

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

November 8, 2022

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, November 8, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Leonard Miller, Ted Hughes and Brent Pickrel. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, City Engineer John Zwingman, News Reporter Kelli Garcia, Officer Darin Ternus, Steph Lundgren, DeManda McGowen, Jenny Furstenau, Bobbi Pettit, Lori Cody and Ron and Lois Marshall. Notice of this meeting was given in advance thereof by publication in the Antelope County News on November 2, 2022. 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. City Clerk Danielle Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the October 11th regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

TREASURER REPORT

Clerk Klabenes reported on the annual premiums paid in October to begin a new fiscal year with payments on the pool liner and higher power bills resulted in higher monthly expenditures. She reported on the General fund transfers to the Dial-A-Ride fund in absence of delayed federal and state reimbursements for August through October operations. *Council member Pickrel moved to approve to approve the October 2022 Treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

Clerk Klabenes requested consideration for a book transfer from the General fund to the Street fund to begin the new fiscal year with a positive fund balance. *Council member Hughes moved to approve a book transfer from the General fund to the Street fund for \$6,250 for a beginning positive fund balance.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

PLANS, SPECS AND COST ESTIMATE FOR WATER AND SEWER PROJECT ANNEX EAST HIGHWAY 275

City Engineer John Zwingman reported he was 90% completed with plans and specs. He reported the State Revolving Fund had approved of guidelines available and we were awaiting approval by USDA to proceed with bid letting. He reported the project costs were updated in relation to a project he bid last month for a similar project. Discussion was held on the availability of extending city services east of the Countryside Acres subdivision if expansion were to come forward. Discussion was held for the city engineer fees on the project were based on the original estimated and not based on the new increased costs. The Engineer reported both he and the city clerk were contacting USDA to fill any open requirements to allow the project to move forward. No action was taken.

HOUSING STUDY PRESENTED BY FIVE RULE RURAL PLANNING

Bobbi Pettit of Five Rule Rural Planning presented the process and results of the Housing Study conducted over the past 6 months. She reported 187 survey responses with half in paper form and half in digital commented on housing needs for business owners, citizen interest in the city providing financial incentives for housing and identified residential vacancy rates. She reported the study provided a 3-year strategic plan driven by a collective effort by the Economic Development Board, Zoning and the City Council. She recommended a mixed use of housing to focus on properties inside Neligh city limits not using utilities or occupied and building on available lots with in the city limits rather than building homes on the edge of the community. She recommended a first step to consider of filing an application for the Workforce Housing Grants which was due in February and work with Economic Development to submit such application. Discussion was held on vacant property registration, the constitutionality and legal aspects of the program and utilization of the nuisance ordinances. Discussion was held for minimum square footage dwellings defining a specific square footage compared to International Building Codes that do not specify the square footage but do specify requirements for bathrooms and kitchens. Pettit also recommended consideration of current zoning rear yard setbacks and reducing such rear yard setbacks. *Council member Hughes moved to approve the Housing Study prepared by Five Rule Rural Planning as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

LIBRARY FOUNDATION

Library Foundation members DeManda McGowen and Jenny Furstenau reported the Library Foundation had contracted with an architecture firm to conduct a feasibility study for lighting projects, HVAC, use of space and structure updates. McGowen reported that the Foundation was paying for the feasibility study which was to begin in November. No action was taken.

RESOLUTION 2022-12 SPECIAL EVENTS POLICY FOR SUMMER PROGRAMS

City Attorney McNally reported he amended the draft policy to change the listing of part-time workers to summer or seasonal part-time workers and add to the policy for additional events as needed and as designated by the City Council. *Council member Hughes introduced and moved for passage Resolution 2022-12 setting overtime pay for summer and seasonal part-time employees for specific community events.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2022-12 adopted.

NEW MOON THEATER MANAGEMENT AGREEMENT

Clerk Klabenes reported the agreement was under review yet and would be presented next month for consideration. No action was taken and the matter was tabled to the next meeting.

MECHANICAL CASH DEVICES REQUEST BY CASEY'S GENERAL STORE

City Clerk Klabenes reported the city office had received a request from Casey's General Store to install 3 mechanical cash devices and one redemption machine pending City Council approval and if a fee was to be assessed. She reported Casey's was applying for a license from the Nebraska Department of Revenue Charitable Gaming. City Attorney McNally reported that these games were considered games of skill in comparison to the current lottery program which deemed the games as games of chance. He reported the games of skill were not governed by the local ordinance and did not require City Council approval. He reported that some towns may charge an occupation tax to which he could draft an ordinance if the Council wanted to assess an occupation tax. Discussion was held that the Dew Drop Inn and Cubby's currently had such games of skill in their businesses. Discussion was held that the city did not receive profits from games of skill and the businesses received very little profit compared to the lottery program. It was the consensus of the council to direct the city clerk to advise Casey's General Store to proceed with the application to the Nebraska Department of Revenue without an occupation tax or fee.

ORDINANCE 645 TO AMEND WATER TAP, WATER CONNECTION AND SEWER TAP FEES

City Supt. Donaldson reported the ordinance presented gave clarification on the different types of connection or tap of services and the fees associated with each.

