

AGENDA FOR THE REGULAR MEETING OF  
THE MAYOR AND CITY COUNCIL OF THE  
CITY OF AUBURN, NEMAHA COUNTY,  
NEBRASKA, TO BE HELD ON  
OCTOBER 10, 2016

1. **PLEDGE OF ALLEGIANCE**

2. **ANNOUNCE** – “I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door.”

3. **ROLL CALL**

4. **RECOGNITION OF VISITORS\***

\*The Mayor may fix the time allotted for each individual or topic. A five-minute limit will apply for each speaker, unless otherwise specified. Speakers are expected to address the Council when making presentations. Speakers who feel a need to give more information than can be presented in that time frame may submit written material for distribution to City Hall; such materials should be provided so they may be included in the Council meeting packets.

The Council may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. The Council is not required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

5. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S).**

6. **APPROVAL OF FINANCIAL REPORT.**

7. **CLAIMS.**

8. **APPROVAL** for Attendance at Meeting(s).

9. **APPROVE** Senior Center Awning Project.

10. **APPROVE** Dog Park Lease.

11. **APPROVE** Dog Park Fencing Bid.

12. **DRAWDOWN #2** for 14-DTR-107 DTR Project Funds (Downtown Revitalization).

13. **APPROVE** Revised Demolition bid for residential property at 1211 14<sup>th</sup> Street.

14. **APPOINTMENTS/REAPPOINTMENTS –**

- Planning Commission

15. **REPORTS/RECOMMENDATIONS - -** From Dept. Heads.

- a. Street Department
- b. Fire Department
- c. Library
- d. Treasurer
- e. Airport Report

16. **REPORTS/RECOMMENDATIONS - - From Committees.**

- a. Street Committee
- b. Keep Auburn Beautiful
- c. Economic Development
- d. Safety Committee
- e. Building Committee
- f. Legislative
- g. Parks and Pool Committee
- h. Other Committees & Reports
- i. Holiday Light Committee

17. **ADJOURNMENT.**

# POSSIBLE MOTION FORMAT 10-10-16

1. **PLEDGE OF ALLEGIANCE**
2. **ANNOUNCE** – “I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door.”
3. **ROLL CALL**
4. **RECOGNITION OF VISITORS\***
5. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S).**

POSSIBLE MOTION: I move to dispense with the reading of the September 12, 2016 meeting's minutes and to approve the same as written

6. **APPROVAL OF FINANCIAL REPORT.**

POSSIBLE MOTION: I move to approve the financial report

7. **CLAIMS.**

POSSIBLE MOTION: I move to approve the claims presented which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011

8. **APPROVAL** for Attendance at Meeting(s).

POSSIBLE MOTION: I move to allow attendance at meeting(s)/training(s) as requested

9. **APPROVE** Senior Center Awning Project.

POSSIBLE MOTION: I move to approve the proposal submitted by Lincoln Patio & Awning for a new entryway awning and window awning at the senior center

10. **APPROVE** Dog Park Lease.

POSSIBLE MOTION: I move to approve the off-leash dog park lease agreement between The Evangelical Lutheran Good Samaritan Society – Auburn, NE and the City of Auburn

11. **APPROVE** Dog Park Fencing Bid.

POSSIBLE MOTION: I move to approve the estimate submitted by Springbok Fencing for dog park fencing in the amount of \$12,792.06

12. **DRAWDOWN #2** for 14-DTR-107 DTR Project Funds (Downtown Revitalization).

POSSIBLE MOTION: I move to approve CDBG 14-DTR-107 (Downtown Revitalization) Drawdown #2 and the related claims

13. **APPROVE** Revised Demolition bid for residential property at 1211 14<sup>th</sup> Street.

POSSIBLE MOTION: I move to approve the revised demolition bid submitted by B.A.B. Inc. for the demolition of residential property at 1211 14<sup>th</sup> Street

14. **APPOINTMENTS/REAPPOINTMENTS** –

- Planning Commission

POSSIBLE ACTION: Roll Call on the appointment(s)/reappointment(s)

15. **REPORTS/RECOMMENDATIONS** - - From Dept. Heads.

- Street Department
- Fire Department
- Library
- Treasurer
- Airport Report

16. **REPORTS/RECOMMENDATIONS** - - From Committees.

- Street Committee
- Keep Auburn Beautiful
- Economic Development
- Safety Committee
- Building Committee
- Legislative
- Parks and Pool Committee
- Other Committees & Reports
- Holiday Light Committee

17. **ADJOURNMENT.**

POSSIBLE MOTION: I move for adjournment to meet at the call of the Mayor

Auburn, Nebraska  
September 12, 2016

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on September 12, 2016, at 7:00 o'clock P.M., in Regular Meeting, open to the general public. Advance notice of said Regular Meeting, the designated method of giving notice including the agenda for said meeting, or the availability thereof having been posted at the west front door of the City Hall, at the east door of the Nemaha County Courthouse and in the Auburn State Bank, and having been transmitted to all members of the City Council, all done on or before September 9, 2016. Mayor Scott Kudrna presided over the meeting. The City Clerk of the City of Auburn, Nemaha County, Nebraska, recorded the proceedings.

The meeting was called to order by Mayor Scott Kudrna. Upon roll call, the following members of the City Council were present: Billings, Tom Clark, Erickson, Janssen, and Jeanneret. Absent: Shawn Clark.

