

October 7, 2008

Colleen Paden, Mayor, called a meeting of the Mayor and Council of the City of Stanton, Nebraska to order on October 7, 2008 at 7 p.m. in the City Hall meeting room. The Mayor announced to the public that a current copy of the Open Meetings Act was posted on the wall by the door. Council Members answering roll call: Ray Wolf Jr., Jody Caldwell, Rolland Lorensen, Jay Spence. Also present were: Katie Frederick, Dale Detlefsen, Dennis Patterson, Tim Pritchett, Alberta Lehman, Bill Johnson, Frank Smolik, LaLene Bates, Marlene Reichmuth, Bob Paden, Pam Fuerhoff, Clint Warnke, Dan Fuerhoff, Sara Jane Corcoran, JB Eberly, Greta Eckstrom, Lori Webster, Jerry Webster, Brenda Andersen, Jim Campbell, Becky Connor, Karen Linnenbrink, Brandon Remm, Ken Petersen, Dan Barnes, Gary Groteluschen, Cory Locke, and Nancy Morfeld (who recorded the minutes).

A motion was duly made by Council Member Wolf to approve the consent agenda. Council Member Caldwell seconded the motion. Roll call: YEA: Wolf, Caldwell, Lorensen, Spence. Motion carried. The following items were approved: (1) Adopt agenda; (2) Meeting was published in the Stanton Register on October 1, 2008 and the agenda was delivered to the Mayor and Council on October 3, 2008; (3) Approve the minutes of the September 2, 2008 meeting; (4) Accept the minutes from various city boards as received; (5) Approval of the Statement of Fund Balances General Accounts and Utilities; (6) Approval of claims for September 3, 2008 through October 7, 2008; (7) Approval of Nursing Home (Stanton Health Center) report of accounts; (8) Letter from Sargent Drilling regarding pump tests taken at city wells; (9) Letter from JEO regarding correction of pool drains; (10) Approving appointment of Shawn Wiedeman to the Stanton Fire Department; (11) Council Member Caldwell listed items for sale on Craigslist and sold them for: 444 IH tractor \$2800.00, Cushman 3 wheeler \$300 and cycle mower \$125; (12) New guidelines for housing rehabilitation from Northeast NE Economic Development District.

**NH** Katie Frederick updated the City Council on the Nursing Home reports.

**Admin** Bids received for health insurance were: Renewal of current: \$7250.93 (with \$7,000 out of pocket total); Union Security (Assurant) \$7160.09, \$7075.02, \$6984.22 (with \$7,000 out of pocket total) or \$6450.39 (with \$8,000 out of pocket total) from Becky Connor; Blue Pride \$9007.60 (with \$6,000 out of pocket total) from Todd Wolverton; American Community Mutual Insurance \$7192.11 (with \$30,000 out of pocket total) from Mike Van Hoosen; Starmark \$7977.22 (with \$6,000 out of pocket plus \$8,000 deductible total) and \$7535.13 (with \$6,000 out of pocket plus \$8,000 deductible total) from Jim Campbell. Becky Connor also quoted additional companies of Blue Cross NE \$11619.00; Coventry, \$9879.93 or \$7896.43; Starmark, 9938.31; and Principal Financial \$10470.75. The Council will look over the bids and discuss at next meeting.

**Street** Bids were discussed for the purchase of a payloader for the street department. Bids were received from: Murphy Tractor – John Deere 444K loader with trade in - \$83484; Titan Machinery – Case 521 E 2 yd Wheel Loader with trade in - \$67900 or \$77,700 (financed) with trade in or \$100800 without trade in; NMC – Cat 924H with trade in - \$105460; Rueter's – Hyundai 730-7AXTD with trade in - \$72000; Rueter's – Used Hyundai 730-7XTD with trade in - \$54400. A motion was duly made by Council Member Wolf to purchase the John Deere 444K loader for a purchase price of \$85,583.00, with add on of the ride control system. Council Member Caldwell seconded the motion. Discussion was held on the extra price of approximately \$14,000 to buy the John Deere over the Case or Hyundai. Roll call: YEA: Spence, Lorensen, Wolf, Caldwell. Motion carried.

**Admin** Karen Linnenbrink updated the City Council on projects the Elkhorn Valley Economic Development is doing.

A motion was duly made by Council Member Caldwell to approve the request for an extension to the 2006 Housing Grant 06-TFHP-555 of 6 months. Council Member Spence seconded the motion. Roll call: YEA: Spence, Lorensen, Wolf, Caldwell. Motion carried.

