

## MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA

April 9, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, April 9, 2019 at 7:00 P.M. Present were Council Members Brent Pickrel, Leonard Miller, Dale Wilkinson and Ted Hughes. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Officer Darin Ternus, Police Chief Michael Wright, City Clerk Danielle Klabenes, City Engineer John Zwingman, News Reporters Jenna Hemenway, Joan Wright and Carrie Pitzer, Vanessa Nelson, Tim Johnson, Don Weinman, Nancy White and Diann Arehart. Notice of this meeting was given in advance thereof by publication in the Antelope County News on April 3, 2019. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Council of this meeting. Mayor Hartz offered a prayer before opening the meeting. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public. Mayor Hartz presided over the meeting and noted that a copy of the Open Meetings Law, located on the east wall of the City Council Chambers was available to the public. Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

### APPROVAL OF MINUTES

*Wilkinson moved to approve the March 11<sup>th</sup> special and March 12<sup>th</sup> regular meeting minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

### TREASURER'S REPORT

Clerk Klabenes reported the sale proceeds from former 209 Main Street were listed as Surplus Property as discussed last month. She reported an updated balance of Q125 with the statement arriving after the Treasurer report was distributed and that the funds were for Neligh's sesquicentennial in 2023. She noted the 6-month department financials were distributed earlier in the month for review. *Wilkinson moved to approve the March 2019 Treasurer's report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

### SPECIAL DESIGNATED LIQUOR LICENSE FOR ANTELOPE COUNTY AG SOCIETY AND AMERICAN LEGION

Clerk Klabenes reported the Antelope County Ag Society had submitted an application for the beer garden in Riverside Park during Antelope County Fair for August 1<sup>st</sup> through the 4<sup>th</sup> and the American Legion had submitted an application for a reception at the Antelope County Fair Building for June 1<sup>st</sup>. *Hughes moved to approve the special designated liquor license for the Antelope County Ag Society for August 1<sup>st</sup> through 4<sup>th</sup> for the county fair and the American Legion Post 172 for June 1<sup>st</sup> for a reception.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

### SALE OF CITY PROPERTY SOUTH OF THE WATER TOWER

Mayor Hartz read a letter of concern written by Council Member Pickrel addressed to the Mayor and Council members. The letter listed Pickrel's concerns with city liability for the city water tower and water runoff down the water tower hill; expenses for utilities, engineering, property survey and annexation costs; the precedent of selling city property for housing with current developers investment in local subdivisions and future expansion of utilities or facilities. Discussion was held that the utility services installed in the developers subdivision were paid through assessments which were applied to the bond. Discussion was held that if the property were sold that a covenant for payment of utility services would be placed on the buyer. Discussion was held for council members walking the property and finding glass and tin cans in a flat area that appeared to be covered with dirt removed from the hill. Discussion was held whether this area was a former landfill in the past. Tim Johnson reported he would like verification if the area was a former landfill. City Engineer Zwingman reported landfills were registered with Nebraska DEQ to inquire whether the water tower location was a former landfill. Discussion was held that a contractor could dig a specified depth to determine what is under the ground which services would have a cost but the city council consensus was to contact Nebraska DEQ for registered landfills and research on the area. No action was taken and the matter was tabled to the next meeting.

### OFFICIAL NEWSPAPER PUBLICATION

Joan Wright of the Neligh News & Leader presented concerns with the March city council meeting discussion and decision to name one publication, the Antelope County News as the official legal publication for 2019 and 2020. She reported by printing legal publications in one newspaper that the public's access was restricted. She reported she had verified her rates with the statute which had not changed for 25 years. She reported the statute rate did not tell a city what they can pay but only what newspapers can charge for legal publications. She asked the council why two newspapers should split the statute rate. She asked the council to designate both local newspapers as legal publications at the full statute rate. She reported that if the council would not pay two newspapers the full rate but felt each newspaper should split the rate, then she would agree

to the split rate. Mayor Hartz requested the council think about the publications and tabled the item to the next meeting.

## **APPOINTMENTS**

Mayor Hartz recommended the appointment of Nathan Hughes to the Tree Board for a 3-year term and Gordon Hagge to the Housing Authority for a 5-year term. The Mayor asked for interest in the Tree Board for one additional member. He recommended the list of members and appointments of officers for the Jaws of Life and Fire Departments of: Jaws of Life – Jason Finch, President; Logan Lawson, Vice President; Joseph McNally, Treasurer; Doug Haselhorst, Captain; David Jacobsen, Captain; Cris Kurpegweit, Captain; Fire Department – Mike Mortensen, Chief; Dave Jacobsen, Assistant Chief; Jason Krebs, 1<sup>st</sup> Captain; Ryan Lichtenberg, 2<sup>nd</sup> Captain; Matt Henery, 3<sup>rd</sup> Captain; Logan Lawson, President; Zach Wright, Vice President; Steve Arehart, Treasurer; and Brent Pickrel, Secretary. *Wilkinson moved to approve the appointments as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson. Abstain: Hughes. Opposed: None. Motion carried.

