

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
September 13, 2022

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, September 13, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Ted Hughes and Brent Pickrel. Absent was Leonard Miller. 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, Officer Ternus, News Reporter Jenny Higgins, Melissa Buller, Shane and Lacey Jessen, Les and Janice Ridder, Bill and Alice Lyons, Dennis Koch and Tom Boggs. Notice of this meeting was given in advance thereof by publication in the Antelope County News on September 7, 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 August 9th regular meeting and August 16th and 24th special meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Hughes, Pickrel, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

TREASURER REPORT

Clerk Klabenes reported the second tranche of the American Rescue Plan Act (ARPA) was received in August, and noted the listing on the treasurer report. *Council member Pickrel moved to approve the August 2022 Treasurer's report as presented. Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.*

PUBLIC HEARING FOR SETTING FINAL TAX REQUEST FOR 2022-2023

Mayor Hartz declared the hearing opened to hear support, opposition, criticism, suggestions or observations for the 2022-2023 final tax request at a different amount than the prior year tax request. Time: 7:09 P.M. The hearing was left opened.

DRAFT ORDINANCE TO ALLOW MINI COWS WITHIN THE CITY LIMITS

Discussion was held that the subject of animals inside city limits has been discussed in the past and the ordinances in place were created by public input. Discussion was held for the difficulty in not helping a young family with the request for mini cows but laws are put in place to manage a city. City Attorney McNally reported he could not find ordinances for permitting cows within the city limits. Discussion was held for the concern expressed for other animals to be requested for permission within city limits if cows were permitted. Discussion was held for the blind goat requested a number of years ago that was not permitted. Discussion was held for opposing the allowance of mini cows within the city limits. Discussion was held that the subject could be introduced by ordinance with three public hearings or submit the matter to the Planning and Zoning Commission for recommendation. Discussion was held for council member's lack of support of permitting animals in town but to ask the Planning and Zoning Commission. *Hughes moved to submit to the Planning and Zoning Commission for a recommendation to permit all small animals in residential districts within the city limits. Seconded by Pickrel. Roll call votes in favor were Pickrel and Hughes. Opposed: Wilkinson. Absent Miller. Motion carried.*

YIELD OR STOP SIGN REQUEST AT 10TH AND T STREET INTERSECTION

Les and Janice Ridder requested consideration for adding stop signs at 10th and T Street to help with traffic speed both east/ west and north/ south. She reported on the commercial business truck traffic from the Willows Assisted Living and Great Plains. Neighbors in attendance commented on the children and elderly safety in absence of neighborhood sidewalks. Neighbors in attendance reported on the traffic through T Street that followed a semi-truck accident at Highway 14 and 275 last year where traffic was detoured through T Street. Three written comments were submitted by Linda Meis, Mary Dittrich and Eric and Rosemary Sauser requesting a stop sign and concern for kids safety. Neighbors reported the dust of the gravel streets was also a concern. Discussion was held for improving the street with paving would remove the dust. Discussion was held for both council and neighbors together talking with Great Plains about speed concerns.

SPECIAL EVENTS POLICY FOR SUMMER PROGRAMS

Discussion was held for a draft policy to provide overtime pay and staffing needs to serve the public in summer or seasonal events. Discussion was held for listing the special events in the policy compared to city personnel department supervisors making the determination which events qualified as special events. Discussion

was held for consideration for the special events to include 4th of July, the Quad County Baseball tournament, the District Junior and Senior baseball tournament and the County Fair. Discussion was held for adding the names of the mentioned special events to the draft for consideration next month. No action was taken and the matter was tabled to next month.

ONE-AND-SIX YEAR STREET IMPROVEMENT PLAN

Mayor Hartz opened the One-and-Six Year Street Improvement Plan Hearing at 7:52 P.M. to receive oral or written comments from the public. Clerk Klabenes reported that City Engineer Zwingman had updated the cost estimates for next year cost estimates. She reported the one-year plan showed the Riverside Park entrance with the six-year plan including the gravel streets. Tom Boggs inquired about 10th Street at his home being moved from the six-year plan for a paving project. Discussion was held for the November ballot to include a sales tax increase to fund street improvements. Discussion was held for checking with the City Engineer regarding a soybean oil application to limit dust and the effectiveness of using a local project. The hearing was left open.

DISPATCH SERVICES RENEWAL AGREEMENT WITH ANTELOPE COUNTY

Mayor Hartz extended a thank you to Sherrif Moore for agreeing to renewing a dispatch agreement and maintaining the agreement rate. *Wilkinson moved to approve the renewal agreement for dispatch services between Antelope County Sherriff Department and the City of Neligh for 3 years.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

RESOLUTION 2022-7 WRITING OFF UNCOLLECTIBLE ACCOUNTS

Discussion was held for reporting customer names on the resolution from the uncollectible accounts. Discussion was held for meter deposits required if a customer from the write off list returned to Neligh to reside. *Hughes introduced and moved for passage Resolution 2022-7 writing off uncollectible accounts for accounting purposes in the amount of \$1,023.45 for the fiscal year ending September 30, 2022.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2022-7 adopted.

