

A regular meeting of the Mayor and the City Council of O'Neill was held at the City Hall in said City on the 6th day of March, 2017 at 7:30 P.M.

Present: Mayor William Price, City Attorney Boyd Strobe, City Clerk/Treasurer Nikki Schwanz, Council President Scott Menish and Council members; Susie Kramer, Tim Schneider, Terri Krysl, Michelle Liewer, Don Baker and Beth Walsh. Absent: Tim Gleason.

Notice of this meeting was given in advance thereof according to Section 84-1408 of the Revised Statutes of Nebraska. Notice of the meeting was given to the Mayor and all members of the Council and a copy of the acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while convened meeting was open to the attendance of the public.

The meeting was called to order by Mayor Price.

Mayor Price informed the public of the location of the Open Meetings Act poster.

Moved by Menish, second by Kramer to waive the reading of the minutes of the February 6th and February 20th meetings and approve them as if read. Roll call vote as follows: All Ayes. Motion carried.

Moved by Walsh, second by Schneider to open a conditional use permit request public hearing for Justin Estill to conduct a commercial business in an Agricultural zoning district. Roll call vote as follows: All Ayes. Motion carried.

The Planning Commission met and recommended approving the request as submitted.

There were no public comments made.

Moved by Liewer, second by Walsh to close the public hearing. Roll call vote as follows: All Ayes. Motion carried.

Moved by Baker, second by Menish to approve the conditional use permit as submitted. Roll call vote as follows: All Ayes. Motion carried.

The Mayor called for all Body Worn Camera bids.

Moved by Schneider, second by Kramer to close the bids. Roll call vote as follows: All Ayes. Motion carried.

City Attorney read the following bids aloud:

Watch Guard	\$5,460.00
EVP Global Sales	\$5,332.00
Vie Vu Safari Land	\$5,479.00
L-3 Mobile Vision	\$4,604.80
Digital Ally	\$3,620.00
Visual Labs	\$5,373.00

Police Chief Otte took the bids for review.

Council President Menish introduced Resolution No. 17-05, which is on file with the City Clerk.

RESOLUTION NO. 17-05 APPROVING  
PROFESSIONAL RETAIL OPERATIONS AGREEMENT

WHEREAS, the City owns its electric distribution system, and

WHEREAS, the Professional Retail Operations Agreement on file with the City Council has been proposed by Nebraska Public Power District (NPPD) and fully discussed and explained, and

WHEREAS, it is determined that it would be desirable to enter into said Professional Retail Operations Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The said Professional Retail Operations Agreement is approved and the Mayor is authorized to execute it, and the City Clerk to attest it on behalf of the City.

2. Notice of this transaction shall be given by publication once each week for three (3) successive weeks, of the following Notice:

NOTICE OF TRANSACTION

The City Council has approved a Resolution authorizing execution on behalf of the City of a Professional Retail Operations Agreement (Agreement) between Nebraska Public Power District and the City of O'Neill, Nebraska. The Agreement is on file with the City Clerk and available for inspection. It contains provisions summarized as follows:

1. The City will lease its electric distribution system to Nebraska Public Power District for a term of not less than fifteen (15) years and not more than twenty-five (25) years; provided, if either party terminates the Agreement at any time between year fifteen (15) and year twenty-five (25) of the term, the City will continue to take service from NPPD under NPPD's standard Wholesale Power Contract, and such Wholesale Power Contract shall remain in effect through the remainder of the twenty-five (25) year term.

2. During the term of the Agreement, NPPD will pay to the City an amount equal to twelve percent (12%) of the retail revenues from the electric distribution system, adjusted to eliminate revenues from tax-supported agencies, fuel cost, and similar adjustments. NPPD will maintain the electric distribution system, will make payments in lieu of taxes as required by law, and will provide insurance, as set out in the Agreement.

This Notice will be published once each week for three (3) successive weeks. If, within thirty (30) days after the last publication thereof, a referendum petition signed by qualified electors of the City equal in number to at least twenty percent (20%) of the votes cast at the last general municipal election shall be filed with the City Clerk, this transaction shall not become effective until it has been approved by a vote of the electors. If

no such petitions are filed, the transaction shall become effective at the expiration of said thirty (30) day period.

