ARAPAHOE, NEBRASKA February 7, 2023

The City Council of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 7:32 P. M. on February 7, 2023, pursuant to notice posted in the city office and published in the Valley Voice. Councilmen present: Middagh, Kreutzer, Carpenter and Paulsen. Absent: tenBensel and Monie. City Staff present: Greg Schievelbein City Superintendent, City Clerk Donna Tannahill.

Mayor Koller presided over the meeting. Visitors present for all or a portion of the meeting were: Doug Louden with Olsson and via zoom was Bobbi with 5 Rule and Jon Thomas with Svehla Law. 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 Comments:

**Consent Agenda:**

Motion by Councilman Kreutzer and second by Councilman Paulsen for approval of the following consent agenda:

Minutes: Copy of the Minutes from the January 24, 2023 regular meeting were included in the Council packets.

Claims: Claims and Payroll for the period January 25, 2023 thru February 7, 2023

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|  | **January Receipts** | |  |
|  | General Receipts | | 22,521.55 |
|  | Street & Alley Receipts | | 45,856.22 |
|  | Golf Receipts | | 8,455.74 |
|  | Park Receipts | | 77.12 |
|  | Fire Department Receipts | | 10,338.97 |
|  | Library Receipts | |  |
|  | Medical Receipts | | 1,350.00 |
|  | Cemetery Receipts | |  |
|  | Local Sales Tax | | 20,990.65 |
|  | Electric Receipts | | 133,363.34 |
|  | Water Receipts | | 24,861.09 |
|  | Sewer Receipts | | 8,769.07 |
|  | | **Total January Receipts** | **$ 276,583.75** |
|  | | **EXPENSES 1/25 to 2-7** |  |
|  | | Payroll January 31, 2023 | $10,931.98 |
|  | | EFTPS - Federal withholdings | $2,903.50 |
| 100384 | | Postmaster - UB postage | $237.60 |
| 100385,6,7,96 | | Ag Valley - fuel | $2,160.62 |
| 100388 | | Aramark - shop mats-emcc mats & mops 2 months | $207.32 |
| 100389 | | Blackhills - gas | 45.55 |
| 100390 | | Eakes - supplies | $28.85 |
| 100391 | | S & W - repairs and maintenance | 371.28 |
| 100392 | | Gary Schievelbein - electrical repairs | 129.50 |
| 100393 | | Wagner's - supplies | 26.31 |
| 100394 | | Debit - sd card for camera | 35.29 |
| 100395 | | Water & Light - utilities | 6,716.34 |
| 100398-07-12 | | NE Dept of Rev - wh tax & sales tax | 8,193.97 |
| 100399 | | Schaben Sanitation - January sanitation fee | 9,538.25 |
| 100400 | | A Schrock - cleaning svc | 100.00 |
| 100401 | | G Stevens - meal reimb from training | 15.12 |
| 100402 | | TVPPD - sub-transmission | 6,859.10 |
| 100403 | | AFLAC - optional insurance | 426.06 |
| 100406 | | HSA - monthly contributions | 1,397.70 |
| 100408 | | Credit Management - garnishment | 560.00 |
| 100409 | | TD Ameritrade - retirement | 3,602.90 |
| 100410 | | Nemsa - membership | 325.00 |
| 100411 | | Landmark - repairs | 427.98 |
| 100413 | | American Ag Lab - influent testing | 92.50 |
| 100414 | | CAMAS - publishing | 221.74 |
| 100415-17 | | ATC - city phones | 855.22 |
| 100416 | | Century Link - phone | 43.43 |
| 100418-19 | | Furnas County Treasurer - monthly police fee clubhouse liquor license | 5,358.34 |
| 100420 | | Hometown Leasing - lease fee | 222.69 |
| 100421 | | Ag Valley - fuel | 94.00 |
| 100422 | | IIMC - membership fee | 125.00 |
| 100423 | | Quick Med Claims - monthly fee | 477.05 |
| 100424 | | NPPD - January electric | 56,376.45 |
| 100425 | | First Central Bank - safety deposit box rent | 30.00 |
| 100426 | | NMC - blade repairs | 857.41 |
| 100427 | | TVPPD - pole fee | 89.35 |
| 100428 | | Urbom Law Office - Chaffin Case fees | 319.65 |
| 100429 | | Mid Nebraska Individual Service - January recycle fee | 350.00 |
| 100430 | | Shred It - service | 76.57 |
|  | | **TOTAL EXPENSES** | **$120,829.62** |

Roll call vote on the consent agenda motion was as follows:

Ayes: Kreutzer, Carpenter, Middagh, Paulsen

Nays: None

Abstain: Middagh from #100391 for $371.28

Absent and Not Voting: tenBensel & Monie.

Mayor Koller declared the motion carried.

C**ITY REPORTS:**

City Superintendent – gave report.

City Treasurer: Gave Report:

Mayor – Discussion of potential new business

**Committee Reports:** Golf - Wedding in Cambridge – ok November 25th Community Building.

**Unfinished Business:**

**New Business:**

**RESOLUTION NO. 2023-04**

**RESOLUTION MANDATING UTILITY INSPECTIONS**

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 7th day of February, 2023, hereby resolve as follows:

WHEREAS, § 51.16 of the City Code of Arapahoe, Nebraska, permits the Utilities Superintendent free access, at any reasonable time, to all parts of each premises and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water;

WHEREAS, § 52.125 of the City Code of Arapahoe, Nebraska, permits the Utilities Superintendent to enter all properties for the inspection, observation, measurement, sampling and testing in accordance with the provisions of the Municipal Code relating to the City sewer system;

WHEREAS, § 53.13 of the City Code of Arapahoe, Nebraska, permits the Utilities Superintendent free access at any reasonable time to each premises and building to or in which electricity is supplied; and

WHEREAS, the Council desires to establish a policy requiring inspection by the Utilities Superintendent prior to the reconnection of any utilities that have been disconnected for a period of thirty (30) consecutive days or longer, to ensure the health or safety of the inhabitants of the City.

NOW, THEREFORE, the Mayor and City Council of the City of Arapahoe, Nebraska, in consideration of the foregoing recitals, hereby adopt the following Resolution:

RESOLVED, that that in the event that any utility service (including water, sewer, or electrical) is disconnected for any reason for thirty (30) consecutive days, the customer thereof shall have the right to have the same reconnected only after the Utilities Superintendent has completed an inspection of the premise or building to ascertain whether there is any disrepair or other safety hazard that should be addressed prior to reconnection.

INTRODUCED AND PASSED this 7th day of February, 2023.

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John E. Koller, Mayor

ATTESTED TO:

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Donna Tannahill, City Clerk

Motion by Councilman Kreutzer and second by Councilman Middagh to approve Resolution 2023-04

Roll call vote on the Resolution 2023-04 was as follows:

Ayes: Paulsen, Middagh, Carpenter, Kreutzer

Nays: None

Abstain:

Absent and Not Voting: tenBensel & Monie.

Mayor Koller declared the motion carried.

Motion by Councilman Middagh and second by Councilman Kreutzer to suspend three readings on Ordinance 2023-02.

Roll call vote on the motion was as follows:

Ayes: Paulsen, Kreutzer, Carpenter, Middagh

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

Mayor Koller declared the motion carried.

Councilman Middagh introduced Ordinance 2023-02 and moved for its passage.

**ORDINANCE NO. 2023-02**

**AN ORDINANCE AMENDING CHAPTER 53 OF TITLE V OF THE CITY CODE OF**

**ARAPAHOE, NEBRASKA, TO ADOPT A NEW SECTION OF THE CODE MANDATING HOOK-UP WITH THE MUNICIPAL ELECTRICAL SYSTEM; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO ORDER PUBLICATION IN PAMPHLET FORM.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF ARAPAHOE,

NEBRASKA:

**Section 1.** That a new Section 53.14 of the City Code of Arapahoe, Nebraska, be adopted to provide as follows:

**SECTION 53.14: MANDATORY HOOK-UP**

The owner of all houses, buildings, or premises used for human dwelling, employment, recreation, or other purposes, situated within the corporate limits shall be required, upon notice by the governing body, to hook up with the Municipal Electrical System.

Section 2. Any other ordinance or section passed and approved prior to passage, approval,

and publication of this Ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage,

approval, and publication as required by law.

Section 4. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 7th day of February, 2023.

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John E. Koller, Mayor

Attest:

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Donna Tannahill, City Clerk

Councilman Paulsen seconded the motion.

Roll call vote on the motion was as follows:

Ayes: Kreutzer, Carpenter, Paulsen, Middagh

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

Mayor Koller declared Ordinance 2023-02 on carried.

Motion by Councilman Middagh and second by Councilman Paulsen to suspend three readings on Ordinance 2023-03.

Roll call vote on Ordinance 2023-03 was as follows:

Ayes: Paulsen, Carpenter, Middagh, Kreutzer

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

Mayor Koller declared the motion carried.

Councilman Middagh introduced Ordinance 2023-03 and moved for its passage.

**ORDINANCE NO. 2023-03**

**AN ORDINANCE AMENDING CHAPTER 51 OF TITLE V OF THE CITY CODE OF**

**ARAPAHOE, NEBRASKA, TO ADOPT A NEW SECTION OF THE CODE MANDATING HOOK-UP WITH THE CITY WATER DEPARTMENT; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO ORDER PUBLICATION IN PAMPHLET FORM.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF ARAPAHOE,

NEBRASKA:

**Section 1.** That a new Section 51.21 of the City Code of Arapahoe, Nebraska, be adopted to provide as follows:

**SECTION 51.21: MANDATORY HOOK-UP**

The owner of all houses, buildings, or premises used for human dwelling, employment, recreation, or other purposes, situated within the corporate limits shall be required, upon notice by the governing body, to hook up with the City Water Department.

Section 2. Any other ordinance or section passed and approved prior to passage, approval,

and publication of this Ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage,

approval, and publication as required by law.

Section 4. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 7th day of February, 2023.

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John E. Koller, Mayor

Attest:

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Donna Tannahill, City Clerk

Councilman Paulsen seconded the motion.

Roll call vote on the Ordinance 2023-03 was as follows:

Ayes: Carpenter, Middagh, Paulsen, Kreutzer

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

Mayor Koller declared Ordinance 2023-03 on carried.

**RESOLUTON NO. 2023-01**

Whereas, In accordance with the statutes of the State of Nebraska and as prescribed by the Board of Public Roads Classifications and Standards, Notice of Hearing has been given publication in the legal newspaper of Arapahoe, Nebraska, and by posting in three public places within the City, of a Hearing on the One and Six Year Plans of Street Improvements of Arapahoe, to be held in the EMCC Council Room on the 24th day of January, 2023, at 7:30 p.m. for the purpose of hearing comments and objections to said plans.

Whereas, upon said Hearing, the City Council finds that the plans submitted are adequate for the purpose prescribed by law and that the same should be approved.

Now therefore, be it resolved by the Mayor and City Council of Arapahoe, Nebraska that the One and Six Year Plan for specific improvements during the current year are hereby approved and adopted.

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John E Koller, Mayor

Attest:

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Donna Tannahill, City Clerk

Motion by Councilman Middagh and second by Councilman Kreutzer to approve Resolution 2023-01.

Roll Call to Vote was as follows:

Ayes: Kreutzer, Paulsen, Carpenter, Middagh

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

The Mayor declared Resolution 2023-01 carried.

Motion by Councilman Paulsen and second by Councilman Kreutzer to approve the purchase of the top portion of the ice machine at the clubhouse from D&N for $3099.60 plus shipping fees but installed free of charge.

Ayes:

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

The Mayor declared motion carried.

Motion by Councilman Middagh and second by Councilman Carpenter to go into closed session at 8:19 pm to protect the financial position of the city.

Ayes: Middagh, Paulsen, Kreutzer, Carpenter

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

The Mayor declared motion carried.

Motion by Councilman Carpenter and second by Councilman Paulsen to come out of closed session at 8:45 pm to protect the financial position of the city.

Ayes: Middagh, Paulsen, Kreutzer, Carpenter

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

The Mayor declared motion carried.

**ELECTED OFFICIAL COMMENTS.**

There being no further business, the meeting was adjourned by unanimous consent at 8:46 p.m.

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 February 7, 2023 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