**VILLAGE OF DUNCAN BOARD MEETING**

**& PUBLIC HEARINGS**

**April 10th, 2017**

**7:00 PM – VILLAGE HALL**

**906 Eighth Street – Duncan NE**

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The regular meeting of the Village of Duncan Board of Trustees was called to order at 7**:**03 PM by Chairperson Dustin Schaefer. The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. Schaefer assured that everyone present could hear the proceedings. Board members present were Schaefer, Paige Young, Chris Staroscik, Josh Dahlberg and Joe Boruch. Also in attendance were Village Staff: Don Reves, Stephanie Laska and Mari Evans. Visitors were: Betty Kropatsch, Travis Stempek and Jamie Frey. The Pledge of Allegiance was recited by the board. Prior meeting minutes were reviewed by the board. *A motion to approve the minutes with change in recording of vote by Joe Boruch on NSWC alternate to nay; change under Parks & Rec to add information Young provided that CSS Farms offered to help with a fundraiser at the park, was made by Staroscik, second—Dahlberg. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried*. The Chairperson opened the floor to any unscheduled visitors for questions or concerns for the board. There were no unscheduled visitor questions or concerns.

**Unfinished Business:**

**Maintenance Back Up Update** Schaefer reported that he hasn’t had the chance to do the interview yet. He stated that he will try to schedule it for this week. Schaefer also stated that he would talk to Dave Paczosa (water back up operator). Reves suggested that new employee take the water certification class prior to the end of the year but not get his certification until January 1st of 2018 to avoid paying for certification twice, since it would need to be renewed at the beginning of the year anyway. The board discussed when to have the new hire start. It was decided that he should start now, in order to train however, only be paid the hourly wage and not the monthly retainer since he will not be certified as back up water operator until the first of next year. Schaefer stated he would talk to the new hire (provided the interview goes well) about this and see if he is in agreement. Schaefer stated he will provide an update at the next meeting. The subject will be tabled to the next meeting.

**604 5th Street** Young stated that there is a trash can outside the front of the home now. Boruch stated that he observed the owner outside, working in a car. He also stated he noticed that there was a lot of trash in the cornfield near the property. It was noted that not much had been completed yet. Boruch stated that he will stop over and talk to the owner again and see how he’s doing and if he can help in anyway. The subject will be tabled to the next meeting.

**Street Survey Update** USDA talked with Schaefer and will get together with him and Reves to discuss grant opportunities. Schaefer stated he spoke to Nathan Boone (JEO Consulting) and noted that he needs to talk to Platte County Roads Dept. in order to discuss joining their resurfacing project so that we can get south Main Ave. completed at the same time, which would save the Village some money.

**NEW Business:**

**Proposed Resolution R17-218 (CVA Sewer Rate)** Schaefer read the entire resolution aloud, stating that the sewer rate that CVA will pay will be as previously decided by the Board ($130/mo). *A motion to pass R17-218 (CVA Sewer Rate) was made by Dahlberg’ second-Young. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried*.

**Grass Dump** Schaefer stated that the Village has its own trailer now to load grass and there is no need to pay for removal, Jareske’s no longer wish to receive the grass from the grass dump. Schaefer reported that he still needed to talk to a few people on whether or not they would take the grass from us. Receiving the grass is nonpaid. Several suggestions were made by the board as to who might take the grass. Schaefer stated that he would take it if he had to however, we do not want to have to pay someone to take it. The board agreed. This topic will be tabled until next month.

**VFW Dance SDL-special designated license (Request for Liquor License Approval)** Boruch stated that he would like to withdraw his request for a SDL due to the fact that the posters for the dance have already been posted and they state ‘BYOB’ (bring your own booze). He stated that he was not consulted prior to the posters being put up. To avoid confusion and turning people away who bring alcohol with them, they will forgo the liquor license approval this year.

**Ribfest SDL (Request for 2-Day Liquor License Approval)** Schaefer read the letter from Gary Schlesinger requesting the SDL (Special Designated License) for June 24 from 2pm-1am and June 25 from 10am-5pm. *A motion to approve the SDL was made by Young, second-Staroscik. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried*. Schaefer then read the request letter from Gary Schlesinger requesting street closure on the same two days. A diagram was included of the streets needing closed (same as last year). The board quickly discussed and decided that the previous day (Friday, June 23) would also be necessary to close due to the fact that they need time to set up tables and stands etc. *A motion to close the requested streets for June 23-25 was made by Dahlberg, second-Boruch. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*

