

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
October 12, 2020

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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 12th day of October 2020, at 5:00 P.M. Present were: Mayor Rod Koch and Council Members Jason Bowman, Dan Bousquet, Jasper Kriens, James Gunsolley, Bruce Davis and John Sanders, Carol Schuldt. Absent: Lupe Gonzalez. 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. This meeting was broadcast live on Sparklight (CableOne) Channel 57 and Long Lines Channel 3 and is live video streamed and recorded and is available on the City's website www.southsiouxcity.org

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 all citizens in attendance. A sign-in sheet is available at the entrance to the Council Chambers and it is strictly voluntary to complete the sign-in sheet.

The agenda of all meetings is kept continuously current and available for public inspection at City Hall during normal business hours (NE 84-1411). The City of South Sioux City reserves the right to adjust the order of items on this agenda if necessary and may elect to take action on or go into closed session on any of the items listed (NE 84-1410).

Bowman moved, seconded by Bousquet, to excuse the absence of Jose Gonzalez Voting Aye: Bowman, Bousquet, Kriens, Gunsolley, Davis, Schuldt and Sanders. Voting No: none.

Bowman moved, seconded by Bousquet, to approve the following Consent Agenda consisting of September 28, 2020 Council minutes; October 5, 2020 Public Works Minutes, October 7, 2020 Finance minutes; 2020 Salvage Yard license renewals; Nebraska DOT's Buckle Up Phone Down Safety Campaign; Treasurer's Unaudited report ending September 30, 2020 and the Claims List. Voting Ae: Bowman, Bousquet, Sanders, Kriens, Gunsolley, Schuldt, Davis. Voting No: None.

Mayor Koch ask for a moment of silence for Gene Manley who recently passed away. Gene served on several committees in the city over the years.

Becky Eckhardt, Director of Student Services and Jessica Johnson, Dan Swatek from Cardinal Elementary School were on hand to share information on the Communication Station on the playground.

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Mayor Koch presented the Red Ribbon Proclamation to Rachel Lundgren with Siouxland CARES.

The Siouxland Freedom Park Rummage to be held on October 17th, 2020 was postponed until a later date – probably in the spring.

Olsson and JEO Consulting Group engineers were available to review the various projects in the city. Information only. No action taken.

Kriens moved, seconded by Sanders, to approve the following Resolution:

RESOLUTION 2020-183

RESOLUTION AUTHORIZING PAYMENT FOR SANITATION EQUIPMENT FOR THE POLICE DEPARTMENT, POLICE CARES GRANT; 150-2021-CF900, FFY 2020 CESF. *TNT Sales and Service; \$1,650.00.*

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

Davis moved, seconded by Gunsolley to approve the following Resolution:

RESOLUTION 2020-184

RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING AND PROFESSIONAL SERVICES FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT. *HDR Engineering, Inc.; \$319,363.16.*

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

Bousquet moved, seconded by Gunsolley, to approve the following Resolution:

RESOLUTION 2020-185.

RESOLUTION AUTHORIZING PAYMENT FOR REIMBURSABLE EXPENSES FROM THE HUD HOME GRANT FUNDING FOR THE HUD HOUSE PROJECT AT 801 D STREET, SOUTH SIOUX CITY, NEBRASKA *South Sioux City Schools; \$28,761.69.*

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

Kriens moved, seconded by Bowman, to approve the following Resolution:

RESOLUTION 2020-186.

RESOLUTION AUTHORIZING PAYMENT FOR PAY APP #1 FOR CONSTRUCTION SERVICES FOR TREE FARM ROAD FROM G STREET PROJECT. *Steve Harris Const., Inc.; \$230,492.03.*

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

Davis moved, seconded by Schuldt, to approve the following Resolution:

RESOLUTION 2020-187.

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Signing Supplemental Program Agreement #4.

NDOR Project SRTS-22(32), SSC Connecting Schools Trail, CN32169

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

City Attorney read the following Ordinance:

ORDINANCE 2020-11.

City Administrator Salary.

Mayor Koch recommended a 2% salary increase and a \$3,000 bonus. Bowman moved that the statutory rule requiring reading on three different days be suspended. Schuldt seconded the motion to suspend the rules. Voting Aye: Gunsolley, Schuldt, Bousquet, Bowman. Voting No: Kriens, Sanders, Davis. Motion failed.

Bowman moved, seconded by Schuldt, to approve **Ordinance 2020-11** on its first reading only. Voting Aye: Gunsolley, Schuldt, Bousquet, Bowman. Voting No: Kriens, Sanders, Davis. Motion failed. Council requested this Ordinance be placed on the October 26, 2020 meeting.

