

The Hartington City Council met for their regular meeting on October 15th, 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, Christensen, Kathol, and Sudbeck; City Clerk-Treasurer Benscoter, Deputy Clerk Schulte, and Legal Counsel Nikki Brandt.

Mayor Becker called the meeting to order at 5:00 P.M., followed by all present reciting the Pledge of Allegiance.

A motion to approve the minutes from the September 23rd, 2024 meeting and September, 2024 Treasurer's report was made by Councilman Bartling and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

LeRoy Hansen presented 3 building permits to the Council; Bruce Wieseler – storage shed, Rollie Becker – storage shed, and Ed Bottolfsen – garden shed. A motion to approve the building permits for Bruce Wieseler, Rollie Becker, and Ed Bottolfsen was made by Councilman Bartling and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

A sign permit for Family First Dental at 204 S. Robinson Ave was presented to Council. A motion to approve the Sign Permit for Family First Dental was made by Councilman Kathol and seconded by Councilman Sudbeck. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Peg Anderson with Anderson & Anderson Insurance presented 2 insurance quotes to the City Council. She stated she compiled two different quotes, one with EMC which has been a competitive solid market for a long time. She stated she got 2 different carriers, but bid specifications were not provided so she had a hard time compiling different quotes. She stated she has bids from EMC Insurance and Tokio Marine, both are heavy hitters with municipalities. She stated both quotes are insurance companies and bound by filing of quote. She stated the advantages with her quotes are that rates are determined off of the city's own experiences and rates are firm for the entire year along with coverage. She stated she can never assess premiums because of losses in pool and the City can cancel the policy at any time. She stated both companies are part of the Nebraska guarantee fund, and the policy is designed specifically for Hartington. She stated the City can sue EMC Insurance if they don't like a denial. She stated the EMC Insurance quote covers 1,765,086 more coverage in the new quote and they are a steady and calm insurance company. She stated some years the City has received dividend checks and both companies in her quote are A rated. She stated there are ways the City can save money as last year they changed the deductibles and took off lower cost buildings. She stated if they choose to stay with EMC Insurance, she could look at the policy with some of the Council members to review the policy to do some tweaking. Mayor Becker stated tonight is informational and no decision will be made until the next Council meeting. He stated the City has been happy with the service, but just trying to do due diligence and look at other options. The EMC Insurance Quote is \$198,330 and the Tokio Marine quote is \$170,144.

Clint Simmons with LARM presented his insurance quote to the City Council. He stated he is the agent for the Northeast half of Nebraska for LARM and currently he has around 140 communities in Nebraska and LARM has around 230 communities across the State. He stated municipality insurance is all LARM does, so they specialize in it. He stated LARM is a pool insurance and pooling is nothing new to Nebraska and around 85% of public entities are insurance through one of the 3 pool insurances within the State. He stated LARM does report to the Nebraska Department of Insurance and cannot change rates throughout the policy period. He stated this year, not one member of LARM went out for bid and all signed back with LARM. He stated they retained every community because once municipalities are in, they are satisfied and people just don't leave. He stated with the City's current insurance policy with EMC Insurance, has a wind and hail deductible per building of \$10,000 which makes the City have to pick and choose what to fix. He stated the LARM quote is 1 deductible of \$2,500 per occurrence on catastrophic loss. He stated LARM also offers safety grants of \$500 annually to each community. He stated the City currently has a lot of cash value buildings and property gains value and should be insured at replacement costs, which LARM does. He stated they will come out and evaluate replacement costs, and do annual policy reviews to determine worth on all buildings, equipment and buildings. He stated LARM does not change prices during the policy period and you can cancel with a 90-day notice. He stated LARM policies align with the Fiscal year and begin October 1st of each year, and the new policy renewal numbers are given to Municipalities by July 1st of each year so they can use the actual numbers for budget and do not have to play guessing games on insurance costs for new budget. Councilman Kathol asked if they have an overrider and Clint Simmons stated they have one that protects the high end. The LARM Quote is between \$159,033 - \$167,403.16, depending on the Commitment plan the City Council would choose.

