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# City of Broken Bow

Monday, August 13, 2012

City Council Regular Session

## Approve Minutes of July 23, 2012 Regular Council Meeting

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Staff Contact: City Clerk

July 23, 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 23, 2012 in the Municipal Building at Broken Bow, Nebraska. Present were: Mayor Cecil Burt; Council President Scott Spanel; Councilmember Cody Schmick and Chad Schall. Absent: Bill Adams. 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 – July 9, 2012 Council Meeting
- Claims – July 23, 2012 Council Meeting
- Request for approval of SDL License by Bohica dba Fubar & Grill to cater wedding reception in Municipal Building on Saturday, August 11, 2012 between the hours of 3:00 P.M. and 1:00 A.M.

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

It was moved by Councilmember Spanel and seconded by Councilmember Schall to approve payment to Schmick's for Fire Department Supplies in the amount of \$8.59. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Spanel and Schall. Nays: None. Abstain: Schmick. Motion carried.

Dana Cole representative, Dan Zach, presented an update on the current financial status of the City departments and their budgets. Zach stated that based on the nine months of this fiscal year, the City is under budget and he did not feel that the current budget would need to be amended.

City Administrator Tony Tolstedt presented Change Order No. 1 – Final from Rutjens Construction for the College Estates Subdivision Utility Improvements. The Change Order was to adjust the contract quantities to actual quantities installed and would result in an increase of \$2,861.56 for the cost of the project. After discussing the change order request, it was moved by Councilmember Spanel and seconded by Councilmember Schmick to approve the Change Order No. 1 – Final as presented. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Spanel and Schmick. Nays: None. Motion carried.

City Administrator Tony Tolstedt also informed the Council that the City that this project is assessed to the property owners and the City has the option of bonding this project until the City has been reimbursed for the assessments.

City Administrator Tony Tolstedt presented Pay Request No. 2 – Final to Rutjens Construction in the amount of \$61,218.14 for work completed in the College Estates Subdivision Utility Improvement Project. After discussing the matter it was moved by Councilmember Spanel and seconded by Councilmember Schall to approve Pay Request No. 2 in the amount of \$61,218.14 to Rutjens Construction for work completed the in the College Estates Subdivision Utility Improvement Project. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Spanel and Schmick. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented the Letter of Acceptance of Substantial Completion for the College Estates Subdivision Utility Improvements. After discussing the matter, it was moved by Councilmember Spanel and seconded by Councilmember Schall that the City approve the Letter of Acceptance of Substantial Completion for the College Estates Subdivision Utility Improvements. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Schall; and Spanel. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented Resolution 2012-8 to authorize he sale of land at the South 5<sup>th</sup> Ballfield and stated that following an administrative subdivision the land was divided into two lots. The land containing the ball field is not part of the land being considered for sale. It was also noted that the land would be sold as one parcel with a minimum bid of \$5,000 for said parcel. After discussing the matter it was moved by Councilmember Spanel and seconded by Councilmember Schmick that resolution 2012-8 authorizing the sale of land be adopted. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Spanel. Nays: None. Motion carried.

Councilmember Spanel introduced Ordinance No. 2012-1119 entitled “AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, DESIGNATING THE FIRST PARKING SPACE NORTH OF THE ALLEY ON THE EAST SIDE OF SOUTH 8<sup>TH</sup> AVENUE BETWEEN SOUTH D STREET AND SOUTH C STREET AS “15 MINUTE PARKING”, 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: Spanel, Schall and Schmick. 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 Spanel moved for final passage of the Ordinance, which motion was seconded by Councilmember Schmick. The Mayor stated the question, “Shall Ordinance No. 2012-1119 be passed and adopted?” Upon roll call vote, the vote was as follows: Ayes: Schall, Schmick and Spanel. 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.

City Administrator Tony Tolstedt informed the Council that a Budget Workshop has been scheduled on Monday, August 13, 2012 immediately following the regular city council meeting.

Senator Mike Flood was present at the meeting and he commended the Mayor, Council and Departments for the work they have done with their budgeting and expenditures for this last fiscal year.

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

Ayes: Schmick, Spanel and Schall.

Nays: None.

Motion carried.

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Mayor, Cecil Burt

ATTEST:

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City Clerk, Elaine L. Bayer