



Regular Meeting of the City Council

August 19, 2019 – 7:00 p.m.

City Hall

PROPOSED AGENDA

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Approval of Minutes: August 5, 2019 Regular Meeting
- F. Agenda Items
 - 1. Military Road Bridge – Advertising Update – Andrew Nilges
 - 2. Service Line – National League of Cities
 - 3. Plat – Lots 6A and 7A Block 7
 - 4. South Derby Change Order #2
 - 5. Resolution 2019-03 – Hazard Mitigation Plan Adoption
 - 6. Ordinance 2019-05 – Storage Containers
 - 7. Ordinance 2019-06 – Right of Way Maintenance
 - 8. Ordinance 2019-07 – Animal Code Language Update
 - 9. Ordinance 2019-08 – Sidewalk Construction
- G. Community and Council Input
 - 1. Senator Rounds Field Hearing – Aug. 28. – 3PM Start time
 - 2. Tri-State Governors’ Conference – Oct. 21, 12pm-3pm – Holiday Inn Express, Dakota Dunes
 - 3. Budget Meetings – Week of August 26th
 - 4. Chamber Annual Meeting – Sept 17 6PM-8:30PM – Orpheum Theatre
- H. Executive Session*
 - 1. Personnel
 - 2. Contractual
- I. Approval of Bills
- J. 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
August 5, 2019

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Benson, Berg, Carpenter, Cropley, Green, and Parks, were present. Blaeser and Slater were absent. Also, in attendance was City Administrator Ted Cherry, City Finance Officer Mike Hamm, and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Cropley, second by Parks to approve the agenda as presented. All members present voted aye.

Motion by Parks, second by Berg to approve the minutes from the July 22, 2019 Council Meeting. All members present voted aye.

A discussion was held on reimbursing the casinos for there \$50 fee per machine per year. Joanie Christiansen, owner of the Skyline Bar, sent the council a letter requesting the refund. Berg ask if the city receives any revenue from the machines. Cherry stated that the city does not receive any gambling revenue. Berg asked to see the firework revenue from last year to this year. Cherry said we won't have this until mid-August from the state. Cropley stated she understood the request, but it would open up a lot of other requests from other businesses that the city could not meet. Parks asked if the city could commit to a big advertising campaign once the bridge is reopened. Parks said that advertising would help all businesses. The rest of the council agreed the advertising would be a good idea.

Motion by Cropley, second by Berg to approve the Plat – Mastbergen – Lot A1, Accretion of lots 8 and 9. All members present voted aye.

Motion by Benson, second by Parks to approve the 2nd reading of Ordinance 2019-04-Sewer Rate Increase. All members present voted aye.

Community Input:

1. Berg congratulated Rusty Montagne for accepting the position
2. Carpenter thanked Rusty for making sure the parks looked nice for the ice cream socials.
3. Cropley would like to see a breakdown of what the cleaning supplies are versus what the labor costs are.
4. Cherry stated National Night Out was August 6th, 2019 at DV Elementary School.
5. Cherry stated the Municipal League Annual Meeting will be Oct 8th – Oct 11th and the city has 6 rooms reserved.
6. Cherry stated the Chamber Annual Meeting is September 17th.
7. Joanie Christiansen said the bridge closure has been tough on the businesses.

Motion by Parks, second by Berg to move into executive session for personnel and legal items at 7:36pm. All members present vote aye.

Regular session resumed at 8:25pm.

Motion by Parks, second by Berg to approve the bills as presented. All members present voted aye

3-D SPECIALTIES, INC
BADER'S HGHWY & STREETS
BEN FISH TIRE

2907.25
24838.00
169.00

STREET SIGN INSTALL
CRACK SEALING (10)
MOWER TIRE

BIERSCHBACH EQUIP & SUPPLY	7989.00	DIESEL PUMP
BOMGAARS	320.16	BATTERY (2), STREET SUPP
BOUNCE AROUND INFLTBL	1384.49	NAT'L NIGHT OUT WTR SLIDES
CALHOUN	612.00	N DERBY WTR TWR-RPLCD LAMPS
CARPENTER TENA	58.71	EXP REIMB-FAREWAY-ICE CREAM
CHERRY, TED	117.60	EXP REIMB-MTG IN BROOKINGS
CHOLITAS PARTY RNTL	170.00	2019 NATL NIGHT OUT INFLTBL
COLONIAL LIFE	81.86	JUL2019 PREM 7/5, 7/19
CONTRACTOR SLTNS	3637.00	FLOOD PUMP
DAKOTA PUMP, INC	4064.76	VTSCADA SFTWR UPGRD
THMPN INNVTN	1630.00	JUL2019 TECH SUPP
FRGSN WTRWRKS	12.32	WTR PARTS (88)
FOUR SEASONS NORTH	224.55	AUG2019 FITNESS CHGS
GCR TIRES & SVC	308.70	LOADER TIRE
GOODE TO GO	250.00	CATERING-SEC OF LABOR
H2O 4 U	61.50	CH-BOTTLED WTR (8)
HAWKINS, INC	1971.45	CHLORINE (12)
HEMMINGSSEN, JODI	68.54	EXP REIMB-SUMMER REC
JACK'S UNIFORMS	1072.55	CLTHNG ALLWNC-NEW OFFICER
EAKES OFFICE SLTNS	426.57	CLNG SUPP
JEO CNSLTNG GROUP	6045.50	ENGINEERING FEES
JIMS WTR TRMNT	35.00	SR CNTR-WTR SFTNR SALT
KEVIN J. WOOD	275.00	LIBRARY EVENT
KEVIN ODELL	111.86	PD-REP LIGHT
MCLEOD'S PRGTG & OFFICE SUPP	328.73	FORMS (675)
MIDAMERICAN ENERGY	10.00	602 N DERBY-UTLTY CHGS
NSC AUTO REP	54.45	UNIT 1-CAR RPRS
ONE OFFICE SLTN	297.90	PD-INK CRTRDG (8), TNR(2)
PARKER, LESLIE	53.99	EXP REIMB-FAREWAY-ICE CREAM
ROBERTSON	583.59	LWN MWR SPINDLE (3)
SD DEPT OF HEALTH	415.00	BOD, COLI, SOLIDS
SENSAPHONE, INC.	480.00	RMT MNTRNG SYSTM
SPARKLE & SHINE CLNG SVCS	1451.25	JUL2019 CLNG (4)
TRI-STATE VLTN & CNSLTNG	1065.00	APPRAISAL REP
USABLUEBOOK	802.62	LAGOON SFTY SIGNS
VERIZON WIRELESS	730.94	CELL CHGS (21 LINES)
WOODHOUSE	157.06	UNIT 1-HOSE HEATER
ZEE MEDICAL SVC	485.95	MDCNE CBNT SUPP

Motion to adjourn by Parks second by Berg at 8:30pm. All members present voted aye.

Approved

Randy Fredericksen, Mayor

Attested

Mike Hamm, City Finance Officer



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Andrew Nilges, NSCEDC Executive Director
Date: 8/19/2019
Re: North Sioux City Advertising Update Memo

Background: The North Sioux City Economic Development Corporation has been overseeing the advertising campaign to promote North Sioux City, especially the strip area, during the Military Road bridge closure. The purpose of the campaign has been to provide support for the business community during what has been a very difficult time for them, and generate revenue for the businesses and city.

There have been three primary aspects to the advertising campaign: digital, social media, and television. In addition, there has been a small amount of print advertising, as well events such as the NSCEDC's Business of the Month program being held on the Strip and a planned ribbon cutting. Below are an update on the three primary aspects of the advertising campaign.

Digital Advertising: Digital advertising is being done with the Sioux City Journal (SCJ) and KTIV. The SCJ campaign consists of 80,000 premium online impressions and 40,000 in-story video impressions broken out over 4 months. The click through rate on our ads is 2.53%. The industry average for is .08%. There have been 2,593 clicks out of the 102,651 impressions. The cost of the digital advertising with the SCJ is \$3,400 for the 4 month campaign. KTIV's television advertising included complimentary pre-roll commercials per month. Of the 2,029 pre-roll videos through July there have been 26 clicks. The click through rate is 1.27%.

Social Media: The social media campaign is being run through our marketing partner, Henkin Schultz. Henkin Schultz created NSCEDC social media accounts for Facebook, Instagram, and YouTube. They also create the content that is approved by the NSCEDC prior to posting.

For Facebook/Instagram, they create 8 posts per month promoting North Sioux City with an extra focus on the Strip. These posts are active for 10 days each. Attached is a sample of the posts created so far – the attached is what was done in June. Also attached are the May-July results. The industry-wide average click through rate on Facebook is .90%. As you can see in the attached results, we are well above that with a 3.6% click through rating in May-July. There has been 72,900 impressions and 2,561 ad clicks through June. We're also getting a good amount of "likes" and "shares". The one thing we have not received much of is "likes" of the page – most of the engagement has been with the posts. Ultimately we'd like more people to follow the page so in the long-term we can get information out to a large audience without having to pay/boost posts. For this campaign though the goal is to promote North Sioux City and get people to view and interact with the posts and in turn encourage people to visit North Sioux City. To that end goal the campaign has been successful. Henkin Schultz and the NSCEDC monitor the posts regularly for any offensive content. So far we have not had any issues with this type of content. The Facebook/Instagram expense per month is \$850.

Henkin Schultz also promotes the television commercial on YouTube. On YouTube, through July, the commercial has had 133,100 impressions, been viewed all the way through 25,100 times, and clicked on 190 times. The monthly spend on YouTube is \$450 per month.

Television: The commercial created by KCAU is be aired on KCAU, KTIV, and KMEG/FOX, as well as on social media and digital advertising. On KCAU the commercial's projected reach is 105,000 adults 5.7 times and is airing on their morning news, Good Morning America, Dr. Phil and Oz, nightly news, and other programming. Their total cost is \$4,052, or \$1,013 a month. KTIV's projected reach is 106,000 adults 3.5 times and has aired on the morning news, Today Show, and Ellen. Their cost is \$3,790 for 4 months or \$947.50 a month. KMEG/FOX44 is airing on their morning and evening news programs and cost \$2,640 for 4 months or \$660 a month.

June 1, 2019

North Sioux City is a community that honors tradition, family and the values that tie us closer together. Our schools and all they have to offer provide a strong foundation for knowledge, friendships and bright futures. #WhereYouWantToGrow



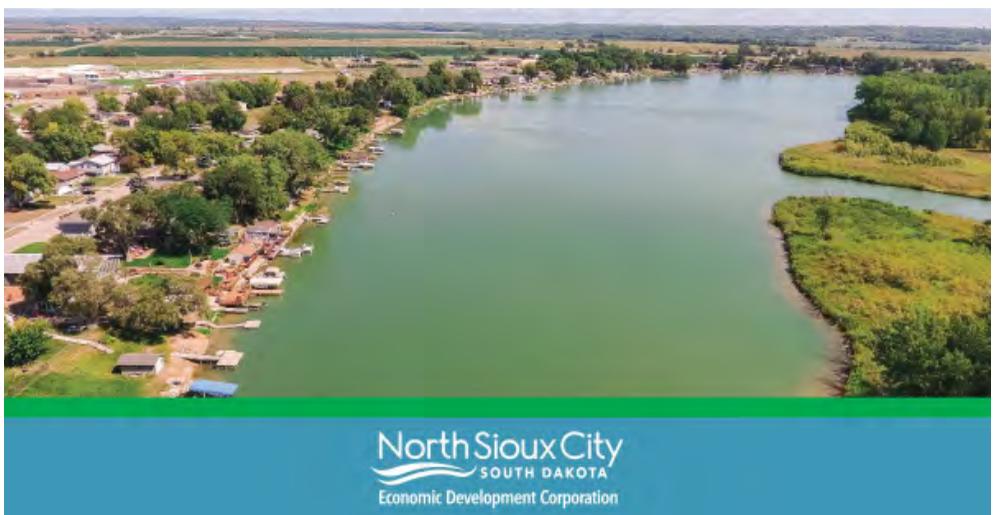
June 4, 2019

Downtown North Sioux City is a great place for an entertainment lover. The strip has the highest concentration of video lottery machines in all of South Dakota and offers gambling, food and fun! #WhereYouWantToPlay



June 7, 2019

Rarely does one small town offer so much. North Sioux City has a variety of outstanding housing options, from single-family homes to apartments to amazing lake-front properties. #WhereYouWantToLive



June 18, 2019
Today is National Splurge Day!
Treat yourself by visiting the strip for entertainment and great food. #NorthSiouxCity



North Sioux City
SOUTH DAKOTA
Economic Development Corporation

June 21, 2019
Happy first day of summer!
Get outside and enjoy the nice weather this season by visiting one of five park locations that North Sioux City has to offer. #WhereYouWantToPlay



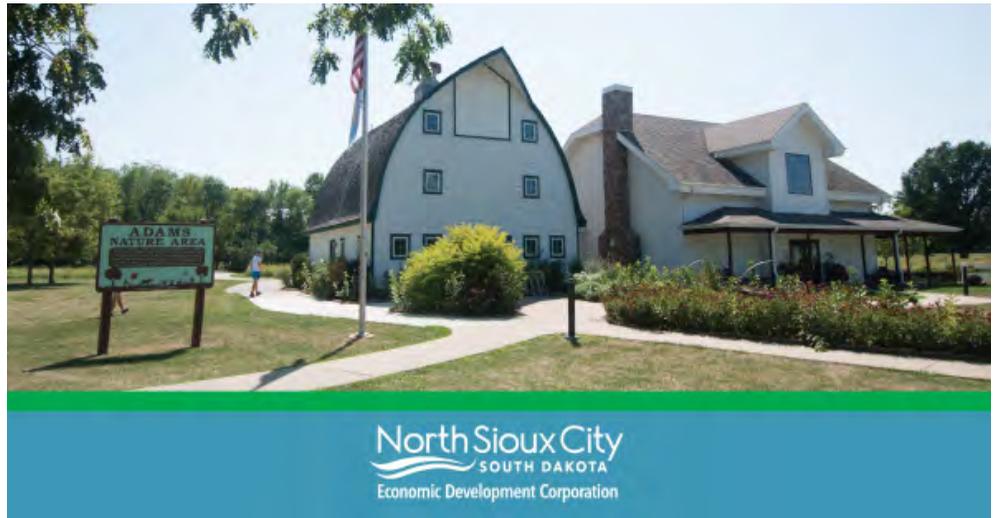
North Sioux City
SOUTH DAKOTA
Economic Development Corporation

June 23, 2019
Come on down to the strip this Wednesday night! Starting at 4pm the Tri-State Cruisers will be doing a car show full of classic, antique, cars and trucks. Bars, restaurants and casinos will be having beer tents, discounts and games. #WhereYouWantToPlay



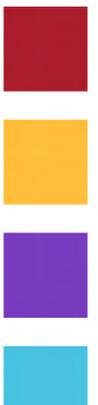
North Sioux City
SOUTH DAKOTA
Economic Development Corporation

June 27, 2019
Don't forget June 29th is Pickin'
In The Park! Located at
@AdamsHomestead from 10:00
am - 6:00 pm, vendors will be
selling vintage and repurposed
architectural salvage. Free
admission and all are welcome
for a day filled with food,
families, entertainment and fun!





