

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
December 12, 2017

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, December 12, 2017 at 7:00 P.M. Present were Council Members Dale Wilkinson, Leonard Miller, Ted Hughes and Steph Wanek. Also in attendance were City Attorney Jim McNally, City Supt. Dean Bly, Generation Supervisor Josh Capler, Economic Development Director Gabriel Steinmeyer, Police Chief Michael Wright, City Clerk Danielle Klabenes, News Reporters Laura Anderson and Carrie Pitzer and Engineer Matt Kalin. Notice of this meeting was given in advance thereof by publication in the Neligh News and Leader on December 6, 2017. 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 Klabenes recorded the minutes. The Pledge of Allegiance was recited.

#### **APPROVAL OF MINUTES**

*Council member Hughes moved to approve the November 14<sup>th</sup> regular meeting minutes as presented.* Seconded by Wanek. Roll call votes in favor were Wanek, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

#### **TREASURER'S REPORT**

Clerk Klabenes reported the percentage of expenses were higher compared to the percentage of the fiscal year due to the annual insurance premium paid in the first month of the fiscal year. She reported the electric expenses were higher compared to the fiscal year due to the electrical improvements paid in the first month of the fiscal year. She noted the city auditors were scheduled to conduct the audit later that week. *Hughes moved to approve the November 2017 Treasurer's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Wanek, Miller. Opposed: None. Motion carried.

#### **BID LETTING OF TWO STREET INTERSECTIONS**

Clerk Klabenes presented the City Engineer's recommendation to accept the low bidder for the street intersections of 8<sup>th</sup> and P Street and 5<sup>th</sup> and F Street. She reported bids were received from Elkhorn Paving for \$88,921.14 and A & R Construction for \$120,715.35. Discussion was held that seven contractors requested bid packets but the project was not large enough for mobilizing crews and equipment for more efficiency and a larger revenue. Discussion was held for the option to reject a bid or split the project payments into two fiscal years but the project cost would not decrease by postponing to do the work. *Hughes moved to accept and approve the city engineer's recommendation for Elkhorn Paving bid for the 8<sup>th</sup> and P Street and 5<sup>th</sup> and F Street intersections for \$88,921.14 with a start date of June 1, 2018 and a completion date of August 1, 2018.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried.

#### **SPECIAL ASSESSMENTS FOR PAVING, SEWER AND WATER DISTRICTS FOR NELIGH INDEPENDENT LIVING**

City Attorney McNally reported a hearing date must be set for the Council to serve as a Board of Equalization for setting proposed assessments for the Neligh Independent Living project. He reported that the letters to property owners with notice of the hearing would include a copy of the proposed assessments based on property frontage and advised the Council that the assessments may be set based on benefit received at the hearing and to explain such process to the property owners when an inquiry is received. He reported that the neighboring property owners did have water and sewer services before the project but the most benefit received was for the developer and that property owners would likely object to the proposed assessments by property

frontage which are required by law before the Board of Equalization may consider assessments by benefit received. Discussion was held for the tax increment financing (TIF) of the project to include site preparation and the city improvements for paving, sewer and water. Discussion was held for contacting the developer for a copy of invoices for the project site preparation and to have an updated project cost for TIF for the January meeting. *Hughes introduced and moved for passage Resolution 2017-13 setting a Board of Equalization hearing for February 13, 2018 at 7:00 P.M. for the purpose of levying special assessments with Paving District 2017-1 and Water and Sewer District 2016-1 for Neligh Independent Living and publishing notice of hearing 5 consecutive weeks prior to the hearing date.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Wanek, Hughes, Miller. Thereupon Mayor Hartz declared Resolution 2017-13 adopted.

#### **UTILITY DISCONNECT POLICY FOR TENANTS AND LANDLORDS**

City Attorney McNally reported on the policy prepared following last month's meeting that stated the City of Neligh would collect on delinquent utility accounts through its debt collection services or through its attorneys. He reported the policy stated landlords would not be responsible for delinquent accounts and in the event a service was disconnected for non-payment of utility services, that the services would be reconnected when requested by the landlord for a new renter. Discussion was held for recording the number of accounts affected for one year and to revisit this discussion in one year. *Hughes moved to approve the policy for delinquent utility accounts collected by the City through debt collection services and not holding the landlords responsible for delinquent accounts.* Seconded by Miller. Roll call votes in favor were Wanek, Miller, Hughes. Opposed: Wilkinson. Motion carried.

