

**Agenda**  
**Regular Meeting and Reorganizational Meeting**  
**December 3, 2018**  
**7:30 p.m.**

1. Call to order and announce the location of the Open Meeting Act
2. Approve the minutes of the previous regular meeting minutes and Special Meeting Minutes
3. **OLD BUSINESS**
  1. Discussion and action on Beech Street Project
  2. Discussion and action on Water Main Improvements
  3. Discussion and action on Ordinance Vacating Alley
  4. Adjournment

**Reorganizational Meeting**

1. Call to order
2. Oath of Offices to Mayor, Councilman Ward 1 and Councilman Ward 2
3. Vote on President of the Council
4. Approve Resolution 2018-3 setting appointments and committees
5. Discussion and action on Setting Date for Liquor Licenses Hearing
6. Discussion and action on Certification of Street Superintendent for 2018
7. Discussion and action on Ordinance 649 - Creating Street Improvement District
8. Discussion and action on Resolution 2018-4, Setting date for District Creation Hearing
9. Discussion and action on building permits:
10. Maintenance Report
11. Attorney's Report
12. Sheriff's Report
13. Trash Pickup/Recycling Report
14. Treasurer's Report
15. Claims and Transaction Report
16. Council member's Report
17. Clerk's Report
18. Adjournment

**THE NEXT REGULAR MEETING WILL BE HELD ON JANUARY 7, 2019**

THE BOARD MAY ENTER INTO CLOSED SESSION TO DISCUSS ANY MATTER ON THIS AGENDA WHEN IT IS DETERMINED BY THE BOARD THAT IT IS CLEARLY NECESSARY FOR PROTECTION OF THE PUBLIC INTEREST OR THE PREVENTION OF NEEDLESS INJURY TO THE REPUTATION OF AN INDIVIDUAL AND IF SUCH AN INDIVIDUAL HAS NOT REQUESTED A PUBLIC MEETING, OR AS OTHERWISE ALLOWED BY LAW. ANY CLOSED SESSION SHALL BY LIMITED TO THE SUBJECT MATTER FOR WHICH THE CLOSED SESSION WAS CALLED. IF THE MOTION TO CLOSE PASSES, THE PRESIDING OFFICER IMMEDIATELY PRIOR TO THE CLOSED SESSION SHALL RESTATE ON THE RECORD THE LIMITATION OF THE SUBJECT MATTER OF THE CLOSED SESSION.

## December Meeting Minutes

*The Elgin City Council met for a regular meeting on Monday, December 3, 2018 at the Elgin City Hall. Notice of said had been posted at three places, namely, Dean's Market, U.S. Post Office, and the Elgin City Hall, as prescribed by law.*

*Mayor Schmitt called the meeting to order at 7:30 p.m. and announced the location of the Open Meeting Act.*

*Councilmen present were Duane Miller, Mike Dvorak, Jim Kittelson and Don Mackel.*

*Staff present was Don E. Poulsen, Fredrick Bartell, John Zwingman and Vicki S. Miller.*

*Also in attendance was Dennis Morgan.*

*A motion was made by Miller to approve the previous regular meeting minutes and special meeting minutes, with the correction to the special meeting minutes of square foot instead on liner foot. A second to the motion was made by Mackel. All members voted aye and the motion carried.*

### **OLD BUSINESS:**

*City Engineer Zwingman presented the Council with information regarding the Beech Street project.*

*The Council had asked to see costs to the individual property owners if the City paid for 25% or 33% of the individual costs.*

*City Engineer Zwingman discussed the proposed water main project with the Council.*

*Zwingman stated that the plans were almost complete and the specifications are done except for the Davis Bacon fees and they are also waiting for the costs on the "American Steel" that is required for the project.*

*The estimated cost is \$745,000.00. The plans are for the water main to connect to the line in Black Snake Subdivision then down Second Street to Bowen and then connect to the Meadow Brook Subdivision line so everything is looped.*

*John explained that they would be running the new line down the east side of the highway due to numerous lines and fiber optic cables and also they would be too close to the sanitary and storm sewers.*

*All connections will be bored under the highway. There are 12 connection on the west side and 7 on the east side.*

*The new line would lay 8 foot out from the curb. Discussion was held on replacing the curb and gutter. Zwingman stated that the NDOR will only be repairing troubled areas when they redo Highway 14, but not all curb and gutter.*

*Councilman Mackel felt that now would be the time to replace everything. Zwingman stated that the first panel of the sidewalks would also need to be removed. John estimated the increased cost to be \$15,000.00 to \$20,000.00 to replace the curb and gutter. Zwingman will talk to the NDOR to see if an agreement could be reached with them regarding replacing all the curb and gutter on the west side, if the City replaces all on the east side. This would be in the downtown area only.*

*Zwingman said his next step is to send the specification to the DHHS and NDOR for review.*

