

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

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, November 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, attorney Kyle Petersen, maintenance operator Troy Behnke, reporter LuAnn Schindler, Carla Jacob, Dwaine and Deb Trease and Jay Snider.

Motion by Schlecht, seconded by Kester, to approve minutes of Oct. 14 regular meeting as presented. Voting aye: Schlecht, Kester, King, Kerkman, Hart. Voting nay: none.

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

Opened hearing at 7:01 p.m. regarding planning commission recommendations for annexation of parcel nos. 000660200, 000660500 and 000660501 and conditional use application for 205 Montana St. to use camper as living quarters. Planning Commission recommended annexation of parcel nos. 000660500 and 000660501 and tabling parcel no. 000660200 until some clarification could be obtained. Comment heard from Dwaine Trease opposing annexation of parcel 000660200 that he owns. Trease asked what advantage to Village to annex one little parcel. Kerkman stated it was to square off property since his other two parcels are already in village limits. Trease said if Village annexes parcel, he wants water and sewer hookups. Kerkman asked if sewer needed. Trease said he may build a man cave someday and will need sewer but was told once a lift station was required. Troy Behnke said not necessarily but would need to be looked into. Kester stated no problem giving sewer and water if used. Trease told board they are required to have written plan to get water and sewer lines to all annexed properties then asked if lines would go to west parcel being annexed. Board stated since three parcels are being used as one, lines would be made available to easiest lot to connect then Trease's responsibility to connect lines on property where wanted.

Kerkman asked Jay Snider if he had comment regarding annexation of his parcel no. 000660501. Snider said no, just waiting to hear about the land he asked to purchase. Snider stated the south end of the park and his parcel were supposed to be annexed about 14 years ago but someone apparently "dropped the ball" during process and it wasn't completed. He asked to see proposed subdivision plans and stated some lots would be difficult to accomplish due to water levels and asked about pricing. Kerkman told him plans and pricing were rough ideas to get public input before spending money and applying for grants. The process will take several years to complete if it comes to fruition, this is just beginning stage. Board waiting to hear more information from village engineer including land elevations.

Carla Jacob explained reasons for applying for conditional use permit at 205 Montana St. They were unaware of rules against using camper as living space on personal property and were trying to help their grandson get a start. She stated it's hard to find housing in town and there is monopoly on ones that do become available. Several options suggested including placing camper at RV park but that is about as expensive as rent. Jacob asked if board turns permit down, to give them time to find him a place to live and work around the cold weather. Hart stated she doesn't want it there long so others in town don't get upset. Kyle Petersen said to turn down permit and ask for updates. Jacob asked if okay to leave there for storage, board said fine as long as area cleaned up and camper unhooked from utilities.

Motion by Kester, seconded by Hart, to close hearing at 7:40 p.m. Voting aye: Kester, King, Schlecht, Kerkman, Hart. Voting nay: none.

Motion by Kester, seconded by Hart, to refuse conditional use application for Carla Jacob to use camper as living quarters at 205 Montana St. Voting aye: Kester, Hart, Kerkman, Schlecht, King. Voting nay: none.

Motion by Hart, seconded by Kerkman, to amend Ordinance 2024-8 to strike all mention of parcel no. 000660200 and proceed with annexation of parcel nos. 000660500 and 000660501 until clarification can be found on providing utilities to annexed parcels. Voting aye: Hart, Kerkman, Schlecht, King, Kester. Voting nay: none.

First reading commenced of amended Ordinance 2024-8 to annex and extend the corporate limits of the Village of Clearwater to include the West 20 acres of the South 60 acres of the East half of the Southeast quarter of Section 1, Township 25 North, Range 8 West of the 6th P.M., Antelope County, Nebraska; 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.

Discussion held regarding Village of Ewing request to create new interlocal agreement to provide water operator services to each other if either town's water operator quits or becomes incapacitated. Board approved of idea and agreed with Snider's point that they'd want to make sure town willing to share for at least a year in case of hiring and training new operator. Board discussed draft Petersen created and suggested \$100 per month including mileage and monthly sample taking, then additional \$50 including mileage per weekly reading and/or extra samples as needed. No action taken.

Motion by Kester, seconded by Kerkman, to approve Resolution 2024-8 certifying John Zwingman, license number S-1397, as street superintendent for Village of Clearwater from Jan. 1, 2024 to Dec. 31, 2024. Voting aye: Kester, Kerkman, Schlecht, King, Hart. Voting nay: none.

Opened three bids for old ambulance bay HVAC system installation. First bid from Bryant Home Comfort, LLC was \$11,255 including materials, labor and electrical. Second bid from DW's Heating and Air was \$9,000-\$12,000 dependent on location and equipment, including materials and labor with no electrical,

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

to be completed within 30 days of approval. Third bid from Northeast Nebraska Heating and Cooling was \$9,239.13 and included materials and labor with no electrical. Hupp told board electricians were sent separate bids but no one replied.

