

MINUTE RECORD

FRIEND CITY COUNCIL MINUTES-SPECIAL MEETING NOVEMBER 27, 2019, 5:00 p.m.

Mayor Knoke called the special meeting of the City Council to order 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 Kim Goossen recorded the proceedings. The following Councilmembers were present: Harlan Schrock, Stan Krause, Shane Stutzman, and Phyllis Ryan. 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. Kristen Milton discussed the construction management at risk contract option to allow Andy to work with city engineer for any needs moving forward in the pool design and construction process. No other comments were offered.

Proposed Ordinance #19-762 was read by Mayor Knoke. Councilman Schrock moved that the statutory rule requiring reading on three different days be suspended. Councilman Ryan seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Krause, Stutzman, Ryan, Schrock. 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. 19-762

AN ORDINANCE, PURSUANT TO THE NEBRASKA LOCAL OPTION REVENUE ACT, TO IMPOSE AN INCREASE OF THE LOCAL SALES AND USE TAX RATE BY AN ADDITIONAL ONE-HALF OF ONE PERCENT FROM ONE PERCENT (1.0%) TO ONE AND ONE-HALF PERCENT (1.50%), EFFECTIVE AS PROVIDED BY LAW, UPON THE SAME TRANSACTIONS THAT ARE SOURCED UNDER THE PROVISIONS OF NEB. REV. STAT. § 77-2703.01 TO 77-2703.04 WITHIN THE CORPORATE LIMITS OF THE CITY OF FRIEND, SALINE COUNTY, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX PURSUANT TO THE NEBRASKA REVENUE ACT OF 1967, AS AMENDED; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

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

Section 1: Pursuant to action of the City Council, the City submitted to the voters a proposal to increase the City sales and use tax from one percent (1.0%) to one and one-half

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percent (1.50%) at a special election held within the City on November 12, 2019, at which special election said proposal was approved by a majority of the votes cast at the election, following fulfillment of all requirements to submit the question to all qualified voters as provided by law, and there is now hereby adopted pursuant to the provisions of the Nebraska Revenue Act, Neb Rev. Stat. §§ 77-27,142 et seq., as amended, an increase of the local sales and use tax rate by an additional one-half of one percent from one percent (1.0%) to one and one-half percent (1.50%), upon the same transactions that are sourced under the provisions of Neb. Rev. Stat. § 77-2703.01 to 77-2703.04 within the corporate limits of the City of Friend, Saline County, Nebraska, on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended.

Section 2: Revenues from the increased sales and use tax shall be used for such public purposes as are allowed pursuant to the Local Option Revenue Act, including, but not limited to, the general purposes of the City and paying the costs of a new swimming pool in and for the City and funding debt service on bonds issued to pay the cost of said swimming pool.

Section 3: The increase in the sales and use tax shall be effective as of April 1, 2020 and shall continue in force until further action of the City Council or until otherwise amended in accordance with the terms of applicable law.

Section 4: The Mayor and/or the City Clerk are hereby authorized and directed to give notice to the Nebraska Department of Revenue of passage of the increased sales and use tax and this ordinance as provided by law.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Councilman Krause moved for final passage of Ordinance Number 19-762 which motion was seconded by Councilman Schrock. On roll call voting aye, Ryan, Stutzman, Schrock, Krause. 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 19-762 was adopted this 27th day of November 2019.

Proposed Resolution No. 19-16 was read by Mayor Knoke.

RESOLUTION NO. 19-16

WHEREAS, the citizens of the City of Friend have approved construction of a new municipal pool;

WHEREAS the City has authority to enter into a construction management at risk contract delivery system pursuant to Neb. Rev. Stat. § 13-2904.

WHEREAS a Construction Management At Risk Contract is a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the political subdivision, (b) acts as a construction consultant to the political subdivision during the design development phase of the project when the political subdivision's

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architect or engineer designs the project, and (c) is the builder during the construction phase of the project pursuant to Neb. Rev. Stat. § 13-2903(3).

AND, WHEREAS, the City of Friend, Nebraska believes it is in the best interest of the City to seek interest from construction managers to enter into a Construction Management At Risk contract for construction of the municipal pool

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Friend, Nebraska that the City will review and issue a request for proposals for a construction manager at risk contract at its regular December council meeting.

Motion was made by Schrock, seconded by Stutzman to approve Resolution #19-16 authorizing the city to enter into a construction management at risk contract. On roll call voting aye, Krause, Ryan, Stutzman, Schrock. Nays none. Resolution #19-16 was passed and approved this 27th day of November 2019.

Discussion was held about burning in town and putting notice in paper as well as the website to enforce this issue.

Stan Krause also brought for discussion residents clearing snow back into the street after the public works department has already cleared streets.

There was also discussion about providing HSA to city employees. This will be addressed at the next meeting.

Discussion was had about document management capabilities with further information being presented at the December meeting.

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, Ryan, Stutzman, and Krause. Nays none. Motion carried. Meeting adjourned at 5:33 p.m.

Judith K. Knoke, Mayor

ATTEST

Kimberly S. Goossen, Acting City Clerk

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I, the undersigned, 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 27, 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