

**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 9<sup>th</sup> 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 NORTHWEST CORNER OF THE INTERESCTION OF WEST MAIN STREET AND 2<sup>ND</sup> STREET, TO ESTABLISH PENAL

TIES FOR VIOLATIONS, TO REPEAL ALL ORDINANCES IN CONFLICT, AND TO PROVIDE FOR AN EFFECTIVE DATE AND PUBLICATION 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 Mayor then stated the question "Shall Ordinance No. 524 be passed and adopted?" Voting yea: Hightower, Clayton, and Kozeal. Voting nay: None. The Mayor declared Ordinance No. 524 duly adopted.

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

Council Member Clayton moved to apply 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 1<sup>st</sup> 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

**Municipal**

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Amount</u>
11661	5/2/2022	Conner Construction Bury Tree Dump	2,400.00
11663	5/3/2022	Black Hills Energy Utilities	333.50
11667	5/9/2022	Appeara Supplies	58.68
11668	5/9/2022	Benefit Plans Inc Retirement Fee	125.00
11670	5/9/2022	Lammers, Abel, & Kaps, CPA's PC 2020-2021 Audit	3,422.13
11671	5/9/2022	Louie's Body Shop Vehicle Maintenance	290.24
11672	5/9/2022	Nebraska Central Telephone Company Phone & Internet	339.96
11673	5/9/2022	Olsson Associates Engineering Fees	18,009.11
11674	5/9/2022	Sargent Corner Market SCC - Supplies	15.38
11675	5/9/2022	Sargent Public School Liquor License	400.00
11676	5/9/2022	The Parts Bin Equipment Maintenance	75.64
11677	5/9/2022	Topkote, Inc. Crack Sealing	7,500.00
11678	5/9/2022	Trotter's Whoa & Go Fuel	1,072.68
11679	5/9/2022	Verizon IT Equipment	40.01
11680	5/9/2022	Burwell Tribune Advertising	69.00
11705	5/31/2022	Black Hills Energy Utilities Municipal May Payroll	196.09 09,045.05

**Utility**

13659	5/3/2022	Black Hills Energy Utilities	450.75
13662	5/9/2022	Absolute Plumbing Repair & Test Back Flow Preventer	873.25
13663	5/9/2022	Appeara Supplies & Uniforms	195.41
13664	5/9/2022	Atlas Automation LLC Fix water Caller	393.45
13665	5/9/2022	Benefit Plans Inc Retirement Fee	125.00
13666	5/9/2022	Central Dairy Supply, Inc Chlorine	285.00
13667	5/9/2022	Core & Main LP Rubber Washers	20.37
13668	5/9/2022	Lammers, Abel, & Kaps, CPA's PC 2020-2021 Audit	3,422.16
13669	5/9/2022	Loup Central Landfill Assoc. Assessment	497.00
13670	5/9/2022	Maverick Truck Stop Fuel for Power Plant	9,501.84
13671	5/9/2022	NE Public Health Env Laboratory Water Lab Test	2,227.00
13672	5/9/2022	NMPP Reports to State for Light Plant	2,575.00
13673	5/9/2022	One Call Concepts, Inc Diggers	21.65
13674	5/9/2022	Peterson Legal Services, P.C. L.L. O. Legal	1,230.80
13675	5/9/2022	Prairie Eyecare Center R Jensen Eyewear	10.00
13676	5/9/2022	Taylor Heating & Cooling, LLC Boiler for the Engines	8,779.00
13677	5/9/2022	The Parts Bin Equipment Maintenance	158.41
13678	5/9/2022	Titan Machinery Repairs to Backhoe	2,312.90
13679	5/9/2022	Trotter's Whoa & Go Fuel	287.67
13680	5/9/2022	Mick Kozeal Mileage to Elba	67.20
13681	5/9/2022	Eakes Office Plus Office Supplies	131.26
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