

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
July 22nd, 2019

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 1st Avenue in said City on the 22nd day of July, 2019, at 5:00 P.M. Present were: Mayor Rod Koch and Council Members: Carol Schuldt, Bruce Davis, Dan Bousquet, Jason Bowman, John Sanders, Jim Gunsolley, Jose Gonzalez, Jasper Kriens. Absent: None. Media in attendance: Dakota County Star. Notice of the proceeding was given in advance thereof by advertising in the Dakota County Star and Mundo Latino 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 Koch stated that a current copy of the Open Meetings Act is posted on the north wall in the rear of the Council Chambers and is available for review by citizens in attendance. A sign-in sheet is available at the entrance to Council Chambers. We ask for your assistance by signing in as this is a Federal Grant requirement. It is strictly voluntary to complete the sign-in sheet.

Mayor Koch asked if there was anyone in the audience that would like to speak about anything that was not on the agenda.

Bowman moved, seconded by Bousquet, to approve the following **Consent Agenda**: July 8, 2019 Council Minutes; July 17, 2019 Public Works Minutes; July 10 and July 17 2019 Finance Minutes; Treasurer's Report ending June 30, 2019 and Presentation of Claims. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt. Voting No: None.

JEO Consulting Group and Olsson Engineers were present to review their reports on the various projects in the City. Information only. No action taken.

At 5:02 p.m., Mayor Koch declared the **Public Hearing** open in the matter of a conditional use permit for a single family dwelling in a C2 zoning district located at 601 D Street and legally described as Lots 11 and 12, Block 27 Stanton Addition. The City of South Sioux City in cooperation with the South Sioux City Schools will be constructing a single family dwelling at this location. Students from the high school will work directly with local professionals to build this home and gain hands on experience and hopefully kick start their careers in the construction industry. There was no one present requesting special services or to speak in favor of or in opposition to the proposed conditional use permit. At 5:04 p.m., Mayor Koch declared the hearing closed.

Sanders moved, seconded by Schuldt, to approve this conditional use permit to allow a single family dwelling in a C2 zoning district located at 601 D Street and legally described as Lots 11 and 12, Block 27 Stanton Addition. Voting Aye: Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley. Voting No: None.

**CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
July 22nd, 2019**

2

At 5:05 p.m., Mayor Koch declared the **Public Hearing** open in the matter of an alley vacation in the 300 Block 6th Avenue, legally described as the east west alley between Lots 10, 11 and 12 Block 38 Covington Addition AND the north 1/2 of Lot 8 and all Lot 9 Block 38 Covington Addition. There was no one present request special services or to speak in opposition to the proposed alley vacation. Tony Barnes, 401 5th Ave., South Sioux City, Nebraska was present to speak in favor of the alley vacation. At 5:08 p.m., Mayor Koch declared the hearing closed.

The City Attorney read the following Ordinance:

ORDINANCE 2019-11

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, NEBRASKA, VACATING THAT PORTION OF THE 300 BLOCK, 6TH AVENUE ALLEY LYING BETWEEN LOTS 10, 11, 12, BLOCK 38, COVINGTON ADDITION AND NORTH ½ OF LOT 8 AND ALL LOT 9, BLOCK 38, COVINGTON ADDITION, SOUTH SIOUX CITY, NEBRASKA; CLOSING SAID VACATED ALLEY TO THE PUBLIC; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Davis moved, seconded by Bousquet, to approve the first reading only of Ordinance 2019-11. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Bowman moved, seconded by Schuldt, to accept the Proclamations for American Wind Week both National and State. Voting Aye: Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders, Davis. Voting No: None.

Bowman moved, seconded by Bousquet, to accept the Fire Department's May/June Report. Voting Aye: Schuldt, Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman. Voting No: None.

Bousquet introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-89

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR WEST 6th STREET; PROJECT #CDBG 17-PW-006.

Olsson; \$1,616.71.

Bowman seconded the motion. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt. Voting No: None.

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-90

**CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES**

July 22nd, 2019

3

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE NATURAL GAS ELECTRICAL GENERATION FACILITY; PROJECT #R170181.00. *JEO Consulting Group; \$19,520.95.*

Gunsolley seconded the motion. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens. Voting No: None.

Bousquet introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-91

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING AND PROFESSIONAL SERVICES FOR THE FEASIBILITY STUDY FOR WASTEWATER TREATMENT. *HDR Engineering, Inc.; \$116,384.81.*

Sanders seconded the motion. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens. Voting No: None.

Schuldt introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-92

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE WATER STORAGE; PROJECT #017-0781.

Olsson; \$6,200.00.

Gunsolley seconded the motion. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Davis moved, seconded by Gonzalez, to amend Ordinance 2019-12 amending the fireworks ordinance to allow the sale from June 24 to July 4 from 8 a.m. to 10 p.m. and the discharge of fireworks from June 24 to July 3 from 8 – 10p.m. and from 8 to 11 p.m. on July 4. Voting Aye: Bousquet, Gonzalez, Kriens, Gunsolley, Sanders, Davis. Voting No: Bowman, Schuldt.

