



Regular Meeting of the City Council

October 19, 2020 – 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: October 5, 2020 Regular Meeting
- F. Community and Council Input – Limit 3 Minutes
- G. Department head and Community board reports if necessary – Limit 3 Minutes
- H. Agenda Items
 - 1. Approve First Reading of New Zoning Ordinance 2020-10
 - 2. ROCS Request & Update – Peter Smith
 - 3. City Park Name Change
 - 4. Update on CARES Act – Coronavirus Relief Fund Reimbursements
 - 5. Sidewalk Ordinance Discussion
 - 6. Tower Lease Proposal
- I. Executive Session – Legal, Contractual, Personnel if necessary
- J. Approval of Bills
- K. Adjournment

UNAPPROVED
North Sioux City, South Dakota
City Council Regular Meeting Minutes
October 5, 2020

Meeting called to order at 7:00 p.m. by Council President Parks. Benson, Berg, Carpenter, Christiansen, Cropley, Green, Norby, and Parks were present. Mayor Slater was absent. Also in attendance were City Finance Officer Amy Lilly, City Administrator Eric Christensen, and City Attorney Darrel Jesse.

Councilman Parks led the Pledge of Allegiance.

Christensen offered the following additions to the 10-5-2020 Agenda:

9. Request for approval of Adopt-a-Street Program, and
10. Request for approval of generator repair for police department.

Motion by Cropley, second by Christiansen, to approve Agenda as amended. All members present voted aye. Motion carried.

Motion by Berg, second by Benson, to approve the Regular Council Meeting Minutes from the September 21, 2020 meeting. All members present voted aye. Motion carried.

Community and Council Input:

Councilwoman Carpenter requested that the Council make installing cameras in the parks a future agenda item.

Councilwoman Carpenter reported that the Trunk-or-Treat event approved by Council at the September 21, 2020 meeting has been cancelled due to lack of community interest.

Councilwoman Cropley requested that the issue of sidewalks be readdressed at a future meeting.

Councilman Norby thanked the City Administrator and the Police Department for the speed limit signs that were installed on Northshore Drive.

Department Head reports:

Rusty Montange reported that the fall clean-up was a success with 12 dumpsters and 2 iron dumpsters being filled.

Agenda items:

1. Dwight Berglin from Quam, Berglin & Post was present to present the 2019 Audit Report.
2. Jon Brown of Stockwell Engineers LLC was present to present the October 5, 2020 Engineer's report which gave an update on the Lift Station Generator project and the Private Development progress. The Lift Station Generator project is delayed due to grant money being held up by Covid-19. Discussion was had on alternative locations for the new water tower, additional efforts possible to pursue original location, and cost of tower vs. underground water storage tank.

3. Tim Savona from the Sioux City Convention & Visitor's Bureau was present to request funding in the amount of \$10,000 to participate in the CVB's efforts to promote the Sioux City metro area as a tourist and convention destination. Motion by Christiansen, second by Green, to approve the contribution. All members present voted aye. Motion carried.
4. Motion by Benson, second by Berg, to approve creation of a confidentiality/media policy and a cellphone/texting policy to be inserted into the City's Personnel Policy Manual in order to qualify for a 9% Risk Control Discount on property and general liability insurance premiums. All members present voted aye. Motion carried.
5. Motion by Cropley, second by Berg, to approve a joint funding agreement with the US Department of the Interior for the Dakota Water Science Center Water Resources project in the amount of \$8,870. All members present voted aye. Motion carried.
6. Motion by Berg, second by Green, to approve investing cemetery perpetual funds in a 12 month CD at .65% interest from Liberty National Bank in the amount of \$41,659.69. Parks, Benson, Berg, Carpenter, Christiansen, Green, and Norby voted aye. Cropley abstained. Motion carried 7-0.
7. Ethan with JEO was present to provide an update on the wastewater study.
8. Motion by Cropley, second by Green, to approve the Plat for Lantis' Lot 1 as approved by the Planning & Zoning Commission at its September 23, 2020 meeting. Don Lantis was present for discussion. All members present voted aye. Motion carried.
9. Motion by Carpenter, second by Christiansen, to accept the Adopt-A-Street Program as presented by Councilwoman Carpenter. A map with streets and parks will be drawn up to show all available locations. All members present voted aye. Motion carried.
10. Motion by Cropley, second by Carpenter, to approve spending up to \$6,500 for generator repair for the police station. All members present voted aye. Motion carried.

