

MINUTE RECORD

FRIEND CITY COUNCIL REGULAR MEETING NOVEMBER 5, 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. No comments were offered.

Motioned by Krause, seconded by Stutzman, to approve the minutes of the October 1 regular meeting and the October 23 special meeting and the October 2019 Treasurer's Report as presented and file same. On roll call voting aye to approve the October 1 and 23, 2019 meeting minutes and the October 2019 Treasurer's Report, Schrock, Stutzman, Schrock. Ryan absent. Nays none. Motion carried.

Motion was made by Schrock, seconded by Krause, to approve the Friend Community Healthcare System's financial statements submitted for the month of September 2019. On roll call voting aye, Stutzman, Krause, 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: October Payroll, 45,777.35; Ameritas, 6776.51; EFTPS, 16,841.60; Aqua-Chem, Inc., su 2181.00; Baker & Taylor, su 117.69; Beaver Hardware, su 824.59; Black Hills Energy, fe 192.76; Jeffrey Blow, se 244.95; Border States, su 1270.49; C Blake LLC, fe 65.05; Center Point, su 88.68; Central Nebraska Bobcat, fe 690.00; Keith Clouse, fe 250.00; Consolidated Mgmt, fe 50.72; CRA, 426.24 & 2183.64; Creative Product Source, su 369.65; Culligan, se 128.00; Diode, se 46.45; Eakes, su 229.92; EMS Billing, se 450.74; Farmers Coop, se & su 600.74; Gale, su 45.73; GPM, se 412.00; Paul & Gail Gropp, fe 450.00; HES, su 465.12; KBK Creative Designs, su 131.00; Law Enforcement Sys, su 130.00; Lincoln Winwater, su 518.02; Rosemarie Markus, se 50.00; Niki McCush, re 200.00; NE Dept of Rev, SWH 2779.17; NE Public Health, se & fe 145.00; NE Public Power, se 63,179.85; Nick's, su 155.93; NMPP, su 590.90; Norris Power, se 12731.38; Diane Odoski, re 234.09; One Call, se 16.52; Orkin, se 60.32; Overhead Door of Lincoln, su 148.50; Principal Mutual, fe 119.33; RR Mgmt, fe 258.95; Riminisce, su 12.98;

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Sandry, su 523.15; Schindler Elevator, se 167.94; Seward Cnty Independent, fe 620.01; Marvin Slepicka, fe 1250.00; Mark Stutzman, se 2025.00; Verizon, fe 115.55; Waste Connections, se 310.16; Mary Kay Weber, re 84.00; White Electric, su 247.04; York News Times, fe 550.00. Total Claims Approved \$96,359.78.

Kristen Milton, representing the Swimming Pool Replacement/Renovation Committee, attended the meeting to report the committee has been invited to observe the ballot counting on November 12. She also provided Council with a timeline from Andy with Lamp Rynearson of dates should the vote pass. Ms. Milton reported she has talked to Liz with SENDD and the letter of intent for the first grant is due by January 15, 2020. The Committee has several events and fundraisers planned if the vote passes.

Proposed Ordinance #19-760 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.

ORDINANCE NO. 19-760

AN ORDINANCE AMENDING ORDINANCE NO. 19-754 AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2019, IN THE AMOUNT OF NOT TO EXCEED FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$470,000) FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

Councilman Krause moved for final passage of Ordinance Number 19-760 which motion was seconded by Councilman Stutzman. On roll call voting aye, Schrock, Stutzman, 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 19-760 was adopted this 5th day of November 2019.

Proposed Ordinance #19-761 was read by Mayor Knoke. Councilman Stutzman moved that the statutory rule requiring reading on three different days be suspended. Councilman Schrock seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Krause, Schrock, Stutzman. 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.

ORDINANCE NO. 19-761

AN ORDINANCE OF THE CITY OF FRIEND, NEBRASKA, CLARIFYING ORDINANCE #19-756 TO ANNEX TERRITORY COMPRISING CONTIGUOUS AND ADJACENT LANDS, LOTS, STREETS, AND HIGHWAYS WHICH ARE URBAN OR SUBURBAN IN CHARACTER

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IN SUCH DIRECTIONS AS IS DEEMED PROPER TO THE CORPORATE LIMITS OF THE CITY, THE EXACT BOUNDARIES OF WHICH ARE DISPLAYED AND DESCRIBED IN ATTACHMENT A; TO PROVIDE FOR AN EFFECTIVE DATE OF SUCH ANNEXATION.

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

Section 1. On or about October 1, 2019 the City Council adopted Ordinance #19-756 which annexed certain properties and declined to annex certain other properties. The language of Ordinance #19-756 created confusion as to the exact properties to be annexed.

Section 2. In order to clarify the exact properties annexed by the City, this clarifying ordinance is hereby adopted.

