

**PROCEEDINGS OF THE SUTTON CITY COUNCIL
REGULAR MEETING**

DATE: JUNE 27, 2016

**PROCEEDINGS OF THE SUTTON CITY COUNCIL REGULAR MEETING
HELD MONDAY, JUNE 27, 2016 AT 8:00 P.M. AT CITY HALL, 107 W. GROVE
STREET.**

Mayor Mau called the meeting to order at 8:00 P.M.

Mayor Mau informed the public about the location of the Open Meeting Act posted on the wall in the back of the Council Chambers and accessible to members of the public.

Roll Call: Present: Mayor Mau, Council Members, Nuss, Plettner, Pedersen, Schelkopf.

Notice of this meeting was given in advanced thereof by publication in the Clay County News on June 22, 2016, a copy of the proof of publication being attached to these minutes. Notice of meeting was simultaneously given to the Mayor and all members of the City Council. Availability of the agenda was communicated in the advanced notice to the Mayor and all members of the City Council of this meeting. All proceedings hereafter were taken while the convened meeting was open to the public.

Departmental Reports: Electric Department is trimming trees.

The City Administrator thanked those how helped during Dug Out Days. One of the air conditioners went out at the community center.

Moved by Plettner and seconded by Schelkopf that the consent agenda be approved for items 2A – 2M. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf that the minutes of the previous meeting of May 9th be approved as presented. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf that the treasurer’s report for the month of May be adopted as presented. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf that the bills incurred for the month of May be approved for payment as presented. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Salaries		\$42,881.79
Federal Withholdings		9,286.32
A & L Electric	Rest room repairs/supplies	232.26
Action Auto Supply	Equipment r/m	688.05
Alan Brown	Cell phone April – June	90.00
All Roads Barricades	Sign posts	85.24
American Legion Flag Fund	Flags	175.00
Gene Anderson	Tree spraying	500.00
Aqua-Chem	Pool chemicals	1,692.50
Ask Supply	Supplies	816.12
Aspegren Repair	Mower tires	180.00
Awards Plus	Academy uniforms – police	32.00
Baker & Taylor	Library books	414.10
Belson Outdoors	DLD picnic tables	5,499.30
BG’s Corner	Fuel	101.32
BOK Financial	Bond trustee fee	750.00
Brown’s Store	Supplies	423.88
BSN Sports	Pitching rubbers	80.00

Burton Enterprises	Trash pickup/city wide cleanup	8,616.00
Capital Business Systems	Police copies	162.81
Cash Wa Candy	Pool concession	721.26
CCC	Lifeguard CPR/first aid	330.00
City Light & Water	Utilities	4,766.90
City of Sutton – Petty Cash	Petty Cash refund	38.70
Clay County News	Printing/publishing	483.04
Coast to Coast	Flowers for barrels/cemetery flowers	352.99
CPI	Fuel/supplies	810.41
Dutton Lainson	Light capital improvements DLD Park	5,437.33
Eagle Pointe Ins	Insurance	57.00
Eakes Office Plus	Office supplies	699.70
Elliott Equipment	Sewer hose	1,561.31
Friesen Chevrolet	Oil/filter/ATV flags	46.24
Gale Group	Library books	19.46
George's 66 Service	Fuel	1,206.11
George Bros. Propane	Fuel/Energy wise	1,027.16
Hamilton Telecommunication	E Mail services	20.75
Internet Corp.	Web address renewals	140.00
Jackson Services	Office rugs/towels	61.50
Jeff Hofaker	Cell phone April – June	90.00
Joan Aspegren	Cleaning	420.00
John Deere Financial	Mower repairs	247.09
Joni Dunker	Deposit refund – Comm. Center	200.00
Joseph Ulmer	Meter deposit refund	153.26
Karla Griess	Deposit refund – Comm. Center	200.00
Katt Surveying	Survey around Lift Station	150.00
Kids Reference	Library books	91.07
Law Enforcement Systems	Police supplies	191.30
Malloy Electric	Park pump repairs	6,100.00
Municipal Supply	Water r/m – hydrant	617.72
Mustang Inc	Pool bags/banners/rate sign	966.00
Nebraska Environmental	Sweeper repairs	4,408.38
Nebraska Life	Library magazine renewal	24.00
Nebraska Public Health	Water tests	839.00
NPPD	Purchased Electricity	66,459.98
Nebraskaland	Library magazine	18.00
OfficeNet	Copier rental	281.48
One Call Concepts	Locates	24.18
Paint & Paper Palace	Crosswalk paint/flooring for crow's nest	1,067.01
Penworthy	Library books	112.41
Pepsi Cola	Pool concession	276.50
Quality Red D Mix	Concrete	403.75
SourceGas	Utilities	4,879.39
South Central PPD	Wheeling charges	5,605.70
South Platte Chamber	Schools/training	20.00
Steel Pool company	Paint pool	7,335.00
Sutton Lumber	Supplies/r/m	654.25
The Thompson Co.	Pool concession	480.12
Total Funds by Hasler	Postage	404.00
Turfwerks	Mower repairs	667.51
Upstart	Library summer reading program	35.55
Verizon Wireless	Cell phones	407.82
VISA	Lifeguard suites/DLD concession	1,745.12
Windstream	Telephone	936.45
Woodward's	Construction Debris	307.16

Moved by Plettner and seconded by Schelkopf to approve the bill from Overland Ready Mix for concrete at the DLD park in the amount of \$752.50. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bill from Ask Supply for supplies at the DLD Park in the amount of \$498.54. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bill from All Roads Barricades for sign posts at the DLD Park in the amount of \$171.68. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bills from Belson Outdoors for Trash cans and Picnic Tables at the DLD Park in the amount of

\$5,086.50. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bill from Byke Signs for signs at the DLD Park in the amount of \$1,820.00. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bill from Menards for the air conditioner at the DLD Park in the amount of \$340.26. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

Moved by Plettner and seconded by Schelkopf to approve the bill from Shively and Lannin for legal expenses in the amount of \$962.02. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

In new business, Mayor Mau opened the public hearing at 8:03 p.m. Purpose of the public hearing was to show cause why the conditions located at 502 N Butler, 215 N Main Ave, and 605 E Cedar should not be found to be a public nuisance and remedied. All original exhibits are on record at the office of the City Clerk. Mayor Mau asked for comments from the public. Police Chief, Tracey Landenberger, for the Board of Health explained that the paper work has been received from the property at 605 E Cedar and that it will be burned on July 24th or 31st by the fire department. City Administrator, Jeff Hofaker explained that the property at 502 N Butler has been cleaned up satisfactorily at this time. Sara Farley was present for the property located at 215 N Main. Sara stated that she has had more time to clean up the property and assured the Council to finish it up. Charlie Hoarty was also present and stated that his old house is now empty and can be burned down. Mayor Mau asked for further comments. There being none, Mayor Mau closed the public hearing at 8:10 p.m. No further action was taken at this time.

Residents along E Hickory St. from BG's Corner East were present to discuss with the Council the possibility of either paving or asphaltting the road due to all the traffic and dust. Steve Parr, with JEO was present to present cost opinions which ranged from \$378,000 to \$569,000 depending on which option Council decided to go with. Concerns addressed were whether the project would be assessed to the property owners or paid by the City with bonds. Phil Lorenzen, the bond agent was present for any questions. Council thanked the residents and stated that the budget workshops will start in the next few weeks and the project will be considered at that time.

Next item on the agenda was a request by Walt Hahn to close a portion of E Myrtle St as he wanting to build a house.

Council member Plettner introduced Ordinance NO. 365 entitled:

AN ORDINANCE TO VACATE MYRTLE STREET BETWEEN THE WEST BOUNDARY LINE OF LOT SIX (6), BLOCK THIRTY-EIGHT (38), AND THE WEST BOUNDARYLINE OF LOT ONE (1), BLOCK FORTY-SEVEN (47) TO THE EAST BOUNDARY LINE OF LOT SIX (6), BLOCK THIRTY-EIGHT (38), AND THE EAST BOUNDARY LINE OF LOT ONE (1), BLOCK FORTY-SEVEN (47), ALL IN THE FIRST ADDITION OF SUTTON, CLAY COUNTY, NEBRASKA; RESERVING ALL EASEMENTS FOR THE MAINTENANCE, REPAIR, INSTALLATION AND REPLACEMENT OF WATER, SEWER, NATURAL GAS, ELECTRICITY AND TELEPHONE LINE AND FACILITIES; DETERMINING THAT NO DAMAGE WILL BE SUSTAINED BY PROPERTY OWNERS OR CITIZENS BY SUCH VACATION; DIRECTING THE RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE ANDEFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF

SUTTON, CLAY COUNTY, NEBRASKA.

Council Member Plettner moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Pedersen seconded the motion to suspend the rules and upon roll call vote on the motion the following City Council voted YEA: Plettner, Pedersen, Schelkopf, Nuss. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council, and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 365 was then read by title and thereafter Council Member Nuss moved for final passage of the ordinance, which motion was seconded by Council Member Pedersen. The Mayor then stated the question was "Shall Ordinance No. 365 be passed and adopted?" Upon roll call vote on the motion the following City Council voted YEA: Nuss, Pedersen, Schelkopf, Plettner. The following voted NAY: None. The motion having been adopted by three-fourths of the members elected to the City Council as provided by law, was by the Mayor declared passed and adopted and the Ordinance adopted and the Mayor in the presence of the City Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Mike Ford of US Fiber was present to discuss with the council a Memorandum of Understanding for Fiber and Conduit. Mike wants to install fiber on the City of Sutton Right of Ways. Before Mike does the final design phase he wanted to make sure it is okay to use the ROW's. Moved by Schelkopf and seconded by Pedersen to approve the Memorandum of Understanding with the following changes: (a) change the terms from Fifty (50) years to 20 years, (b) Charges will be \$.06 per foot and (c) Exclusive for Fiber Optic. Roll: AYES: Schelkopf, Pedersen, Plettner, Nuss. NAYS: None. Motion carried.

