



North Sioux City, South Dakota
Regular Meeting of the City Council
June 6, 2016 – 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: May 16, 2016, Regular Meeting
- F. Agenda Items
 - 1. Proposed Eagle Scout Project at the Library – Christopher Jumper
 - 2. Fireworks Application - Renewal
 - 3. Alcohol License Applications - Renewals
 - 4. Survey Plat – Meyer Tract 1
 - 5. Street Closure - Fourth of July
 - 6. Westshore Drive Reconstruction – Izaak Walton Drive Sidewalk
 - 7. Resolution 2016-03 – Garbage Fee Rates
 - 8. Ordinance 2016-04 – Fireworks Ordinance Second Reading
 - 9. Ordinance 2016-05 – Trees and Shrubs Second Reading
 - 10. Ordinance 6.12.160 Discussion – Fowl and Pig
 - 11. Recurring Payments
 - 12. Surplus Property
- G. Community and Council Input
- H. Executive Session*
 - 1. Personnel
- I. Approval of Bills
- J. Adjournment

UNAPPROVED
North Sioux City, South Dakota
City Council Regular Meeting Minutes
May 16, 2016

Meeting called to order at 7:00 p.m. by Mayor Fredericksen. Berg, Christiansen, Cropley, Parks, Slater, Reiff and Verdoorn were present. Absent: Beavers. Also in attendance were City Administrator Ted Cherry and Finance Officer Susan Kloostra.

Mayor Fredericksen led the Pledge of Allegiance.

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

Motion by Parks second by Cropley to approve the May 2, 2016 Regular Council Meeting Minutes. Unanimous.

Mayor Fredericksen presented Bruce Odsen, publisher of the DD/NSC Times and Leader-Courier, with a plaque in memory of Kelly Kruithoff's. Kruithoff, who passed away in 2015, was recognized for reporting the City's news for over 30 years. A second plaque is on display at City Hall.

Mayor Fredericksen and Christiansen recognized Al Leber for his years of contribution and service, and presented him with a Proclamation of Appreciation.

PROCLAMATION OF APPRECIATION TO AL LEBER
FOR HIS 48 YEARS OF SERVICE IN EDUCATION

NORTH SIOUX CITY, SOUTH DAKOTA CITY COUNCIL
MAY 16, 2016

WHEREAS, Al Leber began his career working for the United States Army as a Chaplain's Assistant before his transition to the education field; and

WHEREAS, Al continued his career as a teacher, coach, assistant principal, and principal in Council Bluffs, Iowa, Albia, Iowa, and Vermillion, South Dakota; and

WHEREAS, Al has been the Superintendent of the Dakota Valley School District for the past seventeen years; and

WHEREAS, during his tenure at the Dakota Valley School District, Al has had significant involvement in the improvement of the educational standards, facility improvements, and athletic standards of the Dakota Valley School District, and

WHEREAS, Al has had a positive influence on the City of North Sioux City, The Dakota Valley School District, and numerous students and is held in high regard by his peers, staff members, friends, and community for his leadership, expertise, and commitment to educational standards;

NOW THEREFORE BE IT RESOLVED, that due to his passion for education and the community of North Sioux City, the North Sioux City City Council hereby extends its appreciation to Al Leber for his forty-eight years of service to education and seventeen years of service to the Dakota Valley School District and the citizens of North Sioux City and wishes him continued success in his future endeavors and retirement.

Cherry requested approval of the City Council to move forward with obtaining engineering specs and design work in preparation for the bid process on Casey's Lift Station. The upgrades would include motors, pumps and electrical. Reiff asked for clarification if this was to upgrade or to move the lift station. Cherry stated it was for

upgrades at the current location. Berg and Parks inquired about life station alarm upgrades. Council was in agreement to look at this during the 2017 budget process. Motion by Reiff second by Cropley to approve moving forward with the engineering and design work from City Engineer Greg Meyer. Unanimous.

Cropley made the motion to approve the following malt beverage renewal applications as presented. Parks seconded the motion. Unanimous.

- Bet On Brown, Inc. (Freeway Clark, Goode To Go)
- Brown Aces (Sugar Daddy's)
- Eric's Casino, Inc. (Eric's Casino)
- Four Horsemen, LLC (Triple Crown Casino)
- Glass Slipper, Inc. (The Glass Palace)
- She Be, Inc. (Beano & Sherry's, Reno/4 Aces, The Outlaw)
- Zort Bros, Inc. (Zort's Prime Time)

Motion by Christiansen second by Verdoorn to approve the fireworks license application for Big Sioux Fireworks. Unanimous.

Cherry presented the NSC Economic Development Corporation's request to annex in 7.32 acres of contiguous real property from the Flynn district to the City of North Sioux City. Discussion was held. Motion by Parks second by Cropley to approve Resolution #2016-01 to annex Flynn district Lot 2 of Flynn Tract 1 as noted. Unanimous.

CITY OF NORTH SIOUX CITY
RESOLUTION #2016-01

A RESOLUTION TO ANNEX CERTAIN REAL ESTATE

WHEREAS, a Petition has been filed with the Mayor and City Council of the City of North Sioux City, Union County, South Dakota in the manner and form required by law, requesting the voluntary annexation of certain real estate pursuant to SDCL 9-4-1, and legally described as:

Lot 2 of Flynn Tract 1, being a part of Lot A in Section 10, Township 89 North, Range 48 West, of the 5th P.M., Union County, South Dakota.

WHEREAS, it has been determined that it would be in the public interest for the City of North Sioux City to annex the above described real estate consisting of approximately Seven and Thirty-Two Hundredths (7.32) acres for use in the future commercial development of North Sioux City.

WHEREAS, it appears that the owners of the contiguous territory own 100 percent of the above described real estate and has voluntarily signed the Petition now before the City Council and that said property should be annexed into the City of North Sioux City, South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of North Sioux City, South Dakota, that the following described real estate which is contiguous to the boundaries of the City of North Sioux City be, and the same is hereby annexed:

Lot 2 of Flynn Tract 1, being a part of Lot A in Section 10, Township 89 North, Range 48 West, of the 5th P.M., Union County, South Dakota.

The above Resolution was moved by Councilmember Parks and seconded by Councilmember Cropley and unanimously approved by 7 councilmembers at a meeting duly called and held on May 16, 2016.

Dated this 16 day of May, 2016.

Randy Fredericksen, Mayor

ATTEST:

Susan Kloostra, Finance Officer

Ordinance No. 2016-04, an amendment to Chapter 5.16 Fireworks Sales and Use. Kloostra presented the updated ordinance for Council's consideration. Motion by Berg second by Parks to waive reading the proposed ordinance. A new section was added to differentiate between professional displays that can only be approved by the Fire Chief. Fire Chief Pappas recommended more specific language for fire extinguishers, which Kloostra will add before the second reading. Annual application deadlines were defined more clearly and takes into consideration the different state approved sales dates. Motion by Cropley second by Reiff to approve the City's Fireworks Sales and Use Ordinance Sections 5.16.020, 5.16.030, 5.16.050, 5.16.090, 5.16.100, 5.16.105, 5.16.110 and 5.16.160, including changes by Fire Chief Pappas. Unanimous. **Susan Notes: insert "first reading of the"**

Ordinance No. 2016-05, an amendment to Chapter 8.08 Trees, Shrubs, and Vegetation. Cherry presented a newly written section, within the Health and Safety ordinance, to regulate tree height above sidewalks and streets to address safety issues for citizens or tall vehicles, as well as preserve sightlines at intersections. Motion by Christiansen second by Parks to waive the first reading. Motion by Parks second by Cropley to approve the first reading of the proposed ordinance 2016-05. Unanimous.

