

**VILLAGE OF CLEARWATER, NEBRASKA**  
**MINUTES OF THE REGULAR MEETING**  
**JANUARY 10, 2023**

The Board of Trustees of the Village of Clearwater met in regular session Tuesday, January 10, 2023, at 7:30 p.m., in the fire hall meeting room. Meeting was opened at 7:35 p.m. Notice of meeting was given in advance by publication in *Summerland Advocate-Messenger* and notice was given to board members before meeting. Public was informed of location of Open Meeting Act poster. Present: Kelly Kerkman, Marsha Hart, Brian King, Jeff Schlecht. Absent: Cody Kester. Others present: Maintenance Troy Behnke, Economic Development Director Lauren Sheridan-Simonsen, Attorney Kyle Petersen, Reed Miller from Miller & Associates, Deb Mostec from Miller & Associates, Deputy Trent Howard, Clerk Angie Hupp.

Motion by King, seconded by Schlecht, to approve the minutes of the December 12, 2022 minutes with one amendment to change vote of Hart and Kerkman to abstain regarding approving authorized bank signers. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve treasurer's report as presented. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Late utility bills were presented. Two customers received disconnect notices.

One- and six-year street improvement plan hearing was opened at 7:42 p.m. Current plan was presented by Reed Miller from Miller & Associates. Discussion was opened to the public. Decision was made to move Iowa St. to the six-year plan and add Nebraska St. from Main St. west around the curve to the end of the Village's jurisdiction at 85128 515 ½ Ave. on the one-year plan. Closed the one- and six-year street improvement plan hearing at 7:53 p.m.

Motion by Schlecht, seconded by Hart, to approve Resolution 2023-1 adopting the one- and six-year street improvement plan. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by King, to approve ERDBAU, Inc. claim of \$13,275 for lagoon testing as part of the wastewater grant project, pending USDA approval. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by Schlecht, to approve Drawdown #2 to receive \$4,206.41 in NAHTF grant funds for costs associated with the duplex project. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve transferring \$35,000 from economic savings to grant checking for the LB840 funds match of the NAHTF grant duplex project. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by King, seconded by Schlecht, to approve paying Stearns Construction claim of \$19,960.13 with NAHTF grant funds. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by King, to approve Procurement Procedures and Code of Conduct for DTR planning grant. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve Resolution 2023-2 prohibiting excessive force by law enforcement against any civilians participating in nonviolent civil rights demonstrations. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by King, to approve agreement with Miller & Associates to assist with GIS set-up for water and sewer line detection. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by King, seconded by Schlecht, to approve agreement with Miller & Associates to assist with ARPA fund reporting. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by King, to approve renewing clearwaterne.com domain name for five years at a cost of \$199.95. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve transferring \$100 from water/sewer checking to general checking to put money from US Post office in correct account for snow removal. Funds are included in the same check as utility payments. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by Schlecht, to approve Resolution 2023-3 adopting a payroll policy for payroll written before monthly board meeting claims approval. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve Resolution 2023-4 codifying local legislation adopted in 2022. Voting aye: Schlecht, Hart, Kerkman. Voting nay: King. Absent: Kester.

Discussion held regarding rates applied to Village equipment when residents need to use them. Decision was made to keep current rates, with a resolution to be passed in February, and include a liability waiver to be signed by residents before assistance.

Motion by Schlecht, seconded by King, to approve raising the fine on building permit applications from \$50 to \$100 to be assessed to anyone who begins construction without a permit or before approval has been given. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester. An advertisement will also be placed in the newspaper twice a year instructing residents of building permit requirements.

Discussion held regarding nuisance abatement. A letter will be sent to all residents asking them to clean up nuisances, with a list of things that qualify. Those with certain violations will be sent certified letters.

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Sheriff's report presented. The Antelope Co. Sheriff's Department spent 79.98 hours with five 911 calls for Clearwater in December.

Maintenance report presented. Discussion held regarding how soon to move snow and what to clear when it is still snowing and blowing. Troy Behnke will put together how many feet need to be armor coated this year and a notice for bids will be published in the paper.

