

MINUTE RECORD

FRIEND CITY COUNCIL MINUTES-REGULAR MEETING JANUARY 5, 2021

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: Jeremy Collier, David Sladek, Shane Stutzman and Kristen Milton. 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. Martin Verwey attended the meeting to inquire if it was okay for him to look into putting solar panels on his home. Council recommended Mr. Verwey contact Mark Stutzman and work together with him on any specifications.

Kristen Milton provided the Council with an update on the pool construction. Milton stated there is a site walk-thru scheduled for Thursday at 10:45 a.m. and invited any of the council members to attend. Steps and benches are the only things left to pour inside the pool. Kristen said the plumber is 90% complete with the underground plumbing at bath house. The recirculation line is complete and the sewer and water lines are complete to building. The slab for the bath house will be poured soon. Milton states construction is on schedule or even a little ahead and roughly 50-55% complete at this time. The colors chosen for the pool are blues and grays.

Motioned by Stutzman, seconded by Collier, to approve the Minutes of the December 1, 2020 Regular Meeting and the December 2020 Treasurer's Report as presented and file same. On roll call voting aye to approve minutes of the December 1, 2020 Regular Meeting and the December 2020 Treasurer's Report, Sladek, Milton, Collier, Stutzman. Nays none. Motion carried.

A motion was made by Stutzman, seconded by Sladek, 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, Milton, Collier, Sladek, Stutzman. Nays none. Motion carried.

The claims approved were as follows: December Payroll, 29,911.12; Ameritas, 2,840.35; EFTPS, 9,133.79; NE Dept of Rev SWH, 682.15; 34 Electric, su 130.00; Allied 100, su 112.00; BOK Financial, fe 25,452.00; Baker & Taylor Books, su 33.39; Bartels Body Shop, se 257.50; Blue Blossom, su 48.15; BCBS of NE, fe 8,395.25; Border States, su 1272.43; Bruning Law, fe 4158.00; CLIA Lab Program, fe 180.00; Carrothers Construction, fe 285,837.12; Center Point Large Print, su 88.68; Jacob & Johnathan Clouse, fe 450.00; CRA, fe 2230.21; Core & Main, su

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297.00; Culligan, se & su 181.32; Diode, fe 46.45; Dollar General, su 69.35; EMC Ins, fe 854.00; Eakes, se & su 545.50; Exeter Lumber, su 23.44; First Wireless, su 1595.00; Graham Tire, su 82.00; Johnson Pharmacy, su 83.94; Kirkham Michael, fe 2000.00; Lincoln Winwater, su 46.01; MacQueen Equip, se 6547.76; The Magnolia Journal, su 30.00; Menards, su 102.27; Chris Michl, se 436.80; NE Public Health Environ Lab, se 78.00; NE State Patrol, fe 115.00; Norris Public Power, se 5302.44; Diane Odoski, re 106.22; One Call Concepts, se 10.39; Orkin, se 60.32; Paper Tiger Shredding, se 30.00; Postmaster, fe 240.00; Potter Repair, se 28.80; Principal Mutual Life, fe 63.12; Romans Wiemer, fe 84.00; Saline County 4-H, fe 40.00; Salt Creek Software, fe 2140.00; Schindler Elevator, se 173.40; Sensus USA, fe 1949.94; Seward County Independent, fe 121.88; Marvin Slepicka, fe 1250.00; Southern Lady, su 42.00; Steve's Repair, se 1019.80; Mark Stutzman, fe 2350.00; Verizon Wireless, se 321.67; Waste Connections, se 310.16; Darla Welch, fe 450.00; White Electric, su 81.90. Total Claims Approved \$400,522.02.

Mayor Knoke read proposed Resolution #21-01

RESOLUTION # 21-01 SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2020

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor of City of Friend is hereby authorized to sign the attached Year-End Certification of City Street Superintendent for Ryan A.Brandt, License Number 1568, Class A, for the period of January 1, 2020 to September 15, 2020.

Motion was made by Stutzman, seconded by Sladek to approve Resolution #21-01 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form certifying Ryan

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A.Brandt, License Number 1568, Class A, was the appointed City Street Superintendent for the period of January 1, 2020 to September 15, 2020. On roll call, voting aye, Collier, Milton, Sladek, Stutzman. Nays, none. Motion carried. Resolution #21-01 was passed and approved this 5th day of January 2021.

Mayor Knoke read proposed Resolution #21-02

RESOLUTION # 21-02 SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2020

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor of City of Friend is hereby authorized to sign the attached Year-End Certification of City Street Superintendent for Daniel L. Sitorius, License Number 1558, Class A, for the period of September 16, 2020 to December 31, 2020.

Motion was made by Stutzman, seconded by Milton to approve Resolution #21-02 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form certifying Daniel L. Sitorius, License Number 1558, Class A, was the appointed City Street Superintendent for the period of September 16, 2020 to December 31, 2020. On roll call, voting aye, Sladek, Collier, Milton, Stutzman. Nays, none. Motion carried. Resolution #21-02 was passed and approved this 5th day of January 2021.