The City Attorney read the following Ordinance:

ORDINANCE 2019-12

AN ORDINANCE AMENDING SECTION 42-157 OF THE SOUTH SIOUX CITY MUNICIPAL CODE AS IT RELATES TO FIREWORKS; SALE AND BY ADDING SECTION 42-184(15) AS IT RELATES TO FIREWORKS USE SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Davis moved, seconded by Gonzalez, to approve the first reading only of Ordinance 2019-12 amending the fireworks ordinance to allow the sale of fireworks from June 24 to July 4 and allow the discharge of fireworks from June 24 to July 3 from 8 a.m. to 11 p.m. on July 4. Discharge rules should be posted by the fireworks vendors. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez. Voting No: Schuldt, Bowman.

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
July 22nd, 2019

4

The City Attorney read the following Ordinance:

ORDINANCE 2019-13

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, AMENDING SECTION 90-40 OF THE SOUTH SIOUX CITY MUNICIPAL CODE AS IT RELATES TO FEES FOR REMOVAL OF TRASH CONTAINERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (A one-time \$12.00 charge per cart with a \$2.00 credit for the return of the green bin.)

Davis introduced Ordinance 2019-13 on its first reading and moved that the statutory rule requiring reading on three different days be suspended. Motion seconded by Gunsolley. Voting Aye: Schuldt, Kriens, Gunsolley Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt.

Davis motioned for final passage of Ordinance 2019-13 and was seconded by Bousquet. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens. Voting No: None.

Bowman moved, seconded by Bousquet, to postpone the seconded reading of Ordinance 2019-10 regarding small wireless facilities. Voting Aye: Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley. Voting No: None.

Bousquet moved, seconded by Gunsolley, to approve the agreement between the City of South Sioux City and Church League Softball team for the use of the City's ballfield. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Davis moved seconded by Sanders, to approve the appointment of Jason Bowman to the Board of Health. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Bousquet moved, seconded by Sanders, to approve the fence permit request from Sam Thongphet, 2620 Dakota Avenue, to add barbed wire to the top of a 6 ft. fence. Voting Aye: Schuldt, Kriens, Gunsolley, Sanders, Bousquet, Gonzalez Bowman. Voting No: None. Abstaining: Davis.

Schuldt moved, seconded by Bousquet, to approve the application for an addition of a fenced outdoor area at The Don's Sports Bar and Grill; 801 W. 13th St. Liquor License #C-122707. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Bowman, Schuldt. Voting No: None. Abstaining: Gonzalez.

Bowman moved, seconded by Sanders, to approve the Arbor Lift Station Rehabilitation Engineer's Agreement from JEO Consulting Group, Inc. in the estimated amount of \$24,050.00 for design and construction services for improvements at the

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
July 22nd, 2019

5

Arbor Lift Station. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens. Voting No: None.

Bousquet moved, seconded by Schuldt, to accept the low quote from Mark Albenesius, Inc. in the amount of \$42,184.00 for the Richardson Drainage project. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Davis moved, seconded by Gunsolley, to approve the Controlled Access Agreement between HCI Real Estate and the City of South Sioux City. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

Bouquet moved, seconded by Gunsolley, to approve the Small Library at 15th & B Street to be placed in the city's right of way close to the sidewalk. Voting Aye: Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders, Davis. Voting No: None.

Davis moved, seconded by Gunsolley, to approve Amendment 1 to the Lottery Operator Agreement between South Sioux City & Advanced Gaming Technologies, Inc. Voting Aye: Schuldt, Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman. Voting No: None.

Davis moved, seconded by Schuldt, to approve a 60month contract with Neopost for City Hall's postage machine replacement. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt. Voting No: None.

The street closure request from a daycare provider was removed and was not discussed at the meeting

Bousquet moved, seconded by Schuldt, to approve the RFQ's from JEO Consulting Group, Inc. for Scenic Park Soccer Complex Safe Room and the RFQ for the Campground Safe Room and to authorize staff to negotiate a contract. Voting Aye: Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. Voting No: None.

At 5:56 p.m., Davis moved, seconded by Sanders, to go into closed session regarding pending and potential litigation. Voting Aye: Schuldt, Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman. Voting No: None.

Mayor Koch stated the council was going into closed session regarding pending and potential litigation.

At 7:05 p.m., Councilman Davis left the meeting and will not be counted in the voting hereafter.

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
July 22nd, 2019

6

At 7:15 p.m. Gunsolley moved seconded by Sanders, to come out closed session. Voting Aye: Sanders, Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley. Voting No: None.

There being no further business to discuss, at 7:18 p.m., Bousquet moved, seconded by Gunsolley, to adjourn the meeting. Voting Aye: Bousquet, Gonzalez, Bowman, Schuldt, Kriens, Gunsolley, Sanders. 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 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