ARAPAHOE, NEBRASKA October 18, 2022

The City Council of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 7:33 P.M. on October 18, 2022, pursuant to notice published in the Valley Voice. Councilmen present: Middagh, Kreutzer, Paulsen, Monie, tenBensel and Carpenter. Councilmen Absent: Kreutzer. City Staff present: City Superintendent Greg Schievelbein, City Clerk Donna.

Mayor Koller presided over the meeting. Visitors present for all or a portion of the meeting were: Carrie Magorian in chambers and Jon Thomas with Svehla Law, Denise Koller as well as Bobbi Pettit and Lowell Schroeder with Five Rule via zoom. The location of the posted Open Meetings Act was stated. Mayor Koller welcomed all visitors and gave each the opportunity to state their name and the agenda item they wish to speak on.

**Public Hearing**: Opened at 7:34 pm: No comments from public. Hearing closed at 7:38pm

**Public Comments**:

**Consent Agenda:**

Motion by Councilman Middagh and second by Councilman tenBensel for approval of the following consent agenda:

Minutes: Copy of the minutes from the October 4, 2022 regular meeting were included in the Council packets.

Building Permits: #17 Jeff Spaulding storage shed 64’ x 36’, #18 George Probasco 12’ x 18’ storage shed, #19 Tom & Linda Leising 8’ x 24’ extension of concrete patio

Claims: Claims and Payroll for the period October 5, 2022 to October 18, 2022

|  |  |  |
| --- | --- | --- |
|  | **Library** |  |
| 100033 | ATC Communications - library phones | 520.82 |
| 100043 | Amazon - books | 704.89 |
| 100044 | America's Battle of the Books - membership | 140.00 |
| 100045 | Camas - meeting notification-subscription | 49.14 |
| 100046 | Demco - supplies | 87.89 |
| 100047 | Ingram - books | 1,313.21 |
| 100048 | NE Library Commission - annual fee | $500.00 |
| 100049 | Penworthy - books | $240.02 |
| 100050 | The Pioneer Woman - subscription | $18.00 |
| 100051 | Wagner’s - library supplies | $54.41 |
|  | **Library Total** | 3,628.38 |
|  |  |  |
|  | **EXPENSES 10/5/22-10/18/22** |  |
|  | Payroll October 10-11 | 10,495.43 |
| 100035 | EFTPS - Federal withholdings | 2,919.02 |
| 100031-37 | Nebraska Dept of Labor unemployment | 535.26 |
| 100032-67 | NPPD - September electric-O&M | 84,147.06 |
| 100034 | Ag Valley - propane | 94.00 |
| 100038 | Camas - publishing | 448.11 |
| 100039-76 | Bryce Bishop - grave o/c | 2,450.00 |
| 100040 | S&H Septic - golf septic service | 770.00 |
| 100041 | Greg Schievelbein - clothing reimb | 43.96 |
| 100042 | Utility Service - 1/4 contract | 3,332.16 |
| 100052 | Alert-All fire safety material | 1,035.20 |
| 100053 | S Helms - ambulance pay | 50.00 |
| 100054 | E Hoefs - ambulance pay | $158.00 |
| 100055 | S Hoefs - ambulance pay | $208.00 |
| 100056 | W Hoefs - ambulance pay | $78.50 |
| 100057 | M Houser - ambulance pay | $25.00 |
| 100058 | LASRM - increased value of property | $1,501.83 |
| 100059 | P Leising - ambulance pay | $66.00 |
| 100060 | T Monie - ambulance pay | $25.00 |
| 100061 | J Paulsen - ambulance pay | $83.00 |
| 100062 | A Schrock - cleaning svc | $100.00 |
| 100063 | J Schrock - ambulance pay | $33.00 |
| 100064 | Furnas County Treasurer - inspection fire truck | $20.00 |
| 100065 | TVPPD - well and golf power | $2,899.92 |
| 100066 | BOK Financial fees from Safety Bond | $750.00 |
| 100068 | Quadient Leasing - machine lease | $200.97 |
| 100069 | Quick Med Claims - monthly fee | $326.58 |
| 100070 | American Ag Lab water testing | $18.04 |
| 100071 | Dixie Sickels - Nuisance Mileage | $14.06 |
| 100075 | Michelle Raburn - mileage reimb | $18.75 |
| 100077 | Carmen Gutierrez - cleaning svc | $184.50 |
| 100078 | NE Public Health Lab - water testing | $237.00 |
| 100079 | Amazon - parts for mastic | $56.03 |
| 100080 | Van-Wall - freight to return old rough mower | $449.81 |
|  | **TOTAL EXPENSES** | **113,774.19** |

Roll call vote on the consent agenda motion was as follows

Ayes: Carpenter, Monie, tenBensel, Middagh, Paulsen

Nays: None

Abstain: Paulsen from Claim#100061 and Monie from Claim #100060

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

C**ITY REPORTS**

**City Superintendent:** gave report

**City Treasurer:** gave report**.** Motion by Councilman Paulsen and second by councilman Middagh to approve the quote from American Legal quote to update the Ordinance Book $1195-1795

Roll call vote on the motion was as follows

Ayes: Paulsen, Middagh, tenBensel, Monie, Carpenter

Nays: None

Abstain:

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

The Council agreed to have clerk get the process started with the National Flood Insurance Program

**Mayor:** gave update on Landmark and condition of airport runway.

**Nuisance update:** report given.

Motion by Councilman Middagh and second by councilman Paulsen to move for passage of Resolution 2022-23

**RESOLUTION NO. 2022-23**

**RESOLUTION AUTHORIZING DISMISSAL OF PENDING CAUSE OF ACTION**

**AGAINST TOM HEINEN**

The Mayor and City Council of the City of Arapahoe, Nebraska (collectively “Council”),

in regular session assembled at the City Office in Arapahoe, Nebraska, on this 18th day of October, 2022, hereby resolve as follows:

WHEREAS, Svehla Law Offices, P.C., L.L.O., was appointed as legal counsel to aid in

abating nuisances located within the City of Arapahoe, Nebraska, under Resolution No. 2021-01;

WHEREAS, the City and Tom Heinen are presently engaged in litigation in the District

Court of Furnas County, Nebraska, at Case No. CI 21-104;

WHEREAS, said cause of action by the City alleges that Tom Heinen is maintaining

various conditions on his property at 609 6th Street, Arapahoe, Nebraska, which constitute

nuisances contrary to the provisions of the City Code of Arapahoe, Nebraska;

WHEREAS, pursuant to an Order of the District Court of Furnas County, Nebraska,

representatives of the City and Tom Heinen completed an inspection of the property at 609 6th

Street, Arapahoe, Nebraska, on May 3, 2022;

WHEREAS, following the inspection, representatives of the City provided Tom Heinen

with a list of specific conditions constituting nuisances to be removed at 609 6th Street, Arapahoe, Nebraska, and;

WHEREAS, the specific conditions constituting nuisances at 609 6th Street, Arapahoe,

Nebraska, have been removed; and

WHEREAS, the Council is no longer of the opinion and belief that any nuisance conditions currently exist on 609 6th Street, Arapahoe, Nebraska.

BE IT RESOLVED, that Svehla Law Offices, P.C., L.L.O., is hereby authorized and

directed to dismiss the pending litigation referenced in this Resolution without prejudice.

INTRODUCED AND PASSED THIS 18th DAY OF October, 2022.

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ATTESTED TO: John E. Koller, Mayor

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Donna Tannahill, City Clerk

Roll call vote on the Resolution 2022-23 was as follows

Ayes: Monie, tenBensel, Carpenter, Paulsen, Middagh

Nays: None

Abstain:

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

**Nuisance properties:** Update Given

**Economic Development:**

**-House Rehab at 705 Main St**

Motion by Councilman Monie and second by councilman tenBensel to approve Rehab project for Patricia Riley with Claim #100079 for $10,000 first half payment.

Roll call vote on the motion was as follows

Ayes: tenBensel, Paulsen, Carpenter, Middagh, Monie

Nays: None

Abstain:

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

**DTR Planning, DTR Streetscape Project, General grant writing/research** – updates given

Motion by Councilman Middagh and second by councilman Carpenter to approve new contract from Five Rule $20,000/year billed at $5,000/qtr. billed starting December time sheet included. Include Limited nuisance abatement, zoning update, grant research and economic development

Roll call vote on the motion was as follows

Ayes: Carpenter, Monie, Middagh, Paulsen, tenBensel

Nays: None

Abstain:

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

**Committee Reports**

**BUSINESS**

**Unfinished Business:**

**New Business:**

Motion by Councilman tenBensel and second by councilman Middagh to approve Five Rule Invoices as follows: DTR Phase II Grant Admin Invoice# 1000289 $3450, Arapahoe Planning Grant Admin Invoice# 1000290 $1500, Arapahoe DTR Phase VI Invoice# 1000291 $3500.

Roll call vote on the motion was as follows

Ayes: Paulsen, Carpenter, Middagh, Monie, tenBensel

Nays: None

Abstain:

Absent and Not Voting: Kreutzer

Mayor Koller declared the motion carried.

**ELECTED OFFICIAL COMMENTS –**

There being no further business, the meeting is adjourned by unanimous consent at 9:38pm

I, the undersigned, City Clerk, of the City of Arapahoe, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on October 18, 2022 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes 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 convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

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Donna Tannahill, City Clerk