

The Hartington City Council met for their regular meeting on April 8th, 2024 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, and Kathol; City Clerk-Treasurer Bencoter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt. Councilman Sudbeck was absent.

Mayor Becker opened the public hearing for the Rick Pearson review of the Final Plat at 4:58 P.M. Corey Stratman asked if Rick Pearson had a plan for the lot and if it would become a non-residential lot. Rob Dump asked why Rick Pearson wanted to replat the lots. Mayor Becker stated there were some plans to possibly build and that could not be done on a residential lot. No one else appeared with comments and Mayor Becker closed the public hearing at 5:01 P.M.

Mayor Becker opened the public hearing for the Rick Pearson Zoning change request at 5:01 P.M. Rob Dump asked Mayor Becker if he had any other information and Mayor Becker stated not at this time. Colin Kathol asked if the lot needed to be contiguous to same type of commercial and Councilman Christensen verified it did. Casey Rossiter with Hartelco stated Hartelco was looking to put a warehouse on the lot to store items and vehicles. He assured council they will not leave items outside and create an eyesore. He stated they may have to move dirt, but are in the early development phases. Hartelco does not currently own the lot, but would like to purchase and develop on it. No one else appeared with comments and Mayor Becker closed the public hearing at 5:04 P.M.

Mayor Becker opened the public hearing for Hartington Community Development review of Hartington Community Development final plat at 5:04 P.M. No one appeared with comments and Mayor Becker closed the public hearing at 5:05 P.M.

Mayor Becker opened the public hearing for Hartington Community Development zoning change request at 5:05 P.M. No one appeared with comments and Mayor Becker closed the public hearing at 5:06 P.M.

Mayor Becker opened the public hearing for Hurtington Petroleum, LLC dba NP Mart 24 Class D Liquor License Application at 5:06 P.M. Councilman Christensen asked if there was a typo in the name and Clerk Bencoter stated there was not and that was how the name is spelled on the application. Mayor Becker clarified this was for the current Stop N Go and the people purchasing it have lots of locations elsewhere. Rob Dump asked if this was the same current liquor license that Stop N Go held and Mayor Becker stated it was and the people purchasing it were doing the same as is there now. No one else appeared with comments and Mayor Becker closed the public hearing at 5:08 P.M.

Mayor Becker called the meeting to order at 5:08 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 March 25th, 2024 meeting and March, 2024 Treasurer's report was made by Councilman Kathol and seconded by Councilman Christensen. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol introduced Resolution 20240408 – Approve Final Plat for Lot 4, Block 27, First Addition to the City of Hartington, Cedar County, Nebraska. A motion to approve Resolution 20240408 was made by Councilman Bartling and seconded by Councilman Christensen. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

The March, 2024 Cedar County Sheriff's Report was distributed by Deputy Zimmer. There were 347 ½ hours patrolled. School traffic was 3 ¼ hours. Calls of service were 4 Other Agency Assists, 4 Disturbances, 1 Accident, 1 Welfare Check, 1 EPC, and 1 Theft. Traffic stops were 0 Verbal Warning, 0 Written Warning, and 2 citations. 0 Arrests were made.

Councilman Kathol introduced Ordinance 895 – Zoning Changes for Lot 4, Block 27, First Addition to the City of Hartington, Cedar County, Nebraska from R-2 to C-1. A motion to dispense the 3 readings of Ordinance 895 – Zoning Changes for Lot 4, Block 27, First Addition to the City of Hartington, Cedar County, Nebraska from R-1 to C-1 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried. A motion to adopt Ordinance 895 – Zoning Changes for Lot 4, Block 27, First Addition to the City of Hartington, Cedar County, Nebraska from R-1 to C-1 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol introduced Resolution 20240408A – Approve Final Plat for Hartington Community Development Park. A motion to approve Resolution 20240408A was made by Councilman

Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol introduced Ordinance 896 – Zoning Changes for Hartington Community Development Park from A-1 to I-2. A motion to dispense the 3 readings of Ordinance 896 – Zoning Changes for Hartington Community Development Park from A-1 to I-2 was made by Councilman Christensen and seconded by Councilman Bartling. A motion to adopt Ordinance 896 – Zoning Changes for Hartington Community Development Park from A-1 to I-2 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Mayor Becker introduced the Hurtington Petroleum, LLC dba NP Mart 24 Class D Liquor License Application. A motion to approve the Class D Liquor License for Hurtington Petroleum, LLC dba NP Mart 24 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Mayor Becker introduced the Fly By Night Fireworks LLC permit to sell fireworks at retail. Eric Sanders with Fly By Night Fireworks LLC was present. He stated everything would be the same except they would be moving across the driveway to the South side. A motion to approve the Fly By Night Fireworks LLC permit to sell fireworks at retail was made by Councilman Bartling and seconded by Councilman Kathol. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Mayor Becker introduced a building permit for Tim Leise to build a detached garage at 56315 Circle Drive, and a building permit for Verizon Wireless for antenna modifications at 774 Tower Road. A motion to adopt the building permits for Tim Leise and Verizon Wireless was made by Councilman Bartling and seconded by Councilman Kathol. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Mayor Becker introduced the Holy Trinity Conditional Use Permit. He explained this was for the ability to conduct a daycare at the premises. A motion to approve the Holy Trinity Conditional Use Permit was made by Councilman Kathol and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Mayor Becker introduced and signed the Arbor Day Proclamation which declared April 25, 2024 as Arbor Day in the City of Hartington.

