

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

August 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, August 11, 2020 at 7:00 P.M. Present were Council Members Dale Wilkinson, Leonard Miller, Ted Hughes and Brent Pickrel. Mayor Hartz was absent. Also in attendance were City Attorney Jim McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, Chief of Police Mike Wright and Asst. Chief Kraig Nelson, City Supt. Dean Bly, Electric Generation Supervisor Josh Capler, City Engineer John Zwingman, News Reporter Luke Jacobsen, ED Board Chairman, Andy Elder, Nebraska Economic Development Consultant Lyndsy Jenness and Tilden Legion Manager Tom Nelson. Notice of this meeting was given in advance thereof by publication in the Antelope County News on August 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. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public. Council President Ted Hughes 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.

## **LEADERSHIP CERTIFIED COMMUNITY DESIGNATION AWARD**

Lyndsy Jenness of Nebraska Economic Development presented the City of Neligh with the Leadership Certified Community Designation award. She reported the award recognized the community members to collaborate the successes from the past 5 years and the designation serves for the next 5 years. She reported the award recognizes Neligh's dedication to business retention, a strong web presence and making available and updated properties and buildings for new business prospects. Council President Hughes accepted the award from Lyndsy Jenness with ED Director Lauren Sheridan-Simonsen and Council Member and ED Board Liaison Leonard Miller.

## **APPROVAL OF MINUTES**

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

## **TREASURER'S REPORT**

Clerk Klabenes reported the wind energy costs were higher this fiscal year. City Attorney McNally explained that at the time the contract for wind power was made, it had appeared that wholesale power was going to increase and the wind power is a good alternative power supply to be diversified in. He reported that there was a lot of wind power supply available right now and until the consumption increases, the cost of the wind power to the city will probably be higher. He reported that Grand Island and Columbus had purchased power at the same time as Neligh and the city could visit with these two communities if they did not want to continue with the wind power. City Attorney McNally recommended the city to keep the wind power contract as the city was still making a profit and to study the wind power further before making any changes. *Council member Wilkinson moved to approve the July 2020 Treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

## **WATER SYSTEM PRELIMINARY ENGINEERING REPORT**

City Engineer John Zwingman reported the preliminary engineering report required for a grant application through the USDA Rural Development cost estimate was \$23,000. He reported the study should be done as the last study was performed in the early 1990's and a new study would be used for the next 10-15 years. He reported information made available that day showed the application deadline was September 30<sup>th</sup> for the Water and Wastewater Grant Program and would require considerable work among the city engineer, city superintendent and city clerk to make the filing by September 30<sup>th</sup>. The City Engineer also reported his concern that on the sewer side, the preliminary report could force the determination for new service lines instead of the rehab and maintenance performed as expenses and history of repairs will be made part of the report. The City Engineer also reported a third concern that with current low bond prices and his knowledge of contractors lack of depth of projects on the schedule for next year could also be an advantage to the city to seek bids which did not require the preliminary engineering report. He explained that the application for the grant would go through a review process several months before award notice given while the option to seek bids and bond the project without a grant but paying full project cost would allow early fall season bidding to obtain a contractor for spring construction and secure a low interest bond rate. Discussion was held that the preliminary study was beneficial for this project and future projects up to 15 years and the potential for a grant award offered up to \$200,000 savings. *Council Member Pickrel moved to authorize Advanced Consulting Engineering Services to conduct a preliminary engineering study estimated at \$23,000 for possible grant funds available through Water Wastewater Action Committee.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

## **ORDINANCE 625 ELECTRIC INCENTIVE TO NEW BUSINESSES**

*Council member Wilkinson introduced the following electric incentive ordinance entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NE-BRASKA, ESTABLISHING REDUCED ELECTRIC RATES TO ASSIST ECONOMIC DEVELOPMENT FOR STARTUP OR TRANSFERRING BUSINESSES; PROVIDING RULES AND REGULATIONS FOR THE UTILIZATION OF SUCH REDUCED RATES; REPEALING CONFLICTING ORDINANCES 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, Wilkinson, Hughes. 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 Miller. The Council President then stated the question, "Shall Ordinance No. 625 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Pickrel, 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 Council President 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.

