

*Falls City
Council Agenda Special Session
2307 Barada Street
Falls City, NE 68355
Phone (402) 245-2707
November 17, 2021
6:00 P.M.*

The City Council may vote to go into Closed Session on any agenda item as allowed by State Law.

ROUTINE BUSINESS

1. Announcement of Open Meetings Act.
2. Roll Call
3. Pledge of Allegiance.
4. Mayor's Report.
5. City Administrator Report

CONSENT AGENDA

1. Minutes Approval for November 1, 2021.
2. Agenda Approval.
3. Police Report Approval
4. Treasurer Report Approval
5. Consent Resolution.

Any item listed on the Consent Agenda may, by the request of any single Council Member, be considered as a separate item under the Regular Agenda Section of the Agenda.

OLD BUSINESS

REGULAR BUSINESS

1. Discussion and Action – First reading of ORDINANCE NO. 21-106 AN ORDINANCE TO DECLARE A PUBLIC EMERGENCY PURSUANT TO NEB. REV STAT. 17-568.01 FOR THE IMMEDIATE REPAIR OF ENGINE #5 AT THE FALLS CITY POWER PLANT, WAIVING THE ESTIMATE OF COST AND ADVERTISING FOR BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO SUCH CONTRACT IMMEDIATELY UPON PASSAGE AND POSTING OF THIS EMERGENCY ORDINANCE AS PROVIDED BY NEB. REV. STAT. 17-613
2. Discussion and Action – Recommendation by BOPW to accept Miller and Associates' engineering proposal for the relocation of the 20" water transmission line (see Attachment) Ray Luhring
3. Discussion and Action – Request approval to hire additional Police Officer (see Attachment) Chief Jamie Baker
4. Discussion and Action – Resolution of the Year-End Certification of City Street Superintendent
5. Discussion and Action – Presenting recommendations for officers based on FCVFD annual elections (see Attachment) John McQueen
6. ADJOURNMENT

Kevin Cluskey, City Clerk

NOVEMBER 1, 2021

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 18th day of October 2021, at 6:00 o' clock P.M. Council met in regular session. Mayor Bindle called the meeting to order and Clerk Cluskey recorded the minutes of the meeting. On roll call the following Council persons were present: Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. Absent: Wisdom. 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 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 Bindle 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 REPORT

Mayor Bindle updated Council on the Fire Department grant and the ordering of equipment.

CONSENT AGENDA

A motion was made by Council person Leyden and seconded by Council person Ractliffe to approve the Consent Agenda as follows: *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 October 18, 2021, meeting is hereby approved. 2. *BE IT FURTHER RESOLVED BY* the Council that the agenda for November 1, 2021, is hereby approved. 3. *BE IT FURTHER RESOLVED BY* the Council that the Claims for October 2021 of the City of Falls City are hereby approved. 4. *BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for November 1, 2021, is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

REQUEST TO INVESTIGATE BIDS ON ACCOUNTING CONSULTANT

A motion was made by Council member Merz and seconded by Council member Rhodd to approve the request to bid on an Accounting Consultant. Kevin Cluskey spoke. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

REQUEST TO INCREASE MODULES FOR POWER MANAGER SOFTWARE

A motion was made by Council member Merz and seconded by Council member Leyden to approve to increase modules from Power Manager Software. Kevin Cluskey spoke. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

**PURCHASE OF LAND TO BUILD EITHER SHED FOR EXISTING BUILDING OR DUPLEX ON PROPERTY –
LUKE AND CELESTE JONES**

A motion was made by Council member Ractliffe and withdrew the motion. Recommendation to present before the Planning Commission. Celeste Jones spoke on 1027 East 21st Street. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

APPOINTMENT – MIKE HEMPEL – POLICE OFFICER – MAYOR BINDLE

A motion was made by Council member Leyden and seconded by Council member Ferguson to approve the appointment of Mike Hemple as Police Officer for Falls City. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

