

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

April 13, 2021

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, April 13, 2021 at 7:00 P.M. Present were Mayor Hartz and Council Members Ted Hughes, Dale Wilkinson, Leonard Miller and Brent Pickrel. Also in attendance were City Attorney James McNally, Deputy Attorney Joe McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, News Reporter Kelli Garcia, Katie Timm and Brad Hans. Notice of this meeting was given in advance thereof by publication in the Antelope County News on April 7, 2021. 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

Council member Wilkinson moved to approve the March 9th regular meeting minutes with a correction of 2021 instead of 2020 for Nebraska Public Transit week. Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

TREASURERS REPORT

Clerk Klabenes reported the March treasurer's report included audit adjustments following last month's audit report. She reported the FEMA project closeout on the Elkhorn Riverbank restoration at Penn Park continued with additional correspondence with FEMA representatives. She reported the line of credit renewal for the MEAN power contract was in progress. She reported the line of credit had decreased from \$290,000 to \$240,000 but there would be a \$50 increase in the fee paid to Pinnacle bank for the line of credit. *Council member Pickrel moved to approve the March treasurers report as presented. Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.*

MUNICIPAL ENERGY AGENCY OF NEBRASKA (MEAN) ELECTRIC UTILITY PRESENTATION ON FEBRUARY POWER BILL AND WEATHER EVENT

Brad Hans of MEAN, Neligh's energy scheduling agency, presented information on the severe and historic winter weather electric prices during February where below freezing temperatures continued for several days. He explained the basis for the severe price increase during the February severe cold spell but could not explain why Neligh was not informed of the severe price increase nor why Neligh was not advised to begin generation to avoid such extraordinary price increases. He suggested that Neligh could defer some of the increase to a later date if a substantial payment were made at this time. No action was taken.

CHILDREN AT PLAY SIGNAGE ON WYLIE DRIVE

Katie Timm, a resident on Wylie Drive, requested consideration for a Children at Play sign. She reported she had 3 children under the age of 9 and a new family had moved to the neighborhood with 2 small children under the age of 4 years. Discussion was held that that the arterial road sees high speed traffic and children go to the park, river and lake. Clerk Klabenes reported that the Police Chief who could not attend the meeting had stated he had no concerns with placing a sign on Wylie Drive and added that a Children at Play sign may help with the speed issue as people tend to pay attention to a Children at Play sign more than a speed limit sign. Discussion was held for placing signage at each end of Wylie Drive. Discussion was held that the municipal code required signage placement be done by resolution. *Pickrel introduced and moved for passage Resolution 2021-4 to place two Children at Play signs with one placed west of the Penn Park entrance for east bound traffic and one placed at the Neligh Mill and N Street intersection for west bound traffic to cover all homes located on Wylie Drive. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.*

RESOLUTION 2021-2 APPLICATION FOR NEW DIAL-A-RIDE BUS

City Clerk Klabenes reported the city received notice of federal funds available to apply for the purchase of a new bus with lift paid with 100% federal funds. She reported the current bus would have been purchased with 75-80% federal funds and 10% local match. She reported the estimated cost of the bus was \$75,000 which would not require a local match. She reported a public notice was published which provided for a 2-week comment period. She reported consideration was being made for retaining the current bus for use when repairs remove one bus from operation and an additional wheelchair lift when needed. *Pickrel moved to introduce and move for passage Resolution 2021-2 authorizing application for a Dial-A-Ride bus replacement funded with federal funds. Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.*

FAMILY FIRST CORNOA VIRUS ACT (FFCRA) EXTENSION TO SEPTEMBER 30TH

City Clerk Klabenes reported the initial paid sick leave benefit offered through FFCRA with original expiration of December 31, 2020 and was extended to March 30, 2021 was expired. She reported the new option through the American Rescue Plan provided a new 10 day paid sick leave benefit effective April 1, 2021 with new qualifying reasons. She reported the new qualifications included obtaining a COVID-19 vaccine, recovering from an illness or condition related to the vaccine or seeking or awaiting results of a COVID test. *Hughes moved to elect to continue the FFCRA emergency sick leave effective April 1st to September 30th with the new qualifications of the American Rescue Plan.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

APPOINTMENT

Mayor Hartz recommended the re-appointment of Ron Storm to the Neligh Housing Authority for a 5-year term. *Council Member Hughes moved to approve the appointment of Ron Storm to the Neligh Housing Authority for a 5-year term.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

ZONING AMENDMENT RECOMMENDATION FROM PLANNING COMMISSION

Discussion was held for the zoning amendments on shouse, shipping container, pergola and gazebo structures that both the Planning Commission and City Council had worked on. Discussion noted that the Planning Commission had recommended conditions for each structure and the zoning districts allowed or prohibited. *Wilkinson moved to approve the recommendation of the Planning Commission for zoning amendments on a shouse, shipping container, pergola and gazebo and set a public hearing date for May 11th at 7:00 P.M.* Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

CAMPING FEES TO SCHEDULE OF FEES RESOLUTION 2021-3

Discussion was held for the Park Board's recommendation to increase camping fees from \$13 a night to \$15 for both Riverside and Penn Park with the new camping spots to be installed in Penn Park. *Wilkinson moved to introduce and move for passage Resolution 2021-3 setting camping fees to \$15 effective May 1, 2021 for Riverside Park and Penn Park.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

