

# City of Ogallala

411 East 2<sup>nd</sup> Street  
Ogallala, NE 69153  
Phone 308-284-3607  
City Fax 308-284-6565



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MAY 13, 2014

## AGENDA ATTACHMENTS

- 2.A. Minutes of the Regular Meeting held April 22, 2014.
- 2.B. Right of Way License – CJ Construction (Chad Baney).
- 3.A. Administration – Class C Liquor License – Margaritas Fmly Mexican Rest, Inc. dba (Margaritas Fmly Rest).
- 4.A. Proclamation – Foster Care Month.
- 4.B. Proclamation – Police Week.
- 5.A. Financial Report – April 2014.
- 5.B. Administration – Class C Liquor License – Margaritas Fmly Mexican Rest, Inc. dba (Margaritas Fmly Rest).
- 5.C. Administration - Corporate Manager License for Juan Alcaraz in connection with the Class C Liquor Licenses for Margaritas Fmly Mexican Rest, Inc. located at 401 Stagecoach Trail.
  
- 6.A. Administration – Issuance of Street, Sanitary Sewer and Water Improvement Bond Anticipation Notes, Series 2014. (Ord. 1317).
- 6.B. Community Development – Protective Covenants for the Ogallala North Business Park Addition.
- 6.C. O.V.F.D. – Annual Report 2013 (Dell Simmerman).
- 6.D. Water – Request for reimbursement of \$25 Service Charge (Rick Dobson).
- 6.E. Water - Water Department Fee Policy (Rick Dobson).



**MINUTE BOOK**  
CITY OF OGALLALA, NEBRASKA

REGULAR MEETING OF THE CITY COUNCIL

APRIL 22, 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 22<sup>nd</sup> day of April 2014, at 7:00 o'clock P.M. Present were: President of the Council: Harold Peterson; Council Members: Darrell G. Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. Absent: None. City Manager: Aaron Smith; City Clerk-Treasurer: 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 April 18, 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 Block moved to approve the consent agenda. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried and the consent agenda was approved as follows:

- A. Appointment to Board – Board of Health (1).
  - 1) Kurt Johnson – One Year Term (1-1-14 – 12-31-14).
- B. Claims.

The claims were approved as follows:

**General Fund:**

St Of Ne-3,882.43-Sit; 125 Plan-537.97-Pretx; Am Fam Ins-475.53-Ins; Eftps-15,330.52-Fit; Hosp&Med-17,068.37-Ins; Icma-511.50-Pen; Kc Court-185.72-P/R; John Hancock-7,412.16-Pen; Ne Child Support-25.00-P/R; Pinn Bank-48,010.19-Pp7; Valley Bank-1,555.50-Hsa; 125 Plan-537.97-Pretx; Eftps-15,441.00-Fit; Hartford Life-1,276.15-Ins; Hosp&Med-17,068.37-Ins; Icma-511.50-Pen; Kc Court-185.72-P/R; John Hancock-7,427.61-Pen; Ne Child Support-25.00-P/R; Pinn Bank-48,022.17-Pp8; Valley Bank-1,555.50-Hsa; Gen Fund-1,500.00-Su; Ne Dept Of Aero-3,190.83-Lease; Ne Dept Of Rev-1,296.68-Salestx; Pinn Bank-25.00-Se; Cnhtio-50.00-Su; 21st Century-22,735.03-Su; Alamar Uniforms-97.55-Su; Alco-186.83-Su; Allo-1,014.00-Se; Napa-737.46-Su; Arnold Pool-3,743.84-Su; Baltzell Vet-52.50-Su; Bear Graphics-473.36-Su; Big Springs Equipment-882.99-Su; Blue, Kenneth-230.00-Refund; Bound Tree Medical-260.22-Su; Bruckner, Mike-842.32-P/R; Candy Aerotech-1,000.00-Contract; Cash-Wa-337.75-Su; Cdbg Cert-130.00-Su; Central Comm Coll-60.00-Su; True Value-192.71-Su; Corbin Willits-5,635.94-Se; Cornhusker Glass-515.21-Su; Cranmore Pest-45.00-Se; Culligan-98.50-Su; Dja Const-28,434.00-Su; Dollar Gen-165.43-Su; Eichner Sales-252.89-Su; Elliott Equip-15,039.99-Su; Farmers Coop-6,289.06-Su; John Deere-90.72-Su; Fyr-Tek-415.64-Su; Gp Gfoa-150.00-Su; Gp Reg Med-238.50-Se; Hinton's Lock-398.00-Su; Humphreys Auto-628.63-Su; Intl Assn Of Chief-120.00-Dues; Icma-125.00-Se; Ideal Linen-139.36-Su; Waste Conn-800.54-Se; Luis, Juarez-60.00-Se; Kc Clerk-30.00-Se; Kc Hosp Auth-29,719.90-Salestx; Kc News-1,307.82-Se; Kc Reg Of Deeds-44.00-Se; Kc Sen Center-1,542.75-Su; Kc Treas-11,296.82-Se; Kenfield Elec-4,830.40-Su; Kents Towing-100.00-Se; Kildare Lumber-388.06-Su; Sourcegas-5,186.49-Su; League Of Ne Muni-95.00-Su; Lecc-110.00-Su; Linweld-135.88-Su; Mem Truck-185.00-Se; Mcmillan Plumbing-120.00-Se; Mcquillan Law Office-1,383.00-Se; Med-Tech Resource-311.51-

2.A

# MINUTE BOOK

CITY OF OGALLALA, NEBRASKA

Su; Moul's Modern Bldrs-114,843.87-Su; Midwest Mailing-33.95-Su; Mighty Clean Janitorial-70.00-Se; Ne Law Enforce-275.00-Su; Nppd-17,650.23-Su; Office Service-538.27-Se; Banner Health-38.40-Se; Og Ready Mix-850.50-Su; Og Water Dept-1,071.60-Su; Scotties-180.00-Su; Og Comm Hosp-105.13-Su; Olsson Assoc-12,241.30-Se; Oshkosh Cleaners-79.75-Su; Paulsen Inc-31.46-Su; Platte Valley Ag-40.00-Se; Poppe's Truck-303.55-Se; Quill Corp-345.12-Su; Joyce Rahn-20.00-Se; Ramada Inn Kearney-350.00-Su; Sapp Bros-22.75-Su; Sec Of State-30.00-Se; Servicemaster Cleaning-357.00-Se; Shopko-17.99-Su; Sunmart-23.99-Su; Stulichs Asphalt-36,764.50-Su/Se; T.O. Haas-1,116.56-Su; T&C Srv-45.00-Su; U S Postal Svc-84.39-Su; Van Diest Supply-14,560.74-Su; Verizon-688.69-Se; Visa-2,214.82-Su; Windy Acre Elec-317.56-Se; Xerox-76.60-Se;

**Select Flex:**

Rci-40.00-P/R; Rci-352.31-P/R; Rci-137.91-P/R;

**Water Dept:**

Ne Dept Of Rev-7,432.02-Salestx; Adams Bank-25.00-Se; Alco-27.98-Su; Allo Comm-136.29-Se; Napa-66.60-Su; Bomgaar's-41.68-Su; Cornhusker Glass-83.10-Se; Farmers Coop-817.58-Su; Gen Fund-19,989.73-P/R/Se; Ideal Linen-86.76-Su; Waste Conn-123.59-Se; Kc News-1,109.30-Se; Kildare Lumber-3.51-Su; Sourcegas-303.66-Su; Lincoln Winwater-1,765.50-Su; Lubrication Engineers-241.87-Su; Mcquillan Law-155.00-Se; Midwest Elec-3,666.34-Su; Municipal Supply-447.92-Su; Nppd-2,862.01-Su; Office Service-117.50-Su; Og Ready Mix-413.83-Su; Og Water-41.36-Su; Olsen's Ag Lab-122.20-Se; One Call Concepts-28.85-Se; R & D Weld-26.43-Su; Schmidt Motors-63.81-Su; St Of Ne-423.00-Se; T&C Srv-27.00-Su; Verizon-96.82-Se; Visa-101.07-Su; Korf, Byron-10.00-Refund; Church, Walt-32.63-Refund; Lee, Jacob-25.57-Refund; Lee, Jacob-30.86-Refund; Smith, Zachary-36.53-Refund; Buchholz, Courtny-133.96-Refund;

**Sewer Dept:**

Adams Bank-25.00-Se; Napa-128.34-Su; B.A. Lawrence-1,443.75-Se; True Value-11.05-Se; Farmers Coop-211.86-Su; John Deere-491.60-Su; Gen Fund-13,785.89-P/R/Se; Hach Co-1,229.66-Su; Ideal Linen-37.56-Su; Waste Conn-140.67-Se; Kc News-36.45-Se; Kildare Lumber-262.50-Su; Sourcegas-2,336.53-Su; Ncl Of Wi-42.03-Su; Ne Dept Of Labor-72.00-Se; Nppd-4,985.20-Su; Office Ser-110.33-Su; Og Water-70.65-Su; Scotties-2,647.20-Se; Olsson Assoc-3,237.78-Se; Qa Balance-150.00-Se; R & D Welding-40.00-Se; Verizon-24.20-Se; Visa-129.51-Su;

**Youth Committee:**

Visa-74.47-Su;

**Medical Benefit:**

Rci-8,212.09-Ins; Rci-3,021.12-Ins; Rci-4,174.77-Ins; Rci-15,892.10-Ins;

Rick Dobson was not in attendance to address the Shut off water less than 30 days past due - Rick Dobson agenda item under public forum.

Councilman Block moved to approve the minutes of the Regular Meeting held April 8, 2014. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Pete Peterson. No: None. Absent: None. Abstain: Rodger Rankin. Motion declared carried.

Councilman Bassett moved to recommend the approval to the Nebraska Liquor Control Commission of Dave Kramer Corporate Manager Liquor License in conjunction with the Class D Liquor License for ALCO Holding, LLC DBA Alco Discount Store #166. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Rankin moved to approve the special designated liquor license for the Ogallala/Keith County Chamber of Commerce event to be held 9-11-14 from 10 AM to 1 AM; 9-12-14 from 10 AM to 1 AM and 9-13-14 from 10 AM to 1 AM. for the annual Indian Summer Rendezvous. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

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# MINUTE BOOK

## CITY OF OGALLALA, NEBRASKA

Councilman Block moved to approve the claims payable to Rankin Sales and Services in the amount of \$35.52. Councilman Elmshaeuser seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Pete Peterson. No: None. Absent: None. Abstain: Rodger Rankin. Motion declared carried.

Councilman Bassett moved to approve the first amendment to temporary grading easement by and between the City of Ogallala, Nebraska ("Grantor") and Wal-Mart Real Estate Business Trust, a Delaware statutory trust ("Grantee"), and authorize the Council president to sign the Amendment). Councilman Block second the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved to approve the letter agreement between the City of Ogallala, Nebraska, the Community Redevelopment Authority, of the City of Ogallala Nebraska, and Wal-Mart Real Estate Business Trust and authorize the Council president to sign the letter agreement. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Bassett moved to accept the bid from Cement Products In in the amount of \$829,112.88 for offsite improvements to Nebraska Highway 61, Pony Express Lane and Oregon Trail Drive, and authorize the council president to sign the contract. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Block moved to approve the contract for engineering services with Olsson and Associates for offsite improvements to Nebraska Highway 61, Pony Express Lane and Oregon Trail Drive, and authorize the council president to sign the contract. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Rick Dobson addressed the council regarding water shut off procedures for the city requesting more time to pay bill prior to disconnection.

Councilman Elmshaeuser moved to approve the Disadvantaged Business Enterprise (DBE) program, and authorize the appropriate city representative to sign the Disadvantaged Business Enterprise (DBE) Program documents. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Elmshaeuser moved to approve the grant application for federal assistance and authorize the Council President to sign the application. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser, Pete Peterson and Rodger Rankin. No: None. Absent: None. Motion declared carried.

Councilman Bassett moved to accept change order No. 6. for the Ogallala Downtown Improvements. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Pete Peterson and Rodger Rankin. No: None. Abstain: Karl Elmshaeuser Absent: None. Motion declared carried.

Councilman Elmshaeuser introduced resolution to apply for state & federal funding for the city of Ogallala public transportation system for fiscal year 2014-2015. Council President Peterson read the resolution by title and 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 Resolution No. 1416



# MINUTE BOOK

CITY OF OGALLALA, NEBRASKA

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 April 22, 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.

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Jane M. Skinner  
City Clerk

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2.A.

# MINUTE BOOK

CITY OF OGALLALA, NEBRASKA

## SUMMARY OF MINUTES OF REGULAR MEETING OF THE OGALLALA CITY COUNCIL

HELD AT CITY HALL COUNCIL CHAMBERS 7:00 P.M. APRIL 22 2014

Present were: President of the Council: Harold Peterson; Council Members: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. Absent: None. City Manager: Aaron Smith; City Clerk-Treasurer: Jane Skinner; City Attorney: Michael McQuillan.

Moved to approve the consent agenda. Carried and the consent agenda was approved as follows:

- A. Appointment to Board – Board of Health (1).
  - 1) Kurt Johnson – One Year Term (1-1-14 – 12-31-14).
- B. Claims.

The claims were approved as follows:

### General Fund:

St Of Ne-3,882.43-Sit; 125 Plan-537.97-Pretrx; Am Fam Ins-475.53-Ins; Eftps-15,330.52-Fit; Hosp&Med-17,068.37-Ins; Icma-511.50-Pen; Kc Court-185.72-P/R; John Hancock-7,412.16-Pen; Ne Child Support-25.00-P/R; Pinn Bank-48,010.19-Pp7; Valley Bank-1,555.50-Hsa; 125 Plan-537.97-Pretrx; Eftps-15,441.00-Fit; Hartford Life-1,276.15-Ins; Hosp&Med-17,068.37-Ins; Icma-511.50-Pen; Kc Court-185.72-P/R; John Hancock-7,427.61-Pen; Ne Child Support-25.00-P/R; Pinn Bank-48,022.17-Pp8; Valley Bank-1,555.50-Hsa; Gen Fund-1,500.00-Su; Ne Dept Of Aero-3,190.83-Lease; Ne Dept Of Rev-1,296.68-Salestx; Pinn Bank-25.00-Se; Cnhtio-50.00-Su; 21st Century-22,735.03-Su; Alamar Uniforms-97.55-Su; Alco-186.83-Su; Allo-1,014.00-Se; Napa-737.46-Su; Arnold Pool-3,743.84-Su; Baltzell Vet-52.50-Su; Bear Graphics-473.36-Su; Big Springs Equipment-882.99-Su; Blue, Kenneth-230.00-Refund; Bound Tree Medical-260.22-Su; Bruckner, Mike-842.32-P/R; Candy Aerotech-1,000.00-Contract; Cash-Wa-337.75-Su; Cdbg Cert-130.00-Su; Central Comm Coll-60.00-Su; True Value-192.71-Su; Corbin Willits-5,635.94-Se; Cornhusker Glass-515.21-Su; Cranmore Pest-45.00-Se; Culligan-98.50-Su; Dja Const-28,434.00-Su; Dollar Gen-165.43-Su; Eichner Sales-252.89-Su; Elliott Equip-15,039.99-Su; Farmers Coop-6,289.06-Su; John Deere-90.72-Su; Fyr-Tek-415.64-Su; Gp Gfoa-150.00-Su; Gp Reg Med-238.50-Se; Hinton's Lock-398.00-Su; Humphreys Auto-628.63-Su; Intl Assn Of Chief-120.00-Dues; Icma-125.00-Se; Ideal Linen-139.36-Su; Waste Conn-800.54-Se; Luis, Juarez-60.00-Se; Kc Clerk-30.00-Se; Kc Hosp Auth-29,719.90-Salestx; Kc News-1,307.82-Se; Kc Reg Of Deeds-44.00-Se; Kc Sen Center-1,542.75-Su; Kc Treas-11,296.82-Se; Kenfield Elec-4,830.40-Su; Kents Towing-100.00-Se; Kildare Lumber-388.06-Su; Sourcegas-5,186.49-Su; League Of Ne Muni-95.00-Su; Lecc-110.00-Su; Linweld-135.88-Su; Mcm Truck-185.00-Se; Mcmillan Plumbing-120.00-Se; Mcquillan Law Office-1,383.00-Se; Med-Tech Resource-311.51-Su; Moul's Modern Bldrs-114,843.87-Su; Midwest Mailing-33.95-Su; Mighty Clean Janitorial-70.00-Se; Ne Law Enforce-275.00-Su; Nppd-17,650.23-Su; Office Service-538.27-Se; Banner Health-38.40-Se; Og Ready Mix-850.50-Su; Og Water Dept-1,071.60-Su; Scotties-180.00-Su; Og Comm Hosp-105.13-Su; Olsson Assoc-12,241.30-Se; Oshkosh Cleaners-79.75-Su; Paulsen Inc-31.46-Su; Platte Valley Ag-40.00-Se; Poppe's Truck-303.55-Se; Quill Corp-345.12-Su; Joyce Rahn-20.00-Se; Ramada Inn Kearney-350.00-Su; Sapp Bros-22.75-Su; Sec Of State-30.00-Se; Servicemaster Cleaning-357.00-Se; Shopko-17.99-Su; Sunmart-23.99-Su; Stulichs Asphalt-36,764.50-Su/Se; T.O. Haas-1,116.56-Su; T&C Srv-45.00-Su; U S Postal Svc-84.39-Su; Van Diest Supply-14,560.74-Su; Verizon-688.69-Se; Visa-2,214.82-Su; Windy Acre Elec-317.56-Se; Xerox-76.60-Se;

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2.A.

