CITY OF BENKELMAN

CITY COUNCIL MEETING

MONDAY MARCH 28, 2022

REGULAR & VIRTUAL MEETING

The City Council met in the Council Chambers at 6:30 p.m. for the regular and virtual council meeting. Present: Council Members JoAnn Decker, Barbara Pinkerton, Deb Stamm, Nicholas Baney; City Superintendent James Summers; City Clerk Diane Rosenfelt; Acting Police Chief/Sheriff Nichols; City Attorney Jon Schroeder (arrived at 8:10 p.m.). Absent: Mayor Robert Rhoades. Others Present by Phone: Jess Vanden Berge; Five Rule Planning, Keith Carl; Hanna:Keelan and Randy Shotkoski; Hydro Optimization & Automation Solutions: By Zoom: Bobbi Pettit; Five Rule Planning & Paul Higgins: In Person: Matt Clause; Engineering International, Michael Hoback; AMGL, Buck Menuez, Larry Boyd, Pam Shaw, Jeanette Wonderly, Larry & Carol Wiese, Trevor Horner, Frank Merklin, Tish Burrell, Diana Martin, Linda Jones, Greg Burrows, Shane Sis, Gary Cabral, Tammy Buffington and Tim Smith.

Following the Pledge of Allegiance to the flag of the United States of America, Council President JoAnn Decker 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.

Council President JoAnn Decker welcomed all in attendance to the meeting. Mrs. Decker asked those in attendance if they had anything to bring up before we get down to citizens’ concerns and if the council members had any comments. No one had any comments.

Mrs. Decker discussed her visit with Nate Schneider the City Manager of McCook and other items. Items discussed:

1. They discussed maybe getting the Mayor and Council Members together with Mr. Schneider and Nate Mustion City Attorney for McCook and find better ways to communicate with each other. It seems like we are not communicating well with each other, and we don’t hear and comprehend what the citizens are wanting done, to make our town better.
2. They discussed their duties being transparent. Mrs. Decker believes when there are important issues that come before the council, we need to make sure that we have discussions and if it involves raising of our utility rates it would be better to have the three (3) readings of the Ordinance and give the citizens a chance to voice their concerns.
3. They discussed Benkelman having a City Manager, as this has been brought up; Benkelman is too small to have a City Manager type government.
4. Mrs. Decker is concerned that we have too many projects going on at one time; and they are moving slow. We need to push forward and get things done.
5. The office is working on putting information together for new city council members and Mayor’s that will be helpful when someone new takes office.
6. Discussed amending the Ordinance on the Planning Commission Board from 9 members to 7, as we have had a hard time keeping the Board full.
7. Western Resources Group mileage rate increase from $2.00 to $3.25 per mile. This company is the one that picks up our roll-off containers.

Council member Nick Baney made the motion to set up a meeting with Nate Schneider City Manager of McCook, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Nick Baney made the motion to amend the Ordinance for members on the Planning Commission Board from 9 members to 7, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Frank Merklin discussed the Ward Bond sign that was south of town. We have a donor that would like to replace the sign. This process will need to be handled by the City and the State of Nebraska. The old sign permit has the wrong landowner listed, so a new lease will need to be signed by the landowners and the City of Benkelman.

Gary Cabral was in attendance to discuss the vacant property registry. Mr. Cabral has a home he owns in town, and it is being worked on; he doesn’t feel that he should be fined for it being vacant while he is working on it. He is looking at trying to buy more property in town to fix up for rentals or to sell and wants the city to work with him. He talked to members of the CRA that were present at the meeting and will work with them on some of their properties. The council advised him to talk with Five Rule Planning as far as the vacant property registry. The President of the Council is concerned about all this property being purchased and down the road it is still in need of repair. This is not what we want to see.

Shane Sis was present to discuss the Collinsville Addition. Mr. Sis is representing the Dundy County Investment Club and they are working on housing. They are interested on what the plans are as far as utilities and streets in that area. Shane would like to be put on the agenda for next month; so, they know what direction to go with the housing issues. He is looking to see what the Cities plans are for the area in the Collinsville Addition.

Trevor Horner talked about the ballfield and all that it is being used for. There was some damage done last year on the concession stand and they are wanting on the agenda for next month to discuss repairs on the building.

