

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
February 14, 2017

The regular meeting of the Mayor and the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, February 14, 2017 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Ted Hughes, Leonard Miller, Dale Wilkinson and Steph Wanek. Also in attendance were City Attorney Jim McNally, Police Chief Mike Wright, City Supt. Dean Bly, Economic Development Director Greg Ptacek, Generation Supervisor Josh Capler, City Clerk Danielle Klabenes, City Engineer John Zwingman, Electric Engineer Matt Kalin and Scott, Ethan and Aidan Gregory. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on February 8, 2017. 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. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the January 10th regular and January 24th special meeting minutes as presented. Seconded by Wanek. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported a stronger General Fund balance and the first receipt of grant funds from the Solid Waste Grant assistance award. *Hughes moved to approve the January 2017 treasurer's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wanek, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

ONE-AND-SIX YEAR STREET IMPROVEMENT PLAN HEARING

Mayor Hartz opened the One-and-Six Year Street Improvement Plan Hearing at 7:04 P.M. to receive oral or written comments from the general public. City Engineer John Zwingman reported the one year plan included the road south of the Neligh Mill Bridge and the 8th Street paving with the Neligh Independent Living project. He reported the six year plan included all the gravel roads and Wylie Drive. He reported the estimated cost reported included a current concrete price and engineering cost combined. The hearing was left open.

PLANS, SPECS AND COST ESTIMATE FOR ELECTRIC IMPROVEMENTS

Matt Kalin with JEO Consulting Group presented three bids from electrical suppliers for the sale of a 2 MVA step up transformer for use in the park to supply power to the park and newly annexed areas on the east edge of Neligh. They included Solomon Corporation for \$28,250, T & R Electric Supply Company for \$33,500 and Jerry's Electric for \$39,950. He reported all proposals included a 3 year warranty and excluded sales taxes that would apply to the purchase. After discussion *Hughes moved to approve the low bid of Solomon Corporation of \$28,250 for the step-up transformer for electrical distribution system improvements.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

Kalin presented plans, specs and cost estimate for electric improvements in Riverside Park to the Waste Water Treatment Plant and extending east to the newly annexed area along Highway 275. He reported the engineer estimate ranged from \$345,000-\$380,000 with a substantiated completion of September 12, 2017 and final completion and payment for October 10, 2017. He reported provisions were included in the bid specs to provide for no service interruption during the County Fair. *Wanek moved to approve the plans, specs and cost estimate for electric improvements to interconnect the newly annexed areas and to set a bid letting date for Thursday, March 9, at 4:00 P.M.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.

LARM NOTIFICATION FOR BIDDING CITY INSURANCE

Clerk Klabenes reported that one of the steps prior to bidding the city's insurance is to provide written notice to LARM and its members and the Department of Insurance. She reported the notice was required prior to April 1st for possible effective date of October 1st. She reported request for proposals could then be submitted for competitive vehicle, property, liability and workers comp insurance plans. *Wilkinson moved to provide notification to LARM and its members and the Department of Insurance to bid the city insurance for possibly October 1, 2017 and to authorize the city clerk to submit request for proposals for competitive insurance.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

ORDINANCE NO. 598 CREATING STREET IMPROVEMENT DISTRICT 2017-1

Discussion was held that for future assessment of street improvements for 8th Street and the Neligh Independent Living project, a street improvement district needed to be created. *Council member Wilkinson introduced Ordinance No. 598 titled as follows:*

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2017-1 IN THE CITY OF NELIGH, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

And moved that the statutory rule requiring reading on three different times be suspended. Council member Hughes seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council members voted YEA: Wilkinson, Hughes, Wanek, Miller. 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 ordinances.

Said ordinances were then read by title and thereafter, *Council member Hughes moved for final passage of the ordinances*, which motion was seconded by Council member Miller. The Mayor then stated the questions, "Shall Ordinance No. 598 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Wilkinson, Hughes, Wanek. 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 ordinances were adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinances in pamphlet form as prescribed by law.

RESOLUTION 2017-2 SETTING A HEARING ON THE CREATION OF DISTRICT

Wanek introduced and moved for passage Resolution 2017-2 setting a public hearing for March 14, 2017 at 7:00 P.M. for the sufficiency of any objections with respect to the creation of the district. Seconded by Wilkinson. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2017-2 adopted.