APPOINTMENTS

Mayor Hartz recommended the appointment of Josh Blood to fill the unexpired term of the Library Board to June 2025 and Council Member Leonard Miller to the Nebraska Cooperative Government annual meeting. *Wilkinson moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Pickrel. Opposed: None. Absent: Miller. Motion carried.

ADDITIONAL 1% ALLOWABLE INCREASE IN RESTRICTED FUNDS

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

2022-2023 BUDGET ADOPTION WITH APPROPRIATION ORDINANCE 642

Council member Pickrel moved to adopt the 2022-2023 budget for a total expenditure requirement of \$12,886,094 and unused budget authority of restricted funds of \$133,300.98 by introducing 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 2022-2023 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: Pickrel, Wilkinson, Hughes. The following voted NAY: None. Absent: Miller. 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. 642 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Pickrel, Wilkinson. The following voted NAY: None. Absent: Miller. 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 2022-8 TAX LEVY FOR 2022-2023 FISCAL YEAR

There being no comments or objections heard, Mayor Hartz declared the final tax request hearing closed at 8:09 P.M. *Council member Pickrel introduced and moved for passage Resolution 2022-8 adopting a different tax levy from last year for the 2022-2023 fiscal year:*

General Fund - \$421,442.07	Levy - .499967
Debt Service - \$157,800.00	Levy - .187202
<u>Total</u> - \$579,242.07	<u>TOTAL</u> - .687169

With an assessed city valuation increase from last year of 2.99%. Seconded by Hughes. Roll call votes in favor were Hughes, Pickrel, Wilkinson. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2022-8 adopted.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonson reported Sara Borer was hired to fill the Assistant Director position. She reported Sara brings an abundance of educational degrees in Hospitality, Tourism Management, Leadership and Communication to name a few. She reported the housing survey results would be revealed later the month with the Housing Committee. Discussion noted a recent ordinance Norfolk adopted on Tiny Homes. The director reported tiny homes would be discussed in the housing survey results. Discussion was held for taking the subject of tiny homes to the Planning and Zoning Commission after the housing survey results were shared. Discussion was held for Northeast Nebraska Economic Development to attend and present at the October meeting. The Director reported that she was working with Neligh’s S150 marketing and planning committee on a grant application due December 10th with a 25% match. She reported that a future meeting would be held with Lowell Schroeder from Five Rule Rural Planning with the New Moon Community Theater Board and members of the City for the action steps to follow. Supt. Donaldson reported that 4 young men cleaned the pool and Rainbow Fountain following some damage created and Donaldson was very appreciated of the parents that supported the young men working to do the clean up. *Council member Hughes moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

RESOLUTION 2022-10 AUTHORIZING MUNICIPAL ANNUAL CERTIFICATION FOR ONE-AND-SIX YEAR STREET PLANS

Hughes introduced and moved for passage Resolution 2022-10 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 Pickrel. Roll call votes in favor were Pickrel, Hughes, Wilkinson. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2022-10 adopted.

ORDINANCE NO. 643 SETTING SALARIES AND BENEFITS

Council member Hughes introduced Ordinance 643 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, 2022, AND CONTINUING TO AND THROUGH SEPTEMBER 30, 2023; SETTING RATES OF CONTRIBUTION TOWARD EMPLOYEES’ HEALTH INSURANCE, HEALTH SAVINGS ACCOUNTS 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 Pickrel seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Wilkinson, Hughes, Pickrel. The following voted NAY: None. Absent: Miller. 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. 643 be passed and adopted?” Upon roll call vote, the following Council Members voted YEA: Hughes, Wilkinson, Pickrel. The following voted NAY: None. Absent: Miller. 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 644 SETTING ELECTRIC WATER AND SEWER RATES

Council member Hughes introduced Ordinance 644 entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ESTABLISHING FEES TO BE CHARGED FOR WATER, SEWER AND ELECTRICAL SERVICES PROVIDED BY THE CITY; AUTHORIZING THE CLERK/TREASURER TO UPDATE THE MUNICIPAL SERVICE RATE SCHEDULES; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCANCES; AND ESTABLISHING AN EFFECTIVE DATE.

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. The following voted NAY: None. Absent: Miller. 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. 644 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Pickrel, Hughes. The following voted NAY: None. Absent: Miller. 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.

HIRE A LIBRARY CUSTODIAN

Council member Wilkinson moved to approve the hiring of Jamie Hart for the Library Custodian position at an hourly wage of \$12.50 effective September 12th. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes. Opposed: None. Absent: Miller. Motion carried.

