

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

July 16, 2019

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, July 16, 2019 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Leonard Miller, Dale Wilkinson, Brent Pickrel 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, City Clerk Danielle Klabenes, Police Chief Mike Wright, City Engineer John Zwingman, News Reporter Carrie Pitzer and Antelope County Airport Authority Board member Joe McNally. Notice of this meeting was given in advance thereof by publication in the Antelope County News on July 3 and 10, 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 June 11<sup>th</sup> regular and June 25<sup>th</sup> special meeting minutes as presented.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

## **TREASURER'S REPORT**

Clerk Klabenes reported water and electric sales were lower for June than last fiscal year. *Pickrel moved to approve the June 2019 Treasurer's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

## **REQUEST TO VACATE ALLEY IN BLOCK 99**

City Attorney McNally reported the local ordinance required the clerk to send notice to the neighboring owners with the opportunity to attend in support or objection of the proposed alley vacation. Discussion was held if an alley vacated can be reversed. City Attorney McNally reported that once an alley is vacated, owners would have to donate the property back to the city or the city buy the property back, but the city would continue to retain utility rights whether the alley is vacated or not. *Pickrel moved to authorize the city clerk to notify neighbors of the request to vacate alley in Block 99 for consideration of ordinance at the August meeting.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

## **HEITHOFF PLUMBING LICENSE**

Clerk Klabenes reported Beau Heithoff had requested to file an application for a plumbing license but was called to military duty and would present his request after his return. The matter was tabled and no action was taken.

## **DIAL-A-RIDE VAN DISPOSAL, SALE OR DONATION**

Clerk Klabenes reported that the former 2004 van had received approval from Nebraska Department of Transportation for sale or donation. She reported that NDOT required 2 appraisals for retired vehicles to be sold and the appraisals ranged from \$745 to \$1,500. She reported the City could choose to sell the van for a minimum of the lower appraisal. She also reported that she received a request for consideration to donate the van to the Antelope County Airport Authority for transporting various professionals to and from the airport. Airport Authority Board Member Joe McNally reported the current 1990 vehicle was utilized by the airport for doctors once a week and the wind farms and pipeline projects on a frequent basis. Discussion was held for sharing the use of the 7-passenger van between the city and airport if advance notice of an activity was provided to allow shared use. *Wilkinson moved to donate the former Dial-A-Ride Public Transit 2004 Chevrolet Van to the Antelope County Airport Authority.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

## **INTER-LOCAL AGREEMENT WITH ANTELOPE COUNTY LIBRARY ASSOCIATION**

*Hughes moved to approve the renewal of the inter-local agreement between the City of Neligh and the Antelope County Library Association for supporting the Neligh Public Library.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

## **NELIGH VOLUNTEER FIRE DEPARTMENT SPECIAL DESIGNATED LIQUOR LICENSE**

*Wilkinson moved to approve the special designated liquor license for the Neligh Volunteer Fire Department for September 7<sup>th</sup> from 7:00P.M. to 1:00A.M. at the Neligh Fire Hall.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried. Mayor Hartz thanked all the firemen

for their support and protection of the community.

## **APPOINTMENTS**

Mayor Hartz recommended the appointment of Brent Pickrel to the Park Foundation for the unexpired term to December 2019. *Hughes moved to approve the appointment as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller. Opposed: None. Abstain: Pickrel. Motion carried.

## **PROCLAMATION FOR AMERICAN WIND WEEK**

No action was taken.

## **ECONOMIC DIRECTORS REPORT**

ED Director Lauren Sheridan-Simonsen reported she would be attending the Governor's Summit the following day with several topics including housing. She reported the website continued updating with picture sizing on the home screen for community pictures. She reported clean up on the Rainbow Fountain continued with help from the Park Department and she welcomed volunteer helpers. She reported access and retention system of economic development records in Clearwater was created and reported that 360 of 500 contract hours were completed to date in the current fiscal year. She reported National Night Out on August 6<sup>th</sup> would be held in Clearwater this year and invited everyone to attend.

ED Director Sheridan-Simonsen reported she was seeking volunteers for the historic preservation board which would meet quarterly. She reported Lucky Joe's Liquor and Dollar General were new Chamber of Commerce members and now accepted Big Bucks. She also reported the Nebraska Community Foundation meeting was set for July 25<sup>th</sup>. *Hughes moved to approve the Economic Development Directors report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported on a Memorandum of Understanding (MOU) to partner the theater and city to restore the theater with the grant assistance of the Civic and Community Center Financing Fund (CCCCF). Discussion was held whether the theater was considered a recreation center or community center by Nebraska statute and whether the theater must be municipally owned for eligibility. It was the consensus of the council for the City Attorney and the Northeast Nebraska Economic Development Office to discuss and review further. No action was taken and the matter was tabled to next month.

