

**AGENDA**  
**CITY OF NORTH SIOUX CITY, SOUTH DAKOTA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**JULY 7, 2014**  
**7:00 P.M. – CITY HALL**

1. Call meeting to order at 7:00 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: June 17, 2014, Regular Meeting
6. Mayor: Don Fuxa
  - A. Big Sioux River Flood Prevention & Expense Reimbursement
  - B. Sealed Bids for Surplus Squad Car
  - C. Odor Control Update
  - D. Survey Plat – Flynn Business Park
  - E. Resolution Consenting to Transfer of Franchise
  - F. Housing Needs Study Program
  - G. Full-Service Restaurant On-Sale Liquor License Discussion
  - H. Text Messaging Service Proposal
7. Community and Council Input
8. Executive session\*
9. Approval of Fines
10. Approval of Bills
11. Adjournment

**\*SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).**

**UNAPPROVED  
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA  
REGULAR MEETING OF THE CITY COUNCIL  
JULY 7, 2014  
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Mayor Fuxa. Roll call: Parks, Christiansen, Meyer, Reiff, Beavers, Rogers and Verdoorn were present. Leitru was absent.

Mayor Fuxa led the Pledge of Allegiance.

Motion by Parks, second by Verdoorn to approve the agenda as presented. Unanimous.

Motion by Parks, second by Rogers to approve the June 17, 2014, regular Council meeting minutes as presented. Unanimous.

Discussion was held on preventative measures taken by the City during the recent Big Sioux River high water event, as well as eligibility for reimbursement of expenses by the federal government. Motion by Parks, second by Rogers to ratify retroactive to June 17, 2014, all expenditures and remedial actions taken to protect North Sioux City from the Big Sioux River flooding. Unanimous.

City Engineer Greg Meyer provided an overview of several options to modify the existing Big Sioux Flood Control Project (BSFCP). It was noted that changes to the North Sioux City levee could negatively impact private property owners and other communities to the north and south, and that the City will continue to work with the appropriate county, state and federal officials in a coordinated effort to identify a feasible, long-term solution.

Sealed bids were opened for a surplus 2001 Ford Crown Victoria Police/DARE Cruiser (VIN# 2FAFP71WX1X154046). The bids were as follows:

<u>Name</u>	<u>Bid Amount</u>
Anthony Payne	\$ 526.00
Mike Palmer	\$1004.00
Greg McKenzie (Mac's Auto Depot)	\$1010.00
Megan Klasi	\$1200.00

Motion by Beavers, second by Rogers to award the bid to Megan Klasi (\$1200.00), and authorize the transfer of title. Unanimous.

Officials from Royal Canin provided an update on ongoing efforts to control/eliminate the odor being generated at their new wastewater pretreatment plant. It was reported that the comprehensive "action plan" has been implemented, and that the company will also utilize the services of Envirotech Systems, Inc.

Motion by Meyer, second by Christiansen to approve the following survey plat. Unanimous.

Lots 10, 11 & 12 of Flynn Tract 3 and Lots 1, 2 & 3 of Flynn Tract 5 all in Lot 'A' of NE ¼ SE ¼ NW ¼ of Section 10, T89N, R48W, 5<sup>TH</sup> P.M., North Sioux City, Union County, South Dakota.

It was reported that Clarity Telecom is purchasing the assets of WOW! Internet, Cable and Phone, located in South Dakota, Iowa and Minnesota. Motion by Meyer, second by Christiansen to authorize Mayor Fuxa to sign the "Resolution Consenting to Transfer of Franchise." Unanimous.

Resolution Consenting to Transfer of Franchise

Whereas, Knology, Inc. ("Franchisee") currently holds a cable television franchise ("Franchise") granted by the City of North Sioux City, South Dakota ("Municipality") authorizing Franchisee to own and operate a cable television system in the Municipality;

Whereas, Franchisee and certain of its affiliates have entered into an Asset Purchase Agreement ("Agreement") with Clarity Telecom, LLC ("Clarity") dated June 12, 2014, under which Clarity will acquire the cable system assets (including the Franchise) of Franchisee ("Transaction");

Whereas, Franchisee and Clarity, according to the requirements of the Franchise and applicable law, have requested that Municipality consent to the Transaction as described in the FCC Form 394 filed with Municipality ("Transfer Application");

Whereas, in order to allow time for formal negotiations of a franchise extension, the existing Franchise shall stay in full force and effect for 24 months following the date of this Resolution; and

Whereas, Municipality has reviewed the Transfer Application and will consent to the transfer of control as described in the Transfer Application.

