

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

August 9, 2022

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, August 9, 2022 at 7:00 P.M. Present were Council Members Dale Wilkinson, Ted Hughes, Brent Pickrel and Leonard Miller. Absent was Mayor Joe Hartz. 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, News Reporter Jenny Higgins, Steph Lundgren, Melissa Buller, Jill Kallhoff, Shannon Olson, Diann Arehart, Tyler Pedersen, Shane Jessen, Lacey Jessen, and Stacy Klabenes. Notice of this meeting was given in advance thereof by publication in the Antelope County News on August 3, 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. 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 Danielle Klabenes recorded the minutes. The Pledge of Allegiance was recited.

## APPROVAL OF MINUTES

*Council member Wilkinson moved to approve the July 19<sup>th</sup> regular meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.*

## TREASURER REPORT

Clerk Klabenes reported the second tranche of the American Rescue Plan Act (ARPA) was expected for receipt soon and before the fiscal year end. *Council member Pickrel moved to approve the July 2022 Treasurer's report as presented. Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.*

## VEGETATION ON CITY ELECTRIC LINE AT 708 L STREET

Discussion was held for vines that had grown over the secondary service line extending from Shannon Olson's property to feed service to the north neighbor property of Jill Kallhoff. Discussion was held that the line was set as high as allowed. Discussion was held that the city service truck could not get access to the line with the current vegetation. Discussion was held for remedies of how to remove the vegetation to include dropping the line and pulling the service line through with reconnection to the existing pole, however, the vegetation would continue to grow, and this option would offer only a temporary fix. Discussion was held to move the service line to a new pole straight north where an existing utility easement with the church provided access. Discussion was held for waiting until the fall for the vegetation to dry out which would provide city personnel more visible access to the service line and to severely trim back a tree in the path of the line to avoid recurrence. *Council member Pickrel moved to install an additional pole to the north of the existing service pole west of 708 L Street for safety purposes. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried. It was the consensus of the council for the city personnel to severely prune the tree in reference as necessary at the city's expense.*

## SUMMER BASEBALL PROGRAM AND BALL SUPPLIES

City Supt. Donaldson reported that in July during the Quad County tournament, the size of the tournament with the wet weather created additional weekend hours for summer personnel preparing the ball fields and keeping the tournament running. He reported he received numerous compliments for the work of the summer personnel to keep the tournament running and the field presentation. He reported the extra hours created excessive overtime and by city policy, the summer personnel were given time off in place of paying overtime. He reported the mayor had presented an idea to create a special events policy for summer ball tournaments or the fair to approve overtime that could be worked by anyone. Discussion was held for increasing the ball board supplies and allowing the ball board to pay weekend personnel during tournaments, however, City Attorney McNally reported paid volunteers using city equipment to prepare the fields would not be covered under the city's insurance policy. Diann Arehart reported the assistance of the city employees over the weekend was greatly appreciated with the tournament success in running on time and dealing with the weather issues. She reported she received many compliments with how nice the fields looked and keeping games on schedule. She reported that two employees would be ideal instead of four and the employees did not have to stay onsite but could leave after the last game was chalked. Everyone agreed that the rain this year during the tournament added extra time and work. Discussion was held that the summer employees knew how and what to do to prepare the fields well. Discussion was held for having the City Attorney create a special events policy to include 1 to 2 baseball tourneys and the county fair for consideration at the next meeting. Discussion was held that an increase to the ball supplies for the summer program would be held at the budget workshop. No action was taken, and the matter was tabled.

## **REQUEST TO AMEND CITY ORDINANCE TO ALLOW MINI COWS WITHIN THE CITY LIMITS**

Lacey and Shane Jessen presented a request to change the current ordinance to allow mini cows within the city limits. The Jessen's requested an amended ordinance to allow up to six or less small livestock if there was two or more acres of vacant land with adequate shelter, fencing and access to water. The Jessen's provided signatures of support from four neighbors and reported the mini cows of interest were about the size of their Great Dane dog. Discussion was held that changing the ordinance was not favorable but to consider a separate ordinance for acreages of a set size with maximum number of animals from a pre-approved list with regulations on waste control and penalties for violations. Discussion was held that the property under discussion was currently zoned residential inside city limits and the protocol for changing the zoning of an area required public meetings and public hearings of both the Planning Commission and City Council. Discussion was held for concern with other small livestock such as potbellied pigs that may be requested or allowed under a separate ordinance. Discussion was held for having the City Attorney draft an ordinance for discussion next month before going to the Planning Commission. No action was taken, and the matter was tabled.

