

**VILLAGE OF CLEARWATER, NEBRASKA
MINUTES OF THE REGULAR MEETING
SEPTEMBER 14, 2022**

The Board of Trustees of the Village of Clearwater met Wednesday, September 14, 2022, at 7:30 p.m., in the fire hall meeting room. A budget hearing, tax request hearing, and regular meeting were held. Budget hearing was opened at 7:31 p.m. Notice of hearings and meeting were 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, Cody Kester. Others present: Maintenance Kate Ahlers, Economic Development Director Lauren Sheridan-Simonsen, Attorney Kyle Petersen, Maintenance Troy Behnke, Accountant Regina Krebs, Clerk Angie Hupp.

Discussion was opened to the public regarding fiscal year 2022-2023 budget. Accountant Regina Krebs presented the numbers and answered questions from the board. No other discussion was heard. Motion by Filsinger, seconded by Kester, to close budget hearing at 7:39 p.m. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Tax request hearing was opened at 7:31 p.m. Discussion was opened to the public regarding final tax request for fiscal year 2022-2023. Krebs stated valuations rose 24 percent in Clearwater. No other discussion was heard. Motion by Kerkman, seconded by Schlecht, to close tax request hearing at 7:41 p.m. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Regular board meeting was opened at 7:41 p.m.

Motion by Kester, seconded by Kerkman, to approve August 8, 2022 regular meeting minutes as presented. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Kerkman, to approve August 15, 2022 special meeting minutes. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

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

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

Newer board members asked Krebs to explain agenda item six, approving an increased base of restricted funds by 1 percent. Krebs stated this is done every year as a precaution. Clearwater can't use it right now, but if they ever got to a point where the current funds weren't enough or the tax laws changed, it would already be established for use as an accumulative amount. Motion by Kerkman, seconded by Schlecht, to approve an increased base of restricted funds by 1 percent. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Schlecht, seconded by Kerkman, to approve fiscal year 2022-2023 budget. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none. (accidental duplicated action item)

Motion by Filsinger, seconded by Kester, to approve Resolution 2022-3 adopting the final tax levy request and budget appropriation. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kerkman, seconded by Filsinger, to approve the fiscal year 2022-2023 budget as published and presented at the budget hearing. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Board asked Krebs her opinion on the Village getting a credit card instead of using a debit card due to Amazon's plan to get rid of business plans with pay-by-statement options at the end of the year. The library depends heavily on purchases through Amazon. Krebs agreed it would be a good idea as long as a policy was set in place. Attorney Kyle Petersen agreed to set up a policy to present. Motion by Kerkman, seconded by Kester, to apply for a credit card. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kerkman, seconded by Schlecht, to table agenda item 10, discussion of Automated Dairy concrete bill, until the end of the meeting to discuss in executive session. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Jay and Tina Snider asked to purchase a bit more land to the east of their property at 806 Montana St. to create a square lot. Kerkman is worried about the lot getting too close to the little ballfield outfield. Motion by Filsinger, seconded by Kester, to open discussion with Sniders regarding purchase of the land with a possible easement for the ballfield. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

No Miller & Associate report presented. No information has been received to finalize wastewater project.

Motion by Kerkman, seconded by Filsinger, to approve paying Miller & Associates claim #22 0807 of \$23,001.85 for construction phase of wastewater project, pending USDA approval. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve paying Cornerstone Bank interest of \$35,825.89 for wastewater project loans, pending USDA approval. Due to bank rules, payment will be made before USDA approval has been received as long as USDA is aware of claim. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Schlecht, to approve paying Miller & Associates claim #22 0817 of \$1,500 for administration phase of NAHTF duplex grant project. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