## **POLICE REPORT**

Police Chief Wright reported tablets were installed in patrol vehicles and the police department was e-citation compliant which was required by January 1, 2020. Chief Wright reported he and Officer Nelson had worked on a new police department personnel policy as recommended by the city insurance carrier, LARM, and the City Attorney was reviewing for presenting to the City Council. City Attorney McNally reported the policy was very inclusive and good which was needed for a long time. Discussion was held for moving the speed sign on main highway to Wylie Drive now that Wylie Drive was improved. Discussion was held for consideration of Wylie Drive to be designated for local traffic only at the August meeting. City Engineer John Zwingman will review jurisdiction with Nebraska Department of Roads so as not to conflict with highway allocation funds. *Pickrel moved to approve the June Police report of 335 calls.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

## **CITY SUPT. REPORT**

City Supt. Bly reported the city had previously made application with the US Army Corp of Engineers to stabilize the current riverbank of Penn Park. He reported he later learned of the opportunity for funds with FEMA for a project to add dirt fill to the current riverbank to replace some of the lost earthwork from the March flood and stabilize the riverbank. He reported the replacing of dirt fill to pre-flood conditions would require a new application to the Corp of Engineers. City Engineer John Zwingman presented two plans with the first project of riverbank stabilization was estimated at \$100,000. Zwingman reported the second project with dirt fill of 170 cubic yards and 900 ton rock rip rap was estimated at \$178,000. He reported the second project would add about 30-35' of earthwork past the picnic shelter. He reported that the city had one year to reclaim the lost earthwork before the option to do so expired. Discussion was held for advertising for bids in the next 3 weeks for the August meeting to award a bid as projects and estimated costs were due to FEMA by August 19<sup>th</sup>. Discussion was held for contacting the State Historical Society about protecting their riverbank and cleaning out the bypass. *Wilkinson moved to approve the project to replace dirt fill to pre-flood conditions and stabilize the riverbank at Fred Penn Park.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

*Council Member Wilkinson moved to authorize a new application to be submitted to the US Army Corp of Engineers for the dirt fill to pre-flood conditions and riverbank stabilization at Fred Penn Park.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

*Hughes moved to approved the engineers estimate and plans and authorize going out for bids for the dirt fill to pre-flood conditions and riverbank stabilization of Fred Penn Park and set a bid letting date of August 8<sup>th</sup> at 1:00PM.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

Supt. Bly reported the County planned to improve Cemetery Road with the city portion measuring 300 feet or 10% of the total project. He reported the estimated cost of the city portion was \$34,080. Discussion was held as to the timing of the project for a capital improvement project in the next fiscal year if possible as the contractor had to leave the area temporarily for another project. *Miller moved to approve the street improvement project for Cemetery Road at \$34,080.00.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

*Pickrel moved to approve the Park Board recommendation to hire Jayda Zemlicka for lifeguard.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

Discussion was held for no bids received on the 72-inch deck John Deere Mower but to continue bidding again on Antelope County Exchange at the same minimum bid of \$3,500. *Pickrel moved to approve relisting the John Deere lawn mower with 72-inch deck on Antelope County Exchange with \$3,500 minimum bid.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

The Supt. also reported the shrubs along the Grandstands fence would be maintained by the Park Dept. prior to the county fair. He reported cost estimates for replacing the Grandstands fence material only on a 6 foot white PVC solid fence at \$7,500 or a 6 foot cedar wood solid dog-ear fence at \$4,500. He reported these options would be discussed with the Park Board at their August meeting for consideration in the next budget year. *Hughes moved to approve the Supt. report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

### **ELECTRIC REPORT**

Generation Supervisor Capler reported of no major outages in June. He reported that during the baseball tournaments the breaker panels were overheating and overloaded. He reported after the county fair he would be replace panels and rewire the lights for the Legion and PeeWee ballfields as much as he could in the current fiscal year budget. He reported new services were planned for 3 new residential homes and one commercial business. He reported Lineman Knutson had completed the first book of the Merchant Program and would receive a \$.50 raise per hour as approved at hiring upon notice of passing the first book exam.

He reported the generation plant was operating well. *Wilkinson moved to approve the Electric operations report.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Pickrel Wilkinson. Opposed: None. Motion carried.

### **NURSING HOME CONTRACTS**

City Attorney McNally reported he anticipated a proposal to review after August 1<sup>st</sup>.

### **APPROVAL OF BILLS**

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

Discussion was held for considering budget projects of pay increase for police department, cemetery road improvements, curbside garbage totes, water line to east annex commercial area, D Street and alley improvements.

Discussion was held for setting a budget workshop date of Thursday, August 15<sup>th</sup> at 5:30 P.M.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:25 P.M.

City of Neligh

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Joe Hartz, Mayor

ATTEST

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Danielle Klabenes, City Clerk

### **CERTIFICATION**

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that July 16, 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.

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City Clerk

(SEAL)