

REGULAR MEETING OF THE CITY COUNCIL

FEBRUARY 25, 2014

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 25th day of February 2014, at 7:00 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 February 25, 2014 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, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried and the consent agenda was approved as follows:

- A. Application for License to Perform work within the Public Right of Way – Jason Carter, Charter Communications.
- B. Claims.
- C. O.V.F.D. – Resignation of Steve Seitler.
- D. O.V.F.D. – Resignation of Michelle Wolford.

The claims were approved as follows:

General Fund:

Ne Dept Of Rev-4,049.94-Sit; 125 Plan-537.97-Pretr; Am Fam Ins-475.53-Ins; Eftps-16,309.58-Fit; Hosp&Med-16,821.90-Ins; Icma-511.50-Pen; KC Court-283.65-P/R; John Hancock-7,360.83-Pen; NE Child Support-25.00-P/R; Pinn Bank-49,894.22-PP3; Valley Bank-1,483.00-Hsa; 125 Plan-537.97-Pretr; Eftps-15,387.82-Fit; Hartford Life-1,256.15-Ins; Hosp&Med-14,079.76-Ins; Icma-511.50-Pen; Kc Dist Court-385.90-P/R; John Hancock-7,302.25-Pen; Ne Child Support-25.00-P/R; Pinn Bank-48,116.41-Pp4; Valley Bank-1,483.00-Hsa; Gen Fund-2,250.00-Su; Ne Dept Of Aero-3,190.83-Lease; Ne Dept Of Rev-722.65-Salestx; Pinn Bank-25.00-Se; Ne Dept Of Motor Vehicles-13.20-Se; Adams Bank-9,000.00-Se; Alco-244.71-Su; Alive Outside-174.00-Su; Allo Comm-877.84-Se; Am Legal Publishing-650.00-Se; Napa-907.96-Se; Arnolds Upholstery-48.00-Su; Arnold Pool-382.00-Se; Assoc Pool Bldrs-11,200.00-Su; Baltzell Vet-90.00 -Se; Barco Municipal Products-584.83-Su; B & D Office Supply-31.25-Se; Bg&S-1,900.00-Se/Su; Bound Tree Medical-1,019.21-Su; Richard Brown-14.93-Su; Glen Brown-55.78-Refund; Bruckner, Mike-842.32-P/R; U-Save Pharmacy-1,261.50-Su; Candy Aerotech-1,000.00-Contract; Cash-Wa-271.60-Su; Charter Comm-54.95-Se; Clouse, Coletta-55.46-Su; True Value-44.28-Su; Correll Ref-593.94-Se; Cowboy Capital Chorus-30.00-Su; Cranmore Fire Protection-25.00-Se; Cranmore Pest Control-45.00-Se; Culligan-98.50-Su; Dollar Gen-103.00-Su; Dp Electronics-117.43-Su; Dudden & Fair-3,000.00-Se; Eichners-231.51-Su; Emsar-231.80-Se; Ems Billing-1,202.74-Se; Farmers Coop-5,327.76-Su; John Deere Financials-49.94-Su; Fraser Welding-36.40-Su; Fyr-Tek-412.26-Su; Galls-93.97-Su; Garden County Health Serv-35.00-Se; Hhs Reg & Lic-120.00-Fees; Hinton's Alarm-398.00-Su; Home Pc Sales & Service-16.00-Su; Humphreys-362.86-Su; Ideal Linen-

