

A REGULAR MEETING OF THE CITY COUNCIL

JULY 25, 2017

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 July, 2017, at 7:00 o'clock P.M. Present were: President of the Council: Darrell G. Bassett; Council Members: Dorie Nolde, Deb Schilz and Darryl Weddington. Absent: Harold Peterson. City Manager: Bruce Smith. City Clerk: Jane 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 July 21, 2017 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 Member Schilz moved to excuse Council Member Peterson from the July 25, 2017 City Council Meeting. Council Member Weddington seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

City Attorney McQuillan explained to the council that the renewal application forms for agenda items 2.L.5. Renewal of Journeyman Plumber License – Joe Malone and 2.N.2 – Renewal of Mobile Home Park License – Joe Malone dba 3 Pines MHP were altered and not consistent with the renewal ordinance allowed for in municipal code.

Council President Bassett removed items 2.L.5. and 2.N.2 from the consent agenda for separate consideration.

Council Member Weddington moved to approve the consent agenda. Council Member Nolde seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried and the consent agenda was approved as follows:

- A. Claims.
- B. Minutes of the Regular Meeting held July 11, 2017.
- C. Minutes of the Special Meeting held July 12, 2017
- D. O.V.F.D. – Probationary Membership of Kachina Carmin.
- E. O.V.F.D. – Probationary Membership of James M. Haggerty.
- F. O.V.F.D. – Probationary Membership of Tanner James McVay.
- G. O.V.F.D. – Resignation of Christopher R. Reilly.
- H. Renewal of Appliance Installer Licenses:
 - 1) Paul Ruhlman
- I. Renewal of Gas Fitters Licenses:
 - 1) Eric Anderson
 - 2) Marc Fagullar
 - 3) Donald Flynn
 - 4) Joel Newcomer
 - 5) David Norman
 - 6) Dell Simmerman
- J. Renewal of Master Plumber Licenses:
 - 1) Bob Charron
 - 2) Marc Fagullar

- 3) Dan Heble
- 4) John Moore
- 5) Robert Nelson
- 6) Joel Newcomer
- K. Renewal of Right of Way Contractor Licenses:
 - 1) Scott England
 - 2) Morgan McClure
 - 3) JD Peterson
- L. Renewal of Journeyman Plumber License:
 - 1) Troy Brown
 - 2) Dan Dailey
 - 3) Tod Kimberling
 - 4) Chad Wittstruck
 - 5) Joe Malone
- M. Renewal of Sewer Contractor License:
 - 1) Scott England
- N. Renewal of Mobile Home Park License:
 - 1) Richard Peterson dba L & L Court.
 - 2) Joe Malone dba 3 Pines MHP

The claims were approved as follows:

General Fund:

