

MINUTE RECORD FOR CITY OF ALMA  
REGULAR CITY COUNCIL MEETING  
August 20, 2018

A meeting of the City Council of the City of Alma, Nebraska was held at City Hall on Monday, the 20th of August, 2018, at 5:30 p.m.

Present were Council Members: Tom Moulton, Randy Stahlecker, Jon Davis, Mike Clements, and Mayor Hal Haeker. Also present were: Administrator Doug Wilson, Street/Wastewater Superintendent Travis Dunse, Treasurer Lorri Bantam, and Attorney Doug Walker. Absent: Superintendent Russ Pfeil and Clerk Tripe. Notification of this meeting and the agenda were given in advance by posting, a designated method for giving notice. Advance notice of the meeting and the agenda were given to the Mayor and all members of the City Council. All proceedings hereinafter were taken while the convened meeting was open to the attendance of the public.

Mayor Haeker advised the public of the Open Meetings Act which is posted on the east wall of the meeting room, and then proceeded to call the regular meeting of August 20, 2018, at 5:30 p.m. and the following business was transacted:

Roll call: Tom Moulton-present, Randy Stahlecker-present, Jon Davis--present, Mike Clements-present, and Mayor Haeker-present. Motion made by Clements seconded by Moulton to determine this meeting as previously publicized, duly convened and in open session. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Clements, Moulton, Davis, and Stahlecker. Voting No: None. Motion carried.

Mayor Haeker opened the floor to approve the minutes of the August 6, 2018, regular council meeting. Motion made by Clements seconded by Stahlecker to approve the August 6, 2018, regular council minutes as presented. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Clements, Stahlecker, Davis, and Moulton. Voting No: None. Motion carried.

Mayor Haeker opened the floor to discuss the claims and invoices for period August 7, 2018, through August 20, 2018 for a total of \$112,012.97. Motion by Moulton, seconded by Davis to approve the August 7, 2018, through August 20, 2018 claims as presented for a total of \$112,012.97. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Davis, Stahlecker, and Clements. Voting No: None. Motion carried.

Mayor Haeker opened the floor to discuss the treasurer's report. Treasurer Bantam discussed with the council the levy and property tax for the next budget year. Motion by Moulton, second by Clements, to approve the treasurer's report as presented. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Clements, Davis, and Stahlecker. Voting no: None. Motion carried.

Mayor opened the floor to consider and possibly approve a claim from CDS Inspections and Beyond for housing administration services – Invoice #Alma Lead-02 for \$675. Motion by Stahlecker, second by Moulton to approve CDS Inspections & Beyond Invoice #Alma Lead-02 for \$675. There being no further discussion upon the motion made, the following voted yes: Stahlecker, Moulton, Clements and Davis. Voting no: None. Motion carried.

Mayor Haeker opened the floor to consider and possibly approve claim from CDS Inspections and Beyond for lead based paint services – Invoice #Alma Lead-02 for \$1000. Motion by Clements, second by Stahlecker to approve CDS Inspections & Beyond Invoice #Alma Lead-02 for \$1000. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Clements, Stahlecker, Davis and Moulton. Voting no: None. Motion carried.

Mayor Haeker opened the floor to consider and possibly approve request for CDBG Funds Drawdown #2. Motion by Davis, second by Moulton to approve the request for CDBG Funds Drawdown #2. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Davis, Moulton, Stahlecker and Clements. Voting no: None. Motion carried.

