

A regular meeting of the Mayor and the City Council of O'Neill was held at the City Hall in said City on the 5th day of April, 2021 at 7:30 P.M.

Present: Mayor Scott Menish, City Attorney Boyd Strobe, City Clerk/Treasurer Sarah Sidak, Council President Don Baker and Council members; Tim Schneider, Susie Kramer, Kayla Burdick, Terri Krysl, Tim Gleason and Beth Walsh. Absent: Quana Kelly.

Notice of this meeting was given in advance thereof according to Section 84-1408 of the Revised Statutes of Nebraska. Notice of the meeting was given to the Mayor and all members of the Council and a copy of the acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while convened meeting was open to the attendance of the public.

The meeting was called to order by Mayor Menish. The Pledge of Allegiance was recited. Mayor Menish informed the public of the location of the Open Meetings Act poster.

Moved by Schneider, second by Kramer to waive the readings of the minutes of the March 8th meeting and approve them as if read. Roll call vote as follows: All Ayes. Motion carried.

Moved by Walsh, second by Kramer to open the Cardinal Lake LLC rezoning request public hearing. Roll call vote as follows: All Ayes. Motion carried.

City Clerk Sidak reported that the Planning Commission had met and after much discussion had denied the rezoning request as submitted.

Mary Kersenbrock Losing spoke in opposition to the rezoning request.

Moved by Schneider, second by Kramer to close the hearing. Roll call vote as follows: All Ayes. Motion carried.

Moved by Baker, second by Burdick to deny the Cardinal Lake LLC rezoning request as submitted. Roll call vote as follows: All Ayes. Motion carried.

Moved by Schneider, second by Gleason to approve Olsson & Associates to contract with CBI INC at no cost to the City to do a parking lot analysis. Roll call vote as follows: All Ayes. Motion carried.

Moved by Schneider, second by Krysl to approve Scott Menish as O'Neill Central Nebraska Economic Development District alternate representative. Roll call vote as follows: All Ayes. Motion carried.

Mark Mahoney presented to the City a dividend check in the amount of \$41,569.79, which reflects the success participating municipalities are having in increasing safety and reducing losses.

Moved by Baker, second by Schneider to approve Heather Samland for the Fire and Ambulance Departments. Roll call vote as follows: All Ayes. Motion carried.

Moved by Baker, second by Walsh to advertise for hay bids.
Roll call vote as follows: All Ayes. Motion carried.

Council member Kramer introduced Ordinance No. 1393, which is on file with the City Clerk.

City Attorney Strope read Ordinance No. 1393 by title and number.

ORDINANCE NO. 1393

OF THE

CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, AMENDING SECTION 2-134 BY ADDING PARKS AND POOL TO THE SEXUAL PREDATOR RESIDENCY RESTRICTIONS; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA, that:

Sec. 1. That Section 2-134 of the O'Neill Municipal Code be amended to read as follows:

"SECTION 2-134: SEXUAL PREDATORS; RESIDENCY RESTRICTIONS; EXCEPTIONS

A. Prohibited location of residence. It is unlawful for any person who is a sexual predator, as defined herein, or under similar provisions of any other state, to reside within 500 feet of the real property comprising the following:

1. A public, private, denominational or parochial school which meets the requirements for accreditation or approval in Neb. Rev. Stat. Chapter 79.
2. A child care facility.
3. A municipal park.
4. A municipal pool.

B. Measurement of distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer boundary line of a public or nonpublic elementary or secondary school, child care facility, municipal park, or municipal pool.

C. Exceptions to Schools or Child Care Facilities. A person residing within 500 feet of any real property comprising of a public or nonpublic elementary or secondary school, child care facility, municipal park, or municipal pool does not commit a violation of this

section if any of the following apply:

1. The person's residence results from a requirement to serve a sentence at a jail, prison, juvenile facility, or resides in any other correctional institution or facility including a correctional or treatment facility operated by the state or any political subdivision.

2. The person established such residence before July 1, 2006 and has not moved from that residence.

3. The person's place of residence becomes a violation of this ordinance solely because of annexation into the City.

4. The person established a residence after July 1, 2006 and the public or nonpublic elementary or secondary school, child care facility, municipal park, or municipal pool within 500 feet of the person's permanent residence was established after his or her initial date of residence at that location."