Michael Hoback of AMGL CPA’s & Advisors was present to give the 2020-2021 Audit Report. AMGL does audits for around 75 communities in the State of Nebraska. Mr. Hoback distributed a two-page summary report which compared the City of Benkelman audit report to other communities of a similar size. The size of the City’s accounting and administrative staff is so small that the City Council needs to remain involved in the financial affairs of the City to provide oversight and independent review functions. They recommend that we continue to monitor the operating costs of providing services in the utility funds for necessary increases in the rates and not falling behind. Mr. Hoback thanked the office staff for all their help in preparing for the audit. Mrs. Decker did question Michael about a transfer of $320,000 from the CRA Account to the City Account. Mr. Hoback suggested that the money was for the CRA and should be in the CRA Account not a City Account.

Council member Barb Pinkerton made the motion to approve the 2020-2021 audit report as presented by Michael Hoback of AMGL CPA’s & Advisors, seconded by Deb Stamm. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member Deb Stamm made the motion to open the Public Hearing for the One-And Six-Year Road Plan, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Tim Smith City Street Superintendent was in attendance and gave a One-And Six-Year Road Plan slide show of projects that have been completed and the ones that are scheduled to be done. No one present gave testimony.

Council member Nick Baney made the motion to close the Public Hearing for the One-And Six-Year Road Plan, seconded by Barb Pinkerton. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Barb Pinkerton made the motion to pass Resolution No. 3-28-2022 #1 for the One-And Six-Year Road Plan, seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Randy Shotkoski from Hydro Optimization and Automation Solutions reported on Water System Equipment being obsolete. When Mr. Shotkoski was last in Benkelman about a month and half ago, he had discussed the system in Benkelman and that it has obsolete equipment and will have more obsolete equipment in a few years. Currently in our water control system our master programmable logic controller (PLC), and tower-level radio system is obsolete. Coming up for obsolescence is our well site PLC. Another issue that we will run into is the radio system between the water treatment plant, well control house and lift station are not capable of handling all the traffic of the new series of PLC we will need to move up to with the upgrades. The total proposal for this is $82,017.00. Council member Barb Pinkerton made the motion to have City Superintendent James Summers have Miller & Associates work on bid specs for the water and sewer communication upgrades, seconded by Deb Stamm. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Keith Carl of Hanna:Keelan was present on the phone. Mr. Carl has been working on new (proposed) Zoning Maps for the City and the Planning Jurisdiction for the council and Planning Commission to review and discuss. Frank Merklin, President of the Planning Commission had questions on some of the proposed changes that he will visit with Keith about later and have a bigger map to look over the changes. We will be working on getting public hearings in place to approve the Comprehensive Plan and the Housing Study that has been completed.

Matt Clause of Engineering International was present and gave an update on the new city shop.

Council member Deb Stamm made the motion to approve Resolution No. 3-28-2022 #2, a Resolution to File Notice of Special Assessment and Lien Against Properties for Violation of Vacant Property Registration Ordinance, seconded by Nick Baney. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Attorney Schroeder was present and discussed the Nuisance Summary Properties:

1. Lot 1, Block 19, Hiddleston’s Addition: ISSUE CITATION
2. 320 Arapahoe Street: DONE
3. 905 Chief Street: DONE
4. 1305 D Street: HEARING SET IN DUNDY COUNTY COURT FOR APRIL 20TH AT 9:00 A.M.
5. 1021 Arapahoe Street: SET HEARING FOR APRIL 18TH COUNCIL MEETING AT 6:30 P.M.
6. 1012 B Street: DONE
7. 914 Chief Street: DONE
8. 1017 D Street: WAITING FOR HEARING DATE FOR DEFAULT HEARING
9. 519 W 9th Ave.: WAITING FOR HEARING DATE FOR DEFAULT HEARING
10. 609 Fremont Street: DONE
11. 1011 Chief Street: DONE
12. 416 East 9th Ave.: DONE
13. 1112 A Street: SET HEARING FOR APRIL 18TH COUNCIL MEETING AT 6:30 P.M.
14. 214 Dakota Street: DONE
15. 521 Chief Street: DONE
16. 400 Block of Chief Street: HEARING SET IN DUNDY COUNTY COURT FOR APRIL 20TH AT 9 A.M.
17. 416 5th Ave W: HEARING SET IN DUNDY COUNTY COURT FOR APRIL 20TH AT 9 A.M.
18. 411 6th Ave W: DONE
19. 1301 E Street: SET HEARING FOR APRIL 18TH COUNCIL MEETING AT 6:30 P.M.
20. 619 Dakota Street: DONE
21. 406 10th Ave E: ATTORNEY SCHRODER WILL WORK ON THIS PROPERTY
22. 506 12th Ave E: HEARING SET IN DUNDY COUNTY COURT FOR APRIL 20TH AT 9 A.M.
23. 417 6th Ave W: HEARING SET IN DUNDY COUNTY COURT FOR APRIL 20TH AT 9 A.M.
24. 1302 C Street: DONE
25. 617 W 6th Ave.: DONE

Buck Menuez President of the CRA gave an update on the CRA.