Cherry presented for council's consideration an amendment to the Tax Increment District Number 2 – Phase I, which governs the development of River Valley. The amendment changes the makeup of the original TID by removing the requirement of the percentage and size of property for commercial or the footprint requirement, allowing Tracts 3 and 4 to be used for residential, an option to rezone Tract 5 from commercial to affordable single family Governor's Homes, and removes the commercial development timeframe. The amendment does not change any financial obligations of the City. After Cherry's initial comments, Council discussed. Berg asked, and it was confirmed, the commercial piece does not include apartments. Motion by Christiansen second by Berg to approve Resolution #2016-02 as presented.

CITY OF NORTH SIOUX CITY
RESOLUTION #2016-02

A RESOLUTION ACCEPTING THE SECOND AMENDED
AND RESTATED CONTRACT FOR PRIVATE DEVELOPMENT
TAX INCREMENT DISTRICT
NUMBER 2 – PHASE I

WHEREAS, the developer of the North Sioux City Tax Increment District #2 has made a request to the City of North Sioux City to modify certain terms of the District by pursuant to a proposed Second Amended and Restated Contract for Private Development (hereinafter "Amendment"); and

WHEREAS, the Amendment does not change the financial obligations of the City of North Sioux City in regards to the District; and

WHEREAS, the Amendment does modify the land use requirements for the developable amount of property in residential and commercial zones; and

WHEREAS, the North Sioux City Planning and Zoning Board approved the Amendment on May 11, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of North Sioux City, South Dakota, that the following Amendment is approved and shall be signed by the North Sioux City Mayor and the North Sioux City Finance Officer

SECOND AMENDED AND RESTATED CONTRACT FOR PRIVATE DEVELOPMENT TAX INCREMENT
DISTRICT NUMBER 2 – PHASE 1

AND, FURTHER, BE IT RESOLVED this amendment shall take affect twenty days after the time it is published in the legal newspaper for the City, the North Sioux City Times newspaper.

The above Resolution was moved by Councilmember Christiansen and seconded by Councilmember Berg and unanimously approved by 7 councilmembers at a meeting duly called and held on May 16, 2016.

Dated this 16 day of May, 2016.

Randy Fredericksen, Mayor

ATTEST:

Susan Kloostra, Finance Officer

Discussion on Ordinance 6.12.160 – Housing of Certain Animals was initiated by Cherry. Part of the discussion included City personnel’s ability to enforce current ordinances through fines, fees or warnings. Cherry asked for clear guidance for all ordinance enforcement. Several councilmembers stated the ordinance as it reads now is conflicting and vague. Christiansen raised concerns to enforce the ordinance as it reads if it is not a problem.

Two residents who have received warnings addressed the Council. Brian and Hilary Wieck, 9 Evergreen Lane, spoke regarding their rooster and chickens. Tracie Kittler, 618 Lakeshore, spoke about their domestic pigs. Parks spoke to the challenge of both situations where the animals in question are within 150 yards of a dwelling, which is in violation of the ordinance; however, at the time of the writing of the ordinance they were not considered domestic animals. Council asked for the issue to be researched, other city ordinance examples and more information be brought back to Council.

Motion by Parks second by Christiansen to declare the following items as surplus property and advertise the items for sealed bids. Unanimous.

2002 Chevrolet S10 Pickup
John Deere 445 Mower
John Deere X485 Mower

In observance of upcoming holidays, Parks made the motion to reschedule the first regular meetings of July, September and January from Monday to Tuesday on the following dates. Second by Reiff. Unanimous.

- July 4 to July 5
- September 5 to September 6
- January 2 to January 3, 2017

Community/council input:

- 1) Christiansen restated that lift station alarms should be included in the budget discussions for 2017. Parks mentioned a SCADA alarm notification system. Berg talked about risk management.

- 2) Kloostra notified Council she will be gone for the next meeting as she will be attending the HR and Finance Officer school in Spearfish, SD from June 6 – 10.

Motion by Parks second by Cropley to enter Executive Session at 8:22 p.m. in accordance with SDCL 1-25-2 (sections 1 and 4) to discuss personnel matters. Unanimous.

Regular session resumed at 8:37 p.m.

Cropley made a motion to accept the resignation of Library Director Deb Matthys. Second by Parks. Unanimous.

Motion by Cropley second by Parks to advertise for a new Library Director position. Unanimous.

Motion by Parks second by Reiff to approve the bills as presented. Unanimous.

| | | |
|---------------------------------|-------------|-------------------------------------------|
| AFLAC | \$888.62 | APR 2016 PREMIUMS |
| FIRST FINANCIAL BANK USA | \$75.23 | MEAL ON SNOW DAY, FUEL FOR DURANGO |
| PRINCIPAL LIFE INSUR CO | \$2,421.46 | MAY 2016 LIFE/DTL PREM |
| VERIZON WIRELESS | \$82.84 | MAR 2016 - CHERRY |
| WELLMARK BLUE CROSS | \$18,554.63 | MAY 2016 INSUR PREM |
| COAKER, BRANDI | \$9.31 | CUSTOMER UTILITY DEPOSIT REFUND |
| DEVOS, C.W. | \$61.10 | CUSTOMER UTILITY DEPOSIT REFUND |
| LALUMENDRE, TRISHA | \$34.53 | CUSTOMER UTILITY DEPOSIT REFUND |
| MIZE, STACEY | \$33.62 | CUSTOMER UTILITY DEPOSIT REFUND |
| SALEM, DAVID | \$33.62 | CUSTOMER UTILITY DEPOSIT REFUND |
| TIELKE, DUANE | \$163.85 | CUSTOMER UTILITY DEPOSIT REFUND |
| US BANK ONE CARD | \$4,183.92 | APR 2016 CC CHARGES |
| SD DEPT OF REV & REG-S/T | \$543.93 | MAY 2016 SALES TAX PAYMENT |
| AMERICAN LIBRARY ASSOCIATION | \$89.95 | BOOKMARKS (8 SETS) |
| BANYON DATA SYSTEMS, INC | \$395.00 | 2016-2017 TIMECARD SUPPORT |
| RITWAY BUSINESS FORMS | \$155.89 | PAYROLL CHECKS (4 REAMS) |
| CERTIFIED TESTING SERVICES, INC | \$1,986.00 | WESTSHORE RECONSTRUCTION PROJECT |
| CHERRY, TED | \$111.72 | MILEAGE REIMBURSEMENT (3 TRIPS) |
| CITY OF SIOUX CITY | \$30,695.89 | APR 2016 SEWER CHARGES USAGE 14,638 |
| CLAIMS ASSOCIATES, INC. | \$250.00 | DEDUCTIBLE CLAIM |
| DAKOTA DUNES/NSC TIMES | \$722.72 | APR 2016 PUBLISHING |
| DEMCO, INC | \$242.20 | PAPERFOLD BOOK JACKET COVER (3 CTN) |
| ELECTION SYSTEMS & SOFTWARE | \$722.70 | 2016 BALLOTS, LAYOUT |
| ELECTRIC INNOVATIONS | \$350.90 | REPLACE 2 SECURITY CAMERA MONITORS |
| FEDEX | \$9.49 | SHIPPING/POSTAGE |
| GATEWAY ENGINEERING INC | \$323.00 | PULLEY FLAG POLE - CITY HALL |
| GILL CONSTRUCTION | \$95,864.88 | WESTSHORE RECONSTRUCTION PROJECT |
| GILL HAULING INC | \$8,118.45 | APR 2016 – RESIDENTIAL WASTE |
| H2O 4 U | \$112.50 | BOTTLED WATER – (3 LOCATIONS) |
| HAWKINS, INC | \$3,427.89 | CHLORINE (11), SULFUR DIOXIDE (4) |
| INGRAM LIBRARY SERVICES | \$328.83 | BOOKS (24), DVD |
| JACK'S UNIFORMS & EQUIPMENT | \$2,228.75 | CLOTHING ALLOWANCE |
| JAN'S PRINTING | \$90.00 | NAME BADGE – (5) |
| SUSAN KLOOSTRA | \$267.03 | REIMBURSEMENT – MILEAGE (3), STAND, WII |
| KMEG-TV | \$210.00 | ADVERTISING 03/28-04/03 |
| KPTH | \$156.00 | ADVERTISING 04/25-05/01 |
| LEADER-COURIER | \$73.29 | APR 2016 PUBLISHING |
| TEAMSTERS LOCAL NO. 120 | \$246.00 | JUNE 2016 DUES (5) |
| LYLE SIGNS, INC | \$12.64 | UNPAID FREIGHT CHARGES ON INVOICE |
| MCCOOK LAKE ASSOCIATION | \$25,000.00 | 2016 DONATION |
| MERCY BUSINESS HEALTH SVCS | \$53.33 | APR 2016 EAP |
| MIDAMERICAN ENERGY | \$12,891.41 | MAY 2016 UTILITY CHARGES |
| MOBILE AUTOGLASS SOLUTIONS LLC | \$44.00 | GLUE TABS ON DOOR GLASS |
| MPI FARMS | \$45.10 | BULK WATER METER REFUND - I#11131 |
| O'REILLY AUTOMOTIVE, INC. | \$396.07 | OIL FILTER (6), AIR FILTER (14), OIL (36) |
| OFFICE SYSTEMS CO | \$22.00 | REMOTE SESSION INVOICE 463 |
| PITNEY BOWES-SUPPLIES | \$183.57 | INK TONER (2) – PD, CH |
| QUALIFIED PRESORT SVC, LLC | \$690.98 | APR 2016 PRT/POSTAGE UTILITY BILLS |
| REIFF, TAMMY | \$98.54 | REIMBURSEMENT – WASHINGTON TRIP |
| SAUNDERS, KERI | \$180.00 | REDECORATING FEES - SR CENTER |
| SBW INC. | \$173.28 | PARTS (5) |
| SD MUNICIPAL LEAGUE | \$50.00 | MUNICIPAL BUDGET TRNG – (2) |
| SD ONE CALL | \$70.63 | APR 2016 LOCATE FEES (64) |
| STEFFEN, INC. | \$34,848.00 | NEW PLOW TRUCK INSTALL DUMP BODY |
| THE ROAD GUY CONST. CO INC | \$5,726.34 | NORTH DERBY - 13.1 TONS PATCHING |
| PRODUCTIVITY PLUS ACCOUNT | \$94.27 | BOOM BUMPER |

