

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

March 8, 2022

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, March 8, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Ted Hughes, Dale Wilkinson, Brent Pickrel and Leonard Miller. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Generation Supervisor Josh Capler, ED Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, Police Chief Mike Wright, City Engineer John Zwingman, News Reporter Kelli Garcia, Joe Funk, Brian Funk, Lyle Juracek, David Buller, Manual Parra and Bruce Phillips. Notice of this meeting was given in advance thereof by publication in the Antelope County News on March 2, 2022. 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.

## **RESOLUTION 2022-1**

*Council member Hughes introduced and moved for passage Resolution 2022-1 to honor Mary Mahoney.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Therefore, Mayor Hartz declared Resolution 2022-1 adopted.

## **APPROVAL OF MINUTES**

*Council member Wilkinson moved to approve the February 17<sup>th</sup> minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

## **TREASURER REPORT**

Clerk Klabenes reported that almost 50% of the fiscal year was complete as February marked 41% thru the budget year. She reported little activity for February and the general fund revenues would start to come through in March and after. *Council member Miller moved to approve the February 2022 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

## **ENGINEERING CONTRACT WITH ADVANCED CONSULTING ENGINEERING SERVICES FOR WATER AND SEWER PROJECT ALONG EAST HIGHWAY 275**

City Engineer John Zwingman reported the USDA and State Revolving Fund long form contract contained over 90 pages of the requirements for the water and sewer project along East Highway 275 and a few separate line improvements to increase system flow and efficiency. He reported two of the requirements included the Davis Bacon wage and Buy American rules. He reported the estimated construction cost for the project was \$3,013,500 with the contract 10% of the cost. He explained the contract was higher than usual due to the regulations included for weekly monitoring. Discussion was held for the water projects with labels of 2B and 2C were to be bid as alternate projects. Discussion was held for the engineering fees per day for project observation, taking elevations, and testing compaction and concrete testing. Discussion was held that daily engineering observation would be at the discretion of the City Council and dependent on the contractor receiving the bid. *Hughes moved to approve the engineering contract with Advanced Consulting Engineering Services for \$301,350 for the water and sewer extension projection along East Highway 275 contingent on City Attorney and USDA approval.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

Joe Funk asked for the location of the water and sewer line. City Engineer reported the project planned for both the water and sewer to be located in the county right-of-way with water placed on the west side and sewer placed on the east side of the road.

## **CURB AND GUTTER ON 10<sup>TH</sup> AND P STREET**

Brian Funk requested consideration for installing a curb and gutter at his residence of 402 West 10<sup>th</sup> Street at his expense. Discussion was held for last month's discussion included gap paving of the street. Discussion was held that a more efficient paving project should consider 3 blocks and larger. Discussion was held that when a city paves a street that the city pays for the driveways, intersections and alley entrances. Discussion was held that if Funk were allowed to install a curb and gutter that it must be according to the city engineer's specifications and the engineer costs would be paid by the property owner. Discussion was held that it did not make sense for a property owner to install and pay the expense for a curb and gutter if the city was to pave the street where the curb and gutter will be removed for the contractor to do the full street with the construction equipment. Discussion was held for gravel streets in the area. Audience members commented on interest in

paving the gravel street 1 block west beginning at Q Street to address water drainage too. *Council member Hughes moved to grant permission to Brian Funk to install a curb and gutter on the north side of 10<sup>th</sup> street at 402 West 10<sup>th</sup> street pursuant to the City Engineer specifications, with the understanding that if the city paves the street that the curb and gutter will be removed.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes. Opposed: Wilkinson. Motion carried.