Ne Dept Of Rev-4,820.14-Sit; 125 Plan-192.30-Pretx; Am Fam Ins-342.13-Ins; Eftps-19,468.25-Fit; Hosp&Med-23,264.72-Ins; Icma-592.32-Pen; John Hancock-10,423.17-Pen; Ne Child Sup-406.16-P/R; Pinn Bank-63,475.85-Pp14; Valley Bank-4,397.75-Hsa; 125 Plan-192.30-Pretx; Eftps-19,543.70-Fit; Hartford Life-1,492.15-Ins; Hosp&Med-23,264.72-Ins; Icma-592.32-Pen; John Hancock-10,769.19-Pen; Ne Child Sup-406.16-P/R; Pinn Bank-62,528.97-Pp15; Valley Bank-4,397.75-Hsa; Dept Of Aero-3,190.83-Lease; Water Dept-6,669.50-Su; Ne Dept Of Rev-1,243.64-Salestx; Pinn Bank-25.00-Se; Cna Surety-(40.00)-Reverse; 21st Century-68.69-Su; Allo-1,239.60-Su; Andersen Sign Co-908.00-Su; Napa-559.67-Su; A+ Tree-30.00-Su; Armscor Cart-1,575.00-Su; Arnold Pool-3,644.02-Su; Atco Intl-79.95-Su; Baltzell Vet-40.00-Se; Barco Prod-1,028.03-Su; Bear Graphics-484.49-Su; Bekke Svc-94.50-Se; Big Springs Equip-7.03-Su; Black Hills Energy-4,227.36-Su; Bluecross Blueshield-664.92-Refund; Boot Hill Comm-433.05-Su; Bound Tree Med-237.07-Su; Bruckner, Mike-842.32-P/R; Candy Aerotech-1,000.00-Contract; Cash-Wa-1,612.97-Su; Chs Grainland-4,554.11-Su; City Of North Platte-700.00-Se; Complete Cleaning Solutio-499.80-Se; Contractors Materials-1,287.96-Su; Cornhusker Glass-43.52-Se; Cranmore Pest-45.00-Se; Culligan-108.00-Su/Se; Dultmeier Sales-232.34-Su; Eichner Sales-1,519.12-Su; Ems Billing-1,880.09-Contract; Extreme Machine-78.75-Su/Se; John Deere Financials-683.97-Su; Green Earth Supply-574.43-Su; Humphreys-300.43-Su; Ginni Huntimer-18.20-Refund; Icma-125.00-Pen; Ideal Linen-174.46-Su/Se; Waste Conn-1,095.91-Se; Kc Hosp Auth-39,165.43-Salestx; Kc News-315.32-Se; Kc Reg Of Deeds-10.00-Se; Kc Treasurer-10,471.39-Se; Kc Court-17.00-Su; Kenfield Elec-1,682.20-Su/Se; Kents Towing-300.00-Se; La Quinta-380.00-Su; Linweld-403.20-Su; Mcm Truck-191.00-Se; Mcquillan Law-1,768.80-Se; Mead Lumber-50.10-Su; Midwest Turf-181.44-Su; Midland's Family-35.00-Se; Mighty Clean Janitorial-70.00-Se; Moore Plmb-264.00-Su; Ne Salt&Grain-24,382.47-Su; Printworks-141.07-Su; Ne Dept Of Aero-10,000.20-Su; Nppd-17,839.51-Su; O'reilly-115.15-Su; Office Svc-962.68-Su; Chamber Of Comm-17,145.70-Se; Water Dept-1,110.75-Su; Og Comm Hosp-192.33-Su; Ace Hardware-379.71-Su; Og Eyecare-105.00-Se; Open Range-200.00-Refund; Quill Corp-696.24-Su; Rankin Sales-199.99-Su; R&D Welding-158.67-Se; Reams Sprinkler-650.84-Su; Reg West Med Cen-11,880.00-Contract; Roberts, Bowen-10.00-Su; Rose Equip-1,103.00-Su; Snell Svc-11,288.65-Su/Se; Stericycle-134.49-Se; Tlc Cleansweep-440.00-Se; T&C Srv-1,183.81-Su; T&A Align-155.50-Su/Se; Us Bank-8,104.18-Su; Us Postal Svc-85.20-Su; Verizon-868.25-Su; Visa-10.00-Su; Mari Warner-110.00-Su; Wells Fargo-40,503.84-Lease; West Cntr Ne Dev Dist-4,456.96-Se; Wolf Landscape-113.00-Su;

Select Flex:

Rci-140.10-P/R;

Water Dept:

Water Dept-44.67-Su; Ne Dept Of Rev-10,560.93-Salestx; Adams Bank-25.00-Se; Allo-132.00-Se; Am Ag Lab-52.50-Se; Barco Prod-924.05-Su; Black Hills Energy-150.08-Su; Chs Grainland-310.65-Su; Cornhusker Glass-46.83-Se; Eichner Sales-27.00-Se; Gen Fund-25,617.46-Su/Se; Harcros Chemicals-4,588.86-Su; Humphreys-54.53-Su; Ideal Linen-154.04-Su/Se; Waste Conn-148.55-Se; Kc Reg Of Deeds-10.00-Se; Kimball Midwest-33.57-Su; Lawson Prod-694.36-Su; Midwest Elec-6,142.63-Su; Muni Supply-9,059.14-Su; Muni Pipe-7,811.00-Su; Printworks-78.60-Su; Nppd-6,311.42-Su; One Call Concepts-62.61-Se; Paulsen-207.84-Su; Rankin Sales-43.34-Se; R&D Welding-51.20-Su; Safety-Kleen-283.14-Su; Ne Health Lab-18.00-Se; Unitech-714.23-Su; Us Bank-508.49-Su; Verizon-127.01-Su; Rachael Bassett-14.76-Refund; Mike Carlson-3.11-Refund; Burton Nass-40.66-Refund; Cheryl Phipps-44.67-Refund;