Mayor Haeker opened the floor to consider and possibly approve Resolution 24-2018 – a Certification of Special Assessment on property located at 808 First Street. Administrator Wilson explained this was for a tall grass nuisance abatement. Motion by Moulton, second by Clements to approve Resolution 24-2018 as follows:

WHEREAS; the City of Alma declared that a nuisance exists on the property located at 808 First Street in the City of Alma, Nebraska on July 23, 2018; and

WHEREAS; the City of Alma posted Notice on the property on July 23, 2018, as required by Alma Municipal Code Section 130.13. The City also gave notice that if the nuisance was not abated or an objection to the City's determination that the property is a nuisance was not made by July 30, 2018, that the City would proceed with having the work done to abate the nuisance and levy any cost or expense associated with said abatement work as a special assessment lien against the property; and

WHEREAS; a representative of the deceased property owner, Jason C. Wilcox, did not make any improvements to the property so that the nuisance would be abated and did not request an appeal with the City of Alma; and

WHEREAS; the City of Alma hired Sods Lawn Service to mow the overgrown weeds and grasses in order to abate the nuisance; and

WHEREAS; the City of Alma has an Invoice in the amount of \$440.00 and has tried to submit said invoice to a representative of the deceased property owner, Jason C. Wilcox, but has been unable to find any probate or inheritance tax proceeding filed in Nebraska wherein a personal representative or other representative has been appointed and the City has posted the property on July 23, 2018;

WHEREAS; the legal description for this real property is as follows:

Lots Sixteen (16) and Seventeen (17), Block Eight (8), First Addition to the City of Alma, Harlan County, Nebraska.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALMA, NEBRASKA AS FOLLOWS:

1. That the costs of mowing the above referenced property in the amount of \$440.00 should be levied as a Special Assessment against the real estate with a street address of 808 First Street and a legal description as follows:  
Lots Sixteen (16) and Seventeen (17), Block Eight (8), First Addition to the City of Alma, Harlan County, Nebraska.
2. That the Special Assessment shall be sent to the Harlan County Treasurer and the Harlan County Clerk so that a lien will be placed on the above referenced real estate.

There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Clements, Stahlecker and Davis. Voting no: None. Resolution 24-2018 was approved.

Mayor opened the floor to consider and possibly approve Resolution 25-2018 – A natural gas pipeline crossing agreement with the Nebraska, Kansas & Colorado LLC. Attorney Walker said the City has paid \$11,000 for preparation of the gas and water agreements in order for the City to bore underneath the railroad to provide gas and water services to North Alma. The deadline to sign the Agreement is August 31st or the City will have to pay another \$11,000. Attorney Walker reviewed the Agreement and would like to change some of the wording. He is also trying to negotiate the annual fee. Attorney Walker would like to table agenda items 8 and 9 and get some resolution on the agreement before the end of the month. The council may need to hold a special meeting before the end of August to get the agreement approved. Motion by Clements, seconded by Moulton to table agenda items 8 & 9. There being no further discussion upon the motion made, the following voted yes: Clements, Moulton, Davis and Stahlecker. Voting no: None. Motion carried.

Mayor opened the floor to consider and possibly approve Resolution 27-2018 – 5-year renewal of annual subscription for GIS Location Services. Administrator Wilson said GIS gave them 3 options to renew and he would recommend the 5-year option. The 5-year option leaves the pricing the same as it has been for the next 5 years. Motion by Stahlecker, second by Moulton to approve Resolution 27-2018 as follows:

WHEREAS; the City of Alma currently uses GIS Workshop, L.L.C., a Delaware Limited Liability Company, hereafter GIS, to provide web-based Internet services for the City of Alma, hereafter Alma; and

WHEREAS; the term of the current service agreement that Alma has with GIS expires on September 30, 2018; and

WHEREAS; GIS has provided Alma with a Master Services Agreement and Statement of Work, Exhibits "A" and "B", which will authorize the parties hereto to continue the web-based Internet services for Alma at the cost of Three Thousand Dollars (\$3,000.00) annually for the period of October 1, 2018 through September 30, 2023.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALMA, NEBRASKA AS FOLLOWS:

1. That the Master Services Agreement and Exhibit "A" and Statement of Work, Exhibit "B" with GIS for web-based Internet services through September 30, 2023 is hereby approved.
2. That the Mayor of the City of Alma is hereby authorized to sign the Statement of Work and any other necessary documents on behalf of the City.

