REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY MARCH 10, 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 10th day of March 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.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Yosten moved to approve the February 11th regular meeting minutes. Brookhouser seconded the motion. Motion carried 4-0.

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

No Manor report was given.

Officer Tyler Wells presented the monthly police report.

City Superintendent Curt Hart gave updates on continued replacing of water meter ERTs, water training and testing for employees and necessary repairs to city equipment. Hart would like to budget next year for a new loader as the current equipment is under repair. Questions on the demolition of the Hanks property were also brought forward by the audience and the city workers will not be removing any items from inside the house.

Dennis Johnson of Bush & Roe gave the annual update to the City’s liability insurance coverage. Johnson explained the amount of coverage for each category and what claims would be covered under each. A suggestion to add a policy for data compromise was made and council will discuss at the April council meeting.

Sealed bids were received for the rental of farm ground north of the transfer station and hay ground east of the new lagoons. The first bid was from Lyle Lingenfelter for 17 acres of crop land north of the transfer station for $510. Mark Gubbels submitted a bid for the same parcel of land for $50 per acre. A bid for $50 per acre for the 9 acres of hay ground east of the lagoons was received from Trent Tarr. Brookhouser moved to accept the bids from Gubbels and Tarr as listed. Smith seconded the motion. Motion carried 4-0.

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

**RESOLUTION #598**

**WHEREAS**, the Mayor and City Council of the City of Plainview have received a request to create a bank account for the IRP Loan Reserve Loss Fund

**AND WHEREAS**, it is in the best interest of the City to create such account.

**NOW THEREFORE BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA, THAT the following account be established:

1. 44425379 IRP Loan Reserve Loss Fund

Authorized Signor: Courtney Retzlaff

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 #598 is passed and adopted.

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

**RESOLUTION #599**

**Appointment to MEAN Management Committee**

**WHEREAS,** the City of Plainview, State of Nebraska, is a party to the Electrical Resources Pooling Agreement and, pursuant to the terms of such Agreement, it is the responsibility of the City of Plainview to designate a representative and alternate representative to the Municipal Energy Agency of Nebraska Management Committee provided for under the terms of said Agreement.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Plainview, State of Nebraska, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Courtney Retzlaff as representative to said MEAN Management Committee.

2. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska of the appointment of Curt Hart as alternate representative to said MEAN Management Committee.

**Appointment to NMPP Members’ Council**

 **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Plainview, State of Nebraska, that:

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.

2. The Mayor and City Council of the City of Plainview, State of Nebraska, does hereby appoint City Administrator as the representative\* of the City of Plainview, State of Nebraska, to the Members’ Council of the Nebraska Municipal Power Pool.

3. The Mayor and City Council of the City of Plainview, State of Nebraska, does hereby appoint City Superintendent as the alternate representative\* of the City of Plainview, State of Nebraska, to the Members’ Council of the Nebraska Municipal Power Pool.

\*Pursuant to Article V of the Amended and Restated Bylaws of the Nebraska Municipal Power Pool, “Any person appointed as Representative or Alternate Representative shall be a resident of the area receiving services from the appointing Member.”

**Appointment to ACE Board of Directors**

 **WHEREAS**, the City of Plainview, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the Mayor and City Council to designate a representative of the City of Plainview to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement**.**

 **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Plainview, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of City Administrator as the City’s representative to said Board of Directors.

2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of City Superintendent as the City’s alternate representative to said Board of Directors.

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 #599 is passed and adopted.

City Superintendent Hart and City Clerk Retzlaff discussed the need for a rate increase at both the transfer station and monthly trash service to utility customers. Notice was received from L.P. Gill in Jackson that they would be increasing their rates for the City of Plainview from $32.65 per ton to $42.00 per ton effective March 1, 2020. Based on data from the previous year, the city would show an approximately $50,000 increase on monthly bills paid to L.P. Gill. The current budget for the transfer station would not be able to absorb this cost. Hart suggested an increase at the transfer station from $54.00 per ton to $65.00 per ton. An increase on residential and commercial trash accounts of $2.00 per month was also suggested. Council will discuss proposed increases at a special meeting on March 24th.

City Clerk Retzlaff reported that Community Clean-Up Days are set for May 2nd and 3rd. As in previous years, one pickup load per household will be allowed at either the C&D or transfer station. Notice will be sent out on the April utility bills, which will need to be presented in order to dump for free.

Officer Wells presented a notice of trespassing form that could be utilized by homeowners, businesses, etc. to prevent unwanted individuals from accessing their property and building. The police department would need to be notified by the property owner in order for the notice to be posted. The final form will be adopted at the April council meeting.

