

## REGULAR MEETING OF THE CITY COUNCIL

DECEMBER 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 9<sup>th</sup> day of December 2014, at 7:00 o'clock P.M. Present were: President of the Council: Harold Peterson; Council Members: Darrell G. Bassett and Rodger Rankin. Absent: Kevin Block and Karl Elmshaeuser. 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 December 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.

Councilman Bassett moved to excuse Councilmen Block and Elmshaeuser from the December 9, 2014 City Council Meeting. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Bassett moved to approve the minutes of the regular meeting held November 25, 2014. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilmen Bassett and Peterson exited the rostrum.

City Attorney Michael McQuillan administered the oath of office to Council Members Darrell Bassett and Harold Peterson.

City Attorney Michael McQuillan took his place to temporarily chairperson the meeting.

Councilman Bassett moved to elect a Council President by secret ballot. Councilman Peterson seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

City Clerk Skinner distributed one ballot to each present council member. The ballots were collected and tallied by City Clerk Skinner and City Attorney McQuillan. City Attorney declared that the vote by ballot was not sufficient to declare a Council President.

City Attorney McQuillan took a brief recess to research a state statute regarding an alternative to continuing with business without a Council President.

Councilman Bassett moved to declare an inability to elect a Council President at this meeting and to elect a temporary chairperson. Councilman Peterson seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Bassett moved that Councilman Peterson continue as temporary chairperson for this meeting. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Rankin moved to table the Council Representative/Liaison Appointments until the next meeting. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Temporary Chairperson Peterson opened a hearing regarding the Class D Liquor License for Wal-Mart Stores Inc DBA Walmart 7129 at 7:16 P.M.

Temporary Chairperson Peterson opened a hearing regarding the Class D Liquor License for Wal-Mart Stores Inc DBA Walmart Gas 7129 at 7:17 P.M.

Temporary Chairperson Peterson opened a hearing regarding the recommendation from the Planning Commission regarding amendments to Ogallala zoning code, Chapter 44 at 7:17 P.M.

Christel Armstrong addressed the council regarding the proposed liquor licenses for Walmart and Walmart Gas.

Ken Knoepfel, Planning and Zoning Administrator, addressed the council regarding the recommendation from the Planning Commission regarding amendments to Ogallala zoning code, Chapter 44.

Temporary Chairperson Peterson closed a hearing regarding the Class D Liquor License for Wal-Mart Stores Inc DBA Walmart 7129 at 7:25 P.M.

Councilman Bassett moved that the Class D Liquor License in connection with Wal-Mart Stores Inc DBA Walmart 7129 be approved by the Nebraska Liquor Control Commission. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Rankin moved that the Corporate Manager License for Christel Armstrong in connection with the Class D Liquor Licenses for Wal-Mart Stores Inc. DBA Walmart 7129 located at 201 Pony Express Lane be approved by the Nebraska Liquor Control Commission. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Temporary Chairperson Peterson closed a hearing regarding the Class D Liquor License for Wal-Mart Stores Inc DBA Walmart Gas 7129 at 7:27 P.M.

Councilman Bassett moved that the Class D Liquor License in connection with Wal-Mart Stores Inc DBA Walmart Gas 7129 be approved by the Nebraska Liquor Control Commission. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Rankin moved that the Corporate Manager License for Christel Armstrong in connection with the Class D Liquor Licenses for Wal-Mart Stores Inc. DBA Walmart Gas 7129 located at 206 Oregon Trail Road be approved by the Nebraska Liquor Control Commission. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Rankin moved that the Corporate Manager License for James E. Larson, Jr. in connection with the Class D Liquor Licenses for Shopko Hometown #691 located at 100 Texas Trail Drive be approved by the Nebraska Liquor Control Commission. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

City Clerk Skinner presented the financial report for November 2014.

Councilman Bassett introduced Ordinance 1331, entitled: An ordinance amending ordinance no. 1330 previously adopted by the mayor and council of the city on November 25, 2014 (the "2014 ordinance") relating to the city's general obligation refunding bonds, series 2014; particularly amending and restating section 2 thereof relating to the maturity schedule, interest rates and certain other terms applicable to the bonds; otherwise ratifying and affirming the 2014 ordinance; determining this ordinance to be a measure necessary to carry out contractual obligations of the city; and providing for publication of this ordinance 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 Rankin seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1331 was read by title and, thereafter, Councilman Bassett moved for the final passage of the Ordinance. Councilman Rankin seconded the motion. The Temporary Chairperson then stated the question: "Shall Ordinance No. 1331 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Darrell Bassett, Harold Peterson and Rodger Rankin. The following Council Members voted "No": None. Absent: Kevin Block, Karl Elmshaeuser. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Temporary Chairperson declared the Ordinance adopted and the Temporary Chairperson, 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. 1331 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Eric Duhachek, Keith County Area Development updated the council regarding the following KCAD activities: Housing update- Old Lakeway Lodge site and a New Housing Study; BR&E Update; and 2015 Lake Ogallala Outdoor Expo.

Councilman Bassett introduced Ordinance 1332. Temporary Chairperson Peterson read Ordinance 1332 by title, an ordinance amending section 44 of the Ogallala municipal code governing accessory structures. Temporary Chairperson Peterson announced that Ordinance 1332 was read for the first time.

Richard Brown, Street Superintendent, presented the Road-Street-Highway Budget and Expenditure Report to the council.

Councilman Bassett moved to approve the Road-Street-Highway Budget and Expenditure Report and authorize submittal to the Nebraska Department of Roads. Councilman Peterson seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

Councilman Bassett moved to approve the Certificate of Compliance between City of Ogallala and State of Nebraska Department of Roads per terms of Maintenance Agreement No. 43 for 2014. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Harold Peterson and Rodger Rankin. No: None. Absent: Kevin Block and Karl Elmshaeuser. Motion declared carried.

