

COUNCIL CHAMBERS, MONDAY, SEPTEMBER 23, 2013 AT 7:00 P.M.

The meeting was called to order in regular session by Mayor Powers with the following members present: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Absent: Skutnik.

Moved by Niemeyer, seconded by Peterson that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on September 20, 2013, that notice was posted in three public places, that each Councilmember and Mayor received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

**CITIZEN COMMUNICATIONS:** Jerry Goebel of 3560 South Smokey Hills Road addressed the Mayor and Council regarding his request to rezone Lot 5, Meggan Subdivision. Mr. Goebel stated there was not a full Council during his rezoning issue, all six members available were present at the meeting and the vote on the ordinance to rezone was four to two in favor. When the City Attorney called out that the two vacant seats are “No” votes then the ordinance was tied four yes votes and four no votes. Mr. Goebel stated according to Roberts Rules of Order, vacant seats are not counted in any way, yes or no. So basically, the City Attorney had that wrong.

The Mayor asked according to what.

Mr. Goebel stated he made a packet for the Council and it says if things are listed in the City Code, you go to Roberts Rules of Order and Roberts Rules of Order state no vacant seats are ever counted, which means it should have been a four to two vote in favor, but the ordinance failed because of the way it was handled. Mr. Goebel stated he went home and thought “how did I get beat by two empty seats”. He started looking at the City Code and what he came up with in looking at Roberts Rules of Order was that it was incorrect so he brought it to the attention of the City Clerk and she talked to the City Attorney and he indicated State Statutes overrule Roberts Rules of Order. Mr. Goebel stated the State Statutes doesn’t say anything about it, it says it is the majority of the members present at the time of the vote and there were six members present; vacant seats are not members. Mr. Goebel stated we elected eight members, but there weren’t eight elected members, there were six members and everyone was here that night so he misinterpreted that. Mr. Goebel stated he has asked the City Administrator and the City Clerk and they keep saying that it takes five votes to pass an ordinance, but nobody can show me where it says that and that is because it is the majority of the votes of the members present. Mr. Goebel stated there was a quorum that night and a quorum is enough to conduct any business put in front of you, you can act like a full Council. You are not required to have eight members, a first class city is only required to have four Councilmembers. Mr. Goebel stated there was a quorum present and he did have the majority vote, in fact it was a two-thirds vote and how it got

twisted and turned around like that he doesn't know, but he thinks it needs to be corrected. Mr. Goebel stated he is trying to do something good for the City, what he has planned over there is good for neighborhood, it is good for the City, is adding affordable housing and adds to the tax base. Mr. Goebel stated he doesn't know why he is being stonewalled here and nobody will go back and correct this; it doesn't make sense to him. Mr. Goebel stated he believes the Council needs to bring it back and correct it; it was an error and needs to be corrected so we can move on and get this thing going.

The Mayor asked the City Administrator to read what we have.

The City Administrator stated State Statutes Section 16-404 titled "Council; ordinances, resolution, or orders; procedure for passage; vote of Mayor, when; amendments; revision ordinances" states "All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Council. . ." The City Administrator stated that the opinion of both City Attorneys is that it is eight people on the Council and that is why the ruling the City Attorney made was made, it would take five members of the Council to approve. The two vacant seats that were open still count according to both City Attorneys and that is what brought about the four to four vote with the Mayor breaking the tie. The City Attorney stated it can be brought back up for reconsideration if it is the pleasure of the Council, but it can only be brought back up from someone from the prevailing side which in this case would be Councilmembers Peterson and Odom or the Mayor. It can be reconsidered any time up until the third meeting which is tonight.

The Mayor asked what the City Code says.

The City Administrator stated Section 2-203 of the City Code refers to the majority of members elected to the Council and both the City Code and State Statutes trump Roberts Rules of Order. Logically, when someone says it was a four to two vote, the item would pass if you went only by Roberts Rules of Order and you didn't have these other two sources, then it would pass, but the City Code says a majority of all members elect of the Council and that is defined as all positions filled or unfilled.