NORTH SIOUX CITY ECONOMIC DEVELOPMENT CORPORATION
May Digital Report



Executive Summary May 2019:

sharing each of your promoted posts, this report highlights the highest performing post based on engagement for you to take a closer look at on page 3.

North Sioux City Overview:

May was the first month we had the opportunity to work with you and create content to help promote North Sioux City. We ran both Facebook and YouTube ads targeting people in the surrounding areas near North Sioux City. Overall, we are really happy with the results considering how small the group we are targeting.

YouTube Overview:

For YouTube, we are ran and are continuing to run "Where You Want To Be" 30 second spot. For the month of May the ad received over **61,000 impressions**, which means your ad was served that many times throughout May.

Out of that 61,000, over **11,000 people viewed** the entire 30 second video from start to finish and **95 people** clicked on your video.

Next Steps:

We are really happy with how things performed for the month of May! We recommend running the same campaign and budget to continue to maintain these results for June.

Facebook Overview:

For Facebook, our targeting for each promoted post has the potential to reach up to 120-490 people a day and we typically run each ad for 10 days.

These ads run on both Facebook and Instagram to help further the reach and data is pulled collectively from both platforms for each post. The average click-through-rate for Facebook ads across all industries is around **.90%**, this percentage is defined as the percentage of times people saw your ad and performed a click. The lowest click-through-rate you received was **2.97%** and the highest was **5.40%**.

We are very happy to see these percentages be so high and hope to see them maintain throughout June and possibly increase.

Engagement for Facebook was also really great, this just means that a lot of people are commenting, liking and

Promoted Posts Overview - Facebook

Combined Data (7 promoted posts)

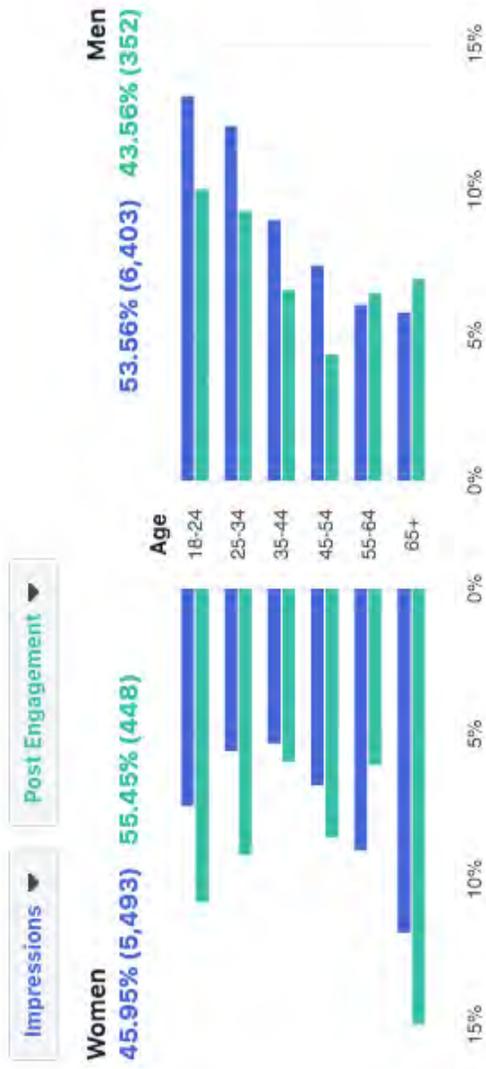
Clicks **461.0**

Impressions **11.9K**

CTR **3.9%**

*Clicks: The number of clicks on your ads.
Impressions: The number of times your ads were on screen.
CTR: The percentage of times people saw your ad and performed a click*

Overall Post Demographics



Post Engagement & Impressions Based on Hour



Top Performing Post

This post received the most engagement out of all the other promoted posts, with a total of over **80 reactions, comments and shares**. We are targeting a very specific area with promoted content, so it's good to see posts get a lot of interaction with a high CTR of **5.26%** as well.

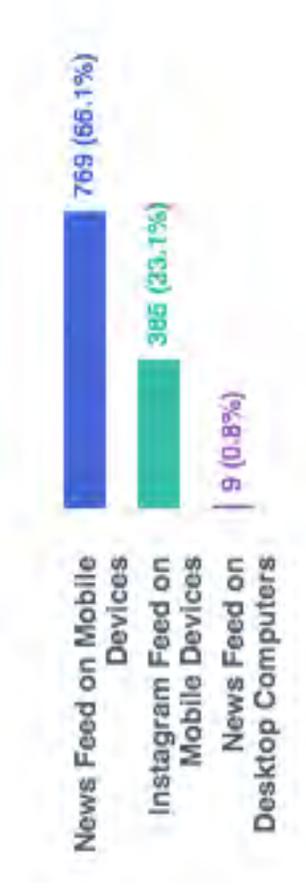
North Sioux City Economic Development Corporation
Sponsored

Happy May Day! Summer is around the corner. Soon it will be time to kick back on McCook Lake.

#NorthSiouxCity #WhereYouWantToBe

74 Reactions 2 Comments 6 Shares

Most Common Placement for Top Performing Post



Overview - YouTube

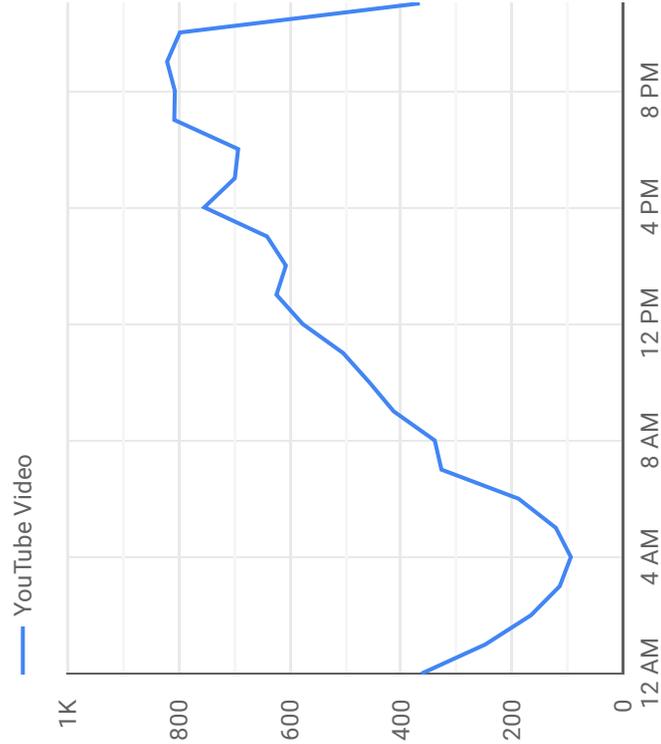
Video Views

Video views	11.5K
Clicks	95.0
Impressions	61.6K
Video view rate	18.71%

- Video View:** Is counted when someone watches 30 seconds of your video (or the duration, if it's shorter than 30 seconds) or interacts with your video, whichever comes first.
- Clicks:** When someone clicks your ad, it's counted here.
- Impressions:** An impression is counted each time your ad is served. Impressions help you understand how often your ad is being seen.
- Video View Rate:** the percentage of people who watched your video. It equals the number of views your ad receives divided by the number of impressions.

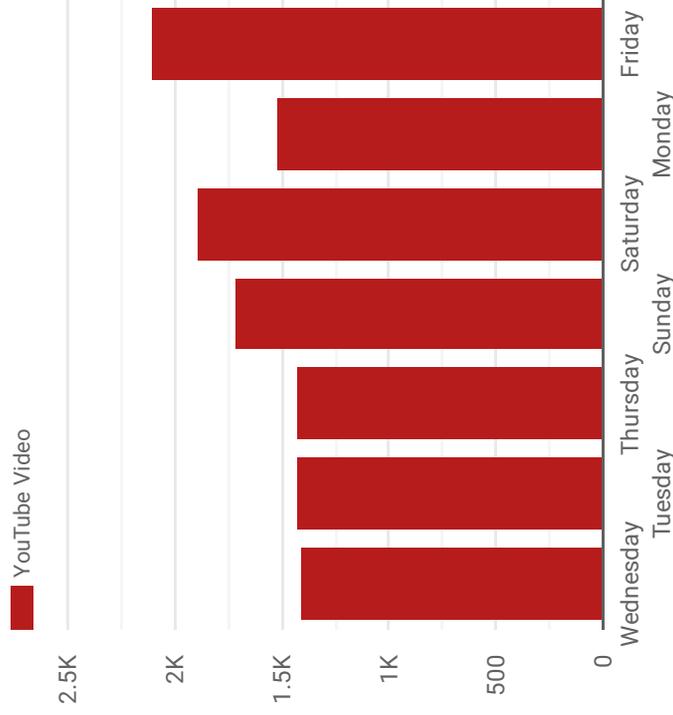
Video Views

By Hour of Day



Video Views

By Day of Week



Video Views

By Age & Gender

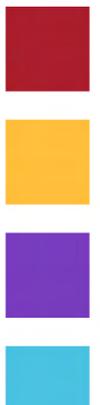
Age	Gender	Video...	Video view rate
1 Undetermined	Undeter...	2,318	17.01%
2 18to24	Male	1,923	19.05%
3 25to34	Male	1,269	19.4%
4 35to44	Male	859	17.84%
5 18to24	Female	815	17.6%
6 Undetermined	Male	732	20.48%
7 45to54	Male	593	19.33%
8 Undetermined	Female	561	22.84%
9 55to64	Male	470	21.27%

1 - 21 / 21

*Undetermined: Google cannot pick up data from this specific category due to individuals privacy settings and cookies.



NORTH SIOUX CITY ECONOMIC DEVELOPMENT CORPORATION
June Digital Report



Executive Summary June 2019:

North Sioux City Overview:

For the month of June we ran both Facebook and YouTube ads targeting people in the surrounding areas near North Sioux City. We are still seeing really great click-through-rates and are happy with how great the results have been since starting in May.

Facebook Overview:

For Facebook, we are still targeting the same demographic as the previous month. Posts are performing really well and getting a good amount of engagement. The post without the highest amount of impressions received 18 shares which helps extend your reach to others.

Because we are boosting the majority of your posts they will perform better than your organic posts. We recommend at the end of this campaign to run a campaign with the goal of increasing your page likes.

YouTube Overview:

For YouTube, we are ran and are continuing to run "Where You Want To Be" 30 second spot. For the month of May the ad received over **45,000 impressions**, which means your ad was served that many times throughout June.

Out of that 45,000 impressions over **8,400 people viewed** the entire 30 second video from start to finish and **71 people** clicked on your video.

Next Steps:

We are really happy with how things are continuing to perform. We will continue to run this campaign till the end of August and hope to see these results continue.

