

**CITY OF SOUTH SIOUX CITY  
COUNCIL MINUTES  
September 23, 2013**

1

A meeting of the City Council of the City of South Sioux City, Nebraska, was held at the South Sioux City Council Chambers, 1615 1<sup>st</sup> Avenue in said City on the 23rd day of September 2013, at 5:00 P.M. Present were: Mayor William McLarty and Council Members: Dan Bousquet, Bruce Davis, John Sanders, Dennis Nelson, Stephanie Dahl, Rod Koch, Oscar Gomez, Jason Bowman. Absent: None. Media in attendance: Dakota County Star. Notice of the proceeding was given in advance thereof by advertising in the Dakota County Star attached to these minutes. Notice of the proceedings was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in advance notice to the Media, Mayor and Council of this proceeding and was open to the attendance of the public.

Mayor McLarty stated that a current copy of the **Open Meetings Act** is posted on the north wall in the rear of the Council Chambers and that a sign-in sheet is available at the entrance to the Council Chambers. We ask your assistance by signing in as this is a Federal Grant requirement. It is strictly voluntary to complete the sign-in sheet.

Koch moved, seconded by Dahl, to approve the following Consent Agenda.  
Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

- a. MINUTES of COUNCIL MEETING – Sept. 9, 2013.
- b. STANDING COMMITTEES REPORTS
  - i. Public Works Minutes – Sept. 16, 2013.
  - ii. Finance Minutes – Sept. 18, 2013.
- c. Treasurer's Report Ending 9/30/15.
- d. Temporary Banners for Sept. 28<sup>th</sup>, 2013 Craft Fair at St. Michaels Church. South Sioux City Homecoming Parade. Sept. 27 from City Hall to 25<sup>th</sup> St.
- e. Letter to Tax Modernization Committee.
- f. PRESENTATION OF CLAIMS #2013-18.

Iowa Dept. of Transportation representative was present to give an update on the work being done on I-29 and to answer any questions. Information only. No action taken.

St. Bernard Show representatives were present to provide information regarding the St. Bernard Show that is being held in South Sioux City until Saturday, September 28th. No action taken.

**CITY OF SOUTH SIOUX CITY  
COUNCIL MINUTES  
September 23, 2013**

2

Olsson Associates and JEO Consulting Group representatives were available to give an update and to answer any questions about the various projects in the city. Information only. No action taken.

There was nothing new reported on the BNSF Installation Agreements for G St., 29<sup>th</sup> St. & C St. This item will be postponed until the next meeting.

The City Attorney read the following Ordinance:

**ORDINANCE 2013-16**

**AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA PROVIDING FOR PERMITS FOR PARADES ON PUBLIC STREETS; PROVIDING AN APPLICATION PROCESS AND SETTING FORTH STANDARDS FOR ISSUANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

Koch moved, seconded by Dahl, to approve Ordinance 2013-16 on its first reading only. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Koch moved, seconded by Sanders, to postpone the Ordinance amending the current weed ordinance so that the City Attorney, Wayne Boyd, could add the verbiage for the posting notice. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Nelson introduced the following Resolution and motioned for its approval:

**RESOLUTION 2013-188**

**RESOLUTION AUTHORIZING APPLICATION FOR A TREES FOR NEBRASKA TOWNS PROGRAM GRANT FOR THE REPLACEMENT OF TREES IN AREAS WHERE TREES WERE LOST.**

Bousquet seconded the motion. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Koch introduced the following Resolution and motioned for its approval:

**RESOLUTION 2013-189**

**RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE DAKOTA AVENUE RESURFACING PROJECT #URB-5305(10), CN32081. JEO Consulting Group; \$3,334.19.**

Dahl seconded the motion. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

**CITY OF SOUTH SIOUX CITY  
COUNCIL MINUTES  
September 23, 2013**

3

The City Attorney read the following Ordinance:

**ORDINANCE 2013-10**

**AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES; AMENDING SECTION 110-407 (4)(d) AS CONTAINED IN ORDINANCE 2012-19; DEFINING ROLLOVER PROTECTIVE STRUCTURES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

Nelson motioned, seconded by Bousquet, for final passage of Ordinance 2013-10. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

The City Attorney read the following Ordinance:

