

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
September 14, 2021

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, September 14, 2021 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Ted Hughes, Dale Wilkinson, Brent Pickrel and Leonard Miller. Also in attendance were City Attorney James McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, Police Chief Mike Wright, LeAnn Ritter of Advanced Consulting Engineering Services, News Reporter Kelli Garcia, Joe Totta of Mid America Pool Renovation, ED Board Chairman Andy Elder and Don Weinman. Notice of this meeting was given in advance thereof by publication in the Antelope County News on September 8, 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. 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 August 10th regular meeting and August 19th special meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

TREASURER REPORT

Clerk Klabenes reported the refinancing documents for the electric utility revenue bonds were signed the day before. She reported no updates were available on the next "tranche" payment from the American Rescue Plan and no update from FEMA on the Penn Park project close out. *Council member Hughes moved to approve the August treasurers report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

PUBLIC HEARING FOR SETTING FINAL TAX REQUEST FOR 2021-2022

Mayor Hartz declared the hearing opened to hear support, opposition, criticism, suggestions or observations for the 2021-2022 final tax request at a different amount than the prior year tax request. Time: 7:05 P.M. Clerk Klabenes reported on the 1% increase in property tax asking for bond and non-bond purposes compared to last year. She reported on the increased city valuation which dropped the tax levy. She also reported on the anticipated expenditures that included a \$3.4 million water and sewer project, a \$1.5 million refinancing of electric utility revenue bonds at a lower interest rate and anticipated American Rescue Plan Funds of \$265,000. Discussion was held for bond tax asking to be like current bond tax asking after the completion of the water and sewer project for no spike or significant fluctuation. The hearing was left opened.

MID AMERICA POOL RENOVATION PRESENTATION

Joe Totta of Mid America Pool Renovation presented product information and explained an installation process for a pool liner to renovate the Riverside Park swimming pool. Totta reported he looked at the pool earlier that day and recommended the inter-glass option as the best method to repair and warranty against cracks. He shared samples of the product and explained the 4-week process when the air and surface was above 40 degrees. He reported the product carried a 25-year warranty. He recommended all 12 skimmers be replaced at the same time as the liner would surround the skimmers and recommended a leak detection company be consulted for checking the plumbing lines. Totta reported the process would begin in March or April 2022 depending on the temperature. Totta will forward a revised bid following his foot on the ground inspection today for the council to reconsider at a later meeting. No action was taken.

ONE-AND-SIX YEAR STREET IMPROVEMENT PLAN

Mayor Hartz opened the One-and-Six Year Street Improvement Plan Hearing at 7:45 P.M. to receive oral or written comments from the public. LeAnn Ritter of Advanced Consulting Engineering Services reported the one-year plan included the alley between 2nd and 3rd Street and Main and N Street. Discussion was held for the Riverside Park Entrance to be completed before the alley and the park entrance to be added to the one-year plan and move the alley to the six-year plan. The hearing was left open.

RESOLUTION 2021-8 AUTHORIZING SIGNING OF USDA APPLICATION DOCUMENTS

Council member Pickrel introduced and moved for passage resolution 2021-8 to authorize the Mayor and City Clerk to sign USDA application documents and other project related documents. Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-8 adopted.

RESOLUTION 2021-9 WRITING OFF UNCOLLECTIBLE ACCOUNTS

Clerk Klabenes reported on 3 of 4 accounts that the city was unable to collect due to maximum collections from credit agencies or statute of limitations exhausted. She reported on the write-off of one paving assessment where the property owner was incarcerated and the property was a 10 foot strip of land that will not cover the assessment when it is listed on a tax sale. *Pickrel introduced and moved for passage Resolution 2021-9 writing off uncollectible accounts for accounting purposes in the amount of \$952.09 for the fiscal year ending September 30, 2021.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-9 adopted.

