

DECEMBER 7, 2020

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 7th day of December, 2020, at 6:00 o' clock P.M. Council met in regular session. Mayor Bindle called the meeting to order and Clerk Jorn recorded the minutes of the meeting. On roll call the following Council persons were present: Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. Absent: None. Notice of the meeting was given in advance thereof by posting in three public places, a designated method for giving notice as shown by the Certificate of Posting Notice attached to these minutes. Notice of this meeting was given to the Mayor and all persons of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Mayor Bindle publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

REPORT OF MUNICIPAL CLERK ON ELECTION AND QUALIFICATIONS

Clerk Jorn reported to the Mayor and City Council that Richardson County Clerk has certified that the following persons were residents of the City of Falls City, Nebraska and lived in the wards in which they were elected during the November 3, 2020 general election and received the most votes for the respective wards. Amber Holle, First Ward, Kaylie Ractliffe, Second Ward, Carla Rhodd, Third Ward, and James Wisdom, Fourth Ward.

OATH OF OFFICE

Clerk Jorn administered the Oath of Office to Amber Holle, Kaylie Ractliffe, Carla Rhodd and James Wisdom. After the oath of office each took their respective places on the city council board.

MAYOR'S REPORT

Mayor Bindle thanked City Employees who installed the Christmas lights throughout Falls City. She stated this was work done by the employees in addition to their normal duties. Mayor Bindle encouraged residents to drive the community and view and vote for the residents and business who are participating in the Falls City Chamber and Main Street 2020 Light Fight.

CONSENT AGENDA

A motion was made by Council person Leyden and seconded by Council person Rhodd to approve the Consent Agenda as follows: *WHEREAS*, certain business of the City Council (Council) of the City of Falls City (City) transpires on a regular and routine basis or is not of controversial nature; and *WHEREAS*, roll call votes on each individual issue greatly extend the meeting time. *NOW, THEREFORE, BE IT HEREBY RESOLVED* BY the City Council that in the interest of economizing time, yet complying with the Public Meeting Laws of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution: *1. BE IT FURTHER RESOLVED BY* the Council that the minutes from the November 19, 2020 meeting is hereby approved. *2. BE IT FURTHER RESOLVED BY* the Council that the agenda for December 7, 2020 is hereby approved. *3. BE IT FURTHER RESOLVED BY* the Council that the Claims for November 2020 of the City of Falls City are hereby approved. *4. BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for December 7, 2020 is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

ELECTION - PRESIDENT OF THE CITY COUNCIL - MITCH MERZ

Mayor Bindle asked if there were any nominations for the position of President of the City Council. Council person Ferguson nominated Council person Merz. Mayor Bindle asked if there were any more nominations. Since there were no other nominations. A motion was made by Council member Ferguson and seconded by Council member Holle to approve Mitch Merz as President of the Council. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSTAIN" Merz. "ABSENT" None. Motion carried.

ELECTION - ACTING PRESIDENT OF THE CITY COUNCIL - DON FERGUSON

Mayor Bindle asked if there were any nominations for the position of Acting President of the City Council. Council person Merz nominated Council person Ferguson and Council Person Leyden nominated Council Person Froeschl, who respectively declined the nomination. Mayor Bindle asked if there were any more nominations. Since there were no other nominations. A motion was made by Council member Ferguson and seconded by Council member Holle to approve Don Ferguson as Acting President of the Council. Roll was called on this motion and the Council persons voted as follows: "YEA" Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None "ABSTAIN" Ferguson. "ABSENT" None. Motion carried

PUBLIC HEARING - LIQUOR APPLICATION HY-VEE INC DBA DOLLAR FRESH FOR CLASS C LINCENSE

Mayor Bindle declared a public hearing open at 6:06P.M. to approve the Liquor Application for Hy-Vee Inc dba as Dollar Fresh for Class C License. Mayor Bindle then asked if there was anyone in the audience who wished to speak in favor of or oppose said license. Sherry Remmers, Teresa Armbruster and Ginny Ward all spoke. Since no one else wished to be recognized, Mayor Bindle then declared the public hearing closed at 6:07P.M. A motion was made by Council member Ractliffe and seconded by Council member Rhodd to give favorable comment on a Liquor Application by Hy-Vee dba Dollar Fresh. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Holle, Froeschl, Holle, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

RESOLUTION - SPECIAL ASSESMENT REGARDING PROPERTY AT 1203 LANE STREET FOR REMOVAL OF TALL WEEDS & GRASSES FOR \$136.40 PLUS INTEREST

A motion was made by Council member Leyden and seconded by Council member Merz to approve the resolution for special assessments for the abatement of nuisance at 1203 Lane Street. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

RESOLUTION - SPECIAL ASSESMENT REGARDING PROPERTY AT 1102 BARADA STREET FOR REMOVAL OF TALL WEEDS & GRASSES FOR \$74.51 PLUS INTEREST

A motion was made by Council member Holle and seconded by Council member Leyden to approve the resolution for special assessments for the abatement of nuisance at 1102 Barada Street. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

FIRST AND SECOND READING RULE SUSPENSION - FINAL READING - ORDINANCE 2020-104 - AMEND SECTION 1-103 REGARDING THE SELECTION AND DUTIES OF THE MAYOR TO MAKE SUCH PROVISIONS GENDER NEUTRAL

