

April 21, 2015  
Broken Bow, Nebraska

A meeting of the Mayor and Council of the City of Broken Bow, Nebraska was convened in open and public session at 12:00 Noon on April 21, 2015 in the Municipal Building at Broken Bow, Nebraska. Present were Mayor Cecil Burt; Council President Chad Schall; Councilmembers Cody Schmick, Bill Adams, and Rod Sonnichsen. Absent: None. Notice of the meeting was given in advance thereof as required by law. Advance notice of the meeting was also given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and all members of the Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Burt stated that the Open Meeting Act was posted on the north wall of the Council Chambers.

Mayor Burt led the Council in reciting the Pledge of Allegiance.

Mayor Burt presented the Consent Agenda and stated that the items on the Consent Agenda were approval of the Council Minutes of the March 24, 2015 regular meeting; approval of Volunteer Fire Department Officers effective April 14, 2015; approval of Broken Bow Volunteer Fire Department effective April 14, 2015; approve request for SDL by Schmick's Market to cater Wedding Reception on Saturday, April 25, 2015 between the hours of 4:00 P.M. and 1:00 A.M. at the Broken Bow Municipal Auditorium located at 314 South 10<sup>th</sup> Avenue; approval of claims for the April 21, 2015 council meeting:

Payroll – 30,078.19; EFTPS Online Payment 16,427.69; Nebraska Child Support Payment Center 209.50; State Income Tax WH 2,301.14; ATCO 230.00; Absolute Plumbing 1,634.45; Angie Neben 66.74; B&D Diamond Pro 5,460.00; Bound Tree Medical 321.38; Broken Bow Ambulance Service 370.97; Broken Bow Chamber of Commerce 920.00; Broken Bow Clinic 456.00; Broken Bow Municipal Utilities 6884.09; Central Fire and Safety 146.00; Century Link 806.00; Chemsearch 485.22; CitiBusiness Cards 346.22; Custer County Chief 346.22; Custer Public Power 69.12; Doug Staab 39.07; E-Z Guide Products 372.95; Elaine Bayer 92.05; Electrical Engineering & Equipment 3,298.50; Garrett Tires & Treads 40.95; Grassland Hospital 55.00; Great Plains Communications 49.94; Grocery Kart 1.17; Hunters Repair LLC 155.00; Insurance Aid Services 918.72; JEO 810.00; Lawson Products 674.75; League of Municipalities 2,187.00; Master Cleaners 39.08; Matheson Tri-Gas Inc. 110.39; Mead Lumber 796.54; Med Tech Resource 55.38; NLA Public Library 90.00; Nebraska Law Enforcement Training Center 50.00; Overnite Auto 307.90; Paula Daily 10.68; Paulsen Inc. 2,707.50; Penquin Management 1,068.00; Plains Equipment Group 64.43; Platte Valley Comm. 196.49; Powerplan 1,448.96; Prachts Ace Hardware 890.80; Province Plumbing 338.00; Ramada Inn 280.00; Ross Electric 1,083.62; S&L Sanitary 49.30; Shirts, Signs, Mugs & More 45.00; SourceGas 1,591.37; Titan Machinery 13.56; Trotter Service 2,201.59; Two Reds Automotive 12.21; US Bank Equipment Finance 303.97; V-Bar Sales & Service 1,044.88; Verizon Wireless 181.05; Wenquist Inc. 278.43; Whoa & Go-West 266.18.

It was moved by Councilmember Schall and seconded by Councilmember Sonnichsen that the Consent Agenda be approved. The Mayor stated the motion. Upon roll call the clerk called the roll. Upon roll call the vote was as follows: Ayes: Adams, Schall and Sonnichsen. Nays: None. Abstain: Schmick. Motion carried.

City Administrator Brent Clark presented a Memorandum of Understanding between the City of Broken Bow, Ag Society and Sargent Pipe Co stating that the City will be responsible for 70% of the cost for the construction of the new lift station located at the Custer County Fairgrounds and the Broken Bow Utilities will be responsible for the remaining 30% of the project. Water/Sewer Superintendent Darren Marten stated that the MOU had been approved by the Ag Society at their Board meeting and stated that the City of Broken (Utilities and General Fund) will be acquiring a loan for said project at approximately 2.5% interest on a 20 year loan and the Ag Society agrees to reimburse the City of Broken Bow on the 1<sup>st</sup> day of the month following the City's Bond payment. After discussing the MOU, it was moved by Councilmember Schall and seconded by Councilmember Sonnichsen to approve the MOU as presented. The Mayor stated the motion and upon roll call the vote was as follows: Adams, Schmick, Sonnichsen and Schall. Nays: None. Motion carried.

