REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY MAY 12, 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 12th day of May 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.

Brookhouser moved to approve the regular meeting minutes from April 14th. Yosten seconded the motion. Motion carried 4-0.

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

No Manor report was given.

Chief Yosten presented the monthly report for the police department. Mayor Scholte read a letter of resignation from Officer Tyler Wells effective May 31, 2020.

Susan Norris gave the Economic Development report. Updates on the DTR project were given and Norris stated that Confluence would be in town tomorrow to begin their meetings with business owners. Klown Days has been postponed tentatively to August 8-9, pending directed health restrictions.

City Superintendent Curt Hart reported that the repair work on South King was completed and installation of culverts on 5th & Woodland will occur as weather allows. The grandstand at the ballfields was demolished yesterday, summer park help started working and manganese samples came back clear. Hart would like to look at the purchase of a street sweeper in the future.

City Clerk Retzlaff presented the updated ADA Action Plan. Smith moved to approve the plan. Brookhouser seconded the motion. Motion carried 4-0.

The zoning board presented several building permit recommendations to the council for approval.

Luke and Jodie Altwine requested construction of a garage on their property at 604 N 2nd Street. The structure meets all requirements for an R-1 residence. Brookhouser moved to approve the permit. Smith seconded the motion. Motion carried 4-0.

A recommendation for a fence by Roger Stewart at 511 E Pilcher was tabled to request information from the zoning board on easement requirements.

Zion Lutheran Church at 102 N 6th Street requested a permit for construction of a fence on their property. The structure met all requirements for C-1. Sanne moved to approve the fence permit. Brookhouser seconded the motion. Motion carried 4-0.

Nathan Koertner submitted a request for construction of a garage on his R-2 zoned residence at 305 N 2nd Street. The structure meets all requirements. Brookhouser moved to approve the permit. Yosten seconded the motion. Motion carried 4-0.

A recommendation for a fence by Michael Holton at 401 E Locust was tabled to request information from the zoning board on easement requirements.

Michelle Wragge requested a permit for construction of a fence on R-2 zoned property at 608 N West Street. Brookhouser moved to approve the permit. Yosten seconded the motion. Motion carried 4-0.

A request by Mike Wingert for construction of a privacy fence on his property at 304 N 2nd Street met all requirements for an R-2 zoned lot. Yosten moved to approve the permit. Brookhouser seconded the motion. Motion carried 4-0.

Nathan and Lyn Stec submitted two requests for building permits. The first was for a deck and the second for a fence. Both structures meet the requirements for R-1 residential. Brookhouser moved to approve both permits. Yosten seconded the motion. Motion carried 4-0.

A request for a building permit for a fence by Jaden Wingert at 304 N West Street. The fence meets all requirements for an R-2 zoned lot. Brookhouser moved to approve the permit. Yosten seconded the motion. Motion carried 4-0.

Brandon and Jody Viterna submitted a request for construction of a garage on their R-2 zoned property at 308 N 4th Street. Brookhouser moved to approve the permit. Smith seconded the motion. Motion carried 4-0.

The LB840 board had met to discuss the approval of Emergency Disaster loans, a RDBG loan and a LB840 loan. A total of 8 applications were received for the Emergency Disaster loans. The board recommended loans as follows for the following businesses: Mary’s Restaurant, D&K Lanes, Little Detroit Body Shop, The Wright Cut, The Plainview News and J&S Interiors for $3,000 each; Keystone Bar for $1,445 and Marla’s Hair Affair for $1,200. Brookhouser moved to approve all loans as presented. Sanne seconded the motion. Motion carried 4-0.

A RDBG Loan was recommended for Brandon Myers for the purchase of the building at 512 W. Locust in the amount of $23,500. The City of Plainview will place a lien on the building for security. The loan would carry terms of 4.5% interest for 10 years. Myers also applied for a $15,000 LB840 loan for purchase of Plainview 24/7 Fitness. The City would place a lien on the fitness equipment. The loan would carry terms of 3.5% interest for 5 years. Brookhouser moved to approve both loans. Yosten seconded the motion. Motion carried 4-0.

