

**Broken Bow City Council**  
**Meeting Minutes July 23rd, 2024**

The Broken Bow City Council met in regular session on Tuesday, July 23rd, 2024, in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance thereof by publication in the Custer County Chief, the designated method for giving notice and posted at the Custer County Courthouse, the Broken Bow Post Office and the Municipal Building. Advance notice of the meeting was also given to the City Council and the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. 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, and Paul Holland. Absent: Chris Myers. 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 Smith, seconded by Wassom to approve the consent agenda for July 23, 2024. Said motion includes approval of the Minutes of the July 9, 2024, Council Meeting, and Bills to Date. Roll call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

4 County Heating & Air, LLC \$221.68, Aflac \$458.39, \$157.00, Barco Products \$367.50, Beaver Bearing Co Albion \$60.48, Black Hills Energy \$160.29, Bound Tree Medical \$1,419.43, Broken Bow Ambulance Service \$32.15, Capital One \$340.81, Card Services 4834 \$1,704.69, Card Services 0591 \$1,570.24, Card Services 0583 \$81.61, Card Services 0609 \$2,256.60, Carquest of Broken Bow \$150.38, 97.10, Century Link \$1,222.94, Century Link \$127.91, Century Link \$242.18, Century Link \$320.79, Century Link \$295.77, Christopher Osmond \$40.00, City Flex Benefit Plan \$225.00, City of Broken Bow Health Insurance \$3,661.81, City of Broken Bow Pension Fund \$2,278.07, \$9,484.38, \$1,121.53, Cole Electric Company \$4,544.95, Colonial Insurance \$410.31, \$327.75, \$538.72, Credit Management Services \$346.41, Custer County Chief \$26.93, Custer County Chief \$496.86, EFTPS Online Payment \$3,241.40, \$8,187.39, \$13,859.48, EZ IT Solutions \$5.00, Eakes Office Products \$151.61, Eakes Office Solutions \$58.99, Evans Feed Co. \$42.75, Family Heritage \$25.50, Fyr-Tek \$3,873.18, Galloway Financial Advisors, Inc. \$2,084.50, Garret Tires & Treads Grand Island \$283.38, Great Plains Communications \$151.84, \$185.00, Grocery Kart \$199.89, Hometown Leasing \$116.65, Ingram Library Services \$2,099.40, Island Supply Welding Co. \$82.40, JEO \$39,854.95, Kirkpatrick Cleaning Solutions \$27.65, MacQueen Equipment \$824.23, Matheson Tri-Gas Inc \$409.82, Mead Lumber \$1,458.73, Melham Wellness Center \$183.00, Motorola Solutions Inc. \$15.00, Nebraska Child Support Payment Center \$899.09, Nebraska Law Enforcement Training Center \$50.00, Nebraska Pasture Door \$32.00, Nebraska Safety and Fire Equipment, Inc \$199.00, O'Reilly Auto Parts \$60.96, OBrien's Hardware \$138.11, Platte Valley Communications \$148.84, Power Solutions \$324.88, Powerplan \$83.39, Presto X Company \$72.49, RT Ace, LLC \$9.99, Ranchland Ford \$98.12, \$263.76, Register of Deeds \$30.00, S&L Sanitary Service \$116.60, STEVE MOGENSEN \$106.99, Site One Landscape Supply \$1,029.00, State Income Tax WH NE Online Payment \$4,020.18, Statewide Collection LLC \$2.77, Steve Scott \$64.93, TSYS Merchant Solutions \$585.07, TX Child Support SDU \$401.00, Tamara Johnson \$40.00, Taste of Home \$19.36, Tracker Systems

\$16.99, Trotter Service \$741.51, Trotter Service \$3,205.88, Trotter Service \$144.55, Trotter Service \$24.74, Trotter Whoa & Go West BB \$104.17, Trotter's Whoa & Go West BB \$80.25, Trotter's Whoa & Go West BB \$606.33, Trotter's Whoa & Go West BB \$229.55, Van Diest Supply Co \$7,156.90, Verizon Wireless \$454.89, \$404.92, \$320.08, Wenquist, Inc. \$83.88, Bi-Weekly Payroll (7/17/24) \$80,701.24, Total \$215,284.81

