

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

April 9, 2024

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, April 9, 2024, at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Stephanie Lundgren, Dale Wilkinson, Leonard Miller, and Ted Hughes. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, City Clerk Danielle Klabenes, Police Officer Aubrey Miller, City Engineer John Zwingman, Auditor Kyle Overturf, and Neligh Young Men's Club member Adam Mortensen. Notice of this meeting was given in advance thereof by publication in the Antelope County News on April 3, 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 March 12<sup>th</sup> regular meeting minutes as presented.* Seconded by Hughes. Roll call votes in favor were Miller, Lundgren, Wilkinson, and Hughes. Opposed: none. Motion carried.

## **TREASURER REPORT**

Clerk Klabenes reported that she had recently reimbursed the general fund from the LB840 fund for \$111,0000 in expenses paid in January through March. She reported an error in the March sales tax revenue reported to the city by the Nebraska Department of Revenue and she was awaiting notice of corrected amounts to record what the March revenues should be for the Fire Dept., LB840 and General Fund. She reported cities and villages were discussing municipal fees on games of skill where the machines are seen in gas stations and are not part of the lottery program and discussing municipal fees on special designated liquor licenses. She reported these may be discussed further at budget planning. *Lundgren moved to approve the March 2024 treasurer's report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

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

City Engineer John Zwingman reported the USDA had not sent the loan documents needed to sign before awarding bids from the March 14<sup>th</sup> bid letting, so no notice of award could be acted upon yet. He reported on the water projects split as State Revolving Loan Fund (SRF) projects included 1,3,4 and 5 while the USDA projects included 2A, 2B, and 2C. He reported the Sewer #1 project was bid as a city-financed project if the city should choose to do so and that the Sewer #2 project was not let out for bids. He reported that water project 5 was discussed at the special meeting last week as possibly not completed but the price of the project price was good. Discussion was held that if water project 2A was completed that it would increase the fire rating and allow for water access instead of relying on water tanks in an emergency. Discussion was held for whether the city should require utility users to hook up to the sewer upon completion of a sewer line if that project was selected to be completed. Discussion was held that a local ordinance in the municipal code book provided the city to do so. Discussion was held during the annexation process, and the city council at that time had stated that utility users would not be required to connect upon project completion. Discussion was held that if the utility user had a well or septic system in need of repair or replacement the utility user would be required to connect to the city line at that time. No action was taken.

## **2022-2023 FISCAL YEAR AUDIT**

Auditor Kyle Overturf of Almquist, Maltzahn, Galloway & Luth of Grand Island presented the 2022-2023 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 with interest rates increasing that not all the interest should be going to the General Fund. He reported inventory prices could be updated to more current prices when purchases are made. He reported the largest revenue sources for governmental activities included property tax, sales tax and state allocation, property tax asking increased 7% while the city valuation increased 10%.

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 2022-2023 fiscal year audit prepared by Almquist, Maltzahn, Galloway & Luth.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, Miller, and Lundgren. Opposed: None. Motion carried.

## **NELIGH YOUNG MEN'S CLUB OLD MILL DAYS 2024 CELEBRATION**

Adam Mortensen of the Neligh Young Men's Club requested consideration for a donation to the fireworks and use of Penn Park to display the fireworks show. Mortensen reported the use of Penn Park helped with crowd containment management much easier and the floating docks on the lake water. Discussion was held that the budget included a \$500 increase to \$5,500 from the Electric fund. *Hughes moved to approve a \$5,500 donation to the Neligh Young Men's Club for Old Mill Days fireworks as budgeted from the Electric fund and to authorize the use of Penn Park for the display of fireworks on July 4<sup>th</sup> and authorize the distribution to display the fireworks.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Miller, Hughes, and Wilkinson. Opposed: None. Motion carried.

## **DANGEROUS BUILDING UPDATES**

City Supt. Donaldson presented a list of eleven property cleanups, rehab, or demolition that have been completed. He reported that six more properties were scheduled for demolition, or a date was to be scheduled for demolition. *Hughes moved to approve the March update on dangerous buildings as presented by the City Attorney and City Supt.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes, and Lundgren. Opposed: None. Motion carried.

