# Regular Meeting of the City Council

May 4, 2020 – 6:00 p.m.
City Hall

PROPOSED AGENDA

A. Call to Order
B. Roll Call
C. Pledge of Allegiance
D. Approval of Agenda
E. Executive Session – Legal, Contractual, and Personnel
F. Approval of Minutes:
    1. April 20, 2020 Regular Meeting
    2. April 23, 2020 Special Meeting
    3. April 29, 2020 Special Meeting
G. Old Business
H. Approval of Bills
I. Adjournment of the 2019-2020 Council
J. Reconvene
K. Roll Call
L. Agenda Items
    1. Swearing in of Council Members
    A. Tena Carpenter – Ward 1
    B. Dan Parks – Ward 2
    C. Kodi Benson – Ward 3
    D. Dave Norby – Ward 4
    2. Election of Council President and Vice President
    3. 2020 Municipal Appointments
    A. City Attorney
    B. Assistant City Attorney
    C. Chief of Police
    D. Finance Officer
    E. Interim Finance Officer
M. 2020 Fireworks Applications - Motion
N. Stockwell Projects Update – Discussion
O. JEO Projects Update - Discussion
P. 2019 Annual Report Review - Discussion
Q. Declare Property a Nuisance – Motion

*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).

R. Summer Rec Camp – Discussion
S. Jurich off Probation - Discussion
T. Covid-19 - Discussion
U. Community and Council Input
V. Executive Session – Legal, Contractual, and Personnel
W. Approval of Bills
X. 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**
April 20, 2020

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Green, Parks, Slater were present.

Mayor Fredericksen led the Pledge of Allegiance.

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

Motion by Green, second by Berg, to approve the April 6, 2020 Regular Meeting minutes. All members present voted aye.

Motion by Parks, second by Benson, to open the hearing for the transfer Alcohol License RB-20329 at 7:09pm. All members present voted aye.

Motion by Slater, second by Green, to close the hearing for the transfer Alcohol License RB-20329 at 7:11pm. All members present voted aye.

Motion by Parks, second by Berg, to approve the transfer of Alcohol License RB-20329 from RJS LLC to Roger and Tonya Maryott. All members present voted aye.

Jon Brown from Stockwell Engineers gave the Council an update of the current projects ongoing with the City.

City Finance Officer Mike Hamm gave the Council more information on live streaming council meetings.

A discussion was held on Ordinance 2020-05 that was passed by the Council on March 30th and was in effect until May 2nd. Andrew Nilges from the North Sioux City Economic Development was on hand to talk to the Council about the Ordinance. Nilges said that he has spoke to a lot of business in North Sioux City and they would like to open up in some capacity when the Ordinance expires on May 2nd. Nilges said that businesses would take the proper measures to ensure everyone's safety. Slater said he would support that and even when the Ordinance expires the Governor's orders are still in place. Slater also asked how the city would enforce these rules. Cropley said the Council has to address this Ordinance at this council meeting because the next regular council meeting is not until May 4th.

Community Input:

1. Mayor Fredericksen presented Rich Headid with a plague for 25 years of service with the City.
2. Jeff Rabbitt was on hand to talk to the Council about his property. He said communication has not been good with what's going on with the property. Rabbitt also said the grade on that property is 3 feet and he was not given the opportunity to bring in more dirt to level it off. Parks said we were all under the understanding that they had come to an agreement on what to do with the property. Rabbitt said he would like some time so he can put in an irrigation system. The Mayor said the Bluegrass won't come up by itself unless you put anther grass with it. The Council said there are 2 options, the first one would be to just pay Rabbitt what the cost of the seeding would be and be done with it or the second option would be to hold off on the seeding and let Rabbitt put in an irrigation system.
3. Rusty Montagne gave the Council an update on the projects he is currently working on.
4. Tena Carpenter asked if there was anything the City can do about the 4 way stop by the Senior Center because people are constantly not stopping at the stop signs.

Motion by Parks, second by Cropley, to move into executive session at 8:32pm for contractual, personnel, and legal. All members present voted aye.

Regular session resumed at 9:41pm

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

| | | |
|---|---|---|
| AFLAC | 1023.46 | APR2020 PRMS |
| BRNS & NBLS | 543.27 | BOOKS (24) |
| BNFT ADINSTRTN SELF EM | 102.00 | 2020 HRA FEE |
| BRSCHBCH EQPMT & SUPP | 190.60 | PAINT (24) |
| CLHN CMMNCTNS INC. | 3510.38 | BIG TWR-LIGHT REP |
| CITY OF SIOUX CITY | 36091.44 | MAR2020 SWR CHGS USAGE 15190 |
| CITY OF SIOUX FALLS | 145.00 | 1QTR2020 BCTR WTR TESTS |
| CRARY, HUFF, INKSTER, SHEEHAN | 3961.25 | MAR2020 LEGAL FEES |
| DAKOTA DUNES/NSC TIMES | 98.00 | MAR2020 PBLSHNG FEES |
| DERBY DREAM CLN LNDRMT | 20.00 | LIB-CLN CARPET |
| THMPSN INNVTN | 1266.00 | PD-SETUP PC'S (6) |
| FREDERICKSEN, RANDY | 48.00 | MLG REIMB |
| GILL HAULING | 15206.06 | 2020 RSDNTL WST |
| H2O 4 U | 37.00 | WTR |
| HAMM, MIKE | 73.80 | APR 2020 CELL REIMB |
| HAWKINS, INC | 950.00 | BIO KAT (2), CLYNDR (18) |
| HUELIFE, LLC | 5000.00 | CITY ADMIN-SEARCH PHASE |
| INGRAM LIB SVCS | 856.70 | BOOKS (76) |
| JACK'S UNFRMS & EQPMT | 162.80 | CLTHNG ALLWNC |
| JENSEN SPRNKLR | 205.23 | CH-START UP SPRNKLR |
| NXTR BRDCSTNG, INC | 250.00 | BOYS BB DKTA VALLEY AD |
| LNDBLM SVCS,INC. | 350.00 | APR2020 PARKS TOILET RNTL |
| LOCAL NO. 749 | 277.00 | MAY2020 DUES |
| LONG LINES | 841.77 | 2020 PHN & INT CHGS |
| LYLES GRG DOOR SVC INC | 746.69 | SHOP-SVC DOORS |
| MERCY BUSINESS HEALTH SVCS | 64.00 | APR2020 EAP |
| MIDAMERICAN ENERGY | 12715.10 | UTLTY CHGS |
| NSC AUTO REP | 53.35 | UNIT 4 OIL CHNG |
| O'REILLY AUTOMOTIVE, INC. | 108.14 | AIR FLTR (2), WD-40 (12) |
| LOFFLER CMPNS | 174.97 | COPY & LEASE EXP |
| OLNGR LAW FIRM | 1710.00 | FLYNN CHGS |
| ONE OFFICE SLTN | 293.07 | PAPER (30 RM), CRTDG (3), |
| OVERDRIVE, INC. | 1462.59 | BOOKS (30) |
| QLFD PRSRT SVC, LLC | 764.94 | MAR2020 PSTG UTLTY BILLS |
| SCHOLASTIC INC | 77.95 | BOOKS (4) |
| SD ONE CALL | 40.32 | MAR2020 LCTS (36) |
| SXLND GRASS & FRG | 175.00 | TURF MIX |
| SXLND HUMANE SCTY | 37.00 | MAR2020 SVCS |
| UNION CO. REG OF DEEDS | 92.00 | SURVEY PLAT-FLYNN |
| WELLMARK BLUE CROSS | 16130.47 | INSUR PREM |
| WORLD BOOK INC. | 189.00 | BOOKS (8) |

Motion by Parks, second by Benson, to adjourn at 9:42pm. All members present voted aye.

