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*City of Broken Bow*  
**City Council Regular Session Packet**  
**May 23, 2012 at 12:00 PM**

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**City Council:** Scott Spanel – Council President  
Chad Schall  
Bill Adams  
Jim Franssen

**City Administrator:** Tony Tolstedt

**City Clerk:** Elaine Bayer

**Mayor:** Cecil Burt

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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Minutes - May 14, 2012 Council Meeting**

**Staff Contact: Elaine Bayer**

May 14 2012  
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 Monday, May 14, 2012 in the Municipal Building at Broken Bow, Nebraska. Present were: Mayor Cecil Burt; Council President Scott Spanel; Councilmember Cody Schmick Bill Adams and Chad Schall. Absent: None. 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 Cecil Burt stated that the Open Meeting Act was posted on the north wall of the Council Chambers.

Mayor Burt presented the Consent Agenda and stated that the items on the Consent Agenda were:

- Minutes – April 23, 2012 Council Meeting
- Minutes – May 4, 2012 Special Council Meeting
- Minutes – May 9, 2012 Special Council Meeting
- Claims – May 14, 2012 Council Meeting
- Pay Request No. 14 to Carrothers Construction in the amount of \$38,121.00 for work completed to date at the Broken Bow Aquatic Facility
- Approve request for SDL by Huckleberry's Hideout to cater wedding reception in Municipal Auditorium on Saturday, June 9, 2012 between the hours of 6:00 P.M. and 1:00 A.M.
- Approve request of Troy Wuehler to sell fireworks on the empty lot located between NAPA and Orschelns
- Approve request for Sale of Fireworks by the Broken Bow Volunteer Fire Department on City Square
- Approve request for Fireworks Display on July 4, 2012 by the Broken Bow Volunteer Fire Department

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

At 12:02 P.M. it was moved by Councilmember Spanel that the Public Hearing on the Application for a Class D Liquor License by Trotter Incorporated dba Trotter's Whoa & Go, VII now be opened. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams, Spanel and Schmick. Nays: None. Motion carried.

The City Clerk stated that she had received no written objections to the issuance of said license nor were there any persons in attendance at the meeting with objections to the issuance of said license.

At 12:94 P.M. it was moved by Councilmember Spanel and seconded by Councilmember Schall that the Public Hearing on the Application for a Class D Liquor License by Trotter Incorporated dba Trotter's Whoa & Go, VII be closed. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick, Spanel and Adams. Nays: None. Motion carried.

It was moved by Councilmember Spanel and seconded by Councilmember Schall that the Application for a Class D Liquor License for Trotter Incorporated dba Trotter's Whoa & Go, VII with Terina A. Trotter-Wortman as the Manager for said license be approved. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick, Spanel and Adams. Nays: None. Motion carried.

Loren Taylor appeared before the Mayor and Council to introduce Melissa Garcia as the new Custer Economic Development President and stated that it is the intent of the Custer Economic Development Corporation to continue pledging their support to the City of Broken Bow in the continued development and expansion and betterment of our community.

City Engineer Dave Henke presented Change Order No. 5 for the Broken Bow Aquatic Center stating that the Change Order would provide for a 30 days extension to the completion date and the addition of 7500 SF of sod south of the pool at no cost to the City to create better erosion control in a drainage swale south of the new pool. Mr. Henke also stated that this Change Order will not interfere with the schedule date of the pool opening of May 28, 2012. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schmick to approve Change Order No. 5 as presented. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams, Spanel and Schall. Nays: None. Motion carried.

City Administrator informed the Council that two quotes had been received for the Irrigation work at Indian Hills park. It was noted that the area of the park where the irrigation system would be installed is currently being watered manually by park department employees. The quotes were:

Tilley Sprinkler Systems - \$3,615.00

Instant Rain Lawn Irrigation - \$3,640.36

After discussing the matter Councilmember Spanel informed the Council that it was the recommendation of the Park Board that the quote of Tilley Sprinkler Systems in the amount of \$3,615.00 be approved as the lowest and best quote. It was moved by Councilmember Spanel and seconded by Councilmember Schall that the quote for from Tilley Sprinkler Systems in the amount of \$3,615.00 be approved as the lowest and best quote as recommended by the Broken Bow Park Board. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall, Spanel and Schmick. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented a 3 year contract between the City of Broken Bow and Century Link which will provide for discounted rates and savings for the City's government telephone lines. After discussing the contract, it was moved by Councilmember Adams and seconded by Councilmember Schall to authorize Mayor Burt to execute the three year contract between the City of Broken Bow and Century Link for the discounted rates. The Mayor stated

the motion. Upon roll call the vote was as follows: Ayes: Spanel, Schmick, Adams and Schall. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented a proposal for Beehive Agenda Management License and Maintenance to the Council for their consideration. After discussing the matter, it was moved by Councilmember Adams and seconded by Councilmember Schmick that the matter be tabled until the next regular meeting. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Spanel, Adams, Schall and Schmick. Nays: None. Motion carried.

Discussion was held regarding the replacing of the ice machine in the Municipal Auditorium Kitchen. City Administrator Tony Tolstedt informed the Council that the City had received four quotes for the equipment and after discussing the matter, it was the recommendation of the Council that we provide specifications to each of the individuals that had provided quotes and to place the purchase of the ice machine on the next agenda.