Promoted Posts Overview - Facebook

Combined Data (8 promoted posts)

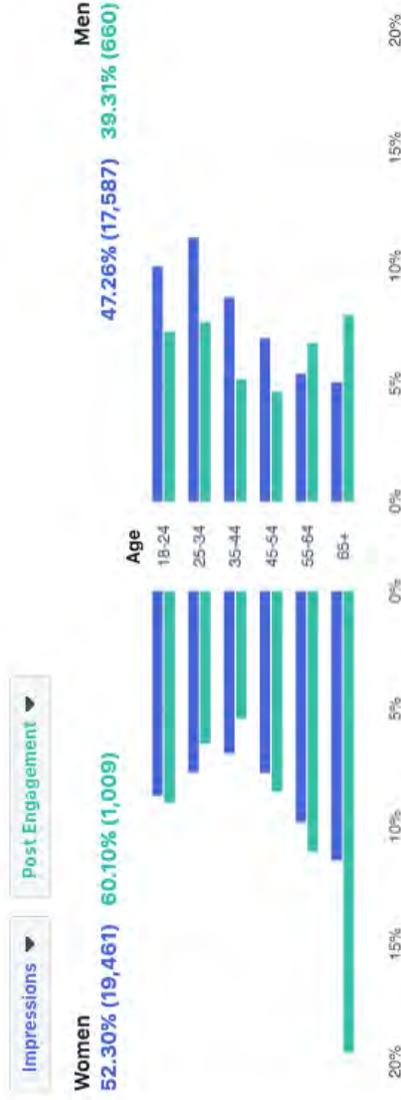


Clicks: The number of clicks on your ads.

Impressions: The number of times your ads were on screen.

CTR: The percentage of times people saw your ad and performed a click

Overall Post Demographics



Post Engagement & Impressions Based on Hour



Top Performing Post

This post received the most engagement out of all the other promoted posts, with a total of over **75 likes, comments and shares**. We are targeting a very specific area with promoted content, so it's good to see posts get a lot of interaction with a high CTR of **7.21%** as well.

North Sioux City Economic Development Corporation
 Sponsored · **45** · **6** Comments · **18** Shares

Don't forget June 29th is Pickin' In The Park! Located at Adams Homestead and Nature Preserve from 10:00 am - 6:00 pm, vendors will be selling vintage and repurposed architectural salvage. Free admission and all are welcome for a day filled with food, families, entertainment and fun!

Most Common Placement for Top Performing Post



Overview - YouTube

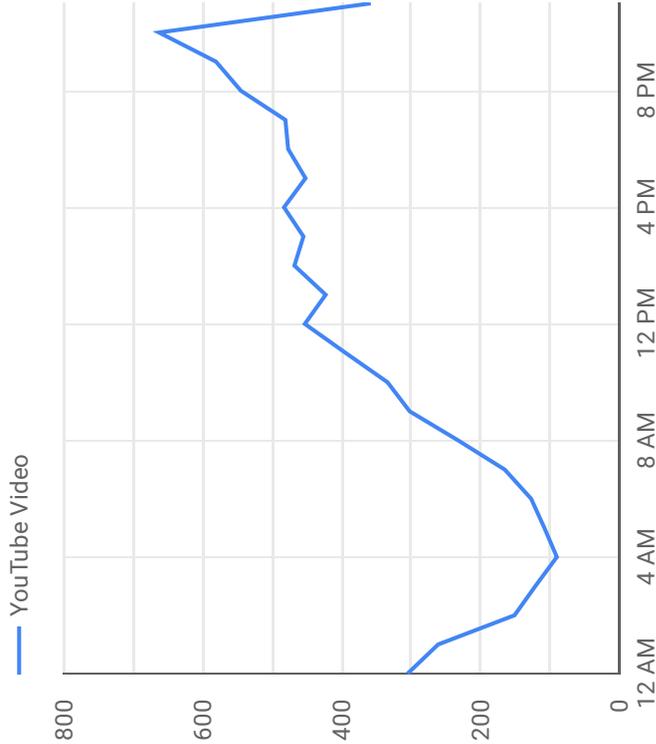
Video Views

Video views 8.4K	Clicks 71.0	Impressions 45.0K	Video view rate 18.74%
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- Video View:** Is counted when someone watches 30 seconds of your video (or the duration, if it's shorter than 30 seconds) or interacts with your video, whichever comes first.
- Clicks:** When someone clicks your ad, it's counted here.
- Impressions:** An impression is counted each time your ad is served. Impressions help you understand how often your ad is being seen.
- Video View Rate:** the percentage of people who watched your video. It equals the number of views your ad receives divided by the number of impressions.

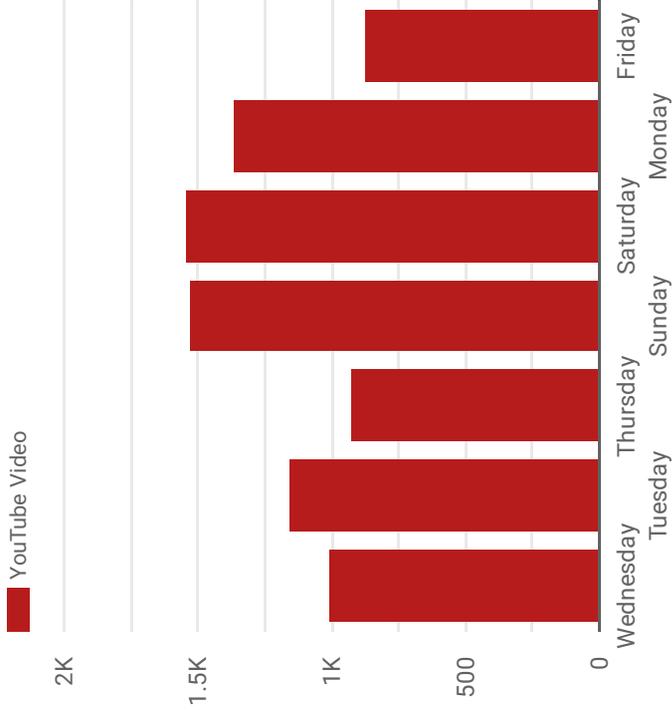
Video Views

By Hour of Day



Video Views

By Day of Week



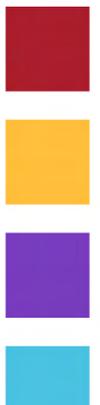
Video Views

By Age & Gender

Age	Gender	Video views	Video view r...
1 Undetermined	Undeter...	1,789	18.3%
2 18to24	Male	1,275	19.97%
3 25to34	Male	851	18.9%
4 35to44	Male	657	17.17%
5 18to24	Female	540	17.5%
6 45to54	Male	499	18.25%
7 Undetermined	Male	440	20.94%
8 55to64	Male	348	17.11%
9 Undetermined	Female	293	20.79%

1 - 21 / 21

*Undetermined: Google cannot pick up data from this specific category due to individuals privacy settings and cookies.



Executive Summary July 2019:

North Sioux City Overview:

For the month of July we maintained both Facebook and YouTube ads. We continue to target people in the surrounding areas near North Sioux City and everything continues to perform really well.

Facebook Overview:

For Facebook, we are still targeting the same demographic as the previous month. Posts are continuing to receive a significant amount of engagement. The post without the highest amount of impressions received 7 shares which helps extend your reach to others.

YouTube Overview:

For YouTube, we are ran and are continuing to run "Where You Want To Be" 30 second spot. Your ad received over **26,000 impressions**, which means your ad was served that many times throughout July!

Out of that 26,500 impressions over **5,200 people** viewed the entire 30 second video from start to finish and **24 people** clicked on your video.

Next Steps:

We are really happy with how things are continuing to perform. We will run the last month of this campaign during August and provide you with one more final report.

In September we recommend running a campaign with the goal of increasing your page likes to help with organic reach for the future.

Promoted Posts Overview - Facebook

Combined Data (8 promoted posts)

Impressions **23.9K**

Clicks (all) **744**

Average CTR **3.1%**

Impressions: The number of times your ads were on screen.

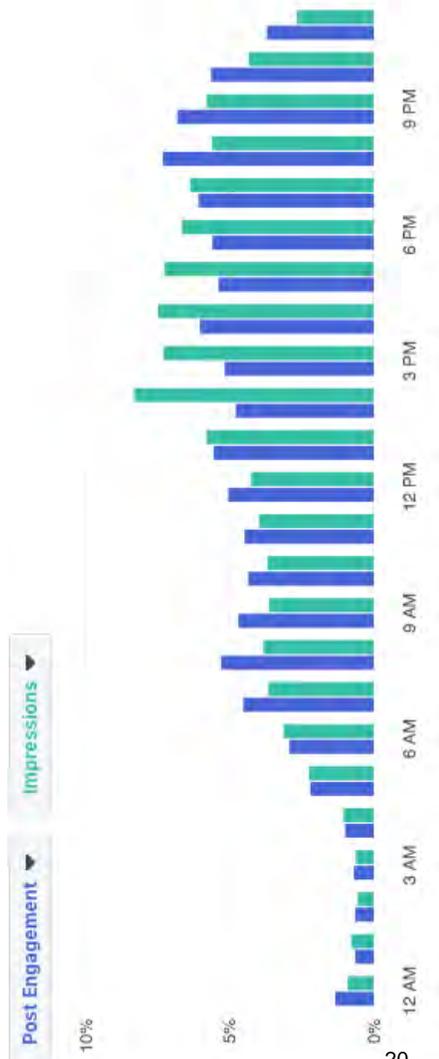
Clicks(all): The number of clicks on your ads.

CTR: The percentage of times people saw your ad and performed a click

Overall Post Demographics



Post Engagement & Impressions Based on Hour



Top Performing Post

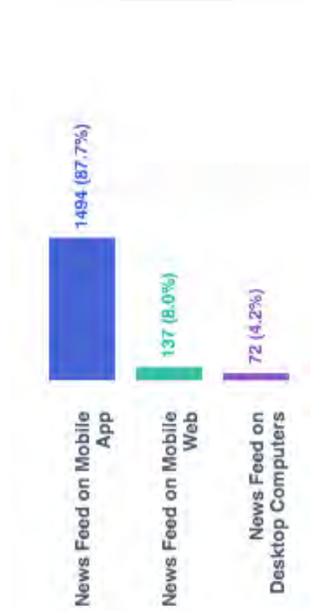
This post received the most engagement out of all the other promoted posts, with a total of over **80 likes, comments and shares**. We are targeting a very specific area with promoted content, so it's good to see posts get a lot of interaction with a high CTR of **4.33%** as well. This post also received **26 post clicks** and **18 photo views**.

North Sioux City Economic Development Corporation
Published by Kaitlin Brodeur [?] · July 21 at 1:57 PM ·

Located near the intersection of South Dakota, Nebraska and Iowa, North Sioux City is growing thanks to its favorable business climate, multiple industries, capable workforce and easy access to regional transportation.
#WhereYouWantToLive

Joyce Gross, Antonio Borjón and 67 others · 1 Comment 4 Shares

Most Common Placement for Top Performing Post



Overview - YouTube

Video Views

Video views	5.2K
Clicks	24.0
Impressions	26.5K
Video view rate	19.74%

-Video View: Is counted when someone watches 30 seconds of your video (or the duration, if it's shorter than 30 seconds) or interacts with your video, whichever comes first.

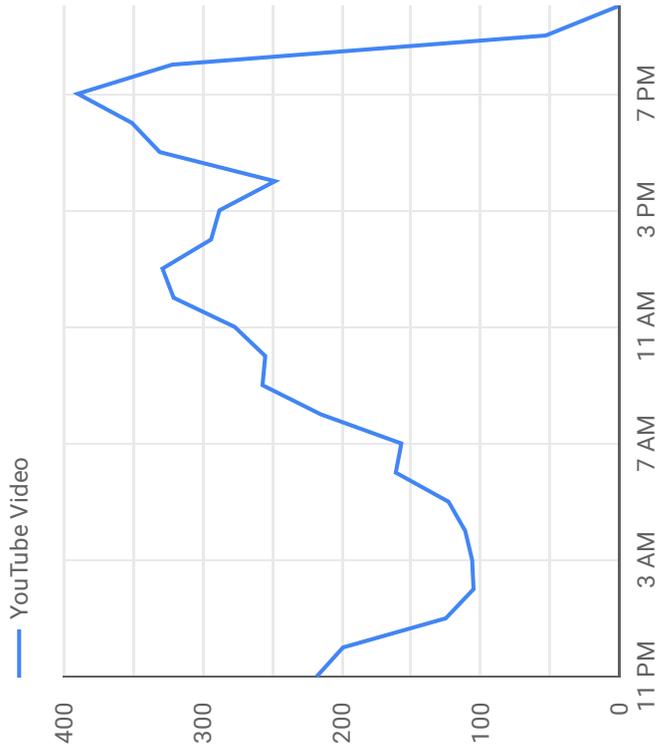
-Clicks: When someone clicks your ad, it's counted here.

-Impressions: An impression is counted each time your ad is served. Impressions help you understand how often your ad is being seen.

-Video View Rate: the percentage of people who watched your video. It equals the number of views your ad receives divided by the number of impressions.

