

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING MAY 8, 2023

The Board of Trustees of the Village of Clearwater met in regular session Monday, May 8, 2023, 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*, posted at US Post Office in Clearwater, Clearwater Market, Cornerstone Bank-Clearwater, and was given to board members before meeting. Public was informed of location of Open Meeting Act poster. Present: Kelly Kerkman, Marsha Hart, Cody Kester, Brian King, Jeff Schlecht. Others present: Clerk Angie Hupp, Maintenance Operator Troy Behnke, Economic Development Director Lauren Sheridan-Simonsen, Attorney Kyle Petersen, Reed Miller from Miller & Associates, Lauren Timm from Pave LLC, Bill Kester from Cornerstone Bank, Sheriff Bob Moore, Bill Thiele, Kevin Filsinger, Steve Hankla, Joe Funk, Curt Thiele, Sam Behrendt.

Motion by Kester, seconded by Hart, to approve April 10, 2023 regular meeting minutes. Voting aye: Kester, Hart, Kerkman, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by King, to approve April 16, 2023 special meeting minutes. Voting aye: Schlecht, King, Kerkman, Kester. Voting nay: none. Abstain: Hart.

Motion by Hart, seconded by Kester, to approve the treasurer's report to place on file. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

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

Discussion held with Joe Funk regarding his two billboards along the highway. The State informed Funk he may have to move one a couple of feet to comply with state statutes. He brought it before the board because he will need a letter from the Village stating that they have no regulations beyond the State's. The board told him to let them know if moving becomes necessary and they'll go from there.

Motion by Hart, seconded by Kester, to approve building permit application for Joe Funk storage unit addition at 203 Hwy. 275. Voting aye: Kerkman, Hart, Kester, Schlecht, King. Voting nay: none.

One bid for armor coating was opened and discussed. Pave LLC out of Omaha presented an armor coat alternative at a cost of \$54,565 for approximately 12 blocks plus an additional \$3,032 per block for conditioning. Motion by Kester, seconded by Schlecht, to table armor coating until more information on this product can be gathered. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to approve building permit application for Sam Behrendt garage/shed at 105 Nevada St. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Rose Pinkman from HBE out of Lincoln presented the fiscal year 2021-2022 full audit report via telephone. Some suggestions were made regarding entering finances and creating written policies that Pinkman will go over with Hupp before the end of the current fiscal year.

Motion by Schlecht, seconded by Kester, to approve the fiscal year 2021-2022 audit as presented. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Hupp reported that USDA rep Anthony Guenther told her that there may not be enough funds left over after paying off interest on the lagoon loans to pay the audit claim, even though the USDA required the audit and said it would be covered. Motion by Kester, seconded by Hart, to approve the HBE claim of \$13,500 for audit services, pending USDA approval. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve extending USDA bank loans in the amounts of \$1,798,00 and \$311,000 to June 1, 2023, to complete the closing process. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Hart, to extend bank operating loan for grants in the amount of \$389,000 to June 1, 2023, to finish closing the lagoon project and use USDA interest reimbursement to pay off most of loan. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Discussion held with Reed Miller from Miller & Associates regarding the process of the lagoon project, why the cost went up, and how to handle the USDA's request to raise the sewer rates from \$38.50 to \$55.94. The whole process was completed in three phases: sewer pipe lining, water meter installation, then lagoon construction. Because it was bid in three phases instead of all at once, and because it took several years longer than projected, the cost increased beyond the initial proposals. The initial proposal was for a single-cell lagoon with a budget of \$3,044,080. In 2015, the Village was required to use \$90,000 in local funds and received a USDA grant for \$861,000, a USDA loan for \$1,798,000, a CDBG grant for \$250,000. In 2017, the Village received another USDA grant of \$350,000 when the project cost rose to \$3,349,000. In April 2020, between inflation and NDEE requirements changing to a three-cell lagoon with land to discharge through a pivot, the cost increased to a projected budget of \$4,820,954. The Village then accrued another USDA loan for \$311,000, a USDA grant for \$330,600, an SRF grant of \$205,579 and SRF loan of \$508,627 with loan forgiveness of \$137,053. The final project cost was \$4,636,798 with grants totaling \$2,134,232 and loans and local match totaling \$2,707,627. There is still approximately \$184,000 in USDA grant funds available for the Village to use towards sewer items, however, the funds cannot be used to pay off a portion of the loan.

