

City Council Meeting Minutes
September 19, 2023

The Mayor and City Council of the City of Schuyler, Nebraska, met in regular session at the Schuyler Municipal Building on September 19, 2023 at 6:16 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 Deputy Clerk Mejistrik recorded the proceedings. The following council members were present: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Absent: Kasik.

Mayor Lindberg stated the Street Department and Contractors working on the streets to make improvements is looking good.

Administrator DeRoos reported that the Asphalt Overlay Project is almost completed with some punch list items to be finished. The Police Station to secure the second half of the funds is on the agenda. He also reported that the Administration office is now open over the lunch break now.

Parks and Street Manager Colvin reported that the Asphalt Overlay Project should be done by Friday. Thanks to JEO for staying on top of the Contractors to get this job done on time and get what we are paying for.

Library Board President Mel Baumert reported about the library being closed due to staff shortages. Employees have left their positions at the library, vacations, and attend conference. Since she has responsibilities at the conference, they felt it was best to close the library and still have Director White attend the conference. Mayor Lindberg read report received from Library Director White. She reported she has hired Elizabeth Guit, a SCHS senior, as part time assistant clerk. Liliana Lanuza as the new full time library clerk. They are now fully staffed, once both new hires are trained, they will reopen on Saturdays. Banned Book Week is October 1st thru 7th. Please stop at library to see display. Harry Potter Book Day is Thursday, October 12th, there will be a celebration at 6:00 PM. The library has solar eclipse viewing glasses available for the eclipse on Saturday, October 14th. Author R.J. Post will be at the library on Thursday, October 26th at 6:00 PM. His newest book is Phantoms in the Field House.

Council member Rodriguez moved to approve the September 5, 2023 council meeting minutes and dispense with its reading. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve payment of claims for the period from September 2, 2023 through September 15, 2023, in the amount of \$659,807.68 and the following exceeding \$1,000: Todd Valley Farms, Inc., Turf, Golf Course, \$2,676.00; Kajeet, Wifi HotSpots, Library, \$2,054.13; Woehl Welding, Caboose Repairs, Parks, \$1,200.00; Karel & Seckman, Legal, Admin/Police/LB840/HO505-07, \$2,970.00; Schuyler Coop, Fuel, Police/Parks/Streets/Transit, \$4,495.45; Colfax County Senior Center, Reimburse, CDBG, \$10,931.90; JEO, Eng. Fees, Admin/Streets, \$53,671.25; Don Glodowski, Mileage, Admin, \$1,534.88; M&O Door Products, LLC, New Doors, Admin, \$32,840.46; Addendum: Skid Pro Attachments, Grapple, Streets, \$4,348.05. All claims under \$1,000 listed on (Attachment 1). Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to accept the August 2023 Treasurer's Report. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve a one percent increase over the base limitation of 2.5% increase of restricted funds for FY 2023-24 Budget. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve a different tax rate amount from the prior year for the FY 2023-24 property tax request. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

City Council Meeting Minutes
September 19, 2023

Council member Holmberg introduced the first reading of Ordinance 2023-17, the title being: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, 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, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved for final passage. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2023-17 was passed and adopted.

Mayor Lindberg opened a public hearing to receive citizen comments pertaining to the One and Six Year Road Plan.

Steve Parr with JEO reviewed the projects completed this fiscal year. He then reviewed the projects in the one year plan. There are several projects in the six year plan and all of those would be concrete projects and new paving of what is gravel streets currently. Council member Kretz asked what the cost of concrete is? Parr stated currently it is \$70 to \$75 per square yard. Administrator DeRoos asked Parr to give a timeline when the projects could be bid out. Parr stated that if the agreement is approved tonight the plan would be to have the plans done by January. Then the council can decide what they want to do if they want to go out to bid on the project. He said that the window of time the City has with their fiscal year for plan and design and bidding is a short time frame. He recommends getting some projects designed and on the shelf so when a fiscal year begins the City can start the bidding process right away for possible better prices.