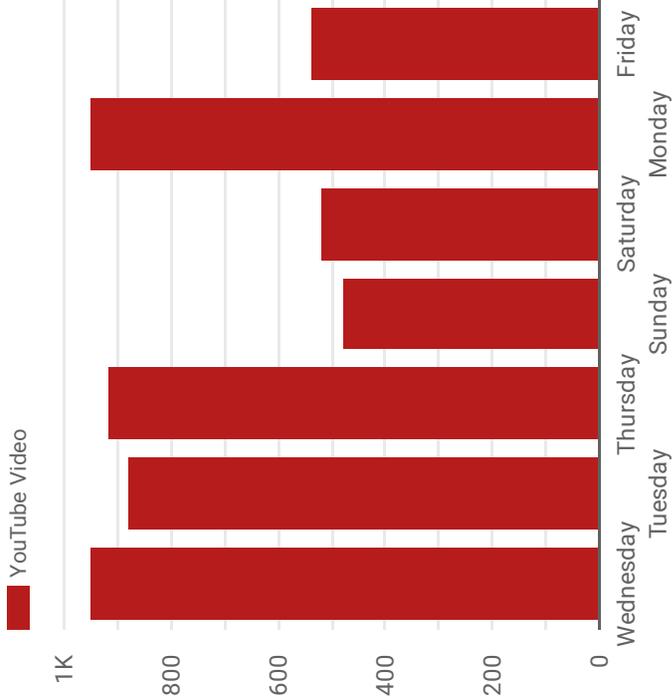
Video Views

By Hour of Day



Video Views

By Day of Week



Video Views

By Age & Gender

Age	Gender	Video views	Video view r...
1 Undetermined	Undeter...	900	17.45%
2 18to24	Male	831	19.99%
3 25to34	Male	543	20.07%
4 18to24	Female	502	20.37%
5 35to44	Male	408	19.29%
6 45to54	Male	292	20.56%
7 Undetermined	Male	280	22.88%
8 Undetermined	Female	260	26.97%
9 25to34	Female	199	17.96%

1 - 21 / 21

*Undetermined: Google cannot pick up data from this specific category due to individuals privacy settings and cookies.



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: 8.19.2019
Re: National League of Cities Service Line Discussion

Background: The National League of Cities contacted the City about possibly taking part in a program in regards to property owners protecting their water and sewer lines. The program is a type of insurance program that would be offered to residents and administered by them. The for the program to come into the community the City must agree to the program. The City would also receive a royalty from any plan that is signed up for. The City would provide owner data to NLC for the purposes of getting information to property owners.

There would be three products offered. External water lines, external sewer lines, and interior plumbing and drainage.

If the Council is interested in hearing more about this program a representative from the NLC would come to explain the program in more detail.

Financial Consideration: None at this time

Recommendation: Discussion topic only



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: 8.19.2019
Re: Plat Lots 6A & 7A of Lot 7 Avondale Addition

Background: Tyger Hoffman has asked for a new plat on the lots presented. The purpose of the replat is to allow for the lots to be large enough to build 2 single family homes on. The new dimensions would allow for this.

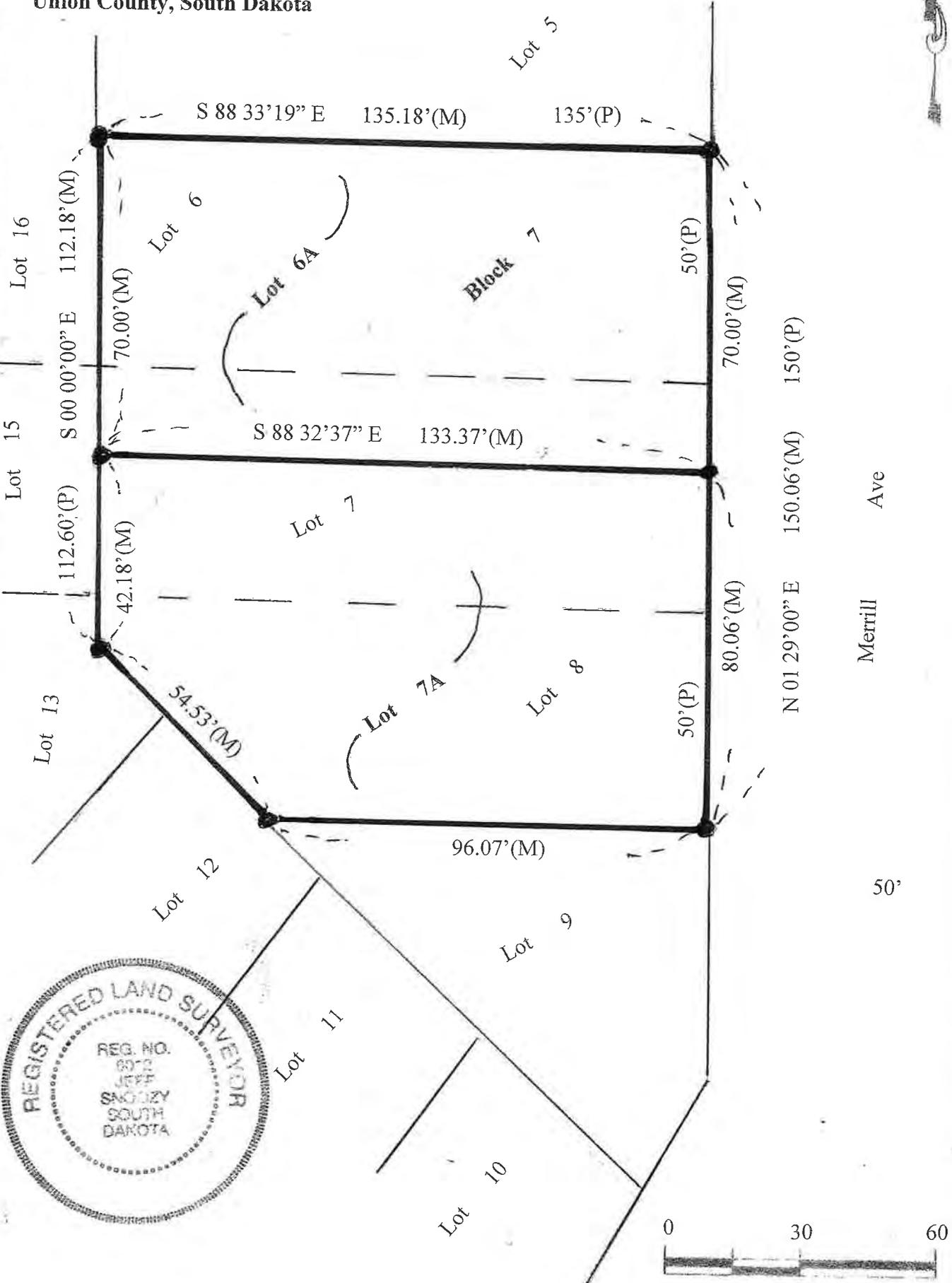
The Planning Commission approved unanimously on 8.14.2019

Financial Consideration: None

Recommendation: Administration would recommend approval of the plat as presented.

PLAT OF SURVEY

Lots 6A and 7A,
Block 7, Avondale Park Addition,
North Sioux City,
Union County, South Dakota



Area 9,400 SF Lot 6A
9,971 SF Lot 7A

LEGEND

- Capped Pin
- (P) Platted Distance
- (M) Measured Distance

CERTIFICATION:

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

Jeff Smoody
JEFF S. SMOODY, PLS #6012
DATE: 8/6/19
LICENSE RENEWAL DATE: DEC. 31, 2020 SHEETS COVERED BY THIS SEAL 4

S. SMOODY SURVEYING
18 ALGONA DRIVE
NORTH SIOUX CITY, SD 57049
08-18-19

CLIENT: *Hoffman*
ADDRESS:

SURVEYED BY: JSS DATE:
DRAWN BY: ANG DATE:
PAGE 1 OF 4

RESOLUTION BY THE CITY COUNCIL:

Be it resolved by the City Council of North Sioux City, Union county, South Dakota, that the above plat represents Lots 6A and 7A, Avondale Park, a subdivision of the Southeast Quarter of Section 15, Township 89 North, Range 48 West of the 5th P.M. North Sioux City, Union County, South Dakota, and be and the same is hereby approved.

I, undersigned, City Finance Officer of the City of North Sioux City, Union County, South Dakota, do hereby certify that the above is a true and correct copy of the Resolution passed by the City of North Sioux City, Union County, South Dakota, at their regular meeting on the _____ day of _____ 20_____

City Finance Officer, City of North Sioux City

Mayor, City of North Sioux city

PLANNING COMMISSION CERTIFICATE

Be it resolved by the Planning Commission of North Sioux City, Union County, South Dakota, that the attached and foregoing plat of Lots 6A and 7A, Avondale Park, a subdivision of the Southeast Quarter of Section 15, Township 89 North, Range 48 West of the 5th P.M., North Sioux City, Union County, South Dakota, be and the same is true.

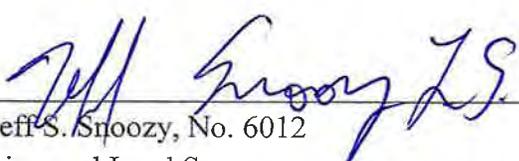
Chairman, Planning Commission, City of North Sioux City

Date

SURVEYOR'S CERTIFICATE

I, Jeff Snoozy, a Licensed Land Surveyor of the state of South Dakota, Do hereby certify that at the direction of the owners, I have surveyed Lots 6A and 7A, Avondale Park, a subdivision of the Southeast Quarter of Section 15, Township 89 North, Range 48 West of the 5th P.M., North Sioux City, Union County, South Dakota, and that all dimensions are correct.

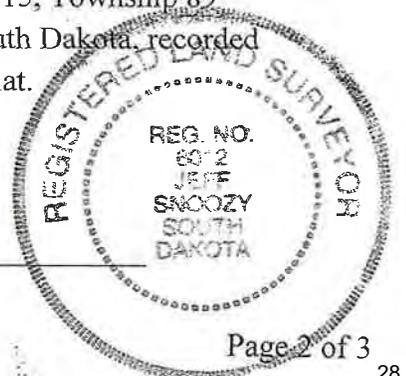
Pursuant to SDCL 11-3-20.1 to 11-3-20.4, Inclusive, the approval and filing of this plat vacates the following: Lots 6, 7, and 8; Avondale Park, a subdivision of the Section 15, Township 89 North, Range 48 West of the 5th P.M., North Sioux City, Union County, South Dakota, recorded in Book of Deeds 43, Page 220 and 221, therein as shown on the attached plat.



Jeff S. Snoozy, No. 6012
Licensed Land Surveyor

8/6/19

Date



OWNERS CERTIFICATE

I, the undersigned, do hereby certify that as the owners of the land in the above plat and here after described as Lots 6A and 7A, Avondale Park, a subdivision of the Southeast Quarter of Section 15, Township 89 North, Range 48 West of the 5th P. M., North Sioux City, Union County, South Dakota, and that said survey and plat were made at my request and in accordance with my instructions for the purpose of transfer, and that the development of this land shall conform to all existing applicable zoning, subdivision, erosion and sediment control regulations, and that said property is free of all encumbrances.

I further certify that this plat does hereby vacate the following:

Lots 6, 7, and 8, Avondale Park, a subdivision of the Southeast Quarter of Section 15, Township 89 North, Range 48 West of the 5th P.M., North Sioux City, Union County, South Dakota, on file at the Register of Deeds office in Book 43 of deeds on page 220 and 221.



Tyger J. Hoffman
Manager, Construction Plus, LLC

8/6/19

Date

Acknowledgement of Owner

Be it remembered that on this 6 Day of August, 2019,
Before me, the undersigned, a Notary Public, personally appeared Tyger J. Hoffman, known to me to be the persons described in and who executed the forgoing certificate.

My Commission Expires: 11-27-23 Notary Public: 



CERTIFICATE OF COUNTY AUDITOR:

I, the undersigned, County Auditor of Union county, Do hereby certify that the above certificate of approval is true and correct including the signature thereon.

Dated this _____ Day of _____, 2019

County Auditor, Union County

CERTIFICATE OF COUNTY TREASURER

State of South Dakota, County of Union

I, the undersigned, County Treasurer of Union County, South Dakota, do hereby certify that all taxes which are liens upon the land included in this plat, are shown by the records of my office have been paid in full.

County Treasurer

Date

CERTIFICATE OF DIRECTOR OF EQUALIZATION

State of South Dakota, County of Union

I, the undersigned, Director of Equalization of Union County, South Dakota, Do hereby certify that a copy of the above plat has been filed in my office.

Director of Equalization

Date

CERTIFICATE OF COUNTY REGISTER OF DEEDS

State of South Dakota, County of Union

I, the undersigned, Register of Deeds for Union County, South Dakota, do hereby certify that that this plat has been filed for record this _____ day of _____, 20____, at _____ o'clock _____ M. and filed in book _____ of Plats on Page _____ therein.

County Register of Deeds

Original Plat





City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: 8.19.2019
Re: South Derby Change Order #2

Background: Greg has submitted the last change order for the South Derby Paving project. The change order is for a deduction in the contract amount of \$46,140.04. The deduction is mostly from the liquidated damages, but also from some additional work we had to ask other contractors to do, as well as changes to the materials used. The final payment is in the batch for payment.

Financial Consideration: A deduction of \$46,140.04

Recommendation: Administration recommends the approval of the Change Order #2 for the South Derby Paving project.

CHANGE ORDER

Change Order No: Two
Date: August 14, 2018
Agreement Date: April 2, 2018

NAME OF PROJECT : North Sioux City – South Derby Lane Reconstruction

OWNER: City of North Sioux City, SD

CONTRACTOR: Vander Pol Excavating, LLC

The following changes are hereby made to the CONTRACT DOCUMENTS:
See the attached Pay Request Six & Change Order One Spreadsheet.

Justification:
Requested by the contractor

Change to CONTRACT PRICE:

Original CONTRACT PRICE \$575,361.84

Current CONTRACT PRICE adjusted by previous CHANGE ORDERS \$575,361.84

The CONTRACT PRICE due to this CHANGE ORDER will be decreased by:
\$46,140.04.

