



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

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

You are hereby notified a meeting of the City Council of the City of Sioux City, Iowa, will be held April 9, 2012, 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 takes 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

CONSENT AGENDA

ITEMS 2 THROUGH 10D CONSTITUTE A CONSENT AGENDA. ITEMS PASS UNANIMOUSLY UNLESS A SEPARATE ROLL CALL VOTE IS REQUESTED BY A COUNCIL MEMBER.

2. Reading of the minutes of April 2 ([Study](#) and [Regular](#)), 2012.
3. [MPO - Resolution approving the City of Sioux City's applications to the MPO Surface Transportation Program \(STP\) for FY 2013 and FY 2016.](#)
4. [ASSESSMENTS - Resolution fixing the amount to be assessed against private property, adopting and levying schedule of assessments for the FY 2011-2012 Sidewalk Snow Removal Program and providing for the payment thereof.](#)
5. [HAWKEYE DR - Resolution adopting construction documents for the proposed construction of the 22nd Street and Hawkeye Drive Stormwater Improvement Project.](#)

6. ACTIONS RELATING TO GRANTS

- A. FIRE - Resolution authorizing the Fire Department to submit a grant application with the Missouri River Historical Development in the amount of \$9,995 for the purpose of purchasing fire simulation software to be utilized by Sioux City Fire Rescue.
- B. SEDC - Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$50,000 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Niche Marketing & Consultancy, LLC)
- C. SEDC - Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$62,003.88 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Lennon Realty, LLC – El Fredo's Pizza)
- D. SEDC - Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$25,000 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Mel's Rings & Things, LLC)

7. ACTIONS RELATING TO AGREEMENTS/CONTRACTS

- A. DGR - Resolution awarding an Engineering Services Agreement with Dewild Grant Reckert and Associates, Inc. of Sioux City, Iowa, for the design and limited construction administration services for the Pearl Street Reconstruction from south of 3rd Street to 4th Street and 3rd Street Reconstruction from Water Street to Pearl Street in an amount not to exceed \$147,828.
 - B. SC ENGINEERING - Resolution amending Resolution No. 2010-0168 relating to the approval of the contract and performance bond with Sioux City Engineering Company for the 2010 and 2011 FY Heights Subdivision Reconstruction Project to correct the dollar amount listed in the resolution.
 - C. MARK ALBENESIUS - Resolution awarding and approving a contract to Mark Albene-sius, Inc. of South Sioux City, Nebraska, in the amount of \$75,200 for the proposed construction of the Gordon Drive Emergency Water Repair Project.
8. TOTAL CHECKS - Approve total checks issued for the reporting period of March 2012, in the total amount of \$8,889,306.19.

9. APPLICATIONS FOR BEER/LIQUOR LICENSES

- A. CLASS "C" BEER PERMIT
 - 1. Tobacco Hut, 4523 Morningside Avenue (Renewal)
 - 2. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 3. Cubby's, 4200 South York Street (Renewal)
 - 4. Pronto Express, 1800 Highway 75 North (Renewal)
 - 5. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)

- B. CLASS "C" LIQUOR LICENSE
 - 1. Steinbeck's Pub, 3929 Floyd Boulevard (Renewal)
 - 2. Lewis & Clark Park, 3400 Line Drive (05/01/12-11/01/12 New 6 Month)
 - 3. Convention Center, 3808 Stadium Drive (04/16/12-04/18/12 Temporary Transfer)
- C. CLASS "E" LIQUOR LICENSE
 - 1. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 2. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)
- D. CLASS "B" WINE PERMIT
 - 1. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 2. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)

10. RECEIPT OF MINUTES

- A. Library Board of Trustees - March 21, 2012
- B. Museum Board of Trustees - March 2, 2012
- C. Parking and Skywalk System Board of Trustees - March 21, 2012
- D. Planning and Zoning Commission - March 13, 2012

(End of Consent Agenda)

HEARINGS

- 11. Hearing and Resolution approving construction documents for construction of the 2012 Jones Street Urban Renewal Alley Project.

ORDINANCES

- 12. Ordinance repealing Chapter 13.07 entitled "Storm and Sanitary Sewer Regulations" and enacting in lieu thereof a new chapter to be codified the same and entitled "Stormwater and Sanitary Sewer Regulations" for the purpose of regulating the type and amount of discharge permitted into the sewer system of the City of Sioux City.
- 13. Ordinance amending Chapter 13.08 entitled "Sanitary Sewer Rates" of the Sioux City Municipal Code by adding definitions for the tier 1 and tier 2 billing system for industrial discharges and establishing a supplemental billing provision program for industrial users.

RECOMMENDATIONS OF PLANNING AND ZONING

- 14. Hearing and Ordinance rezoning 1427 Douglas Street from Zone Classification RG-20 (General Residence Zone, 2,000 sq. ft. per unit minimum) to Zone Classification RG-20-PD (General Residence Zone, 2,000 sq. ft. per unit minimum – Planned Development). (Petitioner: City of Sioux City) (File No. 2012-0016) The Planning and Zoning Commission recommends approval of this item.
- 15. Hearing and Ordinance placing the newly annexed territory described as 2202 Andrew Avenue in the MH (Heavy Manufacturing Zone). (Petitioner: City of Sioux City) (File No. 2012-0022) The Planning and Zoning Commission recommends approval of this item.

DISCUSSION

16. Resolution authorizing and approving submission of an Iowa Economic Development Authority (IEDA) Application for the Targeted Jobs Withholding Tax Credit Program for LifeServe Blood Center.

17. CITIZEN CONCERNS

18. COUNCIL CONCERNS

19. 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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A study session of the City Council was held at 3:20 p.m. The following Council Members were present on call of the roll: Capron, Fitch, Padgett, Radig and Scott. Absent: None.

Other staff members present included: Tom Everett, Fire Chief; Nicole Jensen-Harris, City Attorney; and Lisa McCardle, City Clerk.

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

Motion by Scott, seconded by Capron, that Council return to open session at 4:16 p.m.; all voting aye.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:16 p.m., on motion by Padgett, seconded by Scott; all voting aye.

ATTEST: _____
Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

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

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1. The meeting of the City Council was held at 4:20 p.m. The following Council Members were present on call of the roll: Capron, Fitch, Padgett, Radig and Scott. Absent: None.

Other staff members present included: Tom Everett, Fire Chief; Nicole Jensen-Harris, City Attorney; and Lisa McCardle, City Clerk.

Mayor Scott read a proclamation declaring April 2012 as Child Abuse Prevention Month; Amy Scarmon, Mercy Child Advocacy Center, accepting. Mayor Scott also read a commendation congratulating KSCJ Radio on their 85th Anniversary; Dennis Bullock and Justin Barker, Powell Broadcasting, accepting.

CONSENT AGENDA

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

2. Reading of the minutes of March 26 and 27, 2012.

Reading of the minutes of March 26 and 27, 2012, was waived and as part of the consent agenda the minutes were approved as presented.

Fitch and Scott abstained on the minutes of March 27, 2012.

3. FTA - Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C Chapter 53, Title 23 United States Code and other federal statutes administered by the Federal Transit Administration.

2012-0206

4. IDOT - Resolution authorizing and approving the submission of an application for Annual Consolidated Transit Assistance Funding from the Iowa Department of Transportation.

2012-0207

5. TRANSIT BOARD - Motion appointing Richard Owens to the Transit System Advisory Board to complete the balance of a three year term expiring June 30, 2014, replacing Mark Johnson.

2012-0208

6. SARGENT DRILLING - Resolution awarding a purchase order to Sargent Drilling of Carroll, Iowa, for the rehabilitation of Well No. 8 located in Chris Larsen Park in an amount not to exceed \$64,093.27.

2012-0209

7. APPLICATIONS FOR BEER/LIQUOR LICENSES

A. CLASS "B" BEER PERMIT

1. Floyd Slow Pitch Softball, 2500 Chautauqua Drive
(04/20/12-10/20/12 New 6 Month)

B. CLASS "C" LIQUOR LICENSE

1. Jolly Rogers, 1110 Larsen Park Road (Peninsula) (Renewal)
2. Bob's Watering Hole, 722 West 7th Street (Renewal)
3. The Dirty Dime, 4700 41st Street (04/15/12-10/15/12 New 6 Month)

8. RECEIPT OF MINUTES

- A. Environmental Advisory Board - February 9, 2012
- B. Human Rights Commission - February 2, 2012
- C. Mayor's Youth Commission - February 27, March 5 and 19, 2012

(End of Consent Agenda)

HEARINGS

9. Hearing and Resolution assenting to the request of the City of Sioux City, Iowa to annex certain land to the City of Sioux City, Iowa. (Various tracts of right-of-way lying between Sioux City, Iowa and Sergeant Bluff, Iowa) **(Motion requested to delete this item)**

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

10. Hearing and Resolution assenting to the request of the City of Sioux City, Iowa to annex certain land to the City of Sioux City, Iowa. (2202 Andrew Avenue) **2012-0210**

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

11. Hearing and Resolution accepting the proposal of Sabre Industries, Inc. for the purchase of certain land in the Donner Park Urban Renewal Area and authorizing a Development Agreement. (A 52.61 acre more or less portion of property located northwest of the intersection of Southbridge Drive and 225th Street) **2012-0211**

Marty Dougherty, Economic Development Director, provided information on the item.

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

12. Hearing and Resolution accepting the proposal of Sabre Industries, Inc. for the lease of certain land in the Donner Park Urban Renewal Area and authorizing lease of said property. (A 114.7 acre more or less portion of property located northwest of the intersection of Southbridge Drive and 225th Street) **2012-0212**

Marty Dougherty, Economic Development Director, provided information on the item. Jerry Moore, 1207 S Cecelia St; and James Van Bruggen, Executive Director, Taxpayers Research Council, 516 Nebraska St; spoke on the item.

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

13. Hearing and Resolution accepting the proposal of Global Foods Processing, Inc. for the purchase of certain land in the Combined Floyd River Urban Renewal Area and authorizing a Development Agreement. (Property located at 1200 Bluff Road) **(Deferred from March 19, 2012)** **2012-0213**

Marty Dougherty, Economic Development Director, provided information on the item. James Van Bruggen, Executive Director, Taxpayers Research Council, 516 Nebraska St, spoke on the item.

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

ORDINANCES

14. Resolution adopting the 2012 First Quarter Supplement to the Sioux City Municipal Code covering ordinances through Ordinance No. 2012-0205. **2012-0214**

Nicole Jensen-Harris, City Attorney, provided information on the item.

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

15. Ordinance amending Chapter 1.01 entitled "Code Adoption" of the Sioux City Municipal Code to provide for the adoption of the municipal code. **2012-0215**

Nicole Jensen-Harris, City Attorney, provided information on the item.

The ordinance was considered on motion by Scott, seconded by Radig, to pass first consideration; all voting aye.

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

RECOMMENDATIONS OF PLANNING AND ZONING

16. Ordinance amending Chapter 4.36 entitled "Sign Regulations" of the Sioux City Municipal Code by adding a definition and regulations for sandwich board sidewalk signs in the BGM, HC-1, and HC-2 zones and adding specifications for projecting signs in the BGM zone. (File No. 2012-0014) (Petitioner: City of Sioux City) The Planning and Zoning Commission recommends approval of this item. **(First consideration passed March 26, 2012)**
2012-0216

Jill Wanderscheid, Transportation Planner, provided information on the item. Jerry Moore, 1207 S Cecelia St, spoke on the item.

The ordinance was considered on motion by Scott, seconded by Radig, to pass second consideration; all voting aye.

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

DISCUSSION

17. Resolution approving a contract with US Peroxide, LLC of Atlanta, Georgia, to supply Collection System Odor Control Services. **2012-0217**

Jade Dundas, Public Works Director, provided information on the item. James Van Bruggen, Executive Director, Taxpayers Research Council, 516 Nebraska St; Paul Gorski, 3132 Oleander St; and Jerry Moore, 1207 S Cecelia St; spoke on the item.

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

18. CITIZEN CONCERNS

Jerry Moore, 1207 S Cecelia St, inquired about the clean-up progress on the playground at the Riverfront; Radig stated he spoke with Kelly Bach, Parks Maintenance Field Supervisor, stating the equipment will have to be replaced and it should be ready approximately May 2012. Moore also spoke on the "stings" being conducted to prevent underage alcohol sales to minors; Capron stated her concerns involve the cost to small businesses and the fairness of the process; Fitch stated he met with the Chief of Police and was assured the Police Department is doing what is mandated by the State of Iowa, following procedure and conducting them in a fair manner.

19. COUNCIL CONCERNS

Capron congratulated the Musketeers Hockey Team on getting into the playoffs; Capron also congratulated the Bandits Football team on their win.

Padgett thanked everyone that attended the BPI cook out last Saturday and encouraged citizens to continue to write letters of support.

Scott read from the Weekly Progress Report: American Eagle Inaugural Flight and Reception, April 3rd, 2 p.m. in the Airport Terminal, public is invited; Musketeers take on Omaha Lancers at the Tyson Events Center, April 6th, 7 p.m.; Spring Break Museum Camp, April 3rd thru 5th, 1 p.m. to 4 p.m. at the Public Museum; Youth Art Month Exhibition currently running thru April 8th at the Art Center; and Artists Chose Artists, every day at noon at the Art Center, now thru April 22nd.

Scott stated MidAmerican Energy worked on the gas service under the street at 5th and Pearl Streets and there is concern about the procedure used to replace the street; City Engineer Payer stated the street is being repaired following the proper procedure.

Scott stated the First Congregational Church, 4600 Hamilton Blvd, is kicking off Project GIVE - Generous Individuals Volunteering to Enrich lives, by donating 10,000 hours community service.

Everett stated the Governor declared this week Severe Weather Week and there will be a test of statewide emergency system.

Radig thanked Bach for going to the various parks in the City to assess the needs in each of them, the plan is to recruit volunteers to help clean up the parks where needed; Radig encouraged citizens in the neighborhoods surrounding parks to help keep them clean.

20. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m., on motion by Scott, seconded by Radig; all voting aye.

ATTEST: _____
Lisa L. McCardle, City Clerk

Robert E. Scott, Mayor

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

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 3

FROM: Christopher R. Payer, P.E., City Engineer

SUBJECT: Resolution approving the City of Sioux City's applications to the MPO Surface Transportation Program (STP) for FY 2013 and FY 2016.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the proposed resolution regarding applications to the MPO Surface Transportation Program.

DISCUSSION:

On an annual basis, the Metropolitan Planning Organization (MPO) requests proposals for the Iowa Department of Transportation (IDOT) Surface Transportation Program (STP). This request is usually sent out in November, with applications due back in December. Funds are then allocated at the February MPO Policy Board meeting.

During this past funding cycle however, the targets received by the IDOT dramatically increased when compared to years past. Therefore, only a portion of available funds was allocated during the February meeting. \$1.8 million was allocated to the Interchange Infrastructure project, to support a relocated Port Neal Interchange, in FY 2016.

The Policy Board voted to reopen the application process and request additional proposals for funding. These applications are due to the MPO on April 20, 2012. After the previous allocation of the \$1.8 million, \$222,400 is available in FY12, \$865,700 in FY13, \$1,150,600 in FY14, \$1,690,600 in FY15, and \$2,191,000 in FY16. The proposed applications seek to capture these funds for projects benefitting the City of Sioux City.

The City of Sioux City will submit applications to the MPO Surface Transportation Program (STP) for the projects listed below:

Priority 1 for FY2013 Funds: 225th Street and Port Neal Road Intersection Improvements
\$865.7K

Priority 1 for FY 2016 Funds: Port Neal Road Reconstruction
\$1.325M

**225th Street and Port Neal Road Intersection Improvements
Total Construction Cost: \$1,708,156**

This project includes the paving of 225th Street from the connection with Southbridge Drive, through the Union Pacific spur, and realigning the connection to Port Neal Road to provide a through movement from 225th Street to the south. The proposed project constructs 3025' of new 28' wide 9" paving from the newly paved 225th Street. The project also includes approximately 2000' of utility work (16" ductile iron pipe watermain, 18" PVC sanitary forcemain). The design is complete on this project and it is expect to bid and start construction in 2012. The matching funds are a City cost.

Port Neal Road Reconstruction

Total Project Cost: \$1,877,000

This project includes reconstruction of Port Neal Road from the intersection/realignment from 225th Street to approximately 5,500' south. This would tie into the intersection improvements projected for the 235th Interchange. The proposed transportation infrastructure will support the development of over 5,000 acres to facilitate multiple investments. The proposed project reconstructs and widens 5,500' of new 24' wide 9" paving with 4' gravel shoulders. The requested STP funds will be used for the construction of this proposed infrastructure. This project would be in Woodbury County and they would be responsible for the balance of the funds for the project (approximately \$552,000). Additional STP funds up to the 80% match could be programmed for this project if they become available.

Those projects approved by the MPO Policy Board to receive FY 2013 and FY 2016 STP funds will be included in the FY 2013 – 2016 MPO Transportation Improvement Program (TIP).

FINANCIAL IMPACT:

The infrastructure work to support the interchange will involve work that both supports the City and the County interests. The City will be responsible for the infrastructure and balance of funds for the 225th Street Connection, \$842,456. Using STP funds for the balance frees up other funds for Southbridge Infrastructure. The County is responsible for the balance of funds for the reconstruction of Port Neal Road, \$552,000. While not in the City Limits, this reconstruction will significantly benefit the paved transportation access to the Southbridge area.

RELATIONSHIP TO STRATEGIC PLAN:

This action supports the Strategic Plan by improving the quality and accessibility of our infrastructure and transportation system for people and products.

ALTERNATIVES:

Not approve these applications for federal funds.

ATTACHMENTS:

Resolution

Hard copy of applications

RESOLUTION NO. 2012 - _____

RESOLUTION APPROVING THE CITY OF SIOUX CITY'S APPLICATIONS TO THE MPO SURFACE TRANSPORTATION PROGRAM (STP) FOR FY 2013 AND FY 2016.

WHEREAS, the City of Sioux City, Iowa, is desirous of submitting applications to the MPO Surface Transportation Program (STP) for the following projects in FY 2013 and FY 2016:

Priority 1 for FY 2013 Funds: 225th Street and Port Neal Road Intersection Improvements
\$865.7K

Priority 1 for FY 2016 Funds: Port Neal Road Reconstruction
\$1.325M

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sioux City, Iowa that the Public Works Director and he is hereby directed to submit applications to the MPO Surface Transportation Program for Fiscal Year 2013 and Fiscal Year 2016.

BE IT FURTHER RESOLVED that the City of Sioux City will adequately maintain the completed proposed Surface Transportation Program project for its intended public use for a minimum of 20 years following project completion.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 4

FROM: Darrel Bullock, Code Enforcement Manager

SUBJECT: Resolution fixing the amount to be assessed against private property, adopting and levying schedule of assessments for the FY 2011-2012 Sidewalk Snow Removal Program and providing for the payment thereof.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council approve a resolution fixing amounts to be assessed for the FY 12 Sidewalk Snow Removal Program.

DISCUSSION:

The Inspection Services Division is in charge of the snow program and uses the following procedure for managing snow complaints:

- After receiving a complaint of unshoveled sidewalk(s), generally by telephone or by proactive inspections, an inspector verifies the complaint is valid.
- If the complaint is legitimate, a notice is posted on the property informing the owner that the sidewalk(s) are to be shoveled within 24 hours. The notice also states that if the property owner fails to shovel sidewalk(s), the City will hire a contractor to shovel the sidewalk(s) and the property owner will be charged.
- If the sidewalk(s) aren't shoveled within 24 hours, a contractor shovels the sidewalk(s) and a bill is sent to the property owner to cover the costs. Monthly statements are sent to those that do not pay after receiving the original invoice.

During FY 12, 121 snow complaints were received by the Inspection Services Division. Of those 121 snow complaints, 23 properties were shoveled by a contractor, which totaled \$4,746.53 in shoveling fees. Only 3 property owners reimbursed the City for shoveling fees, which total \$837.53. Twenty property owners have not reimbursed the City for costs of shoveling sidewalk(s), which totals \$3,899.00. Staff recommends assessing that amount against the 20 properties, plus an additional 25% of that amount to cover staff costs, for a grand total of \$4,861.26 to be assessed (see table below):

Total amount charged for snow removal:	\$4,746.53
Amount received to date from property owners:	<u>\$ 837.53</u>
Amount due from property owners:	\$3,899.00
25% charge to cover staff expenses:	<u>\$ 927.26</u>
Total amount to be assessed against properties:	\$4,861.26

FINANCIAL IMPACT:

These costs have been paid out of Inspection Services funds. It is appropriate that the property owners reimburse the City of these expenditures.

RELATIONSHIP TO STRATEGIC PLAN:

Improve the appearance of City neighborhoods, housing and major corridors.

ALTERNATIVES:

Not assess the homeowners for the work done.

ATTACHMENTS:

Resolution

Schedule of Assessment

RESOLUTION NO. 2012 - _____
with attachment

RESOLUTION FIXING THE AMOUNT TO BE ASSESSED AGAINST PRIVATE PROPERTY, ADOPTING AND LEVYING SCHEDULE OF ASSESSMENTS FOR THE FY 2011-2012 SIDEWALK SNOW REMOVAL PROGRAM AND PROVIDING FOR THE PAYMENT THEREOF.

WHEREAS, following notice and failure of the property owner(s) to act within a reasonable time to remove snow from the public sidewalk constituting a safety hazard, (hereinafter called "the work"), the City thereafter performed the required work necessary to correct the situation; and

WHEREAS, the City Manager has reported to the City Council the total cost of performing the work in a written report attached hereto and by this reference made a part hereof; and

WHEREAS, the work has been fully completed and should be accepted by the City and the costs assessed; and

WHEREAS, the City Council must now fix the amount to be assessed against the benefited property.

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

1. The total cost to be assessed against the benefited property is \$4,861.26.
2. The work was fully completed on March 15, 2012 and is hereby accepted.
3. After full consideration of the schedule of assessments prepared by the City Manager showing the assessments proposed to be made for the work, which schedule was filed in the office of the Clerk on April 9, 2012; the said schedule of assessments, be and the same are hereby approved and adopted; and that there be, and is hereby assessed and levied, as a special tax against and upon each of the lots, parts of lots and parcels of land, and the owner or owners thereof liable to assessment for the cost of said work, the respective sums expressed in figures set opposite to each of the same on account of the cost of performing the work.
4. The assessment shall be payable in one installment and shall bear interest at the rate of eight percent per annum, the maximum rate permitted by law, from the date of the acceptance of the work; the installment, with interest on the assessment from date of acceptance of the work by the Council, shall become due and payable on July 1, 2012; and shall be paid at the same time and in the same manner as the September semi-annual payment of ordinary taxes. Said assessments shall be payable at the office of the City Treasurer, in full or in part and without interest within thirty days after the date of the first publication of the notice of filing of the schedule of assessments with the County Treasurer of Woodbury County, Iowa.

5. The Clerk be and is hereby directed to certify said schedule to the County Treasurer of Woodbury County, Iowa, and to publish notice of said certification once each week for two consecutive weeks in the Sioux City Journal, a newspaper printed wholly in the English language, published in Sioux City, and of general circulation in Sioux City, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the Clerk shall also send by mail to all property owners whose property is subject to assessment a copy of said notice, said mailing to be on or before the date of the second publication of the notice, all as provided and directed by §384.60, Code of Iowa. The notice shall be in substantially the form of the Notice attached hereto and by this reference made a part hereof.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

REPORT OF TOTAL COSTS OF THE
FY 2011-2012 SIDEWALK SNOW REMOVAL PROGRAM

TO: City Council

Statement of costs to be assessed:

1.	FY 2011-2012 Sidewalk Snow Removal Program	\$ <u>4,861.26</u>
2.	Cost of serving notice and publication of notices.	\$ _____
3.	Cost of publication or other service of "Schedule of Assessments for Cost of FY 2011-2012 Sidewalk Snow Removal Program" and "Notice of Filing of the Schedule of Assessments".	\$ _____
	GRAND TOTAL	\$ _____

I, Paul Eckert, City Manager, do hereby state that the above and foregoing is a true and correct statement of costs concerning the assessment to be levied on all property within the FY 2011-2012 Sidewalk Snow Removal Program.

City Manager

**NOTICE OF FILING OF THE SCHEDULE OF ASSESSMENTS
AGAINST BENEFITED PROPERTIES FOR THE
FY 2011-2012 SIDEWALK SNOW REMOVAL PROGRAM**

TO THE PERSONS OWNING LAND LOCATED WITHIN THE FY 2011-2012 SIDEWALK SNOW REMOVAL PROGRAM:

The extent of the work completed on March 15, 2012 is the removal of snow from public sidewalks abutting benefited properties which constituted a safety hazard.

You are hereby notified that the schedule of assessments against your property for the cost of the work performed has been adopted and levied by the City Council of Sioux City, Iowa, and that said schedule of assessments has been certified to the County Treasurer of Woodbury County, Iowa.

You are further notified that assessments may be paid in full or in part without interest at the office of the City Treasurer, at any time within thirty days after the date of the first publication of this notice of the filing of the schedule of assessments with the County Treasurer (see date below). Unless said assessments are paid in full within said thirty day period all unpaid assessments will draw annual interest computed at eight percent commencing on April 9, 2012, (the date of acceptance of the work) computed to the December 1st next following the due date of the assessment. The installment will be delinquent on October 1st following its due date of July 1, 2012.

All properties which may be lawfully assessed for the work have been assessed for the cost of performing the work, the amount of each assessment having been set out in the schedule of assessments which are now on file in the office of the City Clerk of Sioux City, Iowa and the County Treasurer of Woodbury County, Iowa. For further information you are referred to said schedule of assessments.

This notice given by direction of the Council of the City of Sioux City, Iowa, as prescribed by §384.60 of the Code of Iowa.

LISA L. McCARDLE, CITY CLERK

Published in the Sioux City Journal on April 14, 2012 and April 21, 2012.

