

MINUTES OF REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
October 8, 2024

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, October 8, 2024 at 7:00 P.M. Present Mayor Joe Hartz and Council Members Dale Wilkinson, Stephanie Lundgren, and Leonard Miller. Absent was Ted Hughes. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, City Clerk Danielle Klabenes, News Reporter Carrie Pitzer, Bob Wanek and Don Weinman. Notice of this meeting was given in advance thereof by publication in the Antelope County News on October 2, 2024. 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 September 10<sup>th</sup> regular minutes as presented. Seconded by Lundgren. *Roll call votes in favor were Lundgren, Miller, and Wilkinson.* Opposed: none. Absent: Hughes. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported the September Treasurer's report presented a fiscal year review in summary and by department. She reported the electric generation spinning reserves of \$6,000 for August reported in September were the largest to date. She reported the annual treasurer's report presented a simplified view of the 2023-2024 fiscal year that would be published per statute. She reported the annual report included a listing of bond balances and noted that four of the seven bonds would be paid in full within four years. She reported that the bank summary provided a listing of checking, saving, and investment balances per department and bank ending September 30<sup>th</sup>. *Wilkinson moved to approve the September 2024 Treasurer's report, annual treasurer's report, and annual bank summary report for 2023-2024 as presented.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: none. Absent: Hughes. Motion carried.

#### **RESOLUTION 2024-13 HONORING RHONDA HEITHOFF**

Mayor Hartz congratulated and recognized Rhonda Heithoff, the former Deputy Clerk of 16 years and the Accounts Payable and Payroll clerk for 20 years of public service. Rhonda retired at the end of September. *Lundgren introduced and moved for passage of Resolution 2024-13 honoring Rhonda Heithoff for 20 years of public service.* Seconded by Miller. Roll call votes in favor were Miller, Lundgre, and Wilkinson. Opposed: none. Absent: Hughes. Thereupon Mayor Hartz declared Resolution 2024-13 adopted.

#### **REQUEST FOR 15-MINUTE PARKING SIGN AT 314 MAIN STREET FOR ANTELOPE COUNTY NEWS**

Carrie Pitzer requested consideration for a 15-minute parking sign for assistance with the Wednesday newspaper pick up and deliveries. She requested consideration for a sign on a light pole near the south end of the Theater so as not to interfere with the café parking. Discussion was held for updating the main street 15-minute parking signs to state the signs were for parking during business hours. Discussion was held that city policy has provided for one 15-minute parking sign per block and the east side of main street had one sign between Heritage Bank and the Deli. Discussion was held that the 15-minute parking sign on the west side of main street near the newspaper office would also help the dentist's office. *Miller moved to approve installing a 15-minute parking sign at the south edge of the Theater with the signage stating during business hours of 8:00 am to 5:00 pm and to update the downtown main street signs to the same business hours.* Seconded by Wilkinson. Roll call votes in favor were Lundgren, Wilkinson, and Miller. Opposed: none. Absent: Hughes. Motion carried.

#### **REQUEST FOR 4-WAY STOP SIGN AT 2<sup>ND</sup> AND N STREET**

Bob Wanek reported on the signed petition he submitted to the city office with signatures of fifteen neighbors and property owners along Wylie Drive and 2<sup>nd</sup> and N Street. He reported the property owners requested a 4-way stop sign at the intersection of 2<sup>nd</sup> and N Street noting that more children resided in the neighborhood, limited sidewalks were present, the road carried steady traffic, and the stop sign would help reduce traffic speed. Mayor Hartz read the petition. Discussion was held that more harvest trucks utilized this road right now, but 3<sup>rd</sup> Street carried more truck traffic than Wylie Drive. *Lundgren moved to approve adding stop signs for the east and west traffic at the intersection of 2<sup>nd</sup> and N Street.* Seconded by Miller. Roll call votes in favor were Miller and Lundgren. Opposed: Wilkinson. Absent: Hughes. Motion carried.

#### **WATER AND SEWER PROJECT FOR EAST HIGHWAY 275**

City Supt. Donaldson reported a pre-construction meeting was scheduled for Thursday that week for the contractor, state officials, and utilities. No action was taken.