ORDINANCE NO. 599 BOND ANTICIPATION NOTES FOR WATER AND SEWER IMPROVEMENTS

Clerk Klabenes presented the bond anticipation notes at 1.35% issuance costs for the construction costs of the water and sewer improvements for the Neligh Independent Living project. Discussion was held for utilizing the bond anticipation notes until the full project was completed and bonded. Discussion was held that the City Council would meet after all infrastructure completion as a Board of Equalization to determine assessments. City Engineer Zwingman requested guidance for a preliminary assessment on the water and sewer. He reported one block along T Street was added for the increased fire protection benefit and strength of the city service to loop the infrastructure. Discussion was held that the property owners along the one block of T Street would not experience a difference in service from the new infrastructure. The City Council advised the City Engineer to look at the cost of the one block on T Street as the City's cost of service and look at the balance of the water and sewer cost as the Neligh Independent Living benefit received. *Council member Hughes introduced Ordinance No. 599 entitled as follows:*

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF WATER AND SEWER IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2017, IN THE PRINCIPAL AMOUNT OF ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION WATER AND SEWER IMPROVEMENTS IN THE CITY OF NELIGH, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

And moved that the statutory rule requiring reading on three different times be suspended. Council member Miller seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council members voted YEA: Wilkinson, Miller, Hughes, Wanek. 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 ordinances.

Said ordinances were then read by title and thereafter, *Council member Hughes moved for final passage of the ordinances*, which motion was seconded by Council member Wilkinson. The Mayor then stated the questions, "Shall Ordinance No. 599 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wanek, Miller, Hughes, Wilkinson. 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 ordinances were adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinances in pamphlet form as prescribed by law.

RIVERSIDE PARK JET

City Attorney McNally reported the annual agreement between the US Air Force and the City of Neligh to display the aircraft in Riverside Park required the City to insure the aircraft for \$10,000. He reported that in the event the City would decide to no longer display the aircraft, that it was the city's expense to return the aircraft to the US Air Force. *Wilkinson moved to approve the 2017 loan agreement for displaying the jet in Riverside Park between the Department of the United States Air Force and the City of Neligh.* Seconded by Wanek. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

ACE MEMBERSHIP DISTRIBUTION

Council member and ACE Board member Wilkinson reported the ACE Board of Directors had approved a

disbursement of \$200,000 for 71 participating communities. He reported Neligh's membership distribution was projected at \$3,793.62 and Neligh ranked 14th out of 71 communities based on customers participating in ACE. He reported the future of ACE was undetermined with Black Hills Energy entering the market. Discussion was held for earmarking the distribution for CodeRed Emergency System as budgeted. Mayor Hartz thanked ACE Board Member Wilkinson for serving on the ACE Board and attending regular meetings. *Wanek moved to continue allocating ACE membership distribution funds to CodeRed as budgeted.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wanek, Wilkinson. Opposed: None. Motion carried.

ONE-AND-SIX-YEAR STREET PLAN

There being no oral or written comments received in reference to the One-and-Six Year Street Improvement Plan, *Council member Hughes moved to close the hearing at 8:04 P.M. and introduced and moved for passage Resolution 2017-1 adopting the One-and-Six Year Street Improvement Plan as prepared by Advanced Consulting Engineering Services.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Thereupon Mayor Hartz declared Resolution 2017-1 adopted.

RESOLUTION 2017-3 DIAL-A-RIDE PUBLIC TRANSIT FUNDING REQUEST

Clerk Klabenes reported that with no change of service hours or change in fares, a public hearing was no longer required by the Department of Roads. She reported a posted notice of the application for operational assistance was required in both English and Spanish. She reported the federal and state government combined assisted with 75% of the operation costs and 90% of the non-operation costs. She reported the Sunday church service rates would remain the same as a fuel price decrease offset a wage increase. She reported the budget decreased 1.76% from last year with total operating costs declining from \$46,480 to \$39,284. Discussion was held for vehicle purchases and the sale proceeds of a transit vehicle shared with federal and local governments. *Council member Wanek introduced and moved for passage Resolution 2017-3 requesting federal funds of \$25,042 and state funds of \$7,121 for the fiscal year 2017-2018 Dial-A-Ride Public Transportation operation.* Seconded by Miller. Roll call votes in favor were Wilkinson, Wanek, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2017-3 adopted.

