REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY DECEMBER 8, 2015**

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A meeting of the Mayor and Council of the City of Plainview, Nebraska, was held at the Council Chambers in said City on the 8th day of December at 7:00 o’clock P.M. Present were: Mayor Seip; Council Members: Wilson, Naprstek, Dummer and Novicki.

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 Novicki moved to approve the minutes from the regular meeting, November 10, 2015. Wilson seconded the motion. Motion carried 4-0.

Wilson moved to approve claims and payroll against the city. Naprstek seconded the motion. Motion carried 4-0.

Manor Administrator Juleen Johnson was absent.

Police Chief Yosten presented the Police report. A discussion was held regarding the safety of the 9th Street railroad crossing. Administrator Holton told the council he met with NDOR and BNSF to discuss the matter.

Economic Development Director Roger Synovec was absent.

Josh Sirek from Town and Country Insurance was present to discuss the insurance contract that begins February 1, 2016. It was moved by Wilson to keep United Health Care as the City’s insurance provider from February 1, 2016 to January 31, 2017. Naprstek seconded the motion. Motion carried 4-0.

Leigh Alexander was present to give the Final Financial Report regarding the CDBG Housing program. Wilson moved to approve final payment of $2331.00. Dummer seconded the motion. Motion carried 4-0.

Discussion was held regarding Ordinance #929-vacate alley Linwood addition, Block 5. Dummer moved to table until next month so the council can go to the physical site. Naprstek seconded the motion. Motion carried 4-0.

Motion was made by Dummer, seconded by Naprstek to approve Ordinance No. 930. Upon roll call, the following members voted AYE: Wilson, Novicki, Naprstek and Dummer. The following voted NAY: None. Motion carried. Whereupon the Mayor declared Ordinance No. 930 approved on its first reading.

It was moved by Dummer, seconded by Naprstek to approve Ordinance No. 930 on its second and third readings. Upon roll call vote, the following members voted AYE: Wilson, Novicki, Naprstek and Dummer. The following voted NAY: None. Motion carried 4-0. Whereupon the Mayor declared Ordinance No. 930 approved on its second and third readings.

**ORDINANCE NO. 930**

AN ORDINANCE TO REQUIRE A TRACER WIRE INSTALLED ON BURIED WATER AND SEWER LINES.

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

Section 1. That Chapter 3, Section 105.5 of the Municipal Code of Plainview, Nebraska, be added to read as follows:

**3-105.5 NEW WATER AND SEWER INSTALLATIONS; TRACER WIRE REQUIRED**

1. That the Mayor and Council acknowledge that installation of underground plastic water and sewer lines is now a common occurrence, but further note that location and tracing of such lines during other underground activities required in the City is becoming increasingly difficult, time consuming and expensive
2. That therefore ALL new or replacement installations of water or sewer lines shall be accompanied by installation of a tracer wire along with the line, on the following terms:
   1. Wire shall be solid core copper, sized #12 gauge or larger;
   2. Wire will be installed along the entire run of each service line, from the curb stop or connection to the sewer main, to the customers service entry into the served structure, or other termination point above ground;
   3. Installation of the tracer wire shall be the sole responsibility of the Owner of the property; any installation without a tracer wire may be denied service until the required wire is installed;

Section 2. That any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

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

Various mayor appointments were tabled until the regular meeting in January 2016.

Discussion was held on a new garbage contract and Request for Proposals (RFP). The council advised Administrator Holton to work with Attorney Curtiss and draw up a new bid. This bid will go out within the next two weeks. Contract will be awarded at the next regular council meeting in January 2016.

Dummer moved to approve payment to RaDec for $203,743.40 for the new library. Wilson seconded the motion. Motion carried 4-0.

