

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

April 12, 2022

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, April 12, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Brent Pickrel, Dale Wilkinson, Leonard Miller and Ted Hughes. 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, News Reporter Anne Dexter, Joe Funk, Bryan Funk, Lyle Juracek, Ted Rethmeier, Manual Parra, Adam Mortensen, Diann Arehart and Steph Lundgren. Notice of this meeting was given in advance thereof by publication in the Antelope County News on April 6, 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.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the March 8th minutes as presented. Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

TREASURER REPORT

Council member Hughes moved to approve the March 2022 Treasurer's report as presented. Seconded by Pickrel. Roll call votes in favor were Pickrel, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

WATER AND SEWER PROJECT ALONG EAST HIGHWAY 275

Clerk Klabenes reported that the City Engineer had spoken with a representative of the State Revolving Fund that the rules for the buy American and Davis Bacon Wage were under public review and the rules were anticipated to be completed by the end of the week. The matter was tabled to the May meeting.

NELIGH YOUNG MEN'S CLUB OLD MILL DAYS

Adam Mortensen requested consideration for a donation for the club's 50th anniversary in 2022 for bigger fireworks show planned. He reported the fireworks show was to be expanded this year and again next year to honor the Q150 celebration. He reported the cost of fireworks had increased just like so many other expenses, but part of the club's expense was an investment in the equipment to provide for a bigger show and for safety of all the volunteers. Discussion was held that \$5,000 was budgeted from the Electric fund for a 2022 donation. He also requested authorization to display the fireworks in Fred Penn Park. *Council member Hughes moved to donate \$10,000 to the Neligh Young Men's Club for a 2022 fireworks donation with \$5,000 from the Electric fund as budgeted and \$5,000 from the Lottery fund and to provide authorization for the fireworks display to be held in Fred Penn Park on July 4th for Old Mill Days. Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.*

Mortensen also requested consideration for a letter to the distributor to display the fireworks in Penn Park. He reported the campers in Fred Penn Park on the east side of the lake were not an issue but if people were camping at the west end that those campers would be asked to leave the area for the fireworks display. *Wilkinson moved to authorize the distributor to display fireworks in Fred Penn Park. Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.*

Mortensen reported plans for a carnival to be held for the 2022 Old Mill Days celebration. He requested a street closure on Wylie Drive from the Highway 14 intersection to the entrance of Fred Penn Park. He reported the carnival rides would be placed on Wylie Drive and provided a couple of photos of the equipment setup. He reported the rides on Wylie Drive would not be within the restricted zone for the fireworks show so the carnival could be operational during the fireworks show. Discussion was held for where parking would be provided, question of handicap accessibility and equipment placement on Wylie Drive which the asphalt road surface was not old. Discussion was held for alternate locations for placing the carnival equipment. Discussion was held for concern with the road closure proposed from June 29th to July 6th. *Hughes moved to grant permission to close Wylie drive from June 29 through July 6th for the Neligh Young Men's carnival during the Old Mill Days 4th of July celebration. Seconded by Pickrel. Roll call votes in favor were Hughes and Pickrel. Opposed: Miller and Wilkinson. Mayor Hartz broke the tie and opposed. Motion failed. Mortensen reported he would report back to the Neligh Young Men's Club.*

STREET PAVING PROJECTS

Discussion was held for 7 blocks of graveled streets in reviewing a map of the area encompassing 8th Street to 11th Street or Highway 275 and O Street to S Street or Highway 14. Discussion was held for the intersection of 10th and Q Street to deter water drainage and provide an option to gap pave one block each

direction from the 10th and Q Street intersection. Audience member Bryan Funk presented nine letters from property owners opposing paving a street. Josh Capler reported he had seven letters in favor and two in opposition, but Capler did not present the letters at that time. Discussion was held on the alley north of 10th Street between P and Q Street and the water drainage issues that the alley presents. Discussion was held for consulting with the city engineer for considering the 10th and Q intersection to relieve the water drainage issue as a compromise to an improvement from current conditions. Discussion was held for the city's general obligation of intersections and alley points with public street assessments or setting a precedent if the city paid a portion of the street not under general obligation. It was the consensus of the council to consult with the city engineer to look at the water drainage problem and offer preliminary figures for possible assessments to report back to the council.

LETTER OF CREDIT WITH MEAN

Clerk Klabenes reported the Letter of Credit renewal for MEAN for electric power contracts was increasing from \$240,000 to \$270,000 without additional certificate of deposits as collateral. *Miller moved to authorize the Mayor and City Clerk to execute loan documents for a letter of credit renewal with MEAN for \$270,000 effective April 2022.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

REQUEST FOR PROPOSALS FOR AUDIT SERVICES

Clerk Klabenes reported every 4 years a bid for audit services was requested for a 4-year period. She reported a bid opening date of August 5th was requested to have contract amounts prior to the August Council meeting and budget workshop. *Wilkinson moved to authorize the request for proposals for audit services for fiscal years ending 2022 through 2025 with a bid opening of August 5th at 1:00P.M.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Pickrel, Hughes. Opposed: None. Motion carried.

RESOLUTION 2022-2 SETTING 2021-2022 SCHEDULE OF FEES

Clerk Klabenes reported the Park Board had reviewed and recommended updated prices for the pool fees since the last review in 2015. She reported the Utilities committee had reviewed the building permit fees and recommended a couple of updates. She noted the suggested reconnect fee for utilities following last month's discussion and noted the fee suggestion for renting a straight truck added to the equipment schedule. *Hughes introduced and moved for passage Resolution 2022-2 setting rates and fees for municipal services in the 2021-2022 Schedule of Fees.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Pickrel. Opposed: None. Thereupon Mayor Hartz declared Resolution 2022-2 adopted.

PARCEL DIVISION OUTSIDE OF CITY LIMITS WITHIN ONE MILE EXTRA JURISDICTION

City Attorney McNally reported when a parcel of ground subdivides, it requires approval and, in this scenario, the City Council is the governing board for a parcel of Charlie Henery's deeded to his son that is located outside the city limits but within the one mile extra territorial jurisdiction. *Pickrel moved to approve the parcel division of Charlie Henery located outside of city limits but within the city's one mile extra territorial jurisdiction as surveyed by Rasmussen Lan Surveying for Section 19 Township 25 North Range 6 West.* Seconded by Hughes. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

TRANSMISSION AGREEMENTS WITH NPPD

City Attorney McNally reported on two agreements for transmission services with NPPD. He reported the transmission on the big substation owned by NPPD was leased to Southwest Power Pool who required a transmission agreement with the City of Neligh. City Attorney McNally recommended approval of the agreement. *Hughes moved to approve the proposed Transmission substation service agreement between Nebraska Public Power District and the City of Neligh.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel, Wilkinson. Opposed: None. Motion carried.

City Attorney McNally also recommended approval of the Transmission service agreement with NPPD as presented. *Hughes moved to approve the proposed Transmission Service Agreement with NPPD as presented.* Seconded by Pickrel. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

FIVE RULE RURAL PLANNING AND NIFA CONTRACTS FOR A HOUSING STUDY

Clerk Klabenes reported that the contract with Five Rule Rural Planning to do a Housing Study for \$15,500 and the NIFA contract grant for 50% of the study equal to \$7,750 were presented. She reported both were recommended by the Planning Commission when the application was submitted. ED Director Sheridan-Simonsen reported that the housing study was good for 5 years to qualify for workforce housing grants. She reported the last housing study was completed 7 years ago. *Wilkinson moved to approve the NIFA contract grant award for 50% cost share equal to \$7,750 and the Five Rule Rural Planning contract of \$15,500 to do the Housing Study.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

YOUTH SERVICE LIBRARIAN

Clerk Klabenos reported a hire was not made and requested the matter to be tabled. No action was taken.

APPOINTMENTS

Mayor Hartz recommended the re-appointment of Nathan Hughes to the Tree Board for a 3-year term and Doug Bolling to the Certified Local Government for a 3-year term. ED Director Sheridan-Simonsen reported four members of the required 5-member board for the Certified Local Government were filled which would provide eligibility to grants through History Nebraska. *Pickrel moved to approve the appointments as presented.* 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 she had met with Electric Supervisor Capler and City Supt. Donaldson to review details on the electric charging vehicle station. She reported the Antelope County Museum was discussed as a location with available space and electric access. She reported a phase 2 charger was reviewed with a cost of \$6,000 for a single port and \$11,000 for a dual port charging station with 80% or more covered by a grant. She reported the estimated cost to the city was \$1,200 to \$2,000. Discussion was held that no electric charging station was located between Norfolk and Valentine for travelers to utilize. Discussion was held that residents who purchase an electric vehicle place a charging station at their home and do not use a public charging station.

