

VILLAGE OF CLEARWATER, NEBRASKA REGULAR MEETING MINUTES JANUARY 13, 2025

The Board of Trustees of the Village of Clearwater met for a regular meeting Monday, January 13, 2025 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, reporter LuAnn Schindler, Deb Sanne, Mike Tabbert, Tim and Kristen Kester. Absent: Cody Kester.

Motion by Hart, seconded by King, to approve minutes of Dec. 9, 2024 regular meeting as presented. Voting aye: Hart, King, Schlecht, Kerkman. 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, Kerkman, King. Nay: none. Absent: Kester. Viewed quarterly treasurer's report.

Discussion with Tim and Kristen Kester regarding complaints received by Village office from Leonard and Judy Kerkman, Doug and Deb Sanne, Jean Herley and Debbie Bolling about Kester's two German shepherd dogs. Kerkman asked Attorney Kyle Petersen to explain dangerous and potentially dangerous dog ordinances and steps required if dog(s) are declared as such. Kristen Kester read letter responding to the complaints and stated after complaints were filed in 2022, they took steps to keep dogs on property including installing GPS-based electric shock fence and security cameras that notify if dogs leave property. Kester stated dogs have never been aggressive toward any kids and have never had issues with guests in home. When Leonard Kerkman complained to Kesters, they viewed video footage that showed dogs barking but remaining on their own property. Kester stated they've lived at property for nearly 17 years and have never had so many issues until recently. Offered video and photo proof of dogs not leaving property to board if requested as well as letters from three friends. In response to Doug Sanne complaint, Kester mentioned one complaint was about a chocolate lab they had briefly that died in 2023. Kesters told Sannes to call when grandkids visit, and will put dogs in house but stated Sannes have only called once in three years. Deb Sanne stated grandkids are sometimes there twice a week and doesn't feel comfortable calling that often. Both Tim and Kristen expressed upset at being gossiped about around town, with people saying their dogs have bitten people and are dangerous when there is no proof it has happened. Kerkman stated one of the dogs bit him when he was on the street preparing to walk up to the door several years ago. Tim pointed out they fixed so dogs can't get in front yard after that. Kristen continued with letter, saying that dogs do well with collars and don't leave yard. Sanne showed them a photo from the summer of one of the dogs in her yard and Tim stated the collar must not have been put on. Kerkman mentioned he mowed his father Leonard's yard all summer and saw plenty of fecal evidence the dogs did get out. Kerkman asked Kesters if they'd be willing to put up a physical fence, preferably privacy, but one sufficient that the dogs couldn't jump over or dig under. Tim Kester agreed but asked for time due to winter weather. No action was taken.

Discussion with Mike Tabbert regarding possible Keno Community Day. Tabbert suggested Apr. 19 for 2025, to coincide with first anniversary of Two Bills Steakhouse opening. Date can be changed every year by vote of board, but can only have one every calendar year.

Motion by Hart, seconded by King, to approve April 19, 2025 for 2025 Keno Community Day. Voting aye: Hart, King, Schlecht, Kerkman. Nay: none. Absent: Kester.

Discussion regarding current state of gWorks program. Clerk Angie Hupp told board two-month-old support ticket still open with five items that don't work correctly in new utility program and as of last week, none appeared to be fixed. Things are going smoother since going back to old program. gWorks approved reimbursement to Village of \$2,893 for finance and HR systems that Village canceled last month.

Motion by Hart, seconded by Kerkman, to reconsider contract with gWorks for finance, HR and utility systems. Voting aye: Hart, Kerkman, Schlecht, King. Nay: none. Absent: Kester.

Motion by King, seconded by Schlecht, to approve contract with inHANCE Utility Solutions PowerManager accounting, payroll and utility billing program for cost of \$13,925 one-time set-up fee and annual subscription of \$4,650. Voting aye: King, Schlecht, Kerkman, Hart. Nay: none. Absent: Kester.

Motion by Kerkman, seconded by Schlecht, to reconsider contract with CivicPlus for codebook recodification. Voting aye: Kerkman, Schlecht, King, Hart. Nay: none. Absent: Kester.

Kerkman stated that in his opinion, since initial accounting program didn't work and Village spending more than budgeted on that, codebook updating should be postponed until next budget year. Board agreed so no action was taken regarding hiring a codebook recodification company.

Motion by Hart, seconded by King, to approve Ordinance 2024-8 upon third reading 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. Annex includes parcel nos. 000660500 and 000660501. Voting aye: Hart, King, Schlecht, Kerkman. Nay: none. Absent: Kester.

Motion by Schlecht, seconded by King, to approve Resolution 2025-1 codifying local legislation made in 2024. Voting aye: Schlecht, King, Hart, Kerkman. Nay: none. Absent: Kester.

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Economic development report presented by Hupp. Lauren Sheridan-Simonsen researching public works and planning grants. Listed three websites to view for ideas on website update. Applying for DED showcase community nomination. Game and Parks celebrating 30th anniversary of Cowboy Trail with increased promotions and celebration in Valentine in September. Historical museum, veterans' park and rodeo included in 2025 Discover Northeast Nebraska tourism guide.

Maintenance and park report presented. Troy Behnke told board of recent discovery that generator for running library well when power goes out isn't compatible with current wiring. Is getting quotes for conversion but may have to sell generator and get a different one. Kerkman asked Behnke about sweeping streets and asked for any meters with issues to be fixed before next meeting.

