ARAPAHOE, NEBRASKA November 19, 2024

The City Council of the City of Arapahoe, Nebraska, met in regular session at the EMCC Council Room at 7:31 P.M. on November 19, 2024, pursuant to notice posted in the city office and published in the Valley Voice. Councilmen present: Middagh, Kreutzer, Polston, and tenBensel. Absent: Carpenter & Paulsen City Staff present: Greg Schievelbein, City Superintendent, Dixie Sickels, Assistant City Clerk.

President Middagh presided over the meeting. Visitors present for all or a portion of the meeting were: in chambers: Gary & Cathy Schievelbein, John Tangeman, & Jess Hulbert and Angela Mitchel via Zoom. The Open Meetings Act location was stated. Middagh welcomed all visitors and gave each the opportunity to state their name and the agenda item they wish to speak on.

**Consent Agenda:**

Motion by Councilman Kreutzer and second by Councilman Polston for approval of the following consent agenda:

Minutes: Copy of the Minutes from the November 5, 2024, regular meeting were included in the Council packets.

Building Permits: #24 Randy Gardner Chain Link Fence

SDL – HoJo’s – EMCC Dec 21st Dueling Piano’s

Roll call vote on the consent agenda motion was as follows:

Ayes: Polston, Middagh, Kreutzer, tenBensel

Nays: None

Absent: Carpenter & Paulsen

Abstain:

The Mayor declared motion passed.

C**ITY REPORTS:** City Superintendent: gave report. City Treasurer: gave report.

Mayor Koller entered at 7:37

**Unfinished Business:**

**MASTER AGREEMENT FOR PROFESSIONAL SERVICES**

**January 1, 2025**

Dear Mayor and City Council:

It is our understanding that the City of Arapahoe (“Client”) requests Olsson, Inc. (“Olsson”) to perform the services described herein pursuant to the terms of this Master Agreement for Professional Services, Olsson’s General Provisions, and any exhibits attached hereto (all documents constitute and are referred to herein as the “Agreement”).

The purpose of the Agreement is to provide the Client and Olsson with an operating agreement covering on-going services provided to Client. Upon request for services from the Client, Olsson will send to the Client a proposed Work Order for approval by Client. The Work Order will include the project location, anticipated start and completion dates, project description, compensation, and the Scope of Services. Olsson will commence work on individual projects upon receipt of a signed Work Order. Two Work Orders are included for the upcoming years’ Consulting Services and Street Superintendent.

Olsson has acquainted itself with the information provided by Client relative to the Master Agreement and based upon such information offers to provide the services described in each Work Order. Client warrants that it is either the legal owner of the property to be improved by each Work Order or that Client is acting as the duly authorized agent of the legal owner of such property. The client acknowledges that it has reviewed the General Provisions (and any exhibits attached hereto), which are expressly made a part of and incorporated into the Agreement by this reference. In the event of any conflict or inconsistency between this Master Agreement and the General Provisions regarding the services to be performed by Olsson, the terms of the General Provisions shall take precedence.

Olsson shall provide Client the Scope of Services for Projects as specified in each project Work Order. Olsson shall invoice Client for all services as outlined in each project Work Order. Olsson’s services may vary for each project. Olsson shall not commence work on any Work Order without Client’s prior approval in writing.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

SCHEDULE FOR SERVICES

Details of the schedule for each project will be outlined in the Work Order.

COMPENSATION

Compensation for each project will be outlined in the Work Order. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of the invoice date.

TERMS AND CONDITIONS OF SERVICE

We have discussed with you the risks, rewards and benefits of the Agreement and the Agreement will represent the entire understanding between Client and Olsson with respect to any project subject to a Work Order. The Agreement may only be modified in writing signed by both parties. Unless otherwise set forth in writing, Client’s designated representative shall be Donna Tannahill.

If this Agreement satisfactorily sets forth your understanding of our agreement, please sign in the space provided below (indicating Client’s designated representative if different from the party signing). Retain a copy for your files and return an executed original to Olsson, 701 4th Ave., Suite 2C, P O Box 885, Holdrege, Nebraska 68949. This proposal will be open for acceptance for a period of maximum 30 days from the date set forth above, unless changed by us in writing.

OLSSON, INC.

By By Jesse D. Hurlbert Jeff R. Palik

By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement. If you accept the terms set forth herein, please sign:

CITY OF ARAPAHOE

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John E Koller, November 20, 2024

Motion by Councilman tenBensel and second by Councilman Middagh to approve the contract from Olsson for Street Superintendent and Engineer and appoint Jess Hulbert to this position for 2025.

Roll call vote on the motion was as follows:

Ayes: tenbensel, Polston, Middagh, Kreutzer

Nayes:

Absent and not Voting: Carpenter & Paulsen

The Mayor declared motion carried.