Motion by King, seconded by Kester, to approve Bryant Home Comfort, LLC bid of \$11,255 to install HVAC system in old ambulance bay. Voting aye: King, Kester, Hart, Kerkman, Schlecht. Voting nay: none.

Opened one bid for library wall and overhang replacement and repair. Bid from Ruterbories Construction was \$17,000 including materials and labor. Kerkman said to make sure Ruterbories is aware they supply all materials including commercial glass doors for library and village office.

Motion by Kerkman, seconded by Schlecht, to approve Ruterbories Construction bid of \$17,000 to replace library front wall and village office door, and repair overhang. Voting aye: Kerkman, Schlecht, King, Kester, Hart. Voting nay: none.

Economic report presented. Hupp read report in absence of Lauren Sheridan-Simonsen. Village on list for free website redesign with Neb. Public Power (NPPD). Sheridan-Simonsen still working on potential electric vehicle charging station in town and wants board's position on location at Two Bills Steakhouse versus Main St. Schlecht asked if three-phase electrical available at Two Bills but it's not. Hart stated she'd like it on Main St. and worried about lease and use if Two Bills closed or changed hands. A successful Business Retention and Expansion visit was held on Oct. 23, with representatives from Neb. Dept. Economic Development, NPPD and Elkhorn Rural Public Power (ERPPD) attending. Ten local businesses participated and Two Bills provided lunch. Visit is one requirement for Leadership Certified Community.

Opened Citizens Advisory Review Committee hearing at 8:20 p.m. Hupp read report. Between April 1, 2024 and Sept. 30, 2024, LB840 received \$13,792.92 in sales tax revenue, \$1,567.35 in loan payments and \$96.57 in interest. Expenditures included \$1,320 in rent, \$8,779.22 in ED contract fees, \$257.75 in gifts for open house, Summerland seniors and planting assistance and \$1,592.96 in supplies, advertising and membership fees. Committee members reviewed and discussed LB840 account and found funds were being spent appropriately per state statutes. No public discussion heard.

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

Maintenance report presented. Troy Behnke told board about EPA's lead line replacement requirements. Only about half of resident surveys returned. Initial inventory was due Oct. 16, with notice letters for lead, galvanized and unknown lines to be mailed by Nov. 15. All lines on Village and personal properties must be determined within three years and lead or galvanized lines replaced within 10 years. Board will revisit issue and discuss plans next summer.

Behnke, with assistance from Ryan Flenniken, replaced a broken sewer pipe at 507 Iowa St. after discovering bottom of pipe was broken by Northeast Neb. Telephone (NNTC) when fiber optics were installed through town. Board would approve paying Flenniken claim of \$1,075 for project but asked Hupp to call NNTC and discuss situation with them.

King asked if Behnke had snow removal supplies and equipment ready, Kerkman said including sweeping streets and marking corners. Behnke said he's been working on winterizing and making those preparations.

Library report presented. LuAnn Schindler told board new librarian started successful stay-at-home mom group that meets on Friday mornings. The children's Christmas store will be at Old-fashioned Christmas then set up at library again this year. Items and monetary donations are being accepted.

Park report presented. Bob Kester replaced broken block windows in park restrooms with solid concrete.

Grant report presented. Motion by Hart, seconded by King, to approve Carhart Lumber claim of \$3,060.35 for lagoon shed supplies to be paid with USDA lagoon grant funds. Voting aye: Hart, King, Schlecht, Kerkman, Kester. Voting nay: none.

Motion by Schlecht, seconded by Kerkman, to approve Quality Iron & Metal claim of \$789.70 for lagoon shed supplies to be paid with USDA lagoon grant funds. Voting aye: Schlecht, Kerkman, Hart, Kester, King. Voting nay: none.

Clerk report presented. Hupp still struggling with new utility billing program. Meters read 10 days late and bills mailed a week late in Oct. due to issues with program that still aren't fixed. Hupp keeping both old and new programs updated in case old program needs to be used again. Sheriff's department notified Hupp there of dedicated deputy to contact for all code enforcement needs. Hupp spoke to 303 Nevada St. owner regarding building permit for garage addition. They are working on project as time and money allow so unless there is no progress for six months straight, building permit still valid. The shop building at 602 First St. has no sink anymore so water is for hydrant only. After attending event on Oct. 31, Hupp would like to host cyber-ready community game next year with Northeast Community College and North Central District Health Dept. to help community members understand cybersecurity better. Village approached by SMJ on behalf of US Cellular asking if there is land available for cell tower. Village- and private-owned properties are inspected. A 100-year lease is signed with approximately \$700/mo. paid in rent to chosen landowner. Board discussed corner of lagoon as possibility and told Hupp to give SMJ okay to inspect. Contracts for remaining ARPA funds need to be signed before end of year. Library building and HVAC bids only account for about half of remaining funds. Board said to send out bids for tearing up and repaving several blocks of streets to contract rest of the funds.