## **PARK PLAYGROUND EQUIPMENT**

Park Board member Tonya Strom presented a cost estimate and drawings of a proposed playground equipment and area the Park Board recommended to begin fundraising for. She reported the cost estimate was \$95,674.00 and the Park Board estimated about \$50,000 for gravel, cement sidewalks, engineering and install fees for a total cost of \$150,000. She noted the playground structures that were handi-cap accessible and would have sidewalks leading to the structures. Discussion was held for using the Park Foundation or the Neligh Community Foundation under the Nebraska Community Foundation to make donations and use the tax deduction available. City Attorney McNally reported it would be simpler to make donations to the city Park Foundation. Discussion was held that this was an excellent project for the Electric fund to contribute \$95,000 toward to demonstrate the appeal of the fundraiser and ability to raise the needed funds. Discussion was held for the current budget had ear marked \$5,000 from the Lottery fund for playground equipment as this discussion was part of an earlier City Council meeting last year. *Wilkinson moved to approve a \$5,000 donation from the Lottery fund as budgeted to begin the fundraising program for the Riverside Park playground equipment recommended by the Park Board.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

## **RESOLUTION 2020-4 CITY INSURANCE WITH LARM**

Discussion was held for the city insurance estimates for the next fiscal year premium with discounts ranging from 1% to 5% and ranging from a 3-year to 6-month advance notice to leave the insurance pool. Discussion was held that public bids were made in the Spring 2017. *Council Member Wilkinson introduced and moved for passage Resolution 2020-4 approving a 3-year commitment with a 5% discount for an annual premium of \$86,965 for the city insurance policy for the 2020-2021 fiscal year.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

## **OFFICE CUSTODIAN**

Clerk Klabenes requested authorization to hire Aleesha Bergman as custodian at \$9.45 an hour following pre-employment drug testing. *Pickrel moved to hire Aleesha Bergman as City Office and Economic Development Office Custodian at \$9.45 an hour following completion of pre-employment drug testing.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

## **SPECIAL DESIGNATED LIQUOR LICENSES**

*Wilkinson moved to approve the special designated liquor licenses for Tilden American Legion on August 22<sup>nd</sup> & 23<sup>rd</sup>, Neligh American Legion on October 17<sup>th</sup> and the Neligh Chamber of Commerce for November 7<sup>th</sup>.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

## **INTER-LOCAL AGREEMENT WITH ANTELOPE COUNTY LIBRARY ASSOCIATION**

Clerk Klabenes reported the Antelope County Commissioners had met earlier that day and approved the agreement and approved to fund the Neligh Public Library for the 2020-21 fiscal year with \$4,200 which was an increase from \$3,494. *Pickrel moved to approve an inter-local agreement between the City of Neligh and the Antelope County Library Association for supporting the Neligh Public Library.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

## **APPOINTMENTS**

Mayor Hartz was absent to make such appointments therefore the appointments were tabled to the following month.

## **ECONOMIC DIRECTORS REPORT**

ED Director Sheridan-Simonsen reported on one Emergency Grant of \$1,500 scoring a perfect 100. She reported about 4 emergency grants were still available by September 1<sup>st</sup>. *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 Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

ED Board Chairman Andy Elder reported the ED Board had reviewed the Director's employment evaluation and recommended extending the contract to ED Director Sheridan-Simonsen for one year with the annual cost of living increase for city employees. *Wilkinson moved to approve the Economic Development board's recommendation for employment contract of services for the Director of one year and with the annual cost of living increase for city employees.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

Sheridan-Simonsen reported the Chamber of Commerce had verbally agreed to the proposed contract of \$14,280 annual service for up to 1,000 hours effective January 1<sup>st</sup> to December 31<sup>st</sup> 2021. Discussion was held for editing paragraph 4 for gender neutral reference and editing paragraph 2 for the 2% annual increase. *Wilkinson moved to approve the Neligh Chamber of Commerce contract with Neligh Economic Development at \$14,280 with a 2% increase in paragraph 2 with the corrections discussed for 2020-2021.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

The ED Director reported the proposed contract was presented to the Village of Clearwater at their July and August meetings where the Village Board did not take action. She reported the next Village of Clearwater Board meeting would be September 14<sup>th</sup> which fell after the Neligh City Council budget hearing for September 8<sup>th</sup>. Clerk Klabenes reported that unfortunately the Neligh City Council would have to take action on the contract prior to the September 8<sup>th</sup> meeting and prior to the Clearwater Village Board's September 14<sup>th</sup> meeting. Discussion was held that the old contract was \$12,600 and the new proposal was \$13,230 for a 5% increase for the fiscal year contract. Discussion was held that the estimated mileage cost per year is \$800 currently paid by the City of Neligh and discussion was held for consideration in splitting the mileage cost with Clearwater. *Miller moved to approve the Village of Clearwater contract with Neligh Economic Development at \$13,230 with mileage reimbursed at half of the government mileage rate beginning October 1<sup>st</sup> for fiscal year 2020-2021 pending the Village of Clearwater's approval.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

