

MINUTES OF THE PONCA CITY COUNCIL MEETING HELD

4.29.24

Mayor DJ Smith called the meeting to order at 7:00 PM on Monday, April 29th, 2024, and referenced the meeting recording process, optional sign-in sheet and Open Meetings Law posting. All those present stood and recited the Pledge of Allegiance. Councilmembers Josh Blatchford, Ron Mahler, Eric Bevelhymmer, Dillon Rickett, Andy Stark, and Kari Lowe were present for Roll Call. Prior notice of the meeting and agenda were provided to the Mayor and all Members of the Governing Body. Notice of the meeting was distributed and posted at the Ponca City Hall, US Post Office-Ponca, Ponca City Library, Bank of Dixon County, Keller's Pharmacy, and the Dixon County Courthouse.

Mayor Communications

Mayor Smith gave his thanks to the Ponca Volunteer Fire and Rescue for their annual Burger and Brat Feed. Mayor also spoke about a podcast that he was a part of on April 25th called Growing Small Town Nebraska. In his podcast interview he spoke about upcoming events and projects that Ponca has coming up in 2024. The podcast will be released in June of 2024.

Agenda Request Speakers

At 7:03 PM Mayor Smith invited Michael Burke- 213 Prescott St, Sioux City, IA- to the podium. Michael is speaking about unpaid utility bills that occurred at his rental property. The city has placed a lien on the property for said unpaid bills. Burke expressed his disagreement about Burke and Jacobson LLC being responsible for their tenant's unpaid utility bills. Matt Munderloh reiterated per Nebraska State Law, any unpaid utility bill is a lien on the property. Burke said that he wanted to negotiate. When asked by Munderloh what he wanted to negotiate, he stated to have it forgiven and the lien removed. No action or resolution to this matter.

Consent Agenda

Mayor Smith stated to the Governing Body that the City Clerk-Finance Directors April Claims & Accounts Payable Report, Fund Balance/Treasurers Report, City Budget Cash Report, and a General Journal Entry Report, and Check Register Report were included in the Council Meeting Scan Package sent out. Motion by Councilmember Bevelhymmer and a second by Councilmember Mahler to approve the Consent Agenda. The following Councilmembers voting "YEA": Blatchford, Mahler, Bevelhymmer, Rickett, Lowe, Stark. The following Councilmembers voted "NAY": None. Motion passed 6-0.

Proclamations, Presentations, Appointments, Affirmations & Introductions

No proclamations, presentations, appointments, affirmations, or introductions at this meeting.

Reports & Updates

Joe Yocum gave a Police update. States 21 calls so far in April. Also stated that 19 of the 21 calls came between the hours of 6AM and 6PM and the majority of calls for service were made on Tuesdays and Fridays. He will be focusing his attention on lawn and weed citations.

Travis Olander gave an update on the Street Department. Mowing has started. Jay-Lan will come this week and start spraying if the weather cooperates. Good ol' Boys donated the flowers to be planted. In 2 weeks, Gill Construction will start on the school project, and by June the North Street Project should be started. Street sweeping will be starting as well.

Steve Brinkmann updated the council on the water/sewer department. There have been 21 locate calls since March 25th, 2024. The manhole portion of the ARPA funds was completed. The sewer plant passed its inspection. It is supposed to be inspected every 5 years but was last done in 2010 due to staffing issues with the inspection office. Zeisler dug up 2 curb stops that were buried, N Nebraska street had a water line that was leaking and has since been repaired. He will be researching the water main for the water tower for the upcoming build for the new water tower. The water level has stayed steady at 63 feet.

Travis Olander gave his City Administrator's Update on the city. Clean up day went well. 7 dumpsters were filled and hauled away to the landfill and there were 1.5 dumpsters hauled away to the scrap yard with metal. The hail damage to the buildings from the storm April of 2023 is almost completed. 3 out of the 5 roofs have been replaced. The remaining 2 will be completed in May. Once completed, Jaime can send in for the remaining insurance funds.

Jim Litchfield also spoke about Economic Development. Andrea Larson from NENEDD was present and spoke about grant opportunities. She also stated that there needs to be a community attitude survey completed

before any grants are applied for. The application process can be up to a year. She suggested the council look at the samples of surveys that Jim Litchfield had presented at the last meeting in March and decide what they would like in their surveys.

Melissa Kebaili spoke on behalf of the library. They are focusing on maintenance. They had a basement window break and in the process of having the repair man look at the broken window, they found that all the windows leak. They are going to replace three of them along the East wall as of now. The others will be in phases. They are also going to repair the sidewalks. They had a patron fall recently. They will be applying for the Sheffel grant to help with the cost of the sidewalk repairs.

The Volunteer Fire and Rescue submitted their report.

City Attorney's Report

Matt Munderloh spoke about his month. He stated that the majority of his work this month was speaking with Joe about the part time officer, helping with cleaning up some utility issues, and board of adjustment issues.