2012 SNOW PROGRAM

PROGRAM PROJECT	PARCEL ADDRESS	RESOLUTION DATE	DATE CERTIFIED	END DATE	DEF AG YRS	DEF AG ASSESSMENT DEF AMOUNT	DEFICIENCY AMOUNT
2944	000884705180002 2104 S LAKEPORT ST STEVENSON FRANCIS JAMES	0/00/00	0/00/00	0/00/00	0/00/00	629.69	.00
2944	000884706140012 3517 4TH AVE STROUD VERA M	0/00/00	0/00/00	0/00/00	0/00/00	187.50	.00
2944	000884706228023 4217 DAVIS AVE MCMANAMAN BETTY L	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894719485012 1702 W 15TH ST GONZALEZ MELECIO R	0/00/00	0/00/00	0/00/00	0/00/00	522.12	.00
2944	000894720303008 1423 W 20TH ST WELLS FARGO FINANCIAL IOW	0/00/00	0/00/00	0/00/00	0/00/00	205.50	.00
2944	000894720353003 1722 GEORGE ST BANK OF THE WEST	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894720358010 1421 ROSS ST SWEATMAN CATHY	0/00/00	0/00/00	0/00/00	0/00/00	508.94	.00
2944	000894720358011 1419 ROSS ST SWEATMAN CATHY	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894720358012 1415 ROSS ST MEYER KENT J	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894721180007 2221 JACKSON ST OOSTRA CHAD	0/00/00	0/00/00	0/00/00	0/00/00	258.44	.00
2944	000894721212014 2518 MC FAUL ST HARSMA DONALD L	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894721212015 2514 MC FAUL ST HARSMA DONALD L	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894721231017 1311 HILL AVE MCMANAMAN BETTY L	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894721232003 1308 HILL AVE HILBOIS ROGER JEROME	0/00/00	0/00/00	0/00/00	0/00/00	168.75	.00
2944	000894721313007 1821 PIERCE ST HEWES ALMA C ETAL	0/00/00	0/00/00	0/00/00	0/00/00	237.88	.00
2944	000894721379009 1523 NEBRISKA ST GABRIEL MICHAEL L	0/00/00	0/00/00	0/00/00	0/00/00	271.13	.00
2944	000894728102014 212 14TH ST SO SAI	0/00/00	0/00/00	0/00/00	0/00/00	187.50	.00
2944	000894728102015 1325 GRANDVIEW BLVD HCF PROPERTIES LLC	0/00/00	0/00/00	0/00/00	0/00/00	245.75	.00
2944	000894729101019 703 ROSS ST RODIE ANTHONY E	0/00/00	0/00/00	0/00/00	0/00/00	255.81	.00

PROGRAM TOTAL

4,861.26*

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

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 5

FROM: Franklin Wagner, P.E., CFM, Sr. Civil Engineer

SUBJECT: Resolution adopting construction documents for the proposed construction of the 22nd Street and Hawkeye Drive Stormwater Improvement Project.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the attached resolution adopting construction documents for the above mentioned project.

DISCUSSION:

The Engineering Division has completed the design and plans for the 22nd & Hawkeye Drive Stormwater Improvement Project.

The work responsible under the City's direction includes the installation of 550 feet of 48 inch cured-in-place pipe lining the existing brick storm sewer across Floyd Blvd and the Union Pacific Rail yard. This part of the project will extend the life of existing infrastructure without disruption to the Railroad. Also included in this project is 1000 feet of stormpipe, a 5x2 box culvert across Hawkeye Drive, and replacement of pavement along 23rd Street.

All work will be conducted within City street and UP railroad right-of-way.

There will be a pre-bid meeting on this project on May 1, 2012 at 9 a.m. in the 4th Floor Clocktower Conference Room of City Hall, 405 6th Street, Sioux City, Iowa.

Staff is ready to advertise the Notice of Public Hearing on April 14 and April 21, 2012. A public hearing will be held on May 7, 2012, with a bid letting on May 8, 2012.

FINANCIAL IMPACT:

This project will be paid out of CIP 549-057 "22nd and Hawkeye Drive Stormwater Improvement" Project. The current project balance is \$658,365. Additional funds for the pavement replacement will be paid out of CIP 719-133 "Annual Infrastructure Reconstruction". The unencumbered available balance in that fund is \$1,369,404.60.

RELATIONSHIP TO STRATEGIC PLAN:

This action supports the Infrastructure Vision of the Strategic Plan, "We will invest in infrastructure to attract and retain business, spur residential growth, and increase quality of life.

ALTERNATIVES:

None

ATTACHMENTS:

Resolution

Notice of Public Hearing

Vicinity Map

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION ADOPTING CONSTRUCTION DOCUMENTS FOR THE
PROPOSED CONSTRUCTION OF THE 22ND AND HAWKEYE DRIVE
STORMWATER IMPROVEMENT PROJECT.

WHEREAS, it is necessary and in the best interests of the City of Sioux City, Iowa to construct the Hawkeye Drainage Improvements Project in Sioux City, Iowa; and

WHEREAS, the City Engineering Division of Sioux City, Iowa has prepared the plans, specifications, and form of contract for bidding.

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

- A. The plans, specifications, and form of contract, as prepared by the City Engineering Division, and on file in the office of the City Clerk of the City of Sioux City, Iowa, for the proposed construction of the 22nd and Hawkeye Drive Stormwater Improvement Project, in Sioux City, Iowa, be and the same are hereby adopted and the time of 4:00 o'clock P.M., Local Time, May 7, 2012, in the City Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, be, and the same is hereby fixed as the time and place for a public hearing on the same as required by law, at which hearing any interested person may appear and file objections to the proposed plans, specifications, form of contract and estimated cost of said improvements.
- B. The bids will be received by the City Clerk of the City of Sioux City, Iowa, at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City until 10:00 o'clock A.M., Local Time, May 8, 2012 for the proposed construction of said improvements.
- C. The time of 10:00 o'clock A.M., Local Time, May 8, 2012 in the Fourth Floor Clock Tower Conference Room in City Hall, 405 Sixth Street, Sioux City, Iowa, be and it is hereby fixed as the time and place for the opening of bids for the proposed construction of said improvements, and said bids shall be considered and acted upon at a meeting of the City Council in the City Council Chambers thereafter.
- D. The City Clerk of the City of Sioux City, Iowa, shall cause the attached notice of hearing and opening of bids to be given by publication in at least one newspaper of general circulation in the manner prescribed by law.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS FOR THE CONSTRUCTION OF THE 22ND AND HAWKEYE DRIVE STORMWATER IMPROVEMENT PROJECT, IN SIOUX CITY, IOWA, AND TAKING BIDS THEREON

A public hearing will be held before the Sioux City Council in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, on May 7, 2012 commencing at 4:00 o'clock P.M., Local Time, on the proposed plans, specifications, form of contract, and estimate of costs (the construction documents) for construction of the 22nd and Hawkeye Drive Stormwater Improvement Project in Sioux City, Iowa (the project). At said hearing, the City Council will receive and consider any objections made by any interested party to said construction documents.

A non-mandatory prebid meeting will be held on May 1, 2012 at 9:00 A.M.

Sealed bids will be received by the City Clerk at the Customer Service Center located on First Floor in City Hall, 405 Sixth Street, in said City, until 10:00 A.M., Local Time, Tuesday, May 8, 2012, for the construction of the project, as described in the construction documents. The work involves the construction of 550 feet of 48 inch cured-in-place pipe, 1000 feet of stormpipe, a 5'x2' box culvert across Hawkeye Drive, and replacement of pavement along 23rd Street.

Bids received will be opened and tabulated at a public meeting, presided over by a City Engineer, in the 4th Floor Clock Tower Conference Room in the Public Works Department, Room 409, City Hall, at 10:00 A.M., Local Time, on Tuesday, May 8, 2012. Thereafter, bids will be considered and acted upon at a meeting of the City Council in the City Council Chambers thereafter.

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

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

The work on this project shall begin no later than July 9, 2012 and be completed within 60 days.

Specifications for this project shall be the 2012 version of the Iowa Statewide Urban Standard Specifications for Public Improvements modified in accordance with the 2012 City of Sioux City Supplement.

Copies of said construction documents are available at the office of the City Clerk of Sioux City for examination by the public. Construction documents for private use may be obtained from the City Engineers office, 4th Floor, Room 409, City Hall, 405 Sixth Street, Sioux City, Iowa, upon deposit of fifteen dollars (\$15) for each set. The deposit will be returned to depositor if the construction documents are returned in good condition within fifteen (15) days from date of letting.

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

Publish in the Sioux City Journal April 14 and April 21, 2012.



CITY OF SIOUX CITY

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

22nd and Hawkeye Drive Stormwater Improvement Project

Name: Franklin Wagner
Title: Sr. Civil Engineer
Phone: 712.279.6364



VICINITY MAP

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 6A

FROM: Tom Everett, Fire Chief

SUBJECT: Resolution authorizing the Fire Department to submit a grant application with the Missouri River Historical Development in the amount of \$9,995 for the purpose of purchasing fire simulation software to be utilized by Sioux City Fire Rescue.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approve the resolution to apply for grant funds in the amount of \$9,995 for the purpose of purchasing Fire Simulation Software to be utilized by Sioux City Fire Rescue firefighters.

DISCUSSION:

The fire department is interested in applying for grant monies to purchase Fire Simulation Software to be utilized by Sioux City Fire Rescue firefighters. This software will give our members a chance to enhance their firefighting skills and develop experience-based decision making skills. It allows members to repeatedly practice our fire ground operations procedures, improve the member tactical decision skills and develop communication procedures. It will vastly improve our fire ground communications and organizational initiatives making our real fire incidents safer and more efficient.

FINANCIAL IMPACT:

Total Cost of this project is \$9,995. There is no match for this Grant.

RELATIONSHIP TO STRATEGIC PLAN:

Relates to Core Operation

II. Health and Safety Cluster: We will be known as a safe and healthy city.

ALTERNATIVES:

Do not submit an application, but this is not recommended.

ATTACHMENTS:

Resolution

Hard copies of the Grant Application will be provided.

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO SUBMIT A GRANT APPLICATION WITH THE MISSOURI RIVER HISTORICAL DEVELOPMENT IN THE AMOUNT OF \$9,995.00 FOR THE PURPOSE OF PURCHASING FIRE SIMULATION SOFTWARE TO BE UTILIZED BY SIOUX CITY FIRE RESCUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, that the Fire Department is hereby authorized and directed to submit a grant application with the Missouri River Historical Development, a copy of which is attached hereto and by this reference made a part hereof, in the amount of \$9,995.00 for the purpose of purchasing Fire Simulation Software to be utilized by Sioux City Fire Rescue.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 6 B-D

FROM: Louie Simpson, Neighborhood Services

SUBJECT: Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$50,000 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Niche Marketing & Consultancy, LLC)

Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$62,003.88 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Lennon Realty, LLC – El Fredo’s Pizza)

Resolution authorizing and directing the Director of Finance to issue a check in the amount of \$25,000 payable to the Siouxland Economic Development Corporation in conjunction with the Joint Cooperation Agreement for Community Development Block Grant Funds. (Mel’s Rings & Things, LLC)

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:
Staff respectfully requests the City Council approve the above resolutions.

DISCUSSION:
Since 1982, the City of Sioux City has had a Joint Cooperation Agreement (28E) with Siouxland Economic Development Corporation (SEDC) to administer a revolving loan fund that provides “gap” financing for economic development projects. The program provides small business loans with the requirement that they must either create or retain jobs in Sioux City. Our most recent agreement with SEDC was approved February 6, 2012.

At this time SEDC has submitted request for reimbursement on three loans made by SEDC. City staff has met with SEDC and believe that these projects meet and exceed the requirements set by the CDBG funds and HUD. SEDC and its Loan Review Committee are required to collect, review and rate all applications based on the creations of new jobs or the retention of existing jobs. Specifically, 30 jobs for low and moderate income employees will be created and / or retained with these loans. This is a unique program in Sioux City in this regard. SEDC staff provides the continued monitoring of these requirements and services all loans

made by the Corporation.

Per the 28E Agreement SEDC is required first to draw funding from its principal, which consists of loan repayments. After repayments are depleted SEDC can request reimbursement of the CDBG funds. SEDC's Revolving Loan Fund current balance is \$57,996.12. After expending \$57,996.12 in the Revolving Loan Fund, SEDC is requesting reimbursement of \$137,003.88 for the following businesses:

- Niche Marketing & Consultancy LLC in the amount of \$50,000.00 to finance the establishment of a new business.
- Lennon Realty, LLC – El Fredo's Pizza in the amount of \$62,003.88 to finance a gap in the financing package for the purchase of a building.
- Mel's Rings & Things in the amount of \$25,000.00 to finance the purchase of an existing jewelry store/pawn shop.

FINANCIAL IMPACT:

The Funds will be entirely reimbursed with CDBG Funds and will have no impact on the General Fund. SEDC Project 675-100 currently has a balance of \$186,154.

RELATIONSHIP TO STRATEGIC PLAN:

We will work with current business to create job growth and aggressively seek out opportunities to attract new economic growth.

ALTERNATIVES:

Not make payment, but staff does not recommend this as per City Attorney we are bound by the terms of the Joint Cooperation Agreement.

ATTACHMENTS:

Resolution for Niche Marketing & Consultancy LLC.

Hard copies of attachments will be provided

Resolution for Lennon Realty, LLC – El Fredo's Pizza

Hard copies of attachments will be provided

Resolution for Mel's Tings & Things, LLC

Hard copies of attachments will be provided

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ISSUE A CHECK IN THE AMOUNT OF \$50,000.00 PAYABLE TO THE SIOUXLAND ECONOMIC DEVELOPMENT CORPORATION IN CONJUNCTION WITH THE JOINT COOPERATION AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (NICHE MARKETING & CONSULTANCY LLC)

WHEREAS, on February 6, 2012, pursuant to Resolution No. 2012-0066, the City Council approved a Joint Cooperation Agreement with the Siouxland Economic Development Corporation for the undertaking of certain projects to further the economic development of the City, promote and assist growth and development of the business concerns of the City, and stimulate business opportunity and development of the City as measured by increased employment, payrolls, business volume and corresponding community benefits; and

WHEREAS, pursuant to said Joint Cooperation Agreement, the City shall provide Siouxland Economic Development Corporation annual funding in the amount necessary to increase Siouxland Economic Development Corporation's balance available from the City; and

WHEREAS, the Siouxland Economic Development Corporation has submitted to the City a memorandum supporting evidence of loans made by Siouxland Economic Development Corporation to Niche Marketing & Consultancy LLC in the amount of \$50,000.00 to finance the establishment of a new business, a copy of the loan and servicing agreement is attached hereto and by this reference made a part hereof; and

WHEREAS, the City Council is advised and does believe that reimbursement of \$50,000.00 to Siouxland Economic Development Corporation to finance the establishment of a new business for Niche Marketing & Consultancy LLC is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Director of Finance be and he is hereby authorized and directed to issue a check from the appropriate fund in the amount of \$50,000.00 payable to Siouxland Economic Development Corporation as reimbursement to finance the establishment of a new business for Niche Marketing & Consultancy LLC.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ISSUE A CHECK IN THE AMOUNT OF \$62,003.88 PAYABLE TO THE SIOUXLAND ECONOMIC DEVELOPMENT CORPORATION IN CONJUNCTION WITH THE JOINT COOPERATION AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (LENNON REALTY, LLC – EL FREDO’S PIZZA)

WHEREAS, on February 6, 2012, pursuant to Resolution No. 2012-0066, the City Council approved a Joint Cooperation Agreement with the Siouxland Economic Development Corporation for the undertaking of certain projects to further the economic development of the City, promote and assist growth and development of the business concerns of the City, and stimulate business opportunity and development of the City as measured by increased employment, payrolls, business volume and corresponding community benefits; and

WHEREAS, pursuant to said Joint Cooperation Agreement, the City shall provide Siouxland Economic Development Corporation annual funding in the amount necessary to increase Siouxland Economic Development Corporation’s balance available from the City; and

WHEREAS, the Siouxland Economic Development Corporation has submitted to the City a memorandum supporting evidence of loans made by Siouxland Economic Development Corporation to Lennon Realty, LLC – El Fredo’s Pizza in the amount of \$62,003.88 to finance a gap in the financing package for the purchase of a building, a copy of the loan and servicing agreement is attached hereto and by this reference made a part hereof; and

WHEREAS, the City Council is advised and does believe that reimbursement of \$62,003.88 to Siouxland Economic Development Corporation to finance a gap in the financing package for the purchase of a building by Lennon Realty, LLC – El Fredo’s Pizza is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Director of Finance be and he is hereby authorized and directed to issue a check from the appropriate fund in the amount of \$62,003.88 payable to Siouxland Economic Development Corporation as reimbursement to finance the gap in the financing package for the purchase of a building by Lennon Realty, LLC – El Fredo’s Pizza.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ISSUE A CHECK IN THE AMOUNT OF \$25,000.00 PAYABLE TO THE SIOUXLAND ECONOMIC DEVELOPMENT CORPORATION IN CONJUNCTION WITH THE JOINT COOPERATION AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (MEL'S RINGS & THINGS, LLC)

WHEREAS, on February 6, 2012, pursuant to Resolution No. 2012-0066, the City Council approved a Joint Cooperation Agreement with the Siouxland Economic Development Corporation for the undertaking of certain projects to further the economic development of the City, promote and assist growth and development of the business concerns of the City, and stimulate business opportunity and development of the City as measured by increased employment, payrolls, business volume and corresponding community benefits; and

WHEREAS, pursuant to said Joint Cooperation Agreement, the City shall provide Siouxland Economic Development Corporation annual funding in the amount necessary to increase Siouxland Economic Development Corporation's balance available from the City; and

WHEREAS, the Siouxland Economic Development Corporation has submitted to the City a memorandum supporting evidence of loans made by Siouxland Economic Development Corporation to Mel's Rings & Things, LLC in the amount of \$25,000.00 to finance the purchase of an existing jewelry store/pawn shop, a copy of the loan and servicing agreement is attached hereto and by this reference made a part hereof; and

WHEREAS, the City Council is advised and does believe that reimbursement of \$25,000.00 to Siouxland Economic Development Corporation to finance the purchase of an existing jewelry store/pawn shop by Mel's Rings & Things, LLC is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that the Director of Finance be and he is hereby authorized and directed to issue a check from the appropriate fund in the amount of \$25,000.00 payable to Siouxland Economic Development Corporation as reimbursement to finance the purchase of an existing jewelry store/pawn shop by Mel's Rings & Things, LLC.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 7A

FROM: Chris Payer, P.E., City Engineer
Scott Logan, P.E., P.T.O.E., Sr. Civil Engineer

SUBJECT: Resolution awarding an Engineering Services Agreement with DeWild Grant Reckert and Associates, Inc. of Sioux City, Iowa, for the design and limited construction administration services for the Pearl Street Reconstruction from south of 3rd Street to 4th Street and 3rd Street reconstruction from Water Street to Pearl Street in an amount not to exceed \$147,828.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council award an engineering services agreement for the design and limited construction administration services for the Pearl Street Reconstruction from south of 3rd Street to 4th Street and 3rd Street Reconstruction from Water Street to Pearl Street.

DISCUSSION:

This Pearl Street and 3rd Street Reconstruction Project will complete the street and utility improvements along the Pearl Street corridor from Gordon Drive to 9th Street. The design will include new storm sewer main, sanitary sewer services, water main services, streetscape, traffic signal and fiber conduit. The design will also include the reconstruction of the 3rd Street/Water Street, 4th Street/Pearl Street and the 3rd Street/Pearl Street intersections. The streetscape amenities will match the existing streetscape along Pearl Street from 4th to 7th Streets. New traffic signals will also be installed at the 3rd/Pearl Streets intersection as part of this project.

The contract calls for the consultant to prepare plans for the IDOT's January 2013 bid letting. This includes schedules for constructing this project in three (3) stages in 2013. The first stage will include 3rd Street from Water Street to the west side of Pearl Street. This work will start in early spring and will be completed prior to the Rock N' Rods event in July. The second stage will begin at the south end of Pearl Street (just north of BNSF railroad tracks) and continue north to the north side of 3rd Street. The final stage, Stage 3, will extend Pearl Street reconstruction north to the north side of 4th Street. This project will be constructed in conjunction with the Iowa Department of Transportation's 3rd Street Project that extends 3rd Street from Wesley Parkway to Water Street in 2013.

The contract covers costs for limited construction administration services (\$7,050) to assist staff with design details during the construction. Engineering staff will be providing the inspection services for this project. The design contract also calls for meetings with IDOT, West Side District, and other agencies/committees to coordinate the design and construction schedules.

DGR was selected as the qualified local firm based on their past experience and knowledge with respect to designing roadway and storm sewer systems. DGR has designed Pearl Street construction plans for the previous two projects that included the Pearl Street (4th-7th Streets) Reconstruction and Pearl Street (7th-9th St Streets) Reconstruction Projects.

FINANCIAL IMPACT:

The funding for the design contract will be covered under the FY12 CIP 719-133 (Annual Infrastructure Reconstruction) budget. The unencumbered available balance is \$1,369,404.60.

RELATIONSHIP TO STRATEGIC PLAN:

Relates to the Infrastructure Vision by investing in the quality of the street system throughout the community through \$40M in community maintenance and reconstruction of current infrastructure

ALTERNATIVES:

None

ATTACHMENTS:

Resolution

Location Map

Hard copies of the Agreement will be provided

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AWARDING AN ENGINEERING SERVICES AGREEMENT WITH DEWILD GRANT RECKERT AND ASSOCIATES, INC. FOR THE DESIGN AND LIMITED CONSTRUCTION ADMINISTRATION SERVICES FOR THE PEARL STREET RECONSTRUCTION FROM SOUTH OF 3RD STREET TO 4TH STREET AND 3RD STREET RECONSTRUCTION FROM WATER STREET TO PEARL STREET IN AN AMOUNT NOT TO EXCEED \$147,828.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that an Engineering Service Agreement, a copy of which is attached hereto and by this reference made a part hereof, be awarded to DeWild Grant Reckert and Associates, Inc. of Sioux City, Iowa, in an amount not to exceed \$ 147,828.00 for the design and limited construction administration services for the Pearl Street Reconstruction from south of 3rd Street to 4th Street and 3rd Street Reconstruction from Water Street to Pearl Street.

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

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Pearl Street (4th Street to South of 3rd Street) & 3rd Street (Water Street to Pearl Street) Reconstruction Project



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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 7B

FROM: Scott Logan, P.E., P.T.O.E., Sr. Civil Engineer

SUBJECT: Resolution amending Resolution No. 2010-0168 relating to the approval of the contract and performance bond with Sioux City Engineering Company for the 2010 and 2011 FY Heights Subdivision Reconstruction Project to correct the dollar amount listed in the resolution.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests approval of the resolution amending the contract with Sioux City Engineering for the 2010 and 2011 FY Heights Subdivision Reconstruction in the amount of \$3,441,429.02.

DISCUSSION:

The Heights Subdivision contract for \$5,704,932.48 was awarded to Sioux City Engineering Company for the 2009, 2010 and 2011 construction season. Because of budget restrictions and the requirement to have funds available for the actual contract in the current budget, the contract was divided into 2 contracts, one for fiscal year 2009, and one for fiscal years 2010 and 2011 construction phases. A summary of contract prices and stored materials is attached. The FY 2009 contract was approved by City Council for \$2,516,192.09 that included \$2,055,751.11 (FY 2009 Project) and \$460,440.98 (stored materials). The additional “stored materials” cost in this FY 2009 project allowed the contractor to purchase all the water, storm, and sanitary materials in 2009 to be used in the FY 2010 and FY 2011 project. During the FY2009 construction period, however, the contractor elected to purchase only \$207,752 of stored materials for the FY2010 and FY2011 construction period and agreed to reduce the FY 2009 contract cost accordingly. The amount of stored materials (\$207,752.35) had been verified during this period. The subsequent 2010 contract amount was to be approved for \$3,441,429.02 that included \$2,398,682.41 (FY 2010 Project) and \$1,250,498.96 (FY 2011 Project) expenditures minus the \$207,752.35 stored materials accounted for in the 2009 project.

On March 15, 2010 Council approved the resolution for the second contract to Sioux City Engineering Co. (Resolution 2010-0168) in the amount of \$3,188,740.39 for the 2010 and 2011 FY Heights Subdivision Reconstruction Project. Although the resolution was for \$3,188,740.39, the signed contract for this work was for \$3,441,429.02 that accounted for the \$207,752.35 in “stored materials” that was purchased in the FY 2009 project. The discrepancy between the contract amount and the resolution reflects the difference between the original “stored material” costs (\$460,440.98) and actual (\$207,752.35) “stored material” purchased in FY 2009. The actual signed contract for \$3,441,429.02 is the correct amount.

The FY 2009 Heights Subdivision project was finalized on January 10, 2011 (Resolution 2011-0033) at a cost of \$2,227,177.49 that included the FY 2009 Project cost of \$2,019,425.14 and stored materials \$207,752.35. The FY 2010/2011 Heights Project contract has not been finalized out since the contractor is completing the "punch list" for the project. It is anticipated that the final FY 2010/2011 project costs will be approximately \$75,000 under the revised contract amount.

Former City Attorney Andrew Mai reviewed and helped prepare this contract with the contractor's (Sioux City Engineering) attorney. The contract is written to award the following contracts and notes that on or before March 15, 2010 the second contract would be awarded for the 2010 and 2011 projects.

FINANCIAL IMPACT:

This project is to be funded under CIP No. 719-133, "Infrastructure Reconstruction". The project is funded with 13% sales tax infrastructure funds, 20% General Obligation bonds, 38% water funds and 29% sewer funds. The unencumbered available balance in CIP 719-133 is \$1,369,404.60. The additional funds needed for this project under this resolution is \$252,688.63.

RELATIONSHIP TO STRATEGIC PLAN:

This action supports the Strategic Plan by improving the quality and accessibility of our infrastructure and transportation system for people and products.

ALTERNATIVES:

None

ATTACHMENTS:

Resolution
Contract Documents (**Hard copies provided**)

R RESOLUTION NO. 2012 - _____

RESOLUTION AMENDING RESOLUTION NO. 2010-0168 RELATING TO THE APPROVAL OF THE CONTRACT AND PERFORMANCE BOND WITH SIOUX CITY ENGINEERING COMPANY FOR THE 2010 AND 2011 FY HEIGHTS SUBDIVISION RECONSTRUCTION PROJECT TO CORRECT THE DOLLAR AMOUNT LISTED IN THE RESOLUTION.

