



City Council MEMO

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To: City of North Sioux City
From: Administration
Date: 09/23/2022
Re: Update on McCook Lake Canal Project

Background: The City continues to pursue various courses of action related to the McCook Lake Canal Project

- 1) The City's engineers are in possession of a set of construction standards and are in the process of reviewing them. Based on legal advice the City believes that construction standards could be enforced as a "reasonable condition" as part of the process to get an excavation permit.
- 2) Mike Chicoine has not rescheduled the meeting with the City's engineers. This meeting was scheduled for September 15th in order to explain the City's requirements and expectations. Based on the permit applications, the City believes that the project lies at least partially within City limits.
- 3) In response to a request for assistance from our DC elected officials, the City has heard back from Senator Rounds' office and the City is working with his staff on issues we believe exist with the US Army Corps of Engineers permitting process. The City has not heard from the offices of Senator Thune or Representative Johnson. More about the concerns with the Corps of Engineers permit process in Item #5 below.
- 4) The City has reached out via email and phone and left messages for DANR Secretary Hunter Roberts to discuss the permitting for the project and to see if the department would be willing to engage directly with the public on the matter. The City received a phone message from Secretary Roberts and is continuing to work to discuss the matter with his office.
- 5) In the meantime, Councilman Bogenrief has had a conversation with Shannon Minerich of the DANR. She stated that the DANR issued their permit based on the Corps of Engineers issuing a permit (which is a normal procedure for the DANR). She also said that was surprised that the Corps of Engineers issued a Nationwide permit and not an Individual permit. Worth noting is that her concerns over the Corps of Engineers permitting process are identical to the issues we raised with our DC delegation.
- 6) The City has reached out via email and phone and left messages for GF&P Secretary Kevin Robling to discuss the permitting for the project and to see if the department would be willing to engage directly with the public on the matter. The City has not heard back from Secretary Robling or his office. The City encourages all citizens to reach out to Secretary Robling's office at 1-605-773-3718.
- 7) The City is also exploring what restrictions or requirements may legally be placed on the proposed project through its zoning process. Currently there is no zoning classification of property in the City which would explicitly allow for such a project, with or without a conditional use permit. The City Attorney's office is researching this issue further.
- 8) The City is hearing from multiple sources that should any details about the project change or be proven to be inaccurate, and if any permit was in part based on these details, that permit would no longer be valid, and the process would need to start over. The City is aware of potential changes from what appears on the permit applications as well as details which may be inconsistent or erroneous.