

**CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
September 23, 2019 @ 5:00 p.m.**

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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 9th day of September 2019, at 5:00 P.M. Present were: Mayor Rod Koch and Council Members: Carol Schuldt, Bruce Davis, Dan Bousquet, Jim Gunsolley, Jasper Kriens, Jason Bowman, Jose Gonzalez and John Sanders. Absent: None. Media in attendance: KCAU and KMEG Fox 14/44 television stations. 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.

Bowman moved, seconded by Bousquet, to approve the following Consent Agenda: Minutes of the 9/9/19 Council meeting, 9/16/19 Public Works meeting and the 9/20/19 Finance meeting, Treasurer's Report ending 8/31/19 and the Claims list. Voting Aye: Bowman, Bousquet, Sanders, Kriens, Gunsolley, Schuldt, Gonzalez, Davis. Voting No: None.

Gene Maffit, South Sioux City Parks and Recreation Director, was recognized for his 25 years of service to the City. Congratulations Gene! Thank you for all you do for the city.

JEO Consulting Group and Olsson engineers were available to update the council on the various projects in the City. Information only. No action taken.

Mike O'Brien, 1625 F Street, was present to express his appreciation to the city for the Freedom Park sign @ 17th @ G Street.

Davis moved, seconded by Bousquet, to approve the Disaster Declaration for the current flood. Voting Aye: Davis, Gonzalez, Schuldt, Gunsolley, Kriens, Sanders, Bousquet, Bowman. Voting No: None.

The Penguin Project volunteers from the New Stage Players were recognized for their outstanding work on this project.

Bowman moved, seconded by Gonzalez to approve the South Sioux City Schools Homecoming Parade October 4, 2019 subject to receiving their proof of insurance. They will start at the City Hall parking lot and go to 29th Street on Dakota

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Ave. Voting Aye: Bowman, Bousquet, Sanders, Kriens, Gunsolley, Schuldt, Gonzalez, Davis. Voting No: None.

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-145

**A RESOLUTION CALLING FOR PAYMENT AND REDEMPTION
COMBINED ELECTRIC, SEWER AND WATER REVENUE REFUNDING
BONDS, SERIES 2014A, OF THE CITY OF SOUTH SIOUX CITY,
NEBRASKA**

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

The City Attorney read the following Ordinance:

ORDINANCE 2019-16

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED
ELECTRIC, WATER AND SEWER REVENUE REFUNDING BONDS,
2019 SERIES, OF THE CITY OF SOUTH SIOUX CITY, NEBRASKA, OF
THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION THREE
HUNDRED THOUSAND DOLLARS (\$6,300,000); FOR THE PURPOSE
OF PAYING CERTAIN OUTSTANDING INDEBTEDNESS OF THE CITY;
PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND
HYPOTHECATING THE REVENUES AND EARNINGS OF THE
ELECTRIC, WATER AND SEWER SYSTEMS OWNED BY THE CITY
FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF
THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE
BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND
MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED
PARAMETERS OF THE BONDS; AUTHORIZING A BOND PURCHASE
AGREEMENT AND THE DELIVERY OF THE BONDS TO THE
PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND
PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN
PAMPHLET FORM.**

Davis moved that the statutory rule requiring reading on three different days be suspended. Bowman seconded the motion to suspend the rules. Voting Aye: Gonzalez, Schuldt, Gunsolley, Kriens, Sanders, Bousquet, Bowman, Davis. Voting No: None.

Ordinance 2019-16 was then read by title and thereafter Davis moved for final passage of the ordinance, which motion was seconded by Bowman. The Mayor then stated the question was "Shall Ordinance No. 2019-16 be passed and adopted?" Upon roll call vote, the following voted Aye: Bowman, Gonzalez, Bousquet, Schuldt, Sanders, Gunsolley, Kriens, Davis. Voting No: None.

Bousquet moved, seconded by Schuldt, to postpone Resolution 2019-142 limiting parking on Arbor Drive and Olive Lane. Voting Aye: Gonzalez, Bousquet, Schuldt, Sanders, Gunsolley, Kriens, Davis, Bowman. Voting No: None.

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Schuldt introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-146

RESOLUTION AUTHORIZING CITY TO SUBMIT APPLICATION TO U.S. SOCCER FOUNDATION FOR SAFE PLACES TO PLAY FUND ON BEHALF OF THE PARKS AND RECREATION DEPARTMENT FOR SCENIC PARK JEFFERY DIBLE SOCCER COMPLEX – SOCCER LIGHTING.

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

Bousquet introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-147

RESOLUTION AUTHORIZING CITY TO APPROVE FEMA FIRE PREVENTION AND SAFETY GRANT.

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

Bousquet introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-148

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

Olsson; \$3,000.00.

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

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-149

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR EAST 17TH STREET WETLAND MITIGATION SITE MONITORING; PROJECT #R161967.00. JEO Consulting Group; \$1,092.25.

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

Sanders introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-150

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING AND PROFESSIONAL SERVICES FOR THE FEASIBILITY STUDY FOR WASTEWATER TREATMENT. HDR Engineering; \$41,770.43.

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

Schuldt introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-151

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RESOLUTION AUTHORIZING CITY TO APPROVE AND REQUIRE USE OF APPLICATION FOR INSTALLATION OF SMALL WIRELESS FACILITIES.

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

Gonzalez introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-152

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE TREE FARM PARK GRADING PLAN; PROJECT NO. 019-2192. Olsson: \$8,000.00.

