

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA

June 11, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, June 11, 2019 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Leonard Miller, Dale Wilkinson, Ted Hughes and Brent Pickrel. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, Librarian Jennifer Norton, News Reporters Angie Hupp and Carrie Pitzer, Jay Spearman, Mike Thomsen, Dylan Mack and Chris Mack. Notice of this meeting was given in advance thereof by publication in the Antelope County News on June 5, 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 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 May 14th regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported a CDBG loan was awaiting an additional contractor bid before release of funds which would use the CDBG loan funds and CDBG De-obligated funds for a \$25,000 loan. *Hughes moved to approve the May 2019 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

RESOLUTION 2019-7 CALLING BOND ANTICIPATION NOTES ON ESU #8 ALLEY

Jay Spearman of Ameritas reported \$125,000 would mature October 15, 2019 for Alley Improvement bond anticipation notes and were optional for payment any time after January 15, 2019. *Council member Hughes moved to introduce and move for passage Resolution 2019-7 calling bond anticipation notes of \$125,000 for alley improvement district 2018-1 for ESU #8 alley.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-7 approved and adopted.

ORDINANCE NO. 617 ISSUING BONDS FOR ALLEY IMPROVEMENT PROJECT 2018-1 ALSO KNOWN AS ESU #8 ALLEY

Jay Spearman of Ameritas presented the ordinance for \$125,000 to issue bonds for the paving and sewer improvements made in the alley between 3rd and 4th Street and Main and N Street, referred to as the ESU #8 alley. Spearman reported on an 8-year and 10-year schedule with average interest cost of 2.144% and 2.269% respectively. *Council member Hughes moved to select the 8-year bond payment schedule ending at 2.3% interest with an average interest cost of 2.144%.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Council member Wilkinson introduced the following ordinance authorizing the issuance of paving bonds for alley improvements entitled:

AN ORDINANCE AUTHORIZING ISSUANCE OF PAVING BONDS OF ALLEY IMPROVEMENT PROJECT NO. 2018-1 OF THE CITY OF NELIGH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) ISSUED TO PAY THE COST OF THE ALLEY IMPROVEMENTS CONSTRUCTED IN ALLEY IMPROVEMENT PROJECT NO. 2018-1; PRESCRIBING THE FORM OF SAID BOND;; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

And moved that the statutory rule requiring reading on three different times be suspended. Council member Miller seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council members voted YEA: Pickrel, Wilkinson, Miller, Hughes. 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 ordinances were then read by title and thereafter, *Council member Miller moved for final passage of the ordinances,* which motion was seconded by Council member Hughes. The Mayor then stated the question, "Shall Ordinance No. 617 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Pickrel, Wilkinson, 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.

PINNACLE BANK BUILDING PROJECT

Mike Thomsen of Darland Construction presented a proposal for power washing and tuck pointing the masonry, removing plaster on the building in the alley, removing and replacing windows and installing a new roof. Thomsen reported the project would begin after July 4th. He reported the parking stalls would be closed at different times and work in the alley would be coordinated with the grocery store for grocery delivery schedules. He reported the power wash and tuck point was estimated at 2 weeks, windows at 6-8 weeks and the roof at 2 weeks. He reported the removal of the awning may deem closing the street. *Hughes moved to approve to close the sidewalks and parking stalls on the north and east side of Pinnacle Bank and close the alley during the reconstruction phase.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

SEMI-ANNUAL LIBRARY REPORT

Library Director Jennifer Norton reported the summer reading program included a visit from Dr. Young of Wayne State College's Planetarium with an astronaut outfit. She reported Wildlife Encounters would also be at the library. She reported the summer reading program included reading challenges for all ages. She reported the monthly outreach programs brought the library to those who could not get to the library building with visits to the nursing home, assisted living and daycares. She reported that the library had a lot of BRAN riders come through the library despite not being listed on a map for the bike riders. She reported the re-accreditation process was underway throughout the summer which included a community assessment and strategic plan for the library and helps assure funding for state aid. She reported the library was partnering with the local Economic Development and Chamber of Commerce for future growth of the community including housing. She presented table tents and brochures that will be distributed monthly showcasing the special services and programs at the library. *Wilkinson moved to approve the semi-annual library report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

REQUEST TO VACATE ALLEY IN BLOCK 99

Clerk Klabenos reported the city office received a written request to vacate the north and south alley in Lots 11 and 12 of Block 99 for construction of a new commercial building. Discussion was held for utilities on the north end of the property and north of an existing commercial building owned by Blackburn Manufacturing. Discussion was held that if an alley was vacated that the property was split in half to the neighbors. City Attorney McNally reported he would research the requirements for vacating an alley for the July meeting. No action was taken.

