

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
September 10, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, September 10, 2019 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Brent Pickrel, Leonard Miller and Ted Hughes. 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 and News Reporter Carrie Pitzer. Notice of this meeting was given in advance thereof by publication in the Antelope County News on September 4, 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. Mayor Hartz offered a prayer before opening the meeting. All proceedings hereafter 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 Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the August 13th regular and August 15th special meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: None. Abstain: Hughes. Motion carried.

TREASURER'S REPORT

Discussion noted an explanation on CDBG Loan funds and CDBG de-obligated funds. Discussion was held for future restricting funds for home demolition or home rehab or the city receiving homes through donation in the property redevelopment program. Discussion was held for having an agenda item next month to discuss funds for housing projects. *Hughes moved to approve the August 2019 treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

2019-2020 BUDGET HEARING AND SETTING TAX REQUEST HEARING OPENED

Mayor Hartz declared the hearing opened to hear support, opposition, criticism, suggestions or observations for the 2019-2020 budget and for the final tax request at a different amount than the prior year tax request. Time: 7:20 P.M. Clerk Klabenes reported on property tax asking, the city valuation, anticipated expenditures, municipal levy calculations, capital improvements, restricted funds and the proposed levy. City Clerk Klabenes noted that \$210,000 from electric funds will be funding other departments that would otherwise come from property tax asking. The hearing was left opened.

PIERSON MUSEUM UTILITIES

Clerk Klabenes reported that the city office had received a letter from the Pierson Museum Board members requesting financial assistance for the city utility bill to continue. She reported the utilities were approximately \$1,000 and noted that the city paid the cemetery utilities of approximately \$200 for a year. Discussion noted that the One Room School House and Pioneer Church were Antelope County facilities and the county paid those utilities. Discussion was held for considering a longer period of utility assistance for the museum and reviewing the financial position after that period of time. *Hughes moved to commit to paying the city utilities for the Pierson Museum for 5 years and then re-evaluate.* Motion failed for lack of a second. *Hughes moved to commit to paying the city utilities for the Pierson Museum for 3 years and then re-evaluate.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller. Opposed: Pickrel. Motion carried.

RESOLUTION 2019-10 AUTHORIZING MUNICIPAL ANNUAL CERTIFICATION FOR ONE-AND-SIX YEAR STREET

PLANS

Clerk Klabenos reported a new law in March 2019 changed the Nebraska Department of Transportation requirement for reports on the One-and-Six Year Street Improvement Plans. She reported the resolution presented was to authorize the mayor to sign stating that the city would comply with the annual certification program. She reported next year the one-and-six year street improvement plan and hearing would be held in conjunction with the September budget hearing so that street projects listed in the one year plan would have cost estimates closer to the same budget time frame. She reported in the past the cost estimates were provided in February or March to meet the public hearing timeframe requirement but were 6 months old when the budget planning and budget hearing were held. *Hughes introduced and moved for passage Resolution 2019-10 authorizing the Mayor to sign the Municipal Annual Certification of Program compliance.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-10 adopted.

APPOINTMENTS

Mayor Hartz recommended the following appointments: Neligh Development Agency –re-appoint Al Stelling for a 3-year term and NCG Representative (Lottery) City Council member Leonard Miller for annual meeting delegate. *Motion was made by Pickrel to approve the appointments as presented.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

RESOLUTION 2019-11 WRITING OFF UNCOLLECTIBLE ACCOUNTS

Clerk Klabenos reported on 7 accounts that the city was unable to collect due to maximum collections from credit agencies or statute of limitations exhausted. *Pickrel introduced and moved for passage Resolution 2019-11 writing off uncollectible accounts for accounting purposes in the amount of \$7,434.07 for the fiscal year ending September 30, 2019.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-11 adopted.

ANTELOPE COUNTY SHOOTERS LEASE OF RUSSELL PARK

Clerk Klabenos reported the previous 5-year lease had expired in May. City Attorney McNally reported he recommended an annual lease to renew each year unless either party provided a 6-month notice of termination. He reported that some activity has revived for a swinging bridge and if that occurs and the park would have an additional purpose the option of a one-year lease allows for a new project without a long-term lease to expire. Discussion was held for the City Attorney to amend the lease to include a provision for the lessee to maintain Russell Park with mowing the lawn and trimming the Chinese Elm trees in the fall while the natural habitat of the grass and trees is not being used with the archery displays. The matter was tabled to next month and no action was taken.

2019-2020 BUDGET HEARING CLOSED

There being no comments or objections heard, Mayor Hartz declared the 2019-2020 budget hearing closed at 8:00 P.M. *Wilkinson moved to grant an additional 1% allowable increase in total restricted funds authority as a means of budget calculations.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

Council member Hughes moved to adopt the 2019-2020 budget for a total expenditure requirement of \$7,425,755 and unused budget authority of restricted funds of \$368,810.38. Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

APPROPRIATION ORDINANCE 620

Council member Wilkinson introduced 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 2019-2020 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: Miller, Hughes, Pickrel, 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 Pickrel moved for final passage of the ordinance*, which motion was seconded by Council member Wilkinson. The Mayor then stated the question, "Shall Ordinance No. 620 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Miller, 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 Mayor 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.

