

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

June 12, 2018

The regular meeting of the Mayor and City Council of the City of Neligh was held at the Council Chambers on Tuesday, June 12, 2018 at 7:00 P.M. Present were Mayor Joe Hartz and Council members Ted Hughes, Steph Wanek, Leonard Miller and Dale Wilkinson. Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Director Gabriel Steinmeyer and Intern Rhiannon Cobb, Police Chief Mike Wright, City Clerk Danielle Klabenes, Library Director Jennifer Norton, News Reporters Olivia Wondercheck and Carrie Pitzer, Brent Pickrel, City Engineer John Zwingman, Pat Meuret, Teresa Legate and Rhonda Schwager. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on June 6, 2018. 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 Council Chambers, is available to the public. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

Mayor Hartz shared thank you notes from Ed & Jennifer Pellatz and the Neligh Cub Scouts.

APPROVAL OF MINUTES

Hughes moved to approve the May 8th regular and May 24th special meeting minutes as submitted. Seconded by Wanek. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes presented the May 2018 treasurer's and reported the Lottery, LB840 and DTR transfers to reimburse the General Fund. *Wanek moved to accept the May treasurer report as submitted.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.

NOTICE OF AWARD FOR SEWER AND PAVING IMPROVEMENTS BEHIND ESU#8

City Engineer Zwingman reported a decimal correction in the subgrade preparation for the sewer bid of Platte Valley Precast which decreased the bid from \$99,218.00 to \$57,573.20. A second sewer bid submitted by A & R Construction was \$142,409.88. The engineer's estimate prior to bid letting was \$55,000. Engineer Zwingman reported one bid submitted for the paving from Rutjens Construction of \$63,359.70. *Hughes moved to accept the City Engineer's recommendation on the ESU #8 alley infrastructure for the Rutjens Construction bid on the paving improvements for \$63,359.70 with a start date of August 1 and completion date of October 15, and to accept the Platte Valley Precast bid on the sewer improvements for \$57,573.20 with a start date of September 1 and completion date of November 1, and to authorize contracts.* Seconded by Miller. Roll call votes in favor were Wanek, Wilkinson, Hughes, Miller. Opposed: None. Motion carried. City Engineer Zwingman reported he would confirm the contractors coordinated project beginning and completing times. He also reported he would contact Radek Contracting about the concrete landing before entering the ESU #8 building which encroached on the alley and report back to the city office to update the city council.

AMENDMENT TO REDEVELOPMENT AGREEMENT FOR NELIGH INDEPENDENT LIVING

City Engineer Zwingman clarified paving estimates were \$135,000 before elevations were taken, \$225,000 after storm sewer with building plans and elevations where the storm sewer was approximately \$90,000 of this total, and final paving costs of \$207,058 without legal and engineering fees. Discussion was held for amending the Redevelopment Agreement to note that all property lots were recently Quit Claim Deed to Neligh Independent Living. Discussion was held with Pat Meuret for the city bonding the project to receive the tax increment financing therefore Pat Meuret and Neligh Independent Living would begin paying taxes on the property instead of receiving tax increment financing. Discussion was held that in the event the bond was paid in full before the 15 year period, that the TIF would then go to the site preparation costs incurred by Neligh Independent Living. Discussion was held for requesting the TIF attorney to review such options in an amended Redevelopment Agreement. No action was taken and the matter was tabled to next month.

SEMI-ANNUAL LIBRARY REPORT

Library Director Jennifer Norton reported over 150 people attended the annual Bike Safety Rodeo where together the Women of Neligh and State Farm Insurance purchased a bike. She reported the summer reading programs were available for everyone aged from elementary students to adults to participate in Book Bingo. She reported the outreach programs included traveling story hour to daycares and a traveling documentary to the Willows Assisted Living and Neligh Care & Rehab. She reported on the unique technology available at the library

through August 29th as part of Make Spaces and Library Innovation Studios and presented two vinyl samples that can be made with one piece of equipment. She reported the Library Innovation Studios equipment was valued at over \$530,000. She reported a familiar intern, Lydia Behnk, was able to return to the Library this summer and assist with the Library Innovation Studios project. She reported on the receipt of private grants of \$1,500, state aid of \$1,109 and county funding of \$3,494. *Hughes moved to approve the semi-annual library report as presented.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

PUBLIC HEARING FOR TOM'S GROCERY LLC/ DBA THRIFTWAY MARKET CLASS D LIQUOR LICENSE APPLICATION

Clerk Klabenes reported Thriftway Market had filed application with the Nebraska Liquor License Commission for a retail license. She reported that a new application required a public hearing for comments from the council and public. Mayor Hartz opened the hearing at 7:41pm.

NON-BINDING LETTER OF INTENT WITH GOLDEN LIVING

City Attorney McNally reported on the letter he prepared for a non-binding letter of intent to begin negotiations with Golden Living Care in the lease and operation of the Neligh Care & Rehab. *Hughes moved to approve submission of the non-binding letter of intent to Golden Living regarding leasing of the facility known as Neligh Care & Rehab.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

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 Wanek. Roll call votes in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Motion carried.