SPECIAL DESIGNATED LIQUOR LICENSES

Hughes moved to approve a special designated liquor license for the Clearwater American Legion 267 for an August 17th wedding reception and the Neligh American Legion 172 for a July 13th wedding reception both at the Antelope County Fair building. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

NELIGH YOUNG MEN'S CLUB STREET CLOSURE AND HAUNTED TRAIL

Council member Pickrel reported the PD Chief had approved the closing of Wylie Drive for the 4th of July fireworks display. Discussion was held for asphalt work on Wylie Drive would be done before the 4th of July. *Pickrel moved to approve a street closure from 6:00 P.M. to 12:00 A.M. on July 4th for the Neligh Young Men's Club from Highway 14 to P Street on Wylie Drive for a fireworks show.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

Discussion was held for hosting the NYMC Haunted Trail in the Tree Dump or Russell Park following the erosion of Penn Park riverbank and the wooded area from the March 2019 flood. Discussion was held for an old nature trail thru Russell Park offered a better alternative. Discussion was held for contacting the Antelope County Shooter's Club for use of the Park for such an event. No action was taken.

NELIGH FIRE DEPARTMENT LIFE INSURANCE

Discussion was held for the fire department life insurance and an update in policy benefits ranging \$10,000, \$11,500 and \$15,000. Discussion was held that the firemen currently have a \$11,500 policy with an option to move to a \$15,000 policy with a current premium of \$2,538 to \$2,876. Discussion was held that the policy offered a nice benefit to firemen and their families. Discussion was held that the policy was paid within the fire department budget. *Hughes moved to approve an increase in the life insurance benefits to \$15,000 for the fire department with a \$2,876.40 premium per year.* Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

APPOINTMENTS

Mayor Hartz recommended the appointment of Garret Jacobsen and Kristen Strom to the LB840 Citizens Advisory Review Committee for a 4-year term; Joe Knight and Brendee Reinke to the LB840 Loan Committee for a 4-year term; Tyler Pedersen to fill an expired term on the Economic Development Board to October 2019; Doug

Dennis, Jack Green and Ron Gilg to the Board of Adjustment for a 3-year term; Don Zegers and Rich Burgess to the Planning Commission for a 3-year term; and Laurel Miller to the Library Board for a 4-year term. The Mayor asked the citizens for one interested volunteer in the Tree Board. *Wilkinson moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

KENO COMMUNITY DAY BONUS

Clerk Klabenes reported the Nebraska Cooperative KENO offered a Community Bonus Day for a predetermined \$7,000 bonus prize as designated with the local governing board's approval and a selected celebration date. She reported Bob Hanson with the Dew Drop has offered to do this each year during Old Mill Days. *Wilkinson moved to approve and designate the 4th of July as Neligh's Community Day Bonus during the Old Mill Days celebration.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

RESOLUTION 2019-8 AMENDING THE SCHEDULE OF FEES FOR 2018-2019

Clerk Klabenes reported the city office received inquiries on building fences following the passage of a fence ordinance last month. She reported past discussions included a \$10 fee for a fence application. She also reported the schedule included the updated Dial-A-Ride Sunday service contract rates as adopted in March. *Pickrel introduced and moved for passage Resolution 2019-8 approving the amended 2018-2019 Schedule of Fees.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2019-8 adopted.

ECONOMIC DIRECTORS REPORT

ED Director Lauren Sheridan-Simonsen presented the guidelines for an entrepreneur contest to fill downtown buildings. She reported Assistant Director Tabbert had created a list of downtown commercial properties. She reported the BRAN event hosted by the Chamber of Commerce went very well with an influx of overnight guests in the community. She reported the economic development office was partnership with the library for future growth of the community. She reported the Neligh-Oakdale FFA had agreed to annually maintain the Rainbow Fountain after re-plantings and clean up was completed following a \$2,500 donation to begin the project. She reported that Clearwater would host the National Night Out this year on August 6th where Antelope County Does Care would partner with O'Neill Health Department in building relationships with law enforcement agencies. She reported on the Civic and Community Center Financing Fund grant available to municipalities and the interest of the New Moon Community Theater to partner with the City of Neligh through a Memorandum of Understanding (MOU). She reported the theater roof was estimated at \$140,000 repair. Discussion was held for the City Attorney to review the MOU for qualifications of the city and theater and consider the matter at the July meeting.

Sheridan-Simonsen also presented the ordinance for a Certified Local Government to include a city board for historic preservation. She reported the ordinance was one step in Neligh's designation as a Certified Local Government and only 8 communities in Nebraska had the designation to be eligible for historic preservation grant options. *Wilkinson introduced the following ordinance establishing a historic preservation board entitled:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ESTABLISHING A HISTORIC PRESERVATION BOARD; PROCEDURES FOR DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS; PROCEDURES FOR CERTIFICATES OF APPROVAL FOR ALTERATIONS T DESIGNATED LANDMARK PROPERTIES AND GOVERNANCE OF THE PRESERVATION OF LANDMARKS AND HISTORIC DISTRICTS WITHIN THE CORPORATE CITY LIMITS.

And moved that the statutory rule requiring reading on three different times be suspended. Council member Miller seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council members voted YEA: Miller, Pickrel, Hughes, 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 ordinances were then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinances,* which motion was seconded by Council member Hughes. The Mayor then stated the question, "Shall Ordinance No. 618 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Miller, Pickrel, 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.

