

**City of St. Paul Regular Meeting**

Monday, December 2, 2019 7:00 PM

704 6<sup>th</sup> Street

St. Paul, NE 68873

Ralph Kezeor: Present

Brenda Klanecky: Present

Katie Kowalski: Present

Jerry Thompson: Present

1. **NOTICE OF SPECIAL MEETING: Monday, December 2, 2019 at 5:00 p.m. regarding an IBEW 1597 Union Negotiation Meeting.**
2. Mayor Bergman calls meeting to order, with the "Pledge of Allegiance" and the "Open Meeting Statement"
3. Submittal of Request for Future Agenda Items
4. Reserve time to Speak on an Agenda Item
5. City Attorney Jason White will be providing a brief presentation on the Open Meetings Law.
6. Casey Muzic, Executive Director with Midland Area Agency on Aging will be providing a presentation and update regarding the St. Paul Senior Center.
7. Discuss - Approve / Deny the minutes of November 4, 2019 (special), November 4, 2019 (regular), November 18, 2019 (special), November 18, 2019 (regular); December 2, 2019 disbursements; and the November 25, 2019 zoning permits.
8. Mayor Joel M. Bergman voices his 2019 -2020 City Appointments
  - a. Move to Nominate Jerry Thompson as Council President
  - b. Approve / Deny nominations cease for Council President
  - c. Council member seconds motion, with Roll Call Vote

\*\*\*Mayor Bergman extended his appreciation to all volunteer member's in dedicating their time to the City of St. Paul\*\*\*
9. Discuss - Approve / Deny Mayor Joel M. Bergman's 2019-2020 City Appointments.
10. Discuss - Approve / Deny Diamond Engineering Pay Request #2 in the amount of \$137,431.89 regarding the 2019 St. Paul Paving Improvements - Project No. 018-3348.
11. Discuss - Approve / Deny the NE Dept. of Transportation "Year-End Certification of City Street Superintendent" for determining incentive payment to the City of St. Paul.
  - a. Approve / Deny Resolution 2019-10; whereas, by the 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 Dept. 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 form.

12. Discuss - Approve / Deny Deputy Clerk Royle attending the NE Municipal Clerks Institute in Kearney, NE from Monday, March 16 through Friday, March 20, 2020 AND City Clerk Beck attending the NE Municipal Academy on (noon) Wednesday, March 18 through (noon) Friday, March 20, 2019. Deputy Clerk Royle will be completing a scholarship (\$100) form for her schooling.
13. Discuss - Approve / Deny a "study session" date & time concerning City of St. Paul project priorities.
14. Utility Superintendent Helzer updates: (1) Northwest Drainage culvert installation
15. Chief of Police Paczosa updates
16. City Council member updates
17. Mayor Bergman updates
18. Public Comment Period - restricted to items on the agenda
19. Public Announcements
20. Closed Session: Pending Litigation; Strategy Session with respect to real estate purchase; and prevent needless injury to the reputation of an individual
21. Mayor Bergman adjourns City Council meeting
22. Informational Items:

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Date

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Mayor Joel M. Bergman

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City Clerk Connie Jo Beck

CITY OF SAINT PAUL  
704 6<sup>TH</sup> STREET  
SAINT PAUL, NEBRASKA 68873

NOTICE OF TIME AND PLACE OF  
SPECIAL MEETING

NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAINT PAUL, NEBRASKA, WILL BE HELD AT **5:00 P.M., MONDAY, DECEMBER 2, 2019** IN THE CITY COUNCIL CHAMBERS. THIS MEETING WILL BE OPEN TO THE PUBLIC. AN AGENDA FOR SUCH MEETING IS KEPT CONTINUALLY CURRENT AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE CITY CLERK AT THE CITY UTILITIES OFFICE. **THE PURPOSE OF THIS MEETING IS FOR THE NEGOTIATIONS OF THE IBEW 1597 UNION CONTRACT BETWEEN THE CITY OF SAINT PAUL AND IBEW 1597 UNION.** POSTED THIS 20TH DAY OF NOVEMBER 2019.



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CONNIE JO BECK  
CITY CLERK/DEPUTY TREASURER

# Doug Peterson

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## Outline of Nebraska Open Meetings Act

The Nebraska Open Meetings Act guarantees that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies. The information below details Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Cum. Supp. 2018).

**BASIC PROVISION**

**PUBLIC BODIES WHICH ARE COVERED**

**MEETING DEFINED**

**PUBLIC MEETINGS BY VIDEOCONFERENCING AND TELEPHONE CONFERENCE CALL**

**PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED**

**EMERGENCY MEETINGS**

**PUBLIC MEETINGS; MINUTES AND VOTING PROCEDURES**

**PUBLIC MEETINGS; RIGHTS OF THE PUBLIC ATTENDING**

**CLOSED SESSIONS OF A PUBLIC BODY**

**CIRCUMVENTION OF THE OPEN MEETINGS ACT**

**ACTIONS FOR ENFORCEMENT**

**CRIMINAL SANCTIONS**

## **BASIC PROVISION**

**A.** The basic statement of our state policy on public meetings is found at Neb. Rev. Stat. § 84-1408. That statute provides, "[i]t is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and the Open Meetings Act."

1. **History.** Section 84-1408 was passed as a part of LB 325 in 1975. That bill repealed previously existing public meetings provisions and substituted new provisions which were intended to preserve the features of the previous law and strengthen and expand their authority. Government Committee Statement on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975). LB 325 was passed to ensure that all meetings of public bodies would be open to the public, except when protection of the public interest clearly called for a closed session concerning specific matters. *Id.* 2004 Neb. Laws LB 821, § 34 formally established the name of §§ 84-1407 through 84-1414 as the "Open Meetings Act."

2. **Purpose.** The Nebraska open meetings laws are a statutory commitment to openness in government. *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994); *Grein v. Board of Education of the School District of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984). Their purpose is to ensure that public policy is formulated at open meetings of the bodies to which the law is applicable. *Dossett v. First State Bank, Loomis, NE*, 261 Neb. 959, 627 N.W.2d 131 (2001); *Marks v. Judicial Nominating Commission for Judge of the County Court of the 20th Judicial District*, 236 Neb. 429, 461 N.W.2d 551 (1990); *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979). In Nebraska, the formation of public policy is public business, which may not be conducted in secret. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993).

3. **Construction.** The open meetings laws should be broadly interpreted and liberally construed to obtain their objective of openness in favor of the public. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007); *State*

*ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007); *Alderman v. County of Antelope*, 11 Neb. App. 412, 653 N.W.2d 1 (Neb. Ct. App. 2002); *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996); *Grein, supra*. The beneficiaries of the openness sought by the Open Meetings Act include citizens, members of the general public, and reporters or other representatives of the news media. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007).

4. **Exceptions.** Section 84-1408 requires open meetings except "as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and the Open Meetings Act." The Attorney General has concluded that the Nebraska Legislature is not covered under the open meetings statutes because the Nebraska Constitution separately provides for public access to that body. Op. Att'y Gen. No. 120 (July 25, 1985).

5. **Subsequent legislative limitations.** The Legislature holds the power to decide the scope of citizen access to governmental meetings. As a result, the Legislature has the right to limit access to public meetings and the effect of the Open Meetings Act through later statutory provisions which provide that certain information in the possession of government should remain confidential without exception or limitation. *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002).

## PUBLIC BODIES WHICH ARE COVERED

**B.** Under § 84-1409(1), public bodies covered by the public meetings statutes include: (1) governing bodies of all political subdivisions of the State, (2) governing bodies of all agencies of the executive department of state government created by law, (3) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created pursuant to law, (4) all study or advisory committees of the executive department of the state whether of continuing or limited existence, (5) advisory committees of the governing bodies of political subdivisions, of the governing bodies of agencies of the executive branch of state government, or of independent boards, commissions, etc., and (6) "instrumentalities exercising essentially public functions."

1. **History.** The initial portion of § 84-1409(1) defining public bodies was originally part of LB 325 passed in 1975. It has been amended several times to add additional entities to the list of bodies covered, and the Certificate

of Need Review Committee was removed in 1997. See 1997 Neb. Laws LB 798; 1989 Neb. Laws LB 429 and LB 311; 1983 Neb. Laws LB 43. The language concerning "instrumentalities exercising essentially public functions" was added in 1989 to reach entities such as the Nebraska Investment Finance Authority. Floor Debate on LB 311, 91<sup>st</sup> Nebraska Legislature, First Session, May 9, 1989, at 6039, 6040.

**2. Cases and Opinions.** A number of cases and opinions of the Attorney General deal with various aspects of the definitions of public body found in § 84-1409(1).

a. "Political subdivision" is not defined within the public meetings statutes. However, the Attorney General has indicated that generally the term denotes any subdivision of a state which has as its purpose carrying out functions of the state which are inherent necessities of government and which have always been regarded as such by the public. 1979-80 Rep. Att'y Gen. 140 (Opinion No. 98, dated April 25, 1979). Presumably, this term includes cities, counties, villages, etc., and their governing boards are covered by the open meetings statutes.

b. In *Nixon v. Madison County Agricultural Society*, 217 Neb. 37, 348 N.W.2d 119 (1984), the Court held that a county agricultural society, organized under the Nebraska statutes, was subject to the provisions of the open meetings law. The Court noted that, although the society at issue resembled a private corporation in some respects, the fact that it had the right to receive support from the public revenue gave it a public character. The agricultural society apparently was an "independent board . . . created by constitution, statute, or otherwise pursuant to law." Based upon the *Nixon* case, the Attorney General concluded that county extension services which have the right to receive support from public revenues are subject to the open meetings law. Op. Att'y Gen. No. 219 (July 24, 1984). Also based upon the *Nixon* case, the Attorney General has indicated that county agricultural societies are subject to the open meetings statutes. Op. Att'y Gen. No. 91007 (January 28, 1991). In addition, Neb. Rev. Stat. § 2-238 requires that result.

c. In *Marks v. Judicial Nominating Commission for Judge of the County Court of the 20th Judicial District*, 236 Neb. 429, 461 N.W.2d 551 (1990), the Court held that the open meetings statutes do not apply to

the activities of a judicial nominating commission which is meeting to select nominees for judicial vacancies. Such a nomination procedure does not involve the formulation of public policy subject to the act.

d. The Nebraska Court of Appeals, in *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), held that the open meetings statutes apply to the governing bodies of all agencies of the executive branch of government, including the Nebraska Environmental Control Council.

e. In *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007), the Nebraska Court of Appeals concluded that the electors of a Nebraska township, when assembled at the township's annual meeting, constitute a governing body of the township which is subject to the Open Meetings Act and its provisions concerning notice and preparation of an agenda.

f. The Nebraska Court of Appeals indicated in *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) that a county board of equalization is a public body as defined in § 84-1409. The court also held in that case that when two boards are made up of the same members, the duties and functions of the two boards, rather than their membership, determine if they are the same or separate and distinct bodies.

g. Committees of faculty, administration and students created by the Board of Regents of the University of Nebraska to advise the Chancellor of the University in his administrative/management function with respect to budget cuts were part of the management structure of the University and not public bodies subject to the open meetings statutes. Op. Att'y Gen. No. 92020 (February 12, 1992).

h. In Op. Att'y Gen. No. 11 (January 20, 1983), the Attorney General indicated that the Environmental Control Council is a public body subject to the open meetings law. On the other hand, the Department of Environmental Control is not. Section 84-1409 applies to governing bodies of state agencies, not the agencies themselves.

i. An employee grievance appeal hearing conducted by a hearing officer is not a meeting of a public body since the word "body" is commonly understood to refer to a group or number of persons, and thus does not include an individual conducting a hearing. Op. Att'y Gen. No. 210 (May 16, 1984).

j. In 1989, the Attorney General indicated that the Central Low-Level Radioactive Waste Compact Commission was not subject to the Nebraska open meetings law because it was a multi-state body which was not created by constitution or statute and which was not a governing body of a Nebraska state agency. Op. Att'y Gen. No. 89008 (February 14, 1989). However, Neb. Rev. Stat. § 71-3521 (the Waste Compact agreement itself) provided that meetings of the Compact Commission must be open to the public with reasonable advance publicized notice, and that the Compact Commission must adopt by-laws consistent in scope and principle with the open meetings law of the host state. Section 71-3521 was repealed by 1999 Neb. Laws LB 530, § 2, and Nebraska withdrew from the Central Low-Level Radioactive Waste Compact.

k. A county welfare board is subject to the open meetings law as an independent board created by statute. 1979-80 Rep. Att'y Gen. 351 (Opinion No. 244, dated March 4, 1980).

l. In Op. Att'y Gen. No. 95014 (February 22, 1995), the Attorney General indicated that the Mayor's Citizen Review Board, appointed by the Mayor of Omaha to advise the Mayor with respect to alleged misconduct of police officers, was not subject to the open meetings statutes because it did not fall under the definition found in § 84-1409(1), and because the board was essentially an administrative body which was part of the management structure of the City.

m. In Op. Att'y Gen. No. 93065 (July 27, 1993), the Attorney General concluded that parole reviews under Neb. Rev. Stat. § 83-1,111 may be closed, and are not subject to open meetings requirements.

n. The Excellence in Education Council created to make recommendations to the Governor regarding selection of projects for Education Innovation grants is a public body which is subject to the

open meetings statutes, and its decisions concerning specific recommendations must be done in open session. Op. Att'y Gen. No. 94092 (November 22, 1994).

o. The Quality Jobs Board created under the Quality Jobs Act, Neb. Rev. Stat. §§ 77-4901 through 77-4935 is a public body subject to the Open Meetings Act. Op. Att'y Gen. No. 96071 (October 28, 1996).

p. A County Hospital Authority formed under the Hospital Authorities Act, Neb. Rev. Stat. §§ 23-3579 through 23-35,120 is a public body which is subject to the Open Meetings Act. Op. Att'y Gen. No. 97012 (February 14, 1997).

q. The Nebraska State Board of Agriculture (the State Fair Board) is not a public body which is subject to the Open Meetings Act, primarily because it has no statutory right to public revenue and also because of case law which indicates that it is a private corporation. Op. Att'y Gen. No. 01038 (November 27, 2001).

r. A county clerk, county attorney and county treasurer acting as a group under § 32-567(3) to make an appointment to fill a vacancy on a county board constitute a public body which is subject to the Open Meetings Act. Op. Att'y Gen. No. 97050 (September 18, 1997).

s. The Attorney General has indicated informally that the Nebraska Board of Pardons and the Board of Inquiry and Review created under Neb. Rev. Stat. §§ 80-317 through 80-319 to receive and act upon applications submitted for membership in Nebraska Veterans Homes are subject to the state's open meetings statutes.

t. In Op. Att'y Gen. No. 15-016 (October 29, 2015), the Attorney General concluded that the Metropolitan Entertainment & Convention Authority ["MECA"] constituted a hybrid public/private entity subject to the Open Meetings Act. The Attorney General based his conclusion on the fact that MECA was a creation of city ordinance and was responsible for managing and controlling the City of Omaha's public events facilities.

3. **Other Statutes.** Neb. Rev. Stat. § 2-238 requires county agricultural societies and county fair boards to comply with the open meetings statutes. Previously, under Neb. Rev. Stat. § 85-1502 all coordination activities conducted by the association of community college area boards were subject to the open meetings statutes. This provision was repealed in 2013 Neb. Laws LB 211, § 3.

4. **Exceptions.** The latter portion of § 84-1409(1) provides that two entities are not public bodies for purposes of the Open Meetings Act:

a. **Subcommittees.** Subcommittees of the various bodies described earlier in § 84-1409 are not public bodies under the Open Meetings Act unless a quorum of the public body attends a subcommittee meeting, or unless those subcommittees are holding hearings, making policy or taking formal action on behalf of the parent body. For example, in *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993), the court indicated that meetings of an executive subcommittee of the University of Nebraska Board of Regents with the University President to discuss his tenure were not subject to the open meetings laws because of that portion of the statute. Section 84-1409(1) was also amended by 2011 Neb. Laws LB 366 to specifically provide that all meetings of subcommittees of the Nebraska Environmental Trust Board established to rate grant applications under Neb. Rev. Stat. § 81-15,175 are subject to the Open Meetings Act.

i. In *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 880-881, 725 N.W.2d 792, 805-806 (2007), the court indicated that, while “subcommittee” is not defined in the Open Meetings Act, a subcommittee is generally a “group within a committee to which the committee may refer business.” In addition, “making policy,” which subjects a subcommittee to the Open Meetings Act under § 84-1409, apparently includes “receiving background information about a policy issue to be decided.” *Id.* In contrast, “nonquorum gatherings” of members of a public body “intended to obtain information or voice opinions” do not seem to involve violations of the Act. *Id.*

ii. The language applying the open meetings statutes to certain subcommittee meetings when there is a quorum of the public body present was added to § 84-1409(1) as a result of LB 1019 passed by the Legislature during the 1992 regular session.

**b. Entities Conducting Judicial Proceedings.** Entities conducting judicial proceedings are not public bodies under the Open Meetings Act unless the court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders. LB 325, the original open meetings statute of 1975, was directed strictly at policy making bodies which were legislative or quasi-legislative. Floor Debate on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session, May 14, 1975, at 4618.

i. In *McQuinn v. Douglas County School District No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000), the Nebraska Supreme Court held that a hearing before a school board on the question of the nonrenewal of a probationary certificated teacher's contract where the matters before the board pertained solely to disputed adjudicative facts involved a judicial function, and on that basis, the hearing was not subject to the open meetings statutes. In that context, a school board exercises a judicial function if it decides a dispute of adjudicative fact or if a statute requires it to act in a judicial manner. Adjudicative facts are those ascertained from proof adduced at an evidentiary hearing which relate to a specific party. The *McQuinn* case is discussed further in *Bligh v. Douglas County School District No. 0017*, 2008 WL 2231063, 2008 Neb. App. LEXIS 106 (Neb. Ct. App. 2008) (Not approved for publication).

ii. The Attorney General has determined that hearings before various agencies are judicial and not subject to the open meetings law: 1975-76 Rep. Att'y Gen. 127 (Opinion No. 105, dated July 14, 1975) (hearing before a County Board of Mental Health); Op. Att'y Gen. No. 184 (January 31, 1984) (hearing before the Nebraska Equal Opportunity Commission); Op. Att'y Gen. No. 210 (May 16, 1984) (hearing before a hearing officer appointed by the State Personnel Board); Op. Att'y Gen. No. 02016 (May 21, 2002) (contested case hearing before the Power Review Board on application of electricity suppliers for construction or acquisition of generation facilities); Op. Att'y Gen. No. 05014 (October 19,

2005) (appeal hearing regarding the Nebraska Veterans' Aid Fund before the Nebraska Veterans' Advisory Commission). But, the Attorney General has concluded that a hearing before the Certificate of Need Review Committee is covered by the open meetings statutes. Op. Att'y Gen. No. 87019 (February 13, 1987).

iii. Parole hearings conducted by the Board of Parole are judicial in nature and not subject to the open meetings statutes. However, other statutes specifically pertaining to operation of the Board of Parole require that such parole hearings be conducted with elements of notice and in a manner open to the public. Op. Att'y Gen. No. 93065 (July 27, 1993).

iv. When the State Board of Education holds hearings in contested cases under the state Administrative Procedure Act, such hearings are not subject to the Open Meetings Act. The Board is not required to give notice of such hearings to the public under those statutes, and it may conduct its deliberations and decision-making process for such hearings by a telephone conference call. Op. Att'y Gen. No. 99046 (November 15, 1999).

## MEETING DEFINED

C. Under § 84-1409(2), meetings, for purposes of the open meetings statutes, are defined as "all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body." Section 84-1410(5) also provides that the open meetings statutes shall not apply to "chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power."

1. The legislative history of LB 325, from 1975, indicates that meetings of a public body do not include social meetings or meetings which were not called by the body. Government Committee Hearing on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975) at 3.

2. However, § 84-1409 was amended by LB 43 in 1983 to include "formal or informal" meetings. The legislative history of that bill indicates that a meeting between a state senator and the members of a local school board to discuss legislation would constitute an "informal called meeting." Government, Military and Veterans' Affairs Committee Hearing on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session (1983) at 5-8.

3. The provision of § 84-1410(5) pertaining to "chance" meetings, etc., was added by LB 43 in 1983.

4. The legislative history of LB 43 from 1983 indicates that a "meeting" does not occur absent a quorum. Government Military and Veterans' Affairs Committee Hearing on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session (1983) at 19. In addition, the Attorney General has concluded that the presence of a majority of the members of a public body is necessary for a meeting to occur. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975). In *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), the Nebraska Court of Appeals indicated that "private quorum conferences" are an evasion of the law. The Nebraska Supreme Court also indicated that subgroups of the Omaha City Council constituting less than a quorum of that body were not public bodies on that ground. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

5. Even when a quorum of public body is present in one location, there is no meeting under the Open Meetings Act if there is no interaction or discussion among members of the body regarding policymaking for the public body. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W. 2d 909 (2010). The secret formation of public policy forbidden by the Open Meetings Act is the formation of public policy as a group. *Id.* As a result, there is no meeting of a public body based upon the unspoken thoughts of its members who happen to be sitting in the same room. *Id.* The Open Meetings Act is not so broad and sweeping as to require public access to any gathering of any sort that is attended by a quorum of a public body. *Id.*

6. In *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), the Court of Appeals held that informational sessions where the Council heard reports from staff of the Department of Environmental Control were briefings which were subject to the requirements of the open meetings statutes. The Court stated that

listening and exposing itself to facts, arguments and statements constitutes a crucial part of a governmental body's decision making. As a result, receiving information triggers the requirements of the statutes, and the open meetings law applies to meetings at which briefing or the formation of tentative policy takes place, as well as to meetings where action is contemplated or taken.

7. *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996), involved allegations by the plaintiff that a quorum of the defendant school board met in the office of the superintendent of schools on a regular basis for "clandestine" meetings before the beginning of most scheduled board meetings where business was discussed and decided and checks were signed to pay claims which had not been approved in public session. The board then allegedly moved and voted on business at its public meeting with little or no discussion in order to deprive the public of the right to be fully informed. The Supreme Court held that the District Court properly failed to find a violation of the Open Meetings Act with respect to those allegations in the absence of any evidence as to the specific dates and details of the alleged "clandestine" meetings.

8. In *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010), the Nebraska Supreme Court considered the propriety of a situation where two separate groups of a city council, neither of which constituted a quorum of that body, toured an ethanol facility for informational purposes. The court ultimately concluded that there was no meeting of the city council as a result of the tours—there was no quorum of the council present, the small groups were merely acquiring information, and there was no evidence that the council was, through the tour, attempting to reach a consensus and form public policy in secret.

9. In *Schauer*, the court also noted that the Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. Moreover the public would be ill served by restricting policymakers from reflecting on and preparing to consider proposals, or from privately suggesting alternatives. As a result, the court indicated that the Legislature, by excluding nonquorum subgroups from the definition of a public body, balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010) (citing *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007)).

10. The Attorney General has indicated that an "emergency meeting" may be conducted by electronic and telecommunications equipment including radio and telephone conferences. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975). On the other hand, the open meetings statutes do not generally authorize the use of telephone conference calls for non-emergency meetings of a public body, and absent members of a public body may not be counted to achieve a quorum through the use of a conference call. Op. Att'y Gen. No. 92019 (February 11, 1992). [Section 84-1411 has been amended a number of times to allow specified public bodies including the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act or the Municipal Cooperative Financing Act, the board of an educational service unit, the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, a community college board of governors, the governing body of public power district, the governing body of a public power and irrigation district, or the Educational Service Unit Coordinating Council to meet by telephone conference call in certain circumstances. See 1999 Neb. Laws LB 461; 2000 Neb. Laws LB 968; 2007 Neb. Laws LB 199; 2009 Neb. Laws LB 36, 2012 Neb. Laws LB 735, 2013 Neb. Laws LB 510 and Section D.2. below.]

11. An "informational and educational" meeting of a public body governing a political subdivision where members generally discuss matters pertaining to their subdivision, hear reports from various department heads of the subdivision as to their duties and learn the workings of the subdivision is a meeting of the public body for "briefing" purposes which is subject to the open meetings statutes. Op. Att'y Gen. No. 92043 (March 17, 1992). In addition, the Attorney General has also indicated informally that a meeting of a public body "for the purpose of receiving training or doing planning (such as a retreat)" should probably be treated as subject to the Open Meetings Act.

