

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

Tuesday, February 20, 2024

A meeting of the Mayor and City Council of the City of St. Paul, Nebraska was held at City Hall in said City on Tuesday, February 20, 2024, at 6:30 p.m. Present were Mayor Mike Feeken and Council members Chuck Schmid, Bill Peters & Brian Sack. Absent: Council member Katie Kowalski. 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) public 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 Feeken opened the meeting at 6:30 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 Feeken 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.

Mayor Feeken continued the meeting by announcing that 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 have "Questions or Concerns" in regard 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; per Mayor Feeken, there will be a five (5) minute limit per person on speaking.

Mayor Feeken opened five (5) public hearings at 6:32 p.m.

(1) Public Hearing on request by Shannon Bergman dba Sweet Shoppe Café, 605 Howard Avenue regarding a "Class C" Liquor License #126231 application;

(2) Public Hearing on request by Evelyn Dvorak to rezone parts of Lots One (1), Two (2), and Three (3), Block 116, Original Town of St. Paul, NE and a part of the vacated street from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. The property is located at the southwest corner of 4th and Baxter Streets;

(3) Public Hearing on request by Dan Scheer to rezone Lot Four (4), Block 109, Original Town of St. Paul, NE from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. The property is located at the northwest corner of 4th and Baxter Streets;

(4) Public Hearing on request to amend Section 9.21 of St. Paul Zoning Regulations pertaining to "Outdoor Storage Containers"; and

(5) Public Hearing on request by St. Paul Development Corp. (SPDC) to amend Section 5.9 of St. Paul Zoning Regulations to allow multifamily housing in I-1 Light Industrial Zoning Districts.

The Royal Coachmen Car Club will be hosting its 3rd Annual Cars and Coffee event. The event has doubled in size from the first (1st) year to the second (2nd) year; parking was nearly an issue in 2023. Council member Sack moved to approve Royal Coachmen Car Club closing 7th Street from Howard Avenue to Jay Street and Indian Street from 7th Street to the Hometown Market parking lot entrance. The event is scheduled on Saturday, April 6, 2024, from 7:00 a.m. to 12:00

p.m. The City will provide four (4) barricades for the event. At this time there is no fee, due to it not being on the fee schedule. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0. Mayor Feeken questioned access to the Hometown Market, U. S. Post Office and for emergency personnel. The areas will remain open so patrons can access. Chief of Police Howard stated to Marcus Paczosa (Royal Coachman member), not to have any burnouts this year.

Brian Friedrichsen with Olsson's was in attendance to discuss the Middle Loup Subdivision bids that were received and opened on Wednesday, February 14, 2024, at 2:00 p.m. in the City Council Chambers. A total of four (4) bids were submitted and reviewed by Olsson's. After the review of the bids, Olsson's recommended that the "Notice of Award" be given to the apparent low bidder, Elsbury Construction LLC, in the contract amount of \$3,218,403.94. At this time, the bid approval was tabled until the March 4, 2024 Council meeting; this is due to a hiccup in the Black Hills Energy gas line that is running through (east and west) the Middle Loup Subdivision. Since this transmission line feeds the Village of Dannebrog, NE (4" High Pressure), there were federal regulations that would not allow building improvements within 440 feet each side of the gas line. Olsson's is continuing to investigate the matter with Black Hills Energy; the NE State Fire Marshall is also reviewing the matter. The Middle Loup Subdivision bids are good for 30 days from the opening of the bids on Wednesday, February 14, 2024.

