



**CITY OF BROKEN BOW
CITY COUNCIL AGENDA
November 26, 2024 @ 6:00 PM
Broken Bow Municipal Building
314 South 10th Ave, Broken Bow NE**

Meeting Procedure

The Public may address specific agenda items at the pleasure of the Mayor. Please come to the podium, state your name and address, and limit your remarks to five minutes or less (subject to mayoral discretion). Out of respect to City employees, we request that any complaints or criticisms of employees not be aired in a public meeting. Concerns about employees should be brought to the attention of the City Administrator or Mayor. An individual in violation will be declared out of order. Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items.

A. Call to Order

B. Open Meetings Act: A current copy of the Open Meetings Act is available and is posted for review by all citizens.

C. Roll Call

D. Pledge of Allegiance

E. Consent Agenda: Council will have consideration of approving the consent agenda items for November 26th, 2024, which will include the following:

- a. Approval of Minutes of November 12th, 2024, Council Meeting
- b. Approval of Bills as Posted

F. New Business:

- a. **Henry F. Schumacher, Sylvester's Bar & Lounge, Amendment Application for Class I Liquor License Application-** Consideration of approving the amended application for retail Class I liquor license application for Henry F. Schumacher, Sylvester's Bar & Lounge, 723 East South E Street, Broken Bow, Nebraska.
- b. **Change Order #2, Eagle Crest Timeline Extension -** Council will have consideration of approving Change Order #2 with JEO Consulting Group Inc., moving the "substantial completion" milestone date from December 31st, 2024, to May 1st, 2025.
- c. **Public Hearing Ordinance 1293, Water Rates-** Council will have consideration of opening a public hearing regarding Ordinance 1293, Water Rates.
- d. **Waive Two Readings of Ordinance 1293, Water Rates-** Council will have consideration of waiving the two readings of Ordinance 1293.



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- e. **Ordinance 1293, Water Rates-** Council will have consideration of approving Ordinance 1293, Water Rates.
- f. **Public Hearing Ordinance 1294, Sewer Rates-** Council will have consideration of opening a public hearing regarding Ordinance 1294, Sewer Rates.
- g. **Waive Two Readings of Ordinance 1294, Sewer Rates-** Council will have consideration of waiving the two readings of Ordinance 1294.
- h. **Ordinance 1294, Sewer Rates-** Council will have consideration of approving Ordinance 1294, Sewer Rates.
- i. **Cancelling Second Council Meeting in December 2024-** Council will have consideration of cancelling the City Council Meeting that is to be held on December 24, 2024.
- j. **Resolution 2024-18, Bills Paid-** Council will have consideration of approving the authorization to pay regular bills that would have been paid at the December 24, 2024 City Council Meeting.

G. Public Comments

H. Mayor and Council Comments

I. Adjournment

***The Next City Council Meeting Will Be on Tuesday, December 10, 2024
at 6:00 pm in the Broken Bow Municipal Building***

Upcoming Events:

- ❖ **December 26th – Board of Public Works @ 12:30 pm in the Broken Bow Municipal Building**
- ❖ **November 28th-29th – City Offices Closed- Thanksgiving Holiday**

The Council will review the above matters and take such action as they deem appropriate. The Council may enter into closed session to discuss any matter on this agenda when it is determined by the Council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of any individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

Broken Bow City Council

Meeting Minutes November 12, 2024

The Broken Bow City Council met in regular session on Tuesday, November 12, 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. Advance notice of the meeting, a copy of the agenda, and related council materials were given to the Mayor and all members of the City Council and 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 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 Act, followed by reciting the Pledge of Allegiance.

Moved by Wassom, seconded by Holland to approve the consent agenda for November 12, 2024. Said motion includes approval of the Minutes of the October 22, 2024, Council Meeting, Bills to Date, and approval of the Amended Minutes of the October 8, 2024, Council Meeting. A mistake was made in the original minutes of October 8, 2024, when it was stated that the PILOT funds would be put into a CD. The amended minutes now state, "Broken Bow Housing Authority Director Anna Martin presented the Annual Housing Authority Report and requested that the FY 2023 PILOT (Payment in Lieu of Taxes) Funds in the amount of \$27,950.18 be waived back to the Broken Bow Housing Authority. She also highlighted their 2023 capital improvements, the future plans for 2024, and the needs they meet throughout the community. Moved by Holland, seconded by Smith to approve the waiver of PILOT Funds back to the Broken Bow Housing Authority in the amount of \$27,950.18. Roll Call vote: Voting aye: Smith, Wassom, and Holland, Nays: None. Motion carried." Roll call vote: Voting aye: Smith, Wassom and Holland. Nays: None. Motion carried.

AKRS Equipment \$122.52, Aflac \$563.75, \$119.50, \$108.18, \$563.75, \$119.50, Around The Block Catering \$1,000.00, Barco Products \$1,741.03, Beaver Bearing Co Albion \$12.65, Bound Tree Medical \$580.66, Broken Bow Airport Authority \$1,083.33, Broken Bow Ambulance Service \$109.94, Broken Bow Chamber of Commerce \$5,580.00, Broken Bow Municipal Utilities \$2,886.53, Broken Bow Rural Fire Board \$481.34, CEDC \$3,000.00, Capital One \$1,051.41, Card Services \$968.70, \$2,100.63, Card Services \$4,834 \$210.80, Card Services 0583 \$158.87, \$224.51, Card Services 0609 \$1,578.58, Carquest of Broken Bow \$21.78, Carroll Construction Supply \$3,103.48, Central Nebraska Bobcat \$560.00, Century Link \$89.36, \$292.42, \$135.66, \$82.49, \$333.54, \$99.09, City Flex Benefit Plan \$225.00, \$225.00, City of Broken Bow \$25.50, \$25.50, City of Broken Bow - Health Insurance \$3,661.81, \$3,661.81, \$26,931.72, City of Broken Bow Pension Fund \$2,324.80, \$10,883.50, \$1,540.72, \$2,324.80, \$11,077.46, \$1,618.71, Colonial Insurance \$548.14, \$335.79, \$589.62, \$577.42, \$332.10, Credit Management Services \$246.14, Custer County Chief \$65.00, \$65.00, \$724.42, Custer County Treasurer \$19,386.68, Custer Public Power \$56.26, Dr. Jordan Homan \$2,500.00, EFTPS Online Payment \$3,072.48, \$8,279.60, \$13,137.46, \$3,121.42, \$8,499.62, \$13,346.96, EZ IT Solutions \$62.58, \$2,765.00, \$4,776.41, \$3,907.04, Eakes Office Products \$560.03, \$124.80, \$285.06, Fairfield

