

REGULAR MEETING OF THE CITY COUNCIL

MARCH 26, 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 26th day of March 2013, at 7:30 o'clock P.M. Present were: President of the Council: Harold Peterson; Council Members: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, and Rodger Rankin. Absent: None. 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 23, 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.

Council President Peterson opened a hearing regarding the recommendation from the Ogallala Planning Commission to rezone property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition. The request is to rezone this property from I-1 Industrial District to A-1 Agricultural District. (Jeannine Lane) at 7:32 P.M.

Council President Peterson opened a hearing regarding the recommendation from the Ogallala Planning Commission on a request to amend Ogallala zoning code 44-1602 with reference to the requirements for family care homes located within the zoning jurisdiction of Ogallala at 7:32 P.M.

Ken Knoepfel, Planning and Zoning Administrator addressed the council regarding the hearings regarding the recommendations from the Ogallala Planning Commission to rezone property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition. The request is to rezone this property from I-1 Industrial District to A-1 Agricultural District and to amend Ogallala zoning code 44-1602 with reference to the requirements for family care homes located within the zoning jurisdiction of Ogallala.

Jeannine Lane addressed the council regarding the hearings regarding the recommendations from the Ogallala Planning Commission to rezone property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition. The request is to rezone this property from I-1 Industrial District to A-1 Agricultural District and to amend Ogallala zoning code 44-1602 with reference to the requirements for family care homes located within the zoning jurisdiction of Ogallala.

Leah Larocca addressed the council in support of the rezoning of the property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition.

Mary Jensen, addressed the council in opposition to the rezoning of the property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition.

Jeaninne Lane and Dion Hoffman re-addressed the council in reference to the concerns brought up regarding the rezoning of the property in question.

Council President Peterson closed a hearing regarding the recommendation from the Ogallala Planning Commission to rezone property located in Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, An Administrative Replat of Lot 3, Ogallala Industrial Addition. The request is to rezone this property from I-1 Industrial District to A-1 Agricultural District. (Jeannine Lane) at 8:15 P.M.

Council President Peterson closed a hearing regarding the recommendation from the Ogallala Planning Commission on a request to amend Ogallala zoning code 44-1602 with reference to the requirements for family care homes located within the zoning jurisdiction of Ogallala at 8:15 P.M.

Council President Peterson opened a public hearing regarding the Class D Liquor License for ALCO Holding, LLC DBA Alco Discount Store #166 at 8:16 P.M.

Bob Cone addressed the council regarding the addition of public restrooms to the Downtown Revitalization Project.

Councilman Elmshaeuser moved to approve the minutes of the regular meeting held March 12, 2013. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Abstain: Kevin Block. Motion declared carried.

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

General Fund:

