

REGULAR MEETING
CITY COUNCIL

OCTOBER 16, 2013

The Mayor and City Council of the City of Syracuse, Nebraska met at 6:00 P.M. on October 16, 2013 for their regular meeting in Council Chambers at 495 Midland Street. Present were Mayor Ortiz, Council members Lyon, Dettmer and Lutjemeyer. Council member Henke was absent. 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.

Lanny Burr of Burr & Associates presented the treasurer's report. Council member Lyon made the motion to approve the following claims, second by Henke. Roll Call: Yeas: Lutjemeyer, Lyon, Dettmer. Nays: None.

A-1 Locksmith	167.95
AFLAC	469.86
Allied Refuse Services	422.79
Aramark Uniform Services	17.04
Awards Unlimited, Inc.	145.95
B & B Pump N Go, Inc.	1,715.95
Baragary Construction, Inc.	3,995.00
Barco Municipal Products	426.72
Ben Steele	100.00
Ben Steele	120.00
Blackburn Mfg. Co.	88.82
Bound Tree Medical, LLC	294.26
Brandt, Horan, Hallstrom & Stilmock	2,939.42
Burr & Associates	525.00
Caleb Frede	300.00
Cardmember Service	1,257.80
Carol Linquist	404.65
Chris Parde	125.00
Chris Richardson	50.00
City of Syracuse	1,845.90
CMH Medical Center	337.00
Combined Revenue Bonds Pri. & Int.	16,220.00
Combined Revenue Bonds 2012	720.45
Creighton University	270.00
Danko Emergency Equipment Co.	146.90
David Partsch	100.00
Daylight Donuts	72.00
Dearborn National Life Ins. Co.	182.32
Double Day	131.43
Dutton Lainson Co.	643.71
EMS Billing Services, Inc.	1,182.43
Enerspect Medical Solutions, LLC	307.89
Environmental Analysis South, Inc.	104.00
Eric Straw	100.00
Everyday with Rachel Ray	18.00
Farmers' Cooperative	8.20
Ferguson Enterprises, Inc.	213.95
Fireguard, Inc.	183.95
Foremost Promotions	1,794.65
Gatehouse Media Nebraska Holdings, Inc.	322.06
GE Money Bank/Amazon	416.84
Grainger	238.32

Guy Brace II	25.00
Hawkins, Inc.	244.55
Haley Harsin	45.00
Hank's Garage	67.23
IES Commercial, Inc.	123,921.12
Ingram Library Services	534.03
Jeff Vogt	540.81
Jessica LaFollette	105.00
JEO Consulting Group, Inc.	1,492.50
Joseph Reisdorff	25.00
Judds Brothers Const. Company	900.00
Kastens Ford, LTD	141.43
Ken Parde	25.00
Kim Parde	175.00
Konica Minolta Business Solutions	377.09
Krista Sisco	180.00
Kriz-Davis Company	939.36
Larry Neemann	50.00
Larson	65.09
Liberty National Life Ins. Company	24.00
Lynn Lyon	250.00
Marcia Scheinost	50.00
Matheson Tri-Gas, Inc.	168.86
Med-Tech Resource LLC	102.14
Michael Rrederick	18.00
Midwest Farmers Cooperative	163.30
Midwest Laboratories, Inc.	95.00
Midwest Service & Sales Co.	535.20
Mike's Window Service, LLC	97.98
Moore Medical Corp.	171.07
NE Rural Water Assoc.	200.00
Municipal Supply Inc. of NE	789.82
Nebraska City Utilities	323.37
NE Public Health Env. Lab.	334.00
Omaha Public Power District	122,411.75
One Call Concepts, Inc.	31.25
Otoe County	15,000.00
Peggy Hobscheidt	372.47
Peggy Neemann	150.00
Pepsi Cola of Lincoln	104.40
Petty Cash	58.05
Post Living Family Trust	82.34
Price Tree Farm	900.00
Robert English	50.00
Roy Bretthorst	53.80
Roxanne Smith	16.66
Sharon Morrow	275.00
JH Sporhase LLC	44.00
St. Paulinus Catholic Church	1,220.72
Syracuse Lumber Co.	30.37
Syracuse Motor Supply	744.12
Syracuse Shur-save	41.51
Terry's Family Foods	774.34
Tim Antes	175.00
Tim Parde	50.00
Tim Wilson	475.00
Todd Aksamit	202.88
Triple D's Saloon	22.35
United Healthcare	417.99

