

REGULAR MEETING OF THE CITY COUNCIL

SEPTEMBER 9, 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 9th day of September 2014, at 7:00 o'clock P.M. Present were: President of the Council: Harold Peterson; Council Members: Darrell G. Bassett, Kevin Block, Rodger Rankin and Karl Elmshaeuser. Absent: None. City Manager: Aaron Smith; City Clerk: Jane M. Skinner; City Attorney: Michael McQuillan.

Notice of the 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 September 5, 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.

Council President Peterson opened a public hearing regarding the fiscal year 2014-2015 Budget Hearing at 7:01 P.M.

Council President Peterson opened a public hearing regarding the fiscal year 2014-2015 Hearing to Set Final Tax Request at 7:01 P.M.

Council President Peterson opened a public hearing regarding a request to rezone 11.05 acres of property described as "Parcel 3" located in the Southeast ¼ of Section 14, Township 13 North, Range 39 West of the 6th P.M. The request is to rezone this property from A-1 Agricultural District to A-2 Agricultural Residential District. (Richard C. & Tarra M. Terry) at 7:01 P.M.

Councilman Bassett moved to approve the minutes of the special meeting August 12, 2014. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell G. Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Abstain: Kevin Block. Motion declared carried.

Councilman Bassett moved to approve the minutes of the regular meeting August 12, 2014. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell G. Bassett, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Abstain: Kevin Block. Motion declared carried.

Councilman Elmshaeuser moved to approve the minutes of the special meeting held August 21, 2014. Councilman Block seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser and Harold Peterson. No: None. Absent: None. Abstain: Rodger Rankin. Motion declared carried.

Councilman Block moved to approve the minutes of the special meeting held August 26, 2014. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

City Clerk Jane Skinner presented the August 2014 financial report.

Kory French addressed the council regarding the application for a special designated liquor license for 1 Eleven Lounge LLC.

Councilman Rankin moved to approve the special designated liquor license for 1 Eleven Lounge LLC event to be held 10-18-14 from 2 PM to 10 PM at Rendezvous Square. Councilman Block seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Harold Peterson and Rodger Rankin. No: Karl Elmshaeuser. Absent: None. Motion declared carried.

Councilman Bassett moved to recommend the approval to the Nebraska Liquor Control Commission of Amanda Wolfgang in connection with the Class CK Liquor License for Platte River Sports Bar located at 201 Chuckwagon Road. Councilman Block seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser introduced a resolution determining final levy allocation for the Ogallala Community Development Authority. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Rodger Rankin and Harold Peterson. The following council Members voted "No": None. Motion declared carried and Resolution No. 1420 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Council President Peterson closed a public hearing regarding the fiscal year 2014-2015 Budget Hearing at 7:22 P.M.

Councilman Elmshaeuser moved to approve the 1.00% increase in restricted funds above the base limitations for fiscal year 2014 – 2015. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Block moved to approve the Fiscal Year 2014 – 2015 budget as presented. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Council President Peterson closed a public hearing regarding the fiscal year 2014-2015 Hearing to Set Final Tax Request at 7:30 P.M.

Councilman Block introduced a resolution setting the FY 2014 – 2015 property tax request. Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Rodger Rankin and Harold Peterson. The following council Members voted "No": None. Motion declared carried and Resolution No. 1421 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 1323, entitled: An ordinance to appropriate the sums of money deemed necessary to defray, by means of taxation, all the necessary expenses and liabilities of the City of Ogallala, Nebraska, for the fiscal year ending September 30, 2015; specifying the objects or purposes for which such appropriations are made and the amount appropriated for each object, or purpose; containing the percentage levied for each object or purpose; providing for the certification of this ordinance to the county clerk of Keith County, Nebraska; and prescribing the time when this ordinance shall be in full force and take effect 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, 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. 1323 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. 1323 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, 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. 1323 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Block introduced a resolution amending the city of Ogallala job title directory and the job title salary range table. Councilman Bassett seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Rodger Rankin and Harold Peterson. The following council Members voted "No": None. Motion declared carried and Resolution No. 1422 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Council President Peterson announced Ordinance 1319 was introduced and read for the first time on August 12, 2014 and read for the second time on August 26, 2014. Council President Peterson read Ordinance 1319 by title, An Ordinance amending article 3 of chapter 37, streets, the adoption of truck routes, the prohibition of truck parking on the streets of the city of Ogallala, to provide a penalty, of the municipal code of the city of Ogallala, Nebraska. Council President Peterson announced that Ordinance 1319 was read for the third time.

