

The Hartington City Council met for their regular meeting on July 22<sup>nd</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 Sudbeck, and Kathol; City Clerk-Treasurer Benscoter, and Deputy Clerk Schulte. Councilman Bartling and Legal Counsel Nikki Brandt arrived at 5:06 P.M. Councilman Christensen was absent.

Mayor Becker opened the public hearing for City of Hartington request to replat Lot E, Block 24, Original Town of Hartington, Cedar County, Nebraska at 5:00. P.M. Mayor Becker stated this was for the new City Shop being built and the City needed to replat the area to meet the accommodations needed for the building. Rob Dump with Cedar County News asked how they planned putting the building on the lot. Mayor Becker stated it would be on the Southwest corner around 25 feet off of the property line and the doors would face west. There were no further comments and Mayor Becker closed the public hearing at 5:01 P.M.

Mayor Becker opened the public hearing for City of Hartington zoning change request at 5:01 P.M. The City requested to change the zoning on Lot E, Block 24, Original Town of Hartington, Cedar County from I-1 to C-2. He explained this was for the City Shop and a zoning change was necessary to comply with the zoning regulations. There were no further comments or questions and Mayor Becker closed the public hearing at 5:02 P.M.

Mayor Becker called the meeting to order at 5:02 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 July 8<sup>th</sup>, 2024 meeting was made by Councilman Sudbeck and seconded by Councilman Kathol. A roll call vote was taken. Kathol – yes, Sudbeck- yes, Becker – yes. Motion carried.

Baylor Bestgen with JEO presented the One and Six Year Plan to Council to review and see if there is anything they want to add, remove, or change from last year. He stated this is needed for the Highway Allocation funding for the Lane Mile the City receives. He stated for the last full fiscal year of October, 2022 through September, 2023 the City of Hartington received roughly 241,000 in Highway Allocation funds. For the current fiscal year, the City of Hartington is projected to receive roughly 245,000. The State determines these amounts based off the Lane Mile reports and the registered vehicles within the City limits. He stated the prices listed on the last fiscal year report are roughly what is still estimated as prices have stabilized. Mayor Becker stated the City is current doing project M328 (53) on the map which is W State St from Olive Avenue to 150 feet West. Council agreed at this time to keep everything the same. Baylor Bestgen stated he will provide an updated map for the next fiscal year for Council to have to approve for budget.

Mayor Becker presented the July, 2024 Sheriff's report which was dropped off to the office after adjournment of the previous meeting. There were 314 <sup>3</sup>/<sub>4</sub> hours patrolled. School traffic was 0 hours. Calls of service were, 2 Welfare Checks, 2 EMS Assists, 2 Accidents, 2 Disturbances, 1 Suspicious Activity, 3 Animal Complaints. Traffic stops were 0 Verbal Warning, 1 Written Warning, and 0 citations. 1 Arrests were made.

Mayor Becker introduced the discussion on whether it was necessary to have a Deputy from the Cedar County Sheriff's office be present to present the monthly report to Council. He stated it is difficult many times for them to be able to make the meetings and asked Legal Counsel Brandt if they had to have them there. She stated there was no Ordinance that she could find that required them to be here to present the report. Mayor Becker stated it seems to be an inefficient use of the Sheriff's office's time. Councilman Kathol stated if something came up, we could ask them to have someone present at that time. Clerk Benscoter stated Cedar County Sheriff's Office Administrative Assistant, Michelle Loecker, can email the report to Clerk Benscoter the week prior to the meeting which will give enough time to review the report and request a Deputy to present if necessary. Mayor Becker stated Sheriff Koranda was good at getting back to him if there was an issue. A motion to approve that it is no longer required for a representative from the Sheriff's office be present to distribute the report was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Mayor Becker presented the building permit request from Tom Miller for a storm shelter. There were no questions. A motion to approve the building permit for Tom Miller for a storm shelter was made by Councilman Sudbeck and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Councilman Sudbeck introduced Resolution 20240722 – Final Plat of Lot E, Block 24, Original Town of Hartington, Cedar County, Nebraska. A motion to approve Resolution 20240722 – Final Plat of Lot E, Block 24, 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.

Councilman Sudbeck introduced Ordinance 904 – Zoning Change for Lot E, Block 24, Original Town of Hartington, Cedar County, Nebraska from I-1 to C-2. A motion to suspend the 3 readings of Ordinance 904 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 approve Ordinance 904 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 Resolution 20240722A – Appointing Cedar County Attorney Ronald E. Temple as Special Prosecutor for the City of Hartington. A motion to approve Resolution 20240722A – Appointing Cedar County Attorney Ronald E. Temple as Special Prosecutor for the City of Hartington was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck – yes. Motion carried.