APPOINTMENTS

Mayor Hartz recommended the appointment of Ray Ahrens to the Old Mill District Design Committee to complete the 5 member committee on the Downtown Revitalization Phase II Grant. *Wilkinson moved to approve the appointment as presented.* Seconded by Hughes. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

RESOLUTION 2017-4 AUTHORIZATION TO REQUEST PHASE II GRANT FUNDS

Clerk Klabenes reported the NENEDD program administrator recommended a separate resolution for Phase II funding for the Mayor and City Clerk to request funds for the city for the Downtown Revitalization grant funds. *Council member Wanek introduced and moved for passage Resolution 2017-4 to authorize and direct the Mayor and City Clerk to request funds on behalf of the City for the Downtown Revitalization Grant 15-DTR-008 Phase II and to execute all documents necessary to administer the funds.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Thereupon Mayor Hartz declared Resolution 2017-4 adopted.

US CELLULAR LEASE AGREEMENT

City Attorney McNally reported a land surveyor had updated a more specific legal description for US Cellular and US Cellular requested an amendment to the lease. He reported no change was made in the land of the lease but only the legal description in the lease. *Wanek moved to approve the amended US Cellular Lease Agreement and updated legal description.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

ECONOMIC DEVELOPMENT DIRECTOR'S REPORT

Economic Development Director Ptacek reported 16 people testified in support and 1 association testified in opposition on the vacant property bill at the legislature. He reported he was working with the school on strategic planning for the Revision program with curriculum and workforce and employer needs. He reported 32 people attended the Downtown Revitalization informational meetings the previous week and estimated 5-7 good projects would begin. He reported a contractor's meeting was scheduled for February 22nd for contractor's to receive assistance with applying for a SAM's number required for the grant. Ptacek also reported the Neligh Area Community Foundation was beginning affiliation with the Nebraska Community Foundation *Wilkinson moved to approve the Economic Development report.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wanek, Wilkinson. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright reported the camera system replacement and upgrade with Applied Connective Technology was scheduled to begin at the end of the month. He reported he had applied for a grant with the state to offset the cost of the camera replacement as discussed during budget meetings. Discussion was held for acquiring another mobile speed trailer. Chief Wright reported he would check with the Highway Safety for a mobile speed trailer. *Hughes moved to approve the January police report of 380 calls.* Seconded by Wanek. Roll call votes in favor

were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported Lineman Cody Thompson had completed the first book of the Merchant's program and recommended a \$.50 per hour raise. *Moved by Hughes to commend Cody Thompson for successfully completing the first book of the Merchant's program and authorized a \$.50 per hour increase in wages retroactive to February 10th payroll.* Seconded by Miller. Roll call votes in favor were Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

Supt. Bly reported the Park Board had met the night before and recommended hiring the 17 swimming pool applicants for manager, assistant manager and lifeguards presented. *Moved by Wilkinson to approve the Park Board recommendations for summer pool employees.* Seconded by Wanek. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

He reported Solid Waste Manager Bruce Pitzer would like to retire. He reported he was looking to replace one full time solid waste position and had scheduled one interview from an applicant on file. He reported one new motor in the lift station needed repaired and he would be sending the motor to Omaha to be rebuilt and have available as a backup motor. He reported the new doctor's office and clinic on 4th Street requested a handicap parking spot on 4th Street for the corner office. Discussion was held for the location on the street of the handicap parking spot and to look for more information from the application.

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

ELECTRIC REPORT

Discussion was held for considering a new commercial electric rate for small business customers and the resulting change in the budget. Discussion was held for considering matching Elkhorn Rural Public Power District rates. The matter was table to the next meeting. No action was taken.

Generation Supervisor Capler reported he continued to investigate a relay with Garret Klein of Olsson & Associates for more detailed reports from the February 1st power outage. He reported the Urge test went well and the test will run again in the summer to run all the generation motors. He reported a representative from MEAN had reviewed paperwork on file and offered suggestions on upcoming mandatory requirements to plan and prepare for. He reported on a chance with the DEQ permit from non-limited classification to limited classification due to the number of hours the motors operate per year. He reported the limited classification would also save operation costs as the test and fuel needs were run every 5 years instead of every 3 years. *Wanek moved to approve the Electric report as presented.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wanek, Miller, Wilkinson. Opposed: None. Motion carried.

APPROVAL OF BILLS

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wanek. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:18 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 February 14, 2017; 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)