REGULAR MEETING OF THE CITY COUNCIL

**TUESDAY SEPTEMBER 12, 2017**

A meeting of the Mayor and Council of the City of Plainview, Nebraska, was held at the Council Chambers in said City on the 12th day of September at 7:00 o’clock P.M.

Roll call was held and present were: Mayor Seip; Council Members: Cornett, Novicki, Naprstek and Schlote. 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 minutes of the August 8th regular meeting. Naprstek seconded the motion. Motion carried 4-0.

Schlote moved to approve the minutes of the August 15th special meeting. Naprstek seconded the motion. Motion carried 4-0.

Schlote moved to approve the minutes of the August 30th special meeting. Naprstek seconded the motion. Motion carried 4-0

Schlote moved to approve claims and payroll against the city. Novicki seconded the motion.

Motion carried 4-0.

Manor report was given by Juleen Johnson. An update on the generator was given and the Johnson stated that the underground electric to the building was completed and construction of the building will need to wait until concrete is poured. Council members were given copies of the 2017-2018 budget for the Manor to review and the report from the auditor for last year looked good. Johnson also stated she had heard nothing from FEMA for funding of the generator and that the facility will stay with all the same insurance providers with the exception of workman’s compensation. The mayor will need to find a replacement for current board member Gale Retzlaff as per the bylaws he has missed too many meetings.

Chief Yosten presented the police report. Council had questions regarding the new dog licenses and the speed radar signs.

City Superintendent Cederburg reported that the fire hydrant at the football field was replaced and the road to the east of the field was also repaired. Naprstek raised concerns on the drainage around town and there was a question on the removal of dilapidated buildings around town.

Susan Norris was present to give the economic development report. Updates were given on 3 businesses in town that are in the process of ownership changes. Josh Schmitz is working toward purchasing True Value with plans to expand the business and be open by the end of October. Scott Born will be taking over the Post Café and re-opening Mary’s Restaurant as soon as possible. D&K Lanes also has an interested candidate and Norris will keep the council updated on this development. The park board is also in the process of applying for a grant from the Nebraska Games and Parks to purchase new playground equipment for Chilvers Park.

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

**RESOLUTION #556**

The City of Plainview, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of replacing playground equipment in Chilvers Park.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Plainview, Nebraska has budgeted its 50 percent match of the proposed total project funds and will allocated these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Plainview, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Plainview, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and the intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property developed under this project shall, without the approval of the Nebraska Games and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions and deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Plainview, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Plainview, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future project, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Plainview, Nebraska at a duly advertised public meeting held this 12th day of September, 2017.

Council member Cornett seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Novicki, Naprstek, Schlote, Cornett Nay: None. Whereupon the Mayor declared said motion carried and Resolution #556 is passed and adopted.

Mayor Seip then appointed Lyn Stec to fill a vacancy created when Mandy Huigens moved out of town. Schlote motioned to approve Stec’s appointment. Novicki seconded the motion. Motion carried 4-0.

Keith Harvey from NCPPD then discussed the power outage contract between the city and NCPPD. Linemen will be in Plainview on September 27th for a meet and greet with the public from 10:00 A.M to 12:00 P.M. at the community building. Crews from NCPPD have been in town to become familiar with the current system. The outage agreement would provide service in the event of an outage and if there were any damages to the system that were deemed to be dangerous, NCPPD would repair as necessary. Harvey discussed the different options available with the contract and suggested a 3 month contracted that could be renewed or terminated at any time.

Naprstek moved to sign the power outage agreement with NCPPD beginning on October 1st for 3 months with City Administrator Holton having the authority to extend as needed for 30 days at the time of renewal. Cornett seconded the motion. Motion carried 4-0.

John Trecek from Ameritas Investment Corporation was present to discuss the bond anticipation notes for the street paving districts. The total amount of the bonds will be $575,000 with an interest rate to not exceed 3.15%. Trecek stated that the bonds would be available within 30 days from the passage of the ordinance and the current notes are due on October 15 of this year.

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

**RESOLUTION #554**

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA, as follows:

Section 1. That the following notes, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the notes will cease:

Street Improvement Bond Anticipation Notes, Series 2015, dated October 20, 2015, in the outstanding principal amount of $495,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

**Principal Amount** $495,000

**Maturing October 15** 2017

**CUSIP** 726693 JX3

Said bonds are hereinafter referred to as the “Refunded Notes.”

