

**Broken Bow City Council
Meeting Minutes
November 12, 2019**

The Broken Bow City Council met in regular session on Tuesday, November 12, 2019 at the Broken Bow Library. Notice of the meeting was given in advance thereof as required by publication in the Custer County Chief on October 31, 2019. 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 Jonathon Berghorst called the meeting to order at 6:00 P.M., with the following Councilmembers present: Sonnichsen, Myers, Miller, and Holcomb. Absent: None. Mayor Berghorst announced the availability of the open meetings law, followed by the reciting of the Pledge of Allegiance.

Mayor Berghorst read the format for submitting requests for future agenda items.

Moved by Holcomb, seconded by Miller, to approve the consent agenda for November 12, 2019. Said motion includes approval of the Minutes of the October 22, 2019 Council Meeting, Minutes of the October 31, 2019 Special Meeting, Bills to Date, Broken Bow Volunteer Fire Department Roster. Roll call vote: Voting aye: Holcomb, Sonnichsen, Miller, and Myers. Nays: None. Motion carried.

American Legal Publishing, model ordinances, \$399.00; Arrow Seed, place pack pail, \$59.99; Black Hills Energy, utilities, \$376.87; Broken Bow Chamber of Commerce, membership, \$350.00, ambulance incentive, \$935.00; Broken Bow Mun Utilities, electric work in parks, \$775.00, fuel, \$1,388.47; Broken Bow Municipal Utilities, \$3,675.92; Broken Bow Rural Fire Board, utilities & internet, \$323.19; Capitol One Bank, misc., \$107.85; Card Services, supplies, \$354.26, \$221.10; Carquest of Broken Bow, supplies, \$205.92; Central Ne Medical Clinic, drug test, \$55.00; Century Link, telephone, \$566.16; City of Broken Bow Pension Fund, pension, \$352.96, \$6,593.90, \$4,500.32, \$1,372.82; Custer County Chief, publication, \$734.68, \$35.00; Custer Public Power, CD Cell Power, \$62.79; Deere Credit Inc., mower lease, \$216.51; EFTPS Online Payment, payroll, \$2,123.76, \$6,492.46, \$9,080.92, \$1,186.44, \$11,757.73, \$5,073.08; Eakes Office Products, supplies & copies, \$688.40; Fyr-Tek, pump testing, \$1,125.00; Garrett Tires & Treads, maintenance, \$648.24; Gateway Motors Inc, oil change, \$58.28; Great Plains Communications, internet, \$70.95; Grocery Kart, Halloween candy, \$15.52; Holcomb Mechanical LLC, furnace repairs, \$524.94; Holcomb Pharmacy, EMS supplies, \$110.36; Hometown Leasing, copier lease, \$159.18; Island Supply Welding Co., oxygen, \$82.44; Kirkpatrick Cleaning Solutions, supplies, \$54.56; LaQuinta Inns & Suites, hotel, \$489.75; Med Tech Resource, extrication gloves, \$231.75; NMC Exchange LLC, parts, \$9,012.14; Nebraska Department of Revenue, keno taxes, \$2,650.00; Nebraska Salt and Grain, ice control salt, \$4,262.75; Obrien's True Value, supplies, \$39.60, light, \$31.48; Paulsen Inc., concrete & gravel, \$5,518.69; Pentair Aquatic Eco Systems, pump repairs, \$976.92; Plains Equipment Group, parts, \$37.78; Prachts Ace Hardware, supplies, \$370.88, postage, \$24.36; Presto X Company, pest service, \$105.93; Pristine Cleaning, LLC, cleaning, \$375.00; R & S Radiator, water pump repairs, \$249.52; Register of Deeds, subdivision filing, \$52.00, \$12.00; Roger Albin, epinephrine, \$314.25; S & L Sanitary Service, trash, \$49.30; Sara Hulinsky, cleaning service, \$1,192.00; Schaper and White Law Firm, legal fees, \$1,268.75; State Income Tax WH NE Online Payment, payroll, \$2,835.71, \$2,622.33; Stryker Medical, cot batteries, \$768.24; Tapco, pole package, \$695.00; Taylor Heating & Cooling LLC, boiler repairs, \$48.00; Universal Insurance, bond/insurance, \$525.00; V-Bar Sales & Service, iron, \$63.25; Verizon Wireless, internet, \$280.07; Viaero Wireless, telephone, \$104.13; Village Uniform, rugs & laundry, \$131.91; Wenquist Inc., turn signal, \$3.29; Woods & Aitken LLP, legal fees, \$59.00; Bi-Weekly Payroll, \$75,868.46; Total Bills = \$174,184.21.

