

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

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, December 9, 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, Brian King, Jeff Schlecht. Others present: clerk Angie Hupp, attorney Kyle Petersen, maintenance operator Troy Behnke, engineer John Zwingman, economic development director Lauren Sheridan-Simonsen, reporter LuAnn Schindler, Doug Sanne, Andrew Blecher and Leonard Kerkman. Absent: Cody Kester.

Motion by King, seconded by Hart, to approve minutes of Nov. 11 regular meeting as presented. Voting aye: King, Hart, Kerkman, Schlecht. Voting nay: none. Absent: Kester.

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

Motion by Hart, seconded by King, to approve certified election results. With two board member positions available and only two registered candidates, Cody Kester received 141 and Kelly Kerkman received 86, both retaining their seats. Lottery ordinance 2024-2 passed with 109 votes For and 37 votes Against. Voting aye: Hart, King, Schlecht, Kerkman. Voting nay: none. Absent: Kester.

Kelly Kerkman took oath of office as reelected board member. Kester will take oath at next meeting.

Opened hearing for CDBG grant funds at 7:02 p.m. Clerk Angie Hupp read the following: The Village of Clearwater was awarded Community Development Block Grant (CDBG) planning funds of \$53,000 for conducting and adopting a Downtown Revitalization plan. Three thousand dollars were awarded for grant administration. The Village of Clearwater provided the required match of \$5,000 for the planning project activities. To date, \$58,500 has been used for planning activities and \$3,000 has been used for general administration of the grant. No persons, businesses or farms were displaced as a result of CDBG activities. No public discussion was held.

Motion by Schlecht, seconded by King, to close CDBG hearing at 7:03 p.m. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Discussion held with Andrew Blecher regarding extending sewer line to his residence at 85130 515 ½ Ave. Blecher intends to build an addition and it will require removing the septic tank. Village codes state mandatory hook-up for any removal or replacement of septic tanks and wells. Engineer John Zwingman said State needs to approve engineering plans for sewer extension.

Motion by Hart, seconded by Schlecht, to approve Zwingman shoot elevation and create plan for sewer extension to 85130 515 ½ Ave. Voting aye: Hart, Schlecht, Kerkman, King. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by Schlecht, to amend sewer extension vote to include extension plans to 707 Nebraska St. Voting aye: Hart, Schlecht, Kerkman, King. Voting nay: none. Absent: Kester.

Public comment was heard. Doug Sanne, 506 Dibble St., complained to the board about a dog at 503 Mitchell's Ave. that frequently comes onto his property and tries to chase the grandkids. There is an electric fence but most of the time, he stated it isn't on or doesn't work. Leonard Kerkman, 803 Montana St., made a complaint about the same dog that has charged and almost bitten him three times. Kerkman stated he talked to the owners, who insisted the dogs don't leave the property. The sheriff has never been called. Attorney Kyle Petersen stated that once a dog has charged or attacked someone, it's considered a dangerous or potentially dangerous dog and there are guidelines the owners must follow to keep the dog. Kerkman told Sanne and Leonard Kerkman to stop at the clerk's office to pick up complaint forms and the board would move forward from there.

Kerkman recited second reading of Ordinance 2024-8 annexing parcel nos. 000660500 and 000660501.

Opened one bid for street paving. Knife River Midwest proposed removing four inches of millings and paving four inches with asphalt for 15,000 square feet at rate of \$8.68 per square foot for a total of \$130,200. Zwingman stated that seemed a bit high based on other bids he's seen recently, but since that was the only bid received and a contract needed to be signed before the end of the year to use ARPA funds as planned, there wasn't much choice. Motion by Hart, seconded by Kerkman, to approve paving proposal from Knife River Midwest for \$130,200. Voting aye: Hart, Kerkman, Schlecht, King. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by Hart, to approve Resolution 2024-9 committing to join the Nebraska Cooperative Government interlocal agreement for the purpose of conducting a lottery under the Nebraska County and City Lottery Act for the purposes of community betterment, agreeing to be bound by the terms of such agreement, and repealing ordinances and/or resolutions in conflict and authorizing board chairperson to sign interlocal agreement. Voting aye: Schlecht, Hart, Kerkman, King. Voting nay: none. Absent: Kester.

