

**Broken Bow City Council
Meeting Minutes
November 22nd, 2016**

The Broken Bow City Council met in regular session on Tuesday, November 22nd, 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 12:01 P.M., with the following Councilmembers present: Schall, Adams, Neth, and Sonnichsen. Absent: None. 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 November 22nd, 2016. Said motion includes approval of Minutes of the November 8th Council Meeting, November 16th Special Meeting, Bills to Date, and October Treasurer's Report. Roll call vote: Voting aye: Sonnichsen, Adams, Schall, and Neth. Nays: none. Motion carried.

Aflac \$912.11, \$124.32, \$287.81; B&C Electrical Services LLC \$6,540.18; Barco \$1,319.87; Beaver Bearing Co Albion \$29.95; Birds & Blooms \$18.00; Broken Bow Municipal Utilities \$863.66; Cardmember Services \$723.19; Central Fire and Safety \$42.00; Century Link \$841.57; City Flex Benefit Plan \$132.29, \$150.00; City of Broken Bow Pension Fund \$1,659.21, \$6,164.40; Consumer Reports \$49.00; Creative Sites, LLC \$64,855.00; Custer County Chief \$45.00, \$288.99; Custer County Hiway Dept. \$1,500.00; Dalen Wood \$34.75; Dan Anderson \$184.00; Dana F. Cole & Co. \$530.00; Danko Emergency Equipment Co. \$122.10; Display Sales \$389.00; Dollar General-Regions 410526 \$8.00; EFTPS Online Payment \$1,860.04, \$6,136.25; \$7,953.14; Electrical Engineering & Equipment \$2,133.30; Family Heritage \$56.00; Fireguard \$143.86; Grocery Kart \$171.65; Hire Right Solutions \$86.52; Hometown Leasing \$200.17; Huntrex LLC \$362.50; Ingram Library Services \$1,378.21; K. Joan Birnie \$238.00; Kim Blackburn \$302.28; Kirkpatrick Cleaning Solutions \$157.01; L & K Hats & T-Shirts \$250.00; Matheson Tri-Gas Inc \$41.62; Mead Lumber \$159.49; Megan Svoboda \$51.12; Michael Burnett \$100.00; Michael Todd & Co \$3,985.88; Mid State Engineering & Testing \$1,410.00; Mother Earth News \$37.00; Nebraska Child Support Payment Center \$460.00; Nebraska Environmental Products \$1,653.93; Nebraska Library Commission \$500.00; Nebraska Salt and Grain \$1,644.00; OSA/Computers Plus \$367.74; Obrien's True Value \$279.44; Omaha State Bank \$319.25; Omnigraphics Inc. \$442.98; Paulsen Inc. \$18,478.52; Plains Equipment Group \$129.64; Prachts Ace Hardware \$19.89; Presto X Company \$44.80; Pristine Cleaning, LLC \$375.00; Recorded Books, Inc. \$286.91; Regional Care \$2,917.84; Shopko \$80.78; State Income Tax WH NE Online Payment \$2,219.21; Steve Scott \$51.50; Taste of Home Books \$32.98; Taste of Home Simple and Delicious \$29.98; Trotter Service \$1,931.85; Trotter's Whoa & Go \$711.66; US Bank Equipment Finance \$303.97; Verizon Wireless \$207.80; Wenquist Inc. \$271.49; Woods & Aitken LLP \$252.00; Bi-Weekly Payroll \$45,598.52; Total Bills = \$194,640.12.

Moved by Neth, seconded by Sonnichsen, to approve revoking the change of direction in the alley behind City Hall to enter from the north and exit on the south. Roll call vote: Voting aye: Sonnichsen, Schall, Adams, and Neth. Nays: none. Motion carried.

Moved by Schall, seconded by Neth, to open a public hearing at 12:04 p.m. on Ordinance 1152, Emergency Snow Routes. Roll call vote: Voting aye: Neth, Sonnichsen, Schall, and Adams. Nays: none. Monte Clark, Street Superintendent, explained that he evaluated all of the old emergency snow routes.

The four routes that he has presented are the major routes that he feels would be best to have for the emergency routes. Moved by Schall, seconded by Sonnichsen, to close the public hearing at 12:08 p.m. Roll call vote: Voting aye: Adams, Schall, Neth, and Sonnichsen. Nays: none. Motion carried.

