REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY APRIL 14, 2020**

A meeting of the Mayor and Council of the City of Plainview, Nebraska, was held at the Council Chambers in said City on the 14th day of April at 6:30 o’clock P.M.

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Roll call was held and present were: Mayor Schlote; Council Members: Smith, Brookhouser, Yosten and Sanne. Absent: None

Council members Sanne and Smith attended via Zoom due to COVID-19 restrictions for gatherings of more than 10 people.

The Pledge of Allegiance was then recited.

Mayor Schlote opened the meeting and announced to individuals in attendance that a full copy of the new Nebraska Open Meetings Act was posted on the east wall of the Council Chambers.

Notice of the meeting was given in advance thereof by Publication, a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all Members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Yosten moved to approve the March 10th regular meeting and March 24th special meeting minutes. Brookhouser seconded the motion. Motion carried 4-0.

Brookhouser moved to approve claims and payroll. Yosten seconded the motion. Motion carried 4-0.

No Manor report was given.

Police Chief Yosten reported on the monthly police activity. Questions on the restrictions for licensing cars during the COVID-19 restrictions were discussed.

No Economic Development report was given.

City Superintendent Curt Hart reported on work during the month of March. City workers are currently fixing a collapsed sewer main and manhole on South King street west of the police station. A request to run the street sweeper around town was also addressed.

Mayor Schlote read the following proclamation for National Library Week 2020:

**WHEREAS**,libraries are not just about what they have for people, but what they do for and with people;

**WHEREAS**, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools;

**WHEREAS**, librarians are leaders in their institutions and organizations, in their communities, in the nation and in the world;

**WHEREAS**, librarians continue to lead the way in leveling the playing field for all who seek information and access to technologies;

**WHEREAS**, libraries and librarians look beyond their traditional roles and provide transformative opportunities for education, employment, entrepreneurship, empowerment and engagement, as well new services that connect closely with patrons’ needs;

**WHEREAS**, libraries and librarians lead their communities in innovation, providing a variety of programming;

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE**, be it resolved that I, Brian Schlote, Mayor, proclaim National Library Week, April 19-25, 2020. I encourage all residents to visit the library this week and explore what’s new at your library, and engage with your librarian.

Mayor Schlote read the following proclamation for Nebraska Public Transportation Week 2020:

**WHEREAS,** Nebraska Public Transportation Week has been declared for April 5-11,2020

**AND WHEREAS**, The date was chosen to honor the public transportation systems across Nebraska, including the local system better known as the Plainview Handivan.

**AND WHEREAS**, Public transportation systems across the state of Nebraska are celebrating public transportation to help them remain independent.

**AND WHEREAS**, every year thousands of Nebraska citizens are able to participate in using public transportation to help them remain independent.

**AND WHEREAS**, Plainview has continued to support the use of public transportation throughout the year.

**AND WHEREAS**, Plainview recognizes the hard work and dedication that the city staff and especially the drivers do to help make the Plainview Handivan service an integral part of the lives of many residents in the community.

**NOW THEREFORE BE IT RESOLVED**, that by virtue of the authority invested in me as Mayor of the City of Plainview, Nebraska, I, Brian Schlote, do hereby issue this proclamation to celebrate public transportation and I do hereby declare April 5-11, 2020 to be “Public Transportation Week”

Mayor Schlote read the following proclamation for Arbor Day 2020.

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal

**NOW THEREFORE**, I, Brian Schlote, Mayor of the City of Plainview, Nebraska, do hereby proclaim Friday, April 24th, 2020 as Arbor Day in the City of Plainview, Nebraska, and I urge all citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, and

**FURTHER**, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Discussion on cyber security coverage on the City of Plainview’s general liability coverage will be tabled until May.

City Clerk Retzlaff presented the current ADA Action Plan for the City of Plainview which was last updated in 2009. The plan is necessary when applying for federal grant money and should be reviewed annually and updated as needed. Retzlaff will be completing the Section 504 Self-Evaluation and then discussing with council to pass an updated ADA Action Plan. Council members Sanne and Yosten were appointed to a committee to review the plan each year.

Recommendations from the pool board were presented for employees, wages and pool pass prices for the 2020 season.

Co-managers will be Jade Rickard and Sophie MacGregor with both being paid $11 per hour. Full time returning guards are Abby Rafert, Brittani Gutz, Matt Christensen and Kaitlynn Doughtery. Part time returning guard is Kenady Hammer. All wages for returning guards was set at $9.75 per hour. New part time guards with a wage of $9.00 per hour are as follows: Leighton Medina, Emma King, Heather Pendergast, Spencer Knaak, Grace Hoffman, Lauren Darnall and Allison Hardisty.

Brookhouser moved to approve all employee hires and wage recommendations. Sanne seconded the motion. Motion carried 4-0.

