REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY DECEMBER 10, 2019**

A meeting of the Mayor and Council of the City of Plainview, Nebraska, was held at the Council Chambers in said City on the 10th day of December 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

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.

Michael Holton was present as City Administrator.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Yosten moved to approve the November 13th regular 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.

Manor Board President Kim Wolken presented the 2020 contract for Manor Administrator Juleen Johnson. Brookhouser moved to approve the contract. Smith seconded the motion. Motion carried 4-0.

Officer Tyler Wells gave the monthly police report. Wells presented quotes for a LIDAR speed unit for the department. Laser Technology Inc offered a TruVision kit for $6,995.00 with a special promo discount through the end of the year of $2,000 off the purchase price. Sanne moved to approve the purchase of the unit as presented. Brookhouser seconded the motion. Motion carried 4-0.

Economic Development Director Susan Norris gave updates on Hometown Holidays events, the website for Pierce County is close to completion, RDBG loan for Plainview Family Pharmacy was closed on December 2 and there is a 3 month delay on funding from the Housing Trust Fund for flood disaster relief. Request for bids for repairs to the community building will be sent out after the first of the year per City Administrator Holton. Norris also stated that IRP funding will be available for use by businesses by the end of January 2020.

City Superintendent Curt Hart updated on the recent sanitary survey and noted that the City received a deficiency as Hart does not have adequate time to complete his water operator obligations in addition to other tasks he completes for the City. The discharge permit for the lagoon was sent back to JEO Engineering in order to comply with the allowed parameters. Hart also stated that gravel streets will not be plowed during snow storms until the ground freezes.

Rich Lutz, Deputy Emergency Manager for Pierce County presented to the council the need for incident command training for all officials of the municipality. Lutz stated that at a minimum all should complete NIMS 100,700 and 200 training classes, which are offered online for free. As the City does not have an appointed emergency management coordinator, the Mayor would assume that role. All council members and the Mayor will need FEMA ID badges; city staff all currently have badges. This is necessary in case of an emergency or disaster, as access to the town could be limited to those with FEMA identification.

Corrine Janovec gave a year-end report for the Klown Doll Museum. The museum had 510 visitors from 45 NE cities, 23 states, Canada, France, the UK and the Philippines. Janovec reported that the Guinness Book of World Records is requesting individual pictures of each of the 7,894 items in order to match the inventory log. The museum is taking bids for expansion of the museum in the vacant lot to the east of the current building. A steering committee is being formed to begin the fundraising process.

Motion was made by Brookhouser and seconded by Smith to approve Ordinance No. 951 on its first reading. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried 4-0. Whereupon the Mayor declared said Ordinance No. 951 approved on its first reading.

It was moved by Brookhouser, and seconded by Sanne to waive the second and third readings and approve Ordinance No. 951. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 951 approved on its second and third readings.

**ORDINANCE #951**

AN ORDINANCE TO AMEND CHAPTER 3 SECTION 109 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA

Whereas, the City Code requires updates relative to water rates

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

**Section 1.** That Section, 3-109, of the Municipal Code of Plainview, Nebraska, shall be amended to read as follows:

§Section 3-109 MUNICPAL WATER DEPARTMENT; MINIMUM RATES.

All water consumers shall be liable for the following rates provided by ordinance unless and until the consumer shall, by written order, direct the City Administrator to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again:

**YEAR 1**

**Water Rates Within Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$14.25

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $1.70

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $2.00

**Water Rates Outside Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$14.25

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $1.70

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $3.50

**YEAR 2**

**Water Rates Within Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$15.00

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $2.00

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $2.50

**Water Rates Outside Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$15.00

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $2.00

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $4.00

**YEAR 3**

**Water Rates Within Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$15.75

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $2.25

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $3.00

**Water Rates Outside Corporate Limits**

METER FEE, per month. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .$15.75

Gallons used per month, per 1,000 gallons up to 10,000. . . . . . . . . .. . $2.25

Over 10,000 gallons per month, per 1,000 gallons. . . . . . . . . . . . . . . . $4.50

**Section 2.** Any other ordinance or section passed and approved prior to passage, approval and publication of this ordinance and in conflict with its provisions is repealed.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Motion was made by Brookhouser and seconded by Yosten to approve Ordinance No. 952 on its first reading. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried 4-0. Whereupon the Mayor declared said Ordinance No. 952 approved on its first reading.

It was moved by Brookhouser, and seconded by Yosten to waive the second and third readings and approve Ordinance No. 952. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 952 approved on its second and third readings.

