

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING JUNE 12, 2023

The Board of Trustees of the Village of Clearwater met in regular session Monday, June 12, 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, Reporter LuAnn Schindler, Sheriff Bob Moore, Riley Snider, Cole & Amy Scott, CW & Amy Schonemann.

Motion by Kester, seconded by Schlecht, to approve the minutes of the May 8, 2023 regular meeting as presented. Voting aye: Kester, Schlecht, King, Kerkman, Hart. Voting nay: none.

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

Late utility bills were presented. Four customers received disconnect notices. Last month, one requested a shut-off because they sold the house and moved out. One was shut off for nonpayment but made a significant payment later in the day and was turned back on.

Cole and Amy Scott spoke to the board about some concerns regarding their street, River Rd., north of the highway. Cole is opening an auto body shop and is concerned about the amount of dust generated by vehicles, as well as the speeds driven. Kerkman told Scotts that Kester was scheduled to speak to the county commissioners at their Tuesday, June 13 meeting regarding repaving that section of River Rd. since the county ripped it up without written permission from the village. Kester was also supposed to let the county know the east section of Nebraska St. needs to be repaved for the same reason, and that the county needs to clear a culvert on River Rd. that was completely buried by dirt when the county paved 516 Ave. north of the bridge. The board agreed that 35 mph signs heading both directions on the north end of River Rd. would be a good idea. Hupp will contact Miller & Associates to find out the steps needed to place the speed limit signs.

Motion by Kester, seconded by King, to approve paying NENEDD claim of \$1,143.75 for grant administration of the DTR planning grant, pending DED approval. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by Schlecht, to approve Stearns Construction claim of \$20,833.46 for construction of the NAHTF duplex grant, pending DED approval. Hupp noted this is the final payment allowed from the grant funds. The rest of the funds to build the duplex will come out of Stearns' pocket. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Hart, seconded by Kester, to approve drawdown #5 from DED for \$20,833.46 to pay Stearns Construction out of the NAHTF grant funds. Voting aye: Hart, Kester, Kerkman, Schlecht, King. Voting nay: none.

Discussion on trash service, water and sewer rates was tabled until next month because Hupp needed to gather more information.

Discussion regarding putting water and sewer funds into CDs and combining water and sewer savings accounts was postponed until it was clear how much needed to be used for the lagoon loans.

Riley Snider spoke to the board regarding a water leak he had in his house in April. The board voted at the May meeting to refuse reimbursement to Snider based on the fact that the leak was past the curbstop so was his responsibility. Snider asked what was considered the meter because the leak started with a cracked valve attached to the meter that was installed at the same time. Kerkman stated the physical meter was all the village covered the cost of. All lines from the curbstop to the building, as well as any pipes and valves attached to the meter are the responsibility of the property owner. CW Schonemann asked about the water rates and that he thought the village had planned on continuing to charge a flat rate for water after the meters were installed. Kerkman said he had never heard that but that the village doesn't have control over how they charge, the State dictates the rules since the project began.

Motion by Kester, seconded by King, to approve Resolution 2023-12 reaffirming obligations of water customers regarding water service line repairs between the curbstop and place of disbursement. According to Section 7-210 of the Clearwater Municipal Code, water customers have an obligation to repair or replace pipe between the curbstop and place of disbursement, regardless of meter placement. The Village maintains the main, and line from the main to the curbstop. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Discussion regarding armor coat bids was tabled until the next meeting since no bids were received in time.

Discussion was held regarding whether to put a limit in place for the number of dogs allowed within village limits. The board agreed that as long as dogs are licensed per village ordinance, they wouldn't limit the numbers. Schonemann asked if the village was going to do anything about feral cats. The board stated they were discussing dogs at that time. Village will try to get a vet clinic to spend a day in town giving rabies shots to dogs with the clerk handing out dog tags at the same time. Discussion was held regarding putting a fine in place for those who don't register their dogs with the village by the annual May 1 deadline.

Motion by Schlecht, seconded by Kester, to approve a fine of \$50 per dog for any unlicensed dogs after May 1. Since the fine was being implemented after the deadline, the clerk will send letters to all residents letting them know about the fine and giving dog owners until Aug. 1, 2023 to comply. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

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Discussion was held regarding whether to implement a deposit and application for all new utility customers to protect the village from default accounts. Motion by Schlecht, seconded by Hart, to approve a utility deposit of \$150 for new customers. Voting aye: Schlecht, Hart, Kerkman, King, Kester. Voting nay: none.

Maintenance report presented. Troy Behnke to ask Fry Fertilizer and Chemical to contract to spray weeds at the lagoon. The plumber hired to work on several projects in town didn't work out well after they broke the water main while replacing a fire hydrant. Behnke discovered that Ryan Flenniken, owner of Flenniken Electric in town, is also a licensed plumber and is willing and able to work on municipal water lines. Behnke will ask Flenniken to complete the projects required around town. The historical society is looking for boulders to place in front of the museum. Kerkman stated he will inquire around South Dakota since he is up there all the time. Schlecht said to call Tony Emme for assistance. Mark Allemang has approached the clerk about the grading on the road in front of his house, as well as the ditches that need mowed. Behnke was going to go talk with him.

