REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY FEBRUARY 10TH, 2015**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

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 February at 7:00 o’clock P.M. Present were: Mayor Seip; Council Members: Wilson, Naprstek, and Novicki. Absent: Dummer.

The Pledge of Allegiance was then recited.

Mayor Seip 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.

Kelly Pendergast was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Council member Naprstek moved to approve the minutes from the previous meetings. Wilson seconded the motion. Motion carried 3-0. Attorney Curtiss asked the minutes be amended regarding the reason behind the executive session at the last regular meeting.

It was moved by Naprstek, seconded by Novicki to allow all Claims and Payroll against the city. Motion carried 3-0.

Manor Administrator Juleen Johnson was not present at the meeting. In her absence, City Administrator Holton addressed the audit in the council packets, and felt there were no issues with the audit. Concerns were expressed regarding a water leak at the manor facility. Holton assured the council that the situation was addressed.

Police Chief Yosten presented the police report.

It was moved by Wilson, seconded by Novicki to approve and sign the Handi-van contract for 2014-15. Motion carried 3-0.

Council member Novicki moved to make the following changes to the personnel manual:

1. Employees responding for calls from home will be compensated for one hour up to the actual hour
2. Vacation requests will be in 4 hour increments unless approved by the City Administrator
3. No more than 120 hours can be carried to the next fiscal year. Vacation will stop accruing at 120 hours beginning in 2016.
4. Full time employees vacation:
   1. Up to one year 40 hours
   2. 2-4 years 80 hours
   3. 5-9 years 120 hours
   4. 10-14 years 140 hours
   5. 15+ years 160 hours

Wilson seconded the motion. Carried 3-0.

**At 8:07 p.m., Mayor Seip opened the Public Hearing** on the proposed One and Six Year Plan. Terry Mead from JEO Consulting was present to answer any questions. Concern was expressed at the cost of some of the projects and the assessment back to the homeowners.

At 8:40 p.m., council member Wilson moved to come out of the public hearing. Naprstek seconded. Motion carried 3-0.

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

RESOLUTION #510

Be it resolved by the City Council of the City of Plainview, Nebraska, that the One and Six Year Street Improvements Program as prepared by JEO Consulting Group, Inc. of Norfolk Nebraska, and attached hereto, be adopted.

1. M-493 (56) 2014-2015-Portland cement concrete surfacing 9th Street from approximately 240’North of Congress, South to corporate limits. (Approx. 625’) $129,000
2. M-493 (49) 2014-2015-Portland cement concrete surfacing West Street from Front Street south to City limits. (Approx. 150’) $89,000
3. M-493 (57) 2014-2015-Portland cement concrete paving 4th Street from Euclid Avenue to 900’ North (future Grant Street) $195,000
4. M-493 (50) 2014-2015-Portland cement concrete surfacing of West Street, Lincoln to Euclid $326,000
5. M-493 (47) 2014-2015-Portland cement concrete surfacing of Pilcher Avenue from Third Street to Fourth Street $66,000
6. M-493 (55) 2015-2016-Portland cement concrete surfacing of Pilcher, from Pond St. to Plum St. $110,000
7. M-493 (35) 2017-2018-Portland cement concrete surfacing of Euclid Ave. from Second St. to Third St. $115,000
8. M-493 (38) 2018-2019-Portland cement concrete surfacing of Lincoln Ave. from Second St. to Third St. $115,000
9. M-493 (39) FUTURE – Portland cement concrete surfacing of Ellsworth Ave. from Second St. to Third St. $115,000
10. M-493 (44) FUTURE – Portland cement concrete surfacing of Euclid Ave. from Third St. to Fourth St. $115,000
11. M-493 (45) FUTURE – Portland cement concrete surfacing of Lincoln Ave. from Third St. to Fourth St. $115,000
12. M-493 (48) FUTURE – Portland cement concrete surfacing of Ellsworth Ave. from Third St. to Fourth St. $115,000
13. M-493 (46) FUTURE – Portland cement concrete surfacing of Lincoln Ave from approximately 250’ East of Main Street to approx. 200’ West of First Street $280,000

Council member Wilson seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye: Wilson, Naprstek, and Novicki. Nay: None. Whereupon the Mayor declared said motion carried and said Resolution #510 is passed and adopted.

