

The Hartington City Council met for their regular meeting on May 28th, 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 Sudbeck, Kathol, Christensen, and Bartling; City Clerk-Treasurer Benscoter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt.

Mayor Becker opened the public hearing for Daniel Heimes of Heimes Trucking LLC Review of Final Plat at 5:00 P.M. The public was asked if there were any comments or questions and there was no response. Mayor Becker closed the public hearing at 5:01 P.M.

Mayor Becker opened the public hearing for Nick Haselhorst of Haze Homes LLC zoning change request at 5:01 P.M. Mayor Becker asked Nick Haselhorst to explain to Council his plans. Nick Haselhorst stated he wanted to improve the property to the best availability as it is a hard place to build with the flood plain area. He stated there has been a precedent placed with sheds in that area and he would like to make a home for his business and a place to rent shops. He stated he has no intentions to have anything in the open. Mayor Becker asked if there were any other comments or questions and since there was no reply, he closed the public hearing at 5:03 P.M.

Mayor Becker called the meeting to order at 5:03 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 May 13th, 2024 meeting was made by Councilman Christensen and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – abstained, Christensen – yes, Kathol – yes, Sudbeck- yes. Motion carried.

Mayor Becker introduced Andy Forney with DA Davidson to speak regarding the Underwriter Engagement Letter. Andy Forney stated the Underwriter Engagement Letter has to be done with all bond work that DA Davidson is involved in to disclose any conflict of interests which he stated they do not have with the City of Hartington. He explained it is a non-binding contract and the City of Hartington can terminate their services at any time. A motion to approve the signing of the Underwriter Engagement Letter 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.

Andy Forney with DA Davidson explained Ordinance 898 – the Issuance of General Obligation Building Bonds of the City of Hartington. He stated the parameters of the Ordinance and asked to approve in it's form, bonds not to exceed 1.3 million and interest not to exceed 5.5% with a 20 year bond. After approved, Council will have decisions to determine on how quickly to sell bonds, depending on how long it will take to get bids in. He stated they can sell all 1.3 and if there is an excess it can be used to apply to the bond to lower the amount. If the City of Hartington is close to getting bids, they can then wait to sell as many bonds as is needed and DA Davidson can wait 30-45 days to deliver funds after selling of the bonds. Mayor Becker stated they are still trying to get information on engineering to get information needed to get bids as the plans are the same for a building the City of Hartington already has. He expected within the next 30-60 days they would have bids. Andy Forney stated if they were that close, then they may want to wait to sell the bonds. Councilman Sudbeck introduced Ordinance 899 – the Issuance of General Obligation Building Bonds of the City of Hartington. A motion to dispense the 3 readings 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. A motion to adopt Ordinance 899 – the Issuance of General Obligation Building Bonds of the City of Hartington 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.

Councilman Sudbeck introduced Resolution 20240528 – Final Plat of Lot A, Block 13, Original Town of Hartington, Cedar County, Nebraska. A motion to approve Resolution 20240528 – Final Plat of Lot A, Block 13, Original Town of Hartington, Cedar County, Nebraska 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.

Councilman Sudbeck introduced Ordinance 899 – zoning changes for Lots 16-18, Block 20, Original Town of Hartington, Cedar County, Nebraska. A motion to suspend the 3 readings 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. A motion to adopt Ordinance 899 – Zoning changes for Lots 16-18, Block 20, Original Town of Hartington, Cedar County, Nebraska 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.

Mayor Becker introduced the street closure proposal by the Chamber of Commerce. Clerk Bencoter spoke on behalf of the Chamber of Commerce and stated for Hartington Dayz, the Chamber of Commerce is requesting closure of Broadway from Hwy 84 (Franklin Street) to Elm Street and a portion of E State Street to the alley. She stated there are more events this year which require more room. She stated the event will be on August 3rd, 2024. A motion to approve the street closure for Hartington Dayz on August 3rd, 2024 on Broadway from Hwy 84 (Franklin Street) to Elm Street and a portion of E State Street to the alley 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.

