

**Broken Bow City Council
Meeting Minutes
May 25, 2021**

The Broken Bow City Council met in regular session on Tuesday, May 25, 2021 in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance thereof as required by publication in the Custer County Chief on May 20, 2021. Availability of the agenda and related materials was communicated in the advanced notice to the Mayor and all members of the Council, as well as, shared with various media outlets. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Rod Sonnichsen called the meeting to order at 6:00 P.M., with the following Councilmembers present: Jacob Holcomb, Chris Myers, Dave Schmidt, and Larry Miller. Absent: None. Roll Call vote: Voting aye: Miller, Myers, Holcomb, and Schmidt. Nays: None. Motion carried.

Mayor Sonnichsen announced the availability of the open meetings law, followed by reciting of the Pledge of Allegiance.

Mayor Sonnichsen read the format for submitting requests for future agenda items.

Moved by Schmidt, seconded by Miller, to approve the consent agenda for May 25, 2021. Said motion includes approval of the Minutes of the May 11, 2021 Council Meeting and Bills to Date. Roll call vote: Voting aye: Myers, Schmidt, Holcomb, and Miller. Nays: None. Motion carried.

Aflac, \$1,418.46; Carquest of Broken Bow, supplies, \$113.66; CenturyLink, basic & long distance, \$85.49; City Flex Benefit Plan, \$135.00; City of Broken Bow, Health Insurance, \$2,822.80, \$15,736.62; City of Broken Bow, Pension Fund, \$1,823.31; \$6,308.06; \$1,447.82; Colonial Insurance, \$1,097.27; Custer County Chief, publications, \$325.19; Demco, supplies, \$86.45; EFTPS Online Payment, \$2,098.56; \$5,892.92; \$8,973.08; EZ IT Solutions, IT services, \$484.00; Family Heritage, \$51.00; Frontier Family Pharmacy, supplies, \$150.64; Garrett Tires & Treads, repairs, \$28.15; Heiman Fire Equipment, EMS gear, \$2,700.00; In-Fisherman, subscription, \$6.00; Ingram Library Services, materials, \$1,540.61; Insurance Aid Services, fees, \$2,172.79; Kirkpatrick Cleaning Solutions, supplies, \$132.44; League of NE Municipalities, training, \$420.00; Mead Lumber, lumber and cement, \$62.12; Megan Svoboda, supplies, \$67.61; NMC Exchange LLC, service repair, \$1,697.45; Nebraska Library Association, dues, \$60.00; OCLC Inc., materials, \$138.78; Omaha State Bank, HSA, \$75.00; Pavement Repair & Supplies, street patch, \$2,150.00 Popular Mechanics, subscription, \$29.97; Presto X Company, monthly service, \$54.00; Pristine Cleaning, LLC, cleaning service, \$325.00; Rembolt, Ludtke & Berger, bonds, \$4,750.00; Steve Mogensen, boots, \$106.99; Schaper and White Law Firm, legal fees \$2,129.17; State Income Tax WH NE Online Payment, \$2,774.48; Steve Scott, office supplies, \$65.50; TX Child Support SDU, \$69.23; The Niobrara Lodge, lodging \$85.00; This Old House, subscription, \$25.00; Trotter's Whoa & Go, fuel, \$45.16; Varney Healthmart, \$4.29; Verizon Wireless, cell phones & hot spots, \$200.61; Wenquist Inc., repair, \$93.12; Woods & Aitken, LLP, legal fees, \$91.50; Bi-weekly Payroll, \$52,793.10; Total Bills: \$123,943.40.

Discussion was held on the nuisance property located at 139 South 14th Avenue. City Administrator Dan Knoell informed the council that in July of 2020 the property at 139 South 14 Avenue was auctioned off and deemed condemned prior to that. This property was purchased by Greg Barker and he has been granted multiple extensions to resolve the nuisance issues including missing sections of the roof and a deep trench that presents hazards. Councilmember David Schmidt asked if the property owner has been notified of these nuisance complaints and Dan Knoell confirmed he has spoken with Greg Barker multiple times. Mayor Rod Sonnichsen informed that if

this subject were added to the next agenda the property owner would be notified and allowed a hearing to speak on his behalf.

Overseer of Streets and Parks Darren Marten spoke to the Council about the weed situation on the City of Broken Bow properties and what they are doing to mitigate the weed presence. He informed the council that it is a work in progress and as of May 25th all parks had been sprayed except for 5th Avenue. He stated that the parks department is not set up to handle the mixture of chemicals for all of the parks. They started their first applications on the 80 acres of irrigated land. It costs \$350.00 to \$500.00 per application to each ball field. Due to dry weather last year the dandelions did not germinate, hence the excess presence this year. The parks department mows 130 acres every week. This workload has contributed to the delay of weed control within the city parks.

Moved by Holcomb, seconded by Schmidt to approve the Planning Commission Board Appointments of Susan Porter and Lawrence Stump. Roll Call vote: Voting aye: Myers, Miller, Schmidt, and Holcomb. Nays: None. Motion carried.