Councilman Kathol introduced Resolution 20240408B – Establishing Permit Fee Rates for Replat and Rezone Requests. A motion to approve Resolution 20240408B was made by Councilman Bartling and seconded by Councilman Christensen. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol introduced Resolution 20240408C – Bank of Hartington Loan for Garbage Truck. A motion to approve Resolution 20240408C allowing the loan from the Bank of Hartington for \$238,437.00, for 5 years at 5.5% interest rate to purchase the second half of the garbage truck and combine with the previous loan for the first half was made by Councilman Bartling and seconded by Councilman Christensen. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol introduced Ordinance 897 – Revising the Posted Speed Limits on Highway N-84. Mayor Becker stated the City has been working with the Nebraska DOT to try and lower the speed limit coming into town down to 35 and 45 mph zone areas. The Nebraska DOT currently granted changing the zones to 55 and 45. The Nebraska DOT stated a drastic drop in speed like that can actually increase accidents. The Nebraska DOT has requested to lower the speed limits to what they propose and then purchase a speed sign radar and have more police presence to get traffic to slow down. After about 6 months, they recommend to do another traffic study to see if the flow of traffic decreases naturally. Mayor Becker stated the idea is to slow traffic down and put access to the new Hartington Community Development Industrial Park without a turning lane. A motion to dispense the 3 readings of Ordinance 897 – Revising the Posted Speed Limits on Highway N-84 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried. A motion to adopt Ordinance 897 – Revising the Posted Speed Limits on Highway N-84 was made by Councilman Christensen and seconded by Councilman Bartling. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Councilman Kathol discussed with Council a used Gator that Grossenburg has that is in very good shape. He stated one of the Gators the City currently owns is in rough shape and this newer Gator at Grossenburg was in very good shape and only had 80 hours on it. He stated the newer Gator would also fit the watering tank for flowers. He stated it was on sale at Grossenburg for \$9,500. A motion to purchase the used Gator at Grossenburg for \$9,500 was made by Councilman Bartling and seconded by Councilman Christensen. Bartling – yes, Christensen – yes, Kathol – yes. Motion carried.

Department Reports:

Park – Councilman Kathol: Softball has requested use of the SW soccer field at the Complex to be used for Softball. He stated he believed Councilman Sudbeck purchased bases and they would discuss with Gary Kuehn on mowing shorter for the infield. Councilman Kathol asked Mayor Becker when Gary Kuehn would start as Parks Manager and Mayor Becker stated he already has and has been working on the ball field.

Pool –Councilman Bartling: nothing

Complex/Auditorium – Councilman Sudbeck: absent.

Fire/Ambulance– Councilman Christensen: nothing.

General – Mayor Becker: He is continuing to work with the NRD Board on the Hartington water project that has been proposed to them. He stated they did find out from the Nebraska Department of Environment and Energy that the 7 million dollars in ARPA funds that the NRD was looking at using can be used on the Hartington project so that puts Hartington back in the game. He stated they have not made a commitment on their water source and Mayor Becker will attend the Advisory Board meeting on Thursday. He stated he spoke with Ken Bloomquist from the Coleridge Wausa project and they are doing a similar project to what Hartington is proposing and have been doing it for 40 years. He has stated that it makes more sense and is cheaper.

Legal Counsel Nikki Brandt: none

Clerk Benscoter: none

Deputy Clerk Schulte: none

Public Comments: Rob Dump asked why Holy Trinity needs a conditional permit use. Legal Counsel Nikki Brandt explained that there was a recent change to the zoning ordinance that allowed for daycare in some districts as a conditional use and so the Holy Trinity needs approval for daycare in their zoning district. Corey Stratman asked if Hartington gets the water project through, what expansion does Hartington have to do. Councilman Christensen stated that Council hopes it does go through and currently we would not have to do anything as we have plenty of water with the 4 wells we currently have, but if we need to in the future, we can open more wells. This could be a great deal for the city and potentially collect 1/3 of our budget in just revenue costs. Mayor Becker stated this would be a big benefit and believes the funds should stay in Nebraska instead of going out of state to South Dakota.