A discussion on amending the current dangerous dog ordinance was held with City Attorney Curtiss presenting a draft copy for the council to review. Specifications on what classifies a dangerous dog as well as removing breeds from the ordinance were discussed. A question on whether specific breeds should be banned was also addressed. The council will discuss at the special meeting on March 24th.

City Clerk Retzlaff presented a form that is utilized in Omaha for the vacant property act registration. The ordinance that was passed by the City last year would require procedures to determine how a property was placed on the registry. Council will discuss how to implement a registry at the special meeting on March 24th.

Wyatt Frahm was present to represent the Plainview Ballbackers and discuss the condition of the current grandstand at Pride Field. The building is showing termite damage and rot on the main support beams. Frahm stated that the Ballbackers would like to tear down the structure and replace with the existing aluminum bleachers, in addition to a canopy that would need to be constructed. Council approved the demolition of the structure along with replacement of fencing around the field, with total costs to not exceed $10,000. Brookhouser moved to approve the improvements by Plainview Ballbackers. Smith seconded the motion. Motion carried 4-0.

Phyllis Cleveland was present to ask for the council’s permission to temporarily close Pilcher Avenue between 4th and 5th Streets for 1-2 days in April while her house is being painted in order to limit the amount of dust that is created when vehicles use the road. The city will place barricades on each end of Pilcher Avenue and also give notice to the public of the temporary closure. Brookhouser moved to allow the temporary closure. Smith seconded the motion. Motion carried 4-0.

The zoning board had recommendations for building permits for the council to approve. City Clerk Retzlaff explained the new office procedures for obtaining a building permit. All permits will need to be turned in to the City Clerk by the last Friday of the month. The zoning board will meet the first Monday of the following month to make their recommendations to the council, who will then approve at the regular council meeting. Property owners will be required to utilize a surveyor to mark their property if necessary, as the City will no longer be marking property lines. Payment for the permits will be due once the council has voted.

The zoning board had 2 recommendations for building permits to present to the council. The first was for Shawn Kalkowski for construction of a storage shed on his property at 505 E Line St. The second was for construction of a car port by Eric Bergh on his property at 105 N 6th Street. Brookhouser moved to approve both building permits. Yosten seconded the motion. Motion carried 4-0.

Discussion on the purchase of trail cameras for use by the Plainview Police was held. Officer Wells stated that the use of cameras is becoming more common in law enforcement and provides the officers another form of evidence to combat suspicious activity. Wells explained regulations on where cameras can be placed and stated the cost would not exceed $500.00. Brookhouser moved to allow the purchase of the trail cameras. Smith seconded the motion. Motion carried 4-0.

Procedures for the use of the non-emergency phone number for the police department were also discussed. Wells stated that there have been concerns in the past that calls were not being attended to by the officer on duty. Allowing all calls to go directly to voice mail would keep a record of all calls that were received by the department. The use of a secondary email that would be monitored by a city official outside the department was also discussed. Wells will follow up with the Plainview Telephone Company to determine how much information can be stored.

City Attorney Curtiss reported that a deposition of Chief Yosten will occur on March 17th at 1:00 for the workers compensation litigation. The trial that was originally scheduled for April 15th will be postponed due to a scheduling conflict with Yosten’s lawyer. The tort claim received by the City of Plainview from Chief Yosten will be discussed at the April meeting.

Council asked about the status of applications for the 2 posted positions within the City and also encouraged others to consider filing as a write-in candidate for the upcoming election.