Mayor Kudrna announced "I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door".

Council Member Billings moved to dispense with the reading of the August 8, 2016 meeting's minutes and to approve the same as written. The foregoing motion was seconded by Council Member Janssen and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Tom Clark moved to approve the financial report; Seconded by Council Member Jeanneret and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

The following August claims were presented before the Council for ratification: AFLAC, Wh-73.80; American Recycling & Sanitation, Se-335.00; Auburn State Bank Bond Payment-40,284.17; BCom Solutions LLC, Se-465.00; Black Hills Energy, Ut-147.55; Blue Cross-Blue Shield, Ins-4,007.97; Board of Public Works, Reim-14,683.97; City of Auburn, Reim from CRA -46,122.76; Five Nines Technology Group, Se-10.00; Kevin Casey, Reim-1,000.00; Linda Bantz, Se-350.00; Mark Harms, Ex-500.00; Nemaha County, Se-26,333.34; Region V-SENDS, Se-695.00; The Standard, Ins-300.45; Time Warner Cable, Se-537.43; Verizon Wireless, Se-48.60; Windstream, Ut-126.31; Wex Bank, Su-1,649.61. The following claims (not previously approved by motion or resolution) were presented: Acco, Su-Maint-2,616.00; Amazon, Bk-AV-220.63; Amcon, Su-288.40; Angelo Ligouri, Se-8,538.85; Arbor Day Foundation, Mem-30.00; Auburn Memorial Library Foundation, Reim Sewer Project-8,000.00; Auburn Memorial Library Petty Cash, Su-107.89; Auburn Newspapers, Se-174.80; Auburn Plumbing, Htg. & AC, Se-1,887.76; Baker & Taylor, Bk-289.25; Beard's Salvage Inc., Su-6.12; Bennett's Auto Body, Se-448.00; Board of Public Works, Maint-Su-213.14; Bradley Electric, Se-200.00; Bulldog Auto Parts, Su-879.21; Concrete Industries Inc., Su-435.75; D & D Communications, Se-Equip-1,708.00; Demco, Su-497.30; Dettmer Farm Service Inc., Su-357.50; Diamond Vogel, Su-154.40; Eakes Office Solutions, Su-777.36; Eggers Brothers Inc., Su-875.56; Filter Care, Se-15.00; First National Bank Omaha, Ex-Su-588.41; Gale/Cengage Learning, Bk-AV-358.56; General Fire and Safety Equipment, Se-120.00; Glenn's Corner Market, Su-68.14; Heiman Fire Equip., Equip-1,088.20; Jeff Jeanneret, Reim-262.50; JEO Consulting Group Inc., Se-5,120.00; Lynch's Hardware & Gifts, Su-278.52; Mellage Truck & Tractor Inc., Se-579.17; Menards, Su-25.97; Meyer Laboratory Inc., Su-121.89; Michael Todd & Co. Inc., Su-77.04; Midwest Service and Sales Co., Su-111.75; Nebraska Library Commission, Se-2,146.83; Nebraska Statewide Arboretum, Mem-100.00; Nemaha County Clerk, Fe-328.00; NSVFA, Mem-720.00; OCLC Inc., Sub-56.05; Ok Tire, Su-1,011.16; Card Services (Orscheln), Card Transactions-Su-150.02; Petty Cash, Su-Se-Reim-269.09; Pizza Hut, Su-155.27; Randy Bennett, Reim-262.50; Ricoh USA Inc., Su-60.72; Sack Lumber Co, Su-397.92; Shawn Clark, Reim-262.50; Stutheit Implement Co., Su-210.97; Vander Haag's Inc., Su-370.00; Vaughn Severs, Reim-262.50; Wt. Cox Subscriptions, Bk-AV-1,250.12; Xerox Corporation, Se-Su-368.87. The following September claims were presented before the Council for ratification: American Recycling & Sanitation, Se-373.50; Auburn State Bank Bond

Payment-15,169.06; BCom Solutions LLC, Se-465.00; Black Hills Energy, Ut-26.80; Blue Cross-Blue Shield, Ins-4,007.97; Board of Public Works, Reim-4,769.10; Five Nines Technology Group, Se-10.00; Linda Bantz, Se-350.00; Mark Harms, Ex-500.00; Nemaha County, Se-26,333.34; The Standard, Ins-321.75; Time Warner Cable, Se-41.91; Windstream, Ut-125.39; Wex Bank, Su-1,244.54.

Abbreviations for this legal: AV-Audio Visual; Bk-Book; Contrib-Contribution; Equip-Equipment; Ex-Expense; Fe-Fee; Ins-Insurance; Inspect-Inspection; Int-Interest; Inv-Economic Development Investment; Lic-Licenses; Maint-Maintenance; Mem-Membership; Pen-Pension; Per-Periodical; Re-Repairs; Ref-Reference Materials; Reg-Registration; Reim-Reimbursement; Se-Service; Su-Supplies, Material & Parts; Sub-Subscription; UA-Uniform Allowance; Ut-Utilities; Wh-Withholding.

