

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING DECEMBER 13, 2023

The Board of Trustees of the Village of Clearwater met for a regular meeting Wednesday, December 13, 2023 at 7 p.m., in the fire hall meeting room. Meeting opened at 7 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, Marsha Hart, Brian King, Jeff Schlecht. Others present: Clerk Angie Hupp, Economic Development Director Lauren Sheridan-Simonsen, Maintenance Operator Troy Behnke, Attorney Kyle Petersen and Jay Snider. Cody Kester arrived at 7:22 p.m.

Motion by Schlecht, seconded by Hart, to approve the November 13, 2023 regular meeting minutes as presented. Voting aye: Schlecht, Hart, King, Kerkman. Voting nay: none. Absent: Kester.

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

Jay Snider spoke to the board about the quality of his water. There has been sand in the lines for years and replacing the lines from the curbstop to his house didn't help. His water is now brown and sludgy unless filtered. He was there to ask when the board was going to hire a plumber to replace the curbstop and lines to the main for his house. Kerkman told him his lines were at the top of the list but just like in the past, the village was having problems getting a plumber to town to do the work. There was also a water leak on the north side of town they were waiting for the plumber to come fix. Kerkman asked Snider why the problem of his lines weren't fixed when Snider was on the board. Kerkman answered himself that a lot of it had to do with not having a plumber. Kerkman stated that the board was not trying to "screw over" the Sniders, they were simply struggling with plumbers. The village has hired Ryan Flenniken to be the town's go-to plumber but like other businesses, he can't find help and has more work than he can handle. Snider asked when the last time the fire hydrants had been flushed on that side of town. Troy Behnke hadn't arrived yet so they were going to ask him when he got there.

Motion by Hart, seconded by Schlecht, to approve Drawdown #5 for \$10,276.25 with \$9,276.25 in DTR grant funds and \$1,000 in local match funds to pay \$10,000 to Five Rule Rural Planning for planning and \$276.25 to NENEDD for grant administration. Voting aye: Hart, Schlecht, King, Kerkman. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by King, to approve Drawdown #7 for \$36,000 in NAHTF grant funds to pay \$2,000 to Stearns Construction for new construction costs, \$33,000 to Stearns Construction in developer fees and \$1,000 to CDS Inspections and Beyond for housing administration. Voting aye: Hart, King, Schlecht, Kerkman. Voting nay: none. Absent: Kester.

Kyle Petersen was asked what he'd found out regarding the possibility of hiring an accounting firm to audit the lagoon project. He said he found one but there were some things he wanted to discuss in executive session so it was tabled until the end of the regular meeting.

Troy Behnke arrived so Kerkman asked him when he'd last flushed the hydrants on Sniders side of town. He said it had probably been since June. Kerkman asked him to flush them this week. Behnke was also told that Snider mentioned an annual pressure test required by the State on fire hydrants. Behnke will contact Fire Chief Steve Hankla to get that taken care of. He was also told he should have daily logbooks where he writes down everything he does. Snider stated if the village ever requests FEMA funds, these logbooks would be required. They are also a great way to be able to easily remember when you last did a regular project.

Opened Citizen Advisory Review Committee hearing at 7:16 p.m. Lauren Sheridan-Simonsen presented the report. At the December 4, 2023 CARC meeting, the committee reviewed LB840 payments and revenue between April 1, 2023 and September 30, 2023 and found that LB840 funds are being spent in a manner appropriate with state statutes. Motion by Schlecht, seconded by Hart, to close the Citizen Advisory Review Committee hearing at 7:18 p.m. Voting aye: Schlecht, Hart, Kerkman, King. Voting nay: none. Absent: Kester.

Economic development report presented. Kerkman stepped out to contact Kester.

Motion by Hart, seconded by King, to appoint Nick Hoffman to the CARC board. Voting aye: Hart, King, Schlecht. Voting nay: none. Absent: Kester and Kerkman.

Discussion of a possible LB840 loan to Two Bills Steakhouse was tabled until the end of the regular meeting after discussion with the attorney could be held in executive session.

