REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY MAY 14, 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 14th day of May at 6:30 o’clock P.M.

Roll call was held and present were: Mayor Seip; Council Members: Smith, Cornett, Schlote and Yosten. Absent: none

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.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Schlote moved to approve the April 9th regular meeting minutes. Cornett seconded the motion. Motion carried 4-0.

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

No Manor report was given.

Police report was presented by Chief Yosten. Questions were raised on the status of dogs running at large and also on concerns on sex offenders in town.

City Administrator Holton gave an overview of recent developments with the IRP Loan program that the City was awarded. The question of how to obtain the $100,000 necessary to set aside in the fund was discussed. Council will need to decide in the next month if they desire to turn down the IRP award. Future use of the community building by Plainview Farm & Home Supply on a temporary basis was also discussed.

City Superintendent Curt Hart presented on two pieces of equipment that are needed for the City. The first is a sewer vacuum machine at a cost of around $35,000 to replace the current sewer machine owned by the City. Currently the City contracts out for cleaning of the sewer lines and the purchase of the new equipment would allow the employees to keep that service in house. Discussion on purchase of a new street sweeper was also held as the current equipment is no longer performing as it should even with continued maintenance. A 2015 model could be obtained for around $60,000. Further discussion and action on the equipment will be held at the next meeting of the council.

Hart also updated on the work being done around town to prepare for the summer season in Plainview.

Mayor Seip left at 7:00 PM and Council President Schlote presided for the remainder of the meeting.

Holton also stated that he submitted for FEMA funding in the amount of $250,000 for repairs to the City streets, pumps for the wells and other damages incurred during the March flooding.

He informed that about 10-15 individuals from Plainview had applied for funding with FEMA as well.

**At 7:05 PM Council President Schlote opened the LB840 Public Hearing.**

There were no members of the LB840 board present and the hearing will remain open.

Two Mayor appointments to city board were made to replace members who will be moving from town.

Nathan Stec was recommended to the Health Board to replace Cory Friedrich. Cornett moved to approve the appointment. Yosten seconded the motion. Motion carried 4-0.

Ranae Wacker was recommended to the Pool Board to replace Toni Arehart. Cornett moved to approve the appointment. Yosten seconded the motion. Motion carried 4-0.

Council President Schlote read the following proclamation:

Arbor Day was first observed in 1872, when J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees.

That first Arbor Day more than a million trees were planted in Nebraska, and now Arbor Day is observed throughout the nation and the world.

Trees are very beneficial, some of the benefits are: trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife.

Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products.

Trees increase property values, enhance the economic vitality of business areas, and beautify our community.

Trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Daren Seip, Mayor of the City of Plainview, do hereby proclaim Friday, April 26th, 2019 as ARBOR DAY in the City of Plainview, and I urge everyone to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge everyone to plant trees to promote the well-being of this and future generations.

Motion was made by Cornett and seconded by Smith to approve Ordinance No. 949 on its first reading. Upon roll call vote, the following members voted AYE: Smith, Cornett, Schlote and Yosten. The following voted NAY: none. Motion carried 4-0. Whereupon the Council President declared said Ordinance No. 949 approved on its first reading.

It was moved by Cornett, and seconded by Smith to waive the second and third readings and approve Ordinance No. 949. Upon roll call vote, the following members voted AYE: Smith, Cornett and Schlote. The following voted NAY: Yosten. Motion carried, 3-1. Whereupon the Council President declared Ordinance No. 949 approved on its second and third readings.

**ORDINANCE NO. 949**

AN ORDINANCE TO ADD CHAPTER 11 SECTION 108 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA.

Whereas, the City Code requires update relative to vacant property registration;

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

Section 1. That Chapter 11, Section 108 of the Municipal Code of Plainview, Nebraska, be added to read as follows:

**§11-108 MUNICIPAL PLANNING: PLAINVIEW VACANT PROPERTY REGISTRATION ORDINANCE.**

1. This Ordinance shall be known and may be cited as the Plainview Vacant Property Registration Ordinance
2. FINDINGS: The City of Plainview finds and declares that:
   * + 1. Vacant properties have the potential to create a host of problems for Nebraska communities, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;
       2. Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;
       3. Vacant properties represent unrealized economic growth in Nebraska communities;
       4. A vacant property registration ordinance allows a municipality to discourage property vacancy, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;
       5. Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and
       6. Enactment of this vacant property registration ordinance is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.
3. PURPOSES. The purposes of the Vacant Property Registration Ordinance are to promote the health, safety, and welfare of Plainview residents by providing authority for enacting vacant property registration requirements. Such ordinances will allow communities to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.
4. DEFINITIONS: For purposes of the Vacant Property Registration Ordinance:
   * + 1. Evidence of vacancy means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:
          1. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
          2. An accumulation of abandoned personal property, trash, or other waste;
          3. Visible deterioration or lack of maintenance of any building or structure on the property;
          4. Graffiti or other defacement of any building or structure on the property; or
          5. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business;
       2. Municipality means a city of the first class, city of the second class, or village;
       3. Owner means the person or persons shown to be the owner or owners of record on the records of the register of deeds;
       4. Residential building means a house, a condominium, a townhouse, an apartment unit or building, or a trailer house; and
       5. Vacant means that a residential building or commercial building exhibits evidence of vacancy.
5. APPLICATIONS. The City hereby adopts this vacant property registration ordinance which applies to any type of either residential or commercial buildings, located within the corporate limits of the municipality, except that a vacant property registration ordinance shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof. This vacant property registration ordinance shall create a city-wide vacant property registration data base and clearly designate a program administrator, which shall be the city administrator or his/her designee.
6. REQUIREMENTS.
   * + 1. Owners of vacant property subject to a vacant property registration ordinance shall be required to register such property with the program administrator if the property has been vacant for one hundred eighty days or longer. A vacant property registration ordinance registration form shall be in either paper or electronic form, and the following information shall be required:
          1. The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address of the property owner and his or her agent;
          2. The street address and parcel identification number of the vacant property;
          3. The transfer date of the instrument conveying the property to the owner; and
          4. The date on which the property became vacant.
7. This vacant property registration ordinance requires payment of a fee one hundred eighty days after initial registration of the vacant property pursuant to subsection (1) of this section or three hundred sixty days after the property becomes vacant, whichever is sooner, and requires the payment of supplemental registration fees at intervals every six months thereafter for as long as the property remains on the vacant property registration data base. The initial registration fee shall be $100.00 for a residential property $500.00 for a commercial property. A supplemental registration fee shall be double the previous fee amount, with a maximum supplemental registration fee of ten times the initial registration fee amount. Registration fees may be refundable for the year preceding the date on which the property is no longer vacant.
8. There is an exemption to the registration and fee requirements for vacant property that is advertised in good faith for sale or lease.
9. The vacant property registration ordinance provides exemptions to the registration and fee requirements, including, but not limited to, for vacant property; But only in the discretion of the City Council upon ¾ majority vote, and then only for a period not to exceed one year, IF:

Only considered to be a seasonal residence;

Damaged by fire, weather, an act of God, or vandalism;

Under construction or renovation;

Where the owner is temporarily absent, but who has demonstrated his or her intent to return; and

Which is subject to divorce, probate, or estate proceedings.

* + - 1. A subsequent owner or owners of property subject to the ordinance will assume the obligations of the previous owner or owners;
      2. Property shall be removed from the vacant property registration database when the property is no longer vacant;
      3. Owners of registered property shall submit a plan for occupancy of the property; and
      4. Owners have the right to prior notice and to appeal adverse decisions of the municipality or the program administrator. Such notice shall be sent by certified mail to the registered owner at the address maintained in the register of deeds’ office at least ten days prior to such adverse decision.
      5. The program administrator or his or her designee may inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration data base. The vacant property registration ordinance may be enforced by municipal fines for failure to comply with its requirements, of up to $100.00 per day of violation.
      6. The municipality may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction. Unpaid vacant property registration fees and unpaid fines for any violation of a vacant property registration ordinance shall become a lien on the applicable property upon the recording of a notice of such lien in the office of the register of deeds of the county in which the applicable property is located. The lien created under this subsection shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this subsection is recorded.
      7. The provisions of the Vacant Property Registration Ordinance shall be supplemental and in addition to any other laws of the State of Nebraska relating to vacant property.

Discussion was held on limits for Keno funding in the future and also updates to the requirements for organizations to qualify for Keno funds. The last revision to the plan was in 2011. Council members Cornett and Smith will meet with Holton to provide updates to the council.

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

**RESOLUTION #583**

**WHEREAS,** the City of Plainview, Nebraska, has determined that they are in need of a new dump truck;

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

1. The City shall purchase a 1985 Ford Medium heavy F7000 15 Ton White Dump Truck; VIN 1FDXK74N7FVA13021; from Big Sioux Development Co LLC in Sioux City, IA, and pay the same, in a sum not to exceed $4,000.00, out of the Municipal General Fund.
2. A copy of this resolution shall be taken and accepted as evidence of the authority of such purchase.

Council member Yosten seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Smith, Cornett, Schlote and Yosten Nay: None. Whereupon the Council President declared said motion carried and Resolution #583 is passed and adopted.

