

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
February 9, 2021

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, February 9, 2021 at 7:00 P.M. Present were Mayor Hartz and Council Members Dale Wilkinson, Brent Pickrel, Ted Hughes and Leonard Miller. 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, City Engineer John Zwingman, News Reporter Jenny Higgins, Don Weinman and Joyce Allemang. Notice of this meeting was given in advance thereof by publication in the Antelope County News on February 3, 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 January 12th regular and January 13th special meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

TREASURER'S REPORT

Clerk Klabenes reported on inter-fund transfers to be made in February from Dial-A-Ride to Electric and Police in General Fund to Electric for short term loans for technology and radios. She reported on transfers to reimbursement the General fund for expenses from LB840, CDBG and Lottery funds. She reported funds were received in January from the USDA grant of \$38,200 for the police computers and radios. *Council member Pickrel moved to approve the January treasurers report as presented.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

ORDINANCE 631 ADOPTING AIRPORT REGULATIONS

Council member Pickrel introduced the following airport regulations ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ADOPTING AN AIRPORT HAZARD AREA ZONING DISTRICT; PROVIDING REGULATIONS FOR THE AIRPORT HAZARD AREA ZONING DISTRICT; 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 Hughes seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Pickrel, Miller, Wilkinson, Hughes. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter, *Council member Pickrel moved for final passage of the ordinance,* which motion was seconded by Council member Hughes. The Mayor then stated the question, "Shall Ordinance No. 631 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Wilkinson, Miller, Pickrel. 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 in pamphlet form as prescribed by law.

ORDINANCE 630 ADOPTING A FRANCHISE WITH MIDSTATES DATA TRANSPORT DBA STEALTH BROADBAND

Discussion was held for the depth of the fiber would not interfere with lawn sprinklers. Discussion was held for the 3 locations for complimentary service included the City Office, Economic Development Office and the Fire Hall.

Council member Wilkinson introduced the following franchise ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, NEBRASKA, GRANTING A NON-EXCLUSIVE FRANCHISE TO MIDSTATES DATA TRANSPORT DBA STEALTH BROADBAND, ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE, AND MAINTAIN A FIBER OPTIC COMMUNICATION SYSTEM IN THE CITY OF NELIGH, NEBRASKA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR REGULATIONS AND USE OF THE FIBER OPTIC COMMUNICATION SYSTEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS 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, Miller, Wilkinson. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinance*, which motion was seconded by Council member Miller. The Mayor then stated the question, "Shall Ordinance No. 630 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hughes, Miller, Wilkinson, Pickrel. 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 in pamphlet form as prescribed by law.

UTILITY DISCONNECT POLICY AND PAYMENT PLAN

City Attorney McNally reported the state legislature passed a bill requiring utility companies to provide three items including a payment plan to customers that could not pay the utility bill by the disconnect date, post the disconnect policy on the website and charge a reasonable disconnect or reconnect fee. Discussion was held for a payment plan to require a 50% payment before disconnect date with the utility balance due by the 10th of the following month. Discussion was held that such an arrangement could be made 3 times during a 12 month calendar year. Discussion was held that the disconnect and reconnect fees currently in place were already set at reasonable rates and to list both fees in the policy but no rate changes were needed. Discussion was held for the policy presented to be posted on the city website. *Pickrel moved to approve the utility disconnect policy and payment plan for the City of Neligh and to post such policy on the city website.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

SEMI-TRUCK AND TRAILER PARKING AREAS

Discussion was held for semi-truck and trailer parking on city streets and access to a truck and trailer before and after snow removal. Discussion was held for amending the ordinance or consideration for a different space for semi-trucks to park. Discussion was held for consideration to offer a semi-truck parking lot that was secure and off the city streets as a public service. It was the consensus of the council for the City Supt. to research suitable places in town and city property for such a lot, consider a 6-inch concrete bed, possibly electrical hookups and address the snow issue. No action was taken and the matter was tabled.

CITY PROPERTY FOR A COMMUNITY GARDEN

Discussion was held for a request from the Antelope County Extension Office to consider a community garden location for an initial planting of fruit trees with the project to evolve into a larger producing garden for donations to the food pantry. Discussion also included a community garden concept for residents without yard space to work a small garden of their own. Discussion was held for St. Francis Catholic Church property by a city well and city property north of the state department of transportation. Discussion was held for water sources available at both locations, for city personnel to not be managing the maintenance, timers on hydrants, volunteer assistance from 4-H and FFA youth and to consider future ACE contributions toward a community garden. It was the consensus of the council to request that the City Supt. design a community garden space in the city property north of the Nebraska Dept. of Transportation to utilize the space and research how other towns have set up a similar project.

APPOINTMENT

No appointments were recommended.

