**PROCEEDINGS OF THE MAYOR AND COUNCIL**

**OF THE CITY OF WILBER, NEBRASKA**

**Tuesday, October 10, 2023  7:30 p.m.**

Mayor Chrans called the regular meeting to order at the Cultural Center at 110 W Third Street in Wilber, Nebraska at 7:30 p.m.  Notice of this meeting was published in *The Wilber Republican* on September 27, 2023.  The following were present. Mayor Roger Chrans, Council members Tim Lempka, Kent Linhart and Randy Sasek. City Attorney Tad Eickman, City Treasurer Gail May, City Clerk Lori Rezny, City Superintendent Tim Krivohlavek, Water/WWTP Operator Jason Ripa, Jerrod Zoubek, Sheryl Kastanek, Kevin Ahrens and Saline Co. Deputy Matt Baumann. Councilmember Allen Brozovsky arrived at 7:45 p.m.

The Mayor stated that the open meetings act is posted in the meeting room and is available for public inspection.  Roll call shows three Councilmembers are present.  The Mayor called for recognition of visitors if anyone in attendance wishes to address the Council.  No one addressed the Council.

Lempka moved and Sasek seconded the motion to approve the consent agenda including the minutes of the Sept. 12, 2023 budget hearing, Sept. 12, 2023 regular meeting and Sept. 19, 2023 special meeting and claims as presented. Roll call vote. Yes. Linhart, Lempka, and Sasek. No. None. Motion carried 3-0.

Claims were as follows.  Description of claims for this legal, an-annuity; bond-bond expense, pymt, interest; const-construction; eq-equipment; ex-expense; ga-garnishment; gr-grant reimb; in-insurance; ml-mileage; mi-miscellaneous; pf-professional services; pr-payroll; ps-power supplier; rb-reimbursement; rp-repairs and maintenance; st-sales tax; se-service; sup-supplies; loan-srf/loan pymt; tr-transfer of funds; ut-utilities. 41 Auto Parts, rp, 886.08; American Family, in, 862.80; Beatrice Sand, sup, 1156.91; Benefit Plan, in, 500.00; Black Hills, ut, 160.86; Blackburn Tech., eq, 1140.00; Blue Cross, in, 11,847.78; Blue Valley Public Safety, rap, 1320.00; City of Wilber, ut, 3077.96; pr, 83,044.52; elec tr, 25,000.00; Cletus Arasmith, se, 215.28; Constellation Newenergy, ut, 74.27; Core & Main, sup, 5989.86; Craig Vyhnalek, rb, 16.99; Crete Lumber, sup, 55.00; Culligan, se, 45.75; Dustin Burns, rb, 273.46; Echo Group, sup, 164.10; Eakes, sup, 576.60; Elan Financial, sup, 801.97; Emergency Medical, sup, 67.10; F & M Bank, hsa, 1380.00; Farmers Elevator, sup, 1833.86; First Bankcard, sup, 417.76; Food Mesto, sup, 318.66; Gworks, pf, 5491.00; Grant Petersen, se, 150.00; Hawkins, sup, 1526.48; IRS, pr tx, 17,796.85; Irrigation Plus, sup, 221.00; Lowes, sup, 1227.82; Lori Rezny, rb, 14.41; Matheson Tri-Gas, sup, 334.19; Midwest Labs, ex, 235.12; Midwest Tires, eq, 736.00; Miller Seed, sup, 390.00; Mutual of Omaha, in, 3857.15; Nebr. Public Health, ex, 49.00; Ne Municipal Clerk Assoc., ex, 100.00; Ne Statewide Arboretum, ex, 130.00; Norris PP, ps, 70,690.57; One Call, se, 15.50; Oscar Ortiz, se, 100.00; Petty Cash, rb, 250.00; Quadient, ex, 698.00; Roger Chrans, rb, 587.64; Sack Lumber, sup, 207.98; Saline Co Clerk, se, 16,666.66; Saline Co Register of Deed, ex, 22.00; Saline co Treasurer, se, 309.17; SENND, ex, 1646.00; Seward Co Independent, ex, 564.99; Shop Qwik, sup, 894.22; State of Nebr, st, 9310.29; pr wh, 1659.23; ex, 25.00; Stutzman Digging, rp, 4805.00; Tad Eickman, pf, 2000.00; Text my gov, ex, 5250.00; TC Youth Volleyball, ex, 450.00; Tyler Hooper, se, 100.00; Walker Uniform, se, 34.18; Waste Connections, se, 21,255.59; WAPA, ps, 22,653.78; Wilber Plumbing & Heating, rp, 157.28; Windstream, ut, 721.67.

