

The Hartington City Council met for their regular meeting on August 26th, 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, and Bartling; City Clerk-Treasurer Bencoter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt. Councilman Christensen 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.

A motion to approve the minutes from the August 12th, 2024 meeting and August 12th, 2024 Budget Workshop 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 stated a few months ago, there were errors discovered with the coding of the sewer rates, and the apartment complex owned by S & N Real Estate, LLC was one being incorrectly charged. Mayor Becker asked Legal Counsel Brandt if there was any difference due to their property being zoned Commercial. Legal Counsel Brandt asked if they had only 1 meter for the unit. Richard Newton stated they did and it was mostly elderly and single, retirement age people living in the residence. He verified there were 8 units in the apartment complex. Karen Newton stated the whole apartment complex uses less than most homes in water usage. Mayor Becker stated we have discovered errors and are working through situations done in error and trying to correct fairly. Richard Newton stated their tenants are on fixed income and it is not realistic to raise the rates on their tenants. Legal Counsel Brandt stated that as the current ordinance is written, because the apartment complex has multiple families living in it and is not registered as an assisted living home, they currently fall under the multifamily rate for sewer and would need to discuss with Council about changing the current ordinance. Mitchell Sudbeck asked about an option to put in multiple meters and charge a cheaper price. Clerk Bencoter explained it would be the same price if there was one meter under multifamily residential or one meter per unit. Karen Newton stated multifamily units should have lower rate than what current ordinance stands. Roger Newton stated they agree they should pay more than a single-family home, but not a full family rate per unit and their needs to be a happy medium. Councilman Kathol asked if they were suggesting another level within the sewer ordinance fee for multifamily units with one meter and Richard Newton stated yes. Karen Newton stated or to evaluate the rate the same as commercial. Councilman Bartling stated adding meters would not save, and Council would need to do some more looking into the multifamily sewer rates. Mayor Becker stated Council will look into it more and try to find a fair solution for all multifamily units across the City. Council discussed tabling the issue. A motion to table the multifamily sewer rate issue 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 opened the discussion regarding tree trimming ordinance letters. He stated we have several levels of management involved with the process and wanted to get together to evaluate the procedure. He stated Dan Kathol, Chairman of the Tree Board, was helping with the process in the past, but became busy the last few years working on the Vet's Memorial. Dan Kathol stated he used to get a list from the sanitation department and have the Clerk issue the letters, but it changed a couple of years ago. He stated he typed up another letter and added an action item to list for each letter. Mayor Becker stated we needed to eventually pass the torch and believe the directive needs to come from the City. Clerk Bencoter stated that herself and City Utility Superintendent Corey Kramer have worked out a procedure that has been working very well. She stated it was logistically unreasonable for the City office to be able to do the tree trimming letters on a continual basis and keep track of them continually and herself and City Utility Superintendent Kramer agreed on annually or semi-annually at the most. The street department will give a list to the City Office, the City Office will then issue out a first notice which gives the household 60 days to rectify the issue. After the 60 days, the street department will run through the list again to see who has not complied and give the list to the City Office. On advice of Legal Counsel, the City then sends out a second notice giving a much shorter time frame for the resident to rectify the situation before the City has the tree trimmed and the cost assessed to the property owner. She stated this procedure has been working very well. City Utility Superintendent can give Dan Kathol a list of the residents who received letters and we welcome him working with the residents if they would like as we know there are many elderly or disabled residents that we are sure would love his help. Councilman Kathol asked the best time to trim trees and City Utility Superintendent Kramer stated spring or fall. Mayor Becker stated he believes once per year is enough to do the tree trimming letters. Clerk Bencoter stated the spring would work better in giving time to get the list, get letters out and go through the process, hopefully having it all completed by fall. Legal Counsel Brandt stated the letters needed to be on the City letterhead, the statute cited within in it is sufficient, and she could see problems with including the action required section and did not see that to be necessary. Dan Kathol asked about working on the tree trimming that hangs over sidewalks. He stated he could get a list to Clerk Bencoter. It was agreed that Dan Kathol would provide the City Clerk with a list of tree trimming violations that hang over the sidewalk, and City Utility Superintendent Kramer would give the Clerk a list of trees hanging over the

street by May 1 of each year which would give the City time to get letters out by June 1. The City office will write up the letters each year and mail them to the residences. Mayor Becker told Dan Kathol the City will add his name and number as one of the contacts on the letters, but believed the ordinance violation letters need to come from and on behalf of the City.

