

**VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF BUDGET HEARING,  
TAX REQUEST HEARING AND REGULAR MEETING  
SEPTEMBER 11, 2023**

The Board of Trustees of the Village of Clearwater met for a budget hearing Monday, September 11, 2023 at 7 p.m., in the fire hall meeting room. Hearing opened at 7 p.m. Notice of hearing was given in advance by publication in *Summerland Advocate-Messenger*, was posted at US Post Office in Clearwater, Clearwater Market, and Cornerstone Bank-Clearwater and was given to board members prior to meeting. Public was informed of location of Open Meeting Act poster.

Present: Kelly Kerkman, Cody Kester, Brian King, Jeff Schlecht. Others present: Clerk Angie Hupp, Economic Development Director Lauren Sheridan-Simonsen, Reporter LuAnn Schindler. Absent: Marsha Hart.

Clerk Hupp presented the budget as prepared by accountant Gina Northcutt based on numbers used at the August budget workshop. The Village budget estimates expenditures valuing \$1,868,443 for the 2023-2024 fiscal year. Board suggested receiving quarterly reports from Hupp showing how much has been spent in each category so they have a better idea where money needs to go in future. Board opened the floor for public participation, but none was heard.

Motion by Kester, seconded by King, to approve closing budget hearing at 7:06 p.m. Voting aye: Kester, King, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

The Board of Trustees of the Village of Clearwater met for a tax request hearing Monday, September 11, 2023 immediately following the budget hearing, in the fire hall meeting room. Hearing was opened at 7:06 p.m. Notice of hearing was given in advance by publication in *Summerland Advocate-Messenger*, was posted at US Post Office in Clearwater, Clearwater Market, and Cornerstone Bank-Clearwater and was given to board members prior to meeting. Public was informed of location of Open Meeting Act poster.

Present: Kelly Kerkman, Cody Kester, Brian King, Jeff Schlecht. Others present: Clerk Angie Hupp, Economic Development Director Lauren Sheridan-Simonsen, Reporter LuAnn Schindler, Rustin Fletcher, Angie Fletcher. Absent: Marsha Hart.

Hupp explained request for additional one percent increase in restricted funds. The Village is only allowed an increase of two and one-half percent in funds received through property, motor vehicle and sales taxes, municipal equalization aid and highway allocations. The purpose of approving the extra one percent is to allow the village to receive any extra funds that may become available. If the board votes against it, the village would not be allowed to receive the extras. Board opened the floor for public participation, but none was heard.

Motion by Kester, seconded by Schlecht, to approve closing tax request hearing at 7:08 p.m. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, September 11, 2023 immediately following the tax request hearing, in the fire hall meeting room. Meeting opened at 7:09 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, and Cornerstone Bank-Clearwater and was given to board members prior to meeting. Public was informed of location of Open Meeting Act poster.

Present: Kelly Kerkman, Cody Kester, Brian King, Jeff Schlecht. Others present: Clerk Angie Hupp, Economic Development Director Lauren Sheridan-Simonsen, Reporter LuAnn Schindler, Rustin Fletcher, Angie Fletcher, Steve Stearns, Don Zegers, Louis Herley, Melvin Ahlers, Adam Ahlers, Maintenance Operator Troy Behnke, Randy Schlecht, Cole Scott, Amy Scott, Attorney Kyle Petersen, Antonia Martinez, Juan Martinez, Bruce Anderson, Amy Shane from Holt/Boyd Community Connections, Interpreter Paola Parra, Sheriff Bob Moore. Absent: Marsha Hart.

Motion by Kester, seconded by King, to approve minutes from August 14, 2023 budget workshop. Voting aye: Kester, King, Kerkman, Schlecht. Voting nay: none. Absent: Hart.

Motion by Schlecht, seconded by Kester, to approve minutes from August 14, 2023 regular meeting. Voting aye: Schlecht, Kester, King, Kerkman. Voting nay: none. Absent: Hart.

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

Late utility bills presented. One customer received disconnect notice.

