

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

August 8, 2017

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, August 8, 2017 at 7:00 P.M. Present were Council Members Dale Wilkinson, Steph Wanek, Leonard Miller and Ted Hughes. Absent was Mayor Hartz. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Gabriel Steinmeyer, Police Chief Michael Wright, City Clerk Danielle Klabenes, Mike Nolan, Clint Simmons, Dane Nielsen, Deb Kester, Riley Tonkin, Teresa Legate, Dennis & BJ Koch. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on August 2, 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. 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 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 July 11<sup>th</sup> regular meeting minutes as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wanek, Wilkinson. Opposed: None. Motion carried.

## TREASURER'S REPORT

*Wanek moved to approve the July 2017 treasurer's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

## CITY PROPERTY INSURANCE BIDS

Council President Hughes explained that each insurance company would have five minutes to present on respective bids. Riley Tonkin of EMC and representative for Nielsen Insurance reported the advantages of EMC insurance were the local service and prompt response, the policy was tailored for municipalities and the financial strength in retaining EMC. Clint Simmons of LARM reported on questions from last month including the insurance is not an umbrella policy and includes \$3 million limit for each line such as general, errors and omissions and auto. He reported that the limit of liability can be increased to \$5 million for an additional \$960 per year. He reported crime coverage is not provided separately like competitors and the city automatically receives \$50,000 of crime coverage. He reported the city's equipment breakdown, for example on the generation plant, is included in the property coverage. He reported inland marine is included in the city's property coverage instead of reported separately. Both representatives commented on the difference in the worker compensation bids with rating factors, rating modifications and loss history. Discussion noted that last year's premium was \$117,000 and the bids received were \$90,140 from Nielsen Insurance and \$86,837 from LARM. Simmons reported that the bid did not include a 5 % discount for a 3 year commitment or a 4% discount for a 2 year commitment. Tonkin reported a discount and commitment option was not available. Discussion was held if LARM was selected if the next year premium would increase substantially and discussion proceeded with considering a 2 year option and going out for bids again. Discussion was held that with a 4% discount, the bids were separated by almost \$8,000. Discussion was held for interest to do local business but the fiscally responsible bid was the lower bid. *Miller moved to award the city insurance to LARM with a bid of \$86,837.00 effective with the fiscal year beginning October 1, 2017 and to accept the 2-year commitment at 4% discount for an annual premium of \$83,363.37.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Motion carried.

Mike Nolan of LARM reported he did not want to comment until after a policy decision was made. He reported that after two years of no significant claims, an actuary had recommended that LARM distribute a dividend in the 2017-2018 fiscal year to the 160 members of LARM.

## SHARED PAVING PROJECT WITH ESU #8 AND SEWER REPORT

Supt. Bly reported the sewer camera reported no low spots nor cracks on the clay tile sewer line, and recommended that the full block of sewer line be replaced if the full block were to be paved. City Clerk Klabenes reported ESU #8 had received 3 of 4 written permission forms with of the building project and recommended 3<sup>rd</sup> street closure and alley access. She reported forms were received by Thriftway Market, Urbanec Furniture for the Reinke Building, and Lisa Payne for the former Boot Shop. She reported the owner of the post office had received the paperwork and was reviewing. She reported information was not available if the ESU #8 board had approved of the shared paving cost yet. No action was taken and the item was tabled.

## NELIGH VOLUNTEER FIRE DEPARTMENT SDL

*Wilkinson moved to approve the special designated liquor license for the Neligh Volunteer Fire Dept. on September 16<sup>th</sup> from 6:00PM-1:00AM.* Seconded by Wanek. Roll call votes in favor were Hughes, Wanek,

Wilkinson, Miller. Opposed: None. Motion carried.

#### **RIGHT-OF-WAY EASEMENT AGREEMENT WITH VIAERO**

City Attorney McNally reported Viaero would like to sign the rights allowed under the city contract over to another company. He reported he confirmed the assignment can be made and all other conditions would remain the same. *Wanek moved to approve the Right-of-Way Easement Agreement with Viaero.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.

#### **NELIGH MILLS FALL FESTIVAL**

Econ Development Director reported on the proposed beer garden in the parking lot for a new event during the Fall Festival. Council President Hughes reported the American Legion bar committee had recently met and discussed using the existing concrete and outdoor fence area for the beer garden which would be within the existing liquor license and allow the parking lot for chairs and audience to enjoy the band, Full Choke. Discussion was held with interest to place the beer garden on the existing Legion property under the liquor license but to also approve the permit as requested in the event that it would be needed to have permission to use the parking lot. *Wilkinson moved to approve the special designated liquor license for the American Legion as part of the Neligh Mill Fall Festival on September 9<sup>th</sup> from 10:00A.M. to 2:00P.M.* Seconded by Miller. Roll call votes in favor were Wanek, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **STREET CLOSURES FOR YOUTH DANCE AND FLEA MARKET**

