

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
May 10, 2022

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, May 10, 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, Officer Darin Ternus, City Clerk Danielle Klabenes, News Reporter Kelly Garcia, Boyd Pedersen, David Buller, Bridget Scott, Joe Funk, Bryan Funk, Lyle Juracek, Manual Parra, Josh Mitchell, Adam Mortensen and Steph Lundgren. Notice of this meeting was given in advance thereof by publication in the Antelope County News on May 4, 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 April 12<sup>th</sup> regular and April 26<sup>th</sup> special meeting minutes as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported April was a hard month with higher expenses than revenues. She reported 3 bids were mailed out for audit services with one return of denial due to size of city and location from the firm. She reported the 2<sup>nd</sup> deposit for American Rescue Plan funds was anticipated for May. *Council member Hughes moved to approve the April 2022 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **COMMUNITY FARMER'S MARKET**

Bridget Scott presented a Sun-Day Market event to be held at the Antelope County Courthouse on every Sunday in June through September. She reported the event would be held after church services with food, music and vendors including farmer produce and more provisions. Mayor Hartz thanked Scott for her presentation. No action was taken.

#### **NELIGH YOUNG MEN'S CLUB CARNIVAL FOR 2022 OLD MILL DAYS**

Josh Mitchell reported the Neligh Young Men's Club had considered 3 locations for the carnival including N Street west of the American Legion connecting to P Street south of Carhart Lumber, Riverside Park and Wylie Drive. He reported the footprint for a carnival would need 2 city blocks. He said the Neligh Young Men's Club considered factors of not inconveniencing business owners, parking issues and not interrupting the traffic flow in and out of town. Discussion was held for not disrupting campers, the start of a baseball tournament after the 4<sup>th</sup> of July, fire access in and out of Wyle Drive, carnival placement by OK Tire and not wanting to disturb residents, concern for disturbance to residents on Wylie Drive and former carnivals held in Riverside Park. Discussion was held for trying the carnival on Wylie Drive for one year with concerns for parking availability. Discussion was held for payment of repairs if the road was damaged. *Hughes moved to approve closing Wylie Drive for the 4<sup>th</sup> of July carnival festivities June 30<sup>th</sup> to July 5<sup>th</sup> and in the event the Neligh Young Men's Club decide to utilize Riverside Park, then Wylie Drive would not be closed.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller and Pickrel. Opposed: None. Abstain: Wilkinson. Motion carried.

## **PIERSON MUSEUM**

Discussion was held on the city's assistance to Pierson Museum including insurance on the building, personal property not including the animal mounts, a sign and trailer, and utilities for the past 3 years. Discussion was held that the 3-year utility assistance was to come up for review later in the year with budget preparations. Discussion was held for the importance of having the museum available and the need to see it open. Lyle Juracek commented that the museum will celebrate the 20<sup>th</sup> year in July with an open house. Discussion was held for requesting a revenue report of the museum for review at the budget workshop. *Hughes moved to continue financially supporting the museum with insurance and utilities assistance for 3-years.* Seconded by Miller. Roll call votes in favor for Pickrel, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

## **REQUEST FOR STOP SIGN AND TRUCK TRAFFIC SIGN AT 10<sup>TH</sup> AND Q STREET**

Discussion was held for a request for 4 stop signs at 10<sup>th</sup> and Q Street. Discussion included the number of stop signs to consider, the distance from the school and both foot traffic and vehicular traffic in the morning to school or work. Discussion was held that adding the stop signs may not fix all traffic concerns and the police cannot patrol all stop signs, but it was something to start with. *Hughes moved to place 4 stop signs at the intersection of 10<sup>th</sup> and Q Street.* Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Pickrel, Miller. Opposed: None. Motion carried.

Discussion was held for placement of no truck traffic signs along 10<sup>th</sup> Street, but consideration given to the MRI truck traveling to the hospital on N Street. *Council member Hughes moved to prohibit truck traffic from 10<sup>th</sup> and N Street to the west to Highway 14 and on 10<sup>th</sup> Street to the east to the hospital.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes. Opposed: Pickrel. Motion carried.

## **STREET PAVING PROJECTS AND COST ESTIMATES**

City Clerk Klabenes reported on estimated costs prepared by the City Engineer for paving a street and intersection. She reported estimated assessment costs and general obligation costs based for one street and 4 streets as follow-up discussion from the previous meetings. Discussion was held for an inquiry to a 1995 paving project and whether the city council had paid for a percentage of the paving costs above general obligation costs to reduce the assessable costs and establish a precedence. City Clerk Klabenes reported she had researched the minutes files, street paving project files and contacted the city engineer that worked on the 1995 project and could not find any documentation that the city council had paid for a percentage of paving costs above general obligation costs to reduce assessable costs. Clerk Klabenes presented an option for increasing the city sales tax from 1% to 1.5% with the new .5% dedicated to public improvements, such as to fund street projects. She reported the matter would have to be approved by the voters and presented a schedule if the matter was to be listed on the November 2022 general election. She reported that in absence of increasing sales tax, street paving projects had to be paid for with bonds which would increase property taxes as streets had no other revenue producing option. Discussion was held for the Council to come up with a plan to pay a portion of street paving projects to assist property owners with assessments. Discussion was held that the cost of street projects appears to continue to increase to get more expensive. It was the consensus of the council that increasing the sales tax from 1% to 1.5% was favorable and the fairest decision was for the voters to decide. *Hughes moved to authorize the city attorney to prepare the documents for a fall election to increase sales tax from 1% to 1.5% designated as public improvements.* Seconded by Wilkinson. Roll call votes in favor were Miller, Pickrel, Wilkinson, Hughes. Opposed: None. Motion carried.