Council Member Billings moved to approve the claims which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011. The foregoing motion was seconded by Council Member Erickson and upon roll call vote, the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

The City Clerk requested approval to attend the League of Nebraska Municipalities Annual Conference. Council Member Erickson moved to allow attendance at the meeting as requested. The foregoing motion was seconded by Council Member Janssen and upon roll call vote, the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Tom Clark, and Erickson. The following voted "NAY": No one. Motion: Carried.

Council Member Erickson moved in favor of the Spook Fest activities and that the City pay the event insurance from keno funds. The foregoing motion was seconded by Council Member Janssen and upon roll call vote, the following Council Members voted "YEA": Jeanneret, Billings, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved to approve the funding agreement with the Auburn Chamber of Commerce by the passage and adoption of Resolution No. 22-16. The foregoing motion was seconded by Council Member Billings and upon roll call vote, the following Council Members voted "YEA": Billings, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 22-16  
Funding Agreement with Auburn Chamber of Commerce

BE IT RESOLVED by the Mayor and City Council of the City of Auburn, that the proposed agreement between the City of Auburn and the Auburn Chamber of Commerce be approved as presented.

Public hearing was held on the FY2016-2017 Budget. Mayor Kudrna presented updated budget information, and time was provided for public comment. There was no opposition given. After allowing time for all comments, questions, and discussion, the public hearing was closed. Council Member Erickson moved to approve the 2016-2017 budget including cash balances, cash reserves, receipts and expenditures of the city funds, interlocal agreement for law/code enforcement, capital items, airport hangar note payment, grant projects, and the Board of Public Works Proprietary Function Budget and further authorize publication of any changes to the Notice of Budget Hearing and Budget Summary previously published. The foregoing motion was seconded by Council Member Billings and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried. Council Member Erickson moved to increase the base of restricted funds by 2.5% and any additional amount for allowable growth. The foregoing motion was seconded by Council Member Tom Clark and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The

following voted "NAY": No one. Motion: Carried. Council Member Erickson moved to exceed the budget limit on restricted funds by an additional one percent. The foregoing motion was seconded by Council Member Billings and upon roll call vote, the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, and Tom Clark. The following voted "NAY": No one. Motion: Carried. Council Member Erickson moved that the total unused restricted funds authority be set in accordance with the approved allowable increases. The foregoing motion was seconded by Council Member Jeanneret and upon roll call vote, the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Tom Clark and Erickson. The following voted "NAY": No one. Motion Carried.

Proposed Ordinance No. 2-16 Fixing Compensation of the Officers and Employees of the City was presented for consideration. The Mayor announced that the introduction of the proposed ordinance was in order.

ORDINANCE NO. 2-16  
Fixing Compensation of the Officers and Employees of the City

Council Member Billings moved that these proceedings be kept in a separate and distinct volume known as the "Ordinance Record of the City of Auburn, Nemaha County, Nebraska", and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Erickson. Upon roll call vote, the following Council Members voted "YEA": Jeanneret, Billings, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one.

Proposed Ordinance No. 3-16 Annual Appropriation Bill was presented for consideration. The Mayor announced that the introduction of the proposed ordinance was in order.

ORDINANCE NO. 3-16  
Annual Appropriation Bill

Council Member Janssen moved that these proceedings be kept in a separate and distinct volume known as the "Ordinance Record of the City of Auburn, Nemaha County, Nebraska", and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Erickson. Upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one.

Public hearing was held to set the City of Auburn final tax request. There was no opposition given. Council Member Billings moved to set the final property tax request for fiscal year 2016-2017 by the passage and adoption of Resolution No. 23-16. The foregoing motion was seconded by Council Member Janssen and upon roll call vote, the following Council Members voted "YEA": Jeanneret, Billings, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion: Carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 23-16  
Setting the Property Tax Request

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Auburn passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Auburn that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Auburn, by a majority vote, resolves that:

1. The 2016-2017 property tax request be set at \$631,177.43.
2. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2016.

Council Member Janssen moved to approve payment in the amount of \$2,125.00 to Southeast Nebraska Development District for the City's 2017 membership dues. The foregoing motion was seconded by Council Member Tom Clark and upon roll call vote, the following Council Members voted "YEA": Billings, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved to approve payment in the amount of \$1,038.00 to Southeast Nebraska Development District for the City's 2017 housing activity dues. The foregoing motion was seconded by Council Member Jeanneret and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Erickson moved that the City of Auburn extend the terms of the contract for solid waste collection with American Recycling and Sanitation Inc. by the passage and adoption of Resolution No. 24-16. The foregoing motion was seconded by Council Member Billings and upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 24-16  
Of  
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A RESOLUTION FOR THE CITY OF AUBURN, NEBRASKA, TO EXTEND THE TERMS OF CONTRACT FOR SOLID WASTE COLLECTION WITH AMERICAN RECYCLING AND SANITATION, INC.