A brief discussion ensued regarding the City of St. Paul abating the nuisance at 304 8th Street (David Eiberger) pertaining to an unlicensed Blue Honda Civic vehicle. Council member Sack moved to approve abating the vehicle nuisance. The vehicle will be moved by a towing service per Chief of Police Howard. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Peters moved to approve the Consent Agenda Items: (1) Treasurer's Report January 2024; (2) February 5, 2024 (regular) Council minutes and February 14, 2024 (special) Council minutes; (3) Planning Commission Zoning Permits and Minutes; and (4) February 20, 2024, disbursements. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Disbursements February 20, 2024

Amazon Capital Svcs (books, supplies)	175.73
AT&T Mobility (service)	414.34
Aurora Coop (fuel)	1555.51
Awards Plus (supplies)	78.75
Black Hills Energy (natural gas)	3682.58
Central NE Bobcat (oil)	129.32
Charter/Spectrum (service)	177.95
City Lights (utilities)	10289.75
City of St. Paul (Light) from Checking 100027 to Light NE Class (American Tower)	14153.23
Clearly (service)	195.00
Consumer Deposit - Rental Deposit for Cross (rent deposit)	250.00
Core & Main (supplies)	438.00
Cornhusker State Ind (furniture)	3118.00
Custer County Recycling (service)	29.00
Dept of Correctional Svcs (supplies)	135.00
Dept of Health & Human Svcs (refund)	517.13
Dutton Lainson (supplies)	1886.34
Eakes Office Solutions (service)	56.14
First Concord Benefits (service)	120.00
Fousek, Kris (uniforms)	400.00
GB Auto Service (supplies, service)	1236.29
GW Brown Co: Sewer WWTF Microscope (microscope)	4630.91
Hamilton Information Systems (service)	1558.50
Heartland Disposal (service)	6016.01
Homestead Bank (fees)	21.80

Homestead Bank (fee)	3.00
Howard Greeley RPPD (utilities)	178493.27
Howard, Dan (mileage)	172.19
Hydro Tech (service)	2032.70
Inand Truck Parts & Service (repair)	3527.28
Island Glass: Civic Center Automatic Door (repairs)	2853.00
Jack's Uniform (uniforms)	298.79
Jarecke Motors (service)	237.42
Jerabek, Randy (mileage, meal)	45.77
Jim's Champlin (fuel)	4358.28
JK Energy Consulting (service)	6000.00
John Deere Financial (supplies)	434.45
Kramers Wrecker Svc (service)	401.10
Menards (supplies)	304.77
Meyer, Deb (lodging)	384.84
Meyer, Nathan (meal, mileage)	125.87
Meyer, Nicholas (mileage, lodging, meals)	515.12
Mid-Nebraska Disposal (service)	4688.03
NE Dept of Envir & Energy (permit)	40.00
NEMSA (dues)	340.00
Olsson (engineering)	11474.48
One Call Concepts (service)	7.20
Open Caret (service)	200.00
Overdrive (books)	182.49
Parts Bin (supplies)	1717.26
Phonograph Herald (publish)	402.00
Quick Med Claims (service)	
Robinson, Grady (car wash)	13.00
Rose Equipment (supplies)	121.77
Rutjens Construction: Partial WWTF Pay Request #13 (Partial Final Pay Request #13)	270524.27
S E Smith & Sons (supplies)	302.69
Servi-Tech (lab)	168.00
State of NE Revenue: Sales & Use Tax January 2024 (tax)	17259.88
Triple T Disposal (service)	256.00
US Post Office (postage)	525.00
United State Post Office (rent)	84.00
White, Adam (program)	300.00
<u>Non-General Disbursements</u>	
Sales Tax 25% Infrastructure: RVW Inc. - GIS subscription	800.00
Rutjens Construction: American Rescue Plan (ARP) Funds: WWTF Partial Pay Request #13 (Final Pay Request)	257569.00
American Rescue Plan Act (ARPA) Funds: GW Brown Co.: Sewer WWTF Microscope (microscope)	349.09
Sales Tax: SPDC: Middle Loup Subd Engineering Fees (engineering fees)	13816.76
TIF: SPDC (Bed Head Coffee Proceeds) (tif)	121.38
TIF: S Squared Enterprises Proceeds (tif)	1032.70
TIF: City of St. Paul (MAD Dev 1/2 Share of TIF Proceeds (tif)	1903.68
TIF: MAD Dev (1/2 Share of MAD Dev. Proceeds) (tif)	1903.67

Don and Megan Yutesler with Bed Head Coffee (716 Howard Avenue) were in attendance to answer questions regarding the "Property Improvement" application pertaining to the paving of the west parking lot with six (6) inch concrete. The total project cost is \$25,638. St. Paul Development Corp. (SPDC) Executive Director Parker Klinginsmith stated that the maximum projects are paid 50% of \$10,000; therefore each project can receive up to \$5,000. Mr.

