**Minutes Of City Council**

**City Of Sargent, Nebraska**

**Regular Session**

**Sargent Community Center**

**May 9, 2022**

The Mayor and Council of the City of Sargent, Nebraska, met in Regular Session at the Sargent Community Center on the 9h day of May 2022, at 7:00 p.m. Notice of the meeting was posted at the City Office, U. S. Post Office, Sargent Corner Market and First National Bank on Monday May 2, 2022. The following were present: Council Members: Ricky Hightower, Tim Clayton, Mayor Kozeal, City Attorney, Carl Haberstick, City Administrator/Utility Superintendent Reece Jensen, and City Clerk/Treasurer Gwenda Horky.

Mayor Kozeal 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 on the east wall of the meeting room in the Sargent Community Center. Mayor Kozeal called the meeting to order at 7:03 p.m.

Council Member Clayton moved to approve the consent agenda. Council Member Hightower seconded. Voting yea: Hightower, Clayton, and Kozeal. Voting nay: None. Motion carried

Citizen Comments: Mark Koch objected to the meeting stating that a quorum was not present. Mark Koch when on say he was not please about the way the City marks a property for a Diggers Call and it was not fair for a business to not be allowed to dump the water from their basements into the sewer system like the Catholic Church does.

## Council Member Clayton moved to table the Custer County Zoning suggestion about cell towers. Council Member Hightower seconded. Voting yea: Kozeal, Hightower, and Clayton. Voting nay: None. Motion carried. Mark Koch announced that he protested the vote due to not having a quorum.

## NE State Statue 17-105. -Regular meetings of the city council of a city of the second class shall be held at such times as the city council may provide by ordinance. A majority of all the members elected to the city council shall constitute a quorum for the transaction of any business, but a fewer number of members may adjourn from time to time and compel the attendance of absent members. When the city council consists of four members as established by ordinance or home rule charter, the mayor shall be deemed a member of the city council for purposes of establishing a quorum when the mayor's presence is necessary to establish the quorum. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business.

**17-614. Ordinances; how enacted; title; revised election district boundary; ordinance.**

(1)(a) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the city council in a city of the second class or village board of trustees. The mayor of a city of the second class may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the city council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the city council.

Council Member Hightower introduced Ordinance # 524

AN ORDINANCE OF THE CITY OF SARGENT, CUSTER COUNTY, NEBRASKA, TO DESIGNATE ONE PARKING SPACE EXCLUSIVELY FOR HANDICAPPED OR DISABLED PARKING AT THE NORTHWST CORNER OF THE INTERESCTION OF WEST MAIN STREET AND 2ND STREET, TO ESTABLISH PENAL TIES FOR VIOLATIONS, TO REPEAL ALL ORDINANCES IN CONFLICT, AND TO RPOVIDE FOR AN EFFECTIVE DATE AND PBULICATION IN PAMPHLET FORM.

Council Member Hightower moved that the statutory rule requiring reading of three different days be

suspended, that Ordinance 524 be read by number only and placed on final passage Council Member Clayton seconded. Voting yea: Kozeal, Clayton, and Hightower. Voting nay: None. Council Member Hightower moved that Ordinance No. 524 be passed, approved and published as provided by law. Council Member Clayton seconded. Voting yea: Clayton, Hightower, and Kozeal Voting nay: None. Motion carried. The Major then stated the question “Shall Ordinance No. 524 be passed and adopted?” Voting yea: Hightower, Clayton, and Kozeal. Voting nay: None. The Major declared Ordinance No. 524duly adopted.

Every action taken to Pass Ordinance 524 was objected by Mark Koch date that a quorum was not present.

Council Member Clayton moved to applying for CDBG Funding for the NE DR 4420. Council Member Hightower seconded. Voting yea: Hightower, Kozeal, and Clayton. Voting nay: None. Motion carried.

Mark Koch announced that he protested the vote due to not having a quorum

Council Member Hightower moved to approve Mr. Rudy’s building for a green house at 307 S Hwy 183. Council Member Clayton seconded. Voting yea: Hightower, Clayton, and Kozeal. Voting nay: None. Motion carried. Mark Koch announced that he protested the vote due to not having a quorum.

Council Member Hightower moved to approve Paige & Justin Hughes building permit for a fence at 302 N 1st Street. Council Member Clayton seconded. Voting yea: Kozeal, Clayton, and Hightower. Voting nay: None. Motion carried. Mark Koch announced that he protested the vote due to not having a quorum.

Council Member Clayton moved to approve hiring Paige Smith as a lifeguard for $10.00 per hour. Council Member Hightower seconded. Voting yea: Kozeal, Hightower and Clayton. Voting nay: None. Mark Koch announced that he protested the vote due to not having a quorum.

Supervisor Reports were given.

Council Member Hightower moved that the City of Sargent adjourn into Executive Session at the hour of

7:41 pm for the protection of the public interest to discuss Jase Mauler tort claim. Council Member Clayton seconded. Voting yea: Hightower, Clayton and Kozeal. Voting nay: None Motion carried. Mark Koch announced that he protested the vote due to not having a quorum

Council Member Clayton moved to reconvene into regular session at the hour of 8:05 pm. Council Member Hightower seconded. Voting yea: Kozeal, Hightower, and Clayton. Voting nay: None. Motion carried.

Motion made by Council Member Clayton and seconded by Council Member Hightower to adjourn the meeting. Voting yea: Hightower, Kozeal, and Clayton. Voting nay: None. Motion carried. Meeting adjourned at 8:06 P.M.