### **DANGEROUS BUILDING UPDATES**

City Supt. Donaldson reported due to the dry conditions and fire hazards, the scheduled September 29<sup>th</sup> house burn on 7<sup>th</sup> Street would be delayed to winter. The Supt. reported the 3<sup>rd</sup> Street assessment costs were paid in full. He reported the owner of the 6-plex on D Street was to be submitting contractor estimates. He reported no movement, or communication was coming in on the Wynn building. Discussion was held for sending the property owner a letter for demolition and assessments to begin. *Lundgren moved to approve the September update on dangerous buildings as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, and Miller. Opposed: none. Absent: Hughes. Motion carried.

### **ORDINANCE 657 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE**

Discussion was held that the international property maintenance code provided a procedure to address interior home conditions. City Attorney McNally reported that the code provided a procedure and authorization for the city to enter and inspect the interior of a home upon credible complaints of unsafe or unsanitary conditions. He reported the code also provided a procedure for a property to be condemned and demolished if needed. He reported the code required that a building inspector be named, and a Health Appeals Board be formed. Discussion was held that copies of the code would be available at the city office and an electronic copy would be placed on the city website.

*Council member Wilkinson introduced Ordinance 657 entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH MODIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT.*

*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: Lundgren, Miller, and Wilkinson. The following voted NAY: None. Absent was Hughes. 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 and to name Dan Donaldson, the City Superintendent as the building inspector and city official in charge of enforcement of the International Property Maintenance Code,* which motion was seconded by Council member Miller. The mayor then stated the question, "Shall Ordinance No. 657 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Miller, and Lundgren. The following voted NAY: None. Absent was Hughes. 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.

Mayor Hartz recommended appointing contractor Dan Murray, Doctor Josh Thoendel, and plumber Jose Luna to the Health Appeals Board for the International Property Maintenance Code. School Principal Sue Williams was recommended as an alternate board member. *Council Member Miller moved to approve the appointments as presented.* Seconded by Wilkinson. Roll call votes in favor were Lundgren, Wilkinson, and Miller. Opposed: none. Absent: Hughes. Motion carried.

### **ORDINANCE 658 REVISING THE HEIGHT OF OVERHANGING BRANCHES**

City Supt. Donaldson requested consideration to increase the height of overhanging branches from eight feet to fourteen feet after receiving complaints of branches and limbs overhanging city streets. He reported the municipal code book stated property owners were responsible for branches and limbs hanging over the streets. He reported he would like to implement a similar procedure the City of Elgin used with sending letters to property owners to comply within 30 days and if compliance is not reached, the city would hire an arborist to trim the branches and limbs and assess the costs to the property owners. He reported the overhanging branches were not only noticed by vehicular and truck traffic, but also the curbside solid waste and recycling pickup. He reported the sidewalk height would remain eight feet as currently listed in the municipal code.

*Council member Wilkinson introduced Ordinance 658 entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, AMENDING SECTION 5-201 OF THE REVISED ORDINANCES OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ORIGINAL SECTION 5-201 OF THE REVISED ORDINANCES OF THE CITY OF NELIGH AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT.*

*And moved that the statutory rule requiring reading on three different times be suspended.* Council Member Lundgren seconded the motion to suspend the rules and upon roll call vote on the motion, the following Council

Members voted YEA: Wilkinson, Lundgren, and Miller. The following voted NAY: None. Absent was Hughes. 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*, which motion was seconded by Council member Lundgren. The mayor then stated the question, "Shall Ordinance No. 658 be passed and adopted?" Upon roll call vote, the following Council Members voted for YEA: Lundgren, Miller, and Wilkinson. The following voted NAY: None. Absent was Hughes. 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.

#### **ELKHORN RIVER MITIGATION**

City Supt. Donaldson reported we would be meeting with the US Army Corp of Engineers and History Nebraska the following week about the jetties in the river and the bypass cleanout. No action was taken.

#### **WELCOME SIGNS**

Discussion was held for selecting the message and font for the Welcome to Neligh Signs. Economic Development Director Sheridan-Simonsen reported on six different font styles and multiple message options. *Wilkinson moved to approve the Jenson Medium font all in capitalized letters with the back of the sign message in the same font and capitalized letters to read See You in Neligh Soon*. Seconded by Miller. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: none. Absent: Hughes. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended the re-appointment of Traci Jacobsen to the Neligh Development Agency board for a 3-year term. He reported a volunteer for the Planning Commission and LB840 Loan Committee was still needed to fill those board vacancies. *Wilkinson moved to approve the appointments as presented*. Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, and Lundgren. Opposed: none. Absent: Hughes. Motion carried.