PASSED AND APPROVED this 6th day of March, 2017.

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WILLIAM T. PRICE, MAYOR

ATTEST:  
(SEAL)

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NIKKI SCHWANZ, CITY CLERK

Second by Krysl to adopt Resolution No. 17-05. Roll call vote as follows: All Ayes. Motion carried.

Moved by Menish, second by Baker to approve installation of a street light on the west side of 10th Street at the intersection of Shamrock Road. Roll call vote as follows: All Ayes. Motion carried.

Moved by Baker, second by Menish to approve installation of a street light at the corner of 12th Street and Benton Street. Roll call vote as follows: All Ayes. Motion carried.

City Attorney Strobe read the following bids aloud for the 2017 Utility Improvements previously opened by the City Engineer on the published date of March 2nd.

Rutjens Construction	4th Street	\$215,928.05
	9th Street	\$ 50,092.25

Moved by Schneider, second by Menish to approve the Rutjens Construction bids for 4th Street and 9th Street Utility Improvements. Roll call vote as follows: All Ayes. Motion carried.

City Attorney Strobe read the following bids aloud for the 2017 Paving Improvements previously opened by the City Engineer on the published date of March 2nd.

FCF Construction	Salebarn Road	\$326,105.20
	Kros Drive	\$260,373.00
A&R Construction	Salebarn Road	\$285,540.48
	Kros Drive	\$241,848.83
Elkhorn Paving	Salebarn Road	\$293,151.11
	Kros Drive	\$246,162.44

Moved by Krysl, second by Menish to approve the A&R Construction bids for Salebarn Road and Kros Drive. Roll call vote as follows: All Ayes. Motion carried.

Moved by Baker, second by Menish to accept Kent Harte's resignation for the Airport Authority and appoint Josh Thoendel to fill the vacancy until the term expires. Roll call vote as follows: All Ayes. Motion carried.

Moved by Menish, second by Baker to approve Rachel Kohlman for the Fire and Ambulance Departments. Roll call vote as follows: All Ayes. Motion carried.

The Council discussed the cleanup of the Closson Property after the fire. The question was raised by Dick Appleby as to who was responsible for the cleanup bill. City Attorney Strobe explained a conflict of interest involving his firm and that the City would receive a letter to that affect.

Moved by Walsh, second by Schneider to hire outside counsel and table this issue until the April 3<sup>rd</sup> regular meeting. Roll call vote as follows: All Ayes. Motion carried.

Neil Classen with Three River Communication discussed the Fiber to the Home program their Board has been looking at. City Clerk Schwanz provided Mr. Classen with LB840 loan information. No action was taken.

Moved by Baker, second by Liewer to approve the bills. Roll call vote as follows: Aye; Kramer, Schneider, Krysl, Liewer, Baker and Walsh. Nay: None. Abstain: Menish. Absent: Gleason. Motion carried.

**ALL FUNDS**

Payroll, salary	109,343.35	FED & FICA, tax	25,804.42
American Family, ins	670.68	Appeara, su	939.87
Black Hills Energy, util	13,403.47	Bomgaars, su	491.88
Contingent Fund, misc	240.61	Federated Insurance, ins	44,173.98
Holt Co. Independent, ad	664.08	John Hancock, pension	5,588.17
Metlife, ins	2,305.07	NE Dept. of Revenue, tax	3,208.43
NPPD, util	18,958.00	NT&T, phone	754.27
Olsson Associates, fees	*	One Office Solution, su	378.86
O'Neill Auto, su	572.19	Verizon, phone	*
Wright Express, fuel	5,921.80		