Motion by Cropley, second by Benson, to enter Executive Session for Contractual at 8:38 pm. All members present voted aye. Motion carried.

Regular session resumed at 10:02 pm.

Motion by Green, second by Norby, to approve the bills as presented. All members present voted aye. Motion carried.

| | | |
|-------------------------|---------|-------------------------------|
| ADAM'S TREE | 1400.00 | DEMO/HAUL TREES (2) |
| BARNES & NOBLES INC | 128.94 | BOOKS (7) |
| BLANKENSHIP MEIER PNTNG | 6032.00 | CH-FRONT DESK GLASS WINDOW |
| BLUE 360 MEDIA | 754.52 | SD CRMNL & TRAFFIC LAW |
| BOMGAARS | 794.27 | GRINDER, SPRY PNT (10),DRILL, |
| CNTR POINT LGE PRINT | 58.42 | BOOKS (2) |
| CFO NEXT. INC | 5980.50 | AUG2020 TEMP HELP |
| CLNL LIFE | 19.52 | SEP2020 PREM |
| THMPSN INNOVTN | 1630.00 | AUG2020 TECH SUPP |
| H2O 4 U | 41.50 | WTR |
| HAWKINS, INC | 1562.00 | CHLORINE (9) |
| HENRICHS, JESSE | 101.58 | BRETT FAVRE EVENT CHECK |

| | | |
|---------------------------|----------|----------------------------------|
| INGRM LIB SVCS | 2044.56 | BOOKS (189) |
| J.P. COOKE CO. | 89.30 | PET LICENSE TAGS, RECEIPT |
| JACK'S UNFRMS & EQPMNT | 69.95 | CLTHNG ALLWNC-HEADID |
| EAKES OFFICE SLTNS | 538.20 | CH-MOIST WASH (2 CS) |
| JEO CNSLTNG GROUP | 2410.00 | WASTE WATER STUDY |
| JIMS WTR TRTMNT | 26.00 | SR CNTR-WTR SFTNR SALT |
| KALINS INDOOR CMFRT | 125.00 | WTR TRTMNT-RPCLD SAFETY DOOR |
| MIDAMERICAN ENERGY | 10.64 | 602 N DERBY LN-UTLTY CHGS |
| MIDAMERICA BOOKS | 79.80 | BOOKS (4) |
| MJ MINOR UTLTY CNTRCTR | 3135.00 | VAC OUT-SUNCOAST LS |
| OVERDRIVE, INC. | 272.97 | BOOKS (5) |
| PRESTO-X | 325.00 | PEST CNTRL |
| RICHARDSON TRUCKING | 18818.75 | DV ELMNTRY SCHOOL-SAND, AGRILIME |
| SD BOARD OF ACCOUNTANCY | 50.00 | MEMBRSHP-LILLY |
| SD DEPT OF HEALTH | 849.00 | BOD, COLI, SOLIDS |
| SPARKLE & SHINE CLNG SVCS | 1493.79 | SEP2020 CLNING (4) |
| STOCKWELL ENGINEERS, INC | 13418.68 | WTR SUPP IMPRVMNTS |
| US DEPT OF THE INTERIOR | 12170.00 | ELVTN MDL, GEOLGCL SURVEY |
| VERIZON WIRELESS | 686.56 | SEP2020 CELL CHGS (18) |
| MID AMERICAN ENERGY | 6335.00 | S FLYNN-STREE LIGHTS (4) |
| SD DEPT OF LABOR | 2075.00 | UNMPLYMT-MCINTOSH, MERSCH |

Motion by Cropley, second by Benson, to adjourn at 10:03 pm. All members present voted aye. Motion carried.

Approved

Dan Parks, Council President

Attested

Amy Lilly, 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: Administration
Date: 10/19/2020
Re: Zoning Ordinance

Background: Administration is presenting the new Zoning Ordinance for a first reading.

Financial Consideration: none

Recommendation: Administration recommends adopting the proposed ordinance after careful review.