12. In Op. Att'y Gen. No. 94035 (May 11, 1994), the Attorney General indicated that discussions and deliberations by the State Board of Education in connection with the selection of a Commissioner of Education were subject to the requirements of the open meetings statutes. In addition, that opinion indicated that interviews with individual candidates for the Commissioner position were also subject to the requirements of the open meetings statutes, if a quorum of the Board was present for those interviews. However, in the latter interview situation, a brief closed session

(as discussed below) might be warranted for a candid discussion by the Board and the candidate which might potentially elicit responses injurious to the reputation of an individual.

13. A workshop held by the Board of Regents of the University of Nebraska with a professional facilitator to discuss communication practices and the roles of the Board and the University President was not subject to the Open Meetings Act on the basis of § 84-1410(5) which exempts chance meetings or attendance at or travel to conventions or workshops. The University also asserted that there would be no briefing, discussion of public business, formation of tentative policy, vote, or taking of other action at the workshop. Op. Att'y Gen. No. 04027 (October 20, 2004).

## PUBLIC MEETINGS BY VIDEOCONFERENCING AND TELEPHONE CONFERENCE CALL

D. Section 84-1411 allows certain public bodies to meet by videoconferencing and by telephone conference call.

1. **Videoconferencing.** Section 84-1411 was first amended by LB 635 in 1993 to allow meetings of certain public bodies by means of videoconferencing. Under the current amended § 84-1411(2), public bodies which are allowed to meet by videoconferencing include: (1) various bodies of state government including state agencies, boards, commissions, councils and committees, together with their advisory committees; (2) organizations created under the Interlocal Cooperation Act, the Joint Public Agency Act or the Municipal Cooperative Financing Act; (3) the governing body of a public power district with a chartered territory of more than one county in this state; (4) the governing body of a public power and irrigation district with a chartered territory of more than one county in this state; (5) boards of educational service units; (6) the Educational Service Unit Coordinating Council; (7) the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act; and (8) a community college board of governors.

a. The public bodies listed above may hold meetings by videoconferencing if the following requirements are met: (1) reasonable advance publicized notice is given, (2) reasonable arrangements are made to accommodate the public's right to attend, hear and speak at the meeting, including seating, recording by audio and visual recording devices, and an reasonable opportunity for input

such as public comment or questions to at least the same extent as would be provided absent videoconferencing, (3) at least one copy of all documents being considered is available to the public at each site of the videoconference, (4) at least one member of the public body is present at each site of the videoconference, and (5) no more than one-half of the public body's meetings in a calendar year are held by videoconferencing.

b. Under an amended § 84-1409(3), videoconferencing is defined as "conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations."

c. Under § 84-1411(6), a public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

d. 1999 Neb. Laws LB 87, § 100 added organizations created under the Joint Public Agency Act to the list of entities permitted to conduct meetings by videoconferencing. 2009 Neb. Laws LB 361 added the boards of educational service units to the list. 2012 LB 735 added power and irrigation districts and community college boards of governors to the list. 2013 Neb. Laws LB 510 added the Educational Service Unit Coordinating Council to the list.

e. 2019 Neb. Laws LB 212, § 5 amended § 84-1411(2)(d) and (e) to allow members of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool to designate a nonvoting designee to be present at any videoconference site. The designee shall not be counted for purposes of a quorum. An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act are required to hold at least one meeting each calendar year not by videoconferencing or telephone conference call.

**2. Telephone Conference Call.** Section 84-1411 was also amended by a number of legislative bills over time (1999 Neb. Laws LB 461; 2000 Neb. Laws LB 968; 2007 Neb. Laws LB 199; 2009 Neb. Laws LB 361; 2012 Neb. Laws LB 735; 2013 Neb. Laws LB 510; 2017 Neb. Laws LB 318) to allow (a) the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act or the Municipal Cooperative Financing Act, (b) the board of an educational service unit, (c) the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, (d) a community college board of governors, (e) the governing body of public power district, (f) the governing body of a public power and irrigation district, (g) the Educational Service Unit Coordinating Council, and (h) the Nebraska Brand Committee to meet by telephone conference call. Those various bodies may only meet by telephone conference call if:

(1) the territory represented by the body covers more than one county;

(2) reasonable advance publicized notice is given which identifies each telephone conference location at which a board member or member of the body's governing body will be present;

(3) all telephone conference meeting sites identified in the notice are located within public buildings used by members of the body or at a place which will accommodate the anticipated audience;

(4) reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(5) at least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(6) at least one member of the governing organization of the body is present at each site of the telephone conference call identified in the public notice;

(7) the telephone conference call lasts no more than two hours; and,

(8) no more than one-half of the body's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this section dealing with telephone conference calls prevents the participation in the call by consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. These telephone conference calls may not be used to circumvent any of the public government purposes established in the Open Meetings Act.

a. 2019 Neb. Laws LB 212, § 5 expands the notice required in § 84-1411(3)(b) to include a nonvoting designee of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool. LB 212 also amended § 84-1411(3)(f) and (h) to allow members of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool to designate a nonvoting designee to be present at any site of a telephone conference call. The designee shall not be counted for purposes of a quorum. An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act

may hold more than one-half of its meeting by telephone conference call as long as the entity holds at least one meeting each calendar year not by videoconferencing or telephone conference call.

b. 1999 Neb. Laws LB 47, § 2 also amended § 84-1411(2) to provide that certain meetings of the Judicial Resources Commission may be held by telephone conference if the criteria for videoconferencing listed above are met.

3. **Circumvention of Open Meetings Act.** Under § 84-1411, videoconferencing, telephone conferencing or conferencing by other electronic communication may not be used to circumvent any of the public government purposes established by the Open Meetings Act. Neither may emails, faxes, or other electronic communications be used for such purposes.

## PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED

E. Section 84-1411 sets out several requirements for the notice which must be given for a public meeting and for the agenda which must be prepared: (1) the public body must give reasonable advance publicized notice of the time and place of each meeting by a method designated by the body and recorded in its minutes, (2) that notice must be transmitted to all members of the body and to the public, (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Agenda.** Under § 84-1411(1), an agenda maintained at the office of a public body for public inspection must be kept continually current and may not be altered later than 24 hours before the scheduled commencement of the public meeting (or 48 hours before commencement of a meeting of a city council if that meeting is noticed outside the corporate limits of the municipality). A public body may modify an agenda to include items of an emergency nature only at such public meeting.

2. **Specificity of the Agenda.** LB 898 from 2006 added language to § 84-1411(1) which states that agenda items shall be "sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting." That statutory change arose out of a sense that lack of specificity

in meeting agendas was a major issue of concern around the state. Government, Military and Veterans Affairs Committee Hearing on LB 898, 99<sup>th</sup> Nebraska Legislature, Second Session (2006) at 19. The intent of the change was to require public bodies to include sufficient detail in their agendas regarding issues to be discussed or acted upon so as to provide information and notice to the public. Floor Debate on LB 898, 99<sup>th</sup> Nebraska Legislature, Second Session, March 28, 2006 at 11701 (Statement of Senator Preister). The change was also intended to require sufficient detail in an agenda so that members of the public are not forced to look at past agendas in order to understand the issue to be discussed and/or the action to be taken. *Id.*

3. **News Media.** Section 84-1411(4) requires that the secretary or other designee of each public body shall maintain a list of news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to that list of media of the time and place of each meeting and the subjects to be discussed at that meeting.

4. **History.** The provision of § 84-1411 which prohibits altering an agenda within 24 hours of a meeting was added in 1983 to prevent addition of last minute matters to an agenda which did not really represent emergencies. Floor Debate on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session, March 22, 1983, at 1896.

5. In *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996), the court stated that the Open Meetings Act requires public bodies to give reasonable advance publicized notice of the time and place of their meetings, in part so that the public may attend and speak at those meetings.

6. The Legislature has imposed only two conditions on public bodies regarding the method of notification for their meetings: 1. the public body must give reasonable advance publicized notice of the time and place of each meeting, and 2. the method of notification must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007). There is no minimum time period for public notification of a special meeting, and an agenda for a public meeting can be created (not altered) later than 24 hours before the scheduled meeting. *Id.* In the *City of Elkhorn* case, the court held that notice of a meeting of the Omaha City Council posted and placed on the city's website at 10:15 a.m. for a meeting at 10:00 p.m. the same day was sufficient under the facts of the

case where the local newspaper printed an article about the meeting in its afternoon edition and four television broadcasters were present at the meeting. The court also indicated that any defect in notice intended for the benefit of council members would not invalidate a council meeting when all of the members of the council attended without objection.

7. The purpose of the agenda requirement is to give some notice of the matters to be considered at the meeting so that persons who are interested will know which matters are under consideration. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979); *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007). In *Pokorny*, the agenda at issue, considered with all the previous records of the city council involved, was sufficient to satisfy the open meetings statutes. *Pokorny* also indicates that posting notice at 10 p.m. on March 15 before a meeting at 10:30 a.m. on March 16 does not constitute reasonable notice. Posting notice one week ahead does.

8. In *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999), the Court of Appeals considered whether an agenda item which simply stated "Work Order Reports" was sufficient to give adequate public notice of a decision to approve a work order which involved expenditure of over \$47 million for the construction of a 96-mile power transmission line across privately held property to connect two power substations. The court held that the agenda item was insufficient under the Open Meetings Act. The court also seemed to suggest, based upon the *Pokorny* case, that the sufficiency of an agenda item might be measured, at least to some degree, in the context of the other meetings of the public body immediately prior to the public meeting in question.

9. A member of the public should not be required to hunt up and read the documents underlying an agenda of a public body to determine what is actually on that agenda. *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

10. If a public body uses or publishes its agenda to give the required notice for a particular meeting, then the notice contained in the agenda must comport with the law for giving notice of what is to be considered at the

meeting. *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

11. A notice of a hearing, given by a school board, which stated that a hearing would be held, and that an agenda would be available for inspection, once established, is not proper notice. An agenda must be available. *Allen v. Greeley County School District No 501*, 1994 WL 272223, 1994 Neb. App. LEXIS 186 (Neb. Ct. App. 1994) (not approved for publication).

12. When governmental subdivisions which hold annual meetings, such as townships, conduct their annual meeting, electors who participate in the annual meeting must place matters which they wish to discuss on the agenda for the annual meeting. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007). Electors under those circumstances may not simply appear at the annual meeting and bring up any subject falling within the broad powers of electors if that subject is not on the agenda. *Id.*

13. Two separate public bodies may publish notice of their meetings on the same sheet of paper and need not use separate sheets when the notices contain only the time and place of their meetings, and when the notices direct interested citizens to the place where agendas for each body may be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009). In addition, two separate public bodies may combine their agendas when the combined agendas make it clear which items are to be addressed by each body. *Id.* The same rule applies to combined minutes. *Id.* The *Wolf* case involved a situation where a county board met both as a county board and as a county board of equalization.

14. Placing notice of future meetings in minutes of a prior meeting does not give sufficient notice under the Open Meetings Act. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009).

15. Notice of recessed or reconvened meetings of a public body must be given in the same fashion as notice of the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009).

16. Section 84-1411(1) requires public bodies to give notice of their meetings "by a method designated by each public body and recorded in its minutes." In *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010), the Nebraska Supreme Court seemed to indicate that this requirement may be met by a public body if it is possible, through the minutes of past meetings, to discern a customary and consistent method used by the public body to notify the public of its meetings. It does not appear that the choice of method for giving notice of meetings must be formally set forth in the minutes of the public body as such.

17. The Attorney General has concluded that "advance publicized notice" means a separate, specific advance notice must be given for each meeting. 1971-72 Rep. Att'y Gen. 314 (Opinion No. 137, dated August 8, 1972).

18. The Attorney General has also determined that: (1) an agenda may not be used as the minutes of a meeting, (2) reasonable notice under the statute means notice reasonably calculated to give appropriate notice to citizens of the time and place of a meeting and notice which complies with the formal requirements of the statute. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975).

19. In Op. Att'y Gen. No. 96071 (October 28, 1996), the Attorney General indicated that the Quality Jobs Board should give its normal 10-day published notice of meeting rather than an "informal" notice where the Board had recessed a previous meeting on a tax credit application pending a renewed meeting call from the Governor after issuance of an opinion from the Attorney General.

## EMERGENCY MEETINGS

F. Section 84-1411(5) allows public bodies to hold emergency meetings without reasonable advance public notice. There are several statutory requirements with respect to such emergency meetings: (1) the nature of the emergency shall be stated in the minutes, and any formal action taken shall pertain only to the emergency, (2) the provisions of § 84-1411(4) dealing with notice to the media shall be complied with in connection with an emergency meeting, (3) complete minutes of the emergency meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day.

1. Under § 84-1411(5), emergency meetings may be held by electronic or telecommunications equipment.
  
2. In *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994), the Court indicated, in a case involving allegations of a violation of the open meetings statutes, that an emergency is defined as "any event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." In that case, the Court held that a township board meeting to consider the job status of a township employee, convened as an emergency meeting because of a snowstorm, was not a proper emergency meeting because the employee was given two week's notice of his resultant termination, and because the reasons given for the employee's termination were based upon his past performance.
  
3. In *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) the Court of Appeals considered whether a number of items taken up at meetings of a county board without any listing on the board's agenda were "emergency" items. In making that determination in each case, the court focused upon whether there was anything in the record which indicated that a particular item required immediate action or involved pressing necessity.
  
4. The Attorney General has also stated that an item of an emergency nature is one that requires immediate resolution by the public body, and one which has arisen in circumstances impossible to anticipate at a time sufficient to place on the agenda of a regular, called, or special meeting of the body. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975).
  
5. In Op. Att'y Gen. No. 95063 (August 9, 1995), the Attorney General indicated that action taken during a meeting of the Nebraska Equal Opportunity Commission by a telephone conference call which did not comply with the requirements of the open meetings statutes for emergency meetings was void.

## **PUBLIC MEETINGS; MINUTES AND VOTING PROCEDURES**

**G.** Section 84-1413 contains several provisions regarding the minutes which are to be maintained by public bodies and regarding voting procedures for public bodies.

1. **Minutes.** Every public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence or documentation received or disclosed during open session shall be public records, open to public inspection during normal business hours. Minutes shall be written and available for inspection within 10 working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional 10 working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

a. 2015 Neb. Laws LB 365, § 2 amended § 84-1413 to provide that minutes of the meetings of school boards and educational service units may be kept as an electronic record.

2. **Voting procedures.** Any action taken on any question or motion duly made and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The vote to elect leadership within a public body may be by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

a. Electronic Voting Devices. The roll call or viva voce vote requirements of the Open Meetings Act may be satisfied by a public body which uses an electronic voting device which allows the vote of each member of the governing body to be readily seen. 2016 Neb. Laws LB 876, § 1. Prior to the enactment of LB 876, only certain public bodies, e.g., a municipality, a county, a learning community, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act or an agency formed under the Municipal Cooperative Financing Act, were authorized to use electronic voting devices under the Act.

3. In *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1984), the Supreme Court held that the requirement of § 84-1413(2) that the record shall state how each member of a body voted could not be satisfied by a nunc pro tunc amendment to the body's minutes showing that the recording of the vote in the minutes was performed prior to the time the actual recording in the minutes took place. However, when the same case was before the court a second time, the court held that, as a general rule, a public body may, if no intervening rights of a third person have arisen, order the minutes of its own proceedings at a previous meeting to be corrected according to the facts to make them speak the truth. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).

4. Section 84-1413 is violated by a failure to make or take a vote in accordance with the statute rather than a failure to record a properly taken vote. *State ex rel. Schuler v. Dunbar* (1983), *supra*.

5. Section 84-1413(2) dealing with roll call votes does not require the record to state that the vote was by roll call but only requires that the record show if and how each member voted. Neither does that statute set a time limit for recording the results of a vote. *State ex rel. Schuler v. Dunbar* (1983), *supra*.

6. The statutory requirements here dealing with voting and minutes are mandatory since the Legislature provided that action taken in violation of this statute is void. *State ex rel. Schuler v. Dunbar* (1981), *supra*.

7. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) seems to indicate that the Open Meetings Act does not require that minutes of meetings be "published," but only that they be written and available for inspection within 10 working days or prior to the next convened meeting of the public body.

8. The legislative history of the original open meetings statutes, LB 325 from 1975, indicates that the requirement of a roll call vote was directed at votes on questions that would bind the particular public body. Other procedural questions were not covered. Government Committee Hearing on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975) at 10.

9. The Attorney General has stated that nothing in the open meetings statutes requires approval of the minutes of a public body prior to their publication. Op. Att'y Gen. No. 162 (December 28, 1981).

10. In Op. Att'y Gen. No. 98045 (November 4, 1998), the Attorney General indicated that detailed minutes of all matters discussed need not be maintained when a public body is meeting in closed or executive session, so long as the requirements of § 84-1410 pertaining specifically to the minute entries necessary for a closed session are met.

## **PUBLIC MEETINGS; RIGHTS OF THE PUBLIC ATTENDING**

H. Section 84-1412 establishes the rights of members of the public attending a meeting of a public body.

1. Members of the public have the right to attend and the right to speak at meetings of public bodies, and all or any part of a public meeting except closed sessions under § 84-1410, may be videotaped, recorded, televised, broadcast, photographed, etc. by any person.

2. Public bodies may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, or recording their meetings. A public body is not required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

3. Members of the public cannot be required to identify themselves as a condition for admission to a public meeting. The public body may require persons desiring to address the body to identify themselves.

4. No public body shall, to circumvent the open meetings laws, hold its meeting in a place known to be too small to accommodate the anticipated audience. However, a public body shall not be in violation of this prohibition if it meets in its traditional meeting place in this state.

5. LB 898 from 2006 added language to § 84-1412 which provides that public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to

members of the public. At the beginning of any meeting, the public shall be informed about the location of the posted information. The legislative history of LB 898 indicates that "posting" a copy of the Open Meetings Act means putting it up in some fashion, including attaching it to a bulletin board, hanging it by a chain or fastening it to a wall. Floor Debate on LB 898, 99<sup>th</sup> Nebraska Legislature, Second Session, March 28, 2006, at 11697 (Statement of Senator Preister). "Posting" does not include placing the Act on a table as a loose document which can be removed and therefore might not be available throughout the meeting. *Id.* If a meeting of a public body is moved to another location to accommodate a larger audience, then the posted copy of the act should be moved and posted in the new location. *Id.*

6. In 2008, LB 962 amended § 84-1412 to provide that public bodies may not require that "the name of any member of the public be placed on the agenda prior to . . . [a] meeting in order to speak about items on the agenda." That change was made so that members of the public are not required to place themselves on the agenda of a public body prior to a meeting in order to speak on agenda items during the times at that meeting set aside for public comment. Floor Debate on LB 962, 100<sup>th</sup> Nebraska Legislature, Second Session, February 28, 2008 at 2 (Statement of Senator Preister). That change in statutory language was not intended to affect the right of a public body to make reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, or recording its meetings. *Id.*

7. A public body may hold a meeting outside the State of Nebraska only if all the following conditions are met: (a) a member entity of the public body is located outside of the state and the meeting is in that member's jurisdiction, (b) all out-of-state locations identified in the notice of meeting are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience, (c) reasonable arrangements are made to accommodate the public's rights to attend, hear and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance, (d) no more than 25% of the public body's meetings in a calendar year are held out-of-state, (e) out-of-state meetings are not used to circumvent any of the public government purposes established by the Open Meetings Act, (f) reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area, and (g) the public body publishes notice of the out-of-state meeting at least 21 days before the

date of the meeting in a legal newspaper of statewide circulation. These requirements for out-of-state meetings were added to § 84-1412 by 2001 Neb. Laws. LB 250, § 2.

8. A public body shall, upon request, make a reasonable effort to accommodate the public's right to hear discussion and testimony at a public meeting. Public bodies shall make at least one copy of reproducible written material discussed at an open meeting available at the meeting or at the in-state location for a telephone conference call or video conference for examination and copying by members of the public.

9. **History.** Many of the initial provisions in § 84-1412 dealing with the rights of the public were added as a result of LB 43 in 1983.

10. The language requiring a reasonable effort to allow all parties to hear a public meeting does not involve an absolute requirement that all persons present shall be able to hear. Floor Debate on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session, March 21, 1983, at 1794-1795.

## CLOSED SESSIONS OF A PUBLIC BODY

I. Section 84-1410, pertaining to closed sessions of public body, has generated the most controversy of all the portions of the open meetings statutes. Section 84-1410(1) provides that any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary (1) for the protection of the public interest, or (2) for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Closed meetings may not be held for discussion of the appointment or election of a new member to any public body. Nothing in § 84-1410 should be construed to require that any meeting be closed to the public.

1. Under § 84-1410(1), examples of reasons for a closed session include:

a. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body.

- b. Discussion regarding deployment of security personnel or devices.
- c. Investigative proceedings regarding allegations of criminal misconduct.
- d. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.
- e. For a Community Trust created under Neb. Rev. Stat. § 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster. [Amended into § 84-1410(1) by 2011 Neb. Laws LB 390.]
- f. For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length. [Amended into § 84-1410(1) by 2012 Neb. Laws LB 995.]

These examples are not exclusive; they are merely examples, and other reasons may exist. Government Committee Hearing on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975) at page 3; 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975); Op. Att'y Gen. No. 65 (April 17, 1985).

2. LB 898 from 2006 amended some of the provisions of § 84-1410 pertaining to the mechanics of holding a closed session. The subject matter of the closed session and reason necessitating the closed session shall be identified in the motion to hold a closed session. The vote to hold a closed session must be taken in open session, and the entire closed session motion, the vote of each member on the question of holding a closed session, and the time when the closed session commences and ends must be recorded in the minutes. If the motion to close passes, then the presiding officer shall restate on the record immediately prior to the closed session the limitation of the subject matter of the closed session. The public body holding a closed session shall restrict its consideration of

matters during the closed session to only those purposes set forth in the motion to close as the reason for the closed session. The meeting must be reconvened in open session before any formal action may be taken, and "formal action" in that context is defined in § 84-1410(2) to mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy. Under an amendment to § 84-1410(2) effected by LB 621 in 1994, formal action by the body in that context does **not** include, "negotiating guidance given by members of the public body to legal counsel or other negotiators in a closed [strategy] session authorized [for collective bargaining, real estate purchases, etc.] under subdivision 1(a) of [Section 84-1410]."

3. Any member of the public body can challenge the continuation of a closed session if he or she determines that the session has exceeded the original reason for the closed session, or if he or she contends that the closed session is neither clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual. Such a challenge can only be overruled by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

4. **History.** One of the purposes for the initial open meetings statute, LB 325 from 1975, was to tighten restrictions on closed or executive sessions of public bodies. Introducer's Statement of Purpose for LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975). The fourth example of reasons for closed meetings was added by LB 43 in 1983. The provisions dealing with pending or imminent litigation and defining formal action in a closed session were added as a part of LB 1019 in 1992.

5. It is not entirely clear what vote of the public body is necessary to go into closed session. The statute states that "an affirmative vote of a majority of [the body's] voting members" is necessary for a closed session. On its face, the normal meaning of this language would presumably be a majority of those members present and voting. This is particularly true since the later subsection (3) of § 84-1410 requires a "majority vote of the members of the public body" to overrule a challenge to the continuation of the closed session. However, the legislative history of LB 325 makes it quite clear that the legislators intended to make the requirement for a closed session a vote of the majority of the body rather than a vote of the majority of those present and voting. Floor Debate on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session, May 14 and May 20, 1975, at 4616, 5015. Moreover, there is

some indication that "voting" members in § 84-1410(1) refers to particular members of bodies such as the Board of Regents which has both voting and non-voting members. Government Committee Hearing on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975) at 27-28. The safer approach is to authorize a closed session of the public body by a majority vote of the members of the body rather than by a majority vote of just those members present.

6. The landmark case for what is permissible in a closed session is *Grein v. Board of Education of the School District of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984). *Grein* involved a closed session by a school board for discussion of the low bid on a construction project. The supreme court held that the closed session was improper. That case indicates:

a. Provisions of the statute permitting closed sessions must be narrowly and strictly construed. *See also State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007).

b. The public interest which is protected in § 84-1410(1) is "that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities." 216 Neb. at 165, 343 N.W.2d at 723. *See also Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002).

c. Good faith motivation for a closed session is not a cure for non-compliance with the public meetings laws.

d. The prohibition against decisions or formal actions in a closed session proscribes crystallization of a secret decision and then ceremonial acceptance in open session.

e. There is a guiding principle with respect to closed sessions: "If a public body is uncertain about the type of session to be conducted, open or closed, bear in mind the policy of openness promoted by the Public Meetings Laws and opt for a meeting in the presence of the public." 216 Neb. at 168, 343 N.W.2d at 724.

