

REGULAR MEETING
CITY COUNCIL

MARCH 19, 2014

The Mayor and City Council of the City of Syracuse, Nebraska met at 6:00 P.M. on March 19, 2014 for their regular meeting in Council Chambers at 495 Midland Street. Present were Mayor Ortiz, Council members Lyon, Dettmer, Lutjemeyer and Henke. Notice of meeting was given by posting in three places. A copy of the posting notice and acknowledgement of notice to the Council is attached to these minutes. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the public.

City Treasurer Peggy Kuser will unable to attend meeting. Council member Henke made the motion to approve the treasurer's report and the following claims, second by Lutjemeyer. Roll Call: Yeas: Dettmer, Lutjemeyer, Henke, Lyon. Nays: None.

AFLAC	565.70
All Roads Barricade, Inc.	913.69
Allied Refuse Services	763.86
Aramark Uniform Services	117.18
B & B Pump N Go, Inc.	1,631.25
B & B Pump N Go, Inc.	243.38
Baragary Construction, Inc.	2,650.00
Ben Steele	100.00
Big Red Drainage Pipe Supply, Inc.	825.31
Bound Tree Medical, LLC	105.95
Brandon Essink	49.11
Brandt, Horan, Hallstrom & Stilmock	2,046.80
Brian Walters	33.51
BTE Corporation	2,650.00
C. Kay Bremer	40.00
Cardmember Service	557.41
Charles Sieck	75.00
City of Syracuse	915.91
CMH Medical Center	240.00
Combined Revenue Bonds Pri. & Int.	25,000.00
Danko Emergency Equipment Co.	396.00
David Partsch	100.00
Dearborn National Life Insurance	254.56
Double Day	207.36
Dutton Lainson Co.	2,165.57
Emergency Medical Products, Inc.	347.64
EMS Billing Services, Inc.	1,942.34
Environmental Analysis South, Inc.	55.00
ET's Lawn & Leisure	1,263.18
Farmers Cooperative	14.60
Fireguard, Inc.	210.28
FirstBank of Nebraska	12,740.00
Gatehouse Media Nebraska Holdings, Inc.	697.49
General Fund	178.00
GE Money Bank/amazon	369.99
Good Housekeeping	24.97
Granneman Agency	200.00
Hank's Garage	638.00
HGTV Magazine	24.00
IES Commercial, Inc.	18,085.07
Ingram Library Services	352.39
Jason LaFollette	474.74

JEO Consulting Group, Inc.	1,113.75
Julie Slafter	83.81
Kastens Ford, LTD	29.20
Kriz-Davis Co.	272.53
Landis Engine Co.	57.85
League of NE Municipalities	951.00
Liberty National Life Ins. Company	24.00
Matheson Tri-Gas, Inc.	64.38
Micro Marketing Assoc.	20.68
Mike's Window Service, LLC	80.94
Municipal Supply of NE	295.87
Nebraska City Utilities	2,749.82
NE Public Health Environmental Lab.	63.00
Nebraska Rural Water Assoc.	100.00
Omaha Public Power District	114,184.96
One Call Concepts, Inc.	7.00
Otoe County	15,000.00
Otoe County Register of Deeds	172.00
Peggy Kuser, CPA	595.00
Percival Culligan Water	9.00
Petty Cash	85.08
Preceptor Tau	33.64
Prevention	22.97
Richard Bruns	50.00
Rodney Ninceheler	500.00
Ron Rosenthal	200.00
Roy Bretthorst	53.80
Sam's Club/GECRB	13.96
Southeast Girls' Softball League	890.00
Staack Furniture & Carpet	174.00
Street Improvement District 2008	12,740.00
Syracuse Do It Best	72.22
Syracuse Do It Best	46.99
Syracuse Do It Best	77.75
Syracuse Iron Works	43.44
Syracuse Lumber Co.	902.86
Syracuse Motor Supply	776.36
Tennant Sales & Service Company	118.16
Tenant's Deposit	900.00
Terry's Family Foods	175.52
The Added Touch	32.50
Todd Valley Farms, Inc.	556.46
Tree City Tees	16.00
Tri-State Pumping & Excavating	165.00
Trugreen	494.00
Twisted K Embroidery & Apparel	62.75
US Postal Service	220.00
United Healthcare	13,747.54
Verizon Wireless	232.88
Windsteam	1,595.17
Western Area Power Administration	3,712.97
Write Time Communications	33.90
US Postal Service	319.97
Todd Aksamit	1,816.70
Susan Antes	1,230.39
Carolyn Bremer	183.03
Roy Bretthorst	138.52
Garry Carman	3,090.96
Deborah Dettmer	115.44

