

The Hartington City Council met for a public hearing and their regular meeting on September 12th, 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, Kathol, and Sudbeck; City Clerk-Treasurer Bencotter, Deputy Clerk de Waal; and Legal Counsel-Steve Pier. Councilman Christensen was absent.

Mayor Becker opened the Public Hearing for the Hartington Crown LLC review of the Nordby Subdivision Preliminary Plat at 5:00 pm. JEO Planner Jeff Ray and developer Rob Woodling were in attendance. Al Kathol expressed concerns about traffic issues if the entrance to the development would be from Highway 84. Casey Nieman expressed concerns regarding the city wanting to pave through Centre and State Street by his property. He would like the city to close and vacate the current streets so there is no increase in traffic. Mayor Becker stated the city had no intentions of paving those streets outside of the addition at this time, but they are platted to be, so maybe some day in the future. Al Kathol and Doug Heitman were concerned about tax increases and Mayor Becker explained that the development would raise the tax base for the city. Rob Woodling explained there would be no sales of the homes at this time to affect the valuation of surrounding homes as they would be rent-to-own homes.

Mayor Becker asked JEO to clarify if there would be any issues with the flow of, and collection of water. Jeff Ray stated they did a Preliminary ditch study since the ditch is shallow and there is a stormwater basin in Lot A that is large enough to hold water at same rate as current. JEO would like the city to approve them to put a subterranean pipe in instead of a ditch and then they can curb and gutter to tie into the existing curb and gutter. Racheal Folkers stated the City of Hartington needs to grow and bring in more housing developments; would the developer have any stipulations for the renters in keeping their property taken care of, and will they be hiring local contractors for the work or bring in outside sources. Developer Rob Woodling stated there are provisions in the renter's lease regarding upkeep with the property and failure to abide by it, will result in eviction. He stated due to the government program supplying aid, they have to send out for bids on the project, but would like to use local entities. There would also be a local person that would be hired to care for and manage the property as they have with other developments they have across Nebraska like this one. Jeff Ray stated that planning and zoning would like the lots to be divided into, and named by Blocks. Council agreed to this.

JEO Planner Jeff Ray asked the Mayor and council to clarify that they have their approval to pave all streets within the development, insert the subterranean pipe, and rename the lots into separate blocks, and council agreed.

No one else appeared with comments and the Mayor declared the public hearing closed at 5:37 pm.

Mayor Becker opened the Public Hearing for the One and Six Year Plan at 5:37 pm. Mark Becker and council discussed removing the streets on the one and six year plan that were now in what is known as the Nordby Addition since the developer will be paving those roads (M-328 (59 & 60)). Council agreed to remove State Street (M-328 (56)), that was just outside of the Nordby Addition from the one year plan. Council agreed to remove Franklin to Center Street Alley (M-328 (39)) as the work has already been completed. Council agreed to remove Felber Street Alley (M-328 (47)) as this is an alley.

There were no comments from the public and the Mayor declared the public hearing closed at 5:49 pm.

Mayor Becker called the regular meeting to order at 5:49 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 August 14th, 2023 council meeting and the August 14th, 2023 budget workshop was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried. A motion to approve the August, 2023 Treasurer's Report was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Dan Kruse approached council regarding the nuisance of a barking dog in the 400 block of East Main. He had a petition signed by multiple neighbors regarding the consistent barking of the dog and the dog being left alone outside of the home all day. He stated the issue has been going on for the last couple years. He stated they have tried talking to the owners, but have had no success and are asking for counsel's assistance and possible the assistance of law enforcement to speak with the owners. Mayor Becker stated we would look into our ordinances regarding the issue.

The August 2023 Cedar County Sheriff's Report was distributed by Deputy Thoene. There were 414 ¾ hours patrolled. School traffic was 4 ¼ hours. Calls of service were 1 EMS Assist, 1 Welfare Check, 1 Disturbance, 1 Criminal Mischief, 1 Accident, 2 Assist other Agency. Traffic stops were 4 verbal warning, 8 written warning, and 2 citations. There were no arrests made.

Building permit for Zach Becker to build a shop with living quarters on his lot owned on E. Main St was presented to council. A motion to approve the building permit was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20230912 – Adopting the one and six year plan was tabled. A motion to table the item was made by Councilman Bartling and Seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

LB840 loan application #20230814 for Efrain Gonzalez Lara, Daisy Mercado, Benly Lopez, & Iris Paola Leon Gallardo DBA Ma Mona Grill LLC was reviewed. The loan would be \$50,000 for 10 years at 0% interest. Legal counsel Steve Pier explained that the names on the deed of the property were in the individual names, but the original loan with LB840 was made in the Mamona Grill LLC name. The names needed to match so all loan data is the same as before except needing to approve the loan with the private individual names and not under Ma Mona Grill LLC. Motion to approve LB840 loan application #20230814 was made by Councilman Sudbeck and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

The Townsquare Offices request to block off N. Broadway from Hartington Hotel to Steffen Drug on October 14th, 2023 was tabled. A motion to table the item was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

The appointment of Daniella de Waal as Deputy Clerk was reviewed. A motion made to approve Daniella de Waal as Deputy Clerk was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Resolution 20230912A-Bank Authorization for Daniella de Waal to replace Marlys Hines on the city bank accounts was reviewed by Council. Motion to approve the request was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Becker – yes. Motion carried.