Motion by Schlecht, seconded by Kerkman, to approve increasing the total restricted funds authority for fiscal year 2023-2024 by one percent (1%). Voting aye: Schlecht, Kerkman, Kester, King. Voting nay: none. Absent: Hart.

Motion by Kester, seconded by Schlecht, to approve fiscal year 2023-2024 budget as published and presented at budget hearing. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

Motion by Kerkman, seconded by Kester, to approve Resolution 2023-15 setting final tax levy request and adopt budget appropriation for fiscal year 2023-2024. Voting aye: Kerkman, Kester, King, Schlecht. Voting nay: none. Absent: Hart.

Discussion held with Don Zegers and Louis Herley regarding passing of Ordinance 2023-7 in August, setting new sewer rates that include charging the apartment complex, owned by Zegers, sewer for each unit, as opposed to a single rate for the whole building as has been done for the past approximately five years. Zegers asked how the board could change the ordinance with no hearings or letter. The board stated they waived three readings of the ordinance as allowed by law and Zegers was sent a letter, which he stated he never received. He informed the board that Neligh charges a monthly base of \$22 and gallons used for a three-month period. Zegers asked how a house would be charged if they had four or five bathrooms and why the apartment should be any different than a large house or family. He asked how the former school building

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is charged and was informed the ordinance also addressed that and the building, now owned by ESU, is charged for two sewer connections. Zegers was told that the apartment had been charged for eight sewer connections in the past and replied that it was different because it was low-income at that time and tenants were receiving State vouchers. Zegers suggested the board consider a commercial rate for all commercial buildings, including the apartment, that is higher than residential but cheaper than him paying for eight units, especially when units are empty. Board said they would discuss the idea of commercial sewer rates. Schlecht pointed out that most houses in town consist of only one bathroom so why shouldn't the apartment, which considers each unit a separate house, pay sewer for each. Board told Hupp to forgive seven sewer charges on apartment bill for the month of August so more discussion could be held to settle the dispute.

Steve Stearns presented a 3D rendering and rough estimate of proposed veterans' memorial park on the south lawn of library. Stearns stated a lot of towns are creating parks and some have spent upwards of \$300,000. The Clearwater group is looking at closer to \$61,000 to include an entry sign, veteran definition marker, six flagpoles, two life-sized bronze statues, privacy fence – possibly utilizing some the village already has, memorial name wall, sidewalks, benches and minimal care landscaping. Stearns stated they haven't begun asking for donations yet because they wanted to get the board's permission to use the land first. Adam Ahlers suggested asking the wind farm companies for donations to the project. Motion by Kester, seconded by Kerkman, to approve lawn south of the library building for use as a veterans' memorial park. Voting aye: Kester, Kerkman, King, Schlecht. Voting nay: none. Absent: Hart.

Economic development report presented. Bobbi Pettit with Five Rule Rural Planning has a planning team meeting scheduled for Wednesday, Sept. 13 to begin downtown revitalization plans. Lauren Sheridan-Simonsen and Hupp have had communication issues with CDS Inspections and have no idea of the status of duplex sales applications. Sheridan-Simonsen told the board the options were to keep moving along and hope we hear soon or rescind the contract with CDS and hire Northeast Nebraska Economic Development or another company and hope to get faster results. No decision was made. The village is still struggling to find contractors to bid the library remodel.

Sheridan-Simonsen presented a recommendation from the LB840 loan review committee to approve a \$22,000 LB840 grant to Kidz Corner Clubhouse for expansion. Angie Fletcher has run the daycare for more than 15 years and is in the process of expanding to hold two in-home centers along with a three-year-old preschool. The original \$50,000 project was approved by the State Fire Marshal but a second inspection was rejected as changes to the code had been made, costing the Fletchers an additional \$20,000 to become approved. Motion by Kester, seconded by King, to approve the \$22,000 LB840 grant for Kidz Corner Clubhouse. Voting aye: Kester, King, Kerkman, Schlecht. Voting nay: none. Absent: Hart.

