

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
February 15, 2023

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Wednesday, February 15, 2023 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members , Dale Wilkinson, Leonard Miller, Steph Lundgren and Ted Hughes. 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, Officer Darin Ternus, Library Director Amy Baker, Logan Lawson, Edwin Ferris, Don Weinman and Luke Jacobsen. Notice of this meeting was given in advance thereof by publication in the Antelope County News on February 8, 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.

#### **APPROVAL OF MINUTES**

*Council member Wilkinson moved to approve the January 10<sup>th</sup> regular meeting minutes as presented.* Seconded by Hughes. Roll call votes in favor were Lundgren, Wilkinson, Hughes. Opposed: None. Abstain: Miller. Motion carried.

#### **TREASURER REPORT**

City Clerk Klabenes reported that FEMA funds of approximately \$31,000 were received for the May 2022 storm damage and a follow up call was scheduled for later in the week. She reported close monitoring of monthly power bills showed higher expense totals. She requested authorization to redeem unrestricted Electric fund CD investments or a transfer from the General fund to the Electric fund if needed for power bills. City Attorney Jim McNally reported a conference call with power suppliers was scheduled for later that week and the city should be receiving income for its power resources thereafter. *Miller moved to authorize the city clerk to transfer funds from the General fund to the Electric fund if needed.* Seconded by Hughes. Roll call votes in favor were Lundgren, Miller, Hughes, Wilkinson. Opposed: None. Motion carried.

Clerk Klabenes reported on interest rate options from Pinnacle and Heritage banks for various terms on CD investments as a follow-up to the Council's inquiry on investing \$150,000 of LB840 funds. *Miller moved to authorize the city clerk to invest \$150,000 of LB840 funds in an 11-month CD at Heritage Bank at 3.95%.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Miller, Lundgren. Opposed: None. Motion carried.

*Council member Hughes moved to approve the January 2023 Treasurer's report as presented.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, Hughes and Wilkinson. Opposed: None. Motion carried.

#### **SEMI-ANNUAL LIBRARY REPORT**

Library Director Amy Baker reported the Neligh Public Library was one of seventeen Nebraska libraries recognized among the America's Star Libraries by the Library Journal and Nebraska libraries were ranked 5<sup>th</sup> among all the states. She reported the library was operating within the budget and the library collection had added materials such as a lighted magnifier and maker space items. She reported on a variety of library services which included Candy Land, Quilters Club, Pub Trivia, Women's and Teen Book club and outreach programs at the Willows and Arbor Care. She reported the total annual virtual visitors to the library website was 37,416. She reported one staff member will be hired for the Youth Director position. Mayor Hartz thanked the Director for

management of so many programs and operating within the budget. *Lundgren moved to approve the semi-annual library report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Lundgren, Hughes. Opposed: None. 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**

Discussion was held for allowable time limits for buildings renovated by the property owner or a contractor. Discussion was held for exemptions that the vacant property registration and applicable fees may not pertain to. Discussion was held for clarification of what storage is allowed or prohibited. Discussion was held whether to manage the vacant property registration within the city or hire an outside firm to manage the program. No action was taken, and the matter was tabled.

### **DANGEROUS BUILDINGS RESOLUTIONS**

City Attorney McNally reported four property owners had received notice of the proposed resolutions determining their property as a nuisance and dangerous building. He reported that if the City Council adopted such resolution, that the property owners could appeal to the City Council to which the Council would give the property owners a hearing. He reported if the Council determined the property was a nuisance, the property owner would have 30 days to appeal to the District Court. He reported if the property owner did not appeal to the City Council, then after 30 days the city had the right to demolish the property and assess the costs or file a lawsuit for the costs. He reported that the Council could choose to grant the property owners 30 days following the notice they have already received or consider adopting the resolutions.

Edwin Ferris, owner of 408 L Street, reported he was interested in donating the property to the Antelope County Museum. City Attorney McNally reported he would work with the Museum Board and Ferris on the donation.

*Miller moved to introduce and move for passage Resolutions 2023-3, 2023-4, 2023-5 and 2023-6 declaring the properties of 408 L Street, 402 West 9<sup>th</sup> Street, 707 S Street and 600 R Street as a nuisance and a dangerous property in violation of the city ordinances.* Seconded by Wilkinson. Roll call votes in favor were Miller, Lundgren, Hughes, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolutions 2023-3, 2023-4, 2023-5 and 2023-6 adopted.

