
City of Broken Bow

Monday, September 10, 2012

City Council Regular Session

Approval of Minutes of the August 27, 2012 Council Meeting

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Staff Contact: City Clerk

August 27, 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 27, 2012 in the Municipal Building at Broken Bow, Nebraska. Present were: Mayor Cecil Burt; 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:

- Approval of Minutes – August 13, 2012 Regular Council Meeting
- Claims – August 27, 2012 Regular Council Meeting
- Approval of SDL License Request for Nebraska One Box Foundation for November 1st, 2nd and 3rd in the Municipal Building for the purpose of hosting One Box Festivities between the hours of 9:00 A.M. and 1:00 A.M.
- Approval of SDL License Request for Schumacher, Henry F. Sylvester's Bar and Lounge for Saturday, September 22, 2012 between the hours of 5:00 P.M. and 1:00 A.M. to cater wedding reception at National Guard Armory

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

At 12:01 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing for the 2012-2013 Annual Appropriation Bill for the City of Broken Bow be opened. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Dan Zach of Dana F. Close & Company presented the budget for Fiscal Year 2012-2013 General Fund Budget stating that Property Tax Required for Bonds will be \$391,071.00 and Property Tax Required for General Operating is \$641,452.00. for a total of \$1,032,523.

There were no persons in attendance at the meeting to object to the 2012-2013 Annual Appropriation Bill and the City Clerk stated that she had received no written objections to the 2012-2013 Annual Appropriation Bill.

At 12:10 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing on the 2012-2013 Annual Appropriation Bill for the City of Broken Bow

be closed. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Adams. Nays: None. Motion carried.

At 12:11 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing to set the Final Tax Request for 2012-2013 for the City of Broken Bow now be opened. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Dan Zach informed the Council that the Tax Request for Fiscal Year 2012-2013 would be set at \$1,032,523.00 of which \$641,452.00 would be used for the General Fund and \$391,071.00 would be used for Bonds. Zach also stated that the evaluation for the City of Broken Bow has increased to .804833.

There were no persons in attendance at the Public Hearing to object to the Tax Request for Fiscal Year 2012-2013 and the City Clerk stated that she had received no written objections to the tax request for Fiscal Year 2012-2013.

At 12:13 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Public Hearing Setting the Final Tax Request for 2012-2013 for the City of Broken Bow now be closed. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick and Schall. Nays: None. Motion carried.

It was moved by Councilmember Schall and seconded by Councilmember Adams to approve a 2% + 1% for a total 3.5% allowable growth increase. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schall and Schmick. Nays: None. Motion carried.

Councilmember Schall introduced Ordinance No. 2012-1122 entitled "AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT" 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, Adams 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 Schmick. The Mayor stated the question, "Shall Ordinance No. 2012-1122 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 of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto.

It was moved by Councilmember Schall and seconded by Councilmember Adams to adopt Resolution 2012-10 setting the Property Tax Request for fiscal year 2012-2013 in the amount of \$641,452 for the General Fund and \$391,071 for the Debt Service Fund. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Schall and Adams. Nays: None. Motion carried.

City Administrator Tony Tolstedt presented a Recommendation of Acceptance for the Broken Bow Aquatic Facility, Tolstedt informed the Council that the work has been inspected by City Engineers JEO and it is their recommendation that the work is completed and should be accepted. City Administrator Tolstedt also informed the Council that the uncompleted items will be completed once the pool has been drained this fall and prior to the spring pool preparations. It was moved by Councilmember Schall and seconded by Councilmember Adams to accept the recommendation of approval of the aquatic facility. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams and Schall. Nays: None. Motion carried.

It was moved by Councilmember Schall and seconded by Councilmember Adams to approve payment to Schmick's Market in the amount of \$13.98 for Rescue Unit Supplies. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams and Schall. Nays: None. Abstain: Schmick. Motion carried.

