

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

May 21, 2019

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

Mayor Roger Foster called the meeting to order at 6:00pm.

2. Roll Call

David Bauer: Present
Brian Carnes: Present
Kyle Frans: Present
Paul Heath: Present
Ryan Hinz: Present
Jack Oelschlager: Present
Dale Strehle: Present

Present: 7.

3. Petitions - Communications - Citizen Concern

4. Special Order of Business

4.A. Confirm Mayor's Appointment of Kyle Manley as City Attorney Effective May 31, 2019

Confirm Mayor's appointment of Kyle Manley as City Attorney effective May 31, 2019. Carried with a motion by Jack Oelschlager and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

4.B. Sampson Pay Application #8 for \$429,214 for Library Construction

Approve Sampson pay application #4 for \$429,214 for library construction. Carried with a motion by Ryan Hinz and a second by Jack Oelschlager.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

4.C. General Excavating Change Order #1 Blue Acres Lift Station - \$1,500 Deduct and Requesting Contract Extension to July 14, 2019.

Approve General Excavating change order #1 deducting \$1,500 and requesting contract extension to July 14, 2019 for the Blue Acres lift station. Carried with a motion by David Bauer and a second by Brian Carnes.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.D. Sargent Drilling Quote of \$7,586 for Well Scan
Approve Sargent Drilling quote of \$7,584 for well scan. Carried with a motion by David Bauer and a second by Brian Carnes.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.E. Envisionware Quote for \$4,493.10 for Library
Approve Envisionware quote of \$4,493.10 for library equipment . Carried with a motion by Dale Strehle and a second by David Bauer.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.F. Burn Pit Policy
Approve the Burn Pit Policy. Carried with a motion by David Bauer and a second by Kyle Frans.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.G. MFO Interlocal Agreement for Rural Fire Grant
Public Safety Committee 3/19/19 - Table the item until the next meeting for more information Carried with a motion by Dale Strehle and a second by Brian Carnes.
Brian Carnes: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 3, No: 0
Approve entering into the revised MFO Interlocal Agreement. Carried with a motion by Jack Oelschlager and a second by Brian Carnes.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.H. Exhibit A for 1140 Main for DTR Program Funds
Approve awarding funds for a Downtown Renovation project at 1140 Main Ave. Carried with a motion by Ryan Hinz and a second by Jack Oelschlager.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye
Aye: 7, No: 0

4.I. Elayne Woods Photography Request for LB840 New Business Startup and Building Renovation Funds
Approve an LB840 award of \$28,000 to E. Woods Photography. Carried with a motion by Ryan Hinz and a second by Kyle Frans.
David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5. Resolutions & Ordinances

5.A. Resolution 2019-13 Crete Emergency Operations Plan/Saline County LEOP Update

Pass Resolution 2019-13 updating the Crete Emergency Operations Plan/Saline County LEOP. Carried with a motion by Jack Oelschlager and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5.B. Resolution 2019-14 Amending City Personnel Policy Section 4.05 Family/Medical Leave Policy

Pass Resolution 2019-14 amending city Personnel Policy Section 4.05 Family/Medial Leave Policy. Carried with a motion by Kyle Frans and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5.C. Resolution 2019-15 Crete Public Library Request

Pass Resolution 2019-15 granting Crete Public Library request for temporary exception to City Code 6-104. Carried with a motion by Jack Oelschlager and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5.D. Resolution 2019-16 Amending Personnel Rules and Regulations Section 3.01 Position Classifications

Pass Resolution 2019-16 amending Personnel Rules and Regulations Section 33.01 Position Classifications. Carried with a motion by Kyle Frans and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5.E. Resolution 2019-17 Saline County Request for Resolution to Support Renaming Hwy 33 from Crete to Dorchester to Charles Havlat Memorial Highway

Pass Resolution 2019-17 supporting Saline County request to NDOT for Charles Havlat memorial naming of Highway 33 between Crete and Dorchester. Carried with a motion by Ryan Hinz and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

Daryl Fiker, Saline County Clerk presented information to the City Council about the effort.

5.F. Ordinance 2083 Amend City Code 3-223 Municipal Water Department; Rates

Approve Ordinance 2083 amending City Code 3-223 Municipal Water Department; Rates for Second Reading. Carried with a motion by David Bauer and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

5.G. Ordinance 2085 Amending Salary and Wages Exhibit A

Waived the statutory requirement of three readings on three separate days. Carried with a motion by David Bauer and a second by Kyle Frans.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

Adopt Ordinance 2085 amending Exhibit A Salaries and Wages of Ordinance 2060. Carried with a motion by David Bauer and a second by Kyle Frans.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

6. Officers' Reports

Library Director Joy Stevenson provided copies of the summer library calendar. Council Member Ryan Hinz stated that the Legislative Development Committee is considering extending the fireworks sales period and anticipates information being in the Crete News so that residents have the opportunity to comment. City Clerk Judi Meyer requested Council Members let her know before Friday, May 24th if they want to register for the 2019 Municipal Accounting Conference. Mayor Foster stated the budget period is upcoming and requested council re-look at the priorities from the work session within the next month or so. Mayor Foster also request an Executive Session at the end of the meeting. City Administrator Tom Ourada reported on unethical business notices being placed on some homes in Crete. The notices appear to come from the City building inspector office, however they do not. Mr. Ourada also reported on an upcoming update to the Spill Prevention Plan, a USDA housing meeting being rescheduled, new city employee hiring, the floodmap redraw, and Cemetery Board concerns.

7. Consent Agenda

Approve the Consent Agenda items. Carried with a motion by David Bauer and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

7.A. City Council Meeting Minutes

7.A.1. City Council Meeting Minutes of May 7, 2019

7.B. City Council Committee Meeting Minutes

7.B.1. Personnel Committee Meeting Minutes of May 7, 2019

7.B.2. Parks and Recreation Committee Meeting Minutes of May 7, 2019

7.B.3. Public Works Committee Meeting Minutes of May 7, 2019

7.C. City Treasurer's Report

7.D. Claims Against the City

8. Executive Session Regarding Personnel Matter

The employee bringing the matter to the Council, Ron Koch, requested the grievance be discussed in open session, rather than closed session. Mr. Koch summarized the situation and his position on it. City Attorney Wendy Elston listed the documents submitted by Mr. Koch and described the various policies related to the issue. She described the City Administrator's position regarding the initial determination.

9. Council Vote on Whether to Uphold City Administrator Decision on Employee Grievance

Uphold the decision of the City Administrator regarding grievance. Carried with a motion by David Bauer and a second by Dale Strehle.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

10. Adjournment

Enter Executive Session for a matter of public safety and threat assessment. Carried with a motion by Dale Strehle and a second by Ryan Hinz.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

Exit Executive Session. Carried with a motion by Dale Strehle and a second by David Bauer.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

Motion to Adjourn. Carried with a motion by Kyle Frans and a second by Ryan Hinz.

David Bauer: Aye, Brian Carnes: Aye, Kyle Frans: Aye, Paul Heath: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

Aye: 7, No: 0

Mayor Roger Foster request the Council enter Executive Session for a matter of public safety and threat assessment. He requested the City Administrator, City Clerk, City Attorney, Police Chief, and newly appointed City Attorney be included. The City Council entered Executive Session at 7:00pm. The City Council exited Executive Session at 7:14pm with no action taken. The meeting adjourned at 7:15pm.

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)