

**Broken Bow City Council  
Meeting Minutes  
September 12<sup>th</sup>, 2017**

The Broken Bow City Council met in regular session on Tuesday, September 12<sup>th</sup>, 2017. Notice of the meeting was given in advance thereof as required by law by publishing in the Custer County Chief on September 7, 2017. 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.

Council President Rod Sonnichsen called the meeting to order at 12:00 P.M., with the following Councilmembers present: Sonnichsen, Myers, and Holcomb. Absent: Neth. Following the pledge of allegiance, President Sonnichsen announced the availability of the open meetings law.

Moved by Holcomb, seconded by Myers, to approve the consent agenda for September 12<sup>th</sup>, 2017. Said motion includes approval of Minutes of the August 22<sup>nd</sup> Council Workshop, August 22<sup>nd</sup> Council Meeting, August 22<sup>nd</sup> Budget Workshop, and Bills to Date. Roll call vote: Voting aye: Holcomb, Sonnichsen, and Myers. Nays: None. Motion carried.

ATCO, liberator 600, 442.20; Aflac, insurance, 832.21, 170.93; Ansley Lumber and Supply, doors, 3,526.00; Axon Enterprise Inc., batteries, 80.98; Black Hills Energy, gas, 261.04; Bound Tree Medical, supplies, 204.28; Bow Glass, repairs, 775.00; Brent Clark, mileage, 227.92; Broken Bow Airport Authority, interlocal, 1,083.37, Broken Bow Ambulance Service, conference, 1,635.14; Broken Bow Chamber of Commerce, agreement, 1,169.00, ems, 1,375.00; Broken Bow Municipal Utilities, electric, 7,977.43; Capital One Bank, supplies, 513.76; Card Services, supplies, 108.61, 19.24; Carquest of Broken Bow, supplies, 139.85; Central Fire and Safety, fire extinguishers, 357.00; Century Link, telephone, 609.63; Chemsearch, soil prep, 529.50; City Flex Benefit Plan, flex, 26.04; City of Broken Bow – Health Insurance, insurance, 3,389.54; City of Broken Bow Pension Fund, pension, 1,254.16, (71.66), 1,920.57, 6,012.98, 117.78; Consolidated Management Co., meal, 152.38; Custer County Chief, publication, 346.52, 68.00; Custer County Treasurer, interlocal, 10,387.49; Custer Public Power, CD cell, 38.15; Danko Emergency Equipment Co., coupling, 150.63; David Taylor III, mileage, 92.02; Deterding, chemicals, 311.14; EFTPS Online Payment, payroll, 1,834.48, 6,315.67, 7,843.98, 31.06, 132.78; Eakes Office Products, supplies, 224.94, copies, 205.00; Evans Feed, fish food, 273.00; Family Heritage, insurance, 56.00; Garrett Tires & Tread, tire repair, 22.55; Gateway Motors Inc, oil change, 54.32; General Traffic Controls, clamp kit, 117.00; Grassland Vet Hospital, vet care, 32.60; Great Plains Communications, internet, 70.95; Grocery Kart, supplies, 214.80; Heartland Clerk’s Association, dues, 10.00; Hokanson Clan Helping Hands, cleaning, 450.00; Holmes Plumbing & Heating, supplies, 201.79; Kirkpatrick Cleaning Solutions, supplies, 210.02; Markham construction, concrete, 768.00; Med Tech Resource, supplies, 245.05; Michael Todd & Co, signage, 720.92; Mid Plains Community College, CPR, 325.00; Mid State Engineering & Testing, downtown testing, 65.00; Municipal Emergency Services, gloves, 34.00; Ne Dept of Agriculture, pound fee, 175.00; Ne Mosquito Vector Control, annual meeting, 50.00; Nebraska Child Support Payment Center, child support, 379.15; Nebraska Dept of Environmental Quality, annual fee, 750.00; Nebraska Dept of Revenue, waste reduction fee, 25.00; Omaha State Bank, HSA, 318.75; Overnite Auto, repairs, 372.47; Paulsen Inc., concrete, 2,103.43; Plains Equipment Group, supplies, 503.64; Prachts Ace Hardware, supplies, 204.68; Pristine Cleaning, LLC, cleaning, 375.00; RR Donnelley, supplies, 103.24; S & L Sanitary Service, trash, 109.30; Sandry Fire Supply LLC, bunker gear, 2,181.67; Schmicks Market, supplies, 24.16; Shirts, Signs, Mugs & More, supplies, 53.39; Site One Landscape Supply, irrigation supplies, 1,968.68; State Income Tax WH NE Online Payment, payroll, 2,222.32, 7.93; Store More, supplies, 2,500.00; Sublime Artistry, website, 87.00; The Burwell Tribune, city citations, 159.85; The Diamonds Groundskeeper, field drag, 200.00; Verizon Wireless, cell phone,

132.54; Viaero Wireless, cell phone, 218.19; Village Uniform, laundry, 25.13; Wenquist Inc., fittings, 39.98; Bi-Weekly Payroll, payroll, 45,395.79; Total Bills = 127,379.03.

