

City Council Meeting Minutes
July 16, 2024

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on July 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, Kasik, Marron, Rodriguez and Svoboda. Absent: Wolfe.

Mayor Lindberg led the meeting in the Pledge of Allegiance.

Administrator DeRoos stated he had a communication with a citizen who asked if they could go after more vigorously people shooting fireworks outside the allowed time and shorten the time from 11:00 PM to 10:00 PM.

Administrator DeRoos reported that the Top Notch will be discussed later in the meeting. The first Finance Committee Meeting will be July 23rd at 6:00 PM. This will review Expenses and Revenues and review over the big budget categories. He will have met with Department Heads to find out their needs and wants before that meeting. On July 31st he has been invited to participate in a Town Hall Meeting with other taxing entities. He will be presenting at this meeting. The 23-24 Street Project is coming to an end should be under budget. There are plans done to 90% for next year's Street Projects. He also asked JEO to look into a plan for Downtown that would not require any bonds. Getting estimates from JEO on repairs or replacement at the library to fix those issues. All major issues have been resolved at the Police Station and will be planning an open house in the future. Council member Svoboda stated he was contacted by a citizen about the road project and stated that 16th Street between G and F Street that it was wavy. The Southwest corner of 5th and B Street water is standing. Administrator DeRoos stated they will check out those issues at the final walk through tomorrow.

Clerk Johnson reported that Finance Committee Meetings are set up for July 23th at 6:00 PM, August 13th at 6:00 PM and August 20th at 5:15 PM.

Utility Superintendent Sobota reported the well at Denver and Dunker Street passed inspection and is now online. The northwest tower had an inspection and waiting on report. Dirt work in the Water Tower 5th Addition will be starting today. The phase 3 solar is waiting on a GFCI test on the 1600hz amp breaker. The Gold Street Realignment Project had 15 guys working with the railroad to get that completed.

Street and Parks Manager Colvin reported there will be a walk through on Wednesday for the 2024 Street Improvement Project at 10 AM starting at 5th and D Street.

Library Director White reported they are starting their Sensory Adventures at the Library on Wednesday's at 10:30 AM and 5:00 PM. This is part of the libraries transforming communities grant to expand access to children with special needs.

Community Development Coordinator and Housing Specialist Bywater reported the EPA Brownfield Assessment Grant celebration is scheduled for Wednesday, July 24th at 11 AM at the former Municipal Power Plant. Present will be Meg McCollister Administrator of EPA Region 7, Taryn Horn with NE Department of Environment and Energy Brownfields and Voluntary Cleanup Program Coordinator and Jenny Mason NE DED Director of Community Development and Disaster Recovery. He along with the Chamber Director attended the 6 Regions One Nebraska Development Session the previous week. Colfax County has 72.9% of children under the age of 6 with all parents in the labor force. In the Central region there is 23,744 children under the age of 6 and 14,653 licensed provider capacity.

Council member Kasik moved to approve the July 2, 2024 council meeting minutes and dispense with its reading. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

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Council member Kasik moved to approve payment of claims for the period from June 15, 2024 through June 28, 2024, in the amount of \$249,142.14 and the following exceeding \$1,000: Schuyler Community Schools, Liquor & Tobacco Fees, Admin., \$4,000; Prime Secured, Security, Police, \$3,755.20; Aqua-Chem, Chemicals, Pool, \$2,558.95; OCLC, Inc., Catalog Subscription, Library, \$2,231.52; Schieffer Signs, Signage, Police, \$3,197.00; Pepsi, Bar Supplies, Ballroom, \$1,411.84; Motorola Solutions, Service 24-25, Police, \$1,354.00; Visa-Pinnacle Bank, Misc., Streets/Admin/Pool/Ballroom/Police/Parks, \$1,215.90; JEO, Eng. Fees, Steets, \$27,733.50; At-Scene, iCrime Fighter Subscription, Police, \$4,345.00; Schuyler Coop, Fuel, Transit/Parks/Police/Streets, \$5,122.38; Corral Auto Repair, Repairs/Storage, Police, \$2,518.45; Svehla Law Offices, Legal Fees, Admin/Police/Library/LB840, \$7,380.00. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Council member Baumert approved the June Treasurer's Report. Council member Rodriguez seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Mayor Lindberg opened a public hearing to consider amendment of the Schuyler Economic Development Plan to add businesses that provide early childhood care and education to the list of Eligible Businesses.

Community Development Coordinator and Housing Specialist Bywater stated that they are asking to amend the Schuyler Economic Development Plan that was passed by the voters. They were approached by the Childcare group to add language to make childcare an eligible usage of LB840 funds. This was discussed at the SCD Board meeting and they recommended to add the language.

