

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
December 13, 2022

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, December 13, 2022 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Brent Pickrel, Leonard Miller and Ted Hughes. Dale Wilkinson was absent. Also in attendance were City Attorney James McNally, Attorney Joe McNally, City Supt. Dan Donaldson, Economic Development Director Lauren Sheridan-Simonsen, City Clerk Danielle Klabenes, News Reporter Kelli Garcia, Officer Darin Ternus, Thomas Higginbotham, Tina Engelbart, Don Weinman and Mike Wright. Notice of this meeting was given in advance thereof by publication in the Antelope County News on December 7, 2022. 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 Hughes moved to approve the November 8<sup>th</sup> regular meeting minutes as presented.* Seconded by Pickrel. Roll call votes in favor were Hughes, Pickrel, Miller. Absent: Wilkinson. Opposed: None. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported on the Park Foundation donations received for the inclusive playground equipment of Riverside Park had reached \$77,000. She reported on the goal of \$150,000 for Phase 1 of the project which included all the inclusive structures while Phase 2 was a single large structure not considered all inclusive. She also presented an updated Treasurer's report with the correction of an Electric fund check previously voided that caused an error in the previous treasurer's report included in the Council packets the previous week. *Council member Hughes moved to approve the November 2022 Treasurer's report as presented.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller and Hughes. Absent: Wilkinson. 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.

#### **NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT PRESENTATION**

Thomas Higginbotham and Tina Engelbart from the Northeast Nebraska Economic Development District of Norfolk presented information on services provided to Neligh over the last 22 years. Higginbotham reported on the funding mechanisms and services available for member communities of the northeast district that served 80 communities across 16 counties. He requested consideration for reinstating membership dues to the northeast district and offered a prorated option for catch-up dues which the dues follow a July through June business year. Discussion was held for a meeting between the district representatives, the Mayor and the Economic Development Director in July and the lack of communication since the July meeting until the December council meeting. Discussion was held that a lack of communication has been very costly for the city in prior events. Discussion was held that specific tasks were asked of the district with a dissatisfaction of service received. A lengthy discussion was held to resume or not to resume the membership dues. Discussion was held that the ED Board had also considered the membership dues and decided to suspend the dues until a change of communication and extended education was seen. It was the consensus of the council to accept and support the decision of the ED Board. No action was taken.

#### **FIVE RULE RURAL PLANNING**

ED Director Sheridan-Simonsen reported she learned last month of a change with funding that NIFA was not continuing with a grant match toward the workforce housing grant which had previously been available. She reported the demolition funds allocated within the budget were now allowable toward grant match which would help bring the total project close to the original amount but not the same as previously planned. She reported the contract proposed by Five Rule Rural Planning was the next step following the Housing Study and submitting a grant application for Workforce Housing. She reported the priorities for the grant were to create a 0% construction loan to develop current housing and redevelop existing lots. She reported the loans would be setup on a revolving basis so additional loans would be disbursed upon the previous loans paid back. She reported the construction loans would not be income based but did require a commercial business to be eligible. She reported that one of the grant writers from Five Rule Rural Planning had experience and a track record in working with the application for Workforce Housing grant. *Pickrel moved to approve a contract with Five Rule Rural Planning for*

\$5,500 for application for Workforce Housing Grant as proposed. Seconded by Miller. Roll call votes in favor were Miller, Hughes and Pickrel. Absent: Wilkinson. Opposed: None. Motion carried.

#### **NEW MOON THEATER MANAGEMENT AGREEMENT**

City Attorney McNally reported that the Theater Board had concerns with wording for the content of programs to support in the New Moon Theater. He reported the agreement had previously stated that the Theater would not have any sexually orientated programs and the Theater Board had concerns with allowable and prohibitable programs on that subject, so the agreement was reworded to the Theater Board's satisfaction. Discussion was held that the Theater could receive gifts and contributions which would still be reported to the city and reported within the city audit with all Theater revenues and expenses. It was noted that Council Member Miller had stepped down from the Theater Board so there was no conflict of interest and incoming Council Member Lundgren could serve as a liaison to the Theater per the agreement proposed. *Pickrel moved to approve the management agreement between the New Moon Theater Board and the City of Neligh for five years effective November 1<sup>st</sup>.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes and Miller. Absent: Wilkinson. Opposed: None. Motion carried.

