REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY SEPTEMBER 15, 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 15th day of September 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 Dummer asked for an amendment to the Special meeting minutes from August 25th. The minutes erroneously stated he was absent.

Council member Wilson asked the minutes from the regular council meeting on August 11 be amended to show the monies for the Klown Doll Museum came from the Keno grant fund.

Council member Dummer moved to approve the minutes from the special meeting on August 25th, and the regular meeting on August 11. Naprstek seconded the motion. Motion carried 4-0.

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

Discussion was held on claims and payroll. Naprstek moved to cancel the subscription to the Omaha World Herald for the police department. Dummer seconded the motion. Upon roll call, AYE: Dummer, Naprstek and Novicki. NAY: Wilson. Motion carried 3-0.

Manor Administrator Juleen Johnson presented the manor report.

Roger Synovec presented the Economic Development report.

At 7:23 p.m. Mayor Seip opened the Public Hearing on the adoption of the Budget for the 2015-2016 fiscal year. Dummer moved to come out of the Public Hearing and Wilson seconded the motion. Motion carried 4-0. Council member Dummer moved to approve the budget. Naprstek seconded the motion. Motion carried 4-0.

Administrator Holton asked to remove the money transfers as there were none.

At 7:31 p.m. Mayor Seip opened the Public Hearing on the property tax request. Wilson moved to come out of the public hearing. Dummer seconded the motion. Motion carried 4-0.

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

**RESOLUTION #518**

**WHEREAS**, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Plainview passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

**WHEREAS,** a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

**WHEREAS**, it is in the best interests of the City of Plainview that the property tax request for the current year be a different amount than the property tax request for the prior year.

**NOW, THEREFORE**, the Governing Body of the City of Plainview, by a majority vote, resolves that:

1. The 2015-2016 property tax request be set at $196,150 for the General All Purpose Fund and $45,905 for the Bond Fund.
2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2015.

Council member Novicki seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye: Dummer, Wilson, Naprstek and Novicki. Nay: None. Whereupon the Mayor declared said motion carried and said Resolution #518 passed and adopted.

Dummer moved to increase the restricted funds by an additional 1%. Wilson seconded the motion. Motion carried 4-0.

Officer Wells presented the police report and gave an update on unlicensed vehicles.

John Trecek from Ameritas was present to discuss the General Obligation Library Bonds and the Street Improvement Bond Anticipation Notes.

Motion was made by Dummer and seconded by Naprstek to approve Ordinance No. 926 on its second and third readings. Upon roll call, 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. 926 approved on its second and third reading.

Motion was made by Dummer, seconded by Wilson to approve Ordinance No. 926. Upon roll all, 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. 926 approved on its first reading. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted.

ORDINANCE NO. 926

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION LIBRARY BONDS, SERIES 2015 OF THE CITY OF PLIANVIEW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS ($500,000) FOR THE PURPOSE OF CONSTRUCTING A SINGLE BUILDING FOR THE PURPOSE OF HOUSING THE MUNICIPAL LIBRARY OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY FOR THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDRING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Motion was made by Wilson and seconded by Novicki to approve Ordinance No. 927 on its second and third readings. Upon roll call, 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. 927 approved on its second and third reading.

Motion was made by Wilson, seconded by Novicki to approve Ordinance No. 927. Upon roll call, 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. 927 approved on its first reading. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted.

ORDINANCE NO. 927

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2015, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS ($495,000) FOR THE PURPOSE OF PAYING THE COST OF COSTRUCTING PAVING IMPROVEMENTS IN THE CITY OF PLAINVIEW, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTERST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

Discussion was held on the current garbage contract and Council member Dummer instructed Administrator Holton to go out for public bid on the garbage contract. Bids to be accepted for the November regular meeting.

Administrator Holton presented the council with tentative assessment numbers for all residents with proposed street paving. Holton also stated there is no word yet on the grant he submitted to assist in deferring the cost of the street paving project.

At 8:29 p.m. Mayor Seip opened the Public Hearing for consideration and approval to amend a zoning ordinance. Dummer moved to close the hearing. Wilson seconded the motion. Motion carried 4-0. Motion was made by Wilson and seconded by Dummer to approve Ordinance No. 924. Upon roll call vote, the following voted AYE: Wilson, Novicki, Naprstek and Dummer. The following voted NAY: None. Motion carried 4-0. Whereupon the Mayor declared Ordinance No. 924 approved on its first reading.

Motion was made by Dummer, seconded by Naprstek to approve Ordinance No. 924 on its second and third readings. Upon roll call vote, the following voted AYE: Wilson, Novicki, Naprstek and Dummer. The following voted NAY: None. Motion carried 4-0. Whereupon the Mayor declared Ordinance No. 924 approved on its second and third reading. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted.

ORDINANCE NO. 924

AN ORDINANCE TO AMEND A PORTION OF THE ZONING MAP TO THE MUNICPAL CODE OF THE CITY OF PLAINVEW, NEBRASKA.

Whereas, the City Council agrees that an update to change a zoning classification is in the best interests of the City of Plainview.

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

Section 1. That the following tract of land: Lots Ten (10) Eleven (11), and Twelve (12), Block Five (5), Peed’s Addition to the City of Plainview, Pierce County, Nebraska be rezoned from R-2 Two-Family Residential District to HC – Highway Commercial District.

Section 2. The official zoning map of the City of Plainview shall be updated to reflect this change.

Section 3. Any other ordinance or section passed and approved prior to passage, approval and publication of this ordinance and in conflict with its provisions is repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

The public hearing to vacate alley on Linwood addition was tabled until next month.

Motion was made by Wilson, seconded by Dummer to approve Ordinance No. 923. Upon roll call, 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. 923 approved on its first reading.

Motion was made by Wilson, seconded by Novicki to approve Ordinance No. 923 on its second and third readings. Upon roll call, 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. 923 approved on its second and third reading. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted.

ORDINANCE NO. 923

AN ORDINANCE TO AMEND CHAPTER 4 SECTION 211 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA.

Whereas, the City Code requires updates relative to the rates of the Transfer Station;

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

Section 1. That Chapter 4, Section 211 of the Municipal Code of Plainview, Nebraska, be amended to read as follows:

**4-211 TRANSFER STATION SITE; RATES**

All material not priced below “per item” must be weighed on certified scales and scale tickets provided to City. The rates for the Transfer station site shall be set as follows:

Transfer Station Site:

1. Trash other than roofing:
2. All material collected by City contract hauler (hauler paid by City of Plainview): Fifty-one ($51.00) dollars per ton to the nearest ½ ton, or $0.0255 per pound if below 1 ton;
3. All material collected and dumped by haulers other than City contracted hauler: Fifty-four ($54.00) dollars per ton to the nearest ½ ton, or $0.027 per pound if below 1 ton;
4. In all cases, Five ($5.00) dollars minimum if charge per weight is less than that amount; and
5. In all cases, material bagged and totally inside trash bags: Two ($2.00) dollars per bag and need not be weighed.
6. Roofing:
7. From inside Plainview City Limits, Fifty-nine ($59.00) dollars per ton or part of a ton;
8. From outside Plainview City Limits, Sixty-two ($62.00) dollars per ton to part of a ton.

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.

Electrical upgrades were tabled until next month.

Dummer moved to authorize a City Representative to bid on the foreclosed property located on 112 S. Elm Street. Novicki seconded the motion. Upon roll call, AYE: Novicki, Naprstek, and Dummer. NAY: None. Abstain: Wilson. Motion carried 3-0.

Naprstek moved to approve the LB840 recommendation for $1000 for signage for Jim Johnson. Dummer seconded the motion. Motion carried 4-0.

Increase in electrical rates was tabled until next month.

Automatic increase in electrical rates when wholesalers increase was tabled until next month.

Naprstek moved to approve the payment to RaDec for $110,907.27. Wilson seconded the motion. Motion carried 4-0.

Dummer moved to approve the **CDBG payment** of $1909.25 to North East Nebraska Department of Economic Development. Naprstek seconded the motion. Motion carried 4-0.

Motion was made by Dummer, seconded by Naprstek to approve Ordinance No. 925. Upon roll call, the following members voted AYE: Wilson, Naprstek and Dummer. The following voted NAY: Novicki. Motion carried 3-0. Whereupon the Mayor declared Ordinance No. 925 approved on its first reading.

Motion was made by Naprstek, seconded by Dummer to approve Ordinance No. 925 on its second and third readings. Upon roll call, the following members voted AYE: Wilson, Naprstek and Dummer. The following voted NAY: Novicki. Motion carried 3-0. Whereupon the Mayor declared Ordinance No. 925 approved on its second and third reading. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted.

ORDINANCE NO. 925

AN ORDINANCE RELATING TO golf car vehicles; to allow the operation of golf car vehicles within the corporate limits under certain circumstances; to impose restrictions on the use of golf car vehicles; to establish penalties for violation; to repeal conflicting ordinances and sections and to provide an effective date.

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

**Section 1.** That a new Section, Chapter 5 Section 509, shall be added to the Municipal Code of Plainview, Nebraska as follows:

**§5-509 GOLF CAR VEHICLES, OPERATION, RESTRICTIONS.**

1. **GOLF CAR VEHICLES MEANS*:***

(1) At least four wheels;

(2) Maximum level ground speed of less than twenty miles per hour;

(3) Maximum payload capacity of 1,200 pounds;

(4) Maximum gross vehicle weight of 2,500 pounds;

(5) Maximum passenger capacity of not more than 4 persons; and

(6) Designed and manufactured for operation on a golf course for sporting and recreational purposes.

(2) Golf car vehicles may be operated on streets within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

(3) Golf car vehicles may be operated only between the hours of sunrise and sunset and on streets with a posted speed limit of thirty-five miles per hour or less, and shall not be operated at a speed in excess of twenty miles per hour**.**

(4)Any person operating golf car vehicles as authorized in subsection (2) of this section shall:

1. Hold a valid Class O operator’s license; and
2. Have Liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.
3. Liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury to or death of two or morepersons in any oneaccident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(5) Golf car vehicles shall not be operated at any time on any state or federal highway.

(6) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by golf car vehicles only if:

1. The crossing is made at an angle of approximately ninety degree to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(7) For purposes of this section:

(a) Road means a public way for the purposes of vehicular travel, including the entire area within the right-of-way;

(b) Street means a public way for the purposes of vehicular travel in a city or village and includes the entire area within the right-of–way; and

(8) **Additional requirements:**

(a) Any operation of golf car vehicles within the city limits shall, in addition to the requirements above, obey all municipal traffic ordinances and regulations, including, but not limited to, posted speed limits and stop signs; and

(b) Any owner of golf car vehicles who knowingly allows an unlicensed or otherwise unqualified rider to access or operate the owners’ golf car vehicle may be cited for a violation hereunder.

(c) When operating a golf cart vehicle as authorized in subsection (2) of this section, the vehicle shall be equipped with a bicycle safety flag, which extends not less than five feet above ground,attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

**Section 2.** A person who violates this ordinance shall be punished as provided generally in Chapter 12 of the municipal code.

**Section 3**. 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 4**. This ordinance shall be in full force from and after its passage, approval, and publication or posting as required by law.

Discussion was held on trailers/campers parked on residential streets. No action taken.

Naprstek moved to approve a new manager application for a liquor license at Casey’s General Store #1160. Dummer seconded the motion. Motion carried 4-0.

Dummer moved to pay the Civil Penalty amount of $6,000 as stated in the consent decree with DEQ. Wilson seconded the motion. Motion carried 4-0.

Dummer moved to approve the intent to apply for a Trail Grant. Naprstek seconded the motion. Motion carried 4-0.

A Special meeting has been set for September 29th, 2015 at 5:15 p.m. to discuss employee evaluations/salary raises.

A special meeting has been set for September 17th, 2015 at 5:15 p.m. to discuss LB840 recommendations.

Under Council comments, Naprstek asked that all utility billing accounts 61-90 days overdue need to be paid. An agenda item needs to be added to next month regarding pulling meters due to non-payment.

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

TIME: 9:50 P.M.

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Daren Seip, Mayor (SEAL)

ATTEST:

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Kelly Pendergast, City Clerk/Treasurer

13119 Ft Dearborn Ins 69.90

13120 AFLAC Ins 85.67

13121 Carrot-Top Flags 819.20

13122 City of Plv Energy Asst 568.00

13123 Casey’s Su 29.24

13124 MEAN Energy 72,693.95

13125 City of Plv Energy Asst 490.00

13126 J Aschoff June Serv 7800.00

13127 Postmaster Water Samples 21.35

13128 Plv News Ads/Su 1051.78

13129 Shell Fuel 805.86

13130 Ne Child Supp Pmt 300.00

13131 Verizon Mo Svc 465.94

13132 Source Gas Gas 643.45

13133 Curtiss Law Title Work 1116.00

13134 Schweiss Doors Motor 999.95

13135 T Kudera Reimb 80.00

13136 City of Plv Manor Sales Tax 2958.06

13137 City of Plv Econ Dev Sales Tax 2958.05

13138 City of Plv Pool Sales Tax 5563.51

13139 City of Plv Library Sales Tax 2958.06

13140 Ne Child Supp Pmt 300.00

13141 Subway Su 67.41

13142 NE DOL/Boiler Inspection 41.50

13143 Midwest Bank H S A 400.00

13144 Postmaster Utility Bills 122.49

13145 City of Plv Energy Asst 631.13

16993 thru

17023 City Emp Payroll 8-14-15 22,051.74

17024 thru

17043 City Emp Payroll 8-28-15 16,165.30

17044 thru

17062 City Emp Payroll 9-15-15 19,720.72

17063 2 AM Signs Su 60.00

17064 Alby’s Su 79.12

17065 Barco Su 318.88

17066 Bazile Cr Pwr Su 240.95

17067 Bomgaars Su 69.99

17068 Casey’s Gas 467.77

17069 Centurion Tech Renewal 50.00

17070 Chad’s Tire Svc 126.25

17071 City of Plv Util/Meter Refund 4104.84

17072 Classic Rentals Su 195.30

17073 Combined Rev Bond Pmt 2738.65

17074 Cornhusker Auto Repairs 2647.48

17075 Curtiss Law Services 1250.00

17076 Dana Greeno Refund 99.65

17077 Demco Su 522.93

17078 Dept of Energy WAPA 8406.64

17079 Dorothy Chavet Refund 50.13

17080 Electrical System Sinking Fund 2000.00

17081 Family Dollar Su 47.25

17082 Farmer’s Pride Su 395.99

17083 Francotyp-Post Rental 97.49

17084 Green Line Equip Su 7.09

17085 Hoffart Machine Repair Su 118.26

17086 Hoffart Repair Repairs 241.03

17087 Hometown Leasing Copier 86.00

17088 Ingram Library Svc Books 694.22

17089 James Aschoff Aug Svc 7800.00

17090 JEO Consulting Svc 8598.75

17091 Johnson Repair Repairs 365.23

17092 LP Gill Svc 13,998.98

17093 League Membership 1361.00

17094 Little Detroit Body Repairs 132.50

17095 Lorenz Auto Su 16.99

17096 Matheson Su 23.83

17097 M Pommer Svc 500.00

17098 Midwest Bank Qtr Pmts 11868.74

17099 Mitch’s Su 103.88

17100 Moeller Sprinkler Svc 395.82

17101 MEAN Power 81,457.59

17102 NDEQ Fee 1250.00

17103 Ne Public Health Water Samples 30.00

17104 NE Dept of Rev Fee 25.00

17105 NE Library Assn Conference 145.00

17107 Plv Auto Su 168.63

17108 Plv News Ads/Su 851.70

17109 Plv Pharmacy Su 22.55

17110 Plv Telephone Service 933.43

17111 Plv True Value Su 339.95

17112 Pollard Pumping Serv 150.00

17113 Prod Plus Su 237.34

17114 Rogers Repair Repairs 25.00

17115 Sargent Drilling New Well Rehab 7092.38

17116 Schaefer Grain Tickets 494.40

17117 SE Libr System Reg 155.00

17118 Shell Gas 561.34

17119 Special T’s Su 200.30

17120 Spectra Su 143.50

17121 Stan Evans Serv 380.00

17122 Stan Houston Equip Su 39.45

17123 Steinkraus Gas/Repairs 2359.10

17124 Stu Campbell Books 130.80

17125 The Farner Co Su 34.24

17126 Three Rivers Library Reg 20.00

17127 Titan Rentals Rental 2360.00

17128 UpBeat Su 1647.61

17129 Verizon Phones 466.24

17130 Water Tower Bond Pmt 3252.29

17131 Waterlink Svc 539.24

17132 West Hodson Su 306.00

17133 Western Office Su 109.00

17134 Zee Medical Su 21.55

ACH Neb Dept of Rev State WH 1241.54

ACH UHC Ins 11,315.65

ACH Neb Dept of Rev Sales Tax 9309.13

ACH EFTPS Payroll Taxes 6154.64

ACH Comm Bankers CC Machine 448.74

ACH Mass Mutual Pension 2453.66

ACH EFTPS Payroll Taxes 4672.62

ACH Deluxe Checks Su 165.65

ACH Mass Mutual Pension 2453.66

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 9/15/2015; 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)