

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

May 8, 2018

The regular meeting of the Mayor and City Council of the City of Neligh was held at the Council Chambers on Tuesday, May 8, 2018 at 7:00 P.M. Present were Council members Dale Wilkinson, Ted Hughes, Steph Wanek and Leonard Miller. Absent: Mayor Joe Hartz. Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, City Supt. Dean Bly, Economic Development Director Gabriel Steinmeyer, Police Chief Mike Wright, City Clerk Danielle Klabenes, News Reporters Olivia Wondercheck and Carrie Pitzer, Brent Pickrel, Auditor Lori Olson, City Engineer John Zwingman, Dave Jacobsen, Jeff Keezer, Chris Kurpgeweit, Steve Simonsen, Lyle Juracek, Dennis Koch, Jayne Prince and Neligh Care and Rehab employees of Elizabeth George, Nancy Coover, Janna Schrunk, Alyson Pelan, Alice Klabenes and Stephanie Stuhr. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on May 2, 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. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public. Council President Hughes presided over the meeting and noted that a copy of the Open Meetings Law, located on the east wall of the Council Chambers, is available to the public. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

## **APPROVAL OF MINUTES**

*Wilkinson moved to approve the April 10<sup>th</sup> regular meeting minutes as submitted. Seconded by Wanek. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.*

## **TREASURER'S REPORT**

Clerk Klabenes presented the April 2018 treasurer's report with a summary of the wind and generation expenses comparable to April 2017. She reviewed the general fund balance and departments expenses included in the general fund. *Wanek moved to accept the April treasurer report as submitted. Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.*

## **2016-2017 FISCAL YEAR AUDIT**

Auditor Lori Olson of Dana Cole & Company presented the 2016-2017 fiscal year audit. She reported the audit received an unmodified opinion which was the highest opinion the city may receive. She reported on the long term debt and net savings of \$191,000 from refinancing bonds at a lower interest rate. She reported on a new disclosure for tax abatements in listing the tax increment financing (TIF) projects and the difference between the total tax and the city share absent of a TIF arrangement. She also reported on the power supply contracts which lead to a discussion for not holding long term contracts since the power is purchased through Southwest Power Pool and consideration for clarifying the power contracts further in the next audit. Discussion was held for review of capitalization of electric improvements and infrastructure and consideration for reviewing capitalization limits for next year's audit. *Miller moved to approve the 2016-2017 fiscal year audit prepared by Dana Cole & Company. Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Motion carried.*

## **SEWER AND PAVING IMPROVEMENTS BEHIND ESU#8**

City Engineer Zwingman presented the plans and specs for an 8" sewer line in the alley behind the ESU #8. He reported 8 services would connect except for the vacant services. He reported 2 manholes would be removed and 8" concrete would be poured for the street. He reported the alley concrete thickness is 6" standard in the current 7" alley, but with heavier truck traffic he recommended 8" with a doveled joint instead of rebar. He

reported Radec Construction advised construction after July 1<sup>st</sup> and the City Engineer recommended using July 15<sup>th</sup> to account for crews sufficient access. He reported the bid documents listed Phase 1 sewer work with a start date of July 15 and completion of September 1. He reported Phase 2 paving work listed a start date immediately following the sewer completion with a completion date of December 1. The City Engineer reported that if the paving work could not begin immediately following the sewer completion, the sewer contractor had to fill the work area with rock out to 3<sup>rd</sup> Street. He reported the engineer's cost estimate of \$45,000 sewer and \$55,000 paving and recommended a bid letting date of June 6. Discussion noted that the ESU #8 was splitting the cost of the paving project for half of the alley. *Wanek moved to approve the plans, specs and cost estimate of \$45,000 sewer and \$55,000 paving for improvements in the alley west of ESU #8.* Seconded by Wilkinson. Roll call votes in favor were Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

*Wanek moved to authorize advertising and set a bid letting date of June 6th at 1:00P.M.* Seconded by Miller. Roll call votes in favor were Hughes, Wanek, Miller, Wilkinson. Opposed: None. Motion carried.

The City Council requested the City Engineer to look at Wylie Drive subgrade and possible asphalt millings.