Councilman Krings stated obviously Mr. Goebel has a different interpretation than our legal counsel. Councilman Krings asked how would Mr. Goebel go about challenging that interpretation if he would choose to do so.

The City Administrator stated he didn't know of anything short of stating his case to a court. The City Administrator stated he would need a legal opinion if he could take it back to the Planning Commission, it got a positive recommendation from the Planning Commission and they qualified that by saying "strictly from a planning perspective, this is not spot zoning".

Councilman Krings stated Mr. Goebel obviously could look at the route of going back and

starting over or challenge the interpretation.

Councilman Harrington stated he sympathizes with Mr. Goebel and believes we should reconsider the ordinance to rezone.

The City Administrator stated it can only be brought back up for reconsideration by an individual from the prevailing side. The prevailing side was a rejection and there were three members that voted to reject and they were Councilmembers Peterson and Odom as well as Mayor Powers.

Councilman Niemeyer stated one thought is that we do have the empty seats filled that would be a prevailing vote and therefore Mrs. Hoops would have the right to bring this back for reconsideration.

The City Administrator stated that is an interesting question and he doesn't have the answer to that, believes that would require some research and the problem with that is that you would be past the third meeting in which you could reconsider.

Councilman Niemeyer stated he was not on the prevailing side of the vote and he cannot bring it back, but he feels that we now have those two vacant seats filled and maybe we should have this discussion again.

Councilmember Peterson stated if we would reconsider, do we have to vote on the issue tonight; is not sure that the two new Councilmembers know enough about the issue to make the best vote they can.

The City Administrator stated he is going to speculate here and believes what the Council could do if someone wanted to bring it back to the Council is table it to the next meeting when all eight members were here.

Councilmember Hoops stated if it is reconsidered tonight, she would like time to understand exactly where all the history is coming from.

Moved by Peterson, seconded by Niemeyer that the Council reconsider Ordinance No. 4366 (Rezoning Lot 5, Meggan Subdivision from R-1, Urban Single Residential to R-P3 (Multiple Family Residential Planned District). Roll Call: Ayes: Harrington, Peterson, Niemeyer, Krings, Hoops, Goebel. Nays: Odom. Absent: Skutnik. The motion carried.

Moved by Hoops, seconded by Harrington that Ordinance No. 4366 be tabled. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the Mayor's Youth Council. There was a meeting on September 9<sup>th</sup> and they discussed and planned activities for the coming year. They will have a Worksession September 30<sup>th</sup> at 8:30 P.M. to further discuss activities for the coming year.

Councilman Goebel reported on the Hastings Public Access Corporation (HPAC) Board of Directors Meeting of September 17<sup>th</sup>. We reluctantly accepted the resignation of Chris Petroff. Mr. Petroff was the President of the HPAC Board of Directors for over 20 years and was a member of the Board longer than that.

Councilman Goebel reported on the Board of Public Works Meeting of September 12<sup>th</sup>. There was a report that the Wholesale Electric market has improved somewhat and it has WEC I and WEC II running at full capacity with the excess that we don't need to run the City sold on the grid. The Board approved a sanitary sewer out of district charge for the addition to Zion Lutheran Church and School. There was an update on the Tenaska Power Agreement with Hastings Utilities, that is an agreement with a group that markets excess electric power. Hastings Utilities budget meetings will be held November 5<sup>th</sup> and 7<sup>th</sup>. The next Board of Public Works Meeting is October 3<sup>rd</sup> at 9:00 A.M.

The Mayor asked if there were any discussions on the upcoming coal regulations.

Councilman Goebel stated there were none at the meeting, but is sure Marvin Schultes is keeping an eye on that.

Councilman Krings stated he wanted the Council to know that he has asked the City Administrator to place potential 2:00 A.M. bar closings on the October Worksession.

Councilman Odom stated under 911 calls on the Police Monthly Report, in 2013 it shows 7,657 calls for emergency services and 32,596 all other calls. Councilman Odom stated it seems to him that if we are getting that many non-emergency calls then we need to try to explain to the public what 911 is or do these other calls constitute emergency.

