

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
December 11, 2018

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, December 13, 2018 at 7:00 P.M. Present were Council Members Steph Wanek, Leonard Miller, Dale Wilkinson and Ted Hughes. Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Assistant Director Lauren Sheridan-Simonsen, Police Chief Michael Wright, City Clerk Danielle Klabenes, News Reporters Jenna Hemenway and Carrie Pitzer, Engineer Brent Marr, Stephanie Stuhr, Tedd Adams, Melanie Miller and Krista Schindler. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on December 5, 2018. 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**

Mayor Hartz reported on the procedural error from the November 13<sup>th</sup> meeting which mistakenly missed a roll call to enter executive session following the motion and second. *Council member Wilkinson then moved to affirm and ratify the action of the City Council to enter executive session on November 13, 2018, to discuss wages and salaries for City Supt. Dean Bly.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

*Wilkinson moved to approve the November 13<sup>th</sup> regular meeting minutes and November 19<sup>th</sup> special meeting minutes.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson. Abstain: Wanek. Opposed: None. Motion carried.

#### **TREASURER'S REPORT**

Clerk Klabenes reported the auditors were on site at the end of November and recommended a few funds be repositioned under different headings on the Treasurer Report to coincide with reporting on the audit. She requested consideration for a transfer by book entry from the sewer fund to the general fund of \$10,000 for a positive fund balance to begin the fiscal year. *Wilkinson moved to approve a transfer from the sewer fund of \$10,000 to the general fund for a positive fund balance at the beginning of the year.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

*Hughes moved to approve the November 2018 Treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Wanek, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **PLANS, SPECS AND COST ESTIMATE FOR 2019 INTERSECTION IMPROVEMENTS**

Engineer Brent Marr presented plans, specs and a cost estimate for the 2019 street improvements of 7<sup>th</sup> and P Street. He reported the construction and removal plan was comparable to the 2018 intersection projects. He reported an estimated 2 week construction time beginning after June 1<sup>st</sup> and completing by August 1<sup>st</sup> for an estimated project cost of \$55,000. Discussion was held for the 6 inch clay line and running a camera to look at the line. Discussion was held for considering two separate bids for the sewer and paving and proceeding with the paving bid for scheduling with contractors. *Hughes moved to approve the plans and specs for a street intersection paving improvement of 7<sup>th</sup> and P Street for an estimate of \$55,000.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

*Wilkinson moved to set a bid opening date of January 4, 2019 at 1:00PM at the City Council Chambers with recommendation to the Council for the January 8<sup>th</sup> meeting.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

## **BALCONY ADDITION TO MAIN STREET BUILDING**

Tedd Adams presented a drawing for a balcony above the downtown apartment. He reported that if the balcony was less than 40 inches from the eave that no additional support was needed. He reported if the balcony extended more than 40 inches then additional supports were needed. He reported his plan for the balcony was for less than 40 inches from the eave. He reported the distance from the sidewalk to the bottom of the balcony deck was over 10 feet and the rail height was approximately 40 inches. *Hughes moved to approve the plans for adding a balcony on a main street building for Tedd Adams.* Seconded by Wanek. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

## **DONATION TO NEW MOON COMMUNITY THEATER**

Melanie Miller requested consideration for a donation to the New Moon Community Theater. She reported a 501c3 was setup for funds to contribute to the acquisition, restoration and operation as a non-profit. She reported on the fundraiser for New Year's Eve to generate funds for the project. She reported on the community support, other theater models to learn from and the asset the theater brings to see main street bustle again. Discussion was held for lottery and electric funds and previous donations to youth programs and the Jaws of Life. Discussion was held on whether property tax or public funds should be donated for the project. *Wilkinson moved to donate \$5,000 to the New Moon Community Theater from the Electric fund.* Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson, Wanek. Opposed: Hughes. Motion carried.