#### **RESOLUTION 2022-13 YEAR END CERTIFICATION OF CITY STREET SUPERINTENDENT**

*Pickrel introduced and moved for passage Resolution 2022-13 authorizing the mayor to sign a Year End Certification verifying that the City Engineer was appointed in 2022.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller and Pickrel. Absent: Wilkinson. Opposed: None. Thereupon Mayor Hartz declared Resolution 2022-13 adopted.

#### **MAINTENANCE AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION**

*Pickrel moved to approve the 2023 maintenance agreement with the Nebraska Department of Transportation for Highways 14 and 275 at \$2,997.30.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel and Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

#### **EMPLOYEE HEALTH INSURANCE RENEWAL**

Clerk Klabenes reported on 7 insurance quotes for the employee health insurance renewal of January 1<sup>st</sup>. She reported on the Blue Cross Blue Shield and Medica options with the same coverage as the current policy with lower coinsurance and higher out of pocket costs. She reported on 4 options with Blue Cross Blue Shield and Medica for level funded coverage with higher coinsurance and lower out of pocket costs. She also reported that the League of Nebraska Municipalities had started a group pool insurance during the summer. She reported that it was competitive with the other options, but in the first year of group coverage the group pool did not have the premium prices of the Blue Flex #2 quote. She reported the city employees reviewed the options and requested consideration for the Blue Flex #2 option with better coinsurance than the current policy and half the cost of out-of-pocket costs compared to the current policy. She reported the Blue Flex #2 option quoted a 6% premium drop compared to the 10% increase in renewal of the current policy. Discussion was held that the League group pool insurance will be watched for more competitive rates in the future. *Pickrel moved to approve the FHB23 Blue Flex #2 plan for employee health insurance effective January 1, 2023.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Miller. Absent: Wilkinson. Opposed: None. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Logan Lawson to the Park Board for a 3-year term and the new appointment of Melissa Buller to the Library Board for a 4-year term. He reported that a vacancy on the Park Foundation for outgoing Council Member Pickrel would be filled at the next meeting. *Pickrel moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Miller, Pickrel, Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

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

Economic Development Director Sheridan-Simonson reported the Chamber of Commerce requested consideration for insurance coverage for the Christmas lights and manger scene from the City insurance policy with the Chamber reimbursement for the premium. The Director reported that the Chamber could not obtain an insurance policy of their own as the combined holiday displays were not permanent structures. Clerk Klabenes reported the estimated insurance premium for a \$65,000 combined holiday display at replacement cost was \$255 annually. *Hughes moved to approve adding the Chamber of Commerce holiday light display and manger scene to the city insurance policy with the Chamber of Commerce reimbursing the City for the premium at approximately \$255 annually.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Pickrel. Absent: Wilkinson. Opposed: None. Motion carried.

The Director reported that her assistant, the director and city clerk had met with a representative from the Nebraska Extension for Rural Prosperity office to review what communities are doing to submit an application for certification as a Creative District. She reported that the first step to seeking funding from the Civic Community Center Financing Fund was to submit a letter of intent. *Pickrel moved to approve and authorize submission of a Letter of Intent for a Creative District Application.* Seconded by Miller. Roll call votes in favor

were Hughes, Miller, Pickrel. Absent: Wilkinson. Opposed: None. Motion carried.

Director Sheridan-Simonsen also reported of the transition business from Mama's & Nana's Café to the Burrito Loco Neligh Café. She reported a 2<sup>nd</sup> restaurant was planning to open in the old Carquest building as a drive thru with a chicken menu. She reported the CARC met the prior week and would present the semi-annual report at the January meeting. She reported she had attended the Nebraska Area Community Foundation conference last month with tips on how to unite a city. She reported she had submitted an application for a \$25,000 grant to Nebraska Tourism for Neligh's 150 celebration next summer for promotion assistance. She reported the Career Fair was planned for January 26<sup>th</sup> and the TIF report was submitted by December 1<sup>st</sup> with a copy available at City Hall. She presented Nebraska Tourism Guides to the council and reported copies were available to the public at City Hall. She reported the Christmas promotion with the Great Elf Hunt was underway. *Council member Hughes moved to approve the Economic Development Director report.* Seconded by Pickrel. Roll call votes in favor were Miller, Hughes, Pickrel. Absent: Wilkinson. Opposed: None. Motion carried.