*Following the discussion, a motion was made by Dvorak to approve the plans and set the bid opening date for January 29<sup>th</sup>, 2019 at 2:00 p.m. A second to the motion was made by Kittelson. Roll call vote as follows: Aye; Dvorak, Mackel, Kittelson and Miller. Nay; none. There being four ayes and no nays, Mayor Schmitt declared the motion passed and adopted.*

*Zwingman stated that if the bids would come in under the estimate, he would consider placing a new 8" line on Beech Street to the water tower.*

*City Attorney Bartell presented Ordinance 650 with the corrections requested by the Council at the November meeting.*

*A motion was made by Kittelson to suspend the reading of Ordinance 650 on three different days. A second to the motion was made by Miller. All members voted aye and the motion carried.*

*Dvorak introduced ORDINANCE NO. 650, entitled: AN ORDINANCE OF THE CITY OF ELGIN, NEBRASKA, TO VACATE THE ALLEY WHICH RUNS IN AN EAST/WEST DIRECTION, WHICH IS LOCATED TO THE EAST OF NORTH 1 STREET, TO THE WEST OF NORTH 2ND STREET, AND TO THE NORTH OF MAPLE STREET AND TO THE SOUTH OF BEECH STREET; TO PROVIDE FOR RESERVATIONS OF PUBLIC UTILITIES AND UTILITY EASEMENTS; TO PROVIDE FOR THE RESERVATION OF TITLE AND THE OWNERSHIP OF SUCH ALLEY TO THE CITY; TO PROVIDE FOR A LEASE BETWEEN THE CITY AND CENTRAL VALLEY AG COOPERATIVE, THE OWNER OF THE ABUTTING REAL ESTATE DIRECTLY TO THE SOUTH OF SUCH ALLEY; PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN ACCORDANCE WITH STATE LAW, a moved for its passage. A second to the motion was by Miller. Roll call voted: Ayes; Dvorak, Mackel, Kittelson and Miller. There being four ayes and no nays, Mayor Schmitt declared Ordinance 650 passed and adopted. The lease is part of the ordinance.*

*City Engineer Zwingman informed the Council on necessary changes made on the Pine Street Drainage project, due to the elevation on the sanitary sewer, phone line and gas lines. They are building a box around the sewer line and he recommends stopping at the end of phase #1 and not extending as far east. This could be done at a later date.*

*There being no further business to come before the Elgin City Council, Mayor Schmitt declared the meeting adjourned.*

*The regular meeting ended at 8:03 p.m.*

#### **REORGANIZATIONAL MEETING**

*Mayor Schmitt called the reorganizational meeting to order at 8:04 p.m. Everyone previously mentioned were in attendance.*

*The newly elected officials recited and signed the Oath of Office. Newly elected officials as certified by the Antelope County Clerk are Councilman Ward 1-Duane Miller, Councilman Ward 2-Mike Dvorak and Mayor-Mike Schmitt.*

*A motion was made by Mackel to elect Mike Dvorak as Council President. A second to the motion was made by Miller. All members voted aye, Dvorak abstaining. There being 3 ayes and no nays, the motion passed.*

*A motion was made by Kittelson to pass Resolution 2018-3, a resolution setting appointments and committees for 2019. A second to the motion was made by Dvorak. Roll call vote showed 4 ayes and 0 nays. Mayor Schmitt declared Resolution 2018-3 passed and adopted.*

*The date of Thursday, December 13, 2018 at 12:00 p.m. was set to hold a hearing for a liquor license application filed by Gary Hoefler, dba, Boomerangs.*

*Mayor Schmitt signed the Certification of City Street Superintendent for the period of January 1, 2018 until December 31, 2018.*

*City Engineer Zwingman explained the process in developing the Street Improvement District No. 2018-1. The Council will need to adopt the Ordinance creating the district, pass the*

*resolution setting the date for hearing on sufficiency of any objections with respect to the creation of the district.*

*Following discussion, a motion was made by Dvorak to suspend the reading of Ordinance 649 on three different days. A second to the motion was made by Mackel. Roll call vote: Ayes; Miller, Kittelson, Mackel and Dvorak. There being four ayes and no nays, Mayor Schmitt declared the motion passed.*

*Kittelson introduced Ordinance 649, entitled: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2018-1 IN THE CITY OF ELGIN, NEBRASKA, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS IN SAID DISTRICT AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM, and moved for its passage. A second to the motion was made by Miller. Roll call vote: Ayes; Miller, Kittelson, Mackel and Dvorak. There being four ayes and no nays, Mayor Schmitt declared Ordinance 649 passed and adopted.*

