

# MINUTE RECORD

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## FRIEND CITY COUNCIL MINUTES-REGULAR MEETING July 7, 2020

Mayor Knoke 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 Judith Knoke presided, and City Clerk Kim Goossen recorded the proceedings. The following Councilmembers were present: Harlan Schrock, Stan Krause, Phyllis Ryan, and Shane Stutzman. 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 Knoke 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.

Mayor Knoke announced that public comments would be received at this time. Ray Rohrig attended the meeting to report on a water pressure issue they have been having at their house. Council will consider and weigh options regarding this and other water main issues in town. Chris Wood was in attendance stating he filed a complaint with the 8<sup>th</sup> Circuit Court of Appeals against the City of Friend, Mayor and City Council regarding a nuisance letter he received against his property. Mayor and Council reviewed pictures Mr. Wood provided to them. Chief Gray indicated this has been an ongoing process for several months and they continue working to remedy nuisance properties around town.

Motioned by Stutzman, seconded by Ryan, to approve the Minutes of the June 2, 2020 regular meeting, and the June 2020 Treasurer's Report as presented and file same. On roll call voting aye to approve the June 2, 2020 regular meeting minutes, and the June 2020 Treasurer's Report, Schrock, Krause, Ryan, Stutzman. Nays none. Motion carried.

A motion was made by Krause, seconded by Schrock, that payroll and claims be approved after review, 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, Ryan, Stutzman, Schrock, Krause. Nays none. Motion carried.

The claims approved were as follows: June Payroll, 31,689.88; Ameritas, 2,308.86; EFTPS, 9,400.55; NE Dept of Rev SWH, 1,472.00; Allrecipes, su 13.00; Baker & Taylor Books, su 100.13; Barco Municipal Products, su 369.29; Beaver Hardware, su 217.54; Black Hills Energy, se 165.25; Blue Blossom, su 40.00; BlueCross BlueShield of NE, se 6312.84; Brother's Equipment, su 106.82; Bruning Law, fe 7992.00; Jacob & Johnathan Clouse, fe 450.00; CRA, 9717.52 & 1513.14; Culligan, se & su 265.00, Danko, su 75.00; Diode, fe 46.45; Dollar General, su 120.10; Eakes, su 635.23; Ed M. Feld Equipment, se 700.00; Emergency Medical Products, Inc, su 218.90; Friend Sentinel, fe 62.00; Goldstar Products Inc., su 1336.25; Paul and Gail Gropp, fe 450.00; HGTV/Food Network Magazine, su 22.00; Johnson Pharmacy, su 57.94, Lamp Rynearson, fe 23,400.00; London

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Fog, su 200.98; Chris Michl, se 432.60; Midwest Labs, su 200.05; Midwest Radar & Equip, se 80.00; NE Dept. of Rev ST, 8391.85; NE Public Health, fe 30.00; NE Public Power, se 74,632.48; Nebraska Life Magazine, su 42.00; Nick's Farm Store, su 69.18; Norris Public Power, se 5571.72 & 37.00; Diane Odoski, re 48.93; One Call Concepts, se 30.70; Orkin, se 60.32; Principal Mutual Life, fe 63.12; Quick Med Claims, se 229.95; Qwik 6, su 1318.94; RJP Environmental Services LLC, se 260.75; Railroad Management, fe 258.95; Recycling Enterprises, se 880.00; Reveal, su 30.00; Sargent Drilling, se 1743.55; Seward County Independent, fe 97.53; Marvin Slepicka, fe 1250.00; SENDD, fe 1575.00; Steve's Repair, se 809.83; The Depository Trust, fe 6592.25; Verizon, se 94.56; Visa, su 3001.82; Waste Connections, se 310.16; Windstream, se 1106.63; Young's Welding, se 152.80. Total Claims Approved \$208,861.34

Motion was made by Stutzman, seconded by Schrock, to open the public hearing to receive comments relating to Resolution No. 20-06 Blight and Substandard Study. On roll call voting aye, Krause, Ryan, Schrock, Stutzman. Nays none. Motion carried. Public hearing opened at 7:27 p.m.

Jim Ryan, representing the Community Redevelopment Authority (CRA), attended the meeting to provide comments and answer any questions regarding the Blight and Substandard Study. Mr. Ryan stated this is the next step to create a #2 TIF District. Ryan said the attorney is in process of drafting the #2 TIF District compliance with the laws of the State of Nebraska. Once that is complete, there will be three more public meetings required before the new district is approved. Once formed, the #2 District will be a 15-year program ending in 2035.

Motion was made by Krause, seconded by Stutzman, to close the public hearing to receive comments relating to Resolution No. 20-06 Blight and Substandard Study. On roll call voting aye, Schrock, Ryan, Stutzman, Krause. Nays none. Motion carried. Public hearing closed at 7:35 p.m.

Resolution No. 20-06 was introduced and read by Mayor Knoke.

## RESOLUTION NO. 20-06

### **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA, DECLARING A CERTAIN AREA TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED**

**WHEREAS**, it is necessary, desirable, advisable, and in the best interests of the City of Friend, Nebraska (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be substandard and blighted and in need of redevelopment;

**WHEREAS**, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes requirements and procedures for the planning and implementation of redevelopment projects;

**WHEREAS**, Section 18-2109 of the Act requires that, prior to the preparation by the Community Development Agency of the City of a redevelopment plan for a redevelopment project, the Mayor and Council shall, by resolution, declare the area to be blighted and substandard;

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**WHEREAS**, on Tuesday, July 7, 2020, at 7:00 p.m., the Mayor and Council of the City held a public hearing (the “Public Hearing”) at the Friend City Hall, 235 Maple Street in the City, to determine whether those certain areas more fully described below (the “Redevelopment Areas”) should be declared blighted and substandard and in need of redevelopment as required by the Act;

**WHEREAS**, notice of the Public Hearing was published in *The Friend Sentinel*, a legal newspaper of general circulation in the City, on June 17, 2020 and June 24, 2020, which notice described the date, time, place, and purpose of the Public Hearing and the legal description of the Redevelopment Areas; the last publication of such notice being at least ten days prior to the time of the Public Hearing;

**WHEREAS**, on or before June 18, 2020, such date being at least ten days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Certified Mail, return receipt requested, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Areas and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Areas, which notice included the time, date, place, and purpose of the Public Hearing and a map of sufficient size to show the Redevelopment Area;

**WHEREAS**, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Areas as blighted and substandard and in need of redevelopment, and the Mayor and Council reviewed and discussed a Blight/Substandard Determination Study previously prepared by Marvin Planning Consultants;

**WHEREAS**, the Mayor and Council adopted Resolution No. 20-04 submitting the question of whether the Redevelopment Areas were blighted and substandard and in need of redevelopment to the Planning Commission of the City for its review and recommendations on May 5, 2020; and the Mayor and Council reviewed and discussed the recommendations received from the Planning Commission; and

**WHEREAS**, the Mayor and Council desire to determine whether the Redevelopment Areas are blighted and substandard and in need of redevelopment in accordance with the Act.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA:**

**Section 1.** The Redevelopment Areas are hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Areas are more particularly described as follows:

**AREA 2- Concrete Plant**

The old concrete plant site is located on the western edge of Friend and is bounded on the north by US Highway 6 and is labeled Area 2 in Figure 1.

The legal description is as follows:

Friend PRCT PT NE ¼ Section 22-8-1 and contains 11.17 acres; plus, a tract referred to as Friend PRCT PT NE ¼ Section 22-8-1 1.29 Acres.

**AREA 3- Old Lumber Yard Block**

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The Old Lumber Yard Block sits on the edge of downtown and adjacent to Area 1 on two sides, see Figure 1.

The legal description is as follows:

The point of beginning is the intersection of the centerlines of Main Street and 2<sup>nd</sup> Street; thence, westerly along the centerline of 2<sup>nd</sup> Street to the intersection with the centerline of Pine Street; thence, southerly along the centerline of Pine Street to the intersection with the centerline of 3<sup>rd</sup> Street; thence easterly along the centerline of 3<sup>rd</sup> Street to the intersection with the centerline of Main Street; thence northerly along the centerline of Main Street to the point of beginning.

## **AREA 4- 4-Plex Block**

The 4-Plex Block sits adjacent to the Friend Community Health System and adjacent to Area 1 on two sides, see Figure 1.

The legal description is as follows:

The point of beginning is the intersection of the centerlines of Spring Street and 2<sup>nd</sup> Street; thence, westerly along the centerline of 2<sup>nd</sup> Street to the intersection with the centerline of Cherry Street; thence, southerly along the centerline of Cherry Street to the intersection with the centerline of 3<sup>rd</sup> Street; thence easterly along the centerline of 3<sup>rd</sup> Street to the intersection with the centerline of Spring Street; thence northerly along the centerline of Main Street to the point of beginning.

*The Area is 2.6 acres*

## **AREA 5- Chestnut/Cherry Block**

The Chestnut/Cherry Block is in the south portion of Friend, see Figure 1.

The legal description is as follows:

The point of beginning is the intersection of the centerlines of Cherry Street and 6<sup>th</sup> Street; thence, westerly along the centerline of 6<sup>th</sup> Street to the intersection with the centerline of Chestnut Street; thence, southerly along the centerline of Chestnut Street to the intersection with the centerline of 9<sup>th</sup> Street; thence easterly along the centerline of 9<sup>th</sup> Street to the intersection with the centerline of Cherry Street; thence northerly along the centerline of Cherry Street to the point of beginning.

*The Area is 8.15 acres*

**Section 2.** The Redevelopment Areas are hereby further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Areas meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act, and (b) at least one of the factors set forth in (i) through (v) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

**Section 3.** The blighted and substandard conditions existing in the Redevelopment Areas are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

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**Section 4.** The Redevelopment Areas are in need of redevelopment and are or will be eligible sites for redevelopment projects under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

**Section 5.** This resolution shall be published and shall be in full force and effect from and after its passage as provided by law.

Motion to approve Resolution No. 20-06 was made by Schrock, seconded by Ryan. On roll call voting aye, Krause, Stutzman, Ryan, Schrock. Nays none. Resolution No. 20-06 was passed and approved by the City Council of the City of Friend, Nebraska on this 7th day of July 2020.

Kristen Milton reported on behalf of the pool committee. Kristen stated that in order to move forward with construction, Council must approve the Guaranteed Maximum Price of the project at \$2,658,300.00. Substantial completion date is guaranteed for Memorial Weekend, May 2021 which means the pool will be operational with final completion of June 2021. Milton also reported that if the parking changes from the original plan, that will be at the city's expense.

Motion to approve and enter the Guaranteed Maximum Price contract for \$2,658,300.00 was made by Krause, seconded by Stutzman. On roll call voting aye, Schrock, Ryan, Stutzman, Krause. Nays none. Motion carried.

Billy Baugh reported on behalf of the Public Works Department. Baugh reported outside the normal duties all fire hydrants have been repainted along with pipes and rails at the sewer plant and two doors at the community building. Water has been hooked up to the backflow device at pond and the new light posts have come in so will work at getting those put up. There were 23 locates this last month; the guys hung two new closed-in swings at the park and sprayed the bricks uptown. Half the depot has been painted and windows have been glazed. We have fogged 12 times since June 17 and will continue to do so as wind and weather permits. Billy said he is waiting for classes and tests to open back up to get Doug and Dennis in to take their Wastewater test. Baugh said they spent quite a bit of time working on the sunshade at the pool. They were able to get the arms and the rack that holds the canopy out but ran into some trouble with the legs. Ryan and Brooke worked on a sidewalk study.

Police Chief Shawn Gray reported on behalf of the Friend Police Department. Gray states they are over 200 calls for the year which is about 100 calls ahead of last year. Chief Gray reported there were no injury reports on the 4<sup>th</sup> of July and very minimal enforcement was needed. The only other item Gray had was to review and approve the vehicle specific equipment quote for the new pickup.

Motion to approve the vehicle specific equipment quote for the new Dodge Ram police pickup was made by Stutzman, seconded by Ryan. On roll call voting aye, Krause, Schrock, Ryan, Stutzman. Nays none. Motion carried.

Building Inspector, Mark Stutzman gave his report. Stutzman states he contacted the Seward Building Inspector and he has agreed to inspect Mark's house once he gets to that point. Discussion was held on fences. Homeowner at 2<sup>nd</sup> & Cherry would like to take out the existing fence and put up a solid 6-foot fence. Stutzman will discuss this further with the homeowner.

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There was discussion on the purchase of the Nickel building. Since there are still details to work through and a public hearing would have to be held to consider this purchase, it was decided to table any action on this item at this time.

A decision was made to table the timekeeping/timeclock by city employees to the August meeting.

Rodney Brejcha attended the meeting to discuss handicap sidewalks. Discussion was had on how to proceed with getting sidewalks through town and what obligation is the City vs. homeowner responsibility. Attorney Katie Spohn stated the City has no obligation to build sidewalks but if the sidewalk is or asked to be constructed, then the City would have the obligation to be sure they are constructed and maintained as appropriate. If something needs repair, the landowner is notified and asked to make necessary repairs. If landowner does not comply, the City will have the work done and assess the cost to the landowner. This subject will take time to figure out cost and what all would be involved. A suggestion was made to gather a group of interested individuals to collect information and bring to council at a later time.

A motion was made by Schrock, seconded by Stutzman to approve Friend Rescue to get specs and quote for new ambulance. On roll call voting aye, Ryan, Stutzman, Schrock. Krause Abstain. Nays none. Motion carried.

Saline County Area Transit submitted their annual allocation request for 2020-2021 of Friend's share of local matching funds in the amount of \$2211. (The request from last year was \$2211.) Motion was made by Stutzman, seconded by Schrock to approve the Saline County Area Transit 2020-2021 allocation request of \$2211 for Friend's share of local matching funds. On roll call voting aye, Ryan, Krause, Schrock, Stutzman. Nays none. Motion carried.

Mayor Knoke discussed next steps in recovering unpaid accounts from those customers that have moved out of town. Motion made by Schrock, seconded by Krause to allow the Mayor and City Attorney to pursue recovering funds for these accounts. On roll call voting aye, Stutzman, Ryan, Krause, 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 8:47 p.m.

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Judith Knoke, Mayor

ATTEST

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Kim Goossen, City Clerk

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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 June 2, 2020; 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, August 4, 2020** 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.

Kim Goossen, City Clerk