

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
March 12, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, March 12, 2019 at 7:00 P.M. Present were Council Members Leonard Miller, Dale Wilkinson, Brent Pickrel and Ted Hughes. Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Michael Wright, City Clerk Danielle Klabenes and News Reporters Jenna Hemenway and Carrie Pitzer, Steph Stuhr, Tim Johnson, Joe Lichty, Kelly Oltjenbruns, Tara Purdie, Lucinda Donaldson, Dan & Diann Donaldson and Adam Mortensen. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on March 6, 2019. 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

Hughes moved to approve the February 12th special and regular meeting minutes as presented. Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported on approximately \$20,000 from special revenue accounts owed to General Fund for February expenses. She reported on the transfer of CDBG funds to the de-obligated account as approved last month. She reported on the pending application for a CDBG loan of \$30,000 that would use both CDBG and de-obligated funds. *Wilkinson moved to approve the February 2019 Treasurer's report as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.*

2017-2018 FISCAL YEAR AUDIT

Auditor Terry Galloway of Almquist, Maltzahn, Galloway & Luth presented the 2017-2018 fiscal year audit. He reported the audit received an unmodified opinion which was the highest opinion the city may receive. He reported on several financial aspects in the audit including refunding bonds if available upon call dates and total appropriations under budget by \$3,200. He also reported on benchmarking calculations per capita for department budgets, revenue sources, debt, levy and fund balances. *Hughes moved to approve the 2017-2018 fiscal year audit as prepared by Almquist, Maltzahn, Galloway & Luth. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.*

NELIGH YOUNG MEN'S CLUB FIREWORKS DISPLAY AT PENN PARK

Adam Mortensen presented a drawing to request use of Penn Park for the Old Mill Days fireworks display. He reported the placement of fire trucks and safety distances required by the state fire marshal. He reported he had spoken to adjacent property owners for permission to infringe on their property for securing safety distances. He requested Wyle Drive be closed for the event from mid-afternoon until after the fireworks show and he would coordinate ground traffic with the police department. He reported that Riverside Park was not an option due to the location of the ballfields and safety distances. *Wilkinson moved to approve the use of Penn Park for Neligh Young Men's Club celebration of Old Mill Days fireworks display. Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.*

RESOLUTION 2019-4 PUBLIC HEARING FOR LUCKY JOE'S LIQUOR STORE LLC/ DBA LUCKY JOE'S CLASS C LIQUOR LICENSE APPLICATION

Clerk Klabenes reported Joe Lichty had filed an application for a new business retail liquor license with the Nebraska Liquor License Commission. She reported a new application required a public hearing for comments from the council and public. She reported the city council was asked to make a recommendation of approval, denial or no recommendation to the Liquor License Commission. *There being no objections or comments received, Council member Hughes introduced and moved for passage Resolution 2019-4 approving an application for Lucky Joe's Liquor Store LLC/ dba Lucky Joe's Class C Liquor License 122916.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-4 adopted.

SALE OF CITY PROPERTY SOUTH OF THE WATER TOWER

Tim Johnson presented a revised request to purchase approximately 2.2 acres from the City of Neligh located southwest of the water tower to build a residence. His Google maps showed water drainage under O Street, the location of the city pump house, access to the property and access to connect to city water and sewer services. City Attorney McNally reported that if the city intended to sell any property, a legal description was needed by surveying the property before public notice was published for sale of property through public bids. Discussion held for opposing the sale of the property included other local subdivisions with city services installed were available in town. Discussion held for in favor of the sale of the property included the area was not large enough to construction a nursing home, if such scenario was needed. Discussion was held that if the city sold the property, it would be annexed and rezoned from agricultural zoning to residential zoning and the survey costs would be included in a minimum bid reserve. Johnson reported he was in favor of annexing the property into city limits, paying city taxes with the use of city services and bearing the cost of hooking up to city utilities. *Hughes moved to authorize the survey of proposed property south of the water tower.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller. Opposed: Pickrel. Motion carried.

ORDINANCE NO. 615 APPROVING THE SALE OF CITY PROPERTY AT FORMER 209 MAIN STREET

City Attorney McNally presented the ordinance for the sale of the former 209 Main Street property to David and Melissa Buller following the February 12, 2019 Council meeting approval. He reported the ordinance authorized the mayor and city clerk to execute the deed to the purchaser. *Council member Wilkinson introduced the following ordinance entitled:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, AUTHORIZING THE SALE OF CITY PROPERTY; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES 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, Miller, Hughes, Pickrel. 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. 615 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Wilkinson, Miller, Hughes. 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.

