

---

# **City of Broken Bow**

**Monday, August 27, 2012**

**City Council Regular Session**

## **Approval of Minutes of the August 13, 2012 Council Meeting**

*Approval of Minutes of the August 13, 2012 Council Meeting*

Staff Contact: City Clerk

August 13, 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, August 13, 2012 in the Municipal Building at Broken Bow, Nebraska. Present were: Mayor Cecil Burt; Councilmember Cody Schmick, Bill Adams and Chad Schall. Absent: Council President Scott Spanel. 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.

Due to the absence of Council President Scott Spanel, Mayor Burt appointed Councilmember Chad Schall as Acting Council President. It was moved by Councilmember Schmick and seconded by Councilmember Adams to approve the appointment of Councilmember Chad Schall as Acting Council President. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams and Schmick. Nays: None. Abstain: Schall. Motion carried.

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

- Approval of Minutes – July 23, 2012 Regular Council Meeting
- Claims – August 13, 2012 Regular Council Meeting
- Approval of SDL License Request for Bohica dba Fubar and Grill for September 22, 2012
- Approval of Managers License Application for Pump Pantry #14

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

Mayor Burt informed the Council that he had received a letter of resignation from Council President Scott Spanel, which was effective Friday, August 10, 2012. It was moved by Councilmember Schall and seconded by Councilmember Schmick to accept the resignation of Council President Scott Spanel. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

It was moved by Councilmember Spanel and seconded by Councilmember Schmick to authorize the Mayor to advertise for the Councilmember East Ward vacancy. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick and Schall. Nays: None. Motion carried.

Don Ramsey appeared before the Mayor and Council to recommend that the City explore the possibility of annexing future areas that could be used for new housing development which could increase the City's assessed valuation. After discussing the matter, the Council informed Mr. Ramsey that they will consider his recommendation for possible future annexations.

City Engineer Dave Henke appeared before the Mayor and Council requesting that the Council release the \$75,000 that had been withheld on Pay Estimate No. 15 to Carrothers for work performed at the Broken Bow Aquatic Center. Mr. Henke informed the Council that several of the punch list/warranty items have been completed. After discussing the request, it was moved by Councilmember Adams and seconded by Councilmember Schall to approve the payment of the \$75,000 that had been withheld from Pay Estimate No. 15 to Carrothers. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

City Engineer Dave Henke recommended that the Council also approve Pay Application #16 for the \$10,000 retainage stating that the State Electrical Inspection has been approved. Henke also stated that upon approval of the release of the \$10,000 retainage would also include the Recommendation of Acceptance for the project as the remainder of the items shall be covered under the warranty work. After discussing the recommendation of the City Engineer it was moved by Councilmember Adams and seconded by Councilmember Schmick to approve Pay Application #16 for the \$10,000 retainage with the recommendation of acceptance of the project. The Mayor stated the motion. Upon roll call the vote was as follows: Adams, Schmick and Schall. Nays: None. Motion carried.

City Engineer Dave Henke also requested that the City submit an invoice for Carrothers share of the utilities for reimbursement to the City by Carrothers.

City Administrator Tony Tolstedt presented a request for Payment by Miller & Associates in the amount of \$13,647.90 for Engineering Services for the College Estates Subdivision and informed the Council that bonds will be issued for the project and paid for by assessments to the property. After discussing the matter it was moved by Councilmember Schall and seconded by Councilmember Adams to approve the request for payment by Miller & Associates in the amount of \$13,647.90 for engineering services for the College Estates Subdivision. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Schall and Adams. Nays: None. Motion carried.

At 12:25 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing for the rezoning from A-1 to C-2 for annexed tract of land lying on the east side of Broken Bow along Highway 2 and 92 be opened. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams and Schall. Nays: None. Motion carried.

City Administrator Tony Tolstedt informed the Council that it was the recommendation of the Broken Bow Planning Commission that the City approve the rezoning of the designated area from A-1 to C-2.

There were no persons at the meeting to object to the proposed rezoning and the City Clerk stated that she had received no written objection to the proposed rezoning.

At 12:30 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing for the rezoning from A-1 to C-2 for annexed tract of land lying on the east side of Broken Bow along Highway 2 and 92 now be closed. The Mayor stated the motion. Upon roll call the vote was as follows: Schall, Schmick and Adams. Nays: None. Motion carried.

Park Superintendent Dan Anderson presented a recommendation from the Park Board that the City consider refurbishing the outdoor tennis center courts in the amount of \$23,790.00. It was also the recommendation of the Park Board that the City table any final decision until modifications for the usage of the courts has been considered. Dr. Alanson Jones appeared before the Council recommending that the Council continue to pursue the refurbishing of the courts. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schmick to table the matter until a later date. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Park Superintendent Dan Anderson informed the Council that he had requested quotes from four firms to furnish security cameras for the Aquatic Center. It was the recommendation of the Park Board that the City accept the quote from Telephone Systems of Nebraska in the amount of \$6,066.00. Anderson stated that this system's cameras would be long distance and could cover the baseball fields, concession stand, swimming pool and restrooms and the system had the capability of adding additional cameras if necessary. After discussing the matter it was moved by Councilmember Schall and seconded by Councilmember Schmick to approve the recommendation of the Park Board and to authorize the purchase of the security cameras from Telephone Systems of Nebraska Inc. in the amount of \$6,066.00. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Adams. Nays: None. Motion carried.

Councilmember Schall introduced Ordinance No. 2012-1120 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, TO CHANGE THE ZONING DISTRICT BOUNDARIES OF THE CITY OF BROKEN BOW AND TO AMEND THE CITY'S COMPREHENSIVE PLAN; TO AMEND THE CITY'S OFFICIAL ZONING MAP; PROVIDE FOR THE EFFECTIVE DATE THEREOF, AND TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM AND REPEALING ALL PREVIOUS ORDINANCES OR PREVIOUS SECTIONS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE" and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Adams 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: Schmick, Schall and Adams. Nays: None. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance. Said Ordinance was then read by title and thereafter Councilmember Schall moved for final passage of the Ordinance, which motion was seconded by Councilmember Schmick. The Mayor stated the question, "Shall Ordinance No. 2012-1120 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Schall, Adams and Schmick. 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.

Councilmember Schmick introduced Ordinance No. 2012-1121 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, PROHIBITING PARKING ON THE SOUTHWEST CORNER OF THE JUNCTION OF REST HAVEN DRIVE AND THELMA STREET AND EXTENDING 40 FEET WEST ALONG THE SOUTH SIDE OF THELMA STREET, PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE AND METHOD OF PUBLICATION AND REPEALING ALL ORDINANCES OR PART OF ORDINANCES THAT ARE IN CONFLICT WITH THIS ORDINANCE" and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Adams 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: Adams, Schmick and Schall. Nays: None. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance. Said Ordinance was then read by title and thereafter Councilmember Schall moved for final passage of the Ordinance, which motion was seconded by Councilmember Adams. The Mayor stated the question, "Shall Ordinance No. 2012-1121 be passed and adopted?" Upon roll call vote, the vote was as follows: Ayes: Adams, Schmick 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 12:40 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Council meeting of the City of Broken Bow be adjourned.

Ayes: Adams, Schmick and Schall  
Nays: None.  
Motion carried.

---

Mayor, Cecil Burt

ATTEST:

---

City Clerk, Elaine L. Bayer