

VILLAGE OF CLEARWATER, NEBRASKA
MINUTES OF THE REGULAR MEETING
AUGUST 8, 2022

The Board of Trustees of the Village of Clearwater met in regular session Monday, August 8, 2022 at 8 p.m., in the fire hall meeting room. Meeting was opened at 8:01 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, Steve Hankla, Kelly Kerkman, Jeff Schlecht. Others present: Maintenance Kate Ahlers, Economic Development Director Lauren Sheridan-Simonsen, Reporter LuAnn Schindler, Attorney Kyle Petersen, Clerk Angie Hupp, Marsha Hart, Joe Thiele, Dwaine Trease, Deb Trease, Shirley Clinton, Nick Hoffman, Brittany Hoffman, Bill Thiele, Scott Schindler, Regina Krebs. Cody Kester arrived at 8:46 p.m.

Motion by Filsinger, seconded by Schlecht, to approve June 13, 2022 public hearing minutes as presented. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Filsinger, seconded by Kerkman, to approve August 1, 2022 planning commission minutes. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to approve July 13, 2022 regular board meeting minutes. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

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

Late water bills presented. No customers received disconnect notices this month.

Motion by Filsinger, seconded by Schlecht, to approve moving up agenda item 21, economic development report. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Economic development report: On 10-year anniversary of LB840 in Clearwater, Village surpassed \$750,000 received in local sales tax. An application has been submitted to NNTC Foundation for Rural Services Community Grant in hopes of receiving \$5,000 to use towards a telehealth room in the library. Steve Stearns is hoping to have a groundbreaking ceremony on the duplex project at the end of August.

Hankla opened zoning hearing at 8:10 p.m. to discuss changing zoning from single-family residential to mixed-use development on three lots belonging to Dwaine and Deb Trease, parcel numbers 000280101, 000280301, and 000660200. Discussion was opened to the public. Shirley Clinton read a statement apologizing to Hankla for a verbal altercation they had in the Village office before the planning commission hearing. Clinton stated she would like to see a higher than six-foot fence installed, suggested motion lights so there isn't constant light shining in the backyard, and accepted Rasmussen as surveyor of the property line pins. She asked how much revenue the Village receives for storage units versus a residence. The board could not answer exactly, but it was mentioned that at the planning hearing Sandy Kester stated the revenue is the same in Clearwater for commercial and residential. Clinton also asked why housing couldn't be put back there if Dixon's on the east end of town were able to raise a house high enough. Hankla pointed out that if enough dirt was brought onto the property being discussed to bury the sewer line low enough so that it didn't freeze, Clinton would have to worry more about water run-off in her backyard.

Dwaine Trease stated he didn't understand why motion lights would be needed if downlighting is already being required and there are no interior lights in the units. Kerkman asked if units will look comparable to Joe Funk's units along the highway. Trease said yes. Trease mentioned the fence will be about six inches off the ground, so will be a little higher than the six-foot requirement. Nick Hoffman discussed the surveying issue with Trease and Clinton. The pins have been found and Hoffman didn't see the sense in spending the money to have Rasmussen come point them out. Clinton stated she would still like it done, but if Hoffman backed down on it and was willing to help Trease mark the area, she was okay with it. Clinton was worried property lines were crooked, but that's because the old concrete pads were poured that way.

Joe Thiele asked about pins on the west side of the property along his father's pasture and stated that if they did have a surveyor come, he'd like that side done as well. He also asked about road access to the old track and if that would still possibly be available in the future.

Motion by Filsinger, seconded by Kerkman, to close the public hearing at 8:31 p.m. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Filsinger, to waive three readings of Ordinance 2022-13. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Filsinger, seconded by Kerkman, to approve Ordinance 2022-13 changing zoning of parcel numbers #000280101, #000280301, and #000660200 from single-family residential to mixed-use development. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to approve the conditional use permit of Dwaine and Deb Trease to build storage units on their lots in the mixed-use development district with a five-year timeframe to allow for expansion. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

**VILLAGE OF CLEARWATER, NEBRASKA
MINUTES OF THE REGULAR MEETING
AUGUST 8, 2022**

Motion by Filsinger, seconded by Kerkman, to approve the building permit for Dwaine and Deb Trease to build a privacy fence along the east side of aforementioned properties before storage units are built. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Filsinger, seconded by Schlecht, to approve building permit of Dwaine and Deb Trease to build storage units on aforementioned property. Kerkman asked if the permit for the storage units should be postponed until fence is built. Hankla said there was no need to wait. Voting aye: Filsinger, Hankla, Schlecht. Voting nay: Kerkman. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to approve building permit for Dave Timm storage shed to replace one blown away in windstorm. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Filsinger, to approve tabling building permit for CW Schonemann storage shed until after executive session with the attorney. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to approve building permit for Antelope Co. Road Dept. storm shelter to be built by County barn. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Filsinger, to approve building improvement permit for Preston Scott to replace windows in old church building on Main St. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Miller & Associates report: Hankla spoke with Tyler Hillmer of Miller & Associates. Rutjens Construction has completed their work and submitted final paperwork. Now waiting on USDA to give final approval.

Motion by Kerkman, seconded by Schlecht, to approve change order #1 from Rutjens Construction for final lagoon cost, pending USDA approval. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Filsinger, seconded by Kerkman, to approve Rutjens Construction pay request #4 for \$282,919.17, pending USDA approval. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Filsinger, seconded by Kerkman, to approve certificate of substantial completion from Rutjens Construction, pending USDA approval. Bill Thiele asked if it was a good idea to approve completion in case something goes wrong or lagoon spills into Clearwater Creek. Hankla said any problems like that are the responsibility of the engineers, not the construction company. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to approve Resolution 2022-2 setting the vacant property registration fees. Voting aye: Filsinger, Kerkman, Hankla, Schlecht. Voting nay: none. Absent: Kester.

