

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

April 11, 2023

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, April 11, 2023 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members , Stephanie Lundgren, Leonard Miller, Ted Hughes and Dale Wilkinson. Also in attendance were City Attorney James McNally, City Supt. Dan Donaldson, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Logan Lawson, City Clerk Danielle Klabenes, News Reporter Kelli Garcia, Auditor Kyle Overturf, Boyd Pedersen, Rick Schuchardt, Don Zegers, Christine Thoendel, Sarah Mitchell, and Brent Pickrel. Notice of this meeting was given in advance thereof by publication in the Antelope County News on April 5, 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 Klabenes recorded the minutes. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Council member Wilkinson moved to approve the March 14th regular meeting minutes as presented. Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Lundgren, Hughes. Opposed: None. Motion carried.

TREASURER REPORT

Clerk Klabenes reported that the February renewable energy credits sold paid for the March invoice and provided revenue to the city of approximately \$11,000. She reported that the Electric revenues exceeding expenses in March were more favorable than the harsher winter months. City Attorney McNally presented an 11-month energy cost comparison with the cities current power costs compared to what costs would be with NPPD. He reported that next month the city will begin selling its open capacity to the market and receive credit from Tenaska. *Lundgren moved to approve the March 2023 Treasurer's report as presented.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, Lundgren. Opposed: None. Motion carried.

Clerk Klabenes requested authorization to redeem the Q125 CD created 25 years ago for the Neligh 150 celebration, as needed. *Lundgren moved to authorize the city clerk to redeem the Q125 CD as needed for Neligh 150 expenses.* Seconded by Hughes. Roll call votes in favor were Lundgren, Wilkinson, Hughes, Miller. Opposed: None. Motion carried.

GAS METER BARRICADES WITH BLACK HILLS ENERGY

Mayor Hartz reported that he had met with Black Hills Energy representatives yesterday following discussion last month on the concern when gas meter barricades were exposed, and local firemen need assistance with shut off. He reported that Neligh was scheduled for gas meters to be moved closer to houses and move gas meters out of the alley in 2024. He reported Black Hills Energy would be conducting training with the Neligh Firemen. No action was taken.

2021-2022 FISCAL YEAR AUDIT

Auditor Kyle Overturf of Almquist, Maltzahn, Galloway & Luth of Grand Island presented the 2021-2022 fiscal year audit. He reported the audit received an unmodified opinion, which was the highest opinion the city may receive from an outside accounting firm. He reported on several pages of the audit noting the responsibility of management to include city council management with a 3-person staffed office to assist with segregation of duties in small offices. He reported the largest revenue sources for governmental activities included property tax, sales tax and state allocation, long term debt decreased by \$100,000, property tax asking increased 2.7% while the city valuation increased 3%. He reported on a state statute for Pinnacle Bank deposits to be secured at 102% after FDIC coverage instead of 100% and a recommendation to allocate certificate of deposits to the applicable service source compared to all certificates allocated to the general fund.

He also reported on a comparison to other cities of similar size in a peer group of 1,000 to 3,000 population for all other benchmark calculations which included department budgets, state allocations, sources of revenue, operating income, debt ratio, levy rates and cash reserves. *Council Member Hughes moved to approve the 2021-2022 fiscal year audit prepared by Almquist, Maltzahn, Galloway & Luth.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Lundgren, Miller. Opposed: None. Motion carried.

UPDATE FROM USDA OFFICE OF GENERAL COUNSEL FOR EAST HIGHWAY 275 WATER PROJECT

City Attorney McNally reported the USDA Office of General Counsel found the informal city agreement for non-mandatory water connections was acceptable if local ordinances were not violated. He reported he would review and prepare any ordinance needed prior to construction. City Supt. Donaldson reported one business along East Highway 275 was partially interested in connecting to city water while the other businesses were not.

Discussion was held for the new water line water projects the U.S. Department of Agriculture (USDA) funds could be applied to and the existing water line water projects the State Revolving Fund (SRF) funds could be applied to. Discussion was held that any sewer project would be financed with bonds. Discussion was held that the city council had previously voted to do all water and sewer projects. Discussion was held that this consensus gave the City Engineer guidance to prepare plans and specs for each project to be bid separately. Discussion was held that by bidding projects separately, the city council could select the projects based on the incoming bids separately or together. Discussion was held that the actual project costs had not gone through bid letting to allow the city council to make a final decision on which projects to proceed with. Discussion was held that the next step for this project was for the city engineer to submit property rights to the city attorney for his review and for the council to adopt any ordinance needed to verify that no local ordinances were violated. No action was taken.