NOTICE OF PUBLIC HEARING

Pursuant to SDCL 11-4-4, notice is hereby given that the North Sioux City City Council will hold a Public Hearing on October 19, regarding adoption of the 2020 Revised North Sioux City Zoning Regulations. A copy of the proposed ordinance is available for public review at North Sioux City City Hall in the office of the Finance Officer during regular business hours.

This City Council public hearing will be held at the following time, date and location:

7:00 P.M.
October 19, 2020
North Sioux City City Hall (504 River Drive)

The purpose of this hearing is to explain the proposed 2020 Revised North Sioux City Zoning Regulations to interested persons, to answer any questions, and to consider any public input or comments. Those interested persons not able to attend are invited and encouraged to send written comments, prior to the hearing, to the City of North Sioux City, 504 River Dr., North Sioux City, SD 57049.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this hearing, please contact the Finance Officer at (605) 232-4276. Anyone who is deaf, hard-of-hearing or speech-disabled may utilize Relay South Dakota at (800) 877-1113 (TTY/Voice). Notification at least 48 hours prior to the hearing will enable the City to make reasonable arrangements to ensure accessibility to this hearing.

Amy Lilly
Finance Officer

Published once at the approximate cost of _____.



City Council MEMO

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Phone (605) 232-4276
Fax (605) 232-0506

To: North Sioux City, City Council
From: Administration
Date: 10/19/2020
Re: ROCS Request

Background: Rural Office of Community Services (ROCS) is expanding services in the North Sioux City area to include providing transportation services to the public. They have asked whether the City could assist them with office and/or parking space as an in-kind “soft” donation. The request is short to medium term and is for office space and a place to park 1-2 vans. There is an empty office in City Hall (#131) and 2 parking spots could be made available in the parking lot. The long-term plan is to eventually move into their own facility. Peter Smith of ROCS will be here to discuss the new services and the request.

Financial Consideration: ROCS is seeking no financial commitment from the City

Recommendation: The transportation services would be a benefit to the public and the administration recommends granting the request and allowing ROCS to use the vacant office space.



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To: North Sioux City, City Council
From: Administration
Date: 10/19/2020
Re: City Park Name Change

Background: The Parks & Recreation Board is proposing that the City change the name of City Park to Stevens Park to commemorate the original name of our city.

Financial Consideration: none

Recommendation: Administration has no recommendation.



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To: North Sioux City, City Council
From: Administration
Date: 10/19/2020
Re: CARES Act – CRF Reimbursement

Background: The South Dakota Local Government Covid Recovery Fund was created to reimburse local governments for Covid-19 related expenses incurred since March 1, 2020. North Sioux City was allocated \$661,950.00 in relief funds. The City has submitted reimbursement claims for the period March 1st – August 14th totaling \$286,823.06. A balance of \$375,126.94 is still available.

Financial Consideration: n/a

Recommendation: informational only



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To: North Sioux City, City Council
From: Administration
Date: 10/19/2020
Re: Sidewalk Ordinance

Background: The City has a sidewalk ordinance that has been inconsistently applied. The Council has requested the ordinance be placed on the agenda to discuss further.

Financial Consideration: none

Recommendation:



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504 River Drive
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To: North Sioux City, City Council
From: Administration
Date: 10/19/2020
Re: Tower Lease Proposal

Background: TowerPoint is proposing to buyout the current easement on the water tower on North Derby Lane. For a one-time payment of \$216,000, TowerPoint will assume the current lease with American Tower, the City's current lessee. They would then have the rights to market and lease space on the tower to other tenants for 99 years for which the City would receive 50% of any future revenue.

The current lease with American Tower runs through 2021 with an option for 6 five-year extensions running through 2051. The current agreement provides that the City will receive 25% of any revenue generated by the leases on the tower. Current tower lease payments are \$1,435.68 per month. TowerPoint's \$216,000 one-time payment would be the equivalent of 12 ½ years of payments by American Tower.

Financial Consideration: A one-time payment of \$216,000 plus 50% of future rental income. This would be in lieu of the current income stream from American Tower.

Recommendation: The City does not have the resources to actively market space on its water towers, so having someone with that capability is an asset. The proposed revenue sharing arrangement of 50% is twice what we are currently receiving. However, that applies only to any new leases TowerPoint could secure. The City would be giving up its existing revenue stream in exchange for a one-time payment and the possibility of additional future revenue. As such, Administration does not have an opinion on this proposal.

