

City Council Meeting Minutes January 18, 2022

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on January 18, 2022 at 6:00 o'clock PM in a publicly convened session, the same being open to the public and having been preceded by posting a copy of the notice in three public places in the city, as evidenced by Attachment A hereto, said form of notice being the designated method for giving notice. The Mayor and City Council received advance notice of the meeting. A copy of their acknowledgment of receipt of such notice is attached to these minutes. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. Mayor Knutson convened the meeting and Deputy Clerk Joan Mejschik recorded the proceedings. The following council members were present: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Absent: no one.

Mayor Knutson stated that a thank you note was received from the Chamber for the use of the lot for Christmas celebrations.

Administrator DeRoos read a letter from Andrew Yost to the council. (Attachment B)

Council member Kasik gave an update from the Cultural Recreation Committee meeting on planned updates for the campground, parks, and the ballroom renovations. She also shared the goals for the parks and ballfields.

Administrator DeRoos gave a reminder of the upcoming study session on the 26th to discuss ARPA funding.

Emergency Manager Evert reported the test positivity rate is 74% which is the highest in the health district. East Central will be offering vaccinations on Monday and Tuesdays from 3 to 5 PM for children 5 to 18 years old. Then on Wednesday from 10 AM to 7 PM will be for all ages, the vaccinations are free. There is also drive thru testing every Tuesday, Wednesday and Thursday from 1 to 3 PM, you can sign up on their website. You are able to get free at home covid test thru the government website and insurance companies will now be covering 8 home test a month for free.

Police Chief Farber reported that an officer that was in quarantine is now back on duty wearing his mask. Two off duty officers have recovered. Another full time officer has come down with symptoms and will be testing. They continue to clean the building and wear masks.

Parks & Street Manager Colvin reported that he would like the school art department to have a contest to create a logo for the new combined Street and Parks department. He has been going through the department equipment is outdated and some is not useable. He will be looking to get a lot of it replaced in the future. He has also had an employee out that was exposed to covid and another left early not feeling well.

Economic Development Director Brandenburg reported bricks for the American Pathway are being sold to raise funds for the project.

Council member Baumert moved to approve the January 4, 2022 council meeting minutes and dispense with its reading. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved to approve payment of claims for the period from December 31, 2021 through January 13, 2022, in the amount of \$116,006.98 and the following exceeding \$1,000: Baker & Taylor, Books, Library, \$1,086.55; Pinnacle Bank, TIF, Admin, \$25,705.63; Midwest Salt Supply, Salt, Streets, \$2,283.10; Karel & Seckman, Legal Fees, Admin/Streets, \$2,013.00; Reinecke Motor, Repairs, Transit/Parks, \$1,068.50. All claims under \$1,000 listed on (Attachment 1). Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved to accept the 2021 December Treasurer's Report. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Mayor Knutson opened a public hearing to hear citizens comments on an application to amend the zoning map to rezone property from "AG", Agricultural, to "GC", General Commercial, was filed by Lumir and Connie Jedlicka. The

City Council Meeting Minutes
January 18, 2022

property is a parcel of land located in the SW Qtr. of the NE Qtr. and the SE Qtr. of the NE Qtr., all in Section 11, Township 17 North, Range 3 East of the Sixth P.M., Colfax County, Nebraska, being described as follows: Beginning at the SW Corner of the NE Qtr. of said Section 11; thence S89°31'39"E (Assumed Bearing) on the South line of said NE Qtr., a distance of 688.93 ft. to the SW Corner of a Tract of Land described in Instrument No. 2007-00610; thence N00°28'21"E on the West Line of said Tract, a distance of 220.00 ft.; thence N89°31'39"W, parallel with said South line, a distance of 67.33 ft. to a point of curvature; thence Westerly on a 150.00 ft. radius curve to the right, an arc distance of 396.32 ft., the chord of said curve bears N76°01'26"W, a distance of 290.70 ft.; thence N00°28'21"E, perpendicular to said South line, a distance of 141.65 ft. to the Southerly line of a permanent Levee Easement described in instrument no. 2014-01256; thence N88°02'42"W on said Southerly line, a distance of 83.35 ft.; thence N71°23'03"W continuing on said Southerly line, a distance of 354.30 ft.; thence S00°28'21"W, perpendicular to said South line, a distance of 509.04 ft. to the North Right of Way line of 22ND St.; thence S89°32'33"E on said North Right of Way line, a distance of 80.80 ft. to the West line of said NE Qtr.; thence S00°00'27"W on said West line, a distance of 33.00 ft. to the point of beginning, containing 5.95 acres, more or less.

Attorney Seckman stated the Planning Commission did recommend the rezone.

