

**CITY COUNCIL MINUTES
CHAPPELL NEBRASKA**

A regular meeting of the Chappell City Council was held July 5, 2022, at the Chappell City Hall at 7:00 P.M. The following members were present; Brott, Riley, Carlson, and Hahn. Staff members present were City Attorney J. Leef, City Administrator/Clerk Ashlea Bauer, CDD Shaunna Mashek, and Utilities Superintendent Todd Rust. Others present included Kent Smith and Dave Post.

Notice of the meeting was posted as required by law. The Pledge of Allegiance was recited by those present. Mayor Brott informed the public of the location of the Nebraska Open Meeting Act on the back wall of Council room.

A motion was made by Council member Riley, second of Council member Carlson to excuse Council member Johnson. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Public Comments:

No public comments.

Consent Agenda:

A motion was made by Council member Hahn, second of Council member Carlson to approve the consent agenda, minutes of the regular meeting June 21, 2022, claims list, dept head reports, and animal control report. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Border League - Baseball League Dues \$ 300.00 * Cash-Wa Distributing - Supplies \$ 360.90 * Cash-Wa Distributing - Candy/Pop \$ 257.46 * Cash-Wa Distributing - Perishables \$ 155.82 * Cash-Wa Distributing - Liquor Expense \$ 160.46 * Cash-Wa Distributing - Perishables \$ 325.45 * Century Link - Telephone/Communications \$ 582.92 * Century Link-- Long Distance - Telephone/Communications \$ 73.01 * Chappell Lumber-Library Acct - Supplies \$ 232.76 * Chappell Municipal Utilities - Utilities \$ 6425.07 * City of Sidney - Equipment \$ 5000.00 * Cobra Golf Inc - Merchandise \$ 176.48 * Cranmore Pest Control LLC - Chemicals & Fertilizer \$ 60.00 * Dan Riley - Amb Driver \$ 20.00 * Dearborn Life Insurance Company - Life Insurance \$ 13.76 * Deuel County Treasurer - Law Enforcement \$ 7333.34 * Docu Shred - Misc Expense \$ 1000.00 * Dutton-Lainson Company - Supplies \$ 1523.19 * Eakes Office Products Center - Supplies \$ 278.47 * EMC Insurance Companies - Insurance & Bonds \$ 8355.51 * Halie Brott - Maintenance \$ 600.00 * HireRight, LLC - Drug Testing \$ 126.09 * Ingram Book Company - Books/Video \$ 335.16 * Justin Polk (Rec) - Baseball Expense \$ 1334.00 * Justin Polk - Baseball Umpire Fees \$ 300.00 * Leef Law, LLC - Legal Fees \$ 2325.00 * Municipal Supply Inc of Nebraska - Supplies \$ 1036.00 * Nebraska Municipal Power Pool - Supplies \$ 596.92 * Nebraska Public Health Environmental Lab - Lab Testing \$ 296.00 * Olsson Associates - Professional Fees \$ 11449.79 * Perry Wackett - Amb Driver \$ 20.00 * Rich Graeff - Fireworks-Buckley Grant \$ 3000.00 * Ron's Chappell Auto Repair - Repair \$ 609.70 * Sargent Drilling - Maintenance \$ 500.00 * ULINE - Swimming Pool Exp \$ 3740.30 * ULINE - Chappell Lake Exp \$ 819.02 * Valley Repair - Repair \$ 90.42 * Van Diest Supply Co - Chemicals & Fertilizer \$ 567.00 * Verizon Wireless - Telephone/Communications \$ 101.72 * Vistabeam - Telephone/Communications \$ 73.95 * Vital Link Training Center - CPR \$ 132.00 * Total Payroll - \$46,357.32 *

Unfinished Business:

Olsson and Associates gave a quote to the city in the amount of \$1,920.00 to put together a map of the proposed annexation location. Council had discussion on the annexation. A motion was made by Council member Riley, second of Council member Hahn to table the possibilities of annexation for the time being and reevaluate in the future. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Discussion was held on a nuisance property in town. The owner has received the certified letter. If the nuisances haven't been removed after the deadline, this item will put on the next agenda for a nuisance declaration.

New Business:

Dave Post with Olsson and Associates presented the cost increase with Change Order #1 on the street project with Council. A motion was made by Council member Riley, second of Council member Hahn to approve the change order to proceed forward with a full depth reclamation for all of the blocks included in this street project at \$6.00 a square yard. The increase in cost for the full depth reclamation is approximately \$242,000. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried. The city will speak with the local trusts who are contributing to the project and will also speak to the bond representative for the project to get options for covering the additional cost.

Nebraska Rural Water Association did a water cost study for the water department. They provided council with the recommended increases in water rates that will help meet water department expenses and budgets. A motion was made by Council member Hahn, second of Council member Carlson to have a resolution drafted to increase water rates over a three-year period. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Utilities Superintendent Rust has been looking for a pickup for the electric and water departments. He presented one to council and was informed prior to the meeting the pickup had been sold. He will continue to look at different places to find a utility pickup. Todd is also working on getting updated prices for the water and electric departments for installing new services and upgrades to current services. He will get the revised costs to the office and ask Attorney Leef to draft a new ordinance to reflect the updates to present to council.

Ordinance 545 was introduced to the council relating to animal waste. A motion was made by Council member Hahn, second of Council member Riley to designate Ordinance 545. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

A motion was made by Council member Hahn, second of Council member Carlson to waive the three readings of Ordinance 545-Animal Waste. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Mayor Brott read the title of Ordinance 545 as follows;

AN ORDINANCE OF THE CITY OF CHAPPELL, NEBRASKA TO AMEND SECTION 95- ANIMALS OF THE CODIFIED ORDINANCES OF THE CITY OF CHAPPELL TO CREATE SECTION 95.70 ANIMAL WASTE PROHIBITING THE LEAVING OF ANIMAL WASTE AND PROVIDING PENALTIES FOR VIOLATION OF THE SECTION; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

A motion was made by Council member Riley, second of Council member Carlson to pass Ordinance 545-Animal Waste. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

A motion was made by Council member Carlson, second of Council member Hahn to publish 545-Animal Waste. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

ORDINANCE NO. 545

AN ORDINANCE OF THE CITY OF CHAPPELL, NEBRASKA TO AMEND SECTION 95- ANIMALS OF THE CODIFIED ORDINANCES OF THE CITY OF CHAPPELL TO CREATE SECTION 95.70 ANIMAL WASTE PROHIBITING THE LEAVING OF ANIMAL WASTE AND PROVIDING PENALTIES FOR VIOLATION OF THE SECTION; TO REPEAL ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE PROVISIONS THEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA:

Section One. That Chapter 95: Animals is amended to include Section 95.70 Animal Waste to read as follows:

95.70 ANIMAL WASTE

(1) Any person having the custody or control of any dog or other domestic animal, when walking the animal on property not owned by the individual inside the City limits of Chappell or at the Chappell Lake, shall have the responsibility for cleaning up any feces of the animal and disposing of such feces in a garbage receptacle. It shall furthermore be the duty of any person having custody or control of any dog or other domestic animal on or about any public place to have in such person's possession suitable equipment or materials for the picking up, removal and sanitary disposal of animal feces.

(2) The owner of any dog or other domestic animal shall have the responsibility of cleaning up the feces of the animal on the owner's property on a frequent enough basis so as not to cause odor beyond the lot line of the owner's property.

Section Two. That any other ordinance or code section passed and approved prior to the passage, approval, and publication of this ordinance, and in conflict with the provisions of this ordinance, is hereby repealed.

Section Three. This ordinance shall go into force and effect from and after its passage, approval, publication, and posting as required by law.

One building permit was submitted to council for review. Zoning Administrator Rust gave his recommendation of approving the permit. A motion was made by Council member Riley, second of Council member Hahn to approve the building permit for a patio cover and fence at 351 Washington Ave. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Communications:

CDD Mashek planted shrubs in place of the trees at the gathering space. The winds broke the trees that were planted there. She is also looking at options for a lock box that can be placed out at the lake.

The city's triangle property on the west end of town closed on July 1st.

EMC Insurance sent the city the findings of the claim that was submitted for the roof damage at the street shop. They will be mailing a check in the amount of \$27,654.37 for repairing it. Jerrod Elms will be in contact with local contractors to get an estimate to fix the roof.

Todd Rust is working with Dustin Frank to obtain an easement for utility access on Mr. Frank's property. Todd will ask him to come to the next meeting.

The city received a thank you note from Connie Loos and her family. They thanked the city for all their hard work they've done to the Chappell Lake.

A motion was made by Council member Hahn, second of Council member Carlson to adjourn the meeting at 8:11 p.m. "Yes" Riley, Carlson, Hahn. "Absent" Johnson. "No" None. Motion carried.

Steve Brott, Mayor

ATTEST:

Ashlea Bauer
City Administrator/Clerk

SPECIAL CITY COUNCIL MINUTES CHAPPELL NEBRASKA

A special meeting of the Chappell City Council was held on July 5, 2022, at 6:30 P.M. The following members were present; Brott, Riley, Carlson, and Hahn. Staff member present was City Attorney J Leef and City Administrator/Clerk Ashlea Bauer.

Notice of the meeting was posted as required by law. Mayor Brott informed the public of the location of the Nebraska Open Meeting Act on the back wall of Council room.

A motion was made by Council member Riley, second of Council member Carlson to go into executive session for the purpose of discussing personnel. "Yes" Riley, Carlson, and Hahn. "Absent" Johnson. "No" None. Motion carried.

A motion was made by Council member Riley, second of Council member Hahn to come out of executive session at 6:55 p.m. "Yes" Riley, Carlson, and Hahn. "Absent" Johnson. "No" None. Motion carried.

Mayor Brott stated that the City of Chappell and the City Clerk are providing information to the auditors and there are no issues at this time.

A motion was made by Council member Carlson, second of Council member Hahn to adjourn the meeting at 6:56 p.m. "Yes" Riley, Carlson, and Hahn. "Absent" Johnson. "No" None. Motion carried.

Steve Brott, Mayor

ATTEST:

Ashlea Bauer
City Administrator/Clerk

CITY COUNCIL MINUTES CHAPPELL NEBRASKA

A regular meeting of the Chappell City Council was held July 18, 2022, at the Chappell City Hall at 7:00 P.M. The following members were present; Brott, Riley, Carlson, Hahn and Johnson. Staff members present were City Attorney J Leef, City Administrator/Clerk Ashlea Bauer, CDD Shauna Mashek, City Treasurer Geralyn Konruff, and Utilities Superintendent Todd Rust. Others present included Kent Smith, Jim and Tracy McCormick.

Notice of the meeting was posted as required by law. The Pledge of Allegiance was recited by those present. Mayor Brott informed the public of the location of the Nebraska Open Meeting Act on the back wall of Council room.

Public Comments:

No public comments.

Consent Agenda:

Council member Johnson pointed out a few corrections that needed made to the minutes from the last meetings. She wasn't in attendance and her name was mistakenly put in the minutes. Clerk Bauer will make the changes. A motion was made by Council member Hahn, second of Council member Johnson to approve the consent agenda, minutes of the special meeting and regular meetings July 5, 2022, claims list, sheriff's report and treasurer's report. "Yes" Riley, Carlson, Hahn, Johnson. "No" None. Motion carried.

Adopt-A-Dog Animal Rescue, Inc - Animal Control - \$ 220.00 * Animal Clinic of Julesburg - Animal Control - \$ 461.23 * Arnold Pool Company - Swimming Pool Exp - \$ 47.05 * Arrowhead Distributing - Beer Expense - \$ 425.70 * Buckley Trust - Amb Grant Refund - \$ 5600.00 * Cash-Wa Distributing - Supplies - \$ 68.85 * Cash-Wa Distributing - Licenses, fees and permits - \$ 23.50 * Cash-Wa Distributing - Candy/Pop - \$ 348.89 * Cash-Wa Distributing - Perishables - \$ 1987.31 * Chappell Lumber - Supplies - \$ 452.76 * Chappell Lumber - Swimming Pool Exp - \$ 490.67 * Chappell Lumber - Chappell Lake Exp - \$ 52.99 * Chappell Register - Ads, Forms & Printing - \$ 209.87 * Chappell Super Foods - Supplies - \$ 709.04 * Chappell Super Foods - Swimming Pool Exp - \$ 7.00 * Chappell Super Foods - Perishables - \$ 194.85 * Chappell Super Foods - Liquor Expense - \$ 27.06 * Dietrich Distributing - Beer Expense - \$ 335.00 * Eichners Sales & Service - Supplies - \$ 156.00 * Frenchman Valley Co-op - Fuel - \$ 60.00 * Frenchman Valley Co-op - Chemicals & Fertilizer - \$ 290.00 * Garden County News - Swimming Pool Exp - \$ 93.75 * Garretson's Sport Center - Baseball Expense - \$ 874.55 * Hansen's Petroleum - Fuel - \$ 4132.63 * Hansen's Petroleum - Baseball Expense - \$ 8.53 * Highplains Budweiser - Beer Expense - \$ 978.90 * John Riley - Licenses, fees and permits - \$ 200.00 * KSID Radio - Ads, Forms & Printing - \$ 500.00 * Kurtzer's - Supplies - \$ 90.84 * Matheson Tri-Gas Inc - Oxygen - \$ 111.20 * Michael Todd & Company Inc - Chappell Lake Exp - \$ 413.72 * Municipal Supply Inc of Nebraska - Subscriptions & Dues - \$ 4192.72 * Nebraska Power Review Board - Licenses, fees and permits - \$ 123.25 * Nebraska Rural Water Association - Licenses, fees and permits - \$ 300.00 * One Call Concepts, Inc - Licenses, fees and permits - \$ 113.94 * Premier Auto Parts & Service, LLC - Supplies - \$ 950.49 * Rembolt Ludtke LLP - Debt Service - \$ 3040.00 * Rod Hanson - Supplies - \$ 54.21 * Rod Hanson - Candy/Pop - \$ 91.02 * Rod Hanson - Perishables - \$ 15.86 * Ron's Chappell Auto Repair - Repair - \$ 458.35 * Sedgwick County Sales - Trash Hauling/Recycling - \$ 2570.88 * Stotz Equipment - Repair - \$ 290.93 * Waste Connections, Inc - Trash Hauling/Recycling - \$ 15.28 * WESCO Distribution Inc - Tools - \$ 37.63 * Western Resources Group Inc. - Trash Hauling/Recycling - \$ 559.00 * Wheat Belt Public Power District - Utilities - \$ 50.09 * Total Payroll - \$44,758.22 *

Unfinished Business:

Discussion was held on a nuisance property. The next step that needs to occur will be to schedule a Board of Health meeting to deem the building unsafe.

New Business:

A pay request for the street improvement project was submitted to Council for approval. A motion was made by Council member Hahn, second of Council member Riley to approve Pay request #3 to McAtee Construction, DBA Simon in the amount of \$635,748.05. "Yes" Riley, Carlson, Hahn, Johnson. "No" None. Motion carried.

Utilities Superintendent Rust is looking to get an easement with Dustin Frank for utility access on his property for a State of Nebraska project. Todd will get the description for the easement to Attorney Leef. This item was tabled until the next meeting.

Consideration was given to Resolution 2022-09, approving water rates. A motion was made by Council member Riley, second of Council member Carlson to approve Resolution 2022-09, approving water rates. "Yes" Riley, Carlson, Hahn, Johnson. "No" None. Motion carried.

RESOLUTION NO. 2022-09 RESOLUTION APPROVING WATER RATES FOR THE CITY OF CHAPPELL, STATE OF NEBRASKA

WHEREAS, the City of Chappell, State of Nebraska, owns and operates a water system, which provides for the water needs of its citizens; and,

WHEREAS, the City must recoup sufficient revenues to pay for goods and services, maintain and upgrade its water system, and must do so by the collection of fees for water service; and,

WHEREAS, the Nebraska Rural Water Association recommends a rate plan that would recover sufficient revenues to cover the City's expenses; and,

WHEREAS, the City desires to adopt the Nebraska Rural Water Association rate recommendations to be effective as prescribed herein.

51.33 MUNICIPAL WATER DEPARTMENT; RATES

1. Customers of the Municipal Water Department shall be charged a base rate and additional rate based on water usage for the use of water, such water usage to be determined by metering at the place of service to such customer.
2. Rates for water usage shall be as follows beginning **October 2022**:
 - A. Residential Rate. \$25.00 per month base rate plus \$1.90 per 1,000 gallons of water usage.
 - B. Commercial Rate. \$25.00 per month base rate plus \$1.90 per 1,000 gallons of water usage.
 - C. Rural Rate. \$30.50 per month base rate plus \$2.10 per 1,000 gallons of water usage.
3. Rates for water usage shall be as follows beginning **October 2023**:
 - A. Residential Rate. \$28.50 per month base rate plus \$2.20 per 1,000 gallons of water usage.
 - B. Commercial Rate. \$28.50 per month base rate plus \$2.20 per 1,000 gallons of water usage.
 - C. Rural Rate. \$34.75 per month base rate plus \$2.40 per 1,000 gallons of water usage.
4. Rates for water usage shall be as follows beginning **October 2024**:
 - A. Residential Rate. \$31.25 per month base rate plus \$2.40 per 1,000 gallons of water usage.
 - B. Commercial Rate. \$31.25 per month base rate plus \$2.40 per 1,000 gallons of water usage.
 - C. Rural Rate. \$38.00 per month base rate plus \$2.65 per 1,000 gallons of water usage.
5. The water rates set by this section shall be reviewed annually, commencing June 2025, to keep revenues reasonably in balance with anticipated expenditures.
6. All rates, as set forth above, and as set for in subsequent resolutions shall be on file at the office of the City Clerk of the City of Chappell and available for public inspection at any reasonable time during business hours and shall be due and payable pursuant to Article 3 of this Chapter.

BE IT FURTHER RESOLVED that any ordinance or resolution passed, approved and adopted prior to the passage and approval of this Resolution in conflict with its provisions is repealed as of July 18, 2022.

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in full force from and after its passage and approval as required by law.

BE IT FURTHER RESOLVED that the provisions of this Resolution are separable, and the invalidity of any phase, clause, or part of this Resolution shall not affect the validity or effectiveness of the remainder of this resolution.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF July 2022.

The Golf Advisory Committee asked to follow-up with the golf course to find out when they would start selling pizzas. Clerk Bauer will find out from the golf course superintendent the plan for when they will begin selling them.

One building permit was submitted to council for review. Zoning Administrator Rust gave his recommendation of approving the permit. A motion was made by Council member Hahn, second of Council member Carlson to approve the building permit for extending the deck on the house at 1402 5th St. "Yes" Riley, Carlson, Hahn, Johnson. "No" None. Motion carried.

Communications:

Buckley Trust and Virginia Smith Trust gave their approval for the city to sell the small dredge that the trusts had given grants to purchase in 2020. The funds received for the dredge can be used to continue to remove sediment from the lake in the fall. Attorney Leef will provide the documentation to CDD Shaunna and Clerk Bauer to advertise to sell the dredge.

A motion was made by Council member Carlson, second of Council member Hahn to adjourn the meeting at 7:21 p.m. "Yes" Riley, Carlson, Hahn, Johnson. "No" None. Motion carried.

Mayor, Steve Brott

ATTEST:

Ashlea Bauer
City Administrator/Clerk