Ordinance #973 was read aloud by title. Sasek introduced Ordinance #973 an Ordinance of the City of Wilber, Saline County, Nebraska, relating to water rates; to provide for the amendment of Chapter 3, Article 1, Section 3-110 of the municipal code and moved that the statutory rule requiring reading on three days be suspended. Councilmember Linhart seconded the motion to suspend the rules requiring the ordinance be read three times and upon roll call vote on the motion the following was the vote. Roll call vote. Yes. Linhart, Lempka and Sasek. No. None. Motion carried 3-0.

Linhart moved for passage of Ordinance #973. Publishing this ordinance in *The Wilber Republican* one time in pamphlet form, which motion was seconded by Councilmember Lempka. The Mayor then stated the question, “Shall Ordinance #973 be passed and adopted?” Upon roll call vote, the following was the vote. Roll call vote. Yes. Lempka, Linhart and Sasek. No. None. Motion carried 3-0.

ORDINANCE #973

Whereupon the Mayor announced that the introduction of Ordinances was now in order.

Whereupon it was moved by Councilmember Linhart and seconded by Councilmember Lempka that the minutes of the proceedings of the City Council of the City of Wilber, Saline County, Nebraska in the matter of passing and approving Ordinance #973 be preserved and kept in a separate and distinct volume be incorporated in and made a part of these proceedings the same as though it were spread at large herein. The Mayor called the roll and the following was the vote. Yes. Lempka, Linhart and Sasek. No. None. Motion carried 3-0.

Ordinance #974 was read aloud by title. Lempka introduced Ordinance #974 an Ordinance of the City of Wilber, Saline County, Nebraska, relating to sewer rates; to provide for the amendment of Chapter 3, Article 2, Section 3-208 of the Municipal Code and moved that the statutory rule requiring reading on three days be suspended. Councilmember Sasek seconded the motion to suspend the rules requiring the ordinance be read three times and upon roll call vote on the motion the following was the vote. Roll call vote. Yes. Linhart, Lempka and Sasek. No. None. Motion carried 3-0.

Sasek moved for passage of Ordinance #974. Publishing this ordinance in *The Wilber Republican* one time in pamphlet form, which motion was seconded by Councilmember Lempka. The Mayor then stated the question, “Shall Ordinance #974 be passed and adopted?” Upon roll call vote, the following was the vote. Roll call vote. Yes. Lempka, Linhart and Sasek. No. None. Motion carried 3-0.

ORDINANCE #974

Whereupon the Mayor announced that the introduction of Ordinances was now in order.

Whereupon it was moved by Councilmember Sasek and seconded by Councilmember Lempka that the minutes of the proceedings of the City Council of the City of Wilber, Saline County, Nebraska in the matter of passing and approving Ordinance #974 be preserved and kept in a separate and distinct volume be incorporated in and made a part of these proceedings the same as though it were spread at large herein. The Mayor called the roll, and the following was the vote. Yes. Lempka, Linhart and Sasek. No. None. Motion carried 3-0.

Saline County Deputy Kevin Vogel presented the monthly Sheriff’s Report.

Sheryl Kastanek and Kevin Ahrens representing the Pathways to Progress Group gave an update on the work recently done at the Wilber Lake and Arboretum and informed the Mayor and Council that 8 more families have expressed interest in purchasing benches for the Wilber Lake and Arboretum. After some discussion, Sasek moved and Linhart seconded to approve the placing of these 8 benches as indicated on the map presented. Roll call vote. Yes. Linhart, Brozovsky, Lempka and Sasek. No. None. Motion carried 4-0. Discussion was also held in the hopes of getting a restroom for the area.

At 7:47 p.m. Brozovsky moved and Linhart seconded to open a Public Hearing for the purpose of reviewing and receiving public comment on the Final Plat for the Zoubek Addition. Roll call vote. Yes. Brozovsky, Lempka, Linhart and Sasek. No. None. Motion carried 4-0. Councilmember Sasek excused himself from the public hearing due to a possible potential conflict of interest on this matter and left the meeting room. Jerrod Zoubek was present to answer any questions the Mayor and Council or public have regarding the Zoubek Addition Final Plat. City

Attorney Tad Eickman informed the Council that the City Planning Commission met on October 3, 2023 and moved to make a recommendation to the City Council that the Zoubek Addition Final Plat be approved as presented. After reviewing the Zoubek Addition Final Plat, the Mayor called for public comment. No public comment was received. Brozovsky moved and Lempka seconded to close the Public Hearing at 7:51 p.m. Roll call vote. Yes. Brozovsky, Lempka and Linhart. No. None. Motion carried 3-0.

The regular meeting was reconvened at 7:51 p.m. Lempka moved and Brozovsky seconded to approve the Zoubek Addition Final Plat as presented. Roll call vote. Yes. Brozovsky, Lempka and Linhart. No. None. Motion carried 3-0.

