

# VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING AUGUST 14, 2023

The Board of Trustees of the Village of Clearwater met in regular session Monday, August 14, 2023, at 8 p.m., in the fire hall meeting room. Meeting was opened at 8:05 p.m. Notice of meeting was given in advance by publication in *Summerland Advocate-Messenger*, was 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, Steve & Michelle Stearns, Mike Klabenes, Curt Thiele, Tony Blecher, Andrew Blecher, Amy Shane from Holt/Boyd Community Connections, Sheriff Bob Moore, Reed Miller from Miller & Associates, Bobbi Pettit and Lowell Schroeder from Five Rule Rural Planning.

Motion by Hart, seconded by King, to approve minutes of the regular July 10, 2023 meeting as presented. Voting aye: Hart, King, Kerkman, Kester, Schlecht. Voting nay: none.

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

Late utility bills presented. No customers received disconnect notices.

Steve Stearns presented the board with a group idea to create a veterans' memorial mural and park on the south side of the library. The board stated they were open to the idea and wanted to see plans at the Sept. meeting.

Kerkman asked to table public hearing for the American Legion Post 267 catering endorsement request for the liquor license until next month when his name can be removed from the liquor license.

Motion by Hart, seconded by Kester, to approve building permit for Tyler Hubert fence at 201 Colorado St. Voting aye: Hart, Kester, Kerkman, King, Schlecht. Voting nay: none.

Maintenance report presented. Discussion held regarding fiscal responsibility to replace culverts under resident driveways. Clerk Hupp will ask other towns and report next month. Condensation in the well room at the library is creating a wall in the library to get wet. Dehumidifiers are running right now but a more permanent solution will need to be considered. Behnke to get quotes for graveling and grading Neuer St.

Motion by Hart, seconded by Schlecht, to approve pay request #2 for \$4,095 to Five Rule Rural Planning for DTR planning, with \$409.50 to be paid with village's match funds. Voting aye: Hart, Schlecht, King, Kester, Kerkman. Voting nay: none.

Bobbi Pettit from Five Rule Rural Planning presented the timeline for downtown revitalization planning in order to apply for the DTR grant next year.

Pettit presented a proposal for vacant property code enforcement. Pettit grew up in a small town and has a background in the abatement process. King stated this wasn't Kearney or a big city, that he wasn't interested and that it would cause more discontent among residents. Hart stated she didn't think it was necessary but that it should be discussed in executive session. Curt Thiele informed Pettit that no one wants to build on the north side of town, where most of the vacant buildings are, because of the floodplain. After some heated discussion, Pettit formally withdrew her proposal.

A public hearing for the one- and six-year street improvement plan was opened at 8:45 p.m. Reed Miller from Miller & Associates presented the plan from last year and the board agreed that it didn't need to be changed. Miller informed the board that Clearwater will receive about \$6,000 more in State highway allocation funds than last year. No public discussion was heard.

Motion by Hart, seconded by Kester, to close the one- and six-year street improvement plan hearing at 8:49 p.m. Voting aye: Hart, Kester, Kerkman, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by King, to approve Resolution 2023-13 setting the one- and six-year street improvement plan. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by, King, to approve Resolution 2023-14 certifying annual compliance with the Nebraska Board of Public Roads street superintendent program. Voting aye: Hart, King, Kerkman, Kester, Schlecht. Voting nay: none.

Discussion held regarding the possibility of building houses over the unused small baseball field. According to board members, resident opinions have varied from indifferent to positive, but some have been leery of getting rid of the field in case the youth population grows again. Decision was made to leave it as is for now.

Economic development report presented. A ribbon cutting and open house was held Aug. 10 for the completed NAHTF grant duplexes. No bids were received from the nearly 40 letters sent to construction companies for the library remodel. Telehealth room construction has not begun but is due to be completed by the end of December 2023.