**ORDINANCE #952**

AN ORDINANCE TO AMEND CHAPTER 3 SECTION 212 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA

Whereas, the City Code requires updates relative to sewer rates

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

**Section 1.** That Section, 3-212, of the Municipal Code of Plainview, Nebraska, shall be amended to read as follows:

§Section 3-212 MUNICPAL SEWER DEPARTMENT; RATE SETTING.

Customers of the Municipal Sewer Department shall be charged the following rates for the use of sewer service. Rates shall be set by ordinance and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time:

**Sewer Rates**

**YEAR 1**

Residential Customers, per month . . . . . $18.00, plus $1.95/1,000 gallons, based on winter usage

Commercial Customers, per month

Minimum charge, user fee . . . . $26.00, plus $1.95/1,000 gallons, based on actual usage year round. Exceptions to the year round usage may be set up for those business who water lawns or other usage which does not go down the sewer.

Non-resident Customers:

Any sewage system user located outside the corporate limits shall pay at a rate which is exactly double the above rates, depending upon what type of service is used by said user.

**Sewer Rates**

**YEAR 2**

Residential Customers, per month . . . . . $19.00, plus $2.00/1,000 gallons, based on winter usage

Commercial Customers, per month

Minimum charge, user fee . . . . $26.00, plus $2.00/1,000 gallons, based on actual usage year round. Exceptions to the year round usage may be set up for those business who water lawns or other usage which does not go down the sewer.

Non-resident Customers:

Any sewage system user located outside the corporate limits shall pay at a rate which is exactly double the above rates, depending upon what type of service is used by said user.

**Sewer Rates**

**YEAR 3**

Residential Customers, per month . . . . . $20.00, plus $2.50/1,000 gallons, based on winter usage

Commercial Customers, per month

Minimum charge, user fee . . . . $26.00, plus $2.50/1,000 gallons, based on actual usage year round. Exceptions to the year round usage may be set up for those business who water lawns or other usage which does not go down the sewer.

Non-resident Customers:

Any sewage system user located outside the corporate limits shall pay at a rate which is exactly double the above rates, depending upon what type of service is used by said user.

**Section 2.** Any other ordinance or section passed and approved prior to passage, approval and publication of this ordinance and in conflict with its provisions is repealed.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Motion was made by Brookhouser and seconded by Smith to approve Ordinance No. 953 on its first reading. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried 4-0. Whereupon the Mayor declared said Ordinance No. 953 approved on its first reading.

It was moved by Brookhouser, and seconded by Sanne to waive the second and third readings and approve Ordinance No. 953. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten and Sanne. The following voted NAY: none. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 953 approved on its second and third readings.

**ORDINANCE #953**

**AN ORDINANCE TO SET THE SALARY AND EMPLOYMENT TERMS FOR THE CITY ADMINISTRATOR.**

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

**Section 1.** That the Ordinance setting the salary and employment terms for the City Administrator, should be amended as follows:

1. That effective October 1, 2019 the salary for the City Administrator shall be set at the annual amount of $66,306.25 as base salary, paid on the normal City payroll schedule, plus benefits as normally provided to full time employees, with future cost of living and merit adjustments to be set by Resolution;
2. That any other details, not in conflict with the City Code, shall be handled as separate agenda items, approved by motion and set forth in the minutes of the City Council.

**Section 2.** Any other ordinance or section passed and approved prior to passage, approval and publication of this ordinance and in conflict with its provisions is repealed.

**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Holton presented an employment agreement for the City Administrator with City of Plainview. The agreement would provide for severance pay for the administrator if his employment is terminated with the City and also details several other provisions related to the position of City Administrator. Brookhouser moved to approve the employment agreement. Sanne seconded the motion. Motion carried 3-1 with Yosten voting no.

Discussion was held on the General Administration Contract with NENEDD for the upcoming DTR Grant. The contract states that the City of Plainview will pay $3,000 to NENEDD to perform all administrative duties on behalf of the City. Brookhouser moved to approve the contract. Sanne seconded the motion. Motion carried 4-0.

Mayor Schlote also nominated the current CDA committee to serve as the DTR committee for the upcoming project. Brookhouser moved to approve the Mayor’s nomination. Yosten seconded the motion. Motion carried 4-0.

A brief update on employee health insurance renewal for 2020 was held. The current plan the City utilizes shows a 25% increase for next year. City Clerk Retzlaff and Holton are working with Josh Sirek of Town & Country Insurance to obtain quotes from other providers. Updates will be brought to the January council meeting and approval of a plan. The City insurance plan officially renews on February 1, 2020.

