

A regular meeting of the Mayor and the City Council of O'Neill was held at the City Hall in said City on the 4th day of March, 2024 at 6:30 P.M.

Present: Mayor Scott Menish, City Clerk/Treasurer Sarah Sidak, City Attorney Boyd Strope, Council President Tim Schneider and Council members; Kayla Burdick, Michelle Liewer, Quana Wheeler, Paul Asche, Susie Kramer and Beth Walsh. Absent: Council member 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 Scott Menish. The Pledge of Allegiance was recited. Mayor Menish informed the public of the location of the Open Meetings Act poster.

Moved by Liewer, second by Burdick to waive the readings of the minutes of the February 5th meeting and approve them as if read. Roll call vote as follows: All Ayes. Motion carried.

City Attorney Strope explained to the Council that Police Chief Otte and himself would like to add to Section 2-603: Abatement the option that a citation could be issued immediately.

Council member Schneider introduced Ordinance No. 1423, which is on file with the City Clerk.

City Attorney Strope read Ordinance No. 1423 by title and number.

ORDINANCE NO. 1423

OF THE

CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, AMENDING SECTION 2 -603: ABATEMENT; 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. Section 2-603: ABATEMENT of the O'Neill Municipal Code be amended to read as follows:

"SECTION 2-603: ABATEMENT
Whenever the city police or code enforcement officer determines that a nuisance is being maintained within the City the following action shall be taken at the discretion of the officer:

1. A citation immediately issued; OR
2. The police chief or city attorney shall cause written notice to be served by registered mail or by personal service upon the owner or occupant of the property on which the nuisance is located.

If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed. Such notice shall state the type of nuisance located on the property and shall provide that such nuisance shall be abated or removed within ten days of receipt of such notice or publication or posting, whichever is applicable. (Am. by Ord. Nos. 1179, 8/6/01; 1239, 7/7/03; 1260, 1/3/05; 1316, 9/12/11) "

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 4th day of March, 2024.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK

Moved by Schneider, second by Wheeler to introduce Ordinance No. 1423 and waive the three readings. Roll call vote as follows: Aye; Asche, Wheeler, Kramer, Schneider, Liewer and Walsh. Nay: Burdick. Absent: Gleason. Motion carried.

Moved by Asche, second by Walsh to adopt Ordinance No. 1423. Roll call vote as follows: All Ayes. Motion carried.

Moved by Walsh, second by Schneider to open the 2024 One and Six Year Street Plan public hearing. Roll call vote as follows: All Ayes. Motion carried.

**O'Neill, Nebraska
(M 466)**

1-Year Plan - 2024

<u>Project No.</u>	<u>Description</u>	<u>Estimated Cost</u>
251	9th Street, John Street to Adams Street Construct 6" P.C. concrete paving	\$227,775
253	Drainage ditch along 7th Street from S.	\$24,000

	Fitch Blvd. to river	
	Ongoing maintenance, cleaning, grading	
226	8th Street, Adams Street to Williams Street Construct 6" P.C. concrete paving, storm sewer & inlets	\$427,410
	6-Year Plan - 2024 to 2030	
209	Morton Street, Douglas to Fremont Street Construct storm sewer & inlets	\$348,661
210	Fremont Street, Cleveland Street to Jefferson Street Construct storm sewer & inlets	\$326,764
211	Cleveland Street, Douglas Street to Fremont Street Construct storm sewer & inlets	\$209,204
212	Everett Street, Cleveland Street to Harrison Street Construct storm sewer & inlets	\$181,285
239	Repair Outfall East Side 281, Between Fitch and Hancock Grading, rip-rap, mitigate maintenance and erosion.	\$99,050
243	7th Street Drainage, Grant Street to Douglas Street Construct storm sewer outfall for future drainage capacity	\$2,594,550
255	2nd Street, Adams Street to Hynes Avenue With Adams from 2nd to 4th Street Construct 6" P.C. concrete paving	\$1,375,000

No public comment was made.

Moved by Walsh, second by Schneider to close the 2024 One and Six Year Street Plan public hearing. Roll call vote as follows: All Ayes. Motion carried.

Council member Schneider introduced Resolution No. 24-04, which is on file with the City Clerk.

RESOLUTION NO. 24-04

OF THE

CITY OF O'NEILL, NEBRASKA

WHEREAS, Section 39-2115 and Section 39-2119, 1969, C.S.-R.S. of Nebraska 1943 requires that each County and Municipality prepares a one and six year, specific road or street improvement plan and

WHEREAS, the Mayor and City Council of the City of O'Neill in compliance with the statutes and regulations of the State Highway Commission, did hold a public hearing on that proposed one and six year specific street improvement plans in the City Hall on March 4, 2024, in accordance with the "Notice of Public Hearing," a certified copy of such notice is attached, and

WHEREAS, there were no objections filed with the City Clerk and as presented at the hearing now,

WHEREAS, there were no amendments made to the one and six year plan on file with the City Clerk and as presented at the hearing now,

THEREFORE BE IT RESOLVED, that the City Council does hereby approve said one and six year plan, as filed with the City Clerk, a copy of which is attached hereto,

BE IT FURTHER RESOLVED, that the Mayor of the City is authorized to sign this resolution on behalf of the City Council and City Council hereby approves the proposed one and six year plan.