City Administrator Tony Tolstedt informed the Council that it was the recommendation of the Board of Public Works that the City not renew the Energy Pioneer Solutions Contract due to the fact that they feel the City should not be involved in billing for a private business. Officer Manager Lisa Spanel stated that there were issues with individuals not paying their bills for Energy Pioneer Solutions in a timely manner and that it was resulting in an increased amount of bookkeeping for those employees. Utility Board Chairman Gene Chapin informed Mr. Kleeb that it was the hopes of the Board of Public Works that perhaps these payments could be done through one of the financial institutions in Broken Bow. He also stated that the Board will definitely support Energy Pioneer Solutions in continuing to provide information to them when requested but they would be interested in looking at other options. He also stated that the Board does not feel that it is our responsibility to do the billing and we should not be fielding the complaints. It was moved by Councilmember Spanel and seconded by Councilmember Schmick that the this contract be tabled until the next agenda. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick, Spanel and Schall. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented the Contract between the City of Broken Bow and Rutjens Construction Inc. of Tilden Nebraska for the College Estates Subdivision Utility Improvements. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schall that the Mayor be authorized to execute the Contract between the City of Broken Bow and Rutjens Construction. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams, Schmick and Spanel. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented quotes for the replacement of an ice machine in the Municipal Auditorium kitchen. After discussing the quotes, it was recommended that each bidder be provided with specs so that each bidder may bid on the same type of machine. It was moved by Councilmember Spanel and seconded by Councilmember Adams that the replacement of the ice machine be tabled until the next regular meeting.

Discussion was held regarding the closing of City offices at noon on Friday, May 25, 2012 for a soft opening at the new Broken Bow Aquatic Facility for employees and their families. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schall that all City offices close at noon on Friday, May 25, 2012 for employees to attend the soft opening at the Broken Bow Aquatic Center dependent upon weather. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Spanel, Schmick and Adams.

Discussion was held regarding changing the date of the second council meeting in May due to the meeting date being on a holiday. After discussing the matter the council gave their unanimous consent to changing the second meeting in May from Monday, May 28, 2012 to Wednesday May 23, 2012 at 12:00 noon.

City Administrator Tony Tolstedt presented a job description for the Water/Sewer Superintendent and the Electrical Superintendent to the Mayor and Council for their approval. Tolstedt informed the Council that presently these positions are operating under the job description of Utility Superintendent. After discussing the job descriptions, it was moved by Councilmember Spanel and seconded by Councilmember Schall that the job descriptions be approved as presented. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Spanel, Schmick, Adams and Schall. Nays: None. Motion carried.

At 1:05 P.M. it was moved by Councilmember Spanel and seconded by Councilmember Adams that the council meeting of the City of Broken Bow be adjourned.

Ayes: Adams, Schall, Schmick and Spanel.

Nays: None.

Motion carried.

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Mayor, Cecil Burt

ATTEST:

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City Clerk, Elaine L. Bayer

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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Claims - May 23, 2012 Council Meeting**

**Staff Contact: Elaine Bayer**

# Check Approval List

5/16/2012 2:23:56 PM

City of Broken Bow

Page 1 of 1

<u>Pay#</u>	<u>Vend#</u>	<u>Vendor Name</u>	<u>Invoice</u>	<u>Description</u>	<u>Due Date</u>	<u>Amount</u>
16927		Aflac		Liability - Insurance	5/23/2012	\$872.44
16928		Alamar Uniforms		Police - Bracket for Impala	5/23/2012	\$49.50
16929		Angie Neben		General - Postage for Camera Return	5/23/2012	\$13.49
16930		BCN Telecom		Long Distance Service	5/23/2012	\$110.77
16931		Bound Tree Medical		Rescue Unit - C-Collars	5/23/2012	\$26.78
16932		Central Ne Economic Dev District		General - 2012 Membership Dues	5/23/2012	\$5,623.50
16933		City Flex Benefit Plan		Liability - Insurance	5/23/2012	\$322.08
16934		City of Broken Bow Pension Fund		Pension	5/23/2012	\$10,405.74
16935		Culligan Water Conditioning		Firemen - Soft Water Salt	5/23/2012	\$7.75
16936		Deterding		Pool - Chlorine Tabs	5/23/2012	\$5,939.57
16937		Dollar General		Pub Bldg - Cleaning Supplies	5/23/2012	\$34.55
16938		Duckwall-Alco		Library - DVD Player for Meeting Room	5/23/2012	\$31.98
16939		Evans Feed Co.		Park - Fish Food for Lake	5/23/2012	\$360.00
16940		Family Heritage		Liability - Insurance	5/23/2012	\$210.25
16941		Great Plains Communications		Monthly Internet Costs	5/23/2012	\$73.43
16942		Ingram Library Services		Library - Materials	5/23/2012	\$1,906.98
16943		JEO		General - Aquatic Center Engineering	5/23/2012	\$7,173.80
16944		Kim Blackburn		Library - Mileage	5/23/2012	\$83.25
16945		Municipal Supply Inc.		General - Water Supplies Aquatic Center	5/23/2012	\$3,845.42
16946		News Bank		Library - One Year Subscription	5/23/2012	\$585.00
16947		Noble Industrial Supply		Towels/Sanitizer	5/23/2012	\$526.78
16948		OSA/Computers Plus		Library - Supplies	5/23/2012	\$71.71
16949		Omaha State Bank		Liability - Insurance	5/23/2012	\$235.86
16950		Pamida Inc		Library - Cleaning Machine and Supplies	5/23/2012	\$166.99
16951		Penworthy Company		Library - Childrens Books	5/23/2012	\$377.62
16952		Presto X Company		Library - Monthly Service	5/23/2012	\$41.00
16953		Regional Care		Health Insurance	5/23/2012	\$21,749.37
16954		Steve Scott		Police - Postage Reimbursement/Car	5/23/2012	\$64.93
16955		Trotter Fertilizer		Street - Chemical Additive	5/23/2012	\$58.35
16956		Upstart		Library - Book Marks	5/23/2012	\$48.50
						<hr/> <hr/>
						\$61,017.39