Council member Wilson introduced the following resolution and moved its adoption:

**RESOLUTION #521**

**WHEREAS**, the City of Plainview, a Nebraska Municipal Corporation, d/b/a the Plainview Economic Development under the Local Option Municipal Economic Development Act, owns and is in possession of certain real estate that is now ready to be sold, to-wit:

Lot Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten

(10), Eleven (11) and Twelve (12), Block Twenty-two (22), College Addition

to Plainview, Pierce County, Nebraska

**WHEREAS**, the City of Plainview, a Nebraska Municipal Corporation, d/b/a the Plainview Economic Development under the Local Option Municipal Economic Development Act has determined that sale of said property is in the City’s best interest; and

**WHEREAS**, due to the sale proceeding under the Economic Development Act and therefore not subject to formal sale procedures.

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

1. That sale will be at the price and on the terms agreed and specified by the LB840 Citizen’s Advisory Committee;
2. No additional formality, other than standard real estate law requirements shall apply.

Council member Dummer seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following vote Aye: Wilson, Novicki, Dummer and Naprstek. Nay: None. Whereupon the Mayor declared said motion carried and said Resolution #521 passed and adopted.

Discussion on raising electrical rates was moved to the next regular council meeting in January 2016.

Naprstek moved to approve payment for LB840 signage approval up to $1000.00 each for McManaman Electrical and Plumbing, Ashburn Funeral Home and Serendipity. Dummer seconded the motion. Motion carried 4-0.

Naprstek moved to approve a short term loan from LB840 funds to Kevin Rasmussen. Mr. Rasmussen told the council the monies will be used to make upgrades to his current commercial property. Motion died due to lack of second. The council asked that a member of the LB840 Committee be present next month to discuss reasons for granting the loan.

Discussion was held on overtime for on call employees. Administrator Holton told the council the issue was resolved in house.

The visiting mayor from area NPPD community was unable to attend the council meeting. Attorney Curtiss told the council he had several questions for NCPPD regarding documents he had received.

Discussion was held on a state mandated back-up generator for the primary water well. Council asked Administrator Holton if grants were available for the back-up generator. Holton will provide regulations on said generator to Attorney Curtiss and will table the item until the January 2016 council meeting.

Wilson moved to approve JEO Consultants as Street Superintendent and City Engineer for 2016. Novicki seconded the motion. Upon roll call: AYE: Wilson, Dummer and Novicki. NAY: Naprstek. Motion carried 3-1.

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. 932, approving the Model Ordinances. Seconded by Naprstek. Upon roll call vote, the following members voted AYE: Wilson, Naprstek, Dummer and Novicki. NAY: None. Motion carried 4-0. Whereupon the Mayor declared Ordinance No. 932 approved on its first reading.

It was moved by Wilson, seconded by Dummer to approve Ordinance No. 932 on its second and third readings. Upon roll call vote, the following members voted AYE: Wilson, Naprstek, Dummer and Novicki. NAY: None. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 932 approved on its second and third readings.

**ORDINANCE NO. 932**

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 add §4-402 Abatement of Nuisance.
2. To amend §10-103 Alcoholic Beverages; Retail Establishments; Location
3. To amend §6-206 Abandonment, Neglect, and Mistreatment
4. To amend §6-345 Criminal Mischief
5. To amend §6-101 License and Tax Required; Exemption; Tags
6. To add §5-710 Regulation of Snow, Ice and other Encroachments
7. To add §10-128 Keg Sales; Requirements; Prohibited Acts
8. To add §5-102 Motor Vehicle; Definition
9. To add §8-107 Regulation of Obstructions
10. To amend §8-112 Municipal Property; Public Works Involving Architecture or Engineering; Requirements
11. To amend §1-716 Recall Procedure
12. To amend §1-826 Revision of Budget
13. To amend §4-306 Dead or Diseased Trees
14. To amend §3-1101 Utilities; Discontinuance of Service; Notice Procedure
15. To amend §1-105 Vacancy; General Provisions
16. To amend §6-337 Weeds; Litter; Stagnant Water

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 levying 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 to 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.

Discussion was held on Payment #2 and Change Order #2 for the Street Improvement Project. Dummer moved to approve the payment of $100,091.75-$21,827.50 (amount of change order #2) for $78,264.25. After some discussion, Dummer rescinded his motion. The council asked to table the item until the January 2016 regular meeting and asked that JEO Design Engineer on the Street Improvement Project be present.

