

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
May 14, 2019

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, May 14, 2019 at 7:00 P.M. Present were Council Members Dale Wilkinson, Ted Hughes, Leonard Miller and Brent Pickrel. Absent: Mayor Joe Hartz. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Michael Wright, City Clerk Danielle Klabenes, News Reporters Angie Hupp and Carrie Pitzer, Tom Nelsen, Don Zegers and Stephanie Stuhr. Notice of this meeting was given in advance thereof by publication in the Antelope County News on May 8, 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. 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. Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Wilkinson moved to approve the April 16th special and April 9th regular meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported on the pooled cash listed for general funds and the new look of the treasurer's report moving from a cash basis to an accrual basis. *Pickrel moved to approve the April 2019 Treasurer's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

SPECIAL DESIGNATED LIQUOR LICENSES

Clerk Klabenes reported on three applications with one each for the Neligh American Legion Post 172 for June 6th, the American Legion Heninger Post 170 of Tilden for June 15th, and Buff's Dew Drop for July 6th. *Wilkinson moved to approve three special designated liquor licenses for the American Legion for June 6th with BRAN, the Tilden Legion for a June 15th reception at the Antelope County Fair Building, and Buff's Dew Drop for a July 6th event for Neligh Young Men's Club.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

SALE OF CITY PROPERTY SOUTH OF THE WATER TOWER

City Supt. Dean Bly reported he had checked with Nebraska Department of Environmental Quality for landfill records for the property south of the Water Tower. He reported DEQ's records dated back to the late 1960 and early 1970 and did not have information about a landfill on Water Tower hill. No action was taken. The matter was tabled until further notice.

LB840 REPORT BY CITIZENS ADVISORY REVIEW COMMITTEE

Council President Hughes declared the hearing opened for the report on the LB840 program at 7:34 P.M. Committee Member Tyler Pederson stated the committee reviewed the financials since April 2017 with June 2018 reported the highest sales tax receipts of \$8,102.91 and February 2017 was the lowest sales tax receipts of \$3,880.61. He reported loan receipts since April 2017 were \$23,833.53 with new loans made to 3 businesses and a 4th loan was approved and contingent upon receipt of a liquor license. He reported the March 2019 revolving loan fund balance was \$35,769.78 and available to be relent. Hearing no comments from the public audience, Council President Hughes declared the hearing closed at 7:36 P.M. *Pickrel moved to approve the Citizens*

Advisory Review Committee's report on the LB840 program. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

NELIGH YOUNG MENS CLUB

Neligh Young Men's Club Members Josh Mitchell and Adam Pofahl requested a street closure for July 6th Cornhole tournament from Buff's Dew Drop west of the alley on 3rd Street to Main Street. Mitchell reported he had checked approval with the city police and the street closure would be the same as last year. *Wilkinson moved to approve a street closure on July 6th from the west side of the alley on 3rd Street to Main Street for the Neligh Young Men's Club cornhole tournament.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

Mr. Mitchell requested consideration for a fireworks donation. He reported donations had decreased the last couple of years and the cost of fireworks had increased. He reported he was asking surrounding communities for donations. Discussion was held that the Neligh Young Men's Club carried special events insurance estimated at \$2,250 a year for all the clubs events during a year and that the insurance was in compliance with the city insurance recommendation for special events coverage on city property.

Mr. Mitchell reported on the flag and pole replacement project the Neligh Young Men's Club was working on. He reported about \$5,500 in funds had been raised and an application was submitted to the Antelope County Tourism grant in addition to asking other sources for funds surrounding Neligh. He reported the goal is to replace 100 poles both 10 foot and 6 foot lengths and project costs had increased 35% since the previous week when the report on the project was provided to the city council. Discussion was held that \$2,500 was budgeted from the Electric fund for fireworks and the flag and pole replacement project was an excellent use of lottery funds for a community betterment project. *Wilkinson moved to approve a donation to the Neligh Young Men's Club of \$4,500 from the Electric fund for fireworks and a donation of \$3,500 from the Lottery fund for replacing poles and flags.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

APPOINTMENTS

Appointments were tabled to next month.

ORDINANCE NO. 616 FENCE REGULATIONS

Clerk Klabenes reported that the items discussed last month were included in the ordinance presented covering type of materials allowed, safety features for street access and driveway visibility and the "good side" for a finished side of the fence facing the outside of the property. It was the consensus of the council to keep the front yard setback at a 4-foot front yard fence which may be an open or closed fence as this was more inviting than an 8-foot front yard fence. *Miller introduced the following ordinance entitled:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ADOPTING FENCE REGULATIONS; PROVIDING PENALTIES FOR VIOLATION OF THE REGULATIONS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING 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: Hughes, Pickrel, Miller, Wilkinson. 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 Miller moved for final passage of the ordinance,* which motion was seconded by Council member Wilkinson. The Council President then stated the question, "Shall Ordinance No. 616 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Pickrel, Wilkinson, 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 Council

President declared the ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinances one time as prescribed by law.

ECONOMIC DIRECTORS REPORT

ED Director Lauren Sheridan-Simonsen presented a draft ordinance that the City Attorney and the Certified Local Government (CLG) coordinator has collaborated on to meet all the qualifications with CLG. She reported a modification with board members to reside outside of the city limits was under review. She reported the 5 member board would be a separate board from the Economic Development Board and recommended the ordinance be tabled to allow the appropriate agency to review and approve the modifications before adopting an ordinance. No action was taken and the matter was tabled to the June meeting.

