north for approximately 200 feet to the northwest corner of 7th Street and Jones Street, where a hand hole will be placed, then west for 360 feet to the south side of 701 Jackson Street, approximately 72 feet east of Jackson Street, where a hand hole will be placed before crossing onto private property at 701 Jackson Street;

Subject to the following terms and conditions as outlined in the attached Fiber/Utility Installation and Maintenance Permit.

BE IT FURTHER RESOLVED that the City Engineer be and he is hereby authorized and directed to execute said Fiber/Utility Installation and Maintenance Permit for and on behalf of the City.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Cler



Fiber / Utility Installation & Maintenance Permit

	Name	Address	Phone	Email
Applicant:	Electric Innovations	2300 7th Street Sioux City, IA 51105	712.234.3884	eng@witrack.com
Facility Owner:	Mercy Medical Center	801 5th Street Sioux City, IA 51105	712.234.3033	elwyn@engineering-construction.com
Contractor:	Tri-State Underground	2452 Port Neal Road, Sgl. Bluff, IA 51064	712.281.0217	dave@tristateunderground.com
Bond on File:	☒ Yes ☐ No ☐ Not Applicable			
Bond Expiration Date:				
Insurance Certificate on File:	☒ Yes ☐ No ☐ Not Applicable			
Work In: (Street)	7th Street to Jones Street		☒ Paved ☐ Unpaved ☐ Parkway	
From: (Street)	7th Street		To: (Street)	Jones Street
Address Served: (If Applicable)	See attached map			
Start Date:	April 4th 2017		Completion Date:	April 28th, 2017
Project Description:	Furnish and install 1-2 inch duct and install 17x30x18 Quazite Vault			
Type of Work:	Pull in Customer Wire and fiber and tracer wire after duct installed			

- * A map showing the work area and proposed traffic control must be attached to the application.

By signing the permit below, the Permittee acknowledges the rules, regulations & City Code pertaining to this permit. The Permittee also agrees to defend, indemnify, and hold harmless the City, its employees, and agents from all suits, actions, damages, or claims to which the City may be subject to, of any kind or nature whatsoever, resulting from, caused by, or arising out of the Permittee's use or occupancy of the public right-of-way authorized by this permit.


3-21-17
 Applicant Signature Date

Glenn Ellis
 City Engineer

FOR OFFICE USE ONLY

Date Submitted: 3/21/17 Permit/Resolution No. _____
 Engineer Review: ES Date: 3/21/17
 Utility Review: MJS Date: 3/21/17
 Communication Review: GS Date: 3/21/17

Permit Fee: ☐ New Installation \$250.00 ☐ Emergency/Maintenance Requiring Excavation \$86.00
☐ Check ☐ Cash ☐ Credit Card

PUBLIC WORKS DEPARTMENT 400 W. Second St. Sioux City, IA 51101-1000 <http://www.ci.sioux-city.ia.us>

ADMINISTRATIVE
PH 712.234.3884
FAX 712.234.3885

WATER TREATMENT
PH 712.234.3884
FAX 712.234.3885

WASTE WATER TREATMENT
PH 712.234.3884
FAX 712.234.3885

ENVIRONMENTAL SERVICES
PH 712.234.3884
FAX 712.234.3885

STREET LIGHTING
PH 712.234.3884
FAX 712.234.3885

FIELD SERVICES
PH 712.234.3884
FAX 712.234.3885

OPERATIONAL SERVICES
PH 712.234.3884
FAX 712.234.3885



Fiber / Utility Installation & Maintenance Permit

STANDARD PERMIT CONDITIONS

The applicant agrees that if granted a permit for obstruction/excavation in the public right-of-way as described in the permit application, the following stipulations shall govern in addition to those included in Chapter 12.05 of the Sioux City Municipal Code.

- No public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be at least ten (10) days in advance of any closing. Applicant is responsible for notifying the properties adjacent to the closure via door hangers. Street Closures shall be at no expense to the City.
- The contractor must schedule a preconstruction meeting with City Engineering staff prior to construction to provide information concerning the construction methods, traffic control plan, construction schedule, and impacts to the City's right-of-way. The contractor must also provide City Engineering with a construction plan showing handholes, conduit locations, and other appurtenances that will be installed in the City's right-of-way.
- Applicant/contractor shall comply with all city ordinances regulating construction in the public right-of-ways during any maintenance activities on the buried utility system. Applicant agrees to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code. Construction work shall conform to the current edition of SUDAS and the City of Sioux City Supplement to SUDAS. See Section 7040 regarding pavement patching requirements. All street patching shall use Iowa DOT Class M concrete mix.
- The applicant shall notify Iowa One Call (IOC) at 1-800-292-8989 or www.iowadnecall.com for utility locates prior to excavation. IOC requires 48 hour notification.
- No excavation in the traveled portion of the public right-of-way shall be left opened and with no work in progress for more than five (5) days. No excavation in the parkway shall be left opened and with no progress for more than ten (10) days.
- When an emergency excavation is necessary, a permit application shall be submitted at the earliest opportunity after the work has started, no later than the next business day.
- Contractor shall furnish, erect and maintain the necessary traffic controls such as signs, barricades, flaggers, etc. as required by the City. Traffic controls provided shall be in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as adopted by the Iowa Department of Transportation.
- A complete set of "as built" construction plans in paper and electronic format shall be filed with the City's Engineering Division within fourteen (14) days after completion of the project.
- Applicant shall maintain with the City's Engineering Division a telephone number or numbers to call to locate buried cable and to receive emergency messages at any time.
- Applicant shall relocate any buried utilities, cable, etc. at its expense, to accommodate a public improvement in the public right-of-way.
- All surfacing shall be replaced to its original condition satisfactory to the Public Works Department. Grass surfaces may be seeded and mulched, sodded or treated with erosion mat as determined by the City Engineer or his/her designee. Paved areas will require passing density tests to be provided to City Engineering staff prior to being paved. The applicant shall assume the responsibility of maintenance costs for restoring any grassed areas, streets, driveways, and sidewalks due to settlement of the trenches or improperly restored improvements over such trenches for a period of (2) years, or until the area is reconstructed by the City, whichever is sooner.
- Applicant shall submit a surety bond in the amount of \$10,000 for all right-of-way obstructions/excavations that will likely cause damage to the right-of-way. The bond shall be signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state and upon which service of process may be made in the State of Iowa. Action may be taken on the bond to recover costs associated with repairs to any damages caused to the right-of-way of City utilities, or if the applicant fails to make timely repairs and reopen the right-of-way.
- Applicant agrees to require all general contractors who may perform any work for Applicant under this permit to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event Applicant does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

FOR CITY OF SIoux CITY: 2500 Grand Blvd., Sioux City, IA 51101 - 515-271-2100

ENGINEERING
111520400
11/15/2014

WATER DIVISION
111520400
11/15/2014

WASTEWATER DIVISION
111520400
11/15/2014

STREETS & PARKS DIVISION
111520400
11/15/2014

ENGINEERING
111520400
11/15/2014

WATER DIVISION
111520400
11/15/2014

WASTEWATER DIVISION
111520400
11/15/2014



Fiber / Utility Installation & Maintenance Permit

- Applicant shall submit a Certificate of Liability Insurance with the application. The amount of the insurance shall be a minimum of \$1,000,000 with a maximum deductible of \$5,000. The certificate shall name the City as an additional insured and shall include a copy of the endorsement naming the City as such.
- In the event that the Applicant fails to comply with the provision of the application, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the Applicant. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the Applicant shall replace that area as may be ordered by the Public Works Director. All work shall comply with the City's requirements for patch back and repair.
- Applicant shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Applicant or the City, on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this resolution. However, Applicant shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Applicant to defend and save harmless and indemnify the City shall extend to the officers, employees, elected officials, and agents of the City to the extent the City is obligated to defend, save harmless and indemnify by law.
- The applicant agrees to abide by the Supplemental Conditions (If Applicable) written below:
Supplemental Permit Conditions (attach additional sheets as required): Storm Sewer in the South
parking of 7th Street between Jackson & Nebraska. Sanitary Sewer crossings
in Jackson & Jones are 20' + 16' deep. Will cross water mains in 3 locations.

This completed, signed and approved permit must be present at the project site while work is underway. Failure to produce this permit when requested can and will result in compulsory work stoppages.

Applicant's Initials

PUBLIC WORKS DIVISION 4020 11th St. P.O. Box 447 Sioux City, IA 51102 www.sic.gov

ADMINISTRATIVE
PH 712.276.4200
FAX 712.276.4998

WATER TREATMENT
PH 712.276.4203
FAX 712.276.4119

WASTE WATER TREATMENT
PH 712.276.4204
FAX 712.276.4141

ENVIRONMENTAL SERVICES
PH 712.276.4249
FAX 712.276.4660

ENGINEERING
PH 712.276.4224
FAX 712.276.4249

FIELD SERVICES
PH 712.276.4994
FAX 712.276.4912

UTILITY DISTRICTS
PH 712.276.4138
FAX 712.276.4134



Overview



Legend

- Roads
- ▬ Corp Boundaries
- ▬ Townships
- County Residential Sales
 - 2014
 - 2015
 - 2016
- Sioux City Residential Sales
- ▬ Parcels

Date created: 11/17/2016
 Last Data Update: 11/16/2016 12:39:49 PM

Schneider Developed by
 The Schneider Corporation



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/17/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Holmes Murphy & Assoc - WDM PO Box 9207 Des Moines, IA 50306-9207	1-800-247-7755	CONTACT NAME: PHONE (A/C, No, EXT): FAX (A/C, No): E-MAIL: ADDRESS:
INSURED Electric Innovations 2300 7th Street Sioux City, IA 51105		INSURER(S) AFFORDING COVERAGE INSURER A: ZURICH AMER. INS CO 16535 INSURER B: TRAVELERS PROP CAS CO OF AMER 25674 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: 48957993

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-TEST ☒ LOC	X	GL03731015-03	01/01/17	01/01/18	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 300,000 MED EXP (Any and person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPOUND AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ALL OWNED AUTOS ☒ HIRE AUTO ☒ SCHEDULED AUTO NON-OWNED AUTOS	X	BAP3731014-03	01/01/17	01/01/18	COMBINED SINGLE LIMIT (Per accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB DED ☒ RETENTION \$ 10,000 ☐ CLAIMS-MADE		SUP15R7542517HF	01/01/17	01/01/18	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A	WC3731016-03	01/01/17	01/01/18	☒ WC STAT'L TORT LIMITS ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

Additional Insured (GL, Auto): City of Sioux City/Mercy for work performed by Named Insured when required by written contract or agreement.

CERTIFICATE HOLDER**CANCELLATION**

City of Sioux City 405 6th Street Sioux City, IA 51101 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 25 (2010/05)
rtturnerwdm
48957993

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☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 4C

FROM: Glenn Ellis, City Engineer
Eric Jones, Civil Engineer

SUBJECT: Resolution granting a permit to FiberComm to own, operate and maintain underground cable from the northwest corner of the intersection of Indiana Avenue and Morningside Avenue, then west along Indiana Avenue, then north along South Rustin Street, then west along Marshall Avenue, then south along South Fairmount Street, then east along Macomb Avenue, then south along South Helen Street, then east along Stone Avenue, to the southwest corner of South Paxton Street and Stone Avenue.

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests the City Council approve the Resolution granting a permit to FiberComm of Sioux City, Iowa, to perform underground construction in the City's right-of-way for the installation of fiber optic network services commencing at the northwest corner of the intersection of Indiana Avenue and Morningside Avenue, then west along Indiana Avenue, then north along South Rustin Street, then west along Marshall Avenue, then south along South Fairmount Street, then east along Macomb Avenue, then south along South Helen Street, then east along Stone Avenue, to the southwest corner of South Paxton Street and Stone Avenue.

DISCUSSION:

The City has received a letter from Jeff Zyzda of FiberComm for a permit to install underground cable commencing at the northwest corner of the intersection of Indiana Avenue and Morningside Avenue, then west 770 feet, along Indiana Avenue, where a new hand hole will be placed at the northwest corner of the intersection of South Rustin Street and Indiana Avenue, and then continue west along Indiana Avenue 705 feet where a new hand hole will be placed on the northwest corner of South Rustin Street and Indiana Avenue, then north for 500 feet, along South Rustin Street, where a new hand hole will be placed at the southeast corner of the intersection of Marshall Avenue and South Rustin Street, then west for 840 feet, along Marshall Avenue, where a new hand hole will be placed at the southwest corner of the intersection of South Fairmount Street and Marshall Avenue, then south for 220 feet, along South Fairmount Street, then east for 40 feet, crossing South Fairmount Street, where a new hand hole will be placed, then south for 75 feet before extending west crossing South Fairmount Street, then south for 700 feet, where a new hand hole will be placed at the northwest corner of the intersection of Macomb Avenue and South Fairmount Street, then east for 1,150 feet along Macomb Avenue, where a new hand hole will be placed at the northeast corner of the intersection of South Helen Street and Macomb Avenue, then south for 500 feet along South Helen Street, where a hand hole will be placed at the southeast corner of the intersection of Stone Avenue and South Helen Street,

then east for 1,100 feet along Stone Avenue, to an existing hand hole, ending construction at South Paxton Street.

The fiber optic is being installed to serve the address of 914 South Fairmount St.

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

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

The attached route has been reviewed by several City Departments.

FINANCIAL IMPACT:

There are no budget implications for the City due to this project.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure

Focus Area – Grow Sioux City

ALTERNATIVES:

Council could deny permit to FiberComm

ATTACHMENTS:

Resolution

Application (with Map)

Insurance

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION GRANTING A PERMIT TO FIBERCOMM TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE FROM THE NORTHWEST CORNER OF THE INTERSECTION OF INDIANA AVENUE AND MORNINGSIDE AVENUE, THEN WEST ALONG INDIANA AVENUE, THEN NORTH ALONG SOUTH RUSTIN STREET, THEN WEST ALONG MARSHALL AVENUE, THEN SOUTH ALONG SOUTH FAIRMOUNT STREET, THEN EAST ALONG MACOMB AVENUE, THEN SOUTH ALONG SOUTH HELEN STREET, THEN EAST ALONG STONE AVENUE, TO THE SOUTHWEST CORNER OF SOUTH PAXTON STREET AND STONE AVENUE.

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

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

- Commencing at the northwest corner of the intersection of Indiana Avenue and Morningside Avenue, then west 770 feet, along Indiana Avenue, where a new hand hole will be placed at the northwest corner of the intersection of South Rustin Street and Indiana Avenue, and then continue west along Indiana Avenue 705 feet where a new hand hole will be placed on the northwest corner of South Rustin Street and Indiana Avenue, then north for 500 feet, along South Rustin Street, where a new hand hole will be placed at the southeast corner of the intersection of Marshall Avenue and South Rustin Street, then west for 840 feet, along Marshall Avenue, where a new hand hole will be placed at the southwest corner of the intersection of South Fairmount Street and Marshall Avenue, then south for 220 feet, along South Fairmount Street, then east for 40 feet, crossing South Fairmount Street, where a new hand hole will be placed, then south for 75 feet before extending west crossing South Fairmount Street, then south for 700 feet, where a new hand hole will be placed at the northwest corner of the intersection of Macomb Avenue and South Fairmount Street, then east for 1,150 feet along Macomb Avenue, where a new hand hole will be placed at the northeast corner of the intersection of South Helen Street and Macomb Avenue, then south for 500 feet along South Helen Street, where a hand hole will be placed at the southeast corner of the intersection of Stone Avenue and South Helen Street, then east for 1,100 feet along Stone Avenue, to an existing hand hole, ending construction at South Paxton Street;

Subject to the following terms and conditions as outlined in the attached Fiber/Utility Installation and Maintenance Permit.

BE IT FURTHER RESOLVED that the City Engineer be and he is hereby authorized and directed to execute said Fiber/Utility Installation and Maintenance Permit for and on behalf of the City.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Cle



Fiber / Utility Installation & Maintenance Permit

	Name	Address	Phone	Email
Applicant:	FiberComm	1605 9th St., Sioux City, IA 51101	224-2323	jvada@fibercomm.net
Facility Owner:	FiberComm	1605 9th St., Sioux City, IA 51101	224-2323	jvada@fibercomm.net
Contractor:	Tri-State Underground	P.O. Box 5076, Sioux City, IA 51102	261-2087	dave@tristateunderground.com

Bond on File : ☒ Yes ☐ No ☐ Not Applicable Bond Expiration Date: _____

Insurance Certificate on File : ☒ Yes ☐ No ☐ Not Applicable

Work in: (Street) Indiana, S Rustin, Marshall, S. Fairmount, Macomb, S Helen, & Stone Ave. ☒ Paved ☐ Unpaved ☐ Parkway

From: (Street) Indiana & S Paxton To: (Street) Stone & S Paxton

Address Served: (If Applicable) 914 S. Fairmount St.

Start Date: Early April, 2017 Completion Date: Mid April, 2017

Project Description: Please see enclosed letter & map for complete project details.

Type of Work: Installation of underground telecommunications utilities.

* A map showing the work area and proposed traffic control must be attached to the application.

By signing the permit below, the Permittee acknowledges the rules, regulations & City Code pertaining to this permit. The Permittee also agrees to defend, indemnify, and hold harmless the City, its employees, and agents from all suits, actions, damages, or claims to which the City may be subject to, of any kind or nature whatsoever, resulting from, caused by, or arising out of the Permittee's use or occupancy of the public right-of-way authorized by this permit.

	3/13/2017	Glenn Ellis	Date
Applicant Signature	Date	City Engineer	

FOR OFFICE USE ONLY

Date Submitted: 3/13/17 Permit/Resolution No. _____

Engineer Review: ES Date: 3/14/17

Utility Review: MH, SO Date: 3/14/17

Communication Review: GS Date: 3/10/17

Permit Fee: ☐ New Installation \$250.00 ☐ Emergency/Maintenance Requiring Excavation \$85.00

☐ Check ☐ Cash ☐ Credit Card

425 P. 2084 - P.O. Box 447 - Sioux City, IA 51102 www.sic.gov

712-275-6222
712-275-6899

712-275-6150
712-275-6110

712-275-6816
712-275-6111

712-275-6344
712-275-3001

712-275-6226
712-275-6288

712-275-6869
712-275-6812

712-275-6128
712-275-6128



Fiber / Utility Installation & Maintenance Permit

STANDARD PERMIT CONDITIONS

The applicant agrees that if granted a permit for obstruction/excavation in the public right-of-way as described in the permit application, the following stipulations shall govern in addition to those included in Chapter 12.05 of the Sioux City Municipal Code.

- No public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be at least ten (10) days in advance of any closing. Applicant is responsible for notifying the properties adjacent to the closure via door hangers. Street Closures shall be at no expense to the City.
- The contractor must schedule a preconstruction meeting with City Engineering staff prior to construction to provide information concerning the construction methods, traffic control plan, construction schedule, and impacts to the City's right-of-way. The contractor must also provide City Engineering with a construction plan showing handholes, conduit locations, and other appurtenances that will be installed in the City's right-of-way.
- Applicant/contractor shall comply with all city ordinances regulating construction in the public right-of-ways during any maintenance activities on the buried utility system. Applicant agrees to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code. Construction work shall conform to the current edition of SUDAS and the City of Sioux City Supplement to SUDAS. See Section 7040 regarding pavement patching requirements. All street patching shall use Iowa DOT Class M concrete mix.
- The applicant shall notify Iowa One Call (IOC) at 1-800-292-8983 or www.iowaonecall.com for utility locates prior to excavation. IOC requires 48 hour notification.
- No excavation in the traveled portion of the public right-of-way shall be left opened and with no work in progress for more than five (5) days. No excavation in the parkway shall be left opened and with no progress for more than ten (10) days.
- When an emergency excavation is necessary, a permit application shall be submitted at the earliest opportunity after the work has started, no later than the next business day.
- Contractor shall furnish, erect and maintain the necessary traffic controls such as signs, barricades, flaggers, etc., as required by the City. Traffic controls provided shall be in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as adopted by the Iowa Department of Transportation.
- A complete set of "as built" construction plans in paper and electronic format shall be filed with the City's Engineering Division within fourteen (14) days after completion of the project.
- Applicant shall maintain with the City's Engineering Division a telephone number or numbers to call to locate buried cable and to receive emergency messages at any time.
- Applicant shall relocate any buried utilities, cable, etc., at its expense, to accommodate a public improvement in the public right-of-way.
- All surfacing shall be replaced to its original condition satisfactory to the Public Works Department. Grass surfaces may be seeded and mulched, sodded or treated with erosion mat as determined by the City Engineer or his/her designee. Paved areas will require passing density tests to be provided to City Engineering staff prior to being paved. The applicant shall assume the responsibility of maintenance costs for restoring any grassed areas, streets, driveways, and sidewalks due to settlement of the trenches or improperly restored improvements over such trenches for a period of (2) years, or until the area is reconstructed by the City, whichever is sooner.
- Applicant shall submit a surety bond in the amount of \$10,000 for all right-of-way obstructions/excavations that will likely cause damage to the right-of-way. The bond shall be signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state and upon which service of process may be made in the State of Iowa. Action may be taken on the bond to recover costs associated with repairs to any damages caused to the right-of-way or City utilities, or if the applicant fails to make timely repairs and reopen the right-of-way.
- Applicant agrees to require all general contractors who may perform any work for Applicant under this permit to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event Applicant does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

Sioux City, IA 50201 | Sioux City, IA 51102 | www.sciowa.org

712-279-6022
712-279-6094

712-279-6106
712-279-6110

712-279-6015
712-279-6110

712-279-6015
712-279-6022

712-279-6024
712-279-6047

712-279-6000
712-279-6012

712-279-6110
712-279-6104



Fiber / Utility Installation & Maintenance Permit

- Applicant shall submit a Certificate of Liability Insurance with the application. The amount of the insurance shall be a minimum of \$1,000,000 with a maximum deductible of \$5,000. The certificate shall name the City as an additional insured and shall include a copy of the endorsement naming the City as such.
- In the event that the Applicant fails to comply with the provision of the application, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the Applicant. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the Applicant shall replace that area as may be ordered by the Public Works Director. All work shall comply with the City's requirements for patch back and repair.
- Applicant shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Applicant or the City, on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this resolution. However, Applicant shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Applicant to defend and save harmless and indemnify the City shall extend to the officers, employees, elected officials, and agents of the City to the extent the City is obligated to defend, save harmless and indemnify by law.
- The applicant agrees to abide by the Supplemental Conditions (if Applicable) written below:
Supplemental Permit Conditions (attach additional sheets as required) 6" Water Main Pass in Same
path of Fiber along Crossing 4th Street South at South Main Crossing Sanitary B at
South Main, Jay Avenue, Marshall Ave, South Fairmont, Main St Ave, and South Butte

This completed, signed and approved permit must be present at the project site while work is underway. Failure to produce this permit when requested can and will result in compulsory work stoppages.


