

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
February 11, 2020

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, February 11, 2020 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, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Mike Wright, Asst. Chief Kraig Nelson, City Clerk Danielle Klabenes, News Reporter Carrie Pitzer, Scott Keene of Piper Sandler, Kyle Overturf of AMGL, Amy and Dylan Wright, Christine Johnson, Joe Funk and Stealth representatives Klint Arnold and Kira Buol and Anna Kavan. Notice of this meeting was given in advance thereof by publication in the Antelope County News on February 5, 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 hereafter 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. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

*Council member Wilkinson moved to approve the January 14<sup>th</sup> regular and January 29<sup>th</sup> special meeting minutes as submitted.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

**TREASURER'S REPORT**

Clerk Klabenes reported FEMA awarded 75% reimbursement to the Neligh Fire Department for use of equipment during the March 2019 flood in the amount of \$11,671.39. She reported the Environmental and Historic Preservation of FEMA submitted additional questions on the Elkhorn Riverbank project at Penn Park and no update on award of the project has been made yet. *Council member Hughes moved to approve the January 2020 Treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

**RESOLUTION 2020-1 CALLING BONDS AND ORDINANCE 624 REFUNDING BONDS**

Scott Keene of Piper Sandler reported on the only callable bonds the city has with former interest rates ranging 1.85 to 3.55% which was now eligible for 1.35 to 1.75%. He reported by maintaining the next two maturity payments for 2020 and 2021, the call would present a savings of over \$12,000 and elimination of the final maturity of one year. *Council member Miller moved to introduce and move for passage Resolution 2020-1 calling former general obligation various purpose bonds of \$210,000 for redemption on the Countryside Acres Second Addition bond.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-1 adopted.

*Council member Wilkinson introduced the following refunding bond ordinance entitled as follows:*

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2020, OF THE CITY OF NELIGH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) TO REFUND CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

*And moved that the statutory rule requiring reading on three different times be suspended.* Council member Hughes seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council members voted YEA: Wilkinson, Hughes, Miller, Pickrel. 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 ordinances.

Said ordinances were then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinances*, which motion was seconded by Council member Hughes. The Mayor then stated the questions, “Shall Ordinance No. 624 be passed and adopted?” Upon roll call vote, the following Council Members voted YEA: Pickrel, Wilkinson, Hughes, 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 ordinances were adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinances in pamphlet form as prescribed by law.

#### **ADVERTISING OF AMH SERVICES IN RIVERSIDE PARK DURING THE ANTELOPE COUNTY FAIR**

Joe Funk reported he would like to utilize soft advertising of banners during the Antelope County Fair in Riverside Park to advertise Antelope Memorial Hospital services. He reported he had presented to the Antelope County Fair Board and Park Board with both boards approval. He reported the banners would be posted for the fair and removed at the conclusion of the fair. *Council member Hughes moved to approve the banner advertising for Antelope Memorial Hospital at Riverside Park during the Antelope County Fair.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

#### **PROCLAMATION OF GAMBLING AWARENESS IN MARCH**

Mayor Hartz proudly declared a proclamation for Problem Gambling Awareness for the month of March in Neligh. In the proclamation, the Mayor called upon citizens to learn more about the consequences of problem gambling and help available through the Nebraska Gamblers Assistance Program.

#### **RIVERSIDE PARK JET AGREEMENT RENEWAL**

Clerk Klabenes reported the annual agreement between the US Air Force and the City of Neligh to display the aircraft in Riverside Park was the same as previous years. She reported the insurance cost to the city was less than \$200 to provide \$10,000 coverage on the display jet. It was noted that in the event the City would decide to no longer display the aircraft, that it was the city’s expense to return the aircraft to the US Air Force. *Wilkinson moved to approve the 2020 loan agreement for displaying the jet in Riverside Park between the Dept. of US Air Force and the City of Neligh.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

#### **RESOLUTION 2020-2 EXECUTING DOCUMENTS FOR USDA GRANT**

Assistant Chief Kraig Nelson reported he was working on a grant from the USDA for the portable and in car radios and reimbursement of the in-car tablet computers that the police were required to have before December 31, 2019. He reported the grant was a 45% match city funds and 55% match USDA funds. He reported the total grant asking was \$68,000 of which 45% would be the city match. He reported the documentation presented was for the mayor and city clerk to sign and authorize the documents for the grant application. *Hughes moved to introduce and move for passage Resolution 2020-2 authorizing the mayor and city clerk to execute documents to receive United States Department of Agriculture Rural Development Financial Assistance.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended Logan Lawson to the Park Board for a 3-year term. He reported the Tree Board was seeking a volunteer to serve and encouraged anyone interested in helping beautify the area. *Hughes moved to approve the appointment of Logan Lawson to the Park Board for a 3-year term.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

## **FISCAL YEAR AUDIT 2018-2019**

Auditor Kyle Overturf of Almquist, Maltzahn, Galloway & Luth of Grand Island presented the 2018-2019 fiscal year audit. He reported the audit received an unmodified opinion which was the highest opinion the city may receive from an outside accounting firm. He reported on several financial aspects in the audit including two main sources of revenue with property taxes and TIF funds, revenues needed to cover governmental activities and an analysis over the general fund funding multiple departments. He reported on the importance of the city council scrutinizing transactions and providing oversight for further depth to internal control measures. He also reported on benchmarking calculations per capita for department budgets, revenue sources, debt, levy and fund balances. *Hughes moved to approve the 2018-2019 fiscal year audit as prepared by Almquist, Maltzahn, Galloway & Luth.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

## **ORDINANCE 623 FOR SMALL WIRELESS FACILITIES**

Kira Buol, Clint Arnold and Anna Kavan of Stealth Broadband presented a colored aerial photo plan for approximately 11 micro-pop and 13 nano-pop technology systems to extend internet services to residential and business customers by attaching access points to utility poles. Arnold reported a proposed start date of summer 2020. Discussion was held for the proposed ordinance from the League of Municipalities to be modified to fit Neligh for the application procedure, for the donated poles to the city, for a \$50 application fee and for installing one meter for each kind of technology system, or two meters total, to measure electric usage. Discussion was held for a committee of Council Member Pickrel, Electric Supervisor Capler and City Attorney McNally to work on modifying the ordinance for Council's review at the March meeting. The matter was tabled. No action was taken.