**WHEREAS**, pursuant to Neb. Rev. Stat. § 19-901 the City Council has the authority to regulate zoning, consistent with the comprehensive plan for the purpose of promoting health, safety, morals, or the general welfare of the community;

**WHEREAS**, pursuant to City Code Sections §§ 152.160 to 152.162, the City Council has the authority to authorize by special permit after public hearing, special exception uses or conditional use permits upon real estate within Its jurisdiction;

**WHEREAS**, The City of Auburn, NE, contracted with American Recycling and Sanitation Inc., on or about the 1st day of October, 2011, for solid waste collection (copy of Contract and Exhibit "A" attached hereto and incorporated herein by this reference);

**WHEREAS**, The City of Auburn, NE, and American Recycling and Sanitation Inc., have maintained a positive working relationship throughout the contract period which has benefited both parties to the contract;

**WHEREAS**, The City of Auburn, NE, and American Recycling and Sanitation Inc., are desirous in maintaining the positive relations and services provided one another throughout the contracted term and thus seek to extend the term of the parties' Contract for Solid Waste Collection;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUBURN, NEMAHA COUNTY, NE. that:**



1. The Contract for Solid Waste Collection entered between the City of Auburn, NE. and American Recycling and Sanitation Inc., made on or about the 1st day of October, 2011, along with the Exhibit "A" - "Rate Schedule" attached thereto and incorporated therein, hereby be ADOPTED, EXTENDED AND AGREED TO for a period of One (1) year starting the 1st day of October, 2016, and year-to-year thereafter pursuant to consideration and agreement by the parties' hereto.

Council Member Janssen moved for approval of the placement of the Combat Wounded Reserved Parking Sign on the East side of "O" Street next to the handicapped reserved parking on the West side of Calvert Elementary School, which motion is as follows:

MOTION  
Of  
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A MOTION TO APPROVE RESERVED COMBAT WOUNDED PARKING SIGN ON "O" STREET AT CALVERT ELEMENTARY SCHOOL.

**WHEREAS**, the School Superintendent, made a request to authorize the installation of a "RESERVED COMBAT WOUNDED" parking sign at Calvert Elementary School.

**WHEREAS**, the proposed sign serves an appropriate purpose that is beneficial to the residents of the Community;

**MOTION CARRIED**, by the City Council, of the City of Auburn, Nebraska, that:

1. the "RESERVED COMBAT WOUNDED" parking sign shall be installed as proposed by the School Superintendent on "O" Street, west of the entrance of Calvert Elementary School for the benefit and support of our Soldiers.

2. The Mayor is authorized to sign any necessary documents or take further action on behalf of the City of Auburn, NE. in carrying out the provisions of this Motion.

The foregoing motion was seconded by Council Member Tom Clark and upon roll call vote, the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

No action was taken on the bid submitted by B.A.B. Inc. for the demolition of the residential structure at 1211 14<sup>th</sup> Street.

Mayor Kudrna reappointed Troy Wynn, Matt Hug, Shawn Phillips, Chad Stickell, Megan Chapin, Bill Chapin, Brett Matteen, Brian Lavigne, Aric Harris, Nahum Winder, Brian Voss, Ryan Taylor, Matt Dickerson, and Cori Rademacher to Auburn City Rec. Upon calling the roll on the reappointments to Auburn City Rec, the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Tom Clark and Erickson. The following voted "NAY": No one. Reappointments: Confirmed. The Mayor appointed Devon Denn-Young to the Library Board. Upon calling the roll on the appointment to the Library Board, the following Council Members voted "YEA": Jeanneret, Billings, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Appointment: Confirmed.

Reports were given by the following department heads: street department, fire department, library, and City Treasurer.

The following committees provided reports: Street, Keep Auburn Beautiful, Economic Development, Holiday Lights and Parks and Pool. A written financial report was provided by the Auburn Community Redevelopment Authority. Nemaha County Sheriff Brent Lottman provided a written report of law enforcement activity within the City of Auburn for August, 2016.

There being no further business to come before the Mayor and Council, Council Member Erickson moved for adjournment to meet at the call of the Mayor. Council Member Tom Clark seconded the foregoing motion and upon roll call vote, the following Council Members voted "YEA": Billings, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Mayor Kudrna declared the meeting adjourned.

\_\_\_\_\_  
Scott Kudrna, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Heskett, City Clerk

STATE OF NEBRASKA )  
COUNTY OF NEMAHA ) ss.  
CITY OF AUBURN )

I, the undersigned, City Clerk for the City of Auburn, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on September 12, 2016; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said 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; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

\_\_\_\_\_  
Sherry Heskett, City Clerk

## CONTRACT FOR SOLID WASTE COLLECTION

### CITY OF AUBURN, NEBRASKA

THIS AGREEMENT, made this 1<sup>st</sup> day of October, 2011, by and between the City of Auburn, Nebraska, hereinafter called "City", and American Recycling and Sanitation Inc., hereinafter called "Contractor".

#### WITNESSETH THAT:

In consideration of the mutual promises and agreements herein contained, the adequacy of which is hereby acknowledged, the parties do mutually agree as follows:

1. The term of this Contract shall be for a period of three (3) years, to commence on October 1, 2011. Contractor and City agree that the schedule of rates provided in Exhibit "A" hereto will remain in effect unless and until any modification is approved by motion or resolution of the City Council. The schedule of rates shall be fixed for 2 years and reviewable for the 3<sup>rd</sup> year of the contract. If Contractor applies to the City for an increase in the rates provided in Exhibit "A", the City or its authorized representatives shall have the right to inspect and audit Contractor's books and records at the Contractor's expense to determine the reasonableness and necessity of such request before acting upon such application.