Applicant's Initials

400 E. 3rd St. • P.O. Box 447 • Sioux City, IA 51102 • www.ci.sioux-city-ia.us

712.276.1100
712.276.6623

712.276.1156
712.276.1117

712.276.6648
712.276.6763

712.276.6666
712.276.6651

712.276.6624
712.276.6626

712.276.3999
712.276.6713

712.276.6128
712.276.6186



CERTIFICATE OF LIABILITY INSURANCE

DATE REVISED
10/21/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mills-Shellhammer-Puetz Assoc. PO Box 567 Sioux City IA 51102	CONTACT NAME PHONE TOLL FREE 712-258-2580 FAX TOLL FREE 712-258-2184 E-MAIL ADDRESS info@mspiinsurance.com INSURER(S) AFFORDING COVERAGE NAIC # INSURER A EMC INSURANCE COMPANIES 25168 INSURER B INSURER C INSURER D INSURER E INSURER F
INSURED FIBER-2 FiberComm LC Box 416 Sioux City IA 51102-0416	

COVERAGES

CERTIFICATE NUMBER: 545876288

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NO OTHER INSURANCE, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT, WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND LIMITS OF EACH POLICY. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR. LTR.	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF. DATE (MM/YY)	POLICY EXP. DATE (MM/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY CLAIMS MADE ☒ OCCUR Included GENERAL AGGREGATE LIMIT APPLIES PER: PER POLICY: \$1,000,000 PER CLAIM: \$50,000	Y	4X21298	10/22/2016	10/22/2017	EACH OCCURRENCE: \$1,000,000 INVESTIGATOR'S FEES: \$100,000 REMOVAL OF DEBRIS: \$5,000 PERSONAL & ADULTERY: \$1,000,000 PRODUCT AGGREGATE: \$2,000,000 PRODUCT AGGREGATE AGG: \$2,000,000 \$
A	AUTOMOBILE LIABILITY ☒ OWNED ALL OWNED ALL RENTED ALL HIRE ALL NON-OWNED ALL NON-RENTED SCHEDULED NON-SCHEDULED	Y	4X21298	10/22/2016	10/22/2017	COMBINED SINGLE LIMIT (Per accident): \$1,000,000 BODILY INJURY (Per person): \$1,000,000 BODILY INJURY (Per accident): \$1,000,000 PROPERTY DAMAGE (Per accident): \$
A	UMBRELLA LIA EXCESS LIA PER. ☒ APPLICATION \$10,000		4X21298	10/22/2016	10/22/2017	EACH OCCURRENCE: \$5,000,000 AGGREGATE: \$5,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETARY INCREASES: ☒ YES OR EMPLOYER'S EMPLOYMENT: ☒ YES Mandatory in NH None elsewhere EMPLOYER'S EMPLOYMENT: ☒ YES	Y/N Y/N	4X21298	10/22/2016	10/22/2017	WORKERS COMPENSATION: \$500,000 DISEASE: \$500,000 DISEASE: \$500,000

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

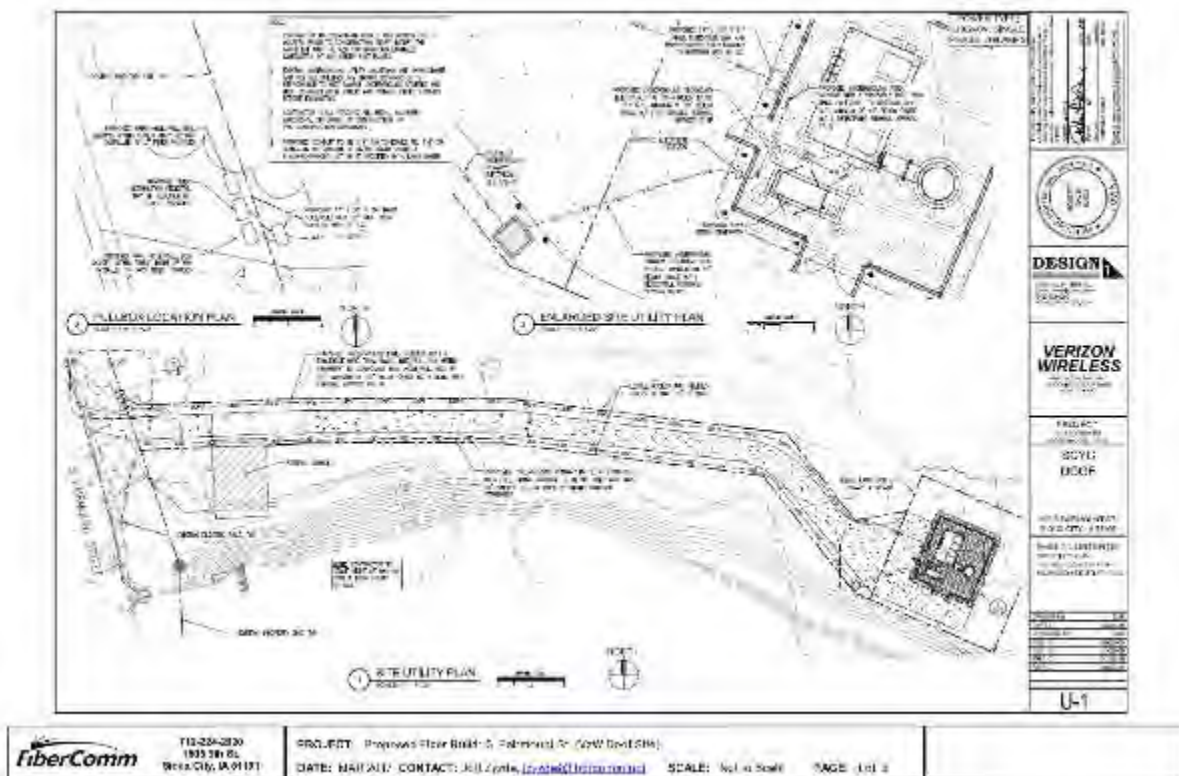
The City of Sioux City is an additional insured in regards to the General Liability and Auto Liability.

CERTIFICATE HOLDER

THE CITY OF SIOUX CITY PO BOX 447 SIOUX CITY IA 51102	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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VERIFICATION CERTIFICATE

THIS IS TO CERTIFY THAT BOND NUMBER BD 7900685622

ISSUED TO: FIBERCOMM, LC

PO BOX 416
SIOUX CITY, IA 51102

IN FAVOR OF: CITY OF SIOUX CITY

DESCRIBED AS A: 510,000.00 BLANKET PERFORMANCE, PAYMENT & MAINTENANCE BOND

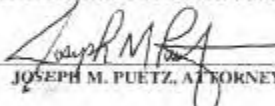
REMAINS IN FULL FORCE AND EFFECT, SUBJECT TO ALL ITS AGREEMENTS, CONDITIONS AND
LIMITATIONS FOR THE PERIOD FROM: 04/03/2017 TO: 04/03/2018 ,

SIGNED, SEALED AND DATED THIS 3RD DAY OF APRIL, 2017.



NATIONWIDE MUTUAL INSURANCE COMPANY

By: _____


JOSEPH M. PUETZ, ATTORNEY-IN-FACT

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT

Nationwide Mutual Insurance Company, an Ohio corporation
National Casualty Company, an Ohio corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation

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

Joseph M. Puetz

such in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of:

Ten Thousand and NO/100 Dollars

\$ 10,000.00

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company, and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the Board of Directors of the Company:

"RESOLVED, that the president, or any vice president or, and each hereby is, authorized and empowered to appoint attorney-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, notes, applications, indemnifications, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require, and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereon; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under seal by the following officers duly adopted by the Board of Directors of the Company:

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operations of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be signed and duly attested by the signature of its officer the 16th day of February, 2017.



Antonio C. Albanese

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

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 16th day of February, 2017, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the Seal aforesaid is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

SARVY T. SACCHI
Notary Public, State of New York
No. 02544506405
Qualified in New York County
Commission Expires April 30, 2019

Barry L. Boas

Notary Public
My Commission Expires
April 30, 2019

CERTIFICATE

I, Paug H. Shih, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of this foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors, and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 3rd day of April, 2017.

This power of attorney expires, April 30, 2019

Paug H. Shih
Assistant Secretary

BLANKET PERFORMANCE, PAYMENT, AND MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned FiberConn, LC
Nationwide Mutual Insurance Company, as Surety are held and firmly bound unto the City of Sioux City, Iowa, as
Obligee, (hereinafter called "Jurisdiction") and to all persons who may be injured by any breach of any conditions of
this Bond in the total aggregate penal sum of Ten Thousand Dollars (\$10,000.00), lawful money of the United
States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, legal representatives
and assigns, jointly or severally, firmly by these presents.

The conditions of the above obligations are such that whereas said Principal, following application for a license to
pull permits for Fiber/Utility Installation & Maintenance work from the Jurisdiction, intends to enter onto property of
the Jurisdiction to perform utility work, including, but not limited to new installation of utilities or service/maintenance
of existing utilities.

It is expressly understood and agreed by the Principal and Surety in this bond that the following provisions are a
part of this Bond and are binding upon said Principal and Surety, to-wit:

1. **PERFORMANCE:** The Principal shall well and faithfully observe, perform, fulfill, and abide by each and every covenant, condition, and part of said Permit Documents, reference made a part hereof, for the permitted work, and shall indemnify and save harmless the Jurisdiction from all outlay and expense incurred by the Jurisdiction by reason of the Principal's default or failure to perform as required. The Principal shall also be responsible for the default or failure to perform as required under the Permit and Permit Documents by all subcontractors, suppliers, agents, or employees furnishing materials or providing labor in the performance of the permitted work.
2. **PAYMENT:** The Principal and the Surety on this Bond hereby agree to pay all just claims submitted by person, firms, subcontractors, and corporations furnishing materials for or performing labor under the Permit on account of which this Bond is given.
3. **MAINTENANCE:** The Principal and the Surety on this Bond shall, for a two year period and at their own expense:
 - A. To remedy any and all defects that may develop in or result from work to be performed under the Permit.
 - B. To keep all work in continuous good repair; and
 - C. To pay the Jurisdiction's reasonable costs of monitoring and inspection to assure that any defects are remedied, and to repay the Jurisdiction all outlay and expense incurred as a result of Principal's and Surety's failure to remedy any defect as required by this section. Including but not limited to claims for all amounts due for any damage, personal or property, caused by the Principal, its contractors, subcontractors, agents or employees in the course of any work performed under the Permit or any work performed on the property of the Jurisdiction.

Principal's and Surety's agreement herein made extends to defects in workmanship or materials not discovered or known to the Jurisdiction at the time of such work was accepted.

It is intended that Principal and Surety will defend and indemnify the Jurisdiction on all claims made against the Jurisdiction on account of Principal's failure to perform as required in the Permits and Permit Documents, that all agreements and promises set forth in the Permits and Permit Documents and in this Bond will be fulfilled, and that

the Jurisdiction will be fully indemnified so that it will be put into the position it would have been in had the Permits been complied with in the first instance as required.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the venue thereof shall be Woodbury County District Court, State of Iowa.

NOW THEREFORE, the condition of this obligation is such that if said Principal shall faithfully perform all the promises of the Principal, as set forth and provided in the Permits and Permit Documents, and in this Bond, then this obligations shall be null and void, otherwise it shall remain in full force and effect during the period for which any fiber/utility installation by such Principal shall have been guaranteed by the Principal, and specifications under which the same were construed.

When a work term or phrase is issued in this Bond, it shall be interpreted or construed first as defined in this Bond, the Permits or Permit Documents; second, if not defined in the Bond, Permits or Permit Documents, it shall be interpreted or construed as defined in applicable provisions of the Iowa Code; third, if not defined in the Iowa Code, it shall be interpreted or construed according to its generally accepted meaning in the construction industry; and fourth, if it has no generally accepted meaning in the construction industry, it shall be interpreted or construed according to its common usage.

This bond may be terminated by the Surety by the giving of (30) days written notice to the City of Sioux City provided, however, that in the event of such termination, the Surety shall be relieved of liability hereunder only with respect to breaches of Condition occurring on or after the effective date of such termination. The Surety's obligation under this bond shall not exceed 100% of the penal sum of this bond.

Failure to specify or particularize shall not exclude terms or provisions not mentioned and shall not limit liability hereunder. The Permit and Permit Documents are hereby made a part of this Bond.

Dated this 6th day of June, 2016

SURETY:

Nationwide Mutual Insurance Company
Surety Company

By: [Signature]
Signature, Attorney-in-Fact/Officer

Joseph A. Rustz, Attorney in Fact
Name of Attorney-in-Fact/Officer

Nationwide Mutual Insurance Company
Company Name

1100 Locust Street, Dept. 2006

Company Address

Des Moines, Iowa 50391

City, State, Zip Code

888-387-0457

Company Telephone Number

PRINCIPAL:

FiberComm, LLC

Name: Jeff Zyzanski

By: [Signature]
Signature

Jeff Zyzanski
Name (Print/Type)

Director of Operations & Engineering
Title

Address

1605 9th St

City, State, Zip Code

Sioux City, IA 51101

712-224-2020
Telephone Number

Note: All Signatures on this bond must be original signatures in ink; copies of facsimile of any signatures will not be accepted. This bond must be sealed with the Surety's raised, embossing seal. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety's raised, embossing seal.

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
Farmers Mutual Insurance Company, an Iowa corporation
Nationwide Agribusiness Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation
Depositors Insurance Company, an Iowa corporation

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

JANET NOWLEN
JOSEPH M. PUETZ
MARK A. LENNON

KEITH M. SHELLHAMMER
KYLE A. KONOFASEK

LYNN A. MILLER
IRANE L. HACK

SHOULD CITY IS

each in their individual capacity, in line and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and indentures, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

ONE MILLION AND NO/100 DOLLARS

\$ 1,000,000.00

and to bind the Company hereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said officers pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, indentures, agreements, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts (guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require, and to modify or revise, with or without cause, any such appointments or authority provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and execute any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

The power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company:

Execution of Instruments: Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signatures of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be signed and duly sealed by the signature of its officer on the 13th day of February, 2014.



Terrance Williams
Terrance Williams, President and Chief Operating Officer of Nationwide Agribusiness Insurance Company and Farmers Mutual Insurance Company, and Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company, and Depositors Insurance Company

ACKNOWLEDGMENT

STATE OF IOWA, COUNTY OF POLK: ss

On this 13th day of February, 2014, before me came the above-named officer for the Companies aforesaid, in me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, depose and say, that he is the officer of the Companies aforesaid, that the seals aforesaid are the corporate seals of said Companies, and the said corporate seals and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Companies.

Notary Public
Notary Seal - State
Commission Number: 12780
My Commission Expires March 31, 2017

Sandy Chitt

Notary Public
My Commission Expires
March 31, 2017

CERTIFICATE

I, Robert W. Hester, Secretary of the Companies, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the board of directors and the same has not been revised or amended in any manner; that said Terrance Williams was on the date of the execution of the foregoing power of attorney the duly elected officer of the Companies, and the corporate seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors, and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Secretary, and affixed the corporate seals of said Companies this 13th day

of June, 2014.

Robert W. Hester
Secretary

This Power of Attorney Expires 09/18/16

BD7 1(03-14) 00

20712

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 4D

FROM: Glenn Ellis, City Engineer
Eric Jones, Civil Engineer

SUBJECT: Resolution granting a permit to FiberComm to own, operate and maintain underground cable commencing at the northeast corner of the alley intersection of 8th Street between Douglas Street and Pierce Street, along 8th Street where it exits the right-of-way at 605 8th Street, then resume in public right-of-way on Nebraska Street north of 8th Street, then cross west on Nebraska Street, then west along the alley, between 8th Street and 9th Street to the southwest corner of the alley intersection between Pierce Street and Nebraska Street.

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests the City Council approve the Resolution granting a permit to FiberComm of Sioux City, Iowa, to perform underground construction in the City's right-of-way for the installation of fiber optic network services commencing at the northeast corner of the alley intersection of 8th Street between Douglas Street and Pierce Street, along 8th Street where it exits the right-of-way at 605 8th Street, then resume in public right-of-way on Nebraska Street north of 8th Street, then cross west on Nebraska Street, then west along the alley, between 8th Street and 9th Street to the southwest corner of the alley intersection between Pierce Street and Nebraska Street, where this project will end.

DISCUSSION:

The City has received a letter from Jeff Zyzda of FiberComm for a permit to install underground cable Commencing at an existing hand hole at the northeast corner of the alley intersection of 8th Street between Douglas Street and Pierce Street extending east for 735 feet along 8th Street, where a new hand hole will be placed, then north onto private property at 605 8th Street, then through private property, resuming in public right-of-way on Nebraska Street approximately 120 feet north of 8th Street, then west 250 feet crossing Nebraska Street, then west along the alley between 8th Street and 9th Street to an existing hand hole located at the southwest corner of the alley intersection between Pierce Street and Nebraska Street.

The fiber optic is being installed to serve the address of 605 8th Street.

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

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

The attached route has been reviewed by several City Departments.

FINANCIAL IMPACT:

There are no budget implications for the City due to this project.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure

Focus Area – Grow Sioux City

ALTERNATIVES:

Council could deny permit to FiberComm

ATTACHMENTS:

Resolution

Application (with Map)

Insurance

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION GRANTING A PERMIT TO FIBERCOMM TO OWN, OPERATE AND MAINTAIN UNDERGROUND CABLE COMMENCING AT THE NORTH-EAST CORNER OF THE ALLEY INTERSECTION OF 8TH STREET BETWEEN DOUGLAS STREET AND PIERCE STREET, ALONG 8TH STREET WHERE IT EXITS THE RIGHT-OF-WAY AT 605 8TH STREET, THEN RESUME IN PUBLIC RIGHT-OF-WAY ON NEBRASKA STREET NORTH OF 8TH STREET, THEN CROSS WEST ON NEBRASKA STREET, THEN WEST ALONG THE ALLEY, BETWEEN 8TH STREET AND 9TH STREET TO THE SOUTHWEST CORNER OF THE ALLEY INTERSECTION BETWEEN PIERCE STREET AND NEBRASKA STREET.

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

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

- Commencing at an existing hand hole at the northeast corner of the alley intersection of 8th Street between Douglas Street and Pierce Street extending east for 735 feet along 8th Street, where a new hand hole will be placed, then north onto private property at 605 8th Street, then through private property, resuming in public right-of-way on Nebraska Street approximately 120 feet north of 8th Street, then west 250 feet crossing Nebraska Street, then west along the alley between 8th Street and 9th Street to an existing hand hole located at the southwest corner of the alley intersection between Pierce Street and Nebraska Street.

Subject to the following terms and conditions as outlined in the attached Fiber/Utility Installation and Maintenance Permit.

