

MINUTES OF THE REGULAR MEETING MARCH 14, 2022

The Board of Trustees of the Village of Clearwater met in regular session Monday, March 14, 2022 at 8 p.m., in the fire hall meeting room. Meeting was opened at 8 p.m. Notice of meeting was given in advance by publication in *Summerland Advocate-Messenger* and notice was given to board members prior to meeting. Public was informed of location of Open Meeting Act poster. Present: Kevin Filsinger, Kelly Kerkman, Steve Hankla, Steve Stearns. Others present: incoming Board Member Cody Kester, Maintenance Kate Ahlers, Attorney Kyle Petersen, Reporter LuAnn Schindler, Economic Development Director Lauren Sheridan-Simonsen, Miaha Scott, Bill Thiele, Curt Thiele, Bud's Sanitary Service owner Daryl Guthard.

Motion by Stearns, seconded by Kerkman, to approve the February 16, 2022 regular meeting minutes. Voting aye: Filsinger, Kerkman, Hankla, Stearns. Voting nay: none.

Treasurer's report was given. Motion by Kerkman, seconded by Filsinger, to place report on file. Voting aye: Filsinger, Kerkman, Hankla, Stearns. Voting nay: none.

Motion by Filsinger, seconded by Kerkman, to nominate Cody Kester to fill vacant board member seat left by Mike Klabenes. Voting aye: Filsinger, Kerkman, Hankla, Stearns. Voting nay: none. Kester recited the oath of office.

Late water bills presented. No customers sent disconnect notice this month.

Miller & Associates report: Electric poles are installed, but lines aren't on yet. Seeding and road work near lagoon has begun. Rutjens Construction still waiting for lift station parts to complete project. Getting run-around from shipping company. If not here soon, Village will have to irrigate the old lagoon so it doesn't overflow. Lagoon will have barbed wire fence around it to keep cattle out.

Motion by Filsinger, seconded by Kerkman, to approve payment to Cornerstone Bank of \$37,000 in interest accrued on lagoon project loans, pending USDA approval. Stearns questioned the amount, as the two notices sent equaled \$32,692.09. Per bank manager Bill Kester, the clerk rounded up to include the interest accrued between the date of notice and meeting, as well as the third loan that didn't have a notice sent yet. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Two bids were received to mow/hay the Village dike and field near the dump for the 2022 mowing season. Eli Jacob bid \$1,500 and Jay Snider bid \$2,000. Motion by Stearns, seconded by Filsinger, to approve Jay Snider bid of \$2,000. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Discussion was held regarding Clearwater Community Development Group interest in buying a portion of the south end of park to build next house. Hankla wasn't excited at idea of giving up that area of park. Stearns stated Jay Snider mentioned last month that sewer isn't deep, causing issues. Other issues include tearing down the only shade in the park, nowhere else for people to tent, little baseball field too close. Curt Thiele mentioned they have someone ready to build the next CCDG house and asked how to get people to sell dilapidated lots in town at a reasonable price. Lauren Sheridan-Simonsen mentioned she has spoken with Kyle Petersen regarding LB256, a law the Village can adopt that requires registration of vacant properties with fines levied, encouraging owners to rent, sell or repair vacant and dilapidated properties. Kester stated the possibility that in the future if little ballfield goes into disuse and disrepair, town can consider maybe building a cul-de-sac in that area. Sheridan-Simonsen also suggested a large TIF project.

Motion by Kerkman, seconded by Kester, to not consider selling the land at the south end of the park. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Kerkman, seconded by Filsinger, to reject Ordinance 2022-4 authorizing an administrative plat survey on land on south end of park. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Filsinger, seconded by Stearns, to approve Clearwater Chamber special liquor license at rodeo grounds for rodeo to be held June 24-26. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Stearns, seconded by Kester, to approve Clearwater American Legion special liquor license on Main St. during rodeo dance and concert to be held June 24 and 25. Voting aye: Filsinger, Kester, Stearns, Hankla. Voting nay: none. Abstain: Kerkman.

Motion by Filsinger, seconded by Stearns, to waive the three readings of Ordinance 2022-5, which is now Ordinance 2022-4 prohibiting portable storage containers in residential areas. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Kerkman, seconded by Stearns, to approve Ordinance 2022-4 prohibiting portable storage containers in residential areas. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Daryl Guthard of Bud's Sanitary Service spoke to the board regarding cost increases to provide service since two-year contract was signed in October 2021. The company doesn't raise rates unless necessary and has absorbed the inflated prices as long as possible. Rates haven't been raised for Clearwater since 2014. Bud's asked for a \$1.25 raise per active water meter to increase their rate to \$14.75 per meter.