2. During the term of this Contract, Contractor shall collect, remove and dispose of all refuse, rubbish and garbage placed in containers to be provided by the individual residence, business, or institution, EXCEPT, major car parts, items of furniture which cannot be handled by one person, major household appliances, and any items so banned from landfill disposal by the Nebraska Department of Environmental Quality, from all residences, businesses, churches and meeting halls within the corporate limits of the City. Commencing October 1, 2011, Contractor, at no additional charge shall separately collect, transfer, process, and recycle items set out by the individual residences either in the 18 gallon recycling bins initially furnished by the City or in bags acceptable to the contractor. Contractor shall notify the City from time to time of the specific categories of solid waste that are currently recyclable. Contractor shall furnish all labor, vehicles, tools, and equipment, necessary for the collection and removal of all municipal solid waste to a licensed landfill and for the collection, transfer, processing, and disposition of all recyclable items. Contractor shall not be required to remove refuse, rubbish and garbage not placed adjacent to or within a designated container or to collect recyclable items not placed in the recycling bins. All food businesses shall be collected as needed per week. Collection at all residences, non-food businesses, churches and meeting halls shall occur as agreed upon, with a minimum of once per week. Contractor shall collect solid waste from the buildings and facilities (including the parks) owned by the City of Auburn.

3. Contractor shall provide for all vehicles used in the performance of this agreement, liability insurance with companies and coverage satisfactory to the City with personal injury limits of not less than \$1,000,000.00 for any one person and \$1,000,000.00 for any one accident and property damage limits of \$1,000,000.00 for any property damage for any one accident. The insurance coverage shall be maintained in force during the term of this Contract and shall specifically name the City as an insured party under the policies. The insurance shall be carried with a company which is duly licensed or permitted to carry on such business in the State of Nebraska. A copy of such insurance policy or policies shall be filed with the City Clerk, together with the certificate of the insurer that the policy or policies are in full force and effect and that same will not be altered, amended or terminated without 30 days' written notice to the City. Contractor shall furnish the City with adequate evidence that the Contractor has obtained and is maintaining in force workman's compensation insurance as prescribed by the laws of the State of Nebraska.

4. Contractor shall pay the sum of \$500.00 as liquidated damages to the City for each and every day that the Contractor shall fail or refuse to perform its duties and obligations, or comply with the provisions of this Contract. Provided, however, that the Contractor shall not be penalized for a missed collection point if a pick up at such point is made within 24 hours of the appointed pick up date or notice to Contractor; and, provided further, that Contractor shall not be penalized if such failure shall be caused by fire, riots, civil disturbance, or acts of God.

5. In the event a holiday occurs on the scheduled collection date, Contractor shall provide collection on an alternate date during the same week. It is the intent of the Contract that the occurrence of a holiday shall not excuse the Contractor from making one collection per week from each collection point.

6. In any of the following events, if the Contractor shall fail or refuse to perform his duties and obligations, shall become insolvent, shall become the subject of a proceeding in bankruptcy (including any proceeding under Chapter 7, 11 or 13 of the Bankruptcy Code) shall become the subject of any proceeding for the appointment of a receiver, in the event of an assignment by the Contractor for the benefit of its creditors or the taking of his trucks, equipment, vehicles and other facilities used in the performance of this Contract under any execution against the Contractor; in any such events, the City may at its option, following five days' written notice, declare the Contractor to be in breach of his agreement and may terminate this Contract.

7. This Contract shall not be assignable or transferable by the Contractor nor shall any services be performed by a subcontractor for Contractor without the consent in writing of the City.

8. In consideration of the full and complete performance of this contract by the Contractor, the City shall grant to the Contractor the right to collect the City's solid waste that is to be collected by a commercial hauler from the buildings and facilities (including the parks) owned by the City of Auburn at a rate determined prior to the signing of this agreement. This Contract, however, shall not be construed to limit the City with respect to licensing or franchising any solid waste hauler other than Contractor to do business in the City.

9. The City also shall pay to the Contractor all sums due for the services identified in Paragraph 8. Payments due from the City shall be made immediately after the regular monthly meeting of the Mayor and City Council. Collection of fees from the individual generators/customers is the responsibility of the Contractor per Exhibit "A".

10. All municipal solid waste collected by the Contractor shall be disposed at a processing facility or landfill disposal site approved by the City and complying with all requirements of the Nebraska Environmental Protection Act, as amended, and the officially adopted rules and regulations thereunder of the Nebraska Department of Environmental Quality and the Environmental Protection Agency.

11. Upon commencement of this Contract, Contractor shall provide the City with a list of all customers within the City including routing information that reflects designated collection days. This customer listing and routing information shall be updated by Contractor and provided to the City annually during the term of this Contract. Contractor shall provide the City with reports regarding solid waste collection/disposal and recycling activities as necessary.

12. Either the City or the Contractor may terminate this Agreement at any time upon 90 days written notice to the other for failure of performance.

13. This Contract and schedule of rates, comprise the Contract between parties. The Contractor shall fully comply with all the requirements of each such document.

14. Contractor shall only be required to collect and dispose of municipal solid waste allowed by law at the designated landfill disposal site or other licensed and permitted

solid waste disposal facility. Contractor shall indemnify and hold harmless the City for all liability, damages, costs and expenses arising from its operation of the garbage and recycling collection system and from disposal or disposition of the same. (This includes any judgments, loss, damage, attorney fees, court costs and liability.)