Moved by Holland, seconded by Wassom, to excuse the absence of councilmember Myers. Roll call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

In other communications, City Administrator Dave Schmidt gave an update on the July 16<sup>th</sup>, 2024, tornado and storm protocols. He explained that following the super cell thunderstorm on July 16<sup>th</sup>, the National Weather Service and Custer County Emergency Management completed an investigation and determined that an EF1 tornado, with peak winds of 100 mph, touched down in the back lot of Anderson Auto Tech on the far west end of Broken Bow. As consequence of the storm, several strong outflow downbursts were produced and one resulted in damage to the Culligan building located near the intersection of South B Street and South 5<sup>th</sup> Ave. The metal roof was stripped from the building, blown on to the adjacent structure, and deposited into the middle of south 5<sup>th</sup> Ave. This resulted in damage to an overhead transmission line causing an electrical outage and luckily the substation directly to the east was not impacted. Power was restored to the community, excluding the three buildings directly impacted by the damage, by 11:30 pm that night and everything was restored to normal operating conditions by noon on Thursday, July 18<sup>th</sup>. He also stated that City employees worked a total of 86 man hours to clear debris and restore services to the community.

Fire Chief, Dustin Wattson, also talked about the policy for sounding sirens. He explained that the Broken Bow Fire Department and City of Broken Bow has changed the way they activate the sirens. The new policy states that when the city is included in the geographical area of a tornado determined by the National Weather Service, the tornado sirens will be set off by Custer County Communications. He further explained that the Broken Bow Fire Department also has the ability to activate sirens when and if they see threatening weather. He said that during threatening weather, spotters are placed throughout town to evaluate the storm, and 5 or 6 individuals have hand-held radios that can set the sirens off.

Administrator Schmidt explained that if the sirens are set off, they are programmed to continuously go off for four minutes unless they are shut off earlier. He explained that they are evaluating this time frame and that they may be updating the siren length in the future. He also stated that due to liability reasons there is no longer an "all clear" sounded once the threat has passed and that they are now leaving that up to individual citizens to make that determination.

Mayor Sonnichsen also thanked whoever was responsible for giving the community an early warning regarding the storm and Councilmember Smith commended the citizens and city employees for their efforts and conduct while they restored power to the community and facilitated the clean-up.

Under new business, discussion was held regarding approving the lease agreement between the City of Broken Bow and LMJ3, LLC (Larry Harbour) for public restroom space at the downtown square. City Attorney Jason White explained that the lease agreement is the result of meetings that have taken place over the last six months regarding an issue that the city has tried to figure out for many years. He explained that Larry Harbour, of LMJ3, LLC. is offering the City a 25 year lease for \$60,000 that essentially covers the cost of construction. He further



explained that there are protections included in the lease that cover the lessor, LMJ3, and the lessee, the City of Broken Bow. The city will have responsibilities to cover the upkeep and maintenance and the overall building will be the responsibility of LMJ3. One thing he wanted to note for the public was that when the packets came out, there were some negotiations afterwards and some bolded language was added to the original document and copies were available for review. The bolded language on page one states that it is supposed to be completed within 180 days after the first half payment is received and on page six language was added stating that if LMJ3 comes out of the agreement or goes into default we would take off months of the remaining lease divided by the initial cost so that the taxpayers are not on the hook in the case of catastrophic default. He stated that in the same way, if the City of Broken Bow does not uphold the terms of the lease, then the City will be giving up the funds that were expended on the construction.

