

The Hartington City Council met for their regular meeting on June 10<sup>th</sup>, 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, Kathol, and Sudbeck; City Clerk-Treasurer Bencotter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt. Councilman Christensen was absent.

Mayor Becker opened the public hearing for Farmers Union Co-Operative Company zoning change request at 5:00 P.M. He asked Roy Carl to explain what Farmers Union Co-Operative Company was looking to do. Roy Carl stated they would like to take the house down which they own to the West of their building and down the road put up a 3 bay garage and expand. Rob Dump with Cedar County News asked if they would move the tanks and Roy Carl stated maybe down the road. There were no other questions or comments and Mayor Becker closed the public hearing at 5:02 P.M.

Mayor Becker opened the public hearing for Chris Brummels zoning change request at 5:02 P.M. Chris Brummels was not present and there were no questions or comments. Mark Becker closed the public hearing at 5:02 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 28<sup>th</sup>, 2024 meeting and May, 2024 Treasurer's report was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Councilman Sudbeck introduced Ordinance 900 – Zoning Changes for Lots 8 and 9, Block 28, Original Town of Hartington, Cedar County, Nebraska. A motion to suspend the 3 readings 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 adopt Ordinance 900 – Zoning Changes for Lots 8 and 9, Block 28, Original Town of Hartington, Cedar County, Nebraska was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Councilman Sudbeck introduced Ordinance 901 – Zoning Changes for Lots 4,5,6, and 7, Block 28, Original Town of Hartington, Cedar County, Nebraska. A motion to suspend the 3 readings 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 to adopt Ordinance 901 – Zoning Changes for Lots 4,5,6, and 7, Block 28, Original Town of Hartington, Cedar County, Nebraska was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced the Conditional Use Permit for Farmers Union Co-Operative Company. Clerk Bencotter explained that with the now approved rezone to C-2, a service station is only allowable under a conditional use and they would need a conditional use permit to operate. A motion to approve the conditional use permit for Farmers Union Co-Operative Company was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Councilman Sudbeck introduced Ordinance 902 – Zoning Changes for Lots 1,2, and 3, Block 15, Original Town of Hartington, Cedar County, Nebraska. A motion to suspend the 3 readings 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 to adopt Ordinance 902 – Zoning Changes for Lots 1,2, and 3, Block 15, Original Town of Hartington, Cedar County, Nebraska was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced the building permits for John Becker – manufactured home, Kent & Theresa Hoffart – storage shed, St. Michaels's Cemetery – cemetery directory, and Haze Homes LLC – storage shop. A motion to approve the building permits for John Becker, Kent & Theresa Hoffart, St. Michael's Cemetery, and Haze Homes LLC was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced the request from Mike and Karil Adams to close part of N. Oak in front of their home on July 3<sup>rd</sup> for a fourth of July party. A motion to approve closure of N. Oak in front of their home on July 3<sup>rd</sup> was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Council reviewed the lease termination letter received from Ethan Kramer for the rental of the unit at the old fire hall. Mayor Becker stated the City will have some space available for lease as of July 1 now.

Mayor Becker introduced the discussion for the current ordinances regarding propane tanks within city limits. He stated it has been discussed in the past, but we all need to be on the same page. He asked Clerk Bencoter to explain further as City Hall has received a request. Clerk Bencoter stated there has been a request for one within city limits and checked into it with the building inspector Leroy Hansen and with the Fire Chief Ryan Marsh. The tenants have stated to Clerk Bencoter that they may put it on their son's property which is located directly behind their home. Mayor Becker asked Councilman Bartling if the Fire Department knew where all the underground propane tanks were located and he stated there was no list, but they just knew from over time and Mayor Becker asked if could provide a list. Councilman Bartling stated if someone was going to put an above ground propane tank that he would like to see it placed on their own ground and not on ground they do not own as that could cause many issues down the road. Mayor Becker and other council members agreed and suggested if they could not meet the 25 feet from buildings and other tanks requirements as listed in the Ordinance, then they may need to try and purchase the ground they would like to put the propane tank on. Legal Counsel Nikki Brandt stated council needed to look at doing an Ordinance to specify below ground tanks. Clerk Bencoter stated she spoke with building inspector LeRoy Hansen and the Zoning ordinance states a person would also need a conditional use permit to put in a propane tank as it is an accessory structure. This would require going through Planning and Zoning first before being presented to City Council.

Mayor Becker introduced the closure of Felber Park for Hartington Days on August 3<sup>rd</sup> from 6:45 A.M.– 8:30 A.M. Clerk Bencoter explained that Wendy Wortmann would be directing the Fun Run this year again and requested the entrances be closed off to Felber Park during this time for safety of the runners. Wendy Wortmann stated she would also notify the Golf Course so they would be aware of the closure. A motion to approve the closure of Felber Park on August 3<sup>rd</sup> from 6:45 A.M – 8:30 A.M. was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker introduced the liquor license amendment – deletion from licensed area for Wildcat Properties LLC dba Big Hair Brewhaus. He explained they sold off the brewery portion to someone else. A motion was made to approve the liquor license amendment – deletion from licensed area for Wildcat Properties LLC by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker explained the Village of Wynot was interested in purchasing the old garbage truck. We requested \$25,000 and they countered with \$22,500. A motion to approve the sale details of the old garbage truck to the Village of Wynot for \$22,500 on or after July 10<sup>th</sup> was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck - yes. Motion carried.

#### Department Reports:

Park – Councilman Kathol: There were items reported damaged or vandalized at Felber Park and he will inspect those to make any needed repairs. Councilman Sudbeck stated Randy Kathol donated labor of \$250 for the pad of the new police car. Mayor Becker stated he has had lots of compliments on the baseball field. Councilman Sudbeck stated HMR Roofing donated the new flag pole.

Pool – Councilman Bartling: The State was present today inspecting the pool and we did have to close down the kiddie pool due to a gate latch that will be fixed. He was also informed by the State inspectors that we will need to put hot water in the bathrooms for next year.

Complex/Auditorium – Councilman Sudbeck: Jon Arens donated \$400 of labor off of the gutter work done. The Bank of Hartington has placed their sign on the West side on the new concession stand and the other sign on the East side should be placed next week. The inside painting of the Auditorium has been completed.

Fire/Ambulance – Councilman Christensen: absent.

General – Mayor Becker: He provided copies of the plans for the City Shop and Austin Lammers will put together a cement plan. He questioned council about getting bids from a couple of people for dirt work and they agreed. City Utility Superintendent Kramer is working on the rezone for the lot due to meeting setbacks.

Legal Counsel Nikki Brandt: She reviewed the plans for the City Shop and saw no issues at this time. She questioned council on plans for electricity and to get specifications. They will work on getting those plans.

Clerk Benscoter: The City office received calls regarding the use of the Auditorium basement on Tuesday nights from a club that currently uses the downstairs area for an hour in the evenings every week, and has for many years. They have concerns with other non-profits or paying patrons being able to use the kitchen area when they are down there. Council asked if they pay for the time they use the Auditorium basement and Clerk Benscoter stated the City has not been charging them. Council stated it is not reasonable to expect the Auditorium to be closed off to non-profits or paying patrons every Tuesday night of the year. Council stated the priority would be to the non-profit groups or paying patrons and encouraged the club to work with those groups.

Clerk Benscoter addressed there have been multiple complaints regarding the shelter house being left a mess for the next person to use and not being cleaned up before people leave. Currently there was no deposit or clean up fee to compensate for the City workers to spend extra time cleaning up the messes or the reimbursement of funds to patrons for a dirty venue. Council discussed having a cleaning deposit and agreed that there would now be a \$100 deposit due along with the \$125 shelter house rent that would be due before the rental date. The patrons will need to sign a form that explains the rules and will be refunded their deposit if the shelter house is left clean. This will begin immediately on all new rentals booked as of June 11<sup>th</sup>, 2024.

Clerk Benscoter discussed concerns the neighbors of the City Campground have addressed. They have been having issues with people driving in their yard to back up their campers and parking vehicles under their tree. She stated she spoke with City Utility Superintendent Kramer and he stated that 33 feet from the center of the road is the City's property and putting up any fence or barriers within the city's area would be troublesome during snow removal. Council asked if people were driving in the City's right of way or into the patron's actual yard and Clerk Benscoter stated she did not know how far in they were driving. Council agreed to have City Utility Superintendent Kramer meet with the patrons to discuss their options.

Deputy Clerk Schulte: none

Public Comments: none

The following bills were presented for payments:

General: Cedar County Register of Deeds 16.00, D & J Variety 111.84, FP Finance Program 115.98, Floral Designs 58.85, Hartelco 302.66, Hartington Shopper 169.80, NE Nebraska News Company 261.08.

Streets: BOKF, 54,908.75, Bank of Hartington 266.66, Barco Municipal Products Inc. 274.34, Colonial Life 27.22, Farmers Union Coop Gas & Oil 1,285.34, Franklin Templeton Investor Services, LLC 922.28, Grossenburg Implement 698.00, Hartington Auto & Truck Parts, Inc. 45.30, Heimes Trucking 4,076.62, Leise Concrete 4,925.00, Pomp's Tire Service, Inc. 200.94, Plumbing & Electric 500.00, Rose Equipment Inc. 1,166.58, U.S. Cellular 154.63, Usable Life 14.50.

Water: Burnell's Foodtown 6.99, Carhart Lumber Co. 4.47, Hartington Shopper 118.27, One Call Concepts 13.12, Peitz Service 361.20, Wiechelman's Repair Shop 15.00.

Sewer: D & J Variety 134.98, Farmers Union Coop Gas & Oil 10.00, Grossenburg Implement 67.20, HTM Sales Inc. 1,840.00, Hartelco 66.60, Hartington Shopper 118.27, JEO 1,008.75, Kruse True Value 11.99, One Call Concepts Inc. 13.12, Plumbing & Electric 8.35, Steffen Electric 90.00.

Sanitation: Bank of Hartington 83.33, Colonial Life 129.66, Franklin Investor Services LLC 417.76, Hartington Shopper 118.26, L.P. Gill Inc. 8,315.17, Peitz Service 144.10, U.S. Cellular 82.83, Usable Life 14.50, Wiechelman's Repair Shop 2,908.15.

Fire: Farmer's Union Coop Gas & Oil 20.14, Hartelco 45.97, Jerry's Service 123.60, Leise Lawn Care 162.50, Peitz Service 26.14.

Ambulance: Bound Tree Medical LLC 348.29, Burnell's Foodtown 166.81, Farmers Union Coop Gas & Oil 202.71, Hartelco 45.97, Leise Lawn Care 162.50, Northeast Community College 1,042.54, Peitz Service 410.95, U.S. Cellular 139.54.

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

Recreation: Nebraska Public Power District 63.16.

Pool: Art Kathol Appliance Inc. 4,629.66, Carhart Lumber Co 6,949.99, D & J Variety 58.73, HMR Roofing 12,000.00, Hartelco 286.77, Kruse True Value 646.36, Swimoutlet 2,197.05, W. Wortmann 212.93.

Parks: Carhart Lumber Co. 352.91, Diane's Greenhouse 956.94, Farmers Union Coop Gas & Oil 393.21, Grossenburg Implement 128.25, Jerry's Service 58.22, Yankton Janitorial Supply Inc. 377.00, Zimmerman Repair 891.07.

Complex: Carhart Lumber Co. 562.79, Central Valley Ag 88.28, Farmers Union Coop Gas & Oil 37.12, Hartelco 44.39, Kruse True Value 764.95, Plumbing & Electric 3,654.23, Wiechelman's Repair Shop 503.56, X-Pert Lawn and Landscaping 1,700.00, Yankton Winnelson Co. 833.70.

Library: Bank of Hartington 333.34, Burnell's Foodtown 50.33, D & J Variety 22.37, Franklin Templeton Investor Services LLC 366.86, Hartelco 161.13, Kruse True Value 43.96, Usable Life 29.00.

City Hall: Bank of Hartington 166.67, Burnell's Foodtown 13.99, Carhart Lumber Co. 2.58, Colonial Life 140.18, Eakes Office Solutions 122.80, Franklin Templeton Investor Services LLC 460.97, Hometown Leasing 62.05, Kruse True Value 23.99, Premier Lawn & Landscaping 290.00, Usable Life 14.50.

Auditorium: Appera 75.46.

Economic Development: Eakes 61.40, Franklin Templeton Investor Services LLC 248.38, Hartelco 52.60, Hometown Leasing 31.02, Usable Life 14.50.

Transfer Station: Folkers Brothers Garage 63.19, Gill Hauling Inc. 1,482.62, Hartelco 46.98, Jerry's Service 686.42.

The May, 2024 Sheriff's report was presented to Council by Deputy Thoene. There were 377 ½ hours patrolled. School traffic was 3 hours. Calls of service were, 1 Welfare Check, 2 EMS Assists, 1 Abuse Investigation, 2 Suspicious Person. Traffic stops were 2 Verbal Warning, 0 Written Warning, and 2 citations. 0 Arrests were made.

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

The meeting was adjourned at 5:50 PM. The next scheduled meeting is June 24<sup>th</sup>, 2024.

Respectfully Submitted,

Brittni Benscoter  
City Clerk-Treasurer