**Approved**

_____

**Randy Fredericksen, Mayor**

**Attested**

_____

**Mike Hamm, City Finance Officer**

**UNAPPROVED**
**North Sioux City, South Dakota**
**City Council Special Meeting Minutes**
April 23, 2020

Meeting called to order at 6:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Parks, Slater were present. Green entered meeting at 6:34 pm. Also, in attendance was City Finance Assistant Lucero Avalos and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Add Executive Session for Personnel and Legal

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

Slater made a motion to amend some language on the Ordinance 2020-06 to limit 10 people with a distance of 6 ft per building. Green, Slater, Parks voted aye. Benson, Berg, Blaeser, Carpenter, Cropley voted nay.

Motion by Parks, second by Benson, to enter executive Session for Personnel and Legal. All members present voted aye.

Motion by Benson, second by Cropley, to Approve Ordinance 2020-06. Benson, Berg, Blaeser, Carpenter, Cropley, Parks, Slater voted aye. Green voted nay.

Motion by Cropley, second by Berg, to adjourn at 6:10pm. All members present voted aye.

**Approved**

_____
**Randy Fredericksen, Mayor**

**Attested**

_____
**Lucero Avalos, Finance Assistant**

**UNAPPROVED**
**North Sioux City, South Dakota**
**City Council Special Meeting Minutes**
April 29, 2020

Meeting called to order at 6:00 p.m. by Mayor Fredericksen. Benson, Berg, Blaeser, Carpenter, Cropley, Green Parks, Slater were present. Also, in attendance was City Finance Assistant Lucero Avalos and City Attorney Darrell Jesse.

Mayor Fredericksen led the Pledge of Allegiance.

Motion by Parks, second by Benson, to approve the amended agenda adding Executive Session for Contractual, Legal and Personnel. All members present voted aye.

Motion by Berg, second by Cropley, to Approve Ordinance 2020-06. Benson, Berg, Blaeser, Carpenter, Cropley, Parks voted aye. Green & Slater voted nay. Motion carried.

Community Input:

1. Andrew Nilges from the North Sioux City Economic Development gave a discussion in regards to Covid-19 matters and how businesses would like to reopen and that he feels confident that they could make it work to continue to operate following the guidelines.

Motion by Benson, second by Carpenter, to enter executive Session for Contractual, Legal and Personnel at 6:30 pm. All members present voted aye.

Regular Session resumed at 7:49 pm.

Motion by Benson, second by Berg, to adjourn at 7:50 pm. All members present voted aye.

**Approved**

_____
**Randy Fredericksen, Mayor**

**Attested**

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**Lucero Avalos, Finance Assistant**

I, Tena Carpenter,

Having been elected to the office of Alderman Ward 1

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office Alderman Ward 1

I, Dan Parks,

Having been elected to the office of Alderman Ward 2

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office Alderman Ward 2

I, Kodi Benson,

Having been elected to the office of Alderman Ward 3

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office Alderman Ward 3

I, Dave Norby,

Having been elected to the office of Alderman Ward 4

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office Alderman Ward 4

# 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: Mike Hamm
Date: 5/4/2020
Re: Council President and Vice President

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**Background:** The Council has the responsibility of electing a Council President and Vice President. The current Council President is Dan Parks and the Vice President is Doug Berg.

**Financial Consideration:** n/a

**Recommendation:** council should make nominations and vote on who to put in these roles.

I, Darrell Jesse,

Having been appointed as the City Attorney of the City of North Sioux City, in Union County, South Dakota

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office of the City Attorney

I, Sabrina Sayler,

Having been appointed as the Assistant City Attorney of the City of North Sioux City, in Union County, South Dakota

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office of the Assistant City Attorney

I, Richard Headid,

Having been appointed as the Chief of Police of the City of North Sioux City, in Union County, South Dakota

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office of the Chief of Police

I, Lucero Avalos,

Having been appointed as the Interim Finance Officer of the City of North Sioux City, in Union County, South Dakota

Within and for the City of North Sioux City, in said County and State

Do swear that I will support the constitution of the United States, the constitution of the State of South Dakota, and the ordinances of the City of North Sioux City

And that I will faithfully and impartially, to the best of my knowledge and ability

Perform all of the duties of said office the Interim 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: Lucero Avalos
Date: 05/04/2020
Re: Fireworks License

**Background:** North Sioux City Ordinance 5.16.020 prohibits fireworks sales without first obtaining a license from the City. Once approved, owner(s) will receive their license along with our ordinance outlining safety regulations.

The following applications have been received.

| | |
|---|---|
| Lantis Fireworks | Retail License (SD permit and payment have been received) |
| Zorts Power Source Fireworks | Retail License (SD permit and payment have been received) |

**Financial Consideration:** License & Permit Revenue.

**Recommendation:** Motion to approve the applications as presented, pending receipt of SD Fireworks Permit.

North Sioux City
SOUTH DAKOTA

# ANNUAL FIREWORKS PERMIT APPLICATION

## 2020 CALENDAR YEAR

**(Expires January 2 of following year)**

**ANNUAL FEE: $1,250.00**

**LICENSE TYPE:** ☒ Retail ☐ Wholesale

Business Name/dba: LANTIS FIREWORKS INC

Owner Name: DON LANTIS

Business Location: 5 N. SHORE DRIVE

Business Phone No.: 605-232-6818

Mailing Address: PO BOX 229 N. SIOUX CITY, SD 57049

Legal Description:

Retail Sales Dates:

- ☒ May 1 – Jul 5 — Special Retail Fireworks (out-of-state residents only sales)
- ☒ Jun 27 – Jul 5 — Retail Fireworks (general sales)
- ☒ Jul 6 – ~~Aug 3~~ Sept. — Optional Retail Fireworks (out-of-state residents only sales)
- ☒ Dec 28 – Jan 1 — Retail Fireworks (general sales)

SD Fireworks Permit No. ☐ Copy Attached

SD Sales Tax No. 1013-6734-5+ ☐ Copy Attached

Name of Applicant: LANTIS FIREWORKS INC

Applicant Phone No.: 605-232-6818

North Sioux City Ordinance 5.16 requires a license for sales of "Permissible Fireworks" within the corporate limits of North Sioux City. It also states fireworks may be sold only at such times as allowed by the State of South Dakota, as defined in Codified Law Titles 34-36 and 34-37.

The undersigned applicant certifies, that he/she has received a copy of City Ordinance 5.16, sections 5.16.010 - 5.16.170 inclusive, and that he/she will comply with these ordinances, furthermore he/she will be at all times in compliance with all other City ordinances and the applicable laws of the State of South Dakota.

4-18-2020 — Date

Don Lantis — Signature

**FOR OFFICE USE ONLY**

**RECEIVED BY** RM. **DATE** 4·20·20 **CHECK/MONEY ORDER #** 5351 / Receipt # 38812.

North Sioux City
SOUTH DAKOTA

RECEIVED
APR 27 2020
BY:

# ANNUAL FIREWORKS PERMIT APPLICATION

## 2020 CALENDAR YEAR

**(Expires January 2 of following year)**

**ANNUAL FEE: $1,250.00**

**LICENSE TYPE:** ☑ Retail ☐ Wholesale

Business Name/dba: Zort's PowerSource Fireworks

Owner Name: John K. and Sally L. Barber

Business Location: 201 S. Derby Lane

Business Phone No.: local: 605-232-0771 or 913-528-8772

Mailing Address: 516 Lake Forest, Bonner Springs, KS 66012

Legal Description: Lot 1 of Taylor Tr 3 Replat Prev Plat Lot A NE1/4SW1/4 (2.00A)

Retail Sales Dates:

- ☑ May 1 – Jul 5 — Special Retail Fireworks (out-of-state residents only sales)
- ☐ Jun 27 – Jul 5 — Retail Fireworks (general sales)
- ☑ Jul 6 – Aug 3 — Optional Retail Fireworks (out-of-state residents only sales)
- ☑ Dec 28 – Jan 1 — Retail Fireworks (general sales)

SD Fireworks Permit No. State says license has been mailed ☒ Copy Attached

SD Sales Tax No. 1024-246085T ☐ Copy Attached no change

Name of Applicant: John Barber

Applicant Phone No.: 913-528-8772

North Sioux City Ordinance 5.16 requires a license for sales of "Permissible Fireworks" within the corporate limits of North Sioux City. It also states fireworks may be sold only at such times as allowed by the State of South Dakota, as defined in Codified Law Titles 34-36 and 34-37.