### **JAWS OF LIFE DONATION REQUEST**

Dave Jacobsen presented a donation request from the Lottery fund for equipment hydraulic struts and SCBA air bottle containment for the Jaws of Life for \$19,870. He reported the current homemade units had been used for 15 years and were not rated for safety or weight. He reported the air bottle containment is currently not available on a truck to protect the personnel from a rupture or explosion and this unit was not available through the forestry grant program. He reported Elgin, Clearwater and Brunswick had their own struts and Plainview and Neligh held a joint agreement to assist in containment. He reported the Rural Fire Board and Rural NFO were also going to be approached for financial assistance. Discussion was held for the Jaws of Life receiving a \$3,000 annual budget and the need to keep the crews safe. *Miller moved to approve a donation of \$10,000 from the Lottery fund to the Jaws of Life for the struts and containment equipment and to make an application to the Electric fund after seeking donations from the Rural Fire Board and Rural NFO.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

### **BUFF'S DEW DROP SPECIAL DESIGNATED LIQUOR LICENSE FOR JULY 7<sup>TH</sup>**

Steve Simonsen of the NYMC presented the special designated liquor license for the corn hole tournament discussed last month. He reported that Heritage Bank was contacted about the event on 3<sup>rd</sup> Street to be held after the bank closed for Saturday business hours and reported the drive thru would be open until 11:30A.M. *Wanek moved to approve the Buff's Dew Drop special designated liquor license for July 7<sup>th</sup> Neligh Young Men's Club corn hole tournament on 3<sup>rd</sup> Street from Main Street to the alley.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

### **NELIGH CARE AND REHAB UTILTIY ACCOUNT AND FACILITY DISCUSSION FOR SPECIAL MEETING**

Clerk Klabenes reported when the March receivership began for the nursing home, the expense bills after March 23<sup>rd</sup> could be paid by the management company. She reported the utility bill for the service dates of 2/19 - 3/20/18 for \$2,959.94 would not be paid as it had occurred prior to the March 23<sup>rd</sup> receivership date. She reported on an option to separate the utility bill as an old account within the utility software with the 2/19-3/20 utility bill and create a new account with utility services going forward so finance charges would not accrue on the old bill. *Wanek moved to separate the utility bill within utility billing software prior to 3/23 on a separate account and create a new account for future utility services until further resolution of the utility account prior to 3/23 can be made.* Seconded by Miller. Roll call votes in favor were Wanek, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

Clerk Klabenes reported that Ken and Linda Klaasmeyer of Klaasmeyer & Associates had stopped in town to discuss the nursing home operation with the Mayor, City Clerk, Economic Development Director and Assistant. She reported that Klaasmeyer's were traveling to 21 different communities with nursing home facilities similar to Neligh's and were available to meet with the City Council on May 24<sup>th</sup> for a special meeting or town hall meeting at 4:00PM. She reported that the meeting time was during business hours but also sought to provide an

opportunity for the council to ask questions and hear information when the Klassmeyer's were available. She reported that the council had not had a discussion or been presented information until tonight and asked if the council would like to meet with Klaasmeyers. It was the consensus of the council to meet for a special meeting with Klaasmeyer & Associates and the council was very concerned for the viable service to continue operation. It was the consensus of the council to move the meeting to the American Legion for community members to join. *Miller moved to set a special meeting for May 24<sup>th</sup> at 4:00P.M. at the Neligh American Legion to meet with Klaasmeyer & Associates.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

### **NEW MOON THEATER**

Discussion was held for local interest in fundraising for the downtown theater and donating the property to the City. ED Director Steinmeyer reported on a list of funding sources for city owned buildings and the required matching funds. He also reported that a city owned public administration building was not eligible for downtown revitalization funds. The ED Director recommended a local non-profit entity was the best fit entity to have available funding sources without the matching funds requirement of a city owned building. Discussion was held for unknown hard numbers in refurbishing the theater regarding the roof. Discussion was held that seating, electrical, lighting and the furnace were in good condition. City Attorney McNally reported an LLC with a 501c3 could be created in a number of days. It was the consensus of the council for the local interest group to move forward with the LLC and 501c3 to take advantage of the funding sources available to an LLC. No action was taken.

### **ECONOMIC DIRECTOR REPORT**

Economic Development Director Steinmeyer reported the Neligh American Legion had applied for a Façade application for \$13,750 each from DTR funds for repairing concrete on the patio for the building. He also reported Imperial Steakhouse had applied for a Design Planning grant for \$250 from local matching funds for professional renderings for building restoration. Discussion was held for DTR projects had to be completed by November 1 for funds to be drawdown and received before late December. He reported the application deadline for DTR projects was June 1<sup>st</sup>. *Wanek moved to approve the Façade and Design Planning Grant applications as recommended by the application committee for Neligh American Legion and Imperial Steakhouse totaling \$14,000.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Wanek, Wilkinson. Opposed: None. Motion carried.