Council member Naprstek moved to have JEO begin the process for bidding on the five street paving projects and to bid each project individually as a package. Novicki seconded the motion. Carried 3-0.

Discussion was held on the inter-local agreement with Pierce County and paving projects. Attorney Bruce Curtiss reviewed the document with the council. Wilson moved to approve the agreement as described by attorney Curtiss for paving on the north portion of West Street. Naprstek seconded the motion. Carried 3-0.

In Police Personnel discussions, Mayor Seip removed Chief Yosten and Officer Neumann from probation.

Discussion was held regarding discrepancy of salary paid to Officer Wells from December 2012-current. Naprstek motioned for back pay of $3702.12 and a new salary of $32,176.27. Motion died due to lack of second.

Novicki moved to pay back pay of $1149.83. Wilson seconded. On roll call: Aye: Novicki and Wilson. Nay: Naprstek. Motion carried 2-0.

Novicki moved base salary of $31,064.80. Wilson seconded the motion. On roll call: Aye: Novicki and Wilson. Nay: Naprstek. Motion carried 2-0.

It was moved by Wilson, seconded by Novicki to approve the CDBG Housing Grant Claims for $1500.00. Motion carried 3-0.

Discussion was held on the Model Ordinances received from the League of Nebraska Municipalities. City Attorney Curtiss explained to the Council what each ordinance pertained to and compared them with the current City Code. It was moved by Wilson to approve Ordinance No. 922, approving the Model Ordinances. Seconded by Naprstek. Upon roll call vote, the following members voted AYE: Wilson, Naprstek and Novicki. NAY: None. Motion carried 3-0. Whereupon the Mayor declared Ordinance No. 922 approved on its first reading.

It was moved by Novicki, seconded by Wilson to approve Ordinance No. 922 on its second and third readings. Upon roll call vote, the following members voted AYE: Wilson, Naprstek and Novicki. NAY: None. Motion carried, 3-0. Whereupon the Mayor declared Ordinance No. 922 approved on its second and third readings.

ORDINANCE NO. 922

AN ORDINANCE ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF PLAINVIEW, NEBRASKA ADOPTING THE STATE LAW CHANGES MADE BY THE LEGISLATURE WHICH ARE SPECIFIC AND MANDATORY AND NECESSARY TO BRING THE CITY ORDINANCES AND CODE SECTIONS INTO CONFORMITY WITH STATE LAW AND AMENDING RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

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

Section 1. That the Code of Ordinances of the City of Plainview shall continue in full force and effect and shall hereby adopt and incorporate by reference certain State law changes made by the Legislature which are specific and mandatory and necessary to bring the City Ordinances and Code sections into conformity with State law.

Section 2. The State law changes identified above affect the following chapters of the City Code of Ordinances:

1. To amend §1-101 Powers and Duties.
2. To amend §1-708 Elections; Filing Fee.
3. To amend §1-710 Elections; Petition, Write-In, and Other Candidates for General  
   Election Ballot; Procedure.
4. To amend §10-500 Levies Authorized.
5. To amend §10-117 Alcoholic Beverages; Hours of Sale.
6. To create §10-128 Credit Sales Prohibited.
7. To create §10-702 Tobacco; Use by Minors, Sale to Minors, Misrepresentation by  
   Minor.
8. To amend §10-701 Tobacco; License for Sale; Application; Contents; Fee.
9. To amend §6-340 Misdemeanors; Abandoned Automobiles

Section 3. All other portions of the code book not identified in Section 2. herein remain unaffected and shall continue in full force and effect as currently written.

Section 4. All prior ordinances, pertaining to the subjects treated in this supplement to the Code of Ordinances, shall be deemed repealed from and after the effective date of this ordinance except as they are included and re-ordained in whole or in part in this supplement to the Code of Ordinances; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances lexying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use. vacating or setting the boundaries of streets or other public places: nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by this supplement to the Code of Ordinances.

Section 5. This ordinance adopting the supplement to the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published according to law. At least one copy of this supplement to the Code of Ordinances shall be on file in the office of the City Clerk and available for inspection by members of the public during the hours the office is open for the ordinary transaction of business. The Clerk shall file a copy of this supplement ot the Code of Ordinances with the County Court.