The following bills were presented for payments:

General:	BOKF, NA 11,7765.00, Cedar County Register of Deeds 10.00, EMC Insurance Companies 8,835.54, FP Finance Program 115.98, Hartelco 405.42, Kennedy, Pier, Loftus \$ Reynolds, LLP 1,193.00, NE Nebraska News Company 400.90.
Streets:	Blue Cross Blue Shield of Nebraska 4,944.78, Bank of Hartington 266.66, Bomgaars 286.16, Colonial Life 27.22, D & J Variety 134.99, EMC Insurance Companies 1,347.54, Farmers Union Coop Gas & Oil 681.88, Franklin Templeton Investor Services, LLC 920.01, Grossenburg Implement 771.50, Hartington Auto & Truck Parts, Inc. 180.35, Leise Concrete 30,509.50, Usable Life 14.50.
Water:	Bomgaars 21.38, Burnell’s Foodtown 6.99, EMC Insurance Companies 1,010.65, Municipal Supply, Inc. 15,913.60, One Call Concepts, Inc. 5.58, Peitz Service 65.62.
Sewer:	Bomgaars 41.99, EMC Insurance Companies 1,454.73, Grossenburg Implement 58.28, Hartelco 66.60, Hartington Auto & Truck Parts, Inc. 362.52, One Call Concepts, Inc. 5.58.
Sanitation:	Blue Cross Blue Sheild of Nebraska 1,466.92, Bank of Hartington 83.33, Colonial Life 129.66, EMC Insurance Companies 1,240.34, Franklin Templeton Investor Services LLC 404.30, Hartington Auto & Truck Parts, Inc. 15.60, Pomp’s Tire Service Inc. 85.82, Peitz Service 132.96, Usable Life 14.50.
Fire:	Bomgaars 188.91, Carhart Lumber Co. 4.47, Dearborn National Life Insurance Co. 123.68, EMC Insurance Companies 535.95, Dixie Fischer 150.00, Grossenburg Implement 190.26, Hartelco 45.89, Leise Lawn Care 85.00, Pomp’s Tire Service, Inc. 22.58, Peitz Service 442.03, Rural Fire Board 6,703.75.

Police: Cedar County Sheriff 13,667.86.

Ambulance: Burnell's Foodtown 76.22, D & J Variety 103.44, EMC Insurance Companies 352.20, Farmers Union Coop Gas & Oil 154.68, Hartelco 45.89.

Cemetery: Cedar Knox Rural Water 55.65

Parks: Bomgaars 76.76, Grossenburg Implement 40.63, Hartington Tree 8,400.00, Pomp's Tire Service, Inc. 2.76, X-Pert Lawn and Landscaping 200.00, Zimco Supply Company 346.00.

Complex: Carhart Lumber co. 7,086.11, Hartelco 44.39, Mid States Audio, Inc. 17,998.01, Plumbing & Electric 257.10, Randy Kathol Construction 8,044.00.

Library: Blue Cross Blue Sheild of Nebraska 6,290.67, Bank of Hartington 333.34, D & J Variety 55.92, Franklin Templeton Investor Services, LLC 387.32, Hartelco 161.13, Kruse True Value 12.99, Usable Life 29.00.

City Hall: Blue Cross Blue Shield of Nebraska 2,215.51, Bank of Hartington 166.67, B. Benscoter 624.98, Colonial Life 70.09, D & J Variety 42.70, Dixie Fischer 100.00, Franklin Templeton Investor Services, LLC 321.80, Hometown Leasing 62.05, Kruse True Value 18.78, Premier Lawn & Landscaping 240.00, Usable Life 14.50

Auditorium: Appeara 75.46, Kruse True Value 13.77, X-Pert Lawn and Landscaping 157.50.

Economic Development: Cedar County Register of Deeds 52.00, Franklin Templeton Investor Services, LLC 270.34, Hartelco 52.03, Hometown Leasing 31.02, NEDA 200.00, Usable Life 14.50.

Transfer Station: Bomgaars 92.21, Carhart Lumber Co. 58.90, Cedar County Treasurer 10.00, EMC Insurance Companies 535.95, Hartelco 46.98, Jerry's Service 552.21, Peitz Service 55,012.10.

Vets Memorial: X-Pert Lawn and Landscaping 112.50

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

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

The meeting was adjourned at 5:47 PM. The next scheduled meeting is April 22nd, 2024.

Respectfully Submitted,

Brittini Benscoter
City Clerk-Treasurer