

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
November 10, 2020

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, November 10, 2020 at 7:00 P.M. Present were Council Members Dale Wilkinson, Brent Pickrel, Leonard Miller and Ted Hughes. Also in attendance were City Attorney James McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson and news reporter Luke Jacobsen. Notice of this meeting was given in advance thereof by publication in the Antelope County News on November 4, 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 October 13<sup>th</sup> regular meeting minutes as presented.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

#### **TREASURER'S REPORT**

Clerk Klabenes reported on the first month of the new fiscal year treasurer's report and the annual expenses that are paid at the beginning of the fiscal year such as the city's insurance premium which distorts some departments total expenses with a larger percentage of expenses incurred early in the fiscal year. Discussion was held for a transfer from the Street Fund to the General fund for the negative balance General fund ended the previous fiscal year with September. *Pickrel moved to approve a transfer from the street fund to the general fund of \$33,000 for a positive fund balance.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

*Council member Wilkinson moved to approve the October 2020 Treasurers report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **NELIGH AREA COMMUNITY FOUNDATION**

Clerk Klabenes reported Al Stelling could not attend the meeting but shared information for a request from the Lottery fund to the Neligh Area Community Foundation for a donation as part of a \$300,000 challenge the Foundation was in until June 2022. She reported the challenge was for every \$2 the Foundation fundraised, a matching \$1 donation would be made into an Unrestricted Endowment Fund. Economic Development Director Sheridan-Simonsen reported the interest of about 4% off of the balance of the donations would be used for projects. Discussion was held for providing a cumulative list of organizations in the city. Discussion was held that the donated funds would not be available to do the projects, but the interest earnings off of the donated funds would be available. Discussion was held for the value of a donation amount to make a direct immediate impact in the project instead of reinvested in another tool with only the interest off of the donation at a significant smaller value benefiting the project cause. Discussion was held whether a donation from the Lottery fund could be placed in another investment tool rather than the project directly. It was the consensus of the Council to ask Al Stelling to attend the next meeting with additional information available. No action was taken and the matter was tabled.

#### **AIRPORT REGULATIONS**

City Attorney Jim McNally reported the proposed airport regulations were adopted by the Department of Aeronautics and Antelope County. He recommended the city adopt the regulations mandated by state statute by first setting a public hearing as required. *Pickrel moved to accept the recommendation of the Planning Commission to adopt airport regulations into the municipal zoning regulations and set a public hearing date for December 8, 2020 at 7:05PM.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

#### **SHOUSE STRUCTURES**

Discussion was held for structures referred to as a shouse which include a large shop or storage area with living quarters. Discussion was held that these structures were popular for lake front property to store campers, boats and 4-wheelers in a large attached garage. Discussion was held for the Planning Commission recommendation to consider an ordinance to prohibit such structures inside the city limits but allow the structures outside city limits. Discussion was held that the Planning Commission had discussed an idea for a guideline to consider with structures designed to use more storage square footage than residential space would not be permitted compared to structures with residential square footage space exceeding the shop or storage square footage would be permitted. Discussion was split with not allowing the structures in the residential

district of city limits, allowing the structures as long as no safety or nuisance issue and dependent on the guidelines for siding so the building looked like a home. Discussion was held for changing the building application with consideration for the parameters for siding, height, detailed plans and setbacks to be compatible with residential areas or going before the Planning Commission to set a public hearing to recommend the parameters for not permitting the use. City Attorney McNally reported he would prepare a revised building application with the City Supt for consideration at the next meeting. No action was taken and the matter was tabled.

### **STORAGE CONTAINERS**

Discussion was held for large storage containers to be prohibited within the residential district of the city but allowed in the commercial district for a 6-month period of time as recommended by the Planning Commission. Discussion was held for allowing the storage containers in commercial districts for construction projects up to the 6-month period of time. Discussion was held for rusted out storage containers or allowable colored containers. Discussion was held for following the Planning Commission recommendation and considering an ordinance with no visible rust in the commercial district for 6 months and prohibit in the residential district at the next meeting. No action was taken and the matter was tabled.

### **ONSOLVE FOR CODERED NOTIFICATION SYSTEM**

*Wilkinson moved to approve the 3-year agreement with OnSolve for the CodeRed notification system at a fixed price of \$4,462.50. Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.*

### **UNATTACHED OPEN AIR STRUCTURE**

Mayor Hartz reported he would like to have an ordinance to allow a pergola. Discussion was held for considering an unattached open air structure like a pergola for recreational shelter over a patio behind a residence which later becomes a storage place for a vehicle or equipment acting like a carport which is not an allowable structure. Discussion was held for considering an ordinance at the next meeting for a recreational pergola. No action was taken and the matter was tabled.