Motion by Kester, seconded by King, to approve the 2023-2024 economic development services contract with City of Neligh for \$16,482.27. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Discussion held regarding the status of the burned trailer at 207 Colorado St. The State has offered to pay the fees for removing the debris. Spud Trucking will remove within a couple of weeks. Amy Shane from Holt/Boyd Community Connections has been working with the family and the State to clean up the property and provide new housing. The family has refused to leave the property and won't surrender the 30 dogs in the second trailer house. They also seem resistant to abate other nuisance ordinance violations on the property. The State will not provide new housing unless those items are taken care of. A church group from Norfolk was given permission to give the family a tent to use temporarily and that is what the family is currently living in. No one is sure what will happen when winter hits. Sheriff Moore stated a court order

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would be required in order to forcibly remove the dogs. He said it is a slow process that is hindered even more by language and cultural barriers. Petersen will investigate the possibility of obtaining a court order. Tony Blecher asked what the maximum number of dogs in town is, the board told him there isn't one, and what the state statutes are regarding dogs and kennel requirements. Hupp will find those statutes and bring to the next meeting. The church group asked if they could provide a port-a-potty for the family or an RV. The board had concerns about sewage overflow if permission was granted. A suggestion of placing the RV at the RV park was made, but the board felt that if the family agreed to live there, they would view it as a permanent housing solution instead of temporary.

Motion by Kerkman, seconded by Schlecht, to deny permission for a port-a-potty or RV to be placed at 207 Colorado St. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Library report presented. LuAnn Schindler said that due to the lack of contract bids and issues booking vendors, the fundraiser scheduled for Sept. 9 has been canceled for now. Schindler is still waiting for bids to construct a solid front wall for the library. It was also mentioned that the roof and gutters on the building need to be fixed.

Approval of bids for front wall construction for the library was tabled until more bids could be received.

No park or clerk reports presented.

Blecher asked for clarification of easement requirements on the resolution for sale of 507 First St. He asked whether he was allowed to put gravel or a fence in the easement area as long as he understands that the village has the right to tear them up to repair drainage. The board said they didn't have a problem with that as long as it didn't impede drainage as it was now. Blecher also presented a survey left from Chris Herley and asked if that was sufficient to use. Petersen gave his approval. Behnke will need to use metal detector to find location of pins.

Motion by King, seconded by Kerkman, to approve sale of 507 First St. to Tony Blecher with clarifications as stated and current survey as presented. Voting aye: King, Kerkman, Hart, Kester, Schlecht. Voting nay: none.

Blecher agreed to pay the \$2,000 sale price as well as \$400 in attorney fees to the village.

Sheriff's report presented. July hours were 60.23 with 10 911 calls.

Kerkman presented a small article the town of Stuart puts in their local paper once or twice a year explaining local ordinances the residents should be aware of. He suggested starting something like that in Clearwater. The board agreed and asked Schindler if she would be willing to assist. She said she could help.

Hupp asked how to make sure everyone with unlicensed dogs gets a late fee assessed to them. The board stated not to worry about it unless an unlicensed dog is caught running loose.

Discussion held regarding feral cats. The board knows of a local farm that is willing to take as many stray cats as they can get. Live traps could be obtained from the village and Behnke could take any cats caught to the farm. There was concern that if the village is involved there should be an ordinance in place. Decision was tabled until an ordinance could be created.

Hupp reached out to Bud's Sanitary Service to discover they will be implementing trash totes in all their service communities. Clearwater's contract is to be renewed in January, but Bud's suggested beginning the process now to get a cheaper tote rate. The board agreed and will sign an amendment to the contract in September. New rates will also be set at the September meeting.

King spoke about a resident request to investigate the possibility of extending the culverts on the west side of Main St. from the grocery store to the highway, then the highway to Clearwater Feed. The purpose would be to extend the sidewalk and make it easier and safer to cross the highway. The State will have to be contacted to ask what the process is and whether the State is willing to pay for such a project.

Confirmed Monday, Sept. 11 as next meeting date.

Motion by Kerkman, seconded by Schlecht, to enter executive session at 9:59 p.m. to discuss ongoing litigation and prevent needless injury to an individual. Sheriff Moore was asked to remain. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Motion by Hart, seconded by Kester, to exit executive session at 10:16 p.m. Voting aye: Hart, Kester, Kerkman, King, Schlecht. Voting nay: none.

