REGULAR MEETING OF THE CITY COUNCIL

**WEDNESDAY NOVEMBER 13, 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 13th day of November at 6:30 o’clock P.M.

Due to lack of quorum the meeting scheduled for Tuesday, November 12th was continued until November 13th at the same time and location.

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.

Michael Holton was present as City Administrator.

Courtney Retzlaff was present as City Clerk.

Bruce Curtiss was present as City Attorney.

Brookhouser moved to approve the October 8th regular meeting minutes. Smith seconded the motion. Motion carried 4-0.

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

Manor Administrator Juleen Johnson stated that her contract was approved by the Manor Board and will need to be approved by the council in December. Dr. Handke has been approved as the new medical director for the facility, replacing Dr. Grow. Johnson also stated that there will be some changes to the facility insurance.

Police report was given by Chief Yosten. Questions were raised on dog citations and a suggestion was made by the audience to educate the public and children on how to handle dogs they may encounter.

Susan Norris gave the economic development report. The final decision on the DTR grant application will be known before the next council meeting. There are currently 22 applicants for the disaster Housing Trust Fund through Pierce County from Plainview. Norris also updated on Hometown Holidays events to be held in December and that she is still setting a date to meet with the Community Building steering committee to move forward with the project. The City is once again eligible for CDBG funding to help with the cost of the project.

No report was given for City Superintendent.

City Administrator Holton stated he would like to have a special meeting with the council and all employees to discuss concerns of the employees.

Bids have been received for remodeling of the current community building. Discussion was held on the need to seek bids via the City for fixing the west wall of the structure to prevent future water leaks. Holton will advertise for the repairs to the building.

Discussion was held on the annual appreciation party for city employees and boards. The council would like to have the event and also provide Klown Kash to city employees with full time employees receiving $50 and part-time $25. Brookhouser moved to approve the appreciation party. Smith seconded the motion. Motion carried 4-0.

D&K Lanes would like to host a street dance on New Year’s Eve from 3:00 PM to 2:00 AM. Brookhouser moved to approve a SDL license for the event. Yosten seconded the motion. Motion carried 4-0.

**At 7:00 PM Mayor Schlote opened the Public Hearing for the LB840 Update**

Grant Dummer was present to represent the LB840 board and given an update on what the group has done the past 6 months. The RDBG grant was utilized for a loan of $25,000 for Plainview Pharmacy which will be changing ownership at the end of November. A signage grant for Plainview Community Housing, LB840 loan for Keystone for new picnic tables and a short term loan for J&S Interiors.

Brookhouser moved to close the public hearing at 7:05 PM. Smith seconded the motion. Motion carried 4-0.

City Administrator Holton stated the updates to the water meter system will appear on the agenda going forward as staff looks for the best options to replace the current meters and handheld reader.

Motion was made by Brookhouser and seconded by Smith to approve Ordinance No. 950 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. 950 approved on its first reading.

It was moved by Brookhouser, and seconded by Sanne to approve Ordinance No. 950 on its second and third readings. 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 Ordinance No. 950 approved on its second and third readings.

**ORDINANCE NO. 950**

AN ORDINANCE TO AMEND CHAPTER 3 SECTION 1101 TO THE MUNICIPAL CODE OF THE CITY OF PLAINVIEW, NEBRASKA

Whereas, the City Code requires updates relative to utility disconnect notice

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

**Section 1.** That Section, 3-1101, of the Municipal Code of Plainview, Nebraska, shall be amended to read as follows:

**§**Section 3-1101 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.

9. A statement that the domestic subscriber will be subject to an autopay agreement prior to the reconnection of service if there have been two (2) or more disconnects in a calendar year;

Discussion was held on increases to the water and sewer rates. The proposed changes were presented to the council at the October meeting. The rates would be increased incrementally over the next 3 years. The council agreed to table to the next meeting with a separate ordinance to be created for the water and sewer rates.

