

City Council Meeting Minutes  
February 7, 2023

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on February 7, 2023 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 and Rodriguez. Absent: Wolfe.

Administrator DeRoos reported he met with JEO and Rouge for the Police Station Renovation. They will begin work next week and hope to be completed with the renovation by the end of this calendar year. He will be working on the salt shed and will be contacting the State Auditor's office to make sure it will qualify as a Capital Improvement. He is working with Beard Warren to put together a bid invitation for a new AC unit out at the Ballroom. He also stated on the agenda is public fund investment with Nebraska Class it is the possibility of investing with a high rate of return.

Police Chief Farber stated they are open for business in the temporary location and walk-ins are welcome.

Parks and Streets Manager Colvin reported they purchased a new salt spreader. It was used in the last storm and he is glad they have two now because the old one did quit in the last storm so they still had one spreader to hit the streets with. He thought his guys did a great job in the last storm taking care of the snow. Members of the Street Department did go to the school to read books and show students their equipment. He also found road paint at a lower price this year. He thinks they will be able to get all the painting in and what they weren't able to get last year. The parks are experiencing a low number of geese dying, he hopes this means the bird flu is not an issue anymore.

Library Director White reported there is a new Girl Scout Troop starting at the library meeting every other Saturday at 11 AM.

Ballroom Manager Baete submitted a written report to the council and asked if they had any questions. Council member Holmberg stated he appreciated her taking the time to write her thoughts down it was informative.

Housing Specialist Bywater reported he is working on his annual reports to NIFA and Department of Economic Development on the Rural Workforce Housing funds. He is currently working with RDG on the housing study and is tentatively planning to present to the council on March 21<sup>st</sup>. He is also working on a new Blight Study with JEO and DeRoos.

Council member Baumert moved to approve the January 17, 2023 council meeting minutes and dispense with its reading. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Kasik moved to approve payment of claims for the period from January 14, 2022 through February 3, 2023, in the amount of \$395,500.18 and the following exceeding \$1,000: Midwest Service & Sales, Spreader, Streets, \$3,640; John's Tire, Tires/Maintenance, Police/Street, \$1,921.02; Agri-City Insurance, Work Comp/Liability Audit, Admin/Streets/Police/Library/Transit/Parks/Pool/Ballroom, \$11,617.00; Cenex, Fuel, Transit/Police, \$1,445.57; Midwest Salt Supply Road Salt, Streets, \$2,549.25; Colfax County Food Pantry, Reimburse, CDBG, \$3,673.84; Regier Carr & Monroe, Audit Service, Admin, \$8,000.00; RDG Planning & Design, Housing Study, LB840, \$2,610.00; Uline, Benches, Parks, \$5,379.35; JEO, Eng. Fees, Police, \$2,003.70; Karel & Seckman, Legal Fees, Admin/Police, \$1,243.00; Uline, Containers, Ballroom, \$1,840.10; Q-Graphix, Sign, Ballroom, \$1,485.00; 911 Custom, Uniforms, Police, \$1,065.00; Colonial Research, Cleaning Supplies, Ballroom/Parks, \$2,630.31; Visa-Pinnacle Bank, Training/POS/Supplies, Police/Ballroom/Admin, \$4,481.52; Falty's Enterprises LLC, Snow Removal, Streets, \$1,350.00; Reinecke Motor, Repairs, Police, \$1,111.96. All claims under \$1,000 listed on (Attachment 1). Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried.

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Council member Holmberg moved to approve plans and specifications and advertise for bids for the Schuyler 2023 Asphalt Overlay project for the City of Schuyler, Nebraska. Council member Kasik seconded the motion. Andrew Wilshusen project manager with JEO was present at the meeting to review the plans and specification along with the cost opinion for the project with alternate projects depending on the bids. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried.

