



North Sioux City, South Dakota  
**Regular Meeting of the City Council**  
December 21, 2015 – 7:00 p.m.  
City Hall

**PROPOSED AGENDA**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: December 7, 2015, Regular Meeting
6. Agenda Items
  - A. Planning Commission Recognition – Lesa Cropley
  - B. River Valley Phase I Resolution – Street and ROW
  - C. River Valley Phase I - Plat for Delmar Circle
  - D. River Valley Phase I Preliminary Plat
  - E. Senior Center – Rodd Slater, Lesa Cropley, Dan Parks
  - F. Ordinance Update – Alcoholic Beverages (Second Reading)
  - G. Ordinance Update - Gambling (Second Reading)
  - H. Supplemental Budget (Second Reading)
  - I. Write Off Uncollected Utility Charges – Susan Kloostra
  - J. Delinquent Utility Accounts – Lesa Cropley
  - K. 2014 Audit Report and 2015 Audit – Susan Kloostra
7. Community and Council Input
8. Executive Session\*
  - A. Personnel
  - B. Legal
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**  
**North Sioux City, South Dakota**  
**City Council Regular Meeting Minutes**  
**December 21, 2015**

Meeting called to order at 7:00 p.m. by President Parks. Beavers, Christiansen, Cropley, Parks, Slater, Reiff and Verdoorn were present. Mayor Fredericksen was absent. Also in attendance was Susan Kloostra, Finance Officer.

Parks led the Pledge of Allegiance.

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

Motion by Cropley second by Reiff to approve the December 7, 2015 Regular Council Meeting Minutes. Unanimous.

Cropley advised Council that during the January 4, 2016 meeting, we will recognize the out-going Planning Commission members. Cropley stated they have served our community for many years and we want to publicly thank them.

An update was given regarding the Senior Center. During the December 7 Council meeting, Bill and Delores Merrill asked to meet with Council members to discuss alternate, long-term solutions for the center. Cropley, Parks and Slater met with the Merrills on December 11. Report-out was given. The Merrills were thanked for the opportunity to meet with them and commended them for the cooperative discussion. Joint goals for the senior center included more activity, more promotion and marketing of the facility, and volunteers to help service the center. The Merrills agreed the way to action those goals was to hire a director and have the Senior Center as a fully funded department of the City. The director needed to be helpful, experienced and a good communicator. A transition plan would be established, and would begin the first of the year, including Delores training the director. No change to the prior motion, and no funding will be started until next year.

A group of senior residents were present and stated the senior center board had not voted on Bill Merrill signing the building over to the City. Residents and board members didn't want to authorize the transfer without knowing what will happen to the center. Parks stated this was confusing at this point, and that the deed had already been registered with the county. He reiterated a transition plan was planned, and part of that plan was to communicate with the residents. The information will be taken under advisement.

The Merrills asked for another meeting at the senior center where senior residents could hear a detail report-out of the December 11 meeting and they could ask questions and discuss any concerns they have with Cropley, Parks Slater. A meeting will be scheduled and advertised.

The second reading of Ordinance 5.20.020 to clarify the Sunday sale fee was accepted. Motion by Beavers second by Cropley to approve the amended ordinance as presented. Unanimous.

**ORDINANCE # 2015-01**

**TITLE 5. AN ORDINANCE AMENDING THE GAMBLING ORDINANCE SECTION 5.20.020.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:**

§ 5.20.020 of the North Sioux City Municipal Code is amended to read as follows:

5.20.020 License fee.

A. The annual additional license fee imposed by Section 5.20.010 shall be fifty dollars (\$50.00) for each video lottery machine to which the privilege of locating a lottery machine on the

premises has been granted and shall be paid at the same time and in the same manner as the fees paid pursuant to SDCL 35-4-2. This annual additional license fee shall be imposed in such a manner that each video lottery machine to which the privilege of locating a lottery machine on the premises has been granted within the corporate limits of the city, shall pay the sum of fifty dollars (\$50.00) per machine authorized at the licensed premises whether or not a machine is actually on the premises.

B. This annual additional license fee imposed by this chapter shall be paid into the general fund of the city. (Ord. 331 §§ 2, 3, 1998)

C. The total number of video lottery machines authorized in the corporate limits of the City by the Council is 568, but may be amended by further action of the Council. Effective January 20, 2016.

EFFECTIVE DATE. The above Ordinance shall be in full force and effect on January 20, 2016.

