CITY OF BENKELMAN

CITY COUNCIL MEETING

MONDAY JUNE 27, 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; Deputy Lucci (arrived at 6:40 p.m.); City Attorney Jon Schroeder (arrived at 6:45 p.m.). Absent: Acting Police Chief/Sheriff Nichols. Others Present: Matt Clause; Engineering International, Larry Boyd, Linda Seabolt, Greg Burrows, Sharon Rhoades, Jeanette Wonderly, Jason Frederick, Tammy Buffington, Scott & Amy Shillington, Mary Deyle, Randall Raile, Buck Menuez, Susan Glasco, Jennifer Fries, Cammi Merklin, Linda Jones, and Gary Burke; Dundy County Attorney.

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 is really excited for the city that the Blackshirt Feeders is coming to town, and possibly adding to our population, also the CRA and Dundy County Schools working on a Daycare. Mr. Rhoades also commented on the new city shop being completed and it is a nice building.

Susan Glasco visited with the city council concerning the train whistle and the cities whistle at 7:00 a.m., 12 noon and 6:00 p.m. Mrs. Glasco had a handout stating that only local governments or public agencies may establish a quiet zone. Mayor Rhoades asked for council comments and any comments from the public. It was the consensus of the group to leave the whistles the way

they are currently. There were some safety issues that the council felt could cause more problems if the trains did not blow their whistle at the crossing.

Jennifer Fries and Cammi Merklin of the PINC Ladies were in attendance to discuss repairs to the Scout House. In 2020 the PINC (Priorities in the Community) Ladies received a grant from the Hansen Foundation to update the Chill Zone located at the Lion’s Club/Scout House in Benkelman. Their goal is to provide a safe place for teens (6th-12th grade) to have activities. With the money that was received they plan to place new flooring, paint, install a railing and update the space overall. They also discussed the city employees spraying for the stickers around the area. Council member Nick Baney made the motion to give the go ahead to proceed with the facelift on the Chill Zone/Scout House with the PINC Ladies, seconded by Barb Pinkerton. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Greg Burrows a member of the CRA spoke to the council and those in attendance about the ongoing issues with the County concerning TIF Tax distribution and resolution discussion between the taxing entities. Mr. Burrows talked about how long this has been going on and the money being spent on Attorney’s. The (5) member board are all volunteers and the only mistake that was made is that their understanding was they had 15 years to pay back the bond to Gavilon instead of the 10 years. All taxing entities have received a settlement letter that they have been discussing and attempting to come up with an agreement between all parties. Mr. Burrows wishes that everyone would vote for this settlement and move on.

Council member JoAnn Decker made the motion to open the Public Hearing on the final approval of the Benkelman, Nebraska Comprehensive Plan 2032 and the Community Housing Study 2032, seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Mayor Rhoades spoke to those in attendance that Keith Carl, Community Planner with Hanna:Keelan has been the one working on these plans, that will need to be reviewed yearly. Both plans are very important for the community to receive grants. If anyone would like to review the plans, there are copies in the city clerk office.

Council member JoAnn Decker made the motion to close the Public Hearing on the final approval of the Benkelman, Nebraska Comprehensive Plan 2032 and the Community Housing Study 2032, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member JoAnn Decker made the motion to approve the final Benkelman, Nebraska Comprehensive Plan 2032 and the Community Housing Study 2032 as presented, seconded by Deb Stamm. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Matthew Clause of Engineering International was present to inform the city council that the new building is complete, and the city has done a walk through and insured the building. City Clerk Diane Rosenfelt read a memo that was sent from Brad Rockwell of Rockwell Construction concerning a couple of items. They had to replace some panels that were damaged on the back side of the building by apparently nobody and Brad went ahead and caulked the control joints in the entire building, which both items were above the contract. No change orders were submitted. The city is under no obligation to pay for these items, but it would help with the amount of money that was lost due to fuel prices being extremely higher than when the job was bid. Council member JoAnn Decker made the motion to approve the AIA Document G704-2017 Certificate of Substantial Completion and have Mayor sign, seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Nick Baney made the motion to approve the Final Pay Application #3 in the amount of $301,447.50 to Rockwell Construction, seconded by Deb Stamm. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member JoAnn Decker made the motion to pay Rockwell Construction $2,457.86 for the damaged panels on the new shop, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

The council did not approve to pay for the caulking of all the control joints.