Department Reports:

Park – Councilman Kathol: They are still removing bleachers from the park. Clerk Benschoter discussed with council the vandalism fires that happened at the E. Felber Park restrooms over the weekend of September 8th-11th which caused damage to the garbage cans, toilet seats, and paint on the walls. This has caused the bathrooms to be closed until sometime next year when damages can be fixed.

Pool –Councilman Bartling: The insurance adjuster came out to look at the roof and assessed the damage at around \$10,700, so with the \$10,000 deductible the city plan has, we received a check for around \$700.

Complex/Auditorium – Councilman Sudbeck: Paint was received today for the park and pool, and masonry work on the building at Felber Park will finish the following day. The ceiling has been completed at the Auditorium and was under budget. The Auditorium opened on September 5th for public use. There are some volleyball poles that the volleyball league no longer uses that Councilman Sudbeck would like to sell or possibly put up at another park, but with the vandalism going on, he is cautious of doing this.

Fire/Ambulance– Councilman Christensen: absent.

General – Mayor Becker: It has been reported to city hall that Sherry Bear has been bringing in more garbage onto her property and not alleviating the problem. Clerk Benschoter stated she has until October 8th, 2023 to alleviate the problem according to the letter served to her. Mayor Becker asked legal counsel what next steps would be and legal counsel Steve Pier stated the city can look into the next step if she has taken no action by October 8th. He clarified Sherry Bear still has ownership of the land, but the City can do what is necessary, including demolition if needed, to alleviate the issue. Councilman Barling questioned who was responsible for the expenses to alleviate the issue and legal counsel Steve Pier stated the City would put a lien on the property to pay for expenses.

Steve Pier: none.

Clerk Benscoter: Wanted to acknowledge all of the first responders that were a part of the Bus and Semi Accident Drill that occurred on September 11th and the great job they did with the drill and finding any areas that needed improvement in a situation like this. It was an experience for the school staff as well to know what each person's role was in case a situation like this every happened in our community.

Deputy Clerk de Wall: none.

Public Comments: none.

The following bills were presented for payments:

General: EMC Insurance Companies 10,108.06, Eakes Office Solutions 217.98, FP Finance Program 115.98, Hartington Shopper 574.35, Kennedy, Pier, Loftus & Reynolds, LLP 509.50, NE Nebraska Economic Development District 42.50, NE Nebraska New Company 395.40.

Streets: Blue Cross/Blue Shield of Nebraska 1,294.74, Bank of Hartington 2,536.89, Black Hills Energy 128.74, Bomgaars 1,158.33, Carhart Lumber Co. 40.65, Colonial Life 82.42, Robert Heimes Dirt Man 348.00, EMC Insurance Companies 1,541.64, Farmers union Coop Gas & Oil 772.68, Franklin Templeton Investor Services LLC 703.10, Grossenburg Implement 7.42, Hartington Shopper 41.50, Kruse True Value 42.98, Leise Concrete 1,400.00, Mayer Sign, Inc. 423.00, Miller Painting & Decorating 22,300.00, M. Weinandt 258.48, Nebraska Public Power District 3,042.01, Ne Nebraska News Company 202.32, Plumbing & Electric 525.00, R. Sudbeck 1,200.00, U. S. Cellular 73.98, Usable Life 14.50, Wiechelman's Repair Shop 1,337.40, Yankton Daily Press & Dakotan 74.76.

Water: Bomgaars 8.99, Robert heimes Dirt Main 210.00, EMC Insurance Companies 1,156.21, M. Erickson 86.49, Hartington Shopper 82.93, M. Loecker 35.80, Municipal Supply Inc. 3,361.68, NE Public Health Environmental Lab 800.00, Nebraska Public Power District 665.34, One Call Concepts, Inc. 12.88, Peitz Service 52.95, J. Skroch 59.78, USA Blue Book 963.31.

Sewer: Black Hills Energy 73.43, Bomgaars 607.95, EMC Insurance Companies 1,664.24, Hartington Shopper 82.93, Nebraska Public Power District 3,307.79, One Call Concepts, Inc. 12.88.

