

ORDINANCE NO. 10-719

AN ORDINANCE RELATING TO occupation taxes within the City of Friend; to amend the amounts of taxes on certain occupations; to repeal all ordinances and sections in conflict herewith; and to provide an effective date.

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

Section 1: That Section 10-401 of the Municipal Code of the City of Friend, Nebraska is hereby amended to read as follows:

10-401 Occupation Tax; Purpose; Amounts. For the purpose of raising revenue there is hereby levied an occupation tax upon the occupations and businesses carried on within the corporate limits of the City of Friend, Nebraska as specified in this section. Every person, firm, association, partnership or corporation carrying on the occupation or business shall pay to the municipal clerk the sum specified as a tax upon their respective occupation or business. All money so collected shall be paid over by the clerk to the general fund of the municipality. The money shall be and remain under the control of the Mayor and the City Council for such use and purpose as other monies belonging to the City of Friend.

Sale of Alcoholic Beverages:

Alcoholic Beverages as authorized by Section 53-132(4) of the Nebraska Liquor Control Act, the occupation taxes for Liquor License Holders of the City of Friend, Nebraska will be an amount equal to the amount of the license fees established by the Nebraska Liquor Control Commission. For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the Nebraska Liquor Control Commission.

Sale of Fireworks:

Local Non-Profit Organization and Retail Vendors \$100.00

Telephone Companies:

Four percent (4%) of annual gross revenues derived from mobile telecommunications services which shall mean a wireless communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

Both one-way and two-way wireless communications services; a mobile service which provides regularly interacting group of base, mobile, portable, and associated control and relay stations, whether on an individual, cooperative, or multiple basis for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and any personal communications service.

Four percent (4%) of annual gross revenues derived from the providing of land-based to land-based interstate and intrastate calling services to and from and within the corporate limits of the City of Friend.

Natural Gas Companies:

Four percent (4%) of annual gross revenues derived by the grantee from sales of natural gas delivered within the City limits.

Cable TV Companies:

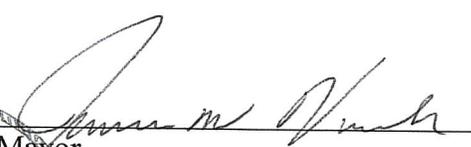
Five percent (5%) of the annual gross revenues, due and payable on March 1 of each year for the previous calendar year.

Section 2: Any other ordinance or section passed and approved prior to the passage and approval of this ordinance and in conflict with its provisions is hereby repealed.

Section 3: This ordinance shall take effect and be in full force from and after its approval and publication or posting as required by law.

Adopted this 7th day of December 2010.

CITY OF FRIEND, NEBRASKA



Mayor

Attest:




City Clerk/Treasurer

MINUTE RECORD

FRIEND CITY COUNCIL MINUTES-REGULAR MEETING DECEMBER 7, 2010

File as

Ordinance

10-719.

Mayor Vossler called the regular meeting of the City Council to order at 7:00 p.m. in City Hall. Advanced notice of the meeting was given by publication in The Sentinel, the standard 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: Harlan Schrock, Dan Drake, Dal Stanley Krause. Attorney Mullally was also in attendance. A quorum being present, 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.

Mayor Vossler announced that public comments would be received at this time. None were offered.

Motioned by Drake, seconded by Schrock to approve the Minutes of the November 2, 2010 regular meeting, and the November 2010 Treasurer's Report as presented and file same. On roll call voting aye to approve the November 2, 2010 regular meeting minutes, and the November 2010 Treasurer's Report, Lawver, Schrock, Drake, Krause. Nays none. Motion carried.

Motion to approve the WMH Financial Statements for September 2010 was made by Schrock, seconded by Lawver. On roll call voting aye, Krause, Schrock, Lawver, Drake. Nays none. Motion carried.

A motion was made by Drake, seconded by Krause, 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, Lawver, Krause, Drake, Schrock. Nays none. Motion carried.