Council member Rodriguez moved the first reading of Ordinance No. 2023-01, the title being; AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, TO REVISE SCHUYLER MUNICIPAL CODE AS A RESULT OF 2022 NEBRASKA STATE LEGISLATURE SESSION INCLUDING THE FOLLOWING TO REVISE OR ESTABLISH OR MOVE EXISTING MUNICIPAL CODE SECTIONS AS FOLLOWS: TO AMEND MUNICIPAL CODE SECTION 30.038 REGARDING SPECIAL ELECTIONS RELATING TO DATES AND TO HARMONIZE WITH STATE LAW; TO AMEND MUNICIPAL CODE SECTION 30.044 REGARDING RECALL PROCEDURE TO CHANGE DATES AND HARMONIZE WITH STATE LAW; TO AMEND MUNICIPAL CODE SECTION 30.061 REGARDING PROPOSED BUDGET STATEMENT, CONTENTS, AVAILABILITY AND CORRECTION TO PROVIDE FOR LEGAL VOTERS APPROVED BONDS AND HARMONIZE WITH STATE LAW; TO AMEND MUNICIPAL CODE SECTION 30.062 REGARDING PROPOSED BUDGET STATEMENT, HEARING, ADOPTION AND CERTIFICATION OF TAX AMOUNT TO PROVIDE FOR LEGAL VOTERS AUTHORIZED BONDS AND HARMONIZE WITH STATE LAW; TO AMEND SECTION 30.063 REGARDING ADOPTED BUDGET STATEMENT, FILING AND CERTIFICATION OF AMOUNT OF TAX PROVIDING FOR LEGAL VOTERS APPROVED BONDS AND TO HARMONIZE WITH STATE LAW; TO AMEND MUNICIPAL CODE SECTION 30.084 REGARDING PROPERTY TAX LEVY, MAXIMUM AND AUTHORITY TO EXCEED WHICH PROVIDES FOR CHANGE OF DATES AND HARMONIZE WITH STATE LAW; TO AMEND MUNICIPAL CODE SECTION 30.085 REGARDING PROPERTY TAX REQUEST, INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE AND PROCEDURE FOR SETTING INCLUDING JOINT PUBLIC HEARING WITH COLFAX COUNTY CLERK AND NOTICE THEREOF AND TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE. Council member Holmberg seconded the motion. Attorney Seckman reviewed that these suggested ordinance changes came from the last legislative session and the state statues that had changes to them. He reviewed all the suggested changes and the changes in this ordinance he felt our ordinances needed to change to coincide with the state statues. He reviewed all the changes. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. 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 and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved for final passage. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2023-01 was passed and adopted.

Council member Holmberg moved the first reading of Ordinance No. 2023-02, the title being; AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, RELATING TO PERSONS UNDER AGE EIGHTEEN (18) POSSESSING TOBACCO INCLUDING USE VIA ELETRONIC NICOTINE DELIVERY SYSTEMS OR ALTERNATIVE NICOTINE PRODUCTS SHALL BE GUILTY OF A MISDEMEANOR; CREATING A NEW MUNICIPAL CODE SECTION 130.21 RELATING TO SUCH UNLAWFUL POSSESSION OF TOBACCO, TOBACCO PRODUCTS OR NICOTINE PRODUCTS; TO REPEAL CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE. Council member Kasik seconded the motion. Attorney Seckman reviewed that this ordinance will allow the police to issue a ticket for anyone under 18 who is in possession of any tobacco products. The way our current ordinance is that they have to be using the tobacco, now if they are in possession of the tobacco products they can be issued a misdemeanor. Police Chief stated this will give them another tool in their tool kit to help reduce the amount of youth using these products. Council member Kasik asked if there was a way we could get the word out about this new ordinance. It was suggested to put on the City Website and Facebook page. Council member Rodriguez asked if he will be working with the school or school board. Chief Farber said they have implemented detectors in the bathrooms,

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he feels they are doing a good job. A local citizen asked if there would be any parent education done with the new ordinance. Chief Farber stated their goal is to do some community outreach in that area and have some programs. Citizen Angela Hernandez asked if the city has an ordinance for marijuana use? Attorney Seckman that the state has a law against marijuana use. This ordinance is because there is not a state law regarding possession. Citizen Luis Lucar asked how do city ordinances work with the school system. Chief Farber stated they are sending an officer to DARE school so they can teach the dangers in the Elementary School. He plans to also have an officer become certified to be a school Resource Officer. He wants to be prepared so in the future if the school agrees he will have an officer ready. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. 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 and Rodriguez. Voting against: no one. Motion carried.

