

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING
October 15, 2019

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

The City Council has posted a copy of the Open Meetings Act in the back of the council chambers. Additional copies are available to read. If anyone wishes one during this meeting, please advise.

The City Council may consider items listed on the agenda in random order. As each agenda item is considered, if there are any questions concerning the agenda item please advise.

The City Council has assisted listening devices available, if needed please advise. Please stand and Pledge Allegiance to the Flag.

Mayor Dave Bauer was absent. Council President Dale Strehle called the meeting to order at 6:00pm.

2. Roll Call

Attendance of Council members will be recorded to determine the presence of a quorum for official actions.

Brian Carnes: Present
Kyle Frans: Present
Ryan Hinz: Present
Jack Oelschlager: Present
Travis Sears: Present
Dale Strehle: Present

Present: 6.

3. Petitions - Communications - Citizen Concern

No action can be taken by the council on matters presented under this title except to answer any question posed and/or to refer the matter for further action. Testimony may be limited to 3 minutes per person. Please do not repeat testimony that has already be heard.

4. Special Order of Business

The council may take action to hear testimony in favor of or in opposition to, discuss/limit discussion and take action to approve or disapprove any matter presented under this title.

4.A. Stephens & Smith Pay Application #6 for \$50,661 for Street Improvements and Olsson Calculation

Approve pay application #6 for \$50,661 for street improvements. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.B. First Wireless Quote for \$25,700 for Radio Equipment for Crete PD

Approve the First Wireless quote for \$25,700 for radio equipment purchase for the Crete Police Department. Carried with a motion by Jack Oelschlager and a second by Travis Sears.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.C. Sampson Pay Application #13 for \$486,099.00 for Library Construction and BVH Recommendation.

Approve Sampson pay application #13 for \$486,099 for library construction. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.D. Brandt Excavating Quote for \$3,700 Wildwood Splashpad Demolition

Approve Brandt Excavating quote for \$3,700 for Wildwood Pool splashpad demolition. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.E. JEO Agreement for \$17,500 for Downtown Splashpad Project

Table JEO agreement for \$17,500 for downtown splashpad project for further information. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

City Administrator Tom Ourada stated that the agreement provided is incomplete.

4.F. Windstream Application to Occupy Right-of-Way

Location: 13th & Iris

Approve the Windstream application to occupy right-of-way at 13th and Iris. Carried with a motion by Travis Sears and a second by Jack Oelschlager.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.G. Amend EMS By-Laws to add Ambulance Administrator Position as Elected Position

This item is for information purposes at this time. The current By-Laws indicate the Ambulance Administrator position could be determined to be an elected position. The City Attorney may prepare an amendment to the By-Laws in order to clarify this.

4.H. Proposed Amendment to Use of Library Policy

Approve the requested amendment to the Library Use Policy with the revision of changing Crete school boundaries to Crete public school district boundaries. Failed with a motion by Ryan Hinz and a second by Kyle Frans.

Kyle Frans: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye, Brian Carnes: No, Ryan Hinz: No, Travis Sears: No

Aye: 3, No: 3

Kyle Frans: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Approve the requested amendment to the Library Use Policy with the revision of changing Crete school boundaries to Crete school district boundaries. Carried with a motion by Ryan Hinz and a second by Kyle Frans.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5. Resolutions & Ordinances

The Council may take action to hear testimony in favor of or opposition to, discuss/limit discussion and take action to approve or disapprove any matter presented under this title. The Council may take action to waive the statutory rule requiring reading on three separate dates on any ordinance being considered. The Council may take action to pass and approve any matter presented under this title.

5.A. Resolution 2019-32: A Resolution Restricting Parking on Certain Parts of Valleyview Drive and Boswell Avenue.

Pass Resolution 2019-32 restricting parking on certain parts of Valleyview Drive and Boswell Avenue. Carried with a motion by Travis Sears and a second by Jack Oelschlager.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5.B. Ordinance 2097: An Ordinance to Amend Sections and Articles of the City Code Relating to the Local Building Codes.

Introduce Ordinance 2097 and waive the statutory requirement of reading on three different days. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

Adopt Ordinance 2097 amending sections and articles of the City Code relating to the local building codes. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5.C. Ordinance 2098: An Ordinance to Amend the Fire Regulations to Allow Small Fire Pits.

Refer Ordinance 2098 to the City Council Public Works Committee for further review. Carried with a motion by Ryan Hinz and a second by Travis Sears.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5.D. Ordinance 2099: An Ordinance to Amend Certain Sections of the City Code Relating to the Duties and Responsibilities of the Building Inspector.

Introduce Ordinance 2099 and waive the statutory requirement of reading on three different days. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

Adopt Ordinance 2099 amending sections of City relating to the duties and responsibilities of the Building Inspector. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

6. Officers' Reports

Reports may be given by Department Heads, Committees and Council members concerning current operations of the City. Questions may be asked and answered. No action can be taken by the Council on matters presented under this title except to answer any question posed and to refer the matter for further action.

Council Member Brian Carnes stated that one of the new bumpouts is overgrown with weeds and questioned who is responsible for this upkeep. Tom Ourada stated that CCI has received a draft permit for composting. The next step will be to create the binding agreement for Council consideration. He also stated that Gilmore & Assoc. will be presenting an estimate for the reconstruction of the damaged sidewalks in downtown and the entry sidewalk and steps to City Hall. Mr. Ourada stated that NDOT is in town conducting vehicle counts in a number of places throughout Crete. He also described an issue with the paving on Highway 33 and stated that NDOT has determined it to be a maintenance issue, making Crete the responsible party for its repair.

7. Consent Agenda

Council will consider approval of the following items. Explanation may occur for each item and the council may approve and or amend and approve the items listed.

Approve the Consent Agenda items. Carried with a motion by Travis Sears and a second by Ryan Hinz.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

7.A. City Council Meeting Minutes

7.A.1. City Council Meeting Minutes of October 1, 2019

7.B. City Council Committee Meeting Minutes

7.B.1. Parks and Recreation Committee Meeting Minutes of October 1, 2019

7.B.2. Legislative Development Committee Meeting Minutes of October 1, 2019

7.C. City Treasurer's Report

7.D. Claims Against the City

8. Adjournment

The city council will review the above matters and take such actions as they deem appropriate. The city council may enter into closed session to discuss any matter on this agenda when it is determined by the council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such and individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office. The complete agenda with attachments is available at www.crete.ne.gov.

Motion to adjourn. Carried with a motion by Travis Sears and a second by Brian Carnes.

Brian Carnes: Aye, Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

The meeting was adjourned at 6:42pm.

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify 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. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)