

# MINUTES OF REGULAR MEETING OF MAYOR AND CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA

July 10, 2018

The regular meeting of the Mayor and City Council of the City of Neligh was held at the Council Chambers on Tuesday, July 10, 2018 at 7:00 P.M. Present were Mayor Joe Hartz and Council members Ted Hughes, Steph Wanek, Dale Wilkinson and Leonard Miller. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Gabriel Steinmeyer and Interns Michayla Goedeken and Rhiannon Cobb, Police Chief Mike Wright, City Clerk Danielle Klabenes, News Reporters Olivia Wondercheck and Carrie Pitzer, DeManda McGowen, Bob Wanek, Lyle Juracek and Al Stelling. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on July 3, 2018. 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 Council Chambers, is available to the public. City Clerk Klabenes recorded the minutes. The Pledge of Allegiance was recited.

## **APPROVAL OF MINUTES**

*Wilkinson moved to approve the June regular meeting minutes as submitted.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Motion carried.

## **TREASURER'S REPORT**

Clerk Klabenes presented the June 2018 treasurers report and stated the DTR drawdowns 5, 6 and 7 had correctly deposited into the correct checking account which would be transferred to the General Fund later in the month to reimburse the General Fund. She reported a \$500 grant was awarded from LARM for the Lean on LARM safety grant for the radar speed trailer. She reported the Q125 account was for the local celebration for Neligh's 150<sup>th</sup> anniversary in 2023. *Hughes moved to accept the June treasurer report as submitted.* Seconded by Wanek. Roll call votes in favor were Hughes, Wanek, Miller, Wilkinson. Opposed: None. Motion carried.

## **NELIGH CARE AND REHAB**

Mayor Hartz reported he did not like to enter executive session but felt the circumstance warranted a closed discussion. *Wanek moved to convene into executive session to discuss negotiations with Neligh Care & Rehab.* Seconded by Hughes. Those voting in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Motion carried. Time 7:07 P.M. Also present were City Attorney Jim McNally, ED Director Gabriel Steinmeyer and City Clerk Danielle Klabenes. Those present for executive session met near the Mayor's office and exited the Council Chambers.

The council reconvened into regular session at 7:26 P.M. *Wanek moved to authorize the Mayor to contact firms for a financial consultant to conduct a feasibility study on the Neligh Care & Rehab.* Seconded by Hughes. Roll call votes in favor were Miller, Wanek, Hughes, Wilkinson. Opposed: None. Motion carried.

## **AMENDMENT TO REDEVELOPMENT AGREEMENT FOR NELIGH INDEPENDENT LIVING**

ED Director Steinmeyer reported the TIF attorney was preparing the documents yet. He reported the city could hold the primary TIF note with Series A Bonds and collect the TIF to pay the bond. He reported Neligh Independent Living could hold a Series B Bond to cover the site prep costs if the TIF covered the Series A Bond in full before the 15 year term. Discussion was held for including a specific site prep amount in the documents. No action was taken and the matter was tabled to next month.

### **SALE OF SURPLUS PROPERTY AT FORMER 209 MAIN STREET**

Mayor Hartz reported the interested buyer had withdrawn the offer to purchase the vacant lot. No action was taken.

### **SALE OF SURPLUS PROPERTY OF AN IRREGULAR TRACT 21-25-6 EAST OF SMEAL FIRE APPARATUS**

Clerk Klabenes reported a second sealed bid was received that day for the property in addition to a previous bid submitted and requested discussion on whether the property should go to a public bid or the council's interest in selling the property before discussing bid amounts. City Attorney McNally reported the council may accept bids for city property less than \$5,000 but the legal procedures were different for bids more than \$5,000. Discussion was held for consideration of an easement for a possible city well on the property and the exact location and dimensions for the easement were unknown at this time. Discussion was held for being cognizant of the location zoning and intended use which is partially residential and partially manufacturing light industry. Discussion was held for matching a list of city properties from the County Assessor's office with a map for a visual reference. Discussion was held for a lease for the alfalfa on the property. *Wilkinson moved to reject all proposed bids.* Seconded by Wanek. Roll call votes in favor were Miller, Wanek, Hughes, Wilkinson. Opposed: None. Motion carried. Lyle Juracek withdrew his bid from consideration.

### **REQUEST FOR COMMERCIAL TRAFFIC RESTRICTIONS ON WYLIE DRIVE**

Bob Wanek requested consideration for reducing the speed limit and the type of vehicles using Wylie Drive. He reported city police have patrolled more often and requested a 4-way stop return to N Street and Wylie Drive intersection. Discussion was held that the stop sign was previously placed on Wylie Drive instead of N Street as it currently is, for medical personnel coming into town from the airport. Bob Wanek recommended adding a speed bump and recognized that a speed bump would not eliminate vibrations from traffic. Discussion was held that the design of the N Street and Wylie Drive intersection did serve as a speed bump where truck traffic must slow down before passing through the intersection to avoid truck damage. Bob Wanek stated he appreciated if a paving project would mitigate some of the issues. Discussion was held that Wylie Drive is on the One-Year Street Plan. Discussion was held that a street can be designated as local traffic but enforcing local traffic only is difficult. Mayor Hartz thanked Mr. Wanek for bringing his concern and visiting with the City Council. No action was taken.