Moved by Holcomb, seconded by Miller to open a public hearing on the Charles Sargent Irrigation, Inc., Lot Split Application located at 79772 Highway 21 at 6:12 pm. Zoning Administrator Dan Knoell informed the Council that this Lot Split was brought to the Planning Commission at the meeting held May 19, 2021. It resulted in a tie vote of 3 ayes and 3 nays. Knoell stated that all requirements and guidelines have been met and are complying with the zoning regulations. Knoell recommended that the Charles Sargent Irrigation, Inc., Lot Split located at 79772 Highway 21 be approved. Moved by Holcomb, seconded by Myers to close the public hearing at 6:14 pm. Roll Call vote: Voting aye: Schmidt, Miller, Holcomb, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb to approve Resolution 2021-8, Charles Sargent Irrigation Inc., Lot Split located at 79772 Highway 21. Roll Call vote: Voting aye: Miller, Schmidt, Holcomb, and Myers. Nays: None. Motion carried.

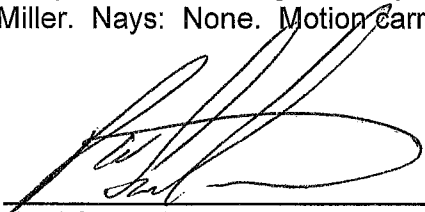
Moved by Holcomb, seconded by Schmidt to approve Resolution 2021-9 Sale of Real Property, Valued at over \$5,000. Located at College Estates Block 2 Lot 4 Broken Bow City in Custer County. Valued at over \$5,000. City Attorney Jason White informed the Council that the \$5,000 is not the asking price, it is the statutory requirement for real property. The City will be accepting sealed bids to be submitted to the City Clerk by 9:00am on June 18, 2021. Roll Call vote: Voting aye: Myers, Miller, Holcomb, and Schmidt. Nays: None. Motion carried.

Moved by Myers, seconded by Holcomb to open a Public Hearing, regarding Ordinance 1203, Mobile Food Vendors at 6:18 pm. Roll Call vote: Myers, Holcomb, Schmidt, and Miller. Nays: None. Motion carried. City Administrator Dan Knoell addressed the Council stating that safety is his main concern. He referred to the situation where the gentlemen with the walker almost fell over the power cords that cross the sidewalk and how those present a tripping hazard. He informed the Council that the \$125.00 for the mobile food vendor permit does not cover the cost of the electricity usage. Knoell presented some images he had taken from the city square that showed trash laying on the ground in places, cords crossing the sidewalk and into the grass areas. Councilmember David Schmidt stated he read the existing ordinance prior to the meeting and felt like it was very well worded. He believed it did not leave a lot out and wanted to know what people would like to see changed. Mark Walker approached the Council, he believes these food vendor vehicles distract from the beauty of the square and leave a bad impression on visitors. He stated that he loves the food they serve but he thinks they need to be moved. Paul Holland approached the Council and explained how he use to be on the Park Board in 2019. Back then the electricity usage was a big concern because they were hooked on lights and the bandstand. He presented some calculations assuming these food vendors are present at the square 250-300 days a year, that only amounts to fifty cents a day and electricity is costing more than that. He confirmed that this subject

was discussed at Park Board meetings, but no action was ever taken. He stated that he thinks the food vendors setting up during the farmers market is fine but not on the south side and when that is done, they should have to go elsewhere to sell their goods just like everyone else. He says the food vendors are costing the taxpayer's money because we are paying for the electricity that they use. Ann Thomas approached the Council and told them how when she first moved to Broken Bow the first thing, she noticed was the beautiful square. She stated how her customers that stay at the Arrow Hotel East, do not want to use the balconies off their suites because now their view consists of these unsightly food vendor vehicles, and they can hear the vendors equipment running. She does not want to make things hard nor close them down but wishes they could be somewhere else. Councilmember Schmidt said that the last thing he wants to do is get in the way of someone making an honest buck. He would like to find a solution that works for both sides.

Bill Butler approached the council and said he never opposed the ordinance in the past, but he believes there should be two; one for the square and one for the rest of the city. He explained that the first thing people see when they drive through the area are the old motor homes which block the view of the square and are an eye sore. He likes the food they serve but thinks there must be a better place for them to reside. Joan Birnie addressed the Council about how the ordinance in 2019 covered a lot of these subjects about vendors not following rules. However, Broken Bow should not discourage free enterprise because these businesses can attract people into town to eat their food. She expressed how she hopes these accusations are not just picking on individuals and their businesses. Imelda Rodriguez approached the Council as one of the food truck owners. She only works 2 days a week. She always strives to keep things clean and follow the rules. She understands that her food truck is old and stated that they tried to buy a new food truck this year but were unable to accomplish that goal at this time. She just wanted to make it clear that this business she runs is how she supports her family. After being approached by a City worker they tried to buy mats to cover the power cords, but she can only speak on behalf of her business, she does not know what other vendors are doing. She stated that every night after closing she walks around the entire square and picks up trash even though some of it is not trash from her food truck. She does not understand why she should be punished when she follows all of the rules, but other businesses may not. Councilman Schmidt responded to Rodriguez stating that the Council's intentions are not to close a business. Stephanie Grafel with the Broken Bow Chamber of Commerce approached the Council to offer their support for the food vendors. She stated that food trucks are growing in the United States and maybe a few things want to be added to the ordinance, but we need to support our own citizens.

Moved by Myers, seconded by Miller, to adjourn the City Council Meeting at 6:43 p.m. Roll call vote: Voting aye: Schmidt, Myers, Holcomb, and Miller. Nays: None. Motion carried.


Rod Sonnichsen, Mayor

ATTEST:


Kandi K. Peters, City Clerk