VAST BROADBAND
WRIGHT EXPRESS FLEET SVCS
WOODBURY CTY EMERG SVCS

\$844.55
\$2,279.60
\$3,200.58

MAY 2016 PHONE & INTERNET CHARGES
APR 2016 FUEL CHARGES
APRIL-JUNE 2016 STARCOMM

Motion by Parks second by Berg to adjourn at 8:38 p.m. Unanimous.

Approved

Randy Fredericksen, Mayor

Attested

Susan Kloostra, Finance Officer



City Council MEMO

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

To: City Council
From: Deb Matthys
Date: June 3, 2016
Re: Eagle Scout Project

Background: Christopher Jumper is working on his Eagle Scout project and is asking the council for permission to plant trees at the library. The trees will be placed on the northwest corner in the back of the library building. He is also asking permission to put a bench next to some of the trees.

Financial Consideration: This is at no cost to the library or city.

Recommendation: Christopher met with the library board to show them his proposal and the library board gave their permission for the project. I feel it will be a great asset to the library.



City Council MEMO

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

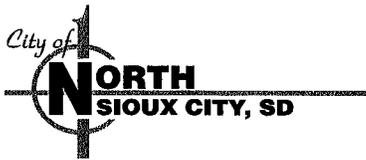
To: Mayor Fredericksen
Council Members
From: Susan Kloostra
Date: 6/3/2016
Re: Fireworks License Application

Background: American Fireworks is requesting a fireworks license.

Financial Consideration: Increase to revenue for licensing fees and sales tax payments.

Recommendation: Recommend the approval of the application.

/srk



RETAIL FIREWORKS PERMIT APPLICATION

2016 CALENDAR YEAR

RECEIVED MAY 19 2016 BY: _____

City of North Sioux City

504 River Drive, North Sioux City, SD 57049

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

Name of Applicant: Betty McManaman

Business Name: American fireworks

Mailing Address: PO Box 285 North Sioux City, SD 57049

Applicant Phone Number: 712-253-5399

Business Location: 198 Derby lane North Sioux City, SD 57049

Business Phone Number: 712-253-5399

Legal Description: East half of west 1/4 of North 330ft of South 1/4 of with easement for over North 20ft North Sioux City, SD 2.5 Acres

- License Type: [] Special Retail Fireworks (out-of-state residents only sales) Valid: May 1 - July 5 [x] Retail Fireworks (general sales) Valid: June 27 - July 5 [] Optional Retail Fireworks (out-of-state residents only sales) Valid: July 6 - August 3 [] Retail Fireworks (general sales) Valid: Dec 28 - Jan 1

SD Permit No. (attach copy): R 12-10

SD Sales Tax No. (attach copy): 1007-7643-ST

Chapter 5.16 Fireworks Sales and Use, Codification of Ordinances of the City of North Sioux City, South Dakota, requires a retailer's permit for sales at retail of "Permissible Fireworks" within the corporate limits of said City.

Fireworks may be sold only at such times as allowed by the State of South Dakota (SDCL 34-37).

\$1,250.00 for each retail fireworks license requested. The person receiving a retailer's permit shall in all respects obey all laws of South Dakota.

The undersigned applicant certifies, that he/she has received copies of City Ordinance Chapter 5.16 Sections 5.16.010 through 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.

Date: 5-11-16 Signature: Betty McManaman

FOR OFFICE USE ONLY

RECEIVED BY SK DATE 5-19-16 CHECK/MONEY ORDER # 2297 R# 25828



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: Susan Kloostra
Date: 6/3/2016
Re: Alcohol License Applications

Background: The attached list of businesses are requesting renewal of their Alcohol Licenses. Applications have been reviewed using the Department of Revenue's requirements.

Financial Consideration: Increase to revenue for licensing fees and sales tax payments.

Recommendation: Recommend the approval of the applications.

/srk

CITY OF NORTH SIOUX CITY
 2016-2017 Malt Beverage License Renewals
 June 6, 2016

| | Owner Name | License Numbers |
|----|------------------------------------------------|----------------------------------------------|
| 1 | Casey's Retail Company (Casey's General Store) | PB-20681 |
| 2 | The Color Of Money (Discount Liquor) | RB-2886 |
| 3 | Dakota Rose, Inc. (Dakota Reds, Dakota Rose) | RB-2298, RB-2889, RB-2905 |
| 4 | Freedom Inc of N Sioux City (Whistlestop) | RB-2266, RB-2276, RB-2872, RB-2902 |
| 5 | Intrepid Ventures Operating, LLC (Monaco) | RB-2272, RB-2383, RB-3707, RB-3708 |
| 6 | J & U Inc (Jim's I-29) | RB-2237 |
| 7 | Miller Liquor, Inc. (Miller Liquor) | RB-2382, RB-2865 |
| 8 | RJS, LLC (Townhouse Pizza) | RB-20329 |
| 9 | Sky JC, Inc. (Skyline) | RB-2887, RB-2901 |
| 10 | Worldwide Holdings, Inc. (VIP Lounge) | RB-2263, RB-2875, RRB-2898, RB-2900, RB-2906 |



City Council MEMO

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

To: NSC Elected Officials
From: Ted Cherry
Date: 6/6/2016
Re: Survey Plat – Greg Meyer

Background: Greg Meyer has submitted the attached survey plat to start the process of settling a property line dispute. The Greyed area of the plat is a piece of property Greg owns, but it includes a portion of his neighbor's driveway.

