

**CITY COUNCIL MINUTES  
CHAPPELL NEBRASKA**

A regular meeting of the Chappell City Council was held August 5, 2019, at the Chappell City Hall at 7:00 P.M. The following members were present; Brott, Riley, Carlson, Reichman, and Johnson. Staff members present were City Attorney J Leef, City Administrator/Clerk Ashlea Bauer, City Treasurer Geralyn Konruff, CDD Britt Miller, Utilities Worker Todd Rust and Street Overseer Jerrod Elms. Others present included Chris Rebeiro, Cody Sellhorst, and Ernie Hussmann.

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:**

A motion was made by Council member Johnson, second of Council member Carlson to approve the consent agenda, minutes of the regular meeting July 15, 2019, claims list and Dept Head reports. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

Barco Municipal Products Inc - \$699.00 \* Border States Industries, Inc - \$295.00 \* Britt Miller - \$55.69 \* Cash-Wa Distributing - \$1332.69 \* Century Link - \$683.08 \* Chappell Auto Repair & Services - \$642.41 \* Chappell Municipal Utilities - \$6280.86 \* Chappell Register - \$273.17 \* Chappell Super Foods - \$276.07 \* City of Sidney - \$468.60 \* Cranmore Pest Control LLC - \$45.00 \* Culligan - \$15.00 \* C-Weed Management - \$290.91 \* Dearborn National Life Insurance Co. - \$20.64 \* Demco - \$147.58 \* Deuel County Treasurer - \$7333.34 \* Dickinson Land Surveyors, Inc - \$765.50 \* Dutton-Lainson Company - \$5846.25 \* Eakes Office Products Center - \$160.86 \* Eichners Sales & Service - \$26.28 \* Frenchman Valley Co-op - \$1757.27 \* Halie Brott - \$600.00 \* Ingram Book Company - \$164.48 \* Justin Polk (Rec) - \$1334.00 \* Kurtzer's - \$74.78 \* Matheson Tri-Gas Inc - \$106.34 \* Midco Diving & Marine - \$2945.00 \* Municipal Supply Inc of Nebraska - \$4767.02 \* National Geographic Society - \$67.00 \* NE State Fire Marshal Agency - \$30.00 \* Nebraska Public Health Environmental Lab - \$380.00 \* Northwest Pipe Fittings Inc - \$2075.64 \* Panhandle Area Development District - \$720.06 \* Pitney Bowes - \$56.45 \* Premier Auto Parts & Service, LLC - \$516.28 \* Public Safety Center, Inc. - \$1309.10 \* Real Simple - \$15.00 \* Sedgwick County Sales - \$2476.26 \* Stegeman Solutions - \$200.00 \* Todd Rust - \$195.00 \* USA Blue Book - \$5363.48 \* Vistabeam - \$63.95 \* Western Resources Group Inc. - \$344.00 \* Total Payroll - \$43,416.66 \*

**Unfinished Business:**

CDD Miller gave an update on the DTR Project. She stated that Ernie Hussmann was in her office in the past week to express his concerns with the sidewalk that was poured in front of Cabela's and east of there. He said it is not at ADA standards. Britt put together a meeting with the Adam, engineer for the project from Wilson & Co, along with City Attorney Leef by phone, Mayor Brott, Administrator Bauer, Project Manager Elms, Council member Reichman and Contractor Foreman Michael Yarnell from Eric Reichert Construction. All individuals went and inspected the locations in question. The sidewalks that Mr. Hussmann inquired about are not following ADA requirements. There needs to be a cross slope of 1.5% or less. The concrete needs to be removed and put back in properly following the ADA requirements. The council thanked Mr. Hussmann for expressing his concerns with the sidewalks. Mr. Hussman stated he doesn't want there to be a liability issue down the road if something were to happen on the sidewalks not following the plans. There are concerns from the Council as to why the engineered plans are not being followed, they want the work done right the first time. The Foreman for Reichert Construction stated he was instructed to put the sidewalk in the way it is because Elms instructed him to do so. Elms stated he did not make that change to the plans.

A motion was made by Council member Johnson, second of Council member Reichman to go into Executive Session at 7:25 p.m. to discuss the contractual agreement. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

A motion was made by Council member Reichman, second of Council member Carlson to come out Executive Session at 7:48 p.m. to discuss the contractual agreement. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

A motion was made by Council member Johnson, second of Council member Reichman to remove and replace the sidewalk not in compliance with ADA standards and to negotiate the terms to fix the incorrect sidewalks. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried. Attorney Leef will be in contact with Eric Reichert to discuss negotiations on fixing and replacing the sidewalk.