PUBLIC HEARING – REQUEST OF POTBELLY PIG ANIMAL PERMIT WITHIN CITY LIMITS – JENNIFER FISHER

Mayor Bindle declared a public hearing open at 6:25P.M. to approve the Animal Permit for 1 potbelly pigs at 2516 Crook Street. Jennifer Fisher spoke. Mayor Bindle then asked if there was anyone in the audience who wished to speak in favor of or oppose said plan. Since no one else wished to be recognized, Mayor Bindle then declared the public hearing closed at 6:29P.M. A motion was made by Council member Ractliffe and seconded by Council member Merz to approve the said permit. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Merz, Ractliffe, Rhodd. "NAY" Buckminster, Holle, Leyden. "ABSENT" Wisdom. Motion carried.

NEW SUBDIVISION REQUEST – LUCAS FROESCHL

A motion was made by Council member Holle and seconded by Council member Buckminster to approve the request to accept the subdivision of the plat of land called North Commercial. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

REQUEST UPDATES TO SIDEWALKS, CURBS, AND PARKING – PRICHARD AUDITORIUM – DERRICK LEYDEN

A motion was made by Council member Ractliffe and seconded by Council member Holle to approve bid process for to the parking and sidewalks at Prichard Auditorium. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

REQUEST TO RENT ARMORY FOR COMMERCIAL USE

A motion was made by Council member Holle and seconded by Council member Ractliffe to table the motion to approve renting the Armory for commercial use. Roll was called on this motion and the Council members voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" None. "ABSENT" Wisdom. Motion carried.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:47 P.M.

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 Mayor Bindle and Council on November 1, 2021; 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

Falls City Police Department

Crimes and Clearance Rate

Part I Crimes

Date: October 2021

Number and Disposition of Offenses Known to the Police

UNIFORM CLASSIFICATION OF OFFENSES	OFFENSES KNOWN TO THE POLICE					OFFENSES CLEARED		
	REPORTED OR KNOWN THIS MO.	UNFOUNDED	ACTUAL OFFENSES THIS MO.	ACTUAL THIS YR TO-DATE	ACTUAL LAST YR TO-DATE	THIS MONTH	THIS YEAR TO-DATE	LAST YEAR TO-DATE
PART I								
1. Criminal Homicide								
2. Rape				3	1		3	1
3. Robbery								
Armed – any weapon								
Strong arm – no weapon								
4. Assault	2		2	3	4	2	3	
5. Burglary								
Forcible Entry				2			2	
Unlawful entry – no force								
Attempted forcible entry								
6. Thefts								
Pocket picking								
Purse snatching								
Shoplifting	5		5	13	12	5	13	11
Thefts from auto				1			1	
Thefts of auto parts & acc.								
Thefts of bicycles					1			
Thefts from buildings					3		2	1
Thefts from coin operated machine								
All other thefts	3		3	12	10	3	8	9
7. Motor vehicle theft								
Autos					1			1
Trucks and buses					2			2
Other vehicles								
8. Arson					1			1
Total	10		10	34	35	10	32	26

PART I % CLEARED 100% 94% 74%

Falls City Police Department

Crimes and Clearance Rate

Part II Crimes

Date: October 2021

Number and Disposition of Offenses Known to the Police

UNIFORM CLASSIFICATION OF OFFENSES	OFFENSES KNOWN TO THE POLICE					OFFENSES CLEARED		
	REPORTED OR KNOWN THIS MO.	UNFOUNDED	ACTUAL OFFENSES THIS MO.	ACTUAL THIS YR TO-DATE	ACTUAL LAST YR TO-DATE	THIS MONTH	THIS YEAR TO-DATE	LAST YEAR TO-DATE
PART II								
1. Other Assaults	3		3	35	49	3	35	49
2. Forgery & Counterfeiting								
3. Fraud	1		1	2		1	2	
4. Embezzlement								
5. Stolen Property								
6. Vandalism				15	7		4	6
7. Weapons-Possession				2			2	
8. Prostitution								
9. Other Sex Offenses				2			2	
10. Narcotics Laws	2		2	17	9	2	17	9
11. Gambling Laws								
12. Offenses Against Family	2		2	35	45	2	35	45
13. Driving Under Influence	1		1	3		1	3	
14. Liquor Laws				1			1	
15. Disorderly Conduct	1		1	15		1	16	
16. All Other Offenses	7		7	71	94	7	71	90
TOTAL	17		17	198	204	17	188	199
PART I & II TOTAL	27		27	232	239	27	220	225

