

## REGULAR MEETING OF THE CITY COUNCIL

MARCH 11, 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 11<sup>th</sup> day of March 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: Joshua Wendell.

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 7, 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 Bassett 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. Minutes of the Regular Meeting held February 25, 2014.
- B. Appointment to Board – RSVP (1).
  - 1) Gail Schreiter – Completing Three Year Term (1-1-12 – 12-31-14).

Council President Peterson opened a public hearing regarding a special exception request to use property for purposes of locating a single family dwelling in a C-4 Interstate Highway Business District. Said property proposed is located at 223 Road East 85, legally described as Lot 5, Martin's First Sub Replat. (Sleepy Sunflower RV Park L.L.C.) at 7:02 P.M.

Ken Knoepfel, Planning and Zoning Administrator informed the council that Ted Weincek has requested to withdraw his application for a special exception request.

Council President Peterson closed a public hearing regarding a special exception request to use property for purposes of locating a single family dwelling in a C-4 Interstate Highway Business District. Said property proposed is located at 223 Road East 85, legally described as Lot 5, Martin's First Sub Replat. (Sleepy Sunflower RV Park L.L.C.) at 7:03 P.M.

City Clerk Skinner presented the financial report for February 2014.

Travis Haggard, Executive Director, Keith County Area Development Corporation, addressed the council regarding economic development issues in the city, including: 1. Strategic Plan Update; 2. Branding Meeting; 3. I-80 Infrastructure needs; 4. KCAD annual meeting invitation.

Councilman Elmshaeuser introduced Ordinance 1312, entitled: An ordinance vacating the street dedicated in Mueller and Mueller corporation 2nd replat recorded at book b of plats, page 328 in the records of Keith county Nebraska, said street is located immediately adjacent to tract 2 of aforementioned plat and also adjacent to lot 1, block 1, 21st century replat recorded at book 1 of plats, page 28 in the records of Keith county, Nebraska; for the city of Ogallala, Nebraska to retain title to the vacated street right-of-way; to provide for

publication of this ordinance; and providing for an effective date 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 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. Abstain: Kevin Block. Absent: None. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1312 was read by title and, thereafter, Councilman Rankin moved for the final passage of the Ordinance. Councilman Elmshaeuser seconded the motion. The President then stated the question: "Shall Ordinance No. 1312 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. Abstain: Kevin Block. 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. 1312 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser introduced Ordinance 1313, entitled: An ordinance proposing the sale of a parcel of real estate as legally described in section one hereof to Placer Development, Inc., a Nebraska Corporation 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 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. Abstain: Kevin Block. Absent: None. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1313 was read by title and, thereafter, Councilman Rankin moved for the final passage of the Ordinance. Councilman Elmshaeuser seconded the motion. The President then stated the question: "Shall Ordinance No. 1313 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. Abstain: Kevin Block. 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. 1313 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser moved to approve Placer Development Replat No. 2 of Placer Development Replat No. 1 of Tract #2 of the Replat of Mueller & Mueller Corp. Second Subdivision of Ogallala, Keith County Nebraska. 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. Absent: None. Motion declared carried.

No action taken regarding the special exception request to use property for purposes of locating a single family dwelling in a C-4 Interstate Highway Business District.

Police Chief Dave Kling presented the Police Department annual report for 2013.

Councilman Bassett moved to approve the plans and specifications, advertising and bid opening for Ogallala water improvements 2009. Councilman Elmshaeuser 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 Bassett moved to approve the plans and specifications, advertising and bid opening for Ogallala water improvements 2014-1. 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 Bassett introduced resolution 1412 revising 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 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. 1412 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Aaron Smith, City Manager addressed the council asking them to consider an increase in the city sales tax from 7% to 7.5%, with the additional tax revenues to be used for infrastructure improvements. This would require a super majority approval of the city council, as well as a vote of the people. The consensus of the council is to have the city manager explore the additional sales tax revenue options.

Aaron Smith also led discussion recapping the recent Midwinter Conference which was attended by several individuals from the city.

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. Ambulance Advisory Committee
- D. City Council Member/County Commissioner Meeting.
- E. Library Facilities Committee.

Councilman Bassett moved to go into closed session for the performance evaluation of the city manager at 8:33 P.M. 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.

Council President Peterson announced that the City Council will now go into closed session for the performance evaluation of the city manager at 8:33 P.M.

Councilman Bassett moved to return from closed session where discussion regarding the performance evaluation of the city manager occurred at 9:27 P.M. 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.

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 9:28 P.M.

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Jane M. Skinner  
City Clerk

Approved:

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Harold L. Peterson  
Council President

STATE OF NEBRASKA    )  
  )  
COUNTY OF KEITH      ) SS.  
  )  
CITY OF OGALLALA      )

I, Jane M. Skinner, the undersigned, City Clerk for the City of Ogallala, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the Agenda for the meeting of March 11, 2014 kept continuously current and available for public inspection at the office of the City 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 material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the Minutes of the President and Council of the City of Ogallala, Nebraska, 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 meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Jane M. Skinner  
City Clerk

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