Councilmember Sasek rejoined the regular meeting at 7:52 p.m.

The purchase agreement for the sale of the 1998 Freightliner was reviewed by City Attorney Tad Eickman. After some discussion, Sasek moved and Linhart seconded to agree to accept the purchase agreement provided and sell the 1998 Freightliner to James R. Thomas of Los Angeles, California in the amount of $57,000.00 provided the payment is made in the form of a certified cashiers check or wire transfer. The purchaser is responsible for pickup of vehicle at purchaser’s sole expense. Roll call vote. Yes. Lempka, Linhart, Brozovsky and Sasek. No. None. Motion carried 4-0.

Brozovsky moved and Sasek seconded to approve the Master Agreement Work Order with Olsson for General Engineering Consulting Services from January 1, 2024 through December 31, 2024. Roll call vote. Yes. Linhart, Brozovsky, Lempka and Sasek. No. None. Motion carried 4-0.

Lempka moved and Linhart seconded to approve the Master Agreement Work Order with Olsson for Street Superintendent Services from January 1, 2024 through December 31, 2024. Roll call vote. Yes. Brozovsky, Lempka, Linhart and Sasek. No. None. Motion carried 4-0.

Sasek moved and Brozovsky seconded to approve the Letter Agreement Amendment #1 with Olsson for Compliance Testing for a generator at the Municipal Power Plant at a cost of $13,550.00. Roll call vote. Yes. Lempka, Linhart, Brozovsky and Sasek. No. None. Motion carried 4-0.

Sasek moved and Linhart seconded to approve the bid from Jindra for a sprinkler system on City Ballfield #1 in the Legion Park at a cost of $9300.00. Roll call vote. Yes. Linhart, Brozovsky, Lempka and Sasek. No. None. Motion carried 4-0.

The item of security cameras and internet service through Kinetic was tabled until the November meeting.

Discussion was held on a residential water leak repair that was done by Stutzman’s Digging at the request of the City because of extenuating circumstances including utility service lines in the area and the need for underground boring. After some discussion Sasek moved and Linhart seconded to approve paying the bill of Stutzman Digging in the amount of $4805.00 for this job and the City will present the bill to the property owner for payment. If the owner does not pay, a lien will be placed on the property until it is paid.

Brozovsky moved and Lempka seconded to approve paying the Southeast Nebraska Development District (SENDD) dues for 2023-2024 in the amount of $1646.00. Roll call vote. Yes. Lempka, Linhart, Brozovsky and Sasek. No. None. Motion carried 4-0.

Discussion was held on food trucks and collection of City sales tax through the Dept. of Revenue. Discussion was held on construction of a restroom for the City Park. Tim Krivohlavek will try to gather information on a bathroom structure. It was agreed that the Sunday hours of the City wide cleanups will be changed to 10:00 a.m. to 2:00 p.m. the Saturday hours will remain from 9:00 a.m. to 4:00 p.m. Jason Ripa presented information on reseeding native grasses on the south side of the Wilber Lake and Arboretum through a grant sponsored by the Nebraska Game and Parks funded by Pheasants Forever. It was agreed to support having Randy Pryor submit for this grant which is due in November 2023.

Brozovsky moved and Linhart seconded to approve the reappointment of Greg Baumann to the Wilber Housing Authority Board for the term of October 24, 2023 to October 24, 2028. Roll call vote. Yes. Brozovsky, Lempka, Linhart and Sasek. No. None. Motion carried 4-0.

Sasek moved and Lempka seconded to approve the 2022-2023 Fiscal Year ambulance bill write offs in the amount of $58,340.07. Roll call vote. Yes. Brozovsky, Lempka, Linhart and Sasek. No. None. Motion carried 4-0.

City reports were given after which Brozovsky moved and Lempka seconded to go into closed session at 8:58 p.m. for the purpose of legal negotiations on land acquisition for water source and personnel position strategies. Roll call vote. Yes. Lempka, Linhart, Brozovsky and Sasek. No. None. Motion carried 4-0. The Mayor restated the purpose of the closed session is regarding legal negotiations on land acquisition for water source and personnel position strategies. Those in attendance were Mayor Chrans, Councilmembers Sasek, Lempka, Brozovsky and Linhart and City Attorney Tad Eickman. At 9:54 p.m. the doors of the meeting room were opened and Brozovsky moved and Lempka seconded to come out of closed session. Roll call vote. Yes. Lempka, Linhart, Brozovsky and Sasek. No. None. Motion carried 4-0. No action taken on closed session item.

Lempka moved and Brozovsky seconded to adjourn the meeting at 9:55 p.m. Roll call vote. Yes. Brozovsky, Linhart, Lempka and Sasek. No. None. Motion carried 4-0.