

## REGULAR MEETING OF THE CITY COUNCIL

MARCH 12, 2013

A Regular Meeting of the City Council of the City of Ogallala, Nebraska, was held at City Hall Council Chambers in said City on the 12<sup>th</sup> day of March 2013, at 7:30 o'clock P.M. Present were: President of the Council: Harold Peterson; Council Members: Darrell G. Bassett, Karl Elmshaeuser, and Rodger Rankin. Absent: Kevin Block. City Manager: Bruce Smith; City Clerk: Jane M. Skinner; City Attorney: Michael McQuillan.

Notice of the meeting was given in advance thereof by publishing one time in the Keith County News and posting at the City Hall Administration Building as shown by the Certificate of Publication and Posting Notice attached to these Minutes. Notice of this meeting was simultaneously given to the President and to all members of the Council on March 8, 2013 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 the advance notice and in the Notice to the President and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The President of the Council stated this meeting is being convened in accordance with the Open Meetings Act and acknowledged a copy of the Open Meetings Act being duly posted in the southeast Corner of Council Chambers.

The Guiding Star Girl Scouts presented the colors and led the council and audience members in the Pledge of Allegiance.

Councilman Bassett moved to excuse Councilman Block from the March 12, 2013 City Council Meeting. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Councilman Bassett moved to approve the consent agenda. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried and the consent agenda was approved as follows:

- A. Minutes of the Regular Meeting held February 26, 2013.
- B. O.V.F.D. – Resignation of Mike Bell
- C. O.V.F.D. – Resignation of Jeff Paul.
- D. Application for Mobile Home Park License – Hillcrest Park Community, LLC.
- E. License and Permit Bond – H2O Plumbing and Heating Inc.

Agenda item regarding Amber Iske – Due date of water/sewer billing: No action taken, Ms Iske did not appear before the council.

Mayor Peterson proclaimed the week of March 10, 2013 as Girl Scout Week.

City Clerk Skinner presented the financial report for February 2013.

Danielle Zuehlke appeared before the council regarding a fowl permit for chickens at 212 West E Street.

Councilman Rankin moved to approve the permit application to keep livestock or fowl for Danielle Zuehlke for 6 chickens at 212 West E Street. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Councilman Bassett moved to approve the Hospice Ambulance Service Agreement between the City of Ogallala and the Sidney Regional Medical Center. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Councilman Bassett moved to approve the application form for grant assistance from the Civic and Community Center Financing Fund in the amount of \$250,000. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Councilman Elmshaeuser introduced a resolution to apply for State and Federal funding for the City of Ogallala Public Transportation System for Fiscal Year 2013-2014. Council President Peterson read the resolution by title and Councilman Bassett seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted "No": None. Absent: Kevin Block. Motion declared carried and Resolution No. 1380 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced Ordinance 1299, entitled: An ordinance creating Street Improvement Districts nos. 2013-1 and 2013-2 in the City of Ogallala, Nebraska, ordering the construction of street improvements therein and ordering the publication of the ordinance in pamphlet form, and moved that the Statutory Rule requiring the reading on three different days be suspended. Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1299 was read by title and, thereafter, Councilman Bassett moved for the final passage of the Ordinance. Councilman Rankin seconded the motion. The President then stated the question: "Shall Ordinance No. 1299 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the President declared the Ordinance adopted and the President, in the presence of the Council, signed and approved the Ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto, a copy of said Ordinance No. 1299 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced a resolution setting a hearing to determine sufficient written objection to the creation of street improvement district nos. 2013-1 and 2013-2. Council President Peterson read the resolution by title and Councilman Elmshaeuser seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted "No": None. Absent: Kevin Block. Motion declared carried and Resolution No. 1381 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser introduced Ordinance 1300, entitled: An ordinance amending Section 7-101 Adoption Of Building Code, Section 7-102 Adoption Of Plumbing Code, Section 7-103 Adoption Of Electrical Code And Section 7-104 Adoption Of Life Safety Code Of The Municipal Code Of The City Of Ogallala, Nebraska and moved that the Statutory Rule requiring the reading on three different days be suspended. Councilman Bassett seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block. Motion declared

carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1300 was read by title and, thereafter, Councilman Elmshaeuser moved for the final passage of the Ordinance. Councilman Rankin seconded the motion. The President then stated the question: "Shall Ordinance No. 1300 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the President declared the Ordinance adopted and the President, in the presence of the Council, signed and approved the Ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto, a copy of said Ordinance No. 1300 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser moved to approve the request for bids for the purchase of 1 piece of Tapping/Insertion Equipment for the Water department, to advertise the request on March 18, March 25, and April 1, with a bid opening date of April 3, 2013. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Councilman Bassett moved to accept the resignation of City Manager Bruce Smith effective March 31, 2013. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

The City Council gave updates regarding their committee assignments as follows:

- A. Keep Keith County Beautiful – Buck Bassett.
- B. Keith County Area Development – Karl Elmshaeuser.
- C. Ogallala Community Hospital Advisory Board – Karl Elmshaeuser.

Councilman Elmshaeuser moved to go into closed session for the evaluation of the job performance of a person when necessary to prevent injury to the reputation of a person. Councilman Rankin seconded the motion.

City Manager Bruce Smith requested the discussion be done in open session.

City Manager Bruce Smith waived his right to have an open hearing.

Councilman Elmshaeuser moved to go into closed session for the evaluation of the job performance of a person when necessary to prevent injury to the reputation of a person at 8:29 P.M. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

Council President Peterson announced that the City Council will now go into closed session for the evaluation of the job performance of a person when necessary to prevent injury to the reputation of a person at 8:29 P.M.

Councilman Bassett moved to return from closed session where discussion occurred regarding the evaluation of the job performance of a person when necessary to prevent injury to the reputation of a person at 8:58 P.M. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block. Motion declared carried.