Police Chief Pete Kortum stated no not necessarily, but he would probably want to talk to the 911 Director to see if she has any concerns about that. Chief Kortum stated he is not aware of any and it hasn't been brought to his attention. That is all the other calls that will get in there, i.e., business office questions, they want to talk to an officer or a Sergeant. All those will be run through the switchboard and transferred. It would not be unusual for the number to be high like that and it is tracked that way.

Chief Kortum stated that it isn't that 32,000 calls a year non-emergency, it is just everything comes through that switchboard.

The Mayor asked if we have a grading system on those calls, are they ranked.

Chief Kortum stated they do triage the calls and then a supervisor on duty has the ability to hold something and reclassify it and have a call jumped for example.

**MAYOR'S COMMUNICATIONS:** The Mayor read a proclamation proclaiming September 17 through September 23 as Constitution Week.

Moved by Harrington, seconded by Goebel that the following items on the Consent Agenda be approved:

- 1(a) Minutes of the Council Meeting of September 9, 2013.
- 2(a) Request of the Downtown Center Association and the Business Improvement District for closure of downtown streets for annual Celebration of Lights on November 21, 2013 from 2:00 P.M. to 10:00 P.M.
- 2(b) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Colonial Gardens on October 19, 2013.
- 2(c) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Adams County Fairgrounds on October 26, 2013.
- 4(a) Payroll for the period ending September 28, 2013, paid October 4, 2013.
- 4(b) Authorizing the City Clerk to issue checks against the various funds for payment of claims. (Claims attached to and made a part of these minutes).
- 5(a) Department Monthly Reports received and placed on file.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

Moved by Niemeyer, seconded by Hoops that the Annual update on Local Emergency Planning Committee (LEPC) be brought from the table. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

At this time Steve Eddy, Chairman of the LEPC Board gave an update on the LEPC. (Update attached to and made a part of these minutes).

Moved by Odom, seconded by Harrington that Resolution No. 2013-41, Approving 2013 Local Emergency Operations Plan, be brought from the table. Roll Call: Ayes: Harrington, Peterson,

Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

Moved by Hoops, seconded by Odom that the Mayor and Council sit as a Board of Equalization.

Councilmember Hoops withdrew her motion.

**RESOLUTION NO. 2013-41**

RESOLVE: That in order to provide for a coordinated response to a disaster or emergency in Adams County, the City of Hastings and other cities and villages in Adams County, the Hastings City Council deems it advisable and in the best interests of the community and the County to approve the attached Adams County Local Emergency Operations Plan. Acceptance of this 2013 Local Emergency Operations Plan supersedes all previous approved Adams County Local Operations Plans.

Moved by Odom, seconded by Krings that Resolution No. 2013-41 be passed and approved.

Councilmember Odom stated this is one of those groups that doesn't get a lot of fanfare, but they are making it safe for emergency folks and citizens in the City.

Councilman Goebel asked what are the changes to the LEOP.

Chip Volcek, Emergency Management Director, stated most of the changes are updates on contacts and the other changes are things the State says has to be in the plan.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

Moved by Hoops, seconded by Odom that the Mayor and Council sit as a Board of Equalization. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

At this time a public hearing was held on the levying of assessments in the Business Improvement District (BID).

Randy Chick, Director of the Business Improvement District, stated this is the fifth year of a five year ordinance that was passed. For the last ten years, we have been doing our ordinances in five year increments. When an ordinance is created, we actually create a budget amount for each of the five years and then each year the Council sits as a Board of Equalization and assesses the properties within the district. In the district which runs from the tracks on the south to 4<sup>th</sup> Street on the north, Kansas Avenue on the east to Lexington Avenue on the west. There is

approximately twenty-one million dollars (\$21,000,000) worth of property in that district. To establish an assessment, we take our budgeted amount, which is approximately \$58,500, and divide that by the valuation in the district which gives us a rate to charge each property. The rate is about .00427 per \$1000.00 of valuation, therefore, a \$100,000 property is assessed approximately \$270.00 a year. Those funds then go into the city coffers and are used to offset the expenses of the district throughout the year. Mr. Chick stated owner-occupied property within the district is not assessed and tax-exempt properties are not assessed.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

**RESOLUTION NO. 2013-43**

**RESOLUTION MAKING ASSESSMENTS IN THE BUSINESS  
IMPROVEMENT DISTRICT OF THE CITY OF HASTINGS, NEBRASKA**

WHEREAS, notice has been published as provided by law, concerning the levy of special assessments in the Downtown Business Improvement District in the Hastings Tribune on August 31, 2013, September 7, 2013 and September 14, 2013.