Klinginsmith stated that SPDC denied the application, due to the precedence of the matter. Other businesses requested to utilize property improvement funds for concrete, but were turned down.

Council member Sack moved to deny the Bed Head Coffee "Property Improvement" application, due to the precedence that was already set. The motion died for a lack of a second. After additional discussion, Council member Schmid moved to approve the "Property Improvement" application regarding the parking lot six (6) inch concrete. Council member Peters seconded the motion. Council members Schmid and Peters voted aye, Council member Sack voted nay. Motion carried 2/1. Mrs. Yutesler stated that bus tours and retired folks have been stopping to have dinner or coffee; this is easier access for these people.

Mayor Feeken opened the public comment period at 7:13 p.m. regarding the request from Shannon Bergman dba Sweet Shoppe Café, 605 Howard Avenue for a Class "C" Liquor License #126231. A patron from St. Paul spoke on placing restrictions on the license such as utilizing it for certain hours, days or just for special events/occasions. Others from the audience spoke in support of the license application. There was also some confusion regarding the dimensions of the establishment in the application; that matter was cleared up. Mayor Feeken closed the public hearing at 7:25 p.m. Council member Sack moved to approve Shannon Bergman dba Sweet Shoppe Café, 605 Howard Avenue for a Class "C" Liquor License #126231. Council member Peters seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Mayor Feeken opened the public comment period at 7:26 p.m. regarding a request by Evelyn Dvorak to rezone parts of Lots One (1), Two (2), and Three (3), Block 116, Original Town of St. Paul, NE and a part of the vacated street from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. The property is located at the southwest corner of 4th and Baxter Streets. Bob Dvorak (son) spoke on behalf of Evelyn Dvorak about the request. A portion of the property is designated as light industrial and a portion is designated as residential. For this reason, it is difficult to develop the property. Dr. Dvorak wants the entire property to be zoned the same. Based on the location by the railroad tracks, there isn't much use other than for industrial purposes. The location is not conducive for building a home, so the preference would be to designate it as a light industrial zone. Mayor Feeken closed the public hearing at 7:29 p.m. Council member Schmid moved to approve Evelyn Dvorak's request to rezone parts of Lots One (1), Two (2), and Three (3), Block 116, Original Town of St. Paul, NE and a part of the vacated street from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Schmid introduced Ordinance 1044; relating to the re-zoning of real property in the City of Saint Paul, Howard County, Nebraska, to change the zoning map and comprehensive plan of the City of Saint Paul in conformity with said change; and to provide for an effective date (March 15, 2024). This pertains to a tract of land more legally described as a part of Lots One (1), Two (2) and Three (3), Block 116, Original Town of Saint Paul, and a part of the vacated street, Howard County, Nebraska. Council member Peters waived the three (3) readings of Ordinance 1044. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0. Council member Schmid moved for final passage of Ordinance 1044. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Mayor Feeken opened the public comment period at 7:32 p.m. regarding Dan Scheer requesting to rezone Lot Four (4), Block 109, Original Town of Saint Paul, NE from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. The property is located at the northwest corner of 4th and Baxter Streets. Mr. Scheer indicated that the property is not a good place for a home due to the proximity to the City's Water Treatment Plant and the railroad tracks. It is also located on a gravel road. The property is better suited for light industrial. Mr. Scheer stated that in 2014, he did not request the zoning change to residential. Council member Schmid had questioned the zoning change, due to a majority of homes in the area. Mayor Feeken closed the public hearing at 7:40 p.m. Council member Sack moved to approve Dan Scheer's request to rezone Lot Four (4), Block 109, Original Town of St. Paul, NE from R-3 Residential Zoning District to I-1 Light Industrial Zoning District. Council member

Peters seconded the motion. Council members Peters & Sack voted aye, Council member Schmid voted nay. Motion carried 2/1.