Steinmeyer provided an update on the Carhart insulation building with increased material costs for adding the 4<sup>th</sup> wall not previously included in the estimate and would present the final bill at next month's meeting. He reported on a marketing video with News Channel Nebraska and he planned to apply for funding from the tourism fund, Chamber of Commerce and \$350 from the city LB840 fund. He reported the Rural Workforce Housing Grant for CORE to include Neligh, Clearwater and Plainview had not been awarded from the 24 applications. He reported 14 applications awarded had access to \$7 million state funds and noted that the recipients were larger communities or entities. He reported he was requesting the scoring sheets. He reported the summer intern goal was strategic marketing with research to increase the number of This is My Neligh videos and add additional videos to grow Neligh. He reported additional 60 second interviews would be geared towards social media. *Wanek moved to approve the April ED Director's report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

### **POLICE REPORT**

Chief Wright reported he was cleared to return to duty and the council welcomed his return. He reported he was awaiting a call that the speed trailer was ready for pickup and the current trailer was utilized in Tilden. *Wanek moved to approve the April Police report of 207 calls.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wilkinson, Wanek. Opposed: None. Motion carried.

### **CITY SUPT. REPORT**

Supt. Bly reported that he had hired Duane Knievel for part-time mowing and part-time at the Tree Dump and recommended \$9.00 an hour. He reported the Park Board recommended hiring Tyson Belitz and Clayton Anderson for summer Park Department at \$9.50 an hour each with both returning from last summer. *Wilkinson moved to approve the hiring of Duane Knievel at \$9.00 an hour for part-time Park and Solid Waste departments and Tyson Belitz and Clayton Anderson at \$9.50 an hour for summer Park department.* Seconded by Miller. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.

The Supt. reported the Women of Neligh would like to sell ice cream for pool improvements again and were purchasing their own freezer for ice cream from Thriftway instead of Schwann's. He reported they would like to request part of last year's ice cream sales be used to purchase a dorm sized refrigerator for the lifeguards to store drinks and meals. Council member Hughes offered to donate a mini fridge and discussion was held for making a purchase from last year's pool improvements fundraising funds if needed. *Wanek moved to purchase a dorm sized refrigerator from pool improvements funds for the swimming pool if needed.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Wanek, Wilkinson. Opposed: None. Motion carried.

Discussion was held for Kathie Chance to teach a 6 week water aerobics class during regular pool hours with pre-registrations at City Hall and for the city to purchase the dumb-bell weights for the class from the pool improvements funds. Discussion was held for class receipts to be split with Chance and the pool. Discussion was held for not requiring insurance as an independent contractor and trying the class this season. *Wanek moved to approve Kathie Chance to teach water aerobics at the pool this season.* Seconded by Wilkinson. Roll call votes in favor were Wanek, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

The City Supt. requested authorization to repairs about 20 yards of 6" concrete along the west side of the American Legion on the east side of N Street. Discussion was held for repairs to street curbs. *Miller moved to authorize the concrete repairs along N Street on the west side of the American Legion.* Seconded by Wanek. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.

Supt. Bly also reported he had received bids from Carhart Lumber for 3 windows on the east side of City Hall and 1 window of the south side of City Hall with city personnel installation. Discussion was held for asking Precision Glass for a window quote. Discussion was held for replacement windows to see if the repair would resolve the water leak in city hall from hard eastward wind or rain. Discussion was held for the electric fund providing the purchase. *Wanek moved to approve the purchase of new windows for city hall from the electric fund.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

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

## **ELECTRIC REPORT**

Generation Supervisor Capler reported no outages for the previous month. He reported new wire was pulled on new services. He reported the transformer had traveled through Neligh at 3:00AM with no issues coming through town. He reported Lineman Jayce Ellenwood was graduating at the end of the week and would start full-time in the Electric Department on Monday. He reported the generation plant test runs went well and operated like it should. *Wanek moved to approve the April electric operations report.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

## **APPROVAL OF BILLS**

*Moved by Wanek to approve drawdown #5 and #6 for project funds to Neligh Flower Shop and Northeast Nebraska Economic Development District of \$4,543.25 for Downtown Revitalization.* Seconded by Miller. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.

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

*Miller moved to convene into executive session to discuss contract negotiations for possible acquisition of Neligh Care & Rehab by the City of Neligh.* Seconded by Wanek. Those voting in favor were Hughes, Wilkinson,

Miller, Wanek. Opposed: None. Motion carried. Time 9:30 P.M. Also present were City Attorney Jim McNally and City Clerk Danielle Klabenes.

The council reconvened into regular session at 10:00P.M. No action was taken.

There being no further business to conduct, *Wanek moved to adjourn*. Seconded by Wilkinson. Roll call votes in favor were Miller, Wanek, Hughes, Wilkinson. Opposed: None. Thereupon Council President Hughes declared the meeting adjourned. Time 10:01 P.M.

City of Neligh

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Council President, Ted Hughes

ATTEST

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Danielle Klabenes, City Clerk

## CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the City Council on May 8, 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)