

MINUTE RECORD

FRIEND CITY COUNCIL REGULAR MEETING OCTOBER 1, 2019

Mayor Knoke called the regular meeting of the City Council to order at 7:00 p.m. at the City Hall. Advanced notice of the meeting was given by publication in The Sentinel, the appointed method for giving advanced notice. All proceedings shown were taken while the meeting was open to the attendance of the public.

Mayor Judith Knoke presided and Acting City Clerk Kimberly Goossen recorded the proceedings. The following Councilmembers were present: Stan Krause, Shane Stutzman, and Harlan Schrock. Phyllis Ryan was absent. A quorum being present and the meeting duly convened, the following proceedings were had and done.

As required by the Nebraska Open Meetings Act, Mayor Knoke announced that a copy of the Nebraska Open Meetings Act has been posted on the south door of the City Hall meeting room for all in attendance to review.

Mayor Knoke announced that public comments would be received at this time. Linda Mueller was in attendance with her mother, Delores Scott to bring concerns she has with law enforcement in the City. Ms. Mueller requested time to speak with Councilmembers Schrock and Stutzman as they are on the Police Committee. Carol Johansen wanted to thank the Council for the listening to their point of view during the annexation process. Mrs. Johansen stated she has been contributing to the city since purchasing their home years ago and would continue to be involved if voted to be annexed into the city limits. No other comments were offered.

Motioned by Krause, seconded by Schrock, to approve the minutes of the September 3 regular meeting, the September 19 Special Meeting, and the September 20 emergency meeting and the September 2019 Treasurer's Report as presented and file same. On roll call voting aye to approve the September 3, 19 and 20, 2019 meeting minutes and the September 2019 Treasurer's Report, Stutzman, Krause, Schrock. Ryan absent. Nays none. Motion carried.

Motion was made by Schrock, seconded by Stutzman, to approve the Friend Community Healthcare System's financial statements submitted for the month of August 2019. On roll call voting aye, Krause, Stutzman, Schrock. Ryan absent. Nays none. Motion carried.

A motion was made by Stutzman, seconded by Schrock, that payroll and claims be approved by the claims committee, and be allowed, and the Clerk instructed to issue warrants on the respective funds to pay same. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Nays none. Motion carried.

The claims approved were as follows: September Payroll, 30,193.40; Ameritas, 4234.84; EFTPS, 10,351.43; 34 Electric, se 324.86; Aqua-Chem, Inc., su 5138.50; Baker & Taylor, su 95.01; Black Hills Energy, fe 131.76; Beaver Hardware, su 5.49; Keith Clouse, fe 250.00; Coast to Coast Solutions, su 1722.87; CRA, 693.15 & 43,620.27; Diode, se 46.45; Eakes, su 266.89; Gale, su 180.14; Paul & Gail Gropp, fe 450.00; GT Distributors, su 345.65; KBK Creative Designs, su 85.00; Chris Michl, se 428.40; Midwest Labs, Inc, se 389.93; NE Dept of Rev, SWH 1643.36; NE Public Health, se 403.00; NE Public Power, se 74,598.39; Nick's, su 411.02; Norris Power, se

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5459.16; Diane Odoski, re 85.81; Orkin, se 60.32; Plains Equipment, su 449.41; Principal Mutual, fe 119.33; Marvin Slepicka, fe 1250.00; Smart Apple Media, su 276.48; Sudrla Water Service, se 450.00; Vyhnalek Ins, fe 101.00. Total Claims Approved \$137,838.29.

Kristen Milton, representing the Swimming Pool Replacement/Renovation Committee, attended the meeting to report the committee will be delivering yard signs on October 15. Ms. Milton also reported at this time they have about 15 booths committed for the Trunk or Treat event on October 19th. Kristen also stated the special election ballots will be mailed out anywhere between October 21 and November 2 and they must be returned back by 5:00 PM on Tuesday, November 12.

Mayor Knoke presented for the third of three readings, Ordinance #19-756.

ORDINANCE #19-756

AN ORDINANCE OF THE CITY OF FRIEND, NEBRASKA, TO ANNEX TERRITORY COMPRISING CONTIGUOUS AND ADJACENT LANDS, LOTS, STREETS, AND HIGHWAYS WHICH ARE URBAN OR SUBURBAN IN CHARACTER IN SUCH DIRECTIONS AS IS DEEMED PROPER TO THE CORPORATE LIMITS OF THE CITY, THE EXACT BOUNDARIES OF WHICH ARE DISPLAYED AND DESCRIBED IN ATTACHMENTS A AND B; TO PROVIDE FOR AN EFFECTIVE DATE OF SUCH ANNEXATION.