Mayor Becker presented the LB840 Loan Application for Spa 84, LLC in the amount of \$50,000 for 15 years at 0% interest. He stated the spa location would be moving to the old Security Wealth Management building downtown and would offer more services. The loan has been approved by the LB840 Loan Fund Committee. A motion to approve the LB840 Loan Application for Spa 84, LL in the amount of \$50,000 for 15 years at 0% interest 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 LB840 Drawdown request from the Hartington Economic Development Group for \$116,256.38 to Cedar County for asphalt road between cemetery and Hydraulics. A motion to approve the drawdown request in the amount of \$116,256.38 was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck- yes. Motion carried.

Clerk Bencoter stated the Rural Fire Board has requested to add additional funds from the Ambulance savings to their Ambulance CD in the amount of \$7,500. The CD has matured and any changes must be made within 10 days by August 30th. A motion to approve the addition of \$7,500 to the Ambulance CD from the Ambulance savings account 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 request by Miranda Becker to close part of N. Broadway for Trunk or Treat on October 20th. He stated it has previously been done at the Cedar County Fairgrounds, but she has requested to have the event downtown, he has seen this done in many other towns and it brings business to the town, and he thinks it's a great idea. A motion to approve the street closure of N. Broadway from W State Street to W Centre Street on October 20th from 3:00 PM to 5:30 PM was made by Councilman Sudbeck and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck- yes. Motion carried.

Mayor Becker introduced the discussion on unmetered water services. While going through utility accounts, it was discovered there were a few residents that were getting unmetered services and the City is unable to determine their water usage. City Utility Superintendent Kramer stated the people have told him in the past they wanted water, but after letters were sent out a couple months ago, only one person has reached out to him. He stated to put in a curb stop would be about \$500. Clerk Bencoter verified that 2 of the residents did not have curb stops and the other 3 did. Mayor Becker requested for City Utility Kramer to follow up with the individuals to see if they wanted water and if so, then the City Office will send out letters giving 30 days for the individuals to get their meter, have it installed and set up a utility account at the City Office. Failure to do so would result in the water being shut off. Those that need a curb stop, notify them that the curb stop will be installed, they will be assessed the cost, and then have 30 days to install their meter and set up a utility account with the City Office. Failure to do so would result in the City installing the curb stop, assessing the cost to the resident, and shutting off the water. A motion to approve bringing the unmetered services up to Code in the manner presented was made by Councilman Bartling and seconded by Sudbeck. A roll call vote was taken. Bartling – yes, Kathol – yes, Sudbeck- yes. Motion carried.

Mayor Becker presented the DA Davidson Preliminary Official Statement for the City Shop Bond. Clerk Bencoter stated DA Davidson asked when the City would like them to deliver/wire the funds. Mayor Becker stated he assumed we would have payments coming out throughout the process and he spoke with Andy Forney with DA Davidson during the townhall meeting and he stated they could deliver/wire funds per our request as needed. Clerk Bencoter stated our accountant with AMGL requested the City to open a separate checking account to keep the funds for the City Shop separate.

Department Reports:

Park – Councilman Kathol: Working on bids for residing the Shelter house. Waiting on one more to come in and then need to review them.

Pool –Councilman Bartling: Asked Councilman Sudbeck on his thought on painting the pool now that it is drained. Councilman Sudbeck stated it looked good and could go another year. He stated the exterior bath house will get painted next spring.

Complex/Auditorium – Councilman Sudbeck: First football game this Friday, the ice machine being installed this week, and Hartelco will be installing cameras up at the Complex. The Auditorium will open September 3rd, 2024.

Fire/Ambulance– Councilman Christensen: absent.

General – Mayor Becker: Per City Ordinance, projects over \$30,000 need to be sent out for bids and it seems that number has been that for a very long; is \$30,000 just in our Ordinance or is that a State law. Legal Counsel Brandt stated the \$30,000 is State law. Mayor Becker stated that seemed very low for today’s world as you can’t do many projects for under \$30,000.

Legal Counsel Nikki Brandt: The City will need to do another notice for purchase of the lot for the Skylon as the current purchase agreement is dependent on LB840 funds, but the LB840 Guidebook does not allow for the City to use the LB840 funds for their own use. Mayor Becker asked if another person could use the funds from LB840 to purchase the lot and she stated they could and they would be responsible for the payments on the loan until the City buys the building and lot. She spoke with EMC Insurance regarding worker’s compensation and they handle all worker’s compensation claims and will reach out to the City Clerk for any personnel documents they would need.

