

CITY OF SOUTH SIOUX CITY
COUNCIL MINUTES
December 14th, 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 9th day of November 2020, at 5:00 P.M. Present were: Mayor Rod Koch and Council Members Jason Bowman, Rick Bousquet, Jasper Kriens, James Gunsolley, Bruce Davis, John Sanders, Carol Schuldt, Ben Schultz. Absent: None. Media in attendance: KTIV and 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).

Board of Health Committee and Recommendations.

Mike Schmiedt, City Attorney, administered the Oath of Office to the incoming council members of Carols Schuldt, Jason Bowman, Ben Schultz and Rick Bousquet.

Bowman moved, seconded by Kriens, to approve the following **Consent Agenda:** Council Minutes from November 23, 2020, Public Works Minutes from December 3, 2020, Treasurer's Report ending October 31, 2020 and the Claims List. Voting Aye: Bowman, Bousquet, Davis, Schultz, Kriens, Gunsolley, Schuldt, Sanders. Voting No: None.

Davis moved, seconded by Kriens, to approve the **Lung Cancer Awareness Month Proclamation.** Voting Aye, Bousquet, Schuldt, Gunsolley, Schultz, Kriens, Sanders, Davis and Bowman. Voting No: None.

Davis moved, seconded by Schuldt, to approve the Arbor Day Proclamation. Voting Aye: Davis, Schuldt, Gunsolley, Kriens, Sanders, Bowman, Schultz, Bousquet. Voting No: None.

Mike O'Brien 1925 F Street was present to say thank you to the mayor, council and city staff for their assistance in getting the veterans signs approved and erected.

Mayor Koch presented the Employee Appreciation plaque to Lance Hedquist, City Administrator. He has been with the City for 40 years. Congratulations Lance!

At 5:50 p.m., Mayor Koch declared the **PUBLIC HEARING** open in the matter of the Papio Missouri River Natural Resources District (NRD) Multi-Jurisdiction Hazard Mitigation Plan Update for South Sioux City. This plan must be updated every three years. There was no one present requesting special services or to speak in favor of or in opposition to the proposed plan. At 5:51 Mayor Koch declared the hearing closed.

Davis introduced Resolution 2020-210 and motioned for its approval:

RESOLUTION 2020-210

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**A RESOLUTION OF THE CITY OF SOUTH SIOUX CITY ADOPTING
THE PAPIO MISSOURI RIVER NATURAL RESOURCES DISTRICT
MULTI-JURISDICTIONAL HAZARD PLAN.**

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

Representatives from JEO Consulting Group and Olsson engineers were present to give updates on the various projects in the city. Information only. No action taken.

Kriens introduced Resolution 2020-211 and motioned for its approval:

RESOLUTION 2020-211.

**RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING AND
PROFESSIONAL SERVICES FOR THE WASTEWATER TREATMENT
PLANT IMPROVEMENTS PROJECT. *HDR Engineering, Inc.; \$191,448.84.***

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

Schuldt introduced Resolution 2020-12 and motioned for its approval:

RESOLUTION 2020-212

**RESOLUTION AUTHORIZING PAYMENT FOR GERMAWAY LINE UVE
IN ROOM AIR PURIFIER FOR THE SOUTH SIOUX CITY POLICE
DEPARTMENT. *CureUV.com; \$4143.72.***

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

Davis moved, seconded by Kriens, to approve Gill Construction Change Order decrease in the amount of \$9,747.92. This is for quantity adjustment on the Hovey project. Voting Aye: Bowman, Bousquet, Schuldt, Schultz, Sanders, Davis, Kriens, Gunsolley. Voting No: None.

Davis moved, seconded by Schultz, to approve Olsson Engineers Letter of Completion for the work done by Gill Const. on the Hovey project. Voting Aye: Bousquet, Schuldt, Schultz, Sanders, Davis, Kriens, Gunsolley, Bowman. Voting No: None.

Bowman introduced Resolution 2020-213 and motioned for its approval:

RESOLUTION 2020-213.

**RESOLUTION AUTHORIZING FINAL PAYMENT FOR CONSTRUCTION
SERVICES FOR THE HOVEY DEVELOPMENT; PROJECT NO. 019-
3057. *Gill Construction; \$75,799.74.***

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

Kriens introduced Resolution 2020-214 and motioned for its approval:

RESOLUTION 2020-214

**RESOLUTION AUTHORIZING PAYMENT FOR PROFESSIONAL
SERVICES FOR THE HOVEY DEVELOPMENT; PROJECT NO. 019-
3057. *Olsson; \$1,643.18.***

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

Bowman introduced Resolution 2020-215 and motioned for its approval:

RESOLUTION 2020-215.