#### **ANNUAL MEMBERS MEETING RATIFICATION**

Clerk Klabenes reported she had voted for the LARM Board of Directors election at the League Association of Risk Management (LARM) member's meeting the prior week. She reported LARM's bylaws contained a ratification clause for each member participating to have their actions ratified at their own governing board meeting. *Wilkinson moved to ratify the actions of the City Clerk Danielle Klabenes, our LARM representative identified in the minutes of the Annual Members Meeting of the League Association of Risk Management on October 2, 2024, including the election of nominees to the LARM Board of Directors*. Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, and Lundgren. Opposed: none. Absent: Hughes. Motion carried.

#### **MAIN STREET CAR SHOW IN JULY 2025**

Mayor Hartz reported he had been contacted for interest in Neligh hosting a car show on main street in July 2025. He reported no specific date had been set and he wanted to ask the Council for their thoughts. Discussion was held that a car show would be a great idea. Discussion was held as to what day of the week the event would be held to be cognizant of businesses that may be open. No action was taken.

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

Economic Development Director Lauren Sheridan-Simonsen reported Senate candidate Dan Osborn would be stopping in Neligh on October 14<sup>th</sup> at Sly's along his campaign route. She reported the fall shred day event would be on October 16<sup>th</sup> for one hour from 9:00 AM to 10:00 AM south of the City Hall. She reported the sale of the Main Street café building was pending. She reported on the Northeast Nebraska 6 Regions One meeting selected housing and leadership for their focus projects. She reported the group wanted to work with City Councils with support, education, and involving younger generations to step into municipal government leadership. She reported attending the Cowboy Trail Coalition meeting where the Cowboy Trail will celebrate 30 years in 2025, and she noted that repairs on the trail west of Neligh were underway and the trail east of Neligh would also be repaired. She reported Nebraska Game & Parks would be providing a free bike repair station possibly with an air pump to be placed south of the Rainbow Fountain. She reported the Market Rate Housing balance was \$781,072.41 and the account had earned \$5,000 in interest which would help pay for the annual reviews required. She reported Neligh received a non-selection notice for the Nebraska Affordable Housing Trust Fund Grant among fifty-two applications and over \$30 million requested. She reported twenty projects were selected totaling \$10.7 million. She reported a developer was still interested in a housing project in Neligh if Workforce Housing TIF was available. She reported work on the blight study would begin in November. The Director announced two new businesses had started including Ne-Leigh Farm raising chickens and pigs on 55-acres east of town and Next Step Counseling offering mental health and substance abuse outpatient services or telehealth. She reported she would be attending the National Trust Historic Preservations conference in October. She reported Clearwater would be opening a new Veteran's Park that weekend and November events included

Novemberfest on November 2<sup>nd</sup> and Ladies Night Out on November 14<sup>th</sup>. The Director gave a special thank you to the City Supt. for installing a new door and assistance extended to the ED Office. The Director stated the job description for the Assistant Director position was under review and updated before advertising the position. *Council member Wilkinson moved to approve the Economic Development Director report as presented. Seconded by Lundgren. Roll call votes in favor were Lundgren, Wilkinson, and Miller. Opposed: None. Absent: Hughes. Motion carried.*

*Council member Wilkinson moved to accept the resignation of Assistant Director Sara Borer. Seconded by Lundgren. Roll call votes in favor were Miller, Lundgren, and Wilkinson. Opposed: none. Absent: Hughes. Motion carried.*

#### **POLICE REPORT**

Chief of Police Logan Lawson was absent to attend continuing education classes in Kearney. The Chief reported by a phone call placed on the speaker phone that Officer Miller had a 6-month review and surpassed the requirements for Sergeant status. Chief Lawson requested Officer Miller be promoted to Sergeant with a salary increase of 6% to \$65,508. *Lundgren moved to approve the promotion of Officer Miller to Sergeant with an increase in salary to \$65,508 effective October 5<sup>th</sup>. Seconded by Wilkinson. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: none. Absent: Hughes. Motion carried.*

*Wilkinson moved to approve the September numeric and written police reports as presented. Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: None. Absent: Hughes. Motion carried.*

