REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY SEPTEMBER 10, 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 10th day of September at 6:30 o’clock P.M.

Roll call was held and present were: Mayor Schlote; Council Members: Smith, Brookhouser, and Yosten. 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 August 13th regular meeting minutes. Yosten seconded the motion. Motion carried 3-0.

Brookhouser moved to approve the August 20th special meeting minutes. Yosten seconded the motion. Motion carried 3-0.

Brookhouser moved to approve the August 27th special meeting minutes. Yosten seconded the motion. Motion carried 3-0.

Brookhouser moved to approve claims and payroll. Yosten seconded the motion. Motion carried 3-0.

Manor report was given by Juleen Johnson. She stated that Jamie Norris was serving as the newly appointed member on the Manor board and that the audit of the financials was completed on August 28th. The assisted living facility received a deficiency free report during the recent inspection.

Officer Tyler Wells presented the monthly police report. Questions were addressed on the status of the dog that was discussed in August and also on the proper procedure for light duty citations in the City of Plainview.

Economic Development director Susan Norris gave her monthly report. PCED was awarded a $500,000 grant to assist with damages from the March 13th flood. The money can be utilized by those who were denied payment by FEMA with maximum funding per home of $25,000. Evans Construction will be submitting new bids to the council for basic remodeling of the community building to include flooring and paint. Members of the steering committee for the proposed community center will be meeting this month to continue moving forward with the project. Norris also updated that new owners for Plainview Pharmacy will take over operations on December 1st and longtime owners Bill and Mona Michael will be retiring.

City Superintendent Curt Hart reported on meeting with FEMA to assess flood damages, the pool was winterized and GIS locates for water and sewer will be completed in the coming weeks. Hart along with Troy Johnston and Russ Cleveland attended training in Wayne for solid waste and backflow prevention. A water main break was also repaired over Labor Day weekend.

City Administrator Holton stated that the public hearings for the 2019-2020 budget and property tax request will be held on Monday, September 16th at 7:30 PM and 7:45 PM.

Mayor Schlote gave a brief reflection on Patriot’s Day and then invited Rev. Bucklew to lead everyone in prayer.

Schlote reported that he had received 4 written applications for the open council position and recommended Bryon Alder to the city council. Yosten moved to accept the nomination. Motion failed due to lack of a second. The next nomination will have to occur at the meeting on September 16th. Council member Smith stated that he would like to know who the candidates are before they make a decision.

Schlote then took his official oath of office for the Mayor position.

Council discussed the special election that will need to be set in regards to the recall petition for Council member Brookhouser. Smith moved to hold the election on Tuesday, November 12, 2019. Yosten seconded the motion. Motion carried 3-0. A signed letter from the Mayor and City Administrator needs to be sent to the county notifying them of the date.

Representatives from TC Energy were present to talk about the proposed contractor yard and RV site to be located outside of Plainview. Robert Latimer, Senior Land Representative of the Keystone XL Project along with zoning and security representatives spoke of why they had selected Plainview and what the area would be utilized for. Approximately 300 RV temporary parking spaces will be constructed along with storage for necessary equipment, with the entire area enclosed, requiring employees to scan in and out to access the site. TC Energy provides 24 hour security of the area and works in conjunction with the local law enforcement. The workers would be staying for one full construction season to start in the spring of 2020 and lasting until that fall.

**At 7:15 PM Mayor Schlote opened the Public Hearing for DTR Slum and Blight Designation**

Susan Norris gave a brief overview of the $400,000 grant available for downtown revitalization. The money would be utilized by any business downtown that wishes to update their exterior as well as bring the building up to code inside with flooring, plumbing and electric. The first step in obtaining these funds is to declare the downtown as meeting the definition of substandard and blighted. The planning process will take approximately one year with a $50,000 planning grant to be applied. The City will need to match $10,000 from economic development funds.

At 7:23 PM Brookhouser moved to close the public hearing. Yosten seconded the motion. Motion carried 3-0.

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

**RESOLUTION #589**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA DECLARING A CERTAIN AREA OF THE CITY TO MEET THE BLIGHTED AND SUBSTANDARD AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW FOR THE PURPOSE OF A CDBG PLANNING GRANT APPLICATION**

**WHEREAS,** the City of Plainview, Nebraska is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and, the Downtown Revitalization Area meets the definitions of the following conditions of Substandard and Blight in accordance with the Nebraska Community Development Law including: physical deterioration, of buildings, private improvements, and public infrastructure, average of properties,

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

Section 1. The Plainview Downtown Redevelopment Area is hereby declared to meet the definitions of substandard according to the criteria set forth in Section 18-2013(31) of the Nebraska Community Development Act. The Downtown Redevelopment Area is more particularly described as follows on Attachment 1.