## **ORDINANCE NO. 616 FENCE REGULATIONS**

Discussion was held for corner fence setbacks from street access and driveways for visual access. Discussion was held for not over regulating with the fence ordinance but to consider type of materials allowed, safety features and the “good side” for finished side of the fence facing the outside of the property. Discussion was held for front yard fences exceeding 4 feet and whether the front yard fence should be an open or closed fence. No action was taken to consider revisions discussed. The matter was tabled to the next meeting.

## **PART-TIME DIAL-A-RIDE DRIVER**

Clerk Klabenos reported Jack Green expressed an interest in driving Dial-A-Ride one day a week. *Hughes moved to approve hiring Jack Green for a part-time Dial-A-Ride driver at \$9.00 an hour following background checks and pre-employment testing.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

## **PROCLAMATION FOR MENTAL HEALTH AWARENESS IN MAY**

Mayor Hartz proudly declared a proclamation for May as Mental Health month. In the proclamation the Mayor encouraged citizens, government agencies, public and private institutions, businesses and schools in Neligh to recommit our community to increasing awareness and understanding of mental health, the steps to take to protect mental health and the need for appropriate and accessible services for all people with mental health conditions.

## **ECONOMIC DIRECTORS REPORT**

ED Director Lauren Sheridan-Simonsen reported on three applications including Lucky Joe’s Liquor Store for signage of \$1,500 and Antelope County Historical Society for signage and sidewalk of \$1,500 both from micro-façade funds and the New Moon Community Theater for roof repairs of \$25,000 as a DTR Fix-the-Bones grant. *Pickrel moved to approve two micro-façade applications and one DTR Fix-the-Bones application totaling \$28,000.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported the ED Board could not serve as the Certified Local Government (CLG) board but two members could. She reported that two local residents and one ED Board would serve on the board if the CLG designation was approved. She reported the CLG worked to preserve historic buildings with 8 communities in Nebraska with the designation but not one of the eight communities was located north of Interstate 80. She reported the CLG provided education on historic buildings and had a self-guided tour app and opened funding options. *Pickrel moved to approve proceeding with the Certified Local Government designation with History Nebraska.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

Sheridan-Simonsen reported the LB840 Loan Committee recommended approval of a \$20,000 loan with terms of 10 years at 3.75% interest for Lucky Joe’s Liquor Store. *Pickrel moved to approve the LB840 Loan Committee recommendation for Lucky Joe’s Liquor Store of \$20,000 for 10 years at 3.75% interest.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

The ED Director also reported the NDA recommended approval of a sale of Lots 2 & 3 in Countryside Acres Second Addition with one lot included in tax increment financing and one lot without. The item will be place on the May agenda. She reported former Neligh student, Ashton Krebs would be working with the Neligh Area Community Foundation as a new member of the Nebraska Community Foundation and the ED Office as a 2019 Intern to help develop strategies to bring youth back to Neligh. She reported she made application for a \$2,500 grant for internship wages with Nebraska Community Foundation and would request a matching grant from the city at next month’s meeting. She also reported on the flood relief fundraiser to be held April 27<sup>th</sup> at the American Legion. *Hughes moved to approve the Economic Development Directors report.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

## **POLICE REPORT**

Chief Wright reported speed signs would be placed outside again after the snow melted. Discussion was held for pursuing and reducing the use of engine brakes from truck traffic. Chief Wright reported on the \$5,000 invoice for records management and reporting program for the police department to help with dispatch. He reported the program did not use taxpayer dollars but was funded by a donation from TransCanada. He reported the clean-up on one property would be followed up with court or the next step. *Pickrel moved to approve the March Police report of 399 calls.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

#### **CITY SUPT. REPORT**

Discussion was held for residential curb-side trash carts as an additional option to the curb-side clear bag option in the Pay-as-you-throw (PAYT) system. Discussion was held for who pays for and ownership of the trash carts, application of a residential sticker similar to commercial dumpster stickers, pricing of stickers, the truck attachment to accommodate the carts and estimated cost of a truck attachment and liner. It was the consensus of the council to include the equipment as a budget item in the next fiscal year budget.

City Engineer John Zwingman reported he was working with City Supt. Bly for a US Army Corps of Engineers permit to propose the shape of riverbank with rip rap and build jetties. He reported the Corps of Engineers permit provides an option to reclaim ground if the work is done within one year. He reported an estimate of 20,000 yards of dirt for the project to be done in the summer as the permit is made available. Supt. Bly reported the current inventory of concrete with the 7<sup>th</sup> and P Street intersection inventory was not enough to take care of the project. Bly reported that he had spoken with FEMA representatives and FEMA funding would not be available for this project. Discussion was held that a riverbank rip rap project like this must be done at a steep slope rather than a gradual taper to prevent erosion. *Hughes moved to authorize the City Supt. to submit a permit with the US Army Corps of Engineers for the Penn Park river stabilization.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

The City Engineer reported the water from the culvert crossing D Street from Countryside Acres subdivision ran straight toward the Smeal's property. He reported Smeal's had hired his firm to study the water drainage and return with a recommendation. No action was taken.

Discussion was held for closing Wylie Drive for Old Mill Days 4<sup>th</sup> of July fireworks display from P Street to Highway 14 from 4:00PM until after the fireworks show. Discussion was held that planning was still underway for handicap parking and possibly not closing Wylie Drive. It was the consensus of the council to table the matter to allow for further planning. No action was taken.

Supt. Bly reported the Park Board recommended hiring a pool manager and assistant manager for the coming season. *Wilkinson moved to approve hiring Kelsey Green as Pool Manager at \$11.00 an hour, Tia Smith as Assistant Pool Manager at \$10.50 an hour and the list of lifeguards as recommended by the Park Board.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

*Hughes moved to approve the spring community clean up dates of April 27<sup>th</sup> at the compactor and tree dump from 11AM to 5PM and Sunday April 28<sup>th</sup> at the Tree Dump from 11AM to 5PM with a rain date of May 4<sup>th</sup> & 5<sup>th</sup> with regular fees in place.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

City Engineer Zwingman reported on the costs of resurfacing asphalt and concrete of Wylie Drive. With updated numbers, he reported 8,000 yards of 9 inch concrete was \$695,000 for Wylie Drive to Highway 14. He reported a spring project from Lindsay, Nebraska showed the low bid of asphalt was about 5.5 % higher than the cost of concrete. He reported he could bid with asphalt as an alternate to concrete and run a life time cost analysis. He reported other current projects he had bid that day were looking at the end of 2020 for completion with concrete prices expected to increase due to the demand of repairing so many roads. Discussion was held for asphalt milling options, asphalt had no tension and Wylie Drive edges have no concrete base to prevent immediate breaks. Discussion was held for discussing as a budget project for bidding in August. No action was taken.

The City Supt. also reported the Riverside Park road was being worked on with crushed concrete, millings and filled pot holes. Discussion was held for asking the county for a cost estimate to spray Wylie Drive. *Wilkinson moved to approve the Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Generation Supervisor Capler reported 5 applications for the Lineman position resulted in 4 interviews. He reported 4 applications were from future Northeast Community College graduates and one application was out of state. He reported an offer was extended and accepted by Grant Knutson who would graduate May 11<sup>th</sup> but could begin employment on Friday's until graduation. *Hughes moved to approve the hiring of Grant Knutson for Electric Lineman at \$19.50 an hour following pre-employment testing.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

The Supervisor also reported the generation plant would perform more test runs on Fridays to train Knutson with the system. *Hughes moved to approve the Electric operations report.* Seconded by Wilkinson. Roll

call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

**CONSIDERATION FOR NURSING HOME SERVICES FROM THE FEASIBILITY STUDY**

Mayor Hartz reported a decision had not been made but there was a chance the city could get involved in taking over the nursing home. He reported he was anticipating further information later in the week.

**APPROVAL OF BILLS**

*Wilkinson moved to approve drawdown #23 for project funds of \$1,828.31 for completed projects to the Antelope County One Room Schoolhouse and Drawdown #24 for \$600 for general administration to Northeast Nebraska Economic Development District.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

*Wilkinson moved to approve the bills as presented.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:27 P.M.

City of Neligh

\_\_\_\_\_  
Joe Hartz, Mayor

ATTEST

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Danielle Klabenes, City Clerk

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that April 9, 2019; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; 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 from which the foregoing proceedings have been extracted 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 advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

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City Clerk

(SEAL)