Teresa Legate reported she would like to host a back to school youth street dance on Friday, August 18<sup>th</sup>. She requested a street closure from the southside of Sly's Chill and Grill to the north side of the Wanek Pharmacy building, using 55 gallon barrels and police tape for the north and south fence. She requested the street dance from 8:00-11:00P.M. with no alcohol and a free youth dance. *Wanek moved to approve the back to school youth street dance for August 18<sup>th</sup> with the street closed from Sly's Chill and Grill to the north wall of Wanek Pharmacy on Main Street.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

Legate also requested a street closure for a flea market, antique store display and outdoor door art during the Neligh Mills Fall Festival on September 9<sup>th</sup> from 11:00A.M. to 4:00P.M. She requested half a block on Main Street in front of Sly's Chill and Grill be closed. Discussion was held for the neighboring main street businesses open on Saturdays. Discussion was held for closing half a block of 4<sup>th</sup> Street as an alternative where businesses are not open Saturday. *Wilkinson moved to close half a block on 4<sup>th</sup> street from the main street sidewalk to the east alley for a flea market, antique store display and outdoor art during the Neligh Mills Fall Festival on September 9<sup>th</sup> from 11:00A.M. to 4:00P.M.* Seconded by Miller. Roll call votes in favor were Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

#### **MOVING PERMIT**

City Clerk Klabenes reported Connie Baker had sold a trailer home to Gregory Villwok of Randolph and Villwok requested a moving permit. Electric Supervisor Capler reported the home would be leaving the Baker residence on Baker Street to Highway 275 and then proceed south on Highway 14. Clerk Klabenes reported a \$5,000 cashier's check was to be dropped off at the city office in place of a surety bond prior to the house move. *Wanek moved to approve the moving permit 2017-15 for Gregory Villwok.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

#### **ASBESTOS REMOVAL BIDS FOR 209 MAIN STREET**

Clerk Klabenes reported 6 of 7 bids were received by the deadline, with ABC Abatement Company of Omaha offering the lowest bid of \$3,850 to remove the asbestos at 209 Main Street. She reported the insurance certificate was sent electronically earlier that day and the job was estimated for 1 ½ to 2 days to complete. *Miller moved to accept the bid from ABC Abatement Company for \$3,850 to remove the asbestos at 209 Main Street.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

Discussion was held for the two interested parties to remove items purchased from the property in the following week.

#### **SOLID WASTE PROGRAM**

Clerk Klabenes reported the pricing of draw string and non-draw string bags from a third supplier as requested from last month. Discussion was held that the smaller garbage bag size may not address the citizen concerns but to look at a grant or program for curbside garbage totes and to modernize solid waste hand outs to new residents in the welcome packets. Discussion was held for marketing the recycling program following budget completion in later September. No action was taken.

#### **NEBRASKA STATE HISTORICAL SOCIETY LETTER**

City Attorney McNally reported he had spoken to the director of the Nebraska State Historical Society that funds were available to clean out the bypass and he recommended a letter from the city to request a study be

completed for the clean out. *Wilkinson moved to authorize the City Attorney to form a letter for the Nebraska State Historical Society to do a study at their expense to place the bypass back in the original location.* Seconded by Wanek. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **WEST HIGHWAY 275 SPEED REDUCTION**

Clerk Klabenes reported that the Mayor would like to request that the council consider supporting a second letter to request speed reduction on west Highway 275 sent to the state roads department. *Wanek moved to authorize a letter to the district head of the State Department of Roads to request a change in speed limits to 45 miles per hour in city limits along Highway 275 to the west edge of Bomgaars.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

#### **INTER-LOCAL AGREEMENT WITH ANTELOPE COUNTY LIBRARY ASSOCIATION**

City Attorney McNally reported the annual agreement was the same as with other towns in Antelope County and recommended adoption. *Wilkinson moved to approve the renewal of the inter-local agreement between the City of Neligh and the Antelope County Library Association.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

#### **ORDINANCE 602 NUISANCES REVISED**

City Attorney McNally reported he and the Police Chief were recommending revising the nuisance ordinance to define the junk, debris and in-operable vehicle definition for specifically and change the weed and grass nuisance height to match 12 inches each with the second offense filed a complaint in court. He also reported the revision included the Chief of Police would provide the written notices instead of the City Clerk. *Miller introduced and moved for passage of Ordinance No. 602 entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH PROHIBITING PUBLIC NUISANCES; DEFINING NUISANCES; PROVIDING ABATEMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE AND REPEALIGN ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT.*

*And moved that the statutory rule requiring reading on three different times be suspended.* Council Member Wilkinson seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Hughes, Miller, Wilkinson, 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 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 Wanek. The Council President then stated the question, "Shall Ordinance No. 602 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 Council President 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.

