

City of Cambridge
Regular City Council Meeting
Monday July 16, 2018
6:30 P.M.

Pursuant to notice published in the Cambridge Clarion Thursday July 12, 2018, and posted in the Cambridge City Office, the Cambridge City Council met for regular meeting convening at 6:30 P.M. Present were Mayor Mark Harpst, City Council Members Tom McCarville, Keith Luedders, Jeff Ommert, Tony Groshong and Vernita Saylor. Absent was City Council Member Derek Raburn. City Staff present were Kandra Kinne, City Clerk/Treasurer, David Houghtelling, Utility Supervisor and Lisa Shifflet, City Attorney. Visitors present for all or a portion of the meeting were Steve Johnson of Northwestern Mutual Insurance, Jolene Miller for the Cambridge Clarion, and C J Poltack of the West Central Nebraska Development District by Video Conference. Mayor Harpst opened the meeting with the Pledge of Allegiance. Mayor Harpst announced the open meeting law is posted on the east wall of the meeting room and available for public inspection.

West Central Nebraska Development District: C J Poltack was present by video conference and reported on progress under the nuisance abatement program:

1. **Resolution to Rescind 102 Paxton Street:** C J reported 102 Paxton Street property owners have cleared all nuisances and recommended approval of Resolution to rescind declaration of nuisance property. Vernita Saylor stated the motion seconded by Tony Groshong to approve Resolution 2018-07-01 Resolution to rescind declared nuisance at 102 Paxton Street. On roll call vote Tom McCarville, Keith Luedders, Jeff Ommert, Tony Groshong and Vernita Saylor voted yes, none voted no, Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for the following Resolution:

Resolution 2018-07-01

Rescinding Prior Resolution No. 2016-06-03 Declaration of Nuisance Property

WHEREAS, the City of Cambridge is engaged in a Nuisance Abatement Project; and

WHEREAS, the City appointed the West Central Nebraska Development District (WCNDD) as Nuisance Officer; and

WHEREAS, WCNDD identified and confirmed that in its opinion a nuisance exists as defined by Federal, State, City law; and City Council, at a regular meeting, identified a nuisance property, supported by evidence; and

WHEREAS, WCNDD now has evidence that the nuisance violation declared in Resolution No. 2016-06-03 is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of Cambridge rescinds Resolution No. 2016-06-03 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2016 CAM 003	102 Paxton Street, Cambridge, NE

2. **Declaration of declared nuisance parcel No. 006582.0, 115 Nakoma Street and 107 Patterson Street.** C J explained 006582.0 is an apartment at Medicine Creek Apartments that have an unlicensed

vehicle. 115 Nakoma Street has a trailer and pickup with expired plates and 107 Patterson Street has an unlicensed pickup, car, and auto parts on the ground, tires and excessive weed height.

Vernita Saylor stated the motion, seconded by Tom McCarville to approve Resolution 2018-07-02. On roll call vote Keith Luedders, Jeff Ommert, Tony Groshong, Vernita Saylor and Tom McCarville voted yes, none voted not and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for Resolution 2018-07-02 as follows:

**RESOLUTION NO. 2018-07-02
DECLARED NUISANCE**

The Mayor and City Council of the City of Cambridge (hereinafter the City), in regular session assembled at the City Office Building in Cambridge, Nebraska on this 16th day of July, 2018, hereby resolve as follows:

WHEREAS, The City of Cambridge desires to declare Nuisances pursuant to the City Code of Ordinances (Ordinance No. 709), with additional Ordinance Sections 6-314; 8-103,8-105; 8-201; 6-309; and 6-310.

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of Cambridge, Nebraska has been submitted to the City Council at its regular meeting on July 16, 2018:

Case No: 2018 CAM 001- Parcel No. 0006582.00, Cambridge NE; and

BE IT FURTHER RESOLVED that the City Council found at said meeting that the following property is declared to have nuisances upon it contrary to Cambridge City's Code of Ordinances and that said nuisance is ratified by this resolution:

Case No: 2018 CAM 001- Parcel No. 0006582.00, Cambridge NE

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of ARTICLE 3 ENFORCEMENT (A).

Tony Groshong stated the motion, seconded by Jeff Ommert to approve Resolution 2018-07-03. On roll call vote Jeff Ommert, Tony Groshong, Vernita Saylor, Tom McCarville and Keith Luedders voted yes, none voted no, Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for Resolution 2018-07-03 as follows:

**RESOLUTION NO. 2018-07-03
DECLARED NUISANCE**

The Mayor and City Council of the City of Cambridge (hereinafter the City), in regular session assembled at the City Office Building in Cambridge, Nebraska on this 16th day of July, 2018, hereby resolve as follows:

WHEREAS, The City of Cambridge desires to declare Nuisances pursuant to the City Code of Ordinances (Ordinance No. 709), with additional Ordinance Sections 6-314; 8-103,8-105; 8-201; 6-309; and 6-310.

