

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

November 9, 2021

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, November 9, 2021 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Leonard Miller, Brent Pickrel 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, News Reporter Kelli Garcia, Jay Spearman and Boyd Pedersen. Notice of this meeting was given in advance thereof by publication in the Antelope County News on November 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 October 12th regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

TREASURER REPORT

Clerk Klabenes reported that large annual expenses such as the city's insurance premium was paid at the beginning of the fiscal year which distorts the total expenses for the month with a larger percentage of expenses incurred compared to one month of the fiscal year completed. She reported the street fund ended the year with a negative balance and should begin with a positive balance. She requested consideration for a book transfer from the General Fund to the Street Fund to bring the Street fund to a positive beginning balance. *Council member Pickrel moved to approve a transfer from the general fund to the street fund of \$70,150.00 for a positive fund balance.* Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

Council member Hughes moved to approve the October 2021 Treasurer's report as presented. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

ORDINANCE NO. 637 AUTHORIZING A LEASE PURCHASE AGREEMENT FOR A POOL LINER

Jay Spearman of Pipe Sandler & Company presented 3 payment plans for a lease purchase to finance a swimming pool liner estimated at \$293,000. He presented a ten-, fifteen- and twenty-year repayment plan with interest rates ranging from 1% to 2.5% for the pool liner estimated to have a 25-year useful life. Discussion was held that the funds would not be needed until March or April when installation began and to save some interest expense in postponing the delivery of funds until that time. Discussion was held that the lease purchase was more economical than a general obligation bond that required a special election held at the soonest in the spring which would conflict when the work needed to be completed and a special election carried an additional \$4,000 to \$6,000 expense. Spearman reported that upon adoption of an ordinance he would begin conversations to seek a local bank and interest rate before seeking an outside investor. It was the consensus of the council to proceed with the 10-year lease payment plan and directed Spearman to pursue the 10-year option with a bank.

Council member Wilkinson moved to introduce the following lease purchase agreement ordinance entitled as follows:

AN ORDINANCE AUTHORIZING A LEASE-PURCHASE AGREEMENT RELATING TO THE PURCHASE OF A POOL LINER AND RELATED APPURTENANCES FOR USE BY THE CITY OF NELIGH, NEBRASKA; AUTHORIZING THE EXECUTION OF DOCUMENTS WITH RESPECT TO SAID LEASE-PURCHASE AGREEMENT AND PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE.

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: Miller, Hughes, Wilkinson, Pickrel. 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 Hughes. The mayor then stated the question, "Shall Ordinance No. 637 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Pickrel, Wilkinson, Miller, 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 ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance in pamphlet form as prescribed by law.

REQUEST TO VACATE AN ALLEY IN BLOCK 133

Boyd Pedersen reported on a request to vacate part of an alley in Block 133 beginning from his property line moving south to Highway 275. Discussion was held that Pedersen owned a parcel south of the alley as the alley was not a through alley. Discussion was held that two different property owners used the alley north of Pedersen and it was noted that the request for vacating the alley was to begin with Pedersen's property and travel south so as not to close or change access to the north half of the alley. Discussion was held that when an alley is closed that half of the alley goes to each owner, but the city retains utility rights. City Attorney McNally reported that to vacate an alley an ordinance would need to be presented and adopted at another meeting. He reported that once an alley is vacated and if the city would seek ownership in the future that the city would need to purchase the alley back but would continue to retain utility rights. *Hughes moved to authorize the City Attorney to prepare an ordinance to vacate part of the alley in Block 133.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

RECOMMENDATION BY PLANNING COMMISSION FOR NIFA APPLICATION

Discussion was held that the Planning Commission had met and recommended filing an application with the Nebraska Investment Finance Authority for a matching grant to fund an updated housing study. Discussion was held that the application fee was \$500, and the Planning Commission recommended submitting the fee to continue with the application. *Pickrel moved to approve the Planning Commission's recommendation to apply for NIFA grant for an updated housing study and to approve to submit a \$500 application fee.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

ARCHERY LEASE BETWEEN ANTELOPE COUNTY SHOOTERS CLUB AND THE CITY OF NELIGH

City Attorney McNally reported the lease term of 2 years was changed to 1 year as discussed last month. He reported that it appeared that the swinging bridge project may come through. *Wilkinson moved to renew the lease with the Antelope County Shooters Club with a one-year term effective November 9, 2021 to October 1, 2022.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

APPOINTMENTS

No appointments were made.

RESOLUTION 2021-15 UPDATING THE EMPLOYEE HANDBOOK

Discussion was held for the revisions discussed last month were highlighted in red. Discussion was held to clarify that all employees in all departments who perform on call duties would be required to reside within 15 minutes travel time to respond to emergencies, compared to limiting the requirement to employees with certifications. *Hughes moved to introduce and move for passage Resolution 2021-15 updating the employee handbook.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Thereupon Mayor Hartz declared Resolution 2021-15 adopted.

DECEMBER 23RD OPERATION HOURS & EMPLOYEE APPRECIATION

Discussion was held for Christmas Day fell on a Saturday this year; therefore, the holiday would be observed on Friday and municipal operations would be closed on Friday, December 24th as the employee handbook stated. Discussion was held for closing municipal operations at noon on Thursday, December 23rd with pay or without pay and use accrued vacation leave. *Hughes moved to approve closing municipal operations at noon on December 23rd.* Seconded by Miller. Discussion was then held that the motion was understood by one council member to offer the half day off with employees to use accrued vacation leave and one council member believed the motion was to offer the half day off with pay. Hughes rescinded the motion. *Miller moved to approve closing municipal operations at noon on December 23rd with pay.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller. Opposed: Hughes. Motion carried.