The new CONTRACT PRICE including this CHANGE ORDER will be \$529,221.81

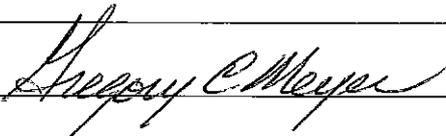
Change to CONTRACT TIME:

The CONTRACT TIME will be [increased] [~~decreased~~] by 304 calendar days.

The date for completion of all work will be August 19, 2019 (Date).

Approvals Required:
To be effective this Order must be approved by the City of North Sioux City if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTAL GENERAL CONDITIONS.

Requested by: City of North Sioux City

Recommended by: Buell Winter Mousel & Assoc. PC 

Accepted by: Vander Pol Excavating, LLC

Pay Request Six & Change Order Two

Project Name: North Sioux City South Derby Reconstruction

Date: 8/14/2019

Site Work:				Vander Pol Exc.		Pay Request Six		Change Order Two	
Item	Description	Unit		Unit Price	Total Price	Quantity	Pay Request Six	Quantity	Total
1	Seeding	1 AC		\$2,520.00	\$2,520.00	1.13	\$2,847.60	0.13	\$327.60
2	Fertilizer	250 LBS		\$5.25	\$1,312.50	282.50	\$1,483.13	32.50	\$170.63
3	Mulch	2 TN		\$1,680.00	\$3,360.00	2.26	\$3,796.80	0.26	\$436.80
4	Silt Fence	264 Lf		\$3.68	\$971.52	62.00	\$228.16	-202.00	(\$743.36)
Storm Sewer:									
5	15" RCP Class IV with bedding	31 LF		\$52.25	\$1,619.75	31.00	\$1,619.75	0.00	\$0.00
6	Adjust Manhole lid	6 EA		\$1,100.00	\$6,600.00	5.00	\$5,500.00	-1.00	(\$1,100.00)
7	Extend 18" Culvert to Area Inlet	1 EA		\$550.00	\$550.00	1.00	\$550.00	0.00	\$0.00
8	Curb Inlet on existing pipe	3 EA		\$3,650.00	\$10,950.00	3.00	\$10,950.00	0.00	\$0.00
9	Area Inlet Type I Connect to Culvert	1 EA		\$3,450.00	\$3,450.00	1.00	\$3,450.00	0.00	\$0.00
10	Remove Extg. Structure and Construct Curb Inlet on existing pipe	3 EA		\$4,100.00	\$12,300.00	3.00	\$12,300.00	0.00	\$0.00
11	Remove and Dispose of extg culvert pipe	255 LF		\$14.00	\$3,570.00	255.00	\$3,570.00	0.00	\$0.00
12	Storm Sewer Trench Backfill	12 CY		\$48.44	\$581.28	0.00	\$0.00	-12.00	(\$581.28)
13	Remove Extg. MH and Repair Pipe	1 EA		\$1,425.00	\$1,425.00	1.00	\$1,425.00	0.00	\$0.00
14	Remove Extg. Structure and Construct Gutter Inlet on Existing Pipe	1 EA		\$4,125.00	\$4,125.00	1.00	\$4,125.00	0.00	\$0.00
15	Remove Extg. Manhole and Constr. Conc. Manhole	1 EA		\$3,465.00	\$3,465.00	0.00	\$0.00	-1.00	(\$3,465.00)
16	Curb Inlet on New Pipe	1 EA		\$3,450.00	\$3,450.00	1.00	\$3,450.00	0.00	\$0.00
Paving:									
17	8" Nonreinforced PCC Paving	4875 SY		\$49.90	\$243,262.50	5263.40	\$262,643.66	388.40	\$19,381.16
18	6" Nonreinforced PCC Paving	974 SY		\$44.75	\$43,586.50	802.50	\$35,911.88	-171.50	(\$7,674.63)
19	Unclassified Excavation	2460 CY		\$8.75	\$21,525.00	2857.10	\$24,999.63	397.10	\$3,474.63
20	Haul millings & gravel to Flynn and Stockpile	742 CY		\$6.25	\$4,637.50	742.00	\$4,637.50	0.00	\$0.00
21	Haul Soil to Flynn and Grade	1165 CY		\$6.50	\$7,572.50	2196.30	\$14,275.95	1031.30	\$6,703.45
22	Core Out	520 CY		\$3.75	\$1,950.00	0.00	\$0.00	-520.00	(\$1,950.00)
23	Mill Existing Asphalt Surface	3325 SY		\$3.60	\$11,970.00	3325.00	\$11,970.00	0.00	\$0.00
24	Millings and Gravel placed as temporary surfacing & picked up and hauled to Flynn & Stockpiled	367 CY		\$12.25	\$4,495.75	66.20	\$810.95	-300.80	(\$3,684.80)
25	Rock for Temporary Surfacing	200 tns.		\$29.00	\$5,800.00		\$0.00	-200.00	(\$5,800.00)
26	Sawcut Asphalt/Concrete	1038 LF		\$5.75	\$5,968.50	1038.00	\$5,968.50	0.00	\$0.00
27	18" Flyash Incorporation	4942 SY		\$6.82	\$33,704.44	0.00	\$0.00	0.00	\$0.00
28	Flyash Transport	500 ton		\$65.00	\$32,500.00	0.00	\$0.00	0.00	\$0.00
29	Embankment	1235.4 CY		\$10.50	\$12,971.70	1235.40	\$12,971.70	0.00	\$0.00
30	Remove and Dispose of Concrete/Asphalt	1656 SY		\$5.65	\$9,356.40	1656.00	\$9,356.40	0.00	\$0.00
31	Pavement Marking	1 LS		\$811.00	\$811.00	0.60	\$486.60	-0.40	(\$324.40)
32	Traffic Control Miscellaneous	1 LS		\$8,900.00	\$8,900.00	1.00	\$8,900.00	0.00	\$0.00
33	Type 2 Object Markers	6 EA		\$375.00	\$2,250.00	8.00	\$3,000.00	2.00	\$750.00
34	Type 3 Barricades with arrow	2 EA		\$575.00	\$1,150.00	0.00	\$0.00	-2.00	(\$1,150.00)
35	Traffic Control Signal	84 DYS		\$230.00	\$19,320.00	53.00	\$12,190.00	-31.00	(\$7,130.00)
36	Erosion Control & Pollution Prevention Plan	1 LS		\$3,325.00	\$3,325.00	1.00	\$3,325.00	0.00	\$0.00
37	Incidentals	15% LS		\$45,000.00	\$45,000.00	1.00	\$45,000.00	0.00	\$0.00
Total of Bid Amount					\$580,306.84		\$511,743.20		(\$2,359.21)
Alternate No. One CEMENT TREATED SUBGRADE									
Delete the following Items:									
26	18" Flyash Incorporation	-4942 SY		\$6.82	(\$33,704.44)				
27	Flyash Transport	-500 ton		\$65.00	(\$32,500.00)				
					(\$66,204.44)				
Add the following items:									
26A	18" Cement Incorporation	4942 SY		\$6.82	\$33,704.44	4942.00	\$33,704.44	0.00	\$0.00
27A	Cement Transport	167 ton		\$165.00	\$27,555.00	150.88	\$24,895.20	-16.12	(\$2,659.80)
					\$61,259.44		\$58,599.64		(\$2,659.80)
Alternate 'One' Subtotal									
Total of Bid Amount with Alternate One					\$575,361.84		\$570,342.84		(\$5,019.01)

Deducts for nonconforming work:

12 Repair Casey's Irrigation \$2,500.00 (\$6,013.40) (\$6,013.40)

13 High Slump Concrete at North Sioux Auto
 8" Nonreinforced PCC Paving Included in concrete quantity above.

Pending Change Order Items

Scale Service	23 ea	\$11.00	\$253.00	\$ 11.00	\$253.00	\$ 23.00	\$253.00
12" Storm Sewer	40 l.f.	\$30.00	\$1,200.00	\$30.00	\$1,200.00	\$40.00	\$1,200.00
Total of Contract Amount					\$565,782.44		(\$9,579.41)

Pending Items per email of May 9, 2019

Liquidated Damages					\$ (29,600.00)		\$ (29,600.00)
Items of Work Remaining							
a.) Remove joint sealant					\$ -		\$ -
b.) Sealant Repair at Inlets					\$ -		\$ -
c.) Repair Concrete Spall					\$ -		\$ -
d.) Sweep Casey's Lot					\$ -		\$ -
e.) Sweep Zort's Lot					\$ -		\$ -
f.) Repair electrical at Zort's Lot					\$ (1,132.63)		\$ (1,132.63)
g.) Finish Street Marking					\$ (278.00)		\$ (278.00)
h.) Grade Fill at Flynn					\$ -		\$ -
j.) Not Applicable							
k.) Grind portion of street					\$ (5,550.00)		\$ (5,550.00)
Net Work Completed as of 5/29/2019					\$529,221.81		(\$46,140.04)



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: 8.19.2019
Re: Resolution 2019-03

Background: During the spring and summer months of 2019 Union County communities and SECOG have been working to update the Union County Pre-Disaster Hazard Mitigation Plan. This plan is essential for the county to have on record for proper procedures to follow during a hazard event as well as to be on file with the State of SD for the purposes of reimbursement for hazard events.

The resolution states that the City of North Sioux City supports the contents of the plan update. Through the passage of this ordinance by all of the local stakeholders SECOG can then get the proper approval letters from FEMA to implement the plan.

The plan can be viewed at

<https://www.dropbox.com/s/mbdb6goxs55koy7/Union%20County%202019%20DRAFT%20PDM.pdf?dl=0>

Financial Consideration: None

Recommendation: Administration would recommend the approval of the resolution as presented.

City of North Sioux City, South Dakota
Resolution #2013-03

A resolution of the City of North Sioux City Declaring Support and Adoption of the Union County Pre-Disaster Hazard Mitigation Plan Update, dated 2019.

WHEREAS, the North Sioux City City Council supports the contents of the Union County Pre-Disaster Hazard Mitigation Plan Update; and

WHEREAS, the Union County Pre-Disaster Hazard Mitigation Plan Update will be utilized as a guide for planning related to FEMA Hazard Mitigation and other purposes as deemed appropriate by the City of North Sioux City.

NOW THEREFORE BE IT RESOLVED, that the North Sioux City City Council hereby adopts, supports and will facilitate the implementation of the Union County Pre-Disaster Hazard Mitigation Plan Update.

Adopted this _____ day of _____, 2019

Mayor

Attest:



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: 8.19.2019
Re: Ordinance 2019-05 Storage Containers

Background: Currently, there is no rule regarding the placement of large containers used for the shipping of freight or for personal storage. As such, these containers may be allowed to sit unused, or be used beyond their intended purpose, for an indefinite period of time. Ordinance 2019-05 would be a new addition to the City's code of ordinances.

Ordinance 2019-05 would require persons or businesses in Residential and Central Business Districts to seek City approval before placing a large container and limiting the amount of time each can be placed. This would help protect the aesthetics of the City's Residential and Central Business Districts as well as prevent any nuisances from forming as a result of the container's prolonged placement.

Failure to seek or renew a permit could result in a fine and possible removal of the container. A grace period is given for containers in Residential districts to give leeway to individuals moving into and out of the City.

Financial Consideration: Cost of publication and any revenue from permits and fines.

Recommendation: Administration would recommend the approval of the 1st reading of Ordinance 2019-05 adding the regulation of storage containers.

PROPOSED ORDINANCE 2019-05

AN ORDINANCE AMENDING THE NORTH SIOUX CITY CODE OF ORDINANCES TITLE 5 BUSINESS LICENCES AND REGULATIONS BY ADDING CHAPTER 5.40 STORAGE CONTAINERS TO PROHIBIT THE PERMANENT PLACEMENT AND REGULATE THE TEMPORARY PLACEMENT OF SHIPPING AND PERSONAL STORAGE CONTAINERS AND TO OUTLINE THE PERMIT PROCESS FOR THEIR TEMPORARY USE.

BE IT ORDAINED, by the Governing Body of the City of North Sioux City, South Dakota and it is hereby ordained by authority of the same that Title 5, Chapter 5.40 be added as set forth below.

Chapter 5.40 Storage Containers

Sections:

5.40.10 Definitions

5.40.20 Permit Required

5.40.30 Restrictions in Residential (R) Districts

5.40.40 Restrictions in Central Business (CB) Districts

5.40.50 Permit Renewal

5.40.60 Enforcement

5.40.70 Violations – Penalty

5.40.80 Impoundment

5.40.10 Definitions

“Shipping containers” refer to storage containers designed for the storing and moving of freight and cargo.

“Personal storage containers” or “personal containers” refer to large storage containers designed for the storage and movement of personal property.

5.40.20 Permit required

The permanent placement of personal storage or shipping containers is banned for all residential (R) zoning districts and the central business (CB) districts within the city. Temporary placement in the R and CB zoning districts is allowed if a permit is received, for each container, from the city.

5.40.30 Restrictions in Residential (R) Districts

The placing of personal storage containers and/or shipping containers, for the sole purpose of packing, loading, and/or unloading, is permitted for up to five (5) calendar days within residential (R) zoning districts. A permit is required to leave a container placed on the residential property after a consecutive five (5) day period. The permit will be good for ten (10) calendar days. If a permitted personal or shipping container is left dormant after the ten (10) day timeframe, it will be a violation of this ordinance. The cost to apply for a permit will be five dollars (\$5).