United Healthcare	11,134.17
Utilities Section League	185.00
Verizon Wireless	191.88
Windsteam	1,383.70
Western Area Power Administration	2,169.41
William Breazile	100.00
US Postal Service	306.42
Todd Aksamit	1,900.82
Shayna Aksamit	783.05
Susan Antes	1,315.35
Carolyn Bremer	182.70
Roy Bretthorst	404.03
Charles Bjork	434.04
Connor Bohlken	307.28
Allison Brinkman	128.00
Garry Carman	2,611.01
Deborah Dettmer	115.44
Kelly Farmer	1,716.69
Carol Graham	115.44
Eldon Halm	115.44
Eldon Halm	1,843.01
Kristina Henke	92.35
Elaine Hofker	26.78
Peggy Hobscheidt	1,699.93
Karen Kimpel	20.09
Julie Isaacs	95.54
Jason LaFollette	1,823.42
Carol Linqvist	115.44
Chris Lutjemeyer	115.44
Lynn Lyon	115.44
Katherine Mahar	160.25
Cassandra Oestmann	26.78
Coleman Orchard	147.66
Tomas Ortiz	369.40
Christopher Parde	115.44
Kenneth Parde	115.44
Anna Rippe	264.00
Julie Slafter	1,359.85
Richard Sitzman	115.44
Benjamin Steele	1,381.74
Mitchell Stubbendick	2,112.25
Jeffery Vogt	2,332.90
Timothy Wilson	115.44
Dale Young	807.49
Michelle Zahn	370.34

SHERIFF REPORT – Report presented by Chief Deputy Mike Holland. There were 79 calls in September, 28 being Rescue calls. Mayor Ortiz informed Council that Sheriff Gress had provided budget information for June, July and August.

PARKS & RECREATION REPORT – Todd Aksamit appeared before Mayor and Council to review bid received from Pioneer Underground for additional sprinklers to spray down the ball fields during ball games to control the dust. The bid for 18 1-25 rotors and 10 Hunter pro sprays with valves, pipe and wire would be \$6,400. Mayor and Council had some additional questions for Pioneer Underground and instructed Aksamit to contact Nick Eby and request additional information.

Cheryl Halvorsen appeared before Mayor and Council for update on progress at soccer fields. Mrs. Halvorsen stated funds donated for project are \$32,408.75 and she has \$2,400 remaining pledges to collect.

Mrs. Halvorsen stated that after donated funds, the project is short \$12,154.68 and was hoping that the City would donate additional funds to complete the project. Mrs. Halvorsen would like the City to use funds received back from Playground Committee.

Mayor and Council informed Mrs. Halvorsen that the additional funds will be donated by the City but since the request was not an agenda item, motion to donate funds will need to be done at the November 13, 2013 meeting. Mrs. Halvorsen stated that she has a donor that will loan her the necessary funds to cover expenses until the November meeting.

Recreation Coordinator Ben Steele reported that 56 girls were participating in the volleyball program. There are three games until the completion of the soccer program and fall baseball is now over.

Coordinator Steele provided the Mayor and Council with resume and information received from Lillie Chambers for the tumbling program in January. Steele will be speaking with Ms. Chambers and checking into some other possibilities for tumbling instructors.

PUBLIC WORKS REPORT – Superintendent of Public Works Garry Carman was unable to attend the meeting.

Mayor and Council reviewed Pay Estimate # 2 for 2012 Syracuse Electrical Underground Distribution Replacement project for payment in the amount of \$123,921.12 to IES Commercial, Inc.