Inn & Suites-Kearney \$374.85, First Response Billing Associates, LLC \$2,529.13, Freedom Munitions \$90.05, Frontier Family Pharmacy \$95.99, Grassland Vet Hospital \$20.35, Great Plains Communications \$84.95, \$154.76, \$150.00, \$185.00, Grocery Kart \$17.46, Hometown Leasing \$291.12, \$73.57, \$8,000.00, Island Supply Welding Co. \$51.20, Jill Smith \$35.00, Kirkpatrick Cleaning Solutions \$1,321.08, \$185.00, \$139.68, Kully Pipe & Steel \$249.63, LMJ3, LLC \$30,000.00, La Quinta by Wynham Kearney \$344.85, Mead Lumber \$2,270.77, Myers Construction Co \$409,535.68, Nebraska Child Support Payment Center \$899.09, \$899.09, Paper Tiger Shredding \$45.00, Platte Valley Communications \$47.50, Powermanager \$4,640.96, RT ACE, LLC \$1,138.66, RT Ace, LLC \$15.18, RT Ace, LLC \$254.47, Ranchland Ford \$72.22, \$21.35, \$1,100.72, S&L Sanitary Service \$58.30, Sandhills Custom Creations \$24.99, \$1,259.28, \$229.94, Sara J. Hulinsky \$837.00, Schaper and White Law Firm \$3,016.88, State Income Tax WH NE Online Payment \$4,093.16, \$4,184.71, Statewide Collection LLC \$15.95, \$15.95, Steve Scott \$99.19, TSYS Merchant Solutions \$229.00, TX Child Support SDU \$410.23, \$410.23, Tracker Systems \$16.99, Trotter Fertilizer \$985.67, Verizon Wireless \$320.08, \$129.67, \$249.12, Wenquist Inc. \$69.98, \$510.48, Total \$663,476.52 Bi-Weekly Payroll (10/23/24) \$74,110.20, Bi-Weekly Payroll (11/6/24) \$75,433.48, Grand Total \$813,020.20.

Under new business, moved by Holland, seconded by Smith to open a public hearing at 6:03 pm regarding Ordinance 1292, partial vacation of 9th Avenue. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried. Discussion was held. Jacob Holcomb explained that this request comes from property owner Jeff Boston at 850 S. K Street. He is requesting to vacate the first 125 feet of South 9th Avenue and the South K Street intersection, between parcel 479820 and parcel 1231500. He stated that there is a process laid out for the city by the State of Nebraska that allows the city to vacate any street when 75 percent of the property owners agree. He stated that Mr. Boston went above that and got signatures of all property owners to the south that reside on South 9th Avenue and that the only property owner right next to the property is Greg Wright. Mr. Wright attended the hearing and stated that he did not have any concerns about vacating the street. Mr. Holcomb also stated that both the Water/Sewer Superintendent, Ryan Jones and the Electrical Superintendent, Blake Waldow agreed that there are no issues with this street vacation because there are no utilities currently located there. He also explained that the city still has an easement that will stay in place and Administrator Schmidt and Mayor Sonnichsen further stated that they recommend the vacation of this street and see no issues. Mona Weatherly asked for clarification that the city is only vacating the first 125 feet and the Mayor confirmed that was the case. Moved by Holland, seconded by Smith to close public hearing at 6:12 pm. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

After discussing the matter, Councilmember Smith introduced Ordinance No. 1292 entitled "CITY OF BROKEN BOW, NEBRASKA ORDINANCE NO. 1292" and moved that the statutory rule requiring reading on three different days be suspended. Councilmember Holland seconded the motion. The Mayor stated the motion and instructed the Clerk to call the roll. The Clerk called the roll, and the following was the vote: Ayes: Smith, Wassom, and Holland. Nays: None. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the

statutory rule was declared suspended for the consideration of said Ordinance. Said Ordinance was then read by title and thereafter Councilmember Wassom moved for final passage and approval of the Ordinance, which motion was seconded by Councilmember Smith. Upon roll call vote, the vote was as follows: Ayes: Smith, Wassom, and Holland. Nays: None. Motion carried. The passage and adoption of said Ordinance having been concurred by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

Moved by Wassom, seconded by Holland to open a public hearing at 6:13 pm regarding the nuisance property located at 118 S. 15th Ave, Broken Bow, Nebraska. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried. Discussion was held. Administrator Schmidt explained that he had toured the property and all concerns have been addressed by Mr. Barker. He further stated that the property is slated for future demo but that he considers this nuisance property remediated and closed. Moved by Holland, seconded by Smith to close public hearing at 6:17 pm. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith to approve a course of action to be taken for property located at 118 S. 15th Ave. Discussion was held and the nuisance property was deemed remediated and closed. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Smith, seconded by Holland to open a public hearing at 6:18 pm regarding the nuisance property located at 139 S. 14th Ave, Broken Bow, Nebraska. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried. Discussion was held. Administrator Schmidt explained that he had toured the property and feels that all concerns have been addressed by Mr. Barker except for a minor soffit issue that Mr. Barker has made a verbal agreement to complete. He further stated that he is comfortable with that verbal agreement and recommends council to consider this nuisance property remediated and closed. Moved by Wassom, seconded by Holland to close public hearing at 6:20 pm. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Smith to approve a course of action to be taken for property located at 139 S. 14th Ave. Discussion was held and the nuisance property was deemed remediated and closed. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Smith, seconded by Holland to approve the Broken Bow Ambulance Bylaws for 2025. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Wassom to accept the 2024-2025 snow removal bid. Discussion was held. Administrator Schmidt explained that the city ran the add in the paper twice and received only one bid from Myers Construction. He stated that the bid included a weekday and after hour rate increase of \$5 from the previous year. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Smith, seconded by Wassom to approve the reappointment of Steven Parr of JEO Consulting Group, Inc, license number S-859, as the Street Superintendent for the City of Broken

Bow from January 1, 2025, to December 31, 2025. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Smith, seconded by Holland to approve Resolution 2024-14, Authorizing the Signing of the Year-End Certification of City Street Superintendent. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Smith to approve the appointment of JEO Consulting Group, Inc, as the City Engineer for the City of Broken Bow for 2025. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Smith, seconded by Wassom to approve Resolution 2024-15, authorizing the sale of S&L Sanitation Service and an agreement to novate contract with the new owner. Discussion was held. Administrator Schmidt explained that per our existing contract with S&L Sanitation, the city has the right of first refusal if the business were to ever sale as well as the condition to approve any sale to make sure that it meets the needs of the city. In alignment with that contract, this resolution essentially states that if Sherman Porter sells the business to Joe Roach, we think that Joe Roach will do a fine job meeting our needs and that we don't exercise our right of first refusal this time but that we don't give up that right in the future. The novation agreement is the second part of the process that essentially meets all of the legal conditions and basically puts it into effect, much like a contract. In the novation agreement it specially mentions that we want Mr. Roach to be aware that a letter of notice has been sent to renegotiate this agreement when the current term concludes in February of 2028 and that aspect is unchanged and will carry with the transfer of the business. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Wassom to open a public hearing at 6:28 pm regarding Ordinance 1293, Water Rates. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried. Discussion was held. Ryan Jones, Water/Sewer Superintendent, explained that the last rate increase that the city did was in 2020 and since he has taken over as superintendent he has been looking into the budget and where rates need to be. He said he spoke with Nebraska Rural Water, reviewed both our expenses and reserves, and has concluded that to get to where we need to be on the water side, we need to have a 10% rate increase. He said that amounts to a 2.5% increase for each year since the last rate increase. Administrator Schmidt showed those in attendance a chart of the rates and fees compared to inflation and explained that the rates have remained relatively flat. He further explained that prices have continued to rise and to be able to keep a healthy department, build reserves for projects and repairs, and not have to bond everything, this rate increase would be necessary. He added that a separate standard annual increase is being worked on so that these steep jumps are not necessary, and the impact is easier on the consumers. He further stated that the rate increase will average \$11-\$14 per month per consumer for both the water and sewer increase and that the sewer rates will be discussed in more detail in Ordinance 1294. Mayor Sonnichsen explained that the city is headed into a situation where there are no reserves and that we need to have reserves to be able to make repairs when things break. He also advised that council not waive the readings so that the public has an opportunity to learn about the proposed rates. Moved by Wassom, seconded by Holland to close public hearing at 6:34 pm. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Wassom, to not waive the three readings of Ordinance 1293, Water Rates. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion Carried.