Dated this \_\_\_\_ day of December, 2015.

\_\_\_\_\_  
Randy Frederickson, Mayor

ATTEST:

\_\_\_\_\_  
Susan Kloostra, Finance Officer

First Reading: December 7, 2015  
Second Reading: December 21, 2015  
Published: December 31, 2015  
Effective Date: January 20, 2016

Motion by Beavers second by Cropley to approve the amended Gambling ordinance 5.08.030 to include the total number of video lottery licenses. Unanimous.

#### ORDINANCE # 2015-02

#### TITLE 5. AN ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES ORDINANCE SECTION 5.08.030.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:

§ 5.08.030 of the North Sioux City Municipal Code is amended to read as follows:

5.08.030 Sunday sales permitted by certain on-sale dealers and off sale package dealers. Memorial Day sales permitted.

Notwithstanding any of the other provisions of this chapter, any on-sale liquor dealer that applies, qualifies and receives a Sunday retail dealer classification and pays an annual fee of \$200.00 to the City, may sell, serve, and allow to be consumed on the premises covered by their

license, alcoholic beverages between the hours of seven a.m. on Sunday with the serving of food through two a.m. the following Monday.

Any licensed off-sale package dealer may sell alcoholic beverages between the hours of seven a.m. and two a.m. on the following Monday.

Any on-sale liquor dealer or off-sale package dealer may sell, serve and allow to be served (as applicable) on Memorial Day from seven a.m. through two a.m. on the following day. (Ord. 383 § 4, 2002: Ord. 362 § 4, 2002) Amended July, 2010. Effective January 20, 2016.

EFFECTIVE DATE. The above Ordinance shall be in full force and effect on January 20, 2016.

Dated this \_\_\_\_ day of December, 2015.

\_\_\_\_\_  
Randy Frederickson, Mayor

ATTEST:

\_\_\_\_\_  
Susan Kloostra, Finance Officer

First Reading: December 7, 2015  
Second Reading: December 21, 2015  
Published: December 31, 2015  
Effective Date: January 20, 2016

Motion by Beavers second by Christiansen to approved the Supplemental Budget as presented. Unanimous.

ORDINANCE NO. 2015-02

Supplemental Appropriations Ordinance

Be it ordained by the City of North Sioux City that the following sums are supplementally appropriated to meet the obligation of the municipality.

		GENERAL FUND
		101
<b>APPROPRIATIONS</b>		
101-411	Mayor & Council	1,500.00
101-414	Financial Administration	25,000.00
101-431	Street Department	85,000.00
101-451	NSC/DV Rec Complex	25,000.00
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 136,500.00</u>
<b>SOURCE OF FUNDING</b>		
	Unassigned Fund Balance	136,500.00
<b>TOTAL FUNDING</b>		<u>\$ 136,500.00</u>

Dated this 21st day of December, 2015.

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Randy Frederickson, Mayor

ATTEST:

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Susan Kloostra, Finance Officer

First Reading: November 16, 2015  
Final Reading: December 21, 2015  
Publication Date: December 24, 2015

Kloostra requested to write off uncollected utility service charges that has been on the books since before 2002. Discussion was held. Christiansen stated there was no reason for this and the City should not have to write-off residents' debt. Kloostra wants to establish a new policy that would allow for uncollected charges for the current year and one prior year to remain on the books and write off the second prior year, if collection efforts are unsuccessful. Motion by Beavers to write off uncollected debt in the amount of \$11,200.24, second by Slater. Unanimous.

Cropley requested Council amend the current late fees for utility services to a higher penalty amount, and require disconnected customers to have the current deposit amount on their account. Discussion was held, including number of delinquent accounts, fees, deposit amount, number of turned off accounts due to non-payment, etc. Kloostra reported the City averages 156 late payments on residential accounts. She also stated some accounts have been consistently late for 13 years. With our December billing, Council directed Kloostra to enforce the late fees as currently outline in our ordinances and draft a new ordinance for Council's approval.

The 2014 Audit Report as prepared by Quam and Berglin, P.C. was presented. Motion by Cropley second by Beavers to accept the 2014 Audit Report as presented and to sign the engagement letter for the 2015 audit. Unanimous.

Motion by Cropley second by Reiff to enter Executive Session at 7:56 p.m. in accordance with SDCL 1-25-2 (sections 1 and 4) to discuss legal matters. Unanimous.