Council member Holmberg moved for final passage. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2023-02 was passed and adopted.

Council member Holmberg moved the first reading of Ordinance No. 2023-03, the title being; AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, TO AUTHORIZE THE SALE OF REAL ESTATE OWNED BY THE CITY OF SCHUYLER, NEBRASKA, SCHUYLER DEPARTMENT OF UTILITIES, AND DESCRIBED AS LOT 10, BLOCK 3, WATER TOWER SUBDIVISION, SECOND ADDITION, TO THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA, TO STEVE LLOYD'S RENTALS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, FOR THE SUM OF \$25,000.00, WITH AUTHORIZATION MADE PURSUANT TO NEBRASKA REVISED STATUTE SECTION 16-202 (REISSUE 2012); PROVIDING BUYER TO BUILD A RESIDENCE COMPLETED AND SOLD WITHIN 24 MONTHS FOR DISCOUNT OF \$20,000.00 WITH PAYMENT WAIVED IN THAT EVENT; AUTHORIZING THE MAYOR TO SIGN THE REAL ESTATE PURCHASE AGREEMENT, WARRANTY DEED AND ANY REAL ESTATE SALE CLOSING DOCUMENTS; PROVIDING FOR NOTICE TO THE PUBLIC AND PROVIDING FOR AN EFFECTIVE DATE. Council member Kasik seconded the motion. Attorney Seckman stated they will sell the lot for \$25,000, if house is completed and resident living in home they reduce the purchase price of the lot to \$5,000. This house is presold. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. 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 and Rodriguez. Voting against: no one. Motion carried.

Council member Rodriguez moved for final passage. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried. Ordinance No. 2023-03 was passed and adopted.

Council member Kasik moved Resolution 2023-0107 to approve and enter into the Interlocal Agreement and Membership Agreement with the League Insurance Government Health Team (LIGHT) and authorize the Clerk to execute the Interlocal Agreement and Membership Agreement. Council member Holmberg seconded the motion. Council member Rodriguez asked if this could be explained. Clerk Johnson stated back in November they approved to take advantage of the lower cost of health insurance through the League of Municipality's LIGHT Program. The employees all have the new insurance. The League recently contacted Clerk Johnson as they missed having the council approve the Resolution, Interlocal Agreement and Membership Agreement, so she is asking for the council to approve it now. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: non one. Motion carried.

Council member Rodriguez moved Resolution 2023-0107B approving and entering into the Declaration of Trust Interlocal Agreement with the Nebraska Class Trust. Council member Baumert seconded the motion. Administrator DeRoos explained that the Class Trust is an investment pool or trust comprised completely of government organizations. It is a complete liquid system, meaning we can put our funding into it and get it back the next day. It is secured against treasuries, there is a 4.5% yield currently. Since it is liquid, we could keep our operating capital instead of in a checking account gaining the 4.5% interest. It is subject to changes in interest rates. There are always pros and

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cons. If the money was put into a CD you are guaranteed an interest rate and with this investment you are not. He recommends putting \$500,000 into it very soon. Attorney Seckman stated he has reviewed all the documents. He has some questions that really can't be answered yet since this program is just starting. We do not know who the member participants are yet because it's so new and everyone is just going over it like we are now. We know Lincoln, Central City and Tecumseh are since they have members on the board. The advisor and custodian are both located out of state. They can't say that you won't lose money. If you put in \$100,000 you will have 100,000 shares. Share prices will be valued at a dollar. There is no FDIC insurance on this so there is no guarantee you will not lose money on this. It is like when we as individuals decide we want our 401K invested in the market there is no guarantee that you will make money. He just wants the council to know the risks. He would like to see it how it goes over time. Council member Kasik asked if there is a minimum amount you have to invest in this? Administrator DeRoos stated one dollar. Council member Holmberg stated that passing the resolution does not state how much they will be investing just makes them part of the group. They could decide later how much they would want to put in after watching what happens. Voting for: Baumert, Holmberg, Kasik, Kretz and Rodriguez. Voting against: no one. Motion carried.