Moved by Sonnichsen, seconded by Holcomb, to open a public hearing at 6:02 pm regarding Ordinance 1214, Electric Rates. Roll Call vote: Voting aye: Miller, Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried. Electric Superintendent Jeremy Tarr explained that the increase will only affect the large power customers. The disconnect fee will also increase from \$60 to \$75. Moved by Sonnichsen, seconded by Holcomb, to close the public hearing at 6:02 pm regarding Ordinance 1214, Electric Rates. Roll Call vote: Voting aye: Myers, Holcomb, Miller, and Sonnichsen. Nays: None. Motion carried.

City Clerk Stephanie Wright read the final reading of Ordinance 1214, Electric Rates.

Moved by Miller, seconded by Myers, to approve Ordinance 1214, Electric Rates. Roll Call vote: Voting aye: Miller, Myers, Sonnichsen, and Holcomb. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to open a public hearing at 6:04 pm regarding Ordinance 1216, Amending Section 93.06 Abandonment, Neglect & Mistreatment. Roll Call vote: Voting aye: Miller, Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried. Discussion was held regarding the wording of confinement. This language will be removed. Moved by Sonnichsen, seconded by Holcomb, to close the public hearing at 6:09 pm regarding Ordinance 1216, Amending Section 93.06 Abandonment, Neglect & Mistreatment. Roll Call vote: Voting aye: Myers, Holcomb, Miller, and Sonnichsen. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb, to not waive the three readings of Ordinance 1216, Amending Section 93.06 Abandonment, Neglect & Mistreatment. Roll Call vote: Voting aye: Myers, Miller, Sonnichsen, and Holcomb. Nays: None. Motion carried.

City Clerk Stephanie Wright read the first reading of Ordinance 1216, Amending Section 93.06 Abandonment, Neglect & Mistreatment.

Moved by Sonnichsen, seconded by Miller, to open a public hearing at 6:10 pm regarding Ordinance 1217, ATV/UTV Use for Snow Removal. Roll Call vote: Voting aye: Miller, Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried. Police Chief Steve Scott explained that the ordinance passed last November didn't have provisions for people using their ATV/UTV for strictly snow removal. This allows for the snow removal only. Moved by Sonnichsen, seconded by Holcomb, to close the public hearing at 6:12 pm regarding Ordinance 1217, ATV/UTV Use for Snow Removal. Roll Call vote: Voting aye: Myers, Holcomb, Miller, and Sonnichsen. Nays: None. Motion carried.

After discussing the matter, Councilmember Holcomb introduced Ordinance No. 1217 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING CHAPTER 73: PROVIDING FOR THE OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES OR UTILITY TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE 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 Sonnichsen 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: Sonnichsen, Miller, Myers, and Holcomb. 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 Holcomb moved for final passage of the Ordinance, which motion was seconded by Councilmember Sonnichsen. The

Mayor stated the question, "Shall Ordinance No. 1217 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Holcomb, Sonnichsen, Myers, and Miller. 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 Myers, seconded by Holcomb, to approve Resolution 2019-26. Said resolution approves the expenditures for the Employee Appreciation Banquet. Roll call vote: Voting aye: Myers, Miller, Sonnichsen, and Holcomb. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Miller, to approve Resolution 2019-27. Said resolution approves the support of the City of Broken Bow toward the endeavor of a Custer County YMCA. Roll call vote: Voting aye: Miller, Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to approve Resolution 2019-28. Said resolution approves setting the Recall Election date for Mayor Jonathon Berghorst as January 14, 2020. Roll call vote: Voting aye: Sonnichsen, Holcomb, Myers, and Miller. Nays: None. Motion carried.

A grievance hearing was held regarding Electrical Superintendent Jeremy Tarr's grievance.

Moved by Holcomb, seconded by Sonnichsen, to remove the written reprimand from Jeremy Tarr's personnel file. Roll call vote: Voting aye: Holcomb, Myers, Sonnichsen, and Miller. Nays: None. Motion carried.

Mayor Berghorst opened the floor for comments from the Councilmembers concerning City Departments. There were no comments from the Council.

Moved by Sonnichsen, seconded by Holcomb to enter into closed session at 7:04 pm for the purpose of a strategy session regarding collective bargaining, to include the Mayor and City Council, City Attorney Jason White, City Clerk Stephanie Wright, and City Treasurer Nancee Coufal. Roll Call vote: Voting aye: Miller, Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to exit closed session at 7:35 pm from the purpose of a strategy session regarding collective bargaining. Roll Call vote: Voting aye: Holcomb, Myers, Sonnichsen, and Miller. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Miller, to adjourn the City Council Meeting at 7:36 p.m. Roll call vote: Voting aye: Sonnichsen, Myers, Holcomb, and Miller. Nays: None. Motion carried.

Jonathon Berghorst, Mayor

ATTEST:

Stephanie M. Wright, City Clerk