Motion by Hart, seconded by Kester, to approve transferring \$5,000 from economic savings to economic checking to cover match costs of telehealth room supplies and ED operating costs. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by King, to approve increasing LB840 loan application costs from \$35 to \$100 based on ED Director Lauren Sheridan-Simonsen's recommendation. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kerkman, seconded by Schlecht, to approve assisting CORE with a housing study light per State guidelines. The village will incur the cost of making copies and going door-to-door asking community members to participate in the survey. A full study costs thousands of dollars. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Maintenance report presented. Behnke received permission from the State to stop well chlorination. Behnke asked the board about putting together a shed by the tree dump to protect road salt from the elements. Kerkman was concerned about the suggestion Behnke made as it sounded like a cobbled-together project. Kerkman stated the village can't build a building they would send a violation letter to residents for, so more

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discussion needed to be held. Behnke said he is replacing the vanity in the girl's bathroom this week. The sink is hanging even more than before. Angie Hupp will purchase a daily planner for Behnke to begin daily logs with. It was also mentioned that an updated inventory list needed to be completed. Kester asked about placing reflective poles on corners and by fire hydrants before snow flies to make it easier for Behnke to plow.

No library report was presented but library items were discussed.

Motion by Hart, seconded by Kester, to approve opening a library savings account per request of the library board according to their November 27, 2023 meeting minutes. The account will be used for donations made to the library for improvements and programs. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

A brief discussion was held regarding the new library remodel plan that now includes moving the village office from its current location to the west end of the old ambulance bay. The village will be paying for more of the project because of the change, and everything will be done in phases beginning with the office. Hupp will publish and mail a request for proposals with contractors bidding on the full project but creating a separate bid for each phase.

No park report was presented but Kerkman did hand Behnke information on doors for the concession bathrooms.

Clerk report presented. Hupp reminded the board that Kerkman's and Kester's board terms are complete at the end of 2024. If they wish to run for another term, they have until July 15 to file with the county clerk's office. Other members of the community who would like to be placed on the ballot have until August 1. A notice of bids for armor coating 18 blocks of streets in 2024 has been published and mailed to a couple of contractors in hopes of getting on their list earlier in the year this time. Hupp explained that the utility billing system UBMax was bought by gWorks a year or two ago and gWorks is now trying to integrate the UBMax users into the gWorks program so Hupp will be working on transferring things to the new system. The cost is about \$300 more a year, but it's something that will eventually be required by the company and there aren't a lot of other options for the system. There was an agenda item to approve transferring to the new system but no action was required. The meter reading system is also changing and going to a subscription-based cloud program. The initial cost to integrate and train is \$4,170 including an annual subscription of \$1,200. This is another thing that will be an extra cost to the village but is required and there aren't many other options that aren't just as expensive. Hart asked whether some of the lagoon grant funds could be used to pay for the meter reading system set-up. Hupp said she would get hold of the USDA and find out.

No sheriff's report presented. Kerkman stated he had talked to the sheriff about clean-up at 307 Montana St. The sheriff has permission from the property owner to bring inmate help to clean and organize the property once the ground freezes. The village will supply the skid loader and any other equipment as may be required.

Motion by Kerkman, seconded by Schlecht, to approve Resolution 2023-16 certifying Reed Miller of Miller & Associates as Clearwater's street superintendent between Jan. 1, 2023 and Dec. 31, 2023. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Motion by Schlecht, seconded by Kester, to waive three readings of Ordinance 2023-10 setting wages and salaries for 2024. Voting aye: Schlecht, Kester, Kerkman, Hart, King. Voting nay: none.