City Attorney Jon Schroeder and Dundy County Attorney Gary Burke were here to answer any questions concerning CRA/Dundy County Settlement. Attorney Burke discussed the entities that have voted that he was aware of. Mr. Burke stated that we have the settlement proceeds from Mr. Raile, and he would recommend to all entities that they take the settlement, this is the only money we have at this time; it would end the prospect of any litigation at this point; if rejected the situation would be that everyone has to lawyer up, and you will lose a lot of money and there will be no funds left. Attorney Schroeder recommends to the council that if they do not plan on voting for this settlement that we go into closed session because we are talking about potential litigation.

Council member Nick Baney made the motion to go into Closed Session at 7:45 p.m. to discuss possible litigation with the CRA/Dundy County Settlement with Dundy County Attorney Gary Burke, City Attorney Jon Schroeder, Mayor Robert Rhoades, Council members; JoAnn Decker, Nick Baney, Barb Pinkerton, Deb Stamm, CRA members; Buck Menuez, Greg Burrows, Mary Deyle, Randall Raile, City Superintendent James Summers and City Clerk Diane Rosenfelt, seconded by JoAnn Decker. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed. City Clerk Diane Rosenfelt shut the recorder off.

Mayor Robert Rhoades stated that the subject matter to be discussed in Closed Session shall be limited to CRA/Dundy County Settlement.

Council member JoAnn Decker made the motion to come out of Closed Session at 8:21 p.m., seconded by Barb. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Nick Baney made the motion to table CRA/Dundy County Settlement to July 18, 2022, seconded by JoAnn. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Attorney Jon Schroeder discussed the list of Nuisances: (14) done, (2) pending in District Court, (1) motion for default pending and (7) cited in County Court pending. Mr. Schroeder is working on a title search for (1) property and will keep working on that.

City Clerk Diane Rosenfelt read the 3rd reading of Ordinance No. 2022-831. Council member Nick Baney made the motion to approve the 3rd 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 3rd reading of Ordinance No. 2022-831. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member Nick Baney made the motion to adopt Ordinance No. 2022-831, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

City Clerk Diane Rosenfelt read the 3rd reading of Ordinance No. 2022-832. Council member Barb Pinkerton made the motion to approve the 3rd 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 Deb Stamm seconded the motion to approve the 3rd reading of Ordinance No. 2022-832. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member Barb Pinkerton made the motion to adopt Ordinance No. 2022-832, seconded by JoAnn Decker. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Greg Burrows gave an update on the CRA. Council member Barb Pinkerton made the motion to approve the CRA May and June minutes as presented, seconded by JoAnn Decker. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Deputy Lucci dropped off the Sheriff’s Report earlier in the evening.

**CONSENT AGENDA ITEMS:**

Council member JoAnn Decker made a motion to approve the consent agenda as presented and to transfer $4,262.31 from city sales tax to water and $12,939.73 from city sales tax to roads, seconded by Nick Baney. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

* Approve Minutes of May 16, 2022, regular and virtual meeting.
* Approve Treasurers Report.
* Approve Bills.
* Planning Commissions Minutes: Zoning Permits Approved: Kacey Fries; Greenhouse at 823 Gage Street/Trevor Borchard; Deck on back of house at 817 C Street. Zoning Permit Not Approved: Jenny Brandt; Storage Unit on the corner of Chief & W. 10th Avenue.
* Consider bids received and approve Notice of Award to Hydro Optimization & Automation Solutions in the amount of $107,074.00 for Benkelman SCADA Upgrades.
* Approve payment of $40.00 to Dominic Sis/Shane Sis for Swimming Pool Operator Certificate of Competency.
* Approve charges at the Swimming Pool.

Council member JoAnn Decker made the motion to approve Swimming Pool Managers at $16.50/hr. and Lifeguards at $14.00/hr., seconded by Nick Baney. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member Barb Pinkerton made the motion to approve $14.00/hr. for the (2) two outside part-time workers, seconded by JoAnn Decker. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member JoAnn Decker made the motion to approve the (2) part-time Dump & C&D Site employees at $14.00/hr., seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

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

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 Nick Baney made the motion to go into Closed Session at 9:05 p.m. to discuss wages, seconded by JoAnn Decker. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Mayor Robert Rhoades stated that the subject matter to be discussed in Closed Session shall be limited to employee wages.

Council member JoAnn Decker made the motion to come out of Closed Session at 9:21 p.m., seconded by Nick Baney. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

No action taken.

Meeting adjourned at 9:25 p.m.

 Robert Rhoades, Mayor

ATTESTED:

Diane L. Rosenfelt, City Clerk