

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

August 14, 2018

The regular meeting of the Mayor and City Council of the City of Neligh was held at the Council Chambers on Tuesday, August 14, 2018 at 7:00 P.M. Present were Council members Dale Wilkinson, Ted Hughes and Steph Wanek. Absent were Mayor Joe Hartz and Council Member Leonard Miller. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Economic Development Director Gabriel Steinmeyer, Police Chief Mike Wright, City Clerk Danielle Klabenes, News Reporters Olivia Wondercheck and Carrie Pitzer, Bent Pickrel, Lyle Juracek and Wade Pitzer. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on August 8, 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. 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 Council Chambers, is available to the public. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

## **APPROVAL OF MINUTES**

*Wilkinson moved to approve the July 10th regular and July 19<sup>th</sup> special meeting minutes as submitted.* Seconded by Wanek. Roll call votes in favor were Wanek, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

## **TREASURER'S REPORT**

Clerk Klabenes presented the July 2018 treasurers report and stated the reimbursements made to the General fund from the Special Revenue and Agency accounts totaled more than July expenses to explain the negative current expense balance. Discussion was held for issuing bonds in September with October proceeds for ESU #8 alley and sewer project and converting the anticipation note to bond for the Neligh Independent Living project. *Wanek moved to accept the July treasurer report as submitted.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Wanek, Hughes. Opposed: None. Absent: Miller. Motion carried.

## **RESOLUTION 2018-11 ALLEY IMPROVEMENT DISTRICT**

*Wilkinson moved to introduce and move for passage Resolution 2018-11 creating Alley Improvement Project 2018-11 for the alley between Main Street and N Street running from 3<sup>rd</sup> Street to 4<sup>th</sup> Street at the estimated cost of \$120,932 for the construction of alley improvements.* Seconded by Wanek. Roll call votes in favor were Hughes, Wilkinson, Wanek. Opposed: None. Absent: Miller. Thereupon Council President Hughes declared Resolution 2018-11 adopted.

## **REDEVELOPMENT AGREEMENT FOR NELIGH INDEPENDENT LIVING**

Economic Development Director Gabriel Steinmeyer reported the amended agreement listed the Series A TIF bond of \$337,430.34 for the city public improvements on the Neligh Independent Living project and if remaining TIF funds were available after the Series A bonds were paid in full, then the site preparation costs by the Developer of \$70,993.00 in Series B TIF notes would be paid with available TIF funds. Discussion was held for requested documentation of the site preparation invoices be presented and on file with the Redevelopment Agreement before approving such agreement. Discussion was held for whether the Series B TIF notes accrued interest. It was the consensus of the council for the ED Director to present both at the September meeting. *Council member Wanek moved to table approval of the Redevelopment Agreement pending site preparation documentation presented to the council and Series B TIF note interest accrual information to the September*

*meeting*. Seconded by Wilkinson. Roll call votes in favor were Wanek, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried. The matter was tabled to the September meeting.

#### **NELIGH CARE AND REHAB FEASIBILITY STUDY**

Clerk Klabenos reported she was awaiting one more proposal on a market and feasibility study. She reported she would present a spreadsheet of all firms following the receipt of the last proposal. Discussion was held for asking each firm how many feasibility and market studies the firm has completed on nursing homes. City Attorney McNally recommended consideration of a national firm to conduct the study as bond holders look at the firm conducting the study. It was the consensus to discuss with a full council and table the matter to the September meeting. No action was taken.

#### **SALE OF SURPLUS PROPERTY OF AN IRREGULAR TRACT 21-25-6 EAST OF SMEAL FIRE APPARATUS**

Clerk Klabenos reported the city office had received a closed bid request for the property discussed last month. She reported the previous council motion rejected all bids but had not stated the interest to sell or not sell the property. Discussion was held for reviewing a listing of all city property and a map of the locations following the budget meetings and to consider possible industrial tract as currently zoned. Discussion was held for considering the distance needed for a possible east well and advised the City Supt. to have the property surveyed for adequate space for such well. *Wilkinson moved to postpone sale of city property until a map and listing of all city property is reviewed*. Seconded by Wanek. Roll call votes in favor were Wilkinson, Wanek, Hughes. Opposed: None. Absent: Miller. Motion carried.

#### **NELIGH MILLS FALL FESTIVAL STREET CLOSURE AND DONATION REQUEST**

ED Director Steinmeyer reported the car show planned for the event would like to utilize the city street from the alley south of Cubby's west to N Street and on Main Street to the north edge of City Hall building, or former Senior Citizens Center. He requested a street closure for such event. Discussion was held for advising trucks notice of street closure with signage at Highway 275. He reported the residential property owner affected by the street closure had been contacted with advance notice of such event and request. He requested a donation for the event. *Wanek moved to approve a \$1,500 donation from the Lottery fund as budgeted and a street closure extending from the alley south of Cubby's West to N Street and north on Main Street from 2<sup>nd</sup> Street to the north edge of the City Office for the Neligh Mills Fall Festival*. Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Wanek. Opposed: None. Absent: Miller. Motion carried.

#### **PIERSON MUSEUM WATER REPAIR AND UTILITY BILLS**

Lyle Juracek reported on a water leak outside of the Pierson Museum that damaged the basement flooring and part of the wall in the museum. He reported committee members had provided the labor to do the repairs which the adjuster accepted the labor hours in the calculation of the claim. He reported that after a \$2,500 insurance deductible, the museum received a \$780 payment which was not enough to cover the Service Master invoice. He reported on limited funds available to support the museum, applications for grants submitted and the museum pursued financial support from the Seger Foundation. He requested consideration for the city to pay the Service Master invoice \$1,618.03 with a check from the Pierson Museum of \$276.15 to the city to pay the invoice in full. He also requested for the city council to consider paying the museum's monthly utilities of approximately \$170 per month. *Wilkinson moved to accept the Pierson Museum check of \$276.15 and to pay Service Master the full \$1,618.03 from the Lottery Fund for the water repairs and to defer a decision on payment of the utilities for full city council consideration*. Seconded by Wanek. Roll call votes in favor were Wanek, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

#### **RESOLUTION 2018-10 LARM INSURANCE RENEWAL FOR 2018-2019 FISCAL YEAR**

*Wanek introduced and moved for passage Resolution 2018-10 for city insurance with LARM and to accept the 2-year commitment 180 day notice at 4% discount for an annual premium of \$85,593.31 effective with the fiscal year beginning October 1, 2018*. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes,

Wanek. Opposed: None. Absent: Miller. Thereupon Council President Hughes declared Resolution 2018-10 adopted.

### **AUDIT SERVICES BIDS**

Clerk Klabenes reported two proposals were submitted for consideration of audit services for the next 4 fiscal years. She reported Dana Cole & Company submitted \$12,400 and Almquist, Maltzhann, Galloway & Luth submitted \$11,850 for the 17-18 fiscal year. She reported Dana Cole's audit fees increased \$500 per year and Almquist's increased \$300 per year. She reported a single audit, if applicable, was \$3-5,000 with Dana Cole and \$2,500-2,650 with Almquist, with both firms very comparable in hourly rates. She reported there were no concerns or issues in working with Dana Cole and both firms would do good work. *Wanek moved to accept the Almquist, Maltzhann, Galloway & Luth bid for audit services for four audits of the 2017-2020 fiscal years.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wanek, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

### **WEBSITE DESIGN SERVICES BIDS**

ED Director Steinmeyer reported 9 bids were submitted for website design services. He reported the Economic Development Board, the director and assistant had collectively chosen 2 finalists for September selection. He reported the city would own the content and domain and include features such as auto populate job ads, a community calendar, rental housing and tourism information. He recommended the general fund pay for the website design services as a general city expense and viewed the website design as a public project. Discussion was held for entering executive discussion for contract discussions. *Wanek moved to enter executive session to discuss contract negotiations for website design services.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Wanek. Opposed: None. Absent: Miller. Time 8:14 P.M. Also present were City Attorney Jim McNally, ED Director Gabriel Steinmeyer 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 8:47 P.M. *Wanek moved to table action and additional discussion on website design services for further information.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Wanek. Opposed: None. Absent: Miller. Motion carried.

### **NELIGH VOLUNTEER FIRE DEPT. SPECIAL DESIGNATED LIQUOR LICENSE FOR SEPTEMBER 15<sup>TH</sup>**

*Wilkinson moved to approve the special designated liquor license for the Neligh Volunteer Fire Dept. on September 15<sup>th</sup> from 7:00PM-1:00AM.* Seconded by Wanek. Roll call votes in favor were Wanek, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

### **SLY'S CHILL & GRILL SPECIAL DESIGNATED LIQUOR LICENSE FOR SEPTEMBER 30<sup>TH</sup>**

Teresa Legate reported a 2<sup>nd</sup> year anniversary party was planned with potluck, a smoked hog and yard games to invite the county and downtown businesses. She requested consideration for the same street closures as requested in the past with cattle panels on Main Street. *Wanek moved to approve the special designated liquor license for the Sly's Chill & Grill on September 30<sup>th</sup> from 3:00PM-11:00PM and street closure.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Wanek. Opposed: None. Absent: Miller. Motion carried.

### **ECONOMIC DIRECTOR REPORT**

Economic Development Director Steinmeyer began with a public apology to the council and businesses for miscommunication of information from the prior month meeting. He reported he was awaiting one more bid on a DTR application and his office would submit an application following budget approval for the ED department. He requested consideration for the Vacant Property Registration Ordinance, LB256, which recently passed in the legislature and became effective in July. City Attorney McNally reported on the complicated law regarding the constitutionality of LB256 and concerns with the definitions, enforcement and administration of the bill. It was the consensus of the council to table the matter for full city council discussion.

The Director presented a revised job description for the ED Director as requested by the Mayor. Discussion was held for tabling the matter to a meeting for the full council and Mayor be present since the request was made by the mayor.

The Director reported on the FABTECH conference in Atlanta, Georgia which Black Hills Energy had invited him to attend in November. He reported Black Hills Energy offered to pay the cost of registration and the booth as the city would pay for lodging, airfare, car rental and meals. He reported LB840 funds could be used as an industrial recruitment activity to relocate a facility to Neligh. Discussion was held for considering public transportation and looking into a similar conference in the Midwest. Discussion was held for further review at the budget meeting later in the week.

Director Steinmeyer also reported the Chamber of Commerce contract would not be approved until September. He presented a new contract with Clearwater which included rent of office space in Clearwater and 500 service hours, or approximately 25% of the Director's time. Discussion was held for removing the office rent from the contract and reviewing the director's salary and benefits for evaluation of 25% of the service hours and cost. The council directed the city clerk to prepare a salary and benefit package total for review at the budget meeting later in the week. No action was taken.

The Director also reported of a youth entrepreneurship program to be proposed in the LB840 budget for 3 students or employees with a 3 year loan repayment program for full time positions and former intern Michayla Goedeken was developing the curriculum by the end of the month. He reported the Chamber of Commerce raffle for the Nebraska Husker football tickets were to be drawn at the Neligh Mills Fall Festival. *Wanek moved to approve the July ED Director's report.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Wanek. Opposed: None. Absent: Miller. Motion carried.

## **POLICE REPORT**

Chief Wright reported the ordinances for golf cart and ATV/UTV were amended into one ordinance clarifying the 5 foot flag and eliminating the inspection prior to registration. Council member Wilkinson then introduced the following ordinance entitled:

*AN ORDINANCE OF THE CITY OF NELIGH, NEBRASKA; REQUIRING THE REGISTRATION OF GOLF CAR VEHICLES; ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES; REPEALIGN CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.*

*And moved that the statutory rule requiring reading on three different times be suspended.* Council Member Wanek seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Hughes, Wanek, Wilkinson. The following voted NAY: None. Absent: Miller. 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 Wanek. The Council President then stated the question, "Shall Ordinance No. 610 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson and Wanek. The following voted NAY: Hughes. Absent: Miller. Ordinance No. 610 failed final passage due to no majority of those elected to the Council.

*Wilkinson moved to approve the July Police report of 360 calls.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Hughes, Wanek. Opposed: None. Absent: Miller. Motion carried.

## **CITY SUPT. REPORT & ELECTRIC REPORT**

City Supt. Bly requested consideration for one-way traffic through the new vacant lot south of the ESU #8 building, with entrance off of Main Street and an exit through the alley to the west. He reported street parking stalls would be unchanged as two stalls on Main Street would be removed for entering the parking lot, but two stalls on 3<sup>rd</sup> Street would be added where a former driveway was located. *Wanek moved to approve the one-way*

traffic with Main Street entrance and alley exit for the parking lot south of the ESU #8 building. Seconded by Wilkinson. Roll call votes in favor were Wanek, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

The Supt reported for Generation Supervisor Capler who was absent for his wedding over the weekend. Supt. Bly reported the electric crew were pulling in new wire in a couple of new jobs. He also reported that sewer personnel continued to work on passing the sewer tests. Discussion was held for the ball field grass torn up after the county fair and city personnel would fix it. Discussion was held for the agreement between the city and county fair board for the fair board's control over the park for the week of the county fair.

City Attorney McNally reported he had a conference call with the attorneys and all evidence for the electric substation in the east annex area would be presented to the Power Review Board through affidavits in a September hearing.

*Wilkinson moved to approve the City Supt. & Electric report as presented.* Seconded by Wanek. Roll call votes in favor were Wanek, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

### **APPROVAL OF BILLS**

*Moved by Wilkinson to approve drawdown #10 for project funds to Pitzer Digital for \$37,995.50, to Antelope County Historical Society One Room School for \$2,883.64 and Northeast Nebraska Economic Development District for \$600 and drawdown #11 to Northeast Nebraska Economic Development District for \$1,050 for general administration funds for Downtown Revitalization.* Seconded by Wanek. Roll call votes in favor were Hughes, Wanek, Wilkinson. Absent: Miller. Opposed: None. Motion carried.

*Wanek moved to approve a change order for increased construction costs for façade and fix-the-bones grant funds to Pitzer Digital for \$5,885.30.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Wanek. Absent: Miller. Opposed: None. Motion carried.

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

There being no further business to conduct, *Wanek moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wanek, Wilkinson. Opposed: None. Absent: Miller. Thereupon Council President Hughes declared the meeting adjourned. Time 10:00 P.M.

City of Neligh

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Ted Hughes, Council President

ATTEST

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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 August 14, 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.

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City Clerk

(SEAL)