APPOINTMENTS

Mayor Hartz recommended the re-appointment of Brian Christiansen to the Planning Commission 3-year term, the new appointment of Don "Harv" Ofe to the Certified Local Government 3-year term and Council Member Leonard Miller to the Nebraska Cooperative Government annual meeting. Mayor Hartz reported that the Board of Adjustment was still looking for a volunteer to fill a vacancy. *Wilkinson moved to approve appointments as presented.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

ADDITIONAL 1% ALLOWABLE INCREASE IN RESTRICTED FUNDS

Hughes moved to grant an additional 1% allowable increase in total restricted funds authority as a means of budget calculations. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

2021-2022 BUDGET ADOPTION

Council member Wilkinson moved to adopt the 2021-2022 budget for a total expenditure requirement of \$12,063,821 and unused budget authority of restricted funds of \$174,251.22. Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

APPROPRIATION ORDINANCE 634

Council member Wilkinson introduced the following budget ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE NAMED "THE ANNUAL APPROPRIATION BILL"; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE 2021-2022 FISCAL YEAR; TO PROVIDE FOR AN EFFECTIVE DATE.

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: Miller, Hughes, Pickrel, Wilkinson. 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 Hughes. The mayor then stated the question, "Shall Ordinance No. 634 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Pickrel, Wilkinson, Miller. 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 ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance one time as prescribed by law.

RESOLUTION 2021-10 TAX LEVY FOR 2021-2022 FISCAL YEAR

There being no comments or objections heard, Mayor Hartz declared the final tax request hearing closed at 7:55 P.M. *Council member Hughes introduced and moved for passage Resolution 2021-10 adopting a different tax levy from last year for the 2021-2022 fiscal year:*

<i>General Fund - \$409,234.00</i>	<i>Levy - .49998251</i>
<i>Debt Service - \$155,000.00</i>	<i>Levy - .18937157</i>
<i>Total - \$564,234.00</i>	<i>TOTAL - .68935408</i>

With an assessed city valuation increase from last year of 10.62%. Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-10 adopted.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonsen reported the first drawdown for the History

Nebraska Grant was submitted. She thanked the Kalvelage Trust for the grant for the Rainbow Fountain irrigation system following the new plantings and fresh landscaping completion. She reported the community video and jobs were filmed in August as the walking tour app is progressing along. She presented pictures of the flooring and painting updates made at the ED Office. She reported the Leadership Nebraska education sessions were cancelled from September to February. The Director reported on the Clearwater housing grant of \$221,000 for low to moderate housing on a duplex project. Discussion was held for Neligh's options for rural workforce housing that was not income restricted and could become a revolving loan program and to revisit the concept at a later meeting.

Director Sheridan-Simonsen reported River Mill Coffee Company had applied for a \$13,700 exterior façade project and Buller Built Construction had applied for a \$2,259.80 exterior façade project with both applications eligible for and recommended by the ED Board for a \$1,000 grant. *Wilkinson moved to approve an exterior façade grant to River Mill Coffee Company and Buller Built Construction for \$1,000 each as recommended by the Economic Development Board.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

ED Board Chairman Andy Elder reported the annual employee performance review on the ED Director was conducted and the ED Board recommended the contract be renewed for 1 year with a 3% cost of living increase previously set by the City Council. *Hughes moved to approve the Economic Development board recommendation for renewing the Director's employment contract of services for one year and a 3% increase in salary.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

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

ONE-AND-SIX TEAR STREET PLAN

There being no oral or written comments received in reference to the One-and-Six Year Street Improvement Plan, the public hearing was closed. Time: 8:24P.M. *Pickrel introduced and moved for passage Resolution 2021-11 adopting the One-and-Six Year Street Improvement Plan as prepared by Advanced Consulting Engineering Services.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-11 adopted.

RESOLUTION 2021-12 AUTHORIZING MUNICIPAL ANNUAL CERTIFICATION FOR ONE-AND-SIX YEAR STREET PLANS

Clerk Klabenes reported the Council is asked to approve by an annual resolution that the municipality certifies an annual program of compliance to the Nebraska Board of Public Roads Classifications and Standards and authorizes the mayor to sign the certification form. She reported compliance of this affects state highway allocation funds that the city receives. *Pickrel introduced and moved for passage Resolution 2021-12 certifying the municipality compliance with the Nebraska Board of Public Roads Classifications and Standards and authorize the mayor to sign the certification form.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-12 adopted.