Economic Development Director Norris presented on the reapplication for the Nebraska Affordable Housing Trust Fund Grant application. The city did not receive the grant last fall. The NENEDD stated that public hearings did not need to be held at this time due to the COVID-19 restrictions. Norris read the project description. There were no comments from the public or council. Smith motioned approve the grant application. Brookhouser seconded the motion. Motion carried 4-0.

Miller & Associates presented estimates for 2 paving projects with council approval needed to advertise for bids. The projects are M493(46) Lincoln Ave from Main Street to Pine Street, which runs east and west through the ballfields; and M493(35) Euclid Ave from Second to Third Street, which runs east and west south of CHI Health. Brookhouser moved to advertise for the bids. Smith seconded the motion. Motion carried 4-0.

JEO Consulting provided estimates for the cost to prepare the C&D Permit renewal documents, to include engineering services at a cost of $7,500 to $10,000. The permit renewal for the facility is due June 26, 2020. Brookhouser moved to approve the engineering services. Sanne seconded the motion. Motion carried 4-0.

A discussion was held on City regulations in conjunction with Directed Health Measures and their effect on upcoming summer events. All gatherings must follow regulations stated by the DHM in place at the time of the event. Events that do not meet the regulations will not be permitted. A discussion on the opening of the pool was also held and council members agreed to revisit in June to make a decision. Smith moved to approve the regulations. Brookhouser seconded the motion. Motion carried 4-0.

Two SDL licenses for Keystone Bar were approved, contingent on DHM regulations in place at the time of the events. The first is for the car show to be held June 13th, 6:00 AM to 5:00 PM. The second for a street dance on June 13th, 5:30 PM to 2:00 AM. Brookhouser moved to approve the licenses. Smith seconded the motion. Motion carried 4-0.

Brookhouser moved to utilize the Health Board to create the list of properties to be included on the Vacant Property Act registration. Smith seconded the motion. Motion carried 4-0.

The health board recommended 2 properties to be sent letters designating them as nuisance properties.

The first was for the property at 406 N 4th Street, owned by Steve Classen. The property has trash, construction debris, appliances and other junk that must be disposed of. Brookhouser moved to send a nuisance property letter. Yosten seconded the motion. Motion carried 4-0.

The second property at 212 N Plum Street is owned by Walt Friedrich and is need of a general cleanup of items around the yard. Brookhouser moved to send the letter. Smith seconded the motion. Motion carried 4-0.

A recommendation to place the PCSI building at 414 W Locust on the Vacant Property Act registration was presented by the health board. Sanne moved to add the property to the registration. Brookhouser seconded the motion. Motion carried 4-0.

An update on applicants for the City Administrator position was held and interviews with candidates will begin in the coming weeks.

A discussion was held on updating the current Ordinance for dangerous dogs. Section 1, article II would add bullmastiff to the list of dogs deemed dangerous. Section VII, that states the owner must be given notice that their dog has been deemed dangerous would be removed.

Motion was made by Brookhouser and seconded by Sanne to approve amending Ordinance No. 510 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. 510 approved on its first reading.

It was moved by Brookhouser and seconded by Smith to waive the second and third readings and approve Ordinance No. 510. Upon roll call vote, the following members voted AYE: Smith, Brookhouser, Yosten. The following voted NAY: Yosten. Motion carried, 3-1. Whereupon the Mayor declared Ordinance No. 510 approved on its second and third readings.

ORDINANCE 510

AN ORDINANCE TO PROHIBIT DANGEROUS DOGS WITHIN THE CITY; DEFINE DANGEROUS DOGS; PROVIDE FOR CLASSIFICATION OF OTHER DOGS AS DANGEROUS, PROVIDE PENALTIES, REPEAL CONFLICTING ORDINANCES; PROVIDE AN EFFECTIVE DATE, AND SET RULES FOR CONFINEMENT FOR ALL DOGS.

