

# VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING JULY 10, 2023

The Board of Trustees of the Village of Clearwater met in regular session Monday, July 10, 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 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, Cole & Amy Scott, Chantel King, Sharon King, Maria Swanson.

Motion by Kester, seconded by King, to approve minutes of the June 12, 2023 regular meeting. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

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

Late utility bills presented. Four customers received disconnect notices.

Kester updated board regarding discussion with Antelope Co. Commissioners about repaving River Rd. in corporate limits north of the highway and Nebraska St. east of River Rd. County stated they had permission from the village to tear up River Rd. but the Village has no record of that. County also admitted tearing up Nebraska St. was a mistake since they didn't realize it was in village limits at the time. Regardless, the county informed Kester that it is the village's fiscal responsibility to repave the roads if they choose. As the village does not have the funds to do so, they will keep talking to the county to see if an agreement can be reached. Amy Scott asked about the culvert near them that was covered by the county when they paved further down River Rd. Kester said he forgot to ask about it so Troy Behnke was going to call the county in the morning.

Motion by Hart, seconded by Schlecht, to approve contract with CDS Inspections for NAHTF housing administrative services. CDS responsible for applications to purchase duplex units as part of the NAHTF grant. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve paying off operating loan #202293 from Cornerstone Bank for \$394,744.25 that was used during lagoon project. Voting aye: Schlecht, Kester, King, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Hart, to approve transferring \$210,000 from lagoon savings to water/sewer checking to help cover loan payoff, and combine remaining funds in lagoon savings with water savings and sewer savings into one water/sewer savings account. Voting aye: Kester, Hart, Kerkman, King, Schlecht. Voting nay: none.

Discussion held regarding trash service. LuAnn Schindler told Angie Hupp about a change to Bud's Sanitary Service in Elgin. They are providing trash totes that all residents will use exclusively. Bud's Sanitary has not contacted Clearwater about making the change yet, but the board assumed it's a matter of time and that it will include a higher rate. Kerkman asked Hupp to contact Bud's to discuss so the board is prepared. Lauren Sheridan-Simonsen suggested contacting Neligh about utilizing their recycling services. Hupp already has a message to Neligh city superintendent Dan Donaldson regarding recycling and trash. Discussion held regarding the need to raise sewer rates. Water and sewer rates have not increased since 2018. Hupp tried to sort through paperwork with Regina Krebs but wasn't able to and a rate study has not been completed.

Motion by King, seconded Kester, to approve raising the sewer rates by \$5, going from \$38.50 to \$43.50 per user, to add a second user rate to the ESU building so they pay for two lines instead of one, and to charge the apartment complex for each unit as it was in the past. The rate change won't take effect until the Aug. meeting and letters are sent to ESU and JDMZ Properties. Voting aye: King, Kester, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Schlecht, to waive three readings of Ordinance 2023-5 setting speed limit to 35mph on River Rd/516 Ave. within corporate village limits. Voting aye: Kester, Schlecht, King, Kerkman, Hart. Voting nay: none.

Motion by Schlecht, seconded by King, to approve Ordinance 2023-5 setting speed limit to 35mph on River Rd/516 Ave. within corporate village limits. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by King, to approve building permit for Gail and Connie Cronin 12'x50' storage shed at 303 Nevada St. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to approve building permit for Travis and Maria Swanson privacy fence, 20'x30' carport and 12'x16' front porch. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve building permit for Kelly and Amy Kerkman privacy fence at 102 Nebraska St. Voting aye: Schlecht, King, Kester, Hart. Voting nay: none. Abstain: Kerkman.

Motion by King, seconded by Kerkman, to approve armor coat bid from Topkote Inc. for \$2.378 per square yard for approximately 15,300 square yards of coating. Schlecht Trucking will deliver 229 tons of rock at \$35.63 per ton. Voting aye: King, Kerkman, Hart, Kester, Schlecht. Voting nay: none. Behnke suggested asking for armor coat bids now for next year so the village can get on a list early.

Chamber is asking for one-inch water line to be installed from the water main to rodeo grounds. Behnke stated he thinks the village ordinances state max of ¾" line unless there is special permission. King stated that he was approached by a resident who was upset that there were one-inch water lines from the curbstop to the duplex. Behnke said the residents could have whatever size lines they wanted on their property. Any decision was tabled until local ordinances and state statutes can be examined.

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Discussion held regarding whose responsibility it was to pay the bill for a water leak at 101 Nevada St. between the curbstop and meter pit. The board decided, based on the ordinance, to pay the plumber for the repair, then bill the resident for reimbursement. Hart expressed concern about the number of issues popping up.

