

CITY OF BENKELMAN
REGULAR MEETING
MONDAY, MAY 15, 2023

The City Council met in the Council Chambers at 6:30 p.m. for the Regular Meeting. Present: Mayor Tammy Buffington; Council Members Nicholas Baney, JoAnn Decker, Barbara Pinkerton, Deb Stamm; City Clerk Diane Rosenfelt; City Superintendent Interim Tim Smith; City Attorney Tawna Holmstedt. Absent: Acting Police Chief/Sheriff Smith. Others Present: Linda Jones, Mary Deyle, Sharon Rhoades, Frank Merklin, Jennifer Fries, Laura Kliesen, Becky Brown and Jeff Preston.

Following the Pledge of Allegiance to the flag of the United States of America, Mayor, Tammy Buffington 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.

Jennifer Fries and Laura Kliesen discussed Benkelman's 1st Children's 4th of July Parade. Their mission is to provide families of the Dundy County Stratton Communities with a safe and fun 4th of July and to educate the youth on freedom and respect. Participants have the chance to meet police officers, firefighters and other public servants. They would like permission to use the City Park. Council member JoAnn Decker made the motion to approve the 1st Children's 4th of July Parade as presented by Jennifer and Laura, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Jason Mathews had other commitments for tonight and will get back to us when he has a new estimate from Larry Wiese on a storage building at the ballpark.

The Mayor and City Council discussed an e-mail dated April 25, 2023, from Paul Higgins concerning Nuisances and how they are not being handled. Council member JoAnn Decker said she did reply to Mr. Higgins' e-mail and thanked him for it and that she was sorry that he felt like Benkelman was not a clean town to live in. She explained to him that we do have Nuisance Ordinances and a Nuisance Officer that handles these areas. We have stepped on some toes, but it works, and you must treat everybody equally. There are channels you must go through as a government, and it all takes time. Mr. Higgins was asked to come to the meeting and talk to the council, but he was not in attendance. Now that we have a City Attorney, we will be working on properties again. Last year we had 25 properties of those 6 had court dates, 2 had a motion for default prepared, 1 was deeded over to the city and the rest had been cleaned up.

Jeff Preston spoke to the council concerning his building permit for a new shop/garage that was approved with a 14' sidewall stipulation since that is what our regulations state. Mr. Preston is going to be required to fill out a Variance Permit to go before the City Council to have the 16' sidewalls that he wants. He did get permission from some of his neighbors, that do not have a problem with this, as it will be a nice and attractive building that will sit on the vacant lot south of his property at 909 Gage Street. He has been around town and there are quite a few buildings that have 16' sidewalls if not more. This item will be pulled from our consent agenda later in the meeting and discussed.

City Clerk/Treasurer Diane Rosenfelt did the second reading of Ordinance Number 2023-837. Council member JoAnn Decker made the motion to approve the 2nd reading of Ordinance Number 2023-837:

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.

METER SIZE	MONTHLY BASE RATE
¾ Inch	\$58.50
1 Inch	\$80.25
1 ½ Inch	\$106.25
2 Inch	\$197.00
3 Inch	\$288.00

In addition to the monthly base rate each consumer shall pay Four Dollars and Fifteen Cents (\$4.15) per 1000 gallons, or any portion thereof, of water used.

Council member Nick Baney seconded the motion. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

City Clerk/Treasurer Diane Rosenfelt did the second reading of Ordinance Number 2023-838. Council member Barb Pinkerton made the motion to approve the 2nd reading of Ordinance Number 2023-838:

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.

All occupied single family residential units shall pay \$15.50 per month plus a monthly fee equal to \$2.60 per 1000 gallons of the average monthly water usage during the preceding months of November, December, January, and February. Council member Nick Baney seconded the motion. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

The Mayor and City Council discussed the Shana Gallington Sherman & Scott Sherman Property located on Lots 5 & 6, Block 8, Hiddleston's Addition to the City of Benkelman. City Clerk/Treasurer Diane Rosenfelt went to pay the 2022 Property Taxes due and was told the back taxes would have to be paid. Back taxes due are 2015 through 2021 and 2022 for a total of \$827.84. City Clerk/Treasurer Diane Rosenfelt will go to the Dundy County Treasurer tomorrow and pay the taxes in full. The City will then decide what to do with the property and if they want to advertise it for sale at next month's meeting.

