

City Council Meeting Minutes
December 20, 2022

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on December 20, 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 Lindberg convened the meeting and Clerk Lora Johnson recorded the proceedings. The following council members were present: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Absent: no one.

Council member Baumert moved to appoint Dr. John Jackson to the Medical Physician and Board of Health; Roxana Lucar to the Schuyler Library Board. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg reported he received an email from the US DOT Federal Highway Administration about \$1.5 Billion available through the 2023 RAISE Grant Program. They are accepting applications thru February 28th. The U.S. Department of Transportation has published a Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity discretionary grant program for 2023. The program helps communities around the country carry out projects with significant local or regional impact. RAISE discretionary grants help project sponsors at the State and local levels, including municipalities, Tribal governments, counties, and others complete critical freight and passenger transportation infrastructure projects. Half of the FY23 RAISE funding will go to projects in rural areas and half of the funding will go to projects in urban areas. At least \$15 million in funding is guaranteed to go towards projects located in Areas of Persistent Poverty or Historically Disadvantaged Communities, and projects located in these areas will be eligible for up to 100 percent federal cost share, as directed by Congress in the Bipartisan Infrastructure Law. As was the case last year, the Department is encouraging applicants to consider how their projects can address climate change, ensure racial equity, and remove barriers to opportunity. There will be webinars coming out in the next few weeks. He feels the city should take advantage of this opportunity in one of the various city departments.

Council member Holmberg then wanted to thank Building Inspector Glodowski for the work he has done at the temporary police station and the money he has saved the city. He thanked Utility Superintendent Hajek for helping the police with the moving of their radio tower. He also thanked the Parks and Streets for helping the police move.

Attorney Seckman reported the contract for the renovation on the Police Station Renovation with Rogge General Contractors, Inc. will be coming soon for their review.

Administrator DeRoos was absent but filed a written report with the council. (Attachment B)

Clerk Johnson announced that the Midwinter Conference is February 27th and 28th. She would like registrations back by the end of January so the city can get the early rate. If they plan to attend, the sooner they let her know the sooner she can get them a hotel reservation at the Cornhusker.

Emergency Manager Evert reported that a dead bird from South Park came back for the Avian Influenza. There has been a total of 15 birds that have died. This is low risk to humans, but it is recommended no feeding the birds or interaction with the birds at South Park. They have been in contact with the Game and Parks on the situation. She will be notifying the County Emergency Manager so he can have contact with farmers raising birds. These are the most at-risk groups. She does not see a need in closing the Parks.

Evert then reported that the City is in a wind chill advisory until Sunday. There will also be two to three inches of snow and wind. Travel will be very dangerous. Wind chill will be -40 to a -50. If you have to travel, be careful.

Mayor Lindberg asked if any announcement was to be made about the Avian Influenza. Evert answered that a statement could be put out to the public but she would like Attorney Seckman to approve the announcement. Attorney

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Seckman stated he felt it was more important to contact the farmers who are raising the flocks than a public announcement.

Police Chief Farber wanted to echo what Council member Holmberg stated that he was appreciative of the Utilities helping to move the antennas in a quick fashion. They currently do not have phones or internet. He appreciates the team effort from the Streets on helping them move. They have been aware of the bird problem for a month. The Parks has been picking up the dead ones along with the Game and Parks have been here to pick up birds. There are public announcements out there about the Avian Influenza. The officers will be staying bundled up this weekend. Hoping everyone stays warm and safe.

Street and Parks Manager Colvin reported that a sink hole appeared on C Street in front of Seckman's office. They have a temporary fix with flow fill, all pipes looked to be in good condition. When warm weather comes, they will open it up more and see how they can fix it. With the inclement weather coming he asks people to stay off the roads and let them do their job. Mayor Lindberg commended them for the last freeze having only one minor accident.

Library Director White reported there will be events in the library over winter break. The schedule is listed on their Facebook page and website.