7. *Pokorny v. City of Schuyler, supra*, indicates that there is nothing in the open meetings statutes which requires that negotiations for the purchase of land be conducted in open meeting, but deliberations of a public body as to whether an offer to purchase should be made must be done in an open meeting.

8. In a case involving the revocation of a land surveyor's license, the supreme court held that a closed session was improper since there was no showing of either necessity or of the reasons set out in § 84-1410(1). *Simonds v. Board of Examiners of Land Surveyors*, 213 Neb. 259, 329 N.W.2d 92 (1983).

9. Neb. Rev. Stat. § 79-832 (1996), dealing with hearings involving cancellation, amendment or termination of a teacher's contract mandates a closed hearing upon an affirmative vote of a majority of the school board's members present and voting and upon specific request of the certificated employee or the certificated employee's representative. However, under that section, formal action by the school board requires that the school board reconvene in open session. *Stephens v. Board of Education of School District No. 5, Pierce County*, 230 Neb. 38, 429 N.W.2d 722 (1988).

10. The provisions of the open meetings statutes dealing with closed sessions, in part, reflect the Legislature's judgment of the appropriate balance between the public's interest in open discussion of governmental issues and the rights of individuals, such as state employees, to have their performance as employees considered in private if they so choose. *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993).

11. If the primary purpose for a closed session of a public body is authorized under the open meetings statutes, then any necessary discussion of incidental matters is also authorized. *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993). In the *Meyer* case, the Nebraska Court of Appeals indicated that the University Board of Regents could properly discuss the appointment of an interim president for the University during a closed session called to evaluate and consider the employment status of the president.

12. In *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002), the court held that if a person who is present at a meeting of a public body observes an alleged violation of the Open Meetings Act in the form of an improper closed session and fails to object, then that person waives his or her right to object to the closed session at a later date. However, that case appears to be legislatively overruled by LB 898 from 2006; which provides that it shall not be a defense to a citizen lawsuit under § 84-1414(3) that the citizen attended the meeting and failed to object at that time.

13. There is no absolute evidentiary privilege which applies to all communications made during a closed session of a public body, and communications made during such closed sessions are discoverable. *State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007). However, to the extent that communications made during a closed session implicate other recognized privileges such as the attorney/client privilege, those communications are protected. *Id.*

14. The statutory provision allowing public bodies to hold closed sessions for strategy sessions regarding litigation or threatened litigation by necessity encompasses discussions and decisions regarding whether to make or reject a settlement offer. Such decisions regarding litigation strategy should not have to be discussed publicly, during an open session, in front of the body's opponent. *Becker v. Allen*, 1996 WL 106217, 1996 Neb. App. LEXIS 73 (Neb. Ct. App. 1996) (not approved for publication). In addition, the strategic meetings which a public body has with its attorney when threatened with or engaged in litigation, in which the public body may give direction to its attorney, are protected by the attorney-client privilege. *Id.*

#### 15. Opinions of the Attorney General:

- a. A closed session is not proper simply because matters permitting a closed session might arise. Such a closed session is permitted only when such matters do arise and must be dealt with. Op. Att'y Gen. No. 94035 (May 11, 1994); Op. Att'y Gen. No. 11 (January 20, 1983).

b. Discussions of legal matters between a county board and a county attorney involving pending litigation or legal consequences of specific action are suitable for a closed session. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975).

c. A public body can go into a proper closed session for discussion of personnel matters and then reconvene for a public vote with no lengthy explanation of the rationale underlying the decision. Op. Att'y Gen. No. 89063 (October 12, 1989).

d. The closed session exception for prevention of needless injury to reputation is for the protection of individual employees and not for the protection of governmental officers on the public body. *Id.*

e. In Op. Att'y Gen. No. 98045 (November 4, 1998), the Attorney General indicated that detailed minutes of all matters discussed need not be maintained when a public body is meeting in closed or executive session, so long as the requirements of § 84-1410 pertaining specifically to the minute entries necessary for a closed session are met.

f. A county clerk, county attorney and county treasurer acting as a group under § 32-567(3) to make an appointment to fill a vacancy on a county board may not go into closed session for evaluation of the merits of the candidates based upon the express language of § 84-1410(1). Op. Att'y Gen. No. 97050 (September 18, 1997).

g. In Op. Att'y Gen. No. 17-004 (June 5, 2017), the Attorney General indicated that the Public Service Commission may not discuss management and operational issues outside of a duly convened meeting which satisfies all requirements of the Open Meetings Act, except when conducting judicial proceedings. Alternatively, the commission could discuss these issues in closed sessions under limited circumstances or form subcommittees of less than a quorum, which are generally excluded from the act.

h. The Attorney General has indicated informally that developing testimony for an upcoming Legislative hearing is not a proper reason for a state agency to go into closed session. On the other hand, the Attorney General has also indicated informally that discussion of "sensitive medical and financial information" pertaining to specific individuals who applied for admission to a state home could be conducted in a closed session so long as the actual vote on admission was done in an open meeting.

## CIRCUMVENTION OF THE OPEN MEETINGS ACT

J. Section 84-1410(4) prohibits a person or a public body from circumventing the purpose of the open meetings statutes by failing to invite a portion of its members to a meeting or by designating itself as a subcommittee of the whole body. That section also prohibits the use of any closed session, informal meeting, chance meeting, social gathering, email, fax or other electronic communication for the purpose of circumventing the requirements of the open meetings statutes.

1. This provision was added to the open meetings statutes by LB 43 in 1983. This section was directed at the intentional circumvention of the open meetings statutes rather than inadvertent acts. Government, Military and Veterans' Affairs Committee Hearing on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session (1983) at 5.

2. 2004 Neb. Laws LB 1179 added emails, faxes and other electronic communications to the list of mediums which could not be used to circumvent the requirements of the Open Meetings Act.

3. Similar language prohibiting the use of telephone conference calls, emails, faxes, or other electronic communications to circumvent any of the public government purposes of the Open Meetings Act is contained in § 84-1411(3).

4. The Attorney General has indicated that intent is a necessary element of the conduct prohibited by § 84-1410(4), and that members of a public body can communicate with other members of that body by electronic means, even if that communication is directed to a quorum of the body, so long as

there is no course of communication which becomes sufficiently involved so as to evidence an intent or purpose to circumvent the Open Meetings Act. Op. Att'y Gen. No. 04007 (March 8, 2004).

## ACTIONS FOR ENFORCEMENT

K. Section 84-1414 sets out various enforcement options available to individuals who believe that the open meetings statutes have been violated.

1. Any motion, resolution, rule, ordinance, or formal action of a public body made or taken in violation of the public meetings statutes shall be declared void by the district court if the suit is commenced within 120 days of the meeting of the public body at which the alleged violation occurred. Any such motion or other action taken in substantial violation of the public meeting statutes shall be voidable by the district court if the suit is commenced after more than 120 days but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

2. Under § 84-1414(3), any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the open meetings statutes, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the open meetings statutes to discussions or decisions of the public body. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007). The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under § 84-1414(3). Under LB 898 from 2006, it shall not be a defense to such a suit that the citizen attended the meeting and failed to object to violations at such time.

3. The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the provisions of the open meetings statutes.

4. **History.** The original version of § 84-1414(1), which was a part of LB 325 passed in 1975, simply provided that actions taken in violation of the public meetings statutes should be void. The void/voidable distinction was added by LB 43 in 1983. The apparent intent of that later language was to allow a

court to void an action by a public body taken when there was any violation of the open meetings statutes if the action was filed within four months of the meeting in question. After four months, the violation of the open meetings statutes would have to be substantial to allow a court to void the action of the public body. In any event, no action could be brought after one year of the public meeting in question. Floor Debate on LB 43, 88<sup>th</sup> Nebraska Legislature, First Session, March 22, 1983, at 1892.

5. The legislative history of LB 325 from 1975 indicates that the initial intent of that statute was to have the county attorney responsible for enforcement proceedings involving public bodies at a local level. The Attorney General would be responsible for enforcement against state entities. Floor Debate on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session, May 14, 1975, at 4620.

6. The Nebraska Supreme Court has indicated that action by a public body which is proper under the open meetings statutes may cure defects in actions previously taken by the same public body. In such an instance, an action by a public body which previously might have been declared void will be declared proper. *Pokorny v. City of Schuyler, supra*. On the other hand, under those circumstances, the original improper meeting itself is still void. *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994). *Pokorny* also indicates that the effect of an invalid public meeting under the open meetings laws is the same as if the meeting had never occurred.

7. A county lacks capacity to maintain an action to declare its official conduct void for noncompliance with the open meetings statutes. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).

8. Reading of a city ordinance in accordance with a city charter constitutes "formal action" of a city council which may be voided in a lawsuit under § 84-1414(1). *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

9. A number of Nebraska cases deal with waiver of rights under the Open Meetings Act by a failure to make a timely objection to violations of the Act. *Stoetzel & Sons, Inc. v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003) (if a person who attends a meeting of a public body believes that copies of documents discussed by the body should be made available to

the public at the meeting, a timely objection should be made, or that person waives his or her right to object); *Wasikowski v. The Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Otey v. State*, 240 Neb. 813, 485 N.W.2d 153 (1992); *Witt v. School District No. 70*, Frontier County, 202 Neb. 63, 273 N.W. 2d 669 (1979) (any person who has notice of a meeting and attends the meeting is required to object specifically to a lack of public notice at the meeting or waive his rights to object on that ground under the open meetings statutes); *Hauser v. Nebraska Police Standards Advisory Council*, 264 Neb. 944, 653 N.W.2d 240 (2002) (if a person present at a meeting observes and fails to object to an alleged open meetings violation in the form of a failure to conduct roll call votes before taking action on questions or motions pending, that person waives his or her right to object at a later date); *Alexander v. School District No. 17 of Thurston County*, 197 Neb. 251, 248 N.W.2d 335 (1976) (where teachers had notice of a termination hearing, appeared, and no objection was made to a failure of the school board to give proper notice under the open meetings statutes, those teachers waived any objection they might have had to violations of the open meetings law). Those cases appear to be legislatively overruled by LB 898 from 2006 which provides that it shall not be a defense to a citizen lawsuit under § 84-1414(3) that the citizen attended the meeting and failed to object at that time.

10. Actions for relief under the open meetings statutes are tried as equitable cases, given the fact that the relief sought is in the nature of a declaration that particular action taken in violation of the laws is void or voidable. Such cases are also considered as equitable cases on appeal. *Stoetzel & Sons, Inc. v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003); *Hauser v. Nebraska Police Standards Advisory Council*, 264 Neb. 944, 653 N.W.2d 240 (2002); *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W. 2d 499 (Neb. Ct. App. 2009); *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

11. The *Hansmeyer* case also discusses the distinction between "void" and "voidable" under § 84-1414. "Void" means ineffectual and having no legal force or binding effect, while "voidable" means that which may be avoided or declared void, not absolutely void. In *Hansmeyer*, the court considered factors such as whether any purpose would be served or whether decisions were made in secret without public discussion in determining whether a voidable vote by the Nebraska Public Power District should, in fact, be voided.

12. Once a meeting has been declared void pursuant to the Open Meetings Act, the members of the public body involved are prohibited from considering any information which they obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009); *Alderman v. County of Antelope*, 11 Neb. App. 412, 653 N.W.2d 1 (2002).

13. The decision to award attorneys fees to a "successful plaintiff" in an action under § 84-1414 is discretionary with the trial court. *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999). The court in *Hansmeyer* also held that the plaintiffs in that case were "successful plaintiffs" who could recover attorney's fees under § 84-1414 because there was a finding that a substantial violation of the open meetings statutes had occurred, and because the public body involved amended its practices to prepare proper agendas after the plaintiffs filed their action. The court reached that conclusion even though it ultimately determined that the improper action of the public body at issue should not be voided. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) also contains a discussion regarding the basis for an award of attorneys fees in that case, including the court's analysis of why it reduced a fee award on appeal.

14. Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009). The court in the *Wolf* case also specifically considered whether violations of the Open Meetings Act were "substantial" violations in determining whether it was appropriate to void actions of a county board when the enforcement lawsuit was filed more than 120 days after the meetings in question.

15. In *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) there was no evidence in the record which established that a county board had published notice of its meetings anywhere. The Court of Appeals held that in the absence of contrary evidence, it may be presumed that public officers faithfully performed their official duties. *Id.* In addition, absent evidence showing misconduct or disregard for the law, the regularity of official acts is also presumed. *Id.* In *Wolf*, the court also indicated that the plaintiffs had the burden at all times to show that it was more probable that notices of meetings were not posted than probable that they were.

16. The United States District Court for the District of Nebraska has indicated that it has supplemental jurisdiction over claims under § 84-1414 based upon 28 U.S.C. § 1367(a). *Buzek v. Pawnee County Nebraska*, 207 F. Supp. 2d 961 (D. Neb. 2002).

17. "Citizens," as well as members of the general public and reporters or other representatives of the news media, are the intended beneficiaries of the Open Meetings Act, and have standing to bring an action under that Act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W. 2d 909 (2010). This is true even though individual citizens may not be able to allege a particularized injury as a result of action by a public body or the pecuniary interest in the public body's action which might be necessary for common law standing. *Id.* An action under § 84-1414 is permissible when the ultimate result of the questionable meetings of the public body is annexation. *Id.*

18. The plaintiffs in *Pierce v. Drobny*, 279 Neb. 251, 777 N.W.2d 322 (2010), contended that a local school board held a number of secret meetings without notice or public participation to plan for a special election for the issuance of bonds for a new school. A resolution authorizing the special election was subsequently passed by the board at a public meeting, and at the special election, voters approved the school bond issue. The plaintiffs sought to void the board's resolution for the special election under the Open Meetings Act rather than filing an election contest. The Nebraska Supreme Court held that an election contest was the exclusive remedy under such circumstances, and that a separate challenge under the Open Meetings Act did not exist once the bond issue was voted upon by the public.

## CRIMINAL SANCTIONS

L. Section 84-1414(4) provides that any member of a public body who knowingly violates or conspires to violate the Open Meetings Act, or who attends or remains at a meeting knowing that the public body is in violation of any provision of that Act, shall be guilty of a Class IV misdemeanor for a first offense, and a Class III misdemeanor for a second or subsequent offense.

1. The legislative history of LB 325 from 1975 indicates that the criminal sanctions included in this section were originally directed at intentional behavior rather than at inadvertence. Government Committee Hearing on LB 325, 84<sup>th</sup> Nebraska Legislature, First Session (1975) at 16.

2. The criminal sanctions for violation of the open meetings statutes were first increased as a result of LB 1019 passed in 1992. Also, that same bill in 1992 added language which made knowingly remaining at or attending a meeting in violation of the open meetings statutes a crime. The present language which applies criminal sanctions to those members of a public body who remain at a meeting knowing that the public body is in violation of the open meetings statutes was added by LB 621 in 1994.

3. Under Neb. Rev. Stat. § 28-106 (2016), a Class IV misdemeanor is punishable by a fine up to \$500 and no imprisonment. In addition, a Class III misdemeanor is punishable by up to 3 months imprisonment or up to a \$500 fine, or both. A Class III misdemeanor has no minimum penalty.

Rev. 08/2019

Nebraska Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-2683  
[Contact Us \(/contact-us\)](#)



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City of St Paul  
Special Council Meeting Minutes  
IBEW 1597 Union Negotiations

Monday, November 4, 2019, 5:30 p.m.

A special meeting of the Mayor and Councilmembers of the City of St. Paul, Nebraska was held at the City Hall in said City on Monday, November 4, 2019 at 5:30 p.m. Present were Mayor Bergman and Councilmembers: Brenda Klanecky, Ralph Kezeor, Katie Kowalski & Jerry Thompson. Absent: None. Notice of the meeting was posted in four (4) different places around the City. Notice of this meeting was communicated in the advance notice. All proceeds thereafter shown were taken while the convened meeting was opened to the attendance of the public.

Mayor Bergman opened the meeting at 5:35 p.m., with announcing that the City of St. Paul abides by the Open Meetings Act, which is posted on the west wall as required by the Nebraska State Law.

Mayor Bergman also stated that the City Council may vote to go into Closed Session on any agenda item as allowed by State Law.

A workshop ensued for the negotiations of the IBEW 1597 Union Contract, with Ed Thompson (City of St. Paul Union Steward), Rich Michel and Chad Holmes (1597 IBEW Union representatives) present.

The next IBEW 1597 Union negotiation meeting will be held on Monday, December 2, 2019 at 5:30 p.m.

Mayor Bergman closed the special meeting at 7:05 p.m.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel M. Bergman, Mayor

\_\_\_\_\_  
Connie Jo Beck, City Clerk/Deputy Treasurer

City of St. Paul Regular Meeting  
704 6<sup>th</sup> Street  
St. Paul, NE 68873

**Monday, November 4, 2019**

A meeting of the Mayor and City Council of the City of St. Paul, Nebraska was held at City Hall in said City on Monday, November 4, 2019, at 7:00 p.m. Present were Mayor Joel Bergman and Council members: Brenda Klanecky, Ralph Kezeor, Katie Kowalski and Jerry Thompson. Absent: None. Notice of the meeting was given in advance thereof by publication in the Phonograph Herald, a legal newspaper published in said City and County. Notice of this meeting was also posted in four (4) places. Notice of this meeting was communicated in the advance notice. All proceeds thereafter shown were taken while the convened meeting was opened to the attendance of the public.

Mayor Bergman opened the meeting at 7:06 p.m., thanking the public for attending and announcing that the City of St. Paul abides by the Open Meetings Act, which is posted on the west wall as required by Nebraska State Law. Mayor Bergman also stated that the City Council may vote to go into Closed Session on any agenda item as allowed by State Law; this was followed by the "Pledge of Allegiance."

Individuals who have appropriate agenda items for City Council consideration should complete the "Request for Future Agenda Items" form located at the City Office. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

There was an opportunity for individuals wishing to provide input on any of tonight's agenda items. Those individuals were asked to reserve time to speak.

The St. Paul Development Corp. (SPDC) President Dave Brehm and the Civic Center Community Program Coordinator Sarah Call were present to discuss the management of duties and responsibilities between the two (2) entities. After a brief conversation on the topic, a study session was agreed upon between the entities to hold a study session at 5:30 p.m. on Monday, November 18, 2019 prior to the regular City Council meeting to coordinate such duties.

City of St. Paul Community Program Coordinator Sarah Call was present to discuss the cleaning of the St. Paul Civic Center and gymnasium. Ms. Call stated that it's not necessary to have Ron Honz clean the south gym foyer; Ms. Call will maintain the area to save the City \$30. Ms. Call is requesting Mr. Honz to clean the entire west wall of the gym, due to the sheet rock dust from the construction of the wall. Council member Thompson moved to approve Mr. Honz cleaning the west gym wall in the amount of \$300. Council member Kezeor seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0. Ms. Call will contact Mr. Honz on the Civic Center cleaning duties. Ms. Call stated that she has purchased a drop box for key fobs.

Council member Kezeor moved to approve Mayor Bergman signing the American Legion Auxiliary Centennial Day Community Proclamation. The American Legion Auxiliary was founded in 1919 to support the American Legion and honor the sacrifice of those who serve by enhancing the lives of our veterans, military, and their families, both at home and abroad. Council member Klanecky seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted ayes, nays none. Motion carried 4/0.

After a brief discussion on waiving the Rural Economic Development Loan Grant (REDLG) administrative fee of one percent (1%) for the Howard County Medical Center regarding Pod D, Council member Kezeor moved to deny the request of waiving the annual fee. This is due to the fee being utilized for any upcoming City REDLG projects; the fee will be utilized for title searches, loan closing cost and other costs related to the grant. Per the United States Dept. of Agriculture (USDA) the costs cannot come from the grant or matching funds; this is why there is a service fee in place. Council member Klanecky seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0. The annual administrative fee of one percent (1%) will be assessed each year on December 31 on

the outstanding balance of the loan. The fee will be payable monthly with the regular loan payment per a prepared amortization schedule. The City absorbs a crime insurance cost of \$1,257 annually for the REDLG project.

Council member Kowalski moved to approve the minutes of October 7, 2019 (regular), with amending the closed session verbiage in adding persons in attendance, October 9, 2019 (Northwest Drainage project), October 21, 2019 (employee health insurance), and October 21, 2019 (regular); November 4, 2019 disbursements; and October 28, 2019 zoning permits. Council member Thompson seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

911 Custom (Sup)	499.00
BJ's Garage (Rep)	891.32
Bomgaars (Rep)	617.10
Brehms (Sup)	50.47
BSN Sports (Rep)	153.99
Cardmember Services (Sup)	1430.97
Central Health Dept (LTs)	117.00
Central NE Bobcat (Srv)	145.00
Charter Communication (Srv)	174.97
City Health Ins (Ins)	5808.00
City 125 Plan (Ins)	180.00
Consolidated Concrete (Rep)	676.25
Core & Main (Sup)	4322.88
Custer Co Recycling (Srv)	86.80
Elmwood Cemetery (Imp)	200.00
EMS Billing (Srv)	645.74
Entech Pest Mgmt. (Srv)	85.00
Evident Inc (LTs)	75.65
Farwell Fire Rescue (Srv)	275.00
Filter Care (Rep)	21.50
Hansen International (Rep)	78.84
Hawkins (LTs)	1999.98
Homestead Bank (Srv)	30.20
Hometown Mrk (Sup)	39.13
Ho Co Medical Center (LTs)	60.00
Ho Co Treasurer (Srv)	2782.05
Hydro Optimization (Rep)	197.25
Jarecke Motors (Rep)	176.36
John Deere Fin. (Veh)	179.69
Killinger Elec (Rep)	495.99
Loup Valley Supply (Sup)	140.00
Madison Nation Life (Ins)	193.32
Metering & Tech Sol (Sup)	3830.95
Midland Telecom (Sup)	600.00
NE State Treasurer (Lic)	90.28
OfficeNet (Sup)	226.87
Olsson (Eng)	7854.68
Overland Ready Mix (Sup)	286.50
Parts Bin (Sup)	56.34
Petty Cash (PtC)	43.20
Regional Care (Ins)	88.00
Resco (Sup)	555.83
Roberts Pump (Rep)	567.47
S E Smith (Sup)	574.49
Servi-Tech (LTs)	367.90
Siteone Lanscape (Sup)	1087.94
St Paul Public School (Sup)	249.00
State of NE Central Ser (Srv)	473.94
Thiels Tire (Rep)	19.26
Thompson Welding (Rep)	703.77

Thompson, Jerry (Edu)	60.00
TO Haas Tire (Rep)	18.76
United Healthcare (Ins)	15663.84
United Life Ins Co (Ins)	4478.94
USA Blue Book (Rep)	147.78
Verizon (Srv)	239.54
Payroll	77114.44

Council member Kezeor moved to approve Resolution 2019-8, whereas by Nebraska State Statute 53-124.11, the City of St. Paul Clerk and the Chief of Police is the designated agents for the City to determine whether a special designated liquor (SDL) license is to be approved or denied. If a new liquor license vendor has not submitted a prior special designated liquor (SDL) application, or the vendor liquor application is questionable by the City Clerk or the Chief of Police, then the application will be placed on the agenda for Mayor and City Council approval. Council member Kowalski seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0. City Clerk Beck provided a Special Designated Liquor application procedure list that will be placed in the "City Procedure" binder.

The discussion of approving the Library employee wage increase of 3% was tabled, due to the City Council requiring clarity from the Library Board; the item will be placed on the November 18, 2019 City Council agenda.

On Tuesday, September 3, 2019 the City Council moved to approve Mike Feeken rebidding the City's community branding and website development projects. Since then, Mr. Feeken has taken on a new employment position. Therefore, Mayor Bergman and City Council members were in agreement to have City Clerk Beck move forward on sending the "Request for Proposals" (RFP) regarding the City branding and website development.

Council member Kowalski moved to approve going forward on the dirt work and installation of a culvert located in the northwest part of St. Paul on Todd Wojtalewicz's and Jeff Platek's property. This should alleviate some of the flooding problems in the area. Council member Kezeor seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0. Jeff Platek (1618 Kendall Street) was in attendance to answer any questions regarding the project. The Howard County Commissioners will meet on Tuesday, November 12, 2019 for the discussion of assisting the City on the project.

Utility Superintendent Helzer updates include: (1) 4<sup>th</sup> and Kendall Street intersection will be open on Friday, November 8, 2019, due to a sanitary sewer repair; and (2) Diamond Engineering is repairing a sanitary sewer line by Archer Credit Union and Wells Plumbing.

Chief of Police Paczosa submitted an "Incident & Nuisance" report, along with reporting on police business.

