

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

September 8, 2020

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, September 8, 2020 at 7:00 P.M. Present were Council Members Ted Hughes, Dale Wilkinson, Leonard Miller and Brent Pickrel. Also in attendance were Deputy City Attorney Joe McNally, City Clerk Danielle Klabenes, Economic Development Director Lauren Sheridan-Simonsen, Chief of Police Mike Wright, City Supt. Dean Bly, Electric Generation Supervisor Josh Capler, City Engineer John Zwingman, News Reporter Carrie Pitzer, and Don Weinman. Notice of this meeting was given in advance thereof by publication in the Antelope County News on September 2, 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 August 11<sup>th</sup> regular meeting minutes with the correction in the Police Report to note 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 speeding instead of engine brakes and to approve the August 20<sup>th</sup> special meeting minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

### **TREASURER'S REPORT**

Clerk Klabenes reported she was working on an application for reimbursement of police wages from March 1 through May 31<sup>st</sup> through the CARES Act which was due the following week. Mayor Hartz read a thank you note from the Ball Board for the City and Ball Board working together to make the summer baseball program happen in the 2020 season. *Council member Hughes moved to approve the August 2020 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

### **2020-2021 BUDGET HEARING AND SETTING TAX REQUEST HEARING OPENED**

Mayor Hartz declared the hearing opened to hear support, opposition, criticism, suggestions or observations for the 2020-2021 budget and for the final tax request at a different amount than the prior year tax request. Time: 7:08 P.M. Clerk Klabenes reported on property tax asking, the city valuation, anticipated expenditures, municipal levy calculations, capital improvements, restricted funds and the proposed levy. City Clerk Klabenes noted that the budget hearing and levy hearing would be held at a separate meeting next year that could be on the same night or a different night than the regular September Council meeting as the Nebraska legislature made a change effective with next year's budget and levy hearings. The hearing was left opened.

### **ONE-AND-SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Hartz opened the One-and-Six Year Street Improvement Plan Hearing at 7:22 P.M. to receive oral or written comments from the general public. City Engineer John Zwingman reported how the One-and-Six plan and the NBCS reports were no longer formally submitted but required to be filed at the city office with an annual certification of compliance which would be held later in the meeting. He reported the One Year Plan featured the commercial downtown alleys between L and N Street and 2<sup>nd</sup> and 5<sup>th</sup> Street, one block of 5<sup>th</sup> Street from L to K Street and one block of 6<sup>th</sup> Street from J to H Street. He reported the Six Year Plan featured all the gravel streets. Discussion was held that D Street was not on the plan as patching of D Street was discussed at the August budget workshop. The hearing was left open.

### **RESIDENTIAL GARBAGE TOTES AND TRUCK ATTACHMENT FOR SOLID WASTE PROGRAM**

Discussion was held for the proposed solid waste truck attachment and residential garbage totes to be purchased and added to the solid waste program. Comments were shared by the audience in attendance, the City Supt. and each Council member to include consideration for retrieving the totes along the curb with property owners returning the totes up to the home, consideration for winter access to the totes, consideration for lease or sale and storage of the totes and the condition of totes after using a period of time, consideration for the truck attachment cost of approximately \$6,000 - 7,000, consideration for logistics and time allotted for garbage pickup to serve the town with existing staff and consideration for families with 4 or more members. *Council Member Pickrel moved to approve implementing the residential garbage totes with rates to be determined at a later meeting.* Seconded by Hughes. Roll call votes in favor were Pickrel and Hughes. Opposed: Miller and Wilkinson. Mayor Hartz broke the tie with a vote to oppose the motion noting concern with recycling support, comments from staff and not seeing the benefit for implementing the totes and truck attachment. Motion failed. The Council requested sending a survey to residents about the garbage totes with the utility bills.

## **LEAGUE OF NEBRASKA MUNICIPALITIES ARTICLES OF INCORPORATION AND BYLAWS AMENDMENTS**

Clerk Klabenes reported the League of Nebraska Municipalities was updating and amending their Articles of Incorporation and Bylaws. She reported the council was asked to vote "for" the amendments listed as Proposed Actions 1, 2 and 3 on the regular member ballot which was for the percentage of approvals required to approve each matter at 66 2/3% of the votes cast or 51% of the voting power whichever is less and authorize the Mayor to sign the member ballot to return by October 1<sup>st</sup>. *Pickrel moved to approve the amendments to the Articles of Incorporation and Bylaws of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2 and 3 on the regular member ballot and authorize the Mayor to sign the member ballot to return by October 1<sup>st</sup>.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

## **RESOLUTION 2020-6 WRITING OFF UNCOLLECTIBLE ACCOUNTS**

Clerk Klabenes reported on 13 accounts that the city was unable to collect due to maximum collections from credit agencies or statute of limitations exhausted. She reported on the write-off of the Neligh Care and Rehab and Emerald Healthcare utilities and noted 3 solid waste accounts due to not having contact information to further collect in absence of an approved charge account setup in advance. Discussion was held for listing the customer names on the resolution instead of by account number. Deputy City Attorney Joe McNally will advise on the legality of listing by name for future write off resolutions. *Pickrel introduced and moved for passage Resolution 2020-6 writing off uncollectible accounts for accounting purposes in the amount of \$10,858.90 for the fiscal year ending September 30, 2020.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-6 adopted.