Discussion on the hiring of additional life guards as well as seasonal park help was then held. Nikki Mosel, Kaitlyn Dougherty and Brittani Gutz were recommended by the pool board as par-time guards. Wages were also recommended for Mosel at $9.25 per hour and Dougherty and Gutz $9.00 per hour. Cornett moved to approve the recommendations for part-time pool employees and wages. Smith seconded the motion. Motion carried 4-0.

Seasonal city workers were presented to the council by City Administrator Holton. Kenny Hart, Scout Ashburn and Lucas Hammer were recommended to be employed by the city during the summer. Hart was recommended wage was set at $10.50 per hour with Ashburn and Hammer recommended at $9.00 per hour. Cornett motioned to approve the employee and wage recommendations as presented. Yosten seconded the motion. Motion carried 4-0.

A recommendation for an equipment loan from LB840 for Keystone Bar for new picnic tables was discussed. The loan would be for $2,700 at 3% interest with a 2 year term. Cornett motioned to approve the loan. Yosten seconded the motion. Motion carried 4-0.

Discussion on unlicensed vehicles and disclosure of records to the council was tabled.

City Attorney Curtiss gave updates on the property at 206 S King that the city is in the process of purchasing and also an update on the property at 112 S Elm. The county attorney is looking into discrepancies on the past sale of the property.

Holton gave an update on future gap paving and projects to be completed this summer.

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

TIME: 7:44 P.M.