WHEREAS, on March 23, 2009, pursuant to Resolution No. 2009-0278, the City Council awarded a contract to Sioux City Engineering Company for the Heights Subdivision Reconstruction Project for construction years 2009, 2010 and 2011 in the amount of \$5,704,932.48; and

WHEREAS, due to budget restrictions and the requirement to have funds available for the actual contract in the current budget, the contract was divided into two contracts, one for Fiscal Year 2009 and one for Fiscal Years 2010 and 2011; and

WHEREAS, on May 4, 2009, pursuant to Resolution No. 2009-0392, the City Council approved the contract and performance bond with Sioux City Engineering Company for the Heights Subdivision Reconstruction Project for Fiscal Year 2009 in the amount of \$2,516,192.09; and

WHEREAS, on March 15, 2010, pursuant to Resolution No. 2010-0168, the City Council approved the contract and performance bond with Sioux City Engineering Company for the Heights Subdivision Reconstruction Project for Fiscal Years 2010 and 2011 in the amount of \$3,188,740.39; and

WHEREAS, it has been brought to the City's attention that the dollar amount of \$3,188,740.39 listed in Resolution No. 2010-0168 does not match the dollar amount of \$3,441,429.02 which was listed in the actual contract that was executed; and

WHEREAS, the discrepancy between the contract amount and the resolution amount reflects the difference between the "original" stored material costs in the amount of \$460,440.98 and the "actual" stored materials purchased in FY 2009 in the amount of \$207,752.35; and

WHEREAS, Resolution No. 2010-0168 should be amended to reflect the correct amount for the Heights Subdivision Reconstruction Project for Fiscal Years 2010 and 2011 in the amount of \$3,441,429.02.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that Resolution No. 2010-0168 passed and approved by the City Council on March 15, 2010 be and the same is hereby amended to correct the dollar amount listed in Resolution No. 2010-0168 to \$3,441,429.02 for the Heights Subdivision Reconstruction Project for fiscal years 2010 and 2011.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 7C

FROM: Eric Smith, P.E., Sr. Civil Engineer

SUBJECT: Resolution awarding and approving a contract to Mark Albenesius, Inc. of South Sioux City, Nebraska, in the amount of \$75,200 for the proposed construction of the Gordon Drive Emergency Water Repair Project.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council award and approve the contract to Mark Albenesius, Inc. of South Sioux City, Nebraska in the amount of \$75,200.00 for the Gordon Drive Emergency Water Repair Project.

DISCUSSION:

The Gordon Drive Emergency Water Repair Project includes the boring of 90 feet of 6 inch ductile iron pipe water main to serve a fire hydrant along Gordon Drive. The water main is to replace the existing main which was found to be bored through a storm sewer pipe under the road. City records show this work was done by Albenesius Contracting in 1998. A TV inspection was done by City Crews on October 25, 2011, verifying that the water main was bored through the storm pipe. The TV log shows a nearly clogged storm pipe and pavement failures are visible in the vicinity of the damaged pipe. Repair of the damaged storm sewer will include removal and replacement of 50 linear feet of 15 inch reinforced concrete pipe.

The City Legal Department has sent a letter to Larry Albenesius, informing him of the situation and requesting his insurance carrier information. The intent is for the contractor responsible for the damaged pipe to pay for the work to fix the problem.

This project will also repair 2 separate sections of storm sewer in this area of Gordon Drive which were found to have inflow and infiltration (I & I) issues. The storm sewer repair to correct these I & I issues include replacing 25 linear feet of 15 inch reinforced concrete pipe.

There is an Iowa DOT project that includes milling and an asphalt overlay of Gordon Drive from the Viaduct to Menards along Hwy 75, which will begin construction in the coming weeks. The contract documents state that the contractor must be completely finished with this project by June 1, 2012 to avoid the DOT construction work.

Bids were received through the City's Purchasing Department on Thursday, March 29, 2012 at 11 am. Two (2) bids were received as follows:

Sioux City Engineering Co.	Sioux City, Iowa	\$ 108,355.00
Mark Albenesius, Inc.	South Sioux City, Nebraska	\$ 75,200.00
Engineer's Estimate		\$ 49,200.00

The low bid of \$75,200.00 was submitted by Mark Albenesius, Inc. The low bid was \$26,000 over the engineer's estimate of \$49,200.00.

FINANCIAL IMPACT:

This emergency project will be funded under CIP 519-127 which has a current available appropriation of \$122,788.00.

RELATIONSHIP TO STRATEGIC PLAN:

This action supports the Infrastructure Vision of the Strategic Plan, "We will invest in infrastructure to attract and retain business, spur residential growth, and increase quality of life".

ALTERNATIVES:

None

ATTACHMENTS:

Resolution

Bid Tab

Map

Contracts (**Hard Copies**)

RESOLUTION NO. 2012 - _____
with attachments

RESOLUTION AWARDING AND APPROVING A CONTRACT TO MARK ALBENESIUS, INC. OF SOUTH SIOUX CITY, NEBRASKA IN THE AMOUNT OF \$75,200.00 FOR THE PROPOSED CONSTRUCTION OF THE GORDON DRIVE EMERGENCY WATER REPAIR PROJECT.

WHEREAS, bids and proposals were received by the City of Sioux City, Iowa, on March 29, 2012 for the Gordon Drive Emergency Water Repair Project in Sioux City, Iowa (the Project) together with necessary accessories and appurtenances, all in accordance with the plans and specifications heretofore prepared by the City of Sioux City; 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 Project in Sioux City, Iowa; and

WHEREAS, the low bidder has submitted a contract and performance bond and related documents, copies of which are attached hereto and by this reference made a part hereof; and

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

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

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

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

Section 1: The 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 Mark Albenesius, Inc. of South Sioux City, Nebraska, in the amount of \$75,200.00 for 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 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 Project Manager as the value of work satisfactorily performed for the period.

PASSED AND APPROVED: April 9, 2012

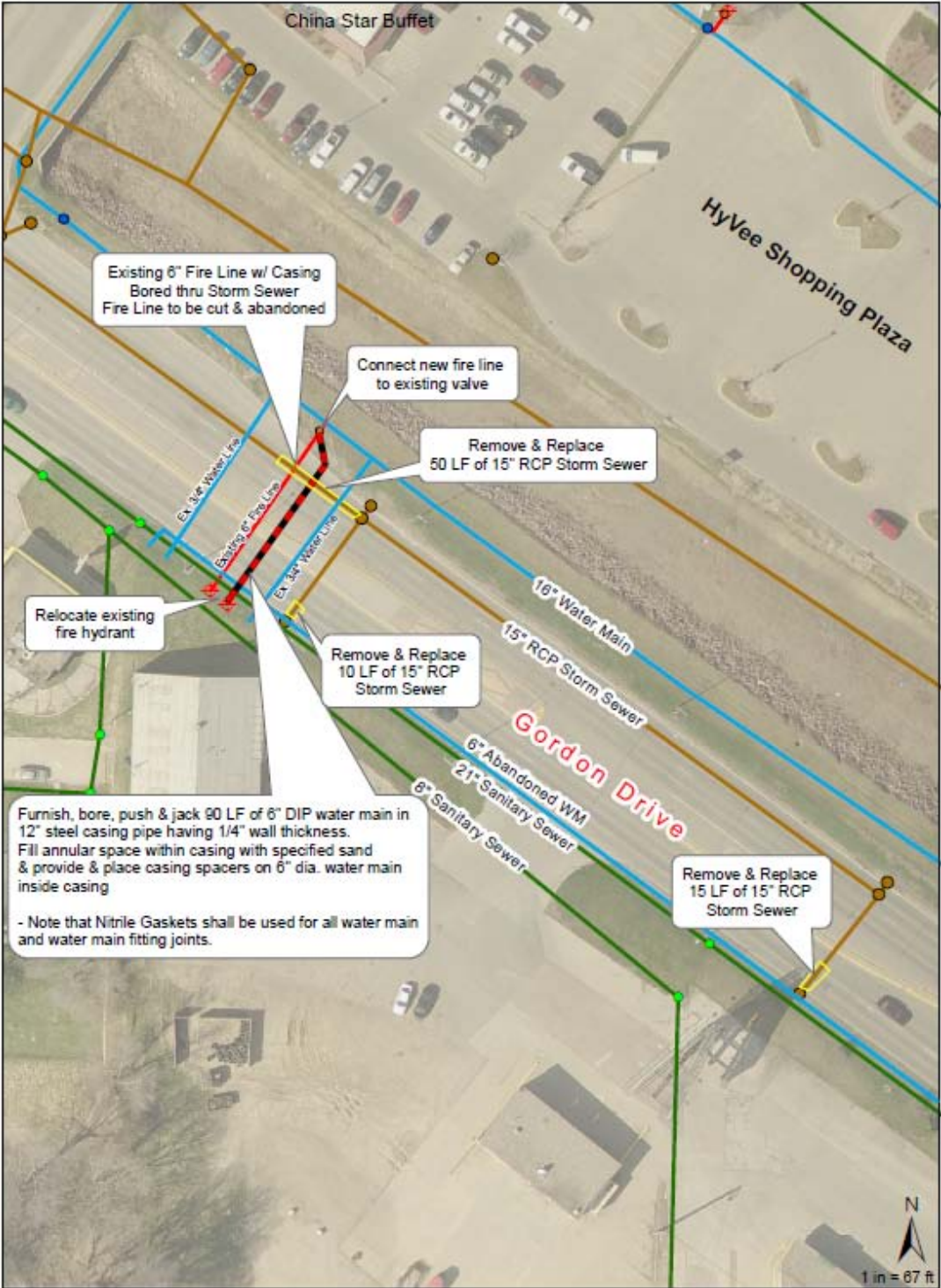
Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

Gordon Drive Emergency Water Repair Project
 Bid Tab
 3/29/12
 City of Sioux City, Iowa

ITEM NO.	DESCRIPTION	QUANTITY	ENGINEER'S ESTIMATE		Mark Albenesius		Sioux City Engineering		
			UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
Schedule I – Paving, Removal, Misc. Items									
1	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$5,000.00	\$ 5,000.00	\$35,000.00	\$ 35,000.00
2	Traffic Control	1	LS	\$ 3,000.00	\$ 3,000.00	\$2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00
3	Erosion Control	1	LS	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 3,000.00	\$ 3,000.00
4	Full Depth Saw Cut	210	LF	\$ 7.00	\$ 1,470.00	\$ 12.00	\$ 2,520.00	\$ 12.00	\$ 2,520.00
5	Remove Street Paving	90	SY	\$ 8.00	\$ 720.00	\$ 20.00	\$ 1,800.00	\$ 8.00	\$ 720.00
6	F & I - C-Stone Sub-grade Stabilization (18" depth)	45	CY	\$ 30.00	\$ 1,350.00	\$ 50.00	\$ 2,250.00	\$ 48.00	\$ 2,160.00
7	F & I - 9" PCC Street Paving	90	SY	\$ 35.00	\$ 3,150.00	\$ 85.00	\$ 7,650.00	\$ 50.00	\$ 4,500.00
8	F & I - 3" Asphalt Overlay	20	TN	\$ 150.00	\$ 3,000.00	\$ 150.00	\$ 3,000.00	\$ 285.00	\$ 5,700.00
9	F & I – Painted Pavement Striping, 4" Equivalent	75	LF	\$ 6.00	\$ 450.00	\$ 6.00	\$ 450.00	\$ 25.00	\$ 1,875.00
10	F & I – 18", #5 Deformed Epoxy Coated Bars	105	EA	\$ 8.00	\$ 840.00	\$ 15.00	\$ 1,575.00	\$ 13.00	\$ 1,365.00
11	Sod, Seeding, Fertilizing & Mulching	200	SF	\$ 2.50	\$ 500.00	\$ 4.00	\$ 800.00	\$ 3.25	\$ 650.00
Schedule I Total					\$ 19,880.00		\$ 27,545.00		\$ 59,990.00
Schedule II – Storm Sewer									
12	Remove Storm Sewer Pipe	75	LF	\$ 8.00	\$ 600.00	\$ 20.00	\$ 1,500.00	\$ 13.00	\$ 975.00
13	F & I – 15" RCP Storm Sewer	75	LF	\$ 30.00	\$ 2,250.00	\$ 65.00	\$ 4,875.00	\$ 38.00	\$ 2,850.00
14	Connection to Existing Storm Sewer	3	LF	\$ 500.00	\$ 1,500.00	\$ 750.00	\$ 2,250.00	\$ 650.00	\$ 1,950.00
15	Connection to Existing Storm Sewer Manhole	3	EA	\$ 500.00	\$ 1,500.00	\$ 750.00	\$ 2,250.00	\$ 650.00	\$ 1,950.00
Schedule II Total					\$ 5,850.00		\$ 10,875.00		\$ 7,725.00
Schedule III – Water Main									
16	F & I - 6" DIP Water Main through Steel Casing	90	LF	\$ 45.00	\$ 4,050.00	\$ 50.00	\$ 4,500.00	\$ 24.00	\$ 2,160.00
17	Construct Bore Pits	2	EA	\$ 1,000.00	\$ 2,000.00	\$1,500.00	\$ 3,000.00	\$ 4,500.00	\$ 9,000.00
18	Furnish, Bore & Jack 12" Welded Steel Casing Pipe ¼" Wall Thickness	90	LF	\$ 150.00	\$ 13,500.00	\$ 200.00	\$ 18,000.00	\$ 235.00	\$ 21,150.00
19	Fill Annular Space Within Casing With Specified Sand	90	LF	\$ 20.00	\$ 1,800.00	\$ 20.00	\$ 1,800.00	\$ 25.00	\$ 2,250.00
20	Provide & Place Casing Spacers on 6" dia. DIP inside Casing	36	EA	\$ 20.00	\$ 720.00	\$ 55.00	\$ 1,980.00	\$ 80.00	\$ 2,880.00
21	Connect to Existing Valve & Fire Hydrant	2	EA	\$ 350.00	\$ 700.00	\$1,500.00	\$ 3,000.00	\$ 800.00	\$ 1,600.00
22	F & I – 6" 45° Bends	2	EA	\$ 200.00	\$ 400.00	\$ 750.00	\$ 1,500.00	\$ 375.00	\$ 750.00
23	Cut, Remove, and Abandon Existing Fire Line	1	LS	\$ 300.00	\$ 300.00	\$3,000.00	\$ 3,000.00	\$ 850.00	\$ 850.00
Schedule III Total					\$ 23,470.00		\$ 36,780.00		\$ 40,640.00
Bid Total					\$49,200.00		\$75,200.00		\$108,355.00

Gordon Drive Emergency Water Repair Project



	Regular Session
	Study Session
	Closed Session

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 8

FROM: Amy Walker, City Treasurer

SUBJECT: **Approve total checks issued for the reporting period of March 2012, in the total amount of \$8,889,306.19.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests the Council to approve the total checks issued for March 2012 on Monday's Agenda.

DISCUSSION:

The Finance Department has on file a list of gross cumulative payments paid to each separate accounts payable vendor on a monthly basis. This listing is available for Council Members' perusal. On your agenda for Monday is a total amount of these payments for City Council approval. The day after the Council meeting, the Finance Department files the list with The Sioux City Journal for publication.

Detailed information on these listed payments can be found in the Finance Department. This department keeps a weekly claim register, which lists vendor name, vendor number, and account code. Any question from Council members or citizens concerning vendor payments are easily answered using a cross-reference system on the mainframe computer, which searches information on vendor payments.

FINANCIAL IMPACT:

None

RELATIONSHIP TO STRATEGIC PLAN:

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

ALTERNATIVES:

Under the Code of Iowa, all checks issued must be approved by the City Council.

ATTACHMENTS:

None

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 9

FROM: Lisa L. McCardle, City Clerk

SUBJECT: Approve Beer Permit/Liquor License applications.

- A. **CLASS "C" BEER PERMIT**
 - 1. Tobacco Hut, 4523 Morningside Avenue (Renewal)
 - 2. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 3. Cubby's, 4200 South York Street (Renewal)
 - 4. Pronto Express, 1800 Highway 75 North (Renewal)
 - 5. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)
- B. **CLASS "C" LIQUOR LICENSE**
 - 1. Steinbeck's Pub, 3929 Floyd Boulevard (Renewal)
 - 2. Lewis & Clark Park, 3400 Line Drive
(05/01/12-11/01/12 New 6 Month)
 - 3. Convention Center, 3808 Stadium Drive
(04/16/12-04/18/12 Temporary Transfer)
- C. **CLASS "E" LIQUOR LICENSE**
 - 1. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 2. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)
- D. **CLASS "B" WINE PERMIT**
 - 1. Marshall Discount Liquor, 810 West 7th Street (Renewal)
 - 2. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests and recommends approval of the following Beer Permits/Liquor Licenses.

DISCUSSION:

All required Inspections have been completed by the required City departments unless otherwise noted. Hard copy of all inspection verifications is available in the City Clerk's Office and will be provided at your request. For your convenience the City Clerk will have the inspection information available at the City Council meeting

Current applications for Beer Permits/Liquor Licenses are as follows:

A. CLASS "C" BEER PERMIT

1. Tobacco Hut, 4523 Morningside Avenue (Renewal)

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
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Fire Code Inspections were completed and no violations were found.

Inspection Services	X		
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Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found

Police Department	X		
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Police Records for this establishment were reviewed and the Police Department recommends approval.

Zoning	X		
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Zoning Code has been verified for the above address, no violations were found.

2. Marshall Discount Liquor, 810 West 7th Street (Renewal)

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
-----------------	---	--	--

Fire Code Inspections were completed and no violations were found.

Inspection Services	X		
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Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found

Police Department	X		
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Police Records for this establishment were reviewed and the Police Department recommends approval.

Zoning	X		
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Zoning Code has been verified for the above address, no violations were found.

3. Cubby's, 4200 South York Street (Renewal)

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
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Fire Code Inspections were completed and no violations were found.

Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

4. Pronto Express, 1800 Highway 75 North (Renewal)

<i>The required departments have reviewed the license application listed above and provide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

**5. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)**

<i>The required departments have reviewed the license application listed above and provide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

B. CLASS "C" LIQUOR LICENSE

1. Steinbeck's Pub, 3929 Floyd Boulevard (Renewal)

<i>The required departments have reviewed the license application listed above and pro-</i>			
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<i>vide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

2. Lewis & Clark Park, 3400 Line Drive (05/01/12-11/01/12 New 6 Month)

<i>The required departments have reviewed the license application listed above and provide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

3. Convention Center, 3808 Stadium Drive (04/16/12-04/18/12 Temporary Transfer)

<i>The required departments have reviewed the license application listed above and provide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			

Zoning	X		
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Zoning Code has been verified for the above address, no violations were found.

C. CLASS "E" LIQUOR LICENSE

1. Marshall Discount Liquor, 810 West 7th Street (Renewal)

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
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Fire Code Inspections were completed and no violations were found.

Inspection Services	X		
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Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found

Police Department	X		
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Police Records for this establishment were reviewed and the Police Department recommends approval.

Zoning	X		
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Zoning Code has been verified for the above address, no violations were found.

**2. Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)**

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
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Fire Code Inspections were completed and no violations were found.

Inspection Services	X		
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Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found

Police Department	X		
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Police Records for this establishment were reviewed and the Police Department recommends approval.

Zoning	X		
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Zoning Code has been verified for the above address, no violations were found.

D. CLASS "B" WINE PERMIT

1. Marshall Discount Liquor, 810 West 7th Street (Renewal)

The required departments have reviewed the license application listed above and provide the following recommendations:

Staff Recommends =	Approval	Denial	Pending
Finance	X		

Property tax records were verified and taxes are paid to date; the business utility account is also current.

Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

2. **Fareway, 4267 Sergeant Road
(05/01/12 Permanent Transfer from 2328 Transit Avenue)**

<i>The required departments have reviewed the license application listed above and provide the following recommendations:</i>			
Staff Recommends =	Approval	Denial	Pending
Finance	X		
Property tax records were verified and taxes are paid to date; the business utility account is also current.			
Fire Department	X		
Fire Code Inspections were completed and no violations were found.			
Inspection Services	X		
Building, Electrical, Mechanical and Plumbing Inspections were performed and no violations were found			
Police Department	X		
Police Records for this establishment were reviewed and the Police Department recommends approval.			
Zoning	X		
Zoning Code has been verified for the above address, no violations were found.			

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:

Police Department Recommendations.

Tobacco Hut, 4523 Morningside Avenue (Renewal)

>>> James Cunningham 4/2/2012 8:49 AM >>>approval is recommended

Marshall Discount Liquor, 810 West 7th Street (Renewal)

>>> James Cunningham 4/2/2012 8:50 AM >>>approval is recommended

Cubby's, 4200 South York Street (Renewal)

>>> James Cunningham 4/2/2012 8:49 AM >>>approval is recommended

Pronto Express, 1800 Highway 75 North (Renewal)

>>> James Cunningham 4/2/2012 8:50 AM >>>approval is recommended

Fareway, 4267 Sergeant Road (05/01/12 Permanent Transfer from 2328 Transit Avenue)

>>> James Cunningham 4/2/2012 8:48 AM >>>approval is recommended

Steinbeck's Pub, 3929 Floyd Boulevard (Renewal)

>>> James Cunningham 4/2/2012 8:46 AM >>>approval is recommended

Lewis & Clark Park, 3400 Line Drive (05/01/12-11/01/12 New 6 Month)

>>> James Cunningham 4/2/2012 8:47 AM >>>approval is recommended

Convention Center, 3808 Stadium Drive (04/16/12-04/18/12 Temporary Transfer)

>>> James Cunningham 4/2/2012 8:47 AM >>>approval is recommended



**LIBRARY BOARD OF TRUSTEES
Regular Meeting
March 21, 2012**

The regular meeting of the Board of Trustees of the Sioux City Public Library was held on Wednesday, March 21, 2012, in the Conference Room of The Wilbur Aalfs (Main) Library.

MEMBERS PRESENT: Jay E. Denne, Melissa Cain, Lisa M. Kroger, Janet Plathe, Mary Ann Schuldt

MEMBERS ABSENT: Derek Albert, Daniel W. Smith

STAFF PRESENT: Betsy J. Thompson, Connie K. Brown

GUESTS: Dave Powell, President CWA Local 7103; Sarah Ricker, Union Steward; Laura Mair, Union Steward

1. President Jay E. Denne called the meeting to order at 3:32 p.m.
2. Roll call was taken. New Trustee Melissa Cain was introduced and welcomed.
3. The Agenda was approved.
4. Approve the Minutes – February 15, 2012 [Action Item]

Plathe moved approval of the minutes of February 15, 2012. Schuldt seconded. Motion approved unanimously.

5. Director's Report

Trustees noted the favorable comments we have heard about the renovation and other patron comments. Thompson said staff review and respond weekly, and then she brings them to the Trustees. The majority are positive comments.

Thompson said the Friends have set the dates and location for their annual book sale. It will be held April 27 – May 5 at the former Affordable Furniture on the corner of Virginia and Dace. The space has been donated and the Friends can use it for a week before and after the actual sale.

Trustees and staff commented that the fine-free week went well. Patrons were appreciative and willing to search and bring back overdue and lost books. Thompson noted that we do not do this on any regular basis.

6. Financial Reports

A. Expenditures: Approve Claims [Action Item]

Thompson said the larger payments are to the contractors as part of renovation.

Plathe moved approval of claims. Schuldt seconded. Motion approved unanimously.

B. 2011-2012 Monthly Budget Summary

Thompson noted that revenues are down, primarily because Main Library was closed for 4 months.

7. Unfinished Business

A. Operating Budget for 2012-2013 [Action Item]

Thompson said at last month's board meeting Trustees came to the consensus to reduce open hours as one way to reach the \$50,000 that Council had cut from the Library's budget that morning. She worked through other line items and came up with cuts to memberships and materials. Because she did not feel comfortable taking a larger cut from materials, she is suggesting budgeting a negative line for a few thousand dollars to reach the \$50,000.

Thompson said she worked through a scenario to keep everyone's benefits in place by cutting a few hours for two positions. She met with union representatives who did not agree with that. They were open to losing positions with benefits instead. She then met with supervisors who feel that we need this many people. Taking input from both she came up with a recommendation to eliminate the rotating hours in Youth Services and Circulation and to budget the two least-senior Library Service Associate (LSA) positions at 16 hours per week, down from 20 hours per week. She is also suggesting no longer paying professional memberships for staff and hopes for a winter like this winter for snow removal.

Powell realizes that we don't want to cut anyone's hours; cuts are hard and people also need a livable wage. He knows the Library contributes to the upkeep of the skywalk and asked about upkeep of the parking lot.

Denne noted that every year, at budget time, we look for better ways to do business because of continuous cutbacks and it is a challenge to get the dollars to add up. Last year Perry Creek Branch was cut and we were fortunate to get it back.

It was noted that when we look for other places to cut we keep coming back to hours and salaries. Thompson gave a brief history of the position cuts that have been made since 2004 which included a supervisor at a branch, a librarian specialist position and LSA hours in Technical Services. Ricker asked about taking cuts from Reference staff and Maier asked about taking cuts from Maintenance staff. Thompson said the savings to Maintenance would be only if we closed for a whole day; they have to clean every day we are open.

Plathe asked if the cuts to professional memberships were state and national and Thompson said yes. Plathe is personally opposed to that cut—we get so many ideas and synergy from those types of memberships. Does that mean staff cannot attend conferences? Thompson said in most cases there is a nonmember fee for conferences. Discussion followed on options. Plathe said there are some things that help short term but can hurt you in the long run and she sees this as one. Kroger asked about access to resources. Thompson said we could alternate memberships and printed publications can be routed to the others.

Plathe moved to approve a reduction of \$50,000 to the 2012-2013 budget by reducing public service desk staffing for \$22,683, by reducing professional memberships to half for \$542, by reducing materials (adult and children's books) by \$19,678 and having a negative reserve of \$7,097. Kroger seconded. Motion approved unanimously.

Powell left meeting at 4:15 p.m.