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 Mayor

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 City Clerk

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| --- | --- | --- | --- |
| **Municipal** |  |   |   |
|  | **Check #** | **Date** | **Vendor** | **Amount** |
|  | 11661 | 5/2/2022 | Conner Construction | 2,400.00 |
|  |  |   |  Bury Tree Dump |  |
|  | 11663 | 5/3/2022 | Black Hills Energy | 333.50 |
|  |  |   |  Utilities |  |
|  | 11667 | 5/9/2022 | Appeara | 58.68 |
|  |  |   |  Supplies |  |
|  | 11668 | 5/9/2022 | Benefit Plans Inc | 125.00 |
|  |  |   |  Retirement Fee |  |
|  | 11670 | 5/9/2022 | Lammers, Abel, & Kaps, CPA's PC | 3,422.13 |
|  |  |   |  2020-2021 Audit |  |
|  | 11671 | 5/9/2022 | Louie's Body Shop | 290.24 |
|  |  |   |  Vehicle Maintenance |  |
|  | 11672 | 5/9/2022 | Nebraska Central Telephone Company | 339.96 |
|  |  |   |  Phone & Internet |  |
|  | 11673 | 5/9/2022 | Olsson Associates | 18,009.11 |
|  |  |   |  Engineering Fees |  |
|  | 11674 | 5/9/2022 | Sargent Corner Market | 15.38 |
|  |  |   | SCC - Supplies |  |
|  | 11675 | 5/9/2022 | Sargent Public School | 400.00 |
|  |  |   |  Liquor License |  |
|  | 11676 | 5/9/2022 | The Parts Bin | 75.64 |
|  |  |   |  Equipment Maintenance |  |
|  | 11677 | 5/9/2022 | Topkote, Inc. | 7,500.00 |
|  |  |   |  Crack Sealing |  |
|  | 11678 | 5/9/2022 | Trotter's Whoa & Go | 1,072.68 |
|  |  |   |  Fuel |  |
|  | 11679 | 5/9/2022 | Verizon | 40.01 |
|  |  |   |  IT Equipment |  |
|  | 11680 | 5/9/2022 | Burwell Tribune | 69.00 |
|  |  |   |  Advertising  |  |
|  | 11705 | 5/31/2022 | Black Hills Energy | 196.09 |
|  |  |   |  Utilities |  |
|  |   |  | Municipal May Payroll | 09,045.05 |
| **Utility** |  |  |  |
|  | 13659 | 5/3/2022 | Black Hills Energy | 450.75 |
|  |  |   |  Utilities |  |
|  | 13662 | 5/9/2022 | Absolute Plumbing | 873.25 |
|  |  |   |  Repair & Test Back Flow Preventer |  |
|  | 13663 | 5/9/2022 | Appeara | 195.41 |
|  |  |   |  Supplies & Uniforms |  |
|  | 13664 | 5/9/2022 | Atlas Automation LLC | 393.45 |
|  |  |   |  Fix water Caller |  |
|  | 13665 | 5/9/2022 | Benefit Plans Inc | 125.00 |
|  |  |   |  Retirement Fee |  |
|  | 13666 | 5/9/2022 | Central Dairy Supply, Inc | 285.00 |
|  |  |   |  Chlorine |  |
|  | 13667 | 5/9/2022 | Core & Main LP | 20.37 |
|  |  |   |  Rubber Washers |  |
|  | 13668 | 5/9/2022 | Lammers, Abel, & Kaps, CPA's PC | 3,422.16 |
|  |  |   |  2020-2021 Audit |  |
|  | 13669 | 5/9/2022 | Loup Central Landfill Assoc. | 497.00 |
|  |  |   |  Assessment |  |
|  | 13670 | 5/9/2022 | Maverick Truck Stop | 9,501.84 |
|  |  |   |  Fuel for Power Plant |  |
|  | 13671 | 5/9/2022 | NE Public Health Env Laboratory | 2,227.00 |
|  |  |   |  Water Lab Test |  |
|  | 13672 | 5/9/2022 | NMPP | 2,575.00 |
|  |  |   |  Reports to State for Light Plant |  |
|  | 13673 | 5/9/2022 | One Call Concepts, Inc | 21.65 |
|  |  |   |  Diggers |  |
|  | 13674 | 5/9/2022 | Peterson Legal Services, P.C. L.L. O. | 1,230.80 |
|  |  |   |  Legal |  |
|  | 13675 | 5/9/2022 | Prairie Eyecare Center | 10.00 |
|  |  |   |  R Jensen Eyewear |  |
|  | 13676 | 5/9/2022 | Taylor Heating & Cooling, LLC | 8,779.00 |
|  |  |   |  Boiler for the Engines |  |
|  | 13677 | 5/9/2022 | The Parts Bin | 158.41 |
|  |  |   |  Equipment Maintenance |  |
|  | 13678 | 5/9/2022 | Titan Machinery | 2,312.90 |
|  |  |   |  Repairs to Backhoe |  |
|  | 13679 | 5/9/2022 | Trotter's Whoa & Go | 287.67 |
|  |  |   |  Fuel |  |
|  | 13680 | 5/9/2022 | Mick Kozeal | 67.20 |
|  |  |   |  Mileage to Elba |  |
|  | 13681 | 5/9/2022 | Eakes Office Plus | 131.26 |
|  |  |   |  Office Supplies |  |
|  | 13682 | 5/9/2022 | J & J Sanitation | 7,903.13 |
|  |  |   |  Customer charge -$6,823.13 |  |
|  |  |   |  City Roll Off - $1,080.00 |  |
|  | 13684 | 5/20/2022 | Great Western Gas Co. | 414.75 |
|  |  |   |  Propane |  |
|  | 13687 | 5/31/2022 | Black Hills Energy | 232.52 |
|  |  |   |  Utilities |  |
|  | 13688 | 5/31/2022 | Custer Public Power District | 22,915.98 |
|  |  |   |  Purchase Power |  |
|  |  |  | Utility May Payroll | 27,719.57 |