Bowman moved, seconded by Kriens, to approve the Conditional Use Permit request from Marcia Becker, 916 E. 9th St., South Sioux City, NE Property ID #220055025, to build a 30 ft. x 78 ft. with 16 ft. tall sidewalls, lifeform foundation and stick framed walls = 2,340 sq. ft. The Becker's house foot-print is: 1,740 sq. ft. They currently have 1076 sq. ft. of accessory buildings. New building will be 2340 sq. ft. By Code they are only allowed to building 664 sq. ft. more accessory building. This building will be 1,676 sq. ft. over the allowable limit. Voting Aye: Kriens, Sanders, Bousquet, Bowman, Davis, Schuldt, Gunsolley. Voting No: None.

Bowman moved, seconded by Bousquet, to approve the Conditional Use Permit request for 720 E. 7th Street, legally described as East ½ Lots 10, 11, 12, Block 30, Stanton Addition, Property ID #220146829. Applicants name is Adam Harman, 1004 E. 17th Street, Apt. 114, South Sioux City, NE. This would be to allow the continued use of the parcel for residential purposes and which can be rebuilt if damaged or destroyed beyond 50% of assessed value. Voting Aye: Kriens, Sanders, Bousquet, Bowman, Davis, Schuldt, Gunsolley. Voting No: None.

Davis moved, seconded by Gunsolley to approve the quote received from Bloomers in the amount of \$17,440.00 for trees for the 29th Street drainage ditch. Voting Aye: Sanders, Bousquet, Bowman, Davis, Schuldt, Gunsolley, Kriens. Voting No: None.

Davis moved, seconded by Gunsolley, to start the process of Curry Floors. buying the city's metal shed that is northeast of his business. Curry is to provide a survey. Voting Aye: Bousquet, Bowman, Davis, Schuldt, Gunsolley, Kriens, Sanders. Voting No: None.

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Councilman Davis asked if this agenda item was in reference to the letter the City received dated July 15, 2020. Mike Schmiedt, City Attorney stated yes. The City Attorney presented the following documents to Nanci Walsh, City Clerk regarding Consideration of Wells Fargo Notice of Claim made Pursuant to Neb. Rev. Stat. 16-726 to be placed in the City's file.

- Letter from Wells Fargo Trust Co. to the City of South Sioux City dated July 15, 2020
- Letter from Crary Huff to Kim Chandler, VP, Wells Fargo Trust Co. dated July 28, 2020
- Letter from Chapman and Cutler, LLP to Michael P. Schmiedt, Crary Huff dated August 5, 2020
- Letter from LDM Lamson Dugan & Murray, LLP to Michael P. Schmiedt, Crary Huff dated August 14, 2020
- Letter from the City of South Sioux City dated October 1, 2020 notifying several entities that the City will consider whether to allow or disallow the Notice of Claim Pursuant to Nebraska Revised Statute Section 16-726 dated July 15, 2020 filed by Wells Fargo Trust Company, N.A. at the city council meeting scheduled for October 12, 2020 at 5:00 p.m.
- Letter from LDM Lamson Dugan & Murray LLP to the City Clerk dated October 9, 2020.
- Letter from Wells Fargo Trust Co., N.A. to the City Administrator dated October 9, 2020.

Brian Brislen, Attorney from LDM Lamson Dugan & Murray was here representing Wells Fargo on the claim.

At 5:36 p.m. Davis moved, seconded by Bousquet, to go into closed session to discuss Wells Fargo Notice of Claim made Pursuant to Neb. Rev. Stat. 16-726. Voting Aye: Davis, Schuldt, Gunsolley, Kriens, Sanders, Bousquet, Bowman. Voting No: None.

Mayor Koch stated that the council was going into closed session to discuss the Wells Fargo Notice of Claim made Pursuant to Neb. Rev. Stat. 16-726. He stated that the council would consider claim tonight and the decision is anticipated to be at the next city council meeting on October 26, 2020.

At 5:47 p.m., Davis moved, seconded by Bousquet, to come out of closed session. Voting Aye: Bowman, Schuldt, Kriens, Gunsolley, Sanders, Davis, Bousquet. Voting No: None.

There being no further business to discuss, at 5:48 p.m., Bousquet moved, seconded by Gunsolley, to adjourn. Voting Aye: Schuldt, Kriens, Gunsolley, Sanders, Davis, Bousquet, Bowman. Voting No: None.

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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