**GENERAL FUND**

Above the Garage, annual fee	700.00	B&M Repairs, re	125.00
Bartak Glass, re	60.00	Carhart Lumber, su	5.07
Century Link, phone	*	Chamber of Commerce, pmt	2,500.00
Cubby's, fuel	249.06	Floor Maintenance, su	176.47
Fort Dearborn, ins	86.00	Great America, lease	174.99
Great Western Gas, su	62.09	Holt County Clerk, fee	188.32
Island Supply, su	163.45	John Hancock, pmt	326.03
KBRX, ad	15.00	Krier Technologies, equip	3,230.00
Krotter Home & Auto, su	253.00	LB840 Fund, pmt	25,577.54
Lincoln Nat'l Life, ins	166.45	McIntosh Jewelry, ser	6.00
Scott Menish, ser	100.00	NE Public Health, fees	80.00
NE Support, pmt	278.76	Norfolk Auto, re	311.49
O'Neill Ventures, pmt	8,692.66	Pinnacle Bank Omaha, fee	23.00
Plains Equipment, su	3.00	Ranchland Auto, su	28.21
Reiman's Body Shop, re	250.00	Nikki Schwanz, clean	87.50
Tonia Seretta, clean	687.50	Tax Commissioner, tax	4.90
Torpin's, su	24.65		

**POLICE FUND**

Century Link, phone	*	Jackolyn Collier, clean	148.00
EJ Computers, ser	88.99	Ford Motor Credit Co., pmt	10,909.58

Great America, lease	129.00	Holt Co. Sheriff, fee	55.00
Krotter Home & Auto, rel	1,288.44	O'Neill Car Wash, fee	28.38
Ogden Electronics, su	19.99	Quill, su	129.96
Ranchland Auto, su	35.98	Shopko, su	5.98
Jacqueline Wilson, ser	54.62		

**STREET FUND**

Carhart Lumber, su	16.50	Emme Enterprises, ser	2,805.00
Fair Manufacturing, su	434.55	Fastenal, su	3.00
Irwin's Engine, re	804.04	Krotter Home & Auto, su	705.00
Krotter Home & Auto, pmt	26,999.00	LaRue, su	34.24
Mathison Heating, re	2,357.87	Midwest Service & Sales, su	220.00
Netcom, Inc., re	70.00	Plains Equipment, su	4.00
Reiser Insurance, ins	263.00	Town & Country Auto, re	454.44

**SEWER FUND**

Badger Meter, fee	337.37	Colonial Research, su	2,601.30
Data Technologies, fee	565.00	Farmer's Pride, su	392.70
Fastenal, su	413.68	Gempler's, su	116.45
K&K Welding, su	30.30	Midwest Laboratories, tests	152.00
Mitchell Equipment, re	1,179.78	O'Neill Electric, ser	125.00
Ogden Hardware, su	146.49	Postmaster, postage	112.50
Schmitz Sales, su	7,162.50	Seven Springs, su	24.00
Tax Commissioner, tax	2,395.00	Torpin's, su	9.10

**WATER FUND**

Badger Meter, fee	337.37	City Utility Deposits, re	465.00
Data Technologies, fee	565.00	Fastenal, su	167.47
Fedex, freight	81.50	Gempler's, su	116.45
Hach Co., su	29.74	Interstate Industrial, ser	219.00
Municipal Supply, su	665.25	NE Public Health, tests	311.00
Niobrara Valley, util	196.54	O'Neill Shopper, fee	35.00
Ogden Hardware, su	9.28	Postmaster, postage	112.50
Rutjen's Construction, ser	643.00	Shopko, su	11.26
Tax Commissioner, tax	2,878.74		

**SOLID WASTE FUND**

Butler Co. Landfill, fee	31,822.00	Carhart Lumber, su	75.04
City of O'Neill, pmt	17,000.00	Data Technologies, fee	565.00
Dinkel Implem ent, su	214.87	Linweld, su	24.53
Niobrara Valley, util	1,039.94	John Prouty Const., ser	11,370.00

**DEBT SERVICE FUND**

First National Bank, fee 250.00

\*THESE BILLS ARE NOT IN YET\*\*

AUDITING COMMITTEE:

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MICHELLE LIEWER, WARD I

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DON BAKER, WARD I

Police Chief Otte recommended accepting the bid submitted by Vie View in the amount of \$5,479 due to the inclusion of a 3 year

warranty and 3 year cloud storage. Roll call vote as follows: All Ayes. Motion carried.

Moved by Schneider, second by Kramer to adjourn. Roll call vote as follows: All Ayes. Motion carried.

The meeting adjourned at 8:16 P.M.

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WILLIAM T. PRICE, MAYOR

ATTEST:  
(SEAL)

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NIKKI SCHWANZ, CITY CLERK/TREASURER

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