

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
August 13, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, August 13, 2019 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Leonard Miller and Brent Pickrel. Council Member Ted Hughes was absent. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, Police Chief Mike Wright, News Reporter Carrie Pitzer, Tom Nelson, Steve Simonsen, Dennis Koch, Lynn Sheridan, Don Weinman, Linda Kuester, Jennifer Blackburn-Nielsen and Dan Murray. Notice of this meeting was given in advance thereof by publication in the Antelope County News on August 7, 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. 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 July 16th regular meeting minutes as presented. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel. Opposed: None. Absent: Hughes. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported department expenses that were at or exceeded the percentage of the fiscal year completed. *Pickrel moved to approve the July 2019 Treasurer's report as presented. Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.*

PENN PARK RIVERBANK STABILIZATION BID LETTING

Clerk Klabenes reported one bid was submitted for the riverbank stabilization project at Fred Penn Park. The bid was from Rutjens Construction for \$167,237.50 with an October 1, 2019 start date and April 1, 2020 completion date. She reported that 12 invitations to contractors went out and 4 contractors had requested the specifications. She reported that if the US Army Corp of Engineers approved the project and if FEMA designated funds for the project, that federal funds would cover 75% of the cost and state funds would cover 12.5% of the cost. *Wilkinson moved to award the Penn Park riverbank stabilization project to Rutjens Construction for \$167,237.50 contingent on the designation of funds notice from FEMA and the approval from US Army Corp of Engineers. Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Absent: Hughes. Motion carried. Mayor Hartz thanked Rutjens Construction for bidding on the project.*

PARK BOARD FUTURE PLANNING FOR A SWIMMING POOL

Park Board members Steve Simonsen and Linda Kuester requested consideration for designating funds for a future swimming pool for a 5-10 fundraising project. Simonsen reported the pool will be 40 years old next year. He reported the current swimming pool was servicing the community. Kuester reported before grants and fundraising efforts began that citizens like herself would like to see support from the city to move forward. Discussion was held for the City Attorney to research the ability for municipalities to restrict funds for a future swimming pool and report to the City Council on Thursday night during the budget meeting for further consideration. No action was taken.

ORDINANCE 619 TO VACATE ALLEY IN BLOCK 99

Dan Murray reported on the location of a commercial warehouse building for BMC Properties if the proposed alley were to close. He reported the building would be located east of a current building on the lot and

would see less traffic than current flow which would likely have traffic of 1 to 2 trucks per month. He reported future plans included moving the current east parking lot to the west side of the manufacturing business by Jonny Dodge. Neighbors Lyn Sheridan and Dennis Koch expressed concern for truck traffic on T Street arising from closing the alley. Murray reported that truck traffic would not be the same volume seen on the west side of the business seen for daily shipping orders as the building under discussion would be a warehouse with much less traffic resulting in 1 to 2 trucks per month. Discussion was held that if the alley were to close, each of the 3 property owners would acquire half of the alley width which is approximately 10 feet of the alley to each property owner. Sheridan expressed concern for the curb cut along the highway for the parking lot to widen 10 feet to the west so as not to encroach closer to his property to the east. Jennifer Blackburn-Nielsen, the business property owner to the west, was present and reported to widen the property entrance to the west was not a problem. Mayor Hartz stated that the state roads is the department to allow access to property off of the highway. Sheridan reported he was in favor of closing the alley. Clerk Klabenes reported the other two property owners had submitted and signed waivers in agreement to closing the alley. Mayor Hartz reported all 3 property owners were in agreement to close the alley. *Council Member Wilkinson introduced the following ordinance entitled:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, VACATING THE NORTH/SOUTH ALLEY IN BLOCK 99 OF THE CITY OF NELIGH; PROVIDING FOR ASCERTAINMENT OF DAMAGES; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT.

And moved that the statutory rule requiring reading on three different times be suspended. Council Member Pickrel seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Miller, Wilkinson, Pickrel. The following voted NAY: None. Absent: Hughes. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinance*, which motion was seconded by Council member Pickrel. The Mayor then stated the question, "Shall Ordinance No. 619 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Wilkinson, Miller. The following voted NAY: None. Absent: Hughes. The passage and adoption of said ordinance, having been concurred in by three-fourths of all members of the City Council, the Mayor declared the ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance one time as prescribed by law.