8. New Business

A. Policy Review – Conduct in the Library [Action Item]

Thompson said staff reviewed this policy and the only change they recommend is to add sleeping to the line about inappropriate use of furniture and equipment. Kroger suggested using “which includes” in place of the semi-colon so that the bullet point now reads “Inappropriate use of furniture which includes sleeping or using tables as foot rests.” It was noted that not everything can be listed because you cannot even dream up everything that happens. Maier asked about bikes in the Library and Thompson said staff can handle that procedurally.

Plathe moved to accept the Conduct in the Library Policy as presented with Kroger's additional wording. Schuldt seconded. Motion approved unanimously.

B. Donor Recognition for The Wilbur Aalfs Library Renovation [Action Item]

Thompson is ready to wrap up fundraising for the renovation. The Foundation Board met yesterday and saw a summary result of their fundraising work. A full-size copy of the donor recognition plaque is available for review. It will go on the pillar as you come in, facing the desk. At some point we will stop accepting donations for the renovation and say we welcome your gift and it now goes to the endowment. We have received cash and pledges of \$298,212.10 toward our private donor goal of \$300,000—she calls that a success.

Schuldt moved approval of a motion thanking the Sioux City Public Library Foundation Board of Directors and the Friends of the Library Board for their leadership, their work, and the fundraising success that supported The Wilbur Aalfs Library renovation project. Plathe seconded. Motion approved unanimously.

Ricker and Maier left meeting 4:28 p.m.

9. Trustee Concerns

Schuldt plans to attend the Downtown Planning session for stake holders on Monday, March 25. Thompson said it is also appropriate for Trustees to attend the wrap up session on Wednesday from 1:00-2:30pm.

Schuldt is going to reapply to be a Trustee for another 3 years. Kroger thinks she probably won't—things have changed for her.

In answer to a question, Cain said she heard about the Trustee opening through Leadership Siouxland. Kroger said it is a great resource.

Denne will appoint a nominating committee next month and Thompson's review is coming up in June. Thompson will calculate a non-resident card fee. Next month we will review our Collection Development Policy which guides how we spend our materials budget. It should be an interesting discussion because of the ownership vs. access issue. Some publishers aren't letting libraries have access to e-Books.

Thompson said the Library was in the print media a lot this past month and had various copies on the table for review.

10. Next Meetings:

Wednesday, April 18, 2012, 3:30 p.m.

Wednesday, May 16, 2012, 3:30 p.m.

11. Denne adjourned the meeting at 4:42 p.m.

Lisa M. Kroger, Secretary

Connie K. Brown, Assistant Secretary

**SIoux CITY PUBLIC MUSEUM BOARD OF TRUSTEES
REGULAR MEETING MINUTES
March 2, 2012**

A meeting of the Sioux City Public Museum Board of Trustees was held March 2, 2012 at 12:00 p.m. at the Sioux City Public Museum, 607 4th Street.

MEMBERS PRESENT

Dennis Bullock
Katie Colling
Don Kingery
Ray Krigsten
Rick Mullin
Miles Patton
Darold Sea

MEMBERS ABSENT

OTHERS PRESENT

Steve Hansen
Deanna Mayo

Called to Order: The meeting was called to order at 12:00 p.m.

New Board Member: Patton welcomed Ray Krigsten back to the Museum board.

Minutes: *Mullin made a motion to approve the February 7, 2012 minutes as submitted. Kingery moved to second the motion and the motion passed unanimously.*

Financial Report: Hansen presented the financial report dated February 24 and noted we have expended 62% of the budget with 67% of the year lapsed. A discussion was held on the FY13 budget hearings. Hansen reported the City Council approved the \$10,000.00 budget cut for next fiscal year but did vote 4 to 1 in favor of keeping the Sgt. Floyd River Museum and Welcome Center open. *Bullock made a motion to accept the financial report as submitted. The motion was seconded by Kingery and passed unanimously.*

OLD BUSINESS:

Facility Update: Hansen reported C.W. Suter has been on site reviewing the heating system. The Museum is getting close to the one-year warranty period and Suter is helping staff identify some potential changes for the front lobby area. Hansen reported the granite stone has been ordered for the sculpture and he anticipates the stone installation and landscaping will be completed by June 30. Hansen noted construction work will begin next Monday on the Interstate 29 interchange but he has been told the exit to the Sgt. Floyd River Museum & Welcome Center will remain open during this time.

Exhibit and Events: Hansen reported the *History at High Noon* programs have been very well received. Kingery noted Matt Anderson did a wonderful job on his Civil War presentation. Hansen stated numerous tours are being booked. Due to a show at the Orpheum, several new groups visited the Museum last week including many schools from outside of the local area. Hansen reported on attendance numbers and stated the Museum has also seen an increase in the number of collection items being donated. The Museum will hold several activities during the month of April to celebrate the Museum's one year anniversary at the new site. The Museum will be open on Monday, April 2 for spring break and a spring break camp will also be held that week. A donor thank-you reception will be held on Monday, April 30 from 4:30 – 7:30 p.m.

Security System: Hansen reported Electronic Innovations submitted an updated bid which will provide the installation of a new, more advanced security system. This system will include a software package that will be able to be monitored by Stan LaFave in building maintenance. The Foundation will be funding the purchase of this system.

Strategic Plan: Hansen presented a draft of the 2011-2014 strategic plan. Hansen explained this plan is similar to the last three-year plan with the majority of the revised changes being in Section 3 - Securing the Future. The board reviewed the document and made various changes throughout the document. *Bullock made a motion to accept the 2011-2014 Strategic Plan as amended. The motion was seconded by Patton and passed unanimously.*

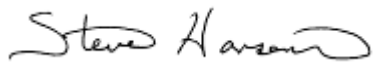
NEW BUSINESS:

Evacuation Policy: Mullin questioned whether the Museum has an evacuation policy in place due to the recent storm activity. Hansen reported Joe Rodriguez with the Sioux City Fire Department has verified the best storm location is the northwest wall of the temporary exhibit area. Hansen noted he will verify the policy is up-to-date for the new site. This policy will be posted and training will be provided to staff and volunteers.

April Meeting: The April meeting will be held on April 13, 2012 at noon.

Adjournment: *There being no further business, Sea made a motion to adjourn the meeting. The motion was seconded by Bullock and passed unanimously.*

Respectfully submitted,



Steve Hansen, Museum Director

/dm



**PARKING AND SKYWALK SYSTEM
BOARD OF TRUSTEES
MEETING MINUTES
MARCH 21, 2012**

The Parking and Skywalk System Board of Trustees met at 9:00 a.m. on Wednesday, March 21, 2012, in the 3rd Floor Conference Room, Terra Centre, 600 4th Street, Sioux City, Iowa.

<u>MEMBERS PRESENT:</u>	<u>MEMBERS ABSENT:</u>	<u>OTHERS PRESENT:</u>
Steve Boden, Chair	Mark Reinders	Robert Padmore, Assistant City Manager
Frank Forneris, Vice Chair		Sarah Swearingen, City Clerk's Office
Beau Braunger (in at 9:03)		Dave Braunger, 1st Class Security
Jeanne Zyzda		Ann Mach, AMPCO
Ragen Cote		Kenny Schmitz, Terra Real Estate
Monette Harbeck		Jim Treinen, Securitas Security
		Gary Walker, Connelly, Tiehen & Sons
		Lew Weinberg

CALL TO ORDER

Boden called the meeting to order at 9:00 a.m.

MINUTES

The Skywalk Operations section of the February 15, 2012 minutes is amended to state "Schmitz stated that he will be installing electronic locks at the Terra end of the Heritage to Terra bridge. The bridge will remain unsecured." Motion by Cote, seconded by Harbeck, to approve the amended minutes of February 15, 2012; all voting aye.

Padmore and Braunger entered the meeting at 9:03 a.m.

REPORTS & COMMUNICATIONS

Skywalk Operations – Schmitz distributed the skywalk traffic counts. Schmitz reported an HVAC unit at the Convention Center is in need of repair. CW Suter has quoted a price of \$1,930 for the repair. Motion by Forneris, seconded by Zyzda, to repair the unit in the amount of \$1,930; all voting aye.

Advertising Sign Requests - None.

Downtown Informational Report – Cote stated Downtown Partners are waiting until the hours of the skywalk system are finalized before they update and print new maps. They will begin replacing the permanent maps located within the skywalk which do not have hours posted.

Cote stated Downtown Partners have proposed covering the cost of all parking tickets for a day, stating a coupon would be placed on the vehicle instead of a ticket. Padmore suggested the Parking Meter Attendants use a dummy license plate to enter the ticket into the system so the total count can be accurately tracked. Council Member Rhonda Capron has suggested plac-

ing coupons on the back of courtesy tickets to encourage the use of downtown businesses. Cote stated she will contact businesses to see who is interested in participating.

Cote reminded the Board of the International Economic Development Council Site Visit. The Board has been invited from 10:30 a.m. to 11:45 a.m. on Tuesday, March 27, 2012 at the Convention Center, 801 4th Street.

AMPCO Report – The report was sent by e-mail to the Board last week. Mach stated revenue appears low because two months of utilities were paid; 109 key card deposits have been refunded; and a variety of repair work has been completed.

PETITIONS, APPLICATIONS, HEARINGS - None.

UNFINISHED BUSINESS

Skywalk Security Update - 1st Class Security – Dave Braunger stated he will ask the guards for recommendations on which locations could be closed in the proposed hour reduction.

Skywalk Security Contract Award & Recommendation – Padmore stated he would like to revise the contract to change the clause for the possible reduction in hours and the clause to void the contract.

Skywalk Hours – The Board discussed the difficulty in making a decision without knowing what direction the City Council would like to pursue.

The Board discussed various options including: installing card reader systems; installing video security; hiring a security consultant; identifying areas that can be closed earlier in the evening; and the cost of security for events. The Board has asked for traffic counts to be completed Friday night through Monday morning to give the Board an idea of what kind of weekend traffic the skywalk has and where the majority of traffic is traveling. This information could be helpful in identifying areas that can be closed earlier in the evening.

Padmore stated the City Council may be willing to move to a cost structure that includes paying all capital costs and 40% of the operating costs. Padmore stated he will propose the idea to the City Manager and approach City Council with the new structure.

NEW BUSINESS

Approval of costs and distribution to properties for February 2012 - Motion by Forneris, seconded by Boden, to approve the costs and distribution to properties for February 2012; all voting aye.

Request for Key Fob Access – Stifel Nicolaus Building - Gary Walker, Connelly, Tiehen & Sons, requested permission to place a key fob to secure the doors from Stifel Nicolaus to Heritage Ramp and Stifel Nicolaus to the Sioux City Hotel. These doors will be locked in accordance with the current Skywalk hours and be adjusted as needed. Schmitz stated he has found the doors need to unlock before the skywalk opens to allow the guards access to the remaining doors.

Motion by Zyzda, seconded by Cote to approve the installation of key fob systems for Connelly, Tiehen & Sons and Terra; all voting aye.

The Board discussed the test area for removing parking meters. This will be done on 4th Street from Nebraska Street to Pierce Street in June or July for a month. The Parking Meter Attendants will mark plates in their handheld computers to enforce time limits. Harbeck has contacted Davenport, Iowa as they have removed all meters from their downtown area. Davenport has reported they have experienced very low revenue since the parking meters were removed.

ADJOURNMENT

Being no further discussion, it was motioned by Zyzda, seconded by Boden, to adjourn the meeting at 10:00 a.m.; all voting aye.

**CITY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
March 13, 2012**

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

MEMBERS PRESENT

Mark Jensen, Chair
Suzan Stewart, Vice Chair
Joe Krage
Ryan Ross
Cindy O'Neill
Jean Calligan

MEMBERS ABSENT

Kevin Godwin

STAFF PRESENT

Jeff Hanson, CD Operations Manager
Brent Nelson, Senior Planner
Chris Madsen, Planner
Jill Wanderscheid, Trans. Planner
Justin Vondrak, Assistant City Attorney
Ron Kueny, Zoning Officer
Guadalupe Quintana, Admin. Secretary

Jensen called the meeting to order at 4:00 p.m. and explained the procedure to be followed. He also asked if any of the Commissioners had contact with the owner, petitioner, agent, or anyone listed on the notification list regarding the items on the agenda. No one advised they had.

Ann Westra, Economic Development Specialist, City of Sioux City; Marty Dougherty, Economic Development Director, City of Sioux City; and Ragan Cote, Executive Director, Downtown Partners Sioux City; gave a presentation to the commission on the upcoming Downtown Revitalization meeting with the International Economic Development Council.

Agenda Item 2012-0013: Requested rezoning of property located at 3513 and 3513 ½ Talbot Road from AG (Agriculture) to RE (Residential Estates). (Petitioner: Keith Davis).

O'Neill (Krage) *moved to recommend to the City Council approval of this item.*

Motion Carried. 6-0-0 (Yes: Ross, Jensen, Krage, O'Neill, Stewart, Calligan / No: 0 / Abstained: 0)

Voice Vote

Chris Madsen reported for staff and recommended approval of this item.

Ross commented on the request that the lender is requesting the petitioner to rezone the property.

The petitioner Keith Davis of 3513 Talbot Rd. was present.

Calligan asked the petitioner if he was refinancing the property based on the 5 acres, the petitioner stated that he was.

Stewart suggested that the minutes reflect that the rezoning is not being issued at the request of the lending institution, but rather than the home owner (petitioner) requesting the rezoning.

Agenda Item 2012-0014: Requested Sign Ordinance Text Amendments to several sections of Chapter 4.36, entitled "Sign Regulations". (Petitioner: City of Sioux City).

O'Neill (Krage) *moved to recommend to the City Council approval of this item.*

Motion Carried. 6-0-0 (Yes: Jensen, Stewart, Krage, O'Neill, Calligan, Ross / No: 0/Abstained: 0)
Voice Vote

Jill Wanderscheid reported for staff and recommended approval of this item.

Ragan Cote, Executive Director, Downtown Partners Sioux City; Jim Jung, Chairperson, Sioux City Historic Preservation Commission; Chris Bogenrief, President, Downtown Partners Sioux City and President, United Commercial; Kari Kellen, Executive Director, Children's Museum of Siouxland; all spoke in favor of this item.

O'Neill asked if there was still a sign committee in place. Jeff Hanson addressed her question.

Stewart asked if businesses will be required to have encroachment permits. Wanderscheid explained to the Commission the process of issuing encroachment permits and stated that all property owners requesting to have projecting signs and sandwich board sidewalk signs are required to have an encroachment permit.

Jensen questioned Wanderscheid on projecting signs and how large they are allowed to be. Wanderscheid answered his question by directing the commission to Section 4.36.140 On-Premise Advertising Signs Located in the BGM Zone.

Krage questioned if there will be guidelines on what these sidewalk signs must look like. Wanderscheid stated that the Zoning Enforcement officer will enforce the guidelines of these signs.

Agenda Item 2012-0015: Requested vacation of that part of the Floyd City Addition to Sioux City that lies within the proposed Stockyards First Addition. (Petitioner: City of Sioux City).

Ross (O'Neill) moved to recommend to the City Council approval of this item.

Motion Carried. 6-0-0 (Yes: Ross, Jensen, Stewart, Krage, O'Neill, Calligan / No: 0 / Abstained: 0)

Voice Vote

Brent Nelson reported for staff and recommended approval of this item.

There were no questions from the commission on this item.

1. Other Business

a. Report by the Chair regarding Planning and Zoning items at the City Council meeting.

b. Other items brought forward by the Commission and / or staff.

Approval of the minutes of the February 14th, 2012 meeting.

O'Neill (Ross) moved to recommend to the City Council approval of this item.

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

Voice Vote

*Submitted by
Guadalupe Quintana*

CHAIR

PLANNING DIRECTOR

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

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 11

FROM: Paul Barnes, Neighborhood Services Supervisor
Eric Smith, P.E., Senior Civil Engineer

SUBJECT: **Hearing and Resolution approving construction documents for the proposed construction of the 2012 Jones Street Urban Renewal Alley Project.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests that the City Council conduct a public hearing and approve the construction documents for the 2012 Jones Street Urban Renewal Alley project.

DISCUSSION:

The City continues to be active in the Jones Street Urban Renewal Area, and is investing CDBG funds into housing rehab and public facilities at the direction of the neighborhood and City Council. Staff continuously communicates with the Jones Street residents on potential projects for the neighborhood. More specifically, staff requested input on public improvement projects during a Food Pantry event at the Midtown Family Community Center. The majority of attendees supported the alley improvement project.

At this time, design plans and specifications are complete for the 2012 Jones Street Urban Renewal Alley project. This project includes milling, asphalt overlay work, and new concrete paving in alleys west of Jackson Street from 15th Street to 19th Street and other short alley sections in the area.

Bids will be received on April 10, 2012.

FINANCIAL IMPACT:

The project will be paid for with Community Development Block Grant (CDBG) funds, and will not impact the general fund. The funds will come from Project 719-210, Account 250-7901-473.22-38. This project has a current balance of \$214,846.

RELATIONSHIP TO STRATEGIC PLAN:

This action supports the Infrastructure Vision of the Strategic Plan, "We will invest in infrastructure to attract and retain business, spur residential growth, and increase quality of life".

ALTERNATIVES:

None.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2012 - _____

**RESOLUTION APPROVING CONSTRUCTION DOCUMENTS FOR
CONSTRUCTION OF THE 2012 JONES STREET URBAN RENEWAL ALLEY
PROJECT.**

WHEREAS, on the 19th day of March, 2012 plans, specifications, form of contract and estimated cost were filed with the Clerk of Sioux City, Iowa, for construction of the 2012 Jones Street Urban Renewal Alley 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 2012 Jones Street Urban Renewal Alley 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 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

X	Regular Session
	Study Session
	Closed Session

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 12

FROM: Jade Dundas, Utilities Director
Desiree McCaslen, Pretreatment Manager

SUBJECT: Ordinance repealing Chapter 13.07 entitled "Storm and Sanitary Sewer Regulations" and enacting in lieu thereof a new chapter to be codified the same and entitled "Stormwater and Sanitary Sewer Regulations" for the purpose of regulating the type and amount of discharge permitted into the sewer system of the City of Sioux City.

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

Staff respectfully requests Council adopt the above referenced ordinance which will allow for the protection of the City's infrastructure, better industrial compliance and ultimately the improvement of the water quality discharged to the Missouri River.

DISCUSSION:

In an effort to keep the municipal code current and enforceable, staff has reviewed 13.07 of Chapter 13. Review of this subchapter has revealed the need for minor grammar corrections; use of word uniformity; enhanced clarification and consistency to correspond with State and Federal regulations. A synopsis of the changes for each section of Chapter 13 is as follows:

Changes within Section 13.07 "Stormwater and Sanitary Sewer Regulations" include:

- 13.07.020 "Definitions" the following definitions were changed:
 - "Direct discharge industry" was removed due to no reference within this section.
 - "Major industrial user" was deleted and replaced with "Significant industrial user" to streamline definitions with state and Federal code.
 - "Natural outlet" was removed the definition of stormwater is sufficient.
 - "Sanitary sewage" was deleted the definition for "sewage" is sufficient.
 - "Private sewer" was deleted.
 - "Person" was deleted, "contributors" is sufficient.
 - "BOD" was redefined for clarification and consistency.
 - "Contributor" was redefined for clarification and consistency.
 - "Director" was redefined due to management changes within the City.
 - "Interference" was redefined to mirror federal code definitions.
 - "Property" was redefined for clarification and consistency.
 - "Pass Through" was redefined to mirror federal code definitions.
 - "Person" was deleted and replaced with "contributor"
 - "pH" was redefined for clarification and consistency.
 - "Public sewer" was redefined for clarification and consistency.
 - "Sanitary sewer" was redefined for clarification and consistency.

- “Sewage” was redefined for clarification and consistency.
- “Sewer user charge” was redefined for clarification and consistency.
- “Slug” was changed to be “Slug discharge” for clarification and consistency.
- “Storm sewer” was redefined for clarification and consistency.
- “Suspended solids” was changed to “Total suspended solids (TSS)” for clarification and consistency.
- “Garbage” was removed and replaced with “debris”.
- “Properly shredded garbage” was removed completely.
- Section 13.07.020 “Definitions” the following definitions were added to ensure control of discharges and allow for consistent enforcement:
 - “Bypass”
 - “City”
 - “Contributor”
 - “Debris”
 - “Dilution”
 - “Fats, oil and grease (FOG)”
 - “Groundwater remediation”
 - “Stormwater”
 - “WWTP”
- Section 13.07.030 was kept as “Uniform Plumbing Code”
- Section 13.07.035 was kept as “Low Pressure Sewage System”
- Section 13.07.040 was changed to “Prohibited Discharges to the Sanitary Sewer”
 - Includes original 13.07.040 “Discharges of untreated sewage-unlawful”
 - Includes original 13.07.050 “Discharges into sanitary sewer-Types not permitted”
 - Includes original 13.07.060 “Discharges of stormwater and other unpolluted waters”
 - Includes some language from original 13.07.110
 - Includes new pH discharge limits as approved by IDNR during pretreatment program modifications
 - Includes reference to groundwater remediation
- Section 13.07.05 was changed to “Prohibited connections to the sanitary sewer”
 - Includes original 13.07.080 “Connections to sanitary sewer-Types not permitted”
- Section 13.07.060 has been changed to “Permitted discharge into public sewers at discretion of Director”
 - Includes original 13.07.100
 - Includes wastes identified in federal code
- Section 13.07.070 has been changed to “Significant Industrial User Regulations”
 - Includes original 13.07.110 “Prohibited discharges-Nature of Director discretion Purview”
 - Includes original 13.07.120 “Sampling station”
 - Includes original 13.07.130 “Sampling of water and wastes-Method”
 - Includes original 13.07.140 “Permit required”
 - Includes original 13.07.160 “Major industrial user-Manufacturing data upon request”
 - Includes original 13.07.166 “Confidential information”
- Section 13.07.080 has been changed to “Groundwater Remediation Regulations”
 - Includes regulatory language for groundwater remediation discharges including
 - Permitting
 - Sampling

- Reporting
- Section 13.07.090 “Right of Entry”
 - Includes original 13.07.150
- Section 13.07.100 has been changed to “Sanitary sewer service connection”
 - Includes original 13.07.090
- Section 13.07.110 has been changed to “Enforcement Actions”
 - Includes some language from original 13.07.170 the rest was is referenced in the amended Enforcement Response Plan.
- Original 13.07.110 was moved to new section 13.07.07 “Significant Industrial User Regulations”
- Original 13.07.120 was moved to new section 13.07.07 “Significant Industrial User Regulations”
- Original 13.07.130 was moved to new section 13.07.07 “Significant Industrial User Regulations”
- Original 13.07.140 was moved to new section 13.07.07 “Significant Industrial User Regulations”
- Original 13.07.160 was moved to new section 13.07.07 “Significant Industrial User Regulations”
- Original 13.07.166 was moved to new section 13.07.07 “Significant Industrial User Regulations”

General changes throughout the document

- Capitalization of “City” where applicable.
- Capitalization of “Director” where applicable.
- Replacement of “his” with “his/her”
- Replacement of “he” with “he/she”
- Replacement of “person” with “contributor”
- Replacement of “major industrial user” with “significant industrial user”
- Replacement of “sanitary sewage” with “sanitary sewer”

FINANCIAL IMPACT:

None

RELATIONSHIP TO STRATEGIC PLAN:

Economic Opportunity Vision:

We will work with current business to create job growth and aggressively seek out opportunities to attract new economic growth.

Quality of Life Vision:

We will position Sioux City as a preferred community through marketing initiatives and growing local pride in our City.

Infrastructure Vision :

We will invest and secure our infrastructure to attract and retain business and increase quality of life.

ALTERNATIVES:

Council can choose to deny this action. - The result will be application of the previously recommended pretreatment ordinance and regulatory program.

Require staff to evaluate other options. –

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2012- _____

ORDINANCE REPEALING CHAPTER 13.07 ENTITLED "STORM AND SANITARY SEWER REGULATIONS" AND ENACTING IN LIEU THEREOF A NEW CHAPTER TO BE CODIFIED THE SAME AND ENTITLED "STORMWATER AND SANITARY SEWER REGULATIONS" FOR THE PURPOSE OF REGULATING THE TYPE AND AMOUNT OF DISCHARGE PERMITTED INTO THE SEWER SYSTEM OF THE CITY OF SIOUX CITY.

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

Section 1: Chapter 13.07 of the Sioux City Municipal Code is hereby repealed and the following new chapter to be codified the same is enacted as follows:

Chapter 13.07
Stormwater and Sanitary Sewer Regulations

Sections:

- 13.07.010 Purpose.
- 13.07.020 Definitions.
- 13.07.030 Uniform plumbing code reference.
- 13.07.035 Low pressure sewage systems.
- 13.07.040 ~~Discharge of untreated sewage - Unlawful.~~
Prohibited discharges into sanitary sewers.
- 13.07.050 ~~Discharges into sanitary sewers - Types not permitted.~~
Prohibited connections to the sanitary sewer.
- 13.07.060 ~~Discharge of stormwater and other unpolluted waters.~~
Permitted discharges into public sewers at the discretion of the Director.
- 13.07.070 Discharges into public sewers - Types not permitted.
Significant Industrial User regulations.
- 13.07.080 Connections to sanitary sewers - ~~Types not permitted.~~
Groundwater remediation regulations.
- 13.07.090 Right of Entry.
- ~~13.07.090~~100 Sanitary sewer service connections.
- ~~13.07.100~~ Discharges into public sewers - ~~Types permitted at discretion of director.~~
- 13.07.110 ~~Prohibited discharges - Nature of directors discretion - Purview.~~ Enforcement Actions.
- ~~13.07.120~~ ~~Sampling stations - When required - Installation and maintenance.~~
- ~~13.07.130~~ ~~Sampling of waters and wastes - Method.~~
- ~~13.07.140~~ ~~Permit required.~~
- ~~13.07.150~~ ~~Right of entry - Authority of director.~~
- ~~13.07.160~~ ~~Major industrial user - Manufacturing data furnished upon request.~~
- ~~13.07.166~~ ~~Confidential information.~~
- ~~13.07.170~~ ~~Enforcement actions.~~

13.07.010 Purpose. It is determined and declared to be necessary for the protection of the environment and public health, safety and welfare to regulate the type and amount of discharge permitted into the sanitary sewer system of the City and ~~to require necessary facilities for obtaining sewage samples.~~

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

13.07.020 Definitions. The following definitions shall apply to this chapter:

1. "Biochemical oxygen demand (BOD)" (~~denoting biochemical oxygen demand~~) means the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, results are expressed in milligrams per liter.

