

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

May 11, 2021

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, May 11, 2021 at 7:00 P.M. Present were Mayor Hartz and Council Members Ted Hughes, Dale Wilkinson, Leonard Miller and Brent Pickrel. 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, City Engineer John Zwingman, Police Chief Mike Wright, News Reporter Kelli Garcia, Don and Vicki Moser, Sid and Sharon Charf and Josh Mitchell. Notice of this meeting was given in advance thereof by publication in the Antelope County News on May 5, 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 Wilkinson moved to approve the April 13<sup>th</sup> regular meeting minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

## **TREASURERS REPORT**

Clerk Klabenes reported the April treasurer's report included audit footnotes for the special assessments and Paving account. She reported the first payment to MEAN for the February 2021 invoice was reflected in the Electric Fund balance. Mayor Hartz noted that the taxpayer's electric rates were set by the City Council by ordinance. The clerk reported no update or further correspondence was heard from FEMA for project closeout on the Elkhorn Riverbank restoration at Penn Park. She reported a webinar was scheduled for the following day for an update on the American Rescue Plan funds Neligh may be eligible for, originally estimated at \$250,000 for possible water and sewer infrastructure. *Council member Hughes moved to approve the April treasurers report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

## **PLANS, SPECS AND COST ESTIMATE FOR WATER & SEWER IMPROVEMENT PROJECT**

City Engineer John Zwingman presented plans, specs and cost estimate for five water projects and one sewer project. He reported notice of a funding package was to be announced before the end of the month. He estimated a combination of state revolving loan funds and community development block grant funds may be considered for the projects. He recommended postponing advertising for the project bids until the financing package was known to incorporate any federal requirements such as Buy American regulations, which would affect bid prices. Discussion was held for holding a possible special meeting at the end of the month pending the date of a funding package announced. He reported a price increase of 25% on materials due to tariffs removed, pipe price increases and the ability to ship the parts. The City Engineer recommended to bid water projects 1, 2 and 3 with the sewer project as a base bid and the water projects 4 and 5 as alternate projects. No action was taken.

## **REQUEST FOR DRIVEWAY MAINTANCE AT 105 D STREET CONDOS**

Real Estate owners Don and Vicki Moser and Sid and Sharon Charf were in attendance to request maintenance of the driveway for the condominiums for snow removal and grading. Don Moser reported on the water drainage along the side of the property following snow removal and gravel filling in the ditch and culvert. City Attorney McNally reported on the process for a driveway to become plat and dedicated by an Engineer and reviewed by the Planning Commission and City Council to become a public street. He reported the current driveway would remain as private property and the property owner's responsibility until such plat and dedication was made. Discussion was also held that paving of the driveway could have special assessments after plat and dedication was made. Discussion was held that the property owners could request the city to maintain the driveway with costs billed for each occurrence as a temporary solution until plat and dedication was made. Discussion was held for the City Supt. to look at the south entrance. No action was taken.

## **NELIGH YOUNG MEN'S CLUB FIREWORKS DISPLAY AND DONATION**

Club member Josh Mitchell reported the Neligh Young Men's Club was planning all the 2021 Old Mill Days activities in full force this year beginning with a pancake feed on June 27<sup>th</sup> and requested donated use of the Riverside Park Pavilion. He reported the club received authorization from the State Fire Marshall to display the fireworks and requested use of the Fred Penn Park as done last year. He requested consideration for a donation for the show. He also reported the club was working on a bigger show for the club's 50<sup>th</sup> year in 2022 and was

considering coinciding with Neligh's Q150 for 2023. *Wilkinson moved to approve the Neligh Young Men's Club use of the Pavilion on June 27<sup>th</sup> for a pancake feed, to approve to display fireworks on July 4<sup>th</sup> in Fred Penn Park and approve a donation of \$4,500 for fireworks from the Electric fund.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried. Mayor Hartz thanked the members of the Neligh Young Men's Club for all the activities they do.

#### **PUBLIC HEARING FOR ZONING REGULATIONS FOLLOWED BY ORDINANCE NO. 632**

A public hearing was held for hearing support, opposition, criticism, suggestions or observations to the proposed zoning regulations regarding shouse structures, shipping containers, pergola and gazebo structures. Discussion was held that the regulations were the results of 6 months of work from the Planning Commission and City Council. There being no public comments, *Council member Wilkinson introduced the following zoning ordinance as follows:*

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA TO AMEND THE DEFINITIONS OF THE CITY ZONING ORDINANCE TO INCLUDE THE WORDS AND DEFINITIONS FOR "SHOUSE", "SHIPPING CONTAINER" "PERGOLA" AND "GAZEBO"; TO PROVIDE REGULATIONS FOR THE CONSTRUCTION AND PLACEMENT OF SHOUSES', SHIPPING CONTAINERS, PERGOLAS AND GAZEBOS WITHIN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT AND TO PROVIDE AN EFFECTIVE DATE.