Clerk Benscoter: The City Office has received multiple complaints regarding children driving all-terrain vehicles and golf carts around town and recklessly. City Ordinance §9-801 through §9-904 requires an O class drivers license and speeds cannot exceed 30 mph for an all-terrain vehicle and 20 mph for golf carts. Council told Clerk Benscoter to send out Social Media notifications to the public. She stated they would do that and it was in the prior newsletter as well that went out with the utility bills in July.

Deputy Clerk Schulte: none.

Public Comments: Rob Dump asked how many unmetered services, Clerk Benscoter verified currently there is 5. He asked how many tree letters went out for the second notice and Deputy Clerk Schulte answered around 40. He asked Mayor Becker if he had anymore comments on the Skylon. Mayor Becker stated they have been cleaning it out and working on gutting it out to move. He stated they have been looking at the site it will go to and are moving forward. Rob Dump asked Mayor Becker if he was surprised with any feedback and he said besides the negative, false comments on social media, he had about 20 people come and speak with him face to face and has had lots of positive comments.

The following bills were presented for payments:

- General: EMC Insurance Companies 8,859.08, Matt Dresden 220.00, SHIFTR 30.60, Security Shredding Services 80.00.
- Streets: Bank of Hartington 2,353.56, Black Hills Energy 138.70, Diamond Vogel Paints 212.69, EMC Insurance Companies 1,351.12, Leise Concrete 6,656.50, Menards 287.25, Mutual of Omaha 14.40, Nebraska Public Power District 3,144.66, Usable Life 14.50.
- Water: B. Lammers 59.80, EMC Insurance Companies 1,013.34, NE Public Health Environment Lab 76.00, Nebraska Public Power District 753.10.
- Sewer: Black Hills Energy 70.82, EMC Insurance Companies 1,458.61, Feilmeier Electric 1,870.75, Nebraska Public Power District 3,163.03.
- Sanitation: B. Lammers 70.00, EMC Insurance Companies 1,243.65, Mutual of Omaha 7.20, Usable Life 14.50.
- Fire: A. Wiechelmann 300.00, Black Hills Energy 20.78, Dearborn National Life Insurance Company 123.68, EMC Insurance Companies 537.38, Nebraska Public Power District 159.14.
- Ambulance: Black Hills Energy 20.78, EMC Insurance Companies 353.13, Nebraska Public Power District 127.56.
- Recreation: Hartington Softball 1,790.00, Nebraska Public Power District 68.90.
- Pool: Black Hills Energy 64.97, Nebraska Public Power District 974.36, Brad Peitz 307.35.
- Parks: Downtown Sharp Shop 15.00, Feilmeier Electric 795.78, HMR Roofing 9,000.00, Nebraska Public Power District 585.79, Tri-State Turf & Irrigation, LLC 68.75, Yankton Janitorial Supply, Inc. 98.00.

Complex: Mid States Audio Inc. 17,998.00, Nebraska Public Power District 130.94.

Cemetery: Cedar Knox Rural Water 212.97.

Library: Black Hills Energy 40.09, Eakes Office Solutions 204.62, Hartington Tree 300.00, Humanities Nebraska 100.00, Ingram 624.43, Midwest Tape 47.98, Mutual of Omaha 14.40, Nebraska Public Power District 394.20, Premier Lawn & Landscaping 240.00, Penworthy 166.70, Usable Life 29.00.

City Hall: Black Hills Energy 50.34, Mutual of Omaha 14.40, Nebraska Public Power District 198.61, Usable Life 14.50.

Auditorium: Black Hills Energy 106.35, Feilmeier Electric 140.00, Nebraska Public Power District 62.73.

Economic Development: Mutual of Omaha 7.20, Usable Life 14.50.

Transfer Station: EMC Insurance Companies 537.38, Olson's Pest Technicians 80.00.

Vets Memorial: Nebraska Public Power District 53.51.

July, 2024 payroll was \$68,498.65.

Clerk Benscoter added four additional checks for approval. Check #64681 to Cedar Knox rural Water for \$212.97, check # 64682 to Dearborn National Life Insurance Company for 123.68, check # 64683 to EMC Insurance Companies for \$15,353.69, and check # 64684 to Mutual of Omaha for 57.60. A motion to pay the bills including additional check # 64681, 64682, 64683, and 68684 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 6:19 P.M. The next scheduled meeting is September 9th, 2024.

Respectfully Submitted,

Brittini Benscoter
City Clerk-Treasurer