### **STREET PAVING PROJECTS INCLUDING 10<sup>TH</sup> STREET AND RESURFACING OF 5<sup>TH</sup> STREET**

Discussion was held for resurfacing 2 blocks on 5<sup>th</sup> Street from K Street to H Street and one block on K Street in front of the Grace Lutheran Church. Discussion was held for the current condition of the 3 blocks in reference contained cracks in the cement which would allow the asphalt to come thru the cracks. Discussion was held that the concrete base on the 3 blocks in reference was not a good base anymore due to age. Discussion was held for asphalt surfaces presented harder maintenance for city personnel in comparison to concrete. It was the consensus of the council to bring this up for discussion again at the next meeting with a map of the streets for discussion. No action was taken and the matter was tabled.

### **NET METERING AGREEMENT**

City Attorney McNally reported the net metering agreement presented was created by Municipal Energy Agency of Nebraska to help cities with wind and solar energy. He reported the agreement provided the rules for energy produced and metered into the city electrical system. He reported the agreement provided the rules for the technical equipment needed to connect to the city system to protect the city system and accommodate citizens. *Miller moved to adopt the net metering agreement for renewable energy projects.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes. Opposed: Pickrel. Motion carried.

### **RIVERSIDE PARK JET AGREEMENT RENEWAL**

Clerk Klabenos reported the annual agreement between the US Air Force and the City of Neligh to display the aircraft in Riverside Park was the same as previous years. Discussion was held that the city expense was limited to insurance coverage on the aircraft unless the aircraft was returned in which the shipping cost of the aircraft would be at the city's expense. *Pickrel moved to approve the 2022 loan agreement for displaying the jet in Riverside Park between the Dept. of US Air Force and the City of Neligh.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

### **HIRING DIAL-A-RIDE DRIVER AND LIBRARY CUSTODIAN**

Clerk Klabenos reported all background checks and pre-employment testing was completed last week as new employee Bradley Thieman began training as a Dial-A-Ride Driver and Library Custodian. She reported Thieman would transition into Public Works duties beginning in April working in a variety of departments. *Wilkinson moved to authorize and approve the hiring of Bradley Thieman for Dial-A-Ride Driver and Library Custodian at \$12.50 an hour retroactively to February 28<sup>th</sup>.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

### **NEBRASKA PUBLIC TRANSIT WEEK APRIL 17<sup>th</sup> – 22<sup>nd</sup>**

Clerk Klabenos reported the 8<sup>th</sup> annual marketing promotion of Nebraska Public Transit week was slated for April 17<sup>th</sup>-22<sup>nd</sup> with daily activities to show appreciation and increase awareness of public transit services available to all ages. *Pickrel moved to authorize and approve the Dial-A-Ride Public Transportation events for the Nebraska Public Transit Week of April 17<sup>th</sup> – 22<sup>nd</sup>, 2022.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

### **RIVER MILL COFFEE COMPANY LOAN AMENDMENT**

Discussion was held that River Mill Coffee Company was requesting a loan amendment to add Barlow-Veik LLC as an additional borrower that does not affect the cities loan position. *Pickrel moved to have no objection to adding the Barlow Veik LLC as an additional borrower to the loan documents.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Pickrel, Miller. Opposed: None. Motion carried.

### **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonsen reported Rural Route One Boutique had applied for a \$1,000 digital façade grant on a first-year project cost of \$8,904 project for a new website. *Miller moved to approve a digital façade grant for \$1,000 to Rural Route One Boutique.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

Director Sheridan-Simonsen also reported she would be meeting with the City Supt. to discuss grants for Neligh for the electric vehicle charging station. She reported Senator Tim Gragert will visit Neligh on Friday, April 1<sup>st</sup>. She reported one resume was received at the Northeast Community College Career Fair earlier that day. She reported the video for the tourism app would begin in mid-April as B & B Video would be recording. She reported the Assistant Director O'Brien did a wonderful job with the Ag & Home Expo with preparations and managing the

event. She thanked city employees Grant Knutson and Tanner Knutson for their help with clean up after the event. She reported Clearwater would be building a 2<sup>nd</sup> housing project funded by the local housing group and private investors. She thanked the council for the opportunity to attend Leadership Nebraska as she recently graduated from the program and credited the program as the best experience in professional development. *Pickrel moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

