

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, DECEMBER 10TH, 2013**

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 2013 at 7:00 o'clock P.M. Present were: Mayor Baird; Council Members: Wilson, Dummer, McAlexander and Grof.

The Pledge of Allegiance was then recited.

Council President Grof 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. Mayor Baird arrived at 7:03 P.M.

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.

Melissa Forbes was present as Deputy Clerk II.
Mike Holton was present as City Administrator.
Bruce Curtiss was present as City Attorney.

It was moved by McAlexander, seconded by Grof to approve the minutes of the regular meeting, Tuesday, November 12th, 2013. Motion carried, 4-0.

It was moved by McAlexander, seconded by Dummer to allow all claims against the City. Motion carried, 4-0.

It was moved by Wilson, and seconded by McAlexander to approve the Keno Application from Plainview Klownd Band for \$3800.00. Motion carried, 4-0.

Council reviewed the Police Report presented by Bruce Yosten.

Motion was made by McAlexander, and seconded by Grof to amend Chapter 6 Section 322.01 of Ordinance No. 915 on its first reading. Upon roll call vote, the following members voted AYE: Wilson, Grof, McAlexander and Dummer. The following voted NAY: None. Motion carried, 4-0. Whereupon the Mayor declared said Ordinance No. 915 approved on its first reading.

It was moved by McAlexander, and seconded by Dummer to approve Ordinance No. 915 on its second and third readings. Upon roll call vote, the following members voted AYE: Wilson, Grof, McAlexander and Dummer. The following voted NAY: None. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 915 approved on its second and third readings.

ORDINANCE NO. 915

**AN ORDINANCE TO AMEND CHAPTER 6 SECTION 322.01 TO THE
MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA.**

Whereas, the City Code requires update relative to discharge of fireworks;

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

Section 1. That Chapter 6, Section 322.01 of the Municipal Code of Plainview, Nebraska, be amended to read as follows:

§6-322.01 MISDEMEANORS; FIREWORKS; PERMITTED FIREWORKS.

(1) It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet-type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths inch (7/8") in length or one-eighths inch (1/8") in diameter, and which do not contain more than fifty (50) milligrams each in weight of explosive material, and then only between June 24th and July 5¹ of each year.

However, an exception shall be made if July 4th falls on a Friday, and in that event fireworks shall also be allowed through July 5th and 6th (the following Saturday and Sunday). On the 4th of July fireworks may be discharged between the hours of 8:00 A.M. and 12:00 A.M. (midnight); on all other days discharge of fireworks shall be limited to 8:00 A.M. to 11:00 P.M.

(2) The provisions of this section shall not apply to any fireworks to be used for purposes of public exhibitions or display under authorization of the City Council or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal.

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.

Roger Synovec presented an Economic Development report. Discussion was held on the LB 840 Plan. Council was in agreement to have further discussion at a Special Meeting to be conducted Jan. 9th 2014 at 7 P.M. Information was presented to council about the Internship. With only 1 applicant, Council was in agreement to keep application process open until February. Hours and pay will be determined at the Jan. 9th, 2014 Special Meeting.

It was moved by Grof, and seconded by McAlexander to approve CDBG Housing Grant Claims for \$725.00 and \$6112.00. Motion carried, 4-0.

It was moved McAlexander, and seconded by Wilson to approve JEO Consulting Group as the City Engineers and Terry Mead from JEO as the Street Superintendent. Motion carried, 4-0.

It was moved by Grof, and seconded by Dummer to approve James Aschoff to continue Garbage for next 2 years, with the contract to remain the same. Motion carried, 4-0.

Manor Administrator, Juleen Johnson presented the Manor Report.

It was moved by McAlexander, and seconded by Grof to approve the Mayors appointments of Brent Moeller and Larry Petersen for a 2 year term to the Plainview Tree Board. Motion carried, 4-0.

At 8:00 P.M. it was moved by McAlexander, and seconded by Grof to open the Public Hearing on a zoning code change dealing with Special Use Permits for accessory buildings. Motion carried, 4-0.

At 8:15 P.M it was moved by Grof, and seconded by McAlexander to close the Public Hearing. Motion carried, 4-0.

It was moved by McAlexander, and seconded by Wilson to approve Ordinance No. 916, amending the Plainview Zoning Regulations relative to the location and placement of accessory structures within the City of Plainview Zoning Jurisdiction. Upon roll call vote, the following members voted AYE: Wilson, McAlexander and Dummer. The following voted NAY: Grof. Motion carried 3-1. Whereupon the Mayor declared Ordinance No. 916 approved on its first reading.

No action was taken for Employee Health Insurance. Council was in agreement to have a Special Meeting, to be held on December 17th at 5 P.M.

It was moved by Grof, and seconded by Wilson to approve Ordinance No. 917 to amend Chapter 3 Section 1104 Rental Units. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 917 approved on its first reading.

It was moved by Grof and seconded by Wilson to approve Ordinance No. 917 on its second and third readings. Upon roll call vote, the following members voted AYE: Wilson, Grof and Dummer. The following voted NAY: McAlexander. Motion carried 3-1. Whereupon the Mayor declared Ordinance No. 917 approved on its second and third readings.

ORDINANCE NO. 917

AN ORDINANCE TO AMEND CHAPTER 3 SECTION 1104 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA.

Whereas, the City Code requires change to the utilities relative to rental units

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

Section 1. That Chapter 3, Section 1104 of the Municipal Code of Plainview, Nebraska, be amended to read as follows:

§ 3-1104 UTILITIES GENERALLY; RENTAL UNITS.

