

MINUTE RECORD FOR CITY OF ALMA  
REGULAR CITY COUNCIL MEETING  
April 19, 2017

A meeting of the City Council of the City of Alma, Nebraska was held at City Hall on Wednesday, the 19th day of April, 2017, at 5:30 p.m.

Present were Council Members: Tom Moulton, Mayor Haeker, Randy Stahlecker and Mike Clements. Also present were: Administrator Doug Wilson, City Attorney Doug Walker, Superintendent Russ Pfeil, Treasurer Lorri Bantam, and Clerk Lori Tripe. Notification of this meeting and the agenda was given in advance by posting, a designated method for giving notice. Advance notice of the meeting and the agenda was given to the Mayor and all members of the City Council. All proceedings hereinafter were taken while the convened meeting was open to the attendance of the public.

Mayor Hal Haeker advised the public of the Open Meetings Act which is posted on the east wall of the meeting room, and then proceeded to call the regular meeting of April 19, 2017, at 5:30 p.m. and the following business was transacted:

Roll Call: Jon Davis-absent, Tom Moulton-present, Mayor Haeker-present, Randy Stahlecker-present and Mike Clements-present. Motion made by Clements seconded by Moulton to determine this meeting as previously publicized, duly convened and in open session. There being no discussion upon the motion made and upon roll call vote, the following voted yes: Clements, Moulton, and Stahlecker. Voting No: None. Motion carried.

Mayor Haeker opened the floor to approve the minutes of the April 5, 2017, Regular Council Meeting. Motion made by Moulton seconded by Clements to approve the April 5, 2017 regular council minutes as presented. There being no discussion and upon roll call vote, the following voted yes: Moulton, Clements and Stahlecker. Voting No: None. Motion carried.

Mayor Haeker opened the floor to discuss the claims and invoices for the period of April 6, 2017, through April 19, 2017 for a total of \$120,590.58. Treasurer Bantam noted there were no changes to the claims from the copy sent to the council. Payments noted were a final payment to Hackel Construction for the airport terminal building, final payment for the library's new furnace and a payment to Roger Cox for legal counsel regarding the pool. Motion by Moulton, seconded by Stahlecker to approve the April 6, 2017, through April 19, 2017 claims as presented for a total amount of \$120,590.58. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Stahlecker and Clements. Voting No: None. Motion carried.

Mayor Haeker opened the floor to discuss the treasurer's report. Bantam said the certificate of deposit at First State Bank was renewed at 1.18%. The budgeted transfers were made on April 5<sup>th</sup>. She said the city sales tax received in January was \$3600 more than January 2016. February's was only \$1200 more. Could be several reasons why but Lorri said it was discovered that Dollar General stopped charging city sales tax some time mid-February. She contacted Dollar General and they said when they filed their sales tax for February, they did pay the right amount even though they didn't collect it. Dollar General has now corrected the computer program to include city sales tax. She will continue to monitor. Motion made by Moulton, seconded by Clements to approve the treasurer's report as presented. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Clements and Stahlecker. Voting no: None. Motion carried.

Mayor opened the floor to FLOYD SCHIPPERT TO CONTEST WATER BILL FOR JANUARY AND FEBRUARY 2017. Floyd (Bub) Schippert was present to address the council. Last city council meeting he discussed in open comments that his water utility bill for January was 14,000 gallons, February 30,000 and March was zero. He had been out of town the entire 3 months. Since the last meeting, he visited with his house sitter and she said the house was checked each week. She made sure everything was off. The past years' meter readings for this time period were zero. He's had a plumber check the crawl space for any leaks or sink holes and found none. He does have a water softener but it is the "on demand" type. In reviewing the city code, it says if a meter doesn't register properly, then the city superintendent may set a reasonable charge. Russ Pfeil, utility

superintendent said in his experience if a meter goes bad, it never speeds up, just slows down. He feels the meter is registering properly so he cannot set a reasonable charge. The meter was replaced in 2014.

Councilman Clements said at the NRD they have seen their water meters speed up on occasion. Councilman Clements said at the LRNRD, they have a procedure where a customer can request a variance for situations such as this. Attorney Walker said he could draft an ordinance for something similar and the City Council would then have the power to review each situation and adjust if this is something the Council wishes but it would not be effective until it is approved so would not help out Mr. Schippert today. Utility Superintendent Russ Pfeil said he would be fine with that because it would take the "monkey" off his back. Mayor Haeker voiced his concern that anyone who is unhappy with their utility bill will take advantage of the ordinance if it is passed.

