

**August 19, 2024**

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 19<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 Ferguson and seconded by Council person Leyden 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 August 5, 2024, regular meeting are hereby approved. 2. *BE IT FURTHER RESOLVED* BY the Council that the agenda for August 19, 2024, is hereby amended by moving old business Item 4 and regular business Item 8 to the end of the Agenda. 3. *BE IT FURTHER RESOLVED* BY the Council that the July 20 through August 2, 2024, Claims are hereby approved. 4. *BE IT FURTHER RESOLVED* BY the Council that the Consent Agenda for August 19, 2024, is hereby amended and 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.

**UPDATE ON IBEW LOCAL 1536 GRIEVANCE 2024-01**

An update was provided by Nussbaum. No action required.

**RESOLUTION AUTHORIZING THE PARTICIPATION IN THE WORK BASED LEARNING (WBL) PROGRAM PROVIDED BY THE FALLS CITY PUBLIC SCHOOLS AND THE FALLS CITY CAREER ACADEMY**

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.

**1<sup>ST</sup> READING: ORDINANCE 2024-100 TO AMEND SECTION 6-317 OFFENSES; DISCHARGE OF FIREWORKS AND FIRECREACKERS**

A motion was made by Council person Ferguson and seconded by Council person Rhodd to accept the 1<sup>st</sup> reading 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 - COMMUNITY DEVELOPMENT BLOCK GRANT #20-HO-36032 OWNER OCCUPIED  
REHABILITATION**

Mayor Harkendorff declared a public hearing open at 6:14 P.M. Mayor Harkendorff then asked if there was anyone in the audience who wished to speak in favor or opposition. Ryan Bauman, SENDD Grant Administrator, provided an update on the grant project. No additional public comment was received. Mayor Harkendorff then declared the public hearing closed at 6:18 P.M.

**PUBLIC HEARING – CLASS C LIQUOR LICENSE RENEWALS 2024**

Mayor Harkendorff declared a public hearing open at 6:18 P.M. Mayor Harkendorff then asked if there was anyone in the audience who wished to speak in favor or opposition. There was no public comment. Mayor Harkendorff then declared the public hearing closed at 6:19 P.M.

**APPROVAL OF THE 2024 CLASS C LIQUOR LICENSE'S**

A motion was made by Council person Leyden and seconded by Council person Fouraker to approve the 2024 Class C Liquor Licenses as posted. 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 TO USE CITY STREETS FOR THE 15<sup>TH</sup> ANNUAL COBBLESTONE FUN RUN/WALK ON SATURDAY,  
AUGUST 24, 2024|COMMUNITY MEDICAL CENTER**

A motion was made by Council person Wisdom and seconded by Council person Holle to approve the the request 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 AUTHORIZING SIGNING OF THE 2024 ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO  
THE NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS AS RECOMMENDED BY THE  
BOARD OF PUBLIC WORKS**

A motion was made by Council person Holle and seconded by Council person Rhodd 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.

**REQUEST FOR A BURN PERMIT AT 923 EAST 12<sup>TH</sup> STREET IN CONJUNCTION WITH VACANT PROPERTY  
ORDINANCE COMPLIANCE|BUILDING & CODE ENFORCEMENT & FALLS CITY FIRE DEPARTMENT**

A motion was made by Council person Leyden and seconded by Council person Buckminster to approve the burn permit for a fire training event with Fire Department approval. 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.

**CONSIDER DONATION OF THE GEHLING THEATRE BUILDING (TRUE VALUE) AT 1519 STONE STREET TO  
THE CITY OF FALLS CITY|RPK INC. (PATRICIA KIEKHAEFER)**

Paul Kiekhaefer presented to the City Council. No action was taken.

**REVIEW OF PRELIMINARY AWARDS TO ELIGIBLE APPLICANTS FOR THE 23DTR006 DOWNTOWN  
REVITALIZATION GRANTS (DTR) AS RECOMMENDED BY THE DTR COMMITTEE**

A motion was made by Council person Ferguson and seconded by Council person Buckminster to accept the preliminary awards as recommended by the DTR Committee. 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.

**REVIEW RFQ'S FOR ENGINEERING SERVICES FOR PHASE III DOWNTOWN-REVITALIZATION (DTR)  
STREETSCAPE IMPROVEMENTS REPROJECT**

A motion was made by Council person Holle and seconded by Council person Ractliffe to award MEI, Inc. the contract for engineering services based upon the evaluation and review of the Request for Qualifications (RFQ) submissions, and to authorize the City Administrator to negotiate and execute a contract with the selected firm. 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 FOR ESTABLISHING A PARKS & RECREATION DIRECTOR FOR THE FISCAL YEAR 2024/2025**

A motion was made by Council person Ferguson and seconded by Council person Holle to approve the job description for a Parks & Recreation Director, begin advertising for the position for a hire date effective after September 16, 2024 or thereafter. 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.

**UPDATE ON ELECTRIC TRANSMISSION PROJECT PLANNING**

A motion was made by Council person Ferguson and seconded by Council person Leyden to move into closed session at 7:02pm with respect to negotiations and public interest. 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. Trevor Campbell, Public Works Director, and Lucas Froeschl, EDGE Executive Director, were present for the closed session. A motion was made by Council person Buckminster and seconded by Council person Ferguson to end the closed session at 7:44pm 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 Leyden and seconded by Council person Rhodd to authorize the City Administrator to negotiate a Memorandum of Understanding (MOU) with the relevant parties and to present the final negotiated terms to the City Council for review once the best possible offer has been determined. 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.

**CONTRACT FOR SALE AND PURCHASE OF THE BUILDING AT 1810 STONE STREET (RIVOLI THEATRE)**

A motion was made by Council person Ractliffe and seconded by Council person Leyden to move into closed session at 7:47pm with respect to negotiations and public interest. 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 Ractliffe to end the closed session at 7:56pm 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 Ractliffe and seconded by Council person Ferguson to authorize Michael Dunn, City Attorney, to submit a counter proposal for the purchase of the property at 1810 Stone Street. 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 7:58pm*

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 19, 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