Combined Total	Part II % Cleared	100%	95%	98%
	Part I & II % Cleared	100%	95%	94%

City of Falls City
 Treasurer's Report
 For Utility Funds as of
 October 31, 2021

Description	Beginning Balance	Debit	Credit	Net Change	Ending
01-1260 Electrical	1,713,734.68	0.82	-	0.82	1,713,735.50
01-1262 BOND RESERVE	637,783.88	-	-	-	637,783.88
01-1280 CAPITAL IMPROVEMENT FUND	323,529.23	0.43	-	0.43	323,529.66
01-1310 CASH (1ST NATIONAL BANK)	531,468.90	701,477.51	386,380.73	315,096.78	846,565.68
01-1360 TEMPORARY CASH INVESTMENTS	61,128.23	-	-	-	61,128.23
02-1260 DEPRECIATION FUND	-	-	-	-	-
02-1280 CAPITAL IMPROVEMENT FUND	472,656.06	125,228.58	185,283.78	(60,055.20)	412,600.86
02-1310 CASH (1ST NATIONAL BANK)	72,791.79	-	-	-	72,791.79
02-1360 TEMPORARY CASH INVESTMENTS	-	-	-	-	-
Mechanical	-	-	-	-	-
03-1310 CASH (1ST NATIONAL BANK)	(202,347.54)	2,045.79	9,772.68	(7,726.89)	(210,074.43)
03-1360 TEMPORARY CASH INVESTMENTS	6,645.87	-	-	-	6,645.87
Gas	-	-	-	-	-
04-1260 DEPRECIATION FUND	648,463.94	-	-	-	648,463.94
04-1280 CAPITAL IMPROVEMENT FUND	56,113.55	-	-	-	56,113.55
04-1310 CASH (1ST NATIONAL BANK)	1,279,986.71	191,725.34	126,301.91	65,423.43	1,345,410.14
04-1360 TEMPORARY CASH INVESTMENTS	3,847,178.02	-	-	-	3,847,178.02
	<u>9,449,133.32</u>			<u>312,739.37</u>	<u>9,761,872.69</u>
Depreciation Fund	2,362,199.44		Capital Improvement		379,643.21
Depreciation Savings	108,089.46		Improvement Savings		56,113.55
CD - Gas	550,257.87		CD - Gas		
CD - Water			CD - Water		
CD - Electrical	1,703,852.11		CD - Electrical		323,529.66
Total	<u>2,362,199.44</u>				<u>379,643.21</u>
Temporary Investment	3,987,743.91		Checking		2,422,798.13
Savings	1,054,966.22		Checking		2,394,502.25
CD - Electrical	331,462.64				
CD - Gas	2,601,315.05				
	<u>3,987,743.91</u>				<u>28,285.88</u>

I, Kevin Cluskey, City Clerk-Treasurer of the City of Falls City, Richardson County Nebraska, hereby certify that the above is a true and correct report of the financial condition for General Funds of the City of Falls City, Nebraska.