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

Council member Rodriguez moved to approve Resolution approving the One and Six Year Road Plan. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg moved to approve Resolution 2023-0919B of the Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads Classifications and Standards 2023. Council member Rodriguez seconded the motion. Parr with JEO stated this is an annual document that it is stating we have complied with all the requirements to receive the Highway Allocation Funding. Voting for: Baumert, Holmberg, 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 "R1", Single-Family Residential, to "LC", Limited Commercial and Office District, was filed by James Kasik. The property is Lot 4, Water Tower Subdivision, a Subdivision of the City of Schuyler, Colfax County, Nebraska.

Attorney Seckman stated that the month prior the CDA approved sale of the property to James and Jane Kasik. The covenants were amended for that property prior to making it that the property does not have to be zoned residential. He also stated the Planning Commission also recommended this change.

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

Council member Holmberg introduced the first reading of Ordinance 2023-18, the title being: AN ORDINANCE OF THE CITY OF SCHUYLER, NEBRASKA, AMENDING THE ZONING MAP TO CHANGE PROPERTY ZONED R1, SINGLE-FAMILY RESIDENTIAL, TO LC, LIMITED COMMERCIAL WAS FILED BY JAMES KASIK. THE PROPERTY IS LOCATED INSIDE THE CITY LIMITS AND LEGAL DESCRIPTION IS LOT 4, WATER TOWER SUBDIVISION, A

City Council Meeting Minutes
September 19, 2023

SUBDIVISION OF THE CITY OF SCHUYLER, COLFAX COUNTY, NEBRASKA. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, 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, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved for final passage. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2023-18 was passed and adopted.

Council member Holmberg moved to consideration and approval of an ordinance authorizing the creation of the City of Schuyler Leasing Corporation and authorizing the City to enter into one or more lease purchase agreements with said Corporation in an aggregate principal amount of not to exceed \$2,250,000.00 for the purpose of leasing certain real property and improvements thereon from the Corporation and appointment of the Board of Director and Officers: President, Lindberg; Vice President, Holmberg; Secretary, Baumert; Treasurer, Johnson. Council member Baumert seconded the motion. Jay Spearman with Piper Sandler was present and explained the this is to finish the construction on the police station. The City is creating the Schuyler Leasing Corporation, the City of Schuyler will then enter into a lease purchase with the Leasing Corporation. The Leasing Corporation will then issue lease rental revenue bonds to fund the completion of the police station. The City will make lease payments to the Leasing Corporation and those lease payment will then go the trustee who will then make the payment to the bond holders. Attorney Seckman asked why the City is doing a lease purchase instead of the City taking out a bond. Spearman answered it is a procedure issue and the city has maxed out its levying authority. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg introduced the first reading of Ordinance 2023-19, the title being: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SCHUYLER, NEBRASKA (THE "CITY") APPROVING THE ISSUANCE, SALE AND DELIVERY BY THE CITY OF SCHUYLER LEASING CORPORATION (THE "CORPORATION") OF ITS LEASE RENTAL REVENUE BONDS, SERIES 2023, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$2,250,000) TO FINANCE THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S POLICE STATION; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LEASE PURCHASE AGREEMENT AND RELATED DOCUMENTS; APPROVING THE ISSUANCE OF THE BONDS BY THE CORPORATION; APPROVING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE AND OFFERING DOCUMENT OR TERM SHEET BY THE CORPORATION; ESTABLISHING AN EFFECTIVE DATE; ADOPTING CERTAIN POST-ISSUANCE COMPLIANCE PROCEDURES WITH RESPECT TO THE BONDS; AND RELATED MATTERS. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, 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, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved for final passage. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried. Ordinance No. 2023-19 was passed and adopted.

Mayor Lindberg opened a public hearing to receive citizen testimony of support, opposition, criticism, suggestions or observations pertaining to the City of Schuyler Core Area Blight and Substandard Study and Schuyler East Area Blight and Substandard Study.