Dummer moved to approve payment of $660.00 to Northeast Nebraska Economic Development District. Wilson seconded the motion. Motion carried 4-0.

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

TIME: 10:25 P.M.

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Daren Seip, Mayor (SEAL)

ATTEST:

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Kelly Pendergast, City Clerk/Treasurer

13203 MEAN RITA Pmt 537.41

13204 City of Plv HHS 1360.00

13205 Subway Workshop Refreshments 16.05

13206 Postmaster Water Samples 24.30

13207 Cornhusker Auto Su 105.20

13208 Neb Child Supp Pmt 300.00

13209 Titan Mach Backhoe 93,490.00

13210 Tyler Wells Su 38.37

13211 Curt Hart Reimb-Class 8.00

13212 MEAN Power 72,324.95

13213 Dept of Energy WAPA 6207.24

13214 Source Gas Gas 466.63

13215 Verizon Cell Phone 465.82

13216 City of Plv Pool Sales Tax 5469.28

13217 City of Plv Manor Sales Tax 2757.22

13218 City of Plv Libr Sales Tax 2757.22

13219 City of Plv Econ Dev Sales Tax 2757.22

13220 Chamber Klown Kash 775.00

13221 Neb Child Supp Pmt 300.00

13222 DHHS License 115.00

13223 Postmaster Water Samples 6.35

13224 Dearborn Life Ins 57.90

13225 Postmaster Utility Bills 158.20

13226 Midwest Bank H S A 400.00

17284 thru

17295 City Emp Payroll 11-13-15 16919.75

17296 thru

17305 City Emp Payroll 11-27-15 14644.74

17306 Baum Hydraulics Su 156.43

17307 Casey’s Gas 272.99

17308 Chad’s Tire Svc Services 947.70

17309 City of Norfolk Lab Fees 207.43

17310 City of Plv Utilities 3834.64

17311 Classic Rentals Su 200.73

17312 Comb Rev Bond Pmt 3532.60

17313 Cornhusker Press Su 17.32

17314 Courtesy Ford Su 153.80

17315 Curtiss Law Services 1250.00

17316 DD Steel Su 10.00

17317 3E Su 955.20

17318 Electrical System Sinking Fund 2000.00

17319 Green Line Su 283.56

17320 Hometown Leasing Copier 86.00

17321 Ingram Library Books 532.21

17322 J Aschoff Services 7800.00

17323 JEO Consulting Services 1380.00

17324 Johnson Repairs Repairs 189.40

17325 Kriz Davis Su 53.54

17326 LP Gill Services 11834.25

17327 League of Neb Mun Dues 100.00

17328 Madison Co Bank Pmt 8087.65

17329 Matheson Su 23.40

17330 Midwest Bank Renewal 12.00

17331 Mitch’s Su 55.87

17332 Ne Public Health Samples 130.00

17333 NMPP Tech Support 2656.37

17334 Old Dominion Su 1087.85

17335 Omaha World Herald Renewal 122.20

17336 Plv Auto Su 105.70

17337 Plv Pharmacy Su 7.39

17338 Plv Telephone Phone Service 931.82

17339 Pollard Pumping Services 150.00

17340 Rogers Repair Repairs 419.63

17341 RRE Office Chair 40.00

17342 Schaefer Grain Weigh Tickets 320.00

17343 Steinkraus Serv Fuel/Tires 8926.06

17344 Titan Rentals Pick up rental 375.00

17345 Water Tower Bond Acct 2822.71

17346 Wesco Su 193.67

17647 West Hodson Su 357.00

17648 Zee Medical Su 36.15

ACH Neb Dept of Rev State WH 1259.48

ACH UHC Ins 11,315.65

ACH Neb Dept of Rev Sales Tax 6843.24

ACH Healthplan Svc Vision 99.90

ACH EFTPS Payroll Taxes 5163.41

ACH Comm Bankers CC Machine 495.26

ACH Mass Mutual Pension 2385.18

ACH EFTPS Payroll Taxes 4451.77

ACH Mass Mutual Pension 2393.84

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 12/8/2015; 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.

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Kelly Pendergast, City Clerk/Treasurer (SEAL)