#### **POLICE REPORT**

Chief Wright reported the police department had received a grant from Region 11 for \$3,800 for a light bar for a new vehicle. Discussion was held for access to police reports within the data system. *Hughes moved to approve the February police report of 253 calls.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

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

City Supt. Dan Donaldson requested consideration for changing the Compactor hours and increasing the Tree Dump hours. *Council member Hughes moved to approve changing the Compactor hours for Saturday from 9:00AM-4:00PM and keeping the Tuesday and Thursday hours of 1:00-5:00PM; keeping the Tree Dump hours for Saturday from 11:00AM-5:00PM and changing the Tuesday and Thursday hours to 1:00-7:00PM; effective April 1<sup>st</sup>.* Discussion was held that the Tree Dump extended Tuesday and Thursday hours after 5:00PM would be tried until problems arose and cameras were stationed to monitor activity. Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

The Supt. reported he would have 2 trailers available for the community spring clean-up weekend. He requested consideration for waiving compactor fees for Saturday only or until the two trailers were full for Neligh residents only during the spring clean-up Saturday date. Regular fees would remain in place for commercial businesses. *Pickrel moved to approve waiving Compactor fees during community spring clean-up weekend on Saturday, April 23<sup>rd</sup> for Neligh residents only.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Motion carried.

Supt. Donaldson presented the ISO survey and fire review on the fire suppression system. He reported Neligh received a 04/4X rating which was the same as rated in 2014. He reported the survey was previously done every 10 years but was now scheduled for every 5 years. He reported that following the completion of the city water and sewer project that Neligh would be reviewed again for a better rating. He reported he felt there was room for improvement to move the rating up and would be contacting the Fire Chief to review. The Supt. presented a chart showing Neligh rated in Class 4 was in a very good position out of the 10 classifications available.

The Supt. also reported the Ball Board had approached the Park Board regarding construction of new bathrooms between the north ballfield and Legion ballfield. He reported the Ball Board had funds to apply to the project. Discussion was held for determining the grade and elevation to see if flow would allow the restroom to properly function at the desired location. It was the consensus of the council to measure the distance and determine if the flow would work at the desired location and report back next month. He also reported that an updated cost proposal on the adaptive playground equipment was being requested. He reported he was in contact with Norfolk and McCook officials who recently completed park adaptive playground structures. *Hughes moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Wilkinson, Pickrel. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Electric Generation Supervisor Capler requested consideration for changing the disconnect fees. He reported other communities fees in comparison to Neligh's. Discussion was held for whether increasing a fee would stop or prevent a repetitive or habitual behavior of monthly utility disconnect. Discussion was held that the statute required the fee to be reasonable and discussion was held for consideration of changing a meter deposit amount or applying a meter deposit for each utility disconnect. It was the consensus of the council to consider increasing the after business hours reconnect fee from \$50 to \$75 and to include such fee in a revised Schedule of Fees following the Utilities Committee review before the next meeting. City Attorney McNally will prepare the resolution for the next meeting.

The Generation Supervisor also reported that no major outages were reported last month. He reported DEQ would be sending a letter of non-compliance as the Supervisor thought a particular report was submitted by MEAN when the city was to submit. He reported the report and letter of correction was almost finished prior to the actual letter of non-compliance being received. *Hughes moved to approve the Electric report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

*Council member Hughes moved to go into executive session for the protection of the public interest to review a proposal from Tanaska for electrical scheduling.* Seconded by Wilkinson. Roll call votes in favor were Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried. Time: 9:00 P.M. Also present were City Attorney Jim McNally, City Supt. Dan Donaldson, Electric Generation Josh Capler and City Clerk Danielle Klabenes. Those present for executive session met in the Council Chambers after the audience exited the room.

The Council reconvened into regular session at 9:30 P.M. No action was taken.

**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 Pickrel. Roll call votes in favor were Miller, Hughes, Wilkinson, Pickrel. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:31 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 March 8, 2022; 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