Eric Christensen

From: Greg Moxley <greg.moxley@towerpoint.com>
Sent: Tuesday, October 06, 2020 5:33 PM
To: Eric Christensen
Subject: TowerPoint Preliminary Valuation

Categories: follow up



Dear Eric,

Thank you for taking time to discuss your wireless real estate assets. Pursuant to our discussion, I have generated a preliminary valuation using the information detailed below. Feel free to reply to this email or give me a call at (678) 987-2694 with any immediate questions or if any of the details below look incorrect.

Otherwise, I'll plan on following up with you in the coming days to discuss the valuation and potential next steps which would include further verification of your lease information in order to draft a formal Letter of Intent.

Summary Lease Estimates

Property Address: N Derby Ln, North Sioux, SD 57049
Property Coordinates: 42.531639, -96.496972
Structure Types: Tower

| Tenant(s) | Current Rent | Rent Payment Frequency | Escalation (CPI, % or \$) | Escalation Frequency |
|-----------|--------------|------------------------|---------------------------|----------------------|
| AMT | \$1,350 | Monthly | 15% | Term |

Based on the assumptions above, TowerPoint would propose the following terms to purchase your wireless lease(s).

| Purchase Price | Term | Structure | Additional Revenue Sharing |
|----------------|---------|-----------|----------------------------|
| \$216,000 | 99 Year | Easement | 50% |

Please feel free to reach out to me with any questions or comments that you may have about this offer or the selling process.

Best Regards,

OUR FIRM

TowerPoint is a wireless telecommunications infrastructure and real estate investment company operating throughout North America.

Our growing portfolio of rooftops and towers offers wireless service providers a diverse array of deployment options for 4G and 5G technologies across a nationwide geography. We are proud to be the industry's longest standing cell tower lease acquisition company and we continue to be a leading provider of capital and liquidity to cell tower site owners across the United States.

TowerPoint's Infrastructure Division acquires, owns, operates and develops wireless communications towers.

WHAT WE DO

Tower Infrastructure

- Acquisition and Development

Wireless Real Estate

- Lease Buyout
- Cell Site Management

MISSION & VALUES

TowerPoint's mission is to serve as a disruptive force in the telecommunications industry by empowering clients with information that compels action in pursuit of the highest and best use for their wireless assets.

60 YEARS

of experience

\$1 BILLION

Invested in wireless communications in infrastructure and real estate assets.

4,000+

wireless infrastructure transactions

TowerPoint's company headquarters are located in Atlanta, Georgia, with a west coast division in San Diego, California.



TOWERPOINT

www.towerpoint.com | 1170 Peachtree St. NE, Suite 1650, Atlanta, GA 30309
Main: (678) 775-0360 | Toll Free: (866) 574-2355 | Fax: (678) 775-0361

PROFESSIONAL SITE MANAGEMENT

TowerPoint offers a comprehensive Scope of Services (SOS) designed to alleviate the pressures of managing the cell site and extract maximum value to benefit our partnership with you wherever and whenever possible.

SERVICES

FEATURES

BENEFITS

Tenant Upgrades/
Lease Amendments

- Review upgrade proposals/amendments
- Review proposals/proposed amendments for lease extensions
- Review construction plans
- Compare amendment to current lease to summarize tenant's current right to upgrade
- **Identify opportunities for rent increases**

Tenant requests
for modification of
Access Easement(s)

- Review proposed access easement modifications
- Compare against existing access easement(s)
- Summarize tenant's current right to upgrade
- **Identify opportunities for rent increases, if any**

Tenant requests for
upgrading Utilities/
Utility Easements

- Review proposed access easement modifications
- Compare against existing utility easements
- Summarize tenant's current right to upgrade/modify utilities/utility easements
- **Identify opportunities for rent increases, if any**

New Tenant
Lease Review

- Review proposed new tenant lease terms
- Compare against database of existing lease terms including rent and escalators
- Prepare redline of proposed new tenant lease to identify business terms that should be modified

