

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
October 12, 2021

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, October 12, 2021 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Leonard Miller, Brent Pickrel, Dale Wilkinson and Ted Hughes. Also in attendance were City Attorney James McNally, City Clerk Danielle Klabenes, Deputy Clerk Rhonda Heithoff, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, News Reporter Kelli Garcia, Don Weinman. Notice of this meeting was given in advance thereof by publication in the Antelope County News on October 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 Wilkinson moved to approve the September 14th regular meeting and September 7th special meeting minutes as presented. Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller. Opposed: None. Abstain: Hughes. Motion carried.

TREASURER REPORT

Clerk Klabenes reported on the annual treasurer's report and noted the bond balance summary listed at the bottom. She reported the September treasurer report presented a fiscal year review and the bank summary report noted the investments and account balances per department as of September 30th. *Council member Hughes moved to approve to approve the September 2021 Treasurer's report, annual treasurer's report and annual bank summary report for 2020-2021 as presented.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

PUBLIC HEARING FOR FILING APPLICATION TO USDA RURAL DEVELOPMENT FOR FINANCIAL ASSISTANCE

Mayor Hartz declared the hearing opened to hear support, opposition, criticism, suggestions or observations for the City of Neligh to file an application with USDA Rural Development for financial assistance in the amount of \$2,135,000.00 for assistance with a water project. Time: 7:05 P.M. Clerk Klabenes reported the mayor and clerk had setup an electronic authorization account to send and receive documents for the project. The hearing was left open.

There being no oral or written comments received in reference to the filing of an application to USDA Rural Development, the public hearing was closed. Time: 8:54 P.M.

AUTHORIZATION TO INCREASE THE CREDIT CARD LIMIT

Clerk Klabenes reported the purchase of the speed sign for Highway 275 near Riverside Park could only be purchased online with a credit card, but the city credit card limit was not high enough to enable such purchase. She reported she inquired on the process to increase the credit card limit and the credit card company automatically increased the limit. The clerk requested authorization for an increase in the credit card limit on the city credit card. *Pickrel moved to authorize an increase in the city credit card limit to \$5,500 to allow for the online purchase of a speed sign.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

Discussion was held for retaining the credit card limit or dropping the limit back down to the previous \$3,500 amount. Discussion was held for a general increase in expenses and the likelihood of additional future purchases to be made available only by online transactions. *Council member Miller moved to maintain the city credit card limit at \$5,500.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

RESOLUTION 2021-13 HONORING JUNE BRAGG FOR 20 YEARS ON THE TREE BOARD

Council member Hughes introduced and moved for passage Resolution 2021-13 to honor June Bragg for serving 20 years on the Tree Board. Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-13 adopted.

RESOLUTION 2021-14 SETTING RATES AND FEES FOR MUNICIPAL SERVICES FOR 2021-2022

Discussion was held for the updated water and solid waste fees, equipment rental fees, library fees and electronic recycling item fees. Discussion was held for considering a curb cutting fee per foot. Discussion was held for considering an update to the building permit fees by dollar amount or percentage of project cost and considering an updated non-compliance fee. It was the consensus of the council to consider curb cutting and

building permit fees at a later meeting. *Council member Wilkinson introduced and moved for passage Resolution 2021-14 setting rates and fees for municipal services.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, Pickrel. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-14 adopted

APPOINTMENTS

Mayor Hartz recommended the re-appointment of Traci Jacobsen to the Economic Development Board 3-year term and the re-appointment of Dale Wilkinson to the Joint Goldenrod Hills Association 5-year term. Mayor Hartz reported that the Board of Adjustment was still looking for a volunteer to fill a vacancy. *Hughes moved to approve appointments as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

SWINGING BRIDGE

City Attorney McNally reported the matter would be tabled to next month with developments still underway. No action was taken.

ARCHERY LEASE WITH ANTELOPE COUNTY SHOOTERS CLUB AT RUSSELL PARK

City Attorney McNally recommended the lease renewal for a 1-year term instead of 2 years as a swinging bridge project was developing. The matter was tabled to next month for reviewing the lease with a 1year term listed. No action was taken.