The undersigned applicant certifies, that he/she has received a copy of City Ordinance 5.16, sections 5.16.010 - 5.16.170 inclusive, and that he/she will comply with these ordinances, furthermore he/she will be at all times in compliance with all other City ordinances and the applicable laws of the State of South Dakota.

4/22/2020
Date

John K. Barber Sally L. Barber
Signature

**FOR OFFICE USE ONLY**

**RECEIVED BY** NJH **DATE** 4-28-2020 **CHECK/MONEY ORDER #** CREDIT CARD

# City Council MEMO

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

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To: North Sioux City, City Council
From: Mike Hamm
Date: 05/04/2020
Re: Stockwell Project Updates

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**Background:** Stockwell sent an update to their ongoing projects with the City. This is for discussion purposes only.

**Financial Consideration:** None at this time.

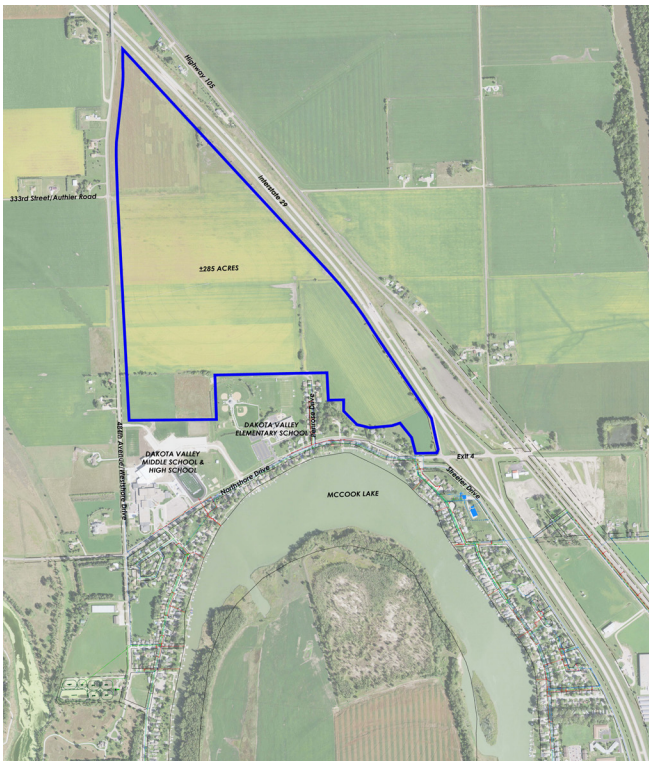
**Recommendation:** NA.

# Engineer's Report
May 4, 2020

## Northshore Master Plan

The Northshore Master Plan consists of creating a utilities and land use master plan and final report to aid in attracting developers for the area north of Dakota Valley schools and Northshore Drive. The scope of work also includes a topographic survey of the study area, stakeholder meetings with property owners, development of two concepts, and review with City staff to select final concept and cost estimate.

**Update** | Final concepts and exhibits have been submitted and reviewed by City staff. Final concepts will be submitted to City Council at a later date when additional public members can attend.




Action | None.

## Lift Station Generators

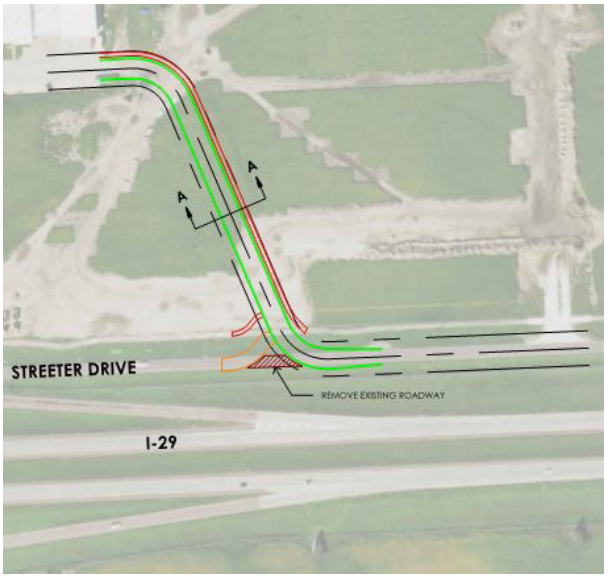
The Lift Station Generators project consists of survey, design, bidding and construction administration services for generators at the Lakeshore Drive, Streeter Drive, Flynn Business Park, and Sioux Laundry lift stations.

**Update** | Stockwell is currently internally reviewing 95% design drawings and specifications prior to submitting to City staff for review.

Action | None.

## Streeter Drive Reconstruction

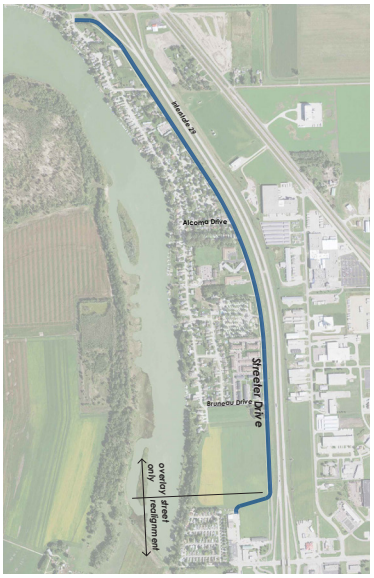
Streeter Drive Reconstruction Project consists of survey, design, bidding, and construction administration and staking services to realign Streeter Drive from the connection to Sodrac Drive north approximately 800' and overlay the remainder of Streeter Drive to Northshore Drive. The scope of work also includes property owner and private utility meetings, one public meeting, and design of necessary drainage facilities.




**Update** | Stockwell Engineers provided preliminary cost estimates and exhibits for the City. SDDOT is working on putting together a funding package (currently proposing 50/50 split funding) for the City and an agreement to turn the roadway over to the City after improvements are made. Funding won't be available until 2021 for the re-alignment of Streeter Drive.

## Streeter Drive Mill & Overlay

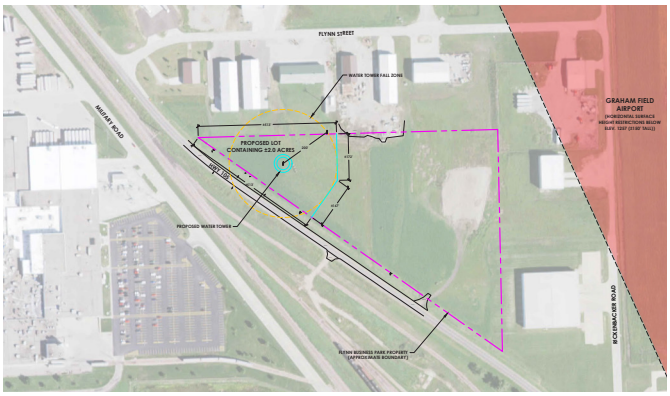
Streeter Drive Mill and Overlay project extends from River Drive to Northshore Drive. The project consists of miscellaneous asphalt removal and replacement, 2" cold asphalt milling, 2" asphalt overlay, and replacement of pavement markings. The project length is approximately 10,350 feet long.