Section 1.

A. All owners of rental property shall be required to sign an agreement indicating whether they want the utilities left on or disconnected when a tenant moves.

B. If the utilities are to be left on, the agreement shall bind the owner for any utility charges incurred after the tenants have notified the City for a read out.

Section 2.

A. The making of application on the part of any applicant or the use or consumption of utility services by present consumers thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the City, of which said contract both parties are bound

B. In the event that a building, premises, or place is rental property, the City shall require the owner of said property, either alone or as co-signer with the tenant, to sign any written application or contract for utility services. In the event of failure to timely pay utility service bills by either the tenant or the owner, either of them shall be fully responsible for said bills. Any duties or obligations created by the lease of the premises shall be relevant only between the owner and tenant and shall not relieve the duty to pay. However, in any case where the Occupant of a property is not the Owner, any deposit shall be held by the City until service has been satisfactorily terminated, No early refund of deposit shall apply.

Section 3. 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 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

No action taken on revisions to Electrical Ordinance. Tabled until January Regular Council Meeting.

It was moved by McAlexander, and seconded by Grof to approve the Employee Holiday Klown Cash. Motion carried 4-0.

Council Member Grof left at 9 P.M.

It was moved by McAlexander, seconded by Dummer to adjourn the meeting. Motion carried, 3-0.

TIME: 9:09 P.M.

Bob Baird, Mayor

(SEAL)

ATTEST:

Melissa Forbes, Deputy Clerk

12598 Plv. Alegent Hosp.	Deductible	500.00
12599 Postmaster	postage	24.85
12600 Jake Petersen	reimb.	80.00
12601 Mosel Mowing	services	100.00
12602 Ne. Dept. of H & H Serv.	Fee	115.00
12603 Dept of Energy	power	6207.24
12604 Troy Johnston	reimb.	72.00
12605 City Cdbg Housing Grant	claims	22297.00
12606 Nebr. Child Support	pay't	450.00
12607 Terry Baller	reimb.	80.00
12608 Verizon Wireless	mo. Chgs.	220.31
12609 Source Gas	gas	1100.15
12610 NDEQ	SRF pay't	35495.44

12611 City	pool sales tax	4944.78
12612 City	manor sales tax	2723.91
12613 City	library sales tax	2723.91
12614 City	ec. develop. Sales tax	2723.90
12615 Fort Dearborn	ins.	70.20
12616 Nebr. Child Support	pay't	450.00
12617 MEAN	power	43881.78
12618 Postmaster	postage	152.60
14881 thru		
14990 City Emp	Payroll-11-15-13	18665.80
14901 thru		
14916 City Emp	Payroll-11-27-13	15898.28
14917Aflac	ins.	85.67
14918 Alby's	su	133.02
14919 Barco	su	509.24
14920 Casey's	gas	457.14
14921 Chad's Tire Service	repairs	1137.62
14922 City of Plainview	Utilities	3965.71
14923 Classic Rentals	su	154.61
14924 Combined Revenue	bond pay't	3077.29
14925 Cornhusker Auto Center	repairs	150.00
14926 Curtiss Law Office	services	1250.00
14927 Dutton –Lainson Co.	su	174.65
14928 Electrical Eng. & Equip.	su	1630.26
14929 Electrical System	sinking fund	2000.00
14930 Francotyp-Postalia	rent	176.85
14931 Green Line Equip.	su	695.14
14932 Hometown Leasing	lease pay't	31.54
14933 Ingram Library Services	library books	498.19
14934 Jace Kluver	met. dep. refund	30.92
14935 Jack's Uniforms & Equip.	su	118.18
14936 James Aschoff	fees	7800.00
14937 Johnson Repair	repairs	302.20
14938 Kriz-Davis	su	981.19
14939 L.P. Gill	fees	10753.08
14940 Madison Co. Bank	pay'ts	9489.97
14941 Matheson Tri-gas	su	34.68
14942 Melissa Forbes	heat incentive	150.00
14943 Menards	su	79.98
14944 Midwest Bank	box rent	12.00
14945 Mitch's Food Center	su	42.31
14946 Moeller Sprinkler	repairs	42.95
14947 Municipal Pipe Services	su	2065.50
14948 Municipal Supply of Ne	su	6103.90
14949 Ne. Public Health Lab.	Well samples	75.00
14950 NMPP	annual support	2117.00
14951 Nebraska U.C. Fund	unemployment ins.	221.89
14952 No. Central Public Power	poles	427.36
14953 Plainview Auto Supply	su	172.22
14954 Plv. News	publishing/su	511.18
14955 Plv. Tele. Co.	mo. Chgs	893.05
14956 Plv. True Value	su	167.22
14957 Pollard Pumping	rent	300.00
14958 Racom Corp	Equip.	400.00
14959 Schaefer Grain	Scale Tickets	320.00

14960 Shell Fleet Plus	gas	409.90
14961 Special T's & More	uniforms	75.00
14962 Steinkraus Service	diesel, repairs	2190.05
14963 Subsurface Solutions	equipment	2695.07
14964 T & R Electric	su	950.00
14965 The Farner Co.	su	78.01
14966 Viaero Wireless	mo. Chgs.	343.15
14967 Water Tower	bond acc't	3482.92
14968 Wesco Receivables	su	811.68
14969 West Hodson	su	322.73

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 12/10/13; 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.

Melissa Forbes, Deputy Clerk

(SEAL)