

City of Cambridge
Regular City Council Meeting
Monday, October 21, 2019
6:30 P.M.

Notice of meeting was given in advance by publication in the *Cambridge Clarion*, Thursday October 17, 2019, the designated method of giving notice, convening at 6:30 P.M. Advance notice of the meeting was given to the Mayor, members of the City Council, and the *Cambridge Clarion*. Present were Mayor David Gunderson, City Council Members Tony Groshong, Vernita Saylor, Keith Luedders, Derek Raburn and Kevin Banzhaf. Absent was City Council Member Jeff Ommert. Members of the City Staff present were City Clerk/Treasurer Kandra Kinne, Utility Supervisor David Houghtelling and City Attorney Lisa Shifflet. Visitors present during the meeting were Herb Besler for *Besler Industries*, Judy McCune for the *Cobblestone Hotel*, David Custer for *Twin Valleys Public Power District*, Craig Bennett for *Miller and Associates*, Lance Shifflet and Dan Baker for *Western Select Genetic, LLC*, Dawn Burke for the *Corner Café*; Colleen Johnson, Roger Brougham, Luella Trumble, Megan and Nick Vargas, George Sund, Dennis Wahlmeier, and John P. Trumble. Mayor Gunderson opened the meeting at 6:30 P.M. with the *Pledge of Allegiance*. Mayor Gunderson announced the *Open Meeting Act* is posted on the east wall of the meeting room and available for public inspection.

Special Designated Liquor Permits – Bacon & Brews Chamber Event. Judy McCune was present for the *Cobblestone Hotel*, to request special designated liquor permits for downtown businesses for the Bacon & Brews event November 14, 2019 from 3:00 P.M. to 10:00 P.M. Judy reported 17 businesses will participate and sites will have site supervisors. Judy will be the event supervisor. Vernita Saylor stated the motion, seconded by Tony Groshong, to approve Special Designated Liquor Permits for downtown businesses on Thursday November 14, 2019, for the hours 3:00 P.M. to 10:00 P.M., for the Bacon & Brews Fest sponsored by the Cambridge Chamber of Commerce. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

1-6 Year Street Plan Hearing 6:30 P.M. Mayor Gunderson opened the public hearing at 6:37 P.M., for the 1-6 Year Street plan. Craig Bennett of Miller and Associates was present to discuss the plan as presented. The 1-6 Year Street Plan includes the following projects: M187(31) – East bound turning lane on Highway 6 & 34 for Harvest Meadows Subdivision, M187(30) Highway lighting project from the Cambridge City Park East to Wheat Ridge Drive in the Harvest Meadows Subdivision, M187(37) Downtown Revitalization project for storm drainage, concrete street, sidewalks, street lighting in the 600 Block of Patterson Street and east and west one ½ block on Nelson Street, M 187(38) armor coat gravel Streets in the 600 and 700 Blocks of North Railway street. There were no other public comments. Mayor Gunderson Closed the Public Hearing at 6:45 P.M. Derek Raburn stated the motion seconded by Tony Groshong to approve Resolution 2019-10-02. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for the following Resolution:

RESOLUTION OF ADOPTION

Resolution No. 2019-10-02

BE IT RESOLVED by the City of Cambridge, Nebraska that the attached 1 & 6 Year Street Improvement Program is hereby adopted by said Board. The said Board attests that a Notice of Public Hearing was posted in the following four public places, on Tuesday September 24, 2019:

Cambridge Post Office
First Central Bank
Waypoint Bank
Cambridge City Office

BE IT FURTHER RESOLVED, this Program was approved: Approved as presented.

Authorize Mayor to sign Certificate of Compliance. Craig Bennett explained the City is required to submit an annual statement of compliance to the Department of Roads to receive the highway allocations. The City received \$155,595.61 in the 2019 fiscal year and is expected to receive \$160,860 in the 2020 budget year. Vernita Saylor stated the motion, seconded by Derek Raburn, to authorize the Mayor to sign the Certificate of Compliance. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for the following Resolution 2019-10-03:

Resolution 2019-10-03

Signing of the Municipal Annual Certification of Program Compliance Form 2019.