2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, the building sewer beginning outside the outer wall of the building.

3. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial users treatment facility.

4. "City" means the City of Sioux City, Iowa.

~~3- 5.~~ "Contributor" means any person, firm or corporation, except a ~~major significant~~ industrial user, as defined in subsection 8 of this section, owning, renting or operating and includes the occupants of, any lot, parcel of real estate or buildings where liquid or solid waste, or sewage, or industrial waste is produced which is discharged in the sewer system of the eCity.

6. "Debris" means something that has been broken into pieces such as garbage, trash and/or waste.

7. "Dilution" means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

~~4- 8.~~ "Director" means the ~~environmental services~~ Utilities dDirector of the eCity, or his authorized representative.

9. "Domestic strength" means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).

10. "Fats, oil and grease (FOG)" means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, results are expressed in milligrams per liter.

~~5- "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.~~

11. "Groundwater remediation" means wastewater generated in connection with investigating and/or remediating polluted groundwater or soil due to contamination.

~~6- 12.~~ "Industrial wastewater" means the wastewater liquid or other waste material entering the sanitary sewer sewage system resulting from any commercial, manufacturing or industrial operations or processes.

7- 13. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,

b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act. ~~an inhibition or disruption of the city treatment works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the city treatment work's NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of~~

sewage sludge use or disposal by the city treatment works in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such user:

— a. Discharges a daily pollutant loading in excess of that allowed by contract with the city or by federal, state or local law;

— b. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

— c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a city treatment works' permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the city's selected method of sludge management.

— 8. "Major industrial user" means any person, firm or corporation owning, and includes the occupants of, any lot, parcel of real estate or buildings where waste is produced which is discharged into the sewer system of the city and which:

— a. Has an industrial waste discharge of twenty-five thousand gallons of equivalent normal-strength domestic sewage or more per day; or

— b. Has an industrial waste discharge greater than five percent of the flow carried by the municipal system receiving the waste; or

— c. Has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307 (b) and (c) of the Federal Water Pollution Control Act Amendments of 1972; or

— d. Is found by the city to have significant impact, either singly or in combination with other contributing industries, or their treatment works or upon the quality of effluent from that treatment works; or

— e. Is listed in the applicable Industrial Cost Recovery Standard Industrial Classification.

— Major industrial users shall provide a sampling station and shall be monitored as required so as to properly calculate appropriate user charges.

9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

10. 14. "Pass through" means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation). the discharge of pollutants through the city treatment works into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation). An industrial user significantly contributes to such permit violation where it:

— a. Discharges a daily pollutant loading in excess of that allowed by contract with the city or by federal, state or local law;

— b. Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;

— c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

— d. Knows or has reason to know that the city treatment works is, for any reason, violating its final effluent limitations in its permit and that such industrial user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the city treatment works' violations.

— 11. "Person" means contributors and major industrial users.

~~12- 15. "pH" means the logarithm of the reciprocal of hydrogen ion concentration in gram atoms per liter, used to express the acidity or alkalinity of a solution on a scale of 0 -14, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity. the weight of hydrogen ions in grams per liter of solution.~~

~~—13. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.~~

~~—14. "Private sewer" means a sewer which is controlled by the property owner.~~

~~15- 16. "Property" means any piece or portion of real estate., including all buildings and structures located thereon, having a sewer or drainage system which immediately or remotely discharge into a public sewer, natural outlet or both.~~

~~16- 17. "Public sewer" means a sewer which is controlled by the City. public authority.~~

~~17- 18. "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerator drains, drinking fountains, swimming pools, stable floor drains and all other liquids not classified as industrial wastes that enter the sanitary sewer systems.~~

~~18- 19. "Sanitary sewer" means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal. a public or private sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.~~

~~19- 20. "Sewage" means a combination of the water-carried wastes from property, together with such ground, surface and storm waters as may be present. to the WWTP for treatment and disposal.~~

~~20 21. "Sewer" means a pipe or conduit for carrying sewage.~~

~~24 22. "Sewer user charge" means any and all rates, charges, fees or rentals levied against and payable by contributors and ~~major~~ significant industrial users.~~

~~22 23. "Shall" is mandatory. "May" is permissive.~~

~~24. "Significant industrial user (SIU)" means:~~

~~a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and~~

~~(1) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).~~

~~b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:~~

~~(1) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;~~

~~(2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and~~

~~(3) The Industrial User never discharges any untreated concentrated wastewater.~~

~~c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own~~

initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

25. "Slug discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.

23. "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

24. 26. "Storm sewer" means the collection of pipes and trunk mains designed to carry stormwater, surface water, and drainage, but excludes sewage and industrial wastewater, other than unpolluted cooling water. a public or private sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

25. 27. "Total suspended solids (TSS)" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid that is removable by laboratory filtering, results are expressed in milligrams per liter. solids that either float on the surface of, or are in suspension in, water, sewage or other liquid, and which are removable by laboratory filtering.

26. "Significant Noncompliance" means industrial user violations which meet one or more of the following criteria:

— a. Violations of wastewater discharge limits.

— (1) Chronic Violations. 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six month period.

— (2) Technical Review Criteria (TRC) Violations. 33% or more of the measurements equal or exceed the same daily maximum limit or the same average limit by more than the TRC in a six month period.

— There are two groups of TRCs:

— Group 1 - BOD, Suspended Solids, Fats, Oil, and grease, TRC = 1.4.

— Group 2 - for all other pollutants, TRC = 1.2.

— (3) Any permit violation, average or daily, that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, which endangers the health of the sewage treatment personnel or the public, or impairs the efficient operation of the City's Wastewater Treatment Plant.

— (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

— (5) Any violation which remains uncorrected forty-five days after notification of noncompliance.

— (6) Any violation which is part of a pattern of noncompliance over a twelve month period.

— b. Violations of compliance schedule milestones, contained in the local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.

— c. Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (base line monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.

— d. Failure to accurately report noncompliance.

— e. Failure to notify the director of planned reduction in flow which produces an inadequate sample for pollutant analysis.

— f. Any noncompliance as defined at 40 CFR 403.8(f)(2)(vii).

— g. Any other violation or group of violations that the control authority determines to be significant.

~~27. "Direct Discharge Industry" means industries that discharge directly to the headworks of the City's wastewater treatment plant and therefore do not utilize any of the lift stations and interceptor sewers and maintained by the City.~~

28. "WWTP" means the wastewater treatment plant owned and operated by the City.

13.07.030 Uniform plumbing code reference. The eCity has, pursuant to Chapter 20.14 of this code, adopted the Uniform Plumbing Code to govern the construction of utility systems on private property. The eCity has also adopted Standard Specifications for the Construction of Sanitary and Storm Sewers which has been approved by and are on file with the Iowa Department of Natural Resources. All construction of ~~private sewer facilities and~~ sewer facilities located in public right-of-way shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein. Before using any type of plastic pipe it shall be the responsibility of the consumer or installer to verify the absence of any contaminated soil which may negate the option of PVC or polyethylene pipe. If specified levels of contamination are discovered, the use of PVC or polyethylene pipe is prohibited. Information on contamination levels at which PVC or polyethylene pipe use is prohibited is available through the city engineering department.

13.07.035 Low pressure sewage systems. The following regulations apply to premises with low pressure sewage pumps connected to low pressure sewage collection systems within the eCity:

1. No low pressure sewage system shall connect to a eCity sewer without obtaining a special permit from the City. No permit shall be issued for a low pressure sewage system until the owner of the property to be served has given to the eCity an easement to permit pump replacement as hereinafter provided.

2. All low pressure sewage systems must comply with specifications prepared and approved by the city engineer

3. Installation of the necessary pipes and pump and maintenance of the low pressure sewage system is the responsibility of the property owner except at hereinafter provided.

4. In addition to the regular fees for the treatment of sewage, a low pressure sewage system owner shall pay a pump maintenance fee of five dollars per month. Payment of the fee shall entitle the owner to removal of a malfunctioning pump and installation of a new or refurbished pump by the eCity at no additional expense.

13.07.040 Discharge of untreated sewage – Unlawful. Prohibited discharges into sanitary sewers.

1. Discharge of untreated sewage:

a. It is unlawful to discharge into any storm sewer or natural outlet within the eCity or in any area under the jurisdiction of the eCity, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

2. Discharge of stormwater into the sanitary sewer:

a. No contributor shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewers unless otherwise authorized by the Director.

b. Stormwater and all other unpolluted drainage shall be discharged into storm sewers approved by the Director. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the Environmental Protection Agency or the Iowa Department of Natural Resources.

3. General prohibitions. These general prohibitions and the specific prohibitions of this chapter apply to each contributor introducing pollutants into a WWTP whether or not the contributor

is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.

a. No contributor may introduce into a WWTP any pollutant(s) which cause pass through or interference.

4. Specific prohibitions. The following pollutants shall not be introduced into the sanitary sewer and/or WWTP:

a. Pollutants which create a fire or explosion hazard in the WWTP, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

b. Pollutants which will cause corrosive structural damage to the sanitary sewer and/or WWTP,

c. Pollutants which have a discharge pH lower than 5.0 s.u. or greater than 11.5 s.u.

d. Any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the WWTP,

e. Any discharge with heat in such quantities that the temperature at the WWTP exceeds 40 degrees Centigrade or 104 degrees Fahrenheit which inhibits the biological activity of the WWTP and causes interference or pass through,

f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin,

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewer and/or WWTP in a quantity that may cause acute worker health and safety problems,

h. Any trucked in or hauled pollutants, except at discharge points designated by the WWTP,

i. Any debris which causes a restriction or blockage within the collection system,

5. No contributor shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

b. Any waters or wastes containing carcinogenic, toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant,

c. Any discharge prohibited by 40 CFR 403.5,

d. Any discharge prohibited by 40 CRR 403.6,

e. Any combination of discharges that cause the WWTP to exceed its influent capacity,

f. Any combination of discharges that cause the WWTP to exceed its regulated NPDES effluent discharge limits to the Missouri River.

6. Waters or wastes containing substances which are not amenable to treatment or reduction by the WWTP processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of the issued NPDES permit to the Missouri River.

13.07.050 Discharges into sanitary sewers - Types not permitted. Prohibited connections to the sanitary sewer. ~~No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewers.~~

1. No contributor shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

2. No contributor shall bypass or dilute any wastestream in lieu of adequate treatment or monitoring.

13.07.060 Discharge of stormwater and other unpolluted waters. Permitted discharges into public sewers at the discretion of the Director. ~~Stormwater and all other unpolluted~~

drainage shall be discharged into storm sewers, or into a natural outlet approved by the director. industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the Environmental Protection Agency or the Iowa State Department of Environmental Quality.

1. Contributors may discharge the following wastes upon expressed written permission from the Director. If the Director finds that the identified wastestreams will not harm the public sewers, the WWTP processes or equipment, not have an adverse effect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance then permission to discharge may be granted. These discharges include, but are not limited to:

a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees Centigrade;

b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit or zero degrees and sixty-five degrees Centigrade;

c. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;

d. Any waters or wastes containing metals, toxic organics and/or similar objectionable pollutants contained in 40 CFR 403.5,

e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with the applicable state or federal regulations;

f. Any waters or wastes having a pH less than 5.0 s.u. or in excess of 11.5 s.u.;

g. Materials which exert or cause:

(1) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

(2) Any slug load resulting in unusual treatment requirements in such quantities as to constitute a significant load on the WWTP,

h. Any waters or wastes having:

(1) A BOD concentration greater than two hundred fifty parts per million (250 mg/L) by weight;

(A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(2) A TSS concentration more than three hundred fifty parts per million (300 mg/L) by weight;

(A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(3) A FOG concentration more than one hundred parts per million (100 mg/L); and/or

(A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(4) An average daily flow greater than two percent of the average sewage flow of the WWTP;

i. Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/L.

j. Septic tank waste.

2. Contributors may discharge wastewater generated from groundwater remediation sites involving groundwater and/or soil contamination upon expressed written permission from the Director. These discharges may include, but are not limited to:

a. Volatile organic compounds (VOC)

b. Chlorinated solvents

c. Hydrocarbons

d. Metals

e. Base neutral and acid extractables

f. Semi-Volatile organic compounds

g. Pesticides

13.07.070 Discharges into public sewers - Types not permitted. Significant Industrial User regulations. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- ~~—1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;~~
- ~~—2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged into the public sewer;~~
- ~~—3. Any discharge prohibited by 40 CFR Section 403.5;~~
- ~~—4. Any discharge prohibited by 40 CFR Section 403.6;~~
- ~~—5. Any combination of discharges that cause a treatment plant to exceed its influent capacity as listed in Section 8 of the city of Sioux City's 1983 Pretreatment Program.~~

- 1. The preceding regulations ensure the following in accordance with 40 CFR 403.2:
 - a. Prevent the introduction of pollutants in the sanitary sewer system which will interfere with the operations of the WWTP, including interference with its use or disposal of municipal sludge,
 - b. Prevent the introduction of pollutants to the sanitary sewer system which will pass through the WWTP or otherwise be incompatible with such operations, and/or
 - c. Improve opportunities to recycle and reclaim municipal and industrial wastewaters and/sludges for reuse or sale.

2. Permit Application/Renewal.

a. Any contributor considered a SIU shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:

- (1) Name, address and contact information of the applicant,
- (2) Location and legal description of the property to be covered by the permit,
- (3) A general statement of the type of operations conducted at the facility.
- (4) A plat of the property showing accurately the sewers and drains, including sanitary and stormwater,
- (5) A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:
 - (A) A description of the character of each waste,
 - (B) The daily volume and maximum rates of discharge,
 - (C) Representative analysis of the proposed wastestream if possible;
- (6) Each SIU shall furnish the City with information regarding the volume of wastewater per unit of production and the resulting discharge according to the production rate.

b. All applications shall require the applicant to agree to:

- (1) Furnish at the request of the Director any additional information relating to the installation or use of the industrial sewer for which the permit is sought,
- (2) Accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,
- (3) Operate and maintain any wastewater pretreatment facilities, as may be required, as a condition of the acceptance to discharge into the public sewers, of the waste involved, in an efficient manner at all times, and at no expense to the City,
- (4) Cooperate at all times with the Director in the inspecting, sampling and studying of any wastestreams generated by the permittee and in the inspecting of any facilities,
- (5) To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and
- (6) To provide and submit notices and reports as required by 40 CFR 403.12.

c. Each SIU shall be required to submit a Slug Control Plan as part of the permit application/renewal process. This plan will include but is not limited to:

(1) A detailed plan of the procedures and policies which are in place to prevent the occurrence of a slug discharge,

(A) The plan should also detail the steps to control and report discharges in the event that a slug discharge occurs.

(B) The plan shall be updated upon permit renewal or as part of a significant process or pretreatment modification.

d. After examination by the Director, of the information contained in the submitted permit application, it is determined:

(1) That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.

(2) That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:

(A) Rejection of the wastes, no alternative,

(B) Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.

(i) if pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;

(ii) a compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.

(iii) All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and

(iv) The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.

(C) Require control over the volume and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer user charges under the provision of this chapter.

e. Each permitted SIU, ninety (90) days prior to the expiration of said permit, shall submit a permit renewal application to the Director.

f. Any SIU that identify information provided in a permit application or permit renewal as "Confidential Information" shall restrict the availability of said information in accordance with Chapter 68A of the Code of Iowa and other applicable state and federal law.

3. General Requirements.

a. All permitted SIUs shall install a suitable sampling station for the collection and evaluation of discharges. Sampling stations shall include, but are not limited to:

(1) Be constructed at a common outfall after all process wastewater is combined,

(2) Flow metering capabilities for reporting representative flow data during high and low flow,

(A) Flow meter calibrations shall be coordinated and scheduled by the City every six (6) months, with the appropriate charges paid for by the SIU as part of the Sampling Fee (13.08.060);

(B) In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements.

(3) Sampling equipment capable flow paced sampling to ensure fluctuations in operation are represented in the composite sample collected for analysis,

(A) Sampler maintenance and calibrations shall be completed by the SIU in accordance with the operation manual for said equipment.

(4) Sink with hot water to ensure the sampling equipment can be cleaned between sampling events.

(5) Sampling stations shall be safe and accessible by the Director at any given time for the purpose of discharge monitoring.

(A) In the event that a sampling station is not accessible or provided, samples shall be collected, if necessary, from the nearest downstream manhole of the sewer from the point at which the building sewer is connected;

(6) The sampling station shall be installed and maintained by the contributor, at the contributor's expense.

b. All permitted SIUs shall communicate to the Director prior to, or immediately preceding any of the following:

(1) Process changes including but not limited to;

(A) Increases or decreases in operation/production that would affect the volume and/or concentration of wastewater discharging from the facility.

(B) Chemical changes that may affect the integrity of the wastewater being contributed.

(C) Addition or reduction of pretreatment processes that may affect the integrity of the wastewater being contributed.

(2) Slug discharges that have the potential to impact the collection system and/or the operation of the WWTP.

(3) Spills that have the potential to impact the collection system and/or the operation of the WWTP.

(4) Shut downs scheduled or unscheduled that will affect the volume and/or concentration of wastewater discharging from a facility, and/or

(5) Any internal contact changes.

c. All SIUs shall utilize best management practices to ensure pollutant prevention and control of pollutant concentrations discharging including by not limited to:

(1) Appropriate maintenance and operation of existing pretreatment systems.

(2) Settling pit monitoring should be performed through the use of a sludge judge. Settling pits/tanks should be pumped or cleaned out prior to the amount of solids and/or grease amounting to 25% of the available pit volume.

(3) Standard operating procedures shall be utilized, where applicable, to ensure control of pollutants discharging from facility operations.

(4) High strength waste is controlled and/or disposed of appropriately.

(5) Dry clean up is utilized internally as much as possible prior to clean up/sanitation, and

(6) Training of staff is performed to ensure that facility employees understand the importance of pollutant prevention in controlling discharge concentrations from the facility;

d. All SIUs must submit written notification of a proposed production increase of 10% or more to the Director. The Director may require the SIU to increase pretreatment capabilities for the nature of the discharge.

4. Sampling and Analysis.

a. All analysis referenced in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and with regulations set forth in 40 CFR 136.

b. Sampling shall be performed to:

(1) Determine the existence of hazards to life, limb and/or property,

(2) Determine the concentration of pollutants discharging from a facility in an effort to:

(A) Determine cost for treatment,

(B) Maintain compliance with WWTP influent capacities for treatment, and

(C) Monitor pollutant impact on the sanitary sewer system,

c. The particular analysis being evaluated will determine whether a twenty-four hour composite is appropriate or whether a grab sample or samples should be collected;

d. The City has agreed to undertake non-categorical SIU sampling and reporting. In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements;

e. At the request of the permittee, split samples may be taken at the time of sample collection for the SIU to perform additional analysis of the effluent discharge. To ensure defensible samples are analyzed, samples must comply with the following;

(1) Samples must be preserved according to regulations in 40 CFR 136,

(2) Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,

(3) Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature of all responsible parties,

(4) Samples must be evaluated by a certified laboratory for the requested analysis.

5. Reporting requirements.

a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulation. These reports include but are not limited to:

(1) Flow monitoring reports,

(2) Effluent analysis in excess of those analysis performed by the Director under the approved requirements of the administered Pretreatment Program;

b. Categorical compliance reports shall be submitted bi-annually by the 31st day of June and the 31st day of December. These reports include but are not limited to:

(1) Self monitoring reports for compliance monitoring,

(2) Certification statements for continued compliance;

c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12, these reports include but are not limited to:

(1) Baseline monitoring reports,

(2) Accidental spill or slug loads within 24 hours of communicated event, including:

(A) The nature and cause of the spill,

(B) Remediation and disposal information, and

(C) Control mechanisms put in place to prevent the occurrence from happening again;

(3) Changes in identifying information, including facility name and authorized representative(s),

(4) Changes in pollutant concentration and/or production volumes, prior to process changes,

(5) Changes to pretreatment processes, prior to modification.

13.07.080 Connections to sanitary sewers - Types not permitted— Groundwater remediation regulations. ~~No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.~~

1. Purpose.

a. The regulations contained in this section govern the removal of pollutants from soil and/or groundwater contamination in an effort to protect the quality of the water table used for irrigation, drinking water and/or other application.

2. Permit Application.

a. Any contributor requesting permission/authorization to discharge groundwater remediation wastewater shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:

(1) Name, address and contact information of the applicant,

(2) Location and legal description of the remediation site to be covered by the permit,

(3) A general statement of the type of operations conducted at the facility and the reason(s) for the remediation project.

(A) If the applicant proposing to create, originate or maintain a groundwater remediation discharge knows or has reasonable suspicion that any other pollutant has been used, stored, released and/or disposed of which could be toxic, hazardous or detrimental to the sanitary sewer system or the operation of the WWTP and/or cause interference or pass through additional analysis and/or treatment may be required by the Director.

(4) A plat of the property showing accurately the sewers and drains, including sanitary and stormwater.

(5) A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:

(A) A description of the character of each waste,

(B) The daily volume and maximum rates of discharge,

(C) Representative screening analysis of the proposed wastestream if possible;

(6) An initial screening panel should include all toxicants and/or pollutants expected to be present in the discharge. Additional testing may be required based on site history.

b. All applications shall require the applicant to agree:

(1) To furnish at the request of the Director any additional information relating to the installation or use of the sewer for which the permit is sought,

(2) To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,

(3) To operate and maintain any wastewater pretreatment facilities in an efficient manner at all times and at no expense to the City,

(4) To cooperate at all times with the Director in the inspecting, sampling and studying of any wastestream generated by the permittee and in the inspecting of any facilities,

(5) To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and

(6) To provide and submit notices and reports as required by 40 CFR 403.12.

c. After examination by the Director, of the information contained in the submitted permit application, it is determined:

(1) That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.

(2) That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:

(A) Rejection of the wastes, no alternative,

(B) Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.

(i) If pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;

(ii) A compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.

(iii) All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and

(iv) The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.

(C) Require control over the volume and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges under the provision of this chapter.

d. The Director shall issue Groundwater Remediation permits on an annual basis with a maximum duration of five (5) years:

(1) Permits may be extended in year increments provided permit renewal applications are filed with the Director ninety (90) days prior to the expiration of the issued permit.

3. General Requirements.

a. Sampling and analysis shall be determined by site chemical history and from initial testing, based on pollutants that have been used, stored, released and/or disposed of on site:

(1) Samples must be preserved according to regulations in 40 CFR 136,

(2) Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,

(3) Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature(s) of all responsible parties,

(4) Samples must be evaluated by a certified laboratory for the requested/required analysis.

b. Sampling and analysis shall be completed once a month during the first six months of the permit cycle for new dischargers. If the discharge maintains compliance with applicable permit limits, the required frequency will be reduced to once every 6 months for the duration of the project/permit. Non-compliance may result in more frequent sampling at the request of the Director.

4. Reporting requirements.

a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulations. These reports include but are not limited to:

(1) Flow monitoring reports,

b. Categorical compliance reports shall be submitted bi-annually by the 31st day of June and the 31st day of December. These reports include but are not limited to:

(1) Self monitoring reports for compliance monitoring,

(2) Certification statements for continued compliance;

c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12; these reports include but are not limited to:

(1) Baseline monitoring reports,

(2) Accidental spill or slug loads within 24 hours of communicated event, including:

(A) The nature and cause of the spill,

(B) Remediation and disposal information, and

(C) Control mechanisms put in place to prevent the occurrence from happening again;

(3) Changes in identifying information, including facility name and authorized representative(s),

(4) Changes in pollutant concentration and/or production volumes, prior to process changes.

(5) Changes to pretreatment processes, prior to modification.

13.07.090 Right of Entry.

1. The director shall be permitted to enter any property other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, set up and use of monitoring equipment, sampling, testing, or inspecting and copying records in accordance with the provisions of this chapter, state regulation and /or federal code; provided, that:

a. If such property is occupied he/she shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefore; and

b. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his/her reason therefore,

c. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.

2. Notwithstanding the foregoing, if the Director has reasonable cause to believe that prohibited waters or wastes are being discharged from any property into a public sewer, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.

a. If the property is occupied, he/she shall first present the proper credentials to the occupant and demand entry, explaining his/her reasons therefore and the purpose of his inspection.

b. No contributor shall fail or refuse, after proper demand has been made upon him, as provided in this subsection, to promptly permit the director to make any inspection provided for by this subsection.

c. Violating this subsection is guilty of a misdemeanor.

3. The director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

4. While performing the necessary work on property referred to in this section, the director shall observe all applicable safety rules established by the owner of the property.

13.07.090 100 Sanitary sewer service connections. Whenever possible, the building sewer shall be brought into the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer.