Mayor Knoke presented for the first of three readings, Ordinance No. 21-769.

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ORDINANCE NO. 21-769

AN ORDINANCE TO AMEND CHAPTER 97: FIRE REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE OUTDOOR FIREPLACES, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 97 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

§ 97.024 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIMINEA. An outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires.

FIRE PIT. An above-ground or below-ground vessel usually constructed of steel, concrete, brick and/or stones with a heavy steel screen cover in which a contained fire is made.

FIRE RING. A device used to contain recreational fires and prevent them from spreading. Commonly constructed using a metal tube partially buried in the ground, poured concrete, stones, or other type of material used for an enclosure.

OUTDOOR FIREPLACE. An area that uses wood as a fuel and is used for contained recreational fires for the purpose of outdoor cooking and personal enjoyment. Includes fire pits, portable fire pits, chimineas, and fire rings. Does not include barbeque grills that use propane or charcoal as a fuel and are primarily for outdoor cooking.

PORTABLE FIRE PIT. A freestanding vessel usually constructed of steel, concrete, brick and/or stones and constructed above ground with a heavy steel screen cover intended to confine and control outdoor wood fires.

FIRE PREVENTION

§ 97.029 OUTDOOR FIREPLACE REGULATION.

(A) All outdoor fireplaces shall meet the following requirements:

(1) A minimum ten-foot clearance shall be maintained between the outdoor fireplace and combustible walls, roofs, fences, and other combustible material. A minimum ten-foot clearance shall also be maintained between the outdoor fireplace and combustible balconies or

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decks unless the outdoor fireplace is placed on a stable, non-combustible surface such as a concrete pad.

(2) Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by steel screening or an approved non-combustible screening material with openings in screening to be not larger than one-half-inch square. Vent stacks and chimneys shall have a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square or as approved by the building inspector. Fire fuel areas for fire pits shall be covered with a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.

(3) The fuel area for a fire pit shall not be larger than three (3) feet in diameter and a height of more than two (2) feet.

(4) Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad. Outdoor fireplaces shall not be located on combustible balconies or decks (unless they are located on a stable, non-combustible surface such as a concrete pad), or on any balcony above the first floor. Outdoor fireplaces shall not be located under any combustible balcony or any overhanging part of a structure.

(5) Outdoor fireplaces shall only burn untreated wood. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

(6) The amount of material being burnt shall be limited to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend into the chimney or above the pit. The manufacturer's recommendation on the maximum amount of fuel to be used at one time shall be followed.

(7) Outdoor fireplaces shall be under constant supervision by at least one (1) responsible person of age eighteen (18) or older from the ignition of the fire until the fire is completely extinguished, and embers are cool and the fire will not rekindle.

(8) A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

(9) Outdoor fireplaces shall not be operated when winds are blowing over twenty (20) mph and wind direction will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

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(10) The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. The outdoor fireplace shall be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

(11) Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance. The fire chief is authorized to require outdoor fireplace use to be immediately discontinued if the use of the outdoor fireplace is determined by the chief to constitute a hazardous condition to occupants of surrounding property.

(12) A site plan showing the location of the outdoor fireplace on the property and a detailed drawing of the construction of the outdoor fireplace, along with a permit fee of \$10.00, shall be submitted to the Municipal Clerk who will forward plans and drawings to the building inspector for review. Approved plans will serve as the permit. A permit will not be required for portable fire pits of chimineas provided they are commercially designed and have been approved by an independent testing laboratory. Outdoor fireplaces shall comply with the city zoning and building ordinances.

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Proposed Ordinance No. 21-770 was read by Mayor Knoke. Councilman Stutzman moved that the statutory rule requiring reading on three different days be suspended. Councilman Sladek seconded the motion to suspend the rules and upon roll call, voting on the motion was as follows: Members voting aye, Collier, Milton, Sladek, Stutzman. 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. 21-770

AN ORDINANCE TO GRANT A VARIANCE TO THE ZONING REGULATIONS WITH REGARD TO FRIEND PRCT PT NW 1/4 NE 1/4 SEC 23-8-1, IDENTIFIED AS PARCEL #760062189, IN THE CITY OF FRIEND, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, The Municipal Code of the City of Friend currently regulates zoning in R-1 Residence District to require minimum yard sizes; and

WHEREAS, the Mayor and City Council find a variance is in the public interest to allow the Friend Community Health Care System to construct improvements as described in Exhibit A and approved by the Planning Commission on November 12, 2020. The Mayor and City Council further find said plans do not nullify the intent and purpose of the comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRIEND, NEBRASKA, AS FOLLOWS:

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Section 1. That variance of the City of Friend's zoning regulations is allowed for the improvements outlined in Attachment A and approved by the Planning Commission on November 12, 2020.

Section 2. That all ordinances and parts of ordinances in conflict herewith are hereby specifically repealed.

