REGULAR MEETING OF THE CITY COUNCIL

SEPTEMBER 13, 2016

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 13th day of September 2016, at 7:00 o’clock P.M. Present were: Vice-President of the Council: Karl Elmshaeuser. Council Members: Darrell G. Bassett, Kevin Block and Rodger Rankin. Absent: Harold Peterson. Interim City Manager: Jane M. Skinner. Deputy City Clerk: Roxane Welsh. City Attorney: Michael McQuillan.

Notice of the meeting was given in advance thereof by publishing one time in the Keith County News and posting at the City Hall Administration Building as shown by the Certificate of Publication and Posting Notice attached to these Minutes. Notice of this meeting was simultaneously given to the President and to all members of the Council on September 9, 2016 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 Vice-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 excuse Councilman Peterson from the September 13, 2016 City Council meeting. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

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 and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried and the consent agenda was approved as follows:

A. Minutes of the Regular Meeting held August 23, 2016.

B. O.V.F.D. – Probationary Membership of Jessie Elmshaeuser.

C. Plumbing Contractor License and Permit Bond – Joel Newcomer.

D. Renewal of R.O.W. Contractor License:

1) JD Peterson.

Chris Vail, representing Keep Keith County Beautiful, presented the First Place Deanie Anderson Community Award for cities 2,501-10,000 to the city of Ogallala. Chris Vail also thanked the council for their continued support of Keep Keith County Beautiful.

Vice-President Elmshaeuser opened a public hearing for the fiscal year 2016-2017 budget at 7:05 P.M.

Vice-President Elmshaeuser opened a public hearing to set the final tax request at 7:05 P.M.

Tom Werblow, TC Engineering Inc., presented the engineering report for construction of a new water well, transmission line, line repairs, coating the interior of the north elevated water tower, and closing dead end water lines as required for state revolving loan funding from the Nebraska Department of Environmental Quality and other funding agencies**.**

Charlie Wortman, Keith County Housing Development Corporation, addressed the council with an update on the property at 601 West B Street. The Ruhlman’s are seeking bids with local contractors and working with a real estate attorney. They predict a spring start date. The Keith County Housing Corporation will provide upkeep on the property throughout the fall and winter.

John Trecek, Ameritas Investment Corporation, addressed the council regarding calling current bonds and issuing refunding bonds.

Councilman Bassett introduced resolution 1480 calling Refunding Bonds, (General Obligation) dated September 28, 2011, in the principal amount of $670,000. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolution No. 1480 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced Ordinance 1345, entitled: An ordinance authorizing the issuance of general obligation refunding bonds, series 2016, of the city of Ogallala, Nebraska, in the principal amount of six hundred eighty thousand dollars ($680,000) to refund certain outstanding bonds of the city; prescribing the form of said bonds; providing for a sinking fund and for the levy and collection of taxes to pay said bonds; appointing a paying agent and registrar; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form and moved that the statutory rule requiring the reading on three different days be suspended. Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1345 was read by title and, thereafter, Councilman Block moved for the final passage of the Ordinance. Councilman Bassett seconded the motion. The Vice-President then stated the question: “Shall Ordinance No. 1345 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Vice-President declared the Ordinance adopted and the President signed and approved the Ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto, a copy of said Ordinance No. 1345 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

John Trecek, Ameritas Investment Corporation, addressed the council regarding the issuance of highway allocation bonds.

Councilman Bassett introduced Ordinance 1346, entitled: An ordinance authorizing the issuance of highway allocation fund pledge bonds, series 2016, of the city of Ogallala, Nebraska, in the principal amount of one million five hundred twenty-five thousand dollars ($1,525,000) for the purpose of paying the costs of constructing certain street and related improvements in street improvement district no. 2015-1 of the city; prescribing the form of said bonds; pledging funds to be received by the city from the state of Nebraska highway allocation fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; appointing a paying agent and registrar; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form and moved that the statutory rule requiring the reading on three different days be suspended. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1346 was read by title and, thereafter, Councilman Block moved for the final passage of the Ordinance. Councilman Bassett seconded the motion. The Vice-President then stated the question: “Shall Ordinance No. 1346 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Vice-President declared the Ordinance adopted and the President signed and approved the Ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto, a copy of said Ordinance No. 1346 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

City Clerk Jane Skinner presented the financial report for August 2016.

Lori Wortman, Executive Director of the Chamber of Commerce, addressed the council regarding the special designated liquor licenses for 1 Eleven Lounge (Silverchair LLC).