Jeff Ray with JEO reviewed the 2023 Schuyler Core Area and East Blight Study area with the Council. The purpose is to declare it Blight and Substandard which you have the authority to do under the Nebraska Community Development Law. He explained that the Photo Appendix is to back up his findings of the study. It is not meant to point anything out specific that the property owner or the City needs to fix. They look for properties that were in a dilapidated and

City Council Meeting Minutes
September 19, 2023

deteriorated state. They also looked at areas that lacked paved streets with curb and gutters. Age of structures were also taking into the study. The Schuyler Core Area includes the downtown which makes you eligible for Downtown Revitalization Grant Funding under NE Dept. of Economic Development along with Tax Increment Financing. Schuyler Core and East Blight Studies (Attachment 2), 2023 City of Schuyler, Schuyler Core Area (Attachment 3), and 2023 City of Schuyler, East Blight Study Area (Attachment 4). Both areas were recommended to be approved by the Planning Commission.

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

Council member Holmberg moved Resolution 2023-0919C to approve the Schuyler Core Area Blight and Substandard Study. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved Resolution 2023-0919D to approve the Schuyler East Area Blight and Substandard Study. Council member Baumert seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Holly Hild with Agri City Insurance was present to review the insurance package for the upcoming fiscal year of 2023-24. Reviewed the commercial property declarations with statement values she explained the value placed on each location has an amount but if that does not cover the cost of replacement the city also has a \$22 million blanket policy. She then reviewed the general liability summary and how a large claim has come off the workers compensation bringing down the cost of worker compensation by \$20,000. She had thought there would be a 20% increase in the City's insurance this year but the City's insurance premium actually saw a decrease.

Council member Rodriguez moved to approve change Order 1 with Oldcastle Materials Midwest Co. DBA OMNI Engineering for the 2023 Asphalt Overlay-Miscellaneous Locations for a decrease in the amount of \$59,152.12 subject to OMNI signing change order. Council member Holmberg seconded the motion. Steve Parr with JEO stated they just finished asphalt at 5:00 PM today. He stated that OMNI still has to review. He recommends approving subject to OMNI approving it. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to authorize first pay application #1 for the 2023 Asphalt Overlay-Miscellaneous Locations in the amount of \$1,005,204.73 to Oldcastle Materials Midwest Co. DBA OMNI Engineering. Council member Holmberg seconded the motion. Steve Parr with JEO stated not to make it the final pay application it is the total as of today but there might be more after today. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to table motion to authorize Mayor to sign the Substantial Completion on the 2023 Asphalt Overlay-Miscellaneous Locations. Council member Holmberg seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to approve the FY 23-24 snow removal contract between the City of Schuyler and Midwest Service & Sales and authorize the Mayor to sign the agreement. Council member Rodriguez seconded the motion. Voting for: Baumert, Holmberg, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Holmberg left the meeting at 7:19 PM.

Council member Rodriguez moved to authorize Police Chief to enter into the MACH Agreement for the Schuyler Police Department for software sharing in the amount of \$29 per user account per year. Council member Baumert seconded the motion. Chief Farber said it's the gps mapping system to see where officers are at along with other agencies. It also can be used to share information with other agencies. Have had this agreement for a few years, it was at a lower rate but has been increased. Voting for: Baumert, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

City Council Meeting Minutes
September 19, 2023

Council member Rodriguez moved to authorize Mayor to sign agreement with JEO of the Schuyler 2024 Street Improvements in the amount of \$112,900.00. Council member Wolfe seconded the motion. Steve Parr with JEO was present and reviewed the eight street locations of the improvements. They will be doing the site evaluations with surveying locations with elevation data. They also would be doing plans and design with the review of plans with staff and provide a cost opinion. Voting for: Baumert, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Baumert moved to move into executive session to discuss and employee review at 7:28 PM. Council member Kretz seconded the motion. Voting for: Baumert, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to come out of executive session at 7:40 PM. Council member Baumert seconded the motion. Voting for: Baumert, Kretz, Rodriguez and Wolfe. Voting against: no one. Motion carried.

Council member Rodriguez moved to adjourn. Council member Baumert seconded the motion. Voting for: Baumert, 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