**VILLAGE OF DUNCAN BOARD MEETING**

**January 9th, 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**:**00 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. Jim Pavel and son, Jeff & Michelle Oppliger were also present. The Pledge of Allegiance was recited by the board. Prior meeting minutes were reviewed by the board. Schaefer stated there needed to be one small change to the wording where the P&Z members were being appointed. Schaefer stated that the P&Z members were reappointed as members and not specific positions in the P&Z commission as noted in the minutes. 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 Boruch, 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.

**New Business:**

**Unpaid Burn Fine:** Jim Pavel and son were present to question the fine. Pavel began by asking what violation he was in. Schaefer explained that he was fined for burning inside city limits, for which there is a state law against, as well as a Village Ordinance. Pavel then asked if the fire was in a fire pit and contained or enclosed, was that was ok. Dahlberg explained that a fire pit was legal. However the burning of leaves, grass and refuse or trash is not legal to burn at all. Pavel asked several more questions in reference to the state law limits on fire pit size and other fire pit related questions. Pavel reported he was unaware that he couldn’t burn wood in his fire pit to allow his kids to roast marshmallows. Pavel was asked if that was what he was doing. He stated yes, that he had lit the fire pit, in his presence, to allow his kids to roast marshmallows and that he did not know it was against city ordinance. Schaefer explained that he was fined, not for burning wood in a fire pit, but for burning leaves and grass on open land. Schaefer stated that there was a verbal complaint by a townsperson that witnessed Pavel having an open fire while burning leaves and grass. Schaefer explained the reason for asking him to attend the meeting was to allow Pavel the opportunity to explain and give his side of the story. Pavel denies burning leaves or grass and states that he never does. He stated the only time he ever has a fire outside, is when he burns his fire pit for the kids. Pavel suggested that we make our ordinance clearer as to what is allowed for burning inside city limits. Evans reported to Pavel that our ordinance states clearly what is NOT allowed to burn and that it is also a state law which all of our ordinances refer to for any clarification needed. Pavel commented on the Village’s ability to burn at the burn pile. Reves stated that the Village has a license from NeDEQ (Nebraska Dept. of Environmental Quality) to burn the trees/branches for the community. And that this benefit to the community should help to keep members from having open fires in town. He stated that the Village too, is not allowed to burn leaves, and does not do so. Pavel then went on to complain about his late fees and the fact that he, as a landlord, has to receive his rental’s water/sewer bill. Evans explained his options and reported that the Village is working on another option to make it easier for landlords to have their rental’s water/sewer bill sent to the renter. Schaefer reiterated the Duncan ordinance again to Pavel and asked him if he was stating that he was only burning wood in a fire pit. Pavel responded that he was not burning leaves or grass and was only burning wood in his outdoor fire pit. Schaefer referred to the rest of the Board on how to proceed with Pavel’s fine. The Board discussed and decided to dismiss Pavel's $250 burn fine this time, due to the fact that there was no actual proof that he was burning illegally (no pictures, written statements, witnessed by a board member, Village faculty or law enforcement). Schaefer reminded and warned Pavel that open burning inside city limits is illegal and if he or anyone else is caught open burning (besides an appropriate fire pit), inside city limits, they will be fined per the Village’s ordinance. Pavel stated his understanding. A motion to void Pavel’s $250 burn fine 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.

**Proposed Resolution R17-214:** The board discussed and decided at last month’s meeting to increase the water usage rate for individual, one time customer special requests from outside the village (ie...Union Pacific Railroad; well drillers). It is currently set at $3/thousand gallons. A motion to pass R17-214, to increase outside water usage rate to $5/thousand gallons used, 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.

**Duncan Volunteer Fire Dept. Requests to Join:** Schaefer read the letter from Jamie Frey and Brett Fluckinger, requesting to join the Duncan Volunteer Fire Dept. A motion to approve Frey and Fluckinger’s acceptance to the Fire Dept. 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.

**Northeast Nebraska Solid Waste Coalition Appointment:** Schaefer reported that since Eugene Drozd stepped down last month from the Board, there still needs to be a representative from the Village of Duncan for the NNSWC. Schaefer nominated Staroscik. Staroscik accepted the position of representative for the Village of Duncan to the NNSWC. Schaefer reported that Evans was waiting for communication from Beth Deck (NNSWC) on more info of exactly what is involved with being a representative for the NNSWC.