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

TIME: 8:05 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 3/10/2020; 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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| --- | --- | --- | --- |
| 14391 | LP Gill Inc | Svc | 13,670.23 |
| 14392 | Curtiss Law Office  | Legal Fees | 2,653.92 |
| 14393 | Curt Hart | Mileage  | 50.60 |
| 14394 | Zee Medical Services | Su | 41.30 |
| 14395 | Eileen Bramer | Reim | 15.55 |
| 14396 | School Life | Su | 94.90 |
| 14397 | Mitch's Food Center | Su | 26.47 |
| 14398 | Postmaster | Postage Permit | 240.00 |
| 14399 | Verizon Wireless | Cellphones | 481.99 |
| 14400 | Hansen Brothers Parts & Service | Su | 433.31 |
| 14401 | Plainview Auto Supply  | Su | 513.48 |
| 14402 | Ingram Library Services | Books/Audiobooks | 532.24 |
| 14403 | Magazine Subscriptions PTP | Svc | 262.75 |
| 14404 | Plainview News | Ads/Su | 516.11 |
| 14405 | DHHS | Pool Permit | 40.00 |
| 14406 | City of Plainview | Pool Sales Tax | 8,087.43 |
| 14407 | City of Plainview | Library Sales Tax | 4,628.29 |
| 14408 | City of Plainview | Manor Sales Tax | 4,628.29 |
| 14409 | City of Plainview | Eco Dev Sales Tax | 4,628.29 |
| 14410 | New York Life | Emp Ins | 92.20 |
| 14411 | Midwest Bank | Emp HSA | 400.00 |
| 14412 | Postmaster | Postage  | 189.35 |
| 14413 | Bargain Buyways | Ad | 25.00 |
| 14414 | City of Plv Housing Authority | Housing Pmt | 167.00 |
| 14415 | City of Plv Osm/Plv Housing | Housing Pmt | 93.51 |
| 21792 |  |  |  |
| 21797 | City Employees | Payroll 2-14-2020 | 15,081.18 |
| 21798 |  |  |  |
| 21804 | City Employees | Payroll 2-28-2020 | 13,908.19 |
| 21805 | AMGL | Audit FY2019 | 11,600.00 |
| 21806 | Aflac | Emp Ins | 475.41 |
| 21807 | Bar ZZ Ranch | Su | 400.00 |
| 21808 | Barco | Su | 110.16 |
| 21809 | Bomgaars | Su | 49.95 |
| 21810 | Eileen Bramer | Reim | 25.58 |
| 21811 | Bruce Yosten | Reim | 20.00 |
| 21812 | Bud's Sanitary Service  | Tote Lease | 1,165.21 |
| 21813 | Bud's Sanitary Service  | Svc | 4,752.00 |
| 21814 | Bush & Roe | 1/2 Liability Ins | 47,733.50 |
| 21815 | City of Plainview | LB840 Loan Pmts | 380.00 |
| 21816 | City of Plainview C&D Sinking | Pmt | 2,000.00 |
| 21817 | City of Plv CDBG Housing | Housing Pmt | 100.00 |
| 21818 | City of Plv Housing Authority | Housing Pmt | 100.00 |
| 21819 | Classic Rentals | Su | 187.71 |
| 21820 | Curtiss Law Office  | Legal Fees | 1,250.00 |
| 21821 | DHHS Division of Public Health | Water Operator Test | 50.00 |
| 21822 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 21823 | Great Plains Communications | Svc | 46.85 |
| 21824 | Green Line Equipment | Su | 2.32 |
| 21825 | Hometown Leasing | Copier Lease | 247.19 |
| 21826 | Johnson Repair | Svc | 171.42 |
| 21827 | Lentz Small Engine Marine | Su | 1,123.95 |
| 21828 | Lincoln Marriott Cornhusker | Hotel Rooms | 440.00 |
| 21829 | Little Detroit Body Shop | Svc | 150.00 |
| 21830 | Metering & Technology Solutions | Su - ERTS | 3,235.19 |
| 21831 | Mitch's Food Center | Su | 87.46 |
| 21832 | NE Public Health Env Lab | Svc | 30.00 |
| 21833 | Overhead Door Co of Norfolk | Svc | 963.25 |
| 21834 | Pam Yosten | Per Diem Reim | 271.22 |
| 21835 | Plainview Telephone Co | Phone Svc | 1,218.86 |
| 21836 | Productivity Plus Account | Su | 868.00 |
| 21837 | Robert Smith | Per Diem Reim | 216.88 |
| 21838 | Schaefer Grain Co. | Su | 342.00 |
| 21839 | State Treasurer | Dog Tags 2019 | 42.70 |
| 21840 | Steinkraus Service | Fuel/Repairs | 1,680.90 |
| 21841 | Truck Center Companies | Su | 132.47 |
| 21842 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21843 | Western Oil Inc | Fuel | 159.10 |
| ACH | Allied Benefit Services | Emp Ins | 9,349.99 |
| ACH | Black Hills Energy | Gas | 1,552.86 |
| ACH | Casey's Business Mastercard | Fuel | 322.08 |
| ACH | Comm Bankers Merch Serv | Svc | 662.95 |
| ACH | EFTPS | Fed W/H Tax | 4,592.78 |
| ACH | EFTPS | Fed W/H Tax | 4,375.01 |
| ACH | Dearborn Life Ins Co | Emp Ins | 60.00 |
| ACH | Healthplan Services | Emp Ins | 111.60 |
| ACH | Mass Mutual | Pension | 2,373.76 |
| ACH | Mass Mutual | Pension | 2,373.76 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | State W/H Tax | 1,361.72 |
| ACH | Synchrony Bank/Amazon | Su | 27.80 |