Councilman Block moved for the final passage of Ordinance 1319. Councilman Rankin seconded the motion. The President then stated the question: "Shall Ordinance No. 1319 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 passed.

Council President Peterson announced Ordinance 1320 was introduced and read for the first time on August 12, 2014 and read for the second time on August 26, 2014. Council President Peterson read Ordinance 1320 by title, An Ordinance amending article 3 of chapter 28, tobacco offenses, the adoption of smoking prohibition in the parks, rendezvous square and recreational facilities of the city of Ogallala, Nebraska, and to provide a penalty, of the municipal code of the city of Ogallala, Nebraska. Council President Peterson announced that Ordinance 1320 was read for the third time.

Councilman Block moved for the final passage of Ordinance 1320. Councilman Bassett seconded the motion. The President then stated the question: "Shall Ordinance No. 1320 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 passed.

Council President Peterson announced Ordinance 1321 was introduced and read for the first time on August 26, 2014. Council President Peterson read Ordinance 1321 by title, An Ordinance amending section 44-1701 of the Ogallala municipal code governing accessory structures. Council President Peterson announced that Ordinance 1321 was read for the second time.

Ordinance 1321 will be sent back to the Ogallala Planning Commission for revision prior to being brought back before the council.

Council President Peterson closed a public hearing regarding a request to rezone 11.05 acres of property described as "Parcel 3" located in the Southeast ¼ of Section 14, Township 13 North, Range 39 West of the 6th P.M. The request is to rezone this property from A-1 Agricultural District to A-2 Agricultural Residential District. (Richard C. & Tarra M. Terry) at 8:05 P.M.

Councilman Block introduced Ordinance 1324, entitled: An ordinance rezoning the following described real estate: 11.05 acres of property described as "Parcel 3" located in the Southeast ¼ of Section 14, Township 13 North, Range 39 West of the 6th P.M. from A-1 (Agricultural District) to A-2 (Agricultural Residential District) 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, 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. 1324 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. 1324 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, 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. 1324 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Bassett moved to approve a variance request to allow an 8.27 acre parcel to be created in an A-1 zoning district and approve a Subdivision titled as Zeller's subdivision located in the East ½ of the NE ¼ of Section 8, Township 13 North Range 38 West of the 6th P.M. Councilman Block seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser introduced Ordinance 1325, entitled: An ordinance amending section 28-205 of the Ogallala municipal code governing sexual predator residency restrictions 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, 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. 1325 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. 1325 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, 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. 1325 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser introduced Ordinance 1326, entitled: An ordinance amending Section 28-301 of the Ogallala Municipal Code governing tobacco possession by minors. 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. 1326 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. 1326 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, 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. 1326 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Elmshaeuser moved to approve the appraisal services specifications and appraisal services contract with Investment Property Exchange in connection with project URB-6850(1) – West 5th Street Project, and authorize the Council President to sign the appropriate documents. Councilman Block seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

City Manager Aaron Smith addressed the council regarding the Local Sales and Use Tax in excess of 1.5%. The ballot language must contain specific projects to be completed with the additional sales tax revenue. This information need to be certified to the County Clerk prior to September 1 to be included on the November ballot.

City Manager Aaron Smith updated the council regarding his meetings with Carl Dietz, Ogallala Public School Superintendent to discuss the property transition of the Progress School site to the City of Ogallala for the proposed library facility.

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

A. City Council Member/County Commissioner Meeting.

There being no further business to come before the council, Councilman Block moved to adjourn. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser, Harold Peterson, and Rodger Rankin. No: None. Absent: None. Motion declared carried and the meeting adjourned at 8:34 P.M.

Jane M. Skinner
City Clerk

Approved:

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 September 9, 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.

Jane M. Skinner
City Clerk

(S E A L)