

December 5, 2022

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 5th day of December 2022, at 6:00 o' clock P.M. Council met in regular session. Mayor Bindle 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, Holle, Leyden, Merz, Rhodd, Wisdom. Absent: Ractliffe. 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 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.

CONSENT AGENDA

A motion was made by Council person Merz 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 Resolution: 1. *BE IT FURTHER RESOLVED* BY the Council that the minutes from the November 21, 2022 regular meeting is hereby approved. 2. *BE IT FURTHER RESOLVED* BY the Council that the agenda for December 5, 2022, is hereby approved. 3. *BE IT FURTHER RESOLVED* BY the Council that the Claims for November, 2022 is hereby approved. 4. *BE IT FURTHER RESOLVED* BY the Council that the Code Enforcement Monthly Report for November, 2022, is hereby approved. 5. *BE IT FURTHER RESOLVED* BY the Council that the Consent Resolution for December 5, 2022, is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Merz, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

MAYOR'S REPORT

Mayor Bindle thanked City Council members, city staff and individuals she worked with over her time as Mayor for their dedication to the needs of the citizens and the city.

Meeting adjourned – Sine Die

2022 ELECTION – CERTIFICATION AND QUALIFICATIONS

City Clerk Nussbaum presented the election results as certified by Mary L. Eickhoff, County Clerk, Richardson County, and reported that the following individuals had been elected in the November, 2022 election: Mayor – Mark Harkendorff; First Ward Council Person – Don Ferguson; Second Ward Council Person – Joe Buckminster; Third Ward Council Person – Shawn Fouraker; Fourth Ward Council Person – Derrick Leyden. City Clerk Nussbaum then reported that all bonds for the newly elected officials were on file in the Office of the City Clerk as required by State Statute/City Ordinance and certified that Mark Harkendorff, Don Ferguson, Joe Buckminster, Shawn Fouraker and Derrick Leyden met the residency requirements as required by City Ordinance. City Clerk Nussbaum then declared that the following individuals were qualified for the City Council as follows: Mayor – Mark Harkendorff; First Ward Council Person – Don Ferguson; Second Ward Council Person – Joe Buckminster; Third Ward Council Person – Shawn Fouraker; Fourth Ward Council Person – Derrick Leyden. Mark Harkendorff, Don Ferguson, Joe Buckminster, Shawn Fouraker and Derrick Leyden then came forward and the City Clerk administered the oath of office for their respective positions as Council Persons and Mayor.

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ELECTION – PRESIDENT OF THE CITY COUNCIL – DERRICK LEYDEN

Mayor Harkendorff asked if there were any nominations for the position of President of the City Council. Council person Holle nominated Council person Leyden. Council person Leyden accepted the nomination. Council person Leyden nominated Council person Ferguson. Council person Ferguson accepted the nomination. Mayor Harkendorff asked if there were any more nominations.

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

Mayor Harkendorff stated a ballot vote to be held and instructed Council persons to write the name of the nominee of your choice on your ballot. City Clerk Nussbaum collected the ballot votes and read aloud the vote counts as four votes in favor of Council person Leyden, three votes in favor of Council person Ferguson. Mayor Harkendorff made a formal declaration that Council person Leyden was elected as President of the City Council.

ELECTION - ACTING PRESIDENT OF THE CITY COUNCIL - JOE BUCKMINSTER

Mayor Harkendorff asked if there were any nominations for the position of Acting President of the City Council. Council person Leyden nominated Council person Ferguson. Council person Ferguson declined the nomination. Council person Leyden then nominated Council person Buckminster. Mayor Harkendorff asked if there were any more nominations. Since there were no other nominations, Mayor Harkendorff stated that all nominations cease and a unanimous ballot be cast for Council person Joe Buckminster as Acting President of the City Council. Mayor Harkendorff made a formal declaration that Council person Buckminster was elected as Acting President of the City Council.

APPOINTMENT OF THE MAYOR, COUNCIL PRESIDENT AND CITY ADMINISTRATOR TO THE ECONOMIC DEVELOPMENT GROWTH ENTERPRISES, INC. BOARD OF DIRECTORS

A motion was made by Council person Ferguson and seconded by Council person Buckminster to approve the appointment of the Mayor, Council President and City Administrator to the Economic Development Growth Enterprises, Inc. Board of Directors. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

APPOINTMENT – ANTHONY NUSSBAUM OF CITY CLERK/TREASURER/ADMINISTRATOR

A motion was made by Council person Leyden and seconded by Council person Ferguson to approve the appointment of Anthony Nussbaum as City Clerk/Treasurer/Administrator as recommended by Mayor Harkendorff. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

APPOINTMENT – JAMESON BAKER – CHIEF OF POLICE

A motion was made by Council person Ferguson and seconded by Council person Rhodd to approve the appointment of Jameson Baker as Chief of Police as recommended by Mayor Harkendorff. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

APPOINTMENT – BLAKE BUCKMINSTER – BUILDING INSPECTOR

A motion was made by Council person Holle and seconded by Council person Buckminster to approve the appointment of Blake Buckminster as Building Inspector as recommended by Mayor Harkendorff. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

APPOINTMENT – MICHAEL DUNN AS CITY ATTORNEY AND TRACY BURNS AS DEPUTY CITY ATTORNEY FROM HALBERT & DUNN, LLC AS RECOMMENDED BY MAYOR HARKENDORFF

A motion was made by Council person Ferguson and seconded by Council person Leyden to approve the appointment of Michael Dunn as City Attorney and Tracy Burns as Deputy City Attorney from Halbert & Dunn, LLC as recommended by Mayor Harkendorff. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

APPOINTMENT – FALLS CITY FIRE CHIEF – MATT BEER, JON MCQUEEN AS FIRST ASSISTANT CHIEF – AND DEVIN MOORE AS SECOND ASSISTANT CHIEF

A motion was made by Council person Holle and seconded by Council person Leyden to approve the appointment of Fire Chief Matt Beer, First Assistant Chief Jon McQueen and Second Assistant Chief Devin Moore. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

RESCHEDULING OF REGULAR COUNCIL MEETINGS CONFLICTING WITH CALENDAR YEAR 2023 CITY HOLIDAYS

A motion was made by Council person Ferguson and seconded by Council person Leyden to revise the regular meeting Council dates of January 2, 2023 to January 3, 2023; January 16, 2023 to January 17, 2023; February 20, 2023 to February 21, 2023; June 19, 2023 to June 21, 2023; September 4, 2023 to September 6, 2023; and July 3, 2023 to July 5, 2023. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

REQUEST TO SERVICE ALCOHOL AT THE JAYCEES WRESTLING EVENT BEING HELD AT PRICHARD AUDITORIUM ON FEBRUARY 25, 2023 – FALLS CITY JAYCEES

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

REQUEST TO PARK A TRAILER/EQUIPMENT ON THE FRONT SIDEWALK AREA AND TO ALLOW THE SERVING OF ALCOHOL AT THE HUNTING/OUTDOORS SPEAKING BEING HELD AT PRICHARD AUDITORIUM FEBRUARY 16, 2023/CHRIS GODEMANN

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

DISSOLUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF FALLS CITY, NE; FLORENCE, WI AND SHICKLEY, NE KNOWN AS THE AMERICAN PUBLIC ENERGY AGENCY (APEA)/GARY JORN

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

REQUEST TO STORE 12 BOXES OF AMERICAN PUBLIC ENERGY AGENCY (APEA) PERMANENT RECORDS AT CITY STORAGE/GARY JORN

A motion was made by Council person Leyden and seconded by Council person Ferguson to approve the request to store the APEA permanent records in City storage based upon record retention requirements/guidelines. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

3RD READING OF ORDINANCE 2022-112 REQUIRING THE REGISTRATION OF VACANT PROPERTIES/HOUSING STUDY COMMITTEE

A motion was made by Council person Ferguson and seconded by Council person Holle to approve the 3rd reading of Ordinance 2022-112 as presented. Roll was called on this motion and the Council persons voted as follows "YEA" Buckminster, Ferguson, Holle, Leyden, Fouraker, Rhodd, Wisdom. "NAY" None. "ABSENT" Ractliffe. Motion carried.

ANNUAL FEE RESOLUTION FOR CALENDAR YEAR 2023/ANTHONY NUSSBAUM

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

REQUEST TO ALLOW THE FALLS CITY FIRE DEPARTMENT TO RESPOND OUTSIDE OF CITY LIMITS FOR MOTOR VEHICLE ACCIDENTS THAT REQUIRE EXTRACTION USING THE JAWS OF LIFE/KAYLIE RACTLIFFE

A discussion was held, died for lack of motion.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:40pm

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 December 5, 2022; 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