Economic development report presented. Downtown Revitalization Planning grant funds were released to the village so there will be several months of work to prepare to apply for the DTR grant of up to \$500,000 to be used to improve business areas in village limits. The NAHTF duplex is progressing quickly. Stearns hopes to have at least one unit ready for viewing the week of the rodeo.

Motion by Hart, seconded by King, to transfer \$1,000 from economic savings to economic checking for operating costs. Voting aye: Hart, King, Kerkman, Kester, Schlecht. Voting nay: none.

No sheriff's report presented.

Library report presented. The bathroom vanity in the girls' bathroom is coming off the wall. The board told library president LuAnn Schindler to purchase a vanity that will work in the space. The library's front door is starting to stick again. Around this time last year, it was adjusted by Bartak Glass who told Hupp that this would be the last time it could be adjusted and next time it would have to be replaced. Librarian Kathy Feusse will get quotes for a new door.

No park report presented.

Clerk report presented. Approximately 30 nuisance violation letters will be sent certified mail on Tuesday, June 13. Hupp was hoping to have them sent earlier, but pictures weren't taken until Tuesday, June 6, then she was out of town the next two days. Hupp suggested that next year, the board go back to one week for the roll-off dumpsters since the dumpster wasn't used for the intended purpose of yard cleaning.

Unfinished business was discussed. Village items will be moved off Zegers's portion of the parking lot and barriers will be replaced. Public input will be requested regarding painting parking lines along Main St. and the results will be presented to the board at the July meeting.

Motion by Kerkman, seconded by Kester, to purchase the GIS equipment for approximately \$5,000 using ARPA funds unless USDA grant funds are approved before purchase. Voting aye: Kerkman, Hart, Kester, Schlecht, King. Voting nay: none.

Motion by Schlecht, seconded by Kester, to change resolution for sale of 507 First St. to Tony Blecher. New resolution will read that the east 30 feet will be Blecher's to do with as he wants, the rest will have an easement for drainage. Voting aye: Schlecht, Kester, King, Kerkman, Hart. Voting nay: none.

Confirmed Monday, July 10 as the next regular board meeting date.

Motion by Hart, seconded by Kerkman, to approve Schlecht Trucking claim of \$294.44. Voting aye: Hart, Kerkman, Kester, King. Voting nay: none. Abstain: Schlecht.

Motion by Hart, seconded by King, to approve remaining claims and payroll. Claims: \$2,192,400.90; wages: \$9,004.19. Voting aye: Hart, King, Schlecht, Kester, Kerkman. Voting nay: none.

General Checking

Miller & Associates, srv, 375.00; Bomgaars, sup, 275.82; Carhart Lumber, sup, 205.94; WEX Bank, fuel, 561.37; Pollock Redi Mix, sup, 212.00; Main St. Repair, srv, 20.00; Neligh Auto & Machine, sup, 100.67; AKRS Equipment, sup, 137.28; NNTC, util, 168.39; Precision IT, srv, 666.00; Clearwater Market, sup, 4.89; ERPPD, util, 1,356.52; ColdType Publishing, adv, 209.42; Black Hills Energy, util, 102.14; J&J Sanitation, srv, 1,795.55; Knife River Midwest, sup, 3,505.65; Fry Brothers Chemical, sup, 623.89; US Post Office, sup, 143.40; Summerland Public School, fees, 120.00; Jarecki Sharp Petersen, lgl, 1,185.50; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,313.12; General Savings, tnfr, 2,313.12; Neb. Dept. of Revenue, tx, 1,447.44; Capital One Spark, srv/sup, 181.58; EMC Insurance, ins, 4,602.72; Payroll, pay, 7,447.28.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 15.00; NDEE, loan, 11,823.06; HTM Sales, sup, 17.09; One Call Concepts, Inc., srv, 19.54; ERPPD, util, 829.95; US Post Office, sup, 154.95; Bud's Sanitary Service, srv, 2,714.00; Neb. Dept. of Revenue, tx, 490.45; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

Economic Checking

Fierce Warrior Photography, srv, 135.00.

Fire Checking

Midwest Automatic Fire Sprinkler, srv, 508.00.

Library Checking

Hi-Way Mart, sup, 36.80; Precision IT, srv, 23.75; Clearwater Market, sup, 26.98; Josh Thoendel, srv, 100.00; Capital One Spark, sup, 261.40; Payroll, pay, 1,556.91.

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Grant Checking

Stearns Construction, srv, 20,833.46; Northeast Nebraska Economic Development, srv, 1,143.75; Cornerstone Bank, loan, 2,131,355.43.

Credit Card

Quill, sup, 76.15; Amazon, sup, 293.16; Rackspace Email, srv, 14.95; Walmart, sup, 58.72.

Sheriff arrived and presented the sheriff's report. Someone from the liquor commission will be contacting Kerkman regarding his questions for rodeo weekend. Hours for May were 62.63 with three 911 calls.

Motion by Kester, seconded by BK, to enter executive session at 9:31 p.m. to discuss ongoing litigation. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by Kerkman, to exit executive session at 9:42. p.m. Voting aye: Hart, Kerkman, Kester, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Kerkman, to adjourn the meeting. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none. Meeting adjourned at 9:43 p.m.

Chairperson

Clerk