

## REGULAR MEETING OF THE CITY COUNCIL

DECEMBER 20, 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 20<sup>th</sup> day of December 2013, at 12:00 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: Aaron Smith; City Clerk-Treasurer: 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 December 18, 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.

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

- A. Claims.
- B. Application for Right of Way License – Ron Bloomquist.
- C. Application for Journeyman Plumber License – Vincent Johnson.
- D. Appointment to Board – Board of Health (3).
  - 1) Mary Lou Heelan – One Year Term (1-1-14 – 12-31-14).
  - 2) Dr. Paul Foy - One Year Term (1-1-14 – 12-31-14).
- E. Appointment to Board - Housing Authority (2).
  - 1) Fern Sutton – Five Year Term (1-1-14 – 12-31-18).
  - 2) James J. Hoover – Completing Five Year Term (1-1-12 – 12-31-16).
- F. Appointment to Board – RSVP Advisory Board (3).
  - 1) Jacque Bassett – Three Year Term (1-1-14 – 12-31-16).
  - 2) Betty Brown - Three Year Term (1-1-14 – 12-31-16).
  - 3) Marcia Barnhill - Three Year Term (1-1-14 – 12-31-16).
- G. Appointment to Board – Tree Board (3).
  - 1) Ryan Dickinson – Three Year Term (1-1-14 – 12-31-16).
  - 2) Wendell Upright – Three Year Term (1-1-14 – 12-31-16).

The Claims were approved as follows:

### General Fund:

125 Plan-558.06-Pretx; EFTPS-15,340.11-Fit; Hartford-1,021.95-Ins; Hosp & Med-17,107.71-Ins; ICMA-511.50-Pen; KC Court-283.65-P/R; Manulife-7,501.90-Pen; NE Child Support-25.00-P/R; Pinn Bank-47,861.04-Pp24; Valley Bank-1,411.50-HSA; ST Of NE-4,042.62-Sit; 125 Plan-558.06-Pretx; Amfam-370.45-Ins; EFTPS-21,324.75-Fit; Hosp & Med-17,049.89-Ins; ICMA-511.50-Pen; KC Court-283.65-P/R; Manulife-7,663.29-Pen; NE Child Support-25.00-P/R; Pinn Bank-60,074.75-Pp25; Valley Bank-1,411.50-HSA; NE Dept Of Aero-3,190.83-Lease; NE Dept Of Rev-263.24-Salestx; Pinn Bank-25.00-Se; Bittersweet Bakery-(71.25)-Reverse; Hehnkes Inc-(269.50)-Reverse; League Of NE-(320.00)-Reverse; Sunmart-(130.54)-Reverse; 21st Century-6.70-Su; Adamson Ind-79.95-Su; Adkins, Judi-60.00-Su; Alco-522.34-Su; Windstream-21.45-Se; Alive Outside-140.60-Su; Allo Comm-743.92-Se; Napa-327.47-Su; Arnold Pool-139.70-Su; ASC Capacitors-400.00-Su; Baltzell Vet-115.00-Se; B & D Office Supply-10.98-Su;

