**VILLAGE OF DUNCAN BOARD MEETING**

**& PUBLIC HEARINGS**

**June 12th, 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**:**01 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: Jeff & Michelle Oppliger and Victor Rosa. The Pledge of Allegiance was recited by the board. Prior meeting minutes were reviewed by the board. *A motion to approve the minutes 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. Schaefer reported that he had an update on the Victor Rosas land issue. He stated that the Title company cannot find an easement on Aaron Nisula’s land. They are going to pull all other deeds to see if they can find the easement. Schaefer stated he told the Title Co. to hold off so that he could talk with the rest of the Board before the bill gets too high. Schaefer then reported that he had talked to JEO Consulting’s, Jeff Ray about the issues. Rosas’ map from 1927 showed 2 different sections of 33 feet and 33 feet easement. GIS says the property (easement) is owned by Nisula. Schaefer stated that he was not sure if the easement was utility or access but thought it would be access most likely due to the fact that the neighbors would be landlocked otherwise. The easement measured 66 feet to the trees on Nisula’s property. Schaefer stated that if we adjusted the property line, the easement has to be moved over. Schaefer stated that after talking to Jeff Ray with JEO Consulting, Ray advised to stay out of it due to it being a civil matter at this point. Schaefer stated that Nisula could donate the ‘street’ to the Village or we could do ‘iminent domain’ and purchase it so that it would be the Village’s property/road. Schaefer reported that in order for it to be a ‘street’ it has to be 66 feet wide. So it cannot be made narrower to increase Rosas’ property line. Schaefer reported that the options were for Rosas to ask Nisula to shift over the easement or Rosas could buy the center of the road and shift the easement. Schaefer reported that JEO suggested he could build up to the easement line. Schaefer then reported he wasn’t completely sure about this suggestion. He stated that the setbacks from the road/street to the garage would be 25 feet. Boruch stated that the Village should just stay out of it as suggested by Ray. Staroscik stated that they could put in a private street which only needs to be 20 feet wide. Schaefer responded that he is thinking ahead 30-40 years from now in the event someone may want to pave it and make it a street, which would mean it needs to be 66 feet wide. He does not want to prevent anyone in the future from making it a street if/once that land gets more developed. Reves then reported that a ‘frontage road’ need only be 40 feet wide and a private street needs to be 25 feet wide (marginal access road). Reves corrected Schaefer stating that the footage is 60 feet, not 66 feet for the width of a street. Schaefer reported that if wanted, it could be made a ‘marginal access road’ with 40 feet total and 25 feet minimum width. He suggested moving Rosas’ property line 25 feet and shrink the easement. Nisula could sell 25 feet of the easement to Rosas. This would keep all the setbacks and would only shrink the ‘road’. Schaefer then asked the board if they wanted the Title company to continue their search so that we can find what the record shows for the easement for sure. Schaefer reported that he would table this issue to the next meeting so that it could be discussed and decisions made in depth since it was not an agenda item this meeting. Schaefer reported that he would get maps from neighbors of Nisula and Rosas and take what he can to the Title company. Then, he stated he would run it by Ray again to see if we need to talk to our attorney. Young suggested leaving the attorney out of it for now until we have more information. Schaefer was not sure of the marginal access road idea due to Ray not mentioning that at all for an option. Dahlberg suggested the Village take over that easement so we have right to our fire hydrant. Schaefer stated Ray reported we have to have a separate easement for utility and access. We can’t rely on access easement for utilities. The subject will be further discussed at the next meeting.

**Unfinished Business:**

**Maintenance Back Up Interview** Schaefer reported that he and Reves met with Thaine Saunders. Schaefer stated it’s official now that Saunders is our Maintenance Back Up employee. He reported that Saunders would go to the water certification class this year. Schaefer reported that Saunders agreed to being hired now without the retainer and only hourly wages until he becomes certified as a back up water operator. He can begin his training and help with mowing and other projects that Reves needs help on.

