

June 23, 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 June 23, 2015 in the Municipal Building at Broken Bow, Nebraska. Present were Mayor Cecil Burt; Council President Chad Schall; Councilmembers Bill Adams and Cody Schmick. Absent: Councilmember Rod Sonnichsen. 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 June 9, 2015 Council Meeting; Approval of application of KaBoomers to sell fireworks in the Sylvester Parking approve of claims for the June 23, 2015 Council Meeting:

Payroll – \$64,640.82; EFTPS Online Payment \$21,057.81; Nebraska Child Support Payment Center \$209.50; State Income Tax WH \$2,712.00; Kathleen Laughlin \$70.00; City Flex Benefit \$968.74; City of Broken Bow Pension Fund \$18,506.48; Family Heritage \$210.25; Omaha State Bank \$575.84; Aflac \$2,201.76; 911 Custom \$59.35; American Red Cross \$834.00; Angie Neben \$7.92; BCN Telecom \$43.72; Blue Tarp Financial \$42.79; Brent Clark \$500.25; Broken Bow Airport Authority \$3,249.99; Central I.T., LLC 149.99; Century Link \$964.99; Clarke Mosquito Control \$78.33; Custer County Chief \$1,274.73; Custer County Hiway Dept \$327.35; Dan Hanson \$5.95; Danko Emergency Equipment Co. \$134.66; Demco \$261.88; Deterding \$1,332.73; Eakes Office Products \$171.45; Evan June \$11.53; Gateway Motors \$48.28; Grocery Kart \$126.15; Hometown Leasing \$88.91; Hometown Leasing \$111.26; Ingram Library Services \$970.09; Insurance Aid Services \$1,131.92; JEO \$30.00; JEO \$3,920.00; JEO 980.00; JM Web Design \$25.95; Jacks Uniforms & Equipment \$678.47; K. Joan Birnie \$438.79; Kirkpatrick Cleaning Solutions \$42.93; Laurie French \$120.00; Loup Basin Public Health District \$3.00; Matheson Tri-Gas Inc. \$88.14; Mead Lumber-Broken Bow \$1,286.10; Michael Burnett \$5.35; Mid Plains Community College \$405.00; Mid State Units \$100.00; Myers Construction Co. \$55,628.10; Ne Safety & Fire Equipment \$52.00; Nebraska Law Enforcement Training Center \$50.00; OSA/computers Plus \$234.44; O’Briens True Value \$386.00; Overnite Auto \$466.05; Paulsen Inc. \$981.90; Plains Equipment \$400.41; Prachts Ace Hardware \$83.17; Presto X Company \$43.75; Productivity Plus Account \$18.75; Regional Care \$26,704.81; Road Safe Traffic Systems \$6,596.75; Ryan Anderson \$137.98; Scholastic \$925.30; Sherm Porter \$611.25; Steve Scott \$19.96; Super 8 Scottsbluff \$145.48; Taser \$320.56; Trotter Fertilizer \$152.65; US

Bank Equipment Finance \$303.97; Universal Insurance \$379.00; Verizon Wireless \$178.07; Verizon Wireless \$132.54; Vet Care \$55.

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

Mr. Gary Geiselman appeared before the Mayor and Council to update them on the increased use and fuel revenue for the Broken Bow Airport. Mr. Geiselman informed the Council that they have updated the hangar doors, lighting and have also replaced the furniture in the terminal building. Geiselman also noted that the hangars are full with approximately 22-23 aircraft. Future plans are to rehab and lengthen the runway within the next two years.

Mr. Geiselman asked the Mayor and Council to consider renewing the Interlocal Agreement between the City of Broken Bow and Custer County to help fund the operations of the airport. Geiselman stated that the request will be presented to the County Board of Supervisors as the June 30th meeting for their approval. After discussing the matter, it was moved by Councilmember Adams and seconded by Councilmember Schmick to approve the request of renewing the Interlocal Agreement between the City of Broken Bow and Custer County to help fund the operations at the Broken Bow Airport. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Adams. Nays: None. Motion carried.