Signature: 
 Date: 10/21/21

City of Falls City
 Treasurer's Report
 For Sewer Funds as of
 September 30, 2021

Account	Type Description	Beginning Balance	Debit	Credit	Net Change	Reconciled Ending Balance
99-1310	CASH	110,001.45	11.94	50,595.25	(50,583.31)	59,418.14
99-1325	DEPRECIATION FUND	339,519.54	1.37		1.37	339,520.91
99-1326	CAPITAL IMPROVEMENT FUND	547,317.22	2.46		2.46	547,319.68
99-1370	TEMPORARY CASH INVESTMENT	94,325.60		(175.00)	175.00	94,500.60
		1,091,163.81	15.77	50,420.25	(50,404.48)	1,040,759.33

I, Kevin Cluskey, City Clerk-Treasurer of the City of Falls City, Richardson County Nebraska, hereby certify that the above is a true and correct report of the financial condition for Sewer Funds of the City of Falls City, Nebraska.

Signature:



Date:

11/21/21

City of Falls City
 Treasurer's Report
 For General Funds as of
 October 31, 2021

Account	Description	Beginning			Net			Reconciled
		Balance	Receipts	Expenses	Change	Balance		
99-1140	Petty Cash	200.00	-	-	-	200.00		
99-1141	CASH - HUD IMPROVEMENT	141.05	-	-	-	141.05		
99-1141	CASH - CRA	178,061.34	2,422.13	20,751.18	(18,329.05)	159,732.29		
99-1145	CASH - AIRPORT	44,682.60	1,459.90	12,278.53	(10,818.63)	33,863.97		
99-1170	INVEST. - 911 EMERGENCY	5,893.52	2,432.00	-	2,432.00	8,325.52		
99-1171	INVEST. - E911 WIRELESS	63,390.29	4,269.31	19,054.97	(14,785.66)	48,604.63		
99-1175	INVEST. - SOLID WASTE	400,155.96	1.30	-	1.30	400,157.26		
99-1150	INVEST. - GENERAL FUND	1,045,739.08	163,023.54	243,211.03	(80,187.49)	965,551.59		
99-1152	INVEST. - HOUSING BOARD	20,504.17	-	-	-	20,504.17		
99-1156	INVEST. - LIBRARY GRANT	41,875.14	275.00	-	275.00	42,150.14		
99-1186	INVEST. - CEMETERY TRUST	354,789.74	2,750.00	-	2,750.00	357,539.74		
99-1190	INVEST. - 1984 HUD TRUST	13,389.83	-	-	-	13,389.83		
99-1192	INVEST. - HOUS P.I. REUS TRUST	7,696.88	1,569.42	-	1,569.42	9,266.30		
99-1200	INVEST. - UNEMPLOYMENT TRUST	128,684.73	-	-	-	128,684.73		
99-1202	INVEST. - MUTUAL FINANCE ORGAN	221.49	-	-	-	221.49		
99-1203	INVEST. - DTR REUSE	9,140.88	116.03	-	116.03	9,256.91		
99-1240	INVEST. - AIRPORT	119,545.90	-	-	-	119,545.90		
99-1230	INVEST. - HUD EDI REUSE	-	-	-	-	-		
99-1245	INVEST. - ECON. DEV. SINKING	151,424.64	-	87.50	-	151,424.64		
99-1246	INVEST. - CAP. IMP. SINKING	1,510,053.62	86,214.80	-	86,127.30	1,596,180.92		
99-1247	INVEST. - LIBRARY PROJ SINKING	44,706.70	-	-	-	44,706.70		
		<u>4,140,297.56</u>	<u>264,533.43</u>	<u>295,383.21</u>	<u>(30,849.78)</u>	<u>4,109,447.78</u>		

I, Kevin Cluskey, City Clerk-Treasurer of the City of Falls City, Richardson County Nebraska, hereby certify that the above is a true and correct report of the financial condition for General Funds of the City of Falls City, Nebraska.

Signature: 

Date: 11/12/21

Consent Resolution November 17, 2021

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 November 1, 2021, special and regular meeting is hereby approved.
2. *BE IT FURTHER RESOLVED BY* the Council that the agenda for November 17, 2021, is hereby approved.
3. *BE IT FURTHER RESOLVED BY* the Council that the Police Report for September, 2021 of the City of Falls City are hereby approved.
4. *BE IT FURTHER RESOLVED BY* the Council that the Treasurer's Report for October, 2021, is hereby approved.
5. *BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for November 17, 2021, is hereby approved.