**604 5th Street Update** Boruch stated that he talked to the owner and got the same story as originally. Boruch stated he offered to help with the clean up but the owner has never contacted him for help. Boruch stated he cannot find anyone else to get information from about the owner and the situation. Boruch stated he spoke to Chris Anderson (with city of Central City) who stated there is a procedure for this and he offered to come and talk to the board at a monthly meeting about how to handle this situation. Schaefer reported that the house next to this one has more trash outside than before. Michelle Oppliger asked the board, ‘…at what point do we step in?’. Jeff Oppliger reported that there has been police presence there (624 5th Street) for domestic disturbances. He’s worried and is fearful in his own house since they live right by them. He stated that he has to make sure his doors are locked all the time. He reported there are noise issues at that house too (624 5th street). The Oppligers reported that the property looks like a used car lot with all the broken down cars parked there. They stated that the tenants are tearing up 5th street as well. They stated that it is the worst they’ve ever seen it. Evans reported that with these complaints, the tenants/owners of the home are in violation of several nuissance ordinances. We have sent them a letter recently in regards to the trash. Schaefer stated that we will have to start enforcing our ordinances. Evans reported that anything sent by mail has to go to the landlord (Schrant) because the tenants have yet to obtain a PO Box. The property owner is ultimately responsible for any ordinance violations since it is legally owned by him. Boruch asked if the sheriff could go over there. Oppligers stated that the sheriff has already been there for a fight between the teenage son and the dad. It was reported that there was property damage and a machete involved. Young suggested that we keep documenting and sending letters and fine them when needed. She stated that we cannot be lenient with them because it is a continuous problem from the tenants. Young also suggested, in regards to the 604 5th street house, to fine him as well. She stated that he would then, maybe, actually do something to clean up the property. Boruch stated that he would get ahold of the property owner again and let him know that he will be receiving fines if he does not clean the property up. Evans will send a letter.

**NFPA Life Saftey Code Book (Amend Village Code)** Evans had a visit from Todd Brehm (Deputy State Fire Marshal) who was made aware of this problem. Evans stated that his suggestion to the board was to amend the ordinance and just take out the part of the sentence that states we will keep a copy of the NFPA Life Safety Code book in the office. He reported to Evans that organizations use different code books and even different versions of the NFPA Code book. Evans stated that Brehm stated it would be a waste of money for the Village when they could call him anytime with any questions. Brehm had also relayed to Evans that most Villages use a completely different code book for their fire safety. Schaefer stated that he would look into this more to see if it would be costly to amend an ordinance or if we should just buy the code book for the office ($110). Schaefer tabled this subject to next month.

**NEW Business:**

**1205 8th Street Sewer Repair Cost Responsibility** Schaefer stated that he had spoken to the property owner and they were willing to pay for the repairs completely and on their own. They no longer wished to bring it to the Village board’s attention. Schaefer had told the property owner what our ordinance read about whose responsibility it is for certain areas of the system.

**Letter to Join Duncan Volunteer Fire Dept. (Victor Rosas)** Schaefer read the letter requesting to join the fire department aloud. Schaefer reported that there were two more people who had written letters and requested to join as well so there may be a little wait to get on board. Dahlberg stated that he will be on a waiting list but there are 6-7 fireman that may be retiring. He reported that there are 27 active members right now. Rosas stated his understanding. Motion was made to approve Victor Rosas to join the Duncan Volunteer Fire Dept. 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*.

**Parks & Rec Booth at Ribfest** The pop/water stand at Ribfest is needing volunteers for working 2 hour shifts selling pop and water. Evans stated that she would put the request on the website and have it sent to all that are subscribed to the website. Dahlberg suggested Young make signs stating that all donations to the Parks & Rec fund for the Village. Young agreed. The pop/water stand made a lot of money last year for the fund.

**Duncan 150th Anniversary Celebration Committee** Schaefer stated that we need to appoint a Chairman of the committee so that things can get started going and then the Village can step back and let them organize the celebration. Young reported there a few people she knows are interested in being on the committee. She reported that she thought Michelle Oppliger would make a great Chairman of the committee. She also stated that Laurie Fluckiger was interested and she had knowledge of events like this since she was on the committee for Silver Creek’s celebration. Reves reported that Silver Creek had several thousands of dollars leftover from their celebration and they used it on putting in underground sprinklers in their park. Schaefer stated that we could use the leftover by putting it in the bank and starting a fund for the next big celebration.