The two parties have decided to plat this small portion of Greg's property and then deed the property to the City. This would allow for the city to control the piece of property which houses the City's Suncoast lift station. Platting the property is the first step in finishing this process.

The Planning and Zoning Board approved the plat on 5/25/2016

Financial Consideration: None

Recommendation: Administration recommends approval of the Survey Plat of Meyer Tract 1 of Zortman Lot 9 of Block 1 of Suncoast Addition

**SURVEY PLAT
OF
MEYER TRACT 1**

OF ZORTMAN LOT 9 OF BLOCK 1 OF SUNCOAST ADDITION 1st. PLATTING
CITY OF NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, GREGG A. STROSCHEN, A LICENSED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE LAND OWNERS, I HAVE SURVEYED AND PLATTED MEYER TRACT 1 OF ZORTMAN LOT 9 OF BLOCK 1 OF SUNCOAST ADDITION 1st. PLATTING, CITY OF NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA, AND THAT ALL DIMENSIONS AS SHOWN ARE TRUE AND CORRECT.



Gregg A. Stroschein
GREGG A. STROSCHEN, PLS #3236
DATE 5-11-16

RESOLUTION OF CITY COUNCIL:

BE IT RESOLVED BY THE CITY COUNCIL OF NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA, THAT THE ABOVE PLAT OF MEYER TRACT 1 OF ZORTMAN LOT 9 OF BLOCK 1 OF SUNCOAST ADDITION 1st. PLATTING, CITY OF NORTH SIOUX CITY, UNION COUNTY SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

I, SUSAN KLOOSTRA, FINANCE OFFICER 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 COUNCIL OF NORTH SIOUX CITY, SOUTH DAKOTA, AT THEIR REGULAR MEETING ON _____ DAY OF _____, 20__.

MAYOR, CITY OF NORTH SIOUX CITY

CITY FINANCE OFFICER

OWNER'S CERTIFICATE

WE, GREGORY C. MEYER AND DEBORAH J. MEYER, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF MEYER TRACT 1 OF ZORTMAN LOT 9 OF BLOCK 1 OF SUNCOAST ADDITION 1st PLATTING, CITY OF NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA, AND THAT THE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSES OF LOCATING, MARKING, AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE OF ALL ENCUMBRANCES.

Gregory C. Meyer
OWNER: GREGORY C. MEYER
DATE 5-19-2016

Deborah J. Meyer
OWNER: DERORAH J. MEYER
DATE 5-19-2016

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA - COUNTY OF UNION

I, MYRON HERTEL, COUNTY TREASURER OF UNION COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE TAXES WHICH ARE LIENS UPON THE LAND PLATTED HEREON, HAVE BEEN PAID TO DATE.

COUNTY TREASURER
DATE _____

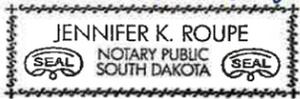
ACKNOWLEDGEMENT OF OWNERS

STATE OF South Dakota COUNTY OF Union

BE IT REMEMBERED THAT ON THIS 19 DAY OF May, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED, GREGORY C. MEYER AND DEBORAH J. MEYER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

Jennifer K. Roupe
NOTARY PUBLIC - SOUTH DAKOTA

MY COMMISSION EXPIRES 02-12-2020



CERTIFICATE OF DIRECTOR OF EQUALIZATION

STATE OF SOUTH DAKOTA - COUNTY OF UNION

I, DAWN STECKELBERG, DIRECTOR OF EQUALIZATION OF UNION COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT.

DIRECTOR OF EQUALIZATION
DATE _____

CITY PLANNING COMMISSION CERTIFICATE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA, THAT THE ATTACHED AND FOREGOING PLAT OF MEYER TRACT 1 OF ZORTMAN LOT 9 OF BLOCK 1 OF SUNCOAST ADDITION 1st. PLATTING, NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

Don Street
CHAIRMAN PLANNING COMMISSION
DATE 5-25-16

CERTIFICATE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA - COUNTY OF UNON

FILED FOR RECORD THIS _____, DAY OF _____, 20__, AT _____ O'CLOCK __. M., AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____ THEREIN.

REGISTER OF DEEDS
DATE _____



DATE : 4-29-16
DWG : NSC-Meyer.dwg
PROJECT : #16-110
CLIENT : Gregory Meyer
CONTACT : Gregory Meyer
BY : Gregg Stroschein, PLS
REVISED :

MEYER TRACT 1 OF ZORTMAN LOT9
OF BLOCK 1 OF SUNCOAST ADDITION 1st PLATTING
NORTH SIOUX CITY,
UNION COUNTY, SOUTH DAKOTA
SHEET 2 OF 2 #16-110



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: 6-6-2016
Re: 211 Delier St. Street Closure Request

Background: Jodi Leibrich and Shelly and Shane Cray have requested for a street closure on July 2nd, from 12pm to 12am for the area of 128 Delier St. to 211 Delier St. The purpose of the event is to have a block party.

Police Chief Headid has been made aware of this street closure and has no issues with it.

Financial Consideration: \$50 deposit to be refunded if barricades are returned and street is returned clean manner.

Recommendation: Administration recommends approval of the request for street closure.

REQUEST TO HAVE STREET CLOSED

YEAR: 2016

Name: Jodi Leibrich + (Shelly, Shane Cray)

Phone: _____
(712-251-5141)

Address: 211 Delier St.

Date(s): July 2nd Sat

Time: 12:00 pm — 12:00 am

Description of where will the street be blocked off:

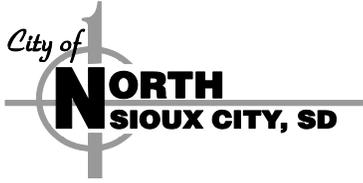
128 Delier St — 211 Delier St.

\$50.00 DEPOSIT CASH _____ CHECK 11960

- FIRST COME FIRST SERVE FOR BARCADES
- BARCADES NEED TO BE RETURNED TO MAINTAINCE SHED BY CLOSE OF NEXT LEGAL BUSINESS DAY (3:30PM)
- SITE OF CLOSED STREET WILL NEED TO BE CLEANED AND INSPECTED BY A CITY EMPLOYEE BEFORE DEPOSIT IS RETURNED

o LIABILITY WAIVER SIGNED BY

SIGNATURE Shelly Cray PRINT NAME Shelly Cray



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: 6-6-2016
Re: Izaak Walton Reconstruction - Sidewalk

Background: Izaak Walton Drive is a portion of the Westshore Reconstruction project. The street is scheduled to have a sidewalk built with the street. This sidewalk would be connected to the sidewalk on Suncoast and have a handicapped accessible ramp on Westshore which would allow for access across the street to the bike path. The sidewalk is planned to be poured as 4ft walkway.