BE IT FURTHER RESOLVED that the City Engineer be and he is hereby authorized and directed to execute said Fiber/Utility Installation and Maintenance Permit for and on behalf of the City.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk



Fiber / Utility Installation & Maintenance Permit

	Name	Address	Phone	Email
Applicant:	FiberComm	1605 9th St., Sioux City, IA 51101	224-2020	jyada@fibercomm.net
Facility Owner:	FiberComm	1605 9th St., Sioux City, IA 51101	224-2020	jyada@fibercomm.net
Contractor:	Tri-State Underground	P.O. Box 5078, Sioux City, IA 51102	251-2097	dave@tristateunderground.com

Bond on File: ☒ Yes ☐ No ☐ Not Applicable Bond Expiration Date: _____

Insurance Certificate on File: ☒ Yes ☐ No ☐ Not Applicable

Work in: (Street) 8th St and Nebraska St. ☒ Paved ☐ Unpaved ☐ Parkway

From: (Street) 8th St. Douglas/Pence St. Alley To: (Street) 8th St. Nebraska/Jackson St. Alley

Address Served: (If Applicable) 605 8th St.

Start Date: Early April, 2017 Completion Date: Mid April, 2017

Project Description: Please see enclosed letter & map for complete project details.

Type of Work: Installation of underground telecommunications utilities.

- A map showing the work area and proposed traffic control must be attached to the application.

By signing the permit below, the Permittee acknowledges the rules, regulations & City Code pertaining to this permit. The Permittee also agrees to defend, indemnify, and hold harmless the City, its employees, and agents from all suits, actions, damages, or claims to which the City may be subject to, of any kind or nature whatsoever, resulting from, caused by, or arising out of the Permittee's use or occupancy of the public right-of-way authorized by this permit.

Applicant Signature: [Signature] Date: 3/13/2017
Glenn Ellis
City Engineer Date: _____

FOR OFFICE USE ONLY

Date Submitted: 3/13/17 Permit/Resolution No. _____

Engineer Review: EJ Date: 3/15/17

Utility Review: MA, SO Date: 3/14/17

Communication Review: CS Date: 3/13/17

Permit Fee: ☐ New Installation \$250.00 ☐ Emergency/Maintenance Requiring Excavation \$85.00

☐ Check ☐ Cash ☐ Credit Card

435 S. Street - P.O. Box 447 - Sioux City, IA 51102 www.sic.gov

712-275-4225
712-275-6888

712-275-6549
712-275-2179

712-275-4410
712-275-4310

712-275-6549
712-275-4630

712-275-4324
712-275-4310

712-275-0885
712-275-4412

712-275-4320
712-275-0884



Fiber / Utility Installation & Maintenance Permit

STANDARD PERMIT CONDITIONS

The applicant agrees that if granted a permit for obstruction/excavation in the public right-of-way as described in the permit application, the following stipulations shall govern in addition to those included in Chapter 12.05 of the Sioux City Municipal Code.

- No public right-of-way shall be closed without notice and consent of the Public Works Department. Notice shall be at least ten (10) days in advance of any closing. Applicant is responsible for notifying the properties adjacent to the closure via door hangers. Street Closures shall be at no expense to the City.
- The contractor must schedule a preconstruction meeting with City Engineering staff prior to construction to provide information concerning the construction methods, traffic control plan, construction schedule, and impacts to the City's right-of-way. The contractor must also provide City Engineering with a construction plan showing handholes, conduit locations, and other appurtenances that will be installed in the City's right-of-way.
- Applicant/contractor shall comply with all city ordinances regulating construction in the public right-of-ways during any maintenance activities on the buried utility system. Applicant agrees to comply with all other ordinances and any amendments thereto of the City regulating the use and occupancy of public right-of-way including, but not limited to, Chapter 12.05 of the Sioux City Municipal Code. Construction work shall conform to the current edition of SUDAS and the City of Sioux City Supplement to SUDAS. See Section 7040 regarding pavement patching requirements. All street patching shall use Iowa DOT Class M concrete mix.
- The applicant shall notify Iowa One Call (IOC) at 1-800-292-8989 or www.iowaonecall.com for utility locates prior to excavation. IOC requires 48 hour notification.
- No excavation in the traveled portion of the public right-of-way shall be left opened and with no work in progress for more than five (5) days. No excavation in the parkway shall be left opened and with no progress for more than ten (10) days.
- When an emergency excavation is necessary, a permit application shall be submitted at the earliest opportunity after the work has started, no later than the next business day.
- Contractor shall furnish, erect and maintain the necessary traffic controls such as signs, barricades, flaggers, etc., as required by the City. Traffic controls provided shall be in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as adopted by the Iowa Department of Transportation.
- A complete set of "as built" construction plans in paper and electronic format shall be filed with the City's Engineering Division within fourteen (14) days after completion of the project.
- Applicant shall maintain with the City's Engineering Division a telephone number or numbers to call to locate buried cable and to receive emergency messages at any time.
- Applicant shall relocate any buried utilities, cable, etc., at its expense, to accommodate a public improvement in the public right-of-way.
- All surfacing shall be replaced to its original condition satisfactory to the Public Works Department. Grass surfaces may be seeded and mulched, sodded or treated with erosion mat as determined by the City Engineer or his/her designee. Paved areas will require passing density tests to be provided to City Engineering staff prior to being paved. The applicant shall assume the responsibility of maintenance costs for restoring any grassed areas, streets, driveways, and sidewalks due to settlement of the trenches or improperly restored improvements over such trenches for a period of (2) years, or until the area is reconstructed by the City, whichever is sooner.
- Applicant shall submit a surety bond in the amount of \$10,000 for all right-of-way obstructions/excavations that will likely cause damage to the right-of-way. The bond shall be signed by a good and sufficient surety company authorized to execute such bonds under the laws of the state and upon which service of process may be made in the State of Iowa. Action may be taken on the bond to recover costs associated with repairs to any damages caused to the right-of-way or City utilities, or if the applicant fails to make timely repairs and reopen the right-of-way.
- Applicant agrees to require all general contractors who may perform any work for Applicant under this permit to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event Applicant does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

City of Sioux City, P.O. Box 447 • 2000 1st St. SE • 50152 • www.siouxcity.io

City Manager
712.229.8800

City Engineer
712.229.8814

City Engineer
712.229.8811

City Engineer
712.229.8811

City Engineer
712.229.8811

City Engineer
712.229.8811

City Engineer
712.229.8811



Fiber / Utility Installation & Maintenance Permit

- Applicant shall submit a Certificate of Liability Insurance with the application. The amount of the insurance shall be a minimum of \$1,000,000 with a maximum deductible of \$5,000. The certificate shall name the City as an additional insured and shall include a copy of the endorsement naming the City as such.
- In the event that the Applicant fails to comply with the provision of the application, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the Applicant. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the Applicant shall replace that area as may be ordered by the Public Works Director. All work shall comply with the City's requirements for patch back and repair.
- Applicant shall defend at its own expense, in the name and on behalf of the City, and shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, whether caused or contributed to by the negligence of Applicant or the City, on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the buried cable permitted by this resolution. However, Applicant shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the sole negligence of the City. The duty of Applicant to defend and save harmless and indemnify the City shall extend to the officers, employees, elected officials, and agents of the City to the extent the City is obligated to defend, save harmless and indemnify by law.
- The applicant agrees to abide by the Supplemental Conditions (If Applicable) written below:

Supplemental Permit Conditions (attach additional sheets as required): 8" Sanitary in whole parking
until Pierce St. label main below. Complete project. Crossing 25" storm sewer
in both Intersections

This completed, signed and approved permit must be present at the project site while work is underway. Failure to produce this permit when requested can and will result in compulsory work stoppages.


Applicant's Initials

ST. LOUIS CITY PUBLIC WORKS DEPARTMENT www.stlouis.gov

715-279-4322
715-279-6692

715-279-4322
715-279-6692

715-279-4322
715-279-6692

715-279-4322
715-279-6692

715-279-4322
715-279-6692

715-279-4322
715-279-6692

715-279-4322
715-279-6692



CERTIFICATE OF LIABILITY INSURANCE

DATE REVISED
10/21/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mills-Shellhammer-Puetz Assoc. PO Box 567 Sioux City IA 51102	CONTACT NAME PHONE TOLL FREE 712-258-2580 FAX TOLL FREE 712-258-2184 E-MAIL ADDRESS info@mspiinsurance.com INSURER(S) AFFORDING COVERAGE NAIC # INSURER A EMC INSURANCE COMPANIES 25168 INSURER B INSURER C INSURER D INSURER E INSURER F
INSURED FIBER-2 FiberComm LC Box 416 Sioux City IA 51102-0416	

COVERAGES

CERTIFICATE NUMBER: 545876288

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NO OTHER INSURANCE, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT, WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND LIMITS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR. LTR.	TYPE OF INSURANCE	ADDITIONAL SUBS. LTR. LTR.	POLICY NUMBER	POLICY EFF. DATE (MM/YY)	POLICY EXP. DATE (MM/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMM. GEN. LIABILITY CLAIMS MADE ☒ OCCUR Included GEN. AGGREGATE LIMIT APPLIES PER: PER OCC. PER AGG. PER AGG.	Y	4X21298	10/22/2016	10/22/2017	EACH OCCURRENCE \$1,000,000 BODILY INJURY/PROPERTY DAMAGE \$1,000,000 AD & VIOL. \$5,000 PERSONAL & ADULTERY \$1,000,000 WRONGFUL TERMINATION \$2,000,000 PRODUCTS & COMPLETED OPERATIONS \$2,000,000
A	AUTOMOBILE LIABILITY ☒ OWNED ALL OWNED ALL RENTED ALL HIRE ALL NON-OWNED ALL NON-RENTED	Y	4X21298	10/22/2016	10/22/2017	CARTRAILER \$1,000,000 (Excluded) BODILY INJURY/PROPERTY DAMAGE \$1,000,000 BODILY INJURY/PROPERTY DAMAGE \$1,000,000 (Excluded)
A	UMBRELLA LIA. EXCESS LIAB. GEN. ☒ APPLICATION \$10,000		4X21298	10/22/2016	10/22/2017	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY EMPLOYER'S INDEMNITY EMPLOYER'S BENEFITS EMPLOYER'S MEDICAL EMPLOYER'S DENTAL EMPLOYER'S VISION EMPLOYER'S LIFE EMPLOYER'S ACCIDENT & SICKNESS	Y/N Y/N Y/N Y/N Y/N Y/N Y/N Y/N	4X21298	10/22/2016	10/22/2017	WORKERS COMPENSATION \$500,000 EMPLOYERS' LIABILITY \$500,000 EMPLOYERS' BENEFITS \$500,000 EMPLOYERS' MEDICAL \$500,000 EMPLOYERS' DENTAL \$500,000 EMPLOYERS' VISION \$500,000 EMPLOYERS' LIFE \$500,000 EMPLOYERS' ACCIDENT & SICKNESS \$500,000

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

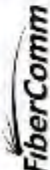
The City of Sioux City is an additional insured in regards to the General Liability and Auto Liability.

CERTIFICATE HOLDER

THE CITY OF SIOUX CITY PO BOX 447 SIOUX CITY IA 51102	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

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712.224.2920
1005 9th St.
St. Louis, MO 63101

PROJECT: Proposed Fiber Build, 805 6th St, Nebraska St, (V2N GP Paris Site)

DATE: MAR 2017 CONTACT: jcr72@stlouisfibercomm.net SCALE: Not to Scale PAGE: 1 of 1

Existing FiberComm/Others Hand Hole

Existing FiberComm Underground Facilities

Proposed FiberComm City Hand Hole

Proposed FiberComm Underground Facilities

VERIFICATION CERTIFICATE

THIS IS TO CERTIFY THAT BOND NUMBER BD 7900685622

ISSUED TO: FIBERCOMM, LC

PO BOX 416
SIOUX CITY, IA 51102

IN FAVOR OF: CITY OF SIOUX CITY

DESCRIBED AS A: \$10,000.00 BLANKET PERFORMANCE, PAYMENT & MAINTENANCE BOND

REMAINS IN FULL FORCE AND EFFECT, SUBJECT TO ALL ITS AGREEMENTS, CONDITIONS AND
LIMITATIONS FOR THE PERIOD FROM: 04/03/2017 TO: 04/03/2018 .

SIGNED, SEALED AND DATED THIS 3RD DAY OF APRIL, 2017,



NATIONWIDE MUTUAL INSURANCE COMPANY

By: _____


JOSEPH M. PUETZ, ATTORNEY-IN-FACT

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
National Casualty Company, an Ohio corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation

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

Joseph M. Puetz

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

Ten Thousand and NO/100 Dollars

\$ 10,000.00

and in kind the Company hereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company, and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to accept or revoke, with or without cause, any such appointment of authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all aforesaid documents and to bind the Company, subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company (where provided, however, that said seal shall not be necessary for the validity of any such documents)."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company:

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped in any appropriate document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer this 19th day of February, 2017.

Antonio C. Albanese

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

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK, ss:

On this 19th day of February, 2017, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposed and says, that he is the officer of the Company aforesaid, that the seal affixed thereto is the corporate seal of said Company, and the said corporate seal and the signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

SAHRY T. BARNETT
Notary Public, State of New York
No. 0254469460
Qualified in New York County
Commission Expires April 30, 2019

Barry T. Barnett

Barry T. Barnett
My Commission Expires
April 30, 2019

CERTIFICATE

I, Pasquale H. Shah, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the board of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company; and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 3rd day of April, 2017.

This power of attorney expires April 30, 2019

Pasquale H. Shah
Assistant Secretary

80/10014/00

BLANKET PERFORMANCE, PAYMENT, AND MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, FiberComm, LC
Nationwide Mutual Insurance Company, as Surety are held and firmly bound unto the City of Sioux City, Iowa, as
Obligee, (hereinafter called "Jurisdiction") and to all persons who may be injured by any breach of any conditions of
this Bond in the total aggregate penal sum of Ten Thousand Dollars (\$10,000.00), lawful money of the United
States, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, legal representatives
and assigns, jointly or severally, firmly by these presents.

The conditions of the above obligations are such that whereas said Principal, following application for a license to
pull permits for Fiber/Utility Installation & Maintenance work from the Jurisdiction, intends to enter onto property of
the Jurisdiction to perform utility work, including, but not limited to new installation of utilities or service/maintenance
of existing utilities.

It is expressly understood and agreed by the Principal and Surety in this bond that the following provisions are a
part of this Bond and are binding upon said Principal and Surety, to-wit:

1. **PERFORMANCE:** The Principal shall well and faithfully observe, perform, fulfill, and abide by each and
every covenant, condition, and part of said Permit Documents, reference made a part hereof, for the
permitted work, and shall indemnify and save harmless the Jurisdiction from all outlay and expense
incurred by the Jurisdiction by reason of the Principal's default of failure to perform as required. The
Principal shall also be responsible for the default or failure to perform as required under the Permit and
Permit Documents by all subcontractors, suppliers, agents, or employees furnishing materials or providing
labor in the performance of the permitted work.
2. **PAYMENT:** The Principal and the Surety on this Bond hereby agree to pay all just claims submitted by
person, firms, subcontractors, and corporations furnishing materials for or performing labor under the
Permit on account of which this Bond is given.
3. **MAINTENANCE:** The Principal and the Surety on this Bond shall, for a two year period and at their own
expense:
 - A. To remedy any and all defects that may develop in or result from work to be performed under the
Permit.
 - B. To keep all work in continuous good repair; and
 - C. To pay the Jurisdiction's reasonable costs of monitoring and inspection to assure that any defects
are remedied, and to repay the Jurisdiction all outlay and expense incurred as a result of
Principal's and Surety's failure to remedy any defect as required by this section. Including but not
limited to claims for all amounts due for any damage, personal or property, caused by the Principal,
its contractors, subcontractors, agents or employees in the course of any work performed under the
Permit or any work performed on the property of the Jurisdiction.

Principal's and Surety's agreement herein made extends to defects in workmanship or materials not discovered or
known to the Jurisdiction at the time of such work was accepted.

It is intended that Principal and Surety will defend and indemnify the Jurisdiction on all claims made against the
Jurisdiction on account of Principal's failure to perform as required in the Permits and Permit Documents, that all
agreements and promises set forth in the Permits and Permit Documents and in this Bond will be fulfilled, and that

the jurisdiction will be fully indemnified so that it will be put into the position it would have been in had the Permits been complied with in the first instance as required.

In the event that any actions or proceedings are initiated with respect to this Bond, the parties agree that the venue thereof shall be Woodbury County District Court, State of Iowa.

NOW THEREFORE, the condition of this obligation is such that if said Principal shall faithfully perform all the promises of the Principal, as set forth and provided in the Permits and Permit Documents, and in this Bond, then the obligations shall be null and void, otherwise it shall remain in full force and effect during the period for which any fiber/utility installation by such Principal shall have been guaranteed by the Principal, and specifications under which the same were construed.

When a work term or phrase is issued in this Bond, it shall be interpreted or construed first as defined in this Bond, the Permits or Permit Documents; second, if not defined in the Bond, Permits or Permit Documents, it shall be interpreted or construed as defined in applicable provisions of the Iowa Code; third, if not defined in the Iowa Code, it shall be interpreted or construed according to its generally accepted meaning in the construction industry; and fourth, if it has no generally accepted meaning in the construction industry, it shall be interpreted or construed according to its common usage.

This bond may be terminated by the Surety by the giving of (30) days written notice to the City of Sioux City provided, however, that in the event of such termination, the Surety shall be relieved of liability hereunder only with respect to breaches of Condition occurring on or after the effective date of such termination. The Surety's obligation under this bond shall not exceed 100% of the penal sum of this bond.

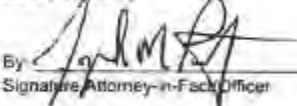
Failure to specify or particularize shall not exclude terms or provisions not mentioned and shall not limit liability hereunder. The Permit and Permit Documents are hereby made a part of this Bond.

Dated this 6th day of June, 2016

SURETY:

Nationwide Mutual Insurance Company

Surety Company

By: 

Signature Attorney-in-Fact/Officer

Joseph M. Busch, Attorney-in-Fact

Name of Attorney-in-Fact/Officer

Nationwide Mutual Insurance Company

Company Name

1100 Locus Street, Dept. 2006

Company Address

Des Moines, Iowa 50391

City, State, Zip Code

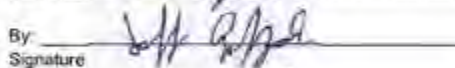
886-387-0457

Company Telephone Number

PRINCIPAL:

FiberComm, LC

Name: Jeff Zyzanski

By: 

Signature

Name (Print/Type) Jeff Zyzanski

Director of Operations & Engineering

Title

1605 9th St

Address

Sioux City, IA 51101

City, State, Zip Code

712-224-2020

Telephone Number

Note: All Signatures on this bond must be original signatures in ink; copies of facsimile of any signatures will not be accepted. This bond must be sealed with the Surety's raised, embossing seal. The Certificate or Power of Attorney accompanying this bond must be valid on its face and sealed with the Surety's raised, embossing seal.

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
Farmers Mutual Insurance Company, an Iowa corporation
Nationwide Agribusiness Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation
Depositors Insurance Company, an Iowa corporation

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

JANET NOWLEN
JOSEPH M. PUEZ
MARK A. LENNON

KEITH M. SHELLHAMMER
KYLE A. KONOPASEK

LYNN A. NIELL
DIANE L. HACK

SIOUX CITY IA

each in their individual capacity, his true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

ONE MILLION AND NO/100 DOLLARS

\$ 1,000,000.00

and to bind the Company thereto, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company, and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognitions, transfers, contracts of indemnity, policies, contracts, promissory notes, drafts, or other writings obligatory in nature that the business of the Company may require, and to modify or revoke, with or without cause, any such appointment or authority provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and execute any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be signed and duly attested by its officer or its officer the
1st day of February, 2016.

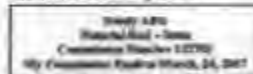


Terrance Williams
Terrance Williams, President and Chief Operating Officer of Nationwide Agribusiness Insurance Company and Farmers Mutual Insurance Company; and Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company, and Depositors Insurance Company

ACKNOWLEDGMENT

STATE OF IOWA, COUNTY OF POLK: ss

On this 1st day of February, 2016, before me came the above-named officer for the Companies aforesaid, in me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposed and says, that he is the officer of the Companies aforesaid, that the seals affixed hereto are the corporate seals of said Companies, and the said corporate seals and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Companies.



Sandy A. Berg
Notary Public
My Commission Expires
March 24, 2017

CERTIFICATE

I, Robert W. Homan III, Secretary of the Companies, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the board of directors and the same has not been revised or amended in any manner; that said Terrance Williams was on the date of the execution of the foregoing power of attorney the duly elected officer of the Companies, and the corporate seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Secretary, and affixed the corporate seals of said Companies this 1st day

of June, 2016.

Robert W. Homan III
Secretary

This Power of Attorney Expires 09/16/16

BDJ 1(03-14) 00

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017

ACTION ITEM # 5A

FROM: Glenn Sedivy

SUBJECT: Resolution proposing to sublease a portion of space on the Public Safety Communications Tower located at 3430 West 23rd Street to Motorola Solutions, Inc. for installation, operation and maintenance of a communication system and authorizing and directing publication of notice to sublease such real estate.

