

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
February 17, 2022

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, February 17, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Leonard Miller, Brent Pickrel, Dale Wilkinson and Ted Hughes. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, City Clerk Danielle Klabenes, Deputy Clerk Rhonda Heithoff, Library Director Amy Baker, Tim Baker, Auditor Kyle Overturf, Ron Storm and Wendy Henn. Notice of this meeting was given in advance thereof by publication in the Antelope County News on February 9, 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. 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 January 11<sup>th</sup> minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes. Opposed: None. Abstain: Miller. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported that historic 2021 renewable energy credits sold per agreement with Grand Island resulted in a \$14,000 credit covering the monthly invoice and providing a \$4300 credit towards next month's invoice. She reported a comparison of January 2021 to January 2022 showed January 2022 to have \$140,000 higher expenses with about \$80,000 of that attributed to the MEAN invoice discussed last month. *Council member Hughes moved to approve the January 2022 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

#### **FISCAL YEAR AUDIT 2020-2021**

Auditor Kyle Overturf of Almquist, Maltzahn, Galloway & Luth of Grand Island presented the 2020-2021 fiscal year audit. He reported the audit received an unmodified opinion, which was the highest opinion the city may receive from an outside accounting firm. He reported on several pages of the audit noting revenue sources of governmental activities which included FEMA and American Rescue Plan receipts, long term debt increased due to a February 2021 event note, the addition of a component unit noting the Library Foundation as required by statute, a review of the Tax Increment Financing projects in place and the number of years remaining on each project, segregation of duties of personnel and a recommendation to allocate certificate of deposits to the applicable service source compared to all certificates allocated to the general fund. He also reported on a comparison to other cities of similar size in a peer group of 1,000 to 3,000 population for all other benchmark calculations which included department budgets, state allocations, sources of revenue, operating income, debt ratio, levy rates and cash reserves. He also reported on the refinanced electric utility bond that created a budget over appropriation. Discussion was held for an explanation to be added to the audit to further explain that funds were not overspent but a refinanced bond at lower interest and timing difference created the over appropriation. *Council Member Hughes moved to approve the 2020-2021 fiscal year audit prepared by Almquist, Maltzahn, Galloway & Luth.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

#### **CURB AND GUTTER ON 10<sup>TH</sup> AND P STREET**

Discussion was held for a request for resident to install a curb and gutter at a residence on 10<sup>th</sup> and P Street. Discussion was held for the engineering specs required first and if the city paved the street after that the

curb and gutter were completed at one residence instead of the full street, that the curb and gutter would be removed and redone when the full street project was paved by the city and possibly assessed to the property owner. Discussion was held for the percentage of property owners needed to sign a petition and creating a paving district or the city gap paving a street without a petition. Discussion was held for whether water and sewer lines under 10<sup>th</sup> street would need to be replaced if a paving project were pursued. Discussion was held that paving of 10<sup>th</sup> street is included in the One-and-Six Year plan and to table this matter to next month for further review and discussion.

#### **REQUEST FOR STOP SIGNS ON P STREET**

Ron Storm and Wendy Henn from the Neligh Housing Authority requested consideration for stop signs along P Street to slow down traffic for the residents and a future daycare next door. Discussion was held for various placement of the signs for north and south bound traffic along P Street, west bound traffic on 5<sup>th</sup> street and east bound traffic on the alley behind Neligh Housing Authority. Discussion was held that 2 signs were requested one year ago, and the current request was 3-4 signs. Following a lengthy discussion, *Council Member Wilkinson moved to approve the placement of two new stop signs at 5<sup>th</sup> and P Street for both north and south bound traffic.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Miller. Opposed: Pickrel. Motion carried.

#### **SEMI-ANNUAL LIBRARY STATISTICAL REPORT**

Library Director Amy Baker reported on functional changes included shortened circulatory desk both for employees and patrons and rearranged seating to accommodate. She reported improved lighting is still a concern to address. She reported the door mechanisms, bathroom sink and toilet and public computers had service interruptions that the City Supt. was able to assist with but were all unplanned expenses. She reported on the statistical survey on library collection which included 45,436 items in circulation. She reported on library services and programs, virtual attendance which was 26,753. Mayor Hartz thanked Baker for her work on keeping the budget within control. *Wilkinson moved to approve the semi-annual library statistical report as presented.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

#### **AGREEMENT RENEWAL WITH ANTELOPE MEMORIAL HOSPITAL**

City Attorney McNally reported the agreement with Antelope Memorial Hospital for ambulance service included a renewal of the 3-year agreement beginning March 1<sup>st</sup> with a \$50 monthly increase. *Miller moved to approve a 3-year renewal agreement with Antelope Memorial Hospital for ambulance service at \$600 per month beginning March 1, 2022.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

#### **LB840 FUNDS FOR THE PURCHASE OF REAL ESTATE**

Discussion was held for some dilapidated properties and whether LB840 funds were allowed to be used to purchase real estate and clean up a property. City Attorney McNally reported he reviewed the economic development plan approved by the voters and reported the plan did allow LB840 funds to be used. He reported consideration was needed to who administered the use of funds and how to keep or demo the property for resale, which required some organizational skills and planning. Discussion was held that LB840 funds were not intended for residential home improvements, but such home improvements were intended for funding sources provided by the revolving loan fund from CDBG homeowner and occupied funds and CORE funds. *Hughes moved to approve the use of LB840 funds to purchase real estate subject to the approval of the City Council.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended the appointment of Chelcy Mooney to the Park Board for a 3-year term and Joyce Knievel to the Neligh Housing Authority for a 5-year term. *Hughes moved to approve the appointments*

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

## **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonsen was absent to attend Leadership Nebraska. Clerk Klabenes reported the ED Director had shared news of Senator Tim Gragert of District 40 would be visiting the ED Office on Friday, April 1, 2022. *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.