#### **POLICE REPORT**

Mayor Hartz reported Chief of Police Mike Wright had submitted a letter of resignation effective December 31<sup>st</sup>. The Mayor and Council thanked the Police Chief who was in attendance for his service. *Pickrel moved to accept the Police Chief's resignation effective December 31<sup>st</sup> with thanks.* Seconded by Hughes. Roll call votes in favor were Pickrel, Hughes, Miller. Absent: Wilkinson. Opposed: None. Motion carried.

Mayor Hartz recommended Officer Ternus be promoted to interim Police Chief effective January 1<sup>st</sup>. Officer Ternus was in attendance when the Council asked if he would like the position. Officer Ternus stated he would accept the position. *Pickrel moved to approve the mayor's action to promote Officer Ternus to interim Chief of Police commencing January 1, 2023.* Seconded by Hughes. Roll call votes in favor were Pickrel, Miller, Hughes. Absent: Wilkinson. Opposed: None. Motion carried. Mayor Hartz directed Officer Ternus to advertise for a position. City Attorney Jim McNally reported that Joe McNally could provide an update on police matters and recommended a January agenda item to be listed for such report.

*Hughes moved to approve the November police report of 171 calls.* Seconded by Miller. Roll call votes in favor were Miller, Pickrel, Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

Discussion was held that no bids were received for the 2014 pickup. Discussion was held to keep the pickup within the current fleet as vehicles would be rotated to customize the department needs.

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

City Superintendent Donaldson reported on a request to place a stop sign in the alley south of Pioneer Homes from east to west as previously addressed at a prior meeting. Discussion was held if a yield sign would work. Discussion was held for the price of signs at approximately \$250 each. Following discussion, *Hughes moved to approve placing a stop sign along the Pioneer Homes gravel street.* Seconded by Miller. Roll call votes in favor were Hughes and Miller. Opposed: Pickrel. Absent: Wilkinson. Motion carried.

Discussion was held for a 40-foot culvert to be installed farther west along the gravel street behind Pioneer Homes for paved parking and emergency ADA parking. Discussion was held that the culvert would cost \$750 plus labor. Discussion was held for the speed of the water flow traveling south on Q Street if Q Street were paved. Discussion was held for awaiting HUD's plans for the project. No action was taken.

The City Supt. reported he had received a bid for the removal of 4 Main Street trees estimated at \$1,800. He reported the city could assist with trucks and direct traffic. Discussion was held that the trees under discussion for removal were not ornamental thus were not appropriate for main street. Discussion was held that if the city planted the trees, then the city should be replacing the concrete. Discussion was held for the tripping hazard across from one downtown business. Discussion was held for asking the Tree Board for replacing the trees with the correct type and size of tree. Discussion was held that if the concrete was replaced, that all of downtown be replaced. *Miller moved to approve the removal of the main street trees.* Seconded by Hughes. Roll call votes in favor were Hughes and Miller. Opposed: Pickrel. Absent: Wilkinson. Opposed: None. Motion carried.

Supt. Donaldson reported that Generation Supervisor Capler's report was included with his report and the final testing on the generators was scheduled for later that week. He also reported that the sewer plant continued to experience a lot of maintenance and repairs and recently repaired bearings leaking oil in the compressors. He reported remote access setup with Aeromod was scheduled for the following day to provide remote assistance between Aeromod and the sewer plant. The Supt. also shared his thanks to Water Operator Scott Kester for his work with the Clearwater water testing, the professional job and mentoring of a Village of Clearwater employee during extra testing of Clearwater's water. The Supt. reported that the Village of Clearwater board had discussed at their meeting the appreciation for Kester's work. Mayor Hartz stated he was pleased with the great neighborly assistance. *Council member Miller moved to approve the City Supt. report as presented.* Seconded by Pickrel. Roll call votes in favor were Miller, Pickrel, Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

Attorney Joe McNally reported that Tenaska took over December 1<sup>st</sup> and Southwest Power Pool would be invoicing monthly with payment requested within one week. Attorney McNally reported that router equipment was to be installed in several weeks which would provide for the city to bid out services and be paid for standby status. He reported the auto start was to be completed a couple months after that.

