CITY OF BENKELMAN

REGULAR MEETING

MONDAY, OCTOBER 16, 2023

The City Council met in the Council Chambers at 6:30 p.m. for the Regular Meeting. Present: Mayor Tammy Buffington; Council Members JoAnn Decker, Barbara Pinkerton, Deb Stamm, Nicholas Baney; City Clerk Diane Rosenfelt; Acting Police Chief/Sheriff Smith; City Superintendent Tim Smith; City Attorney Tawna Holmstedt. Others Present: Deputy Tom Jones, Sabrina Birge, Greg Anderson, Linda Jones, Jeanette Wonderly, Doug Christiansen; Five Rule Planning, Austin Cole, Josh Bracken, Jackson Kerchal and Sharon Rhoades.

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

Mayor Tammy Buffington thanked all for coming to the meeting.

A Request To Speak To Council was submitted by the Dundy County Stratton Construction Class, Jackie Anderson, Mr. Troy Lurz and Greg A. Anderson. Josh Bracken spoke for the group and what they were requesting was a waiver of some City dumping fees and any other resources that could be offered. Greg Anderson spoke with the council about the building permit that would be required for a wrap-around deck that they are going to be putting on the house. Council member JoAnn Decker made a motion to waive the dump fees for the construction class at 213 Cheyenne Street, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Doug Christiansen of Five Rule Planning was present to give a Quarterly Update on the Vacant Property Registry. There are 12 Active Vacant Properties. The City Council does not want to file liens on these properties at this time. They would like to wait until January and see where these properties are and then pass the Resolution to File Notice of Special Assessment and Lien Against Properties for Violation of Vacant Property Registration Ordinance.

Council member JoAnn Decker made the motion to approve the 3rd reading of Ordinance Number 2023-839 electric rate increase:

 AN ORDINANCE TO AMEND ORDINANCE #2016-805, AND SECTION 3-808 OF THE MUNICIPAL CODE OF THE CITY OF BENKELMAN, NEBRASKA, TO AMEND THE SCHEDULE OF RATES TO BE CHARGED FOR ELECTRIC ENERGY AND SERVICE FURNISHED BY THE COMBINED UTILITY SYSTEM OF THE CITY OF BENKELMAN, NEBRASKA, TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE FOR THE REPEAL OF ALL ORDINANDES IN CONFLICT HEREWITH.

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

Council member JoAnn Decker made a motion to adopt Ordinance Number 2023-839, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member Nick Baney made a motion to waive the three (3) readings of Ordinance Number 2023-841:

 AN ORDINANCE OF THE CITY OF BENKELMAN, ADOPTING AND IMPOSING A CITY SALES AND USE TAX OF ONE AND ONE-HALF PERCENT (1 ½%) UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF BENKELMAN, DUNDY COUNTY, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH A TAX; TO PROVIDE FOR THE ADMINISTRATION, ASSESSMENT, COLLECTIONS, CLAIMS REMEDIES, PENALTIES AND DISPOSITION OF SUCH SALES AND USE TAX; TO REPEAL ALL ORDINANCES AND OTHER PROVISIONS IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

Motion was seconded by Deb Stamm. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member JoAnn Decker made a motion to adopt Ordinance Number 2023-841 with the stipulation that after the results have been certified by the Dundy County Clerk, seconded by Nick Baney. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Fire Chief Relgene Zimbelman discussed the Benkelman Volunteer Fire Department By-Laws. It is getting hard to find Firemen this day and age, and when you have firemen that work out of town, it is not easy to make the required number of meetings and/or fires. The City of Benkelman can only issue checks to the Firemen that have met the requirements, it is up to the Fire Department to amend their By-Laws to address this issue.

Council member JoAnn Decker made the motion to approve Mike Rosenfelt for part-time help outside work at $15.00/hour to fill in while the city is shorthanded, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member Barb Pinkerton made a motion to waive the three (3) readings of Ordinance Number 2023-842:

 AN ORDINANCE FOR THE COMPENSATION OF MAYOR AND CITY COUNCIL OF THE CITY OF BENKELMAN; REPEALING ALL OTHER CONFLICTING ORDINANCES AND CONFLICTING SECTIONS OF ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE.

Motion was seconded by Nick Baney. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member Barb Pinkerton made a motion to adopt Ordinance Number 2023-842, seconded by Nick Baney. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member JoAnn Decker made a motion to approve the Real Estate Contract Agreement between the City of Benkelman and Lee Grayson Wiese for the property at 406 10th Ave. E., Lots 5 & 6, Block 8, Hiddleston’s Addition to the City of Benkelman, Dundy County, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Sheriff Smith and Deputy Jones gave the Sheriff’s Report.

Council member JoAnn Decker gave the Nuisance Summary Update. (Attached to the minutes)

No one was present for the CRA Report; two (2) sets of minutes were in the packets.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for the Dundy County Hospital-516 Chief Steet application for a $50,000 grant, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for John Blea-514 Chief Street application for a $50,000 grant, seconded by JoAnn Decker. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for Michael J. Downey-507 Chief Street application for a $10,000 grant, seconded by Barb Pinkerton. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for Dr. Jason Mathews-503 Chief Street application for a $7,390.75 grant, seconded by Deb Stamm. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for Derrick Jarmin-421 Chief Street application for a $50,000 grant, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member Nick Baney made a motion to deny the application for Daisy Ruiz-521 Chief Street based upon the recommendation of the DTR Steering Committee in the amount of a $50,000 grant, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

Council member Nick Baney made a motion to deny the application for Griselda Ruiz-511 Chief Street based upon the recommendation of the DTR Steering Committee in the amount of a $50,000 grant, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for Doug & Tracy Peckham-718 Chief Street application for a $50,000 grant, seconded by Barb Pinkerton. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member Nick Baney made a motion to approve the DTR Steering Committee recommendation for Lincoln Federal-524 Chief Street application for a $20,000 grant, seconded by Barb Pinkerton. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member JoAnn Decker made the motion to approve the consent agenda as presented and to transfer $71,881.80 from City Sales Tax to Roads, seconded by Barb Pinkerton. Ayes: Stamm, Baney, Decker, Pinkerton; nays: none. Motion passed.

**CONSENT AGENDA ITEMS:**

* Approve Minutes of September 18, 2023, Budget Hearing & Regular Meeting.
* Approve Treasurers Report.
* Approve Bills.
* Approve Invoice to Five Rule Planning in the amount of $750 for 4th Quarter.
* Approve & have Mayor sign Miller & Associates agreement for the City’s Blight & Substandard Study.
* Approve Josh Bailey on the DTR Steering Committee.
* Planning Commission: Approved Lee Wiese (2) two demo permits;406 10th Ave. E./Lee Wiese Shed Permit; 406 10th Ave. E./Terry & Verla Martin Fence Permit; 931 Gage Street.

The Mayor and Council looked over the Applications that have came in so far for the Administrative Assistant/City Clerk/Treasurer job.

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

Council member Nick Baney made the motion to go into Closed Session at 8:35 p.m. to discuss wages for City Clerk/Treasurer Administrative Assistant and have the City Superintendent and City Clerk/Treasurer stay in the meeting, seconded by Deb Stamm. Ayes: Baney, Decker, Pinkerton, Stamm; nays: none. Motion passed.

Mayor Tammy Buffington stated that the subject matter to be discussed in Closed Session shall be limited to wages for City Clerk/Treasurer Administrative Assistant.

Council member JoAnn Decker made the motion to come out of Closed Session at 8:50 p.m., seconded by Deb Stamm. Ayes: Decker, Pinkerton, Stamm, Baney; nays: none. Motion passed.

Council member JoAnn Decker made a motion to approve the pay as presented for City Clerk/Treasurer Administrative Assistant (attached to minutes), seconded by Nick Baney. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Council member JoAnn Decker made a motion to schedule interviews for the City Clerk/Treasurer Administrative Assistant, seconded by Nick Baney. Ayes: Pinkerton, Stamm, Baney, Decker; nays: none. Motion passed.

Meeting adjourned at 8:51 p.m.

 Tammy Buffington, Mayor

ATTESTED:

Diane L. Rosenfelt, City Clerk