FURNACE REPAIR AT LIONS CLUB AND BUILDING LEASE

Discussion was held for the 40-year old furnace in the Lions Club building in need of replacement. Supt. Donaldson reported the replacement furnace would include the heating and air conditioning, and included an a-coil estimated at \$5,200. Discussion was held for the building maintenance and improvements made to the building over the years. It was the consensus of the council to not change the building lease or its terms. *Council member Miller moved to fix and replace the furnace in the Lions Club estimated at \$5,200.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

RESOLUTION 2021-15 UPDATING THE EMPLOYEE HANDBOOK

Discussion was held for amendments to the employee handbook regarding overtime, lunch breaks, call backs for emergencies, responding to emergencies, educational classes away from Neligh and the drive time to such classes, volunteer services, retirement plan eligibility and drug testing policies. Discussion was held for considering snow removal as an emergency. The matter was tabled to next month for consideration of revisions discussed. No action was taken.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Director Sheridan Simonson reported on one application for \$1,000 for the digital façade grant program from the Imperial Steakhouse for a new website and online ordering options. She reported the Economic Development Board recommended the application at their meeting the previous night. *Council member Wilkinson moved to approve a digital façade grant application for \$1,000 for the Imperial Steakhouse.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Economic Development Director Sheridan-Simonsen presented a picture of the tourism app in development. She reported a photographer was selected from Albion for the photos and the city will retain rights to all photos. She reported 7 businesses have opened in 2021 with an 8th business opening soon and another prospective business in process. She reported the 2013-14 Housing Study was in need of updates and reported on a 50% matching grant through NIFA. She estimated the Housing Study to cost between \$10,000-\$15,000. She reported research was underway if the Planning Commission would be the eligible entity to file an application for such grant. It was the consensus of the council to move forward with the application through NIFA. The Director reported on a ladies night out event that the Assistant Director O'Brien was planning for later in the week with 15 participating businesses. She also reported that Assistant Director O'Brien was planning for Novemberfest featuring 4 wineries, 4 breweries, and 2 spirits. Director Sheridan-Simonson projected a video by B&B Video to share with the Council featuring the jobs and career opportunities and recruitment in Neligh. *Hughes moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

POLICE REPORT

Mayor Hartz reported that the Police Chief Wright was absent and the Chief requested discussion on a bonus for hiring a police officer be tabled to next month with the Chief could report further. The September police report was presented. *Wilkinson moved to approve the September police report of 292 calls.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Donaldson extended a kudos to the sewer, street and solid waste department personnel for maintaining the garbage and recycling collections as no work release helpers have available to assist. He reported the wastewater plant was operating better with the help some chemicals and he extended a thank you to the City of Elgin for helping in the matter. He reported on an opportunity to repair the Riverside Park road entrance with a polymer rubber based sealer for damaged asphalt which would finish that evening.

The Supt. presented an updated estimate on the swimming pool liner following last month's on site inspection. He reported the liner and recommended replacement of 12 skimmers and mobilization came to \$291,160. He reported a leak detection crew was scheduled to conduct an air test later in the week. Discussion was held for issuing a general obligation bond. *Hughes moved to proceed with the pool liner and skimmers project up to \$300,000 subject to the city attorney contacting the bond agent.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

Supt. Donaldson reported he had received a request for solar items and after visiting with Attorney Joe McNally he reported on a sample policy for renewable electric generating facilities. He requested the council consider a future resolution or ordinance to consider a ground array solar facility. Discussion was held for modifying the sample policy to fit Neligh and consider further at a future meeting. No action was taken.

City Supt. Donaldson reported on the lack of available scales for use over the weekend to bring weighed loads to the compactor. He reported on one situation where a picture text was presented with scale weights. Clerk Klabenes reported that from prior educational classes the recommendation was to obtain a ticket with letterhead, dates and weighed measurements. Discussion was held for a variety of suggestions including consideration for hours of service, ticket information and scale fees. It was the council's consensus to utilize the weighed scales available during the business hours and to obtain a ticket with a minimum of business letterhead with write in weights and dates when a business scale is not obtained. Discussion was held for paying the same scale fee to Blackstrap as charged by other weighed scales when the Blackstrap scale is used.

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported no major outages in the last month. He reported the house move went smoothly without any issues. He reported the crew was repairing curbs stops and hydrants. City Supt. Donaldson reported Capler, Kester and Knutson were doing well with keeping up with work orders and this was in line with the customer service offered. He reported the generation plant was operating well. *Pickrel moved to approve the Electric and Generation report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

APPROVAL OF BILLS

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

ARBITRATION WITH MEAN FOR FEBRUARY ELECTRIC BILL

Council Member Hughes moved to enter executive session for the protection of the public for the purpose of possible litigation. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried. Time 9:51 P.M. Also in attendance were City Attorney McNally, City Clerk Klabenes, City Supt. Donaldson and Generation Supervisor Capler. Those present for executive session met in the Council Chambers after the audience exited the room.

The council reconvened into regular session at 11:04 P.M. *Council Member Hughes moved to pursue litigation against MEAN.* Motion failed for lack of a second. *Council member Miller moved to accept the settlement offer presented from MEAN.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson. Opposed: Hughes. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 11:06 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 October 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.

(SEAL)

City Clerk