Pickrel moved to approve \$50 Chamber of Commerce Big Bucks to each employee for employee appreciation and to hold an employee appreciation banquet to be held in possibly January. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

HIRE A LIBRARY CUSTODIAN

Miller moved to approve the Library Board recommendation to hire Caroline Hobbs as library custodian at \$12.50 an hour effective retroactively on November 3rd. Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Wilkinson, Miller. Opposed: None. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonsen reported River Mill Coffee Company had incurred an additional \$20,000 in expenses than anticipated and the bank in first lien position had agreed to cover the increase in the loan. She reported the Center for Rural Affairs and City of Neligh was asked to agree to the

increase in the primary loan with the city maintaining a third lien position and the city loan would remain the same. *Pickrel moved to approve the increase of \$20,000 in River Mill Coffee Company's primary loan with Madison County Bank and with no change in the City of Neligh loan or terms.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

The Director also reported the annual TIF report had been submitted. She reported on a potential government funded project for an electric vehicle charging station to be located on the southside of the Rainbow Fountain. She reported more info would be shared at future meetings as updates were available. She presented pictures of Neligh attractions shared by the photographer working on the History Nebraska CLG grant. She reported the Neligh Career Fair would be held in January with all 5 county schools participating. She reported the Citizens Advisory Review Committee would be meeting in November for a semi-annual review of the LB840 program with presentation at the following Council meeting. She reported the Chamber of Commerce event of Novemberfest and the Economic Development event of Ladies Night Out were both successes and credited the Assistant Director O'Brien for her work on both. She reported the annual Parade of Lights would be held November 28th. She reported 8 requests for proposals were sent out for the housing study and the Planning Commission would be reviewing the ED Board recommendation at the Commission's meeting on December 7th. Mayor Hartz thanked both the Director and Assistant Director for their work. *Hughes moved to approve the Economic Development Director report.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

CITY SUPT. REPORT

City Supt. Donaldson reported the crushed concrete would be milled in 2 weeks for additional fill for alleys and to have available for the upcoming water and sewer project. He reported on a grant he applied for and received \$6,500 for doors and windows to secure well houses. He reported the pool leak detectors ran a camera through the pipes and found the leak and broken pipe locations including the broken line in the baby pool to explain the draining of the baby pool. He reported the northside of the pool could not be scoped because the pool chamber was cluttered with old plywood and forms left inside. He reported overall about 2/3 of the circulation pipes were in good shape and the main drain would need replaced. The Supt. reported the aerator was replaced at Penn Lake and was now operational with the light. He reported the garbage tipper was going to be installed later in the month with the residential garbage totes to begin after January 1st.

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported on a few outages over the last month. He reported due to high winds, a pole broke behind Kayton International which was changed out and fixed. He reported on a customer outage from a broken jumper wire to the east which was also fixed. Also due to high winds, he reported on a fuse blown out by NAPA that affected 2 residences. On the generation plant he reported one more maintenance test was to be completed before the end of the year to check the temperature on the stacks. He reported that following the 2-hour test run, he would be ordering and filling fuel inventory with regular diesel in preparation of the winter. *Hughes moved to approve the Electric and Generation report.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

MEAN SCHEDULING AGREEMENT SETTLEMENT

City Attorney McNally reported the document for settlement with MEAN on the February invoice would be available to sign next month. He reported that MEAN was not going to renew a scheduling agreement in April. He reported that the City Attorney and Mayor had met with another scheduling company to start a conversation with scheduling options similar to the same current situation with Southwest Power Pool now which gave the city the lowest cost of energy at a specific time of the day. He reported another option and closer in distance was scheduling with NPPD. Discussion was held that information from an electric engineer was needed to help with a scheduling proposal. *Hughes moved to authorize Dave Peterson of JEO to provide electric engineering information for the generation plant to the Florida firm for a scheduling proposal.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Pickrel. Opposed: Hughes. Motion carried.

APPROVAL OF BILLS

Discussion was held for the change orders to complete the Paving Improvements 2020 project for streets and alleys. Supt. Donaldson reported that change orders 1 – 4 were the original construction projects while change order 5 was the extra work during the construction, such as an additional curb and gutter as one example. The Supt. reported the bid for the Wanek's alley was \$75,000 but actual cost was \$20,000 more. He reported that for the project that the unit price was secured but the quantities were not secured, thus the reason for the overage and change orders. Discussion was held that the engineers estimate should be closer to actual. It was the consensus of the council that the overage on the project was excessive. *Hughes moved to approve the final pay application to Elkhorn Paving for 2020 Paving Improvements of \$132,353.90 including revised Change Order 4 and Change Order 5.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, 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 Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

POLICE REPORT

Police Chief Wright reported the that the Nebraska Department of Transportation had started the signage project with the addition of a turning lane painted on Highway 275 coming around the curve by Riverside Park and Lucky Joe’s. He reported the radar sign was to be placed below the speed sign which was noted that height of the speed sign was raised. *Pickrel moved to approve the October police report of 213 calls. Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.*

Discussion was held for offering a hiring bonus for a police officer position. Chief Wright reported after talking with other law enforcement centers and other police chiefs, that he was hesitant on a hiring bonus from mixed responses that other police chiefs experienced. He reported he had one uncertified applicant that the chief was pursuing background checks on. Discussion was held for where the officer position was advertised. Chief Wright reported the officer position was advertised on the state website for free and this was the location that all police applicants look at. No action was taken.

Mayor Hartz asked for a motion to enter executive session to review police procedures and the performance of the police chief. No motion was made.

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 8:59 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 November 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.

(SEAL)

City Clerk