**Update** | Stockwell has been in contact with the contractor, Barkley Asphalt Inc. and coordinating a preconstruction meeting and start date for the project. Upon establishing a start date, Stockwell Engineers will notify adjacent property owners, businesses, and residents. Currently, the contractor anticipates starting construction mid-June.

SDDOT will potentially fund this project; however this is still being worked out with the SDDOT.

## Water Study & Tower




Action | None.

The Water study and Tower project consists of updating the previously prepared Preliminary Report for Water Supply Improvements and provide survey, design, bidding and construction administration services for a new water tower in the Flynn Business Park.

**Update** | The Board of Water and Natural Resources met on April 27th and unanimously approved a $2,700,000 loan for the water tower project. The loan is for 30 year term at annual 2.125% interest. The loan is contingent upon adopting a bond resolution and the resolution becoming effective.

Geotechnical work has been completed. The water study update has confirmed the location of the proposed tower works well within the distribution system. Currently working on plans, details, and specifications for the water tower bid package.

# City Council MEMO

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

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To: North Sioux City, City Council
From: Mike Hamm
Date: 05/04/2020
Re: JEO Projects update

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**Background:** JEO sent an update to their ongoing projects with the City. This is for discussion purposes only.

**Financial Consideration:** None at this time.

**Recommendation:** NA.

# JEO Project Status Report

**To:** City of North Sioux City

**Date:** April 29, 2020

**Report Prepared By:** Ethan E. Joy, PE

| JEO # | Project | Funding Source # | Current Status | JEO Action | City Action | Schedule |
|---|---|---|---|---|---|---|
| R161479 | Big Sioux River Levee Certification Evaluation | Local funds | FEMA will need to finalize and issue the final flood plain maps. That schedule is unknown. | | After FEMA issues the new maps, the city will have to update its ordinances to reflect the new map changes. | |
| R160368 | Military Road Bridge Reconstruction | Sioux City Project | Work started on Riverside Intersection. Bridge to remain open during the remainder of the project. | | None at this time | |
| R190926 | Wastewater Study Addendum and Rate Study | Local Funds | Draft rate study submitted to Council for review. | | Review and direction on any alternate rate schedules desired. | |
| R190597 | Northshore Sewer CIPP | Local Funds | Work started and going well. Majority of slip lining will be complete the week of April 27th | | None at this time | Project Completion Date: June 29, 2020 |

Items in red are new from the previous report

Thank you.

Ethan E. Joy, PE
Branch Manager

*Your Goals, Our Team, One Vision*

# City Council MEMO

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

To: Mayor Fredericksen
Council Members
From: Mike Hamm
Date: 05/04/2020
Re: Annual Report for 2019

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**Background:** Quam, Berglin, and Post have prepared our 2019 Annual Report. The annual report provides an account of the receipts and expenditures for 2019. The report will be published and submitted to Legislative Audit.

Starting May 13, the Finance team will work with Quam, Berglin, and Post to conduct our annual audit for FY2019. At that time, the auditors will examine the accounts, accounting principal application, our procedural process, ensure statute and ordinance compliance, prepare financial statements and report significant findings.

**Financial Consideration:** Cost of printing

**Recommendation:** No action needed. For Council's Review.

/mjh

**CITY OF NORTH SIOUX CITY**
**BALANCE SHEET**
**GOVERNMENTAL FUNDS**
**DECEMBER 31, 2019**

| | Major Funds | | | | | Nonmajor | |
|---|---|---|---|---|---|---|---|
| | General Fund | Additional Sales Tax Fund | Wildflower Bend Fund Debt Service | Military Road Fund Capital Project | Flynn Business Park Fund Capital Project | Other Governmental Funds | Total Governmental Funds |
| **ASSETS:** | | | | | | | |
| Cash and Cash Equivalents | $ 1,623,364.23 | $ 2,219,390.72 | $ | $ 333,097.62 | $ | $1,676,905.85 | $ 5,852,758.42 |
| Investments | 2,555,543.71 | 804,842.45 | | | | 52,268.60 | 3,412,654.76 |
| Taxes Receivable - Current | 3,401.18 | | | | | | 3,401.18 |
| Taxes Receivable - Delinquent | 9,821.07 | | | | | | 9,821.07 |
| Accounts Receivable, Net | 10,883.34 | | | | 166,000.00 | | 176,883.34 |
| Notes Receivable | 250,000.00 | | | | | 354,422.51 | 604,422.51 |
| Special Assessments Receivable - Current | 42,154.51 | | | | | | 42,154.51 |
| Restricted Cash | 95,953.00 | | | | | | 95,953.00 |
| Due From Government | 4,335.32 | | | | | 4,428.42 | 8,763.74 |
| Due From Other Funds | 189,353.42 | | | | | | 189,353.42 |
| Inventory | 8,539.10 | | | | | | 8,539.10 |
| Prepaid Expense | 11,901.19 | | | | | | 11,901.19 |
| **TOTAL ASSETS** | $ 4,805,250.07 | $ 3,024,233.17 | $ 0.00 | $ 333,097.62 | $ 166,000.00 | $2,088,025.38 | $ 10,416,606.24 |
| **LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES:** | | | | | | | |
| Liabilities: | | | | | | | |
| Accounts Payable | $ 1,535.26 | $ | $ | $ | $ | $ 34.66 | $ 1,569.92 |
| Accrued Wages Payable | 38,708.62 | | | | | | 38,708.62 |
| Deferred Revenue | 250,000.00 | | | | | | 250,000.00 |
| Due to Other Funds | | | 70,487.49 | | 118,354.83 | 511.10 | 189,353.42 |
| Total Liabilities | 290,243.88 | | 70,487.49 | | 118,354.83 | 545.76 | 479,631.96 |



No assurance is provided

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Deferred Inflows of Resources: | | | | | | | |
| Unavailable Revenue - Property Taxes | 9,821.07 | | | | | | 9,821.07 |
| Unavailable Revenue - Special Assessments | 42,154.51 | | | | | | 42,154.51 |
| Total Deferred Inflows of Resources | 51,975.58 | | | | | | 51,975.58 |
| Fund Balances: | | | | | | | |
| Nonspendable | 278,416.53 | | | | | | 278,416.53 |
| Restricted | 95,953.00 | | | 333,097.62 | 47,645.17 | 2,087,990.72 | 2,564,686.51 |
| Committed | | 3,024,233.17 | | | | | 3,024,233.17 |
| Unassigned | 4,088,661.08 | | (70,487.49) | | | (511.10) | 4,017,662.49 |
| Total Fund Balances | 4,463,030.61 | 3,024,233.17 | (70,487.49) | 333,097.62 | 47,645.17 | 2,087,479.62 | 9,884,998.70 |
| **TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES** | $ 4,805,250.07 | $ 3,024,233.17 | $ 0.00 | $ 333,097.62 | $ 166,000.00 | $2,088,025.38 | $ 10,416,606.24 |