Regular session resumed at 9:22 p.m.

Motion by Cropley second by Beavers to accept the streets and right of way from River Valley, L.L.P as presented in the following warranty deed, and to take effect immediately upon passing. Unanimous.

CITY OF NORTH SIOUX CITY  
RESOLUTION NO. #2015-5

A Resolution to Accept Certain  
Street and Right of Way for Public Use

WHEREAS, the City of North Sioux City has determined that it would be in the public interest for the City to accept the street and right of way identified below for public use; and

WHEREAS, River Valley, L.L.P. have agreed to deed to the City of North Sioux City for the following described real estate for public use and maintenance:

All that part of Tract A, River Valley Addition in the North ½ of the Southwest ¼ of Section 15, Township 89 North, Range 48 West of the Fifth Principal Meridian, North Sioux City, Union County, South Dakota as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of North Sioux City:

1. The City Council of North Sioux City hereby agrees to accept a Warranty Deed from River Valley, L.L.P. for the real estate legally described as:

All that part of Tract A, River Valley Addition in the North ½ of the Southwest ¼ of Section 15, Township 89 North, Range 48 West of the Fifth Principal Meridian, North Sioux City, Union County, South Dakota as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

and to maintain said street and right of way for public purposes.

2. That the Warranty Deed attached hereto as Exhibit A from River Valley, L.L.P. to the City of North Sioux City is hereby approved.

DATE ADOPTED: December 21, 2015

CITY OF NORTH SIOUX CITY

\_\_\_\_\_  
By: Randy Fredericksen  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Susan Kloostra, Finance Officer

Motion by Slater to table the pending plat of Delmar Circle lots 78 and 79 until a joint meeting with the Planning Commission, City Council, River Valley representatives, city representatives including Engineer Greg Meyer, Public Works Superintendent Tim Hogan and Attorney Darrell Jesse, and to comply with all open meeting laws and hearing notices. Second by Beavers. Unanimous.

Motion by Slater to table the preliminary plat, that was presented to the City by River Valley until a joint meeting with the Planning Commission, City Council, River Valley representatives, city representatives including Engineer Greg Meyer, Public Works Superintendent Tim Hogan and Attorney Darrell Jesse, and to comply with all open meeting laws and hearing notices. Second by Beavers. Unanimous.

Community/council input:

- 1) Hogan advised the Council about the Lakeshore Lift Station pumping double during and since the rain fall. It is believed residents' sump pumps are set up to pump into our sanitary sewers rather than discharging out of their houses. The pumps typically run 4 hours each, one pump was now pumping 10 hours and other was 7 hours. Suncoast Lift Station has larger equipment, and it picked up 1.5 hours each. Since the rain, we've been running 3.5 hours on pumps. Hogan would like to review our ordinances regarding

pumping into the sanitary sewer, possibly including new enforcement language. Hogan reported they have checked pumps and found no problems with the equipment.

- 2) Christiansen reported both prebuilt governor homes have sold in Harvest Bend. HRC will invest in one more spec home. Only seven more lots remain.

Motion by Cropley second by Reiff to enter Executive Session at 9:33 p.m. in accordance with SDCL 1-25-2 (sections 1 and 4) to discuss personnel matters. Unanimous.

Regular session resumed at 9:41 p.m.

Motion by Christiansen to upgrade the employment status of Jonathan Feller from probationary to regular effective December 29, 2015. Seconded by Parks. Unanimous.

Cropley made a motion, seconded by Reiff, to give Chief Headid direction to advertise for a full-time officer. Unanimous.

Motion by Beavers second by Christiansen to approve the bills. Unanimous.

