

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

March 14, 2023

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, March 14, 2023 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members , Dale Wilkinson, Leonard Miller, Stephanie Lundgren. Absent was Ted Hughes. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Economic Development Director Lauren Sheridan-Simonsen, Deputy Clerk Rhonda Heithoff, City Engineer, Jon Zwingman, News Reporter Kelli Garcia, Joe McNally, Jason Krebs, Ray Ahrens, Boyd Pedersen and Police Chief Deputy, Darin Ternus. Notice of this meeting was given in advance thereof by publication in the Antelope County News on March 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. Deputy Clerk Rhonda Heithoff recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the February 15th regular meeting minutes with the correction of the Tommark Properties tower lease at \$100 a month instead of \$200 a month. Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

TREASURER REPORT

Light discussion was stated about the information that City Clerk Klabenes had noted in Council letter.

1. February energy costs of \$80,0000 were significantly lower than January's costs of \$177,000.

2. We received reimbursement of \$7750 from Nebraska Investment Finance Authority (NIFA) for 50% of the Housing Study conducted last summer.

3. We just completed another Renewable Energy Credit (REC) sale for all of the older RECs (back to 2016.) This sale should net Neligh around \$24,500 and will be added as a credit to the billing that will go out later this month on the Wind Energy bills with Grand Island.

Council member Wilkinson moved to approve the February 2023 Treasurer's report as presented.

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

WATER AND SEWER PROJECT ANNEX EAST HIGHWAY 275

City Engineer Jon Zwingman reported that the USDA has a requirement that all properties adjacent to improvements needs to connect their domestic water to the City line. Currently we are waiting for the USDA's Office of General Counsel to give permission for a grandfather right to not require the property owners to be required to connect. City Attorney James McNally and Jon Zwingman both stated that making a new ordinance will not be helpful. The Council asked City Superintendent, Dan Donaldson to visit with the seven businesses to see if they would like to connect if the City pays for connecting to their domestic water line. Superintendent Donaldson is to bring back information for the next meeting. The Council will then need to decide if they want to bond it or stay with the USDA. No action was taken.

VACANT PROPERTY REGISTRATION ORDINANCE

City Attorney, James McNally stated that he does not feel that a registration ordinance is needed. Even if we hire Five Rule as administrators, the City will still have a liability. City Superintendent, Donaldson stated that he had contacted Cities that had hired Five Rule as administrators. They were happy with the results. Councilman Miller felt that no decision should be made until Council member Hughes has returned for the next meeting. Council asked McNally to tweak the nuisance ordinance for the April meeting. No action was taken.

DANGEROUS BUILDINGS RESOLUTIONS

Discussion was held for the dangerous building resolution adopted last month. City Attorney McNally reported that he was happy with the response of the four property owners. Some of the owners are planning to fix up or demolish the residence. The property owner of 408 L has suggested the property to be donated to the Antelope County Museum. No action taken.

DEMOLITION COST OF 408 L STREET FOR PROPERTY TO BE DEEDED TO ANTELOPE COUNTY MUSEUM

Boyd Pedersen, representing the Antelope County Historical Society stated that the Antelope County Historical Society would like to use the lot at 408 L for displays and also electric vehicle charging. He approached the City asking them to partner with the project of demolition of the house and garage. He will also reach out to the Antelope County Supervisors asking them to join the partnership. City Attorney McNally stated that maybe the

City can be the owner and lease the property to the Antelope County Museum yearly. City Attorney McNally will inform the owner of 408 L. that we are working on an arrangement. No action was taken.

ORDINANCE 646 SETTING WATER RATES FOR OWNERS AND TENANTS SERVED BY ONE WATER METER

Council member Wilkinson moved to set water rates for owners and tenants of apartments, multi-housing units or mobile home parks served by one water meter by introducing the following ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH SETTING WATER RATES FOR OWNERS AND TENANTS OF APPARTMENTS, MULTI-HOUSING UNITS OR MOBILE HOME PARKS SERVED BY ONE WATER METER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

And moved that the statutory rule requiring reading on three different times be suspended. Council Member Lundgren seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Wilkinson, Miller, Lundgren. Opposed: None. Absent: Hughes. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter, *Council member Wilkinson moved for final passage of the ordinance.* Motion was seconded by Council member Lundgren. The mayor then stated the question, "Shall Ordinance No. 646 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Lundgren, Wilkinson, Miller. Opposed: None. Absent: Hughes. The passage and adoption of said ordinance, having been concurred in by three-fourths of all members of the City Council, the Mayor declared the ordinance was adopted and approved of the same and affixed his signature thereto and ordered the City Clerk to publish said ordinance one time as prescribed by law.

MANAGER LICENSE FOR CASEY'S RETAIL STORE

No discussion was held. *Lundgren introduced and moved to approve the application for Christopher Sieck of Casey's Retail Company.* Seconded by Miller. Roll call votes in favor were Miller, Lundgren, Wilkinson. Opposed: None. Absent: Hughes.

RESOLUTION 2023-7 FOR DIAL A RIDE OPERATING ASSISTANCE 2023-2025

No discussion was held. *Council Member Lundgren introduced and moved for passage Resolution 2023-7 requesting federal funding of \$88,477 and state funding of \$29,085 for the two-year fiscal years of 2023-2025 for the Dial A Ride Public Transportation operation.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Lundgren. Opposed: None. Absent: Hughes. Thereupon Mayor Hartz declared Resolution 2023-7 adopted.