Motion by King, seconded by Kerkman, to authorize board chairperson to sign Form 33 Power of Attorney to Nebraska Cooperative Government general counsel for lottery tax purposes. Voting aye: King, Kerkman, Schlecht, Hart. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Hart, to approve Two Bills Steakhouse, 211 Iowa St., as lottery sales outlet location. Voting aye: Kerkman, Hart, King, Schlecht. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by King, to open interest-bearing checking account for the purpose of receiving and utilizing lottery proceeds. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

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Motion by Kerkman, seconded by King, to appoint Village Clerk as NCG audit clerk. Voting aye: Kerkman, King, Hart, Schlecht. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by Schlecht, to pay \$100 lottery license fee. Voting aye: Hart, Schlecht, King, Kerkman. Voting nay: none. Absent: Kester.

Discussion held regarding possible Keno Community Day. Kerkman didn't want to make decision without input from owner of Two Bills and board wasn't sure what day would be best. Decision tabled until January meeting.

Motion by King, seconded by Kerkman, to open savings account labeled Sewer Reserve, as required by USDA solely for wastewater reserve funds. Voting aye: King, Kerkman, Schlecht, Hart. Voting nay: none. Absent: Kester.

Economic development report presented. Lauren Sheridan-Simonsen presented reasons to move forward with planning and housing studies including drainage on Nebraska St. and using TIF for subdivision. Leadership Certified Community application on hold until website is updated as required for certification. Tilden Drug opening soon under new ownership. Deliveries will now be available to Clearwater.

Motion by Hart, seconded by Kerkman, to approve planning and housing studies and applying for grants for same. Voting aye: Hart, Kerkman, Schlecht, King. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Hart, to use \$75,000 of economic savings to open short-term CD. Zwingman suggested creating three \$25,000 CDs instead of one \$75,000 one. Board agreed and Kerkman amended motion. Voting aye: Kerkman, Hart, King, Schlecht. Voting nay: none. Absent: Kester.

Maintenance report presented. Troy Behnke found full deck thrown at tree dump. Asked board permission to have clerk create form letter he can deliver to residents when illegal items are dumped, asking them to remove it or face fines. Village has already been penalized by NDEE and if they inspect when prohibited items are at the dump, Village may be forced to close it.

Library report presented. Motion by Hart, seconded by King, to approve new library board members Hilary Ferguson and Kaylee Hauf. Voting aye: Hart, King, Schlecht, Kerkman. Voting nay: none. Absent: Kester.

No park report presented.

Motion by Schlecht, seconded by Kerkman, to approve paying Carhart Lumber claim of \$98.28 for storage shed materials with USDA wastewater grant funds. Voting aye: Schlecht, Kerkman, Hart, King. Voting nay: none. Absent: Kester.

Clerk report presented. Angie Hupp told board that utility billing program from gWorks still nonfunctional more than two months after switching to it, even after multiple support tickets. Sent letter to gWorks asking to switch back to old UBMax program and postpone adding Clearwater to accounting and payroll modules until system is completely operational. Read email reply from gWorks Chief Product Officer Janelle Heuton stating UBMax will not be supported after the end of the year, except for those who are still transferring have until the end of March. Heuton said Clearwater can use it until then if preferred then gWorks can do another migration with the latest information. Board told Hupp to contact PowerManager, the other company considered, and see if they can transfer the Village before the end of March and if they'll work with us on the cost to switch. Will also send a letter to gWorks asking for reimbursement of funds sent to add accounting and payroll modules as board has changed their mind and wants to cancel the contract. Hupp stated Carla Jacob's grandson is renting a house from Thiele Dairy. NNTC filed an insurance claim and paid the \$1,075 Flenniken Electric bill to fix the sewer line at 507 Iowa St. where they broke the bottom of the pipe installing fiber optic lines. A letter was delivered on Dec. 8 to 205 Colorado St. stating they have 90 days to hook back up to water and sewer.