**ORDINANCE 2013-11**

**AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES; AMENDING SECTION 110-407 (4) AS CONTAINED IN ORDINANCE 2012-19; REQUIRING THAT PASSENGERS WEAR A HELMET OR BE IN AN ENCLOSED TYPE UTILITY VEHICLE WHICH HAS A FACTORY MANUFACTURED AND INSTALLED ROLLOVER PROTECTIVE STRUCTURE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

Davis motioned, seconded by Nelson, for final passage of Ordinance 2013-11. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

The City Attorney read the following Ordinance:

**ORDINANCE 2013-12**

**AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA REGULATING SMALL WIND TURBINES; PROVIDING FOR PERMITTED USES AND REGULATING THE INSTALLATION OF SMALL WIND TURBINES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

**CITY OF SOUTH SIOUX CITY**  
**COUNCIL MINUTES**  
**September 23, 2013**

4

Koch motioned, seconded by Dahl, for final passage of Ordinance 2012-12. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Davis moved, seconded by Koch, to deny Larry Blair's request to allow moving his car lot license (River Auto) from the current location at 25th and by-pass to 2801 Cornhusker Dr. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch. Voting No: Bowman.

Sanders moved, seconded by Dahl, to deny Ron Macomber, 308 Broadmoor Dr., South Sioux City, Nebraska, request to harvest deer in Crystal Cove Park in the city limits. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Davis moved, seconded by Koch, to approve the appointment of Councilwoman Stephanie Dahl to the Law Enforcement (LEC) Board to replace Eric Bertness. Voting Aye: Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None. Abstaining: Dahl.

Davis moved, seconded by Sanders, to approve the Olsson Associates Agreement for Professional Services for the Wastewater Treatment Plant pre-treatment project. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Davis moved, seconded by Koch, to approve the Nebraska Dept. of Roads (NDOR) Maintenance Agreement No. 24 Renewal between NDOR and the City. This is a yearly agreement. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

Davis moved, seconded by Sanders, to not increase the council salaries but to keep them the same. Voting Aye: Gomez, Davis, Nelson, Bowman. Voting No: Dahl, Sanders, Bousquet, Koch. This was a tie vote. Mayor McLarty voted aye to break the tie. Council salaries will remain as they are.

Koch moved, seconded by Dahl, to approve the Farmers Market volunteer manager agreement. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Nelson, Koch, Bowman. Voting No: None.

**CITY OF SOUTH SIOUX CITY**  
**COUNCIL MINUTES**  
**September 23, 2013**

5

Davis moved, seconded by Bousquet, to authorize Councilman Dennis Nelson as Council President Pro-tem to sign city documents in the Mayor and Council President's absence. Voting Aye: Dahl, Sanders, Bousquet, Gomez, Davis, Koch, Bowman. Voting No: None. Abstaining: Nelson.

Recovery update was information only. No action taken.

Electric options was an information item. No action was taken.

Davis moved, seconded by Koch, to authorize staff to negotiate a lesser amount with Gonzalez on their bills and to present the results at the next council meeting. Voting Aye: Dahl, Sanders, Bousquet, Nelson, Gomez, Davis, Koch, Bowman. Voting No: None.

At 6:00 p.m., Mayor McLarty recessed the meeting until the representative that was presenting the check for Freedom Park was present.

At 6:15 p.m., Mayor McLarty reconvened the meeting.

Brian Blank, Project Manager, Kiewit, presented a check to Mike Newhouse, the new Freedom Park coordinator. Mike Newhouse then gave an update on the progress of the Wall that Heals. Mayor McLarty thanked both gentlemen for their assistance in making this park and monument a reality.

There being no further business to discuss, at 6:25 p.m., Bousquet moved, seconded by Gomez, to adjourn the meeting. Voting Aye: Dahl, Sanders, Bousquet, Nelson, Gomez, Davis, Koch, Bowman. Voting No: None.

---

Mayor

ATTEST:

---

City Clerk

I, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council, that all of the subjects included in the foregoing proceedings were contained in the

**CITY OF SOUTH SIOUX CITY**  
**COUNCIL MINUTES**  
**September 23, 2013**

6

agenda for the meeting kept continuously current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting, that at least one copy of all reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

City Clerk