

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

The regular meeting of the City Council of the City of Neligh was held at the City Council Chambers on Tuesday, October 10, 2023 at 7:00 P.M. Present were Council Members Stephanie Lundgren, Leonard Miller, Dale Wilkinson, and Ted Hughes. Mayor Joe Hartz was absent. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, City Clerk Danielle Klabenes, Police Chief Logan Lawson, and News Reporter Kelli Garcia. Notice of this meeting was given in advance thereof by publication in the Antelope County News on October 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. The availability of the agenda was communicated in the advance notice and in the notice to the Council of this meeting. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public. Council President Hughes 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 Klabenes recorded the minutes. The Pledge of Allegiance was recited.

#### **APPROVAL OF MINUTES**

Council member Wilkinson moved to approve the September 12<sup>th</sup> regular meeting minutes as presented. Seconded by Lundgren. *Roll call votes in favor were Hughes, Wilkinson, Miller, and Lundgren.* Opposed: none. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported the September Treasurer's report presented a fiscal year review in summary and by department. She reported the annual treasurer's report presented a condensed view of the 2022-2023 fiscal year that would be published per statute. She reported the annual treasurer's report included a bond balance summary with the same information presented in the budget but presented in a different format. She reported the bank summary provided a listing of checking, saving, and investment balances per department and per bank ending September 30<sup>th</sup>. *Lundgren moved to approve the September 2023 treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, Hughes, and Miller. Opposed: none. Motion carried.

#### **MOTORCYCLE OFF ROADING WITHIN ONE MILE EXTRA TERRITORIAL JURISDICTION**

City Supt. Dan Donaldson reported the requester had decided on a different location. No action was taken.

#### **NELIGH MILL RAIL BOX CAR AGREEMENT AND LOCATION OF RAIL CAR**

City Attorney Jim McNally reported he had drafted an agreement with History Nebraska for the rail box car which History Nebraska had not agreed to sign. City Supt. Donaldson reported he had not received a call back on the agreement yet, but History Nebraska wanted the box car placed away from the building as History Nebraska thought the foundation of the mill was damaged by the box car. The Supt. presented a couple of options for the location of the box car to include placement of the box car east of the building with tracks re-built where the tracks were removed to do foundation work. He reported the second option was to place the rail car where the old elevator was using a crane to lift and set the rail car on tracks. He reported he was awaiting pricing for the crane. Discussion was held that if the rail car were placed on a triangle shaped lot east of the Neligh Mill that the city would need to obtain an easement from History Nebraska. No action was taken, and the matter was tabled.

#### **DANGEROUS BUILDINGS UPDATE**

City Attorney McNally reported a property on 3<sup>rd</sup> Street was being cleaned out and was considering either demolition or sale of property. He reported the Highway 14 property was scheduled for a firefighter training burn later this month. He reported a house on 2<sup>nd</sup> Street was purchased under contract. He reported a property on 3<sup>rd</sup> Street and Highway 275 was being cleaned out and the owner was seeking bids for demolition.

City Supt. Donaldson reported the property at 709 P Street was cleaned out and the owner was waiting for a salvage contractor. He reported the same owner was currently cleaning out the 3<sup>rd</sup> Street property and considering the idea of demolition and selling the land. He reported he thanked the owner of 206 West 7<sup>th</sup> Street for the property cleanup, basement backfill, and completion of the demolition. City Attorney McNally reported the property at 801 East 3<sup>rd</sup> Street went to court with a sentence deferred to December and one of the resolutions on the agenda was to determine the building as a dangerous building unless improved within 30 days. No action was taken.