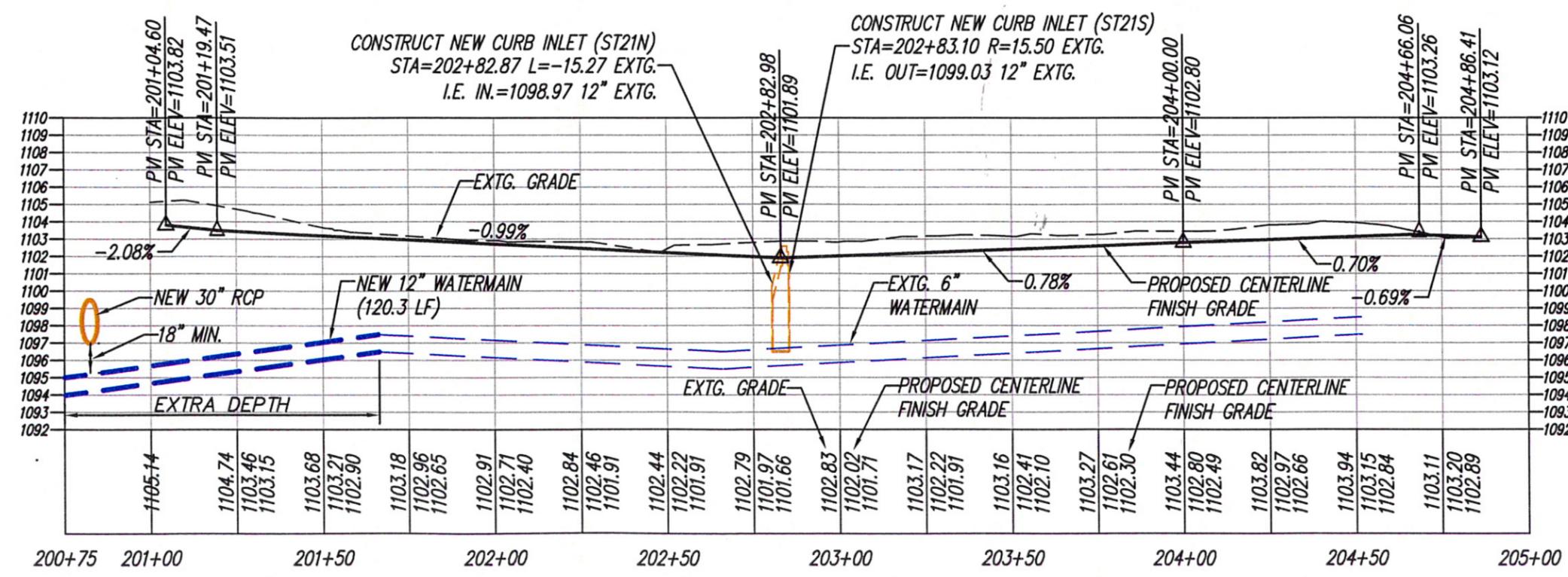
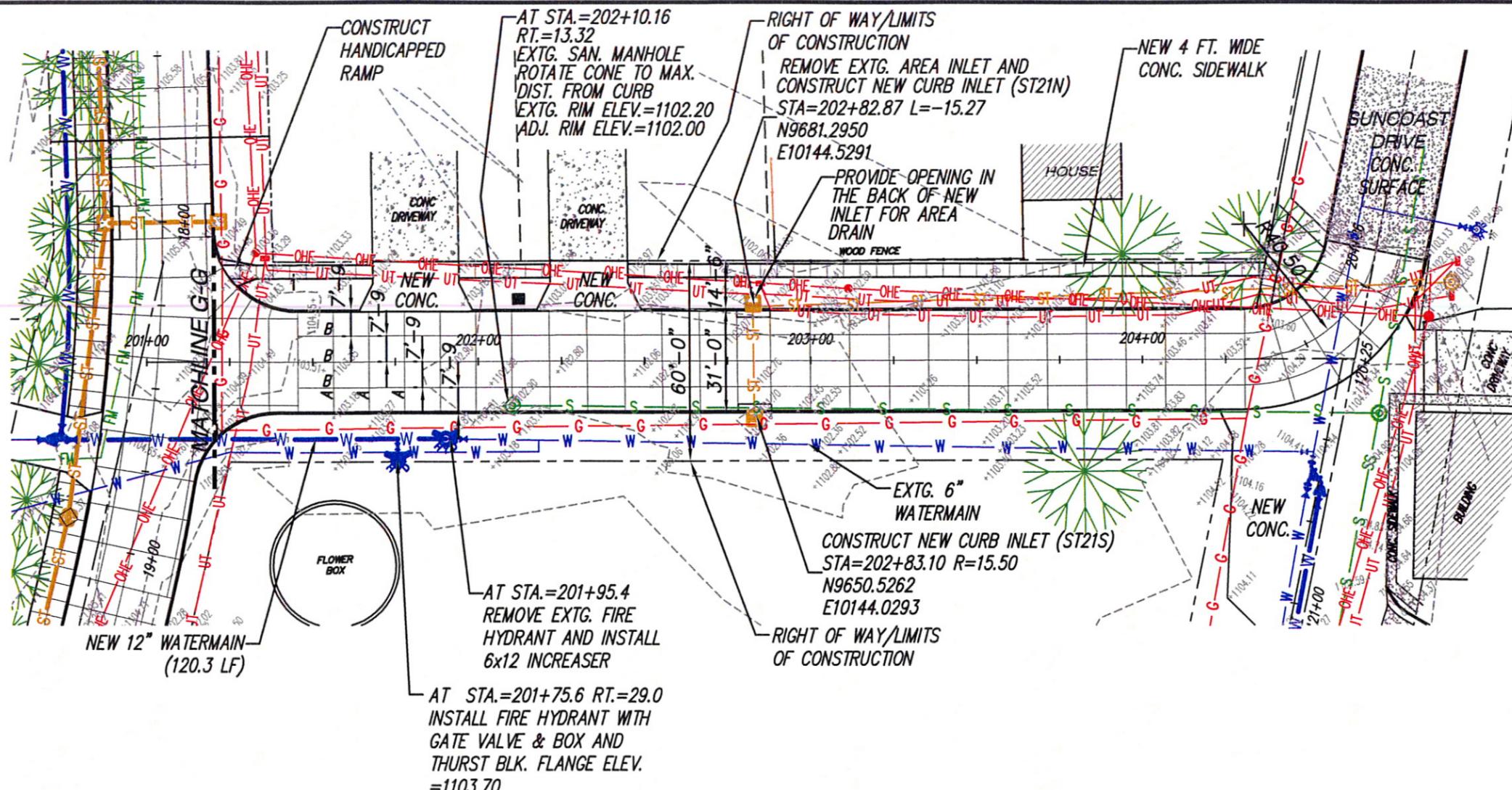
A citizen has made it aware to Greg and Joanie they would prefer for the sidewalk not to be built in its planned location, but moved out toward the street in the same manner that was done on Westshore. This would put the sidewalk between the street and the power poles. Approximately 1ft off of the street.

When making the decision the snow removal process must also be thought about. A plow would likely push snow up onto the sidewalk if it was to be placed in the citizen's desired location. City Ordinance requires property owners to clear the sidewalk in front of their homes. This would add a tremendous amount of work to the snow removal process placed on the citizen.

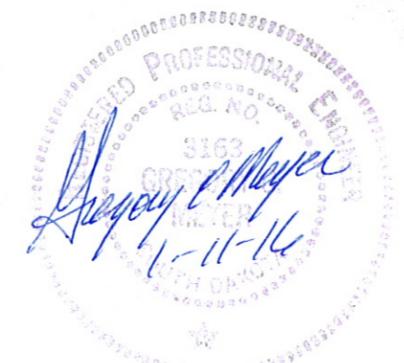
The issue of snow removal may also add to issues with delivering mail.

Financial Consideration: None at this time

Recommendation: Administration recommends keeping the plans of sidewalk construction as they are on Izaak Walton Drive. Gary Roan, North Sioux City's building inspector, also believes keeping the sidewalks away from the street is more beneficial than having them on the street.