No assurance is provided

CITY OF NORTH SIOUX CITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2019

| | Major Funds | | | | | Nonmajor | |
|---|---|---|---|---|---|---|---|
| | General Fund | Additional Sales Tax Fund | Wildflower Bend Fund Debt Service | Military Road Fund Capital Project | Flynn Business Park Fund Capital Project | Other Governmental Funds | Total Governmental Funds |
| **Revenues:** | | | | | | | |
| Taxes: | | | | | | | |
| General Property Taxes | $ 467,771.14 | $ | $ 7,467.80 | $ | $ | $ | $ 475,238.94 |
| General Sales and Use Taxes | 2,117,235.95 | 529,308.98 | | | | 354,192.75 | 3,000,737.68 |
| 911 Telephone Surcharge | | | | | | 35,261.76 | 35,261.76 |
| Licenses and Permits | 94,793.10 | | | | | | 94,793.10 |
| Intergovernmental Revenue: | | | | | | | |
| Federal Grants | | | | | 453,615.83 | | 453,615.83 |
| State Grants | 11,182.89 | | | 1,878,000.00 | 250,000.00 | | 2,139,182.89 |
| State Shared Revenue: | | | | | | | |
| Bank Franchise Tax | 5,127.63 | | | | | | 5,127.63 |
| Liquor Tax Reversion | 16,488.25 | | | | | | 16,488.25 |
| Motor Vehicle Licenses (5%) | 43,166.01 | | | | | | 43,166.01 |
| State Highway and Bridge Tax | 75,357.95 | | | | | | 75,357.95 |
| County Shared Revenue: | | | | | | | |
| County Highway and Bridge Tax | 7,913.72 | | | | | | 7,913.72 |
| County Wheel Tax | 11,838.52 | | | | | | 11,838.52 |
| Charge for Services: | | | | | | | |
| Public Safety | 7,553.63 | | | | | | 7,553.63 |
| Culture and Recreation | | | | | | | |
| Other | 36,561.01 | | | | | | 36,561.01 |
| Fines and Forfeits: | | | | | | | |
| Court Fines and Costs | 23,219.53 | | | | | | 23,219.53 |
| Miscellaneous Revenue: | | | | | | | |
| Investment Earnings | 46,498.74 | 6,167.81 | | | | 3,164.34 | 55,830.89 |
| Special Assessments | 2,300.00 | | | | | | 2,300.00 |
| Contributions and Donations | 7,020.80 | | | | | | 7,020.80 |
| Other | 118,672.56 | | | | | | 118,672.56 |
| **Total Revenue** | 3,092,701.43 | 535,476.79 | 7,467.80 | 1,878,000.00 | 703,615.83 | 392,618.85 | 6,609,880.70 |

CITY OF NORTH SIOUX CITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2019

| | Major Funds | | | | | Nonmajor | |
|---|---|---|---|---|---|---|---|
| | General Fund | Additional Sales Tax Fund | Wildflower Bend Fund Debt Service | Military Road Fund Capital Project | Flynn Business Park Fund Capital Project | Other Governmental Funds | Total Governmental Funds |
| **Expenditures:** | | | | | | | |
| General Government: | | | | | | | |
| Legislative | 98,225.37 | | | | | | 98,225.37 |
| Executive | 145,382.81 | | | | | | 145,382.81 |
| Elections | 854.39 | | | | | | 854.39 |
| Financial Administration | 183,729.14 | | | | | | 183,729.14 |
| Other | 56,693.65 | | | | | | 56,693.65 |
| Total General Government | 484,885.36 | | | | | | 484,885.36 |
| Public Safety: | | | | | | | |
| Police | 860,588.99 | | | | | | 860,588.99 |
| Fire | | | | | | 74,904.24 | 74,904.24 |
| Other | 1,221.05 | | | | | | 1,221.05 |
| Total Public Safety | 861,810.04 | | | | | 74,904.24 | 936,714.28 |
| Public Works: | | | | | | | |
| Highways and Streets | 1,060,501.76 | | | 1,544,902.38 | | | 2,605,404.14 |
| Improvements | | | | | 1,442,031.88 | 23,916.00 | 1,465,947.88 |
| Cemeteries | 3,493.80 | | | | | | 3,493.80 |
| Total Public Works | 1,063,995.56 | | | 1,544,902.38 | 1,442,031.88 | 23,916.00 | 4,074,845.82 |
| Health and Welfare: | | | | | | | |
| Health | 4,949.60 | | | | | | 4,949.60 |
| Total Health and Welfare | 4,949.60 | | | | | | 4,949.60 |

CITY OF NORTH SIOUX CITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2019

| | Major Funds | | | | | Nonmajor | |
|---|---|---|---|---|---|---|---|
| | General Fund | Additional Sales Tax Fund | Wildflower Bend Fund Debt Service | Military Road Fund Capital Project | Flynn Business Park Fund Capital Project | Other Governmental Funds | Total Governmental Funds |
| Culture and Recreation: | | | | | | | |
| Recreation | 51,030.07 | | | | | | 51,030.07 |
| Parks | 60,141.14 | | | | | | 60,141.14 |
| Libraries | 207,134.64 | | | | | | 207,134.64 |
| Total Culture and Recreation | 318,305.85 | | | | | | 318,305.85 |
| Conservation and Development: | | | | | | | |
| Urban Redevelopment and Housing | 5,673.50 | | | | | | 5,673.50 |
| Economic Development and Assistance | 44,341.73 | | | | | 95,247.88 | 139,589.61 |
| Economic Opportunity | 38,750.00 | | | | | 220,711.49 | 259,461.49 |
| Total Conservation and Development | 88,765.23 | | | | | 315,959.37 | 404,724.60 |
| Debt Service | | | 46,278.67 | | | | 46,278.67 |
| Capital Outlay | | 293,300.08 | | | | | 293,300.08 |
| **Total Expenditures** | 2,822,711.64 | 293,300.08 | 46,278.67 | 1,544,902.38 | 1,442,031.88 | 414,779.61 | 6,564,004.26 |
| Excess of Revenue Over (Under) Expenditures | 269,989.79 | 242,176.71 | (38,810.87) | 333,097.62 | (738,416.05) | (22,160.76) | 45,876.44 |
| **Other Financing Sources (Uses):** | | | | | | | |
| Transfer In | | | | | 714,223.05 | 1,560,274.84 | 2,274,497.89 |
| Transfer Out | (66,000.00) | (217,223.05) | | | | (1,598,274.84) | (1,881,497.89) |
| Sale of Municipal Property | 14,260.60 | | | | | 354,860.95 | 369,121.55 |
| **Total Other Financing Sources (Uses)** | (51,739.40) | (217,223.05) | | | 714,223.05 | 316,860.95 | 762,121.55 |
| Net Change in Fund Balances | 218,250.39 | 24,953.66 | (38,810.87) | 333,097.62 | (24,193.00) | 294,700.19 | 807,997.99 |
| Fund Balance - Beginning | 4,244,780.22 | 2,999,279.51 | (31,676.62) | | 71,838.17 | 1,792,779.43 | 9,077,000.71 |
| **FUND BALANCE - ENDING** | $ 4,463,030.61 | $ 3,024,233.17 | $ (70,487.49) | $ 333,097.62 | $ 47,645.17 | $ 2,087,479.62 | $ 9,884,998.70 |