The first reading of Ordinance 1293 was performed by City Clerk Jennifer Waterhouse.

Moved by Holland, seconded by Smith to open a public hearing at 6:35 pm regarding Ordinance 1294, Sewer Rates. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried. Discussion was held. Ryan Jones, Water/Sewer Superintendent, said that after digging into everything, they have concluded that the sewer is the main issue, and that the city is losing money on the sewer side. He said that they went over everything to determine why and worked with Nebraska Rural Water to compare Broken Bow to comparable towns. He explained that one of the most noticeable things they are proposing is adding an industrial rate, per thousand gallons, for businesses that discharge a lot of water into our sewer system that can be harmful to the wastewater treatment process. He said that BD would fall into that industrial rate. He further stated that they had a sit-down meeting with BD, filled them in on what they were proposing to do, and said that BD was very receptive. He also explained that because we are doing an industrial rate, it will keep them from having to raise the city and the rural rates as much as they would have had to without the industrial rate. Administrator Schmidt asked Ryan where this puts Broken Bow compared to other peer communities if the rates were implemented. Mr. Jones stated that these rates fall right in the middle of them for both water and sewer. He also explained that the industrial rate will not apply to all businesses and will only apply to businesses that the city deems harmful to our treatment process. He explained that as they have explored this issue, they have found that many similar cities are implementing an industrial rate as well. Administrator Schmidt also states that the rate increase was discussed at length with the Board of Public Works and it does come with their recommendation. Both Mayor Sonnichsen and Administrator Schmidt also highly advised that council not waive the readings for public transparency. Moved by Holland, seconded by Wassom to close public hearing at 6:43 pm. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Wassom, to not waive the three readings of Ordinance 1294, Sewer Rates. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion Carried.

The first reading of Ordinance 1294 was performed by City Clerk Jennifer Waterhouse.

Moved by Smith, seconded by Holland, to adjourn into Closed Session at 6:45 pm for the purpose of protecting the public interest with a strategy session regarding a real estate purchase, to include the Mayor, City Council members, and Administrator David Schmidt. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Holland, seconded by Wassom, to reconvene in regular session at 7:50 pm. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Holland to approve Resolution 2024-16, authorize and approve the City Administrator Dave Schmidt to pursue the purchase of real property, purchase agreement, and further actions for property described as the "Broken Bow Armory," parcel ID 001236600 in Broken Bow, Custer County, Nebraska. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

Moved by Wassom, seconded by Holland to approve Resolution 2024-17, approving the payment of \$409,535.68 to Myers Construction for work completed to date for the Eagle Crest Subdivision project #211489 for pay application #3. Payment has been recommended by JEO consulting and will be sourced from sales tax infrastructure fund account ending in 168. Roll Call Vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion carried.

There were no public comments.

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

Under Mayor and council comments, Administrator Schmidt talked about the serious auto accident that occurred in town in the early morning hours of October 26, 2024. He explained that the accident unfortunately claimed the life of a young man that morning but that sometimes these sad incidents have a way of showing us just how great of a community we live in. He further stated that he had some very heartfelt thankyou's to extend to those that helped that morning: BB Police Department, BB Volunteer Fire Department, BB Ambulance Service, Melham Medical Center, Nebraska State Patrol, Custer County Sheriff's Office, Justin Miller, Hunters Towing, BB Street Department, Sargent Pipe, NAPA, Mayor Sonnichsen, and Council Members Smith, Wassom, Myers, and Holland. He concluded by saying that everyone came together to rectify a serious traffic situation relatively quickly and he greatly appreciated everything they did that morning. Councilmember Smith also commended the city employees and Administrator Schmidt for guiding everyone that morning and making everything go so smoothly. He stated that he was very proud to watch them in action that morning.

Moved by Wassom, seconded by Smith, to adjourn the City Council meeting at 6:59 PM. Roll Call vote: Voting aye: Smith, Wassom, and Holland. Nays: None. Motion Carried.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>				<u>Work Order</u>	<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Aflac										
36612	11/20/2024	11/20/2024			563.75					Posted
	01-1501.00					PRE TAX AFLAC			563.75	0.00
36613	11/20/2024	11/20/2024			119.50					Posted
	01-1501.00					AFLAC POST TAX			119.50	0.00
Al's Lock & Safe Inc										
36590	11/26/2024	11/26/2024			12,760.00	26231-2, 26589				Posted
	12-4200.00					New public restroom			12,760.00	0.00
Axon Enterprise Inc.										
36627	11/26/2024	11/26/2024			4,320.00	INUS295089				Posted
	04-3310.00					ACCT# 320840 Annual taser payment			4,320.00	0.00
Black Hills Energy										
36588	11/13/2024	11/13/2024			354.79		11/13/2024			Posted
	04-3220.00					Utilities-Gas			132.49	0.00
	02-3220.00					Utilities-Gas			222.30	0.00
									354.79	0.00
Brittiany Rozman										
36591	11/26/2024	11/26/2024			64.00					Posted
	07-3205.00					Meals at conference			64.00	0.00
Broken Bow Chamber of Commerce										
36655	11/21/2024	11/21/2024			1,100.00					Posted
	01-3212.00					City promotions - reindeer for parade of ligh			1,100.00	0.00
Broken Bow Municipal Utilities										
36589	11/13/2024	11/13/2024			728.83					Ck# 4169 Printed
	09-3220.00					Parks - Shop Utilities/Trash Removal			728.83	0.00
Carquest of Broken Bow										
36628	11/26/2024	11/26/2024			280.43					Posted
	05-3310.00					Maint and repairs			280.43	0.00
City Flex Benefit Plan										
36614	11/20/2024	11/20/2024			225.00					Posted
	01-1501.00					SELECT FLEX-UNREIMBURSED M/D/V			225.00	0.00
Insurance Reimb	City of Broken Bow									
36626	11/20/2024	11/20/2024			25.50					Posted
	01-1501.00					FAMILY HERITAGE-CITY			25.50	0.00
Health Insurance Reimb	City of Broken Bow - Health Insurance									
36623	11/20/2024	11/20/2024			3,661.81					Posted
	01-1501.00					HEALTH INSURANCE			3,661.81	0.00
City of Broken Bow Pension Fund										
36615	11/20/2024	11/20/2024			2,353.56					Posted
	01-1513.00					RETIREMENT LOAN PAYMENT			2,353.56	0.00
36616	11/20/2024	11/20/2024			11,567.48					Posted
	01-1502.00					414H RETIREMENT			11,567.48	0.00
36617	11/20/2024	11/20/2024			1,636.77					Posted
	01-1502.00					457 RETIREMENT			1,636.77	0.00
Colonial Insurance										
36610	11/20/2024	11/20/2024			577.42					Posted
	01-1501.00					COLONIAL LIFE PRE TAX			577.42	0.00
36611	11/20/2024	11/20/2024			332.10					Posted
	01-1501.00					COLONIAL LIFE POST TAX			332.10	0.00
Custer County Chief										
36600	11/26/2024	11/26/2024			212.60					Posted
	07-3342.00					Help wanted ads			212.60	0.00
EFTPS Online Payment										
36619	11/20/2024	11/20/2024			3,128.90					Posted
	01-1500.00					MEDICARE			3,128.90	0.00