Mayor Bindle asked Clerk Jorn to read the first reading of Ordinance 2020-104. Ordinance 2020-104 was then read by title. A motion was made by Council person Leyden and seconded by Council person Froeschl to suspend the first and second reading of Ordinance #2020-104. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

A motion was then made by Council member Leyden and seconded by Council member Ractliffe to approve the final reading of Ordinance #2020-104 as follows: AN ORDINANCE OF THE CITY OF FALLS CITY TO AMEND SECTION 1-103 OF THE FALLS CITY MUNICIPAL CODE REGARDING THE SELECTION AND DUTIES OF THE MAYOR AND MAKE SUCH PROVISIONS GENDER NEUTRAL. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

ACCEPT AND AWARD BID FOR \$40,944 FROM HULLMAN'S FORD FOR 1-TON DIESEL 4X4 CREW CAB SHORT BOX TRUCK FOR THE ELCTRICAL DEPARTMENT AS RECOMMENDED BY THE BOARD OF PUBLIC WORKS

A motion was made by Council member Leyden and seconded by Council member Ferguson to approve the bid from Hullman's Ford for a 1 ton 4X4 Pickup Truck for \$40,9444 as recommended by the Board of Public Works and to add the rear defroster option at a cost of \$1004.00. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" Wisdom. "ABSENT" None. Motion carried.

WECSPLORE TOOL & HAND ON TRAINING FOR POWER PLANT STAFF BY WARTSILA FOR \$21,510.98 AS RECOMMENDED BY THE BOARD OF PUBLIC WORKS

A motion was made by Council member Merz and seconded by Council member Ractliffe to table WECSplore tool and hands on training from Wartsila for \$21,150. Roll was called on this motion and the Council members voted as follows: "YEA" Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" Ferguson, Froeschl. "ABSENT" None. Motion carried.

RIESCHICK DRILLING CO. INC BID FOR \$47,125 FOR HYDRANT REPLACEMENT AND REPAIRS AS RECOMMENDED BY THE BOARD OF PUBLIC WORKS

A motion was made by Council member Ractliffe and seconded by Council member Leyden to approve the bid from Rieschick Drilling for hydrant replacement and repair for \$47,125 as recommended by the Board of Public Works. Roll was called on this motion and the Council members voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

EXECUTIVE SESSION - GRIEVANCE REGARDING CWA UNION CONTRACT INTERPRETATION AND APPLICATION AT THE REQUEST OF CWA UNION TO PREVENT NEEDLESS INJURE TO REPUTATION OF AN INDIVIDUAL AND POSSIBLE LITIGATION

A motion was made by Council person Leyden and seconded by Council person Merz to recess from regular session and convene to Executive Session at 6:32P.M. at the request of the CWA Union to prevent needless injure to reputation of an individual and possible litigation. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried. Mayor Bindle restated that we are in executive session for the purpose to discuss the grievance regarding CWA Union contract interpretation and application at the request of the CWA Union to prevent needless injure to reputation of an individual and possible litigation. City Attorney and Assistant City Clerk Ferris attended. A motion was then made by Council person Ferguson and seconded by Council person Holle to recess from this Executive Session at 7:44P.M. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

EXECUTIVE SESSION - GRIEVANCES REGARDING IBEW UNION CONTRACT INTERPRETATION AND APPLICATION AT THE REQUEST OF IBEW UNION TO PREVENT NEEDLESS INJURE TO REPUTATION OF INDIVIDUALS AND POSSIBLE LITIGATION

A motion was made by Council person Holle and seconded by Council person Frosechl to convene into Executive Session at 7:44P.M. at the request of the IBEW Union to prevent needless injure to reputation of individuals and possible litigation. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried. Mayor Bindle

restated that we are in executive session for the purpose to discuss the grievances regarding IBEW Union contract interpretation and application at the request of the IBEW Union to prevent needless injure to reputation of individuals and possible litigation. City Attorney and Assistant City Clerk Ferris attended. A motion was then made by Council person Ferguson and seconded by Council person Holle to adjourn from Executive Session and reconvene into regular session at 8:20P.M. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Merz, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

GREIVANCE REGARDING CWA UNION CONTRACT INTERPRETATION AND APPLICATION

A motion was made by Council person Holle and seconded by Council person Ferguson to approve grievance regarding the CWA Union. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Ractliffe, Rhodd, Wisdom. "NAY" Merz, Leyden. "ABSENT" None. Motion carried.


GREIVANCES REGARDING IBEW UNION CONTRACT INTERPRETATION AND APPLICATION

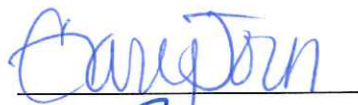

A motion was made by Council person Ractliffe and seconded by Council person Holle to approve grievances regarding the IBEW Union. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Froeschl, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" Merz. "ABSENT" None. Motion carried.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:27P.M.

I, the undersigned, City Clerk for the City of Falls City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by Mayor Bindle and Council on December 7, 2020; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by persons 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 persons of the public, posted during such meeting in the room in which such meeting was held.

(SEAL)


CITY CLERK


CITY CLERK

MAYOR