The regular meeting of the Colby Common Council was called to order at 6:30 P.M. by President Todd Schmidt. On roll call: Solberg, O’Brien, T Schmidt, Kolden, Hesgard, Oestreich, Hederer and Kaiser. Also present were, Deputy Clerk Polivka, DPW Harland Higley Jr, Engineer Mike Voss, Vicky Calmes and citizens. Mayor Schmidt arrived at 6:36.

**Agenda** was posted by the clerk. The agenda will stand as the order of the meeting.

**Minutes** of the February 5th council meeting were pre-read and reviewed.

Motion was made by Hederer, seconded by Solberg to approve the minutes as presented. Motion carried with a voice vote.

**Financial Statement and Bills** were discussed. Motion was made by Hederer, seconded by O’Brien to approve the bills. The amounts approved are as follows: General Fund $580,493.64; Water Department $41,126.12; Sewer Department $15,352.22; Net payroll $22,163.74. Motion carried with a voice vote.

**Comments from the Public:** Mike Kreciak came before the council and gave a statement regarding his neighbor’s dogs running at large.

**Colby-Abbotsford Police Commission** met on February 11th.

The commission approved minutes and expenditures.

Lexipol Policies/Lieutenant Language:The commission approved updates of Lexipol Policies 200, 203, 301, 305, 312, 805 and 1013 regarding language establishing and regulating the CAPD Lieutenant position.

Chief’s Report:Lieutenant Bowman said there were seven K-9 deployments in January with three arrests, including methamphetamine and firearms violations. Bowman noted there were a total of 848 officer and office work activities for the month of January. Bowman commended night shift officers and the K-9 officer for doing phenomenal jobs. Kramer asked how firearms were found. Bowman said concealed firearms were detected during probable cause vehicle searches. Bowman reported on the process of inspecting CAPD firearms. He said each one is checked every 90 days using a comprehensive inspection process. Bowman said the CAPD now has an inventory of stock parts, as small things wear over time. He said firearms are tested on a regular basis, with 500 to 1,000 rounds fired per officer. He noted the useful life of each firearm is extended through regular cleaning and maintenance. Hederer said the CAPD had recently purchased better quality firearms. Bowman said positive feedback was received from mental health training offered at the Abbotsford Fire Station Jan. 31 and Feb. 1. A motivational speaker covered many topics, including how to handle officer related shootings.

**Central Fire & EMS District** met on February 20th.

Nancy O’Brien reviewed the activities of the Central Fire & EMS District with the board.

**City Planning Committee** met on February 26th.

Rental Fee and Terms for the Potential to Rent Old Library Space at City Hall: The city has been approached by a few different individuals or organizations to rent the old library space. Indianhead Agency is one of the interested parties and would like the space for offices. The agency has some limitations on what they are allowed for rent which includes a calculation using depreciation values. The other interested party would like to operate a daycare in the space. The committee raised concerns about the daycare which included outdoor space/shared bathrooms/basement space. Motion was made by Oestreich, seconded by Kolden to not allow the old library space for a daycare facility. Motion carried with a voice vote. The Colby School District has also shown some interest in the space for a location for an alternative school for their students. The school will continue to discuss this possibility. The committee also discussed the rental fee for the space. The city is currently using $3.50/sq foot per year to calculate an annual cost of the new library space. In researching some commercial property rental prices online, Clerk Gurtner found a wide range depending on city and location ranging anywhere from $7.50 to $15.00/sq foot. Using $3.50/sq foot the monthly rent would be about $700 for just that space which is approximately 2,400 square feet. The bathrooms and hallway would be shared space with the Clerk’s Office and should also be considered in the rent calculation. The utilities for City Hall building are calculated on one meter, so a formula would have to be considered to determine utility costs to a potential tenant. The committee also discussed wanting to rent the old library space to a not for profit entity rather than a for profit business. The committee will wait to see if Indianhead comes forward with a rental proposal and discuss further at future meetings.

Revised Sex Offender Residency Ordinance: The city received correspondence from Alan Harvey of Community Code Service informing the city of a recent federal court decision that has been published which means it can be cited as a legal precedent. Harvey is recommending that the city modify the Sex Offender Residency Ordinance to keep in line with the new standards resulting from this court case. The new standard would modify our safety zone to Five Hundred (500) feet rather than Seven Hundred Fifty (750) feet from properties identified as ones where children are located. Mayor Schmidt read a written opinion from Chief Jason Bauer that stated he felt no need to change the current ordinance as the City’s ordinance is far less restrictive than the cities that were cited in the court cases. No motion was made to amend the current sex offender ordinance.

Train Street Obstructions Ordinance: The city also received correspondence from Alan Harvey of Community Code Service asking the city to either amend or repeal the city’s ordinance which prohibits trains from excessively blocking city streets. Motion was made by Schmidt, seconded by Kolden to repeal Section 10-1-45 regulating train obstructing streets as recommended by Community Code Services. Motion carried with a voice vote.

Zoning Conditional Uses – New State Law: Alan Harvey provided the committee with an in depth explanation of new state laws affecting zoning conditional uses. It is a lot of information to consider and the committee will review further and discuss at a future meeting.