**Waiver for Landlord Fee:** Schaefer reported that there have been a few complaints on the $2/month ‘copy fee’ that is charged to landlords, to send a copy of the water/sewer bill to their tenants. The Village’s ordinance protects landlords from renters that don’t pay their bill by making sure they are aware of the account status. This prevents the landlord from being unaware of a large bill or shut off. It was explained by Evans that there are a few options right now. One, the bill gets sent directly to the landlord only. Two, the bill gets sent to the landlord and a copy sent to the renter every month for $2/month. An idea to have a waiver of liability for landlords and renters to sign that would release the Village from any liability and have the bill sent only to the renter. If the landlords and renters want to have the bill sent only and directly to the renter, they would sign this waiver and release the Village from liability. This would not have a monthly fee involved like the ‘copy’ fee. This will provide landlords with another option with regards to their rental property’s water/sewer bill. Evans noted that there will be the ability to make online payments soon as well. Evans reported that they will be getting new billing software and plan to make that an option. She reported that she reminds all customers that they can call or come in to the office anytime during business hours to find out what their account balance is. So, if the renters prefer it that way, they can continue that way as well. Evans also reported that even with the liability waiver, she will notify landlords if their rental is about to be shut off. They will receive the shut off notice along with the renter. This will be included in the waiver form. It will also include all the fees associated with shut off and turning on water to make sure the owner and the renter are both aware of all the fees associated with getting your water shut off.

**Village Attorney Appointment:** Schaefer reported that the Village has had the same law firm for several decades. He stated that he thought we needed to revisit the appointed attorney. It was talked about at a meeting last year as well. There are a few issues with the current attorney that have come to light. Which mostly have to do with charges and the attorney’s performance for the Village of Duncan. The board discussed this topic briefly and decided to appoint Emerson this year again but Schaefer will look into the billing and talk with our attorney and law firm on these topics and update the board next month. A motion was made to appoint Stan Emerson as the Village Attorney 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.

**One & Six Year Road Plan Review:** Schaefer reminded the board that we talked last month at the board meeting, about the plan and asked if everyone was fully aware of the plan. The board agreed. Evans emailed Terry Meier of JEO and found the cost of the Evaluation Study would be $4400. The last study was done in 2011. Schaefer reported that he had called Nathan at JEO and asked about the study. Schaefer stated he felt like the study would be a waste of time and money, to tell the Village which roads need resurfacing. The cost to come out to only give an estimate would be $1200. The board agreed and wondered what the benefit would be to the Village. It was reported that the study would give the Village a good idea of which bids are good bids. After much discussion by the board, Schaefer reported that he would call Nathan again to figure out the benefits to the Village by having the study completed. Schaefer then reported that Drozd emailed him stating that CVA was interested in cost sharing of the street in front of their business. Board members were reminded of the streets to be redone by Reves. Young stated she talked to the County Highway Committee and they suggested emailing them a more detailed account of what we are trying to do. She mentioned ‘Buy Back Program’ and ‘Farm to Market Roads’. However, more information is needed on this. Young also suggested asking if the Potato Plant might be interested in cost sharing as well, since their trucks are using our roads every day. Schaefer reiterated the one year plan is to resurface on the south side of town on 6th street and Main Ave to the south edge of town. The six year plan is to resurface on the north side of town to include Main Ave to the dip, 9th street west, the rest of 8th street that is not finished and the boulevard from Main Ave all the way to the tracks past CVA. The board all acknowledges and agrees with the plan as stated. Schaefer stated again that he will contact Nathan for more information on the study. He reminded the board that at our next meeting, we will have the public hearing on the plan, along with the resolution to pass it. He also reminded that 5th street was taken off the plan due to Main Ave being in worse condition and the fact that 5th street would be going from gravel to pavement (more expensive). Reves reported that the Village will use the leftover asphalt pieces to put down on 5th street and help build it up so that the flooding is not so bad on it. The board agreed with that action.

**Approval of P&Z Members to Attend NPZA Conference:** Reves stated that he had spoken to Betty Kropatsch (secretary of P&Z committee). She had told Reves that she would find out from the rest of the committee, who would be interested in going to the conference. Schaefer and the Board discuss and agree to give approval for 2 members to attend the conference this year. Reves reported that any member who has not been to a conference before, may apply and receive a scholarship to attend. If a scholarship is awarded, that would leave open another approved spot for someone else to go. The cost of the conference per member is $190 for the full conference plus gas mileage and hotel if they stay overnight. A motion to approve 2 P&Z members to attend the NPZA Conference this year on March 8-10 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.