5.40.40 Restrictions in Central Business (CB) Districts

The placement of personal storage and/or shipping containers without a permit in the central business (CB) zoning district is prohibited. Before a person or entity within the CB district may place personal storage and/or shipping containers they must receive a permit from the city. The duration and cost of the permit will be the same as described in 5.40.30 above.

5.40.50 Permit Renewal

Individual permits may not be extended but the applicant may reapply for an additional permit upon or immediately before the expiration of the currently issued permit. Each container may be permitted up to a total of three (3) times, once initially and with two ten (10) day extensions, for a total of thirty (30) calendar days. Each application will be assessed the five dollar (\$5) permit fee. The issuance of the initial permit and any subsequent permits will be at the sole discretion of the City.

5.40.60 Enforcement

It shall be the duty of any law enforcement officer or employee of the City to ensure all temporarily placed personal or shipping containers have received the necessary permit prior to placement in CB districts or by the end of the five (5) day grace period in R districts. Containers found out of compliance with this ordinance shall be given a reasonable time to be brought into compliance. Failure to do so in a timely manner or a refusal to cooperate will constitute a violation of this ordinance.

5.40.70 Violations - Penalty

Any person or entity found in violation of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500) and every subsequent day such a violation continues shall constitute a separate offense.

5.40.80 Impoundment

If any person or entity refuses to comply and continues to be in violation of this ordinance, the City may remove the container from the premises. Within forty-eight (48) hours of removal, the City will notify the owner of the container, if known, and the owner or occupant of the property from which the container was removed. The notice shall give the location of where the container is stored and the cost incurred by the City for removal to be paid by the violator.

The owner or renter of any seized container may redeem such container, and the property stored within, any time after its removal upon proof of ownership or renter status and payment to the impoundment lot operator for any fees and expenses associated with the removal and storage.

Dated at North Sioux City, South Dakota this _____ day of _____ 2019

THE GOVERNING BODY OF THE CITY
OF NORTH SIOUX CITY, SOUTH DAKOTA

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Mike Hamm. Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: August 19, 2019
Re: Ordinance 2019-06 Row-of-Way Maintenance

Background: Ordinance 2019-06 clarifies some questions the City has received about who is responsible for the maintenance of the right-of-way property. The ordinance does not convey the ownership of the right-of-way rights to the property owner, but the right-of-way does show on property owners plats. The ordinance, as presented, would clear up any misunderstandings about the responsibility of the property owner to maintain the right-of-way. Failure of property owners to maintain the right-of-way could result in a fine.

This is a new ordinance that would be added to Chapter 8 of City Ordinances

Financial Consideration: Cost of Publication and possible revenue from fines

Recommendation: Administration would recommend the approval of Ordinance 2019-06 1st reading on the maintenance of right-of-ways.

PROPOSED ORDINANCE 2019-06

AN ORDINANCE AMENDING THE NORTH SIOUX CITY CODE OF ORDINANCES TITLE 8 HEALTH AND SAFETY CHAPTER 8.08 NUISANCES BY ADDING A NEW SECTION, 8.08.45, WHICH REQUIRES PROPERTY OWNERS TO MAINTAIN THE RIGHT OF WAYS ABUTTING THEIR PROPERTY.

BE IT ORDAINED, by the Governing Body of the City of North Sioux City, South Dakota and it is hereby ordained by authority of the same that Title 8, Chapter 8.08 be amended as set forth below.

8.08.45 Maintenance of Right-of-Ways

A. The maintenance of property located within a right-of-way shall be the responsibility of the property owner which is adjacent to and abuts the right-of-way. Maintenance includes, but is not limited to, the removal of dead, dangerous, and/or noxious vegetation, keeping the grass cut below the seven inch (7”) requirement, and keeping the property free from any and all nuisances listed within this chapter.

B. Notice will be given to the property owner when a violation is discovered within the abutting right-of-way. Once notice is provided, the owner will have five (5) days to bring the property into compliance. If the owner fails or refuses to comply, the City is authorized to bring the property in the right-of-way into compliance and bill the owner of the adjacent property to recover the cost. Failure to pay the bill within thirty (30) days may result in an assessment on the owner’s property to collect the money owed to the City. In lieu of special assessment, the City may institute civil action against the owner to recover the cost.

Dated at North Sioux City, South Dakota this ___ day of _____ 2019

THE GOVERNING BODY OF THE CITY
OF NORTH SIOUX CITY, SOUTH DAKOTA

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Mike Hamm, Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: August 19, 2019
Re: 2019-07 Animal Control Language Update

Background: While working through the previous animal ordinance Administration noticed some inconsistencies in the current code of Ordinances regarding animals regulations. The use of “Pound Master” is not what the City currently uses and the language has been changed to “Animal Control”. Updates were done to when licensing of animals must occur as well as more information needed on vaccinations. Language was cleaned up to reflect current procedures.

Financial Consideration: Cost of Publication

Recommendation: Administration would recommend the approval of the first reading of Ordinance 2019-07

PROPOSED ORDINANCE 2019-07

AN ORDINANCE AMENDING THE NORTH SIOUX CITY CODE OF ORDINANCES TITLE 6 ANIMALS BY ADDING ADDITIONAL LANGUAGE ON FEES, LICENSING, AND DESTRUCTION, TO ALTER CURRENT LANGUAGE BY REMOVING MENTION OF FINANCE OFFICER, ANIMAL CONTROL OFFICER, POUND MASTER AND DESIGNEES BY REPLACING IT WITH ANIMAL CONTROL AND THE ANIMAL CONTROL OFFICE AND TO ADD LANGUAGE THAT MAKES LEAVING ANIMALS IN HAZARDOUS PLACES CONSIDERED NEGLECT.

BE IT ORDAINED, by the Governing Body of the City of North Sioux City, South Dakota and it is hereby ordained by authority of the same that Title 6 be amended as set forth below.

6.04.020 ~~Pound master~~ Animal Control --Office created.

There is created the office of animal control of North Sioux City, South Dakota the duties of which shall be to carry out the provisions of the animal control ordinances of the city. The duties of ~~the an~~ animal control officer, as defined herein, shall be assumed and performed by the duly authorized designee of the mayor or the mayor's authorized representative

6.08.010 License issuance and fee collection--Office designated.

A. The ~~finance officer~~ animal control office is designated as the official agent of the city for the purpose of issuing city dog and cat licenses and collecting fees therefore pursuant to the provisions of this title.

B. The ~~finance officer~~ animal control office shall have authority to enter into agreements with other governmental agencies, a corporation, or an individual as a collection agent, for the efficient collection of license fees and the issuance of city dog and cat licenses.

6.08.020 Licenses.

A. Every owner of a domestic pet as listed in section 6.12.050 shall procure a city animal license for each calendar year from the ~~finance officer, or his or her designee,~~ animal control office before the first day of ~~March~~ February of the calendar year for which the license is in effect.

B. An animal license is required for every domestic pet over six months of age or a dog or cat under six months of age that is no longer with its dam.

C. All licenses, regardless of date of issue, shall expire on December 31st of the year the license was in effect or upon the expiration of the rabies vaccination, as shown on the furnished certificate of vaccination, whichever date occurs first. Should a new rabies certificate of vaccination be provided, the license will then be valid until December 31st.

D. The annual license fee shall be five dollars for each neutered animal and ten dollars (\$10.00) for each unneutered animal.

E. At the time of making application for the city license, the owner shall furnish to the ~~finance officer, or his or her designee,~~ animal control office a veterinarian's certificate showing that the animal for which the license is sought has been vaccinated and that such vaccination has not expired. In order to take advantage of the lower rate for neutered animals, the owner shall, at the time application is made for an animal license, present a certificate of neutering, signed by a veterinarian, containing a description of the animal, its call name, and a date of neutering if known. Such certificates may be used in subsequent annual license applications. Upon payment of the license fee set forth above, the ~~finance officer~~ animal control office shall issue to the owner a license which shall contain the name of the owner, his or her place

of residence, and a description of the animal. The ~~finance officer or his or her~~ animal control office assistants shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the ~~finance officer or, his or her designee~~ animal control office, shall deliver or mail to the owner a metal tag, or leg ring, stamped with the number of the license and the year for which it is issued

6.08.040 Display of tag.

The tag issued by ~~the finance officer~~ animal control pursuant to Section 6.08.020 may be attached by the owner to a substantial collar during the term of the license, and it must be displayed to the animal control ~~or his or her designee upon office and its designees upon~~ demand. Dogs in fenced kennels, fenced exercise yards, on pickets, in buildings, automobiles, or under effective control for exercise, work or training will not be required to wear tags or collars, or leashes, if the stated conditions of training, work or exercise are incompatible with the wearing of such articles. Upon the expiration of the license, the owner shall remove the tag from the dog or cat.

6.08.060 Duplicate tag.

Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of two dollars to the finance officer or his or her assistants. The ~~finance officer or his or her assistants~~ animal control office shall enter in the license record the new number assigned.

6.08.080 Violations--Penalties.

Any person who violates any of the provisions of Sections 6.08.020, 6.08.040, 6.08.050 or 6.08.070 shall be subject to a fine not to exceed Twenty-five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent violation occurring within three hundred sixty-five (365) days of the first violation. For all violations there will be a court cost added to the ticket of an amount as may be established by the Unified Judicial System.

6.12.020 Impoundment and ticketing.

A. A domestic animal, as defined by Section 6.12.150, found at large shall be seized and impounded with the Siouxland Humane Society in Sioux City, Iowa; or, at the discretion of the animal control officer ~~or his or her designee~~, the owner may be served a citation and/or complaint to appear before the magistrate court to answer charges made thereunder.

B. When a non-domestic animal found at large is trapped the animal control officer ~~or his or her designee~~, shall find a suitable location for the animal outside of the City Limits with the express permission of a property owner outside of the City Limits. In the event a suitable location is not able to be found for the non-domestic animal the animal control officer ~~or his or her designee~~, shall dispose of the non-domestic animal as allowed for by South Dakota Codified Law.

C. If the owner of an impounded domestic animal can be identified, the owner shall be notified by the animal control officer ~~or his or her designee~~ within two days that, upon payment of impounding fees, plus cost of food and care, the animal will be returned.

D. An impounded, unlicensed animal or an animal with no identification may be redeemed to the owner thereof upon:

1. Proof of ownership;
2. Payment of the board-and-keep fee, impoundment fee, and any other related costs incurred by the city; and
3. Presentation of the city license for the current year, if required by law, or by purchasing such license which shall not be issued until proof of a current rabies vaccination is presented. (Prior code § 4.0812) (Amended June, 2014)

6.12.030 Disposition of impounded animals.

A. After the expiration of the applicable impoundment period of quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the animal control officer or the Siouxland Humane Society, be disposed of in the following manner:

1. Be humanely destroyed; or
2. Upon the payment of an adoption fee, be adopted to a person other than the animal's owner.

B. Any animal which appears to be suffering from rabies or infected with disease, or which is mortally injured, or which in the opinion of the administrative authority is vicious, shall not be adopted, or released, but shall be immediately destroyed in a humane manner. If the animal appears to have suffered from rabies or infected with a disease, the body of the animal shall be subject to autopsy and disposal by local or state health officials.

6.12.050 Injured animals at large.

A. In the event that an injured animal, licensed pursuant to the ordinances of North Sioux City, is found at large, the animal control officer ~~or his or her designee~~ may cause the animal to be darted, if necessary, and may take the animal into custody. Upon taking an injured animal into custody, the animal control officer ~~or his or her designee~~ shall notify the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause the animal to be transported to a veterinarian.

B. In the event the injured animal is unlicensed, or in the event that ~~the finance officer or his or her designee~~ animal control is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such injured animal or cause it to be transported to a veterinarian, the animal control officer ~~or his or her designee~~ shall transport such animal to the nearest available veterinarian for treatment.

C. If an injured animal at large cannot be darted and it displays vicious tendencies which would make its capture by any other means unduly hazardous, the animal control ~~officer or his or her designee may~~ office may cause the immediate destruction of such animal.

D. In the event that an animal is found at large so seriously injured as to make its recovery improbable or unlikely, the animal control ~~officer or his or her designee may~~ office may, in his or her discretion, immediately destroy such animal in a humane manner in the interest of humane treatment bring the animal to the Siouxland Humane Society for destruction, or shall dispose of the animal as allowed for by South Dakota Codified Law.

E. In the event that animal control ~~officer or his designee transport~~ office transport an injured animal to the nearest available veterinarian pursuant to the foregoing, he or she shall thereupon offer to give custody of the animal to the veterinarian for treatment at the veterinarian's cost.

In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the animal control officer ~~or his or her designee~~ shall immediately take the animal to the Siouxland Humane Society for destroy the animal destruction in a humane manner in the interests of humane treatment.

6.12.060 Keeping of dangerous animals prohibited.

A. No persons shall keep, shelter or harbor for any purpose within the city a dangerous animal, as defined in Section 6.04.010.

B. Any person violating this section shall be subject to a fine in the sum of Five Hundred Dollars (\$500.00) for each violation thereof. Each day in which a dangerous animal is kept within the city limits of the city shall constitute a separate violation.

Hearing procedures.

