

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

June 11, 2024

The regular meeting of the Mayor and City Council of the City of Neligh was held at the City Council Chambers on Tuesday, June 11, 2024, at 7:00 P.M. Present were Mayor Joe Hartz and Council Members Ted Hughes, Dale Wilkinson, and Leonard Miller. Absent was Stephanie Lundgren. Also in attendance were City Attorney James McNally, Economic Development Director Lauren Sheridan-Simonsen, City Supt. Dan Donaldson, City Clerk Danielle Klabenes, Police Chief Logan Lawson, City Engineer John Zwingman, Library Director Amy Baker, News Reporter Carrie Pitzer, Bryan Funk, Joe Funk, and Don Weinman. Notice of this meeting was given in advance thereof by publication in the Antelope County News on June 5, 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 May 14th regular meeting minutes as presented. Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, and Hughes. Absent: Lundgren. Opposed: none. Motion carried.

TREASURER REPORT

Clerk Klabenes reported the May treasurer report showed the spinning reserves for electric generation for the January through April months in the current revenue of \$5,161. She reported this was the city's half of the spinning reserves and Tenaska would have received the same amount. She reported that as she and the City Superintendent were learning the new reports from Tenaska, it appeared the month of May would have approximately \$6,200 in spinning reserves which was a reflection of the temperatures warming up for May's spinning reserves for one month to exceed the cumulative total of the prior four months. She reported no update on the March sales tax was received from the Nebraska Department of Revenue yet, but she anticipated an update in June. *Council member Hughes moved to approve the May 2024 treasurer's report as presented. Seconded by Miller. Roll call votes in favor were Hughes, Wilkinson, and Miller. Absent: Lundgren. Opposed: none. Motion carried.*

WATER AND SEWER EAST HIGHWAY 275 PROJECT

City Engineer John Zwingman reported USDA had received the loan documents and the city could discuss notice of award to a contractor from the March 14th bid letting and authorize to prepare contract documents. He reported on the connections, efficiencies, and pipe sizes for the seven water projects and one sewer project bid in March. Discussion was held for the financing terms of the USDA water projects referenced as 2A, 2B and 2C for 40 years at 1.75% interest and the State Revolving Fund (SRF) water projects references as Water 1,3,4 for \$1.6 million with 45% loan forgiveness, or a grant. Discussion was held that the sewer project named sewer #1 was the only project that would be financed by the city without USDA or SRF assistance. Discussion was held that USDA water projects 2A, along the southeast edge of city limits and 2C extending east of 1st Street and the east border of Countryside Acres Subdivision could be completed without USDA water project 2B which continued water service between 2C and 2A. *Wilkinson moved to authorize the Advanced Consulting Engineering Services office to prepare the notice of award for the projects of Water 1, 2A,2C, 3,4,5 and Sewer #1 projects to Rutjens Construction based on bid prices totaling \$3,461,181.00 and complete the contract documents. Seconded by Miller. Roll call votes in favor were Wilkinson and Miller. Absent: Lundgren. Opposed: Hughes. Motion carried.*

Council member Hughes moved to authorize the mayor, city clerk/ treasurer, city attorney and council president to sign loan documents based on the notice of award. Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, Hughes. Opposed: none. Absent: Lundgren. Motion carried.

KENO COMMUNITY DAY BONUS

City Clerk Klabenes reported the Nebraska Cooperative Government office for lottery requests the Council to designate a date during a local celebration for the event for games of chance and the designation must be made annually by the City Council. *Wilkinson moved to approve July 4th as the Keno Community Day Bonus for the City of Neligh during the annual Old Mill Days Celebration. Seconded by Miller. Roll call votes in favor were Miller, Hughes, Wilkinson. Opposed: None. Absent: Lundgren. Motion carried.*

DANGEROUS BUILDING UPDATES

City Supt. Donaldson reported a property on third street was being cleaned out and a demolition contractor had been contacted for tearing down a property on P Street. A discussion was held for contacting the fire department to see if a controlled burn among the fire department was an option and discuss further at the July meeting. The Supt. reported a property at 6th and P Street was recently done by controlled burn. He reported he

would solicit bids from three contractors to consider multiple demolition properties while the contractor had equipment in town. He reported a demolition application was received on two houses at 2nd and F Street which Rutjens Construction was scheduled to demo the property. City Attorney McNally reported the 6-plex property on D Street has until July 1st to take action otherwise a resolution would be filed determining the structure as a dangerous building at the July meeting. *Wilkinson moved to introduce for passage Resolution 2024-3 declaring the property of 603 K Street as a nuisance and a dangerous property in violation of the city ordinances.* Seconded by Hughes. Roll call votes in favor were Hughes, Wilkinson, and Miller. Opposed: none. Absent: Lundgren. Thereupon Mayor Hartz declared Resolution 2024-3 adopted.

