

Broken Bow City Council
Meeting Minutes
April 26th, 2016

The Broken Bow City Council met in regular session on Tuesday, April 26th, 2016. Notice of the meeting was given in advance thereof as required by law. Availability of the agenda and related materials was communicated in the advanced notice to the Mayor and all members of the Council, as well as, shared with various media outlets. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Burt called the meeting to order at 12:02 P.M., with the following Councilmembers present; Schall, Neth, and Adams. Absent: Sonnichsen. Following the pledge of allegiance, Mayor Burt announced the availability of the open meetings law.

Moved by Neth, seconded by Schall, to approve the consent agenda for April 26th, 2016. Said motion includes approval of Minutes of the April 12th, 2016 Council Meeting, Bills to Date, and Fireworks Application for the Broken Bow Volunteer Fire Department. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. Motion carried.

Aflac \$912.43, \$124.32, \$287.82; Arrow Seed \$71.94; BSN Sports \$618.78; Bennett Premium Lighting \$375.80; Biblionix \$1,700.00; Bon Tool Co. \$1,327.00; Cardmember Services \$933.58; Carquest of Broken Bow \$75.03; Cecil Burt Inc. \$39.82; Central Ne Economic Dev District \$25.00; Century Link \$85.49; City Flex Benefit Plan \$182.29, \$150.000; City of Broken Bow Pension Fund \$2,058.72, \$6,494.88, \$1,222.16; Custer County Chief \$203.10, \$64.00; Dan Anderson \$262.05; Danko Emergency Equipment Co \$41.87; Dave Dunkel \$14.08; Dollar General – Regions 410526 \$33.45; EFTPS Online Payment \$1,888.64, \$6,220.27, \$8,075.16; Family Heritage \$87.75; Fyr-Tek \$510.75; Hometown Leasing \$200.17; Ingram Library Services \$2,333.66; Insurance Aid Services \$1,125.21; Island Supply Welding Co. \$33.26; Jeff Roach \$15.34; K. Joan Birnie \$136.11; Laurie French \$641.99; Lindsay Booker \$40.00; Matheson Tri-Gas Inc. \$38.52; Mead Lumber – Broken Bow \$728.22; Michael Burnett \$110.00; Mid American Research Chemical \$372.50; Mid State Engineering & Testing \$1,154.50; Nancee Coufal \$282.00; Nebraska Child Support Payment Center \$460.00; Nebraska Dept of Revenue \$2,410.00; Nebraska Environmental Products \$200.00; Nebraska Library Association \$30.00; OSA/Computers Plus \$154.23; Obrien's True Value \$332.09; Omaha State Bank \$319.25; Penguin Random House \$180.00; Presto X Company \$46.10; Pristine Cleaning \$550.00; Productivity Plus Account \$123.36; Regional Care \$2,783.07; Schaper and White Law Firm \$2,208.50; Schmader Electic \$611.00; State Income Tax WH NE Online Payment \$2,227.98; Stephanie Wright \$181.74; Taylor Heating & Air Conditioning \$394.00; This Old House \$25.00; Trotter's Whoa & Go \$557.65; Van Diest Supply Co \$5,360.95; Bi-Weekly Payroll \$45,873.12; Total Bills = \$106,325.70.

In other communications, Mayor Burt read an Arbor Day proclamation that proclaimed April 29th, 2016 Arbor Day.

Moved by Schall, seconded by Neth, to approve Resolution 2016-20. Said resolution approves calling of the swimming pool bonds. John Trecek from Ameritas Investment Corp. informed the Council that the bonds can be refunded for 1.4% with the option of a five year redemption. This will allow for approximately \$500,000 in savings. Roll call voting: Voting aye: Schall, Neth, and Adams. Nays: none. Motion carried.

Moved by Schall, seconded by Adams, to open a public hearing at 12:08 p.m. for refunding of the swimming pool bonds. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. There were no comments. Moved by Schall, seconded by Adams, to close the public hearing at 12:09 p.m. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none.

Councilmember Schall introduced Ordinance No. 1144 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, OF THE CITY OF BROKEN BOW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION SIX HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,635,000) ISSUED TO REFINANCE CERTAIN OUTSTANDING BONDS 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 TO THE EXTENT NOT PAID FROM OTHER SOURCES; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT; 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” 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, Neth, 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 Adams moved for final passage of the Ordinance, which motion was seconded by Councilmember Schall. The Mayor stated the question, “Shall Ordinance No. 1144 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Schall, Adams, and Neth. 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 her signature thereto.