#### **CAT LICENSES**

Council member Wanek reported a productive meeting was held in discussing a Trap, Neuter and Release (TNR) program with research underway for a possible grant and cost of vet services prior to a follow up committee meeting in January. She reported on promoting to home owners the assistance and impact they can provide in the program by not feeding stray cats. The matter was tabled to the next meeting.

#### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Nick Ramold and Angie Belitz to the Park Board for a 3-year term. *Wanek moved to approve the appointments as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

#### **OFFICE CUSTODIAN**

Clerk Klabenes reported Mary Reuss would like to retire after cleaning the city office and economic development office for 23 years. She reported Reuss began training Nikki Kallhoff and requested consideration to approve hiring Kallhoff. Mayor Hartz asked the City Attorney to prepare a resolution in appreciation for Reuss' service. *Wanek moved to approve hiring Nikki Kallhoff as office custodian at \$9.00 per hour following successful completion of drug testing.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.

#### **ECONOMIC DIRECTORS REPORT**

Economic Development Director Gabriel Steinmeyer reported on two new downtown revitalization applications. He reported Pitzer Digital, in the former Moyers Building, request \$37,995.50 in DTR grant funds for a \$22,159 fix-the-bones and \$15,836.50 façade improvement projects. He reported Heidi Rethmeier requested \$1,500 grant from the façade improvement funds for her rental building from the City's DTR funds from LB840. He reported the Application Committee had approved all applications and recommended for the City Council approval. Discussion was held that the city's electric rebate would also be available for lighting updates. *Wilkinson moved to approve the applications from the federal DTR and city's DTR from LB840 funds as recommended by the application committee for Pitzer Digital and Heidi Rethmeier (rental building) for fix-the-bones and façade improvement grants totaling \$39,495.50.* Seconded by Wanek. Roll call votes in favor were

Wanek, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

The Director also reported Business Bingo was underway with the program concluding December 22<sup>nd</sup> with a winner of \$750 Chamber Big Bucks and a second winner of \$250 Chamber Big Bucks. He reported the Ag & Home Expo to be held March 6 & 7 still had business booth space available. He reported that Neligh would be hosting the Northeast Nebraska Network in February with a guest speaker open to the public. Mayor Hartz requested a letter be sent to property owners with vacant properties for housing opportunities in the spring.

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

## **POLICE REPORT**

Police Chief Wright and City Attorney McNally reported the inter-local agreement was for the law enforcement agencies to assist each other for emergency response. Chief Wright reported Officer Nelson and himself had attended meetings in Valentine and Nelson had received additional training. He reported the agreement enabled the agencies to seek federal grants. He reported no additional costs were required other than the officers time to attend meetings or training. *Hughes moved to approve the Highway 20 Inter-local Agreement for personnel backup in emergencies.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Miller, Wanek, Hughes. Opposed: None. Motion carried.

*Wanek moved to approve the November police report of 207 calls.* Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.

## **CITY SUPT. REPORT**

City Supt. Bly reported applications were still being requested for the 30 hour per week position in solid waste. Discussion was held for advertising outside of the local are to expand the search and list the job opening on the city Facebook page. Discussion was held for two people needed in the solid waste department to rotate weekends. He reported the Furstenau family inquired on signage missing for Russell Park to note the name of the park which was given to the city by family of the Furstenau's. Discussion was held that it was believed to be that the 2010 flood had damaged and taken the sign and for city personnel to replace the sign. *Hughes moved to approve the Supt. report.* Seconded by Wanek. Roll call votes in favor were Wilkinson, Wanek, Hughes, Miller. Opposed: None. Motion carried.

## **ELECTRIC REPORT**

City Attorney McNally reported on the capacity contract with MEAN which took effect December 1, 2017 through January 31, 2018 for additional power for the two months. He reported the agreement was needed prior to December 1<sup>st</sup> which the mayor signed timely. He requested the council affirm and ratify the mayor's signature. Generation Supervisor Capler reported that electric personnel were trained to run the engines for testing at 80%, however Caterpillar had approved the two hour testing at full capacity and recommended not running the engines at full power for several 8-10 hour shifts. City Attorney McNally reported that with testing approved at full capacity the additional agreement for two months would not be needed in the future and the contract in discussion would likely be the only contract to purchase additional capacity. *Wanek moved to affirm the mayor's action and ratify the capacity contract with MEAN.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Motion carried.

