

The Hartington City Council met for their regular meeting on October 23<sup>rd</sup>, 2023 at City Hall beginning at 5:00 P.M. Notice of time and place of the meeting was given in advance notice by posting. Notice of time and place of the meeting was communicated in the advanced notice to the Mayor and Council.

Present were Mayor Becker; Councilman Bartling, Christensen, Kathol, and Sudbeck; City Clerk-Treasurer Bencoter, Deputy Clerk de Waal; and Legal Counsel Nikki Brandt.

Mayor Becker called the meeting to order at 5:00 P.M., followed by all present reciting the Pledge of Allegiance. He announced that the open meeting law poster was on the back wall of the council room and reminded all present to silence their cell phones.

A motion to approve the minutes from the October 10<sup>th</sup>, 2023 meeting was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Sherry Bear has asked for an appeal of the demolition of her residence at 401 S. Aberley Ave. Mayor Becker read off the past history of abatements the City of Hartington has provided to Sherry Bear requesting she clean up her property. There were 6 abatements, beginning in June, 2019 and he commented that the City has helped her clean up the property in the past as well. Mayor Becker stated the Board of Health has been there several times and there are concerns of rats and rodents in the home. He stated the inside of the home is in very rough shape and Sherry Bear has declined to meet with the Board of Health to get help from them. He stated Sherry Bear lives in her car, even in the winter, and there has been no improvement of the home in the past 60 days and believes it has gotten worse. He stated this is not a decision that they Council has rushed to as it has been an ongoing issue for 4 years. He invited Sherry Bear to speak on her behalf.

Sherry Bear stated she has been taking her garbage to Laurel and has been working on cleaning out her home. She stated the Council could ask the city guys to verify. Mayor Becker asked City Utility Superintendent Corey Kramer, who was present, if there has been clean up on the residence. He stated there have only been minimal garbage bags which are usually filled with just cat litter and cat food items. Sherry Bear stated she has had minimal garbage because she has been recycling her garbage instead. She asked for Council to give her a chance to clean the home and monitor her progress instead of demolishing the home. She stated she has been working all summer long on cleaning the home out. Mayor Becker stated it has been getting worse. Sherry Bear stated it has been getting better and she has no other resources or anywhere else to go. She stated it is her choice to sleep in her vehicle.

Cindy Howey stated she was present at the meeting this summer regarding the situation and the rodent problem has gotten worse at her home. Sherry Bear stated she has had no mice in her home. Gordon Yunker stated he is still picking up trash in his yard from her. Sherry Bear stated she has no trash outside and that was due to a windstorm which is the only time she had trash blow around. Councilman Kathol told Sherry Bear that from 2019 to present she has been talked to about this and at the pace of 2-4 garbage bags per week it will take a long time to get rid of everything. Councilman Bartling asked Sherry Bear why she was taking her garbage to Laurel and not the Harting Recycling Center. Sherry Bear stated that she goes to Laurel because of the hours, she can take her garbage at night. Neil Kramer stated that Sherry Bear works nights and is available during the day to take her garbage to the Hartington Recycling Center during their day hours. Councilman Kathol asked Sherry Bear how she was transporting her garbage to Laurel. She stated she transports them in bags in her vehicle. Neil Kramer stated she ran over her mailbox the other day because she cannot see out of her vehicle due to all the garbage piled in it. They are scared as there are young children in the neighborhood and she cannot see out of her car windows.

Cindy Howey asked Sherry Bear why she sleeps in her vehicle and Sherry Bear replied she doesn't like being trapped by walls and likes the nature. Clerk Bencoter read a statement from Bob Steffen who called into City Hall as he was unable to attend the meeting. Bob Steffen is concerned of the rodent problem and he has never seen Sherry Bear cleaning anything out of the home. Councilman Bartling said in all his years on the council, this is the hardest thing he has had to decide and the decision was not taken lightly. Councilman Christensen stated it was not a safe space and Sherry Bear has had 4 years to clean the residence out and has not helped herself, that it was herself that put her into this situation.

Mayor Becker stated they would give Sherry Bear the option to sell her home to someone else; however, there would have to be a stipulation that the new owners would have to demolish the home as well immediately. Mayor Becker informed Sherry Bear that currently the home will be demolished and hauled out to the Hartington Recycling Center and the cost will be assessed to Sherry Bear. Councilman Bartling stated if she sold the home, there would have to be a signed purchase agreement in 10 days. Neil Kramer asked if there were any back taxes and Mayor Becker stated we did not know at this time. Sherry Bear denied any back owed taxes and stated she was caught up. Councilman Kathol made a motion to move forward with the demolition of the home at 401 S. Aberley Ave and deny Sherry Bear's appeal.