# MINUTE BOOK

CITY OF OGALLALA, NEBRASKA

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Moved to approve the minutes of the Regular Meeting held April 8, 2014. Carried.

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Moved to approve the special designated liquor license for the Ogallala/Keith County Chamber of Commerce event to be held 9-11-14 from 10 AM to 1 AM; 9-12-14 from 10 AM to 1 AM and 9-13-14 from 10 AM to 1 AM. for the annual Indian Summer Rendezvous. Carried.

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Moved to approve the letter agreement between the City of Ogallala, Nebraska, the Community Redevelopment Authority, of the City of Ogallala Nebraska, and Wal-Mart Real Estate Business Trust and authorize the Council president to sign the letter agreement. Carried.

Moved to accept the bid from Cement Products In in the amount of \$829,112.88 for offsite improvements to Nebraska Highway 61, Pony Express Lane and Oregon Trail Drive, and authorize the council president to sign the contract. Carried.

Moved to approve the contract for engineering services with Olsson and Associates for offsite improvements to Nebraska Highway 61, Pony Express Lane and Oregon Trail Drive, and authorize the council president to sign the contract. Carried.

Rick Dobson addressed the council regarding water shut off procedures for the city requesting more time to pay bill prior to disconnection.

# MINUTE BOOK

CITY OF OGALLALA, NEBRASKA

Moved to approve the Disadvantaged Business Enterprise (DBE) program, and authorize the appropriate city representative to sign the Disadvantaged Business Enterprise (DBE) Program documents. Carried.

Moved to approve the grant application for federal assistance and authorize the Council President to sign the application. Carried.

Councilman Bassett moved to accept change order No. 6. for the Ogallala Downtown Improvements. Carried.

Introduced and approved resolution to apply for state & federal funding for the city of Ogallala public transportation system for fiscal year 2014-2015.

Moved to reject the bids for paving improvements. Carried.

Moved to accept the bid from Sargent Drilling Co. for Schedule 1 in the amount of \$214,947.00, Maguire Iron Inc. for Schedule 2 in the amount of \$539,560.00 and Midlands Contracting for Schedule 3 in the amount of \$832,342.90, and authorize the Council President to sign the contracts. Carried.

Moved to accept the bid from Van Kirk Bros. Contracting in the amount of \$299,945.00 and authorize the Council President to sign the contracts. Carried.

Aaron Smith, City Manager updated the council regarding the Rendezvous Square dedication as well as on Branding for Ogallala.

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

- A. Board of Health – Pete Peterson.
- B. Chamber of Commerce – Kevin Block.
- C. Keep Keith County Beautiful – Buck Bassett.
- D. Keith County Area Development – Karl Elmshaeuser.
- E. Library Board – Kevin Block.
- F. Ogallala Community Hospital Advisory Board – Karl Elmshaeuser.

Moved to adjourn at 8:29 P.M. Carried.

Jane M. Skinner, City Clerk

Harold L. Peterson, Council President

75<sup>00</sup>  
license Fee

CITY OF OGALLALA  
APPLICATION FOR LICENSE  
TO

PERFORM WORK WITHIN THE PUBLIC RIGHT OF WAY

Date 04-17-14

Name Chad Bauey

Company Name CS Construction, LLC

Company address 503 West 5<sup>th</sup> St.

Ogallala, NE 69153

Work Phone # 308-289-0040

Work Fax # N/A

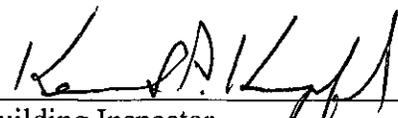
E-mail cconstruction1679@gmail.com

Evidence of proper insurance, as required by City ordinance, must be submitted with this application. The submittal of said evidence to the City shall not relieve or decrease the liability of the Contractor. Each person applying for licensed status will receive a copy of the general specifications and requirements and by submitting the application agrees to perform work following the said specifications.

  
Applicant / Contractor

  
City Manager

  
Street Superintendent

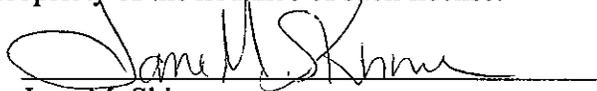
  
Building Inspector

NOTICE OF HEARING  
ON  
CLASS C LIQUOR LICENSE

Notice is hereby given that Margaritas Fmly Mexican Rest, Inc. dba Margaritas Fmly Mexican Rest has made application for a Class I Liquor License pursuant to Section 53-131, Liquor Control Act, at their place of business at:

401 Stagecoach Trail  
Ogallala NE 69153

That a hearing on such application will be held before the President and City Council at the City Hall in Ogallala, Keith County, Nebraska, on Tuesday May 13, 2014 at 7:00 o'clock P.M., at which time said President and Council will receive evidence either orally or by affidavit, from any persons bearing on the propriety of the issuance of such license.



Jane M. Skinner  
City Clerk

(S E A L)

Publish: May 5, 2014

# PROCLAMATION

*WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our State; and*

*WHEREAS, in Ogallala and Keith County, Nebraska, there are 20 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family; and*

*WHEREAS, all young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives; and*

*WHEREAS, foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood; and*

*WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and*

*WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care "system" is only as good as those who choose to be part of it;*

*NOW, THEREFORE, I, Harold Peterson, Mayor of the City of Ogallala, Nebraska, DO HEREBY PROCLAIM the month of May 2014, as*

## **FOSTER CARE MONTH**

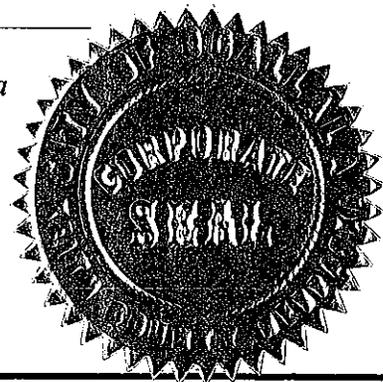
*In Ogallala and Keith County, Nebraska, and I do hereby urge all citizens to come forward and do something positive that will help change a lifetime for children and youth in foster care.*

*IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Ogallala to be affixed this 13<sup>th</sup> day of May 2014.*

\_\_\_\_\_  
Harold Peterson, Mayor  
City of Ogallala, Nebraska

Attest: \_\_\_\_\_

Jane M. Skinner, City Clerk



# PROCLAMATION

To recognize National Police Week 2014 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

*WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the 10 dedicated members of the OGALLALA POLICE DEPARTMENT: and*

*WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and*

*WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and*

*WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and*

*WHEREAS, 286 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 100 officers killed in 2013 and 186 officers killed in previous years; and*

*WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 26<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2014; and*

*WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 11-17; and*

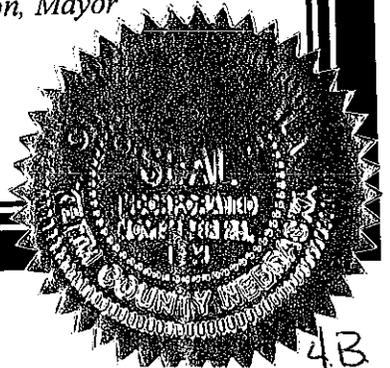
*WHEREAS, May 15, 2014 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff; and*

**NOW, THEREFORE, I, Harold L. Peterson, Mayor of the City of Ogallala, Nebraska, DO HEREBY PROCLAIM** May 11-17, 2014, as Police Week in Ogallala, Nebraska, and publicly salute the service of law enforcement officers in our community and in communities across the nation.

Harold L. Peterson, Mayor  
City of Ogallala

Attest:

Jane M. Skinner, City Clerk



4B

**CITY OF OGALLALA**  
**MONTHLY TREASURER'S REPORT**  
**FOR THE MONTH ENDING APRIL 30, 2014**

Fund Name	Beg. Fund Balance	Revenues	Expenses	End. Fund Balance	Cash Balance
10 - Administration	290,625.72	36,490.36	(42,053.26)	285,062.82	231,264.03
21 - Street	(271,130.38)	256,309.75	(229,565.90)	(244,386.53)	(244,386.53)
24 - Water	2,249,297.23	63,747.03	(40,299.72)	2,272,744.54	892,372.36
25 - Sewer	3,541,167.68	59,746.37	(31,733.57)	3,569,180.48	1,730,661.35
31 - Fire	(176,529.14)	4,801.36	(3,756.42)	(175,484.20)	(175,484.20)
32 - Police	173,083.00	46,721.83	(102,462.99)	117,341.84	117,341.84
34 - Cemetery	37,969.50	6,734.68	(12,146.48)	32,557.70	32,557.70
36 - Ambulance	37,127.42	16,113.22	(2,491.17)	50,749.47	50,749.47
37 - Public Transit	50,819.69	19,482.24	(10,379.01)	59,922.92	59,922.92
38 - RSVP	22,729.91	1,827.51	(3,965.81)	20,591.61	20,591.61
40 - Goodall Rec Center	97,666.13	25,041.93	(23,420.59)	99,287.47	99,287.47
41 - Outdoor Pool	72,705.80	5,084.05	(3,153.21)	74,636.64	74,636.64
42 - Parks	54,685.84	12,178.34	(27,842.17)	39,022.01	39,022.01
44 - Library	79,170.15	9,006.18	(17,922.36)	70,253.97	70,253.97
46 - Airport	232,127.38	11,577.04	(17,674.18)	226,030.24	226,030.24
47 - Community Dev.	195,557.72	5,640.07	(2,490.71)	198,707.08	198,707.08
48 - Planning	39,312.89	19,353.43	(5,737.19)	52,929.13	52,929.13
50 - Debt Service	195,125.40	15,513.79	0.00	210,639.19	197,402.25
51 - Agency	49,575.97	31,392.06	(29,719.90)	51,248.13	51,248.13
99 - Medical Benefit	148,737.15	34,303.30	(39,437.07)	143,603.38	157,054.62
<b>Totals</b>	<b>7,119,825.06</b>	<b>681,064.54</b>	<b>(646,251.71)</b>	<b>7,154,637.89</b>	<b>3,882,162.09</b>



1260 Change Fund	942.00
12700 General Checking	639,137.06
12701 Water Checking	524,458.48
12702 Sewer Checking	812,014.15
12704 Debt Service	236,588.52
12705 Medical Benefit	196,749.89
12708 Youth Committee	3,544.80
12709 125 Plan - Select Flex	7,829.45
12710 CDBG Housing Rehab	15,894.55
12715 GRC Expansion	67,771.25
12717 ICS - Cemetery	66,603.13
12718 ICS - Sewer	912,433.20
12719 ICS - Water	366,155.38
1273 Certificates of Deposit	32,040.23
	<u>3,882,162.09</u>

**CITY OF OGALLALA**  
**MONTHLY TREASURER'S REPORT**  
**FOR FISCAL YEAR TO DATE FOR PERIOD ENDING APRIL 30, 2014**

Fund Name	Beg. Fund Balance	Revenues	Expenses	End. Fund Balance	Cash Balance
10 - Administration	268,447.85	305,205.91	(288,590.94)	285,062.82	231,264.03
21 - Street	157,161.77	844,739.71	(1,246,288.01)	(244,386.53)	(244,386.53)
24 - Water	2,593,138.41	489,191.38	(809,585.25)	2,272,744.54	892,372.36
25 - Sewer	3,427,294.54	474,815.62	(332,929.68)	3,569,180.48	1,730,661.35
31 - Fire	65,444.95	85,533.52	(326,462.67)	(175,484.20)	(175,484.20)
32 - Police	284,738.92	452,476.44	(619,873.52)	117,341.84	117,341.84
34 - Cemetery	49,846.56	63,244.16	(80,533.02)	32,557.70	32,557.70
36 - Ambulance	134,697.04	101,819.52	(185,767.09)	50,749.47	50,749.47
37 - Public Transit	45,853.72	115,489.55	(101,420.35)	59,922.92	59,922.92
38 - RSVP	22,741.49	29,524.11	(31,673.99)	20,591.61	20,591.61
40 - Goodall Rec Center	89,989.79	177,539.89	(168,242.21)	99,287.47	99,287.47
41 - Outdoor Pool	68,664.06	39,160.73	(33,188.15)	74,636.64	74,636.64
42 - Parks	45,413.88	130,725.53	(137,117.40)	39,022.01	39,022.01
44 - Library	91,922.14	113,576.55	(135,244.72)	70,253.97	70,253.97
46 - Airport	260,936.94	123,112.86	(158,019.56)	226,030.24	226,030.24
47 - Community Dev.	256,529.42	118,318.39	(176,140.73)	198,707.08	198,707.08
48 - Planning	19,272.87	80,519.23	(46,862.97)	52,929.13	52,929.13
50 - Debt Service	482,745.24	850,610.46	(1,122,716.51)	210,639.19	197,402.25
51 - Agency	55,713.19	240,727.60	(245,192.66)	51,248.13	51,248.13
99 - Medical Benefit	237,739.82	236,683.89	(330,820.33)	143,603.38	157,054.62
<b>Totals</b>	<b>8,658,292.60</b>	<b>5,073,015.05</b>	<b>(6,576,669.76)</b>	<b>7,154,637.89</b>	<b>3,882,162.09</b>



1260 Change Fund	942.00
12700 General Checking	639,137.06
12701 Water Checking	524,458.48
12702 Sewer Checking	812,014.15
12704 Debt Service	236,588.52
12705 Medical Benefit	196,749.89
12708 Youth Committee	3,544.80
12709 125 Plan - Select Flex	7,829.45
12710 CDBG Housing Rehab	15,894.55
12715 GRC Expansion	67,771.25
12717 ICS - Cemetery	66,603.13
12718 ICS - Sewer	912,433.20
12719 ICS - Water	366,155.38
1273 Certificates of Deposit	32,040.23
	<u>3,882,162.09</u>

**CITY OF OGALLALA**  
**REMAINING REVENUE BUDGET ANALYSIS**  
**42% OF YEAR REMAINING**

**PROPRIETARY FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
24-WATER	3,338,326.62	3,827,518.00	87.22
25-SEWER	272,684.38	747,500.00	36.48
<b>TOTAL</b>	<b>3,611,011.00</b>	<b>4,575,018.00</b>	<b>78.93</b>

**GOVERNMENTAL FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
10-ADMIN	320,718.09	625,924.00	51.24
21-STREET	2,359,744.29	3,204,484.00	73.64
31-FIRE	311,117.48	396,651.00	78.44
32-POLICE	561,000.56	1,013,477.00	55.35
34-CEMETERY	79,248.84	142,493.00	55.62
36-AMBULANCE	267,355.48	369,175.00	72.42
37-OPT	236,561.45	352,051.00	67.20
38-RSVP	33,490.89	63,015.00	53.15
40-GRC	211,504.11	389,044.00	54.37
41-OUTDOOR POOL	56,193.27	95,354.00	58.93
42-PARKS	180,003.47	310,729.00	57.93
44-LIBRARY	119,249.45	232,826.00	51.22
46-AIRPORT	298,417.14	421,530.00	70.79
47-COMMUNITY DEV	589,076.61	707,395.00	83.27
48-PLANNING	72,378.77	152,898.00	47.34
50-DEBT SERVICE	(292,763.46)	557,847.00	(52.48)
<b>TOTAL</b>	<b>5,403,296.44</b>	<b>9,034,893.00</b>	<b>59.80</b>

**INTERNAL SERVICE FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
51-AGENCY	142,546.40	383,274.00	37.19
99-MEDICAL BENEFIT	276,816.11	513,500.00	53.91
<b>TOTAL</b>	<b>419,362.51</b>	<b>896,774.00</b>	<b>46.76</b>

**CITY OF OGALLALA**  
**REMAINING EXPENSE BUDGET ANALYSIS**  
**42% OF YEAR REMAINING**

**PROPRIETARY FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
24-WATER	3,017,739.75	3,827,300.00	78.85
25-SEWER	399,310.32	732,240.00	54.53
<b>TOTAL</b>	<b>3,417,050.07</b>	<b>4,559,540.00</b>	<b>74.94</b>

**GOVERNMENTAL FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
10-ADMIN	422,084.06	710,675.00	59.39
21-STREET	1,823,616.99	3,069,905.00	59.40
31-FIRE	69,020.33	395,483.00	17.45
32-POLICE	406,942.48	1,026,816.00	39.63
34-CEMETERY	64,686.98	145,220.00	44.54
36-AMBULANCE	106,517.91	292,285.00	36.44
37-OPT	241,109.65	342,530.00	70.39
38-RSVP	31,406.01	63,080.00	49.79
40-GRC	192,166.79	360,409.00	53.32
41-OUTDOOR POOL	94,071.85	127,260.00	73.92
42-PARKS	191,648.60	328,766.00	58.29
44-LIBRARY	124,475.28	259,745.00	47.92
46-AIRPORT	324,745.44	482,765.00	67.27
47-COMMUNITY DEV	555,968.27	732,109.00	75.94
48-PLANNING	93,122.03	139,985.00	66.52
50-DEBT SERVICE	(564,726.51)	557,990.00	(101.21)
<b>TOTAL</b>	<b>4,176,856.16</b>	<b>9,035,023.00</b>	<b>46.23</b>

**INTERNAL SERVICE FUNDS**

	REMAINING BUDGET	ANNUAL BUDGET	% OF REMAINING BUDGET
51-AGENCY	138,081.34	383,274.00	36.03
99-MEDICAL BENEFIT	113,079.67	443,900.00	25.47
<b>TOTAL</b>	<b>251,161.01</b>	<b>827,174.00</b>	<b>30.36</b>

Percent of Year Remaining: 42%

Revenue Description	Current Month	Year to Date Actual	Annual Encumbrance	Annual Actual+Encum.	Annual Budget	Remain Budget	Rem%
30100 W/S SALES	117,674.52	851,617.81	0.00	851,617.81	1,714,000.00	862,382.19	50
30200 W/S TAPS & CONN	1,161.88	2,507.37	0.00	2,507.37	6,500.00	3,992.63	61
30400 W/S MISC INCOME	3,900.82	24,205.81	0.00	24,205.81	47,500.00	23,294.19	49
31100 GEN PROP TAX	41,881.78	191,172.21	0.00	191,172.21	752,085.00	560,912.79	75
31110 BOND PROP TAX	15,494.60	77,960.47	0.00	77,960.47	273,905.00	195,944.53	72
31130 IN LIEU OF PAY	0.00	0.00	0.00	0.00	50,000.00	50,000.00	100
31140 MOTOR VEHICLE	7,727.34	52,376.83	0.00	52,376.83	86,630.00	34,253.17	40
31200 KENO	0.00	38,727.37	0.00	38,727.37	80,000.00	41,272.63	52
31300 CITY SALES TAX	93,887.39	757,793.84	0.00	757,793.84	1,300,000.00	542,206.16	42
31301 CITY SALES TAX	7,535.28	71,161.00	0.00	71,161.00	122,225.00	51,064.00	42
31400 FRANCHISE	14,960.98	627,630.08	0.00	627,630.08	1,150,000.00	522,369.92	45
31410 CONTRACTS/AGREE	17,629.58	327,586.71	0.00	327,586.71	383,082.00	55,495.29	14
31510 TICKET & PASSES	18,072.85	110,866.20	0.00	110,866.20	134,000.00	23,133.80	17
31520 CONCESSIONS	62.00	572.64	0.00	572.64	5,690.00	5,117.36	90
31600 NON TAX REVENUE	16,928.22	86,498.02	0.00	86,498.02	160,625.00	74,126.98	46
31605 LOT SALES	725.00	4,420.00	0.00	4,420.00	7,000.00	2,580.00	37
31606 PERPETUAL CARE	620.00	3,785.00	0.00	3,785.00	9,800.00	6,015.00	61
31610 RENTAL REVENUE	3,868.98	51,199.95	0.00	51,199.95	82,550.00	31,350.05	38
31620 TRADE LICENSES	8,875.00	19,395.00	0.00	19,395.00	27,485.00	8,090.00	29
31621 ANIMAL LICENSES	201.00	1,206.00	0.00	1,206.00	2,500.00	1,294.00	52
31630 PERMITS	526.00	1,901.00	0.00	1,901.00	3,300.00	1,399.00	42
31631 BUILDING PERMIT	12,514.50	21,726.85	0.00	21,726.85	20,000.00	-1,726.85	-9
31632 PLUMBING PERMIT	350.00	820.00	0.00	820.00	1,000.00	180.00	18
31634 GAS PERMITS	0.00	15.00	0.00	15.00	100.00	85.00	85
31635 ROW PERMITS	45.00	90.00	0.00	90.00	150.00	60.00	40
31636 MANUF. HOME	0.00	100.00	0.00	100.00	100.00	0.00	0
31640 FINES & FEES	810.00	4,099.01	0.00	4,099.01	13,500.00	9,400.99	70
31700 LOCAL GRANTS	0.00	3,620.00	0.00	3,620.00	47,300.00	43,680.00	92
31800 INTEREST INCOME	474.71	3,780.07	0.00	3,780.07	8,100.00	4,319.93	53
32300 HIGHWAY ALLOCAT	46,088.82	326,859.42	0.00	326,859.42	554,047.00	227,187.58	41
32400 VEHICLE PRORATE	736.08	1,445.17	0.00	1,445.17	2,050.00	604.83	30
32401 MOTOR VEH FEE	12,607.64	34,250.20	0.00	34,250.20	44,200.00	9,949.80	23
32600 MUN EQUALIZAT	0.00	31,354.09	0.00	31,354.09	113,135.00	81,780.91	72
32700 OTHER ST FUNDS	18,305.00	33,906.15	0.00	33,906.15	187,524.00	153,617.85	82
33100 FED GRANT & REV	167,940.47	300,549.09	0.00	300,549.09	1,309,484.00	1,008,934.91	77
34100 MISCELLANEOUS	15,172.44	55,453.27	0.00	55,453.27	67,200.00	11,746.73	17
34200 INS REFUND	149.92	384.92	0.00	384.92	100,000.00	99,615.08	100
34210 EMP SHARE MED	5,696.78	39,471.94	0.00	39,471.94	63,000.00	23,528.06	37
34215 CITY SHARE MED	28,439.96	196,569.06	0.00	196,569.06	350,000.00	153,430.94	44
34300 BOND PROCEEDS	0.00	715,937.50	0.00	715,937.50	1,712,954.00	997,016.50	58
34400 LOAN PROCEEDS	0.00	0.00	0.00	0.00	3,288,964.00	3,288,964.00	100
35100 TRANSFERS IN	0.00	0.00	0.00	0.00	225,000.00	225,000.00	100
<b>Total Revenue</b>	<b>681,064.54</b>	<b>5,073,015.05</b>	<b>0.00</b>	<b>5,073,015.05</b>	<b>14,506,685.00</b>	<b>9,433,669.95</b>	<b>65</b>

Expenses Description	Current Month	Year to Date Actual	Annual Encumbrance	Annual Actual+Encum.	Annual Budget	Remain Budget	Rem%
40100 CITY COUNCIL	0.00	4,800.00	0.00	4,800.00	9,600.00	4,800.00	50
40200 CITY MANAGER	7,307.20	54,804.00	0.00	54,804.00	95,000.00	40,196.00	42
40210 CITY CLERK	4,716.80	35,874.00	0.00	35,874.00	61,350.00	25,476.00	42
40220 SUPERVISOR	45,403.80	336,078.54	0.00	336,078.54	621,225.00	285,146.46	46
40222 MECHANIC	2,837.20	21,136.90	0.00	21,136.90	37,350.00	16,213.10	43
40223 FTE - HOURLY	61,168.14	464,337.36	0.00	464,337.36	789,200.00	324,862.64	41
40224 PTE - HOURLY	14,828.06	108,292.73	0.00	108,292.73	261,390.00	153,097.27	59
40225 OTHER - HOURLY	92.00	1,174.00	0.00	1,174.00	13,400.00	12,226.00	91
40226 OVERTIME	3,619.85	38,393.94	0.00	38,393.94	59,375.00	20,981.06	35
40227 SICK BENEFIT PY	0.00	18,155.28	0.00	18,155.28	18,720.00	564.72	3
40300 F.I.C.A.	9,973.33	77,826.44	0.00	77,826.44	135,975.00	58,148.56	43
40310 UNEMPLOYMENT	0.00	509.00	0.00	509.00	5,200.00	4,691.00	90
40320 WORKERS COMP	0.00	61,343.00	0.00	61,343.00	66,175.00	4,832.00	7
40330 RETIREMENT	6,542.07	49,693.92	0.00	49,693.92	93,185.00	43,491.08	47
40340 MED INS - CITY	43,834.18	299,185.06	0.00	299,185.06	571,965.00	272,779.94	48
40341 HEALTH SAVINGS	1,341.00	8,627.00	0.00	8,627.00	14,474.00	5,847.00	40
40345 MED INS SELF PD	24,042.85	227,738.41	0.00	227,738.41	250,000.00	22,261.59	9
40350 LIFE INS - CITY	438.90	2,995.30	0.00	2,995.30	6,725.00	3,729.70	55
40360 OTHER BENEFITS	729.22	11,807.42	0.00	11,807.42	24,130.00	12,322.58	51
40370 DISABILITY PAY	842.32	6,317.40	0.00	6,317.40	10,951.00	4,633.60	42
40380 RECOGN & RECRUIT	315.74	12,842.13	0.00	12,842.13	27,405.00	14,562.87	53
41010 PROPERTY TAX	0.00	4,085.48	0.00	4,085.48	0.00	-4,085.48	-999
41100 ELECTRICITY	17,469.97	132,013.56	0.00	132,013.56	284,300.00	152,286.44	54
41105 STREET LIGHTING	11,992.01	84,393.88	0.00	84,393.88	151,000.00	66,606.12	44
41110 WATER & SEWER	810.91	25,059.25	0.00	25,059.25	56,700.00	31,640.75	56
41120 PHONE	2,012.12	16,371.54	0.00	16,371.54	28,970.00	12,598.46	43
41130 SANITATION	1,211.82	7,524.72	0.00	7,524.72	12,580.00	5,055.28	40
41140 NATURAL GAS	8,248.57	65,507.59	0.00	65,507.59	83,000.00	17,492.41	21
41200 INSURANCE	0.00	123,914.71	0.00	123,914.71	125,650.00	1,735.29	1
41210 E & O INSURANCE	0.00	5,861.00	0.00	5,861.00	6,695.00	834.00	12
41220 VOLUNTEERS-INS	253.00	1,461.42	0.00	1,461.42	6,175.00	4,713.58	76
41300 ENGINEERING	44.00	3,164.32	0.00	3,164.32	21,500.00	18,335.68	85
41310 AUDIT	0.00	3,150.00	0.00	3,150.00	16,050.00	12,900.00	80
41330 LEGAL	1,568.00	12,860.20	0.00	12,860.20	14,425.00	1,564.80	11
41340 JANITOR SER-SUP	1,399.95	10,229.83	0.00	10,229.83	21,900.00	11,670.17	53
41350 MISC SERVICE	1,427.50	10,367.43	0.00	10,367.43	20,700.00	10,332.57	50
41400 CONTRACTS & AGR	26,313.75	313,450.74	0.00	313,450.74	615,894.00	302,443.26	49
41410 LEASES	0.00	20,370.57	0.00	20,370.57	174,936.00	154,565.43	88
41420 RENTAL	750.00	5,250.00	0.00	5,250.00	15,500.00	10,250.00	66
41500 REP & MAINT	21,674.63	65,713.03	0.00	65,713.03	204,100.00	138,386.97	68
41501 REP & MAINT -ST	37,659.26	61,188.28	0.00	61,188.28	200,000.00	138,811.72	69
41502 R & M MAIN-WELL	5,111.90	41,509.31	0.00	41,509.31	95,900.00	54,390.69	57

5A

Percent of Year Remaining: 42%

Expenses Description	Current Month	Year to Date Actual	Annual Encumbrance	Annual Actual+Encum.	Annual Budget	Remain Budget	Rem%
41510 VEHICLE REPAIR	1,772.89	33,794.87	0.00	33,794.87	37,675.00	3,880.13	10
41511 GAS & OIL	7,587.36	52,797.82	0.00	52,797.82	99,450.00	46,652.18	47
41512 TIRES & TUBES	1,188.56	2,349.62	0.00	2,349.62	13,300.00	10,950.38	82
41513 MILEAGE	0.00	0.00	0.00	0.00	2,000.00	2,000.00	100
41520 STORM EXPENSE	21.15	28,495.28	0.00	28,495.28	52,000.00	23,504.72	45
41530 CODE ENFORCEMENT	52.50	2,114.22	0.00	2,114.22	28,000.00	25,885.78	92
41600 INVENTORY	447.92	11,551.26	0.00	11,551.26	25,000.00	13,448.74	54
41610 OFFICE SUPPLIES	1,513.13	8,197.86	0.00	8,197.86	17,950.00	9,752.14	54
41615 OPERATING SUPP	16,684.66	59,709.05	0.00	59,709.05	141,510.00	81,800.95	58
41616 UNIFORMS	177.30	6,817.61	0.00	6,817.61	26,650.00	19,832.39	74
41620 CONCESSIONS	0.00	257.79	0.00	257.79	5,050.00	4,792.21	95
41630 BOOKS & PERIOD	3,467.15	21,487.26	0.00	21,487.26	42,950.00	21,462.74	50
41640 DUES & SUBSCRIP	1,910.67	48,118.45	0.00	48,118.45	61,600.00	13,481.55	22
41645 TRAINING & TUIT	3,377.20	22,959.92	0.00	22,959.92	51,700.00	28,740.08	56
41650 PRINTING	546.36	1,694.51	0.00	1,694.51	3,640.00	1,945.49	53
41655 PUBLISHING	2,458.52	5,262.79	0.00	5,262.79	12,350.00	7,087.21	57
41660 POSTAGE	6,554.59	11,420.19	0.00	11,420.19	17,950.00	6,529.81	36
41710 SALES TAX	1,296.68	9,057.77	0.00	9,057.77	7,375.00	-1,682.77	-23
41720 CONS USE TAX	29.40	455.37	0.00	455.37	3,000.00	2,544.63	85
41730 BAD DEBT	0.00	5.85	0.00	5.85	0.00	-5.85	-585
41900 CASH VARIATION	-5.24	-7.24	0.00	-7.24	0.00	7.24	724
42100 CAPITAL IMPROVE	164,755.41	1,157,424.47	0.00	1,157,424.47	5,640,639.00	4,483,214.53	79
42200 CAPITAL OUTLAY	25,430.03	456,280.17	0.00	456,280.17	570,463.00	114,182.83	20
43100 D/S PRINCIPAL	2,060.00	1,371,656.55	0.00	1,371,656.55	875,786.00	-495,870.55	-57
43200 D/S INTEREST	8,592.50	110,549.66	0.00	110,549.66	214,395.00	103,845.34	48
43300 D/S CONTRACTS	20.00	8,030.04	0.00	8,030.04	15,410.00	7,379.96	48
44100 MISCELLANEOUS	613.02	8,207.27	0.00	8,207.27	18,850.00	10,642.73	56
44211 HOUSING REHAB	0.00	29,410.00	0.00	29,410.00	0.00	-29,410.00	-999
44218 CDBG GRANT	0.00	0.00	0.00	0.00	500,000.00	500,000.00	100
44219 DOWNTOWN REVILZ	0.00	8,000.00	0.00	8,000.00	0.00	-8,000.00	-999
44300 HOSPITAL S.T.	29,719.90	245,192.66	0.00	245,192.66	376,374.00	131,181.34	35
44310 SCHOOL	0.00	0.00	0.00	0.00	6,900.00	6,900.00	100
45100 TRANSFERS OUT	0.00	0.00	0.00	0.00	225,000.00	225,000.00	100
Total Expenses ----->	646,251.71	6,576,669.76	0.00	6,576,669.76	14,421,737.00	7,845,067.24	54
Total of all ACCTS	34,812.83	-1,503,654.71	0.00	-1,503,654.71	84,948.00	1,588,602.71	999

**City of Ogallala**  
**Revenue 3 year comparison**

Account	Revenue Description	Month Totals			Fiscal Year to Date Totals		
		Apr-14	Apr-13	Apr-12	Apr-14	Apr-13	Apr-12
30100	W/S SALES	117,674.52	118,986.68	141,882.95	851,617.81	861,466.53	840,341.27
30200	W/S TAPS & CONN	1,161.88	793.78	44,395.41	2,507.37	3,262.01	49,988.36
30300	W/S SALES TAX	0.00	0.00	0.00	0.00	(5.04)	(74.34)
30400	W/S MISC INCOME	3,900.82	3,292.22	3,313.59	24,205.81	27,043.17	22,910.00
31100	GEN PROP TAX	41,881.78	48,573.73	41,676.85	191,172.21	189,021.80	170,540.12
31110	BOND PROP TAX	15,494.60	38,473.12	34,112.15	77,960.47	89,926.64	111,194.99
31130	IN LIEU OF PAY	0.00	55,922.76	46,375.98	0.00	55,922.76	46,375.98
31140	MOTOR VEHICLE	7,727.34	7,324.14	7,871.21	52,376.83	51,003.16	52,496.84
31200	KENO	0.00	0.00	0.00	38,727.37	34,961.51	28,297.49
31300	CITY SALES TAX	93,887.39	88,409.66	90,679.86	757,793.84	727,330.30	732,965.16
31301	CITY SALES TAX	7,535.28	14,122.83	7,085.37	71,161.00	65,894.06	64,813.78
31400	FRANCHISE	14,960.98	13,888.65	32,979.69	627,630.08	614,825.16	609,288.98
31410	CONTRACTS/AGREE	17,629.58	28,080.25	54,900.86	327,586.71	328,736.85	297,217.09
31510	TICKET & PASSES	18,072.85	13,749.75	13,177.00	110,866.20	95,772.40	87,653.90
31520	CONCESSIONS	62.00	71.80	63.14	572.64	586.20	345.34
31600	NON TAX REVENUE	16,928.22	14,329.89	8,144.60	86,498.02	98,785.24	72,990.02
31605	LOT SALES	725.00	1,980.00	36.67	4,420.00	4,620.00	2,890.02
31606	PERPETUAL CARE	620.00	1,470.00	810.00	3,785.00	6,275.00	5,222.17
31610	RENTAL REVENUE	3,868.98	13,361.77	2,597.55	51,199.95	52,646.33	39,111.33
31620	TRADE LICENSES	8,875.00	8,100.00	9,450.00	19,395.00	20,610.00	20,310.01
31621	ANIMAL LICENSES	201.00	184.00	398.00	1,206.00	1,268.00	1,674.00
31630	PERMITS	526.00	295.00	400.00	1,901.00	1,835.00	1,999.00
31631	BUILDING PERMIT	12,514.50	815.00	1,411.00	21,726.85	7,703.25	13,674.50
31632	PLUMBING PERMIT	350.00	70.00	230.00	820.00	430.00	880.00
31634	GAS PERMITS	0.00	0.00	15.00	15.00	45.00	45.00
31635	ROW PERMITS	45.00	0.00	45.00	90.00	60.00	120.00
31636	MANUF. HOME	0.00	0.00	0.00	100.00	100.00	0.00
31640	FINES & FEES	810.00	1,206.94	1,209.75	4,099.01	7,441.34	10,166.05
31700	LOCAL GRANTS	0.00	0.00	0.00	3,620.00	4,898.46	107,920.85
31800	INTEREST INCOME	474.71	733.04	662.72	3,780.07	5,924.34	8,114.07
32300	HIGHWAY ALLOCAT	46,088.82	41,898.74	40,131.82	326,859.42	292,143.71	284,047.03
32400	VEHICLE PRORATE	736.08	787.98	937.71	1,445.17	1,447.23	1,559.22
32401	MOTOR VEH FEE	12,607.64	12,072.40	11,740.97	34,250.20	33,068.80	32,491.48
32600	MUN EQUALIZAT	0.00	0.00	0.00	31,354.09	33,228.53	26,706.70
32700	OTHER ST FUNDS	18,305.00	3,440.00	2,305.00	33,906.15	41,495.29	39,197.80
33100	FED GRANT & REV	167,940.47	26,885.62	6,024.29	300,549.09	127,496.15	93,273.26
34100	MISCELLANEOUS	15,172.44	18,462.65	5,763.43	55,453.27	83,412.19	47,210.81
34200	INS REFUND	149.92	0.00	0.00	384.92	0.00	146.92
34210	EMP SHARE MED	5,696.78	5,107.53	4,931.26	39,471.94	36,938.56	37,525.29
34215	CITY SHARE MED	28,439.96	26,453.56	26,031.92	196,569.06	189,860.16	198,111.94
34300	BOND PROCEEDS	0.00	0.00	0.00	715,937.50	246,875.00	1,429,700.00
34400	LOAN PROCEEDS	0.00	0.00	0.00	0.00	128,544.00	236,081.00
<b>Totals</b>		<b>681,064.54</b>	<b>609,343.49</b>	<b>641,790.75</b>	<b>5,073,015.05</b>	<b>4,572,899.09</b>	<b>5,825,523.43</b>

**City of Ogallala**  
**Expense 3 year Comparison**

Account	Expense Description	Month Totals			Fiscal Year to Date Totals		
		Apr-14	Apr-13	Apr-12	Apr-14	Apr-13	Apr-12
40100	CITY COUNCIL	0.00	0.00	0.00	4,800.00	4,900.00	4,800.00
40200	CITY MANAGER	7,307.20	6,739.43	6,430.40	54,804.00	50,201.04	48,228.00
40210	CITY CLERK	4,716.80	5,712.80	4,099.20	35,874.00	35,237.60	30,664.80
40220	SUPERVISOR	45,403.80	49,243.92	52,364.93	336,078.54	376,286.33	421,373.20
40222	MECHANIC	2,837.20	2,755.60	2,610.78	21,136.90	20,460.52	19,193.84
40223	FTE - HOURLY	61,168.14	62,827.89	59,267.10	464,337.36	469,704.56	436,066.21
40224	PTE - HOURLY	14,828.06	12,588.84	13,101.56	108,292.73	94,164.21	90,574.99
40225	OTHER - HOURLY	92.00	64.00	232.40	1,174.00	1,096.00	1,264.32
40226	OVERTIME	3,619.85	3,080.09	1,955.68	38,393.94	33,945.81	16,136.74
40227	SICK BENEFIT PY	0.00	1,139.28	26.62	18,155.28	22,072.73	17,235.94
40300	F.I.C.A.	9,973.33	10,343.70	10,051.78	77,826.44	80,903.23	75,708.33
40310	UNEMPLOYMENT	0.00	330.00	0.00	509.00	338.33	0.00
40320	WORKERS COMP	0.00	0.00	0.00	61,343.00	54,253.00	67,475.50
40330	RETIREMENT	6,542.07	4,604.12	2,651.91	49,693.92	33,050.44	32,611.84
40340	MED INS - CITY	43,834.18	39,939.16	131,334.71	299,185.06	345,990.75	557,380.08
40341	HEALTH SAVINGS	1,341.00	1,172.00	1,172.00	8,627.00	7,940.00	8,711.00
40345	MED INS SELF FD	24,042.85	14,440.41	2,389.99	227,738.41	74,406.73	8,189.16
40350	LIFE INS - CITY	438.90	429.00	447.48	2,995.30	3,150.40	3,264.36
40360	OTHER BENEFITS	729.22	1,882.00	2,944.02	11,807.42	14,865.39	16,335.53
40370	DISABILITY PAY	842.32	842.32	842.32	6,317.40	6,317.40	6,317.40
40380	RECOGN & RECRUIT	315.74	10,578.92	2,541.05	12,842.13	15,190.13	7,054.89
41010	PROPERTY TAX	0.00	0.00	0.00	4,085.48	0.00	0.00
41100	ELECTRICITY	17,469.97	15,950.10	15,516.76	132,013.56	134,424.46	120,556.92
41105	STREET LIGHTING	11,992.01	11,880.11	11,743.91	84,393.88	83,985.92	77,735.69
41110	WATER & SEWER	810.91	748.09	728.57	25,059.25	34,318.45	26,754.08
41120	PHONE	2,012.12	2,305.46	2,305.15	16,371.54	16,503.63	15,878.53
41130	SANITATION	1,211.82	1,106.24	1,039.08	7,524.72	7,208.60	6,495.36
41140	NATURAL GAS	8,248.57	8,684.82	6,396.76	65,507.59	50,015.57	53,669.38
41200	INSURANCE	0.00	742.08	0.00	123,914.71	116,412.64	106,253.47
41210	E & O INSURANCE	0.00	0.00	0.00	5,861.00	5,793.00	5,793.00
41220	VOLUNTEERS-INS	253.00	308.00	385.00	1,461.42	2,391.50	2,519.00
41300	ENGINEERING	44.00	1,901.60	0.00	3,164.32	1,901.60	0.00
41310	AUDIT	0.00	0.00	0.00	3,150.00	14,475.00	14,075.00
41330	LEGAL	1,568.00	1,335.00	1,757.50	12,860.20	10,341.80	18,049.00
41340	JANITOR SER-SUP	1,399.95	1,698.61	1,519.64	10,229.83	11,927.93	10,950.15
41350	MISC SERVICE	1,427.50	2,272.37	1,715.00	10,367.43	7,356.35	6,703.80
41400	CONTRACTS & AGR	26,313.75	37,025.05	52,370.48	313,450.74	359,508.91	347,207.39
41410	LEASES	0.00	248.85	248.85	20,370.57	20,496.55	12,996.55
41420	RENTAL	750.00	350.00	350.00	5,250.00	2,450.00	6,157.50
41500	REP & MAINT	21,674.63	18,379.85	36,312.54	65,713.03	56,675.72	113,649.57
41501	REP & MAINT -ST	37,659.26	6,183.74	16,880.32	61,188.28	31,300.27	119,467.61
41502	R & M MAIN-WELL	5,111.90	5,761.65	3,300.87	41,509.31	32,216.38	39,905.83
41510	VEHICLE REPAIR	1,772.89	1,744.64	3,403.42	33,794.87	17,065.50	22,898.86
41511	GAS & OIL	7,587.36	8,305.59	6,361.25	52,797.82	50,345.26	49,502.98
41512	TIRES & TUBES	1,188.56	954.94	15.00	2,349.62	6,013.54	2,547.60
41513	MILEAGE	0.00	0.00	0.00	0.00	0.00	170.50
41520	STORM EXPENSE	21.15	7,894.60	0.00	28,495.28	28,324.80	28,818.32
41530	CODE ENFORCEMT	52.50	222.50	17.50	2,114.22	1,820.98	1,676.26
41540	ELECTION EXPENS	0.00	0.00	0.00	0.00	485.90	0.00
41600	INVENTORY	447.92	3,982.00	(344.87)	11,551.26	13,672.45	13,007.41
41610	OFFICE SUPPLIES	1,513.13	1,304.31	682.08	8,197.86	10,386.71	9,842.09

**City of Ogallala**  
**Expense 3 year Comparison**

Account	Expense Description	Month Totals			Fiscal Year to Date Totals		
		Apr-14	Apr-13	Apr-12	Apr-14	Apr-13	Apr-12
41615	OPERATING SUPP	16,684.66	11,957.84	8,302.04	59,709.05	51,352.17	65,832.55
41616	UNIFORMS	177.30	520.63	321.90	6,817.61	4,757.89	4,430.65
41620	CONCESSIONS	0.00	0.00	11.96	257.79	372.20	42.89
41630	BOOKS & PERIOD	3,467.15	2,137.35	3,116.95	21,487.26	22,210.08	26,300.60
41640	DUES & SUBSCRIP	1,910.67	359.85	914.89	48,118.45	79,101.29	76,962.55
41645	TRAINING & TUIT	3,377.20	5,240.90	3,113.26	22,959.92	26,157.14	26,229.25
41650	PRINTING	546.36	505.35	70.00	1,694.51	2,283.49	1,683.36
41655	PUBLISHING	2,458.52	724.59	505.41	5,262.79	4,336.15	5,124.85
41660	POSTAGE	6,554.59	5,009.28	2,631.51	11,420.19	7,905.18	11,549.15
41710	SALES TAX	1,296.68	1,112.13	1,070.91	9,057.77	4,096.82	3,908.69
41720	CONS USE TAX	29.40	13.93	1,274.16	455.37	278.61	4,442.24
41730	BAD DEBT	0.00	0.00	0.00	5.85	5.13	9.88
41900	CASH VARIATION	(5.24)	0.00	(0.50)	(7.24)	(3.25)	(10.35)
42100	CAPITAL IMPROVE	164,755.41	61,397.00	11,813.27	1,157,424.47	260,692.45	755,363.65
42200	CAPITAL OUTLAY	25,430.03	64,212.97	7,700.77	456,280.17	180,089.95	42,768.05
43100	D/S PRINCIPAL	2,060.00	2,060.00	2,060.00	1,371,656.55	645,078.57	1,863,891.41
43200	D/S INTEREST	8,592.50	9,282.50	8,157.29	110,549.66	136,382.83	131,119.44
43300	D/S CONTRACTS	20.00	20.00	20.00	8,030.04	8,724.04	7,179.39
44100	MISCELLANEOUS	613.02	605.00	1,351.05	8,207.27	5,633.28	16,571.53
44211	HOUSING REHAB	0.00	0.00	0.00	29,410.00	0.00	0.00
44219	DOWNTOWN REVIT.	0.00	0.00	0.00	8,000.00	3,900.00	0.00
44300	HOSPITAL S.T.	29,719.90	28,117.82	30,002.88	245,192.66	237,777.57	238,850.00
<b>Totals</b>		<b>646,251.71</b>	<b>563,280.82</b>	<b>539,606.49</b>	<b>6,576,669.76</b>	<b>4,553,425.61</b>	<b>6,384,117.76</b>