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Discussion was held regarding payment to Curt Thiele for time and equipment use to help set up lift station generator. Motion by Kerkman, seconded by Filsinger, to approve paying Thiele \$500. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Filsinger, seconded by Schlecht, to waive three readings of Ordinance 2022-14 setting wages for maintenance operator Troy Behnke. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kester, seconded by Kerkman, to approve Ordinance 2022-14 setting the wage for maintenance operator Troy Behnke at \$23/hour in one reading. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Discussion was held regarding Village cell phone. Maintenance cell phone has been sitting unused in Village office for two years since Kate Ahlers didn't want to carry two phones. Troy Behnke feels the same way and would prefer to use his personal cell phone. Village pays over \$75 per month for Village phone. Motion by Filsinger, seconded by Kester, to cancel Village cell phone and pay a \$50 monthly stipend to Behnke for personal cell phone use. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Discussion held regarding purchasing welder for maintenance shop. Behnke will do some looking around at prices for what he wants. Based on a preliminary search a motion was made by Kerkman, seconded by Schlecht, to approve purchasing a welder for no more than \$3,825. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve a contract with the City of Neligh to take monthly water samples from October 1, 2022 through April 1, 2023, at a cost of \$175/month with an additional \$50 charged if a second visit is required. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

No sheriff's report presented.

Economic development report: At the request of owner LuAnn Schindler, Lauren Sheridan-Simonsen mentioned to the board that the Sidebar would like to close Main St. from the flagpole to Second St. on Saturday, Oct. 22, for a vendor fair. Discussion will be held at the Oct. 10 meeting, but Schindler wanted the board to be aware beforehand. Elkhorn Acres RV Park paid LB840 loan off after 26 months due to sale of property. The payoff was \$11,234.16 on the original loan of \$15,000 and included \$886.01 in interest forgiveness for on-time payments per contract. Application was submitted to NNTC for \$5,000 grant for telehealth room in library. Notification of awards will be in December.

Maintenance report: Armor coating needs to be done on new hot mix overlays within three years. County won't be able to help this year. Village of Stuart owns their own machinery and will armor coat for other towns. Kate Ahlers will call and speak to Stuart. A couple of residents replaced culverts on the north end of town and now the ditch is dug too far down and offset from the other culverts. Work needs to be done on ditches and culverts on north end of town to set things right. Clerk needs to get Behnke on list for water operator classes as soon as possible.

Motion by Filsinger, seconded by Kerkman, to approve resignation letter of Kate Ahlers. Ahlers will retire effective Sept. 30, 2022 but will still be available to help Behnke if there are questions. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Park report: One of the women's bathroom toilets as well as the men's toilet were clogged with feces and toilet paper. After being cleaned up, Ahlers locked the bathrooms for the season. Paul Horman has asked if the Village still wants him to water the ballfield next year. Board agreed they will keep his help as long as he is willing. Discussion held regarding tearing down the crow's nest. Board told Behnke to look into it.

Library report: Librarian Kathy Feusse met with Steve Stearns about the possibility of remodeling the old ambulance bay to expand the library. The library board will look more into costs and ways to pay for it. Feusse and Angie Hupp wondered about the possibility of keeping the door between the fire hall and the old ambulance bay unlocked. There is no mechanism in the door to keep it unlocked, but it would be more convenient for both, especially if the library expanded and needed to use fire hall bathrooms for handicap access. More discussion would need to be held if the expansion process continued, but the board didn't see a problem getting an unlock mechanism and keeping the door unlocked now.

Clerk report: Assessor's valuation was presented. Taxable valuation for the Village of Clearwater for 2022 was \$16,041,868, up 1.54 percent. The Clearwater fire district taxable valuation for 2022 was \$226,660,716. Hupp asked about classes for floodplain administration. There are virtual and in-person options, but the in-person are quite a few hours away. Board said to continue with virtual classes as needed.

Unfinished business: Ahlers spoke regarding need to resurface Nebraska St. in front of Dixon house, and River Rd. north of town. Discussion is being held with county to complete the project.

Hupp brought up ARPA funds and suggested using them to clean out water lines. Board said to continue with plan for GPS locate programs.

New business: Hankla stated Eli Jacob has always hunted along the creek by the lagoon and said he didn't see any reason to stop. Board agreed. The Village will need to look into purchasing trailer to haul lawn mowers and other equipment since Ahlers had been using personal trailer. Clearwater Chamber

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looking into building on rodeo grounds and was interested in finding out how difficult it would be to tie into sewer. Maintenance will have to investigate further to make sure it's deep enough.