LOAN AGREEMENT FOR RIVERSIDE PARK JET WITH THE DEPARTMENT OF THE USE AIR FORCE

Council member Wilkinson stated that he would like to see us clean up the loaned jet and possibly paint it. City Superintendent Donaldson said that the jet is painted incorrectly but he does have the specs to correct it. He stated that it is a future planned project.

Council Member Wilkinson moved to ratify the mayor and city clerk's action of February renewal of the new biennial renewal for a loan agreement to display the jet in Riverside Park between the Department of the US Air Force and City of Neligh. Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

GAS METER PROTECTION ORDINANCE

Jason Krebs, safety officer for the Neligh Fire Department, approached the Council about contacting Black Hills Energy about gas meter barricades. The Fire Department volunteers would like to propose a plan in the City of Neligh right away for an installation of barricades around Black Hills Energy's gas meters. After an accident the Fire Department is concerned about the dispatch time that it takes for a Black Hills employee to arrive and shut off the gas at the meter. There is usually four emergency calls per year related to the gas meters which is concerning for our Citizens and the First Responders. Krebs stated that Black Hills Energy does have a long-term goal of locating the meters closer to the homes. Deputy Chief of Police Darin Ternus stated that he was told by a Black Hills employee that their company will not install barricades until a meter is hit two times. City Attorney, McNally will look into the matter by reading our franchise agreement and inviting Black Hills Energy to our next meeting concerning this manner. No action was taken.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonson reported that much of this last month has been spent working on the Rural work force housing grant. Roughly a dozen letters were received by businesses stating the hardship of not having affordable housing in town. The application deadline is next Thursday.

Director Sheridan-Simonsen stated that the 2023 AG EXPO was a great show and Director Assistant Sara Borer did a fantastic job. We had a vendor sellout with multiple new vendors and we also formed a waiting list. This year a "coffee" area was added with snacks. Past and new vendors were pleased with the AG EXPO and they felt that this year was the best one. They are estimating that the attendance was six hundred for a two-day show. Rich Burgess, Cory Coover and Jill Kallhoff were great volunteers during the event. The Director reported

Christmas lights have been taken down on the East side of the Courthouse with help from the FFA and FBLA school groups. Tanner Knutson and Sara Borer also helped with the project. Sara has been busy updating the Neligh Chamber of Commerce by laws. *Council member Wilkinson moved to approve the Economic Development Director report.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Lundgren. Opposed: None. Absent: Hughes. Motion carried.

POLICE REPORT

Deputy Chief of Police, Darin Ternus answered a question from Council Member Wilkinson asking for an update on the upstairs Police evidence room. Officer Darin Ternus stated that he has visited with our new Chief, Logan Lawson about this matter. The evidence locker needs to be finished because the Sheriff's department is running out of storage and the Neligh Police Department needs to have access at any time. Wilkinson stated that maybe we need help finishing the project because at the current time we only have two full time officers. Superintendent Donaldson will continue to visit with Chief Lawson about the matter.

Deputy Chief of Police Ternus stated that Chief Lawson is attending DARE schooling this week and will also be attending accident reconstruction training.

Mayor Hartz stated that City Clerk Klabenes is asking for clarification of the extra shift pay for full-time officers to \$250 per shift. Deputy Clerk Heithoff stated that the question came up when Interim Chief Lyle Juracek was concerned that it was being incorrectly paid through payroll.

Council member Wilkinson moved to approve the extra shift pay of \$250 flat rate for full-time officers after 5 shifts per week for a 10-hour shift regardless of number of times called out. Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Miller. Opposed: None. Absent: Hughes. Motion carried.

Lundgren moved to approve the February numeric and written police reports as presented. Seconded by Wilkinson. Roll call votes in favor: Miller, Lundgren Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

CITY SUPT. & ELECTRIC REPORT

City Superintendent Donaldson hopes that we are finished with snow removal and finished items are sewer plant blowers. The pool liner is completed and he has been ordering some items for the pool. Along with Candis Kurpgeweit our Pool Manager we have a good bunch of lifeguards planning to return to the pool for this season. In the next two months he plans to foam some of the bad sewer lines. Pertaining to the water department, the Village of Clearwater will not renew their contract with the City for testing their water. They appreciated Scott Kester's professional help with their water department. A few weeks ago we had a four-inch water main break on South Highway Fourteen. It is one of the lines that will be replaced in the future water project.

The electric dept has been trimming trees on Nineth Street and currently they are attending water classes. The first part of the Generation is completed and we are waiting on parts. City Attorney, McNally stated that the communication portion is straightened out. Street employees have been busy working on pot- holes. *Council member Wilkinson. moved to approve the City Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Lundgren. Opposed: None. Absent: Hughes. Motion carried.

NEW MOON THEATER REPORT

Theater Liaison Lundgren reported that she was not present at their last theater meeting. They have currently been working on finalizing grant applications. They are planning an event with the Library for Neligh 150. On Sunday night, July 2nd they will host a family movie in the park. Popcorn will be provided. *Wilkinson moved to approve the New Moon Theater report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Lundgren. Opposed: None. Absent: Hughes. Motion carried.

APPROVAL OF BILLS

Wilkinson moved to approve the current claims filed containing the Blackstrap invoices totaling \$1361.10 for black slicer. Seconded by Miller. Roll call votes in favor were Miller, Lundgren, Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Lundgren. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:58 P.M.

City of Neligh

Joe Hartz, Mayor

ATTEST

Rhonda Heithoff, City Clerk

CERTIFICATION

I, the undersigned, Deputy City Clerk of the City of Neligh, Nebraska, hereby certify that on March 14, 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)

Deputy City Clerk