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

Boyd Pedersen, representing the Antelope County Historical Society reported that the Antelope County Commissioners had agreed to remove the house at 408 L Street, haul the materials out and provide the dirt and fill. He requested the city to do the asbestos inspection and removal if applicable and have the city retain ownership of the property. He requested a 99-year lease be considered between the city and the county for the property that would become a small parking lot for Electrical Vehicle charging station and a green space for the Antelope County Museum displays. Discussion was held for the lease to list terms of maintenance and mowing. Discussion was held for having the asbestos inspection on the agenda at the May meeting. Discussion was held for the current owners to be contacted for a deed to be signed for the property to be given to the city. *Hughes moved for the City of Neligh to purchase the property at 408 L Street for \$1.00.* Seconded by Miller. Roll call votes in favor were Miller, Lundgren, Hughes. Opposed: Wilkinson. Motion carried.

NELIGH YOUNG MEN'S CLUB EVENTS FOR OLD MILL DAYS

Brent Pickrel of the Neligh Young Men's Club requested authorization to use Riverside Park on June 29th for a celebratory kick off short fireworks show, possibly next to the batting cage. He also requested authorization to use Penn Park on July 4th for the annual Old Mill Days fireworks show. *Hughes moved to approve the new fireworks show on June 29th in Riverside Park and the traditional fireworks show on July 4th in Penn Park with rain dates to fall the day after.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren, Miller. Opposed: None. Motion carried.

Pickrel also requested consideration for a donation to the fireworks. Discussion was held that the budget included \$5,000 from the Electric fund. *Hughes moved to approve a \$5,000 donation to the Neligh Young Men's Club for Old Mill Days fireworks as budgeted from the Electric fund.* Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, Lundgren, Hughes. Opposed: None. Motion carried.

UPDATE ON DANGEROUS BUILDINGS

City Attorney McNally reported that with the procedure known on one property by the county museum to be deeded to the city, he requested the council consider giving the city attorney authorization to send letters to the other 3 property owners for the property to be cleaned off within 60 days or the city would demo the property. He reported the council could also consider giving authorization to the city attorney to negotiate to purchase the property. Discussion was held that one property along P Street had started to work on demolishing, but had not moved forward yet. Discussion was held that two properties along Highway 14 had not made improvements either. *Wilkinson moved to authorize the city attorney to contact 3 property owners with notice of 60 days to remove the property or the city will remove the property for them and assess it as a lien.* Seconded by Hughes. Roll call votes in favor were Lundgren, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

ORDINANCE 647 SETTING WATER AND SEWER CHARGES FOR OWNERS AND TENANTS OF HOUSING UNITS OR JOINT BUSINESSES SERVED BY ONE WATER METER

Clerk Klabenes reported a correction for the monthly sewer charge instead of a monthly water charge as listed last month. She also reported that it was detected that one business and one property owner with one meter serving two businesses should also be included in this ordinance and that the ordinance proposed covered both matters.

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

AN ORDINANCE OF THE CITY OF NELIGH DETERMINING THE RESPONSIBLE PARTY FOR WATER AND SEWER CHARGES FOR OWNERS AND TENANTS OF APPARTMENTS, MULTI-HOUSING UNITS, MOBILE HOME PARKS OR JOINT BUSINESSES 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 Miller seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Wilkinson, Lundgren, Hughes, Miller. Opposed: None. 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 Miller moved for final passage of the ordinance.* Motion was seconded by Council member Hughes. The mayor then stated the question, "Shall Ordinance No. 647 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Lundgren, Miller, Wilkinson, Hughes. Opposed: None. 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.

ORDINANCE 648 AMENDED NUISANCES

City Attorney McNally reported the amended nuisance ordinance presented included deteriorated buildings or structures which allowed the city to act in 60-90 days with enforcement of a lien instead of a separate vacant property registration which may take up to 2 years. He reported that the ordinance provided for filing a complaint with the county court for the property owners to defend why the property was not a nuisance. Discussion was held for two different approaches to handling such properties as either under the nuisance ordinance or under a vacant property registration. Following a lengthy discussion for both approaches, discussion was held for trying the amended nuisance ordinance for 6 months using the council appointed City Building Inspector and City Attorney.

Council member Wilkinson moved to amend the nuisance ordinance by introducing the following ordinance entitled as follows:

AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA AMENDING SECTION 2-603 (H) EXPANDING THE DEFINITION OF A NUISANCE, REPEALING ORIGINAL SECTION 2-603 (H) OF THE REVISED ORDINANCES OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

And moved that the statutory rule requiring reading on three different times be suspended. Council Member Hughes seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council Members voted YEA: Miller, Lundgren, Wilkinson, Hughes. Opposed: None. 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 Hughes. The mayor then stated the question, "Shall Ordinance No. 648 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Miller, Hughes, Lundgren. Opposed: None. 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.