No assurance is provided

**CITY OF NORTH SIOUX CITY**
**STATEMENT OF NET POSITION**
**PROPRIETARY FUNDS**
**DECEMBER 31, 2019**

| | Enterprise Funds | | | |
|---|---|---|---|---|
| | Major Funds | | Nonmajor Funds | |
| | Water Fund | Sewer Fund | Garbage Fund | Totals |
| **ASSETS:** | | | | |
| Current Assets: | | | | |
| Cash and Cash Equivalents | $ 90,579.53 | $ 477,138.92 | $ | $ 567,718.45 |
| Investments | 1,611,468.77 | 1,699,045.67 | 114.18 | 3,310,628.62 |
| Accounts Receivable, Net | 61,503.39 | 26.00 | 21,274.51 | 82,803.90 |
| Inventory of Supplies | 12,001.41 | 93,191.08 | | 105,192.49 |
| Due From Other Funds | 49,797.93 | | | 49,797.93 |
| Prepaid Expenses | 6,374.71 | 4,010.32 | 182.76 | 10,567.79 |
| Total Current Assets | 1,831,725.74 | 2,273,411.99 | 21,571.45 | 4,126,709.18 |
| Noncurrent Assets: | | | | |
| Capital Assets: | | | | |
| Land | 60,780.56 | 37,503.28 | | 98,283.84 |
| Buildings | 2,216,651.22 | | | 2,216,651.22 |
| Improvement other than Buildings | 10,418,772.61 | 7,887,820.91 | | 18,306,593.52 |
| Machinery and Equipment | 1,552,963.29 | 727,894.84 | | 2,280,858.13 |
| Less: Accumulated Depreciation | (5,019,290.72) | (3,999,211.35) | | (9,018,502.07) |
| Total Noncurrent Assets | 9,229,876.96 | 4,654,007.68 | | 13,883,884.64 |
| **TOTAL ASSETS** | 11,061,602.70 | 6,927,419.67 | 21,571.45 | 18,010,593.82 |
| **LIABILITIES:** | | | | |
| Current Liabilities: | | | | |
| Accounts Payable | 8,665.99 | 225,714.21 | | 234,380.20 |
| Sales Tax Payable | | | 3,466.08 | 3,466.08 |
| Accrued Wages Payable | 9,490.40 | 13,349.93 | 1,051.72 | 23,892.05 |
| Customer Deposits | 81,916.22 | | | 81,916.22 |
| Accrued Leave Payable | 14,940.45 | 9,950.82 | | 24,891.27 |
| Due to Other Funds | | | 49,797.93 | 49,797.93 |
| Total Current Liabilities | 115,013.06 | 249,014.96 | 54,315.73 | 418,343.75 |
| **TOTAL LIABILITIES** | 115,013.06 | 249,014.96 | 54,315.73 | 418,343.75 |
| **NET POSITION:** | | | | |
| Net Investment in Capital Assets | 9,229,876.96 | 4,654,007.68 | | 13,883,884.64 |
| Unrestricted Net Position | 1,716,712.68 | 2,024,397.03 | (32,744.28) | 3,708,365.43 |
| **TOTAL NET POSITION** | $ 10,946,589.64 | $ 6,678,404.71 | $ (32,744.28) | $ 17,592,250.07 |

No assurance is provided

CITY OF NORTH SIOUX CITY
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED DECEMBER 31, 2019

| | Enterprise Funds | | | |
|---|---|---|---|---|
| | Major Funds | | Nonmajor Funds | |
| | Water Fund | Sewer Fund | Garbage Fund | Totals |
| **Operating Revenue:** | | | | |
| Charges for Goods and Services (Revenues Securing Debt Issues) | $ 927,027.99 | $ 925,645.70 | $ 151,246.43 | $ 2,003,920.12 |
| Miscellaneous | 1,176.00 | 20,575.82 | 1,303.90 | 23,055.72 |
| Total Operating Revenue | 928,203.99 | 946,221.52 | 152,550.33 | 2,026,975.84 |
| **Operating Expenses:** | | | | |
| Personal Services | 171,150.00 | 255,493.89 | 183,061.74 | 609,705.63 |
| Other Current Expense | 214,134.03 | 701,154.49 | | 915,288.52 |
| Total Operating Expenses | 385,284.03 | 956,648.38 | 183,061.74 | 1,524,994.15 |
| Operating Income (Loss) | 542,919.96 | (10,426.86) | (30,511.41) | 501,981.69 |
| **Nonoperating Revenue (Expense):** | | | | |
| Interest Income | 9,927.15 | | | 9,927.15 |
| Interest Expense and Fiscal Charges | 4,478.29 | | | 4,478.29 |
| Total Nonoperating Revenue (Expense) | 14,405.44 | | | 14,405.44 |
| Income (Loss) | 557,325.40 | (10,426.86) | (30,511.41) | 516,387.13 |
| Transfers (Out) In | (300,000.00) | (130,000.00) | 37,000.00 | (393,000.00) |
| Change in Net Position | 257,325.40 | (140,426.86) | 6,488.59 | 123,387.13 |
| Net Position - Beginning | 10,689,264.24 | 6,818,831.57 | (39,232.87) | 17,468,862.94 |
| **NET POSITION - ENDING** | $ 10,946,589.64 | $ 6,678,404.71 | $ (32,744.28) | $ 17,592,250.07 |

No assurance is provided

## CITY OF NORTH SIOUX CITY

| | Beginning Balance 01/01/19 | Additions | Retired | Ending Balance 12/31/19 | Due within One Year |
|---|---|---|---|---|---|
| **Primary Government:** | | | | | |
| Governmental Activities: | | | | | |
| TIF Loan - River Valley | $ 488,400.01 | $ | $ 488,400.01 | $ | $ |
| TIF Loan - Wildflower Bend | 305,473.59 | | 10,002.74 | 295,470.85 | 10,502.87 |
| TIF Loan - Wildflower Bend | 223,961.44 | | 10,762.65 | 213,198.79 | 10,864.43 |
| Accrued Compensated Absences - Governmental Funds | 55,109.48 | 51,667.21 | 55,109.48 | 51,667.21 | 51,667.21 |
| **Total Governmental Activities** | 1,072,944.52 | 51,667.21 | 564,274.88 | 560,336.85 | 73,034.51 |
| **Business-Type Activities:** | | | | | |
| Accrued Compensated Absences - Business-Type Funds | 24,891.28 | 20,281.09 | 24,891.28 | 20,281.09 | 20,281.09 |
| **Total Business-Type Activities** | 24,891.28 | 20,281.09 | 24,891.28 | 20,281.09 | 20,281.09 |
| **Total Primary Government** | $ 1,097,835.80 | $ 71,948.30 | $ 589,166.16 | $ 580,617.94 | $ 93,315.60 |

# City Council MEMO

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

To: Mayor Fredericksen
Council Members
From: Mike Hamm
Date: 05/04/2020
Re: Declare Property a Nuisance

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**Background:** Attached is a letter from Gary Roan on the property located at 111 Lloyd Street. Gary states the property is no longer safe to be occupied.

**Financial Consideration:** Cost of Summer Rec Employees

**Recommendation:** NA

North Sioux City
SOUTH DAKOTA

Burt Mason
POA for Lyle Mason
111 Lloyd St
N. Sioux City, SD 57049

11/21/19

This letter serves as notice that the City of North Sioux City has determined upon inspection of the home located at 111 Lloyd Avenue is no longer in a safe condition to be occupied. The Property Management Code 2012 adopted by the City Ordinance was the document noted to make this determination. The home will be Red Tagged and no one may occupy this residence until repairs are made and approved inspections are recorded with the City. The other option is for all structures to be torn down and debris removed and disposed of properly including the basement. The empty lot would need to be filled, graded and seeded.

Sincerely,

North Sioux City Building Inspector
Gary Roan

jr

# City Council MEMO

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

To: Mayor Fredericksen
Council Members
From: Mike Hamm
Date: 05/04/2020
Re: Summer Rec Camp

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**Background:** Jodi Hemmingsen sent an email to inquire about the Summer Rec Program. I have attached the email. This is for discussion purposes.

**Financial Consideration:** Cost of Summer Rec Employees

**Recommendation:** NA

## Jennifer Roupe

**From:** Jeff Hemmingsen <jeffjodifamily@gmail.com>
**Sent:** Friday, April 24, 2020 12:19 PM
**To:** Jennifer Roupe
**Subject:** Rec Camp 2020

Jen,
I am writing in regards to Rec Camp 2020. In the wake of Covid 19 all of our lives have been affected in various ways. I recognize the need to take precautions but I also recognize the need to help kids have some normality and routine. Rec Camp is an amazing program. It allows kids to fill many important needs. It provides social interaction, creativity, exercise and how to work together. It is a great way to get kids out of the house and be engaged in healthy recreational activities.

I want to be compliant with the recommendations of health professionals. If it is possible to have Rec Camp in June I would strongly encourage it. I am also willing to do it the month of July if that appears to be a better option. We are here for our kids and our community. I appreciate your consideration in this matter.