Whereas: State of Nebraska Statues, sections 39-2115, 39-2119, 39-2120, 39-2121 and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statue, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be It Resolved that the Mayor of Cambridge is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Public Hearing Amending Zoning Ordinance to allow feed and seed store in an Ag zone. Mayor Gunderson opened the public hearing at 6:45 P.M. The City Council received a copy of the proposed Ordinance in advance of this meeting. There were no public comments. Mayor Gunderson closed the public hearing at 6:46 P.M. Tony Groshong stated the motion, seconded by Derek Raburn, to waive reading on three different days Ordinance No. 768. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present. Vernita Saylor stated the motion, seconded by Derek Raburn, to approve Ordinance No. 768. Mayor Gunderson read the Ordinance by title and called for the vote. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for the following Ordinance No. 768:

Ordinance No. 768

An Ordinance amending The Cambridge, Nebraska Zoning Ordinance and Subdivision Regulations Reports of 2015; Amending Article 1, Section 2-103 Conditional Uses adding Feed and Seed

Stores; to repeal other conflicting ordinances and sections and direct the publication of this ordinance and to provide an effective date.

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

Section 1. The City of Cambridge, Nebraska Zoning Ordinance and Subdivision Regulations Reports of 2015, amending Article 1 "A-1" Agricultural District, Section 2-103 Conditional Uses Adding Feed and Seed Stores.

Section 2-103 shall read as follows:

2-503 CONDITIONAL USES

The following conditional uses may be permitted Subject to approved procedures outlined in these Regulations.

- A. Cemeteries including mausoleums; provided mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines.
- B. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature.
- C. Anhydrous ammonia storage and distribution; provided such storage and distribution shall not be within 1,320 feet of any residential district boundary.
- D. Airports and Airfields.
- E. Green house and nurseries.
- F. Communications Towers.
- G. Meteorological Towers.
- H. Non-Commercial Wind Energy Systems.
- I. Commercial Wind Energy Systems.
- J. Kennels – breeding and boarding
- K. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
- L. Other publically owned buildings and uses not specifically listed elsewhere in this district.
- M. Earth-sheltered residences.
- N. Seasonal or temporary uses such as a recreation camp or similar enterprises.
- O. Telephone exchanges, electric substations or similar public utility uses.
- P. The extraction of minerals or raw minerals and the processing, treating or storing of such minerals or materials.
- Q. Solid Waste disposal and processing sites which include landfills, incinerators, transfer stations and other similar functions.
- R. Mobile Homes.
- S. Feed and Seed Stores.

Section 2. Upon adoption of this Ordinance, The Cambridge, Nebraska Zoning Ordinance and Subdivision Regulations Reports adopted April 20, 2015, by the City of Cambridge, Nebraska shall be amended to add Item s to section 2-103 Conditional Uses.

Section 3. Any other ordinance of section passed and approved prior to passage, approval and publication of this ordinance and in conflict with its provisions is repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Conditional Use Permit Public Hearing for a Feed and Seed Store in an Ag Zone. Mayor Gunderson

opened the public hearing at 6:47 P.M. Lance Shifflet is requesting the conditional use permit for a seed store in an Ag zone. Lance Shifflet was present to answer any questions of the City Council. There were no public comments. Mayor Gunderson closed the public hearing at 6:48 P.M. Keith Luedders stated the motion, seconded by Tony Groshong, to approve the conditional use permit application of Western Select Genetic, LLC. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Consent Agenda Minutes of October 7, 2019 and claims report. The City Council received advance copies of the minutes of October 7, 2019 and the claims report. Vernita Saylor stated the motion, seconded by Tony Groshong, to approve the minutes of October 7, 2019 and the claims report. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for the minutes of October 7, 2019 and the following claims report:

<i>City of Cambridge</i>			
<i>Claims Report</i>			
<i>To Mayor and City Council</i>			
<i>21-Oct-19</i>			
<i>Period 10/08/2019 TO 10/21/2019</i>			
<i>Check No.</i>	<i>Vendor, For</i>	<i>Amount</i>	<i>Dept. Total</i>
	<u>Combined Utility:</u>		
30987-30993	Payroll	8,657.31	
30994	Ag Valley, Fuel	263.30	
30995	American Family Life, Ins.	299.16	
30996	Blue Cross, Health Insurance	9,038.36	
30997	Cambridge General Store, Supplies	34.03	
30998	Cambridge Memorial Hospital, Pre-employment	299.50	
30999	Card Member Services, Postage, Supplies, Repairs	393.88	
31000	City of Cambridge, Petty Cash for Car Wash Tokens	6.00	
31001	Employee Flex Spending	511.00	
31002	GPM, Repairs	515.00	
31003	Northwestern Mutual, Annuity	2,569.48	
31004	Schaben Sanitation, Trash Fees	13,228.67	
31005	Southwest Farm & Auto, Repairs	30.94	
31006	USABLE Life, Life Insurance	81.00	
31007	Twin Valleys Public Power, Purchased Power	245,305.37	
ACH	Nebr. Dept. Revenue, Sales Tax	10,846.16	292,079.16
	<u>City Account (General Fund):</u>		
47329	Payroll	779.39	
47331	Ag Valley, Fuel	252.58	
47332	Bound Tree Medical, Supplies	168.81	
47333	Cambridge Clarion, Publications, Subscription	211.32	
47334	Cambridge General Store, Supplies	47.12	

47335	Cambridge Super Market, Supplies	3.99	
47336	Card Member Services, Postage, Supplies, Repairs	524.78	
47337	CenturyLink, Police Phone	119.92	
47338	Crawford Repair, EZ Go Repairs	1,982.14	
47339	First Central Bank, Fire Equipment Loan Payment	793.92	
47340	First State Insurance, Animal Control Officer Bond	100.00	
47341	Follett Software Co, Software Support	1,220.45	
47342	Intellicom, Software Support	138.00	
47343	Kandra Kinne, Mileage, Lodging, Parking Fees	671.19	
47344	Southwest Farm & Auto, Repairs	119.56	
47345	Sun Life Financial, Fire Dept. Life Insurance	2,670.83	
47346	Waypoint Bank, Golf Loan Payment	1,545.00	
47347	Mike Smith, Park School House Repair & update	10,310.00	
ACH	Nebr. Dept. Revenue, Sales Tax	13.16	21,672.16
	<u>CDBG Projects:</u>		
117	Miller & Associates, Fees	1,250.00	
118	Blessing Construction, Pay Request #2 DTR Project	180,051.75	181,301.75
	<u>LB840/ Revolving Loan/ HTC</u>		
4134	Cambridge Public School, Façade Grant	5,000.00	
4135	void		
4136	Card Member Services, Postage, Supplies, Repairs	150.00	
4137	City of Cambridge, Distribution Sales Tax	11,699.19	
4138	Cross Creek Golf Links, Distribution Sales Tax	5,903.58	
4139	Furnas County Treasurer, Filing Fees	102.00	
4140	Jodi Cobb, Signs for downtown project	222.29	23,077.06
	Total:	518,130.13	518,130.13

Museum Board Appointment. The Mayor presented the Museum Board recommendation to appoint Phyllis Patterson to replace Mae Groshong, who has retired from the Board. Keith Luedders stated the motion, seconded by Derek Raburn, to approve the appointment of Phyllis Patterson, to the Museum Board. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Miller and Associates Report. Craig Bennett was present for Miller and Associates for the Downtown Project. Craig explained they are recommending an extension of the CDBG Grant 17-DTR-106. The City is contractually obligated to have the project completed by November 8, 2019. The project was delayed due to availability of contractors during the spring 2019 flood event. The City Council needs to request an extension until February 8, 2020 for closing documents and final pay requests. Tony Groshong stated the motion, seconded by Derek Raburn, to approve the Project Extension for Downtown Revitalization CDBG Grant 17-DTR-106. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Application for Payment, Drawdown #11. Derek Raburn stated the motion, seconded by Tony Groshong,

to approve the Pay request #11 in the amount of \$62,871.99 for grant funds, application for payment to Miller and Associates in the amount of \$1,250.00 and application for payment to Blessing Construction in the amount of \$180,051.75. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Planning Commission Report – The City Council received advance copies of the Planning Commission report for their meeting October 15, 2019. Tony Groshong stated the motion, seconded by Vernita Saylor, to approve the Planning Commission report. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for the following site plan and land use permit applications: Western Select Genetics, LLC, and Cambridge Public School for a green house.

Utility Supervisor Report - Utility Supervisor Dave Houghtelling reported he has ordered children playing signs for the street south of the Ethanol Plant entrance, he cannot place load limit signs on the streets south of the ethanol plant entrance because of the use by Twin Valleys Public Power District for access to their warehouse. Dave is postponing the asbestos abatement inspection on the house at 510 Butler Drive. Dave said staff will not proceed until the owner makes a decision about tearing down the house. Dave reported he has inspected the storm drain culvert near 106 Nasby Street. Dave is working on a bid for cleaning the culvert and clean and shape the storm drain through town. Dave reported if the City does annexation for Besler Industries that Karen Paisley would be interested in annexation and would request City water and sewer service. Dave Houghtelling has contacted Dave Custer of Twin Valleys Public Power District for information for car charging stations. The hotel would be a good location.

City Clerk/Treasurer Report – Kandra submitted a written report. Virginia Roberts and Mikayla Kent have been painting and cleaning the office area and will be ready to move forward with new flooring soon, Kandra is training Mikayla on utility billing software, sales tax reports, Golf Board accounting. Kandra attended CDBG re-certification training in Lincoln, staff will be starting year end reports for the auditors and year-end adjustments, Kandra prepared the annual budget for the BIC Board, they also received their audit report, Kandra prepared the annual street income, expense and budget report for Miller and Associates, Virginia is filling in part-time. Virginia is working with the Cemetery Foundation on funding for the Cemetery management program and the Foundation did approve the expense.

Lance Shifflet Project for Western Select Genetics, LLC, seed store. A written agreement is being prepared and has not been reviewed yet.

Nuisance Abatement – 510 Butler Drive. The City Council received the update from Martie Burke of West Central Nebraska Development District that John O’Dea is working on tearing down the house at 510 Butler Drive and is asking for a 60 day extension. The City Council approved the extension.

Besler Industries – Request for Sewer Service. Herb Besler of Besler Industries was present to discuss their proposal to receive sewer service for their Industries. The City Council discussed the availability of sewer and where he would need to connect. Lisa Shifflet will work on an agreement.

WCNDD (2019-CAM002) – Rescind Resolution 2019-08-01 – 1015 North Street. The City Council received advance copy of Resolution to rescind prior declaration of nuisance property at 1015 North Street. Martie Burke provided information that the property owner has cleared the property of nuisances.

Derek Raburn stated the motion, seconded by Tony Groshong, to approve Resolution 2019-10-04, rescinding prior Resolution No. 2019-08-01 Declaration of Nuisance Property at 1015 North Street. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present for Resolution 2019-10-04 as follows:

Resolution 2019-10-04

Rescinding Prior Resolution No. 2019-08-01 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, Inc. (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. 2019-08-01 is abated and the property cleared of nuisances.

NOW THEREFORE, BE IT RESOLVED, that the City of Cambridge rescinds Resolution No. 2019-08-01 on the following property:

<u>CASE NO.</u>	<u>PHYSICAL ADDRESS</u>
2019 CAM 002*	1015 North Street, Cambridge, NE

Residents – Norton Street discuss options for storm drain ditch. Residents on Norton Street were present to ask the City Council for assistance to improve the City’s storm drainage system that is located South of Norton Street and North of the rail road tracks. The residents said they are aware of some obstacles with natural gas line and fiber optic lines located at the ditch site. Residents said they have had their back yards fill with storm water after storms. Residents are aware that the ditch is miss used and used for dumping grass clippings, Christmas trees, tree branches, camper curtains and trash. The storm drainage ditch has standing water most of the time and needs cleaned out and maybe weeds sprayed. Suggestions from the residents were to clean out existing weeds, continue to burn yearly, continue to spray, trench ditch deeper, put retainer block or build up the north edge were the ditch overflows onto personal property, put in a liner, put culvert tube/half tube through the ditch, spray with ground sterilizer, put asphalt in the bottom and sides to prevent erosion, consistent maintenance during the spring and summer, get information from other entities for solutions. The Residents said they planned to attend the next meeting and find out what the City decided to do.

NPPD PCA Refund. David Custer, from Twin Valleys Public Power District, was present to discuss the Nebraska Public Power District Rate Stabilization Fund. NPPD will refund surplus revenue from the Rate Stabilization Fund. The City of Cambridge will have approximately \$169,000 returned starting in February 2020 and ending in January 2021 via the Power Cost Adjustment (PCA). David said Twin Valleys Public Power will return 50% of their PCA to the customers and use the balance for infrastructure improvements. The City Council discussed options for the PCA refund and decided to place the item on the agenda.

Corner Café – SDL Permit for November 16. Dawn Burke was present for the Corner Café, to request a special designated liquor permit for Saturday November 16, 2019 at the Cambridge Community Building. Tony Groshong stated the motion, seconded by Vernita Saylor to approve the Special Designated Liquor Permit for the Corner Café for Saturday November 16, 2019 at the Cambridge Community Building. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Executive Session for personnel. Vernita Saylor stated the motion, seconded by Derek Raburn, to go into executive session for personnel at 8:10 P.M. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present. Derek Raburn stated the motion, seconded by Tony Groshong, to return to regular meeting at 8:15 P.M. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present. Mayor Gunderson stated the only item discussed in executive session was personnel and no decision were made while in executive session.

Adjournment. The next regular City Council meeting is Monday November 4, 2019 at 6:30 P.M. Derek Raburn stated the motion, seconded by Tony Groshong, to adjourn at 8:16 P.M. Voting yes were Vernita Saylor, Tony Groshong, Keith Luedders, Derek Raburn and Kevin Banzhaf, none voted no, and Jeff Ommert was absent and not voting. Motion carried unanimously by City Council Members present.

Attest: _____
Kandra J. Kinne, City Clerk/Treasurer

David Gunderson, Mayor