PASSED AND APPROVED this 4th day of March, 2024.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER

Moved by Schneider, second by Kramer to adopt Resolution No. 24-04. Roll call vote as follows: All Ayes. Motion carried.

Moved by Asche, second by Liewer to approve the sign agreement with Randy Hupp for the new welcome to O'Neill sign on the north end of town. Roll call vote as follows: All Ayes. Motion carried.

Moved by Burdick, second by Liewer to approve a one hour parking sign Monday - Friday 8am-5pm in front of Neu You Physical Therapy at 118 S 4th. Roll call vote as follows: All Ayes. Motion carried.

Moved by Wheeler, second by Asche to waive the noise ordinance for an outdoor band until 2am March 15th & 16th in the alley behind 305 E Douglas Street. Roll call vote as follows: All Ayes. Motion carried.

The Council did not take any action on adjusting the dog impound fees.

City Attorney Strobe will work on drafting a policy concerning fixing mailboxes due to damage from snow removal.

Mayor Menish called for all sealed bids on the property that the City has for sale.

Moved by Walsh, second by Schneider to close the property bids. Roll call vote as follows: All Ayes. Motion carried.

Attorney Strobe read the following bid aloud:

For Block 46, NW corner by Clint Zastrow \$4,276.00

Council member Wheeler introduced Ordinance No. 1424, which is on file with the City Clerk.

City Attorney Strobe read Ordinance No. 1424 by title and number.

ORDINANCE NO. 1424

OF THE

CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, CONFIRMING THE SALE OF REAL ESTATE AND PROVIDING FOR AN EFFECTIVE DATE.

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

Sec. 1. On the 8th day of January, 2024, Resolution No. 24-02 was passed finding the below described Real Estate is no longer needed for City purposes, setting forth the terms of sale, and sale of the Real Estate is in the best interest of the City.

Sec. 2. Notice of the proposed sale has been published as required by law in the Holt County Independent.

Sec. 3. There have been no objections to said sale filed with the City within the 30 day right of remonstrance period.

Sec. 4. The sale of the following described Real Estate:
Commencing at the northwest corner of Block Forty-Six (46) in McCafferty's Addition to O'Neill, Holt County, Nebraska, running thence South Eighty Feet (S80');
running thence East One Hundred Thirty-Two Feet (E132'); running thence North Eighty Feet (N80');
running thence West One Hundred Thirty-Two Feet (W132') to the place of beginning, being the north Eighty Feet (N80') of Lot Six (6) in said Block 46 of McCafferty's Addition to O'Neill, including the West Half of the North 80 Feet of the vacated adjoining alley

is hereby confirmed to Clint Zastrow as purchaser for the sum of

\$4,276.00. Said Real Estate shall be deeded to the purchaser by quitclaim deed, upon payment of said purchase price.

Sec. 5. The Mayor and appropriate City Officials are hereby authorized to execute documents as they may be necessary to effect said sale.

Sec. 6. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND APPROVED this 4th day of March, 2024.

SCOTT MENISH, MAYOR

ATTEST:
(SEAL)

SARAH SIDAK, CITY CLERK/TREASURER

Moved by Wheeler, second by Kramer to introduce Ordinance No. 1424 and waive the three readings. Roll call vote as follows: Aye; Asche, Wheeler, Kramer, Schneider, Liewer and Walsh. Nay: Burdick. Absent: Gleason. Motion carried.

Moved by Asche, second by Wheeler to adopt Ordinance No. 1424. Roll call vote as follows: All Ayes. Motion carried.

Moved by Wheeler, second by Schneider to approve PIP-LB840-168 for a new sign in the amount of \$2,727.85 and PIP-LB840-169 for a new sign and concrete work in the amount of \$4,777.00. Roll call vote as follows: All Ayes. Motion carried.

Moved by Walsh, second by Schneider to approve Maria VanEvery DBA I Don't Care Bar & Café change of location to 305 E Douglas Street from 432 E. Douglas for their class I liquor license. Roll call vote as follows: All Ayes. Motion carried.

Moved by Burdick, second by Liewer to approve an SDL for I Don't Care Bar and Café at 305 E Douglas Street for St. Patrick's celebration March 13-March 17, 2024. Roll call vote as follows: All Ayes. Motion carried.

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

Moved by Walsh, second by Liewer to approve the bill submitted at this meeting by O'Neill Lumber. Roll call vote as follows: Aye; Asche, Wheeler, Kramer, Burdick, Liewer and Walsh. Nay: None. Abstain: Schneider. Absent: Gleason. Motion carried.

