

The Hartington City Council met for their regular meeting on November 13th, 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 and Christensen; City Clerk-Treasurer Bencoter, Deputy Clerk de Waal; and Legal Counsel Nikki Brandt. Councilman Kathol and Sudbeck were absent.

Mayor Becker called the meeting to order at 5:07 P.M., followed by all present reciting the Pledge of Allegiance. He announced that the open meetings 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 23rd, 2023 meeting was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

Three building permits were presented to Council for approval. City Building Inspector, LeRoy Hansen, was present. He told Council that Hartington Tree was doing an addition to their building. The building permit for Brett Bollich was a shed that was started and reported to LeRoy Hansen so he contacted them to complete a building permit. The building permit for Father Owen Korte was for a deck on the property he owned at 402 West Hoese Street. The building permit was first denied by LeRoy Hansen because it does not fall within the guidelines of the City Zoning Ordinance as it is about two and half feet off the property line. The permit was also denied by the Variance Committee for the same reason. LeRoy Hansen stated to the council if they approved the permit, he was afraid it would set a precedent on future building permits. Councilman Christensen stated the building permits were decided on a case-by-case basis. Councilman Christensen asked LeRoy Hansen what the setback is and he stated at least eight feet. Father Owen Korte stated he spoke to his current neighbors and they stated they did not have an issue, and his deck would only be about one foot off the ground. Councilman Christensen stated if the neighbor doesn't care, then he doesn't see an issue. Councilman Bartling stated he did not see an issue either if it's not infringing on the neighbors. Mayor Becker stated two and half feet is tight and asked Father Owen Korte if he could do less and Father Owen Korte stated if he did any less, it wouldn't be any bigger than the stoop he has now. Councilman Bartling stated due to the way the property was developed, there was nothing Father Owen Korte would be able to do if the Council wasn't lenient. A motion to approve the building permit for Hartington Tree, Brett Bollich, and Father Owen Korte was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

The Council discussed the rental of the East Stall of the old Firehall by Corey Kramer. Peg Anderson with Anderson and Anderson Insurance was present and recommended for the City to make sure that anyone who had a lease agreement with the City have an insurance policy of one million dollars and provide a Certificate of Insurance listing the City as the additional insurer. Mayor Becker asked Clerk Bencoter for the NPPD and Black Hills Energy amounts. Clerk Bencoter explained that Corey Kramer measured and the stall was 25% of the square footage of the building. Adding up all the bills for past fiscal year, shows the NPPD to be \$8.91 per month for the space and the Black Hills Energy to be \$77.03 per month for the space. Russ Flamig asked the Mayor and Council where the Chamber items that are currently stalled in that bay were going to go if the stall was rented out to Corey Kramer. Corey Kramer stated the Chamber would go in the 2nd bay. Lisa Dendinger with the Chamber asked Corey Kramer if the Chamber would get the entire second bay and he told her that he will move things around so there is room for them to have the entire second bay. Councilman Christensen asked Corey Kramer what he was thinking for a price. Corey Kramer stated that with Kruse renting out their space for \$150 plus the costs Clerk Bencoter stated, he was thinking around \$225 per month. He verified he was not going to be conducting business and has talked to his insurance company regarding coverage. Council agreed on a start date of December 1, 2023 since the agreement for Corey Kramer and Council to sign would not be presented until the next Council meeting on November 27th. A motion to approve Corey Kramer to rent the East Stall of the old Firehall at the amount of \$225 per month and a start date of December 1, 2023 was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

Peg Anderson with Anderson and Anderson Insurance reviewed the City's insurance renewal policy for property, general liability, inland marine, commercial auto, worker's compensation, fidelity, umbrella, linebacker (board liability), and airport liability. She stated there has been an increase in insurance rates of approximately 4% this year and many companies are changing to higher deductibles to curve the costs. She stated EMC is no longer offering replacement cost on roofs that are older than 15 years old so she would need to know the age and type of every roof the city is insuring. She stated the city has some items with a \$10,000 deductible and others with a \$2,500 deductible, but changing everything to \$10,000 deductible would save \$8,800 per year. She stated the City should consider self-insuring on smaller items. Mayor Becker asked what the amount the City would save doing this and Peg Anderson stated she did not know and would need to look into that. Mayor Becker asked her to let them

know the cost after taking off those smaller buildings and Councilman Christensen asked Peg Anderson for a list of property losses in the past years. Legal Counsel Nikki Brandt asked Peg Anderson what coverage amount she recommends on anyone that leases something from the City and she stated she recommends equal limits to the City which is five million, but that could be tough so a minimum of one million is her recommendation and should require a Certification of Liability. She stated on the City's auto policy if we changed all vehicles to \$1,000 collision deductible, the City could save \$282 per year. Worker's Compensation numbers are better and the City is now getting a 5% credit. She stated the policy has renewed as quoted at \$184,095.00 for the year, but can be changed if the City makes any changes as discussed previously. She stated she would get the information requested to look at any changes that could be made. A motion to approve the current insurance policy as presented was made by Councilman Bartling and seconded by Councilman Christensen. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

