

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 10th day of September, 2009, beginning at 7:31 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: Willis Beyer, Gary Oltmann, Greg Lusetto, and Jason Schmunk; Absent: None.

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, Street Superintendent Dave Smith, Community Center Program Director Aaron Johnson, Library Director Tammy Covalt, 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 the Bridgeport News-Blade, the designated method of notice given, as shown by proof of publication.

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. City Administrator Boyer read a thank you from Wendy and Oneva Lummell for the proclamation on their retirement.

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.

Gary Gerhard from Olsson Associates was present to give the Council and update on the water project. Gerhard said that 701 meters have been installed so far, and about 160 are left to install. Work is beginning on the wells, and drilling will most likely take place the week of the September 21st. Water lines, and building of the treatment plant should begin in October, with the equipment for the treatment plant to arrive around November 1st. It is still projected to have treated water by the end of the year.

II. CONSENT AGENDA

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

6. Approve the minutes of Regular Meeting held August 6, 2009.
7. Approve the minutes of Special Meeting held August 20, 2009.
8. Approve the minutes of Special Meeting held August 25, 2009.
9. Approve the minutes of Special Meeting held August 31, 2009.

10. Acceptance of the Monthly Treasurer's Report.
11. Approve the appointment of Patsy Burry as the resident commissioner of the Bridgeport Housing Authority Board of Directors.
12. Accept the resignation of Matthew Rockwell as Police Officer for the City of Bridgeport.

Councilman Lussetto moved to approve the consent agenda as presented, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Schmunk, Beyer, Oltmann, Lussetto; Nay: None. Motion carried.

III. PUBLIC HEARINGS

13. At 7:37 p.m., the Mayor opened the public hearing on adopting the City of Bridgeport Budget for the 2009-2010 fiscal year. City Administrator Boyer went over the budget numbers. Mayor Berg announced that this was a public hearing, and asked if any member of the public wished to comment on the budget. Seeing none, Mayor Berg closed the public hearing at 7:42 p.m.

IV. ORDINANCES AND RESOLUTIONS

14. A resolution was considered allowing the one-percent increase in restricted funds. Councilman Schmunk moved to adopt Resolution 2009-010, seconded by Councilman Lussetto. Roll call resulted as follows: Aye: Beyer, Schmunk, Lussetto, Oltmann; Nay: None. Motion carried. Resolution adopted.

RESOLUTION NO 2009-010

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BRIDGEPORT, NEBRASKA AUTHORIZING ALLOWABLE ONE PERCENT INCREASE IN RESTRICTED FUNDS.

WHEREAS, on April 2, 1998, the Nebraska Legislature passed and approved LB 898 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Neb. Rev. Stat. Section 13-519.03 (R.R.S. 1943), as amended, allows governmental units to exceed the two and one half percent limit as provided in Neb. Rev. Stat. Section 13-519.01 (R.R.S. 1943), as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, to Mayor and City Council of the City of Bridgeport, Nebraska hereby finds and determines that it is in the best interest of the City of Bridgeport that the City of Bridgeport exceed the limit as provided in Neb. Rev. Stat. Section 13-519.01 (R.R.S. 1943), as amended, by an additional one percent as allowed pursuant to Neb. Rev. Stat. Section 13-519.03 (R.R.S. 1943), as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bridgeport, Nebraska, that the City of Bridgeport exceed the limit as provided in Neb. Rev. Stat. 13-519.01 (R.R.S. 1943), as amended, by an additional one-percent.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2009.

ATTEST:

J.W. BERG
MAYOR

DORETTA J. HUCK
CITY CLERK/TREASURER

15. The Council considered the annual budget appropriation ordinance. Councilman Oltmann then introduced Ordinance No. 797 entitled: An ordinance appropriating from the funds and revenues of the city of Bridgeport, Nebraska such sums of money as have been deemed necessary to defray all necessary expenses and liabilities of the city of Bridgeport, Nebraska, for the fiscal year commencing October 1, 2009 to September 30, 2010, and levying taxes for such city and for said fiscal year for certain objects and purposes for which such appropriations are made and the amount appropriations are made and the amount appropriate for each object and purpose and providing for the certification of this ordinance to the county clerk of Morrill County, Nebraska, and prescribing the time when this ordinance shall be in full force and effect; and moved that the statutory rule requiring reading on three different days be suspended, seconded by Councilman Beyer. Roll call resulted as follows: Aye: Lussetto, Beyer, Oltmann, Schmunk; Nay: 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 said ordinance. Ordinance No. 797 was then read by title and thereafter Councilman Schmunk moved for final passage of the ordinance, which motion was seconded by Councilman Oltmann. The Mayor then stated the question: "Shall Ordinance No. 797 be passed and adopted?" Roll call resulted as follows: Aye: Oltmann, Beyer, Schmunk, Lussetto; Nay: None. 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.

16. A resolution was then considered to set the property tax request for the 2009-2010 budget year. Councilman Lussetto moved to adopt Resolution No. 2009-011, seconded by Councilman Schmunk. Roll call resulted as follows: Aye: Beyer, Lussetto, Schmunk, Oltmann; Nay: None. Motion carried. Resolution adopted.

RESOLUTION NO 2009-011

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BRIDGEPORT,
NEBRASKA SETTING THE PROPERTY TAX REQUEST FOR THE 2009-2010 BUDGET YEAR.

WHEREAS, LB Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Bridgeport, Nebraska, passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Bridgeport that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bridgeport, Nebraska, by a majority vote, resolves that:

1. The 2009-2010 property tax request be set at \$277,750.00.
2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2009.

PASSED AND APPROVED THIS 10TH DAY OF SEPTEMBER, 2009.

ATTEST:

J.W. BERG
MAYOR

DORETTA J. HUCK
CITY CLERK/TREASURER

17. City Administrator Boyer presented an ordinance to the Council for a replat at the request of the property owner. Councilman Beyer then introduced Ordinance No. 798 entitled: An ordinance of the city of Bridgeport, Nebraska, accepting the plat of Lot 17A, Block 3, Original Town Addition to the City of Bridgeport, Morrill County, Nebraska, a replat of Lots 17 and 18, Block 3, Original Town Addition to the City of Bridgeport, Morrill County, Nebraska; 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, Beyer, Lussetto, Oltmann; Nay: 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 said ordinance. Ordinance No. 798 was then read by title and thereafter Councilman Schmunk moved for final passage of the ordinance, which motion was seconded by Councilman Oltmann. The Mayor then stated the question: "Shall Ordinance No. 798 be passed and adopted?" Roll call resulted as follows: Aye: Schmunk, Oltmann, Lussetto, Beyer; Nay: None. 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.

18. City Administrator Boyer presented an ordinance to the Council for the creation of an Emergency Medical Service (EMS) department. Boyer said that this was part of the report issued to the City by the organization who did an independent investigation into the EMS service in Bridgeport. Councilman Schmunk then introduced Ordinance No. 799 entitled: An ordinance of the city of Bridgeport, Nebraska, creating an Emergency Medical Service (EMS) department; allowing for the operation and officer in charge; designating the persons to whom available; detailing the operation of the emergency medical service; describing and permitting funding for the department; delegating membership; 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: Beyer, Schmunk, Oltmann, Lussetto; Nay: 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 said ordinance. Ordinance No. 799 was then read by title and thereafter Councilman Beyer moved for final passage of the ordinance, which motion was seconded by Councilman Oltmann. The Mayor then stated the question: "Shall Ordinance No. 799 be passed and adopted?" Roll call resulted as follows: Aye: Beyer, Schmunk, Oltmann, Lussetto; Nay: None. 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.

19. City Administrator Boyer presented an ordinance to the Council for modifying some of the code book legislation on the fire chief and fire department. Among the main changes would be to allow for the Mayor to appoint the Fire Chief and Assistant Fire Chief, and deleting some obsolete language. Councilman Beyer then introduced Ordinance No. 800 entitled: An ordinance of the city of Bridgeport, Nebraska, amending sections §1-210, §3-301, and §3-302 of the Bridgeport Municipal Code Book; 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 Schmunk. Roll call resulted as follows: Aye: Beyer, Schmunk, Oltmann, Lussetto; Nay: 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 said ordinance. Ordinance No. 800 was then read by title and thereafter Councilman Oltmann moved for final passage of the ordinance, which motion was seconded by Councilman Lussetto. The Mayor then stated the question: "Shall Ordinance No. 800 be passed and adopted?" Roll call resulted as follows: Aye: Oltmann, Lussetto, Schmunk, Beyer; Nay: None. 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.

20. City Administrator Boyer then presented an ordinance to the Council cleaning up obsolete language for the City Administrator's job duties. The new ordinance deleted part-time wording and modified the duties and powers of the City Administrator. Councilman Lussetto then introduced Ordinance No. 801 entitled: An ordinance of the city of Bridgeport, Nebraska, amending sections §1-214, §1-215, and §1-216 of the Bridgeport Municipal Code Book; 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 Oltmann. Roll call resulted as follows: Aye: Schmunk, Beyer, Lussetto, Oltmann; Nay: 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 said ordinance. Ordinance No. 801 was then read by title and thereafter Councilman Schmunk moved for final passage of the ordinance, which motion was seconded by Councilman Beyer. The Mayor then stated the question: "Shall Ordinance No. 801 be passed and adopted?" Roll call resulted as follows: Aye: Beyer, Lussetto, Schmunk, Oltmann; Nay: None. 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.

V. CLAIMS

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

Councilman Schmunk rejoined the Council.

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

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

ABC Plumbing Inc, \$224.8, O; Aflac, \$342.04, P; Airgas Intermountain Inc, \$38.19, O; American Funds Service Company, \$2,923.47, P; Applied Concepts Inc, \$15.08, O; Bamford Inc, \$535.58, O; Bateman Trading Post, \$849.56, O; Benzel Pest Control Inc, \$60, O; Berg's Gamble Store, \$395.02, O; Bluecross Blueshield Of Ne, \$6,060.60, O; Bluffs Sanitary Supply Inc, \$405.82, O; Bnb Inc, \$299.92, O; Bridgeport 66 Service, \$747.43, O; Center Point Large Print, \$41.34, O; Chase

Cardmember Service, \$659.34, O; City Of Bridgeport, \$5,518.5, O; City Petty Cash/Checking, \$125, O; Community Center, \$63,000, D; Connecting Point Computer Centers, \$134, O; Conserv Flag Co, \$96, O; Contractors Materials Inc, \$317.90, O; Country Catering, \$313.25, O; Crescent Electric Supply Co, \$190.42, O; Culligan Water Conditioning, \$93.65, O; Dell Marketing LP, \$1,810, O; Dallen Dudden, \$48.12, O; Dutton Lainson Co, \$1,335.52, O; Emergency Medical Products Inc, \$41.25, O; Enviro Service Inc, \$56, O; Family Support Registry, \$422, P; Farm Plan Department, \$99.04, O; Federal Licensing Inc Pub. Div, \$124, O; Fire Fund, \$2,000, D; Flex Plan, \$270, P; Follett Software Company, \$40, O; Robert Ford, \$82.04, O; Fort Dearborn Life Insurance Co, \$129, O; Good Housekeeping, \$15.97, O; Grainger, \$15, O; Great America Leasing Corp, \$79.95, O; Great Plains One Call Service, \$90.72, O; Paul Hewett, \$33.91, O; Lianne Higgins, \$7.50, O; Hillyard Inc / Sioux Falls, \$128.75, O; Russell Hoerler, \$21.79, O; Honey Wagon Express, \$68, O; Ideal Linen Supply Inc, \$1,024.86, O; Intoximeters Inc, \$312.5, O; Jimmie J Jensen Jr, \$750, P; Aaron Johnson, \$29.70, O; Johnson Cashway, \$10.49, O; Dustin Kenner, \$284.05, O; Koke's Auto Farm Truck, \$485.16, O; Dan Krentz, \$200, O; Kriz-Davis Co, \$2,350.22, O; Larue Distributing Inc, \$72.75, O; League Of Ne Municipalities, \$727, O; Library Fund, \$5,000, P; M C Schaff & Associates Inc, \$14,236, O; Mercedes Publishing Inc, \$215.90, O; Cliff Middleton, \$36, O; Mike's Screenprinting & Awards Inc, \$18, O; Mitchell's Guns & Ammo, \$110, O; Morrill County Sheriff, \$500, O; Mr. Water, \$203.25, O; Municipal Energy Agency Of Ne, \$61,802.33, O; Municipal Supply Inc Of Ne, \$4,606.48, O; Nebraska Dept Of Revenue, \$1,525.09, P; Nebraska Public Power District, \$176.87, O; Nebraska State Historical Soc, \$40, O; Nebraska Total Office, \$225.44, O; Northwest Pipe Fittings Inc Of Scottsblu, \$679.41, O; Olsson Associates, \$79,798.88, O; Omaha World Herald, \$62.14, O; Orbitcom, \$1,126.29, O; Oxmoor House, \$5.95, O; Joe Panas, \$63, O; Panhandle Cooperative Assn, \$885.70, O; Panhandle RC & D, \$150, O; Park Fund, \$7,000, D; Penworthy Company, \$164.60, O; Performance Auto Spa, \$50, O; Pine Bluffs Gravel & Excavating Inc, \$1,782, O; Platte Valley Bank, \$55,446.26, D; Platte Valley Bank, \$6,152.84, P; Platte Valley Bank, \$304.56, O; Platte Valley Bank, \$4,176.30, O; Platte Valley Visa, \$1,363.96, O; Plumb-Rite, \$272.69, O; Andrew Plummer, \$65, O; Plummer Insurance Inc, \$300, O; Pohl's Welding & Fabrication, \$500, O; Police Fund, \$21,000, D; Pool Fund, \$4,000, D; Postmaster, \$100, O; Prevention, \$19.97, O; Pro Overhead Door, \$952.50, O; Quartermaster, \$47.94, O; Regional Care Inc, \$120, P; Respond First Aid Systems, \$106.40, O; Jean Rhodes, \$100, P; Ray Richards, \$500, O; Riverside Lumber LLC, \$137.75, O; Showmebooks Inc, \$84, O; Tyrell Smith, \$144, O; Smithsonian, \$34, O; Sonny's Super Foods, \$1,076.64, O; Source Gas LLC, \$247, O; Susan Sparks, \$162.50, P; Spic And Span Cleaners, \$3165.25, O; Sam Spurgeon, \$81, O; Star Herald, \$1,837.44, O; Street Fund, \$34,000, D; Street Sinking Fund, \$10,000, D; Subway Sandwiches, \$21.30, O; Sweet Things Bakery, \$15.75, O; Tim's Jack & Jill, \$556.78, O; Tonka Equipment Company, \$87,674.57, O; US News, \$15, O; Valley Water Systems Inc, \$234.15, O; Michael Vergil, \$36, O; Waste Connections Inc, \$12,234.70, O; Willy Weibert, \$27, O; Wickard Heating & Plumbing Inc, \$96.90, O; Jim Woznick, \$200, O; Total Claims, \$521,813.33.

VI. REGULAR AGENDA

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

24-26. Mayor Berg then presented his recommendations for the following appointments:

- a.) Kevin Herringer as EMS Administrator
- b.) Brad Mueller as Municipal Fire Chief
- c.) Andrew Leisy as Assistant Municipal Fire Chief

Councilman Lussetto moved to approve the Mayor's appointments, seconded by Councilman Schmunk. Roll call resulted as follows: Aye: Schmunk, Oltmann, Beyer, Lussetto; Nay: None. Motion carried.

27. City Administrator Boyer presented an agreement with Panhandle Area Development District (PADD) to administer the CDBG grant for the water grant. City Attorney Jensen stated that there was a typo-graphical error in paragraph three, that should read five thousand dollars. Boyer noted the correction. Councilman Schmunk moved to approve the agreement, seconded by Councilman Oltmann. Roll call resulted as follows: Aye: Lussetto, Beyer, Oltmann, Schmunk; Nay: None. Motion carried.

28. City Administrator Boyer stated that there were some legal concerns raised in a review of our code book surrounding the curfew ordinance. At the Mayor and City Attorney's request, Boyer stated that he had checked with other communities in Nebraska and those who had curfew ordinances had similar ordinances. No further action was taken.

VII. STAFF REPORTS

29. The following staff reports were given:

- a.) **Public Works:** Utilities Director Kautz told the Council the water project was progressing, and things have been really busy.
- b.) **Streets:** Street Superintendent Smith informed the Council that work would begin in early spring 2010 on the paving district, and updated the Council on the status of South Railroad Avenue.
- c.) **Library:** Library Director Covalt was welcomed to the City of Bridgeport staff. She stated that she was just getting started and beginning story time and other programs at the Library.
- d.) **Community Center:** Program Director Johnson was welcomed to the City of Bridgeport staff. He stated that fall programs were getting started and new programs were being explored.
- e.) **Police Department:** Police Chief Cardenas stated that the Department made 93 calls and had three arrests last month. Part-times would be filling in while a replacement for former Officer Rockwell was sought.
- f.) **Fire Department:** Fire Chief Mueller said they had two false-alarms and a few motor vehicle accidents in the last month. The by-laws committee had been meeting weekly to revamp the bylaws at the request of the Council.
- g.) **City Administrator:** City Administrator Boyer stated that he had been working with EMS Administrator Herringer, and an organizational meeting would be held on Tuesday at 5:30 p.m.

30. Councilman Schmunk made a motion for the Mayor Berg, City Council, City Administrator Boyer, and City Attorney Jensen to adjourn to executive session for the purpose of discussing employee wages for the 2009-2010 fiscal year, seconded by Councilman Beyer. Roll call resulted as follows: Aye: Lussetto, Oltmann, Schmunk, Beyer; Nay: None. Motion carried. At 8:25 p.m., Mayor Berg announced that the Mayor, Council, City Administrator, and City Attorney would be going into executive session to discuss employee wages for the 2009-2010 fiscal year. No official action would be taken while the Council is in executive session.

At 8:53 p.m., the Council reconvened in regular session.

VIII. ADJOURNMENT

There being no other business, the Mayor adjourned the meeting at 8:54 p.m.

Doretta J. Huck
City Clerk/Treasurer

APPROVED:

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, September 10, 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.

Doretta J. Huck
City Clerk/Treasurer