Report Selection: Check Approval List - By Vendor

Date Range Selection: Invoice Due Date

Starting Date: 5/23/2012

Ending Date: 5/23/2012



# Check Approval List - GL Account

5/16/2012 2:24:05 PM

City of Broken Bow

Page 1 of 2

<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
<b>General</b>				
Aflac	Liability - Insurance	Health/Life/Acc Insuranc	\$872.44	
Angie Neben	General - Postage for Camera Return	Supplies & Postage	\$13.49	
Central Ne Economic Dev District	General - 2012 Membership Dues	Association Dues	\$5,623.50	
City Flex Benefit Plan	Liability - Insurance	Health/Life/Acc Insuranc	\$322.08	
City of Broken Bow Pension Fund	Pension	Pension	\$3,462.44	
City of Broken Bow Pension Fund	Pension	Pension	\$1,258.76	
City of Broken Bow Pension Fund	Pension	Loan Payment	\$2,222.10	
City of Broken Bow Pension Fund	Pension	Pension	\$270.94	
Family Heritage	Liability - Insurance	Health/Life/Acc Insuranc	\$210.25	
JEO	General - Aquatic Center Engineering	Aquatic Facility	\$7,173.80	
Municipal Supply Inc.	General - Water Supplies Aquatic Center	Aquatic Facility	\$3,845.42	
Omaha State Bank	Liability - Insurance	Health/Life/Acc Insuranc	\$235.86	
Regional Care	Health Insurance	Health/Life/Acc Insuranc	\$4,296.66	
Regional Care	Health Insurance	Health/Life/Acc Insuranc	\$2,297.58	
Regional Care	Health Insurance	Health Insurance	\$1,500.21	
Steve Scott	Police - Postage Reimbursement/Car Titles	Supplies & Postage	\$17.25	
		Total General	\$33,622.78	
<b>Municipal Building</b>				
BCN Telecom	Long Distance Service	Telephone	\$55.21	
City of Broken Bow Pension Fund	Pension	Pension	\$146.82	
Dollar General	Pub Bldg - Cleaning Supplies	Building Cleaning Suppli	\$34.55	
Regional Care	Health Insurance	Health Insurance	\$585.60	
		Total Municipal Building	\$822.18	
<b>Handi Bus</b>				
BCN Telecom	Long Distance Service	Telephone	\$4.25	
City of Broken Bow Pension Fund	Pension	Pension	\$118.70	
Regional Care	Health Insurance	Health Insurance	\$1,294.13	
		Total Handi Bus	\$1,417.08	
<b>Police</b>				
Alamar Uniforms	Police - Bracket for Impala	Equipment Purchases	\$49.50	
BCN Telecom	Long Distance Service	Telephone	\$34.35	
City of Broken Bow Pension Fund	Pension	Pension	\$1,356.60	
Regional Care	Health Insurance	Health Insurance	\$5,540.08	
Steve Scott	Police - Postage Reimbursement/Car Titles	Supplies & Postage	\$17.68	
Steve Scott	Police - Postage Reimbursement/Car Titles	Equipment Purchases	\$30.00	
		Total Police	\$7,028.21	
<b>Rescue Unit</b>				
Bound Tree Medical	Rescue Unit - C-Collars	Ambulance Supplies	\$26.78	
City of Broken Bow Pension Fund	Pension	Pension	\$68.16	
Noble Industrial Supply	Towels/Sanitizer	Ambulance Supplies	\$263.39	
Regional Care	Health Insurance	Health Insurance	\$292.80	
		Total Rescue Unit	\$651.13	
<b>Fire</b>				
City of Broken Bow Pension Fund	Pension	Pension	\$68.16	
Culligan Water Conditioning	Firemen - Soft Water Salt	Miscellaneous Expense	\$7.75	
Noble Industrial Supply	Towels/Sanitizer	Equipment Purchases	\$263.39	
Regional Care	Health Insurance	Health Insurance	\$292.80	
		Total Fire	\$632.10	
<b>Library</b>				
BCN Telecom	Long Distance Service	Telephone	\$10.42	
City of Broken Bow Pension Fund	Pension	Pension	\$331.38	
Duckwall-Alco	Library - DVD Player for Meeting Room	Equipment Purchases	\$31.98	
Great Plains Communications	Monthly Internet Costs	Computer Public Access	\$73.43	
Ingram Library Services	Library - Materials	Book Purchases	\$1,906.98	
Kim Blackburn	Library - Mileage	Travel & Meeting Expens	\$83.25	
News Bank	Library - One Year Subscription	Book Purchases	\$585.00	
OSA/Computers Plus	Library - Supplies	Supplies & Postage	\$71.71	
Pamida Inc	Library - Cleaning Machine and Supplies	Maintenance & Repair B	\$166.99	
Penworthy Company	Library - Childrens Books	Book Purchases	\$377.62	
Presto X Company	Library - Monthly Service	Maintenance & Repair B	\$41.00	
Regional Care	Health Insurance	Health Insurance	\$1,879.72	
Upstart	Library - Book Marks	Miscellaneous Expense	\$48.50	
		Total Library	\$5,607.98	
<b>Street</b>				

# Check Approval List - GL Account

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City of Broken Bow

Page 2 of 2

<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
<b>Street</b>				
BCN Telecom		Long Distance Service	Telephone	\$6.54
City of Broken Bow Pension Fund		Pension	Pension	\$715.96
Regional Care		Health Insurance	Health Insurance	\$3,123.95
Trotter Fertilizer		Street - Chemical Additive	Maintenance & Repair E	\$58.35
			Total Street	\$3,904.80
<b>Park</b>				
City of Broken Bow Pension Fund		Pension	Pension	\$385.72
Evans Feed Co.		Park - Fish Food for Lake	Melham Lake	\$360.00
Regional Care		Health Insurance	Health Insurance	\$645.84
			Total Park	\$1,391.56
<b>Swimming Pool</b>				
Deterding		Pool - Chlorine Tabs	Pool Chemicals	\$5,939.57
			Total Swimming Pool	\$5,939.57
				<u>\$61,017.39</u>

Report Selection: Check Approval List - GL Account

Date Range Selection: Invoice Due Date

Starting Date: 5/23/2012

Ending Date: 5/23/2012

## Accounts Payable Detail Listing

City of Broken Bow

Vend# Vendor Name

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>Aflac</b>								
16927	5/23/2012	5/23/2012	872.44		5/23/2012			Posted
	01-1501.00			Liability - Insurance			872.44	0.00
<b>Alamar Uniforms</b>								
16928	5/23/2012	5/23/2012	49.50		5/23/2012			Posted
	04-3410.00			Police - Bracket for Impala			49.50	0.00
<b>Angie Neben</b>								
16929	5/23/2012	5/23/2012	13.49		5/23/2012			Posted
	01-3223.00			General - Postage for Camera Return			13.49	0.00
<b>BCN Telecom</b>								
16930	5/23/2012	5/23/2012	110.77		5/23/2012			Posted
	08-3221.00			Street - Long Distance Service			6.54	0.00
	04-3221.00			Police - Long Distance Service			34.35	0.00
	07-3221.00			Library - Long Distance Service			10.42	0.00
	02-3221.00			Pujb Bldg - Long Distance Service			55.21	0.00
	03-3221.00			Handi Bus - Long Distance Service			4.25	0.00
							110.77	0.00
<b>Bound Tree Medical</b>								
16931	5/23/2012	5/23/2012	26.78		5/23/2012			Posted
	05-3338.00			Rescue Unit - C-Collars			26.78	0.00
<b>Central Ne Economic Dev District</b>								
16932	5/23/2012	5/23/2012	5,623.50		5/23/2012			Posted
	01-3206.00			General - 2012 Membership Dues			5,623.50	0.00
<b>City Flex Benefit Plan</b>								
16933	5/23/2012	5/23/2012	322.08		5/23/2012			Posted
	01-1501.00			Liability - Insurance			322.08	0.00
<b>City of Broken Bow Pension Fund</b>								
16934	5/23/2012	5/23/2012	10,405.74		5/23/2012			Posted
	01-1502.00			Liability - BBHA			1,258.76	0.00
	01-1502.00			Liability - Employees			3,462.44	0.00
	01-1513.00			Liability - Employee Loans			2,222.10	0.00
	01-3103.00			General - Pension			270.94	0.00
	08-3103.00			Street - Pension			715.96	0.00
	06-3103.00			Firemen - Pension			68.16	0.00
	04-3103.00			Police - Pension			1,356.60	0.00
	05-3103.00			Rescue Unit - Pension			68.16	0.00
	09-3103.00			Park - Pension			385.72	0.00
	07-3103.00			Library - Pension			331.38	0.00
	02-3103.00			Pub Bldg - Pension			146.82	0.00
	03-3103.00			Bus - Pension			118.70	0.00
							10,405.74	0.00
<b>Culligan Water Conditioning</b>								
16935	5/23/2012	5/23/2012	7.75		5/23/2012			Posted
	06-3222.00			Firemen - Soft Water Salt			7.75	0.00
<b>Deterding</b>								
16936	5/23/2012	5/23/2012	5,939.57		5/23/2012			Posted
	10-3432.00			Pool - Chlorine Tabs			5,939.57	0.00
<b>Dollar General</b>								
16937	5/23/2012	5/23/2012	34.55		5/23/2012			Posted
	02-3223.01			Pub Bldg - Cleaning Supplies			34.55	0.00
<b>Duckwall-Alco</b>								
16938	5/23/2012	5/23/2012	31.98		5/23/2012			Posted
	07-3410.00			Library - DVD Player for Meeting Room			31.98	0.00
<b>Evans Feed Co.</b>								
16939	5/23/2012	5/23/2012	360.00		5/23/2012			Posted
	09-3430.00			Park - Fish Food for Lake			360.00	0.00
<b>Family Heritage</b>								
16940	5/23/2012	5/23/2012	210.25		5/23/2012			Posted
	01-1501.00			Liability - Insurance			210.25	0.00