Discussion was held for separate recording of the sale proceeds as previously done with other city properties. *Council member Hughes moved to authorize the city clerk to segregate the sale proceeds in the General fund for the sale of the city property.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

SALE OF CITY PROPERTY AND POLICY

Discussion was held for continuation with the current sale of city property policy with interested buyers presenting a request to the city council for consideration. Discussion was held for property labeled as #17 to be retained by the city for utility easements as recommended by the City Supt. but to discuss with the City Supt. the dimensions within the property needed to secure any future utility easement. Discussion was held for not signing a lease with Terry Sehi for the city owned alfalfa property as Sehi was maintaining the property. No action was taken.

RESOLUTION 2019-5 WAGE SCALE FOR CITY EMPLOYEES FOR COMPETITIVE WAGES

Clerk Klabenes reported the HR Committee met and reviewed the current employee wage scale in comparison to other cities of similar size and positions through an annual survey report completed by Nebraska clerks. She reported the findings indicated part-time personnel were competitively paid while full-time personnel were not as competitive. She reported the resolution presented the HR Committee's recommendation for competitive wages and requested an effective date of March 2, 2019. She reported the proposal increased wages approximately \$26,000 and each department was responsible for adjusting department budgets for the remainder of the fiscal year. Discussion was held for loss of good employees due to the wage scale and the proposal was set to retain and attract good employees. A member of the audience commented that after listening to the audit presentation earlier, that the employees were worth the pay raise and could come within budget. *Miller introduced and moved for passage Resolution 2019-5 adopting a wage scale for city employees for competitive wages commencing March 2, 2019.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-5 adopted.

DIAL-A-RIDE CHURCH CONTRACTS FOR SUNDAY TRANSIT SERVICES

City Attorney McNally reported the church contracts were the same as in previous years but with a contract price of \$51.73 to be split by participating churches. *Wilkinson moved to approve the Dial-A-Ride Public Transportation church contracts for \$51.73 per week divided equally among participating churches.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

NEBRASKA PUBLIC TRANSIT WEEK APRIL 7-13TH

Clerk Klabenes reported the fifth annual marketing promotion of Nebraska Public Transit week was slated for April 7-13th with daily activities to show appreciation and increase awareness of public transit services available to all ages. She presented a list of events for the week and requested consideration for free transit services on Wednesday in exchange for a suggested item to be donated to the Antelope County Food Pantry. Mayor Hartz extended a thank you to all the drivers and patrons that use the transit service. *Hughes moved to authorize and approve the Dial-A-Ride Public Transportation events for the Nebraska Public Transit Week of April 7th – 13th, 2019.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

Clerk Klabenes also reported the new van was ordered in mid-February following the end of the government shut down and scheduled to arrive in 60-90 days.

TOWER LEASE RENEWALS WITH TELEBEEP

Discussion was held that the Telebeep tower was owned by Tommark Properties under a different name with the same owner. Discussion noted that the proposed tower lease reflected the name change with the same renewal terms previously stated but requested an annual invoice in January instead of March. Clerk Klabenes reported the mayor and clerk had signed the renewal with recommended changes. *Miller moved to ratify the mayor's action and approve the 4-year tower lease renewal with Tommark Properties at \$100 per month effective March 1, 2019.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

RESOLUTION 2019-6 AMENDED SECTION 125 PLAN

Clerk Klabenos reported the employee cafeteria plan was updated for pre-tax payroll benefits for city employees and requested consideration for the amended plan through BASE. *Pickrel moved to introduce and move for passage Resolution 2019-6 adopting the amended Section 125 Plan Document with BASE.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

OFFICIAL NEWSPAPER PUBLICATION

Discussion was held for both local papers selected for legal notice publications in 2019 with a split rate as set at the December 2018 meeting, however one publication honored the half rate and the other publication charged the full rate. City Attorney McNally reported the city can not pay 1 ½ times the statutory rate for legal notices and reported the city council can name one publication as the official newspaper to pay one regular rate. Discussion was held for consideration of a 2 year period with one publication and alternating the publications to account for elections. Discussion was held that legal notices were published in both local publications and the city was billed for January and February legal notices at 1 ½ times the rate. Discussion was held that alternating publications for a two-year period may be confusing to taxpayers in understanding which publication is the official publication for that two year term. *Wilkinson moved to approve a 2-year period publication with Antelope County News.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