The October, 2023 Cedar County Sheriff's Report was distributed by Deputy Thoene. There were 376 ¼ hours patrolled. School traffic was 6 ¼ hours. Calls of service were 3 EMS Assist, 2 Accidents, 1 Disturbance, 1 Traffic Control, 4 Animal Complaints, and 2 Alarms. Traffic stops were 1 Verbal Warning, 0 Written Warning, and 2 citations. 0 Arrests were made. A motion to approve the Sheriff's report was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

Clerk Bencoter discussed the renting of the Auditorium by the Hartington-Newcastle Public School for Basketball practice while their new gym is still being constructed. Clerk Bencoter stated the previous year the rent was \$700 for the season. She stated Coach Rusty Fuller told her they would need the gym through February and requested for the hours of 3:30 p.m. – 6:00 p.m. Clerk Bencoter informed Council that in the past week there have been many requests from multiple junior and junior high basketball teams wanting to rent out the Auditorium as well which would limit the time that paid membership people would be able to use the Auditorium. Mayor Becker stated last year Hartington-Newcastle Public Schools only used the gym from 3:30 p.m. – 5:30 p.m. and he is not comfortable allowing them to rent it until 6 p.m. Councilman Christensen stated they should increase the rent to \$800 for the season with all the improvements in the Auditorium. Legal Counsel Nikki Brandt stated that if the City closes down the Auditorium to the public and paid membership patrons, then it is a considered a lease which would then require a lease agreement, the one million dollar insurance policy recommended by Peg Anderson and a Certificate of Liability. Councilman Christensen stated then we would not be closing the Auditorium to the other paid membership patrons. A motion to approve Hartington-Newcastle Public Schools to use the Auditorium from 3:30 p.m. to 5:30 p.m. from November 13th, 2023 until the end of the season, at the rate of \$800 for the season was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

A resignation from Pat Burbach from the Planning & Zoning Committee was presented to the Council. A motion to approve the resignation of Pat Burbach was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried.

Department Reports:

Park – Councilman Kathol: absent.

Pool – Councilman Bartling: none.

Complex/Auditorium – Councilman Sudbeck: absent.

Fire/Ambulance – Councilman Christensen: none.

General – Mayor Becker: Kelly Cobb, head of design, with the Skylon has rough designs and Council can stop and look at them anytime. They will begin open forum meetings in a couple weeks. They are also doing workups on a new City Shop and Corey Kramer has met with them and given input. They have spoken to Pomp's about the annexation and they are ok with it, so at this time the annexation of Highway of 84 is moving forward. Part of the new Garbage Truck has been completed. Wynot does not want the old truck, and believe we should put the garbage truck on the market and see what we can receive for it. Councilman Christensen stated maybe we should wait and make sure there are no issues with the new one that would require needing to use the old truck for parts.

Legal Counsel Nikki Brandt: Need to determine insurance policy amount for lessors and have same across the board. Peg Anderson recommends one-million-dollar policy and Council agreed. Kruse's will need to get insurance at their next lease agreement renewal. Received a phone call from someone who would like to donate to the Volunteer Fire Department, but needs to know if they are a 501C3. Clerk Bencoter explained that someone with the Fire Department spoke with her already and the

City does not have any of those documents for the Fire Department as they keep their own records on that type of information. She requested they speak with their Treasurer or the Secretary of State.

Clerk Benscoter: Since Christmas Eve falls on a Sunday and the City Office is already closed the following Monday, December 25th, is Council ok with exercising the 4 hours for the Christmas Eve holiday on Friday, December 22nd, and closing all city offices at noon that day. Council agreed.

There have been multiple issues of vandalism and violation of rules at the Auditorium which includes broken glass on the door and damage to the ceiling tiles and roof. There have been 2 kids whose passes have been revoked and are not allowed back on the property. City Hall has had multiple requests from various youth and junior high basketball teams wanting to rent out the auditorium. With information reviewed earlier in the meeting it has been determined that we cannot close the auditorium to the public, but how would Council like to determine a rate for charging? Best route would be for each team member to have their own key fob and then they are members able to go in and practice any time during open hours as the key fobs are only \$10-\$20, depending on age, which is a reasonable price. Council agreed this would be the best way. Mayor Becker stated that hopefully the vandalism would decrease with the influx in teams practicing in the auditorium. Councilman Christensen asked if we could have a deputy patrol the Auditorium at random times and Mark Becker stated he would speak with Sheriff Koranda.

Deputy Clerk de Wall: none.

Public Comments: Peggy Year with Cedar County News asked Council what is happening with the demolition of Sherry Bear's home. Mayor Becker stated there is a purchase agreement to be signed tomorrow between Sherry Bear and a private party, but asbestos has been detected which could affect the purchase. If the purchase does not go through, the City will remove the asbestos and have the home demolished.