187.10-Su/Se; Waste Conn-755.26-Se; Kcad-56,500.00-Se; Kc Hosp Authority-31,183.15-Salestx; Kc News-458.73-Se; Kc Senior Center-31.75-Su; Kc Treasurer-11,296.82-Su; Kenfield Electric-273.88-Su; Kents Towing-100.00-Se; Kildare Lumber-23.28-Su; Sourcegas-7,528.98-Su; Kohler Trailer Sales-377.90-Su; League Of Ne Muni-1,450.00-Su; Linweld-328.52-Su; Lou Kraus Music-176.54-Su; Mcquillan Law-782.00-Se; Ne Medicaid-87.93-Refund; Moul's Modern Bldrs-85,067.96-Se; Mighty Clean Janitorial-140.00-Se; Mobile Mech-100.00-Se; Mutual Of Omaha-92.23-Refund; Ndor-35,541.20-Se; Ne Printworks-29.90-Su; Nppd-17,813.98-Su; Never 2 Late 4 Fitness-4,550.00-Salestx; Newman Signs-5,541.65-Su; Office Service-1,583.00-Su; Og Water-679.35-Su; Scott England-180.00-Su; Og Comm Hosp-588.11-Su; Oshkosh Cleaners-94.25-Se; Platte Valley Agency-4,309.00-Ins; Prairie States-356.40-Su; Quill Corp-561.15-Su; Centurylink-135.87-Se; R&D Welding-126.66-Su; Riggs, Betty Jo-188.40-Su; Revize, Llc-1,200.00-Su; Schmidt Motors-963.90-Su; Servicemaster Cleaning-357.00-Se; Shopko-32.07-Su; Sirchie Finger Print Labs-101.04-Su; Steinke, Virginia-24.93-Se; Studio Designs-63.00-Su; Zoellner Ford-193.20-Su; Telegraph-212.98-Su; T&C Service-42.00-Se; T&A Alignment-1,025.45-Su; U S Postal Service-84.39-Su; Verizon-670.11-Se; Vidacare-1,217.79-Su; Visa-2,004.82-Su; Visa-62.79-Su; Western Path Consultants-26.00-Se; Wiest Hardware-34.99-Su; Windy Acre Electric-36.44-Se; Xerox-28.84-Lease;

Select Flex:

Rci-385.02-P/R; Rci-46.00-P/R;

Water Dept:

Ne Dept Of Rev-7,653.48-Salestx; Adams Bank-25.00-Fees; Hhs Reg&Licensure-420.14-Su; Windstream-3.28-Se; Allo Comm-157.82-Se; Napa-288.19-Su; Bomgaar's Supply-7.47-Su; True Value-51.34-Su; Cornhusker Glass-41.82-Se; Correll Ref-17.89-Su; Farmers Coop-408.89-Su; Galls-187.98-Su; Gen Fund-20,443.07-P/R; Hd Supply-173.27-Su; Ideal Linen-125.55-Su/Se; Waste Conn-116.60-Se; Kildare Lumber-26.69-Su; Sourcegas-591.80-Su; Midwest Elec-4,253.34-Su; Municipal Supply-3,842.84-Su; Nppd-3,123.57-Su; Office Service-70.78-Su; Og Ready Mix-1,446.32-Su; Og Water-43.12-Su; Olsen's Ag Lab-82.50-Se; One Call Concepts-25.60-Se; Platte Valley Agency-798.00-Ins; Centurylink-66.03-Se; Safety-Kleen Corp-252.60-Su; St Of Ne-Dept Health Lab-18.00-Se; Verizon-96.82-Se; Mayville, Elise-38.99-Refund; Myers, Alicia-34.39-Refund; Sutherland, Chad-36.18-Refund; Terrell, Jane-87.17-Refund;

Sewer Dept:

Adams Bank-25.00-Fees; Alco-89.97-Su; Napa-84.74-Su; Bearfoot Builders-1,000.00-Su; Century Mfg-133.74-Su; Farmers Coop-130.33-Su; John Deere Financials-117.71-Su; Gen Fund-11,908.66-Se; Ideal Linen-36.70-Su/Se; Inland Truck Parts Co-319.15-Su; Waste Conn-132.71-Se; Sourcegas-2,929.64-Su; Ndeq-150.00-Se; Nppd-5,220.81-Su; Og Water-70.65-Su; Olsson Assoc-2,000.00-Se; Centurylink-207.44-Se; Sunmart-11.78-Su; Usa Blue Book-703.20-Su; Verizon-24.20-Su; Visa-217.74-Su;

Youth Committee:

Alco-14.97-Su; Scott Eveland-77.78-Su; Og Wrestling-25.00-Se; Sunmart-43.96-Su; Visa-83.63-Su; Luis, Juarez-250.00-Se;

CDBG:

French, Shelley-105.62-Refund;

Hospital & Medical:

Rci-14,909.39-Ins; Rci-42,731.69-Ins; Rci-1,110.16-Ins; Rci-3,002.05-Ins;

Council President Peterson opened a public hearing regarding the one and six year highway and street improvement programs for the city of Ogallala, Nebraska at 7:02 P.M.

