

City Council Meeting Minutes April 16, 2024

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on April 16, 2024 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, Rodriguez, Svoboda and Wolfe. Absent: no one.

Mayor Lindberg led the meeting in the Pledge of Allegiance.

Mayor Lindberg signed a proclamation for Arbor Day on April 26, 2024.

Administrator DeRoos had a communication from a citizen about the parking in the downtown area by Pinnacle Bank. They stated that the alley vision was blocked to traffic from the left by large vehicles. He said they will need to look into solutions to solve this problem.

Mayor reported that the alarms for the emergency system will be changing according to his conversation with Mark Arps. He also wanted to thank Will, Lora and the Chief on the Police Station renovation and getting this project completed.

Administrator DeRoos reported the Police Station has passed inspection and will now need certificate of occupancy for the Police to be able to start moving in. After they are moved in, they will host an open house and tours. Ballroom roof replacement will be completed next week. The Veteran's Memorial ground work has taken place and site compaction is completed. There is a MOU on the agenda with Colfax Foundation to move forward on that project. He is still discussing with school about traffic study and Steve Parr with JEO stated they would still be able to complete that before the end of the school year.

Clerk Johnson reported that she submitted the annual TIF report to all taxing authorities. She also submitted the 6 Month Revenue and Expenditure Report. Council member Holmberg asked when the Hotel TIF will be completed. Clerk Johnson stated it started in 2013 so it would be completed in 2028.

Utility Superintendent Sobota reported that the 6 month revenue and expenditures shows they have taken \$800,000 out of the cash reserves. They paid out over a million dollars in capital expenditures in the first part of the year. They are needing to keep inventory on hand of transformers. Materials are hard to get on hand and are taking months to get. Once the new Solar Farm is online there will be some Federal Grant Funds that will come in for that. The contract for the Water Tower 5th addition have been awarded by the Board of Public Works. Council member Kasik asked if there were any updated on the chlorination of the water. Sobota responded he said they haven't decided a plan yet but they plan to chlorinate when the Denver and Dunker well comes on line but that has been delayed. They are also looking into having the northwest tower cleaned and would want to chlorinate after that as well. They may stop and start up again possibly. Council member Wolfe asked if that is a large cost to chlorinate. Sobota responded to fill the tank costs \$6,000 and how fast the tank is used is determined by water usage.

Police Chief Farber reported that Schuyler has had some of the worst violence he has seen in the last five years since he has been here. There was his first homicide on April 7th with one officer on duty. It was located at the Storage Facility behind Pizza Hut. It was a 44 year old male from Columbus. Another individual was shot and was hiding in Columbus who showed up two hours later at the hospital in Columbus for treatment. Other local officers and NSP were called in to work the scene. The suspect was picked up outside St. Joe Missouri and put into custody. He was charged with murder. There was more violence this past weekend. On Friday an officer made a stop of a 58 year old male who had a gun with him along with 2 ounces of marijuana which is a felony. Then an event at the Oak Ballroom had a disturbance where staff were assaulted and the officer on duty had to call for assistance. The officer called in was working a domestic violence when he came to ballroom with his suspect in his car to be able to assist the other officer. NSP came to assist and was involved in a pursuit when one of the suspects fled the scene in a car and was charged

City Council Meeting Minutes
April 16, 2024

with a DUI. Three people in all went to jail that night, one for domestic assault, DUI and assault of a police officer. He is hoping this weekend gets back to normal. They are trying hard to hire more officers, one is in training. Just closed out a hiring process and have one applicant. They will be opening another application process.

Library Director White reported that on May the 4th will be Star War's Day with activities at the library.