Mayor Burt entered at 12:18 p.m.

Moved by Sonnichsen, seconded by Holcomb, to open a public hearing at 12:02 p.m. regarding Ordinance 1171, One Way Street. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried. This ordinance is regarding a one way street on the south side of North Park School. There has been a lot of congestion and this is an attempt to ease this congestion and help with the traffic flow. Discussion was held. Moved by Sonnichsen, seconded by Holcomb, to close a public hearing at 12:49 p.m. regarding Ordinance 1171, One Way Street. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to table Ordinance 1171, One Way Street. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Myers, to open a public hearing at 12:50 p.m. regarding Ordinance 1172, Electric Rate Increase. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried. Doug Staab, Electric Superintendent, explained that the electric department has been running negative for the last three years so this is a 5.5% rate increase. It comes with recommendation from the Board of Public Works. Moved by Sonnichsen, seconded by Holcomb, to close a public hearing at 12:53 p.m. regarding Ordinance 1172, Electric Rate Increase. Roll call vote: Voting aye: Holcomb, Sonnichsen, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb, to accept the second reading of Ordinance 1172, Electric Rate Increase, and not waive the two readings. Roll call vote: Voting aye: Myers, Sonnichsen, and Neth. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to approve having a bonfire at Melham Park in the rock parking lot west of the ballfields on Tuesday, September 26<sup>th</sup>, 2017 from 5:00 p.m. to 9:00 p.m. for Homecoming. Roll call vote: Voting aye: Holcomb, Myers, and Sonnichsen. Nays: None. Motion carried.

Moved by Myers, seconded by Sonnichsen, to approve the closure of 9<sup>th</sup> Avenue from the High School to South D Street from 1:00 p.m. to 1:30 p.m. for the Homecoming parade and closure of South D Street from South 8<sup>th</sup> Avenue to South 9<sup>th</sup> Avenue from 11:00 a.m. to 2:30 p.m. on Friday, September 29<sup>th</sup>, 2017. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried.

Moved by Myers, seconded by Sonnichsen, to approve blocking off spaces on the east side and northeast side of the square for the 2018 Broken Bow Farmers Market on Thursdays from 8:00 a.m. to 2:00 p.m. and at 7:00 p.m. on Third Thursdays between May 17<sup>th</sup> and September 20<sup>th</sup>, 2018. Roll call vote: Voting aye: Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to proceed with assessments at \$84 per running foot with a maximum of 100 feet for the Downtown Project and \$20 per running foot for the 5<sup>th</sup> Avenue project. Roll call vote: Voting aye: Holcomb and Sonnichsen. Nays: None. Abstain: Myers. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to open a public hearing at 1:29 p.m. regarding Ordinance 1173, One Way Alley. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried. Nancee Coufal explained that this is the alley that goes between the Municipal Building and Nebraska State Bank. Nebraska State Bank is going to be building their new addition on the lot line

and that will make the alley tight for two way traffic. Moved by Sonnichsen, seconded by Holcomb, to close a public hearing at 1:32 p.m. regarding Ordinance 1173, One Way Alley. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

After discussing the matter, Councilmember Holcomb introduced Ordinance No. 1173 entitled "AN ORDINANCE PROVIDING FOR TRAFFIC CONTROL FOR BLOCK TWELVE (12) OF ORIGINAL TOWN, OF BROKEN BOW, CUSTER COUNTY, NEBRASKA" 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, Holcomb, and Myers. 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. 1173 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Myers, Sonnichsen, and Holcomb. 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 Sonnichsen, seconded by Holcomb, to open a public hearing at 1:33 p.m. regarding Amending the 2016-2017 budget. Roll call vote: Voting aye: Holcomb, Myers, and Sonnichsen. Nays: None. Motion carried. Nancee Coufal explained the amendments. Moved by Sonnichsen, seconded by Myers, to close a public hearing at 1:35 p.m. regarding amending the 2016-2017 budget. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to approve Resolution 2017-56. Said resolution approves amending the 2016-2017 budget. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to open a public hearing at 1:37 p.m. regarding the 2017-2018 Annual Appropriation Bill. Roll call vote: Voting aye: Holcomb, Myers, and Sonnichsen. Nays: None. Motion carried. Nancee Coufal explained the appropriation bill. Moved by Sonnichsen, seconded by Holcomb, to close a public hearing at 1:50 p.m. regarding the 2017-2018 Annual Appropriation Bill. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Myers, to open a public hearing at 1:50 p.m. regarding setting the final property tax request for 2017-2018. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried. Nancee Coufal explained the property tax request. Moved by Sonnichsen, seconded by Holcomb, to close a public hearing at 1:51 p.m. regarding setting the final property tax request for 2017-2018. Roll call vote: Voting aye: Holcomb, Myers, and Sonnichsen. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb, to approve Resolution 2017-57. Said resolution approves the additional 1% Increase to the Restricted Funds. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to approve Resolution 2017-58. Said resolution approves setting the final property tax request for 2017-2018 budget. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb, to approve Resolution 2017-59. Said resolution approves carrying forward the unused restricted funds authority. Roll call vote: Voting aye: Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried.