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests the City Council approve a resolution inviting proposals for the sublease of a portion of the Public Safety Communication Tower located at 3430 W. 23rd Street to Motorola Solutions, Inc. for installation, operation and maintenance of a communication system.

DISCUSSION:

On October 25, 2004, pursuant to Resolution No. 2004-0918, the City Council authorized and approved a 30 year lease agreement with Woodbury County and Sioux City Community School District for use of the property located in the vicinity of 3430 West 23rd Street for the use of the land for the Starcomm Communications Tower. Motorola Solutions, Inc. desires to sublease a portion of said communication tower for the installation, operation and maintenance of a communication system. This sublease would allow the City to lease tower space to Motorola Solutions, Inc. for their communications equipment.

The action on Monday's agenda sets a public hearing for April 17, 2017. The purpose of the Public Hearing will be to enter into a thirteen (13) year lease agreement with Motorola Solutions, Inc. to allow a tower lease agreement on the Starcomm West Tower located at 3430 West 23rd Street, Sioux City, Iowa. This lease will allow the Starcomm radio system to be connected and be able to operate on the State of Iowa's new Statewide radio system.

FINANCIAL IMPACT:

None

RELATIONSHIP TO STRATEGIC PLAN:

MUNICIPAL RESPONSIBILITIES

- Health and Safety

STRATEGIC FOCUS AREAS

- **Enhance Public/Private Partnerships and expanding the use of technology**

ALTERNATIVES:

Not approve sublease.

ATTACHMENTS:

Resolution

Proposed sublease will be provided **(HARD COPY)**

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION PROPOSING TO SUBLEASE A PORTION OF SPACE ON THE PUBLIC SAFETY COMMUNICATIONS TOWER LOCATED AT 3430 WEST 23rd STREET TO MOTOROLA SOLUTIONS, INC. FOR INSTALLATION, OPERATION AND MAINTENANCE OF A COMMUNICATION SYSTEM AND AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE TO SUBLEASE SUCH REAL ESTATE.

WHEREAS, on October 25, 2004, pursuant to Resolution No. 2004-0918, the City Council authorized and approved a lease agreement with Woodbury County and the Sioux City Community School District for use of school property located northwest of 3301 West 19th Street, now known as 3430 West 23rd Street, for a public safety communications tower site; and

WHEREAS, the City desires to sublease a portion of space on said public safety communications tower to Motorola Solutions Inc. for installation, operation and maintenance of a communication system; and

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

Space on the Public Safety Communication Tower located at 3430 W 23rd Street and more particularly described as follows:

A lease of land being part of Blocks 7, 8 and 9 and the vacated alleys thereof and part of vacated Amanda Avenue, vacated W. 23rd Street and vacated W 22nd Street, all in Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa, more particularly described as follows:

Commencing at the southeast corner of said Highland Park Fourth Filing; thence N 89°57'11"W along the south line of said Highland Park Fourth Filing for 591.18 feet; thence N 00°02'49"E for 36.91 feet to the point of beginning of said lease description; thence N 22°36'05"W for 519.62 feet; thence S 82°36'05"E for 519.62 feet; thence S 37°23'55"W for 519.62 feet to the point of beginning. Said lease containing an area of 116,913.43 square feet or 2.68 acres.

Also an ingress/egress easement over and across Block 6, Block 7 and vacated W. 23rd Street in said Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa. Also a utility easement over and across Lots 1, 2 and 3 in said Block 9 and that part of vacated W. 22nd Street adjacent thereto, and part of vacated Berry Street adjacent to said Lot 1, Block 9 and across Lots 18 through 30 inclusive in said Block 8 and that part of the vacated alley adjacent thereto, all in said Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa,

to Motorola Solutions Inc. for a period of thirteen (13) years commencing when required licenses and permits are acquired by Motorola Solutions Inc., with Motorola Solutions Inc. having the option to extend for a further period of four (4) five (5) year terms with consent from the expiration of the initial term upon such terms as are mutually agreed upon by the parties; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the resolution shall come on for final hearing before the City Council on April 17, 2017 at 4:00 o'clock P.M., or as soon thereafter as said matter can be reached for hearing.

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

**NOTICE OF HEARING ON SUBLEASE OF
SIOUX CITY COMMUNITY SCHOOL DISTRICT PROPERTY**

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

Space on the Public Safety Communication Tower located at 3430 W 23rd Street and more particularly described as follows:

A lease of land being part of Blocks 7, 8 and 9 and the vacated alleys thereof and part of vacated Amanda Avenue, vacated W. 23rd Street and vacated W 22nd Street, all in Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa, more particularly described as follows:

Commencing at the southeast corner of said Highland Park Fourth Filing; thence N 89°57'11"W along the south line of said Highland Park Fourth Filing for 591.18 feet; thence N 00°02'49"E for 36.91 feet to the point of beginning of said lease description; thence N 22°36'05"W for 519.62 feet; thence S 82°36'05"E for 519.62 feet; thence S 37°23'55"W for 519.62 feet to the point of beginning. Said lease containing an area of 116,913.43 square feet or 2.68 acres.

Also an ingress/egress easement over and across Block 6, Block 7 and vacated W. 23rd Street in said Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa. Also a utility easement over and across Lots 1, 2 and 3 in said Block 9 and that part of vacated W. 22nd Street adjacent thereto, and part of vacated Berry Street adjacent to said Lot 1, Block 9 and across Lots 18 through 30 inclusive in said Block 8 and that part of the vacated alley adjacent thereto, all in said Highland Park Fourth Filing to Sioux City, Woodbury County, Iowa,

to Motorola Solutions Inc. for a period of thirteen (13) years commencing when required licenses and permits are acquired by Motorola Solutions Inc., with Motorola Solutions Inc. having the option to extend for a further period of four (4) five (5) year terms with consent from the expiration of the initial term upon such terms as are mutually agreed upon by the parties.

Said sublease will come on for public hearing before the City Council in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, on April 17, 2017, 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 sublease.

CITY OF SIOUX CITY, IOWA

BY: Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal April 8, 2017.

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 5B

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

Subject: Resolution inviting proposals for the sale of land in the Combined Floyd River Urban Renewal Area, announcing the intent to accept the proposal of Peace Reformed Church Reformed Church of America, fixing the date for receipt of proposals, and for public hearing and providing for notice thereof. (A portion of vacated Outer Drive abutting property at 4100 Outer Drive)

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests Council approve the proposed resolution.

DISCUSSION:

On the agenda for Monday is a resolution proposing to sell that portion of vacated Outer Drive abutting 4100 Outer Drive to Peace Reformed Church Reformed Church of America. This portion of street was vacated by Ordinance No. 2017-0171 dated February 27, 2017. The Church would like to add this portion of vacated right of way to abutting property that they own to allow for future development. This property is located in the Combined Floyd River Urban Renewal Area.

The resolution on Monday's agenda schedules a public hearing for May 8, 2017 for the issuance of a city deed.

FINANCIAL IMPACT:

The amount of \$5,145.16 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. 2017 - _____
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 PEACE REFORMED CHURCH REFORMED CHURCH OF AMERICA, FIXING THE DATE FOR RECEIPT OF PROPOSALS, AND FOR PUBLIC HEARING AND PROVIDING FOR NOTICE THEREOF. (A PORTION OF VACATED OUTER DRIVE ABUTTING PROPERTY AT 4100 OUTER DRIVE)

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

WHEREAS, Peace Reformed Church Reformed Church of America has submitted to the City a proposal to purchase a portion of the project area described as follows:

That vacated portion of the existing Outer Drive right-of-way located in the south-east quarter of the northeast quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 14, Township 89 North, Range 47 West of the 5th P.M., City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the southwest corner of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$; thence South 89°08'00" East (assumed bearing) along the south line of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$ for a distance of 388.11 feet to the existing south right-of-way line of Outer Drive and to the Point of Beginning; thence North 52°17'31" West along said right-of-way line for a distance of 173.28 feet; thence North 37°40'28" East for a distance of 69.83; thence South 52°21'08" East parallel with and 150 feet distant from the north right-of-way line of Outer Drive for a distance of 579.28 feet; thence southeasterly along a 7,699.44 feet radius curve, through a central angle of 02°36'46", for a distance along the arc of 351.12 feet, the chord of which bears South 53°39'44" East a distance of 351.09 feet to said existing south right-of-way line; thence North 63°19'57" West along said existing south right-of-way line for a distance of 410.15 feet; thence North 52°20'49" West along said existing south right-of-way line for a distance of 354.36 feet to the Point of Beginning, containing 50,354 square feet or 1.16 acres, more or less, subject to easements, if any, of record or apparent;

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

WHEREAS, said property was vacated pursuant to Ordinance No. 2017-0171 passed and approved February 27, 2017; 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 Peace Reformed Church Reformed Church of America 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 Real Estate Office, Room 304, City Hall, 405 Sixth Street, Sioux City, Iowa, by 1:00 p.m., local time, May 8, 2017; 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 May 8, 2017, at the regularly scheduled council meeting and fixes the date of May 8, 2017 at 1:00 p.m., local time, as the last day upon which proposals can be received by the City.

PASSED AND APPROVED: April 3, 2017

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 Peace Reformed Church Reformed Church of America, a copy of which is on file in the office of the City Clerk. Said Invitation for Proposals and said proposal concerns the following described real property:

That vacated portion of the existing Outer Drive right-of-way located in the south-east quarter of the northeast quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 14, Township 89 North, Range 47 West of the 5th P.M., City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the southwest corner of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$; thence South 89°08'00" East (assumed bearing) along the south line of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$ for a distance of 388.11 feet to the existing south right-of-way line of Outer Drive and to the Point of Beginning; thence North 52°17'31" West along said right-of-way line for a distance of 173.28 feet; thence North 37°40'28" East for a distance of 69.83; thence South 52°21'08" East parallel with and 150 feet distant from the north right-of-way line of Outer Drive for a distance of 579.28 feet; thence southeasterly along a 7,699.44 feet radius curve, through a central angle of 02°36'46", for a distance along the arc of 351.12 feet, the chord of which bears South 53°39'44" East a distance of 351.09 feet to said existing south right-of-way line; thence North 63°19'57" West along said existing south right-of-way line for a distance of 410.15 feet; thence North 52°20'49" West along said existing south right-of-way line for a distance of 354.36 feet to the Point of Beginning, containing 50,354 square feet or 1.16 acres, more or less, subject to easements, if any, of record or apparent.

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 Real Estate Office, Room 304, City Hall, 405 Sixth Street, Sioux City, Iowa.

Any person interested in purchasing said real estate should submit a completed proposal to the Real Estate Office, Room 304, City Hall, 405 Sixth Street, Sioux City, Iowa no later than 1:00 p.m., local time, on May 8, 2017.

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 Real Estate Office without charge.

A public hearing will be held concerning any qualified proposals received and concerning the acceptance of the proposal as submitted by Peace Reformed Church Reformed Church of America 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 May 8, 2017, 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

/s/ LISA L. MCCARDLE
CITY CLERK

Published in the Sioux City Journal April 8, 2017

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 (common description):

A portion of excess right of way on the southwest side of the Peace Reformed Church property at 4100 Outer Drive.

and legally described as follows:

See attached legal

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. \$150 of the application fee will be credited towards the cost of the land if applicant is successful. Otherwise, there are no refunds.
4. 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 of any presently existing and installed public utilities, above or below the ground, unless specifically agreed otherwise by the City Council.

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.

Peace Reformed Church Reformed Church of America P.O. Box 2310 Sioux City, IA 51106

This offer respectfully submitted with a full understanding of the above provisions on this 3RD day of January, 2017

Formula Price:

\$ 5,145.16

By: James VanKloppenburgh

James VanKloppenburgh

Subscribed and sworn before me this 3rd day of January, 2017

Stephanie J. Groves
Notary Public in and for the State of Iowa



u:\cityplanning\planzone\textapps\vaccsmt.doc

That vacated portion of the existing Outer Drive right-of-way located in the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 14, Township 89 North, Range 47 West of the 5th P.M., City of Sioux City, Woodbury County, Iowa, described as follows:

Commencing at the southwest corner of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$; thence South 89°08'00" East (assumed bearing) along the south line of said SE $\frac{1}{4}$ -NE $\frac{1}{4}$ for a distance of 388.11 feet to the existing south right-of-way line of Outer Drive and to the Point of Beginning; thence North 52°17'31" West along said right-of-way line for a distance of 173.28 feet; thence North 37°40'28" East for a distance of 69.83; thence South 52°21'08" East parallel with and 150 feet distant from the north right-of-way line of Outer Drive for a distance of 579.28 feet; thence southeasterly along a 7,699.44 feet radius curve, through a central angle of 02°36'46", for a distance along the arc of 351.12 feet, the chord of which bears South 53°39'44" East a distance of 351.09 feet to said existing south right-of-way line; thence North 63°19'57" West along said existing south right-of-way line for a distance of 410.15 feet; thence North 52°20'49" West along said existing south right-of-way line for a distance of 354.36 feet to the Point of Beginning, containing 50,354 square feet or 1.16 acres, more or less, subject to easements, if any, of record or apparent; and



☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 6A
Mark Simms, Utilities Director
FROM: Donna Forker, Finance Director
Brad Puetz, WTP Superintendent

SUBJECT: Resolution awarding a purchase order to Hawkins, Inc., in the amount of \$3.18 per pound for the purchase of potassium permanganate for the Water Treatment Plant. (Bid #244158).

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

RECOMMENDATION:

Staff respectfully requests City Council award a purchase order to Hawkins, Inc., Sioux Falls, South Dakota, in the amount of \$3.18 per pound for the purchase of potassium permanganate for the Water Treatment Plant. (Bid #244158).

DISCUSSION:

Invitations to bid were sent to twenty-two (22) companies thought to provide potassium permanganate. Three bids were received and are as follows:

	Hawkins, Inc. Sioux Falls, SD	Harcros Chemicals, Inc. Omaha, NE	Marx Distribution Sioux City, IA
Potassium Permanganate Price per pound.	\$3.18 (For an approximate yearly total of \$40,576.80)	\$3.39 (For an approximate yearly total of \$43,256.40)	\$5.79 (For an approximate yearly total of \$73,880.40)

This price is good for one year and may continue for two additional one year periods, if the price remains the same and both parties agree.

FINANCIAL IMPACT:

Account #510-2104-452.30-12 Water Fund Utilities, Southbridge Water Plant, Environmental Preservation, Chemicals.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Health and Safety.

ALTERNATIVES:

Reject bids.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017 - _____

RESOLUTION AWARDDING A PURCHASE ORDER TO HAWKINS, INC., IN THE AMOUNT OF \$3.18 PER POUND FOR THE PURCHASE OF POTASSIUM PERMANGANATE FOR THE WATER TREATMENT PLANT. (BID #244158).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a purchase order be issued to Hawkins, Inc., Sioux Falls, South Dakota, in the amount of \$3.18 per pound for the purchase of potassium permanganate for the Water Treatment Plant. (Bid #244158).

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 6B
 Mark Simms, Utilities Director
FROM: Donna Forker, Finance Director
 Brad Puetz, WTP Superintendent

SUBJECT: Resolution awarding a purchase order to Hychem, Inc., in the amount of \$2.96 per gallon for the purchase of coagulant (PACL) for the Water Treatment Plant. (Bid #244152).

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

RECOMMENDATION:

Staff respectfully requests City Council award a purchase order to Hychem, Inc., Tampa, Florida, in the amount of \$2.96 per gallon for the purchase of coagulant (PACL) for the Water Treatment Plant. (Bid #244152).

DISCUSSION:

Invitations to bid were sent to sixteen (16) companies thought to provide coagulant (PACL). Three bids were received and are as follows:

	Hychem, Inc. Tampa, Florida	Hawkins, Inc. Sioux Falls, South Dakota
Coagulant (PACL) Price per gallon	\$2.96 (For an approximate yearly total of \$136,160.00)	\$3.09 (For an approximate yearly total of \$142,140.00)

This price is good for one year and may continue for two additional one year periods, if the price remains the same and both parties agree.

FINANCIAL IMPACT:

Account #510-2104-452.30-12 Water Fund Utilities, Southbridge Water Plant, Environmental Preservation, Chemicals.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Health and Safety.

ALTERNATIVES:

Reject bids.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017 - _____

RESOLUTION AWARDING A PURCHASE ORDER TO HYCHEM, INC., IN THE AMOUNT OF \$2.96 PER GALLON FOR THE PURCHASE OF COAGULANT (PACL) FOR THE WATER TREATMENT PLANT. (BID #244152).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a purchase order be issued to Hychem, Inc., Tampa, Florida, in the amount of \$2.96 per gallon for the purchase of coagulant (PACL) for the Water Treatment Plant. (Bid #244152).

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 6C
Mark Simms, Utilities Director
FROM: Donna Forker, Finance Director
Brad Puetz, WTP Superintendent

SUBJECT: Resolution awarding a purchase order to Carus Corporation in the amount of \$.77 per pound for the purchase of sodium permanganate for the Water Treatment Plant. (Bid #244150).

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

RECOMMENDATION:

Staff respectfully requests City Council award a purchase order to Carus Corporation, Peru, Illinois, in the amount of \$.77 per pound for the purchase of sodium permanganate for the Water Treatment Plant. (Bid #244150).

DISCUSSION:

Invitations to bid were sent to fourteen (14) companies thought to provide sodium permanganate. However, sodium permanganate is a very specific chemical the Water Treatment Plant uses for oxidation of iron and manganese. Due to its makeup, Carus only provides this chemical directly to its users. One bid was received and is as follows:

	Carus Corporation Peru, Illinois
Sodium Permanganate Price per pound	\$.77 (For an approximate total of \$138,600 for the year.)

This price is good for one year and may continue for two additional one year periods, if the price remains the same and both parties agree.

FINANCIAL IMPACT:

Account #510-2104-452.30-12 Water Fund Utilities, Southbridge Water Plant, Environmental Preservation, Chemicals.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Health and Safety.

ALTERNATIVES:

Reject bid.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017 - _____

RESOLUTION AWARDDING A PURCHASE ORDER TO CARUS CORPORATION IN THE AMOUNT OF \$.77 PER POUND FOR THE PURCHASE OF SODIUM PERMANGANATE FOR THE WATER TREATMENT PLANT. (BID #244150).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that a purchase order be issued to Carus Corporation, Peru, Illinois, in the amount of \$.77 per pound for the purchase of sodium permanganate for the Water Treatment Plant. (Bid #244150).

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017

ACTION ITEM # 7

FROM: Lisa McCardle, City Clerk

SUBJECT: Applications For Beer and Liquor Licenses

ON-PREMISE SALES:

- A. **CLASS A LIQUOR LICENSE (Private Club, no carry-out)**
 - 1. **Sioux City Country Club, 4001 Jackson Street (Renewal)**
- B. **CLASS C LIQUOR LICENSE (Commercial, carry-out beer, wine coolers)**
 - 1. **Buffalo Wild Wings, 5001 Sergeant Road (Renewal)**
 - 2. **McCarthy and Bailey's, 417-423 Pearl Street (Renewal)**
 - 3. **Whispering Creek Golf Course, 6500 Whispering Creek Drive (Renewal)**
- C. **CLASS B BEER PERMIT (includes wine coolers, carry-out)**
 - 1. **Floyd Slow Pitch Softball, 2500 Chautauqua Drive (New)**
(April 6-11, 2017 New 5 Day)
(April 20, 2017-October 20, 2017 New 6 Month)

OFF PREMISE SALES:

- D. **CLASS C BEER PERMIT (includes wine coolers)**
 - 1. **Casey's General Store #2608, 1132 Lewis Boulevard (Renewal)**
 - 2. **Casey's General Store #2275, 1000 Riverside Boulevard (Renewal)**
 - 3. **Pronto Express, 1800 Highway 75 North (Renewal)**
- E. **CLASS B WINE PERMIT**
 - 1. **McCarthy and Bailey's, 417-423 Pearl Street (Renewal)**
- F. **CLASS B NATIVE WINE PERMIT (Iowa wine)**
 - 1. **Casey's General Store #2608, 1132 Lewis Boulevard (Renewal)**

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ 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

EVENTS FACILITIES ADVISORY BOARD

MEETING MINUTES

January 27, 2017

A meeting of the **EVENTS FACILITIES ADVISORY BOARD** was held at 12:00 p.m., at the Tyson Events Center, 401 Gordon Drive, Sioux City, IA 51101.

<u>BOARD PRESENT</u>	<u>STAFF PRESENT</u>	<u>OTHERS</u>
Tom Padgett	Erika Newton	Bob Padmore, City Manager
Irving Jensen Jr.	Leon Koeppel	Pete Groetken, Council Member
John Meyer	Glenn Walinski	Rhonda Capron, Council Member
Dave Madsen	Tim McCormick	Mark Wisniewski, Centerplate
Tim Seaman	Angela Bergendahl	Brent Stockton, Centerplate
Earl Miller		
Eric Hoak	<u>BOARD ABSENT:</u>	
Todd Moyer	Bruce Miller	
	Alex Watters	
	Zena Berenstein	

CALL OF THE ROLL – Meeting was called to order by President Tim Seaman.