Motion by Kerkman, seconded by Kester, to approve Ordinance 2023-10 setting wages and salaries for officers and employees of the Village of Clearwater commencing Jan. 1, 2024 and continuing through Dec. 31, 2024; repealing all ordinances in conflict; and providing for the publication of the ordinance in pamphlet form. The wages and salaries established are: Board of Trustees, \$900/year; Village Clerk/Treasurer, \$25/hour; Librarian, \$14.50/hour; Library Helpers, \$12.00/hour; Maintenance Operator, \$25/hour; Part-time Summer Employees, \$12.00/hour; Returning Summer Employees, \$15.00/hour; Cleaning Person, \$20.00/hour. There is established a \$50 per month cell phone stipend for the maintenance operator and clerk/treasurer for use of personal cell phones. Voting aye: Kerkman, Kester, Hart, King, Schlecht. Voting nay: none.

Motion by Kester, seconded by Kerkman, to waive three readings of Ordinance 2023-11 setting the meeting day, time and place for 2024. Voting aye: Kester, Kerkman, Hart, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Hart, to approve Ordinance 2023-11 setting the meeting day, time and place of regular meetings of the Village of Clearwater Board of Trustees; to repeal ordinances or parts of ordinances in conflict herewith; and to provide for the publication of the ordinance in pamphlet form. The regular meetings will be held at the fire hall meeting room on the second Monday of each month, at 7 p.m. unless published and posted otherwise. Voting aye: Schlecht, Hart, Kerkman, Kester, King. Voting nay: none.

Motion by Kester, seconded by King, to approve Cornerstone Bank in Clearwater as the official village bank for 2024. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Kerkman, seconded by Schlecht, to approve Kyle Petersen of Jarecki Sharp and Petersen as the official village attorney for 2024. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Discussion held regarding options for street superintendent and village engineer. Kerkman stated the options were to keep Miller & Associates or switch to Olsson Associates or Advanced Consulting Engineering Services. Kerkman said that John Zwingman at Advanced Consulting came highly recommended and was already working as the engineer on the DTR planning project.

Motion by Kester, seconded by Kerkman, to approve appointing John Zwingman, license #S-1397, of Advanced Consulting Engineering Services as street superintendent for 2024. Voting aye: Kester, Kerkman, King, Schlecht, Hart. Voting nay: none.

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Motion by Kerkman, seconded by Schlecht, to approve appointing John Zwingman, license #E-9608, of Advanced Consulting Engineering Services as street superintendent for 2024. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Unfinished business presented. Discussion held regarding need to replace Dave Timm on CORE board for 2024. Village board members will need to talk to community members and find a willing participant to appoint at the January meeting.

Discussion held regarding need to finalize use of ARPA funds. The federal government requires a plan be in place by April 2024, with contracts signed by Dec. 31, 2024 or funds will need to be returned. The board agreed to use the funds for the library remodel and after getting bids, they will decide before April what to use any remaining funds for.

No new business presented.

Motion by Kester, seconded by King, to enter executive session to receive legal advice and prevent needless injury to individuals at 8:04 p.m.. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by Schlecht, to exit executive session at 8:19 p.m. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to postpone hiring an accountant to audit the lagoon project until Petersen can get more information. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Motion by Schlecht, seconded by Kerkman, to approve \$30,000 LB840 loan to Mike Tabbert and Brian Ferris of Summerland Investments, LLC to open Two Bills Steakhouse at 211 Iowa St. with 15-year term at 5.5% fixed interest. Conditions include payoff of prior LB840 loan to Jim Swails of L Bar B, 180 on-time payments, trust deed homestead waiver, personal guaranty from all owners of Summerland Investments, LLC, lender title insurance and subordinate lien for Village of Clearwater, blanket security agreement and four to five full-time equivalent employees at all times. If business falls below the FTE requirement for 60 continuous days, they will be notified they have 30 days to remedy the issue or will be given an accelerated principal payoff of the loan. Voting aye: Schlecht, Kerkman, King, Kester, Hart. Voting nay: none.