Kelly Farmer	1,721.33
Carol Graham	92.35
Eldon Halm	115.44
Eldon Halm	2,202.21
Kristy Henke	115.44
Peggy Hobscheidt	1,714.74
Karen Kimpel	143.96
Jason LaFollette	2,121.59
Carol Linqvist	115.44
Chris Lutjemeyer	115.44
Lynn Lyon	115.44
Cassandra Oestmann	270.72
Tomas Ortiz	369.40
Christopher Parde	115.44
Kenneth Parde	115.44
Julie Slafter	1,361.28
Richard Sitzman	115.44
Benjamin Steele	1,382.38
Mitchell Stubbendick	2,237.84
Jeffery Vogt	2,530.86
Dale Young	221.64
Timothy Wilson	115.44

SHERIFF REPORT – Chief Deputy Mike Holland was unable to attend the meeting. Report log showed 62 calls for February, 24 being Rescue calls. Council member Lutjemeyer questioned the average weekly hours of deputies in Syracuse, he would like to see at least a weekly average of 84.5 per week. Mayor Ortiz will speak with Chief Deputy Holland.

PARKS & RECREATION REPORT – Recreation Coordinator Ben Steele was unable to attend the meeting. Mayor Ortiz reported that the interviews are currently under way for the Park maintenance positions and the swimming pool managers and lifeguards.

City Attorney Stilmock reported that several individuals would like to donate benches to be placed along the walkway at the Sports Complex. He questioned if the Mayor and Council would be in favor of the donations and if memorial plaques could also be placed on the benches.

Stilmock presented pictures and prices of two benches that he thought would work for placement along the sidewalk at the complex.

Park Manager Todd Aksamit questioned how the City would handle the replacing of donated benches, would the memorial plaque be placed on the new bench that was purchased by the City or would the original donor be contacted about purchasing another bench.

Mayor and Council agreed that this is something that they would like to consider and find out how other communities handle this situation. City Clerk Hobscheidt was instructed to contact other communities and find out how they handle replacement of donated items. The request was tabled until the April 9, 2014 meeting.

City Attorney Stilmock also questioned if the Legion could place the advertisement banners along the walkway and questioned if this could be done for the season or would the Legion need to put up and take down banners every game. The Mayor and Council would also like to review and study this request; item was tabled until the April 9, 2014 meeting.

PUBLIC WORKS REPORT – Report presented by Superintendent of Public Works Garry Carman. Superintendent Carman stated that the new bucket truck arrived and is working well.

City Attorney Jerry Stilmock stated that he has completed his review of the contract between the City and Western Area Power Administration and he along with Superintendent Carman recommends that the City approve the contract.

Council member Lutjemeyer made the motion to adopt RESOLUTION 14-05: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA TO APPROVE, RATIFY AND ACCEPT THE CONTRACT FOR FIRM ELECTRIC SERVICE BY AND BETWEEN THE UNITED STATES, DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION (WAPA), AND THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA, TO PROVIDE HYDROELECTRIC RESOURCES TO THE CITY OF SYRACUSE; AND TO APPROVE THE EXECUTION THEREOF, second by Henke. Roll Call: Yeas: Dettmer, Lutjemeyer, Henke, Lyon. Nays: None.

A true, correct and complete copy of said resolution is attached hereto and made a part hereof by reference.

Garry Carman stated that he would like to end the probation period of Mitchell Stubbendick and requested a 5% raise. Superintendent Carman stated that Public Works employees received a 5% salary increase in October, 2013 and he would like Mitch to receive the same.

Mayor and Council discussed what policy had been followed in the past and agreed to a \$0.25 per hour increase and end of probation.

Council member Lyon made the motion to end the probation period for Mitchell Stubbendick and \$0.25 per hour salary increase, second by Lutjemeyer. Roll Call: Yeas: Lutjemeyer, Henke, Lyon, Dettmer. Nays: None.

City Attorney Jerry Stilmock stated that City needs to adopt the 2011 National Electric Code to be in compliance with the State and Federal electrical regulations.

Council member Lutjemeyer introduced Ordinance No. 945 entitled: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA TO AMEND PROVISIONS RELATING TO ADOPTION OF THE 2011 NATIONAL ELECTRICAL CODE BY REFERENCE; TO AMEND ADDITIONAL CONSTRUCTION STANDARDS AND INSTALLATION PROCEDURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Council member Lyon seconded the motion to suspend the rules and upon roll call on the motion, the following Council members voted YEA: Lutjemeyer, Dettmer, Henke, Lyon. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the City Council, and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Council member Lutjemeyer moved for final passage of the ordinance which motion was seconded by Council member Lyon. The Mayor then stated the question, "Shall Ordinance No. 945 be passed and adopted?" Upon roll call vote the following Council members voted YEA: Lyon, Dettmer, Lutjemeyer, Henke. The following Council members voted NAY: None. The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

Tim Shanks and Jeff Reichart of Ankeny, IA appeared before Mayor and Council to continue the discussion on PEX pipes. Mr. Reichart explained to Mayor and Council the benefits of using

PEX pipes and stated that the City of Lincoln does allow PEX and City of Omaha is considering the matter.

Mr. Reichart stated that all PEX pipes are tested with either 100 pounds of air or can be water tested. When questioned, Mr. Reichart stated that an inspector will not be able to distinguish between Types A, B or C PEX pipes.

Superintendent Carman has studied publications on PEX pipes and stated that PEX can become brittle and crack and that if pipes have been stored outside in the sun, pipes can be damaged and there is no way to tell before installed.

Superintendent Carman stated that he would not be comfortable in doing plumbing inspections on PEX piping.

City Attorney Stilmock requested that Mr. Reichart send the information that he has on the testing procedures for PEX and he will forward to Superintendent Carman, Mayor and Council members. City Attorney Stilmock will draw up an ordinance on allowing PEX pipes for consideration at April 9, 2014 meeting.

Superintendent Carman reviewed with Mayor and Council Change Order No. 2 for 2013 Syracuse Electrical Underground Distribution Replacement. The request for change order was by Superintendent Carman to use existing single-phase primary riser equipment and to return the new equipment purchased, for a savings to the City of \$5,895.33.

Superintendent Carman also reviewed with Mayor and Council Application for Payment No. 4 from IES Commercial, Inc. for 2013 Syracuse Electrical Underground Distribution Replacement in the amount of \$18,085.07. The city is still holding a \$15,000 retainage for the project.

Council member Lutjemeyer made the motion to approve Change Order No. 2 and Application for Payment No. 4 for Syracuse Electrical Underground Distribution Replacement, second by Henke. Roll Call: Yeas: Henke, Lyon, Dettmer, Lutjemeyer. Nays: None.

City Attorney Jerry Stilmock stated that he has prepared the agreement between the City and Zito Midwest, LLC., but would like to work with the Mayor or member of the Council to finalize agreement before presenting to Zito. Council member Henke volunteered to work with City Attorney Stilmock.

Mayor Ortiz stated that he would like to proceed with increasing the monthly salary of the City Council by \$50. Mayor Ortiz feels that this will compensate the present Council members for all their hard work and possibility get other involved in City government.

Council member Lutjemeyer introduced Ordinance No. 944 entitled: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA INCREASING THE COMPENSATION FOR THE ELECTED POSITION OF CITY COUNCIL; TO PROVIDE FOR THE REPEAL OF THE CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Council member Henke seconded the motion to suspend the rules and upon roll call on the motion, the following Council members voted YEA: Lutjemeyer, Dettmer, Henke, Lyon. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the City Council, and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Council member Lutjemeyer moved for final passage of the ordinance which motion was seconded by Council member Henke. The Mayor then stated the question, "Shall Ordinance No. 944 be passed and adopted?" Upon roll call vote the following Council members voted YEA: Lyon, Dettmer, Lutjemeyer, Henke. The following Council members voted NAY: None. The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved

the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

City Attorney Jerry Stilmock read Ordinance No. 938 by title on its third reading. Ordinance No. 938: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SYRACUSE BY ANNEXING THERETO LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

Whereupon, Council member Lyon moved that said ordinance be approved on its third reading and its title agreed to, second by Dettmer. Roll Call: Yeas: Lyon, Dettmer. Nays: Lutjemeyer, Henke. Mayor Ortiz voted yea. The motion passed.

The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

Stan Stutheit owner of property to be annexed requested to speak. Mr. Stutheit stated the extra sales tax will cause farmers to travel to out of state dealers to purchase parts. Mr. Stutheit stated that the extra tax will cause him to lose business. Mr. Stutheit stated that the paying of City property tax will also be a burden to his business.

Mayor Ortiz thanked Mr. Stutheit for his comments.

City Attorney Jerry Stilmock read Ordinance No. 940 by title on its third reading. Ordinance No. 940: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SYRACUSE BY ANNEXING THERETO LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

Whereupon, Council member Lyon moved that said ordinance be approved on its third reading and its title agreed to, second by Dettmer. Roll Call: Yeas: Lyon, Dettmer. Nays: Henke. Council member Lutjemeyer abstained. Mayor Ortiz voted yea. The motion passed.

The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

Kent Antes owner of the property to be annexed stated that he wanted to again stress that it will be a hardship for him to follow City Code on noise, chemicals and height of grass and weeds.

Mr. Antes questioned what benefits he would receive if his property was annexed and that his property is farm land and agricultural in nature.

Mayor Ortiz thanked Mr. Antes for his comments.

City Attorney Jerry Stilmock read Ordinance No. 941 by title on its third reading. Ordinance No. 941: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SYRACUSE BY ANNEXING THERETO LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

Whereupon, Council member Lyon moved that said ordinance be approved on its third reading and its title agreed to, second by Dettmer. Roll Call: Yeas: Lyon, Dettmer. Nays: Lutjemeyer, Henke. Mayor Ortiz voted yea. The motion passed.

The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

City Attorney Jerry Stilmock read Ordinance No. 942 by title on its third reading. Ordinance No. 942: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SYRACUSE BY ANNEXING THERETO LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

Whereupon, Council member Lyon moved that said ordinance be approved on its third reading and its title agreed to, second by Dettmer. Roll Call: Yeas: Lyon, Dettmer. Nays: Lutjemeyer, Henke. Mayor Ortiz voted yea. The motion passed.

The passage and adoption of said ordinance, having been concurred in by a majority of all members of the City Council, the Mayor declared the ordinance adopted, and the Mayor in the presence of the City Council, signed and approved the ordinance, and the Clerk attested the passage and approval of the same and affixed her signature thereto.

A true, correct and complete copy of said ordinance is attached hereto and made a part hereof by reference.

Mayor Ortiz informed the Council that one of the bids for mowing of Park Hill Cemetery had been withdrawn. The remaining bid is from Gregg Zahn is the amount of \$1,285 per mowing. If he would receive the mowing position, Mr. Zahn would resign from the Cemetery Board.

Council member Lutjemeyer made the motion to adopt RESOLUTION 14-06: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA TO APPROVE, RATIFY AND ACCEPT THE AGREEMENT BETWEEN GREGG ZAHN AND THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA; TO PROVIDE FOR THE EXECUTION THEREOF, second by Lyon. Roll Call: Yeas: Lutjemeyer, Henke, Lyon, Dettmer. Nays: None.

A true, correct and complete copy of said resolution is attached hereto and made a part hereof by reference.

Council member Lutjemeyer made the motion to approve the renewal of the following plumber licenses: Hemje Plumbing, Heating & AC, Mueller Trenching, Wellman Plumbing, Inc., Unadilla Hardware & Repair, Pete's Plumbing, Bohl Plumbing & Heating, JH Sporhase

Plumbing & Heating, GM Heating & AC and Southeast Plumbing and the following electrician licenses: Scharp Electric, Teten Electric, Kastens Electric, LLC, Galen Gartner Electric, Raymond's Electric, Brain Allison and Schneider Electric and Refrigeration, second by Henke. Roll Call: Yeas: Lyon, Dettmer, Lutjemeyer, Henke. Nays: None.

City Attorney Stilmock is continuing to work to update the City Codes and now has included the updating of the International Building and Electrical Code.

City Attorney Stilmock stated that the two nuisance properties that he has been working on currently have tax liens filed against them and he is currently trying to find out what companies or individuals are holder of the liens.

Council member Henke made the motion to adjourn at 9:05 P.M., second by Lutjemeyer. Roll Call: Yeas: Lyon, Dettmer, Lutjemeyer, Henke. Nays: None.

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

City Clerk

Mayor