**Approval of Reves to Attend NRWA Conference:** This is the same conference that Reves attended last year. He receives CEU’s for attending which are necessary for him to keep up with his water certification. The cost of this conference is $375 for the full conference plus hotel and mileage. A motion was made to approve Reves to attend the NeRWA conference on March 13-15 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.

**League of Municipalities Conference:** Schaefer reported there is going to be a 2 day conference in Lincoln on Feb. 27-28th. The conference will educate about the League of Municipalities, legislation and laws and how they affect local governments. The deadline to register is Feb. 6th. This is open to anyone on the Village Board. The board responded with no interest in going to the conference. Schaefer stated that if anyone wished to go, to let Evans know so she could get them registered.

**Proposed Lien on 624 5th Street:** Evans reported that the account is well overdue and had been shut off on 12-12-16. There has been no attempt by the property owner to contact the Village or to pay the balance. There had been rumors that the property was going to be sold as well, since the previous renters left. The board discussed and agreed to get a lien on the property for the account balance plus fees. A motion to put a lien on the property at 624 5th Street 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.

**Repair/Rehabilitate Home at 604 5th Street:** Schaefer read an article from the Nebraska Revised Statute 18-1722. It basically stated what our ordinances refer to in our Abatement ordinance under Nuisances. It stated that the Village could do the work and bill the property owner for the expenses. But only after notifying and requesting the owner to do the repairs first. There have been several complaints from neighbors on the appearance and the safety of this house. It was reported that there are several cats living in the home with one man. There are 2 junk cars sitting outside. Young stated that someone should talk to the owner about the repairs needed and how to clean up the outside to comply with the Village’s ordinances. Evans reported that the owner has not had running water since prior to her employment with the Village (almost 2 years ago). Reves reported that he believed there was no electricity to the home either. There have been heaters viewed in the house. The inside is also a mess. The board discussed about the possibility of the home being a fire/safety hazard and not liveable. They discussed how no authority figure or entity will do anything about it. Dahlberg stated that the Fire Marshall no longer condemns structures. The board agreed that someone should talk to the owner who lives there and ask him to comply with our ordinances or the Village will be forced to send official notice to him and do the work ourselves, then bill him for the cost. This subject will be revisited next month for an update.

**Drainage Ditch/Utility Easement:** The east side of town on 12th ave, is an ‘alley’. Schaefer stated that it’s more of a drainage ditch or utility easement. It sits behind the homes on 7th street. Reves reported that he had been approached a few times in the past when new people move into those homes. They wondered if they could build a garage in the backyard and use the easement as a street to access their garage. After investigating the ‘road’, Reves found that it is considered a street on our maps. However, it is not wide enough to be classified as a street. It has a lot of drainage problems and the board is fearful that if they allow people to start using it for access, that it could be a large mess that the Village will have to deal with. The ‘street’ is also not open on one end. It leads to a dead end. The board decided that the best idea would be to change the label of the street to a ‘Restricted Access Alley’. This would prevent people from using it as a street and causing the Village problems with keeping it up and fixing it. Schaefer reported that the Village must declare it a restricted access alley and get the map changed to identify it as that. Schaefer suggested Evans contact Scott Cowels (JEO engineer) about changing the map and to ask if we need a resolution to change the title. This subject will be tabled until next month.

**Departmental Reports:**

**Utilities** No report.

**Clerk** Evans reported that she received notice that she was awarded the full scholarship to the NE Municipal Clerk Institute Conference. She reported who the Holiday Lighting Contest winners were. She had no other report.

**Parks & Recreation** Schaefer reported that the Village should put a water fountain in the park with the portion of donations donated by CVA, if that is what they wished for. Reves and Dahlberg stated that the reason the old fountain was removed was because kids kept messing with it and breaking things on it and parts aren’t available anymore.. Schaefer suggested that we look into a better and newer water fountain that could withstand children and that we are able to get parts for. It was suggested that someone communicate with CVA on the issue of the water fountain and see if they still want a fountain for their donation or if they would like to choose something else.

**Treasurer** Will hold on paying the attorney bill since it needs reviewed with the attorney. Laska reported a large Loup Power bill for unknown reason. She stated a sidenote indicated it was for the Duncan Fire Dept. Schaefer stated to look into it and figure out what the bill was exactly for. Laska stated she would look into it. A motion to approve the bills with a hold on the attorney bill 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.

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, February 13, 2017 at 7:00 PM.**

Being no other business, adjournment was made by Schaefer at 9:02p.m.

Minutes recorded and submitted by: Mari Evans (Clerk)