

MINUTE RECORD

CITY OF WEEPING WATER CITY COUNCIL PROCEEDINGS NOVEMBER 8, 2004

The regular meeting of the Mayor and Council of the City of Weeping Water was convened in open and public session at 6:00 p.m. on November 8, 2004 at City Hall. Mayor Howard Stubbendieck called the meeting to order with Councilmembers Bob McCaulley, Melody Falcone, Larry Bauers and Ray Frew answering roll. Absent: None.

Notice of the meeting was given in advance thereof by publication in the November 4, 2004 edition of the Plattsmouth Journal, as well as being posted in three public places in the city.

Minutes of the October 11, 2004 meeting/public hearing were approved as written.

Lowell Daisley presented for discussion a Community Planning Outline for Economic Development in Weeping Water and was given authority to develop a memorandum of understanding between Cass County Nebraska Economic Development Council and the City of Weeping Water to pursue local economic development measures.

In regard to the proposed change in parking regulations on "Q" street between South East Street and South Elm Street, the clerk advised that all affected property owners were notified of a proposed change prior to the meeting. The only parties present regarding the same were Brad and Jean Wright, who expressed their desire to retain the existing parking regulations in said area, adding that they felt any problems with parked vehicles could be worked out amicably among the neighbors. The Council mutually agreed to retain the existing parking regulations in said area.

Rescue Squad Roster updates included notification that Rob Hartman has taken retired status, having been an active squad member since 1988, and the resignation of Shawn Capps.

Earnie West discussed several issues in regard to the Fire Department and presented information regarding membership in the Nebraska State Volunteer Firefighter's Association which the Council agreed to take into consideration upon further review.

Street drainage concerns were discussed as well as leaves/grass clippings in street gutters. The Council agreed to look into assessing fines to residents for blowing leaves and/or grass clippings into the street.

The Monthly Police Activity Report was presented, in which it was noted that 187 hours were patrolled during the month.

Bruce Sorensen presented the Monthly Water/Wastewater Report noting that the well inspection report from Layne Western had been received advising that all three wells were operating sufficiently and maintaining adequate water levels.

The Monthly Health Board Report resulted in the following: letters to be sent by the City Attorney to the owner of the Capps residence, B. Taylor and J. Wilson advising of non-complying issues; Notice of Non-Compliance to be personally served upon SENAHC regarding conditions of house at 200 East Eldora Avenue; update on Thomas property, which is still pending court action.

The Monthly Maintenance Report was presented for review, which noted updates on street projects, the city lake project, winterization measures and construction of the gazebo. Motion by Frew, seconded by McCaulley to hire Bob's Construction for labor

costs to install the roof of the gazebo at a cost of \$450. Motion carried with McCaulley, Falcone and Frew voting aye. Nays: Bauers.

Motion by McCaulley, seconded by Bauers to adopt Resolution No. 04-19, which declares the Flink 8'hopper spreader, the 5'hammerknife mower and the snow plow blade compatible to a large dump truck as surplus property and authorizes advertisement of bids for the sale of the same. Motion carried unanimously.

Motion by Bauers seconded by Frew to hire Bickford Electric to install the Christmas light brackets on the new light poles as proposed. Motion carried unanimously.

The City Attorney provided information regarding the legalities of the City purchasing land to be used by the Cemetery Association, and he agreed to report his findings to the appropriate representative of the Cemetery Association.

Copies of the current City/School Responsibility Agreement Regarding Memorial Field were distributed for the council to review and recommend possible revisions/clarifications for consideration at a later date.

A final walk-through of the "Downtown Revitalization Project" was held on October 20, 2004, which noted the need for installation of sealant in a specific area, which has been completed and the installation of hand railings, which are still in fabrication. Motion by McCaulley, seconded by Falcone to approve Change Order #2(Final), which allows for an adjustment in contract times and a change in contract price due to specific modifications and quantity adjustments providing for a net increase of the original contract price in the amount of \$.52, to approve the 4th and final pay request of M.E. Collins Contracting Company, Inc., in the amount of \$65,043.27, with the stipulation that payment of the same will be held until hand railings have been installed. Motion carried unanimously. Motion by Frew, seconded by Bauers to approve CDBG drawdown #11 requesting \$20,572 in CDBG funds for engineering and construction costs to date, with the City matching funds being \$66,411.32. Motion carried unanimously. It was also noted that one area of the new construction near Hartman's Foods may need additional grinding to allow for proper drainage, which will be pursued with the contractor.

The Clerk was advised to personally notify all occupants/owners of property in the "Downtown Revitalization Project" that the new sidewalks need to cure for a least one year before applying any salt or chloride products for snow/ice removal, advising that recommended products to be used for snow/ice control are sand, oil dry or cat litter.

In regard to the City Lake improvements, a motion was made by Bauers, seconded by Falcone to approve Field Order No. 1, which allows for specific shoreline expansion, to approve Change Orders 1-3, which result in a net increase of original contract price of \$1,280.00, and to approve Pay Request No. 3 to Pruss Excavation for construction costs to date in the amount of \$53,491.50. Motion carried unanimously. It was noted that filling of the lake should commence within the next week.

Members of the Council were advised that the Governor is planning to attend the city's dedication ceremony of the completion of the "Downtown Revitalization Project", which is scheduled for 9:00 a.m. on Saturday, December 4, 2004. Other plans for the event will continue to be pursued.