ORDINANCE NO. 21-106

AN ORDINANCE TO DECLARE A PUBLIC EMERGENCY PURSUANT TO NEB. REV. STAT. §17-568.01 FOR THE IMMEDIATE REPAIR OF ENGINE #5 AT THE FALLS CITY POWER PLANT, WAIVING THE ESTIMATE OF COST AND ADVERTISING FOR BIDS AND AUTHORIZING THE MAYOR TO ENTER INTO SUCH CONTRACT IMMEDIATELY UPON PASSAGE AND POSTING OF THIS EMERGENCY ORDINANCE AS PROVIDED BY NEB. REV. STAT. §17-613.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FALLS CITY NEBRASKA:

Section 1. On September 28, 2021, a crankshaft explosion occurred in Engine #5 at the Falls City Power Plant. This engine is highly relied upon to provide power necessary to meet the load demands of the community.

Section 2. The Mayor and City Council of the City of Falls City hereby declare that a public emergency exists pursuant to Neb. Rev. Stat. §17-568.01(6) resulting from an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health or property.

Section 3. As a result of the public emergency the Mayor and City Council of the City of Falls City hereby waive the estimate of cost and advertising of bids for the repair of Engine #5 at the Falls City Power Plant.

Section 4. The Mayor is authorized to enter into a contract for such repairs to Engine #5 with FMI in the amount of \$313,796.20.

Section 5. Any ordinance in conflict herewith is hereby repealed.

Section 6. This ordinance shall take effect immediately upon its passage by 3/4 of the City Council and posting of a proclamation of the Mayor as provided by Neb. Rev. Stat. §17-613.

Passed and approved this _____ day of _____, 2021.

MAYOR

ATTESTED:

CITY CLERK

CITY OF FALLS CITY, NEBRASKA

PROCLAMATION

WHEREAS, Neb. Rev. Stat. § 17-568.01(6) states that in the case of a public emergency resulting from an exigency or pressing necessity or unforeseen need calling for an immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, estimates of costs and advertising for bids may be waived.

WHEREAS, On September 28, 2021, a crankshaft explosion occurred in Engine #5 at the Falls City Power Plant. This engine is highly relied upon to provide power necessary to meet the load demands of the City of Falls City.

WHEREAS, That on November 1, 2021, Ordinance No. 21-106 reciting the emergency and waiver was passed by a three-fourths vote by the Council for the City of Falls City. This Ordinance is entered of record into the clerk's minutes.

WHEREAS, Ordinance No. 21-106 shall take effect upon the Proclamation of the Mayor of the City of Falls City, Shawna Bindle, posted in at least three of the most public places in the City.

Now, therefore, I, Shawna Bindle, Mayor of the City of Falls City, Nebraska proclaim that an emergency exists and that Ordinance No. 21-106, a copy of which is attached to this Proclamation, passed on November 15, 2021, is effective immediately.

(Official Seal of Falls City)

Mayor, Shawna Bindle

Attested City Clerk

An Agreement for the Provision of Limited Professional Services

Design Professional Firm:	MILLER & ASSOCIATES, CONSULTING ENGINEERS, P.C. 1111 Central Avenue Kearney, NE 68847 (hereinafter called ENGINEER)	Client: CITY OF FALLS CITY 2307 Barada Street Falls City, NE 68355 (hereinafter called CITY)
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DATE: October 26, 2021

PROJECT NO. 495-C1-

PROJECT NAME/LOCATION: Preston Bridge Water Main Relocation, Falls City, Nebraska

SCOPE/INTENT AND EXTENT OF SERVICES: Whereas, the CITY desires to employ the ENGINEER to perform the following:

Phase 1 - Design / Bidding Services

1. Preparation of Drawings and Specifications for relocation of 20 LF of water main by the Preston Bridge.
2. Submit Specifications to NDEE for regulatory review and approval concurrently with Bidding Process.
3. Distribute Bidding Documents to prospective bidders, conduct bid opening and make recommendation for award.
4. Coordinate with BNSF during pre-design, and pipeline location.