Section 3. After complying with all procedures required by Nebraska Revised Statute § 17-405.01 and a majority of the members of the City Council having voted in favor of such annexation, the City Council hereby declares the annexation of the territory described in "Exhibit A" to be annexed to the corporate limits of the City of Friend, Nebraska, the limits of which are extended accordingly.

Section 2. This ordinance shall take full force and effect beginning on, and continuing thereafter, the date of its passage, approval, and publication or posting as required by law.

ATTACHMENT A – LEGAL DESCRIPTION OF PROPERTIES TO BE ANNEXED

THE FOLLOWING IS A LEGAL DESCRIPTION OF THE TERRITORY ANNEXED IN ACCORDANCE WITH ORDINANCE #19-761, ADOPTED AND PASSED BY THE CITY COUNCIL FOR THE CITY OF FRIEND, NEBRASKA NOVEMBER 5, 2019.

PARCEL 1 (760060487) – Beckler Living Trust

Address: 560 West 3rd Street, Friend, NE, 68359

Description: FRIEND PRCT PT NE 1/4 SEC 22-8-1 1.29 ACRES

Location: The majority of the eastern boundary of the property is adjacent to the City's upper western boundary.

PARCEL 1A (760147583) – Friend Development Group, Inc.

Description: FRIEND PRCT PT NE 1/4 SEC. 22-8-1 11.17 ACRES

Location: The majority of the eastern boundary of the property is adjacent to the City's existing western boundary.

Councilman Krause moved for final passage of Ordinance Number 19-761 which motion was seconded by Councilman Schrock. On roll call voting aye, Schrock, Stutzman, 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 19-761 was adopted this 5th day of November 2019.

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Proposed Resolution No. 19-15 was read by Mayor Knoke.

RESOLUTION # 19-15 SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019

WHEREAS: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

BE IT RESOLVED THAT THE Mayor of the City of Friend, is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Motion was made by Schrock, seconded by Krause to approve Resolution #19-15 relating to the signing of the Municipal Annual Certification of Program Compliance Form 2019. On roll call voting aye, Stutzman, Krause, Schrock. Ryan absent. Nays none. Resolution #19-15 was passed and approved this 1st day of October 2019.

Billy Baugh gave the Utility report. He provided quotes from Houlnden Remodeling and JL Stutzman Contracting on bids for the pond well roof project. After discussion, the council would like a little more detail about the work being done and will contact the contractors to ask questions. Mr. Baugh also stated there is a Water Operator's Training Workshop in Lincoln on December 11 he would like to attend. Council also recommended that Ryan Yoder attend as well. Discussion was held on the trade-in and purchase of Grasshopper.

Motion by Schrock, seconded by Krause to allow Public Works department to trade-in the older Grasshopper for the newer model. On roll call voting aye, Stutzman, Krause, Schrock. Ryan absent. Nays none. Motion carried.

Officer Lombardo, gave the Police report. Lombardo provided council with a quote for the purchase of filing cabinets at the office. After discussion, motion by Schrock, seconded by Krause to allow the police department to purchase said equipment. On roll call voting aye, Krause, Schrock, Stutzman. Ryan absent. Nays none. Motion carried.

Building Inspector Mark Stutzman gave his report.

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

Mayor Knoke gave the hospital report. Knoke reported that there is an administrator hired for the four new programs that are beginning at FCHS. Mayor Knoke states that current accountant Dan Bartz is retiring in December but will be around to ask questions.

Kay Stinson and Kevin Barnard were in attendance to discuss replacement of a monument vase. After discussion, it was decided that this matter needs to be handled through the Cemetery Board.

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Discussion was held regarding the holiday appreciation party for the city and changing the venue with the possibility of having it catered. It was decided on it being held on January 18, 2020.

Motion to enter into executive session for the purpose of personnel was made by Schrock, seconded by Stutzman. On roll call voting aye, Krause, Stutzman, Schrock. Ryan absent. Nays none. Motion carried. Executive session convened at 7:53 p.m.

Motion to reconvene regular session was made by Krause, seconded by Schrock. On roll call voting aye, Stutzman, Schrock, Krause. Ryan absent. Nays none. Motion carried. Regular session reconvened at 8:20 p.m.

Motion by Schrock, seconded by Stutzman to increase Billy Baugh's pay and supervising position to \$23 per hour. On roll call voting aye, Krause, Stutzman, Schrock. Ryan absent. Nays none. Motion carried.

Motion made by Krause, seconded by Schrock to accept the City's response to the State Auditor as worded by Attorney Katie Spohn. 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 Krause, seconded by Stutzman to adjourn the meeting. On roll call voting aye, Schrock, Stutzman, Krause. Ryan absent. Nays, none. Motion carried. Meeting adjourned at 8:24 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 November 5, 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.

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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, December 3, 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