Bub is also concerned that the usage for these 3 months will make his sewer rate increase since the City uses the average water consumption for January, February and March to set the sewer rate (base rate plus water consumption average for Jan, Feb & March/1000 \* \$.55). According to City Code, the Superintendent does have discretion on setting the sewer rate.

Motion made by Moulton, seconded by Clements to amend City Code for future customer utility complaints. Utility Superintendent will make initial determination and if customer is not happy, then customer can ask city council to review and possible adjustment. Attorney Walker said he would review the water, sewer and gas sections in the code book to see if the change would be necessary for all of the utilities. The Utility Superintendent (Russ) will review the sewer rate for 2017 for Mr. Schippert and make corrections as needed. There being no further discussion upon the motion made, the following voted yes: Moulton, Clements, and Stahlecker. Voting no: None. Motion carried.

Mayor opened the floor to DISCUSS AND POSSIBLY APPROVE PEDDLER / ITINERANT MERCHANT PERMIT FEE(S) AND MINOR ORDINANCE CHANGE. Attorney Walker, requested to move to the next agenda item and to come back to this agenda item.

Mayor opened the floor to DISCUSS AND POSSIBLY APPROVE ORDINANCE 2017-3 - SEWER RATE INCREASE. The City will have an approximate annual loan payment of \$12,000 for the force main repair. Wilson has done some calculations and recommended to the Council to approve a sewer base rate increase going from \$6.42 to \$8.25 and a new customer rate from \$9.15 to \$13.00. This is based on an average consumption of 5,000 gallons of water per month. With this change the City will be able to make their loan payment.

Council Member Randy Stahlecker introduced Ordinance Number 2017-3 entitled as follows:

AN ORDINANCE OF THE CITY OF ALMA TO ESTABLISH FEES FOR SANITARY SEWER USAGE, CONNECTION TO THE SANITARY SEWER SYSTEM, TO PROVIDE A SANCTION FOR FAILURE TO PAY USAGE FEES, TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE AN EFFECTIVE DATE;

And moved that the statutory rule requiring reading on three different dates be suspended. Council member Mike Clements seconded the motion to suspend the rules and upon the motion, the following Council Members voted yes: Stahlecker, Clements and Moulton. The following voted No: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of this ordinance.

Ordinance 2017-3 was then read by title and thereafter Council Member Mike Clements moved for final passage of the ordinance and said motion was seconded by Council Member Tom Moulton. The Mayor then stated the question, "Shall Ordinance Number 2017-3 be passed and adopted?" Upon roll call vote, the following Council Members voted: Clements-yes, Moulton-yes and Stahlecker-yes.

The passage and adoption of this ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted; and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published in pamphlet form as provided herein. True and complete copy of this ordinance is attached hereto and incorporated by reference.

Mayor opened the floor to DISCUSS AND POSSIBLY APPROVE PEDDLER / ITINERANT MERCHANT PERMIT FEE(S) AND MINOR ORDINANCE CHANGE. Attorney Walker, per the request of the city clerk, had made some changes to the peddler/ solicitor / itinerant merchant ordinance for the council to review. He briefly went

through the changes requested and decided to hold off until the next council meeting in order to prepare a red-line document that shows how the ordinance is now and the proposed changes.

The application for a permit was also redone to make it an application and permit in one and to change the fees from \$25 a day to \$5 a day with an option of a \$100 annual permit fee that would need renewed every 90 days. Motion made by Stahlecker, seconded by Clements to approve the new solicitor peddler itinerant merchant application form, the \$5 a day fee and \$100 annual fee. There being no further discussion upon the motion made, the following voted yes: Stahlecker, Clements, and Moulton. Voting no: None. Motion carried.

The Mayor opened the floor to consider and possibly approve Resolution 14-2017 to Authorize the Mayor to execute Loan Documents with NDEQ for the Force Main Project. Administrator Wilson said this was necessary in order to obtain the loan with NDEQ.

Motion made by Clements, seconded by Moulton to approve Resolution 14-2017 as follows:

WHEREAS; the City of Alma, Nebraska recognizes that a properly functioning sanitary sewer system is necessary to the health and welfare of the citizens of the City; and

WHEREAS; the Mayor and City Council have determined that portions of the City sanitary sewer system are in need of significant repair and improvement; and

WHEREAS; funding for the cost of the repair and improvement of portions of the City sanitary sewer system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALMA, NEBRASKA AS FOLLOWS:

1. That the Mayor and City Council of the City of Alma should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Alma, Nebraska designated as Project No. C317750, incorporated by reference into this Resolution as if fully set forth.
2. The Council of the City of Alma, Nebraska resolves that the Mayor is hereby directed to execute the Agreement and all other documents necessary to facilitate the Loan between the Nebraska Department of Environmental Quality and the City of Alma, Nebraska for the purpose of repairing and improving the City sanitary system.
3. The Council of the City of Alma, Nebraska resolves that the Clerk be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Clements, Moulton, and Stahlecker. Voting no: None. Resolution 14-2017 was approved.

Mayor opened the floor to CONSIDER AND POSSIBLY APPROVE HIRING AN ADDITIONAL LIFEGUARD. Wilson said they received an additional lifeguard application and seek approval from the Council. Wilson also said Rhonda Hogeland is willing to help as lifeguard after swim team is over.

Motion by Stahlecker, seconded by Moulton to approve an additional lifeguard for the 2017 season. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Stahlecker, Moulton and Clements. Voting no: None. Motion carried.

The Mayor opened the floor for administrator comments. Wilson said at the swimming pool, the guys **have** started cleaning leaves and debris out of the bowl. City will soon be getting ready for startup.

As far as nuisances go, Wilson is going after delinquent dog licenses and one residential property full of junk.

The crew has finished and have left the site of the exposed sewer main. Traffic lights will come down later this week.

The RV Park is open for business and some campers have already arrived. It is ready for the corp's inspection.

The City has still not officially accepted the new sweeper. There are some things the guys are not happy with and are waiting for dealer to come fix, hopefully this week.

The County has also approved the merger of the city fire and rescue unit with the rural fire district. Wilson has already given the equipment list to the fire department and notified the insurance company so the

equipment will come off of the City's insurance. City owned fire related vehicles titles have been given to Fire Chief.

The City was contacted about a washout on 10<sup>th</sup> street. The guys found the culvert rusted out. City is currently in the process of replacing it before the street gets armor coated.

Mayor Haeker opened the floor to open comments.

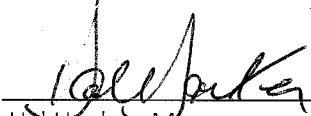
Attorney Walker said he has sent the punch list to Carrother's attorneys and has still not heard back. He also completed the "Attorney's Opinion" for the NDEQ loan.

Wilson has sent a letter to the gentleman who is living without water, sewer and trash. May need to take legal steps to enforce the City's Ordinance.

Clerk Tripe said that the theme for the Appreciation Dinner will be celebrate 40 years! The City has 2 employees who have been with the City for 40 years.

Treasurer Bantam said she will plan on having the Fire Department's Pension Plan ready to transfer on the claims at the next council meeting.

Motion made by Moulton, seconded by Clements to adjourn the meeting at 6:51 PM. There being no further discussion upon the motion made, the following voted yes: Moulton, Clements and Stahlecker. Voting no: None. Meeting was adjourned at 6:51 pm.

  
Hal Haeker, Mayor

I the undersigned Clerk hereby certify that the forgoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advanced notification of the time place and of said meeting and the subjects to be discussed at said meeting.



  
Lori Tripe, City Clerk

ORDINANCE NO. 2017-3

AN ORDINANCE OF THE CITY OF ALMA TO ESTABLISH FEES FOR SANITARY SEWER USAGE, CONNECTION TO THE SANITARY SEWER SYSTEM, TO PROVIDE A SANCTION FOR FAILURE TO PAY USAGE FEES, TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA AS FOLLOWS:

**SECTION 1.** That the following sewer usage fees are hereby established:

- (a) **Commercial Rate:**  
Minimum rate \$8.25 per month, plus an additional \$0.55 per month for each one thousand gallons of water used;
- (b) **Residential Rate:**  
New customers - \$13.00 per month. Usage fees shall be recalculated for all residential users after the month of March. The rate shall be a base rate of \$8.25 per month. An additional charge of \$0.55 per thousand gallons shall be calculated as follows: the metered water usage for January, February, and March of each year shall be divided by three to arrive at an average usage for these months. This average shall be multiplied by \$0.55 for each thousand gallons rounded to the nearest thousand;
- (c) Customers having separately metered water which does not re-enter the sanitary sewer system shall not be charged sewer use fee;
- (d) Prior to connection or reconnection to the sanitary sewer system, the connection to the sewer main shall be inspected by City personnel and the charge shall be \$25.00.

**SECTION 2.** Any customer subject to a sewer use fee or connection or reconnection fee, failing to pay the same shall be subject to a disconnection of municipal water services.

**SECTION 3.** Any prior Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 4.** This Ordinance shall be effective upon its passage, approval, and publication in accord with law.

Passed and approved this 19<sup>th</sup> day of April, 2017.

(Seal)

ATTEST:

  
Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

By:

Hal D. Haeker  
Hal D. Haeker, Mayor