

CITY COUNCIL MEETING

June 14, 2016

7:00 p.m.

After the Pledge of Allegiance and Study Session, the Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson present. 7 Council Members present.

Moved by Council Member Eairleywine seconded by Council Member Kuhns to approve items 9 through 10 of the Consent Agenda. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried.

4. Dispense with and approve May 31, 2016 minutes
5. Resolution to allow consumption of alcohol on City property
6. Approval of May 31 through June 14, 2016 claims
7. Receive and file the certified results of the primary election of May 10, 2016
8. Appointment of Nicholas Carlson as Police Officer per Mayor recommendation
9. Report of the Treasury
10. Acknowledge the receipt of tort claim filed by Jeremy Bartunek

Second reading of Ordinance approving a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial. The City Clerk gave second reading of Ordinance approving a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial by title.

Second reading of Ordinance approving a request of Rodger & Debra Menn, owners of approximately 40.0 acres located at 361 W. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to LI Limited Industrial. The City Clerk gave second reading of Ordinance approving a request of Rodger & Debra Menn, owners of approximately 40.0 acres located at 361 W. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to LI Limited Industrial by title.

Second reading of Ordinance approving a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Zoning Change from AG Agricultural and GI General Industrial to LI Limited Industrial. The City Clerk gave second reading of Ordinance approving a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Zoning Change from AG Agricultural and GI General Industrial to LI Limited Industrial by title.

Final Reading of Ordinance for Zoning Ordinance Amendment – Crop Production Definition for approximately 12 acres located at 549 E. Co. Rd. T from AG Agricultural to GI General Industrial for grain storage pile(s) , the item was continued May 31, 2016 by the City Council. Moved by Council Member Johnson seconded by Council Member Eairleywine to amend Ordinance as presented. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried. The City Clerk gave final reading of Ordinance for Zoning Ordinance Amendment – Crop Production Definition for approximately 12 acres located at 549 E. Co.

Rd. T from AG Agricultural to GI General Industrial for grain storage pile(s) by title. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Ordinance carried.

Ordinance to amend Subdivision Ordinance related to providing for drainage of subdivision lots, the item was continued May 31, 2016 by the City Council. Moved by Council Member Anderson seconded by Council Member Johnson to introduce Ordinance to amend Subdivision Ordinance related to providing for drainage of subdivision lots. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried. The City Clerk gave first reading of Ordinance to amend Subdivision Ordinance related to providing for drainage of subdivision lots by title.

Resolution approving Upper Story Rental Housing Rehab Program Guidelines. Moved by Council Member Kuhns seconded by Council Member Eairleywine to approve Resolution. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried

Resolution approving Supplemental Agreement No. 4 for the Rawhide Creek Trail Project. Moved by Council Member Legband seconded by Council Member Landholm to approve Resolution. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried.

Continuation of request for 2449 East 16th Street drive encroachment request. Moved by Council Member Bixby seconded by Council Member Legband to continue item. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried

Resolution for award of contract J&R Concrete and Construction, LLC, contingent on concurrence by the Nebraska Game and Parks Commission in the amount of \$612,064.15. Moved by Council Member Kuhns seconded by Council Member Johnson to approve Resolution. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried.

Resolution for 3-year extension (November 2017 – 2020) for gas supply with BP Canada Energy Marketing Corp. Moved by Council Member Landholm seconded by Council Member Eairleywine to approve Resolution. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried.

Executive Session to discuss personnel matters and potential litigation. Moved by Council Member Kuhns, seconded by Council Member Legband to go into executive session for the purpose of discussing a strategy with respect to personnel matters and potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing a strategy session with respect to personnel matters and potential litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. There being none, the Mayor stated the pending motion was to go into executive session for the purpose of discussing a strategy session with respect to personnel matters and potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Roll call vote: 7 ayes. Motion carried.

The Mayor stated a motion to go into executive session purpose of discussing a strategy session with respect to personnel matters and potential litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to a strategy session with respect to threatened litigation. No official actions or votes will be taken during the executive session. Time in: 7:44 p.m.

Moved by Council Member Eairleywine, seconded by Council Member Legband to come out of executive session. Roll call vote: 7 ayes. Motion carried. Time out: 8:06 p.m.

Move to accept resignation of Dale Shotkoski. Moved by Council Member Johnson, seconded by Council Member Kuhns to accept the resignation of Dale Shotkoski City Administrator, and authorize the Mayor to sign a separation agreement on behalf of the City including the payment of six months' salary equivalent for the release of all potential legal claims, payment is required by the employment contract to include sick leave, vacation leave, salary, and other benefits through December 5, 2016. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 7 Ayes. Motion carried.

Moved by Council Member Eairleywine seconded by Council Member Legband to adjourn the meeting. Roll call vote: 7 ayes. Motion carried. Meeting adjourned at 8:10 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Tyler Ficken, City Clerk