~~**13.07.100 Discharges into public sewers – Types permitted at discretion of director.** No person shall discharge or cause to be discharged to any public sewer the following described substances, materials, waters or wastes without the expressed written permission from the director. The director may give his permission if he finds such wastes will not harm the public sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:~~

~~—1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty five degrees Centigrade;~~

~~—2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty two degrees and one hundred fifty degrees Fahrenheit or zero degrees and sixty five degrees Centigrade;~~

~~—3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the director;~~

~~—4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;~~

~~—5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;~~

- ~~—6. Any waters or wastes containing penults or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the director as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;~~
- ~~—7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with the applicable state or federal regulations;~~
- ~~—8. Any waters or wastes having a pH in excess of 9.5;~~
- ~~—9. Materials which exert or cause:

 - ~~— a. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);~~
 - ~~— b. Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;~~
 - ~~— c. Unusual concentration of wastes constituting slugs;~~~~
- ~~—10. Any waters or wastes having: (A) a five-day biochemical oxygen demand greater than three hundred parts per million by weight; or (B) containing more than three hundred fifty parts per million by weight of suspended solids, or (C) having an average daily flow greater than two percent of the average sewage flow of the city;~~
- ~~—11. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.~~
- ~~—12. Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/L.~~
- ~~—13. Septic tank waste from a truck or tank or bulk holding device by whatever description~~

13.07.110 Prohibited discharges – Nature of directors discretion – Purview. Enforcement Actions. All enforcement actions entitled to the Director for violations of this chapter, state and/or federal code are documented in the City of Sioux City Enforcement Response Plan (ERP) which describes the processes for obtaining and evaluating compliance, for identifying non-compliance, for selecting an appropriate enforcement action and/or fine, and for resolving non-compliance in a timely manner in accordance with 40 CFR 403.8 (f)(viii)(H)(5) including but not limited to:

1. Fines/Penalties. Any person who has violated or is violating the provisions of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation per day, for the duration of the violation. Fines shall be issued where applicable following the penalty structure in 01.04.100 of the City of Sioux City Municipal Code, including but not limited to:

 - a. First infraction-NOV
 - b. Second infraction- \$175.00 per day per violation
 - c. Third infraction - \$350.00 per day per violation
 - d. Fourth infraction-\$500.00 per day per violation
 - e. Fifth infraction-\$750.00 per day per violation
 - f. Continued non-compliance will result in the issuance of \$1,000.00 per day per violation
2. Injunctive Relief/Termination of Service. In case any person has violated or is violating the provisions of this chapter, the Director may petition the court for the issuance of a preliminary or permanent injunction or both, which restrains or compels the activities on the part of the person. The Director shall have such remedies to collect all associated fees as are available to collect other sewer service charges.
3. Criminal Actions. Any person who willfully or negligently violates any provision of this chapter, or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 per violation per day or impi-

soned in the county jail for a period not to exceed thirty (30) days. Each separate provision of this chapter violated shall constitute a separate offense.

~~1. If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.07.100, and which in the judgment of the director, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:~~

~~— a. Reject the wastes;~~

~~— b. Require Pretreatment to an acceptable condition for discharge into the public sewers. To this end, the director may require pretreatment to (A) reduce the biochemical oxygen demand to three hundred parts per million by weight, or (B) reduce the suspended solids to three hundred fifty parts per million by weight;~~

~~— c. Require control over the quantities and rates of discharge; and/or~~

~~— d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.~~

~~2. If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and written approval of the director and subject to the requirements of all applicable codes, ordinances and laws. The director may require a compliance schedule for the design, construction and installation of equipment for such pretreatment works. No construction shall commence on such pretreatment facilities until the written approval of the director is obtained. The costs of all pretreatment facilities shall be paid by the person contributing the wastes.~~

13.07.120 Sampling stations – When required – Installation and maintenance. ~~The owner of any property serviced by a building sewer carrying industrial waste shall, at the request of the director, install a suitable sampling station or stations upon each and every building sewer or combine the building sewers into one common building sewer upon which one sampling station shall be placed. The sampling station or stations shall be furnished with such necessary meters and other appurtenances in the building sewer or sewers to facilitate observation, sampling and measurement of the wastes. Such sampling station or stations shall be accessible and safely located, and shall be constructed in accordance with plans approved by the director. The sampling station or stations shall be installed and maintained by the owner at the owner's expense and shall be maintained so as to be safe, accessible and in good working order at all times. Said stations shall be secure with access limited to City and other authorized industrial personnel only.~~

13.07.130 Sampling of waters and wastes – Method. ~~All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the sampling station provided, or upon suitable samples taken at the sampling station. In the event that no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all outfalls whereas pH's are determined from periodic grab samples.)~~

13.07.140 Permit required.

~~—1. No major industrial user shall discharge or cause to be discharged to any public sewer any industrial wastes without a valid permit from the director. When the director has reason to believe that a contributor has been discharging, is discharging or is about to discharge any industrial wastes into a public sewer and that a permit should be required of the contributor to effectuate the requirements of this chapter, he shall request such contributor to file an application for such a permit, which application shall be completed and returned to the director within thirty days after the receipt thereof.~~

~~—2.a. All applications for a permit under this section shall require the applicant to provide:~~

~~—— (1) The name, address and telephone number of the applicant;~~

~~—— (2) The location and legal description of the property to be covered by the permit;~~

~~—— (3) A general statement of the type of operations conducted and to be conducted on the property;~~

~~—— (4) A plat of the property showing accurately all sewers and drains;~~

~~—— (5) A complete schedule of all process waters and industrial wastes produced or expected to be produced for discharge from the property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses.~~

~~— b. All applications shall also require the applicant to agree:~~

~~—— (1) To furnish at the request of the director any additional information relating to the installation or use of the industrial sewer for which the permit is sought;~~

~~—— (2) To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future;~~

~~—— (3) To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewers of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city;~~

~~—— (4) To cooperate at all times with the director in the inspecting, sampling and study of the industrial wastes and in the inspecting of any facilities provided for pretreatment; and~~

~~—— (5) To notify the director immediately in the event of any accident, negligence or other occurrence with occasions discharged into the public sewers of any wastes or process waters not covered by the permit;~~

~~—— (6) To provide and submit notices and reports as required by 40 CFR Section 403.12.~~

~~—3. If, after examination by the director of the information contained in an application for a permit hereunder, it is determined by the director that the characteristics of the proposed discharge do not conflict with the provisions of this chapter, a permit shall forthwith be issued allowing the discharge of such wastes to the public sewers; but, if it is determined by the director that the characteristics of the wastes are not in compliance with the provisions of this chapter, the application shall be denied by the director and the applicant forthwith advised in writing by the director of steps which must be taken to insure compliance with the provisions of this chapter.~~

~~13.07.150 Right of entry – Authority of director.~~

~~—1.a. The director shall be permitted to enter any property other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, set up and use of monitoring equipment, sampling, testing, or inspecting and copying records in accordance with the provisions of this chapter; provided, that:~~

~~—— (1) If such property is occupied he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor; and~~

~~—— (2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner of such property and request entry, explaining his reason therefor.~~

~~— b. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the director shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.~~

~~—2. Notwithstanding the foregoing, if the director has reasonable cause to believe that waters or wastes of the types referred to in Sections 13.07.090 and 13.07.100 are being discharged from any property into a public sewer or natural outlet, and has reasonable cause to believe~~

that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he shall first present the proper credentials to the occupant and demand entry, explaining his reasons therefor and the purpose of his inspection. No person shall fail or refuse, after proper demand has been made upon him, as provided in this subsection, to promptly permit the director to make any inspection provided for by this subsection. Any person violating this subsection is guilty of a misdemeanor.

—3. The director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

—4. While performing the necessary work on property referred to in this section, the director shall observe all applicable safety rules established by the owner of the property.

13.07.160 Major industrial user - Manufacturing data furnished upon request. Each major industrial user shall, upon request of the director, furnish the city with information regarding the number of units processed in a stated period and the number of units of finished product produced in the same period.

13.07.166 Confidential information. Information and data on a user obtained from a report, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless such availability is prohibited or prescribed by Chapter 68A of the Code of Iowa or other applicable state and federal law. To the extent that the city of Sioux City is required to maintain the confidentiality of the above records pursuant to Chapter 68A of the Code of Iowa, other applicable state or federal law, such information and data on a user will be permitted to be available to the public or a government agency only upon compliance with the terms and conditions of such applicable state and federal laws.

13.07.170 Enforcement actions.

—1. General. It shall be the duty of the director to enforce the provisions of this chapter.

—2. Notice of Violation. Whenever the director finds that any person has violated or is violating the provisions of this chapter, or a permit or order issued hereunder, the director may serve upon said person written notice of the violation and the director may designate a compliance schedule for corrections of the violation, which will become an addendum to the user's permit. Within ten (10) days of service of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future similar violations, including specific required actions and specific compliance schedules, shall be submitted in writing to the director. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice.

—3. Civil Actions. In case any person violates or has violated any provision of this chapter, the City in addition to other remedies may institute appropriate actions for legal or equitable relief.

— a. Injunctive Relief. In case any person has violated or is violating the provisions of this chapter, the director may petition the court for the issuance of a preliminary or permanent injunction or both which restrains or compels the activities on the part of the person. The director shall have such remedies to collect all associated fees as are available to collect other sewer service charges.

— b. Penalties. Any person who has violated or is violating the provisions of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars per violation per day for the duration of the violation.—

~~—c. Consent Orders. The director is empowered to enter into consent orders, assurance of voluntary compliance, or other documents establishing an agreement with the person or persons responsible for the violation. Such orders shall include specific action to be taken by the person to correct the violation within a time period specified by the order. Consent orders shall have the same force and effect as the other provisions of this chapter and shall be considered an addendum to the user permit.~~

~~—4. Criminal Actions. Any person who willfully or negligently violates any provision of this chapter, or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100 per violation per day or imprisoned in the county jail for a period not to exceed thirty (30) days. Each separate provision of this chapter violated shall constitute a separate offense.~~

~~—5. Nuisance Abatement. Any construction or unlawful discharge of sanitary sewage or industrial waste into a public sewer in violation of any of the provisions of this chapter or the requirements thereof, is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.~~

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

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

Section 4: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Chapter 13.07 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: _____

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

Lisa L. McCardle, City Clerk

ORDINANCE NO. 2012 - _____

ORDINANCE REPEALING CHAPTER 13.07 ENTITLED "STORM AND SANITARY SEWER REGULATIONS" AND ENACTING IN LIEU THEREOF A NEW CHAPTER TO BE CODIFIED THE SAME AND ENTITLED "STORMWATER AND SANITARY SEWER REGULATIONS" FOR THE PURPOSE OF REGULATING THE TYPE AND AMOUNT OF DISCHARGE PERMITTED INTO THE SEWER SYSTEM OF THE CITY OF SIOUX CITY.

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

Section 1: Chapter 13.07 of the Sioux City Municipal Code is hereby repealed and the following new chapter to be codified the same is enacted as follows:

Chapter 13.07
Stormwater and Sanitary Sewer Regulations

Sections:

- 13.07.010 Purpose.
- 13.07.020 Definitions.
- 13.07.030 Uniform plumbing code reference.
- 13.07.035 Low pressure sewage systems.
- 13.07.040 Prohibited discharges into sanitary sewers.
- 13.07.050 Prohibited connections to the sanitary sewer.
- 13.07.060 Permitted discharges into public sewers at the discretion of the Director.
- 13.07.070 Discharges into public sewers - Significant Industrial User regulations.
- 13.07.080 Connections to sanitary sewers - Groundwater remediation regulations.
- 13.07.090 Right of Entry.
- 13.07.100 Sanitary sewer service connections.
- 13.07.110 Enforcement Actions.

13.07.010 Purpose. It is determined and declared to be necessary for the protection of the environment and public health, safety and welfare to regulate the type and amount of discharge permitted into the sewer system of the City.

13.07.020 Definitions. The following definitions shall apply to this chapter:

1. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, results are expressed in milligrams per liter.
2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, the building sewer beginning outside the outer wall of the building.
3. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial users treatment facility.
4. "City" means the City of Sioux City, Iowa.
5. "Contributor" means any person, firm or corporation, except a significant industrial user, owning, renting or operating any lot, parcel of real estate or buildings where liquid or solid waste or sewage is produced which is discharged in the sewer system of the City.
6. "Debris" means something that has been broken into pieces such as garbage, trash and/or waste.

7. "Dilution" means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

8. "Director" means the Utilities Director of the City, or his authorized representative.

9. "Domestic strength" means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).

10. "Fats, oil and grease (FOG)" means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, results are expressed in milligrams per liter.

11. "Groundwater remediation" means wastewater generated in connection with investigating and/or remediating polluted groundwater or soil due to contamination.

12. "Industrial wastewater" means the wastewater entering the sanitary sewer system resulting from any manufacturing or industrial operation or process.

13. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,

b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

14. "Pass through" means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).

15. "pH" means the logarithm of the reciprocal of hydrogen ion concentration in gram atoms per liter, used to express the acidity or alkalinity of a solution on a scale of 0 -14, where less than 7 represents acidity, 7 neutrality, and more than 7 alkalinity.

16. "Property" means any piece or portion of real estate.

17. "Public sewer" means a sewer which is controlled by the City.

18. "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, refrigerator drains, drinking fountains, swimming pools, stable floor drains and all other liquids not classified as industrial wastes that enter the sanitary sewer systems.

19. "Sanitary sewer" means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.

20. "Sewage" means a combination of the water-carried wastes from property to the WWTP for treatment and disposal.

21. "Sewer" means a pipe or conduit for carrying sewage.

22. "Sewer user charge" means any and all rates, charges, fees or rentals levied against and payable by contributors and significant industrial users.

23. "Shall" is mandatory. "May" is permissive.

24. "Significant industrial user (SIU)" means:

a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(1) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(1) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(3) The Industrial User never discharges any untreated concentrated wastewater.

c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

25. "Slug discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.

26. "Storm sewer" means the collection of pipes and trunk mains designed to carry stormwater, surface water, and drainage, but excludes sewage and industrial wastewater, other than unpolluted cooling water.

27. "Total suspended solids (TSS)" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid that is removable by laboratory filtering, results are expressed in milligrams per liter.

28. "WWTP" means the wastewater treatment plant owned and operated by the City.

13.07.030 Uniform plumbing code reference. The City has, pursuant to Chapter 20.14 of this code, adopted the Uniform Plumbing Code to govern the construction of utility systems on private property. The City has also adopted Standard Specifications for the Construction of Sanitary and Storm Sewers which has been approved by and are on file with the Iowa Department of Natural Resources. All construction of sewer facilities located in public right-of-way shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein. Before using any type of plastic pipe it shall be the responsibility of the consumer or installer to verify the absence of any contaminated soil which may negate the option of PVC or polyethylene pipe. If specified levels of contamination are discovered, the use of PVC or polyethylene pipe is prohibited. Information on contamination levels at which PVC or polyethylene pipe use is prohibited is available through the city engineering department.

13.07.035 Low pressure sewage systems. The following regulations apply to premises with low pressure sewage pumps connected to low pressure sewage collection systems within the City:

1. No low pressure sewage system shall connect to a City sewer without obtaining a special permit from the City. No permit shall be issued for a low pressure sewage system until the owner of the property to be served has given to the City an easement to permit pump replacement as hereinafter provided.

2. All low pressure sewage systems must comply with specifications prepared and approved by the city engineer

3. Installation of the necessary pipes and pump and maintenance of the low pressure sewage system is the responsibility of the property owner except at hereinafter provided.

4. In addition to the regular fees for the treatment of sewage, a low pressure sewage system owner shall pay a pump maintenance fee of five dollars per month. Payment of the fee shall entitle the owner to removal of a malfunctioning pump and installation of a new or refurbished pump by the City at no additional expense.

13.07.040 Prohibited discharges into sanitary sewers.

1. Discharge of untreated sewage:

a. It is unlawful to discharge into any storm sewer within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

2. Discharge of stormwater into the sanitary sewer;

a. No contributor shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewers unless otherwise authorized by the Director.

b. Stormwater and all other unpolluted drainage shall be discharged into storm sewers approved by the Director. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet; such discharges must have a discharge permit issued by the Environmental Protection Agency or the Iowa Department of Natural Resources.

3. General prohibitions. These general prohibitions and the specific prohibitions of this chapter apply to each contributor introducing pollutants into a WWTP whether or not the contributor is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements.

a. No contributor may introduce into a WWTP any pollutant(s) which cause pass through or interference.

4. Specific prohibitions. The following pollutants shall not be introduced into the sanitary sewer and/or WWTP;

a. Pollutants which create a fire or explosion hazard in the WWTP, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

b. Pollutants which will cause corrosive structural damage to the sanitary sewer and/or WWTP,

c. Pollutants which have a discharge pH lower than 5.0 s.u. or greater than 11.5 s.u.

d. Any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the WWTP,

e. Any discharge with heat in such quantities that the temperature at the WWTP exceeds 40 degrees Centigrade or 104 degrees Fahrenheit which inhibits the biological activity of the WWTP and causes interference or pass through,

f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin,

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sanitary sewer and/or WWTP in a quantity that may cause acute worker health and safety problems,

h. Any trucked in or hauled pollutants, except at discharge points designated by the WWTP,

i. Any debris which causes a restriction or blockage within the collection system,

5. No contributor shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 - b. Any waters or wastes containing carcinogenic, toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving waters of the sewage treatment plant,
 - c. Any discharge prohibited by 40 CFR 403.5,
 - d. Any discharge prohibited by 40 CRR 403.6,
 - e. Any combination of discharges that cause the WWTP to exceed its influent capacity,
 - f. Any combination of discharges that cause the WWTP to exceed its regulated NPDES effluent discharge limits to the Missouri River.
6. Waters or wastes containing substances which are not amenable to treatment or reduction by the WWTP processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of the issued NPDES permit to the Missouri River.

13.07.050 Prohibited connections to the sanitary sewer.

- 1. No contributor shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- 2. No contributor shall bypass or dilute any wastestream in lieu of adequate treatment or monitoring.

13.07.060 Permitted discharges into public sewers at the discretion of the Director.

- 1. Contributors may discharge the following wastes upon expressed written permission from the Director. If the Director finds that the identified wastestreams will not harm the public sewers, the WWTP processes or equipment, not have an adverse effect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance then permission to discharge may be granted. These discharges include, but are not limited to:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees Centigrade;
 - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit or zero degrees and sixty-five degrees Centigrade;
 - c. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions;
 - d. Any waters or wastes containing metals, toxic organics and/or similar objectionable pollutants contained in 40 CFR 403.5,
 - e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with the applicable state or federal regulations;
 - f. Any waters or wastes having a pH less than 5.0 s.u. or in excess of 11.5 s.u.;
 - g. Materials which exert or cause:
 - (1) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
 - (2) Any slug load resulting in unusual treatment requirements in such quantities as to constitute a significant load on the WWTP,
 - h. Any waters or wastes having:
 - (1) A BOD concentration greater than two hundred fifty parts per million (250 mg/L) by weight;
 - (A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(2) A TSS concentration more than three hundred fifty parts per million (300 mg/L) by weight;

(A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(3) A FOG concentration more than one hundred parts per million (100 mg/L); and/or

(A) Contributors discharging in excess of domestic strength may be subject to additional treatment costs as discussed in 13.08 of this chapter.

(4) An average daily flow greater than two percent of the average sewage flow of the WWTP;

i. Any waters or wastes containing dissolved sulfides in excess of 0.5 mg/L.

j. Septic tank waste.

2. Contributors may discharge wastewater generated from groundwater remediation sites involving groundwater and/or soil contamination upon expressed written permission from the Director. These discharges may include, but are not limited to:

a. Volatile organic compounds (VOC)

b. Chlorinated solvents

c. Hydrocarbons

d. Metals

e. Base neutral and acid extractables

f. Semi-Volatile organic compounds

g. Pesticides

13.07.070 Discharges into public sewers - Significant Industrial User regulations.

1. The preceding regulations ensure the following in accordance with 40 CFR 403.2:

a. Prevent the introduction of pollutants in the sanitary sewer system which will interfere with the operations of the WWTP, including interference with its use or disposal of municipal sludge,

b. Prevent the introduction of pollutants to the sanitary sewer system which will pass through the WWTP or otherwise be incompatible with such operations, and/or

c. Improve opportunities to recycle and reclaim municipal and industrial wastewaters and/sludges for reuse or sale.

2. Permit Application/Renewal.

a. Any contributor considered a SIU shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:

(1) Name, address and contact information of the applicant,

(2) Location and legal description of the property to be covered by the permit,

(3) A general statement of the type of operations conducted at the facility.

(4) A plat of the property showing accurately the sewers and drains, including sanitary and stormwater,

(5) A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:

(A) A description of the character of each waste,

(B) The daily volume and maximum rates of discharge,

(C) Representative analysis of the proposed wastestream if possible;

(6) Each SIU shall furnish the City with information regarding the volume of wastewater per unit of production and the resulting discharge according to the production rate.

b. All applications shall require the applicant to agree to:

(1) Furnish at the request of the Director any additional information relating to the installation or use of the industrial sewer for which the permit is sought,

(2) Accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,

(3) Operate and maintain any wastewater pretreatment facilities, as may be required, as a condition of the acceptance to discharge into the public sewers, of the waste involved, in an efficient manner at all times, and at no expense to the City,

(4) Cooperate at all times with the Director in the inspecting, sampling and studying of any wastestreams generated by the permittee and in the inspecting of any facilities,

(5) To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and

(6) To provide and submit notices and reports as required by 40 CFR 403.12.

c. Each SIU shall be required to submit a Slug Control Plan as part of the permit application/renewal process. This plan will include but is not limited to:

(1) A detailed plan of the procedures and policies which are in place to prevent the occurrence of a slug discharge,

(A) The plan should also detail the steps to control and report discharges in the event that a slug discharge occurs.

(B) The plan shall be updated upon permit renewal or as part of a significant process or pretreatment modification.

d. After examination by the Director, of the information contained in the submitted permit application, it is determined:

(1) That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.

(2) That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:

(A) Rejection of the wastes, no alternative,

(B) Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.

(i) if pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;

(ii) a compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.

(iii) All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and

(iv) The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.

(C) Require control over the volume and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer user charges under the provision of this chapter.

e. Each permitted SIU, ninety (90) days prior to the expiration of said permit, shall submit a permit renewal application to the Director.

f. Any SIU that identify information provided in a permit application or permit renewal as "Confidential Information" shall restrict the availability of said information in accordance with Chapter 68A of the Code of Iowa and other applicable state and federal law.

3. General Requirements.

a. All permitted SIUs shall install a suitable sampling station for the collection and evaluation of discharges. Sampling stations shall include, but are not limited to:

(1) Be constructed at a common outfall after all process wastewater is combined,

(2) Flow metering capabilities for reporting representative flow data during high and low flow,

(A) Flow meter calibrations shall be coordinated and scheduled by the City every six (6) months, with the appropriate charges paid for by the SIU as part of the Sampling Fee (13.08.060);

(B) In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements.

(3) Sampling equipment capable flow paced sampling to ensure fluctuations in operation are represented in the composite sample collected for analysis,

(A) Sampler maintenance and calibrations shall be completed by the SIU in accordance with the operation manual for said equipment.

(4) Sink with hot water to ensure the sampling equipment can be cleaned between sampling events,

(5) Sampling stations shall be safe and accessible by the Director at any given time for the purpose of discharge monitoring,

(A) In the event that a sampling station is not accessible or provided, samples shall be collected, if necessary, from the nearest downstream manhole of the sewer from the point at which the building sewer is connected;

(6) The sampling station shall be installed and maintained by the contributor, at the contributor's expense.

b. All permitted SIUs shall communicate to the Director prior to, or immediately preceding any of the following:

(1) Process changes including but not limited to;

(A) Increases or decreases in operation/production that would affect the volume and/or concentration of wastewater discharging from the facility,

(B) Chemical changes that may affect the integrity of the wastewater being contributed,

(C) Addition or reduction of pretreatment processes that may affect the integrity of the wastewater being contributed.

(2) Slug discharges that have the potential to impact the collection system and/or the operation of the WWTP,

(3) Spills that have the potential to impact the collection system and/or the operation of the WWTP,

(4) Shut downs scheduled or unscheduled that will affect the volume and/or concentration of wastewater discharging from a facility, and/or

(5) Any internal contact changes.

c. All SIUs shall utilize best management practices to ensure pollutant prevention and control of pollutant concentrations discharging including by not limited to:

(1) Appropriate maintenance and operation of existing pretreatment systems.

(2) Settling pit monitoring should be performed through the use of a sludge judge. Settling pits/tanks should be pumped or cleaned out prior to the amount of solids and/or grease amounting to 25% of the available pit volume.

(3) Standard operating procedures shall be utilized, where applicable, to ensure control of pollutants discharging from facility operations,

(4) High strength waste is controlled and/or disposed of appropriately,

(5) Dry clean up is utilized internally as much as possible prior to clean up/sanitation, and

(6) Training of staff is performed to ensure that facility employees understand the importance of pollutant prevention in controlling discharge concentrations from the facility;

d. All SIUs must submit written notification of a proposed production increase of 10% or more to the Director. The Director may require the SIU to increase pretreatment capabilities for the nature of the discharge.

4. Sampling and Analysis.

a. All analysis referenced in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and with regulations set forth in 40 CFR 136.

b. Sampling shall be performed to:

- (1) Determine the existence of hazards to life, limb and/or property,
- (2) Determine the concentration of pollutants discharging from a facility in an effort to:
 - (A) Determine cost for treatment,
 - (B) Maintain compliance with WWTP influent capacities for treatment, and
 - (C) Monitor pollutant impact on the sanitary sewer system,

c. The particular analysis being evaluated will determine whether a twenty-four hour composite is appropriate or whether a grab sample or samples should be collected;

d. The City has agreed to undertake non-categorical SIU sampling and reporting. In the event that the City is unable to provide such service, the SIU shall be required to complete this requirement and submit the appropriate reports to the Director in accordance with reporting requirements;

e. At the request of the permittee, split samples may be taken at the time of sample collection for the SIU to perform additional analysis of the effluent discharge. To ensure defensible samples are analyzed, samples must comply with the following;

- (1) Samples must be preserved according to regulations in 40 CFR 136,
- (2) Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,
- (3) Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature of all responsible parties,
- (4) Samples must be evaluated by a certified laboratory for the requested analysis.

5. Reporting requirements.

a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulation. These reports include but are not limited to:

- (1) Flow monitoring reports,
- (2) Effluent analysis in excess of those analysis performed by the Director under the approved requirements of the administered Pretreatment Program;

b. Categorical compliance reports shall be submitted bi-annually by the 31st day of June and the 31st day of December. These reports include but are not limited to:

- (1) Self monitoring reports for compliance monitoring,
- (2) Certification statements for continued compliance;

c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12, these reports include but are not limited to:

- (1) Baseline monitoring reports,
- (2) Accidental spill or slug loads within 24 hours of communicated event, including:
 - (A) The nature and cause of the spill,
 - (B) Remediation and disposal information, and
 - (C) Control mechanisms put in place to prevent the occurrence from happening again;
- (3) Changes in identifying information, including facility name and authorized representative(s),
- (4) Changes in pollutant concentration and/or production volumes, prior to process changes,
- (5) Changes to pretreatment processes, prior to modification.