Ken Blankenfeld-10.00-Refund; Bound Tree Med-1,531.82-Se; Bruckner, Mike-842.32-P/R; U-Save-670.12-Su; Candy Aerotech-1,000.00-Contract; Charter Comm-54.95-Se; True Value-11.10-Su; Cranmore-90.00-Se; Culligan-85.50-Su/Se; Danko Emergency Equip Co-2,504.96-Su; Dell Marketing-8,109.65-Su; Dollar Gen-33.00-Su; DP Electronics-19.99-Su; Eichner's-1,836.88-Su; EMS Billing-2,035.80-Contract; Extreme Machine-57.75-Se; Farmers Coop Assn-5,137.93-Su; John Deere Financials-647.76-Su; FBI-Leeda-50.00-Dues; Fire Engineering-51.00-Su; Fireguard Inc-332.77-Su; Fyr-Tek-4,852.56-Su; Hasler-1,500.00-Su; Heartland Phil-5,000.00-Funding; Herman, James-15.80-Reimburs; Hinton's Lock-385.00-Su; Humphreys-124.17-Su; Ideal Linen-136.48-Su; Waste Conn-755.26-Se; KC Clerk-40.00-Fees; KC Hosp Authority-44,440.29-Salestx; KC Historical Society-5,000.00-Funding; KC Housing Devel-5,000.00-Funding; KC News-188.92-Se; KC Senior Center-5,031.75-Su; KC Treasurer-11,296.82-Se; Keep Keith Co Beautiful-5,000.00-Funding; KC District Court-17.00-Fees; Kenfield Electric-65.79-Su; Kildare Lumber-36.68-Su; Sourcegas-6,025.74-Se; Lake Mac Auto Body-550.00-Su; Linweld-187.41-Su; Neopost-375.00-Su; McQuillan Law Office-2,117.00-Se; Medicare Part B-361.54-Refund; Moul's Modern Builders-59,621.23-Se; Mid-Iowa Solid Waste-69.44-Su; Mighty Clean Janitorial-70.00-Se; Mobile Mech-100.00-Se; Mutual Of Omaha-92.23-Refund; NACA-35.00-Dues; Nationwide Management-275.00-Su; Nation Air Ins-3,675.00-Ins; NCEMSC-75.00-Dues; NMC Exchange-8,500.00-Lease; NE Dept Of Roads-25.00-Se; NE Truck Center-309.89-Su; NE Printworks-236.59-Su; NE Muni Clerks Assn-25.00-Dues; NPPD-16,451.22-Se; NE Supreme Court-62.00-Su; Office Service-564.32-Su; OG Comm Hosp-37.30-Se; OG Chamber Of Commerce-3,320.00-Su; OG Feed & Seed-237.67-Su; OG Water Dept-1,098.06-Su; Scotties Potties-350.00-Se; OG Comm Hosp-221.83-Su; OG Honor Guard-200.00-Se; Olsson Associates-19,314.34-Se; Ord Volunteer Fire Dept-165.51-Refund; Oshkosh Cleaners-58.00-Se; Paulsen Inc-136.45-Su; Pioneer Products-674.69-Su; Platte Valley Ag-693.00-Ins; Poppe's Diesel-625.00-Su; Prairie States Comm Inc-2,306.85-Se; Centurylink-309.25-Se; R & D Welding-20.08-Su; Roberts, Bowen-128.55-Su; Sapp Bros-72.60-Su; Schmidt Motors-22.50-Se; SCIP-5,000.00-Funding; Servicemaster-357.00-Se; Shopko-62.16-Su; Sunmart-12.79-Su; Stulichs Asphalt Sealing-15,192.00-Su/Se; Zoellner Ford-181.43-Su; Powerwash-300.00-Su; The Litter Box-500.00-Funding; Town & Country-24.24-Se; T&A Align-635.82-Se; U S Postal Service-79.46-Su; Verizon-717.87-Se; Vidacare-229.34-Su; Visa-556.88-Su; Western Path-52.00-Se; Winter Equipment-131.68-Su; Xerox-28.84-Lease; West Wind Golf Club-712.25-Su

**Select Flex:**

RCI-192.30-P/R; RCI-335.44-P/R; RCI-192.30-P/R

**Water Dept:**

NE Dept Of Rev-8,039.76-Salestx; Adams Bank-25.00-Fees; Windstream-4.92-Se; Napa-46.48-Su; Bomgaar's-71.94-Su; Central Lock-N-Key-117.70-Su; True Value-25.67-Su; Cornhusker Glass-48.62-Se; Elite Sports-674.10-Su; Farmers Coop-827.45-Se; Galetton Gloves-199.34-Su; Gen Fund-19,165.42-P/R; HOA Solutions-10,430.00-Su/Se; Humphreys-297.91-Su; Ideal Linen-83.70-Su/Se; Interstate Battery-61.18-Su; Waste Conn-116.60-Se; Kc Register Of Deeds-80.00-Fees; Kimball Midwest-99.16-Su; Sourcegas-412.56-Se; Lawson Products-123.24-Su; League Of Ne-40.00-Fees; Midwest Elec-3,475.52-Se; Muni Supply-1,706.77-Su; NE Rural Water Assn-250.00-Dues; NPPD-2,639.13-Se; OG Comm Hosp-37.30-Se; OG Chamber Of Commerce-240.00-Su; OG Water Dept-41.36-Su; Olsen's Lab-73.50-Se; One Call Concepts-37.95-Se; Centurylink-104.42-Se; Sapp Bros-21.84-Su; Sunmart-33.40-Su; ST Of NE-36.00-Se; Tims Two-Way-40.00-Se; Verizon-73.23-Se; Western Path-26.00-Se; Garcia, Nicole-36.16-Refund; Adams, Jessica-25.51-Refund; Hazen, Nicole-24.44-Refund; Gessner, Cheryl-7.33-Refund; Ritterbush, Linda-18.50-Refund; Smith, Marvin-59.67-Refund; West Wind Golf Club-51.80-Su; HHS Regulation & Licensure-6,848.35-Se