Councilman Sudbeck introduced Resolution 20240722B – Hartington-Newcastle Public School and Cedar Catholic High School Joint Homecoming Parade. Mayor Becker asked if they were doing both games on the same day as well. Clerk Bencoter stated they were doing a joint parade for both schools and yes, both games would be played the same day with one in the afternoon and another in the evening. A motion to approve Resolution 20240722B – Hartington -Newcastle Public School and Cedar Catholic High School Joint Homecoming Parade 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 presented the bids for repair of hail damage to City building roofs. HMR presented bids for the Shelter House, the Golf Course, and the Pool. Level Up Builders, LLC provided 2 different bids for the Golf Course; one with 4 IR shingles and one with Class 3 shingles. Councilman Kathol asked if the gutters were included in the insurance claim and Clerk Bencoter stated she was not sure and would have to look on the insurance claim report. Mayor Becker asked if the claim was closed or does it remain open and Clerk Bencoter stated she would need to ask Peg Anderson with Anderson & Anderson Insurance. Councilman Kathol asked if insurance would go down if we put 4 IR shingles on the Golf Course and would like to follow up with insurance on that. Council discussed waiting on the pool roof decision until Level Up Builders, LLC provides a bid as they have not provided one yet. A motion to approve Level Up Builders, LLC to repair the Golf Course roof with 4 IR shingles for \$33,966.00 and HMR Roofing to repair the Shelter House roof for \$17,000 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 presented the bid package that was put together so far to the City Council and Legal Counsel Brandt. He stated the package was fairly complete and asked Council to look at the package and if it looks adequate, we could probably move forward to approve the package at the next Council meeting. He stated we can also look at different types of materials if of quality and believe we should get moving forward to try and secure cement work this fall. Councilman Kathol asked if the City was going to get one bid for the entire project or separate bids for separate parts of the project. Mayor Becker stated they should get one bid from a general contractor for the project so the City only has to deal with one person and not multiple different contractors on different areas. He stated he has had multiple general contractors request to put in bids. Legal Counsel Brandt stated the bid package appeared to look complete. Mayor Becker asked Clerk Bencoter to put approval of the bid package on the Agenda for the next Council meeting.

Councilman Bartling reviewed the NPPD estimate and explained this was for the relocation of the pole that was in the way of where the new City shop will be built. The estimate was \$3,870.21 to relocate the pole. He believed this was probably where they would get the power for the City shop from as well.

#### Department Reports:

Park – Councilman Kathol: The State playoffs are currently going on at the park. Councilman Sudbeck stated he has had many compliments from people on how nice the City of Hartington is.

Pool –Councilman Bartling: none.

Complex/Auditorium – Councilman Sudbeck: The new PA system is being installed today and should be done by Wednesday night. Councilman Kathol asked if we were able to use the old one at the park and Councilman Sudbeck stated they believed it would be good. The Auditorium is ready for varnish to be completed on the floor.

Fire/Ambulance– Councilman Christensen: absent.

General – Mayor Becker: The Skylon is the hot topic and the project continues to move forward. Roger Wortman is looking to possibly move the Skylon and then lease the building to the City with a lease to own option, but nothing is positive yet as Roger Wortman is still working out some details. Mayor Becker has spoken with the Hartington Community Foundation about a 501 (c) (3) as many people have spoken about doing fundraisers to fund the Skylon project. There should be more information available next meeting.

Legal Counsel Nikki Brandt: The City has been sending out letters on junked, abandoned, and/or unlicensed vehicles within the City limits. There appears to be some that have still not complied in removing and/or registering the vehicles and the question is what can the City do next. The current Ordinance in place is not clear and there is no further action listed except a one time \$100 fine. The City would need to get the new County Attorney to enforce the violation and see if he is wanting to do that. She recommends if the City wants to move forward on actions on junked, abandoned, and/or unlicensed vehicles that they look at a new Ordinance. She stated Clerk Bencoter provided her with multiple Ordinances from other cities and villages which vary in regulations and penalties, where many have a new fine or penalty to incur every 24 hours the violation is not corrected. Councilman Kathol stated some other cities require these types of vehicles to be in a garage. Mayor Becker stated he would be in favor to rewrite the Ordinance to give the City permission to remove the vehicles as that is ultimate goal. Legal Counsel Brandt stated different Ordinances vary in who decides for the vehicle to still be in violation after notification and some have a Code enforcer and some have Council make the decision. Councilman Kathol stated he would like to see one person decide that and then have an appeal option to the Council if someone disagrees. Mayor Becker suggested the City Utility Superintendent make the decision as he is the one out in the community the most to see what is in violation and is the one making the list. Council discussed giving the City Utility Superintendent the authority to determine a violation and give a person 10 days to appeal to Council; otherwise, the City will remove the junked, abandoned, and/or unlicensed vehicle from the property. Legal Counsel Brandt will work on a new Ordinance to present at next Council meeting.