13.07.080 Connections to sanitary sewers - Groundwater remediation regulations.

1. Purpose.

a. The regulations contained in this section govern the removal of pollutants from soil and/or groundwater contamination in an effort to protect the quality of the water table used for irrigation, drinking water and/or other application.

2. Permit Application.

a. Any contributor requesting permission/authorization to discharge groundwater remediation wastewater shall be required to submit a permit application to the director prior to discharging. Information obtained in the permit application shall include but is not limited to:

- (1) Name, address and contact information of the applicant,
- (2) Location and legal description of the remediation site to be covered by the permit,
- (3) A general statement of the type of operations conducted at the facility and the reason(s) for the remediation project,

(A) If the applicant proposing to create, originate or maintain a groundwater remediation discharge knows or has reasonable suspicion that any other pollutant has been used, stored, released and/or disposed of which could be toxic, hazardous or detrimental to the sanitary sewer system or the operation of the WWTP and/or cause interference or pass through additional analysis and/or treatment may be required by the Director,

(4) A plat of the property showing accurately the sewers and drains, including sanitary and stormwater,

(5) A complete profile of all process waters in excess of domestic strength waste produced or expected to be produced for discharge from the property, including:

- (A) A description of the character of each waste,
- (B) The daily volume and maximum rates of discharge,
- (C) Representative screening analysis of the proposed wastestream if possible;

(6) An initial screening panel should include all toxicants and/or pollutants expected to be present in the discharge. Additional testing may be required based on site history,

b. All applications shall require the applicant to agree:

(1) To furnish at the request of the Director any additional information relating to the installation or use of the sewer for which the permit is sought,

(2) To accept and abide by all provisions of this chapter and all other pertinent ordinances and regulations which may be adopted in the future,

(3) To operate and maintain any wastewater pretreatment facilities in an efficient manner at all times and at no expense to the City,

(4) To cooperate at all times with the Director in the inspecting, sampling and studying of any wastestream generated by the permittee and in the inspecting of any facilities,

(5) To notify the Director immediately in the event of any accident, negligence or other occurrence which results in the discharge of pollutants not covered by permit into the sanitary sewer, and

(6) To provide and submit notices and reports as required by 40 CFR 403.12.

c. After examination by the Director, of the information contained in the submitted permit application, it is determined:

(1) That the characteristics of the proposed discharge do not conflict with the provisions of this chapter and/or the operation of the WWTP, a permit shall forthwith be issued allowing the discharge of such waste to the public sewers.

(2) That the characteristics of the proposed discharge are not compliant with the provisions of this chapter and/or are not compatible with the operation of the WWTP, the application shall be denied and the applicant forthwith in writing of the steps which must be taken to ensure compliance with the provisions of this chapter, which may include, but are not limited to:

(A) Rejection of the wastes, no alternative,

(B) Require pretreatment to an acceptable concentration for discharge into the public sewers. To this end, the Director may require pretreatment to less than domestic strength.

(i) If pretreatment is required the design shall be certified by an engineer as best available technology for the nature of the discharge prior to the installation and shall be subject to review and approval of the Director;

(ii) A compliance schedule may be required for the design, construction and installation of equipment for such pretreatment.

(iii) All projects shall be subject to the requirements of all applicable codes, ordinances and laws, and

(iv) The cost of the all pretreatment facilities shall be paid by the applicant contributing the wastes.

(C) Require control over the volume and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges under the provision of this chapter.

d. The Director shall issue Groundwater Remediation permits on an annual basis with a maximum duration of five (5) years:

(1) Permits may be extended in year increments provided permit renewal applications are filed with the Director ninety (90) days prior to the expiration of the issued permit.

3. General Requirements.

a. Sampling and analysis shall be determined by site chemical history and from initial testing, based on pollutants that have been used, stored, released and/or disposed of on site:

(1) Samples must be preserved according to regulations in 40 CFR 136,

(2) Samples must be delivered to the lab for analysis within the appropriate hold time according to regulations in 40 CFR 136,

(3) Samples must have a valid chain of custody upon third party receipt to document sample date and time, delivery date and time, and signature(s) of all responsible parties,

(4) Samples must be evaluated by a certified laboratory for the requested/required analysis.

b. Sampling and analysis shall be completed once a month during the first six months of the permit cycle for new dischargers. If the discharge maintains compliance with applicable permit limits, the required frequency will be reduced to once every 6 months for the duration of the project/permit. Non-compliance may result in more frequent sampling at the request of the Director.

4. Reporting requirements.

a. All monitoring reports shall be submitted to the Director by the 5th day of the preceding month, unless described otherwise in the appropriate categorical regulations. These reports include but are not limited to:

(1) Flow monitoring reports,

b. Categorical compliance reports shall be submitted bi-annually by the 31st day of June and the 31st day of December. These reports include but are not limited to:

(1) Self monitoring reports for compliance monitoring,

(2) Certification statements for continued compliance;

c. The permittee shall also submit the following reports in accordance with 40 CFR 403.12; these reports include but are not limited to:

(1) Baseline monitoring reports,

(2) Accidental spill or slug loads within 24 hours of communicated event, including:

(A) The nature and cause of the spill,

(B) Remediation and disposal information, and

(C) Control mechanisms put in place to prevent the occurrence from happening again;

(3) Changes in identifying information, including facility name and authorized representative(s),

(4) Changes in pollutant concentration and/or production volumes, prior to process changes,

(5) Changes to pretreatment processes, prior to modification.

13.07.090 Right of Entry.

1. The director shall be permitted to enter any property other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, set up and use of monitoring equipment, sampling, testing, or inspecting and copying records in accordance with the provisions of this chapter, state regulation and /or federal code; provided, that:

- a. If such property is occupied he/she shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefore; and
- b. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his/her reason therefore,
- c. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the Director shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.

2. Notwithstanding the foregoing, if the Director has reasonable cause to believe that prohibited waters or wastes are being discharged from any property into a public sewer, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.

- a. If the property is occupied, he/she shall first present the proper credentials to the occupant and demand entry, explaining his/her reasons therefore and the purpose of his inspection.

- b. No contributor shall fail or refuse, after proper demand has been made upon him, as provided in this subsection, to promptly permit the director to make any inspection provided for by this subsection.

- c. Violating this subsection is guilty of a misdemeanor.

3. The director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

4. While performing the necessary work on property referred to in this section, the director shall observe all applicable safety rules established by the owner of the property.

13.07.100 Sanitary sewer service connections. Whenever possible, the building sewer shall be brought into the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building sewer.

13.07.110 Enforcement Actions. All enforcement actions entitled to the Director for violations of this chapter, state and/or federal code are documented in the City of Sioux City Enforcement Response Plan (ERP) which describes the processes for obtaining and evaluating compliance, for identifying non-compliance, for selecting an appropriate enforcement action and/or fine, and for resolving non-compliance in a timely manner in accordance with 40 CFR 403.8 (f)(viii)(H)(5) including but not limited to:

1. Fines/Penalties. Any person who has violated or is violating the provisions of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation per day, for the duration of the violation. Fines shall be issued where applicable following the penalty structure in 01.04.100 of the City of Sioux City Municipal Code, including but not limited to:

- a. First infraction-NOV

- b. Second infraction- \$175.00 per day per violation

- c. Third infraction - \$350.00 per day per violation

- d. Fourth infraction-\$500.00 per day per violation

- e. Fifth infraction-\$750.00 per day per violation

- f. Continued non-compliance will result in the issuance of \$1,000.00 per day per violation

2. Injunctive Relief/Termination of Service. In case any person has violated or is violating the provisions of this chapter, the Director may petition the court for the issuance of a preliminary or permanent injunction or both, which restrains or compels the activities on the part of the person.

The Director shall have such remedies to collect all associated fees as are available to collect other sewer service charges.

3. Criminal Actions. Any person who willfully or negligently violates any provision of this chapter, or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 per violation per day or imprisoned in the county jail for a period not to exceed thirty (30) days. Each separate provision of this chapter violated shall constitute a separate offense.

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

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

Section 4: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Chapter 13.07 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 9, 2012

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 14, 2012

Lisa L. McCardle, City Clerk

X	Regular Session
	Study Session
	Closed Session

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 13

FROM: Jade Dundas, Utilities Director
Desiree McCaslen, Pretreatment Manager

SUBJECT: Ordinance amending Chapter 13.08 entitled “Sanitary Sewer Rates” of the Sioux City Municipal Code by adding definitions for the tier 1 and tier 2 billing system for industrial discharges and establishing a supplemental billing provision program for industrial users.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council adopt the above referenced ordinance which will allow for the protection of the City’s infrastructure, better industrial compliance and ultimately the improvement of the water quality discharged to the Missouri River.

DISCUSSION:

In an effort to keep the municipal code current and to adapt to industrial feedback, staff has made a billing amendment to 13.08 of Chapter 13.

Changes within Section 13.08 “Sanitary Sewer Rates” include:

- 13.08.020 “Definitions” the following definitions were added:
 - “Tier 1”
 - “Tier 2”
- Section 13.08.060 “User Charges” the language was added to support the addition of an alleviated treatment cost for industrial users that have achieved a sustained discharge concentration of TSS below the applicable tiered threshold listed in 13.08.060, yet have concentrations of BOD that exceed Surcharge Strength.

FINANCIAL IMPACT:

This revision will lower industrial revenues. The portion of funded revenues which will be impacted by these changes are those classified as surcharge strength. The adjustments have been evaluated to determine their impact on the budget and the rates. At this time it has been determined that these adjustments will not significantly impact the budget.

RELATIONSHIP TO STRATEGIC PLAN:

Economic Opportunity Vision:

We will work with current business to create job growth and aggressively seek out opportunities to attract new economic growth.

Quality of Life Vision:

We will position Sioux City as a preferred community through marketing initiatives and grow-

ing local pride in our City.

Infrastructure Vision :

We will invest and secure our infrastructure to attract and retain business and increase quality of life.

ALTERNATIVES:

Council can choose to deny this action. - The result will be application of the previously recommended pretreatment ordinance and regulatory program.

Require staff to evaluate other options.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2012- _____

ORDINANCE AMENDING CHAPTER 13.08 ENTITLED "SANITARY SEWER RATES" OF THE SIOUX CITY MUNICIPAL CODE BY ADDING DEFINITIONS FOR THE TIER 1 AND TIER 2 BILLING SYSTEM FOR INDUSTRIAL DISCHARGES AND ESTABLISHING A SUPPLEMENTAL BILLING PROVISION PROGRAM FOR INDUSTRIAL USERS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA²:

Section 1: Section 13.08.020 of the Sioux City Municipal Code is amended to read as follows:

13.08.020 Definitions. The following terms shall have the following meanings when used in this chapter:

1. "Biological oxygen demand" (BOD) means the quantity of oxygen utilized in the oxidation of organic matter under standard laboratory procedure in five days at 20 C and results are expressed in milligrams per liter.
2. "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
3. "Capital costs" means the unamortized principal costs for the existing and new treatment facilities remaining on June 30, 1978. Capital costs are financed by the issuance and sale of the sewer revenue bonds, covering the costs for the existing interceptor, outfall and outlet sewers, lift stations and treatment facilities as well as the new treatment facilities.
4. "City" means the City of Sioux City, Iowa.
5. "Contributors" means any person, firm or corporation, except a significant industrial user, owning, renting or operating, any lot, parcel of real estate or buildings where liquid or solid waste, or sewage is produced which is discharged into the sewer system of the city.
6. "Delivery system" means and includes interceptor sewers, outfalls, outlet sewers and all lift stations used to transport sanitary sewer wastewater to the WWTP for treatment and disposal.
7. "Dilution" means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.
8. "Direct discharge" means any contributor that discharges directly to the headworks of the City's WWTP and therefore does not utilize any of the lift stations and interceptor sewers maintained by the City.
9. "Director" means the Utilities Director of the City, or his/her authorized representative.
10. "Domestic-commercial user" means a contributor discharging less than twenty-five thousand gallons per day but more than domestic strength concentration.
11. "Domestic strength" means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).
12. "EPA" means the Environmental Protection Agency or its authorized representative.
13. "Extra strength" means discharges greater than domestic strength that have a TSS concentrations less than twelve hundred part per million (1200 mg/L), a BOD concentration less than two thousand parts per million (2000 mg/L), or an FOG concentration less than four hundred parts per million (400 mg/L).
14. "Flow unit" means a volume of liquid equal in quantity to one thousand gallons.
15. "FOG" means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, and results are expressed in milligrams per liter.

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

16. "Groundwater remediation" means wastewater generated in connection with investigating pollution or remediating polluted/contaminated groundwater or soil.

17. "IDNR" means the Iowa Department of Natural Resources or its authorized representative.

18. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,

b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

19. "Monthly average" means the calculation by which billing and compliance will be determined. When applicable, monthly averages will be calculated using the total number of days in the calendar month for which the data represents.

20. "Outside Improvement District User" means Dakota Dunes Community Improvement District, a local governmental entity under SDCL §7-25A.

21. "Outside municipalities" means those incorporated city governments outside the corporate limits of Sioux City, Iowa. The outside municipalities are Dakota Dunes, South Dakota; North Sioux City, South Dakota; Sergeant Bluff, Iowa, and South Sioux City, Nebraska.

22. "Pass through" means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).

23. "Prohibited" means to forbid an activity, action or discharge by authority or law.

24. "Public sewer" means a sewer which is controlled by the City of Sioux City.

25. "Sewage" means a combination of the water-carried waste from property to the WWTP for treatment and disposal.

26. "Sewer" means a pipe or conduit for carrying sewage and wastewater.

27. "Sanitary sewer" means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.

28. "Septic tank waste" means sewage collected from septic tanks or holding tanks by tank truck or similar conveyance delivered to the WWTP for treatment and disposal.

29. "Service charge" means a charge of seven percent of that part of the contributing city unit rate attributable to treatment of sewage and shall be for support services given WWTP by other departments of Sioux City administration, the cost of which is not reflected in either delivery costs or treatment costs. This charge also compensates for the burden of ultimate responsibility for assuring compliance with state and federal requirements governing treatment of wastes.

30. "Sewer user charge" refers to any and all rates, charges, fees or rentals levied against and payable by sewer service and significant industrial user.

31. "Shall" is mandatory.

32. "Significant Industrial User" means:

a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(1) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP Treatment plant; or is

designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(1) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(3) The Industrial User never discharges any untreated concentrated wastewater.

c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

33. "Slug Discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.

34. "Surcharge strength" means any discharge which has a total suspended solids (TSS) concentration greater than twelve hundred parts per million (1200 mg/L), a five-day biochemical oxygen demand (BOD) concentration greater than two thousand parts per million (2000 mg/L), or a fats, oil and grease (FOG) concentration greater than four hundred parts per million (400 mg/L).

35. "Tier 1" means billing threshold set at extra strength discharge concentrations.

36. "Tier 2" means billing threshold set at surcharge strength discharge concentrations.

~~35~~ 37. "Total suspended solids" (TSS) means the total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid that is removable by laboratory filtering. Results are expressed in milligrams per liter.

~~36~~ 38. "User Charge Plan" means the plan adopted by the city council which establishes rates, rules and regulations for the operation and maintenance of the collection, delivery and treatment of the sewage generated in the metropolitan area of Sioux City, Iowa, as approved in accordance with special grant conditions of the IDNR and the EPA of the federal government or their successors. This user charge plan is subject to review and modification annually by the city council, the IDNR and EPA.

~~37~~ 39. "WWTP" means the wastewater treatment plant owned and operated by the City of Sioux City.

Section 2: Section 13.08.060 of the Sioux City Municipal Code is amended to read as follows:

13.08.060 User charges.

1. The user charge plan is incorporated in its entirety as a methodology for allocation of costs, assessment of charges and apportionment of revenues. The calculated unit charges for domestic and/or domestic-commercial users shall be in accordance with the user charge plan with the following rate schedule:

a. For all consumption under 200 cubic feet the following rates apply:

Effective July 1, 2011	<u>Meter Size</u>	<u>Minimum Charge per month</u>
	5/8 inch	\$10.63
	5/8 x 3/4 inch	\$10.63
	3/4 inch	\$10.63
	1 inch	\$16.80
	1 1/2 inch	\$24.42
	2 inches	\$39.48
	3 inches	\$65.84
	4 inches	\$122.31
	6 inches	\$218.11
	8 inches	\$387.94
	10 inches	\$599.88

b. For all consumption over 200 cubic feet the following charges apply per 100 cubic feet in excess of the above rates:

Effective July 1, 2011 \$3.985

2. Industrial users shall be charged in accordance with the following rate schedule:

<u>Flow</u>	<u>Per 1000 Gallons</u>	<u>Direct Discharge Rate per 1000 Gallons</u>	
Effective July 1, 2011	\$2.397	\$1.775	
TSS	Domestic Strength	Tier 1	Tier 2
	< 300 mg/L	301-1200 mg/L	> 1200mg/L
Effective July 1, 2011	\$0.000	\$0.098	\$0.196
BOD	Domestic Strength	Tier 1	Tier 2
	<250 mg/L	251-2000 mg/L	> 2000 mg/L
Effective July 1, 2011	\$0.000	\$0.239	\$0.478
FOG	Domestic Strength	Tier 1	Tier 2
	<100 mg/L	101-400 mg/L	> 400 mg/L
Effective July 1, 2011	\$0.000	\$0.165	\$0.330

3. Subject to prior approval of the Director, the following supplemental billing provision applies to industrial users that have achieved a sustained discharge concentration of TSS below the applicable tiered threshold listed previously in this chapter, yet have concentrations of BOD that exceed Surcharge Strength:

a. The program will be subject to the following eligibility requirements.

(1) An industrial user will be eligible for two levels of reduction based upon the discharge concentrations of TSS:

(2) The first level of reduction will correspond to TSS levels which are held below the Surcharge Strength threshold.

(3) The second level of reduction will correspond to TSS levels which are held below the Extra Strength threshold.

(A) To be eligible for this supplemental billing provision an industrial user must achieve a sustained and consistent discharge concentration of TSS below the tiered threshold listed previously in this chapter for a period of 12 months.

(B) An industrial user will forfeit eligibility at the qualifying level if their monthly average TSS discharge concentration exceeds the applicable threshold, in any two months during a rolling twelve month period. Forfeiting eligibility does not disqualify an industrial user for participation at another program level, or from achieving eligibility after another 12 month qualification period.

(C) An industrial user must request, in writing to the Director, to be considered for this supplemental program. No industrial user will be included without a written request.

(D) In no case will the provisions of this program be retroactively applied unless authorized by the Director.

(E) These eligibility requirements serve as a guideline for program qualification and may be waived at the discretion of Director. In order for the Director to consider a waiver, an industrial user is required to provide documentation which presents a proposal which includes timeframes for program improvements which will provide adequate treatment of TSS discharges from the facility.

(F) In the event that the eligibility requirements are waived and the industrial user fails to meet the proposed TSS reduction goals within the agreed upon timeframe, the facility will be billed for all fees which were not charged as part of the supplemental program, for the entire period in which the fees were waived.

b. The supplemental provision will consider a lowered BOD rate for industrial user dischargers which have met the eligibility requirements of the program. The lowered rates will be applied in the following manner:

(1) An industrial user that consistently achieves TSS discharge concentrations between Extra Strength and Surcharge Strength levels, as described previously in this chapter, will be charged a BOD rate of 1.5 times the Extra Strength rate for BOD discharge concentrations over the Surcharge Strength threshold. All other normal billing provisions apply regarding other pollutants and BOD discharge concentrations below the Surcharge Strength threshold.

(2) An industrial user that consistently achieves TSS discharge concentrations below domestic strength will be charged the Extra Strength rate for all BOD discharge concentrations over domestic strength. All other normal billing provisions apply regarding other pollutants.

c. Industrial user ineligibility

(1) An industrial user which has had a formal request for waiver of eligibility denied or an industry which has become ineligible due to TSS discharges which exceed the eligibility requirements will be notified in writing by the Director of the ineligibility in advance of the billing period for which the ineligibility will apply.

3. 4. Significant industrial users shall pay for monthly sample collection and sample analysis on the following schedule:

<u>Sampling Fee</u>	<u>Per Month</u>
Effective July 1, 2011	\$1,000.780

4. 5. Unit charges for outside municipalities shall be in accordance with the following rate schedule:

<u>Outside Municipality</u>	<u>Per 1000 Gallons</u>
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Effective July 1, 2011 \$2.097

5- 6. Unit charges for outside improvement districts shall be in accordance with the following rate schedule:

Outside Improvement District Per 1000 Gallons

Effective July 1, 2011 \$2.870

6- 7. Subject to prior approval of the Director and receipt of a permit, waste haulers may discharge septic tank waste at the waste water treatment facility. Haulers are also required to obtain a State of Iowa Septic Hauler License. The charges for discharge shall be in accordance with the following rate schedule:

Septic Hauler Fee Per Load Discharged

Effective July 1, 2011 \$18.050

7- 8. Subject to prior approval of the Director and receipt of a permit, Waste Haulers may haul wastewater for discharge at the waste water treatment plant. Each load shall be sampled and accompanied by a Chain of Custody, which must be signed by the generator of the waste. If the waste is discharged through the headworks, normal industrial rates apply. If the discharge is directly injected into the digesters the charges for discharge shall be in accordance with the following direct injection rate schedule, which will be invoiced to the generator:

Direct Injection Per lbs of Solids Discharged

Effective July 1, 2011 \$0.129

Section 3: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 4: Severability Clause: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 5: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 13.08.020 and Section 13.08.060 of the Sioux City Municipal Code.

Section 6: Effective Date: This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: _____

Robert E. Scott, Mayor

ATTEST: _____

Lisa L. McCardle, City Clerk

ORDINANCE NO. 2012 - _____

ORDINANCE AMENDING CHAPTER 13.08 ENTITLED "SANITARY SEWER RATES" OF THE SIOUX CITY MUNICIPAL CODE BY ADDING DEFINITIONS FOR THE TIER 1 AND TIER 2 BILLING SYSTEM FOR INDUSTRIAL DISCHARGES AND ESTABLISHING A SUPPLEMENTAL BILLING PROVISION PROGRAM FOR INDUSTRIAL USERS.

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

Section 1: Section 13.08.020 of the Sioux City Municipal Code is amended to read as follows:

13.08.020 Definitions. The following terms shall have the following meanings when used in this chapter:

1. "Biological oxygen demand" (BOD) means the quantity of oxygen utilized in the oxidation of organic matter under standard laboratory procedure in five days at 20 C and results are expressed in milligrams per liter.

2. "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

3. "Capital costs" means the unamortized principal costs for the existing and new treatment facilities remaining on June 30, 1978. Capital costs are financed by the issuance and sale of the sewer revenue bonds, covering the costs for the existing interceptor, outfall and outlet sewers, lift stations and treatment facilities as well as the new treatment facilities.

4. "City" means the City of Sioux City, Iowa.

5. "Contributors" means any person, firm or corporation, except a significant industrial user, owning, renting or operating, any lot, parcel of real estate or buildings where liquid or solid waste, or sewage is produced which is discharged into the sewer system of the city.

6. "Delivery system" means and includes interceptor sewers, outfalls, outlet sewers and all lift stations used to transport sanitary sewer wastewater to the WWTP for treatment and disposal.

7. "Dilution" means increasing the use of process water, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

8. "Direct discharge" means any contributor that discharges directly to the headworks of the City's WWTP and therefore does not utilize any of the lift stations and interceptor sewers maintained by the City.

9. "Director" means the Utilities Director of the City, or his/her authorized representative.

10. "Domestic-commercial user" means a contributor discharging less than twenty-five thousand gallons per day but more than domestic strength concentration.

11. "Domestic strength" means wastewater which has a total suspended solids (TSS) concentration less than three hundred parts per million (300 mg/L), a five-day biochemical oxygen demand (BOD) concentration less than two hundred fifty parts per million (250 mg/L), and a fats, oil and grease (FOG) concentration less than one hundred parts per million (100 mg/L).

12. "EPA" means the Environmental Protection Agency or its authorized representative.

13. "Extra strength" means discharges greater than domestic strength that have a TSS concentrations less than twelve hundred part per million (1200 mg/L), a BOD concentration less than two thousand parts per million (2000 mg/L), or an FOG concentration less than four hundred parts per million (400 mg/L).

14. "Flow unit" means a volume of liquid equal in quantity to one thousand gallons.

15. "FOG" means fats, oil and grease present in a contributors discharge measurable by standard laboratory extraction, and results are expressed in milligrams per liter.

16. "Groundwater remediation" means wastewater generated in connection with investigating pollution or remediating polluted/contaminated groundwater or soil.

17. "IDNR" means the Iowa Department of Natural Resources or its authorized representative.
18. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the WWTP, its treatment processes or operations, or its sludge processes, use or disposal and,
 - b. Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
19. "Monthly average" means the calculation by which billing and compliance will be determined. When applicable, monthly averages will be calculated using the total number of days in the calendar month for which the data represents.
20. "Outside Improvement District User" means Dakota Dunes Community Improvement District, a local governmental entity under SDCL §7-25A.
21. "Outside municipalities" means those incorporated city governments outside the corporate limits of Sioux City, Iowa. The outside municipalities are Dakota Dunes, South Dakota; North Sioux City, South Dakota; Sergeant Bluff, Iowa, and South Sioux City, Nebraska.
22. "Pass through" means a discharge which exits the WWTP into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude or duration of a violation).
23. "Prohibited" means to forbid an activity, action or discharge by authority or law.
24. "Public sewer" means a sewer which is controlled by the City of Sioux City.
25. "Sewage" means a combination of the water-carried waste from property to the WWTP for treatment and disposal.
26. "Sewer" means a pipe or conduit for carrying sewage and wastewater.
27. "Sanitary sewer" means the collection of pipes and trunk mains designed to carry sewage and wastewater from houses and businesses to the WWTP for treatment and disposal.
28. "Septic tank waste" means sewage collected from septic tanks or holding tanks by tank truck or similar conveyance delivered to the WWTP for treatment and disposal.
29. "Service charge" means a charge of seven percent of that part of the contributing city unit rate attributable to treatment of sewage and shall be for support services given WWTP by other departments of Sioux City administration, the cost of which is not reflected in either delivery costs or treatment costs. This charge also compensates for the burden of ultimate responsibility for assuring compliance with state and federal requirements governing treatment of wastes.
30. "Sewer user charge" refers to any and all rates, charges, fees or rentals levied against and payable by sewer service and significant industrial user.
31. "Shall" is mandatory.
32. "Significant Industrial User" means:
 - a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
 - (1) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the WWTP (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTP Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reason-

able potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

b. The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(1) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(3) The Industrial User never discharges any untreated concentrated wastewater.

c. Upon a finding that an Industrial User meeting the criteria in paragraph (45)(a) of this section has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or WWTP, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

33. "Slug Discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWTP regulations, local limits or permit conditions.