CITY OF AUBURN

BY: J. Scott Kudrna  
J. Scott Kudrna, Mayor of  
The City of Auburn, Nebraska

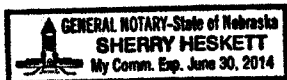
ATTEST:

Sherry Heskett  
Sherry Heskett, Municipal Clerk  
of the City of Auburn, Nebraska

Bruce Kelly  
Contractor

STATE OF NEBRASKA )  
                                                  )ss.  
County of Nemaha )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of September, by J. Scott Kudrna, Mayor of the City of Auburn, a Municipal Corporation on behalf of the Corporation.



Sherry Heskett  
Notary Public

My commission expires: June 30 2014

STATE OF NEBRASKA )  
                                                  )ss.  
County of Nemaha )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of September 2011, by Bruce Kelly.

Sherry Heskett  
Notary Public

My commission expires: 6-30-14

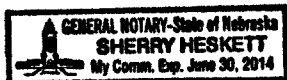


EXHIBIT "A"

**Rate Schedule**

**Residential Service**

Single Family Unit, Once per week Solid Waste/Recycling collection	\$ 12.95 per month
Single Family Unit, Once per Week Solid Waste/Recycling Collection Senior Rate, 65 or older	\$ 9.95 per month
90 Gallon Poly Cart Rental	\$ 3.50 per month

**Yard Waste Collection**

Yard waste will be collected on an as needed basis.	\$ 2.00 per bag
Grass clippings, leaves, small branches (uner 4 feet in lench) Tree limbs, bundled (4 foot max length, 50 lbs max weight)	\$ 5.00 per bundle

**Appliance Collection**

Appliances will be collected on an as needed basis.	
Microwave	\$ 5.00 per appliance
Washing machines, dryers, dishwashers, water heaters	\$ 20.00 per appliance
Refrigerators, freezers, air conditioners	\$ 30.00 per appliance

**Tires**

Tires will be collected on an ass needed basis.	
Car Tire - no rim	\$ 7.00 per tire
Pickup Tire - no rim	\$ 15.00 per tire
Truck Tire - no rim	\$ 25.00 per tire

**Additional Services**

We offer a variety of other recycling and solid waste services.

- Commercial Service
- Industrial Service
- Roll-off Service. Roll-off Boxes from 20 to 40 yds.
- Drop-off Site for Recycling
- Commercial Recycling Service. Boxes from 1 ½ to 8 yds.
- Temporary Container Service
- City Wide Clean-up
- Transfer Station

City Council Proceedings  
September 12, 2016

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on September 12, 2016, at 7:00 o'clock P.M., in Regular Meeting, open to the general public.

The meeting was called to order by Mayor Scott Kudrna. Upon roll call, the following members of the City Council were present: Billings, Tom Clark, Erickson, Janssen, and Jeanneret. Absent: Shawn Clark.

Mayor Kudrna announced "I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door".

Council approved the August 8, 2016 meeting's minutes as written.

The City Council approved the financial report.

The following August claims were presented before the Council for ratification: AFLAC, Wh-73.80; American Recycling & Sanitation, Se-335.00; Auburn State Bank Bond Payment-40,284.17; BCom Solutions LLC, Se-465.00; Black Hills Energy, Ut-147.55; Blue Cross-Blue Shield, Ins-4,007.97; Board of Public Works, Reim-14,683.97; City of Auburn, Reim from CRA -46,122.76; Five Nines Technology Group, Se-10.00; Kevin Casey, Reim-1,000.00; Linda Bantz, Se-350.00; Mark Harms, Ex-500.00; Nemaha County, Se-26,333.34; Region V-SENDS, Se-695.00; The Standard, Ins-300.45; Time Warner Cable, Se-537.43; Verizon Wireless, Se-48.60; Windstream, Ut-126.31; Wex Bank, Su-1,649.61. The following claims (not previously approved by motion or resolution) were presented: Acco, Su-Maint-2,616.00; Amazon, Bk-AV-220.63; Amcon, Su-288.40; Angelo Ligouri, Se-8,538.85; Arbor Day Foundation, Mem-30.00; Auburn Memorial Library Foundation, Reim Sewer Project-8,000.00; Auburn Memorial Library Petty Cash, Su-107.89; Auburn Newspapers, Se-174.80; Auburn Plumbing, Htg. & AC, Se-1,887.76; Baker & Taylor, Bk-289.25; Beard's Salvage Inc., Su-6.12; Bennett's Auto Body, Se-448.00; Board of Public Works, Maint-Su-213.14; Bradley Electric, Se-200.00; Bulldog Auto Parts, Su-879.21; Concrete Industries Inc., Su-435.75; D & D Communications, Se-Equip-1,708.00; Demco, Su-497.30; Dettmer Farm Service Inc., Su-357.50; Diamond Vogel, Su-154.40; Eakes Office Solutions, Su-777.36; Eggers Brothers Inc., Su-875.56; Filter Care, Se-15.00; First National Bank Omaha, Ex-Su-588.41; Gale/Cengage Learning, Bk-AV-358.56; General Fire and Safety Equipment, Se-120.00; Glenn's Corner Market, Su-68.14; Heiman Fire Equip., Equip-1,088.20; Jeff Jeanneret, Reim-262.50; JEO Consulting Group Inc., Se-5,120.00; Lynch's Hardware & Gifts, Su-278.52; Mellage Truck & Tractor Inc., Se-579.17; Menards, Su-25.97; Meyer Laboratory Inc., Su-121.89; Michael Todd & Co. Inc., Su-77.04; Midwest Service and Sales Co., Su-111.75; Nebraska Library Commission, Se-2,146.83; Nebraska Statewide Arboretum, Mem-100.00; Nemaha County Clerk, Fe-328.00; NSVFA, Mem-720.00; OCLC Inc., Sub-56.05; Ok Tire, Su-1,011.16; Card Services (Orscheln), Card Transactions-Su-150.02; Petty Cash, Su-Se-Reim-269.09; Pizza Hut, Su-155.27; Randy Bennett, Reim-262.50; Ricoh USA Inc., Su-60.72; Sack Lumber Co, Su-397.92; Shawn Clark, Reim-262.50; Stutheit Implement Co., Su-210.97; Vander Haag's Inc., Su-370.00; Vaughn Severs, Reim-262.50; Wt. Cox Subscriptions, Bk-AV-1,250.12; Xerox Corporation, Se-Su-368.87. The following September claims were presented before the Council for ratification: American Recycling & Sanitation, Se-373.50; Auburn State Bank Bond Payment-15,169.06; BCom Solutions LLC, Se-465.00; Black Hills Energy, Ut-26.80; Blue Cross-Blue Shield, Ins-4,007.97; Board of Public Works, Reim-4,769.10; Five Nines Technology Group, Se-10.00; Linda Bantz, Se-350.00; Mark Harms, Ex-500.00; Nemaha County, Se-26,333.34; The Standard, Ins-321.75; Time Warner Cable, Se-41.91; Windstream, Ut-125.39; Wex Bank, Su-1,244.54.

