

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

July 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, July 11, 2023 at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Dale Wilkinson, Stephanie Lundgren and Ted Hughes. Leonard Miller was absent. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, Police Chief Logan Lawson, City Clerk Danielle Klabenes, Curt Madsen, News Reporter Kelli Garcia, and Library Director Amy Baker. Notice of this meeting was given in advance thereof by publication in the Antelope County News on July 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. The availability of the agenda was communicated in the advance notice and in the notice to the Council of this 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 June 13th regular meeting minutes as presented. Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

TREASURER REPORT

Clerk Klabenes reported the asbestos inspection costs for 408 L Street were noted on the Treasurers Report under the expenses for surplus real property. She reported that the weigh tickets invoice arrived that day for \$4400 but the asbestos removal had not been received. She reported an estimated total cost for inspection, removal and weigh tickets was \$6900 with the help of Boyd Pedersen demo and Antelope County hauling dirt and debris. She reported the general fund began using the insured cash sweep in June which earned \$2,090 in interest. She reported a check to the Neligh Chamber for \$200,000 in the claims was for the revolving Rural Workforce Housing Fund as budgeted to show proof of the city's matching funds for Nebraska Department of Economic Development to advance the revolving grant funds to the Chamber of Commerce. *Hughes moved to approve the June 2023 Treasurer's report as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Opposed: None. Absent: Miller. Motion carried.

WATER AND SEWER PROJECT FOR EAST HIGHWAY 275

Clerk Klabenes reported the City Engineer had applied for access and crossing permits with the Nebraska Department of Transportation and the city engineer was contacting the county about the county permits. She reported the city engineer was awaiting final approval for plans and specs from U.S. Department of Agriculture (USDA). She reported the mayor and clerk both signed USDA and State Revolving Fund (SRF) documents that week. No action was taken.

RESOLUTION 2023-9 AUTHORIZATION TO SUBMIT DOCUMENTS TO NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

Clerk Klabenes reported one document requested by the Nebraska Department of Environment and Energy was a resolution authorizing the mayor and clerk to sign documents. *Lundgren introduced and moved for passage to approve Resolution 2023-9 authorizing the mayor and city clerk to enter into an agreement with Nebraska Department of Environment & Energy and to submit documents on behalf of the community.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared Resolution 2023-9 adopted.

LEASE WITH LAMAR COMPANY FOR EAST HIGHWAY 275 BILLBOARD

Clerk Klabenes reported the lease for a billboard on Highway 275 with Lamar Company will expire this year. She reported the current lease of \$300 a year was proposed for renewal at \$1200 for a 20-year lease. She reported after talking to the mayor and city attorney, that the city proposed a 10-year lease, but Lamar returned with a lease draft with a 20-year term. The council directed the City Attorney to send a letter to Lamar to propose a 10-year lease term for \$1200 annually. No action was taken. The matter was tabled to August.

ELKHORN RIVER BYPASS CLEANOUT

City Attorney McNally reported he had met with the Director of History Nebraska to review the problem areas and map of the Elkhorn River bypass on the state's property. He reported that History Nebraska did not have the funds and would need to go to the Legislature to request funding. The city attorney reported that the city would provide testimony to help with that request. No action was taken, and the matter was tabled.

DANGEROUS BUILDINGS UPDATE

City Attorney McNally reported on some of the updates provided in the City Supt.'s report which included

demolition was completed at 402 West 9th, the fire department was to burn 707 S Street for training purposes, the city had received the deed to 305 L Street and would look at demolition next, and several properties would receive a letter with a completion deadline. He reported that while the process takes time, it is working. No action was taken.

LIBRARY AMAZON CREDIT CARD AND CARD LIMIT

Library Director Amy Baker reported Amazon was no longer allowing charges for the book orders to be billed with a check remitted as done in the past. She requested authorization for an Amazon credit card, which was a VISA card, with a \$2,000 limit for the library to purchase books and some supplies. *Hughes moved to approve opening an Amazon credit card for the library to purchase books and supplies tax exempt with a \$2,000 limit.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Opposed: None. Absent: Miller. Motion carried.

HIGHWAY 275 AND HIGHWAY 14 INTERSECTION

Mayor Hartz reported several dangerous situations over the last several weeks at the intersection of Highway 275 and Highway 14, he wanted to discuss a 4-way stop sign. Discussion was held whether the stop sign could be switched to Highway 275 instead of Highway 14 as Highway 275 had more traffic than Highway 14. It was the consensus of the city council to make a recommendation to the Nebraska Department of Transportation. *Wilkinson moved to recommend to the Nebraska Department of Transportation to pursue a 4-way stop sign at the intersection of Highway 275 and 14.* Seconded by Lundgren. Roll call votes in favor were Hughes, Wilkinson, Lundgren. Opposed: None. Absent: Miller. Motion carried.