D. Exceptions to Parks and Pools. A person residing within 500 feet of any real property comprising of municipal park, or municipal pool does not commit a violation of this section if any of the following apply:

1. The person's residence results from a requirement to serve a sentence at a jail, prison, juvenile facility, or resides in any other correctional institution or facility including a correctional or treatment facility operated by the state or any political subdivision.

2. The person established such residence before July 1, 2021 and has not moved from that residence.

3. The person's place of residence becomes a violation of this ordinance solely because of annexation into the City.

4. The person established a residence after July 1, 2021 and the municipal park, or municipal pool within 500 feet of the person's permanent residence was established after his or her initial date of residence at that location."

Sec. 2. That all prior ordinances in conflict herewith are repealed.

Sec. 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2021.

SCOTT MENSIH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK

Moved by Schneider, second by Gleason to approve application PIP-LB840-91 in the amount of \$5,000.00 for house demolition. Roll call vote as follows: All Ayes. Motion carried.

Council member Burdick introduced Resolution No. 21-04, which is on file with the City Clerk.

RESOLUTION NO. 21-04
OF THE
CITY OF O'NEILL, NEBRASKA

WHEREAS, due to the large volume of traffic on Hynes Avenue, between 7th Street and 10th Street and for the public safety on Hynes Avenue, it is determined to be in the best interest of the City that no parking be allowed on the South side of Hynes Avenue between 7th Street and 10th Street.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA:

Sec. 1. That no parking is allowed on the South side of Hynes Avenue between 7th Street and 10th Street.

Sec. 2. The O'Neill Street Department is hereby authorized to erect signage for designating said no parking.

PASSED AND APPROVED this 5th day of April, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK

Second by Baker to adopt Resolution No. 21-04. Roll call vote as follows: Aye; Schneider, Kramer, Burdick, Baker, Gleason and Walsh. Nay: Krysl. Absent: Kelly. Motion carried.

Moved by Kramer, second by Krysl to approve OOR Grant drawdown request #11 in the amount of \$2,193.09. Roll call vote as follows: All Ayes. Motion carried.

Moved by Kramer, second by Walsh to approve extending the deadline for the Rural Workforce Housing Fund to August 1st. Roll call vote as follows: All Ayes. Motion carried.

Council member Burdick introduced Resolution No. 21-05, which is on file with the City Clerk.

RESOLUTION NO. 21-05

OF THE

CITY OF O'NEILL, NEBRASKA

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA, that the recommendation for face covering should be withdrawn and therefore Resolution No. 20-14 is repealed.

PASSED AND APPROVED this 5th day of April, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK

Second by Schneider to adopt Resolution No. 21-05. Roll call vote as follows: Aye; Krysl, Schneider, Kramer, Burdick and Walsh. Nay: Baker and Gleason. Absent: Kelly. Motion carried.

Moved by Baker, second by Kramer to approve advertising for a garbage truck for the Solid Waste Department. Roll call vote as follows: All Ayes. Motion carried.

Moved by Schneider, second by Kramer that based upon the memo received from the Parks/Cemetery Superintendent approval is granted for Lance Schmeichel to be hired as a summer employee of the O'Neill Parks/Cemetery Department. Roll call vote as follows: All Ayes. Motion carried.

Moved by Gleason, second by Schneider to approve the Treasurer's Report. Roll call vote as follows: All Ayes. Motion carried.

Moved by Kramer, second by Schneider to approve the bills. Roll call vote as follows: All Ayes. Motion carried.

ALL FUNDS

Payroll, salary	126,649.43	FED & FICA, tax	27,938.14
American Family, ins	1,539.98	Appeara, su	896.71
Black Hills Energy, util	2,480.90	Blue Cross Blue Shield	46,387.18
Bomgaars, su	1,322.94	Guardian, ins	1,763.55
Heartland Fire, ser	2,104.61	John Hancock, pension	6,668.70
NE Dept. of Revenue, tax	4,123.92	NPPD, util	16,061.60
NT&T, phone	895.46	Quadient Finance, postage	1,000.00
UNUM Life, ins	222.05	Verizon, phone	753.29
Wex Bank, fuel	5,532.90		

