ARAPAHOE, NEBRASKA March 7, 2023

CRA meeting moved to March 21st. There are not enough for a quorum.

ARAPAHOE, NEBRASKA March 7, 2023

The City Council of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 7:331 P.M. on March 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, 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: and via zoom were Jessica Fisher with Tri Valley. 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 Middagh and second by Councilman Kreutzer for approval of the following consent agenda:

Minutes: Copy of the Minutes from the February 21, 2023 regular meeting were included in the Council packets.

SDL: June 20, 2023 Clubhouse

Claims: Claims and Payroll for the period February 22, 2023 thru March 7, 2023

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| --- | --- | --- |
|  | **February Receipts** |  |
|  | General Receipts | 13,355.02 |
|  | Street & Alley Receipts | 23,737.46 |
|  | Golf Receipts | 3,323.19 |
|  | Park Receipts | 230.73 |
|  | Fire Department Receipts | 460.56 |
|  | Library Receipts | 37.50 |
|  | Medical Receipts | 450.00 |
|  | Cemetery Receipts |  |
|  | Local Sales Tax | 22,212.15 |
|  | Light Receipts | 140,659.81 |
|  | Water Receipts | 20,597.79 |
|  | Sewer Receipts | 8,775.52 |
|  | **Total February Receipts** | **233,839.73** |
|  | **EXPENSES 2/22/2023 -3/7/2023** |  |
|  | Payroll February 28, 2023 | 11,096.63 |
| 100482 | EFTPS - Federal withholdings | 2,958.47 |
| 100479 | Postmaster - UB postage | 240.00 |
| 100480 | Aflac - optional ins | 284.04 |
| 100481-89 | Black Hills - gas | 762.61 |
| 100484 | HSA contributions | 931.80 |
| 100485-18 | NE Dept Rev - sales tax/ wh | 8,896.01 |
| 100486 | Ag Valley Coop | 1,785.84 |
| 100487 | AMGL CPA & Advisors | 9,650.00 |
| 100488 | Aramark - mats & mops | 253.38 |
| 100490 | Credit Management | 373.11 |
| 100492 | D&N Lammel's - clubhouse | 3,178.10 |
| 100493-11 | Eakes - supplies | 1,550.07 |
| 100494 | 3E Electrical | 2,929.11 |
| 100495 | First Central Bank - ACH | 26.50 |
| 100497 | Sandry Fire - SCBA flow testing | 343.00 |
| 100498 | TD Ameritrade | 2,372.45 |
| 100499-31 | Water & Light - City Utilities | 7,094.74 |
| 100509 | Bryce Bishop - urn vault open | 500.00 |
| 100510 | Cummins Central Power | 710.71 |
| 100512 | Furnas County Treasurer - police protection | 5,008.34 |
| 100513 | Hamel Repair - annual inspection | 601.93 |
| 100514 | Schaben Sanitation - Feb fees | 10,277.48 |
| 100515 | Donna Tannahill - clothing reimb | 164.40 |
| 100516 | Twin Valley – sub-transmission | 7,223.30 |
| 100517 | Veteran - 50% of gas line move | 831.32 |
| 100520-24 | ATC Communications - city phone | 858.31 |
| 100521 | Hometown Leasing - leases | 222.69 |
| 100522 | Municipal Supply - water inventory | 638.57 |
| 100523 | Olsson - phase 1 & 2 | 5,040.73 |
| 100525 | Century Link - police phone | 43.43 |
| 100526 | NPPD - February power | 57,131.64 |
| 100527 | CAMAS - publications | 303.86 |
| 100528-29 | Five Rule - ED & DTR construction mngmt | 5,100.00 |
| 100530 | Hemelstrand’s - supplies | 64.14 |
| 100532 | D&N Lammel's - mission mall repairs | 212.25 |
| 100533 | Carmen Gutierrez - cleaning service | 270.00 |
| 100534 | Quick Med Claims - Feb fees | 377.46 |
| 100535 | Furnas County Treasurer - 03 Dodge plate | 42.70 |
|  | **TOTAL EXPENSES** | **150,349.12** |

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

Ayes: Kreutzer, Carpenter, Middagh, Paulsen

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

Mayor Koller declared the motion carried.

C**ITY REPORTS:**

City Superintendent: gave report.

City Clerk/Treasurer: gave report.

Mayor: gave report.

**Unfinished Business:**

Recycling Trailers – discussed options.

**New Business:**

**RESOLUTION NO. 2023-06**

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

**AGAINST THOMAS UTTERBACK**

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 21st day of February, 2023, 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 Thomas Utterback are presently engaged in litigation in the District Court of Furnas County, Nebraska, at Case No. CI 21-103;

WHEREAS, said cause of action by the City alleges that Thomas Utterback is maintaining various conditions on his property at 508 5th Street, Arapahoe, Nebraska, which constitute nuisances contrary to the provisions of the City Code of Arapahoe, Nebraska;

WHEREAS, the Community Redevelopment Authority of the City of Arapahoe, Nebraska, has entered into an agreement with Thomas Utterback to purchase the property located at 508 5th Street, Arapahoe, Nebraska;

WHEREAS, the Council is no longer of the opinion and belief that further litigation is necessary to abate and remove the nuisance conditions currently existing at 508 5th 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 7th DAY OF March, 2023.

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John E. Koller, Mayor

ATTESTED TO:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Tannahill, City Clerk

Motion by Councilman Paulsen and second by Councilman Kreutzer to approve Resolution 2023-06

Roll Call to Vote was as follows:

Ayes: Paulsen, Middagh, Carpenter, Kreutzer

Nays: None

Abstain:

Absent and Not Voting: tenBensel and Monie.

The Mayor declared the motion carried.

Motion by Councilman Middagh and second by Councilman Carpenter to approve Mayor Koller and City Clerk to sign for drawdown on DTR Construction Management Claims.

Roll Call to Vote was as follows:

Ayes: Kreutzer, Carpenter, Paulsen, Middagh

Nays: None

Abstain:

Absent and Not Voting: and Monie

The Mayor declared the motion carried.

**ELECTED OFFICIAL COMMENTS.** High School Golf caught somebody on camera taking a cart out. They didn’t see anything. Ted Frink was there and Levi Watson had been there. Said he left before this happened. State called today. Threw trees over in ditch. Must be cleaned up now!

There being no further business, the meeting adjourned by unanimous consent 8:26 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 March 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