**VILLAGE OF DUNCAN BOARD MEETING**

**& PUBLIC HEARINGS**

**February 13th, 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**:**05 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. Eugene and Elaine Drozd were also present. The Pledge of Allegiance was recited by the board. Prior meeting minutes were reviewed by the board. Dahlberg stated there needed to be one small change removing the word ‘grass’ from being included in what the Village burns. Evans noted the change and will make prior to posting the minutes. A motion to approve the minutes with the one change in wording, 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. The Chairperson opened the floor to any *unscheduled visitors* for questions or concerns for the board. There were no unscheduled visitor questions or concerns.

**New Business:**

**Public Hearing for 1 & 6 Year Road Plan** The One and Six Year Road Plan Public Hearing was opened at 7:05pm by Schaefer. Schaefer asked if all board members were aware of the plan that was discussed at the last two board meetings. All board members were aware. There were no questions and no others present with any questions or concerns. The plan was discussed briefly by the board.

**Street Study Approval:** Boruch stated that he had spoken with CVA (Central Valley Ag) about the resurfacing of the street in front of their business. Boruch reported that CVA was receptive to the idea of donating funds to help resurface the street that is used to access their business. Schaefer reported that he talked to Nathan Boone (JEO) about the street study. Nathan would come out and do a cost analysis for free but Schaefer stated there is an estimate already in the One and Six Year Plan. However, he stated, that Nathan’s would be more accurate as Scott Cowels was not known to have come out to do an onsite study for us. Schaefer thought it would be a good idea to have Nathan perform the cost analysis since it was offered for free, and then see how it compares to the one that is listed in the Plan. The rest of the board agreed. Schaefer stated that Nathan had reported to him that the costs of street resurfacing have gone down recently. Schaefer reads the road plan and the costs that are estimated for each section that is on the plan.

**Proposed Resolution R17-215 (1 & 6 Year Road Plan):** A motion to waive the first and second reading of Resolution R17-215 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. A motion to adopt Resolution R17-215 One and Six Year Road Plan 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. A motion to close the public hearing for the 1 & 6 Year Road Plan was made at 8:10pm, by Staroscik, second—Young. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried.

**Public Hearing for Conditional Use Permit Application (UE Storage):** Schaefer opened the public hearing for the conditional use permit application at 7:20pm. Schaefer reminded the board what the application was for and that it was discussed in length at a few past board meetings. Everyone stated they understood.

**Planning and Zoning Committee Recommendation** Jamie Frey (P&Z Chairman) was supposed to be the representative from P&Z to make their recommendation. However, he is not present. Reves, zoning administrator and P&Z committee member, made the recommendation to approve the conditional use permit for Drozd with conditions. Reves reported to the board there is 1 condition that the landscape buffer bordering a residential area will be 10 feet instead of the listed 20 feet. This is what has already been in place with his neighbor and they wanted to put it on the permit to have it recorded. The Public Hearing was closed at 7:30 by Schaefer.

**Proposed Conditional Use Permit Application Approval** Schaefer read the permit/application with legal description of property and use of building as operating storage units. Schaefer stated that the condition needed to be written on the application somewhere or a separate sheet/addendum added to the application to include the condition. Evans stated she would take care of that and asked Drozd if he would like her to send the final application approval (with the listed condition) to him in the mail or if he’d like to pick it up. He stated the mail was fine. Schaefer asked the board if everyone was okay with the added condition. There was no one opposed. There was a question about the north side residential border. However, that border is only 2 feet due to the building being that close to the property line. This was something that was there prior to zoning, so there is nothing more to do about that side. A motion to waive the first and second reading was made by Dahlberg, second—Staroscik. Vote was as follows: voting aye-Staroscik, Young, Schaefer, Dahlberg and Boruch. Voting nay--none. The Chairperson declared the motion carried. A motion to approve the conditional use permit for UE Storage 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.

