

The Hartington City Council met for their regular meeting on May 13th, 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 Christensen, Kathol, and Sudbeck; City Clerk-Treasurer Benschoter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt. Councilman Bartling was absent.

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 meetings law poster was on the back wall of the council room and reminded all present to silence their cell phones.

Mayor Becker presented the ACE Volunteering Check to Pleasant Dale 4-H Club for \$250 for their cleanup of Felber Park and East Park on April 14th.

A motion to approve the minutes from the April 22nd, 2024 meeting and April, 2024 Treasurer's report was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker presented the building permit for Benchmark Holdings LLC. Clerk Benschoter explained this was for the new dentist office being built on the North side of the road in front of Cobblestone Hotel. A motion to approve the building permit for Benchmark Holding LLC was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker presented the sign permit for The Spectacle Shop at 202 S. Robinson Ave. A motion to approve the sign permit for The Spectacle Shop was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker explained to council that Clerk Benschoter and City Utility Superintendent Kramer recently brought to his attention that there has been an error with the coding for commercial sewer rates. Clerk Benschoter explained that commercial sewer rates are to be reevaluated annually to determine their sewer rate based off of the water usage used during the previous winter months, October 1 through March 31. While looking into this year's annual evaluation, Clerk Benschoter noticed that roughly 100 business sewer accounts were coded as residential and therefore have never been evaluated for their commercial sewer usage based off of the formula in Resolution No. 20220411. She stated very rough estimates show a loss in funds to the City each month. The Council discussed the current formula noted in Resolution 20220411 which is 87% of the winter usage or the minimum of \$25.75, whichever is greater. Councilman Christensen asked Clerk Benschoter the financial effect on businesses and she stated rough estimates show a difference in \$5-\$10 for most businesses that would be affected. Some businesses that do not use much water, will see no difference. Mayor Becker suggested that we move forward with correcting the coding error. A motion to correct the coding error and assess all commercial and industrial sewer accounts per Resolution 20220411 correctly was made by Councilman Christensen and seconded by Councilman Kathol. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker stated City Utility Superintendent Kramer was requesting no parking for two different locations; east side of Summit Street from County Road 882, 2 blocks North to Park Street, and a portion of the 400 block of South Madison Avenue. City Utility Superintendent Kramer stated he has been approached by those that live on Summit Street regarding issues with parking along the wrestling building and he does not disagree with them. He stated on South Madison Avenue, when school is in session and there is parking happening on both sides of the street, it is difficult for the garbage truck to get through and a hazard with anyone trying to turn onto South Madison Avenue if there is a car coming. Councilman Kathol did not think by the wrestling building that it needed to go as far down to Bow Street, but maybe a half block at most; could put a No Parking Between Signs sign up. City Utility Superintendent Kramer stated he believed South Madison Avenue to be more of a concern for safety and the garbage truck right now. He believed it only needed no parking on the East side of the street from the intersection at the school to about ½ down the block to the first driveway. A motion to approve a no parking area on the 400 block of South Madison Avenue from Park Street about 200 ft to the North on South Madison Avenue was made by Councilman Christensen and seconded by Councilman Kathol. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried. A motion to table the no parking for Summit Street was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced the discussion of Zoning and City Council Public Hearing Notices and asked Clerk Benschoter to elaborate. Clerk Benschoter stated that currently if someone has a rezone and/or replat that is brought to Planning & Zoning, our current zoning ordinances and State law requires a Public Hearing Notice to be published 10 days before the Planning & Zoning meeting and then another Public

