

City of Madison
211 South Lincoln Street
P.O. Box 527
Madison, Ne 68748-0527
Office: 402-454-3412
Fax: 402-454-2262
www.madison-ne.com



Mayor~ Alvin Brandl
Council Members~
Robert Jurgens
Paul Kellen
Rob Fite

Council Minutes

REGULAR MEETING OF THE COUNCIL

The Mayor and City Council of the City of Madison met in regular session in the Council Chambers, 211 South Lincoln Street, Madison, Nebraska on Thursday, June 8, 2017 beginning at 6:00 p.m.

CALL TO ORDER

Mayor Alvin Brandl called the meeting to order. Roll call found the following Council members present: Paul Kellen, Rob Fite, Robert Jurgens. Absent: None.

Staff members present were: Treasurer/Office Manager Paula J. Biehle, Utilities Superintendent Jim Lewis, City Attorney Mike Brogan and City Clerk Alexandra Abarca.

The Mayor presided and the City Clerk recorded the proceedings.

Upon opening of the meeting at 6:05 p.m. *the Mayor welcomed all guests and gave reminder to turn off cell/phones/pagers.* The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the front entrance of the City Council Chambers and accessible to members of the public.

Notice of the meeting was given in advance thereof by publication in the Madison STAR-MAIL, Madison, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Mayor and all members of the council and a copy of their acknowledgement of receipt of notice is attached to the minutes. Availability of the agenda was communicated in advance to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

CONSENT AGENDA

DISCUSSION: Discussion was had on approving consent agenda.

ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER JURGENS to approve the Consent Agenda: Motion will include A-D as one: A. Approve Agenda 5-10-17 & 5-12-17, B. Minutes of 5-10-2017 & 5-12-17 C. Treasurer Report, D. Claims. Roll call: Yeas: Fite, Jurgens. Nays: None. Abstain: Kellen. Motion carried.

REGULAR AGENDA ITEMS

OLD BUSINESS

The following agenda items were approved or tabled to future meeting:

DISCUSSION: Discussion was had on bids for utility mapping. This item was tabled until the July 13th City Council meeting.

NEW BUSINESS

The following agenda items were approved or tabled to a future meeting:

DISCUSSION: Discussion was had appointment of Council member. Appointment of Alvin Schroder as new Council member was not accepted by council. Appointment of John Oltmer as new Council member was not accepted by council. Mayor expressed he would return back to

this item later in the meeting.

DISCUSSION: Discussion was had on appointment of new police officer Matt Gartner for the City of Madison, Police Department.

ACTION: MOTION BY COUNCILMEMBER KELLEN, SECOND BY COUNCILMEMBER FITE to approve appointment of new police officer Matt Gartner for the City of Madison, Police Department. Roll Call: Yeas: Kellen, Fite, Jurgens. Nays: None. Absent: None. Motion Carried.

DISCUSSION: Discussion was had on appointment of Andrew Offner and Bill Masters to Park Board.

ACTION: MOTION BY COUNCILMEMBER JURGENS, SECOND BY COUNCILMEMBER FITE to combine agenda items 3 and 4 to approve Andrew Offner and Bill Masters to the Park Board. Roll call: Yeas: Jurgens, Fite, Kellen. Nays: None. Absent: None. Motion Carried.

DISCUSSION: Discussion was had approving Northeast Nebraska Economic Development District Housing Reuse Service Contract.

ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER KELLEN to approve Northeast Nebraska Economic Development District Housing Reuse Service Contract. Roll call: Yeas: Fite, Kellen, Jurgens. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on reappointing a councilman as the Northeast Nebraska Economic Development District Council of Officials Representatives.

ACTION: MOTION BY COUNCILMEMBER JURGENS, SECOND BY COUNCILMEMBER KELLEN to appoint Rob Fite as Northeast Nebraska Economic Development District Council of Officials Representatives. Roll call: Yeas: Jurgens, Kellen, Fite. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on approving Drawdown#10 in the amount of \$3,749.99 for CDBG planning #14-PP-014.

ACTION: MOTION BY COUNCILMEMBER KELLEN, SECONDBY COUNCILMEMBER FITE to approve Drawdown#10 in the amount of \$3,749.99 for CDBG planning #14-PP-014. Roll call: Yeas: Kellen, Fite, Jurgens. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on Horizon View Subdivision:

- A. Review and approval of Lot Split application and survey of KOHL Property 9.71 acres.
- B. CRA Rezoning request:
 - KOHL 9.71 acres from AG to Residential_____.
 - Rezone CRA property from R1 to another residential designation_____.
- C. Infrastructure costs and reimbursement to City for Horizon View Subdivision.

ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER KELLEN to approve Horizon View Subdivision item a) review and approval of Lot Split application and survey of KOHL Property 9.71 acres. Roll call: Yeas: Fite, Kellen, Jurgens. Nays: None. Absent: None. Motion carried.

ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER KELLEN to approve Horizon View Subdivision application process into R2 for items b) CRA Rezoning request: KOHL 9.71 acres from AG to R2 and Rezone CRA property from R1 to another residential designation of R2. Roll call: Yeas: Fite, Kellen, Jurgens. Nays: None. Absent: None. Motion carried.

ACTION: MOTION BY COUNCILMEMBER KELLEN, SECOND BY COUNCILMEMBER FITE to schedule a Special City Council meeting on June 20, 2017 at 6:00PM to further discuss Horizon View Subdivision item C). Roll call: Yeas: Kellen, Fite, Jurgens. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on approving Ordinance #798 Annexation of KOHL 9.71 acres.
ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER KELLEN to waive three readings and introduce Ordinance #798 and final passage in publication in pamphlet form. Roll call: Yeas: Fite, Kellen, Jurgens. Nays: None. Absent: None.

DISCUSSION: Discussion was had to table the approval of agreement for purchase of real estate between Betty L. Lorenzen and City of Madison and authorizing Mayor Alvin Brandl to sign purchase.

DISCUSSION: Discussion was had donating hay from old T-ball field at 300 N. Main to SMILE Program.

ACTION: MOTION BY COUNCILMEMBER KELLEN, SECOND BY COUNCILMEMBER FITE to donate the hay from T-ball field at 300 N. Main to SMILE Program. Roll call: Yeas: Kellen, Fite, Jurgens. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on cost of in-kind utility work for Madison Estates located at 506-510 N. Main, Madison.

ACTION: MOTION BY COUNCILMEMBER FITE, SECOND BY COUNCILMEMBER KELLEN to approve cost of \$26,593.00 in in-kind utility work for Madison Estates located at 506-510 N. Main, Madison. Roll call: Yeas: Fite, Kellen, Jurgens. Nays: None. Absent: None. Motion carried.

DISCUSSION: Discussion was had on City Emergency Management to purchase License for cost of \$100.00 and I-Pad for \$400.00 to create Identification Badges.

ACTION: MOTION BY COUNCILMEMBER BY COUNCILMEMBER JURGENS, SECOND BY COUNCILMEMBER FITE to approve City Emergency Management to purchase License for cost of \$100.00 and I-pad for \$400.00 to create Identification Badges. Roll call: Yeas: Jurgens, Fite. Kellen. Nays: None. Absent: None. Motion carried.

DISCUSSION WAS HAD ON THE FOLLOWING ITEMS, WITH NO ACTION TAKEN:

DISCUSSION: Discussion was had by Jeanne Reigle of the Steering Committee on the 150th Celebration. The committees and planning are going great with the exception of needing funding for the fireworks show. Jeanne expressed if the council would be willing to financially fund the fireworks show. The price for the ten minute show would range between \$8,000.00 and \$10,000.00. Council communicated to Jeanne to have this item be out on the City Council July agenda for more discussion.

DISCUSSION: Discussion was had by Paul Kellen in regards to his concerns over the Egress issues at the end of East First Street and acknowledged that it was a private matter, but wanted to inform the City Council of issues. No action was taken.

DISCUSSION: Discussion was had by Citizen Bryce Nolde in regards to his concerns over the City of Madison police enforcement. Concerns and complaints included:

- Expressed concern over egress issues at the end of 1st Street and including his property being driven over. If he is to put a lock on his fence, he gives Jim Lewis permission to cut it off in case of an emergency where he needs to get to the egress.
- Concern: His request of being first on the June 5th, 2017 agenda was dismissed and wondered why Paul Kellen was allowed to be pushed ahead of his issue.
- Complaint on receiving a call from Paul Kellen expressing, "As councilman I will have the Police department move your trailer."
- Concern over terroristic threat to himself and family by neighbor before Thanksgiving a year ago happening and nothing was done.

- Concern over manipulation of authority and abuse of authority.
- Concerns over times he has called Madison police over a neighbor burning trash outside of the burning hours and police not responding. He expressed he has called a dozen times and never has seen anything done in the past three years
- Tennant living next door to him driving through his property after he had a verbal agreement with land lord of property that he would tell his tenant not to drive through his property.