Motion by McCaulley, seconded by Bauers to adopt Resolution 04-18, which sets January 10, 2005 at 5:45 p.m., as the date for a public hearing for levying special assessments, orders notice to be provided according to law, and directs the engineer to prepare and file in the City Clerk's Office a map of the property benefited by the improvements constructed in connection with Street Improvement District No. 2003-1 and a tentative schedule of the assessments. Motion carried unanimously.

The following Ordinance was presented: ORDINANCE NO. 542

AN ORDINANCE OF THE CITY OF WEEPING WATER, NEBRASKA, TO ADOPT AND IMPOSE A SALES AND USE TAX OF ONE PERCENT (1.0%) UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF WEEPING WATER, CASS COUNTY, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; TO PROVIDE FOR THE DATE

UPON WHICH THE TAX SHALL BE IMPOSED; AND FOR REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WEEPING WATER, NEBRASKA:

Section 1. That pursuant to the approval of the Electors of the City of Weeping Water, Cass County, Nebraska, at the General Election that was held on Tuesday, November 2, 2004, there is hereby adopted a Sales and Use Tax which tax shall be One Percent (1.0%) upon the same transactions within the Corporate limits of the City of Weeping Water, Cass County, Nebraska, on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of Nebraska Law. Said Sales and Use Tax shall commence on April 1, 2005 and shall continue in perpetuity unless repealed.

Section 2. That the City Clerk shall mail a Certified copy of this Ordinance and a Certified copy of the map of the City of Weeping Water, Nebraska, showing the Corporate limits thereof to the Nebraska Tax Commissioner and Nebraska Department of Revenue immediately after the passage of this Ordinance.

Section 3. That all Ordinances inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as provided by Law.

PASSED AND APPROVED this 8th day of November, 2004.

Signed: Howard Stubbendieck, Mayor

Attest: Kay Gerdes, City Clerk

SEAL

Motion by Frew, seconded by Bauers that the statutory rules be suspended to that Ordinance No. 542 might be introduced, read by title and adopted. Motion carried with McCaulley, Falcone, Bauers and Frew voting aye. Nays: None. Said Ordinance will be published/posted in the manner provided by law, with a true, correct and complete copy of the Ordinance being on file in the City Clerk's Office.

Based on the recommendation of the City Attorney, no action was taken on the model ordinances suggested by the League of Nebraska Municipalities Codification Service.

Following review of a Salary Survey of surrounding communities, a motion was made by Bauers, seconded by Falcone to approve a 5% increase in wages of all city employees. Motion carried unanimously.

The Mayor noted that he has sent a letter of support for a landscaping grant for the Library and a letter of recommendation to M.E. Collins Contracting Co., Inc. Other monthly correspondence included copies of an upcoming County Public Hearing; Notice of the upcoming CDBG Performance Monitor visit on November 23, 2004; information regarding upcoming training sessions; and Library Board and Housing Board minutes.

Building Permit activity during the month included: Scott Wilson-garage; Miscellaneous Building Permits included: Reba Hensley-fence and Richard Ashlock-basement door entryway.

Motion by Bauers, seconded by McCaulley to approve the following claims: Salaries-5758.21; Aquila, util-173.80; OPPD, util-3000.85; Alltel, util-601.10; Svoboda & Chebatoris, prof-979.04; Farmers & Merchants Bank, whlg, s/c-1517.55; Ameritas, emp ben-508.14; Nebr. Dept. of Revenue, sls tx, whlg-1082.19; PeopleService, prof-9816.00; Cass County Refuse, reimb-8333.34; Miller Monroe Co., ins-4385.00; First Congregational UCC, lease pmt-1.00; Marlin Reissig, bldg use-50.00; CDBG Matching funds-192,323.54; United Healthcare, ins-882.99; The Journal, publ-295.83; Reliable, off sup-138.14; Display Sales, maint-347.25; American Legal Publishing, prof-350.00; IIMC, prof-100.00; WW Express Lane, fuel, maint-201.91; Copple Chevrolet, rep-20.98; Menards, cap imp-4935.33; Murray Bldg & Supply, maint-305.66; Keckler Oil, fuel, rep, pstg-249.06; Concrete Industries, rep, cap imp-911.19; Barco, signs-343.17; Meeske Auto, maint-464.67; Hilltop Fillstop, sup-37.43; Cass County Sheriff, prof-2711.80; Midwest Vehicle, rep-345.78; Alliance Medical, sup-148.32; Linweld, sup-27.75; Shaffer Communications, rep-44.40; EMS Billing, reimb-308.28; Fire Extrication Billing, reimb-358.10; Mutually Preferred, rmb resc-417.60; United Healthcare, rmb resc-359.00; James Robbins, rmb resc-474.00; Jensen Well Co., Cap imp-1000.00; Jacobson Helgoth, prof, cap imp-4179.86; Bickford Electric, maint/cap imp-400.00; Ingram Library System, bks-401.30; Great Plains One Call, serv-17.83; Hartman's Foods, maint-263.67; Meeske Hardware, rep/maint-1092.28; Eager Siding Co., cap imp-925.00; J. Aronson, mlg/mtg-

109.13; Chamber of Commerce, mtg-6.00; Bond Anticipation pmt-3282.50; FireGuard, maint-418.16; Business Forms & Accounting Systems, off sup-82.03. Motion carried unanimously.

Motion by McCaulley, seconded by Falcone to adjourn. Motion carried unanimously.

Kay Gerdes, City Clerk

Howard Stubbendieck, Mayor