## **POLICE REPORT**

Chief Wright was absent due to a call out. Council member Hughes reported Chief Wright had called him to report that the Chief had applied for a \$4,000 grant for a light bar. With no other updates, *Hughes moved to approve the January police report of 214 calls*. Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

City Attorney McNally reported that a Duty to Intervene in Excessive Force Events policy needed to be adopted by the City Council. He reported the policy was for if an officer witnessed another officer using unethical or illegal conduct that one officer had a duty to intervene and restrain the other officer. *Wilkinson moved to approve the Duty to Intervene in Excessive Force Events policy for the Neligh Police Department*. Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

## **CITY SUPT. REPORT**

City Supt. Dan Donaldson reported thanks to Utility Billing Clerk Pellatz for working with the vendor to find an app that works with the city's water meters to enable customers detailed hourly information on a continuous leak. He reported two customers already benefited from the report. The Supt. also reported on the Tire Amnesty award the city received and he planned for an April 21-23 event to coincide with a community Spring clean up event. He reported the Tire Amnesty provided for 2 employees for 8 hours a day. *Wilkinson moved to approve the Tire Amnesty event dates of April 21<sup>st</sup> through April 23<sup>rd</sup>*. Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

The Supt. reported the Park Board recommended advertising begin for the summer park and pool employees. He reported Assistant ED Director O'Brien had created flyers for distribution to advertise the seasonal positions and start recruiting staff. He reported the Park Board was working with a local high school student, Ashley Caballero, with fund raising for adaptive park playground equipment. He reported the area proposed was east of the Pavilion and would require some work before playground equipment was installed to make the area handicap accessible. He reported Caballero had already raised over \$2,000. He also reported the Park Board had discussed an adaptive fishing dock at Penn Park and further discussion would continue. *Wilkinson moved to approve the recommendation of the Park Board to begin advertising for summer pool and park employees*. Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

Supt. Donaldson reported the garbage totes were still on backorder. He reported the city received a credit of \$4100 for materials and labor on the install of the cart tipper which could be applied to purchase more garbage totes if needed. He reported a total of 132.7 tons of recycling was turned over in 2021 and did not go into the landfill. He reported the solid waste employees discussed changing the Compactor hours on Saturday from 11am to 5pm to a 9am to 4pm shift. He reported the hours would align with weekday schedules and provide a lunch break. Discussion was held for consideration of changing the tree dump Tuesday and Thursday hours from 3pm to 7pm but the matter was tabled to next month to visit with employees further on a later shift schedule. *Wilkinson moved to approve changing the Saturday operating hours at the Compactor and Tree Dump from 11:00AM - 5:00PM to 9:00AM - 4:00PM*. Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

The Supt. requested consideration for a community Spring clean-up weekend event for April 23<sup>rd</sup> and 24<sup>th</sup> with a rain date of April 30<sup>th</sup> and May 1<sup>st</sup>. He requested consideration for waiving compactor fees on Saturday only

to help residents with clean up. He reported the local FFA chapter was looking for a service project too. Discussion was held with the procedure of a trailer filling up sooner than the end of the day, limiting the waived fees to city residents only and commercial businesses would remain paying fees but could still empty into the trailer. Discussion was held for whether one trailer would be enough for a day so the matter for waived fees was tabled to next month. *Pickrel moved to approve a community spring clean-up weekend of April 23<sup>rd</sup> and 24<sup>th</sup> with a rain date of April 30<sup>th</sup> and May 1<sup>st</sup>.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

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

## **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported of one major outage from a transformer that went out in the last month. He reported he was going to review and update the rebate form. He reported on a possible rebate of approximately \$16,000 for changing to LED that may come through. He reported the generation fuel was filled up and the notification email and text messages with MEAN were going well. *Hughes moved to approve the Electric report as presented.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

City Attorney McNally reported he had received an extension agreement from MEAN for scheduling power to September 1<sup>st</sup> which allowed the city additional time to work out an agreement with a new supplier. He reported he was in discussions with other suppliers to obtain proposals by April 1<sup>st</sup>. *Miller moved to approve the Scheduling Power Extension Agreement with MEAN to September 1, 2022.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Pickrel, Wilkinson, 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, except the Blackstrap invoice for \$392.90.* Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

*Wilkinson moved to approve the Blackstrap invoice for \$392.90.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel. Opposed: None. Abstain: Hughes. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:35 P.M.

City of Neligh

\_\_\_\_\_  
Joe Hartz, Mayor

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 February 17, 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