

MINUTES OF REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF NELIGH, NEBRASKA  
November 12, 2024

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, November 12, 2024 at 7:00 P.M. Present Mayor Joe Hartz and Council Members Dale Wilkinson, Leonard Miller, Stephanie Lundgren, and Ted Hughes. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, Police Chief Logan Lawson, City Clerk Danielle Klabenes, News Reporter Kelli Garcia, Jay Spearman of Piper Sandler, and Bobbi Pettit of Five Rule Rural Planning. Notice of this meeting was given in advance thereof by publication in the Antelope County News on November 6, 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 October 8<sup>th</sup> regular minutes as presented. Seconded by Lundgren. *Roll call votes in favor were Lundgren, Wilkinson, and Miller.* Opposed: none. Abstain: Hughes. Motion carried.

#### **TREASURER REPORT**

Clerk Klabenes reported the October Treasurer's report showed the monthly expenses exceeding the revenues due to annual insurance premiums, annual technology contracts and the polar vortex loan payment all paid in the month of October though the expenses are for a 12-month period. The Clerk reported the spinning reserves for the September month reported in October were \$1400 and lower than previous months, but weather conditions were more favorable to not request generation. City Supt. Donaldson reported that the city was not asked to generate as much in October for the 5-minute runs and he anticipated a lower request to generate the short runs for the month. *Hughes moved to approve the October treasurer's report as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

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

City Supt. Donaldson reported a pre-construction meeting was held the previous week. He reported the construction crew had found an abandoned water line that caused water services to be shut down for repair earlier that day along J Street and a similar service interruption along 2<sup>nd</sup> and H Street previously. He reported the crew would be boring as much of the project as possible after the project initially started at 2<sup>nd</sup> and H Street. He reported one hydrant placement was adjusted to position further south on H Street so as not to be placed in a resident's front yard. The Supt. reported the city's Water Operator Scott Kester was doing a good job working with the construction crew as Kester had 10 years of experience, knowledge of service line's location, and in documentation of the new services. No action was taken.

#### **RESOLUTION 2024-16 CREATING A RESOLUTION OF NECESSITY FOR SEWER IMPROVEMENT DISTRICT 2024-1**

Bond Agent Jay Spearman of Piper Sandler reported on the Resolution of Necessity needed for the construction of sewer improvements in the East Highway 275 project and requested a public hearing be set for public comment on the Resolution of Necessity proposed. Discussion was held for holding the public hearing at the regular December Council meeting to allow the appropriate time for the notices of publication. *Lundgren introduced and moved for passage of Resolution 2024-16 creating a Resolution of Necessity for Sewer Improvement District 2024-1 and setting a public hearing date of December 10<sup>th</sup> on the Resolution of Necessity.* Seconded by Miller. Roll call votes in favor were Lundgren, Hughes, Miller, and Wilkinson. Opposed: none. Therefore, Mayor Hartz declared Resolution 2024-16 adopted.

#### **ORDINANCE 659 AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES**

Jay Spearman reported bond anticipation notes up to \$525,000 for the current water project was estimated at 3.85 to 4% interest and a maturity of December 2025. He reported bond counsel would be completing the bond purchase agreement later in the week with funds released on December 18<sup>th</sup>. Clerk Klabenes reported Water project #1 and #2 were estimated to be completed before year-end which totaled approximately \$765,000. She reported the ARPA funds of \$265,000 currently sitting in the General Fund would be used for the first pay application to Rutjens Construction and the bond anticipation notes of \$500,000 would cover the balance of the two projects.

Council member Wilkinson introduced Ordinance 659 entitled as follows:

*AN ORDINANCE PROVIDING FOR THE ISSUANCE OF WATER AND SEWER IMPROVEMENT BOND ANTICIPATION NOTES IN THE AMOUNT OF NOT TO EXCEED FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$525,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING WATER AND SEWER IMPROVEMENTS WITHIN THE CITY OF NELIGH, NEBRASKA, AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.*

*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, and Hughes. The following voted NAY: 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*, which motion was seconded by Council member Hughes. The mayor then stated the question, "Shall Ordinance No. 659 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Wilkinson, Lundgren, Miller, and Hughes. The following voted NAY: 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 in pamphlet form as prescribed by law.