City Administrator Tony Tolstedt presented a request for Final Payment in the amount of \$40,000 to Paulsen for the 2012 Asphalt Paving Project. Discussion was held concerning the request and Street Superintendent Monte Clark recommended that the project be approved. It was moved by Councilmember Adams and seconded by Councilmember Schall to approve the request for Final Payment in the amount of \$40,000 by Paulsen Inc for the 2012 Asphalt Paving Project. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

City Administrator and Electrical Superintendent Doug Staab presented a request to extend the Agreement period between the City of Broken Bow and the Nebraska Municipal Power Pool for four years to continue with the Cost of Service and Rate Design Study. After discussing the proposed amended agreement, it was moved by Councilmember Schall and seconded by Councilmember Adams to approve the agreement as presented. The Mayor stated the motion. Upon roll call the vote is as follows: Ayes: Adams, Schmick and Schall. Nays: None. Motion carried.

Mayor Cecil Burt presented a sign that has been donated to the City by the Broken Bow Rotary Club and will be displayed at the Broken Bow Baseball Field. The purpose of this sign is to remind spectators that the players are children and that they should be treated with kindness. Mayor Burt expressed his appreciation to the Broken Bow Rotary Club for the donation of the sign.

Discussion was held regarding the position of a Full Time Zoning Administrator and Job Description for the position. After discussing the position and job description it was moved by Councilmember Schmick and seconded by Councilmember Adams that this position and job

description be tabled until a later date. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Adams, Schmick and Schall. Nays: None. Motion carried.

Dawn West, Executive Director of the Broken Bow Housing Authority, presented the 2011 Annual Report which detailed the 2011 accomplishments for the Housing Authority and the plans for 2012. Mrs. West also informed the Board that the Payment in Lieu of Taxes (PILOT) for 2011 is \$22,000.77 and requested that the City grant the housing authority the privilege of placing this money into a joint CD with the City and will be designated to street improvements in the areas of housing authority properties. She also stated that with this CD, the amount that we have towards the street improvements is a total of \$130,791.03. After discussing the matter it was moved by Councilmember Adams and seconded by Councilmember Schmick to approve the request to place the \$22,000.77 into a joint CD with the City of Broken Bow to be used for street improvements in the areas of housing authority properties. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Schmick and Adams. Nays: None. Motion carried.

Mayor Cecil Burt re-appointed Laura Lindner to the Broken Bow Housing Authority for a five year term. It was moved by Councilmember Schall and seconded by Councilmember Adams to approve the re-appointment of Laura Lindner to the Broken Bow Housing Authority for a five year term. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schmick, Adams and Schall. Nays: None. Motion carried.

Joan Birnie presented an update on the Green Coalition Projects:

- Green Coalition received a grant from the Custer County Foundation in the amount of \$275.00 for two bicycle racks in the City Square
- Green Coalition received a grant from Keep America Beautiful/Keep Loup Basin Beautiful in the amount of \$381.00 for the planting of drought tolerant and native perennials in public spaces by the business district and that this year's focus is along the east corridor of Broken Bow. Birnie also expressed her appreciation to Melissa Garcia, Custer Economic Development President, for her assistance in preparing the grant.

At 12:50 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that the Mayor and Council enter into closed session for the purpose closed session for the purpose of discussing personnel matters, it being clearly necessary for the protection of the public or for the needless injury to the reputation of an individual. The City representatives that shall remain present during the closed session are Mayor Cecil Burt, Council President Chad Schall, Councilmembers Bill Adams and Cody Schmick; City Attorney Jason White and City Administrator Tony Tolstedt.

At 1:17 P.M. it was moved by Councilmember Schall and seconded by Councilmember Adams that closed session be adjourned and the Council return to open session. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

Mayor Cecil Burt stated that the only item discussed in closed session was Tony Tolstedt personnel matters.

It was moved by Councilmember Schall and seconded by Councilmember Adams to allow City Administrator Tony Tolstedt to forego the 30 day requirement of his notice of resignation as provided in the letter of resignation and his employment contract in order to assume his position in Douglas, Wyoming. The Mayor stated the motion. Upon roll call the vote was as follows: Ayes: Schall, Adams and Schmick. Nays: None. Motion carried.

At 1:21 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: Schall, Adams and Schmick.
Nays: None.
Motion carried.

Mayor, Cecil Burt

ATTEST:

City Clerk, Elaine L. Bayer