Said Refunded Notes are subject to redemption at any time on or after April 15,2016, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. These bonds are to be paid at the office of the City Treasurer in Plainview, Nebraska, as Paying Agent and Registrar.

Section 3. The Mayor or Clerk/Treasurer of the City (each, an “Authorized Officer”) are each individually hereby authorized at any time on or after the date of this resolution to direct the irrevocable call of the Refunded Notes on behalf of the City and such direction, when made in writing (the “Direction for Call”), shall constitute the action of the City without further action of the Mayor or Council of the City.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Notes to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Notes not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Notes, and to take all other actions deemed necessary in connection with the redemption of the Refunded Notes.

Council member Naprstek seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Novicki, Naprstek, Schlote, Cornett Nay: None. Whereupon the Mayor declared said motion carried and Resolution #554 is passed and

adopted.

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

**RESOLUTION #555**

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF PLAINVIEW, NEBRASKA, as follows:

Section 1. That the following notes, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the notes will cease:

Street Improvement Bond Anticipation Notes, Series 2016, dated February 16, 2016 in the outstanding principal amount of $240,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

**Principal Amount** $240,000

**Maturing October 15** 2017

**CUSIP** 726693 JY1

Said bonds are hereinafter referred to as the “Refunded Notes.”

Said Refunded Notes are subject to redemption at any time on or after August 15, 2016, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. These bonds are to be paid at the office of the City Treasurer in Plainview, Nebraska, as Paying Agent and Registrar.

Section 3. The Mayor or Clerk/ Treasurer of the City (each, an “Authorized Officer”) are each individually hereby authorized at any time on or after the date of this resolution to direct the irrevocable call of the Refunded Notes on behalf of the City and such direction, when made in writing (the “Direction for Call”), shall constitute the action of the City without further action of the Mayor or Council of the City.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Notes to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Notes not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Notes, and to take all other actions deemed necessary in connection with the redemption of the Refunded Notes.

Council member Cornett seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Novicki, Naprstek, Schlote, Cornett Nay: None. Whereupon the Mayor declared said motion carried and Resolution #555 is passed and adopted.

Motion was made by Naprstek and seconded by Cornett to approve Ordinance No. 940 on its first reading. Upon roll call vote, the following members voted AYE: Cornett, Novicki, Naprstek and Schlote. The following voted NAY: None. Motion carried 4-0. Whereupon the Mayor declared said Ordinance No. 940 approved on its first reading.

It was moved by Schlote, and seconded by Cornett to approve Ordinance No. 940 on its second and third readings. Upon roll call vote, the following members voted AYE: Cornett, Novicki, Naprstek and Schlote. The following voted NAY: None. Motion carried, 4-0. Whereupon the Mayor declared Ordinance No. 940 approved on its second and third readings.

**ORDINANCE NO. 940**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2017, OF THE CITY OF PLAINVIEW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS ($575,000) TO REFUND CERTAIN OUSTANDING INTERIM INDEBTEDNESS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING OFFICERS OF THE CITY TO FINALIZE TERMS OF THE BONDS; 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 ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

City Administrator Holton gave an overview of the 2017-2018 budget and discussed the transfers that will be for the general account. A public hearing will be held on September 18th at 5:30 P.M. to approve the budget and tax levy for the next year. Novicki motioned to approve the meeting on September 18th. Cornett seconded the motion. Motion carried 4-0.

Corrine Janovec was present on behalf of the Klown Doll Museum for discussion on using the Carnegie Library building for an art gallery. A memorandum of understanding was presented to the council which Holton explained placed too much liability on the city going forward for the operation of the museum. A long term plan for the facility is needed and there has been some interest from others to purchase the building. After some discussion the council decided to not sign the MOU and place the building up for sale. Naprstek motion to approve a resolution for the sale of the old library. Cornett seconded the motion. Motion carried 4-0.