Pool pass recommendations for 2020 were $125.00- family of 4 or more; $100.00- family of 4 or less; Single passes $60.00; daily prices ages 0-5, Free; 6-12, $2.00; 13 and older $3.00.

Brookhouser moved to approve the pool passes. Sanne seconded the motion. Motion carried 4-0.

The pool will be open as weather and COVID-19 restrictions allow.

Recommendations for seasonal park help were returning employees: Kenny Hart, $10.50 per hour; Eli Lanham, $10.00 per hour; Scout Ashburn and Lucas Hammer, $9.50 per hour. New hires at $9.00 per hour are Brett Norris, Bode Wortman and Derek Rix. All hires will start as weather and COVID-19 restrictions allow.

Brookhouser moved to approve the seasonal park help and wages. Yosten seconded the motion. Motion carried 4-0.

City Clerk Retzlaff presented a proposal from Power Pages in Norfolk for a rebuild of the City of Plainview website. The current site has limited features and is not user friendly. The one-time cost for the rebuild is $2,500 with a monthly hosting fee of $75.00. Brookhouser moved to approve the new website. Yosten seconded the motion. Motion carried 4-0.

There was one recommendation from the zoning board for a carport at 108 N Main Street on the property owned by Mary Ann Dean. The structure meets all requirements for R-3 residential. Yosten moved to approve the building permit. Brookhouser seconded the motion. Motion carried 4-0.

The zoning board also had a recommendation for building permit fees for temporary structures. The current zoning code does not state if temporary structures such as car ports should be assessed a building permit fee. The board stated that in the past some of the structures had been assessed for taxes by the county and that a minimum fee should be charged for construction of those type of structures. Brookhouser moved to approve a $25 minimum charge for temporary structures. Sanne seconded the motion. Motion carried 3-1 with Yosten voting no.

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Council member Brookhouser introduced the following resolution and moved for its adoption:

**RESOLUTION #600**

**WHEREAS,** the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS,** a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Lower Elkhorn Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, NE.

**WHEREAS,** the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect Plainview and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

**WHEREAS,** FEMA regulations require documentation that the plan has been formally adopted by the governing body of Plainview in the form of a resolution and further requesting approval of the plan at the Federal Level; and

**NOW, THEREFORE,** the governing body of Plainview does herewith adopt the Lower Elkhorn Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety.

Council member Yosten seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Brookhouser, Smith, Yosten and Sanne Nay: NAY. Motion carried 4-0. Whereupon the Mayor declared said motion carried and Resolution #600 is passed and adopted.

Council member Brookhouser introduced the following resolution and moved for its adoption:

**RESOLUTION #601**

**WHEREAS,** the Mayor and City Council of the City of Plainview deem it necessary to adjust trash rates within the City;

NOW THEREFORE LET IT BE RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA, THAT:

Commercial Solid Waste

1. For small commercial waste services, the “totes” purchased and now used for Residential service shall be used; at the consumer’s choice up to two totes may be used; volume in excess of two totes per week shall require use of one or more commercial dumpsters; commercial waste service rates shall be modified, effective with the first billing on our after May 1, 2020
2. Commercial Rate for one tote picked up once each week shall be $18.50 per month; sites requiring two totes per week may either dump a single tote twice a week, or may use two totes for once a week pickup; for either two totes per week plan the commercial rate shall be $23.50 per month;
3. If the consumer requires two totes to be dumped twice each week, that rate shall be $26.50 per month.
4. Rate for 2-yard commercial dumpster picked up once per week shall be $29.00 per month; A 2-yard dumpster picked up twice a week shall be $44.00 per month;
5. Rate for a 4-yard commercial dumpster picked up once per week shall be $47.00 per month. A 4-yard dumpster picked up twice per week shall be $62.00 per month;
6. Any commercial dumpster in excess of 4 yards shall be picked up at a rate of $13.00 per yard billed monthly, based on one pickup each week; two pickups per week shall add an additional $17.00 monthly.
7. In all cases the maximum service level is two pickups per week; volume in excess of that service level for any container(s) shall require a larger or additional containers, which will be billed as set out above.
8. Totes will be furnished by the City at no additional charge; Dumpsters must be purchased, owned, and maintained, by the consumer.

Residential Solid Waste

1. Residential waste service rates shall be modified, effective with first billing on or after May 1, 2020, to provide trash receptacles (hereafter Totes) for each residential trash service location;
2. Consumers will each be furnished a minimum of one, and not to exceed two, Totes.
3. Rates on the effective day of this Resolution shall be set at $17.00 per month for one Tote, with $5.00 per month extra, for a total of $22.00 per month, for two Totes.
4. All trash for a location furnished with one or more Totes shall be placed, and must fit, inside the Tote(s) with the lid fully closed. No excess trash or waste shall be placed on the curb or around the Tote(s) for disposal.
5. Any legal trash or other waste in excess of what will fit inside the Tote(s) must be separately disposed of at the Plainview Transfer station, by special arrangements. Consumers may contact the City to determine if City crews or facilities are available for their excess waste or arrange for a private hauler. All such excess waste will be subject to extra charges as established for the transfer station.

Council member Smith seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Brookhouser, Smith, Yosten and Sanne Nay: NAY. Motion carried 4-0. Whereupon the Mayor declared said motion carried and Resolution #601 is passed and adopted.

Discussion was held on the health board recommendation to deem the property located at 304 E Woodland owned by Wanda Hanks as a nuisance property. The property sustained fire damage in August of 2019 and there is considerable trash and damaged items inside and outside of the structure. Sanne moved to send notice to the owner for a nuisance property. Brookhouser seconded the motion. Motion carried 4-0.

An official form for trespassing was presented by Chief Yosten. This was brought to the council last month and will used to keep individuals from accessing any property at the request of the property owner. Brookhouser moved to approve the form. Sanne seconded the motion. Motion carried 4-0.

The council discussed that the health board would be used to compile the list of properties for the vacant property registration, which would then go before the council for approval before sending notification to the property owner.

A discussion on the current dog ordinance and possible amendments was held. Council member Brookhouser stated that the ordinance passed in 2017 is not being followed and she would like to see a ban on dangerous dog breeds. City Clerk Retzlaff expressed concerns over banning dogs and that it is the responsibility of the dog owner to make sure they are following all ordinances. Chief Yosten expressed concern that it is difficult at times to catch dogs running at large and if the owner is not known, the department is unable to issue a citation. Further discussion will be held at the next council meeting.

City Attorney Curtiss did not have any information to discuss on the tort claim.

Council member Smith questioned if there had been further developments with TC Energy and would like to make sure the meetings are open to the public before moving forward with anything. Brookhouser questioned advertising for the city administrator position and additional ads will be sent out.

It was moved by Brookhouser, seconded by Yosten to adjourn the meeting. Motion carried 4-0.

TIME: 7:51 P.M.

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Brian Schlote, Mayor

(SEAL)

ATTEST:

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Courtney Retzlaff, City Clerk/Treasurer

I, the undersigned, City Clerk for the City of Plainview, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on 4/14/2020; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily 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 said minutes from which the foregoing proceedings have been extracted 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 meetings 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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Courtney Retzlaff, City Clerk/Treasurer (SEAL)