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

**RESOLUTION #593**

**INTERMEDIARY RELENDING PROGRAM LOAN**

**RESOLUTION OF THE CITY COUNCIL**

**WHEREAS**, The City of Plainview, herein called the “Public Body”, intends to obtain assistance from the United States of America, acting through the U. S. Department of Agriculture, herein called the “Government”, acting under the provisions of the Intermediary Relending Program (IRP) (7 C.F.R. Part 4274 Subpart D).

**NOW THEREFORE**, in consideration of the premises, the Public Body hereby resolves:

The Public Body hereby applies for, approves and accepts an IRP loan in the sum not to exceed **$ 400,000.00** under the terms offered by the Government and set forth in the Letter of Conditions, the IRP Promissory Note, the IRP Loan Agreement and IRP Pledge and Security Agreement attached hereto and made a part hereof. Such terms are as follows: 30-year loan, amortized at the rate of 1-percent interest per annum. Principal payments will be deferred for a period of three years. Annual interest payments will be made during the deferral period. Amortized annual payments of principal and interest will begin 4 years from the date of the Promissory Note.

The Mayor and City Administrator of the Public Body’s Board of Directors are hereby authorized, empowered and directed to execute and to take all action necessary or appropriate to comply with said Letter of Conditions, the IRP Promissory Note, IRP Loan Agreement and the IRP Pledge and Security Agreement and all other written instruments as may be required to evidence and secure said IRP Loan. The Public Body hereby resolves to abide by the terms of the Letter of Conditions, the IRP Promissory Note, the IRP Loan Agreement, and the IRP Pledge and Security Agreement and all other written instruments evidencing and securing said loan.

Council member Sanne seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Smith, Brookhouser, Yosten and Sanne Nay: None. Whereupon the Mayor declared said motion carried and Resolution #593 is passed and adopted.

**At 7:15 PM Mayor Schlote opened the Public Hearing for the One and Six Year Road Plan**

Comments from the public included the need to continue with paving each year, improvement is necessary to keep our town growing and also concerns over increased traffic on roads that are paved. The reallocation of sales tax funding was suggested by Mayor Schlote as an option for alleviating the burden on property owners who would be subject to paving assessments. Yosten moved to close the public hearing at 7:26 PM. Brookhouser seconded the motion. Motion carried 4-0.

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

**RESOLUTION #592**

**WHEREAS,** the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Plainview, and

**WHEREAS,** a public meeting was held on the 13th day of November 2019 to present this plan and there were no objections to said plan;

**THEREFORE, BE IT RESOLVED BY THE** Mayor and City Council of Plainview, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.

1. M493 (46) 2019-2020- Concrete surfacing of Lincoln Avenue approximately 250 feet east of Main Street to approximately 200 feet west of First Street - $250,000
2. M493 (35) 2019-2020 – Concrete surfacing of Euclid Avenue from Second Street to Third Street - $100,000
3. M493 (48) 2019-2020 – Concrete surfacing of Ellsworth Avenue from Third Street to Fourth Street - $100,000
4. M493 (57) FUTURE – Concrete surfacing of Woodland Avenue from Fourth Street to Ninth Street - $543,000
5. M493 (55) FUTURE – Concrete surfacing of Pilcher Avenue from Pond Street to Plum Street - $132,000
6. M493 (38) FUTURE – Concrete surfacing of Lincoln Avenue from Second Street to Third Street - $100,000
7. M493 (39) FUTURE – Concrete surfacing of Ellsworth Avenue from Second Street to Third Street - $100,000
8. M493 (44) FUTURE – Concrete surfacing of Euclid Avenue from Third Street to Fourth Street - $100,000
9. M493 (45) FUTURE – Concrete surfacing of Lincoln Avenue from Third Street to Fourth Street - $100,000
10. M493 (59) FUTURE – Concrete surfacing of Pond Street from Park Avenue to Pilcher Avenue - $101,000
11. M493 (60) FUTURE – Concrete surfacing of Congress Street from First Street to Second Street - $90,000
12. M493 (61) FUTURE – Concrete surfacing grading of Third Street from Congress Street to Locust Avenue - $100,000
13. M493 (63) FUTURE- Concrete surfacing of Seventh Street from Park Avenue to Pilcher Avenue; Pilcher Avenue from Seventh Street to Eighth Street; Eighth Street from Pilcher Avenue to Park Avenue - $418,000
14. M493 (64) FUTURE- Concrete surfacing of Pine Street from Lincoln Avenue to Harper Avenue; Harper Avenue from Pine Street to King Street - $183,000

Council member Smith seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Smith, Brookhouser, Yosten and Sanne Nay: None. Whereupon the Mayor declared said motion carried and Resolution #592 is passed and adopted.