DISCUSSION: Discussion was had by Citizen Megan Hedrick in regards to her concerns over the City of Madison police enforcement. Concerns included:

- Concern over a police officer not waking her up after a call was made to the police about noticing someone walking around her yard with a flashlight at 3:30 a.m., 4:15am and again at 5:30am. She did not speak to the police officer until 10:30am.
- She spoke with Chief Waterbury and asked him why was she not notified immediately. Chief Waterbury responded with, “ Do you want somebody at your door waking you up at 5:30am in the morning?” Megan expressed she would as she’s a single mom with three kids, she would appreciate it. Megan expressed concern on how the situation was handled.
- Concern over police officer taking her signs from her home. According to state statue 60-6,130 Signs, markers, devices, or notices; prohibited acts; penalty and state statue 60-6,129 Interference with official traffic control devices or railroad signs or signals; prohibited; liability in civil action. Therefore no official state sign can be in possession.

DISCUSSION: Discussion was had by Citizen Tim Kruid in regards to weeds around Iglesia Filadelfia. Concerns included:

- Not mowing lawn on a consistent basis, having weeds and this has been this way over the past five years. This was his sixth trip to complain about the same issue.

Arturo Sandoval a representative on Iglesia Filadelfia expressed that they have mowed the area and will communicated back to the church that they will work on the following:

- Digging up the thistle weeds on June 10, 2017
- Mowing on a consistent basis
- Spraying for weeds

DISCUSSION: Discussion was had by Klint Arnold of Stealth Broadband. A detailed presentation was given about the use of wireless systems provided by Stealth Broadband. No action taken.

DISCUSSION: Discussion was had by Grayson Frohberg of Connecting Point. A detailed presentation was given about the use of wireless systems provided by Connecting Point. No action taken.

THE FLOOR WAS OPEN TO PUBLIC COMMENTS:

Public comment received by Citizen Luke Drozd, concerning Agenda item #6 (Citizen Bryce Nolde concern of enforcement by Madison Police Department). Concerns included the following:

- Complaint on his expired tags
- Calling police about neighbors barking dog
- Concerns over a neighbor slandering his name

Public comment received by Citizen John Bomar. Citizen asked if when they put up Telebeep Equipment they were to put up three free wifi drop sites. Did that ever happen? Paula Biehle City Treasure responded, yes.

REPORTS: Utilities Dept., Fire Dept., Police Dept., Office

DISCUSSION: Regarding the appointment of a new councilmember, discussion was had by Councilmembers Jurgens and Fite believe they are in violation of state statute if you end the meeting without appointing someone. Mayor expressed they can discuss the Councilmember appointment further in the Special City Council meeting scheduled on June 20, 2017 at 6:00 p.m.. Mike Brogan, City Attorney expressed it seems like a reasonable compromise if we have a meeting on the 20th and you share in advance the identity of prospective appointee that way that person can be approved. Councilmember Fite expressed, "I have been very reasonable with you (Mayor) and I truly believe it's tonight, maybe I'm wrong, I just think you (Mayor) are not correct in this situation and we don't know what the consequences are going to be."

Public Comment: Alvin Schrodgers: "Let's solve this problem, how much did the special election for the Mayor cost? \$1,800.00 dollars. That was brought up by discontented people in the City but yet majority voted to keep him in power. So where does it come out you two are dictating who sits in that seat. Let it go into a special election, \$1,900.00, the city wastes more money in a year. Let it go into a special election."

Jurgens: I would be in agreement with you Alvin if we didn't just have one.

Fite: You have to vote on what's in front of you.

Mayor: My compromise is the 20th to talk and make it a priority and set some time aside. Mayor ask for a motion to close. Kellen made a motion to adjourn the meeting.

Fite asked are you sure Paul we are doing the right thing, when he motion to close.

Kellen responded, "I'm sure enough to wait until the 20th".

DISCUSSION: Discussion was had on adjourning the meeting. Councilmember Kellen motion to adjourn. Fite raised a major concern to not adjourn meeting without appointing a councilmember. Mayor walked out of the City Council meeting at 9:49 p.m.

ACTION: MOTION BY COUNCILMEMBER KELLEN, SECOND BY COUNCILMEMBER FITE to adjourn meeting at 9:53 p.m. and it be noted to continue issue of Council member appointment at the June 20, 2017, Special Meeting. Roll Call: Yeas: Kellen, Fite Nays: Jurgens. Absent: Mayor Alvin Brandl. Motion carried.

Alexandra Abarca, City Clerk

Alvin Brandl, Mayor

I, the undersigned City Clerk, hereby certify that the foregoing is the full, true and correct original document of the Madison City Council Meeting proceedings had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for 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 and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Alexandra Abarca, City Clerk