Kester arrived at 8:46 p.m.

Marsha Hart asked for clarification on the vacant property registration ordinance. Hankla stated it was geared towards buildings, not lots. Kerkman asked what is to be done if everyone has a reason their property is exempt. Kyle Petersen stated the decision falls on the administrator – Clerk Angie Hupp – and if a resident disagrees, they can request a review in front of the village board.

Motion by Filsinger, seconded by Kester, to waive three readings of Ordinance 2022-12. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve Ordinance 2022-12 requiring mobile food trucks to submit an application for approval before selling anywhere within Village limits. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Kester, to approve 2022-2023 interlocal agreement with Antelope County and Antelope County Library Association. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kester, seconded by Schlecht, to approve Resolution 2022-3 signing the annual certificate of program compliance for the Nebraska Board of Public Roads. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Sheriff report: none.

Maintenance report: Kate Ahlers consulted with road department and they recommend armor coating three years after laying hot mix, so we'll need to do the Nebraska St. and Main St. patches in 2023. Would like to armor coat around curve of Nebraska St. to Blecher's house where county takes over. Sewer main was jetted by Doke's house to fix backup issues they were having. Rob Hoefler poured visitor bleacher pad at baseball field. Grimes Paving extended date they are coming to lay hot mix on Iowa St. Now looking at late August after school started. Discussion held regarding plumbing issues and getting a plumber to town to fix them. Filsinger said Ro Hurtig was scheduled to come look at them this week.

Ahlers looked into speed bumps that could be laid along edge of sidewalk in front of library/office. There is concern that residents will trip on uneven edges, park too close and end up on the sidewalk, and

**VILLAGE OF CLEARWATER, NEBRASKA
MINUTES OF THE REGULAR MEETING
AUGUST 8, 2022**

that water might flow too close to the building. More options will be looked into as well as how far along the sidewalk they should be placed.

Park report: None.

Library report: Due to transportation issues, the library will not hold an after-school program this year. Will hold programs on Saturdays in hopes that more kids will be able to attend.

At the request of the clerk, Regina Krebs gave a quick overview of the annual budget, what is to be expected, how tax requests work, and where the amount the Village can spend each year can be found, as well as the category breakdown.

Clerk report: Neligh City Superintendent has agreed to start taking the monthly water samples once the contract with PeopleService is over at the end of September. The cost he stated was \$175/month with an additional \$50 if an extra visit is required. As of the Aug. 1 sign-up deadline, Jeff Schlecht and Marsha Hart were on the election ballot for village board. One more person will need to be a write-in to fill the last empty seat. Discussion was held regarding the responses Hupp received to the courtesy vacant property registration letters mailed on July 25.

Attorney report: Items to be discussed in executive session.

Unfinished business: Kerkman stated he would talk to some plumbers in O'Neill. Hupp spoke to Beau Heithoff in Elgin who said he couldn't tap into water mains and suggested Volkman in Norfolk.

New business: None.

Three people applied for maintenance position, so board will set a special meeting date to hold interviews.

Motion by Kester, seconded by Kerkman, to enter executive session at 9:41 p.m. to discuss possible litigation. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kester, seconded by Filsinger, to exit executive session at 9:54 p.m. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Kerkman, to postpone CW Schonemann building permit until next month so more information can be collected. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Kerkman, to approve claims and payroll. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none. Claims: \$32,102.33; wages: \$6,922.18.

General Checking

Fry Brothers Fertilizer, sup, 196.73; US Post Office, srv, 41.40; Bomgaars, sup, 138.26; City of Neligh, srv, 3,575.59; Reinke's Farm & City Service, sup, 17.44; Intuit QuickBooks, sup, 527.96; EMC Insurance, ins, 3,524.46; Pollock Redi Mix, sup, 2,116.50; Beringer Tax & Accounting, srv, 70.00; Miller & Associates, srv, 568.35; AKRS Equipment, sup, 69.57; Eakes Office Solutions, sup, 172.97; Main St. Repair, srv, 120.86; Verizon Wireless, srv, 77.18; Rob Hofer, srv, 2,000.00; ERPPD, util, 1,434.86; Switzer Welding, srv, 388.00; Clearwater Market, sup, 10.97; NNTC, util, 159.59; WEX Bank, fuel, 1,003.12; Neb. Dept. of Revenue, tx, 1,575.94; Jarecki, Sharp & Petersen, srv, 300.00; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,119.79; General Savings, tnfr, 2,119.79; Summerland Public School, fees, 30.00; ColdType Publishing, srv, 327.24; Arbor Day Foundation, dues, 25.00; Neb. Dept. of Ag, dues, 175.00; Angie Hupp, mi, 56.25; Payroll, pay, 6,162.83.

Water/Sewer Checking

Robert Kester, srv, 140.00; PeopleService, Inc., srv, 500.00; One Call Concepts, Inc., srv, 1.98; ERPPD, util, 848.51; Neb. Dept. Revenue, tx, 542.44; Bud's Sanitary, util, 2,743.50; US Post Office, sup, 120.00; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

Library Checking

Amazon, sup, 43.57; Clearwater Market, sup, 5.30; Payroll, pay, 759.35.

Debit Account

Rackspace Email, srv, 11.96.

Motion by Kerkman, seconded by Kester, to adjourn. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none. Meeting adjourned at 9:57 p.m.

Chairman

Village Clerk