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of Cambridge, Nebraska has been submitted to the City Council at its regular meeting on July 16, 2018:

Case No: 2018 CAM 002 - 115 Nakoma Street, Cambridge NE; and

BE IT FURTHER RESOLVED that the City Council found at said meeting that the following property is declared to have nuisances upon it contrary to Cambridge City's Code of Ordinances and that said nuisance is ratified by this resolution:

Case No: 2018 CAM 002 - 115 Nakoma Street, Cambridge NE

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of ARTICLE 3 ENFORCEMENT (A).

Tom McCarville stated the motion, seconded by Tony Groshong, to approve Resolution 2018-07-04. On roll call vote Tony Groshong, Vernita Saylor, Tom McCarville, Keith Luedders, and Jeff Ommert voted yes, none voted no, and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for Resolution 2018-07-04 as follows:

**RESOLUTION NO. 2018-07-04
DECLARED NUISANCE**

The Mayor and City Council of the City of Cambridge (hereinafter the City), in regular session assembled at the City Office Building in Cambridge, Nebraska on this 16th day of July, 2018, hereby resolve as follows:

WHEREAS, The City of Cambridge desires to declare Nuisances pursuant to the City Code of Ordinances (Ordinance No. 709), with additional Ordinance Sections 6-314; 8-103,8-105; 8-201; 6-309; and 6-310.

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the City of Cambridge, Nebraska has been submitted to the City Council at its regular meeting on July 16, 2018: **Case No: 2018 CAM 013 – 107 Patterson Street, Cambridge NE;** and

BE IT FURTHER RESOLVED that the City Council found at said meeting that the following property is declared to have nuisances upon it contrary to Cambridge City's Code of Ordinances and that said nuisance is ratified by this resolution:

Case No: 2018 CAM 013 – 107 Patterson Street, Cambridge NE

BE IT FINALLY RESOLVED, that the City shall proceed as determined under the administrative procedure of ARTICLE 3 ENFORCEMENT (A).

3. Discussion 412 Neville Street and 511 Neville Street. CJ Reported some progress has been made at 412 Neville Street however she provided pictures of unsecured skirting around the trailer. CJ said the City has the option of having a contractor give an estimate to secure the skirting and the City could bill the owner. City Staff could also do the work and the City bill the owner. If the bill is not paid it could be applied as a special assessment against the property. After discussion the City Council ask CJ to contact a contractor and provide an estimate to do the repairs. The City Council discussed 511 Neville Street. The property was declared a nuisance in August 2017 and abatement notice was issued in October 2017. A five day notice was sent and published. The property has discarded goods. The City Council asked CJ to contact the owners again and explain the course of action that needs to be taken by August 15th. The City council will take action at the August 20th meeting if the property is not cleared of discarded goods.

Health Insurance. Steve Johnson was present to review the current health insurance and renewal. The premium will increase 26%. The City Council discussed options for payment of the increase and recommended that employees pay a portion of the premium. Steve Johnson will meet with staff and discuss some options.

Convene CDA – Rescind Redevelopment Plan Amendment for Phases Six, Seven and Eight of the Harvest Meadows Third Residential Subdivision Project. Jeff Ommert stated the motion, seconded by Vernita Saylor, to convene the Community Development Authority and recess the City Council at 7:45 P.M. On

roll call vote Vernita Saylor, Tom McCarville, Keith Luedders, Jeff Ommert and Tony Groshong voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present. Kandra explained that closing had been scheduled two times and the applicant did not attend the closings. Kandra had contacted the Economic Development Board Chairman, the Economic Development Board supported rescinding the contract. Jeff Ommert stated the motion, seconded by Tony Groshong, to approve Resolution 2018-07-05. On roll call vote Tom McCarville, Keith Luedders, Jeff Ommert, Tony Groshong and Vernita Saylor voted yes, none voted no, and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for Resolution 2018-07-05:

**COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF CAMBRIDGE, NEBRASKA**

RESOLUTION # 2018-07-05

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF CAMBRIDGE, NEBRASKA, AUTHORIZING THE RESCISSION OF THE APPROVAL FOR THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CITY OF CAMBRIDGE, NEBRASKA, THE TERMINATION OF THE CONTINGENCY AGREEMENT FOR PHASES SIX THROUGH EIGHT OF THE HARVEST MEADOWS THIRD RESIDENTIAL SUBDIVISION PROJECT, TERMINATION OF THE REAL ESTATE PURCHASE AGREEMENT FOR LOT 7, HARVEST MEADOWS THIRD, RELEASE OF THE ASSOCIATED PROMISSORY NOTE, TERMINATION OF THE REDEVELOPMENT CONTRACT FOR PHASE SIX OF THE HARVEST MEADOWS THIRD RESIDENTIAL SUBDIVISION PROJECT, AND APPROVAL OF THE DEED OF RECONVEYANCE FOR PHASE SIX OF THE HARVEST MEADOWS THIRD RESIDENTIAL SUBDIVISION PROJECT.