## **APPOINTMENTS**

Mayor Hartz recommended the reappointment of Tonya Strom to the Park Board for a 3-year term; Bennie Taylor to the Planning Commission for a 3-year term and Chet McGowen to the Library Board for a 4-year term. Mayor Hartz reported of one vacancy on the Park Board and asked for public interest in serving on the board. The LB840 Loan Committee appointment was tabled. *Motion was made by Hughes to approve the appointments as presented.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

## **ECONOMIC DIRECTORS REPORT**

Assistant Economic Development Director Lauren Sheridan-Simonsen reported no new downtown revitalization applications for the month. She reported the extension request was approved to December 22, 2019 allowing projects one more year to complete. She reported approximately \$23,000 was not allocated and available for projects.

The Assistant Director reported of interest on one new business. She reported attendance at the Nebraska State Chamber Summit last week. She reported the ED Board met the previous night and recommended overtime be approved as needed until a permanent director was hired and assumed the position. She reported a hiring committee will include 2 members of the ED Board, 1 City Council member, 1 local business person and 1 Clearwater ED Board member. Discussion was held for Council Member Hughes to serve on the hiring committee. She reported the timeline for hiring was looking at January interviews with a recommendation to the City Council at the January meeting.

Sheridan-Simonsen reported of her plans to serve at the Clearwater office during the interim. She reported on the Chamber of Commerce Pick Your Present holiday promotion. She reported the winner of the lighting contest would be announced the following day. She reported on an increase in the Christmas lighting parade float entries from 11 to 17. *Hughes moved to approve the Assistant Economic Development Directors report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Wanek, Hughes, Miller. Opposed: None. Motion carried.

## **POLICE REPORT**

Chief Wright reported Assistant Chief Nelson had secured a donation of \$10,000 from TransCanada for

the state mandated electronic citation system. He reported he filed application for a waiver, but if the waiver was denied the equipment cost with tablets in 3 patrol vehicles was estimated at \$20,000. He also reported he had extended an offer that was accepted for Darrin Ternus to join the Neligh Police Department. He reported this would be placed on the January agenda as it was too late for the December meeting but wanted to provide notice. He reported a full-time employment start date of January 1<sup>st</sup> and Officer Ternus would work as a part-time officer until January 1<sup>st</sup>. Chief Wright reported he would work with Antelope County Sherriff's office to help with covering shift work. *Wilkinson moved to approve the November Police report of 353 calls.* Seconded by Miller. Roll call votes in favor were Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

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

Generation Supervisor Capler reported for City Supt. Bly who was absent. Capler reported city personnel continued to grade streets to break the ice and bad spots as the weather was not warm enough to melt the ice and snow mix. Discussion was held for equipment options to help break the ice. *Miller moved to approve the Supt. report.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wanek, Hughes, Wilkinson. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Generation Supervisor Capler reported the electric department continued on service upgrades. He reported on one outage on a transformer at Greenline which was switched out and replaced before the snow and ice started. He reported the fuel tanks for the generation plant were filled up and ready. He reported of a possible project for the January agenda and personnel were working on tree trimming. *Hughes moved to approve the Electric report.* Seconded by Miller. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

#### **CONSIDERATION FOR NURSING HOME SERVICES FOR FEASIBILITY STUDY**

Clerk Klabenes reported on questions from Great Plains Appraisal as research was beginning on the feasibility study. Discussion was held for considering assisted living rooms in a nursing home facility so as not to compete with the Willows Assisted Living. Discussion notes that the current assisting living facility was at full capacity and to offer the service available if the research showed the need. It was the consensus of the council to look at the numbers the research showed for the market area but the main focus was skilled nursing care.

Discussion was held for consideration of sub-acute care services including memory care, mental health, development disabilities, hospice or palliative care and traumatic brain injury care. Discussion was held for consideration of a couple of rooms that may meet the sub-acute service needs in the event of an accident or traumatic event and consider the numbers the research from the study showed. Discussion was held for considering the memory care services for dementia and Alzheimer's patients. Discussion was held for consideration of an in house child daycare where studies have shown to benefit both the children and elderly residents and the benefit is attractive to employees.