Leah Harvey, Events Coordinator for the Todd Becker Foundation, appeared before the Mayor and Council requesting permission to closed South 8<sup>th</sup> Avenue between South D and Highway 2 from 7:00 A.M. on July 10<sup>th</sup> to 1:00 A.M. on July 11<sup>th</sup> for the Todd Becker Foundation's touring summer event BLOCKSTOP and stated that this event will run in conjunction with Crazy Days. After discussing the request, it was moved by Councilmember Schmick and seconded by Councilmember Schall to approve the request as made by the Todd Becker Foundation. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Sonnichsen, Schall and Schmick. Nays: None. Motion carried.

Resolution 2015-07 authorizing the City of Broken Bow Handi Bus to apply for federal funds available under Section 5311 of the Federal Transit Act was presented to the Council for their approval. It was noted that the Federal share of this program will be \$32,289 with the State and City share being \$14,948.00. It was moved by Councilmember Schall and seconded by Councilmember Adams that Resolution 2015-07 authorizing the City of Broken Bow Handi Bus to apply for the federal funds be adopted. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Sonnichsen, Schall, Adams and Schmick. Nays: None. Motion carried.

City Administrator Brent Clark presented Resolution 2015-08 authorizing payment to JEO Consulting Group in the amount of \$8,261.00 for work completed through March 13, 2015 on the Downtown Improvement Project-Project No. 101-54-21. After discussing the payment, it was moved by Councilmember Schall and seconded by Councilmember Sonnichsen that Resolution 2015-08 approving payment to JEO in the amount of \$8,261.00 for work completed through March 13, 2015 on the Downtown Improvement Project-Project No. 101-54-21 be adopted. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams, Sonnichsen and Schall. Nays: None. Motion carried.

Councilmember Schall introduced Ordinance No. 2015-04 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, PROVIDING FOR THE REMOVAL OF PARKING RESTRICTIONS ON THE

NORTH SIDE OF NORTH C STREET BETWEEN NORTH 5<sup>TH</sup> AND NORTH 6<sup>TH</sup> AVENUES WITHIN THE CORPORATE LIMITS OF THE CITY OF BROKEN BOW, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PART OF ORDINANCES THAT ARE IN CONFLICT WITH THIS ORDINANCE” and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Adams seconded the motion. The Mayor stated the motion and instructed the Clerk to call the roll. The Clerk called the roll and the following was the vote: Ayes: Adams, Sonnichsen, Schmick and Schall. Nays: None. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance. Said Ordinance was then read by title and thereafter Councilmember Schall moved for final passage of the Ordinance, which motion was seconded by Councilmember Adams. The Mayor stated the question, “Shall Ordinance No. 2015-04 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Schmick, Sonnichsen, Schall and Adams. Nays: None. Motion carried. 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 and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto.

City Administrator Brent Clark presented a request for approval of obtaining a credit card for the City of Broken Bow with a \$10,000 limit. Clark stated that this will prevent employees from having to wait for reimbursement and using their own personal cards when attending city related conferences or purchases. Clark further stated that the City would receive two credit cards with one remaining in his possession and the other card being kept in the vault when not being used. He also noted that receipts for each purchase on the card must be turned in. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schall to authorize a credit card for the City of Broken Bow with a \$5,000 credit limit. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams, Sonnichsen and Schall. Nays: None. Motion carried.

City Administrator Brent Clark requested that the Mayor and Council authorize the City Administrator to approve potential emergency change orders on City projects. After discussing the request, it was moved by Councilmember Schmick and seconded by Councilmember Sonnichsen to approve the request with the stipulation that the City Administrator contact the Council President for any change order in excess of \$5,000.00. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall, Sonnichsen and Schmick. Nays: None. Motion carried.