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

**RESOLUTION #594**

**WHEREAS,** the City of Plainview, Nebraska has received requests for signs on 6th Street designating a deaf child living in the area;

**AND WHEREAS,** the Mayor and City Council deem it to be in the best interest of the citizens of Plainview that a sign be posted;

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

1. Sixth Street, beginning at the intersection of Sixth Street with Pilcher Avenue, and running north to a point one half block north of the intersection of 6th Street with Woodland Avenue, shall be posted with a sign indicating Caution for a Deaf Child; city officials shall obtain and post such sign as soon as possible.

Council member Brookhouser seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Smith, Brookhouser, Yosten and Sanne Nay: None. Whereupon the Mayor declared said motion carried and Resolution #594 is passed and adopted.

Discussion was held on the Year-End Certification of City Street Superintendent for Plainview. The City contracts with Miller & Associates with Reed A. Miller, License S-514, Class A serving as the City Street Superintendent.

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

**RESOLUTION #595**

**WHEREAS:** State of Nebraska Statues, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

**WHEREAS:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

**WHEREAS:** The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**WHEREAS:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of the City Street Superintendent form by the Mayor or Village Board Chairperson.

Council member Yosten seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Smith, Brookhouser, Yosten and Sanne Nay: None. Whereupon the Mayor declared said motion carried and Resolution #595 is passed and adopted.

A discussion was held on the current restricted parking on North King Street, east of the high school. Superintendent Dr. Arlt was present to ask for the council to evaluate the current restrictions in place and make changes in order to increase parking closer to the school for students and visitors. A resolution will have to be passed by the council to formally make any changes. Council will revisit at the next council meeting.

City Administrator Holton spoke to the council about a meeting that was held in August between resident Wesley Eisenman and Holton. Holton stated that he discussed with Eisenman concerns over him running a home based business at his residence. The meeting resulted in both parties exchanging words and Holton apologized for his actions. Council was shown pictures of the properties that are in question for operating as a home based business and it was stated that Holton is within his job duties to make sure zoning regulations are followed.

Holton stated that the official recall votes had been calculated and that council member Brookhouser was retained.

City Attorney Curtiss updated on the dangerous dog case from this summer. Six complaints were filed against the owners with Curtiss allowing them to reduce to one complaint and pay the necessary fines. The defendants chose not to accept this plea deal and they will be going to trial on December 11th. The dog that was involved in the attacks this summer is no longer in their possession. Curtiss also stated that he had received over 300 pages of material from EMC Insurance in regards to the Workers Compensation litigation. Questions on the status of properties the City is pursuing to purchase were also raised.

City council member Smith questioned the status of the Hanks property and hardware store, both of which are awaiting results from asbestos testing before demolition can begin. Council member Brookhouser thanked all those who supported her during the recall election.

Mayor Schlote updated that he had watched the after school pickup procedure at the schools to make sure all resident concerns were addressed.