Public Hearings

None

Unfinished Business

Mayor Smith gave an update on the progress of the Dixon County Combined County Office/ Courts/Jail & Justice Center. The ballots have been mailed to Dixon County Residents and need to be postmarked by May 14th, 2024. The board is at a standstill until the voters decide on what to do.

The Community Center Committee is on the agenda under New Business. It will be discussed there.

New Business

Schweers presented 4 sealed bids to be opened at the meeting. C&H truck parts submitted a bid in the amount of \$3660.00. Justin Morris submitted a bid for \$808.00. Garvin's Salvage submitted a bid for \$1501.00. Walker Construction submitted a bid for \$6485.85. A motion was made by Lowe to accept the bid submitted by Walker Construction, and a second by Blatchford. Council members voting "YEA": Lowe, Mahler, Rickett, Stark, Bevelhymer, Blatchford. Voting "NAY": none. Motion passed 6-0.

BJ Robinson spoke on behalf of the Days of '56 Rodeo Association. Their Queen contest is June 8th. The rodeo is scheduled for June 28th and 29th. It is the 56th year of the Days of '56 Rodeo. They have a new stock contractor and there will be some different rules regarding the removal of the animals from the arena after the event. The association is requesting to close the alley behind the rodeo grounds along with the regular roads that are typically closed at this event. They would like the street/alley closure to happen on June 26th.

The Rodeo Association presented an SDL for rodeo weekend. A motion was made by Rickett and seconded by Blatchford to approve SDL for the Rodeo Association for June 28th and 29th, 2024. Council members voting "YEA": Rickett, Bevelhymer, Blatchford, Lowe, Mahler, Stark. Voting "NAY": none. Motion passed 6-0.

Jess Kastning spoke on behalf of the Ponca Volunteer Fire and Rescue about their street dance on Friday, June 28th, 2024. They will partner with 755 Pub as they did last year. They are wanting the street to be closed on Friday June 28th from 2PM- 2AM on the 29th. No Action Taken

Melissa Kebaili presented a part time employee to the council. Jan Schempp would be working part-time at the library. Motion was made by Mahler and a second by Bevelhymer to approve Jan Schempp as the new part time library employee. Council members voting "YEA": Lowe, Mahler, Rickett, Stark, Bevelhymer, Blatchford. Voting "NAY": none. Motion passed 6-0.

Olander and our City Engineer Chad Kehrt presented the Final Pay Estimate for the ARPA Sewer Project. Gill construction finished the last portion of the project in April 2024. They came in \$7,289 under bid. A motion was made by Bevelhymer and seconded by Blatchford to approve the Final Pay Estimate payable to Gill Construction. Council members voting "YEA": Mahler, Rickett, Bevelhymer, Blatchford, Stark, Lowe. Voting "NAY": none. Motion passed 6-0.

Olander and Kehrt addressed the council about moving the May council meeting from May 20th to the week of May 28th due to the engineer needing more time to publish for water tower bids. If the meeting is not able

to be moved, then we will have to call a special meeting to address the received bids to construct the water tower. Mahler made a motion to move the May council meeting from May 20th at 7PM to Thursday May 30th at 7PM. A Second was given by Blatchford. Council members voting "YEA": Lowe, Mahler, Stark, Blatchford, Rickett, Bevelhymmer. Council members voting "NAY": none. Motion passed 6-0.

Olander and Kehrt addressed the council about setting the bid opening for the water tower to May 29th at 11AM. A motion was made by Rickett and a Second by Bevelhymmer to set bid opening for May 29th at 11AM. Council members voting "YEA": Stark, Mahler, Rickett, Bevelhymmer, Blatchford, Lowe. Council members voting "NAY": none. Motion passed 6-0.

The council had discussion on water tower designs for Kehrt to present to the designer. The council had 3 sample options to choose from. 5 out of 6 members had liked the one with landscaping. Kehrt will give the sample design that was picked to the designer and come back with a mockup. No action taken.

Mayor Smith spoke on behalf of the Community Center Committee. They were requesting council approval to continue with fundraising and the application process for the building grant. their next meeting is May 11th at 9AM. A motion was made by Blatchford and seconded by Lowe to allow the Community Center Committee to continue with the next steps. Council members voting "YEA" Lowe, Mahler, Rickett, Stark, Bevelhymmer, Blatchford. Voting "NAY" none. Motion passed 6-0.

Olander presented Resolution 2024-06, A Resolution of the City of Ponca, Nebraska, to allow a car show pursuant to Neb. Rev. St. 39-1359. It requests the Community Club to close Hwy 20 so the Frog Day's Car Show can be downtown. If approved, then the Community Club will submit it to the State, and they will decide if the Hwy can be closed. A motion was made by Lowe and seconded by Stark to approve Resolution 2024-06 and submit to the State for final authorization. Council members voting "YEA" Mahler, Rickett, Stark, Bevelhymmer, Blatchford, Lowe. Voting "NAY" none. Motion passed 6-0.