Plainview Fitness owners Brett Claussen, Jamie Stark and Tyler Holton were present to discuss their new business with the council. The group has obtained a $20,000 loan from their bank and is seeking the remaining $5,000 of start-up costs from LB840 funds. The group is also seeking $1,000 for signage for the facility. The gym would allow 24-hour access to patrons and would bring back value to the community. Naprstek recommended to approve a $5,000 loan for 3 years at 2% interest with the balance forgiven after 2 years of payments and also $1,000 for signage. Novicki seconded the motion. Motion carried 4-0.

Discussion was held on the sale of farm land where the former lagoon was located. A survey was recently completed for the 20.25 acres and sale of the land would need to be completed by sealed bids or a live auction.

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

**RESOLUTION #538**

**WHEREAS,** the City of Plainview, Nebraska owns and is in possession of certain real property that is not needed for City purposes, to-wit:

Part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW ¼) of Section Three (3), Township Twenty-seven (27) North, Range Four (4), West of the 6th P.M., Pierce County, Nebraska, As per attached survey, “Tract 1”

**WHEREAS**, the City of Plainview, Nebraska has determined that sale of said real property is in the City’s best interest;

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

1. That sale will be by live auction, date to be advertised;
2. Bids submitted shall provide for a minimum price of $2,000/Acre

Council member Schlote seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted Aye; Novicki, Naprstek, Schlote, Cornett Nay: None. Whereupon the Mayor declared said motion carried and Resolution #538 is passed and adopted.

Council then discussed the repair to the roof at the power plant. Guaranteed Roofing of Norfolk agreed to complete the entire project with payment installments made for 3 fiscal years. Naprstek moved to approve the roof with 3 payments of $43,000. Cornett seconded the motion. Motion carried 4-0.

Roger Stelling was present to speak to the council about the definition a nuisance property and discuss what he needs to complete at his property. Holton stated that there were no further issues with Stelling’s property and the council is to revisit in October to see if a general cleanup has been completed.

A brief discussion on curfew hours and a separate phone line for non-emergency police calls was held and will be carried over to the October meeting.

City Attorney Curtiss informed the council that the sale of the property north of Curtiss Law is ongoing and as soon as the current owners have completed their complete, he will move forward with the purchase for the city.

City Administrator Holton gave a brief report on the future of the electric system, the current purchase order system and the Annual Conference of the League to be held September 20-22 in Lincoln.

Council comments were questions about publishing building permits in the newspaper and the installation of stop signs by Zion Lutheran Church. An update on the recycling center was also given.

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

TIME: 9:52 P.M.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daren Seip, Mayor (SEAL)

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Courtney Retzlaff, City Clerk/Treasurer