Council member Kment moved to close the public hearing. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg introduced the first reading of Ordinance 2022-01, the title being: AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING THE ZONING MAP TO CHANGE PROPERTY ZONED AG, AGRICULTURAL, TO GC, GENERAL COMMERCIAL. THE PROPERTY IS LOCATED OUTSIDE THE CITY LIMITS BUT WITHIN THE 2-MILE JURISDICTION. THE PROPERTY IS A PARCEL OF LAND LOCATED IN THE SW QTR. OF THE NE QTR. AND THE SE QTR. OF THE NE QTR., ALL IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 3 EAST OF THE SIXTH P.M., COLFAX COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NE QTR. OF SAID SECTION 11; THENCE S89°31'39"E (ASSUMED BEARING) ON THE SOUTH LINE OF SAID NE QTR., A DISTANCE OF 688.93 FT. TO THE SW CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2007-00610; THENCE N00°28'21"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 220.00 FT.; THENCE N89°31'39"W, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 67.33 FT. TO A POINT OF CURVATURE; THENCE WESTERLY ON A 150.00 FT. RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 396.32 FT., THE CHORD OF SAID CURVE BEARS N76°01'26"W, A DISTANCE OF 290.70 FT.; THENCE N00°28'21"E, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 141.65 FT. TO THE SOUTHERLY LINE OF A PERMANENT LEVEE EASEMENT DESCRIBED IN INSTRUMENT NO. 2014-01256; THENCE N88°02'42"W ON SAID SOUTHERLY LINE, A DISTANCE OF 83.35 FT.; THENCE N71°23'03"W CONTINUING ON SAID SOUTHERLY LINE, A DISTANCE OF 354.30 FT.; THENCE S00°28'21"W, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 509.04 FT. TO THE NORTH RIGHT OF WAY LINE OF 22ND ST.; THENCE S89°32'33"E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 80.80 FT. TO THE WEST LINE OF SAID NE QTR.; THENCE S00°00'27"W ON SAID WEST LINE, A DISTANCE OF 33.00 FT. TO THE POINT OF BEGINNING, CONTAINING 5.95 ACRES, MORE OR LESS. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved to waive the three-reading rule. Council member Kment seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved for final passage. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2022-01 was passed and adopted.

Council member Holmberg introduced the first reading of Ordinance 2022-02, the title being: AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION BONDS OF THE CITY OF SCHUYLER, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION EIGHT HUNDRED THOUSAND

City Council Meeting Minutes
January 18, 2022

DOLLARS (\$1,800,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S POLICE STATION AND MISCELLANEOUS COSTS ASSOCIATED THEREWITH; AUTHORIZING OFFICERS OF THE CITY TO DESIGNATE THE FINAL INTEREST RATES, MATURITY SCHEDULE AND OTHER TERMS OF THE BONDS WITHIN STATED PARAMETERS; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM. Council member Rodriguez seconded the motion.

Jay Spearman with Piper Sandler was present and reviewed the packet of the term and max bond size will be \$1,665,000 for 20 years at 2.091% interest rate. (Attachment 2) He also reviewed the different fiduciary duties.

Council member Holmberg had concerns about borrowing the money before construction begins. Spearman stated the advantage is locking in a lower interest rate. The rate is not locked in until the bonds are sold.

Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved to waive the three-reading rule. Council member Kment seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved for final passage. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2022-02 was passed and adopted.

Council member Kretz moved to authorize a pay application #1 for Channel and Flap Gate Improvements in the amount of \$17,775.00 to Robert Woehler & Sons Construction, Inc. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Baumert moved to rebid the 2022 Denver Street and Downtown Storm Sewer Improvements for the City of Schuyler, Nebraska. Council member Rodriguez seconded the motion. Jon Mooberry with JEO reviewed his letter to council. (Attachment 3) He does feel he will at least get one bid if rebid. Attorney Seckman stated that they have filled the legal requirement of bidding and did not get any bids, why are we not negotiating with a contractor to do the work. Mooberry will be trying to negotiate the cost with a contractor to bring back to the council. Voting for: no one. Voting against: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Motion failed.

Council member Kretz moved to approve Change Order #3 with ME Collins Contracting Co., Inc. for the 2021 Valley Drive Street Improvements for an increase in the amount of \$27,273.20. Council member Baumert seconded the motion. Jon Mooberry with JEO stated the additional is for the plan revisions that were added after the project was bid. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Kasik moved to authorize pay application #4 for the 2021 Valley Drive Street Improvements project in the amount of \$150,393.34 to ME Collins Contracting, Inc. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Motion carried.