#### **RESOLUTIONS 2023-14, 2023-15 AND 2023-17 FOR DANGEROUS BUILDINGS**

City Attorney McNally reported the resolutions presented were for a garage at 202 O Street, a garage at 209 L Street, and a home at 801 East 3<sup>rd</sup> Street. He recommended the adoption of the resolutions to determine the three properties as a nuisance and dangerous building. *Council member Wilkinson introduced and moved for*

passage of Resolutions 2023-14, 2023-15, and 2023-17 determining a nuisance and dangerous building at 202 O Street, 209 L Street, and 801 East 3<sup>rd</sup> Street. Seconded by Miller. Roll call votes in favor were Miller, Lundgren, Hughes, and Wilkinson. Opposed: none. Thereupon Council President Hughes declared Resolutions 2023- 14, 2023-15, and 2023-17, adopted.

#### **RESOLUTION 2023-16 SETTING RATES AND FEES FOR MUNICIPAL SERVICES**

City Clerk Klabenes reported the rates and fees discussed during budget planning and adopted by ordinance last month were presented in one Schedule of Fees to include swimming pool lessons, Dial-A-Ride Sunday services, LB840 loan application fees, electric rates, water rates, and solid waste rates. She presented a community comparison of water, sewer, and solid waste rates for communities in Antelope County and a few cities in Northeast Nebraska with similar population size as Neligh. *Council member Miller introduced and moved for passage of Resolution 2023-16 setting rates and fees for municipal services in the 2023-2024 Schedule of Fees.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Miller, and Hughes. Opposed: none. Thereupon Council President Hughes declared Resolution 2023- 16 adopted.

#### **APPOINTMENTS**

Appointments were tabled to next month.

#### **RESOLUTION 2023-18 EMPLOYEE HANDBOOK FOR VOLUNTEERING IN NON-NELIGH EMERGENCIES**

City Supt. Donaldson reported the Human Resources Committee had discussed an employee policy for an employee who volunteered on an emergency medical service or fire department for a community outside of Neligh. He reported one employee had responded to a car accident about a week ago and due to Neligh's policy was not given time to rest before reporting to duty and was not given time to process the accident that was just witnessed. He reported for employee safety and in fairness it would be a good idea to provide the volunteer policy to all employees both for Neligh or Non-Neligh rescue squads. City attorney McNally presented a resolution which removed the word Neligh to be inclusive for all EMS, fire department or Jaws of Life rescue squads. *Council member Wilkinson introduced and moved for passage of Resolution 2023-18 amending the employee personnel handbook for section 3-701 for volunteer time and emergencies.* Seconded by Lundgren. Roll call votes in favor were Miller, Hughes, Wilkinson, and Lundgren. Opposed: none. Thereupon Council President Hughes declared Resolution 2023-18 adopted.

#### **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Lauren Sheridan-Simonsen recognized local business Blackstrap as the newly inducted business to the Norfolk Business Hall of Fame. The council congratulated council member Ted Hughes and his team with a round of applause. The director reported work continued on the rural workforce housing grant and funds from the Department of Economic Development had not been released into Amplifund yet with the Chamber of Commerce. She reported the economic development department had enough funds to cover the first loan and six more solid projects were coming forward. She reported work on the Nebraska Community Foundation grant for childcare was going well and with the help of the app developer the project was turning into a larger program that could become national. She reported the first meeting of the certified leadership government (CLG) met with the CLG coordinator and was expected to present a resolution on the December agenda. She reported Neligh would be the 9<sup>th</sup> CLG group in the state and the only one north of Interstate 80 which opened additional opportunities. She reported she had attended a land use and planning workshop presented by Five Rule Rural Planning with the Assistant Director and City Clerk which covered zoning, tax increment financing, and land use planning. She reported the assistant director was working with the owner of Rural Route One Boutique for an online marketing class. She reported that the Assistant Director had attended the Thriving Children, Families, and Community Conference to learn what other cities are doing for childcare and the shortage. The director reported two new businesses had become Chamber members including Bomgaars and West Hillview Motel. She also reported that she was working with Elkhorn Rural Public Power District for an electrical vehicle station in Clearwater on Main Street. She reported due to a lack of quorum earlier in the week that the Economic Development Board would be meeting later that week to review some changes to the LB840 application to include 501(C)3 entities. *Council member Lundgren moved to approve the Economic Development Director report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, and Lundgren. Opposed: None. Motion carried.