## **PURCHASE OF NEW MOON THEATER**

Mayor Hartz reported that the New Moon Theater still had some repairs to do and was not eligible for grants because it was not owned by the city. He reported that the theater could be deeded to the city so grant applications could be used to restore the theater. Discussion was held that if the city purchased the theater, that the city could not give back the theater after the repairs were finished but could set up a long-term lease

thereafter. Discussion was held that the remaining repairs exceeded \$200,000 and the matching funds portion of the grant would be fundraised by the current non-profit board. Discussion was held for the current debt of \$50,000 on the theater and options for the city to enter a purchase agreement with no debt. Discussion was held that the city should not use tax-payer money to pay for the purchase of the theater and the theater debt when streets are needed to fix. It was the consensus of the council for the City Attorney and Council Member Miller to discuss the purchase of the New Moon Theater for discussion at next month's meeting. No action was taken.

### **GRAPHIC DESIGN OF SWINGING BRIDGE**

City Attorney McNally reported he had a client donate funds for the replacement of the swinging bridge and a separate 501c3 was created for all funds to manage the project. He reported a graphic design of the bridge was key for the community to have a visual representation for understanding the project and to accept public donations. He reported that the excess Neligh Mill Bridge funds balance was \$15,000 and the donor had allowed the remaining funds to be used for municipal projects. Discussion was held that the balance of the Neligh Mill Bridge funds that were with the Neligh Area Community Foundation were not part of the Nebraska Community Foundation and could be requested or transferred for the swinging bridge project. *Hughes moved to approve paying for the graphic design of the swinging bridge up to \$5,000 from the Neligh Mill Bridge funds and to authorize the City Clerk to request those funds from the Nebraska Community Foundation.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Pickrel, Hughes. Opposed: None. Motion carried.

### **YOUTH SERVICE LIBRARIAN**

*Miller moved to approve the hire of Christine Thoendel as Youth Service Librarian at \$15.00 an hour for part-time position effective May 9<sup>th</sup>.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Melissa Smith to the LB840 Loan Committee for a 4-year term and the new appointment of Allen Beckman to the Neligh Housing Authority for a 5-year term. *Wilkinson moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Miller, Hughes. Opposed: None. Motion carried.

### **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonsen reported Assistant Economic Development Director Bri O'Brien had submitted her resignation. O'Brien will pursue a teaching position. *Hughes moved to accept the resignation of Brianna O'Brien with regrets.* Seconded by Miller. Roll call votes in favor were Pickrel, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported the Housing Study was underway with planning meetings scheduled for June through August and a report to the Council in December. She reported the recording video for the tourism grant was to begin the following week and be completed by the end of June. She reported that after attending Workforce Summit that a collaborative job fair was being planned by several partners in Northeast Nebraska. She reported she would be attending the Nebraska Economic Developers Conference in Valentine later in the week. She reported Assistant Director O'Brien was preparing documents for helpful guidance to the new assistant director. *Wilkinson moved to approve the Economic Development Director report.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Pickrel. Opposed: None. Motion carried.

### **POLICE REPORT**

Police Officer Ternus reported that Chief Wright was home and recovering following Sunday's incident. He reported that it was protocol for an officer to be out on administrative leave following an incident like Sunday's where a firearm was involved and an investigation underway. City Attorney explained that in the event that Chief Wright would need an attorney to represent him that the attorney fees are paid by the city. Discussion

was held for a recent dog biting incident and the city ordinance and state statute governing such an incident. Discussion was held for researching the state statute for the number of days following a dog bite and whether the local ordinance could be changed with the number of days. *Wilkinson moved to approve the March report of 275 calls and the April report of 215 calls as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Pickrel, Hughes, Miller. Opposed: None. Motion carried.

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

City Supt. Donaldson presented an idea for changing the fence ordinance to be located on the property line instead of one foot inside the property line. He reported that when two neighbors cannot agree on a fence that the one-foot setback creates a two-foot void between the two properties. He reported his experience in prior subdivisions allowed for a fence to be built on a property line. Discussion was held for the City Attorney to prepare an ordinance revision for fences to be constructed on the property line for review at next month's meeting. No action was taken.

The Supt. also reported that the pool liner contractor was not going to have the resin product in time to install the swimming pool liner at the beginning of the pool season with a delayed opening. He reported that the Park Board had discussed opening the pool two weeks later than usual if the liner could be installed at the beginning of the season and agree to be completed before mid-June. He reported that city personnel were planning for a traditional opening on Sunday of Memorial Day weekend and finishing the updates on the pool house, patching holes and putting plumbing back together. He reported the pool liner would then be installed after the pool closed for the season.

Supt. Donaldson reported the tires collected from the Tire Amnesty event were still being loaded and hauled away. Mayor Hartz thanked the Public Works team for their work in filling potholes. *Hughes moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Pickrel, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.

#### **ELECTRIC REPORT**

Electric Generation Supervisor Capler reported of no major outages and 2 fuses blown on the east side of town. He reported electric personnel were working on the 3-phase service at AKRS. He reported an electric pickup as budgeted would not be available this year and it was uncertain for inventory availability in 2023. He reported he purchased a 2018 Chevrolet pickup from Jonny Dodge to replace the 1997 Ford pickup. *Hughes moved to approve the Electric report as presented.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel, Wilkinson. 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 Pickrel. Roll call votes in favor were Hughes, Wilkinson, Miller, Pickrel. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Wilkinson, Hughes, Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:52 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 May 10, 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