**Budget Needs List** Evans reported that she couldn’t think of anything that the office needed. Reves presented to the microphone and went over his list with the Board. He stated that he has a box scraper requested that would work way better than the blade on the truck. He stated it would help with leveling gravel roads as well as help move snow. This item is approximately $1500. The next thing Reves stated was on his list was Shop Doors. He stated that the garage doors on the shop face the north and there is always a lot of snow that gets blown into the shop from the lack of sealants and how old the doors are. He stated that he got an estimate from Dahlberg for $5040 to replace both garage doors. He stated that this price included replacing the rotten lumber around the doors as well. Dahlberg stated that the doors would be good quality doors. Reves reported another item on his list is to install the valve at the fire station due to there not being a shut off for water there. If there is a leak that needs fixed he would have to shut off that entire side of town. Reves stated that if he had to shut off an entire section of town for a certain amount of time, he would then have to test the water after it’s turned on for several days (7-10) until dhhs (dept of health and human services) states that it is cleared for drinking. He stated that the Village would then have to provide bottled water for drinking to anyone affected. Reves reported this would be an approximate cost of $1000 for valve replacement. The next item on his list was 10 fire hydrants. He reported that two old hydrants need completely dug up due to leaks down below the ground. He stated that the cost is approximately $6000 per hydrant. He suggested replacing 2 hydrants and fixing the two leaks this next budget year. Boruch asked if there are grants out there for things like this and Reves responded stating that there are not usually grants for these small of projects. Reves also reported that the NRWA (national rural water assoc) stated that there are not many grants out there for this kind of thing this year. Reves stated that the hydrants are so old that he cannot get parts to fix them anymore. He suggested to replace one at a time continuously until all are replaced as needed. His last item on the list was $4000 for Johnson’s (plumbing). Reves reported that we usually spend over $2000 per year on them flushing and tv’ing our lines every year. Reves reported that a few weeks ago, they were here and flushed 6th street sewer lines. He showed the board a large 8X5 brick that was one of 7 found in our sewer line on 6th street. He stated that this is the reason that sewer line never flowed very well. He was always told that it was because the road is so flat. He stated after digging those out, the line flushes very easily now. Reves reported that the cost of this year’s work was $3200. Reves reported that was the end of his list. Schaefer asked Reves to leave a copy with Laska so that they could go over it together. After they go over it, he will present it to the board for their approval.

**Annual Review of Delinquent Accounts** Evans reported that there are two water lines shut off as of today for lack of payment. However, they are only 2 months behind. She then reported that we still have the large bill to Marci Carr for over $4000. Evans stated she needed to check on the ability of a village to charge interest on a debt like this. Schaefer agreed that charging her interest would be a good idea. He asked if the Village charges interest, would the other workman who are owed money, collect some of the interest then as well? Evans did not think so since his contract with the Village did not specify any interest. No further comments made on this subject.

**Departmental Reports:**

**Utilities** No report.

**Clerk** No report.

**Parks & Recreation** Schaefer reported that he was advised that if he has an RV Dump Station as he intended in Duncan, that dumping the sewage directly into the Village sewer system call kill the good bacteria in the lagoon. Schaefer wondered if he should go ahead with the approved plan. Reves reported that we have bacteria issues almost, right now. Schaefer stated he would look into this more.

**Treasurer** Laska reported that DEQ and the water treatment (DTTC) and Johnson’s were the biggest bills this month. She stated that we will be receiving the property tax in June which will help. Laska reported that after last month with getting the EMC payment in late, that they had filled out a form to begin doing ACH transactions. However, the form was apparently lost so another one will need to be filled out and sent in again, to avoid late penalties. Laska asked if the board had any questions. None were asked. *A motion to approve the bills was made by Schaefer, second—Young*. *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, July 10, 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)