Section 6. This ordinance adopting this supplement to the Code of Ordinances shall take effect from and after its passage, approval, and publication or posting as required by law.

Dave Peterson from JEO was not at the council meeting. No action was taken on the power upgrade.

Naprstek moved to advertise the farm ground rental for bid, the Transfer Station and C&D site for the 2015 season. Novicki seconded. Motion carried 3-0.

Other items discussed include winterizing the Klown Doll Museum, nuisance properties update and ideas to improve Plainview.

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

TIME: 10:47 P.M.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daren Seip, Mayor (SEAL)

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kelly Pendergast, City Clerk/Treasurer

12944 AFLAC Insurance 85.67

12945 Neb Public Health Water Samples 326.00

12946 Pierce Co Treas Tags 30.00

12947 Neb UC Fund Unempl Ins 226.13

12948 State Treas Fees 55.29

12949 Neb Child Support Pmt 450.00

12950 City of Plv CDBG Housing 4800.00

12951 Dept of Energy Power 7998.74

12952 Neb Dept of Roads Fee 15.00

12953 Verizon Monthly Svc 220.64

12954 Source Gas Gas 2245.56

12955 City of Plv Housing Reimb 201.68

12956 Pierce Co Treas Property Taxes 1158.88

12957 City of Plv Econ Dev Sales Tax 2531.57

12958 City of Plv Library Sales Tax 2531.57

12959 City of Plv Manor Sales Tax 2531.56

12960 City of Plv Pool Sales Tax 4802.24

12961 Ft Dearborn Life Ins 72.00

12962 Viaero Monthly Svc 358.56

12963 Hometown Leasing Library Copier 86.00

12964 Neb Child Support Pmt 450.00

12965 Neb Municipal Clerks Clerks School 393.00

12966 Midwest Bank HSA Empl Contr 400.00

12967 Postmaster Postage 169.41

12968 UHC Health Ins 9707.66

16304 thru

16320 City Emp Payroll 1-15-15 18118.27

16321 thru

16334 City Emp Payroll 1-30-15 14405.35

16335 Alby’s Su 187.16

16336 Bomgaars Su/Uniforms 441.48

16337 Casey’s Gas 562.90

16338 Century Bus Pdts Copier Contract 451.02

16339 Chad’s Tire Svc Repairs 156.06

16340 City of Plv Meter Refund 190.49

16340 City of Plv Utilities 5931.25

16341 Classic Rentals Su 186.62

16342 Combined Rev Bond Pmt 2738.65

16343 Cornhusker Auto Parts 29.50

16344 Curtiss Law Ofc Services 1250.00

16345 Dutton-Lainson Su 295.00

16346 Eakes Copies 106.72

16347 Eakes 1099’s 30.99

16348 Electrical System Sinking Fund 2000.00

16349 Green Line Equip Su 243.09

16350 Hometown Leasing Library copier 86.00

16351 Ingram Library Svcs Books 311.30

16352 James Aschoff Services 7800.00

16353 JEO Consulting 2840.25

16354 Johnson Repair Tires 767.46

16355 Kriz-Davis Su 300.00

16356 L.P. Gill Services 10913.76

16357 Matheson Su 34.68

16358 Midwest Service Signs 1202.50

16359 Mitch’s Su 191.75

16360 Neb Public Health Water Samples 45.00

16361 Neb Power Pool A/R System 1956.00

16362 Norfolk Daily News Subscription 153.00

16363 NE Neb Clerks Assn Dues 25.00

16364 Plv News Ads 11.29

16365 Plv Pharmacy Su 14.12

16366 Plv Telephone Monthly Svc 853.09

16367 Plv True Value Su 214.62

16368 Schaefer Grain Weigh Tickets 290.00

16369 The Farner Co Su 75.32

16370 3 Rivers Library Workshop 20.00

16371Walton Appliance Su 195.00

16372 Water Tower Bond Pmt 3252.29

16373 Zee Medical Su 10.25

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 2/10/2015; 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kelly Pendergast, City Clerk/Treasurer (SEAL)