Discussion held regarding office laptop purchase. Hupp provided several prices from holiday sales at retail stores and a quote from Precision IT/ALLO. Motion by Kerkman, seconded by King, to approve Lenovo ThinkBook 16 with 32GB RAM and 1TB storage from Precision IT/ALLO Business for \$1,376. The extra cost is worth it to have laptop completely set up upon arrival. Voting aye: Kerkman, King, Schlecht, Hart. Voting nay: none. Absent: Kester.

Sheriff report presented. October hours included 79.95 hours and five 911 calls.

Unfinished business presented.

Village of Ewing held a special meeting to approve interlocal agreement for shared water operator services when needed. Motion by Schlecht, seconded by Kerkman, to approve interlocal agreement with Village of Ewing. Agreement will automatically renew annually unless one party gives six months' written notice of cancelation. Town needing water operator services will pay the other town \$100 per month for monthly water testing and mileage and an additional \$50 for each additional visit for extra tests or weekly well readings. Voting aye: Schlecht, Kerkman, Hart, King. Voting nay: none. Absent: Kester.

Three proposals for code book recodification were discussed. A self-publishing option from CivicPlus for \$10,450 with an annual fee for updates and online hosting of \$1,200; a full-service option from CivicPlus for \$10,450 with an annual fee for updates and online hosting of \$1,750; and a full-service option from American Legal Publishing for \$7,995 with an annual cost of \$595 for online hosting and \$21 per page for updates. Motion by Hart, seconded by Kerkman, to approve full-service option from CivicPlus. Voting aye: Hart, Kerkman, Schlecht, King. Voting nay: none. Absent: Kester.

Zwingman provided elevation results for the proposed subdivision. He stated estimated cost is \$400,000 to set up water, sewer, storm drainage and streets. Tax-Increment Financing (TIF) would help pay for it.

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Hupp had Zwingman explain basic concept of TIF to the board. If Village uses TIF funds, all taxes would go to them instead of county, school, etc., for set number of years to help cover the costs. If a developer uses TIF funds, they receive the taxes instead of the town. Next step is to have architect create renderings for marketing purposes to see if there's interest from contractors and residents to build.

Zwingman spoke with Antelope Co. engineer Brian MacDonald regarding River Rd. and Nebraska St. paving discussions. MacDonald stated official opinion will be that county has no legal responsibility to repave as they had verbal permission from a Village board member to mill the streets. Zwingman stated he wasn't part of the initial discussions so not much for him to go on. Hupp said large issue is that no one currently on Village board were involved in initial situation. Zwingman stated if roads were repaved, they'd need to follow state statute of 22 ft. wide with four-foot shoulders. Kerkman asked Hupp to place them on Jan. 7, 2025 county commissioners' meeting agenda.

Motion by Kerkman, seconded by King, to approve plan creation by Zwingman to extend sidewalk from Clearwater Feed to Hwy. 275 along Main St. so sidewalk meets crosswalk. Plan needs to be approved by State before construction. Voting aye: Kerkman, King, Schlecht, Hart. Voting nay: none. Absent: Kester.

New business presented. Confirmed Jan. 13, 2025 at 7 p.m. as next regular meeting date.

No attorney report presented.

Motion by Schlecht, seconded by King, to approve BlackStrap Inc. claim of \$1,098.90 for winter sand/gravel. Voting aye: Schlecht, King, Kerkman. Voting nay: none. Abstain: Hart. Absent: Kester.

Motion by Kerkman, seconded by Hart, to approve remaining claims and payroll. Claims: \$39,853.19; payroll: \$8,093.57. Voting aye: Kerkman, Hart, King, Schlecht. Voting nay: none. Absent: Kester.