A motion was duly made by Council Member Spence to accept the recommendation by the Stanton Rehabilitation Board to approve Applicant #06215 for the purchase of 402 21<sup>st</sup> Street (House #2). Council Member Caldwell seconded the motion. Roll call: YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried.

A motion was duly made by Council Member Spence to accept the recommendation from the Stanton Economic Development Board to approve Cowboy Construction for the contractor to build House #3 for the Housing Grant at 2002 Cedar. Council Member Caldwell seconded the motion. Roll call: YEA: Wolf, Caldwell, Lorensen, Spence. Motion carried.

**Street** Discussion was held on what needs to be done on alley east of 10<sup>th</sup> Street between Jackpine and Kingwood for drainage. The engineer was here and talked with Colleen and Dale. He suggested a curb or ridge along the south edge, but due to the flow of water down hill, not much can

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be done to change this. Another meeting will be set up with the engineer, Jerry Webster, Sara Jane Corcoran, Dale Detlefsen and Colleen Paden prior to the next meeting.

Discussion was also held on the alley by Dan Fuerhoff, north of the Kingwood, and the possibility of cutting this slope to allow easier access for vehicles. A consensus was given to have the city employees make the needed repairs to this alley.

**Agreement** Discussion was held regarding changing the lease policy with Stanton County Public Power District to a franchise agreement as recommended by the District's accountant and transfer ownership of the system to Stanton County Public Power District. The City currently has nothing on the inventory list regarding electric lines. Council Member Lorensen and Attorney Locke visited with the League of Nebraska Municipalities and were advised that funding from FEMA is not an issue. Council Members would like to research the amount of electric inventory the City may have ownership in. The Council was looking into the possibility of charging Stanton County Public Power an additional fee to sign the franchise agreement.

Discussion was also held on the Phone franchise agreement that was signed in 1981, which was for an indefinite period of time. At that time no franchise fee was charged and further discussion on other franchise agreements having a 25 year maximum. City Attorney Locke recommended that no change was needed and a consensus was given to leave this agreement as it is.

**Zoning** The Historical Society is working with the Zoning Administrator regarding placement of a sign at the museum.

A motion was duly made by Council Member Caldwell to send the regulations for an accessory building back to the Planning Commission for further consideration. Council Member Wolf seconded the motion. Roll call: YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried.

Council Member Wolf introduced Ordinance 790 entitled: AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO CHANGE THE EXTRA TERRITORIAL JURISDICTION BOUNDARY OF THE CITY OF STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE; TO SHOW ALL CHANGES ON THE OFFICIAL ZONING MAP; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Council Member Spence seconded the motion to introduce Ordinance 790 and upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. Council Member Wolf moved that the statutory rule requiring reading on three different days be suspended, Ordinance 790 be moved for final passage, and to authorize publication in pamphlet form. Council Member Spence seconded the motion. Upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. The motion to suspend the rules was adopted by three fourths of the City Council and the statutory rule was declared suspended for consideration of the ordinance. 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 signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Council Member Spence introduced Ordinance 791 entitled: AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO CHANGE THE ZONING MAP OF THE CITY OF STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE; TO SHOW ALL CHANGES ON THE OFFICIAL ZONING MAP; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Council Member Wolf seconded the motion to introduce Ordinance 791 and upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. Council Member Wolf moved that the statutory rule requiring reading on three different days be suspended, Ordinance 791 be moved for final passage, and to authorize publication in pamphlet form. Council Member Spence seconded the motion. Upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. The motion to suspend the rules was adopted by three fourths of the City Council and the statutory rule was declared suspended for consideration of the ordinance. 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 signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Council Member Caldwell introduced Ordinance 793 entitled: AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO ADD A SECTION TO THE CITY OF STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE; ARTICLE 4 ADDITIONAL REGULATIONS, SECTION 11 RADIO,