NELIGH 150 FOOD TRUCK VENDOR FEES

Clerk Klabenes reported up to 5 food trucks were planning to come to the Neligh 150 celebration to accommodate the attendance expected for July 3rd and 4th. She requested consideration for the annual vendor fee to be waived for July 3rd and 4th as the same fee is waived during the county fair. Discussion was held for allowing food truck vendors to come to the Neligh 150 celebration for more than two days. Discussion was held that local organizations and groups were also planning to have food events or fundraisers during the Neligh 150 celebration prior to July 3rd and 4th. *Council member Hughes moved to waive the food truck vendor fees for the Neligh 150 event for July 3rd and 4th.* Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, Lundgren, Hughes. Opposed: None. Motion carried.

APPOINTMENTS

Mayor Hartz recommended the re-appointment of Lauri Huffman to the Tree Board for a 3-year term and a new appointment of Tessa Hain to the Certified Leadership Government (CLG) for a 3-year term. *Hughes moved to approve the mayor's appointments as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Miller, Lundgren. Opposed: None. Motion carried.

SPECIAL DESIGNATED LIQUOR LICENSES

Wilkinson moved to approve a special designated liquor license for Friends of the Library through the Neligh American Legion for May 6th Kentucky Derby event at the Antelope County Ag Society. Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, Wilkinson, Hughes. Opposed: None. Motion carried.

Council Member Lundgren requested a street closure for N Street south of 2nd Street and south along N Street or Airport Road past the bridges. Lundgren reported that the Neligh Mill Supervisor had already been notified and approved of plans for the event. Discussion was held for placing barricades further south on Airport Road to notify north bound traffic that the road would be closed ahead for the one-day event called Dîner en Blanc. Discussion was held that the road would probably be closed beginning at 8:00AM on June 30th to accommodate

setup for the event. *Wilkinson moved to approve a special designated liquor license for Dîner en Blanc through the Neligh American Legion for a June 30th event on the Neligh Mill Bridge and moved to approve a street closure on N Street for the time needed.* Seconded by Lundgren. Roll call votes in favor were Hughes, Lundgren, Miller, Wilkinson. Opposed: None. Motion carried.

Wilkinson moved to approve a special designated liquor license for the Antelope County Ag Society for August 3rd through the 6th for the Antelope County Fair including a corn hole event on the tennis courts for Saturday, August 5th. Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, Wilkinson, Hughes. Opposed: None. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonsen reported a new business called CORE Therapy was coming to town between the Imperial Grill and Antelope County Chiropractic. She reported the Rural Workforce Housing Grant was submitted in March with 12 letters of support and 8 projects ready to do upon notice of award around the end of May. She reported the annual TIF report was available for inspection at the City Office. She reported News Channel Nebraska will soon be airing the Best of the Backroads Tour commercials featuring Lauren and Steve Simonsen to advertise the Neligh 150 birthday bash and Corey Kent concert. She reported Stealth Broadband will be hosting a professional photo opportunity for businesses to market and promote e-commerce, add to social media or a website. She reported the Assistant Director has been busy with Ag Expo wrap up, Ladies Night Out, Neligh-Oakdale scholarship and updating the by-laws with other state Chamber of Commerce offices. She reported the spring shred day event was scheduled for one hour on April 19th. *Council member Lundgren moved to approve the Economic Development Director report.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, Hughes, Miller. Opposed: None. Motion carried.

Director Sheridan-Simonsen reported Rural Route One Boutique had applied for and the ED Board had recommended the 2-year electric utility discount through the Attraction Startup & Transition program. *Wilkinson moved to approve the Attraction Startup and Transition application for utility assistance for the Rural Route One Boutique.* Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, Wilkinson, Hughes. Opposed: None. Motion carried.

The Director reported that the LB840 Loan Review Committee had met and recommended an LB840 loan to Hild Construction LLC for \$125,000 at 4% interest and 15-years for a 2-unit townhouse in Countryside Acres Second Addition. She reported the original request was twice that amount but the LB840 balance did not have the full amount available. She reported the project is anticipated to be completed by December 2023. *Hughes moved to approve the recommendation from the LB840 Loan Review Committee for Hild Construction LLC for a \$125,000 loan for a townhouse at 4% interest for 15-year term.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes, Wilkinson, Miller. Opposed: None. Motion carried.

POLICE REPORT

Chief of Police Logan Lawson began his report by thanking several part-time officers and the Antelope County Sheriff's Office for assisting with covering most of his shifts while he was attending three weeks of training in March. Mayor Hartz thanked the Chief for assistance in decreased noise and speeding through town and for bringing the DARE program back to the area. The Chief reported he planned to begin the DARE program at Neligh-Oakdale next year and extend to other area schools. *Wilkinson moved to approve the March numeric and written police reports as presented.* Seconded by Miller. Roll call votes in favor: Miller, Wilkinson, Hughes, Lundgren. Opposed: None. Motion carried.

