CITY OF BENKELMAN

CITY COUNCIL MEETING

MONDAY JULY 18, 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 Clerk Diane Rosenfelt; Acting Police Chief/Sheriff Nichols (arrived at 6:42 p.m.); City Attorney Jon Schroeder (arrived at 6:35 p.m.). Absent: City Superintendent James Summers. Others Present: Linda Seabolt, Sharon Rhoades, Paul Higgins, Jason Frederick, Mary Deyle, Charles Edward King, Buck Menuez, Elsie Mae Hardwick, Jean Marie Jones, Amy Frederick, Linda Jones, Gary Burke; Dundy County Attorney, Jess Vanden Berge; Five Rule Planning, Aaron Keiser and Jeremy & Karmen Borchard.

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 updated the council and those in attendance of the Tuesday, July 12, 2022, Pre-Construction Meeting by Teleconference for the Substation Recloser Replacement. Commencement date for this project is August 1, 2022, with completion date of September 2, 2022. Mayor Rhoades discussed the road work still being done on 13th Avenue going into the shop.

Council member JoAnn Decker wanted to thank Jesse Mallett for the use of the dozer at the C&D Site, since the Cities is broke down, and also BWTelcom for the use of their equipment due to our water project. It is nice seeing people help each other out, the mayor agreed with this statement.

Jean Marie Jones and Elsie Mae Hardwick was at the meeting to discuss the fire behind their properties on Sunday, July 17, 2022. This came from a transformer behind Elsie’s house. The city had been up there today and looked at it, but she was not sure what they found out. The light pole is right behind Elsie’s house and the wires do a lot of swaying with the wind. They are thinking that maybe the electric line could be put underground. City Superintendent was not present at the meeting, we will have to talk with him to see what can be done and he can visit with Elsie and Jean Marie Jones to see what repairs can be done to make it safer around the area.

Amy Frederick was present at the meeting to discuss the Downtown Revitalization Program (DTR) that had been worked on a few years ago. The grant application is due September 15, 2022, if we still want to pursue it, which she does not want to see us lose out on this. She is asking that the city council pursue this project and that she would be willing to assist in any way she can and work as a team to get this done. Council member JoAnn Decker made the motion to try and procure the grant for the DTR Program, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Jess Vanden Berge from Five Rule Planning was present to give an update on the Vacant Property Registry (VPR). As of now, we have 14 properties on the list, there were 2 taken off today, but 2 more were added, so we are still at 14. Five Rule Planning is working on getting the 2nd fees letters out to the owners, which there are 8. The second fees are going to be due on August 31, 2022. We started out with 38 properties; progress is being made.

Attorney Schroeder discussed the CRA & Dundy County Settlement Letter and that the council had received financial information; Mr. Schroeder wanted to know if anyone had any questions. Council member Nick Baney and JoAnn Decker spoke of some pages missing from the report; 5-7 of the income and 14-19 of expenses. Mrs. Decker talked about the Profit & Loss report not matching the numbers from the details behind. This is a concern to her. Dundy County Attorney Gary Burke stated that he was missing the same pages. Council member JoAnn Decker said she would not base her opinion on a half-filed document. Attorney Schroeder said he would try again to get all the information needed to the council. Mary Deyle is going to get a copy of the bank statements from the beginning of the CRA to Dundy County Attorney Gary Burke, and he will get a copy to the city council members and Attorney Schroeder.

Attorney Schroeder discussed Claim No. LARL 10567A1/Member: City of Benkelman/ Claimant: Dundy County/ Date of Loss: 03/01/2021. This is the official notification of the denial for the City of Benkelman’s and the CRA’s request for indemnity for any losses or damages incurred because of Dundy County’s claims. Lamson Dugan & Murray, LLP Attorneys At Law (LDM) for LARM gave their analysis that revealed numerous provisions in the LARM Coverage Documents that either do not cover the claims or damages alleged, or that specifically exclude such claims or damages, all for the reasons set forth herein. The consistency of the exclusions shows that the Coverage Document was simply not intended, nor underwritten, to reimburse a member for errors related to breach of contract, or the acceptance or expenditure of tax monies.

Attorney Schroeder along with the council looked over the Nuisance Summary of July 2022 that Nuisance Officer Lynette Behlke has sent out. There were 18 courtesy letters mailed on July 7, 2022, of properties that need to be cleaned up. We will see what she gets cleaned up before we turn them over to the City Attorney to process.

Attorney Schroeder had court about a week ago where he handled the hearings. They have all been set for trial on the 18th of August. There are (4) four set for trial, one may be dismissed as it has been cleaned up. Lynette will get new pictures of the property and if so, that one will be dismissed.

Buck Menuez gave an update on the CRA. Buck questioned the council on their stance for applying for or providing matching funds for FEMA Fire Mitigation Grant, CDBG Downtown Revitalization Phase II-Implementation and the Nebraska State Game and Parks grant for trails.

Acting Police Chief/Sheriff Nichols gave the Sheriff’s Report.

**CONSENT AGENDA ITEMS:**

Council member JoAnn Decker made a motion to approve the consent agenda with amended minutes on page 2, paragraph 8 dealing with Closed Session at 7:45 p.m. to remove CRA members: Buck Menuez, Greg Burrows, Mary Deyle and Randy Raile as they did not stay in the Closed Session and also to transfer $58,604.84 from City Sales Tax to Roads, seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

* Approve Minutes of June 27, 2022, regular and meeting.
* Approve Treasurers Report.
* Approve Bills.
* Planning Commissions Minutes: Zoning Permits Approved: Charles Edward King; Fence Permit at 111 Eagle Street/Derrick Jarmin; Alteration windows/store front at 421 Chief Street/Dundy County Processors; Demo of old Hog Shed at 70338 Hwy. 61/Dundy County Processors; Fence Permit at 70388 Hwy. 61. Zoning Permit Not Approved: Kenny Nash; Fence Permit.
* Approve payment of $750.00 to Five Rule Planning for Yr. 2, Quarter 3 of the VPR Inv-0275.
* Approve payment of $618.70 Inv-BCS20-4 to Engineering International.
* Approve payment of $1,372.00 to RVW Inv-08429.
* Approve to renew Health Insurance with BCBS with no rate increase for 9-1-2022/8-31-2023.
* Approve Resolution No. 7-18-2022 #1 LARM 2022-2023 Renewal Resolution.

The Mayor and City Council discussed increases at the C&D Site; Disposal from .045/per pound to .10/per pound and the C&D Site .03/per pound to .08/per pound. City Clerk Diane Rosenfelt will go to the Commissioners Meeting and discuss this with them.

City Clerk Diane Rosenfelt will visit with Michael Hoback of AMGL to set up our Budget Workshop at 3:00 p.m. on August 4, 2022.

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).

Council member JoAnn Decker would like for City Superintendent James Summers to have a plan for the new shop and a cost of what he will be needing up there for the meeting in August.

City Superintendent James Summers was absent; his monthly report is attached to these minutes.

Meeting adjourned at 7:47 p.m.

Robert Rhoades, Mayor

ATTESTED:

Diane L. Rosenfelt, City Clerk