Peg Anderson with Anderson & Anderson Insurance stated EMC Insurance is not trying to leave the market and stated Clint Simmons with LARM kept saying they are insurance, but they are not actually insurance. Clint Simmons with LARM stated they are not an insurance company, but are an insurance pool and have to report to the Nebraska Department of Insurance. She stated the City could not cancel LARM insurance at any time, and Clint Simmons with LARM stated they would have to give a 90-day notice. Peg Anderson with Anderson & Anderson Insurance asked Clint Simmons with LARM if the City could sue LARM if they wanted to and he said they have never had anyone want to, but a municipality could go to the board if they wanted to. Councilman Kathol asked Clint Simmons with LARM what percentage of municipalities in Nebraska were covered with LARM. He stated he did not have the exact percentage, but they cover the biggest number of municipalities in Nebraska than any other carrier.

Councilman Sudbeck introduced Resolution 20241015 – Meeting Rules of Decorum. A motion to approve Resolution 20241015 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 20241015A – City Council Agenda. A motion to approve Resolution 20241015A 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 20241015B – Public Records. A motion to approve Resolution 20241015B 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 Kathol introduced Resolution 20241015C – Tree Trimming Assessments to Property Owners. A motion to approve Resolution 20241015C 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 presented the LB840 Loan Application recommendation to Roger Wortmann in the amount of \$50,000. A motion to approve the LB840 Loan Application to Roger Wortmann for \$50,000 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.

Mayor Becker presented a Special Designated Liquor License Request from the Cedar Catholic – Msgr. Cyril J. Werner Activity Center. A motion to approve the Special Designated Liquor License 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 20241015D – Adopting and Approving the Execution of Agreement with the Nebraska Department of Transportation for Agreement No. XL2419. Mayor Becker explained this was the agreement with the DOT to allow road access for the road around Industrial Park. Councilman Kathol asked if this was just a right turn lane and Mayor Becker stated it was. A motion to approve Resolution 20241015D 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 Hartington Ambulance Resignation for Tammy Leise. Mayor Becker thanked her for her service and all who volunteer and provide their service for the Hartington Ambulance. He stated there are a lot that volunteer their time and we appreciate their service. A motion to approve the resignation for Tammy Leise from the Hartington Ambulance was made by Councilman Sudbeck and seconded by Councilman Kathol. A roll call vote was taken. Bartling – yes, Christensen – yes, Kathol – yes, Sudbeck - yes. Motion carried.

Mayor Becker presented the October, 2024 Sheriff's report for the month of September, 2024. There were 287 ½ hrs hours patrolled. School traffic was 2 hours. Calls of service were, 1 Welfare Check, 1 Theft, 3 Disturbances. Traffic stops were 1 Verbal Warning, 2 Written Warning, and 1 Citations. 0 Arrests were made.

Department Reports:

Park – Councilman Kathol: Nothing.

Pool – Councilman Bartling: Nothing.

Complex/Auditorium – Councilman Sudbeck: Camera set up at the Complex is complete. There has been discussion of a pickleball league in the basement of the auditorium for seniors.

Fire/Ambulance– Councilman Christensen: Nothing.

General – Mayor Becker: Nothing.

Legal Counsel Nikki Brandt: Nothing.

Clerk Bencoter: The City office has received calls from the Fire and Ambulance Squad a few times in the last month regarding people parking in the Fire and Ambulance parking lot during youth football games and practices at the Hartington-Newcastle Public School (HNS) Campus and have asked it to be addressed to Council. She stated she has spoken with Fire Chief Ryan Marsh and he stated he has contacted the HNS schools asking them to send messages to the parents and Clerk Bencoter stated she has again contacted HNS asking them to send messages to the parents. Fire Chief Marsh told Clerk Bencoter he also put up signs at both entrances stating there is no parking and Clerk Bencoter has put out announcements on Social Media, texts and in the newsletter to residents, but there is still a problem. Youth football is now over, but we may need to look into further measures next season.

