

A REGULAR MEETING OF THE CITY COUNCIL

OCTOBER 22, 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 22nd day of October, 2019, at 7:00 o'clock P.M. Present were: President of the Council: Deb Schilz; Council Members: Kevin Block, Dorie Nolde, LD Walker and Darryl Weddington. Absent: None. 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 October 18, 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 approve the consent agenda. Council Member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried and the consent agenda was approved as follows:

- A. Minutes of the Regular Meeting held October 8, 2019.
- B. Claims.

The Claims were approved as follows:

General Fund:

125 Plan-461.91-Pretx; Eftps-16,475.94-Fit; Hartford Life-1,456.16-Ins; Hosp&Med-27,786.99-Ins; Icma-737.22-Pen; Kc Court-201.16-P/R; John Hancock-11,340.91-Pen; Ne Child Sup Cen-46.15-P/R; Pinn Bank-54,182.67-Pp20; Western States Bank-5,202.99-Hsa; Ne Dept Of Rev-4,533.12-Sit; 125 Plan-461.91-Pretx; Am Fam Ins-413.93-Ins; Eftps-17,068.71-Fit; Hosp&Med-27,786.99-Ins; Icma-774.08-Pen; Kc Court-201.16-P/R; John Hancock-10,693.66-Pen; Ne Child Sup Cen-46.15-P/R; Pinn Bank-53,907.08-Pp21; Western States Bank-5,202.99-Hsa; Air Bp-8,218.81-Su; Pump & Pantry-3,095.71-Su; Ne Dept Of Trans-3,190.83-Lease; Water Dept-10,045.84-Su; Ne Dept Of Rev-445.68-Salestx; Pinn Bank-25.00-Se; Cheryl Moore-(50.00)-Reverse; Kc Hosp Auth-5,983.75-Salestx; 21st Century-141.51-Su; Airgas-430.15-Su; Alive Outside-174.99-Su; Allo-1,036.84-Su; Altec Ind-11,239.08-Su; Napa-122.85-Su; Arnold Pool-778.50-Su; Baltzell Vet-90.00-Se; Big Springs Equip-259.66-Su; Black Hills Energy-3,351.23-Su; Bound Tree Med-226.89-Su; Bruckner, Mike-842.32-P/R; Candy Aerotech-1,000.00-Contract; Chs Grainland-2,233.52-Su; Clia Lab-180.00-Dues; Contractors Materials-191.40-Su; Cornhusker St Ind-5,596.00-Su; Culligan-49.50-Su; Eakes Office-70.17-Su; Ems Billing-3,172.92-Contract; Ewert Blds-5,450.00-Su/Se; Og Plmb-778.00-Se; John Deere Financials-610.61-Su; Lisa Field-40.00-Se; Dawn Haney-300.00-Se; Hinton's Lock-402.00-Su; Humphreys-183.44-Su; Icma-125.00-Se; Ideal Linen-506.40-Su/Se; Waste Conn-1,230.65-Se; Luke Jimenez-900.00-Su; Kc Hosp Auth-16,210.94-Salestx; Kc News-797.94-Se; Kc Treasurer-12,969.59-Se; Kc Court-17.00-Se; Kenfield Elec-86.23-Su; Kents Towing-625.00-Se; K&K Svc-200.00-Se; League Of Ne Muni-892.00-Su; Master's Transport-32.90-Su; McClure Constr-5,680.00-Se; Mcquillan Law-3,118.70-Se; Mead Lumber-96.91-Su; Mid-Am Research-1,226.60-Su; Midland's Fam Med-70.00-Se; Printworks-32.20-Su; Ne Law Enforce Trng-52.00-Se; Ne Muni Clerks Assn-35.00-Dues; Nppd-17,376.08-Su; Nessca-100.00-Dues; Off Svc-347.96-Su; Chamber Of Comm-100.00-Refund; Water Dept-1,316.00-Su; Og Comm Hosp-325.46-Su; Ace Hardware-370.77-Su; Paulsen-2,316.23-Su; Positive Concepts-376.00-Su; Potts Elec-97.95-Su; Quill-