The Mayor and City Council discussed last month the Vacant Property List property at 816 C Street that was pulled from the list. Council member JoAnn Decker made the motion to approve the sale of 816 C Street and upon closing the buyers must agree to have the property torn down within a year of the closing date or the fees will be put back on the property, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Attorney Tawna Holmstedt will work on information for Scott McDonald concerning the vacated portion of Railroad Street that reverts to the owners of the abutting real estate.

The council discussed the (3) three courtesy letters that have been sent out by the appointed Nuisance Officer. The (3) three properties are 220 13th Avenue, 503 West 5th Avenue and 1112 A Street. The council would like to have a resignation letter from Lynette Behlke as she is stepping down from being the Nuisance Officer as it takes too much of her time from her main job in the office.

Attorney Tawna Holmstedt is working on a document for holding a special election for the 1.5% City Sales Tax. Council member JoAnn Decker made the motion to approve the Document for Special Election of the 1.5% City Sales Tax, seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member JoAnn Decker made a motion to approve Miller & Associates for updating the Zoning and Subdivision Regulations Project, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Enclosed in the packets were meeting minutes from the CRA meeting which was held on May 10, 2023.

No one was present for the Sheriff's Report.

Council member JoAnn Decker made the motion to pull Jeff Preston's shop/garage permit, (3) three applications for Lifeguards and to take \$13,031.15 out of City Sales Tax to Pay Croell's Inc. bill and to approve the consent agenda with changes, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

CONSENT AGENDA ITEMS:

- Approve Minutes of April 17, 2023, Regular Meeting and Special Meeting Minutes of April 19, 2023.
- Approve Treasurers Report.
- Approve Bills.
- Approve Emilee Swigert as Swimming Pool Operator.
- Approve (3) three applications for Lifeguards.
- Planning Commissions Minutes: Approved Peri Wissink fence permit for 917 Arapahoe; Approved Monica S. Mercer fence permit with stipulation fence is your own liability when it comes to other property ownership at 102 RR Street; Approved

Robert Castillo fence permit for 204 13th Ave. E.; Approved Awning & Shed moving for Robert Castillo at 204 13th Ave. E.; Approved Deck for Morgan & Jenna Burrell at 1218 A Street; To Approve shop/garage permit with a 14' sidewalk-Not Above for Jeff Preston at 909 Gage Street.

Council member JoAnn Decker made a motion to hire the (2) lifeguards that we have applications for this month (Zachary Shapley & Jasper Foster). The new guards receive \$14.00 per hour and the ones coming back will receive a .50 cent an hour raise, also to hire Emilee Swigert and Delaney Krutsinger as Co-Managers at \$16.50 per hour, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member JoAnn Decker made the motion that Managers and Lifeguards can pick (2) two swimsuits from a book at the City Office upon completion of certification, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member JoAnn Decker made a motion to approve 16' sidewalls pending the paperwork on the Variance and if possible, a signature from the property owner to the west of Jeff Preston's property, seconded by Deb Stamm. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Enclosed in the packets was the City of Benkelman Annual Report on Community Redevelopment Projects that was sent to all taxing entities on April 27, 2023 pursuant to Section 18-2117.02.

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

Enclosed in the packets was an Electric Report submitted by Paul Castillo (attached to these minutes).

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

City Superintendent Interim Tim Smith gave his monthly report (attached to these minutes).

Council member JoAnn Decker made the motion to approve the mayor's appointment of Tim Smith as the City Superintendent, seconded by Deb Stamm. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member JoAnn Decker made the motion to go into Closed Session at 9:05 p.m. with Mayor, Council, City Clerk/Treasurer, Interim City Superintendent and City Attorney to discuss City Superintendent and employee wages, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Mayor Tammy Buffington stated that the subject matter to be discussed in Closed Session shall be limited to City Superintendent and employee wages.

Council member JoAnn Decker made the motion to come out of Closed Session at 9:22 p.m., seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

JoAnn Decker made a motion to approve the pay increases as presented for Bobbie Behlke, Paul Castillo, Jeremiah Unger and Tim Smith (attached to these minutes) for the 1st payroll in June, seconded by Nick Baney. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Meeting adjourned at 9:24 p.m.

Tammy Buffington, Mayor

ATTESTED:

Diane L. Rosenfelt, City Clerk