SALE OF SURPLUS PROPERTY AT FORMER 209 MAIN STREET

City Attorney McNally reported on a request to purchase the city property located across the street from City Hall. He reported if the purchase was less than \$5,000 that a notice of sale may be posted. He reported if the purchase was more than \$5,000 that compliance with notices of sale and remonstrance as set by state statute. Discussion was held for zoning of the property in the downtown commercial zone and consideration for future commercial business. Discussion was held for valuation of a downtown lot and offering a counter offer due to comparative valuation of a business lot on Main Street. *Wilkinson moved to reject the \$2,500 purchase offer and make a counter offer of \$3,500 for the lot formerly known as 209 Main Street.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson. Opposed: Wanek. Motion carried.

CYBER LIABILITY PRIVACY POLICY

Clerk Klabenes reported the city insurance carrier, LARM, provided a cyber liability policy at no cost to the city and recommended the privacy policy presented to fulfill the legal requirement and be cognizant to protect personal data. She reported that LARM requested the policy be added to the city website. *Wanek moved to approve the privacy policy for cyber liability coverage as recommended by LARM.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Wanek. Opposed: None. Motion carried.

AMENDED FEDERAL DRUG AND ALCOHOL POLICES FOR DIAL-A-RIDE PUBLIC TRANSIT

Clerk Klabenes reported federal regulations had updated and changed the policy to be amended for the zero tolerance drug and alcohol policy recommended by Nebraska Department of Transportation as a requirement with Federal Transit Administration. *Hughes moved to approve the amended federal drug and alcohol policy for Dial-A-Ride Public Transit as required by FTA and NDOT.* Seconded by Wanek. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried. Mayor Hartz extended a thank you to all 4 Dial-A-Ride drivers for their services provided to many people from the youngest to the oldest with their good spirits.

APPOINTMENTS

Mayor Hartz recommended the following appointments: Tree Board – re-appointment of June Braag & Sheila Parks, 3 year terms; Board of Adjustment – Dewey Teel, re-appointment for 3 year term; Housing Authority – Cindy Hild, unexpired term to June 2023, Gordon Hagge unexpired term to April 2019, and Ron Storm unexpired term to April 2021; Library Board – re-appointment of Ron Gilg, 4 year term; Firemen Chief, Mike Mortensen; Assistant Chief, Dave Jacobsen; First Captain Jason Krebs; Second Captain Ryan Lichtenberg; Third Captain Matt Henery; President, Colten Marsh; Vice President, Logan Lawson; Treasurer, Steve Arehart; Secretary, Benjamin Zegers; Jaws of Life officers Captains Doug Haselhorst, Dave Jacobsen and Chris Kurpgeweit; President, Jeff Keezer; Vice President, Jason Finch; and Treasurer, Joe McNally. *Motion was made by Wilkinson to approve the appointments as presented.* Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson,

Wanek, Hughes. Opposed: None. Motion carried. Mayor Hartz thanked all volunteers, firemen and families for their services.

SLY'S CHILL AND GRILL SPECIAL DESIGNATED LIQUOR LICENSE FOR JULY 3RD

Wilkinson moved to approve the special designated liquor license for Sly's Chill & Grill for July 3rd and the closing of Main Street. Seconded by Hughes. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

ECONOMIC DIRECTOR REPORT

Economic Development Director Steinmeyer presented a report on 14 businesses making application for fix-the-bones, façade and micro-façade grants. He reported the total amount of DTR funds approved to date was \$309,333.20 with \$21,590 federal funds remaining. *Wanek moved to approve the 14 DTR applications for fix-the-bones, façade Improvement and micro-façade presented totaling \$104,965.28 as recommended by the application committee.* Seconded by Hughes. Roll call votes in favor were Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried. The Council thanked the ED Director for getting the applications through for the DTR funds as this was the report they wanted to see. The Director reported signage could be made yet on downtown benches with stencils previously purchased to note the Old Mill District theme but the big display on a downtown building previously considered did not have a DTR project and the big display would probably not occur. He reported the ED Board had discussed retaining micro-funds up to \$1,500 going forward to include within the LB840 annual budget.

The Director reported the Heidi Rethmeier project at 108 W 5th Street had been previously approved for \$466 and actual project costs totaled \$501.56 therefore requested approval for the additional \$30 difference. *Wanek moved to approve the additional \$35 in actual over previously approved costs on the Rethmeier project at 108 W 5th Street.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wilkinson, Wanek. Opposed: None. Motion carried.

Steinmeyer reported that DTR grant administrator Lowell Schroeder of Northeast Nebraska Economic Development District had conveyed that if DTR funds remained available that the Economic Development office could make application for window and patio door replacement because the economic development office building was not the central city government office and would be eligible to use project funds. He reported his office was obtaining contractor bids for possible reporting next month. No action was taken.

ED Director Steinmeyer reported the ED Board had recommended changing the director's employment contract for the economic development office hours from a 8:00AM-5:00PM listing to a 8:30AM-4:30PM listing. Clerk Klabenes reported the 8:30AM to 4:30PM schedule matched the employee handbook. Steinmeyer reported the ED Board recommended the vacation days be changed from 5 to 10 vacation days after one year of employment for the director. Discussion was held that the employee handbook stated 10 vacation days were provided to employees after two years of employment. Discussion was held that according to the employee handbook, the director would be receiving 40 hours of vacation, 40 hours of personal leave and 96 hours of sick leave. Discussion was held for requesting the ED Board to attend the July meeting for salary and employment contract recommendations. This item was tabled to next month.

The Director reported Tour de Nebraska would be visiting Neligh the following week and invited the community to attend the free concert by the United States Air Force Heartland of America Band – Raptor in Riverside Park. He invited the community to support the Clearwater Rodeo by attending the event the following weekend on June 23rd. He reported Senator Tom Briese would be in Neligh at the Senior Citizen Center the following day. *Hughes moved to approve the May ED Director's report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

RESOLUTION 2018-9 TOM'S GROCERY LLC/ DBA THRIFTWAY MARKET CLASS D LIQUOR LICENSE APPLICATION

There being no objections or comments received, Mayor Hartz closed the public hearing at 8:28P.M. *Wilkinson introduced and moved for passage Resolution 2018-9 approving an application for Tom's Grocery LLC/ DBA Thriftway Market Class D Liquor License 122594.* Seconded by Hughes. Roll call votes in favor were Wanek, Hughes, Miller, Wilkinson. Opposed: None. Therefore Mayor Hartz declared Resolution 2018-9 adopted.

POLICE REPORT

Chief Wright reported on an amended golf cart ordinance to remove brake lights and add both a horn and rear view mirror requirement. He reported the manufacturers of new golf carts do not have a brake light option which is a requirement in the current ordinance. Discussion was held for completing the inspection of the golf cart vehicle by the city police or the city office personnel, the height of the flag and a possible clinic available after business hours for ease of registration of the golf cart vehicles with ATV and UTVs. Discussion was held for revising the ordinance for the July meeting. No action was taken and the matter was tabled to next month.

The Police Chief reported the new speed radar was placed at the Deluxe Motel and in use and the old radar unit would return to town from Tilden.

Wilkinson moved to approve the May Police report of 393 calls. Seconded by Hughes. Roll call votes in favor were Hughes, Wanek, Miller, Wilkinson. Opposed: None. Motion carried.

CITY SUPT. REPORT

Generation Supervisor Capler reported for City Supt. Bly who was absent. Capler reported Sargent Irrigation was on site and to run cameras at one well that went down. He reported the Riverside Park has been full of campers and advised a future discussion on additional camper pads at Penn Park. *Hughes moved to approve the City Supt. report as presented by Generation Supervisor Capler.* Seconded by Miller. Roll call votes in favor were Wanek, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

ELECTRIC REPORT

Generation Supervisor Capler reported fuses blew out in the switchgear cabinet by the generation plant which took care of the park. He reported two weeks ago, a storm had blew a roof off of a business near 3rd and L Street which took out a 3-line phase and one block was out of service overnight until a pole was set and wire strung. He reported city employee Tanner Knutson reacted safely and smart and did everything perfectly as he should have when the electric line fell on his vehicle while he was inside. He reported Knutson correctly stayed in the vehicle until advised whether the electric line was energized or not.

He reported last weekend the city lost a feeder that services Countryside Acres, Riverside Park and the Airport and all services were reconnected. The Generation Supervisor reported the owner of Watts Electric tested underground wires on the transformer that was less than a year old and determined a fault so the backup transformer was moved into place. He reminded the council that the backup transformer had originally had a lead time of 8 weeks and was a good investment to have on site. He reported the electric engineer was consulting with Solomon Corporation, the vendor, at paying the crane invoice to set the backup transformer. Capler reported Lineman Ellenwood has gained a lot of experience since beginning fulltime in mid-May.

City Attorney McNally recommended approval of the sub-transmission service agreement with NPPD as the agreement was not negotiable in receiving sub-transmission services. *Wanek moved to approve the sub-transmission service agreement with NPPD as presented.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wanek, Hughes, Wilkinson.

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

APPROVAL OF BILLS

Moved by Wanek to approve drawdown #7 for project funds to Carhart Lumber for \$34,490, Smitty's for \$7,200 and Northeast Nebraska Economic Development District for \$360 for Downtown Revitalization. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

Moved by Wilkinson to approve the bills as submitted. Seconded by Hughes. Roll call votes in favor were , Miller, Wanek, Wilkinson, Hughes. Opposed: None. Motion carried.

There being no further business to conduct, *Hughes moved to adjourn.* Seconded by Miller. Roll call votes in favor were Wanek, Hughes, Miller, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:24 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 the foregoing is a true and correct copy of proceedings had and done by the City Council on June 12, 2018; 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)