

Broken Bow City Council
Meeting Minutes May 14th, 2024

The Broken Bow City Council met in regular session on Tuesday, May 14th, 2024, in the Broken Bow Public Library. 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: Russ Smith, Luke Wassom, Chris Myers, and Paul Holland. Absent: None. Mayor Sonnichsen announced the availability of the open meetings law, followed by reciting the Pledge of Allegiance.

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

Moved by Myers, seconded by Holland to approve the consent agenda for May 14, 2024. Said motion includes approval of the Minutes of the April 23, 2024, Council Meeting, Bills to Date, and Approval of Ka-Boomer's, Inc Fireworks Application. Roll call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried.

AKRS EQUIPMENT \$2,250.00, \$163.32, Aflac \$477.41, \$157.00, \$67.02, Beaver Bearing Co Albion \$46.27, Bound Tree Medical \$799.59, Bow Locksmith \$12.50, Broken Bow Chamber of Commerce \$2,300.00, Broken Bow Municipal Utilities \$6,002.59, Capital One \$360.77, Card Services \$609.83, Card Services 4834 \$681.70, Carquest of Broken Bow \$118.00, Century Link \$306.86, City Flex Benefit Plan \$225.00, City of Broken Bow - Health Insurance \$4,124.71, City of Broken Bow Pension Fund \$2,278.07, \$1,129.36, \$1,054.78, City of Kearney Park & Recreation \$360.00, Colonial Insurance \$389.90, \$323.28, \$540.56, Consolidated Management Co. \$185.35, Custer County Chief \$701.88, Custer County District Court \$145.50, Custer County Treasurer \$17,822.97, \$4,778.87, Custer Public Power \$55.35, EFTPS Online Payment \$3,068.84, \$9,498.76, \$13,121.86, EZ IT Solutions \$2,765.00, \$719.99, \$346.00, Eakes Office Products \$192.59, \$332.00, Eggleston Oil \$3,469.00, Family Heritage \$25.50, Farritor Auto Parts \$75.00, Galloway Financial Advisors, Inc. \$1,669.00, Great Plains Communications \$155.51, Hometown Leasing \$73.57, \$291.12, Insurance Aid Services \$1,575.33, Island Supply Welding Co. \$51.20, JEO \$186.25, Jacob Holcomb \$10.00, Kirkpatrick Cleaning Solutions \$185.00, Larson Pump \$530.72, Melham Medical Center \$101.75, Mt. Custer Truck Sales \$119.00, Nebraska Child Support Payment Center \$899.09, Nebraska Pasture Door \$16.00, OBrien's Hardware \$48.08, Paper Tiger Shredding \$45.00, Platte Valley Communications \$75.00, \$112.04, Presto X Company \$156.56, Quill Corporation \$40.99, RT Ace, LLC \$217.00, Ranchland Ford \$607.85, Reed Schaefer \$10.89, S&L Sanitary Service \$58.30, Sandry Fire Supply LLC \$1,062.05, Sara J. Hulinsky \$837.00, Scott Ripp Construction \$106.79, Site One Landscape Supply \$326.16, State Income Tax WH NE Online Payment \$4,162.44, Statewide Collection LLC \$2.77, TX Child Support SDU \$161.54, The Olson Group \$1,266.00, \$1,014.00, Titan Machinery-Lexington \$395.61, Tracker Systems \$16.99, Trotter Fertilizer \$820.90, Trotter Service \$1,818.20, Trotter Service \$753.26, Trotter Service \$42.19, Trotter's Whoa & Go \$384.30, \$483.71, Trotter's Whoa & Go West BB \$305.32, Verizon Wireless \$320.08, Wenquist Inc. \$27.28, \$89.29, Bi-Weekly Payroll \$73,542.76 (4/24/24), \$62,325.23 (5/8/24) Total \$249,743.10

In other communications, Mayor Sonnichsen signed a proclamation declaring Friday, May 24th, as Poppy Day and Monday, May 27th, as Memorial Day in Broken Bow to honor those who have served and died for our county. Nancy Harrold spoke on behalf of the American Legion Auxiliary and said that they make and distribute poppies with a request for a donation and the funds support local veterans. She also thanked the community for their participation.

Under new business, moved by Smith, seconded by Wassom to approve the 2023 Annual Tax Increment Financing (TIF) Report. Roll Call Vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried.

Bid opening for Resolution 2024-02, Sale of Surplus Real Property valued at over \$5,000. The city received one bid for the property. The bid was from Custer County Construction, Inc., for \$8,200.

Bid opening for Resolution 2024-03, Sale of Surplus Personal Property of the City of Broken Bow. The city received the following bids listed by item ID numbers: 101 -Wade Kleeb \$300, 102 -Wade Kleeb \$600 and Evan June \$350 (Kleeb high bid), 103 -Evan June \$125, 104 -Tim Thomas \$185, 105 -Darren Marten \$125 and Jeff Berghorst \$100 (Marten high bid), 131 -Chris Henderson \$500, 132 -Wade Kleeb \$500, 133 -David Schmidt \$200.

Moved by Wassom, seconded by Myers to open a public hearing at 6:15 pm regarding Ordinance 1282, Amending Chapter 113 of the City of Broken Bow City Code. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried. Discussion was held. Administrator Schmidt explained that the Ordinance is a complete re-write of section 113 pertaining to itinerant merchants and that parts of it were borrowed from surrounding communities as well as what the city had previously. He explained that the committee tried to take the best of what had already been done and incorporate those items into a sound Ordinance that covers the needs of the city from a liability and regulatory standpoint. He went on to say that the Ordinance clearly defines the roles and responsibilities of the vendors and feels it will help mitigate confusion that has occurred in the past. Finally, he stated that a committee of citizens helped update the Ordinance and that a draft document has been out in public view for about three weeks and that much of the feedback he has received since then has also been incorporated into the Ordinance.