Building Inspector Glodowski reported he is been working on the temporary office for the Police. He spoke to Poncho Hernandez about the police station renovation and gave him contact information for the contractor that was awarded the bid.

Housing Specialist Bywater reported that five single family homes are currently under construction. Four of those homes have sold or under contract for over \$325,000.00. He will be helping with the closing of loan to Schuyler Home Builders Group. Council member Baumert asked if the two houses under construction down the street from Dairy Queen are running slow on construction. Bywater stated they are under contract.

Council member Rodriguez moved to approve the December 6, 2022 council meeting minutes and dispense with its reading. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve payment of claims for the period from December 3, 2022 through December 16, 2022, in the amount of \$177,501.08 and the following exceeding \$1,000: JEO, Eng. Fees, Streets/Admin, \$3,785.90; Schuyler Coop, Fuel, Streets/Parks/Police/Transit, \$3,785.90; Woehl Welding, Repairs, Streets, \$1,277.40; City of Norfolk, SNARE, Police, \$1,500.00; Karel & Seckman, Legal Fees, Admin/LB840/Police, \$1,294.00; Reinecke Motor, Repairs, Police/Streets, \$7,235.26; Love's Signs, Inc, Electronic Sign, Parks, \$18,951.33. All claims under \$1,000 listed on (Attachment 1). Council member Kasik seconded the motion. Council member Kretz asked about the Love's Signs. Clerk Johnson stated that is the new electronic sign on the American Pathway lot. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to approve November 2022 Treasurer's Report. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg opened a public hearing on an application to amend the zoning map to rezone property from "GC", General Commercial, to "R-2", Urban Family Residential, was filed by Michael & Anita Pellan. The property is a tract of land commencing at a point 132 feet West of the SE Corner of Block 13, Clarkson and Dorsey's Subdivision of parts of Sections 10 and 11, Township 17 North, Range 3 East of the 6th P.M., in the City of Schuyler, Colfax County, Nebraska, thence running North 246 feet; thence running West 176 feet; then running South 246 feet; thence running East 176 feet to the place of beginning. The address of the property is 720 East 17th Street, Schuyler, NE.

Attorney Seckman explained the property is northeast of Kracl Funeral Home. When zoning code came into effect in Schuyler this house was being ran as a café and gift shop. It has not been used for that for the last 25 years. They are thinking about selling it. Since there are two houses on this property that is why it would be an R-2. The concern is if

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they want to do improvements on the property, they may not be able to since it is currently not zoned correctly. The Planning Commission did hear this and recommended the council approve.

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

Council member Holmberg moved the first reading of Ordinance No. 2022-14, the title being: AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING THE ZONING MAP TO CHANGE PROPERTY ZONED GC, GENERAL COMMERCIAL, TO R-2, URBAN FAMILY RESIDENTIAL. THE PROPERTY IS INSIDE THE CITY LIMITS AND LEGALLY DESCRIBED A TRACT OF LAND COMMENCING AT A POINT 132 FEET WEST OF THE SE CORNER OF BLOCK 13, CLARKSON AND DORSEY'S SUBDIVISION OF PARTS OF SECTIONS 10 AND 11, TOWNSHIP 17 NORTH, RANGE 3 EAST OF THE 6TH P.M., IN THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA, THENCE RUNNING NORTH 246 FEET; THENCE RUNNING WEST 176 FEET; THEN RUNNING SOUTH 246 FEET; THENCE RUNNING EAST 176 FEET TO THE PLACE OF BEGINNING. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. 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, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved for final passage. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2022-14 was passed and adopted.