CITIZEN ADVISORY REVIEW COMMITTEE

Garret Jacobsen of the Citizens Advisory Review Committee presented the semi-annual report on the LB840 program. Jacobsen reported since October 2023, the LB840 had received \$47,177.91 in sales tax revenue and the March deposit for January receipts had not been received due to a reported error within the Nebraska Department of Revenue. He reported \$239,000 in expenses included \$205,000 in loans, \$4,000 in community grant programs, and \$30,000 in matching funds for the Market Rate Revolving Loan Fund. He reported a loan for \$125,000 had been issued and closed for a townhome project in Countryside Acres Second Subdivision by Hild Construction LLC and a new loan of \$80,000 was made to 719 Fitness Center – JDM Enterprise, LLC. He reported an additional \$20,000 loan from JDM will be submitted upon available funds. He reported the Market Rate Housing Loan Program balance was \$592,000 after two loans of \$125,000 to Hild Construction and \$50,000 to BTB Construction for housing projects. He reported that following the LB840 committee's review of the LB840 account, the committee found the LB840 program to be spent in a manner appropriate to state statutes. *Council member Hughes moved to approve the Citizens Advisory Review Committee semi-annual report on the LB840 program.* Seconded by Miller. Roll call votes in favor were Wilkinson, Miller, and Hughes. Opposed: none. Absent: Lundgren. Motion carried.

SEMI-ANNUAL LIBRARY REPORT

Library Director Amy Baker reported the semi-annual library report which included an update on the progress report, needs assessment, and budgetary requirements for the library. She reported on increased patron engagement, programming expansion, digital access improvements, and community outreach. She reported the library's needs included facility upgrades, technology investments, staffing support, and collection development. She reported the budget allocation provided the library investments in education, enrichment, and community well-being. She shared her gratitude for the city council's support of the library. *Wilkinson moved to approve the semi-annual library report as presented.* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, and Hughes. Opposed: None. Absent: Lundgren. Motion carried.

COMMUNITY SUPPORT OF THE NELIGH COMMUNITY CENTER

Mayor Hartz thanked the community for the donations of volunteering, financing, eating a meal or spending time at the Neligh Community Center to help the center continue. He thanked the City Council and the City Attorney for responding so quickly at the last meeting and for their support in continuing the center in making it a reality for the community to enjoy. He reminded the public that the building is available for other events and to call the center for scheduling.

SPECIAL DESIGNATED LIQUOR LICENSE FOR SLY'S FAMILY BAR & GRILL FOR JULY 16TH PUB TRIVIA

Clerk Klabenes reported Sly's Family Bar & Grill was asked to host an outdoor summer pub trivia night run by the Neligh Public Library which rotates at local businesses. She reported that since this was not a regular event, the request was coming before the City Council and the public to hear for discussion and consideration. She reported on the diagram within the application for fencing details and requested that Main Street be closed for the evening event to run from 6:00 pm to 10:00 pm on July 16th. *Wilkinson moved to approve the special designated liquor license for Sly's Family Bar & Grill on July 16th for a pub trivia event and to allow the main street closure for the event.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, and Wilkinson. Opposed: none. Absent: Lundgren. Motion carried.

BOY SCOUT CABIN IN FRED PENN PARK

City Attorney McNally reported the Boy Scout Cabin could be transferred to the city by a Bill of Sale and once the building was transferred, the city would be responsible for the cabin and could provide the building insurance. Discussion was held for considering an operations and maintenance agreement with the Boy Scouts if the city received the building transfer with the city responsible for the operations and maintenance. Discussion was held that the building could be used for other events with a rental agreement like the rental agreement for the Pavilion in Riverside Park. *Hughes moved to authorize the city attorney to pursue the purchase of the Boy Scout Cabin in Fred Penn Park.* Seconded by Wilkinson. Roll call votes in favor were Miller, Wilkinson, and Hughes. Opposed: none. Absent: Lundgren. Motion carried.

APPOINTMENTS

Mayor Hartz recommended the appointment of Stephanie Keetle to the LB840 Citizens Advisory Review Committee for a four-year term, the reappointment of Dewey Teel to the Board of Adjustment for a three-year term, and the reappointment of Megan Wingate to the Library Board for a four-year term. *Hughes moved to approve the appointments as presented.* Seconded by Miller. Roll call votes in favor were Hughes, Miller, and Wilkinson. Opposed: none. Absent: Lundgren. Motion carried.

ECONOMIC DEVELOPMENT DIRECTORS REPORT

Economic Development Director Lauren Sheridan-Simonsen reported the Economic Development office had also assisted the Neligh Community Center during its transition and was in discussion with the Area Agency on Aging and Elgin Community Center. She reported planning for a QuickBooks class, newsletter assistance and marketing for the center. She reported a website page was added called the Give to Neligh page which lists nonprofit agency projects including the New Moon Theater and the Inclusive Playground. She reported the ED Board was considering a Big Give Day event. She reported the grant application for CLG will be submitted in June and the CLG's top projects were a Neligh history-based program for youth and wayfinding signage for the Old Mill District. She reported new Welcome to Neligh signs were being researched for replacement of the existing signs and presented three design options. She reported the Brownfield's workshop in May was the largest attendance ever by Nebraska Department Environment and Energy (NDEE). She said an application for phase one for the New Moon Theater with NDEE will be filed as this is needed for the Brownfields grant for an EPA cleanup grant. She reported the assistant director was busy planning a father of the year promotion, the Chamber BBQ, Novemberfest, and working as a marketing partner with the Neligh Community Center. She reported that in Clearwater the grant applications for the Veteran's Park were underway, a ribbon cutting was held for the new steakhouse, and the Chamber was busy preparing for the Big Rodeo. She reported a new childcare center was in development following the demolition of a former residential property.

Discussion was held for using tax increment financing for workforce housing development as a tool that cities are allowed to use for new construction of rentals and new housing. The director reported it could be a four-plex apartment rental and a potential developer indicated the use of tax increment financing was a game-changing decision to invest in a big project in Neligh. She reported the tax increment financing would go towards the construction of the building and the key to using tax increment financing would be a blight study that considers the age of buildings. She requested consideration to continue with the blight study to move forward with this project. *Wilkinson authorized the ED Director to pursue steps regarding a blight study with proposals to come back to the City Council for review and approval.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, and Miller. Opposed none. Absent: Lungren. Motion carried. Mayor Hartz thanked the ED Director for her assistance with the Neligh Community Center and for being the first contact with the Area Agency on Aging to help with the center's next direction. He thanked both the ED Director and ED Assistant Director for going above and beyond their services to the community.

POLICE REPORT

Chief of Police Logan Lawson reported he had seen an uptick in traffic after school was dismissed for the summer. He reported the department was working hard on compliance with city ordinances. He reported his gratitude for the CodeRed message that dispersed about mowing which had reduced the number of calls from double digits down to six calls on yards. He reported the department had seen an increase in traffic accidents and reminded everyone to slow down. He reported on a workshop attended in Norfolk with the Nebraska Attorney General, other Chiefs of Police, and County Attorneys with sessions on mental health and LB51 training requirements. *Wilkinson moved to approve the May numeric and written police reports as presented.* Seconded by Hughes. Roll call votes in favor were Hughes, Miller, and Wilkinson. Opposed: none. Absent: Lundgren. Motion carried.

CITY SUPT. & ELECTRIC REPORT

City Supt. Donaldson reported Baker Road needed to be looked at as Street crews had filled in potholes three times and the condition of the road needed to be repaired. He recorded this as one street to consider in the one and six-year discussion. He reported the circulation system, and two leaks were fixed in the pool before opening for the season and everything was operational and doing well now. He reported the concrete was undermined and how to add more concrete when the pool deck was repaired. He said the state pool inspector had stopped the previous week and was happy with the new pool deck and the upgraded filter system. He reported the Phase 1 Inclusive Playground was now complete and installed after the layout was changed to allow a walkout from one of the picnic shelters so as not to approach into swings when leaving the shelter. He reported as the playground system was installed it was learned that the water table was only thirty-two inches and a drain system under the rubber base acts like a septic system with ten drains. He reported that Riverside Park Road was completed after some challenges with the weather to work on it and there was an overage of product tonnage used compared to the bid as the area by the bridge to the fairgrounds took a lot more work. He reported an armor coat of both Wiley Drive and Riverside Park Road would be included in the budget for next year. He reported Tanner Knutson was doing really good in the ball fields and Brad Thieman was taking over Park duties and assisting with the supervision of seasonal workers. He said the water department was doing a great job of staying ahead of all

