

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

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

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 Kramer, second by Kelly to waive the readings of the minutes of the May 3rd meeting and approve them as if read. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

Moved by Walsh, second by Schneider to open the public hearing in consideration of a conditional use permit for Bryce and Moriah Wood for an Airbnb at 229 W Everett Street. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

City Clerk Sidak reported that the Planning Commission met and approved the conditional use permit as submitted.

There was no public comment made.

Moved by Walsh, second by Krysl to close the public hearing. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

Moved by Schneider, second by Kramer to approve a conditional use permit for Bryce and Moriah Wood for an Airbnb at 229 W Everett Street. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

Moved by Baker, second by Walsh to approve Chesterfield West deletion of an area approximate 83x90 to the East. Making the new description for their liquor license read: one story building approximate 27x117 including outdoor area approximate 47x22 to the South. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

City Attorney Strope read the final reading of 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 compromising 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 7th day of June, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK

Moved by Kelly, second by Krysl to adopt Ordinance No. 1393. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

Council member Kramer introduced Ordinance No. 1398, which is on file with the City Clerk.

City Attorney Strope read Ordinance No. 1398 by title and number.

ORDINANCE NO. 1398

OF THE

CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA,
AMENDING SECTION 1-313 OF THE O'NEILL MUNICIPAL CODE REGARDING
THE TIME OF REGULAR MEETINGS; 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 1-313 of the O'Neill Municipal Code
shall be amended as follows:

SECTION 1-313: MEETINGS; REGULAR; QUORUM

A. Regular meetings of the mayor and City Council shall be held on the first Monday of each month, except when the first Monday is the first day of the month, then it will fall on the second Monday. All regular meetings will commence at the hour of 6:30 P.M. (Neb. Rev. Stat. §17-105, 17-106) (Am. by Ord. Nos. 548, 10/7/80; 621, 12/14/82; 673, 4/2/85; 1076, 11/17/97)

B. A majority of the members elected to the City Council shall constitute a quorum for the transaction of any business but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business. (Neb. Rev. Stat. §17-105) (Ord. No. 1009, 2/6/96)

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 7th day of June, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER

Moved by Kramer, second by Schneider to introduce Ordinance No. 1398 and waive the three readings. Roll call vote as follows: Aye; Kelly, Kramer, Schneider and Walsh. Nay: Krysl

and Baker. Absent: Burdick and Gleason. Motion carried.

Moved by Kramer, second by Schneider to adopt Ordinance No. 1398. Roll call vote as follows: All Ayes. Absent: Burdick and Gleason. Motion carried.

Council member Burdick came at this time.

Council member Schneider introduced Resolution No. 21-08, which is on file with the City Clerk.

RESOLUTION NO. 21-08

OF THE

CITY OF O'NEILL, NEBRASKA

BE IT RESOLVED BY THE CITY COUNCIL OF O'NEILL, NEBRASKA,
THAT:

Sec. 1. That 2002 Ford 550 4x4 Medium Rescue Truck be transferred to the O'Neill Rural Fire District, A Governmental Agency.

PASSED AND APPROVED this 7th day of June, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(S E A L)

SARAH SIDAK, CITY CLERK/TREASURER

Second by Kelly to adopt Resolution No. 21-08. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

Council member Schneider introduced Resolution No. 21-09, which is on file with the City Clerk.

RESOLUTION NO. 21-09
OF THE
CITY OF O'NEILL, NEBRASKA

WHEREAS, due to the large volume of traffic on Lawndale Avenue, between Hynes Avenue and Jeanette Way and for the public safety on Lawndale Avenue, it is determined to be in the best interest of the City that no parking be allowed on the West side of Lawndale Avenue between Hynes Avenue and Jeanette Way.

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

Sec. 1. That no parking is allowed on the West side of Lawndale Avenue between Hynes Avenue and Jeanette Way.

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

PASSED AND APPROVED this 7th day of June, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER

Second by Kramer to adopt Resolution No. 21-09. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

Moved by Schneider, second by Kelly to approve Kelly Dannenbring for the Fire and Ambulance Departments. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

The Chamber of Commerce removed themselves from the agenda.

City Clerk Sidak read the following 2021 Municipal Water and Sewer Improvement bids aloud.

There were two bids for water:

| | |
|----------------------|--------------|
| Rutjens Construction | \$342,209.00 |
| Myers Construction | \$591,181.86 |

There was one bid for sewer:

| | |
|----------------------|--------------|
| Midlands Contracting | \$340,557.95 |
|----------------------|--------------|

City Engineer Ziska opened the bids prior to the meeting and after review recommends accepting the low bid for water submitted by Rutjens Construction for \$342,309.00 and accepting the Midlands Contracting bid for sewer for \$340,557.95.