*Councilman Mackel introduced Resolution 2018-4, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ELGIN, NEBRASKA, as follows: The Mayor and City Council hereby find and determine that the Mayor and Council will meet on the 7th day of January, 2019, at 7:30 o'clock p.m. at the regular meeting place of the Council, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2018-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District published as provided by law, and moved for its passage. A second to the motion was made by Kittelson. Roll call vote: Ayes; Miller, Kittelson, Mackel and Dvorak. There being four ayes and no nays, Mayor Schmitt declared Ordinance 649 passed and adopted.*

*In the maintenance report, Poulsen requested permission to purchase a couple ton of ice melt from Black Strap. It would be a 50/50 mix with gravel and is good for 30 below. The cost is approximately \$120 per ton. The Council approved the request.*

*In the attorney's report, a motion was made by Kittelson to entering into closed session to discuss current litigation. A second to the motion was made by Dvorak. All members voting aye and the motion carried. The Council entered into closed session at 8:23 p.m.*

*The Council reconvened in open session at 8:27 p.m.*

*There was nothing to report in the Sheriff's Report, Trash/Recycling Report or Clerk's Report.*

*A motion was made by Mackel to accept the treasurer's report, subject to audit. A second to the motion was made by Miller. All members voting aye and the motion carried.*

*A motion was made by Dvorak to pay the claims and approve the transaction report. A second to the motion was made by Kittelson. All members voting aye, with Miller abstaining on the City Clerk's claims, and the motion carried. (CLAIMS)*

*In the Councilman's report items discussed were non-working street light, fire sirens and fallen tree on a residential property.*

*There being no further business to come before the Elgin City Council, Mayor Schmitt declared the meeting adjourned. The next regular meeting will be held on Monday, January 7, 2019 at 7:30 p.m. at the Elgin City Hall. The meeting ended at 8:35 p.m.*

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*Mayor Mike Schmitt*

*City Clerk Vicki S. Miller*

## CLAIMS

### GENERAL:

ERPPD,se,91.44-Great Plains Communications,se,52.22- Fitzgerald, Vetter & Temple,se,399.88- Prudential,retirement,643.10-US Treasury,tax,2438.74-Elgin Review,prnt,108.30-APPEARA,su,43.03-Bank of Elgin,ins,2250.00-Black Hill Energy,se,166.97-Dean's Market,su,20.53- Eakes,su,3.00-Echo Electric,su,76.24-Nationwide,ins,250.00-B Bender,se,45.50-Payroll,7049.38

### SALES TAX:

Pool Fund: 1797.98

### STREET:

ERPPD, se, 1169.49- Verizon Wireless, su,56.46-Elgin One Stop,su,82.97-Black Hills Energy,se,71.71- Home Town Station,su,61.41-CVA,su,404.60-Dean's Market,su,20.20-Corner Service,rprs,164.12-Barco, Su,786.11-Kayton, rent,2520.50-Elgin Review,prnt,39.00-ACES,se,500.00-Payroll,1322.73

### WATER:

ERPPD,se,749.75-Verizon Wireless,su,56.46-Great Plains Communications, se,45.28-US Post Office, su,24.70-NE Dept of Revenue,tax,2023.54-NE Public Health Lab,test,18.00-Municipal Supply,su,778.58- One Call Concepts,se,7.94-Christian Dunn Account,return, 100.00-NeRWA,class,187.50-League,class, 42.50-NE Power Pool,se,671.00-DEQ,loan,11943.08-ACES,se,16250.00-Payroll,2645.46

### SEWER:

ERPPD,se,989.70-Great Plains Communications,se,49.42-Midwest Labs,Test,182.75-Dept of Revenue, tax,207.15-One Call Concepts,se,7.93-DEQ,loan,3386.97-NeRWA,class,187.50-League,class,42.50-NE Power Pool,se,671.00-MARC,su,2101.62-Dakota Pump,rprs,650.00-Payroll,1004.52

### FIRE:

ERPPD,se,148.02-Great Plains Communications,se,56.20-APPEARA,su,43.02-Black Hills Energy,se, 262.64-Midwest Automatic,inspection,460.00

### POLICE:

Antelope Co Sheriff,se,2,700.00

### TRASH PICKUP/RECYCLING:

Bud's Sanitary Service,se,4738.50-Betty Moser,rent,100.00-NE Power Pool,se,671.00

### POOL:

ERPPD,se,52.48-Black Hills Energy,se,33.07-Bank of Elgin,loan,2227.79

### PARK:

ERPPD,se,431.72-NE Dept of Revenue,tax,83.71-Payroll,318.19

### LIBRARY:

ERPPD,se,56.95-Amazon,bks,283.96-Black Hills Energy,se,92.98-Great Plains Communications,se, 118.74-B Bode,su,B.Bode,ex,57.04-D.Gunderson,su,565.25-Judy Hestekind,se,30.00-Payroll,1134.84

### YOUTH:

ERPPD,se,24.94