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

TIME: 8:08 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 11/13/19; 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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| --- | --- | --- | --- |
| 14292 | Echo Group Inc | Su | 47.88 |
| 14293 | Eakes Office Solutions | Svc | 128.19 |
| 14294 | Plainview Auto Supply Inc. | Su | 121.90 |
| 14295 | Zee Medical Service | Su | 23.10 |
| 14296 | Western Oil, Inc | Fuel | 403.23 |
| 14297 | Hoffart Machine Repair | Svc | 68.80 |
| 14298 | Alby's Electric | Su | 3.57 |
| 14299 | Electrical Engineering & Equip.Co. | Su | 89.11 |
| 14300 | Schaefer Grain Co. | Su | 23.00 |
| 14301 | Baum Hydraulics Corp | Su | 52.02 |
| 14302 | LP Gill Inc | Svc | 14,486.15 |
| 14303 | Donna Christiansen | Reim | 161.24 |
| 14304 | Nebraska Library Commission | Svc | 500.00 |
| 14305 | Mitch's Food Center | Su | 30.72 |
| 14306 | Volkman | Su | 116.00 |
| 14307 | Omaha World-Herald | Subscription | 66.91 |
| 14308 | Norfolk Daily News | Subscription | 161.00 |
| 14309 | Bonta Lawn Care | Svc | 112.00 |
| 14310 | Olson's Pest Technician | Svc | 175.00 |
| 14311 | Eakes Office Solutions | Svc | 127.47 |
| 14312 | Kaylene Christensen | Cleaning Svc | 240.00 |
| 14314 | Water Tower Bond Acct | Pmt | 28,118.45 |
| 14315 | Verizon Wireless | Cellphones | 487.80 |
| 14316 | Plainview News | Ads/Su | 1,205.32 |
| 14317 | Tyler Wells | Per Diem Reim | 130.44 |
| 14318 | Bruce Yosten | Per Diem Reim | 155.61 |
| 14319 | Jerry Neumann | Per Diem Reim | 161.48 |
| 14320 | Plainview Ballbackers LLC | Pmt | 1,000.00 |
| 14321 | Plainview Public Schools | Pmt | 1,000.00 |
| 14322 | City of Plainview | Pool Sales Tax | 6,505.55 |
| 14323 | City of Plainview | Library Sales Tax | 3,762.14 |
| 14324 | City of Plainview | Manor Sales Tax | 3,762.14 |
| 14325 | City of Plainview | Eco Dev Sales Tax | 3,762.14 |
| 14326 | Midwest Bank | Emp HSA | 400.00 |
| 14327 | Ingram Library Services | Books/Audiobooks | 556.24 |
| 14328 | New York Life | Emp Ins | 77.70 |
| 14329 | GreatAmerica Financial Services | Copier Contract | 143.37 |
| 14813 | Eileen Bramer | Reim | 34.54 |
| 21522 |  |  |  |
| 21527 | City Employees | Payroll 10-15-2019 | 15,470.83 |
| 21528 |  |  |  |
| 21534 | City Employees | Payroll 10-30-2019 | 13,613.85 |
| 21535 | Aflac | Emp Ins | 475.41 |
| 21536 | Alby's Electric | Su | 15.29 |
| 21537 | American Legal Publishing Corp | Svc | 735.00 |
| 21538 | Barco | Su | 339.05 |
| 21539 | Bomgaars | Su | 155.18 |
| 21540 | Eileen Bramer | Reim | 39.29 |
| 21541 | Bud's Sanitary Service LLC | Svc | 4,752.00 |
| 21542 | Bud's Sanitary Service LLC | Tote Lease | 1,165.21 |
| 21543 | Bullseye Fire Sprinkler Inc | Svc | 350.00 |
| 21544 | City of Norfolk | Svc | 126.75 |
| 21545 | City of Plainview | LB840 Loan Pmts | 223.21 |
| 21546 | City of Plainview | Street Pmt | 5,578.90 |
| 21547 | City of Plainview C&D Sinking Fund | Pmt | 2,000.00 |
| 21548 | City of Plv CDBG Housing | Housing Pmt | 100.00 |
| 21549 | City of Plv Housing Authority | Housing Pmt | 322.00 |
| 21550 | City of Plv Plv/Osm Housing | Housing Pmt | 196.53 |