Motion by Kerkman, seconded by Schlecht, to approve purchase of skid loader broom brushes and blade up to \$2,500. Behnke stated that's price from Kayton's but may be able to get cheaper from Barco. Voting aye: Kerkman, Schlecht, King, Hart. Nay: none. Absent: Kester.

Library report presented.

Sheriff's hours presented. November hours were 85.03 with four 911 calls.

Clerk report presented. Six late fees assessed with no disconnect notices. Hupp stated repairman from Sargent Drilling asked about blueprints for water tower and neither Hupp nor Behnke found any. Since the water tower was purchased used in early 1990s, Hupp didn't think Village had them. Can get up to six copies from building company for \$400. Board agreed a good idea to have on hand. Hupp and Behnke spoke to Deb Brown from SMJ regarding their interest in placing cell tower in/near town. Brown said original location on northeast corner of lagoon parcel not ideal. Behnke told her they can look at area near tree dump. Board had no objections. Hupp stated John Zwingman hadn't had chance to work on information for sewer expansion and sidewalk extension projects but will know more at February meeting.

Discussion held involving dispute with County Commissioners regarding paving River Rd. from Hwy. 275 north to Village/County limits and Nebraska St. from River Rd. east to Hwy. 275. County tore up pavement and laid Sinclair dirt on both street sections in summer 2020, with verbal agreement from Village Board at time for River Rd. Nebraska St. was under county jurisdiction because section annexed by Village in 2015, but paperwork not provided to County Clerk until fall 2020. Village board under impression that County would let dirt settle for a few years then repave both streets. Via email, Zwingman told board a commissioner asked at Jan. 7 commissioner meeting why subject continued being on County agenda as Village had been answered. Board expressed frustration at getting inconsistent answers from County, feeling answer hadn't been finalized. Petersen stated statute of limitations on unwritten contracts is four years, so Village has no recourse as discussion initially began August 2019. Behnke asked whether Village limits went to edge of streets or to middle. Answer is unclear, so Hupp to ask Zwingman. Petersen said interlocal agreement should be in place if both Village and County responsible to maintain portions of streets. Hupp stated she didn't know of any agreement ever being made. No action was taken.

Hupp presented payment options from Zwingman to pay for public works improvements for the proposed subdivision for board to consider. Options included getting water, sewer and paving improvement bond to assess to Village residents; using Tax-Increment Financing (TIF) to make bond payments; creating assessment district and assessing costs to the lots, significantly increasing lot prices; or finding developer to develop area for Village, possibly utilizing TIF. Board will discuss more with Zwingman in February.

Confirmed next regular meeting date of Monday, Feb. 10. Kerkman stated he may be gone but date worked for others.

No attorney report presented.

Public comment heard. Kerkman asked LuAnn Schindler if Village of Ewing got grant to install wireless lights on all businesses on Main St. Schindler stated thought they used LB840 funds. Behnke told board he forgot to mention might be time to look at replacing Christmas snowflakes on light poles as cords getting frayed. Grants may be available.

Motion by Schlecht, seconded by Kerkman, to approve claims and payroll. Claims: \$48,404.89; payroll: \$7,478.64. Voting aye: Schlecht, Kerkman, Hart, King. Nay: none. Absent: Kester.

General Checking

Main St. Repair, sup, 204.95; Eakes Office Solutions, sup, 131.96; Farmers Pride, sup, 312.77; ERPPD, util, 1,164.43; Antelope Co. Treasurer, srv, 100.00; Neligh Auto & Machine, sup, 32.15; NNTC, util, 159.08; Western Oil II, fuel, 180.74; Applied Connective Technologies, srv, 75.00; ALLO Business, srv, 61.00; Black Hills Energy, util, 638.73; Advanced Consulting Engineering Services, srv, 2,534.62; Clearwater Library, tnfr, 2,250.00; inHANCE Utility Solutions, srv, 13,925.00; ColdType Publishing, adv/rent, 1,092.46; Jarecki Sharp Petersen, lgl, 300.00; Antelope Co. Sheriff, srv, 1,302.25; General Savings, tnfr, 2,829.54; Economic Savings, tnfr, 2,829.54; Neb. Dept. of Revenue, tx, 1,706.92; Capital One, sup, 1,645.24; EMC Insurance, ins, 4,646.49; Payroll, pay, 6,752.25.

Water/Sewer Checking

Neb. Public Health Enviro Lab, srv, 144.00; Municipal Supply, Inc., sup, 211.43; ERPPD, util, 687.89; Bud's Sanitary Service, srv, 3,437.00; US Post Office, sup, 146.00; Neb. Dept. of Revenue, tx, 577.08; Capital One, srv, 32.75; Water/Sewer Savings, tnfr, 3,000.00.

Economic Checking

ColdType Publishing, rent, 60.00; Capital One, sup, 223.47.

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Fire Checking

Antelope Memorial Hospital, sup, 160.58; Midwest Automatic Fire Sprinkler, srv, 512.00; Northeast Community College, sch, 120.60; Island Supply Welding, sup, 154.25; Orval's Auto Service, srv, 874.80; Quick Med Claims, srv, 100.75.

Library Checking

Payroll, pay, 726.39.

Capital One Credit Card

Vista Print, sup, 30.78; Amazon, sup, 365.61; ALLO Business, sup, 1,472.32; US Post Office, srv, 32.75.

Motion by Hart, seconded by King, to close and adjourn meeting at 8:26 p.m. Voting aye: Hart, King, Schlecht, Kerkman. Nay: none. Absent: Kester.

Chairperson Kelly Kerkman

Clerk Angie Hupp