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>				<u>Work Order</u>	<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Midwest Alarm Services (continued)										
36602	11/26/2024	11/26/2024			325.50	243594				Posted
	02-3311.00					Fire extinguisher inspection and recharge			25.00	0.00
	06-3311.00					Fire extinguisher inspection and recharge			300.50	0.00
									325.50	0.00
Murphy Tractor & Equipment										
36637	11/26/2024	11/26/2024			15,217.24	2345183				Posted
	08-3310.00					Tree dump loader repair			15,217.24	0.00
NMC Inc										
36635	11/26/2024	11/26/2024			511.02	CUI 1409876 1410				Posted
	08-3310.00					ACCT# 820100 Equipment repairs			511.02	0.00
1 Nebraska Child Support Payment Center										
36618	11/20/2024	11/20/2024			851.09					Posted
	01-1503.00					CHILD SUPPORT-NE			851.09	0.00
Pareto Health										
36603	11/26/2024	11/26/2024			76.00	ICM-42434				Posted
	01-3104.00					Cost management			76.00	0.00
Paulsen Inc.										
36638	11/26/2024	11/26/2024			729.12	238264				Posted
	06-3311.00					Concrete fire hall			729.12	0.00
36639	11/26/2024	11/26/2024			10,299.53	237218, 877 23826				Posted
	08-3425.00					CUST# BBWC500			10,299.53	0.00
Presto X Company										
36604	11/26/2024	11/26/2024			72.49	68415707				Posted
	07-3311.00					monthly service			72.49	0.00
Ambulance RT Ace, LLC										
36640	11/26/2024	11/26/2024			116.91					Posted
	05-3410.00					UPS and storage containers			116.91	0.00
36641	11/26/2024	11/26/2024			35.50					Posted
	06-3311.00					Supplies: varnish and stain			35.50	0.00
36642	11/26/2024	11/26/2024			32.46					Posted
	06-3311.00					Bulbs			32.46	0.00
36643	11/26/2024	11/26/2024			25.73					Posted
	04-3311.00					Supplies-Lic plate bracket and hasp			25.73	0.00
Ranchland Ford										
36644	11/26/2024	11/26/2024			845.30	101295				Posted
	05-3310.00					991 Radiator repairs			845.30	0.00
Readers Digest										
36606	11/26/2024	11/26/2024			13.92					Posted
	07-3340.00					Magazine Subscription			13.92	0.00
Rolling Stone										
36605	11/26/2024	11/26/2024			29.95					Posted
	07-3340.00					Magazine subscription			29.95	0.00
State Income Tax WH NE Online Payment										
36622	11/20/2024	11/20/2024			4,202.04					Posted
	01-1500.00					STATE MARRIED			2,725.04	0.00
	01-1500.00					STATE SINGLE			1,477.00	0.00
									4,202.04	0.00
Statewide Collection LLC										
36625	11/20/2024	11/20/2024			15.95					Posted
	01-1504.00					Wage Garnishment-Plaintiff			15.95	0.00
BBSTR TROTTERS WHOA & GO WEST										
36654	11/26/2024	11/26/2024			157.15					Posted
	08-3225.00					ACCT# BBSTR			157.15	0.00
TSYS Merchant Solutions										
36607	11/26/2024	11/26/2024			229.00					Posted
	10-3206.10					CC Processing Fees			229.00	0.00
TX Child Support SDU										
36624	11/20/2024	11/20/2024			410.23					Posted
	01-1503.00					CHILD SUPPORT-TX			410.23	0.00

Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
		<u>Account#</u>	<u>Work Order</u>			<u>Description</u>			<u>Debit</u>	<u>Credit</u>
Taste of Home (continued)										
36608		11/26/2024	11/26/2024		13.79					Posted
		07-3340.00				Magazine subscription			13.79	0.00
The Grand Island Independent										
36595		11/26/2024	11/26/2024		214.99					Posted
		07-3340.00				materials			214.99	0.00
The Olson Group										
36609		11/26/2024	11/26/2024		4,550.00	2315 2332				Posted
		01-3104.00				Insurance consulting fees			3,800.00	0.00
		01-3223.20				1094/95 Filing Fees			750.00	0.00
									4,550.00	0.00
Tim Eggleston										
36645		11/26/2024	11/26/2024		114.98					Posted
		08-3410.01				Boot reimbursement			114.98	0.00
BAM Ambulance Trotter Service										
36646		11/26/2024	11/26/2024		25.00					Posted
		05-3310.00				ACCT# BBAMB			25.00	0.00
36647		11/26/2024	11/26/2024		43.92					Posted
		06-3225.00				ACCT# BBFIR			43.92	0.00
36648		11/26/2024	11/26/2024		503.87					Posted
		04-3225.00				ACCT# BBPOLF			503.87	0.00
36649		11/26/2024	11/26/2024		1,953.54					Posted
		08-3225.00				ACCT# BBSTR			1,953.54	0.00
36650		11/26/2024	11/26/2024		132.21					Posted
		09-3225.00				ACCT# BBPAR			132.21	0.00
BBAMB Trotter Whoa & Go West BB										
36651		11/26/2024	11/26/2024		554.92					Posted
		05-3225.00				ACCT# BBAMB			554.92	0.00
BBFire Trotter's Whoa & Go West BB										
36652		11/26/2024	11/26/2024		193.55					Posted
		06-3225.00				ACCT# BBFIR			193.55	0.00
36653		11/26/2024	11/26/2024		388.62					Posted
		04-3225.00				ACCT# BBPOLF			388.62	0.00
					358,660.54	68 Non-voided payables listed.				