St Of Ne_ 3,944.80_ Sit; 125 Plan_ 811.90_ Pretx; Am Family Ins_ 346.95_ Ins; EFTPS_ 15,887.08_ Fit; Hosp & Med_ 16,535.48_ Ins; Icma_ 410.78_ Pen; Kc Court_ 305.19_ P/R; Manulife_ 5,863.64_ Pen; Pinn Bank_ 49,967.11_ P/R; Valley Bank_ 1,252.00_ Hsa; 125 Plan_ 811.90_ Pretx; Eftps_ 16,433.69_ Fit; Hartford Life_ 1,403.15_ Ins; Hosp & Med_ 15,253.60_ Ins; Icma_ 410.78_ Pen; Kc Court_ 305.19_ P/R; Manulife_ 5,819.61_ Pen; Pinn Bank_ 52,560.52_ Pp#6; Valley Bank_ 1,252.00_ Hsa; Gen Fund_ 1,500.00_ Su; Ne Dept Of Aero_ 3,190.83_ Lease; Ne Dept Of Rev_ 914.75_ Sales Tx; Pinn Bank_ 25.00_ Se; Armstrong Medical_ (111.84)_ Rev; 21st Century_ 49.19_ Su; Alco_ 223.85_ Su; Windstream_ 35.46_ Se; Allo_ 159.67_ Se; Napa_ 921.83_ Su; Arnold Pool_ 1,063.70_ Se; Associated Pool Builders_ 13,000.00_ Su/Se; Baltzell Vet_ 100.00_ Se; B & D Office Sup_ 14.88_ Su; Bluecross Ne_ 423.69_ Contract; Bound Tree Medical_ 206.38_ Su; Bruckner, Mike_ 842.32_ P/R; Bsn Sports_ 1,103.49_ Su; U-Save Pharmacy_ 89.98_ Su; Bush Elec-105.25_ Se/Su; Candy Aerotech_ 1,000.00_ Contract; Charter_ 185.63_ Se; True Value_ 102.66_ Su; Complete Cleaning_ 125.00_ Se; Comm Internet_ 15.00_ Se; Continental General Ins_ 87.23_ Contract; Cornhusker Hotel_ 95.00_ Su; Cranmore Pest Control_ 45.00_ Se; Culligan_ 119.50_ Se/Su; Dept Of Pub Def_ 384.00_ Su; Dollar Gen_ 51.25_ Su; Dp Electronics_ 30.48_ Su; Eichners_ 39.95_ Su; Elec Eng_ 48.75_ Su; Ems Billing_ 1,991.66_ Contract; Farmers Coop_ 7,319.33_ Su; John Deere Financials_ 274.35_ Su; Fedex_ 25.96_ Se; Fenwick, Jon_ 60.00_ Su; Fireguard_ 1,883.43_ Su; Fyr-Tek_ 8.89_ Su; Gfoa_ 85.00_ Dues; Grainger_ 1,208.22_ Su; Hhs Reg & Lic_ 120.00_ Fees; Home Pc Sales_ 37.00_ Su; Humphreys Auto_ 755.23_ Su; Ideal Linen_ 199.78_ Se/Su; Inland Truck_ 120.51_ Su; Waste Conn_ 875.38_ Se; Jerry's Sport_ 380.97_ Su; Kcad_ 2,300.00_ Contract; Kc Clerk_ 10.00_ Se; Kc Hosp Auth_ 33,931.10_ Sales Tx; Keith Co News_ 463.75_ Se; Kc Sen Center_ 1,565.25_ Contract; Kc Treas_ 10,197.35_ Se; Kenfield Elec_ 1,440.32_ Su; Sourcegas_ 4,128.61_ Se; League Of Ne Muni_ 1,695.00_ Trn; Linweld_ 167.58_ Su; Mcmillan Plumbing_ 105.26_ Su; Mcquillan & Mcquillan_ 1,266.00_ Se; Medicare_ 348.93_ Contract; Midwest Turf_ 99.08_ Su; Ne Salt & Grain_ 8,206.80_ Su; Ne Printworks_ 78.75_ Su; Nppd_ 16,860.21_ Se; Office Service_ 166.23_ Se; Og Rotary_ 20.00_ Dues; Og Water_ 558.70_ Se; Scotties_ 180.00_ Su; Og Comm

Hosp_ 280.17_ Su; Og Honor Guard_ 100.00_ Se; Olsson Assoc_ 6,606.00_ Se; Oneil, Maggie_ 109.45_ Trn; Oshkosh Cleaners_ 123.25_ Se; Pat Mccarthy Prod_ 798.00_ Trn; Powerplan_ 714.46_ Se/Su; Prairie States_ 84.30_ Su; Qt Tech_ 158.85_ Su; Centurylink_ 974.47_ Se; Schmidt Motors_ 43.54_ Su; Servicemaster_ 357.00_ Se; Sunmart_ 6.66_ Su; St Fire Marshal_ 600.00_ Fees; Steve's Body_ 95.00_ Se; Powerwash_ 390.00_ Su; Twomey Tree Serv_ 2,300.00_ Se; Upr_ 2,500.00_ Contract; U S Postal Serv_ 79.46_ Se; Verizon_ 830.02_ Se; Visa_ 2,042.92_ Su; Western Path_ 26.00_ Se; Xerox_ 26.22_ Lease;

Select Flex:

RCL_ 856.88_ Se;

Water Dept:

Ne Dept Of Rev_ 7,540.16_ Sales Tx; Adams_ 25.00_ Se; Windstream_ 4.68_ Se; Napa_ 62.53_ Su; Bomgaar's_ 11.77_ Su; Charter_ 54.95_ Se; True Value_ 29.79_ Su; Cornhusker Glass_ 40.89_ Se; Dp Elect_ 2.56_ Se; Farmers Coop_ 235.82_ Su; Galls_ 38.48_ Su; Genfund_ 24,168.65_ Se; Humphreys Auto_ 82.22_ Su; Ideal Linen_ 84.83_ Se; Waste Conn_ 112.44_ Se; Kildare Lumber_ 174.66_ Su; Kimball Midwest_ 236.92_ Su; Sourcegas_ 383.62_ Se; Lawson Products_ 348.27_ Su; Mcquillan & Mcquillan_ 600.00_ Se; Midwest Elec_ 3,754.96_ Se; Muni Supply_ 4,027.58_ Su; Nppd_ 2,756.52_ Se; Office Service_ 151.02_ Su; Og Water_ 40.61_ Su; Og Bond_ 20,267.50_ Contract; Olsen's Ag Lab_ 73.50_ Se; One Call_ 16.60_ Se; Paulsen Inc_ 198.75_ Su; Centurylink_ 134.10_ Se; R & D Welding_ 21.84_ Su; Safety-Kleen_ 241.66_ Su; Verizon_ 97.91_ Se; Knaub, Shelly_ 18.92_ Ref;

Sewer Dept:

Adams_ 25.00_ Se; Napa_ 381.14_ Su; Beaver Bearing_ 145.53_ Su; True Value_ 2.00_ Se; Elec Eng_ 95.96_ Su; Farmers Coop_ 78.28_ Su; John Deere Fin_ 110.41_ Su; Gen Fund_ 14,268.63_ Se; Goodway_ 102.64_ Su; Hoa Solutions_ 992.50_ Se/Mi; Ideal Linen_ 40.46_ Se; Waste Conn_ 127.97_ Se; Jc Cross_ 129.50_ Su; Sourcegas_ 2,029.37_ Se; Ndeq_ 150.00_ Trn; Nppd_ 4,761.94_ Se; Og Water_ 156.45_ Se; Scotties_ 10,068.00_ Se; Og Bond_ 10,316.25_ Contract; Centurylink_ 206.45_ Se; R & D Welding_ 558.17_ Su; Verizon_ 24.48_ Se;

Youth Committee:

Visa_ 373.65_ Su;

Medical Benefit:

RCL_ 20,784.28_ Ins

Councilman Block moved to approve the claim payable to West Central Nebraska Development District. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Harold Peterson and Rodger Rankin. No: None. Absent: None. Abstain: Karl Elmshaeuser. Motion declared carried.

Councilman Bassett introduced Ordinance 1301, entitled: An ordinance rezoning the following described property: Lot B, Jehorek's Replat, a replat of Lot 2, Hillis's Replat, an Administrative Replat of Lot 3, Ogallala Industrial Addition from I-1 Industrial District to A-1 Agricultural District 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, Kevin Block, Harold Peterson and Rodger Rankin. The following Council Members voted "No": Karl Elmshaeuser. Absent: None. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1301 was read by title and, thereafter, Councilman Bassett moved for the final passage of the Ordinance. Councilman Block seconded the motion. The President then stated the question: "Shall Ordinance No. 1301 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted

“No”: None. Absent: None. 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. 1301 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced Ordinance 1302, entitled: An ordinance amending section 44-1602 of the Ogallala Municipal Code Governing Family Care Homes in Residential Zoning Districts and moved that the Statutory Rule requiring the reading on three different days be suspended. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser Harold Peterson and Rodger Rankin. The following Council Members voted “No”: None. Absent: None. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1302 was read by title and, thereafter, Councilman Block moved for the final passage of the Ordinance. Councilman Rankin seconded the motion. The President then stated the question: “Shall Ordinance No. 1302 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted “No”: None. Absent: None. 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. 1302 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council President Peterson closed a public hearing regarding the Class D Liquor License for ALCO Holding, LLC DBA Alco Discount Store #166 at 8:33 P.M.