*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: Miller, Wilkinson, Hughes. 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 Hughes. The Mayor then stated the question, "Shall Ordinance No. 632 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Miller, 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 ordinances one time as prescribed by law.

#### **NETWORK INTEGRATION TRANSMISSION SERVICE AGREEMENT WITH SOUTHWEST POWER POOL**

Discussion was held for the proposed agreement provided Neligh's use for transmission services with Southwest Power Pool through April 30, 2027. *Council member Hughes moved to approve the Southwest Power Pool Agreement for Network Integration Transmission Service between Southwest Power Pool and the City of Neligh.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

#### **APPOINTMENT**

Mayor Hartz recommended the re-appointment of Sheila Parks to the Tree Board for a 3-year term and the appointment of Aimee Bartak to fill an unexpired term and a new 4-year term to the Library Board. He recommended the list of members and appointments of officers for the Jaws of Life and Fire Department of: Jaws of Life – Logan Lawson, President; Jason Finch, Vice President; Joseph McNally, Treasurer; Dennis Schwager, Secretary; Doug Haselhorst, Captain; David Jacobsen, Captain; Cris Kurpegweit, Captain; Fire Department – Mike Mortensen, Chief; Dave Jacobsen, Assistant Chief; Jason Krebs, 1<sup>st</sup> Captain; Ryan Lichtenberg, 2<sup>nd</sup> Captain; Matt Henery, 3<sup>rd</sup> Captain; Blake Mooney, President; Eric Maple, Vice President; Steve Arehart, Treasurer; and Colten Marsh, Secretary. *Wilkinson moved to approve the appointments as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

#### **PUBLIC PARKING SIGN AT STATE FARM INSURANCE AND CROSSWALK AT CITY HALL**

Mayor Hartz reported he was checking on right of way rules for public parking sign placement. He reported the parking lot was a public parking lot as part of the tax increment financing agreement. Discussion was held that the public does not know the parking lot is a public parking lot. No action was taken as state regulations are being researched for signage.

Mayor Hartz also noted that as pedestrians including children try to cross 2<sup>nd</sup> Street that the traffic would not stop for them and he would like consideration for a crosswalk for better visibility and recognition to allow south bound walkers. Discussion was held for cross walk placement on both sides of main street to the south and for crosswalk placement from the Cowboy Trail diagonally to the Cowboy Trail. *Council member Pickrel moved to paint and mark three crosswalks across 2<sup>nd</sup> street with one crosswalk on the east side of Main Street going south, one crosswalk on the west side of main street going south and one crosswalk west of city hall extending diagonally from the Cowboy Trail to the south to join to the Cowboy Trail.* Motion failed due to lack of a second. *Council member Hughes moved to paint and mark a crosswalk across Main Street to City Hall, one cross walk from City Hall south to the Cowboy Trail and one crosswalk west of City Hall going diagonally from the Cowboy Trail across 2<sup>nd</sup> Street to the Cowboy Trail.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel,

Wilkinson, Hughes. Opposed: None. Motion carried. Discussion was held for the City Supt. to work with the State of Nebraska for placement of the speed sign along east Highway 275 approaching Lucky Joe's store.

## **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonsen reported the application for the History Nebraska grant was submitted for the walking tour app for Neligh's historic landmarks and structures. She reported the Educational Service Unit #8 will be presented an award on May 24<sup>th</sup> from Nebraska Mainstreet Network for their façade improvement project. She reported the Entrepreneurship contest was extended to June 30<sup>th</sup> to allow for college finals to complete. The Director thanks City Supt. Donaldson and Amanda Elder for the work and design of the updated Rainbow Fountain, and thanked the Neligh-Oakdale FFA for plantings and future maintenance assistance.

Director Sheridan-Simonsen reported the Economic Development board recommended a digital façade grant of \$1,000 to River Mill Coffee Company. *Pickrel moved to approve the Economic Development Board's recommendation for a digital façade grant of \$1,000 to River Mill Coffee Company.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

*Pickrel moved to approve the Attraction, Startup and Transition application for River Mill Coffee Company for two years with a 10% electric discount the first year and 5% electric discount the second year to coincide with the utility billing cycle.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

*Wilkinson introduced and moved for passage Resolution 2021-4 approving an application to create a mobile walking tour app for the Certified Local Government.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

Discussion was held for 5 designs for welcome banners to replace the faded and deteriorated along Highway 275, Highway 14 and Wylie Drive. Discussion was held for shared cost with two organizations. It was the consensus of the council for the Welcome banner keeping the established 1873 date and removing the Q150 date of 2023. *Pickrel moved to approve partnering with the Neligh Area Community Foundation and the Antelope County Visitors and Promotion Fund for a shared cost up to a maximum of \$1,500 from the Lottery Fund.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Motion carried.

