

AGENDA  
REGULAR MEETING  
November 5, 2018  
7:30 p.m.

1. Call to order and announce the location of the Open Meetings Act
2. Approve the previous Regular Meeting Minutes
3. Discussion and action on Changes to Dog Ordinances
4. Discussion and action on Approval of Bids and Authorization of Notice to Proceed for Pine Street Storm Sewer
5. Discussion and action on Approval of Bids and Authorization of Notice to Proceed for Box Culvert on Myrtle Street
6. Discussion and action on Beech Street/CVA—Keith Gillham
7. Discussion and action on Vacating CVA Alley
8. Discussion and action on Action to Clean Up Properties
9. Discussion and action on Personnel
10. Discussion and action on Building Permits:
11. Maintenance Report:
12. Sheriff's Report:
13. Attorney's Report:
14. Trash/Recycling Report:
15. Treasurer's Report:
16. Transaction Report and Claims:
17. Councilman's Report:
18. Clerk's Report: Office Cleaning
19. Adjournment

**Next Regular Meeting will be held on Monday, December 3, 2018 at 7:30 p.m.**

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 BE 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.

## *November Meeting Minutes*

*The Elgin City Council met for a regular meeting on Monday, November 5, 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 were Dennis Morgan and Chad Martinsen.*

*A motion was made by Kittelson to approve the previous regular meeting minutes. A second to the motion was made by Miller. All members voted aye and the motion carried.*

*City Engineer John Zwingman presented the Council with the bids from Rutjen's Construction for the Pine Street drainage project.*

*Zwingman stated that he had contacted two other companies to see if they were interested in submitting a bid for the project, but did not received any responses.*

*The project contains two phases; Phase I would be to install an estimated 333 feet of 15" storm sewer, 15" flared end section, construct an inlet, remove and replace asphalt surfacing. The estimated cost is \$23,856.50.*

*Phase II consists of 138 feet on 15" storm sewer, construction of area inlet and construction of concrete cap. The estimated cost would be \$8,567.00.*

*Zwingman explained that Phase I could be done and Phase II at a later date.*

*The problem with the drainage is keeping the water away from the Braband property. Antelope County has built a berm to stop the water from getting there.*

*Zwingman explained that there isn't a large quantity of water going through there; however it needs a place to go.*

*Following discussion, a motion was made by Mackel to approve Phase I and Phase II. A second to the motion was made by Dvorak. All members voted aye and the motion carried.*

*Zwingman presented the bid for the box culvert extension on Myrtle Street. The bid was received from Rutjen's Construction, in the amount of \$21,000.00.*

*The box culvert will be extended 18 feet with a sidewalk on the east side. Mayor Schmitt asked that a railing be placed on the east side, because of the sidewalk.*

*A motion was made by Kittelson to accept the bid for the box culvert on Myrtle Street. A second to the motion was made by Mackel. All members voted aye and the motion carried.*

*Discussion was held on the drainage and paving project proposed for Beech Street and First Street.*

*Zwingman explained that the proposed plan is for the construction of 9-inch PC concrete paving. The work will include a 3-way return at the intersection of Beech and 1<sup>st</sup> along with storm sewer extending along Beech Street.*

*The street would be 35 foot wide and have 40 foot radii, to facilitate the truck traffic, truck waiting lines and keeping residential traffic concerns in mind.*

*The project has been broken down in 2 phases the first would be the work on Beech Street including the storm sewer improvements; the second phase would be the work on North 1<sup>st</sup> Street. The City can elect to do the first phase or both, mobilization costs are built into the first phase only.*

*The construction work would occur so that the intersection is constructed along with the 1<sup>st</sup> Street paving to allow access and traffic flow around the bins at all times.*

*Zwingman stated that he estimates the cost of be approximately \$135.00 per liner foot and explained various options regarding paying for the project.*

*Following discussion, the Council and City Engineer decide to meet with the property owners at a later date.*

*Zwingman asked that water main extension specifications be placed on the December agenda and stated that bids will be taken in January.*

*Discussion was held the possibility of changing the dog ordinances to allow German Shepherds to be allowed in Elgin.*

*Councilman Mackel stated he didn't think it was a good idea to change the ordinance.*

*Chad Martinsen requested that the ordinance not be changed as his neighbors German shepherd attacked and killed his chickens twice.*

*Mayor Schmitt stated that we could require fences and kennels and they still could get out and cause problems.*

*Councilman Dvorak stated that he also had a past neighbor with a mean German shepherd.*

*A motion was made by Mackel to leave the dog ordinance as is, with no changes being made. A second to the motion was made by Kittelson. All members voted aye and the motion carried.*

*The ordinance vacating the alley which runs east and west from 1<sup>st</sup> Street to 2<sup>nd</sup> Street was discussed.*

*The ordinance would vacate the alley located to the east of North 1<sup>st</sup> Street, to the west on North 2<sup>nd</sup> Street and to the north of Maple Street and to the south of Beech Street. To provide for the reservation of the public utilities and utility easement; to provide for the reservation of title and the ownership of such alley to the City and to provide for a lease between the City of Elgin and Central Valley Ag.*

*Discussion was held on just vacating the west half of the east and west alley. The City Attorney stated that the ordinance could be worded so there is access to the east half of the alley.*

*No action was taken on the vacating of the alley, until the language in the ordinance is changed by the City Attorney.*

*The Council discussed with the City Attorney what could be done with the properties that received letters regarding property nuisances and have not done any clean up.*