GENERAL FUND

A&J Tire, ser	1,204.26	Amazon, su	285.58
Anson Insurance, bond	321.75	Bullseye Fire Sprinkler, ser	560.00
Carhart Lumber, su	5.19	Century Link, phone	58.04
Contingent Fund, re	160.00	Danko Emergency Equip, su	355.15
Fire Protection Serv, ser	150.00	Floor Maint, su	136.75
Dearborn Life, ins	99.76	Grainger, su	89.20
Great Plains Sm Engine, su	314.70	Holt Co Clerk, fee	460.88
Holt Co Independent, ad	311.28	J&S TV, ser	110.00
KBRX, ad	15.00	LB840 Fund, pmt	27,138.24
Scott Menish, ser	100.00	Ogden Hardware, su	18.99
One Office, su	697.80	O'Neill Electric, ser	507.70
O'Neill Lumber, su	138.23	Pinnacle Bank-Omaha, su	35.31
Dori Rich, clean	885.00	Schindler Electric, su	238.88
Tax Commissioner, tax	4.28	Universal Broadband, ser	5,250.00

POLICE FUND

A&J Tire, ser	246.78	Avera Med Group, ser	13.00
Century Link, phone	65.45	Jackolyn Collier, clean, su	168.96
Elkhorn Valley Family, ser	165.00	Holt Co Animal Shelter, ser	480.00
Holt Co Court, fee	17.00	Jack's Uniforms, su	1,406.13

NE Law Enf Training, fee	200.00	One Office, su	63.81
O'Neill Car Wash, ser	20.12	O'Neill Shopper, ad	49.00
Pinnacle Bank-Omaha, fees	123.55	Security Shredding, ser	35.00
Contingent Fund, re	11.46		

STREET FUND

BNSF Railway Co, fees	1,600.00	Carhart Lumber, su	62.27
Emme Sand, rock	311.71	Holt Co Treasurer, su	60.00
Midwest Service, su	1,124.80	Olsson, fees	52,876.88
Omni Engineering, su	945.00	One Office, su	28.51
O'Neill Auto, su	81.61	Ranchland Auto, su	66.04
Contingent Fund, re	66.82		

SEWER FUND

Alder Plumbng, ser	165.00	Cole Redimix, su	*
Fastenal, su	152.67	Hach Co., su	326.79
Hawkins, su	909.50	Hutcheson Engineering, su	16,334.62
Livingston Micrograph, su	1,802.06	Midwest Laboratories, ser	162.00
Mitchell Equip, ser	208.80	Municipal Supply, su	403.20
Ogden Hardware, su	54.58	Olsson, fees	18,181.20
Pollard Pumping, ser	650.00	Ranchland Auto, su	16.66
Rutjens Const, ser	2,050.00	Tax Commissioner, tax	3,498.06
USA Blue Book, su	35.00		

WATER FUND

Badger Meter, ser	75.55	City Utility Deposit, re	1,190.00
Comfort Inn, rooms	419.80	Core & Main, su	64.72
Fedex, ser	216.75	Hawkins, su	751.49
Municipal Supply, su	1,035.05	NE Public Health, tests	60.00
NE Support, pmt	363.68	Niobrara Valley, util	*
Ogden Hardware, su	69.12	Olsson, fees	12,399.75
Ranchland Auto, su	18.91	Tax Commissioner, tax	3,441.30
USA Blue Book, su	35.01	Contingent Fund, re	177.05

SOLID WASTE FUND

Butler Co. Landfill, fee	25,115.20	Cole Petroleum, su	486.50
Cubby's, fuel	*	Farmers Pride, su	847.59
Holt Co Tire, ser	1,393.55	Irwin's Engine, ser	262.75
Matheson Tri-Gas, ser	37.13	Mid-Iowa Solid Waste, su	384.66
Niobrara Valley, util	*	One Office, su	30.99
Ranchland Auto, su	127.84	Dori Rich, clean	300.00
Schindler Electric, su	30.80		

LB840

KBRX, adv 7.50

COMMUNITY IMPROVEMENT FUND

CDS Insp & Beyond, ser	93.21	Mike Hammerlun, su	174.80
Tore It Up Roofing, ser	1,514.62		

SUSIE KRAMER, WARD II
TIM SCHNEIDER, WARD II

Moved by Kramer, second by Schneider to adjourn. Roll call vote as follows: All Ayes. Motion carried.

The meeting adjourned at 8:12 P.M.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER