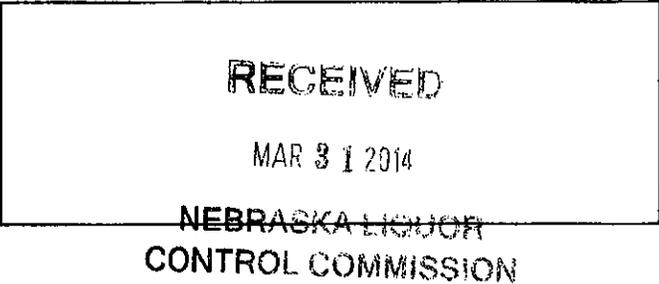
**FRANCHISE FEE - OCCUPATION TAX  
FISCAL YEAR 2013 - 2014**

COMPANY NAME	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	TOTAL
Allo		4,166.06			4,772.79								8,938.85
Charter Communications (5% of Gross Reve	14,261.77				13,816.80								28,078.57
NPPD (12% of Retail Revenue)		262,171.24			193,507.27								455,678.51
Source Gas LLC (\$0.01 per therm)					20,039.04								20,039.04
<b>Total - Franchise Fees</b>	<b>14,261.77</b>	<b>266,337.30</b>	<b>0.00</b>	<b>0.00</b>	<b>232,135.90</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>512,734.97</b>
Allo Communications		3,198.73			3,306.45								6,505.18
Birch Communications, Inc	6.01			6.03									12.04
BullsEye Telecom Inc				204.21									204.21
Celco Partnership	27.98	26.58	26.06	36.69	29.84	31.02	30.36						208.53
CenturyLink	999.55	614.10	731.29	730.87	721.17	712.15	694.16						5,203.29
Charter Comm													0.00
Charter Fiberlink													0.00
Compliance Solutions, Inc.	2.39	10.32	3.32	0.74		0.00	0.00						16.77
Compliance Solutions, Inc. (GreatCall)				210.14									210.14
Comtel Telcom													0.00
Dish Network	9.30		11.64	4.78	11.30	9.04	9.48						55.54
First Communications						0.00	0.00						0.00
Granite Telecommunications	58.12	57.71	60.00	59.48	57.67	57.17	57.24						407.39
Interface Security Systems, Inc.				22.16	2.79	2.81	0.00						27.76
New Cingular	25.25	27.27	24.00	28.31	26.01	22.95	18.84						172.63
NT & T	177.79	171.48	178.82	178.91	181.33	134.35	150.59						1,173.27
Omaha Cellular	181.24	176.09	186.06	176.94	182.84	177.40	184.56						1,265.13
Sprint Nextel	3.55	3.76	3.86	3.32	3.86	3.85	3.42						25.62
Sprint Spectrum	31.05		32.86	29.16	26.64	12.48	16.21						148.40
USCOC of Greater IA				0.00		0.00	0.00						0.00
USCOC OF NE/KS	180.71	1,270.27	1,005.54	799.83	719.45	552.15	635.50						5,163.45
Verizon/Alltel	5,057.45	5,057.73	4,976.43	4,948.34	4,979.60	4,977.56	5,003.88						35,000.99
Verizon/VAW	230.49	219.26	228.13	229.06	219.53	222.43	216.56						1,565.46
Vinero	1,152.59	1,200.19	1,222.56	1,426.77	483.50	1,433.51	1,002.47						7,921.59
WWC License LLC				0.00		0.00	0.00						0.00
hone Occupation Tax (5% of Gross Receipts)	8,143.47	12,033.49	8,690.57	9,095.74	10,951.98	8,348.87	8,023.27	0.00	0.00	0.00	0.00	0.00	65,287.39
Best Western Stagecoach Inn	620.75	2,701.26	1,806.16	1,187.97	1,014.44	874.53	963.14						9,168.25
Comfort Inn	1,559.84	1,306.34	804.44	458.14	337.24	331.62	409.32						5,206.94
Days Inn		469.57	382.43	299.96	213.89	227.40	347.78						1,941.03
Elms Motel	79.46			15.62			10.02						105.10
Holiday Inn Express	2,857.34		2,631.92	1,811.50	1,902.78	1,807.80	1,751.90						12,763.24
Oregon Trail Motel	3.60	4.16			0.00		0.00						7.76
Quality Inn (Kennedy Hospitality)	2,677.85	1,778.41	1,344.11	938.79	753.12	773.34	870.52						9,136.14
Pump & Pantry Motel	188.19	103.47	68.85	57.31	123.63	64.47	69.29						675.21
Roadway Inn	446.40	292.02	213.70	161.56	96.56	118.94	76.82						1,406.00
South Platte River Cabins & Kennels	65.50		1.54			0.00	0.00						67.04
Super 8 Motel	2,009.06	1,622.66	914.12	696.35	773.65	676.25	2,438.92						9,131.01
Hotel Occupation Tax (2% of Gross Receipts)	10,507.99	8,277.89	8,167.27	5,627.20	5,215.31	4,874.35	6,937.71	0.00	0.00	0.00	0.00	0.00	49,607.72
<b>Grand Total Franchise Fees/Occupation Tax</b>	<b>32,913.23</b>	<b>286,648.68</b>	<b>16,857.84</b>	<b>14,722.94</b>	<b>248,303.19</b>	<b>13,223.22</b>	<b>14,960.98</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>627,630.08</b>

5.A.

**APPLICATION FOR LIQUOR LICENSE  
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES  
CHECK DESIRED CLASS**

**RETAIL LICENSE(S)**

Submit \$400 Non Refundable Application Fee

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

Class K Catering license (requires catering application form 106) \$100.00

**Additional fees will be assessed at city/village or county level when license is issued**

**LICENSE YEAR**

Class C license term runs from November 1 – October 31  
All other licenses run from May 1 – April 30  
Catering license (K) expires same as underlying retail license

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING  
(CHECK ONLY ONE)**

- Individual License (requires insert form 1- form number 104)
- Partnership License (requires insert form 2- form number 105)
- Corporate License (requires insert form 3a & 3c- form number 101 and 103)
- Limited Liability Company (LLC) (requires form 3b & 3c- form number 102 and 103)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)  
Commission will call this person with any questions we may have on this application**

Name Erika M. Kaiser Phone number: (719) 473-8780

Firm Name Erika M. Kaiser, P.C.

5.B.

**PREMISE INFORMATION**

Trade Name (doing business as) Margaritas Family Mexican Restaurant

Street Address #1 401 Stagecoach Trail

Street Address #2 \_\_\_\_\_

City Ogallala

County Keith

Zip Code 69153

Premise Telephone number (303) 522-2221

Business e-mail address erikakaiser1@msn.com

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Is this location inside the city/village corporate limits:  YES

MAR 31 2014

Mailing address (where you want to receive mail from the Commission)

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

Name 3 Margaritas Attn: David Villasenor

Street Address #1 3202 E. 104th Ave.

Street Address #2 \_\_\_\_\_

City Thornton

State CO

Zip Code 80229

**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED**

**READ CAREFULLY**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. **No blue prints please.** Be sure to indicate the direction **north** and **number of floors** of the building.

\*\*For on premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 74' x width 28' in feet

Is there a basement to be licensed? Yes \_\_\_ No x If yes, length \_\_\_ x width \_\_\_ in feet

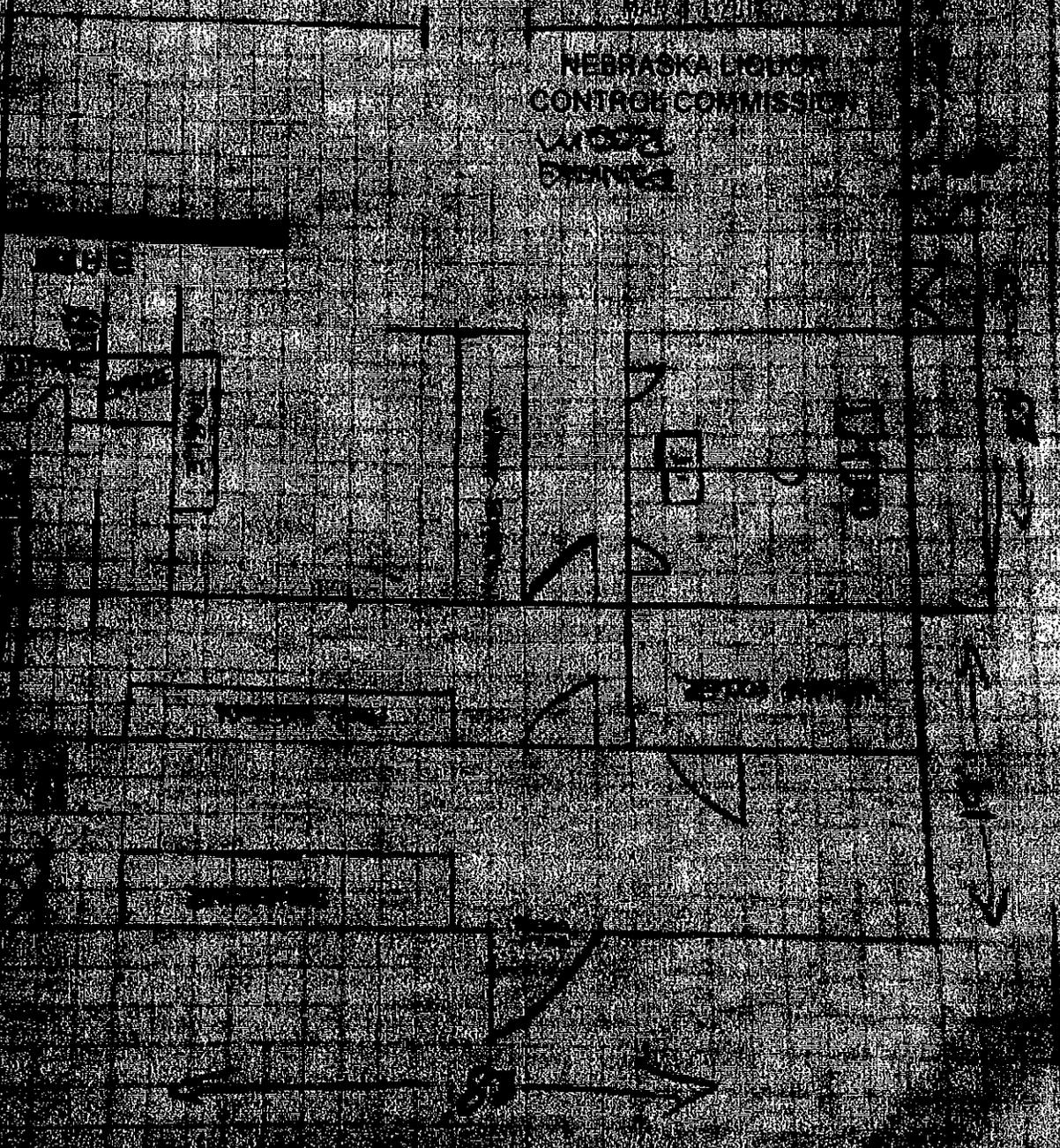
Is there an outdoor area? Yes \_\_\_ No x If yes, length \_\_\_ x width \_\_\_ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

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NEBRASKA FOOD CONTROL COMMISSION

STATE OF NEBRASKA



**APPLICANT INFORMATION**

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. Include traffic violations. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. The commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

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YES       NO

If yes, please explain below or attach a separate page

MAR 31 2014

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description	Disposition
Gustavo Morales	see attached			
David A. Villasenor-Lopez	see attached			

**2. Are you buying the business of a current retail liquor license?**

YES       NO

If yes, give name of business and liquor license number \_\_\_\_\_

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

**3. Was this premise licensed as liquor licensed business within the last two (2) years?**

YES       NO

If yes, give name and license number Mi Ranchito Restaurant

**4. Are you filing a temporary operating permit to operate during the application process?**

YES       NO

If yes:

- a) Attach temporary operating permit (TOP) (form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, including family or friends, to establish and/or operate the business?

YES  NO

If yes, list the lender(s) 3 Margaritas XVIII, Inc., 3202 E. 104th Ave., Thornton, CO 80229

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES  NO

If yes, explain. (All involved persons must be disclosed on application)

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MAR 31 2014

**No silent partners**

NEBRASKA LIQUOR

7. Will any of the furniture, fixtures and equipment to be used in this business be ~~CONTROLLED~~ **CONTROLLED** by the ~~COMMISSION~~ **COMMISSION**?

YES  NO

If yes, list such item(s) and the owner.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES  NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. §53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES  NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Gustavo Morales, David A. Villasenor-Lopez, Juan L. Alcaraz Adams Bank  
Ogallala, NE

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

**See attachment**

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of certificate)
Juan L. Alcaraz	2/23/10	TIPS

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MAR 31 2014

NEBRASKA LIQUOR CONTROL COMMISSION

For list of NLCC certified training programs see: [www.lcc.ne.gov/traininginfo.html](http://www.lcc.ne.gov/traininginfo.html)

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Gustavo Morales <i>Mgr/owner</i>	1999-present	3 Margaritas, 6896 W. 120th Ave., Broomfield, CO 80020
David A. Villasenor-Lopez <i>Manager/owner</i>	2006-present	3 Margaritas, 3202 E. 104th Ave., Thornton, CO 80229

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

- Lease: expiration date August 31, 2016
- Deed
- Purchase Agreement

- 14. When do you intend to open for business? On grant of liquor license
- 15. What will be the main nature of business? Family Mexican restaurant
- 16. What are the anticipated hours of operation? 11 a.m. - 10 p.m. Sun. - Sat.

17. List the principal residence(s) for the past 10 years for all persons required to sign on page 8, including spouses.

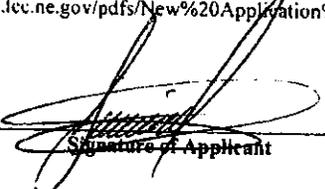
RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Gustavo Morales: Broomfield, CO	2000	present	Guillermina Morales: Broomfield, CO	2000	present
David A. Villasenor-Lopez: Westminster, CO	2000	present	Rocio Villasenor: Westminster, CO	2000	present

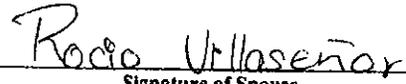
If necessary attach a separate sheet.

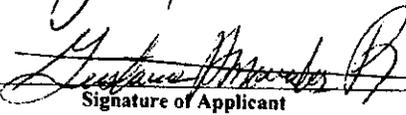
The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

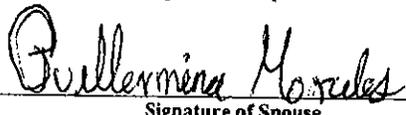
Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures.  
<http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Spouse

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Signature of Spouse

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Signature of Spouse

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Signature of Spouse

\_\_\_\_\_  
 Signature of Applicant

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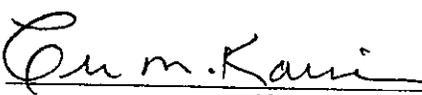
MAR 31 2014

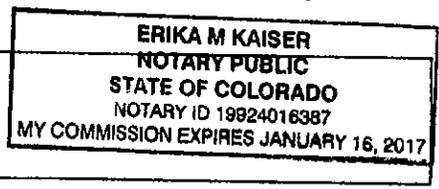
**NEBRASKA LIQUOR CONTROL COMMISSION**

**ACKNOWLEDGEMENT**

State of Colorado  
~~State of Nebraska~~  
 County of El Paso  
March 28, 2014  
 \_\_\_\_\_  
 date

The foregoing instrument was acknowledged before me this \_\_\_\_\_ by David A. Villasenor-Lopez, Rocio Villasenor, Gustavo Morales, and Guillermina Morales  
 \_\_\_\_\_  
 name of person acknowledged

  
 \_\_\_\_\_  
 Notary Public signature

Affix Seal 

In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE CORPORATION INSERT - FORM 3a**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)

Office Use  
**RECEIVED**  
MAR 31 2014

NEBRASKA LIQUOR CONTROL COMMISSION

Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints (2 cards per person)
- 3) Officers, directors and stockholders holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Incorporation (Articles must show barcode receipt by Secretary of States Office)

Name of Registered Agent: Jose Chaves, Jr.