### **PUBLIC HEARING FOR CITIZENS ADVISORY REVIEW COMMITTEE SEMI-ANNUAL LB840 REPORT**

Mayor Hartz declared the hearing for the semi-annual report on the LB840 program opened at 8:07 P.M. DeManda McGowen from the Citizens Advisory Review Committee stated the committee reviewed the financials and it was good to see a number of different businesses utilizing the funds. She reported that 1 or 2 inquiries have been received for new loans. She reported the committee was satisfied with where the money was being spent. Mayor Hartz thanked McGowen and the committee for volunteering and serving on the committee. In absence of public comments, the public hearing was closed at 8:11 P.M. *Wanek moved to approve the semi-annual report of the Citizens Advisory Review Committee on the LB840 program.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

### **REQUEST FOR PROPOSALS FOR AUDIT SERVICES**

Clerk Klabenes presented a request for proposal for audit services for the current fiscal year ending September 30, 2018 and the following three years. She reported it had been 5 years since requesting bids and that she was very happy with the current audit services. She requested a bid opening of August 10<sup>th</sup> for availability prior to the August regular meeting and budget workshop. *Wilkinson moved to approve submission of Request for Proposals for audit services beginning with the 2018-2019 fiscal year and following 3 years with a bid letting date of August 10<sup>th</sup> at 1:00PM.* Seconded by Miller. Roll call votes in favor were Wanek, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

## **INTER-LOCAL AGREEMENT WITH ANTELOPE COUNTY LIBRARY ASSOCIATION**

*Wanek moved to approve the renewal of the inter-local agreement between the City of Neligh and the Antelope County Library Association for supporting the Neligh Public Library. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.*

## **AMERICAN LEGION SPECIAL DESIGNATED LIQUOR LICENSES AUGUST 25<sup>TH</sup> AND SEPTEMBER 8<sup>TH</sup>**

*Wilkinson moved to approve two special designated liquor licenses for the American Legion for August 25<sup>th</sup> Neligh Fall Festival and September 8<sup>th</sup> at the Antelope County Fair Building. Seconded by Wanek. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.*

## **APPOINTMENTS**

Mayor Hartz recommended the following appointments: LB840 CARC – re-appointment of RJ Bichlmeier, 4 year term and Tyler Pederson for unexpired term to May 2019; Park Foundation - re-appointment of Ray Ahrens, 3 year term; Northeast Nebraska Economic Development Council of Officials – Leonard Miller, 1 year term. *Motion was made by Hughes to approve the appointments as presented. Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Motion carried. Mayor Hartz thanked all volunteers for their services.*

## **ECONOMIC DIRECTOR REPORT**

Economic Development Director Steinmeyer reported of no DTR applications for this month but he anticipated one application at the August meeting. He requested consideration to submit a request for proposal (RFP) for website design services as the current city website required a rebuild and the contract was expiring. Discussion was held for completing a RFP with the same date and time as the audit services RFP and submitting a copy to the City Council to review. *Wanek moved to authorize the ED Director and City Clerk to finalize an RFP for submission to website design firms. Seconded by Hughes. Roll call votes in favor were Wanek, Wilkinson, Miller, Hughes. Opposed: None. Motion carried.*

The Director reported information on 2 bids with one paper bid presented for a Neligh marketing video to capture 3-day footage of the 2018 county fair, museums, eateries, nature, family atmosphere and way of life. He reported the ED Board recommended Ravera Studios of St. Joe, Missouri at \$2,500 plus lodging. The paper bid presented was the second bid from Pitzer Digital of Neligh for \$2,100. Discussion was held for waiting on the video to capture the finished projects from the Downtown Revitalization grant and spread the footage over more than 3 days to capture the downtown activity that may not be present on weekends. Discussion was held for supporting the local business community for this project. Discussion was held for planning for this project in the next fiscal year budget. No action was taken.

