

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING MARCH 11, 2024

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, March 11, 2024 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, Cody Kester, Brian King, Jeff Schlecht. Others present: clerk Angie Hupp, economic development director Lauren Sheridan-Simonsen, attorney Kyle Petersen, Sheriff Bob Moore, Brian Ferris, Mike Tabbert, Angie Fletcher and Cheyenne Bolling.

Motion by Kester, seconded by King, to approve minutes of the February 12, 2024 regular meeting. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Motion by Schlecht, seconded by Kester, to approve minutes of the February 26, 2024 public hearing. Voting aye: Schlecht, Kester, King, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to approve minutes of the February 26, 2024 special joint meeting. Voting aye: Kester, Kerkman, King, Schlecht, Hart. Voting nay: none.

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

Motion by Kester, seconded by Schlecht, to waive three readings of Ordinance 2024-1 setting the Village Board of Trustees as the Board of Adjustment. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by Schlecht, seconded by Hart, to approve Ordinance 2024-1 to have the Board of Trustees constitute a Board of Adjustment; to repeal ordinances or parts of ordinances in conflict herewith; to provide when this ordinance shall be in full force and effect; and to provide for the publication of this ordinance in pamphlet form. Voting aye: Schlecht, Hart, Kerkman, Kester, King. Voting nay: none.

Opened board of adjustment hearing at 7:07 p.m. to discuss a variance at 609 Montana St. for a new building in the backyard. Attorney Kyle Petersen stated the requirements listed by State Statute that have to be satisfied. The building is going in the same place a shed currently stands, however, the new building will have an overhang that will cause it to be closer to the alley. Board members asked the owner some questions, but no other public comment was presented.

Motion by Hart, seconded by Kester, to close the board of adjustment hearing at 7:13 p.m. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Motion by Kerkman, seconded by Hart, to approve the variance setback at 609 Montana St. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Kerkman, seconded by Hart to state that all findings as required in Clearwater zoning regulations Chapter 8 Section 8-1.3 Subsection C-1, a-f were satisfied for granting the variance. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by King, to approve conditional use permit application for 609 Montana St. to be used as a daycare and for said permit to be in effect for the duration of ownership by Rustin and Angie Fletcher, according to planning commission recommendations. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Opened public hearing for Two Bills Steakhouse liquor license application at 7:16 p.m. No public comment was presented.

Motion by Kerkman, seconded by Kester, to close public hearing at 7:16 p.m. Voting aye: Kerkman, Kester, Hart, King, Schlecht. Voting nay: none.

Motion by Hart, seconded by Kerkman, to approve liquor license application for Two Bills Steakhouse, located at 211 Iowa St. Voting aye: Hart, Kerkman, Schlecht, King, Kester. Voting nay: none.

Motion by Kester, seconded by King, to approve building permit application from Rustin and Angie Fletcher for new building with variance setback at 609 Montana St. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Mike Tabbert explained to the board that they had already agreed upon giving 20 ft. of property back to previous owner Jim Swails so they were asking the board to approve placing the fence right on the property line instead of one foot inside as required by zoning regulations. Kerkman asked Tabbert if Swails was okay with the plan and Tabbert said he was. Motion by Hart, seconded by Schlecht, to approve building permit application from Two Bills Steakhouse for four ft. high post and cable fence on property line at 211 Iowa St. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Hart, seconded by Kester, to approve building permit application from Debb & Jerry LLC/The Waterhole for a six ft. high vinyl privacy fence at 510 Main St. for area to be used as outdoor beer garden. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Motion by Kerkman, seconded by Hart, to approve building permit application from Dan and Ronda Schwager for 12 ft. x 19 ft. 6 in. garage to be moved in and placed on concrete slab at 112 Nevada St. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Hart, seconded by Schlecht, to approve building permit application from Andy and Amy Ahlers for 20 ft. x 30 ft. x 5 ft. high chain link fence at 610 Montana St. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Kester, seconded by Hart, to approve building permit application from Sons of the Legion for 24 ft. x six ft. high vinyl privacy fence at 509 Main St. for area to be used as outdoor beer garden. Voting aye: Kester, Hart, King, Schlecht. Voting nay: none. Abstain: Kerkman.

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Motion by Hart, seconded by Schlecht, to approve DTR drawdown #6 payment of \$20,333.75 with \$1,650 in local match funds and \$18,350 from DTR grant funds to pay Five Rule Rural Planning and \$333.75 from DTR grant funds to pay NENEDD. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

The audit report for fiscal year 2022-2023 was presented. King asked about the deficiencies listed. Both Hart and clerk Angie Hupp stated that there are always findings and that the deficiencies are unavoidable in a small town. Hupp also stated that the bank statements are brought to every board meeting and board members are welcome to visit the village office anytime to view accounts. Motion by Hart, seconded by Schlecht, to approve audit report for fiscal year 2022-2023 as presented by Lengemann & Associates. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Economic development report presented. Lauren Sheridan-Simonsen asked if NNTC could place a small sign in the telecommunications room stating that internet is provided by them. The board had no problem with that. Sheridan-Simonsen stated that many hours went into applying Clearwater for the Nebraska Department of Economic Development Showcase Community of the Year award. The 16-page application was presented to the board showing all the things Clearwater has accomplished in the past five years.

Maintenance report presented. Maintenance Operator Troy Behnke was absent as he attended a water conference in Kearney but his daily logs were presented to the board. King stated that Behnke should be asked to wash the salt off the salt-spreader pickup truck so it won't rust. Kerkman mentioned that Behnke has been moving concrete from the dump to the lagoon creek bed but the amounts that fit are so small, he'll be doing it for a long time. Kerkman suggested calling Spud Trucking and asking if they have time to move the concrete before the ground gets softer.