Deputy Clerk Schulte: none

Public Comments: Mayor Becker stated the Council wants more organization to the City Council meeting after the last meeting got out of hand. He stated anyone wishing to make public comments is asked to come up to the chair next to Legal Counsel Brandt, and state your name and address.

Tom Miller from Hartington, Nebraska asked Council if the new Resolutions are helping the public or the Council. Mayor Becker stated last City Council meeting was chaotic and there was profanity used and the Council was not going to have that happen anymore. The approved Resolutions are to keep things civil.

Jamie Arens from Norfolk, Nebraska asked why his Agenda request items were denied and Legal Counsel Brandt stated that is not on the Agenda to discuss. Jamie Arens asked who was on the LB840 Advisory Board and Legal Counsel Brandt stated he would need to file a public records request. She stated this is public comments and not a Question and Answer session.

Clark Johnson from Hartington, Nebraska asked if the City would still be mailing out letters for the tree trimming Resolution. Legal Counsel Brandt stated the City Utility Superintendent will serve the notice in person or post on the doors of those residents being assessed in the Resolution. Clark Johnson asked if they only get 5 days and Legal Counsel Brandt stated they have received previous letters already. Mayor Becker asked Clerk Bencoter to explain the process the City does for the tree trimming notices. Clerk Bencoter explained the City sends out a first notice giving the resident 60 days to rectify the situation and after that time period, the City Maintenance guys will reevaluate the list and anyone who still has not complied will get a second notice with a shorter time frame of about 2-3 weeks. If they still do not comply, then they will be given a 3rd notice by the City Utility Superintendent giving them an additional 5 days and then the City will have the tree trimming done and the cost will be assessed to the resident. The Resolution signed tonight is approving those assessments to the 13 residents on the list.

Casey Christensen with Hartington, Nebraska wanted to thank the City Council and the Mayor for making good, sound decision with projects this town needs. Thank you for moving this town forward in making difficult decisions and to keep up the good work.

The following bills were presented for payments:

General: AMGL 5,800.00, CRA Community Redevelopment Authority 11,544.45, D & J Variety 150.81, FDC Publishing 85.50, FP Finance Program 115.98, Hartelco 304.91, Hartington Shopper 52.50, Kennedy, Pier, Loftus, & Reynolds, LLP 2,327.00, Level Up Builders LLC 4,940.00, Nebraska Department of Agriculture 4.88, Northeast Nebraska News Company 384.88.

Streets: Blue Cross Blue Shield of Nebraska 1,288.46, Bank of Hartington 2,620.22, Colonial Life 40.83, D & J Variety 33.97, Fair Manufacturing Inc. 2,777.21, Farmers Union Coop Gas & Oil 703.18, Franklin Templeton Investor Services LLC 928.33, Grossenburg Implement 684.99, Hartington Auto & Truck Parts Inc. 75.46, Leise Concrete 25,240.00, Nebraska Public Power District 3,229.92, Pearson Motor Co. 101.81, Plumbing & Electric 784.00, Sherwin-Williams 18,080.00, R. Sudbeck 207.70, Team Laboratory Chemical, LLC 4,568.50, U.S. Cellular 171.88.

Water: Carhart Lumber Co. 115.93, Cedar-Knox Public Power District 2,368.43, J. Graham 72.42, Hawkins Inc. 828.14, Hydro Conduit Corporation 1,064.00, Menards 181.42,

Nebraska Public Power District 272.33, Nebraska Public Health Environment Laboratory 62.00, One Call Concepts Inc. 18.09, Peitz Service 170.58, USA Blue Book 937.85.