Larry Harbour, of LMJ3, LLC also addressed those in attendance by explaining how he was looking to do something for the community and came up with the idea after speaking with Jason White about the need the City has had for many years regarding having a public restroom at the City square. He also showed the blueprints and explained how the other future tenant in the building will also have access to the shared restroom space. Administrator Schmidt further explained that the City will be responsible for the front third of the building, for the utilities in that area, and for installing cameras and door readers for the security system. He said that floor drains have been installed and that the walls will be tiled to allow for ease of cleaning. Mayor Sonnichsen also took time to go over each of the three previous attempts that Council has made to get restrooms at the city square and the problems they encountered. He stated that he feels that this location is the best that he has seen to date and meets the needs of the public and local businesses.

During public comment, Mona Weatherly asked how the restroom will be locked and unlocked, monitored for vandalism, and cleaned. Administrator Schmidt stated that public restrooms always have risk involved but that the security system will allow them to monitor for vandalism. He also said a cleaning schedule will be determined depending on usage and once the door access is installed, the doors will be programmed to lock and unlock automatically. Councilmember Wassom stated that the monthly rent for this project is roughly \$200. He felt the cost is fairly cheap for a location on the square, and that this option is the safest idea anyone has come up with so far. He stated that his main concern was regarding the cleaning and preventing vandalism and he feels that all the boxes have been checked by having floor drains and tile installed to help aide in these areas. Larry Harbour also added that having another business in the building hopefully will aid in deterring vandalism as well.

Due to the modification of the original document, City Attorney Jason White stated that if Council makes a motion to approve the lease, they will need to make a motion to include the additions listed in bold on pages one, six and seven. Moved by Wassom, seconded by Smith to approve the lease agreement with bolded additions listed on pages one, six and seven between the City of Broken Bow and LMJ3, LLC (Larry Harbour) for public restroom space at the downtown square. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

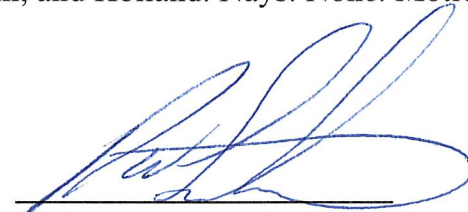
Discussion was held on potentially approving Resolution 2024-07, Authorizing Payments No. 1 and No. 2 for the Eagle Crest Subdivision Project #211489. Administrator Schmidt said that this was essentially the dirt moving phase of the project and that payment recommendation comes from JEO. The two payments total \$277,573.05 payable to Myers Construction Inc. for work completed to date for the Eagle Crest Subdivision project and money will be sourced

from sales tax infrastructure fund account ending in 168. At the end of discussion, moved by Smith, seconded by Wassom to approve Resolution 2024-07. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Holland to approve the Highway 2 Sanitary Sewer Extension Agreement with Myers Construction. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

In the Mayor and Council Comments, Mayor Sonnichsen stated he had some final comments relating to the last storm and he thanked the following: the City Police Department for being the first on the scene and initializing communication, Broken Bow Rural Fire Department, Broke Bow Fire and EMS for isolating the hazards and traffic control, the City Electric Department for restoring the power for such a big job, the City Water and Sewer Department for clearing the dangers that night, the City Streets Department for restoring the 5<sup>th</sup> Street public passage, to Black Hills Energy and Custer Emergency Management for the services they rendered, and to City Administrator Dave Schmidt and Fire Chief Dustin Watson for controlling everything that night. He extended a special thanks to the community and beyond for the overwhelming offers to assist the businesses affected by the storm. He also stated that he will be putting effort towards securing or establishing a publicly designated storm shelter for future storms. Councilmember Holland also thanked Myers Construction for lending their equipment and the radio stations for getting the word out so quickly. Administrator Schmidt also thanked the National Weather Service for the work they did in the evaluation of the storm.

Moved by Wassom, seconded by Holland, to adjourn the City Council meeting at 6:31 PM. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion Carried.



Rodney W. Sonnichsen, Mayor

ATTEST:



Jennifer Waterhouse, City Clerk