**Colby Community Library Annual Report:** Library Director Vicky Calmes gave the annual report on the library. Calmes also presented a proposal from Pearl Vorland’s family showing a 10 year financial commitment to the utilities/maintenance of the library. The family is committed to giving $50,000 a year for 10 years for a total of $500,000: $35,000 a year towards utilities, $15,000 a year towards building maintenance. The family has already given $150,000 last year to finish up the project and that amount is included in the total amount they are committing to giving to the library in 10 years. The new payment plan will be $50,000 a year in January for the next 7 years to hit the $500,000 total.

**Mayor James W Schmidt:** Mayor Schmidt appointed Dan Hederer and Harland Higley to serve a three-year term on the Colby Cemetery Board. Motion was made by Hesgard, seconded by Oestreich to approve the appointments of Dan Hederer and Harland Higley to the cemetery board for a three-year term. Motion carried with a voice vote.

Mayor Schmidt reported on his meeting of the Clark County Economic Development Corporation. The annual meeting for the Clark County Economic Development Corporation will be held May 8th during the day. Mayor Schmidt will give the council more information when it becomes available.

Mayor Schmidt complimented the City Crew on the great job they have done plowing snow during the record snowfall in February.

**DPW Higley:** The following building permits were issued: Megan Thompson, 103 N 7th St, Interior Remodeling; Susan Jecevicus, 310 N 6th St, Replace Kitchen Cabinets/Countertops; Ed Kostlevy, 107 S 1st St, Bathroom Remodel; Dawn Voelker, 206 S 4th St, Bathroom Remodel; Randy Schade, 307 N 6th St, Bathroom Remodel.

DPW Higley reported on the precipitation and flows for February 2019 at the STP. He also reported on the pumpage of water for February 2019.

**Engineer Mike Voss:** Mike Voss spoke on the status of the well #14 project. The well will be going back online on April 1st. After going back online the well will be considered non-complaint for one year; the well will need to get four safe samples to be considered complaint.

**Award Bid for** **4th Street/Clark Street/Broadway Street Project:** The City received 7 bids for the construction of the 4th Street/Clark Street/Broadway Street Project. The bids were as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Bidder** | **Base Bid** | **Bid Alternate: Ductile Iron Water Main** | **Alternate Bid Total** |
| Switlick & Sons | $ 933,168.25 | $ 82,524.00 | $ 945,864.25 |
| Haas & Sons, Inc | $ 982,919.50 | $ 97,865.00 | $ 1,008,396.14 |
| Steen Construction | $ 979,217.20 | $ 105,800.00 | $ 1,002,493.20 |
| Francis Melvin | $ 1,010,129.05 | $ 110,032.00 | $ 1,048,322.85 |
| A-1 Excavating, Inc | $ 1,066,898.58 | $ 99,452.00 | $ 1,094,406.50 |
| Earth, Inc | $ 1,079,635.85 | $ 97,336.00 | $ 1,079,635.85 |
| Jake’s Excavating & Landscaping | $ 1,075,619.14 | $ 108,974.00 | $ 1,099,953.14 |

Switlick and Sons was the apparent low bidder with a base bid of at $933,168.25. The bids included a bid alternate of ductile iron water main rather than PVC at a cost of $82,524.00; making Switlick’s total bid, $945,864.25. The council questioned whether ductile iron water mains were better than PVC. DPW Higley stated he preferred ductile iron over PVC; Voss stated that ductile iron lasts longer in the ground than PVC. Motion was made by Schmidt, seconded by Hesgard to award the 4th Street/Clark Street/Broadway Street Project to Switlick & Sons in the amount of $945,864.25 which includes the bid alternate of ductile iron water mains. Motion carried with a voice vote.

**Pay Request #3 to August Winters & Sons:** Mike Voss stated that the payments to August Winter & Sons are contingent on the submission of payroll records from one of the subcontractors. Motion was made by Hederer, seconded by O’Brien to approve Pay Request #3 to August Winter & Sons in the amount of $41,500.00 contingent on the submission of payroll records. Motion carried with a voice vote.

**Operator’s Licenses:** The following applications were received: Elizabeth Baumgartner, 305 S East Street. Motion was made by Kaiser, seconded by Hederer to approve. Motion carried with a voice vote.

**Picnic License for St. Mary’s Knights of Columbus Fish Fry/Boil:** Motion was made by Kolden, seconded by Hesgard to approve a picnic license for St. Mary’s Knights of Columbus Fish Fry/Boil for March 15th, March 29th and April 2nd at the Colby Lion’s Shelter. Motion carried with a voice vote.

**Class A Combination License for PJ’s Tropical Paradise Wine & Beer:** Motion was made by Kolden, seconded by Schmidt to approve the Class A Combination License for PJ’s Tropical Paradise Wine & Beer at 120 Dehne Dr, Suite H. Motion carried with a voice vote.

**Committee meetings for March:**  Colby-Abbotsford Police Commission will meet on March 11, 2019 at 7:00 P.M. at the Police Department. Central Fire & EMS District will meet on March 21, 2019 at 7:00 P.M. at Station 2.

**Adjourn:**  Motion was made by Hederer, seconded by Solberg to adjourn at 7:26 P.M. Motion carried with a voice vote.  
  
Approved \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James W Schmidt, Mayor

Attest \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Jessie Polivka, Deputy Clerk