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

Council member Kasik moved to approve Resolution No. 2024-0716 A RESOLUTION OF THE CITY COUNCIL OF SCHUYLER, NEBRASKA AUTHORIZING AMENDMENT OF THE 2017 SCHUYLER ECONOMIC DEVELOPMENT PLAN BY ADDING A QUALIFYING BUSINESS. Council member Baumert seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Discussion was had about the request by HoMe Development, LLC seeking modification of Promissory Note and Deed of Trust to extend the deadline to qualify for forgiveness relating to Lots 1, 2, 3, 4, 5 and 6, Water Tower Subdivision, Fourth Addition, to the City of Schuyler, Colfax County, Nebraska.

Administrator DeRoos stated he spoke to Kelby Herman about paying 10% for a one year extension which would total \$12,000 and he said would need to check with his business partner. Discussion was if nothing happens the whole amount would be due in August. Questions about who would receive the money. Since the funds came from the Utilities they would return to the Utilities. Council members voiced giving a one year extension with no penalty. Mayor Lindberg cautioned that this will be setting a precedence for future projects. Housing Specialist Bywater stated that this program was designed to stop people from purchasing and holding lots to be sold later at a higher price. To this point since 2017 Mezner and Herman have built 26 units which is more than all other contractors combined. He encourages the Council to follow the Utilities Boards recommendation to extend the agreement for one year with no penalty. Utility Superintendent Sobota stated that this is the same principle that was granted to Council Rodriguez when he sold his lot. They just want to get these lots on the tax rolls and utilities. Attorney Graham stated the agreement can be amended how the Council would like it.

Council member Baumert moved to the request by HoMe Development, LLC seeking modification of Promissory Note and Deed of Trust to extend the deadline to qualify for forgiveness relating to Lots 1, 2, 3, 4, 5 and 6, Water Tower Subdivision, Fourth Addition, to the City of Schuyler, Colfax County, Nebraska. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Council member Svoboda moved to approve closing Denver Street from Dunker Street North to the end of the Street all day on August 4, 2024 for a block party sponsored by Perla Campuzano. Council member Rodriguez seconded the motion. Clerk Johnson read the request by Perla Campuzano of the goal is to cause a buzz that will help sell the rest of

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the lots when available late this year. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Council member Kasik Introduced First Reading of Ordinance No. 2024-09, title being; AN ORDINANCE GRANTING BLACK HILLS NEBRASKA GAS, LLC D/B/A BLACK HILLS ENERGY, A DELAWARE CORPORATION, ITS LESSEES, SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE CITY OF SCHUYLER, NEBRASKA. Council member Svoboda seconded the motion. Attorney Graham explained their agreement is coming to an end and they would like to renew the franchise agreement. The City has the right to limit the number of natural gas providers. This includes a renewal for 10 years with three 5-year renewals. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

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

Council member Rodriguez moved for final passage. Council member Svoboda seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Ordinance 2024-09 was passed and adopted.

Council member Rodriguez Introduced First Reading of Ordinance No. 2024-10, title being; AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 114 OF THE SCHUYLER CODE OF ORDINANCES RELATED TO AN OCCUPATION TAX IMPOSED UPON NATURAL GAS COMPANIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; AND TO PROVIDE FOR AN EFFECTIVE DATE. Council member Kasik seconded the motion. Attorney Graham stated this changes from charging a franchise fee to an occupation tax. They will be submitting the fee annually with documentation showing the 5% fee. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

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

Council member Rodriguez moved for final passage. Council member Kasik seconded the motion. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Ordinance 2024-10 was passed and adopted.

Council member Baumert moved to approve amending Purchase Agreement for the sale of the Top Notch to KR Development, LLC. Council member Marron seconded the motion. Attorney Graham stated after KR Development reviewed the previous purchase agreement that was approved by Council, he had some items he would like changed. There was concern over the time frame of the three years to four years. There was concern of paying the property taxes, the City will be responsible through 2024 for all property taxes. The purchase agreement has detail of what is required to receive the Certificate of Occupancy. The first right of refusal now runs for only 10 years. Voting for: Baumert, Kasik, Marron, Rodriguez and Svoboda. Voting against: no one. Motion carried.

Mayor Lindberg opened a discussion about a dog park location. Discussion was had about two locations for the dog park and cost was around \$18,000-\$20,000. Questions where about putting in a dog park when one is available at Love's and about what the City's liability is. Attorney Graham stated that it would be like all other facilities that the City owns. Questions about how many will use the park and is there interest in the community for a dog park. Consensus was not to spend the money on a dog park at this time.

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

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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