Director Steinmeyer requested his employment contract be discussed in executive session. *Hughes moved to enter executive session to discuss the Economic Development Director's employment contract. Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried. Time: 8:48 P.M. Also present were City Attorney Jim McNally, ED Director Gabriel Steinmeyer, ED Board Member Al Stelling and City Clerk Danielle Klabenes. Those present for executive session met near the Mayor's office and exited the Council Chambers.*

The council reconvened into regular session at 9:13 P.M. *Hughes moved to authorize a 3% increase in salary effective with the next payroll cycle after July 11<sup>th</sup>, with the standard paid leave policy of city employees and Economic Development office hours of 8:30 A.M. to 4:30 P.M. Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried. Mayor Hartz thanked ED Board Member Al Stelling and all board members for all their work.*

*Hughes moved to approve the June ED Director's report. Seconded by Wilkinson. Roll call votes in favor were Wanek, Hughes, Miller, Wilkinson. Opposed: None. Motion carried.*

## **POLICE REPORT**

Chief Wright reported the ordinances for both golf cart and ATV/UTV were to be amended for eliminating

the inspection prior to registration and it would be simpler for officers to inspect if a violation occurs. Chief Wright apologized for the miscommunication with the City Attorney filing complaints with the court and the City Attorney apologized for the confusion in eliminating the inspections on all 3 vehicles. No action was taken in amending the golf cart ordinance or ATV/UTV and the matter was tabled to next month.

City Attorney McNally explained the process to filing a nuisance complain in the court and reported the due process in the current ordinance for providing the pictures and written notice for effective communication in filing a complaint. He strongly recommended the nuisance ordinance remain as is. Chief Wright requested consideration for a citation issuance providing approximately a 45 day window for corrective measures before a court date instead of a 15 day window with the pictures and written notice. Discussion was held for a consistent process and the ultimate goal being compliance. Mayor Hartz asked for a motion to change the ordinance with no motion made, therefore the ordinance remained as is. Mayor Hartz thanked the officers for their work and told them to be safe.

*Wanek moved to approve the June Police report of 390 calls.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

### **CITY SUPT. REPORT**

City Supt. Bly reported Elkhorn Paving would begin the intersection improvements the following Monday on 8<sup>th</sup> and P Street. He reported the east well repair bill was due to new bushings for the pump head that ceased up. He reported water samples were being taken to get the chloroform back to regulatory levels which happens with a repair like this is made. He reported the Ball and Park Boards collectively would like to shade cover the Northfield bleachers. He reported after a cost analysis, the treated lumber was about \$1,000 less than a steel option. He reported the two boards would seek the Sons of the Legion to supplement the project. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Miller, Wanek. Opposed: None. Motion carried.

### **ELECTRIC REPORT**

Generation Supervisor Capler reported Soloman Corporation had tested the backup transformer and found a direct short so the transformer was shipped for repair, however no backup transformer was onsite at this time. He reported the transformer rebuild carried a 3 year warranty and Capler would check if a new 3 year warranty would be extended. He reported Soloman agreed to pay the crane expense incurred in setting the backup transformer when the transformer was needed resulting from a spring storm.

Supervisor Capler reported CAT was onsite to repair the turbo gasket #3. He reported the DC battery bank had tested with a decreased drawdown, was 12 years old with a lifespan of 7 -8 years, and the new batteries had arrived earlier that day. He reported the DEQ audit had returned a written warning for the catalyst monitor system to record the in and out temps for NESHAP regulations. He reported he was awaiting a bid for the program to correct the issue. He reported the capability test for fully running each motor for 2 hours would be run later in the week. He reported the motors run better in the winter as they put off a lot of heat.

*Wanek moved to enter executive session to discuss the pending Elkhorn Rural Public Power District lawsuit.* Seconded by Wilkinson. Those voting in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Motion carried. Time 9:58 P.M. Also present were City Attorney Jim McNally, Generation Supervisor Josh Capler and City Clerk Danielle Klabenes. Those present for executive session met near the Mayor's office and exited the Council Chambers.

The council reconvened into regular session at 10:12 P.M. No action was taken.

*Wanek moved to approve the June electric operations report.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Wanek, Hughes. Absent: Miller. Opposed: None. Motion carried.

### **APPROVAL OF BILLS**

*Moved by Wilkinson to approve drawdown #8 for project funds to Big Red Motorsports for \$4,525 and Northeast Nebraska Economic Development District for \$150 and drawdown #9 to Northeast Nebraska Economic Development District for \$840 general administration funds for Downtown Revitalization.* Seconded by Wanek.

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

*Moved by Wilkinson to approve the bills as submitted.* Seconded by Hughes. Roll call votes in favor were , Wanek, Hughes, Wilkinson. Absent: Miller. Opposed: None. Motion carried.

Discussion was held for setting a budget workshop date of Thursday, August 16<sup>th</sup> at 5:30 P.M.

There being no further business to conduct, *Wilkinson moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Miller, Wanek, Wilkinson, Hughes. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 10:18 P.M.

City of Neligh

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Joe Hartz, Mayor

ATTEST

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Danielle Klabenes, City Clerk

## CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the City Council on July 10, 2018; 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 at the meeting for examination and copying by members of the public; 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.

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City Clerk

(SEAL)