Section 2. The Plainview Downtown Redevelopment Area is hereby declared to meet the definitions of blighted according to the criteria set forth in Section 18-2103(3)(a) of the Nebraska Community Development Act and at least one of the factors set forth in (i) through (iv) of Section 18-2103(3)(b) of the Act, as described and set forth in Attachment 1.

Section 3. The Plainview Downtown Redevelopment Area meets the CDBG National Objective of slum and blight on an area basis (SBA).

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 and Yosten Nay: None. Whereupon the Council President declared said motion carried and Resolution #589 is passed and adopted.

Discussion continued with the TC Energy representatives. Concerns over potential crime in town as well as comments on the financial impact to the City were heard. Any further discussion will need to go through a public hearing with the zoning board and then the final decision will be made by the council.

City Superintendent Hart presented 2 options for updates to the handheld to read the current water meters. Both quotes provided would cost the City less than $10,000.

LB840 Board recommended reimbursement for signage to Plainview Community Housing for an updated sign for the building. Brookhouser moved to approve $100 for the sign. Smith seconded the motion. Motion carried 3-0.

City Attorney Curtiss informed the council that a petition had been received by the City from the State of Nebraska Workers’ Compensation Court. Bruce Yosten has filed against the City of Plainview and its insurer Employer’s Mutual Casualty Co for failure or refusal to provide benefits to him. The injury was reported as occurring on November 9, 2018 and the petition was on August 19, 2019. Curtiss stated that the petition will go through the proper legal proceedings with lawyers for EMC Insurance and Yosten. The City was not notified of the injury to Yosten prior to the petition being received.

Curtiss also stated in regards to the proposal from TC Energy that the zoning process is outlined in the zoning code book but that additional requirements could be made by the council if necessary.

Council member Smith encouraged all in attendance to research the TC Energy projects to make an informed decision when the time comes.

Public comments were received in regards to the speed limits on 3rd Street, jake braking on highways and streets in town and issues related to parking around the school when children are picked up.

It was moved by Brookhouser, seconded by Smith to adjourn the meeting. Motion carried 3-0.