(a) If ~~the~~ an animal control officer ~~or his or her designee~~ determines there is probable cause to believe that an animal is dangerous, the animal control officer ~~or his or her designee~~ shall hold a public hearing to determine whether grounds exist to designate the animal dangerous, and if so, what orders and penalties should apply. If the owner or keeper of the animal does not dispute the charges alleged, he or she may waive the right to a hearing.

(b) At least five business days prior to the hearing, the animal control officer shall serve the owner or keeper of the animal with a notice containing a statement of the charges, and the date, time and place of hearing. Service shall be by certified mail with signed receipt requested, first-class mail or personal service.

(c) Evidence received at the hearing must be relevant and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a city officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(d) The animal control officer will consider the following factors in determining whether an animal is dangerous:

(1) Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal;

(2) Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime;

(3) Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal;

(4) Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry;

(5) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

Findings after hearing.

After notice and hearing upon charges following the procedure described above in this Section 6.12.060, the owner or keeper of the animal will be provided with written notice, served by first-class mail, of the determination and order issued by the animal control officer. If a determination is made after hearing that an animal is ~~not~~ dangerous, the animal will be designated dangerous and may only be owned, kept or maintained by the current or any subsequent owner or keeper pursuant to Section 6.12.090 of this ordinance.

6.12.090 Regulations of keeping dangerous animals.

A. Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal shall report such fact to the North Sioux City animal control officer, together with the following information:

1. The species name of each such animal;

2. The number of such animals of each species kept on the premises;

3. A physical description of each such animal, including any pet name to which it might respond;

4. The location of such animal or animals, the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;

5. In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.

B. Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animals securely confined within a cage or other enclosure.

C. No person, firm or corporation owning, keeping, harboring or sheltering a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.

D. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, such animal may, in the discretion of the ~~city manager or his or her designee, or the chief of police, animal control office,~~ be destroyed if it cannot be confined or captured, thereby creating a hazard to life or property. The city, its officers and employees shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have the duty to notify the owner of such animal prior to its destruction.

E. Animals from other jurisdictions.

No animal that has previously been determined to be dangerous or vicious after an administrative hearing by any other jurisdiction shall be kept, owned or harbored in the City of North Sioux City

6.12.100 Harboring of strays--Notice to city pound.

Any person who harbors any animal found astray within the city limits shall, within twenty-four (24) hours, notify the animal control office.

6.12.190 Impoundment--Notice.

Any such animal or animals found in the city in violation of any of the provisions of Sections 6.12.160 through 6.12.180 shall be impounded by any police officer or other person appointed by the governing body of the city as its agent and employee for that purpose. ~~The chief of police, or any officer of the police department or the~~ animal control officer ~~appointed by the governing body,~~ shall within twenty-four (24) hours following the impounding of such animal or animals notify the owner of the animal(s) having been impounded as to its location. If the owner of the animal(s) is unknown, such officer shall post written notices in the city hall and the post office in the city describing the animal(s) and stating a time and place when and where the animal(s) was apprehended and the place where it is being kept and how the same may be recovered by the owner.

Exception.

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a or dangerous animal or its owner or keeper that are otherwise permitted or provided by law, and nothing in this chapter shall be construed to limit the access of any person in violation of state or federal laws.

6.13.020 Determination

The determination of an "irresponsible animal owner" shall be in accordance with the following procedures:

A. The ~~Mayor or the Mayor's designee~~ animal control office, upon being satisfied that an owner is an irresponsible animal owner, shall cause to be served upon the owner a written notice of said determination.

B. The written notice shall contain:

1. A finding that the owner is an ~~irresponsible~~ irresponsible animal owner.
2. A description of the acts relied upon in determining the owner is an irresponsible animal owner.
3. A copy of the appropriate municipal code.
4. A statement advising the owner of the right to request a hearing.

C. Notice. Notice shall be by personal service or by certified mail to the owner.

D. Request for hearing and appeal. Any owner advised that the owner is declared an irresponsible animal owner may have, upon request, a hearing with the officials making said determination as to whether the owner is an irresponsible animal owner. A request for a hearing must be made in writing and delivered to the office

of the city manager or the city manager's designee within the time stated in the notice or it will be conclusively presumed that the owner is an irresponsible animal owner.

~~A member of designee of the animal control office~~~~The Mayor or the Mayor's designee~~ will act as hearing officer. At the conclusion of the hearing or within three days thereafter, the hearing officer shall render a written decision as to whether the owner is an irresponsible animal owner. An appeal from this decision may be had by filing a written notice with the hearing officer. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive.

6.13.040 Impound

The ~~Mayor or Mayor's designee~~ animal control office shall cause the animal to be impounded with the Siouxland Humane Society in Sioux City, Iowa if an owner has been declared an irresponsible animal owner and is found to have an animal within the city.

6.16.020 Neglect of animals.

A person who impounds or confines, in any place, a domestic animal or fowl, or a dog or a cat, and fails to supply that animal during confinement with a sufficient quantity of food and/or water, or who fails to provide that animal with adequate shelter, or who deprives the animal of the necessary sustenance, or who leaves the animal unattended in a hazardous location commits the offense of neglect of animals.

6.16.040 Sanitation of premises.

All structures, pens, coops or yards wherein animals are kept or housed shall be regularly and thoroughly cleaned, and all debris, refuse, manure or other offensive materials removed as often as is necessary to maintain such premises in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The ~~pound-master~~ animal control office may inspect, or cause to be inspected, any structure or premises, and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant or pertinent rule, regulation or ordinance

6.16.060 Striking an animal with a motor vehicle.

The operator of any motor vehicle which strikes a domestic animal shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to ~~the~~ animal control officer or to the police department.

6.16.090 Neglected animals.

A. A person may take charge of an animal when the owner fails to properly take care and provide for it, and may furnish the animals with proper care, either on the person's own premises or on the premises of the owner. The person has a lien on the animal for the care, and the reasonable value of the care may be collected by the person from the owner.

B. ~~A peace officer or an~~ An officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or astray.

Dated at North Sioux City, South Dakota this ____ day of _____ 2019

THE GOVERNING BODY OF THE CITY
OF NORTH SIOUX CITY, SOUTH DAKOTA

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Mike Hamm, Finance Officer

First Reading:

Second Reading:

Publish:

Effective Date:

PROPOSED ORDINANCE 2019-07

AN ORDINANCE AMENDING THE NORTH SIOUX CITY CODE OF ORDINANCES TITLE 6 ANIMALS BY ADDING ADDITIONAL LANGUAGE ON FEES, LICENSING, AND DESTRUCTION, TO ALTER CURRENT LANGUAGE BY REMOVING MENTION OF FINANCE OFFICER, ANIMAL CONTROL OFFICER, POUND MASTER AND DESIGNEES BY REPLACING IT WITH ANIMAL CONTROL AND THE ANIMAL CONTROL OFFICE AND TO ADD LANGUAGE THAT MAKES LEAVING ANIMALS IN HAZARDOUS PLACES CONSIDERED NEGLECT.

BE IT ORDAINED, by the Governing Body of the City of North Sioux City, South Dakota and it is hereby ordained by authority of the same that Title 6 be amended as set forth below.

6.04.020 Animal Control Office created.

There is created the office of animal control of North Sioux City, South Dakota the duties of which shall be to carry out the provisions of the animal control ordinances of the city. The duties of the animal control office, as defined herein, shall be assumed and performed by the duly authorized designee of the mayor or the mayor's authorized representative

6.08.010 License issuance and fee collection--Office designated.

A. The animal control office is designated as the official agent of the city for the purpose of issuing city dog and cat licenses and collecting fees therefore pursuant to the provisions of this title.

B. The animal control office shall have authority to enter into agreements with other governmental agencies, a corporation, or an individual as a collection agent, for the efficient collection of license fees and the issuance of city dog and cat licenses.

6.08.020 Licenses.

A. Every owner of a domestic pet as listed in section 6.12.050 shall procure a city animal license for each calendar year from the animal control office before the first day of February of the calendar year for which the license is in effect.

B. An animal license is required for every domestic pet over six months of age or a dog or cat under six months of age that is no longer with its dam.

C. All licenses, regardless of date of issue, shall expire on December 31st of the year the license was in effect or upon the expiration of the rabies vaccination, as shown on the furnished certificate of vaccination, whichever date occurs first. Should a new rabies certificate of vaccination be provided, the license will then be valid until December 31st.

D. The annual license fee shall be five dollars for each neutered animal and ten dollars (\$10.00) for each unneutered animal.

E. At the time of making application for the city license, the owner shall furnish to the animal control office a veterinarian's certificate showing that the animal for which the license is sought has been vaccinated and that such vaccination has not expired. In order to take advantage of the lower rate for neutered animals, the owner shall, at the time application is made for an animal license, present a certificate of neutering, signed by a veterinarian, containing a description of the animal, its call name, and a date of neutering if known. Such certificates may be used in subsequent annual license applications. Upon payment of the license fee set forth above, the animal control office shall issue to the owner a license which shall contain the name of the owner, his or her place of residence, and a description of the animal. The animal control office shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the animal control office, shall deliver or mail to the owner a metal tag, or leg ring, stamped with the number of the license and the year for which it is issued

6.08.040 Display of tag.

The tag issued by animal control pursuant to Section 6.08.020 may be attached by the owner to a substantial collar during the term of the license, and it must be displayed to the animal control office and its designees upon demand. Dogs in fenced kennels, fenced exercise yards, on pickets, in buildings, automobiles, or under effective control for exercise, work or training will not be required to wear tags or collars, or leashes, if the stated conditions of training, work or exercise are incompatible with the wearing of such articles. Upon the expiration of the license, the owner shall remove the tag from the dog or cat.

6.08.060 Duplicate tag.

Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of two dollars to the finance officer or his or her assistants. The animal control office shall enter in the license record the new number assigned.

6.08.080 Violations--Penalties.

Any person who violates any of the provisions of Sections 6.08.020, 6.08.040, 6.08.050 or 6.08.070 shall be subject to a fine not to exceed Twenty-five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent violation occurring within three hundred sixty-five (365) days of the first violation. For all violations there will be a court cost added to the ticket of an amount as may be established by the Unified Judicial System.

6.12.020 Impoundment and ticketing.

A. A domestic animal, as defined by Section 6.12.150, found at large shall be seized and impounded with the Siouxland Humane Society in Sioux City, Iowa; or, at the discretion of the animal control office the owner may be served a citation and/or complaint to appear before the magistrate court to answer charges made thereunder.

B. When a non-domestic animal found at large is trapped the animal control office, shall find a suitable location for the animal outside of the City Limits with the express permission of a property owner outside of the City Limits. In the event a suitable location is not able to be found for the non-domestic animal the animal control office, shall dispose of the non-domestic animal as allowed for by South Dakota Codified Law.

C. If the owner of an impounded domestic animal can be identified, the owner shall be notified by the animal control office within two days that, upon payment of impounding fees, plus cost of food and care, the animal will be returned.

D. An impounded, unlicensed animal or an animal with no identification may be redeemed to the owner thereof upon:

1. Proof of ownership;
2. Payment of the board-and-keep fee, impoundment fee, and any other related costs incurred by the city; and
3. Presentation of the city license for the current year, if required by law, or by purchasing such license which shall not be issued until proof of a current rabies vaccination is presented. (Prior code § 4.0812) (Amended June, 2014)

6.12.030 Disposition of impounded animals.

A. After the expiration of the applicable impoundment period of quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the animal control office or the Siouxland Humane Society, be disposed of in the following manner:

1. Be humanely destroyed; or
2. Upon the payment of an adoption fee, be adopted to a person other than the animal's owner.

B. Any animal which appears to be suffering from rabies or infected with disease, or which is mortally injured, or which in the opinion of the administrative authority is vicious, shall not be adopted, or released, but shall be immediately destroyed in a humane manner. If the animal appears to have suffered from rabies or infected with a disease, the body of the animal shall be subject to autopsy and disposal by local or state health officials.

6.12.050 Injured animals at large.

A. In the event that an injured animal, licensed pursuant to the ordinances of North Sioux City, is found at large, the animal control office may cause the animal to be darted, if necessary, and may take the animal into custody. Upon taking an injured animal into custody, the animal control office shall notify the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause the animal to be transported to a veterinarian.

B. In the event the injured animal is unlicensed, or in the event that animal control is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such injured animal or cause it to be transported to a veterinarian, the animal control office or designee shall transport such animal to the nearest available veterinarian for treatment.

C. If an injured animal at large cannot be darted and it displays vicious tendencies which would make its capture by any other means unduly hazardous, the animal control office may cause the immediate destruction of such animal.

D. In the event that an animal is found at large so seriously injured as to make its recovery improbable or unlikely, the animal control office may, bring the animal to the Siouxland Humane Society for destruction, or shall dispose of the animal as allowed for by South Dakota Codified Law.

E. In the event that animal control office transport an injured animal to the nearest available veterinarian pursuant to the foregoing, he or she shall thereupon offer to give custody of the animal to the veterinarian for treatment at the veterinarian's cost.

In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the animal control office shall immediately take the animal to the Siouxland Humane Society for destruction in a humane manner in the interests of humane treatment.

6.12.060 Keeping of dangerous animals prohibited.

A. No persons shall keep, shelter or harbor for any purpose within the city a dangerous animal, as defined in Section 6.04.010.

B. Any person violating this section shall be subject to a fine in the sum of Five Hundred Dollars (\$500.00) for each violation thereof. Each day in which a dangerous animal is kept within the city limits of the city shall constitute a separate violation.