Discussion for location of the Statue of Liberty location: Councilman tenBensel moved for its location to be Memorial Park and Councilman Polston seconded the motion.

Roll call vote on the motion was as follows:

Ayes: Kreutzer, tenbensel, Polston, Middagh

Nayes:

Absent and not Voting: Carpenter & Paulsen

The Mayor declared motion carried.

**New Business:**

Motion by Councilman Middagh and second by Councilman Kreutzer to approve the claims for the period 11-6 to 11-19-24

|  |  |  |
| --- | --- | --- |
| **Library** | | |
| 102664 | ATC - phone-internet | 219.84 |
| 102665 | CAMAS - publishing | 6.27 |
| 102666 | FRAE labor repair lights | 435.00 |
| 102667 | Wagner's Supermarket - supplies | 55.71 |
| 248 | Eakes - supplies | 228.37 |
| 250 | Ingram - books | 1,071.51 |
|  | Library Total | 1,299.88 |
| **EXPENSES 11/6/24 -11/19/24** | | |
|  | Payroll November 19, 2024 | 11,109.11 |
| 102686-87 | EFTPS - Federal withholdings | 2,977.76 |
| 102669 | L Dettman - ambulance pay | $100.00 |
| 102670 | E Hoefs - ambulance pay | $25.00 |
| 102671 | S Hoefs - ambulance pay | $75.00 |
| 102672 | M Houser - ambulance pay | 25.00 |
| 102673 | P Leising - ambulance pay | 50.00 |
| 102674 | J Paulsen - ambulance pay | 25.00 |
| 102675 | A Schrock - service | 100.00 |
| 102676 | Unitech - enzymes for sewer | 397.50 |
| 102677 | TVPPD - golf power & water well power | 2,034.43 |
| 102678 | CAMAS - subscription | 50.00 |
| 102679 | TVPPD - sub-transmission | 7,131.68 |
| 102680 | Century Link - police phone | 53.04 |
| 102681 | PLIC - insurance | 1,318.21 |
| 102682 | BCBS - insurance | 16,438.70 |
| 102683 | Amazon supplies | 9.62 |
| 102684 | Debit - gas food to Omaha | 73.77 |
| 102685 | Aflac - insurance | 284.04 |
| 102688 | HSA - Contribution | 704.82 |
| 102689 | NE Dept of Revenue - withholding | 787.01 |
| 102690 | Accelerated Receivables - garnishment | 428.96 |
| 102691 | Charles Schwab - retirement | 2,410.84 |
| 102692 | D & D Service - tires golf | 398.00 |
| 102693 | C Gutterrez - service | 162.00 |
| 102694 | Wagner's Quilt & Conv - reimburse unused fee | 50.00 |
| 246 | American Ag Lab - testing | 27.56 |
| 247 | BOK Financial - bond payments | 140,333.75 |
| 249 | Wendall Hoefs - ambulance pay | 25.00 |
| 251 | NPPD O & M | 2,458.56 |
|  | **TOTAL EXPENSES** | **$190,064.36** |

Roll call vote on the motion was as follows:

Ayes: Middagh, Kreutzer, tenbensel, Polston

Nays: None

Absent: Carpenter and Paulsen

Abstain:

The Mayor declared the motion passed.

**RESOLUTION NO. 2024-32**

**RESOLUTION TO FILE NOTICE OF SPECIAL ASSESSMENT AND LIEN AGAINST PROPERTY LOCATED AT 812 9TH STREET FOR VIOLATION OF VACANT PROPERTY REGISTRATION ORDINANCE**

The Mayor and City Council of the City of Arapahoe, Nebraska (collectively “Council”), in regular session assembled at the City Office in Arapahoe, Nebraska, on this 19th day of November 2024, hereby resolve as follows:

WHEREAS, the Council previously adopted Ordinance No. 2020-03 on the 9th day of June, 2020, enacting provisions relating to the registration of vacant properties within the City consistent with Vacant Property Registration Act (Neb. Rev. Stat. § 19-5401 *et seq*);

WHEREAS, the Council previously passed Resolution No. 2020-10 on the 9th day of June, 2020, appointing Five Rule, LLC, a Nebraska Limited Liability Company, as Program Administrator of the City’s Vacant Property Registration Program (“VPR Program”);

WHEREAS, the City is authorized to collect an initial registration fee of $250.00 for residential properties registered with the VPR Program and $1,000.00 for commercial properties registered with the VPR Program, with said fee due within 180 days after initial registration pursuant to Neb. Rev. Stat. § 19-5406 and § 152.05 of the Municipal Code of Arapahoe, Nebraska (“Municipal Code”);