- Sewer: Carhart Lumber Co. 5.99, Grossenburg Implement 76.25, Hartelco 66.60, Hartington Auto & Truck Parts Inc. 597.39, Midwest Laboratories, Inc. 1,352.77, Nebraska Public Power District 3,162.08, One Call Concepts, Inc. 18.09, USA Blue Book 118.43.
- Sanitation: Blue Cross Blue Shield 307.76, Bank of Hartington 83.33, Colonial Life 194.49, Franklin Templeton Investor Services LLC 412.59, J. Graham 70.00, L.P. Gill Inc. 20,274.09, N. Lammers 7.60, NP Mart 24 485.00, B. Reifenrath 70.63, U.S. Cellular 83.22.
- Fire: Farmers Union Coop Gas & Oil 176.25, Grossenburg Implement 194.01, Hartelco 46.16, Hartington Shopper 170.00, Kruse True Value 17.86, Leise Lawn Care 172.50, Nebraska Public Power District 174.50, Peitz Service 207.08, Rural Fire Board 69,203.75.
- Police: Cedar County Sheriff 13,941.22.
- Ambulance: Ambill Associates LLC 280.00, Bound Tree Medical LLC 450.73, Burnell's Foodtown 254.51, Hartelco 46.16, Jerry's Service 75.69, Leise Lawn Care 172.50, Nebraska Public Power District 142.93, NP Mart 24 96.26, U.S. Cellular 139.30.
- Cemetery: Cedar Knox Rural Water 79.93.
- Recreation: Nebraska Public Power District 63.16, S. Freeman 314.46.
- Pool: FDC Publishing 85.50, Nebraska Public Power District 75.86.
- Parks: Arbor Day Foundation 20.00, Burnell's Foodtown 4.99, Carhart Lumber Co. 17.88, Farmers Union Coop Gas & Oil 69.07, Folkers Bros Garage 593.60, Grossenburg Implement 10,516.72, Hartington Tree 1,350.00, Jerry's Service 310.08, Menards 334.56, Nebraska Public Power District 807.21, Yankton Janitorial Supply, Inc. 169.35, Zimco Supply Company 218.00.
- Complex: Carhart Lumber Co. 305.41, Eakes Office Solutions 111.56, Menards 334.56, Nebraska Public Power District 217.04, Plumbing & Electric 866.50, X-Pert Lawn and Landscaping 1,700.00, Yankton Janitorial Supply, Inc. 169.35.
- Library: Blue Cross/Blue Shield of Nebraska 985.53, Bank of Hartington 333.34, Burnell's Foodtown 8.78, D & J Variety 135.98, FDC Publishing 85.50, Franklin Templeton Investor Services LLC 380.70, Hartelco 161.69, Nebraska Public Power District 426.01.
- City Hall: Blue Cross Blue Shield of Nebraska 2,931.07, Bank of Hartington 166.67, Colonial Life 210.27, Dixie Fischer 100.00, Franklin Templeton Investor Services LLC 489.75, Hometown Leasing 62.05, Nebraska Municipal Clerks Association 100.00, Nebraska Public Power District 203.83, Northeast Nebraska News Company 52.00, Premier Lawn & Landscaping 140.00.
- Auditorium: Appera 78.06, C. Folkers 30.92, Kruse True Value 8.28, Nebraska Public power District 57.53, Plumbing & Electric 386.55.
- Economic Development: Cedar County Register of Deeds 52.00, Frankling Templeton Investor Services LLC 271.34, Hartelco 51.58, Hometown Leasing 31.02, Kennedy, Pier, Loftus & Reynolds LLP 57.00.
- Transfer Station: Cedar-Knox Public Power District 130.24, Farmers Union Coop Gas & Oil 425.85, Gill Hauling Inc. 3,614.91, Hartelco 47.36, Jerry's Service 1,064.68, Olson's Pest Technicians 80.00, Quincy Recycle 4,695.00.
- Vets Memorial: Nebraska Public Power District 60.34.
- City Shop: Certified Testing Services Inc. 1,001.00, RaDec Constriction Co. Inc. 80,600.06, UFG Insurance 423.84.

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

A motion to pay check # 64832 to Roman Sudbeck was made by Councilman Christensen and seconded by Councilman Bartling. 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 6:13 PM. The next scheduled meeting is October 28th, 2024.

Respectfully Submitted,

Brittini Bencoter
City Clerk-Treasurer