837.03-Su; Ramaker-450.00-Su; Rankin Sales-24.14-Su; R&D Welding-10.80-Su; Reams Supply-919.01-Su; Reg West Med Cen-6,089.37-Su/Se; Scotties Potties-900.00-Se; Sheks-75.00-Su; Blake Smidt-9.50-Refund; Ne State Acct-77.00-Se; Steve's Body-700.00-Se; Stericycle-152.55-Se; Stryker Med-500.00-Su; Telvent-2,772.00-Dues; T&A Align-1,556.49-Su/Se; Us Bank-6,798.26-Su; U S Postal Svc-87.60-Su; Western Path-28.75-Se; W L Constr-413.98-Su; Us Bank-50.77-Su;

Select Flex:

Rci-221.08-P/R; Rci-169.00-P/R;

Water Dept:

A/C Depository Trust-3,245.83-Su; Water Dept-52.25-Su; Ne Dept Of Rev-12,217.28-Salestx; A/C Depository Trust-365,020.00-Su; Adams Bank-25.00-Se; Allo-134.22-Su; Am Ag Lab-52.50-Se; Napa-33.00-Su; Black Hills Energy-167.31-Su; Chs Grainland-614.55-Su; Cornhusker Glass-52.36-Se; Dickinson Land-685.00-Se; Downey Drilling-94,867.62-Su/Se; Gen Fund-27,117.85-Su/Se; Hoa Solutions-28,095.66-Su; Humphreys-438.87-Su; Ideal Linen-112.06-Su/Se; Waste Conn-165.72-Se; Kc Treasurer-3,304.02-Su; League Of Ne Muni-45.00-Su; Midwest Elec-6,281.89-Su; Muni Supply-958.11-Su; Myers Construc-101,759.14-Su; Ne St Treasur-219.16-Su; Nemo Lock-204.22-Su; Nppd-5,006.34-Su; One Call Concepts-88.24-Se; Prairie States-110.50-Su; Sapp Bros-25.68-Su; Ne Health Lab-794.00-Se; Us Bank-388.09-Su; Weathercraft-666.00-Su; Wolf Auto-721.83-Su; Jarret Eichner-156.26-Refund; Tye Gipfert-27.65-Re; Nppd-47.35-Re;

Sewer Treatment Fund:

Pump & Pantry-30.63-Su; Water Dept-141.25-Su; Adams Bank-25.00-Se; Simon Contract-(8,727.38)-Reverse; Allo-118.33-Su; Napa-12.83-Su; Black Hills Energy-1,976.88-Su; Gen Fund-20,842.02-Su/Se; Hoa Solutions-506.25-Su; Ideal Linen-60.82-Su/Se; Waste Conn-180.06-Se; Kelly Supply-249.54-Su; Ndeq-150.00-Su; Nppd-5,104.20-Su; Potts Elec-140.00-Su; Us Bank-221.81-Su;

Youth Committee:

Us Bank-15.78-Su;

Medical/Benefit:

U-Save-18.92-Su; Chamber Of Comm-340.00-Su; Rci-17,239.32-Ins; Rci-1,243.69-Ins; Rci-11,834.91-Ins; Rci-2,636.58-Ins; Rci-4,933.20-Ins;

Council President Schilz opened a public hearing regarding a request to vacate a city alley located adjacent to lots 1, 2, 7 and 8 and vacated East C Street in Block 35, Original Town, Ogallala, Nebraska at 7:02 P.M.

Ken Knoepfel addressed the council regarding a request to vacate a city alley located adjacent to lots 1, 2, 7 and 8 and vacated East C Street in Block 35, Original Town, Ogallala, Nebraska.

Dave Schwasinger addressed the council regarding a request to put in a crosswalk for St. Luke's School.

Council Member Weddington moved to approve the crosswalk between St. Luke's School and St. Luke's Catholic Church. Council Member Walker seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council Member Weddington moved to approve the claims payable to Adams Insurance Advisors in the amount of \$236,019.69. Council Member Walker seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, LD Walker and Darryl Weddington. No: None. Abstain: Deb Schilz. Absent: None. Motion declared carried.

Council President Schilz closed a public hearing regarding a request to vacate a city alley located adjacent to lots 1, 2, 7 and 8 and vacated East C Street in Block 35, Original Town, Ogallala, Nebraska at 7:11 P.M.