Note:
 ALL TRANSVERSE JOINTS WILL BE SPACED AT 12'-0" INTERVALS. CONTRACTOR SHALL ADJUST SPACING AT THE MANHOLE SO THE JOINT WILL ALIGN WITH THE CENTER OF THE MANHOLE, MIN. SPACING ALLOWED IS 8'-0"



| | | |
|--------------------------------|-------------------------------------------|--|
| BW MA | BUELL WINTER MOUSEL AND ASSOCIATES | |
| | CONSULTING ENGINEERS | |
| PROJECT TITLE | PLAN AND PROFILE FOR | |
| CITY OF NORTH SIOUX CITY, S.D. | FIZAAK WALTON DRIVE - PHASE 'B' | |
| RECONSTRUCTION PROJECT | | |
| SHEET NO. | 5.10 | |
| DATE | | |
| REVISION | | |



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: 6/6/2016
Re: Resolution 2016-03 – Garbage Rate Setting

Background: The City Council passed an ordinance at the May 5th, 2016 meeting allowing the rate for garbage collection to be set by resolution.

Resolution 2016-03 would put into place the rates for the different sized carts, costs for additional carts, and the senior discount on 96 gallon carts. This resolution is expected to last until the end of the term of the contract with Gill Hauling on December 31, 2018.

Financial Consideration: Publication costs in North Sioux City Times

Recommendation: Administration recommends approval of the Resolution 2016-03

CITY OF NORTH SIOUX CITY
RESOLUTION #2016-03

A RESOLUTION SETTING THE RATES
TO CHARGE RESIDENTS FOR
THE HAULING OF SOLID WASTE

WHEREAS, the City of North Sioux City entered into a contract with Gill Hauling to haul solid waste from individual residences in the City; and

WHEREAS, this contract extends solid waste hauling services to December 31, 2018; and

WHEREAS, the City is responsible for charging residents and remitting those payments to Gill Hauling for the services they provide; and

WHEREAS, the City Council of North Sioux City has the obligation to set proper rates for the disposal of solid waste.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of North Sioux City, South Dakota, that the following rates shall be charged to residents for the hauling of solid waste.

SENIOR CITIZEN RATE – 35 GALLON CART - \$10.25 PER MONTH
REGULAR GARBAGE – 96 GALLON CART - \$12.65 PER MONTH
EXTRA CART ABOVE 2 CARTS - \$2.00 PER CART

AND, FUTHER, BE IT RESOLVED, a senior citizen may request a ten percent (10%) discount on the regular garbage rate if they choose to have a 96 gallon cart.

AND, FURTHER, BE IT RESOLVED these rates shall be implemented on the City bills twenty days after being this resolution is published in the North Sioux City Times.

The above Resolution was moved by Councilmember _____ and seconded by Councilmember _____ and was approved by a vote of _____ to _____ at a meeting duly called and held on _____.

Dated this _____ day of July, 2016.

Randy Fredericksen, Mayor

ATTEST:

Susan Kloostra, Finance Officer



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: Susan Kloostra
Date: 6/2/2016
Re: Fireworks Ordinance Changes

Background: Ordinance 5-16. Fireworks Sale and Use.

The wording has been corrected to include the correct fire extinguishers language as recommended by Fire Chief Pappas. Changes sync up the application deadlines with the State's authorized sales dates.

Financial Consideration: None.

Recommendation: A motion to approve the second reading.

/srk

Chapter 5.16

FIREWORKS SALES AND USE

Sections:

- 5.16.020 License required for retail sale fireworks.**
- 5.16.030 License required for wholesale sale of fireworks.**
- 5.16.050 Safety requirements.**
- 5.16.090 State licenses.**
- 5.16.100 Public displays.**
- 5.16.105 Professional public displays.**
- 5.16.110 Discharge of fireworks.**
- 5.16.160 Discharge limitations.**

5.16.020 License required for retail sale fireworks.

It is unlawful for any person to sell, hold for sale or offer for sale as a retailer within the city limits any permissible fireworks unless such person has first obtained a retail fireworks license from the city. Application forms for such license shall be obtained ~~upon request~~ from the city finance officer and shall be presented when completed to the city finance officer. Applications must be received before the first day of April of the calendar year for which the license is in effect, or within thirty (30) days prior to the sales period commencing, not later than the commencement of the regular meeting of the city council on the first Monday of June. ~~Upon the filing of any application, the applicant shall pay to the city a fee~~ The application form shall be accompanied by a certified check or bank draft payable to the city, in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00) for each retail fireworks license. (Ord. 364 § 2, 2002)

5.16.030 License required for wholesale sale of fireworks.

It is unlawful for any person to sell, hold for sale or offer for sale as a wholesaler within the city limits any permissible fireworks unless such person has first obtained a wholesale fireworks license from the city. Applications must be received before the first day of April of the calendar year for which the license is in effect, or within thirty (30) days prior to the sales period commencing. Upon the filing of any application, the applicant shall pay to the city a fee~~Application forms for such license may be obtained upon request from the city finance officer and shall be presented when complete to the city finance officer not later than the commencement of the regular meeting of the city council on the first Monday of June. The application form shall be accompanied by a certified check or bank draft payable to the city,~~ in the amount of one thousand two hundred fifty dollars (\$1,250.00) for each wholesale fireworks license. (Ord. 364 § 3, 2002)

5.16.050 Safety requirements.

C. Each licensee shall keep and maintain upon his or her premises ~~a one (1) fire extinguisher for every 1,000 sq ft or no more than fifty (50) feet apart, in accordance with NFPA10 (National Fire Protection Association).~~

5.16.090 State licenses.

All holders of retail ~~licenses~~ or wholesale licenses as set out above must also obtain a license as a retailer or as a wholesaler from the state of South Dakota prior to applying for a license from the City. (Ord. 364 § 8, 2002)

5.16.100 Public displays.

Nothing in this chapter shall prohibit the use or public display of fireworks of any description provided that any individual or group of individuals, associations or organization making such public display of fireworks shall first secure a written permit so to do from the common council of the city and shall have purchased fireworks for such display from a licensed wholesaler or licensed retailer licensed under the laws of the state of South Dakota. (Ord. 364 § 9, 2002)

5.16.105 Professional public displays.

Professional or commercial special fireworks display shall first secure a permit to do so from the Fire Chief of the North Sioux City Fire Department (Dakota Valley Fire District). Application forms shall be obtained from the North Sioux City Fire Department. Purchased fireworks for such display must be from a licensed wholesaler or licensed retailer licensed under the laws of the state of South Dakota and shall comply with all applicable laws and regulations as stated in SDCL 34-36 and SDCL 34-37. (Ord. 364 § 9, 2002)

5.16.160 Discharge limitations.

At every purchase point of any retail establishment covered under this chapter, shall prominently display signs ~~shall be prominently displayed~~ informing the purchaser of the discharge limitations as set forth in Sections 5.16.080 through 5.16.120 and the penalties for violation thereof. (Ord. 364 § 15, 2002)

Chapter 5.16

FIREWORKS SALES AND USE

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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: June 6, 2016
Re: Ordinance 2016-05 – Tree and Shrubs

Background: There is currently not an ordinance in place which regulates the height trees must be trimmed above sidewalks and streets. There is also not an ordinance which prohibits plantings that may cause sight issues at intersections.

Ordinance 2016-05 would overcome both of these issues and give the city a remedy in situations where it is occurring.

The height of branches is a safety concern for those citizens walking on sidewalks and taller vehicles driving on streets. Sightlines at intersections is important to be able to see oncoming traffic.

City Council approved the first reading of Ordinance 2016-05 on May 16th, 2016

Financial Consideration: Publishing costs for the North Sioux City Journal

Recommendation: Staff recommends approval of the first reading of Ordinance 2016-05

PROPOSED ORDINANCE 2016-05

AN ORDINANCE AMENDING THE CITY OF NORTH SIOUX CITY CODE OF ORDINANCES TITLE 8 HEALTH AND SAFETY, ADDING CHAPTER 8.08.055 TITLED TREES, SHRUBS, AND VEGETATION.