Hearing Notice to be published 10 days before the next City Council meeting. Due to the paper only publishing once per week, this delays the process and can make the process take 2-3 months. In an effort to streamline, other cities allow the Public Hearing Notice to list both the Planning & Zoning and following City Council meeting on one notice as not to have such a delay between the two. The Planning and Zoning Board and those that have had to go through the process have asked Clerk Bencoter to discuss this possibility with City Council. Mayor Becker stated he would be in favor of streamlining this process if we are legally able to do this or make the changes to be able to do this. Council members present agreed with this. Legal Counsel Brandt stated she would look into this. A motion to table the issue for legal to look into it was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Clerk Bencoter discussed adding credit card and online payments through Allpaid. Clerk Bencoter stated that herself and Economic Development Director Becker reviewed and met with multiple companies and they believe Allpaid is the best fit for the City. It was recommended by the Cedar County Sheriff's office as it is their source for credit card and online payments and Clerk Bencoter checked with other cities that use it and they really like Allpaid. There is no cost to the City as Allpaid receives their payment through the fees assessed to the customer. There is a 2.95% or minimum of \$1.00 fee assessed to the customer for each payment. This would be able to be used for almost all payments the City receives and there is the use of a QR code to be able to possibly take payments at the pool and Transfer Station without machinery or personnel having to do anything to collect the payment. This is an optional payment method that nobody is required to use and we will still take cash and check, but is just another option to our customers to be able to use for payment if they choose. Clerk Bencoter stated City Hall receives many inquiries for credit card payments daily. A motion to approve Allpaid services was made by Councilman Kathol and seconded by Councilman Christensen. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced speed light pole quotes for on Hwy 84 to try and get traffic to slow down. He stated he has also been approached about putting one up on Hwy 57 coming into town on the North side. Clerk Bencoter explained the Nebraska Department of Transportation (NDOT) requires the purchase of one on an approved list by the NDOT and it has to meet certain requirements depending on the posted speed limit for the area. She stated she has followed up with them and they require them to install the pole and the City must complete a permit application all of which is no cost to the City. She stated some of the 4 quotes provided are based off of recommendations from other cities and are all on the approved list. A motion to approve the Radarsign TC-1100 for \$4,318.00 was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker presented the resignation of Tim Burbach from the Planning & Zoning Committee. He stated Tim Burbach has been on a long time and thank him for his service. A motion to approve the resignation of Tim Burbach from the Planning & Zoning Committee was made by Councilman Christensen and seconded by Councilman Kathol. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker stated with the resignation of Tim Burbach from Planning and Zoning, there is a vacancy on the committee and Bill Yates has approached the City with interest of filling that position. A motion to appoint Bill Yates to the Planning & Zoning Committee was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

The Interlocal Agreement for Use of School Buses was introduced by Mayor Becker. He explained this was for the use of the public-school buses for Swim team, Baseball, and Softball during the summer. A motion to approve the Interlocal Agreement for Use of School Buses was made by Councilman Christensen and seconded by Councilman Kathol. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Department Reports:

Park – Councilman Kathol: The Park Board did a walk through and found just small maintenance things to fix. The bigger project is the Pickelball court and determining how to fix the sunken concrete. The Shelter House is in need of new siding and will look at it on next year's budget.

Pool –Councilman Bartling: absent

Complex/Auditorium – Councilman Sudbeck: The new bathhouse at the Complex is 99% completed as the serving window is still needed. It is fully equipped and coming in under budget. X-Pert Lawn & Landscaping seeded it today. Track season is over this week. The new speaker system will get installed over the summer and the old tan shed will get moved over to its new location at the Complex. The Auditorium will be closed for the summer in a couple of weeks and will be repainted.

Fire/Ambulance– Councilman Christensen: nothing.

General – Mayor Becker: The sidewalk over by South Summit area that goes over storm sewer is bad and we are looking at patching with steel overtop or replace sidewalk, but have to look at the integrity of the storm sewer walls first. City Utility Superintendent Kramer will get pictures and have for next meeting.

Legal Counsel Nikki Brandt: none

Clerk Bencoter: With the May Cedar County Sherriff's payment, the City will have used up all of the ARPA money granted to it. Cedar County Sheriff's payments will now come out of the General account moving forward.

Deputy Clerk Schulte: none

Public Comments: Rob Dump stated he will get with Clerk Bencoter the following day to clarify some things.

The following bills were presented for payments:

General: BOKF, NA 1,451.25, Cedar County Register of Deeds 48.00, G. Dickes 180.00, FP Finance Program 115.98, Hartelco 324.46, Kruse True Value 9.99, Kenned, Pier, Loftus & Reynolds LLP 500.00, League of Nebraska Municipalities 395.00, Northeast Nebraska News Company 1,216.61, SHIFTR 30.60, B. Vandermark 388.17.

Streets: Air Pro Heating and Cooling 265.00, Blue Cross Blue Shield of Nebraska 2,260.90, Bank of Hartington 266.66, Barco Municipal Products Inc. 234.34, Bomgaars 195.36, Colonial Life 40.83, Farmers Union Coop Gas & Oil 881.92, Franklin Templeton Investor Services LLC 1,393.51, Grossenburg Implement 692.21, Hartelco Computers 187.50, Hartington Auto & Truck Parts, Inc. 1,035.98, Kruse True Value 56.83. Nebraska Public Power District 3,268.24, Sherwin-Williams 74.89, U.S. Cellular 154.64, Usable Life 14.50.

Water: Bomgaars 4.99, Burnell's Foodtown 34.95, D. Carnahan 35.74, Cedar-Knox Public Power District 1,107.45, Christensen Well & Irrigation 187.45, Hartington Shopper 84.60, Nebraska Public Health Environment Lab 112.00, Nebraska Public Power District 363.55, One Call Concepts, Inc. 14.93, Peitz Service 107.48, J. Hish Revocable Trust 25.00.

Sewer: Bomgaars 39.96, Farmers Union Coop Gas & Oil 26.30, Hartelco 66.60, Hartington Shopper 84.60, JEO 105.00, Midwest Laboratories, Inc., 412.57, Nebraska Public Power District 2,785.34, One Call Concepts, Inc. 14.93, USA Blue Book 620.00.

