

**CITY OF TERRYTOWN**  
**March 4<sup>th</sup>, 2021**  
**Regular Meeting Minutes**

The City of Terrytown Council met on Thursday, March 4th, 2021, at 6:30 PM, for their regular monthly meeting at the Housing Partners of Western Nebraska Community Room, at 89A Woodley Park Road in the City of Terrytown. Notice of said meeting was published in the Scottsbluff Star-Herald according, posted at Terry and Hazeldeane Carpenter Intergenerational Center, Western Nebraska Community Room and Patriot Park local office and council members were notified of said meeting. Zoom information was available on the calendar invitation, the City of Terrytown Website and the City of Terrytown Facebook page. The meeting was called to order at 6:33 p.m. by President Tyler Feil. Council Members present in person were: Jerry Green, and Mike Minzey. Marcia Sherlock and Mayor Chris Perales were absent. City Clerk, Jeni Mattern, was present and took minutes.

The Pledge of Allegiance was recited by those in attendance. President Feil pointed out the location of the poster for the Open Meetings Act which is also available on the City of Terrytown website, a copy was also available to council members and for the public.

There was on change to the agenda, item 17(b) should be a Resolution for Utility Deposit, the late fee was not included in the Resolution. Minzey moved to approve the changed of item 17(b) to the agenda to review and approve Resolution 21-4: Pursuant to code 7-103, updating utility deposit policy. This item will not include late fee charges. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

There were no Emergency items.

Minzey moved to accept the resignation of Mike Scow as City Administrator. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

No action needed on the received correspondence.

Ken Halvorsen, from the Nebraska Rural Water Association, presented a review of the Initial Financial/Managerial Water Assessment. This assessment is needed due to the State Revolving Loan. Ken explained the assessment and stated that Terrytown is "doing a good job" with monitoring its funds.

Minzey moved to open the Public Hearing: led by City Attorney, Libby Stobel and Bellevue Resident Jack Madearis. The Public hearing was to Consider a Replat of: **LOT 4A, BELLEVUE HOMES SECOND ADDITION, A REPLAT OF PART OF LOT 4 BELLEVUE HOMES SECOND ADDITION AND UNPLATTED LAND IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 22 NORTH RANGE 55 WEST OF THE 6<sup>TH</sup> P.M. SCOTTS BLUFF COUNTY, NEBRASKA.** Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent. Minzey moved to close the public hearing. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Green moved to approve the replat of **LOT 4A, BELLEVUE HOMES SECOND ADDITION, A REPLAT OF PART OF LOT 4 BELLEVUE HOMES SECOND ADDITION AND UNPLATTED LAND IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 22 NORTH RANGE 55 WEST OF THE 6<sup>TH</sup> P.M. SCOTTS BLUFF COUNTY, NEBRASKA.** Minzey seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Green moved to approve the Regular Meeting Minutes for February 4<sup>th</sup>, 2021. Minzey seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

It was moved by Minzey and seconded by Green to table the approval of claims as the claims report was missing a column. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

City Treasurer, Michael Scow, reviewed the Financial Statement for January 2021.

Scow explained to the council that it is renewal time for the Blue Cross Blue Shield policy, which provides health insurance to the full-time city employees. He stated that there will be a standard 10% increase this year. Minzey questioned what the monthly charge is now. Mattern stated approximately \$3874.00. There was discussion regarding the additional being spent. Scow assured the council that the funds were available for the increase. Minzey moved to approve the policy renewal of the Blue Cross Blue Shield policy. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Scow referred to a letter attached to the packet from BDO. This letter is a request for engagement for the annual audit. BDO is the same organization that has been doing the audit for years. Minzey moved to approve the annual audit engagement letter. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

City Engineer, Jeff Wolfe, reviewed the bid procedures and explained that only one bid was received for the removal of the water tower. This bid was not received prior to the deadline for bids, but rather, the next day. Due to the bid not being received in time, the council needed to move to approve informalities in order to review the bid. Green moved to approve informalities in order to review the bid removal of the Water Tower. Minzey seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Wolfe then opened and shared with the council the amounts on the bid from Iseler Demolition. The bid came at twice the budgeted amount. Because there was only one bid received on the project, the City is able to negotiate on the bid. Green moved to allow McSchaff and Associates negotiate on the existing bid from removal of the water tower. Minzey seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Review of Ordinance NO: [460] No Parking on Portions of Gary Street, was presented for the second reading.

Review of Ordinance NO: [461] An Ordinance of the City of Terrytown, Nebraska Owned Water and Sewer Utilities, Repealing Prior Ordinances and Providing for an Effective Date, was reviewed for the second reading.

Review of Ordinance NO: [462] An Ordinance of the City of Terrytown, Nebraska Revising and Amending Fees for Water Connection and Sewer Tap, was presented for the first reading.

Minzey moved to approve the Street Sweeping and Street Striping contracts for 2021 with the City of Scottsbluff. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

City Attorney, Libby Stobel, requested ratification for Consideration of Keno Lottery Agreement with Small Computer Solutions, LLC and authorize the Mayor to sign the Nebraska Form 50G – Application for City Lottery. Green moved to ratify Consideration of Keno Lottery Agreement with Small Computer Solutions, LLC and authorize the Mayor to sign the Nebraska Form 50G – Application for City Lottery. Minzey seconded the motion. Aye’s: Feil, Green, and Minzey. Nay’s: none. Sherlock and Perales absent.