Phase 2 - Construction Phase Services

1. Prepare construction contracts between Owner and Contractor.
2. Conducting preconstruction conference
3. One-site construction observation services
4. Preparation of As-Recorded Drawings and submission as required by NDBE-Public Water Section

EXCLUDED SERVICES:

1. Review Fee required by NDBE-Public Water Section will be paid by the City.
2. Legal Survey, for acquisition or easements
3. BNSF or any other project permitting fees

FEE ARRANGEMENT: Phase 1 services will be invoiced for a lump sum fee of \$59,300. Phase 2 services (if desired by the City) will be invoiced on an hourly basis, not to exceed an estimated \$41,700, based on a 75-day construction period. For the purposes of this Agreement, the hourly rates are as follows:

Employee Classification	Rate
Professional Engineer	\$105.00/hour
Professional Architect	\$105.00/hour
Licensed Land Surveyor	\$80.00/hour
Senior Design Technician	\$75.00/hour
Survey Crew	\$85.00/hour
Technician/Resident Project Representative	\$70.00/hour
CAD Draftsperson	\$60.00/hour
Clerical	\$40.00/hour
Mileage	IRS Rate

Offered by:

Chris Miller 10/26/21
signature date

Chris A. Miller P.E.

Printed name/title

Miller & Associates, Consulting Engineers, P.C.

Name of ENGINEER

Accepted by:

signature date

Printed name/title

City of Falls City

Name of CITY

The Terms and Conditions on the following page are a part of this Agreement

Terms and Conditions

The firm shall perform the services outlined in this agreement for the stated fee arrangement.

Access To Site: Unless otherwise stated, the ENGINEER will have access to the site for activities necessary for the performance of the services. The ENGINEER will take precautions to minimize damages due to these activities, but the cost of restoration of any resulting damage has not been included in the fee.

Dispute Resolution: Any claims or disputes made during design, construction or post-construction between the CITY and ENGINEER shall be submitted to non-binding mediation. CITY and ENGINEER agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, supplies and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

Billing/Payment: Invoices for the ENGINEER's services shall be submitted, at the ENGINEER's option, either between completion of such services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. If the invoice is not paid within 30 days, the ENGINEER may, without waiving any claim or right against the CITY, and without liability whatsoever to the CITY, terminate the performance of the service. Retainers shall be credited on the final invoice.

Late Payments: Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after the billing, the CITY shall pay all costs of collection, including reasonable attorney's fees.

Indemnification: The CITY shall, to the fullest extent permitted by law, indemnify and hold harmless the ENGINEER, his or her officers, directors, employees, agents and subconsultants from and against all damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the ENGINEER.

Certifications: Guarantees and Warranties: The ENGINEER shall not be required to execute any document that would result in its certifying, guaranteeing or warranting the existence of conditions whose existence the ENGINEER cannot ascertain.

Defects in Service: The CITY shall provide prompt written notice to the ENGINEER if the CITY becomes aware of any fault or defect in the Project, including any errors, omissions or inconsistencies in the ENGINEER's instruments of service.

Limitation of Liability: In recognition of the relative risks, rewards and benefits of the project to both the CITY and the ENGINEER, the risks have been allocated such that the CITY agrees that, to the fullest extent permitted by law, the ENGINEER's total liability to the CITY for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the fee. Such cause may include, but are not limited to, the ENGINEER's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

Consequential Damages: In no event will ENGINEER, ENGINEER's affiliated corporations, officers, employees, or subcontractors be liable for special, indirect, or consequential damages, and in order to protect ENGINEER against indirect liability or third-party proceedings, CITY will indemnify ENGINEER for any such loss or damage.