CITY SUPT. & ELECTRIC REPORT

City Superintendent Donaldson started his report with thanks to his public works team and the cross training that employees have to assist across multiple departments. He reported the cross training really helped the team pull through as a lot of illnesses pulled multiple employees from work during the previous month. He reported a culvert was installed at Neligh Housing Authority and the parking lot would begin soon. He reported restrooms were now open in both parks and the sewer plant was operating good. He reported several water meters were being replaced and Sargent had replaced a motor on the east well that failed. He reported one manager and assistant manager had been hired for the swimming pool and he would still like to hire one more assistant manager. He reported he was looking to hire one more seasonal park employee too. He reported the residential garbage totes had arrived and were being disbursed to interested residents. Discussion was held for considering a new garbage truck in the next budget or considering quotes on the box instead of the truck. A discussion was held for the solid waste net loss last year and the tipping and hauling contract to increase in 2024. Discussion was held about a possible increase in solid waste rates before the new contract went into effect. The Supt. reported appliances would now be stored in the northwest corner of the Compactor and the scrap metal would now be stored at the Tree Dump instead of both materials being dropped off at the residence of Perry Smith.

Supt. Donaldson reported the electric dept had pulled a few new service lines and completed the Shannon Olson electric line project. He reported a lot of trees trimming and along 9th street was being done. He reported the small generator fuses were installed and all generators were running. *Council member Wilkinson moved to approve the City Supt. report as presented.* Seconded by Hughes. Roll call votes in favor were Lundgren, Miller, Wilkinson, Hughes. Opposed: None. Motion carried.

Lundgren moved to approve relocating a 15-minute parking sign between Stealth and Adorn Boutique to the middle of the block. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, Lundgren, Miller. Opposed: None. Motion carried.

Mayor Hartz discussed the no U-turn sign at the 2nd and Main Street intersection and asked to remove the sign to allow south bound main street traffic to make a U-turn and continue north on main street. Police Chief Lawson reported that due to the increased traffic on Wylie Drive east and west bound to Highway 275 or Highway 14 that it would be safer to leave the no U-turn in place and allow folks to use the parking lot at city hall or across the street to the south to safely turn around. It was the consensus of the city council to leave the no U-turn sign in place. No action was taken.

Discussion was held that the majority of the projects listed in the One-and-Ten Year Water Plan could potentially be updated depending on the results of the USDA and SRF bids approaching. *Hughes moved to approve the One & Ten Year Water Plan as presented. Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, Wilkinson, Hughes. Opposed: None. Motion carried.*

Supt. Donaldson reported the well at Simplot was not in good shape and the business would be in need of approximately 100,000 -120,000 gallons of water in the next couple of weeks for the business. He reported a 4 inch line had previously been used by the former business, Smeals, for the paint booth and fire suppression but a 4 inch meter was not currently available and was very expensive. Discussion was held for bulk water to be used to fill Simplot tanks for the summer season with a water line to be bored in the fall and connect into the plant. It was the consensus of the council to use the current bulk water rate of \$5.50 per 1,000 gallons of water. No action was taken.

NEW MOON THEATER REPORT

Theater Liaison Lundgren reported that a calendar fundraiser was being planned to sell at the Dîner en Blanc event until the New Year. She reported plans for opening the theater doors and allowing tours of the theater were being made for the Neligh 150 event. She reported an event in Riverside Park with the Neligh Library during the Neligh 150 celebration included showing the movie "Sing" on the side of the Pavilion. She reported the movie features fundraising for the "New Moon Theater." She reported free-will donations will be accepted for popcorn and pop. She reported window panels were ready to be picked up and installed in the Theater windows. *Hughes moved to approve the New Moon Theater report as presented. Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, Hughes, Lundgren. Opposed: None. Motion carried.*

APPROVAL OF BILLS

Wilkinson moved to approve the current claims filed except the Downtown Revitalization final administration invoices totaling \$1,620.00. Seconded by Lundgren. Roll call votes in favor were Miller, Hughes, Lundgren, Wilkinson. Opposed: None. Motion carried.

Miller moved to approve the final drawdown for Downtown Revitalization for invoices totaling \$1,620.00 for general administration to Northeast Nebraska Economic Development District. Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Lundgren, Miller. Opposed: None. Motion carried.

There being no further business to conduct, *Miller moved to adjourn. Seconded by Wilkinson. Roll call votes in favor were Lundgren, Miller, Hughes, Wilkinson. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 10:01 P.M.*

City of Neligh

Joe Hartz, Mayor

ATTEST

Danielle Klabenes, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on April 11, 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)

City Clerk