#### **CITY SUPT. REPORT**

City Supt. Donaldson reported he had sent a CodeRed notification to report the street tarring to begin south of 3<sup>rd</sup> Street. He reported after one more year, all streets in town would be tarred. He reported new tips on the sprayer were helping with the dust control on streets. He reported the ball fields would be aerated, and the rails and landscaping of the Old Mill Rail car would be finished that week with work on the renovation on the box car to begin next. He reported sewer jetting for the middle section of town was underway and the new jetter helped with cutting roots. He reported the wastewater plant had seen an influx of "fog," known as fats, oils, and greases. He reported he was awaiting results back from the lab to find the cause and source. He reported the new sludge pump had arrived and would be installed that week. On Solid Waste, the City Supt. reported clean-up weekend on October 19<sup>th</sup> would provide residential customers only with free disposal until one trailer was full or the end of the day, whichever occurred first. He reported two new water taps were installed, and he was reviewing the water fees for the Schedule of Fees. He reported the city was generating power during the NPPD substation maintenance. He reported the generation time was longer than expected due to the Verizon Wireless outage in the area. He reported generation was to be 2 hours but ran into five ½ hours. He reported at the time of transfer from generation to the mobile substation, a mechanical failure caused a power spike to the other generators which then failed due to the overload and kicked out all breakers to cause a blackout. He reported CAT would be on site for the transfer of power back to the main substation, all generators would be up and a CodeRed notification would be issued. He reported the heating and air conditioning project at the library was nearly complete. *Lundgren moved to approve the City Supt. report as presented. Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, and Miller. Opposed: None. Absent: Hughes. Motion carried.*

Discussion was held for out-of-county recycling collection at the transfer station. City Supt. Donaldson reported after consulting with the solid waste manager, staff could manage the collection by license plate and charge \$3.00 per bag of recycling and he would train all solid waste staff employees.

Discussion was held to provide a policy for the City Supt. to manage the length of camping stays and to allow for a procedure for camper non-payment. City Supt. reported that if a camper were in good standing and needed to stay longer the city could reinstate the camper and provide additional camping time. He reported the Fair Board would like to discuss options for the campers during the County Fair. *Lundgren introduced and moved for passage of Resolution 2024-12 providing a 14-day camping limit in city parks and a procedure for disconnecting camping utilities for non-payment. Seconded by Miller. Roll call votes in favor were Lundgren and Miller. Opposed: Wilkinson. Absent: Hughes. Thereupon Mayor Hartz declared Resolution 2024-12 adopted.*

#### **SCHEDULE OF FEES 2024-2025**

Clerk Klabenes reported the schedule was still being worked on. No action was taken. The matter was tabled to the next meeting.

#### **NEW MOON THEATER REPORT**

Theater Liaison Lundgren reported the Brownfields inspection was done, and she thanked City Supt. Donaldson for assisting with a checklist of items for the inspection. City Supt. Donaldson reported that one of the inspection questions concerned the electric transformer and whether PCBs were included. The Supt. reported that an electrician's records indicated the transformer did not have PCBs included. She reported that the grant writer was helping the board with an application for an operating grant through the Sherwood Foundation. She reported the theater was working with the Nebraska Community Fund as an affiliated fund which offered assistance with

handling the bookkeeping of receipts and offered assistance in making requests for big donation requests. She reported the theater board was working on a December fundraiser with details to be shared at the November meeting. *Miller moved to approve the New Moon Theater report as presented.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, and Lundgren. Opposed: None. Absent: Hughes. Motion carried.

#### **APPROVAL OF BILLS**

*Wilkinson moved to approve the current claims as presented.* Seconded by Miller. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

#### **WAGE INCREASES**

*Wilkinson moved to approve a wage increase of \$.50 per hour to Grant Knutson for completing book #4 of the Merchant program effective in the September 27<sup>th</sup> payroll and to approve a wage increase to \$26.00 per hour to Jennifer Pellatz for competitive wages for Deputy Clerk/ Utility Billing Clerk effective October 5th.* Seconded by Miller. Roll call votes in favor were Lundgren, Miller, and Wilkinson. Opposed: None. Absent: Hughes. Motion carried.

#### **ELECTRIC CERTIFICATE OF DEPOSITS**

Clerk Klabenes reported discussions during the budget workshop included redeeming one of the October maturity deposits to apply to two electric projects to bore the underground line on north Q Street and repair the transformer basements at the generation plant. She reported the projects were estimated in July before budget preparations at \$37,000 and the certificate of deposit approaching maturity was valued at \$57,000. *Lundgren moved to authorize and approve the City Clerk to redeem an Electric certificate of deposit 504166 for two electric projects.* Seconded by Miller. Roll call votes in favor were Miller, Wilkinson, and Lundgren. Opposed: none. Absent: Ted Hughes. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, and Lundgren. Opposed: None. Absent: Hughes. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:06 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 October 8, 2024; 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