EMT Rescue Captain Corey Clay appeared before the Mayor and Council regarding the bids that had been received from three vendors of a new ambulance. Clay informed the Council that it was the recommendation of the EMT's that the bid for the Horton Ambulance as bid by Professional Ambulance/Fyr-Tek in the amount \$186,950.00 plus options 1 and 2 for a total of \$189,209.98 be approved. Clay stated that after researching the different units that were bid, it was the consensus of the EMT's that the Horton ambulance is equipped with a special safety protection feature that is not available in the other units bid and felt the difference in the bid amounts were a small price to pay for the safest means of transportation for both the patient and the EMT's. After discussing the matter, it was moved by Councilmember Schmick and seconded by Councilmember Schall to award the bid to Professional Ambulance/Fyr-Tek in the amount of \$186,950.00 as recommended by the Broken Bow EMT's. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Discussion was held regarding the RFP for City Property/Liability and Workman's Comp insurance. It was the recommendation of the City Administrator that this matter be tabled until 2016 as we are nearing our renewal date of August 1st felt that it will take at least one month to prepare the bid book for the insurance companies and publication of the RFP. After discussing the matter, it was moved by Councilmember Adams and seconded by Councilmember Schall to table this matter until 2016 to allow the Administrator time to prepare the necessary documents needed for the RFP. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams and Schall. Motion carried.

Mr. Jake Vasa, of JEO, presented the Mayor and Council Change Order No.1 for additional paving and sidewalk improvements on the 5th Avenue Street Improvement Project which would result in an \$84,680.50 increase to the original contract price. After discussing the change order, it was moved by Councilmember Schall and seconded by Councilmember Adams to approve Change Order No.1 in the amount of \$84,680.50. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams and Schall. Nays: None. Motion carried.

Resolution No. **2015-15** authorizing payment to JEO in the amount of \$3,920.00 for 65% completion of the schematic design for the Broken Bow Library Addition for work completed through May 1, 2015 was presented to the Mayor and Council for approval along with Resolution No. **2015-16** authorizing payment to JEO in the amount of \$980.00 for 75% completion of the schematic design for the Broken Bow Library Addition for work completed through May 31, 2015 was also presented to the Mayor and Council for their approval. After discussing the matter it was moved by Councilmember Schall and seconded by Councilmember Schmick that Resolution No. 2015-15 and Resolution 2015-16 authorizing payment to JEO for work completed to date for the schematic design for the Broken Bow Library Addition be approved. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Resolution No. 2015-17 approving Pay Estimate No. 1 to Myers Construction, Inc. in the amount of \$55,628.10 for work and materials stored to date for the 5th Street Improvement Project was presented to the Mayor and Council. It was moved by Councilmember Schall and seconded by Councilmember Adams to approve Resolution No. 2015-17 approving Pay Estimate No. 1 to Myers Construction in the amount of \$55,628.10 for work and materials stored to date for the 5th Street Improvement Project. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Adams. Nays: None. Motion carried.

Mayor Burt informed the Council that the City currently has an ordinance that established no appointed board member may serve more than two consecutive terms and recommended that the Council consider amending the Municipal Code Book to establish that board members can serve more than two consecutive terms for the Board of Adjustment, Park and Recreation Board, Planning Commission, Board of Public Works, Community Redevelopment Authority, Tree Board, and Cable Television Board. After discussing the matter, Councilmember Schmick introduced Ordinance No. 2015-10 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, AMENDING SECTION 32.09 OF THE BROKEN BOW MUNICIPAL CODE AS IT RELATES TO TERM LIMITS FOR SPECIFIC BOARDS AND COMMISSIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT" 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: Schmick, Adams 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 Schmick moved for final passage of the Ordinance, which motion was seconded by Councilmember Schall. The Mayor stated the question, "Shall Ordinance No. 2015-10 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Adams, Schall and

Schmick. 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.

At 12:45 P.M. it was moved by Councilmember Schall and seconded by Councilmember Schmick to enter into closed session for the purpose of discussing possible litigation, 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, City Administrator Brent Clark, City Attorney Jason White and Police Chief Steve Scott. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

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

At 1:29 P.M. it was moved by Councilmember Schall and seconded by Councilmember Schmick 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.

Mayor Burt stated that the only item discussed during closed session was possible litigation.

At 1:29 P.M. it was moved by Councilmember Schmick and seconded by Councilmember Adams that the Council meeting of the City of Broken Bow be adjourned.

Ayes: Schall, Schmick and Adams.
Nays: None.
Motion carried.

ATTEST:

Mayor, Cecil Burt

Elaine L. Bayer, City Clerk