AFLAC	\$994.76	DEC 2015 PREMIUMS
BERG, DOUG & JAMIE	\$10,000.00	REIMBURSEMENT - DISPUTED SEWER CLAIM SETTLEMENT
BIG SIOUX TOWNSHIP	\$850.65	REIMBURSE SHARED EXPENSE - RICKENBACKER RD
CAMPBELL SUPPLY SIOUX CITY	\$255.57	SUPPLIES
CED, INC.	\$711.48	LED LIGHT BULBS (300)
CENTER POINT LGE PRINT	\$130.62	BOOKS (6)
CITY OF SIOUX CITY	\$24,746.70	NOV 2015 SEWER CHARGES USAGE 11,801
CRARY, HUFF, INKSTER, SHEEHAN,	\$63.00	HRC - HARVEST BEND
DAKOTA VALLEY AFTER PROM	\$250.00	2016 DONATION-AFTER PROM PARTY
DAKOTA DUNES/NSC TIMES	\$100.00	NOV 2015 PUBLISHING
ECHOLS, CODY	\$10,000.00	REIMBURSEMENT-DISPUTED SEWER CLAIM SETTLEMENT
ENSTROM, JEROD	\$2,500.00	REIMBURSEMENT-DISPUTED SEWER CLAIM SETTLEMENT
FERGUSON WATERWORKS #2516	\$2,420.69	PRO USG T10 METER (9)
FIRST FINANCIAL BANK USA	\$130.07	NOV 2015 CC CHARGES
GENERAL TRAFFIC CONTROLS, INC.	\$920.46	LED 16" X 18" PEDESTRIAN WALK LIGHT (7)
H2O 4 U	\$34.00	PD - BOTTLED WATER
HAWKINS, INC	\$1,071.00	CHLORINE (9)
HERITAGE FLAG & BANNER, INC.	\$442.00	FLAGS: 3X5 US (17)
INGRAM LIBRARY SERVICES	\$963.61	BOOKS (54), DVD'S (8)
JACK'S UNIFORMS & EQUIPMENT	\$100.75	CLOTHING ALLOWANCE
KALINS INDOOR COMFORT	\$132.50	LIBRARY-FURNACE DIAGNOSTIC
KEVIN O'DELL ELECTRIC, INC.	\$7,503.92	REPAIRED STREET LIGHTS
KPTH	\$8.00	ADVERTISING 11/16-11/22
KTIV TELEVISION INC	\$895.00	ADVERTISING 10/26-11/29
MARX TRUCK TRAILER SALES	\$234.36	HINIKER-PLOW BLADE
MERCY BUSINESS HEALTH SVCS	\$53.33	NOV 2015 EAP
MTC MECHANICAL INC	\$584.00	COMM CTR-REPAIRS
O'REILLY AUTOMOTIVE, INC.	\$185.68	OIL FILTER (7), OIL (10)
OFFICE SYSTEMS CO	\$162.00	1H2016 COPY EXP - LIBRARY
PER MAR SECURITY SVCS	\$165.96	1Q2016 SECURITY MONITORING
POWELL BROADCASTING	\$1,000.00	3 STATES, 1 FUTURE ADVERTISING
PRESTO-X	\$260.06	DEC 2015 PEST CONTROL-(4 LOCATIONS)
QUALIFIED PRESORT SVC, LLC	\$740.10	NOV 2015 PRT/POSTAGE UTILITY BILLS
QUAM & BERGLIN P.C.	\$18,500.00	AUDIT 2014 YEAR
GARY ROAN	\$920.00	NOV-DEC 2015 P&Z MTGS (4), INSPECTIONS (11),
ROTO-ROOTER	\$640.00	VAC LINE - BANCROFT CRT
SD DEPT OF REVENUE	\$75.00	MALT BEVERAGE TRANSFER FEE
SIOUX CITY JOURNAL	\$48.33	NOV 2015 ADVERTISING
SIOUXLAND HUMANE SOCIETY	\$111.00	NOV 2015 SERVICES
STEFFEN, INC.	\$42.16	SUPPLIES
TYLER, AARON	\$19.53	TRNG REIMBURSEMENT-MEAL
UNION CO. REGISTER OF DEEDS	\$30.00	DEED/15-4977/301 MILITARY
VAN DIEST SUPPLY COMPANY	\$2,092.20	MOSQUITO CHEMICAL SUPPLIES
VAST BROADBAND	\$731.07	DEC 2015 PHONE & INTERNET
WESTERN OFFICE TECHNOLOGIES	\$4.98	BATTERY (2)
WRIGHT EXPRESS FLEET SVCS	\$2,355.27	NOV 2015 FUEL CHARGES

As required by SDCL 6-1-10, the following is a list of the December 2015 payroll by department:

Finance 8,854.54

Library	3,485.56
Parks & Rec	2,150.00
Police	10,692.42
Public Works	10,005.66

Motion by Beavers and second by Cropley to adjourn at 9:42 p.m. Unanimous.

**Approved**

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**Randy Fredericksen, Mayor**

**Attested**

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**Susan Kloostra, Finance Officer**