1. Minutes of December 9, 2016 were approved as written.
2. Committee Reports:

FACILITIES

Discussed part-time labor issues and how we can attract more workers. Due to overnight change overs and off hours, it's a struggle to get part-time workers. Any ideas, contact Erika Newton. Internships vs. paid internships were discussed. We don't have an issue in obtaining non-paid interns through our office.

Tim Seaman inquired about the CIP approval and chunk of money allotted towards LED lighting. He asked if we could use part of that money to do some other improvements. Councilperson Pete Groetken said the items were prioritized as identified. Tom Padgett told Newton to let the Board know if she wants back up with the budget presentation. Irving Jensen noted that we possibly have a large expenditure coming up at the Orpheum Theatre – the heating system is to be fairly expensive.

MARKETING

Dave Madsen noted there was a good discussion on relationships & synergy between the Tyson Events Center & Hard Rock. Madsen noted that Adrian Kolbo mentioned in committee that cooperation of all businesses ought to be important...maybe think of marketing the whole area as an entertainment district. Todd Moyer spoke of a marketing campaign in Sioux Falls and Omaha to make Sioux City a destination. He also spoke of the multitude of entertainment throughout the year in Sioux City. Erika Newton said after the Roger Brooks assessment, we talked about a brand for Sioux City & branding it as an entertainment destination. A print piece of 'Top 10 Attractions in Sioux City' will be sent as a direct mail piece on May 1.

Brent Stockton noted declining attendance for regular client events (i.e. Women's Night Out). What can we offer them on how to enhance their events and make it fresh? The Convention Center is booked every weekend through May.

FINANCE

We are currently ahead of budget, which is much improved from over a year ago. Suites were billed out in December. The Tyson is over \$100,000 better than last year. The Convention Center is also up a bit.

Ticket sales were up about \$27,000 for the NAIA Volleyball tournament this year. This was the best volleyball tournament we've had in Sioux City. We hope it stays that way, as they changed eligibility. It has opened doors to additional teams that included more regional teams, which showed at the box office. This meant more hotel rooms & money spent in town.

EXECUTIVE

Erika Newton noted there's a Roger Brooks committee meeting today, where they will assign roles. She mentioned several different types of events we are working on, including the Midwest Food Trucks Festival. There will be three show announcements in the next two weeks.

Earl Miller asked how we can find out what's going on at the Convention Center. As you drive by, there is no marquee. It's on our wish list to have a marquee. Tim Seaman brought up the SCJournal article My Opinion written by Jim Wharton regarding the Iowa Basketball, which was followed by a letter written by Mayor Bob Scott to the Board of Regents. Newton noted she spoke to the athletic directors to find out what the process is & what time frames they have to accept bids, and what other details we might need to know about this process. She is working on a budget and will speak with the sports commission.

Respectfully submitted:
Angela Bergendahl

Tim Seaman, EFABoard President

Angela Bergendahl, Administrative Secretary

DRAFT

LIBRARY BOARD OF TRUSTEES
Regular Meeting
March 15, 2017

The regular meeting of the Board of Trustees of the Sioux City Public Library was held on Wednesday, March 15, 2017 in the Conference Room of The Aalfs Downtown Library.

MEMBERS PRESENT: David Halaas, Charles McKenny, Rebecca Kempers, Richard A. Moon, Janet Plathe, Hope Schaefer

MEMBERS ABSENT: Todd Stanley

STAFF PRESENT: Betsy J. Thompson, Angela M. Beeck

1. President Richard A. Moon called the meeting to order at 3:33 p.m.
2. Roll call was taken.
3. The Agenda had an addition of item # 6D, Preliminary Review of Phone System Upgrade.

McKenny approved Agenda Item # 6D be added to the agenda. Kempers seconded. Motion approved unanimously.
4. Approve the Minutes – February 15, 2017 [Action Item]

Halaas moved approval of the minutes. Schafer seconded. Motion approved unanimously.
5. Director's Report
Thompson handed out the event schedule for the One Book One Siouxland initiative. The Launch event is March 23rd at the Sioux City Public Museum. Moon asked Thompson about the Iowa Urban Public Libraries Association meeting. Thompson stated it is refreshing to hear that other libraries are dealing with the same struggles we do. Halaas asked if other urban libraries have similar vagrancy issues. Thompson stated they do. There were no real solutions, just to keep handling it. Thompson enjoyed hearing other libraries ideas for promotions and email newsletters as we work towards an e-newsletter. Thompson shared a heat map of the Library's web page that our Web Specialist was able to obtain, showing where people are clicking on our web page. The majority of the usage is catalog searches, an entrance to our primary product is exactly how we want our web page to be used. We also can see how patrons use our Online Branch—eResources page. Kempers asked if this is through Google Analytics and Thompson said we do use Google Analytics, and "heatmap.me" is a good visual representation. Schafer stated this data is good for future decisions. Kempers asked if we could track information about the Overdrive app. Thompson stated that Overdrive, as a vendor, does not let the home library see details about their patrons at this time. Kempers stated she loves Overdrive and uses it often and shares it with others. Thompson said she is excited about the fun productive things our new staff members are doing.

3:49 p.m. Plathe entered the meeting.

6. Financial Reports

A. Expenditures: Approve Claims [Action Item]

Halaas moved approval of claims as submitted. Plathe seconded. Motion approved unanimously.

B. 2016-2017 Monthly Budget Summary

Trustees reviewed the report.

C. Integrated Library and Security Systems Annual Licenses [Action Item]

Thompson recommends the Board approve payment of \$40,383.97 to SirsiDynix for the annual licensing and support of the Integrated Library System from May 1, 2017 through April 30, 2018. In April 2016, the Library moved from an in-house server to Software as a Service, eliminating the need to purchase and maintain physical servers on-site in our Library.

The annual licensing and maintenance agreement for the Library security and self-checkout system was to be renewed in January. Due to increasing maintenance costs, decreasing use of the self-checkout machines, and minimal maintenance issues, Thompson re-negotiated the maintenance agreement with Bibliotheca +3m, dropping maintenance on a smaller items and our maintenance was reduced to \$4,956.96. Discussion followed on self-checkout.

McKenny moved approval of payment for \$40,383.97 to SirsiDynix for annual licensing and support of the Integrated Library System. Plathe seconded. Motion approved unanimously.

D. Preliminary Review of Phone System Upgrade

Thompson made the Trustees aware we are moving closer to updating the telephone system at the AalFs Downtown Library. The current system is 15 to 20 years old and is having trouble connecting with digital calls. Thompson provided an estimate of costs for the new phones and licensing to use the system that WCICC-IT supports, asking for any concerns or objections. Moon asked where they money will come from. Thompson stated from the current operating budget. Halaas asked who the vendor is. Thompson stated WCICC-IT will order direct from their Shoretel provider. There were no objections from trustees.

7. Unfinished Business

8. New Business

A. Non-Bargaining Personnel Handbook [Action Item]

Thompson is recommending that the Library Board of Trustees approve the same adjustment to the salary ranges for Library non-bargaining staff as the City approved for non-represented positions.

Halaas moved approval of 3.5% increase to salary ranges for Library non-bargaining staff for each of the next two years. Plathe seconded. Motion approved unanimously.

B. Enrich Iowa Agreement for Fiscal Year 2017-2018 [Action Item]

Thompson asks that the Library Board approve Sioux City Public Library's participation in State Library programs, again this year, and Thompson will sign and submit the Enrich Iowa Agreement – Public Library form by the April 30, 2017 deadline.

Halaas moved that the Sioux City Public Library should participate in Enrich Iowa Agreement. Plathe seconded. Motion approved unanimously.

9. Trustee Concerns

Halaas asked if the Morningside Branch Library Capital Improvement Project begins as soon as the budget is in place. Thompson said yes, we can begin the planning. Halaas commented that he visited the Library before the Board meeting and witnessed a very effective off-duty officer dealing with sleeping and eating in the Library. Halaas stated he has a greater appreciation of the Library staff who deal with these issues daily. He also was glad to see the 8th grade chemistry competition in the Gleeson Room. Halaas shared the idea that our corporate name could be Sioux City Public Libraries, the name itself describes more than one. McKenny said where the Library is located is just the building but the collection and services are the Library, and the collection goes back and forth between buildings.

10. Next Meetings:

Wednesday April 19, 2017, 3:30 p.m.

Wednesday May 17, 2017, 3:30 p.m.

Wednesday June 21, 2017, 3:30 p.m.

11. Moon adjourned the meeting at 4:29 p.m.

Janet Plathe, Secretary

Angela M. Beeck, Assistant Secretary

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017

ACTION ITEM # 9

FROM: Amy Walker, City Treasurer

SUBJECT: Hearing and Resolution instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$475,000 Sewer Revenue Capital Loan Notes.

Reviewed By:	☒ Department Director	☒ Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests that after the public hearing is held, the Council approve the resolution instituting proceedings to take additional action for the authorization of the Loan and Disbursement Agreement and the issuance of Sewer Revenue Capital Loan Note.

DISCUSSION:

The purpose of this RCA is to facilitate the next step in the process for authorization of a Loan and Disbursement Agreement with the Iowa Finance Authority and issuance of a Sewer Revenue Capital Loan Note. Hearing has been set to determine whether or not to take additional action. The hearing and proceedings have been structured by the City's Bond Counsel to conform to Statute.

Approval of this resolution allows staff to continue with proceedings necessary to fund Phase II of the Ravine Park Water Restoration Project through the Clean Water SRF Sponsored Project program. If approved, staff will work with the Iowa Finance Authority and Bond Counsel to prepare the necessary final documents for Council approval.

FINANCIAL IMPACT:

Allows the City to proceed with funding the Ravine Park Water Restoration Project as approved in the Capital Improvement Program. This provides funding of project costs of approximately \$475,000, with no increase in costs to the City due to the corresponding interest rate reduction on the existing loan.

RELATIONSHIP TO STRATEGIC PLAN:

Proceeding with issuance of the Sewer Capital Loan Note shows the City's efforts to maintain our Operational Plans.

ALTERNATIVES:

To not proceed with authorization of the Loan and Disbursement Agreement and Sewer Capital Loan Note. This would require identifying a new funding source for the Ravine Park Project.

ATTACHMENTS:

Proceedings and Resolution

ITEMS TO INCLUDE ON AGENDA

CITY OF SIOUX CITY, IOWA

Not To Exceed \$475,000 Sewer Revenue Capital Loan Notes – (Sponsored Project)

- Public hearing on the authorization of a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligation of the City thereunder.
- Resolution instituting proceedings to take additional action.

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

April 3, 2017

The City Council of the City of Sioux City, State of Iowa, met in regular 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: _____

Vacant: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed \$475,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, including water restoration project costs related to Phase II of the Ravine Park Sponsored Project, and that notice of the proposed action by the City Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.83, as amended.

The Mayor then asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the City Council that _____ written objections had been filed. The Mayor then called for oral objections to the proposal and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections
received or made, if any)

The City Council then considered the proposed action and the extent of objections there-
to.

Whereupon, Council Member _____ introduced and delivered to the Clerk
the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO
TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DIS-
BURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$475,000 SEW-
ER REVENUE CAPITAL LOAN NOTES", and moved:

- ☐ that the Resolution be adopted.
- ☐ to ADJOURN and defer action on the Resolution and the proposal to insti-
tute proceedings to the meeting to be held at _____ o'clock
_____.M. on the _____ day of _____, _____, at
this place.

Council Member _____ seconded the motion. The roll was called and the
vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE AD-
DITIONAL ACTION FOR THE AUTHORIZATION OF A
LOAN AND DISBURSEMENT AGREEMENT AND THE IS-
SUANCE OF NOT TO EXCEED \$475,000 SEWER REVENUE
CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, this Council has held a pub-
lic meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan
and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the
issuance to the Iowa Finance Authority of not to exceed \$475,000 Sewer Revenue Capital Loan
Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, for
the purpose of paying costs of acquisition, construction, reconstruction, extending, remodeling,
improving, repairing and equipping all or part of the Municipal Sewer System, including water
restoration project costs related to Phase II of the Ravine Park Sponsored Project, and has con-
sidered the extent of objections received from residents or property owners as to said proposal

and, accordingly the following action is now considered to be in the best interests of the City and residents thereof:

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

Section 1. That this Council does hereby institute proceedings and takes additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$475,000 Sewer Revenue Capital Loan Notes for the foregoing purpose.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

Section 3. That the Clerk, with the assistance of bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Clerk shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.

Section 4. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that sewer fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above loan agreement. The amounts so advanced shall be reimbursed from the proceeds of the Loan Agreement not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the loan amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 3rd day of April, 2017.

Robert E. Scott, Mayor

ATTEST:

Lisa L. McCardle, City Clerk

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2017.

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

01340044-1\11114-171

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 10

FROM: Matt Salvatore, Parks and Recreation Director

SUBJECT: **Hearing and Resolution approving plans, specifications, form of contract and estimated cost for the proposed construction of the Interior Remodel – Long Lines Recreation Center Auditorium Space Project (Project No. 459-102).**

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests City Council conduct a public hearing and approve the construction documents for the Interior Remodel – Long Lines Recreation Center Auditorium Space Project.

DISCUSSION:

The Interior Remodel – Long Lines Recreation Center Auditorium Space Project at 401 Gordon Drive will include polishing concrete treads and installation of new handrails, contoured bench seating and arena sports flooring in the auditorium. Alternates and unit prices shall consist of handrail painting, portable basketball equipment, court padding and seat backs.

Bids will be received on April 11, 2017. The work on this project shall commence upon issuance of the Notice to Proceed and be fully completed by August 24, 2017.

FINANCIAL IMPACT:

The project is being constructed under CIP #459-102 “Long Lines Family Rec. Center” with a combined FY17 and FY18 project budget of \$451,200.

RELATIONSHIP TO STRATEGIC PLAN:

Health and Safety
Explore Destination Sioux City

ALTERNATES:

City Council may request staff make changes to the project documents and schedule.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017 - _____

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATED COST FOR THE PROPOSED CONSTRUCTION OF THE INTERIOR REMODEL – LONG LINES RECREATION CENTER AUDITORIUM SPACE PROJECT (PROJECT NO. 459-102).

WHEREAS, on the 20th day of March, 2017, plans, specifications, form of contract, and estimated cost were filed with the Clerk of Sioux City, Iowa, for the construction of the Interior Remodel – Long Lines Recreation Center Auditorium Space Project; and

WHEREAS, notice of hearing on plans, specifications, form of contract, and estimated cost was published as required by law; and

WHEREAS, the City Council is advised and does believe that said plans, specifications, form of contract and estimated cost should be approved.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the plans, specifications, form of contract and estimated cost for the construction of the Interior Remodel – Long Lines Recreation Center Auditorium Space Project be and the same are hereby approved as the plans, specifications, form of contract and estimated cost for said improvements for said project.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 11-12

FROM: Nicole DuBois, City Attorney

SUBJECT: Hearing and Resolution withdrawing the civil penalty of \$300.00 against Kum & Go LC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa for violation of the Iowa cigarette laws pursuant to Iowa Code Section 453A.22(3).

Hearing and Resolution assessing a civil penalty of \$300.00 against Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa for violation of the Iowa cigarette laws.

Reviewed By:	☒ Department Director	☐ Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests the City Council conduct a public hearing and approve a resolution assessing a civil penalty of \$300.00 against the following cigarette permit holder for a first violation of State Cigarette Statute 453A.2(1):

- Cigarette License #17-23669 under the name Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa.

Staff respectfully requests the City Council conduct a public hearing and approve a resolution withdrawing the civil penalty against the following cigarette permit holder pursuant to Iowa Code Section 453A.22(3):

- Cigarette License #17-41113 under the name Kum & Go LC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa.

DISCUSSION:

On March 6, 2017, the City Council passed and approved resolutions setting a date, time and place for public hearings against the following businesses for violation of the Iowa cigarette laws:

Proposed civil penalty of \$300.00 against the following cigarette permit holder for a first violation of State Cigarette Statute 453A.2(1):

- Cigarette License #17-41113 under the name Kum & Go LC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa.
- Cigarette License #17-00613 under the name Hy-Vee Food Store #2 d.b.a. Hy-Vee Food Store #2, 4500 Sergeant Road, Sioux City, Iowa.
- Cigarette License #17-23669 under the name Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa.

The aforementioned businesses had employees who plead guilty in Woodbury County District Court of violating Iowa Code §453A.2, selling cigarettes to minors.

In an attempt to settle these cases in lieu of public hearings, Acknowledgement/Settlement Agreements were sent to the businesses giving them the opportunity to pay the civil penalty. Hy-Vee Food Store #2 has returned their Acknowledgement/Settlement Agreement and paid their \$300.00 civil penalty. The Acknowledgement/Settlement Agreement for Wal-Mart #1361 was not returned and the \$300.00 civil penalty not paid.

Kum & Go #228 has exercised their right to avoid the penalty under the following Iowa Code Section 453A.22(3).

453A.22(3). If an employee of a retailer violates section 453A.2, subsection 1, the retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2, subsection 1, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 2, if the employee holds a valid certificate of completion of the tobacco compliance employee training program pursuant to section 453A.5 at the time of the violation. A retailer may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 2, for a violation of section 453A.2, that takes place at the same place of business location.

Therefore, the resolution will withdraw the civil penalty for Kum & Go #228 in recognition of their exercising this one (1) time in a four (4) year period penalty avoidance provision.

FINANCIAL IMPACT:

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

RELATIONSHIP TO STRATEGIC PLAN:

INVESTIGATIVE SERVICES:

Municipal Responsibility - Health and Safety Vision

Strategic Focus Area - Enhance Public/Private Partnerships

ALTERNATIVES:

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

ATTACHMENTS:

Resolutions

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION WITHDRAWING THE CIVIL PENALTY OF \$300.00 AGAINST KUM & GO LC D.B.A. KUM & GO #228, 1925 SOUTH LAKEPORT STREET, SIOUX CITY, IOWA FOR VIOLATION OF THE IOWA CIGARETTE LAWS PURSUANT TO IOWA CODE SECTION 453A.22(3).

WHEREAS, on January 13, 2017, Isaish Squibb was convicted in Woodbury County District Court, Case No. STA0144213 of violating Iowa Code §453A.2 on December 19, 2016, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Isaish Squibb was an employee of Kum & Go LC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa, a cigarette permit holder; and

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

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

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

WHEREAS, a public hearing was held on this date and the City Council has heard the arguments of the permittee and the facts of the violation; and

WHEREAS, licensee claims its exemption from the civil penalty pursuant to Iowa Code Section 453A.22(3).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the City Council, after notice and hearing, and pursuant to the authority of the above cited sections, hereby withdraws the civil penalty in the amount of \$300.00 against Kum & Go LC d.b.a. Kum & Go #228, 1925 South Lakeport Street, Sioux City, Iowa, Cigarette Permit No. 17-41113, pursuant to Iowa Code Section 453A.22(3).

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

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Charges, Dispositions, Sentences

Title: STATE vs. SQUIBB, ISIAIAH CHARLES

Case: 03971 STA0144213 (WOODBURY)

Citation Number: DO578301

Defendant:

SQUIBB, ISIAIAH CHARLES

Count 01Charge**Charge:** 453A.2(1)**Description:**

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

Offense Date: 12/19/2016**Arrest Date:****Against Type:****DPS Number:**Adjudication**Charge:** 453A.2(1)**Description:**

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

Adj.: GUILTY -
NEGOTIATED/VOLUN PLEA**Adj.Date:**

01/13/2017

Adj.Judge: WOODBURY COUNTY CLERK,**Comments:**Sentence**Charge:** 453A.2(1)**Description:**

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

**Sentence
Date:** 01/13/2017

Sentence: FINE

Appeal:

Sen.Judge: WOODBURY COUNTY CLERK,

**Facility
Type:**

Attorney:

Restitution:

Drug:

Extradition:

**Lic.Revoke
d:**

DDS:

Batterer:

**Fine
Amount:** 100

Duration:

Comment: TTP 2/13/17

Financials

Title: STATE vs. SQUIBB, ISIAIAH CHARLES

Case: 03971 STA0144213 (WOODBURY)

Citation Number: DO578301

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

	\$195.00	\$100.00	\$95.00
Make a payment on this case			
SUPPORT/ALIMONY	N/A	0.00	N/A

Filings

Title: STATE vs. SQUIBB, ISIAH CHARLES

Case: 03971 STA0144213 (WOODBURY)

Citation Number: DO578301

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>	<u>Action Date</u>
COURT ORDERED PAYMENT PLAN		01/18/2017	01/18/2017	01/18/2017	
VIOLATIONS HANDLED BY CLERK	WOODBURY COUNTY CLERK	01/13/2017	01/13/2017	01/18/2017	
<i>Comments: TTP 2/13/17</i>					
TRAFFIC TICKET FILING		12/20/2016	12/20/2016	12/20/2016	
<i>Comments: ARR: 1/19/17 @ 1:30PM RE: SALE OF TOBACCO TO MINOR</i>					

Summary

Title: STATE vs. SQUIBB, ISIAH CHARLES **EDMS**

<u>Trial Court Case ID</u>	<u>Originating County</u>	<u>Created</u>	<u>Speedy Trial</u>	<u>Microfilm Ref</u>
03971 STA0144213	WOODBURY	12/20/2016		

<u>Citation Number</u>	<u>Disposition Status</u>	<u>Disposition Date</u>	<u>Reopened Date</u>
DO578301	VIOLATIONS HANDLED BY CLERK	01/13/2017	



Certificate of Completion

Awarded to:

Isaiah C Squibb

For completion of:

Iowa Pledge Retailer Training Program

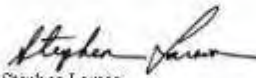
Date of completion: May 28, 2016

Expires on: May 28, 2018

Certificate No: 98392

Thank you for participating in the Iowa Pledge Retailer Training Program and for partnering with the Iowa Alcoholic Beverages Division to not sell tobacco products to Iowa's kids.