Councilman Sudbeck seconded the motion. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried. Mayor Becker thanked everyone for coming. Cindy Howey thanked the Council for spearheading this process.

Aaron Bos with Nebraska Class presented to the Council that Nebraska Class is a tool for operating the cities liquid capital. He stated right now the reserve is 5.6% which is the highest reserve available. He stated all other Nebraska cities have a signed resolution which does not commit the city to anything, just gives them the option to place any approved funds in Nebraska Class at whichever time they are ready. He stated there is no minimum or maximum to have for funds in Nebraska Class. He stated our capital at last audit showed 2.9 million and if we had that in Nebraska Class, we would have made an extra \$84,000 in the last 6 months. He stated every city can customize to their needs and can take any of their funds, at any time they need out of the account. Mayor Becker asked what the push back was from local banks and Aaron Bos stated local banks would still be involved as you would still have a checking account and CDs with local banks and keep those relationships. Councilman Christensen stated he was not comfortable passing a resolution at this time until they do their own research. Motion to table Resolution 20231023 was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Miranda Becker reviewed with Council the vacant properties we have in Hartington that we could be using for advanced planning and bringing in more families to Hartington. We currently have a housing shortage and have vacant lots, both residential and commercial, around town that are not being used and need cleaned up. This does not benefit the community with a loss in future jobs and sales tax. She gave examples of multiple different cities that have a vacant property ordinance. The first step is to set up the ordinance for vacant properties, then to register and collect fees from the property owners to give them incentive to clean up the residence or sell the property to be able to develop homes on it. Colin Kathol stated this seemed similar to Westfield Acres requirements where you have to buy the lot and build within a certain time frame or you would be taxed and Miranda Becker agreed. Councilman Bartling stated he did not believe in government being involved with people's property and Councilman Christensen stated he had the same thought. Councilman Kathol did not want Hartington to turn into some other towns where it is dilapidated homes, one right after the other. Miranda Becker stated this was a process that would not show immediate results, but if started now, we could begin to see results possibly within a year or so. Councilman Sudbeck stated he hated to see downtown go downhill and Councilman Kathol stated there would be a decrease in property value. Mayor Becker stated we could look at the Vacant Property list Miranda Becker has compiled and see what problems we are dealing with. Mayor Becker congratulated Miranda Becker for winning the Nebraska State Tourism Award.

Building permits were presented for Lisa Smith – storage shed, and Kathy Vinton – home addition. Motion was made by Councilman Christensen to approve the building permits for Lisa Smith and Kathy Vinton and was seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Sign permit for Burnell's Foodtown was presented. A motion to approve the sign permit for Burnell's Foodtown was made by Councilman Christensen and approved by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Special Designated Liquor License for Cedar Catholic Blitz Event was reviewed. A motion to approve the Special Designated Liquor License for Cedar Catholic Blitz Event was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20231023A for the adoption of the City of Hartington Employee Handbook was introduced by Councilman Sudbeck. A motion to approve Resolution 20231023A was made by Councilman Christensen and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20231023B for approval of the final plat of Benscotter Addition was introduced by Councilman Sudbeck. A motion to approve Resolution 20231023B was made by Councilman Bartling and seconded by Councilman Christensen. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20231023C for approval of the final plat of the Leise Addition was introduced by Councilman Sudbeck. A motion to approve Resolution 20231023C was made by Councilman Christensen and approved by Councilman Kathol. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20231023D for Sale of Real Property located in the 400 block of E Main St was discussed. Mayor Becker asked to table the item as the person who is interested in buying the property has to work out zoning issues. A motion to table Resolution 20231023D was made by Councilman

Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Corey Kramer discussed with Council on being able to rent out the East stall of the old Firehall building to work on cars. Mayor Becker asked what was currently in there and Corey Kramer stated some city equipment, but he could find other space for those items. Deputy de Waal asked if there were any Chamber items in the stall and Corey Kramer stated there were some Chamber items in the stall. Councilman Christensen asked if we heated the building and what that cost was. Clerk Benscoter verified the building was heated and was on its own separate bill. Councilman Kathol stated we should look at what the heat costs would be for that square footage before determining any rental amount. A motion was made by Councilman Christensen to table the item to determine heating costs and was seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Department Reports:

Park – Councilman Kathol: none.

