

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

March 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, March 10, 2020 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Leonard Miller, Ted Hughes and Brent Pickrel. Also in attendance were City Attorney Jim McNally, Generation Supervisor Josh Capler, Economic Development Director Lauren Sheridan-Simonsen, Assistant Police Chief Kraig Nelson, City Clerk Danielle Klabenes, News Reporter Carrie Pitzer, Fire Chief Mike Mortensen and Randy Reinke. Notice of this meeting was given in advance thereof by publication in the Antelope County News on March 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 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 Hughes moved to approve the February 11th regular meeting minutes as submitted. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported the interest rate on the refinanced bonds was 1.55% on the Countryside Acres Second Addition bond. She reported the savings were just under \$23,400.00. Discussion was held for considering certificate of deposits with electric funds for 6-month and 12-month CD's at the April meeting when interest rates may stabilize. Discussion was held for the legality of electric funds used to purchase real estate. Discussion was held for electric funds used to transfer to the General fund as a surplus transfer must be budgeted for. Discussion was held for a legislative bill currently in the 2020 legislature session for electric funds used for non-proprietary functions. *Council member Hughes moved to approve the February 2020 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

ORDINANCE 623 FOR SMALL WIRELESS FACILITIES

City Attorney McNally reported the committee with Council Member Pickrel and Electric Generation Supervisor Capler had reviewed the ordinance draft. He reported that due to the telephone occupation tax in place, the option to place an electric meter on a micro and nano-pop technology system to measure electric usage was not an option but the telephone occupation tax of 5% on gross revenues would supersede. He reported the committee discussed a filing application fee of \$50 and a transfer by bill of sale for poles installed. Discussion was held for stating the fees in the Schedule of Fees instead of by ordinance for consistency with other rates and fees. The City Council was in consensus to table the ordinance to the April meeting for the City Attorney to revise with these discussion items and share with Stealth Broadband before the April meeting for consideration to adopt. No action was taken.

GRAIN BIN AWARENESS AND SAFETY EVENT

Randy Reinke presented information for a grain bin safety and awareness event at the drive-in theater for June 30th. He reported various first responder organizations, insurance companies and ag equipment manufacturer's were invited to participate to showcase their safety products. He reported the movie "Silo" would be featured which was based on a true story and estimated at \$2,500 to show. He reported the event had received one \$500 donation from Northeast Farm Bureau and he was awaiting notice of award from two grant applications for \$300 each in April. Discussion was held for seeking financial support from the ag equipment manufacturers. Reinke reported some of the supporters had committed labor assistance for the event instead of financial support. *Council Member Hughes moved to donate \$250 from the lottery fund for the event.* The motion failed for a lack of a second. The Council requested Reinke to update the council on fundraising in May to revisit the event. No further action was taken.

CHAMBER OF COMMERCE CONTRACT FOR ASSISTANT ED DIRECTOR

Clerk Klabenes reported the Chamber of Commerce had contacted the city office the day before the City Council meeting and requested to remove the agenda item at this time. She reported she was out of the office to attend a transit training on Monday and did not return before close of business on Monday to change the agenda. No action was taken.

PUBLIC HEARING FOR USDA RURAL DEVELOPMENT GRANT

Clerk Klabenes reported the next step in the police department application for financial assistance was to

publish notice of a public hearing providing an opportunity for the public to comment on the grant application. Assistant Chief Kraig Nelson reported no changes to the grant application underway. There being no public comments or concerns, *Wilkinson moved to authorize the filing of an application to the USDA Rural Development for financial assistance in the amount of \$38,200 for police car computers and radio equipment.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

FIRE DEPARTMENT AIR COMPRESSOR FROM FEMA FUNDS

Fire Chief Mike Mortensen summarized the fire department equipment used during the March 2019 flood was valued at \$15,561 by FEMA standards was offered as compensation for consumables with current federal dollars received of \$11,671 and anticipated state dollars yet to be received of \$1,945. He reported that when the projected equipment needs are reviewed, the stationary compressor was one item for consideration. He reported the current compressor was not owned by the Neligh Fire Department but was collaboratively owned among the Antelope, Boone and Wheeler County mutual aid where Neligh owned 1/10 share originally purchased in 1987. He reported the bottles at that time were rated for 2300PSI and by current standards are rated for 4500PSI for longer time frame and a safer environment. The Fire Chief reported that the air compressor was scheduled for a 2024 purchase but with the FEMA funds received, requested consideration to cost share the purchase of a new compressor. He reported the lowest bid was Fyrtek for \$16,557.22 through March 30th. He reported if the state funds of \$1,945 did not come through, he was requesting the Rural Fire to consider a split of the remaining \$4,885.83 with Neligh Fire. He reported the Neligh Fire had voted unanimously the previous night to approve. *Wilkinson moved to approve the purchase up to \$5,000 for a 3 stage 6000 PSI air compressor after FEMA funds applied and before possible NEMA state funds received and before possible shared costs with Rural Fire.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