State of Iowa
Alcoholic Beverages Division
1913 SE Hulsizer Road,
Ankeny, IA 50021


Stephen Larson
Administrator

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION ASSESSING A CIVIL PENALTY OF \$300.00 AGAINST WAL-MART STORES, INCORPORATED D.B.A. WAL-MART #1361, 3400 SINGING HILLS BOULEVARD, SIOUX CITY, IOWA FOR VIOLATION OF THE IOWA CIGARETTE LAWS.

WHEREAS, on December 21, 2016, Brandon W. Chicoine was convicted in Woodbury County District Court, Case No. STA0144212 of violating Iowa Code § 453A.2 on December 19, 2016, (a copy of said conviction is attached hereto and incorporated herein by reference); and

WHEREAS, at the time of the above violation Brandon W. Chicoine was an employee of Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa, a cigarette permit holder; and

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

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

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

WHEREAS, a public hearing was held on this date and the City Council has heard the arguments of the permittee and the facts of the violation; and

WHEREAS, local authorities shall retain such civil penalties if the proceeding to impose the penalty is conducted by the local authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the City Council, after notice and hearing, and pursuant to the authority of the above cited sections, hereby assesses a civil penalty in the amount of \$300.00 against Wal-Mart Stores, Incorporated d.b.a. Wal-Mart #1361, 3400 Singing Hills Boulevard, Sioux City, Iowa, Cigarette Permit No. #17-23669.

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

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

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____

Lisa L. McCardle, City Clerk

U:\City Legal\Secure\Res2017\Police\Wal-Mart #1361, 1st Violation, Hearing (Cigarette).Docx

Charges, Dispositions, Sentences

Title: STATE vs. CHICOINE, BRANDON WILLIAM

Case: 03971 STA0144212 (WOODBURY)

Citation Number: DO578303

Defendant:

CHICOINE, BRANDON WILLIAM

Count 01Charge**Charge:** 453A.2(1)**Description:**

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

Offense Date: 12/19/2016**Arrest Date:****Against Type:****DPS Number:**Adjudication**Charge:** 453A.2(1)**Description:**

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

Adj.: GUILTY -
NEGOTIATED/VOLUN PLEA**Adj.Date:**

12/21/2016

Adj.Judge: ,**Comments:**Sentence**Charge:** 453A.2(1)**Description:**

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

Sentence Date:	12/21/2016	Sentence:	FINE
Appeal:		Sen.Judge:	,
Facility Type:		Attorney:	
Restitution:		Drug:	Extradition:
Lic.Revoke d:		DDS:	Batterer:
Fine Amount:		Duration:	
Comment:			

Financials

Title: STATE vs. CHICOINE, BRANDON WILLIAM

Case: 03971 STA0144212 (WOODBURY)

Citation Number: DO578303

Summary	Orig	Paid	Due
COSTS	60.00	60.00	0.00
FINE	100.00	100.00	0.00
SURCHARGE	35.00	35.00	0.00
RESTITUTION	0.00	0.00	0.00
OTHER	0.00	0.00	0.00
	\$195.00	\$195.00	\$0.00
SUPPORT/ALIMONY	N/A	0.00	N/A

Filings

Title: STATE vs. CHICOINE, BRANDON WILLIAM

Case: 03971 STA0144212 (WOODBURY)

Citation Number: DO578303

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>	<u>Action Date</u>
VIOLATIONS HANDLED BY CLERK		12/21/2016	12/21/2016	12/21/2016	
TRAFFIC TICKET FILING		12/20/2016	12/20/2016	12/20/2016	
<i>Comments:</i> ARR: 1/14/17 @ 1:30PM RE: SALE OF TOBACCO TO MINOR					

SummaryTitle: STATE vs. CHICOINE, BRANDON WILLIAM [EDMS](#)

<u>Trial Court Case ID</u>	<u>Originating County</u>	<u>Created</u>	<u>Speedy Trial</u>	<u>Microfilm Ref</u>
03971 STA0144212	WOODBURY	12/20/2016		
<u>Citation Number</u>	<u>Disposition Status</u>	<u>Disposition Date</u>	<u>Reopened Date</u>	
DO578303	VIOLATIONS HANDLED BY CLERK	12/21/2016		

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 13

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

Subject: Hearing and resolution approving proposal to sell certain real property and authorizing a city deed (That part of vacated 37th Street abutting 3700 Grandview Boulevard) (Petitioner: Eufracio Taracena and Connie K. Taracena) (Purchase price: \$1,682.50 plus costs).

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

Staff respectfully requests Council approve the proposed resolution.

DISCUSSION:

On the agenda for Monday the City Council will be asked to conduct a public hearing and approve the proposal to sell that portion of vacated 37th Street abutting 3700 Grandview Boulevard to Eufracio Taracena and Connie K. Taracena. This portion of right of way was vacated by Ordinance 2016-0511 dated June 6, 2016. The Taracenas would like to add this portion of vacated right of way to abutting property that they own.

The resolution on Monday's agenda authorizes the issuance of a city deed to Eufracio Taracena and Connie K. Taracena.

FINANCIAL IMPACT:

The amount of \$1,682.50 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
Aerial

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION APPROVING PROPOSAL TO SELL CERTAIN REAL PROPERTY AND AUTHORIZING A CITY DEED (THAT PART OF VACATED 37TH STREET ABUTTING 3700 GRANDVIEW BOULEVARD) (PETITIONER: EUFRACIO TARACENA AND CONNIE K. TARACENA) (PURCHASE PRICE: \$1,682.50 PLUS COSTS).

WHEREAS, the City Council of the City of Sioux City, Iowa, set forth its proposal to sell the following described real property in Resolution No. 2017-0235, passed and approved March 20, 2017:

That part of vacated 37th Street abutting Lot 11 and the vacated North/South alley of Block 130, in Pierce's Addition to Sioux City, Woodbury County, Iowa.

Except that part of vacated 37th Street being the South 16 feet abutting Lots 7-8 and the West half of Lot 9, Block 4 of Hatfield's Addition to Sioux City, Woodbury County, Iowa. and except that part of vacated South half of 37th Street, lying North of the East half of Lot 9 and Lots 10, 11, 12, and 13 of Block 4, Hatfield's Addition to Sioux City, Woodbury County, Iowa. Containing an area of 6,758 square feet more or less; and

WHEREAS, a public hearing was held on said proposal on April 3, 2017, pursuant to published notice given as provided by law; and

WHEREAS, the City Council has heard all the objections to said proposal, but believes selling of the real property is in the public interest; and

WHEREAS, a city deed prepared in accordance with the previously received "Offer To Purchase" is attached hereto and by this reference made a part hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that all objections to the proposed sale of the real estate described in the preamble hereof, be and the same are hereby overruled.

BE IT FURTHER RESOLVED, that the above described real property be sold to Eufracio Taracena and Connie K. Taracena in accordance with the terms and conditions set forth in Resolution No. 2017-0235, passed and approved March 20, 2017.

BE IT FURTHER RESOLVED that the city deed attached hereto conveying said property to Eufracio Taracena and Connie K. Taracena, be and the same is hereby approved as to form and content and the Mayor and City Clerk authorized and directed to execute same for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of the consideration fixed in said city deed and the costs incurred in this sale that the city deed be delivered to the purchasers.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

After recording return to: City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

ADDRESS TAX STATEMENT: Eufrazio Taracena and Connie K. Taracena
3700 Grandview Boulevard, Sioux City, Iowa 51104

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 ONE THOUSAND SIX HUNDRED EIGHTY-TWO DOLLARS AND FIFTY CENTS (\$1,682.50) in hand paid by Eufrazio Taracena and Connie K. Taracena of the County of Woodbury and State of Iowa, does hereby release, remise, convey and quit claim unto the said Eufrazio Taracena and Connie K. Taracena, husband and wife as joint tenants with right of survivorship and not as tenants in common, 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:

That part of vacated 37th Street abutting Lot 11 and the vacated North/South alley of Block 130, in Pierce's Addition to Sioux City, Woodbury County, Iowa.

Except that part of vacated 37th Street being the South 16 feet abutting Lots 7-8 and the West half of Lot 9, Block 4 of Hatfield's Addition to Sioux City, Woodbury County, Iowa. and except that part of vacated South half of 37th Street, lying North of the East half of Lot 9 and Lots 10, 11, 12, and 13 of Block 4, Hatfield's Addition to Sioux City, Woodbury County, Iowa. Containing an area of 6,758 square feet more or less

This deed is 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 or special permit 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 3rd day of April, 2017.

CITY OF SIOUX CITY, IOWA

BY: _____
Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

STATE OF IOWA)
 : ss
WOODBURY COUNTY)

On this 3rd day of April, 2017, 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 state 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. 2017-_____ passed on the 3rd day of April, 2017, 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).



☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 14

FROM: Melissa Campbell, Environmental Services Analyst
Glenn Ellis, City Engineer

SUBJECT: **Hearing and Resolution approving plans, specifications, form of contract and estimated cost for construction of the Promenade Improvement Project (Project No. 549-021)**

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests that the City Council conduct a public hearing and approve the construction documents for the Promenade Improvement Project.

DISCUSSION:

The Environmental Services Division was awarded a grant in the amount of \$80,000.00 by the Iowa Department of Agriculture and Land Stewardship for funding of green infrastructure to be incorporated into the Promenade Improvement Project. The project includes removal of the existing pavers, regrading of the entire site to ensure proper drainage to the proposed green infrastructure practices, and the installation of concrete. Green infrastructure practices to be incorporated into the project include bioretention cells and expansion of the existing tree trenches. The reduction in impervious surface serves to reduce stormwater runoff and will enhance the aesthetic value of the downtown area by adding an urban green space.

Staff advertised the project on March 25, 2017 and April 1, 2017. Bids will be received on April 11, 2016. This project has a completion date of July 19, 2017.

FINANCIAL IMPACT:

This project is funded under CIP 549-021 Promenade Improvement Project. The Engineer's opinion of probable construction cost for the work is \$369,454.00. The project currently has an available balance of \$258,505 and with an additional \$231,658 in GO Bonds approved in FY 2018, for total available funding of \$490,163.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Quality of Life

Focus Area – Explore Destination Sioux City

Infrastructure – We will invest in infrastructure to attract and retain business, spur residential growth and increase quality of life.

ALTERNATIVES:

City Council may choose to not approve construction documents for this project. This would stop the project from moving forward.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017 - _____

**RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND ESTIMATED COST FOR CONSTRUCTION OF THE PROMENADE
IMPROVEMENT PROJECT (PROJECT NO. 549-021)**

WHEREAS, on the 20th day of March, 2017, plans, specifications, form of contract and estimated cost were filed with the Clerk of Sioux City, Iowa, for construction of the Promenade Improvement Project, within the corporate limits; and

WHEREAS, notice of hearing on plans, specifications, form of contract, and estimated cost was published as required by law; and

WHEREAS, the City Council is advised and does believe that said plans, specifications, form of contract and estimated cost should be approved.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the plans, specifications, form of contract and estimated cost for the construction of the Promenade Improvement Project be and the same are hereby approved as the plans, specifications, form of contract and estimated cost for said improvements for said project.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 15

FROM: Renae Billings, Economic Development Specialist

SUBJECT: Hearing and Resolution accepting the proposal of Midnight, LLC for the purchase of certain land in the Combined Central Sioux City - CBD Urban Renewal Area, and authorizing and approving a development agreement (Property located in the 300 block of Wesley Parkway).

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

Staff respectfully requests Council approval of the above resolution.

DISCUSSION:

Background

Clint Stencil, who owns a construction company based out of Sioux Falls, has spent the past several months performing due diligence on the former Bekins Van & Storage Co. building located at 316 Perry Street (on the corner of W. 4th Street and Wesley Parkway). This five-story building was constructed in 1907 as a warehouse and included a one story office building facing Wesley Parkway. Since then, a one-story addition was added to the front of the five-story building. Today, the one-story portion of this building houses a few retail operations, and the main five-story portion of the building is minimally used for file storage.

Clint Stencil has over 37 years of experience in the residential and commercial industries and is working with a group of investors, called Midnight, LLC, to redevelop the former Bekins building. Midnight, LLC was recently awarded Workforce Housing Tax Credits through the state's program.

Current Project

Midnight, LLC's plans for the building include complete renovation and re-purpose of the five-story building into seventy-two market-rate residential apartments. This will include the removal of a majority of the one-story retail portion of the building in order to add an outdoor gathering area for the residents in front of the building. Parking for the residents will be constructed on the backside of the property. A workout facility, gaming room and other interior gathering areas will be included. Midnight, LLC plans to invest over \$6.5 million to renovate 65,000 SF of the former Bekins building and the project is expected to be completed by the end of 2017.

Proposal

City staff has worked with Clint Stencil on all aspects of the project, including the rezoning of the property, vacation of alleyways, and a development agreement for the sale of right-of-way and city-owned property.

As part of the proposed agreement Midnight, LLC will:

- Renovate and repurpose the five-story former Bekins building into seventy-two (72) market-rate residential units, construct an outdoor gathering area with green space, landscaping, and fencing, and resurface the parking area in conformance with all zoning, building, design and subdivision codes.
- Purchase the city-owned property and vacated right-of-way from the city for a price of \$1.00
- Invest at least \$6.5 million in improvements to the property.

As part of the proposed agreement the city will:

- Sell the city-owned property and vacated right-of-way to Midnight, LLC for a price of \$1.00 in exchange for the improvements made to the property.

The initial step to start the required 30-day notice period and set a date for final Council consideration of the development agreement and sale of vacated right-of-way was approved by Council on February 27, 2017.

FINANCIAL IMPACT:

The project will clean up the area at minimal cost to the city. The sale of city-owned property and vacated right-of-way will add taxable value to the adjacent property.

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
Letter of Intent
Area Map
Development Agreement (**Hard Copy**)

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION ACCEPTING THE PROPOSAL OF MIDNIGHT, LLC FOR THE PURCHASE OF CERTAIN LAND IN THE COMBINED CENTRAL SIOUX CITY - CBD URBAN RENEWAL AREA, AND AUTHORIZING AND APPROVING A DEVELOPMENT AGREEMENT (PROPERTY LOCATED IN THE 300 BLOCK OF WESLEY PARKWAY)

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

WHEREAS, 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, Midnight, LLC 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:

DESCRIPTION OF PARCEL:

All that part of vacated Wesley Way right of way adjacent Block 91, Sioux City East Addition and adjacent vacated Kansas Street, all in Sioux City, Woodbury County, Iowa, described as follows:

Beginning at a point on the South line of West 4th Street (formerly known as 6th Street) 20.08 feet West of the West line of Wesley Way as platted; thence Southeasterly for 39.35 feet on a 25.00 foot radius curve, concave Southwest-erly, having a long chord of 35.41 feet, bearing South 44° 54' 26" East; thence South 0° 11' 07" West for 97.00 feet; thence Southerly on a 30° curve to the left for 118.56 feet on a 190.99 foot radius curve, concave Northeasterly , hav-ing a long chord of 116.67 feet, bearing South 16° 59' 48" East; thence South 43° 36' 43" East for 7.17 feet; thence North 5° 40' 46" West for 214.01 feet; thence North 45° 03' 55" West for 36.65 feet to the South line of West 4th Street; thence South 90° 00' 00" West along said South line for 16.61 feet to the point of beginning.

Said described parcel contains 4922 square feet or 0.113 acres, more or less;

AND

All that part of Tax Lot 3 of Auditor's Plat of Blocks 44 & 45, and part of Block 39 and that part of the 30.00 foot wide former Chicago, Milwaukee, St. Paul and Pacific Railway Company Right of Way in vacated Kansas Street, all in Sioux City, Woodbury County, Iowa, described as follows:

Beginning at the Southeast corner of Lot 10 of said Block 39; thence North 33° 27' 37" East along the Easterly line of said Lot 10 and Lot 11 of said Block 39 for 82.72 feet to the South line of the former Sioux City & Highland Park Railway; thence South 56° 14' 57" East along said South line for 27.00 feet; thence South 63° 46' 16" East along said South line for 77.87 feet; thence South 1° 37' 12" East for 41.03 feet; thence South 43° 51' 47" West for 21.00 feet; thence South 87° 53' 45" West for 47.09 feet; thence Westerly for 17.26 feet on a 188.05 foot radius curve, concave Southerly, having a long chord of 17.26 feet, bearing South 85° 15' 57" West to the Easterly projection of the South line of said Lot 10, Block 39; thence North 56° 37' 18" West along said Easterly projection for 72.18 feet to the point of beginning.

Said described parcel contains 9,583 square feet or 0.220 acres, more or less;

AND

Vacated alleys in the block bounded by 3rd, 4th, Kansas, and Perry Streets and Wesley Parkway, all in Sioux City, Woodbury County, Iowa, described as follows:

The east/west alley abutting Lots 3 & 4, Block 39, Sioux City Addition;

The north/south alley in Block 39, Sioux City Addition;

The west half of the intersection of the N/S and E/W alleys in Block 39, Sioux City Addition;

The north half of the intersection of the N/S and E/W alleys in Block 39, Sioux City Addition.

Containing 3756 ± sq.ft.

WHEREAS, pursuant to Resolution No. 2017-0169 passed and approved by the City Council on February 27, 2017, the City indicated its intent to accept said proposal of Midnight, LLC, 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, the City Council evaluated 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 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 Midnight, LLC for the purchase of said property and that accepting such proposal is in the public interests; and

WHEREAS, a Development Agreement 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 Development Agreement attached hereto providing for the sale of said property to Midnight, LLC 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 along with all necessary exhibits to said Development Agreement for and on behalf of the City of Sioux City, Iowa.

BE IT FURTHER RESOLVED that upon receipt of the consideration fixed in said Development Agreement and the costs incurred in this sale that the Development Agreement be delivered to Midnight, LLC.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Letter of Intent

February 15, 2017

Renaë Billings
Economic Development Department
City of Sioux City
405 6th Street
PO Box 447
Sioux City, IA 51102

RE: Property Development – 316 Perry Street

Dear Renaë,

Midnight, LLC has spent the past several months performing due diligence on the former Bekins Van & Storage Co. building located at 316 Perry Street. Midnight, LLC was recently awarded tax credits through the state's Workforce Housing Tax Credit Program which will allow the project to move forward.

Midnight, LLC's plans for the building include complete renovation and re-purpose of the five-story building into 72 market-rate residential apartments. This will include the removal of a majority of the one-story retail portion of the building in order to add an outdoor gathering area for the residents in front of the building. Parking for the residents will be constructed on the backside of the property. A workout facility, gaming room and other interior gathering areas will be included.

As part of the project, Midnight, LLC is in need of a portion of vacated right-of-way, vacated alleyways, and undedicated city-owned property adjacent to the development property. Midnight, LLC proposes to purchase the needed property from the City for \$1.00, and in exchange Midnight, LLC will invest over \$6.5 million to renovate 65,000 SF of the former Bekins building and adjacent land. The full project is expected to be completed by the end of 2017.

Please feel free to contact me at any time should you have any questions or need any additional information.

Sincerely,



Clint Stencil
Member
Midnight, LLC

Area Map



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.



☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 16-17

FROM: Nicole DuBois, City Attorney

SUBJECT: Resolution adopting the 2017 First Quarter Supplement to the Sioux City Municipal Code covering ordinances through Ordinance No. 2017-0293.

Ordinance amending Chapter 1.01 entitled "Code Adoption" of the Sioux City Municipal Code to provide for the adoption of the municipal code.

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests Council:

Approve a resolution adopting the 2017 First Quarter Supplement to the Sioux City Municipal Code.

Adopt an ordinance adopting the Municipal Code to update the sections to recognize incorporation of supplements.

DISCUSSION:

Section 380.8 of the Iowa Code, as amended, provides that all ordinances and amendments which have become effective after the adoption of the City Code may be compiled as supplements to the City Code, and upon adoption of the supplement by resolution, become a part of the City Code of Ordinances.