Mayor Cecil Burt presented a request from the Broken Bow Library Board authorizing the City of Broken Bow to apply for a CCCSS Grant under the Civic Center in the amount of \$375,000 for the library renovation/expansion project. After discussing the grant process, it was moved by Councilmember Schmick and seconded by Councilmember Adams to approve the City of Broken Bow applying for a \$375,000 grant from the CCCSS under the Civic Center. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Sonnichsen, Schall, Schmick and Adams. Nays: None. Motion carried.

Library Director Joan Birnie informed the Council that their website is up and running and donations for the project can be made through the website. She also noted that other grant applications for this project were in the process of being submitted.

Andy Holland appeared before the Council requesting authorizing to proceed with advertising for bids for the purchase of a 2016 Type 1 (pickup style ambulance). Holland informed the Council that the new unit will not be an ALS but the necessary equipment can be installed at a later date should the City decide to become an ALS service. After discussing the request, it was moved by Councilmember Sonnichsen and seconded by Councilmember Schall to authorize the Broken Bow Ambulance Service to proceed with advertising for bids for a new unit. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick, Schall and Sonnichsen. Nays: None. Motion carried.

Mayor Cecil Burt proclaimed Friday, April 24, 2015 as “Arbor Day” in the City of Broken Bow.

City Administrator Brent Clark informed the Council that the date for the Council Retreat has been set for Saturday, May 16<sup>th</sup> at 8:00 A.M.

Comments by the Mayor and Council:

Council President Chad Schall expressed his appreciation to the Broken Bow Library Board and committees for the hours they have spent on the renovation/expansion project.

Councilmember Rod Sonnichsen expressed his appreciation to the City of Broken Bow and all of the citizens of this community for the prayers, support and words of encouragement that he and his family have received during Deb’s illness.

Mayor Cecil Burt encouraged everybody to attend the Poker Run to benefit Deb Sonnichsen

Lee Issacson appeared before the Mayor and Council informing him that he had purchased the lots on the South side of the City Square and would be constructing a new building to house Barney Insurance. He stated that he had not been made aware of the high water problems and that this was going to result in an additional cost of an estimated \$35,000 and requested TIF funds from the City. City Administrator Brent Clark has discussed with City Attorney Jason White on whether the project qualifies for TIF and advised Mr. Issacson to appear before the CRA Board with this request.

At 12:55 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that we enter into closed session for the purpose of discussing police union negotiations, it being clearly necessary for the protection of the public. The City representatives that shall remain present during the closed session are Mayor Cecil Burt, Council President Chad Schall, Councilmembers Cody Schmick, Bill Adams, Rod Sonnichsen, City Administrator Brent Clark, City Attorney Jason White and Chief of Police Steve Scott. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick, Sonnichsen and Schall. Nays: None. Motion carried.

Mayor Cecil Burt stated that the only item to be discussed during closed session will be police union negotiations.

At 1:18 P.M. it was moved by Councilmember Schall and seconded by Councilmember Sonnichsen that closed session be adjourned. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Sonnichsen, Schall, Adams and Schmick. Nays: None. Motion carried.

Mayor Burt stated that the only item discussed during closed session was Police Union Negotiations.

At 1:19 P.M. it was moved by Councilmember Schmick and seconded by Councilmember Schall to enter into closed session for the purpose of discussing proprietary information, it being clearly necessary for the protection of the public. The City representatives that shall remain present during the closed session are Mayor Cecil Burt, Council President Chad Schall, Councilmembers Cody Schmick, Bill Adams, Rod Sonnichsen, City Administrator Brent Clark and City Attorney Jason White. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams, Sonnichsen and Schall. Nays: None. Motion carried.

Mayor Cecil Burt stated that the only item to be discussed during closed session is proprietary information.

At 1:24 P.M. it was moved by Councilmember Schmick and seconded by Councilmember Sonnichsen that closed session be adjourned. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Schall, Sonnichsen and Adams. Nays: None. Motion carried.

At 1:25 P.M. it was moved by Councilmember Schmick and seconded by Councilmember Sonnichsen that the Council meeting of the City of Broken Bow be adjourned.

Ayes: Schall, Adams, Schmick and Sonnichsen.

Nays: None.

Motion carried.

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Mayor, Cecil Burt

ATTEST:

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Elaine L. Bayer, City Clerk