ORDINANCE NO. 635 SETTING SALARIES AND BENEFITS

Council member Wilkinson introduced Ordinance 635 entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, SETTING AND ESTABLISHING WAGES AND SALARIES FOR OFFICERS AND EMPLOYEES OF THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021, AND CONTINUING TO AND THROUGH SEPTEMBER 30, 2022; SETTING RATES OF CONTRIBUTION TOWARD EMPLOYEES' HOSPITALIZATION INSURANCE AND RETIREMENT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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: Pickrel, Wilkinson, Miller, Hughes. 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 Pickrel moved for final passage of the ordinance,* which motion was seconded by Council member Hughes. The mayor then stated the question, "Shall Ordinance No. 635 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Pickrel, Hughes, Miller. 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 ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance in pamphlet form as prescribed by law.

ORDINANCE NO 636 SETTING WATER AND SOLID WASTE RATES

Council member Wilkinson introduced Ordinance 636 entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ESTABLISHING AND IMPOSING

RATES FOR THE USE OF WATER AND SOLID WASTE PICKUP SERVICE PROVIDED BY THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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, Pickrel, 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 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 Pickrel. The mayor then stated the question, "Shall Ordinance No. 636 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Pickrel, 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 ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance one time as prescribed by law.

POLICE REPORT

Police Chief Wright presented an option for the council to consider at the October meeting as the officer applications were still being accepted to fill the 3rd officer vacancy. The Chief reported a hiring bonus for certified qualified applicants was starting to be advertised by several police departments ranging from \$3,000-\$5,000 with varying terms of disbursement and length of employment services. He requested consideration for amending the dangerous dog ordinance to remove the list of banned breeds of dogs. Discussion was held for not allowing an invisible fence that dogs can break through. Discussion was held for keeping the ordinance as is. *Wilkinson moved to approve the August police report of 309 calls.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Donaldson reported the ISO survey had begun the prior week with flow tests on fire hydrants and the survey would now be conducted every 5 years instead of 10 years. He reported the crushed concrete had worked very well with fixing streets and the alleys. He reported the Lions Club 40-year old building furnace needed to be replaced. Discussion was held for selling or keeping the building and discuss this further at the October meeting. The Supt. reported he was awaiting State of Nebraska approval for a flashing speed sign on the Highway 275 curve east of the Riverside Park entrance that would be solar powered and fixed to another pole. Police Chief Wright reported the newer speed trailer was placed on north Highway 14 while the old trailer needed some repairs this winter. The Supt. also reported that the Penn Lake foundation pump stopped working and the crew would be retrieving the pump to determine what the repair or replacement needed.

Wilkinson moved to approve city-wide fall cleanup for Oct 16th – 17th with the Compactor open Saturday 11-5pm, and Tree Dump Saturday and Sunday and regular fees in place, with rain dates of Oct 23/ 24th. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported a recent storm forced a tree to fall on the electric line near West 9th creating an outage for repair. He reported that after the rains, the vac tron was used to safely restring the line. He reported he was awaiting a firm date to work with the house movers for the main street residence to move off the lot when his department will drop and raise electric lines to assist. He reported the generation plant was operating well. *Hughes moved to approve the Electric and Generation report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

APPROVAL OF BILLS

Wilkinson moved to approve the current claims filed and to approve payments made for recurring claims made during the preceding month. Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

SETTLEMENT OFFER FROM MEAN FOR FEBRUARY ELECTRIC BILL

Council Member Wilkinson moved to enter executive session for the protection of the public for the purpose of possible litigation. Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried. Time 9:21 P.M. Also in attendance were City Attorney McNally, City Clerk Klabenes, City Supt. Donaldson and Generation Supervisor Capler. Those present for executive session met in the Council Chambers after the audience exited the room.

The council reconvened into regular session at 9:53 P.M.

Council Member Hughes moved to authorize the City Attorney and special City Attorneys to file action with the arbitration board to contest the February MEAN invoice for the electric bill. Seconded by Pickrel. Roll call votes in

favor were Wilkinson, Miller, Hughes, Pickrel.

There being no further business to conduct, *Miller moved to adjourn*. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:55 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 September 14, 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.

(SEAL)



City Clerk