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| --- | --- | --- | --- |
| 14416 | NE Dept of Rev | Keno Lic Renewal | 100.00 |
| 14417 | Ingram Library Services | Books/Audiobooks | 320.63 |
| 14418 | Overhead Door Co of Norfolk | Svc | 96.75 |
| 14419 | Laser Technology Inc | LIDAR  | 5,030.00 |
| 14420 | Norfolk Daily News | Ads | 35.00 |
| 14421 | Midwest Bank | Qtrly Loan Pmt | 8,777.30 |
| 14422 | Verizon Wireless | Cellphones | 409.09 |
| 14423 | NCPPD | Svc | 13,771.06 |
| 14424 | LP Gill Inc | Svc | 14,029.16 |
| 14425 | Postmaster | Postage | 28.35 |
| 14426 | City of Plv Plv/Osm Housing | Housing Loan Pmt | 42.00 |
| 14427 | Plainview Auto Supply Inc  | Su | 153.95 |
| 14428 | Plainview News | Ads/Su | 990.13 |
| 14429 | Plainview Chamber of Commerce | Klown Kash | 100.00 |
| 14430 | Madison County Bank | Qtrly Loan Pmt | 6,257.45 |
| 14431 | City of Plainview | Pool Sales Tax | 5,164.31 |
| 14432 | City of Plainview | Library Sales Tax | 2,910.52 |
| 14433 | City of Plainview | Manor Sales Tax | 2,910.52 |
| 14434 | City of Plainview | Eco Dev Sales Tax | 2,910.52 |
| 14435 | Midwest Bank | Emp HSA | 400.00 |
| 14436 | New York Life | Emp Ins | 92.20 |
| 14437 | Postmaster | Postage | 194.25 |
| 21844 |  |  |  |
| 21855 | City Employees | Payroll 3-13-2020 | 19,572.73 |
| 21856 |  |  |  |
| 21861 | City Employees | Payroll 3-30-2020 | 11,950.47 |
| 21862 | A&R Construction Co | Svc | 22,209.89 |
| 21863 | A&R Ag Spraying & Trucking | Su | 952.32 |
| 21864 | Aflac | Emp Ins | 475.41 |
| 21865 | Bruce Yosten | Reim | 85.59 |
| 21866 | Bud's Sanitary Service LLC | Tote Lease | 1,165.21 |
| 21867 | Bud's Sanitary Service LLC | Svc | 4,752.00 |
| 21868 | Chad's Tire Service | Svc | 702.56 |
| 21869 | City of Norfolk | Svc | 376.90 |
| 21870 | City of Plainview C&D Sinking | Pmt | 2,000.00 |
| 21871 | City of Plv CDBG Housing | Housing Loan Pmt | 100.00 |
| 21872 | City of Plv Housing Auth | Housing Loan Pmt | 100.00 |
| 21873 | City of Plv Plv/Osm Housing | Housing Loan Pmt | 51.51 |
| 21874 | Classic Rentals | Su | 149.74 |
| 21875 | Cody Elwood | Meter Deposit Refund | 296.26 |
| 21876 | Comfort Inn | Hotel Rooms | 209.90 |
| 21877 | Creative Concepts | Ads | 109.50 |
| 21878 | Curtiss Law Office | Legal Fees | 1,250.00 |
| 21879 | Doug Pinkelman Painting | Svc | 75.00 |
| 21880 | Eakes Office Solutions | Copier Contract | 120.16 |
| 21881 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 21882 | Great Plains Communications | Svc | 46.85 |
| 21883 | Green Line Equipment | Su | 12.12 |
| 21884 | Hometown Leasing | Copier Lease | 247.19 |
| 21885 | Jack's Uniforms & Equipment | Su | 145.94 |
| 21886 | JEO Consulting Group | Svc | 550.00 |
| 21887 | Johnson Repair | Svc | 73.35 |
| 21888 | Kumm Construction | Su | 22.40 |
| 21889 | LP Gill Inc | Svc | 16,377.06 |
| 21890 | League of NE Municipalities | Midwinter Conference | 858.00 |
| 21891 | Mahaska | Su | 92.70 |
| 21892 | Matheson Tri-Gas | Su | 353.05 |
| 21893 | Mitch's Food Center | Su | 97.48 |
| 21894 | Moeller Sprinkler Service | Svc | 83.36 |
| 21895 | Municipal Supply Inc of Omaha | Su | 955.58 |
| 21896 | NE Public Health Env Lab | Svc | 61.00 |
| 21897 | NMPP | Dues and ERDF Cont.  | 955.94 |
| 21898 | NeRWA | Conference | 375.00 |
| 21899 | Norfolk Daily News | Ads | 45.00 |
| 21900 | NCPPD | Svc | 13,059.53 |
| 21901 | VOID |  |  |
| 21902 | One Call Concepts | Qtrly Locates | 52.63 |
| 21903 | Plainview Auto Supply Inc  | Su | 116.80 |
| 21904 | Plainview Family Pharmacy | Su | 21.89 |
| 21905 | Plainview News | Ads/Legals/Su | 2,071.48 |
| 21906 | Plainview Public Schools | Liq. License Fees | 650.00 |
| 21907 | Plainview Rural Fire Protection Dist | Qtrly Pmt | 5,000.00 |
| 21908 | Plainview Telephone | Svc | 1,208.91 |
| 21909 | Rueter's | Rental Loader | 6,666.66 |
| 21910 | Schaefer Grain | Weigh Tickets | 429.00 |
| 21911 | Steinkraus Service | Fuel/Repairs | 5,016.55 |
| 21912 | Troy Johnston  | Per Diem Reim | 28.77 |
| 21913 | Verizon Wireless | Cellphones | 426.42 |
| 21914 | Volkman | Backflow Test | 221.00 |
| 21915 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21916 | West Hodson Lumber | Su | 786.80 |
| 21917 | Western Oil Inc | Fuel | 85.73 |
| ACH | Allied Benefit Services | Emp Ins | 9,349.99 |
| ACH | Black Hills Energy | Gas Svc | 1,261.77 |
| ACH | Casey's Business Mastercard | Fuel | 316.63 |
| ACH | Comm Bankers Merch Svc | Svc | 388.12 |
| ACH | CrashPlan Pro | Svc | 9.99 |
| ACH | Deluxe Business Checks | Su | 174.36 |
| ACH | EFTPS | Fed W/H Tax | 5,720.47 |
| ACH | EFTPS | Fed W/H Tax | 3,797.67 |
| ACH | Dearborn Life Ins | Emp Ins | 60.00 |
| ACH | Healthplan Services | Emp Ins | 52.80 |
| ACH | Mass Mutual  | Pension  | 2,235.62 |
| ACH | Mass Mutual  | Pension  | 1,837.55 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | Sales & Use Tax | 1,265.49 |
| ACH | NE Dept of Rev | Sales & Use Tax | 1,914.96 |
| ACH | NE Dept of Rev | State W/H Tax | 2,013.86 |
| ACH | Postmaster | Postage | 17.20 |
| ACH | Synchrony Bank/Amazon | Su | 19.24 |
| ACH | Zoom Video Comm Inc | Svc | 15.81 |