

City of St. Paul Regular Meeting
704 6th Street
St. Paul, NE 68873

Monday, May 16, 2022

A meeting of the Community Development Agency (CDA) and the City Council of the City of St. Paul, Nebraska was held at City Hall in said City on Monday, May 16, 2022 at 7:00 p.m. Present were Mayor Joel M. Bergman and Councilmembers: Katie Kowalski, Jerry Thompson, Chuck Schmid & Mike Feeken. Absent: None. Notice of the meeting was given in advance thereof by publication in the Phonograph Herald, a legal newspaper published in said City and County. Notice of the meeting was also posted in four (4) places. Notice of this meeting was communicated in the advance notice. All proceeds thereafter shown were taken while the convened meeting was opened to the attendance of the public.

Mayor Bergman opened the Community Development Agency (CDA) meeting at 7:01 p.m., with the "Pledge of Allegiance" and thanking the public for attending and announcing that the City of St. Paul abides by the Open Meetings Act, which is posted on the west wall as required by Nebraska State Law §84-1407 through §84-1414. Mayor Bergman also stated that the City Council may vote to go into Closed Session on any agenda item as allowed by NE State Law §84-1410.

The first item on the agenda was the Redevelopment Contract regarding the Prairie Falls Subdivision Redevelopment Project Phase Eight (8) per S. Squared Enterprises (Steve Shoemaker).

Council member Kowalski moved to approve the Community Development Agency (CDA) Redevelopment Contract regarding the Prairie Falls Subdivision Redevelopment Project Phase Eight (8), for the property legally described as Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) in Prairie Falls Subdivision in the City of St. Paul, Howard County, Nebraska, and Lots One (1) and Six (6) in Block Four (4) in Harris Subdivision in the City of St. Paul, Howard County, Nebraska. Council member Schmid seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Mayor Bergman adjourned the Community Development Agency (CDA) meeting at 7:04 p.m.

Mayor Bergman opened the regular City Council meeting at 7:04 p.m.

Individuals who have appropriate agenda items for City Council consideration should complete the "Request for Future Agenda Items" form located at the City Office. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given. Also, any City patrons that are requesting "Public Records" or has "Questions or Concerns" in regards to the City, they need to be submitted in writing to the City of St. Paul, so that it can be addressed appropriately. These forms are available online, in a file folder on the back wall of the Council Chambers or at the City Office.

There was an opportunity for individuals wishing to provide input on any of tonight's agenda items. Those individuals were asked to reserve time to speak.

Brian Friedrichsen with Olsson was present to perform an overview of the first (1st) Wastewater Treatment Facility (WWTF) "Construction Progress" meeting; the meeting was held on Wednesday, May 4, 2022 at 1:30 p.m. The discussion consisted of the Project Components & Status; the Construction Schedule and Shop Drawings; the Pay Request & Change Order; Miscellaneous Discussion Items; along with the next meeting being scheduled for Wednesday, June 1, 2022 at 1:30 p.m. Mr. Friedrichsen also stated that certain items ordered for the project have gone up in price; the City will need to absorb the cost due to the "Force Majeure" clause. The "Force Majeure" clause is a contract provision that relieves the parties from performing their contractual obligations when certain circumstances beyond their control arise, referred to as "acts of God". Olsson will have the 2nd Wastewater Treatment Facility (WWTF)

"Construction Progress" meeting on Wednesday, June 1, 2022 at 130 p.m. in the City Council Chambers.

Council member Schmid moved to approve Rutjens Construction Inc. Pay Request #3 regarding the St. Paul Wastewater Treatment Facility (WWTF) Project #020-2586 in the amount of \$435,069.90. The pay request consists of: Mobilization; Control/Blower building; Storm Water Pollution Prevention Plan (SWPPP); Electrical; and Earthwork. Council member Thompson seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Brian Friedrichsen (Olsson) was also in attendance to discuss an email that he sent to the Mayor and City Council on Tuesday, April 12, 2022 concerning the environmental group's opinion pertaining to the City allowing air-boat access to the Middle Loup River. The cost estimate is approximately \$37,000 currently. Mr. Friedrichsen stated that obtaining river access will not be an easy process, due to the area being classified as a wetland. If the City takes out the designated wetlands, then another wetland area in the same size needs to be re-established elsewhere. Mr. Friedrichsen stated that the U.S. Corps of Engineers is never a quick process, but the project is still capable of moving forward. Mayor Bergman stated that on Monday, April 4, 2022, the City Council members gave the Air-boater's permission to clear the property, along with the development of a boat ramp; this was contingent on the City attaining easement access and performing a cost study from Olsson, Grand Island, NE. Arron Wetovick spoke on behalf of the NE Air-boater's Association (NAA) stating that they didn't want any problems or issues with the neighboring landowners. Mr. Wetovick stated that the group merely wanted to help the City out in clearing the property, so that the St. Paul community could utilize the river access for their enjoyment, along with the air-boater's accessing the river. Mr. Wetovick stated that the Nebraska Air-boaters are a well-known organization and does not operate in such a fashion to cause problems. Numerous surrounding neighbors of the Middle Loup River spoke in opposition to the City allowing access for Air-boaters. The opposition issues were: (1) liability; (2) safety of people in the river; (3) the level of noise; and (4) trash in the river. Mayor Bergman read a letter from Jeff and Shannon Swanson in opposition regarding the river access to air-boaters. Council member Feeken stated that he is not here to legislate the air-boater's; he wants everyone to enjoy the access to the river. Jeeps, ATV and UTV's were discussed briefly. The item was tabled until the City can figure out if there is City easement access.

Council member Feeken moved to approve the Redevelopment Contract regarding the Prairie Falls Subdivision Redevelopment Project Phase Eight (8), for the property legally described as Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) in Prairie Falls Subdivision in the City of St. Paul, Howard County, Nebraska, and Lots One (1) and Six (6) in Block Four (4) in Harris Subdivision in the City of St. Paul, Howard County, Nebraska. Council member Thompson seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Next on the agenda for discussion was the Sons of the American Legion Post #119 requesting an extension of a culvert (east/west) on the north-side drainage ditch of the new American Legion Post #119 building. Randy Kauk stated that the Sons of the American Legion Post #119 would perform the sweat equity if the City would purchase the culvert extension. Mr. Kauk was requesting that the sub-grade be completed, so that when the culvert is delivered the work can begin. Utilities Superintendent Helzer provided four (4) cost estimates on (1) Reinforced Concrete Pipe and (2) Corrugated Steel Pipe; the lowest bid came from Concrete Industries, Inc. in the amount of \$16,772. Council member Feeken stated that he does not want property tax dollars paying for the project; he would like to see the funds be disbursed from the sales tax dollars; Economic Development funds would be a way to expand its offerings. Attorney White stated that utilizing sales tax dollars is the proper way to go with the project. Council member Feeken requested a letter stating what function each entity will be performing regarding the project. The Mayor and Council members were in agreement to table this item until the Sons of the American Legion Post #119 can receive a recommendation letter from St. Paul Economic Development regarding sales tax funding the culvert project. The item will be placed back on the Council Agenda for Monday, June 6, 2022. Mr. Kauk was present to answer any questions from the Mayor & Council members.

Council member Kowalski moved to approve the Consent Agenda Items: (1) May 2, 2022 Council minutes (regular); (2) May 16, 2022 disbursements; and (3) May 9, 2022 zoning permits. Council member Thompson seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Disbursements May 16, 2022

Aurora Coop (fuel)	1651.05
Banyon Data Systems (software)	3805.00
Black Hills Energy (natural gas)	804.84
Border States Ind. (supplies)	1078.83
Brehm's Drug (supplies)	8.51
CEI Security (supplies)	60.00
City Lights (utilities)	9276.30
Clearfly (telephone)	192.67
Cline Williams Law (legal)	26.50
COR Managed Services (service)	800.00
Custer County Recycling (service)	23.80
Dakota Riggers (supplies)	297.42
Dick's Repair (repair)	126.60
Dutton Lanson (supplies)	151.40
Eakes Office Solutions (supplies)	528.58
Entech Pest Mgmt (service)	135.00
Heartland Disposal (service)	6795.50
Heritage Bank (ACH fees)	25.00
Homestead Bank (ACH fees)	21.40
Homestead Bank Wire Fee \$495,000 Pymt (fee)	8.00
Ho Co Register of Deeds (fees)	30.00
Howard County Foundation (fee)	500.00
Howard Greeley RPPD (utilities)	111503.42
Jack's Uniform & Equip (supplies)	203.79
Jim's Champlin (fuel)	1968.13
John Deere Financial (supplies)	91.43
Loup Central Landfill (fee)	2303.00
Menards (supplies)	10.73
Mid-Nebraska Disposal (service)	3565.50
Nebraska Machinery (supplies)	27.30
NMVCA (education)	105.00
One Call Concepts (service)	28.98
Open Caret (service)	200.00
Phonograph Herald (publish)	1016.47
Platte Valley Communications (supplies)	81.00
Quick Med Claims (service)	350.16
S E Smith & Sons (supplies)	9.96
Servi-Tech (lab)	181.05
Dept of Revenue (Form 10) Sales Tax (sales tax)	11251.33
T & R Electric Supply (supplies)	263.00
United Healthcare (insurance)	25949.56
US Post Office (postage)	460.00
Weills Plumbing (repair)	188.33
Wesco Distribution (supplies)	431.33

Non-General Disbursements

General ICS: L-TRON: Police In-Car Computers (computers)	19972.53
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There was a brief discussion pertaining to Ms. Rawlings reimbursing the City of St. Paul for Police Officer uniforms; this is per the City's Non-Union Employment Contract Article 19; Section 9. Attorney White stated that if the Council members approve to move forward, then a letter needs to be mailed to Ms. Moriah Rawlings regarding the "uniform" policy. If the City

does not receive any satisfaction from Ms. Rawlings, then it will be turned over to City Attorney White. The item has been tabled until Monday, June 6, 2022, so that a list of items, along with cost is provided to the Mayor and Council members.

Council member Thompson moved to approve transferring \$200,000 from the City Heritage Bank (Utilities) account and transferring it to the City Homestead Bank checking account to pay future disbursements. Council member Kowalski seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Council member Schmid moved to approve the Agreement between the City of St. Paul (Owner) and JEO Consulting Group Inc. (Architect) for Professional Services; this is regarding the new St. Paul Fire Station Programming and Preliminary Design Services project in the amount of \$26,800. The project consists of a preliminary design service for a new Fire Station to be located on a site within the city limits of St. Paul. While the final building size has not been fully determined, it is expected that the Fire Station facility will be approximately 80' x 200' or 16,000 square feet in size. It is anticipated that the new building design will be a Pre-Engineered Metal Building (PEMB) structure. Along with providing programming and preliminary design services, JEO Consulting will assist by developing an opinion of probable construction cost. Council member Kowalski seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0. Andrew Wilshusen (JEO Consultant) was present to answer any questions from the Mayor or the Council members. Mr. Wilshusen stated that by signing the "Agreement", it does not obligate the City for other services. The funds will be disbursed from the Fire budget and the Rural Fire Board.

There was a brief discussion on forming Municipal Code regulations regarding City Parking Lot restrictions on length of time. Council member Schmid moved to approve forming an ordinance for the next Council meeting on Monday, June 6, 2022 to restrict parking in excess of forty-eight (48) hours in three (3) City Parking areas of St. Paul. The parking lots will be defined in the ordinance. Council member Thompson seconded the motion. Council members Kowalski, Thompson, Schmid & Feeken voted aye, nays none. Motion carried 4/0.

Next on the agenda was the possible adoption of the NE Legislative Bill #256; to adopt the Vacant Property Registration Act. A vacant property registration ordinance allows a municipality to discourage property vacancy, maintain unoccupied buildings, provide a database of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties. This shall apply to any type of either residential or commercial buildings or both, located within the corporate limits of the City of St. Paul, except any property owned by the federal government, the State of Nebraska, or any political subdivision or any property specifically referenced in Section 11-104. Utilities Superintendent Helzer requested that the City contract out for a certified Building Inspector if an ordinance is approved. The item was tabled until Monday, June 20, 2022, so that more research can be performed prior to the meeting.

Utilities Superintendent Helzer updates included: (1) Placing the City Recycling Trailer back into service, due to a Howard County Commissioner stating that they will take the recycling trailer every other time to assist the City of St. Paul with cost; (2) the new swimming pool pump will not be delivered until the end of July 2022; the old pump will be placed back in tomorrow to see if the pump will work for the season; and (3) the Sewer Jetter "Power Take Off" (PTO) needs repaired; Sewer Commissioner Gregoski is getting price estimates.

Mayor Bergman spoke on behalf of Chief of Police Howard regarding Police updates: Jade Stethem a new Police Officer for the City of St. Paul was sworn in on Friday, May 13, 2022; he will be working on City nuisances. He will also be attending the Law Enforcement Academy in August 2022.

Council member updates: Council member Schmid stated that he is recovering fairly well from a medical condition.

Mayor Bergman updates: (1) General Obligation Series 2016: \$495,000 bond paid in full on May 1, 2022; the bond paid for Elm Street, Lagoon Clean-out and Kelly Court; (2) All Insured Cash Sweep (ICS) accounts currently have an interest rate of .65%; previously was .45%; (3) Howard

County Conditional Use permit for a Hornady Gun Club located in the S1/2 of S1/2 of Section 30-15-9W of the 6th P.M. in Howard County; the hearing will take place on Wednesday, May 18, 2022; (4) the City received on May 10, 2022 the 1st Well-field pasture rent from Robert Kanter in the amount of \$5,630; and (5) the Mayor and Council members were in agreement to set Tuesday, May 31, 2022 at 5:30 p.m. as the next IBEW 1597 Union Negotiation Workshop.

Public Announcements: Grover Cleveland Alexander (GCA) Day meeting is scheduled for Wednesday, May 18, 2022 at 7:00 p.m. at the Loup River Distillery.

Mayor Bergman adjourned the City Council meeting at 8:54 p.m.

June 6, 2022
Date

Joel Bergman
Joel M. Bergman, Mayor

Connie Jo Beck
Connie Jo Beck, City Clerk/Deputy Treasurer