

## **FEBRUARY 20, 2018**

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 20<sup>th</sup> day of February, 2018, at 6:00 o' clock P.M. Council met in regular session. Mayor Oliver called the meeting to order and City Clerk Jorn recorded the minutes of the meeting. On roll call the following Council persons were present: Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. Absent: Merz. Notice of the meeting was given in advance thereof by posting in three public places, a designated method for giving notice as shown by the Certificate of Posting Notice attached to these minutes. Notice of this meeting was given to the Mayor and all persons of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Mayor Oliver publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

### **MAYOR'S REPORT**

Mayor Oliver said there was a water main break at the intersection of 24<sup>th</sup> and Barada Street. He wanted to thank the Line Crew and Street Departments publicly for their work on repairing the main. They had to repair the main while the water was left on.

### **CONSENT AGENDA**

A motion was made by Council person Ferguson and seconded by Council person Leyden to approve the Consent Agenda as printed: *WHEREAS*, certain business of the City Council (Council) of the City of Falls City (City) transpires on a regular and routine basis or is not of controversial nature; and *WHEREAS*, roll call votes on each individual issue greatly extend the meeting time. *NOW, THEREFORE, BE IT HEREBY RESOLVED* BY the City Council that in the interest of economizing time, yet complying with the Public Meeting Laws of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution: 1. *BE IT FURTHER RESOLVED BY* the Council that the minutes from the February 5, 2018 meeting is hereby approved. 2. *BE IT FURTHER RESOLVED BY* the Council that the agenda for February 20, 2018 is hereby approved. 3. *BE IT FURTHER RESOLVED BY* the Council that the Police Report for January 2018 is hereby approved. 4. *BE IT FURTHER RESOLVED BY* the Council that the Treasurer Report for January 2018 is hereby approved. 5. *BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for February 20, 2018 is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **FINAL READING - ORDINANCE 2018-100 TO AMEND ORDINANCE 2016-104 TO SET NATURAL GAS RATES, FEES, CHARGES AND COLLECTIONS FOR NATURAL GAS**

A motion was made by Council person Ferguson and seconded by Council person Murphy to approve the final reading of Ordinance #2018-100. Roll was called on this motion and the Council persons voted as follows: YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **PUBLIC HEARING – ONE YEAR & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Oliver then declared a public hearing open at 6:03 P.M. for the purpose of obtaining input on the resolution for the 1 & 6 Year Street Improvement Plan. Michelle Pietzyk from Olsson Associates presented the 1 & 6 Year Street Improvement Plan. Mayor Oliver then asked if there was anyone in the audience who wished to speak in favor of or oppose said resolution as submitted. Since no one wished to be recognized, Mayor Oliver then declared the public hearing closed at 6:06 P.M. A motion was made by Council member Ferguson and seconded by Council member Leyden to approve the resolution for the 1 and 6 Year Street Improvement Plan. Roll was called on this motion and the Council members voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **REQUEST TO HIRE SUMMER HELP FOR CONSTRUCTION PROJECTS**

A motion was made by Council person Bentley and seconded by Council person Ferguson to approve the request to hire summer help for construction projects at \$10.00 per hour. Roll was called on this motion and the Council members voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **CONTRACT BETWEEN THE CITY AND GENERAL EXCAVATING FOR WILSON STREET SANITARY SEWER PROJECT FOR \$190,233.50 AS RECOMMENDED BY THE BOARD OF PUBLIC WORKS**

A motion was made by Council person Dougherty and seconded by Council person Wisdom to approve the contract between the City and General Excavating for the Wilson Street Sanitary Sewer Project for \$190,233.50 as recommended by the Board of Public Works. Utility Superintendent Ray Luhring spoke. Roll was called on this motion and the Council members voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **APPOINTMENT - DEB HARRIS - LIBRARY BOARD**

A motion was made by Council person Ferguson and seconded by Council person Robidoux to approve the appointment of Deb Harris to the Library Board as recommended by Mayor Oliver. Roll was called on this motion and the Council members voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **EXECUTIVE SESSION - HOME OWNER OCCUPIED CONTRACT AT 1216 CHASE STREET**

A motion was made by Council person Leyden and seconded by Council person Ferguson to recess from regular session and convene to Executive Session at 6:12 P.M. to discuss Home Owner Occupied Contract at 1216 Chase Street. Present were: Assistant City Clerk Sandra Ferris, Utility Superintendent Ray Luhring, Chief of Police Duane Armbruster, City Attorney Mike Dunn, Shawn and Heather Thompson. Mayor Oliver restated the motion to go into executive session to discuss Home Owner Occupied Contract at 1216 Chase Street for the protection of the public interest to prevent needless injury to the reputation of an individual and if such individual has not requested a public meeting. Roll was called on this motion and the Council persons voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried. A motion was then made by Council person Ferguson and seconded by Council person Leyden to adjourn from Executive Session and reconvene in regular session at 6:17P.M. Roll was called on this motion and the Council persons voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried. A motion was made by Council person Leyden and seconded by Council person Ferguson to approve releasing the \$9,500.00 lien after receiving \$7,000.00 of proceeds from the sale of the property at 1216 Chase Street. Roll was called on this motion and the Council members voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

### **EXECUTIVE SESSION - NUISANCE PROPERTY LITIGATION**

A motion was made by Council person Ferguson and seconded by Council person Bentley to recess from regular session and convene to Executive Session at 6:19 P.M. to discuss Litigation of Nuisance Property. Present were: Assistant City Clerk Sandra Ferris, Utility Superintendent Ray Luhring, Chief of Police Duane Armbruster, City Attorney Mike Dunn. Mayor Oliver restated the motion to go into executive session to discuss litigation of nuisance property for the protection of the public interest to prevent needless injury to the reputation of an individual and if such individual has not requested a public meeting. Roll was called on this motion and the Council persons voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried. A motion was then made by Council person Leyden and seconded by Council person Wisdom to adjourn from Executive Session and reconvene in regular session at 6:32P.M. Roll was called on this motion and the Council persons voted as follows: "YEA" Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried. A motion was made by Council person Ferguson and seconded by Council person Murphy to

authorize the City Attorney to execute judgement on 923 Fulton Street and 1813 McLean Street. Roll was called on this motion and the Council members voted as follows: "YEA" " Bentley, Dougherty, Ferguson, Leyden, Murphy, Robidoux, Wisdom. "NAY" None. Motion carried.

*THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:33pm.*

I, the undersigned, City Clerk for the City of Falls City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 20, 2018; 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 City 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 for 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 persons of the public; that the said minutes from which the foregoing proceedings have been extracted 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 meetings of said body were provided advance notification of the time and place of said 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 persons of the public, posted during such meeting in the room in which such meeting was held.

(SEAL)

  
CITY CLERK

  
CITY CLERK

  
MAYOR