Mayor Lindberg opened a discussion of Multiple Residence on One Lot Parcel. It was discussed by Administrator DeRoos, Council member Kretz and Attorney Seckman that we have a few residents with living quarters in garages. The issues are not proper utilities to these residences and not properly zoned. This was brought up at a Planning Commission meeting some time back and Utility Superintendent McGowen was going to get with Attorney Seckman to go over other community regulations and find something that works for the City and Utilities in these cases. Now new Utility Superintendent Hajek is going to find this information and work with Attorney Seckman and if changes are needed, they will take it to the Planning Commission.

Mayor Lindberg opened a discussion on a Schuyler Wheel Tax. It was discussed by Council Members Holmberg and Kretz along with Attorney Seckman that a wheel tax would be able to help to pave the gravel streets inside city limits. Other city such as Hastings and Arlington have a wheel tax. The tax would be collected by the county when a car is registered. Rates vary from \$40 to \$75 a vehicle; this would help to not raise property taxes to be able to pave streets. This would have to go to a vote of the people to be approved.

Mayor Lindberg opened a discussion on the City Website. It was discussed by Administrator DeRoos, Mayor Lindberg along with Council Members Holmberg, Kasik and Kretz. The look of the website was discussed along with information available on the website and if it could be translated to Spanish. Different options will be looked into with companies or someone local.

Mayor Lindberg opened a discussion on Job Descriptions. It was discussed by Mayor Lindberg and Council Member Baumert. The Administrator and Mayor will be going over the job descriptions to clean them up, to clarify duties, overlay on items. After this is completed they will be brought to the Council for review.

Mayor Lindberg opened a discussion on Downtown Parking. It was discussed by Administrator DeRoos, Attorney Seckman, Council Members Kretz, Baumert, Kasik and Holmberg along with local citizens Jim Theile and Angela Hernandez. It is sometimes hard to find a parking spot downtown due to vehicles not being moved or the employees from downtown businesses. Some ideas would be to have assigned parking for businesses for a fee, parking meters, 30 minute parking or more ticketing. They could also put a parking lot in where the old Carnegie library was. At one time the downtown businesses all used the City Parking Lot for employee parking. Council would like Administrator DeRoos to talk to downtown businesses and get their opinion. Any changes made would need to be passed by an ordinance.

Mayor Lindberg opened a discussion on Library Organizational Structure. It was discussed by Administrator DeRoos, Council Member Holmberg, Attorney Seckman, Library Board of Trustees Director Baumert, Library Board Vice President Keairnes, Library Board Member Medina, Library Foundation Members Parsons and President Bywater. It was discussed what exactly is the City Councils role with the library. Currently the administration is governed by the Library Board, but was questioned if administration should be by the City Council. This change would keep the Library Board but the City Council would have final say in administration and property management. Questions about who is

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responsible for a lawsuit. Is it the Library Board or is it the City Council? City Council currently has no power on what employees are hired or the library directors duties, only the Library Board has this power.

The Library Board pointed out that the members are appointed by the Mayor and City Council. The Board does not feel it can be sued since they operate under the city. They would like to find out who is liable. They enact policies and make decisions while asking in depth questions. Their concern would be the efficiency and quality on how quick they could make decisions and policy changes would not be same type of quality. The board president is able to take care of any issues with staffing. The board also creates a strategic plan and follows it. They also monitor the budget on a monthly basis. The board does receive 20 hours of continuing education in their three-year term.

The council does not want to break up the board. They feel the board does a great job. The council just questions the management of personnel due to the possibility of a lawsuit. The council would add an additional layer of oversight thru the elected officials and professionally trained administrative personnel.

The Library Foundation reviewed the timeline of the repairs needed at the library and their history with Bierman Contracting. They had come to an impasse with the contractor and asked the City to intervene. Now with the JEO Engineering's review they know where the problem lies and hope to be able to rectify the situation.

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

ATTEST:

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Mayor Art Lindberg

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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.

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City Clerk Lora Johnson