No sheriff's report presented.

Unfinished business presented. Proposed subdivision discussed during public hearing. Engineer John Zwingman told Hupp before meeting there are no updates regarding subdivision, paving River Rd. and

**VILLAGE OF CLEARWATER, NEBRASKA MINUTES OF REGULAR MEETING
NOVEMBER 11, 2024**

Nebraska St. discussion with county or expanding sidewalk on southwest side of Main St. to Hwy. 275. He hopes to have more information at December meeting.

New business presented. Confirmed next regular meeting date of Dec. 9.

Public comment heard. Jay Snider of 608 Colorado St., asked if Village had ordinance regarding replacing sidewalks if torn out. Several properties near him tore out sidewalks and haven't replaced them. Hart asked how it was handled when he was on board and Snider said he didn't remember anyone doing it during his tenure but they should have to put back in. Petersen stated usually covered in new subdivision regulations.

LuAnn Schindler of 403 Iowa St., asked if Village had lodging tax assessed to motels, Airbnbs and bed and breakfasts. Kerkman stated they did not but could be visited at a later date.

Kerkman asked about tree trimming and several trees that need to be trimmed were mentioned. Behnke said he's seen lots of people taking trees to dump.

Attorney report presented. Only item discussed was update regarding status of 205 (on agenda as 207) Colorado St. Hupp called ERPPD to ask if property owners had active electricity, which was confirmed. Petersen stated since they have electricity, Hupp needs to send a letter telling them required to repair water and sewer lines to house, if needed, and hook up to Village utilities as required by Village code.

Motion by Hart, seconded by Kester, to approve Schlecht Trucking claim of \$498.98 for armor coat rock. Hupp explained quarry made mistake with trucking tickets and Schlecht's paid for one so Village needed to reimburse them. Voting aye: Hart, Kester, King, Kerkman. Voting nay: none. Abstain: Schlecht.

Motion by Kerkman, seconded by Hart, to approve remaining claims and payroll. Claims: \$49,795.96; payroll: \$8,724.30. Voting aye: Kerkman, Hart, Kester, King, Schlecht. Voting nay: none.

General Checking

Schlecht Trucking, sup, 498.98; City of Neligh, srv, 4,615.37; Bob Kester, rpr, 471.00; Bomgaars, sup, 339.37; Bearinger Tax & Accounting, srv, 70.00; Advanced Consulting Engineers, srv, 1,000.00; Carhart Lumber, sup, 47.03; Barco Municipal Products, sup, 415.03; ERPPD, util, 1,152.43; ALLO Business, srv, 36.00; Kayton International, sup, 2,608.00; Neligh Auto & Machine, sup, 21.45; Spencer Quarries, sup, 2,433.75; Farmers Pride, sup, 348.00; NNTC, util, 170.11; Black Hills Energy, util, 178.70; Clearwater Market, sup, 33.91; CNA Surety, srv, 875.00; Western Oil II, LLC, fuel, 193.02; ColdType Publishing, adv, 530.00; Jarecki Sharp Petersen, lgl, 300.00; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 2,381.84; Economic Savings, tnfr, 2,381.84; Neb. Dept. of Revenue, tx, 2,377.28; Capital One, sup, 89.28; EMC Insurance, ins, 4,646.49; Payroll, pay, 7,614.15.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 23.70; Flenniken Electric, 4,623.68; gWorks, srv, 1,250.00; One Call Concepts, srv, 11.58; ERPPD, util, 898.96; Municipal Supply, Inc., sup, 1,786.68; Bud's Sanitary Service, srv, 3,419.00; US Post Office, sup, 146.00; Neb. Dept. of Revenue, tx, 596.91; Capital One, srv, 178.80; Water/Sewer Savings, tnfr, 3,000.00.

Fire Checking

Northeast Community College, sch, 13.40; KL&S, Inc., srv, 133.58.

Library Checking

Clearwater Market, sup, 46.49; Capital One, sup, 51.00; Petty cash, cash, 250.00; Payroll, pay, 1,110.15.

Grant Checking

Carhart Lumber, sup, 3,060.35; Quality Iron & Metal, sup, 789.70.

Credit Card

Dollar General, sup, 51.00; US Post Office, srv, 135.08; TactaCam, srv, 133.00.

Motion by King, seconded by Kerkman, to close meeting and adjourn at 9 p.m. Voting aye: King, Kerkman, Hart, Kester, Schlecht. Voting nay: none.

Chairperson Kelly Kerkman

Clerk Angie Hupp