34. "Surcharge strength" means any discharge which has a total suspended solids (TSS) concentration greater than twelve hundred parts per million (1200 mg/L), a five-day biochemical oxygen demand (BOD) concentration greater than two thousand parts per million (2000 mg/L), or a fats, oil and grease (FOG) concentration greater than four hundred parts per million (400 mg/L).

35. "Tier 1" means billing threshold set at extra strength discharge concentrations.

36. "Tier 2" means billing threshold set at surcharge strength discharge concentrations.

37. "Total suspended solids" (TSS) means the total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid that is removable by laboratory filtering. Results are expressed in milligrams per liter.

38. "User Charge Plan" means the plan adopted by the city council which establishes rates, rules and regulations for the operation and maintenance of the collection, delivery and treatment of the sewage generated in the metropolitan area of Sioux City, Iowa, as approved in accordance with special grant conditions of the IDNR and the EPA of the federal government or their successors. This user charge plan is subject to review and modification annually by the city council, the IDNR and EPA.

39. "WWTP" means the wastewater treatment plant owned and operated by the City of Sioux City.

Section 2: Section 13.08.060 of the Sioux City Municipal Code is amended to read as follows:

13.08.060 User charges.

1. The user charge plan is incorporated in its entirety as a methodology for allocation of costs, assessment of charges and apportionment of revenues. The calculated unit charges for domestic and/or domestic-commercial users shall be in accordance with the user charge plan with the following rate schedule:

a. For all consumption under 200 cubic feet the following rates apply:

Effective July 1, 2011	<u>Meter Size</u>	<u>Minimum Charge per month</u>
	5/8 inch	\$10.63
	5/8 x 3/4 inch	\$10.63
	3/4 inch	\$10.63
	1 inch	\$16.80
	1 1/2 inch	\$24.42
	2 inches	\$39.48
	3 inches	\$65.84
	4 inches	\$122.31
	6 inches	\$218.11
	8 inches	\$387.94
	10 inches	\$599.88

b. For all consumption over 200 cubic feet the following charges apply per 100 cubic feet in excess of the above rates:

Effective July 1, 2011 \$3.985

2. Industrial users shall be charged in accordance with the following rate schedule:

<u>Flow</u>	<u>Per 1000 Gallons</u>	<u>Direct Discharge Rate per 1000 Gallons</u>	
Effective July 1, 2011	\$2.397	\$1.775	
TSS	Domestic Strength	Tier 1	Tier 2
	< 300 mg/L	301-1200 mg/L	> 1200mg/L
Effective July 1, 2011	\$0.000	\$0.098	\$0.196
BOD	Domestic Strength	Tier 1	Tier 2
	<250 mg/L	251-2000 mg/L	> 2000 mg/L
Effective July 1, 2011	\$0.000	\$0.239	\$0.478
FOG	Domestic Strength	Tier 1	Tier 2
	<100 mg/L	101-400 mg/L	> 400 mg/L
Effective July 1, 2011	\$0.000	\$0.165	\$0.330

3. Subject to prior approval of the Director, the following supplemental billing provision applies to industrial users that have achieved a sustained discharge concentration of TSS below the applicable tiered threshold listed previously in this chapter, yet have concentrations of BOD that exceed Surcharge Strength:

a. The program will be subject to the following eligibility requirements.

(1) An industrial user will be eligible for two levels of reduction based upon the discharge concentrations of TSS:

(2) The first level of reduction will correspond to TSS levels which are held below the Surcharge Strength threshold.

(3) The second level of reduction will correspond to TSS levels which are held below the Extra Strength threshold.

(A) To be eligible for this supplemental billing provision an industrial user must achieve a sustained and consistent discharge concentration of TSS below the tiered threshold listed previously in this chapter for a period of 12 months.

(B) An industrial user will forfeit eligibility at the qualifying level if their monthly average TSS discharge concentration exceeds the applicable threshold, in any two months during a rolling twelve month period. Forfeiting eligibility does not disqualify an industrial user for participation at another program level, or from achieving eligibility after another 12 month qualification period.

(C) An industrial user must request, in writing to the Director, to be considered for this supplemental program. No industrial user will be included without a written request.

(D) In no case will the provisions of this program be retroactively applied unless authorized by the Director.

(E) These eligibility requirements serve as a guideline for program qualification and may be waived at the discretion of Director. In order for the Director to consider a waiver, an industrial user is required to provide documentation which presents a proposal which includes timeframes for program improvements which will provide adequate treatment of TSS discharges from the facility.

(F) In the event that the eligibility requirements are waived and the industrial user fails to meet the proposed TSS reduction goals within the agreed upon timeframe, the facility will be billed for all fees which were not charged as part of the supplemental program, for the entire period in which the fees were waived.

b. The supplemental provision will consider a lowered BOD rate for industrial user dischargers which have met the eligibility requirements of the program. The lowered rates will be applied in the following manner:

(1) An industrial user that consistently achieves TSS discharge concentrations between Extra Strength and Surcharge Strength levels, as described previously in this chapter, will be charged a BOD rate of 1.5 times the Extra Strength rate for BOD discharge concentrations over the Surcharge Strength threshold. All other normal billing provisions apply regarding other pollutants and BOD discharge concentrations below the Surcharge Strength threshold.

(2) An industrial user that consistently achieves TSS discharge concentrations below domestic strength will be charged the Extra Strength rate for all BOD discharge concentrations over domestic strength. All other normal billing provisions apply regarding other pollutants.

c. Industrial user ineligibility

(1) An industrial user which has had a formal request for waiver of eligibility denied or an industry which has become ineligible due to TSS discharges which exceed the eligibility requirements will be notified in writing by the Director of the ineligibility in advance of the billing period for which the ineligibility will apply.

4. Significant industrial users shall pay for monthly sample collection and sample analysis on the following schedule:

Sampling Fee

Per Month

Effective July 1, 2011 \$1,000.780

5. Unit charges for outside municipalities shall be in accordance with the following rate schedule:

Outside Municipality Per 1000 Gallons

Effective July 1, 2011 \$2.097

6. Unit charges for outside improvement districts shall be in accordance with the following rate schedule:

Outside Improvement District Per 1000 Gallons

Effective July 1, 2011 \$2.870

7. Subject to prior approval of the Director and receipt of a permit, waste haulers may discharge septic tank waste at the waste water treatment facility. Haulers are also required to obtain a State of Iowa Septic Hauler License. The charges for discharge shall be in accordance with the following rate schedule:

Septic Hauler Fee Per Load Discharged

Effective July 1, 2011 \$18.050

8. Subject to prior approval of the Director and receipt of a permit, Waste Haulers may haul wastewater for discharge at the waste water treatment plant. Each load shall be sampled and accompanied by a Chain of Custody, which must be signed by the generator of the waste. If the waste is discharged through the headworks, normal industrial rates apply. If the discharge is directly injected into the digesters the charges for discharge shall be in accordance with the following direct injection rate schedule, which will be invoiced to the generator:

Direct Injection Per lbs of Solids Discharged

Effective July 1, 2011 \$0.129

Section 3: Penalty Clause. Anyone violating the provisions of this ordinance is guilty of a municipal infraction and shall upon conviction, be punished as provided in Section 1.04.100 of the Sioux City Municipal Code.

Section 4: Severability Clause: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 5: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Section 13.08.020 and Section 13.08.060 of the Sioux City Municipal Code.

Section 6: Effective Date: This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: April 9, 2012

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 14, 2012

Lisa L. McCardle, City Clerk

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

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

MEETING DATE: April 9, 2012 **ACTION ITEM #** 14

FROM: Brent D. Nelson, Senior Planner

SUBJECT: **Hearing and Ordinance Rezoning 1427 Douglas Street from Zone Classification RG-20 (General Residence Zone, 2,000 sq. ft. per unit minimum) to Zone Classification RG-20-PD (General Residence Zone, 2,000 sq. ft. per unit minimum – Planned Development). (Petitioner: City of Sioux City). (File No. 2012-0016) The Planning and Zoning Commission recommends approval of this item.**

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully requests Council approval of the rezoning based on the following findings;

Findings of Fact:

- 1) The reason for the 1995 rezoning (the need for Mt. Olive Parking) no longer exists
- 2) The property needs to be rezoned to allow the construction of a residence without site plan approval.

Recommended Conditions of Approval:

- 1) None

Planning and Zoning Commission

Agenda Item 2012-0016: Requested rezoning of 1427 Douglas Street from RG-20-PD to RG-20. (Petitioner: City of Sioux City and George Wakeman).

O'Neill (Krage) moved to recommend to the City Council approval of this item.

Motion Carried. 6-0-0 (Yes: Ross, Jensen, Krage, O'Neill, Calligan, Godwin / No: 0 / Abstained: 0)

DISCUSSION:

See Analysis

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

The subject request is an example of the "Quality of Life Vision" of the Strategic Plan.

ALTERNATIVES:

None recommended.

ATTACHMENTS:

Attachment A: Ordinance

Attachment B: General Area Map

Attachment C: Aerials

BACKGROUND REPORT:

In July of 1995 the City approved the rezoning of the subject property from RG-20 to RG-20-PD. It appears from the record that it was everyone's intent to rezone this property to RG-20-P (Parking Overlay District) and the reason for this action was to allow Mt Olive Church which recently purchased the former Synagogue at 1522 Douglas Street. It appears that the difference between the intended RG-20-P and RG-20-PD as it ended up was simply a typo.

Never the less, the parking lot was never built, the church has fallen on hard times, the additional parking is unneeded and the lot has been sold (to George Wakeman).

Mr. Wakeman and the City's Neighborhood Services Division are working on a project to build an infill residence on the property. Irrespective of whether or not the property is zoned RG-20-P or RG-20-PD the property needs to be rezoned back to RG-20 to allow the house to be built.

ANALYSIS:

Except for 1427 Douglas, all property in the area bounded by the north/south alley between Pierce and Douglas, the north/south alley between Summit and Grandview and between 14th and 18th Streets is zoned RG-20 and is developed with residential uses. This action would eliminate a "spot zone".

EXISTING ZONING AND LAND USE:

RG-20-PD; vacant

EXISTING ZONING REQUIREMENTS:

Residential development must be consistent with a Council approved site plan.

PROPOSED ZONING REQUIREMENTS:

One or two unit structures, 5000 sq.ft. of lot area for SFR, 7500 sq.ft of lot area for 2-FR

SURROUNDING ZONING AND LAND USE:

North: RG-20; SFR & MFR;
South: RG-20; SFR & MFR;
East: RG-20; SFR & MFR;
West: RG-20; SFR & MFR;

DEPARTMENT COMMENTS

No adverse comments

COMPREHENSIVE PLAN:

The 2005 Comprehensive Plan indicates this area as "Urban Residential"

URBAN RENEWAL / URBAN REVITALIZATION / TIF:

None

SUBAREA / CORRIDOR PLAN:

None

FLOOD PLAIN:

None

CITIZEN RESPONSE:

51 notices were sent within the required timeframe .No responses have been received.

ORDINANCE NO. 2012 - _____

ORDINANCE REZONING 1427 DOUGLAS STREET FROM ZONE CLASSIFICATION RG-20 (GENERAL RESIDENCE ZONE, 2,000 SQ. FT. PER UNIT MINIMUM) TO ZONE CLASSIFICATION RG-20-PD (GENERAL RESIDENCE ZONE, 2,000 SQ. FT. PER UNIT MINIMUM –PLANNED DEVELOPMENT)

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

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

Section 2: That Ordinance No. S-30424, as amended, also known and identified as the Sioux City Zoning Ordinance, is hereby amended by adding thereto the following to be known as Section 25.24.030.1201 of said Ordinance No. S-30424 as amended:

25.24.030.1201: The following described real property shall be changed FROM Zone Classification RG-20 (General Residence Zone, 2,000 sq. ft. per unit minimum) TO Zone Classification RG-20-PD (General Residence Zone, 2,000 sq. ft. per unit minimum –Planned Development):

Lot 6 and the north 20 feet of Lot 7, Block 2 of Rose Hill Addition to Sioux City, Woodbury County, Iowa, and extending to the center line of abutting right-of-way.

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

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

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

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

The undersigned does hereby certify the foregoing is a correct copy of Ordinance No. 2012-_____ adopted by the City Council of Sioux City on _____, 2012. Signed this _____ day of _____, 2012.

Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on April 14, 2012

Lisa L. McCardle, City Clerk

ORDINANCE REZONING 1427 DOUGLAS STREET FROM ZONE CLASSIFICATION RG-20 (GENERAL RESIDENCE ZONE, 2,000 SQ. FT. PER UNIT MINIMUM) TO ZONE CLASSIFICATION RG-20-PD (GENERAL RESIDENCE ZONE, 2,000 SQ. FT. PER UNIT MINIMUM –PLANNED DEVELOPMENT)

This is a summary of Ordinance Number 2012-_____ passed by the Sioux City City Council on _____, 2012 and is effective today. A complete copy of the ordinance is available at the office of the City Clerk in City Hall, 405 6th Street, Sioux City, Iowa, Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance rezones the following described property within the City of Sioux City, Woodbury County, Iowa, from Zone Classification RG-20 (General Residence Zone, 2,000 sq. ft. per unit minimum) to Zone Classification RG-20-PD (General Residence Zone, 2,000 sq. ft. per unit minimum –Planned Development):

Lot 6 and the north 20 feet of Lot 7, Block 2 of Rose Hill Addition to Sioux City, Woodbury County, Iowa, and extending to the center line of abutting right-of-way.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _____, 2012.

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO SIOUX CITY ZONING ORDINANCE**

Notice is hereby given that at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered on April 9, 2012, in the Council Chambers, Room 504, City Hall, 405 6th Street, Sioux City, Iowa, there will be conducted a public hearing by the City Council on the proposed amendment to the Zoning Ordinance of the City of Sioux City, Iowa, proposing the following change:

25.24.030.1201: The following described real property shall be changed FROM Zone Classification RG-20 (General Residence Zone, 2,000 sq. ft. per unit minimum) TO Zone Classification RG-20-PD (General Residence Zone, 2,000 sq. ft. per unit minimum –Planned Development):

Lot 6 and the north 20 feet of Lot 7, Block 2 of Rose Hill Addition to Sioux City, Woodbury County, Iowa, and extending to the center line of abutting right-of-way.

(1427 Douglas Street) (2012-0016)

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

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal April 2, 2012.

Attachment B: Area Map



Attachment C: Aerials



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

**CITY OF SIOUX CITY
REQUEST FOR PLANNING COMMISSION ACTION**

MEETING DATE: April 9, 2012 **ACTION ITEM #** 15

FROM: Brent D. Nelson, Senior Planner

SUBJECT: **Hearing and Ordinance placing the newly annexed territory described as 2202 Andrew Avenue in the MH (Heavy Manufacturing Zone). (Petitioner: City of Sioux City) (File No. 2012-0022) The Planning and Zoning Commission recommends approval of this item.**

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

Staff respectfully requests Council approval of the subject zoning, based on the following findings;

Findings of Fact:

- 1) The entire area is zoned either City or County MH
- 2) The property will be developed with industrial uses as part of the Southbridge Industrial Development

Recommended Conditions of Approval:

- 1) None

Planning Commission

Agenda Item 2012-0022: Requested zoning upon annexation to the City of property commonly known as 2202 Andrew Avenue be zoned MH. (Petitioner: City of Sioux City).

Ross (O'Neill) moved to recommend to the City Council approval of this item.

Motion Carried. 6-0-0 (Yes: Ross, Jensen, Krage, O'Neill, Calligan, Godwin / No: 0 / Abstained: 0)

DISCUSSION:

See Analysis

FINANCIAL IMPACT:

N/A

RELATIONSHIP TO STRATEGIC PLAN:

The subject request is an example of the "Economic Opportunity Vision" of the Strategic Plan.

ALTERNATIVES:

None recommended.

ATTACHMENTS:

Attachment A: Ordinance

Attachment B: General Area Map

Attachment C: Aerial Photos

BACKGROUND REPORT:

The subject property is in the north central portion of the area that is being developed into the Southbridge Industrial Park. The City purchased the property last year. The City Council approved the annexation on April 2, 2012 and City Development Board Approval of the annexation will occur in April.

Section 25.24.040 of the Municipal Code notes "...land which is annexed to the city shall upon such annexation be classified in the RE (Residential Estates) zone ...2. A petition may be filed with the planning and zoning commission and the city council requesting a different zone classification so that when a parcel is annexed it will, immediately upon annexation, be classified in a zoning district other than RE (Residential Estates). "

ANALYSIS:

As stated, the City is requesting that the property, located at 2202 Andrew Ave be zoned MH upon annexation. All property in the area is either zoned City MH or County MH.

The property presently contains a vacant residence; it will soon be demolished. It is in the area that Sabre Industries will be building its new plant.

EXISTING ZONING AND LAND USE:

County MH; SFR

PROPOSED ZONING REQUIREMENTS:

City MH

SURROUNDING ZONING AND LAND USE:

North: MH; airport

South: County MH; vacant

East: MH; vacant/future Sabre site

West: County MH; pasture

DEPARTMENT COMMENTS

No adverse comments

COMPREHENSIVE PLAN:

The 2005 Comprehensive Plan indicates this area as "Industrial".

URBAN RENEWAL / URBAN REVITALIZATION / TIF:

None

SUBAREA / CORRIDOR PLAN:

None

FLOOD PLAIN:

None

CITIZEN RESPONSE:

Eight notices were sent within the required timeframe. No responses were received.

Attachment A:

ORDINANCE NO. 2012 - _____

ORDINANCE PLACING THE NEWLY ANNEXED TERRITORY DESCRIBED AS 2202 ANDREW AVENUE IN THE MH HEAVY MANUFACTURING ZONE.

WHEREAS, Municipal Code Section 25.24.040 provides that when property is annexed into the City, it shall upon such annexation be placed in the RE (Residential Estates) zone classification until rezoned, and

WHEREAS, Municipal Code Section 25.24.040(2) provides that a property owner may file with the Planning and Zoning Commission and the City Council a petition requesting a different zone classification so that when the property is annexed it will immediately be placed in a zone classification other than RE (Residential Estates) zone; and

WHEREAS, petitioner has requested that the property described in this ordinance come into the city with a zone classification of MH Heavy Manufacturing Zone; and

WHEREAS, the City Council finds that such request is proper and the property should come into the city with an initial zone classification of MH Heavy Manufacturing Zone.

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

Section 1: 25.24.030.1203: The following described real property shall upon annexation automatically be zoned MH Heavy Manufacturing Zone:

The North 260.0 feet of the West 459.2 feet of the Northeast Fractional 1/4 of the Northeast 1/4 of Section 1, Township 87 North, Range 48, West of the 5th P.M., Woodbury County, Iowa.

Section 2: That the boundaries of zones as shown on the official zoning map on file in the office of the City Clerk of the City of Sioux City, Iowa, will, upon annexation, be so modified and corrected in accordance herewith, and said map and all information shown thereon shall be as much a part of this Ordinance as though all the matters and information set forth in said map were here fully set forth herein.

Section 3: That all Ordinances, or part of Ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 4: That this Ordinance shall be and become effective upon its passage, approval and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk

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

The undersigned does hereby certify the foregoing is a correct copy of Ordinance No. 2012-_____ adopted by the City Council of Sioux City on _____, 2012. Signed this _____ day of _____, 2012.

Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on April 14, 2012

Lisa L. McCardle, City Clerk

ORDINANCE PLACING THE NEWLY ANNEXED TERRITORY DESCRIBED AS
2202 ANDREW AVENUE IN THE MH HEAVY MANUFACTURING ZONE.

This is a summary of Ordinance Number 2012-_____ passed by the Sioux City City Council on _____, 2012 and is effective today. A complete copy of the ordinance is available at the office of the City Clerk in City Hall, 405 6th Street, Sioux City, Iowa, Monday through Friday, 8:00 a.m. to 4:30 p.m. This ordinance rezones the following described real property upon annexation into the city limits of Sioux City, Iowa, to MH Heavy Manufacturing Zone:

The North 260.0 feet of the West 459.2 feet of the Northeast Fractional 1/4 of the Northeast 1/4 of Section 1, Township 87 North, Range 48, West of the 5th P.M., Woodbury County, Iowa.

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal _____, 2012.

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO SIOUX CITY ZONING ORDINANCE

Notice is hereby given that at 4:00 P.M., Local Time, or as soon thereafter as the matter may be considered, on April 9, 2012, in the Council Chambers, Room 504, City Hall, 405 Sixth Street, Sioux City, Iowa, there will be conducted a public hearing by the City Council on the proposed amendment to the Zoning Ordinance of the City of Sioux City, Iowa, proposing the following change:

25.24.030.1203: The following described real property shall upon annexation automatically be zoned MH Heavy Manufacturing Zone:

The North 260.0 feet of the West 459.2 feet of the Northeast Fractional 1/4 of the Northeast 1/4 of Section 1, Township 87 North, Range 48, West of the 5th P.M., Woodbury County, Iowa.

(2202 Andrew Avenue) (2012-0022)

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

CITY OF SIOUX CITY, IOWA

/s/ Lisa L. McCardle, City Clerk

Publish in the Sioux City Journal April 2, 2012

Attachment B: General Area Map



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

CITY OF SIOUX CITY REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: April 9, 2012 **ACTION ITEM #** 16

FROM: Marty Dougherty, Economic Development/cm

SUBJECT: Resolution authorizing and approving submission of an Iowa Economic Development Authority (IEDA) application for the Targeted Jobs Withholding Tax Credit Program for LifeServe Blood Center.

Reviewed By: Department Director Finance Department City Attorney City Manager

RECOMMENDATION:

Staff respectfully request City Council approval of the above resolution.

DISCUSSION:

Background:

City staff has been working with the LifeServe Blood Center (former Siouxland Community Blood Bank) for several months to assist the planned relocation and consolidation of its facilities to a new facility to be constructed on a site on Line Drive in the Singing Hills area of Sioux City. The Siouxland Community Blood Bank merged with The Blood Center of Iowa of Des Moines in 2010 to form LifeServe Blood Center. LifeServe is a not-for-profit multi-state organization providing blood and blood products to more than 90 for-profit and non-profit hospitals throughout five states. The company is regulated as a pharmaceutical manufacturer by the FDA.

Current Project:

LifeServe Blood Center is currently in the planning stages of a multi-phase project to relocate its operations at 1019 Jones Street, 921 Dace Avenue and 601 Pierce Street with the intent of consolidating into one multi-purpose site. The Dace Avenue location is being relocated due to the I-29 reconstruction. The primary function of the facilities are to collect volunteer blood donors, stage mobile blood drives, manufacture blood products and distribute blood products to 48 hospital customers in this region. The new facility will provide greater efficiency in their services by housing all blood collection supplies, garage space for vehicles, and administrative offices in a single location. The first phase of this project represents a capital investment of approximately \$1,000,000 and will retain the existing 93 jobs (72 FT and 21 PT). As part of their planning process LifeServe has considered multiple sites in Iowa, Nebraska, and South Dakota.

Targeted Jobs Application:

The Targeted Jobs Program is a valuable tool in the creation and retention of these types of skilled medical and administrative jobs in Iowa. The program will provide an estimated \$450,105 in withholding tax credits over a 10-year period. The IEDA application for this pro-

gram requires the City to enter into a Withholding Agreement and a Development Agreement with the business to establish the guidelines under which the tax credits will be disbursed. Per program guidelines and procedures, pending Council approval of the submission of the application referenced above, staff will submit a draft of the Withholding Agreement and Development Agreement for IEDA review. A final version of these agreements will then be submitted to Council at a later date for authorization following approval of the application by IEDA.

FINANCIAL IMPACT:

LifeServe Blood Center's capital investment in the project will meet the matching requirements of the program. The City will see no financial impact.

RELATIONSHIP TO STRATEGIC PLAN:

A part of the Economic Opportunities Vision: *We will work with current businesses to create job growth and aggressively seek out opportunities to attract new economic growth.*

ALTERNATIVES:

None recommended.

ATTACHMENTS:

Resolution

IEDA Application (**Hard Copy**)

RESOLUTION NO. 2012 - _____

RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN IOWA ECONOMIC DEVELOPMENT AUTHORITY (IEDA) APPLICATION FOR THE TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM FOR LIFESERVE BLOOD CENTER

WHEREAS, LifeServe Blood Center proposes to expand its Sioux City campus through the construction of new facilities and the retention of 93 existing jobs; and

WHEREAS, LifeServe Blood Center has committed a significant amount of private financing to the project; and

WHEREAS, the Targeted Jobs Withholding Tax Credit Program allows Iowa border communities to remain competitive against neighboring states by providing an additional business incentive opportunity through withholding tax credits; and

WHEREAS, an application for the Targeted Jobs Withholding Tax Credit Program has been prepared which would provide withholding tax credits equal to 3% of the gross wages paid to all qualifying targeted job employees over a ten-year period to LifeServe Blood Center, a copy of such application is attached hereto and by this reference incorporated herein; and Whereas, Such application should be approved as to form and content;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, that the IEDA Application for the Targeted Jobs Withholding Tax Credit Program for LifeServe Blood Center as referred to in the preamble hereof be and the same is hereby approved as to form and content.

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk be and they are hereby authorized and directed to sign said application for the Targeted Jobs Withholding Tax Credit Program. Be it further resolved that City staff is hereby authorized and directed to submit such IEDA Application for the Targeted Jobs Withholding Tax Credit Program to the State of Iowa on behalf of LifeServe Blood Center.

PASSED AND APPROVED: April 9, 2012

Robert E. Scott, Mayor

ATTEST: _____
Lisa L. McCardle, City Clerk