Abbreviations for this legal: AV-Audio Visual; Bk-Book; Contrib-Contribution; Equip-Equipment; Ex-Expense; Fe-Fee; Ins-Insurance; Inspect-Inspection; Int-Interest; Inv-Economic Development Investment; Lic-Licenses; Maint-Maintenance; Mem-Membership; Pen-Pension; Per-Periodical; Re-Repairs; Ref-Reference Materials; Reg-Registration; Reim-Reimbursement; Se-Service; Su-Supplies, Material & Parts; Sub-Subscription; UA-Uniform Allowance; Ut-Utilities; Wh-Withholding.

September 12, 2016

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The City Council approved the claims which have not been previously approved by motion or resolution and ratified the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011.

Approval was given for the City Clerk to attend the League of Nebraska Municipalities Annual Conference as requested.

The City Council approved a motion in favor of the Spook Fest activities and authorized payment of the event insurance from keno funds.

The funding agreement with the Auburn Chamber of Commerce was approved by the passage and adoption of Resolution No. 22-16.

Public hearing was held on the FY2016-2017 Budget. Mayor Kudrna presented updated budget information, and time was provided for public comment. There was no opposition given. After allowing time for all comments, questions, and discussion, the public hearing was closed. The City Council approved the 2016-2017 budget including cash balances, cash reserves, receipts and expenditures of the city funds, interlocal agreement for law/code enforcement, capital items, airport hangar note payment, grant projects, and the Board of Public Works Proprietary Function Budget and further authorized publication of any changes to the Notice of Budget Hearing and Budget Summary previously published. Approval was given to increase the base of restricted funds by 2.5% and any additional amount for allowable growth. Approval was given to exceed the budget limit on restricted funds by an additional one percent. The total unused restricted funds authority was set in accordance with the approved allowable increases.

Ordinance No. 2-16 Fixing Compensation of the Officers and Employees of the City was approved.

Ordinance No. 3-16 Annual Appropriation Bill was approved.

Public hearing was held to set the City of Auburn final tax request. There was no opposition given. The final property tax request for fiscal year 2016-2017 was approved by the passage and adoption of Resolution No. 23-16.

Payment in the amount of \$2,125.00 to Southeast Nebraska Development District for the City's 2017 membership dues was approved.

Payment in the amount of \$1,038.00 to Southeast Nebraska Development District for the City's 2017 housing activity dues was approved.

The terms of the contract for solid waste collection with American Recycling and Sanitation Inc. were extended by the passage and adoption of Resolution No. 24-16.

The City Council approved the placement of the Combat Wounded Reserved Parking Sign on the East side of "O" Street next to the handicapped reserved parking on the West side of Calvert Elementary School.

No action was taken on the bid submitted by B.A.B. Inc. for the demolition of the residential structure at 1211 14<sup>th</sup> Street.

The City Council confirmed the reappointments of Troy Wynn, Matt Hug, Shawn Phillips, Chad Stickell, Megan Chapin, Bill Chapin, Brett Matteen, Brian Lavigne, Aric Harris, Nahum Winder, Brian Voss, Ryan Taylor, Matt Dickerson, and Cori Rademacher to Auburn City Rec. The City Council confirmed the appointment of Devon Denn-Young to the Library Board.

Reports were given by the following department heads: street department, fire department, library, and City Treasurer.



September 12, 2016

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The following committees provided reports: Street, Keep Auburn Beautiful, Economic Development, Holiday Lights and Parks and Pool. A written financial report was provided by the Auburn Community Redevelopment Authority. Nemaha County Sheriff Brent Lottman provided a written report of law enforcement activity within the City of Auburn for August, 2016.