RESOLUTION 2019-9 LARM INSURANCE RENEWAL FOR 2019-2020 FISCAL YEAR

Miller introduced and moved for passage Resolution 2019-9 for city insurance with LARM and to accept the 2-year commitment 180 day notice at 4% discount for an annual premium of \$85,620.54 for the city insurance policy for the 2019-2020 fiscal year. Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller. Opposed: None. Absent: Hughes. Thereupon Mayor Hartz declared Resolution 2019-9 adopted.

SPECIAL DESIGNATED LIQUOR LICENSES AT ANTELOPE COUNTY AG BUILDING

Wilkinson moved to approve the special designated liquor licenses for Neligh American Legion on September 7th and the Tilden American Legion for September 14th and October 5th all at the Antelope County Ag Building. Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

MOBILE FOOD VENDOR PERMITS

Clerk Klabenes reported two mobile vendors have inquired about coming to Neligh with mobile food trucks with cod fish and Mongolian grill menus. She reported the first mobile vendor two years ago was approved with a list of required documentation on a trial basis and it now appears new vendors have interest in coming to Neligh. She reported on a sample application and ordinance from Schuyler to consider. City Attorney McNally reported he had an ordinance from Valley for mobile food vendors and would share with the council for review

and further consideration. No action was taken and the matter was tabled.

DISPATCH AGREEMENT RENEWAL WITH ANTELOPE COUNTY

Clerk Klabenes reported the value of the dispatch agreement was unmeasurable in the assistance the county provides with dispatch of utility calls after business hours. She reported the proposed agreement was the same amount and term period as the current agreement. *Pickrel moved to approve the dispatch agreement renewal with Antelope County at \$900 a month for a period of 3 years ending August 31, 2022.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

ECONOMIC DIRECTORS REPORT

ED Director Lauren Sheridan-Simonsen reported all funds for the downtown revitalization grant were allocated to projects which included \$10,000 the Neligh Community Theater. She reported current projects included the businesses Peas & Carrots, Thriftway, Tedd Adams and Wanek Pharmacy. She reported a couple of locations were being discussed for utilizing the stencils to install the Old Mill District signage and one location was the west wall of the City Hall garage. She reported Roxanne McNally had hired a helper for maintenance at the Rainbow Fountain prior to the County Fair. Mayor Hartz thanked Sheridan-Simonsen for starting the Rainbow Fountain project when it was at its worst for maintenance and he thanked Ron Marshall for his clean up assistance at Trail of Tears.

ED Director Sheridan-Simonsen reported she was still seeking board members for the historic preservation board for the Certified Local Government. She reported on a free training session in Lincoln on how to use the Certified Local Government with all expenses paid and was open to council members interested in attending. She reported the Neligh Area Community meeting determined housing and community unity were the top goals to focus on. She reported approximately 260 people attended the National Night Out event in Clearwater the previous week. She reported approximately 1,050 people attended the Chamber barbeque during the fair and reported the Chamber's football raffle for 4 season tickets would be drawn on August 21st.

The Director reported on 3 DTR applications for consideration to include the Neligh Community Theater for \$10,535.00, which was capped at \$25,000 to be used toward the restoration costs bid at exceeding \$100,000. She reported two micro-façade grants included Thriftway Market for painting capped at \$1,500 on a \$8,900 project and Wanek Pharmacy for the awning capped at \$1,500 on a \$4,900 project. *Wilkinson moved to approve the 3 DTR applications totaling \$13,535.00 for the Theater, Thriftway and Wanek Pharmacy.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

Sheridan-Simonsen reported on the Memorandum of Understanding (MOU) presented had received approval from the Northeast Nebraska Economic Development District (NENEDD) to facilitate a non-profit project. Discussion was held that the guidelines for the Civic and Community Center Financing Fund (CCCCFF) changed in 2019 which made the theater ineligible for funding. City Attorney McNally reported the city membership with NENEDD allowed the district to work with Neligh businesses and non-profits like the theater and the MOU had no effect on that working relationship. He reported that with the amended statute on the CCCCFF that the MOU was not applicable. No action was taken.