### **LUNA AND DECAMP NEW PLUMBING LICENSES**

City Clerk Klabenes reported two new plumbing license requests were submitted to the City Office for Jose Luna and Tom DeCamp. She reported both had provided the surety bond required for the first year of a new license and both had provided proof of insurance coverage. She reported that DeCamp had been in the plumbing business for a number of years and was going into business for himself. She reported that Luna was a former local high school student graduate who returned to the community, learned the skill trade and was starting his own business. *Wilkinson moved to approve a new plumbing license for Luna Plumbing and Heating and Air Conditioning and Tommy the Plummer LLC for one year with surety bond in place.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

### **JULY 3<sup>RD</sup> STREET CLOSURE ON MAIN STREET AND 3<sup>RD</sup> STREET**

Luke Jacobsen requested a street closure for the July 3<sup>rd</sup> concert during Neligh's 150<sup>th</sup> anniversary this summer. He requested the closure include Main Street from the intersection of 2<sup>nd</sup> and Main Street north to Blood Pharmacy and along 3<sup>rd</sup> Street from the west side of the alley at Buff's Dew Drop to the east side of the Alley at the American Legion. He requested a street closure at 4:30pm for Pinnacle Bank, Heritage Bank and Neligh Deli customer access. He reported the insurance policy for \$2 million would cover all Neligh 150 events from June 29<sup>th</sup> through July 4<sup>th</sup> and the Neligh Young Men's Club insurance policy covered their July 4<sup>th</sup> events. He requested the

street closure be in effect from 4:30AM to 2:00AM to allow for street clean up after the concert and be ready for the parade the following day. *Lundgren moved to approve a street closure on July 3<sup>rd</sup> for Main Street from 2<sup>nd</sup> Street to Blood Pharmacy and along 3<sup>rd</sup> Street from the American Legion Alley to the alley by Buff's Dew Drop from 4:30PM to 2:00AM for the Neligh 150 concert event.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Miller, Hughes. Opposed: None. Motion carried.

### **SPECIAL DESIGNATED LIQUOR LICENSE FOR JULY 3<sup>RD</sup> MAIN STREET CONCERT**

*Wilkinson moved to approve the special designated liquor license for the American Legion, Sly's Bar and Grill and Buff's Dew Drop for the Neligh 150 concert on July 3<sup>rd</sup>.* Seconded by Lundgren. Roll call votes in favor were Hughes, Miller, Lundgren, Wilkinson. Opposed: None. Motion carried.

### **STEALTH BROADBAND AND TOMMARK PROPERTIES TOWER LEASE RENEWALS**

Discussion was held for charging a fee for a tower lease to Stealth Broadband according to the current tier rate schedule or to continue with the free internet to City Hall in exchange for the tower lease. Discussion was held that Stealth Broadband had made an investment in Neligh and occupied a main street building yet if the city followed the lease schedule it would offer a clean agreement. Discussion was held that the tower lease rate applicable to Stealth would be Tier 2 at \$200 a month and the estimated cost of internet to City Hall would be \$120 a month. *Hughes moved to approve a tower lease with Stealth Broadband at the Tier 2 rate of \$200 a month for 3-years effective March 1, 2023 with the city paying for internet service to City Hall at \$120 a month.* Seconded by Wilkinson. Roll call votes in favor were Miller, Hughes, Lundgren, Wilkinson. Opposed: None. Motion carried.

*Wilkinson moved to approve the tower lease renewal with Tommark Properties at \$200 a month for 4 years effective March 1, 2023.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

### **RUSSELL PARK LEASE RENEWAL WITH ANTELOPE COUNTY SHOOTERS CLUB**

*Wilkinson moved to approve a lease of Russell Park with Antelope County Shooters Club for \$1.00 for one year to October 1, 2023.* Seconded by Miller. Roll call votes in favor were Hughes, Lundgren, Miller, Wilkinson. Opposed: None. Motion carried.