Matt Klein of JEO Consulting Group, Inc. and Superintendent Carman recommend payment of Pay Estimate #2 to IES Commercial, Inc.

Council member Lutjemeyer made the motion to approve Application for Pay Estimate No. 2 for Electrical Underground Distribution Project in the amount of \$123,921.12, second by Lyon. Roll Call: Lyon, Dettmer, Lutjemeyer. Nays: None.

Mayor and Council reviewed Pay Estimate # 2 & Final for 2012- 2013 Water Transmission Main project for payment in the amount of \$900.00 to Judds Bros. Construction Company.

Evan Wickersham of JEO Consulting Group, Inc. and Superintendent Carman recommend payment of Pay Estimate #2 & Final to Judds Bros. Construction Company.

Council member Lyon made the motion to approve Application for Pay Estimate No. 2 & Final for 2012- 2013 Water Transmission Main project for payment in the amount of \$900.00 to Judds Bros. Construction Company, second by Lutjemeyer. Roll Call: Lyon, Dettmer, Lutjemeyer. Nays: None.

City Attorney Stilmock stated that he had the ordinance completed to add the charge of \$3.00 per month in addition to the water use rates, for each water consumer, regardless of whether the customer resides inside or outside the City limits. The funds collected from the charge shall be used to fund the costs of water tower maintenance.

Council member Lutjemeyer introduced Ordinance No. 931 entitled: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA TO ADOPT A \$3.00 PER MONTH CHARGE IN ADDITION TO THE WATER USE RATES PURSUANT TO SECTION 3-110 OF THE MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF CONFLICTING RATES, ORDINANCES OR PARTS OF ORDINANCES; AND TO PROVIDE 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,

Lyon, Dettmer. 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 Lyon moved for final passage of the ordinance which motion was seconded by Council member Lutjemeyer. The Mayor then stated the question, "Shall Ordinance No. 931 be passed and adopted?" Upon roll call vote the following Council members voted YEA: Lyon, Dettmer, Lutjemeyer. 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.

Mayor and Council reviewed Maintenance Agreement No. 45 between the State of Nebraska Department of Roads and the City for maintenance of Hwy/50 Park Street. The State is requesting an increase of \$300 making the yearly fee \$2,050.50. The last increase was made in 2010.

Council member Lyon made the motion to authorize Mayor Ortiz to sign Maintenance Agreement No. 45 between the State of Nebraska Department of Roads and the City for maintenance of Hwy/50 Park Street, second by Dettmer. Roll Call: Yeas: Dettmer, Lutjemeyer, Lyon. Nays: None.

City Attorney Jerry Stilmock opened the bids received for the sale of 8 handguns and 2 shotguns used by the former Syracuse Police Department. City Attorney Stilmock state that the high bids were as follows:

- Item No. 1. S&W model 13-2 .357 Revolver - bid \$290 – Rod Nincehelser;
- Item No. 2. S&W model 13-2 .357 Revolver –bid \$270 – Rod Nincehelser;
- Item No. 3. Ruger GP 100 4" stainless steel .357 Revolver – bid \$430 – Jim Clark;
- Item No. 4. Glock model 30 45 ACP with 2 standard commercial magazines, loader & box – bid \$429 – Clayton Auer;
- Item No. 5. Glock model 30 45 ACP with 2 standard commercial magazines, loader & box – bid \$475 – Jim Pierce;
- Item No. 6. Glock model 30 45 ACP with 3 standard commercial magazines, loader & holster – bid \$355 – Don Hobscheidt, Jr.;
- Item No. 7. Glock model 30 with 3 magazines, box & loader – bid \$379 – Don Hobscheidt, Jr.;
- Item No. 8. Winchester model 1200 12 ga. slide action shotgun – bid \$110 – Rod Nincehelser;
- Item No. 9. Remington model 870 wing master 12 ga. slide action shotgun – bid \$429 – Jim Pierce; and
- Item No. 10. S & W model 18-4 .22 combat masterpiece - bid \$600 – Rod Nincehelser.