## **RESOLUTION 2022-14 FOR UTILITY DISCONNECT PROCEDURES**

Discussion was held for consideration of a 3-day procedure for utility disconnects during extreme temperatures compared to no additional reconnect and disconnect of services. Discussion was held for the timing of bills with mailing of the bill, approximately a 40-day period before the bill is due, a disconnect notice of 7 to 10 business days and a payment option available when communication is shared before the disconnect date. It was the consensus of the council to continue current procedure without changing disconnect and reconnect services for different temperatures. No action was taken.

## **APPROVAL OF BILLS**

*Hughes moved to approve \$50 Chamber of Commerce Big Bucks to each employee for employee appreciation and to hold an employee recognition banquet for years of service sometime in January.* Seconded by Pickrel. Roll call votes in favor were Pickrel, Miller, Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

*Pickrel moved to approve the Blackstrap Invoice for salt purchased and weigh tickets for \$1,389.35.* Seconded by Miller. Roll call votes in favor were Miller, and Pickrel. Abstain: Hughes. Absent: Wilkinson. Opposed: None. Motion carried.

*Pickrel moved to approve the current claims filed and to approve payments made for recurring claims made during the preceding month.* Seconded by Miller. Roll call votes in favor were Hughes, Pickrel, Miller. Absent: Wilkinson. Opposed: None. Motion carried. Discussion was held for considering a resolution stating the allowable claims paid between council meetings and placing such resolution on the January agenda.

## **MODIVARE CONTRACT FOR DIAL-A-RIDE MEDICAID RIDES**

Clerk Klabenes reported a contract for Modivcare to provide transit services for riders with Medicaid transportation to medical appointments was proposed. She reported both Dial-A-Ride and riders could benefit from adding this service and possibly fill in some downtime. Discussion was held if Dial-A-Ride had availability to serve the rides. The clerk reported she understood that the Modivcare request for rides came through the transit software where city personnel could accept or reject the rides depending on availability of a vehicle and driver at the requested time. She reported she had not reviewed the contract yet and requested the council consider approval of such contract subject to the City Attorney's review. *Pickrel moved to approve a contract with Modivcare for Medicaid rides for Dial-A-Ride subject to the City Attorney's review.* Seconded by Miller. Roll call votes in favor were Pickrel, Hughes, Miller. Absent: Wilkinson. Opposed: None. Motion carried.

## **COUNCIL MEETING OVERTIME PAY, BLOODMOBILE DONATIONS AND WORKERS COMPENSATION POLICY**

Discussion was held for whether employees should be paid at an overtime rate for attending a council meeting. Discussion was held for maintaining the current policy that overtime is paid after an employee works 40 hours for a week.

Mayor Hartz recommended that with bloodmobile donations low that employees be paid to donate blood. *Hughes moved to include employee paid time for bloodmobile donations in the employee policy handbook.* Seconded by Miller. Roll call votes in favor were Hughes and Miller. Opposed: Pickrel. Absent: Wilkinson. Motion carried.

Discussion was held for whether an employee could use paid leave benefits such as sick leave or should personally pay for their portion of employee health insurance when the employee is receiving only worker's compensation benefit income instead of a city paycheck. Discussion was held how the employee is still entitled to employee health insurance while on worker's compensation but in absence of not collecting a paycheck through the city payroll, how the employee should pay for their portion of employee health insurance not paid by the city. Discussion was held that the employee should pay for their portion of employee health insurance to the city when receiving only worker's compensation benefit income. The Council directed the City Attorney to draft such bloodmobile and worker's compensation policies for review at the January meeting. No action was taken.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Pickrel. Roll call votes in favor were Hughes, Miller, Pickrel. Absent: Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:40 P.M.

Sine' Die

City Clerk Danielle Klabenes reviewed the election credentials of elected officials and the sales tax ballots. The Clerk recited the Oath of Office to Mayor Joe Hartz and Council member incumbent Ted Hughes. Newly elected Council Member Stephanie Lundgren was absent.

Mayor Hartz declared the meeting open at 9:52 P.M.

Clerk Klabenes called roll as follows: Council Members Hughes and Miller. Absent were Council Members Wilkinson and Lundgren. There being no quorum of the Council in attendance the election of a Council President and appointment of positions and standing committees were not held and will be conducted at the January meeting.

*Moved by Miller and seconded by Hughes to adjourn.* Roll call votes in favor were Miller and Hughes. Absent: Wilkinson and Lundgren. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time: 9:54 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 on December 13, 2022; 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