

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING JULY 15, 2024

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, July 15, 2024 at 7 p.m., in the fire hall meeting room. Meeting opened at 7:02 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, maintenance operator Troy Behnke, attorney Kyle Petersen, engineer John Zwingman, economic development director Lauren Sheridan-Simonsen, reporter LuAnn Schindler, Paul Horman, Jay Snider, Tina Snider, Sheriff Bob Moore and Lyle Juracek.

Motion by Hart, seconded by Kester, to approve minutes of June 17, 2024 special hearing and meeting as presented. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

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

Discussion held with Jay and Tina Snider regarding Resolution 2024-3 selling 250 ft. by 240 ft. section of 702 Montana St. to them for \$100. Kerkman stated he understood in October 2022 that the area was only about 100 ft. by 240 ft. Jay said he'd told the previous board members his intention was always to go to the end of the village's property line to the east. Snider showed board the correct lines on GIS map that was being used. Snider explained it took so long to get a survey because the surveyor they hired got too busy and wiped his schedule clear and figured whoever really wanted a survey would call back. Kerkman asked attorney Kyle Petersen if it was possible to sell that much land for \$100. Petersen said it can be but since fair market value is more than \$5,000, village will have to publish in the paper and give residents a chance to object. Kerkman mentioned resolution included a two-year deadline from closing to build a house and Snider stated they didn't have any plans to build a house, maybe a shed. Schlecht mentioned his understanding was the land was sold so cheap because a house was to be built on it. He stated the village sold much less land for substantially more to Tony Blecher recently. Snider asked why a house, type of building had never been specified in the past. Decision was tabled until both parties could consider an agreement.

No discussion held regarding Joe Funk request to move billboard from west side of storage units to east side as he called clerk Monday morning and asked to postpone until next month.

Since all board members were at public meeting held at 6 p.m., John Zwingman quickly recapped the purpose was to inform public of DTR improvement plans, costs and possible payment options.

Motion by Hart, seconded by Kester, to approve Ordinance 2024-2 to submit to registered voters of village the question of whether to establish a lottery at the 2024 general election; to provide when the ordinance shall be in full force and effect; and to provide for publication of ordinance in pamphlet form. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Discussion held regarding Ordinance 2024-3 updating floodplain district. Most items in ordinance are required by state statute. Hupp began going over optional wording but Zwingman suggested contacting area towns and copying their ordinance. Discussion tabled until August meeting.

Sheriff's report presented. Sheriff Moore stated he and witness Lyle Juracek spoke with owner of 307 Montana St. regarding a plan to assist them with cleaning up the property. Moore met with resistance to any plan to clean up so Moore told Petersen he will testify to the owner's uncooperativeness at the next court appearance. Moore reported that this year's rodeo went the smoothest it ever has. Troy Behnke asked Moore if the village could use inmates to assist with mowing during the summer. Moore stated it wasn't a no but he would look into it and get back to him.

Discussion held regarding Resolution 2024-4 to place question of increasing local sales tax from 1.5 percent to 2 percent on general election ballot. Petersen explained that anything over 1.5 percent requires village to be in interlocal agreement with another political entity such as ESU or county. Cost can be minimal and agreement doesn't have to do anything. Lauren Sheridan-Simonsen asked if the vote fails, does the village have to wait two years to try again. Petersen stated he thought that only applied to LB840 but would check to be sure. Kester stated that whether there is resistance or not, he'd like to see it on the ballot. The village has until Sept. 3, 2024 to get it to the county election commissioner. Petersen will find out the agreement specifics and Hupp will contact potential agreement partners so a decision can be made at the August meeting.

Motion by Kester, seconded by King, to approve special liquor license for Clearwater Chamber rough stock rodeo on August 17, 2024. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Economic development report presented. Sheridan-Simonsen working with veterans park group to submit grant applications. ED board interested in reimplementing community champion awards for people and businesses who go above and beyond. The Leadership Certified Community application, which Clearwater is applying for, requires volunteer recognition. A resolution of support and letter of intent will be presented at August meeting.

Motion by Hart, seconded by Kerkman, to approve fiscal year 2024-2025 economic development contract with City of Neligh for annual cost of \$18,436.37 plus mileage. The contract increased by 5 percent or \$877.92 from FY 23-24 contract. Voting aye: Hart, Kerkman, Schlecht, King, Kester. Voting nay: none.

Maintenance report presented. Behnke told board that village received violation notice from Nebraska Dept. of Environment and Energy (NDEE) for tree dump. Illegal items were found in burn pile during a June 14, 2024 inspection by NDEE. It was also determined that village has not had open burn permit from NDEE since 2014. All illegal items and ash pile need to be removed and delivered to landfill and receipts sent to

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NDEE before applying for burn permit before end of July. Behnke asked for permission to have Spud Trucking remove two side-dump loads. Only items allowed at tree dump are trees and branches, grass clippings and yard waste. No pallets as allowed in past. Behnke stated signs have been repainted and he plans to install cameras so village can turn violators into sheriff.

Library report presented. LuAnn Schindler said library board approved Theresa Schlecht as new member at their July 15, 2024 meeting. Village board will approve at their August meeting. Schindler shared architect's design for proposed library remodel. Steven Thiele of Hausmann Construction estimates cost of \$750,000-800,000. Schindler said they could almost buy land and build cheaper but library board still looking at ways to cover remodel costs. Hupp asked Schindler if quarterly payments from village should continue since library will be closed until a librarian can be found. Schindler said yes since they have several prospects for new librarian, even though no one has been hired yet.

Park report presented. New bathroom doors have arrived but aren't installed yet as Behnke needs help and summer help hasn't been working many hours.

Motion by Hart, seconded by Schlecht, to approve payment of \$4,500 to RVW, Inc. for GIS website hosting with \$1,500 from USDA grant funds and \$3,000 from ARPA funds. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Clerk report presented. Guarantee Roofing inspected library roof and stated it has several more years (Behnke mentioned up to 10) as long as it isn't damaged by hailstorm. They couldn't provide quote as spray foam sealant covers original roof and they'd have to cut a chunk out to see how much work would need to be done. Any roof they install in future would have a lifetime warranty. Neither resident who received late dog tag invoices has paid. Board said to keep sending them notices every month. Gina Northcutt agreed to help with budget workshop again but can't do Mondays. Board suggested Wednesday, Aug. 7 at 7 p.m. Hupp will make sure it works with Northcutt.

Discussion held regarding Hupp's wish for security cameras in office and parking area. Veterans park board would like camera there too. Hupp got quote from Applied Connective to add three cameras to existing system for \$3,802.34. Kerkman stated he's not against it and doesn't want to buy cheaper cameras since we already have system but wanted to know if it was in budget this year. Hart suggested adding it to next year's budget.

Jay Snider spoke as representative of father Don Snider regarding letter Don received from Petersen stating he is responsible for delinquent utility bill of former tenant. Jay asked what village's policy is on nonpayment because when he was on board and Tina was clerk, water was shut off after two months of nonpayment. Petersen stated that is an option the village has but is not requirement. Kerkman told Snider tenant made regular payments to keep water on just not full amount due. He also stated Don signed agreement with village that he understood he would be liable for utility bill if any tenants moved out without paying and that account needed to be cleared before another tenant could open account. Jay asked why landlord isn't notified. Petersen stated landlord is supposed to be notified once tenant is behind by 60 days or more, which Don was, that letter doesn't have to be certified and only one notification is required. Tina stated Don should have been notified what payment agreement was once it was made and that it wasn't covering the full amount. Jay asked how far in the hole one has to be before water shut off regardless of payments being made. Board should know who is behind and landlord should get bills too if tenant is delinquent. Kerkman asked if Snider would accept forgiveness of \$200 in late fees, bringing total owed to \$283.92. Snider accepted and stated bill would be paid before end of month.

Unfinished business presented. Kerkman asked Zwingman if he'd worked on subdivision idea for small baseball field. Zwingman said no because he'd never heard back from board and didn't know they still wanted it. Kester said he'd like to see something so Zwingman will have a draft ready for August meeting. Paul Horman mentioned there is always standing water in that area and Nebraska St. residents won't be happy if houses cause it to run toward them.

New business discussed. Confirmed next meeting date of August 12.

No attorney report presented.

Motion by Hart, seconded by Schlecht, to enter executive session at 8:50 p.m. to conduct employee evaluations. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Hart, seconded by Kester, to exit executive session at 9:02 p.m. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Motion by Hart, seconded by King, to approve claims and payroll. Claims: \$42,594.25; payroll: \$8,879.38. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

General Checking

RVW, Inc., srv, 3,000.00; Loffler, srv, 723.67; Goodlife Architecture, srv, 5,800.00; Heartland Hydraulics, rpr, 198.70; Bomgaars, sup, 444.24; Rueter's, rpr, 1,810.90; AKRS Equipment, sup, 138.91; Kayton International, sup, 223.99; Main St. Repair, rpr, 28.00; ERPPD, util, 1,370.15; Precision IT, srv, 36.00; NNTC, util, 156.85; Western Oil II, LLC, fuel, 562.06; ColdType Publishing, adv, 965.25; Black Hills Energy, util, 92.65; Clearwater Public Library, tnfr, 2,250.00; Jarecki Sharp Petersen, lgl, 316.00; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 2,002.99; Economic Savings, tnfr, 2,002.99; Neb. Dept. of Revenue, tx, 1,860.72; Capital One, sup, 411.75; EMC Insurance, ins, 4,646.50; Payroll, pay, 7,577.28.

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Water/Sewer Checking

One Call Concepts, srv, 5.98; ERPPD, util, 976.67; J&J Sanitation, srv, 502.35; Bud's Sanitary Service, srv, 3,437.00; US Post Office, sup, 146.00; Neb. Dept. of Revenue, tx, 580.76; Capital One, srv, 32.70; Water/Sewer Savings, tnfr, 3,000.00.

Economic Checking

Shamrock Nursery, sup, 36.21; ColdType Publishing, rent, 60.00.

Fire Checking

Antelope Memorial Hospital, sup, 1,224.53; Island Supply Welding, srv, 181.10; Orval's Auto Service, srv, 141.00; Quick Med Claims, srv, 252.97.

Library Checking

Clearwater Market, sup, 16.53; Capital One, sup, 155.88; Payroll, pay, 1,302.10.

Grant Checking

RVW, Inc., srv, 1,500.00.

Credit Card

US Post Office, srv, 32.70; City of Lincoln Parking, sch, 22.50; Miller Time Restaurant, sch, 20.34; Marriott Cornhusker Hotel, sch, 238.00; Amazon, sup, 130.91; GoDaddy, srv, 155.88.

Motion by Kerkman, seconded by Kester, to approve adjourning meeting. Voting aye: Kerkman, Kester, King, Schlecht, Hart. Voting nay: none. Meeting adjourned at 9:03 p.m.

Chairperson Kelly Kerkman

Clerk Angie Hupp