Councilman Bassett moved to approve the special designated liquor license for the 1 Eleven Lounge (Silverchair LLC) event to be held 09-30-2016 from 5:00 PM to 7:00 PM at Pinnacle Bank – 201 East 2nd Street. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Councilman Bassett moved to approve the special designated liquor license for the 1 Eleven Lounge (Silverchair LLC) event to be held 10-15-2016 from 1:00 PM to 6:00 PM at Rendezvous Square – 112 East 2nd Street. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Councilman Bassett moved to approve the special designated liquor license for the 1 Eleven Lounge (Silverchair LLC) event to be held 10-19-2016 from 5:00 PM to 7:00 PM at Adams Bank and Trust – 315 North Spruce Street. Councilman Block seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Councilman Block moved to approve the 1.00% increase in restricted funds above the base limitations for fiscal year 2016 – 2017.

Councilman Block rescinded the motion to approve the 1.00% increase in restricted funds above the base limitations for fiscal year 2016 – 2017.

Vice-President Elmshaeuser closed a public hearing for the fiscal year 2016-2017 budget at 7:45 P.M.

Vice-Council President Elmshaeuser closed a public hearing to set the final tax request at 7:45 P.M.

Councilman Block moved to approve the 1.00% increase in restricted funds above the base limitations for fiscal year 2016 – 2017. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Councilman Block moved to approve the fiscal year 2016 – 2017 budget as presented. Councilman Bassett seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Councilman Block introduced resolution 1481 setting the fiscal year 2016 – 2017 property tax request. Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolution No. 1481 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced Ordinance 1347, entitled: An ordinance to appropriate the sums of money deemed necessary to defray, by means of taxation, all the necessary expenses and liabilities of the City of Ogallala, Nebraska, for the fiscal year ending September 30, 2017; specifying the objects or purposes for which such appropriations are made and the amount appropriated for each object, or purpose; containing the percentage levied for each object or purpose; providing for the certification of this ordinance to the County Clerk of Keith County, Nebraska; and prescribing the time when this ordinance shall be in full force and take effect and moved that the Statutory Rule requiring the reading on three different days be suspended. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and the Statutory Rule was declared suspended for the consideration of this Ordinance.

Ordinance No. 1347 was read by title and, thereafter, Councilman Bassett moved for the final passage of the Ordinance. Councilman Rankin seconded the motion. The Vice-President then stated the question: “Shall Ordinance No. 1347 be passed and adopted?” Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following Council Members voted “No”: None. Absent: Harold Peterson. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Vice-President declared the Ordinance adopted and the President signed and approved the Ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto, a copy of said Ordinance No. 1347 being attached hereto and, by this express reference, incorporated herein and made a part hereof.

Councilman Block introduced resolution 1482 amending the city of Ogallala Job Title – Salary Range Table and the Salary Range Table. Councilman Rankin seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolution No. 1482 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Councilman Bassett introduced resolution 1483 amending the utility fees for water and sewer/wastewater for the special fee schedule of the City of Ogallala, Nebraska. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolution No. 1483 adopted, a copy of said Resolution being attached hereto and by this express reference, incorporated herein and made a part hereof.

Interim City Manager, Jane Skinner, reported on proposals received from recruitment firms for the City Manager search.

Councilman Bassett moved that we search for a City Manager using the current City Manager Search Committee with guidelines being presented to them so we are all on the same page. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried.

Karl Elmshaeuser addressed the council on the nuisance properties and the protocol to ask for a show cause hearing.

Vice-President Elmshaeuser called for a recess to the meeting at 8:07 P.M.

Vice-President Elmshaeuser reconvened the meeting at 8:15 P.M.

David Kling, Police Chief, presented the visual evidence regarding nuisance properties. Two hundred forty-seven nuisance letters and 155 clearance letters were sent out to property owners and tenants.

Councilman Bassett introduced resolutions 1484 – 1547, excluding resolutions 1513 and 1521, resolutions of declared nuisance. Councilman Block seconded the motion. Upon roll call vote, the following Council Members voted “Yes”: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. The following council Members voted “No”: None. Absent: Harold Peterson. Motion declared carried and Resolutions No. 1484 – 1547 (excluding resolutions 1513 and 1521) adopted, a copy of said Resolutions being attached hereto and by this express reference, incorporated herein and made a part hereof.  
  
There being no further business to come before the council, Councilman Block moved to adjourn. Councilman Rankin seconded the motion. The following council members voted Yes: Darrell Bassett, Kevin Block, Karl Elmshaeuser and Rodger Rankin. No: None. Absent: Harold Peterson. Motion declared carried and the meeting adjourned at 8:38 P.M.

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Jane M. Skinner

City Clerk

Approved:

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Harold L. Peterson

Council President

STATE OF NEBRASKA )

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COUNTY OF KEITH ) SS.

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CITY OF OGALLALA )

I, Jane M. Skinner, the undersigned, City Clerk for the City of Ogallala, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the Agenda for the meeting of September 13, 2016 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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