Mayor Sonnichsen also reviewed the timeline of events leading up to today and spoke about the three hearings that occurred in January and February regarding Ordinance 1276. He said that consistency and fairness were two issues the public identified as needing to be addressed in those meetings and said that on February 27, 2024, he asked for a voluntary committee to be assembled. He further spoke about the three volunteer committee meetings that took place in March and April and gave many examples of issues they identified and addressed in the Ordinance as items of concern.

City Attorney Jason White took time to thank the committee members and explained the process they used as they researched and drafted an Ordinance that fit Broken Bow's needs. He explained that his goals were to protect the city from liability and have laws that were not discriminating and instead fair to all. He ended by stating that although many hours went into this process, local legislation is not perfect, and this Ordinance will probably need to be tweaked. Administrator Schmidt said that an example of this was adding back into the Ordinance the use of electricity and associated fees, depending on what the vendor's electricity needs are.

During public comment, Craig Safranek asked if there were any vendors on the committee that had vendor input and also expressed his concern that the electricity fees were too high. Mayor Sonnichsen said that there were no vendors on the committee because no one had volunteered but that Administrator Schmidt had personally invited two vendors to join. Administrator Schmidt stated that although Joyce Richardson was not on the committee, she did reach out and they met with her and have incorporated many of her thoughts into the current draft.

City Attorney Jason White also stated that the associated fees are addressed in Ordinance 1283

so that they can be easily changed if needed and Mayor Sonnichsen reminded those in attendance that Ordinance 1283 will be discussed after the current Ordinance. Holly Brohman ended the discussion by expressing concern over the 30-day prior permit time frame and discussion and clarification took place around that issue. Moved by Holland, seconded by Wassom to close public hearing at 6:36 pm. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried.

Moved by Myers, seconded by Holland, to not waive the three readings of Ordinance 1282, Amending Chapter 113 of the City of Broken Bow City Code. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion Carried.

The first reading of Ordinance 1282 was performed by City Clerk Jennifer Waterhouse.

Moved by Wassom, seconded by Myers to open a public hearing at 6:38 pm regarding Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried. Discussion was held. Mayor Sonnichsen stated that this is the companion Ordinance that matches 1282 and sets up the associated fees. Administrator Schmidt further explained that they had to start somewhere, and said compared to other communities, the committee feels like where they ended up was the middle of the road. He said that one could still argue that a fee could be too high or too low and that they welcome that discussion. He also further broke down the Market on the Square fees for both mobile food vendors and peddlers, and said they are seeking further direction regarding the fees through council input and public comment. Councilmember Smith stated that he wanted to get the numbers right and having the three readings will allow them to obtain the needed input from the public.

Kelli Safranek stated that although she feels that Broken Bow has a good Market on the Square, she is concerned that the \$550 food vendor fee is going to scare food vendors away when combined with minimum wage fees. She also expressed concern over the current power situation at the square and the associated fees set forth in the Ordinance. Stephanie Grafel, Executive Director of the Broken Bow Chamber of Commerce, stated that 4-6 vendors use electricity during an average Market day and that the city is having to send out workers at almost every event to repair breakers and outlets. Further discussion took place regarding the possibility of updating the electricity and exploring the associated cost. Mayor Sonnichsen also explored the idea of addressing some of these issues in the upcoming budget season as well as asking the Park Board for their input as well. Craig Safranek mentioned that he felt that the rates should be reduced because Market Days are unique to Broken Bow and all businesses in town end up benefiting from the extra traffic brought to town. Mona Weatherly also suggested that if a vendor is going to commit to a longer period, then perhaps the yearly fee could be discounted.

Moved by Myers, seconded by Wassom to close public hearing at 6:54 pm. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Holland, to not waive the three readings of Ordinance 1283, Amending the Vendor Permit Fees in the City of Broken Bow. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion Carried.

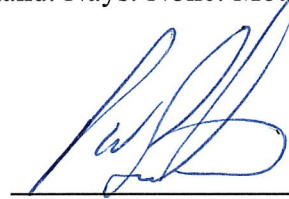
The first reading of Ordinance 1283 was performed by City Clerk Jennifer Waterhouse.

Moved by Holland, seconded by Smith to approve the temporary closing of two parking spaces on the northwest corner of the square, across from Legends Neighborhood Grill, on June 1st, 2024, from approximately 5:00-8:00 pm for the Wheels 4 Warriors USA & Combat Veterans Motorcycle Association poker run. The requested parking spaces will allow them to set up their van and a canopy

for the presentation. Roll Call Vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion carried.


In the Mayor and Council Comments, Mayor Sonnichsen thanked everyone in attendance for the good conversation and stated that the council will take some time to digest the comments that were made. Administrator Schmidt also gave an update on both the City-Wide Cleanup that took place on May 11, 2024, as well as on the flooding at the Municipal Building. Councilmember Holland also took the opportunity to state that May 12th- 18th is National Police Officer Week and he wanted to recognize and thank our local officers.

Moved by Myers, seconded by Smith, to adjourn the City Council meeting at 7:02 PM. Roll Call vote: Voting aye: Smith, Wassom, Myers, and Holland. Nays: None. Motion Carried.



Rodney W. Sonnichsen, Mayor

ATTEST:


Jennifer Waterhouse, City Clerk