#### **RESOLUTION 2024-14 AUTHORIZING AND PROVIDING FOR A USDA LOAN FOR EXTENDING THE MUNICIPAL WATER SYSTEM**

City Clerk Klabenes reported a resolution to acknowledge that the USDA was providing a loan of \$2,485,000 for constructing, improving, and extending the municipal water system was needed before loan closing. She reported that while the project was just beginning, the project included a lot of paperwork, and it coincided with the start of issuing bond anticipation notes. *Miller introduced and moved for passage Resolution 2024-14 authorizing and providing for a USDA loan for \$2,485,000 to extend the municipal water system.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Lundgren, and Miller. Opposed: none. Thereupon Mayor Hartz declared Resolution 2024-14 adopted.

#### **FIVE RULE RURAL PLANNING CONTRACT FOR A BLIGHT STUDY & REDEVELOPMENT PLAN**

Bobbi Pettit of Five Rule Rural Planning reported on the programs available to cities that conducted a blight study and redevelopment plan including grants available for demolition of vacant or dilapidated properties that required the property to be in both a blight area and within the redevelopment plan. She reported downtown revitalization programs like the program Neligh was awarded also required both a blight area and a redevelopment plan. She reported that despite the changes within the property tax bill that moved away from tax increment financing, both a blight study and redevelopment plan were planning tools a community should have before the pressure of a project requiring both presented itself. She reported a review of the city for areas to blight or de-blight for a good redevelopment plan was the best use of the city's blight area. Discussion was held that if a vacant property were not using code enforcement programs, the Neligh Development Agency would have options for property sales within the redevelopment plan. *Hughes moved to approve a contract with Five Rule Rural Planning for a Blight Study and Redevelopment Plan for \$5,500.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

#### **RESOLUTION 2024-15 SETTING FORTH REGULATIONS FOR CITIZENS TO SPEAK AT A COUNCIL MEETING**

City Attorney James McNally reported LB637 was passed at the regular legislative session earlier in the year that set forth regulations for members to speak at City Council meetings. He reported that the regulations provided a procedure for the public to speak at regular meetings on an agenda topic for up to 3 minutes. He reported that while Neligh did not have this issue, but some communities had difficulty in conducting meetings and the regulations would help with that. *Lundgren introduced and moved for passage Resolution 2024-15 providing for a set of guidelines for public participation at all public meetings per LB637 from the 2024 Nebraska Legislature session.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, Wilkinson, and Lundgren. Opposed: none. Thereupon Mayor Hartz declared Resolution 2024-15 adopted.

#### **NELIGH COMMUNITY CENTER FINANCIAL ASSISTANCE 6-MONTH EXTENSION**

Mayor Hartz reported the 6-month financial assistance extended to the Neligh Community Center was to expire in November. He reported that the center's Board was doing a good job in promoting the center, but the operation could still use assistance to succeed further. Discussion was held that the center was a wonderful benefit to the elderly and community. It was the consensus of the council to consider further financial support for 6 months and re-evaluate again at that time. *Hughes moved to extend financial assistance for the internet, natural gas, and utility bills to the Neligh Community Center for 6 months from the Neligh Lottery Fund and to re-evaluate after 6-*

months. Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, Hughes, and Wilkinson. Opposed: none. Motion carried.

#### **RESOLUTION 2024-17 EXPANDING THE PARK BOARD TO A 6-MEMBER BOARD**

City Supt. Donaldson reported the Park Board had two candidates interested in serving on the board after the resignation of one member. He reported both candidates attended a meeting, and the Park Board discussed the difficulty in meeting quorum with five members and would like to ask for consideration to increase the Park Board to a 6-member board. *Lundgren introduced and moved for passage Resolution 2024-17 providing for the Neligh Park Board to comprise of 6-members with the appointment of the mayor and approval of the City Council, effective immediately.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Lundgren, and Hughes. Opposed: none. Motion carried.

#### **APPOINTMENTS**

Mayor Hartz recommended the appointment of Nick Ramold to the Planning Commission 3-year term, Megan Bilstein to the LB840 Loan Committee 4-year term, and Phyllis Eichberger and Tessa Hain to the Park Board 3-year terms. *Lundgren moved to approve the appointments as presented.* Seconded by Hughes. Roll call votes in favor were Lundgren, Hughes, Miller, and Wilkinson. Opposed: none. Motion carried.

#### **UTILITY COST ALLOCATION OF CITY HALL FOR MUNICIPAL DEPARTMENTS BASED ON SQUARE FOOTAGE**

Clerk Klabenos reported to comply with Nebraska Department of Transportation reimbursement guidelines for the Dial-A-Ride transit operation the council must have an annual review of utility costs calculated by square footage of the building shared with other municipal departments. She reported the only update from last year was the completion of the Police Department office. She presented a building layout with square footage dimensions for departments utilizing floor space. *Lundgren moved to approve the utility cost allocation of City Hall by the square footage used per department for Dial-A-Ride Public Transit and all municipal departments.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

#### **RESOLUTION 2024-18 SETTING RATES AND FEES FOR THE 2024-2025 SCHEDULE OF FEES**

City Clerk Klabenos reported the rates and fees discussed during budget planning and adopted by ordinance in September were presented in one Schedule of Fees to include the electric, water and solid waste rates. She reported the Park Board had considered and recommended a rental fee for the Boy Scout cabin of \$50. Discussion was held that the Boy Scouts and Girl Scouts would not pay any fees, when either group had an organization of members whether today or a date in the future when membership was larger. Discussion was held that Boy Scout cabin offered a nice space for a family gathering or reunion and was heated, unlike the Riverside Park Pavilion. *Council member Miller introduced and moved for passage of Resolution 2024-18 setting rates and fees for municipal services in the 2024-2025 Schedule of Fees.* Seconded by Hughes. Roll call votes in favor were Hughes, Lundgren, Wilkinson, and Miller. Opposed: none. Thereupon Mayor Hartz declared Resolution 2024- 18 adopted.

#### **EMPLOYEE HEALTH INSURANCE RENEWAL AND HEALTH SAVINGS ACCOUNT CONTRIBUTION FOR 2025**

Clerk Klabenos reported on seven options for employee health insurance renewals that included Medica, Allstate, and Blue Cross Blue Shield, including the municipal pool LIGHT option with Blue Cross Blue Shield. She reported the employees had met to review the renewals. She reported while the Medica renewal quoted a 16.81% monthly premium increase it had a minimal \$100 or \$200 deductible increase compared to the quotes with a 2% premium increase and a deductible that doubled the out-of-pocket expense. She reported she had budgeted for a 10% premium increase which fell short of the Medica renewal quote of 16.81%. She reported she had budgeted for a city contribution to the health savings account \$4 single and \$8 family short of the deductible amount of the Medica renewal and employees would have the option to contribute further to meet the federal health savings account limits. Discussion was held that the city contribution to the health savings account may not be an option someday. *Lundgren moved to approve the Medical Renewal \$3,300 H.S.A. plan for employee health insurance effective January 1, 2025, and to contribute \$3,296 single and \$6,592 family to the health savings account for 2025.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Miller, and Hughes. Opposed: none. Motion carried.