*City Attorney Bartell informed the Council that the property owners could be cited for failure to clean up the nuisances or the City could either hire someone to clean it up or the City could go and clean it up and then file a lien on the property for the costs.*

*Discussion was held regarding removal of vehicles that are not licensed or insurance, if someone was hired to clean up the property, or would they just clean up the grass, weed and tree problems.*

*A motion was made by Dvorak to hire someone to clean up the properties and access the costs to the property owner and if not paid put a lien on their property. Dvorak later resented the motion.*

*If the property owners were cited, the Judge would have the power to have the City clean up the properties.*

*City Attorney Bartell suggested that he send the property owners a letter stating that if their property is not cleaned up by November 14, 2018, the City will come on their property and clean it up and the costs would be accessed to them.*

*No formal action was taken regarding the matter.*

*A motion was made by Mackel to enter into closed session to discuss a personnel issue. A second to the motion was made by Dvorak. All members voted aye and the motion carried. The Council entered into closed session at 8:30 p.m.*

*The Council reconvened in open session at 8:40 p.m.*

*There were no building permits received.*

*In the maintenance report, Poulsen informed the Council that the pool was being filled today.*

*There was nothing to report in the Sheriff's report, Attorney's report or the trash/recycling report.*

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

*A motion was made by Dvorak to pay the claims and approved the transaction report. A second to the motion was made by Mackel. All members voted aye, with Miller abstaining on the claim from Duane Miller and City Clerk Miller and Kittelson abstaining on the claim from Kittelson Home Repair, and the motion carried. (CLAIMS)*

*In the Councilman's report discussion was held on the drainage ditch at Elgin One Stop.*

*In the Clerk's report discussion was held on the cleaning of the public bathrooms and the park bathrooms. Jeanette Meis has been cleaning, but due to medical issues has not been able to work.*

*The Council decided to look into finding someone else to clean the public bathrooms and park bathrooms.*

*The City auditors will be here on Wednesday to do the 2017-2018 audit.*

*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, December 3, 2018 at 7:30 p.m. at the Elgin City Hall. Meeting ended at 8:50 p.m.*

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*Mayor Mike Schmitt*

*City Clerk Vicki S. Miller*

## CLAIMS

### GENERAL:

ERPPD,se,145.59-Great Plains Communications,se,52.22- Fitzgerald, Vetter & Temple,se,399.88- Prudential,retirement,646.03-US Treasury,tax,2484.96-Elgin Review,prnt,211.90-APPEARA,su,61.33- Bank of Elgin,ins,2250.00-Black Hill Energy,se,96.28-Dean's Market,su,7.47-Elgin Insurance Services, ins,152.00-V.Miller,ex,11.77-NE Municipal Clerks Asso,dues,25.00- Eakes,su,197.17-Jerry's Feed,su, 14.38-Payroll,1854.68

### SALES TAX:

Pool Fund: 1803.05

### STREET:

ERPPD, se, 1153.20- Verizon Wireless, su,56.46-Elgin One Stop,su,203.86-Black Hills Energy,se,35.23- Home Town Station,su,185.94-B's Enterprises,su,752.00-Kittelson Home Repair,rprs,2665.12-Quantity Iron & Metal,su,106.50-Sapp Bros,su,111.34-Payroll,1818.15

### WATER:

ERPPD,se,794.79-Verizon Wireless,su,56.46-Great Plains Communications, se,45.64-US Post Office, su,83.04-NE Dept of Revenue,tax,31.66-NE Public Health Lab,test,287.00-Municipal Supply,su,375.99- Antelope Co Clerk,fee,10.00-Antelope Co Treasurer,title,10.00-One Call Concepts,se,14.76-Sargent Drilling,se,500.00-GIS Workshop,se,2520.00-Elgin Pharmacy,su,4.47-Drew Schindler Account,return, 100.00-Payroll,3636.33

### SEWER:

ERPPD,se,1023.19-Great Plains Communications,se,49.42-Midwest Labs,Test,267.25-Dept of Revenue, tax,21.37-One Call Concepts,se,14.76-DEQ,certification,150.00-NeRWA,class,75.00-Jerry's Feed,su,13.85 -R.Henn,ex,10.17-US Post Office,su,58.34-Payroll,1397.17

### FIRE:

ERPPD,se,149.76-Great Plains Communications,se,56.20-APPEARA,su,61.32-Black Hills Energy,se, 74.89-Rutjen's Const,rprs,6753.50-Corner Service,su,281.98-Elgin Review,prnt,52.00

### POLICE:

Antelope Co Sheriff,se,2,700.00-US Post Office,su,6.70

### TRASH PICKUP/RECYCLING:

Bud's Sanitary Service,se,4752.00-Betty Moser,rent,100.00-US Post Office,su,58.32

### POOL:

ERPPD,se,55.07-Black Hills Energy,se,33.07-Bank of Elgin,loan,2227.79

### PARK:

ERPPD,se,434.01-NE Dept of Revenue,tax,143.37-Duane Miller,se,50.00-Bomgaars,su,58.30-Payroll, 421.00

### LIBRARY:

ERPPD,se,65.38-Amazon,bks,32.10-Black Hills Energy,se,42.73-Great Plains Communications,se, 118.74-B Bode,su,6.00-NE Library Commission,se,500.00-Eakes,su,193.99--Payroll,1134.86

### YOUTH:

ERPPD,se,28.42