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

ALL FUNDS

Payroll, salary	155,821.20	FED & FICA, tax	34,496.19
American Family, ins	1,347.84	Black Hills Energy, util	5,221.49
BlueCrossBlueShield, ins	47,626.65	Colonial Life, ins	865.69
Guardian, ins	1,656.26	John Hancock, pension	6,436.02
NE Dept. of Revenue, tax	5,256.45	NPPD, util	17,701.65
NT&T, phone	850.58	Quadient Finance, su	999.58
Unum, ins	226.99	Verizon, phone	809.84
Wex Bank, fuel	7,258.52		

GENERAL FUND

Appeara, su	583.81	Bartak, ser	252.50
Century Link, phone	61.66	Dearborn Life, ins	58.48
EcoLab, ser	75.00	Emergency Medical, su	310.65
FCF, ser	1,787.00	Floor Maintenance, ser	21.32
Gokie Oil, su	20.28	GreatAmerica Finance, ser	218.25
Holt Co Independent, ad	190.73	Island Supply, su	9.60
KBRX, ad	30.00	LB840 Fund, pmt	46,536.53
NECC, ser	1,480.00	NEDEE, pmt	80.00
NE Clerks Association, ser	20.00	One Office, su	258.40
O'Neill Airport, ser	366.46	Precision IT, fees	12.00
Dori Rich, clean	885.00	Schaecher Electric, ser	1,637.80
Strope Law, fees	552.00	Torpin's, su	15.08
Mike Walker, ser	100.00		

POLICE FUND

A&J Tire, ser	1,306.35	Axon, ser	495.00
ByteSpeed, su	1,075.00	C&S Repair, ser	104.95
Century Link, phone	68.46	Consolidated Mngmt, fees	312.45
Criminal Addiction, ser	300.00	Brenna Davis, clean	160.00
EVFM, ser	315.50	Floor Tec, ser	2,211.68
GreatAmerica Finance, ser	129.00	Heartland Counseling, ser	258.00
Holt Co 4Paws, ser	100.00	NE State Patrol, ser	682.00
NE Law Enforcement, ser	175.00	O'Neill Car Wash, ser	12.35
Prairie Hills, ser	749.46	Quill, su	129.64
Security Shredding, ser	80.00	Strope Law, fees	105.00
Sunset Law, ser	1,462.60		

STREET FUND

Accounts Management, pmt	890.08	AKRS, su	223.27
Appeara, su	239.24	Barco, su	220.00
BG&S, ser	504.43	BOK Financial, pmt	18,237.50
Bomgaars, su	616.56	Cubby's, fuel	786.33
Fair Manufacturing, ser	330.00	Great Western Gas, fuel	16.11
Holt Co Independent, ad	49.11	Newman Signs, su	138.02
Olsson, fees	16,188.69	O'Neill Auto, su	197.92
Ranchland Auto, su	830.32	Reiser Ins, ins	636.00
Sapp Bros, su	295.19	Strope Law, fees	189.00
Wise Equipment, ser	950.00		

SEWER FUND

Bomgaars, su	175.20	Cubby's, fuel	64.04
FedEx, ser	62.90	Floor Maintenance, ser	20.34
Grainger, su	46.31	Holt Co Independent, ad	6.54
Iowa Pump Works, ser	41,150.84	Midwest Lab, ser	168.42
Ogden's, su	16.99	Olsson, fees	20,883.84
One Call, ser	4.76	One Office, su	17.57
O'Neill Electric, ser	475.00	Tax Commissioner, tax	4,306.35
USA BlueBook, su	1,580.49	USPS, fee	160.00

WATER FUND

Badger Meter, su	1,310.88	Bomgaars, su	126.98
City Utility Deposit, re	920.00	Fedex, ser	96.87
Floor Maintenance, ser	20.34	Grainger, su	69.05
Holt Co Independent, ad	83.50	Metering & Tech, su	1,273.32
NE Public Health, tests	81.00	NE Rural Water, fees	1,640.00
Niobrara Valley, util	*	Ogden's, su	74.56
Olsson, fees	6,234.20	One Call, ser	4.76
One Office, su	17.57	Strope Law, fees	756.00
Tax Commissioner, tax	1,908.18	USA BlueBook, su	490.59
USPS, fee	160.00		

SOLID WASTE FUND

Accounts Management, pmt	465.56	Bomgaars, su	80.84
Butler Co. Landfill, fee	41,013.68	Caterpillar Finance, pmt	24,852.83

Connot Tire, ser	10,580.00	Cubby's, fuel	1,030.60
FCF, ser	1,235.50	Holt Co Independent, ad	52.75
Linweld, su	39.70	Niobrara Valley, util	*
NMC, su	1,558.26	Ogden's, su	20.93
One Office, su	71.00	O'Neill Auto, su	60.02
Overhead Door, ser	1,917.30	Ranchland Auto, su	70.58
Dori Rich, clean	300.00	Smoke It Up Welding, ser	178.29
<u>LB840</u>			
KBRX, ad	15.00		

TIM GLEASON, WARD IV
 BETH WALSH, WARD IV

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

The meeting was adjourned at 7:07 P.M.

SCOTT MENISH, MAYOR

ATTEST:
 (SEAL)

SARAH SIDAK, CITY CLERK/TREASURER
