

City Council Meeting Minutes
June 6, 2023

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on June 6, 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, Kasik, Kretz, Rodriguez and Wolfe. Absent: Holmberg.

Mayor Lindberg read the thank you from the Schuyler Post Prom.

Administrator DeRoos communicated that he had visited with Vance Sayer and he stated that he would like to dig down 12' on the 12th and B Street lot to look for historical items and artifacts.

Council member Baumert moved to appoint Non-Certified Conditional Officer: Awilmary Alvarado starting June 12, 2023 and Bryan C Geras starting June 20, 2023. Board of Public Works: Bill Zegers term 2023-2027. Library Board: Kim Parsons term 2023-2027. Schuyler Housing Authority: Ed Korth term 2023-2028 and Rose Kracl term 2023-2028. Board of Appeals: Ryan Novak term 2023-2026. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Mayor Lindberg administered the Oath of Office to Non-Certified Conditional Officer Awilmary Alvarado and Bryan Geras.

Mayor Lindberg congratulated Cheyne Terrell on his completion of his SRO training.

Attorney Seckman reported an update of all the Water Tower Subdivision lot sales. In Block 3 there are 14 lots, they have sold and closed on 4 of them. There are contracts in the process on 7 more, leaving 3 lots unspoken for. There is also one in Block 2 lot 2 that is also in the process.

Administrator DeRoos reported the Asphalt Overlay pre construction meeting will be next Wednesday. The Police Station will have another change order and a discussion later on tuckpointing the building. America's Pathway had its ribbon cutting. Flap Gate project is wrapping up with the grass growing. The Library Construction issues are being addressed with the repairs needed. Bierman is visiting with the masonry who did the work, DeRoos did communicate that he would like them to tear off and replace the problem area. DeRoos reported they have hired a new Ballroom Manager.

Emergency Manager Evert reported that she will be helping with volunteers at the Touch A Truck Event.

Utility Superintendent Hajek reported the new well up by Elementary School is dug and they will start putting the building up soon. They will start digging for the next well by Dairy Queen. They will be starting work with JEO on a Water Tower Subdivision 5th Addition, when they receive the preliminary plat, they will be seeking approval from the Planning Commission. Last week they had a severe outage that took out a 1/3 of the town. It was caused by someone dropping a tree into their main feeder coming out of the substation.

Police Chief Farber thanked the Utilities for their fast action in getting the power back up. Without power at the Police Station their radios and internet don't work. He is pleased with Code Enforcement, they served 24 notices and 22 came into compliance. They issued one citation and the City cleaned up one property. Citations are up 20 notices compared to last year. Council member Baumert asked about grass being blow into the streets and if they are concerned about it. Chief Farber stated they will take those complaints and address them but they are low priority and may take time to get to.

Library Director White reported they are getting ready for summertime at the library. Tuesday, June 13th at 1:00 PM they will be having a The SpongeBob Musical. They will be having a special SpongeBob cake as well. On Wednesday, June 21st at 6:00 PM they will be having a Family Unicorn Yoga and then Thursday, June 22nd at 9:00 AM there will be

City Council Meeting Minutes
June 6, 2023

the World's Largest Swimming Lesson at the Schuyler Municipal Pool. On Friday afternoon they will have a movie matinee at 2:00 PM all through out the summer. The summer reading program this year is "All Together Now", it will be starting on July 3rd. Parents can call the library to get their child signed up. They are planning on a Family Fishing Event at South Park Lake in conjunction with the Police, Sherriff, Didiers and QC Supply on July 27th.

Building Inspector Glodowski reported that the 15th and Adam project is coming along with the demolition done and now footings are starting. The Steve Lloyd project is moving along quickly. The Kracl Meadow home project is nearing completion as well. Progressive Builders submitted plans for 3 townhouse which will have 6 units all together. Possible duplex project at 18th and H Street. There are 3 to 4 more projects in the works right now.