Wilkinson moved to approve Antelope County News as the official publication for 2019 and 2020 and to revoke the city council action of December 2018 of naming Neligh News and Leader as the official publication. Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

APPOINTMENTS

Mayor Hartz recommended the appointment of Melissa Smith to the LB840 Loan Committee for a 4-year term and Megan Wingate to the Library Board to fill an unexpired term to June 2020. *Pickrel moved to approve the appointments as presented.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

ORDINANCE NO. 616 FENCE REGULATIONS

Discussion was held for a 10 foot setback distance from residences. Discussion was held for an appropriate setback distance inside the sidewalk ranging from 3 to 5 feet. Discussion was held for corner lot fences beginning at 3 feet, front yard fences not exceeding 3 feet in height and side yard fences not exceeding 25 feet in length. Audience members commented 3 feet height was insufficient for larger dogs and chain linked fences did not provide the intended privacy or prohibit other barking dogs walking by. Discussion was held for reviewing further for next month. No action was taken.

SPECIAL DESIGNATED LIQUOR LICENSE FOR SLY'S FAMILY BAR & GRILL

Wilkinson moved to approve the special designated liquor license for Sly's Family Bar & Grill for May 18, 2019. Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

ECONOMIC DIRECTORS REPORT

ED Director Lauren Sheridan-Simonsen reported the ED Board recommended hiring Mike Tabbert as the Assistant Economic Development Director. *Hughes moved to approve the hiring of Mike Tabbert for the Assistant ED Director at \$13.00 an hour effective March 1st.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported a rep for the Memorandum of Understanding with Jordan River Water Company stopped in Neligh last month to discuss energy efficient street lighting, a floating solar project and

responsive smart housing projects. Discussion was held for the rep to work with the City Supt. on a proposal if the City Supt. believed it was important to the infrastructure. Discussion included the extensive green projects were estimated to cost millions of dollars. No action was taken.

The Director also reported on the Certified Local Government (CLG) designation that can bring projects to the area in working with the State Historic Preservation Office. She reported 8 communities in Nebraska have the certification but not one of the communities is north of Interstate 80. She reported the ED Board recommended proceeding with the program that benefits tourism. She reported that with a certification request, the obligation of the city is for a 5 member board to meet quarterly and her own workload would include an estimated 1-2 hours a week. Discussion was held for inquiring if the current ED Board of 5 members could serve as the same board for the CLG and discuss at the April meeting. No action was taken.

Sheridan-Simonsen also reported the Chamber of Commerce Ag Expo saw lower attendance this year attributed to the weather. She reported the Chamber was planning for over 600 bicyclers and 300 traveling crew and family members from BRAN coming to Neligh in June and were looking for families to host a biker one night. She reported the Village of Clearwater approved a \$500 shared payment for the Gazalle.ai program. *Hughes moved to approve the Economic Development Directors report.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright reported the radar unit was stored indoors to maintain the unit out of the weather elements and keep salt off of the finish. He reported it was difficult to setup with snow on the ground. Discussion was held for readdressing a radar unit on a utility pole. *Hughes moved to approve the February Police report of 275 calls.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Superintendent Bly was absent due to attending water school. Generation Supervisor Josh Capler reported for the City Superintendent. Capler reported that the meter reader used for the electric department has run out of the number of digits used to record meter usage and does not comply with the new meters. He reported if the new unit was purchased in March, a savings of about \$1,700 would be captured and the total cost was \$5,240. Discussion was held that the item was within budget and to proceed with the purchase.

Council Member Pickrel presented a quote for considering a 95 gallon cart for curbside trash and an attachment for the solid waste truck to lift and dump the carts. He reported he was looking at an option to add to the bag system. Discussion was held for how to handle the mechanics of using both the cart and bag system and the billing in the utility billing software. Discussion was held for checking with DEQ for approval of the carts for possible inspection differences required at the transfer station before disposing the solid waste in the landfill trailer. The matter was tabled to the next meeting for further research. No action was taken.