Now, Therefore, Municipality Resolves:

- 1.) Municipality consents to the transfer of the Franchise to Clarity.
- 2.) Municipality confirms the Franchise is valid and in full force and effect.
- 3.) The existing Franchise shall stay in full force and effect for 24 months following the date of this Resolution.
- 4.) The Clerk of Municipality is authorized to enter into, execute, and deliver on behalf of Municipality a certificate, along with other documents as may be necessary evidencing this Resolution without further action by this governing body.

Adopted and approved this 7 day of July, 2014.

**CITY OF NORTH SIOUX CITY**

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**Don Fuxa, Mayor**

**ATTEST:**

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**Donna Houck, Finance Officer**

Motion by Reiff, second by Christiansen to submit a “Housing Needs Study Program” application to the South Dakota Housing Development Authority. Unanimous. The program is a cost-sharing incentive program intended to help South Dakota communities to conduct housing needs studies in order to better understand key housing issues and demographics. The total cost to the City is \$1875.

Discussion was held on the issuance of full-service restaurant on-sale liquor licenses in accordance with SDCL 35-4-110 to 35-4-119, and establishing a price in accordance with the fair market value requirements. Motion by Parks, second by Reiff to table the issue until the July 21, 2014, regular Council meeting. Ayes: Parks, Reiff and Rogers. Nays: Meyer, Beavers and Verdoorn. Christiansen abstained. Mayor Fuxa cast the tie-breaking vote in favor of tabling the issue until the July 21, 2014, regular Council meeting.

Christiansen requested that the City consider subscribing to a text messaging service in order to alert residents and businesses of important events, news, deadlines, etc. Motion by Christiansen, second by Parks to subscribe to a text messaging service at a cost not to exceed \$100 per month. Ayes: Parks, Christiansen, Meyer, Reiff, Beavers and Rogers. Nays: Verdoorn. Motion passed. City personnel will look into the matter and report their findings at a future Council meeting.

During community/council input: 1.) Reiff shared concerns with standing water on the City-owned property at 29 Northshore Drive.

No fines to report.

Motion by Christiansen, second by Meyer for the approval of bills. Unanimous.

US BANK ONE CARD	\$2,308.63	JUN 2014 CC CHARGES
AMERICAN LEGAL SERVICES	\$36.20	PD COVERAGE
BARNES & NOBLE INC	\$488.08	BOOKS
PAT BENSON	\$250.00	2QTR2014 P&Z MTGS
BOMGAARS	\$121.71	SPRAYERS , BATTERIES, CAUTION TAPE
BUELL WINTER MOUSEL & ASSOC	\$4,200.00	ENGINEERING SERVICES
CHERYL CARTER	\$97.01	REIMBURSEMENT - SUMMER REC
CENTER POINT LGE PRINT	\$88.68	BOOKS
CRARY, HUFF, INKSTER, SHEEHAN,	\$4,160.10	JUN 2014 LEGAL FEES
ELECTRIC INNOVATIONS	\$4,374.76	JUL 2014 TECH SUPPORT
FIRST FINANCIAL BANK USA	\$771.43	CC CHARGES
FOUR SEASONS NORTH	\$124.75	JUL 2014 FITNESS CTR MEMBERSHIP
GCR TIRE CENTERS	\$214.50	PAY LOADER MAINT-SV BOOT, O-RING
GLASER, LLC	\$426.50	20 PACK 40 S&W POW/RBALL
GRAPHIC EDGE	\$503.66	TSHIRTS FOR SUMMER REC PROGRAM
HAWKINS, INC	\$1,468.70	WATER CHEMICALS/POTASSIUM/CHLORINE
HCI CONSTRUCTION	\$96,725.14	NEW LIBRARY PROJECT - WORK COMPLETED
HD SUPPLY WATERWORKS, LTD	\$552.14	SHUT OFF KEYS , CURB BOX
PETER HOLBROOK	\$250.00	2QTR2014 P&Z MTGS
HOUCK, DONNA	\$162.80	MILEAGE REIMBURSEMENT
INGRAM LIBRARY SERVICES	\$671.44	BOOKS
JACK'S UNIFORMS & EQUIPMENT	\$117.40	CLOTHING ALLOWANCE
JAN'S PRINTING	\$37.63	SHIRT WITH IMPRINT
JANITOR DEPOT, INC.	\$43.98	VACUUM REPAIR - BELTS, STRIPS
K & P SERVICES, INC	\$551.81	JUNE 2014 PARKS TOILET RENTALS
LINDEN, BAYNE	\$300.00	2QTR2014 P&Z MTGS
MB CLEANING	\$700.00	JUN 2014 CLEANING
MIDAMERICAN ENERGY	\$12,314.74	JUN 2014 UTILITY CHARGES
MIDWEST PLAYSCAPES INC.	\$656.00	NEW LIBRARY - BIKE RACK
MILLBORN SEEDS, INC	\$162.50	TURF MIX FOR PARKS
MITCHELL ELECTRIC, LLC	\$7,073.27	RELOCATE & CONNECT PUMP TO RIVER
MTC MECHANICAL INC	\$212.50	COMM CENTER CHILLER & AC MAINTENANCE
NATE'S FINE SHINE	\$245.00	JUN 2014 CLEANING-PD
NEUMANN MONSON WICTOR	\$3,000.00	NEW LIBRARY PROJECT-PROF SERVICES
NOVELTY MACHINE & SUPPLY CO	\$34.41	MILLER LIFT STATION - NON-MERCURY LEVEL CTRL
OFFICE SYSTEMS CO	\$382.07	JUL 14 COPY EXPENSES
PITNEY BOWES GLOBAL	\$215.04	2QTR2014-CITY HALL & PD POSTAGE MACHINE
POSITIVE PROMOTIONS, INC.	\$218.95	EDUCATIONAL ACTIVITIES KITS
GARY ROAN	\$1,180.00	MAY-JUN 2014 BLDG INSPECTOR FEES

ROBERTSON IMPLEMENT CO	\$199.90	MOWER PARTS
SD DEPT OF REVENUE	\$251.00	SOLIDS, E COLI, BOD TESTING
SIGLER FIRE EQUIPMENT CO.	\$312.20	ANNUAL FIRE INSP/TEST/RECHARGE
SIGNS BY TOMORROW	\$32.00	NEW LIBRARY - INSTALL SIGNAGE ON GLASS
SIOUX CITY FENCE	\$656.24	LABOR TO INSTALL FENCE
SOUTHDALE NURSERY & GARDEN	\$4,960.00	LG FLOWER POTS PLANTED AND DELIVERED
SOUTHEAST SD TOURISM ASSOC.	\$220.00	2014-2015 MEMBERSHIP DUES
DONALD STREETER	\$300.00	2QTR2014 P&Z MTGS
VAN DIEST SUPPLY COMPANY	\$3,494.50	MOSQUITO SUPPLIES
VERIZON WIRELESS	\$748.24	JUL 14 CELL PHONE CHARGES
VICTORY VINYL ART-FX	\$40.70	VINYL SIGNAGE
WESTERN OFFICE TECHNOLOGIES	\$172.40	BINDER CLIP, NOTEBOOKS, FASTENERS, LABELS
ZEISLER CONSTRUCTION, INC	\$12,600.00	CREW, EQUIPMENT, SERVICE TRUCKS

As required by SDCL 6-1-10, the following is a list of the June 2014 payroll by department:

Finance	12,933.61
Library	6,548.25
Parks	3,800.00
Police	31,518.94
Public Works	21,303.03

Adjournment was at 8:05 p.m., motion by Beavers and second by Reiff. Unanimous.

## **CITY OF NORTH SIOUX CITY**

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**Don Fuxa, Mayor**

**ATTEST:**

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**Donna Houck, Finance Officer**

**ATTEST:**

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**Kory Menken, Human Resources Director**