

**August 5, 2024**

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 5<sup>th</sup> day of August 2024, 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, Leyden, 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 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 Leyden 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 Agenda: 1. *BE IT FURTHER RESOLVED* BY the Council that the minutes from the July 15, 2024, regular meeting are hereby approved. 2. *BE IT FURTHER RESOLVED* BY the Council that the agenda for August 5, 2024, is hereby approved. 3. *BE IT FURTHER RESOLVED* BY the Council that the July 6 through July 19, 2024, Claims are hereby approved. 4. *BE IT FURTHER RESOLVED* BY the Council that the Consent Agenda for August 5, 2024, is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

**PROPOSAL TO AMEND CITY CODE §6-317 BY PROPOSING TIME LIMITS FOR THE SALE AND EXHIBITION OF FIREWORKS TO 10 AM TO 11 PM BETWEEN JUNE 27<sup>TH</sup> AND JULY 6<sup>TH</sup> EXCEPT FOR 10 AM TO MIDNIGHT ON JULY 3<sup>RD</sup> THROUGH JULY 5<sup>TH</sup>**

A motion was made by Council person Ractliffe and seconded by Council person Rhodd to draft a revised ordinance for review at the next council meeting. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

**RESOLUTION AUTHORIZING THE REPLATTING OF TWO TRACTS TOTALING APPROXIMATELY 0.10 ACRES OF LAND TO REALIGN THE RIGHT-OF-WAY ALONG 33<sup>RD</sup> STREET AND PARCEL 740170745 FOR \$1500.00 TO PACKRAT STORAGE, INC.**

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

**PUBLIC HEARING – CONSIDERATION OF A CONDITIONAL USE PERMIT FOR FIREARM AND AMMUNITION SALES AT 2404 HARLAN STREET**

Mayor Harkendorff declared a public hearing open at 6:23 P.M. to discuss a request for consideration of a conditional use permit for firearm and ammunition sales at 2404 Harlan Street. Mayor Harkendorff then asked if there was anyone in the audience who wished to speak in favor of or oppose said request. There was no public comment. Mayor Harkendorff then declared the public hearing closed at 6:24 P.M.

**CONSIDERATION OF A CONDITIONAL USE PERMIT FOR FIREARM AND AMMUNITION SALES AT 2404 HARLAN STREET AS RECOMMENDED BY THE PLANNING COMMISSION**

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

**REQUEST FOR SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTDOOR BEER GARDEN AT 1417 STONE STREET ON AUGUST 23, 2024|FALLS CITY ELKS**

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

**RESOLUTION ACCEPTING DONATION OF A PORTION OF PARCEL 740170991 FROM COMMUNITY MEDICAL CENTER**

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

**GRIEVANCE HEARING FOR IBEW LOCAL 1536 GRIEVANCE 2024-01 REGARDING EMPLOYEE ATTENDANCE POLICY AND EMPLOYEE UTILIZATION POLICY ADOPTED ON JUNE 10, 2024**

A motion was made by Council person Leyden and seconded by Council person Fouraker to move into closed session at 6:54pm with respect to collective bargaining and/or pending litigation. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried. A motion was made by Council person Ferguson and seconded by Council person Buckminster to end the executive session at 7:02pm and return to public session. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried. A motion was made by Council person Buckminster and seconded by Council person Wisdom to deny grievance based on grievance timeline deadline of 30 days. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Fouraker, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" None. Motion carried.

*THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 7:06pm*

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 August 5, 2024; 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)

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CITY CLERK

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CITY CLERK

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MAYOR