Councilman Bassett moved to recommend the approval to the Nebraska Liquor Control Commission of the Class D Liquor License for ALCO Holding, LLC DBA Alco Discount Store #166. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Bassett moved to recommend the approval to the Nebraska Liquor Control Commission of David S. Doty Corporate Manager Liquor License in conjunction with the Class D Liquor License for ALCO Holding, LLC DBA Alco Discount Store #166. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Dave Kling, Chief of Police presented the 2012 Police Department Annual report.

Brenda Ketcham, Community Redevelopment Authority, addressed the council regarding the CRA’s intent to enter into a redevelopment contract with Barry and Lanny Stauffer.

Council President Peterson announced the council would be taking a five minute recess.

Tom Werblow, T.C. Engineering, addressed the council regarding a request for extension of the engineering contract for the south water source.

Councilman Bassett moved to approve an extension of the engineering contract for the south water source with T.C. Engineering. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Brent Burklund, T.C. Engineering, addressed the council regarding the specifications, advertising and bid opening dates for Ogallala Infrastructure Improvements 2013-1, 2013-2 and 2013-3.

Councilman Bassett moved to approve the specifications and request for bids for the Ogallala Infrastructure Improvements 2013-1 – Water Improvements and to advertise the request on April 1, 8, and 15 and to open the bids on April 18, 2013. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Bassett moved to approve the specifications and request for bids for the Ogallala Infrastructure Improvements 2013-2 – Sewer Improvements to advertise the request on April 1, 8 and 15, and to open the bids on April 18, 2013. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved to approve the specifications and request for bids for the Ogallala Infrastructure Improvements 2013-3 – Sewer Improvements to advertise the request on April 1, 8 and 15, and to open the bids on April 18, 2013. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved to hire Jane Skinner as Interim City Manager at the current salary of the City Manager until such time as a replacement City Manager is appointed or at the conclusion of the 2013-2014 budget process, whichever comes latest. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved that a search committee be established with two council members and one member to the committee nominated by each council person. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser introduced a resolution amending the City of Ogallala Job Title – Salary Range Table. 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, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted “No”: None. Absent: None. Motion declared carried and Resolution No. 1382 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Block introduced a resolution approving and authorizing the execution of a Governmental Lease-Purchase Agreement and supplements thereto and related documents and certificates. Council President Peterson read the resolution by title and Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted “No”: None. Absent: None. Motion declared carried and Resolution No. 1383 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser introduced a resolution adopting and approving the execution of an agency agreement with the Department of Aeronautics of the State of Nebraska for Project No. G01 to be submitted by the Department to the Federal Aviation Administration to obtain federal assistance for the development of the airport. Council President Peterson read the resolution by title and Councilman Block seconded the motion. Upon roll call

vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted “No”: None. Absent: None. Motion declared carried and Resolution No. 1384 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser introduced a resolution adopting and approving the execution of an agency agreement with the Department of Aeronautics of the State of Nebraska for Project No. M02 to be submitted by the Department to the Federal Aviation Administration to obtain federal assistance for the development of the airport. Council President Peterson read the resolution by title and Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted “No”: None. Absent: None. Motion declared carried and Resolution No. 1385 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Ken Knoepfel, Planning and Zoning Administrator, addressed the council regarding the emergency situation of the deteriorating roof at the City Administration Building.

Councilman Bassett introduced Ordinance 1303, entitled: An ordinance declaring an emergency regarding the condition of the roof on the City Administration Building located at 411 East 2nd street of the City of Ogallala, Nebraska, and moved that the Statutory Rule requiring the reading on three different days be suspended. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser Harold Peterson and Rodger Rankin. The following Council Members voted “No”: None. Absent: None. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1303 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. 1303 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following Council Members voted “No”: None. Absent: None. 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. 1303 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

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

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

Bruce Smith, City Manager expressed his gratitude for the opportunity to serve the citizen of Ogallala.

There being no further business to come before the council, Councilman Bassett moved to voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: . Motion declared carried and the meeting adjourned at 8:44 P.M.

Jane M. Skinner
City Clerk