Miller then explained the changes in sewer rates. Originally, USDA was told the number of sewer users was 214, however, that was the number of active water meters. Due to some of the meters being on vacant property or hydrants only, the number of sewer users is 189. The difference in users as well as the added cost of the project created the higher suggested rates. Curt Thiele asked what would happen if the Village refused to raise the rates. Miller informed him the USDA doesn't care, as long as they receive their yearly loan payment. If the Village doesn't raise to the suggested sewer rates, the funds will have to be found elsewhere.

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Discussion was also held regarding the two larger users in town, the ESU building and apartments. They currently pay the same sewer rate as the rest of town, but when prices are determined, the larger users will likely be set up to pay more. Miller will hold a conference call with accountant Regina Krebs and clerk Angie Hupp to discuss ways of using existing funds to combat the higher sewer rates. Bill Kester suggested a slow progression instead of raising the rates all at once. There is also the possibility of raising a combination of sewer and water rates.

Motion by Kester, seconded by Hart, to table purchasing GIS equipment until more options are considered. The equipment may be purchased with ARPA funds, remaining USDA grant funds, or the Village may be able to receive the equipment through the Midwest Assistance Program. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Hart, seconded by Kester, to approve purchase of a sewer jetter, trench box, Kurf Kutter tool, and small storage shed for the lagoon, using USDA grant funds, pending USDA approval. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Discussion was held with Miller regarding whether lowering the speed limit on River Rd. and 515 ½ Ave., as they head out of town, would help with the quality of the roads. Miller stated he didn't think it would do much. Kester pointed out that in that short stretch on any of the roads, most vehicles and trucks aren't driving very fast anyway. General consensus was to leave it alone.

Discussion was held regarding the possibility of designating a truck route through town to help save some of the streets. Hart asked whether it was better to run trucks on one street or spread the traffic out so as to not put undue stress on a specific street. No decisions were made but consensus was against instituting a truck route.

Discussion was held regarding painting parking lines on Main St. Miller presented a diagram. Neligh's city superintendent has let Clearwater know the use of their line painting machine would be allowed should Clearwater decide to proceed. Any decisions were tabled until the board could gather public opinion.

Motion by Kester, seconded by Schlecht, to reject Riley Snider's claim of \$70/hour for labor and \$28 for parts to fix a leak near his water meter in his basement at 601 Montana St. After discussion with attorney Kyle Petersen and Miller, it was reiterated that anything from the curbside to the house is the responsibility of the homeowner. Since the Village provides the meters, they are responsible if the meter malfunctions, but any valves or pipes attached to the meter are the responsibility of the homeowner. Petersen will have an ordinance setting clear policies at the June meeting. Sheriff Moore interjected that residents in Elgin pay for everything past the curbside including the meters. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Discussion with Curt Thiele regarding sewer lines to the new rodeo grounds building. Current sewer lines end a half block from the rodeo grounds so the Village will find a plumber to install the rest of the main. Troy Behnke will call a plumber and let Thiele know when to expect them.

Sheriff's report presented. The Antelope County Sheriff's Department worked for Clearwater for 54.85 hours and received three 911 calls during April. Kerkman asked Moore about the double fence requirement for the street dance and concert. Moore told him to contact the liquor commission. The sheriff's department is currently down to the sheriff and one deputy, but Moore has enough volunteers to help at the rodeo.

Motion by Schlecht, seconded by King, to approve building permit application for Rustin Fletcher addition to Kidz Corner Clubhouse at 609 Montana St. Voting aye: Kerkman, Hart, Kester, Schlecht, King. Voting nay: none.

Motion by Hart, seconded by Kester, to approve building permit application for Kelly Kerkman covered front porch addition at 102 Nebraska St. Voting aye: Hart, Kester, King, Schlecht. Voting nay: none. Abstain: Kerkman.

Motion by Schlecht, seconded by King, to table building permit application for Don Klabenes fence for Treasures & More at 503 First St. until surveyor's report can be presented. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Schlecht, to approve building permit application for Main St. Repair addition at 505 First St. Voting aye: Kester, Schlecht, Kerkman, King, Hart. Voting nay: none.

Motion by Kester, seconded by King, to table ordinance for Blecher purchase of 507 First St. Blecher's attorney asked for a rewording of the resolution, so a new resolution will be passed at the June meeting. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Kester, seconded by King, to approve insurance value of statements, including cyber security and liability extension coverages. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by Schlecht, to approve Resolution 2023-10 adopting the Tri-County Hazard Mitigation Plan. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve waiving three readings of Ordinance 2023-3 setting summer help wages. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Kester, seconded by Hart, to approve Ordinance 2023-3 setting wages for the summer help at summer help 1 at \$15/hour, and summer help 2 at \$12/hour, beginning May 8, 2023. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Maintenance report presented. Ron Allen at 507 Iowa St. complained of water backing into his shower. He stated it's been a problem for years but is getting worse. The plumber didn't see anything wrong so the board told Behnke to have a plumber send a camera down the main and see if there's a blockage by the

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Allen's house. The Village still has copper lines connecting the wells to the relay switches and Northeast Nebraska Telephone serviceman Barry Stearns told Behnke that when they fail, NNTC won't replace the copper. The options are to install fiber optic lines or go wireless. Behnke is going to talk with Stearns some more and bring additional information to the board.