The Director reported the Economic Development Board had recommended a one year contract of employment renewal at \$43,000 salary. Discussion was held that a board member from the Economic Development Board should present the contract renewal and conditions at the City Council meeting in the future instead of the director presenting her own contract renewal. *Pickrel moved to approve the Economic Development Board recommendation for the Economic Development Director employment contract on one year at a \$43,000 salary.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Pickrel. Opposed: None. Absent: Hughes. Motion carried.

Wilkinson moved to approve the Economic Development Directors report. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

POLICE REPORT

Mayor Hartz reported that the City Attorney, Police Chief and the Mayor would be meeting to discuss noise complaints and written complaints as the system was not working efficiently. Discussion was held for designating Wylie Drive to local traffic. Clerk Klabenes reported that the City Engineer had responded with information indicating highway allocation funds would not be affected as those funds were based on lane miles. Discussion was held for enforcement of designating Wylie Drive as a local traffic only street and in absence of signage, the police did not have grounds to enforce compliance. Discussion was held that for the improvements recently made to Wylie Drive that local traffic only would help preserve the condition of Wylie Drive. Discussion was held that trucks hauling to local stores, such as the grocery store, were considered local traffic. Discussion noted that the request was to use state highways for non-local truck traffic and traffic had increased on Wylie Drive with the Oakdale cut-a-cross closed. *Pickrel moved to approve placing local truck traffic signage at the west and east ends of Wylie Drive along Highway 14 and Highway 275.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel. Opposed: Wilkinson. Absent: Hughes. Motion carried.

Chief Wright reported an updated police manual as recommended by the city insurance carrier, LARM, was completed. City Attorney McNally reported the manual was put together very well, very comprehensive and provided the procedures for the police department. *Pickrel moved to approve the police department updated manual.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

Pickrel moved to approve the July Police report of 348 calls. Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported no bids were received for the John Deere mower despite several inquiries. No action was taken.

Supt. Bly reported a sewer backup occurred two months ago into the basement of the West Hillview Motel. He reported Pollard Pumping had opened the line with the jetter but the hose had got stuck and damaged the hose. He reported 2 weeks ago a sewer plug was reported and the city used the jetter to open the line and damaged about 90 feet of hose. He reported an estimate from Rutjens to bore under the highway with 8" sewer line and a 12" casing in the state right-of-way was estimated at \$29,000. He reported a second option was to dig out the north and south sides of the highway for \$10-15,000 estimate. He recommended the first option to bore under the highway was a better fix to the problem. *Miller moved to authorize the City Supt. to contact Rutjens Construction for the sewer line repair at North O Street for an estimated \$29,000.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

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

ELECTRIC REPORT

Generation Supervisor Capler reported County Fair was quiet and no major outages in July. He reported the generation monthly test run on Generator #3 would not start and Catepillar determined one battery was bad which was due to replace in 2020. He reported the smaller generator had 2 batteries but does not pull a large load to require 2 batteries so one battery was pulled from the smaller generator and placed on generator #3. He reported an oil pressure sensor code was a simple fix and restored to normal operations. *Miller moved to approve the Electric operations report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Pickrel. Opposed: None. Absent: Hughes. Motion carried.

APPROVAL OF BILLS

Pickrel moved to approve drawdown #28 for project funds of \$3,469.73 for completed projects to the Antelope County One Room Schoolhouse, Snider Funeral Home, Wanek Pharmacy and Northeast Nebraska Economic Development District. Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

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

NURSING HOME CONTRACTS

Wilkinson moved to go into executive session for the protection of the public interest to discuss contract negotiations for possible acquisition of Neligh Care & Rehab by the City of Neligh. Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel. Opposed: None. Absent: Hughes. Motion carried. Time: 8:42 P.M. Those present were the City Council, City Attorney Jim McNally and City Clerk Danielle Klabenes. Those present remained in the Council Chambers.

The Council reconvened into regular session at 8:58 P.M. No action was taken.

There being no further business to conduct, *Wilkinson moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Absent: Hughes. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:59 P.M.

City of Neligh

Joe Hartz, Mayor

ATTEST

Danielle Klabenes, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that August 13, 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.

City Clerk

(SEAL)