

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

October 8, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, October 8, 2019 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Brent Pickrel, Dale Wilkinson, Leonard Miller 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, Assistant Chief Kraig Nelson, City Clerk Danielle Klabenes, City Engineer John Zwingman and News Reporter Carrie Pitzer. Notice of this meeting was given in advance thereof by publication in the Antelope County News on October 2, 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 hereafter 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. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the September 10th regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported on the fiscal year treasurer's report and noted the negative general fund balance. She recommended a transfer from the street department to the general fund of \$8,800 for a positive fund balance. *Miller moved to approve a transfer from the street fund to the general fund of \$8,800 for a positive fund balance.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

She reported on the annual statement of receipts and disbursements as required by statute. She reported on the annual summary report of checking, saving and investment funds noting which investments were restricted for the line of credit for the power supply contract or bond debt covenants. *Council member Hughes moved to approve the September 2019 Treasurer's report, annual treasurer's report and annual bank summary report for 2018-2019 as presented.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

PENN PARK RIVERBANK STABILIZATION CONTRACT WITH ADVANCED CONSULTING ENGINEERING SERVICES

Clerk Klabenes reported that the council had approved to proceed with the riverbank stabilization project but had not formally approved the city engineer's contract which engineering services had been underway. *Wilkinson moved to approve the contract of \$7,500 for Penn Park Riverbank stabilization with Advance Consulting Engineering Services.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

City Engineer Zwingman reported on an update in working with the US Army Corp of Engineers for the project permit with information on the jetty planned for the construction of the riverbank stabilization. He reported that the jetty did not extend into the channel in excess of 25% which complied with the US Army Corp of Engineers regulations. He reported the jetty was needed for construction to allow the riverbank project to replace a portion of the land lost in the flood. Discussion was held for removing the jetty after construction. Discussion was held for a hydraulic analysis as required by the US Army Corp of Engineers if the jetty were requested to remain intact after construction. He reported the cost of the analysis was estimated at \$30,000. It was the consensus of the council to construct the jetty for construction purposes with the intent to remove the jetty after construction. No action was taken.

ALLEY IMPROVEMENT PROJECTS

Engineer Zwingman reported on unit costs of asphalt and concrete per city block. He reported an estimated asphalt alley block was \$37,686.00 and one concrete alley block was approximately \$47,686.00. Discussion was held for business alleys, one block on 5th Street and one block on 6th Street. Discussion was held for camera footage of the sewer line for the alley blocks in discussion. Engineer Zwingman reported due to water drainage, he could not recommend asphalt for 2 ½ blocks of alleys from 2nd Street to the 5th Street between Highway 275 and Main Street. Discussion was held for the Streets & Alleys Committee with Council Members Hughes and Pickrel to meet with the City Engineer before the next meeting. Discussion was held for plans and specs to be presented at the November meeting and bid letting at the December meeting. Discussion was held for two separate bid packages for separate asphalt and concrete contractors. *Hughes authorized the Street Committee and Mayor to determine street projects for next year and authorize the City Engineer to begin plans and specs for the November meeting as recommended by the Street Committee and Mayor.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

NEW MOON COMMUNITY THEATER TOWER WORK

Council member Miller reported contractors were scheduled to take the tower down in 2 weeks. Discussion was held that barricades would be placed on the sidewalks during the tower removal. No action was taken.

APPOINTMENTS

Mayor Hartz recommended the following appointments: Economic Development Board and Neligh Development Agency – Andy Elder and Tyler Pederson for 3-year terms. *Motion was made by Hughes to approve the appointments as presented.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel, Opposed: None. Motion carried.

RESOLUTION 2019-13 AMENDING UNCOLLECTIBLE ACCOUNT WRITE OFFS

Clerk Klabenos reported a meter deposit refund against last month's uncollectible accounts had reduced the total write offs by \$400. *Pickrel introduced and moved for passage Resolution 2019-13 to amend writing off uncollectible accounts for accounting purposes in the amount of \$7,034.07 for the fiscal year ending September 30, 2019.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-13 adopted.

ANTELOPE COUNTY SHOOTERS LEASE OF RUSSELL PARK

City Attorney McNally reported paragraph 7 included last months discussion for grass maintenance and volunteer tree trimming. Discussion was held to clarify the annual rent was \$1.00 in insert in paragraph 3 for the amended term of 2 years. *Hughes moved to approve the agreement with Antelope County Shooters to lease Russell Park for archery for a 2-year period beginning October 1, 2019 for \$1.00 annual rent.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

RESOLUTION 2019-14 RECERTIFICATION FOR LEADERSHIP COMMUNITY

Clerk Klabenos reported Neligh was recertifying after the initial 5-year certification. Mayor Hartz reported the certification helped with qualifying for grants for the city. *Pickrel introduced and moved for passage Resolution 2019-14 supporting the recertification of Neligh to the Nebraska Department of Economic Development as a Leadership Community.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

ORDINANCE NO. 622 MOBILE VENDOR PERMIT FOR FOOD TRUCKS

City Attorney McNally reported the ordinance presented was more inclusive than other ordinances he had read. Asst. Chief Nelson requested consideration for a revision on page 3 for authorization to park a mobile food vendor without the clause of the written approval of the Chief of Police as authorization to park a mobile food vendor will only be allowed in permitted areas and any violation otherwise would be addressed by any police officer. *Council member Wilkinson introduced the following mobile food vendor truck ordinance entitled as follows:*

AN ORDINANCE OF THE CITY OF NELIGH, NEBRASKA TO REGULATE MOBILE FOOD VENDORS OPERATING WITHIN THE CITY; TO PROVIDE FOR A FOOD VENDOR LICENSE; TO ESTABLISH PENALTIES FOR VIOLATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE.