Discussion held regarding the possibility of the village offering snow removal services to Main St. businesses for \$25 per cleaning to ease Main St. cleaning for Behnke. The offer will be optional. Motion by King, seconded by Schlecht, to send letters to Main St. businesses with the offer. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Discussion held regarding need for trailer to haul lawnmowers and skid loader around town and out to the cemetery. Motion by Schlecht, seconded by King, to allow Behnke to shop for a trailer with a \$5,000 budget. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Discussion held regarding getting bulk containers of diesel exhaust fluid (DEF) for payloader so it is cheaper. Behnke has 15-gallon containers and Schlecht has access to cheaper DEF and will fill containers as needed.

Discussion held regarding exchanging one paid holiday and moving it to Good Friday. Attorney Kyle Petersen suggested allowing one floating holiday a year to accommodate the needs of current and future employees. A resolution to change the employee handbook to such will be presented at the February meeting.

No park report presented.

No library report presented. Kerkman informed the board of the need to remodel or expand the library space and that several possibilities are being investigated. Discussion was tabled until February when more information was gathered.

Clerk's report presented. The heater in the old ambulance bay quit heating during the subzero temperatures the week before Christmas, causing the library furnace to be unable to keep up. Dustin Wright came Friday, Dec. 23, to try to repair the heater. While he was working, a water line in the ceiling of the ambulance bay broke. There was a mess, but nothing was ruined. The heater couldn't be repaired, so a wall-mount unit was purchased to keep the room from freezing. Behnke is registered for water operator class in Norfolk Feb. 7-9. Angie Hupp would like the board to consider hiring someone to help clean out and organize the file room, especially if the library remodel into that space becomes a reality. The village has no fireproof storage for sensitive papers. The board told Hupp to look into costs of several options and report back at the February meeting.

Motion by Kerkman, seconded by King, to approve Hupp's attendance at the Nebraska Municipal Clerks' Institute and Academy in Kearney March 13-17 and to pay the fee with the January claims. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to enter executive session at 10:13 p.m. to discuss possible litigation. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to exit executive session at 10:31 p.m. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

No unfinished or new business was presented.

Motion by King, seconded by Hart, to approve Schlecht Trucking claim of \$834.90 for delivering payloader snowblade. Voting aye: King, Hart, Kerkman. Voting nay: none. Absent: Kester. Abstain: Schlecht.

Motion by Kerkman, seconded by Schlecht, to approve remaining claims and payroll. Claims: \$71,045.28; Wages: \$5,868.86. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

**General Checking**

Schlecht Trucking, srv, 834.90; B's Enterprises, sup, 384.00; Quality Iron & Metal, sup, 383.05; Bomgaars, sup, 284.42; Ewing Feed & Supply, sup, 243.97; WEX Bank, fuel, 567.48; ERPPD, util, 1,178.75; NNTC, util, 157.76; Clearwater Market, sup, 28.36; ColdType Publishing, rent/adv, 784.80; Black Hills Energy, util, 742.10; DW's Heating & Air, srv, 200.00; Farmers Pride, util, 259.25; Neligh Auto & Machine, sup, 260.82; Summerland Public School, fee, 10.00; Neb. Municipal Clerks' Institute, sch, 268.00; Jarecki Sharp & Petersen, lgl, 1,605.00; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,090.70; General Savings, tnfr, 2,090.70; Neb. Dept. of Revenue, tx, 1,403.52; Capital One Spark, sup, 87.80; EMC Insurance, ins, 3,856.09; Payroll, pay, 5,021.10.

**Water/Sewer Checking**

US Post Office, srv/sup, 292.15; Neb. Public Health Enviro Lab, srv, 340.00; City of Neligh, srv, 300.00; Neb. Dept. of Revenue, tx, 507.07; ERPPD, util, 805.77; Powertech, sup, 10,497.00; Municipal Supply, Inc., sup, 166.28; Bud's Sanitary Service, srv, 2,714.00; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

**Economic Development Checking**

Bree Knievel, srv, 87.00; ColdType Publishing, rent, 60.00.

**Fire Checking**

Quick Med Claims, srv, 17.32.

**Library Checking**

Clearwater Market, sup, 3.58; Petty cash, cash, 96.26; Payroll, pay, 847.76.

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**Grant Checking**

ERDBAU, Inc., srv, 13,275.00; Stearns Construction, reimb, 19,960.13.

Motion by Kerkman, seconded by Hart, to adjourn. Voting aye: Schlecht, King, Hart, Kerkman.  
Voting nay: none. Absent: Kester. Meeting adjourned at 10:32 p.m.

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Chairperson

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Clerk