After discussing the matter, Councilmember Myers introduced Ordinance No. 1174 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES” 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: Myers, Holcomb, 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 Myers moved for final passage of the Ordinance, which motion was seconded by Councilmember Holcomb. The Mayor stated the question, “Shall Ordinance No. 1174 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Holcomb, Myers, and Sonnichsen. 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 Sonnichsen, seconded by Holcomb, to open a public hearing at 1:55 p.m. regarding the Ordinance 1175, Wages. Roll call vote: Voting aye: Myers, Holcomb, and Sonnichsen. Nays: None. Motion carried. This ordinance gives a wage range for all employees. Moved by Sonnichsen, seconded by Myers, to close the public hearing at 1:56 p.m. regarding Ordinance 1175, Wages. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

After discussing the matter, Councilmember Sonnichsen introduced Ordinance No. 1175 entitled “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA REGARDING THE SALARIES OF OFFICERS AND EMPLOYEE; PAY PLAN FOR ALL CLASSIFICATIONS WITH THE CITY AND MONTHLY SALARY OR HOURLY WAGE RANGES FOR EACH INDIVIDUAL CLASSIFICATION” and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Holcomb 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: Holcomb, Sonnichsen, and Myers. 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. 1175 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Sonnichsen, Holcomb, and Myers. 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 Sonnichsen, seconded by Holcomb, to open a public hearing at 1:57 p.m. regarding Ordinance 1176, Opportunity Land Investments Rezoning. Roll call vote: Voting aye: Holcomb, and Sonnichsen. Nays: None. Abstain: Myers. Motion carried. This ordinance rezones the area to the east of the Garden Center to C-2 from R-1. The Planning Commission approved the rezoning already. Moved by Sonnichsen, seconded by Holcomb, to close the public hearing at 2:00 p.m. regarding Ordinance 1176, Opportunity Land Investments Rezoning. Roll call vote: Voting aye: Sonnichsen and Holcomb. Nays: None. Abstain: Myers. Motion carried.

After discussing the matter, Councilmember Holcomb introduced Ordinance No. 1176 entitled “AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF BROKEN BOW” 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 and Holcomb. Nays: None. Abstain: Myers. 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. 1176 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Holcomb and Sonnichsen. Nays: None. Abstain: Myers. 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 Sonnichsen, to approve Resolution 2017-60. Said resolution approves payment to Environmental Direct, Inc. in the amount of \$1,025.00 for work completed on the asbestos removal at the Library. Roll call vote: Voting aye: Myers, Sonnichsen, and Holcomb. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to approve Resolution 2017-61. Said resolution approves payment #5 to Chief Construction Company in the amount of \$172,468.02 for work completed on the Library Renovation project through August 31, 2017. Roll call vote: Voting aye: Sonnichsen, Holcomb, and Myers. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to approve Resolution 2017-62. Said resolution approves payment#17 to JEO Consulting Group, Inc. in the amount of \$1,717.50 for work completed on the Broken Bow Comprehensive Plan and Zoning/Subdivision Regulations through August 31, 2017. Roll call vote: Voting aye: Holcomb, Sonnichsen, and Myers. Nays: None. Motion carried.

Moved by Holcomb, seconded by Sonnichsen, to approve Resolution 2017-63. Said resolution approves payment to Myers Construction, Inc. in the amount of \$24,669.00 for work completed on the Downtown Improvements. Roll call vote: Voting aye: Holcomb and Sonnichsen. Nays: None. Abstain: Myers. Motion carried.

Moved by Sonnichsen, seconded by Holcomb, to approve Resolution 2017-64. Said resolution approves payment to Department of Health & Human Services in the amount of \$2,509.78 for water main review fees on the Downtown Project. Roll call vote: Voting aye: Sonnichsen and Holcomb. Nays: None. Abstain: Myers. Motion carried.

Mayor Burt opened the floor for comments from the Mayor and Councilmembers concerning City Departments. Councilman Holcomb commented that he received a compliment about the RV Park, that it was the best spot the people had stayed. Councilman Sonnichsen informed everyone that on Saturday, September 15<sup>th</sup>, there will be a collection of chemicals, paints, oil, batteries, computers, and monitors.

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

Moved by Sonnichsen, seconded by Holcomb, to enter into closed session at 2:14 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, and Board of Supervisors Chairperson Barry Fox. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried. Barry Fox exited at 2:49 p.m.

Moved by Sonnichsen, seconded by Holcomb, to exit out of closed session at 3:17 p.m. from the purpose of discussing potential litigation. Roll call vote: Voting aye: Holcomb, Myers, and Sonnichsen. Nays: None. Motion carried.

Moved by Sonnichsen, seconded by Myers, to adjourn the City Council Meeting at 3:18 p.m. Roll call vote: Voting aye: Sonnichsen, Myers, and Holcomb. Nays: None. Motion carried.

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Cecil Burt, Mayor

ATTEST:

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Stephanie M. Wright, City Clerk