Section 3. Should any section, paragraph, sentence, or word of this Ordinance be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Friend, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination hereof of any such portion as may be declared invalid.

Section 4. This ordinance shall take full force and effect beginning on the date of its passage, approval, and publication or posting as required by law.

Councilman Stutzman moved for final passage of Ordinance Number 21-770, which motion was seconded by Councilman Sladek. On roll call voting aye, Milton, Collier, Sladek, 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 21-770 was adopted this 5th day of January 2021.

Motioned by Stutzman, seconded by Milton to approve continued discussion with the Village of Exeter regarding an Interlocal Agreement for Police Services. On roll call voting aye, Collier, Sladek, Milton, Stutzman. Nays none. Motion carried.

Discussion was held regarding the request from Friend Community Healthcare Systems to lay new rock on the city lot located at 2nd and Summer Street to be used as a staging area for parking and construction purposes. Motion was made by Milton, seconded by Stutzman to approve improvements to the City Lot across from FCHS for parking and construction purposes. On roll call voting aye, Sladek, Collier, Stutzman, Milton. Nays none. Motion carried.

Building Inspector, Mark Stutzman, had nothing to report.

Police Chief, Shawn Gray gave his report. Gray stated they ended 2020 with a total of 402 calls for service.

Billy Baugh reported on behalf of the Public Works department. Items he reported on included the following:

- 17 locates;
- snow removal twice in the last month;
- added rock in the alley west of Congregational Church;
- will put in about 80' of guardrail down the alley where trees were removed;
- move recycle bins to West Third Street;
- draft ordinance for snow removal and parking emergency.

Motioned by Sladek, seconded by Milton to approve the revision of On-Call Pay to \$25 per day. On roll call voting aye, Stutzman, Collier, Milton, Sladek. Nays none. Motion carried.

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Steve Ryan attended the meeting to request reimbursement for expenses paid to Pribyl Plumbing. In October of 2020, he noticed a foul odor in their basement. Since that bathroom is rarely used, he thought it could be the traps in the sink and shower that had dried up. Upon opening the shower door, he saw there was evidence of raw sewage on the floor as well as the floor drain in the utility room. He made a call to Pribyl Plumbing and they came out and ran a snake 100 foot to clean the supposed plug in his line. That did not resolve the issue so they pulled the manhole cover and noticed sewage had filled the main and was up the ladder. Since this was a city issue, Mr. Ryan is asking to be reimbursed in the amount of \$215.00 he paid to Pribyl Plumbing.

Motion made by Stutzman, seconded by Collier to approve the City reimburse Mr. Ryan in the amount of \$215.00 for expenses he paid to Pribyl Plumbing. On roll call voting aye, Sladek, Milton, Collier, Stutzman. Nays none. Motion carried.

Marvin Slepicka was in attendance to ask for an increase of \$250 to the monthly dump fee he is paid by the City. After discussion, motion was made by Stutzman, second by Collier to table the request for an increase to the monthly dump fee. On roll call voting aye, Collier, Sladek, Milton, Stutzman. Nays none. Motion tabled.

Motioned by Sladek, seconded by Stutzman to table the City Hall Office Personnel working four 10-hour day work week. On roll call voting aye, Milton, Collier, Stutzman, Sladek. Nays none. Motion tabled.

Discussion was had on the hiring of Grady Hampton Smith III. Chief Gray stated that if the contract with Exeter is agreed upon, Grady would be the officer to fill that position. By hiring Grady at this time allows Chief Gray to reserve a spot for him at the NLETC Basic Training Session beginning May 2021. Motion was made by Stutzman, seconded by Sladek, to approve the hire of Grady Hampton Smith III as full-time Police Officer for the City of Friend at a rate of \$16.50 per hour. On roll call voting aye, Milton, Collier, Sladek, Stutzman. Nays none. Motion carried.

Mayor Knoke gave the Council her recommendations for appointments to fill expired/vacant positions on committees for 2021. Motion was made by Collier, seconded by Milton to accept Mayor Knoke's recommended appointments to fill expired/vacant positions on committees for 2021. On roll call voting aye, Stutzman, Sladek, Milton, Collier. Nays none. Motion carried. (A complete copy of appointed positions and committees is available to view upon request at City Hall during regular office hours.)

Motioned by Sladek, seconded by Stutzman to approve the appointment of Daniel L. Sitorius with Kirkham Michael as City Street Superintendent for 2021. On roll call voting aye, Collier, Milton, Stutzman, Sladek. Nays none. Motion carried.

No further business to come before the City Council, motion was made by Stutzman, seconded by Sladek, to adjourn the meeting. On roll call voting aye, Collier, Milton, Sladek, Stutzman. Nays, none. Motion carried. Meeting adjourned at 8:16 p.m.

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Judith K. Knoke, Mayor

ATTEST

Kimberly Goossen, 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 1, 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.

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, February 2, 2021** 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.

Kimberly Goossen, City Clerk