### **EAST HIGHWAY 275 WATER PROJECT FUNDING UPDATE**

Clerk Klabenos reported the City Engineer submitted an application with Water Wastewater Action Committee and the USDA for the water project along East Highway 275. She reported the USDA returned the offer for a loan of 40 years for \$2,487,100 at 1.75% fixed interest. She reported a grant application was submitted to a committee represented by Health and Human Services, DEQ, DED and CDBG and the city is awaiting the results of the grant application. Discussion was held for the annual payments on the USDA loan offer compared to bond financing at 1.5% interest. No action was taken.

### **APPOINTMENT**

With no recommendation for an appointment to the Tree Board, the matter was tabled to a later meeting. No action was taken.

### **ECONOMIC DIRECTORS REPORT**

ED Director Sheridan-Simonsen reported funds for LB840 Emergency grant funds were still available to help 3 businesses. She reported the CARC would be meeting later in the month to report to the Council at the next month's meeting. She extended a thank you to the City Supt. and crew for several improvements to the ED office. She reported the Village of Clearwater agreed to the shared economic development services contract for the fiscal year. She reported she had taken pictures of the Smeal Building and had been working on research to help market the building. She reported on a big electrical upgrade that was done on the open steel building. *Hughes moved to approve the Economic Development Director report. Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel. Opposed: None. Motion carried.*

The Director reported summer intern Lydia Behnk had worked on the Strategic Plan and the committee was working on updating pictures of the main street improvements after downtown revitalization. She reported the plan provided a strategic direction to move forward. *Hughes moved to approve the Strategic Plan. Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.*

### **POLICE REPORT**

Chief Wright was absent. *Wilkinson moved to approve the October police report of 322 calls. Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.*

### **CITY SUPT. REPORT**

City Supt. Donaldson reported on a request from Neligh Housing Authority for 2 stop signs at the north and south ends of the housing unit for traffic traveling north and south on P Street. The Supt. reported that while he was looking at the request on P Street, he saw a semi traveling southbound toward 3<sup>rd</sup> Street. Discussion was held for the elderly parking and living at the housing unit. *Wilkinson made a motion to approve 2 stop signs on P Street with one sign for south bound traffic at 6<sup>th</sup> Street and one sign for north bound traffic at 5<sup>th</sup> Street. Seconded by*

Miller. Roll call votes in favor were Miller and Wilkinson. Opposed: Pickrel and Hughes. Mayor Hartz broke the tie and voted to oppose. Motion failed.

Supt. Donaldson reported in addition to some repairs at the ED office, the Parks Dept. will be taking over the maintenance of Rainbow Fountain. He reported the inside trim at City Hall was completed and the outside trim along the south side of City Hall was on the list to be completed. Discussion was held that the City Supt. and crew had applied the weather seal to the city hall building and no water leaks had been detected. Supt. Donaldson reported he was working with individual employee meetings in working on goals and processes and creating an equipment inventory. He reported the recycling was back on track with 2 plastic trailers taken to Omaha and cleaned out. He reported on the process to fill the trailers with gaylord boxes that separate plastics and tin cans but allow more weight to be transported. Discussion was held for 4 trailers in condition to be used on the road while 2 trailers are not. He reported that glass will also be accepted at Omaha if the current glass contract does not work out. He reported on the process to haul scrap metal from the yard with Perry Smith for a shared 50/50 revenue agreement. He reported on a southside Riverside Park tree in bad shape will be removed in the next 2 weeks. He reported Penn Lake camping spots will start with favorable weather forecasted. He reported he started daily log sheets with his crew to help him learn where the labor force is at and with work comp classifications by department. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported on a vacuum excavator that works like a power washer to force water down in the ground and extract the dirt out into a 500 gallon suction tank. He presented a few bids and pictures for the item budgeted at \$30,000 and reported current quotes ranged from \$30,000 to \$47,000 from Colorado and Florida at the low end and from Nebraska at the high end. He reported this equipment could be used in all municipal departments and available to rent out to local plumber and electric contractors. Capler reported the excavator could be used on leaning telephone poles that need to be reset vertically without disrupting the dirt around the pole. *Pickrel moved to purchase the #2 vacuum excavator with a 500 gallon tank at \$47,000 for a new unit with warranty from the Electric Fund.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

The Supervisor also reported the Eastside residential project for Johnson's was done until the electricians completed their part of the project to pull wire and set meters. He reported the easement for the transformer and pole in the private driveway was ready for the owner to sign. He reported on October 27<sup>th</sup>, NPPD was on site for maintenance when the Electric Generation plant powered the city from 9:00AM to almost 4:00PM. He reported one motor was repaired with Caterpillar. *Hughes moved to approve the Electric report.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson,. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

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

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 9:02 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 on November 10, 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.

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City Clerk

(SEAL)