Hearing procedures.

(a) If the animal control office determines there is probable cause to believe that an animal is dangerous, the animal control office shall hold a public hearing to determine whether grounds exist to designate the animal dangerous, and if so, what orders and penalties should apply. If the owner or keeper of the animal does not dispute the charges alleged, he or she may waive the right to a hearing.

(b) At least five business days prior to the hearing, the animal control office shall serve the owner or keeper of the animal with a notice containing a statement of the charges, and the date, time and place of hearing. Service shall be by certified mail with signed receipt requested, first-class mail or personal service.

(c) Evidence received at the hearing must be relevant and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a city officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(d) The animal control office will consider the following factors in determining whether an animal is dangerous:

(1) Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal;

(2) Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime;

(3) Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal;

(4) Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry;

(5) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

Findings after hearing.

After notice and hearing upon charges following the procedure described above in this Section 6.12.060, the owner or keeper of the animal will be provided with written notice, served by first-class mail, of the determination and order issued by the animal control officer. If a determination is made after hearing that an animal is dangerous, the animal will be designated dangerous and may only be owned, kept or maintained by the current or any subsequent owner or keeper pursuant to Section 6.12.090 of this ordinance.

6.12.090 Regulations of keeping dangerous animals.

A. Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal shall report such fact to the North Sioux City animal control office, together with the following information:

1. The species name of each such animal;

2. The number of such animals of each species kept on the premises;

3. A physical description of each such animal, including any pet name to which it might respond;

4. The location of such animal or animals, the location of the cage or place of confinement upon or in the premises

wherein the animal or animals are kept;

5. In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.

B. Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animals securely confined within a cage or other enclosure.

C. No person, firm or corporation owning keeping, harboring or sheltering a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.

D. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, such animal may, in the discretion of the animal control office, be destroyed if it cannot be confined or captured, thereby creating a hazard to life or property. The city, its officers and employees shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have the duty to notify the owner of such animal prior to its destruction.

E. Animals from other jurisdictions.

No animal that has previously been determined to be dangerous or vicious after an administrative hearing by any other jurisdiction shall be kept, owned or harbored in the City of North Sioux City

6.12.100 Harboring of strays--Notice to city pound.

Any person who harbors any animal found astray within the city limits shall, within twenty-four (24) hours, notify the animal control office.

6.12.190 Impoundment--Notice.

Any such animal or animals found in the city in violation of any of the provisions of Sections 6.12.160 through 6.12.180 shall be impounded by any police officer or other person appointed by the governing body of the city as its agent and employee for that purpose. The animal control office, shall within twenty-four (24) hours following the impounding of such animal or animals notify the owner of the animal(s) having been impounded as to its location. If the owner of the animal(s) is unknown, such officer shall post written notices in the city hall and the post office in the city describing the animal(s) and stating a time and place when and where the animal(s) was apprehended and the place where it is being kept and how the same may be recovered by the owner.

Exception.

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a or dangerous animal or its owner or keeper that are otherwise permitted or provided by law, and nothing in this chapter shall be construed to limit the access of any person in violation of state or federal laws.

6.13.020 Determination

The determination of an "irresponsible animal owner" shall be in accordance with the following procedures:

- A. The animal control office, upon being satisfied that an owner is an irresponsible animal owner, shall cause to be served upon the owner a written notice of said determination.
- B. The written notice shall contain:
 - 1. A finding that the owner is an irresponsible animal owner.
 - 2. A description of the acts relied upon in determining the owner is an irresponsible animal owner.
 - 3. A copy of the appropriate municipal code.
 - 4. A statement advising the owner of the right to request a hearing.
- C. Notice. Notice shall be by personal service or by certified mail to the owner.
- D. Request for hearing and appeal. Any owner advised that the owner is declared an irresponsible animal owner may have, upon request, a hearing with the officials making said determination as to whether the owner is an irresponsible animal owner. A request for a hearing must be made in writing and delivered to the office of the city manager or the city manager's designee within the time stated in the notice or it will be conclusively presumed that the owner is an irresponsible animal owner.

A member of designee of the animal control officewill act as hearing officer. At the conclusion of the hearing or within three days thereafter, the hearing officer shall render a written decision as to whether the owner is an irresponsible animal owner. An appeal from this decision may be had by filing a written notice with the hearing officer. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive.

6.13.040 Impound

The animal control office shall cause the animal to be impounded with the Siouxland Humane Society in Sioux City, Iowa if an owner has been declared an irresponsible animal owner and is found to have an animal within the city.

6.16.020 Neglect of animals.

A person who impounds or confines, in any place, a domestic animal or fowl, or a dog or a cat, and fails to supply that animal during confinement with a sufficient quantity of food and/or water, or who fails to provide that animal with adequate shelter, or who deprives the animal of the necessary sustenance, or who leaves the animal unattended in a hazardous location commits the offense of neglect of animals.

6.16.040 Sanitation of premises.

All structures, pens, coops or yards wherein animals are kept or housed shall be regularly and thoroughly cleaned, and all debris, refuse, manure or other offensive materials removed as often as is necessary to maintain such premises in a clean and sanitary condition at all times, devoid of vermin and free from offensive odors. The animal control office may inspect, or cause to be inspected, any structure or premises, and issue any such order as may be necessary to enforce the provisions of this section, and any other relevant or pertinent rule, regulation or ordinance

6.16.060 Striking an animal with a motor vehicle.

The operator of any motor vehicle which strikes a domestic animal shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal’s owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the animal control office or to the police department.

6.16.090 Neglected animals.

A. A person may take charge of an animal when the owner fails to properly take care and provide for it, and may furnish the animals with proper care, either on the person’s own premises or on the premises of the owner. The person has a lien on the animal for the care, and the reasonable value of the care may be collected by the person from the owner.

B. An officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or astray.

Dated at North Sioux City, South Dakota this ___ day of _____ 2019

THE GOVERNING BODY OF THE CITY
OF NORTH SIOUX CITY, SOUTH DAKOTA

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Mike Hamm, Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:



City Council MEMO

504 River Drive
North Sioux City, SD 57049
Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City – City Council
From: Ted Cherry, City Administrator
Date: August 19, 2019
Re: Ordinance 2019-08 Sidewalk Construction

Background: Currently, there is little discussion in the City Code regarding the construction and maintenance of sidewalks. Ordinance 2019-07 creates a requirement for building sidewalks in all new residential and some commercial constructions. Further, it enumerates some necessary technical details and outlines maintenance responsibilities.

Having this ordinance in the city code would ensure that new constructions in the City are pedestrian-friendly and that current sidewalks remain usable and accessible to the City's residents. It would also allow for greater consistency with future sidewalks.

Previously there has been multiple conversations amongst the Council regarding the construction of sidewalks in residential development. Ordinance 2019-07 is a first draft of an ordinance that should cover most of the concerns brought forward. The ordinance requires the construction of sidewalks in all zoning districts except industrial and highway commercial. These districts have been left out due to this not being required in the past.

Other questions Administration has is if there is a need for the construction of sidewalks in residential districts that are on cul-de-sacs, construction of sidewalks for lakeshore lots, and other concerns Council would feel strongly about.

Administration believes this is a first draft and that conversation should be had so the ordinance can be adjusted accordingly.

Financial Consideration: Cost of Publication

Recommendation: Administration would appreciate discussion on the draft ordinance presented. If the ordinance seems complete to the Council the first reading of the ordinance can be passed.

PROPOSED ORDINANCE 2019-07

AN ORDINANCE AMENDING THE NORTH SIOUX CITY CODE OF ORDINANCES TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES BY ADDING A NEW CHAPTER 12.04 NEW SIDEWALK CONSTRUCTION.

BE IT ORDAINED, by the Governing Body of the City of North Sioux City, South Dakota and it is hereby ordained by authority of the same that Title 12, Chapter 12.06 be added as set forth below.

Chapter 12.06
Sidewalk Construction

Sections:

12.06.010	Permit Required
12.06.020	Construction Requirements
12.06.030	Supervision
12.06.040	Time of Construction
12.06.050	Exceptions
12.06.060	Penalties

12.06.010 Permit Required

Before any sidewalk is constructed, altered, or repaired within the city by any contractor or person for the owner of the abutting property, a permit must be secured from city hall.

12.06.020 General Requirements

- A. Sidewalk placement shall be required with all building permits for new construction where yard and/or frontage AND a gutter exist.
- B. All sidewalks constructed within the city must meet the line and grade specifications set out by the city or its designated representative. Any person intending to construct a sidewalk must first contact the city and obtain the proper grade and approval of materials and base course before beginning and must follow the directions of the city engineer or their designee.
- C. New sidewalks are to be constructed with Portland cement and must be four feet (4') in width and six inches (6") thick.
- D. At all crosswalks, ramps must be installed so as to make the transition from street to sidewalk easy for handicapped persons. Ramps are to be constructed pursuant to SDCL 9-46-1.
- E. The city has the authority to condemn and mandate the construction and/or repair of all sidewalks located within city limits.
- F. Sidewalk construction and maintenance is the responsibility of the property owner, however, the city may construct or repair the sidewalk if the owner has not done so, at cost to said owner.
- G. Building permits will not be issued unless a sidewalk is included in, and visible on, the submitted site plan.

12.06.030 Supervision

The construction of sidewalks must be done under the supervision of the city or its designee and must be constructed under the general requirements listed in this chapter and in accordance to specifications of the city or its designated representative. The finished project must be approved by the city.

12.06.040 Time of Construction

The property owner has 60 days after being notified by code enforcement to install or repair a sidewalk on their property. For new constructions, the sidewalk must be completed by the time the new building or dwelling is finished and before a certificate of occupancy permit is given. Construction will not be considered complete and occupancy permits will not be issued until all necessary sidewalks are constructed.

12.06.050 Exceptions and Variances

The city council may allow, upon request from the owner, for exceptions where special conditions exist. At the discretion of the city, general requirements and specifications may be waived or altered if special conditions exist.

Properties located in the following zoning districts are not obligated to construct sidewalks:

- A. Highway Commercial (HC)
- B. All industrial (I-1 and I-2)

Sidewalks currently constructed in the exempt districts must still be maintained by the owner of the corresponding property.

12.06.060 Penalties

Failure to comply with the rules outlined in this chapter shall be punished by a fine up to five hundred dollars (\$500).

Dated at North Sioux City, South Dakota this ___ day of _____ 2019

THE GOVERNING BODY OF THE CITY
OF NORTH SIOUX CITY, SOUTH DAKOTA

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Mike Hamm, Finance Officer

First Reading:
Second Reading:
Publish:
Effective Date:

UNAPPROVED MINUTES
North Sioux City Planning Commission
August 14, 2019

The regular meeting of the North Sioux City Planning Commission was called to order by Streeter at 4:00 p.m.

Commission members present were: Carpenter, Linden, Olson and Streeter. Absent: Holbrook and Mitchell. Also in attendance were Building Inspector Gary Roan, City Administer Ted Cherry and Finance Assistant Jennifer Roupe.

Motion by Olson, second by Linden to approve the agenda as presented. All members present voted aye.
Motion by Olson, second by Linden to approve the July 24, 2019 minutes as presented. All members present voted aye.

New Business:

Conditional Use Hearing – Non Traditional Business in an R-1 – Sioux City Fence – 207 Lakeview Drive
Cherry asked the commission members to table the Conditional Use Hearing until August 28, 2019 due to a family medical issue. Due to the situation the owners of the company would not be available to speak on their behalf and answer any questions brought upon them. Olson asked if member of the audience should speak on the request. Richard Headid, 605 Lakeview Dr. indicated a commercial business in a residential zoning is against City Ordinance. The concern comes from the semi's and 18 wheelers delivering on the city street. Jeff Youngstrom, 602 Lakeview Dr. neighbor of Scott stated that everything is quiet and this business has been no inconvenience to him or his family. Headid did make the remark that this business has been doing business for a long time and if required to move, they should have adequate time to do so. We do not want to lose a business. Motion by Olson, second by Linden to table the Conditional Use Permit Request until August 28, 2019
All members present voted aye. Hearing Notices will be sent again.
Carpenter commented on the process of Rezoning. Cherry detailed that we post on property, send to adjacent to land owners and put it in the paper.

Plat - Lots 6A and 7A, Block 7 Avondale Park Addition, North Sioux City, Union County, South Dakota.
Two adjacent lots purchased, a trailer removed from 1 lot and new plat created with 2 conforming/buildable lots. Headed inquired if the trailer can be moved. Roan will get in touch with Dennis to confirm. Carpenter asked if there was any word on rezoning. Cherry stated we have not received any requests for rezoning. Roan verified that it meets all minimum requirements.
Motion by Linden second by Carpenter to approve and recommend to City Council August 19, 2019. Member roll call. All members present voted aye.

Information Only – Thrive Fitness 116 Gateway Dr – Building Permit remodel information. Roan verified not structural change just interior.

Information Only - 556-558 River Drive – Building permit remodel information. Roan verified not structural change just interior.

Other Business: 2 Decks: 128 Delier and 30 Cott's / 2 Remodels: 910 Wildflower Bend and 556-558 River Drive / 1 Shed: 912 Wildflower Bend

Motion by Olson, second by Linden to adjourn at 4:16 p.m. All members present voted aye.

Dated this August 14, 2019
Jennifer Roupe
Finance Assistant