## **REPRESENTATIVE TO PRESENT PROPERTY TAX REQUEST AT A JOINT PUBLIC HEARING**

*Pickrel moved to designate the City Clerk to represent the City of Neligh at a Joint Public Hearing on September 19<sup>th</sup> for presenting the city property tax request per statute from LB644. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.*

## **EMPLOYEE HEALTH INSURANCE RENEWAL ESTIMATES**

City Clerk Klabenes reported as a follow-up to last month's questions on health insurance renewal numbers. She reported that while the city's employee health insurance renewal of January 1<sup>st</sup> would not have firm numbers until 60 days prior or in November, that the projected increase was 8-10%. She reported on a new health insurance pool created by the League of Nebraska Municipalities that began in July; however, the rates were not favorable for the city, and she would continue to look at that option again in the future. Discussion was held for what other municipalities were setting for a cost-of-living rate. Clerk Klabenes reported that while most municipalities were still meeting for their budget workshops, that three towns had set a cost of living between 4-6%. No action was taken.

## **RESOLUTION 2022-6 CITY INSURANCE RENEWAL WITH LARM**

Discussion was held for the city insurance renewal options with a 1-to-3-year commitment and a 0 to 5% discount rate. Discussion was held for the previous year's insurance cost and the renewal rates and the process to gradually step down over 3 years if desire to go out for bids for city insurance. Discussion was held that the city had taken the largest discount offered the last two years and if the city were to go out for bids in 3 years, it would be almost 9 years since bidding the insurance. Discussion was held that the difference in premium cost between the 2- and 3-year commitment was \$1,100 but provided one year closer to the option to bid insurance in the event that next year's premium increased. *Miller introduced and moved for passage Resolution 2022-6 approving a 2-year commitment with a 4% discount for an annual premium of \$107,648 for the city insurance policy for the 2022-2023 fiscal year. Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Thereupon Council President Hughes declared Resolution 2022-6 adopted.*

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

*Council member Pickrel moved to approve an inter-local agreement between the City of Neligh and the Antelope County Library Association for supporting the Neligh Public Library for the 2022-2023 fiscal year. Seconded by Wilkinson. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.*

## **NEW MOON THEATER OPERATIONS**

City Attorney McNally reported on two options for managing the theater operations. He reported that for the theater to access grant opportunities it would be best for the city not to manage the theater but the current New Moon Theater non-profit to enter into an agreement with the city to manage such for providing funding opportunities and grants. He also reported a second option may be to set up a separate board to operate the theater as having an outside board operate and manage the theater instead of city personnel would be better. He reported both the current New Moon Theater non-profit and the City of Neligh both could accept donations as part of a 501c3, but the city had to file the applications for the grants. It was the consensus of the council to have the City Attorney propose an agreement for consideration at the September meeting. No action was taken, and the matter was tabled.

ED Director Sheridan-Simonson reported on suggestions offered by Nebraska Main Street Network for window clings that could be placed on the theater windows to show the project continuing without seeing the construction work inside the theater. She reported that the window clings were inexpensive to help raise funds for the theater and could tell folks how or where to donate to the project.

## **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonson reported the final meeting for the housing study

was scheduled for September with surveys to go out with the August utility bills. She reported additional ARPA funds had increased from 10 million to 30 million, but the deadline had moved up from January to October. She reported that with \$150,000 of LB840 funds could be matched with \$150,000 of NIFA funds and matched again with \$300,000 by DED for a \$600,000 revolving loan housing project which the council has had an interest in creating. She reported on two new businesses opening of Wild Embers Apothecary and Neligh Deli. She thanked the family of Andy and Amanda Elder for volunteering their time and talents with weeding and planting new plants at Rainbow Fountain. She thanked several city staff including Curt Madsen with recycling and trash assistance, Brad Thieman with repairing the screens used for the Chamber BBQ and Jennifer Pellatz with the housing study survey disbursement with utility bills. She reported the Chamber BBQ service 994 people this year. She reported an interview for the Assistant Director position was scheduled for later in the week. *Council member Wilkinson moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

ED Board Chairman Tyler Pederson reported an employment review on the Director had been done by the Economic Development Board. He reported the board recommended a salary increase to \$55,000 but a fair salary of \$60,000 would be appropriate with an average salary of \$64,000 with towns of Neligh's size. He reported the director had started at a lower salary due to lack of experience. *Wilkinson moved to set the Economic Development Director's salary at \$55,000 for the next fiscal year.* After discussion it was decided the salary would be set after the budget workshop meeting whereupon Wilkinson withdrew his motion. Discussion was held for the 12-25% increase in salary proposed and to consider the proposal at the budget workshop. No action was taken.