Olander presented the Council with 2 options for Resolution 2024-07. Option one was a Resolution Assessing late fees for any delinquent customer utility account in the City of Ponca, Dixon County, Nebraska. Option two was Resolution Assessing late fees for any delinquent customer utility account and establishing a utility deposit for rental property owners in the City of Ponca, Dixon County, Nebraska. The council decided on Option 1. No action was taken.

Olander presented Resolution 2024-07; a Resolution Assessing late fees for any delinquent customer utility account in the City of Ponca, Dixon County, Nebraska. A motion was made by Lowe and seconded by Bevelhymmer to approve Resolution 2024-07. Council members voting "YEA" Rickett, Stark, Bevelhymmer, Blatchford, Lowe. Voting "NAY" Mahler. Motion passed 5-1.

Schweers and Olander presented 3 forms for customer utilities. The forms were a Landlord Notification Agreement, a Landlord Agreement as to if a tenant moves out how the utilities are handled, and a contract for all utility applicants stating that they understand the rules and payment of public utilities. A motion was made by Mahler and seconded by Stark to authorize the city employees to use these 3 forms for utility customers. Council members voting "YEA" Bevelhymmer, Blatchford, Lowe, Mahler, Rickett, Stark. Voting "NAY" none. Motion passed 6-0.

Olander presented Second Reading of Ordinance 473, An Ordinance introduced by the Governing Body creating a Floodplain District defining the same and setting forth regulations thereof. Providing for publication of this Ordinance in pamphlet form. A motion by Lowe and seconded by Bevelhymmer to approve the Second Reading of Ordinance 473. Council members voting "YEA" Bevelhymmer, Blatchford, Lowe, Mahler, Rickett, Stark. Voting "NAY" none. Motion passed 6-0.

Olander presented Ordinance 474, Adopting Standard Building Codes. A motion was made by Blatchford and seconded by Stark to waive the three-reading rule. Council members voting "YEA" Blatchford, Lowe, Mahler, Rickett, Stark, Bevelhymmer. Voting "NAY" none. Motion passed 6-0. A motion was then made by Rickett and seconded by Mahler to approve Ordinance 474, Adopting Standard Building Codes. Council members voting "YEA" Lowe, Mahler, Rickett, Stark, Bevelhymmer, Blatchford. Voting "NAY" none. Motion passed 6-0.

Yocum and Munderloh spoke to the Council about the applicant for the part time police officer. He has all his paperwork completed except for the Employment Verification Form. This form states that he is hired by the city and will be paid while at the academy and covered under the City's Work Comp insurance. There was also discussion on what training he would have left to complete for reciprocity. There was also discussion on what wage to pay him. Schweers referenced the Wage Ordinance that was passed in October of 2023. There

was discussion on who was to fill out the Employment Verification Form. A motion was made by Blatchford and seconded by Mahler to allow Jaime Schweers to complete the form for applicant to be listed as "non-certified conditional officer" until reciprocity and training have been completed. Council members voting "YEA" Rickett, Stark, Bevelhymmer, Blatchford, Lowe, Mahler. Voting "NAY" none. Motion passed 6-0

Discussion was had on part time police officer's hiring salary and hours. The budget can afford \$20 per hour up to 31 hours a week. A motion was made by Blatchford and seconded by Bevelhymmer to hire Bill Persinger under the condition that he complete reciprocity training and apply forthwith after completion. Council members voting "YEA" Bevelhymmer, Blatchford, Lowe, Mahler, Rickett, Stark. Voting "NAY" none. Motion passed 6-0.

Yocum presented the council with a quote for a camera system that included a vehicle and 2 body cameras. Sarah at the Sheriffs office had helped get Yocum status to apply for a grant. The grant is 3500 dollars, and it would go towards the vehicle portion of the quote. A motion was made by Mahler and seconded by Blatchford to approve the purchase of the vehicle and body cameras. Council members voting "YEA" Blatchford, Lowe, Mahler, Rickett, Stark, Bevelhymmer. Voting "NAY" none. Motion passed 6-0.

Governing Body Comments and Correspondence

Mayor Smith asked if there were any future agenda requests for consideration or administrative action. Next Ponca City Governing Body Meeting scheduled for Thursday, May 30th at 7:00PM.

Adjournment

A motion was made by Blatchford and a second by Rickett to adjourn the meeting at 9:30 PM. The following councilmembers voting "YEA": Bevelhymmer, Blatchford, Lowe, Mahler, Rickett, Stark Voting "NAY": none. Motion passed 6-0.

Mayor; DJ Smith

City Clerk- Finance Director; Jaime Schweers