the locates. He reported the electric department had no major outages and was working on bringing power to the swinging bridge for lighting. He reported the electric generation plant had generated two times earlier that day which was now normal as big generation plants are getting started up and the Neligh plant is used to assist in that transition of the big generation plants going online. *Hughes moved to approve the Supt. report as presented.* Seconded by Miller. Roll call votes in favor were Wilkinson, Hughes, and Miller. Opposed: None. Absent: Lundgren. Motion carried.

Discussion was held for projects for the Land Water Conservation Fund grant application to be submitted September 1st which included the inclusive playground. Discussion was held for the Rails to Trails grant application also to be submitted September 1st which included a Russell Park nature trail loop through the trees, a Shade On nature trail along the north edge of the Elkhorn River, a dog park in Russell Park, and a new pickleball court next to the existing basketball court in Riverside Park. Discussion was held for considering a handicap-accessible fishing dock in Penn Park and possibly dry camping in Russell Park with access to water but use of generators, as well as using Russell Park for the overflow of parking during the County Fair. A discussion was held for fundraising efforts that included the new Give to Neligh website page, campground site registration envelopes with information slips asking campers to consider rounding up or donating to the projects, awaiting notice of award from local and regional donation requests, and the application for state income tax credits. A discussion was held for a dedication ceremony being planned on the 4th of July during Neligh's Old Mill days for the new swinging bridge. Mayor Hartz thanked the City Attorney, Lyle Juracek, Dan Donaldson, and local volunteers for all the work on the installation of the new swinging bridge. Discussion was held that a public input meeting would be held on Monday, June 24th in Riverside Park next to the picnic shelter by the new three-piece inclusive playground for another opportunity to share information about the projects and in compliance with grant application requirements. *Wilkinson moved to approve the Neligh Park Upgrades and Inclusive Playground projects for grant application submission to the Nebraska Game and Parks under the Land Water and Conservation Fund grant and the Rails to Trails grant.* Seconded by Hughes. Roll call votes in favor were Miller, Hughes, and Wilkinson. Opposed: None. Absent: Lundgren. Motion carried.

Discussion was held for street projects for budget planning and cost estimate updates for the One- & Six-Year Street plan. Discussion was held for the armor coat of Riverside Park and Wylie Drive. Discussion was held for complaints of the asphalt overlay of 6th Street east of the high school and 6-7 blocks with asphalt overlay coming apart on the west side of town, including P Street with a lot of spots. Discussion was held for sections of 4th and 5th street needing repair, but not the whole street length and looking at N Street going north. No action was taken.

NEW MOON THEATER REPORT

Council member Lundgren was absent. No report was heard.

APPROVAL OF BILLS

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

Miller moved to set a budget workshop date for Thursday, August 15, 2024, at 5:30 P.M. Seconded by Hughes. Roll call votes in favor were Miller, Hughes, and Wilkinson. Opposed: none. Absent: Lundgren. Motion carried.

Wilkinson moved to approve the JEO Agreement for bridge inspections of two bridges south of the Neligh Mill Bridge and the Belmar Creek Bridge for \$5,700. Seconded by Hughes. Roll call votes in favor were Wilkinson, Hughes, and Miller. Opposed: none. Absent: Lundgren. Motion carried.

Discussion was held for consideration of a subordinate lien position with Madison County Bank for a CDBG loan with a balance under \$2,000. Discussion was held that for the loan balance remaining a loan payoff would be more appropriate by rolling the CDBG loan into any new financing of the home rehab loan. *Council member Miller moved to* Seconded by Hughes. Roll call votes in favor were Wilkinson, Miller, and Hughes. Opposed: none. Absent: Lundgren. Motion carried.

There being no further business to conduct, *Miller moved to adjourn.* Seconded by Wilkinson. Roll call votes in favor were Hughes, Wilkinson, and Miller. Opposed: None. Absent: Lundgren. Thereupon Mayor Hartz declared the meeting adjourned. Time 9:36 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 June 11, 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)

City Clerk