Motion by Hart, seconded by King, to approve claims and payroll. Claims: \$122,173.53; wages, \$7,350.53. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

General Checking

Bomgaars, sup, 188.62; Precision IT, srv, 59.75; Miller & Associates, srv, 1,200.00; WEX Bank, fuel, 258.70; Sanne Service, srv, 2,183.73; Neligh Auto & Machine, sup, 170.60; Orval's Auto Service, srv, 654.50; NNTC, util, 161.21; Clearwater Market, sup, 79.08; Western Oil II, LLC, fuel, 112.74; ColdType Publishing, adv, 196.00; ERPPD, util, 1,233.67; Black Hills Energy, util, 390.12; Cornerstone Bank, sup, 25.00; Summerland Public School, fees, 775.00; Schacht Abstract & Title, ins, 75.00; Jarecki Sharp Petersen, lgl, 817.50; Antelope Co. Sheriff, srv, 1,302.25; Economic Savings, tnfr, 3,738.87; General Savings, tnfr, 3,738.87; Neb. Dept. of Revenue, tx, 1,541.64; Capital One Spark Card, sup, 288.66; EMC Insurance, ins, 4,106.67; Payroll, pay, 6,245.82.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 100.00; NDEE – Fiscal Services, loan, 11,823.06; One Call Concepts, srv, 2.40; gWorks, sub, 1,250.00; ERPPD, util, 726.37; Automated Dairy Specialists, sup, 173.00; US Post Office, sup, 198.00; Bud's Sanitary Service, srv, 3,396.00; Capital One Spark Card, srv, 171.30; Neb. Dept. of Revenue, tx, 570.63; Water/Sewer Savings, tnfr, 3,000.00.

Economic Checking

The Shed, sup, 140.00; Capital One Spark Card, sup, 508.33.

Economic Savings

LB840 loan to Two Bills Steakhouse, 30,000.00.

Fire Checking

Northeast Community College, srv, 125.76; Heartland Fire Protection, srv, 292.75.

Grant Checking

Stearns Construction, srv, 35,000.00; Five Rule Rural Planning, srv, 10,000.00; NENEDD, srv, 276.25; CDS Inspections and Beyond, srv, 1,000.00.

Library Checking

Snider Custom Cuts, sup, 50.00; ColdType Publishing, adv, 42.00; Capital One Spark Card, sup, 29.50; Payroll, pay, 1,124.71.

Credit Card

Amazon, sup, 560.12; US Post Office, srv, 141.40; Menards, sup, 236.87; Hobby Lobby, sup, 29.50.

Motion by Kester, seconded by King, to adjourn the regular meeting. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none. Meeting adjourned at 8:31 p.m.

Kerkman opened the reorganizational meeting at 8:32 p.m.

Motion by Kester, seconded by King, to nominate Kelly Kerkman as board chairperson.

Motion by Schlecht, seconded by Kester to cease nominations. Voting aye: Schlecht, Kester, King, Hart, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by Kester, to appoint Kelly Kerkman as board chairperson for 2024. Voting aye: Schlecht, Kester, King, Hart. Voting nay: none. Abstain: Kerkman.

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Motion by Kerkman, seconded by Hart to nominate Cody Kester as vice-chairperson.

Motion by Hart, seconded by King, to cease nominations. Voting aye: Hart, King, Schlecht, Kerkman. Voting nay: none. Abstain: Kester.

Motion by Kerkman, seconded by King, to appoint Cody Kester as vice-chairperson for 2024. Voting aye: Kerkman, King, Schlecht, Hart. Voting nay: none. Abstain: Kester.

Motion by Kerkman, seconded by Schlecht, to keep committee heads the same for 2024, including Brian King as water/sewer commissioner, Jeff Schlecht as street commissioner, Marsha Hart as landfill and recycling and Cody Kester as park and recreation. Voting aye: Kerkman, Schlecht, Hart, Kester, King. Voting nay: none.

Motion by Schlecht, seconded by King, to keep Kelly Kerkman and Angie Hupp as authorized signers of all grants. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to keep Kelly Kerkman, Angie Hupp and Marsha Hart as authorized bank signers on all bank accounts. Voting aye: Kester, King, Schlecht, Hart, Kerkman. Voting nay: none.

Motion by Kerkman, seconded by Schlecht, to adjourn. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none. Reorganizational meeting adjourned at 8:37 p.m.

Chairperson Kelly Kerkman

Clerk Angie Hupp