OPEN CONTAINER LAW

Mayor Hartz reported on a beautiful weekend for Neligh 150th events. He encouraged anyone hosting an event or activity to increase communication with the city, with the police and others to avoid disharmony. He thanked the police department, which included the Antelope County Sheriff's office and State Patrol, for the time spent away from their families to protect everyone. He thanked the city employees who also took time off to help with events and thanked all the volunteers that made the community shine.

ASPHALT STREET IMPROVEMENT PROJECTS

Mayor Hartz reported he would like to see Riverside Park Road repaired with asphalt like Wylie Drive but bond the project so it would be completed. Discussion was held that general obligation bonds could be used and that the project should include filling holes and resurfacing like Wylie Drive instead of using millings. Discussion was held that if the project was not financed with bonds, then no engineer would be needed. A discussion was held for considering a concrete curb at the sloped entrance to control water flow and considering the entry into the camping sites with the road built up with a new surface. Discussion was held to ask the County Fair Board to consider contributing to the project. A discussion was held for street improvements with an asphalt application of the road between the Neligh Mill bridge and the Tree Dump. It was the consensus of the council to have the City Supt. talk to the County Fair Board to help with the road improvements with the shared use of the park during the county fair. No action was taken.

ORDINANCE NO. 649 FOR LANDLORD UTILITY BALANCE BEFORE ACTIVATING TENANT UTILITIES

Clerk Klabenes reported of a property owner's utilities were disconnected for non-payment and then the property owner rented the same property to a new tenant who requested utilities be turned on in the tenant's name. She requested discussion of any policy or ordinance the council had available to prevent a situation like this that allowed a property owner to default yet collect rent income from a tenant whom the city would be providing utilities. Discussion was held that the property owner may need to rent the property to pay a utility bill and the city could work with a collection agency or small claims court to recover the property owner's debt. A discussion was held about not penalizing the tenant by not providing utility services. No action was taken.

APPOINTMENTS

Mayor Hartz recommended the reappointment of Laurel Miller to the Library Board for a 4-year term, Dennis Koch to the Board of Adjustment for a 3-year term, Lance Sanne to the Planning Commission for a 3-year term and Cindy Hild to Neligh Housing Authority for a 5-year term. The mayor reported Sanne would like to step down from the Planning Commission and asked for a new volunteer to serve on the board. *Wilkinson moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Lundgren, Wilkinson. Opposed: None. Absent: Miller. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonsen reported Adorn Boutique has requested a façade grant of \$1,000 for the new paint on the building. The council discussed the impact and nice looking frontage of the store. *Wilkinson moved to approve a façade grant of \$1,000 to Adorn Boutique.* Seconded by Hughes. Roll call votes in favor were Lundgren, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

The Director reported that a change to the Rural Workforce Housing Grant was to include language for landlords to update rental properties to better the quality of life and improve the rental housing stock within city limits. *Wilkinson moved to approve the language change in the Rural Workforce Housing grant program guidelines to make landlords eligible.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Opposed: None. Absent: Miller. Motion carried.

Sheridan-Simonsen reported her office received an application from Hild Construction for a townhome project in the Countryside Acres subdivision. *Hughes moved to approve the rural workforce housing application from Hild Construction for \$125,000 at 1% interest for 12 months with note closing and full payback within in 15 months.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Opposed: None. Absent: Miller. Motion carried.

The Director also reported that the Assistant Director was setting up the Rural Workforce Housing Grant through the portal called Amplifund for payment authorization and grant disbursement. She reported the innovation piece of the Nebraska Community Foundation grant application would include using the Discover Neligh app to show an array of options that could include childcare providers, rates, openings, contact information, messaging and billing clients, access to Nebraska Health and Human Services, and other support systems. She reported work in process on Phase 1 of an assessment with the Nebraska Department of Environment and Energy through the Brownfields program for asbestos and lead paint cleanup. She reported business signage for LB840 loan recipients was being placed to increase awareness and display where the sales tax for LB840 benefited businesses. She reported BankFirst was the newest Chamber of Commerce member. She reported both the Village of Clearwater, and the Chamber of Commerce recently approved an increase in the annual contracts for economic development services. *Council member Hughes moved to approve the Economic Development Director report.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Lundgren. Opposed: None. Absent: Miller. Motion carried. Mayor Hartz thanked the director and assistant for their hours of service each week and education.

