

MINUTE RECORD

FRIEND CITY COUNCIL MINUTES-REGULAR MEETING FEBRUARY 2, 2021

Mayor Knoke called the regular meeting of the City Council to order at 7:02 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: Kristen Milton, Jeremy Collier, David Sladek, 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.

In public comments, Chantel Collier brought a request to council regarding sidewalk repair in front of her clinic on 2nd Street. She would also like to install a handrail at the street to assist patients onto the sidewalk. Shane Stutzman stated she would need to complete a building permit and discuss her plans with Mark Stutzman but any repair and improvements would be at her expense. Chantel stated she would like to have a copy of this section of the code book and will contact City Hall about that. No other public comments were offered.

Motioned by Stutzman, seconded by Milton, to approve the Minutes of the January 5, 2021 Regular Meeting and the January 2021 Treasurer's Report as presented and file same. On roll call voting aye to approve minutes of the January 5, 2021 Regular Meeting and the January 2021 Treasurer's Report, Sladek, Collier, Milton, Stutzman. Nays none. Motion carried.

Motioned by Milton, seconded by Sladek, to approve the Friend Community Healthcare Systems Financial Reports for December 2020. On roll call voting aye Collier, Stutzman, Sladek, Milton. Nays none. Motion carried.

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

The claims approved were as follows: January Payroll, 27,890.09; Ameritas, 2,773.55; EFTPS, 8,746.92; NE Dept of Rev SWH, 1,474.91; Aqua-Chem, su 1027.00; Baker & Taylor Books, su 50.36; Eric Bardell, re 20.00; Beatrice Concrete, su 687.57; Black Hills Energy, fe 957.14; BCBS of NE, fe 8,395.25; Border States, su 102.33; Bruning Law, fe 6479.75; Carrothers Construction, fe 340,871.65; CAT Financial, fe 7438.75; Center Point Large Print, su 88.68; Jacob & Johnathan Clouse, fe 450.00; CRA, fe 1705.31; Cole Dickinson, re 40.00; Diode, fe 46.45; Dollar General, su 33.25; Eakes, se & su 910.45; Family Handyman, su 13.00; First Wireless, su 98.00; Gale, su 45.73; Galls Inc, su 211.96; Great Plains Uniforms, su 466.95;

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Debra Hulse, re 40.00; Johnson Pharmacy, su 25.99; Judith Knoke, re 40.00; Seth Knoke, re 80.00; NE Public Health Environ Lab, se 30.00; NE Rural Water, fe 175.00; NEMSA, fe 230.00; National Arbor Day Foundation, fe 20.00; Norris Public Power, se 5302.44; One Call Concepts, se 11.54; Orkin, se 60.32; Kelly Paulsen, re 68.26; Principal Mutual Life, fe 63.12; Mindy Rohrig, re 20.00; Ray Rohrig, re 40.00; Seward County Independent, fe 127.22; Marvin Slepicka, fe 1250.00; Smart Apple Media, su 399.99; Sons of American Legion, fe 780.00; Southern Living, su 15.00; Steve's Repair, se 708.24; Aliscia Stutzman, re 20.00; T&R Electric, su 4895.00; Waste Connections, se 338.84; Darla Welch, fe 450.00; White Electric, su 340.56. Total Claims Approved \$426,556.57.

Proposed Ordinance No. 21-771 was read by title, by Mayor Knoke.

ORDINANCE NO. 21-771

AN ORDINANCE TO AMEND CHAPTER 92: PUBLIC WAYS AND PROPERTY OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE SNOW, ICE, AND REFUSE MATTER IN PUBLIC RIGHT-OF-WAY, 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 92 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

§ 92.026 SNOW, ICE, AND REFUSE MATTER IN PUBLIC RIGHT-OF-WAY

(A) It shall be unlawful for any person to throw, cast, drop, place, deposit, or cause to be thrown, cast, dropped, placed, or deposited on any sidewalk, street, alley, or other public way any water, grass, leaves, branches, hay, straw, paper, parings, ashes, sand, mulch, non-organic mulch or other refuse or debris in any public way or place except with permission from the City Street Superintendent. Furthermore, no person shall stack, mound, or otherwise place snow or ice, or cause snow or ice to be stacked, mounded, or otherwise placed in any street, highway, alley, roadway, right-of-way, or sidewalk.

Penalty, see § 92.999.

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. 21-769 was read by title, by Mayor Knoke.

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,

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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 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

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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.

(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

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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.

Discussion was held again on Marv Slepicka's request for an increase of his fee at the city dump. Jeremy Collier stated he thinks it best to agree on an amount that is satisfactory for both Marv and the City and get a signed lease. Another option discussed was to go back to having the dump open just certain days and at specific times. Marvin states he has tried that and it does not work. Council will discuss this at the next meeting.

Discussion was had on City Hall office personnel going to four 10-hour days. Deputy Clerk Paulsen stated that the hours would remain the same (7:00 a.m. to 5:00 p.m.) the only difference being that one day a week there would only be one person in the office. Motion was made by Stutzman, seconded by Milton, to approve the City Hall office personnel work four 10-hour days for a 90-day trial period beginning February 8, 2021. On roll call voting aye, Sladek, Collier, Milton, Stutzman. Nays none. Motion carried.

Council held continued discussion on the Interlocal Agreement with the Village of Exeter for Police Services. Since Friend would be handling the scheduling and payroll, Chief Gray is proposing to Exeter that they pay \$25,000 plus ½ cost of training and equipment. Shawn will present this at the Village of Exeter's Board Meeting next Tuesday, February 9, 2021.

Mayor Knoke stated that the invitation for bid opened up for Friend Community Healthcare System. The next hospital meeting will have the audit presentation and Mayor Knoke encouraged as many Council members that could attend to do so.

Kristen Milton provided the Council with an update on the pool construction. Milton stated they are 2/3 done with project. The Bulldog slide has arrived, been wrapped up and put away. Discussion was held on the addition of having a couple areas of turf at the pool. It provides a cooler area for kids to hang out on during breaks and is easy maintenance. All light poles can have speakers on them and the bath house will start going up soon.

There was no Building Inspector report.

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Police Chief, Shawn Gray, reported they are still on par for calls and Hampton is working out well. Gray states the Department of Justice issued a mandate that to remain eligible for federal grant funding he had to amend the Use of Force Policy. Revisions included adding a definition for chokehold to mean *a physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation*. Another revision was made under "Use of Non-Lethal Force" to add: *Due to the inherent risk of causing death or serious and permanent brain damage the Lateral Vascular Neck Restraint (LVNR), chokeholds or any maneuver or tactic that prevents breathing or obstructs an individual's airway is prohibited except in cases where deadly force is justifiable*. Motion made by Stutzman, seconded by Collier to accept and approve the Revisions to the Use of Force Policy for the Police Department. On roll call voting aye, Sladek, Milton, Collier, Stutzman. Nays none. Motion carried.

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

- Rick Nelson has requested to plant a tree in memory of his mom and dad. This will most likely be planted at the park over on South 10th Street;
- 17 locates;
- rock for hospital lot was ordered and then canceled due to snow;
- changed out a power pole on 6th Street;
- guardrails are ready to install in the alley west of the Congregational Church;
- recycle bins have been moved to West Third Street and graveled;
- graveled three blocks on 3rd St and over at "Dead Man's Curve";
- will look into doing a rate study for electric, water and sewer;
- setting a fee for baseball/softball teams using the ballfield.

On behalf of the Friend Community Redevelopment Authority, Jim Ryan attended the meeting to present to the Mayor and Council the CRA's 2020 Year-End Financial Reports.

Motion to approve the CRA's 2020 Year-End Financial Reports for Tax Increment Financing and Occupation Taxes from the Enhanced Employment Area was made by Sladek, seconded by Milton. On roll call voting aye, Stutzman, Collier, Milton, Sladek. Nays none. Motion carried.

Motion to approve the Gilbert Library 2020 Annual Report was made by Milton, seconded by Collier. On roll call voting aye, Sladek, Stutzman, Collier, Milton. Nays none. Motion carried.

Discussion was held on having a single source for garbage collection that would be billed monthly on the city bill. Information was reviewed for cost proposals between Waste Connections and Lancaster County Waste. Discussion will continue at the next meeting.

Discussion was held on the City Contribution for the 4th of July fireworks display. The discussion was to contribute a little more this year since it is also the same weekend as the 150th Celebration. Motion was made by Collier, second by Stutzman to approve \$4,000 as the City's Contribution to the 4th of July/150th Celebration fireworks display. On roll call voting aye, Milton, Sladek, Stutzman, Collier. Nays none. Motion carried.

Motion was made by Milton, seconded by Sladek, to enter into agreement by and between certain cities, villages and rural fire protection districts of the State of Nebraska to create a

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mutual finance organization, known as the Saline County Rural Fire Protection Mutual Finance Organization, as authorized by the Nebraska Municipal Finance Assistance Act by authorizing Mayor Knoke to sign necessary documentation upon receipt. On roll call voting aye, Collier, Stutzman, Sladek, Milton. Nays none. Motion carried.

No further business to come before the City Council, motion was made by Sladek, seconded by Stutzman, to adjourn the meeting. On roll call voting aye, Milton, Collier, Stutzman, Sladek. Nays, none. Motion carried. Meeting adjourned at 9:18 p.m.

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 February 2, 2021; 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, March 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