Moved by Schall, seconded by Adams, to open a public hearing at 12:17 p.m. for downtown street improvement anticipation note bonds. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. John Trecek explained that the anticipation bonds would be temporary financing until the project was finished. The bonds would be for \$3,570,000. The financing would be at 1.9% and another 1.3% when the bonds are fully financed. Moved by Schall, seconded by Neth, to close the public hearing at 12:18 p.m. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none.

Councilmember Schall introduced Ordinance No. 1145 entitled “AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2016, IN THE PRINCIPAL AMOUNT OF THREE MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$3,570,000) FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING PAVING IMPROVEMENTS IN THE CITY OF BROKEN BOW, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM” and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Neth 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: Neth and Schall. Nays: Adams. Motion failed. The motion to suspend the rules was not adopted by three-fourths of the Council. Moved by Adams, seconded by Schall to table Ordinance 1145. Upon roll call vote, the vote was as follows: Ayes: Schall, Adams, and Neth. Nays: None. Motion carried.

Moved by Adams, seconded by Neth, to open a public hearing at 12:21 p.m. to discuss mandatory monthly trash removal fees. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. Brent Clark, City Administrator, explained that a typographical error was discovered by Katie Hogg, Utilities Secretary, on the ordinance. The contract states \$26.25 and the ordinance states \$26.75. This amendment would make the ordinance and contract the same. Moved by Adams, seconded by Neth, to close the public hearing at 12:22 p.m. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none.

Councilmember Adams introduced Amended Ordinance No. 2013-1138 entitled “AN ORDINANCE PROVIDING FOR THE CITY TO MAKE MANDATORY MONTHLY ASSESSMENTS ON UTILITY BILLS OF RESIDENTIAL PROPERTIES AND BUSINESS PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR THE PAYMENT OF SAID MONTHLY ASSESSMENTS TO BROKEN BOW MUNICIPAL UTILITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR

PENALTY AND AN EFFECTIVE DATE.” and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Schall 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, Neth, 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 Adams moved for final passage of the Ordinance, which motion was seconded by Councilmember Schall. The Mayor stated the question, “Shall Amended Ordinance No. 2013-1138 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Schall, Adams, and Neth. 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 her signature thereto.

Moved by Adams, seconded by Schall, to approve Resolution 2016-21. Said resolution approves payment #14 to JEO Consulting, Inc. in the amount of \$25,087.50 for work completed on the 2015 downtown projects through April 8, 2016. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. Motion carried.

Moved by Neth, seconded by Schall, to approve advertising for bids for new playground equipment in the City Square. Roll call voting: Voting aye: Schall, Neth, and Adams. Nays: none. Motion carried.

Moved by Neth, seconded by Adams, to approve the temporary closure of the east half of North C Street between 6th and 7th Avenue for the BRAN event on June 6, 2016. Roll call vote: Voting aye: Schall, Neth, and Adams. Nays: none. Motion carried.

Mayor Burt opened the floor for comments from the Mayor and Councilmembers concerning City Departments. There were not any comments.

Mayor Burt opened the public comment section of the meeting for those in attendance. There were not any comments.

Moved by Schall, seconded by Neth, to enter into closed session at 12:30 p.m. for the purpose of discussing potential litigation. The City representatives that shall remain present during the closed session including the Mayor and City Council, are City Attorney Jason White, City Administrator Brent Clark, City Clerk Stephanie Wright, Custer Campus Representative Stuart Fox, and County Supervisor Barry Fox. The Mayor stated the motion. Roll call vote: Voting aye: Schall, Adams, and Neth. Nays: none. Motion carried.

Moved by Schall, seconded by Neth, to exit out of closed session at 12:48 p.m. from the purpose of discussing potential litigation. Roll call vote: Voting aye: Schall, Adams, and Neth. Nays: none. Motion carried.

Moved by Schall, seconded by Neth, to adjourn the City Council Meeting at 12:49 p.m. Roll call vote: Voting aye: Schall, Adams, and Neth. Nays: none. Motion carried.

/S/Cecil Burt _____
Cecil Burt, Mayor

ATTEST:

Stephanie M. Wright, City Clerk