## **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Joe McNally as representative, Josh Capler as alternate to the MEAN and NMPP committees and Council Member Wilkinson to the ACE Board of Directors. The appointment for the Park Foundation was tabled to the next meeting. *Hughes moved to approve the re-appointment Joe McNally as representative to the MEAN Management Committee and NMPP Members Council, Josh Capler as the alternate representative to the MEAN Management Committee and NMPP Members Council, and Dale Wilkinson to the ACE Board of Directors.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

*Wilkinson moved to introduce and move for passage Resolution 2020-5 appointing Joe McNally as representative and Josh Capler as alternate to the MEAN Board of Directors for a 3 year term.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-5 adopted.

## **2020-2021 BUDGET HEARING CLOSED**

There being no comments or objections heard, Mayor Hartz declared the 2020-2021 budget hearing closed at 7:50 P.M. *Pickrel moved to grant an additional 1% allowable increase in total restricted funds authority as a means of budget calculations.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

*Council member Hughes moved to adopt the 2020-2021 budget for a total expenditure requirement of \$7,562,862 and unused budget authority of restricted funds of \$190,208.17.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

## **APPROPRIATION ORDINANCE 626**

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

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE NAMED "THE ANNUAL APPROPRIATION BILL"; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE 2020-2021 FISCAL YEAR; TO PROVIDE FOR AN EFFECTIVE DATE.*

*And moved that the statutory rule requiring reading on three different times be suspended.* Council Member Pickrel 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 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. 626 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Miller, Wilkinson, Hughes. 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 2020-7 TAX LEVY FOR 2019-2020 FISCAL YEAR**

There being no comments or objections heard, Mayor Hartz declared the final tax request hearing closed at 7:58 P.M. *Council member Wilkinson introduced and moved for passage Resolution 2020-7 adopting a different tax levy from last year for the 2020-2021 fiscal year:*

<i>General Fund - \$369,892.00</i>	<i>Levy - .499917</i>
<i>Debt Service - \$189,500.00</i>	<i>Levy - .256114</i>
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<i>Total - \$559,392.00</i>	<i>TOTAL - .756031</i>

*With an assessed city valuation increase from last year of 2%. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-7 adopted.*

**ECONOMIC DIRECTORS REPORT**

ED Director Sheridan-Simonsen reported no new LB840 emergency grant applications were submitted this month. She reported the digital façade grant promotion and advertising was planned for October with \$1,000 grant to inspire brick and mortar businesses for digital program. She reported the City Attorney was working on the promissory note. She reported the Old Mill District logos from the Downtown Revitalization Plan were painted on buildings at City Hall, Wanek Pharmacy, Antelope County Museum and the Antelope County Chiropractic and Ultimate Massage Therapy Building. She reported the Rainbow Fountain landscaping clean up project neared completion with one more application of weed killer. The Director reported on an employment opportunity meeting for Smeal’s Manufacturing employees which offered services for training reimbursement of \$5,000 to 7,000 per employee. She reported the General Manager at the Snyder Smeal plan stated the company’s intentions for the building were to sell the property and access to take photos would be made available after November 1<sup>st</sup>. She reported the Chamber of Commerce was planning for Novemberfest. She also reported that the Village of Clearwater would be taking action on the contract for Neligh and Clearwater Economic Development services at the September 14<sup>th</sup> meeting. She estimated the 400 hours of service would be completed prior to September 23<sup>rd</sup> and completed by the fiscal year end of September 30<sup>th</sup>. *Pickrel moved to approve the Economic Development Director report. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.*

**RESOLUTION 2020-9 AUTHORIZING MUNICIPAL ANNUAL CERTIFICATION FOR ONE-AND-SIX YEAR STREET PLANS**

Clerk Klabenes reported a new law last year required the Council to approve a resolution that he municipality certifies an annual program of compliance to the Nebraska Board of Public Roads Classifications and Standards and authorize the Mayor to sign the certification form. *Pickrel introduced and moved for passage Resolution 2020-9 certifying the municipality compliance with the Nebraska Board of Public Roads Classifications and Standards and authorize the mayor to sign the certification form. Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-9 adopted.*

**POLICE REPORT**

*Pickrel moved to approve the August police report of 269 calls. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.*

