

September 9, 2026

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 9th day of September 2026, at 6:00 o'clock P.M. Council met in Regular Session. Council President Leyden called the meeting to order; Clerk Jorn recorded the minutes of the meeting. On roll call the following Council persons were present: Buckminster, Fouraker, Ferguson, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. Absent: Mayor Harkendorff. 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 shown hereafter were taken while the convened meeting was open to the attendance of the public. Council President Leyden 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.

STANDING REPORTS

No reports were given

APPROVAL CONSENT RESOLUTION FOR SEPTEMBER 9, 2026

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 agenda for September 9, 2026 meeting is hereby approved. 2. *BE IT FURTHER RESOLVED BY* the Council that the minutes from the August 17, 2026 meeting is hereby approved. 3. *BE IT FURTHER RESOLVED BY* the Council that the claims for September 9, 2026 meeting is hereby approved. 4. *BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for September 9, 2026 is hereby approved.

The agenda approval was removed from the consent agenda for further discussion.

A motion was made by Council person F. Killingsworth and seconded by Council person Fouraker to approve the Consent Resolution as amended. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

A motion was made by Council person Kaster and seconded by Council person Buckminster to approve the September 9, 2026 agenda as amended by moving item six to the end of the agenda. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

SECOND READING ORDINANCE 2026-102 TO REGULATE THE USE AND OPERATION OF BICYCLES, E-BIKES, SCOOTERS, E-SCOOTERS, SKATEBOARDS, E-SKATEBOARDS, HOVERBOARDS AND SKATES

A motion was made by Council person Leyden and seconded by Council person F. Killingsworth to approve the second reading of Ordinance 2026-102. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

2024-2025 AUDIT – HBE

Representatives from HBE presented the audit report to the Mayor and City Council.

A motion was made by Council person Leyden and seconded by Council person Ferguson to approve the 2024-2025 Audit. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

APPOINTMENT OF RICK JOHNSON AND JERRI ELWONGER TO THE HOUSING AUTHORITY

A motion was made by Council person Ferguson and seconded by Council person F. Killingsworth to approve appointments to the Housing Authority. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

APPOINTMENT OF LEVI JONES TO POLICE OFFICER AS RECOMMENDED BY MAYOR HARKENDORFF

A motion was made by Council person F. Killingsworth and seconded by Council person K. Killingsworth to approve the appointment of Levi Jones. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

CURB CUT 521 DORRINGTON COURT

A motion was made by Council person Kaster and seconded by Council person K. Killingsworth to approve the curb cut at 521 Dorrington Court. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

CURB CUT 606 MOREHEAD COURT

A motion was made by Council person Kaster and seconded by Council person K. Killingsworth to approve the curb cut at 606 Morehead Court. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

OPPD PREPAYMENT AGREEMENT AS RECOMMENDED BY THE BOPW

A motion was made by Council person Leyden and seconded by Council person Buckminster to approve the OPPD Prepayment as recommended by the BOPW. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

REPLACEMENT OF POWER PLANT WINDOWS BY SALT CONTRACTING FOR \$64,070 AS RECOMMENDED BY THE BOPW

A motion was made by Council person F. Killingsworth and seconded by Council person Buckminster to approve the Power Plant window replacement for \$64,070 as recommended by the BOPW. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

SEL ENGINEERING CHANGE ORDER #1 PER EXISTING AGREEMENT

A motion was made by Council person Buckminster and seconded by Council person Ruiz to approve the SEL change

order #1 for \$50,150 contingent upon Per Diem rate for the weekend is the same as weekdays. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

EXECUTIVE SESSION FOR THE DISCUSSION OF TENASKA AGREEMENT FOR THE PROTECTION OF THE PUBLIC INTEREST

A motion was made by Council person Buckminster and seconded by Council person Ferguson to approve going into executive session to discuss Tenaska Agreement for the protection of public interest at 6:38. Council President Leyden restated that the council was going into executive session to discuss the Tenaska Agreement for the protection of the public interest. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

RECONVENE INTO REGULAR SESSION

A motion was made by Council person F. Killingsworth and seconded by Council person Fouraker to approve reconvening into regular session at 6:58. Council President Leyden stated we are now back in regular session. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

TENASKA AGREEMENT AS RECOMMENDED BY THE BOPW

A motion was made by Council person K. Killingsworth and seconded by Council person Buckminster to approve the Tenaska Agreement contingent on the city attorney review. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Kaster, F. Killingsworth, K. Killingsworth, Leyden, Ruiz. "NAY" None. "Absent" None. Motion carried.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED at 6:59.

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 Council on September 9, 2026; 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 three copies of all reproducible material discussed at the meeting was available at the meeting for examination 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