The claims approved were as follows: November Payroll, 17,976.38; Ameritas, 2322.40; EFTPS, 4962.20; Aflac Insurance, 153.42; BVH, su 11.79; Baker & Taylor, su 199.21; Beaver Hardware, su 53.88; Black Hills Energy, fe 132.01; Brandenburgh Disposal, se 76.61; Central NE Bobcat, fe 2068.40; Central States, su 7744.95; Chief Supply, su 119.98; Keith Clouse, fe 250.00; Computer Tutor, se 385.00; Crete Lumber, su 109.13; Discover, su 1222.44; Eakes, su 153.98; Emblem Enterprises, su 141.51; EMS, re 144.80; Exeter Lumber, su 227.43; Fireguard, su 19,792.56; Friend Ins, fe 100.00; Gene's Electric, se & su 9611.65; General Fire, se 1220.50; Great Plains, se 12.90; Jean's Creative Sewing, se 38.50; Johnsons, su 82.40; Jr Library Guild, su 40.17; Kirkham Michael, fe 2160.00; Konica, fe 79.20; Jackie Larsen, re 83.45; Matthew Bender, se 103.87; Menards, su 1108.71; Mid Plains, se 502.16; Mid State Engineering, se 1064.00; Midwest Labs, se 181.98; Midwest Radar, se 80.00; Michael Mullally, fe 910.00; NDEQ, fe 7392.78; NE Dept of Rev, SWH 658.38 & ST 8488.01; NE Muni Power Pool, fe 7813.00; NE Public Health, se 170.00; NE Public Power, se 48,487.21; NMC, fe 2600.00; Norris Public Power, se 5751.20; Office Cash, su 469.55; Pat Thomas Const, fe 3546.73; Pioneer Publishing, fe 98.00; Postmaster, 192.20; Principal Mutual, fe 4590.11; Railroad Mgmt, fe 109.81; Saline County Clerk, 5.50; Scholastic Library, su 10.04; Seward County Independent, fe 112.80; Sewer Equip, su 801.41; Shell Fleet Plus, su 204.26; Marvin Slepicka, fe 750.00; Steve's Repair, se 640.60; TV Svc, se 34.49; The Garbage Co, se 203.07; Troyer Concrete, su 2045.00; Verizon Wireless, se 492.19; Windstream, se 721.61; Zito Media, se 39.95. Total Claims Approved \$172,055.47.

Proposed Ordinance Number 10-719 was introduced and read. Councilman Schrock moved that the statutory rule requiring reading on three different days be suspended. Councilman Drake seconded the motion to suspend the rule and upon roll call, voting on the motion was as follows: Members voting aye, Lawver, Schrock, Drake, Krause. Members voting nay, none.

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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.

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MINUTE RECORD

Section 3: This ordinance shall take effect and be in full force from and after its approval and publication or posting as required by law.

Motion to adopt Ordinance Number 10-719 was made by Krause, seconded by Lawver. On roll call voting aye, Drake, Krause, Lawver, Schrock. Nays none. Motion carried. Ordinance Number 10-719 was passed and approved this 7th day of December 2010.

Building Inspector, Mark Stutzman, gave his report. Stutzman reported that the Board of Adjustments met to discuss the location of a new maintenance building for Saline County. Their plan is to remove the existing maintenance building and construct a new building at the same location. The Board of Adjustments approved Saline County's request to construct this new building at the location of the existing building, maintaining the same set backs. Motion was made by Krause, seconded by Schrock, to accept the Board of Adjustments decision to approve Saline County's request to construct a building at the location of the existing building, maintaining the same set backs. On roll call voting aye, Lawver, Drake, Schrock, Krause. Nays none. Motion carried.

Mark Stutzman reported that he has approved two building permit applications, one for Dale Young, and the other for Brother's Equipment. Stutzman said he also received a permit application from Bob Milton for a 30 X 50 Astro building to be constructed behind his home.

Mark Stutzman informed the Council that he had a conversation with an individual inquiring about putting an addition on their house. The addition would result in an eight foot distance between this residence and the residence on the adjoining property, as the residence on the adjoining property is only one foot from the property and the existing building to be added onto would be seven feet from the property after the addition.

Relating to an ordinance signed in 1995 relating to cable TV, service to public buildings is to be provided at no cost by the cable company. The name of the current cable TV service provider is Zito Media. Further research will be done on this issue.

Utilities Superintendent, Patrick Gates, gave his report. Gates informed the Council that he received a Contractor's Progress Estimate Number 2 (final) for the Chestnut Street Culvert Replacement project. The estimate is for \$7,090.88. Payment has been submitted for a change order for this project in the amount of \$3,544.15. Therefore the amount owed to Pat Thomas Construction is \$7,090.88 less \$3,544.15. Motion was made by Lawver, seconded by Schrock, to approve Contractor's Progress Estimate Number 2 (final) for \$7090.88, less Change Order Number 1, for \$3,544.15, and to authorize payment of \$3,546.73 payable to Pat Thomas Construction, Inc. On roll call voting aye, Krause, Schrock, Lawver, Drake. Nays none. Motion carried.

Patrick Gates reported that with Council's approval, he would refund the Village of Cordova the amount that they have been overcharged for water usage. This amount would be refunded in the form of a credit to their account. The approximate amount is \$5,000. Motion to credit the Village of Cordova utility account for approximately \$5,000, with the exact amount to be calculated by Patrick Gates, for an overcharge on their water usage was made by Krause, seconded by Lawver. On roll call voting aye, Schrock, Drake, Lawver, Krause. Nays none. Motion carried.

Relating to the pond project, Patrick Gates informed the Council that he applied for and received an extension for this project until July for remaining completion of items, including sodding and seeding.

Gates reported that the first payment of the ARRA funding loan on the pond project of \$7392.78 is due in December. This will be paid for from the water department, however, payments will be drawn from the sewer department until \$100,000 of reimbursement to the water department for the recent sewer improvement project is paid off.

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Stanley Krause reported on behalf of the Friend Fire Department. Krause reported that the Department did not receive the grant they applied for, for air packs. They did purchase six packs for approximately \$20,000. This includes masks and harnesses.

Relating to the proposed personnel handbook, Clerk Debbie Gilmer was directed to provide copies of the handbook to all employees for their review, and to include this on the January City Council meeting agenda for further consideration.

Discussion was had relating to continuing violations occurring at the Friend city dumpsite. No action taken at this time.

Jim Ryan was in attendance to present a recommendation to the Council from the Friend Industrial Development Corporation for a CDBG loan to Jeffrey T. Rogers and Lisa M. Alvarez as a part of their acquisition of Keith Rogers RTS LLC. Motion was made by Drake, seconded by Schrock, to accept the Friend Industrial Development Corporation's recommendation and approve a CDBG fund loan to Jeffrey T. Rogers and Lisa M. Alvarez, dba Polytech LLC in the amount of \$20,363.35 at an interest rate of 3.6% for a term of 20 months, as a part of their acquisition of Keith Rogers RTS LLC and that the proceeds of this loan that PolyTech LLC will pay off the outstanding balance of \$20,363.35 on Keith Rogers RTS LLC City CDBG fund loan.

Mayor Vossler announced he would now give the Council his recommendations for new appointments to various boards and committees for vacant positions created by expired terms and/or resignations, as well as annual appointments.

(Mayor is member of all standing committees.) Utilities-Drake & Lawver; Finance-Council; Street & Alley-Krause & Lawver; Park-Gates & Council; Police-Schrock & Drake; Chief of Police-McFarland; City Attorney (Civil)-Mullally; Prosecuting Attorney-Eickman; City Engineers-Kirkham Michael; City Clerk-Gilmer; Sewer & Water Commissioner-Gates; Light Commissioner-Gates; Street Commissioner-Gates; Superintendent of Utilities-Gates; Building Inspector-Stutzman; City Physician-Dr. McKeeman; Solid Waste Management Coalition-Mayor Vossler; Library Board-Jordan McGowen; Planning Commission-Anita Meyer; Board of Adjustments-Wayne Milton & Dennis Peters; Hospital & Nursing Home Board-Dennis Peters & Wayne Milton; Cemetery Board-Gene Roll & Jim Taylor; Housing Authority-Dolores Becwar; Community Betterment Chairperson-Bill Bode & Les Weber; Community Redevelopment Authority-Dave Bruntz. (A complete list of committees and committee members is available at City Hall for review upon request.)

Motion was made by Schrock to enter into executive session to discuss the Mayor's appointments. Attorney Mullally informed the Council that entering into executive session for this reason is prohibited by state statute. Motion died due to lack of a second.

Motion was made by Schrock, seconded by Drake, to table Mayor Vossler's recommended appointments for consideration until the January 2011 City Council meeting. On roll call voting aye, Krause, Schrock. Nays, Lawver, Drake. With the vote being even, Mayor Vossler made the deciding vote of nay for consideration of his recommended appointments until the January 2011 City Council meeting.

Mayor Vossler announced that the election of the President of the Council was now in order. Motion was made by Lawver nominating Schrock for President of the City Council. Schrock nominated Krause for President of the City Council and motioned that nominations cease, which was seconded by Lawver.. On roll call voting aye, Drake, Lawver, Schrock, Krause.. Nays none. Voting for Krause as City Council President, Schrock, Drake. Voting for Schrock, as City Council President, Lawver, Krause. With the vote being even, Mayor Vossler made the deciding vote of Krause for the 2011 City Council President.

Discussion was had relating to giving City Employees \$25 worth of Chamber Dollars for a holiday bonus. Council discussed and approved.

Information was presented to the Mayor and Council by Keith Clouse, Trustee, regarding the C.W. Johnson Trust. In this will, Mr. Johnson directed that the amount of money distributed

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to the City of Friend be used to "provide permanent improvements to the City". Mr. Clouse requested that a "Johnson Committee" be appointed to consider possible projects and to report their choice to the Council for their consideration, with no project commencing without the approval of the Council. Mr. Clouse asked that Patrick Gates, as a representative of the City, and Keith Clouse, Trustee of the estate, and family member, Art Drake be appointed to this committee. Motion was made by Krause, seconded by Lawver, that Patrick Gates as a representative of the City, Keith Clouse Trustee of the C.W. Johnson estate, and family member, Art Drake, be appointed to a "Johnson Commiittee" to consider possible projects and to report their choice to the Council for their consideration, with no project commencing without the approval of the Council. On roll call voting aye, Schrock, Krause, Drake, Lawver. Nays none. Motion carried.

Motion was made by Drake, seconded by Krause, to accept Mayor Vossler's presented recommended appointments for 2011. On roll call voting aye, Schrock, Krause, Lawver, Drake. Nays none. Motion carried.

Discussion was had relating to the allowable days off for City employees for the Christmas holiday. Lawver suggested that the days off be at the discretion of the employee, with supervisors approval, and that coverage be provided so that the only hours City Hall is closed is the afternoon of the 24th. Lawver also suggested the same consideration be taken for the New Year's holiday, with the employee's taking their holiday on the Friday before or the Monday following, providing coverage is available so the City Hall is opened Friday and Monday. Council had no objections.

Motion to enter into executive session at 8:40 p.m. for discussion of legal issues was made by Drake, seconded by Schrock. On roll call voting aye, Krause, Lawver, Drake, Schrock. Nays none. Motion carried.

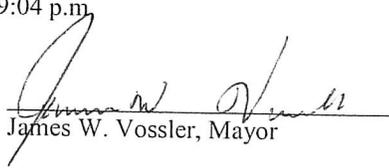
Motion to return to regular session was made by Krause, seconded by Lawver. On roll call voting aye, Drake, Schrock, Lawver, Krause. Nays none. Regular session reconvened at 9:03 p.m.

No further business to come before the City Council, motion was made by Schrock, seconded by Lawver, to adjourn the meeting. On roll call voting aye, Lawver, Krause, Drake, Schrock. Nays none. Motion carried. Meeting adjourned at 9:04 p.m.



ATTEST


Debbie Gilmer, City Clerk


James W. Vossler, Mayor

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 December 7, 2010; 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 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

MINUTE RECORD

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, January 4, 2011** 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