Report Setup

AP - Accounts Payable Listing : Vendor Name

Filter Options

Starting: 11/13/2024

Ending: 11/26/2024

Banks: All

Payable Status: Posted, Printed, ACH, Recorded, Voided

All Vendors Selected

Biweekly Payroll 11/20/24 \$75,358.71

Check Approval List - GL Account

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
General				
Aflac		PRE TAX AFLAC	Health/Life/Acc Insuranc	563.75
Aflac		AFLAC POST TAX	Health/Life/Acc Insuranc	119.50
Broken Bow Chamber of Commerce		City promotions - reindeer for parade of ligh	City Promotions	1,100.00
City Flex Benefit Plan		SELECT FLEX-UNREIMBURSED M/D/V	Health/Life/Acc Insuranc	225.00
City of Broken Bow		FAMILY HERITAGE-CITY	Health/Life/Acc Insuranc	25.50
City of Broken Bow - Health Insurance		HEALTH INS	Health/Life/Acc Insuranc	3,661.81
City of Broken Bow Pension Fund		414H RETIREMENT	Pension	11,567.48
City of Broken Bow Pension Fund		457 RETIREMENT	Pension	1,636.77
City of Broken Bow Pension Fund		RETIREMENT LOAN PAYMENT	Loan Payment	2,353.56
Colonial Insurance		COLONIAL LIFE PRE TAX	Health/Life/Acc Insuranc	577.42
Colonial Insurance		COLONIAL LIFE POST TAX	Health/Life/Acc Insuranc	332.10
EFTPS Online Payment		MEDICARE	Payroll Taxes	3,128.90
EFTPS Online Payment		FEDERAL	Payroll Taxes	4,630.94
EFTPS Online Payment		FEDERAL	Payroll Taxes	2,713.05
EFTPS Online Payment		FEDERAL	Payroll Taxes	440.71
EFTPS Online Payment		FEDERAL	Payroll Taxes	283.16
EFTPS Online Payment		FEDERAL	Payroll Taxes	483.96
EFTPS Online Payment		FICA	Payroll Taxes	13,379.02
HIGHSTREET INSURANCE & FINANCIA		ACCT# CITYOFB-05	Bonds & WorkmansCorr	147,475.77
Nebraska Child Support Payment Center		CHILD SUPPORT-NE	Child Support	851.09
Pareto Health	ICM-4243	Cost management	Health Insurance	76.00
State Income Tax WH NE Online Paymer		STATE	Payroll Taxes	2,725.04
State Income Tax WH NE Online Paymer		STATE	Payroll Taxes	1,477.00
Statewide Collection LLC		Wage Garnishment-Plaintiff	Wage Garnishment	15.95
TX Child Support SDU		CHILD SUPPORT-TX	Child Support	410.23
The Olson Group	2315 233	Insurance consulting services and 1094/95	Health Insurance	3,800.00
The Olson Group	2315 233	Insurance consulting services and 1094/95	Filing Fees	750.00
			Total General	\$204,803.71
Municipal Building				
Black Hills Energy		Utilities-Gas	Utilities	222.30
Kirkpatrick Cleaning Solutions	13606	Event cleaning	Contracted Services	185.00
Midwest Alarm Services	243594	Fire extinguisher inspection and recharge	Maintenance & Repair B	25.00
			Total Municipal Building	\$432.30
Police				
Axon Enterprise Inc.	INUS295C	ACCT# 320840 Annual taser payment	Maint/Repair Equipment	4,320.00
Black Hills Energy		Utilities-Gas	Utilities	132.49
Great Plains Communications		ACCT# 190330 Internet	Telephone/Internet	185.00
Hometown Leasing		copier lease - police	Copier Maint/Expense	116.85
Josh Townsend		K9 Officer supplies reimbursement	K9 Officer	857.69
RT Ace, LLC		ACCT# 751 BB Police	Maintenance & Repair B	25.73
Trotter Service		ACCT# BBPOLF	Gas and Oil	503.87
Trotter's Whoa & Go West BB		ACCT# BBPOLF	Gas and Oil	388.62
			Total Police	\$6,530.25
Rescue Unit				
Carquest of Broken Bow		ACCT# 11465 Maint and repairs equipment	Maint/Repair Equipment	280.43
Huffman Diesel	204	Ambulance repairs and maintenance	Maint/Repair Equipment	3,040.00
Mid Plains Community College	50156	Course fee	Education and Training	421.85
RT Ace, LLC		ACCT# 1229 Ambulance	Equipment Purchases	116.91
Ranchland Ford	101295	991 Radiator repairs	Maint/Repair Equipment	845.30
Trotter Service		ACCT# BBAMB	Maint/Repair Equipment	25.00
Trotter Whoa & Go West BB		ACCT# BBAMB	Gas and Oil	554.92
			Total Rescue Unit	\$5,284.41
Fire				
Fyr-Tek	20238-9	Hydraulic oil	Maint/Repair Equipment	93.85
Midwest Alarm Services	243594	Fire extinguisher inspection and recharge	Maintenance & Repair B	300.50
Paulsen Inc.	238264	Concrete fire hall	Maintenance & Repair B	729.12
RT Ace, LLC		ACCT# 1236 Fire membership	Maintenance & Repair B	35.50
RT Ace, LLC		ACCT# 799 BB Fire	Maintenance & Repair B	32.46
Trotter Service		ACCT# BBFIR	Gas and Oil	43.92
Trotter's Whoa & Go West BB		ACCT# BBFIR	Gas and Oil	193.55
			Total Fire	\$1,428.90
Library				

Check Approval List - GL Account

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
Library				
Brittiany Rozman		Meals at conference	Training & Meeting Expe	64.00
Custer County Chief		ACCT# 639	Library Promotions	212.60
Eakes Office Solutions		ACCT# 309656 Supplies and copier meter r	Copier Maint/Expense	177.84
Eakes Office Solutions		ACCT# 309656 Supplies and copier meter r	Supplies & Postage	136.95
Ingram Library Services		ACCT# 2063010 materials	Book Purchases	2,130.83
Kim Blackburn		Meals at conference	Training & Meeting Expe	40.08
Megan Svoboda		WLA Conference milage and meals	Training & Meeting Expe	117.03
Presto X Company	68415707	monthly service - library	Maintenance & Repair B	72.49
Readers Digest		Magazine Subscription	Book Purchases	13.92
Rolling Stone		Magazine subscription	Book Purchases	29.95
Taste of Home		Magazine subscription	Book Purchases	13.79
The Grand Island Independent		materials	Book Purchases	214.99
			Total Library	\$3,224.47
Street				
Kinetic Leasing, Inc.	315073	Snow blower payment	Equipment Purchases	54,538.00
Murphy Tractor & Equipment	2345183	Tree dump loader repair	Maint/Repair Equipment	15,217.24
NMC Inc	CUI 1409	ACCT# 820100 Equipment repairs	Maint/Repair Equipment	511.02
Paulsen Inc.	237218, 8	CUST# BBWC500	Street Construction	10,299.53
TROTTERS WHOA & GO WEST		ACCT# BBSTR	Gas and Oil	157.15
Tim Eggleston		Boot reimbursement	Safety Equipment	114.98
Trotter Service		ACCT# BBSTR	Gas and Oil	1,953.54
			Total Street	\$82,791.46
Park				
Broken Bow Municipal Utilities		Utilities/Trash Removal - Parks	Utilities	728.83
Trotter Service		ACCT# BBPAR	Gas and Oil	132.21
			Total Park	\$861.04
Swimming Pool				
TSYS Merchant Solutions		CC Processing Fees	Credit Card/POS Service	229.00
			Total Swimming Pool	\$229.00
ST Infra/Capital				
Al's Lock & Safe Inc	26231-2, ;	New public restroom	Sales Tax Infra Projects	12,760.00
JEO	155096 1;	Eagle Crest	Sales Tax Infra Projects	27,345.00
JEO	155981	Eagle crest subdivision water & sanitary sev	Sales Tax Infra Projects	12,970.00
			Total ST Infra/Capital	\$53,075.00
				\$358,660.54

Report Selection: Check Approval List - GL Account

Date Range Selection: GL Posting Date

Starting Date: 11/13/2024

Ending Date: 11/26/2024

Banks: All

Bank Acct#:

Include Printed Checks: ☒

Biweekly Payroll 11/20/24 \$75,358.71

Return to Agenda



Nebraska Liquor Control

301 Centennial Mall
South - 1st Floor PO
Box 95046 Lincoln
NE 68508

Application Copy

File Number: 59926

AMENDMENT TYPE

Deletion from Licensed Area

APPLICATION DATE RECEIVED

2024-11-04

PREMISES TYPE

Converted

PREMISES NAME

SYLVESTER'S BAR & LOUNGE

OPERATOR

HENRY F SCHUMACHER

CORPORATE LIMIT DESIGNATION

Inside

LEASE OR OWN

Lease

EXPIRATION DATE

2027-05-13

PHYSICAL ADDRESS

723 E SOUTH E ST
BROKEN BOW, NE 68822-2719

MAILING ADDRESS

[REDACTED]
BROKEN BOW, NE 68822-3003

CONTACT NAME

SCHUMACHER, HENRY F

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(308) 872-6204

ALTERNATE PHONE

FAX

EMAIL

[REDACTED]@HOTMAIL.COM

PREMISES MANAGER

NO MANAGER CONVERTED

QUESTIONS

Class I Beer, Wine, Spirits On Sa

1. Current Building Dimensions: Enter length and width in feet separated by a comma (i.e. L20, W15) *Not square feet*

L82, W76

2. New Building Dimensions: Enter length and width in feet separated by a comma (i.e. L20, W15) *Not square feet*

L52, W76

3. What is being added, deleted or changed? Explain the type of addition/deletion/reconstruction, i.e. beer garden, adding to the building, storage area being removed. Fencing is required for outdoor areas.