Name of Corporation that will hold license as listed on the Articles

Margaritas Family Mexican Restaurant, Inc. 010182243

Corporation Address: 401 Stagecoach Trail

City: Ogallala State: NE Zip Code: 69153

Corporation Phone Number: (303) 522-2221 Fax Number: \_\_\_\_\_

Total Number of Corporation Shares Issued: 10,000

Name and notarized signature of President/CEO (Information of president must be listed on following page)

Last Name: Morales First Name: Gustavo MI: \_\_\_\_\_

Home Address: 15487 Huron St. City: Broomfield

State: CO Zip Code: 80023 Home Phone Number: (303) 882-2469

*Gustavo Morales*  
Signature of President/CEO

**ACKNOWLEDGEMENT**

State of Colorado  
County of El Paso

The foregoing instrument was acknowledged before me this  
by Gustavo Morales  
name of person acknowledge

March 28, 2014  
Date

Affix Seal  
ERIKA M KAISER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19924016387  
MY COMMISSION EXPIRES JANUARY 16, 2017

List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Last Name: Morales First Name: Gustavo MI: \_\_\_\_\_  
Social Security Number: 534-11-6078 Date of Birth: 3/8/68  
Title: President/Secretary Number of Shares 5100  
Spouse Full Name (indicate N/A if single): Guillermena Morales  
Spouse Social Security Number: 650-14-4521 Date of Birth: 5/17/73

Last Name: Villasenor-Lopez First Name: David MI: A.  
Social Security Number: 572-37-5366 Date of Birth: 4/2/73  
Title: VP/Treasurer Number of Shares 4900  
Spouse Full Name (indicate N/A if single): Rocio Villasenor  
Spouse Social Security Number: 652-20-1674 Date of Birth: 10/29/72

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ RECEIVED  
Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ MAR 31 2014  
Title: \_\_\_\_\_ Number of Shares \_\_\_\_\_ NEBRASKA LIQUOR  
Spouse Full Name (indicate N/A if single): \_\_\_\_\_ CONTROL COMMISSION  
Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Title: \_\_\_\_\_ Number of Shares \_\_\_\_\_  
Spouse Full Name (indicate N/A if single): \_\_\_\_\_  
Spouse Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Is the applying corporation controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation \_\_\_\_\_
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the Corporation's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non-Profit Corporation?

YES

NO

If yes, provide the Federal ID # \_\_\_\_\_

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MAR 31 2014

NEBRASKA LIQUOR  
CONTROL COMMISSION

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

MARGARITAS FAMILY MEXICAN RESTAURANT, INC. MAR 31 2014

401 Stagecoach Trail, Ogallala, NE 69153

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

**Question 1:**

A. Gustavo Morales and David A. Villasenor-Lopez are officers, directors and stockholders of 3 Margaritas XVIII, Inc., 3202 E. 104<sup>th</sup> Ave., Thornton, CO which had sale to minor violations on 12/17/07 and 9/3/09. In 2007, a stipulation was entered into with the licensing authority for a 7-day suspension of the liquor license with 4 days to be held in abeyance for one year. A fine in lieu of suspension was paid for 2 of the 3 suspended days. For the 2009 violation, a stipulation was entered into for a 12-day suspension of the liquor license with 7 days to be held in abeyance for one year.

B. Gustavo Morales is an officer, director and stockholder of:  
Los Veranos, Inc., d/b/a 3 Margaritas, 530 E. Bromley Lane, Brighton, CO 80601 which had a sale to minor liquor license violation on May 13, 2009. A stipulation was entered into with the licensing authority for 14-day suspension of the liquor license with 11 days to be held in abeyance for one year. A fine in lieu of suspension was paid for 2 of the 3 suspended days. This location had a sale to minor violation on December 9, 2011. A stipulation was entered into with the licensing authority for a 14-day suspension with 11 days to be held in abeyance for one year and 3 days to be served.

and

Centenario, Inc. d/b/a 3 Margaritas VI, 6896 W. 120th Ave., Broomfield, CO, which had a sale to intoxicated person on March 9, 2003. All employees took a formal liquor training class; and

3 Margaritas XXX, Inc. 3390 28<sup>th</sup> St., Boulder, CO 80301 which had a violation in 2013 for exceeding the permissible limit of retail purchases of alcohol and for not having all retail purchase invoices on site. The liquor license was suspended for 8 days with 2 days served and 6 days fine in lieu.

**Question 11: Past and present liquor licenses:**

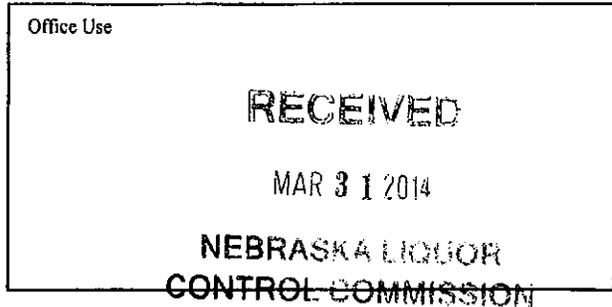
A. Gustavo Morales is an officer, director and stockholder of the following corporations which currently hold liquor licenses in Nebraska:

El Moro, Inc. d/b/a Margaritas Family Mexican Restaurant, 104 N. Jeffers, North Platte, NE 69101, license no. 86151; and

Sidney Familia y Tradicion, Inc. d/b/a Margaritas Family Mexican Restaurant, 3070 Silverberg Dr., Sidney, NE 69162, license no. 105527.

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)



Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

**Corporation/LLC information**

Name of Corporation/LLC: Margaritas Family Mexican Restaurant, Inc.

**Premise information**

Premise License Number: \_\_\_\_\_

(if new application leave blank)

Premise Trade Name/DBA: Margaritas Family Mexican Restaurant

Premise Street Address: 401 Stagecoach Trail

City: Ogallala State: NE Zip Code: 69153

Premise Phone Number: (303) 522-2221

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.

[http://www.lcc.ne.gov/license\\_search/licsearch.cgi](http://www.lcc.ne.gov/license_search/licsearch.cgi)

  
CORPORATE OFFICER/MANAGING MEMBER SIGNATURE  
(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Alcaraz First Name: Juan MI: L  
 Home Address (include PO Box if applicable): 1215 Newton St., Apt. 3  
 City: Sidney County: Cheyenne Zip Code: 69162  
 Home Phone Number: (720) 284-9786 Business Phone Number: (308) 254-6213  
 Social Security Number: 653-18-0763 Drivers License Number & State: H 13702457 NE  
 Date Of Birth: 09-29-1966 Place Of Birth: Mexico City, Mexico  
 Email address: juanluis.alcaraz@yahoo.com

RECEIVED

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

MAR 31 2014

YES  NO

NEBRASKA  
CONTROL COMMISSION

Spouse's information  
 Spouses Last Name: Rivera Ramirez First Name: Maria MI: G  
 Social Security Number: 098-69-5125 Drivers License Number & State: 098-69-5125 CO  
 Date Of Birth: 03-24-1970 Place Of Birth: Puebla, Mexico

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS  
 APPLICANT SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Sidney, Nebraska	2013	present	Mexico	1980	2011
Thornton, Colorado	1980	2013	Thornton, Colorado	2011	2014
			Sidney, Nebraska	2014	present

5.C.

**MANAGER'S LAST TWO EMPLOYERS**

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2013	present	Margaritas Fam. Mex. Rest.	David Villasenor-Lopez	(303) 522-2221
2013	2013	3 Margaritas Fam. Mex. Rest.	Sergio Villasenor	(303) 665-0105

**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

**Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

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YES       NO

MAR 31 2014

If yes, please explain below or attach a separate page.

**NEBRASKA LIQUOR**

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	NEBRASKA LIQUOR CONTROL COMMISSION Disposition
N/A				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES       NO

**IF YES, list the name of the premise(s):**

---

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES       NO

4. List the alcohol related training and/or experience (when and where) of the person making application.

\*NLCC Training Certificate Issued: 2/23/2010 Name on Certificate: Juan Alcaraz

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Juan L. Alcaraz	02/23/10	TIPS
		RECEIVED
		MAR 31 2014
		NEBRASKA LIQUOR CONTROL COMMISSION

\*For list of NLCC Certified Training Programs see [www.lcc.ne.gov/traininginfo.html](http://www.lcc.ne.gov/traininginfo.html)

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Juan L. Alcaraz wait staff	2000-2012	Efrain's, Boulder, CO
Juan L. Alcaraz wait staff	2012-2013	Delvickios, Boulder, CO
Juan L. Alcaraz wait staff	2013 - 2013	3 Margaritas Mex. Rest., Thornton, CO
Juan L. Alcaraz, asst mgr	2013-present	Margaritas Fam. Mex. Rest., Sidney, NE

5. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application?  
(Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)

YES       NO

5.C.

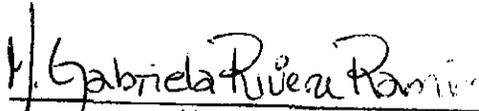
**CONSENT**

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

  
\_\_\_\_\_  
Signature of Manager Applicant

  
\_\_\_\_\_  
Signature of Spouse

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MAR 31 2014

ACKNOWLEDGEMENT

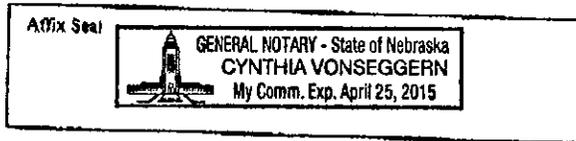
State of Nebraska  
County of     Cheyenne    

NEBRASKA LIQUOR CONTROL COMMISSION

The foregoing instrument is acknowledged to be this  
by Juan L. Alcaraz and Maria G. Rivera Ramirez  
name of person acknowledged

March 24, 2014  
date

Cynthia Von Seggern  
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

5.C.

**DRAFT COPY ONLY**

ORDINANCE NO. 1317

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET, SANITARY SEWER AND WATER IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2014, IN THE AMOUNT OF NINE HUNDRED Ninety THOUSAND DOLLARS (\$990,000) FOR THE PAYMENT OF THE COSTS OF CONSTRUCTING STREET IMPROVEMENTS AND ADDITIONS AND IMPROVEMENTS TO THE SEWER AND WATER SYSTEMS OF THE CITY OF OGALLALA, NEBRASKA; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OGALLALA, NEBRASKA:

Section 1. The Mayor and Council of the City of Ogallala, Nebraska, hereby find and determine that the City has heretofore created Street Improvement District No. 2014-1, Sanitary Sewer Extension District No. 2014-1 and Water Extension District No. 2014-1 of the City; that the engineer for the City has filed an estimate of the cost of the improvements (including issuance costs of the Notes herein contemplated) in the amount of not less than \$990,000, which estimate has heretofore been approved by the Mayor and Council; that all conditions acts and things required by law for the due authorizing and ordering of the improvements have been done and do exist and the City is authorized to issue warrants to pay the costs of the improvements pursuant to Sections 17-516, 17-520 and 19-2405, R.R.S. Neb. 2012; that pending permanent financing by the issuance of bonds, it is necessary and desirable in order to provide temporary financing, to issue Bond Anticipation Notes in lieu of issuing warrants; and that all conditions exist for the issuance of Street, Sanitary Sewer and Water Improvement Bond Anticipation Notes, Series 2014, in the amount of \$990,000 pursuant to Section 10-137, R.R.S. Neb. 2012.

Section 2. Notes to be designated Street, Sanitary Sewer and Water Improvement Bond Anticipation Notes, Series 2014, in the amount of \$990,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be issued. The notes shall be dated as of their date of delivery and shall bear interest at the rate of \_\_\_\_\_ per centum (\_\_\_\_\_% ) per annum and become due June 15, 2015. The notes shall bear interest from the date of delivery until maturity or earlier redemption. Such interest shall be payable December 15, 2014 and at maturity. Said notes are optional for prepayment at par plus accrued interest to the date of redemption any time on or after December 15, 2014. The City may select the notes to be redeemed for such optional redemption in its sole discretion. Any notes to be redeemed in part shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new note or notes evidencing the unredeemed principal thereof. Notice of redemption of any note called for redemption shall be given at the direction of the City by said

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Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such note at such owner's registered address. Such notice shall designate the note or notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such note or notes are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any note partially redeemed, such notice shall specify the portion of the principal amount of such note to be redeemed. If any note or an interest payment thereon is not paid at maturity or due date, the note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. Said Notes shall be delivered to Ameritas Investment Corp., upon receipt of payment for said notes, at the purchase price therefor equal to 99% of the principal amount of the Notes. Said notes are sold to the purchaser subject to the opinion of independent bond counsel that said notes are lawfully issued; that said notes constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said notes is exempt from both Nebraska state and federal income taxes. Said purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository (as defined herein) at closing.

Section 3. Said notes shall be dated the date of their delivery, be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each note. After being executed by the Mayor and City Clerk, said notes shall be delivered to the Paying Agent and Registrar who shall register each note in the name of its initial registered owner as designated by the initial purchaser. Each note shall be authenticated on behalf of the City by the Paying Agent and Registrar. The notes shall be issued initially as "book-entry only" notes using the services of The Depository Trust Company (the "Depository"), with one typewritten note per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the notes. Upon issuance of the notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds notes as securities depository (each, a "Note Participant") or to any person who is an actual purchaser of a note from a Note Participant while the notes are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Note Participant with respect to

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any ownership interest in the notes;

(ii) the delivery to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the notes, including any notice of redemption, or

(iii) the payment to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the notes. The Paying Agent and Registrar shall make payments with respect to the notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the notes or (ii) to make available notes registered in whatever name or names the Beneficial Owners transferring or exchanging such notes shall designate.

(c) If the City determines that it is desirable that certificates representing the notes be delivered to the ultimate Beneficial Owners of the notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Note Participants of the availability through the Depository of note certificates representing the notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any note is registered in the name of the Depository or any nominee thereof, all payments with respect to such note and all notices with respect to such note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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(e) Registered ownership of the notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement (if any).

(f) In the event of any partial redemption of a note unless and until such partially redeemed note has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such note as is then outstanding and all of the notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of note certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement note certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of note certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any note shall cease to be such officer before the delivery of such note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such note. The notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The notes shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 4. All notes authorized by this ordinance shall be fully registered notes pursuant to Section 10-135 R.R.S. Neb. 2012. The Treasurer of the City of Ogallala, Nebraska, is hereby designated as Paying Agent and Registrar for the notes. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the notes at such Treasurer's office in Ogallala, Nebraska. The names and registered addresses of the initial registered owner or owners of the notes shall be recorded in such books prior to the issuance thereof. Any note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the Note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or

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by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer and will deliver at such office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this Ordinance, one note may be transferred for several such notes of the same interest rate and maturity and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note or notes shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the notes upon transfer of which they were delivered. The City Treasurer is hereby authorized and directed to transfer, from any monies of the City available for the purpose, funds required to pay interest and principal on the notes when and as the same become due, to the Paying Agent and Registrar on or before each interest and principal payment date. Payment of interest, except for payment of interest at maturity or upon redemption, shall be mailed to the registered owners of the notes as of the record date for each interest payment date. The record date for each interest payment date shall be the close of business on the last day of the month immediately preceding the month in which the interest payment date occurs. The principal, together with accrued interest then due, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of each note at the office of the Paying Agent and Registrar in Ogallala, Nebraska. The City and the Paying Agent and Registrar shall not be required to transfer notes during any period from any record date until its immediately following interest payment date or to transfer any notes called for redemption for a period of thirty days next preceding any date fixed for redemption prior to maturity.