WHEREAS, once a property is registered with the VPR Program, the property owner shall be required to pay supplemental registration fees at intervals every six months for as long as the property remains registered with the VPR Program pursuant to Neb. Rev. Stat. § 19-5406(2)(a) and § 152.05 of the Municipal Code (“Municipal Code”);

WHEREAS, unpaid VPR Program registration fees shall become a lien against the applicable property upon the recording of a notice of such lien in the office of the Register of Deeds of Furnas County, Nebraska pursuant to Neb. Rev. Stat. § 19-5407(2) and § 152.07 of the Municipal Code;

WHEREAS, the property located at 812 9th Street, owned by Casey and Andrea Heinen, was initially registered with the VPR Program in September 2021, and fees have been assessed as noted follows:

|  |  |
| --- | --- |
| Date | Fee (Cumulative) |
| March 2022 - | $250 |
| September 2022 - | $500 ($750) |
| March 2023 - | $1,000 ($1,750) |
| September 2023 - | $2,000 ($3,750) |
| March 2024 - | $2,500 ($6,250) |
| September 2024 - | $2,500 ($8,750); |

WHEREAS, the following resolutions were previously adopted authorizing the filing of liens against the property located at 812 9th Street;

1. Resolution No. 2023-08 - authorizing the filing of a lien for $750
2. Resolution No. 2023-30 – authorizing the filing of a lien for $2,000
3. Resolution No. 2024-12 – authorizing the filing of a lien for $1,000
4. Resolution No. 2024-48 – authorizing the filing of a lien for $7,000

WHEREAS, a corrective lien is necessary to amend typographical errors made in the lien filed on October 11, 2024, recorded in Book B25 Page 102, as the incorrect amount and reference were noted in that lien;

WHEREAS, the table attached to Resolution No. 2024-12 as Exhibit A, contains an error. The amount listed as the “CURRENT AMOUNT” to be liened against the Heinen property is listed as “$1,000.00” when, based upon the aforementioned fee schedule, it should have read “$2,500.00”.

WHEREAS, following the filing of the corrective lien noted above, the un-liened balance to be added pursuant to Resolutions No. 2024-12 and 2024-28 shall be $6,000.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Council of the City of Arapahoe, Nebraska, in consideration of the foregoing recitals, hereby adopt the following Resolution:

RESOLVED, that the Program Administrator be and hereby is directed to file a corrective notice of special assessment and lien to amend typographical errors made in the lien filed on October 11, 2024, recorded in Book B25 Page 102, in a form to substantially comply with the Corrective Notice of Special Assessment and Lien attached hereto as EXHIBIT “A” and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Program Administrator be and hereby is directed to file a notice of special assessment and lien for unpaid registration fees against the property located at 812 9th Street in the amount of $6,000.00, in the office of the Register of Deeds of Furnas County, Nebraska.

BE IT FURTHER RESOLVED, that the notice of special assessment and lien to be filed by the Program Administrator with the office of the Register of Deeds of Furnas County, Nebraska shall substantially comply with the Notice of Special Assessment and Lien attached hereto as EXHIBIT “B” and incorporated herein by reference.

PASSED AND APPROVED this 19th day of November, 2024.

CITY OF ARAPAHOE, NEBRASKA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John E Koller, Mayor

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donna Tannahill, City Clerk/Treasurer

**EXHIBIT “A”**

**CORRECTIVE NOTICE OF SPECIAL ASSESSMENT AND LIEN**

*This CORRECTIVE NOTICE OF SPECIAL ASSESSMENT AND LIEN is being filed to correct typographical errors contained in the CORRECTIVE NOTICE OF SPECIAL ASSESSMENT AND LIEN filed on October 11, 2024, recorded in Book B25, Page 102, with the Furnas County Register of Deeds. The corrective lien incorrectly fixed a perceived typographical error in the initial paragraph, and stated further down, indicating a lien of $2,000. The original lien was correct, with the only change that should have taken place was a reference to the “Second” supplemental registration, that should have read “Third” supplemental registration. The corrected text is noted in bold and is underlined herein.*

Under the authority of § 152.07 of the Municipal Code of Arapahoe, Nebraska, the City claims a special assessment and lien on the below-described real estate for an unpaid Vacant Property Supplemental Registration Fee of **$2,000.00**. This amount is a special assessment and lien against the real estate until it is paid, with interest as set by the applicable statutes of the State of Nebraska, until discharged of record. The real estate referred to and upon which the special assessment and lien is claimed is that certain parcel of land situated within the City of Arapahoe, County of Furnas, State of Nebraska, and more particularly described as follows:

Owner: Casey T. Heinen and Andrea A. Heinen

Legal Description: Lot 12, Block 14, Colvin’s First Addition to Arapahoe, Furnas County, Nebraska.

|  |  |
| --- | --- |
| Itemization of expenses: **$2,000.00** | **Third** supplemental registration (*Resolution No. 2023-30 passed and approved on October 17, 2023*) |
| $500.00 | First supplemental registration (*secured by Notice of Special Assessment and Lien filed on June 21, 2023, at Book B24 on pages 393-395*) |
| $250.00 | Initial registration (*secured by Notice of Special Assessment and Lien filed on June 21, 2023, at Book B24 on pages 393-395*) |
| **$2,750.00** | Total Lien Amount |

Dated this 19th day of November, 2024.

