
City of Broken Bow
Monday, July 23, 2012
City Council Regular Session

Approval of Minutes of July 9, 2012 Meeting

Council Minutes of July 9, 2012 Regular Council Meeting

Staff Contact: City Clerk

July 9, 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, July 9, 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 – June 25, 2012 Council Meeting
- Claims – July 9, 2012 Council Meeting
- Request to reserve parking places from south side of Tiffany Theater to the south side of creek on Saturday, July 21, 2012 between hours of 10:30 A.M. and 2:00 P.M. for the Randy Franzen Benefit Poker Run
- Approval of EMT Application of Joseph Franssen as member of the Broken Bow Ambulance Association and roster for the Broken Bow Ambulance Association effective July 9, 2012

It was moved by Councilmember Spanel 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: Schmick, Schall, Adams and Spanel. Nays: None. Motion carried.

Mark Walker, owner of the Smoke Shack appeared before the council requesting that a “15 Minute” parking space be designated in front of his business. Mr. Walker stated that he was losing sales due to the customers and participants of Farmers Market parking in front of his business on Thursday afternoons. After discussing the request, it was moved by Councilmember Adams and seconded by Councilmember Schall to authorize the City Administrator to prepare an ordinance to designate one “15 Minute Parking” space in front of the Smoke Shack for the July 23, 2012 council meeting. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Spanel, Schall, Adams and Schmick. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented a request for partial payment by Paulsen Inc. in the amount of \$114,975.77. stating that this amount reflects approximately 75% of the total project. After discussing the payment request it was moved by Councilmember Spanel and seconded by Councilmember Schall to approve payment to Paulsen with a total retainage of \$40,000 for entire project cost and to verify for proper drainage before the retainage be released. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick, Schall and Spanel. Nays: None. Motion carried.

Gary Geiselman appeared before the Mayor and Council requesting that the City enter into an Interlocal Agreement with Custer County for a 50-50 share of operating expenses for the Broken Bow Airport Authority. Geiselman presented a list of income and expenses for FY 2011-2012 stated that the Airport Authority was requesting \$13,000 from the City and \$13,000 from the County for the 2012-2013 Fiscal Year. After discussing the request it was moved by Councilmember Adams and seconded by Councilmember Shall to approve the Interlocal Agreement as presented and to authorize the Mayor to execute said Agreement contingent upon the County Board of Supervisors approving the request. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Spanel, Schall and Schmick. Nays: None. Motion carried.

City Administrator Tony Tolstedt and Electrical Superintendent Doug Staab presented an Agreement for Professional Services with Olsson and Associates to map portions of the city's electrical system. After discussing the proposal, it was moved by Councilmember Spanel and seconded by Councilmember Adams to approve the proposed Agreement with Olsson and Associates for professional services for the electric system model creation and devise coordination project. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick, Spanel and Adams. Nay: None. Motion carried.

City Attorney Jason White presented CRA Resolutions for Gateway Motors; Chris Pearson, Pearson Professional Building Nebraska; and Cole Enterprises which had been adopted by the CRA June 14, 2012 to notify the City of Broken Bow that it is the intention of the CRA to enter into a contract with these businesses for TIF indebtedness. After discussing the matter, it was moved by Councilmember Adams and seconded by Councilmember Schall to approve the contracts for the issuance of TIF indebtedness by the CRA. 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 recommended that Ordinance No. 2012-1118 amending Ordinance No. 2012-1117 to provide for City Employees and agents of the City to operate ATV/UTV in Corporate Limits during commission of authorized duties and limit general populace useage to the removal of snow following cessation of a snow event be adopted.

Councilmember Adams introduced Ordinance No. 2012-1118 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, AMENDING BROKEN BOW CITY ORDINANCE NO. 2012-1117, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE AND REPEALING ALL PREVIOUS ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE" and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Schmick 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: Schall, Adams, Schmick and Spanel. 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 Adams moved for final passage of the Ordinance, which motion was seconded by Councilmember Schmick. The Mayor stated the question, "Shall Ordinance No. 2012-1118 be passed and adopted?" Upon roll call

vote, the vote was as follows: Ayes: Schmick, Spanel, Adams and Schall. Nays: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto.

At 12:25 P.M. it was moved by Councilmember Spanel and seconded by Councilmember Schmick that the Council meeting of the City of Broken Bow be adjourned.

Ayes: Spanel, Schmick, Adams and Schall.

Nays: None.

Motion carried.

Mayor, Cecil Burt

ATTEST:

City Clerk, Elaine L. Bayer