Mayor Lindberg opened a public hearing on an application to amend the zoning map to rezone property from "AG", Agricultural, to "RR", Rural Residential, was filed by Rachel Mares Madej. The property is located outside the city limits but within the 2-mile jurisdiction a parcel of land located in the SW Qtr. of the SW Qtr. Of Section 36, Township 18 North, Range 3 East of the Sixth P.M., Colfax County, Nebraska, being described as follows: Referring to the SE Corner of the SW Qtr. Of the SW Qtr. Of said Section 36; thence S89°56'49"W (assumed bearing) on the South line of said SW Qtr. Of the SW Qtr, a distance of 546.18 feet to the point of beginning; thence continuing S89°56'49"W on said South line, a distance of 486.12 feet; then N06°52'33"W, a distance of 246.63 feet; thence N07°05'58"E, a distance of 163.35 feet; thence S50°37'56"E, a distance of 640.87 feet to the point of beginning, containing 2.38 acres, more or less, which includes 0.63 acres, more or less, of public right of way. The address of the property is 1210 Road G, Schuyler, NE.

Attorney Seckman explained this is part of an 80 acre tract of land that the Mares family owns. They live in the southeast part of the property. They have an adult son that would like to put a house on southwest part of the property. It is currently zoned AG, smallest track is of land is 10 acres. They would like a 2.38 acres and since it is in the City's two mile jurisdiction they can rezone to RR which allows you to just have one acre. Then they will be able to have an Administrative Subdivision done to split this 2.38 off of the 80 acres. The Planning Commission did recommend that the council approve the application. Council member Kretz asked who is taking care of the Engineering. Seckman stated Marvin Svoboda with JEO is the Surveyor on this project.

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

Council member Baumert moved the first reading of Ordinance No. 2022-15, the title being: AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING THE ZONING MAP TO CHANGE PROPERTY ZONED AG, AGRICULTURAL, TO RR, RURAL RESIDENTIAL. 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 SW QTR. OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SIXTH P.M., COLFAX COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SE CORNER OF THE SW QTR. OF THE SW QTR. OF SAID SECTION 36; THENCE S89°56'49"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SW

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QTR. OF THE SW QTR, A DISTANCE OF 546.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°56'49"W ON SAID SOUTH LINE, A DISTANCE OF 486.12 FEET; THEN N06°52'33"W, A DISTANCE OF 246.63 FEET; THENCE N07°05'58"E, A DISTANCE OF 163.35 FEET; THENCE S50°37'56"E, A DISTANCE OF 640.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.38 ACRES, MORE OF LESS, WHICH INCLUDES 0.63 ACRES, MORE OR LESS, OF PUBLIC RIGHT OF WAY. THE ADDRESS OF THE PROPERTY IS 1210 ROAD G, SCHUYLER, NE. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

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

Council member Holmberg moved for final passage. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2022-15 was passed and adopted.

Council member Rodriguez moved to approve Interlocal Agreement for the purchase of patrol canine "Riggs" with Colfax County and Butler County. Council member Kasik seconded the motion. Attorney Seckman stated that there was an interlocal agreement between Butler County and Colfax County. The City is basically taking over the agreement with Butler County. This is for a time period of seven years or for as long as Riggs is capable of canine activity. There are some items that come with the dog including a shed, collar and other items, those items have to go back once he is no longer working. The dog would also be shared when available with both Butler and Colfax County. Police Chief Farber stated this is the same agreement they have with Butler County to allow Oden to live in Butler County. He will assist Butler if available if they call for assistance. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kretz moved to approve City of Schuyler, Board of Public Works, Department of Utilities, 2023 Budget and Capital Improvements. Council member Holmberg seconded the motion. Utility Superintendent Hajek stated that there is a lot of carryovers from the previous year that was not completed. (Attachment 2) Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg opened a discussion on council committee usage and scheduling. Council member Holmberg stated they have their committees for the streets, parks, administration and police. He does not see a need for that, everyone should be able to attend all the meetings. There have been some meetings where no one that is on the committee showed up for them. He stated they should be open to everyone and no need for separate committees. That way everyone knows what is going on if they come to them all. He knows there is times when not everyone makes them. He thinks they should just do away with them.

Council member Baumert stated they would be called a work study instead of a committee meeting. If its something that really needs to talk about that needs to be done, he knows you two guys have problems with your jobs getting a little later meeting. But if had to get done, there is four of them here that are around in the afternoon that could get together and do it if it had to be done in shorter notice. Most of the time it will work out in the evening but just in case. Basically, all they do is a work study normally anyway.