**CITY SUPT. REPORT**

City Supt. Bly reported the community wide fall cleanup was planned for October 10<sup>th</sup>. *Wilkinson moved to approve a city-wide fall cleanup for October 10<sup>th</sup> & 11<sup>th</sup> with the Compactor and Tree Dump open Saturday regular hours of 11:00AM to 5:00PM and the Tree Dump open on Sunday from 1:00PM to 5:00PM with regular fees in place and a rain date of October 17<sup>th</sup> and 18<sup>th</sup>. Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.*

Discussion was held for contracting for a pool study for a review and recommendation on updates on aesthetics and the working parts of the swimming pool. City Supt. Bly reported that the repairs made the last few years were from pipes in the ground and not available to be seen by an onsite inspection. He reported that the repairs were detected once the pool was filled and the operation could be tested for any repairs needed after the pool sat empty through the rest of the year. Discussion was held for starting to fill the pool a week earlier with weather permitting. Discussion was held for cost estimates obtained by two engineering firms ranging from \$3,000 to \$23,000. Discussion was held that the proposed budget included concrete shaving of the deck and concrete repairs and a new burner for the boiler. No action was taken and the matter was tabled.

Supt. Bly reported that the school would like to use the ballfields for a kickball contest for upcoming Homecoming festivities. He reported he checked with the City Attorney who advised of signed waivers be submitted by all parents of students participating, similar to the summer baseball program.

*Wilkinson moved to approve the City Supt. report as presented. Seconded by Pickrel. Roll call votes in*

favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

## **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported of one major power outage last month resulting from a tree down on the east side of town not due to wind but mother nature. He reported 2 blocks were without power for the duration of the repair. He reported that in discussions with MEAN and the temperature sensor, that Neligh had met all the requirements and he would be performing the testing with the temperature sensor with MEAN one time before December 31<sup>st</sup>. He reported Neligh electric personnel could perform the test on their own thereafter. *Pickrel moved to approve the Electric report.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

## **APPROVAL OF BILLS**

*Wilkinson moved to approve Drawdown 36 for \$900.00 to Northeast Nebraska Economic Development for general administration and \$43.42 to the City of Neligh for reimbursement of publication costs.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

*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.

## **ONE-AND-SIX TEAR STREET PLAN**

There being no oral or written comments received in reference to the One-and-Six Year Street Improvement Plan, the public hearing was closed. Time: 8:24P.M. *Pickrel introduced and moved for passage Resolution 2020-8 adopting the One-and-Six Year Street Improvement Plan as prepared by Advanced Consulting Engineering Services.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2020-8 adopted.

## **SPECIAL DESIGNATED LIQUOR LICENSES**

*Wilkinson moved to approve the special designated liquor license for Neligh Fire Department on September 26<sup>th</sup> and Prairie Creek Vineyards on November 7<sup>th</sup>.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel,. Opposed: None. Motion carried.

Discussion was held for consideration of an ordinance for the City Clerk to sign special designated liquor licenses and to place the matter on the next month's agenda.

## **ORDINANCE NO 627 SETTING SALARIES AND BENEFITS**

Mayor Hartz suggested entering into executive session for the prevention of needless injury to the reputation of an individual to discuss job performance of personnel. The employee of concern had been invited to the closed session and has the right to have the discussion in public session and chose to have the discussion in open session. Discussion was held for the Police Chief's job performance when asked to do tasks, with mobile and stationary speed signs, patrol setup, and conduct in meetings with the Council.

Discussion was held for a cost of living increase of 5% for the Police Chief and Assistant Chief. Discussion was held for the relation between County Sherriff wages and duties and Police Chief wages and duties if a 5% cost of living was granted. Discussion was held for consideration of what point that the size of the police budget considers a county wide option for law enforcement. Discussion was held for a 2.25% cost of living increase for all employees across the board. *Miller moved to approve a cost of living increase to all employees at 2.25%.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller. Opposed: Pickrel. Motion carried.

*Council member Wilkinson introduced Ordinance 627 entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, SETTING AND ESTABLISHING WAGES AND SALARIES FOR OFFICERS AND EMPLOYEES OF THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020, AND CONTINUING TO AND THROUGH SEPTEMBER 30, 2021; SETTING RATES OF CONTRIBUTION TOWARD EMPLOYEES' HOSPITALIZATION INSURANCE AND RETIREMENT; 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, Hughes, Wilkinson. The following voted NAY: Pickrel. 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 Mayor then stated the question, "Shall Ordinance No. 627 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Hughes, Wilkinson. The following voted NAY: Pickrel. 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 ordinance in pamphlet form as prescribed by law.

There being no further business to conduct, *Miller moved to adjourn*. Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. 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 Klabenos, City Clerk

## CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on September 8, 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)