**FRIEND CITY COUNCIL**

**REGULAR MEETING**

**SEPTEMBER 4, 2018**

Mayor Vossler called the regular meeting of the City Council to order at 7:00 p.m. 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 James Vossler presided and City Clerk Debbie Gilmer recorded the proceedings. The following Councilmembers were present: Stan Krause, Phyllis Ryan, Shane Stutzman, and Harlan Schrock. 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 Vossler 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.

Motion was made by Krause, seconded by Schrock, to open the public hearing to receive comments relating to the property tax request for 2018-2019, and to receive comments relating to the proposed 2018-2019 budget. On roll call voting aye, Ryan, Stutzman, Schrock, Krause. Nays none. Motion carried. Public hearing opened at 7:02 p.m.

Mayor Vossler announced that public comments would be received at this time. No comments were offered.

Motioned by Schrock, seconded by Stutzman, to approve the minutes of the August 7, 2018 regular meeting, the August 20, 2018 special meeting, and the August 2018 Treasurer’s Report as presented and file same. On roll call voting aye to approve the August 7, 2018 regular meeting minutes, the August 20, 2018 special meeting minutes, and the August 2018 Treasurer’s Report , Krause, Ryan, Stutzman, Schrock. Nays none. Motion carried.

Motion was made by Stutzman, seconded by Ryan, to approve the Friend Community Healthcare System’s financial statements submitted for the month of July 2018. On roll call voting aye, Schrock, Krause, Ryan, Stutzman. Nays none. Motion carried.

A motion was made by Krause, seconded by Schrock, that payroll and claims be approved by the claims committee, and be allowed, and the Clerk instructed to issue warrants on the respective funds to pay same. On roll call voting aye, Stutzman, Ryan, Schrock, Krause. Nays none. Motion carried.

The claims approved were as follows: August Payroll, 29,786.60; Ameritas, 4660.17; EFTPS, 9,701.69; Baker & Taylor, su 81.99; Barco, su 1555.61; Black Hills Energy, fe 222.26; Blue Blossom, 40.00; Bonsall Pool, su 277.46; Border States, su 218.54; Center Point Print, su 88.68; Central States, su 20,350.41; City of Crete, su 381.83; Keith Clouse, fe 250.00; CRA, 3623.25 & 238.02; Core & Main, su 468.60; Danko, su 2144.35; Diode, se 46.45; Drake, Refrigeration, se 137.00; Eakes, su 14.99; EMS, se 133.60; Farmers Coop, se & su 1464.00; First Wireless, su 58.00; Gale, su 45.73; Patrick Gates, re 270.00; Kim Goossen, re 44.80 & 51.56; Johnsons, su 48.34; LONM, fe 851.00; Maguire Iron, se 6796.00; Justin Meader, se 3048.70; Menards, su 239.55; NE Dept of Rev, SWH 1403.46 & fe 25.00; NE Public Health, se 417.00; NE Public Power, se 75,170.75; Nick’s, su 1985.38; Norris Power, se 5278.20; Diane Odoski, re 312.67; One Call, se 23.76; Orkin, se 55.85; Principal Mutual, fe 119.33; Romans, Wiemer & Assocs, fe 1315.00; Saline County Aging Svcs, fe 2437.50; Sandry Fire, su 60.00; Sargent Drilling, se 1000.00; Seward County Independent, fe 196.76; Marvin Slepicka, fe 1000.00; SENDD, fe 1575.00; Verizon, se 959.71; Waste Connections, se 310.16; Windstream, se 1042.29; White Electric, su 120.24; Young’s, se 56.25. Total Claims Approved $182,203.49.

Motion was made by Stutzman, seconded by Ryan, to close the public hearing to receive comments relating to the property tax request for 2018-2019, and to receive comments relating to the proposed 2018-2019 budget. On roll call voting aye, Schrock, Krause, Ryan, Stutzman. Nays none. Motion carried. Public hearing closed at 7:05 p.m.

Mayor Vossler presented for the third of three readings, Ordinance #18-749.

**ORDINANCE NO. 18-749**

AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FRIEND, NEBRASKA, ATTACHED TO AND MADE A PART OF CHAPTER 154 OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOW THEREON (FRIEND CITY JJ AINSWORTH ADD, ALL LOT 1 & E 20’ LOT 2, BLOCK 5, AND FRIEND CITY JJ AINSWORTH ADD, W 30’ LOT 2, ALL LOT 3 & E 33’ OF LOT 4, BLOCK 5) FROM R-1 RESIDENCE DISTRICT TO R-2 MULTIPLE DWELLING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. That the Official Zoning District Map of the City of Friend, Nebraska attached to and made of Chapter 154 of the Municipal Code of the City of Friend, Nebraska, be and hereby is amended by changing the boundaries of the Districts established and shown on said map as follows:

FRIEND CITY JJ AINSWORTH ADD, ALL LOT 1 & E 20’ LOT 2, BLOCK 5, AND FRIEND CITY JJ AINSWORTH ADD, W 30’ LOT 2, ALL LOT 3 & E 33’ OF LOT 4, BLOCK 5, FRIEND, SALINE COUNTY, NEBRASKA;

be and are hereby transferred from the R1 Residence District to the R2 Multiple Dwelling District and are hereby made a part of the R2 Multiple Dwelling District and governed by all the provisions and regulations pertaining to the R2 Multiple Dwelling District.

Section 2. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Motion acknowledging the third of three readings and to adopt proposed Ordinance No. 18-749, was made by Stutzman, seconded by Schrock. On roll call voting aye, Ryan, Krause, Schrock, Stutzman. Nays none. Motion carried.

Proposed Ordinance #18-750 was read by Mayor Vossler. Councilman Schrock moved that the statutory rule requiring reading on three different days be suspended. Councilman Stutzman seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Ryan, Krause, Stutzman, Schrock. Members voting nay, none. The motion to suspend the rule requiring reading on three different was adopted by at least three-fourths of the Council and the statutory rule was declared suspended for consideration of the ordinance.

**ORDINANCE NO. 18-750**

**AN ORDINANCE VACATING ALLEY RUNNING EAST AND WEST IN BLOCK 1 OF J.J. AINSWORTH’S ADDITION TO THE CITY OF FRIEND IN SALINE COUNTY NEBRASKA AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

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

Section 1. **Vacating of Alley**. That the alley running east and west in Block 1 of J.J. Ainsworth’s Addition to the City of Friend, Saline County, Nebraska is hereby vacated and closed subject to the reservations contained in Section 2 of this Ordinance.

Section 2. **Reservation of Easements**. The City of Friend retains the right to inspect, maintain, operate, repair, and replace, and the right of ingress and egress, by itself or by any licensee or agent, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of any utility now located in the alley or any portion thereof vacated by this Ordinance.

Section 3. **Public Interest**. That it is deemed advantageous and in the public interest, safety, welfare and convenience to vacate said street and that upon vacation the street shall revert to the owners of the adjacent real estate to one-half on each side thereof. No damages to the citizens or the adjoining owners are found to have occurred or are likely to occur in the future by virtue of this vacation.

Section 4. **Repeal**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. **When Operative**. This Ordinance shall be in full force. And effect from and after its passage, approval and publication in pamphlet form as provided by law.

Councilman Stutzman moved for final passage of Ordinance Number 18-750, which motion was seconded by Councilman Krause. On roll call voting aye, Schrock, Ryan, Krause, Stutzman. 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 18-750 was adopted this 4th day of September 2018.

Proposed Ordinance #18-751 was read by Mayor Vossler. Councilman Krause moved that the statutory rule requiring reading on three different days be suspended. Councilman Schrock seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Stutzman, Ryan, Schrock, Krause. 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. 18-751**

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

**Section 1.**

That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2018 through September 30, 2019. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Friend. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Saline County, Nebraska, for use by the levying authority.

**Section 2.**

This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Councilman Stutzman moved for final passage of Ordinance Number 18-751, which motion was seconded by Councilman Ryan. On roll call voting aye, Schrock, Krause, Ryan, Stutzman. 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 18-751 was adopted this 4th day of September 2018.

Resolution #18-02 was introduced and read by Mayor Vossler.

**RESOLUTION NO. 18-02**

WHEREAS, 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 Friend 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 Friend that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Friend, by a majority vote, resolves that:

1. The 2018-2019 property tax request be set at $401,483.83.

2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2018.

Motion was made by Schrock, seconded by Krause to approve Resolution #18-02 relating to the 2018-2019 property tax request of $401,483.83. On roll call voting aye, Ryan, Stutzman, Krause, Schrock. Nays none. Resolution #18-02 was passed and approved this 4th day of September 2018.

Resolution #18-03 was introduced and read by Mayor Vossler.

**RESOLUTION NO. 18-03**

**RESOLUTION NO. 18-03, APPROVING THE ENTERING INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRIEND AND BURBACH AQUATICS INC., FOR PROFESSIONAL SERVICES FOR THE FRIEND MUNICIPAL SWIMMING POOL.**

WHEREAS, the Friend Municipal Swimming Pool is experiencing mechanical, operational and structural issues, has become dated, is being considered for closure, repair, renovation or replacement and may have code deficiencies, and

WHEREAS, the City of Friend has requested professional assistance with the proposed swimming pool project, and

WHEREAS, Burbach Aquatics, Inc. an Architectural & Engineering firm has provided a proposal for all consulting services for the proposed swimming pool project,

BE IT NOW, THEREFORE, RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA, that:

1. The Mayor and City Clerk are authorized to execute a Professional Services Agreement between the City of Friend and Burbach Aquatics, Inc. for Professional Services regarding the swimming pool project, and
2. The Mayor is authorized to sign a letter initiating Phase I – Step #1, Phase I – Step #2 and Phase I – Step #3 – Professional Services by Burbach Aquatics, Inc.

Motion was made by Stutzman, seconded by Ryan to approve Resolution #18-03 to enter into a professional services agreement between the City of Friend and Burbach Aquatics, Inc., for professional services for the Friend municipal swimming pool. On roll call voting aye, Schrock, Krause, Ryan, Stutzman. Nays none. Resolution #18-03 was passed and approved this 4th day of September 2018.

Patrick Gates, Utilities Superintendent, gave his report.

Mark McFarland, Police Chief, gave his report. McFarland reported that as a result of the Health Board’s determination of property to be a nuisance owned by MaryJo Weber located at 308 Maple Street, Ms. Weber has requested a hearing before the Council. Ms. Weber was in attendance and reported on the status/schedule of her intentions to remedy the nuisance. She reported that she has acquired a proposal from Bockmann, Inc. for removal of the asbestos at 308 Maple, and that she has spoken to an individual about demolishing the home once the asbestos is safely removed. Ms. Weber’s plan is to have this complete, as well as having improvements done to the existing shed and garage on this property so that she may continue to utilize these structures, prior to the end of September.

After discussion with Ms. Weber relating to her intended timeline to remedy the nuisance at 308 Maple Street, Mayor Vossler read proposed ordinance #18-04.

**RESOLUTION #18-04**

**BE IT RESOLVED** by the Mayor and City Council of the City of Friend, Nebraska:

**WHEREAS,** at a regular meeting of the Mayor and City Council of the City of Friend, Nebraska, held Tuesday September 4th, 2018 at 7:00 p.m., a resolution was adopted determining that a public nuisance was being maintained on the following described real estate:

**FRIEND CITY R.S. BENTLEY’S ADDITION S 35’ OF LOT 72 & ALL OF LOT 72 FRIEND, NEBRASKA** (308 Maple Street, Friend, Nebraska)

**WHEREAS,** the owner requested a hearing on the determination of the existence of said public nuisance to provide the owner an opportunity to show cause why such conditions should not be found to be a public nuisance and remedied, all in accordance with the provisions of Section 98.01 (3) (6) and 98.02 (H) of the City of Friend Code of Ordinances; and

**WHEREAS,** a City of Friend Board of Health Hearing was held on Monday August 13th, 2018 at 12:00 p.m., with the owner present.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Friend, Nebraska;

1. Mary Jo Weber, owner of the real estate identified above has failed to show cause that the conditions maintained on the above described real estate should not be found to be a public nuisance and remedied.
2. A public nuisance is being maintained on the above described real estate by Mary Jo Weber, owner, in violation of Friend City Code of Ordinances Sections 98.01 (3) (6) and 98.02 (H), specifically:
   1. Nuisance. Consists in doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
      * + 1. Is offensive to the senses;
3. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
   1. Specifically Defined. The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:
      * + 1. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which building, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof;
4. As the owner has failed to abate and remove such nuisance located upon the above described real estate, the City of Friend, Nebraska shall proceed to have such work done and may levy and assess the cost and expenses of such work upon the real estate above described in the same manner as other special taxes for the improvements are levied and assessed. Alternatively, the City of Friend, Nebraska may recover all costs and expenses of such work completed upon said real estate against the owner thereof in a civil action.

Motion was made by Stutzman, seconded by Schrock to approve Resolution #18-04 relating property located at 308 Maple Street, declared to be a nuisance. On roll call voting aye, Krause (with stipulation that other properties that are in violation of City Codes also be addressed and required to become in compliance with City Codes), also voting aye, Ryan, Schrock, Stutzman. Nays none. Resolution #18-04 was passed and approved this 4th day of September 2018.

On behalf of the Planning Commission, Jim Ryan discussed with the Mayor and Council a building permit application that was submitted by Doug Oliva for a multi-family dwelling. This building permit was reviewed by the Planning Commission, as it did not meet all city setback regulations. The Planning Commission recommended that the City Council grant a variance for Mr. Oliva and allow him to proceed with the project. (See attached minutes of the Planning Commission meeting.) After discussion, motion was made by Stutzman, seconded by Schrock, to accept recommendation of the Planning Commission and to grant a variance for the building permit application submitted by Doug Oliva for a multi-family dwelling to be constructed on 2nd Street, between Sycamore and Vine Streets. On roll call voting aye, Krause, Ryan, Schrock, Stutzman. Nays none. Motion carried.

Jim Ryan also requested Council approve proposed Greentop Addition as recommended by the Planning Commission. (See attached minutes of the Planning Commission meeting and the proposed plat map.) Motion was made by Schrock, seconded by Krause, to accept recommendation of the Planning Commission to approve request for Greentop Addition (the block where Carquest and the Greentop are currently located) as applied for by Farmers Union Cooperative Co., Inc. On roll call voting aye, Stutzman, Ryan, Krause, Schrock. Nays none. Motion carried.

A request for consideration of fiscal year 2018-2019 membership dues was submitted by SENDD (Southeast Nebraska Development District). After discussion, motion was made by Schrock, seconded by Krause for continued participation with Southeast Nebraska Development District and to approve payment of membership dues for the Southeast Nebraska Development District for fiscal year 2018-2019. On roll call voting aye, Stutzman, Ryan, Krause, Schrock. Nays none. Motion carried.

Motion was made by Schrock, seconded by Stutzman, to table agenda item “Employee Salary Increases” until the October meeting. On roll call voting aye, Krause, Ryan, Stutzman, Schrock. Nays none. Motion carried.

No further business to come before the City Council, motion was made by Schrock, seconded by Krause, to adjourn the meeting. On roll call voting aye, Ryan, Stutzman, Krause, Schrock. Nays, none. Motion carried. Meeting adjourned at 7:50 p.m.

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James W. Vossler, Mayor

ATTEST

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Debbie Gilmer, City Clerk

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 September 4, 2018; 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.

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City Clerk

**NOTICE OF MEETING**

**CITY OF FRIEND, NEBRASKA**

Notice is hereby given that the City Council of the City of Friend, Nebraska will meet at 7:00 p.m. on **Tuesday, October 2, 2018** at the City Hall which meeting will be open to the public. Agenda for said meeting is kept current and is available in the City Clerk's office during regular business hours. Request to be on the agenda must be in the City Clerk's office 24 hours prior to the start of the meeting.

Debbie Gilmer, City Clerk