

May 15, 2023

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 15th day of May 2023, at 6:00 o' clock P.M. Council met in regular session. Mayor Harkendorff called the meeting to order and Clerk Nussbaum recorded the minutes of the meeting. On roll call the following Council persons were present: Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. Absent: Leyden. 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 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 Harkendorff 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.

CONSENT AGENDA

A motion was made by Council person Ferguson and seconded by Council person Ractliffe 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 May 1, 2023 regular meeting is hereby approved. 2. *BE IT FURTHER RESOLVED* BY the Council that the agenda for May 15, 2023, is hereby approved. 3. *BE IT FURTHER RESOLVED* BY the Council that the Treasurer's Report for April, 2023 is hereby approved. 4. *BE IT FURTHER RESOLVED* BY the Council that the Police Report for April, 2023 of the City of Falls City are hereby approved. 5. *BE IT FURTHER RESOLVED* BY the Council that the Consent Resolution for May 15, 2023, is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

PUBLIC HEARING - CONDITIONAL USE PERMIT AT 3109 MCLEAN STREET FOR AN ANIMAL DAYCARE AND BOARDING FACILITY

Mayor Harkendorff declared a public hearing open at 6:05P.M. to discuss the Conditional Use Permit at 3109 McLean Street for and animal daycare and boarding facility. Joe Dixon spoke. Mayor Harkendorff then asked if there was anyone else in the audience who wished to speak in favor of or oppose said permit. Mayor Harkendorff then declared the public hearing closed at 6:10P.M. A motion was made by Council member Ractliffe and seconded by Council member Rhodd to approve the conditional use permit with conditions as recommended by the Planning Commission. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

TEXT AMENDMENT TO THE ZONING ORDINANCE FOR ALLOWANCE OF TINY HOUSES

Mayor Harkendorff declared a public hearing open at 6:13P.M. to discuss the Text Amendment to the Zoning Ordinance for allowance of tiny houses as recommended by the Planning Commission. Mayor Harkendorff then asked if there was anyone in the audience who wished to speak in favor of or oppose said permit. Mayor Harkendorff then declared the public hearing closed at 6:14P.M. A motion was made by Council member Ferguson and seconded by Council member Ractliffe to adopt the text amendment Section 9.30 tiny houses as presented. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

**PUBLIC HEARING – PRELIMINARY/FINAL PLAT FOR SEEBA SUBDIVISION –
DELMER & DEBORAH GRUBER**

Mayor Harkendorff declared a public hearing open at 6:24P.M. to discuss the Preliminary/Final Plat for Seeba Subdivision as recommended by the Planning Commission. Mayor Harkendorff then asked if there was anyone else in the audience who wished to speak in favor of or oppose said permit. Mayor Harkendorff then declared the public hearing closed at 6:24P.M. A motion was made by Council member Holle and seconded by Council member Buckminster to approve the preliminary/final plat without conditions as recommended by the Planning Commission. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

**PUBLIC HEARING – ANIMAL PERMIT FOR 4 PONIES AND 6 CALVES AT 1801 SCHOENHEIT STREET
(BLOCK 1, LOTS 1-4; PARCEL ID 740079050) MARGARET RAMSEY AND KEN VONDERSCHMIDT**

Mayor Harkendorff declared a public hearing open at 6:25P.M. to discuss the Animal Permit for 4 ponies and 6 calves at 1801 Schoenheit Street (Block 1, Lots 1-4; Parcel ID 740079050). Mayor Harkendorff then asked if there was anyone in the audience who wished to speak in favor of or oppose said permit. A discussion was made by the public, Mayor Harkendorff then declared the public hearing closed at 6:25P.M. A motion was made by Council member Ractliffe and seconded by Council member Holle to approve said animal permit. Roll was called on this motion and the Council persons voted as follows: "YEA" Ferguson, Holle, Leyden, Merz, Ractliffe, Rhodd. "NAY" Buckminster, Wisdom. "ABSENT" Leyden. Motion carried.

**2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE DOWNTOWN REVITALIZATION PROGRAM
– SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT**

A discussion was held, no action taken.

**AMENDMENT TO CITY CODE CHAPTER 10, ARTICLE 3, SECTION 10-319
REGARDING ALCOHOLIC BEVERAGES AT NONPROFIT CORPORATIONS AND PRIVATE BOTTLE CLUBS-
FALLS CITY ELKS LODGE 963**

A discussion was held, no action taken.

**AMENDMENT TO CITY CODE CHAPTER 5, ARTICLE 6, SECTIONS 5-632, 5-634, AND 5-641 – REGARDING
THE OPERATION OF ATV, UTV AND GOLF CAR VEHICLES ON CERTAIN STREETS – DON FERGUSON**

A discussion was held, no action taken.

**AGREEMENT FOR INFRASTRUCTURE CONSTRUCTION SERVICES WITH REGA ENGINEERING FOR
PAVING, SANITARY SEWER, AND WATER MAIN FOR TIGER TRAIL CUL-DE-SAC – CITY ADMINISTRATOR**

A motion was made by Council person Ferguson and seconded by Council person Buckminster to approve execution of the infrastructure construction services agreement with REGA Engineering. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

**REQUEST FOR COMMITMENT OF \$5,000.00 IN ANNUAL FUNDING TO FALLS CITY RECREATION, INC. TO
PROVIDE RECREATION SERVICES FOR THE YOUTH OF FALLS CITY – FALLS CITY RECREATION, INC.**

A motion was made by Council person Ractliffe and seconded by Council person Holle to approve the request as presented. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

MATURING INVESTMENTS AND REINVESTMENT OF FUNDS – ANTHONY NUSSBAUM

A motion was made by Council person Buckminster and seconded by Council person Wisdom to reinvest current short-term fund with the best yielding rate of the local bank branch at 4.30 APY and long term funds with the best yielding rate of the local bank branch at 4.35 APY. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Leyden. Motion carried.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 7:05pm

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 Harkendorff and Council on May 15, 2023; 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