Termination of Services: This agreement may be terminated by the CITY or the ENGINEER should the other fail to perform its obligations hereunder. In the event of termination, the CITY shall pay the ENGINEER for all services rendered to the date of termination, and all reimbursable expenses.

Ownership of Documents: All documents produced by the ENGINEER under this agreement shall remain the property of the ENGINEER and may not be used by the CITY for any other endeavor without the written consent of the ENGINEER.



Jamie Baker
Chief of Police

Falls City Police Department

2307 Barada Street
Falls City, NE 68355

Phone: 402-245-4422
Fax: 402-245-6002
Email: fcpd@fallscityne.us

FALLS CITY COUNCIL,

I AM REQUESTING THE COUNCIL TO AUTHORIZE THE FALLS CITY POLICE DEPARTMENT TO ADD AN ADDITIONAL OFFICER POSITION. WITH THE CURRENT STAFFING STRUGGLES ALL LAW ENFORCEMENT AGENCIES ARE EXPERIENCING I BELIEVE ADDING THIS POSITION WILL STRENGTHEN OUR DEPARTMENT FOR THE FUTURE. I AM CONFIDENT THAT WE WILL ATTRACT QUALIFIED APPLICANTS THAT ARE LOOKING FORWARD TO WORKING WITH THE FALLS CITY POLICE DEPARTMENT.

RESPECTFULLY,

JAMIE BAKER

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

October 29, 2021



Notice to file the Year-End Certification of City Street Superintendent, Signing Resolution, and Documentation of the Appointment(s) of City Street Superintendent(s) for Calendar Year 2021 with the Nebraska Department of Transportation (NDOT) by December 31, 2021.

The attached YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT and SIGNING RESOLUTION, together with a copy of the DOCUMENTATION OF THE CITY STREET SUPERINTENDENT(S) APPOINTMENT for CALENDAR YEAR 2021, is the basis for determining the calendar year 2021 Incentive Payment. **Please complete and return the following to the NDOT by December 31, 2021:**

- **Signing Resolution** (Page 1): The original Signing Resolution, authorizing the signing of the Year-End Certification(s) by the Mayor or the Village Board Chairperson.
- **Year-End Certification of City Street Superintendent** (Page 2): If more than one individual provided street superintending services during Calendar Year 2021, or if the municipality did not have an appointed street superintendent, document each successive appointed city street superintendent and/or period without an appointed city street superintendent using a separate Year-End Certification form. Copy the form as needed.
- **Documentation of the City Street Superintendent(s) Appointment** (Page 3): Attach to page 3 a copy of the City Council or Village Board meeting minutes showing the appointment of the City Street Superintendent(s) for Calendar Year 2021 by their name as it appears on their License (*if applicable*), their License Number (*if applicable*), and Class of License (*if applicable*), and the type of appointment, i.e., employed, contract (consultant or interlocal agreement with another county and/or incorporated municipality), and the **beginning date of the appointment**. **For most municipalities this information may be found in the November or December 2020 or the January 2021 meetings minutes.**

Failure to complete and return: If a municipality had an appointed and Licensed City Street Superintendent for all or part of Calendar Year 2021 and the municipality does not complete and return the above documentation to the NDOT **by December 31, 2021, the municipality will not receive an Incentive Payment for Calendar Year 2021.**

Payment: If your municipality qualifies, payment will be scheduled for February 2022. Reference Neb. Rev. Stat. §39-2515.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "LeMoyné D. Schulz".