Warm regards,
Jodi Hemmingsen

# City Council MEMO

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

To: Mayor / North Sioux City, City Council
From: Chief Richard Headid
Date: 04/28/2020
Re: Taking Officer Gregory Jurich off of probation

**Background:** Officer Jurich completed the SD Law Enforcement Academy on February 28, 2020, due to Officer Jurich being gone, or at the academy, I extended Officer Jurich's probationary period for an additional two months. As of April 28, 2020, Officer Jurich has completed his probationary period and I would recommend removing him from probation effective May 4th, 2020.

**Financial Consideration:** None.

**Recommendation:** To take Officer Jurich off of probation.

# City Council MEMO

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

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To: North Sioux City, City Council
From: Mike Hamm
Date: 05/04/2020
Re: Covid-19 Discussion

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**Background:** At the request of the Council this topic will be on all agendas until further notice for discussion purposes.

**Financial Consideration:** None.

**Recommendation:** NA.

**ORDINANCE NO. 2020-06**

**AN EMERGENCY ORDINANCE TO ADDRESS A PUBLIC HEALTH CRISIS BY IMPLEMENTING CERTAIN MEASURES WHICH HAVE BEEN DEEMED NECESSARY TO SLOW THE COMMUNITY SPREAD OF CORONAVIRUS (COVID-19).**

WHEREAS, the City of North Sioux City has the authority pursuant to SDCL 9-29-1 to pass ordinances for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

WHEREAS, pursuant to SDCL 9-32-1, the City has the power to do what is necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

WHEREAS, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

WHEREAS, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the global pandemic of COVID-19; and

WHEREAS, on the same day, Governor Kristi Noem, issued Executive Order 2020-04 which declared a state of emergency to exist in the State of South Dakota in response to the spread of COVID-19 and via Executive Order 2020-12 which extended the terms of the Order through May 31, 2020; and

WHEREAS, cases of COVID-19 have been confirmed in South Dakota; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, in response to the need to implement social distancing, all schools in the state of South Dakota have been closed for at least two weeks; and

WHEREAS, on March 16, 2020, the White House issued guidance recommending that social gatherings of more than ten (10) people be avoided and that people avoid eating or

drinking at bars, restaurants, and food courts; and

WHEREAS, the guidance issued by the White House further recommended that in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate should be closed; and

WHEREAS, many states and communities across the country have already implemented the White House recommendations by ordering all bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate be closed until the public health emergency is over; and

WHEREAS, the failure to successfully implement social distancing will likely result in higher numbers of infected individuals and has the potential to overwhelm the capacity of the City's health care providers; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

**NOW THEREFORE, BE IT ORDAINED**, by the Common Council of the City of North Sioux City
that:

1. Effective at 11:59 p.m., April 29, 2020, all restaurants, food courts, coffee houses, bars, clubs, cafes and other similar places of public accommodation offering food and beverages for on-site consumption, including any alcohol licensees with on-sale privileges, are closed to on-site/on-sale patrons. These businesses may continue to operate in order to provide take-out, delivery, curbside service, and drive-thru service. Any business continuing to operate in order to provide off-site service should implement procedures to ensure social distancing and operate in compliance with federal and state health guidance in order to prevent the spread of COVID-19. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.

2. Effective at 11:59 p.m., April 29, 2020, all recreational facilities, health clubs, athletic facilities and music or entertainment venues are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.

3. Effective 11:59 p.m., April 29, 2020, all arcades, casinos, and other similar recreational or entertainment facilities are directed to close and cease operations. The list of the businesses types closed by this provision may be increased by resolution of the North

Sioux City Council. This closure will remain in effect through Sunday, May 31, 2020 at 8:00am.

4. The prohibitions and closures in this order do not apply to the following businesses:

   a. Places of public accommodation that offer food and beverages for off-site consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries, other than any portion of such business which offer on-site consumption which would be subject to the requirements of paragraph #1.

   b. Room service in hotels.

   c. Health care facilities, residential care facilities, congregate care facilities, and correctional facilities.

   d. Crisis shelters, homeless shelters, soup kitchens, or other similar institutions.

   e. Any emergency facilities necessary for the response to the current public health emergency or any other community emergency or disaster.

   f. Official meetings of the city, schools, county, or state.

5. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution limiting the size of any communal gathering as defined herein and prohibit any communal gathering in excess thereof for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:

   a. For purposes of this ordinance, a "communal gathering" is any indoor or outdoor gathering of people, subject to the exceptions and clarifications below, that brings together or is likely to bring two or more persons at the same time in a single room or other single confined or enclosed space, including, but not limited to an office space or similar confined place of employment, a single-family residence, or a residential apartment unit.

   b. For purposes of this ordinance, a "communal gathering" does not include larger gatherings in the following locations, so long as people take care not be within arm's length of one another for extended periods:

      i. public parks, sidewalks, and streets;

      ii. parking lots and common areas of any hotel, office building or residential apartment buildings;

      iii. grocery stores, shopping malls, manufacturing facilities, or other retail or business establishments where larger numbers of people may be present, but where it is unusual for people to be within arm's length of one another

for extended periods;

iv. hospitals, mental health or substance abuse treatment facilities, and medical clinics and facilities; and

v. Any other location established by resolution of the North Sioux City Council.

c. A resolution limiting the size of a communal gathering passed by the North Sioux City Council in in accordance with this ordinance shall be deemed effective immediately upon its publication.

d. Each person participating in any communal gathering that violates a size restriction established by resolution of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.

6. If the North Sioux City Council receives a recommendation from the State of South Dakota, it may pass a resolution requiring that all non-essential businesses within the city must close in-office or on-site personnel functions and cease all in-person customer contact for a period of time set forth in such resolution not to exceed the period of time this ordinance remains in effect, which prohibition shall be governed by the following terms:

a. For purposes of this Ordinance, an "Essential Business" is not governed or limited by this a restriction. An “Essential Business” means:

i. Essential Health Care Operations, Including, research and laboratory services, hospitals, walk-in-care health facilities, veterinary and livestock services, elder care, medical equipment supply providers and distribution, home health care workers or aides for the elderly, physicians, emergency dental, nursing homes, or residential health care facilities or congregate care facilities

ii. Essential Infrastructure, Including all utility providers, fuel supply and transmission, public water and wastewater, solid waste transfer station, telecommunications facilities and data centers, airports, transportation infrastructure such as bus, rail, or for-hire vehicles, garages, hotels, and places of accommodation

iii. Manufacturing;

iv. Essential Retail, including grocery stores, pharmacies, convenience stores, gas stations, take-out/delivery restaurant service, hardware and building material stores;

v. Essential Services, including solid waste and recycling collection, processing and disposal, mail and shipping services, laundromats, building cleaning and maintenance, child care services, auto repair, warehouse/distribution and fulfillment, funeral homes, crematoriums and cemeteries, storage for essential businesses, animal shelters, and Information Technology (IT) services providing support to Essential Business;

vi. News Media;

vii. Financial Institutions, including banks, insurance agencies, brokerage firms, payroll and bookkeeping services, tax preparation and accounting services, and services related to financial markets

viii. Providers of Basic Necessities to Economically Disadvantaged Populations, including homeless shelters, crisis shelters, congregate care facilities, food banks, human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; and other critical human services agencies providing direct care or support;

ix. Construction, Including skilled trades such as electricians, plumbers, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes;

x. Federal, State, or county agencies under direct control of any branch of the United States Federal Government, or of the State of South Dakota or of Union County.

xi. Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance whether employed by the entity directly or as a vendor, automotive repair, or disinfection;

xii. An "Essential Business" shall also specifically include or exclude any business or organization type as clarified by resolution of the North Sioux City Council, even if the business or organization type is identified herein.

b. A resolution requiring that all non-essential businesses close in-office or on-site personnel functions and cease all in-person customer contact passed by the North Sioux City Council in accordance with this ordinance shall be deemed effective immediately upon its publication.

c. The owner and supervising manager of any non-essential businesses that refuses to close in-office or on-site personnel functions or to cease all in-person customer contact in violation of the North Sioux City Council in accordance with this ordinance shall be deemed to be in violation of this ordinance.