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

ELECTRIC REPORT

Generation Supervisor Capler reported Lineman Jayce Ellenwood had submitted a letter of resignation with a last day of March 8th. He reported Ellenwood was moving to Creighton to work for North Central Public Power District. *Pickrel moved to accept the letter of resignation from Jayce Ellenwood.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

Generation Supervisor Capler reported he was starting Lineman interviews the following week. Discussion was held for an employment contract with new employees in completing the Merchant program and payback for the books purchased by the city. Discussion was held for a 3 year employment time frame to satisfy without payback of the Merchant program and if a Lineman terminates employment before the 3 year period, then the number of books completed are reimbursed to the city. *Wilkinson moved to authorize the Electric*

Supervisor to offer an employment contract to new employees for payback of expenses in the education of the Merchant program. Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

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

CONSIDERATION FOR NURSING HOME SERVICES FROM THE FEASIBILITY STUDY

Mayor Hartz apologized for commenting the previous night during a special meeting that the employees jobs at Golden Living were safe. He reported prospective investors were meeting this weekend and the jobs were not promised. Discussion was held that Golden Living's plans are not known yet and it was the consensus of the council to see what Golden Living agrees to. Discussion was held that supporting a new facility would need professional fundraising and county support.

APPROVAL OF BILLS

Wilkinson moved to approved Drawdown #22 for project funds of completed projects for \$2,210.48. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

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

There being no further business to conduct, *Miller moved to adjourn. Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 10:08 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 March 12, 2019; 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 at the meeting for examination and copying by members of the public; 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

Neligh City Council Proceedings

The Mayor and City Council of the City of Neligh met in regular session at the City Council Chambers on March 12, 2019 at 7:00 P.M. as published.

Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Michael Wright, City Clerk Danielle Klabenes and News Reporters Jenna Hemenway and Carrie Pitzer, Steph Stuhr, Tim Johnson, Joe Lichty, Kelly Oltjenbruns, Tara Purdie, Lucinda Donaldson, Dan & Diann Donaldson and Adam Mortensen. The following agenda items were approved:

- Approved February 12th special and regular meeting minutes and February treasurer's report.
- Approved the 2017-2018 fiscal year audit prepared by Almquist, Maltzahn, Galloway & Luth.
- Approved the use of Penn Park for Neligh Young Men's Club celebration of Old Mill Days fireworks display.
- Resolution 2019-4 approving an application for Lucky Joe's Liquor Store LLC/ dba Lucky Joe's Class C Liquor License 122916.
- Authorized the survey of proposed property south of the water tower.
- Ordinance 615 for the sale of city property formerly located at 209 Main Street.
- Authorized the city clerk to segregate the sale proceeds in the General fund for the sale of the city property.
- Resolution 2019-5 adopting a wage scale for city employees for competitive wages commencing March 2, 2019.
- Approved the Dial-A-Ride Public Transportation church contracts for \$51.73 per week divided equally among participating churches.
- Authorized and approved the Dial-A-Ride Public Transportation events for the Nebraska Public Transit Week of April 7th – 13th, 2019.
- Ratified the mayor's action and approve the 4-year tower lease renewal with Tommark Properties at \$100 per month effective March 1, 2019.
- Resolution 2019-6 adopting the amended Section 125 Plan Document with BASE.
- Approved a 2-year period publication with Antelope County News.
- Approved Antelope County News as the official publication for 2019 and 2020 and to revoke the city council action of December 2018 of naming Neligh News and Leader as the official publication.
- Appointed Melissa Smith to the LB840 Loan Committee for a 4-year term and Megan Wingate to the Library Board to fill an unexpired term to June 2020.
- Approved the special designated liquor license for Sly's Family Bar & Grill for May 18, 2019.
- Approved the hiring of Mike Tabbert for the Assistant ED Director at \$13.00 an hour effective March 1st.
- Accepted the letter of resignation from Jayce Ellenwood.
- Authorized the Electric Supervisor to offer an employment contract to new employees for payback of expenses in the education of the Merchant program.
- Economic Director, Police, Electric reports
- *Drawdown #22 for project funds of completed projects for \$2,210.48.*
- Bills as presented

Discussion was held with no action taken on the following items:

- Sale of city property and policy
- Ordinance No. 616 Fence regulations
- Nursing Home

Meeting adjourned at 10:08 P.M

/s Joe Hartz, Mayor

Attest:

Danielle Klabenes, City Clerk

A complete copy of the minutes is available for inspection at the office of the City Clerk during normal working hours.

Please publish March 20th