Council member Peters introduced Ordinance 1045; relating to the re-zoning of real property in the City of Saint Paul, Howard County, Nebraska, to change the zoning map and comprehensive plan of the City of Saint Paul in conformity with said change; and to provide for an effective date (March 15, 2024). This pertains to a tract of land more legally described as Lot Four (4), Block 109, Original Town of Saint Paul, Howard County, Nebraska. Council member Sack waived the three (3) readings of Ordinance 1044. Council member Peters seconded the motion. Council members Peters & Sack voted aye, Council member Schmid voted nay. Motion carried 2/1. Council member Peters moved for final passage of Ordinance 1044. Council member Sack seconded the motion. Council members Peters & Sack voted aye, Council member Schmid voted nay. Motion carried 2/1.

Mayor Feeken opened the public comment period at 7:43 p.m. regarding a request to amend Section 9.21 of St. Paul Zoning Regulations pertaining to "Outdoor Storage Containers". The type of storage container that would be allowed is considered a "one-trip" shipping container, meaning it has only made one (1) trip across the ocean, and is designated as a one-tripper by an inspector at the distribution point. It has not been used for shipping on the railroad. No decals, letters or graphics are allowed on the container. No electricity or plumbing is allowed to be installed in the storage container. Mayor Feeken closed the public hearing at 7:50 p.m. Council member Peters moved to approve the amendment to Section 9.21 of St. Paul Zoning Regulations pertaining to "Outdoor Storage Containers". Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Schmid introduced Ordinance 1046; to amend St. Paul Zoning Regulations; to amend Section 9.21 pertaining to "Outdoor Storage Containers"; to repeal any ordinance, or parts of any ordinance in conflict with this ordinance; to provide for the effective date (March 15, 2024) of such ordinance; and to provide for the publication of this ordinance in pamphlet form. Council member Sack waived the three (3) readings of Ordinance 1046. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0. Council member Schmid moved for final passage of Ordinance 1046. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Mayor Feeken opened the public comment period at 7:53 p.m. as requested by the St. Paul Development Corp. (SPDC) to amend Section 5.9 of St. Paul Zoning Regulations to allow multifamily housing in I-1 Light Industrial Zoning District of the Middle Loup Subdivision. Parker Klinginsmith, Executive Director of St. Paul Development Corp. (SPDC) indicated that they would like to have the option to have multifamily housing as a Conditional Use for some of the lots within the Middle Loup Subdivision. He indicated that the lots will receive Tax-Increment-Financing (TIF), so the lots and structures placed on them will need to meet a pre-determined valuation. It is the intent to sell the lots for commercial, retail, and/or industrial uses. However, if the lots are not sold, SPDC would like to have the option of allowing multifamily housing if necessary to generate income for the TIF valuations. Mr. Klinginsmith also indicated that after talking with JEO Consulting, it was suggested that if housing was allowed in this area, that a four (4) to five (5) foot berm be installed, and a fence be constructed above the berm to lessen the visibility from industrial businesses to the residences. Maintaining a tree line would also be considered to contain dust and odors. Mayor Feeken closed the public hearing at 8:03 p.m. Council member Schmid moved to approve the amendments to Section 5.9 of St. Paul Zoning Regulations to allow multifamily housing in I-1 Light Industrial Zoning District. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Sack introduced Ordinance 1043; to amend the St. Paul Zoning Regulations; to amend Sections 5.9.01 and 5.9.04 to allow multifamily housing as a "Conditional Use" within the I-1 Light Industrial Zoning District; to repeal any ordinance, or parts of any ordinance in conflict with this ordinance; to provide for the effective date (March 15, 2024) of such ordinance; and to provide for the publication of this ordinance in pamphlet form. Council