Motion made by Stutzman, seconded by Schrock to accept the Zoning Committee's recommendation for annexation of Parcel 1. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Nays none. Motion carried.

Motion made by Krause, seconded by Stutzman to accept the Zoning Committee's recommendation for annexation of Parcel 1A. On roll call voting aye, Schrock, Stutzman, Krause. Ryan absent. Nays none. Motion carried.

Motion made by Stutzman, seconded by Krause to reject the Zoning Committee's recommendation for annexation of Parcel 2. On roll call voting aye, Schrock, Krause, Stutzman. Ryan absent. Nays none. Motion carried.

Motion made by Krause, seconded by Schrock to reject the Zoning Committee's recommendation for annexation of Parcel 2A. On roll call voting aye, Stutzman, Schrock, Krause. Ryan absent. Nays none. Motion carried.

Motion made by Stutzman, seconded by Schrock to reject the Zoning Committee's recommendation for annexation of Parcel 2B. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Nays none. Motion carried.

Motion made by Stutzman, seconded by Schrock with reservation to approve the Zoning Committee's recommendation for annexation of Parcel 3. On roll call voting aye Stutzman. Nays Krause, Schrock. Ryan absent. Motion failed.

Motion made by Stutzman to accept the Zoning Committee's recommendation for annexation of Parcel 4. Schrock asked that motion fail for lack of second.

Motion made by Krause, seconded by Schrock to reject the Zoning Committee's recommendation for annexation of Parcel 5. On roll call voting aye Schrock, Krause. Nay Stutzman. Ryan absent. Motion carried.

Motion made by Schrock, seconded by Krause to reject the Zoning Committee's recommendation for annexation of Parcel 6. On roll call voting aye, Stutzman, Krause, Schrock. Ryan absent. Nays none. Motion carried.

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Motion made by Stutzman, seconded by Krause to reject the Zoning Committee's recommendation for annexation of Parcel 6A. On roll call voting aye, Schrock, Krause, Stutzman.

Motion made by Krause, seconded by Stutzman to reject the Zoning Committee's recommendation for annexation of Parcel 7. On roll voting aye, Stutzman, Krause. Schrock abstain. Ryan absent. Nays none. Motion carried.

Motion made by Stutzman, seconded by Krause to reject the Zoning Committee's recommendation for annexation of Parcel 7A. On roll call voting aye, Krause, Stutzman. Schrock abstain. Ryan absent. Motion carried.

Mayor Knoke presented for the third of three readings, Ordinance #19-757.

ORDINANCE NO. 19-757

AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FRIEND, NEBRASKA, ATTACHED TO AND MADE A PART OF CHAPTER 154 OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOW THEREON (FRIEND CITY RS BENTLEY'S ADD, E 50' OF LOTS 20-21, FRIEND CITY RS BENTLEY'S ADD, W 45' LOT 20 & W 45' OF N 20' OF LOT 21, AND FRIEND CITY PAGES FIRST ADD, N 95' OF LOT 7) FROM R-1 RESIDENCE DISTRICT TO R-2 MULTIPLE DWELLING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. That the Official Zoning District Map of the City of Friend, Nebraska attached to and made of Chapter 154 of the Municipal Code of the City of Friend, Nebraska, be and it hereby is amended by changing the boundaries of the Districts established and shown on said map as follows:

FRIEND CITY RS BENTLEY'S ADD, E 50' OF LOTS 20-21, FRIEND CITY RS BENTLEY'S ADD, W 45' LOT 20 & W 45' OF N 20' OF LOT 21, AND FRIEND CITY PAGES FIRST ADD, N 95' OF LOT 7, FRIEND, SALINE COUNTY, NEBRASKA;

be and are hereby transferred from the R1 Residence District to the R2 Multiple Dwelling District and are hereby made a part of the R2 Multiple Dwelling District and governed by all the provisions and regulations pertaining to the R2 Multiple Dwelling District.

