

A REGULAR MEETING OF THE CITY COUNCIL

MAY 28, 2019

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 28<sup>th</sup> day of May, 2019, at 7:00 o'clock P.M. Present were: President of the Council: Deb Schilz; Council Members: Kevin Block, Dorie Nolde and Darryl Weddington. Absent: LD Walker. 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 May 24, 2019 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 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 Block moved to excuse LD Walker from the May 28, 2019 City Council meeting. Council Member Nolde seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: LD Walker. Motion declared carried.

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

- A. Minutes of the Regular Meeting held May 14, 2019.
- B. Claims.
- C. O.V.F.D. - Probationary Membership of Andrew J. Kuehl.
- D. O.V.F.D. – Auxiliary Membership of Kim Kuehl.
- E. O.V.F.D. – Probationary Membership of Taylor C. Molzahn.
- F. License and Permit Bond – Michael Frye.

The claims were approved as follows:

**General Fund:**

Ne Dept Of Rev-4,561.10-Diy; 125 Plan-461.91-PreTx; Am Fam Ins-413.93-Ins; Eftps-16,730.10-Fit; Hosp&Med-27,786.99-Ins; Icma-737.22-Pen; Kc Court-222.69-P/R; John Hancock-10,167.10-Pen; Ne Child Sup Cen-46.15-P/R; Pinn Bank-54,673.40-Pp10; Western States Bank-4,930.49-Hsa; 125 Plan-461.91-PreTx; Eftps-16,700.63-Fit; Hartford Life-1,361.66-Ins; Hosp&Med-27,786.99-Ins; Icma-737.22-Pen; Kc Court-222.69-P/R; John Hancock-10,025.36-Pen; Ne Child Sup Cen-46.15-P/R; Pinn Bank-54,758.12-Pp11; Western States Bank-5,030.49-Hsa; Wex Bank-4,694.90-Su; Ne Dept Of Trans-3,190.83-Contract; Water Dept-929.41-Su; Ne Dept Of Rev-499.07-SaleStx; Pinn Bank-25.00-Se; 21st Century Equip-118.00-Su; 911 Custom-780.00-Su; Action Comm-3,661.00-Su; Airgas-116.89-Su; Alive Outside-1,047.16-Su/Se; Allo-974.46-Se; Andersen Sign-30.00-Su; Anderson Indust-199.62-Su; Napa-309.47-Su; Arnold Pool-65,361.39-Su; Artfx-900.00-Su; Avery Asphalt-212,831.42-Su/Se; Baltzell Vet-80.00-Se; Bavco Backflow-86.40-Su; Black Hills Energy-5,144.79-Su; Bound Tree Med-371.56-Su; Bruckner, Mike-842.32-P/R; Candy Aerotech-1,000.00-Contract; Chs Grainland-1,502.95-Su; Cima Co-1,347.27-Ins; Contractors Materials-51.00-Su; Consol Mgmt-38.04-Su; Correll Refrig-334.00-Se; Cornhusker St Ind-501.00-Su; Cranmore Pest-45.00-Se; Culligan-51.50-Su; Driftwood Og & Pott Elec-8,280.00-Su; Driftwood Og & Correll Refrig-13,751.00-Su; Driftwood Og & Sun Dog-1,350.00-Su; Driftwood Og & Hiltibrand-31,517.30-Su;

Driftwood Og & Day & Night Plbg-8,910.00-Su; Eichner Sales-449.43-Su; Ems Billing-1,717.46-Contract; Evidence Mgmt Law-325.00-Su; Og Plumbing-98.00-Su; John Deere Financials-607.06-Su; Frank Azar-646.89-Refund; Fyr-Tek-72.75-Su; Golf & Sport-1,563.67-Su; Goldstar Prod-949.64-Su; Doug Halligan-49.84-Su; Humphreys-330.37-Su; Ideal Linen-289.59-Su/Se; Iimc-170.00-Dues; Janscape Nursery-645.00-Su; Waste Conn-1,230.65-Se; Kc Clerk-5.55-Su; Kc Hosp Auth-30,982.17-Salestx; Kc News-1,259.45-Se; Kc Treasurer-12,969.59-Se; Kenfield Elec-105.00-Se; Kents Towing-650.00-Se; K&K Svc-175.00-Se; Mcquillan Law-2,307.50-Se; Michael Mcquillan-500.00-Su; Mead Lumber-2,026.56-Su; Mid-Am Research-924.18-Su; Midland's Family Med-70.00-Se; Mobile Mech Serv-292.00-Se; Mobotrex-414.00-Su; Murphy Tractor-4,533.45-Su; Ndhss-360.00-Se; Nmc Exchange-63.13-Su; Printworks-245.95-Su; Nppd-16,252.81-Su; Ne Safety & Fire-260.00-Su; O'reilly Auto-29.79-Su; Off Svc-2,674.47-Su; Chamber Of Comm-5,450.00-Su; Water Dept-420.00-Su; Og Comm Hosp-823.17-Su; Ace Hardware-85.11-Su; Vicki Lynn Peters-150.00-Se; Rankin Sales-129.89-Su; Rdj Specialties-226.53-Su; Reams Sprinkler-1,384.83-Su; Reg West Med-5,020.00-Se; Rlh Constr-296.20-Su; Rose Equip-248.26-Su; Sapp Bros-18.75-Su; Schmidt Motors-39.05-Su; Scotties Potties-1,955.00-Su/Se; Sheks-75.00-Su; Shelco Constr-5,130.00-Su; Amgl-1,430.00-Se; Ne State Acctg-154.00-Se; Tc Engineering-22,610.75-Se; Tlc Cleansweep-440.00-Se; To Haas-21.09-Se; T&C Srv-56.20-Se; Twomey Tree-200.00-Se; Us Bank-7,546.46-Su; Us Postal Svc-87.60-Su; Van Diest Supply-7,964.50-Su; Weathercraft-260.00-Su; West Central Ne Dev Dist-4,200.00-Dues; Western Path Consult-84.00-Se; Wl Constr Supply-155.88-Se; Wolf Auto-988.64-Se;