POLICE REPORT

Officer Ternus reported the property located at 3rd and D Street was cleaned up and the weeds knocked down. The Council thanked Officer Ternus for his work on the property and all his work covering shifts. *Wilkinson moved to approve the August police report of 139 calls*. Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

CITY SUPT. REPORT

City Superintendent Donaldson reported the street department would be working on repairing cracks before winter. He reported he attended the fair board meeting and discussed the grandstands repairs with the board to which the fair board will contribute \$10,000 toward the grandstands project. He reported the Grandstands repair and paint project price was not guaranteed after January 1st due to rising costs and the project would be done in the fall. The City Supt. reported that the fair board was very appreciative of the city employees help during the county fair. The Supt. also reported the pool liner installation was to begin the next day. He reported about \$30,000 in storm damage from the May 12th storm was reported to FEMA during an initial scope meeting. He reported FEMA may cover the insurance deductible for the damage to the compactor building. The Supt. reported one VFD went down at the sewer plant and with an estimated 3 to 4 months for a new one, the existing VFD is being rebuilt instead. He reported sewer jetting on ½ of the town was to start this month. He reported on a sewer main clog that was cleaned out and installed a clean out. He also reported the second radar sign was attached to a pole on the hospital hill. Discussion was held for the height requirements set by the state department of transportation for such signs. Discussion was held whether a sound activated sign could take a picture of jake brakes.

Supt. Donaldson requested consideration for a fall city wide clean-up event with free disposal at the compactor for city of Neligh residents only until the trailer was full. *Pickrel moved to approve a city-wide fall cleanup for October 22nd – 23rd with Compactor open Saturday 9-4:00pm and Tree Dump Saturday 11-5:00pm and Sunday 1:00-5:00pm with rain dates of October 29th-30th and to approve waiving compactor fees for City of Neligh residential customers only on Saturday or until the trailer is full*. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel. Opposed: None. Absent: Miller. Motion carried.

The Superintendent also reported he received a complaint about the salvage items located at 511 East 2nd Street. He requested guidance on the location, a possible fence and how the city council would like to proceed. It was the consensus of the council to consider this further and table to the next meeting.

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported no major outages occurred last month. He reported the junction box between the West Hillview Motel and Subway had been hit and damaged. He reported it was patched to repair and he would be placing bollards to further protect the junction box. He also reported the capability test on the generation plant had increased the percentage of operating above peak from 10% to 15% which pushed the smaller motor harder to overheat. He reported he detected an oil drip on a larger motor and scheduled Caterpillar to repair. Discussion was held for the annual capability tests and the admissions tests conducted every 5 years. Discussion was held that if the percentage of operating above peak dropped to 12%, the motors would meet the capability test with ease, but if the percentage of operating stayed at 15% that the smaller motor would have difficulty. Discussion was held for whether the next size of motor would be needed depending on where the percentage of operating above peak was set at. Capler reported that running the tests in the morning during cooler temperatures and running one motor at a time instead of collectively would also help the motors in the regular testing. *Hughes moved to approve the Electric report as presented*. Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

City Attorney McNally reported the Energy Management Agreement with Tenaska provided for startup and monthly fees, a schedule with Southwest Power Pool and the opportunity to place Neligh's capacity on the

market to get paid. He reported the agreement was for a 3-year period with an automatic 1-year renewal. He reported the contract carried the same damage provision that the agreement with MEAN carried. He reported that with the communication system already set up for hour-by-hour updates that he did not anticipate any issues. *Hughes moved to approve the Energy Management Agreement with Tenaska as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes. Opposed: None. Absent: Miller. Motion carried.

ONE-AND-SIX YEAR 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: 9:14P.M. *Hughes introduced and moved for passage Resolution 2022-9 adopting the One-and-Six Year Street Improvement Plan as prepared by Advanced Consulting Engineering Services.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Wilkinson. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2022-9 adopted.

APPROVAL OF BILLS

Pickrel moved to approve the Blackstrap invoices for scale tickets of \$90. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel. Opposed: None. Abstain: Hughes. Absent: Miller. Motion carried.

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

Pickrel moved to authorize the City Clerk/Treasurer to redeem certificate of deposits if needed for electric operations. Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes. Opposed: None. Absent: Miller. Motion carried.

Council member Pickrel moved to issue a Fire Department certificate of deposit of \$22,000 and Jaws of Life certificate of deposit for \$500 from the General Fund for future equipment purchases. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel. Opposed: None. Absent: Miller. Motion carried.

ZERO TOLERANCE POLICY FOR DIAL-A-RIDE WITH NEBRASKA DEPT. OF TRANSPORTATION

Clerk Klabenes reported the updated policy could be extended past end of month and requested the item be tabled to October. No action was taken.

There being no further business to conduct, *Wilkinson moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Wilkinson. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:20 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 13, 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.



City Clerk

(SEAL)