**RESOLUTION AUTHORIZING PAYMENT FOR ENGINEERING
SERVICES FOR THE WATER STORAGE; PROJECT #017-0781. SRF
Loan: D311642. *Olsson; \$13,227.24.***

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

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Gunsolley introduced Resolution 2020-216 and motioned for its approval:

RESOLUTION 2020-216.

RESOLUTION AUTHORIZING PAYMENT FOR PROFESSIONAL SERVICES FOR THE RAILROAD QUIET ZONE PHASE 2; PROJECT NO. 020-1099. Olsson; \$600.00.

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

Kriens introduced Resolution 2020-217 and motioned for its approval:

RESOLUTION 2020-217

RESOLUTION AUTHORIZING PAYMENT FOR PROFESSIONAL AND ENGINEERING SERVICES FOR DESIGN OF THE TREE FARM ROAD FROM G STREET PROJECT. Leo Daly; \$3,600.00.

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

Bowman moved, seconded by Kriens, to approve the amended Purchase Agreement with Olson Farms for 71.68 acres at a cost of \$2,369,950.00 for the land for the Waste Water Treatment Facility and to authorize the mayor to sign it. Voting Aye: Schuldt, Bousquet, Schultz, Gunsolley, Davis, Sanders, Bowman, Kriens. Voting No: None.

Gene Maffit, Parks and Rec and Building and Grounds Director, was present to explain the cost to mow per acre. Information only. No action was taken.

Davis moved, seconded Sanders, to nominate Jason Bowman as Council President effective January 1, 2021. Voting Aye: Bousquet, Schultz, Gunsolley, Davis, Sanders, Bowman, Kriens, Schuldt. Voting No: None.

Schultz moved seconded by Bousquet, to approve the Animal Control Contract. Voting Aye: Schultz, Gunsolley, Davis, Sanders, Bowman, Kriens, Schuldt, Bousquet. Voting No: None.

Gunsolley moved, seconded by Schuldt, to approve the quote from Mark Albenesius, Inc. in the amount of \$25,688.00 for the concrete replacement on 1st Ave. due to a water main break. Voting Aye: Gunsolley, Davis, Sanders, Bowman, Kriens, Schuldt, Bousquet, Schultz. Voting No: None.

Schultz moved, seconded by Gunsolley to approve the Maintenance Agreement No. 24 Renewal effective 1/1/21 to 12/31/21 between the City and Nebraska Dept. of Transportation. Voting Aye: Davis, Sanders, Bowman, Kriens, Schuldt, Bousquet, Schultz, Gunsolley. Voting No: None.

Sanders moved, seconded by Bousquet, to approve the Gill Tower Lease Agreement. This agreement is about adding equipment to the Gill tower. Voting Aye: Davis, Sanders, Bowman, Kriens, Schuldt, Bousquet, Schultz, Gunsolley. Voting No: None.

Bowman moved, seconded by Schuldt, to postpone the bonuses item until the next meeting. Voting Aye: Davis, Sanders, Bowman, Kriens, Schuldt, Bousquet, Schultz, Gunsolley. Voting No: None.

Mayor Koch asked if there was anyone present who wished to be heard regarding Consideration of Wells Fargo Notice of Claim made Pursuant to Neb. Rev. Stat. 16-726. Nanci Walsh, City Clerk stated that the city had received a letter from Mr. Brian Brislan of Lamson Dugan & Murray LLP, representing Wells Fargo, e-mail on 12/11/20 and received in the USPS mail on 12/14/20 stating that they would not be present regarding the claim

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dated November 5, 2020. City Attorney Mike Schmiedt asked that that letter be entered into the record of these proceedings. Michael Schmiedt, City Attorney, presented reasons to deny the claim which he will further outline in written form for the next council meeting.

At 6:15 Councilman Bowman left the meeting.

At 6:16 p.m., Davis moved, seconded by Bousquet, to go into closed session to discuss the Wells Fargo claim as well as pending litigation involving Big Ox. Voting Aye: Kriens, Gunsolley, Sanders, Davis, Bousquet, Schuldt, Schultz.

At 6:17 Councilman Bowman returned to the meeting.

Mayor Koch stated that the council was going into closed session to discuss the Wells Fargo claim as well as pending litigation involving Big Ox.

At 7:05 p.m., Davis moved, seconded by Kriens, to come out of closed session. Voting Aye: Gunsolley, Sanders, Davis, Bousquet, Schultz, Bowman, Schuldt, Kriens. Voting No: None.

There being no further business to discuss, at 7:06 p.m., Kriens moved, seconded by Davis, to adjourn the meeting. Voting Aye: Sanders, Davis, Bousquet, Schultz, Bowman, Schuldt, Kriens, Gunsolley. 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