

VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING SEPTEMBER 9, 2024

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, September 9, 2024 immediately following the budget and tax request hearings, in the fire hall meeting room. Meeting opened at 6:50 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, reporter LuAnn Schindler, Bill Thiele.

Motion by Hart, seconded by King, to approve minutes from Aug. 12, 2024 regular meeting as presented. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

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

Discussion held regarding Rustin Fletcher request to split \$3,034.38 cost with Village to move power pole off corner of 204 Second St. Kerkman worried about other people asking for same thing just because they don't want it in their yard. This pole is only for support and can be moved. Hart said it's different because this is a business where kids are. Motion by Kester, seconded by Hart, to approve paying half cost to move pole off northwest corner of 204 Second St. Voting aye: Kester, Hart, Kerkman, Schlecht, King. Voting nay: none.

Motion by Kester, seconded by Schlecht, to approve donating Clearwater Cardinals Booster Club electronic sign along Hwy. 275 to Clearwater Market as long as Market agrees to remove entire structure including pole and cleaning up area so Village can plant grass. Voting aye: Kester, Schlecht, Kerkman, Hart, King. Voting nay: none. Bill Thiele arrived after vote and was told it was approved.

Motion by Kerkman, seconded by King, to approve building permit for Clearwater Market sign at 401 Hwy. 275. Voting aye: Kerkman, King, Schlecht, Hart, Kester. Voting nay: none.

Motion by Hart, seconded by Kester, to approve building permit for Wayne and Angie Ahlers storage shed at 51641 Hwy. 275. Voting aye: Hart, Kester, King, Schlecht, Kerkman. Voting nay: none.

Motion by Hart, seconded by Kester, to approve building permit for Leonard and Judy Kerkman garage addition at 803 Montana St. Kerkman commented the drawing on the application was in the wrong place and showed the board that it's going on the side of the current garage, not the back. Voting aye: Hart, Kester, King, Schlecht. Voting nay: none. Abstain: Kerkman.

Motion by Kester, seconded by Schlecht, to approve building permit for Eric and Calli Allemang home addition at 302 Main St. Voting aye: Kester, Schlecht, Kerkman, Hart, King. Voting nay: none.

Motion by Hart, seconded by King, to approve one percent increase in total restricted funds authority for fiscal year 2024-2025. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

Motion by King, seconded by Schlecht, to approve 2024-2025 budget as published and presented at budget hearing. Voting aye: King, Schlecht, Kerkman, Hart, Kester. Voting nay: none.

Motion by Hart, seconded by Schlecht, to approve Resolution 2024-5 setting final tax levy request and adopting budget appropriation for 2024-2025 fiscal year. The 2024-2025 property tax request for general fund will be set at \$86,664.06. Total assessed value differs from last year by 4.42 percent. Tax rate levy valued at 0.478849 per \$100 of assessed value. Tax rate will be 0.499995 per \$100 of assessed value. Total operating budget decreased by 25.69 percent from last year's budget. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Motion by Kerkman, seconded by Hart, to waive three readings of Ordinance 2024-5 appropriating surplus waterworks funds to general fund. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by King, to approve Ordinance 2024-5 appropriating surplus waterworks income to the general fund; providing when ordinance shall be in full force and effect; and providing for publication of ordinance in pamphlet form. Voting aye: Schlecht, King, Kester, Hart, Kerkman. Voting nay: none.

Motion by Kester, seconded by King, to waive three readings of Ordinance 2024-6 amending delinquent utility payment codes. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Motion by Kester, seconded by Schlecht, to approve Ordinance 2024-6 amending provisions of municipal code pertaining to discontinuation of utility service and notice to property owners; repealing ordinances or parts of ordinances in conflict herewith; providing when ordinance shall be in full force and effect; and providing for publication of ordinance in pamphlet form. Voting aye: Kester, Schlecht, Kerkman, Hart, King. Voting nay: none.

Motion by Schlecht, seconded by Hart, to waive three readings of Ordinance 2024-7 setting wages for 2024-2025 fiscal year. Voting aye: Schlecht, Hart, Kerkman, Kester, King. Voting nay: none.

Motion by King, seconded by Kester, to approve Ordinance 2024-7 setting wages and salaries for officers and employees of the Village for fiscal year commencing Oct. 1, 2024 and continuing to and through Sept. 30, 2025; repealing all ordinances in conflict; providing an effective date; and providing for publication of ordinance in pamphlet form. Voting aye: King, Kester, Hart, Kerkman, Schlecht. Voting nay: none.

Motion by King, seconded by Kerkman, to approve Resolution 2024-6 for 2024 certification of Nebraska Board of Public Roads Classifications and Standards program compliance. Voting aye: King, Kerkman, Hart, Kester, Schlecht. Voting nay: none.