Economic development report presented.

No library report presented.

Park report presented. New doors still need to be installed on the bathrooms.

Clerk report presented. Hupp called owner of 209 Main St. and left message asking for sale price of the house since several people have contacted the office about it. No return call was received. If it's not for sale and no work is being done, the house will be removed from the vacant property exemption list and owners will be required to register as a vacant property and begin paying fees. A roll-off dumpster was delivered May 1 and will be available through the month of May. Spring clean-up letters were sent to every property owner in Village limits asking them to help keep Clearwater beautiful. Those with nuisance violations had items highlighted on their letters. Hupp will check at the end of May and anyone with continuing nuisances will be sent certified letters. Hupp contacted two local businesses for quotes regarding computer security management and only one replied.

Motion by Kester, seconded by Schlecht, to approve a computer security management contract and Microsoft 365 email migration with Precision IT of Norfolk. Voting aye: Kester, Schlecht, King, Kerkman, Hart. Voting nay: none.

Unfinished business presented. Village equipment has not been moved off Don Zegers lot, so any decisions on continued use were tabled.

New business presented. Board confirmed June 12 as next meeting date.

Motion by Hart, seconded by Kester, to approve claims and payroll. Claims: \$48,383.08; wages: \$6,779.88. Voting aye: Hart, Kester, Kerkman, King, Schlecht. Voting nay: none.

General Checking

AKRS Equipment, sup, 82.62; NENEDD, dues, 665.00; City of Neligh, srv, 3,503.99; Bomgaars, sup, 237.90; Eakes Office Solutions, sup, 109.25; Beringer Tax & Accounting, srv, 70.00; WEX Bank, fuel, 148.22; Intuit QuickBooks, sup, 549.00; Pollock Redi Mix, sup, 137.38; Main St. Repair, srv, 35.00; ERPPD, util, 1,210.24; NNTC, util, 168.60; ColdType Publishing, adv, 415.79; Black Hills Energy, util, 222.49; Kayton International, sup, 28.88; Sanne Service, sup, 293.72; Jarecki Sharp & Petersen, lgl, 300.00; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,944.69; General Savings, tnfr, 2,944.69; Neb. Dept. of Revenue, tx, 1,617.96; Capital One Spark, sup, 752.95; EMC Insurance, ins, 8,292.07; Payroll, pay, 5,597.53.

Water/Sewer Checking

City of Neligh, srv, 175.00; Neb. Public Health Enviro Lab, srv, 497.00; One Call Concepts, Inc., srv, 14.36; ERPPD, util, 749.28; NDEE, sch, 290.00; US Post Office, sup, 184.85; Bud's Sanitary Service, srv, 2,714.00; Neb. Dept. of Revenue, tx, 484.94; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

Economic Checking

ColdType Publishing, adv, 108.00.

Fire Checking

KL&S, Inc., srv, 110.00; Island Supply Welding, sup, 180.45.

Library Checking

Precision IT, srv, 95.25; Petty cash, cash, 90.43; Capital One Spark, sub/sup, 254.13; Payroll, pay, 1,182.35.

Grant Checking

HBE LLP, srv, \$13,500.

Credit Card

Libib, sub, 74.25; Amazon, sup, 917.88; Rackspace Email, srv, 14.95.

Motion by Schlecht, seconded by King, to enter executive session at 10:59 p.m. to discuss ongoing litigation and to protect the reputation of individuals. Kerkman, Kester, Hart, Schlecht, King, attorney Kyle Petersen and clerk Angie Hupp will remain, with Lauren Sheridan-Simonsen staying for one discussion item. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Hart, to exit executive session at 11:17 p.m. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Kester, seconded by Kerkman, to have Petersen send a letter to owners of 207 Colorado St. giving 30 days to remove the burned trailer remnants or the Village will remove it and owners will be invoiced for the cost. Voting aye: Kerkman, Kester, Hart, Schlecht, King. Voting nay: none.

Motion by Kerkman, seconded by Kester, to adjourn. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none. Meeting adjourned at 11:18 p.m.

Chairperson

Clerk