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 of the North Sioux City Code of Ordinances shall be amended to add Chapter 8.08.055 titled Trees, Shrubs, and Vegetation.

8.08.055 Trees, Shrubs, and Vegetation

- A. The occupant or owner of any premises abutting upon any street, road, or alley shall keep all trees upon the premises or between the same and the center of the adjoining streets so trimmed that no bough or branch thereof shall hang lower than 8 feet above the surface of the sidewalk and 16 feet above the surface of the street, road or alley thereon.
- B. No person shall plant, maintain, or permit to grow upon the premises any tree, shrubbery, or vegetation in such way as to obstruct the view of the drivers of vehicles approaching within 50 feet of any street intersection.
- C. Notice to Abate and Abatement by City. The Finance Officer or his or her designee may cause a Notice to Abate Nuisance to be served, by posting of notice on such property within view of the public or upon the property owner who fails to trim trees or shrubs. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within seven (7) days thereof, the Finance Officer or his or her designee is hereby authorized and empowered to provide for the cutting, destroying, or removal of the bough, branch, vegetation, or shrub. The City may defray the cost of the work, including administrative costs, by special assessment against the property as set out in Section 8.08.040(D).

Dated at North Sioux City, South Dakota this 6th day of June, 2016

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

By: _____
Randy Fredericksen, Mayor

ATTEST;

By: _____
Susan Kloostra, Finance Officer

First Reading: May 16, 2016
Second Reading: June 6, 2016
Publish: June 16, 2016
Effective Date: July 6, 2016



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: 6/6/2016
Re: Ordinance 6.12.160 Discussion

Background: As requested by the City Council at the last meeting you have been provided with a sample ordinance as it would pertain to allowing chickens within city limits. This ordinance sample could be easily manipulated to include other animals of the Council's choosing.

The main items of an ordinance to regulate animals within city limits would be clear defined terms associated with the animal, the limit on the number of animals the Council would be willing to allow, the type of animal that is allowed, the dwellings for the animals and the size of those dwellings, how a resident would have to dispose of the animals if they were to die, what the permitting process looks like, and what is the enforcement capability of the City.

The council would also need to keep in mind other items that go along with animals. Because the animals in question are outdoor animals the dwelling would have to be kept clean and sanitary at all times. The City would need to have access to these dwellings at any time to investigate the state of them and if there were any complaints regarding unkempt or odorous dwellings.

Neighbors should also have to sign off on animals such as fowl or swine and written notice would need to be given to the city. This does bring into question resale of homes and new neighbors who may move in.

The council should also keep in mind the options of disposal of animals which are not considered household pets. The Sioux City Humane Society would allow swine or fowl to be housed there. The amount of time they would keep an animal would depend on the ordinance that is put into place.

Financial Consideration: None at this time

Recommendation: The administration would like to know the general direction if they would like to expand the types of animals allowed in City Limits. Ordinance 6.12.160 must be rewritten either way because of the wording on pigeons and guinea pigs.

§ 93.01 KEEPING CERTAIN ANIMALS; RESTRICTIONS.

(A) No person shall keep or maintain any livestock or fowl, except as provided in this chapter, in any zoning district other than the A-1 district or maintain any structure or enclosure for keeping such animals within 150 feet of any dwelling or building used for human habitation in any zoning district other than that of the owner of said animal or the owner's family.

CHICKENS

§ 93.50 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHICKEN. A domesticated bird that serves as a source of eggs or meat for human consumption.

COOP. The structure for the keeping or housing of chickens permitted by this chapter.

EXERCISE YARD. A larger fenced area that provides space for exercise and foraging for the birds when supervised.

HEN. A female chicken.

OFFICER. Any person designated by the City Manager as an enforcement officer.

ROOSTER. A male chicken.

RUN. A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

§ 93.51 PURPOSE

It is the purpose and intent of this subchapter to permit the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance or detrimental to the public health, safety, and welfare of the community.

§ 93.52 INVESTIGATION AND ENFORCEMENT

Officers designated by the City Manager shall have authority in the investigation and enforcement of this subchapter, and no person shall interfere with or hinder any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

§ 93.53 LIMITATIONS FOR EACH SINGLE-FAMILY DWELLING UNIT.

(A) The keeping of chickens shall be permitted as an accessory use in conjunction with detached, owner-occupied single-family dwelling uses.

(B) No more than four (4) hens shall be housed or kept on any one single-family dwelling lot in any area of the city with a permit as outlined below. *(Exception: Planned Development Districts that provide for single-family dwellings may not permit chickens unless specifically listed as a use in the regulations of the particular district.)*

(C) Roosters are prohibited.

(D) Slaughtering of chickens on the property is prohibited. Owners may slaughter chickens that are permitted on their property for the purpose of personal consumption.

(E) Leg-banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.

(F) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five feet from the rear or side property lines.
- (3) Interior floor space - four square feet per bird.
- (4) Interior height - six feet to allow access for cleaning and maintenance.
- (5) Doors - one standard door to allow humans to access the coop and one for birds (if above ground level, must also provide a stable ramp).
- (6) Windows - one square foot window per ten square feet floor space. Windows must be able to open for ventilation.
- (7) Climate control - adequate ventilation and/or insulation to maintain the coop temperature between 32 - 85 degrees Fahrenheit.
- (8) Nest boxes - one box per every three hens.
- (9) Roosts - one and one-half-inch diameter or greater, located 18 inches from the wall and two to three inches above the floor.

(10) Rodent proof - coop construction and materials must be adequate to prevent access by rodents.

(11) Coops shall be constructed and maintained in a workmanlike manner.

(G) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) *Location*: rear or side yard.

(b) *Size*: Ten square feet per bird, if access to a fenced exercise yard is also available; 16 square feet per bird, if access to an exercise yard is not available. If the coop is elevated two feet so the hens can access the space beneath, that area may count as a portion of the minimum run footprint.

(c) *Height*: Six feet in height to allow access for cleaning and maintenance.

(d) *Gate*: One gate to allow human access to the run.

(e) *Cover*: Adequate to keep hens in and predators out.

(f) *Substrate*: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.

(2) Exercise yards must be fenced and are required if the run does not provide at least 16 square feet per bird. Exercise yards must provide a minimum of 174 square feet per chicken.

(H) Chickens must not be housed in a residential house or an attached or detached garage.

(I) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in revocation of a chicken permit and/or removal of chickens from the premises.

(J) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent-proof container.

(K) Hens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(L) Dead chickens must be disposed of according to the South Dakota Animal Industry Board rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include off-site burial, off-site incineration or rendering.

§ 93.54 PERMIT REQUIRED.

The officer shall grant a permit for chickens after the applicant has obtained the written consent of 100 percent of the owners or occupants of privately or publicly-owned real estate that are located adjacent (i.e., sharing property lines) on the outer boundaries of the premises for which the permit is being requested, or in the alternative, proof that the applicant's property lines are 150 feet or more from any residence other than the permit applicant's.

Where an adjacent property consists of a multiple dwelling or multi-tenant property, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. Such written consent shall be required on the initial application and as often thereafter as the officer deems necessary.

§ 93.55 APPLICATION.

Any person desiring a permit required under the provisions of this article shall make written application to the city upon a form prescribed by and containing such information as required by the city and officer. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the chickens.

(B) The breed and number of chickens to be maintained on the premises.

(C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.

(D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.

(E) Such other and further information as may be required by the officer.

§ 93.56 PERMIT CONDITIONS; REVOCATION; FEES.