### **DIAL-A-RIDE PUBLIC TRANSIT TITLE VI UPDATED PLAN**

Clerk Klabenes required the transit agency is required to carry a plan stating the business will not discriminate on race, color or national origin. She reported the plan was updated from its first adoption. *Wilkinson moved to approve the updated Title VI Non-Discrimination Plan 2023 for Dial-A-Ride Public Transit.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Lundgren, Wilkinson. Opposed: None. Motion carried.

### **HIRING A CHILDREN'S LIBRARIAN**

*Hughes moved to approve the hire of Natilee Payne as Children's Librarian at \$17.00 an hour following successful completion of pre-employment testing.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Jon Strom to the Tree Board for a 3-year term. *Wilkinson moved to approve the Mayor's re-appointment of Jon Strom to the Tree Board for a 3-year term as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Lundgren, Miller. Opposed: None. Motion carried.

### **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Sheridan-Simonson reported Blood Pharmacy had submitted a grant application for \$1,000 for new signage on the awning and was approved by the Economic Development Board. *Hughes moved to approve an Exterior Façade Grant for Blood Pharmacy for signage for \$1,000.* Seconded by

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

The Director also reported Blood Pharmacy requested the utility discount program through the Attraction Startup and Transition grant for 2 years. *Hughes moved to approve Blood Pharmacy for the Attraction Startup and Transition grant for 10% discount on utilities the first year and 5% discount on utilities the second year.* Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, Hughes, Lundgren. Opposed: None. Motion carried.

Director Sheridan-Simonsen also reported the January Career Fair was well attended by four schools in Antelope County. Student surveys of the event showed the personality test by Tessa Hain was a favorite. She thanked sponsorship from Advanced Consulting Engineering, Nebraska Army National Guard, Antelope County Ag Society and Sly's Family Grill for the event. She thanked public works employees Dan, Josh, Walt, Scott and Grant for setup of the event. She also reported the application to Rural Workforce Housing was continuing for the housing grant application due in March. She reported that the Nebraska Community Foundation will not award a planning study grant for an early childhood education center at this time but understood the importance for additional childcare services to the community. She reported the next event was the Ag Expo at the beginning of March and the Assistant Director was busy preparing for it. She reported she was eager to attend the NIFA annual meeting in April that would be presenting on housing programs. She also reported the Senior Citizens and American Legion both as non-profits were offering meals options to complement Neligh's eateries. *Council member Hughes moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Lundgren, Hughes. Opposed: None. Motion carried.

## **POLICE REPORT**

Discussion was held for increasing the part-time officer wage from \$20 per hour to \$25 per hour to attract part-time officers easier and to accommodate for current wage increases in the profession. *Wilkinson moved to approve a part-time police officer hourly wage of \$25 per hour effective March 1<sup>st</sup>.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Lundgren. Opposed: None. Motion carried.

Discussion was held for recognizing the work Lyle Juracek began as serving as Interim Police Chief in January. *Hughes moved to ratify the Mayor's hire of Lyle Juracek as Interim Police Chief on January 23<sup>rd</sup> at \$25.00 an hour and to pay a \$1,000 bonus.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Lundgren, Hughes, Miller. Opposed: None. Motion carried.

Discussion was held for the hire of Police Chief Logan Lawson effective February 27<sup>th</sup>. *Hughes moved to approve the hire of Logan Lawson as Police Chief at \$70,000 salary effective February 27<sup>th</sup>.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Hughes, Lundgren. Opposed: None. Motion carried.

Discussion was held for increasing Officer Ternus's salary and promote to Deputy Chief of Police. *Hughes moved to approve an increase in salary for Officer Ternus to \$60,000 salary effective February 11<sup>th</sup> with a promotion to Deputy Chief of Police.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Lundgren, Hughes. Opposed: None. Motion carried.

Discussion was held for increasing the extra shift pay to match the new part-time officer wage set of \$25 an hour. *Hughes moved to approve the extra shift pay of \$25.00 an hour for full-time police officers working more than 5 shifts a week.* Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Miller, Lundgren. Opposed: None. Motion carried.

