

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA
January 10, 2023

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, January 10, 2023 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Steph Lundgren, Dale Wilkinson and Ted Hughes. Leonard Miller was absent. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Economic Development Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, News Reporter Kelli Garcia, Police Chief Darin Ternus and Jon Lundgren. Notice of this meeting was given in advance thereof by publication in the Antelope County News on January 4, 2023. 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. City Clerk Danielle Klabenes recorded the minutes. The Pledge of Allegiance was recited.

The Clerk recited the Oath of Office to newly elected Council Member Steph Lundgren.

APPROVAL OF MINUTES

Council member Hughes moved to approve the December 13th regular meeting minutes as presented. Seconded by Wilkinson. Roll call votes in favor were Wilkinson and Hughes. Abstain: Lundgren. Absent: Miller. Opposed: None. Motion carried.

TREASURER REPORT

Clerk Klabenes reported on the Park Foundation donations received in December of \$13,500 for the inclusive playground equipment of Riverside Park and the current total had reached \$92,000. She also presented a listing for the New Moon Theater on the department splits noting the insurance and utility costs for the fiscal year. She thanked Attorney Joe McNally for his help in the setup of invoicing protocol with SPP and Tenaska and reported the first Tenaska invoice was anticipated for receipt later in the week. She reported the SPP invoices were received weekly now with payment the following week which contributed to the need for the City Council to consider a resolution for the payment of claims between council meetings to be discussed later in the agenda. *Council member Hughes moved to approve the December 2022 Treasurer's report as presented.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes and Wilkinson. Absent: Miller. Opposed: None. Motion carried.

PUBLIC HEARING FOR LB840 REPORT FROM CITIZENS ADVISORY REVIEW COMMITTEE

Mayor Hartz opened the public hearing at 7:07 P.M. Representative Garrett Jacobsen reported the committee met in December to review the semi-annual report on the LB840 program activities since the last report provided in May 2022. He reported the LB840 program had received \$39,548 in sales tax revenue with September as the highest earning month with \$8,940. He reported that \$12,765 was collected in loan payments and interest. He reported \$29,375 was expended for community grant programs, professional fees, advertising, and community branding for the History Nebraska grant. He reported no new loans were issued since May 2022. He reported the committee found the LB840 program to be spent in a manner appropriate with state statutes. Discussion was held whether funds from the LB840 checking account could be placed in investments. Upon no public comment, the hearing was closed at 7:10 P.M. *Wilkinson moved to approve the Citizens Advisory Review Committee report on the LB840 program as presented by Garrett Jacobsen.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Lundgren. Opposed: None. Absent: Miller. Motion carried.

PLANS, SPECS AND COST ESTIMATE FOR WATER AND SEWER PROJECT ANNEX EAST HIGHWAY 275

Clerk Klabenes reported the USDA had not provided written authorization to go out for bids on the project. No action was taken, and the matter was tabled.

VACANT PROPERTY REGISTRATION ORDINANCE AND DANGEROUS BUILDING RESOLUTION

City Attorney McNally reported he had researched the vacant property registration and found it was constitutional, other states have adopted it and cities such as Omaha and Lincoln have adopted it. He reported it was not directed to unsafe buildings but to vacant properties. He also reported on his research for dangerous buildings and if a board of health should develop rules and regulations for entering and inspecting a home for mold or defects after notice to the owner is provided. He reported the City Supt. and City Attorney were forming a list of properties in town that would fit the dangerous building rules and he would draft a resolution for consideration at next months meeting. He reported that after notice to the property owners was provided with a time limit to correct the deficiencies and if the deficiencies were not completed, the city could demolish the property. He reported the use of LB840 funds were an option if needed for a demolition. Discussion was held for defining the person responsible for the cost in Section 10 of the proposed vacant property registration. Discussion was held for what county or state regulatory agencies had the ability to correct the deficiencies. Discussion was held for consideration of both vacant property registration and dangerous buildings at next month's meeting. No action was taken and the matter was tabled.

RESOLUTION 2023-1 FOR AMENDED EMPLOYEE HANDBOOK POLICES

City Clerk Klabenes reported on the resolution prepared by the City Attorney for the bloodmobile donations by city employees on city time during normal working hours and the employee contribution for monthly health insurance premiums when an employee receives workman compensation benefits. She reported these two policies were discussed last month. She also reported on two additional policies. She reported that NDOT had advised reimbursement of paid leave or holidays could be made to the city in the monthly NDOT invoices for employees working in transit and other departments if the employee policy listed such allowance for regular scheduled hours worked in each department. She also reported the need for defining how paid leave benefits are calculated for employees working 35-40 hours a week. *Council member Hughes moved to introduce for passage Resolution 2023-1 amending the employee handbook policies.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Absent: Miller. Opposed: None. Thereupon Mayor Hartz declared Resolution 2023-1 adopted.

HIRING A LIBRARY CUSTODIAN

Lundgren moved to approve the hire of Melissa Buller as Library Custodian at \$12.50 an hour following successful pre-employment testing. Seconded by Hughes. Roll call votes in favor were Lundgren, Hughes, Wilkinson. Absent: Miller. Opposed: None. Motion carried.