member Peters moved to waive the three (3) readings of Ordinance 1043 on three (3) different occasions. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0. Council member Schmid moved for final passage of Ordinance 1043. Council member Sack seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Schmid moved to approve State of NE 65990264 Lease Agreement - Addendum #8 between the City of St. Paul, as "Lessor," and Department of Administrative Services, State Building Division, as "Lessee", acting on behalf of Nebraska State Patrol, as "Tenant Agency," for office space located at 956 13th Avenue, St. Paul, NE 68873. The term of the lease shall be renewed for a two (2) year renewal period commencing March 1, 2024, and ending on February 28, 2026. The monthly rent of \$250.00 will remain the same. Council member Peters seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Sack moved to approve removing Joel Bergman (previous Mayor) from the City of St. Paul's Safe Deposit Box #100123 at Citizens Bank & Trust and adding Mayor Mike Feeken, City Clerk Connie Jo Beck, Deputy Clerk Laura Berthelsen and City Treasurer Sally Einspahr. Council member Schmid seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Council member Sack moved to approve the City advertising for a Recycling Center (Landfill) employee at an hourly wage of \$15. Council member Peters seconded the motion. Council members Schmid, Peters & Sack voted aye, nays none. Motion carried 3/0.

Chief of Police Dan Howard stated that Police Officer Thomas Holmes is having difficulty searching for a home in St. Paul, NE; Officer Holmes did find a home 1.5 miles out of City limits. Chief of Police Howard is requesting that the Mayor and Council discuss an allowable distance for Officer Holmes to take a patrol vehicle out of City limits. Council member Sack moved to approve Officer Holmes living within a five (5) mile radius of City limits and also give Officer Holmes a period of one (1) year to find a home within City limits; this is a temporary condition. Council member Schmid seconded the motion. Council members Schmid & Sack voted aye, Council member Peters voted nay. Motion carried 2/1. Police Officer Holmes intends to live in St. Paul when he finds a suitable home.


Utilities Superintendent Helzer reported that the St. Paul Water Commissioner Jeremy Gorecki and Water Operator Dillon Paczosa updated the Water Treatment Plant with new paint, upgraded the furniture, re-furbished the counter-tops and updated the TV monitor to observe the water system. Utilities Superintendent invited the Mayor and Council to visit the plant.

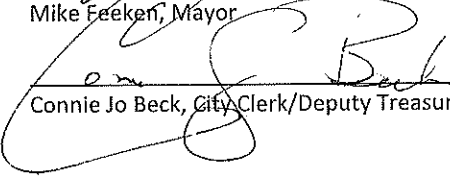
Chief of Police Howard updates: (1) Chief of Police Dan Howard and Police Officer Matt Sample attended a 32 hour required mental health class in Lincoln, NE last week; and (2) on Thursday, February 22, 2024 at 10:00 a.m. persons are invited to an event called "Coffee with a Cop" at Brookefield Park, St. Paul, NE.

Mayor Mike Feeken updates: (1) Police Officer Matt Sample is requesting permission to work from home on his therapy days so that he is better able to keep his leg elevated. Per the League Association of Risk Management (LARM), Officer Sample is allowed to perform his job duties from wherever, as long as the job duties are within his restrictions. If the City is okay with him working from home on days he has physical therapy, that is fine; (2) Utilities Superintendent Helzer presented a snow removal spreadsheet that conveys the cost of moving snow in January 2024; (3) a Police Officer collided with a raccoon damaging the patrol car; the bumper will need to be replaced; the approximate damage is \$2,000; (4) the Police Dept. will remove bats in certain cases in St. Paul; and (5) Special Fire Station meeting on Wednesday, February 21, 2024 at 6:00 p.m. at the St. Paul Fire Station conference room to discuss the mechanical, electrical and additional design plans for the new Fire Station.

Mayor Feeken adjourned the City Council meeting at 8:41 p.m.

March 4, 2024
Date


Mike Eeeken, Mayor


Connie Jo Beck, City Clerk/Deputy Treasurer