

CITY OF CRAWFORD
135 Elm Street
CITY COUNCIL REGULAR MEETING MINUTES
CRAWFORD, NEBRASKA 68830

JULY 9TH, 2013

Members of the City Council of the City of Crawford, Nebraska, met in regular session in the City Hall Council Chambers, 135 Elm Street, Crawford, Nebraska on the 9th day July, 2013, at 6:30 o'clock p.m. The following individuals were present: Mayor Terrence Haugen, Attorney Adam Edmund, Council Member Dave Kennedy, Council Member Ed Kuhnel, Council Member Karla Adams and Council Member Forrest Peterson. Absent: none.

Notice of the meeting was given in advance thereof by publishing in The Crawford Clipper/Harrison Sun as shown by the affidavit of publication filed in the City Clerk's office at City Hall. Availability of the agenda was communicated in the advance notice and in the notice of the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Terrence Haugen called the meeting to order and declared a quorum present at 6:30 p.m. and announced to the public that a copy of the Open Meetings Act is posted on the wall in the Council Chambers. It is also available in pamphlet form.

The hearing for a new Class C Liquor License for 3DA's LLC DBA Frontier Bar at 342 2nd Street opened at 6:31 p.m. Tami Otto with the Nebraska State Patrol presented her findings on the background for this liquor application. She stated that several items had been left off of the criminal history part of the application, and character and reputation issues have been discovered, partly due to a pending criminal violation that 3DA's was operating illegally on Geralyn's liquor license and ordered alcohol illegally under that license as well. Tami Otto also stated that based on the background investigation, it appears that 3DA's Michelle and Robert Stovern may not meet requirements based on criminal history, possible false application, character and reputation issues and Tami Otto has requested a show-cause hearing in front of the liquor commission.

Michelle Stovern responded that the charges Tami is talking about, she (Michelle) has the court cases. They were all combined into one. She got all the court cases. There is the two that she listed for her husband. She would like to know the standings with the golf course because they were also involved in improper sale and purchase, which there has been no charges filed against us. She is not sure what the character is about, but she does have letters of recommendation coming from people that have known her but they just haven't been turned in yet.

Council Member Adams made a motion to approve minutes of the June 28, 2013 special council meeting. The motion was seconded by Council Member Peterson. The following Council Members voted AYE: Adams, Peterson and Kuhnel. Council Members voting NAY: None. Council Members ABSTAINING: Kennedy. Motion carried.

Board Reports: Golf, Park, Ponderosa Villa, Hospital, SWANN, Fire: no report.
Rodeo: no report has been received yet on financials, but the Rodeo appears to have been quite a program this year, overall very successful, with top-name competitors.

City Clerk Dailey provided information received today for an ad in the local motel fliers for the golf course that would cost \$100.

Council Member Kennedy made a motion to approve the purchase of an ad in the local motel fliers for the Legend Buttes Golf Course for \$100.00. The motion was seconded by Council Member Adams. The following Council Members voted AYE: Kennedy, Adams, Kuhnel and Peterson. Council Members voting NAY: None. Motion carried.

The Sheriff's Office reported that the rodeo activities went very smoothly, as did the 4th of July activities.

Council Member Kennedy made a motion to approve the building permit for Steve Scoggans to erect a garage at 327 Annin Street. The motion was seconded by Council Member Kuhnel. The following Council Members voted AYE: Kennedy, Kuhnel, Adams and Peterson. Council Members voting NAY: None. Motion carried.

Council Member Kennedy made a motion to approve the building permit for Linda Verhage for home foundation repair at 307 Linn Street. The motion was seconded by Council Member Kuhnel. The following Council Members voted AYE: Kennedy, Kuhnel, Adams and Peterson. Council Members voting NAY: None. Motion carried.

Mayor Haugen asked for any further comments for the hearing for a new Class C Liquor License for 3DA's LLC DBA Frontier Bar at 342 2nd Street.

Michelle Stovern commented that she has a lawyer in Lincoln and there have been no charges filed against 3DA's. Her sister has been here and actively involved in the business. Since her sister has taken over the business in September, her Keno alone has made \$903,556.11. Michelle stated that 9.25 – 9.5 % of that goes to the city, so roughly, on Keno alone, the Frontier Bar has made the city of Crawford, in a year and a half, anywhere between \$82,000 and \$85,000 for Keno funds. Michelle Stovern also stated that there were laws broke, that they didn't know they were broke, and that she has been working with Tami, trying to get the correct laws.