The Bowling Alley Serving Area is being deleted. The areas marked Sylvester's Bar & Lounge and Outdoor Area will remain.

4. Is there an outdoor area?

*Must have permanent fencing securing the outdoor area. Please contact the local governing body for other requirements regarding fencing.

Yes

L20, W40

5. Will a basement be used for alcoholic storage or sale?

No

6. How many floors of the building? (excluding basement) Please indicate which floors will be included in the liquor license.

One floor in the building; one floor in the license.

7. Explain why this area is being removed or provide any additional information on this change of your licensed area.

This area is being removed at the request of the Liquor Control Commission because the licensee does not have exclusive control over the bowling alley.

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Lease / Deed / Purchase Agreement	Revised Lease.pdf	This revised lease removes prior lease terms allowing Sylvester's authority to serve alcohol in the bowling alley; the dates of the lease are unchanged.
Premises Description & Diagram	Diagram.pdf	Shows area to be deleted. Outdoor Area and Sylvester's Bar & Lounge remain part of the license.

APPLICANT

Henry Schumacher

DECLARATION

☒ I (We) the applicant(s) agree and consent

I declare under penalty of perjury that I have read the contents of this amendment application and, to the best of my knowledge, believe all statements made in this application are true, correct, and complete.

This lease is made and entered into this 14th day of May, 2024 by and between Broken Bow Entertainment, LLC d/b/a Pleasure lanes, a Nebraska Corporation, Hereinafter referred to as LESSOR, and Fred Schumacher a/k/a Henry F. Schumacher, d/b/a Sylvester's Bar and Lounge, hereinafter referred to as LESSEE.

I.

DESCRIPTION OF PROPERTY: The Leased premises and appurtenances are situated in the city of Broken Bow, Custer County Nebraska, and particularly described as follows:

Lots 5 and 6, East side Addition to Broken Bow, Custer County, Nebraska, accepts the tract deeded to the state of Nebraska, in Book 185, page 95, of the deed records of Custer County, Nebraska; together with all improvements, equipment and fixtures located on the portion of real estate where Sylvester's Bar and Lounge is currently located.

It is agreed and understood between the parties that the LESSEE is leasing only Sylvester's Bar and Lounge area for the purpose of obtaining a liquor license to sell alcoholic beverages.

LESSEE shall have complete possession and use for all lawful purposes of the indoors portion of real estate where Sylvester's Bar and Lounge is currently located and will have complete access to all receipts and income from the operation of said business. LESSEE'S rights and duties pursuant to this lease shall only extend to the portion of said premises occupied by Sylvester's Bar and Lounge, said duties including but not limited to alterations, repairs, and maintenance, insurance and indemnification.

LESSOR shall have complete possession and use of the indoor portion of real estate by the bowling alley, parking lot, and kitchen, and will have complete right to all receipts and income from the operation. LESSOR'S rights and duties, pursuant to this lease, shall only extend to the portion of said premises occupied by the bowling alley, and kitchen. Both Parties shall equally share the parking lot for use of Customer parking, and shall equally be responsible for snow removal. Additional income from the parking lot must be ok'd with the LESSOR and shall be split equally.

II.

TERMS OF LEASE: The terms of this lease shall be and is for a three year term from the 14th day of May, 2024 through the 13th day of May 2027, unless terminated or extended as hereinafter provided.

III.

RENT: The LESSEE shall pay to LESSOR rent in the amount of ~~five thousand one hundred dollars (\$2100.00)~~ per month, on the first of each month. Monthly rent payments not paid within fifteen (15) days after such due date shall be considered delinquent.

IV.

ALTERATIONS: LESSEE may construct and install such interior improvements as shall, in his opinion, be necessary or desirable for the use and operation of the premises as a bar and lounge, and may perform any and all lawful acts necessary or useful in connection with the other property owned by LESSEE and hereinafter placed on the premises, whether annexed thereto or not (except restroom fixtures), shall remain the personal property of the LESSEE, and LESSEE shall have the right to remove such property at any time during the term of this lease. Upon termination of this lease, LESSEE shall have a period of thirty (30) days within which to remove his property or shall negotiate the sale of his personal property and improvements to LESSOR, LESSEE upon the termination of this lease, shall within sixty (60) days of termination remove such improvements (except restroom fixtures) and repair and restore the leased premises to the same condition as existed prior to the installation and constructions of said improvements.

V.

WAIVERS OF CONSTRUCTION LIENS: LESSEE shall keep the leased premises free and clear from all construction lien rights for materials and services furnished to LESSEE for all construction and improvements within area of lease premises occupied by the business of Sylvester's Bar and Lounge. Prior to commencement of work of furnishing of materials for improvements, LESSEE shall obtain waivers of lien rights from suppliers of work or materials used for construction or improvements and shall deliver waivers to LESSOR before commencement of construction.

VI.

PUBLIC ACCESS: Public access shall be permitted between the bowling alley and the area occupied by Sylvester's Bar and Lounge during mutually agreed upon hours

VII.

REMOVAL OF PARKING LOT LITTER: LESSEE at the close of each business day shall be responsible for patrolling the parking lot area used by his patrons, employees, agents, and sales representatives and keeping it clear of debris and unwanted material left by said persons.

VIII.

CLEANING UP AFTER CUSTOMERS: Both LESSOR and LESSEE are responsible for cleaning up after customers they have served at the end of each night on either side of the building.

IX.

UTILITIES: During the term of this lease, the Utilities shall be divided as follows:

- a) The parties shall each have separate phone, cable, and internet services and pay their prospective bills of the same.
- b) The Parties shall split the charges for natural gas, trash, electricity, water and sewer as follows:
 - 1) From September 16, of each year until May 15th, LESSOR shall pay sixty percent (60) of said utilities and LESSEE shall pay forty percent (40) of said utilities.
 - 2) Between May 16, and September 15th, LESSOR shall pay twenty percent (20%) of said utilities, and LESSEE shall pay eighty (80%) of said utilities.
 - 3) In the event of a substantial change in bowling hours these percentages may be mutually looked at and adjusted accordingly.

X.

TAXES AND SPECIAL ASSESSMENTS: LESSOR shall pay all real estate taxes and special assessments against the real estate. Each party shall pay his respective personal property taxes before the same become delinquent.

XI.

REPAIRS AND MAINTENANCE: LESSEE shall during the term of this lease, at his own expense make all ordinary repairs, as needed and when necessary, except in the case of reasonable wear and tear or damage by fire or other casualty for which insurance is carried. Ordinary repairs shall include all normal maintenance of the heating and cooling systems. Notwithstanding any insurance coverage that the LESSOR may maintain on the leased premises, the LESSEE shall pay for any and all.

XII.

