

**Broken Bow City Council  
Meeting Minutes January 23, 2024**

The Broken Bow City Council met in regular session on Tuesday, January 23, 2024, in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance as required by Nebraska statutes. 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 pm, with the following Councilmembers present: Luke Wassom, Chris Myers, and Paul Holland. Absent: Russ Smith. 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 Holland, seconded by Wassom, to excuse the absence of Councilmember Russ Smith. Roll Call vote: Voting aye: Holland, Wassom, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Wassom to approve the consent agenda for January 23rd, 2024. Said motion includes approval of the Minutes of the January 9th, 2024, Council Meeting, and bills to date. Roll call vote: Voting aye: Myers, Wassom, and Holland. Nays: None. Motion carried.

Aflac \$477.41, \$113.82, Al's Lock & Safe Inc \$1,466.00, Beaver bearing Co Albion \$53.33, Black Hills Energy \$929.25, Blue 360 Media, LLC \$94.95, Broken Bow Airport Authority \$2,166.66, Broken Bow Rural Fire Board \$719.71, Card Services \$150.66, \$2,022.59, \$707.25, Carquest of Broken Bow \$1,097.28, Central Nebraska Bobcat \$111.51, Century Link \$17.21, \$568.81, \$132.13, City Flex Benefit Plan \$225.00, City of Broken Bow Health Insurance \$4,124.71, City of Broken Bow Pension Fund \$2,278.07, \$9,077.64, \$856.72, Colonial Insurance \$389.90, \$323.28, Culligan Water Conditioning \$49.00, Custer County Chief \$64.00, \$98.44, Custer County Treasurer \$17,822.97, EFTPS \$2,746.64, \$7,481.58, \$11,744.36, EZ IT Solutions \$7,374.95, Eakes Office Products \$7,420.01, \$26.02, Family Heritage \$25.50, Fyr-Tek \$1,479.90, Garret Tires & Treads Grand Island \$170.87, Good Housekeeping \$34.97, Grocery Kart \$58.35, Holmes Plumbing & Heating \$235.56, Hometown Leasing \$73.57, Ingram Library Services \$773.22, Insurance Aid Services \$2,139.19, JEO \$3,068.75, Kirkpatrick Cleaning Solutions \$32.64, Mead Lumber \$82.50, \$166.75, Mid-Plains Community College \$455.00, Navigate360, LLC \$749.00, Nebraska Child Support Payment Center \$899.09, Nebraska Dept of Revenue Annual Lodging Tax \$778.04, Nebraska Law Enforcement Training Center \$290.00, Nebraska Safety and Fire Equipment, Inc \$150.00, Presto X Company \$65.90, RT Ace \$23.99, \$112.63, Rion \$912.84, Sara J. Hulinsky \$837.00, Scott Ripp Construction \$283.00, Sports Illustrated Kids \$35.00, State Income Tax \$3,924.07, TX Child Support SDU \$161.54, Trotter Service \$3,496.71, Trotter's Whoa & Go \$87.48, \$57.38, \$1,177.69, Vacanti Municipal Consulting Services \$6,500.00, Verizon Wireless \$248.91, Wenquist Inc. \$499.68, Bi-Weekly Payroll \$66,889.61 Total - \$179,908.19

In other communications, Library Director Megan Svoboda gave a presentation on the Library Annual Report for the 2022-2023 fiscal year. Megan stated this report is legally required for public libraries, and a requirement to maintain our library's gold accreditation. Megan highlighted important statistics that include the following: Users saved \$690,830, the library was open over 2,700 hours, and 6,609 people attended library events. Megan also mentioned that there were areas the library could improve. Those areas included additional staff, and a higher library collection budget. Megan concluded her presentation by thanking the Mayor and Council for their support.

Under new business, moved by Wassom, seconded by Myers to approve Council President Russ Smith as an authorized signer for all City Accounts held at Bruning Bank, and Nebraska State Bank. Roll Call vote: Voting aye: Wassom, Myers, and Holland. Nays: None. Motion carried.

Discussion was held on potentially approving the Eagle Crest Subdivision Bid. Ryan Kavan from JEO explained this bid included the watermain, sewer, and pavement drainage systems. Ryan stated that the city received two bids and the lowest was Myers Construction. Additionally, Ryan recommended the city accept the lowest responsible bid of Myers Construction. At the end of discussion, moved by Holland, seconded by Wassom to approve the Myers Construction bid for the Eagle Crest Subdivision. Roll Call vote: Voting aye: Holland, and Wassom. Abstain: Myers. Nays: None. Motion carried.

Discussion was held on potentially approving Amendment No. 4 Owner-Engineer Agreement. Ryan Kavan from JEO explained that this agreement reflects costs that JEO will incur for the Eagle Crest Subdivision. It includes construction administration, resident project representation, materials testing, potential construction staking, and the post construction phase. Mayor Sonnichsen stated that the project should come in under budget and help address the housing shortage in Broken Bow. City Administrator Dave Schmidt stated the tax increment will pay for this agreement. At the end of discussion, moved by Holland, seconded by Wassom to approve Amendment No. 4 Owner-Engineer Agreement between the City of Broken Bow and JEO. Roll Call vote: Voting aye: Holland, and Wassom. Abstain: Myers. Nays: None. Motion carried.