Council member Lutjemeyer made the motion to accept the high bids for sale of 8 handguns and 2 shotguns as stated by City Attorney Jerry Stilmock, second by Dettmer. Roll Call: Yeas: Lutjemeyer, Lyon, Dettmer. Nays: None.

City Attorney Stilmock open the one bid received for the sale of the drinking water fountain from the swimming pool. The bid of \$5.00 was received from Tomas "Kc" Ortiz.

Council member Lutjemeyer made the motion to accept the bid of \$5.00 for drinking water fountain from Tomas "Kc" Ortiz, second by Dettmer. Roll Call: Yeas: Lyon, Dettmer, Lutjemeyer. Nays: None.

Mayor Ortiz opened the public hearing on application for a conditional use permit pursuant to Syracuse Municipal Zoning Code Section 5.05.05.01 for reduction of side yard setback

requirement on the following described real estate: A Tract 180' X 605' in Northwest Quarter of Section 3, Township 8, Range 11 Otoe County, Nebraska.

Dean Roos is requesting reduction in the north side yard requirements from 25 feet to 10 feet for the construction of a detached garage. The conditional use has been approved by the Syracuse Planning Commission.

City Attorney Stilmock stated that he had received correspondence from Nebraska City Utilities are they have agreed to grant Mr. Roos a Conditional Use Permit to erect the garage.

Mayor Ortiz closed the public hearing.

Council member Lutjemeyer introduced Ordinance No. 934: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA GRANTING A CONDITIONAL USE PERMIT AUTHORIZING A REDUCTION IN THE NORTH SIDE YARD REQUIREMENTS ON THE FOLLOWING-DESCRIBED REAL ESTATE: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 11 EAST OF THE 6TH P.M., OTOE COUNTY, NEBRASKA; DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 160.0 FEET EAST OF THE WEST ¼ CORNER OF SECTION 3, TOWNSHIP 8, RANGE 11, OTOE COUNTY, NEBRASKA, THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 180 FEET, THENCE N89 11"E A DISTANCE OF 605.0 FEET, THENCE SOUTH A DISTANCE OF 180.0 FEET, THENCE S89 11"W A DISTANCE OF 605.0 FEET TO A POINT OF BEGINNING; TO PROVIDE FOR THE REPEAL OF 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 Lyon seconded the motion to suspend the rules and upon roll call on the motion, the following Council members voted YEA: Lutjemeyer, Lyon, Dettmer. 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 Lyon moved for final passage of the ordinance which motion was seconded by Council member Dettmer. The Mayor then stated the question, "Shall Ordinance No. 934 be passed and adopted?" Upon roll call vote the following Council members voted YEA: Lyon, Dettmer, Lutjemeyer. 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.

Erin Valazco, Tannenbaum Chairman and Tim Christians, Complete Timing appeared before Mayor and Council to request permission to hold a fun run on December 7, 2013 at 11:00 A.M. The Tannenbaum Trot will be held as a kick off for the day's activities. Tim Christians presented the route for the 1.54 mile run, which will start and end at the Christmas Tree at 5th & Midland Street. Mr. Christians will provide the liability insurance and present a copy to City Hall before the run on December 7th.

Council member Lyon made the motion to approve the fun run and route for the Tannenbaum Trot on December 7, 2013 starting at 11:00 A.M., second by Lutjemeyer. Roll Call: Yeas: Lyon, Dettmer, Lutjemeyer. Nays: None.

Discussion on cable television franchise fee and pole attachment agreement with Zito Midwest, LLC. was tabled until the November 13, 2013 meeting.

Paul Anderson of Unite Private Networks, LLC meet with Mayor and Council to review the pole attachment agreement and franchise fees to place and maintain equipment on City utility poles. Unite proposes to provide telecommunications service in the State of Nebraska.