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

Section 1. That from and after the effective date of this ordinance, the following dangerous dog regulations be and hereby are adopted, in addition and in supplementation to other ordinances in effect on this date. Owners of dogs shall comply with all ordinances, with City having authority to prosecute under any and all ordinances.

1. DANGEROUS DOGS; DEFINITIONS. For purposes of this Code, a dog shall be deemed a Dangerous Dog if:
2. It is one of the following breeds: Pit Bull or Pit Bull Mix; Rottweiler; Bull Mastiff; Boxer; Husky, German Shepherd, Alaskan Malamutes, Akitas, Wolf, Wolf Cross, or Wolf Hybred; or any dogs displaying the primary characteristics of the above-named breeds.

A brief discussion on banning of dog breeds from town was held. Council members Smith and Yosten expressed that they would like to wait on further discussion until council meetings are open to the public.

A request by Plainview Public Schools for a parade and fireworks in honor of the Class of 2020 was presented. The celebrations will take place on Saturday, May 16th, which would have been the original date set for commencement. A parade will be held starting at 8:20 PM with fireworks and music to follow at the football field starting at 9:00 PM. Brookhouser moved to approve both requests. Smith seconded the motion. Motion carried 4-0.

A request for a public hearing was received from Wanda Hanks in response to the nuisance letter sent on her property at 304 E Woodland. City Clerk Retzlaff will set a tentative date for the public hearing as DHM regulations allow.

City Attorney Curtiss gave a brief update on setting a public hearing on the disciplinary action for Chief Bruce Yosten, which will be subject to advice from legal counsel.

Smith asked about updates to the Boy Scout house and City Superintendent Hart will obtain estimates to repair the exterior of the building. Brookhouser thanked Officer Wells for his years of service to the community.