RESOLUTION 2019-12 TAX LEVY FOR 2019-2020 FISCAL YEAR

There being no comments or objections heard, Mayor Hartz declared the final tax request hearing closed at 8:05 P.M. Clerk Klabenes reported on four new statements presented in the resolution to match the public notice. Discussion was held for a correction in #5 to change from 0% to 6% for total operating budget exceeding last years. *Council member Wilkinson introduced and moved for passage Resolution 2019-12 adopting a different tax levy from last year for the 2019-2020 fiscal year with the amendment in #5 for total operating budget to exceed last year from 0% to 6% as follows:*

<i>General Fund - \$358,848.00</i>	<i>Levy - .494869</i>
<i>Debt Service - \$189,500.00</i>	<i>Levy - .261329</i>
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<i>Total - \$548,348.00</i>	<i>TOTAL - .756198</i>

With an assessed city valuation increase from last year of 2%. Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-12 approved and adopted.

NEW VENDOR PERMIT FOR FOOD TRUCKS

After review of a Valley, Nebraska ordinance template, discussion was held for the City Attorney to draft an ordinance customized for Neligh mobile food trucks for consideration at the October meeting. The matter was tabled and no action was taken.

CITY HALL FOYER AND DEPARTMENT OFFICES

Mayor Hartz discussed the idea of creating a foyer in city hall for customers to have a cubicle to conduct business and secure the city office. He reported if Economic Development offices moved into city hall, those offices would also be secure. Discussion was held for considering ADA configurations in the design and checking with the high school architectural class for an opportunity to work with the high school students. Council members Pickrel and Wilkinson volunteered to continue to work on design ideas. Hughes moved to appoint Pickrel and Wilkinson as the Council Member committee for researching city hall entry and department offices. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

ECONOMIC DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonsen reported one business had withdrawn the grant application from the downtown revitalization consideration resulting if approximately \$4,000 in available funds. She requested consideration for the available funds to be designated to the theater application currently

at \$10,500 and add \$3,745. *Hughes moved to authorize the ED Director to make application for the downtown revitalization grant for the New Moon Community theater for the amended grant amount of \$14,245.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported she had met with the Village of Clearwater on contracted services and the Village Board had approved a contract of \$12,600 at 400 hours. Discussion was held for reviewing the total cost of insurance and wages for such contract. Discussion was held for the Village of Clearwater contract to remain the same amount for the 2019-2020 fiscal year for a full year with the current ED Director and consider an increase in the next year contract with a review of paid mileage to the Clearwater office too. *Hughes moved to approve a contract for economic development services between the City of Neligh and Village of Clearwater for \$12,600 for 400 hours ending September 2020 with renewal for the 2020-2021 year to consider the contract amount and mileage.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

The Director reported the Neligh Chamber of Commerce had approved a contract for \$14,000. Discussion was held for modifying the verbiage in paragraph #4, third sentence to reflect he/she and his/her expenses. Discussion was held for the City Attorney to amend the contract for consideration at the October meeting. The matter was tabled and no action was taken.

The Director reported the ED Board had conducted a 6-month performance review on the ED Assistant Director and recommended a \$.50 wage increase with a 2% cost of living from the city and a 2% increase from the Chamber of Commerce. The Director noted that at the time of hiring the assistant that it was stated that a 6-month review would be conducted. Discussion was held that other city employees across different departments received a 2% cost of living increase when employed less than 12-month period at fiscal year. *Hughes moved to approve a 4% increase for the ED Assistant Director with the 6-month review.* Motion failed for lack of a second. *Miller moved to approve a 2% cost of living increase for the ED Assistant Director with the 6-month review.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported a housing study was done in 2014 which was reviewed by Council members Miller and Hughes with ED Board Member Andy Elder and the Economic Development office staff. She reported since 2014 that 11 homes were demolished with 7 permits for new homes but the housing study stated 36 new homes were needed by 2025 to meet the housing demand. She requested LB840 funds be used to create a spec house in the new subdivision to meet the demand of new families looking for a finished but smaller home. She reported interested in building a duplex. City Attorney reported LB840 funds could not be used for this purpose but intended for business development and he reported Electric funds could be used. Electric Supervisor Capler reported that if electric funds were used that he would recommend any agreement to stipulate that the housing project utilities were built for all electric power. Discussion was held for the City Attorney to research whether the city or the NDA could own real estate property for such a project and to report at the next meeting. The matter was tabled and no action was taken.

