

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
October 13, 2020

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, October 13, 2020 at 7:00 P.M. Present were Council Members Dale Wilkinson, Leonard Miller, Ted Hughes and Brent Pickrel. Also in attendance were City Attorney James McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, Melanie Miller, Lyle Juracek and Dean Bly. Notice of this meeting was given in advance thereof by publication in the Antelope County News on October 7, 2020. 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 City Council Chambers was available to the public. Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the September 8th regular 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 on the fiscal year treasurer's report and the annual statement of receipts and disbursements as required by statute. She reported on the annual summary report of checking, saving and investment funds noting which investments were restricted for the line of credit for the power supply contract or bond debt covenants. She reported on a list of current bonds and the term left on each bond. *Council member Hughes moved to approve the September 2020 Treasurer's report, annual treasurer's report and annual bank summary report for 2019-2020 as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

RESOLUTION 2020-11 RECOGNIZING DEAN BLY FOR SERVICE YEARS

Mayor Hartz extended a thank you to Dean Bly as he enters retirement following 18 years of service and presented a Resolution to Dean Bly in honor of his dedication and service as City Superintendent. A framed resolution was presented to Bly and the Council extended a round of applause. *Council member Hughes introduced and move for passage Resolution 2020-11 to honor Dean Bly City Superintendent for 18 years of dedication and service.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

HIRE A CITY SUPERINTENDENT

Mayor Hartz extended a welcome to the new City Superintendent Dan Donaldson. Donaldson reported a smooth transition into the position and he was happy to be part of a good team. *Council Member Pickrel moved to approve the hiring of Dan Donaldson for City Supt at \$55,000 salary with a \$2,500 salary increase upon obtaining both Class B CDL and Grade II Waste Water Certification and a performance review in July 2021 for an October 1 salary adjustment.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

NELIGH COMMUNITY THEATER

Melanie Miller reported on the improvements made to the Neligh Community Theater included the roof replacement that significantly improved the indoor smell and the brick façade underway with the tower to be finished later in the week. She reported the fundraising efforts earlier in the year were halted due to COVID but a

10K challenge was underway. She reported opportunities for the theater included arts, culture, movies, opera, music artists, local art gallery and live shows. She reported that \$150,000 was needed to fundraise for the outdoor improvements. She reported a grant writer was hired and internal projects were postponed until the outdoor improvement funds were raised. Discussion was held for considering a donation to a non-profit from a non-property tax source. Discussion was held for sales tax funds in the LB840 program available to new businesses or expanding businesses and the use of lottery funds were for community betterment projects. *Wilkinson moved to approve a \$10,000 donation from the Lottery fund to the Neligh Community Theater.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

GARAGE ENTRY AT 111 EAST 4TH STREET

Discussion was held for a request to cut the curb of two parking spaces on 4th Street for a driveway to a proposed garage. Discussion was held that 4th Street parking between Highway 275 and Main Street was often fully occupied with the neighboring restaurant and medical clinic. Discussion was held that entry to the proposed garage from the south did not provide enough room. Discussion was held for concern of removing two parking spaces. No motion was made to approve the removal of two parking spaces on 4th Street.

STREET CLOSURE FOR MOBILE FOOD PANTRY

Lyle Juracek presented a drawing to request a street closure on N Street for the monthly Heartland Mobile Food Pantry. He reported that Heartland's COVID requirements stated patrons were required to stay in the vehicle. He reported with cooler weather approaching, the requested plan would provide an option for volunteers to sort and box the food items inside the American Legion before patrons arrived. He reported a plan for traffic to drive east on 3rd Street and enter the south bound alley east of the American Legion for the volunteers to place boxed goods in vehicles. He requested barricades at the intersection of 2nd and N Street and 3rd and N Street. *Hughes moved to approve a street closure on N Street between 2nd and 3rd Street on the third Tuesday of each month from November through February for the Heartland Mobile Food Pantry.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

ORDINANCE 628 SETTING WATER RATES

Discussion was held for the municipal water usage rates set in the fiscal year budget. Discussion was held for the proposed water rates to become effective at the beginning of the next utility bill on October 20, 2020. *Council member Wilkinson introduced the following utility rate ordinance entitled as follows:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ESTABLISHING AND IMPOSING RATES FOR THE USE OF WATER PROVIDED BY THE CITY; 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 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 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. 628 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Hughes, Pickrel, 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 ordinances one time as prescribed by law.

RESOLUTION 2020-10 SCHEDULE OF FEES FOR 2020-2021

Clerk Klabenes reported the solid waste weighed loads rate discussed during budget workshop and the newly adopted water usage rates were updated in the presented Schedule of Fees for the 2020-2021 fiscal year. Discussion was held for reviewing the building permit, curb cutting and camping fees at a later date. *Council member Miller introduced and move for passage Resolution 2020-10 setting rates and fees for municipal services for the fiscal year 2020-2021.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

SPECIAL DESIGNATED LIQUOR LICENSES FOR CHAMBER OF COMMERCE NOVEMBERFEST

Wilkinson moved to approve the Niobrara Valley Vineyards, Loup River Distilling, Nissen Winery and Brush Creek Brewing Company special designated liquor licenses for Nov 7, 2020 Chamber of Commerce Novemberfest event at the Neligh American Legion. Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

SPECIAL DESIGNATED LIQUOR LICENSES FOR THRIFTWAY MARKET HOLIDAY SPIRIT TASTING

Wilkinson moved to approve the Thriftway Market special designated liquor license for Nov 20, 2020 Holiday Spirit tasting event. Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

ORDINANCE 629 AUTHORIZING CITY CLERK TO APPROVE SPECIAL DESIGNATED LIQUOR LICENSES

Discussion was held that the ordinance presented the City Clerk the authority to approve a special designated liquor license, however if a non-profit or new event made such a request, the application could still be presented to the City Council for consideration and approval. *Council member Wilkinson introduced the following ordinance entitled as follows:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, PROVIDING FOR APPOINTMENT OF THE CITY CLERK TO APPROVE SPECIAL DESIGNATED LIQUOR LICENSE APPLICATIONS; PROVIDING FOR CONDITIONS FOR SPECIAL DESIGNATED LIQUOR LICENSE APPROVAL; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES IN CONFLICT.

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: Wilkinson, Hughes, Pickrel, Miller. 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. 629 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Pickrel, Hughes, Wilkinson. 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.

SOFTWARE CONTRACT WITH TRIPMASTER

Clerk Klabenes presented the agreement with Nebraska Department of Transportation to purchase the technology software with TripMaster. She reported funding of the software was 100% reimbursable through the CARES ACT funds awarded to NDOT and the 100% reimbursement was available for the first 5 years of use of the technology. *Miller moved to approve the agreement with Nebraska Department of Transportation for Dial-A-Ride software contract with TripMaster for \$25,085.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

COVID TESTING POLICY

Discussion was held for considering a policy to return to work if an employee tested positive for the coronavirus. Discussion was held for the CDC guidelines for the various quarantine periods. Discussion was held that other employments, such as the schools, can not require a COVID test. It was the consensus of the council that employees musts comply with the guidance from the North Central Health District based on their individual circumstance. No action was taken.

APPOINTMENTS

Mayor Hartz recommended the re-appointment of Angie Belitz to Park Foundation for a 3-year term, Krista Schindler to the NDA and ED Board for a 3-year term and Julie Smith to LB840 Loan Committee for a 4-year term. *Hughes moved to approve the appointments presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

ECONOMIC DIRECTORS REPORT

ED Director Sheridan-Simonsen reported the Village of Clearwater was in agreement with the contract for economic development services on all conditions except for paying mileage for the Director to attend regular office hours in Clearwater which was approximately \$300. The Village of Clearwater did agree to paying 50% mileage to attend meetings in Clearwater and to pay for mileage to meetings and conferences benefiting Clearwater. She reported the ED Board supported the compromise. *Pickrel moved to approve the contract for economic development services with the Village of Clearwater with the mileage amended to include paying 50% mileage to meetings in Clearwater and business support but excluding mileage for regular office hours.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

The Director presented the Workforce Housing Plan to be used as a recruiting tool for investors. Discussion was held that the LB840 plan approved by the citizens by a vote included the parameters to incorporate the Workforce Housing Plan. *Pickrel moved to approve the Workforce Housing Plan.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

ED Director Sheridan-Simonsen reported on one Emergency Grant of \$1,500 scoring a 50/100 and meeting the minimum threshold. She reported about 3 emergency grants were still available. *Pickrel moved to approve one \$1,500 Emergency LB840 grant as recommended by the Economic Development Board.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

Sheridan-Simonsen also reported the Smeal building sale was listed at \$449,000. She reported the ED office was working with Nebraska Department of Economic Development to attract manufacturing interest. She reported 3 interested parties were looking at the facility. *Hughes moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright was absent. *Wilkinson moved to approve the September police report of 330 calls.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

CITY SUPT. REPORT

Discussion was held for the Knife River estimate for 2-inch asphalt overlay on D Street. City Supt. Donaldson reported the asphalt overlay of D Street would begin the following week. *Council member Hughes moved to accept the estimate from Knife River for asphalt application overlay to D Street for \$73,342.50.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

The City Supt. reported the downtown commercial alley paving project would begin in Spring 2021 from an update with the City Engineer. He reported excess gravel from Wylie Drive was picked up and placed in Penn Park. He reported well repairs on two wells was delayed for about 3 weeks as the parts were not available until then. The Supt. reported the concrete shaving at the pool looked great and cracks were being sealed. He reported the Park Board would like to move to a November 1st closing of the parks for the winter season. He

reported he was meeting with different recycling contact for options to form possible partnerships to process electronic and plastic recyclables. He reported on the sewer maintenance of cleaning the discharge pits and the treating of moss. He also reported he had just completed the sealant application on city hall. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes,. Opposed: None. Motion carried.

ELECTRIC REPORT

Electric Generation Supervisor Capler was absent. City Supt. Donaldson reported that NPPD would be working on the substation on October 27th and the city would be generating power during the day. *Hughes moved to approve the Electric report.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

APPROVAL OF BILLS

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:30 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 on October 13, 2020; 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 for public inspection at least twenty-four hours before the meeting; 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.

(SEAL)

City Clerk