The City Council is advised the 2017 First Quarter Supplement to the Municipal Code should be approved as to form and content and made a part of the City Code of Sioux City, Iowa.

Section 380.8 also provides that an adopted Code of Ordinances compiled and maintained at least annually is presumptive evidence of the passage, publication, and content of the ordinances codified therein as of the date of the clerk's certification of the ordinance adopting the code or supplement.

Therefore, on Monday's agenda, there will appear a resolution adopting the 2017 First Quarter Supplement to the Municipal Code of Sioux City and an ordinance adopting the Municipal Code current with all supplements to date. Council approval of the resolution and adoption of the ordinance is a housekeeping measure only and does not approve or modify any existing ordinance or policy.

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

MUNICIPAL RESPONSIBILITIES

- Progressive Leadership

ALTERNATIVES:

None since we are following Iowa law pursuant to Section 380.8 of the Iowa Code.

ATTACHMENTS:

Proposed resolution

Proposed ordinance

RESOLUTION NO. 2017 - _____

**RESOLUTION ADOPTING THE 2017 FIRST QUARTER SUPPLEMENT
TO THE SIOUX CITY MUNICIPAL CODE COVERING ORDINANCES
THROUGH ORDINANCE NO. 2017-0293.**

WHEREAS, pursuant to Ordinance No. 2016-0268, passed April 4, 2016, the City of Sioux City, Iowa, adopted the Sioux City Municipal Code; and

WHEREAS, Section 380.8 of the Code of Iowa, as amended, provides that all ordinances and amendments which have become effective after the adoption of the City Code may be compiled as supplements to the City Code, and upon adoption of the supplement by resolution, become a part of the City Code of Ordinances; and

WHEREAS, the City of Sioux City has received the 2017 First Quarter supplement covering the ordinances adopted in the months of January, February, March to the Sioux City Municipal Code, copies of which are now on file in the Clerk's Office, and by this reference made a part hereof, which is a codification of all general and permanent ordinances passed by the City Council of the City of Sioux City, Iowa between the dates of January 1, 2017 through March 31, 2017, covering all ordinances through Ordinance No. 2017-0293; and

WHEREAS, the City Council is advised and does believe the 2017 First Quarter supplement to the Sioux City Municipal Code should be approved as to form and content and made a part of the City Code of Sioux City, Iowa.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the 2017 First Quarter supplement covering the ordinances adopted in the months of January, February, and March, be and the same is hereby approved and adopted and made a part of the Sioux City Municipal Code.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

ORDINANCE NO. 2017 - _____

ORDINANCE AMENDING CHAPTER 1.01 ENTITLED "CODE ADOPTION" OF THE SIOUX CITY MUNICIPAL CODE TO PROVIDE FOR THE ADOPTION OF THE MUNICIPAL CODE.

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

Section 1: Section 1.01.010 of the Sioux City Municipal Code is amended to read as follows:

1.01.010 Adoption of the Municipal Code. The ordinances of the city, up through Ordinance ~~2016-0241~~ 2017-0293 as amended which are codified in this volume entitled "Municipal Code of Sioux City, Iowa", shall constitute the Municipal Code of Sioux City, Iowa. Pursuant to Iowa Code Section 380.5, grade ordinances, bond ordinances, zoning map ordinances, ordinances vacating public rights of way and ordinances containing legal descriptions of urban revitalization areas and urban renewal areas are excluded from this code. Ordinances and amendments which become effective after the effective date of this ordinance shall be compiled as supplements to the Code and upon adoption of the supplement by resolution become a part of this code.

Section 2: Section 1.01.030 of the Sioux City Municipal Code is amended to read as follows:

1.01.030 Effect of code on past actions and obligations. The adoption of the updated Municipal Code provided for in Section 1.01.010 shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, on any contract, or right established or accruing before the ~~9th~~ 8th day of April, ~~2016~~ 2017, nor shall such appeal affect any ordinances, or portions thereof, not heretofore specifically repealed, it being the intention of the city council that all ordinances or provisions thereof, heretofore enacted and not contained or included in this code shall remain in full force and effect, any statements in Chapter 1.01 of the Municipal Code of Sioux City, Iowa, to the contrary notwithstanding.

Section 3: Severability Clause: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 4: Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Ordinance No. 2016-0268 of the Sioux City Municipal Code.

Section 5: 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: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____

¹ Proposed additions to text of Municipal Code are indicated by underline; proposed deletions from text of Municipal Code are indicated by ~~strike through~~.

Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on April 8, 2017

Lisa L. McCardle, City Clerk

ORDINANCE NO. 2017 - _____

ORDINANCE AMENDING CHAPTER 1.01 ENTITLED "CODE ADOPTION" OF THE SIOUX CITY MUNICIPAL CODE TO PROVIDE FOR THE ADOPTION OF THE MUNICIPAL CODE.

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

Section 1: Section 1.01.010 of the Sioux City Municipal Code is amended to read as follows:

1.01.010 Adoption of the Municipal Code. The ordinances of the city, up through Ordinance 2017-0293 as amended which are codified in this volume entitled "Municipal Code of Sioux City, Iowa", shall constitute the Municipal Code of Sioux City, Iowa. Pursuant to Iowa Code Section 380.5, grade ordinances, bond ordinances, zoning map ordinances, ordinances vacating public rights of way and ordinances containing legal descriptions of urban revitalization areas and urban renewal areas are excluded from this code. Ordinances and amendments which become effective after the effective date of this ordinance shall be compiled as supplements to the Code and upon adoption of the supplement by resolution become a part of this code.

Section 2: Section 1.01.030 of the Sioux City Municipal Code is amended to read as follows:

1.01.030 Effect of code on past actions and obligations. The adoption of the updated Municipal Code provided for in Section 1.01.010 shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, on any contract, or right established or accruing before the 8th day of April, 2017, nor shall such appeal affect any ordinances, or portions thereof, not heretofore specifically repealed, it being the intention of the city council that all ordinances or provisions thereof, heretofore enacted and not contained or included in this code shall remain in full force and effect, any statements in Chapter 1.01 of the Municipal Code of Sioux City, Iowa, to the contrary notwithstanding.

Section 3: Severability Clause: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 4: Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Ordinance No. 2016-0268 of the Sioux City Municipal Code.

Section 5: 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: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on April 8, 2017

Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 18

FROM: Jeff Hanson, Community Development Operations Manager

SUBJECT: Resolution approving a Development Agreement with Clayton Creek L.L.C. for a rural residential development located at 701 South Roswell Street and 801 South Roswell Street and authorizing the execution thereof. (Deferred from March 27, 2017.)

Reviewed By:	☒ Department Director	☐ Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests Council approve a Development Agreement with Clayton Creek L.L.C. (Jay and Nicole Layman) for a rural residential development at 701 and 801 South Roswell Street.

DISCUSSION:

During the City Council Meeting on Monday, March 27th City staff presented the agreement to the City Council for action on the \$77,000.00 grant and the Developer presented his request for a grant in the amount of \$93,500.00. On a 4-1 vote the City Council directed staff to bring forward a revised agreement in the amount of \$93,500.00 as requested by the Developer. The agreement has been revised to reflect the new amount.

City staff has been working with Jay Layman for over a year on an eleven lot rural residential development at 701 and 801 South Roswell Street. The property is shown on the attached General Area Map. The subject project consists of thirty two acres and was most recently occupied by a single residential structure and multiple outbuildings. The residential structure and several outbuildings have been demolished by the developer. The only access to the site is by South Roswell Street which is an existing public gravel street with only thirty foot of right-of-way. The east property line of the subject property is the current City limits line.

The developer is proposing to subdivide the site into eleven rural residential acreages. The site would continue to have only one access via South Roswell Street and the extension of the street will be gravel to match the existing surface. The extension of the street will be public right-of-way so all lots will have frontage on public right-of-way. The developer will also make improvements to the existing South Roswell Street to slightly widen the driven way and also complete drainage improvements to improve storm water runoff. The developer will also install an eight inch public water main to serve the new eleven acreages. There is no existing sanitary sewer in the area therefore all eleven acreages will have private septic systems.

It is not common that we would support new residential subdivisions using a gravel street but in this case we have thirty two acres currently undeveloped and a local developer wanting to meet the demand of providing rural acreages within the City limits. The topography of the site, limited access, and lack of City infrastructure to the site limits the development opportunities. The density of the proposed subdivision is very low considering the property contains thirty two acres and the additional traffic on South Roswell Street will be minimal with no thru traffic.

The following are the terms of the Developer as identified in the development agreement:

- A. Developer will submit a rezoning application to rezone the entire property from Agriculture (AG) to Rural Residential (RR). Developer will also submit a preliminary plat application showing eleven lots, and in generally the same form as the attached preliminary site plan (see Exhibit "B"). The rezoning and preliminary plat application must be reviewed and approved by both the Planning and Zoning Commission and City Council.
- B. Developer will apply for and receive all necessary building permits and permits to conduct infrastructure work within the public right-of-way.
- C. Developer will install an eight inch public water main, to be City owned, serving the new lots and will be placed within the existing South Roswell Street right-of-way, with a hydrant/flushing device to be drained overland, or in underground storage tanks, at the election of Developer. Developer will design and construct the water main. The water main design must be reviewed and approved by City staff. City will agree to minimum required fire hydrants for rural residential development areas.
- D. Developer will install a twenty four foot wide gravel or crushed asphalt public street extending off the existing graveled South Roswell Street right-of-way to access all lots in the approximate location set forth on Exhibit "B".
- E. Developer will install a concrete apron at the intersection of South Roswell Street and Stone Avenue. The apron design must be reviewed and approved by City staff.
- F. Developer will sign a limited services agreement limiting fire protection, no public sanitary sewer service, and limited street maintenance.
- G. Developer will construct or cause to be constructed eleven single family residential structures prior to December 31, 2023. The Developer may request an extension of the construction deadline in the event that unanticipated circumstances arise which prevent the Developer, or its successors and assigns, from meeting the construction deadline (i.e. such as economic factors which cause a significant decrease in new construction in the community, unanticipated weather delays, etc.).
- H. Developer will complete improvements on the existing South Roswell Street to widen the driven way and improve storm water runoff after the installation of the public water main.

- I. Developer shall execute a promissory note in the amount of \$93,500.00 encumbering all platted parcels contained in the proposed development site. In the event that less than eleven residential structures have been completed by the construction deadline date of December 31, 2023 (or any extension of the deadline date), Developer shall be obligated on demand of the City to refund a prorated portion of the \$93,500.00 economic development grant. The prorate portion shall be based on a fraction, the numerator of which shall be the number of uncompleted residential structures as of the construction deadline date and the denominator of which shall be eleven. This fraction shall then be multiplied by \$93,500.00 to determine the amount to be refunded by the Developer to the City upon demand of the City.

The following are the terms of the City as identified in the development agreement:

- A. City will waive sidewalk requirements, and in return Developer will construct and maintain a nature walking trail through the subdivision in a yet-to-be-determined location.
- B. City will vacate the right-of-way located to the east and north of the proposed subdivision, shown in Exhibit "C" and transfer to Developer for \$1.00.
- C. City will approve Developer's use of rural residential street lighting due to the low density. The lighting plan must be reviewed and approved by City staff prior to installation.
- D. City will provide an economic development grant to support the rural residential development in an amount of \$93,500.00 to be paid following the completion of all public infrastructure.
- E. City will provide a partial release of the development agreement upon the closing of the sale by Developer of each lot.
- F. City will trim any existing trees in the South Roswell Street right-of-way that currently do not meet the fourteen foot height requirement over the street.

FINANCIAL IMPACT:

This project is funded through FY18 CIP No. 611-001 "City's Share New Residential Development"

RELATIONSHIP TO STRATEGIC PLAN:

Infrastructure Vision: We will invest in infrastructure to attract and retain business, spur residential growth and increase quality of life.

ALTERNATIVES:

1. Deny the \$93,500.00 grant
2. Approve a grant in the amount of \$77,000.00
3. Deny the grant request

ATTACHMENTS:

Resolution
General Area Map
Development Agreement

RESOLUTION

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

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH CLAYTON CREEK L.L.C. FOR A RURAL RESIDENTIAL DEVELOPMENT LOCATED AT 701 SOUTH ROSWELL STREET AND 801 SOUTH ROSWELL STREET AND AUTHORIZING THE EXECUTION THEREOF.

WHEREAS, such Development Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Development Agreement between Clayton Creek L.L.C. and the City of Sioux City, Iowa, for a rural residential development located at 701 South Roswell Street and 801 South Roswell Street, referred to in the preamble hereof, be and the same is hereby approved as to form and content.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

GENERAL AREA MAP



City of Sioux City Planning Division

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DEVELOPMENT AGREEMENT

THIS AGREEMENT made on _____, 2017, by and between the City of Sioux City, Iowa, an Iowa municipal corporation, (hereinafter referred to as "City") and Clayton Creek, L.L.C. (hereinafter referred to as "Developer").

W I T N E S S E T H

WHEREAS, Developer owns real estate addressed as 701 South Roswell Street and 801 South Roswell Street, legally described in the attached Exhibit "A" (the "Property"); and

WHEREAS, Developer desires to construct a rural residential development on the Property; and

WHEREAS, the parties desire to establish between themselves their various obligations, duties and responsibilities.

NOW, THEREFORE, in consideration of the promises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

ARTICLE I RESPONSIBILITIES OF THE DEVELOPER

The Developer shall complete construction of a rural residential development as shown on the attached site plan Exhibit "B" in conformance with all zoning, building and subdivision codes adopted by the City of Sioux City and contingent on the following:

- A. Developer will submit a rezoning application to rezone the entire property from Agriculture (AG) to Rural Residential (RR). Developer will also submit a preliminary plat application showing eleven lots, and in generally the same form as the attached preliminary site plan (see Exhibit "B"). The rezoning and preliminary plat application must be reviewed and approved by both the Planning and Zoning Commission and City Council;
- B. Developer will apply for and receive all necessary building permits and permits to conduct infrastructure work within the public right-of-way;
- C. Developer will install an eight inch public water main, to be City owned, serving the new lots and will be placed within the existing South Roswell Street right-of-way, with a hydrant/flushing device to be drained overland, or in underground storage tanks, at the election of Developer. Developer will design and construct the water main. The water main design must be reviewed and approved by City staff. City will agree to minimum required fire hydrants for rural residential development areas;
- D. Developer will install a twenty four foot wide gravel or crushed asphalt public street extending off the existing graveled South Roswell Street right-of-way to access all lots in the approximate location set forth on Exhibit "B";
- E. Developer will install a concrete apron at the intersection of South Roswell Street and Stone Avenue. The apron design must be reviewed and approved by City staff;

- F. Developer will sign a limited services agreement limiting fire protection, no public sanitary sewer service, and limited street maintenance;
- G. Developer will construct or cause to be constructed eleven single family residential structures prior to December 31, 2023. The Developer may request an extension of the construction deadline in the event that unanticipated circumstances arise which prevent the Developer, or its successors and assigns, from meeting the construction deadline (i.e. such as economic factors which cause a significant decrease in new construction in the community, unanticipated weather delays, etc.);
- H. Developer will complete improvements on the existing South Roswell Street to widen the driven way and improve storm water runoff after the installation of the public water main;
- I. Developer shall execute a promissory note (see Exhibit "D") in the amount of \$93,500.00 encumbering all platted parcels contained in the proposed development site. In the event that less than eleven residential structures have been completed by the construction deadline date of December 31, 2023 (or any extension of the deadline date), Developer shall be obligated on demand of the City to refund a prorated portion of the \$93,500.00 economic development grant. The prorate portion shall be based on a fraction, the numerator of which shall be the number of uncompleted residential structures as of the construction deadline date and the denominator of which shall be eleven. This fraction shall then be multiplied by \$93,500.00 to determine the amount to be refunded by the Developer to the City upon demand of the City.

ARTICLE II RESPONSIBILITIES OF THE CITY

- A. City will waive sidewalk requirements, and in return Developer will construct and maintain a nature walking trail through the subdivision in a yet-to-be-determined location;
- B. City will vacate the right-of-way located to the east and north of the proposed subdivision, shown in Exhibit "C" and transfer to Developer for \$1.00;
- C. City will approve Developer's use of rural residential street lighting due to the low density. The lighting plan must be reviewed and approved by City staff prior to installation;
- D. City will provide an economic development grant to support the rural residential development in an amount of \$93,500.00 to be paid following the completion of all public infrastructure;
- E. City will provide a partial release of the development agreement upon the closing of the sale by Developer of each lot;
- F. City will trim any existing trees in the South Roswell Street right-of-way that currently do not meet the fourteen foot height requirement over the street.

ARTICLE III GENERAL PROVISIONS

- A. This Agreement shall be binding on the parties and their successors and assigns.

- B. This Agreement shall be interpreted according to the laws of the State of Iowa. The Developer agrees that any legal action or proceeding against it with respect to this Agreement may be brought in the courts of Woodbury County, Iowa.
- C. Any notice, demand or communication under this Agreement by either party to the other shall be sufficiently given if it is dispatched by regular mail, postage prepaid, or delivered personally as follows:

1. Developer to: Clayton Creek, L.L.C
Attn: Nicole Layman
6701 Kingswood Court
Sioux City, Iowa 51106

2. City to: City of Sioux City
Attn: City Manager
405 Sixth Street
P.O. Box 447
Sioux City, IA 51102

D. List of Exhibits: Exhibit A – Legal Description of property
Exhibit B – Site plan
Exhibit C – Map of right of way to vacate
Exhibit D – Form of promissory note

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be duly executed as of the date and year first above written.

CITY:
CITY OF SIOUX CITY, IOWA

ATTEST:

By: _____
Robert E. Scott, Mayor

Lisa L. McCardle, City Clerk

DEVELOPER:
Clayton Creek, L.L.C

By: Nicole Layman, Managing Member of Clayton Creek L.L.C.

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this _____ day of _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared Robert E. Scott, Mayor of the City of Sioux City, Iowa, and Lisa L. McCardle, City Clerk of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)

NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA)

: ss.

COUNTY OF WOODBURY)

On this _____ day of _____, 2017, before me, the undersigned a Notary Public in and for said County and State, personally appeared Nicole Layman to me personally known, who being by me duly sworn, did state that she is the Managing Member of said Limited Liability Company executing the within and foregoing instrument, that no seal has been procured by the said Limited Liability Company; that said instrument was signed on behalf of said Limited Liability Company by authority of its Board of Directors; and that the said Nicole Layman, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said Limited Liability Company by it and by her voluntarily executed.

(SEAL)

NOTARY PUBLIC in and for said COUNTY and STATE

EXHIBIT A

DESCRIPTION OF PROPERTY

Parcel 1:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) except the South 600 feet thereof, in Section 36, Township 89, North of Range 47, in the County of Woodbury and State of Iowa

Parcel 2:

That part of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-six (36), Township Eight-nine (89), North, Range Forty-seven (47), West of the Fifth Principal Meridian in the County of Woodbury and State of Iowa described as follows: Commencing at the Southeast (SE) corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Thirty-six (36), thence West along the half ($\frac{1}{2}$) section line, Nine Hundred Thirty (930) Feet, thence North Parallel to the East line of said section, Six Hundred (600) Feet, thence East to the East line of said section Nine Hundred Thirty (930) Feet, thence South to the point of beginning Six Hundred (600) Feet.

EXHIBIT B

SITE PLAN



EXHIBIT C

MAP OF RIGHT OF WAY TO VACATE



EXHIBIT D

Amount: \$ 93,500.00

Date: _____, 2017

For value received, the undersigned Clayton Creek, L.L.C (hereafter called "Borrower") promise to pay to the order of the City of Sioux City, Iowa (hereafter called the "Payee"), at its principal offices at City Hall, 405 6th Street, P.O. Box 447, Sioux City, Iowa 51102, or upon notice to the Borrower, at such other place as may be designated from time to time by the holder, the principal sum of Seventy-Seven Thousand Dollars (\$93,500.00), to assist with the construction of eleven residential structures for a rural residential development located at 701 South Roswell Street and 801 South Roswell Street, Sioux City, Iowa to be paid as follows:

A \$93,500.00 forgivable loan

1. **Payments.** All payments under the Note shall be applied in this order: (1) to interest, and (2) to principal.

2. **Loan Agreement; Acceleration Upon Default.** This Note is issued by Borrower to evidence an obligation to repay a loan according to the terms of the Development Agreement dated _____, 2017 between the Payee and Borrower and, at the election of the holder without notice to the Borrower, shall become immediately due and payable in the event any payment is not made when due or upon the occurrence of any default under the terms of the Development Agreement or any obligations of the Borrower as set forth in this Promissory Note.

3. **Obligations of Borrower.** Borrower shall perform the following actions as its obligations under this Promissory Note:

- (a) Borrower shall construct eleven residential structures as shown on the preliminary site plan which is part of a Development Agreement between the parties concurrently executed with this Note.

4. **Waiver.** No delay or omission on the part of the holder in exercising any right under this Note shall operate as a waiver of that right or of any other right under this Note. A waiver on any one occasion shall not be construed as a bar to or waiver of any right and/or remedy on any future occasion.