| 21551 | Classic Rentals | Svc | 179.03 |
| 21552 | Comfort Inn | Hotel Rooms | 881.55 |
| 21553 | Courtney Retzlaff | Reim | 14.98 |
| 21554 | Curt Hart | Reim/Mileage | 73.32 |
| 21555 | Curtiss Law Office | Legal Fees | 1,250.00 |
| 21556 | Dd Steel | Su | 189.39 |
| 21557 | Donna Christiansen | Reim | 464.64 |
| 21558 | Doug Pinkelman Painting | Svc | 747.61 |
| 21559 | Electrical Engineering & Equip.Co. | Su | 669.80 |
| 21560 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 21561 | Floor Maintenance | Su | 69.36 |
| 21562 | Francotyp-Postalia Inc | Postage | 181.92 |
| 21563 | Great Plains Communications | Svc | 43.59 |
| 21564 | Green Line Equipment | Su | 55.42 |
| 21565 | Hometown Leasing | Copier Contract | 155.88 |
| 21566 | Ingram Library Services | Books/Audiobooks | 529.67 |
| 21567 | Itron Inc | Svc | 1,724.83 |
| 21568 | JEO Consulting Group Inc | Svc | 11,700.00 |
| 21569 | Jody Hulen | Meter Refund | 295.35 |
| 21570 | Kimball-Midwest | Su | 171.12 |
| 21571 | Mahaska | Su | 139.20 |
| 21572 | Matheson Tri-Gas Inc | Su/Svc | 124.32 |
| 21573 | Mike Holton | Reim | 563.75 |
| 21574 | Mitch's Food Center | Su | 160.72 |
| 21575 | Municipal Supply Inc of Omaha | Su | 1,129.04 |
| 21576 | NE Public Health Env Lab | Svc | 273.00 |
| 21577 | NMPP | Su | 108.69 |
| 21578 | NE Rural Water Assoc | Registration | 75.00 |
| 21579 | NCPPD | Svc | 8,005.36 |
| 21580 | \*VOID\* |  |  |
| 21581 | Personnel Concepts | Su | 599.08 |
| 21582 | Plainview Auto Supply Inc | Su | 315.63 |
| 21583 | Plainview Public Schools | Liq. Licenses | 900.00 |
| 21584 | Plainview Telephone Co | Phone Svc | 1,235.55 |
| 21585 | POAN | Dues | 45.00 |
| 21586 | Pomp's Tire Service | Su | 638.00 |
| 21587 | Productivity Plus Account | Su | 328.93 |
| 21588 | Renea Benson | Meter Refund | 162.76 |
| 21589 | Schaefer Grain Co. | Svc | 480.00 |
| 21590 | Steinkraus Service | Fuel/Tires | 1,913.67 |
| 21591 | Three Rivers Library System | Registration | 25.00 |
| 21592 | Tyler Lindsay | Meter Refund | 200.00 |
| 21593 | Walton Appliance & Repair | Su | 18.00 |
| 21594 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21595 | West Hodson Lumber | Su | 67.12 |
| 21596 | Western Oil, Inc | Fuel | 208.20 |
| 21597 | Willow Creek Veterinary Service | Svc | 158.26 |
| ACH | Allied Benefit Services | Emp Ins | 10,807.18 |
| ACH | Black Hills Energy | Gas | 328.21 |
| ACH | Casey's Business Mastercard | Fuel | 2,352.33 |
| ACH | Community Bankers Merch Svc | Credit Card Svc | 688.68 |
| ACH | Crashplan Pro | Svc | 9.99 |
| ACH | Dept of Health | Lic Renewal Hart | 115.00 |
| ACH | EFTPS | Fed W/H Tax | 4,655.21 |
| ACH | EFTPS | Fed W/H Tax | 4,249.74 |
| ACH | Dearborn Life Ins Co. | Emp Ins | 66.00 |
| ACH | Healthplan Services Inc | Emp Ins | 94.20 |
| ACH | Koshin America Corp | Su | 45.96 |
| ACH | Mass Mutual | Pension | 2,328.74 |
| ACH | Mass Mutual | Pension | 2,328.74 |
| ACH | Midwest Bank | Svc | 50.00 |
| ACH | NE Dept of Rev | State W/H Tax | 1,331.59 |
| ACH | NE Dept of Rev | Sales & Use Tax | 1,820.44 |
| ACH | NE UC Fund | Unemp Ins | 125.16 |
| ACH | Office Max | Su | 69.27 |
| ACH | Postmaster | Postage | 20.55 |