DIAL-A-RIDE PUBLIC TRANSIT WEEK

Clerk Klabenes reported on the slate of events planned for participation in Nebraska Public Transit week including passenger appreciation, driver appreciation, a children rider day and this year a senior day on Wednesday for free rides to people aged 55 and over in the city limits. *Wilkinson to authorize and approve the Dial-A-Ride Public Transportation events for the Nebraska Public Transit week of April 5th-10th, 2020.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

APPOINTMENTS

Mayor Hartz recommended Jon Strom to the Tree Board for a 3-year term. *Hughes moved to approve the appointment of Jon Strom to the Tree Board for a 3-year term.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

LOTTERY LICENSE RENEWAL

Pickrel moved to approve the lottery license renewal for a 2-year period for the City of Neligh. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

COMMUNITY BETTERMENT PROJECTS

Discussion was held for a community betterment project in Penn or Riverside Park for approximately \$4,500 of the ACE distribution return Neligh received. Discussion was held for playground equipment or a cover on the swimming pool floor in Riverside Park and 6 electric pedestals for 11 campsites in Penn Park. Discussion was held for researching costs of rock and materials for the Penn Park camping to review at the April meeting. No action was taken and the matter was tabled.

ECONOMIC DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonsen reported façade work on the Neligh Community Theater and Wanek Pharmacy would be beginning. She reported attendance of approximately 150 at the Midwest Hemp Forum. She reported a weeknight tour of commercial properties was being planned with local realtors. She reported the deadline for applications for the Assistant Director position has been extended to allow new May graduates to apply and Northeast Community College and Wayne State College had been contacted. Discussion was held for adding Antelope County to the specific duties of the job description to match the same geographic listing for skills and the heading. She reported the Ag & Home Expo estimated attendance of 700-750 due to favorable weather allowing people to spend time outdoors. She reported the addition of speakers through the event was well received. She thanked the volunteerism from Rich Burgess and Neligh-Oakdale FFA. *Pickrel moved to approve the Economic Development Director's report.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported the Economic Development Board recommended a wage range of \$14.00-14.50 per hour for the Assistant Director position. *Wilkinson moved to approve a wage parameter of \$14.00 - \$15.00 per hour based on experience for the Assistant Economic Development Director position.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

Discussion was held for consideration of a revolving housing program with lot purchase, demolition and resale by beginning with Electric Funds to transfer to the General Fund for the purchase of real estate and the requirement for such a transfer to be listed on the state budget. City Attorney McNally presented a few statutes clarifying that a city council may authorize the transfer of utility funds to the general fund to benefit the general public of the city. Discussion was held on whether two separate funds for demolition and construction of real estate were required or should be made and the lack of separation if demolition funds were used to purchase a lot. Discussion was held for LB840 funds used for demolition and construction project. Discussion was held that the current Economic Development board serving as the Neligh Development Agency (NDA) could purchase or sell real estate with City Council approval. It was the consensus of the council for the City Attorney to review the legality of these discussion points and report at the next meeting for program development. No action was taken and the matter was tabled.

The Director requested consideration for an electric incentive given the acronym of SEAT for Startup Expansion Attraction and Transition. She reported a small business with a 2-year discount would equate to approximately \$450. Discussion was held that the incentive proposed a 10% discount in year 1 on the electric bill and a 5% discount in year 2 with regular payment of electric utilities in year 3. It was the consensus of the Council for the City Attorney to draft an ordinance for the electric incentive to consider at the April meeting. The matter was tabled. No action was taken.

POLICE REPORT

Chief Wright was absent due to illness. Assistant Police Chief Nelson reported remodeling of the City Hall upstairs for the police department was ongoing. *Pickrel moved to approve the February police report of 327 calls.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Bly was absent due to attendance at Water conference. Generation Supervisor Capler reported he had consulted with City Supt. Bly regarding the handicap parking in front of Wanek Pharmacy and recommended not placing a handicap parking in front of the store that would occupy two parking spaces. No action was taken.

Wilkinson moved to approve a community spring clean-up weekend of April 25-26 with a rain date of May 2-3 with regular fees in place. Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

Wilkinson moved to approve the City Supt. report as presented by Generation Supervisor Capler. Seconded by Hughes. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

ELECTRIC REPORT

Generation Supervisor Capler requested consideration to purchase a 2017 mini excavator from Mike Seier for \$29,500 with partial warranty available to October 2020. He reported a 2019 excavator was approximately \$38,000. He reported the Electric department would use the equipment the most but occasionally the water department or street department could utilize. He reported the equipment purchase could be substituted for an electric project this year and remain within budget. *Hughes moved to approve the purchase of a mini excavator for \$29,500 from Mike Seier.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

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

APPROVAL OF BILLS

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:50 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 March 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 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)