LeMoyné D. Schulz
Highway Local Liaison Coordinator
Boards-Liaison Services Section
Local Assistance Division
Nebraska Department of Transportation

Email: lemoyne.schulz@nebraska.gov
Phone: (402) 479-4436

LDS/2021

Attachments (3)

John R. Selmer, P.E., Director
Department of Transportation

MAILING ADDRESS	PHYSICAL ADDRESS
PO Box 94759	1500 Highway 2
Lincoln, NE 68509-4759	Lincoln, NE 68502

dot.nebraska.gov

Do not recreate, revise, or copy this form. Revisions, recreations, and copies will not be accepted. **Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2021.** Documents include the **original** Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT **by December 31, 2021.**

RESOLUTION
SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT
2021

Resolution No. _____

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

Whereas: The NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor Village Board Chairperson of _____
(Check one box) (Print Name of Municipality)
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this _____ day of _____, 20____ at _____, Nebraska.
(Date) (Month)

City Council/Village Board Members

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call _____ Yes _____ No _____ Abstained _____ Absent _____
Resolution adopted, signed, and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2021. Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by December 31, 2021.

Year-End Certification of City Street Superintendent For Determining Incentive Payment

January 1, 2021 to December 31, 2021

* (1)(a) Certification of the municipality of Falls City that: Justin R. Stark was the appointed City Street Superintendent from January 2021 to December 31, 2021, 2021, (Month) (Date) (Month) (Date)

(b) the above listed individual **is not** or **is** a Licensed City Street Superintendent, License Number S- 1534 Class A, (Check this box is the above listed individual is not licensed) (A or B)

(c) the above listed individual **is not** or **is** a Licensed Engineer in Nebraska, License Number E- 13167, (Check this box is the above listed individual is not licensed)

(d) the superintending services of the above listed individual were provided by: (Check one box)

- Employment with this Municipality
- Contract (consultant) with this Municipality
- Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

(e) the above listed individual assisted in the following: Reference Neb. Rev. Stat. §39-2512

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

- OR -

(2) From _____, 2021 to _____, 2021 this municipality did not have an appointed City Street Superintendent. (Month) (Date) (Month) (Date)

Signature of Mayor Village Board Chairperson

* (3) If your municipality had a licensed superintendent for a portion of the year; had two or more successive licensed superintendents; and/or did not have an appointed street superintendent for any portion(s) of the calendar year, complete a separate Year-End Certification form for EACH appointed city street superintendent AND for any period without an appointed city street superintendent. Copy this form as needed to account for these separate periods.

(4) The payment amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) the number of full calendar months served by the appointed superintendent who is licensed or exempted from licensure under the Superintendents Act; (c) class of license, A or B; and (d) if the appointed City Street Superintendent assisted with the required duties in (1)(e) above. Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.

(5) Failure to return the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2021 to:

Highway Local Liaison Coordinator
Boards-Liaison Services Section
Local Assistance Division
Nebraska Department of Transportation
PO Box 94759
Lincoln NE 68509-4759

Attach Documentation of the City Street Superintendent(s) Appointment for 2021 here:

For most municipalities this information may be found in the November or December 2020 or the January 2021 meetings minutes. Some may involve mayoral appointments, or interlocal agreement (relinquishment of funds).

Call 402-479-4436 if you have any questions about what to submit for documentation.

Falls City Volunteer Fire Department
18th Towle St
Falls City, Nebraska 68355

Date: November 8, 2021

To: Mayor and City Council of Falls City

From; Falls City Volunteer Fire Department
Mike Mirelez, President & Matt C. Beer, Fire Chief

Subject: Annual recommendations of Officers for F.C.V.F.D.

With our annual meeting and elections of the Falls City Volunteer Fire Department Officers being held on Monday, November 8, 2021, the following recommendation results for the City Council of Falls City to take effect as of January 1st, 2022 upon City Council approval were as follows:

Falls City Fire Chief, Matt Beer

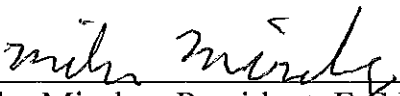
First Assistant Chief, Jon McQueen

Second Assistant Chief, Timothy Daniels

The remaining offices need not be appointed, but for your information and records they are as follows:

President, Brian Vice
Vice President, Bob Kirkendall
Secretary, Trevor Wisdom
Treasurer, Jon McQueen

Thank you,


Mike Mirelez, President F.C.V.F.D.


Matt Beer, Fire Chief