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

TIME: 8:02 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 5/12/2020; 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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| --- | --- | --- | --- |
| 14438 | Plainview Fire & Rescue | Donation- Michael Foods | 1,000.00 |
| 14439 | Agland Electric Motor Service | Svc/Su | 1,823.87 |
| 14440 | NDEE- Waste Mgmnt Div | Transfer Station Permit Renewal | 150.00 |
| 14441 | Harbor Freight | Su -FEMA | 339.99 |
| 14442 | DHHS Division of Public Health | Water Operator Lic | 150.00 |
| 14443 | Ingram Library Services | Books/Audiobooks | 382.63 |
| 14444 | Gerhold Concrete Co | Su | 95.80 |
| 14445 | Mary's Restaurant | Gift Cert Handivan  | 75.00 |
| 14446 | Steinkraus Service | Fuel | 2,979.90 |
| 14447 | City of Plainview | Pool Sales Tax | 5,734.64 |
| 14448 | City of Plainview | Library Sales Tax | 3,187.28 |
| 14449 | City of Plainview | Manor Sales Tax | 3,187.28 |
| 14450 | City of Plainview | Eco Dev Sales Tax | 3,187.28 |
| 14451 | C&D Closure/Post-Closure | Pmt Cell #2 | 1,823.32 |
| 14452 | New York Life | Emp Ins | 92.20 |
| 14453 | Midwest Bank | Emp HSA  | 400.00 |
| 14454 | Postmaster | Postage | 195.65 |
| 21918 |  |  |  |
| 21923 | City Employees | Payroll 4-15-2020 | 14,008.48 |
| 21924 |  |  |  |
| 21929 | City Employees | Payroll 4-30-2020 | 11,956.92 |
| 21930 | Aflac | Emp Ins | 475.41 |
| 21931 | AKRS Equip | Su | 628.81 |
| 21932 | Alby's Electric | Su | 89.55 |
| 21933 | Barco | Su | 1,114.90 |
| 21934 | Bomgaars | Su | 234.91 |
| 21935 | Brandon Christiansen | Meter Deposit Refund | 165.49 |
| 21936 | Bud's Sanitary Service, LLC | Tote Lease | 1,165.21 |
| 21937 | Bud's Sanitary Service, LLC | Svc | 4,752.00 |
| 21938 | Bush & Roe Inc | Bal. Due Liability Ins | 47,733.50 |
| 21939 | City of Plainview | LB840 Loan Pmt | 160.00 |
| 21940 | City of Plainview C&D Sinking Fund | Pmt  | 2,000.00 |
| 21941 | City of Plv Osm/Plv Housing | Housing Grant Pmt | 42.00 |
| 21942 | Classic Rentals | Su | 188.79 |
| 21943 | Credit Bureau Services | Pmt  | 17.85 |
| 21944 | Curtiss Law Office  | Legal Svc | 1,250.00 |
| 21945 | Eakes Office Solutions | Su | 117.79 |
| 21946 | Elec System Sinking Fund | Pmt | 2,000.00 |
| 21947 | Francotyp- Postalia | Postage | 181.92 |
| 21948 | Great Plains Communications | Svc | 46.85 |
| 21949 | Hansen Repair, Inc | Su/Repairs | 1,159.29 |
| 21950 | Heartland Vet | Su | 6.33 |
| 21951 | Hoffart Repair | Equip  | 519.20 |
| 21952 | Hometown Leasing | Copier Lease | 247.19 |
| 21953 | JEO Consulting Group | Air Emissions Inv | 2,310.00 |
| 21954 | Justin Bruha | Refund | 100.00 |
| 21955 | Keaton Klimek | Meter Deposit Refund | 95.71 |
| 21956 | Kelly Supply Co | Su | 118.79 |
| 21957 | LP Gill Inc | Svc | 14,225.61 |
| 21958 | Mahaska | Su | 82.80 |
| 21959 | Matheson Tri-Gas Inc | Svc | 36.60 |
| 21960 | Midwest Service & Sales | Su- Culverts FEMA | 10,140.70 |
| 21961 | Mitch's Food Center | Su | 72.18 |
| 21962 | NE Public Health Env Lab | Water Tests | 231.00 |
| 21963 | NCPPD | Svc | 12,224.64 |
| 21964 | VOID |  |  |
| 21965 | Plainview Auto Supply | Su | 84.24 |
| 21966 | Plainview Telephone Co | Svc | 1,211.28 |
| 21967 | Rehab Systems Inc | Su | 208.00 |
| 21968 | Rueter's  | Svc | 7,767.75 |
| 21969 | Rutjens Construction Inc | Su | 149.64 |
| 21970 | Sanne Repair | Su -Police Ammo | 1,045.00 |
| 21971 | Schaefer Grain  | Weigh Tickets | 438.00 |
| 21972 | Steinkraus Service | Fuel/Repairs | 3,539.50 |
| 21973 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21974 | West Hodson Lumber | Su | 840.83 |
| 21975 | Western Oil | Fuel | 94.57 |
| 21976 | Winsupply Norfolk NE | Su | 92.20 |
| ACH | Allied Benefit Services | Emp Ins | 6,069.31 |
| ACH | BHE | Svc  | 894.41 |
| ACH | Casey's Business Mastercard | Fuel | 248.39 |
| ACH | Comm Bankers Merch Svc | Credit Processing Fees | 1,074.24 |
| ACH | CrashPlan Pro | Svc | 19.98 |
| ACH | EFTPS | Fed W/H Tax | 4,384.53 |
| ACH | EFTPS | Fed W/H Tax | 3,852.70 |
| ACH | Dearborn Life Ins Co | Emp Ins | 48.00 |
| ACH | Healthplan Services | Emp Ins | 82.20 |
| ACH | Mass Mutual | Pension  | 1,837.55 |
| ACH | Mass Mutual | Pension  | 1,837.55 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | Sales and Use Tax  | 1,922.53 |
| ACH | NE Dept of Rev | State W/H Tax | 1,354.71 |
| ACH | NE UC Fund | Unemp Tax Q1 | 322.88 |
| ACH | Poolweb | Su | 406.85 |
| ACH | Postmaster | Postage | 14.65 |
| ACH | Zoom Video Com Inc | Svc | 15.81 |