Discussion was held for learning the demographics of the residents of the current facility. Stephanie Stuhr from the Neligh Care & Rehab reported 40 current residents with 9 from Neligh, 17 from Antelope County and 14 from other locations primarily from Norfolk and O'Neill. Mayor Hartz thanked Stephanie for attending the meeting and sharing demographic information. Clerk Klabenes will report the discussion to Great Plains Appraisal for proceeding with the feasibility study.

#### **APPROVAL OF BILLS**

*Wanek moved to approve the change order for a materials price increase for Razor's Edge for \$368.21 for completed Downtown Revitalization projects.* Seconded by Wilkinson. Roll call votes in favor were Wanek, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

*Wilkinson moved to approved Drawdown #16 for project funds for \$26,262.16 for completed downtown revitalization projects and construction management fees to Northeast Nebraska Economic Development District for \$580.39 and Drawdown #17 for general administration fees to Northeast Nebraska Economic Development*

*District for \$701.98. Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.*

Engineer Brent Marr reported on the change order to Rutjens Construction for \$137.75 due to quantity discrepancies. He reported on the change order to Platte Valley Precast for \$2,409 for additional fill in the south half of the alley to make subgrade from the summer wet conditions and a reduction in quantity estimates of \$1,443.30 for a net change order of \$965.70. *Hughes moved to approve the change order and final payment to Platte Valley Precast for alley paving improvements of \$58,538.90 and the change order and final payment to Rutjens Construction for alley sewer improvements of \$63,497.45. Seconded by Wanek. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.*

*Wilkinson moved to approve \$50.00 Chamber of Commerce Big Bucks to each employee for employee appreciation for a total cost \$1,400.00. Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried. Mayor Hartz extended thanks to all employees for serving the constituents every day.*

*Hughes moved to recognize employment anniversaries with an employee appreciation banquet. Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.*

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

There being no further business to conduct, *Miller moved to adjourn. Seconded by Wanek. Roll call votes in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:15 P.M.*

#### Sine' Die

City Clerk Danielle Klabenes reviewed the credentials of elected officials and recited the Oath of Office to Mayor Joe Hartz and Council member incumbent Ted Hughes and new Council Member Brent Pickrel.

Mayor Hartz declared the meeting open at 8:16 P.M. Mayor Hartz thanked Council Member Wanek for her service to the council, the mayor and all the folks represented. A round of applause was extended to Council Member Wanek.

Clerk Klabenes called roll as follows: Council members Hughes, Wilkinson, Miller and Pickrel. Absent: None.

#### **COUNCIL PRESIDENT**

*Wilkinson moved to nominate Ted Hughes as Council President and that nominations cease. Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson. Abstain: Hughes. Opposed: None. Motion carried.*

#### **APPOINTMENTS**

Mayor Hartz appointed the following positions and standing committees:

City Attorney - James or Joe McNally of McNally Law Office

City Clerk/Treasurer - Danielle Klabenes and Deputy Clerk - Rhonda Heithoff

Police Chief - Michael Wright

City Physician - Dr. Roger Rudloff

Reorganize Board of Health - Dr. Roger Rudloff, Police Chief Wright and Mayor Hartz

City Engineer - John Zwingman of Advanced Consulting Engineering Services

Standing Committees:

Streets & Alleys – Hughes and Pickrel

Finance – Miller and Wilkinson

Utilities – Wilkinson and Hughes

Fire, Park, Buildings, Grounds – Pickrel and Miller

Human Resources – Hughes & Wilkinson

*Hughes moved to approve the Mayor's appointments and standing committees as presented. Seconded*

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

### **PUBLICATIONS FOR LEGAL NOTICES**

Discussion was held for consideration of using both local newspapers for equal legal publications. Discussion was held that the cost was set by statute and would be shared equally by local newspapers for the same total cost currently incurred. *Miller moved to approve both the Neligh News & Leader and Antelope County News as official publications for legal notices for 2019.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson.

*Moved by Wilkinson and seconded by Pickrel to adjourn.* Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time: 8:33 P.M.