**Sewer Dept:**

Adams Bank-25.00-Fees; Napa-36.16-Su; True Value-173.76-Su; Farmers Coop-160.59-Su; John Deere Financials-10.26-Su; Gen Fund-10,809.32-P/R; Ideal Linen-38.42-Su/Se; Waste Conn-132.71-Se; Sourcegas-2,054.48-Se; McQuillan Law Office-165.00-Se; Muni Supply-157.88-Se; NMC Exchange-3,750.00-Lease; NE Printworks-233.25-Su; NPPD-4,385.10-Se; OG Chamber Of Commerce-120.00-Su; OG Water Dept-70.65-Su; Scotties Potties-4,203.20-Se; Platte Valley Ag-1,054.00-Ins; Centurylink-207.42-Se; R & D

Welding-29.50-Se; USA Blue Book-210.17-Su; Verizon-24.41-Se; Wastecorp Pumps-1,867.94-Su; West Wind Golf Club-25.90-Su

**Youth Committee:**

Lampstand-18.00-Su

**Medical Benefit:**

RCI-347.48-Ins; Visa-465.92-Ins; RCI-14,768.89-Ins; RCI-4,810.80-Ins; RCI-1,242.69-Ins.

Councilman Block moved to approve the minutes of the Special Meeting held December 10, 2013 - 6:00P.M. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Motion declared carried.

Councilman Block moved to approve the minutes of the Regular Meeting held December 10, 2013. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Motion declared carried.

Councilman Bassett moved to approve the minutes of the Special Meeting held December 13, 2013. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Abstain: Kevin Block. Motion declared carried.

Councilman Bassett moved to approve the claim payable to West Central Nebraska Development District in the amount of \$803.88. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Harold Peterson and Rodger Rankin. No: None. Abstain: Karl Elmshaeuser. Motion declared carried.

Councilman Block moved to approve the claim payable to Melchior and Associates in the amount of \$10,983.00. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Harold Peterson and Rodger Rankin. No: None. Abstain: Karl Elmshaeuser. Motion declared carried.

Councilman Bassett moved to approve the appointment of Joe Malone, Ron Bloomquist, and Darrel Hyberg Sr. to the Planning Commission for a three year term (1-1-14 – 12-31-16). Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Motion declared carried.

Councilman Elmshaeuser moved to approve the appointment of Chrissy Schlake to a five Year Term (1-1-14 – 12/31/18) to the Youth Committee. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Motion declared carried.

Councilman Bassett introduced Ordinance 1308, entitled: An ordinance amending section 25-201, meetings of council general provisions, 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 and the ordinance may be read by title and moved for passage at this meeting. 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. 1308 was read by title and, thereafter, Councilman Block moved for the final passage of the Ordinance. Councilman Bassett seconded the motion. The President then stated the question: "Shall Ordinance No. 1308 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

concurrent 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. 1308 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Charlie Votapka, Moul's Modern Builders, addressed the Council requesting a 90 day extension for the Downtown Improvement Project.

Councilman Rankin moved to approve a change order granting a 45 day extension to Moul's Modern Builders for the Downtown Improvement Project. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Harold Peterson and Rodger Rankin. Abstain: Karl Elmshaeuser. No: None. Motion declared carried.

Councilman Elmshaeuser introduced Ordinance 1309, entitled: An ordinance authorizing the issuance of a water revenue bond of the city of Ogallala, Nebraska, in the principal amount of up to two million seven hundred nineteen thousand one hundred nineteen dollars (\$2,719,119) for the purpose of paying the costs of constructing additions and improvements to the existing waterworks plant and distribution system of the city; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska department of environmental quality; approving the execution and delivery of a loan contract with the Nebraska department of environmental quality; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenues and earnings of the waterworks plant and distribution system owned by the city for the payment of said bond; entering into a contract on behalf of the city with the holder of said bond; authorizing the delivery of the bond to the Nebraska department of environmental quality; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation; providing for the disposition of the bond proceeds and ordering the ordinance published in pamphlet form and moved that the Statutory Rule requiring the reading on three different days be suspended and the ordinance may be read by title and moved for passage at this meeting. 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. 1309 was read by title and, thereafter, Councilman Block moved for the final passage of the Ordinance. Councilman Elmshaeuser seconded the motion. The President then stated the question: "Shall Ordinance No. 1309 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. 1309 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser moved to authorize the Council President to sign the amendment to standard form of agreement between owner and engineer for professional services for adding Generator Set and Gas Lines to the Plans and Specifications for the South Water Source. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Motion declared carried.

Aaron Smith, City Manager, updated the council on the Downtown Pavilion Project, including the proposed side curtains and signage.