RECITALS

A. On or around April 16, 2018, the Community Development Agency of the City of Cambridge, Nebraska (the "CDA") approved and adopted an amendment to the Redevelopment Plan for the City of Cambridge, Nebraska (the "Redevelopment Plan") to include phases six, seven and eight to the Harvest Meadows Third Residential Subdivision Project (the "Redevelopment Amendment").

B. On or around April 16, 2018, the CDA approved the redevelopment contracts for phases six, seven and eight of the Harvest Meadows Third Residential Subdivision Redevelopment Project (collectively, the "Redevelopment Contracts").

C. On or around April 16, 2018, the CDA approved and entered into the Contingency Agreement, which staggered the progression of phases six, seven and eight of the Harvest Meadows Third Residential Subdivision Redevelopment Project (the "Contingency Agreement").

D. On or around April 16, 2018, the CDA and KEG Homes, LLC, as the Redeveloper ("Redeveloper"), executed the Redevelopment Contract for phase six of the Harvest Meadows Third Residential Subdivision Redevelopment Project ("Phase Six Redevelopment Contract"). A Memorandum of Redevelopment Contract was filed with the Furnas County Register of Deeds office in Book B21 Page 437-439 as Inst. No. 18-395.

E. On or around April 16, 2018, the CDA and Redeveloper executed the Real Estate Purchase Agreement for Lot 7, Harvest Meadows Third Addition ("Lot 7"), as the project site for phase six of the

Harvest Meadows Third Residential Subdivision Redevelopment Project (the “Real Estate Purchase Agreement”).

F. In connection with the Real Estate Purchase Agreement, Redeveloper executed and delivered to the CDA a promissory note for the purchase price of Lot 7, Harvest Meadows Third Addition (the “Promissory Note”).

G. In connection with the Real Estate Purchase Agreement, Redeveloper executed and delivered a deed of trust securing the Promissory Note, which was recorded with the Furnas County Register of Deeds office in Book 116 Page 446-455 as Inst. No. 18-394 (the “Deed of Trust”).

H. Redeveloper failed to move forward with phases six, seven and eight of the Harvest Meadows Third Residential Subdivision Redevelopment Project and in doing so breached the Contingency Agreement, the Phase Six Redevelopment Contract and the Real Estate Purchase Agreement. Furthermore, Redeveloper is in default under the Promissory Note (collectively, “Redeveloper’s Breach”).

I. As a result of Redeveloper’s Breach, the CDA desires to rescind the Redevelopment Amendment, unilaterally terminate the Contingency Agreement, Phase Six Redevelopment Contract and Real Estate Purchase Agreement, cancel the promissory note, and authorize a Deed of Reconveyance to be recorded against Lot 7.

NOW THEREFORE, BE IT RESOLVED, by the CDA, that the Redevelopment Amendment is hereby rescinded and phases six, seven and eight of the Harvest Meadows Third Residential Subdivision Redevelopment Project are hereby removed from the Redevelopment Plan;

BE IT FURTHER RESOLVED, the CDA shall execute a Notice of Termination and Release of Promissory Note, which shall terminate the Contingency Agreement and the Real Estate Purchase Agreement, and release the Promissory Note. Said Notice of Termination and Release of Promissory Note shall be substantially in the same form as the attached and incorporated Exhibit “A”. Said Notice of Termination and Release of Promissory Note shall be mailed to Redeveloper’s last known address;

BE IT FURTHER RESOLVED, that the CDA shall enter into a Termination of Redevelopment Contract, which shall be substantially in the same form as the attached and incorporated Exhibit “B” and shall be recorded with the Furnas County Register of Deeds;

BE IT FURTHER RESOLVED, that the CDA shall execute a Deed of Reconveyance, which shall be substantially in the same form as the attached and incorporated Exhibit “C” and shall be recorded with the Furnas County Register of Deeds;

BE IT FURTHER RESOLVED, that all Resolutions or parts thereof in conflict with the provisions of this Resolution or to the extent of such conflicts, are hereby repealed

Tom McCarville stated the motion, seconded by Vernita Saylor, to recess the Community Development Authority and Reconvene the City Council at 7:55 P.M. On roll call vote Vernita Saylor, Tom McCarville, Keith Luedders, Jeff Ommert and Tony Groshong voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present.

Hours of Sale Ordinance – Waive Reading on three days. Kandra prepared an ordinance to update the hours of sale for alcohol to be in line with State Statute. Tony Groshong stated the motion, seconded by Vernita Saylor to waive reading on three different days Ordinance No. 753. On roll call vote Tom McCarville, Keith Luedders, Jeff Ommert, Tony Groshong and Vernita Saylor voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present. Tony Groshong stated the motion, seconded by Vernita Saylor to approve Ordinance No. 753. On roll call vote Keith Luedders, Jeff Ommert, Tony Groshong, Vernita Saylor and Tom McCarville voted yes, none voted no, and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present for Ordinance No. 753 as follows:

Ordinance No. 753

AN ORDINANCE AMENDING CHAPTER 10 SECTION 108 ALCOHOLIC BEVERAGES; HOURS OF SALE; OF THE CITY OF CAMBRIDGE, FURNAS COUNTY, NEBRASKA MUNICIPAL CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; ESTALISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAMBRIDGE, FURNAS COUNTY, NEBRASKA AS FOLLOWS:

SECTION 1. Chapter 10 Section 108 of the City of Cambridge, Furnas County, Nebraska, Municipal Code shall read as follows:

10-108 Alcoholic Beverages; Hours of sales. It shall be unlawful for any person or persons or his, her or their agents to sell any alcoholic beverages within the municipality except during the hours provided herein:

Hours of Sales
Alcoholic liquors (except beer and wine)

Secular days

Off sale.....6:00 A.M. to 1:00 A.M.
On sale.....6:00 A.M. to 1:00 A.M.

Sundays

Off Sale.....12:00 P.M. to 1:00 A.M.
On Sale.....12:00 P.M. to 1:00 A.M.

Beer and Wine

Secular days

Off sale.....6:00 A.M. to 1:00 A.M.
On Sale.....6:00 A.M. to 1:00 A.M.

Sundays

Off Sale.....6:00 A.M. to 1:00 A.M.
On Sale.....6:00 A.M. to 1:00 A.M.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic

beverages on the premises. For the purposes of the section, ON SALE shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment, OFF SALE shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

SECTION 2. Providing for the passage, approval and publication of this ordinance. This ordinance shall be in full force and effect after its passage, approval and publication according to law. Any other ordinances in conflict are hereby repealed.

Miller & Associates Report. Mayor Harpst reported the Pool Committee will meet Monday July 23rd. The City Council will have the bond issue and sales tax question for the next City Council meeting. After approval the items will be voted on in the November election.

Economic Development Board Reports. The City Council received a copy of the 2035 Vision plan proposed by the Economic Development Board. The City Council recommended more information about accomplishments by the Economic Development Board and asked who should schedule the Citizen Advisory Committee meetings.

Planning Commission Report. Jeff Ommert stated the motion, seconded by Tony Groshong, to approve the Planning Commission report. On roll call vote Keith Luedders, Jeff Ommert, Tony Groshong, Vernita Saylor and Tom McCarville voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously for the following site plan and land use permit application: Donald Hermann – 715 Nevada Street – Garage Addition and John Macleod – 1313 Galligar St – carport.

Utility Supervisor Report. Dave Houghtelling reported he has sprayed for mosquitos three times, treated the creek every week since March. The new pumps for the sewer plant will be installed on July 23rd.

City Clerk/Treasurer Report. Kandra reported Mayor Harpst, Derek Raburn and Kandra met with the Village of Oxford about the sheriff's contracts and options for funding. Kandra presented the financial report for June 30, 2018. Kandra reported she is working with Nebraska Cooperative Government to finalize the Lottery License. Kandra presented a proposal to replace the office assistant reception area because there is a need for more work surface area and storage area. The cost will be \$6,432.30. Tony Groshong stated the motion, seconded by Tom McCarville, to approve the proposed upgrade for the Office Assistant work station. On roll call vote Jeff Ommert, Tony Groshong, Vernita Saylor, Tom McCarville and Keith Luedders voted

yes, none voted no, Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present.

Consent Agenda Minutes of July 2, 2018 and the Claims Report. Vernita Saylor stated the motion, seconded by Jeff Ommert, to approve the minutes of July 2, 2018 and the claims report. On roll call vote Tony Groshong, Vernita Saylor, Tom McCarville, Keith Luedders, and Jeff Ommert voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously for the minutes of July 2, 2018 and the following claims report:

City of Cambridge Claims Report			
16-Jul-18			
			Dept.
Check No.	Vendor, For	Amount	Total
30078-30083	Payroll	8,528.66	
30084	Advanced Carpet Cleaning, Clean Carpets	450.00	
30085	Ag Valley, Fuel	411.38	
30086	American Family Life, Ins.	350.52	
30087	Aramark, Mats	73.17	
30088	Blue Cross, Health Ins.	6,769.15	
30089	Brico Pest Control, Spraying	67.10	
30090	Cambridge General Store, Supplies	50.52	
30091	Cambridge Super Market, Supplies	12.98	
30092	Cardmember Services, Postage, Advertising	51.50	
30093	City of Cambridge, Deposit Error	7,676.56	
30094	Dutton-Lainson, Supplies	579.60	
30095	Eakes Office, Supplies	33.49	
30096	John 's Repair, Oil Change	46.00	
30097	Municipal Supply, Supplies	198.53	
30098	Northwestern Mutual, Annuity	2,331.38	
30099	Omaha Flag Co., Flags	68.95	
30100	River Valley Services, Repairs	65.00	
30101	Schaben Sanitation, Trash Pickup	13,114.95	
30102	Twin Valleys PPD, Utility	5,503.16	
30103	Usable Life, Ins.	81.00	
30104	Western Area Power, Purchased Power	3,968.52	
ACH	IRS, Federal withholdings	2,875.92	
ACH	Black Hills Energy, Utility	67.72	53,375.76
City Account (General Fund):			
45942-45957	Payroll	5,626.50	
45958	Baker & Taylor Books, Library Books	160.12	
45960	McCook Daily Gazette, Advertising	123.00	

45961	Ag Valley, Fuel	540.20	
45962	American Family Life, Ins.	104.88	
45963	Aramark, Mats	11.00	
45964	Bernie Jones Auto, Repairs	205.80	
45965	Blooms, Flowers	53.00	
45966	Cambridge General Store, Supplies	94.38	
45967	Cambridge General Store, Supplies	102.67	
45968	Cambridge Super Market, Supplies	135.96	
45969	Cardmember Services, Postage, Advertising	412.26	
45970	Century Link, Police Phone	59.96	
45971	City of Cambridge, Deposit Error	4,095.54	
45972	D & N Lammel's, Inc., Repairs	141.00	
45973	First Central Bank, Loan Payment	793.92	
45974	Frontier, Police Phone	45.37	
45975	Jim's Triple D Service, Tires	365.04	
45976	Nebraska Life Publishing, Subscription	24.00	
45977	Southwest Farm & Auto, Supplies	137.73	
45978	Sunset Pool, Supplies	1,864.60	
45979	Twin Valleys PPD, Utility	59.95	
45980	Waypoint Bank, Loan Payment	1,545.00	
ACH	IRS, Federal withholdings	237.14	
ACH	IRS, Federal withholdings	1,106.71	
ACH	Black Hills Energy, Utility	758.51	18,804.24
	TIF:		
1040	Cline Williams, Attorney Fees	144.00	144.00
	LB840:		
3868	Amateur's Bar & Grill, Meeting Meal	64.15	
3869	Diane Henderson, Contract	325.00	
3870	Cardmember Services, Postage, Advertising	335.71	
3871	City of Cambridge, Distribute Sales Tax	9,012.58	
3872	Cross Creek Golf, Distribute Sales Tax	2,462.14	
3873	Diane Henderson, Contract	1,016.65	
3874	McCook Daily Gazette, Advertising	319.00	
3875	Tri Valley Health, Fee	22.00	
3876	West Interactive Services, Fee	1,250.00	14,807.23
	Employee Health		
870	Employee Deductible	7.73	7.73
	Baseball League		
154	Hilsabecks, Metals	128.40	
155	Teammates, Umpire Concessions	143.00	271.40
	HTC		

1001	Eisenhart & Farquhar, DPA	15,000.00	15,000.00
	Total	102,410.36	102,410.36

Adjournment. The next regular meeting of the Mayor and City Council is August 6, 2018. Vernita Saylor stated the motion, seconded by Jeff Ommert, to adjourn at 9:13. P.M. On roll call vote Vernita Saylor, Tom McCarville, Keith Luedders, Jeff Ommert and Tony Groshong voted yes, none voted no and Derek Raburn was absent and not voting. Motion carried unanimously by City Council Members present.

Attest: Kandra J. Kinne, City Clerk/Treasurer

Mark Harpst, Mayor