Mayor Bergman updates include: (1) Reimbursement check from LARM in the amount of \$10,419, regarding changes in the deductible from \$500 to \$1,000; lowered the actual market value on vehicles & equipment (no replacement cost on the items); and automobile, public officials & and law enforcement liability coverage was changed from \$4 million to \$5 million; (2) Mayor Bergman presented a \$300 Public Alliance Community Energy (ACE) check to Boy Scout Troop 121 for community clean-up; (3) History Nebraska is hosting a public meeting at the St. Paul Library on Wednesday, November 13, 2019 at 7:00 p.m. regarding a Historic Building Survey and reviewing programs, and (4) the St. Paul Rescue Squad is losing two (2) EMT members with regret, Anita Jepson currently and Jeanette Wieser at the end of December 2019.

Mayor Bergman adjourned the City Council meeting at 8:19 p.m.

Date: \_\_\_\_\_

\_\_\_\_\_  
Connie Jo Beck, City Clerk/Deputy Treasurer

\_\_\_\_\_  
Joel M. Bergman, Mayor

City of St Paul  
Special Council Meeting, St. Paul Development Corp., Coordination of Duties St. Paul Civic Center

Monday, November 18, 2019 at 5:30 p.m.

A special meeting of the Mayor and Councilmembers of the City of St. Paul, Nebraska was held at the City Hall in said City on Monday, November 18, 2019 at 5:30 p.m. Present were Mayor Bergman and Councilmembers: Brenda Klanecky, Ralph Kezeor, Katie Kowalski & Jerry Thompson. Absent: None. Notice of the meeting was posted in four (4) different places around the City. Notice of this meeting was communicated in the advance notice. All proceeds thereafter shown were taken while the convened meeting was opened to the attendance of the public.

Mayor Bergman opened the meeting at 5:30 p.m., with announcing that the City of St. Paul abides by the Open Meetings Act, which is posted on the west wall as required by the Nebraska State Law.

A workshop ensued regarding the coordination of duties between the St. Paul Civic Center and the St. Paul Development Corporation. Since the Civic Center is owned by the City of St. Paul, City officials were included in such discussions. Numerous representatives of the two (2) boards were in attendance to collaborate on an agreement regarding the responsibilities and duties. Presently, Sarah Call, Civic Center Community Program Coordinator is scheduling Civic Center events, paying invoices and performing maintenance cleaning of the Center; her hours reflect 25 – 30 hours weekly. The City has allocated \$8,000 of property tax dollars annually for the operation of the recreation program. It is understood that Ms. Call's wages are taken from this amount. It was voiced that the Economic Development Director should not be required to perform Civic Center duties; duties need to be separate. It was also voiced that hiring a City Administrator is not an option at this time.

St. Paul Development Corp. President Dave Brehm stated that Sarah Call is performing a great job in her position as the Community Programs Coordinator.

This item will come before the Mayor and City Council once City Clerk Beck receives the Community Program Coordinator's wage and the St. Paul Development Corp. members provide their desires and expectations between the Civic Center Community Program Coordinator and the St. Paul Development Corp Executive Director duties and responsibilities.

Mayor Bergman closed the special meeting at 6:21p.m.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel M. Bergman, Mayor

\_\_\_\_\_  
Connie Jo Beck, City Clerk/Deputy Treasurer

City of St. Paul Regular Meeting  
704 6<sup>th</sup> Street  
St. Paul, NE 68873

**Monday, November 18, 2019**

A meeting of the Mayor and City Council of the City of St. Paul, Nebraska was held at the City Hall in said City on Monday, November 18, 2019 at 7:00 p.m. Present were Mayor Joel M. Bergman and Councilmembers: Brenda Klanecky, Ralph Kezeor, Katie Kowalski & Jerry Thompson. Absent: None. Notice of the meeting was given in advance thereof by publication in the Phonograph Herald, a legal newspaper published in said City and County. Notice of the meeting was also posted in four (4) places. Notice of this meeting was communicated in the advance notice. All proceeds thereafter shown were taken while the convened meeting was opened to the attendance of the public.

Mayor Bergman opened the meeting at 7:00 p.m., thanking the public for attending and announcing that the City of St. Paul abides by the Open Meetings Act, which is posted on the west wall as required by Nebraska State Law. Mayor Bergman also stated that the City Council may vote to go into Closed Session on any agenda item as allowed by State Law; this was followed by the "Pledge of Allegiance."

Individuals who have appropriate agenda items for City Council consideration should complete the "Request for Future Agenda Items" form located at the City Office. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

There was an opportunity for individuals wishing to provide input on any of tonight's agenda items. Those individuals were asked to reserve time to speak.

Council member Klanecky moved to approve the St. Paul Library employee wage increase of 3%, effective October 1, 2019; the St. Paul Library Board approved the wage on July 17, 2019. Council member Thompson seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

Council member Klanecky moved to approve Miretta Vineyards & Winery, Inc. dba Miletta Vista Winery (1732 Hwy 281) Special Designated Liquor application regarding a Christmas Festival tasting/bottle sales on (1) Friday, December 6, 2019 from 10:00 a.m. to 8:00 p.m. and (2) Saturday, December 7, 2019 from 9:00 a.m. to 4:00 p.m. at the St. Paul Civic Center (423 Howard Avenue). All documents have been signed, along with the appropriate insurance submitted. Identification will be checked, along with wristbands being utilized for underage drinking. The application has been approved by Police Officer Costello and Chief of Police Paczosa. Council member Kowalski seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

The St. Paul Development Corporation members were in attendance to discuss the Middle Loup Subdivision paving, storm & sanitary sewer and water improvements costing an approximate amount of \$1.7 million. St. Paul Development Corp. member Mike Kezeor presented a Middle Loup Subdivision analysis sheet regarding the estimated project cost from low bidder of Diamond Engineering (bid useful for sixty days from November 12, 2019); the annual payment amount regarding a \$1.7 million bond; the City's estimated sales tax dollars received; the Civic Center annual loan payments; historic economic development annual draws for LB 840 purposes; St. Paul comparative sales of land; and current real estate tax information. A possible funding source for the cost of improvements to the Middle Loup Subdivision and the Downtown Revitalization project was to promote a local option sales tax. Sewer Commissioner Gregoski had concerns regarding the letter the City will be receiving after January 2020 from NE Dept. of Energy & Environment (NDEE) concerning wastewater pollutants. In the past, the City has not met the standards of NDEE; Brian Friedrichsen (Olsson)

elaborated more on the topic. The access road proceeding into the Middle Loup Subdivision located on US Highway 281 and Adams Street was also up for discussion to pave; Mr. Friedrichsen stated that this will be placed on the One (1) and Six (6) Year Street Plan early 2020 for more discussion. This item was tabled until Brian Friedrichsen (Olsson) can acquire figures for the City and St. Paul Development Corp. (SPDC) regarding the curb, gutter, gravel and the cost for water, storm sewer and sanitary sewer.

Council member Kowalski moved to approve the Letter Agreement for Professional Services from Olsson's (Jeff Palik), regarding the City of St. Paul's Street Superintendent and/or Engineer-on-Call. As the City's Class "A" Street Superintendent, Olsson administers street budgeting, planning, expenditures, and revenue reporting, completes all required reporting to the State of Nebraska, and oversees and certifies compliance of maintenance and construction for street-related projects. The Highway Allocation funds provided to the City include incentive payments to help pay for the services. The contract start date is January 1, 2020, with a completion date of December 31, 2020. Olsson's scope of services include: (1) Street Superintendent services: \$3,000 fixed fee and (2) Consulting Services Projects: Not to exceed \$5,000 for time & expenses. Council member Klanecky seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0. City Attorney White approved the agreement.

Council member Klanecky moved to approve Maintenance Agreement No. 47 between the NE Dept. of Transportation (NDOT) and the Municipality of St. Paul for the period of January 1, 2020 to December 31, 2020 regarding surface maintenance in the sum of \$665 per lane mile x 4.12 lane miles = \$2,739.80. Council member Thompson seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

Council member Thompson moved to approve the NE Dept. of Transportation (NDOT) Certificate of Compliance regarding Maintenance Agreement No. 47; whereas all the 2019 roadway snow removal and/or surface maintenance has been accomplished as per the terms of the agreement. The amount due to the State for snow removal is 4.12 lane miles x \$665 per lane mile = \$2,739.80. Council member Klanecky seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

Council member Kezeor moved to approve the bid from Electric Pump, Des Moines, IA in the amount of \$28,945 regarding the new sewer comminutor (grinder) at the main lift station. The warranty is for one (1) year. Council member Klanecky seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

Council member Kezeor moved to approve the October 2019 Treasurer's Report. Council member Kowalski seconded the motion. Council members Klanecky, Kezeor, Kowalski & Thompson voted aye, nays none. Motion carried 4/0.

Council member Kowalski moved to approve Resolution 2019-9 regarding the "Participating Members" of the League Association of Risk Management (LARM) to ratify the elections of members of the LARM Board of Directors. Council member Thompson seconded the motion. Council members Klanecky, Kowalski & Thompson voted aye, Council member Kezeor voted nay. Motion carried 3/1.

Council member Kowalski moved to approve City of St. Paul Firefighter Robert Jaeger; the St. Paul Fire Department approved Mr. Jaeger on Thursday, November 14, 2019. Council member Kezeor seconded the motion. Council members Klanecky, Kezeor & Kowalski voted aye, Council member Thompson voted nay. Motion carried 3/1. Mr. Jaeger will be placed on Life Insurance through Christensen Insurance.

Utility Superintendent Helzer updates include: (1) NW Drainage culvert & dirt - Howard County Commissioners will absorb the culvert cost; the City of St. Paul and Howard County will both assist in the dirt work; (2) cement will be poured in the alley east of

Archer Credit Union on November 19, 2019; and (3) an issue with the Civic Center refrigerator regarding a wedding on Saturday, November 9, 2019; this was submitted to LARM Insurance.

Chief of Police Paczosa submitted an "Incident & Nuisance" report.

Mayor Bergman updates include: (1) Mayor Bergman signing a St. Paul Post Office Encroachment License Agreement. The agreement is regarding City awareness of the south side encroachment of 5" to 6" on City ROW; and the east side encroachment of 2" on City ROW. If the building would burn down, then the owner has to follow the City zoning regulations; and (2) received email from Attorney Pigsley on Wednesday, November 13, 2019 concerning the Court of Industrial Relations (CIR) dismissing the IBEW 1597 Union (Valerie Killinger) case that was filed against the City of St. Paul; there was a finding of NO violation regarding City Clerk Beck with the Court of Industrial Relations Act.

Mayor Bergman adjourned the City Council meeting at 8:30 p.m.

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Date

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Joel M. Bergman, Mayor

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Connie Jo Beck, City Clerk

Accounts Payable List to Be Approved			Date/ Notes
Vendor	Check No.	Amount	December 2, 2019
Disbursement Approval: December 2, 2019		\$ 225,727.51	December 2, 2019
November 2019 Payroll	ACH	\$ 111,609.46	Payroll
Dept of Revenue Form 10 (November 2019)	ACH	\$ 12,822.75	Checking 100027
Howard Greeley REA	65892	\$ 134,389.27	Public Utilities
Computer on the Run (ACH)	ACH	\$ 800.00	Checking 100027
Heritage Bank (ACH Fee)	ACH	\$ 25.00	411025
Aurora Co-op Elevator Co.	65885	\$ 962.18	Gas & Chemicals
Black Hills Energy	65886	\$ 854.48	Natural Gas
City of St. Paul Light	65887	\$ 9,441.32	Utilities
Heartland Disposal	65888	\$ 5,337.79	October Sanitation
Jims Champlin Inc.	65889	\$ 1,614.35	Gas
Mid-Nebraksa Disposal Inc	65890	\$ 3,408.20	October Sanitation
Phonograph-Herald	65891	\$ 424.95	Publish fee
<b>TOTAL</b>		<b>\$ 507,417.26</b>	
<b>ADDITIONS:</b>			
Heritage Bank Acct 4100744 carrying an interest	77183	\$ 28,106.24	From #4100744
rate of .20% was transferred to a Light ICS with an			
interest rate of 2.85%, this is due to the account			
maintaining a balance of \$50,000.			
Ron Honz Floor	1279	\$ 455.00	Civic 300749
Verizon	1280	\$ 42.85	Civic 300749
SPDC - 19-20 Operating Budget	369	\$ 25,000.00	Sale Tax 504420
RightLook LLC (Cathryn & Brian Sack) Infill Lot	370	\$ 17,350.00	Sale Tax 504420
<b>Total</b>		<b>\$ 70,954.09</b>	

**\*Check Detail Register©**

DECEMBER 19-20

Check Amt Invoice Comment

**11100 CHECKING**

Paid Chk# 000948 12/15/2019 BOK FINANCIAL

E 03-60-620	INTEREST	(963.75)		Correct Interest for \$165,000
E 03-60-620	INTEREST	\$1,042.50		Correct Interest for \$165,000
<b>Total BOK FINANCIAL</b>		<b>\$78.75</b>		

Paid Chk# 000948E 12/15/2019 BOK FINANCIAL

E 61-60-614	STREET PRINC	\$50,000.00		VP Bond - \$855,000 Streets dated 4/17/2017
E 61-60-615	STREET INTEREST	\$9,431.25		VP Bond - \$855,000 Streets dated 4/17/2017
E 03-60-610	PRINCIPAL	\$15,000.00		Sew. - \$165,000 dated 10/14/2016 Principal
E 03-60-620	INTEREST	\$963.75		Sew. - \$165,000 dated 10/14/2016 Interest
E 02-60-610	PRINCIPAL	\$9,250.00		Wtr. - \$265,000 dated 12/22/16 Dalton Meadows
E 03-60-610	PRINCIPAL	\$8,000.00		Sew. - \$265,000 dated 12/22/16 Dalton Meadows
E 61-60-614	STREET PRINC	\$7,750.00		Str. - \$265,000 dated 12/22/16 Dalton Meadows
E 02-60-620	INTEREST	\$820.02		Wtr. - \$265,000 dated 12/22/16 Dalton Meadows
E 03-60-620	INTEREST	\$709.20		Swr. - \$265,000 dated 12/22/16 Dalton Meadows
E 61-60-615	STREET INTEREST	\$687.03		Str. - \$265,000 dated 12/22/16 Dalton Meadows
<b>Total BOK FINANCIAL</b>		<b>\$102,611.25</b>		

Paid Chk# 000949 12/15/2019 AMERITAS INVESTMENT CORP.

E 61-60-612	POOL BD INTEREST	(630.00)		Correct Princ. & Interest
E 61-60-615	STREET INTEREST	(157.50)		Correct Princ. & Interest
E 61-60-612	POOL BD INTEREST	\$1,202.00		Correct Princ. & Interest
E 61-60-615	STREET INTEREST	\$300.50		Correct Princ. & Interest
<b>Total AMERITAS INVESTMENT CORP.</b>		<b>\$715.00</b>		

Paid Chk# 000949E 12/15/2019 AMERITAS INVESTMENT CORP.

E 61-60-612	POOL BD INTEREST	\$630.00		Pool - \$625,000 dated 3/5/2015
E 61-60-615	STREET INTEREST	\$157.50		Str. - \$625,000 dated 3/5/2015
E 02-60-610	PRINCIPAL	\$30,000.00		Wtr. - \$520,000 dated 4/7/2015
E 02-60-620	INTEREST	\$4,725.00		Wtr. - \$520,000 dated 4/7/2015
<b>Total AMERITAS INVESTMENT CORP.</b>		<b>\$35,512.50</b>		

Paid Chk# 065894 12/2/2019 BJ S GARAGE LLC

E 03-20-271	VEHICLE R & M	\$420.00	71	Sew. - #8 oil pan gasket replaced
<b>Total BJ S GARAGE LLC</b>		<b>\$420.00</b>		

Paid Chk# 065895 12/2/2019 BOMGAARS SUPPLY INC

E 34-20-270	UTILITY R & M	\$1.09	43506472	Cem. - mender hose
E 21-20-271	VEHICLE R & M	\$9.58	43506555	Strs. - anit-freeze
E 21-20-270	UTILITY R & M	\$8.99	43506993	Strs. - trash bag
E 03-20-270	UTILITY R & M	\$10.78	43507817	Sew. - sealant
E 31-20-272	TOOLS	\$34.99	43507913	Fire. - battery charger
E 21-20-271	VEHICLE R & M	\$51.99	43508022	Strs. - gear lube
E 01-20-271	VEHICLE R & M	\$8.51	43508118	Lgts. - #16 pin hitch
E 03-20-272	TOOLS	\$12.49	43508150	Sew. - rake
E 02-20-270	UTILITY R & M	\$9.57	43508229	Wtr. - shop towels
E 42-20-520	BLDG/ R & M	\$2.99	43508332	Prk. - great stuff
E 34-20-270	UTILITY R & M	\$10.99	43508371	Cem. - bulb
E 02-20-272	TOOLS	\$44.70	43508543	Wtr. - duct tape, plier
E 01-20-272	TOOLS	\$11.70	43508575	Lgts. - glove
E 01-20-272	TOOLS	\$68.14	43508598	Lgts. - gloves
E 42-20-270	UTILITY R & M	\$8.96	43508603	Prk. - cross, tee
E 42-20-270	UTILITY R & M	\$25.46	43509792	Prk. - tape, blades, great stuff
E 21-20-271	VEHICLE R & M	\$59.94	43509852	Strs. - diesel fuel conditioner
E 02-20-272	TOOLS	\$63.88	43510129	Wtr. - earmuffs
E 21-20-270	UTILITY R & M	\$19.98	43510377	Strs. - shovel

**\*Check Detail Register©**

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		Check Amt	Invoice	Comment
E 42-20-270	UTILITY R & M	\$6.87	43510479	Prk. - round plug, brake fluid
E 01-20-270	UTILITY R & M	\$23.41	43510669	Lgts. - batteries
E 42-20-520	BLDG/ R & M	\$8.86	43510740	Prk. - bulb, great stuff, elec. Tape
E 21-20-270	UTILITY R & M	\$8.37	43511839	Strs. - fasteners
E 01-20-271	VEHICLE R & M	\$9.57	43512001	Lgts. - oil absorbent #12Y
E 01-20-272	TOOLS	\$6.98	43512463	Lgts. - socket, threadlocker
E 21-20-270	UTILITY R & M	\$0.81	43512515	Strs. - fasteners
E 01-20-271	VEHICLE R & M	\$239.50	43512677	Lgts. - heet, cord, electryx blue 25 ft
E 01-20-272	TOOLS	\$25.54	43514631	Lgts. - wheel cut off
E 02-20-270	UTILITY R & M	\$18.08	43514792	Wtr. - bulbs, tape
<b>Total BOMGAARS SUPPLY INC</b>		<b>\$812.72</b>		

## Paid Chk# 065896 12/2/2019 CARDMEMBER SERVICE

E 02-20-211	ADM. & DUES	\$115.00		Sew. - Grade 3 water operator renewal B. Gregoski
E 10-20-310	OFFICE SUPPLIES	\$83.92		Gen. - Wireless headset for phone
E 10-20-313	POSTAGE	\$20.25		Gen. - postage for branding
E 02-20-211	ADM. & DUES	\$115.00		Wtr. - Grade 6 Backflow water license renewal R. Switzer
E 02-20-211	ADM. & DUES	\$115.00		Wtr. - Grade 2 Water operator license renewal R. Switzer
E 02-20-211	ADM. & DUES	\$115.00		Wtr. - Grade 4 Water operator license renewal J. Gorecki
E 02-20-211	ADM. & DUES	\$115.00		Wtr. - Grade 6 water operator license renewal M. Helzer
E 02-20-211	ADM. & DUES	\$115.00		Wtr. - Grade 1 water operator license renewal M. Helzer
E 03-20-270	UTILITY R & M	\$155.88	PD-43744	Sew. - repair part for camera on sewer jetter
<b>Total CARDMEMBER SERVICE</b>		<b>\$950.05</b>		

## Paid Chk# 065897 12/2/2019 CHARTER COMMUNICATIONS

E 10-20-220	COMMUNICATION	\$89.99		Gen. - Fire Hall internet service
E 10-20-220	COMMUNICATION	\$84.98		Gen. - City office internet service
<b>Total CHARTER COMMUNICATIONS</b>		<b>\$174.97</b>		

## Paid Chk# 065898 12/2/2019 CITY HEALTH INSURANCE SAVINGS

E 03-10-130	INSURANCE	\$363.00		Sew. - Health Savings
E 42-10-130	INSURANCE	\$363.00		Prks. - Health Savings
E 21-10-130	INSURANCE	\$726.00		Strs. - Health Savings
E 01-10-130	INSURANCE	\$1,089.00		Lgts. - Health Savings
E 02-10-130	INSURANCE	\$726.00		Wtr. - Health Savings
E 32-10-130	INSURANCE	\$1,452.00		Pol. - Health Savings
E 10-10-130	INSURANCE	\$1,089.00		Gen. - Health Savings
<b>Total CITY HEALTH INSURANCE SAVINGS</b>		<b>\$5,808.00</b>		

## Paid Chk# 065899 12/2/2019 CITY OF ST PAUL125 PLAN

E 32-10-130	INSURANCE	\$40.00		Pol. - Modern Woodmen Life Insurance
E 01-10-130	INSURANCE	\$40.00		Lgts. - Modern Woodmen Life Insurance
E 02-10-130	INSURANCE	\$30.00		Wtr. - Modern Woodmen Life Insurance
E 03-10-130	INSURANCE	\$10.00		Sew. - Modern Woodmen Life Insurance
E 21-10-130	INSURANCE	\$20.00		Strs. - Modern Woodmen Life Insurance
E 10-10-130	INSURANCE	\$30.00		Gen. - Modern Woodmen Life Insurance
E 42-10-130	INSURANCE	\$10.00		Prks. - Modern Woodmen Life Insurance
<b>Total CITY OF ST PAUL125 PLAN</b>		<b>\$180.00</b>		

## Paid Chk# 065900 12/2/2019 CORE &amp; MAIN

E 02-20-270	UTILITY R & M	\$357.66	L410547	Wtr. - 3/4 bend, 3/4 brs insert, copperhorn, curb box, ips ply tubing
<b>Total CORE &amp; MAIN</b>		<b>\$357.66</b>		

## Paid Chk# 065901 12/2/2019 CUSTER COUNTY RECYCLING

E 04-20-325	Recycle Delivery	\$26.70	175	Lndfl. - recycling trailer
E 04-20-325	Recycle Delivery	\$29.20	177	Lndfl. - recycling trailer
E 04-20-325	Recycle Delivery	\$28.00	180	Lndfl. - recycling trailer