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said District.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after full consideration of the schedule of assessments to be made for the cost of activities to be undertaken with the District, all as outlined in Ordinance No. 4224, Section 6, and of the objections to the assessments shown in said schedule filed by:

None

and after full consideration, appraisal and apportionment of the special benefits conferred upon the property shown in said schedules, the Mayor and City Council find that said properties are especially benefitted by said improvements in the amount shown on said schedule, and that the amounts are in proportion to the special benefits conferred upon the property by said improvements, and are not in excess of such benefits, or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that said schedule of assessments be and the same are hereby approved as herein corrected; and

BE IT FURTHER RESOLVED, that there be and there is hereby assessed and levied as a special tax against and upon each of the lots, parts of lots and parcels of land liable to be assessed for the cost of improvements located in the Business Improvement District as shown in said schedules, the respective sum expressed in figures set opposite to each of the same as corrected by this resolution, said assessments being levied against said lots, parts of lots and parcels of ground on account of the activities to be undertaken as hereinbefore described; and

BE IT FURTHER RESOLVED, that said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that all special assessments above provided shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without any interest, but if not so paid, they shall become delinquent and bear interest thereafter at the rate of fourteen percent (14%) per annum, and shall be collected in the usual manner for the collection of taxes.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedule be filed by the City Clerk with the City Treasurer and the Adams County Clerk of Adams County, as provided by law.

Moved by Krings, seconded by Goebel that Resolution No. 2013-43 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

At this time a public hearing was held on levying special assessment on property located at 929 North Webster Avenue.

Joe Patterson, City Administrator, stated he was notified about a month or so ago about this property. The Police Department had been working for some time to get an individual who was living there out of the home. The owner of the home is in a nursing home and the property has fallen into a state of disrepair, not only inside the home from what we believe, but also outside the home from what we could see. A local attorney has been appointed as the personal representative for the lady who owns the home and they are working through trying to dispose of the property. We did take the measure to go ahead and contract, after notifying the owner, to have that property cleaned up outside and the yard mowed. The disposition of the property is still up in the air as far as selling it or whatever, but the stop gap measure was for us to give notice and then go ahead and go in and clean up the outside. Tonight what we are doing is assessing the value of that cleanup which is \$1200.00. The property isn't where it needs to be, but at least it isn't where it was. This is a step the Council needs to take in order for us to go ahead and make a claim against the property and force action. They will either reimburse us our

costs or we could take title to the property through Court action. We are hoping that it doesn't get to that, we are hoping the personal representative would make arrangements to have the home cleaned up and then sold and we would have a claim against this property which we would be reimbursed for.

No one appeared to speak in opposition.

The City Clerk advised that her office had received an e-mail from Sandra Brown and an e-mail from Beckie Potts concerned about the condition of the property; also pictures of the property have been submitted.

The Mayor ordered that the e-mails be entered into the record.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

**RESOLUTION NO. 2013-44**

**RESOLUTION MAKING ASSESSMENT**

WHEREAS, Notice has been published as provided by law concerning the levy of special assessment on 929 N. Webster, Hastings, Adams County, Nebraska, in the Hastings Tribune on September 9, 2013 and September 16, 2013 and a copy of said Notice has been mailed to all resident and non-resident owners of said property as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessment on said property proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessment are adjusted as follows:

929 N. Webster - \$1,200.00

(Property legally described as Lot One Hundred (100), Campbell's Addition to the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof)

BE IT FURTHER RESOLVED, that said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid

within that time without interest, but if not so paid, to bear interest thereafter at the rate of six per centum (6.00%) per annum from the date of this resolution until delinquent; such assessments shall become delinquent as follows: One fifteenth of the total amount shall become delinquent fifty days after such levy, one fifteenth in one year; one fifteenth in two years; one fifteenth in three years; one fifteenth in four years; one fifteenth in five years; one fifteenth in six years; one fifteenth in seven years; one fifteenth in eight years; one fifteenth in nine years; one fifteenth in ten years; one fifteenth in eleven years; one fifteenth in twelve years; one fifteenth in thirteen years; and one fifteenth in fourteen years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at anytime at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedule be filed by the City Clerk with the City Treasurer and with the County Treasurer and the County Clerk of Adams County, as provided by law.