7. This ordinance shall remain in effect until May 31, 2020. Notwithstanding any other provision herein, any dates identified in the ordinance may be shortened or extended prior to May 31, 2020 at any time by a resolution of the City Council.

8. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense.

**BE IT FURTHER ORDAINED**, that, pursuant to SDCL 9-19-13, this ordinance is necessary

for the immediate preservation of the public peace, health, safety, and welfare of the City and shall become effective immediately upon passage.

Dated this 23rd day of April, 2020.

CITY OF NORTH SIOUX CITY

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Randy Fredericksen, Mayor

ATTEST:

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Michael Hamm, Finance Officer

First Reading: April 23, 2020
Second Reading: April 29, 2020

**Effective April 29, 2020**

# 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: 05/04/2020
Re: COVID-19 Discussion – Resolution

**Background:** Resolution 2020-03 permits businesses identified in Ordinance 2020-06 to reopen to serve patrons on-site pursuant to conditions established in the resolution.

Businesses would have to meet a number of guidelines detailed in the Resolution in order to re-open. All businesses would be required to limit the capacity to half of their occupancy rating while establishing a six-foot distance between any tables, chairs, barstools, and video lottery machines. These guidelines have been most commonly used throughout the Midwest as states, regions, and cities have begun to re-open.

Gyms and fitness facilities are required to clean equipment between uses and must not permit 24 hour access. Bars, casinos, and restaurants would be required to establish plexiglass or a divider to create separation with customers. Video lottery machines are required to be cleaned after each use. Those working in food service are required to wear masks covering the mouth and nose. Seating reduced to allow for social distancing must be marked to prevent usage. All businesses would be required to make hand sanitizer locations readily available for public use and allow employees regular hand washing breaks. Businesses are also encouraged to conduct daily screenings of employees for illness.

Guidelines included in this ordinance are listed in detail to give businesses the guidance they need, to ensure the health of those at businesses are protected, and ensure enforcement. To help ensure enforcement, a mandatory recommendation to the SD Secretary of Revenue that a business in violation of the Resolution have their business's license revoked is included in the Resolution.

During conversations with the business community, business leaders have shown a commitment to meet requirements set forth by the City in an effort to resume operations while protecting public health. It is believed that businesses would accept this Resolution and be able to meet the requirements. Additionally, the business community has made it aware that many would take additional steps beyond those set forth in the Resolution to ensure the health of their staff, their customers, and the public.

**Financial Consideration:** None.

**Recommendation:** Approval of Resolution 2020-03 effective immediately.

**RESOLUTION NO. 2020-03**

**AN EMERGENCY RESOLUTION MODIFYING THE MANDATORY ORDERS RELATING TO PUBLIC GATHERINGS CONTAINED IN ORDINANCE NO. 2020-06**

WHEREAS, the City adopted an emergency ordinance pursuant to SDCL 9-29-1 and SDCL 9-32-1 which implemented social distancing guidelines recommended by the Center for Disease Control (CDC) to slow the outbreak of the disease COVID-19; and

WHEREAS, the emergency ordinance allows the City Council to enact further restrictions on public gatherings and public movements it deems necessary to address the current public health emergency; and

WHEREAS, the emergency ordinance also permits the City to make exemptions from the ordinance and to shorten or extend the effective dates set forth in the ordinance; and

WHEREAS, the purpose of social distancing requirements is to slow the spread of the disease so that the region's health care system is not overwhelmed; and

WHEREAS, the CDC and health experts have recommended social distancing to slow the spread of COVID-19; and

WHEREAS, social distancing is a method of slowing down or stopping the spread of a contagious disease by reducing the probability of contact between infected persons and those not infected in order to minimize disease transmission; and

WHEREAS, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19.

WHEREAS, federal social distancing guidelines provided by the White House expired April 30, 2020; and

WHEREAS, on April 28, 2020, Governor Kristi Noem, issued Executive Order 2020-20 which declared every South Dakotan shall implement and follow South Dakota's "Back to Normal Plan", dated April 28, 2020; and

WHEREAS, on April 28, 2020, Governor Kristi Noem, issued Executive Order 2020-20 which declared local governments shall follow South Dakota's "Back to Normal Plan", dated April 28, 2020; and

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

1. Effective at 8am, May ___, 2020, all businesses identified in paragraphs 1 through 3 of Ordinance No. 2020-06 may reopen to serve patrons on-site pursuant to the conditions established in this resolution.

2. Businesses identified in Ordinance 2020-06 within North Sioux City which are open to the public shall observe the following guidelines to slow the spread of COVID-19.
   a) Businesses shall limit capacity to half of the business' occupancy rating.
   b) Establish a minimum six-foot distance between any tables, chairs, and barstools. This provision does not need to be observed between members of the same household.
   c) Require social distance spacing while waiting for service or entry into business.
   d) In retail businesses, install a plexiglass, or similar, divider where physically possible between the cashier and customer.
   e) Require employees to wash hands at regular intervals.
   f) Food service employees must wear a mask which covers the employee's nose and mouth.
   g) In casinos, video lottery machines must be cleaned and disinfected between each customer. Machines must be spaced a minimum of six feet apart.
   h) Employees of hair salons, nail salons, and barber shops wear masks which cover their nose and mouth during customer contact times. Customer seating must be at least six (6) feet apart.
   i) In gyms and fitness facilities, any equipment and/or mats must be cleaned or disinfected between each use.
   j) 24 hour access to gyms and fitness facilities must not be permitted. Access to gyms and facilities must only be permitted when staffed.
   k) Customer seating reduced to allow for social distancing with certain seats marked as "not available due to social distancing guidelines" to insure compliance.
   l) Businesses shall post publicly and maintain a regular cleaning and disinfecting schedule, specific to each business.
   m) Hand sanitizer locations readily available for public use should be made available.
   n) Seating for large gatherings reduced to comply with a six foot minimum distance between attendees.
   o) Businesses are encouraged to conduct daily employee screenings for illness.

3. In addition to the specific requirements listed above, businesses shall operate in a manner consistent with CDC guidelines and any applicable state regulations or executive orders.

4. The City encourages all individuals within the City to continue to follow the CDC guidelines and recommended hygiene practices, including, but not limited to engaging in social distancing, limiting non-essential travel, washing hands thoroughly, staying home when sick and wearing masks when outside their homes wherever possible. Vulnerable individuals at a higher risk for this virus should practice enhanced hygiene measures and

consider staying home whenever possible.

5. Businesses can request, in writing, administrative exceptions from the City that allow them to modify the strict compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

6. Any business entity, owner, or supervising manager of any business that is not in compliance with these regulations, or an approved alternative plan pursuant to subsection #5, shall be in violation of Ordinance No. 2020-06 and this Resolution. Any violation of this ordinance is subject to the general penalty provision in Section 1.16 of the North Sioux City Municipal Code. Each day a violation of this ordinance is allowed to occur is considered a separate offense. Notwithstanding any other provision herein, any business licensed under Title 35 and City Ordinance 5.08 shall, subsequent to a hearing required by SDCL 35-2-11.1, result in a mandatory recommendation to the South Dakota Secretary of Revenue that such business's license be suspended or revoked for such violation.

7. This Resolution shall remain in effect until May 31, 2020, unless otherwise repealed, modified, or extended.

**BE IT FURTHER RESOLVED**, by the City of North Sioux City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limit person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health, and safety of the City of North Sioux City and shall be effective immediately upon publication thereof.

Dated this 4th day of May, 2020.

CITY OF NORTH SIOUX CITY

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Randy Fredericksen, Mayor

ATTEST:

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Lucero Avalos, Interim Finance Officer