The Director reported that the Village of Clearwater had agreed and signed the proposed contract for a 5% increase. *Pickrel moved to approve the Village of Clearwater contract with Neligh Economic Development at \$14,586.08 for 400 hours for the fiscal year 2022-2023.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

The Director reported the Chamber of Commerce had also approved the proposed contract with a 5% increase. *Wilkinson moved to approve the Neligh Chamber of Commerce contract with Neligh Economic Development at \$15,443.82 for 1,000 hours for the 2022-2023 fiscal year.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

Sheridan-Simonsen reported the ED Board had reviewed the housing survey presented and recommended it be included with the utility bills. She reported an electronic option was also available with a QR code to be shared on social media and the website. Citizens could also return a paper survey through the city office drop box which would only be reviewed by Five Rule Rural Planning. *Pickrel moved to accept the recommendation by the ED Board for the housing study presented.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

The Director reported that 719 Fitness had applied for a façade grant to replace a broken window on the façade of the Main Street business with a total project cost of \$1,933.85 and grant request of \$966.93. *Wilkinson moved to approve a façade grant to 719 Fitness for \$966.93 for window replacement.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

## **POLICE REPORT**

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

## **CITY SUPT. REPORT**

City Superintendent Donaldson reported the swimming pool would host the first dog swim night on the last day of the season for the last 2 hours. He reported the pool liner was scheduled for installation at the end of the month or first of September. He reported the May 12<sup>th</sup> storm damage at the Compactor was submitted through insurance as it was uncertain if FEMA would reimburse for such and the length of time of reimbursement. He reported the Riverside Park tree damage that required two rigs and the trailer tip over and ramp damage at the Compactor would be submitted to FEMA by the August deadline. He reported Antelope County had filed a disaster declaration for the May 12<sup>th</sup> storm. He reported the sewer main at 7<sup>th</sup> and G Street had roots in the city main cleared. He reported the anticipated water meters just arrived and were now available to use with the data logger to detect time of day of leaks.

The Superintendent reported that Clearwater had asked the city with assistance with water testing until the Village of Clearwater hired a Water Operator. Discussion was held that for one hour a month city personnel would sample one of five public places in Clearwater with Clearwater paying the postage fees, labor at time and half and mileage, estimated at \$175, due to more samples. Discussion was held that Neligh currently assists the Orchard CVA with water samples at \$75. Discussion was held that the length of time to assist Clearwater was unknown, but it was a wonderful neighborly service to offer. Discussion was held for Clearwater to provide notifications to Neligh's Water Operator in the event of a main or line break for effective testing. *Miller moved to approve Neligh city personnel to perform water testing for the Village of Clearwater for a fee of \$175.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

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

**ELECTRIC REPORT**

Electric Generation Supervisor Capler reported he continued to receive excellent communication and alert messages on possible generation during the high temperatures. He reported electric personnel finished a new temporary service for a new home in Countryside Acres Second Addition. He reported he checked into a split payment option for the service project on 5<sup>th</sup> street as an option to split between two budgets, but scheduling would not allow it. He reported a few campers had service calls during the county fair. *Miller moved to approve the Electric report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

City Attorney McNally reported the automatic controls for the generation plant were estimated to not exceed \$400,000 with engineering and installation, but the city needed to give Tenaska an answer whether the automatic controls were going to move forward or not. He reported a representative of Tenaska would be coming to Neligh to tour the facility and meet the Council at a date not set yet. A lengthy discussion was held for the cost of the controls, the process to sell the power to initiate the automatic controls, the payment to the city when the power was sold, the window of time to start the automatic controls, and the cost of the bond to implement the automatic controls. Following a lengthy discussion, *Wilkinson moved to authorize Nebraska Machinery Caterpillar to engineer and install automatic start controls for the electric generation plant at a sum not to exceed \$400,000.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes. Opposed: Pickrel. 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 Hughes, Pickrel Miller, Wilkinson. Opposed: None. Motion carried.

**BID FOR AUDIT SERVICES**

Clerk Klabenes reported one of three bids submitted was received. She reported one of the firms stated that the size of Neligh was cost prohibitive to offering audit services. The bid received was from AMGL of Grand Island with the current auditing firm that has worked with the city the last 4 years. She reported the audit included a fee for an additional audit referred as a Single Audit as required when federal funds exceeding \$750,000 were spent. She reported that when the water and sewer project began and due to the size of the project and funding with USDA and SRF, a Single Audit was likely to be required. *Miller moved to accept the bid for audit services by Almquist, Maltzahn, Galloway and Luth for fiscal years ending 2022 through 2025.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

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 Council President, Hughes declared the meeting adjourned. Time 10:00 P.M.

City of Neligh

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Ted Hughes, City Council President

ATTEST

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Danielle Klabenes, City Clerk

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on August 9, 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)

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City Clerk