Council Member Block introduced Ordinance 1390, entitled: An Ordinance vacating the east-west alley lying adjacent to Lots 1, 2, 7 and 8 and vacated East C Street, Block 35,

Original Town of Ogallala, Keith County, Nebraska., 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, LD Walker and Darryl Weddington. 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. 1390 was read by title and, thereafter, Council Member Block moved for the final passage of the Ordinance. Council Member Walker seconded the motion. The President then stated the question: “Shall Ordinance No. 1390 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. 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, 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. 1390 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council Member Weddington moved to abate the nuisance properties identified as: 2019 OGA 022 – 311 West 3rd Street, and 2019 OGA 091 – 119 West I Street. Council Member Block seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council Member Weddington moved to approve Wastewater Improvements 2018-1 – Change Order #2 with DeWine Mechanical in the amount of \$3,798.00. Council Member Walker seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council President Nolde moved to approve Wastewater Improvements 2018-1 – Change Order #3 with DeWine Mechanical in the amount of \$5,422.00. Council Member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council Member Block introduced Ordinance 1391, entitled: An Ordinance authorizing the issuance of a Sewer Revenue Bond of the City of Ogallala, Nebraska, in the principal amount of up to two million eighty thousand dollars (\$2,080,000) for the purpose of paying the costs of constructing additions and improvements to the existing sanitary sewer plant and sewer system of the City; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environment and Energy; approving the execution and delivery of a loan contract with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenues and earnings of the sanitary sewer plant and sewer system owned by the city for the payment of said bond; entering into a contract on behalf of the City with the holder of said bond; authorizing the delivery of the bond to the Nebraska Department of Environment and Energy; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation; providing for the disposition of the bond proceeds 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 Weddington seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. 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. 1391 was read by title and, thereafter, Council Member Block moved for the final passage of the Ordinance. Council Member Nolde seconded the motion. The President then stated the question: "Shall Ordinance No. 1391 be passed and adopted?" Upon roll call vote, the following Council Members voted "Yes": Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. 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, 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. 1391 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Council Member Nolde moved to approve the purchase of real estate from Matthew J. and Sandy R. Waitley a tract of land located in the NW ¼ of Section 31, T. 14 N., R. 38 W. of the 6th P.M., Keith County, Nebraska, being more particularly described as follows: Commencing at the NW corner of Section 31, T.14 N., R.38 W. of the 6th P.M., Keith County, Nebraska; thence S 89°56'17" E on the north line of the NW 1/4 of said Section, 1591.33 feet to the NE corner of an 11.48 acre tract, known as "Tract 6", surveyed by Ryan E. Dickinson, RLS 554, dated October 10, 2011; thence now following the east line of said "Tract 6", S 00°01'06" W 186.98 feet; S 38°03'40" E 549.38 feet; thence S 00°00'31" W 261.99 feet to the Point of Beginning; thence S 00°00'12" E 121.09 feet to the NE corner of a tract of land surveyed by Robert D. Temple, LS 303, dated October 1976; thence now leaving the east line of said "Tract 6" and now following said Temple tract, N 89°59'25" W 83.06 feet; thence N 00°09'43" W 88.07 feet; thence N 89°59'58" W 100.22 feet; thence S 00°05'17" E 198.89 feet to a point on the south line of said "Tract 6"; thence N 89°54'06" W on the south line said "Tract 6", 70.00 feet; thence N 00°05'17" W 231.77 feet; thence S 89°59'57" E 253.04 feet to the Point of Beginning containing 0.68 acres, more or less. Council Member Block seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz and LD Walker. No: None. Abstain: Darryl Weddington. Absent: None. Motion declared carried.

Council Member Weddington moved to approve Water Improvements 2015-1 – Change Order #2 with Downey Drilling, Inc. in the amount of \$5,422.00, and changing the date of completion to January 1, 2020. Council Member Nolde seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council Member Block moved to go into closed session for the protection of the public interest to discuss the possible purchase of real estate for the City. Council member Weddington seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council President Schilz announced that the City Council will now go into closed session for the protection of the public interest to discuss the possible purchase of real estate at 7:34 P.M.

Council Member Walker moved to return from closed session where the possible purchase of real estate was discussed at 7:53 P.M. Council Member Block seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Absent: None. Motion declared carried.

Council Member Block moved to accept counter offer number 1 from the Ogallala Community Hospital and Health Foundation Inc, for an option to purchase real estate commonly known as TR in SW ¼ outlots 31-14-38 of 42.13A & 5.89A, approximately. Council Member Nolde seconded the motion. The following council members voted Yes: Kevin Block, Dorie Nolde, Deb Schilz, LD Walker and Darryl Weddington. No: None. Abstain: Absent: None. Motion declared carried.