POLICE REPORT

Chief of Police Logan Lawson reported last month's preparations focused on the Neligh 150 events which the department had a lot of good help from part-time officers, Blue Line Security, and the Nebraska State Patrol. He reported only one incident occurred after the 4th of July parade. He reported an emergency vehicle operations training was held collectively with the Neligh Police, Antelope County Sherriff's Office, Atkinson Police, and Holt County Sherrif's Office. He reported Officer Ternus had taken the lead on city ordinance violations. He reported he had started advertising for a third officer through the law enforcement training center and Facebook. He reported on the video equipment presented last month to include a split into three phases where two phases may be combined and would be discussed further at the budget meeting. *Wilkinson moved to approve the June numeric and written police reports as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Opposed: None. Absent: Miller. Motion carried.

CITY SUPT. & ELECTRIC REPORT

City Supt. Donaldson was absent from the meeting. Solid Waste Manager Curt Madsen was present and reported the recycling from Green Fiber of Norfolk would be changing as Green Fiber would not be picking up cardboard and paper from local businesses and Green Fiber was already removing the green collection totes. Madsen reported he currently picked up commercial cardboard on Tuesdays but with the additional volume that Green Fiber would not be servicing, it would add a bigger load that equipment could not transport. Discussion was held about adding another employee, the increased cost of labor and fuel, the increased volume to fill a semi-trailer and how to collect cardboard with current equipment and labor. A discussion was held for contacting local businesses with notice to haul their own cardboard and paper to the compactor. *Hughes moved to authorize discontinuing the commercial cardboard pickup as of August 1st with no new recycling pickup collections.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, Hughes. Opposed: None. Absent: Miller. Motion carried.

A discussion was held regarding a recommendation from the Park Board for a 14-day camping limit in city parks. Discussion was held about providing a policy for non-paying campers to be removed from the park. Discussion was held that the 14-day limit was modeled after other park's established policies. A lengthy discussion was held about allowing paying campers to extend their stay past 14 days. Discussion was held about not allowing campers to flip between both parks for a 14-day stay at each park. A consensus was not found so the matter was tabled for the next month. No action was taken.

A discussion was held for a complaint on D Street about truck traffic driving on the grass within the city right-of-way. Discussion was held that if the street were paved, the street could be assessed by percentage of benefit received and the paved street would be wider than the current asphalt road. A discussion was held if a wider turn for truck traffic was available or moved with a gate section. Discussion was held that asphalt grindings could be added to the edge of the road to protect the edge, but this would add rock to the grass being maintained. Discussion was held that the matter was discussed in 2019 with no resolution found. The matter was tabled, and no action was taken.

Mayor Hartz reported on the City Supt. written report on the street and curb work done by Chad Kaup and Brad Thieman. He reported on the small number of lifeguards working the bulk of hours to run the swimming pool.

He reported water levels and draw down were in good shape. He reported the solid waste department may need extra personnel. He reported that the Neligh Mill demolition had started and if power generation were needed, that the difference in the cost of power and the cost to generate would be billed to History Nebraska. Mayor Hartz read a thank you note from Donna Hansen to the city for help with the Neligh 150th. *Wilkinson moved to approve the City Supt. report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Opposed: None. Absent: Miller. Motion carried.

NEW MOON THEATER REPORT

Theater Liaison Lundgren reported the theater started a new fundraiser with the sale of new calendars featuring artwork from local Artist Holly Troup and theater t-shirts at Neligh 150th events of Diner En Blanc, at the Riverside Park movie and after the 4th of July parade. She reported many members of the theater board were in movie character form on a 4th of July float in the parade. She reported work with a grant writer on architecture and grant funding was underway. *Hughes moved to approve the New Moon Theater report as presented.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Hughes, Lundgren, and Wilkinson. Opposed: None. Absent: Miller. Motion carried.

APPROVAL OF BILLS

Wilkinson moved to approve the current claims except for the Blackstrap invoice for \$190.00 as presented. Seconded by Lundgren. Roll call votes in favor were Hughes, Lundgren, and Wilkinson. Opposed: None. Absent: Miller. Motion carried.

Wilkinson moved to approve the Blackstrap invoice for scale tickets for \$190.00. Seconded by Lundgren. Roll call votes in favor were Wilkinson and Lundgren. Opposed: None. Absent: Miller. Abstain: Hughes. Mayor Hartz voted in favor. Motion carried.

Discussion was held to postpone the regular August meeting one week for a quorum of the council to attend. *Moved by Lundgren to postpone the August 8th meeting to August 15th at 7:00PM for a quorum of the City Council.* Seconded by Wilkinson. Roll call votes in favor were Wilkinson, Lundgren, Hughes. Opposed: None. Absent: Miller. Motion carried.

There being no further business to conduct, *Lundgren moved to adjourn.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, Lundgren. Opposed: None. Absent: Miller. Thereupon Mayor Hartz declared the meeting adjourned. Time 8:59 P.M.

City of Neligh

Joe Hartz, Mayor

ATTEST

Danielle Klabenos, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Neligh, Nebraska, hereby certify that on July 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