Sanitation: Blue Cross/Blue Shield of Nebraska 1,217.74, Bank of Hartington 83.33, B. Albers 67.89, Colonial Life 129.66, EMC Insurance Companies 1,418.98, B. Eickhoff 49.12, M. Erickson 140.00, Franklin Templeton Investor Services LLC 461.71, Hartington Shopper 124.44, JEO 677.50, L. P. Gill, Inc. 6,640.71, M. Loecker 70.00, Outdoorsmen Pro, LLC 37.43, J. Skroch 70.00, U.S. Cellular 150.53, Usable Life 29.00, Yankton Daily Press & Dakotan 74.77.

Fire: Black Hills Energy 19.30, Dearborn National Life Ins. Co. 113.36, D. Dailey 1,065.90, EMC Insurance Companies 613.14, Farmers Union Coop Gas & Oil 203.41, Nebraska Public Power District 153.16, Pomp's Tire Service, Inc. 112.80.

Police: Cedar County Sheriff 13,532.54.

Ambulance: Black Hills Energy 19.30, Burnell's Foodtown 60.33, EMC Insurance Companies 402.92, Farmers Union Coop Gas & Oil 97.58, Kruse True Value 6.99, Matheson Tri-Gas 115.49, Nebraska Public Power District 121.58, Northeast Community College 3,547.64, U.S. Cellular 155.86.

Cemetery: Cedar Knox Rural Water 58.30, Maverick Heine 950.00, Toby Heine 950.00.

Recreation: Hartington Baseball 7,755.00, J.J. Benji 1,312.50, Nebraska Public Power District 63.16, NE Nebraska News Company 221.45.

Pool: Black Hills Energy 337.43, Hawkins, Inc. 53.08, Kruse True Value 26.98, Nebraska Public Power District 826.12, B. Peitz 252.00, Tri-State Turf & Irrigation, LLC 244.90.

Parks: Arbor Day Foundation 20.00, Bomgaars 133.53, Farmers Union Coop Gas & Oil 338.02, Grossenburg Implement 97.48, Hartington Tree 4,500.00, Mayer Sign, Inc. 244.00, Nebraska Public Power District 663.24, Wiechelman's Repair Shop 67.50, X-Pert Lawn and Landscaping 1,300.00.

Complex: Carhart Lumber Co. 3,599.95, Farmers Union Coop Gas & Oil 362.82, Kruse True Value 148.79, Nebraska Public Power District 110.83, Tri-State Turf & Irrigation LLC 400.00, X-Pert Lawn and Landscaping 1,700.00.

Library: Tami Anderson 250.00, Blue Cross/Blue Shield of Nebraska 5,853.72, Bank of Hartington 333.34, Black Hills Energy 38.60, Eakes Office Solutions 78.77, Franklin Templeton Services 340.44, Hometown Leasing 48.40, Ingram 686.49, Kruse True Value 150.00, MidAmerica Books 550.80, Midwest Tape 33.73, Nebraska Public Power District 420.62, Nebraska Library Commission 500.00, Nebraska Life Magazine 52.00, Usable Life 29.00, X-Pert Lawn and Landscaping 260.00.

City Hall: Blue Cross/Blue Shield 1,921.00, Bank of Hartington 250.00, Black Hills Energy 48.36, Colonial Life 26.58, D & J Variety 8.17, Robert Heimes Dirt Man 2,310.00, Eakes Office Solutions 4.09, Five rule LLC 100.00, Dixie Fischer 50.00, Franklin Templeton Investor Services LLC 491.68, Hartington Shopper 166.00, Hometown Leasing 62.05, Kruse True Value 3.79, Nebraska Public Power District 293.64, NE Nebraska News Company 134.88.

Auditorium: Appera 65.73, Black Hills Energy 97.43, Carhart Lumber Co. 205.20, Kruse True Value 22.76, Nebraska Public Power District 80.37, Roman Sudbeck 757.77,

Economic Development: Five Rule LLC 100.00, Franklin Templeton Investor Services LLC 209.58, Hometown Leasing 31.02, Usable Life 14.50.

Transfer Station: Deere Credit Inc. 461.28, EMC Insurance Companies 613.14, Farmers Union Coop Gas & Oil 89.98, Gill Hauling Inc. 1,171.89, Hartington Shopper 278.80, Jerry's Service 728.97, Ne Department of Environment and Energy 500.00 Olson's Pest Technicians 75.00.

Veterans Memorial: Nebraska Public Power District 52.12.

Payroll for August, 2023 was \$59,490.71.

A motion to pay the bills except for Roman Sudbeck, check # 63627, was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

A motion by Councilman Bartling was made to pay the bill for Roman Sudbeck, check #63627, and was seconded by Councilman Kathol. A roll call vote was taken. Bartling –yes, Kathol – yes, Sudbeck – abstained, Becker - yes. Motion carried.

A motion to adjourn was made by Mayor Becker and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried. The meeting was adjourned at 6:16 PM. The next scheduled meeting is September 25, 2023.

Respectfully Submitted,

Brittni Bencoter
City Clerk-Treasurer