CUSTODIAN FOR CITY HALL AND ECONOMIC DEVELOPMENT OFFICE

City Clerk Klabenes requested consideration to hire Sherri Svatos for custodial services at the City Office and Economic Development office at \$13.00 an hour. *Hughes moved to hire Sherri Svatos as office custodian for the City Hall and Economic Development office at \$13.00 an hour following successful completion of pre-employment testing.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

PLANS, SPECS AND A COST ESTIMATE FOR WATER AND SEWER EXTENSION OF EAST ANNEX HIGHWAY 275

City Engineer John Zwingman reported a funding package was not available yet as a result of grant applications to multiple agencies that continued to review applications. He reported on multiple water and sewer projects categorized by a base project to provide the water and sewer services to the East Annexation businesses on Highway 275. He reported on 5 additional projects that would improve the water system either by the path added, eliminate short stretches of small water lines or very old water lines and improve the overall water flow system through town and to the east annex area. Discussion was held on which additional projects would have a direct impact on the current system and which projects would feed future growth or development. Discussion was held to consider all the water projects listed and the sewer main project #1 with 2 water projects as alternate projects, for utilizing electric funds or general fund investments for part of the project cost, to look at bond costs

and proceed with spring bids. Discussion was held that the legal obligation for the annexation was to provide a plan within one year, but that plan did not have a specific date to be completed by. Discussion was held that the water and sewer project could begin in late 2021 with completion in 2022 before the next ISO survey was conducted in 2023. *Hughes moved to authorize plans, specs and cost estimate for the water projects of #1, #2A, #3, #4 and #5 and sewer project #1 listed in the City Engineer's proposal and to bid as alternate water projects of #2B and #2C.* Seconded by Hughes. Roll call votes were Miller, Pickrel, Hughes, Wilkinson. Opposed: None. Motion carried.

ENGINEER CONTRACT FOR WATER AND SEWER EXTENSION OF EAST ANNEX HIGHWAY 275

City Engineer Zwingman presented a contract for engineering services for the base projects of water main #1, #2A, #3 and sewer main #1 for \$127,000. His proposal listed the engineering fees for the additional projects. He reported he would provide an amendment to include the additional projects the council authorized to prepare plans, specs and cost estimate on. *Hughes moved to approve the engineering contract with Advanced Consulting Engineering Services for the base projects listed at \$127,000 with an amendment to follow for additional projects.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

ECONOMIC DIRECTORS REPORT

ED Director Sheridan-Simonsen reported of one LB840 Emergency Grant recommended by the ED Board for \$1,500.00. The Director reported \$2,800 was left in the fund to assist businesses. *Wilkinson moved to approve the Economic Development Board's recommendation for an Emergency LB840 grant of \$1,500.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

The Director reported the ED Board was looking at another gift card match program. She reported a combined career fair for county wide students and an adult job fair was being planned for March 23rd. Discussion was held for using LB840 funds for promoting the event instead requiring a booth registration fee per business. The Director reported she recently testified at the Capitol in support of LB366 to support the Microenterprise Tax Credit and in opposition of LB74 which would end the Microenterprise Tax Credit. She reported that if LB74 would pass that all 7 existing LB840 loan business recipients would not qualify as a minimum investment is \$250,000 for eligibility. She reported 7 booths were still available for the Ag Expo in March. *Miller moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

POLICE REPORT

Chief Wright presented the January report of 272 calls. Mayor Hartz noted that he rode in the patrol car with Chief Wright earlier that day. Discussion was held for LB164 that is currently in the legislature for changing the speed limit on a state highway within the city limits for communities over 500 residents. Discussion was held for interest in testifying on LB164 if a hearing was scheduled. Discussion was held for the concern with the 65 miles per hour speed limit inside city limits and the traffic around Bomgaars.

The Police Chief also presented the offer to apply the reimbursement of police COVID wages toward a computer and body camera for the department with the remaining funds toward a generator for a well as discussed at last month's meeting. *Pickrel moved to approve the January police report of 272 calls.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Donaldson reported generators on hand were cleaned and started up for emergency preparedness plans. He reported a tractor with 1000 RPMs would be available next week to supply necessary power for the north well if needed as two other wells either had an engine or generator available to provide the necessary power. He reported the well maintenance on 51-7 was completed. He reported the tree dump was cleaned up with \$520 in recycled materials. He reported the new dump truck arrived earlier that day, but two trucks lost a clutch recently. He reported a snowpusher was purchased to assist with downtown business district cleaning, sidewalks and parking spaces and the firehall. He reported on an experimental ice melt used earlier that day. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

ELECTRIC REPORT

Electric Generation Supervisor Capler reported he had acquired and enlarged the maps from Frontier for a pole inventory of city and Frontier owned poles. He reported the high winds in the last couple of weeks had caused more power blinks and the area east of the Ag Society building had been worked on. He reported on a service interruption at the Smeal building and Quality Iron and Metal due to a pole snap from a payloader. He reported that NPPD was scheduled to do maintenance next week and shut down the sub-station and the generation plant would be generating power for the town for 3 to 4 hours. *Hughes moved to approve the Electric report.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None.

Motion carried.

APPROVAL OF BILLS

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

ACE DISTRIBUTION

Council Member Wilkinson reported \$400,000 was distributed back to ACE member communities with Neligh receiving \$8,489 in January 2021. He reported the distribution supports the CodeRed notification system and requested the remaining funds be allocated to the Penn Park campsites. *Following discussion for rock or ground concrete of 8 camp sites, Wilkinson moved to approve the ACE distribution to fund the CodeRed emergency notification system and the remaining funds to the Penn Park campsites.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

Council Member Wilkinson also reported he would be representing a booth for ACE at the Ag Expo and he was re-elected to the ACE Board. Mayor Hartz extended a thank you of appreciation for Council Member Wilkinson’s time and dedication to the ACE Board.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:24 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 February 9, 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)