Maintenance report presented. Dump truck was delivered to Sanne Service for clutch replacement. Big Iron will run an auction on the village's items for one week, ending Aug. 2. Discussion held regarding the little baseball field. The field was not used at all this season and no one camped in the area during rodeo. Kerkman suggested the possibility of using that end of the park for approximately four housing lots. Sheridan-Simonsen said it could qualify for TIF funds if the board was interested. No decisions were made.

Economic development report presented. Sheridan-Simonsen attended a conference regarding a brownfield program. NDEE is willing to test air quality around dilapidated buildings in Clearwater, free of charge, to assess the amount of asbestos being spread in the air. This could lead to available grant funds for demolishing. Nearly 40 request for proposal letters were sent to area contractors for the library remodel with a bid deadline of July 20. The duplex project is almost complete so an open house and ribbon-cutting will be scheduled soon.

Discussion held regarding Sheridan-Simonsen's request for an additional eight percent increase on the upcoming year's contract on top of the annual five percent. Motion by Kester, seconded by Kerkman, to approve the full 13 percent increase for next year's contract for economic services through Neligh. Voting aye: Kester, Kerkman, Hart Schlecht. Voting nay: King.

Kerkman asked an Amish construction crew who refinished the front of the Legion café building how much they would charge to refinish the overhang on the front of the library. They gave a verbal estimate of approximately \$1,000 and Kerkman thinks there will be about \$2,000 in supplies. The project has been put on hold since the whole window wall front of the library needs to be replaced, not just the door. Glass Edge of Norfolk supplied a quote to put weather-stripping on the office door and flip it to swing outward for \$1,182, replace the full window front of the library with door for \$13,296, and looked at the fire hall to ambulance bay door to see how it could be left unlocked. A decision was tabled until more proposals and options were received.

The library is planning several big fundraisers to earn money for the remodel. The first will be a tasting-style event with a variety of vendors on Sept. 9. Tickets will be \$30 apiece.

Park report presented. Bathroom doors still need to be replaced and once the ground dries out Behnke needs to tear down the little building by the playground.

Clerk report presented.

Motion by Kester, seconded by Schlecht, to approve Resolution 2023-11 selling 507 First St. to Tony Blecher for \$2,000 with all but the east 30 ft. to be included in an easement for drainage. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by Kester, to waive three readings of Ordinance 2023-4 setting a \$50 late fee per dog per year for all dog owners who do not comply with licensing before the annual May 1 deadline. Voting aye: Schlecht, Kester, King, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Kerkman, to approve Ordinance 2023-4 setting a \$50 late fee per dog per year for all dog owners who do not comply with licensing before the annual May 1 deadline. Voting aye: Kester, Kerkman, Hart, King, Schlecht. Voting nay: none.

Agenda item 15 was tabled until next month because the item was mislabeled as a resolution instead of an ordinance and the number was incorrect.

Public comment heard regarding the sending of nuisance violation letters. Chantel King spoke, stating that she would like to see the letters stopped because townspeople have told her they feel harassed and picked on. She also feels that the cost to send a certified letter is too steep and a waste of money. She stated people have threatened to move and/or close their businesses and take them elsewhere if it continues. She said this is Clearwater, not some big city, and people shouldn't be so picky about other people's yards. Sharon King said she feels harassed, stalked and discriminated against. Her letter included tall raspberry bushes as weeds and she shouldn't have to lose all privacy and cut them down. She also stated it wasn't fair that a ditch was filled in near her but hers is so steep she can barely mow it. Kerkman reminded her the village plans to fix her ditch and have already discussed it with her. Brian King said his included tractors he tinkers on during his time off and it wasn't right to be so picky that people felt they couldn't have projects in their yard. Kester stated he can see both sides of the issue, but that the previous board concentrated on getting only a few people to clean up and he felt that was unfair, that it should be all or none. Kyle Petersen said it's hard for municipalities to effectively enforce ordinance violations. Chantel asked when enough is enough to stop pestering residents. Petersen suggested that if the board thinks the codes are too strict, to amend the code book and take some off the books. He told the board that selective enforcement is worse than no enforcement. Clerk is the code enforcement officer per Clearwater municipal codes. Board was confused because they thought certified letters sent in June were supposed to be for unlicensed vehicles and vacant properties, not every violation like the clerk sent. Hupp said that was a mistake on her part. While speaking of vacant properties, King asked Petersen how the registration fine can go up to \$2,500 if the code book states a maximum of \$500 fines. Petersen said it was based on the per-day portion of that code.