13699 Carla Christiansen Comm Hall Reim 25.00

13700 Cassie Stelling Comm Hall Reim 25.00

13701 Ingram Library Services Supplies 548.05

13702 IIMC Dues 160.00

13703 Hawkins, Inc Su 864.00

13704 Plainview Auto Su 56.09

13705 Utilities Section Dues 787.00

13706 L.P. Gill Svc 13174.38

13707 Municipal Pipe Services Svc 2500.00

13708 Mitch’s Su 631.55

13709 Western Oil Fuel 414.41

13710 Plainview News Ads/Su 817.84

13711 City of Plainview HHS Assistance 250.00

13712 Verizon Cellphones 478.24

13713 City of Plainview HHS Assistance 290.00

13714 Family Dollar Su 10.70

13715 Kylie Mosel Library Intern 291.50

13716 Synchrony Bank/Amazon Su 821.61

13717 City of Plainview Sales Tax Pool 6043.49

13718 City of Plainview Sales Tax Library 3132.05

13719 City of Plainview Sales Tax Manor 3132.05

13720 City of Plainview Sales Tax Eco Tax 3132.05

13721 American Legion Auxillary Su 20.00

13722 New York Life Emp Ins 165.70

13723 City of Plv/Osm Housing Payment 20.00

13724 Postmaster Postage 8.50

13725 Midwest Bank HSA 400.00

13726 Curtiss Law Office Trust Act 100.00

13727 Postmaster Postage 157.93

19162

19183 Thru Payroll 8-15-2017 23968.76

19184

19197 Thru Payroll 8-30-2017 17236.18

19198 Aflac Emp Ins 206.57

19199 Alby’s Electric Svc 150.92

19200 American Water Works Assoc Dues 300.00

19201 Bader’s Highway & Street Svc 16596.00

19202 Bazille Aggregate Co LLC Su 284.00

19203 Bomgaars Su 255.56

19204 Eileen Bramer Reim 99.00

19205 Bud’s Sanitary Service, LLC Svc 4752.00

19206 Bush & Roe, Inc Work Comp Audit 2088.00

19207 Caitlin Kumm Pmt 63.00

19208 Carrot-Top Industries, Inc Su 262.02

19209 Casey’s Fuel 619.75

19210 City of Plainview Pmt 5030.82

19211 City of Plainview C&D Sinking Pmt 2000.00

19212 Classic Rentals Su 310.31

19213 Combined Revenue Pmt 3168.96

19214 Curtiss Law Office Pmt 1250.00

19215 Custom Heating-Air Conditioning Svc 212.50

19216 DD Steel Su 28.21

19217 Dept of Energy Svc 7107.11

19218 Donna Christiansen Reim 291.41

19219 Eakes Office Solutions Su 774.88

19220 Electrical System Sinking Fund Pmt 2000.00

19221 Emily Bolz Pmt 63.00

19222 Floor Maintenance Su 55.61

19223 Galls Su 39.99

19224 Great Plains Communications Svc 35.61

19225 GreatAmerica Financial Services Svc 143.37

19226 Green Line Equipment Su 3508.69

19227 Hoffart Repair Svc 30.65

19228 Hometown Leasing Svc 86.00

19229 Humanities Nebraska Pmt 100.00

19230 Ingram Library Services Su 652.61

19231 Jen Hodson Reim 28.40

19232 Jerry Neumann Reim 32.50

19233 Joan Kumm Pmt 84.00

19234 Johnson Repair Svc 143.81

19235 Karlee Eisenmann Meter Refund 200.00

19236 Kimball-Midwest Su 170.92

19237 L.P. Gill, Inc Svc 15848.75

19238 Lentz Small Engine Marine Svc 133.03

19239 Mahaska Su 55.20

19240 Matheson Tri-Gas, Inc. Su 27.86

19241 Menards Su 113.23

19242 Mike Mc Plumbing/Electric Svc 845.45

19243 Milestone Land Surveying LLD Svc 1500.00

19244 Mitch’s Food Center Su 38.53

19245 Moeller Sprinkler Service Svc 21.76

19246 MEAN Power/RITA 87391.91

19247 Municipal Supply Inc of NE Su 831.69

19248 NDEQ Fiscal Services Permits 1250.00

19249 NE Public Health Env Lab Svc 410.00

19250 NMPP Su 1430.86

19251 One Office Solution Su 40.87

19252 Plainview Auto Supply Su 81.78

19253 Plainview Telephone Svc 942.56

19254 Plainview True Value Su 619.22

19255 Schaefer Grain Svc/Su 564.30

19256 Shefl Trenching Svc 1500.00

19257 Special T’s & More Su 501.15

19258 Spectra Associates, Inc. Su 221.00

19259 Stan Houston Equipment Su 62.96

19260 Steinkraus Service Fuel/Su 3640.02

19261 The Farner Co, Inc. Su 34.24

19262 Water Tower Bond Acct Pmt 2800.83

19263 WaterLink, Inc Su 539.24

19264 West Hodson Lumber Su 1044.80

19265 Western Oil LLC Fuel 440.30

19266 Willow Creek Vet Service Svc 102.50

19267 Zee Medical Service Su 217.69

ACH Black Hills Energy Svc 764.57

ACH Casey’s Su 42.25

ACH Comm Bankers Merchant Svc 708.30

ACH EFTPS Payroll Tax 7430.54

ACH NE Dept of Rev State Tax W/H 1481.82

ACH EFTPS Payroll Tax 5496.57

ACH Mass Mutual Pension 2692.88

ACH NE Child Support Payment 725.00

ACH NE Dept of Rev Sales Tax W/H 12227.35

ACH Ameritas Vision Ins 70.50

ACH Subway Su 47.07

ACH Dearborn National Emp Ins 69.90

ACH United Healthcare Emp Ins 12709.53

ACH NE Child Support Payment 725.00

ACH Mass Mutual Pension 2692.88

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 9/12/17; 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Courtney Retzlaff, City Clerk/Treasurer (SEAL)