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: Hughes, Miller, Wilkinson, Pickrel. The following voted NAY: 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 said ordinance.

Said ordinance was then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinance with modifications on page 3,* which motion was seconded by Council member Pickrel. The Mayor then stated the question, "Shall Ordinance No. 622 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Wilkinson, Pickrel, Miller. The following voted NAY: None. 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 ordinances one time as prescribed by law.

THRIFTWAY MARKET SPECIAL DESIGNATED LIQUOR LICENSE

Wilkinson moved to approve the Thriftway Market special designated liquor license for Nov 8, 2019 tasting event. Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

CITY HALL FOYER AND DEPARTMENT OFFICES

Discussion was held for placement of Economic Development and city offices under one roof with secured

entrances and main entry foyer. Council members Pickrel and Wilkinson reported on discussion planning for a stem wall in the city hall entry for creating a foyer, placement of the Public Works office for the City Supt. in the former kitchen area and moving the Economic Development Offices into the current Public Works and Mayor's offices. Discussion was held for moving the Mayor's office and Dial-A-ride within the Clerk's office. Discussion was held for further drafting and measurements in planning. No action was taken.

CUSTODIAN SERVICES FOR CITY HALL AND ECONOMIC DEVELOPMENT OFFICES

Clerk Klabenes reported the current custodian Nikki Kallhoff would like to step down and Linda Meis was interested in providing cleaning services. *Wilkinson moved to approve hiring Linda Meis or other custodian services at \$9.45 per hour for the City Hall and Economic Development offices.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

ECONOMIC DIRECTORS REPORT

City Attorney McNally presented a revised contract following some verbiage changes in paragraph 4 from last month. *Wilkinson moved to approve the contract renewal with the Neligh Chamber of Commerce for \$14,000 contract payable in January and June for 1,040 hours.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

Considerable discussion was held for the Neligh Development Agency (NDA) Board, which is currently the same board as the Economic Development Board, to purchase a residential lot in the Countryside Acres Second Addition subdivision for approximately \$8,000 for a developer to construct a duplex and spur further housing development. Discussion was held for LB840 funds or Electric funds purchasing the lot with the sales proceeds of the finished home coming back to the NDA into a revolving loan fund. Discussion was held that LB840 funds could not purchase property for construction or give property away. Discussion was held for developing a lot in other parts of town with the utility infrastructure in place without current bond or assessments assessed. Discussion was held that the City Council and NDA meet to establish policies and guidelines for this concept considering funding, parking and zoning and a plan for the City Council to approve. It was the consensus of the council to not give away a lot for free but to buy a lot in connection with a revolving loan program and with the sales proceeds to replenish the loan fund to continue with another project. The City Council directed the ED Director to work with the NDA to develop policies to recommend to the City Council. No action was taken and the matter was tabled.

Economic Development Director Lauren Sheridan-Simonsen reported Sly's Family Bar and Grill had applied for a micro façade grant to replace the front door, a window and trim with a total project cost of \$3,851.90 and a grant fund cap of \$1,500. *Pickrel moved to approve the micro façade application for Sly's Family Bar & Grill at a cap of \$1,500.00.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

The Director reported Congressman Adrian Smith would be in Neligh later in the week. She reported the Midwest Hemp Forum was coming to Neligh in January 2020 for a 4-hour forum to share information and educate local producers about the over 25,000 products made such as fiber and rope. *Hughes moved to approve the Economic Development Director's report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

POLICE REPORT

Assistant Chief Nelson reported for Chief Wright who was attending conference. Asst. Chief Nelson reported he had talked to the Nebraska Department of Roads regarding local truck traffic signs and was informed that no signage stating local truck traffic only could be placed on the state highway to deter trucks from turning onto Wylie Drive. He reported that the local truck traffic signage would need to be placed on Wylie Drive. Discussion was held for possibly rescinding the ordinance. Nelson requested consideration to further define what local truck traffic was if the ordinance was to remain on the books. Discussion was held for asking the Nebraska Department of Roads if a sign could be placed on the state highway that directed truck traffic to continue on the state highway for the truck route. No action was taken and the matter was tabled to the next meeting. *Wilkinson moved to approve the September police report of 345 calls.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported Blackburn Manufacturing requested a 6-foot wide sidewalk to run across U Street to connect the new building east of U Street with the current office building west of U Street for forklifts to pass between the two buildings. Discussion was held for the gravel U Street and a sidewalk would not pose a problem for snow removal in the winter or grading the street. *Hughes moved to approve a sidewalk across U Street between commercial buildings.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

The City Supt. reported that following the Mayor's signature on the agreement for water and sewer controls that the work would begin in 4-5 weeks.

Supt. Bly reported that the State of Nebraska Department of Roads is going to try to put in a driveway west of Blackburn's following submittal of an application. The driveway would not be for trucks but would be for

employee parking. Discussion was held for trucks to access the business across from the Catholic church. *Miller moved to approve the Supt. report.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

ELECTRIC REPORT

Generation Supervisor Capler reported one outage from a blown fuse but no major outages in September. He reported tree trimming would begin after the leaves fell and the city office was compiling a tree list for those with branches around the power lines. He reported no issues with the generation plant. *Wilkinson moved to approve the Electric report.* Seconded by Hughes. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

APPROVAL OF BILLS

Discussion was held for a request to purchase the John Deere mower in surplus property that had not sold following several months of advertising for bids at a minimum bid of \$3,500. *Miller moved to approve the sale of the surplus property John Deere mower to Ted Hughes for \$3,551.00.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel. Abstain: Hughes. Opposed: None. Motion carried.

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:02 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 October 8, 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)