INSURANCE: LESSOR shall at all times during the term of this lease, keep all of the leased premises thereon insured against fire, and certain specific perils by a normal fire and extended coverage policy. LESSEE shall, at his own expense, provide and maintain with a responsible and reputable insurance company, authorized to do business within the State of Nebraska, public liability insurance against all claims, demands, or actions for injury to or death of any person, made for or on behalf of any person or persons firms or corporations, or entities, arising from, related to or connected with the conduct or operation of business of LESSEE on the leased property, this insurance only being maintained for the portion of the leased property, including the parking lot, where Sylvester's Bar and Lounge is located, in any amount of not less than the aggregated amount of public liability insurance coverage maintained by the LESSOR, LESSEE shall maintain his own insurance on the personal property he owns.

XIII.

SUBLETTING AND ASSIGNMENT: LESSEE may not assign, transfer, or set over his interest in this lease, either in whole or in part, without the prior consent of LESSOR. LESSOR agrees that consent will not be unreasonably withheld. Assignment by LESSEE of this lease without prior consent of LESSOR, shall be construed as a breach of this lease by LESSEE.

XIV.

WRITTEN NOTICE OF DEFAULT: Anything therein to the contrary notwithstanding, LESSOR agreed not to exercise any landlord's remedies against LESSEE by reason of any default, until LESSOR shall have given to LESSEE written notice of the default and unless LESSEE shall have failed to remedy such default within a period of ten (10) days from the giving of such notice,

XV.

INDEMNIFICATION: LESSEE shall indemnify and save LESSOR harmless from and against any and all claims, actions, judgements, and recoveries for or on account of damage or injury (including death) to the property or person of LESSEE'S agents, patrons, guests, employees, and representatives or any other parties caused by or due to the operation of LESSOR'S business on the portion of the leased premises occupied by Sylvester's Bar and Lounge.

LESSOR shall indemnify and save LESSEE harmless from and against any and all claims, demands, suits, actions, judgements and recoveries for or as a result of damage or injury (including death) to the property or person of LESSOR'S agents, patrons, guests, invitees, employees, and representatives or other parties caused by or due to the operation of LESSOR'S business on the portion of the leased premises occupied by the bowling alley and kitchen.

XVI.

HOLD-OVER: If LESSEE remains in possession of the premises after the expiration of this lease without the execution of a new lease, LESSEE shall be deemed to be occupying the premises as a tenant from month to month, subject to all of the provisions of this lease, insofar as they are applicable to a tenancy from month to month. LESSEE shall give LESSOR ninety (90) days notice prior to the expiration of the three (3) year term of his intentions to continue the lease,

XVII.

TERMINATION UPON DEFAULT: If LESSEE fails to carry out substantially the terms of this lease in due and proper time, the lease may be terminated by the LESSOR by giving written notice citing the instance of default and specifying a termination date; provided, however, that if the LESSEE is in default of making rent payments when due in accordance with this lease, the LESSEE shall surrender to the LESSOR the leased premises and LESSEE shall remain liable for payment of rentals as provided in this lease, for the full remaining term of this lease.

XVIII.

LESSOR'S RIGHT OF ENTRY: The LESSOR reserves the right of itself, its agents, employee's, or assigns to enter upon said leased premises at any reasonable time for the purpose of inspecting the same, or making repairs or improvements thereon, the same, however, not to interfere with the LESSEE in carrying out his regular business operations of the leased premises. LESSEE at all times during the term of this lease have designated in writing delivered to the LESSOR the name or names of a person or persons available to grant entry to the premises of Sylvester's Bar and Lounge area for the purposes of making emergency repairs or maintenance that must be performed to protect the interest of LESSOR and/or LESSEE.

XIX.

YIELDING POSSESSION AT END OF LEASE: The LESSEE agrees that at the expiration of this lease, he will yield possession of the leased premises to the LESSOR in the condition as hereinbefore provided, without further notice to this LESSEE.

XX.

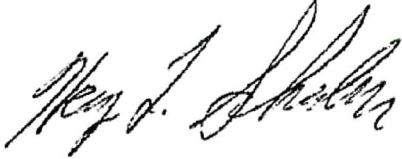
EXTENT OF LEASE: The terms of this lease shall be binding upon the successors and assigns of the LESSOR and upon the heirs, devisees, assigns, and personal representatives of the LESSEE.

XXI.

VOID OF CONTRACT/LEASE: If the LESSOR sales this property that is being leased by the LESSEE, this contract shall be void and the buyer shall not be obligated to lease the property to the LESSEE. The LESSEE will have 90 days to vacate the property.

IN WITNESS WHEREOF, here to have signed this Lease on the day written.

Sylvester's Bar and Lounge:



Broken Bow Entertainment, LLC d/b/a
Pleasure Lanes



Fredrick Schumacher, a/k/a
Henry F. Schumacher

Evan June, Member
Adam Glendy, Member
Wendi Glendy, Member

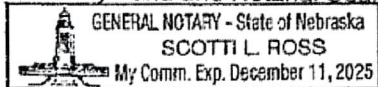
STATE OF NEBRASKA)

:SS.

COUNTY OF CUSTER)

Now on this ^{October} 29 day of ~~April~~, 2024, before me, a NOTARY Public, in and for said State, personally appeared Fredrick Schumacher a.k.a Henry F. Schumacher, to me known to be the identical persons who executed the above and foregoing Lease agreement as LESSEE, and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein stated.

WITNESS my hand and Notarial Seal on the day and year last above written.



Notary Public

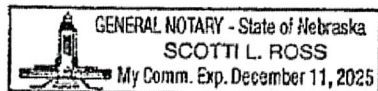
STATE OF NEBRASKA)

:SS.

COUNTY OF CUSTER)