#### **POLICE REPORT**

Chief of Police Logan Lawson reported on two versions of a numeric police report. He reported the first option was the traditional format that has been presented in the past. He reported the second option was a report that the police software will generate from their system. It was the consensus of the council to utilize the simplest version that is offered by the police software. The Police Chief also reported that with school in session that the officers regularly patrolled school traffic and the chief began the DARE program with the sixth graders who were very receptive to the program. He reported on training requirements to meet the continuing education requirements of LB51 including hosting a training course on Officer Wellness and Substance Abuse problems with

five other departments from the area. He reported he attended an annual conference for the NSA/POAN and had attended an annual meeting with the police chief's association of Nebraska. He reported that the Neligh police department was setting up the primary office in the north part of City Hall also referred to as the old senior citizen kitchen. He reported the Nebraska Attorney General would be sharing some public information about the new conceal-and-carry law. *Wilkinson moved to approve the September numeric and written police reports as presented.* Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, Wilkinson, and Hughes. Opposed none. Motion carried.

#### **CITY SUPT. & ELECTRIC REPORT**

City Supt. Donaldson reported the street department was preparing for winter. He reported cleaning out of storm drains and equipment being serviced before the snow fell. He reported the park department would be working on aeration and fertilizing next week after the forecasted rains and winterizing the swimming pool. He reported sewer jetting was in progress on the West side of Neligh. He reported MacQueen equipment did a pressure test and found the jetter spray head was worn and not functioning properly but the pressures on the trailer were good. He reported the water department meter upgrades were caught up, some tree trimming was done, and training with the automatic controls of the generation plant. He reported curbside pickup of solid waste on the West side of town on Tuesdays was going well and really helped with the Monday route of residential and commercial pick up. He reported that the electrical testing and outages with the first unplanned outage were attributed to how relays were talking. He reported subsequent testing showed the controls in sync and a final test was planned for later in the week. He reported a call with Tenaska later in the week would include a discussion of a new program Neligh was eligible for and a contract to be proposed at a following meeting. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

The City Supt. reported that he had received interest in a campground host who would stay in Riverside Park to take care of restrooms and greet campers arriving and has spent a considerable amount of time in the park. It was the consensus of the council to continue with a campground host next summer but directed the City Attorney to prepare a simple contract of responsibilities for consideration in the November agenda.

The Supt. also reported he had contacted a local real estate agent for a fair market price on the 305 L Street lot following the demolition and clean-up of the property. City Attorney McNally reported that as a city-owned property, the city must give three weeks' notice to give the public a chance to remonstrate against it and if nobody comes forward to remonstrate against it after 30 days then the city can sell the property. He reported the city had two options for the sale which included selling the property by sealed bid or selling the property by a set price. He reported the statute requires that the notice must specify the terms of the sale. No action was taken.

#### **NEW MOON THEATER REPORT**

Theater Liaison Lundgren reported the theater board was working on a Brownfields grant for mold remediation. She reported the board was talking to an architect to draw up plans paid for with the LB840 funds and some of the board's funds. She reported the architect's plans will provide the public with a picture of what the theater can become. She reported the board was planning for a New Year's Eve event and fundraiser at the Legion. She reported the calendars and t-shirts are wonderful Christmas gifts to offer and may be purchased from Stephanie. *Miller moved to approve the New Moon Theater report as presented.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Lundgren, and Wilkinson. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

*Wilkinson moved to approve the current claims as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren, and Miller. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Lundgren, and Miller. Opposed: None. Thereupon Council President Hughes declared the meeting adjourned. Time 8:28 P.M.

City of Neligh

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Ted Hughes, Council President

ATTEST

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Danielle Klabenes, City Clerk

#### **CERTIFICATION**

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on October 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)

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City Clerk