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Clearwater's current rate charged to customers is \$17 for residential, \$21 for commercial and \$13.50 for seniors 65 and over. Filsinger suggested raising customer costs the \$1.25. Kerkman suggested raising them \$2 to create a cushion if Bud's rates go up again. Discussion was also held regarding a phone conversation between Angie Hupp and Daryl's wife Holly about charging residents for trash when they pay a business rate in town. In the past it's always been that a customer pays the business rate and can take their trash to the business dumpster and not pay for house service, but Guthards said that isn't how it's supposed to work. Motion by Kester, seconded by Kerkman, to postpone rate hike until next month, after the board has a chance to speak in executive session with attorney Kyler Petersen and have him put a new contract together. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Kerkman, seconded by Filsinger, to approve Tip Top Lawn Care to spray the ball field and stands for weeds like last year. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Stearns, seconded by Filsinger, to approve a building permit application from Miaha Scott to build a garden fence, and suspend it 10 inches off the ground to avoid flood damage. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Economic development report: Sheridan-Simonsen suggested commemorating the Village receiving \$750,000 in LB840 funds, which should happen around August. All paperwork is turned in for NAHTF duplex housing grant and Stearns hoping to break ground in July.

Motion by Filsinger, seconded by Stearns, to approve \$160 to give mailboxes to the 10 graduating Clearwater seniors. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Stearns, seconded by Kester, to approve paying the 25 percent share for Sheridan-Simonsen to attend CEC Conference. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Maintenance report: Tree dump cleaned up and burned. Kate Ahlers helped county with repairs on 513 Ave. – Orchard Rd., one day last month. Discussion held regarding summer help wage. Board agreed wage needs to be increased this year. Rutjens Construction completed water line and meter installation to Andrew Blecher house on 513 ½ Ave. Total bill was \$17,407, with McNally Law Trust owing the Village \$2,000.

Library report: ARPA funds partially being used for summer reading programs. Library purchased new filter program for Chromebooks to be in accreditation compliance. Books will be given to each participant at the Village Easter egg hunt.

Sheriff's report: Department worked 69 hours with no 911 calls and one dog call in the month of February.

Park report: No report.

Clerk report: Board member needs to volunteer to check claims after each monthly meeting. Discussion on proposed employee manual postponed until next month.

Discussion regarding sending letters to nuisance violation properties and getting lots cleaned. Sheridan-Simonsen and Angie Hupp previously discussed including available grants and services in letter. School volunteer groups suggested to help clean some places.

Motion by Kester, seconded by Kerkman, to get roll-off dumpster in early May and have clean-up month and send clean-up letter to every utility customer. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Kyle Petersen discussed LB256 vacant property nuisance statute and how it works. Bill targets buildings, not vacant green space. Petersen cautioned when property has no value, registration and fines might not help, owner would be willing to foreclose.

Motion by Stearns, seconded by Filsinger, to enter executive session at 9:39 p.m. to discuss possible litigation on nuisance violations and trash service contract. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Filsinger, seconded by Kerkman, to exit executive session at 10:10 p.m. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

Motion by Filsinger, seconded by Stearns, to approve claims and payroll. Claims: \$79,523.78; wages: \$3,920.51. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none.

General Checking

Precision IT, rpr srv	\$47.50	Eakes Office Solutions, sup	\$111.80
American Legion Emblem Sales, sup	\$33.90	Tip Top Lawn Care, srv	\$2,103.00
EMC Insurance, ins	\$3,272.52	Verizon Wireless, util	\$77.04
WEX Bank, fuel	\$307.82	Farmers Pride, fuel	\$438.99
Regina Krebs, CPA, srv	\$1,975.00	NNTC, util	\$187.55
ColdType Publishing, adv	\$279.70	ERPPD, util	\$1,201.85
Neb. Dept. of Revenue, tax	\$671.94	Jarecki Sharp & Petersen, lgl	\$300.00

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Antelope Co. Sheriff, srv	\$1,202.25	Debit Account, tnfr	\$11.96
Economic Savings, tnfr	\$2,887.04	General Savings, tnfr	\$2,887.04
Kelly Kerkman, mtg	\$69.27	Kevin Filsinger, mtg	\$69.27
Steve Hankla, mtg	\$69.27	Steve Stearns, mtg	\$69.27 Angie
Hupp, pay	\$1,020.64	Kathleen Ahlers, pay	\$1,627.86
Graciela Reyes, pay	\$36.94	Black Hills Energy, fuel	\$535.72
Water/Sewer Checking			
Miller & Associates, srv	\$250.00	Neb. Public Health Enviro Lab, srv	\$607.00
One Call Concepts, Inc., srv	\$1.60	Rutjens Construction, srv	\$17,407.00
ERPPD, util	\$580.55	Bud's Sanitary, srv	\$2,362.50
US Post Office, srv	\$201.40	Water Savings, tnfr	\$685.00
Sewer Savings, tnfr	\$865.00	Lagoon Savings, tnfr	\$1,450.00
Fire Checking			
Heartland Fire Protection, srv	\$125.73	Quick Med Claims, srv	\$32.74
Island Supply Welding, sup	\$37.20		
Library Checking			
Debit Account, sup	\$59.99	Polka Dot Entertainment, srv	\$500.00
Faith King, pay	\$70.65	Jolene Timm, pay	\$132.98
Kathy Feusse, pay	\$553.63		
Grant Checking			
Cornerstone Bank, int	\$36,692.09		
Debit Account			
Rackspace Email, srv	\$11.96	CleanBrowsing, Inc., sup	\$59.99

Motion by Kerkman, seconded by Stearns, to adjourn. Voting aye: Filsinger, Kerkman, Kester, Stearns, Hankla. Voting nay: none. Meeting adjourned at 10:22 p.m.

Chairman

Clerk