**Old Business:**

**Maintenance Back Up Applications** Schaefer reported that there has only been one application for the maintenance back up position posted. Schaefer stated he planned on talking to the applicant to find out his interest in the position. He stated that if the applicant is not that interested in the position then he may apply for it. Schaefer reported that he has basically been doing the job anyway. Schaefer reported that if the applicant really wanted the position, he would let him have the opportunity and would not apply. There have not been any other applicants. No discussion was had by the board on this subject.

**Sewer Rate For Commercial Use at CVA (Central Valley Ag)** CVA had recently requested a quote on the cost of hooking into and using their boilers on the Village sewer system. Reves had NRWA (Nebraska Rural Water Association) come out and do a study on what would be a reasonable and fair price since we do not have any other customer that uses the sewer system as much, to compare. The estimate ended up coming out to $127.04/month. This estimate was based on what other companies in other similar towns are paying for similar service. As well as how many gallons are going to be running through the sewer system. CVA has reported that the boilers pump approximately 150 gallons per hour, 7 days a week. With the normal rate of $40 per month for sewer service in Duncan, and the average amount of water used being approximately 4,000 gallons per month per customer, CVA would be charged $1.28 per thousand gallons over the typical 4,000 gallons. This would make the total cost of sewer $127.40 per month. Reves reported that the amount running through the sewer system should not affect the lagoons. NRWA personnel reported to Reves that it would only be problematic if the water table was severely high. Board members agreed that this would most likely not happen and are not worried about any problems with the lagoons by allowing CVA to pump that much into them. The board discussed and agreed to make the final amount $130 per month. There will need to be a resolution drawn up and approved at the next meeting. However, CVA will need to be contacted and given the quote and receive a go ahead on the project, prior to drawing up a resolution and passing it.

**Approval of Copy Fee Waiver of Liability for Rental Owners** As discussed at the last meeting, Evans has come up with a waiver for rental owners and renters to sign, stating that the invoices will only be sent to the renter and the landlord will only receive notice when the rental’s water is about to be shut off due to lack of payment. This waiver will remove liability from the Village and remove the $2 copy fee that landlords are paying now for having a copy sent to the renter. The waiver needs to be signed by the landlord and the renter. It explains that the renter will be solely responsible for paying the water/sewer bill, as they will be the only one receiving the invoice from the Village. It also explains the process of late fees and shut off notices. This waiver was produced due to several complaints from landlords of having to pay $2 per month per renter for a copy of the invoice. With this waiver, the invoices will only be sent to the renter. However, the landlord will be notified if the water is going to be shut off due to lack of payment. The landlord will still, ultimately, be responsible for the property’s water/sewer bill. A motion to approve the waiver of liability for rental owners 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.

**Attorney Fees/Bills** Schaefer reported that he has not called and talked to Emerson (attorney) yet. He reported that he will call him tomorrow. Schaefer stated that that bill will have to be held from the approved bills tonight. Tabled until next month.

**604 5th Street Update** Boruch stated that he has not gone to talk to the owner of the property yet, but he will. Young stated that we really need to contact the owner. Schaefer reported that there have only been verbal complaints about the residence and nothing written. It was agreed by the board that a letter be sent to the owner as well as personal contact by a board member (Boruch). The subject will be tabled until next month.

**Restricted Access Alley Update** Evans emailed Scott Cowels (Street Superintendent) about the previously discussed ‘street’ on the west side of town. Cowels responded that a resolution should be sufficient but may want to discuss with the Village attorney. He emailed that after the resolution is passed to change the ‘street’ to a Restricted Alley Access, then we can change the maps. Board members discussed the fact that the map should not label it as a ‘street’ due to the width (not wide enough) and it is a dead end. To avoid future problems, the ‘street’ needs to be changed to a restricted alley access. It was stated that the alley is more of an easement for utility companies to access their equipment. The alley has severe drainage problems and if used as a ‘street’, would cause lot of problems. Boruch asked if the Village gets lane miles for it since it is labeled a street. Schaefer reported that the Village is not credited with miles for it so relabeling it will not affect lane miles. The board discussed the option of going through the attorney on drawing up the resolution. The board decided that Evans could draw up the resolution and there would be no need to pay the attorney for it. Evans will draw up a resolution for the next meeting.