No person shall (without first obtaining a permit in writing from the City) own, keep, harbor or have custody of any live chicken. If granted, the permit shall be issued by the city and officer and shall state the conditions, if any, imposed upon the permittee for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to promote the public health and safety. Such permit may be modified from time to time or revoked for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

(A) The City Manager may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the city

council pursuant to this subchapter, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded.

(B) Coops, runs and other fenced areas that go unutilized for a period of one (1) year shall be deemed a nuisance and shall be removed by the owner at the owner's expense.

(C) The permit period under this section shall expire one year from the date the permit is issued.

(D) For each residential site, the fee for a permit may be imposed, set, established and fixed by resolution of the City Council.

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating the provisions of §§ 93.20 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense, and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.

(C) Any person violating the provisions of §§ 93.50 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense, and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.



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: Susan Kloostra
Date: 6/2/2016
Re: Recurring and Automatic Payments

Background: Annually in January, Finance provides Council with a list of recurring monthly payments. Some payments are automatically withdrawn from the checking account and others require checks to be issued.

Current List, Approved January 4, 2016:

| <u>Vendor</u> | | <u>Amount</u> |
|------------------------------------|-------------------|---------------|
| Canon Leases | | 569.89 |
| IRS Payroll Deposits (bi-weekly) | Estimate | 8,000.00 |
| Principal Group Dental & Life Ins. | Estimate | 1,900.00 |
| SD Sales Tax | Estimate | 600.00 |
| US Bank Credit Card | Estimate | 4,000.00 |
| Utility Customer Refunds | Various and under | 50.00 |
| VAST Telephone & Cable | Estimate | 850.00 |
| Verizon Wireless | Estimate | 800.00 |
| Wellmark Health Insurance | Estimate | 16,500.00 |
| WEX Fleet Fuel | Estimate | 2,500.00 |

With Council's approval, I would like to add 1st Financial Bank credit card to this list. I'm requesting to add this bill to the recurring list so as not to incur late fees. The receipt of their credit card statement does not always line up with our Council meetings.

This card is primarily used for travel or training purposes. The average bill has been as low as \$75.00 or as high as \$5,000.00 (from Washington trip). Some months, there are no charges at all. Any charges would be listed for Council's review in the batch it would be paid from.

Financial Consideration: No additional cost, but eliminate late payment situation and potential fees.

Recommendation: A motion to add 1st Financial Bank credit card to the recurring and automatic payments list.

/srk



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: Susan Kloostra
Date: 5/16/2016
Re: Surplus Property

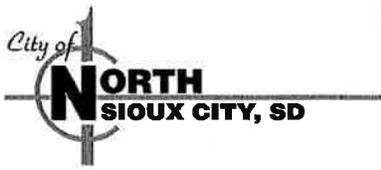
Background: SDCL 6-13-1 allows a governing board to dispose of any land, structures, equipment, or other property which the governing board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. Furthermore, no motion is required to sell, trade, loan, destroy, or otherwise dispose of consumable supplies, printed text, zoo animals, or subscriptions.

Chief Headid would like to declare the following item as surplus:
Brother HL2270DW – defective ink cartridge tray

Financial Consideration: None.

Recommendation: Need a motion to declare the listed equipment as surplus property.

/srk



Payments

Current Period: JUNE 2016

| | | | |
|------------|--------------|---------------------|-------------------|
| Batch Name | DEPRFD JUN16 | User Dollar Amt | \$246.26 |
| | Payments | Computer Dollar Amt | \$246.26 |
| | | | \$0.00 In Balance |

| | | | | |
|------------------|-------------------------------|---------------------------------|--------------|-----------|
| Refer | 100 BANKS, QUENTIN | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$22.90 ✓ |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$22.90 |
| Refer | 104 BOURNE, ERIN | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$20.71 ✓ |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$20.71 |
| Refer | 103 MARKLE, HALEY | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$72.66 |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$72.66 ✓ |
| Refer | 105 MIXDORF, BEN | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$17.99 |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$17.99 ✓ |
| Refer | 101 WEGHER CONSTRUCTION - DEP | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$56.00 |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$56.00 ✓ |
| Refer | 102 WEGHER CONSTRUCTION - DEP | | | |
| Cash Payment | G 602-2230 Unearned Revenue | CUSTOMER UTILITY DEPOSIT REFUND | | \$56.00 |
| Invoice | CUSTRFD 6/2/2016 | | | |
| Transaction Date | 6/2/2016 | Liberty Natl 8010048 1010 | Total | \$56.00 ✓ |

Fund Summary

| | | |
|-----------|---------------------------|----------|
| | 1010 Liberty Natl 8010048 | |
| 602 Water | | \$246.26 |
| | | \$246.26 |

| | |
|----------------------------------------|-----------------|
| Pre-Written Check | \$0.00 |
| Checks to be Generated by the Computer | \$246.26 |
| Total | \$246.26 |

SOUTH DAKOTA MUNICIPAL LEAGUE

2016 Elected Officials Workshop

Wednesday, July 20, 2016

Ramkota Hotel and Conference Center • Pierre, SD

Agenda

- 9:00 a.m. **Registration** – *outside Galleries B & C*
- 9:30 a.m. **Welcome and Introduction to the League** – *Galleries B & C*
Yvonne Taylor, Executive Director, South Dakota Municipal League
- 9:35 a.m. **Ordinances, Resolutions, Initiatives and Referendums** – *Galleries B & C*
Yvonne Taylor, Executive Director, South Dakota Municipal League
- 10:00 a.m. **Open Meetings and Executive Sessions - Do's and Don'ts** – *Galleries B & C*
Steven Blair, Assistant Attorney General, Office of the Attorney General
- 11:00 a.m. **Setting the Agenda and Parliamentary Procedure**
Roxanne Heezen, Finance Officer, City of Fort Pierre
Lindsey Riter-Rapp, City Attorney, City of Pierre
Larry Nelson, City Attorney, Cities of Canton, Hartford and Worthing
- 11:45 a.m. **Lunch** (provided) – *Gallery A*
- 12:30 p.m. **Financial and Compliance Matters**
Rod Fortin, Director of Local Government Assistance,
South Dakota Department of Legislative Audit
- 2:00 p.m. **Interviewing Prospective Employees: What to Say and What Not to Say**
Lisa Marso, Boyce Law Firm, L.L.P.
- 3:00 p.m. **Best Practices: How to Manage City Staff as a Part-Time Elected Official**
Mark Carstensen, Mayor, City of Sturgis
Gloria Hanson, Mayor, City of Fort Pierre
Meri Jo Anderson, Finance Officer, City of New Underwood
- 3:30 p.m. **Adjourn**

SOUTH DAKOTA MUNICIPAL LEAGUE

2016 Elected Officials Workshop

Wednesday, July 20, 2016

Ramkota Hotel and Conference Center • Pierre, SD

The purpose of this workshop is to provide a basic crash course on local government.

\$50.00 per person.

Includes workshop material, the SDML Handbook for Municipal Officials (\$60 value) and lunch.

Please be sure to register by the July 6th deadline.

~ THIS WORKSHOP IS OPEN TO ALL ELECTED OFFICIALS ~

REGISTRATION FORM

Municipality: _____

Please indicate Form of Government:

Aldermanic

Aldermanic with City Manager

Trustee

Commission

Commission with City Manager

Home Rule

Please Print Name and Title as you would like it to appear on the nametag:

Name

Title

Email

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Number Attending _____ @ \$50.00 = \$ _____

Please return this form and payment by **July 6, 2016*** to:

**No refunds will be given after July 6, 2016*

SD Municipal League

208 Island Drive

Ft. Pierre, SD 57532

SDML OFFICE USE ONLY: DATE: _____ **CHECK #:** _____ **AMOUNT:** _____