Moved by Baker, second by Kramer to accept Rutjens Construction bid for \$342,309.00 and Midlands Contracting bid for \$340,557.95 for the 2021 Municipal Water and Sewer Improvements. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

The Mayor and Council voted on the Hall of Fame nominations by secret ballot. The two highest vote getters will be awarded the Hall of Fame during Summerfest.

Moved by Schneider, second by Kramer to approve application PIP-LB840-99 in the amount of \$3,650.00 for signage. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

Moved by Baker, second by Kramer to approve OOR Grant drawdown request #14 in the amount of \$1,666.09. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

Council member Schneider introduced Resolution No. 21-10, which is on file with the City Clerk.

RESOLUTION NO. 21-10
OF THE
CITY OF O'NEILL

WHEREAS, Municipality and State entered into an agreement (XL2005) executed by State on July 17, 2020, hereinafter referred to as the "Original Agreement", that provided for the improvement of Highway US-281, and

WHEREAS, as part of the Original Agreement, Municipality requested State include Municipality work with State's project, this work consisting of sanitary sewer improvements, and

WHEREAS, the project currently includes water line replacement paid for by State because the water main is being relocated because it is in conflict with storm sewer improvements which are part of State's project, and

WHEREAS, Municipality is now requesting that State include additional water utility work for facilities not in conflict with State's project and solely for the benefit of Municipality, and

WHEREAS, Municipality is also requesting State include additional sanitary sewer work that was not included in the original agreement, and

WHEREAS, Municipality agrees to pay 100% of the costs associated with this additional sanitary sewer and water utility work, and

WHEREAS, it now becomes necessary that the agreement be supplemented to describe the work and revised costs.

WHEREAS, the Mayor is authorized by the City Council to execute this Agreement on behalf of the Municipality;

PASSED AND APPROVED this 7th day of June, 2021.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

Exhibit "E"

SARAH SIDAK, CITY CLERK/TREASURER

Second by Kelly to adopt Resolution 21-10. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

There was no action taken on the transfer of ownership of the Train Depot. It was tabled until the next meeting for further information.

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

Moved by Krysl, second by Kelly to approve the bills. Roll call vote as follows: All Ayes. Absent: Gleason. Motion carried.

ALL FUNDS

| | | | |
|--------------------------|------------|------------------------|-----------|
| Payroll, salary | 126,789.11 | FED & FICA, tax | 28,008.85 |
| American Family, ins | 1,310.06 | Appeara, su | 777.90 |
| Black Hills Energy, util | 1,032.07 | Blue Cross Blue Shield | 46,290.61 |
| Bomgaars, su | 1,258.42 | Guardian, ins | 1,763.55 |
| Holt Co Independent, ad | 790.02 | John Hancock, pension | 6,583.12 |
| NE Dept. of Revenue, tax | 4,018.30 | NPPD, util | 14,858.28 |