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

Economic Development Director Lauren Sheridan-Simonsen reported the new bike repair station would be arriving in approximately 2 weeks to be located by the Rainbow Fountain and donated by the Nebraska Game and Parks. The Director thanked City Superintendent Donaldson for installing the new windows and door at the economic development office. She reported a full report on the past forward conference for the certified local government would be presented next month as she just returned from the event. She provided an update on the Brownfields grant for the theater noting that Tetra Tech had sent a 300-page report for phase one of the project. She reported an open house and ribbon cutting was planned for Friday for BlackStrap and an open house on the Grace Lutheran Church new daycare was held in November. She reported a successful event for the

Novemberfest despite a drop in attendance was held and gave special thanks to the organizing committee members of Clint Arnold, Steve Simonsen, and Christina Brovont. She reported plans were being made for the Christmas lighting display to be set up in time for the parade of lights on December 1<sup>st</sup>. She reported A Ladies Night Out event was planned for later in the week and would be held in downtown Neligh. She reported the Clearwater Veterans Park fundraiser was successful and a new childcare facility as the third in-home childcare in Clearwater was almost completed.

The Director reported two members of the executive committee from the Chamber of Commerce along with two members of the Economic Development Board met with the Director and the Nebraska Business Development Center to discuss the Chamber Director/ Assistant Economic Development position. She reported the consensus was to move from a 35-hour-per-week position to a 25-hour-per-week position with six hundred hours a year dedicated to Chamber of Commerce matters and seven hundred hours a year dedicated to the Economic Development office. Discussion was held for the pool of applicants available and interested in a part-time position compared to a full-time position and the emphasis on the hourly wage rate over full-time benefits. Discussion was held for a revised chamber contract to be drawn up listing the six hundred hours and the annual cost share to be presented at the next meeting. The matter was tabled, and no action was taken.

The Economic Development Director reported the recommendation for both a facade grant of \$1,000 for new signage and a digital facade grant of \$1,000 for an upgraded website to be considered for Next Step Counseling. *Wilkinson moved to approve a façade grant application for \$1,000 for signage and a digital façade grant application for \$1,000 for an upgraded website to Next Step Counseling.* Seconded by Hughes. Roll call votes in favor were Miller, Lundgren, Wilkinson, and Hughes. Opposed: none. Motion carried.

Director Sheridan-Simonsen reported the LB840 Loan Review Committee recommended a loan to PEKAJ Inc. for \$125,000 to renovate a 6-unit apartment complex. She reported performance standards and progress reports every 60 days would be required with the City Supt. inspection. Discussion was held that the City of Neligh would hold a first position on the loan of 15 months and a maintenance fee would be due at the time of the loan closing which fee supported the annual review required on the Market Rate Revolving Housing Loan funds. *Lundgren moved to approve the recommendation of the LB840 Loan Review Committee for a \$125,000 Market Rate Housing Loan for 15 months at 1% interest for a 6-unit apartment complex.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Lundgren, Hughes, and Miller. Opposed: none. Motion carried.

The Director also reported a new café would be opening called Grammy's Kitchen which had applied for the Attraction Startup and Transition (AST) program for electric utilities. *Wilkinson moved to approve the AST electric incentive for Grammy's Kitchen for 10% electric discount for the first year and a 5% electric discount for the second year.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Miller, Lundgren, and Hughes. Opposed: none. Motion carried.

*Council member Hughes moved to approve the Economic Development Director report as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, Lundgren, and Wilkinson. Opposed: None. Motion carried.

## **POLICE REPORT**

Chief of Police Logan Lawson reported he and Sergeant Miller had attended the annual police officers conference in October to meet continuing education requirements. He thanked part-time officers Howard and Wostrel and the Antelope County Sheriff's Office for covering shifts so Lawson and Miller could attend training. He also reported annual firearms qualification requirements were met in October. He reported the Neligh Police Department had assisted the Antelope County Sheriff's Office and State Patrol with a manhunt in Oakdale and a vehicular accident in Riverside Park that damaged the Veteran's Memorial. He reported a citation was filed for the vehicle accident. He reported a couple of juvenile petitions for school events were filed with the collaboration of a strong relationship with the school staff and administration. *Wilkinson moved to approve the October numeric and written police reports as presented.* Seconded by Lundgren. Roll call votes in favor were Wilkinson, Lundgren, Miller, and Hughes. Opposed: None. Motion carried.