## Accounts Payable Detail Listing

City of Broken Bow

**Vend# Vendor Name**

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>Great Plains Communications (continued)</b>								
16941	5/23/2012	5/23/2012	73.43		5/23/2012			Posted
	07-3341.00			Monthly Internet Costs			73.43	0.00
<b>Ingram Library Services</b>								
16942	5/23/2012	5/23/2012	1,906.98		5/23/2012			Posted
	07-3340.00			Library - Materials			1,906.98	0.00
<b>JEO</b>								
16943	5/23/2012	5/23/2012	7,173.80		5/23/2012			Posted
	01-3224.01			General - Aquatic Center Engineering			7,173.80	0.00
<b>Kim Blackburn</b>								
16944	5/23/2012	5/23/2012	83.25		5/23/2012			Posted
	07-3205.00			Library - Mileage			83.25	0.00
<b>Municipal Supply Inc.</b>								
16945	5/23/2012	5/23/2012	3,845.42		5/24/2012			Posted
	01-3224.01			General - Water Supplies Aquatic Center			3,845.42	0.00
<b>News Bank</b>								
16946	5/23/2012	5/23/2012	585.00		5/23/2012			Posted
	07-3340.00			Library - One Year Subscription			585.00	0.00
<b>Noble Industrial Supply</b>								
16947	5/23/2012	5/23/2012	526.78		5/23/2012			Posted
	06-3410.00			Firemen - Towels/Sanitizer			263.39	0.00
	05-3338.00			Rescue Unit - Towels/Sanitizer			263.39	0.00
							526.78	0.00
<b>OSA/Computers Plus</b>								
16948	5/23/2012	5/23/2012	71.71		5/23/2012			Posted
	07-3223.00			Library - Supplies			71.71	0.00
<b>Omaha State Bank</b>								
16949	5/23/2012	5/23/2012	235.86		5/23/2012			Posted
	01-1501.00			Liability - Insurance			235.86	0.00
<b>Pamida Inc</b>								
16950	5/23/2012	5/23/2012	166.99		5/23/2012			Posted
	07-3311.00			Library - Cleaning Machine and Supplies			166.99	0.00
<b>Penworthy Company</b>								
16951	5/23/2012	5/23/2012	377.62		5/23/2012			Posted
	07-3340.00			Library - Childrens Books			377.62	0.00
<b>Presto X Company</b>								
16952	5/23/2012	5/23/2012	41.00		5/23/2012			Posted
	07-3311.00			Library - Monthly Service			41.00	0.00
<b>Regional Care</b>								
16953	5/23/2012	5/23/2012	21,749.37		5/23/2012			Posted
	01-1501.00			Liability - Health Insurance			2,297.58	0.00
	01-1501.00			Liability - Health Insurance			4,296.66	0.00
	01-3104.00			General - Health Insurance			1,500.21	0.00
	08-3104.00			Street - Health Insurance			3,123.95	0.00
	06-3104.00			Firemen - Health Insurance			292.80	0.00
	04-3104.00			Police - Health Insurance			5,540.08	0.00
	05-3104.00			Rescue Unit - Health Insurance			292.80	0.00
	09-3104.00			Park - Health Insurance			645.84	0.00
	07-3104.00			Library - Health Insurance			1,879.72	0.00
	02-3104.00			Pub Bldg - Health Insurance			585.60	0.00
	03-3104.00			Handi Bus - Health Insurance			1,294.13	0.00
							21,749.37	0.00
<b>Steve Scott</b>								
16954	5/23/2012	5/23/2012	64.93		5/23/2012			Posted
	04-3223.00			Police - Postage			17.68	0.00
	04-3410.00			Police - Car Titles			30.00	0.00
	01-3223.00			General - Abatement Letters			17.25	0.00
							64.93	0.00

**Accounts Payable Detail Listing**

City of Broken Bow

**Vend# Vendor Name**

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>Trotter Fertilizer (continued)</b>								
16955	5/23/2012	5/23/2012	58.35		5/23/2012			Posted
	08-3310.00			Street - Chemical Additive			58.35	0.00
<b>Upstart</b>								
16956	5/23/2012	5/23/2012	48.50		5/23/2012			Posted
	07-3222.00			Library - Book Marks			48.50	0.00

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61,017.39 30 Non-voided payables listed.
**Report Setup**

AP - Accounts Payable Listing : Entry Order

**Filter Options**

Starting: 5/23/2012

Ending: 5/23/2012

Banks: All

Payable Status: Posted, Printed, ACH, Recorded, Voided

Payables: All

---

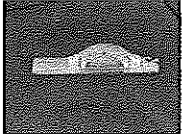
# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Driveway and Sidewalk Contingencies for the Arrowhead Drive Curb and Gutter Project**

**Staff Contact: Monte Clark**



# Markham Construction

P. O. Box 14  
Merna, NE 68856

## Invoice

Date
4/26/2012

Invoice #
1910

Bill To
<b>CITY OF BROKEN BOW</b> <b>314 SOUTH 10TH AVENUE</b> <b>BROKEN BOW NE 68822</b>

Project
ARROWHEAD DRIVE

P.O. No.

Contact Person
BUD CLARK

Description	Amount
2,000 square feet @ \$4.50 per sq ft 2,000 square feet of driveway Remove and re-pour	9,000.00
381 square feet @ \$4.50 per sq ft 381 square feet of sidewalk Remove and re-pour	1,714.50
Thank you for your business.	<b>Total</b> \$10,714.50

Phone #
308-643-7022

E-mail
bumpm@neb-sandhills.net

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# City of Broken Bow

Wednesday, May 23, 2012

City Council Regular Session

## **Ordinance No. 2012-1116 Amending Ordance No. 634 Section 2.2**

*The Enforcement Officer from Building Inspector to Zoning Administrator as the designated enforcement officer.*

Staff Contact: Tony Tolstedt



CITY OF BROKEN BOW  
ORDINANCE No. 2012-1116

AN ORDINANCE DEALING WITH THE AMENDING OF SECTION 2.0 OF BROKEN BOW CITY ORDINANCE NO. 634, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA:**

Section 1.0 STATUTORY AUTHORIZATION; FINDINGS OF FACT AND PURPOSES

1.1 STATUTORY AUTHORIZATION.

The Legislature of the State of Nebraska has in the Nebraska State Statutes delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the Mayor and Council of the City of Broken Bow, Nebraska ordains as follows.

1.2 FINDINGS OF FACT

1.21 Flood Losses Resulting From Periodic Inundation.

The flood hazard areas of Broken Bow, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 General Causes of These Flood Losses.

These flood losses are caused by (1) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities; (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

1.23 Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- (1) Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonable characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) change of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated September 29, 1978 as amended.
- (2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (3) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

(4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

(5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

### 1.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance to:

1.31 Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.

1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

1.34 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

## SECTION 2.0 GENERAL PROVISIONS

### 2.1 LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within the jurisdiction of the Mayor and Council of the City of Broken Bow identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones and within the Zoning Districts FW and FF established in Section 4.0 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restriction as the Council or the designated representative may reasonable impose for the promotion and maintenance of the general welfare, health of the inhabitants of the city and where specifically noted in Sections 5.0, 6.0 and 7.0.

### 2.2 THE ENFORCEMENT OFFICER.

The Zoning Administrator of the City is hereby designated as the Council's duly designated Enforcement Officer under this ordinance.

### 2.3 RULES FOR INARMETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his, own technical evidence.

### 2.4 COMPLIANCE

No development located within known flood hazard areas of this city shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

## 2.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

## 2.6 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be likely construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

## 2.7 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Broken Bow or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## 2.8 SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## 2.9 APPEAL

Where a request for a permit to develop or a variance is denied by the Zoning Administrator the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

The Board of Zoning Appeals may grant or deny such request by appropriate resolution adopted within sixty (60) days after the date of such application to the Board of Zoning Appeals.

## SECTION 3.0 DEVELOPMENT PERMIT

### 3.1 PERMIT REQUIRED

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development for each such building or structure.

### 3.2 ADMINISTRATION

A. The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

B, Duties of the Zoning Administrator shall include, but not be limited to:

- (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
- (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required,
- (3) Notify adjacent communities and the Natural Resource District prior to any alteration or relocation of a watercourse, and shall

submit evidence of such notification to the Federal Insurance Administration.

- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structure has been floodproofed.
- (7) When floodproofing is utilized for a particular structure the Zoning Administrator shall be presented a certification from a registered professional engineer or architect.

### 3.3 APPLICATION FOR PERMIT

A. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- 3.31 Identify and describe the work to be covered by the permit.
- 3.32 Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- 3.33 Indicate the use or occupancy for which the proposed work is intended.
- 3.34 Be accompanied by plans and specifications for proposed construction.
- 3.35 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- 3.36 Give such other information as reasonably may be required by the Zoning Administrator.

### SECTION 4.0 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: a floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (Flood Boundary and Floodway Map. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the Official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

### SECTION 5.0 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT

- 5.1 No Permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of mobile homes within all numbered and unnumbered A zones unless the conditions of this Section are satisfied.
- 5.2 All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available the community shall utilize any base flood elevation data currently available within its area of jurisdiction.

5.3 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of mobile homes and other developments shall require:

- 5.31 Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.
- 5.32 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
- 5.33 New development and substantial improvements to: a) use construction materials and utility equipment that are resistant to flood damage, and b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.
- 5.34 All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
- 5.35 That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the city's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; Section 1.23 (1) of this ordinance.

5.36 Storage and Material and Equipment

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
  - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- 5.37 Subdivision proposals and other proposed new development be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or fifty (50) lots whichever is lesser, include within such proposals the regulatory flood elevation.

SECTION 6.0 FLOODWAY FRINGE OVERLAY DISTRICT

6.1 PERMITTED USES

Any use permitted in Section 7.0 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

6.2 STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT

- 6.21 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement elevated one (1) foot above the regulatory flood elevation.
- 6.22 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one (1) foot above the regulatory flood elevation or, together with attendant utility and sanitary facilities, to be flood-proofed up to that level.

- 6.23 Within Zones AO all new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official FIRM.

Non-residential structures, within Zones AO, together with attendant utility and sanitary facilities may be floodproofed to or above the depth number specified on the official FIRM.

- 6.24 For new mobile home parks, mobile home subdivisions or expansions the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 per cent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, it is required that:

- a) Specific anchoring standards be met:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
4. Any additions to mobile homes be similarly anchored.

- b) Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be one (1) foot above the regulatory flood elevation.

- c) Adequate surface drainage and easy access for a hauler is provided.

- d) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart and steel reinforcement is provided for piers more than 6 feet high.

## SECTION 7.0 FLOODWAY OVERLAY DISTRICT

### 7.1 PERMITTED USES

Only uses haying\* low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 5.0 and 6.0.

- 7.11 Agricultural uses such as general farming, pasture, nurseries, forestry.

- 7.12 Residential uses such as lawns, gardens, parking and play areas.

- 7.13 Non-residential areas such as loading areas, parking, airport landing strips.

- 7.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. Placement of mobile homes is prohibited in the floodway, except in existing mobile home parks and existing mobile home subdivisions.

## SECTION 8.0 VARIANCE

8.1 Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this ordinance would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Zoning Appeals may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may only be granted if:

8.11 The structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.

8.12 The structure is listed on the National Register of Historic Places or the State Inventory of Historic Places to be restored or reconstructed.

8.2 Variances shall not be issued except upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, Or conflict with existing local or state laws or ordinances.

8.3 Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.

8.4 A community will notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased actuarial rates for flood insurance coverage. The Applicant will provide written and notarized acknowledgment of such notification,

## SECTION 9.0 NON-CONFORMING USE

9.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity ~~with~~ following conditions:

9.11 No such use or substantial improvement of that use shall be expanded, changes, enlarged, or altered in a way which increases its non-conformity,

9.12 If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Zoning Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

9.13 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

9.2 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 per cent Of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

## SECTION 10.0 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offence.

Nothing herein contained shall prevent the City of Broken Bow or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## SECTION 11.0 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed; or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard, At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Broken BOW.

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976,

## SECTION 12.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

ACTUARIAL RATES or "risk premium rates" are those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles, Actuarial rates include provisions for operating costs and allowances.

A1

CHANNEL                    A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus is, that water which is flowing within the limits of a defined channel,

DEVELOPMENT            - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD                    - A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD ELEVATION DETERMINATIONS    - A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one per cent chance of occurrence in any given year.

FLOOD INSURANCE RATE MAP (FIRM)    - An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.



FLOOD INSURANCE STUDY (FIS)	The official report provided by the Federal Insurance Administration; <sup>ie</sup> report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
FLOOD PLAIN MANAGEMENT	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.
FLOOD PROTECTION SYSTEM	-Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.
FLOOD PROOFING	-Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
FLOODWAY	-The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.
FLOODWAY FRINGE	-That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
HABITABLE FLOOR	-Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "Habitable Floor".
MOBILE HOME. A - ' is built	-A. structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities., It does not include recreational Vehicles or travel trailers,
MOBILE HOME PARK	-"Mobile Home Subdivision" means a parcel (or contiguous (SUBDIVISION) parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.
NEW CONSTRUCTION	-New construction means those structures where new construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the FIRM, whichever is later.
OVERLAY DISTRICT	-A district which acts in conjunction with the underlying zoning district or districts,
REGULATORY FLOOD ELEVATION	-Elevation indicated on the FIRM as the elevation of the 100-year flood,
REGULATORY FLOOD PROTECTION ELEVATION	.An elevation one foot higher than the water surface elevation of the regulatory flood,
STRUCTURE	- A walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.

SUBSTANTIAL IMPROVEMENT - "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

100-YEAR FLOOD – The base flood having a one percent chance of annual occurrence.

Section 13. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 14. This ordinance shall be in full force and effect from and after its approval and publication according to law.

Passed and approved this 23<sup>rd</sup> day of May, 2012.

\_\_\_\_\_  
Mayor, Cecil Burt

ATTEST:

\_\_\_\_\_  
City Clerk, Elaine L. Bayer

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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Consideration and approval of purchase of Beehive Agenda Management Software**

**Staff Contact: Tony Tolstedt**

# Memo

To: Honorable Mayor and City Council  
From: Tony Tolstedt, City Administrator  
Date: 5/16/2012  
Re: Beehive Agenda Management Software

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Honorable Mayor and City Council,

After further review of the Beehive Agenda Management software, it is my recommendation that the City Council approve the purchase of the program for a period of one (1) year. After nine (9) months of implementation, City Staff shall bring forward an agenda item for discussion and renewal of the license.

The cost of the service / program is \$1,800. The questions posed at the last meeting have been answered by the company representative via e-mail. A copy of that correspondence is provided along with a recommendation from the City Clerk.

**Elaine Bayer**

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**From:** "Anthony Tolstedt" <brokenbowadmin@gmail.com>  
**To:** "Elaine Bayer" <cityclerk@kdsi.net>  
**Cc:** "Bill Adams" <bill.adams@adamslandandcattle.com>; "Cecil Burt" <mayorcburt@gmail.com>; "Chad Schall" <chad.schall@sourcegas.com>; "Cody Schmick" <codyschmick@gmail.com>; "Jason White" <jwhitelaw@qwestoffice.net>; "Scott Spanel" <gspanel@hotmail.com>  
**Sent:** Tuesday, May 15, 2012 10:00 AM  
**Subject:** Fwd: Beehive Questions

I provided the following questions to Tom Chapman that is working with Beehive. Attached is the e-mail response. If anyone has any additional questions prior to council, please let me know ASAP and I will do my best to provide answers.

I have copied council on these notes. Please provide a printed copy of the e-mail for the packets.

Thank You,

Tony

----- Forwarded message -----

**From:** Tom Chapman <tchapman@nebraskaglobal.com>  
**Date:** Mon, May 14, 2012 at 5:03 PM  
**Subject:** RE: Beehive Questions  
**To:** Anthony Tolstedt <brokenbowadmin@gmail.com>

Tony –

Here are some replies to your questions.

Tom

**From:** Anthony Tolstedt [mailto:brokenbowadmin@gmail.com]  
**Sent:** Monday, May 14, 2012 4:03 PM  
**To:** Tom Chapman  
**Subject:** Beehive Questions

Tom,

Council Meeting was at noon today and the Agenda Management Software was discussed. Council had a couple of questions and tabled the discussion for the next meeting to be held May 23rd as our regular date is the 28th and we will be closed that day. As such, the Council would like to ask the following questions. Please respond in line if possible.

5/15/2012

1. How long has Beehive been in business? Since March 2011- clients since October 2011. Beehive is backed by Nebraska Global a \$37.3 million venture fund so while the company is young it is very well financed.
2. How long has the agenda mgmt software been in use? Approximately 2 months by Grand Island
3. How many communities is it in? 1 – Grand Island, Broken Bow and a couple of others are competing to be number two. My guess is that by the end of the summer – we will be in around 4 communities.
4. Which States? Nebraska
5. Am I correct that your program converts all attached docs into PDF for publication? Yes, the entire packet including all attached documents will be converted into one PDF. However, the documents are maintained in the cloud in their native format.
6. Is this a program on our computer or is it a site we access where we upload the data? This is a hosted application – so it is on Microsoft's cloud platform Azure. It is available as a desktop application – but can be accessed anywhere. The information in your account combines locally stored media with cloud stored media.
7. If a computer in the office or Internet is down, can we access the program / site from another location and complete work in that manner? Yes. As a cloud enabled technology, it is available on any computer with an internet connection.
8. Can council members have viewing access from their home terminals? Yes, depending on how the administrator sets rights. In Grand Island there is a public site with all of the agendas and minutes after the fact, but they do not provide packets much before the meeting. However, behind the scenes, the administration of the site allows a user (city official) to access the site if they have been granted permission
9. How far back do you archive? As far back as you have PDFs of the meetings. Going forward, we will keep information indefinitely.
10. Are we required to archive? No. There may be state law or something – but we do not require you to archive.
11. Can the City pay the bill (\$1,800 annual) monthly? After talking to Tony, this appears to be a question of longevity. Beehive will provide the service for one year – based on an annual contract – or return a pro-rated amount based on failure to provide or going out of business. If the issue is a payment term, Beehive can provide a quarterly bill, but monthly billing is logistically difficult (surprisingly it's a software challenge - from a provider, not our own thankfully).

Thank you for taking the time to answer my questions and I will make sure that your answers are provided to council. Please feel free to provide any additional information you feel is pertinent. Thanks again for the assistance.

Sincerely,

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Tony Tolstedt

5/15/2012

City Administrator

Broken Bow, NE

(308) 872-5831

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Tony Tolstedt  
City Administrator  
Broken Bow, NE  
(308) 872-5831

5/15/2012

# Memo

To: Honorable Mayor and Council  
From: Elaine Bayer, City Clerk  
CC: Tony Tolstedt, City Administrator  
Date: 5/16/2012  
Re: Beehive Agenda Management Software Recommendation

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Honorable Mayor and Council,

After further review of the Beehive Agenda Management Software, I recommend that the City approve its purchase and use for the next year on a trial basis. If after one year, the City chooses a different avenue then the use of the application can be terminated.





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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Consideration and possible action regarding recommendation of Board of Public Works to not renew Energy Pioneer Solutions Contract**

**Staff Contact: Tony Tolstedt**

# Memo

To: Honorable Mayor and City Council  
From: Tony Tolstedt, City Administrator  
Date: 5/16/2012  
Re: Energy Pioneer Solutions / Utility Board Recommendation

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Honorable Mayor and City Council,

The Broken Bow Board of Public Works (BOPW) recently issued a recommendation pertaining to the renewal of the contract with Energy Pioneer Solutions (EPS). The recommendation of the Board was to terminate the contract with EPS as the BOPW feels the City should not provide billing services for private businesses.

At the last regularly scheduled City Council meeting, the Council began discussion on renewal of the EPS contract following the BOPW recommendation to terminate the contract. During the meeting, discussion shifted at different times to the history, performance, and impact of the EPS program. It is important to note that the recommendation of the BOPW did not pertain to the performance, validity, or results of the EPS programs / improvements. No evaluation of the program has been undertaken by staff at this time.

As the recommendation of the BOPW pertained to the performance of billing services for EPS, I recommend that the City Council initially determine whether the City of Broken Bow / Broken Bow Municipal Utilities should/will provide billing for private business. If it is decided that the City will provide private billing services, Staff will require initial direction as to the standards and parameters by which a private business shall qualify for the service. City staff would then develop a formal policy / process for Council approval.

If it is decided that the City is best served by refraining from billing for private business, I recommend the Council vote to cancel / terminate the contract with EPS. It is not recommended for Council to allow for private billing with EPS without providing for parameters by which other private businesses may also be considered.

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# City of Broken Bow

Wednesday, May 23, 2012

City Council Regular Session

## Approval and Authorization for replacement of Ice Machine in Municipal Auditorium Kitchen

*We will get copies of quotes first of the week*

Staff Contact: Tony Tolstedt

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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Update on Insurance changes for Pool and Wayside Horns**

**Staff Contact: Tony Tolstedt**

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# **City of Broken Bow**

**Wednesday, May 23, 2012**

**City Council Regular Session**

## **Possible Litigation**

**Staff Contact: Tony Tolstedt**