After discussion at the November council meeting, the parking restrictions on North King Street west of the high school were brought back to the council for updates. Superintendent Darron Arlt along with King Street resident Tina Kumm presented proposed changes that would be in the best interest of all involved parties.

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

**RESOLUTION #596**

**WHEREAS,** the City of Plainview has received a request to modify the no parking zone on a public street;

**WHEREAS,** the City Council of the City of Plainview has deemed the request reasonable;

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

1. King Street from Pilcher Avenue to Woodland Avenue shall be open to public parking from the north line of Pilcher Avenue to a point 150 feet north of the north line of Pilcher Avenue, as posted. The balance of King Street, north to Woodland Avenue, shall remain restricted parking, as posted.

Council member Yosten seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Brookhouser, Yosten and Sanne Nay: Smith. Motion carried 3-1. Whereupon the Mayor declared said motion carried and Resolution #596 is passed and adopted.

City Attorney Curtiss stated that the upcoming trial against the Stewarts for dangerous dog charges will be rescheduled to January 22, 2020.

Public comments on the status of the Hanks property and the hardware store were asked and City Administrator Holton stated that the asbestos testing had been returned. Both properties show asbestos present and will need to be removed properly before any further demolition can occur.

Several city employees spoke to the council and Mayor on frustrations they had with recent decisions made by the council. Deputy Clerk Melissa Forbes spoke about the number of years she has worked for the City as well as the extra job responsibilities she has taken on. City Superintendent Curt Hart did not believe the council considered each employee individually when raises were given in October, as all were given 3% with little discussion.

City Clerk Retzlaff expressed concerns on the evaluation process that the council had requested but was not taken into consideration when approving employee wages in October. Retzlaff would like to change the process for next year with the personnel committee members present for the annual evaluations of all city employees. She also expressed that the council needs to pay employees for what they are worth to the overall benefit of the City of Plainview. The employees of all departments have gone above and beyond this past year and should be valued. The budget that was approved in September included all recommended wage increases, which were then not given in October. Officer Tyler Wells questioned as to why his raise was not discussed as each officer is an individual and the actions of another member of the department should have no bearing on the other employee’s wages. City Administrator Holton asked that the council and Mayor let all employees do the job that they were hired for.

Council discussed wage increases for the police personnel. Brookhouser moved to approve a 3% raise for Jerry Neumann. Smith seconded the motion. Motion carried 4-0. Smith moved to approve a 3% raise for Tyler Wells. Brookhouser seconded the motion. Motion carried 4-0. Brookhouser moved that the raises be retroactive to October 1, 2019. Smith seconded the motion. Motion carried 4-0. There was no discussion on a wage increase for Bruce Yosten.