The Director also reported the DTR grant was winding up and the New Moon Community Theater bricks were being removed for the mason work to begin and the bricks in place by September 30<sup>th</sup>. Volunteers are needed to help remove the bricks. Council Member Miller reported on a \$10,000 challenge to any 9 people with a Theater Board Member starting the challenge with a \$10,000 donation to help raise \$100,000 for the theater roof and façade improvements. The Director also reported the new FFA teacher at Neligh-Oakdale schools had agreed to resume duties for fall landscaping at the Rainbow Fountain. She reported an anonymous volunteer cleaned up or removed the plantings and made a significant change in the appeal of the Rainbow Fountain. She reported her office was assisting employees of Smeal's Manufacturing with writing resumes and a meeting with the Department of Labor for workforce training and finding employment. She reported the future use of the Smeal building was a priority. She reported the ED Assistant Director would be working on an entrepreneurship program with elementary students. She presented a listing of projects that Intern Lydia Behnk worked on. The Director reported the stencil of the Old Mill District was applied to the first location at the Economic Development Office sidewalk. *Wilkinson moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

## **POLICE REPORT**

Chief of Police Mike Wright reported the police department had increased their presence in the transition zone from 50 miles an hour down to 30 miles an hour near the Deluxe Motel to deter engine brakes. He also reported that the former police department Dakota vehicle would be used by another department instead of sold. *Pickrel moved to approve the July police report of 307 calls.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

Chief of Police Wright and Assistant Chief Nelson presented financing options for the purchase of Motorola radios approved through the USDA grant. The first option was to finance through Motorola from one to 7 years with interest rates ranging from 7.95% to 4.34%. The second option was to borrow the \$49,650 from the Electric Department for the purchase of the radios with the USDA grant funds of approximately \$36,300 paid back to the Electric Department when received after October 1<sup>st</sup> and the balance of \$13,350 paid back to the Electric Dept at 0% interest. *Wilkinson moved to purchase the police car radios with the USDA grant proceeds to offset the purchase and the Electric fund to loan the balance of approximately \$13,000 with repayment by the police department at 0% interest.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

Clerk Klabenes presented the USDA grant agreement stating the police grant was eligible for reimbursement up to \$38,200. *Wilkinson moved to approve the USDA grant agreement in the amount of \$38,200*

for the police car computers and radio equipment. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

**CITY SUPT. REPORT**

City Supt. Bly reported he had obtained an armor coat estimate for Wylie Drive from Sta-Bilt Construction for \$21,291 and for Riverside Park road of \$44,180.94. He reported he talked to the State Department of Roads about the oil application discussed last month and the State Roads Department had stopped using the oil application and did not recommend it as it did not hold the road nor last and the state roads department would redo the road the following year. The Supt. reported that the armor coat application would not fix or smooth out the Riverside Park road and recommended a layer oil process like D Street if the council proceeded with the Riverside Park Road. Following further discussion, it was the consensus of the council to proceed with the Wylie Drive armor coat in the 2020-21 fiscal year budget. *Miller moved to approve the armor coat estimate from Sta-Bilt Construction Company for Wylie Drive for \$21,291 in the next fiscal year budget.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

Supt. Bly reported that after visiting with the new management at Waste Connections, the current LP Gill and Gill Hauling contracts will be honored for tonnage and hauling of solid waste. Clerk Klabenes reported that earlier that day the office had received credit for the overage paid in May and June.

The Supt. reported he had received an estimate on shaving the concrete pool deck to level out the areas where the concrete had upheaved which would be presented in the next fiscal year budget. Discussion was held for asking a consultant to offer suggestions on pool updates. Discussion was held for painting the entrances of city hall doors on the south side of the building. Compliments on the bathroom updates and cleanliness were given to the Supt. and staff. *Pickrel moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

**ELECTRIC REPORT**

Electric Generation Supervisor Capler reported no major power outages last month. He reported 2 employees were attending hot glove school that week. He reported on a project for primary northeast of town after easement were finished with boring under the road to bring access across the street. He reported he was awaiting the arrival of the temperature gauge for the generation plant to allow city electric personnel to calibrate temperature gauges on motors to meet DEQ standards. *Wilkinson moved to approve the Electric report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller Hughes, Wilkinson. Opposed: None. Motion carried.

**APPROVAL OF BILLS**

*Wilkinson moved to approve Drawdown 35 for façade improvements of \$12,131.64 to Wanek Pharmacy, \$5,750 to New Moon Theater and \$60 for general administration to Northeast Nebraska Economic Development District.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

*Wilkinson moved to approve the bills as presented.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, 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 Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Thereupon Council President Hughes declared the meeting adjourned. Time 9:21 P.M.

City of Neligh

\_\_\_\_\_  
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 August 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 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)