The meter pit that is located in front of the Deuel County Depot is lower than the sidewalk and needs to be fixed. This will be added to the list of changes that need to be corrected prior to project completion. This item was tabled to a future meeting.

Cabela's furniture is requesting that the planter box located in front of their building be removed. They do not want one at their location. A motion was made by Council member Reichman, second of Council member Riley to omit this planter box from the plan and fill in with concrete. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

According to the plans for the bump outs there is supposed to be mulch put in for the landscaping. Elms has concerns with how long the mulch will last and doesn't wanting it to get washed out. A motion was made by Council member Carlson, second of Council member Riley to change the mulch to rock for the 5 bump out landscaping areas. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

There is \$8,000 in funds for Construction Management for the DTR Project. This can be designated for the project lead of the project. It can't be used for anything else. There are steps to follow to get the funds to the City. A motion was made by Council member Johnson, second of Council member Carlson to pay the following amounts in addition to their regular pay for the Construction Management. Jerrod Elms--\$1,000.00 per month for 6 months, Britt Miller--\$333.00 per month for 6 months. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried. CDD Miller will work Elms to get a template to use for the requirements.

The business owner at 684 2<sup>nd</sup> St had concerns about their electric usage the last few months. It was discovered that the contractors doing the downtown project had plugged in an extension cord on the outside of their building. The owner would like the city to pay for the difference in usage. There was more usage from May 15, 2019 to June 15, 2019 compared to the 2018 readings at the same time. The council would like to see what the meter readings are from July 15 through August 15, 2019 and compare to last year's readings. A letter will be sent to the owners asking them to come to the next meeting. Administrator Bauer will have the new meter readings at the next meeting. This item was tabled until the next council meeting.

Attorney Leef gave an update on the possibility of a pick-up window for the Rusty Bucket on the city-owned side of her building. She spoke with the City's insurance company and they would not cover the city's lot if there were to be a pick-up window. It would be a liability to the city.

One bid received for the Community Gathering Space project. There was discussion on the project. The council would like to have more detailed plans to get specifications on the elevations of the lot. They have asked Street Overseer Elms to contact the City's engineers to look into the option of engineering the project for more defined plans. The bids on the Community Gathering Space project have been tabled to a future meeting.

**New Business:**

Teri Doty with the Deuel County Fair board asked if they could use 4<sup>th</sup> Street north of the Buckley Baseball field as a backup if needed for the car show being held on Saturday, August 10<sup>th</sup>. If there is bad weather they would like to close off that portion of the street and move the cars there from the Fair Grounds. A motion was made by Council Riley, second of Council member Johnson to approve the closing of 4<sup>th</sup> street north of the ballfield for the car show if bad weather is present. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

A motion was made by Council member Carlson, second of Council member Riley to approve the change in location of KENO for the Rusty Bucket. The location is changing from 657 2<sup>nd</sup> St to 650 2<sup>nd</sup> St. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

A motion was made by Council member Johnson, second of Council member Carlson to approve the building permits for a fence at 750 4<sup>th</sup> St and a concrete pad at 146 Lincoln Ave. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

Consideration was given to Resolution 2019-04 to approve the airport authority budget. A motion was made by Council member Reichman, second of Council member Riley to approve Resolution 2019-04 Chappell Airport Authority Levy at \$10,610, no increase from last year. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

**RESOLUTION 2019-04**

WHEREAS, Nebraska Statute 77-3443 requires all political subdivisions subject to the city levy authority to submit a preliminary request for levy allocation to the City Council; and

WHEREAS, the Chappell City Council is the levy authority for the Chappell Airport Authority; and

WHEREAS, the Chappell City Council shall adopt a resolution by a majority vote of the present members which determines the final allocation of levy authority to the Chappell Airport Authority, as a city political subdivision;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council that the Chappell Airport Authority's requested tax amount of \$10610.00 for the fiscal year 2019-2020 be approved.

**Communications:**

There will be a gentleman attending the next council meeting to discuss the possibilities of living above a business in the downtown, commercial zoned area.

A motion was made by Council member Carlson, second of Council member Riley to adjourn the meeting at 8:57 p.m. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

\_\_\_\_\_  
Steve Brott, Mayor

ATTEST:

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Ashlea Bauer  
City Administrator/Clerk

**CITY COUNCIL MINUTES  
CHAPPELL NEBRASKA**

A regular meeting of the Chappell City Council was held on August 19, 2019, at the Chappell City Hall at 7:00 P.M. The following members were present; Brott, Riley, Carlson, Reichman and Johnson. Staff members present were City Attorney J Leef, City Administrator/Clerk Ashlea Bauer, City Treasurer Geralyn Konruff, CDD Britt Miller and Street Overseer Jerrod Elms.