Council member Holmberg introduced the first reading of Ordinance 2022-03, the title being: AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, TO REVISE SCHUYLER MUNICIPAL CODE AS A RESULT OF 2021 NEBRASKA STATE LEGISLATURE SESSION INCLUDING THE FOLLOWING TO REVISE OR ESTABLISH OR MOVE EXISTING CODE SECTIONS AS FOLLOWS: SECTION 30.016 REGARDING READING AND PASSING OF ORDINANCE, RESOLUTIONS, ORDERS, AND BY-LAWS TO BE AMENDED TO PROVIDE FOR MAYOR'S VOTE AND COMPLY WITH NEBRASKA LAW; AMEND SECTION 30.020 RELATING TO ORDINANCES, PUBLICATION OR POSTING TO ADD ELECTRONIC FORM; AMEND SECTION 30.041 RELATING TO CANDIDATES FILING FORMS, DEADLINES AND FILING OFFICER TO CHANGE EXISTING DATES TO COMPLY WITH NEBRASKA LAW; AMEND SECTION 30.042 RELATING TO FILING FEES FOR CANDIDATES FOR OFFICE TO COMPLY WITH NEBRASKA LAW; AMEND

City Council Meeting Minutes
January 18, 2022

SECTION 30.083 REGARDING PROPERTY TAX REQUEST AND PROCEDURE FOR JOINT PUBLIC HEARING; TO MOVE SECTION 30.085 REVISION OF BUDGET TO NEW SECTION 30.086 REVISION OF BUDGET BUT NO CHANGES TO SECTION OTHER THAN MOVING SECTION; TO CREATE NEW SECTION 30.085 PROPERTY TAX REQUEST, INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE, PROCEDURE FOR SETTING TO HARMONIZE WITH CHANGES IN NEBRASKA STATE LAW; TO AMEND SECTION 30.063 ADOPTED BUDGET STATEMENT, FILING, CERTIFICATION OF AMOUNT OF TAX CHANGING DATES THERETO; TO AMEND SECTION 130.19 ABANDON AUTOMOBILES TO PROVIDE FOR LIENHOLDER NOTICE AND CHANGING VALUE OF ABANDONED VEHICLE VESTING VEHICLE IN THE CITY; ALL OF THE FOREGOING PROVISIONS BEING ADOPTED TO HARMONIZE WITH NEBRASKA STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE. Council member Baumert seconded the motion. Attorney Seckman reviewed that these were the legislative changes that were passed into law the previous legislative session. He recommends that the ones included here be included in our Ordinances. He reviewed all the changes with the council. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Baumert moved to waive the three-reading rule. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Baumert moved for final passage. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2022-03 was passed and adopted.

Council member Kretz moved to table the motion to authorize the mayor to enter into a Memorandum of Understanding with Colfax County on the terms and conditions under which the emergency sirens will be activated within the territory of the City of Schuyler. Council member Baumert seconded the motion. Council member Holmberg asked why the county will not just active the sirens if a tornado is spotted, why do they have to contact the City Emergency Manager first. Emergency Manager Evert stated Mark Arps is has always been in charge of spotters and has always sounded the sirens. Administrator DeRoos stated the County Emergency manager only has to make a reasonable attempt to notify the City Emergency Manager. Council member Holmberg feels it should be the Fire Department Storm Spotters or Law Enforcement that should be able to activate the siren as soon as one is spotted. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Mayor Knutson opened a discussion on the Street Department's Salt Shed. Administrator DeRoos stated there was \$30,000 budgeted for this. JEO came back with a new cost of around \$100,000. Council member Kretz stated Arps has a similar structure. Parks & Streets Manager Colvin stated he looked at the county shed and thought they could build it for less than \$30,000. The expense would be what would be put on for the canopy. He said concrete blocks would be eaten away by the salt.

Mayor Knutson opened a discussion on vacating 21st Street between Colfax and A Street with a reminder of the letter read earlier in the meeting. Administrator DeRoos stated the city would need to reserve a new easement for the utilities. Council member Holmberg stated if the street is vacated the new owners should become responsible for the removal of the trees. Utility Superintendent McGowen stated the house on the south side of the trees has a water line that runs up A Street so an easement is needed. He feels if vacated the city needs to retain a 40 foot easement on the southside of that property. Attorney Seckman says that vacating the street does not address the trees on the property. The property owner would be responsible for the care of the property.

Mayor Knutson opened a discussion of internal promotion of certified officer to sergeant. Administrator DeRoos stated since we have increased the force to 10 they feel an additional sergeant would help the Chief and the current sergeant to have someone available at all times. Chief Farber added there are 7 officers with less than 4 years of experience on the department. The increase work load would be able to be spread out more. The requirements for reporting have changed. This would be an internal hiring in the department.

City Council Meeting Minutes
January 18, 2022

Council member Baumert moved to authorize the mayor to sign a contract with Dale R. Johnson ENT, Inc. for the demolition of the Carnegie Library Building. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved to authorize the mayor to sign a contract with Blum's Quality Flooring, LLC, for the repairs to the flooring of the Schuyler Oak Ballroom dance floor, stage and bathrooms. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Kretz moved to adjourn. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kment, Kretz and Rodriguez. Voting against: no one. Motion carried.

ATTEST:

Mayor Jon Knutson

City Clerk

STATE OF NEBRASKA)
COUNTY OF COLFAX) SS
CITY OF SCHUYLER)

I, Lora Johnson, City Clerk for the City of Schuyler, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the agenda for said meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the City Council of Schuyler, Nebraska, from which the foregoing proceedings have been extracted, were in written form and available for public inspection within ten working days and prior to the next council meeting.

City Clerk Lora Johnson