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Motion by Hart, seconded by Schlecht, to approve Resolution 2024-7 requesting Clearwater Planning Commission to annex West 20 acres of South 60 acres of East half of Southeast Quarter of Section 1, Township 25 North, Range 8 West of 6th P.M., Antelope County, Nebraska, and tract of land lying in northwest quarter of Section 1, Township 25 North, Range 8 West of 6th P.M., Antelope County, Nebraska, described as follows: beginning at a point 33 feet north of center of said Section 1; running thence 33 feet due west; thence 269.6 feet due north; thence 33 feet due east; thence 269.6 feet due south to point of beginning. Proposed annexation includes parcel nos. 000660200, 000660500 and 000660501. Voting aye: Hart, Schlecht, Kerkman, Kester, King. Voting nay: none.

Discussion regarding approval of new Clearwater Market manager on liquor license tabled until next month because paperwork wasn't received before meeting.

Motion by Hart, seconded by King, to approve Lengemann & Associates contract for fiscal year 2023-2024 audit for no more than \$13,000. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

Economic development report presented.

Maintenance report presented. Board asked Troy Behnke what opinions he'd heard regarding possible subdivision. Behnke stated mostly positive as long as tax dollars aren't used to build it. One resident opposed due to worry over water displacement. Behnke mentioned finding sand and running water in boys' park bathroom. Since bathrooms were supposed to be locked after baseball ended, Behnke had no idea when it happened, making it difficult to search security camera feed. Camera by bathrooms doesn't catch doors well so Hupp will discuss adjusting with Applied Connective.

Library report presented. Library hired new librarian who has lots of good ideas and plans to use former librarian's craft supplies. Will have library board resignation at next village board meeting.

Motion by King, seconded by Schlecht, to approve hire of Chelsea Silbernagel as Clearwater librarian at \$13.50 per hour. Voting aye: King, Schlecht, Kerkman, Hart, Kester. Voting nay: none.

Motion by Kerkman, seconded by Hart, to approve 2024-2025 interlocal agreement between Clearwater Public Library, Antelope County and Antelope County Library Association. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

Park report presented. Behnke mentioned the broken park bathroom windows need to be replaced as birds, wasps and hornets get into bathrooms. Behnke suggested covering with plexiglass but Kerkman stated would become brittle too quickly due to sun exposure. Kerkman said to measure for vinyl picture window or solid concrete blocks.

No grant report presented.

Clerk report presented. Twelve late fees assessed, one disconnect notice. In past, Hupp has taped disconnect notice to door but new ordinance states mailing. Hupp worried some are frequently late because they don't check their mail often but they do pay when taped to door. Hart asked if Hupp could both mail and tape to door, just to be safe. In early spring, Two Rivers Irrigation repaired lagoon pivot after suspected lightning strike. They tried to cover it under warranty but were unsuccessful. Hupp asked insurance company about filing claim but deductible is \$2,500 and Two Rivers bill is less than that so board said to pay outright. Hupp said Steve Hankla would like \$20 per hour to continue helping mow. Not on agenda so can't make decision. Attorney Petersen stated board could amend wage ordinance instead of waiting until next month.

Motion by King, seconded by Kester, to reconsider motion to approve Ordinance 2024-7 setting wages. Voting aye: King, Kester, Hart, Kerkman, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Kerkman, to amend Section 1 of Ordinance 2024-7 regarding part-time/summer help wages and to modify from \$13.50-\$15 per hour to \$13.50-\$20 per hour. Voting aye: Schlecht, Kerkman, Hart, Kester, King. Voting nay: none.

Motion by King, seconded by Schlecht, to approve amended Ordinance 2024-7 setting wages and salaries for officers and employees of the Village for fiscal year commencing Oct. 1, 2024 and continuing to and through Sept. 30, 2025; repealing all ordinances in conflict; providing an effective date; and providing for publication of ordinance in pamphlet form. Amendment to modify part-time/summer help wages to \$13.50-\$20 per hour. Voting aye: King, Schlecht, Kerkman, Hart, Kester. Voting nay: none.

Motion by King, seconded by Kester, to approve purchase and installation of three additional security cameras to be placed in Village office, outside facing office door and over veterans park. Voting aye: King, Kester, Hart, Kerkman, Schlecht. Voting nay: none. Kerkman asked Behnke who is responsible for mowing veterans park. Behnke said Village but veterans park board members always mow instead. Behnke told board he spoke with Y&Y Lawn Care and told them to bid weed spraying again next year and to add veterans park. Y&Y stated that if area is small, they will likely donate spraying that space.

Three quotes for accounting programs presented. gWorks finance and HR programs for \$2,940 annual fee. Because Village already uses their utility program, set-up fees were waived. Banyon Data quoted one-time fees of \$12,940 with annual subscription of \$3,875 for utility, billing, accounting and payroll program. PowerManager quoted \$12,925 for set-up fees and \$6,650 annually. Motion by Kerkman, seconded by King, to approve gWorks programming for \$2,940. Voting aye: Kerkman, King, Schlecht, Hart, Kester. Voting nay: none.

No sheriff's report presented.

Unfinished business presented. Kerkman told John Zwingman about residents' worry over water displacement in proposed subdivision. Kester asked about sending water south. Zwingman stated he'll know more after elevation survey if Village willing to pay for it. Board gave go-ahead for elevation survey. Grants and TIF may be available for several portions of project.