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

## **POLICE REPORT**

Police Chief Wright reported the Nebraska Department of Roads District 3 Engineer was close to providing a decision and state plan for a speed sign along the Highway 275 curve near Lucky Joe's Store. He reported he would like to revisit the concerns for reduced speed along west Highway 275 inside city limits near Bomgaars. He reported he would like consideration for the engine brakes sign along Highway 14 to move north along the hill.

*Wilkinson moved to approve the April police report of 346 calls.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

## **CITY SUPT. REPORT**

City Supt. Donaldson began his report with a thank you to the electric utility team for all the locates coming in from multiple projects. The Supt. thanked Utility Billing Clerk Jennifer Pellatz for her assistance on monthly newsletters in informing the residents and offering a refresher on city policies. The Supt. reported the city was working on the shade for a north baseball field and the Ball Board was working on the shade for the south baseball field. He reported on 2 triangle shades to be installed at the baby pool to be secured with ropes for safety. He reported he was pleased with the concrete crew and their work on the alleys as they have been great to work with and finish one alley completely with landscaping before moving on to the next alley.

The Supt. presented a One-and-Ten Year Water Study for review. It was noted that the current water and sewer improvement project would complete several of the projects listed. He reported future consideration with the City Engineer's recommendation will include electronic mapping of water and sewer lines which will tie in with the electric line remapping underway so the expense can be split between 3 departments. *Wilkinson moved to approve the One-and-Ten-Year Water Study as presented by the City Superintendent.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

Discussion was held for two rules and a change of opening pool hours proposed by the Pool Manager and Park Board. The rules included children 6 years and younger must be accompanied by someone 12 years or older and the older swimmer must stay with the younger swimmer at all times, and children must be 7 years or older to come to the pool unsupervised. The proposed pool opening hours would change from 1:00 to 8:00PM to 1:00 to 7:00PM. *Wilkinson moved to approve two rules for age of children swimming at the pool unsupervised and to set the operating pool hours from 1:00PM to 7:00PM as recommended by the Park Board.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

Supt. Donaldson reported on a request for a stop sign to be added to the east bound traffic on P Street at the intersection of 3<sup>rd</sup> and N Street. He reported that for a southbound car at 3<sup>rd</sup> and N Street and with the curve shape of P Street that a southbound car must pull out into 3<sup>rd</sup> Street to see around the Carhart Lumber building. Discussion was held that this intersection was similar to intersections where a car must pull ahead to see around

a shrub. No action was taken.

The Supt reported on an estimate from Don Zegers Contracting for curb replacement at Pinnacle Bank with the city asked to pay for a portion of the curb replacement. Discussion was held for having a contractor hired with a local main street business to do the curb replacement at the same time as the sidewalk for the main street business. Discussion was held that the ESU #8 paid for their curb replacement without city contribution. Discussion was held for moving the handicap parking north of the bank on 4<sup>th</sup> Street to a Main Street location east of the bank. Discussion was held for replacing the curb with a consistent design as used at the ESU #8 building for main street uniformity. *Council member Pickrel moved to approve paying the curb estimate proposed from Don Zegers Contracting of \$4,650.00 for curb replacement at Pinnacle Bank with the conditions that the curb must match the ESU #8 curb and move the handicap parking stall to Main Street.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

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

#### **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported the electric department was keeping up on an abundance of locates called in. He reported the Penn Park campground pedestals were set and the dead trees were removed. He reported the wire would be pulled and transformer set next. He reported the 2021 season would have the sites used on open grass with next year's plan to use crushed concrete for marking out the camping spots. He reported a voltage recorder was used north of town to detect and correct an electrical imbalance. Discussion was held for an email notification system from MEAN in the event Neligh would be asked to generate power. Supervisor Capler reported he was working with JEO on the electric mapping. *Pickrel moved to approve the Electric report.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

*Wilkinson moved to approve Drawdown 38 of \$870 to Northeast Nebraska Economic Development District for general administration of the Downtown Revitalization grant.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

*Pickrel moved to approve Pay Application 1 to Elkhorn Paving for 2020 Paving Improvements of \$135,377.78.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

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

Discussion was held for paying the balance of the February MEAN invoice with Electric cash funds of \$500,000 and seeking a loan with Pinnacle bank for the balance of \$486,000. Discussion was held that MEAN had offered 60 days to pay the \$1,485,000 invoice which was dated March 15<sup>th</sup>. Discussion was held that the City of Neligh could not enter into arbitration with MEAN unless the invoice was paid in full according to state statute. Discussion was held for payment terms. *Pickrel moved to approve a payment of \$500,000 to MEAN for the February invoice from Electric cash funds.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

*Hughes moved to approve entering a loan with Pinnacle Bank for \$486,000 on an annual basis at 2.75% interest for 36 months for an annual payment of \$169,306 with no collateral offered and authorized by the Mayor and City Clerk/Treasurer to sign.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

There being no further business to conduct, *Hughes moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:25 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 May 11, 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)