WATER SERVICES TO LEIGH PROPERTY LOCATED AT 84820 525 AVE

City Supt. Donaldson reported he was contacted by the owners of the property east of the city limits who planned to build a house in 2 years. He reported the owners stated an existing house had suffered water damage and the owners inquired on hooking up to city water for the new home. Discussion was held that the water and sewer project currently going through plans, specs and cost estimate would bring a water line in front of the property. City Attorney McNally reported that the City Council could provide the right to hook up to city water for a property outside of city limits with the option to later annex the property. He also noted that current ordinances provided a higher water rate for property outside of city limits hooked up to city water than a property inside city limits. *Pickrel moved to approve allowing the Leigh family owners to hook up to city water outside of city limits for the property located at approximately 84820 525 Avenue.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonsen reported the new coffee shop took ownership earlier that month and could be found on social media sites of Facebook and Instagram for Rivermill Coffee Company. She reported work on the LB874 annual report for TIF projects was underway and due at the end of the month. She reported in working with History Nebraska and due to the Certified Local Government not having a full committee set that the City of Neligh was not eligible for some grants that otherwise would have been available. She reported a grant for the walk and drive tour was being sought with a bid from Wayne State College and due to COVID the 60/40 match was decreased to 80/20 and allowed personnel hours to be used toward the 20% match. The Director reported the Entrepreneur contest was live on the website and marketing on Facebook was being used. She reported an update to Rainbow Fountain was underway with completion set prior to Memorial Day weekend. She reported Asst. Director Bri O'Brien began the Heartland Economic Development Course and Director Sheridan-Simonsen would begin Leadership Nebraska in June and both educational opportunities were a competitive selection. Discussion was held for nuisance properties and the list comprised from former intern Lydia Behnk. It was the consensus of the council to advise the City Attorney to write a letter to 4 to 5 nuisance property owners. *Pickrel moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Pickrel moved to approve the Economic Development Board's recommendation for a digital façade grant of \$327.50 to Lucky Joe's Liquor Store. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller,

Hughes. Opposed: None. Motion carried.

POLICE REPORT

Mayor Hartz reported that Chief Wright was absent for a call. The police report was presented for review.

Wilkinson moved to approve the March police report of 293 calls. Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

CITY SUPT. REPORT

Council Member Wilkinson moved to affirm the action of the Park Board to hire summer pool and park employees prior to the April Council meeting. Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

Clerk Klabenes reported the timing difference between applications received for manager and lifeguard following the April Park Board meeting and prior to the April City Council meeting. *Hughes moved to approve hiring Tia Smith as Pool Manager at \$12.00 an hour and Gage Dawson as Lifeguard at \$10.00 an hour from applications received following the April Park Board meeting.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Supt. Donaldson reported the job fair in March did not present applications for seasonal employment. He reported an applicant interested was recently released from incarceration, was a good worker for 3 months as an inmate and the Supt. would like to give the opportunity for employment under a strict watch. *Wilkinson moved to approve hiring Denis Wilson at \$12.50 an hour following successful completion of pre-employment drug testing.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

Supt. Donaldson reported the community garden was up and running. *Hughes moved to approve the community garden.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

The City Supt. reported the Park Board advised continuation with the north baseball field shade for visitors as discussed last year. The Supt. reported city personnel previously built two structures and would build the north field shade structure as well. He presented an estimate of \$660.36 from Carhart Lumber. Discussion was held for checking into pricing for portable restrooms at the north ballfield. The Supt. will check with the Park Board on pricing of portable restrooms. *Hughes moved to approve building the north baseball field shade structure with city personnel at an estimate of \$660.36.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

Discussion was held for 3 proposals on a backup generation for the east well with using police department funds the Chief offered to use or postponing to next year's fiscal budget. Discussion was held the backup generation was to allow for automatic generation instead of a manual start up. It was the consensus of the council to wait for budget planning to discuss further. Discussion was held for the construction work in progress on the first alley improvement project between 2nd and 3rd Street and east of Main Street behind Cubby's. Discussion noted the alleys from 2nd to 5th street would be worked on first and upon school dismissing for summer vacation, the one block in front of the high school and the one block in front of the Methodist Church would follow. Discussion was held for the change order on the paving improvements 2020 project previously set for December 1, 2020 and replaced with August 1, 2021. *Wilkinson moved to approve the change order for completion date revision from December 1, 2020 to August 1, 2021 for the Paving Improvements 2020 project.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported no major outages last month, but he did have 3 loose connections due to the wind. He reported on street lights being replaced along the Highway and two more were on order to replace upon receipt. He reported a payment station was added to the bathrooms at Penn Park and work would begin next for the campgrounds at Penn Park with tree trimming. He reported he was gathering prices on a double throw for the east wellhouse for another reasonable option to use the existing generators without purchasing a \$40,000 generator. He reported the southside of the Neligh Mill bridge along the State Historical Society was washing out and wanted to make the council aware of the condition. *Hughes moved to approve the Electric report.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

APPROVAL OF BILLS

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

Discussion was held for partial payment of the February power bill to Municipal Energy Agency of Nebraska (MEAN). Deputy Attorney Joe McNally reported that MEAN was open to a partial payment on the bill with no

interest for 60 days to plan for payment of the balance. City Attorney Jim McNally stated that payments would be made under protest. Discussion was held for making a payment of \$500,000 and use as much of the time as allowed to pay the balance as the legislature decides on their intervention. *Council member Pickrel moved to approve a partial payment of \$500,000 from Electric cash fund for the February MEAN invoice for conditions in working with MEAN with said payment on protest with rights to contest at a future date and extending the date pursuant to the agreement with MEAN to extend the balance due.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

DIAL-A-RIDE PART-TIME DRIVER

Mayor Hartz thanked Kathy Heckert for all her years of service and carrying the transit service solely during the year when other drivers were absent and for her years of serving the public of Neligh. Discussion was held for hiring Tedd Adams for a part-time driver. *Hughes moved to approve hiring Tedd Adams as a part-time Dial-A-Ride driver at \$9.00 an hour following successful completion of pre-employment testing and background checks.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 10:08 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 on April 13, 2021; 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 for public inspection at least twenty-four hours before the meeting; 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)