Director Sheridan-Simonsen reported the Neligh Development Agency (NDA) recommended the approval for the sale of Lots 2 & 3 to one buyer and Lots 17 & 18 to a separate buyer in Countryside Acres Second Addition each with one lot receiving tax increment financing and one lot without tax increment financing. She reported special assessments would remain in place to be paid by the developer. *Miller moved to approve the recommendation of the NDA for Lots 2 & 3 and Lots 17 & 18 to each have one lot in tax increment financing and one lot without tax increment financing.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

She reported the internship request was withdrawn due to the candidate had a full-time summer job. She also reported on the new annual requirement for the LB874 report detailing redevelopment projects financed through tax increment financing submitted to tax authorities. She reported Lucky Joe's Liquor Store had received notice of approval for a liquor license and was looking to open the following week. She reported History Nebraska was going to be in Neligh next week to observe downtown projects. She reported ED Board Member Bill Mowinkel had resigned from the board as he prepares to retire. She reported on an entrepreneurship contest to move new businesses into a store front with a business plan proposal and the new business assisted with legal, marketing, promotions and training to help with the success of the new business. She reported the Rainbow Fountain was in need of maintenance of overgrown plants and reported she was looking at grants to assist with the project. She reported she had contacted Amanda Elder for a plan design. City Attorney McNally reported his trust would donate \$2,500 if the work would be done before July. Sheridan-Simonsen also reported that the Chamber of Commerce sponsored event for Bike Riders Across Nebraska on June 6th & 7th was open to the public for the evening barbeque at the American Legion with Dave Markel entertainment. She requested volunteers to assist with the breakfast the following morning. *Miller moved to approve the Economic Development Directors report.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright reported the new police reporting system was operating as of May 1st. He reported the city office could share information on dog licenses from a component of the reporting system. He reported that after the ATV/UTV/Golf cart registration was built, the reporting system would share info on these licenses between the police and city office. He reported Officer Nelson had recently attended Less Lethal Training. *Pickrel moved to approve the April Police report of 250 calls.* Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported the Park Board recommended hiring Trevor Wright for the summer park department at \$9.50 an hour. *Wilkinson moved to approve the recommendation of the Park Board to hire Trevor Wright as a summer park employee at \$9.50 an hour.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Supt. Bly presented the agreement to recycle glass with Ripple Glass for loads of 25 tons of glass for pickup at Ripple's expense. City Attorney McNally reported he had reviewed the agreement and recommended

approval. *Wilkinson moved to approve the agreement with Ripple Glass for glass recycling with the City of Neligh.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miler. Opposed: None. Motion carried.

Discussion was held for the wood fence north of the Grandstands in Riverside Park. Supt. Bly reported the bushes were cut out and requested the council to consider replacing with white pvc or metal fence as a solid fence. He reported he would replace a few boards for this year's county fair. He reported that Riverside Park was recently recognized as the 4th best park in Nebraska. Discussion was held for considering the fence as a budget item and checking the condition of the fence posts.

City Supt. Bly requested consideration to list two items of surplus property for public bid. The two items were 1990 F150 pickup and a 2005 John Deere mower. He reported the pickup is rusted and has a cracked frame and would be sold 'as is.' He reported the mower has a 72" deck and 3,675 hours. Discussion was held for setting a minimum bid on the mower. *Pickrel moved to sell the 1990 F150 pickup and 2005 John Deere mower on surplus property and put up for bids on the Antelope County Exchange.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

The City Supt. also reported he was awaiting an estimate from Pat Gubbels to remove trees under the Old Mill Bridge following the March flood. Discussion was held for covering the black liner along the riverbanks before the next high water rise. He reported approximately 18 feet of sewer main would be replaced on 6th Street. He reported he was awaiting an estimate from Rutjens Construction for milling off the asphalt down to the concrete base on 5th street by the Methodist Church. He reported he requested the county to assist with filling potholes along Wylie Drive. *Wilkinson moved to approve the Supt. report as presented.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

ELECTRIC REPORT

Generation Supervisor Capler reported Lineman Knutson was working his first full week since graduation. He reported electric personnel was installing power underground by the cemetery. He reported of 2 outages due to lightning which were repaired by replacing fuses. He reported the generation plan was running well and capability tests with MEAN onsite were scheduled for mid-July. He reported these tests would check the engine temperatures as each engine ran for 3 hours. He reported he was working with Dave Peterson of JEO Consulting to finalize the clean air permits.

Clerk Klabenes reported that the line of credit increased from \$250,000 to \$290,000 based on an increase in the 24-month power invoices. She reported the line of credit amount was lower than the original amount of \$400,000. Clerk Klabenes reported that the attendance fee for Joe McNally to attend the quarterly MEAN Board meetings would increase to \$500 a meeting as the fee had not changed for 7 years. *Wilkinson moved to approve the Electric operations report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

APPROVAL OF BILLS

Pickrel moved to approve drawdown #25 for project funds of \$3,764.04 for completed projects to the Antelope County One Room Schoolhouse and the Laundromat. Seconded by Miller. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

Miller moved to approve the final pay application with change order deduction to Elkhorn Paving for paving improvements at 7th and P Street for \$57,944.20. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

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

NURSING HOME SERVICES

Wilkinson moved to go into executive session for the protection of the public interest to discuss contract negotiations on the nursing home. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson,

Hughes. Opposed: None. Motion carried. Time: 8:23 P.M. Those present were City Council, City Attorney Jim McNally and City Clerk Danielle Klabenes. Those present for executive session met near the Mayor's office and exited the Council Chambers.

The council reconvened into regular session at 8:57 P.M. No action was taken.

There being no further business to conduct, *Wilkinson moved to adjourn*. Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Thereupon Council President Hughes declared the meeting adjourned. Time 8:58 P.M.

City of Neligh

Ted Hughes, Council President

ATTEST

Danielle Klabenes, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that May 14, 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.

City Clerk

(SEAL)