**\*Check Detail Register©**

DECEMBER 19-20

		Check Amt	Invoice	Comment
<b>Total CUSTER COUNTY RECYCLING</b>		<b>\$83.90</b>		
Paid Chk#	12/2/2019	<b>DANA F COLE &amp; COMPANY, L.L.P.</b>		
E 44-20-345	ACCOUNTING FEE	\$500.00	30129 b	Lib. - auditing service from 11/1/19 to 9/30/19
E 10-20-345	ACCOUNTING FEE	\$1,000.00	30129 b	Gen. - auditing service from 11/1/19 to 9/30/19
E 01-20-345	ACCOUNTING FEE	\$2,886.00	30129 b	Lgts. - auditing service from 11/1/19 to 9/30/19
E 02-20-345	ACCOUNTING FEE	\$2,886.00	30129 B	Wtr. - auditing service from 11/1/19 to 9/30/19
E 03-20-345	ACCOUNTING FEE	\$2,886.00	30129 b	Sew. - auditing service from 11/1/19 to 9/30/19
<b>Total DANA F COLE &amp; COMPANY, L.L.P.</b>		<b>\$10,158.00</b>		
Paid Chk#	12/2/2019	<b>DEMCO INC</b>		
E 44-20-310	OFFICE SUPPLIES	\$131.12	6671528	Lib. - book bag, tape, putty, reading record, poster
E 44-20-310	OFFICE SUPPLIES	\$146.55	6721513	Lib. - jackets
<b>Total DEMCO INC</b>		<b>\$277.67</b>		
Paid Chk#	12/2/2019	<b>ELMWOOD CEMETERY</b>		
E 34-20-315	CEMETERY PERPETUAL	\$200.00		Cem. - perpetual care for Wilbert & Marie Potter
<b>Total ELMWOOD CEMETERY</b>		<b>\$200.00</b>		
Paid Chk#	12/2/2019	<b>EMS BILLING SERVICE INC.</b>		
E 36-20-311	EMS/ FIRE BILLING	\$716.63	15183	Cem. - billing service
<b>Total EMS BILLING SERVICE INC.</b>		<b>\$716.63</b>		
Paid Chk#	12/2/2019	<b>ENTECH PEST MANAGEMENT, INC</b>		
E 02-20-520	BLDG/ R & M	\$40.00	33864	Wtr. - November Pest Control
E 10-20-520	BLDG/ R & M	\$45.00	33865	Gen. - November Pest Control
<b>Total ENTECH PEST MANAGEMENT, INC</b>		<b>\$85.00</b>		
Paid Chk#	12/2/2019	<b>FREDERICK, MICHAEL</b>		
E 44-20-242	BOOKS	\$24.00	381695	Lib. - bunny love book
<b>Total FREDERICK, MICHAEL</b>		<b>\$24.00</b>		
Paid Chk#	12/2/2019	<b>GALE GROUP</b>		
E 44-20-242	BOOKS	\$30.58	67938404	Lib. - books
E 44-20-242	BOOKS	\$28.77	68306503	Lib. - books
E 44-20-242	BOOKS	\$32.98	68704765	Lib. - books
<b>Total GALE GROUP</b>		<b>\$92.33</b>		
Paid Chk#	12/2/2019	<b>GRAND ISLAND INDEPENDENT</b>		
E 44-20-234	MAGAZINE & PAPER	\$374.35		Lib. - 52 weeks subscription
<b>Total GRAND ISLAND INDEPENDENT</b>		<b>\$374.35</b>		
Paid Chk#	12/2/2019	<b>HAMPTON INN KEARNEY</b>		
E 32-20-210	PROF&SCHOOLS	\$629.70		Pol. - Room for conference Paczosa and Coghlan
<b>Total HAMPTON INN KEARNEY</b>		<b>\$629.70</b>		
Paid Chk#	12/2/2019	<b>HIRERIGHT LLC</b>		
E 02-20-210	PROF&SCHOOLS	\$35.70	P0916993	Wtr. - drug testing R Switzer
E 01-20-210	PROF&SCHOOLS	\$17.85	P0916993	Lgts. - drug testing L. Wroblewski
E 02-20-210	PROF&SCHOOLS	\$17.85	P0916993	Wtr. - drug testing L. Wroblewski
<b>Total HIRERIGHT LLC</b>		<b>\$71.40</b>		
Paid Chk#	12/2/2019	<b>HOMESTEAD BANK</b>		
E 10-20-209	Pay ACH Fee	\$40.00		Gen. - Ach fees for October
<b>Total HOMESTEAD BANK</b>		<b>\$40.00</b>		
Paid Chk#	12/2/2019	<b>HOMETOWN MARKET</b>		
E 42-20-270	UTILITY R & M	\$76.24		Prks. - tri-fold towels

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			Check Amt	Invoice	Comment
E 34-20-270	UTILITY R & M		\$8.97		Cem. - soap for the trees
<b>Total HOMETOWN MARKET</b>			<b>\$85.21</b>		
<b>Paid Chk# 065914 12/2/2019 HOWARD CO REGISTER OF DEEDS</b>					
E 10-20-216	RECORDING FEE		\$22.00		Gen. - recording fee for paving assessment
E 34-20-216	RECORDING FEE		\$10.00		Cem. - recording fee for lot certificate
E 34-20-216	RECORDING FEE		\$10.00		Cem. - recording fee for lot certificate Potter
E 34-20-216	RECORDING FEE		\$10.00		Cem. - recording fee for lot certificate Welch
E 10-20-216	RECORDING FEE		\$10.00		Gen. - recording fee for special assessment
<b>Total HOWARD CO REGISTER OF DEEDS</b>			<b>\$62.00</b>		
<b>Paid Chk# 065915 12/2/2019 HOWARD COUNTY TREASURER (CCCC)</b>					
E 32-20-214	DISPATCHER		\$2,782.05		Pol. - dispatcher pay
<b>Total HOWARD COUNTY TREASURER (CCCC)</b>			<b>\$2,782.05</b>		
<b>Paid Chk# 065916 12/2/2019 HOWARD GREELEY RURAL PUBLIC</b>					
E 01-20-270	UTILITY R & M		\$342.14	1963	Lgts. - power poles by Bootleggers
<b>Total HOWARD GREELEY RURAL PUBLIC</b>			<b>\$342.14</b>		
<b>Paid Chk# 065917 12/2/2019 HYDRO OPTIMIZATION &amp; AUTOMATIO</b>					
E 02-50-550	IMPROVEMENTS		\$15,762.00	8663	Wtr. - SCADA upgrade at Water Treatment Plant
<b>Total HYDRO OPTIMIZATION &amp; AUTOMATIO</b>			<b>\$15,762.00</b>		
<b>Paid Chk# 065918 12/2/2019 JARECKE MOTORS</b>					
E 31-20-271	VEHICLE R & M		\$310.73	11476	Fire - #52 service fire truck
E 31-20-271	VEHICLE R & M		\$114.83	11477	Fire - #54 service fire truck
E 31-20-271	VEHICLE R & M		\$112.07	11478	Fire - #57 service fire truck
E 31-20-271	VEHICLE R & M		\$245.67	11481	Fire - #51 service fire truck
<b>Total JARECKE MOTORS</b>			<b>\$783.30</b>		
<b>Paid Chk# 065919 12/2/2019 JOHN DEERE FINANCIAL</b>					
E 21-20-271	VEHICLE R & M		\$89.39	1053457	Strs. - #13 o-rings, hose, fittings
E 21-20-271	VEHICLE R & M		\$98.70	1053458	Strs. - #13 o-ring, hose, fitting hose fitting
<b>Total JOHN DEERE FINANCIAL</b>			<b>\$188.09</b>		
<b>Paid Chk# 065920 12/2/2019 JOHNNYS LOCK &amp; KEY</b>					
E 69-20-520	BLDG/ R & M		\$266.00	85135	Sen. Center - change locks at Senior Center
<b>Total JOHNNYS LOCK &amp; KEY</b>			<b>\$266.00</b>		
<b>Paid Chk# 065921 12/2/2019 LINCOLN JOURNAL STAR</b>					
E 44-20-234	MAGAZINE & PAPER		\$602.99		Lib. - subscription
<b>Total LINCOLN JOURNAL STAR</b>			<b>\$602.99</b>		
<b>Paid Chk# 065922 12/2/2019 MACQUEENEMERGENCY GROUP</b>					
E 03-20-270	UTILITY R & M		\$156.61	P05099	Sew. - repairs to flushing nozzle for the sewer jetter
<b>Total MACQUEENEMERGENCY GROUP</b>			<b>\$156.61</b>		
<b>Paid Chk# 065923 12/2/2019 MADISON NATIONAL LIFE</b>					
E 42-10-130	INSURANCE		\$10.74		Prk. Life Insurance
E 03-10-130	INSURANCE		\$21.48		Sew. - Life Insurance
E 01-10-130	INSURANCE		\$42.96		Lgts. - Life Insurance
E 21-10-130	INSURANCE		\$21.48		Strs. - Life Insurance
E 02-10-130	INSURANCE		\$32.22		Wtr. - Life Insurance
E 10-10-130	INSURANCE		\$21.48		Gen. - Life Insurance
E 32-10-130	INSURANCE		\$42.96		Pol. - Life Insurance
<b>Total MADISON NATIONAL LIFE</b>			<b>\$193.32</b>		
<b>Paid Chk# 065924 12/2/2019 METERING &amp; TECHNOLOGY SOLUTION</b>					

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			Check Amt	Invoice	Comment
E 02-20-269	Water Meters		\$2,617.02	15648	Wtr. - 3/4" M25 low lead bronze meter
<b>tal METERING &amp; TECHNOLOGY SOLUTION</b>			<b>\$2,617.02</b>		
<hr/>					
Paid Chk#	065925	12/2/2019	<b>MUNICIPAL SUPPLY INC OF NE</b>		
E 02-20-270	UTILITY R & M		\$329.40	0746402-IN	Wtr. - valve box riser #69, 6" & 5"
E 21-20-270	UTILITY R & M		\$749.00	0747432-IN	Strs. - flap gate for NW drainage
E 21-20-270	UTILITY R & M		(\$49.00)	0747606-CM	Strs. - sales tax adjustment
<b>Total MUNICIPAL SUPPLY INC OF NE</b>			<b>\$1,029.40</b>		
<hr/>					
Paid Chk#	065926	12/2/2019	<b>OFFICENET INC</b>		
E 01-20-310	OFFICE SUPPLIES		\$39.60	929560-0	Lgts. - folders, labels and desk calendars
E 02-20-310	OFFICE SUPPLIES		\$39.60	929560-0	Wtr. - folders, labels and desk calendars
E 03-20-310	OFFICE SUPPLIES		\$39.60	929560-0	Sew. - folders, labels and desk calendars
E 10-20-520	BLDG/ R & M		\$17.12	IN53425	Gen. - Copier contract at Police Dept.
E 02-20-520	BLDG/ R & M		\$15.00	IN53426	Wtr. - Coper contract at WTP
E 01-20-520	BLDG/ R & M		\$43.58	IN53439	Lgts. - City office copier contract
E 02-20-520	BLDG/ R & M		\$43.58	IN53439	Wtr. - City office copier contract
E 03-20-520	BLDG/ R & M		\$43.58	IN53439	Sew. - City office copier contract
E 10-20-520	BLDG/ R & M		\$5.39	IN53440	Gen. - Matts copier
E 10-20-520	BLDG/ R & M		\$45.00	IN53440	Fire. - copier contract
<b>Total OFFICENET INC</b>			<b>\$332.05</b>		
<hr/>					
Paid Chk#	065927	12/2/2019	<b>OLSSON</b>		
E 21-20-213	ENGINEER FEES		\$6,644.72	342842	Strs. - stake Kendall East Street project admin & project observation
<b>Total OLSSON</b>			<b>\$6,644.72</b>		
<hr/>					
Paid Chk#	065928	12/2/2019	<b>ONE CALL CONCEPTS, INC</b>		
E 01-20-220	COMMUNICATION		\$12.93	9100193	Lgts. - diggers hotline
E 02-20-220	COMMUNICATION		\$12.93	9100193	Wtr. - diggers hotline
E 03-20-220	COMMUNICATION		\$12.93	9100193	Sew. - diggers hotline
<b>Total ONE CALL CONCEPTS, INC</b>			<b>\$38.79</b>		
<hr/>					
Paid Chk#	065929	12/2/2019	<b>PARTS BIN, INC.</b>		
E 01-20-231	CITY GAS & OIL		\$28.98	857076	Lgts. - oil #16
E 01-20-271	VEHICLE R & M		\$26.97	857076	Lgts. - #16 air filter
E 03-20-271	VEHICLE R & M		\$8.18	857381	Sew. - #8 oil filter
E 03-20-231	CITY GAS & OIL		\$16.38	857381	Sew. - oil
E 21-20-271	VEHICLE R & M		\$3.99	857607	Strs. - fuse #6
E 01-20-270	UTILITY R & M		\$29.71	857674	Lgts. - power service
E 42-20-271	VEHICLE R & M		\$49.98	858048	Prks. - #9 support
E 21-20-271	VEHICLE R & M		\$14.49	858192	Strs. - #6 fuel cap
E 01-20-271	VEHICLE R & M		\$35.13	858614	Lgts. - solenoid
E 01-20-272	TOOLS		\$21.29	858643	Lgts. - 100 pc screwdrivers
<b>Total PARTS BIN, INC.</b>			<b>\$235.10</b>		
<hr/>					
Paid Chk#	065930	12/2/2019	<b>PENWORTHY COMPANY, INC</b>		
E 44-20-242	BOOKS		\$1,703.32	0555025-IN	Lib. - books
<b>Total PENWORTHY COMPANY, INC</b>			<b>\$1,703.32</b>		
<hr/>					
Paid Chk#	065931	12/2/2019	<b>PIONEER DOOR</b>		
E 21-20-520	BLDG/ R & M		\$95.00	41173	Strs. - repairs to overhead door
<b>Total PIONEER DOOR</b>			<b>\$95.00</b>		
<hr/>					
Paid Chk#	065932	12/2/2019	<b>POAN</b>		
E 32-20-210	PROF&SCHOOLS		\$60.00		Pol. - membership for Paczosa, Greenwalt, Coghlan, & Costello

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		Check Amt	Invoice	Comment
<b>Total POAN</b>		<b>\$60.00</b>		
Paid Chk#	065933	12/2/2019	<b>POWERTECH</b>	
E 02-20-520	BLDG/ R & M	\$911.00	W29306	Wtr. - repairs to louvers for chlorine room @ WTP
<b>Total POWERTECH</b>		<b>\$911.00</b>		
Paid Chk#	065934	12/2/2019	<b>REGIONAL CARE, INC</b>	
E 01-10-130	INSURANCE	\$16.50		Lgts. - Health reimbursement
E 02-10-130	INSURANCE	\$11.00		Wtr. - Health reimbursement
E 03-10-130	INSURANCE	\$5.50		Sew. - Health reimbursement
E 10-10-130	INSURANCE	\$16.50		Gen. - Health reimbursement
E 21-10-130	INSURANCE	\$11.00		Str. - Health reimbursement
E 32-10-130	INSURANCE	\$22.00		Pol. - Health reimbursement
E 42-10-130	INSURANCE	\$5.50		Prks. - Health reimbursement
<b>Total REGIONAL CARE, INC</b>		<b>\$88.00</b>		
Paid Chk#	065935	12/2/2019	<b>S E SMITH AND SONS</b>	
E 21-20-270	UTILITY R & M	\$32.99	635528	Strs. - paint
E 02-20-270	UTILITY R & M	\$6.68	635547	Wtr. - marking for locates
E 42-20-520	BLDG/ R & M	\$39.54	635720	Prk. - garage door stop
E 34-50-550	IMPROVEMENTS	\$41.00	635816	Cem. - Form boards and screws for new directory
E 42-20-521	GROUNDS / R & M	\$634.50	635837	Prks. - athletic field marker 50 lbs
E 42-20-272	TOOLS	\$52.99	635837	Prks. - 18 v. porter cable battery
<b>Total S E SMITH AND SONS</b>		<b>\$807.70</b>		
Paid Chk#	065936	12/2/2019	<b>SARGENT DRILLING CO.</b>	
E 02-20-270	UTILITY R & M	\$4,630.66	5863	Wtr. - replacement motor for high service pump #1 at WTP
<b>Total SARGENT DRILLING CO.</b>		<b>\$4,630.66</b>		
Paid Chk#	065937	12/2/2019	<b>SCHAPER &amp; WHITE</b>	
E 10-20-212	LEGAL FEES	\$43.75	1459	Gen. - call to City Clerk
E 01-20-212	LEGAL FEES	\$437.50	1459	Lgts. - prepare edits to Union contract
E 01-20-212	LEGAL FEES	\$525.00	1459	Lgts. - Attend City Council mtg.
E 01-20-212	LEGAL FEES	\$150.00	1459	Lgts. - travel to attend City Council mgt.
<b>Total SCHAPER &amp; WHITE</b>		<b>\$1,156.25</b>		
Paid Chk#	065938	12/2/2019	<b>SERVI-TECH INC</b>	
E 03-20-232	LAB SAMPLE	\$115.10	H-976558	Sew - lab sample
<b>Total SERVI-TECH INC</b>		<b>\$115.10</b>		
Paid Chk#	065939	12/2/2019	<b>STATE OF NEBRASKA CENTRAL SERV</b>	
E 10-20-220	COMMUNICATION	\$17.93		Prks. - Park phone service
E 01-20-220	COMMUNICATION	\$75.60		Lgts. - City office phone service
E 10-20-220	COMMUNICATION	\$17.93		Pool - Pool phone service
E 44-20-220	COMMUNICATION	\$26.61		Lib. - Library phone service
E 10-20-220	COMMUNICATION	\$24.35		Fire - Fire phone service
E 01-20-220	COMMUNICATION	\$26.31		Lgts. - City fax line
E 02-20-220	COMMUNICATION	\$110.21		Wtr. - DSL WTR phone line
E 02-20-220	COMMUNICATION	\$17.93		Wtr. - Water plant phone service
E 10-20-220	COMMUNICATION	\$40.23		Gen. - Police phone service
E 10-20-220	COMMUNICATION	\$17.93		Gen. - Police fax line
<b>Total STATE OF NEBRASKA CENTRAL SERV</b>		<b>\$375.03</b>		
Paid Chk#	065940	12/2/2019	<b>THIELS TIRE &amp; AUTO REPAIR</b>	
E 03-20-271	VEHICLE R & M	\$519.28	25482	Sew. - #8 New Tires
<b>Total THIELS TIRE &amp; AUTO REPAIR</b>		<b>\$519.28</b>		

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DECEMBER 19-20			Check Amt	Invoice	Comment
Paid Chk#	065941	12/2/2019	THOMPSON WELDING		
E 01-20-271	VEHICLE R & M		\$40.51		Lgts. - #14W built cone holders
E 02-20-272	TOOLS		\$54.35		Wtr. - built water valve wrench
<b>Total THOMPSON WELDING</b>			<b>\$94.86</b>		
Paid Chk#	065942	12/2/2019	THOMPSON, EDWARD		
E 01-20-272	TOOLS		\$54.87		Lgts. - 4' cut and hold tree pruner
<b>Total THOMPSON, EDWARD</b>			<b>\$54.87</b>		
Paid Chk#	065943	12/2/2019	TO HAAS TIRE CO INC		
E 21-20-271	VEHICLE R & M		\$98.57	33-34726	Strs. - #18 flat repair tractor
E 01-20-271	VEHICLE R & M		\$651.36	33-34975	Lgts. - #16 new tires
<b>Total TO HAAS TIRE CO INC</b>			<b>\$749.93</b>		
Paid Chk#	065944	12/2/2019	TRI-COUNTY SAND & GRAVEL, INC		
E 03-20-270	UTILITY R & M		\$662.63	59354	Sew. - road gravel repairs for alley behind Archer and Wells
<b>Total TRI-COUNTY SAND &amp; GRAVEL, INC</b>			<b>\$662.63</b>		
Paid Chk#	065945	12/2/2019	UNITED HEALTHCARE INS		
E 02-10-130	INSURANCE		\$2,652.81		Wtr. - Health Insurance
E 10-10-130	INSURANCE		\$3,973.47		Gen. - Health Insurance
E 01-10-130	INSURANCE		\$3,400.24		Lgts. - Health Insurance
E 42-10-130	INSURANCE		\$1,603.57		Prks. - Health Insurance
E 32-10-130	INSURANCE		\$2,662.74		Pol. - Health Insurance
E 21-10-130	INSURANCE		\$2,689.03		Strs. - Health Insurance
E 03-10-130	INSURANCE		\$3,367.35		Sew. - Health Insurance
<b>Total UNITED HEALTHCARE INS</b>			<b>\$20,349.21</b>		
Paid Chk#	065946	12/2/2019	UNITED STATES POST OFFICE		
E 01-20-313	POSTAGE		\$80.00		Lgts. - postage
E 02-20-313	POSTAGE		\$80.00		Wtr. - postage
E 03-20-313	POSTAGE		\$80.00		Sew. - postage
E 04-20-313	POSTAGE		\$20.00		Lndfl. - postage
<b>Total UNITED STATES POST OFFICE</b>			<b>\$260.00</b>		
Paid Chk#	12152019	11/27/2019	BOK FINANCIAL		
E 21-20-211	ADM. & DUES		\$200.00		Strs. - Agent fee \$855,000 Dated 4/17/2017
E 03-20-211	ADM. & DUES		\$200.00		Sew. - Agent fee \$165,000 Dated 10/14/2016
E 02-20-211	ADM. & DUES		\$200.00		Wtr. - Agent fee \$265,000 Dated 12/22/2016
<b>Total BOK FINANCIAL</b>			<b>\$600.00</b>		
<b>11100 CHECKING</b>			<b>\$225,727.51</b>		

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**Fund Summary****11100 CHECKING**

01 LIGHTS	\$10,507.38
02 WATER	\$77,240.85
03 SEWER	\$33,858.47
04 LANDFILL	\$103.90
10 GENERAL	\$6,756.22
21 STREETS	\$11,605.02
31 FIREMEN	\$818.29
32 POLICE	\$7,691.45
34 CEMETERY	\$292.05
36 AMBULANCE	\$716.63
42 PARK	\$2,899.20
44 LIBRARY	\$3,601.27
61 VP BOND	\$69,370.78
69 SENIOR COMM. CENTER	\$266.00
	<hr/>
	\$225,727.51

St. Paul Planning Commission  
November 25, 2019  
Meeting Minutes

A meeting of the St. Paul Planning Commission was convened in open and public session on the 25<sup>th</sup> day of November, 2019 at 5:00 p.m. in the City Council Chambers, 704 6<sup>th</sup> Street, St. Paul, Nebraska.

Chairman Chuck Schmid called the meeting to order at 5:00 p.m. with a statement regarding the Open Meeting Act, which is posted on the west wall of the City Council Chambers. The agenda was sent to the Commission members prior to the meeting and posted in four (4) public places. Commission members present: Chairman Chuck Schmid, Connie Becker, Arvilla Jacobs, Wilber Medbery. Absent was Tony Walch. Also present Zoning Administrator Matt Helzer, Laura Berthelsen (minutes).

Commission member Medbery moved to approve the October 28, 2019 meeting minutes. Commission member Becker seconded the motion. Commission members Becker, Jacobs, Medbery, and Schmid voted aye, nays none. Motion carried 4/0.

Chairman Schmid presented the following zoning permits:

2019-69	Eastern Edge LLC – Move house from 722 M Street
2019-70	Patty Maun – Install fence at 202 6 <sup>th</sup> Street
2019-71	Shyla & Roy Miller – Install fence at 1511 Jackson Street

Commission member Jacobs moved to approve Zoning Permit applications 2019-69 through 2019-71. Commission member Becker seconded the motion. Commission members Becker, Jacobs, Medbery, and Schmid voted aye, nays none. Motion carried 4/0.

Zoning Administrator Helzer indicated that the US Post Office property at 901 7<sup>th</sup> Street will be changing ownership. The property currently encroaches on public right-of-way on the south and east sides of the building. To proceed with the transfer of title to the property, the City needs to sign an Encroachment License Agreement to allow the encroachment to continue as long as the building remains in good repair and condition. The Mayor signed the agreement on November 18, 2019.

Chairman Schmid announced that the next St. Paul Planning Commission meeting will be held on Monday, December 30, 2019 at 5:00 p.m.

Chairman Schmid adjourned the meeting at 5:08 p.m.

Sincerely,

Matthew T. Helzer  
Zoning Administrator

Charles M. Schmid  
Chairman

Laura Berthelsen  
Planning Secretary

Zoning Classification B-2 Value \$ \_\_\_\_\_ PERMIT NUMBER 2019-69  
FEE \$20.00 CASH \_\_\_\_\_ CHECK# 565 CC \_\_\_\_\_  
pd 11/4/19

APPLICATION FOR MOVING A BUILDING/ MOBILE HOME PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Eastern Edge LLC (Mike + Jeff Platck) Contractor Paul Bykert

Address 923 South St. Address \_\_\_\_\_

City, State, Zip Nashville TN 37203-4733 Phone Number \_\_\_\_\_

Phone Number 615-293-1372 / 750-5770 Cell Phone 308-223-0564

Complete Legal Description of the Property W 1/2 Lot 5 + W 1/2 S 1/2 Lot 6 Block 55 of St. Paul - (#249-1) E 1/2 Lot 5 + E 1/2 S 1/2 Lot 6 Block 55 of St. Paul  
Address of current Site \_\_\_\_\_ Address of new location \_\_\_\_\_

Structure to be moved House + Attached Garage @ 722 N Street

Approximately when will the moving: Start 11/4/19 Finish 11/30/19

To Whom Should the Improvements be assessed? \_\_\_\_\_

Contact Utility Superintendent at (308) 754-4483 regarding inspection Matt Helzer Date of visit 11-4-19  
(Matt Helzer's signature)

Recommendations needed before approval: \_\_\_\_\_

**MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING - CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date.**

**The signature also indicates permission granted to the Zoning Administrator to inspect the site in which this permit is granted at any time until completed.**

Signature of Applicant Jeff Platck Date 11/4/19

**Treasurer certificate must be attached showing taxes are paid prior to moving/demolishing the building.**

**For Office Use Only: Attach the Treasurer Certificate**

Permit is Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_  
Zoning Administrator

Reasons for Denial: \_\_\_\_\_

2019-69

Treasurer's Certificate

Prior to demolishing or removing any building or structure from property within the City limits, all taxes and liens must be paid on the property. The City of St. Paul requires the Howard County Treasurer to certify that all taxes on the property are paid, and that no liens exist on the property.