#### **APPOINTMENTS**

With the absence of Mayor Hartz, the appointments were tabled to the next meeting. No action was taken.

#### **ECONOMIC DIRECTORS REPORT**

Economic Development Director Gabriel Steinmeyer reported he had been in contact with interested new businesses and working on step by step guidelines for opening a business in Neligh. He reported he was working on an updated development plan for growth and welcomed input from the city council with their plans, thoughts and passions. He reported he would be working with Clearwater representatives later in the week to further solidify a relationship with them. He reported the Chamber of Commerce barbeque served over 1,000 people at the County Fair. He thanked the Council for the donation to the Neligh Mills Fall Festival which enabled the band, Full Choke, to perform at the Saturday event. He requested a council member attend the regular Economic Development Board meetings as a non-voting member as listed in the ordinance. Council Member Miller volunteered and will be formally appointed at the September meeting. He requested consideration for 10 garbage bags be donated for the Community Block parties to be held September 17<sup>th</sup>. Discussion was held for advertising and marketing of the event to begin sooner than previous years. *Wanek moved to approve a donation of 10 garbage bags for the Community Block parties to be held September 17<sup>th</sup>.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

The Director also reported one Downtown Revitalization application had passed thru NENEDD review and was ready to begin with a second application temporarily postponed for a change in bid and a different contractor. He reported 5 business owners were preparing additional applications. He reported on a tax credit option that the ED Board would discuss and consider at their meeting the following week for possible recommendation to the council at the next meeting. He reported his office was actively searching for businesses to fill the OK Tire Store and Pizza Hut locations.

*Wilkinson moved to approve the Economic Development Director's report.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

#### **POLICE REPORT**

Chief Wright reported on a request to change the weapons ordinance for prohibiting a bow and arrow and cross bow from discharging in city limits. He reported the ordinance description was too vague to assume inclusion. He reported of a citizen using a cross bow as target practice and discharged in the owners property in city limits. Discussion was held that while a backboard was in use, the cross bow was not safe to use in the city limits. *Wanek moved to approve amending an ordinance to include cross bow and bow and arrow as prohibited from within the city limits and to consider such ordinance at the September meeting.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.

Chief Wright reported the county fair went smooth and no issues were reported. It was noted again this month that conditions had improved with children not playing in the street. *Wilkinson moved to approve the July police report of 450 calls.* Seconded by Wanek. Roll call votes in favor were Wanek, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

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

City Supt. Bly reported the GIS Software providing for mapping of utilities was quoted at \$15,000 for initial purchase and \$3,000 annual maintenance. He reported while the tool would be beneficial, the cost was more than budgeted for next year and to consider again in the future with personnel training. He reported the bridges south of town were inspected last week and he was awaiting the report. He reported the camping during the county fair went good and the painting of the lines were well received. He reported that the owner of the company providing water well control services was retiring and the owner's son had chosen a change of career so the Supt. was discussing options with a local electrician about possible services with the newer technology and electrical needs.

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

#### **ELECTRIC REPORT**

Generation Supervisor Capler reported on the Riverside Park improvements with the entrance to the ballfield had to complete with pipe underground and all overhead services were complete. He reported Watts Electric crews worked at the sewer plant during the County Fair. He reported the cement pad for the step-up transformer was completed that day and re-closures were estimated for September 25<sup>th</sup>. He reported Dave Peterson with JEO was assisting with discussion with ERPPD about the transfer. City Attorney McNally reported that once the transfer is made, the city will pay ERPPD and recommended the electric improvements and half of the purchase price be used with electric cash funds available and to bond half of the purchase price. He reported he would contact the bonding agent for consideration at the September meeting. He reported the appeal briefs were due in September.

Supervisor Capler also reported that Catepillar would be onsite to look at engine #2 which gave code readings and overheated. He reported Lineman Thompson had successful finished the second merchant book and recommended a \$.50 per hour wage increase. *Wanek moved to commend Cody Thompson on successful completion of the second Merchant book and honor with a \$.50 per hour raise retroactive to a completion date of July 8<sup>th</sup>.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

City Attorney McNally reported that he had researched the electric rates from ERPPD for the grain facility and found that the City's rates were lower. He recommended that the city not change the large demand rates but to continue to review the smaller commercial business rates.

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

#### **APPROVAL OF BILLS**

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

*Wilkinson moved to approve the Blackstrap invoice for \$1,088.10.* Seconded by Wanek. Roll call votes in favor were Miller, Wanek, Wilkinson. Opposed: None. Abstain: Hughes. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wanek. Roll call votes in favor were Hughes, Wilkinson, Wanek, Miller. Opposed: None. Thereupon Council President Hughes declared the meeting adjourned. Time 9:50 P.M.

City of Neligh

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Ted Hughes, Council President

ATTEST

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Danielle Klabenos, City Clerk

## CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that August 8, 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.

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City Clerk

(SEAL)