## **APPOINTMENTS**

Mayor Hartz recommended the reappointment of Joyce Knievel to the Housing Authority for a 5-year term and the new appointment of Carolyn Weinman to fill an unexpired term on the Housing Authority to June 2027. *Lundgren moved to approve the appointments as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, Hughes, and Miller. Opposed: None. Motion carried.

## **ORDINANCE 653 ESTABLISHING A HISTORIC PRESERVATION COMMISSION**

*Council member Lundgren introduced the following ordinance entitled as follows:*

*AN ORDINANCE OF THE CITY OF NELIGH, ANTELOPE COUNTY, NEBRASKA, ESTABLISHING A HISTORIC PRESERVATION COMMISSION, PROCEDURES FOR DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS; PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS TO DESIGNATED LANDMARK PROPERTIES; AND TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS.*

*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: Hughes, Wilkinson, Lundgren, and Miller. 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 Hughes moved for final passage of the ordinance*, which motion was seconded by Council member Lundgren. The mayor then stated the question, "Shall Ordinance No. 653 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Miller, Lundgren, Wilkinson, 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 ordinances one time as prescribed by law.

## **ECONOMIC DEVELOPMENT DIRECTORS REPORT**

Economic Development Director Lauren Sheridan-Simonsen thanked City Attorney McNally for his work on the ordinance for the Historic Preservation Committee. She reported the workforce housing grant funds were deposited into the Chamber of Commerce account and approval by the Chamber was made for payment of the audit and annual review for the program. She reported on two housing projects in progress with Hild's townhome looking for completion May 1st and the B2B project could be seen by invite only on a new Facebook page. She reported that if History Nebraska were to certify Neligh within the next two weeks that it was possible the grant would be open for Neligh and offer a quick turnaround for a project. She reported on an award presentation to be held that week recognizing River Mill Coffee Company as the Entrepreneur of the Year by the Center of Rural Affairs. She reported on the upcoming Brownfields Workshop to be held in Neligh in May. She reported on the comprehensive plan and housing study updates would be included in the next budget year. She reported the assistant director was working on the annual chamber banquet for later that week and the assistant director was working on the last details for a digital marketing class to be held in Neligh. *Miller moved to approve the Economic Development Director's report as presented.* Seconded by Wilkinson. Roll call votes in favor were Lundgren, Hughes, Miller, and Wilkinson. Opposed: none. Motion carried.

The Director reported Lowell Schroeder of Five Rule Rural Planning was assisting the director with the grant submission for the duplex on an hourly basis and requested authorization as a Neligh representative to submit the application. *Moved by Hughes to approve the submission of the grant application and authorized Lowell Schroeder of Five Rule Rural Planning to submit the Nebraska Affordable Housing Trust fund grant*

*application for the City of Neligh.* Seconded by Lundgren. Roll call vote in favor were Wilkinson, Miller, Hughes, and Lundgren. Opposed: none. Motion carried.

Director Sheridan-Simonsen reported on the Tenant Selection Policy was one of the requirements of the grant application and recommended approval of the policy presented. She reported the policy was modeled after another community that had already received approval for their policy. *Lundgren moved to approve the Tenant Selection Policy as presented for the Nebraska Affordable Housing Trust fund grant application.* Seconded by Miller's. Roll call votes in favor were Lundgren, Hughes, Miller, and Wilkinson. Opposed: none. Motion carried.

Mayor Hartz proclaimed May 10, 2024, as National Provider Appreciation Day to recognize, promote, and appreciate the child-care providers in the City of Neligh. The mayor read the proclamation.

The Director requested a donation from the Lottery fund for care packages for the May 10<sup>th</sup> event. She reported donations were requested by the Chamber to assist. She reported the recognition day was cloned from a Northeast Community College program to promote childcare providers. *Wilkinson moved to approve \$200.00 from the lottery fund to assist with care packages to honor licensed childcare providers on National Provider Appreciation Day.* Seconded by Hughes. Roll call votes in favor were Miller, Wilkinson, Lundgren, and Hughes. Opposed: none. Motion carried.

## **POLICE REPORT**

Chief of Police Logan Lawson was absent. Police Officer Aubrey Miller reported on his surprise in how many people locked their keys in their car. He reported on traffic enforcement around town and the current D.A.R.E program ending at another session. He reported on the police office renovations and credited City Supt. Donaldson for his carpenter work and skills. *Wilkinson moved to approve the March numeric and written police reports as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, Lundgren, and Miller. Opposed: none. Motion carried.