Clerk Bencoter: Deputy Clerk Schulte has been working hard on our first newsletter which will go out with the Utility bills that were just printed.

Deputy Clerk Schulte: none.

Public Comments: Rob Dump asked how many junked, abandoned and/or unlicensed vehicle letters the City has sent out. Deputy Clerk Schulte stated about 25 letters were mailed out at this time. He asked for the amounts on the accepted bids for Level Up Builders, LLC and HMR. Clerk Bencoter verified the accepted bid for Level Up Builders, LLC was \$33,966.00 and for HMR was \$17,000.

The following bills were presented for payments:

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| General:    | Cedar County Register of Deeds 48.00, EMC Insurance Companies 8,997.04, Hartington Shopper 234.80, SHIFTR 30.60.   |
| Streets:    | Bank of Hartington 2,353.56, Barco Municipal Products Inc. 412.65, Black Hills Energy 130.28, Blue Cross Blue Shield of Nebraska 2,260.90, EMC Insurance Companies 1,372.16, Nebraska Public Power District 3,13961, NP Mart 24 616.68.                        |
| Water:      | Cedar Knox Public Power District 1,845.91, EMC Insurance Companies 1,029.12, Nebraska Public Power District 535.49.  |
| Sewer:      | Black Hills Energy 69.52, EMC Insurance Companies 1,481.32, Midwest Laboratories, Inc. 437.57, Nebraska Public Power District 3,147.57.  |
| Sanitation: | Bank of Hartington 22,500.00, B. Bencoter 14.00, Blue Cross/Blue Shield of Nebraska 1,466.92, EMC Insurance Companies 1,263.01, L.P. Gill Inc. 13,159.37.  |
| Fire:       | Black Hills Energy 20.13, Danko Emergency Equipment Co. 407.23, EMC Insurance Companies 545.75, Hartington Shopper 251.00, Leise Lawn Care 172.50, Nebraska Public Power District 125.43.  |
| Ambulance:  | Avera Sacred Heart Hospital 117.68, Black Hills Energy 20.13, Bound Tree Medical, LLC 271.06, CLIA Laboratory Program 248.00, EMC Insurance Companies 358.63, Leise Lawn Care 172.50, Nebraska Public Power District 93.86, Northeast Community College 42.88. |

Recreation: Nebraska Public Power District 68.90.

Pool: Black Hills Energy 1,161.31, Hawkins Inc. 2,883.86, Nebraska Public Power District 721.56, NP Mart 24 144.75, Northeast Community College 42.88, Yankton Janitorial Supply Inc. 232.95.

Parks: Becker Flying Service 850.00, Central Valley Ag 387.34, Diane's Greenhouse 94.97, Meyer Inc. 406.25, Nebraska Public Power District 635.88, Yankton Janitorial Supply Inc. 59.20, Zimco Supply Company 240.00.

Complex: Meyer Inc. 406.25, Nebraska Public Power District 115.87, Tri-State Turf & Irrigation LLC 400.00, X-Pert Lawn and Landscaping 5,590.00.

Library: Black Hills Energy 40.26, Blue Cross/Blue Shield of Nebraska 5,630.23, Nebraska Public Power District 329.38.

City Hall: Black Hills Energy 50.51, Blue Cross Blue Shield of Nebraska 2,215.51, Nebraska Public Power District 180.70, Premier Lawn & Landscaping 314.23, Yankton Janitorial Supply Inc. 134.00.

Auditorium: Black Hills Energy 104.31, Nebraska Public Power District 74.05.

Transfer Station: Cedar-Knox Public Power District 134.69, EMC Insurance Companies 545.75.

Vets Memorial: Nebraska Public Power District 54.45.

June, 2024 payroll was \$86,563.43.

Clerk Bencoter added two additional checks for approval. Check #64576 for Blue Cross Blue Shield of Nebraska for \$11,573.56 and check # 64577 for EMC Insurance Companies for \$15,592.78. A motion to pay the bills including additional check # 64576 and 64577 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 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 5:57 P.M. The next scheduled meeting is August 12<sup>th</sup>, 2024.

Respectfully Submitted,

Brittni Bencoter  
City Clerk-Treasurer