Officer Ternus reported on the different reporting agencies he was working on and would be assisting Chief Logan upon his duties beginning. Discussion was held for Interim Chief Juracek's written report and his drive through town noting streetlights. Discussion was held for the mobile speed sign to be placed in service and the solar speed sign moved from the AMH hill down the street near 9<sup>th</sup> Street. *Hughes moved to approve the numeric and written police reports as presented.* Seconded by Wilkinson. Roll call votes in favor were Lundgren, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

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

Mayor Hartz began with a thank you to the Public Works for the snow removal and job well done. City Superintendent Donaldson reported he was beginning to look at park and pool hires and projects. He reported the

sewer plant was running well and the repairs to the water well were done. He reported that during the well repair it was discovered that the well casing was still in good shape and did not need to be replaced which saved about \$12,000, however it was noted that the additional snow removal this winter consumed the savings from the water well repairs. The Supt. reported LP Gill was now dispatching trailers from Norfolk instead of Jackson and hoped this would help with drivers and availability of changing out trailers. It was noted that the hauling and landfill contract would be terminating in January 2024 with new contracts to be discussed later this year. The Supt. reported the Pioneer Homes Board requested a parking area west of earlier proposal for 100 by 45 feet with the Pioneer Homes paying for the parking area. He reported the city was asked to install a culvert in the ditch with an estimated cost of \$1,000 and pay for an paved approach of 100 by 15 feet with an estimated cost of \$4,000. The Supt. reported this project would alleviate the concern for emergency access to the back of the housing development. *Hughes moved to approve a culvert installation and a 100 by 15-foot approach behind Pioneer Homes capped at \$5,000.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Miller, Lundgren, Wilkinson. Opposed: None. Motion carried.

Discussion was held for the sewer charges for an apartment complex that is served by one meter instead of individual meters. Discussion was held that current policy sets the landlord of the apartment complex to pay for the usage fee and each tenant pays the monthly service charge. Discussion was held for changing the policy to place both usage and monthly service charges with the landlord for apartment complexes served by one meter as the landlord will split the costs to each tenant through monthly rent. It was the consensus of the council to have the City Attorney create an ordinance for consideration next month with the proposed change.

Discussion was held for the increase in minimum wage and the increase to lifeguard wages to attract lifeguards and compete with other summer employment options. Supt. Donaldson reported the Pool Manager would be returning this summer and he was seeking another adult for an Assistant Manager in addition to an experienced and older lifeguard for a second assistant. *Wilkinson moved to approve the Park Board recommendation for advertising of summer park and pool personnel.* Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, Hughes, Lundgren. Opposed: None. Motion carried.

*Wilkinson moved to approve a spring clean up weekend of April 22<sup>nd</sup> – 23<sup>rd</sup> with Saturday regular hours of 9am-4pm with waiving compactor fees to Neligh residents only until the trailer is full. Tree Dump hours on Saturday of 11am-5pm and Sunday 1pm – 5pm. Normal curbside pickup on Monday. Rain date of April 29<sup>th</sup> – 30<sup>th</sup>.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

*Council member Wilkinson moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Lundgren, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.

## **NEW MOON THEATER REPORT**

Theater Liaison Lundgren reported window panels for the theater were donated and were being finalized. She requested city public works assistance for hanging in the windows once available. She reported worked to raised matching funds for grants was still underway. She reported the tower cap was built and the moon still needed to be attached. She reported the theater was going to partner with the Library for a movie in the Park on a Sunday night. *Hughes moved to approve the New Moon Theater report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, Lundgren. Opposed: None. Motion carried.

## **ACE DISTRIBUTION**

Council member Wilkinson reported that \$5,367 was received from ACE Distribution. He reported that the Council has allocated \$4,462.50 for the CodeRed Notification system and recommended the remaining \$904.50 be donated to the Inclusive Playground Equipment. *Wilkinson moved to approve donating \$904.50 from the ACE Distribution to the Park Foundation for the Inclusive Playground Equipment.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Hughes, Lundgren. Opposed: None. Motion carried. Mayor Hartz thanked Council Member Wilkinson for his time to the ACE program.

## **APPROVAL OF BILLS**

*Lundgren moved to approve the Blackstrap invoices for January 10<sup>th</sup> totaling \$1,618.39 and the February*

15<sup>th</sup> invoices totaling \$2,350.60 for road salt and blackslicer. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Lundgren. Opposed: None. Abstain: Hughes. Motion carried.

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, Hughes, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:55 P.M.

City of Neligh

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Joe Hartz, Mayor

ATTEST

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Danielle Klabenos, City Clerk

### **CERTIFICATION**

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on February 15, 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