Citizens Advisory Review Committee hearing was opened at 8:06 p.m. Lauren Sheridan-Simonsen presented the report. Motion by Kester, seconded by Schlecht, to close the Citizens Advisory Review Committee hearing at 8:09 p.m. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

Opened liquor license hearing for Class D liquor license application for Western Oil II, LLC dba Speedee Mart #2880 at 8:09 p.m. Kerkman stated this was the same liquor license Hi-Way Mart had, but since the business was purchased by Western Oil, a new liquor license needed to be approved.

Motion by Schlecht, seconded by Kerkman, to close liquor license application hearing at 8:10 p.m. Voting aye: Schlecht, Kerkman, Kester, King. Voting nay: none. Absent: Hart.

Motion by King, seconded by Kester, to approve Class D liquor license application for Western Oil II, LLC dba Speedee Mart #2880. Voting aye: King, Kester, Kerkman, Schlecht. Voting nay: none. Absent: Hart.

No discussion was held regarding the plumbing bill for 101 Nevada St. as the owners did not attend the meeting. The board upheld their decision that the owners owed for the repair.

Maintenance report presented. Topkote plans to armor-coat 18 blocks of streets within the coming week. Troy Behnke preparing quotes for new mowers. Jesse McKillip asked Behnke if he could remove the bushes and falling-down fence between the maintenance shop and McKillip's house and replace the fence with some the village already owns. Kester stated that the village can clean it up but McKillip already plans to fence his backyard and if he wants a fence there, can include it in his plans. Kerkman told Behnke to count how much fence is left so there is an idea if there's enough for what is already planned, then a decision could be made. Behnke stated the library roof should be inspected before the remodel is started in case the roof needs repairs. The gutters are hanging off the back wall so there are likely going to be outside repairs needed.

Cole and Amy Scott presented a jar of manganese-filled water. They have been fighting slime in their water system and replacing filters weekly since the fire hydrant next to their house was replaced. Behnke stated he has flushed the hydrant several times and the water comes out clear so the issue must be in Scott's lines. Behnke suggested the board approve waiving water fees to the Scotts for one month and let them run the hydrant next to their house to try to fix the problem. He will also run low levels of chlorine in the village lines this month. They also asked about the status of the plugged culvert the county is supposed to come clean. Behnke and Kerkman stated they have both told the county about it and suggested the Scott's call the road boss themselves and ask to have it cleaned out. Scotts asked whether it would be feasible to have their road sprayed with soybean oil to keep dust down. Kerkman said they did that by his dad's and the road is so hard it can't be grated and that it's a short-term solution. No decision was made on the spraying but the board agreed to waive water payment on the October bill so the Scotts can flush their system. The board will be

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placed on the county commissioner's agenda for the October 3 meeting to discuss the status of River Rd. north of Hwy. 275 and Nebraska St. east of River Rd.

Motion by Kester, seconded by King, to approve hiring Steve Hankla to finish out the mowing season now that summer help has returned to school, at a rate of \$15/hour. Voting aye: Kester, King, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

Library report presented. LuAnn Schindler asked about leak and mold that was discovered in the well room causing issues in a corner of the library. Behnke stated he removed the drywall from the well room wall and sprayed with bleach, put a bucket under the leaking valve and tightened it. Library is still waiting for quotes for the remodel.

Park report presented. Schindler asked whether there are cameras facing the proposed veterans' memorial park and suggested they might want to be added.

Opened hearing for American Legion Post 267 liquor license catering endorsement at 8:33 p.m. Kerkman explained a Class C license is only allowed so many special liquor licenses a year but a catering endorsement is allowed more. The Legion has more planned this year and decided it would be a good idea to add the catering endorsement. Motion by Schlecht, seconded by King, to close the hearing at 8:34 p.m. Voting aye: Schlecht, King, Kester. Voting nay: none. Absent: Hart. Abstain: Kerkman.

Motion by Kester, seconded by King, to approve a Class C liquor license catering endorsement for American Legion Post 267. Voting aye: Kester, King, Schlecht. Voting nay: none. Absent: Hart. Abstain: Kerkman.

After the Legion and Waterhole were called before the Nebraska Liquor Commission, it was suggested that they get their special liquor licenses approved this year in case the Commission had any required changes. Motion by Kester, seconded by Schlecht, to approve the special liquor license for the Clearwater Chamber rodeo June 28-30, 2024. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

Motion by Kester, seconded by King, to approve the special liquor license for American Legion Post 267 street dance and concert June 28-29, 2024. Voting aye: Kester, King, Schlecht. Voting nay: none. Absent: Hart. Abstain: Kerkman.

Motion by Kester, seconded by Schlecht, to approve the special liquor license for The Waterhole street dance and concert June 28-29, 2024. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

Clerk report presented.

Motion by Schlecht, seconded by Kester, to approve contract with Stearns Construction for duplex building project, as required for the NAHTF grant. Voting aye: Schlecht, Kester, King, Kerkman. Voting nay: none. Absent: Hart.

Motion by King, seconded by Kester, to approve audit services by Lengemann & Associates for \$17,000 including a single audit. Voting aye: King, Kester, Kerkman, Schlecht. Voting nay: none. Absent: Hart.

Motion by Kerkman, seconded by Kester, to approve transferring \$300,000 left from the lagoon operating note in grant checking to a CD to use for the USDA's required water/sewer reserve. Voting aye: Kerkman, Kester, King, Schlecht. Voting nay: none. Absent: Hart.

Motion by Kester, seconded by King, to approve designating \$30,000 in general checking to street fund to balance fund for 2022-2023 fiscal year. Voting aye: Kester, King, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

Motion by Schlecht, seconded by King, to approve amendment to Bud's Sanitary Service contract to include tote services and change in price to \$18 per user and \$5 per extra tote or dumpster. Voting aye: Schlecht, King, Kester, Kerkman. Voting nay: none. Absent: Hart.

Discussion held regarding feral cats. Kerkman stated that he thinks the board should uphold decision to let individual residents take care of feral cats in the community as there are too many issues with the village taking charge.

Discussion held regarding asking State to extend culverts and sidewalks on west side of Main St. to connect sidewalk to crosswalk across Hwy. 275. Motion by Kerkman, seconded by Kester, to approve approaching State to investigate extending culverts and sidewalks on west side of Main St. to connect to crosswalk on Hwy. 275. Voting aye: Kerkman, Kester, King, Schlecht. Voting nay: none. Absent: Hart.

Discussion held regarding unlicensed vehicles. Letters have been successful but there are still unlicensed vehicles that need to be addressed. Hupp will drive around noting said vehicles and send the owners another letter.

Motion by Kester, seconded by King, to waive three readings of Ordinance 2023-8 selling 507 First St. to Tony Blecher. Voting aye: Kester, King, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

Motion by Schlecht, seconded by Kester, to approve Ordinance 2023-8 confirming the sale of real estate located at 507 First St. for \$2,000 to Tony Blecher. Voting aye: Schlecht, Kester, King, Kerkman. Voting nay: none. Absent: Hart.

Motion by Kester, seconded by Schlecht, to waive three readings of Ordinance 2023-9 setting trash rates. Voting aye: Kester, Schlecht, King, Kerkman. Voting nay: none. Absent: Hart.

Motion by King, seconded by Schlecht, to approve Ordinance 2023-9 amending trash service rates to \$21/month residential, \$25/month commercial, \$18/month seniors 65 and older and \$5/month for additional totes or dumpsters. Voting aye: King, Schlecht, Kerkman, Kester. Voting nay: none. Absent: Hart.