No library report presented.

Park report presented. Kerkman stated that Behnke demolished the little building in the northwest corner of the playground.

Clerk report presented. Hupp provided board members with samples of ordinances and resolutions from other towns regarding expenditure policies and insufficient funds returns from utility users. Clearwater has no formal policies for either issue. The board agreed they be discussed at the April meeting. Hupp also asked about getting quotes for updating the municipal code book since it hasn't been updated since 2014.

Motion by Kerkman, seconded by Hart, to transfer \$10,000 from economic checking to fire checking to rectify a depositing mistake. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Sheriff report presented. Sheriff Moore stated he plans to clean the property at 307 Montana St. next week. December 2023 hours were 107.2 hours with four 911 calls. January 2024 hours were 63.30 hours with one 911 call.

Unfinished business presented. Sheridan-Simonsen said she would talk to Elizabeth Odell on Wednesday about becoming a CORE board member.

Discussion held regarding haying contract. Kerkman asked Petersen to add a no livestock clause, then it will be ready to approve at the April board meeting.

Kerkman told the board that he was approached by Dwaine Trease who stated that after the passing of Bill Gillette, the contractor hired to demolish the building at 301 Second St. increased their bid. Trease asked Kerkman if the Village would be willing to pay for demolition. Sheridan-Simonsen told the board about brownstone grants that are available but are currently only for municipally-owned properties. The board asked Petersen to send a letter asking for a status update and stating that it needs to be removed as the initial deadline for removal was October 2023.

New business presented. Kerkman stated that Flenniken Electric tore up the ground from the water main to the curbstop at 608 Colorado St. to replace the lines, only to find that they had already been replaced. More investigating was done and it was discovered that the problem lay in an area the property owner was responsible for. Kerkman asked the board who should pay the plumbing bill for the dirt work. Kester stated that it was his opinion that the Village should pay since until the digging was done, no one was aware that the lines had already been replaced. The rest of the board agreed.

Owner of 712 Mitchell's Ave. has inquired about the possibility of getting a larger meter for their new sprinkler system. Hupp told the board that all residences in town have 3/4" meters as well as almost all of the businesses. Hupp asked former clerk Tina Snider about the policy, who told her that the lines going from the main are 3/4" as well. Board is afraid of creating problems if they allow one person to get a one-inch meter when no one else has them. Motion by Hart, seconded by Kester, to deny the request for a one-inch meter for the residential property at 712 Mitchell's Ave. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Confirmed next meeting date of April 8 at 7 p.m.

Motion by Kester, seconded by Hart, to enter executive session at 8:18 p.m. to receive legal advice. Voting aye: Kester, Hart, Kerkman, Schlecht, King. Voting nay: none.

Motion by Kester, seconded by Schlecht, to exit executive session at 8:22 p.m. Voting aye: Kester, Schlecht, King, Hart, Kerkman. Voting nay: none.

Motion by Hart, seconded by King, to approve claims and payroll. Claims: \$50,941.50; wages: \$7,814.95. Voting aye: Hart, King, Kerkman, Kester, Schlecht. Voting nay: none.

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General Checking

Precision IT, srv, 36.00; Northeast Neb. Clerks Association, dues, 20.00; Quill, sup, 49.08; Bomgaars, sup, 227.99; Heartland Fire Protection, srv, 386.75; Goodlife Architecture, srv, 1,000.00; Sanne Service, rpr, 137.38; Carquest of Neligh, sup, 100.62; Farmers Pride, fuel, 50.00; ERPPD, util, 1,247.06; NNTC, util, 161.92; Western Oil II, LLC, fuel, 435.16; ColdType Publishing, adv, 155.50; Clearwater Market, sup, 28.33; Black Hills Energy, util, 515.71; Jarecki Sharp Petersen, lgl, 615.00; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 3,124.60; Economic Savings, tnfr, 3,124.60; Neb. Dept. of Revenue, tx, 1,692.14; EMC Insurance, ins, 4,119.66; Payroll, pay, 6,550.48.

Water/Sewer Checking

Municipal Supply Inc., sup, 891.24; Neb. Public Health Enviro Lab, srv, 46.00; One Call Concepts, srv, 3.20; ERPPD, util, 802.95; US Post Office, sup, 136.00; Bud's Sanitary Service, srv, 3,442.00; Neb. Dept. of Revenue, tx, 575.45; Capital One Spark Card, srv, 65.95; Water/Sewer Savings, tnfr, 3,000.00.

Economic Checking

Blackburn Manufacturing, sup, 87.00; Fire Checking, tnfr, 10,000.00.

Fire Checking

Sanne Repair, rpr, 2,429.98; Sanne Service, rpr, 215.10.

Library Checking

Clearwater Market, sup, 34.57; Petty cash, cash, 79.85; ColdType Publishing, adv, 42.00; Capital One, sup, 226.71; Payroll, pay, 1,264.47.

Grant Checking

NENEDD, srv, 333.75; Five Rule Rural Planning, srv, 20,000.00.

Credit Card

US Post Office, srv, 65.95; Amazon, sup, 176.05; Walmart, sup, 50.66.

Motion by Hart, seconded by Kester, to approve adjourning meeting. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none. Meeting adjourned at 8:23 p.m.

Chairperson Kelly Kerkman

Clerk Angie Hupp