Council member Kasik asked Clerk Johnson how much notice she would need.

Clerk Johnson notice of meetings need to be published and that has to be to the paper by noon on a Friday to be published the following Thursday.

Attorney Seckman stated the idea behind committees is so that they don't all have to do everything. The committees are suppose to do the ground work the investigation, they are suppose to take more time to decide, they then bring their efforts and work to the full City Council with their recommendation. But that doesn't mean you can't do what Council member Holmberg suggested, they can do what works best for them.

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Council member Holmberg stated he has heard that too, but in the eight years he has been here, he can't say anything that took a lot of work or time to have that meeting.

Council member Kretz asked who will take the minutes at this meeting. Council member Baumert responded they appoint someone that day, they could take turns, it doesn't always have to be the same person everytime. Mayor Lindberg asked if they knew how many times they would meet. Council Holmberg stated maybe four to five times a year at most. Council member Kasik stated previous there were things that came up with the pool and they met more often for. Attorney Seckman stated they could move at the beginning of every meeting to elect a chair and a secretary of the meeting. Council member Kretz stated since Street and Parks Manager Colvin has been here that they combined the Streets and Parks into one meeting.

Attorney Seckman stated with what Council member Holmberg is proposing is it will depend on what the issues are, you don't call any committee. They will say City Council discussion session on these items and who can come, comes. Whoever shows up among them, they will then appoint a chairperson and secretary.

Council member Baumert stated if there is someone on a committee that can't show up, they won't have to feel bad about not showing up for their committee meeting.

Attorney Seckman stated everyone will be on this committee. Council member Holmberg stated he makes almost every one of the meetings he can't think of any he missed; he is at all the meetings no matter what. The meetings are open to anyone to come.

Attorney Seckman stated the next step since this was just a discussion item the next thing to do is to have it as an action item as a motion. If that is approved then Mayor Lindberg would have to change his appointments for the committees to all six people.

Council member Holmberg moved to approve Bockmann, Inc. agreement for asbestos abatement at the Schuyler Police Station for \$18,670.00. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg opened a discussion on the Ballroom Contract. Attorney Seckman stated the contract was cleaned up best it could. This contract was not drawn up by an attorney and it has been added onto and added onto various times over the years. The rental fee amounts that are in a separate document and fee cans just be filled in with the rates. The decorating section was taken out and will be handed out to all who need it. It provides that if they will be using the bar they will be given the current bar rates at least two weeks before their event. Not a lot of changes, just cleaned up.

Council member Kretz asked what stipulations are in the contract on security. Attorney Seckman stated that section hasn't changed, max capacity is 570 people, depending on the type of event there is 1 security for every 100 people attending. Council member Kasik asked if the security is for all or when it's open to the public. Attorney Seckman stated it is for when it is open to the public. Ballroom Manager Baete stated it is mainly for Quinceanera since they open it to the public after their meal. Other events that have invitation only they will not be required.

Council member Baumert asked if we would be requiring a mandatory checking of bags for a Quinceanera since that is when there are problems with alcohol being brought in. Ballroom Manager Baete stated the contract reads they are subject to checking bags. Attorney Seckman stated that will be left to the Manager to decide if they need it or do not need it at the time. If it is in the contract it has to be done then it has to be done for all you cannot discriminate.

Council member Holmberg asked if we have plenty of cameras to see what is going on. Ballroom Manager Baete stated there are currently four cameras; one at back entrance, one in hallway, one in the bar area and one out in the middle of ballroom.

Council member Kretz asked what the consequences are for someone under 21 drinking. Attorney Seckman stated the law. Council member Kretz stated at one time they talked about shutting down the event if that happened. Attorney Seckman state all violators are removed and the manager can call law enforcement depending on circumstances.

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Council member Rodriguez moved to approve the proposed Ballroom Contract. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

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

ATTEST:

Mayor Art Lindberg

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