Tami Otto responded that there have been reports sent into the Commission and that they will be notifying 3DA's Michelle and Robert when they will appear for a commission hearing. She also stated that things usually take about 3 months, and both the new application for Michelle and Robert/3DA's and Geralyn will need to appear. Tami Otto believes Geralyn's hearing is this month.

Michelle clarified that it has actually been continued until August. Michelle talked to Jill at the Liquor Commission last week and said she was told that Geralyn is not on the schedule to appear next week.

Tami has received a couple of new complaints recently. She stated that the law that was broken is a pretty serious one: purchasing alcohol from other than a licensed wholesaler – and part of that was because they were behind with the wholesalers in Lincoln and they were cut off. Michelle stated that they were paid in full. Tami stated that the character and reputation issues are why she marked that box on the background.

The Mayor asked if this is still an on-going investigation. Tami Otto and Michelle Stovern both confirmed that it is still on-going.

Council Member Ed Kuhnel asked if it is the Liquor Commission that makes the final decision.

Tami Otto replied that the Liquor Commission makes the final decision as to whether or not someone is allowed a liquor license, but the local council has the ability to make a recommendation. If they make a recommendation for denial, they need to send someone to the Liquor Commission to uphold their reasoning.

The hearing for a new Class C Liquor License for 3DA's LLC DBA Frontier Bar at 342 2nd Street closed at 6:43 p.m.

Council Member Kennedy asked for clarification on who, if the council disapproves, would have to appear before the Commission. Tami Otto responded: a member of this council. Attorney Adam Edmund stated that if the council feels strongly enough with regard to their recommendation - it is not required by statute - but if the council feels strongly enough, then they should probably send someone. Council Member Kuhnel added that the city could also pass it and the Liquor Commission could turn it down. Attorney Edmund clarified that the Liquor Commission makes the ultimate decision, that they weigh the decision of the city seriously, but they make the ultimate decision as to issuance of the license or not.

Council Member Adams made a motion that we disapprove the License for 3DA's. Ed Kuhnel asked who was going to go to Lincoln to explain. Adams responded that they would decide that afterwards. The motion was seconded by Council Member Peterson. The following Council Members voted AYE: Adams, Peterson and Kennedy. Council Members voting NAY: None. Council Members ABSTAINING: Kuhnel. Motion carried.

The second reading of Ordinance 630 for a sewer rate increase was read by Council Member Kennedy.

Council Member Kuhnel made a motion to approve the cemetery deed for Steve and Mary Kvistad. The motion was seconded by Council Member Kennedy. The following Council Members voted AYE: Kuhnel, Kennedy, Adams and Peterson. Council Members voting NAY: None. Motion carried.

Council Member Peterson made a motion to approve the Memorandum of Understanding between the City of Crawford and Legend Buttes Health Services, as amended. The motion was seconded by Council Member Adams. The following Council Members voted AYE: Peterson, Adams, Kennedy and Kuhnel. Council Members voting NAY: None. Motion carried.

Discussion of the possibility of installation of a Verizon tower on the current water plant site continued with an update that DEQ (Department of Environmental Quality) had no concerns. USDA suggested that we also contact DHHS and our engineer for input.

Bills and claims received approval of three Council Members as indicated by their signatures.

CAPITAL GUARDIAN TRUST	PENSION	576.69
CITY OF CRAWFORD	UTILITY DEPOSIT APPLIED	75
DIRECTV	SERVICES - GOLF	159.52
US POSTMASTER	POSTAGE	148.65
EFTPS	FED/FICA TAX	4,323.14
NE DHHS, DIV OF PUB HLTH	LICENSE	28.75
CRAW ANTIQ TRACTOR	INSURANCE FROM KENO	386.25
PAYROLL CHECKS	PAYROLL CHECKS ON 07/09/2013	15,319.26
	CLAIMS TOTAL	21,017.26

Council Member Kennedy made a motion to adjourn at 6:54 p.m. The motion was seconded by Council Member Peterson. The following Council Members voted AYE: Kennedy, Peterson, Kuhnel and Adams. Council Members voting NAY: None. Motion carried.

The July 9, 2013 regular meeting of the City Council adjourned at 6:54 p.m.

Minutes by: _____

Approved

by:

Jane Dailey
City Clerk/Treasurer

Terrence Haugen
Mayor