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

Council member Deb Stamm made the motion to go into Closed Session to discuss possible CRA litigation at 9:26 p.m. with Buck Menuez, Trevor Horner, Greg Burrows, Attorney Schroeder, Council members; JoAnn Decker, Nick Baney, Barb Pinkerton, Deb Stamm, City Clerk Diane Rosenfelt present, seconded by Barb Pinkerton. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed. City Clerk Diane Rosenfelt shut down Zoom and shut off the phone.

President of Council JoAnn Decker stated that the subject matter to be discussed in Closed Session shall be limited to discussion on the Community Redevelopment Authority (CRA).

Council member Barb Pinkerton made the motion to come out of Closed Session at 10:16 p.m., seconded by Deb Stamm. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed. City Clerk Diane Rosenfelt put Zoom back on.

**CONSENT AGENDA ITEMS:**

Council member Deb Stamm made a motion to approve the consent agenda as amended with removing the mayor’s appointment of Diana Martin & Paul Higgins to the Planning Commission Board and table until next month and to transfer $22,223.58 from city sales tax to water to pay for the Municipal Supply Inc. bill, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

* Approve Minutes of February 21, 2022, regular and virtual meeting.
* Approve Treasurers Report.
* Approval of Bills.
* Planning Commissions Minutes: Approved Owen’s Implement & Supply Co. for building addition for added space at 1102 West Hi-way 34.
* Approve Mayor’s reappointment of Greg Burrows to the CRA Board: January 2022-January 2027.
* Approve Mayor’s reappointment of Jodi Schneider to BHA for April 2022-April 2027.
* Approve Larry Wiese’s bid of $1,000 per month for two years-April 2022 to April 2024 for yard and park maintenance.
* Approve and sign 2022 Maintenance Agreement with the Department of Transportation.

President of Council and council members discussed Water Rates and Sewer Rates as proposed by Nebraska Rural Water Association in February 2021. Mrs. Decker explained that increases are recommended to cover inflation, staff wages, capitol projects and to avoid higher rates in the future. If we were to read the New Ordinance for three (3) months we are looking at 1st reading at the April meeting, 2nd reading at the May meeting and the 3rd reading at the June meeting. New rates, if passed would not be seen until possibly the July billing.

The last water rate increase was May 21, 2018. Council member Barb Pinkerton made the motion to approve suggested Rate #1 from Nebraska Rural Water Association for Water Rates, seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed. New Rate Suggested Below:

Meter Size New Rate

¾” $ 49.00

1” $ 67.50 Rate per 1,000 gallons

1 ½” $ 89.50 $3.50

2” $165.75

3” $242.00

The last sewer rate increase was March 19, 2012. Council member Nick Baney made the motion to approve suggested Rate #1 from Nebraska Rural Water Association for Sewer Rates, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed. New Rate Suggested Below:

 New Rate $11.25 and the Rate per 1,000 would be $1.85.

Council reviewed the Aged Account Receivables.

Council looked over the e-mail from Shawn Prochaska of RVW on the update of the reclosers for the substation, scheduled to arrive in June 2022.

Council member Barb Pinkerton made the motion to approve moving the council meeting from the 3rd Monday of the month to the following Tuesday when a Federal Holiday falls on the 3rd Monday of the month, seconded by Deb Stamm. Ayes: Pinkerton, Stamm, Baney, Decker; 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 approve Kansas Coring & Cutting for 6” Saw Cutting in the amount of $11,020.00, seconded by Deb Stamm. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

President of the Council and council members discussed the CRA Request for funding that has been on the agenda since December 2021. The council is not in favor of funding any projects of the CRA. Council member Nick Baney made the motion to deny the CRA $100,000 annually, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Meeting adjourned at 11:02 p.m.

 JoAnn Decker, President of Council

ATTESTED:

Diane L. Rosenfelt, City Clerk