Schuldt seconded the motion. Voting Aye: Kriens, Davis, Bowman, Gonzalez, Gunsolley, Bousquet, Schuldt. Voting No: Sanders.

Bowman introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-153

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE 2019 BPI LIFT STATION IMPROVEMENTS; PROJECT #R191164.00. JEO Consulting Group; \$9,395.00.

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

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-154

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING SERVICES FOR THE 2019 ARBOR LIFT STATION IMPROVEMENTS; PROJECT #R191165.00. JEO Consulting Group; \$6,566.00.

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

Davis moved, seconded by Bowman, to approve the HCI Change Order #1 decrease in the amount of \$24,359.95. Voting Aye: Gonzalez, Gunsolley, Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman. Voting No: None.

Davis moved, seconded by Kriens, to approve the Engineer's Certificate of Substantial Completion from JEO Consulting Group for the work done by HCI on the 29th St. project. Voting Aye: Gunsolley, Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman, Gonzalez. Voting No: None.

Bousquet introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-155

RESOLUTION AUTHORIZING APPLICATION FOR FINAL PAYMENT FOR CONSTRUCTION SERVICES FOR THE 2016 E. 29TH STREET; PROJECT #150828.01. HCI Construction; \$136,884.59.

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

Gonzalez introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-156

RESOLUTION CREATING AND ESTABLISHING RATES FOR ELECTRIC SERVICE FURNISHED BY THE CITY; REPEALING ALL OTHER RATES IN CONFLICT HERewith AND PRESCRIBING A TIME WHEN THESE RATES SHALL BE IN FULL FORCE AND EFFECT.

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

Kriens introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-157

RESOLUTION AMENDING COMMERCIAL AND INDUSTRIAL SEWAGE RATES.

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

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-158

RESOLUTION OF INTENT FOR BOND AND REIMBURSEMENT FOR ELECTRIC PROJECTS INCLUDING SUBSTATION, WATER, SEWER AND PAVING BONDS FOR A HOUSING PROJECT.

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

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-159

RESOLUTION AUTHORIZING PAYMENTS FOR ENGINEERING SERVICES FOR THE NATURAL GAS ELECTRICAL GENERATION FACILITY; PROJECT #R170181.00. *JEO Consulting Group; \$11,074.07.*

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

Davis introduced the following Resolution and motioned for its approval:

RESOLUTION 2019-160

RESOLUTION AUTHORIZING CITY TO APPROVE THE AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS.

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

The City Attorney read the following Ordinance:

ORDINANCE 2019-17

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**AN ORDINANCE REGARDING SMALL WIRELESS FACILITIES AND
OTHER USERS OF THE RIGHT OF WAY.**

Bousquet motioned to approve the first reading only on Ordinance 2019-17. Motion was seconded by Gonzalez. Voting Aye: Gonzalez, Gunsolley, Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman. Voting No: None.

The City Attorney read the following Ordinance:

ORDINANCE 2019-18

**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.**

Bousquet motioned to approve the first reading only on Ordinance 2019-18. Motion was seconded by Gonzalez. Voting Aye: Gunsolley, Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman, Gonzalez. Voting No: None.

City Administrator, Lance Hedquist, discussed the electric savings with the council. Information only. No action taken.

Davis moved, seconded by Bowman, to approve the tree grading plan and preliminary opinion of probable cost. Voting Aye: Gunsolley, Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman, Gonzalez. Voting No: None.

Davis moved, seconded by Kriens, to postpone the Crime Rate agenda item. Voting Aye: Bousquet, Schuldt, Sanders, Kriens, Davis, Bowman, Gonzalez, Gunsolley. Voting No: None.

Gunsolley moved, seconded by Schuldt, to approve the YMCA 5K Race. "Spooky 5k" race on October 6, 2019 from 12:00 – 3:00 pm. The YMCA will provide the city with proof of insurance for this event. Voting Aye: Schuldt, Sanders, Kriens, Davis, Bowman, Gonzalez, Gunsolley, Bousquet. Voting No: None.

Davis moved, seconded by Bousquet, to postpone the Electric System Operation Agreement between NPPD & South Sioux City for an increase in labor and material for projects so that the City Attorney had time to review it. Voting Aye: Sanders, Kriens, Davis, Bowman, Gonzalez, Gunsolley, Bousquet, Schuldt. Voting No: None.

Bowman moved, seconded by Schuldt, to approve a \$500 employee bonus to Joyce Wilson at the Public Works Office for going above the normal parameters of her duties. Voting Aye: Sanders, Kriens, Davis, Bowman, Gonzalez, Gunsolley, Bousquet, Schuldt. Voting No: None.

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Davis moved, seconded Kriens, to authorize to go out for bids for the valve insertion equipment. Voting Aye: Kriens, Davis, Bowman, Gonzalez, Gunsolley, Bousquet, Schuldt, Sanders. Voting No: None.

At 6:26 p.m., Davis moved, seconded by Bowman, to go into closed session regarding potential and pending 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 potential and pending litigation.

At 6:51 p.m, Kriens moved, seconded by Bousquet, to come out of closed session. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt, Kriens. Voting No: None.

There being no further business to discuss, at 6:52 p.m., Bousquet moved, seconded by Kriens, to adjourn the meeting. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Gonzalez, Bowman, Schuldt. Voting No: None.

MAYOR

ATTEST:

CITY CLERK

(S E A L)

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