Moved by Nuss and seconded by Plettner to approve the agreement with JEO for the design phase of the 2016 Electrical Distribution System Improvements at a cost of \$13,068.00. Roll: AYES: Nuss, Plettner, Pedersen, Schelkopf. NAYS: None. Motion carried.

Two quotes were received for the maintenance building at the Cemetery. Sutton Lumber \$5,840 and Todd's Feed \$5,098.75. Moved by Plettner and seconded by Pedersen to accept the bid from Todd's feed in the amount of \$5,098.75. Roll: AYES: Plettner, Pedersen, Schelkopf, Nuss. NAYS: None. Motion carried.

With concerns of dangerous dogs the Sutton City Council reached the decision to have more stringent rules regarding the handling of dangerous dogs. The new ordinance outlines step by step what is need for a resident to keep the dog and what the Animal Control Officer can do.

Council Member Plettner introduced Ordinance NO. 366 entitled:

AN ORDINANCE TO REPEAL SECTION §17-93.45(C) OF THE SUTTON MUNICIPAL CODE AND TO DETERMINE THE DATE WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT:

Council Member Plettner moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Schelkopf seconded the motion to suspend the rules and upon roll call vote on the motion the following City Council voted YEA: Plettner, Schelkopf, Pedersen, Nuss. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council, and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 366 was then read by title and thereafter Council Member Schelkopf moved for final passage of the ordinance, which motion was seconded by Council Member Plettner. The Mayor then stated the question was "Shall Ordinance No. 366 be passed and adopted?" Upon roll call vote on the motion the following City Council voted YEA: Schelkopf, Plettner, Nuss, Pedersen. The following voted NAY: None. The motion having been

adopted by three-fourths of the members elected to the City Council as provided by law, was by the Mayor declared passed and adopted and the Ordinance adopted and the Mayor in the presence of the City Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Council Member Schelkopf introduced Ordinance NO. 367 entitled:

AN ORDINANCE TO ADD SECTION §17-93.45 THROUGH SECTION §17-93.61 OF THE SUTTON MUNICIPAL CODE AND TO DETERMINE THE DATE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Council Member Schelkopf moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Nuss seconded the motion to suspend the rules and upon roll call vote on the motion the following City Council voted YEA: Schelkopf, Nuss, Plettner, Pedersen. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the members elected to the City Council, and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 367 was then read by title and thereafter Council Member Schelkopf moved for final passage of the ordinance, which motion was seconded by Council Member Pedersen. The Mayor then stated the question was "Shall Ordinance No. 367 be passed and adopted?" Upon roll call vote on the motion the following City Council voted YEA: Schelkopf, Pedersen, Nuss, Plettner. The following voted NAY: None. The motion having been adopted by three-fourths of the members elected to the City Council as provided by law, was by the Mayor declared passed and adopted and the Ordinance adopted and the Mayor in the presence of the City Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Moved by Plettner and seconded by Nuss to approve payment of Invoice NO 7003 to Quality Builders LLC in the amount of \$24,822.20 for work at the Concession stand at the DLD Park. Roll: AYES: Plettner, Nuss, Pedersen. NAYS: None. Abstain: Schelkopf. Motion carried.

Moved by Nuss and seconded by Plettner to adopt Resolution NO. 2016-2 approving the Local Emergency Operations Plan. Roll: AYES: Nuss, Plettner, Pedersen, Schelkopf. NAYS: None. Motion carried.

Moved by Plettner and seconded by Nuss to adopt Resolution NO. 2016-3 approving the Flood Hazard Mitigation Plan as presented. Roll: AYES: Plettner, Nuss, Schelkopf, Pedersen. NAYS: None. Motion carried.

Budget workshop was set for Tuesday, July 19th at 7:00 p.m.

Moved by Plettner and seconded by Schelkopf to approve the employment contract with Taylor Jacobs with annual base salary of \$27,000.00 and once successfully graduating from the Nebraska Law Enforcement training center there will be a step up plan for increases as written in the contract. Roll: AYES: Plettner, Schelkopf, Pedersen, Nuss. NAYS: None. Motion carried.

There being no further business, it was moved by Plettner and seconded by Pedersen to adjourn the meeting. Roll: All AYES.

Todd Mau, Mayor

ATTEST:

Sherrie Bartell, City Clerk/Treas.