Collocation &
Revenue Share
Audits

- Review current leases and other agreements to identify expected revenue streams
- Analyze rent tolls and leasing cash flows, including periodic rental escalations
- Identify underpayments
- Contact wireless carriers or other payers to correct underpayments and secure "true up" payments

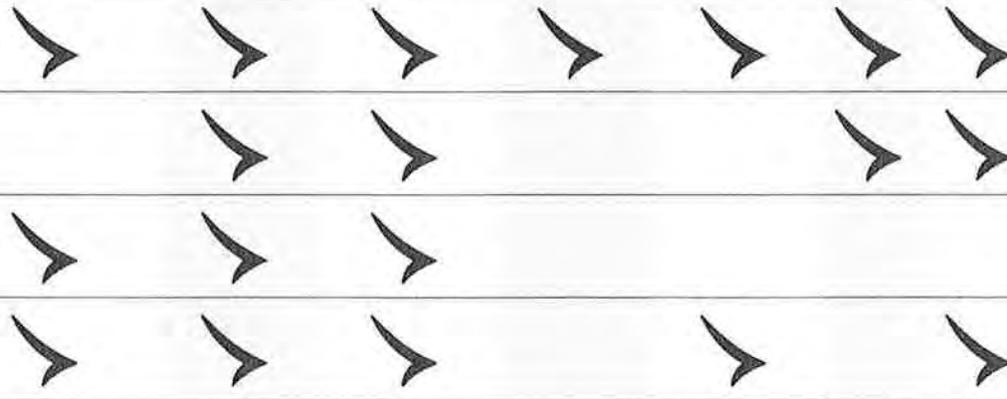
Streamlined Record
Keeping

- Maintain copies of leases, amendments and other documents related to the site
- Collect and distribute collocation fees and revenue shares from existing tenant

Decommissioning
& Rent Reduction
Consultation

- Review decommissioning and rent reduction letters
- Propose best practices for developing and/or assessing a decommissioning strategy

Revenue Generation
Lease Improvement
Site Security
Included w/Lease



MUNICIPALITIES, GOVERNMENT ENTITIES & PUBLIC-PRIVATE PARTNERSHIPS



Public entities are often tower owners themselves or lease their valuable real estate to tower companies and wireless service providers. TowerPoint offers an array of solutions intended to maximize the value of their wireless assets.



TowerPoint works with public entities across the country to provide much-needed, immediate capital while driving future revenue opportunities and operating efficiency through our site management services.

By converting their cellular leases into a lump sum payment or a multi-year structured payout, municipalities, government entities, and public-private partnerships are able to address budget-funding gaps; fund capital improvements; strengthen their programs and transfer the risk of cell site decommissioning and loss of rents to TowerPoint.



FUND BUDGET GAPS



FUND CAPITAL IMPROVEMENTS



STRENGTHEN PROGRAMS



ELIMINATE TRANSFER RISKS

After reviewing multiple options and taking into account current market trends, the city managers chose TowerPoint for providing the best option for the City moving forward. The TowerPoint solution gave the City of Monrovia what it was looking for: protection of its interests in a rapidly changing technological environment; peace of mind regarding future changes in regulations; and the ability to invest a lump sum of cash into pressing city projects and improvements.

CITY OF MONROVIA, CALIFORNIA



TOWERPOINT

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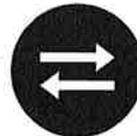
BENEFITS OF A LEASE BUYOUT

Our team and process is dedicated to be empowering, informative and efficient for the cell site owner. TowerPoint collaborates with you to deliver a successful transaction inside of 30 days.



MAXIMIZE VALUE

Are you receiving the highest and best use from your wireless real estate? Discover how converting your cell lease site into immediate cash could help you achieve your financial goals.



TRANSFER RISK

With a cellular lease, there is a risk of rent reduction, site relocation or decommissioning. While those risks might be relatively low, the high risk is in opportunity cost. Before these risks become a factor, learn how to take control of your wireless lease.



ACCESS LIQUIDITY

Converting your wireless lease into immediate capital puts you in the driver seat.

- Funding capital improvement
- Pursue new interests
- Reduce or eliminate debt



TAX ADVANTAGES

Find out how thousands of wireless landowners have substantially lowered their effective tax rate through lease buyouts with TowerPoint.



TOWERPOINT

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