Grimes Asphalt bill will arrive any day. Hankla wants to approve paying the bill when it arrives, as long as it's within the quote. Motion by Kester, seconded by Filsinger, to pay Grimes Asphalt claim when it arrives, as long as it's no more than the \$101,400 quote received for the project and they didn't charge for hauling away millings. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Motion by Kerkman, seconded by Kester, to enter executive session at 9:14 p.m. to discuss potential litigation and protect the reputation of persons being discussed. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Exited executive session at 9:31 p.m.

Motion by Kerkman, seconded by Schlecht, to approve reimbursement payment of \$1,777 to Automated Dairy for concrete work along Main St. property as they were not fully informed of the work and bill before it was completed. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

Attorney report: Discussion will need to be held with Behnke regarding comp time expectations, then attorney will create agreement to be signed.

Motion by Filsinger, seconded by Kerkman, to approve Orval's Auto Service claim of \$3,556.95 for F150 transmission replacement. Voting aye: Filsinger, Kerkman, Schlecht, Kester. Voting nay: none. Abstain: Hankla.

Motion by Kester, seconded by Kerkman, to approve paying remaining claims and payroll in the amount of claims: \$392,744.81; wages: \$6,367.84. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none.

General Checking

Orval's Auto Service, rpr, 3,556.95; Rob Hoefler, srv, 10,952.00; Black Hills Energy, 161.60; AKRS Equipment, sup, 29.91; Bomgaars, sup, 40.78; Fry Brothers Fertilizer, 74.18; League of Nebraska Municipalities, dues, 568.00; Carhart Lumber Co., sup, 127.88; EMC Insurance, ins, 3,433.43; Nebraska Municipal Clerks' Association, dues, 50.00; Verizon Wireless, util, 76.17; Pollock Redi Mix, sup, 2,790.00; WEX Bank, fuel, 978.39; ERPPD, util, 1,357.04; NNTC, util, 162.59; ColdType Publishing, adv, 284.67; Clearwater Market, sup, 12.23; Kayton International – Albion, sup, 4,048.00; Nebraska Dept. of Revenue, tx, 1,419.16; Jarecki Sharp & Petersen, lgl, 300.00; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,615.03; General Savings, tnfr, 2,615.03; Debit Account, tnfr, 19.90; Payroll, pay, 5,579.17.

Water/Sewer Checking

Kane Fry, srv, 130.00; Switzer Welding, srv, 112.00; Neb. Public Health Environmental Lab, srv, 30.00; League of Nebraska Municipalities – Utilities Section, dues, 399.00; One Call Concepts, Inc., srv, 18.32; Hurtig Well Service, rpr, 2,506.98; ERPPD, util, 843.73; Nebraska Dept. of Revenue, tx, 540.21; Nebraska Dept. of Revenue, dues, 25.00; Bud's Sanitary Service, srv, 2,743.50; US Post Office, sup, 120.00; Municipal Supply Inc., sup, 8,331.28; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

Fire Checking

Quick Med Claims, srv, 166.63; Northeast Nebraska Heating & Cooling, rpr, 146.68; Island Supply Welding, sup, 60.40; Bomgaars, sup, 299.70.

Library Checking

Kathy Feusse, reimb, 185.92; Clearwater Market, sup, 5.30; US Post Office, sup, 60.00; Payroll, pay, 788.67.

Debit Account

Rackspace Email, srv, 11.96.

Grant Checking

Rutjens Construction, srv, 282,919.17; Cornerstone Bank, int, 35,825.89; Miller & Associates, srv, 23,001.85; Miller & Associates, srv, 1,500.00.

Motion by Kerkman, seconded by Filsinger, to adjourn. Voting aye: Filsinger, Kerkman, Hankla, Schlecht, Kester. Voting nay: none. Meeting adjourned at 9:40 p.m.

Chairman

Village Clerk