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Brian Schlote, Council President (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 05/14/19; 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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| --- | --- | --- | --- |
| 14153 | City of Plainview | LB840 Loan Pmt | 143.21 |
| 14154 | City of Plv Housing Authority | Housing Loan Pmt | 111.00 |
| 14155 | Almquist, Maltzahn, Galloway & Luth | Audit FY 2018 | 11,275.00 |
| 14156 | Norfolk Daily News | Ads | 45.00 |
| 14157 | L.P. Gill, Inc. | Svc | 15,407.98 |
| 14158 | Great Plains Communications | Svc | 43.59 |
| 14159 | Farmers Pride | Su | 14.22 |
| 14160 | Ingram Library Services | Books/Audiobooks | 91.02 |
| 14161 | City of Plv Housing Authority | Housing Loan Pmt | 100.00 |
| 14162 | Verizon Wireless | Cellphones | 488.89 |
| 14163 | Western Oil, Inc | Fuel | 197.06 |
| 14164 | Dave Friedrich | Svc | 1,268.00 |
| 14165 | Eakes Office Solutions | Svc | 103.95 |
| 14166 | Schaefer Grain Co. | Su | 35.20 |
| 14167 | Carlson Home & Auto Inc | Svc | 99.90 |
| 14168 | Roger Lloyd | Down Pmt Dump Truck | 3,900.00 |
| 14169 | City of Plv Plv/Osm Housing | Housing Loan Pmt | 145.02 |
| 14170 | Plainview Social Center | Pmt | 75.00 |
| 14171 | City of Plainview | Pool Sales Tax | 5,054.59 |
| 14172 | City of Plainview | Library Sales Tax | 3,010.79 |
| 14173 | City of Plainview | Manor Sales Tax | 3,010.79 |
| 14174 | City of Plainview | Eco Dev Sales Tax | 3,010.79 |
| 14175 | Pierce Co Treasurer | Real Estate Tax | 219.40 |
| 14176 | Plainview FFA Boosters | Pmt | 100.00 |
| 14177 | R.F. Machine Works | Su | 286.80 |
| 14178 | Plainview Fire & Rescue | Pmt | 100.00 |
| 14179 | Midwest Bank | Emp HSA | 300.00 |
| 14180 | New York Life | Emp Ins | 77.70 |
| 14181 | GreatAmerica Financial Services | Copier Lease | 143.37 |
| 14182 | Plainview Public Schools | Yearbook Ad | 50.00 |
| 20956 | City Employees | Payroll 4-15-2019 | 18,108.06 |
| 20964 |  |  |  |
| 20965 | City Employees | Payroll 4-30-2019 | 16,628.73 |
| 20973 |  |  |  |
| 20974 | Alby's Electric | Su | 16.39 |
| 20975 | American Red Cross | Learn to Swim | 300.00 |
| 20976 | Axles & Gears Inc | Su | 531.64 |
| 20977 | Barco | Su | 551.57 |
| 20978 | Bazile Aggregate Co LLC | Su | 114.78 |
| 20979 | Bomgaars | Su | 249.84 |
| 20980 | Bud's Sanitary Service LLC | Svc | 4,752.00 |
| 20981 | Bud's Sanitary Service LLC | Svc | 1,165.21 |
| 20982 | Bush & Roe Inc | Bal. Due Liability Ins | 43,599.00 |
| 20983 | Casey's Business Mastercard | Fuel | 2,495.88 |
| 20984 | Casey's General Stores Inc | Fuel | 66.83 |
| 20985 | Chad's Tire Service | Svc | 78.00 |
| 20986 | City of Norfolk | Svc | 380.25 |
| 20987 | City of Plainview C&D Sinking Fund | Pmt | 2,000.00 |
| 20988 | City of Plv CDBG Housing | Housing Loan Pmt | 100.00 |
| 20989 | Classic Rentals | Su | 174.14 |
| 20990 | Creighton News | Subscription | 47.00 |
| 20991 | Curtiss Law Office PC LLO | Svc | 1,250.00 |
| 20992 | Dd Steel | Su | 52.40 |
| 20993 | Eakes Office Solutions | Su | 278.49 |
| 20994 | Echo Group Inc | Su | 2,235.00 |
| 20995 | Electrical Engineering & Equip Co | Su | 304.69 |
| 20996 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 20997 | Farmers Pride | Su | 71.76 |
| 20998 | Floor Maintenance | Su | 79.53 |
| 20999 | Francotyp-Postalia Inc | Postage | 173.25 |
| 21000 | Galls | Su | 36.94 |
| 21001 | Great Plains Communications | Svc | 43.59 |
| 21002 | Green Line Equipment | Su | 2.36 |
| 21003 | HFMNCO LLC | Svc | 1,600.00 |
| 21004 | Hometown Leasing | Copier Lease | 241.88 |
| 21005 | Ingram Library Services | Books/Audiobooks | 416.51 |
| 21006 | Johanna Armour | Meter Refund | 150.00 |
| 21007 | Johnson Repair | Svc | 79.05 |
| 21008 | Kaylene Christensen | Cleaning | 240.00 |
| 21009 | Kimball-Midwest | Su | 166.12 |
| 21010 | L.P. Gill, Inc. | Svc | 20,728.81 |
| 21011 | Mahaska | Su | 110.40 |
| 21012 | Manzer Equipment Inc | Su | 117.72 |
| 21013 | Matheson Tri-Gas Inc | Su | 30.20 |
| 21014 | Mitch's Food Center | Su | 146.57 |
| 21015 | NE Public Health Env Lab | Svc | 30.00 |
| 21016 | NMPP | Su | 49.42 |
| 21017 | NCPPD | Svc | 9,082.89 |
| 21018 | VOID |  |  |
| 21019 | Olson's Pest Technician | Svc | 175.00 |
| 21020 | Petersen Electric | Svc | 691.94 |
| 21021 | Plainview Auto Supply Inc | Su | 505.43 |
| 21022 | Plainview Farm & Home Supply | Electric Incentive | 783.41 |
| 21023 | Plainview News | Ads/Su | 1,111.75 |
| 21024 | Plainview Telephone Co Inc | Svc | 1,250.28 |
| 21025 | Productivity Plus Account | Su | 100.83 |
| 21026 | Schaefer Grain Co. | Su | 759.00 |
| 21027 | Steinkraus Service | Fuel/Tires | 739.40 |
| 21028 | Superior International Industries Inc | Su | 5,497.55 |
| 21029 | Truck Center Companies | Svc | 101.71 |
| 21030 | Verizon Wireless | Cellphones | 489.13 |
| 21031 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21032 | West Hodson | Su | 7,234.41 |
| 21033 | Western Oil, Inc | Fuel | 266.97 |
| 21034 | Whitney White | Mailbox Replacement | 68.44 |
| ACH | Allied Benefit Services | Emp Ins | 10,914.76 |
| ACH | Black Hills Energy | Gas | 1,118.17 |
| ACH | Comm Bankers Merch Svc | Svc | 673.12 |
| ACH | Crashplan Pro | Svc | 19.98 |
| ACH | EFTPS | Fed W/H Tax | 5,083.93 |
| ACH | EFTPS | Fed W/H Tax | 4,797.80 |
| ACH | Dearborn National Life Ins Co | Emp Ins | 66.00 |
| ACH | Healthplan Services Inc | Emp Ins | 129.00 |
| ACH | Mass Mutual | Pension | 2,425.49 |
| ACH | Mass Mutual | Pension | 2,425.49 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | State W/H Tax | 1,306.07 |
| ACH | NE Dept of Rev | Sales & Use Tax | 1,654.18 |
| ACH | NE UC Fund | Unemp Tax | 351.07 |
| ACH | Postmaster | Postage | 14.60 |
| ACH | Postmaster | Postage | 9.96 |