The City Attorney reported several other towns were in negotiations with NPPD for their WAPA allocation, which is the hydro power that is the cheapest power available. He reported that Neligh had not been given the full allocation of WAPA power it was entitled to. He reported no response was needed yet but he was sharing the information and expected a decision in 60-90 days.

Generation Supervisor Capler reported he extended a job offer to Jayce Ellenwood for the Lineman position and Ellenwood had accepted. He reported the new lineman would graduate in May 2018 and be working primarily on Fridays and school holiday breaks until graduation. *Hughes moved to approve hiring Jayce Ellenwood on December 15, 2017 as Electric Lineman at \$15.00 per hour upon successful completion of pre-employment drug testing, to honor a \$.50 per hour raise upon successful completion of each Merchant's book and*

to award paid leave upon one year employment anniversary as a full-time employee. Seconded by Wanek. Roll call votes in favor were Miller, Hughes, Wanek, Wilkinson. Opposed: None. Motion carried. Discussion was held for confirming that raises for Merchant's book completion would be honored upon notice of successful completion at the next available pay period.

The Supervisor also reported the generation plant had received fuel to fill the engines and Caterpillar will provide training on how to change out an electronic valve located outside the fuel tank. *Wanek moved to approve the Electric report.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Wanek, Miller, Hughes. Opposed: None. Motion carried.

## **APPROVAL OF BILLS**

*Wilkinson moved to approve \$50.00 Chamber of Commerce Big Bucks to each employee for employee appreciation for a total cost \$1,500.00.* Seconded by Wanek. Roll call votes in favor were Miller, Wilkinson, Hughes, Wanek. Opposed: None. Motion carried.

*Wilkinson moved to recognize employment anniversaries by holding an employee appreciation banquet.* Seconded by Hughes. Roll call votes in favor were Wanek, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

Council Member Wilkinson reported that Black Hill Energy will continue the Choice Gas program indefinitely and was looking to enhance the program. He reported the promotional items would be ordered at the January 2018 meeting and a distribution rebate was estimated to be comparable to 2016. He reported the Council had committed the distribution to support the CodeRed notification system. He also reported that the ACE meetings had moved to Kearney instead of North Platte which the change of location provided a cost savings since overnight lodging would not be needed. Mayor Hartz thanked Council Member Wilkinson for his time and attendance to all the ACE meetings and programs.

Matt Kalin of JEO Consulting Group reported on the change order for decreasing materials quantities and a repair to the water main in the park due to boring through the main during the electrical system improvements. *Wilkinson moved to approve Change Order No. 1 for a decrease of \$5,874.16 for 2017 Electrical Distribution System Improvements with Watts Electric Company.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, Wanek. Opposed: None. Motion carried.

*Wanek moved to approve the final pay application #3 for \$69,226.12 for 2017 Electrical Distribution System Improvements with Watts Electric Company.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Miller, Wanek. Opposed: None. Motion carried.

Matt Kalin also reported the electrical project was completed and recommended approval of the Substantial Completion to begin the one year warranty period. He reported JEO would send a letter at 6 months to request anything for review with a follow-up letter at 11 months. *Wanek moved to approve the Substantial Completion for 2017 Electrical Distribution System Improvements to commence the one-year warranty period.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Wanek, Hughes. Opposed: None. Motion carried.

Kalin reported on the additional services JEO Consulting had assisted with which included reviewing shop drawings of major equipment to ensure compliance, additional meetings on site with ERPPD to review voltage regulator settings, assisting with recloser, survey work for easements and a rate comparison. *Wanek moved to approve Amendment No. 1 with JEO Consulting Group for \$8,468.00 for additional services for 2017 Electrical Distribution System Improvements.* Seconded by Wilkinson. Roll call votes in favor were Wanek, Wilkinson, Hughes, Miller. Opposed: None. Motion carried. Discussion was held for purchasing the backup transformer and outdoor placement next to the current transformer. Kalin reported he would obtain quotes from suppliers for review at the January meeting.

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

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

meeting adjourned. Time 8:50 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 December 12, 2017; 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)