**Dog at Large Repeat Offender** It has been brought to the attention of the board that there is a resident in town that has been a repeat, ‘dog at large’ offender for a long time. It was stated that she has two dogs and she has had several dogs in and out of her residence in which there have been problems with running at large. There was a verbal complaint recently with a cell phone picture of one of the dogs on another property, tearing up their newspaper. This neighbor stated that the dogs are at large a lot and they tear up her newspaper. She stated that there are other neighbors that are having their property destroyed as well. This resident has had several letters over the years for ‘dog at large’ violations and has been talked to personally by Village staff, animal control and the Platte County Sheriff. She continues to have the same problem with her dogs being ‘at large’. The Village does not have a ‘repeat offender’ penalty at this time. This was discussed at a prior meeting a year or so ago as well. There are other similar towns that have a penalty of up to $3000 for repeat offenders. Other villages have in their ordinance to refuse that resident to have any further dogs at the residence if they are a repeat offender. The board discussed making a resolution for a penalty of a repeat ‘dog at large’ offender. Schaefer stated that if the dog gets loose again that we need to send her a letter and a fine. Evans stated that there is no ‘fine’ in our ordinance under the ‘dog at large’ section, except for when the dog is picked up and boarded. However, there is an ordinance backed by state statute stating that the Board has the power to fine up to $500 for any ordinance violation. Evans will check on a general penalty fine in the ordinance book to clarify.

**Departmental Reports:**

**Utilities** No report.

**Clerk** The previously discussed lien was never filed as the property owner came in and paid their bill before the lien could get filed. Schaefer reported that he spoke to Janice Hamilton (Cornerstone) and got a quote on insurance through a new company (currently EMC). He reported that it is $800 per year cheaper, however the deductible is higher. It is not really any better than what we have now. Schaefer reported that EMC has been really good with us, especially the last claim we had. Schaefer stated that he will bring the actual quote to go over next month with the rest of the board.

**Parks & Recreation** Schaefer reported that the $4000 previously talked about was actually donated by Cargill and not CVA. It was a donation specifically for a water fountain at the main park. It has been discussed that the old water fountain was removed because kids were breaking it and causing a lot of work and cost on it. The board discussed and decided that there is someone at CVA that used to work there when it was Cargill. A member of the board will try to contact them and discuss the matter with them so that we can see if they are ok with Parks & Recreation using their donation for other park equipment.

**Treasurer** Duncan Rural Fire Dept. (DRFD) is the only large bill on the list this month. The board discussed and decided that the contract had not been looked at since the 1980’s. Schaefer stated that it is a large bill, however if the Village provided their own fire department, it would cost a lot more. That is the reason the Village agreed to the contract with DRFD. Young asked what the Mail Prep bill was. Evans explained it is the company that stuffs envelopes, stamps and sends our invoicing every month. Laska explained that the amount on the bill list was for 3 months as opposed to 1 because the company had not billed us in that long. Laska reported what Mail Prep charges for postage etc. Evans reported that it saves her a lot of time since she has to pull out up to 50 invoices herself and run statements, stuff envelopes, stamp and send on her own every month. Mail Prep also gives a discount on postage. Evans stated that it is a small price to pay for what they do for the Village. There was no further discussion on the subject. The board discussed the Obrist bill. Reves stated that the bill should have been sent to Columbus Public Schools as it was for Boystown Day School. Obrist was unaware of this and sent the bill to us. Obrist was contacted and had stated they will attempt to get payment from Columbus Public Schools. Laska stated that she would take that off the list of bills to pay.

A motion to approve the bills with a hold on the attorney bill and Obrist bill was made by Boruch, 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, March 13, 2017 at 7:00 PM.**

Being no other business, adjournment was made by Schaefer at 8:40p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)