Council member Baumert moved to approve the March 19, 2024 council meetings minutes and dispense with its reading. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Rodriguez, Svoboda and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve payment of claims for the period from March 30, 2024 through April 12, 2024, in the amount of \$309,666.00 and the following exceeding \$1,000: Albers All Around, Concrete Repair, Pool \$5,800.00; JEO, Eng. Fees, Admin, \$5,015.00; Jedlicka Stump Grinding, Stump Removal, Veteran's Memorial, \$1,116.50; Visa, Misc., Admin/Ballroom/Police/Streets, \$2,695.96; Schuyler Coop, Fuel, Parks/Police/Streets, \$2,695.96; Svehla Law Office, Legal Fees, Admin, \$3,120.00; Southern Glazer's of NE, Bar Supplies, Ballroom, \$1,032.60; Johnson Brothers, Bar Supplies, Ballroom, \$1,715.28; Regier Carr & Monroe, Audit, Admin, \$11,625.00; Electronic Engineering, Radio Tower, Police, \$6,760.80. All claims under \$1,000 listed on (Attachment 1). Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Rodriguez, Svoboda and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to accept March 2024 Treasurer's Report. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Rodriguez, Svoboda and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg opened a public hearing to testimony of support, opposition, criticism, suggestions or observations on an application to amend the zoning map to rezone property from "R1", Single-Family Residential, to "LI", Limited Industrial District, was filed by CJ Rentals. The property is commencing at a point 66 feet East of the Northwest corner of Block 58, Clarkson's Fourth Addition to the City of Schuyler, Colfax County, Nebraska, and running thence South 110 feet, thence East 66 feet, thence North 110 feet and thence West 66 feet to the place of beginning, legally described as the North 110 feet of Lots 7, 8 and 9 of Block 58, Clarkson's Fourth Addition to the City of Schuyler, Colfax County, Nebraska and Lot 1 of Fendrick Addition being part of Lots 10, 11, and 12, Block 58, Clarkson's Fourth Addition and Part of Vacated Elk Street, City of Schuyler, Colfax County, Nebraska.

Clerk Johnson stated this is next door next to Faltys Trucking on 13th Street. They tore down some old houses and now would like to make it into a parking area for their trucks by rezoning the property.

Council member Homberg moved to close the public hearing. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Rodriguez, Svoboda and Wolfe.

Council member Holmberg introduced the first reading of Ordinance 2024-04, the title being, AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING THE ZONING MAP TO CHANGE PROPERTY ZONED R1, SINGLE-FAMILY RESIDENTIAL, TO LI, LIMITED INDUSTRIAL DISTRICT WAS FILED BY CJ RENTALS. THE PROPERTY IS LOCATED INSIDE THE CITY LIMITS AND LEGAL DESCRIPTION IS COMMENCING AT A POINT 66 FEET EAST OF THE NORTHWEST CORNER OF BLOCK 58, CLARKSON'S FOURTH ADDITION TO THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA, AND RUNNING THENCE SOUTH 110 FEET, THENCE EAST 66 FEET, THENCE NORTH 110 FEET AND THENCE WEST 66 FEET TO THE PLACE OF BEGINNING, LEGALLY DESCRIBED AS THE NORTH 110 FEET OF LOTS 7, 8 AND 9 OF BLOCK 58, CLARKSON'S FOURTH ADDITION TO THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA AND LOT 1 OF FENDRICK ADDITION BEING PART OF LOTS 10, 11, AND 12, BLOCK 58, CLARKSON'S FOURTH ADDITION AND PART OF VACATED ELK STREET, CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Rodriguez, Svoboda and Wolfe. Voting against: no one. Motion carried.

City Council Meeting Minutes
April 16, 2024

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

Council member Rodriguez moved for final passage. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Ordinance 2024-04 was passed and adopted.