Discussion was held on potentially setting a date and time for a City Council Workshop with Al Vacanti. Mayor Sonnichsen stated this workshop would cover general education for the governing body of Broken Bow. Administrator Schmidt stated it is best to do the workshop together with all Councilmen. This requires the workshop to be a special meeting open to the public. At the end of discussion, moved by Myers, seconded by Holland to set the City Council Workshop to be Tuesday February 13<sup>th</sup> at 4:00 pm. Roll Call vote: Voting aye: Myers, Holland, and Wassom. Nays: None. Motion carried.

Moved by Wassom, seconded by Holland to open a public hearing at 6:26 PM regarding ordinance 1275, Mandatory Trash Removal Fees. Roll Call vote: Voting aye: Wassom, Holland, and Myers. Nays: None. Motion carried. Discussion was held. Administrator Schmidt stated the proposed ordinance would increase trash by four dollars. Two dollars would be allocated to S&L Sanitation, while the remaining two dollars would be allocated to Custer Transfer Station. Schmidt recommended having discussion but postpone a decision until the next meeting when Council President Smith would be present. At the end of discussion, moved by Holland, seconded by Wassom to exit public hearing at 6:27 PM. Roll Call vote: Voting aye: Holland, Wassom, and Myers. Nays: None. Motion carried.

After discussing Ordinance 1275, Mandatory Trash Removal Fees, moved by Holland, seconded by Wassom to postpone making a decision on Ordinance 1275 until the next meeting. Roll Call vote: Voting aye: Holland, Wassom, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Holland to open a public hearing at 6:29 PM regarding ordinance 1276, Mobile Food Vendors: Providing Regulations Governing Mobile Food Vendors. Voting aye: Myers, Holland, and Wassom. Nays: None. Motion carried. Discussion was held. Public comments were heard from John Sennett, RJ Thomas, Mark Walker, Bill Butler, Jerry Adams, Mike Evans, Anne Thomas, Tammy Hendrickson, JB Ross, Mayor Rod Sonnichsen, Administrator Schmidt, Councilmembers Holland, Myers, and Wassom. Comments and concerns from the public included: One public speaker proposed an amendment to the current ordinance that would not allow mobile food vendors to set up within 300 feet of schools, churches, and the square except for farmers market and specials events. Others mentioned that the city invested considerable resources to update the square and the high-profile vehicles limited the view of people driving through town. Furthermore, people stated that the Broken Bow town



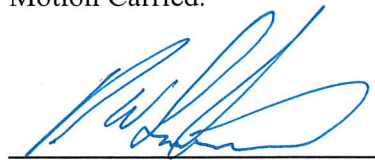
square is one of three in the state of Nebraska to be listed as a National Register of Historic Places. Others mentioned the electricity usage of mobile food vendors. They stated the \$125 yearly fee comes to 34 cents per day and does not cover their electric usage. Additionally, comments were made about leaving oil on the pavement and the high noise level from the generators. To be noted all public speakers were in favor of mobile food vendors in Broken Bow, but they did not think the square was the proper location. Overall, the comments from public speakers centered around the view of the square from the highway being obstructed, and the permit fee not covering electrical usage. After comments from the public, Mayor Sonnichsen presented a list of comments made to him prior to the meeting regarding mobile food vendors. The comments and concerns included: a mobile food vendor stated the south side of the square was their spot and had a parked car move, mobile food vendors are parked on the square overnight, noise complaints, mobile food vendors do not pay their share of taxes, free electricity, dumping large amounts of trash, unknown liquid dumping on the street, and multiple calls to the city employees to reset breakers. Additionally, Administrator Schmidt proposed a potential change to the fees paid by mobile food vendors. Schmidt presented the idea of having a one-day permit and create a new annual daily sale permit. Schmidt also stated he welcomed all suggestions before any decisions are made. Councilman Chris Myers spoke about the past discussions on this topic and understands there are many variables at play. Councilman Myers raised concerns about the future and how the city would handle the potential of more mobile food vendors on the square daily. Councilman Myers stated he did not want to rush to a decision on this matter. Furthermore, Councilman Luke Wassom proposed the idea of providing a place for mobile food vendors at Tomahawk Park. Councilman Paul Holland asked if the City of Broken Bow would be liable for activity on city property relating to mobile food vendors. City Attorney Jason White responded that it depends on the circumstances. At the end of discussion, moved by Holland, seconded by Wassom to exit public hearing at 7:27 PM. Roll Call vote: Voting aye: Holland, Wassom, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Wassom to not waive the 3 readings of Ordinance 1276, Mobile Food Vendors: Providing Rules and Regulations Governing Mobile Food Vendors. Roll Call vote: Voting aye: Myers, Wassom, and Holland. Nays: None. Motion carried.

The first reading of Ordinance 1276 was performed by Deputy Clerk Jacob Holcomb.

In the Mayor and Council Comments, Mayor Sonnichsen thanked everyone for coming.

Moved by Wassom, seconded by Myers to adjourn the City Council meeting at 7:29 PM. Roll Call vote: Voting aye: Wassom, Myers, and Holland, Nays: None. Motion Carried.



Rodney W. Sonnichsen, Mayor

ATTEST:



Jacob Holcomb, Deputy City Clerk