Council member Hughes moved to amend Section 6-203 and Section 6-309(A) of the ordinance to establish tap fees for water and sewer services by introducing the following ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, NEBRASKA AMENDING SECTION 6-203 AND SECTION 6-309(A) OF THE REVISED ORDINANCES OF THE CITY OF NELIGH ESTABLISHING TAP FEES FOR WATER AND SEWER SERVICES; PROVIDING AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES 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: Pickrel, Hughes, Wilkinson, 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 Hughes moved for final passage of the ordinance*, which motion was seconded by Council member Wilkinson. The mayor then stated the question, "Shall Ordinance No. 645 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Wilkinson, Hughes, Pickrel. 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.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonson reported the Chamber of Commerce had approved of a partnership for the Workforce Housing Grant. She reported Novemberfest had a great attendance and thanked city personnel Grant Knutson, Tanner Knutson and Scott Kester for their help with setup. She reported on one business transition from Doug's Detailing to Excalibur Detailing. She reported Keith White was leading an accumulation of items for Neligh's 150th book to commemorate next summer. She reported on the American Legion fundraiser with veteran named signs in Riverside Park. She reported the Courthouse lawn Christmas decorations and new lighting displays were scheduled for setup the following weekend. She reported a Ladies Night Out in downtown businesses was scheduled for the following night and the Great Elf Hunt for holiday

promotion would begin soon. She also reported that Clearwater held a groundbreaking for the Nebraska Affordable housing Trust Fund Grant duplex. *Council member Hughes moved to approve the Economic Development Director report.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

Wilkinson moved to approve a digital façade grant for 719 Fitness for a website for \$1,000 and an exterior façade grant for Excalibur Detailing for new signage for \$332.82. Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

POLICE REPORT

Hughes moved to approve the October police report of 212 calls. Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried. Mayor Hartz thanked Officer Ternus, Sherriff Moore and the Antelope County Deputies for the additional assistance to help the Neligh Police department.

Discussion was held that the former patrol pickup had equipment and decals removed and was ready for sale. *Council member Hughes moved to sell the 2014 Dodge Ram pickup truck.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

CITY SUPT. REPORT

Ron and Lois Marshall requested consideration to remove two trees at the corner of 4th and Main Street near their business. They reported the trees created a mess from the birds and the cement had upheaved to create a dangerous condition. Discussion was held that the wrong type of tree was planted that grew more than intended for main street locations. Discussion was held for considering removing a tree across the street to the west also at 4th and Main Street and an another tree located further south on Main Street close to 3rd and Main. Discussion was held for publishing notice to the public for removal of main street trees. Discussion was held for considering a resolution for dangerous property at the next meeting.

City Superintendent Donaldson thanked the City Council on behalf of the city employees for the cost-of-living wage increase as it was very much appreciated and makes a difference. City Supt. Donaldson reported concrete repairs were made at the intersection of D Street and Meadowlark Lane and 3rd Street and Main Street. He reported he planned to do more intersections prior to Neligh's 150th anniversary next summer. He reported the Grandstand painting, renovation and structural boards replacement was completed with 246 gallons of paint used. He reported the swimming pool liner and mechanics were completed. He reported the sewer plant continued to be repaired and a check valve was replaced. The Supt. reported the north well electrical was fixed, that the cost of repairs had increased 35% since budget estimates were obtained and the city would not install the VFD as originally planned due to the price increase but would look at the VFD in the next budget year. Supt. Donaldson reported the fall clean up weekend went well and the next order of residential garbage totes were expected to arrive after January. He reported the tree trimming really needed to begin with a lot of service orders but various projects had pulled personnel away from beginning on tree trimming. Discussion was held if a private tree trimming business should be asked to assist. Discussion was held that the schedule was opening up to provide time for tree trimming without larger projects planned. *Council member Wilkinson moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

ELECTRIC REPORT

Electric Generation Supervisor Capler reported one outage last month was repaired and power returned following a fuse blown between the Department of Transportation and Tri Valley. He reported the purple lights near the Highway 275 bridge were replaced and under warranty. He reported that following the recent sewer and concrete work that the electric personnel would be setting the pole next week behind Shannon Olson's residence and then plan to work on tree trimming. He reported the generation plant test out was not completed yet as a date had not been set. He reported on fiber optic install from the city shop to the generation plant was in motion to begin. *Wilkinson moved to approve the Electric report as presented.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

Discussion was held for the proposal to install automatic controls for the electric generation plant with a cost not to exceed \$400,000. Discussion was held that sales tax would be paid on the controls as the electric department was not a tax-exempt department. *Wilkinson moved to approve the NMC Power Systems proposal for installation of automatic control equipment for the Electric Generation plant.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson. Opposed: Pickrel. Motion carried.

Wilkinson moved to approve a request of termination for the MEAN Service Agreement effective December 1, 2022. Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

Discussion was held for disconnection of electrical services, settlement conference committee and procedures and severe weather procedures for one day or multiple days. Discussion was held for reconsidering a resolution for policy at the December meeting. No action was taken and the matter was tabled.

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 Hughes. Roll call votes in favor were, Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:40 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 November 8, 2022; 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