There being no further business to come before the Mayor and Council, the City Council adjourned.

Sherry Heskett  
City Clerk

J. Scott Kudrna  
Mayor

A complete copy of the minutes is available for inspection at City Hall.

CITY OF AUBURN  
 TREASURER'S REPORT  
 CALENDAR 9/2016, FISCAL 12/2015

AGENDA ITEM  
 NO 6

ACCOUNT TITLE	LAST REPORT ON HAND	RECEIVED	DISBURSED	BALANCE
GENERAL CHECKING	857,631.11	299,269.07	132,656.58	1,024,243.60
STREET CHECKING	46,516.74	36,686.27	20,206.30	62,996.71
STREET BOND/WARRANT CHECKING	683.52	16,014.58	15,169.06	1,529.04
TOTAL CHECKING:	904,831.37	351,969.92	168,031.94	1,088,769.35
TOTAL NSF A/R	.00	.00	.00	.00
TOTAL FIRE DEPT SINKING	74,377.50	37.39	.00	74,414.89
TOTAL KENO OPER CHECKING:	.00	.00	.00	.00
TOTAL KENO RESERVE MMA:	27,940.70	890.92	.00	28,831.62
TOTAL KENO CHECKING	61,918.28	936.94	1,100.00	61,755.22
TOTAL CDBG CHECKING	7,786.46	.00	.00	7,786.46
TOTAL CDBG ED MMA:	42,098.11	6.90	.00	42,105.01
TOTAL CDBG DTR REUSE	50,317.28	984.69	.00	51,301.97
TOTAL CDBG HD SAVINGS:	56,831.74	3,396.47	.00	60,228.21
TOTAL CRA CHECKING	843,950.13	33,864.85	.00	877,814.98
TOTAL CITY REC CHECKING	70,611.68	.00	.00	70,611.68
GENERAL CD #23810 FNB	75,000.00		75,000.00	
GENERAL CD #24089 FNB	75,000.00			75,000.00
TOTAL C.D. 'S:	150,000.00	.00	75,000.00	75,000.00
TOTAL CASH ON HAND:	2,290,663.25	392,088.08	244,131.94	2,438,619.39

## **AGENDA ITEM NO. 7**

**REPORT NOTATION:** Please remember that the “Reference” field of this report is not large enough to print a description of each invoice being paid to the Vendor. Examples include but are not limited to: Board of Public Works. For a full description, please contact me.

Sherry Heskett

AGENDA ITEM  
 NO 7

VENDOR NAME REFERENCE

-----  
 ACCOUNTS PAYABLE CLAIMS  
 -----

GENERAL FUND

AFLAC	AFLAC WH	73.80
BOARD OF PUBLIC WORKS	CYPRESS SEPTEMBER	91.99
NEBRASKA SIGN	WELCOME SIGNS	20,670.00
REGION V-SENDS	CUSTODIAL SERVICE	135.00
SOUTHEAST NE DEVELOPMENT DIST.	2017 HOUSING DUES	3,163.00
THE STANDARD	LIFE INSURANCE	92.54
TIME WARNER CABLE	PHONE ACCT	311.96
		=====
		24,538.29

FIRE DEPARTMENT

BLACK HILLS ENERGY	GAS BILL	45.60
REGION V-SENDS	CLEANING SERVICE	50.00
THE STANDARD	LIFE INSURANCE	143.08
TIME WARNER CABLE	PHONE ACCT	99.34
		=====

FIRE DEPARTMENT 338.02

PARK DEPARTMENT

REGION V-SENDS	CLEANING SERVICE LEGION PARK	380.00
		=====
		380.00

SR. CENTER DEPARTMENT

BLACK HILLS ENERGY	GAS BILL	54.02
REGION V-SENDS	CUSTODIAL SERVICE	190.00
		=====

SR. CENTER DEPARTMENT 244.02

LIBRARY DEPARTMENT

BOARD OF PUBLIC WORKS	CYPRESS SEPTEMBER	31.63
THE STANDARD	LIFE INSURANCE	28.17
		=====

LIBRARY DEPARTMENT 59.80

POOL DEPARTMENT

BLACK HILLS ENERGY	GAS BILL ACCT	22.04
NE DOL BOILER INSPECTION PROGR	BOILER CERTIFICATE	24.00
TERRY BORGAN	REIM PARTS FOR SWIM POOL	28.18
TIME WARNER CABLE	PHONE ACCT	46.20

VENDOR NAME	REFERENCE	VENDOR TOTAL
	POOL DEPARTMENT	120.42
	GENERAL FUND	25,680.55
	STREET FUND	
BOARD OF PUBLIC WORKS	CYPRESS SEPTEMBER	63.25
THE STANDARD	LIFE INSURANCE	54.41
TIME WARNER CABLE	PHONE ACCT	41.91
VERIZON WIRELESS	PHONE ACCT	46.75
		206.32
	STREET FUND	206.32
	KENO BETTERMENT	
KEVIN CASEY	BANDSHELL EVENT SEPT 10 BAL	600.00
	KENO BETTERMENT	600.00
		600.00
**** PAID TOTAL ****		26,486.87
***** REPORT TOTAL *****		26,486.87