Sewer Treatment Fund:

Water Dept -79.00-Su; Adams Bank-25.00-Se; Allo-117.27-Su; Black Hills Energy-1,477.56-Su; Gen Fund-17,806.13-Su/Se; Ideal Linen-45.47-Su/Se; Waste Conn-169.09-Se; Nppd-5,525.47-Su; Scott England-3,000.00-Su/Se; Centurylink-73.80-Su; Superior Lamp-496.36-Su; Us Bank-156.81-Su; Verizon-53.82-Su;

Youth Activity:

City Of Og-300.00-Su; Youth Soccer-50.00-Su;

Medical Benefit:

Curtis, Jarrod-90.00-Se; Mcquillan Law-357.50-Se; Chamber Of Comm-640.00-Su; Og Med Center-3,662.00-Se; Rci-14,163.01-Ins; Rci-4,587.03-Ins; Rci-1,903.92-Ins; Rci-2,400.59-Ins;

Council Member Nolde moved to deny the applications of Joe Malone for Journeyman Plumber License and Mobile Home Park license. Council Member Schilz seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

George Zeilinger, Colby Glinn, Ken Knoepfel – Planning and Zoning Administrator, and Larry Schlem addressed the council regarding the change of use to a Mechanic Shop for Colby Glinn's property at 418 West Q Street which was formerly Draucker Monument Company.

Council Member Weddington moved to disapprove a request for a change of use for a Mechanic Shop at 418 W Q Street for Colby Glinn. Motion died for lack of a second.

Council Member Nolde moved to approve a request for a change of use for a mechanic shop at 418 West Q Street for Colby Glinn. Council President Bassett seconded the motion.

The council discussed possible noise that may disturb neighbors in the evening hours.

Council Member Nolde amended the motion to approve a request for a change of use for a mechanic shop at 418 West Q Street for Colby Glinn to operate his business from 8 AM to 6 PM Monday thru Friday. Council Member Bassett seconded the amendment to the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde and Deb Schilz. No: Darryl Weddington. Absent: Harold Peterson. Motion declared carried.

Council Member Nolde moved to approve the claim payable to Western Insurors of Nebraska in the amount of \$40.00. Council Member Weddington seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde and Darryl Weddington. No: None. Abstain: Deb Schilz. Absent: Harold Peterson. Motion declared carried.

Council Member Nolde moved to approve the Settlement Agreement with Allied World Insurance Company on the 8 Place T-Hangar and Pave Parking Lot Searle Field Project – Project 3-31-0061-011. Council Member Schilz seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Council Member Schilz moved to approve the Letter Agreement for Professional Services with Olsson Associates Inc for Construction Services for the 8 Place T-Hangar Project – Project 3-31-0061-011 and authorize the Council President to sign the agreement. Council Member Weddington seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Council President Bassett announced Ordinance 1358 was introduced and read for the first time on July 11, 2017. Council President Bassett read Ordinance 1358 by title, An Ordinance amending Section 44-1002 - Permitted Uses, of the Municipal Code of the City of Ogallala, Nebraska. Council President Bassett announced that Ordinance 1358 has been read for the second time.