There being no further discussion upon the motion made, and upon roll call vote the following voted yes: Stahlecker, Moulton, Clements and Davis. Voting no: None. Resolution 27-2018 was approved.

Mayor opened the floor to consider and possibly approve 2016 Legislative Updates to Alma City Code Book. Council Member Davis introduced Ordinances Numbered 2018-18 through 2018-29 entitled as follows:

**ORDINANCE NO. 2018-18**

AN ORDINANCE RELATING TO CITY COUNCIL MEMBERS; ELECTION; QUALIFICATIONS; TERMS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-19**

AN ORDINANCE RELATING TO ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES; CHANGING THRESHOLD FROM 20% TO 10% FOR PLACING A CANDIDATE ON A PARTISAN BALLOT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-20**

AN ORDINANCE RELATING TO MOTOR VEHICLES; PROHIBITIONS ON OPERATION OF VEHICLES OR WEIGHT RESTRICTIONS; INCREASING 90 DAYS TO 180 DAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-21**

AN ORDINANCE RELATING TO OBSTRUCTIONS AND PROJECTIONS IN PUBLIC WAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-22**

AN ORDINANCE RELATING TO ANIMALS; REDEFINING THE TERM "LAW ENFORCEMENT OFFICER;" TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-23**

AN ORDINANCE RELATING TO TRANSACTIONS INVOLVING ALCOHOLIC BEVERAGES BY PERSONS 16 OR OLDER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-24**

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS; REVISING TO PROHIBIT LICENSES ISSUED TO ANYONE WHO IS NOT A RESIDENT AND LEGALLY ABLE TO WORK IN THIS STATE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-25**

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; LICENSE REQUIREMENTS; REVISING TO EXEMPT FROM OCCUPATION TAXES HOLDERS OF CLASS J RETAIL LICENSES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-26**

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; TO PROHIBIT ALCOHOLIC BEVERAGES FROM BEING MANUFACTURED OR SOLD AT RETAIL OR WHOLESALE WHERE THE PREMISES HAVE ACCESS TO LODGING OR DWELLINGS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-27**

AN ORDINANCE RELATING TO CRIMINAL MISCHIEF; RAISING TOP THRESHOLD FOR ORDINANCE VIOLATION FROM \$1,500 TO \$5,000; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-28**

AN ORDINANCE RELATING TO PROSTITUTION; PROVIDING IMMUNITY FOR VICTIMS OF TRAFFICKING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE 2018-29**

AN ORDINANCE RELATING TO DEAD OR DISEASED TREES; REVISING PROVISIONS RELATING TO NUISANCES; SPECIFYING NOTICE AND HEARING REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

and moved that the statutory rule requiring reading on three different dates be suspended. Council Member Clements seconded the motion to suspend the rules and upon the motion; the following Council Members voted Yes: Davis, Clements, Stahlecker and Moulton. The following voted No: None.

The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of these ordinances. These ordinances were then read by title and thereafter Council Member Clements moved for final passage and said motion was seconded by Council Member Stahlecker. The Mayor then stated the questions, Shall Ordinances Numbered 2018-18 through 2018-29 be passed and adopted? Upon roll call vote, the following Council members voted Yes: Clements, Stahlecker, Moulton and Davis. The following voted No: None.

The passage and adoption of these ordinances having been concurred in by a majority of all members of the Council, the Mayor declared the ordinances adopted; and the Mayor in the presence of the City Council signed and approved the ordinances. A true and complete copy of these ordinances are attached hereto and incorporated by reference.

Mayor Haeker opened the floor for administrator comments. Mr. Wilson said he is continuing to post properties for weeds. He has contracted 5 yards to be mowed. He is filing a lien on one now and the attorney is preparing paperwork for a second. Paperwork for 3 more will be completed later this week. One ticket has been issued for parking on the wrong side of the street and one ticket for no license plates. Another ticket is pending for no-license plate for later this week.