The Hastings City Clerk shall cause a copy of this Resolution to be sent by first-class mail to Viola Mulligan, as the record owner of the above legally described property.

Moved by Odom, seconded by Niemeyer that Resolution No. 2013-44 be passed and approved. Roll Call: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

Moved by Harrington, seconded by Peterson that the Mayor and Council adjourn as a Board of Equalization. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Skutnik. The motion carried.

At this time a public hearing was held to revise the 2012-2013 City Budget.

The City Administrator stated it is not at all uncommon for us to come back at the end of the fiscal year and open the budget. In this case we are looking at opening the Nebraska Wireless 911 Fund and the Various Purpose Fund and the reason for opening those is that the amount of money budgeted is not enough to cover the expenses of those funds for the current fiscal year. We were able to pay down more on the 911 Loan Fund to reduce our expenses down the road and pay less interest. With the Various Purpose Fund we refinanced a bond issue that will help us capture a lower interest rate and save us money in the long run.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

**ORDINANCE NO. 4369**

AN ORDINANCE TO AMEND ORDINANCE NO. 4328 WHICH ADOPTED THE 2012-2013 BUDGET STATEMENT; TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE NE WIRELESS 911 FUND AND THE VARIOUS PURPOSE FUND; TO PROVIDE AN EFFECTIVE DATE

Said Ordinance was read by title and thereafter Councilman Niemeyer moved for passage of the ordinance, which motion was seconded y Councilman Goebel.

Councilman Krings moved that the statutory rule requiring reading on three different days be sus-  
pended; Councilman Odom seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was “Shall Ordinance No. 4369 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is September 23, 2013.

**RESOLUTION NO. 2013-45**

WHEREAS, there has been signed by the City of Hastings on the 29<sup>th</sup> day of May, 2012, and the state on the 1<sup>st</sup> day of June, 2012, an agreement providing for the construction of a Federal Aid Project at the following location: guardrail on north approach (730') 16<sup>th</sup> and Kansas Avenue Viaduct-16th to 19<sup>th</sup> Streets.

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as HSIP-5519(5), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on

September 5, 2013, at which time one (1) bid was received for the construction of the proposed work, and

WHEREAS, the following contractor for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

Garcia-Chicoine Enterprises, Inc. of Milford, Nebraska  
Guardrail - \$148,329.35

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Hastings, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract should be awarded.
3. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

Moved by Odom, seconded by Harrington that Resolution No. 2013-45 be passed and approved.

Dave Wacker, City Engineer, stated about a year ago the Roads Department sent out an inquiry relative to safety projects that may qualify for federal funds. The safety project is a project that allows federal allocation in the amount of 90% of a project to be applied and 10% local funds to be applied for the construction of a project. The City Engineer stated he submitted the project before the Safety Committee which involves the replacement of guard rail on the old 281 viaduct. He went before the Committee last January and the project as accepted. City staff went ahead and designed the project and it was let earlier last month. The City's match will be approximately \$14,800. Also in the grant, City staff will be doing the construction engineering inspection on the project and we will be receiving 90% of our staff time in construction of the project. The project is to start around the first part of November, there are 15 days allotted to the project. The project is quite intense in the fact that the NEPA document restricted the closure of traffic to the project so there will be a traffic light that will be temporarily installed at the location. In case of inclement weather, the project will be delayed until Spring.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

9-23-2013

Moved by Niemeyer, seconded by Peterson there being no further business to come before the Council, the meeting adjourn at 7:50 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

APPROVED:

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Mayor

ATTEST:

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City Clerk

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