The Director also reported the annual TIF report was ready for submission. She reported the CLG grant video recording was delayed to later in the month. She reported on the Chamber awards which recognized the City of Neligh Public Works department as the 2021 Chamber Member of the Year. She reported Assistant Director Bri O'Brien had submitted her resignation to finish her master's degree to instruct Family and Consumer Science in Battle Creek where she resides with her husband. She reported the Chamber shred event was next week for one hour at the ED Office on April 20th. Mayor Hartz reported that History Nebraska had met the previous week to look at the best option for the elevator buildings of the Neligh Mill. *Wilkinson moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller, Wilkinson. Opposed: None. Motion carried.

POLICE REPORT

Mayor Hartz reported Chief Wright was ill in the hospital and the Police report was tabled.

CITY SUPT. REPORT

Diann Arehart presented a cost estimate for restrooms by the Legion Field for lumber, concrete and plumbing of approximately \$25,000. She provided a sketch with dimensions and placement and noted that if the project were supported, it would be ideal to pour concrete in the fall. Discussion was held for financial support interest from the Ball Board who was willing to partner and to consult with the Fair Board at their next board meeting. Discussion was held that the restrooms and storage would be heavily used for the baseball season. Discussion was held for city personnel to assist with installing sinks and toilets. *Hughes moved to proceed forward on the baseball field restroom and storage building proposal with funding to be worked out as the project moved forward.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

City Supt. Donaldson reported the wastewater treatment plant and transfer station audits went well. He reported Mid America was currently installing the pool skimmers which were estimated to be completed that week. He reported the liner would begin upon warmer weather. He reported he currently had a Pool Manager, nine lifeguards and three park employees recommended by the Park Board for summer help. He reported with lack of inmate helpers, he considered three park employees instead of two and one of the park employees could work at the pool if needed. *Wilkinson moved to approve the hiring of lifeguard and park employees as recommended by the Park Board.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

The Supt. reported Brad Thieman was transitioning into public works in addition to his transit duties and library custodian duties. He reported Thieman would be working in solid waste and street departments while Street Operator Tanner Knutson was shadowing park duties with Rachel Shrader. He reported Thieman would be working 1 to 2 days in transit and 3 to 4 days in public works. He recommended a wage increase for the transition into public works and a \$.50 increase after a 3-month review. *Wilkinson moved to approve a wage increase for Brad Thieman to transition into public works at \$14.00 an hour effective April 4th and a \$.50 raise after a 3-month job review.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

Supt. Donaldson also reported the tire amnesty next week would be staffed with two employees at the tree dump and the free disposal for city residents at the compactor next weekend would also be staffed with two employees. He reported two dog waste stations were purchased and donated by local residents for placement at Penn Park and the dog stations cost \$280 to \$300 each. He reported the residents did not want to be recognized. He said the city purchased a third station which would also be placed at Penn Park. *Wilkinson moved to approve*

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

ELECTRIC REPORT

Electric Generation Supervisor Capler reported that the high winds have created multiple electric blinks but thankfully no major outages. He reported he had discussed the overhead electrical with NPPD in the event part of the elevator at the Neligh Mill is removed. He reported the city would generate power during that time that NPPD would take an outage for any structure removal of the elevator. He reported the compliance letter to DEQ was submitted that day. He reported three lights were added to the Riverside Park concessions stand and restrooms building for better visibility. He reported that a 3-phase transformer would be installed at AKRS when the high winds calmed down. Discussion was held for adding an agenda item for stop signs and trucks signs for 10th Street to the May agenda. *Hughes moved to approve the Electric report as presented.* Seconded by Pickrel. Roll call votes in favor were Hughes, Wilkinson, Pickrel, 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, except for the Blackstrap invoice. Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

Wilkinson moved to approve the Blackstrap invoice for \$30.00 for scale tickets. Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller. Abstain: Hughes. Opposed: None. Motion carried.

Council member Wilkinson moved to go into executive session for the protection of the public interest for contract negotiations for future electric power sources. Seconded by Miller. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried. Time: 9:05 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 9:18 P.M. No action was taken.

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 9:19 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 April 12, 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