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

TIME: 8:52 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 12/10/19; 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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| --- | --- | --- | --- |
| 14330 | Pierce Co Treasurer | License | 20.00 |
| 14331 | LP Gill Inc | Svc | 15,434.96 |
| 14332 | WaterLink Inc | Qtrly Svc | 539.24 |
| 14333 | Norfolk Daily News | Ads | 79.00 |
| 14334 | Verizon Wireless | Cellphones | 483.96 |
| 14335 | City of Plainview | Housing Grant Pmt | 150.00 |
| 14336 | Plainview News | Ads/Su | 1,240.85 |
| 14337 | City of Plv/Osm Housing | Housing Grant Pmt | 42.00 |
| 14338 | Curtiss Law Office  | Legal Fees | 4,554.00 |
| 14339 | Bud's Sanitary Service, LLC | Svc | 148.00 |
| 14340 | Hometown Leasing | Copier Lease | 86.12 |
| 14341 | City of Plainview | Pool Sales Tax | 6,807.25 |
| 14342 | City of Plainview | Library Sales Tax | 3,560.77 |
| 14343 | City of Plainview | Manor Sales Tax | 3,560.77 |
| 14344 | City of Plainview | Eco Dev Sales Tax | 3,560.77 |
| 14345 | CDS Inspections & Beyond | Asbestos Inspection  | 560.00 |
| 14346 | Midwest Bank | Emp HSA | 400.00 |
| 14347 | Postmaster | Postage | 185.50 |
| 14348 | New York Life | Emp Ins | 77.70 |
| 14349 | City of Plainview | Street Assessments | 16,608.38 |
| 14350 | City of Plv Housing Authority | Housing Grant Pmt | 127.00 |
| 21598 |  |  |  |
| 21603 | City Employees  | Payroll 11-15-2019 | 15,776.70 |
| 21604 |  |  |  |
| 21610 | City Employees  | Payroll 11-27-2019 | 13,641.79 |
| 21611 | Aflac | Emp Ins | 475.41 |
| 21612 | Bomgaars | Su | 741.27 |
| 21613 | Bonta Lawn Care | Svc | 112.00 |
| 21614 | Eileen Bramer | Reim  | 46.40 |
| 21615 | Bud's Sanitary Service, LLC | Svc | 4,752.00 |
| 21616 | Bud's Sanitary Service, LLC | Tote Lease | 1,165.21 |
| 21617 | Bud's Sanitary Service, LLC | Tote Purchase | 2,000.00 |
| 21618 | Center Point Large Print  | Books | 175.00 |
| 21619 | CHI Health | CDL Physical Johnston | 100.00 |
| 21620 | City of Norfolk | Svc | 246.50 |
| 21621 | City of Plainview | LB840 Loan Pmts | 373.21 |
| 21622 | City of Plainview C&D Sinking Fund | Pmt | 2,000.00 |
| 21623 | City of Plv CDBG Housing | Housing Grant Pmt | 100.00 |
| 21624 | City of Plv Housing Authority | Housing Grant Pmt | 100.00 |
| 21625 | Classic Rentals | Su | 119.35 |
| 21626 | Curry Relocation  | Meter Deposit Refund | 350.00 |
| 21627 | Curtiss Law Office  | Legal Fees | 1,250.00 |
| 21628 | Dd Steel | Su | 818.61 |
| 21629 | Eakes Office Solutions | Copier Contract | 76.16 |
| 21630 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 21631 | Great Plains Communications | Svc | 43.59 |
| 21632 | GreatAmerica Financial Services | Copier Lease | 143.37 |
| 21633 | Green Line Equipment | Su | 45.78 |
| 21634 | Hometown Leasing | Copier Lease | 155.88 |
| 21635 | ITron Inc | Svc  | 1,105.38 |
| 21636 | Justin Bruha | Meter Deposit Refund | 200.00 |
| 21637 | League of NE Municipalities | Membership Dues | 100.00 |
| 21638 | Mahaska | Su | 82.80 |
| 21639 | Matheston Tri-Gas Inc | Su | 66.01 |
| 21640 | Midwest Bank | Safe Deposit Box Fee | 12.00 |
| 21641 | Mitch's Food Center | Su | 33.06 |
| 21642 | National Assoc of Chiefs of Police | Subscription  | 60.00 |
| 21643 | NDEE-Fiscal Services | Qtrly Pmt | 34,135.83 |
| 21644 | NE Public Health Env Lab | Svc | 60.00 |
| 21645 | NMPP | VSP 2020 | 2,805.00 |
| 21646 | Noah's Ark Animal Workshop | Su | 1,302.43 |
| 21647 | NCPPD | Svc | 8,194.17 |
| 21648 | VOID |  |  |
| 21649 | Pierce Co Clerk | Special Election 2019 | 1,886.18 |
| 21650 | Plainview Auto Supply Inc | Su | 496.14 |
| 21651 | Plainview Telephone | Phone Svc | 1,256.67 |
| 21652 | Productivity Plus Acct | Su | 138.30 |
| 21653 | Riley Larsen  | Meter Deposit Refund | 101.50 |
| 21654 | Schaefer Grain Co | Svc | 423.00 |
| 21655 | Steinkraus Service | Fuel/Repairs | 1,369.13 |
| 21656 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21657 | West Hodson Lumber  | Su | 220.00 |
| 21658 | Willow Creek Vet Service | Dog Boarding | 163.26 |
| ACH | Allied Benefit Services | Emp Ins | 7,581.18 |
| ACH | Black Hills Energy | Svc | 782.74 |
| ACH | Comm Bankers Merch Srvc | Svc | 651.92 |
| ACH | CrashPlan Pro | Svc | 9.99 |
| ACH | EFTPS | Fed W/H Tax | 4,827.27 |
| ACH | EFTPS | Fed W/H Tax | 4,241.89 |
| ACH | Dearborn Life Ins Co | Emp Ins | 66.00 |
| ACH | Healthplan Services Inc | Emp Ins | 111.60 |
| ACH | Mass Mutual  | Pension  | 2,328.74 |
| ACH | Mass Mutual  | Pension  | 2,328.74 |
| ACH | Microsoft Office | Su | 74.89 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | State W/H Tax  | 1,230.08 |
| ACH | NE Dept of Rev | Sales & Use Tax | 1,764.33 |
| ACH | Office Max | Su | 113.89 |
| ACH | Postmaster | Postage | 6.85 |
| ACH | Synchrony Bank/Amazon | Su | 96.29 |
| ACH | Wal-Mart | Su | 122.75 |