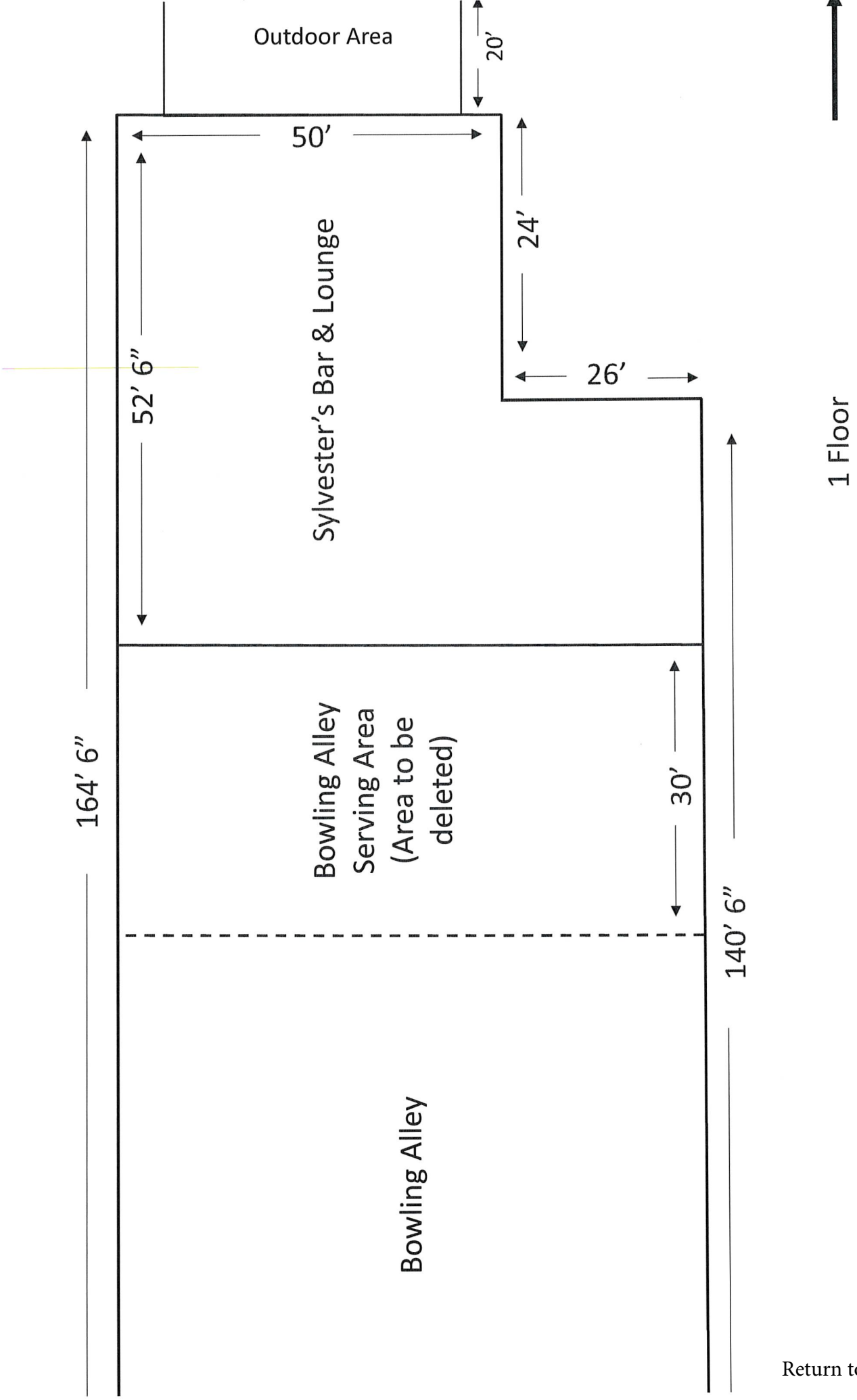
NOW on this ^{October} 29 day of ~~March~~, 2024 before me, a Notary Public, in and for said State, personally appeared Evan June, Adam Glendy, and Wendi Glendy, Members of Broken Bow Entertainment, LLC a Nebraska Corporation to me known to be the identical persons who executed the above and forgoing Lease Agreement as LESSOR, and acknowledged the execution thereof to be their Voluntary act and deed for the purposes therein stated.

WITNESS my hand and Notarial Seal on the day and year last above written.

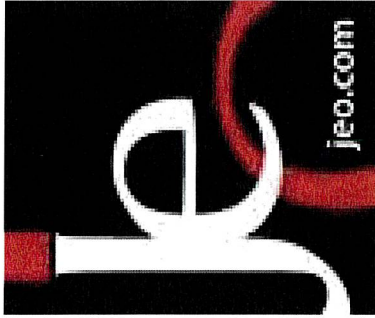


A handwritten signature in dark ink, appearing to read "SCOTT L. ROSS", written over a horizontal line.

Notary Public



1 Floor



JEO Consulting Group Inc.

Change Order Details

211489.00- Broken Bow 2021 Eagle Crest Subdivision

Description Water and Sanitary Sewer Extensions with Street Paving.

Prime Contractor Myers Construction
43671 Ryno Rd,
Broken Bow, NE 68822

Change Order 2

Status Pending

Date Created 11/18/2024

Type Changed Conditions

Summary Substantial Competition Date Change

Change Order Description Substantial Competition date change to May 1, 2025

Awarded Project Amount \$1,541,456.43

Authorized Project Amount \$1,606,813.43

Change Order Amount \$0.00

Revised Project Amount \$1,606,813.43

Time Limit Changes

Type	Original Deadline	Current Deadline	Pending Extension	Pending Deadline
Completion Date	12/31/2024	12/31/2024	121.0 Days	05/01/2025
Substantial Completion				
Reason: Weather				
1 time limit				

When authorized, the contractor agrees to perform the work outlined above in accordance with provisions of the contract documents

Contractor _____ **Date** _____

Engineer Ben C. Keom **Date** November 18, 2024

Owner _____ **Date** _____

Return to Agenda

**CITY OF BROKEN BOW, NEBRASKA
ORDINANCE NO. 1293**

AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA ESTABLISHING THE WATER USE FEE, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. There will be a minimum monthly customer charge based on service size. The customer charges for services within the City limits are \$19.26 for services smaller than 1", \$31.59 for 1" services, \$108.82 for 1½" services, \$145.03 for 2" services, \$316.24 for 3" services, and \$902.06 for 4" services. The customer charges for Rural services are \$23.00 for smaller than 1" services, \$37.81 for 1" services, \$130.49 for 1½" services, \$174.24 for 2" services, \$379.64 for 3" services and \$1,082.09 for 4" services. A flat fee based on 8,000 gallons of usage per month in addition to the minimum customer charge will be charged to customers at locations not metered. The customer charges in all cases are fixed fees in addition to and separate from usage charges. Monthly-billed accounts are due by the 10th of each month. Delinquent accounts will be subject to a 5% late charge.

Section 2. There will be a usage charge of \$2.08/1,000 gallons (City) and \$3.41/1,000 gallons (Rural).

Section 3. These rates and charges will become effective with the November 2024 meter readings.

Section 4. Backflow surveys are mandated by the Nebraska Department of Health. Customers refusing to complete and return said surveys may have their water service disconnected for non-compliance. A \$60.00 service charge will be assessed to those customers that are disconnected. Service will not be restored until the backflow survey is completed and the service charge is paid.

Section 5. All sections of all ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 12th day of November, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

**CITY OF BROKEN BOW, NEBRASKA
ORDINANCE NO. 1294**

AN ORDINANCE OF THE CITY OF BROKEN BOW, NEBRASKA ESTABLISHING THE SEWER USE FEE, REPEALING THE SECTIONS OF ALL PREVIOUS ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. There will be \$29.00 per month charge plus \$3.50/1,000 gallons (City), \$5.00/1,000 gallons (Rural) and \$7.00/1,000 gallons (Industrial) based on winter (December, January, February) average water usage. A flat usage fee based on 4,000 gallons of usage per month will be charged to residential customers at locations that are not water metered or for new residential customers with no usage history. New commercial customer user charges will be calculated by historic usage at that location or by comparability with like or similar businesses until a historical usage is created. Commercial customers that have summer peak sewer usage shall have a monthly customer charge calculated on a twelve (12) month average. Large Industrial customers may be calculated on a monthly basis. The customer charge is in all cases a fixed fee in addition to and separate from usage charges. Monthly-billed accounts are due by the 10th of each month. Delinquent accounts will be subject to a 5% late charge.

Section 2. Sewer use fees will be charged to any property that has either electric service or water service that is active, unless the property owner has a septic tank in use.

Section 3. These rates and charges will become effective with the November 2024 meter readings.

Section 4. All sections of all ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 12th day of November, 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk

RESOLUTION 2024-18

RESOLUTION AUTHORIZING PAYMENT OF REGULAR BILLS THAT WOULD HAVE BEEN PAID AT THE DECEMBER 24, 2024, CITY COUNCIL MEETING

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW,
NEBRASKA:

WHEREAS, the City Council of the City of Broken Bow, NE will not meet for the
regularly scheduled meeting on December 24, 2024; and

WHEREAS, the City of Broken Bow has regular bills that need to be paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Broken Bow,
Nebraska: to authorize the payment of regular bills that would have been paid at the
December 24, 2024, meeting.

PASSED AND APPROVED this 26th day of November 2024.

Rodney W. Sonnichsen, Mayor

ATTEST:

Jennifer A. Waterhouse, City Clerk