Council Member Nolde moved that the statutory rule requiring the reading on three different days be suspended. Council Member Schilz seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1358 was read by title and, thereafter, Council Member Schilz moved for the final passage of the Ordinance. Council Member Nolde seconded the motion. The President then stated the question: “Shall Ordinance No. 1358 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Dorie Nolde and Deb Schilz. The following Council Members voted “No”: Darryl Weddington. Absent: Harold Peterson. 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. 1358 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Police Chief and Nuisance Officer Dave Kling presented visual evidence regarding nuisance properties.

Council Member Nolde introduced resolutions of declared nuisance and moved for their adoption. Council Member Weddington seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolutions No. 1680 - 1683 adopted, a copy of said Resolutions being attached hereto and by this express reference, incorporated herein and made a part hereof.

Council Member Schilz moved to abate the nuisance properties identified as: 2017 OGA 001 – 105 Wagon Trail Dr., 2017 OGA 003 – 104 Wagon Trail Dr., 2017 OGA 009 – 206 Canyon Rd., 2017 OGA 013 – 213 Canyon Rd., 2017 OGA 025 – 310 W 32nd St. #15, 2017 OGA 026 – 310 W 32nd St. #19, 2017 OGA 027 – 310 W 32nd St. #21, 2017 OGA 029 – 405 W 30th St., 2017 OGA 030 – 401 W 30th St., 2017 OGA 031 – 310 W 32nd St. #30, 2017 OGA 033 – 310 W 32nd St. #26, 2017 OGA 039 – 502 W 32nd St #19, 2017 OGA 041 – 502 W 32nd St. #21, 2017 OGA 047 – 310 W 32nd St. #2, 2017 OGA 048 – 310 W 32nd St. #3, 2017 OGA 049 – 310 W 32nd St. #5, 2017 OGA 050 – 310 W 32nd St. #8, 2017 OGA 051 – 310 W 32nd St. #9, 2017 OGA 053 – 310 W 32nd St. #11, 2017 OGA 054 – 310 W 32nd St. #14, 2017 OGA 055 – 310 W 32nd St. #12, 2017 OGA 058 – 310 W 32nd St. #34, 2017 OGA 060 – 310 W 32nd St. #38, 2017 OGA 061 – 310 W 32nd St. #39, 2017 OGA 063 – 310 W 32nd St. #41, 2017 OGA 064 – 310 W 32nd St. #43, 2017 OGA 065 – 310 W 32nd St. #44, 2017 OGA 069 – 205 W 30th St., 2017 OGA 070 – 310 W 32nd St. #47 & #48. Council Member Nolde seconded the motion. The following council members

voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Council Member Weddington introduced resolutions to rescind declared nuisance and moved for their adoption. Council Member Schilz seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolutions No. 1684 - 1695 adopted, a copy of said Resolutions being attached hereto and by this express reference, incorporated herein and made a part hereof.

Matt Smith, Street Superintendent, addressed the council regarding change order number 1 for street improvement project 2017-1.

Council Member Nolde moved to approve the Street Improvement Project 2017-1 – Change Order No. 1 in the amount of \$47,725.66. Council Member Weddington seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Council Member Schilz moved to approve the Street Improvement Project 2017-1 – Pay Application No. 2. Council Member Nolde seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Council Member Weddington moved to approve the Street Improvement Project 2017-1 – approval and acceptance of completed job. Council Member Nolde seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried.

Bruce Smith, City Manager, notified the council that according to his employment contract, “The City shall review compensation on or before July 31, beginning in July 2017 in each year. It shall be the duty of Employee to inform City of its obligation to review compensation.”

The Council gave updates on their board appointments as follows:

- A. Buck Bassett
 - 1) Board of Health
- B. Dorie Nolde
 - 1) West Central Nebraska Joint Housing Authority
 - 2) Chamber of Commerce
- E. Darryl Weddington
 - 1) Library Board
- F. City Council Member/County Commissioner/School Board Meeting. (Weddington and Schilz)

Council Member Nolde moved to adjourn. Council Member Schilz seconded the motion. The following council members voted Yes: Darrell Bassett, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: Harold Peterson. Motion declared carried and meeting adjourned at 8:43 P.M.

Jane M. Skinner
City Clerk

Approved:

Darrell G. Bassett