ED Director Sheridan-Simonsen reported she was seeking volunteers for the historic preservation board members. *Miller moved to approve the Economic Development Directors report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright was absent due to illness. Following review of the May police report, *Wilkinson moved to approve the May Police report of 300 calls.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes,

Miller, Pickrel. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly reported he had received two estimates for tree removal at the Old Mill Bridge with Pat Gubbels of \$7,000 and Klabenes Construction of \$2,000. He presented photos of the tree removal to be completed. *Wilkinson moved to authorize the City Supt. to have the trees removed for \$2,000 by Klabenes Construction at the Old Mill Bridge.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

The City Supt. presented the One-and-Ten Year Water Study and reported normal progression of one year projects with the exception of cleaning the water tower remained a 2020 project as it must be completed every 5 years. *Miller moved to approve the One-and-Ten year water study as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

Supt. Bly reported the batteries on many water meters have gone out and with the age of the meters, the warranty is not in effect creating numerous repairs at about \$180 a meter. He reported on a program to purchase new meters with updated information and a 15-year useful life for about \$240 a meter. He requested approval to purchase approximately 40 new meters estimated at \$10,000 now which were not budgeted for and budget for additional meters in the next fiscal year. *Miller moved to authorize purchase of water meters estimated at \$10,000 from the water fund.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

Discussion was held for Knife River working in Antelope County and considering two options for asphalt replacement on Wylie Drive. Option one was to mill 2 inches and pave 4 inches for \$254,367.12. Option two was to level 1 inch to fill pot holes and pave 2 inches for \$185,595.20. Discussion was held that both options offered a 5-10 year useful life and armor coat application should be made 1-2 years later. Discussion was held for using city inventory of grindings to fill shoulders of the road from breaking off. Discussion was held that the project should be done within one week and completed prior to the 4th of July. *Wilkinson moved to approve Knife River asphalt application of option two at \$185,595.20 on Wylie Drive.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

Supt. Bly reported a resident had sewer trouble and contacted a plumber to open the property owner's sewer line where the sewer tap was bad which pushed tree roots into the city main. He reported city personnel dug into the city main and jetted the line both directions, replaced 3 joints and used the camera to locate another spot on the main to replace sewer sections. He reported the city policy is for property owners to clear their personal line and replace the tap to the city main if the tap is bad and roots are present at the tap. He reported the plumber for the property owner had submitted two invoices to the property owner and the property owner requested the city to pay for one invoice. Discussion was held to follow city policy. No action was taken.

Mayor Hartz opened two bids on the 1990 Ford pickup previously advertised as surplus property. He reported one bid of \$451 from Duane Miller and one bid of \$520 from Curt Madsen. *Wilkinson moved to accept the bid of \$520 from Curt Madsen for the 1990 Ford F150 pickup.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried. No bids were received on the lawn mower. Council advised re-advertising the mower for surplus property on Antelope County Exchange.

The City Supt. also reported that earlier that day the Antelope County Commissioners had discussed repairs to cemetery road with approximately 300 feet at \$34,000 being the city's responsibility. He reported the commissioners meeting discussed asking the city to sign an agreement that if the city would annex the cemetery road area within 15 years that the city would reimburse the county for road repairs. City Attorney McNally reported such an agreement can not be made to bind future city councils. Discussion was held for consideration of the road repairs to be placed on the July agenda. The Supt. also reported he was working with a sidewalk contractor to test a couple of areas at the pool and sewer plant for cutting the sidewalk which was cheaper than breaking out and replacement of concrete sidewalks. *Wilkinson moved to approve the Supt. report as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

ELECTRIC REPORT

Generation Supervisor Capler requested consideration for the city to purchase 6 LED lights for Village of Clearwater to install before the Clearwater Rodeo with the Village of Clearwater reimbursing the City of Neligh. He reported the lights could be received with a shorter turn around time using the city's already established account with the vendor. It was the consensus of the council to authorize the electric supervisor to purchase the LED lights estimated at \$120 each and invoice the Village of Clearwater. Supervisor Capler also reported one outage in the last month where a fuse broke at Casey's Store and service was reinstated within one hour. He reported the generation plant was operating well and the capability tests were tentatively planned for August to fully load each motor for about 3 hours each. *Wilkinson moved to approve the Electric operations report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

APPROVAL OF BILLS

Wilkinson moved to approve drawdown #26 for project funds of \$4,000.00 for completed projects to Snider Funeral Home and drawdown #27 for general administration of \$510.00 to Northeast Nebraska Economic Development District. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

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

NURSING HOME CONTRACTS

Pickrel moved to go into executive session for the protection of the public interest to discuss contract negotiations on the nursing home. Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried. Time: 9:13 P.M. Those present were City Council, City Attorney Jim McNally and City Clerk Danielle Klabenes. Those present for executive session remained in the Council Chambers.

The council reconvened into regular session at 9:38 P.M. No action was taken.

There being no further business to conduct, *Miller moved to adjourn. Seconded by Hughes. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:39 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 June 11, 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)