Motion by Kerkman, seconded by Hart, to approve Schlecht Trucking claim of \$9,079.59 for armor coating rock delivery. Voting aye: Kerkman, Hart, Kester, King. Voting nay: none. Abstain: Schlecht.

Motion by Hart, seconded by King, to approve remaining claims and payroll. Voting aye: Hart, King, Kester, Schlecht, Kerkman. Voting nay: none. Claims: \$72,379.70; wages: \$7,668.92.

## General Checking

Precision IT, srv, 167.00; Quality Iron & Metal, sup, 109.15; AKRS Equipment, sup, 29.06; Farmers Pride, sup, 50.00; Beringer Tax & Accounting, srv, 70.00; Miller & Associates, srv, 545.50; Nebraska Dept. of Ag, dues, 175.00; Barco Municipal Products, sup, 301.64; WEX Bank, fuel, 466.06; League of Neb. Municipalities, dues, 722.00; Quill, sup, 69.02; NNTC, util, 203.49; Arbor Day Foundation, dues, 25.00; Loggerhead Navigation Co., sup, 3,024.99; ERPPD, util, 1,387.25; Black Hills Energy, util, 82.60; ColdType Publishing, adv, 169.44; Neb. Dept. of Revenue, tx, 1,686.86; Water/Sewer Checking, tnfr, 1,367.60; Jarecki Sharp Petersen, lgl, 802.50; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,631.84; General Savings, tnfr, 2,631.84; Capital One Spark, sup, 994.06; EMC Insurance, ins, 4,106.72; Payroll, pay, 6,179.10.

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**Water/Sewer Checking**

Blain Pumping & Plumbing, srv, 8,078.85; Flenniken Electric, srv, 1,730.98; Municipal Supply of Omaha, sup, 9,510.16; Kane Fry, srv, 286.96; League of Neb. Municipalities, dues, 378.00; One Call Concepts, Inc., srv, 5.98; ERPPD, util, 738.78; US Post Office, sup, 161.90; Bud's Sanitary Service, srv, 2,640.25; General Checking, tnfr, 8,501.55; Neb. Dept. of Revenue, tx, 501.78; Water Savings, tnfr, 685.00; Sewer Savings, tnfr, 865.00; Lagoon Savings, tnfr, 1,450.00.

**Economic Checking**

Lauren Sheridan-Simonsen, reimb, 68.32.

**Fire Checking**

Quick Med Claims, srv, 259.75.

**Library Checking**

Clearwater Market, sup, 48.46; Petty cash, cash, 85.84; Capital One Spark, srv, 186.68; Payroll, pay, 1,489.82.

**Grant Checking**

Five Rule Rural Planning, srv, 4,095.00.

**Credit Card**

Hobby Lobby, sup, 26.76; Target, sup, 16.04; GoDaddy.com, srv, 143.88; Walmart, sup, 905.61; Amazon, sup, 88.45.

Motion by Schlecht, seconded by Kester, to waive three readings of Ordinance 2023-6 setting a utility deposit of \$150 for all new customers. Voting aye: Schlecht, Kester, King, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by King, to approve Ordinance 2023-6 setting a utility deposit of \$150 for all new customers. Voting aye: Hart, King, Kerkman, Kester, Schlecht. Voting nay: none.

Motion by King, seconded by Kester, to waive three readings of Ordinance 2023-7 setting monthly sewer rates to \$43.50 except ESU Learning Center which will pay \$87 for two hook-ups, and the apartment complex which will pay \$43.50 for each unit. Voting aye: King, Kester, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by King, to approve Ordinance 2023-7 setting monthly sewer rates to \$43.50 except ESU Learning Center which will pay \$87 for two hook-ups, and the apartment complex which will pay \$43.50 for each unit. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Schlecht, to adjourn the meeting. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none. Meeting adjourned at 10:27 p.m.

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Chairperson Kelly Kerkman

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Clerk Angie Hupp