General Checking

BlackStrap Inc., sup, 1,098.90; Bomgaars, sup, 184.86; ERPPD, util, 1,155.18; ALLO Business, srv, 36.00; NNTC, util, 162.70; Black Hills Energy, util, 411.72; Western Oil II, LLC, fuel, 245.46; ColdType Publishing, adv, 347.46; Jarecki Sharp Petersen, lgl, 300.00; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 2,572.14; Economic Savings, tnfr, 2,572.14; Neb. Municipal Clerks' Institute, sch, 443.00; Cornerstone Bank, srv, 25.00; Neb. Dept. of Revenue, tx, 2,032.78; EMC Insurance, ins, 4,646.49; Payroll, pay, 7,208.25.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 91.00; NDEE State Revolving Fund, loan, 11,823.06; NeRWA, sch, 445.00; ERPPD, util, 598.84; Thiele Electric, rpr, 440.00; Bud's Sanitary Service, srv, 3,437.00; US Post Office, sup, 219.00; Two Rivers Irrigation, rpr, 342.19; Neb. Dept. of Revenue, tx, 949.31; Capital One, srv, 32.75; Water/Sewer Savings, tnfr, 3,000.00.

Fire Checking

Antelope Memorial Hospital, sup, 160.58; Feld Fire, sup, 430.32; Northeast Community College, sch, 53.60; Quick Med Claims, srv, 163.60.

Library Checking

Clearwater Market, sup, 32.58; Payroll, pay, 885.32.

Grant Checking

Carhart Lumber, sup, 98.28.

Credit Card

US Post Office, srv, 32.75.

Motion by Hart, seconded by Kerkman, to close and adjourn meeting sine die at 8:46 p.m. Voting aye: Hart, Kerkman, Schlecht, King. Voting nay: none. Absent: Kester.

Reorganizational meeting opened at 8:47 p.m.

Motion by Kerkman, seconded by Hart, to keep meeting date, time and place as second Monday of each month at 7 p.m. at fire hall meeting room for 2025. Voting aye: Kerkman, Hart, King, Schlecht. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by King, to approve Cornerstone Bank in Clearwater as Village's official bank for 2025. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by King, to approve Summerland Advocate-Messenger as Village's legal newspaper for 2025. Voting aye: Kerkman, King, Schlecht, Hart. Voting nay: none. Absent: Kester.

Motion by Hart, seconded by Schlecht, to approve John Zwingman of Advanced Consulting Engineering Services, Class A street license #S-1397, as Village's street superintendent for 2025. Voting aye: Hart, Schlecht, King, Kerkman. Voting nay: none. Absent: Kester.

Motion by Kerkman, seconded by Hart, to approve John Zwingman of Advanced Consulting Engineering Services, license #E-9608, as Village's engineer for 2025. Voting aye: Kerkman, Hart, King, Schlecht. Voting nay: none. Absent: Kester.

Motion by Schlecht, seconded by King, to approve Kyle Petersen of Jarecki Sharp and Petersen, as Village's legal counsel for 2025. Voting aye: Schlecht, King, Hart, Kerkman. Voting nay: none. Absent: Kester.

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

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

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

Motion by Kerkman, seconded by King, to nominate Marsha Hart as vice-chairperson. Voting aye: Kerkman, King, Schlecht. Voting nay: none. Abstain: Hart. Absent: Kester.

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

Motion by Kerkman, seconded by Schlecht, to approve Marsha Hart as vice-chairperson. Voting aye: Kerkman, Schlecht, King. Voting nay: none. Abstain: Hart. Absent: Kester.

Motion by Kerkman, seconded by King, to keep committees the same with sewer/water commissioner Brian King, street commissioner Jeff Schlecht, landfill/recycle commissioner Marsha Hart and park and recreation commissioner Cody Kester. Voting aye: Kerkman, King, Schlecht, Hart. Voting nay: none. Absent: Kester.

No action taken on changing authorized bank accounts or grant signers.

Motion by Kerkman, seconded by King, to close and adjourn reorganizational meeting at 8:53 p.m. Voting aye: Kerkman, King, Hart, Schlecht. Voting nay: none. Absent: Kester.

Chairperson Kelly Kerkman

Clerk Angie Hupp