Discussion was held for LB256 for registration of vacant properties. City Attorney McNally reported previous Director Steinmeyer had brought up the concept and the bill was a legal nightmare and unconstitutional. The City Attorney reported that the city of Omaha was currently in a lawsuit over the vacant property registration ordinance. He reported the best option for vacant properties was to acquire the property and make it available to builders and if the property was deemed a dangerous building, follow the current ordinance for fixing the repairs or demolish. Discussion was held for Council Member Miller and the ED Director to talk with property owners about the plan for the property and share the property redevelopment option.

Director Sheridan-Simonsen reported two projects were estimated to not meet the December deadline in December 2019 due to consultants and masons delayed in project work. The projects were for the New Moon Community Theater and Wanek Pharmacy. She requested consideration for a 6-month extension. *Wilkinson moved to authorize the Mayor to sign a letter requesting a 6-month extension on the CDBG Downtown Revitalization grant.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

The Director also reported that Blackburn Manufacturing would be recognized with a business Hall of Fame

on Thursday. She reported the ED office staff would be attending 3 conferences all with a housing focus. She reported work on a renewal of the Leadership Certification for Neligh which the certification helps the community score higher on grants. She reported Miller and Associates were working on an update to the 2014 Housing Study. She extended a thank you for Utility Billing Clerk Jennifer Pellatz for providing quick and thorough data for a report on housing information to the ED Office. She reported 3 of 5 Certified Leadership Group board members have volunteered to serve on quarterly meetings and 2 more members were sought to begin. *Wilkinson moved to approve the Economic Development Director's report.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

ORDINANCE 621 SETTING SALARIES AND BENEFITS FOR EMPLOYEES

Clerk Klabenes reported 3 corrections to the ordinance presented for the ED Director, Lineman and ED Assistant wages. *Council member Wilkinson introduced Ordinance 621 entitled as follows with the 3 corrections stated:*

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, 2019, AND CONTINUING TO AND THROUGH SEPTEMBER 30, 2020; SETTING RATES OF CONTRIBUTION TOWARD EMPLOYEES' HOSPITALIZATION INSURANCE 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 Hughes seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Miller, Hughes, Pickrel, 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 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. 621 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Wilkinson, Hughes, Miller. 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 in pamphlet form as prescribed by law.

POLICE REPORT

Discussion was held for concern of police officers on high speed pursuit in city limits. Chief Wright noted the statute and that he would share the concern with his officers. *Wilkinson moved to approve the August police report of 354 calls.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported no bids were received despite 7 inquiries on the surplus property 2005 John Deere 1435 mower. Discussion was held that the mower would be put away in storage for the winter.

Supt. Bly requested consideration for a fall city-wide cleanup event with the Compactor and Tree Dump open extended hours. *Wilkinson moved to approve a city-wide fall cleanup for October 5th & 6th with the Compactor and Tree Dump open Saturday regular hours of 11:00AM to 5:00PM and the Tree Dump open on Sunday from 1:00PM to 5:00PM, with a rain date of October 12th and 13th.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

The Supt. also reported our FEMA representative explained that the difficulty in finding contractor bids for the debris removal under the Old Mill Bridge had not met the requirements for FEMA's project guidelines. He reported 3 contractors with such heavy equipment did not want to place their heavy equipment in the high

waters and one contractor that may attempt the work did not have scheduling availability. He reported the particular project known as Category A could be removed from further FEMA project consideration and the City personnel could perform the work for the cleanup. Supt. Bly reported he had contacted the State Historical Society regarding the south side Elkhorn River bank by-pass. Discussion was held for the local truck traffic signs to be placed on Wylie Drive upon arrival and coordinate with the police department for placement. *Wilkinson moved to remove Category A project known as debris removal from the Old Mill Bridge from further FEMA project consideration due to lack of eligible contractor bids.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

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

ELECTRIC REPORT

Generation Supervisor Capler reported no major outages in August. He reported the Haselhorst residence electrical services were completed and the electric personnel would be pulling electric services on 2 more homes with a 3rd project currently staking. He reported the big generation test run went well with each engine running the full 2-hour load and actual readings. He reported the initial paperwork showed the test run at 6.2 generation which was stronger than last year's lower readings in higher temperatures. Discussion was held for educating the local plumber and electrical contractors of the credit rebates the city has available. Discussion was held that no information had been provided on contractors or bids for nursing home projects. *Miller moved to approve the Electric report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

NURSING HOME

Mayor Hartz reported that the nursing home was under new ownership and the city wished them the best. Discussion was held for the status of the electrical utility bill and reviewing the balance next month with the State of Nebraska taking care of financials yet.

APPROVAL OF BILLS

Discussion was held for the final payment to Elkhorn Rural Public Power District due November 1st. *Hughes moved to approve the final payment to Elkhorn Rural Public Power District.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes.

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:30 P.M.

City of Neligh

Joe Hartz, Mayor

ATTEST

Danielle Klabenos, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that September 10, 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)