The following bills were presented for payments:

General: Anderson & Anderson Insurance 3,058.00, BOK, NA 153,176.25, FP Finance Program 115.98, Hartelco 383.07, Hartington Shopper 60.00, Kennedy, Pier, Loftus & Reynolds, LLP 800.00, NE Nebraska News Company 367.46, Shiftr 13.50, Z. Becker 100.00.

Streets: Blue Cross/Blue Shield of Nebraska 773.99, Bank of Hartington 183.33, Colonial Life 40.83, Concrete Product Co. 925.00, Farmers Union Coop Gas & Oil 1,293.43, Franklin Templeton Investor Services LLC 790.40, Hartington Auto & Truck Parts, Inc. 340.06, Leise Concrete 44,718.50, Nebraska Public Power District 3,119.41, Roman Sudbeck 1,275.00, Triple 7 Contracting, LLC 700.00, U.S. Cellular 73.38, Usable Life 14.50.

Water: Cedar-Knox Public Power District 1,204.06, Hartington Shopper 79.46, C. Kramer 73.36, Nebraska Department of Environment and Energy 115.00, Nebraska Public Health Environmental Lab 646.00, Nebraska Public Power District 504.02, One Call Concepts, Inc. 17.75, A. & T. Peitz 100.00, Peitz Service 84.63.

Sewer: Hartelco 66.60, Hartington Shopper 79.47, Kruse True Value 55.48, Midwest Laboratories, Inc. 732.57, Nebraska Department of Environment and Energy 150.00, Nebraska Public Power District 2,897.34, One Call Concepts, Inc. 17.75.

Sanitation: Blue Cross/Blue Shield of Nebraska 1,217.74, Bank of Hartington 83.33, Z. Bauman 52.13, Colonial Life 194.49, Franklin Templeton Investor Services, LLC 825.19, Hartington Shopper 79.47, L.P. Gill, Inc. 8,071.71, U.S. Cellular 75.73, Usable Life 29.00.

Fire: Dearborn National Life Insurance Company 120.24, Ed. M. Feld Equipment Co., Inc. 60.25, Farmers Union Coop Gas & Oil 122.09, Hartington Volunteer Fire Department 614.88, Hartelco 46.00, Hartington Shopper 154.00, Leise Lawn Care 400.00, Nebraska Public Power District 126.32, Sandry Fire Supply 4,989.95.

Police: Cedar County Sheriff 13,686.36.

Ambulance: Arrow Manufacturing Inc. 2,183.00, Emergency Medical Products 183.82, Farmers Union Coop Gas & Oil 202.45, Hartelco 45.99, Nebraska Public Power District 94.75, Steffen Drug Store 19.19, US. Cellular 153.99.

Cemetery: Cedar Knox Rural Water 55.65

Recreation: Nebraska Public Power District 63.16,
Pool: Nebraska Public Power District 47.37
Parks: Central Valley Ag 542.05, Farmers Union Coop Gas & Oil 223.83, Midwest Tree 2,200.00, Nebraska Public Power District 428.96.
Complex: Carhart Lumber Co. 1,521.33, Central Valley Ag 44.14, Farmers Union Coop Gas & Oil 162.42, Hartelco 44.56, Kruse True Value 54.99, Nebraska Public Power District 77.69, Plumbing & Electric 280.00, Yankton Janitorial Supply, Inc. 79.28.
Library: Blue Cross/Blue Shield 5,853.72, Bank of Hartington 333.34, Burnell's Foodtown 17.74, Dixie Fischer 225.00, Franklin Templeton Investor Services, LLC 605.98, Hartelco 156.44, Nebraska Public Power District 359.18, Usable Life 29.00.
City Hall: Blue Cross/Blue Shield 2,493.65, Bank of Hartington 250.00, B. Benscoter 46.44, Burnells' Foodtown 14.99, Eakes Office Solutions 56.29, Dixie Fischer 100.00, Franklin Templeton Investor Services, LLC 773.87, Hometown Leasing 62.05, Kruse True Value 16.07, Nebraska Public Power District 173.15, Premier Lawn & Landscaping 195.00, Usable Life 54.00.
Auditorium: Appera 75.46, Nebraska Public Power District 62.76,
Economic
Development: Franklin Templeton Investor Services, LLC. 439.78, Hartelco 55.61, Hometown Leasing 31.02, M. Becker 610.35, Usable Life 14.50.
Transfer
Station: Cedar-Knox Public Power District 164.79, Gill Hauling, Inc. 1,414.89, Hartelco 47.19, Jerry's Service 723.93, Olson's Pest Technicians 75.00.
Vets
Memorial: Nebraska Public Power District 53.11.

Payroll for October, 2023 was \$70,232.69

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

A motion to adjourn was made by Councilman Christensen and seconded by Councilman Bartling. A roll call vote was taken. Bartling – yes, Christensen – yes, Becker – yes. Motion carried. The meeting was adjourned at 6:29 PM. The next scheduled meeting is November 27th, 2023.

Respectfully Submitted,

Brittini Benscoter
City Clerk-Treasurer