

## **CITY OF BRIDGEPORT, NEBRASKA**

### **I. ROUTINE BUSINESS**

The Mayor and City Council of the City of Bridgeport, Nebraska, met in regular session in Council Chambers, 809 Main Street, Bridgeport, Nebraska, on the 11th day of June, 2009, beginning at 7:30 p.m.

Following the Pledge of Allegiance to the Flag of the United States of America, Mayor J.W. Berg called the meeting to order. Roll call resulted as follows: Present: Jason Schmunk, Gary Oltmann, and Greg Lussetto; Absent: Willis Beyer.

Staff members present were: City Administrator Bill Boyer, City Attorney Jimmie J. Jensen, Jr., City Clerk/Treasurer Doretta Huck, Utility Superintendent Wayne Kautz, Police Chief Milo Cardenas, and Fire Chief Brad Mueller.

The Mayor presided and the City Clerk recorded the proceedings.

Mayor Berg announced, "In accordance with Section 84-1412 of the Nebraska Revised Statutes, the open meetings act is posted at the back of the Council Chambers for the review of the public."

Notice of the meeting was given in advance thereof by publication in three public places, Bridgeport City Hall, Prairie Winds Community Center, and the U.S. Post Office, a designated method of notice given, as shown by proof of posting.

Notice was given to the Mayor and all members of the City Council and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor asked if there were any letters of public correspondence for the board. There were none.

The Mayor asked if there was any member of the public who wished to comment on an item that was not on the agenda. There were none.

### **II. CONSENT AGENDA**

The following items were offered to the Council on Consent Agenda:

6. Approve the minutes of Regular Meeting held May 7, 2009.
7. Approve the minutes of Special Meeting held May 14, 2009.
8. Acceptance of the Monthly Treasurer's Report.
9. Approve roster changes to the Bridgeport Volunteer Fire Department.

City Administrator Boyer said there were no roster changes submitted by the Bridgeport Volunteer Fire Department. Councilman Schmunk moved to approve the consent agenda as presented, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Lussetto, Oltmann, Schmunk; Nay: Beyer. Motion carried.

### **III. PUBLIC HEARINGS**

None.

#### **IV. ORDINANCES AND RESOLUTIONS**

10. City Administrator Boyer presented an ordinance to the Council for creating the Street Improvement District for the previously approved portions of T Street, U Street, and 12<sup>th</sup> and 15<sup>th</sup> Streets. Councilman Oltmann then introduced Ordinance No. 791 entitled: An ordinance creating Street Improvement District No. 2009-1 in the City of Bridgeport, Nebraska, ordering the construction of street improvements therein and ordering the publication of the ordinance in pamphlet form; and moved that the statutory rule requiring reading on three different days be suspended, seconded by Councilman Lussetto. Roll call resulted as follows: Aye: Schmunk, Oltmann, Lussetto; Nay: None; Absent: Beyer. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Ordinance No. 791 was then read by title and thereafter Council Member Oltmann moved for final passage of the ordinance, which motion was seconded by Council Member Lussetto. The Mayor then stated the question: "Shall Ordinance No. 790 be passed and adopted?" Roll call resulted as follows: Aye: Lussetto, Oltmann, Schmunk; Nay: None; Absent: Beyer. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested to the passage and approval of the same and affixed her signature thereto.

11. City Administrator Boyer said the next resolution was needed to set a date for the hearing for the Street Improvement District. Councilman Schmunk then moved that Resolution 2009-006 be adopted, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Lussetto, Oltmann, Schmunk; Nay: None; Absent: Beyer. Motion carried. Resolution adopted.

#### **RESOLUTION NO. 2009-006**

#### **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BRIDGEPORT, NEBRASKA, SETTING THE DATE FOR A HEARING PERTAINING TO THE CREATION OF STREET IMPROVEMENT DISTRICT NO. 2009-1**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BRIDGEPORT, NEBRASKA, as follows:

The Mayor and Council hereby find and determine that the Mayor and Council will meet on the 9th day of July, 2009, at 7:30 o'clock P.M. at the regular meeting place of the Council, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2009-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law and copy of the Notice in the form published be mailed by certified mail with return receipt requested to all owners of property in the District who are nonresidents of Morrill County according to the current tax rolls.

**PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2009.**

**ATTEST:**

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**J.W. BERG**

**MAYOR**


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**DORETTA J. HUCK**  
**CITY CLERK/TREASURER**

12. The Council then addressed a resolution for the required documents for the ARRA (stimulus) funds from the Nebraska Department of Environmental Quality, and allowing the execution of the contract. Councilman Lussetto then moved to adopt Resolution 2009-007, seconded by Councilman Schmunk. Roll call resulted as follows: Aye: Lussetto, Schmunk, Oltmann; Nay: None; Absent: Beyer. Motion carried. Resolution adopted.

**RESOLUTION NO. 2009-007**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BRIDGEPORT, NEBRASKA, AUTHORIZING THE EXECUTION OF THE CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF BRIDGEPORT, NEBRASKA, FOR THE PURPOSE OF REPAIRING AND IMPROVING THE CITY PUBLIC WATER SUPPLY SYSTEM**

WHEREAS, the City of Bridgeport, Nebraska recognizes that a properly functioning public water supply system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined that portions of the City public water supply system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City of Bridgeport public water supply system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bridgeport, Nebraska that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Bridgeport, Nebraska designated as Project No. D311404, incorporated by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED, J.W. Berg, Mayor, is hereby directed to execute the contract and all other documents necessary to facilitate the loan between the Nebraska Department of Environmental Quality and the City of Bridgeport, Nebraska for the purpose of repairing and improving the City public water supply system; and

BE IT FURTHER RESOLVED THAT Bill Boyer, City Administrator, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant

**PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2009.**

**ATTEST:**

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**J.W. BERG**  
**MAYOR**

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**DORETTA J. HUCK**  
**CITY CLERK/TREASURER**

13. The Council then received a letter from Simmons Olsen Law Firm on the dissolution of the Solid Waste Agency of the Panhandle (SWAP). City Administrator Boyer explained that SWAP was in the process of dissolving, and this dissolution would allow for the \$222,000 remaining in the accounts with SWAP to be divided among the members based on their initial contribution. Dale Frickey was present as the SWAP representative of the City of Bridgeport. He said he felt that this was fair and just for the dissolution of the organization, which is no longer needed. Councilman Lussetto then moved to adopt Resolution 2009-008, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Schmunk, Oltmann, Lussetto; Nay: None; Absent: Beyer. Motion carried. Resolution adopted.

**RESOLUTION NO. 2009-008**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BRIDGEPORT, NEBRASKA, ALLOWING FOR THE DISSOLVING OF THE SOLID WASTE AGENCY OF THE PANHANDLE**

WHEREAS, the City of Bridgeport, Nebraska is a member of the Solid Waste Agency of the Panhandle,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bridgeport, Nebraska that the agency shall be dissolved effective upon the execution of this resolution by each member of the agency. The current officers of the Agency shall verify that all outstanding bonds, notes, service agreements and other contractual obligations and legal claims shall have been satisfied in full. This resolution may be executed in separate counterparts by each member.

**PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2009.**

**ATTEST:**

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**J.W. BERG**  
**MAYOR**

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**DORETTA J. HUCK**  
**CITY CLERK/TREASURER**

14. City Administrator Boyer explained that during the recodification of the Bridgeport City Code, staff discovered that there was an error in the book on the election of City Council members. The code book says that council members will be elected by ward. Boyer said that a state statute passed in 1970 allowed cities of the second class to vote at-large. Bridgeport has been voting at-large since that time, and this ordinance, according to the Secretary of State would clean up the code book. Councilman Schmunk then introduced Ordinance No. 792 entitled: An ordinance changing the election of City Council members of the City of Bridgeport, Nebraska, to at-large and removal of all mentions of wards; prescribing the time

when this ordinance shall be in full force and effect; repealing all ordinances and parts of ordinances in conflict herewith; and ordering the publication of the ordinance in pamphlet form; and moved that the statutory rule requiring reading on three different days be suspended, seconded by Councilman Lussetto. Roll call resulted as follows: Aye: Schmunk, Lussetto; Nay: Oltmann; Absent: Beyer. The motion to suspend the rules was not adopted by three-fourths of the Council, therefore the statutory rule was not declared suspended for consideration of said ordinance. Ordinance No. 792 was read by title only. Motion was made by Councilman Schmunk to approve Ordinance No. 792 on its first reading, seconded by Councilman Lussetto. Roll call resulted as follows: Aye: Oltmann, Schmunk, Lussetto; Nay: None; Absent: Beyer. Motion carried. Whereupon the Mayor declared Ordinance No. 792 approved on its first reading.

## V. CLAIMS

11. Councilman Schmunk stated that he has a conflict with the Performance Auto Spa and Sonny's Super Foods claims and asked to be excused from voting on those claims. Mayor Berg excused Councilman Schmunk. Councilman Lussetto moved to approve the claims to Performance Auto Spa and Sonny's Super Foods, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Lussetto, Oltmann; Nay: None; Absent: Beyer; Not Voting, Excused: Schmunk. Motion carried.

Councilman Schmunk rejoined the Council.

15. Councilman Schmunk moved to approve the claims on file, seconded by Councilman Lussetto. Roll call resulted as follows: Aye: Oltmann, Schmunk, Lussetto; Nay: None; Absent: Beyer. Motion carried.

O=Operating Expense; P=Personnel Expense; D=Debt Service/Transfer; R=Equipment Rental

ABC Plumbing Inc, \$238.80 O; Affordable Security, \$189.50 O; AFLAC, \$359.02 P; Airgas Intermountain Inc, \$35.99 O; Allen Michel, \$15.00 P; American Funds Service Company, \$3,096.99 O; Andrea Mitchell, \$90.00 P; Andrew Leisy, \$30.00 P; Bateman Trading Post, \$1063.19 O; Bayard Transcript, \$84.00 O; Benzel Pest Control Inc, \$60.00 O; Berg's Gamble Store, \$590.92 O; BlueCross BlueShield Of Ne, \$6,526.80 O; Bluffs Sanitary Supply Inc, \$564.07 O; BNB Inc, \$784.29 O; Bonnie Golden, \$75.00 P; Brad Mueller, \$4.85 O; Brad Mueller, \$90.00 P; Brian Peters, \$39.91 O; Bridgeport 66 Service, \$101.70 O; Bridgeport Volunteer Fire Dept, \$2323.30 O; Bruce Mitchell, \$45.00 P; Bytes Computer & Network Solutions Inc, \$238.50 O; Caroline Ashley, \$585.00 P; Center Point Large Print, \$41.34 O; Charter Communications, \$352.53 O; Chase Cardmember Service, \$539.54 O; City Of Bridgeport, \$3,507.18 O; City Petty Cash/Checking, \$60.00 O; City Petty Cash/Drawer, \$21.67 O; Combined Utility Fund, \$10,000.00 D; Commsource Inc, \$144.75 O; Community Center, \$9,000.00 D; Connecting Point Computer Centers, \$67.00 R; Contractors Materials Inc, \$165.00 O; Country Catering, \$1081.50 O; Cranmore Fire Protection, \$33.00 O; Crescent Electric Supply Co, \$156.39 O; Culligan Water Conditioning, \$19.00 R; Culligan Water Conditioning, \$21.30 O; Dale Sides, \$30.00 P; Danko Emergency Equipment Co, \$1401.58 O; David Smith, \$30.00 P; Debra Savage, \$125.00 O; Dee Mitchell, \$60.00 P; Dutton Lainson Co, \$2067.27 O; Emergency Medical Products Inc, \$187.10 O; Emmett B Smith, \$57.54 O; Enviro Service Inc, \$186.00 O; Family Support Registry, \$422.00 O; Farm Plan Department, \$225.76 O; Fastenal Company, \$82.40 O; Fire Fund, \$7,000.00 D; Flex Plan, \$320.00 P; Floyd's Sales & Service Inc, \$119.09 O; Fort Dearborn Life Insurance Co, \$137.60 O; Gooder Trucking LLC, \$402.11 O; Great America Leasing Corp, \$79.95 O; Great America Leasing Corp, \$79.95 R; Great Plains One Call Service, \$24.24 O; Holiday Inn, \$660.00 O; Hollman Media LLC, \$720.00 O; Honey Wagon Express, \$68.00 O; Howard Johnson Riverside Inn, \$312.87 O; Ideal Linen Supply Inc, \$1,085.45 O; Independent Plmg & Htg Inc, \$13.23 O; Ingram Library Services, \$543.93 O; Jammy Todd, \$153.00 P; Jane Oliver, \$311.30 O; Janice Cheree Conway, \$30.00 O; Jean Rhodes, \$100.00 O; Jim Woznick, \$200.00 O; Jimmie J Jensen Jr, \$750.00 P; John Pankowski, \$60.00 P; Johnson Service Company, \$1,936.10 O; Jr Toscano, \$106.18 O; Kay Anderson, \$110.00 O; Kimball Midwest, \$27.45 O; KNEB, \$39.00 O; Koke's Auto Farm Truck, \$358.08 O; Kos Fitness Products, \$2,156.04 O; Kristie Mitchell, \$120.00 P; Kristie Mitchell, \$9.80 O; Kriz-Davis Co, \$21.30 O; Larue Distributing Inc, \$102.16 O; Lathrop Equipment Company, \$2,400.00 O; Laux Seed Farm Inc, \$631.28 O; Lawson Products Inc, \$131.65 O; League Of Ne Municipalities, \$555.00 O; Library Fund, \$7,000.00 D; Lighthouse Electrical Contractors LLC, \$110.00 O; M C Schaff & Associates Inc, \$11,525.50 O; Mary Penick, \$1.89 O; Matthew Rockwell, \$120.00 P; Midland Telecomm Inc, \$128.00 O; Mike's Screenprinting & Awards Inc, \$473.00 O; Molly Steer, \$27.00 P; Morrill County Sheriff, \$500.00 O; Mr. Water, \$222.50 O; Municipal Energy Agency Of Ne, \$45,132.46 O; Nancy Colley, \$80.00 O;

Nebraska Dept Of Revenue, \$1,497.33 P; Nebraska Public Health Environmental Lab, \$44.00 O; Nebraska Public Power District, \$116.07 O; Nebraska Total Office, \$361.70 O; NMC Exchange LLC, \$539.67 O; Norma Manquera, \$90.00 O; Olsson Associates, \$45,101.35 O; Omaha World Herald, \$62.14 O; Orbitcom, \$1,077.45 O; Panhandle Cooperative Assn, \$301.84 O; Park Fund, \$5,000.00 D; Penworthy Company, \$303.14 O; Performance Auto Spa, \$55.00 O; Platte Valley Bank, \$7,266.96 P; Platte Valley Bank, \$8,100.54 O; Plummer Insurance Inc, \$1,248.00 O; Police Fund, \$20,000.00 D; Pool Fund, \$15,000.00 D; Pumpkin Books, \$366.48 O; Quartermaster, \$37.88 O; Recreonics, \$308.55 O; Recreonics, \$136.30 O; Regional Care Inc, \$242.00 P; Renae M Jacobson, \$84.97 O; Riverside Lumber Llc, \$33.29 O; Rose Marie Sides, \$120.00 P; Rudy Sides, \$15.00 P; Sandberg Implement Inc, \$65.34 O; Sarah Strawn, \$60.00 P; Sargent Drilling Co, \$400.00 O; Sidney Sun-Telegraph Inc, \$78.00 O; Sonny's Super Foods, \$1218.56 O; Source Gas LLC, \$7948.22 O; Southern Source Industries, \$574.52 O; Spic And Span Cleaners, \$5,219.00 O; Super 8 Grand Island, \$183.00 O; Susan Kelly, \$45.00 P; Susan Sparks, \$162.50 P; Sweet Things Bakery, \$10.00 O; T & R Electric, \$19,470.00 O; Taylor Huck, \$15.00 O; Thompson Publishing Group Inc, \$328.50 O; Tim's Jack & Jill, \$551.20 O; Tony Mitchell, \$15.00 P; Town & Country Advertising, \$68.00 O; Troy Robertson, \$15.00 P; Tyrell Smith, \$30.00 P; United Equipment Services, \$90.00 O; Upstart, \$657.90 O; Valley Ambulance Services Inc, \$560.00 O; Waste Connections Inc, \$12,204.63 O; Total Claims, \$291,990.82.

## **VI. REGULAR AGENDA**

17. There were no emergency items added to the agenda.

18. Gary Gerhard with Olsson Associates gave the Council an update on the water project. Mayor Berg discussed a public forum for residents with questions about the specifics of their property. Gerhard and City Administrator Boyer stated they would be setting a date of June 22<sup>nd</sup> at 7 p.m. as the date at Prairie Winds Community Center. Mayor Berg directed City Administrator Boyer to publish the event in the newspaper.

19. Police Chief Cardenas discussed the purchasing of Stalker Radar equipment through a mini-grant from the Office of Highway Safety. Cardenas said that the radar equipment in the patrol cars needs to be updated, and this would allow for a grant of up to \$900. The total cost of the radar is \$1,895. Councilman Lussetto moved to have Police Chief Cardenas apply for the grant, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Schmunk, Oltmann, Lussetto; Nay: None; Absent: Beyer. Motion carried.

20. City Administrator Boyer then discussed the recent issues with the Bridgeport Volunteer Department. At the direction of the Mayor, Boyer received the recent years minutes of the business meetings, a current copy of the bylaws and policies of the fire department. Boyer said he had been in contact with Attorney Jim Egr from the Nebraska Volunteer Firefighter Association, and Egr said he was shocked by some of the things the fire department has done in recent business meetings, and the City Council will need to intervene in some way to make sure that what is being passed is legal and correct. Mayor Berg directed City Administrator Boyer to set up a meeting with Attorney Egr, the City Council, the fire department, and the rural fire department to discuss the future of the organization.

Rudy Sides then asked how the City Council got to this point. City Administrator Boyer said that by reading the minutes of the fire department business meetings, it is pointed out several times that the City Council would intervene. Sides said that the department has had fights and issues for 90 years, but they always seemed to find a way to work things out. Mayor Berg said that he felt this was the time to make sure that everything is being done correctly, and that is what he intends to do.

## **VII. STAFF REPORTS**

21. City Administrator Boyer presented the board meeting summary from the Municipal Energy Agency of Nebraska (MEAN) meeting on May 21, 2009.

### VIII. ADJOURNMENT

There being no other business, the Mayor adjourned the meeting at 8:18 p.m.

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Doretta J. Huck  
City Clerk/Treasurer

APPROVED:

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J.W. Berg  
Mayor

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Thursday, March 9, 2009, had and done by the Mayor and City Council; that all of the subjects included in the 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 the 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 advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Doretta J. Huck  
City Clerk/Treasurer