Richard Brown, Street Superintendent, and Doug Davis appeared before the council regarding the one and six year highway and street improvement program.

Council President Peterson recognized Tim Vance for ten years of service to the city of Ogallala.

Councilman Block moved to approve the minutes of the Regular Meeting held February 11, 2014. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, and Rodger Rankin. No: None. Abstain: Pete Peterson. Absent: None. Motion declared carried.

Councilman Bassett moved to approve the claims payable to West Central Nebraska Development District in the amounts of \$195.00 and 65.00. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Pete Peterson and Rodger Rankin. No: None. Abstain: Karl Elmshaeuser. Absent: None. Motion declared carried.

Councilman Block introduced resolution 1410 establishing an ACH security policy for the City of Ogallala, Nebraska. 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, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted "No": None. Absent: None. Motion declared carried and Resolution No. 1410 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Brian Vasa, Community Redevelopment Authority Chairman, addressed the council regarding the temporary grading easement and redevelopment agreement for the Wal-Mart development.

Councilman Bassett moved to approve the temporary grading easement by the city of Ogallala, Nebraska ("grantor"), in favor of Wal-Mart real estate business trust, a Delaware statutory trust ("grantee"), and authorize the Council President to sign the agreement. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved to approve the Redevelopment Contract by and between the Community Redevelopment Authority of the City of Ogallala, Nebraska ("CRA"), Wal-Mart Stores, Inc., a Delaware corporation, and Wal-Mart Real Estate Business Trust, a Delaware statutory trust (together "Redeveloper"), and the City of Ogallala, Nebraska (the "City"), and authorize the Council President to sign the Contract. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Rankin moved to approve and certify the list of volunteers, as submitted by the Certification Administrator, as qualified participants in the Volunteer Emergency Responder Plan of the City of Ogallala for 2013. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Council President Peterson announced that Ordinance 1310 was introduced and read for the first time on January 14, and read for the second time on February 11. Council President Peterson read Ordinance 1310, entitled: An Ordinance rezoning the following described real estate: Lot B, Jehorek's Replat, A Replat of Lot 2, Hillis's Replat, An Administrative Replat Of Lot 3, Ogallala Industrial Addition From A-1 (Agricultural District) To I-1 (Industrial District). Council President Peterson announced that Ordinance 1310 has now been read for the third time.

Councilman Elmshaeuser moved for the final passage of Ordinance 1310. Councilman Block seconded the motion. The President then stated the question: "Shall Ordinance No. 1310 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted "No": Darrell Bassett and Harold Peterson. 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. 1310 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced Ordinance 1307, entitled: An ordinance amending section 36-102, solid waste management prohibited accumulation and disposal, 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. 1307 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. 1307 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. 1307 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council President Peterson closed a public hearing regarding the one and six year highway and street improvement programs for the city of Ogallala, Nebraska at 7:48 P.M.

Councilman Block introduced resolution 1411 establishing the one and six year highway and street improvement program for the City of Ogallala, Nebraska. 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, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. The following council Members voted "No": None. Absent: None. Motion declared carried and Resolution No. 1411 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

City Manager Aaron Smith addressed the council regarding the Rendezvous Square Dedication.

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

- A. Chamber of Commerce – Kevin Block.
- B. Keep Keith County Beautiful – Buck Bassett.
- C. Keith County Area Development – Karl Elmshaeuser.
- D. Ogallala Community Hospital Advisory Board – Karl Elmshaeuser.

There being no further business to come before the council, Councilman Block moved to adjourn. 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 and the meeting adjourned at 7:54 P.M.

Jane M. Skinner
City Clerk