Mr. Wilson said NPPD still expects to get the street light poles in this week. They will get installed as soon as they can. He has been working on the new website and is hoping to have it completed in the next few weeks. Administrator Wilson has also been working with the NE State Patrol on the C.R.A.K.E. training scheduled at the Auditorium tomorrow. The training seems to have generated a lot of interest.

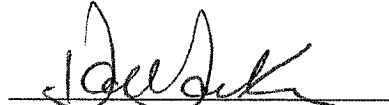
Mayor opened the floor to possible executive session – pool litigation. Motion by Moulton, second by Stahlecker to go into executive session to discuss pool litigation at 6:29 PM. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Stahlecker, Clements and Davis. Voting no: None. Motion carried.

Motion by Clements, second by Stahlecker to reconvene the regular meeting at 6:45 PM. There

being no further discussion upon the motion and upon roll call vote, the following voted yes: Clements, Stahlecker, Davis and Moulton. Voting no: None. Regular meeting was reconvened.

Mayor Haeker opened the floor to comments from the Mayor, Councilmen, and City Staff. Councilman Moulton noticed there are trees over the road on the north side of fourth Street. He also mentioned that the railroad tracks on Division are rough and asked if they could be filled in.

Motion made by Moulton, second by Clements to adjourn the meeting at 6:52 PM. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Clements, Davis, and Stahlecker. Voting no: None. Meeting was adjourned at 6:52 pm.



Hal Haeker, Mayor

I the undersigned Clerk hereby certify that the forgoing is a true and correct copy of the proceedings had and done by the Mayor and Council; 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 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 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 requesting notification concerning meetings of said body were provided advanced notification of the time place and of said meeting and the subjects to be discussed at said meeting.



Lori Tripe, City Clerk

<p>Alma Auto Parts \$19.63; Chamber Ad in Alma Business Directory \$10; Amazon Books \$260.93; Aramark uniforms mops shop towels \$161.41; AUL HRA contributions \$442.75; Aurora Coop grass chemicals \$905.50; BCBS health ins prem \$8,759.38; CDS Inspections &amp; Beyond housing admin lead based paint \$1,675; Chesterman Co pop \$315; CHS Agri Service Center parts fuel repairs \$537.27; City of Alma sales tax liquor license \$1,765.32; City of Holdrege Landfill Fees \$1,144.26; Diamond Exterminating pest control \$140; Dollar General Supplies \$59.75; Eagle Dist beer \$270.80; Eakes office chair \$429; First State Bank-Alma maint shed/brown st loan pymts \$20,952.76; Frontier alarm phone internet \$316.66; Harlan Co. Road Dept grading service \$1,750; Harlan County Journal Legal Notices \$468.36; Hawkins Bleach &amp; Alkali \$224.98; Hogeland's Market supplies \$65.59; Hometown Lawn Care sprinkler repair \$300; Ingram Feed &amp; Seed Chainsaw &amp; Blower \$377.99; JN Co Leroy Bose Trailer Damage \$247; League of Nebr. Muni conference \$325; Mid-NE Individ services mgmt fee \$450;</p>	<p>NPGA natural gas \$12,073.75; NE Dept Enviromental Quality training/ chemicals \$1,264; NE Dept of Rev sales tax form 64 \$5,136.26; NE Golf &amp; Turf 12 Volt Solenoid \$37.57; NEland Distributors beer \$441.18; NPPD electricity \$8,930.26; OCLC book sub \$518.33; Office Solutions supplies \$45.40; Payroll \$33,116.11; Principal life ins prem \$111.50; Roger P. Cox, PC pool litigation \$6,864; Ryan Soderholm mowing \$440; S &amp; W Auto Parts tool oil supplies \$100.39; Short Stop Fuel \$64.74; Trans-parency window cleaning \$16; Twin Valleys PPD electricity \$1,117.77; United Healthcare dental ins prem \$394.20; USPS Stamps \$68.55 USTI agency fees \$33.22; Utility Sales and Service 1" indexes \$425; Van Wall Filter \$44; VSP vision ins prem \$71.40;</p> <p>TOTAL \$113,687.97</p>
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