

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
July 13, 2021

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, July 13, 2021 at 7:00 P.M. Present were Mayor Hartz and Council Members Dale Wilkinson, Leonard Miller, Ted Hughes 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, Police Chief Mike Wright, News Reporters Kelli Garcia and Brian Beach, Don Weinman, Jay Spearman and Wendy Bolling. Notice of this meeting was given in advance thereof by publication in the Antelope County News on July 7, 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 June 8<sup>th</sup> regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.*

#### **TREASURER REPORT**

Clerk Klabenes reported the first ½ “tranche” payment from the American Rescue Plan Act was anticipated for deposit later in the week for approximately \$132,829.30. She reported the south baseball field bleacher shade project was reimbursed by the Nebraska Community Foundation for \$3,854 and the FEMA reimbursement for the Penn Park Elkhorn Riverbank stabilization was received for the amount \$129,572. *Council member Hughes moved to approve the June treasurers report as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.*

#### **RESOLUTION 2021-7 CALLING BONDS FOR PAYMENT**

##### **ORDINANCE NO 633 ISSUING REFINANCED ELECTRIC UTILITY REVENUE BONDS AT A LOWER INTEREST RATE**

Jay Spearman of Piper Sandler reported the Electric Utility Revenue Bonds were callable in November. He presented a refunding analysis showing \$102,000 in savings with most of the savings taken in September 2022. He reported the current average interest rate was 2.5% and the new average interest rate was .90%, however after cost of issuance the average interest rate was 1.09%. He reported the net present value benefit was 6.667% where above 5% is a good measure. He also reported that the current certificate of deposits required to be held during the life of the bond may be cashed in upon the call on the bonds and no longer be restricted to the bond. Clerk Klabenes reported the current value of the investments was \$219,882.00. *Council member Hughes introduced and moved for passage Resolution 2021-7 calling 2016 Electric Utility Revenue Bonds for payment. Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-7 adopted.*

*Council member Wilkinson introduced Ordinance 633 entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, NEBRASKA, AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS OF THE CITY OF NELIGH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000), FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2016; AUTHORIZING THE OFFICERS OF THE CITY TO ESTABLISH THE FINAL TERMS OF SUCH BONDS WITHIN CERTAIN PARAMETERS; PROVIDING FOR NECESSARY RESERVE FUNDS, IF ANY, AND PAYING COSTS OF ISSUANCE OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE ELECTRIC PLANT AND DISTRIBUTION SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID ELECTRIC SYSTEM; AUTHORIZING THE AUTHORIZED OFFICERS TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; APPROVING POST-ISSUANCE TAX COMPLIANCE POLICIES; REPEALING ANY CONFLICTING ORDINANCES AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.*

*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: Pickrel, Hughes, Wilkinson, Miller. 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 ordinances.*

*Said ordinances were then read by title and thereafter, Council member Wilkinson moved for final passage of the ordinances, which motion was seconded by Council member Hughes. The mayor then stated the question, “Shall Ordinance No. 633 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 ordinances were adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinances in pamphlet form as prescribed by law.

#### **STREET CLOSURE FOR HEARTLAND MOBILE FOOD PANTRY**

Clerk Klabenos reported the Heartland Mobile Food Pantry had provided notice that the July through December distributions were to be in boxed fashion format as done previously. She reported the request was to close N Street along the Neligh American Legion for each food donation as done previously. *Wilkinson moved to approve the closing of N Street from 2<sup>nd</sup> Street to 3<sup>rd</sup> Street for the Heartland Mobile Food Pantry for July through December 2021.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

#### **NELIGH FIRE DEPT REQUEST FOR LOTTERY DONATION FOR ATTACK RIG SPRAYER**

Fire Chief Mike Mortensen reported the Primrose Fire Department has a quick attack suppression unit with \$8,000-\$12,000 in improvements they were selling and would settle for \$5,000. He reported the unit had several advantageous features including a foam application for aviation, 1000 gallon of water with a 750 gallon per minute gun on top and a 250 gallon per minute gun in the middle. Chief Mortensen requested a donation from the lottery fund to offset the cost. Clerk Klabenos reported the Lottery fund had budgeted \$14,000 for community betterment projects with \$10,000 donation made and an increase in receipts where the lottery fund could support a \$5,000 donation. *Hughes moved to approve a \$5,000 donation from the lottery fund to the Neligh Fire Dept for the purchase of an attack rig sprayer.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

The Fire Chief also updated the Council that the ISO survey had changed to a 5-year rotation instead of a 10-year rotation originally set for 2024. City Supt. Donaldson reported that Neligh's rating would not be affected as the city was in process of a water and sewer project for the east annexation Highway 275 area and the surveyors had advised they would note the project in motion. Chief Mortensen also reported that a follow up inspection may be held after the water and sewer project is completed as a courtesy.

#### **MUTUAL AID AGREEMENT RENEWAL WITH NELIGH RURAL FIRE PROTECTION DISTRICT**

City Attorney McNally reported the renewal agreement was updated to remove the termination clause of a set number of years so as not to continue to renew every few year but retained an option for withdrawal from the agreement upon written notice. *Pickrel moved to approve the Mutual Aid agreement renewal for City of Neligh and Neligh Rural Fire Protection District.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried. Mayor Hartz thanked the fire department and the Fire Chief for the wonderful job and efforts of all.

#### **STREET CLOSURE FOR AUGUST CAR SHOW**

Wendy Bolling requested consideration for closing K Street from Highway 275 to 2<sup>nd</sup> Street for an August 21<sup>st</sup> car show event. She reported the 4 neighboring property owners were all informed and gave permission to use their properties for the car show. *Council member Hughes moved to approve a street closure from 10:00AM to 7:00PM on K Street from Highway 275 to 2<sup>nd</sup> Street for an August 21st car show.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

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

Clerk Klabenos reported the Antelope County Commissioners had met earlier in the day and approved the agreement and the same amount of financial assistance to the Neligh Public Library for the next fiscal year of \$4,200. *Council member 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 Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

#### **ONE-AND-SIX YEAR PLAN PUBLIC HEARING**

Discussion was held for street projects to consider in the One-and-Six Year Street Plan and upcoming budget to include the alley behind the Senior Citizens Center, Riverside Park Entrance, one block of Q Street from Highway 275 to 10<sup>th</sup> Street and one block of 10<sup>th</sup> Street from Q to R Street. Discussion was held for setting a public hearing date to coincide with the next fiscal year budget. *Wilkinson moved to set a public hearing for the One-and-Six Year Plan for September 14<sup>th</sup> at 7:30PM.* Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

#### **WATER AND SEWER IMPROVEMENT FINANCING PACKAGE**

Clerk Klabenos reported notice of award was not provided yet and upon receipt of such notice a special meeting may need to be called. No action was taken, and the matter was tabled.

#### **MUTUAL FINANCE ORGANIZATION INTER-LOCAL AGREEMENT**

Regina Krebs reported on the recent state statute changes to the mutual finance organization and the funding changes. She reported the statute allowed for changes to include 6 rural fire districts, all cities and all villages in the county wide agreement she was working on. She reported funds were to be spent on fire, emergency medical, operating and equipment expenditures by June 30<sup>th</sup> with distribution estimated for November 2021. She reported the agreement proposed a 3-year term as set by state statute. She reported 3 pools of funds now included a levy of .018 to stay with the fire districts, a \$10,000 grant to each participant of the mutual finance organization and a county wide fund that has historically ran approximately \$50,000 to be split between the participants based on the Mutual Finance Organization Board's discretion. City Attorney inquired on the .018 levy stated in the agreement and requested clarity on who funded and received the levy rather than an implication that the levy remained with the Rural Fire Districts. It was the consensus of the Council to have the City Attorney work with Regina Krebs to clarify the agreement and bring to the August meeting for consideration. The appointment of two members to the Mutual Finance Organization board was also tabled. No action was taken.

#### **LIBRARY DIRECTOR AND YOUTH LIBRARIAN HIRED**

Clerk Klabenes reported the Library Board had offered Amy Baker and Melissa Buller the Director and Youth Librarian positions. She reported Buller began June 22<sup>nd</sup> and Baker began June 28<sup>th</sup>. *Pickrel moved to ratify the action of the Library Board to hire Amy Baker as full-time Library Director at \$18.00 per hour and Melissa Buller as part-time Youth Librarian at \$16.00 an hour, following successful completion of pre-employment drug testing.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried. Mayor Hartz welcomed Baker and Buller to the city team.