Section 2. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Councilman Stutzman moved for final passage of Ordinance Number 19-757, which motion was seconded by Councilman Schrock. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Voting nay, none. The passage and adoption of said ordinance, having been concurred and by a majority of all Members of the City Council, Ordinance Number 19-757 was adopted this 1st day of October 2019.

Proposed Ordinance #19-758 was read by Mayor Knoke. Councilman Schrock moved that the statutory rule requiring reading on three different days be suspended. Councilman Krause seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Stutzman, Krause, Schrock. Ryan absent. Members voting nay, none. The motion to suspend the rules was adopted by at least three-fourths of the Council and the statutory rule was declared suspended for consideration of the ordinance.

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ORDINANCE NO. 19-758

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF A TAX ANTICIPATION NOTE OF THE CITY OF FRIEND, NEBRASKA IN THE MAXIMUM PRINCIPAL AMOUNT OF \$383,243.26 TO PROVIDE FINANCING FOR CERTAIN OPERATING EXPENSES OF WARREN MEMORIAL HOSPITAL (AKA FRIEND COMMUNITY HEALTHCARE SYSTEMS); PRESCRIBING THE FORM AND DETAILS OF THE NOTE; COVENANTING TO PAY SUCH NOTE FROM THE REVENUES OF WARREN MEMORIAL HOSPITAL (FRIEND COMMUNITY HEALTHCARE SYSTEMS) AND, IF NECESSARY, TO LEVY TAXES IN AMOUNTS SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON THE NOTE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND RELATED MATTERS.

Schrock stated that the amount in the Ordinance will be changing to \$319,333.98 based on 11 months and expenditures approved at the meeting. Councilman Krause moved for final passage of Ordinance Number 19-758 with the amount of \$319,333.98 which motion was seconded by Councilman Schrock. On roll call voting aye, Stutzman, Schrock, Krause. Ryan absent. Voting nay, none. The passage and adoption of said ordinance, having been concurred and by a majority of all Members of the City Council, Ordinance Number 19-758 was adopted this 1st day of October 2019.

Resolution #19-13 was introduced and read by Mayor Knoke.

RESOLUTION # 19-13 APPLICATION TO BECOME DEPOSITORIES

Come now the following financial institutions and herewith respectfully petition and make application to serve as depositories of monies and funds of the City of Friend, Nebraska, for coming fiscal year beginning October 1, 2019.

- Citizens State Bank (of Friend)
- Farmers and Merchants Bank of Milligan
- Bank of Friend
- Generations Bank of Exeter

BE IT RESOLVED BY THE Mayor and the City Council of the City of Friend, Saline County, Nebraska.

WHEREAS; the aforementioned financial institutions have each filed application for the privilege of becoming a depository for monies and funds of the City of Friend, Nebraska for the fiscal year beginning October 1, 2019, and

WHEREAS; the aforementioned financial institutions have furnished bond for the safekeeping and securing said monies and funds as required by law in addition to the security given to the City of Friend as a depository by the Federal Deposit Insurance Corporation;

NOW THEREFORE BE IT RESOLVED; by the Mayor and City Council of the City of Friend, Saline County, Nebraska, that the Citizens State Bank, the Farmers and Merchants Bank of Milligan, the Bank of Friend, and Generations Bank of Exeter are hereby approved as depositories for monies and funds and in compliance with the terms and provisions of the Section 17-607 of the revised statutes for the year 1943 and all amendments hereto.

Motion was made by Krause, seconded by Stutzman to approve Resolution #19-13 relating to the application to become depositories of monies and funds of City of Friend. On roll call voting aye,

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Schrock, Stutzman, Krause. Ryan absent. Nays none. Resolution #19-13 was passed and approved this 1st day of October 2019.

Resolution #19-12 was introduced and read by Mayor Knoke.

RESOLUTION #19-12

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FRIEND, SALINE COUNTY, NEBRASKA, APPROVING THE APPLICATION OF THE FRIEND AMERICAN LEGION FORD BANKA POST #183, FOR A SPECIAL DESIGNATED PERMIT UNDER THE NEBRASKA LIQUOR CONTROL ACT, TO SELL LIQUOR, BEER AND WINE AT AN EVENT TO BE HELD ON NOVEMBER 11, 2019 IN THE CITY OF FRIEND. THE SAID SPECIAL DESIGNATED PERMIT TO BE LIMITED TO THE INSIDE AREA OF THE LEGION HALL LOCATED AT 136 MAPLE STREET TO BE HELD BETWEEN THE HOURS OF 5:00 P.M. AND 1:00 A.M., PURSUANT TO THE MUNICIPAL CODE OF THE CITY OF FRIEND, AND THE NEBRASKA LIQUOR CONTROL ACT.