City of Neligh

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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 December 11, 2018; 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)

## Neligh City Council Proceedings

The Mayor and City Council of the City of Neligh met in regular session at the City Council Chambers on December 11, 2018 at 7:00 P.M. as published.

Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Assistant Director Lauren Sheridan-Simonsen, Police Chief Michael Wright, City Clerk Danielle Klabenes, News Reporters Jenna Hemenway and Carrie Pitzer, Engineer Brent Marr, Stephanie Stuhr, Tedd Adams, Melanie Miller and Krista Schindler. The following agenda items were approved:

- Affirm and ratify the action of the City Council to enter executive session on November 13, 2018, to discuss wages and salaries for City Supt. Dean Bly.
- Approved November 13<sup>th</sup> regular meeting minutes and November 19<sup>th</sup> special minutes and November treasurer's report.
- Approved a transfer from the sewer fund of \$10,000 to the general fund for a positive fund balance at the beginning of the year.
- Approved the plans and specs for a street intersection paving improvement of 7<sup>th</sup> and P Street for an estimate of \$55,000.
- Approved to set a bid opening date of January 4, 2019 at 1:00PM at the City Council Chambers with recommendation to the Council for the January 8<sup>th</sup> meeting.
- Approved the plans for adding a balcony on a main street building for Tedd Adams.
- Approved donation of \$5,000 to the New Moon Community Theater from the Electric fund.
- Approved re-appointment of Tonya Strom to the Park Board for a 3-year term; Bennie Taylor to the Planning Commission for a 3-year term and Chet McGowen to the Library Board for a 4-year term. Reported of one vacancy on the Park Board.
- Economic Director, Police, City Supt. and Electric reports
- Approved the change order for a materials price increase for Razor's Edge for \$368.21 for completed Downtown Revitalization projects.
- Approved Drawdown #16 for project funds for \$26,262.16 for completed downtown revitalization projects and construction management fees to Northeast Nebraska Economic Development District for \$580.39 and Drawdown #17 for general administration fees to Northeast Nebraska Economic Development District for \$701.98.
- Approved the change order and final payment to Platte Valley Precast for alley paving improvements of \$58,538.90 and the change order and final payment to Rutjens Construction for alley sewer improvements of \$63,497.45.
- Approved \$50.00 Chamber of Commerce Big Bucks to each employee for employee appreciation for a total cost \$1,400.00.
- Approved to recognize employment anniversaries with an employee appreciation banquet.
- Approved remaining bills.

Discussion was held on the following agenda items with no action taken:

- Nursing home services for feasibility study to consider

Meeting adjourned at 8:15 P.M

### Sine' Die

Credentials of elected officials and recited the Oath of Office to Mayor Joe Hartz and Council member incumbent Ted Hughes and new Council Member Brent Pickrel.

Mayor Hartz declared the meeting open at 8:16 P.M. Roll call present were Council members Hughes, Wilkinson, Miller and Pickrel. Absent: None.

Nominated Ted Hughes as Council President.

Approved appointments and standing committees: City Attorney - James or Joe McNally of McNally Law Office, City Clerk/Treasurer - Danielle Klabenes, Deputy Clerk - Rhonda Heithoff, Police Chief - Michael Wright, City Physician - Dr. Roger Rudloff, Board of Health - Dr. Roger Rudloff, Police Chief Wright and Mayor Hartz, City

Engineer - John Zwingman of Advanced Consulting Engineering Services and Standing Committees: Streets & Alleys – Hughes and Pickrel; Finance – Miller and Wilkinson; Utilities – Wilkinson and Hughes; Fire, Park, Buildings, Grounds – Pickrel and Miller; Human Resources – Hughes & Wilkinson.

Approved both the Neligh News & Leader and Antelope County News as official publications for legal notices for 2019.

Meeting adjourned at 8:33 P.M.

/s Joe Hartz, Mayor

Attest:

Danielle Klabenes, City Clerk

A complete copy of the minutes is available for inspection at the office of the City Clerk during normal working hours.

Please publish December 19<sup>th</sup>