

MINUTE RECORD FOR CITY OF ALMA
REGULAR CITY COUNCIL MEETING
June 7, 2021

A meeting of the City Council of the City of Alma, Nebraska was held at City Hall on Monday, the 7th of June 2021, at 5:32 p.m.

Present were Council Members: Larry Casper, Dyann Collins, Tom Moulton, Chris Tripe and Mayor Hal Haeker. Administrator Lorri Bantam, Treasurer Susie Janssen, City Attorney Doug Walker, City Utility Superintendent Russ Pfeil, and City Water Superintendent Scott Kuhl were also in attendance. 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 were 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 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 June 7, 2021, at 5:32 p.m. and the following business was transacted:

Roll call: Larry Casper-present, Dyann Collins-present, Tom Moulton-present, Christopher Tripe-present and Mayor Haeker-present. Motion made by Moulton, second by Casper to determine this meeting as previously publicized, duly convened and in open session. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Casper, Collins and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to approve the minutes of the May 17, 2021, regular council meeting. Motion made by Tripe, second by Moulton to approve the minutes of the May 17, 2021, regular council meeting. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Collins, Casper and Moulton. Voting no: None. Motion carried.

Mayor opened the floor to discuss the claims and invoices. Motion by Tripe, second by Collins to approve the claims and invoices for period May 18, 2021, through June 7, 2021, for a total of \$493,188.61. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Moulton, Casper, and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to discuss the Treasurer's report. Motion by Collins, second by Casper to accept 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, Casper, Collins and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to discuss/approve the hiring of a new City Clerk. Mayor Haeker gave a background of the two finalists for the position and his reason for recommending CeeAnn Affolter. Motion by Tripe, second by Moulton to approve the hire of CeeAnn Affolter as the City Clerk with a salary of \$34,000. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for a request for Special Designated Liquor License to Main Street Pizza for the July 3rd street dance. Motion by Moulton to approve the SDL to Main Street Pizza, second by Tripe. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for a request for Special Designated Liquor License to The Office Bar and Grill for the July 3rd street dance. Motion by Collins to approve the SDL to The Office Bar and Grill, second by Casper. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for a request for Special Designated Liquor License to Los Primos Mexican Grill for the July 3rd street dance. Motion by Casper to approve the SDL to Los Primos Mexican Grill, second by Moulton. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor to discuss releasing a Lien for 303 Main Street. The Special Assessment Lien has been paid and the property is being sold. Motion by Tripe, second by Casper to approve the Release of

Special Assessment Lien for 303 Main Street. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for Resolution 15-2021 to file a special assessment lien for mowing at 503 2nd Street. Motion by Tripe, second by Collins to approve Resolution 15-2021 and the Notice of Certification of Special Assessment for 503 2nd Street. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for Resolution 16-2021 to file a special assessment lien for mowing at 505 1st Street. City Attorney Walker stated that a purchase agreement steps are in place for the sale of the property. Motion by Moulton, second by Casper to approve Resolution 16-2021 and the Notice of Certification of Special Assessment for 505 1st Street. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for Resolution 17-2021 to file a special assessment lien for mowing at 503 2nd Street. Motion by Moulton, second by Tripe to approve Resolution 17-2021 and the Notice of Certification of Special Assessment for 503 2nd Street. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for the recommendation from the Hike/Bike Trail Committee to place a bench in honor of Bill Hogeland on the Pheasant Ridge Trail. The committee received a request from the family to donate a bench and have it placed on the trail directly south of their parent's home on South Street. Councilman Tripe questioned if there was a point that we would have a saturation level with benches on the trail. It was discussed that more benches would be okay, and the trail is not cluttered at this point. Council liked the idea of the bench being placed close to the parent's home. Motion by Tripe, second by Collins to approve the addition of a bench in honor of Bill Hogeland to the Pheasant Ridge Trail. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for the request from Harlan County Department of Roads to drill a domestic well. The County has made an application with the Department of Health and Human Services, Drinking Water Division to drill their own well. As the well is not further than 1000 feet from the city's well and is within our well head protection area, they are requesting the city grant an exception. City Water Superintendent Scott Kuhl stated that he did not feel that this request should be granted. It is on the same vein of water as our wells and any backflow would contaminate the entire city's drinking water supply. He felt that a pressure tank would be a better option if they were needing increased pressure. City Attorney Doug Walker also commented that if the city's water supply would be contaminated, it would be expensive to remedy. Motion by Moulton, second by Collins to deny the request to the Harlan County Department of Roads to drill a well. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

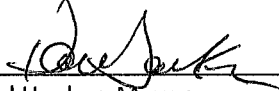
Mayor opened the floor to attorney Patrick Calkins to discuss sewer services for the annexed area north of town. Patrick asked the six citizens in attendance to voice their opinions on various issues with the annexed area. Pat and Cindy Butts addressed the council regarding their lack of water pressure and the amount of chlorine in the water at their service location. Other citizens in attendance stated that their pressure was fine as they are not on the original line that the Butts are on. The new fire hydrants in the annexed area also have ok water pressure. Deb Neilsen from Republican Valley Animal Clinic (RVAC) stated she had heard about issues from several neighbors that included streets still graveled, concerns with speed limits, wash boarding, and lack of snow removal. They want to know when the streets will be asphalted. She also noted the railroad crossing is in poor shape and they are not excited about the electrical costs going up with the NPPD gross revenue tax. Patrick Calkins then addressed the Council stating that the sewer is the main issue. RVAC's septic tank is deteriorating and has been for years. They have put a lot of money in keeping the system running. They need a full replacement at the cost of approximately \$27,000 to \$30,000. Jeremy Van Boening from RVAC addressed the Council stating that they were not excited about the annexation but did want the sewer services as it would be cheaper and easier to hook into the city sewer. He

said that he had spoke with Doug Wilson (previous City Administrator) and was shown drawings for sewer in June 2019, but nothing has happened. They decided to spend a chunk of their money to connect to the city line since it would be happening at the same time. His frustration is pretty high, and costs are incurring because it has not been done. Deb Nielsen stated they have spent \$17,761 to date since the spring of 2019 and having to get pumped every 2 weeks to a month to keep their system going. Deb stated the city council voted to award a contract for water, sewer, gas, and streets in 2019 for the new subdivision and she feels they got ditched. Patrick Calkins again addressed the council and cited two primary statutes where inhabitants of an annexed area shall receive substantial benefits of other inhabitants as soon as practicable and adequate plans must be adopted not later than one year after the date of annexation. He stated there has never been a plan put in place and nothing has been provided. It does not say how quickly the plan must be implemented, it just says you must have a plan within one year and adopted by council presumably by Resolution and this has never been done. He stated that police protection was already there, fire protection – not much has changed, couple additional fire hydrants but some were already there, and sewer really is the big one missing. So here we have been annexed and the City is not making any plans, so I guess there aren't the substantially same benefits of the other inhabitants of Alma – no paved or blacktop roads, water pressure is non-existent, no snow removal, traffic regulations going by those homes is poor, sewer is the big issue and it is not a topographic issue, it's just an expense. Mr. Calkins stated that they are up against the statute of limitations of four years which is up next month. He stated that they were going to have to file suit one way or another to make sure they have it in on time. It does not mean they cannot get something worked out if the city is amenable to doing that. The primary remedy at this point based on the statute would be de-annexation and that is the direction they will be heading, or they could ask the courts to force the city to bring sewer out there. They plan to plead both options and see which way the courts decide is fit. He stated that he felt it is unreasonable to expect the city to be able to do anything in the next 30 days but hoped the city is willing to consider looking at some of these issues. He feels that the inhabitants have had more detriment than benefit from this annexation. Doug Walker then stated that the previous administrator, Doug Wilson, was always the one leading the effort to try to develop a plan and he was not sure at this point what was done. We need to discuss this in more detail with Doug before we could go into this further. But as far as the sewer services, our Ordinances have always been that if you are not within 300 feet of a main, then you are not required to hook up to the city sewer system. He stated that we do have other properties in the city limits that are not hooked up to the city sewer system and are in the same situation as the annexed properties. Deb Nielsen stated they needed a sewer main to be able to hook up to. Doug Walker then asked the audience if they had better water pressure after we looped the water in the annexed area. General response was no. It was noted that only two residents have low water pressure as they are on a different main than the rest. Councilman Tripe stated that as far as the road goes, he assumed the roads were on our 1,3,7-year plan that we approved here recently. The city designated certain spots that we like bumped up but agreed that the road needs something done to it. He challenged the council and himself to try to make that a priority. Patrick agreed and stated that the same needs to be done with the sewer like the 1,3,7-year plan. Councilwoman Collins stated that we do not know for a fact yet that a plan has not been put in place. Before closing, Jeremy Van Boening wanted to bring to the council's attention the fact that semi's park on both sides of the highway by Dollar General and it is very dangerous. He thinks we need better enforcement of the no parking by issuing tickets. He has spoke to the Department of Roads and does not seem to get anywhere. Councilman Casper asked for clarification from Patrick about the statute of limitations date. Patrick stated that it is in early July. He would have to look back at the records when the council formally approved the annexation but stated that it is four years so would be July 2017.

Mayor then opened the floor for the Airport Taxiway Project Estimate #1 to Paulsen and approve the Summary of Project Costs for federal funds to be reimbursed to the city. Motion by Collins, second by Tripe to approve Project Estimate #1 for \$192,216.30 payable to Paulsen Inc. and Summary of Project Costs in the amount of \$193,216.00 in Federal Funds due to the City. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Tripe, Moulton, Casper, and Collins. Voting no: None. Motion carried.

Mayor opened the floor for the Administrator's report. Lorri Bantam informed the council of the Tour De Nebraska bike ride that will be in Alma on June 16th. The Chamber of Commerce has requested the use of the City Park, the city owned Port-a-Potties and free admission to the pool. It was discussed that we would need to allow free admission to everyone on that day to simplify the admissions for the pool staff. The topic among citizens regarding feral cats has resurfaced. Mayor Haeker explained our process in the past since most of the current council members are new. The Ordinances we have in place regarding animals and running at large was discussed. Administrator Bantam also noted that a purchase agreement was in place for the property at 505 1st street and if the property sells, they would be asking for the Special Assessment Lien to be waived. She also mentioned that the new Sanitation truck would be delivered on Thursday.

Motion by Tripe, second by Moulton to adjourn the meeting. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Moulton, Tripe, Collins and Casper. Voting no: None. Meeting was adjourned at 6:50 p.m.



 Hal Haeker, Mayor

I the undersigned Acting 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.



 Lorri Bantam, City Administrator