## **CITY SUPT. REPORT**

City Supt. Donaldson reported 39 blocks received a crack seal treatment and about thirty planks were replaced on the south bridge leading to the Tree Dump. He reported letters mailed out on tree trimming were receptive and would help with snowplows and the garbage truck routes. He reported the park was winterized. The Supt. reported the sewer plant was vacuuming off the foam issues and he had assisted the Sewer Operator with the replacement of belts that caused the material to re-enter the plant. He reported he had visited various businesses regarding diesel fuel found in the plant that caused other problems known as the sewer plant FOG from fats, oils, and greases. He reported the water project was going well so far and was surprised that the city recorded 12.5 million gallons of water pumped last month. Within the solid waste department, he reported that 122 tons were hauled to the landfill in October. He reported Green Fiber had issued a second warning of contaminated cardboard delivered to the plant that included staples, tape, oversized cartons, and lithium batteries. The Supt. reported that he met with the solid waste staff about managing the drop-off and collection of cardboard would not allow them to assist the customers as done in the past so that the recycling program would not be shut down. He reported the Electric personnel were busy installing new services and the new meter reading system was taking

more time.

Supt. Donaldson reported he received a request from residents on Highway 14 to add an engine braking prohibited sign north of the Elkhorn River bridge for northbound traffic. He reported that he contacted the Nebraska Department of Transportation which advised of no regulations as long as provided by city ordinance. Discussion was held that the sign would be placed outside city limits and within the one-mile jurisdiction. *Hughes moved to approve installing an engine brake prohibited sign on Highway 14 north of the Elkhorn River bridge.* Seconded by Miller. Roll call votes in favor were Lundgren, Wilkinson, Miller, and Hughes. Opposed: none. Motion carried.

Discussion was held about adding an advisory sign warning of the stop sign ahead on 2<sup>nd</sup> and N Street around the O Street intersection. *Lundgren moved to approve installing a stop sign ahead warning sign on Wylie Drive for advance notice of the stop sign at 2<sup>nd</sup> and N Street to eastbound traffic.* Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson, and Lundgren. Opposed: none. Motion carried.

Supt. Donaldson requested consideration for a \$.50 per hour wage increase following a successful 90-day performance review for Jeremiah Bartak. Supt. Donaldson reported Bartak offered mechanical and machine operating experience and enjoyed cross-training between public works departments and working with the crew. *Hughes moved to approve a \$.50/hour wage increase for Jeremiah Bartak following a 3-month performance review as a Solid Waste/ Street Operator.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, and Lundgren. Opposed: none. Motion carried.

Supt. Donaldson reported he met with the U.S. Army Corp of Engineers on the bypass and rebuilding the jetties along the park. He reported discussions with the Assistant Director for the Nebraska State Historical Society wanted to confirm funding for the bypass project and was proposing to his team a consideration to deed part of the property to the city to remove the state's liability in the bypass. No action was taken.

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

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

Theater Liaison Lundgren reported the grant writer would be assisting with interpretation of the Brownfields report. She reported another grant application would be opening in January and offered matching funds for other grants. She also reported that work was currently being done on the Sherwood grant application. Lundgren announced a holiday fundraiser for the theater would be the Holiday Tour of Homes on December 15<sup>th</sup> featuring Neligh and Rural Clearwater locations. *Hughes moved to approve the New Moon Theater report as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Lundgren, Wilkinson, and Miller. Opposed: None. Motion carried.

#### **APPROVAL OF BILLS**

*Lundgren moved to approve Pay Application #1 to Rutjens Construction for \$228,982.50 for water project #1.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Hughes, and Lundgren. Opposed: none. Motion carried.

*Wilkinson moved to approve the Blackstrap invoices for scale tickets totaling \$310.00.* Seconded by Lundgren. Roll call votes in favor were Miller, Wilkinson, and Lundgre. Abstain: Hughes. Opposed: none. Motion carried.

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

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, Lundgren, and Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:30 P.M.

City of Neligh

\_\_\_\_\_  
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 November 12, 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