**Select Flex:**

Rci-240.70-Pretx; Rci-109.30-Pretx; Rci-144.00-Pretx;

**Water Dept:**

Water Dept-52.25-Su; Ne Dept Of Rev-9,333.22-Salestx; Adams Bank-25.00-Se; Allo-128.62-Su; Am Ag Lab-87.50-Se; Napa-89.93-Su; Atco Intl-75.00-Su; Black Hills Energy-323.98-Su; Chs Grainland-793.44-Su; Cornhusker Glass-40.32-Se; Downey Drilling-30,935.25-Su; Galls-205.75-Su; Gen Fund-29,267.54-Su; Humphreys-36.77-Su; Ideal Linen-186.13-Su/Se; Waste Conn-165.72-Se; Lawson Prod-282.33-Su; Lincoln Winwater Works-637.06-Su; Mcquillan Law-217.10-Se; Midwest Elec-3,866.36-Su; Muni Supply-2,360.52-Su; Ndeq-78,621.71-Su; Nppd-52,055.65-Su; Simon Cont-29.20-Su; One Call Concepts-120.38-Se; Paulsen-4,455.22-Su; Safety Kleen-283.14-Su; Ne Dept Health Lab-18.00-Se; Us Bank-301.10-Su; Delmar Hauff-51.98-Refund; Virginia Preast-26.52-Refund; Cortni Sabin-35.18-Refund; Hendrik Schwim-5.84-Refund;

**Sewer Dept:**

Wex Bank-16.24-Su; Water Dept-89.00-Su; Adams Bank-25.00-Se; Allo-117.45-Su; Am Ag Lab-27.50-Se; Napa-9.50-Su; Black Hills Energy-2,680.40-Su; Gen Fund-19,717.97-Su; Gpm-1,369.00-Su; Ideal Linen-60.82-Su/Se; Iowa Pump Works-2,420.23-Su; Waste Conn-180.06-Su; Kc News-199.58-Se; Knapp Elec-6,570.00-Su; Mcquillan Law-42.90-Se; Ndeq-98,278.00-Su; Printworks-50.00-Su; Nppd-3,998.06-Su; Water Dept-22.00-Su; Ace Hardware-23.11-Su; Potts Elec-70.72-Su; R&D Welding-148.55-Se; Scotties Potties-2,147.00-Su; Us Bank-1,307.38-Su;

**Youth Committee:**

City Of Og-125.00-Su; Kc News-8.10-Se; Og Baseball Assn-75.00-Su; Treetop Pub-150.15-Su; Us Bank-188.91-Su;

**Medical/Benefit:**

Chamber Of Comm-620.00-Su; Rci-17,841.60-Ins; Rci-5,250.72-Ins; Rci-927.41-Ins; Rci-7,819.18-Ins; Rci-1,254.46-Ins; Rci-3,104.57-Ins;

Rick Bourque, Ogallala Fireworks Fund, addressed the council regarding the location for the Ogallala fireworks display.

Council Member Nolde moved to approve the claims payable to Adams Insurance Advisors in the amount of \$258.00. Council Member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde and Darryl Weddington. No: None. Abstain: Deb Schilz. Absent: LD Walker. Motion declared carried.

Brian Vasa, NPPD Economic Development Consultant, addressed the Council regarding the Professional Retail Operations Agreement.

Council Member Block introduced resolution 1870, a resolution approving professional retail operations agreement. Council President Schilz read the resolution by title and Council Member Nolde seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following council Members voted "No": None. Absent: LD Walker. Motion declared carried and Resolution 1870 was adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Council Member Nolde introduced Ordinance 1383, entitled: An Ordinance granting to the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska, its successors and assigns, the non-exclusive right and franchise for a period of Twenty-Five (25) Years to erect, operate and maintain an electric light and power system in the City of Ogallala for the purpose of furnishing electric energy to said City of Ogallala and the inhabitants thereof; limiting the maximum charges for such energy; providing certain regulations with reference thereto; and all things incidental to the purposes thereof; repealing all ordinances and parts of ordinances in conflict therewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect and moved that the statutory rule requiring the reading on three different days be suspended. Council Member Block seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1383 was read by title and, thereafter, Council Member Nolde moved for the final passage of the Ordinance. Council Member Block seconded the motion. The President then stated the question: "Shall Ordinance No. 1383 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. 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. 1383 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council Member Block moved to approve the letter of interest for Sunwise Community Solar Program with the Nebraska Public Power District. Council President Schilz seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: LD Walker. Motion declared carried.

Council Member Nolde introduced resolution 1871, a resolution adopting and approving the execution of an Agreement to waive receipt of the non-primary entitlement funds apportioned to Searle Field in Fiscal Year 2016, and transferring these funds for use at another Nebraska airport. Council President Schilz read the resolution by title and Council Member Weddington seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following council Members voted "No": None. Absent: LD Walker. Motion declared carried and Resolution 1871 was adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Council Member Weddington moved to approve the request for the placing of underground storage tanks on Lot 3, Block 1 of the Ogallala North Business Park in the location as presented. Council Member Block seconded the motion. The following council members

voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: LD Walker. Motion declared carried.

Council Member Block introduced Ordinance 1384, entitled: An Ordinance adopting the Ogallala Economic Development Plan 2019-2034 (LB 840 Plan) and moved that the statutory rule requiring the reading on three different days be suspended. Council Member Weddington seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1384 was read by title and, thereafter, Council Member Block moved for the final passage of the Ordinance. Council Member Weddington seconded the motion. The President then stated the question: "Shall Ordinance No. 1384 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. 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. 1384 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Brian Vasa, CRA Chairman, provided notice of intent to enter into a contract with Davis Land Investments at the property located at 802 East 2 Street on behalf of the Ogallala Community Redevelopment Authority.

Brian Vasa, CRA Chairman, provided notice of intent to enter into a contract with Davis Land Investments at the property located at 804 East 2 Street on behalf of the Ogallala Community Redevelopment Authority.

Brian Vasa, CRA Chairman, provided notice of intent to enter into a contract with Lured In at the property located at 201 Diamond Spring Trail on behalf of the Ogallala Community Redevelopment Authority.

Brad Slaughter, Ameritas Investment Corp, addressed the council regarding the Highway Allocation Fund Pledge Bonds, Series 2019, in the principal amount not to exceed Six Hundred Thirty-Five Thousand Dollars (\$635,000).

Council Member Nolde introduced Ordinance 1385, entitled: An Ordinance authorizing the issuance of Highway Allocation Fund pledge bonds, series 2019, of the City of Ogallala, Nebraska, in the principal amount of not to exceed six hundred thirty-five thousand dollars (\$635,000) for the purpose of paying the costs of constructing certain street and related improvements of the City; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the officers of the City to establish the final terms of the bonds within certain parameters; appointing a paying agent and registrar; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form and moved that the statutory rule requiring the reading on three different days be suspended. Council Member Block seconded the motion. Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1385 was read by title and, thereafter, Council Member Block moved for the final passage of the Ordinance. Council Member Weddington seconded the motion. The President then stated the question: "Shall Ordinance No. 1385 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. The following Council Members voted "No": None. Absent: LD Walker. 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. 1385 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council Member Nolde moved to accept the lowest responsible bid from Myers Construction Inc. for sludge dewatering and handling at the Wastewater Treatment Plant in the amount of \$104,925.00. Council Member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: LD Walker. Motion declared carried.

Bruce Smith, City Manager, updated the Council regarding the Library Building Advisory Committee.

The City Council Members gave their committee reports as follows:

- A. Deb Schilz
  - 1) Board of Health
  - 2) Keith County Area Development
- B. Darryl Weddington
  - 1) Library Board
- C. Kevin Block
  - 1) Ogallala Youth Committee
- D. Dorie Nolde
  - 1) Keep Keith County Beautiful
- E. LD Walker – presented by Bruce Smith
  - 1) Kenfield Petrified Wood Gallery
- F. City Council Member/County Commissioner/School Board Meeting – Dorie Nolde.

Council Member Block moved to adjourn. Council Member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and Darryl Weddington. No: None. Absent: LD Walker. Motion declared carried and meeting adjourned at 8:50 P.M.

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Jane M. Skinner  
City Clerk

Approved:

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Deb Schilz  
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 May 28, 2019 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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