## **ECONOMIC DIRECTORS REPORT**

Economic Development Director Lauren Sheridan-Simonsen reported an extension was awarded on the Certified Leadership Government to April 1<sup>st</sup> and the Housing Trust Fund grant received an extension to March 12<sup>th</sup>. She reported a ribbon cutting was being planned for the sale and transition of Razor's Edge to Aimee Bartak as the new owner. She reported the Midwest Hemp Forum on February 21<sup>st</sup> required a pre-registration for table space and lunch. She reported a commercial building tour was being planned for April which included the Carhart storage building and former Pizza Hut. She reported a hiring committee with ED Board member Schindler and Chamber member Goracke had set dates for accepting and reviewing applications and scheduling interviews for the Assistant Director position. She reported the Assistant Director position wages would be based on experience. She reported the Ag & Home Expo booth space was sold out for the March 3-4<sup>th</sup> event. Discussion followed for a housing program with a lot cost shared, amount of home construction completion before custom selection of interior and a revolving program. It was the consensus of the council to place this discussion topic on the March agenda. *Pickrel moved to approve the Economic Development Director's report.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

Director Sheridan-Simonsen presented an estimate for a new furnace and air conditioner for the Economic Development office from Flenniken Plumbing and Heating. She reported the 40 year old system had no return air duct. *Hughes moved to approve the heating, cooling and ductwork estimate of \$6,500 to Flenniken Plumbing and Heating for the Economic Development office.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

The Director requested consideration for an electric incentive given the acronym of SEAT for Startup Expansion Attraction and Transition. She reported the SEAT incentive was originally created by former ED Director Greg Ptacek. Sheridan-Simonsen requested further review of the incentive. Discussion was held that the discounts listed in the draft needed to be updated. Discussion noted that discounts provided are overall spread out to the rest of the ratepayers in town to cover. It was the consensus of the Council to discuss further at next month's meeting. The matter was tabled. No action was taken.

The ED Director reported on a micro-façade application for signage of Insurance 365 which is matching funds from the LB840 fund as the city's match of the Downtown Revitalization grant. She reported that

approximately \$12,000 was available yet for micro-façade funds with a cap of \$1,500. *Wilkinson moved to approve the micro façade application to Insurance 365 for \$1,196.65 from LB840 matching funds.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

#### **POLICE REPORT**

Chief Wright reported the upstairs city hall remodel project was currently finished with the demo stage. He reported the electric system would need to be rewired to meet code. *Pickrel moved to approve the January police report of 331 calls.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

#### **CITY SUPT. REPORT**

City Supt. Bly was absent due to illness. Generation Supervisor Capler reported the company who was contracted to upgrade the approximately 12 water and sewer well controls had finished the install and would be returning to tweak and refine the system.

*Wilkinson moved to approve the recommendation of the Park Board to advertise for summer park and pool personnel.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

Discussion was held for parking signage in front of Wanek Pharmacy for handicap parking or 15-minute parking, as one parking stall currently had a 15-minute parking sign posted. Discussion was held that handicap parking stalls require almost 2 stalls to accommodate. Discussion was held for lunch hour traffic filled the parking on the block and occupied the 15-minute parking stall. Discussion was held for an ordinance to offer the police the enforcement measures dependent on the parking sign posted. The matter was tabled until the City Supt. could report. No action was taken.

#### **ELECTRIC REPORT**

Generation Supervisor Capler reported no major outages occurred in January. He reported 3-4 new services were completed with two more in progress and another 2 on a waiting list. He reported the generation plant was running well. *Wilkinson moved to approve the Electric report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

Council Member Wilkinson reported the ACE Board voted to return \$400,000 to 75 member communities of which the City of Neligh received \$8,736 and the largest distribution Neligh had received. He reported of the 75 communities, Neligh's distribution was 8<sup>th</sup> highest following communities with much larger populations. He reported \$4,250 of the distribution was allocated toward the CodeRed notification system leaving almost \$4,500 for a community betterment project. Discussion followed with possible community projects including camper hookups at Penn Park or a new shelter in Penn Park as a joint project with another non-profit organization. It was the consensus of the council to continue this discussion at the March meeting. No action was taken.

#### **CITY HALL REMODEL ESTIMATE FOR MAIN FLOOR**

Council Member Pickrel presented a floor plan for the east front entrance of city hall to provide a countertop meeting ADA height, a customer window and floor space to step inside city hall. He presented a cost estimate of \$4,456.61 which also included an office for the City Supt. but did not include the glass window, forced air nor key pad entry on the interior door inside city hall. Discussion was held for the vestibule to begin before warmer weather forced city personnel to focus on other outdoor projects. *Wilkinson moved to allocated up to \$4,000 for the city hall vestibule for the east side main entrance remodel.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

*Hughes moved to approve Drawdown 31 for general administration to Northeast Nebraska Economic Development District of \$1,592.14 and Drawdown 32 for project costs to New Moon Community Theater of \$25,000.00.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed:

None. Motion carried.

*Wilkinson moved to approve the bills as presented.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes, 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 9:50 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 February 11, 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 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)