Section 5. The fully registered Street, Sanitary Sewer and Water Improvement Bond Anticipation Notes, Series 2014, shall be in substantially the following form:

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**CITY OF OGALLALA, NEBRASKA  
STREET, SANITARY SEWER AND WATER  
IMPROVEMENT BOND ANTICIPATION NOTE  
SERIES 2014**

No.			\$
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Delivery</u>	<u>CUSIP No.</u>
_____ %	September 15, 2014	June 12, 2014	

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

The City of Ogallala, Nebraska, hereby promises to pay to the registered owner specified above the sum specified above on the maturity date specified above, together with interest thereon from the date of delivery hereof until maturity (or earlier redemption) at the rate per annum specified above, payable December 15, 2014 and at maturity. The interest hereon shall be paid on each interest payment date by the Treasurer of the City of Ogallala, Nebraska, as Paying Agent and Registrar, by wire transfer, check or draft mailed to the registered owner hereof determined as of the close of business on the last day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the City as maintained by said Paying Agent and Registrar. The principal of this note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the Paying Agent's office in Ogallala, Nebraska. If this note or any interest installment hereon is not paid upon maturity or due date, the note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. This note and interest accruing hereon shall be payable from funds received by the City from the issuance and sale of its various purpose bonds or other bonds and is optional for payment on December 15, 2014, or at any time thereafter at par plus accrued interest. This note is one of an issue of \$990,000 in total principal amount issued pursuant to Ordinance No. \_\_\_\_\_. All of the provisions and agreements of said Ordinance are by reference made a part of this instrument and all such agreements accrue to the registered owner of this note. This note shall not be a debt of the City of Ogallala within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of said City and said City shall not be liable for the payment of the principal thereof out of any money of the City other than from proceeds of the issuance of bonds, as aforesaid, or other funds of the City available to pay interest on said note or a portion of the cost of the project so as to reduce the required financing.

This note is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this note,

6.A.

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and thereupon a new note or notes of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of notes, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this note is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this note be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This note shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

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IN WITNESS WHEREOF, the Mayor and Council of the City of Ogallala, Nebraska, have caused this note to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of delivery shown above.

CITY OF OGALLALA, NEBRASKA

By \_\_\_\_\_ (Do not sign)  
Mayor

ATTEST:

\_\_\_\_\_  
(Do not sign)  
City Clerk

(S E A L)

**CERTIFICATE OF AUTHENTICATION**

This note is one of the notes authorized by an ordinance passed and approved by the Mayor and Council of the City of Ogallala as described in said notes.

\_\_\_\_\_  
(do not sign)  
Treasurer, City of Ogallala, Nebraska,  
Paying Agent and Registrar,

**(FORM OF ASSIGNMENT)**

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within note and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

**SIGNATURE GUARANTEED**

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

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Section 6. Notice of the call of any of said notes for payment prior to maturity shall be sufficient if it has been communicated at least thirty days prior to the redemption date by any means by or on behalf of the City to the registered owner of each of the notes to be redeemed.

Section 7. Additional Street, Sanitary Sewer and Water Improvement Bond Anticipation Notes can be authorized if deemed necessary by the Council by appropriate ordinance.

Section 8. The proceeds received from the sale of the notes shall be used to pay Project costs as set out in Section 1 hereof.

Section 9. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its various purpose bonds or other bonds. The City further covenants and agrees to issue and sell its general obligation bonds or other bonds in a sufficient amount and at such time as will enable it to take up and pay off the notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 10. The City of Ogallala, Nebraska, hereby covenants to the purchasers and holders of the notes hereby authorized that it will make no use of the proceeds of said note issue, including monies held in any sinking fund for the payment of said notes, which would cause said notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said note issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the notes with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar year 2014 in an amount in excess of \$10,000,000.

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Section 11. In order to promote compliance with certain federal tax and securities laws relating to the notes herein authorized (as well as other outstanding bonds) the City has previously adopted "Post-Issuance Compliance Policy and Procedures".

Section 12. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)

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<b>SECOND AMENDED PROTECTIVE COVENANTS</b>	Please Return Filed Document to: Keith County Area Development, Inc. 10 N. Spruce St., Suite C Ogallala, NE 69153
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The City of Ogallala, Nebraska, a Nebraska municipal corporation; Keith County Area Development, Inc., a Nebraska nonprofit corporation; Walter Scott England and Sieglinde K. England, husband and wife; Dickinson Land Surveyors, Inc., a Nebraska corporation; Tri-State Generation and Transmission Association, Inc., a cooperative corporation; and S. Hinze Properties, LLC, a Nebraska limited liability company, being the record owners of all of the real estate contained within the Ogallala North Business Park Addition to the City of Ogallala, Keith County, Nebraska, said real estate being legally described as:

Lot 1, Block 1; Lots 1 & 2, Block 2; Lot 1, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, Block 4; and Lots 1, 2, 3, 4, 5, & 6, Block 5, Ogallala North Business Park Addition located in the NW1/4 of Section 30, Township 14 North, Range 38 West of the 6th P.M. in Ogallala, Keith County, Nebraska;

do hereby amend the Protective Covenants dated July 9, 2002, and recorded of record in Book 78, Page 32 of the Miscellaneous records of Keith County, Nebraska, on August 14, 2002, and First Amended Protective Covenants, filed in Keith County real estate records on October 29, 2002 in Book 78, Page 115 of Miscellaneous, as to Lots 3 and 6 in Block 5 only, as follows:

1. Paragraph 1 of the First Amended Protective Covenants, which amended Paragraph 2 of Article IX of the Protective Covenants dated July 9, 2002 is hereby amended and replaced as follows:

Prior to commencing commercial operations on the real estate, any owner other than Keith County Area Development, Inc., shall construct a chain link fence at least eight foot in height to enclose all commercial operations, and plant a tree screen along the east boundary of Lot 3 adjoining Belmar Trail as well as on at least 150 yards west of the east boundary, on both the north and south boundaries of Lot 3, within twelve (12) months from date of closing, or prior to commencing commercial operations, whichever occurs first; any commercial building constructed by said owner, as well as the fence presently

constructed on the neighboring Lots 3 and 6 in Block 5 shall be considered toward said owner's total commercial operations fence for purposes of this covenant. The tree screen referenced herein shall consist of evergreen or conifer type trees commonly used for tree screens in the area and shall be planted two (2) staggered rows in depth spaced no wider than fifteen (15) feet apart. At all times, said owner shall be solely responsible for the maintenance, upkeep, and replacement as needed of the fencing and tree screen.

2. Paragraph B, 24 of Article VIII of Protective Covenants dated July 9, 2002 is hereby amended and replaced with the following:

"Recycling facilities; except that the collection and packaging for shipment of household recyclable materials shall be permitted. "Household recyclable materials" shall be defined as: plastics, news print, paper, cardboard, and aluminum.

3. In Paragraph B of Article VIII of Protective Covenants dated July 9, 2002 number 29 is hereby added as follows:

"Burning or open fire flames."

4. In Paragraph B of Article VIII of Protective Covenants dated July 9, 2002 number 30 is hereby added as follows:

"Any use that causes blowing debris."

5. In Paragraph B of Article VIII of Protective Covenants dated July 9, 2002 number 31 is hereby added as follows:

"Items of personal property stacked more than two (2) feet above the required fence."

As stated herein, this Second Amendment shall not apply to the protective covenants existing on all lots other than Lots 3 and 6 in Block 5. All other terms and provisions of the Protective Covenants and the First Amended Protective Covenants, filed in Keith County real estate records on October 29, 2002 in Book 78, Page 115 of Miscellaneous, shall remain in full force and effect.

Dated this \_\_\_\_\_ day of May, 2014.

By: \_\_\_\_\_  
Harold "Pete" Peterson  
City of Ogallala Council President

Attest: \_\_\_\_\_  
Jane M. Skinner  
City of Ogallala Clerk

By: \_\_\_\_\_  
Eric Duhachek  
President of Keith County Area  
Development, Inc.

\_\_\_\_\_  
Walter Scott England

\_\_\_\_\_  
Ryan Dickinson, President of Dickinson Land  
Surveyors, Inc.

\_\_\_\_\_  
Sieglinde K. England

X \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_ of Tri-State  
Generation and Transmission Association, Inc.

X \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_ of S. Hinze  
Properties, LLC

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of May, 2014,  
by Harold "Pete" Peterson, City of Ogallala Council President.

\_\_\_\_\_  
Notary Public

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of May, 2014,  
by Eric Duhachek, President of Keith County Area Development, Inc., a Nebraska Non-Profit  
Corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of May, 2014, by Ryan Dickinson, President of Dickinson Land Surveyors, Inc., on behalf of the corporation.

\_\_\_\_\_  
Notary Public

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of May, 2014, by Walter Scott England and Sieglinde K. England.

\_\_\_\_\_  
Notary Public

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of May, 2014, by \_\_\_\_\_, \_\_\_\_\_ of Tri-State Generation and Transmission Association, Inc.

\_\_\_\_\_  
Notary Public

State of Nebraska     )  
  ) ss.  
County of Keith        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of May, 2014, by \_\_\_\_\_, \_\_\_\_\_ of S. Hinze Properties, LLC on behalf of the company.

\_\_\_\_\_  
Notary Public

In 2013, the Ogallala Fire Department was paged to a total of 496 calls for service. Page 3 of this report gives a breakdown by month and type of call that the OVFD responded to. At the bottom of the page where the "TOTAL" line is, I have included total EMS calls for that month. As you can see, the majority of calls are EMS or EMS related. If we average over a 12 month period, 79.6% of our responses are for EMS or EMS related calls. Out of that 79.6%, 86.4 percent were city calls and 13.6 percent were rural calls. If we calculate the average time spent on each EMS call by the total number of runs, we find that we spent 264.32 hours per member, or 33.04 eight hour work days per member, responding to just EMS or EMS related calls. We currently have 10 EMT's on the roster. Of those 10, two are trained to the paramedic level and we have one paramedic student. Our community is fortunate in the fact that we have these individuals who have dedicated not only the time to volunteer, but to sacrifice the many hours required to just put hands on the patient. With constantly changing standards, the time required to become an EMT is now 150 hours of classroom training followed by 20 hours every two years for continuing education. To become a paramedic, one must achieve the EMT level then take an additional 480 hours of class room training, 230 hours of clinical training (hospital setting), 200 hours of ride along time, and then 72 hours every two years of continuing education. With volunteerism on a downturn due to many circumstances, we are constantly reevaluating the needs of the community and the department and are exploring different ways to meet those needs. Entities such as the NSVFA have programs in place for funding recruitment and retention efforts for volunteer agencies to offset these inadequacies and we are currently taking advantage of everything we can to keep providing exemplary care for our community. The City met one of those needs in the form of the new ambulance that is equipped with many features that are advantageous to our personnel as well as providing better emergency care for our community. From just last year, we had a 6.6 percent increase in call volume with 20 percent less EMS staffing. This equipment and modifying our system for transfer of patient care at the hospital, among other changes, have allowed us to decrease the time required to be on an ambulance call by 44.5 percent, a substantial amount of time when we are maintaining staff with volunteers that have to get back to their jobs during daytime calls, without sacrificing our quality of care for the community.

On the Fire side of the house, 2013 was less busy than the previous year due to some relief from the drought conditions, careful administration of burn permits, and public cooperation. The report shows the OVFD responded to 100 fires and rescue calls or 21.4% of our total runs. These break down to 13.0% or 64 fire calls and 7.4% or 36 miscellaneous other calls including dive rescue, motor vehicle accidents, hazardous materials calls, and investigations by officers not paged out to the department. The 13.0% of fire calls are divided between 7.0% or 35 calls in the city and 6.0% or 29 calls or in the rural or mutual aid area. The 7.2% or 36 miscellaneous other calls are divided between 2.4% or 12 in the city and 4.8% or 24 in the rural or mutual aid area. If we calculate the average time spent on each fire call by the total number of runs, we find that we spent 53.8 hours per member, or 6.72 eight hour work days per member, responding to fire and rescue calls. The community is fortunate to have this diverse group of people and the skills that they bring to the job. We have utility workers, mechanics, carpenters, people with computer skills, and many others with important skills. Each member has a strong desire to succeed at whatever task they are given and the teamwork principle is very strong within the department.

The average response time for the OVFD is 9 minutes and 4 seconds, a 14 second improvement over last year. We are within the parameters set by the NFPA regarding response times, but are always looking to improve our service to the community.

Page 4 has the runs broken down into days of the week and times. At the bottom right of Page 4 there is a breakdown of pages for service and the response from our department. Last year, Fridays were our busiest day with 88 calls and this year it is Sunday (88), closely followed by Thursday (79), and Saturday (75).

As of this report, there are 26 members on the roster for the OVFD. (See page 5 for the complete roster) Individual call percentages were presented to the City Council for VERP verification. This information is available from the City Clerk. The numbers and percentages listed prior are just the calls for emergency service and do not include the special events and extra-curricular activities that the members participate in. Community events such as National Night Out, Kids' Safety Day, Fire Prevention Week (we do this one all year long), and the Keith County Fireworks Display are all examples of events that the members participate in throughout the year. It seems we are always being asked by someone to perform some task that may benefit the community, but takes us away from our families, jobs, or hobbies even more. The specialized training required to respond to certain situations also takes valuable time from our volunteers. We drill in house every first and fourth Thursday of each month and any other drills the Chief or Training Officers deem necessary, or that the member's request, and conduct our business meeting on the second Thursday of each month. We have restructured the duties and responsibilities of the senior members and officers to accommodate not having a full time supervisor at the station. This system seems to be working well and tasks are being completed and morale is good due to the fact that everyone has ownership in the department and the outcome of a given project. It is a testament to the fortitude and dedication of the members that they spend this time serving the community in this capacity.

Page 6 is a list of all the equipment parked in the OVFD Station. We are blessed with a very generous community, city council, and rural fire board to have the fleet of trucks that we possess. The members take pride in the equipment and it is kept in first rate shape at all times and ready to go at a moment's notice, however, we must be cognizant of the fact that standards change and equipment does age. In summary, I would like to thank the city council for the opportunity to serve my community in this fashion. Since I was elected Chief of the department, we have implemented minor changes that have been positively received by the members and the community, and will continue to improve and strive to uphold our mission statement and provide exemplary care for our community. We could not do our job without your support and guidance. I look forward to the coming year and the challenges as well as the rewards that await us.

Respectfully submitted,

OVFD Fire Chief Dell R Simmerman

6.C.