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

City Supt. Donaldson reported the crew learned something new with each snowstorm which was the same situation with the March storm that presented wind drifting the snow, rotation of personnel into different tasks and plows breaking down. He reported current number of pool applications was up to ten lifeguards and two managers. He reported the Neligh-Oakdale school students would be helping with a clean-up day on the 24<sup>th</sup> in the pool and park. He reported ballfields would be aerated and fertilized this month. He reported concrete replacement on the north side of the pool deck was scheduled to begin. He reported that a company that sprays weeds at NPPD substations would also be spraying weeds at the sewer plant and lift stations. He reported the Water Dept. was receiving a lot of utility locates on curb stops in relation to the Black Hills relocation of meters. The Supt. reported an additional order for the blue residential garbage totes was made as we have 145 totes out of 155 in use. He reported the preventive maintenance on the generators went well as some units were flushed several times to get clean. He reported Dani Mortensen had agreed to serve as the Master Gardener for the donation garden and the goal for this season was to produce more than last year's total of 2000 pounds of produce. He reported the produce was donated to the Antelope County Food Pantry, Arbor Care, and the Neligh Community Center. *Lundgren moved to approve the Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Lundgren, Wilkinson, and Miller. Opposed: None. Motion carried.

Discussion was held for consideration of rules prohibiting parking on the terrace, or approximately forty feet of property between the sidewalk and street curb. Discussion was held that some driveways, both concrete and rock, were created in the terrace to provide off-street parking. Discussion was held for parking should only be on the own property owner's terrace and not adjacent to their own property. Discussion was held that campers or vehicles may be parked on the terrace and the yard maintained without concrete and rock. It was the consensus of the council for the council to drive through the town over the next month and review whether the matter should be addressed further. No action was taken, and the matter was tabled.

The Supt. reported the spinning reserves the city was receiving were not as easy to read on the weekly market invoices from Southwest Power Pool, but Tenaska was creating a report to explain the credits to the city. He reported that in 8 days of the billing period, the revenue totaled \$1447.49 which saved 24% of what the power would have cost the city. Discussion was held that this time of the year power consumption is lower than higher cooling or heating seasons. Discussion was held that the report from Tenaska will help the city record the spinning reserves to show the income generated that is used to offset the expense paid for the power invoices.

City Supt. Donaldson reported the small generator was not included in the remote start up and cannot help bring the city power up to capacity. He reported he received a quote for \$10,300 which would allow the small generator to synchronize with the bigger generators and bring our total power up to capacity. Discussion was held that the current requirement was to provide 115% over peak demand. Discussion was also held that adding remote start to a new generator would cost approximately \$130,000. *Wilkinson moved to approve the quote of \$10,300 to upgrade generator #4 and synchronize it with the bigger generators.* Seconded by Hughes. Roll call votes in favor were Miller, Lundgren, Wilkinson, and Hughes. Opposed: none. Motion carried.

**NEW MOON THEATER REPORT**

Theater Liaison Lundgren reported the Theater Board was meeting with the architects later that week. She reported that an LB840 grant request was denied by the LB840 Loan Review Committee. Discussion was held that the council had budgeted funds for a grant for the theater and the LB840 state statute required the LB840 Loan Review Committee to review documents to make a decision. Discussion was held that the Brownfields grant would be applied for interior remediation and mold removal. *Hughes moved to approve the New Moon Theater report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, Hughes, and Miller. Opposed: None. Motion carried.

**APPROVAL OF BILLS**

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

**ONE-TIME INCENTIVE PAYMENT TO CITY CLERK FOR MASTER CERTIFICATION**

*Hughes moved to approve a one-time incentive payment of \$5,000 to City Clerk Dana Klabenes for attaining the Master Municipal Clerk certification.* Seconded by Miller. Roll call votes in favor were Wilkinson, Lundgren, Hughes, and Miller. Opposed: none. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Lundgren. Roll call votes in favor were Lundgren, Hughes, Wilkinson, and Miller. Opposed: None. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:25 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 April 9, 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