**Planning & Zoning Review of Duties** Schaefer reported that he thought it would be beneficial for the committee and the board to review the duties of each P&Z title and code book so that everyone is on the same page and give everyone a chance to ask questions to clarify anything needing to be cleared up. Schaefer read through the duties of the commission and board of adjustment as listed in the P&Z code book. All present have a code book to follow along. Schaefer questioned the ‘Hold and Dispose of Property’ meaning. There was no response from anyone else. This will need to be clarified. Schaefer reported that members must live within the Village jurisdiction and that there is no compensation for being on the committee with exception of mileage etc. There are 3 year terms for members which are served as one member serving 1 year, 1 member serving 2 years and 1 member serving 3 years. Schaefer also reported that the Village Board is responsible for appointing members of the P&Z Committee. He reported (from the code book) that a member may be removed by the board with written charges of good cause. Members of the committee may not serve in another public office. Schaefer reported (from the code book) that committee meetings are held quarterly and as necessary. These meetings are open to the public and must abide by the Open Meetings Act. Members include, Chairperson, Vice Chairperson, Secretary and Zoning Administrator. Schaefer then read aloud about the meetings and that it is necessary to have at least 3 members to have a quorum. If, at anytime, there are 3 members together, discussing P&Z issues, it is considered a meeting. He then read that in order to vote on a subject, there must be at least 3 votes. Kropatsch interjected that P&Z and the Village Board must have 4 votes to pass something. Frey reported that the book said 3 votes are necessary. Schaefer reported that he would double check on this subject. If there is a cancellation of a meeting, the clerk must notify the media. Schaefer reported that if a member ‘abstains’ from voting, it is considered a ‘negative’ vote. He read also that there are no absentee or proxy voting aloud. Schaefer then read aloud, the subject of Conflict of Interest and that any member with a conflict of interest must not be allowed to vote. He stated that if a member discussed an issue with anyone involved in a voting matter, that the member must report the communication discussed at the public hearing. This is called ‘Exparte Communication’. It is in violation of the Open Meetings Act if a member discusses a voting issue with the participating party, outside of the meeting, without reporting it during the public hearing. This is to let the rest of the members and public know what was discussed during the communication. Schaefer asked if everyone understood this subject. All agreed. Schaefer then read aloud about Public Notice and Public Hearing. He stated that a public hearing must be opened and a motion made to close the hearing. There may not be any comments recorded after the motion to close. This part of the book stated that there needs to be at least 3 members to vote. Discussion was had about the case if there were not 3 members voting due to conflict of interest. The issue might need to go to the board of adjustment in that case. Schaefer stated that he would have to check into this and find out what the appropriate action is. Schaefer then read aloud about the ‘Disposition of Position’. He stated that even if the P&Z committee disapproves a petition, it needs to come before the Village Board. Schaefer then read aloud about ‘Amendments’. He reported that permits are to go through Don Reves (Zoning Administrator). If they are denied, Reves will send a letter of denial to the applicant. If the applicant does not agree with the decision, they have the right to appeal to the Board of Adjustment (In Duncan, the Board of Adjustment is the Village Board). An appeal is to be filed within the time frame that the letter of denial states. The code book states that an appeal must be filed within a ‘reasonable amount of time’. Schaefer reported that he and Reves asked Jeff Ray (JEO Consulting) what the time frame should be. Schaefer stated that Ray reported the standard time is 30-90 days. Schaefer wondered if an exact time frame should be stated in the By-laws. Frey suggested that ‘reasonable time’ was flexible and would leave each individual situation to have a specific time frame for appeal. It may take longer in certain situations to get prepared for a public hearing than other situations. The time frame can be reported in the letter of denial to be specific in each situation. Schaefer agreed. An appeal would cause a public hearing to be held in the matter. All voting in a public hearing must have at least 4 votes, either positive or negative. Publication of a Notice of Public Hearing must be published and posted at least 10 business days prior to the hearing. If it involves a property, a public notice sign on the property or notification to the direct neighbors of the public hearing notice must be made. Schaefer then read that once a permit is approved, it has a six month expiration. If the six months has passed, a new permit must be approved prior to starting. Schaefer reiterated that any permits need to go through Reves first and then the Board of Adjustment, if needed. The Commission does not approve zoning permits. It deals with zoning issues and amendments to zoning laws. The Village Board cannot do anything with zoning issues until the Commission makes a formal recommendation to them. The board and P&Z members present presented no more questions at this time.

**Departmental Reports:**

**Utilities** No report.

**Clerk** Evans reported that the Municipal Clerks Association conference that she was approved for and attended last month was very beneficial. She stated that she learned a lot. However, since she was only signed up to go 2 days as opposed to the whole week, she missed a lot. She suggested that next year, she go all week to benefit even more. She stated she learned a lot that will help in her position as Clerk.

**Parks & Recreation** Young reported that she would like to have a fundraiser at the park. She stated that CSS farms offered to help with the fundraiser. The fundraiser could be held at the park with possibly blocking off 9th street, by the park. Young requested any ideas or sponsors. She suggested it would be great to find a sponsor to donate a bouncy house. And, that there could be a free will donation at the fundraiser.

**Treasurer** Laska reported the bills to the board. The last Duncan Rural Fire Department payment was made. All other bills are usual monthly bills. Laska reported that the EMC payment was late last month due to the Chairman having trouble getting into the office to sign checks. Since the payment was late, they have sent the Village a notice of cancellation of our policy if not paid by the date advised. The payment has since been received however, the new bill is requesting a two month payment now. Evans will call EMC tomorrow and find out exactly what payment is due. No further discussion on this matter. Boruch asked why the phones cost so much. Evans reported that she just recently spoke with a Frontier Communications representative due to the fact that the Village contract with them is coming due. She reported that instead of a $400 bill per month for phones/internet, she was offered a 3 year contract with a monthly payment of only $98 and that would also include a new modem with faster internet. Boruch stated his understanding and the board asked no further questions. *A motion to approve the bills was made by Young, second—Dahlberg*. *Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.*

All meetings are open to the public and a current agenda for said meetings will be posted and available for public inspection at the office of the village clerk on the Thursday prior to the meeting. The next regular meeting of the Village Board of Trustees will be on **Monday, May 8, 2017 at 7:00 PM.**

Being no other business, adjournment was made by Schaefer at 9:00p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)