TIME: 8:20 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 09/10/19; 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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| --- | --- | --- | --- |
| 14243 | Pierce Co Treasurer | License | 20.00 |
| 14255 | Postmaster | Postage | 51.70 |
| 14256 | Scottsbluff County Court | Garnishment | 81.37 |
| 14257 | Pinkelman Truck & Trailer | Svc | 5,372.17 |
| 14258 | Cedar County Court | Citation  | 149.00 |
| 14259 | Plainview News | Ads/Su | 452.98 |
| 14260 | Jen Hodson | Reim | 132.00 |
| 14261 | City of Plv Housing Authority | Pmt | 111.00 |
| 14262 | City of Plv Osm/Plv Housing | Pmt | 42.00 |
| 14263 | New York Life | Emp Ins | 77.70 |
| 14264 | City of Plainview | Pool Sales Tax | 7,027.27 |
| 14265 | City of Plainview | Library Sales Tax | 4,017.51 |
| 14266 | City of Plainview | Manor Sales Tax | 4,017.51 |
| 14267 | City of Plainview | Eco Dev Sales Tax | 4,017.51 |
| 14268 | Scottsbluff County Court | Garnishment | 81.37 |
| 14269 | Midwest Bank | Emp HSA | 400.00 |
| 14270 | Postmaster | Postage | 225.05 |
| 21359 |  |  |  |
| 21382 | City Employees | Payroll 8-15-2019 | 26,897.49 |
| 21383 |  |  |  |
| 21391 | City Employees | Payroll 8-30-2019 | 16,656.94 |
| 21392 | Alexa Meyer | Balance Due Private Lessons | 105.00 |
| 21393 | Aflac | Emp Ins | 475.41 |
| 21394 | AWWA | Membership Dues | 309.00 |
| 21395 | Andrea Haase | Balance Due Private Lessons | 50.00 |
| 21396 | Barco | Su | 624.49 |
| 21397 | Bazile Aggregate Co LLC | Su | 48.30 |
| 21398 | Bomgaars | Su | 200.70 |
| 21399 | Eileen Bramer | Reim | 83.52 |
| 21400 | Brittany Waldow | Balance Due Private Lessons | 425.00 |
| 21401 | Bud's Sanitary Service, LLC | Svc | 4,752.00 |
| 21402 | Bud's Sanitary Service, LLC | Tote Lease | 1,165.21 |
| 21403 | Caiti Ziegenbein | Balance Due Private Lessons | 650.00 |
| 21404 | Caroline Akinnigbagbe | Intern Pmt | 297.00 |
| 21405 | Carroll Construction Supply | Su | 421.49 |
| 21406 | City of Plainview | LB840 Loan Pmts | 373.21 |
| 21407 | City of Plainview C&D Sinking Fund | Pmt | 2,000.00 |
| 21408 | City of Plv CDBG Housing | Pmt | 100.00 |
| 21409 | City of Plv Housing Authority | Pmt | 100.00 |
| 21410 | Classic Rentals | Su | 187.71 |
| 21411 | Curt Hart | Mileage Reim | 60.55 |
| 21412 | Curtiss Law Office | Legal Svc | 1,250.00 |
| 21413 | Danelle Osler | Meter Refund | 350.00 |
| 21414 | Doug Pinkelman Painting | Svc | 1,985.00 |
| 21415 | Electrical System Sinking Fund | Pmt | 2,000.00 |
| 21416 | Engelhardt TV & Communications | Su | 570.00 |
| 21417 | Floor Maintenance | Su | 57.31 |
| 21418 | Great Plains Communications | Svc | 43.59 |
| 21419 | GreatAmerica Financial Services | Copier Lease | 143.37 |
| 21420 | Green Line Equipment | Su | 58.14 |
| 21421 | Heartland Fire Protection Inc | Svc | 802.80 |
| 21422 | HFMNCO LLC | Svc | 1,850.00 |
| 21423 | Hometown Leasing | Copier Lease | 241.88 |
| 21424 | Jade Rickard | Balance Due Private Lessons | 450.00 |
| 21425 | Kaylene Christensen | Svc | 240.00 |
| 21426 | Kimball-Midwest | Su | 92.06 |
| 21427 | League of NE Municipalities | Membership Dues | 1,917.00 |
| 21428 | Mahaska | Su | 82.80 |
| 21429 | Matheson Tri-Gas, Inc | Su | 115.24 |
| 21430 | Menards | Su | 67.24 |
| 21431 | Mitch's Food Center | Su | 507.51 |
| 21432 | Municipal Pipe Services Inc | Su | 3,070.00 |
| 21433 | NDEQ- Fiscal Services | Permits- C&D/Transfer | 1,250.00 |
| 21434 | NE Public Health Env Lab | Svc | 165.00 |
| 21435 | NE Dept of Rev | Recycling Fee | 25.00 |
| 21436 | NMPP | Training | 75.00 |
| 21437 | NCPPD | Svc | 8,771.96 |
| 21438 | \*VOID\* |  |  |
| 21439 | Perry Clause | Meter Refund | 284.33 |
| 21440 | Plainview Auto Supply  | Su | 22.68 |
| 21441 | Plainview News | Ads  | 5.89 |
| 21442 | Plainview Telephone Co | Svc | 1,213.33 |
| 21443 | Schmader Electric Co | Su | 11,890.00 |
| 21444 | Schoenauer Truck Repair | Svc | 306.25 |
| 21445 | Sophia MacGregor | Balance Due Private Lessons | 75.00 |
| 21446 | Special T's & More | Su | 86.35 |
| 21447 | Steinkraus Service | Fuel | 423.20 |
| 21448 | Utilities Section  | Membership Dues | 852.00 |
| 21449 | Water Tower Bond Acct | Pmt | 2,800.83 |
| 21450 | Waterlink, Inc | Qtrly Pmt | 539.24 |
| 21451 | West Hodson Lumber | Su | 1,252.60 |
| ACH | Allied Benefit Services | Emp Ins | 10,807.18 |
| ACH | Black Hills Energy | Gas | 12.51 |
| ACH | Black Hills Energy | Gas | 297.71 |
| ACH | Casey's Business Mastercard | Fuel | 2,344.05 |
| ACH | Comm Bankers Merch Svc | Svc | 585.26 |
| ACH | CrashPlan Pro | Svc | 9.99 |
| ACH | EFTPS | Fed W/H Tax | 7,397.37 |
| ACH | EFTPS | Fed W/H Tax | 4,920.30 |
| ACH | Family Dollar | Su | 43.15 |
| ACH | Dearborn 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 | Midwest Bank | Pmt | 114.69 |
| ACH | NE Dept of Rev | State W/H Tax | 1,483.66 |
| ACH | NE Dept of Rev | Sales & Use Tax | 2,361.18 |