After discussing the matter, Councilmember Schall introduced Ordinance No. 1152 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA AMENDING SECTION 72.11 SNOW EMERGENCY ROUTES." 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, Adams, Schall, and Sonnichsen. 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 Neth. The Mayor stated the question, "Shall Ordinance No. 1152 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Sonnichsen, 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 Sonnichsen, to open a public hearing at 12:09 p.m. on Ordinance 1153, Snow Removal around Fire Hydrants. Roll call vote: Voting aye: Neth, Sonnichsen, Schall, and Adams. Nays: none. Andy Holland, Fire/EMS Coordinator, explained that this ordinance would help keep the hydrants free of snow in case of an emergency. The area to keep clean around the hydrants is a 2 ½ feet radius around the perimeter. Moved by Schall, seconded by Sonnichsen, to close the public hearing at 12:12 p.m. Roll call vote: Voting aye: Adams, Schall, Neth, and Sonnichsen. Nays: none. Motion carried.

After discussing the matter, Councilmember Adams introduced Ordinance No. 1153 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA AMENDING CHAPTER 92 PUBLIC WAYS AND PROPERTY, ADOPTING SECTION 92.078 SNOW REMOVAL AROUND FIRE HYDRANTS." 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: Neth, Adams, Schall, and Sonnichsen. 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 Sonnichsen moved for final passage of the Ordinance, which motion was seconded by Councilmember Adams. The Mayor stated the question, "Shall Ordinance No. 1153 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Sonnichsen, Schall, Neth, 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 her signature thereto.

Moved by Neth, seconded by Schall, to approve Resolution 2016-68. Said resolution approves expenditures for the employee appreciation banquet. Roll call vote: Voting aye: Schall, Adams, Neth, and Sonnichsen. Nays: none. Motion carried.

Moved by Sonnichsen, seconded by Adams, to approve Resolution 2016-69. Said resolution approves payment #21 to JEO Consulting Group Inc. in the amount of \$31,817.32 for work completed on the 2015 downtown improvements through November 4, 2016. Roll call vote: Voting aye: Neth, Schall, Sonnichsen, and Adams. Nays: none. Motion carried.

Moved by Adams, seconded by Neth, to approve Resolution 2016-70. Said resolution approves payment #3 to JEO Consulting Group Inc. in the amount of \$56,622.00 for work completed on the library design services through October 28, 2016. Roll call vote: Voting aye: Adams, Sonnichsen, Neth, and Schall. Nays: none. Motion carried.

Mayor Burt opened the floor for comments from the Mayor and Councilmembers concerning City Departments. There were no comments.

Mayor Burt opened the public comment section of the meeting for those in attendance. There were no comments.

City Attorney Jason White addressed the Council and crowd about the proceedings regarding the termination decision of former Broken Bow Police Officer Ryan Anderson. Mr. White stated that Mr. Anderson has the right to have the discussion regarding his termination decision in open session or closed session. He has the right to have a union representative or legal counsel with him. The decision will be made by the Council on whether the Mayor had just cause to terminate former Broken Bow Police Officer Ryan Anderson. The Council will decide whether to uphold, reverse, or modify the termination. Mr. Ryan Anderson requested that the session be open. With that preference voiced, discussion began. Councilmember Sonnichsen stated that he had spent 30 hours after the hearing gathering information on procedures and had contacted another law enforcement agency. He felt like he had all of the facts that he needed. Councilmember Neth stated that he had received lots of call and appreciated everyone's input. He stated that there are more than 1 or 2 people involved, and he is looking at the facts that were presented to him. There are stipulations that they need to go by, and the facts are what has to be looked at. The decision will be based on the facts. It is not an easy decision. Councilmember Adams agreed with Councilmember Neth. Councilmember Schall was unable to attend the hearing. He does have a vote, but he can also abstain because of his absence at the hearing.

Moved by Adams, seconded by Sonnichsen to uphold the termination of former Broken Bow Police Officer Ryan Anderson. Roll call vote: Voting aye: Sonnichsen, Adams, and Neth. Nays: none. Abstain: Schall. Motion carried.

Moved by Adams, seconded by Neth, to adjourn the City Council Meeting at 12:27 p.m. Roll call vote: Voting aye: Adams, Neth, Schall, and Sonnichsen. Nays: none. Motion carried.

Cecil Burt, Mayor

ATTEST:

Stephanie M. Wright, City Clerk