Council member Baumert moved to approve change Order #8 with Rogge General Contractors, Inc. for the Police Department Expansion and Renovation for a decrease in the amount of \$9,024.01. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve Memorandum of Understanding with the Colfax Foundation for their contribution to the CDBG Grant Matching Funds for the 12th and B Street Park. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved Resolution 2024-0416 approving to make and enforce reasonable rules and regulations regarding the conduct of persons attending public meetings of the City Council. Council member Rodriguez seconded the motion. City Attorney Graham stated he drafted these rules at the request of the Mayor and Administrator. The Open Meetings Act allows the council to place reasonable regulations on public participation. He recommends setting these rules prior to having a contentious issue or having an actual issue with needing to limit or regulate the participation. The first section has to do with the introduction of agenda items. The second section is rules of public participation. Last section is rules about attendees at the public meeting. He recommends that the council impose these rules now before there is an issue. Council member Kasik asked about the open meetings act, does this add a point for public comment about any issue. Attorney Graham stated there are two different ways to do it. First is just an open general public comment section and you cannot control topics discussed and can get out of control. Second is allowing public comment on agenda items only. He would recommend allowing for more public comment and the procedure of the meeting to make some changes. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved Resolution 2024-0416B approving to adopt a Code of Conduct regarding the conduct of all City Department Heads, City Employees, City Council Members, as well as City Boards, Commissions and Committee Members. Council member Rodriguez seconded the motion. Mayor Lindberg stated this is about how things are presented to the community and what is said by Council and Employees. Everything said needs to be truthful and factual and not share falsehoods about anything or anyone. It is how we present ourselves. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to approve fireworks display on Friday, May 3rd at 9 PM at 422 E 12th Street sponsored by the Schuyler Area Chamber of Commerce. Council member Rodriguez seconded the motion. Chamber Director Jedlicka stated after the fireworks company came and seen the conditions it was decided to only shoot off Class C fireworks. Mayor Lindberg asked if the Fire Chief will be regulating if conditions allow for there not to be a fire risk. Jedlicka responded he will tell them if the conditions are not right to have the fireworks. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kasik moved to waive the Mobile Food Vendor Ordinance 2020-10 for the Cinco De Mayo Event sponsored by the Chamber of Commerce on Friday, May 3rd thru Sunday May 5th will require all participating individuals to submit a Driver's License for a Background Check by the Police. Council member Rodriguez seconded the motion. Clerk Johnson stated it is waiving all of the ordinance including: fees, application process with permitting, location of trucks on public property and allowing it be 150' of other restaurants. Chamber Director Jedlicka is still requiring vendors to turn in their health certificates. There will be nine local vendors and four from out of town. Police Chief Farber is concerned with them not filling out the application he will not know if one of them is a sex offender. Council

City Council Meeting Minutes
April 16, 2024

member Holmberg asked if there is any reason we couldn't still have the application. Administrator DeRoos stated that the fees are there to cover the cost of the administrative staff to do this paperwork and it seemed to be a barrier to get the outside vendors to come for the event. Mayor Lindberg asked the Chamber Director asked for explanation of what is discouraging the vendors. Chamber Director Jedlicka stated it is just simplified it so they don't have to go through the process they are in events all over. The out-of-town vendor come highly recommended. Clerk Johnson asked if we got ids from the vendors if a background could be done by those only. Chief Farber stated that ids would be enough information to run a background check. He stated these forms are being filled out in every city. Mayor Lindberg stated they are trying to find a happy medium. Chamber Director Jedlicka she will get all ids to the Chief before the event. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to close Downtown Streets on Friday, May 3, 2024 in the morning until Sunday, May 5, 2024 at 7 PM for the following Streets: 12th Street from B Street to D Street, C Street from 11th Street to North of 12th Street to pavement end and the City Parking lot for Cinco De Mayo Events. Council member Rodriguez seconded the motion. Chamber Director Jedlicka stated the carnival was wanting to bring bigger equipment and so they moved them to 11th Street and C Street. The main opening will be on 12th Street on C Street. Mayor asked if she has gone around to notify the businesses of Street Closures. Jedlicka responded they have and there are a couple they are still trying to get in contact with. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to close Downtown Streets on Thursday, May 2nd at 5 PM until Sunday, May 5th, 2024 at 10 PM for the following streets: 11th Street from B Street to D Street, C Street from 10th Street to 11th Street for the Carnival during the Cinco De Mayo Events. Council member Kasik seconded the motion. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kasik moved to approve quote from Jones Automotive in the amount of \$25,281.91 to outfit 2024 Dodge Durango and authorize for ½ payment before work is done. Council member Baumert seconded the motion. Mayor asked how long this is out. Chief Farber stated that it will be arriving in the next month. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to authorize Mayor to sign agreement and notice to proceed with Elkhorn Paving Construction Co., Inc. for the Schuyler Street Improvements Project No. 231416.00. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kasik, Svoboda, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg opened a discussion on lowering the speed limit on Gold Street from 17th Street to 20th Street to 15 mph. Lindberg stated Lonnie's Trailers was requesting it. The City cares for this section of street and it is through a trailer court. Street and Parks Manager Colvin stated it only will need to be lowered in one block area of 17th to 18th Street the rest of the blocks already have a lower speed listed. The current speed is 25 mph. Mayor Lindberg stated with the children present in that area they need to be protected. Attorney Graham asked why the City is caring for those two blocks and why they haven't vacated the Street since the trailer court is on both sides of the Street. Once it is vacated it would be controlled by the trailer court and he would maintain all roads. The City would still get retain all easements. Mayor Lindberg stated this gives the council something to think about.

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

ATTEST:

City Clerk

Mayor Art Lindberg

City Council Meeting Minutes
April 16, 2024

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