Ballroom Manager Rodriguez introduced herself to the council. She will be able to help with translation at the Ballroom. She has worked at the Ballroom for a year. Council member Rodriguez asked if she lives in Schuyler and she responded she does.

Economic Development Director Ringenberg reported the Center was awarded a grant to revitalize the Center. She will be writing a CDBG Planning Grant for Revitalization of the Downtown. She visited with a company out of New York looking for a commercial site for there business and will be in town to look at sites. Commercial Lots continue to be in demand. She will be attending a Brownville training to get information about turning the Power Plant in to an Art space. She will also be attending training on how to create a Creative District in our community. She is forming a group of professionals for the Downtown of Schuyler.

Housing Specialist Bywater reported that he will be out of the office between June 12th and 18th. He had a lengthy email with Cliff Mesner talking about the recent increase in property tax values in the area. He focused on the \$985,000 valuation increase on the Eastview Apartments. He asked the impact of this on future projects of a second building. Mesner stated it would be really tough and TIF would be necessary to be able to do a project in the future. He has talked with Jeff Ray with JEO about the blight study and it is moving along. Last, Governor Pillen vetoed funding for the Rural Workforce Housing Fund for the 2023 fiscal year. Schuyler has added 28 units from the Workforce Housing Funds.

Council member Baumert moved to approve the May 16, 2023 council meeting minutes and dispense with its reading. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to approve payment of claims for the period from May 13, 2023 through June 2, 2023, in the amount of \$150,371.13 and the following exceeding \$1,000: Colfax County Food Pantry, Reimburse, CDBG Grant, \$198,807.55; Jones Automotive, Docking Station, Police, \$8,984.21; Cenex, Fuel, Transit/Parks/Police/Street, \$1,642.26; Aqua-Chem, Chemicals, Pool, \$2,720.35; Schuyler Home & Bldg Supply, Supplies/Lumber, Pool/Streets/Admin/Special Project, \$3,423.36; JEO, Eng. Fees, Admin, \$11,010.00; Cheyne Terrell, Reimburse-Resource Officer School, Police, \$1,275.99; Colfax County Senior Center, Reimburse, CDBG Grant, \$4,056.05; Love's Travel Stop, TIF, Admin, \$52,954.36. All claims under \$1,000 listed on (Attachment 1). Council member Baumert seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to authorize pay application #4 for Schuyler Police Station Renovation in the amount of \$221,691.60 to Rogge General Contractors. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to approve Change Order #2 for the Gate Improvements project with Robert Woehler & Sons Construction, Inc. in a decrease amount of \$1,400.00. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

City Council Meeting Minutes
June 6, 2023

Council member Rodriguez moved to approve pay application #6 and Final to Robert Woehler & Sons Construction, Inc. in the amount of \$11,758.28 for the Channel and Flap Gate Improvements. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Brian Medar with Vyve was present to discuss about the Fiber in the community. Attorney Seckman asked if all the issues between the Police Department and Vyve been resolved. Administrator DeRoos stated they have been. He distributed a map of where in the community has a giga and that Schuyler is fiber rich. They will continue to add fiber as they are not 100% yet. He feels they are a good partner with the City. If the City does a new housing area, they would like to be notified to be able to install services during the development.

Mayor Lindberg opened a discussion on the Water Tower Subdivision Lots for Sale. Tonya and Tony Labenz with Tonya LeGrande & Associates, LLC addressed the council about purchasing lot 2 in the Water Tower Subdivision to construct a 40' by 100' office space. It will include four individual offices, a spacious conference room for education and meetings and additional space that could potentially be rented out. Administrator DeRoos stated this would be a good development in the community. Attorney Seckman stated that since this is owned by the CDA and they would be the one to approve the sale of this lot. The CDA is made up of the city council. He said it now would just be for everyone to agree on a purchase price and timelines. Mayor Lindberg asked where they would enter the lot from. Labenz stated she would prefer Valley Drive. Attorney Seckman stated price would need to be discussed between the Mayor and Administrator and it brought to them for consideration.

Council member Kretz moved to authorize Mayor to sign a Promissory Note with Nebraska Department of Environment and Energy for a principal sum of not to exceed \$3,000,000. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to approve Resolution 2023-0606 to execute Agreement and all other documents necessary to facilitate the Loan between the Nebraska Department of Environment and Energy. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to approve Resolution 2023-0606B authorizing City Treasurer to open a CD at the Bank of the Valley for the City of Schuyler. Council member Rodriguez seconded the motion. Clerk Johnson stated this would be for the library. They had a CD at Homestead Bank and requested it be moved to Bank of the Valley. To open an account at Bank of the Valley she needed a Resolution approved by the council. The amount of the CD \$6,479.11. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kretz moved to approve new Street Department Equipment Rental Fees. Council member Rodriguez seconded the motion. Administrator DeRoos stated our pricing hasn't change in a long time. He wants to make sure we are getting paid for our time. Parks & Street Manager Colvin stated they do not want to have lower prices than the people out there for hire. We do not want them to choose to have the city to do it for them. The Street Department uses their equipment and charges to the landowner when the landowner does not clean up their code violation in the grace period. Street sweeping and painting is the only rental outside a code violation that these services will be offered to the public. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kretz moved to approve updated Rental Agreement, Rental Fees, Waiver Guidelines, and Rules and Regulations for Decorating/Catering and Kitchen Use/Music for the Oak Ballroom. Council member Rodriguez seconded the motion. Council member Kasik asked about the rental prices of if a wedding is Saturday and they want to decorate on Friday it is both \$1,400 for Saturday and \$700 for Friday for a total of \$2,100. She also asked about the contract stating there is a \$100 charge for every hour after 1:00 AM that they have not exited the building is that enough time to tear things down. Administrator DeRoos stated they could also rent Sunday if they would want to take down then. Clerk Johnson stated it is \$50 an hour on Sundays they would just need to reserve that time ahead of time. Ballroom Manager Rodriguez stated it does take them time to take everything down. The longer they are there it refrains the staff from being able to get their cleaning done before they leave. She will be looking for the most efficient

City Council Meeting Minutes
June 6, 2023

way to be able to do the cleanup. She said she will be able to come back in the future and let everyone know how the enforcing of the contract and rules is going. Council member Kretz questioned the need to change the price now. Administrator DeRoos stated he wanted to update the wording in the contract and since that was being done it made sense to look at the rates now as well. Manager Rodriguez stated she feels people will pay this new rate to have their event at the ballroom. Attorney Seckman stated the previous contract was hard to read. He reviewed this new contract and feels it makes sense. Manager Rodriguez would like to translate the contract to Spanish when approved to help with the confusion about the contract. Council member Kretz questioned the wording on item eight of the contract that it says "will cause the event to be shut down". On the Rules and Regulations, it says "may". He would like them both to state the same thing. It was agreed to change the word will to may. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to authorize Mayor to sign DED CDBG Amendment to Contract No. 20-EMCV-002 (Food Pantry) to change the deadline from July 10, 2023 to November 30, 2023. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to approve application to sell fireworks at retail to SkyBlasters at 919 Colfax and 310 West 16th Street from June 25, 2023 at 12:01 AM through July 4, 2023 11:59 PM. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to approve closing Higgins Drive and South Park Road for Schuyler Community Schools Cross Country meet on Thursday, August 31, 2023 from 3:00 PM to 7:00 PM. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Kasik moved the First Reading of Ordinance No. 2023-08, 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 1, BLOCK 3, WATER TOWER SUBDIVISION, SECOND ADDITION, TO THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA, ANTONIO AND CECILIA RODRIGUEZ, 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 AS A LIVABLE RESIDENCE 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 Baumert seconded the motion. Attorney Seckman stated that council member Rodriguez will have to abstain from the voting and they will not be able to waive the three-reading rule since there are only four voting members eligible to vote on this issue. He also stated the Board of Public Works have also approved this. Voting for: Baumert, Kasik, Kretz and Wolfe. Voting against: no one. Abstaining: Rodriguez. Motion carried.