Sanitation: Blue Cross Blue Sheild of Nebraska 1,466.92, Bank of Hartington 83.33, Colonial Life 194.49, D. Carnahan 70.00, Franklin Templeton Investor Services LLC 621.75, Hartington Shopper 84.60, N. Koch 50.42, L.P. Gill, Inc. 8,065.01, R. Van Lieshout 63.82, M. Miller 53.42, Stop N Go 618.11, U.S. Cellular 82.84, Usable Life 14.50.

Fire: Dearborn National Life Insurance Company 123.68, Danko Emergency Equipment Company 14.62, Farmers Union Coop Gas & Oil 21.64, Foremost Promotions 320.00, Hartelco 46.05, Keith's Package Liquor 159.09, Leise Lawn Care 105.00, Nebraska Public Power District 119.12, Pomp's Tire Service 260.90, Peitz Service 627.07.

Police: Cedar County Sheriff 13,667.86.

Ambulance: Avera Medical Group 186.37, Avera Sacred Heart Clinic 176.50, Burnell's Foodtown 18.14, Hartelco 46.05, K. Fischer 720.25, Leise Lawn Care 105.00, Nebraska Public Power District 87.53, U.S. Cellular 139.52.

Cemetery: Cedar Knox Rural Water 55.65, Maverick Heine 950.00, Toby Heine 950.00.

Recreation: Nebraska Public Power District 63.16.

Pool: Kruse True Value 6.49, Nebraska Public Power District 47.37, Recreonics Corporation 1,225.29.

Parks: Blazer Protective Products 60.00, Bomgaars 448.76, Central Valley Ag 220.70, Robert Heimes Dirt Man 220.00, Farmers Union Coop Gas & Oil 146.61, Grossenburg Implement 306.89, Hartington Auto & Truck Parts, Inc. 17.95, Kruse True Value 86.25, Leise Concrete 1,520.00, Mahaska 700.00, Nebraska Public Power District 287.58, Pomp's Tire Service, Inc. 12.72.

Complex: Bomgaars 47.66, Carhart Lumber Company 2,906.15, Christensen Well & Irrigation 2,559.20, C. Stappert 56.89, Creamer Auction Co LLC 738.10, Farmers Union Coop Gas & Oil 32.70, Hartelco 44.39, Jon Arens Construction 1,218.00, Kruse True Value 96.82, Mahaska 600.00, Nebraska Public Power District 77.37, Plumbing & Electric 5,154.44, Randy Kathol Construction 5,516.48.

Library: Blue Cross Blue Sheild of Nebraska 6,290.67, Bank of Hartington 333.34, Burnell's Foodtown 22.22, Franklin Templeton Investor Services LLC 585.48, Hartelco 161.13, Nebraska Public Power District 171.33, Tri-State Turf & Irrigation LLC 22.05, Usable Life 29.00.

City Hall: Blue Cross Blue Shield of Nebraska 2,215.51, Bank of Hartington 166.67, Bomgaars 69.99, Burnell's Foodtown 11.25, Colonial Life 210.27, Dixie Fischer 100.00, Franklin Templeton Investor Services 669.52, Hometown Leasing 62.05, Kruse True Value 7.99, Nebraska Public Power District 227.81, Usable Life 14.50.

Auditorium: Appeara 75.46, DNS Security 120.00, Nebraska Public Power District 80.16.

Economic Development: Franklin Templeton Investor Services LLC 405.20, Hartelco 55.08, Hometown Leasing 31.02, Usable Life 14.50.

Transfer Station: Cedar Knox Public Power District 174.23, Gill Hauling Inc. 1,438.01, Hartelco 46.98, Jerry's Service 725.63, Olson's Pest Technicians 80.00

Vets Memorial: Nebraska Public Power District 53.23.

Clerk Bencotter stated she needed to add check # 64364 to the Cedar County Sheriff for \$10.00 and we have a conflict-of-interest check for Councilman Christensen for Christensen Well & Irrigation; check # 64312 for \$2,746.65.

A motion to pay the bills, including check #64364 to the Cedar County Sheriff and excluding check #64312 to Christensen Well & Irrigation was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

A motion to pay check # 64312 to Christensen Well & Irrigation for \$2,746.65 was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Christensen – abstained, 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. Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

The meeting was adjourned at 5:53 PM. The next scheduled meeting is May 28th, 2024.

After adjournment, the April, 2024 Sheriff's report was presented to Council by Deputy Thoene. There were 344 ¼ hours patrolled. School traffic was 2 ½ hours. Calls of service were, 2 Probation Violations, 1 Accident, 2 Criminal Mischiefs, 1 Theft. Traffic stops were 2 Verbal Warning, 0 Written Warning, and 0 citations. 0 Arrests were made.

Respectfully Submitted,

Brittini Bencotter
City Clerk-Treasurer