Motion was made by Krause, seconded by Schrock to approve Resolution #19-12 relating to the relating to the American Legion Application for SDL for November 11, 2019 event. On roll call voting aye, Stutzman, Schrock, Krause. Ryan absent. Nays none. Resolution #19-12 was passed and approved this 1st day of October 2019.

Billy Baugh gave the Utility report. He stated the recycling bins should be arriving any day but the old location for the trailer may not work so will need to consider new location. Mr. Baugh reported that it will be soon time to look at purchasing a new dump truck. He also states that the roof at the pond well needs to be replaced so will look at a receiving a couple bids.

Kevin Barnard reported he has contacted Norris Public Power about providing a five-man crew to do some light pole change-outs.

Motion was made by Schrock, seconded by Stutzman to allow Norris Public Power to come and provide the electric pole change-outs. On roll call voting aye, Krause, Stutzman, Schrock. Ryan absent. Nays none. Motion carried.

Discussion was had in regard to the wholesale GFPS rate package/refund. Motion was made by Krause, seconded by Stutzman to give authority for Mayor to sign and accept the Wholesale GFPS package as long as the rates do not increase. On roll call voting aye, Schrock, Stutzman, Krause. Ryan absent. Nays none. Motion carried.

Police Chief, Shawn Gray, gave his report. Gray states the in-car videos have been installed and are up and going. He will be getting sample policies from other agencies to use as a template to put a policy into place about how and when the officers are to utilize it. Chief Gray reported that number of calls for 2018 was 240 and as of October 1st, 2019 they are at 265.

Building Inspector Mark Stutzman gave his report.

Stanley Krause reported on behalf of the Friend Volunteer Fire Department.

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Mayor Knoke gave the hospital report. Contract work has been happening on the hospital roof. John Wilson was given a three-year extension on his contract with no change or increase.

Mayor Knoke discussed wage increase for the Part-Time Police Officers. Motion was made by Schrock, seconded by Krause to accept Chief Gray's recommendation for an increase to \$12/hour for part-time police officers. On roll call voting aye, Stutzman, Krause, Schrock. Ryan absent. Nays none. Motion carried.

Discussion was had on the nuisance property at 213 Main Street. Mayor Knoke had conversation with Pankoke Construction and will be coming to look at the property. Motion was made by Stutzman, seconded by Schrock to move forward with the abatement process and removal of nuisance at 213 Main Street. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Nays none. Motion carried.

David Kraus, Superintendent with Friend School, was present along with school board president Paul Segner. Mr. Kraus presented a strategic plan the school would like to implement in the near future. The plan would involve the closing of Pine Street to allow for the creation of a larger playground area.

Mayor Knoke reported there is a vacant position within the City of Friend Public Works Department. Motion was made by Krause, seconded by Schrock to advertise for the Sewer and Wastewater Treatment Plant Operator position. On roll call voting aye, Stutzman, Schrock, Krause. Ryan absent. Nays none. Motion carried.

No further business to come before the City Council, motion was made by Schrock, seconded by Krause, to adjourn the meeting. On roll call voting aye, Stutzman, Krause, Schrock. Ryan absent. Nays, none. Motion carried. Meeting adjourned at 8:06 p.m.

Judith K. Knoke, Mayor

ATTEST

Kimberly Goossen, Acting City Clerk

I, the undersigned, Acting City Clerk of the City of Friend, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on October 1, 2019; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the Clerk; 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 members of the public; that the said minutes from which the foregoing proceedings have been extracted and were in written form and available for public inspection within ten working days; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk

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NOTICE OF MEETING CITY OF FRIEND, NEBRASKA

Notice is hereby given that the City Council of the City of Friend, Nebraska will meet at 7:00 p.m. on **Tuesday, November 5, 2019** at the City Hall which meeting will be open to the public. Agenda for said meeting is kept current and is available in the City Clerk's office during regular business hours. Request to be on the agenda must be in the City Clerk's office 24 hours prior to the start of the meeting.

Kimberly S. Goossen, Acting City Clerk