

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

January 12, 2021

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, January 12, 2021 at 7:00 P.M. Present were Mayor Hartz and 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, Generation Supervisor Josh Capler, Police Chief Mike Wright and Officer Darin Ternus, Library Director Jennifer Norton, City Engineer John Zwingman, News Reporter Jenny Higgins, Klint Arnold, Anna Kavan, Lyle Juracek, Don Weinman, Jared Anderson, Jeff Carr. Notice of this meeting was given in advance thereof by publication in the Antelope County News on January 6, 2021. 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 Hughes moved to approve the December 8th regular and December 30th 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 a consulting firm was working on the closeout of FEMA reimbursement for the Penn Park riverbank stabilization which the project cost was increased to include the engineering fees. She reported a receipt in December from the CARES ACT reimbursed the City of Neligh for \$56,740 for police wages from March through May. She reported the police wages were the only personnel wages eligible for reimbursement from the CARES ACT. *Council member Pickrel moved to approve the December 2020 Treasurers report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

AIRPORT REGULATIONS PUBLIC HEARING

Mayor Hartz opened the hearing for support, opposition, criticism, suggestions or observations to the proposed airport regulations into the zoning regulations. Time: 7:08 PM. City Attorney McNally presented a summary of the regulations to include the cone shaped path extended from the airport runway to restrict a specified height of new buildings within the cone path. He reported no changes were made in the proposed regulations from the previous meeting. He reported the purpose for the hearing was for public comment and an ordinance would be presented at the February meeting. The hearing was left open.

POLE AGREEMENT AND FEES

Discussion was held for a proposed 5-year pole agreement with Stealth Broadband to lease space on utility poles. Generation Supervisor Capler reported he was working with Frontier on a pole inventory in town. Klint Arnold and Anna Kavan with Stealth Broadband presented a map featuring the fiber optic communications to be installed to the home for customers within city limits. Arnold reported an anticipated start date in March 2021 using existing poles and no new pole installation. Discussion was held for setting a pole fee at \$8 per pole per year and step-up schedule that would be set within 30 days before the expiration of the first 5 year agreement. *Moved by Pickrel to set the pole fee at \$8.00 per pole per year effective January 2021 for pole agreements.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

ORDINANCE 630 FRANCHISE WITH STEALTH BROADBAND

Discussion was held for an ordinance for a 3% franchise fee and 3% revenue sharing fee for internet services. The proposed ordinance also included 3 locations for complimentary high speed internet service which were to be decided. No action was taken and the matter was tabled to the next meeting.

ANTELOPE COUNTY AG SOCIETY SEPTIC SYSTEM REQUEST

Jared Anderson and Jeff Carr from the Antelope County Ag Society presented a request for considering of a septic system at the fairgrounds for a new multi-purpose facility to replace the chicken, poultry and rabbit building. Anderson reported the project was seeking different grants which tend to award for multi-purpose over single purpose projects. Anderson reported the project was in early stages of discussion but proposed restroom services. He reported due to the location of the building, if the Ag Society were to hook up to the city sewer a lift station would be needed. He requested consideration for installing a septic system without a leachfield as used in

some residential neighborhoods in other towns. City Attorney McNally reported the current ordinances prohibited a septic system within city limits if available within 100 feet and due to the distance exceeding 100 feet, the septic system was an option without conflicting with ordinances but must be built according to state standards and certified. Supt. Dan Donaldson reported that if the council approved of the septic system and the leachfield was certified, that the space was available for the project that was building for the future. No action was taken as the Ag Society was in the initial planning of the project and the discussion offered the Ag Society options to consider as the cost estimates were put together.

MOBILE FOOD PANTRY STREET CLOSURES

Lyle Juracek reported the City Council had granted approval for a street closure through February. He reported the Heartland Mobile Food Pantry required the continuation of boxed product as currently done through the end of June. He requested the street closure be continued to the end of June. *Hughes moved to approve a street closure of N Street between 2nd and 3rd Street on the third Tuesday of each month through June 2021 for the Heartland Mobile Food Pantry.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

SEMI-ANNUAL LIBRARY STATISTICAL REPORT

Library Director Jennifer Norton reported the semi-annual statistic report was not a typical report based on a non-typical year. The Director reported the library served as a center of 4 purposes including community, education, equal access and engagement. She reported the library served various community groups for meetings, collaborating and innovating. She reported the library offered learning avenues with literary programs, tutoring and summer reading programs. She reported the library offered equal access to internet service to everyone. She reported the library continued to offer notary services and delivered materials or made available in the library entryway. She reported the North Central Health District had contacted the library as a site for offering online access to sign up for the COVID-19 vaccinations. She reported on a grant awarded from the Nebraska Library Association where 200 of 300 applications were awarded. She reported Neligh's library was recognized as 1 of 5 libraries in the American Library Association. She reported the library grant award was going toward a virtual discussion on the book titled *Kings of Broken Things* which a copy could be picked up at the library to read before the March event. *Pickrel moved to approve the semi-annual statistic informational report as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

TOWERPOINT LEASE PROSPOSAL

Discussion was held for a proposal from Towerpoint to purchase the wireless leases from Water Tower Hill for a 99-year agreement. Discussion was held that Towerpoint would create the individual leases with the companies the city has leases with for exchange of a lump sum payment. It was the consensus of the council to not agree nor proceed with the proposal. No action was taken.

FFCRA EXTENSION TO MARCH 31, 2021

City Clerk Klabenes reported the extension for the Family First Corona Virus Act (FFCRA) for emergency sick and family leave was originally set to expire December 31, however Congress approved an extension available to March 31, 2021 if employers voluntarily agreed to provide such extended paid sick and family leave. She reported there were some differences in reporting the leave for the extension. Discussion noted that the office staff was short-handed for the next few months. She reported that in visiting with the auditor that other cities were electing to use their own accrued paid leave and if that leave became exhausted, to consider the employee's special circumstances if needed. Discussion was held that the employee policy allows for donated sick leave to another employee if an employee first exhausts all of their own paid leave. Discussion was held that the FFCRA leave was available to provide up to 80 hours of paid sick leave separate from accrued sick leave if an employee contracted the corona virus, had to care for a family member or had to stay home to school children if school were to close. Discussion was held that the 80 hours of paid sick leave was a one time benefit since the creation of FFCRA and the extension to March 31 did not provide an additional 80 hour benefit. *Miller moved to elect to extend the FFCRA emergency sick and family leave to March 31, 2021.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

APPOINTMENT

No appointments were recommended.

ECONOMIC DIRECTORS REPORT

ED Director Sheridan-Simonsen reported the first application for the Attraction, Startup and Transition (AST) Business Electric Incentive program was submitted. She reported the ED Board recommended approval for the 2-year electric incentive approved by ordinance for 10% discount in the first year and 5% discount in the second year. *Pickrel moved to approve the AST Electric Incentive application for DB Construction for 2 years for an electric discount.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported on the first digital façade grant application submitted by Antelope County Historical Society for a website including virtual tours. She reported the grant request of \$1,000 was for a total project of \$3,900. *Pickrel moved to approve the ED Board recommendation for the Digital Façade application for Antelope County Historical Society for a website for a \$1,000 grant.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

The Director reported the LB840 Loan Review Committee recommended an LB840 loan of \$30,000 to River Mill Coffee Company on a 15-year term at 3.25% interest with the city taking the subordinate lien. She reported the new business would offer specialty coffees, to go meals, a drive thru and quiet meeting space. She reported the business included a purchase of the existing Cabin Bottle Shop and expansion connecting the two neighboring buildings together. She reported the business matched the plans included in both the Comprehensive and Strategic plans. *Pickrel moved to approve the recommendation of the LB840 Loan Review Committee for a 15-year loan at 3.25% interest for \$30,000 to River Mill Coffee Company.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

The Director also reported continuation on the Entrepreneurship program in process. She reported a new Neligh room was being planned for construction inside the first Marriott Tribute hotel to be called The Scarlet Hotel planned for an opening of August 2nd in Lincoln. *Hughes moved to approve the Economic Development Director report with the correction of the digital façade grant from \$1,500 to \$1,000.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright presented a copy of what a two-man officer schedule would look like, noting the 48 and 72-hour shifts. Discussion included a consensus for hiring a 3rd officer, noting the difficulty in an officer taking time off on a two-man schedule, noting loss of coverage equates to increase in crime, noting officers must be at mental sharpness at both the beginning and end of a shift, noting the fiscal year budget included 3 officers and noting young adults surveyed on having a safe community to return home to. *Pickrel moved to authorize the police department to take applications for a police officer to submit to the City Council.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

Pickrel moved to approve the December police report of 246 calls. Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Donaldson presented a cost estimate to repair the well 57-1 of \$19,884.00 with \$9,692 of well maintenance. He reported following the VFD install, the pump would not start. Discussion was held for the schedule to repair all wells. *Hughes moved to approve the Sargent Drilling cost estimate of \$19,884.00 for well 57-1.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

The Supt. requested consideration to mill concrete for approximately 5,000 tons at \$8.25 per ton. He reported the grinding was cheaper than gravel by \$4 per ton and concrete millings offered a better and longer road surface. He reported the tree dump and compactor roads were of interest to place the concrete millings. Discussion noted a 2,000 ton minimum quantity to mill. Discussion included use of millings in the alleys with washouts and in potholes with gravel. Discussion noted previous selling of concrete millings but this quantity would be used by city street repairs. *Hughes moved to approve grinding the concrete millings estimated at 5,000 to 6,000 ton for city inventory and street repairs.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

Supt. Donaldson reported Tinsley's had a 1991 Ford dump truck with 11 foot plow and box with 45,000 miles, no wheel rust, diesel and rotating blade delivered for \$16,500 which was under the fiscal budget. He reported the old dump truck would be kept for use with the sprayer. *Hughes moved to approve the purchase of the dump truck from Tinsley's for \$16,500 for snow removal.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

City Engineer John Zwingman presented projects from the preliminary study for water and sewer extensions in the east annexation of Highway 275. The water projects included an addition to generation of well 73-1 that would not serve the east annexed area estimated at \$56,000; distribution 1 project from 2nd and G Street east to 2nd and H Street and south to the highway estimated at \$195,000' and distribution 2 project for a 10" line for the extension on Highway 275 estimated at \$1.5 million. The sewer project included a lift station to serve Highway 275 of \$500,000 and if extended north estimated at \$300,000. Discussion was held that the timeframe to seek bids was this spring for a project to be in the fall 2021 or spring 2022. Discussion noted that firm numbers of the project cost were needed by August 1st for fiscal budget planning for 2021-2022. Discussion noted that the engineering work done before a grant and loan proposal came forward from WWAC would not affect the grant. It was the consensus of the council to discuss a contract and plans and specs at the next meeting. No action was taken.

Hughes 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 work on a triplex for new services and work on street

lights. He reported with maps available, utility personnel would be working on a pole inventory for any necessary replacements before Stealth Broadband attached aerial services for fiber optic communications. Discussion was held for city personnel tree trimming for trees in electric lines and within the right of way. He reported the generation plant was working great. City Attorney McNally reported MEAN had notified him of a line loss charge that NPPD would begin billing the city for coming from the large sub station south of town. *Pickrel moved to approve the Electric report.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

AIRPORT REGULATIONS PUBLIC HEARING

There being no public comments, the public hearing was closed. Time 9:43PM. An ordinance will be presented at the February meeting.

APPROVAL OF BILLS

Pickrel moved to approve Drawdown 37 for General Administration expenses to Northeast Nebraska Economic Development District for \$240. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:45 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 on January 12, 2021; 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.

City Clerk

(SEAL)