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Opened one- and six-year street improvement plan hearing at 7:39 p.m. Zwingman thoroughly examined Village's plan since his first year and found several discrepancies. Zwingman described each project proposal and cost estimates based on streets board and Behnke told him needed to be fixed. Only had estimates for asphalt but stated concrete has been comparable or cheaper for smaller projects. Mentioned there is a public works grant of \$400,000 for street improvements board could apply for. Left one-year plan as maintenance only, and major projects for six-year plan. Hart asked about applying for grant for River Rd. north of Hwy. 275, Zwingman said it should qualify. Behnke stated River Rd. north of Hwy. 275 and Nebraska St. east of River Rd. need to be added to six-year plan.

Motion by Hart, seconded by King, to close one- and six-year street improvement plan hearing at 7:56 p.m. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

Motion by Schlecht, seconded by Hart, to approve one- and six-year street improvement plan with revisions. Revisions included adding River Rd. north of Hwy. 275 and Nebraska St. east of River Rd. and price adjustment on project 20 from printed amount of \$250,000 to actual projected cost of \$132,000. Voting aye: Schlecht, Hart, Kester, King, Kerkman. Voting nay: none.

Discussion regarding disagreement with county over repaving responsibilities on River Rd. north of Hwy. 275 and Nebraska St. east of River Rd. Hupp presented minutes from several county commissioners' and village board meetings beginning in 2019 where the disputed streets were discussed as well as article in Sept. 4, 2024 Summerland Advocate-Messenger where commissioners stated they are not contractors and believed the county attorney would be against assisting Village with repaving. County reverted both streets from pavement to gravel in 2020 with intention of revisiting paving once base was settled. County had permission from previous Village board to tear up River Rd. Village thought Nebraska St. was in village limits but paperwork for annexation that began in 2015 was not completed until the end of 2020, after street was torn up. Village board members have attended commissioners' meetings several times in past two year and get different answers each time. Hart and possible Kester will attend commissioners' meeting on Sept. 10 and see if something can be finalized. Zwingman mentioned there should be an interlocal agreement. Hupp stated it was mentioned in one meeting but never completed.

New business presented. Confirmed Monday, Oct. 14 as next regular meeting date.

No public comment or attorney report presented.

Motion by Hart, seconded by Kester, to approve Schlecht Trucking claim of \$4,038.51 for transporting armor coat rock. Voting aye: Hart, Kester, King, Kerkman. Voting nay: none. Abstain: Schlecht.

Motion by Hart, seconded by King, to approve remaining claims and payroll. Claims: \$101,452.50; payroll: \$7,384.42. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

General Checking

Schlecht Trucking, srv, 4,038.51; Arbor Day Foundation, dues, 25.00; Professional Tax Services, srv, 2,200.00; Barco Municipal Products, sup, 130.71; Bomgaars, sup, 302.66; Dinkel Implement, sup, 133.57; Farmers Pride, fuel, 50.00; ERPPD, util, 1,296.61; NNTC, util, 162.30; Neligh Auto & Machine, sup, 35.54; Topkote Inc., srv, 61,991.82; Western Oil II, LLC, fuel, 542.76; ColdType Publishing, adv, 174.00; Precision IT, srv, 36.00; Petty cash, cash, 47.35; Black Hills Energy, util, 89.71; Summerland Public School, fees, 1,585.00; Neb. Dept. of Ag, dues, 175.00; Jarecki Sharp Petersen, lgl, 682.50; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 3,423.48; Economic Savings, tnfr, 3,423.48; Neb. Dept. of Revenue, tx, 1,602.78; Capital One, sup, 256.80; EMC Insurance, ins, 4,646.50; Payroll, pay, 7,156.89.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 68.00; Municipal Supply Inc., sup, 421.61; One Call Concepts, srv, 1.60; ERPPD, util, 795.60; Bud's Sanitary Service, srv, 3,442.00; US Post Office, sup, 146.00; Two Rivers Irrigation, rpr, 1,655.51; Neb. Dept. of Revenue, tx, 632.57; Capital One, srv, 2,266.45; Water/Sewer Savings, tnfr, 3,000.00.

Fire Checking

Antelope Memorial Hospital, sup, 34.87; CLIA Laboratory Program, cert, 95.00; Quick Med Claims, srv, 38.96.

Library Checking

Neb. Library Commission, dues, 500.00; Payroll, pay, 227.53.

Credit Card

US Post Office, srv, 30.45; LP Gill Landfill, srv, 2,236.00; Carhart Lumber, sup, 256.80.

Motion by King, seconded by Kester, to enter executive session at 8:08 p.m. to discuss legal options regarding streets disputed by county commissioners. Voting aye: King, Kester, Hart, Kerkman, Schlecht. Voting nay: none.

Motion by Schlecht, seconded by Hart, to exit executive session at 8:24 p.m. Voting aye: Schlecht, Hart, Kerkman, Kester, King. Voting nay: none.

Motion by Kerkman, seconded by Hart, to adjourn. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none. Meeting adjourned at 8:25 p.m.

Chairperson Kelly Kerkman

Clerk Angie Hupp