APPOINTMENTS

Mayor Hartz appointed the following positions and standing committees:

Park Foundation – Council Member Lundgren

New Moon Theater Liaison – Council Member Lundgren

City Attorney – James McNally and McNally Law Office

City Clerk/ Treasurer – Danielle Klabenes

Deputy Clerk – Rhonda Heithoff

Police Chief – Darin Ternus

City Physician and Board of Health – tabled.

City Engineer – John Zwingman of Advanced Consulting Engineering Services

City Street Superintendent – John Zwingman Advanced Consulting Engineering Services

Building Inspector – Dan Donaldson

Standing Committees:

Streets & Alleys – Hughes and Miller
Finance – Wilkinson and Miller
Utilities – Wilkinson and Hughes
Fire, Park, Buildings, Grounds – Miller and Lundgren
Human Resources – Hughes and Wilkinson

Wilkinson moved to approve the Mayor's appointments and standing committees as presented. Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Absent: Miller. Opposed: None. Motion carried.

Wilkinson nominated Council Member Ted Hughes for Council President. Seconded by Lundgren. Roll call votes in favor were Wilkinson and Lundgren. Abstain: Hughes. Absent: Miller. Mayor Hartz voted in favor. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Sheridan-Simonson shared congratulations to Joshua Blood on the transition of Wanek Pharmacy to Blood Pharmacy and welcomed him to the Neligh business community. She shared an article in the Center for Rural Affairs publication that featured the local River Mill Coffee Company. She reported meeting with an advisor from Five Rule Rural Planning in working on the workforce housing application and the need for collecting letters of support for other community members. She reported she had submitted two grants that included an entrepreneurship contest and a planning study for an early childhood education center. She reported on the Career Fair to be held later in the month with emphasis on stewardship and volunteering in the community. She extended a thank you to the city engineer for sponsoring lunch for all those attending including the county high schools and area home schools. Mayor Hartz also thanked the city engineer for his sponsorship. The Director reported Economic Impact Grants were now available for education childhood centers, streets and housing to name a few. Director Sheridan-Simonsen thanked Utility Billing Clerk Jennifer Pellatz for assisting in disbursement of the Year in Review report with the utility bills and Mayor Hartz thanked Pellatz for introducing the pie giveaway within the monthly newsletter. Sheridan-Simonsen reported the Assistant Director Borer had a successful season with the Great Elf Hunt and the lighting contest. She reported Borer was working on chamber membership renewals. She also thanked the City Attorney for his work on the Vacant Property Registration ordinance draft. *Council member Lundgren moved to approve the Economic Development Director report.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Absent: Miller. Opposed: None. Motion carried.

POLICE REPORT

Chief Ternus reported he was adjusting to the police chief position and he would have a police report at the following meeting. He requested consideration to discuss increasing the part-time officer wage to \$24-\$25 an hour. He requested discussion to go over salaries and benefits and reported he and the City Clerk would be advertising for the police officer position on social media and various free publications. Discussion was held for any change in the Chief's salary to be retroactive to January 1st which is the date Chief Ternus began in the position. Discussion was held that the Mayor and the Police Chief could discuss a salary recommendation to bring to the council for approval. *Hughes moved to approve the police report.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Absent: Miller. Opposed: None. Motion carried.

CITY SUPT. & ELECTRIC REPORT

City Superintendent Donaldson reported on snow removal equipment breakdowns which included a broken weld on the back hinge of the GMC dump box. He reported that he was finishing up on the May 12th storm damages with FEMA. He reported the new police truck was ready for pickup. He reported on sewer main blockages that were detected and cleaned out with the help of contractors. He reported the maintenance schedule was going to change to help with key areas. He reported on one sewer issue on J Street that used multiple plumbers and contractors to rectify and the city insurance was contacted. He reported remote access was finished at the sewer plant which allowed Aeromod to assist, see and operate the sewer plant remotely. He reported that after the

holidays saw a 5th week of the month with no recycling followed by a closure on a Saturday that a different date for recycling pickup was going to be scheduled in the future to help with weather issues instead of a cancellation. He reported that Caterpillar had repaired the oil leak on #2 generator, the generation plan was all fueled up and the communication system was working pretty good. *Council member Wilkinson moved to approve the City Supt. report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Absent: 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 the Blackstrap invoice. Seconded by Hughes. Roll call votes in favor were Lundgren, Wilkinson, Hughes. Absent: Miller. Opposed: None. Motion carried.

Wilkinson introduced and moved for passage Resolution 2023-2 authorizing the City Clerk/ Treasurer to pay the claims that occur between city council meetings. Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Lundgren. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2023-2 adopted.

There being no further business to conduct, *Wilkinson moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Lundgren. Absent: Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:12 P.M.

City of Neligh

Joe Hartz, Mayor

ATTEST

Danielle Klabenos, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on January 10, 2023; 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