CITY OF ARAPAHOE, NEBRASKA

Drew A. Graham, One of the Attorneys for the City of Arapahoe, Nebraska

STATE OF NEBRASKA )

) ss.

County of Hamilton )

The foregoing instrument was acknowledged before me this this \_\_\_ day of November, 2024, by Drew A. Graham, one of the Attorneys for the City of Arapahoe, Nebraska

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

**EXHIBIT “B”**

**NOTICE OF SPECIAL ASSESSMENT AND LIEN**

Under the authority of § 152.07 of the Municipal Code of Arapahoe, Nebraska, the City claims a special assessment and lien on the below-described real estate for an unpaid Vacant Property Supplemental Registration Fee of **$6,000.00**. This amount is a special assessment and lien against the real estate until it is paid, with interest as set by the applicable statutes of the State of Nebraska, until discharged of record. The real estate referred to and upon which the special assessment and lien is claimed is that certain parcel of land situated within the City of Arapahoe, County of Furnas, State of Nebraska, and more particularly described as follows:

Owner: Casey T. Heinen and Andrea A. Heinen

Legal Description: Lot 12, Block 14, Colvin’s First Addition to Arapahoe, Furnas County, Nebraska.

|  |  |
| --- | --- |
| Itemization of expenses: **$2,500.00** | **Fifth supplemental registration** |
| **$2,500.00** | **Fourth supplemental registration** |
| *$2,000.00* | *Third supplemental registration (secured by Corrective Notice of Special Assessment and Lien filed on \_\_\_\_, at Book \_\_\_ on pages \_\_\_)* |
| **$1,000.00** | **Second supplemental registration** |
| *$500.00* | *First supplemental registration (secured by Notice of Special Assessment and Lien filed on June 21, 2023, at Book B24 on pages 393-395)* |
| *$250.00* | *Initial registration (secured by Notice of Special Assessment and Lien filed on June 21, 2023, at Book B24 on pages 393-395).* |
| **$8,750.00** | Total Lien Amount |

Dated this 19th day of November 2024.

CITY OF ARAPAHOE, NEBRASKA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Drew A. Graham, One of the Attorneys for the City of Arapahoe, Nebraska

STATE OF NEBRASKA )

) ss.

County of Hamilton )

The foregoing instrument was acknowledged before me this this \_\_\_ day of November 2024, by Drew A. Graham, one of the Attorneys for the City of Arapahoe, Nebraska

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

Motion by Councilman Middagh and second by Councilman Polston to approve Resolution 2024-32 and move for its passage.

Roll call vote on the motion was as follows:

Ayes: Polston, Middagh, Kreutzer, tenbensel

Nays: None

Absent: Carpenter and Paulsen

Abstain:

The Mayor declared the motion passed.

Motion by Councilman Middagh and second by Councilman Kreutzer to approve the recommendation of Gina Ellis and Ashley Leising to the Library Board.

Roll call vote on the motion was as follows:

Ayes: Middagh, tenbensel, Polston, Kreutzer.

Nays: None

Absent: Carpenter and Paulsen

Abstain:

The Mayor declared the motion passed.

Motion by Councilman Middagh and second by Councilman tenBensel to approve going into closed session to protect the financial integrity of the city at 8:28pm.

Roll call vote on the motion was as follows:

Ayes: tenbensel, Kreutzer, Polston, Middagh.

Nays: None

Absent: Carpenter and Paulsen

Abstain:

The Mayor declared the motion passed.

Motion by Councilman tenBensel and second by Councilman Kreutzer to approve coming out of closed session at 9:18 pm to protect the financial integrity of the city.

Roll call vote on the motion was as follows:

Ayes: Kreutzer, Middagh, tenbensel, Polston.

Nays: None

Absent: Carpenter and Paulsen

Abstain:

The Mayor declared the motion passed.

**ELECTED OFFICIAL COMMENTS.**

There being no further business, the meeting is adjourned by unanimous consent at 9:20 P.M.

I, the undersigned, City Clerk, of the City of Arapahoe, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council on November 19, 2024 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dixie Sickels, Assistant City Clerk