The agreement is in force through September 30, 2021 and states that Unite will be paid at the rate of \$10.25 per pole for 430 poles, which total of \$4,407.50 is payable to City upon execution of the agreement. The franchise fee shall be in the amount of 4% of Unite's gross revenues.

Unite will provide the City with a current Certificate of Insurance and Irrevocable Letter of Credit in the amount of \$5,000 payable to the City of Syracuse.

Council member Lyon introduced Ordinance No. 935: AN ORDINANCE OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA GRANTING A TELECOMMUNICATION CABLE FRANCHISE TO UNITE PRIVATE NETWORKS, LLC; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDE FOR REGULATION AND USE OF THE SYSTEM; TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE, and moved that the statutory rule requiring reading on three different days be suspended. Council member Dettmer seconded the motion to suspend the rules and upon roll call on the motion, the following Council members voted YEA: Lutjemeyer, Lyon, Dettmer. 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 Lyon moved for final passage of the ordinance which motion was seconded by Council member Lutjemeyer. The Mayor then stated the question, "Shall Ordinance No. 935 be passed and adopted?" Upon roll call vote the following Council members voted YEA: Lyon, Dettmer, Lutjemeyer. 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.

Council member Lutjemeyer made the motion to adopt RESOLUTION 13-12: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA TO APPROVE, RATIFY AND ACCEPT THE POLE ATTACHMENT AGREEMENT BY AND BETWEEN THE CITY OF SYRACUSE, OTOE COUNTY, NEBRASKA AND UNITE PRIVATE NETWORKS, LLC; AND TO APPROVE THE EXECUTION THEREOF, second by Lyon. Roll Call: Yeas: Dettmer, Lutjemeyer, Lyon. Nays: None.

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

City Attorney Stilmock reviewed by Mayor and Council the Otoe County Local Emergency Operations Plan. Stilmock pointed out several areas in the documents that need to be completed or revised. City Clerk Hobscheidt was instructed to contact Gregg Goebel, Director of Otoe County Emergency Management Agency and inform him of the corrections and changes needed.

Resolution for approved of Otoe County Local Emergency Operations Plan will be tabled until the November 13, 2013 meeting.

Roy Bretthorst discussed with Mayor and Council reimbursement for City use of his personal cell phone. Mr. Bretthorst stated that his monthly phone bill is \$53.80 and that a very large percentage calls are for building and City code questions.

City Clerk Hobscheidt stated that Mr. Bretthorst number is given out almost daily and that she and office staff also call Mr. Bretthorst's cell phone. City Clerk also stated that she also calls Mayor Ortiz several times a week and also gives his number out numerous times a week. Mayor Ortiz confirmed that he uses his personal cell phone for City business and it has caused an increase in his monthly charge.

City Clerk Hobscheidt stated that the office staff rarely calls Utility or Park personnel on their personal cell phones.

Council member Lyon made the motion to reimburse Building & Zoning Inspector Roy Bretthorst \$53.80 per month for City use of his personal cell phone, second by Lutjemeyer. Roll Call: Yeas: Lutjemeyer, Lyon, Dettmer. Nays: None.

The Nebraska Department of Roads had requested that the Reasonable Accommodation Procedures section of the City's previous approved ADA Policy Statement be revised. Mayor and Council reviewed the revision submitted by Terry Meier of JEO Consulting Group, Inc.

Council member Lutjemeyer made the motion to approve the revisions made to the Reasonable Accommodation Procedures section of the City of Syracuse ADA Policy Statement to resubmit to the Nebraska Department of Roads, second by Lyon. Roll Call: Yeas: Dettmer, Lutjemeyer, Lyon. Nays: None.

City Attorney Stilmock stated that annexation will be reviewed at the October 29, 2013 Planning Commission meeting.

City Attorney Stilmock stated that he has been informed that the owners of 655 7th Street have turned the property over to their lender. City Attorney Stilmock will contact the lenders about cleaning up the property.

Council member Lutjemeyer made the motion to adjourn at 8:45 P.M., second by Lyon. Roll Call: Yeas: Lutjemeyer, Lyon. 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