#### **AMERICAN RESCUE PLAN ACT**

Clerk Klabenes reported the city was eligible for federal funds of approximately \$265,000 from the American Rescue Plan Act. She reported notice of half of the funds were anticipated for deposit later in the week. She reported the funds could be used for a water and sewer infrastructure. She reported the application to accept with intention to use the funds for a project was due July 2<sup>nd</sup> and the Mayor and City Clerk had submitted the application by the deadline. *Council member Pickrel moved to affirm the action of the Mayor and City Clerk in submitting application for federal funds pursuant to the American Rescue Plan Act, Coronavirus Local Fiscal Recovery Fund.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

#### **PART-TIME CITY HALL PERSONNEL**

Clerk Klabenes requested authorization to hire Kathy Heckert for 2 weeks for part-time office assistance during a staffing shortage with multiple month end and seasonal duties occurring during the same time. *Wilkinson moved to approve the hiring of Kathy Heckert for part-time office personnel at \$10.39 an hour following successful completion of pre-employment drug testing.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Ray Ahrens to the Park Foundation for a 3-year term. He reported the city was still seeking to fill one vacancy on the Board of Adjustment and asked the public for interest in serving on this board. *Hughes moved to approve the appointment as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

#### **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonsen reported Shamrock Nursery owner Del Ray was proceeding with an ownership transition to Katie Wrede after 40 years. She reported Wrede applied for a \$14,000 LB840 loan with a total project cost of \$70,000 for the Neligh location, which was 20% of the total project cost over a 5-year term. *Pickrel moved to approve the LB840 Loan Review Committee's recommendation for a \$14,000 LB840 loan to EHH Shamrock Nursery LLC.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

*Wilkinson moved to approve the Attraction, Startup and Transition (AST) electric incentive application for EHH Shamrock Nursery LLC for an electric discount for 2 years.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

The Director also shared an article from the Norfolk Daily News on Neligh's Certified Local Government. She reported the ED Board had selected a contractor with Huntrex for a 6-year contract for maintenance and app development for \$15,000. Discussion was held that updates within 3 years was an advantageous factor. She reported that the CLG board still needed 2 board members for quarterly meetings with qualifications of residing within 1 mile of the city limits and having experience in either architecture, construction or history. The Director reported a microenterprise tax credit class was scheduled for next week to assist new businesses. She reported Neligh has 4 new businesses of Adorn Boutique, Rural Route One Boutique, Elle Michael Photography and River Mill Coffee Company and soon the Burrito Loco will open a restaurant in the former Carquest building. She reported the Entrepreneurship Contest selected the winner of Stephanie Hanzel of Adorn Boutique. Mayor Hartz

complimented the Economic Development office for bringing new businesses to town. She reported the Northeast Nebraska Network meeting would be hosted in Neligh next week and include a tour of the One Room Schoolhouse, a presentation by Lindsey Ottis from AMH Senior Life Solutions and a tour of the Electric Generation plant. The ED Director and City Supt. collaborated to present a couple of grants available for pool and playground equipment and main street improvements each with a 50% match requirement as information to consider for upcoming budget planning. Discussion was held for considering a façade and signage grant for 6 new businesses at the August meeting. *Hughes moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes,. Opposed: None. Motion carried.

#### **POLICE REPORT**

Police Chief Wright reported of a donation through a charitable trust for 2500 AEDs to Nebraska police officers and the city police department would be receiving 3 new AEDs. He reported the current 3 AEDS could be serviced to other city properties. Discussion was held for ideas of placement. The Chief reported Officer Ternus would be moving to Neligh. He reported any nuisance concerns or questions should be directed to his department. He also recommended attending the living history event at the Antelope County Museum on the upcoming Saturday. *Pickrel moved to approve the June police report of 365 calls.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