Type of Structure(s) to be Demolished / Moved House, garage

Property Address: 722 M Street

Legal Description of Property: E 1/2 Lot 5 & E 1/2 S 1/2 Lot 6 Blk 55 OT St Paul

I hereby certify that no taxes are due on the above-described property.

Date: 10-2-19

Howard County Treasurer's Office

By: Jackie Synowski  
Jackie Synowski (Printed Name)

Zoning Classification R-3 Value \$ 1200.00

PERMIT NUMBER 2019-70  
FEE \$25.00 CASH  CHECK# CC pd 11/6/19

APPLICATION FOR A FENCE PERMIT

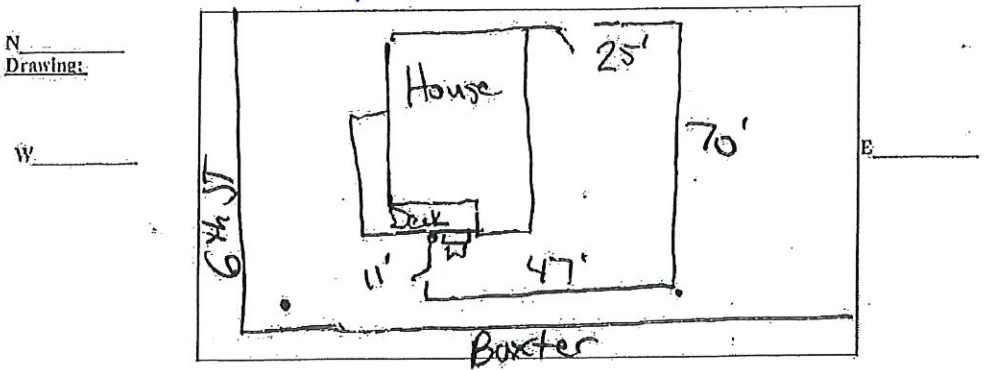
St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Patty Mann Contractor American Fence  
Address 202 6th Street Address 1605 N. Shady Road Rd.  
City, State, Zip St. Paul Ne. 68873 Phone Number 308-395-0793  
Phone Number 402-980-2075 Cell Phone NA  
Complete Legal Description of the Property W 1/2 of lots 5+6, Block 108, Original Town  
Address of Fence Site 202 6th Street Size & Kind 4' tall Galvanized Chain Link  
Replacement or New Fence: New Fence  
Approximately when will the construction: Start 4/15/19 Finish 4/15/19  
To Whom Should the Improvements be assessed? Owner  
Contact Utility Superintendent at (308) 754-4483 regarding Inspection Matt Helzer Date of visit 11-5-19  
(Matt Helzer's signature)

Recommendations needed before approval:

MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING - CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date. The signature also indicates permission granted to the Zoning Administrator to inspect the site in which this permit is granted at any time until completed.

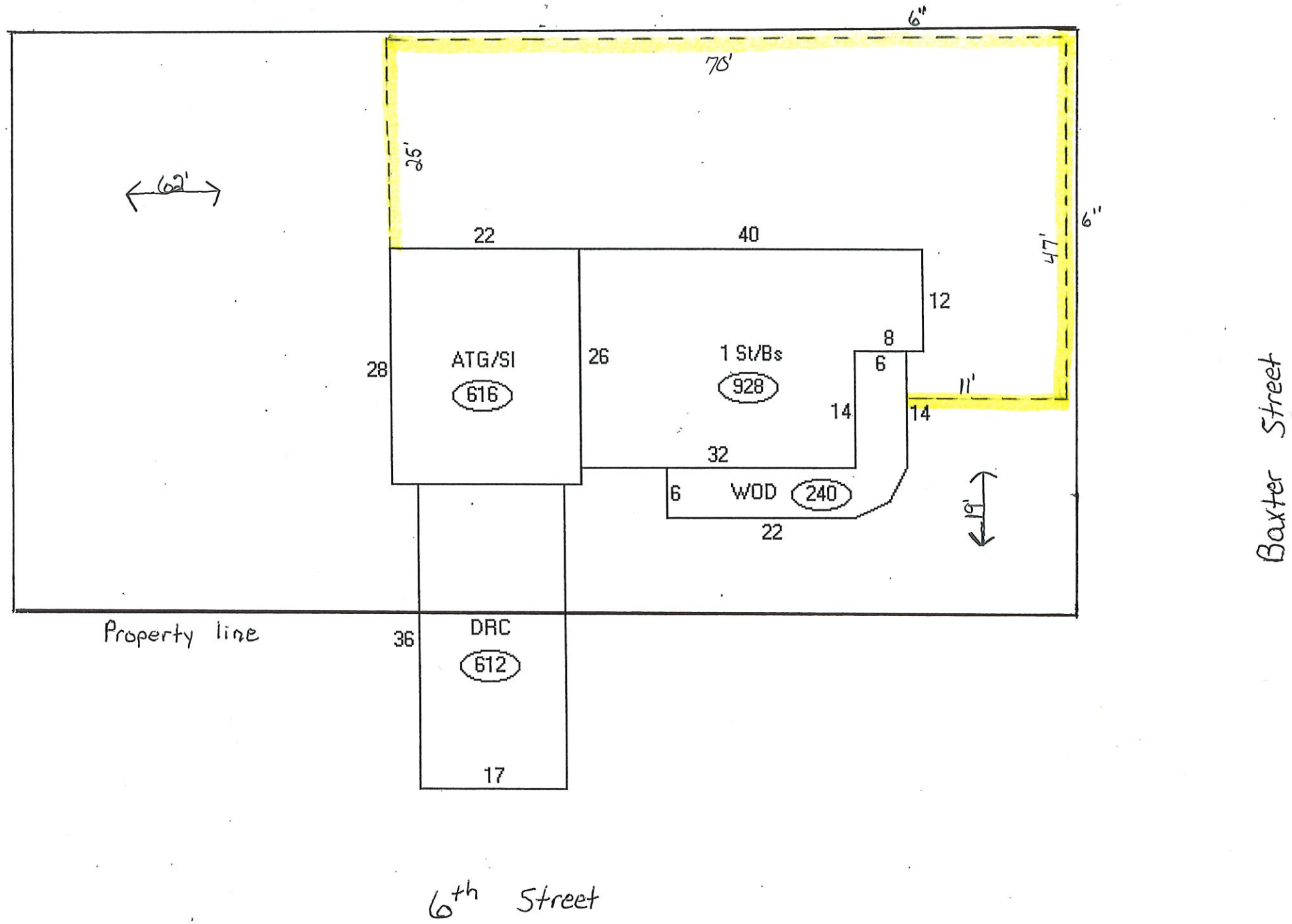
Signature of Applicant Patty Mann Date 11-6-19



For Office Use Only: Permit is Approved  Denied  Date \_\_\_\_\_  
Zoning Administrator

Reasons for Denial:

2019-10



Zoning Classification R-1 Value \$ 2,500.00

PERMIT NUMBER 2019-71  
FEE \$25.00 CASH  CHECK# \_\_\_\_\_ CC \_\_\_\_\_

*pd 11/18/19*

**APPLICATION FOR A FENCE PERMIT**

**St. Paul, Nebraska:** DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Shyla & Ray Miller Contractor American Fence

Address 1511 Jackson St Address \_\_\_\_\_

City, State, Zip St Paul NE 68873 Phone Number \_\_\_\_\_

Phone Number 308-380-4717 Cell Phone \_\_\_\_\_

Complete Legal Description of the Property Lot 1 Block 2 Christensen's Edition

Address of Fence Site 1511 Jackson St Size & Kind 6 FT TALL WHITE VINYL

Replacement of New Fence: 195' of 6' vinyl fence

Approximately when will the construction: Start ASAP Finish \_\_\_\_\_

To Whom Should the Improvements be assessed? Property Owner

Contact Utility Superintendent at (308) 754-4483 regarding Inspection Matt Helzer Date of visit 11-20-19  
(Matt Helzer's signature)

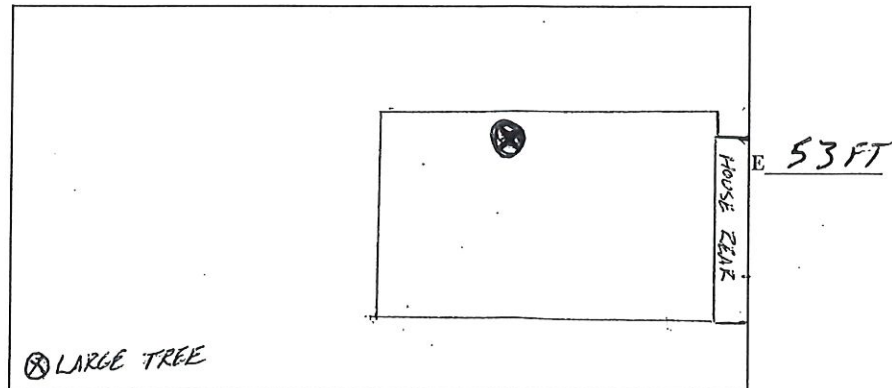
Recommendations needed before approval: \_\_\_\_\_

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Signature of Applicant [Signature] Date \_\_\_\_\_

N 8 FT  
Drawing:

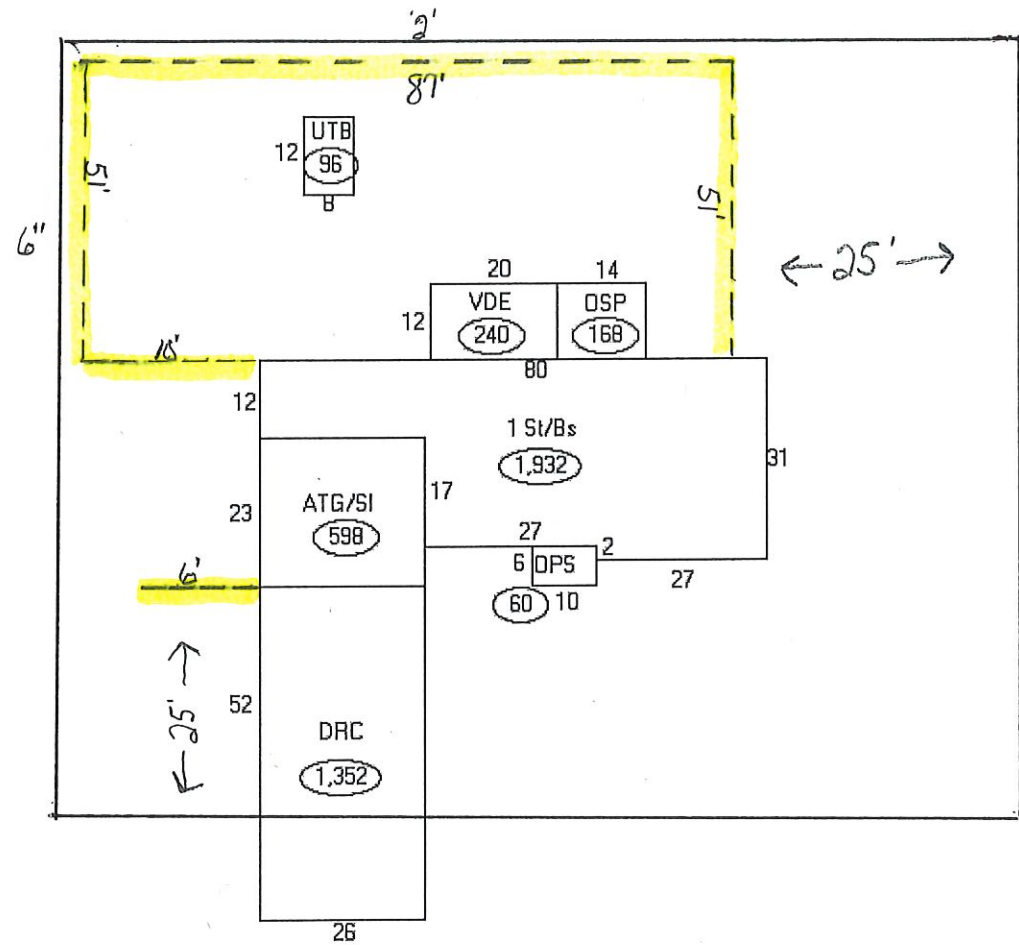
W 53 FT



For Office Use Only: Permit is Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_  
Zoning Administrator

Reasons for Denial: \_\_\_\_\_

2019-71



Paul Street

Jackson Street



# The City of St. Paul, Nebraska

704 6th Street • St. Paul, NE 68873

Phone (308) 754-4483

## 2019-2020 APPOINTMENTS

- COUNCIL PRESIDENT (By Council Vote 17-148) JERRY THOMPSON
- CITY CLERK / DEPUTY TREASURER CONNIE JO BECK
- DEPUTY CLERK LORI ROYLE
- CITY ATTORNEY JASON WHITE
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- CEMETERY SEXTON ROB JAEGER
- PARK / CEMETERY, MGR RANDY JERABEK
- CITY PHYSICIAN DR. CHRIS TOMHAVE



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- PLANNING BOARD

CHARLES SCHMID  
 TONY WALCH  
 WILBER MEDBERY  
 CONNIE BECKER  
 ARVILLA JACOBS  
 MACHELL NAYLOR  
 MATTHEW HELZER - Zoning Adm.  
 LAURA BERTHELSEN (Minutes)
- BOARD OF ADJUSTMENT

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 BRIAN KNAPP  
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 Alt: MELVIN SCHMADERER (In Town)  
 Alt: DAN SCHEER (Mile Jur.)
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 JANET ELSTERMEIER (City)  
 CHRIS ELSTERMEIER (School)  
 JILL PAULSEN (School)  
 JASON MEINECKE (School)
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TODD PETERS 2017 - 2021  
 MIKE FEEKEN 2016 - 2021  
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BRENDA KLANECKY &  
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JOEL BERGMAN, MAYOR &  
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- CITIZENS ADVISORY LB840

DESIGNATE AT MEETING  
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 LARRY HURLBURT  
 CONNIE JO BECK, Ex Officio  
 \_\_\_\_\_, SPDC DIR.

- RURAL FIRE BOARD LIAISON JERRY THOMPSON
- REPRESENTATIVE TO ACE JOEL BERGMAN, MAYOR &  
JERRY THOMPSON, COUNCIL PRES.
- HEALTH BOARD MAYOR, COUNCIL PRESIDENT, CHIEF  
OF POLICE, CITY PHYSICIAN & CITY  
ATTORNEY
- SENIOR CENTER LIAISON KATIE KOWALSKI
- ELMWOOD CEMETERY BOARD CHARLES SCHMID, Chair  
RANDY JERABEK, CEM. MGR.  
GENE RICE  
PAMILIA SWITZER  
TODD PETERS  
BETTY CZARNEK  
CONNIE THOMPSON  
ROB JAEGER, CITY SEXTON
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COMMITTEE DREAM SOLKO  
UTE WOJTALEWICZ  
RALPH KEZEOR  
DAVE SNOW  
KIM DUGAN  
TYLER EBERLE  
DAN NIELSEN, SPDC
- CITY TREE BOARD ROBIN ELSTERMEIER  
GENE RICE  
AL BRENNAN  
LINDA FULLER  
LOUISE CHRISTENSEN  
MATT HELZER, Utility Super.  
LORI ROYLE (minutes)

**DATE: December 2, 2019**

**SIGNATURE:**

\_\_\_\_\_  
**Joel M. Bergman, Mayor**

**MAYOR, JOEL BERGMAN APPOINTMENTS FOR 2019-2020****CITY BOARDS FOR 2019-2020***The Mayor appoints the following offices on the first meeting of December (12-2-2019).*

<b>POSITION</b>	<b>NAME 2018-2019</b>	<b>NAME 2019-2020</b>
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<b>Council President</b> State Statute 17-148	Ralph Kezeor	Jerry Thompson
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<b>City Clerk, Deputy Treas.</b>	Connie Jo Beck	Connie Jo Beck
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<b>Deputy Clerk</b>		Lori Royle
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<b>City Attorney</b>	Jason White	Jason White
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<b>City Treasurer</b>	Judy Johnson	Judy Johnson
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<b>Chief of Police</b>	Marcus Paczosa	Marcus Paczosa
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<b>Zoning Administrator</b>	Matthew Helzer	Matthew Helzer
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<b>City Engineer</b>	Jeff Palik, Olsson's	Jeff Palik, Olsson's
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<b>Utility Superintendent</b>	Matthew Helzer	Matthew Helzer
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<b>Light Commissioner</b>	Edward Thompson	Edward Thompson
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<b>Sewer Commissioner</b>	William "Bill" Gregoski	William "Bill" Gregoski
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<b>Fire Chief</b>	Mike Becker	Mike Becker
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<b>Water Commissioner</b>	Ronnie Switzer	Ronnie Switzer
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<b>Assistant Fire Chief</b>	Mark Wilson	Mark Wilson
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	Shon Treat	Shon Treat
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	Leo Haggerty	Leo Haggerty
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<b>Street Commissioner</b>	Rick Goettsche	Rick Goettsche
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<b>Cemetery Sexton</b>	Rob Jaeger	Rob Jaeger
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<b>Park &amp; Cemetery Manager</b>	Randy Jerabek	Randy Jerabek
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<b>City Physician</b>	Dr. Chris Tomhave	Dr. Chris Tomhave
<b>Planning Board</b>	Charles M. Schmid	Charles M. Schmid
<b>Meets last Monday of Mth</b>	Tim Wood	Tony Walch
<b>Valerie Killinger, Secretary</b>	Wilber Medbery	Wilber Medbery
	Connie Becker	Connie Becker
	Arvilla Jacobs	Arvilla Jacobs
	Matt Helzer, Zoning Adm.	Machell Naylor
	Laura Berthelsen (Minutes)	Matt Helzer, Zoning Adm.
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	Delcie Lukasiewicz (Mile Jur.)	Jerry Woodgate (Mile Jur.)
	Brian Knapp	Brian Knapp
	Glenn Pedersen	Glenn Pedersen
	Alt: Melvin Schmaderer (Town)	Alt: Melvin Schmaderer (Town)
	Alt: Scott Hansel (Mile Jur)	Alt: Dan Scheer (Mile Jur)
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	Mike Feeken (City)	Mike Feeken (City)
	Chris Elstermeier (City)	Linda Schmaderer (City)
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	Jill Paulsen (School)	Jill Paulsen (School)
	Jason Meinecke (School)	Jason Meinecke (School)
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	Carol Fanta 2017-2022	Carol Fanta 2017-2022
	Peggy Soneson 2015-2020	LaDonna Wolinski 2019-2020
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	Sally Einspahr	Sally Einspahr
	Rich Psota	Rich Psota
	Larry Hurlburt	Larry Hurlburt
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<b>Elmwood Cemetery Board</b>	Charles Schmid, City Liaison Randy Jerabek, Cemetery Mgr Gene Rice Pamalia Switzer Todd Peters Betty Czarnick Connie Thompson Rob Jaeger, Liaison/Sexton	Charles Schmid, City Liaison Randy Jerabek, Cemetery Manager Gene Rice Pamalia Switzer Todd Peters Betty Czarnek Connie Thompson Rob Jaeger, Liaison/Sexton
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<b>DATE: December 2, 2019</b>		
		Joel M. Bergman, Mayor



# The City of St. Paul, Nebraska

704 6th Street • St. Paul, NE 68873

Phone (308) 754-4483

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- PARK / CEMETERY, MGR RANDY JERABEK
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 MACHELL NAYLOR  
 MATTHEW HELZER - Zoning Adm.  
 LAURA BERTHELSEN (Minutes)
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 LARRY HURLBURT  
 CONNIE JO BECK, Ex Officio  
 \_\_\_\_\_, SPDC DIR.

- RURAL FIRE BOARD LIAISON                      JERRY THOMPSON
- REPRESENTATIVE TO ACE                      JOEL BERGMAN, MAYOR &  
JERRY THOMPSON, COUNCIL PRES.
- HEALTH BOARD                      MAYOR, COUNCIL PRESIDENT, CHIEF  
OF POLICE, CITY PHYSICIAN & CITY  
ATTORNEY
- SENIOR CENTER LIAISON                      KATIE KOWALSKI
- ELMWOOD CEMETERY BOARD                      CHARLES SCHMID, Chair  
RANDY JERABEK, CEM. MGR.  
GENE RICE  
PAMILIA SWITZER  
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CONNIE THOMPSON  
ROB JAEGER, CITY SEXTON
- CIVIC CENTER ADVISORY  
COMMITTEE                      DREAM SOLKO  
UTE WOJTALEWICZ  
RALPH KEZEOR  
DAVE SNOW  
KIM DUGAN  
TYLER EBERLE  
DAN NIELSEN, SPDC
- CITY TREE BOARD                      ROBIN ELSTERMEIER  
GENE RICE  
AL BRENNAN  
LINDA FULLER  
LOUISE CHRISTENSEN  
MATT HELZER, Utility Super.  
LORI ROYLE (minutes)

**DATE: December 2, 2019**

**SIGNATURE:**

\_\_\_\_\_  
**Joel M. Bergman, Mayor**

**MAYOR, JOEL BERGMAN APPOINTMENTS FOR 2019-2020****CITY BOARDS FOR 2019-2020***The Mayor appoints the following offices on the first meeting of December (12-2-2019).*

POSITION	NAME 2018-2019	NAME 2019-2020
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Council President State Statute 17-148	Ralph Kezeor	Jerry Thompson
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City Clerk, Deputy Treas.	Connie Jo Beck	Connie Jo Beck
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Deputy Clerk		Lori Royle
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City Attorney	Jason White	Jason White
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City Treasurer	Judy Johnson	Judy Johnson
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Zoning Administrator	Matthew Helzer	Matthew Helzer
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City Engineer	Jeff Palik, Olsson's	Jeff Palik, Olsson's
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Utility Superintendent	Matthew Helzer	Matthew Helzer
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Shon Treat	Shon Treat
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	Rich Psota	Rich Psota
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	Connie Jo Beck, Ex Officio	Connie Jo Beck, Ex Officio
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<b>Meet 2nd Monday of Mth</b>		
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<b>Elmwood Cemetery Board</b>	Charles Schmid, City Liaison Randy Jerabek, Cemetery Mgr Gene Rice Pamalia Switzer Todd Peters Betty Czarnick Connie Thompson Rob Jaeger, Liaison/Sexton	Charles Schmid, City Liaison Randy Jerabek, Cemetery Manager Gene Rice Pamalia Switzer Todd Peters Betty Czarnek Connie Thompson Rob Jaeger, Liaison/Sexton
<b>Civic Center Advisory Committee</b>	Dream Solko Ute Wojtalewicz Ralph Kezeor Dave Snow Kim Dugan Jeremy Taylor, SPDC Dan Nielsen, SPDC	Dream Solko Ute Wojtalewicz Ralph Kezeor Dave Snow Kim Dugan Tyler Eberle Dan Nielsen, SPDC Appointee
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<b>DATE: December 2, 2019</b>		
		Joel M. Bergman, Mayor

CERTIFICATE OF PAYMENT: 2



Date of Issuance: November 27, 2019

Project: St. Paul Paving Improvements - 2019

Project No.: 018-3348

Contractor: The Diamond Engineering Company

**DETAILED ESTIMATE**

Description	Unit Price	Extension
See Attached.		