Council member Kasik moved the First Reading of Ordinance No. 2023-09, 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 2, BLOCK 2, 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 2022); 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 Rodriguez seconded the motion. Attorney stated this is the 4th lot being sold to Lloyd Rentals LLC, these are

City Council Meeting Minutes
June 6, 2023

separate ordinances for the two lots. They are using separate realtors so the contracts will be separate. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to waive the three-reading rule. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, 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, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2023-09 was passed and adopted.

Council member Rodriguez moved the First Reading of Ordinance No. 2023-10, 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 2, 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 2022); 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. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to waive the three-reading rule. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Kretz, 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, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2023-10 was passed and adopted.

Council member Rodriguez moved to approve changing the Ballroom Manager pay rate from hourly to salary. Council member Kasik seconded the motion. Council member Kasik asked if they will still be punching a time clock. Administrator DeRoos stated they will be like all city employees do. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved the First Reading of Ordinance No. 2023-11, title being; AN ORDINANCE TO PROVIDE FOR CLASSIFICATION OF OFFICIALS AND EMPLOYEES OF THE CITY OF SCHUYLER, NEBRASKA; TO ESTABLISH AND FIX MINIMUM AND MAXIMUM AMOUNTS OF COMPENSATION FOR SUCH OFFICIALS AND EMPLOYEES; TO PROVIDE FOR PAY RANGES AND RATES OF PART-TIME EMPLOYEES; TO PROVIDE FOR A DATE SUCH RATES OF COMPENSATION SHALL BECOME EFFECTIVE; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Kretz, Rodriguez and Wolfe. Clerk Johnson stated the rate for the Ballroom Manager changed from an hourly rate to a salary rate. Also changed was a Non-Certified Conditional Officer was added under the police department since adding the new title. Voting against: no one. Motion carried.

Council member Rodriguez moved to waive the three-reading rule. Council member Baumert seconded the motion. Voting for: Baumert, Kasik, Rodriguez and Wolfe. Voting against: Kretz. Motion failed.

Mayor Lindberg opened a discussion on the Police Department tuckpointing. Administrator DeRoos stated around the base of the building has brick under ground level and that all needs to be tuckpointed. There is no exact cost estimate, the range is \$10,000 to \$30,000. The council feels there is no choice but to get it done when this much money is being spent.

City Council Meeting Minutes
June 6, 2023

Clerk Johnson asked if the Non-Certified Conditional Officers that are suppose to be starting before the next council meeting on the 20th, can they begin working since that title is not listed in our current wage ordinance. Attorney Seckman stated since tonight's Ordinance No. 2023-11 did not pass, they will have to wait until it is passed to start work. Attorney Seckman asked council member Kretz what his issue is with this ordinance. Council member Kretz stated it should be looked over by himself and this is the first he has seen it. Administrator DeRoos stated he wish he would have brought this up during the discussion. Council member Kretz stated he thinks the public should have time to look it over when it's posted. Clerk Johnson stated it will not be posted until it's passed. Attorney Seckman said they would be able to gather five people to have an Emergency Special Meeting with 48 hour notice or it will have to be done on June 20th. Chief Farber stated these new employees were given the 12th and 20th as there start dates. Council member Kretz stated the big part of this is the Ballroom and the duties of the manager were not discussed. Administrator DeRoos asked if everyone could come back for a special meeting on Friday at 5. Clerk Johnson suggested an email be sent out to find out the council availability and then she will send a meeting notice when date and time is decided.

Council member Kasik moved to adjourn. Council member Wolfe seconded the motion. Voting for: Baumert, Kasik, Kretz 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