5. **Waiver of Protest.** The Borrower, surety, endorser and guarantor of this Note, expressly waives presentment, protest, demand, notice of dishonor or default, and notice of any kind with respect to this Note.

6. **Costs of Collection.** The Borrower will pay on demand all costs of collection, maintenance of collateral, legal expenses, and attorneys' fees incurred or paid by the holder in collecting and or enforcing this Note on default.

7. **Relocation.** Relocation of Borrower outside of the municipal boundaries of the City of Sioux City, Iowa, will constitute default of this Note.

8. **Meaning of Terms.** As used in the Note, "holder" shall mean the Payee or other endorsee of this Note, who is in possession of it, or the bearer hereof, if this Note is at the time payable to the bearer. The word "Borrower" shall mean each of the undersigned. If this Note is signed by more than one person, it shall be the joint and several liabilities of such persons.

9. Miscellaneous. The captions of paragraphs in this Promissory Note are for the convenience of reference only, shall not define or limit the provisions hereof and shall not have any legal or other significance whatsoever.

CLAYTON CREEK, L.L.C

Nicole Layman, Managing Member

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this _____ day of _____, 2017, before me, a Notary Public in and for said county and state, personally appeared Nicole Layman, to me personally known, who being by me duly sworn did state that she is the Managing Member of said limited liability company and that said instrument was signed on behalf of said Limited Liability Company by authority of its members, and that the said Managing Partner acknowledged the execution of said instrument to be the voluntary act and deed of said Limited Liability Company by each of them voluntarily executed.

Notary Public in and for said County and State

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 19

FROM: Matt Salvatore, Parks and Recreation Director
Stan LaFave, Facilities Maintenance Supervisor

SUBJECT: Resolution awarding and approving a contract with ESA, Inc. of North Sioux City, South Dakota in the amount of \$125,248.00 for asbestos abatement in the Southeast Balcony Area of the Long Lines Family Recreation Center. (401 Gordon Drive) (Deferred from March 27, 2017)

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests City Council award and approve a contract with ESA, Inc. of North Sioux City, South Dakota in the amount of \$125,248.00 for asbestos abatement in the Long Lines Family Recreation Center.

DISCUSSION:

In conjunction with the proposed Interior Remodel – Long Lines Recreation Center Auditorium Space Project, the Parks and Recreation staff is requesting an award of contract be issued to ESA, Inc. of North Sioux City, South Dakota for asbestos abatement services in the southeast balcony area of the Long Lines Family Recreation Center. The scope of service includes the removal and disposal of all seating, trash and debris in the area. ESA, Inc. will decontaminate and clean the entire area and remove the asbestos ceiling. All work will be done in accordance with Federal (EPA) and State (OSHA) guidelines for asbestos abatement.

FINANCIAL IMPACT:

The project is being constructed with GO Bonds under CIP #459-102 “Long Lines Family Rec. Center” with a combined FY17 and FY18 budget of \$451,200.00.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Infrastructure
Focus Area – Grow Sioux City

ALTERNATIVES:

The City Council may choose to not award and approve this agreement.

ATTACHMENTS:

Resolution
Contract with ESA, Inc. – Hard Copies

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT WITH ESA, INC. OF
NORTH SIOUX CITY, SOUTH DAKOTA IN THE AMOUNT OF \$125,248.00 FOR
ASBESTOS ABATEMENT IN THE SOUTHEAST BALCONY AREA OF THE LONG
LINES FAMILY RECREATION CENTER. (401 GORDON DRIVE)

WHEREAS, a bid was received by the City of Sioux City, Iowa on March 2, 2017 for the asbestos abatement in the southeast balcony area of the Long Lines Family Recreation Center in Sioux City, Iowa (the Project) as requested upon inspection of the facility by City staff; and

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

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

WHEREAS, the City Attorney has examined the contract and performance bond for proper execution and all supporting documents to determine if the same comply with the contract and 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 HERBY 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 ESA, Inc. in the amount of \$125,248.00 for asbestos abatement for the Project in Sioux City, Iowa, as requested upon inspection of the facility and referred to in the preamble hereof is the only bid requested 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 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 Parks and Recreation Director as the value of work satisfactorily performed for the period.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 20-21
Donna Forker, Finance Director
FROM: Stan LaFave, Building Maintenance Supervisor
Spero Vlahoulis, Purchasing Manager

Resolution awarding a Service Provider Agreement to Thompson Electric Company of Sioux City, Iowa in the amount of \$27,800.00 for a portion of the City-Wide Arc Flash Study.

SUBJECT:

Resolution awarding a Service Provider Agreement to West Plains Engineering, Inc. of Sioux Falls, South Dakota in the amount of \$140,930.00 for a portion of the City-Wide Arc Flash Study.

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

Staff respectfully requests that City Council award Service Provider Agreements to West Plains Engineering, Inc. of Sioux Falls, South Dakota and Thompson Electric Company of Sioux City, Iowa for the City-Wide Arc Flash Study. If awarded, staff will bring back the Service Provider Agreements for approval at an upcoming City Council meeting.

DISCUSSION:

City staff has determined that certain City-owned facilities need to have an Arc Flash Study done in order to comply with Occupational Safety and Health Administration (OSHA) requirements. An Arc Flash Study needs to be done at 310 locations. The locations are all Sioux Gateway Airport administration, hangars, and residential units; all WCICC towers; all Central Maintenance Garage locations; libraries, Tyson Events Center; Parks and Recreation locations; Field Services locations; Convention Center; Waste Water Treatment Buildings; Police Training Center; Fire Stations; Parking Facilities, Skywalks; Art Center; Museum locations; IBP Ice Center, and the traffic panels.

The request for quotes were sent to sixteen (16) firms thought to provide arc flash analysis. Vendors were given the option to bid each individual site or the sites in total. Each vendor proposed a discount by packaging all the sites together. There were two (2) responses. The two total bids were as follows:

Sites	West Plains Engineering of Sioux Falls, South Dakota	Thompson Electric Company of Sioux City, Iowa
Wilbur Aalfs Library, Animal Rescue, Headid Ball Fields, Pools, Field Sevicees Facilities (Asphalt, Equipment Shed, Parks/Streets Office), and Riverside Girls of '68	\$12,060.00	\$34,250.00
WCICC Towers	\$10,800.00	\$8,125.00
Tyson Events Center, Morningside Library, Ruegger Field, Riverside Complex, Central Maintenance Garage Facilities	\$17,190.00	\$42,750.00
Sioux Gateway Airport Lease Properties, Terminal, and Maintenance Facilities	\$16,830.00	\$94,625.00
Sioux Gateway Airport Residential Properties	\$4,140.00	\$2,300.00
Utilities Sewer & Water Buildings, Dance Pavillion, Bacon Creek Restrooms. Children's Park, Cook Park, Dale Street Splash Pad, Floyd Monument and Restrooms, Grandview Bandshell/Carpenter Shop and Restrooms, Grandma Moos Park, Leeds Park Shelter, Greenville Entrance, Legacy Park, Leif Erickson, Lewis Park, Riverside Park Restrooms, Rose Hill, Sergeant Floyd Welcome Center, Sertoma Park, and War Eagle	\$19,800.00	\$33,000.00
Traffic Control Cabinets	\$106,335.00	\$17,375.00
Convention Center, WWTP, Police Training Facilities	\$18,450.00	\$48,100.00
Fire Stations and Fire Training Facility	\$12,960.00	\$24,000.00
Parking Ramps and Skywalks	\$9,900.00	\$14,785.00
Chautauqua Park, Center Street Park, Lamb Productions School, Floyd Golf Course, Green Valley Golf Course, Lewis & Clark Park, Art Center, Roth Fountain, Martin	\$32,940.00	\$62,375.00

Building, Sign Shop, Pierce Mansion, Sergeant Floyd Museum, Hubbard Park, Goldie Park, Kirk Hansen Park, Floyd Cemeteries, IBP Ice Center, Pulaski Park, Strikers Field		
Owner Review Meeting	\$800.00	Included in each sites pricing.
Total based on each individual location	\$140,930.00	\$27,800.00
Price based on bidding all sites as one job	\$247,563.00	\$354,967.00

Bidding out for each individual site versus all sites as one award will allow the City to save \$106,633.00.

When the bids were first received City staff believed that the West Plains Engineering bid was non-responsive because the vendor had noted on their bid that electrician costs were not included in the bid and that they had identified 100 points at the Tyson Events Center where as Thompson Electric identified 300 points at the Tyson Events Center. After the bids were due West Plains estimated the electrician costs at \$40,000 in an email sent to City staff. Based on electrician costs not being submitted and points being under stated, City staff determined the West Plains Engineering's bid may be non-responsive and prepared a resolution and RCA to award the contract to Thompson Electric Company for the March 27, 2017 meeting.

West Plains Engineering staff then contacted City staff to clarify their bid. West Plains Engineering said that their bid does include electrician costs and their bid includes all points at each site. West Plains Engineering has submitted written correspondence that their bid includes all electrician costs and all points at each site. City staff determined that West Plains Engineering was allowed to clarify their bid. Due to this clarification the item was deleted from the March 27, 2017 meeting.

Staff is proposing to enter into service provider agreements with West Plains Engineering, Inc. of Sioux Falls, South Dakota and Thompson Electric Company of Sioux City, Iowa to conduct the Arc Flash Study to ensure all City facilities meet OSHA requirements. If City Council so desires they can reject the bids and specifications can be rebid. Rebidding will allow for City staff to rewrite specifications to account for variances between the two bids.

Due to the nature of the work to be performed staff did not require a bid bond or a performance bond. Staff chose not to require bonds to minimize costs.

FINANCIAL IMPACT:

The project is funded under CIP 889-014, Arc Flash Improvements.

RELATIONSHIP TO STRATEGIC PLAN:

Relationship complies with City Operational Plans.

ALTERNATIVES:

Council could request that the requisition be rejected and bid out again.

ATTACHMENTS:

Resolutions

West Plains Letter

Hard copies of Arc Flash Information submitted by Thompson Electric Company will be provided

RESOLUTION NO. 2017 - _____

RESOLUTION AWARDING A SERVICE PROVIDER AGREEMENT TO THOMPSON ELECTRIC COMPANY OF SIOUX CITY, IOWA IN THE AMOUNT OF \$27,800.00 FOR A PORTION OF THE CITY-WIDE ARC FLASH STUDY.

WHEREAS, bids and proposals were received by the City of Sioux City, Iowa, on February 28, 2017 for a City-Wide Arc Flash Study to comply with Occupational Safety and Health Administration (OSHA) requirements; and

WHEREAS, all of said bids and proposals were carefully considered and it is necessary and advisable that the most responsive and responsible bid be accepted and that a service provider agreement be awarded for said City-Wide Arc Flash Study; and

WHEREAS, the City Council is advised and does believe that awarding multiple Service Provider Agreements for individual sites versus all sites as one will save time and costs.

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

Section 1: The City-Wide Arc Flash Study, 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 Thompson Electric Company of Sioux City, Iowa, in the amount of \$27,800.00 for a portion of the City-Wide Arc Flash Study referred to in the preamble hereof is the most responsive and responsible bid received and the same is hereby accepted and the service provider agreement 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 for the City-Wide Arc Flash Study in Sioux City, Iowa

Section 4: The contractor is directed to execute the service provider agreement and submit the same to the Facilities Maintenance Supervisor with all of the supporting documents within ten days for approval and signature by the City.

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

RESOLUTION NO. 2017 - _____

RESOLUTION AWARDDING A SERVICE PROVIDER AGREEMENT TO WEST PLAINS ENGINEERING, INC. OF SIOUX FALLS, SOUTH DAKOTA IN THE AMOUNT OF \$140,930.00 FOR A PORTION OF THE CITY-WIDE ARC FLASH STUDY.

WHEREAS, bids and proposals were received by the City of Sioux City, Iowa, on February 28, 2017 for a City-Wide Arc Flash Study to comply with Occupational Safety and Health Administration (OSHA) requirements; and

WHEREAS, all of said bids and proposals were carefully considered and it is necessary and advisable that the most responsive and responsible bid be accepted and that a service provider agreement be awarded for said City-Wide Arc Flash Study; and

WHEREAS, the City Council is advised and does believe that awarding multiple Service Provider Agreements for individual sites versus all sites as one will save time and costs.

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

Section 1: The City-Wide Arc Flash Study, 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 West Plains Engineering, Inc. of Sioux Falls, South Dakota in the amount of \$140,930.00 for a portion of the City-Wide Arc Flash Study referred to in the preamble hereof is the most responsive and responsible bid received and the same is hereby accepted and the service provider agreement 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 for the City-Wide Arc Flash Study in Sioux City, Iowa

Section 4: The contractor is directed to execute the service provider agreement and submit the same to the Facilities Maintenance Supervisor with all of the supporting documents within ten days for approval and signature by the City.

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

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 22

FROM: Justin Vondrak, Assistant City Attorney

SUBJECT: Resolution approving a Development Agreement with Black and Blue Development, L.L.C. for a residential development in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill and authorizing the execution thereof.

Reviewed By:	☒ Department Director	Finance Department	☒ City Attorney	☒ City Manager
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RECOMMENDATION:

Staff respectfully requests Council approve a Development Agreement with Black and Blue Development, L.L.C. (Rick Bertrand and Casey Fenton) for a residential development in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill.

DISCUSSION:

City staff has been working with Rick Bertrand and Casey Fenton on an infill residential development in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill. The property is shown on the attached General Area Map. Access to the site will be via Chestnut Avenue to the north and connecting to Floyd Boulevard on the east.

The Developer is proposing to subdivide the site into forty (40) lots. On these forty (40) lots, the Developer plans to construct eighty (80) townhomes. Upon completion of each townhome, the lots will be split. Upon completion of all of the townhomes, there will be eighty (80) lots and eighty (80) new residential structures. The Developer will also be constructing a new street connecting Chestnut Avenue to Floyd Boulevard. Additionally, as shown on the attached preliminary plat, there will be a nine (9) foot wide trail along the new extension of Chestnut Avenue. Developer will also be installing new utilities to support the development. New water mains will connect to several existing mains resulting in much needed loops in the area.

The following are the terms of the Developer as identified in the Development Agreement:

- A. Submit a Preliminary Plat prepared by a state licensed engineer for City approval based on the City Subdivision Ordinance, Zoning and Sign Ordinance, Building Code, Fire Code, Storm Water Management Code and all other relevant aspects of the Sioux City Municipal Code.
- B. Submit a Final Plat for Planning and Zoning Commission and City Council approval to be titled Chestnut Hill Addition to Sioux City, Woodbury County, Iowa.

- C. Apply for and receive all other necessary building permits.
- D. Construct or cause to be constructed a public street to access the eighty (80) residential structures as shown on the Preliminary Site Plan. This shall include grading, paving and construction of any storm sewer, water main, and sanitary sewer to City standards required by the City Engineer. Said construction shall commence only after approval by the City Engineer of construction plans for the public improvements.
- E. Developer shall, on or before May 1, 2017 proceed with grading work in an effort to begin construction of the residential units before November 1, 2017 upon all necessary permitting and approval.
- F. Construct the eighty (80) residential structures as shown on the Preliminary Site Plan prior to December 31, 2022.
- G. Developer shall execute a promissory note in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00). Each individually platted lot shall have a prorated promissory note attached and shall be released individually as construction of each unit is completed. For example, if the City's contribution is One Million Five Hundred Thousand Dollars (\$1,500,000.00) the prorated amount of the promissory note on each of the forty (40) platted lots would be Thirty Four Thousand Ninety Dollars (\$34,090.00).
- H. Developer agrees to comply with the Iowa Statewide Urban Design and Specifications (SUDAS) manual and the City's most recent supplement to SUDAS in connection with the Development. This includes obtaining all required permits and zoning approval which shall be the sole responsibility of Developer.
- I. Developer shall complete all roadways, storm water detention areas, sidewalks, lighting, utilities and amenities as shown on the approved Preliminary Plat prior to commencement of construction of any residential unit.
- J. Developer agrees to construct roadways, storm water detention areas, sidewalks, lighting, utilities and amenities as shown on the approved Preliminary Plat to support the Development. Once said roadways and supporting infrastructure are in place, Developer agrees to convey said roadways and infrastructure to the City at no cost.
- K. Developer agrees to provide a maintenance bond covering any defects in design, workmanship, or materials for all roadways, trails, sidewalks and supporting infrastructure for a period of 3 years after conveyance of said roadways, trails, sidewalks and infrastructure to the City. This bond shall provide for full repair and replacement for any defects in design, workmanship, or materials. This bond shall be executed and delivered at the time of conveyance to the City. Should the bond not be provided at that time, no further payments shall be made by City to Developer.

The following are the terms of the City as identified in the Development Agreement:

- A. City will perform, or reimburse Developer if performed by someone other than City, for actual costs incurred for all construction inspection and testing for all public improvements within the Development.
- B. City agrees to pay Developer Eight Hundred Thousand Dollars (\$800,000.00) in the

form of an economic development grant (and not part of any tax increment financing) towards the construction of Chestnut Avenue and any public infrastructure. These funds shall be dispersed as follows:

- 1) The first installment of Four Hundred Thousand Dollars (\$400,000.00) shall be paid on July 1, 2017.
- 2) The second installment of Four Hundred Thousand Dollars (\$400,000.00) shall be paid upon completion of twelve (12) residential units.

C. City agrees to pay Developer the City's Share of New Residential Development (CIP 611-001) ("DIG") funds in the amount of Seven Hundred Thousand Dollars (\$700,000.00). These funds shall be dispersed as follows:

- 1) The first installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2017.
- 2) The second installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2018, or upon completion of twelve (12) residential units, whichever comes later.
- 3) The third installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2018, or upon completion of twenty-four (24) residential units, whichever comes later.
- 4) The fourth installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2019, or upon completion of thirty-six (36) residential units, whichever comes later.
- 5) The fifth installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2020, or upon completion of forty-eight (48) residential units, whichever comes later.
- 6) The sixth installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2021, or upon completion of sixty (60) residential units, whichever comes later.
- 7) The seventh installment of One Hundred Thousand Dollars (\$100,000.00) shall be paid on July 1, 2022, or upon completion of seventy-two (72) residential units, whichever comes later.

D. If the City receives any State or Federal funds to assist with funding any infrastructure necessary to support the development, the City agrees to apply the funds toward the development to reduce expenses that would have been incurred by the City and Developer.

E. The City shall provide a Partial Release of Development Agreement for each residential structure upon completion and certification of an occupancy permit for that structure. No release shall be provided for any structure which is incomplete or has no occupancy permit.

FINANCIAL IMPACT:

This project is funded through FY18 CIP No. 611-001 "City's Share New Residential Development"

RELATIONSHIP TO STRATEGIC PLAN:

Infrastructure Vision: We will invest in infrastructure to attract and retain business, spur residential growth and increase quality of life.

ALTERNATIVES:

4. Approve the grant request
5. Deny the grant request

ATTACHMENTS:

Resolution

General Area Map

Hard Copy of the Development Agreement will be provided

RESOLUTION NO. 2017 - _____
with attachments

RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH BLACK AND BLUE DEVELOPMENT, L.L.C. FOR A RESIDENTIAL DEVELOPMENT IN THE VICINITY OF 2809 FLOYD BOULEVARD AND 2901 FLOYD BOULEVARD TO BE KNOWN AS CHESTNUT HILL AND AUTHORIZING THE EXECUTION THEREOF.

WHEREAS, Black and Blue Development, L.L.C. is proposing to undertake a series of private and public improvements in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill; and

WHEREAS, a Development Agreement between Black and Blue Development, L.L.C. and the City of Sioux City, Iowa, a copy of which is attached hereto and by this reference incorporated herein, sets forth the responsibilities and obligations of the parties in developing such private and public improvements; and

WHEREAS, such Development Agreement should be approved as to form and content.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Development Agreement between Black and Blue Development, L.L.C. and the City of Sioux City, Iowa, for a residential development in the vicinity of 2809 Floyd Boulevard and 2901 Floyd Boulevard to be known as Chestnut Hill, referred to in the preamble hereof, be and the same is hereby approved as to form and content.

PASSED AND APPROVED: April 3, 2017

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

☒	Regular Session
☐	Study Session
☐	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 3, 2017 **ACTION ITEM #** 23

FROM: Marty Dougherty, Economic Development Director

SUBJECT: Reinvestment District Presentation

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

Staff will present an overview of the Sioux City Reinvestment District project.

DISCUSSION:

Following the first step of the sale of land for the Convention Center hotel project, Council requested further discussion of the project. Staff will present information regarding the Iowa Reinvestment District opportunity and the three destination projects planned as part of the District.

FINANCIAL IMPACT:

No financial impact is anticipated.

RELATIONSHIP TO STRATEGIC PLAN:

Municipal Responsibility – Economic Opportunity
Focus Area – Expand Development Opportunities and Grow Sioux City
Leverage strengths and assets to develop critical mass in downtown

ALTERNATIVES:

N/A

ATTACHMENTS:

None