CITY OF BENKELMAN

CITY COUNCIL MEETING

MONDAY MAY 16, 2022

REGULAR MEETING

The City Council met in the Council Chambers at 6:30 p.m. for the regular council meeting. Present: Mayor Robert Rhoades; Council Members JoAnn Decker, Deb Stamm, Nicholas Baney, Barb Pinkerton; City Superintendent James Summers; City Clerk Diane Rosenfelt; Acting Police Chief/Sheriff Nichols (arrived at 6:37 p.m.); City Attorney Jon Schroeder (phoned in at 6:33 p.m.). Others Present: Matt Clause; Engineering International, Larry Boyd, Carl & Linda Seabolt, Greg Burrows, Shane Sis, Sharon Rhoades, Paul Higgins, Jason Frederick, Tammy Buffington, Debra Herbert, Mary Deyle, Gary Ham and Trevor Horner.

Following the Pledge of Allegiance to the flag of the United States of America, Mayor Robert Rhoades called the meeting to order and stated that we follow the open meetings law, which is posted on the south wall by the main entrance.

Mayor Rhoades welcomed all in attendance to the meeting. Mayor Rhoades discussed getting the road done into the new city shop, they will be working on getting that finished.

Council member JoAnn Decker and Paul Higgins have been looking at the suggested rate increases by Nebraska Rural Water Association. Mr. Higgins was present at the meeting and gave a presentation dealing with the cities water and sewer rates that are based on the rate study done by Nebraska Rural Water Association. The rates for both are concerning the base rates along with the usage. Nebraska Rural Water Association gives the city their recommendations on what our rates should be looking over our revenues, expenditures and debt repayment. The city has not raised water rates since 2018 and sewer rates since 2012.

Attorney Jon Schroeder discussed the list of Nuisances. The cases we had scheduled for hearings have been continued to June 1st. The ones that did show pled not guilty; the judge seemed supportive of the city. They wanted a follow up letter setting up details of what they needed to do specifically. Attorney Schroeder will need to speak with Whitney in his office and get back to us next month on where we are on all these cases, so we can finish and move on with new cases.

Attorney Schroeder discussed letters he had signed the night of April 13, 2022, to the taxing entities. The City Council received a copy of their letter at the meeting, Monday May 16, 2022, at 6:00 when they arrived at the meeting. The letter had been e-mailed to Attorney Jon Schroeder. There are two (2) questions to answer: (1) Would you be willing to waive your share of the money, if the answer is no then (2) Are you willing to settle like the proposal that has been made to all the other taxing entities? Attorney Schroeder recommends the council vote on this issue tonight. If one taxing entity votes no, the proposal is no longer good and will not move forward. Council member JoAnn Decker and Nick Baney had some issues on statements being made and people being told how they need to vote; this is getting way out of hand. Members of the CRA spoke to those in attendance as well as some of the individuals who were present. This is just a bad situation for the community, and we need to settle and move forward and not waste more money on attorneys; we have been dealing with this for over two years. Where the council did not see this letter until tonight when they got to the meeting, they would like to put this item on the agenda for next month’s meeting.

Matt Clause of Engineering International was present and reported on the progress of the new city shop. Matt reported that the truss issues have been settled within the time frame. They are hoping that the middle of June they will be doing the substantial completion. Everything is looking good; we will have a pay application to take care of next month.

Council member Nick Baney made the motion to approve the additional $23,770.20 to IES Commercial for the recloser project, seconded by JoAnn Decker. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member JoAnn Decker made the motion to approve the Engineers recommendation of Award for Substation Recloser Replacement to the low overall bid of IES Commercial, Inc. out of Holdrege, Nebraska, seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member Barb Pinkerton made the motion to approve the mayor’s appointment of JoAnn Decker, Nick Baney, John Swanson, Justin Schorzman and Josh Bailey to work on a Zoning Fine Fee Schedule, seconded by Deb Stamm. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Trevor Horner was present at the meeting to discuss the water damage at the concession stand. League Association of Risk Management sent a Senior Claims Adjuster out to look over the damage. Based upon our appraiser’s estimate of damages, the total damages are $2,124.01, which would make that under our $2,500.00 deductible. The repairs along with the changes the Benkelman Ball Association is asking for the city would have to pay. The city does have money budgeted for this and they told Trevor to go ahead and move forward with the project.

Council member JoAnn Decker made the motion to approve the $8,800.00 for repair on the concession stand at the ball diamond, seconded by Nick Baney. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

City Clerk Diane Rosenfelt read the 2nd reading of Ordinance No. 2022-831. Council member JoAnn Decker made the motion to approve the 2nd reading of Ordinance No. 2022-831:

 AN ORDINANCE OF THE CITY OF BENKELMAN, NEBRASKA, AMENDING USER CHARGES FOR WATER SERVICE; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

Council member Barb Pinkerton seconded the motion to approve the 2nd reading of Ordinance No. 2022-831. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

City Clerk Diane Rosenfelt read the 2nd reading of Ordinance No. 2022-832. Council member Barb Pinkerton made the motion to approve the 2nd reading of Ordinance No. 2022-832:

 AN ORDINANCE OF THE CITY OF BENKELMAN, NEBRASKA, AMENDING PRIOR ORDINANCES REGARDING THE USER CHARGE FOR THE WASTEWATER TREATMENT SYSTEM IN THE CITY OF BENKELMAN, NEBRASKA, TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR PUBLICATION.

Council member Nick Baney seconded the motion to approve the 2nd reading of Ordinance No. 2022-832. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member JoAnn Decker approved the City Attorney’s recommendation to pay the 2nd half of 2020 taxes plus interest on Lots 1-2, Block 3, Collinsville Addition to Benkelman where the new city shop is going, as this lot was donated to the city from the CRA, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Greg Burrows gave an update on the CRA. Mr. Burrows did state that Megan Spargo has put her resignation in for the end of this month.

Acting Police Chief/Sheriff Nichols gave the Sheriff’s Report. Sheriff Nichols reported on some repairs that are needing to be made at the Dog Pound.

**CONSENT AGENDA ITEMS:**

Council member Deb Stamm made a motion to approve the consent agenda, seconded by JoAnn Decker. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

* Approve Minutes of April 18, 2022, regular and virtual meeting.
* Approve Treasurers Report.
* Approve CD Balances.
* Approve Bills.
* Planning Commissions Minutes: Zoning Permits Approved: Debra Herbert Fence Permit at 312 W 5th Ave. James Oyler Storage Shed at 721 C Street.
* Approve Invoice No. 22 0330 to Miller & Associates in the amount of $7,250 for C&D Site Renewal.
* Approve Resolution No. 5-16-22 #1 for City of Benkelman Planning Commission Members.
* Approve Statement #5 to Hanna:Keelan in the amount of $2,400 for Benkelman, Nebraska Comprehensive Planning Program---100%.
* Deobligate funds to SWNCBC in the amount of $15,420.62 OOR Program.

City Clerk Diane Rosenfelt discussed with the council that Municipal Accounting & Finance Conference will be held June 15th through June 17th in Kearney. The council made the decision to move our June council meeting from June 20th to June 27, 2022.

Enclosed in the packets was a Water Report that was submitted by Jeremiah Unger (attached to these minutes).

City Clerk Diane Rosenfelt spoke to the council about only having the (2) two pool manager applications and (1) one lifeguard application. It sounds like there is a lot of communities having problems getting applications for their swimming pools. Council member JoAnn Decker made the motion to advertise again and pay lifeguards $14.00/hour, seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed. Next month agenda we will discuss wages again for the swimming pool managers and the outside part time helpers.

City Clerk/Treasurer Diane Rosenfelt gave her monthly report (attached to these minutes).

City Superintendent James Summers gave his monthly report (attached to these minutes).

Council member JoAnn Decker made the motion to put out bids for sewer lining, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Meeting adjourned at 8:38 p.m.

 Robert Rhoades, Mayor

ATTESTED:

Diane L. Rosenfelt, City Clerk