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|--------------------------------|-----------|------------------------------|----------|
| NT&T, phone | 887.04 | Quadient Finance, postage | 1,000.00 |
| UNUM Life, ins | 219.87 | Verizon, phone | 753.39 |
| Wex Bank, fuel | 6,126.82 | | |
| <u>GENERAL FUND</u> | | | |
| AKRS Equipment, su | 23.16 | Alder Plumbing, ser | 1,380.16 |
| Carhart Lumber, su | 152.27 | Cummins Sales & Service, ser | 137.31 |
| Century Link, phone | 58.23 | Danko Emergency Equip, su | 980.00 |
| Dearborn Life, ins | 106.64 | Egan Supply, su | 408.51 |
| Brian Fitzgibbons, re | 514.25 | Gokie Oil, su | 18.18 |
| Kaylee Harvey, re | 400.00 | KBRX, ad | 85.00 |
| LB840 Fund, pmt | 31,716.35 | LONM, conf | 325.00 |
| McNally Law Office, ser | 675.00 | Scott Menish, ser | 100.00 |
| Mirofilm Imaging, ser | 480.00 | Netcom, su | 105.00 |
| NECC, school | 2,175.00 | Odey's, su | 401.23 |
| Ogden Hardware, su | 387.31 | One Office, su | 473.70 |
| O'Neill Electric, ser | 120.00 | O'Neill Family Pharmacy, su | 8.99 |
| O'Neill Lumber, su | 1,222.49 | O'Neill Tire & Supply, su | 149.95 |
| Dori Rich, clean | 885.00 | Quality Alignment, ser | 388.07 |
| Strope & Gotschall, fees | 709.50 | Tax Commissioner, tax | 60.13 |
| Team Laboratory, su | 2,215.00 | Torpin's, su | 16.08 |
| Wettlaufer Landscapes, ser | 75.98 | Zoll Medical, su1, | 1104.04 |
| <u>POLICE FUND</u> | | | |
| A&J Tire, ser | 80.00 | Century Link, phone | 65.60 |
| Jackolyn Collier, clean, su | 200.00 | Consolidated Management, su | 245.55 |
| HCAS, fees | 640.00 | Holt County Court, fees | 17.00 |
| Jack's Uniforms, su | 1,077.90 | Beverly McConnell, ser | 120.00 |
| One Office, su | 60.20 | O'Neill Car Wash, ser | 19.00 |
| O'Neill Shopper, ad | 82.62 | O'Neill Tire & Supply, ser | 15.00 |
| Lynn Peavey Co, su | 115.90 | Quill, su | 162.91 |
| Strope & Gotschall, fees | 1,064.00 | | |
| <u>STREET FUND</u> | | | |
| BNSF Railway Co, fees | 4,966.00 | Connot Tire Service, ser | 47.95 |
| Cornerstone Bank, pmt | 9,000.00 | Diamond Vogel Paint, su | 572.40 |
| Kyle Kramer, ser | 25.00 | Midwest Turf & Irr., su | 64.09 |
| Newman Signs, su | 201.05 | Olsson, fees | 9,460.95 |
| O'Neill Auto, su | 8.29 | Ranchland Auto, su | 46.19 |
| Strope & Gotschall, fees | 140.00 | | |
| <u>SEWER FUND</u> | | | |
| AKRS Equipment, su | 8.64 | Blackburn Mfg., su | 48.54 |
| Carhart Lumber, su | 381.01 | Cole Sand & Gravel, su | 384.50 |
| Connot Tire Service, ser | 353.98 | Environmental Resource, su | 194.17 |
| Fastenal, su | 62.29 | Grainger, su | 42.14 |
| Hach Co., su | 289.35 | Hawkins, su | 4,761.35 |
| K&K Welding, su | 122.40 | Midwest Laboratories, ser | 263.50 |
| Municipal Supply, su | 2,062.95 | Olsson, fees | 2,561.46 |
| One Call Concepts, ser | 45.01 | One Office, su | 104.61 |
| O'Neill Electric, ser | 159.80 | Ranchland Auto, su | 17.18 |
| Schmitz Sales & Consult, su | 4,950.00 | Seger & Sons Repair, ser | 852.85 |
| Donald Spicer, re | 8.26 | Studio 15 Dance, re | 53.77 |
| Tax Commissioner, tax | 3,578.56 | Torpin's, su | 30.32 |
| USA Blue Book, su | 126.72 | | |
| <u>WATER FUND</u> | | | |
| AKRS Equipment, su | 7.40 | Badger Meter, ser | 75.85 |
| Blackburn Mfg., su | 48.54 | Carhart Lumber, su | 354.48 |
| City Utility Deposit, re | 2,040.00 | Connot Tire Service, ser | 324.97 |
| Fastenal, su | 62.29 | Fedex, ser | 477.73 |
| Grainger, su | 42.13 | Interstate Industrial, ser | 139.41 |
| NE DEE. pmt | 58,967.64 | NE Public Health, tests | 872.00 |
| NE Support, pmt | 363.68 | Niobrara Valley, util | 360.53 |
| Olsson, fees | 4,281.25 | One Call Concepts, ser | 45.01 |
| One Office, su | 104.61 | Ranchland Auto, su | 28.98 |
| Studio 15 Dance, refund | 58.85 | Tax Commissioner, tax | 3,313.63 |
| USA Blue Book, su | 335.52 | | |
| <u>SOLID WASTE FUND</u> | | | |
| Butler Co. Landfill, fee | 40,202.29 | Connot Tire Service, ser | 981.80 |
| Cubby's, su | 180.76 | Klute Truck Equip, su | 8,150.60 |
| Matheson Tri-Gas, ser | 37.13 | Niobrara Valley, util | 645.88 |
| One Office, su | 11.99 | Overhead Door, ser | 107.00 |
| Ranchland Auto, su | 151.08 | Dori Rich, clean | 300.00 |

| | | | |
|--|--------|--------------------------|----------|
| Strope & Gotschall, fees | 206.50 | Studio 15 Dance, refund | 82.00 |
| <u>COMMUNITY IMPROVEMENT FUND</u> | | | |
| CDS Insp & Beyond, ser | 151.46 | Tore It Up Roofing, ser | 1,514.63 |
| <u>LB840 FUND</u> | | | |
| KBRX, ads | 7.50 | Strope & Gotschall, fees | 682.50 |

QUANA KELLY, WARD III
TERRI KRYSL, WARD III

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

The meeting adjourned at 7:16 P.M.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER