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:**

A motion was made by Council member Reichman, second of Council member Riley to approve the consent agenda, minutes of the regular meeting August 5, 2019 claims list, treasurer's report and sheriff's report. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

Black Hills Energy - \$2888.72 \* Border States Industries, Inc - \$1216.32 \* Brown Transfer Co, LLC - \$178.75 \* Cash-Wa Distributing - \$1614.74 \* Century Link--Long Distance - \$74.31 \* Cobra Golf Inc - \$525.63 \* Croell Concrete - \$1342.13 \* Dutton-Lainson Company - \$520.74 \* E F Inc - \$44.68 \* Eakes Office Products Center - \$99.77 \* EMS

Billing Services Inc - \$580.27 \* Floyd's Truck Center - \$783.19 \* Hometown Leasing - \$116.00 \* Ideal Linen Supply - \$617.13 \* Johnson Brothers of Nebraska - \$160.00 \* Matheson Tri-Gas Inc - \$64.37 \* Mitchell Jones - \$377.28 \* Municipal Energy Agency of Nebraska - \$36702.73 \* Municipal Supply Inc of Nebraska - \$2280.20 \* NE Safety & Fire Equipment - \$165.00 \* Nebraska Environmental Products - \$314.41 \* R & R Products Inc - \$88.30 \* RNDC-Eagle/Falcon Division - \$417.46 \* Sargent Drilling - \$450.00 \* Sonntag, Goodwin & Leef, P.C. - \$990.00 \* Southern Glazer's of NE - \$456.08 \* Spic and Span Cleaners - \$2105.00 \* Texoma Golf - \$367.02 \* Van Diest Supply Co - \$857.30 \* Verizon Wireless - \$65.36 \* Vistabeam - \$355.80 \* Western Resources Group Inc. - \$160.00 \* WEX BANK - \$1641.38 \* Wilson & Company, Inc. - \$1166.89 \* Total Payroll - \$42,670.57 \*

#### **Unfinished Business:**

CDD Miller gave an update on the DTR Project. Always Manufacturing out of Pine Bluffs Wyoming will be repairing the downtown benches. Buckley Trust has given the city a grant for \$4,500 to help with the costs of repairing the benches. Elms and his department will work on getting the benches removed and ready to haul to Wyoming. Elms showed council the crushed rock that will be used in place of the mulch. Council liked the look of the rock that will be used.

More discussion was held on the electric usage at 684 2<sup>nd</sup> St. The owners were unable to attend the meeting. The meter readings were done on Friday the 15<sup>th</sup>. Mrs. Kessler did mention to the city office that if the contractors needed to use their power they could, the owners just request to be refunded the difference in electric usage. There has been no significant electric usage on the account since the meter readings from May 15 thru June 15, 2019. They have used less this year compared to last year's usage during the same time frame. A motion was made by Council member Riley, second of Council member Reichman to approve refunding Doug and Sallye Kessler's excess usage from the contractors during May 15 thru June 15, 2019 in the amount of \$46.06. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. This is a one-time refund and the contractors will be using their generators.

CDD Miller, Mayor Brott, Council President Reichman, and Attorney Leef met with Eric Reichert, owner of Reichert Construction and his head contractor Michael Yarnell to discuss concerns the city is having with the downtown project. Reichert recommended that the city hire an outside company to do a 3<sup>rd</sup> party inspection of the downtown project. They suggested having someone oversee the project three days a week. Miller and Brott spoke with the engineers and they are all in agreeance, they do not feel it's necessary to hire a 3<sup>rd</sup> party to come and oversee the project. Adam with Wilson and Company will be in contact with the contractors to review the plans and help clarify the areas of concern.

Reichert is requesting more time for the project for the negotiations of the ADA work that is not correct. They are requesting an additional 30 days. Council would like more time to consider the request for an extension of time on the project. A motion was made by Council member Johnson, second of Council member Carlson to table the item. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. This item was tabled.

Freshly poured concrete was walked in last week within the downtown project. There are signs posted that the sidewalks and road is closed. There are barricades and caution tape marking the area as well. There are at least three areas where the concrete has been walked in and the areas will have to be replaced. The City of Chappell, we would like to remind citizens that when the streets and sidewalks are showing closed and barricaded or flagged off that this means there is no access to that area. There have been multiple individuals in these areas that have done damage to the wet concrete by walking in it. This will be a cost to the City to have to remove and re-pour the areas damaged. The Deuel County Sheriff's Office has been notified and criminal mischief complaints have been filed. If anyone is caught in these areas they may be prosecuted and have to pay for any damages made. Please do not trespass. A motion was made by Council member Johnson, second of Council member Reichman to post notice in the newspaper and on social media about the criminal mischief and no trespassing. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

A recent rain and hail storm came through about an hour after concrete was poured and the pea size hail left marks in the freshly poured concrete. The contractors will buff the areas out and see if that removes the marks. If the buffing doesn't remove the marks the area that was affected by the storm will be need to be replaced.

There have been some concerns that there are individuals living on the main floor of 690 2<sup>nd</sup> Street and have multiple dogs in the building, none of which are registered. A letter will be sent to the property owner stating the property is zoned commercial only and the animals must be registered.

The City would like to have the future site of the Community Gathering Space be closed off to the public until the project is complete. The space in its current condition is not intended to have anyone parking in it due to the liability issues. Council has asked Elms to block off the lot with snow fence and mark that it is closed.

Elms was in contact with Jess Hurlbert, with Olsson Associates, the city streets engineer to inquire if they could look over the gathering space lot and assist with getting the elevations needed for doing the concrete work. Jess stated Olsson & Associates could come down for a one day trip to survey the property. The fees would be between \$3500 and \$4000 to survey the area. They could have the information ready near the end of September. A motion was made by Council member Carlson, second of Council member Riley to move forward with Olsson and Associates surveying the gathering space lot. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

#### **New Business:**

Marty Dasovich asked to be on the agenda to discuss a variance for living in a commercial zoned area. He was not at the meeting. No discussion.

The city's new trash truck has been delivered. The city will pay \$62,000 from the trash NPAIT account, \$7,913 from the general fund and will need to finance \$85,000. Points West Community Bank can loan the city the money for 3.25 % for 5 years, with estimated annual payments of \$18,729.00. A motion was made by Council member Johnson, second of Council member Reichman to approve proceeding forward with a loan from Points West Bank in the amount of \$85,000. "Yes" Riley, Carlson, Reichman, Johnson. "No" None

A motion was made by Council member Riley, second of Council member Carlson to appoint Pat Ningen to the Citizen's Advisory Committee. "Yes" Riley, Carlson, Reichman, Johnson. "No" None

Consideration was given to Resolution 2019-05 to approve removing and adding a handicap parking space. A motion was made by Council member Reichman, second of Council member Johnson to approve Resolution 2019-05 Removing and adding a handicap parking space. "Yes" Riley, Carlson, Reichman, Johnson. "No" None. Motion carried.

#### RESOLUTION 2019-05

RESOLUTION OF THE CITY OF CHAPPELL, NEBRASKA REMOVING THE DESIGNATED HANICAPPED PARKING SPACE LOCATED AT THE SOUTHWEST CORNER OF WASHINGTON STREET AND THIRD STREET, ACROSS THE STREET TO THE WEST OF THE HIGH SCHOOL; ESTABLISHING THAT A PARKING SPACE LOCATED APPROXIMATELY 229 FEET FROM THE SOUTHEAST CORNER OF 4<sup>TH</sup> STREET AND WASHINGTON AVENUE SHALL BE DESIGNATED AS A HANDICAPPED PARKING SPACE;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CHAPPELL, DEUEL COUNTY, NEBRASKA, AS FOLLOWS:**

1. The parking space located at the Southwest corner of Washington Street and Third Street across the street to the west of the high school was previously designated as a handicapped parking space by Resolution 2015-03.
2. The City Council finds it is in the best interest of the City that said designated handicapped parking space be removed and relocated to approximately 229 feet from the southeast corner of 4<sup>th</sup> Street and Washington Ave to better serve handicapped individuals with access to the high school.

A motion was made by Council member Johnson, second of Council member Reichman to approve the building permit for Frenchman Valley Coop for grain storage. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

A motion was made by Council member Riley, second of Council member Carlson to approve the building permit for a concrete pad at 537 5<sup>th</sup> St. "Yes" Riley, Carlson, Johnson. "Abstain" Reichman. "No" None.

A motion was made by Council member Carlson, second of Council member Riley to approve the building permit for a concrete pad at 918 3<sup>rd</sup> St. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

**Communications:**

Council member Riley inquired about the progress with the lake project. CDD Miller said they are waiting for the DEQ's letter of approval. Elms will be ordering steel in the near future to replace the pier on the north side of the lake. It will be a winter project to build the new one.

Clerk Bauer gave the council the upcoming fiscal year budget sheets. They will be reviewed at the next council meeting.

A motion was made by Council member Carlson, second of Council member Reichman to adjourn the meeting at 8:03 p.m. "Yes" Riley, Carlson, Reichman, Johnson. "No" None.

\_\_\_\_\_  
Steve Brott, Mayor

ATTEST:

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Ashlea Bauer  
City Administrator/Clerk