Mayor Becker asked Clerk Bencoter to explain to the Council the sewer rate issue with multiple family residential units. Clerk Bencoter explained that while correcting the Commercial coding errors, it was discovered that Multiple Family Residential residences were all being calculated differently. She stated a multiple family residential is an apartment complex that has more than one unit within it. She stated she identified currently 7 units and all but one of the units, the utility bills were being paid all by the landlord and how they figured that with their tenants she did not know. One unit has each tenant responsible for their utility bill. She stated some of the units have been having their sewer rate calculated at the commercial business rate that was discussed last meeting and some have been coded as residential, paying one residential rate of \$25.75 for all units. Resolution 20220411 states that multiple family residential residences are to be charged a sewer rate of \$25.75 per unit which currently only one apartment complex was doing this. She stated currently one unit of 8 pays \$59.48 per month of sewer based off of the commercial calculations and if it is changed to align with the resolution, their sewer charge will go up to \$206 per month to accommodate the \$25.75 per unit sewer charge. Mayor Becker asked if each of the units have separate meters. Clerk Bencoter stated there is only one account and meter read for the units where the landlord pays so she assumed there was only one meter and Utility Superintendent Kramer agreed. Councilman Kathol stated the landlord would have to pass that extra cost onto the tenant. Councilman Christensen stated we need to correct the errors and apply the current resolution that we have charging the \$25.75 per unit. Mayor Becker stated we need consistency. A motion to correct the billing for multiple family residential units, and apply billing to our current Resolution 20220411 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.

Mayor Becker had Utility Superintendent Kramer discuss with Council the sale of the old garbage truck. Utility Superintendent Kramer stated the city of Wynot has interest in purchasing the garbage truck for \$25,000, but he is waiting to hear back yet from Wynot and did not have an answer yet. Mayor Becker suggested we table the item since we have no definite purchase price to vote on. A motion to table the item of the sale of the garbage truck 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.

Department Reports:

Park – Councilman Kathol: The police car is set on a new pad as the old pad was too small. The pickleball courts are ready to go and batting cage structures are getting set up.

Pool –Councilman Bartling: The pool is open for the summer.

Complex/Auditorium – Councilman Sudbeck: Signs on the new complex concession building will be going up soon and he is working with Mid States to get the PA speaker system in before football season. The Auditorium will close it's doors for the summer on June 1st and they will work on painting and fixing things this summer that were broken.

Fire/Ambulance– Councilman Christensen: none.

General – Mayor Becker: They are deciding on where to put the shop and looking at preliminary work on a City event center. Economic Development Director Becker has ideas for grant money for engineering and planning. He would like to have a planning/focus group formed to exchange ideas and have those who have experience with venues to take part. He would like to start those meetings within the next month.

Legal Counsel Nikki Brandt: She reviewed the issue presented last council meeting on being able to put Planning and Zoning and City Council Public Hearing notices on the same notice. She stated she advises the notices still go on separate notices as not to cause confusion in case one gets cancelled, but stated they can be published at the same time as to avoid the wait in-between.

Clerk Bencoter: The Nebraska Department of Natural Resources reached out to Clerk Bencoter to oversee that we are in compliance with the Nation Flood Insurance Program (NFIP) policies. He conducted a meeting with Clerk Bencoter as she is the Floodplain Administrator for the area and informed her that it is a requirement that a person who wishes to build in the flood plain must completed a

separate flood plain building permit and adhere to the polices in our floodplain ordinance that has been established. Failure to do so, could result in suspension or cancellation of our NFIP. She stated currently they are working on a new floodplain map for our area and while the area will decrease, the maps are not enforceable yet and we must follow the current floodplain map. They anticipate the new maps to be out maybe in 2026. Our Hazard Mitigation Plan is also due in the year 2025 and she has been working with Lower Elkhorn NRD to update the City of Hartington's Hazard Mitigation Plan.

Councilman Kathol asked about the mowing at the Nordby Addition as he has received complaints. She stated the City is not responsible for the mowing there, but she does know the owner has reached out to Economic Development Director Becker and they stated they want to be good neighbors and asked for a list of people to be able to mow in the area and she provided that.

Deputy Clerk Schulte: none.

Public Comments: Rob Dump asked if both properties with the public hearing were by the sewer plant and Mayor Becker stated they were.

The following bills were presented for payments:

General: CRA Community Redevelopment 863.77, EMC Insurance Companies 8,418.34, Kennedy, Pier, Loftus & Reynolds, LLP 500.00, Security Shredding Services 80.00.

Streets: Bank of Hartington 2,353.56, Black Hills Energy 485.85, Bomgaars 437.52, EMC Insurance Companies 1,283.91, X-Pert Lawn and Landscaping 260.00.

Water: Bomgaars 232.49, EMC Insurance Companies 962.93, E. Folkers 76.79, V. & M. Garcia 21.50, Hawkins, Inc. 1,764.92, Municipal Supply, Inc. 200.83, Nebraska Department of Environment and Energy 12,975.06, Nebraska Public Health Environment Lab 135.00.

Sewer: Black Hills Energy 118.75, EMC Insurance Companies 1,386.04, Nebraska Department of Environment and Energy 28,475.64, R & B Tiling & Construction 150.00.

Sanitation: EMC Insurance Companies 1,181.78, E. Folkers 70.00, V. & M. Garcia 70.00.

Fire: Black Hills Energy 48.01, Dearborn National Life Insurance Co. 123.68, Danko Emergency Equipment Co. 7,563.22, EMC Insurance Companies 510.64, State Fire Marshall 150.00, Yankton Janitorial Supply, Inc. 213.50.

Ambulance: Avera Sacred Heart Hospital 176.50, Black Hills Energy 48.01, EMC Insurance Companies 335.57, K. Fischer 901.15.

Pool: Black Hills Energy 40.30, Hawkins, Inc. 3,557.88.

Parks: Bomgaars 1,056.80, Hartington Tree 2,457.00, Kathol Turf 2,859.50, R. Sudbeck 200.00, Yankton Janitorial Supply, Inc. 196.30.

Complex: Bomgaars 97.33, Drahotka Landscape Design 1,680.80, R. Sudbeck 888.70, X-Pert Lawn and Landscaping 1,262.50.

Library: Black Hills Energy 159.13, Collaborative Summer Library Program 212.18, Demco 217.24, Eakes Office Solutions 141.96, Great Plains Zoo 350.00, Hartington Community Foundation 5,333.00, Ingram 335.09, Living Here Magazine 49.00, Northeast Nebraska News Company 49.50, Omaha World Herald 386.59, X-Pert Lawn and Landscaping 330.00.

City Hall: Black Hills Energy 52.85, Eakes Office Solutions 84.95, Dixie Fischer 137.50.

Auditorium: Black Hills Energy 328.79.

Transfer Station: EMC Insurance Companies 510.64, Olson's Pest Technicians 80.00.

Economic Development: M. Becker 96.48.

April, 2024 payroll was \$71,678.27.

Clerk Bencoter added check #64400 to M. Becker for \$96.48, check #64401 to Nebraska Department of Environment and Energy for \$28,475.64, and check #64402 to Nebraska Department of Environment and Energy for \$12,975.06. Check # 64395 is a conflict check made to Councilman Sudbeck.

A motion to pay the bills including added check # 64400, 64401, and 64402; excluding check # 64395 to Councilman Sudbeck, was made by Councilman Kathol and seconded by Councilman Christensen. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck- yes. Motion carried.

A motion to pay check #64395 to Councilman Sudbeck was made by Councilman Bartling and seconded by Councilman Christensen. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck- abstained. 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, Kathol – yes, Sudbeck- yes. Motion carried.

The meeting was adjourned at 5:47 P.M. The next scheduled meeting is June 10th, 2024.

Respectfully Submitted,

Brittini Bencoter
City Clerk-Treasurer