#### **CITY SUPT. REPORT**

City Supt. Donaldson began his report with a big thank you to all the city crew with electrical outages, tree and debris clean up from storms, solid waste trash truck transmission issues and a replacement truck and baseball tournaments with rain and agri-lime extra duties. The Supt. reported the 5<sup>th</sup> Street paving improvement had tested for extra moisture which resulted with additional geogrid and crushed concrete to explain the change order included in the bills. He reported the contractor had finished the concrete pour with curb backfill along the sides to be completed and should open 5<sup>th</sup> Street in a week. He reported the contractor began work on the alley behind Wanek Pharmacy and would be done in 2 stages. He reported on the sewer plant inspection with Aeromod where the current software was out of date, so a priority list of changes and upgrades were supplied for budget consideration. He reported another budget consideration would include the ballfields drainage. Discussion was held for bathrooms at the north ball fields and the use of portable bathrooms during the summer ball program. It was the consensus of the council to put portable bathrooms at the north field. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported one outage affecting 4-5 customers was restored within 2 hours and 2 locations had repairs to the main primary in addition to cutting/ moving and pushing many trees. He reported the error emissions test had passed all three tests in the 2-day running of 3 motors. He reported after 5 years, all 3 motors still pass the test but do run harder, so he was obtaining estimates for cleaning and buying one extra catalyst to do so. He reported one catalyst ran approximately \$5,000 for a 24 inch by 8-inch screen. *Hughes moved to approve the Electric report.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

*Hughes moved to approve Pay Application 3 to Elkhorn Paving for 2020 Paving Improvements of \$221,198.67 including Change Orders 2 & 3.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

*Wilkinson moved to approve the current claims filed and to approve payments made for recurring claims made during the preceding month.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

#### **CITY SUPT. SALARY ADJUSTMENT FOLLOWING EMPLOYMENT REVIEW**

*Hughes moved to approve a salary adjustment for City Supt. Donaldson to a \$60,000 salary with an effective date of July 3, 2021.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried. Supt. Donaldson extended appreciation to his public works team and former City Supt.'s Lyle Juracek and Dean Bly for their guidance and assistance in his first-year transition.

#### **2021-2022 BUDGET PROJECTS, COST OF LIVING AND WORKSHOP DATE**

Discussion was held for setting a budget workshop date. No additional projects nor a cost-of-living rate were discussed. *Wilkinson moved to set a budget workshop date of Thursday, August 19<sup>th</sup> at 5:30P.M.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

#### **SET A BUDGET HEARING DATE**

Clerk Klabenes reported a new statute was in effect for the budget hearing this year which required a separate budget hearing from the regular budget meeting and could not be limited by time. She reported 3

copies of the budget must be provided for the public and a presentation held to explain the budget, which both conditions have already been in place in previous years. *Wilkinson moved to set a budget hearing date of Tuesday, September 7<sup>th</sup> at 7:00 P.M.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. Opposed: None. Motion carried.

#### **HOUSING COMMITTEE RECOMMENDATION**

Clerk Klabenes reported the Housing Committee had met to review a new CDBG loan for home improvements. She reported the loan was for a 1,002 square footage residence inspected as structurally sound for repairs deemed as minimum rehabilitation standards. She reported the application presented was for a Level-2 25% loan payback at 1% interest with a 75% forgivable loan. She reported the application requested CDBG funds from the City's revolving loan fund for \$25,000. She explained the funds available as listed on the treasurer report were currently supporting two applications with one in progress already. Discussion was held for the list of repairs to meet the minimum rehab standards and the list of priority projects. She reported that the Housing Committee recommended approval of the CDBG loan even in the absence of knowing what condition the house was in, but that each owner deserved an opportunity to go through the housing program and make such repairs. *Wilkinson moved to approve the recommendation from the Neligh Housing Committee for a new \$25,000 CDBG loan for Applicant 155.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

#### **ELECTRIC BILL ARBITRATION**

City Attorney McNally reported discussions with MEAN would try to resolve the electric bill before the end of the month and if no resolve was reached the city would have to take some action before the end of the month. He reported to avoid a special meeting, he requested authorization to proceed with arbitration. *Pickrel moved to authorize the City Attorney to proceed with arbitration with MEAN if no resolve is reached by the end of the month.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:03 P.M.

City of Neligh

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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 July 13, 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.

(SEAL)

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City Clerk