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Discussion held with Antonia Martinez of 207 Colorado St., with the assistance of interpreter Paola Parra and Amy Shane from Holt/Boyd Community Connections. Martinez was informed that Spud Trucking is supposed to remove the remainder of the burned trailer within the week. Shane asked the board if they thought utilizing a mediation center would be beneficial to the situation. Attorney Kyle Petersen stated he would be interested hearing what the family expects to happen because if they aren't willing to work with the village, mediation wouldn't help. King said he's seen a lot of progress made with mediation and suggested the village try it. Martinez stated through Parra that they would like a livable place with basic amenities before winter, regarding of whether it's an RV or mobile home. Shane stated that her company may be able to assist the family with their portion of mediation fees so it doesn't fall on the village.

Motion by Kerkman, seconded by Schlecht, to approve utilizing mediation services and paying the associated fees for Kerkman, Kester, and Petersen to attend. Voting aye: Kerkman, Schlecht, Kester, King. Voting nay: none. Absent: Hart.

Sheriff's report presented. August included 67.87 hours and three 911 calls. Sheriff Moore asked if there was anyone to take the dogs at 207 Colorado St. Hupp stated there is a rescue service that has agreed to take them if that decision is agreed on. He also asked about zoning and whether they could stop an RV from being brought onto the property. Petersen stated there's nothing to stop someone from putting it on their land, just if it's being lived in for an extended period. Hupp stated that the family doesn't have the means to purchase or haul an RV on their own and those who are assisting them are aware that the village vetoed allowing one to be used as extended living space so there shouldn't be too much worry over it. Sheriff asked about status of ordinance enforcement court case. The family has until Sept. 27 to abate the nuisances.

Motion by King, seconded by King, to approve contract for law enforcement services for Sept. 2023-Sept. 2025 at a monthly rate of \$1,302.25. Voting aye: King, Kester, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

Confirmed next meeting on Monday, Oct. 8, 2023 at 8 p.m.

Motion by Kester, seconded by King, to approve claims and payroll. Claims: \$30,452.99; wages: \$6,784.01. Voting aye: Kester, King, Schlecht, Kerkman. Voting nay: none. Absent: Hart.

**General Checking**

City of Neligh, srv, 4,299.62; Precision IT, srv, 131.00; Bomgaars, sup, 205.01; Professional Accounting Solutions, srv, 2,200.00; Main St. Repair, srv, 20.00; Neb. Municipal Clerks Assn., dues, 50.00; WEX Bank, fuel, 590.25; AKRS Equipment, sup, 172.50; Neligh Auto & Machine, sup, 20.99; NNTC, util, 103.09; Orval's Auto Service, sup, 58.00; ERPPD, util, 1,306.02; Black Hills Energy, util, 94.33; ColdType Publishing, adv, 300.96; Neb. Dept. of Revenue, tx, 1,497.54; Jarecki Sharp Petersen, lgl, 1,134.39; Antelope Co. Sheriff, srv, 1,202.25; Economic Savings, tnfr, 2,612.82; General Savings, tnfr, 2,612.82; Capital One Spark, sup, 100.70; EMC Insurance, ins, 4,106.72; Payroll, pay, 5,721.28.

**Water/Sewer Checking**

City of Neligh, sup, 71.68; Neb. Public Health Enviro Lab, srv, 30.00; Neb. Dept. Environment & Energy, sch, 150.00; One Call Concepts, Inc., srv, 9.52; ERPPD, util, 778.69; US Post Office, srv/sup, 161.90; Bud's Sanitary Service, srv, 2,640.25; Neb. Dept. of Revenue, tx, 599.91; Water/Sewer Savings, tnfr, 3,000.00.

**Economic Checking**

ColdType Publishing, adv, 84.00.

**Library Checking**

Clearwater Market, sup, 31.75; Capital One Spark, sup, 75.98; Payroll, pay, 1,062.73.

**Credit Card**

Amazon, sup, 176.68.

No attorney report presented.

Motion by Kerkman, seconded by Schlecht, to enter executive session prevent needless injury to an individual at 9:19 p.m. Voting aye: Kerkman, Schlecht, King, Kester. Voting nay: none. Absent: Hart.

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

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

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Chairperson Kelly Kerkman

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Clerk Angie Hupp