

MINUTE RECORD FOR CITY OF ALMA
REGULAR CITY COUNCIL MEETING
July 5, 2022

A meeting of the City Council of the City of Alma, Nebraska was held at City Hall on Tuesday, the 5th of July 2022, at 5:30 p.m.

Present were Council Members: Dyann Collins, Chris Tripe, Larry Casper, Tom Moulton, and Mayor Hal Haeker. Absent: none. Administrator Lorri Bantam, City Treasurer CeeAnn Affolter, City Utility Superintendent Russ Pfeil, and City Attorney Doug Walker 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 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 Haeker advised the public of the Open Meetings Act posted on the east wall of the meeting room, and then proceeded to call the regular meeting of July 5, 2022, at 5:30 p.m. and the following business was transacted:

Roll call: Tom Moulton-present, Dyann Collins-present, Larry Casper-present, Chris 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: Casper, Collins, Moulton, and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to approve the minutes of the June 20, 2022, regular council meeting. Motion made by Tripe, second by Collins to approve the minutes of the June 20, 2022, regular council meeting. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Tripe, Moulton, and Casper. Voting no: None. Motion carried.

Mayor opened the floor to discuss the claims and invoices. Motion by Collins, second by Casper to approve the claims and invoices from June 21, 2022, through July 5, 2022, for a total of \$73,906.92. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None. Motion carried.

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

Mayor opened the floor to an addition to the Lifeguard Staff. Administrator Bantam stated the Pool Manager requested to approve an additional application from Torrence Tischner as they will be short staffed for a time in July. Motion by Moulton, second by Collins to approve Torrence Tischner to the lifeguard staff. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to the Salary Increase for the Library Director, Keri Anderson, per the Library Board approval. Administrator Bantam read the Library Board minutes recommending a raise of 5% COLA plus merit pay. She spoke with Library Board member Don Jardon about the merit pay and he was not sure what it was. Administrator Bantam told the council there has not been a lot of merit pay awarded in the past until last year when 1% was given to the Utility Superintendents and the Utility Floater. Councilman Moulton asked what the COLA will be for the rest of the staff. Bantam stated that the CPI has ranged from 8.3% to 8.6% the last three months. Councilman Collins asked if the recommendation fits in the library budget. Bantam explained she had projected a 7% COLA in the library budget, and they were coming up short. A 5% COLA would have the budget be closer to balancing. Councilman Tripe asked if the 5% was being ask for currently and then again for the new fiscal year. He felt this should be tabled until the rest of the staff COLA is determined so that it is fair. Mayor Haeker stated that he felt all employees have the same cost of living and that COLA should be the same for all employees across the board. He felt the Library Board should be given an amount for their total budget and they need to make their budget balance. If they choose to allocate it to wages, then they would need to decide where to cut back in other areas. The Library Board should present

their budget to the city staff and the Council would look at it during the Budget Workshop. Councilman Tripe wondered why they would be concerned with the COLA adjustment. He feels they should have control on the merit pay if she has done a great job and it is able to be worked into their budget. Councilman Collins agreed the Library Board should decide the merit pay if it fits in their budget. The Council took no action but directed Administrator Bantam to speak with Keri Anderson and the Library Board of what was discussed.

Mayor opened the floor to discuss Bicycle Operation in the Downtown District. Councilman Tripe spoke with business owners and relayed their concerns of people getting hit on the sidewalks but are more concerned if bikes were in the street and someone would back into them. Councilman Moulton stated that we discussed this three to four years ago and there is not much we can do unless we put in a bike lane for which we do not have space. Mayor Haeker stated this is a short-term problem each year as people do not ride bikes all year around. Some suggestions he heard was to put in a bike rack at each end of the sidewalks. Another idea was to put a bike lane on the outer portion of the sidewalks with indicators on the pavement. However, enforcement would still be an issue. Councilman Casper inquired whether the current Ordinance states what we expect. Mayor Haeker explained that if we were to enforce the current Ordinance the bikes would have to be in the street as it states they can not be on sidewalks in the downtown district. Councilman Collins stated that from her desk she can see out the front door all day and see the bikes on the sidewalks and they do not stop at the street either. They go into the street and are going to get hit. More discussion was held about a bike lane on the sidewalk, but would the enforcement be any different. Councilman Casper suggested that Section G and H of City Code 72.01 that refers to the parking of a bike and operating a bike on the downtown sidewalks should be changed. Roger Tishner from Alma Chiropractic Center address the Council. He stated that he has not had one patient complain, has never seen an accident in front of his office in the 10 years he has been here. He gets that kids are on bicycles, skateboards and scooters but felt that it is ok in Alma, and it is ridiculous we are discussing this. Mayor Haeker stated a person came out of the Chiropractic office and directly into his and said she almost got hit and the City needs to do something about bikes. Councilman Tripe stated that we were discussing this because they have been receiving complaints. Tischner stated there will always be complaints. This has been discussed 3 years ago, 10 years ago, 20 years ago and what has really changed? Nobody follows the rules here, nobody goes the speed limit, nobody does the U-turns, nobody does the crosswalks – nobody stops. Literally it is a short-term problem. Councilman Moulton stated that we agreed back when and still today it is something that starts at home. Teach your children safety and the right way to ride a bike and we will not have this problem. Tischner stated that if it is a problem, let the public yell at them. That is what the community is for. People need to realize they screwed up. Councilman Moulton felt it was as much a pedestrian problem with being preoccupied while exiting stores as it is a bike problem. Councilman Casper again asked why we have 72.01 (G) if we do not have any bike stands anywhere. Councilman Tripe asked if it was in our Code book due to state statutes. Attorney Walker stated it was not a state statute. Mayor Haeker then questioned the city's liability if we have the Ordinance and do not enforce it and an accident happens. Councilman Collins asked at what point are we done parenting? It comes to a point the parents are going to let their kids do it and they get hurt it will be the parent's fault. She felt that 72.01 G & H should be removed and hopes that parents start informing their kids not to ride so fast down Main Street on the sidewalks. She hopes people will read the minutes and have a talk with their kids. Councilman Tripe commented that if we are sure we are covered liability wise he does not have a problem with bikes downtown. Motion by Collins second by Casper to remove 72.01 (G) and 72.01 (H) from our Codes. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to discuss our Mosquito Spraying schedule. Mike Clements addressed the Council. He stated that when he was on the Council, we paid the City of Franklin to spray for us once or twice a year. We determined that we would invest in our own equipment and train our staff to be able to spray more often. He feels that we are only spraying once to twice a year and we should just save our money and not spray at all. It does no good whatsoever to spray a few times. We need to get a regular rotation of every other week from the 1st of June thru the end of September. He feels setting the mosquito trap in the park is one of the worst places to catch mosquitos. In the summertime we are a resort community, and we owe it to our patrons that

live here year-round and to those that are back here from out-of-town spending money in our community to control the mosquito problem. Councilman Moulton stated that initially when we approved to get the equipment and have Travis Dunse set the schedule. He also feels the trap is in the wrong location at the library. Councilman Tripe inquired if there is any danger to other insects. He also questioned what the cost is per application and if we can work it into the budget. He would like to see us spray every week or two if the trap is full and shows a need providing it is financially feasible. Utility Superintendent Russ Pfeil mentioned that we are on a regular schedule of spraying a certain number of times per year if the weather permits. Councilman Collins questioned the schedule as we have only sprayed once this summer. Councilman Tripe again questioned the cost. If it is \$1,000 every time we spray, that is obviously a concern and that would be an enormous difference from spending that twelve times compared to two. Councilman Casper commented that it would take quite a bit of chemical for a town the size of Alma. Motion by Tripe second by Moulton to set a spray schedule to biweekly and weekly if needed from Memorial Day to Labor Day and investigate what it would cost to spray on an annual basis with that schedule. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None. Motion carried.

Mayor opened the floor to Resolution 11-2022 Wellhead Protection Area Interlocal Agreement with Harlan County. City Attorney Walker attended the County meeting earlier in the day. He informed the County Commissioners of the agreement in which the state encourages the City to have in case a threat to our drinking water would come into play. Walker then explained the location of the wells and the protection area. He said they had some questions and he tried to address them. None of the Commissioners would make a motion to address the Interlocal Agreement. Attorney Walker did not know if he explained it good enough. There was a reference to regulations we have in place to help with enforcement and the county did not have a copy of those regulations proposed. He felt that having the Wellhead Protection map would have helped but they did not question that either. Walker felt there may be some held over resentment from the Hog Confinement issue years ago. Walker stated that he would look at other town's agreement and rework this one. He recommended we removed this from the agenda for now and revisit it later. Councilman Casper asked if we need to have this agreement to complete our Wellhead Protection plan. Administrator Bantam stated that we do not need the Interlocal Agreement. In speaking with other City Administrator's, it is easier to enforce if the county has the Wellhead Protection area in their zoning regulations also. Councilman Moulton questioned if this would make other towns in the county think about this and cut down on the usable area in the county. Administrator Bantam said it is not that the land cannot be used but specific structures could not be built the protected area. She read examples of structures. When she visited with Ron Melbye, the County Zoning Administrator, he stated they have this in their zoning and did not feel signing the Interlocal Agreement would be an issue. Attorney Walker suggested he visit with the County Attorney, Bryan McQuay, and try to go back to the county again. Motion by Tripe, second by Moulton to table everything for now until Doug Walker talks to the County again. There being no further discussion upon the motion made and upon roll call vote, the following voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None. Motion carried

Mayor opened the floor to approve Ordinances 2022-46 thru 2022-50 to update the Municipal Code Book due to State Law changes for 2019 thru 2022. Council Member Collins introduced Ordinances Number 2022-46 through 2022-50 entitled as follows: **ORDINANCE NO. 2022-46** - AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA RELATING TO FILING FEES; TO HARMONIZE WITH STATE LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE. **ORDINANCE NO. 2022-47** - AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA RELATING TO THE ADOPTED BUDGET STATEMENT AND CHANGING CERTAIN DATES RELATING TO TAX LEVIES; TO HARMONIZE WITH STATE LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE. **ORDINANCE NO. 2022-48** - AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA RELATING TO PROPERTY TAX REQUESTS AND THE PROCEDURE FOR SETTING THEM; TO HARMONIZE WITH STATE LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE. **ORDINANCE NO. 2022-49** - AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA RELATING TO PROPERTY TAX REQUESTS; INCREASE BY MORE THAN ALLOWABLE GROWTH

PERCENTAGE AND THE PROCEDURE FOR SETTING THEM; TO HARMONIZE WITH STATE LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE. **ORDINANCE NO. 2022-50 - AN ORDINANCE OF THE CITY OF ALMA, NEBRASKA RELATING TO ABANDONED VEHICLES;** TO HARMONIZE WITH STATE LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different dates be suspended. Council Member Tripe seconded the motion that the statutory rule requiring three different dates be suspended. A roll call vote was then taken on the motion; the following Council Members voted yes: Collins, Casper, Moulton, and Tripe. 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 these ordinances. These ordinances were then read by title and thereafter Council Member Tripe moved for final passage of these ordinances and said motion was seconded by Council Member Casper. The mayor then stated the questions, "Shall Ordinances Numbers 2022-46 thru 2022-50 be passed and adopted?" Upon roll call vote, the following Council members voted yes: Collins, Casper, Moulton, and Tripe. Voting no: None.

The passage and adoption of these ordinances having been concurred in by a majority of all members of the Council, the Mayor declared the ordinances adopted; and the mayor in the presence of the City Council signed and approved the ordinances and the Acting City Clerk attested the passage and approval of the ordinances and affixed her signature thereto and ordered the ordinances to be published as provided by law.

Mayor Haeker opened the floor for the administrator's report. Administrator Bantam informed the council of a meeting with Olsson to investigate the drainage issue on 7th Street and Dick Brown Drive and give recommendations. The budget workshop meeting will be held on Wednesday, July 20th. There will be a free swimming on July 11th for National Swimming Pool Day. This is being sponsored by the Phelps County Health System.

Motion to adjourn the meeting made by Tripe, second by Moulton. There being no further discussion on the motion made and upon roll call vote, the following voted yes: Casper, Collins, Moulton, and Mayor Haeker. Voting no: None. Meeting was adjourned at 6:33 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.



 Lorri Bantam, Acting City Clerk