TELEVISION AND COMMUNICATION TOWERS; AMEND SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 3 DISTRICTS, SECTION 4 TRANSITIONAL AGRICULTURE DISTRICT, PART B PERMITTED CONDITIONAL USES NUMBER 7; AMEND SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 3 DISTRICTS, SECTION 5 RESIDENTIAL SUBURBAN DISTRICT, PART B PERMITTED CONDITIONAL USES NUMBER 7; AMEND SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 3 DISTRICTS, SECTION 6 SINGLE FAMILY RESIDENTIAL, PART B PERMITTED CONDITIONAL USES NUMBER 7; AMEND SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 5 CONDITIONAL PERMITTED USES, SECTION 4 PERMITTED CONDITIONAL USES PART B NUMBER 5, TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Council Member Spence seconded the motion to introduce Ordinance 793 and upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. Council Member Wolf moved that the statutory rule requiring reading on three different days be suspended, Ordinance 793 be moved for final passage, and to authorize publication in pamphlet form. Council Member Spence seconded the motion. Upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. The motion to suspend the rules was adopted by three fourths of the City Council and the statutory rule was declared suspended for consideration of the ordinance. 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 signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Council Member Lorensen introduced Ordinance 792 entitled: AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO ADD A SECTION TO THE CITY OF STANTON COMPREHENSIVE PLAN AND SUBDIVISION REGULATIONS, ARTICLE 3 PROCEDURES, SECTION 10 CHANGE OF LOT BOUNDARY; TO ADD A DEFINITION FOR CHANGE OF BOUNDARY TO SUBDIVISION DEFINITIONS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Council Member Spence seconded the motion to introduce Ordinance 792 and upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. Council Member Wolf moved that the statutory rule requiring reading on three different days be suspended, Ordinance 792 be moved for final passage, and to authorize publication in pamphlet form. Council Member Spence seconded the motion. Upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. The motion to suspend the rules was adopted by three fourths of the City Council and the statutory rule was declared suspended for consideration of the ordinance. 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 signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Council Member Wolf introduced Ordinance 794 entitled: AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO ADD A SECTION TO THE CITY OF STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 4 ADDITIONAL REGULATIONS, SECTION 12 WIND ENERGY INSTALLATIONS; TO ADD SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 3 DISTRICTS, SECTION 4 TRANSITIONAL AGRICULTURE DISTRICT, PART A PERMITTED USES NUMBER 15 AND PART B PERMITTED CONDITIONAL USES NUMBER 16; ADD SECTION TO THE STANTON COMPREHENSIVE PLAN AND ZONING ORDINANCE, ARTICLE 5 CONDITIONAL PERMITTED USES, SECTION 4 PERMITTED CONDITIONAL USES PART B NUMBER 8; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. Council Member Spence seconded the motion to introduce Ordinance 794 and upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. Council Member Wolf moved that the statutory rule requiring reading on three different days be suspended, Ordinance 794 be moved for final passage, and to authorize publication in pamphlet form. Council Member Spence seconded the motion. Upon roll call vote on the motion, the following Council Members voted YEA: Lorensen, Wolf, Caldwell, Spence. Motion carried. The motion to suspend the rules was adopted by three fourths of the City Council and the statutory rule was declared suspended for consideration of the ordinance. 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 signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

**Personnel** A motion was duly made by Council Member Spence to approve the changes to the overtime / comp time policy. Council Member Caldwell seconded the motion. Roll call: YEA: Spence, Lorensen, Wolf, Caldwell. Motion carried.

**Admin** Stanton County Public Power brought CFL light bulbs for the city council members. The Wisner Development will be at the October 23<sup>rd</sup> meeting to discuss the Pilger Rest Area. Letters were sent to the last 30 citizens for the community survey. The corrections have been completed for the monitoring visit with the NNEDD for the housing grant.

A motion was duly made by Council Member Spence to adjourn into executive session for the prevention of needless injury to the reputation of an individual to discuss personnel issues at 9:30 p.m. Council Member Caldwell seconded the motion. Roll call: YEA: Wolf, Lorensen, Caldwell, Spence. Motion carried. A motion was duly made by Council Member Spence to adjourn from executive session at 9:58 p.m. Council Member Caldwell seconded the motion. Roll call: YEA: Wolf, Lorensen, Caldwell, Spence. Motion carried.

A motion was duly made by Council Member Wolf to adjourn the meeting at 10:00 pm. Council Member Caldwell seconded the motion. Roll call: YEA: Lorensen, Caldwell, Wolf, Spence. Motion carried.

I, the undersigned Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the City Council at the October 7, 2008 meeting; that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, held continually current and available for inspection at the Office of the City Clerk, that such subjects were contained in the 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 the members of the public; that 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 notification concerning meetings of said Body were provided notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Nancy A. Morfeld, City Clerk

Colleen M. Paden, Mayor

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