Discussion held regarding feral cats in town. Hart asked if Behnke has time to catch cats if the board puts ordinances in place. Kester stated he contacted other towns and the best he found was community members who trap, spay/neuter, release cats in the community at the group's expense. Petersen said cats fall under the

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running at large ordinance used for dogs, but if cats don't wear collars and no one claims them, there's nothing the village can do. Sheridan-Simonsen said she thought microchip readers were about \$150 and suggested the town invest in one. Schindler asked why cat licensing wasn't required. Kerkman stated it was because, until last month, none of the board knew it was an issue since residents hadn't said anything. The board would like community input and suggestions as there don't seem to be any clear ways to fix the problem. Schindler said she will put it in the newspaper and help spread the word.

No sheriff's report presented.

Unfinished business discussed. Zegers lot will be cleared this month so the board can get a clear look at whether it needs to continue to be used. It will also be included in the armor coating this year and if the village stops using a portion of the lot, it will be the last armor coating paid for by the village.

Sheridan-Simonsen said there was positive feedback on whether to paint parking lines on Main St. Kester said he wasn't necessarily against it, but Behnke has other things to do and Kester doesn't believe that is a high priority. It was tabled to be discussed during public meetings for downtown revitalization planning.

New business discussed. Regina Krebs usually prepares the village's annual budget which is due the end of September. She is currently out of her office with health issues, and while her secretary assured Hupp that it would be no problem for Krebs to put together this year's budget, the board was worried, especially since they want to hold a budget workshop and change things in the budget, that there wouldn't be enough time.

Motion by Kerkman, seconded by Hart, to hire Gina Northcutt from Professional Accounting Solutions in Norfolk to prepare the 2023-2024 budget and host the budget workshop. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Confirmed Monday, Aug. 14 at 8 p.m. as next regular meeting with budget workshop to be held at 7 p.m.

Motion by Kester, seconded by Schlecht, to enter into executive session at 10:04 p.m. to discuss litigation and for prevention of needless injury to an individual. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by King, seconded by Kester, to exit executive session at 10:42 p.m. Voting aye: King, Kester, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by Schlecht, to approve claims and payroll. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none. Claims: \$426,977.80; wages: \$9,067.71.

**General Checking**

Intuit QuickBooks, srv, 587.43; Loffler, srv, 717.21; US Post Office, sup, 278.96; Cornhusker Press, sup, 73.65; Bomgaars, sup, 997.49; Precision IT, srv, 307.50; Reinke's Farm & City Service, sup, 119.19; American Legion Emblem Sales, sup, 209.45; WEX Bank, fuel, 702.45; AKRS Equipment, sup, 159.73; NNTC, util, 214.62; Main St. Repair, srv, 399.00; Clearwater Market, sup, 53.75; Carquest of Neligh, sup, 8.83; Neligh Auto & Machine, sup, 355.85; Orval's Auto Service, sup, 21.00; ERPPD, util, 1,417.53; Black Hills Energy, util, 90.43; Bob Kester, srv, 81.00; ColdType Publishing, adv/sup/rent, 730.68; Clearwater Public Library, tnfr, 2,250.00; Jarecki Sharp Petersen, lgl, 339.60; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,553.44; General Savings, tnfr, 2,553.44; Neb. Dept. of Revenue, tx, 1,958.80; Capital One Spark, sup, 131.25; EMC Insurance, ins, 4,106.72; Payroll, pay, 7,515.57.

**Water/Sewer Checking**

Neb. Public Health Enviro Lab, srv, 15.00; Flenniken Electric, srv, 2,270.60; One Call Concepts, Inc., srv, 8.34; ERPPD, util, 839.49; US Post Office, sup, 132.00; Bud's Sanitary Service, srv, 2,714.00; Cornerstone Bank, loan, 394,744.25; Neb. Dept. of Revenue, tx, 506.53; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

**Economic Checking**

ColdType Publishing, rent, 60.00.

**Fire Checking**

Orval's Auto Service, sup, 24.00.

**Library Checking**

Capital One Spark, srv, 42.34; Payroll, pay, 1,552.14.

**Credit Card**

Big John Mfg. Co., sup, 116.30; GoDaddy.com, dues, 42.34; Rackspace email, srv, 14.95.

Motion by Kerkman, seconded by Schlecht, to adjourn the meeting. Voting aye: Kerkman, Schlecht, Hart, Kester, King. Voting nay: none. Meeting adjourned at 10:43 p.m.

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Chairperson

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Clerk