Green moved to approve Resolution No: 21-4: Pursuant to code 7-103, Updating Utility Deposit Policy. Minzey seconded the motion. Aye’s: Feil, Green, and Minzey. Nay’s: none. Sherlock and Perales absent.

### **RESOLUTION 21-4**

#### **A RESOLUTION OF THE CITY OF TERRYTOWN RELATING TO DEPOSITS FOR PERSONS DESIRING CITY UTILITY SERVICES; CERTAIN EXCEPTIONS.**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TERRYTOWN, NEBRASKA:

WHEREAS, Terrytown Municipal Code Section 7-103 provides that a deposit shall be required of all new applicants of City utility services unless one of the following applies: the applicant is the owner of the property for which the application is being made or the applicant provides proof to the City Clerk of 12 months of on-time payments to another utility provider.

WHEREAS, Terrytown Municipal Code Section 7-103 further provides that the deposit shall be set by resolution.

WHEREAS, City Council of the City of Terrytown has determined that an average customer utility bill will be approximately \$100.00 upon the implementation of billing based on usage under new City water meters, and therefore, this is an appropriate amount to set as a City utility deposit.

BE IT RESOLVED by the City Council of the City of Terrytown, the deposit for any new utility customers shall be set at \$100.00, unless the deposit is otherwise exempted by ordinance.

Passed and approved this \_\_\_4<sup>th</sup>\_ day of March, 2021.

Minzey moved to approve Resolution No: 20-5 Special Assessment for City's clean-up of 77 Nelson drive. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

#### RESOLUTION NO. 21-5

BE IT RESOLVED by the Mayor and the City Council of the City of Terrytown, Nebraska:

1. The Mayor and the City Council find and determine that the City of Terrytown, Nebraska has heretofore determined conditions of the property located at 77 Nelson Drive, Gering, Nebraska 69341 (the "Property") to be a nuisance to the extent that litter was deposited or remained on the Property in the form of trash, rubbish, refuse, wood, stone, building rubble or weeds or other worthless vegetation over 12 inches in height, and parts of a machine or vehicle that have lost their identity, character, utility or serviceability. As such, the Property's condition constituted a public nuisance under Ordinance # 264 of the City of Terrytown (the "Ord. 264").

2. The Mayor and City Council find and determine that the City notified the owner of the Property, Paula Thompson, that she must remove the conditions of the Property constituting a public nuisance. The Mayor and the City Council find and determine that the owner was notified of this obligation via letter on September 22, 2020, and was also notified that she must remove the conditions constituting a public nuisance within five days of notice, or otherwise request in an appeal of the determination within five days of the notice.

3. The Mayor and the City Council find and determine that the owner of the Property made no a request for an appeal of the City's determination within five days of being notified of her obligation to remove the conditions of the property constituting a public nuisance.

4. The Mayor and the City Council find and determine that the owner of the Property did not remove the conditions of the Property constituting a public nuisance within five days.

5. The Mayor and the City Council find and determine that the City directed its personnel on June 8, 2020 to enter the Property and remove the conditions of the Property that constituting a public nuisance.

6. The Mayor and the City Council find and determine that the costs and expenses of the City to abate and remove the conditions of the Property constituting a public nuisance were \$178.93.

7. The Mayor and the City Council find and determine that Ord. 264 allows if an owner of a building or lot fails to comply with the notice to remove or abate a public nuisance, the City may proceed with the work to remove or abate the conditions of the property constituting a public nuisance.

Further, Ord. 264 provides that the City may levy the costs and expenses of abating and removing the conditions of a property constituting a public nuisance as a special assessment against the property, and that such special assessment will be a lien on the property and collected in the same manner as provided for other special assessments.

9. More than 60 days have passed since the owner was first billed directly for the costs and expenses of the City to abate and remove the conditions of the Property constituting a public nuisance. The costs and expenses remain unpaid.

WHEREFORE, there is levied and assessed a special assessment of \$100.00 upon the following described real estate:

Lot 77, a Replat of Lots 58-74 inclusive and Picadilly Circus, Highland Park Addition to the City of Terrytown, Scotts Bluff County, Nebraska, more commonly described as 77 Nelson Drive, Gering, Nebraska 69341

The City Clerk is directed to file a notice of assessment and the amount of the assessment in the Scotts Bluff County register of deeds. The special assessment shall be collected as other property taxes are collected, and shall become delinquent according to law.

The council discussed the need for a seasonal employee. Wolfe pointed out that the City typically has an additional person for the summer to help with mowing and other summer projects. Minzey moved to approved advertising for a seasonal person. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Green moved to pay the seasonal help \$10.00/hour. Minzey seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

There was no update from the Panhandle Humane Society.

Police Chief, Kevin Spencer, notified the council and public in attendance that there is an online abandon vehicle auction going on. Said they have three (3) officers in training.

The council discussed proposed options for the City Administrator position. Minzey moved for Wolfe, Stobel, Feil, and Perales be a committee to pursue options, and serve as a hiring committee as needed. Green seconded the motion. Aye's: Feil, Green, and Minzey. Nay's: none. Sherlock and Perales absent.

Feil asked for public comment. There was none.

Feil adjourned the meeting at 8:17 p.m.

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Mayor, City of Terrytown

ATTEST:

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City Clerk