PLEASE REMIT PAYMENT TO: **The Diamond Engineering Company**

Value of Work Completed This Request: \$98,290.10

Original Contract Cost: \$974,866.10

Approved Change Orders:

No. 1 \$60,776.00

No. 2 \$0.00

No. 3 \$0.00

Total Contract Cost: \$1,035,642.10

Value of completed work and materials stored to date: \$199,428.10

Less retainage percentage 10%: \$19,942.81

Net amount due including this estimate: \$179,485.29

Less: Estimates previously approved:

No. 1 \$42,053.40      No. 3 \$0.00      No. 5 \$0.00

No. 2 \$0.00      No. 4 \$0.00      No. 6 \$0.00

Total Previous Estimates: \$42,053.40

**NET AMOUNT DUE THIS ESTIMATE: \$137,431.89**

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: City of St. Paul, Nebraska  
The Diamond Engineering Company  
Project File

OLSSON

By: Brian J. Frick



Pay App.  
2

Project: St. Paul Paving Improvements - 2019  
Contractor: The Diamond Engineering Company

Project #: 018-3348  
Date: 11/19/2019

ITEM NO.	DESCRIPTION OF WORK	Pay Unit	Total Est Qty	Unit Price	SCHEDULED VALUE (D * E)	WORK COMPLETED				MATERIALS PRESENTLY STORED (NOT IN HOUR)	TOTAL QUANTITY TO DATE (G+)	TOTAL COMPLETED AND STORED TO DATE (H+J+K)	%(M/F)	BALANCE TO FINISH (F-M)	RETAINAGE
						Qty from previous pay appl.	Total From previous pay appl.	Qty this Period	Total from this Period						
<b>Bid Section A - Howard Avenue</b>															
1	Mobilization/Demobilization	L.S.	1	\$26,000.00	\$26,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$26,000.00	\$0.00
2	Remove Concrete Pavement	S.Y.	7160	\$5.85	\$41,886.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$41,886.00	\$0.00
3	Remove Concrete Driveway	S.Y.	662	\$5.85	\$3,872.70	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$3,872.70	\$0.00
4	Remove Concrete Sidewalk	S.F.	6979	\$1.20	\$8,374.80	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$8,374.80	\$0.00
5	Remove Brick Sidewalk	S.F.	398	\$1.20	\$477.60	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$477.60	\$0.00
6	Remove Storm Sewer Pipe	L.F.	66	\$14.00	\$924.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$924.00	\$0.00
7	Remove Curb Inlet	EA.	2	\$330.00	\$660.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$660.00	\$0.00
8	Remove Storm Sewer Manhole	EA.	1	\$330.00	\$330.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$330.00	\$0.00
9	Remove and Reset Mailbox	EA.	6	\$115.00	\$690.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$690.00	\$0.00
10	Remove and Reset Street Sign	EA.	13	\$80.00	\$1,040.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,040.00	\$0.00
11	Remove Tree	EA.	5	\$800.00	\$4,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$4,000.00	\$0.00
12	Remove Sanitary Service	L.F.	781	\$3.00	\$2,343.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$2,343.00	\$0.00
13	Remove Sanitary Sewer Manhole	EA.	5	\$330.00	\$1,650.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,650.00	\$0.00
14	Remove Water Service	L.F.	431	\$5.50	\$2,370.50	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$2,370.50	\$0.00
15	Remove 4" Water Valve	EA.	1	\$360.00	\$360.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$360.00	\$0.00
16	Remove 6" Water Valve	EA.	1	\$360.00	\$360.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$360.00	\$0.00
17	Remove Fire Hydrant	EA.	1	\$850.00	\$850.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$850.00	\$0.00
18	8" Concrete Pavement with Integral Curb	S.Y.	7275	\$50.00	\$363,750.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$363,750.00	\$0.00
19	5" Concrete Driveway	S.Y.	723	\$48.00	\$34,704.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$34,704.00	\$0.00
20	5" Concrete Sidewalk	S.F.	7918	\$6.75	\$53,446.50	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$53,446.50	\$0.00
21	Combination Curb and Gutter Section	L.F.	10	\$36.00	\$360.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$360.00	\$0.00
22	Storm Sewer Curb Inlet Structure	EA.	6	\$2,900.00	\$17,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$17,400.00	\$0.00
23	Storm Sewer Junction Structure	EA.	1	\$4,400.00	\$4,400.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$4,400.00	\$0.00
24	15" RCP Storm Sewer Pipe	L.F.	151	\$42.00	\$6,342.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$6,342.00	\$0.00
25	18" RCP Storm Sewer Pipe	L.F.	658	\$43.00	\$28,208.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$28,208.00	\$0.00
26	30" RCP Storm Sewer Pipe	L.F.	47	\$95.00	\$4,465.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$4,465.00	\$0.00
27	Concrete Collar	EA.	2	\$530.00	\$1,060.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,060.00	\$0.00
28	Seeding	S.F.	41035	\$0.20	\$8,207.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$8,207.00	\$0.00
29	Low Porosity Silt Fence	L.F.	240	\$5.00	\$1,200.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,200.00	\$0.00
30	Curb Inlet Sediment Filter	EA.	10	\$130.00	\$1,300.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,300.00	\$0.00
31	Earthwork	L.S.	1	\$19,000.00	\$19,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$19,000.00	\$0.00
32	Sanitary Sewer Manhole	EA.	4	\$3,750.00	\$15,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$15,000.00	\$0.00
33	8" PVC Sanitary Sewer Pipe	L.F.	1417	\$31.00	\$43,927.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$43,927.00	\$0.00
34	4" Sanitary Sewer Service	L.F.	757	\$31.00	\$23,467.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$23,467.00	\$0.00
35	Sanitary Sewer Service Connection	EA.	26	\$155.00	\$4,030.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$4,030.00	\$0.00
36	Connect to Existing Manhole	EA.	1	\$890.00	\$890.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$890.00	\$0.00
37	Water 1" P.E. Service Tubing	L.F.	921	\$16.00	\$14,736.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$14,736.00	\$0.00
38	Install Fire Hydrant Assembly	EA.	1	\$5,500.00	\$5,500.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$5,500.00	\$0.00
39	4" Gate valve W/Box	EA.	1	\$1,000.00	\$1,000.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,000.00	\$0.00
40	6" Gate Valve W/Box	EA.	3	\$1,200.00	\$3,600.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$3,600.00	\$0.00
41	4" M.J. Sleeve	EA.	1	\$300.00	\$300.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$300.00	\$0.00
42	6" M.J. Sleeve	EA.	3	\$465.00	\$1,395.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,395.00	\$0.00
43	Adjust Valve Box to Grade	EA.	4	\$200.00	\$800.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$800.00	\$0.00
44	Abandon 4" Water Main in Place	L.F.	716	\$2.00	\$1,432.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,432.00	\$0.00
45	Abandon Water Service in Place	EA.	4	\$405.00	\$1,620.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$1,620.00	\$0.00
46	Abandon Water Pit	EA.	1	\$405.00	\$405.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$405.00	\$0.00
47	Water Service Connection	EA.	14	\$825.00	\$11,550.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00	0%	\$11,550.00	\$0.00

ITEM NO.	DESCRIPTION OF WORK	Pay Unit	Total Est. Qty	Unit Price	SCHEDULED VALUE (D * E)	WORK COMPLETED				MATERIALS PRESENTLY STORED (NOT IN H OR J)	TOTAL QUANTITY TO DATE (G+I)	TOTAL COMPLETED AND STORED TO DATE (H+J+K)	% (M/F)	BALANCE TO FINISH (F-M)	RETAINAGE
						Qty from previous pay appl.	Total From previous pay appl.	Qty this Period	Total from this Period						
48	Sprinkler Repair	EA.	9	\$715.00	\$6,435.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$6,435.00	\$0.00
49	Pavement Marking	L.F.	360	\$3.00	\$1,080.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$1,080.00	\$0.00
<b>Total Bid Section A – Howard Avenue</b>					<b>\$777,198.10</b>		<b>\$0.00</b>		<b>\$0.00</b>			<b>\$0.00</b>		<b>\$777,198.10</b>	<b>\$0.00</b>
<b>Bid Section B – Kendall Street</b>															
1	Mobilization/Demobilization	L.S.	1	\$7,000.00	\$7,000.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$7,000.00	\$0.00
2	6" Pavement	S.Y.	853	\$48.00	\$40,944.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$40,944.00	\$0.00
3	6" Curb and Gutter	L.F.	92	\$4.00	\$368.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$368.00	\$0.00
4	5" Concrete Driveway	S.Y.	15	\$51.00	\$765.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$765.00	\$0.00
5	Remove Concrete Pavement	S.Y.	857	\$7.00	\$5,999.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$5,999.00	\$0.00
6	Remove Concrete Driveway	S.Y.	15	\$7.00	\$105.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$105.00	\$0.00
7	Remove and Reset Mailbox	EA.	1	\$115.00	\$115.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$115.00	\$0.00
8	Seeding	S.F.	648	\$0.25	\$162.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$162.00	\$0.00
9	Overexcavation	C.Y.	200	\$15.50	\$3,100.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$3,100.00	\$0.00
<b>Total Bid Section B – Kendall Street</b>					<b>\$58,558.00</b>		<b>\$0.00</b>		<b>\$0.00</b>			<b>\$0.00</b>		<b>\$58,558.00</b>	<b>\$0.00</b>
<b>Bid Section C – "M" Street</b>															
1	Mobilization/Demobilization	L.S.	1	\$5,500.00	\$5,500.00	0.00	\$0.00	0.90	\$4,950.00		0.90	\$4,950.00	90%	\$550.00	\$495.00
2	6" Concrete Pavement W/ Integral Curb	S.Y.	1284	\$45.00	\$57,780.00	0.00	\$0.00	1,284.00	\$57,780.00		1,284.00	\$57,780.00	100%	\$0.00	\$5,778.00
3	5" Concrete Driveway	S.Y.	71	\$51.00	\$3,621.00	0.00	\$0.00	143.00	\$7,293.00		143.00	\$7,293.00	201%	(\$3,672.00)	\$729.30
4	5" Concrete Sidewalk	S.F.	110	\$16.00	\$1,760.00	0.00	\$0.00	322.00	\$5,152.00		322.00	\$5,152.00	293%	(\$3,392.00)	\$515.20
5	Seeding	S.F.	8704	\$0.25	\$2,176.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$2,176.00	\$0.00
6	Storm Sewer Curb Inlet Structure	EA.	3	\$3,000.00	\$9,000.00	0.00	\$0.00	3.00	\$9,000.00		3.00	\$9,000.00	100%	\$0.00	\$900.00
7	12" RCP Storm Sewer Pipe	L.F.	13	\$110.00	\$1,430.00	0.00	\$0.00	15.00	\$1,650.00		15.00	\$1,650.00	115%	(\$220.00)	\$165.00
8	12" Concrete Collar	EA.	3	\$415.00	\$1,245.00	0.00	\$0.00	4.00	\$1,680.00		4.00	\$1,680.00	133%	(\$415.00)	\$166.00
9	Adjust Manhole to Grade	EA.	2	\$425.00	\$850.00	0.00	\$0.00	2.00	\$850.00		2.00	\$850.00	100%	\$0.00	\$85.00
10	Remove Concrete Pavement	S.Y.	296	\$8.50	\$2,516.00	0.00	\$0.00	296.00	\$2,516.00		296.00	\$2,516.00	100%	\$0.00	\$251.60
11	Remove Concrete Driveway	S.Y.	71	\$8.50	\$603.50	0.00	\$0.00	143.00	\$1,215.50		143.00	\$1,215.50	201%	(\$612.00)	\$121.55
12	Remove Concrete Sidewalk	S.F.	75	\$1.30	\$97.50	0.00	\$0.00	322.00	\$418.60		322.00	\$418.60	429%	(\$321.10)	\$41.86
13	Remove Curb Inlet	EA.	3	\$330.00	\$990.00	0.00	\$0.00	3.00	\$990.00		3.00	\$990.00	100%	\$0.00	\$99.00
14	Earthwork	L.S.	1	\$3,700.00	\$3,700.00	0.00	\$0.00	1.00	\$3,700.00		1.00	\$3,700.00	100%	\$0.00	\$370.00
15	Sprinkler Repair	EA.	1	\$715.00	\$715.00	0.00	\$0.00	1.00	\$715.00		1.00	\$715.00	100%	\$0.00	\$71.50
<b>Total Bid Section C – "M" Street</b>					<b>\$91,984.00</b>		<b>\$0.00</b>		<b>\$97,890.10</b>			<b>\$97,890.10</b>		<b>(\$5,906.10)</b>	<b>\$9,789.01</b>
<b>Bid Section D – Paul Street</b>															
1	Mobilization/Demobilization	L.S.	1	\$4,000.00	\$4,000.00	0.90	\$3,600.00	0.10	\$400.00		1.00	\$4,000.00	100%	\$0.00	\$400.00
2	6" Pavement with Integral Curb	S.Y.	930	\$41.00	\$38,130.00	930.00	\$38,130.00	0.00	\$0.00		930.00	\$38,130.00	100%	\$0.00	\$3,813.00
3	Adjust Manhole to Grade	EA.	2	\$710.00	\$1,420.00	2.00	\$1,420.00	0.00	\$0.00		2.00	\$1,420.00	100%	\$0.00	\$142.00
4	Remove P.C. Header	L.F.	36	\$16.00	\$576.00	36.00	\$576.00	0.00	\$0.00		36.00	\$576.00	100%	\$0.00	\$57.60
5	Earthwork	L.S.	1	\$3,000.00	\$3,000.00	1.00	\$3,000.00	0.00	\$0.00		1.00	\$3,000.00	100%	\$0.00	\$300.00
<b>Total Bid Section D – Paul Street</b>					<b>\$47,126.00</b>		<b>\$46,726.00</b>		<b>\$400.00</b>			<b>\$47,126.00</b>		<b>\$0.00</b>	<b>\$4,712.60</b>
<b>Total of All Unit Price Bid Items for Bid Section A - D</b>					<b>\$974,866.10</b>		<b>\$46,726.00</b>		<b>\$98,290.10</b>			<b>\$145,016.10</b>		<b>\$829,850.00</b>	<b>\$14,501.61</b>
<b>Change Order</b>															
<b>Bid Section E - Kendall Street East (Archer Credit Union)</b>															
CO1-1	Mobilization/Demobilization	LS	1	\$8,000.00	\$8,000.00	0.90	\$7,200.00	0.00	\$0.00		0.90	\$7,200.00	90%	\$800.00	\$720.00
CO1-2	Earthwork	LS	1	\$5,400.00	\$5,400.00	1.00	\$5,400.00	0.00	\$0.00		1.00	\$5,400.00	100%	\$0.00	\$540.00
CO1-3	6" Concrete Driveway	SY	146	\$62.00	\$9,052.00	146.00	\$9,052.00	0.00	\$0.00		146.00	\$9,052.00	100%	\$0.00	\$905.20
CO1-4	6" Concrete Pavement w/ Curb & Gutter	SY	526	\$48.00	\$25,248.00	427.00	\$20,496.00	0.00	\$0.00		427.00	\$20,496.00	81%	\$4,752.00	\$2,049.60
CO1-5	10" Concrete Pavement	SY	42	\$75.00	\$3,150.00	42.00	\$3,150.00	0.00	\$0.00		42.00	\$3,150.00	100%	\$0.00	\$315.00
CO1-6	PC Concrete Header	LF	36	\$36.00	\$1,296.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$1,296.00	\$0.00
CO1-7	Adjust Manhole to Grade	EA	1	\$1,100.00	\$1,100.00	0.00	\$0.00	0.00	\$0.00		0.00	\$0.00	0%	\$1,100.00	\$0.00
CO1-8	Remove Concrete Pavement	SY	230	\$11.00	\$2,530.00	374.00	\$4,114.00	0.00	\$0.00		374.00	\$4,114.00	163%	(\$1,584.00)	\$411.40
CO1-9	Temporary Traffic Control	LS	1	\$5,000.00	\$5,000.00	1.00	\$5,000.00	0.00	\$0.00		1.00	\$5,000.00	100%	\$0.00	\$500.00
<b>Total Change Order</b>					<b>\$60,776.00</b>		<b>\$54,412.00</b>		<b>\$0.00</b>			<b>\$64,412.00</b>		<b>\$6,364.00</b>	<b>\$5,441.20</b>
<b>Contract Total</b>					<b>\$1,035,642.10</b>		<b>\$101,138.00</b>		<b>\$98,290.10</b>	<b>\$0.00</b>		<b>\$199,428.10</b>	<b>19%</b>	<b>\$838,214.00</b>	<b>\$19,942.81</b>

A	B	C	D	E	F	G H I J K				L	M	N	O	P	
ITEM NO.	DESCRIPTION OF WORK	Pay Unit	Total Est Qty	Unit Price	SCHEDULED VALUE (D * E)	WORK COMPLETED				MATERIALS PRESENTLY STORED (NOT IN H OR J)	TOTAL QUANTITY TO DATE (G+I)	TOTAL COMPLETED AND STORED TO DATE (H+J+K)	% (M/F)	BALANCE TO FINISH (F-M)	RETAINAGE
						Qty from previous pay appl.	Total From previous pay appl.	Qty this Period	Total from this Period						
	Original Contract				\$974,866.10										
+	CO 1				\$60,776.00										
+	CO				\$0.00										
+	CO				\$0.00										
+	CO				\$0.00										
+	CO				\$0.00										
+	CO				\$0.00										
	Total Contract to Date				\$1,035,642.10										
	Total Work Completed to Date				\$199,428.10										
	Total Materials Stored to Date				\$0.00										
	Total Value completed & Stored to Date				\$199,428.10										
-	Retainage		10%		\$19,942.81										
	Net Total Due Less Retainage				\$179,485.29										
-	Pay AP 1				\$42,053.40										
-	Pay AP				\$0.00										
-	Pay AP				\$0.00										
-	Pay AP				\$0.00										
	Total Previous				\$42,053.40										
	Net Amount Due This Estimate				\$137,431.89										

APPLICATION FOR PAYMENT

PROJECT: St Paul Paving Improvements - 2019

ENGINEER: Olsson

TO: (OWNER) City of St. Paul

ENGINEER'S PROJECT NO.

CONTRACTOR: Diamond Engineering Company, Inc.

CONTRACT FOR: ST paul Paving Improvements - 2019

ATTN: Matt Helzer

APPLICATION DATE: 11/19/19

APPLICATION NO.: 2

FOR WORK ACCOMPLISHED THROUGH THE DATE OF: November 19, 2019

CHANGE ORDER SUMMARY:

Continuation sheets are attached.

Change orders approved in previous month by Owner.

Application is made for payment, as shown below in connection with the Contract.

The present status of the account is as follows:

CO #	DATE	ADDITIONS	DEDUCTIONS
1	8/1/19	\$60,776.00	
2			
3			
4			
5			
TOTAL		60,776.00	0.00
NET CHANGE		60,776.00	

ORIGINAL CONTRACT PRICE.....	\$	974,866.10
Net Change by Change Orders & Written Amendments	\$	60,776.00
CURRENT CONTRACT PRICE.....	\$	1,035,642.10
TOTAL COMPLETED & STORED TO DATE.....	\$	199,428.10
LESS RETAINAGE : 10.0% .....	\$	(19,942.81)
TOTAL COMPLETED & STORED TO DATE LESS RETAINAGE	\$	179,485.29
LESS PREVIOUS APPLICATION FOR PAYMENT.....	\$	42,053.40
AMOUNT DUE THIS APPLICATION.....	\$	137,431.89

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered \_\_\_\_\_, inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract.

ENGINEER: Olsson

By: \_\_\_\_\_

<input type="checkbox"/>	Owner
<input type="checkbox"/>	Contractor
<input type="checkbox"/>	Engineer
<input type="checkbox"/>	CDBG

OWNER: City of St. Paul

BY: \_\_\_\_\_

CONTRACTOR: DIAMOND ENGINEERING COMPANY

By: Tom Helzer

Date: 11-25-19

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET  
 APPLICATION NUMBER: 2  
 APPLICATION DATE: 11-19-19  
 FOR WORK ACCOMPLISHED THROUGH : 11-19-19  
 ENGINEER'S PROJECT #:

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
	<b>Bid Section A - Howard Ave</b>							
1	Mobilization	1	LS	\$26,000.00		\$ -		\$ -
2	Remove Concrete Pavement	7160	SY	\$5.85		\$ -		\$ -
3	Remove Concrete Driveway	662	SY	\$5.85		\$ -		\$ -
4	Remove Concrete Sidewalk	6979	SF	\$1.20		\$ -		\$ -
5	Remove Brick Sidewalk	398	SF	\$1.20		\$ -		\$ -
6	Remove Storm Sewer Pipe	66	LF	\$14.00		\$ -		\$ -
7	Remove Curb Inlet	2	EA	\$330.00		\$ -		\$ -
8	Remove Storm Sewer Manhole	1	EA	\$330.00		\$ -		\$ -
9	Remove & Reset Mailbox	6	EA	\$115.00		\$ -		\$ -
10	Remove & Reset Street Sign	13	EA	\$80.00		\$ -		\$ -
11	Remove Tree	5	EA	\$800.00		\$ -		\$ -
12	Remove Sanitary Service	781	LF	\$3.00		\$ -		\$ -
13	Remove Sanitary Sewer Manhole	5	EA	\$330.00		\$ -		\$ -
14	Remove Water Service	431	LF	\$5.50		\$ -		\$ -
15	Remove 4" Water Valve	1	EA	\$360.00		\$ -		\$ -
16	Remove 6" Water Valve	1	EA	\$360.00		\$ -		\$ -
17	Remove Fire Hydrant	1	EA	\$850.00		\$ -		\$ -
18	8" Concrete Pavement w/ Integral Curb	7275	SY	\$50.00		\$ -		\$ -
19	5" Concrete Driveway	723	SY	\$48.00		\$ -		\$ -
20	5" Concrete Sidewalk	7918	SF	\$6.75		\$ -		\$ -
21	Combination Curb & Gutter Section	10	LF	\$36.00		\$ -		\$ -
22	Storm Sewer Curb Inlet Structure	6	EA	\$2,900.00		\$ -		\$ -
23	Storm Sewer Junction Structure	1	EA	\$4,400.00		\$ -		\$ -
24	15" RCP Storm Sewer Pipe	151	LF	\$42.00		\$ -		\$ -
25	18" RCP Storm Sewer Pipe	656	LF	\$43.00		\$ -		\$ -
26	30" RCP Storm Sewer Pipe	47	LF	\$95.00		\$ -		\$ -
27	Concrete Collar	2	EA	\$530.00		\$ -		\$ -
28	Seeding	41035	SF	\$0.20		\$ -		\$ -
29	Low Porosity Silt Fence	240	LF	\$5.00		\$ -		\$ -
30	Curb Inlet Sediment Filter	10	EA	\$130.00		\$ -		\$ -
31	Earthwork	1	LS	\$19,000.00		\$ -		\$ -
32	Sanitary Sewer Manhole	4	EA	\$3,750.00		\$ -		\$ -
33	8" PVC Sanitary Sewer Pipe	1417	LF	\$31.00		\$ -		\$ -
34	4" Sanitary Sewer Service	757	LF	\$31.00		\$ -		\$ -
35	Sanitary Sewer Service Connection	26	EA	\$155.00		\$ -		\$ -
36	Connect to existing Manhole	1	EA	\$890.00		\$ -		\$ -
37	Water 1" PE Service Tubing	921	LF	\$16.00		\$ -		\$ -
38	Install Fire Hydrant Assembly	1	EA	\$5,500.00		\$ -		\$ -
39	4" Gate Valve w/ Box	1	EA	\$1,000.00		\$ -		\$ -
40	6" Gate Valve w/ Box	3	EA	\$1,200.00		\$ -		\$ -
41	4" MJ Sleeve	1	EA	\$300.00		\$ -		\$ -
42	6" MJ Sleeve	3	EA	\$465.00		\$ -		\$ -
43	Adjust Valve Box to Grade	4	EA	\$200.00		\$ -		\$ -
44	Abandon 4" Water Main in Place	716	LF	\$2.00		\$ -		\$ -

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET  
 APPLICATION NUMBER: 2  
 APPLICATION DATE: 11-19-19  
 FOR WORK ACCOMPLISHED THROUGH : 11-19-19  
 ENGINEER'S PROJECT #:

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
45	Abandon Water Service In Place	4	EA	\$405.00		\$ -		\$ -
46	Abandon Water Pit	1	EA	\$405.00		\$ -		\$ -
47	Water Service Connection	14	EA	\$825.00		\$ -		\$ -
48	Sprinkler Repair	9	EA	\$715.00		\$ -		\$ -
49	Pavement Marking	360	LF	\$3.00		\$ -		\$ -
	<b>Bld Section B - Kendall Street</b>					\$ -		\$ -
1	Mobilization	1	LS	\$7,000.00		\$ -		\$ -
2	6" Pavement	853	SY	\$48.00		\$ -		\$ -
3	6" Curb & Gutter	92	LF	\$4.00		\$ -		\$ -
4	5" Concrete Driveway	15	SY	\$51.00		\$ -		\$ -
5	Remove Concrete Pavement	857	SY	\$7.00		\$ -		\$ -
6	Remove Concrete Driveway	15	SY	\$7.00		\$ -		\$ -
7	Remove & Reset Mailbox	1	EA	\$115.00		\$ -		\$ -
8	Seeding	648	SF	\$0.25		\$ -		\$ -
9	Overexcavation	200	CY	\$15.50		\$ -		\$ -
	<b>Bld Section C - "M" Street</b>					\$ -		\$ -
1	Mobilization	1	LS	\$5,500.00	0.9	\$ 4,950.00		\$ 4,950.00
2	6" Concrete Pavement w/ Integral Curb	1284	SY	\$46.00	1284	\$ 57,780.00		\$ 57,780.00
3	5" Concrete Driveway	71	SY	\$51.00	143	\$ 7,293.00		\$ 7,293.00
4	5" Concrete Sidewalk	110	SF	\$18.00	322	\$ 5,152.00		\$ 5,152.00
5	Seeding	8704	SF	\$0.25		\$ -		\$ -
6	Storm Sewer Curb Inlet Structure	3	EA	\$3,000.00	3	\$ 9,000.00		\$ 9,000.00
7	12" RCP Storm Sewer Pipe	13	LF	\$110.00	15	\$ 1,650.00		\$ 1,650.00
8	12" Concrete Collar	3	EA	\$415.00	4	\$ 1,660.00		\$ 1,660.00
9	Adjust Manhole to Grade	2	EA	\$425.00	2	\$ 850.00		\$ 850.00
10	Remove Concrete Pavement	296	SY	\$8.50	296	\$ 2,516.00		\$ 2,516.00
11	Remove Concrete Driveway	71	SY	\$8.50	143	\$ 1,215.50		\$ 1,215.50
12	Remove Concrete Sidewalk	75	SF	\$1.30	322	\$ 418.60		\$ 418.60
13	Remove Curb Inlet	3	EA	\$330.00	3	\$ 990.00		\$ 990.00
14	Earthwork	1	LS	\$3,700.00	1	\$ 3,700.00		\$ 3,700.00
15	Sprinkler Repair	1	EA	\$715.00	1	\$ 715.00		\$ 715.00
	<b>Bld Section D - Paul Street</b>					\$ -		\$ -
1	Mobilization	1	LS	\$ 4,000.00	1	\$ 4,000.00		\$ 4,000.00
2	6" Pavement w/ Integral Curb	930	SY	\$ 41.00	930	\$ 38,130.00		\$ 38,130.00
3	Adjust Manhole to Grade	2	EA	\$ 710.00	2	\$ 1,420.00		\$ 1,420.00
4	Remove PC Header	36	LF	\$ 16.00	36	\$ 576.00		\$ 576.00
5	Earthwork	1	LS	\$ 3,000.00	1	\$ 3,000.00		\$ 3,000.00
	<b>Change Order No. 1 - Kendall Street EAST</b>					\$ -		\$ -
1	Mobilization / Demobilization	1	LS	\$ 8,000.00	0.9	\$ 7,200.00		\$ 7,200.00
2	Earthwork	1	LS	\$ 5,400.00	1	\$ 5,400.00		\$ 5,400.00
3	6" Concrete Driveway	146	SY	\$ 62.00	146	\$ 9,052.00		\$ 9,052.00

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET  
 APPLICATION NUMBER: 2  
 APPLICATION DATE: 11-19-19  
 FOR WORK ACCOMPLISHED THROUGH : 11-19-19  
 ENGINEER'S PROJECT #:

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
4	6" Concrete Pavement w/ Curb & Gutter	526	SY	\$ 48.00	427	\$ 20,496.00		\$ 20,496.00
5	10" Concrete Pavement	42	SY	\$ 75.00	42	\$ 3,150.00		\$ 3,150.00
6	PC Concrete Header	36	LF	\$ 36.00		\$ -		\$ -
7	Adjust Manhole to Grade	1	EA	\$ 1,100.00		\$ -		\$ -
8	Remove Concrete Pavement	230	SY	\$ 11.00	374	\$ 4,114.00		\$ 4,114.00
9	Temporary Traffic Control	1	LS	\$ 5,000.00	1	\$ 5,000.00		\$ 5,000.00
						\$ -		\$ -
	<b>TOTAL</b>					\$ 199,428.10	\$ -	\$ 199,428.10

# Year-End Certification of City Street Superintendent

For Determining Incentive Payment

January 1, 2019 to December 31, 2019

\*This certifies that Jeff R. Palik, License Number S- 1269 Class A,  
(Print name of Superintendent as appears on license card) (A or B)

was the appointed City Street Superintendent of Saint Paul, Nebraska  
(Print name of City or Village)

from January 1, 2019 to December 31, 2019  
Month Date Month Date

## and actually performed all of the following duties:

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;
2. Developing an annual program for design, construction, and maintenance;
3. Developing an annual budget based on programmed projects and activities;
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

And further certifies that the superintending services of the above listed individual were provided by: (Check one)

Employment with this Municipality

Contract (consultant) with this Municipality

Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

Mayor Joel M. Bergman

Signature of Mayor  Village Board Chairperson

\* If more than one individual or the City Council or Village Board provided superintending services during the calendar year, list each successive superintendent on a separate form. The amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) whether or not your municipality appointed a licensed City Street Superintendent for all 12 months; (c) class of license, A or B; and (d) whether or not the Superintendent performed all of the duties listed. Reference Neb. Rev. Stat. §§39-2511 through 39-2515. If your city or village did not have an appointed City Street Superintendent, write "City Council" or "Village Board" as the name of "Superintendent." Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive Payment for Calendar Year 2019.

\*\*\*\*\*

**Note:** In addition to this annual, Year-End certification of superintendent to the Nebraska Department of Transportation, (due December 31<sup>st</sup>), the municipality is also responsible for filing the "Municipal Annual Certification of Program Compliance" form with the Board of Public Roads Classifications and Standards (due October 31<sup>st</sup>). Reference Neb. Rev. Stat. §§39-2115, 39-2119, 39-2120, 39-2121 and 39-2520(2).

**Return the completed original certification, meeting minutes and resolution by December 31, 2019 to:**



Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
PO Box 94759  
Lincoln NE 68509-4759

SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM 2019

Resolution No. 2019-10

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;

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 form;

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

Be it resolved that the Mayor [X] Village Board Chairperson [ ] of City of Saint Paul, NE is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted this 2nd day of December, 2019 at Saint Paul, Nebraska.

City Council/Village Board Members

Signature lines for Brenda Klanecky, Ralph Kezeor, Katie Kowalski, and Jerry Thompson.

City Council/Village Board Member Moved the adoption of said resolution Member Seconded the Motion Roll Call: Yes No Abstained Absent Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk) Connie Jo Beck

# NEBRASKA

Good Life. Great Journey.

## DEPARTMENT OF TRANSPORTATION

October 15, 2019

Connie Jo Beck  
St Paul City Clerk  
704 6th St  
St Paul NE 68873-2021



The enclosed **YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT** form is the basis for determining your calendar year 2019 Incentive funds. **Please return the following documents to us by December 31, 2019:**

- **Year-End Certification of City Street Superintendent** form. **Note: If more than one individual or the City Council or Village Board provided superintending services during the calendar year, list each successive superintendent on a separate form.** If your municipality did not have an appointed City Street Superintendent, write "City Council" or "Village Board" as the name of "Superintendent."
- **Meeting minutes: (only required for an appointed City Street Superintendent).** A copy of the City Council or Village Board 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), the 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.**
- **Resolution:** A copy of a resolution of the City Council or Village Board authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson

**Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive Payment for Calendar Year 2019. Payment is scheduled for February 2020.**  
Reference Neb. Rev. Stat. §39-2515.

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov), Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,

LeMoyné D. Schulz  
Highway Local Liaison Coordinator  
Liaison Services Section

LDS/bex12-zl

Enclosures

# Nebraska Municipal Clerks Association

## 2020 Scholarship Information

The Nebraska Municipal Clerks' Association (NMCA) Scholarship is available to "All Nebraska Municipal Clerks and/or Deputy Clerk's attending Institute/Academy training, who are members of the Nebraska Municipal Clerks' Association."

The 2020 NMCA Scholarship Application is now available. Applications are also available online at <http://clerkinstitute.unomaha.edu/>

Please remember to complete the application in its entirety, including the following information:

- Email address.
- Name of Area Clerks' Association
- Number of times and amounts your Municipality has received a NMCA Scholarship in the past five years.
- A short narrative (**WHICH IS MANDATORY**) and must be included with the application. The narrative must state the reason(s) for your need and/or your municipality's need for financial assistance and must be specific.
- All lines must be filled in on the Scholarship application.
- Incomplete applications will not be considered for Scholarships.
- Must be a current member of the NMCA. All membership dues are payable in October of each year and the dues are for the Clerk, not the City and needs to be paid every year. The dues invoice is in the Nebraska Municipal Clerk's Newsletter and is online at the website listed above.
- All applications must include a complete copy of the United States Citizenship Attesting form. **THIS FORM IS MANDATORY** in order to be considered for a Scholarship and is included with the Scholarship form.

**Application deadline is December 20, 2019 and awards will be made before the end of January 2020.**

*Wendy L. McKain, MMC  
NMCA First Vice President  
Village of Trenton*

**NMCA Institute/Academy March 16 - 20, 2020**

# Nebraska Municipal Clerks Association

## 2020 Scholarship Application

The 2020 NMCA Scholarship Application is now available. Applications are also available online at <http://clerkinstitute.unomaha.edu/>

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Municipality: \_\_\_\_\_

Zip: \_\_\_\_\_ Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Area Clerks' Association: \_\_\_\_\_

Last Census Population: \_\_\_\_\_ How long have you been a Clerk: \_\_\_\_\_

This is my \_\_\_\_\_ First \_\_\_\_\_ Second \_\_\_\_\_ Third year of attendance at Nebraska Clerks' Institute.

I \_\_\_\_\_ did \_\_\_\_\_ did not receive a scholarship to attend the first year.

I \_\_\_\_\_ did \_\_\_\_\_ did not receive a scholarship to attend the second year.

This is my \_\_\_\_\_ year attending Academy.

Number of times your Municipality received a NMCA Scholarship in the past five year's \_\_\_\_\_.

Please note how much scholarship aid your Municipality received for the Clerks' Institute or Academy in the past five (5) years from the NMCA: \$ \_\_\_\_\_

A short narrative IS MANDATORY and must be included with your application. The narrative must state the reason(s) for your need and/or your Municipality's need for financial assistance from the NMCA Scholarship fund. (PLEASE BE SPECIFIC)

NMCA yearly dues MUST be paid and current to qualify for a scholarship.

Incomplete forms WILL NOT be considered for scholarships.

All scholarship forms MUST include the Citizenship Attestation form.

***Please return this form and the citizenship Attestation form completed by December 20, 2019***

***Village of Trenton***

***Attn: Wendy L. McKain, DBA, MBA, MMC***

***NMCA Scholarship Application***

***PO Box 68***

***Trenton, NE 69044***

***Wendy.vtrenton@gmail.com***

**NMCA Institute/Academy March 16 - 20, 2020**

# **INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS EDUCATION GUIDELINES**

## **MISSION STATEMENT**

The International Institute of Municipal Clerks (IIMC) is a professional, non-profit association that promotes continuing education and certification through university and college based institutes and provides networking solutions, services and benefits to its members worldwide.

## **EDUCATIONAL PHILOSOPHY**

The primary purpose of the International Institute of Municipal Clerks (IIMC) is to provide education and professional development programs and opportunities for its members. IIMC recognizes that education and professional development are important to every member and that educational needs are diverse throughout the world. The educational philosophy of “No Clerk Left Behind” remains in the forefront as IIMC offers extensive educational programs and courses through a variety of methods, including University and College based Institutes, IIMC-approved Institutes, State/Provincial/National associations, International study and exchange programs, on-line courses, publications, networking opportunities and annual conferences. IIMC values its affiliations with Municipal Clerk associations and sponsoring educational institutions. IIMC provides members with certifications, earned through participation in educational programs and involvement in a variety of professional development activities. These certifications include the Certified Municipal Clerk (CMC) designation and the Master Municipal Clerk (MMC) designation. The educational programs and certifications offered through IIMC empower its members to achieve academic and professional success.

IIMC promotes life-long learning, skill development and public service and fosters a spirit of mutual assistance and goodwill among Municipal Clerks around the globe. It continually works to advance leading practices in professional and personal development, creates opportunities for its diverse membership to engage in training and development activities and programs, and supports education programs that enrich the knowledge, practical abilities, and professionalism and leadership skills of its members.

## **LIFE -LONG LEARNING POLICY STATEMENT**

IIMC strongly believes in life-long learning and focuses on providing continuing professional development for the Municipal Clerk Profession. Our Education programs are focused toward attaining certification, resulting in Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) designations. Once attained, certified professionals continue their development by participating in programs offered at the local, state, provincial and national levels, enabling them to meet the duties of their public office and remain effective in their communities

*\* Life-long policy statement adopted May 20, 2017.*

Please note that all forms and links are available on IIMC’s website at [www.iimc.com](http://www.iimc.com). These Education Guidelines are under the auspices of the current Institute Guidelines.

**The following are the requirements for obtaining the CMC designation:**

1. Be a clerk or a deputy clerk or perform the duties as defined by IIMC.
2. Be an active member of IIMC for two years
3. Affirm and practice the IIMC Code of Ethics.
4. Submit the Application for Admission along with the \$50 non-refundable Application fee (applicable towards the total \$100 certificate only or \$140 certificate and plaque fee).
5. Complete and submit an IIMC Application for CMC designation with required supporting documentation and fee.
6. Perform the core duties of a municipal clerk by serving a Legislative Government Body (LGB) in an administrative capacity with management responsibilities, which would include four (4) of the following:
  - a. General Management
  - b. Records Management
  - c. Elections
  - d. Meeting Administration
  - e. Management of by-laws, Articles of Incorporation, ordinances or other legal instruments
  - f. Human Resources Management
  - g. Financial Management
  - h. Custody of the official seal and execution of official documents
7. Deputy clerks must perform at least four (4) of the eight (8) core duties.
8. Attain sixty (60) points in the Education category.
9. Attain fifty (50) points in the Experience category.

Credit earned while a CMC designee awaits nothing but the fulfillment of the two-year IIMC membership requirement for the receipt of the CMC designation, may be counted towards the MMC requirements.

**Education requirements for the CMC candidates (Regions 1-9)**

**Education Points (Total of 60 points required)**

Education	Total Points
Satisfactory completion of a 120-hour (60 points of course work at an on-land IIMC approved Municipal Institute or Academy.	1 point per 2 in-class contact hours
A Bachelor's degree or higher in Public Administration or related field*	20 points
A Bachelor's degree or higher in an unrelated field*	10 points
Associate of Arts degree in Public	5 points

Please note that all forms and links are available on IIMC's website at [www.iimc.com](http://www.iimc.com). These Education Guidelines are under the auspices of the current Institute Guidelines.

Administration or related field*	
Completion of an IIMC-approved State/ National/ Provincial educational course (with course review)**	1 point per 4 hour in-class contact hours
IIMC Annual Conference***	Up to 8 points per conference
IIMC Athenian Leadership Dialogue****	3 points each, 18 points maximum
IIMC CD Rom Courses	1 point each
IIMC Online Courses	Points vary by course
IIMC Annual Conference Academy Sessions	2 points each
IIMC Study Abroad Program	Points vary by program

\*Credits from fields of public administration, urban affairs municipal management, political science, records management, municipal finance, governmental accounting, urban planning and personnel administration and others. Education units or hours may not be credited to both CMC and MMC programs. Copies of college transcripts are required.

Note: Points earned in prior to the accrual of the CMC designation may not be used towards the MMC designation, with exception to a completely unused college degree.

\*\*Course review requirements and template can be found at <http://www.iimc.com/index.aspx?NID=139>.

\*\*\* IIMC Annual Conference education points shall be used for either Education or Experience points, not both. Prior to 2009, IIMC Annual Conference earned up to 4 points for full attendance.

Note: Excess Education points will be applied to Experience by the IIMC Education Department.

\*\*\*\*Athenian Leadership Dialogues completed prior to November 23, 2013 earn 2 points each with completed assessment. Dialogues completed on or after November 23, 2013 earn 3 points each with completed assessment. A maximum number of 18 points may be earned in this category.

## Education Requirements for CMC (Regions 10-11)

\*as of January 1, 2011

In addition to the categories listed above, members in Regions 10 and 11 may also submit items qualifying within the following three categories.

Relevant college or university course credits not used for a degree	1 point per credit unit
Business or Vocational School Courses that relate to the municipal clerk's position	1 point per 10 hours of training
Miscellaneous courses that have not gone through the Course Review process, and are directly related to the duties of the Municipal Clerk	1 point per 6 hours

Policy 5.15 - Section 5.15.060:

For any IIMC member of a Canadian Province or country outside North America, **effective January 1, 2011 through December 31, 2014**, any educational programs, not used for achievement of CMC status and that qualify for Master Municipal Clerk (MMC) Advanced Education points shall be granted MMC

Please note that all forms and links are available on IIMC's website at [www.iimc.com](http://www.iimc.com). These Education Guidelines are under the auspices of the current Institute Guidelines.

Advanced Education points, regardless of whether the program was completed prior to the achievement of the CMC designation. Applicants must earn 40 Professional Contribution points after the achievement of the CMC designation in order to fulfill the MMC designation requirements.

### **Experience Requirements for CMC Candidates (Regions 1-11)**

#### **CMC Experience Component (total of 50 points required)**

<b>Work Experience</b>	<b>Total points</b>
Full-Time Municipal or Deputy Clerk with administrative responsibility	4 points per year maximum 40 points
Part-time Municipal or Deputy Clerk with administrative responsibility	2 points per year maximum 40 points
Part-time Municipal or Deputy Clerk with no administrative responsibility	1 point per year maximum 30 points
Other full-time administrative positions in local government prior to becoming a Municipal or Deputy Clerk	2 points per year maximum 30 points
Administrative position in federal, state or provincial government	1 point per year maximum 30 points
Administrative position in business*	1 point per year maximum 30 points

#### **CMC Experience Component -- Municipal Clerks Conferences**

<b>Conference Attendance</b>	<b>Total points</b>
Attendance at IIMC Annual Conferences**	Up to 8 points per conference
Registration and attendance at an IIMC Regional Meeting, Municipal Clerks Association Annual Conference, Municipal League Annual Conference or other Municipal Clerk related conferences	1 point per 4 verifiable hours, or 1 day of attendance

#### **CMC Experience Component --Continuing Education**

<b>Continuing Education</b>	<b>Total points</b>
Continuing education courses through State/ Provincial courses (with Course Review)	1 point per 4 hours
Satisfactory completion of an IIMC-approved online course	Points vary by program
Other courses that have not gone through the Course Review process and are directly related to the duties of a Municipal Clerk	1 point per 6 hours
IIMC Study Abroad Program	Points vary by program

#### **CMC Experience Component --Business or Vocational School Courses**

<b>Business or Vocational Courses</b>	<b>Total points</b>
Courses must relate to the Municipal Clerk's position	1 point per 10 hours of

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	training
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**CMC Experience Component --College or University Courses**

<b>College or University Courses</b>	<b>Total points</b>
Relevant college or university course credits not used for education points	1 point per credit unit

**CMC Experience Component –Committee Work**

<b>Committee Work</b>	<b>Total points</b>
IIMC, IIMC Foundation or Municipal Clerks Association Committee member	1 point per year

\*In the case of applicable self-employment, the applicant must submit a copy of their business license and/or tax return for each year of employment they are seeking credit for. The employment must relate to the duties of the clerks office.

\*\* IIMC Annual Conference education points can be used for either Education or Experience points, but not for both. Prior to 2009, IIMC Annual Conference earned up to 4 points for full attendance.

NOTE: Regions 1-9: MMC courses taken prior to the acquisition of the CMC designation cannot be used toward the MMC designation. Effective January 1, 2011, a member may earn MMC points while their CMC application is pending review at headquarters. If the review determines that the member’s CMC application is deficient, any points earned in the interim will be applied to the deficient CMC application. (November 6, 2010; November 7, 2009; December 4, 2004; December 6, 2002. Policy E-3]. For Example: An applicant that has a CMC application in the queue waiting to be reviewed may take MMC level courses during that review period. If upon review, the CMC point requirements have not been met, the credits earned at the MMC level training must be applied to the current CMC application.

**MASTER MUNICIPAL CLERK (MMC) DESIGNATION**

The Master Municipal (MMC) is the second of the two professional designations offered by IIMC. To qualify for entrance into the MMC program, an applicant must have already earned the CMC designation. The MMC program prepares the participants to meet the challenges of the complex role of the Municipal Clerk by providing an advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and advanced educational component and a professional contribution component. MMC applicants must demonstrate that they have actively pursued educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The educational requirements for the MMC are more complex and at a much higher level than those of the CMC program. The subject matters might be similar to those of the CMC courses; however, the breadth and depth of the MMC courses shall be more academically advanced. The IIMC Education Department can always assist in determining the level of any course. All points shall be earned according to the provisions of the IIMC Education Guidelines.

Please note that all forms and links are available on IIMC’s website at [www.iimc.com](http://www.iimc.com). These Education Guidelines are under the auspices of the current Institute Guidelines.



3. Explain one key concept that was presented in the second segment of this class that was helpful to you and your role as a Municipal Clerk. Briefly discuss this concept with a **different** colleague and note (in 1-2 sentences) the result of your conversation.

4. Briefly explain (2-3 sentences) what you are taking away from this class.

This "Action Plan" is intended as a "take-away" for participants so that they may begin formulating a plan for implementation of the key learning concepts from the class. This should be used during the class and then taken with them at the end of class.

<b>ACTION PLAN</b>		
<b>What is your goal:</b>		
<i>What specific steps must you take to achieve your goal?</i>		
<b>Task/To-Do Item</b>	<b>Expected Completion Date</b>	<b>Date Actually Completed</b>

<b>OBSTACLES/CHALLENGES</b>	
<i>What obstacles stand in the way of you achieving your goal?</i>	
<b>Obstacle</b>	<b>How challenge will be addressed</b>

**PROGRAM ASSESSMENT/ATTENDANCE**

(Must be completed and submitted prior to receiving Certificate of Completion)

**Briefly outline three (3) new ideas, or points of information or knowledge that you gained from the session(s) and how you can utilize your newfound knowledge in your work in the City Clerk's Office.**

**Course/Session Title:** "eDiscovery, Electronic Public Records and Other Virtual Headaches for the Custodian of Records"  
Christi Hogin  
**Date:** Wednesday, April 28, 2010  
8:15 a.m. to Noon

*Examples*

**Course/Session Title:** "Social Media in the 21<sup>st</sup> Century Part 1 – What are the Trends, Whose Doing What and Best Practices"  
Melyssa Laughlin & Linda Abeldt  
**Date:** Wednesday, April 28, 2010  
1:30 p.m. to 3:30 p.m.

**Course/Session Title:** "Social Media in the 21<sup>st</sup> Century Part 2 – Legal Issues"  
Sarah Peters Gorman  
**Date:** Wednesday, April 28, 2010  
4:00 p.m. to 5:00 p.m.

**Course/Session Title:** "Better Laws – Better Government: Using the Legislative Process To Improve Local Government"  
Sean Fitzgerald  
**Date:** Thursday, April 29, 2010  
8:00 a.m. to 9:00 a.m.

*Examples*

**Course/Session Title:** "Constant Connectivity in a Digital Age – Just Because We Can Doesn't Mean We Should"  
Shirley Concolino & Gail Vasquez  
**Date:** Thursday, April 29, 2010  
9:15 a.m. to 12:30 p.m.

**Course/Session Title:** "The City Clerk's Role as a PIO"  
Rex Osborn  
**Date:** Thursday, April 29, 2010  
1:30 p.m. to 5:00 p.m.

**Course/Session Title:** "Leading People Through Change: Permanent Whitewater"  
Vicki Halsey, PhD  
**Date:** Friday, April 29, 2010  
8:00 a.m. to 11:30 a.m.

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NAME  
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CITY/ORG  
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EMAIL ADDRESS

# City of St. Paul

## Project List

- (1) Downtown Revitalization (DTR) Phase 1 (Begin Study Session in January 2020)
  - Grant: \$400,000
  - City 25% Share: \$100,000
- (2) City Branding & Website Design (RFP's due December 4, 2019 by 3:30 p.m.) \*\*\*Discuss this item in conjunction with the DTR Phase 1
- (3) Northwest Drainage
- (4) Paving Howard Avenue between 9<sup>th</sup> Street to Jackson Street (Spring 2020) = \$878,211 **(20% Assessed)**
  - Water: \$54,000
  - Sewer: \$106,536
  - Street: 717,675
- (5) Repair Kendall Street Sink hole between Jackson & Wallace Streets: \$58,600 (G.O. Bonds)
- (6) Middle Loup Subdivision Improvements = \$1,750,000 (with 10% Contingency)
  - City absorb Electrical: \$35,000
  - Water: \$219,251
  - Sewer: \$232,888
  - Street: \$1,350,000
- (7) Sewer Treatment Plant (next 4 – 5 years) = \$5 Million