Pool – Councilman Bartling: none.

Complex/Auditorium – Councilman Sudbeck: We have had our last football game and the field will now be winterized and water shut off this week. It has been going slow on working on the concession building. He has nothing on the Auditorium.

Fire/Ambulance – Councilman Christensen: none.

General – Mayor Becker: none.

Legal Counsel Nikki Brandt: none.

Clerk Benscoter: Informed Council that there were some businesses that have not returned the water Cross Connection surveys that are required by State law, that were issued out 4 times in the last 6 months. Herself and City Utility Superintendent Corey Kramer would be going around to the remaining businesses the following day to either have the form completed or water would be shut off per law until they return the completed form.

Deputy Clerk de Wall: none.

Public Comments: Linda Johnson asked when the cross-connection surveys were issued as she never received them. Clerk Benscoter informed her they were mailed out 3 times with the utility statements and the 4<sup>th</sup> time businesses that did not have them completed received them mailed to their business. Deputy Clerk de Waal informed Linda Clark she has completed and returned hers to City Hall already. Clark Johnson wanted to thank Council for not involving government in commercial vacant buildings and that there was no point in assessing fees on personal property.

The following bills were presented for payments:

General: BOKF, NA 77,545.00, Nationwide 50.00, Nebraska Department of Agriculture 14.64, SHIFTR 13.50.

Streets: Bank of Hartington 2,353.56, Black Hills Energy 124.64, Bomgaars 39.94, Leise Concrete 9,247.50, Nebraska Public Power District 3,194.20.

Water: Bomgaars 123.36, Cedar-Knox Public Power District 1,921.86, Peitz Service 96.46.

Sewer: Black Hills Energy 67.89, C. Kramer 341.35, Midwest Laboratories, Inc. 1,368.77, Nebraska Public Power District 3,787.82.

Sanitation: Bomgaars 16.06, L.P. Gill, Inc. 6,582.57, Stop N Go 738.00.

Fire: Black Hills Energy 19.51, Hartington Shopper 195.00, Nebraska Public Power District 187.45, Overhead Door Company 113.00, Peitz Service 276.09, Stop N Go 91.55.

Ambulance: Avera Sacred Heart Hospital 132.04, Black Hills Energy 19.52, Cedar County Veterinary Services 111.80, K. Fischer 691.94, Nebraska Public Power District 155.88, Stop N Go 91.03, Steffen Drug Store 31.84.

Recreation: A. Heine 30.00, A. Marsh 55.00, A. Freeman 70.00, G. Haberer 20.00, J. Heine 30.00, L. Lenzen 15.00, M. Haberer 20.00, Nebraska Public Power District 78.42, O. Becker 10.00, P. Leise 10.00.

Pool: Black Hills Energy 42.82, Nebraska Public Power District 227.57.

Parks: Midwest Tree 3,500, Nebraska Public Power District 931.87, X-Pert Lawn and Landscaping 1,300.00.

Complex: Leise Concrete 3,404.50, Nebraska Public Power District 209.69, X-Pert Lawn and Landscaping 1,700.00.

Library: Tami Anderson 300.00, Black Hills Energy 38.63, Hometown Leasing 48.40, Ingram 443.14, Midwest Tape 23.24, Nebraska Public Power District 602.60, X-Pert Lawn and Landscaping 260.00.

City Hall: Art Kathol Appliance, Inc. 26,900.00, Black Hills Energy 48.39, Nebraska Public Power District 346.64, Premier Lawn & Landscaping 220.00.

Auditorium: Appera 75.46, Black Hills Energy 97.46, C. Folkers 22.96, Nebraska Public Power District 111.30.

Economic  
Development: Hartelco Computers 136.27.

Transfer  
Station: Cedar-Knox Public Power District 129.25, Deere Credit Inc. 922.56.

Veterans  
Memorial: Nebraska Public Power District 56.31.

A motion to pay the bills was made by Councilman Christensen and was seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried.

A motion to adjourn was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck – yes. Motion carried. The meeting was adjourned at 6:25 PM. The next scheduled meeting is November 13<sup>th</sup>, 2023.

Respectfully Submitted,

Brittini Bencoter  
City Clerk-Treasurer