**2013 OGALLALA FIRE DEPARTMENT EMERGENCY CALLS**

CATEGORY	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
<b>EMS CITY</b>	25	16	24	26	22	19	21	22	26	14	17	23
<b>EMS RURAL</b>	1	4	2	5	6	3	9	6	9	3	1	3
<b>NURSING HOME TRANSFER</b>	5	6	5	3	1	1	4	1	3	3	4	5
<b>DEFER TO BRULE</b>			1		2		1				1	
<b>STRUCTURE FIRE CITY</b>		2	1						1			2
<b>STRUCTURE FIRE RURAL</b>								2			1	
<b>VEHICLE FIRE CITY</b>	1		1			1						
<b>VEHICLE FIRE RURAL</b>	1			1	1							
<b>MVA CITY</b>				2	2	3	1	1	1	1	1	
<b>MVA RURAL</b>	2	1	5	2	1	1	2	3	2	1	1	3
<b>WILDLAND FIRE CITY</b>							1					
<b>WILDLAND FIRE RURAL</b>	1			1	3	1	2		2	1		3
<b>FLIGHT FOR LIFE</b>	2	1	3	3	1	3	1	4	3		1	2
<b>STAND BY EVENT</b>								5	3	5		
<b>ALS REQUEST</b>			1	2	1	1					1	
<b>FALSE ALARM</b>	1	2	1		2	1		3		1		
<b>CITIZEN ASSIST</b>		1	3	1			1					
<b>HAZ MAT /OTHER</b>	1				1	2	2		2			
<b>WEATHER SPOTTING</b>					1			1				
<b>DIVE RESCUE CALL</b>	1				2	2	2	1	1			
<b>TOTAL</b>	41	33	48	46	44	38	47	49	53	29	28	41
<b>EMS CALLS</b>	33	27	36	39	33	27	36	38	44	25	25	33

TOTAL CALLS FOR 2013	496
TOTAL EMS CALLS 79.6%	396
TOTAL FIRE CALLS 13.0%	64
OTHER 7.4%	66

EMS CITY	86.4%
EMS RURAL	13.6%

CITY FIRE CALLS	54.7%
RURAL FIRE CALLS	45.3%

2013 OVFD EQUIPMENT	
EQUIPMENT MAKE - DUTY / CALL NUMBER	EQUIPMENT AGE / OWNERSHIP
2012 FORD F 350 - COMMAND TRUCK / #10	2 YRS / CITY VEHICLE
2004 FORD F 250 - TROOP - TRAFFIC SAFETY TRUCK / #60	10 YRS / CITY - RURAL VEHICLE
1995 CHEVY SUBURBAN - ALS - TROOP TRUCK / #62	19 YRS / CITY VEHICLE
2013 FORD TYPE 1 - AMBULANCE / 99 A	1 YRS / CITY VEHICLE
2003 FORD TYPE 3 - AMBULANCE / 99 B	11 YEARS / CITY VEHICLE
1995 FREIGHTLINER BECKER - PUMPER / #33	19 YRS / CITY -RURAL VEHICLE
2007 SPARTAN CRIMSON - PUMPER / #31	7 YRS / CITY VEHICLE
1975 FORD SMEAL - PUMER / LADDER TRUCK / #50	39 YRS / CITY VEHICLE
2009 SPARTAN METRO - HEAVY RESCUE / #R1	4 YRS / CITY - RURAL VEHICLE
1934 CHEVY - PUMPER PARADE TRUCK / #34	79 YRS / DEPARTMENT VEHICLE
2008 KENWORTH FAUTS - WATER TENDER / #42	6 YRS / RURAL VEHICLE
1985 FORD F350 - QUICK ATTACK GRASS RIG / #25	29 YRS / RURAL VEHICLE
2002 FORD F550 - QUICK ATTACK GRASS RIG / #24	12 YRS / RURAL VEHICLE
2012 FORD F550 - QUICK ATTACK GRASS RIG / #23	2 YRS / RURAL VEHICLE
2002 FORD F350 - COMMAND TRUCK	SURPLUS
2006 FORD E450 TYPE 3 AMBULANCE	SURPLUS

6.C

NUM	NAME	OFFICE	RANK	FIRE CERT	EMS CERT	ADDRESS	EMAIL	PHONE NUMBER
00-4	RICHARD BOURQUE	TREASURER	ASST CHIEF (11)	FF1 INSTRUCTOR	EMT B	115 SPYGLASS CIRCLE OGALLALA, NE 69153	lutefound@live.com	308 289 5918
09-8	COREY BOYLE		SR. FIRE CAPT. (13)			901 WEST 10TH OGALLALA, NE 69153	cjboyle@nppd.com	308 289 4187
07-3	JUSTIN CARTWRIGHT	EXEC COMMITTEE				316 WEST 4TH OGALLALA, NE 69153	justin_cartwright2001@yahoo.com	308 289 6964
12-5	CHRIS CHASE					PO BOX 305 OGALLALA, NE 69153	mrchase@gmail.com	303 335 8549
10-2	ANALISA COLGLAZIER	VICE PRESIDENT			EMT P	927 EAST 8TH OGALLALA, NE 69153	acolglaz@hotmail.com	307 268 5602
94-1	RAY DIAZ			FF1		219 EAST B OGALLALA, NE 69153	rtdiaz@nppd.com	308 289 1816
07-5	THERESA ELMSHAUSER		EMS LT. (17)		EMT B	817 EAST C OGALLALA, NE 69153	jessle@alcjet.net	308 289 3334
13-1	NICHOLAS FIX					1601 HIGHLAND DRIVE OGALLALA, NE 69153	nicholas.fix@nebraska.gov	308 288 2848
93-8	TERRY HOFFMAN			FF1		717 WEST 2ND OGALLALA, NE 69153	tdhoff1984@yahoo.com	308 284 3138
02-5	NATHAN HOLTHUSEN			FF1	EMT P	402 NORTH SPRUCE OGALLALA, NE 69153	ndhndh@hotmail.com	308 289 4152
90-2	TRACY HOOD		SR. ENGINEER	FF1		1307 WEST 5TH OGALLALA, NE 69153	firereaper_902@msn.com	308 289 2652
10-3	SCOTT KING		SR. FIRE LT. (14)		EMT B	927 EAST 8TH OGALLALA, NE 69153	scott_j_king@yahoo.com	307 268 5590
04-5	KEN KNOEPFEL	PRESIDENT		FF1		1505 EAST 8TH OGALLALA, NE 69153	ken.knoepfel@ogallala-ne.gov	308 289 0640
13-2	PAMELA OGG				EMT-B	818 WEST D OGALLALA, NE 69153	blivevedpvro@yahoo.com	308 353 2969
08-1	RON OLSON		SAFETY OFFICER	FF1	EMT B	911 WEST 2ND OGALLALA, NE 69153	skolson47@charter.net	308 284 8289
12-7	CHRIS PETERS		PROBATIONARY			1101 ETHEL AVE OGALLALA, NE 69153	firefighter3680@hotmail.com	308 289 4028
11-2	COLE PETERS			FF1		1122 RD EAST 70 OGALLALA, NE 69153	cole_peters_93@hotmail.com	308 289 3422
90-1	TRAVIS PONCIK	EXEC COMMITTEE		FF1		1325 EAST 8TH OGALLALA, NE 69153	turnkey1@charter.net	308 289 2008
09-10	TOM REESON		SR. FIRE CAPT. (12)			305 WEST Q OGALLALA, NE 69153	tom_reeson@hotmail.com	402 380 1322
14-1	JAMES REID		PROBATIONARY		RN	320 DUNES PARKWAY	jreid101@gmail.com	308 280 1982
05-5	SCOTT RUDOLPH		EMS CAPT. (16)		EMT B	916 ST. MARYS AVENUE OGALLALA, NE 69153	scottr65@gmail.com	308 289 4110
07-6	WES SCHMER			FF1		605 EAST M OGALLALA, NE 69153	olehiderider@yahoo.com	308 289 3017
08-4	ASHTON SIMMERMAN	SECRETARY				320 WEST A OGALLALA, NE 69153	simmerman@q.com	308 289 0891
03-2	DELL SIMMERMAN		CHIEF (10)	FF1		320 WEST A OGALLALA, NE 69153	simmerman@q.com	308 289 5924
12-8	AL SIPLEY		JR. FIRE LT. (15)	FF1 INSTRUCTOR	EMT B	738 CHRISTINE DRIVE OGALLALA, NE 69153	asipley@standardethanol.com	308 520 6293
11-8	JOHN YORK	EXEC COMMITTEE			STUDENT	714 WEST 5TH OGALLALA, NE 69153	jjork@msn.com	308 289 6264

6.C.

**RUNS BY DAY OF THE WEEK**

SUNDAY	88	17.70%
MONDAY	61	12.20%
TUESDAY	60	12.10%
WEDNESDAY	65	13.20%
THURSDAY	79	15.90%
FRIDAY	68	13.70%
SATURDAY	75	15.20%

**RUNS BY TIME OF DAY**

12:00 AM	11	2.10%
1:00 AM	14	2.70%
2:00 AM	15	2.90%
3:00 AM	7	1.20%
4:00 AM	11	2.10%
5:00 AM	16	3.10%
6:00 AM	14	2.70%
7:00 AM	25	4.90%
8:00 AM	24	4.70%
9:00 AM	29	5.80%
10:00 AM	28	5.60%
11:00 AM	32	6.60%

12:00 PM	31	6.40%
1:00 PM	13	2.70%
2:00 PM	35	7.20%
3:00 PM	20	4.10%
4:00 PM	24	4.90%
5:00 PM	22	4.50%
6:00 PM	32	6.60%
7:00 PM	22	4.50%
8:00 PM	24	4.90%
9:00 PM	17	3.50%
10:00 PM	18	3.70%
11:00 PM	12	2.50%

**MISCELLANIOUS INFORMATION**

<b>CALLS PER DAY</b>		<b>AVERAGE RESPONSE TIME</b>	<b>NUMBER OF PAGES TO RESPONSE</b>
1.35		9 MINUTES 4 SECONDS	71.5% OR 355CALLS WENT 1 PAGE
	<b>AVERAGE TIME ON CALL</b>		23.3% OR 116 CALLS WENT 2 PAGES
	32.3 minutes		4.2% OR 20 CALLS WENT 3 PAGES
			1% OR 5 CALLS WENT TO BRULE EMS

**CITY OF OGALLALA, NEBRASKA  
REQUEST TO BE PLACED ON THE AGENDA**

Date Submitted:	5/9/14
Submitted By: Dept. &/or Name Address Phone Number	Rick Dobson 817 West 10th Street
Persons Attending Meeting:	Rick Dobson
Information or Material to be Distributed to Council:	<input checked="" type="checkbox"/> YES - Material is attached to this request. <input type="checkbox"/> YES - Material will be distributed at Council meeting. <input type="checkbox"/> NO - There is no material to be distributed.
Agenda Topic / Description:	Reimbursement of \$2500 Service Charge Implementing New Water Department Fee Policy
Comments:	Correction to Attachment stating \$20 <sup>00</sup> Service fee, corrected to \$25 <sup>00</sup> .

<b>THE REMAINDER OF THE FORM IS TO BE COMPLETED BY CITY PERSONNEL.</b>	
Reason for Council Action:	
Type of Action:	<input type="checkbox"/> ORDINANCE - Number _____ <input type="checkbox"/> RESOLUTION - Number _____ <input type="checkbox"/> MOTION. <input type="checkbox"/> NONE.
Suggested Motion:	
Time Issues:	
Financial Issues:	
People/Business Issues:	
Dept. Supervisor Comments:	
City Manager Comments:	
City Attorney Comments:	

**Date:** 7<sup>th</sup> May 2014  
**To:** City Council Of Ogallala, State of Nebraska  
**From:** Mr. Rick R. Dobson, Jr., Citizen of Ogallala (402) 299-0207, 817 West 10<sup>th</sup> Street, Ogallala, NE  
**Subject:** Motion For Policy Change For Ogallala Water Department Fees

**Dear Members of City Council Of The City Of Ogallala, State Of Nebraska,**

**Firstly**, as per your instructions at my appearance at the last Ogallala City Council Meeting, I am officially requesting that the \$20 reconnection fee that I incurred be applied as a credit to my next Ogallala water bill, under hardship request. Also, I have incurred \$30 in late fees, in regards to my being on a monthly income cycle that has caused me trouble in regards to the present Ogallala City Water Department Fee Cycles. I am also asking that this \$30 be applied to my next water bill, also under a hardship request.

**Secondly**, as per your instructions at my appearance at the last Ogallala City Council Meeting, I am officially submitting this proposal for a change in the Ogallala Water Department Fee Policy.

The City of Ogallala needs to change its present Fee System for its Water Department, to reflect the present economic state of America, and particularly in small communities like the City of Ogallala, in the State of Nebraska.

Furthermore, this present Fee System of the Water Department of the City of Ogallala, in the State of Nebraska, does not take into account the people who are paid on a monthly basis, such as Retired Citizens, Retired Military, People on Disability, and those Poorest of Citizens on Public Assistance. Water is the essence of life, and is a service provided to the Citizens of the City of Ogallala, by the City of Ogallala, and care needs to be taken in the unbiased dispensing of this essential life supporting commodity, fairly, and justly, and without profit as a motive.

I hereby submit for review by the Council of the City of Ogallala of the State of Nebraska, the following "Ogallala Water Department Fee Policy Change for 2014", to be referred to as: "Ogallala Water Department Fee Policy Change for 2014"

**"Ogallala Water Department Fee Policy Change for 2014"**

May it be hereby proposed, that the Fee Policy of the Water Department of the City of Ogallala, be amended to reflect the following Fee Policy Changes.

**1)** Late Fee for failure to pay on the stated due date, be amended as follows:

**A)** Failure to pay Ogallala Water Bill with in 5 business days from the printed due date, will incur a \$5.00 Late Fee, due at the time of payment of past due Ogallala Water Bill.

**B)** Exceptions may be made with no Late Fee, if the Citizen contacts the Ogallala Water Department before the Late Fee is accessed and makes arrangements of payment before the next Ogallala Water Bill cycle becomes due.

**2)** Notice of Termination of Ogallala Water Services shall be issued 30days after the due date of the Ogallala Water Bill, and a \$5.00 Notice of Termination of Service Fee will be accessed.

**3)** Termination of Ogallala Water Department Services shall occur at 60 days past due during winter months with temperatures under 50 degrees, and 45 days during summer months with temperatures above 50 degrees, with no payment made, and a \$20 reconnection Fee will be accessed due before service can be restored. All past due amounts must be in good standing before Ogallala Water Department Services can be restored. If temperatures are below 32 degrees, water services cannot be disconnected. If the citizen to have services disconnected is disabled or has a medical condition in which the loss of water service will cause immediate danger to life, water services can not be disconnected or terminated.

**4)** Persons with Disability, Military Veterans, and Retired Persons who are below the poverty level, who pay all past due amounts, will have their late fees, or service reconnection fees, applied as a credit to their next water bill, upon written request to the City of Ogallala Water Department, and proof of income below \$1,000 per month, or proof of status of Disability, or status as a Military Veteran.

*L.E.*

**25-205. Agenda.**

(1) Consent agenda. There is hereby established a consent agenda procedure for the transaction of certain routine business at Council meetings. The intent of this procedure is to expedite the conducting of routine business at Council meetings to allow more time to be devoted to substantive issues by condensing the time necessary to process routine items, but yet allowing an opportunity for full discussion in consideration of said items if appropriate. The procedure to be followed is as follows:

(a) Items considered by the City Manager to be of routine and non-controversial nature may be placed by him or her on the agenda for regular Council meetings and special Council meetings under the heading of "consent agenda." Such items shall be clearly worded to indicate action to be taken by the Council.

(b) At the Council meeting, the President will review those items placed on the consent agenda and ask if any Member of the Council or public in attendance wishes to have an item removed from the consent agenda and placed on the regular agenda. All such requests are not debatable and will be complied with without discussion.

(c) After all items have been removed from the consent agenda as requested by a Member of the Council or public in attendance, the Council will then consider adoption of the actions recommended and specified in the consent agenda by a single motion and vote of the Council.

(d) All items listed on the consent agenda shall be recorded in the minutes individually and in their proper form and the vote recorded adopting the recommended and specified action on the consent agenda shall be shown as the vote on each such item in the minutes.

(2) Regular agenda. The City Clerk shall place on the regular agenda for the next regular Council meeting any and all items for which a request is received, either from a Member of the Council, the City Manager, a City employee, or a Member of the public, with the exception that an item shall not be placed on the agenda if a motion has been previously adopted by the City Council directing the Clerk not to place an item on the agenda for one or more future meetings.